



**Notes, Memoranda and letters Exchanged and Agreements signed
between The Governments of India and China**

WHITE PAPER II

September - November 1959

**Ministry of External Affairs
Government of India**

On 7th September 1959, the Prime Minister presented to Parliament a White Paper containing the notes, memoranda and letters exchanged and the Agreement signed between the Government of India and the Government of People's Republic of China between April 1954 and August 1959. This White Paper contains the subsequent notes, memoranda and letters exchanged between, the two Governments up to 4th November 1959 and six earlier notes and memoranda which had not been included in the first volume of the White Paper. This volume also contains a note on the historical background of the Himalayan frontier of India and a map showing the Sino-Indian boundary.

MINISTRY OF EXTERNAL AFFAIRS,
NEW DELHI.

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**Note given to the Ambassador of India by the Ministry of Foreign
Affairs of China,
1 September 1959**

The Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Indian Embassy in China and has the honour to reply to the Embassy's Note of August 11 as follows:

According to reports received by the Chinese Government, at 07.00 hours on August 7, seven Indian armed personnel were suddenly discovered to have intruded into Chinese territory at Shatze by Chinese frontier guards patrolling there on Chinese soil. At 10 30 4 hours on the same day, more than 10 Indian armed personnel again intruded into the above-mentioned place. In order to safeguard their territory against violation, the Chinese Frontier guards promptly advised them to withdraw from Chinese territory. The Indian armed personnel thereupon left the above place. But starting from August 9, Indian armed personnel again unlawfully intruded many times into Shatze and Khinzemane, both within Chinese territory. On August 14, when Chinese frontier guards patrolled to Khinzemane, they repeatedly warned the Indian armed personnel who had unlawfully intruded there to withdraw from Chinese territory, These Indian armed personnel however did not heed the solemn warnings of the Chinese frontier guards; they not only failed to withdraw from Chinese territory promptly, but even camped there and deployed forces to control the surrounding important positions to prevent the Chinese frontier guards from entering, in an attempt to seize by force the above-said Chinese territory.

In addition, the Chinese Government has learnt that on June 28, 1959, more than 10 Indian armed personnel unlawfully intruded into Chinese territory at the Kechilang pasture-ground west of Shatze and peremptorily set up so-called Sino-Indian boundary marks at Latze Pass which is within Chinese territory.

The Chinese Government wishes to point out solemnly that the above-mentioned places are undoubtedly parts of Chinese territory. The stationing and patrolling by Chinese frontier guards on their own soil by no-means involve so-called violation of the Indian border. The Chinese Government expresses great surprise and regret at the allegations made in the Indian Government's Note that the above-mentioned places belong to India that the boundary runs along Thangla Ridge north of Namkha Chuthangmu Valley, and that Chinese troops in this area violated the Indian border. The Chinese Government absolutely cannot agree to these allegations which are totally inconsistent with the facts.

The Chinese Government must also point out that the unlawful intrusion into Chinese territory by the above-mentioned Indian armed personnel, their arbitrary setting up of boundary marks within Chinese territory, and especially their brazen camping and stationing on Chinese territory in defiance of the repeated warnings served by the Chinese frontier guards, in an attempt to seize Chinese territory indefinitely, constitute serious encroachments upon China's sovereignty and territorial integrity violations of the Five Principles of peaceful co-existence and direct threat to the peace of this area. Regarding this the Chinese Government hereby lodges a serious protest with the Indian Government and, in view of the grave nature of the situation, demands that the Indian Government immediately order the above-mentioned Indian armed personnel who have intruded to withdraw from Chinese territory, and adopt effective measures to seriously ensure against the occurrence of similar incidents in-the future.

The Chinese Government, out of considerations for the friendly relationship between the two countries, has been trying its best to avoid any armed clashes. However, it cannot but point out with regret that, after the above-mentioned intrusion of Chinese territory by Indian armed personnel, the Indian Government, in its Note dated August 11, arbitrarily described the place within Chinese territory which has been intruded into by the Indian armed personnel as belonging to India, and declared in a

threatening and provocative tone that the Indian security forces had instructions not to scruple using force to prevent Chinese troops from entering this place. The Chinese Government must point out that this decision of the Indian Government has already created an extremely dangerous situation in this area. Should the Indian Government fail to change this decision at once, to have the Indian armed forces promptly withdraw from Chinese territory which they have seized unlawfully, responsibility for all the serious consequences arising therefrom will necessarily rest with the Indian Government.

The Ministry of Foreign Affairs of the People's Republic of China avails itself of this opportunity to renew to the Embassy of India the assurances of its highest consideration.

**Note given to the Ambassador of India by the Ministry of Foreign
Affairs of China,
1 September 1959**

The Ministry of Foreign Affairs of the people's Republic of China presents its compliments to the Embassy of the Republic of India in China and has the honour to state on instructions once again the following regarding Indian armed forces' unlawful violation of Chinese territory at Longju in the Migyitun area and Tamaden and their armed provocation against Chinese troops in the Migyitun area:

According to verified investigation conducted by the Chinese Government it is confirmed without any doubt that the armed clash between Chinese and Indian troops which occurred on August 25 1959 in the southern part

of Migyitun in the Tibet Region of China was solely caused by Indian troops unlawful intrusion into the Migyitun area and their unwarranted provocative attack on Chinese troops. The facts pointed out in the Note of the Ministry of Foreign Affairs handed over to the Embassy on August 27 were true and established that the Indian troops must bear full responsibility for this serious border incident. The actual fact was as follows: Around 06-00 hours on August 25, when Chinese troops were patrolling in the southern part of Migyitun, a group of Indian troops which had intruded into that area suddenly opened fire on the Chinese troops without giving any warning, discharging dozens of rounds of machine-gun and rifle shots. Only after the Chinese troops under compulsion fired back in self defense, did the Indian troops withdraw from the area of clash. The Chinese troops then neither arrested any Indian soldiers, nor out-flanked any out-post of the Indian troops at Longju. But in the morning of the next day, that is, August 26, the Indian troops at the Longju out-post went further in carrying out new provocations, once again launching a violent attack on the Chinese troops in Migyitun discharging as many as several hundreds of rounds of rifle, sten-gun and light and heavy machine-gun shots. On the same day, Indian aircraft many times violated China's air space over this area. At the time the Chinese troops merely held their own posts; they did not strike back against the Indian troops' provocation, not to speak of so-called encircling Indian troops' outpost at Longju. The Indian troops stationing at Longju withdrew subsequently on their own accord. Thus it can be seen that the Chinese troops acted entirely in self defence and to preserve China's territorial integrity and throughout the incidents demonstrated the greatest toleration and self-restraint. Nevertheless, in its Note handed over to the Ministry of Foreign Affairs on August 27 by the Indian Embassy in China, the Indian Government groundlessly accused Chinese troops of violating Indian border, opening "fire first on the Indian troops, out-flanking and encircling the Indian post at Longju and even arresting twelve Indian soldiers, etc., etc. These in no way correspond to the facts, the Chinese government

categorically rejects the allegation made the Embassy's Note that the Chinese troops carried out deliberate aggression on India as well as the Indian Government's unwarranted protest· and once again Government against loges its serious protest with the Indian Government against the violation of the above-mentioned Chinese territory and repeated armed provocations by the Indian troops,

2. Although the Chinese troops did not cross for a single step into Longju during the incidents on August 25 and 26, it must, however, be pointed out that Longju is indisputably part of Chinese territory, and that the invasion and occupation of that place and the setting up of outposts there by the Indian troops constitute a grave violation of China's territorial integrity. The Indian Government's claim that Longju be Indian territory as made in the Notes of the Indian. Embassy in China of June 27 and August 27 is entirely groundless: the Chinese Government absolutely cannot agree to this claim.

Longju is part of the Migyitun area and has all along been under the jurisdiction of the Tibet Region of China. After the peaceful liberation of Tibet, the Chinese People's Liberation Army for long: stationed units there, and Chinese authorities took various administrative measures locally including the issuance of agricultural loans. It was only not long ago that the place was unlawfully invaded and occupied by Indian troops taking advantage of an interval resulting from the shift of Chinese troops. As the Indian Government is aware, the Chinese Government has pointed out that no section of the Sino-Indian boundary has ever been formally delimited; the boundary between the two countries is yet to be settled through surveys and discussions between the two sides. The Chinese Government has also repeatedly pointed out that the so-called traditional boundary between India and the eastern. part of the Tibet Region of China as referred to by the Indian Government, i.e., the so-called McMahon Line was set forth in the past by the British imperialists unilaterally and has never been accepted by the Chinese Government; it

of course cannot be regarded as legal. Nevertheless, even by documents and maps related to this so-called traditional boundary as set forth by the British, Longju is unquestionably within Chinese territory. It can thus be seen that the Indian Government's claim that Longju belongs to India is devoid of any ground no matter viewed from what aspect.

In Premier Chou En-lai's letter to Prime Minister Nehru dated January 23 1959, the Chinese Government, in order to avoid any border incidents so far as possible pending the formal delimitation of the boundary between the two countries, proposed to the Indian, Government that, as a provisional measure, each side temporarily maintain the status quo of the border areas under its administration and not go beyond them. To this proposal Prime Minister Nehru expressed his agreement in his reply dated March 22, 1959. Yet the Indian Government claimed Longju to be Indian territory and occupied it by troops. This was an attempt to change the status quo of Longju by force. The Chinese Government cannot but lodge a strong protest against this.

Now that the Indian troops have withdrawn from Longju of their own accord the Chinese Government emphatically urges the Indian Government to adopt measures at once to prevent Indian troops from committing any new violation against Longju. Otherwise the Indian side must bear full responsibility for all the serious consequences arising therefrom. The Chinese Government must also point out that some remnant Tibetan rebel bandits are still using areas under Indian administration as bases to carry out harassment against Migyitun, Luugju and other places. The Chinese Government asks the Indian Government to take effective measures also to put a stop to this.

3. In its Note dated June 27, 1959, the Indian Government also claimed Tamaden which is east of Migyitun to be Indian territory. After investigations the Chinese Government is in possession of reliable materials which prove that that place likewise has long been Chinese territory, and even by the so-called traditional boundary, i.e., the so-

called MacMahon Line as set forth in the past by the British the place is located to the north of that line. The Chinese Government asks the Indian Government to order the Indian troops now still occupying the place to withdraw immediately and completely.

It is clear from the above that the fact is not; as alleged in the Indian Government's Notes, that Chinese troops have repeatedly violated Indian territory or that the Chinese Government has been asserting its territorial claims by force; quite contrary, it is the Indian troops that have repeatedly violated Chinese territory and the Indian Government that has been asserting its illegitimate territorial claims by force. In its Notes, the Indian Government more than once said that it had instructed its frontier troops to use force against Chinese troops. This action not only constitutes a deliberate intimidation against China but has already led to serious consequences. The Chinese Government deems that the recent unwarranted provocations by Indian troops in Migyitun and Longju were by no means fortuitous, but were precisely the inevitable results of the Indian Government's above instructions.

The Chinese Government, in the spirit of the Five Principles of peaceful co-existence and Sino-Indian friendship, has always adhered to the attitude of seeking a settlement of the question of boundary between China and India through diplomatic channels. At the same time, the Chinese Government wishes to reiterate: No violation of Chinese territory will be tolerated. All areas that have been invaded and occupied must be evacuated. Any armed provocation will certainly meet with Chinese frontier guard's firm rebuff.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration.

Note dated 3 September 1959 given by the Counselor of India, to the Ministry of Foreign Affairs of China on 5 September 1959

The Embassy of India presents its compliments to the Ministry of Foreign Affairs of the People's Republic of China and has the honour to communicate the following Note from the Government of India:

The Government of India have seen the note from the Ministry of Foreign Affairs of the People's Republic of China dated 27th August, 1959 on the incident south of Migyitun. The statements in the Chinese Government's Note are not in accordance with facts. The Government of India have now received first hand accounts of the incident from members of the detachment at Longju who had to leave the outpost under Chinese fire. These reports confirm our previous information that the Chinese deliberately fired on our forward picket killing one person on the spot and seriously wounding another. Later the Chinese detachment opened fire on the main' outpost at Longju at 03.00 on 26th August and over-ran the surrounding area. Our personnel had to fire back in self defence. The Government of India emphatically protest against this unprovoked firing on a static post within Indian territory. They are always ready to discuss border disputes with the Government of the People's Republic of China but such discussions can be fruitful only if both sides agree to maintain the status quo and one side does not use force in the assertion of its supposed claim. The Government of India are therefore unable to accept the Chinese Government's protest. They request that the territory occupied by the Chinese troops, should be vacated immediately so that the Indian frontier outpost at Longju can be re-established. The Government of India will hold the Chinese responsible for the death of the Indian frontier guard. A further communication will follow as soon as the extent of Indian casualties has been ascertained.

The Embassy of India avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the People's Republic of China the assurances of its highest consideration.

**Note given to the Counselor of India by the Ministry of Foreign
Affairs of China, 7 September 1959**

The Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Embassy of India in China and has the honour to state as follows on the Indian Government's dispatch of personnel into the Wu-je area:

According to reports received by the Government of the People's Republic of China from the local authorities, since June 1959 more than 20 Indian official personnel equipped with radio sets have entered China's Wu-je area and camped there and carried out illegal examination and registration of Chinese travelling about in that area.

It must be pointed out that the above-mentioned actions of the Indian official personnel are obviously deliberate attempts to change the status quo of the Wu-je area and constitute an infringement on China's sovereignty and territorial integrity. The Chinese Government, therefore, cannot but lodge a protest with the Indian Government. The Chinese Government asks the Indian Government to immediately order those personnel to withdraw from the lace and adopt effective measures to prevent the occurrence of similar incidents in the future.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of India the assurances of its highest consideration.

**Note given by the Ambassador of India to the Ministry of Foreign
Affairs of China
10 September 1959**

The Embassy of India presents its compliments to the Ministry of Foreign Affairs of the Government of the People's Republic of China and has the honour to convey the following from the Government of India:

The Government of India have seen the two Notes which were received by the Indian Embassy in Peking from the Chinese Government, one relating to the India-China boundary in the neighbourhood of Khinzemane and the other relating to the boundary in the Migyitun area. The Government of India would like to emphasize once more that the so-called McMahon Line definitely represents the boundary between India and the Tibet Region of China from the eastern border of Bhutan upto Burma and they stand firmly by it. The circumstances in which the McMahon Line was fixed as the boundary are given in detail in para 4 of the Prime Minister's letter of the 22nd March 1959 to Premier Chou En-lai. This line is by and large in accordance with the geographical features in that area and also with long-established usage. The McMahon Line however departs from well-recognised geographical features at a few places. For example, the international boundary departs from the watershed near Tsari in order to include in Tibet the pilgrimage route of Tsari Nyingpa which is used every year by a large number of Tibetans. Similarly, the village of Migyitun was included in Tibet in view of the fact that the Tibetans attached considerable importance to this village. The Government of India are prepared to discuss the exact alignment of the McMahon Line at places where it departs from the geographical features marking the international boundary. It would have been helpful if some indication had been given by the Chinese Government of where they think the exact boundary should be demarcated on the ground in the area of Migyitun. In this context the Government of India cannot but express their regret once more that large areas of Indian territory should continue

to be shown in official maps as part of China. It is most extraordinary that the Government of the People's Republic of China should not have found time during the last ten years to withdraw these faulty maps. The continued circulation of these maps is a standing threat to India's integrity and evidence of unfriendliness towards India. Obviously no discussion of the India-China border in any sector can proceed on the basis of maps which have no relation to reality. The position of the Government of India has been clarified in the Prime Minister's letter of the 22nd March 1959 to Premier-Chou En-lai.

2. In regard to the specific dispute raised by the Chinese Government about Khinzemane, the Government of India would like to point out that the boundary line in the particular area follows the crest of the highest mountain range. Khinzemane is south of this range and is obviously part of Indian territory. Reference has been made in the Chinese Government's Note to the alleged Chinese territory of "Kechilang" west of "Shatze" The Government of India are unable to identify either of these places in their maps There is however a pasture known as the Droksar pasture which is owned by Lunppo village. Are within Chinese territory's of the other side of the Thangla ridge have been allowed to utilise these grazing pastures and for this privilege the Tibetan village of Le is paying rent in kind to the Indian village of Lumpo. In any case it is not uncommon for border villages on one side to use by mutual agreement pastures lying on the other side of the international boundary and the exercise of this privilege cannot be regarded as evidence in support of a territorial claim.

3. As regards the position at Longju as stated above the McMahon Line runs immediately south of the village of Migyitun which is in Chinese territory. The Government of India cannot accept the position that Longju is part of Migyitun. In fact it is entirely distinct from Migyitun. The Government of India are also surprised to learn that the Chinese

authorities had exercised any administrative jurisdiction over Longju at any time in the past, obviously the Chinese Government have received wrong reports on the point. It is not a Fact that our detachment first fired on Chinese troops. Our definite instruction was that the Indian personnel should use force only in self-defence and we have no reason to think that they did not carry out this instruction. The instruction to the Indian patrol to resist trespassers could never be interpreted to mean that any person found on our territory was immediately to be fired at. Our personnel were to resist pressure brought to bear on them to vacate their position. The fate of all our personnel is not known even now but we are satisfied from the reports of those who have returned to base camp that the Chinese encircled and used overpowering force on the detachment at Longju and Indian personnel had to withdraw under this pressure.

The Government of India have investigated the complaint of intrusion of Indian planes into Chinese territory. The facts are that when the Indian post at Longju was surrounded and attacked by a superior Chinese force some planes were dispatched to drop supplies to the post. Later after the post had been overrun and contact with our personnel had been lost, planes were dispatched to find the whereabouts of the personnel. We are satisfied that our lanes kept entirely on our side of the international border.

4. The Government of India are examining once more the exact alignment of the boundary in the Tamaden area They would like to assure the Chinese Government that if Tamaden is found not to be within Indian territory the Indian post will be withdrawn from there.

5. However the Government of India are prepared to discuss with the Chinese Government the exact alignment of the so-called McMahon Line at Khinzemane, the Longju area and the Tamaden area. They request that the status quo should be maintained at all these places and that the Chinese personnel should not alter the present position by crossing the

Thangla ridge and trying to occupy any territory south of the ridge. Similarly pending examination of the position at Tamaden force should not be used on the Indian post there. As far as Lon u is concerned the Government of India would be prepared not to send their personnel back to the area provided that the Chinese would also withdraw their forces. This would mean that neither side would have their personnel at Longju.

6. The Government of India attached the highest importance to peaceful co-existence and the continuance of Sino-Indian friendship. They are convinced that if this principle had been acted upon the Chinese authorities would not have sought to send armed personnel into Indian territory. The Chinese Government have stated in their notes that no violation of Chinese territory will be tolerated. The Government of India have not the remotest wish to trespass into other people's territory. Equally they cannot possibly withdraw under intimidation from areas which are part of India and will have to prevent illegal intrusion by foreign forces into their territory. There is no truth at all in the allegation that rebel Tibetan elements are operating from Indian territory. In no circumstances with the Government of India allow any foreign elements to operate against a friendly Government from their soil. More than 13,000 Tibetans have crossed into Indian territory during the last five months. They were disarmed immediately they crossed the international boundary. Those who refused to part with their arms were pushed back from: Indian territory.

7. Should the Chinese Government accept the proposal for a discussion of the exact delimitation of the border at the places mentioned above the Government of India would like to know what Procedure they would wish to follow. The Government of India agree pending further discussions the position as stated above should not be altered by either side.

The Embassy of India takes this opportunity to renew to the Ministry of Foreign Affairs of the Government of the People's Republic of China the assurances of its highest consideration.

**Note given by the Counselor of India to the Ministry of Foreign
Affairs at China,
13 September 1959**

The Embassy of India presents its compliments to the Ministry of Foreign Affairs of the Government of the People's Republic of China and has the honour to transmit the following reply from the Government of India in reply to the Note handed over to Mr. K. M. Kannampilly, Counselor of the Indian Embassy by the Deputy Director of the Asian Division of the Ministry of Foreign Affairs, on 7th September 1959:

The Government of India have seen the Note presented by the Chinese Foreign Office to the Embassy of India in Peking on the 7th September 1959 regarding Barahoti which the Chinese Government call Wu-je. The Government of India have to say with regret that they are surprised by the contents of this Note. As the Government of India have consistently maintained Barahoti, which lies south of the major watershed in the area, is part of Indian territory. Full discussions took place on the subject in the meetings held in Delhi in April-May 1958 between the Indian and the Chinese delegations. In the course of these discussions, the Foreign Secretary to the Government of India proposed that without prejudice to their respective claims both sides should refrain from sending armed personnel to the disputed area. The Foreign Secretary further suggested

that pending settlement of the dispute neither country should exercise civil jurisdiction over this territory or send its civil personnel. The Chinese delegation was agreeable to the suggestion not to send armed parties to the disputed area but they refused to agree to the proposal that neither side should endeavour to exercise civil jurisdiction over this area.

2 In the absence of agreement, the Government of India informed the Chinese delegation that India too would continue to send its civil administrative personnel to the territory. It would be unreasonable to expect that the Government should unilaterally refrain from sending their civil administrative personnel to an area which in their view is part of Indian territory, In the circumstances, the Government of India cannot accept the contention of the Chinese Government that this action of theirs constituted an infringement of Chinese sovereignty and territorial integrity. By the same reasoning the Government of India could bring the same charge against the Chinese Government who sent officials of the Tibetan region of China to Barahoti and sought to exercise civil jurisdiction over the area.

3. The Government of India would take this opportunity to invite the attention of the Government of the People's Republic of China to the Note which was presented by the Ministry of External Affairs to the Counselor of the Chinese Embassy on the 10th December 1958 and to earlier conversations with the Chinese Embassy on the subject, It was mentioned to the Chinese Counselor that according to information of the Government of India the Chinese Government had sent a large armed party to the area in September 1958 apparently in an effort to change the status quo of the area. No Written reply to the Indian Note was received by the Counselor of the Indian Embassy in Peking was verbally informed that no armed personnel have been sent to Wu-je in September 1958 Although reports subsequently received by the Government of India confirmed their earlier information they agreed to the suggestion of the Chinese

Government not to send any armed personnel to Barahoti during the 1959 season. Accordingly the Indian Revenue Party sent this year to Barahoti did not carry any arms even for self protection.

4. The Government of India was also informed that the Chinese Government despatched a party to Barahoti during the winter of 1958-59 after the Indian civil party had withdrawn. This was unusual and contrary to the traditional practice and the Government of India could regard this action only as an attempt to establish effective control over the area unilaterally. For their own part Government of India have scrupulously adhered to the interim agreement reached in the 1958 discussions at Delhi not to send any armed personnel to Barahoti.

5. It is unfortunate that the discussions which took place in Delhi in 1958 have not been resumed till now. The Government of India are of the view that the dispute relating to Barahoti (Wu-je) should be settled peacefully and in mutual discussions. They would once more suggest that pending a settlement of the dispute neither of the two Governments should send its civil administrative personnel to Barahoti or change the status quo in any other manner. If the Government of China are not agreeable to this suggestion the Government of India will continue as in previous years to send its civil jurisdiction over an area which the Government of India has always considered as part of the Indian territory. Such personnel however will not carry any arms. The government of India will be glad if similar instructions are given to the Chinese personnel if any in the area. The Embassy of India takes this opportunity to renew to the Ministry of Foreign Affairs of the Government of the People's Republic of China, the assurances of its highest consideration.

**Memorandum given to the Ambassador of India
by the Ministry of Foreign Affairs of China, 22 October 1959**

The Chinese Government has received an urgent report from its frontier guards in Sinkiang to the effect that in the afternoon of 20th. October 1959 three men of the Indian armed forces carrying arms unlawfully intruded into Chinese territory south of the Kongka Pass. The Chinese frontier guards promptly advised them to leave Chinese territory immediately but were met with their refusal where upon the Chinese frontier guards could not but disarm them and put them under detention. At noon on 21st October a large number of Indian troops again intruded into Chinese territory in the same area and carried out provocation with superior force against the Chinese frontier guards patrolling there at the time In disregard of the advice of the Chinese frontier guards for them to withdraw from Chinese territory they twice unwarrantedly opened fire on the Chinese frontier guards and attempted to seize the Chinese frontier guards' horses by force. The Chinese frontier guards still tried their best to avoid a clash and did not fire back. The Indian troops however behaving even worse, subsequently opened heavy fire on the Chinese frontier guards and launched armed attack. Under these conditions the Chinese frontier guards were compelled to fire back in self-defence. It was only after this that the Indian troops left the place of the incident.

The Chinese Government hereby lodges a serious protest against the above-mentioned serious provocation by a large number of Indian troops deliberately violating Chinese frontiers and launching unwarranted' armed attack on the Chinese frontier guards and asks the Government of India to adopt measures at once to prevent the recurrence of violation of Chinese frontiers and provocation against Chinese frontier guards by Indian troops. The Chinese Government reserves the right to express

itself further on this matter after receiving more detailed reports From the Chinese frontier guards.

**Note given by the Ministry of External Affairs, New Delhi, to the
Ambassador of China in India, 23 October 1959**

The Government of India have seen the memorandum which the Chinese Government handed to the Indian Ambassador in Peking on the 22nd October. They are greatly surprised by the narration of events in this memorandum, which, according to their information is not in accordance with the facts. The Government of India received information on the 21st October that an Indian police party had been subjected to sudden and aggressive firing by Chinese forces in the region of Kong Ka Pass about 16 miles from Tsogtsalu in Ladakh As a result of this, the Indian police party suffered severe casualties. As this was a matter of very grave consequence and a repetition for the second time of a wholly unjustified attack by Chinese forces on Indian personnel the Government of India waited for fuller details to be received by them before this was taken up with the Chinese Government. The reports thus far received by the Government of India entirely contradict the statements in the Chinese Government's memorandum. The facts are as follows.

2. On the 20th October, two members of an Indian Police Party went out on patrol duty in Indian territory in the neighbourhood of Kong Ka Pass in Ladakh. When they failed to return in the evening a Party was sent out in search of the missing persons. This search proved unavailing. On the following morning, another party under the direction of a senior officer went out to continue the search. It appear that this party was surprised

by sudden fire from a Chinese armed force entrenched on a hill-top which used automatic weapons and hand grenades. Apparently, the Indian personnel fired back in self-defence, but were overwhelmed by the strategic situation and the superior strength and fire power of the Chinese troops. According to the latest report, as many as seventeen persons belonging to the Indian party, including the officer-in-charge, have lost their lives and some others have suffered severe injuries.

3. The Government of India strongly protest against this intrusion by Chinese troops into an area which is part of Indian territory. This area is about 40 to 50 miles west of the traditional Sino-Indian frontier which has been shown in official Indian maps. In connection with an earlier incident involving the arrest by the Chinese forces of another Indian party in the Chusul area in July this year the Government of India described in detail the traditional frontier for the greater part of Ladakh in a note presented by the Embassy of India in Peking to the Chinese Foreign Office on the 13th August 1959. No answer has yet been received by the Government of India to this note. It was hoped that further confusion about the traditional frontier in the area would not arise. Instead, the Chinese authorities have entirely ignored this traditional frontier and our note on the subject and have come into Indian territory in considerable strength during the last few months. They have further fired at our police party and caused the death of a considerable number of persons belonging to this party.

4. The Government of India have had no troops in this area. Police parties have, however, discharged their normal functions of patrol duty and previously they have patrolled this entire area without hindrance. It is clear that Chinese troops have in recent months moved into this part of Indian territory.

5. The Chinese memorandum admits the arrest of Indian personnel. The suggestion that two or three Indian policemen challenged the large Chinese forces is, on the face of it, not credible. The arrest of Indian personnel on Indian territory by Chinese authorities was highly objectionable and the subsequent unprovoked fire on the Indian search party can only be construed as a deliberate and unprovoked attack by Chinese forces.

6. On the facts the Government of India do not accept the protest contained in the Chinese Government's memorandum of October 22. The Government of India reserve the right to claim adequate compensation from the Chinese Government when the precise extent of the losses is known. The Chinese authorities have no right to arrest or detain Indian personnel who should immediately be released. Further, the Government of India ask the Chinese authorities to withdraw their forces from this area and to prevent their illegal entry into Indian territory and interference with Indian personnel.

**Note given to the Ambassador of India by the Ministry of Foreign
Affairs of China,
25 October 1959**

The Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Indian Embassy in China and, with reference to the incident of Indian troops intrusion into Chinese territory and armed provocation against Chinese troops at a place south of the Kungka Pass, has the honour to say that the Chinese Government has received the

note of the Indian Ministry of External Affairs handed to Ambassador Pan Tzu-li on 23rd October and seen the communiqué issued by the Indian Ministry of External Affairs. The Chinese Government deems it necessary to state as follows:

The presentation of this incident in the Note and communiqué of the Indian Ministry of External Affairs is completely contrary to the facts. The Chinese Government absolutely cannot agree to the allegation of the Indian Government that Chinese troops intruded into Indian territory and attacked the Indian troops. The account of the outbreak and development of this extremely serious border clash given in the memorandum of the Chinese Ministry of Foreign Affairs handed to the Indian Ambassador to China on 22nd October is strictly based on facts. It clearly shows that this incident was a result of Indian troops' deliberate violation of Chinese frontiers and armed provocation against the Chinese frontier guards. The Indian side must be held fully responsible for this incident. The Chinese Government therefore, categorically rejects the protest of the Indian Government and reiterates the serious protest and demand made in the memorandum of the Chinese Ministry of Foreign Affairs dated 22nd October.

The place where the Indian troops launched armed provocation is indisputably Chinese territory. The Kongka Pass near place of the incident is a border pass according to the Sino-Indian customary line between China's Sinkiang and Tibet regions on the one hand and Ladakh on the other. The places to the south, north and east of the Kongka Pass have always been Chinese territory respectively under the jurisdiction of the Chinese local authorities in Tibet and Sinkiang. Since the liberation of Sinkiang and Tibet, frontier guards of the Chinese People's liberation army have all along stationed and have been carrying out routine patrol in this area up to the Kongka Pass. The above-said customary line between China and Ladakh is clearly marked on maps published in China. In his letter to Prime Minister Nehru on 8th September 1959 Premier Chou En-

lai further made a clear explanation about this section of the traditional boundary line. Even back at the time when Indian armed personnel, in September 1958 and July 1959, twice unlawfully intruded into Chinese territory to the east of the above-said customary boundary and were arrested by Chinese frontier guards the Chinese Government already solemnly pointed out to the Indian Government that where those Indian armed personnel intruded was undoubtedly within Chinese territory. The Indian Government, however, up to now still claims the area to the east of the Konglsa Pass up to the Lanak Pass to the Indian territory and, in total disregard of the fact, suggests that Indian troops have in the past been patrolling this entire area without hindrance. All this proves that it is the Indian Government that utterly pays no heed to the previous statements of the Chinese Government concerning this section of the boundary and ignores the Sino-Indian traditional customary boundary but not the Chinese Government that pays no heed to the Note of the Indian Government. The fact is thus perfectly clear. In the incident of October 20th and 21st it was not Chinese frontier guards that violated Indian territory but precisely Indian troops that violated Chinese territory thus breaching once again the long-existing status quo of the border between the two countries.

Although the Indian troops deliberately violated the Chinese frontiers, the Chinese frontier guards with a view to maintaining the tranquility of the border, consistently took a reasonable attitude trying their best to avoid a clash. With regard to the three Indian who crossed the customary boundary and intruded into Chinese territory on 20th October it was only because they persisted in ignoring the advice and refusing to leave Chinese territory that the Chinese frontier guards could not but disarm them and put them under detention. Yet on 21st October, Indian troops, more than 70 in number again intruded into Chinese territory. The Indian troops not only disregarded the advice given by the Chinese frontier guards for them to withdraw, but even encircled and came with superior forces upon the

Chinese frontier guard patrol, tried to seize their horses and opened fire. Even under these circumstances, the Chinese frontier guards still exercised the utmost self-restraint and did not fire back. They only gesticulated for the Indian troops to stop firing and withdraw. But the Indian troops paid no heed and continued to press forward and then opened heavy fire and launched armed attack on the Chinese frontier guards. Only then were the Chinese frontier guards compelled to fire back in self-defence. It is clear from the above-mentioned facts that it was the Indian troops and not the Chinese frontier guards, who gave rise to this serious clash. Responsibility for all the serious consequences arising therefrom must rest with the Indian troops and can in no way be placed on the Chinese frontier guards.

According to further reports received by the Chinese Government the clash on 21st October lasted about two hours, resulting in casualties on both sides. The Chinese frontier guards apart from capturing seven Indian soldiers during the clash, found on the spot the corpses of 9 Indian soldiers. The captured Indian soldiers are now still under detention, and the corpses have been properly buried.

After the occurrence of the above-said incident of violation of Chinese frontiers and armed provocation against Chinese frontier guards by Indian troops the Chinese Government promptly handed a memorandum to the Indian Ambassador to China, hoping to secure a peaceful and reasonable settlement as soon as possible through diplomatic channels. However, before the Chinese Government received the reply from the Indian Government the Indian Government had made public the incident in a one-sided version which distorts the facts and even issued an official communiqué on it. The Chinese Government could not but feel extreme regret at this action which could only create an unfavourable atmosphere making it difficult for the two countries to solve the dispute cool-headedly it consequently had to make public the truth of the matter to ensure a correct understanding of the facts.

In order to avoid the recurrence of similar grave incidents so as to maintain the tranquility of the border the Chinese Government once again asks the Indian Government to take immediate measures to prevent the violation of Chinese frontiers and provocation against Chinese frontier guards by Indian troops.

The Chinese frontier guards are under the strict standing orders to refrain from crossing For one step the Sino-Indian traditional customary boundary line, and to use peaceful means so far possible to advise those Indian military personnel who may have crossed into Chinese territory by mistake to withdraw immediately; but any violation of China's territory is absolutely impermissible and any armed provocation must be firmly rebuffed.

The Chinese Government is prepared to release and send out of China the ten Indian military personnel captured on October 20th and 21st. It is also prepared at any time to let the Indian side take back the bodies of the 9 Indian soldiers already found The concrete method for this can be decided upon separately through consultations between the two sides. The Ministry of Foreign Affairs of the People's Republic of China avails itself of this opportunity to renew to the Indian Embassy the assurances of its highest consideration,

APPENDIX II

Note given by the Ministry of External Affairs, New Delhi to the Embassy of China in India, 4 November 1959

The Ministry of External Affairs of the Government of India present their compliments to the Embassy of the People's Republic of China and have the honour to refer to the note which the Chinese Vice-Minister handed to the Indian Ambassador in Peking on October 25. The Government of India

have also seen the statement issued by the Chinese Foreign Ministry at Peking on October 26. They have to state with regret that the account of the incidents given in the Chinese Government's note to the Indian Ambassador, and repeated in greater detail in the statement published by the Chinese Foreign Office, is completely at variance with facts and is a travesty of truth. The Government of India have enquired into this matter fully and have received a detailed account of the events of October 20 and 21 from the officer who was second-in-command of the Indian police party when it was attacked by Chinese forces and who later returned to the nearest Indian outpost. The account of the officer is appended to this note. The gallant officer who was in command of the party lost his life during the clash.

2. The Government of India not only reject the, factual account given by the Chinese Government of this incident, but also repudiate certain assumptions underlying it. The suggestion made that the Indian police party armed with rifles only and in a disadvantageous position would attack a heavily armed Chinese force strongly entrenched on a hill top above them and equipped with mortars and hand-grenades, cannot be accepted by any reasonable person. All the circumstances concerning this incident as well as the detailed information that we possess contradict the version which has been supplied by the Chinese Government.

3. The attached note about the tragic incident in the Chang Chenmo Valley which gives a first-hand account by a responsible officer, clearly that at no time on the 20th or 21st October did the Indian personnel take any aggressive attitude. While they were engaged on patrol duty, they were suddenly subjected to ruthless attack by Chinese forces with rifles, mortar and hand-grenades. One contingent of the attacking force was apparently entrenched on a hill top and the other was across the Chang Chenmo river on the right. Although the Indian party fired in self-defence, they had no chance against the superior strength of the Chinese force which was aided by its strategic situation and the superior arms that

it possessed. The Chinese Government have not stated the exact casualties suffered by the attacking Chinese force, but have indicated that their casualties were much less than those of the Indian party. The Government of India entirely disagree with the extraordinary conclusion drawn by the Chinese Government from the heavy casualties suffered by the Indian personnel that the Indian party had taken the offensive. The obvious conclusion would be the opposite of this and would indicate that the Chinese forces were the attacking party as they were entrenched on hill top and used mortars and hand-grenades.

4. This incident has to be viewed also in the context of other events preceding it as well as of the correspondence that has taken place between the Government of India and the Chinese Government. The Indian frontier, throughout its long extent, has been well known is a traditional frontier and has been shown with precision in official maps published by the Survey of India. There has been no doubt about this frontier. Repeatedly during the past few years, the Prime Minister of India has declared firmly and clearly what this frontier is. The Government of the People's Republic of China said nothing about this frontier for a number of years. When their attention was drawn to some vague Chinese maps appearing in magazines and showing large areas, without any precision, as part of the Chinese State, objection was taken to these by the Government of India. The answer given was that these maps were old maps produced by the previous regime in China and the present Government of China had been too busy with other activities to consider a revision of these maps. That answer itself indicated that the Chinese Government had no serious doubt about the correctness of the Indian maps, except perhaps for some minor disputes. As has been previously brought to the notice of the Chinese Government, the Premier of the People's Republic of China himself stated to the Prime Minister of India that the Chinese Government was prepared to accept the north eastern frontier of India which has been referred to as the McMahon Line. No question of the frontier of the Tibet region with Ladakh was ever raised

during all these years, although the Chinese Government must have known very well, both from Indian maps and statements made on behalf of India as well as from the facts of the situation, where this frontier is. The Sino-Indian Agreement of 1954 purported to deal with all outstanding issues between India and the Tibet region of China inherited from the British days. But neither during the long and detailed discussions preceding the Agreement nor in the Agreement itself was any mention made by the Chinese Government of their claim to such large areas of Indian territory. It was only in the letter addressed by Premier Chou En-lai to the Prime Minister of India dated 8th September 1959 that for the first time the Chinese Government laid claim to the territories vaguely included in their maps. This statement was at variance with the previous statements on the subject of the Chinese maps. It is to be observed that at no time up till now has any precise statement been made by the Chinese Government as to where according to them, their frontier is. Even their own maps give completely different and varying frontiers.

5. So far as the Government of India are concerned, their position has been clear and precise from the beginning and indeed for a long period of years and there has been no doubt about it. That position was described in detail in paragraphs 5, 6, 7, 8, 9 and 10 of the Indian Prime Minister's letter of September 26 to Premier Chou En-lai. In this letter, the Prime Minister of India has given the historical background of the traditional Sino-Indian boundary and the basis of its delineation in different sectors in official Indian maps. Indeed any person with a knowledge of history not only of recent events, but of the past hundreds of years and more, would appreciate that this traditional and historical frontier of India has been associated with Indian culture and tradition for the last two thousand years or so, and has been an intimate part of India's life and thought.

6. The Government of India, therefore reject and repudiate the assumptions underlying the note of the Chinese Government in regard to this long frontier. They reiterate that the area where the clash took place is not only a part of Indian territory but is well within it that the entire

area, Kongka pass "has always been Chinese territory and under respective jurisdiction of the local authorities of Sinkiang and Tibet region". This statement is contrary to history and facts. The maps published by the Survey of India since 1867-68 have been showing the boundary between Ladakh on the one hand, and Sinkiang and the Tibet region on the other, as in the present-day official maps published by the Survey of India. From the Karakoram Pass this boundary proceeds north-east via the Qara Tagh Pass and then follows the Kuen Lin range from a point 15 miles north the Haji Langar to peak 21250 (Survey of India map) which lies east of Longitude 80 east. This line constitutes the watershed between the Indus system in India and the Khotan system in China. From point 21250 the boundary runs south down to Lanak La along the Western watershed of streams flowing into lakes in the Chinese territory. The boundary further south from Lanak La to Chang La has been described in the note presented by the Indian Embassy in Peking to the Chinese Foreign Office on the 13th August 1959. As stated in that note, the international boundary follows the eastern and southern watershed of Chang Chenmo and the southern watershed of Chumesang and thence the southern bank of Chumesang and the eastern bank of Changlung Lungpa. Skirting the western extremity of the eastern half of Pangong Tso (which is called Yaerhmu in Chinese maps), the boundary then follows the Ang watershed and cutting across Spanggur Tso, follows the north-eastern and northern watershed of the Indus.

7. It will thus be seen that the international boundary has been shown for nearly a century in official Indian maps as it is today. In fact, detailed surveys of the area were undertaken from 1867-68, and the boundary as shown in our maps is not only in accordance with tradition and custom but is also based on the results of these surveys, The area on the Indian side of this boundary was surveyed by Hayward, Shaw and Cayley in 1868, Bower in 1891 and Aurel Stein in 1900. Drew who was Governor of Ladakh under the Maharaja of Kashmir, officially inspected the area up to its northern border in 1871 and the maps appended to his book on

Jammu and Kashmir Territories 1875 as also the maps attached to the Gazetteers of Jammu and Kashmir published from 1890 onwards and the Imperial Gazetteer of India of 1908 show the boundary more or less similar to the frontier shown in official Indian maps today. It is the Chinese maps of the area which have shown different lines at different times. An official Chinese map of 1893 shows the Aksai Chin area as in India. The New Atlas of China published by Shun pao, 1935, shows a great part of the Chang Chenmo region in India. In fact the place where the recent clash took place is in Indian territory according to this map. This map and the subsequent Chinese maps until 1951 showed the international boundary as running 30 to 60 miles east of and parallel to Shyok river. It is only in 1951 that a few Chinese maps took the boundary within 10 to 30 miles east of and parallel to the Shyok river. Most of the Chinese maps as late as 1954, and one as late as 1956 depict the boundary in the Pangong lake as cutting the western extremity of the eastern half of Pangong Tso called Yaerhmu in Chinese maps. The few Chinese maps of 1951 referred to above show the line as cutting the western half of Pangong lake area in Tibet.

8 It is true that the Government of India did not open any border outposts right along the traditional frontier. This was because the area was inhabited very sparsely if at all and they had no reason to anticipate any aggressive intention on the part of the Chinese Government. They were therefore content with sending regular police patrol parties to these areas in previous years. The Government of India cannot accept the statement in the press note issued by the Chinese Government on the 26th October that the frontier guards of the Chinese People's Liberation Army have all along been stationed and patrolled this entire area." Indian survey and reconnaissance parties, which went from Leh to Lanak La in 1954 and 1956, did not come across any evidence of Chinese occupation. For the first time in 1957 signs of intrusion by outsiders were noticed at Shinglung and some places further north. Obviously such intrusion must have occurred in these places for the first time in 1957. Other Indian

reconnaissance parties went as far as Karakoram Pass without coming across any Chinese personnel. No Indian reconnaissance party was sent to the area in Aksai Chin where the Chinese authorities had built a new road. No adverse conclusion can however be drawn from the mere fact that the Chinese had constructed this road. This was done without the knowledge of the Government of India. As early as 1949, the then Government of India communicated to the authorities in Peking the international boundary in this area, which then was more or less as it is today. And as stated above, official Indian maps have shown the Aksai Chin area as part of India for nearly a century. This area is extremely difficult of access from inhabited areas in western and southern Ladakh, and the Government of India had no reason to suspect that the Government of China, with whom they had friendly relations, would trespass into the area and construct a road.

9. No answer has been received yet by the Government of India to the long and detailed letter of the Prime Minister of India to Premier Chou En-lai of September 26, 1959. Regardless of the facts stated in this letter, the forces of the Chinese Government have not only committed further aggression but have attacked an Indian police party engaged in its normal patrol duty. This was the second armed attack on an Indian party the previous one taking place at Longju where Chinese forces crossed the Indian frontier forcibly. These facts taken together with a continuance of aggressive attitudes in various parts of the frontier and the type of propaganda that is being conducted on behalf of the Chinese Government are reminiscent of the activities of the old imperialist powers against whom both India and China struggled in the past. It is a matter of deep regret that the Chinese Government, which has so often condemned imperialism, should act in a manner which is so contrary to their own assertions. It is a matter of even greater regret that the Five Principles as well as the Declaration of the Bandung Conference should thus be flouted by the Chinese Government.

10. The Government of India are surprised at the complaint in the

Chinese Government's note about the publication of an official Indian communiqué on this incident. The Government of India would not have been justified in keeping the Indian people in the be aware not only of the strong feelings on India on the question of Indian frontiers, but also and more especially, about this incident. As a matter of fact the Government of India published their communiqué only after they found from the Chinese Government's note handed to the Indian Ambassador on October 25 that the account given in that note was at complete variance with the facts.

11. The Government of India do not propose to discuss in detail other matters referred to in the statement issued by the Chinese Foreign Office on the 26th October. They repudiate emphatically the allegation that the Indian forces have violated the status quo in several places on the Sino-Indian frontier or that they have occupied any place inside Chinese territory. The facts about the frontier have been given in detail in the Indian Prime Minister's letter of September 26. Paragraphs 12 to 16 of that letter deal with the traditional frontier in the north-east, which is sometimes referred to as the McMahon Line. It will be seen from these paragraphs that the Chinese claim to any territory south of this line is entirely baseless Any trespass into this area by Chinese personnel would amount to deliberate violation of the territory of India.

12. The Government of India have always been willing to respect the traditional frontier between India and China and have indeed done so. They cannot however recognise any boundary, in the Ladakh region or elsewhere, which includes in China areas on the Indian side of the traditional frontier For a long period of years this frontier has been peaceful. Trouble and conflict have arisen there recently because the Chinese forces, having advanced up to the frontier in many places, committed aggression by crossing it at some places.

13. The Chinese Government have rightly stressed the importance of maintaining the status quo. An essential prerequisite to the maintenance of the status quo is that neither side should seek to extend its occupation

in assertion of a supposed right in disregard of the traditional frontier, and that in any event, there should be no resort to force except as a last resort in self-defence. The deplorable incident, which has resulted in such heavy casualties to the Indian personnel, would have been avoided if the Chinese force had paid regard to this basic fact.

14. It is recognized the world over that India stands for peace and is entirely opposed to the use of warlike methods for the settlement of international disputes. Even in their struggle for independence, the Indian people adhered to peaceful methods. In regard to the Government of China, India's attitude has always been friendly in consonance with India's well known policy, but was due to the desire of the people and the Government of India that it was essential in the interests of India and China as well as of peace in Asia and the world, that these two great countries of Asia should have friendly relations, even though they might differ in their internal structure of Government. To that end, the Government of India have laboured through these years. It is a matter, therefore, of great sorrow to them that their hopes have been belied and a situation created which endangers the peaceful and friendly relations which have existed and which, they hoped, would continue to exist, between these two great countries.

15. It is a matter of special regret to the Government of India that at a time when the world appears at last to be moving towards a peaceful settlement of the grave problems which have afflicted it during the last twelve years and when the two great nations the Soviet Union and the United States of America are striving to their utmost ability to put an end to the cold war there should be this relapse into violence and aggression on the frontiers of India. The countries of Asia have ardently advocated peace and have played not an insignificant part in the work for peace. At this critical moment in the history of the world, it would have been fitting for all the nations of Asia not only to stand for peace, but to further it by their own attitudes and activities.

16. In accordance with her firm policy, India will continue to endeavour to

resolve all disputes by peaceful methods. But where aggression takes place the people of India inevitably have to resist by all means available to them. The independence and integrity of India are what the Indian people laboured for during their long struggle for freedom and they cannot permit any injury to or infringement of them. The Government of India therefore, trust that the Chinese Government will remove their forces from Indian territory and seek to resolve minor frontier disputes by peaceful methods.

17. The Ministry of External Affairs take this opportunity of renewing to the Embassy of the People's Republic of China the assurances of their highest consideration.

Annexure to the Note of the Indian Government (Chang Chenmo Valley), 4 November 1959

ACCOUNT RECEIVED FROM THE SECOND-IN-COMMAND OF THE INDIAN
POLICE PATROL PARTY

On the 19th October, the party reached Hot Springs and established a temporary camp there. Before proceeding further north the next morning (20th) the officer in charge, Karam Singh, sent two police constables and a porter on reconnaissance towards the east. Neither the constables nor the porter returned to the camp at the appointed time. A small patrol party was therefore sent out in the evening in search of the missing persons but it returned at 11 o'clock at night without being able to find any of the missing personnel.

On the 21st morning, the officer in charge decided to go out himself in search of the missing persons as it was possible that they had lost their way to these trackless hills. Accompanied by Tyagi, who was his second in command, some members of his staff and some police constables making

a total of about 20, the officer in charge left the camp at about 10 o'clock in the morning on ponies. He left instruction for the rest of the party to follow behind on foot.

At six miles east of Hot Springs, at a place overlooked by a hill to the left, Karam Singh noticed some hoof-prints. So he halted and waited for the main party to come up. When the main party arrived, he and Tyagi decided that the main party under Tyagi should halt at that place whilst Karam Singh with a small party would follow the tracks to find if there were any intruders in the vicinity.

Karam Singh passed by this hill feature to the left without noticing anything unusual and went out of sight of the main party. A little later, Tyagi went forward to see how far Karam Singh's party had gone but he could not find them apparently because Karam Singh's party had by then gone down the river bed. At this time, suddenly fire was opened on Tyagi's party by a Chinese force which was entrenched on the hill feature Karam Singh's party was also simultaneously fired upon by another Chinese party entrenched on the other side of the river as well as by the party on the hill-top. The attackers fired with mortars and automatic weapons.

Subjected to this attack members of both Karam Singh's party and Tyagi's party tried to take cover and fire back, but they were in a very disadvantageous position having no proper cover and, therefore their firing was not effective. The Chinese on the hill-top effectively stopped Tyagi's party from going to the aid of Karam Singh's party which was being attacked from both sides.

After some time the Chinese who were apparently in some strength on the other side of the Chang Chenmo river and some of whom were mounted on horses, advanced forward and overwhelmed Karam Singh's party with automatic fire and mortar. They moved further forward to attack Tyagi's party, which then had no other alternative but to retreat. Karam Singh's party was therefore decimated either by killing or by capture except for a few survivors who escaped along the river bed and

over the high hills in the dark.

At night, Tyagi's party attempted to go forward to ... the dead and the injured, but the Chinese were still in position on the hill feature and maintained that position even on 22nd. Tyagi then withdrew his entire force to Tsogstalu.

17 persons including Karam Singh were missing after the clash. Out of these, five including the officer in charge and the Jamadar were seen by the survivors to have been killed by Chinese fire.

**Letter from the Prime Minister of China to the Prime Minister of
India, 8 September 1959**

DEAR MR. PRIME MINISTER,

Peking,
the 8th September, 1959.

I have carefully read Your Excellency's letter dated March 22 1959. I find from your letter that there is a fundamental difference between the positions of our two Governments on the Sino-Indian boundary question. This has made me somewhat surprised and also made it necessary for me to take a longer period of time to consider how to reply to your letter. The Sino-Indian boundary question is a complicated question left over by history. In tackling this question, one cannot but, first of all, take into account the historical background of British aggression on China when India was under British rule. From the early days, Britain harboured aggressive ambition towards China's Tibet region. It continuously instigated Tibet to separate from China; in an attempt to put under its control a nominally independent Tibet. When this design failed, it applied all sorts of pressures on China, intending to make Tibet a British sphere of influence while allowing China to maintain so-called suzerainty over Tibet.

In the meantime, using India as its base, Britain conducted extensive territorial expansion into China's Tibet region, and even the Sinkiang region. All this constitutes the fundamental reason for the long term disputes over and non-settlement of the Sino-Indian boundary question. China and India are both countries which were long subjected to imperialist aggression. This common experience should have naturally caused China and India to hold an identical view of the above-said historical background and to adopt an attitude of mutual sympathy; mutual understanding and fairness and reasonableness in dealing with the boundary question. The Chinese Government originally thought the Indian Government would take such an attitude. Unexpectedly to the Chinese Government, however, the Indian Government demanded that the Chinese Government give formal recognition to the situation created by the application of the British policy of aggression against China's Tibet region as the foundation for the settlement of the Sino-Indian boundary question. What more serious, the Indian Government has applied all sorts pressures on the Chinese Government, not even scrupling the use of force to support this demand. At this the Chinese Government cannot but feel a deep regret.

The Chinese Government has consistently held that an over-all settlement of the boundary question should be sought by both sides, into account the historical background and existing actualities and adhering to the Five Principles, through friendly negotiations conducted in a well-prepared way step by step. Pending this, as a provisional measure, the two sides should maintain the long-existing status quo of the border, and not seek to change it by unilateral action, even less by force as to some the provisional agreements concerning isolated places could be reached through negotiations to ensure the tranquility of the border areas and uphold the friendship of the two countries. This is exactly the basic idea expressed in my January 23, 1959 letter to you. The Chinese Government still considers this to be the way that should be followed by our two countries in settling the boundary question. Judging from Your

Excellency's letter of March 22, 1959, it seems you are not completely against this principle.

I would like now to further explain the position of the Chinese Government in connection with the questions raised in Your Excellency's letter and in conjunction with the recent situation along the Sino-Indian border.

1. In my letter to Your Excellency dated January 23, 1959, I pointed out that the Sino-Indian boundary has never been formally delimited. In your letter of March 22, 1959, Your Excellency expressed disagreement to this and tried energetically to prove that most parts of the Sino-Indian boundary had the sanction of specific international agreements between the past Government of India and the Central Government of China. In order to prove that the Sino-Indian boundary has never been formally delimited, I would like to furnish the following facts:

(i) Concerning the boundary separating China's Sinkiang and Tibet regions from Ladakh.

In 1842, a peace treaty was indeed concluded between the local authorities of China's Tibet and the Kashmir authorities. However the then Chinese Central Government did not send anybody to participate in the conclusion of this treaty, nor did it ratify the treaty afterwards. Moreover, this treaty only mentioned in general terms that Ladakh and Tibet would each abide by its borders, and did not make any specific provisions or explanations regarding the location of this section of the boundary. It is clear that this treaty cannot be used to prove that this section of the boundary has been formally delimited by the two sides, even less can it be used as the foundation to ask the Chinese Government to accept the unilateral claim of the Indian Government regarding this section of the boundary. As to the Chinese Government official's statement made in 1847 to the British representative that this section of the boundary was clear, it can only show that the then Chinese Government had its own

clear view regarding this section of the boundary and cannot be taken as the proof that the boundary between the two sides had already been formally delimited. As a matter of fact, down to 1899, the British Government still proposed to formally delimit this section of the boundary with the Chinese Government, but the Chinese Government did not agree. Your Excellency also said on August 28 this year in India's Lok Sabha: "This was the boundary of the old Kashmir State with Tibet and Chinese Turkestan. Nobody had marked it." It can thus be seen that this section of the boundary has never been delimited. Between China and Ladakh, however, there does exist a customary line derived from historical traditions, and Chinese maps have always drawn the boundary between China and Ladakh in accordance with this line. The marking of this section of the boundary on the map of "Punjab Western Himalaya and Adjoining Parts of Tibet" compiled by British John Walker by order of the Court of Directors of East India Company (which was attached to the British Major Alexander Cunningham's book "Ladakh" published in 1854) corresponded fairly close to the Chinese maps. Later British and Indian maps included large tracts of Chinese territory into Ladakh. This was without any legal grounds, nor in conformity with the actual situation of administration by each side all the time.

(ii) Concerning the section of the boundary between the Ari Area of China's Tibet and India.

It can be seen from your letter that you also agree that this section of the boundary has not been formally delimited by the two countries. Not only so, there have in fact been historical disputes between the two sides over the right to many places in this area. For example, the area of Sang and Tsungsha, southwest of Tsaparang Dzong in Tibet, which had always belonged to China, was thirty to forty years back gradually invaded and occupied by the British. The local authorities of China's Tibet took up this matter several times with Britain, without any results. It has thus become an outstanding issue left over by history.

(iii) Concerning the Sino-Indian boundary east of Bhutan.

The Indian Government insists that this section of the boundary has long been clearly delimited, citing as its grounds that the so-called McMahon Line was jointly delineated by the representatives of the Chinese Government, the Tibet local authorities and the British Government at the 1913-1914 Simla Conference. As I have repeatedly made clear to Your Excellency, the Simla Conference was an important step taken by Britain in its design to detach Tibet from China. At the Conference were discussed the so-called boundary between Outer and Inner Tibet and that between Tibet and the rest of China. Contrary to what was said in your letter, the so-called McMahon Line was never discussed at the Simla Conference, but was determined by the British representative and the representative of the Tibet local authorities behind the back of the representative of the Chinese Central Government through an exchange of secret notes at Delhi on March 24, 1914, that is, prior to the signing of the Simla treaty. This line was later marked on the map attached to the Simla treaty as part of the boundary between Tibet and the rest of China. The so-called McMahon Line was a product of the British policy of aggression against the Tibet Region of China -and has never been recognised by any Chinese Central Government and is therefore decidedly illegal. As to the Simla treaty, it was not formally signed by the representative of the then Chinese Central Government, and this is explicitly noted in the treaty. For quite a long time after the exchange of secret notes between Britain and the Tibet local authorities, Britain dared not make public the related documents, nor change the traditional way drawing this section of the boundary on maps. This illegal line aroused the great indignation of the Chinese people. The Tibet authorities themselves later also expressed their dissatisfaction with this line, and, following the independence of India in 1947, cabled Your Excellency asking India to return all the territory of Tibet region of China south of this illegal line.

This piece of territory corresponds in size to the Chekiang Province of China ' and is as big as ninety thousand square kilometres. Mr. Prime Minister, how could China agree to accept under coercion such an illegal line which would have it relinquish its rights and disgrace itself by selling out its territory-and such a large piece of territory as that? The delineation of the Sino-Indian boundary east of Bhutan in all traditional Chinese maps is a true reflection of the actual situation of the customary boundary before the appearance of the so-called McMahon Line. Both the map of "Tibet and Adjacent Countries" published by the Indian Survey in 1919 and the map attached to the 1929 edition of the *Encyclopedia Britannica* drew this section of the boundary in the same way as the Chinese maps. And it was only in the period around the peaceful liberation of China's Tibet region in 1951 that Indian troops advanced on a large scale into 'the area south of the so-called McMahon Line. Therefore, the assertion that this section of the boundary has long been clearly delimited is obviously untenable.

In Your Excellency's letter, you also referred to the boundary between China and Sikkim. Like the boundary between China and Bhutan, this question does not fall within the scope of our present discussion. I would like, however, to take this opportunity to make clear once again that China is willing to live together in friendship with Sikkim and Bhutan, without committing aggression against each other, and has always respected the proper relations between them and India.

It can be seen from the above that the way the Sino-Indian boundary has always been drawn in maps published in China is not without grounds and that at first British and Indian maps also drew the Sino-Indian boundary roughly in the same way as the Chinese maps. As a matter of fact, it was not Chinese maps, but British and Indian maps that later unilaterally altered the way the Sino-Indian boundary was drawn. Nevertheless, since China and India have not delimited their mutual boundary through friendly negotiations and joint surveys, China has not asked India to revise its maps. In 1954, I explained to Your Excellency for the same

reason that it would be inappropriate for the Chinese Government to revise the old map right now. Some people in India, however, are raising a big uproar about the maps published in China, attempting to create a pressure of public opinion to force China to accept India's unilateral claims concerning the Sino-Indian boundary. Needless to say, this is neither wise nor worthy.

2. As stated above, the Chinese Government has all along adhered to a clear-cut policy on the Sino-Indian border question: on the one hand, it affirms the fact that the entire Sino-Indian boundary has not been delimited, while on the other, it also faces reality, and, taking specially into consideration the friendly relationship between China and India, actively seeks for a settlement fair and reasonable to both sides, and never tries unilaterally to change the long-existing state of the border between the two countries pending the settlement of the boundary question.

Regarding the eastern section of the Sino-Indian boundary, as I have stated above, the Chinese Government absolutely does not recognise the so-called McMahon Line, but Chinese troops have never crossed that line. This is for the sake of maintaining amity along the border to facilitate negotiations and settlement of the boundary question, and in no way implies that the Chinese Government has recognised that line. In view of the fact that my former explanation of this point to Your Excellency is obviously misunderstood in Your Excellency's latest two letters to me, I have deemed necessary once again to make the above explanation clearly.

Regarding the western section of the Sino-Indian boundary, China has strictly abided by the traditional customary line and, with regard to Indian troops repeated intrusions into or occupation of Chinese territory, the Chinese Government, acting always in a friendly manner, has dealt with each case in a way befitting it. For example, regarding the invasion of Wu-je by Indian troops and administrative personnel, the Chinese

Government has tried its best to seek a settlement of the question with the Indian Government through negotiations and to avoid a clash.

Regarding the Indian troops who invaded the southwestern part of China's Sinkiang and the area of Lake Pankong in the Tibet Region of China, the Chinese frontier guard after disarming them according to international practice, adopted an attitude of reasoning, asking them to leave Chinese territory and returning to them their arms. Regarding the Indian troops successive invasion and occupation of the areas of Shipki Pass, Parigas, Sang, Tsungsha, Puling-sumdo, Chuwa, Chuje, Sangcha and Lapthal, the Chinese Government, after discovering these happenings, invariably conducted thorough and detailed investigations rather than laying charges against the Indian Government immediately and temperamentally. These measures prove that the Chinese Government is exerting its greatest effort to uphold Sino-Indian friendship.

Despite the above-mentioned border incidents caused wholly by the trespassing of Indian troops, until the beginning of this year, the atmosphere along the Sino-Indian border had on the whole been fairly good. The fact that no armed clashes had ever occurred along the 2,000 or so kilometres of the Sino-Indian boundary, which is wholly undelimited, is in itself a powerful proof that, given a friendly and reasonable attitude on both sides, amity can be maintained in the border areas and tension ruled out pending the delimitation of the boundary between the two countries.

3. Since the outbreak of the rebellion in Tibet, however, the border situation has become increasingly tense owing to reasons for which the Chinese side cannot be held responsible. Immediately after the fleeing of a large number of Tibetan rebels into India. Indian troops started pressing forward steadily across the eastern section of the Sino-Indian boundary. Changing unilaterally the long-existing state of the border between the two countries, they not only overstepped the so-called McMahon Line as

indicated in the map attached to the secret notes exchanged between Britain and the Tibet local authorities, but also exceeded the boundary drawn in current Indian maps which is alleged to represent the so-called McMahon Line, but which in many places' actually cuts even deeper into Chinese territory than the McMahon Line. Indian troops invaded and occupied Longju, intruded into Yashar, and are still in occupation of Shatze, Khinzemane and Tamaden-all of which are Chinese territory-shielding armed Tibetan rebel bandits in this area.

Indian aircraft have also time and again violated China's territorial air near the Sino-Indian border. What is especially regrettable is that, not long ago, the Indian troops unlawfully occupying Longju launched armed attacks on the Chinese frontier guards stationing at Migyitun, leaving no room for the Chinese frontier guards but fire back in self-defence. This was the first instance of armed clash along the Sino-Indian border. It can be seen from the above that ' the tense situation recently arising on the Sino-Indian border was all caused by trespassing and provocations by Indian troops, and that for this the Indian side should be held fully responsible Nevertheless, the Indian Government has directed all sorts of groundless charges against the Chinese Government, clamouring that China has committed aggression against India and describing the Chinese frontier guards' act of self-defence in the Migyitun areas as armed provocation. Many political figures and propaganda organs in India have seized the occasion' to make a great deal of anti-Chinese utterances. Some even openly advocating provocative actions of an even larger scale such as bombarding Chinese territory. Thus a second anti-Chinese campaign has been launched in India in six months' time. The fact that India does not recognise the undelimited state of the Sino-Indian boundary and steps up bringing pressure to bear on China militarily, diplomatically and through public opinion cannot but make one suspect that it is the attempt of India to impose upon China its one-sided claims on the boundary question. It must be pointed out that this attempt will never succeed and 'such action cannot possibly yield any results other

than impairing the friendship of the two countries, further complicating the boundary question and making it more difficult to settle.

4. The friendly relations between China and India are based on the Five Principles of peaceful co-existence. The Chinese Government has consistently held that all differences between our two countries must and certainly can be resolved through peaceful consultations and should not be allowed to affect the friendly relationship between the two countries. China looks upon its southwestern border as a border of peace and friendship. I can assure Your Excellency that it is merely for the purpose of preventing remnant armed Tibetan rebels from crossing the border back and forth to carry out harassing activities that the Chinese Government has in recent ' months dispatched guard units to be stationed in the south-eastern ; part of the Tibet Region of China. This is obviously in the interest of ensuring the tranquility of the border and will in no way constitute a threat to India. Your Excellency is one of the initiators of the Five Principles and has made significant contributions to the consolidation and development of Sino-Indian friendship and constantly r. stressed the importance of this friendship. This has deeply impressed the Chinese Government and people. I have therefore given Your Excellency a systematic explanation of the whole picture of the Sino-Indian boundary. I hope that Your Excellency and the Indian Government will, in accordance with the Chinese Government's request, immediately adopt measures to withdraw the trespassing Indian troops and administrative personnel and restore the long existing state of the boundary between the two countries. Through this, the temporary tension on the Sino-Indian border would be eased at once are concerned for Sino-Indian friendly relations and dealing a blow to those who are sowing discord in the Sino-Indian relations and creating tension.

With cordial regards,

(Sd.) CHOU EN-LAI,

Premier of the State
Council of the People's Republic of China,

**Letter from the Prime Minister of India to the Prime Minister of
China, 26 September 1959**

New Delhi; the 26th September, 1959.

Dear Mr. Prime Minister,

I have received your letter of September 8, 1959. I must say that I was greatly surprised and distressed to read it. You and I discussed the India-China border, and particularly the eastern sector, in 1954 in Peking and in 1956-57 in India. As you know; the boundary in the eastern sector is loosely referred to as the McMahon Line. I do not like this description, but for convenience I propose to refer to it as such. When I discussed this with you, I thought that we were confronted with the problem of reaching an agreement on where exactly the so-called McMahon Line in the eastern sector of the boundary lay. Even when I received your letter of January 23, 1959, I had no idea that the People's Republic of China would lay claim to about 40,000 square miles of what in our view has been indisputably Indian territory for decades and in some sectors for over a century. In your latest letter you have sought to make out a claim to large tracts of Indian territory and have even suggested that the independent Government of India are seeking to reap a benefit from the British aggression against China. Our Parliament and our people deeply resent this allegation. The struggle of the Indian people against any form of imperialism both at home and abroad is known and recognised all over the world and we had thought that China also appreciated and recognised our struggle. It is true that the British occupied and ruled the Indian sub-

continent against the wishes of the Indian people. The boundaries of India were, however, settled for centuries by history, geography, custom and tradition. Nowhere indeed has India's dislike of imperialist policies been more clearly shown than in her attitude towards Tibet. The Government of India voluntarily renounced all the extra-territorial rights enjoyed by Britain in Tibet before 1947 and recognised by Treaty that Tibet is a region of China. In the course of the long talks that we had during your last visit to India, you had told me that Tibet had been and was a part of China but that it was an autonomous region.

2. You have suggested in your letter that the Government of India have applied all sorts of pressure on the Chinese Government, including the use of force, to make the Chinese Government accept the Indian demand: This is the reverse of what the Government of India did. We did not release to the public the information which we had about the various border intrusions into our territory by Chinese personnel since 1954, the construction of a road across Indian territory in Ladakh, and the arrest of our personnel in the Aksai Chin area in 1958 and their detention. We did not give publicity to this in the hope that peaceful solutions of the disputes could be found by agreement by the two countries without public excitement on both sides. In fact our failure to do so has now resulted in sharp but legitimate criticism of the Government both in Parliament and in the press in our country. Far from using force, we sought the peaceful settlement of the disputes. You must be aware of the prolonged negotiations between the Indian and Chinese representatives over Bara Hoti in 1958 and of the notes exchanged between our two Governments on the other disputes. I need hardly tell you ' that there is great resentment in India at the action of your troops in overpowering our outpost in Longju on our side of the McMahon Line, and although you have up till now not withdrawn your troops have not sought to reoccupy the post.

3. You have referred to the maintenance of the long existing status quo

on the border. The Government of India have always been in favour of it. It is the Chinese Government who have violated it repeatedly in recent years. I can refer, for example, to the construction of a 100-mile road across what has traditionally been Indian territory in the Aksai Chin area, the entry of Chinese survey parties in the Lohit Frontier Division in 1957, the establishment of a camp at Spanggur in 1959; the despatch of armed personnel to Bara Hoti in 1958 and stationing them there in winter against customary practice and last, but not least, the use of force at Longju.

4. It is true that the Sino-Indian boundary has not been formally delimited along its entire length. Indeed the terrain of the Sino- Indian border in many places makes such physical demarcation on the ground impossible. But the entire length of the border has been either defined by treaty or recognised by custom or by both and until now the Chinese Government have not protested against the exercise of jurisdiction by the Government of India upto the customary border. You have yourself acknowledged the fact that no armed clash ever occurred along our border until the beginning of this year. All Chinese Governments have respected the Indian border. The fact that previous Chinese Governments were weak is no answer. Not even a protest was registered in accordance with established state practice in this regard, as was done in the case of Burma between 1906 and 1937.

5. Concerning the boundary between Tibet and Ladakh, it is incorrect to say that the then Chinese Central Government did not send anybody to participate in the conclusion of the treaty between Tibet and Kashmir in 1842. The treaty was signed by the representatives of both the Dalai Lama and the Emperor of China. Kalon Sokon, one of the signatories, though by birth a Tibetan, had Chinese rank. Even the Tibetan version of the treaty makes it clear -that China was a party to it. Thus, it asserts that "there will never be on any account in future till the world lasts, any deviation even by the hair's breadth and any breach in the alliance, friendship and unity between the King of the world Siri Khalsaji Sahib and

Siri Maharaj Sahib Raja-i-Rajagan Raja Sahib Bahadur, and the Khagan of China and the Lama Guru Sahib of Lhasa."

6. It is true that the 1842 treaty referred merely to the "old established frontiers". This was because these frontiers were well-known and did not require any formal delimitation. Even the treaty of 1884 between Ladakh and Tibet stated that "the boundaries fixed in the beginning, when Skyid-Ida-ngeema-gon gave a kingdom to each of his three sons, shall still be maintained." References in the Ladakhi chronicles of the 17th century indicate that the boundary was well-established. Cunningham, whom Your Excellency has referred to with approval, toured the area in 1846. He stated in 1854 that the eastern boundary of Ladakh "is well-defined by piles of stones, which were set up after the last expulsion of the Sokpo or Mongol hordes in A.D. 1687 when the Ladakhis received considerable assistance from Kashmir." (Ladakh, 1854, page 261). Thus it is clear that for nearly two centuries the boundary between Ladakh and Tibet was well-known and recognized by both sides. There was a constant flow of trade between Ladakh and Tibet during these centuries as provided for by these treaties, and no boundary conflicts ever arose.

7. It has been stated in your letter that China never ratified the 1842 treaty. That China recognised the treaty is clear from the fact that the Chinese official in 1847 informed the British Government: "Respecting the frontiers I beg to remark that the borders of those territories have been sufficiently and distinctly fixed, so that it will be best to adhere to this ancient arrangement and it will prove far more convenient to abstain from any additional measures for fixing them." There was no suggestion that the Chinese Government regarded the treaty as invalid. It is also clear from the statement quoted that not merely was the boundary known, but the boundary was distinctly and sufficiently fixed and there was no divergence of opinion as to where it lay.

8. Further evidence of Chinese acceptance of the 1842 treaty is provided by the fact that the other provisions of the treaty regarding exchange of

goods and presents were in operation right up to 1946 without any hindrance from the Chinese Government.

9. It is incorrect to say that down to 1899 the British Government proposed formally to delimit this section of the boundary but that the Chinese Government did not agree. No proposals were made between 1847 and 1899 for any such formal delimitation. The proposal made in 1899 by the British Government referred not to the eastern frontier of Ladakh with Tibet but to the northern frontier of Ladakh and Kashmir with Sinkiang. It was stated in that context that the northern boundary ran along the Kuen Lun range to a point east of 80° east longitude, where it met the eastern boundary of Ladakh. This signified beyond doubt that the whole of Aksai Chin area lay in Indian territory. The Government of China did not object to this proposal.

10. So Ladakh, Tibet and China had all accepted that the frontier between Ladakh and Tibet was the customary boundary. You have stated that the boundary as shown in the Chinese maps follows more or less, that shown in the map of "Punjab, Western Himalaya and adjoining parts of Tibet" compiled by Walker and attached to Cunningham's book published in 1854. Walker's Map states in the Compilation Index that the document used for this sector is the "Map of Ladakh and Nari Khorsum by Capt. H. Strachey". Now Strachey toured only a part of Ladakh in 1847-48. He knew little nothing about Aksai Chin, having never visited the area, and drew the boundary where he thought the main water-parting; which was the natural and old established frontier in this area, lay. Thereafter a number of exploration and survey parties were sent by the Government of India to this region. These parties ascertained the customary frontier on the basis of natural features and such local evidence as was available. Johnson visited the area in 1865 and Frederick Drew, an Englishman in the employ of the Maharaja of Kashmir as Governor of Ladakh, in 1869. Other survey parties in the nineteenth century were those of Hayward, Shaw and Cayley in 1868, Carey in 1885-87, Hamilton Bower in 1891, Littledale in 1895, Welby and Malcolm in 1896, Deasy and Pike in 1896,

and Aurel Stein in 1900. Accurate maps of the whole Ladakh area thus became possible only from 1865, after the afore-mentioned surveys had ascertained the exact lie of the watershed; and it is significant that most of the maps since that date show the customary boundary in accordance with the line shown by us in our map rather than that claimed by China. The later Map of Turkestan of Walker himself published in 1867-68, Drew's map attached to this book *Jammoo & Kashmir Territories* (1875), Johnston's Atlas (1882), and maps attached to the *Gazetteers of Kashmir* published from 1890 onwards all showed boundary lines more or less similar to our present frontier. Even official Chinese maps of the late nineteenth century showed a boundary approximating to our line. It is only in official Chinese maps of the twentieth century that the Chinese Government included large parts of our territory. On the other hand, *The New Atlas and Commercial Gazetteer of China*, published in Shanghai sometime after 1917 by the *North China Daily News* and *Herald* on the basis of authoritative surveys, shows a boundary in the north-west similar to our alignment and a boundary in the north-east which approximates to what later became known as the McMahon Line. I may add that the Chinese maps do not follow even Walker's Map of 1854 where it does not support the assertion made on behalf of China. Thus Walker shows the areas north of Demchok and north of Pangong in India but recent Chinese maps have not followed Walker's map in regard to these areas.

11. You have referred to the sector of the boundary between what is known as the Ari area of Tibet and India. We are told that Ari, which is an abbreviated form of Ngari Khorsum, is south-western Tibet. This is the sector of the boundary between the Punjab, Himachal Pradesh and Uttar Pradesh in India and the Tibet region. You have stated that the boundary in this sector has never been formally delimited. In fact, there should be little doubt about the boundary in this sector. Article IV of the 1954 Sino-Indian Agreement specifies six passes in this area. There was discussion of these passes between the Chinese and Indian representatives before

the Agreement was concluded. Your original draft contained the following: "The Chinese Government agrees to open the following passes." On behalf of India, Mr. Kaul then said that these were Indian passes. After some discussion both sides agreed on the following text: Traders and pilgrims of both countries may travel by the following passes. Your Vice-Foreign Minister remarked in that context. "This was the fifth concession on our part". This was recognition of the passes as border passes. In fact the Government of India have always been in control of the Indian ends of the passes.

12. I am particularly surprised by your statement that "the so-called McMahon Line was a product of the British policy of aggression against the Tibet Region of China". You further state that the agreement in regard to the frontier between India and Tibet was concluded between the British representative and the representative of the Tibet local authorities and that it has never been recognized by any Chinese Central Government. From this you draw the conclusion that the agreement is illegal. The facts, however; are otherwise. The arrangements for the Simla Conference were made with the full knowledge and consent of the Government of China. The Foreign Minister of China wrote to the British representative on the 7th August 1913 that the Chinese plenipotentiary would proceed to India "to open negotiations for a treaty jointly" with the Tibetan and British plenipotentiaries. It is clear from the proceedings of the conference that not only did the Chinese representative fully participate in the conference but that the Tibetan-representative took part in the discussions on an equal footing with the Chinese and the then British Indian representatives. Not only were the frontiers of India with Tibet discussed at the conference, but also the boundaries between Inner Tibet and China, and Inner Tibet and Outer Tibet. At no stage, either then or subsequently, did the Chinese Government object to the discussions on the boundary between India and Tibet at the conference. In the circumstances the agreement which resulted from the conference in regard to the McMahon Line boundary a between India and Tibet must, in

accordance with accepted international practice, be regarded as binding on both China and Tibet. In fact this was not the first occasion when Tibet concluded an agreement with other countries. In 1856 Tibet concluded an agreement on its own with Nepal. The Convention signed by Britain and Tibet in 1904 was negotiated by the British and Tibetan representatives with the assistance of the Chinese Amban in Tibet.

13. You have stated that for a long time after the exchange of so-called secret notes between Britain and Tibet Britain did not dare to make public the related documents. You have also contended that the McMahon Line "was later marked on the map attached to the 'Simla Treaty'". I am afraid I cannot agree either with your facts or your conclusion. The Chinese representative at the Simla Conference was fully aware of the McMahon Line boundary between India and Tibet. This particular line was discussed between the Tibetan and British Indian representatives, but when the draft convention emerging from the conference was presented on the 22nd April 1914 for signature by the British Indian, Tibetan and Chinese representatives it had attached to it a map showing the McMahon Line boundary as well as the boundaries between Inner Tibet and China, and Inner Tibet and Outer Tibet. Later, the Chinese Foreign Office in a memorandum, dated the 25th April 1914 listed a number of objections to the boundaries between Inner Tibet and Outer Tibet and Inner Tibet and China. It did not raise any objection to the boundary between Tibet and India as shown in the map attached to the tripartite Simla Convention. Thereafter, on the 27th April, the Chinese representative initialed both the convention and the map without any objection. Subsequently, in their memorandum, dated the 13th June 1914, the Chinese made fresh proposals regarding the boundaries of Inner Tibet and Outer Tibet. It is significant that no mention was at all made in this memorandum of the boundary between Tibet and India. Almost five years later, on the 30th May 1919, the Government of China again suggested some modifications of the Simla Convention with a view to reaching a final settlement. These modifications related only to the boundaries between Inner Tibet and

China and Inner Tibet and Outer Tibet. No reference at all was made to the boundary between Tibet and India (McMahon Line). Looking into the old papers, we find that the British Government withheld the publication of the Simla Convention for several years in the hope that there would be an agreement about the status and boundary of Inner Tibet. The Simla Convention was published in the 1929 edition of Aitchison's Treaties and the McMahon Line was shown in the official maps from 1937 onwards. These maps were circulated widely but neither then nor subsequently was any objection raised by the Chinese authorities.

14. I entirely disagree with the inference drawn by you from the exchange of two communications between the Tibetan Bureau in Lhasa and the new Government of India in 1947. The facts are that our Mission in Lhasa forwarded to us a telegram, dated the 16th October 1947 from the Tibetan Bureau. The telegram asked for the return of alleged Tibetan territories on boundaries of India and Tibet "such as Sayul and Walong and in direction of Pemakoe, Lonag, Lopa, Mon, Bhutan; Sikkim, Darjeeling and others on this side of river Ganges and Lowo, Ladakh etc. up to boundary of Yarkhim." It will be seen that the areas claimed by Tibet had not been defined. If they were to be taken literally, the Tibetan boundary would come down to the line of the river Ganges. The Government of India could not possibly have entertained such a fantastic claim. If they had the faintest idea that this telegram would be made the basis of a subsequent claim to large areas of Indian territory, they would of course have immediately and unequivocally rejected the claim. Not having had such an impression, they sent a reply to the following effect: "The Government of India would be glad to have an assurance that it is the intention of the Tibetan Government to continue relations on the existing basis until new agreements are reached on matters that either party may wish to take up. This is the procedure adopted by all other countries with which India has inherited treaty relations from His Majesty's Government". It would be unfair to deduce from this reply that India undertook to negotiate fresh agreements with Tibet on the frontier question. When the British

relinquished power and India attained freedom on the 15th August 1947, the new Government of India inherited the Treaty obligations of undivided India. They wished to assure all countries with which the British Government of undivided India had treaties and agreements that the new Government to India would abide by the obligations arising from them. All that the Government of India intended to do in the telegram mentioned in Your Excellency's letter was to convey an assurance to that effect to the Tibetan authorities. There could be no question, so far as India was concerned, of reopening old treaties with Tibet with a view to entertaining, even for purposes of discussion, claims to large areas of Indian territory.

15. It is wrong to say that the frontier east of Bhutan as shown on Chinese maps is the traditional frontier. On the contrary, it is the McMahon Line which correctly represents the customary boundary in this area. The water-parting formed by the crest of the Himalayas is the natural frontier which was accepted for centuries as the boundary by the peoples on both sides. The tribes inhabiting the area south of the McMahon Line—the Monbas, Akas, Dafias, Miris, Abors, and Mfshmis are of the same ethnic stock as the other hill tribes of Assam and have no kinship with the Tibetans. The Tibetans themselves regard these tribes with contempt and group them all together as "Lopas". It is true that the boundary of two adjacent countries is not determined by the ethnic affiliations of the people living in these countries. Some sort of cultural intercourse between the peoples living on both sides of the frontier is also not uncommon. All the same it is significant that the tribes mentioned above have not been affected in the slightest degree by any Tibetan influence, cultural, political or other, and this can only be due to the fact that the Tibetan authorities have not exercised jurisdiction at any time in this area. On the other hand, Indian administration gradually moved up to these areas. Agreements were signed with the Akas in 1844 and 1888, the Abors in 1862-63 and 1866 and with the Monbas in 1844 and 1853, extending the authority of the Government of India over them. It was the

British Government's policy generally to leave the tribes more or less to look after themselves and not seek to establish any detailed administration of these areas such as was to be found in the rest of British Indian territory. All the same British Political Officers visited these areas for settling disputes and such like purposes. Finally, the Sadiya Frontier Tract, approximately 10,000 square miles in area, was formed in 1912, and the Balipara Frontier Tract also comprising about 10,000 square miles, was formed in 1913, i.e., before the Simla Conference met. The Atlas of the Chinese Empire, published in London by the Chinese Inland Mission in 1906, shows as the frontier in this area an alignment which is almost identical with what was settled at Simla in 1914. The area was extensively surveyed in 1911-13. The Lohit area was surveyed by the Mishmi Mission in 1911-12, the Dibhang Valley was surveyed in 1912-13 and the Abor area in 1913. Captain Bailey carried out extensive surveys of the southern limits of Tibetan jurisdiction in the whole area in 1913-14. It was on the basis of all the detailed information that the boundary was settled between India and Tibet in 1914. It is clear, therefore, that the McMahon Line was not an arbitrary imposition on a weak Tibet by the Government of India. It formalized the natural, traditional, ethnic and administrative boundary in the area.

16. Your Excellency has referred to a map published by the Survey of India in 1917 and a map in the 1929 edition of the *Encyclopedia Britannica*. The Survey of India map shows the line claimed by China but on the same sheet, in the index map, the McMahon Line is also shown. The reason for this is that the British Indian Government were reluctant to issue new maps of India showing only the McMahon Line in the hope that China would accept the Simla Convention as a whole. As for the map in the 1929 edition of the *Encyclopedia Britannica*, it is true that in the eastern sector it shows roughly the line now claimed by China But the same map shows the whole of Aksai Chin as part of Ladakh. It would therefore be unfair to quote the authority of the *Encyclopedia Britannica* in support of the Chinese claim in one sector of the boundary and to

reject it in respect of the other. In fact, if maps published privately in other countries are to be cited as evidence, we can refer to a large number of such maps in our support. For 'example, the map of *Asie Meridionale* published by Andriveau-Coujon in Paris in 1876 and the map of *Asie Orientale* published by the same firm in 1881 show the whole tribal area as outside Tibet. The Atlas of the Chinese Empire published by the China Inland Mission in 1906 shows a boundary which approximates to the McMahon Line. The British War Office Map of the Chinese Empire published in October 1907 shows almost the entire tribal territory 'in India. The map in Sir Francis Younghusband's volume *India and Tibet* published in London in 1910 shows the Tribal area in India; and so does the map in Sir Charles Bell's book *Tibet Past and Present* (Oxford 1924).

17. It is not clear to us what exactly is the implication of your statement that the boundaries of Sikkim and Bhutan do not fall within the scope of the present discussion. In fact, Chinese maps show sizeable areas of Bhutan as part of Tibet. Under treaty relationships with Bhutan the Government of India are the only competent authority to take up with other Governments matters concerning Bhutan's external relations, and in fact we have taken up with your Government a number of matters on behalf of the Bhutan Government. The rectification of errors in Chinese maps regarding the boundary of Bhutan with Tibet is therefore a matter which has to be discussed along with the boundary of India with the Tibet region of China in the same sector. As regards Sikkim, the Chinese Government recognised as far back as 1890 that the Government of India "has direct and exclusive control over the internal administration and foreign relations of that State". This Convention of 1890 also defined the boundary between Sikkim and Tibet; and the boundary was later, in 1895, demarcated. There is thus no dispute regarding the boundary of Sikkim with the Tibet region.

18. You have stated that the Sino-Indian boundary is about 2,000 kilometres in length, is wholly undelimited, and that it is not Chinese maps but British and Indian maps that have been unilaterally altering the

Sino-Indian boundary. In fact the Sino-Indian boundary (apart from the boundary of Sikkim and Bhutan with Tibet) extends over 3,520 kilometres. It is wrong to say that this long boundary is wholly undelimited. The frontier east of Bhutan has been explicitly delineated on the 1914 treaty map. The frontier of Himachal Pradesh and Uttar Pradesh has been clarified by implication by the mention of six passes in the 1954 Agreement. As for the charge that British and Indian maps have been unilaterally altering the boundary, the fact is that early British maps showed the boundary roughly where the British thought the water-parting was at the time. Later, as more topographical as well as local information about the water-parting was obtained, the boundary was shown with greater precision on the subsequent maps. The discrepancies between the earlier and later maps are also explained in part by the fact that British cartographers as a rule showed in their maps the administrative boundaries irrespective of the actual alignment of the frontier. Therefore, as administration was gradually extended in the frontier areas, corresponding changes were made in the boundaries on the later maps. Thus the map of India published by the Survey of India in 1895 (1:128 miles) showed the un-administered areas of northern Burma and north-eastern India up to what subsequently came to be known as the McMahon Line by a light orange colour wash as distinct from the deeper colours used for the rest of the Indian territory. The Memorandum on Native States in India published by the Government of India in 1909 has a map in Volume II showing this whole tribal area as part of India. The fact is that the present frontiers of India have always been the historic frontiers but administration in the British period was only gradually extended up to these frontiers. Shortly after India attained independence' in 1947 the Government of India decided, as a matter of policy, to bring these frontier areas under more direct administrative control to enable them to share in the benefits of a welfare state subject to the protection of their distinct social and cultural patterns. It is not true to say that it was only after the recent Tibetan crisis and the entry into India of a large number of

Tibetans that Indian troops started advancing steadily in the North-East Frontier Agency. In fact administrative personnel, civil and police had been functioning in these areas right up to the McMahon frontier for several years before the recent disturbances broke out in Tibet. However, we did not have any military force anywhere in the border areas. There was only an armed constabulary in support of the civil personnel and even the frontier posts were manned by this constabulary. It was only when our outpost at Longju was overpowered by : superior Chinese military force and our personnel elsewhere along the frontier were being intimidated by Chinese .forces that we decided to place the responsibility for the protection of the frontier on our army.

19. It should be clear from what has been stated in previous paragraphs that it is the Chinese maps that have altered the boundary alignments through the years to include large areas of Indian territory in China. It should also be stated that Chinese maps published even after 1949 have not adhered to any definite frontier: Different maps show different alignments in the same sector.

20. I am sorry to have to say that it is the Chinese Government who have been trying unilaterally to change the long-existing state of the border. There is no other explanation for the presence of Chinese personnel in Bara Hoti and of Chinese troops in the Aksai Chin area, Khurnak Fort, Mandal, Spanggur, Khinzemane and Longju, and for Chinese intrusions in the Spiti area, Shipki pass, the Nilang-Jadhang area, Sangcha, Lapthal, and the Dichu Valley. Nor is it correct to say that Chinese troops have never crossed the McMahon Line. Both Khinzemane and Longju are south of this line.

21. The Government of India emphatically repudiate the allegation that in recent times they have "invaded and occupied" a number of places in the middle sector of the boundary. In fact it is the Chinese forces which have made persistent efforts in recent times to come into and occupy indisputably Indian territory. Details of intrusions and attempted intrusions by Chinese forces have been given in the attached note. These

intrusions have been particularly marked in the Spanggur area, where Chinese forces have been pushing forward in an aggressive manner during the last year two in disregard of the traditional frontier. The Chinese have only recently established a new camp near the western extremity of the Spanggur lake at a point which even according to some official Chinese maps is in Indian territory. It is not for us to comment on the reports of large-scale movements of Chinese forces in the Tibetan frontier areas. We hope that these moves do not signify a new policy of actively probing into Indian territory along the whole length of the Sino-Indian frontier.

22. Reports have reached us that some Chinese officers in Tibet have repeatedly proclaimed that the Chinese authorities will before long take possession of Sikkim Bhutan, Ladakh and our North-East Frontier Agency. I do not know what authority they had to make these remarks but I would like to draw Your Excellency's attention to them as these remarks have naturally added to the tension on the frontier.

23. Your Excellency has spoken of Indian parties having trespassed into Chinese territory. Nowhere have our personnel done so. Even if they had done so through an error of judgment at any point in the barren wastes of some far-flung frontier region, we would have expected that a friendly Government would promptly bring it to our notice for remedial action. Instead, last year when an Indian party was engaged on routine administrative patrol near Haji Langar in Ladakh, your forces arrested them and did not inform us a of the arrest until we had enquired of you almost five weeks later. In the meantime our personnel were subjected to threats, harsh treatment and severe interrogation. Surely this is not the manner in which the personnel of a friendly Government should have been treated.

24. The charge that India has been shielding ·armed Tibetan rebels in the frontier areas in the north-east is wholly unfounded and we firmly reject it. On the contrary, our personnel disarmed the Tibetan rebels as soon as they crossed the frontier into Indian territory and insisted on their moving

well away from the frontier areas. The few who showed disinclination to do so were told that they would not get asylum in India and made to leave our territory finally.

25. There is no truth in the allegation that Indian aircraft have repeatedly violated Chinese territorial air in this area. We have issued definite instruction to all our aircraft to avoid trespass into Chinese air space and we are assured that this instruction has been carefully observed. You will appreciate, however, that aircraft engaged in supply dropping missions to a frontier outpost may accidentally cross the international frontier or appear to do so even though it has not actually crossed the frontier. Our anxiety to respect the Chinese territorial air space would be clear from the fact that when in July last the officer in charge of our outpost at Longju fell seriously ill we informed your Government that we would be para-dropping a doctor. The object of our giving the information to your Government was to ensure that you would not misunderstand it if by error of judgment our aircraft should cross into Chinese territory in flying over a frontier outpost. For the same reason we also gave you information in advance that survey operations would be carried out from the air on our side of the border during the months from November 1959 to February 1960. Incidentally, the information that we gave you about Longju would disprove any suggestion that we had surreptitiously started an outpost on Chinese territory. Had we done so, we would not have given its location your Government.

26. I have looked into the allegation that the boundary drawn on Indian maps includes in many places even more territory than the McMahon Line, but have been unable to discover any basis for it: If you have in mind the Sino-Indian frontier shown in the Indian maps in the Migyitun area which differs slightly from the boundary shown in the Treaty map, the position can be easily explained. As settled between the British and the Chinese representatives at the time of the Simla Conference, the boundary was to follow the natural features, but a reservation was made that Migyitun (and a few other places) would be within Tibetan territory.

This was done in order to leave within Tibet the two sacred lakes of Tsari Sarpa and Tso Karpo which were places of pilgrimage for Tibetans and the village of Migyitun from which the pilgrimage started. At the time of the Simla Convention, the exact topographical features in this area were not known. Later after the topography of the area had been definitely ascertained, the actual boundary followed the geographical features except where a departure was necessary to leave Migyitun within Tibetan territory. The actual boundary as shown in the Indian maps, therefore, merely gave effect to the treaty map in the area based on definite topography. This was in accordance with established international practice.

27. I entirely disagree with your view that the tense situation that has arisen on the border has been caused by Indian trespassing and provocation. In fact, as the attached note will show, it is the Chinese who have trespassed into Indian territory across the traditional border at a number of places in recent years. You have mentioned that we in India have staged a second so-called anti-Chinese campaign. This, if I may say so, is the reverse of the actual position. Despite the regrettable happenings on the frontier of our two countries, we in India have conducted ourselves with great restraint and moderation. At a number of places your forces assumed a threatening attitude; at others they actually came into our territory. Such incidents concerning as they did the integrity of India were very serious, but in our anxiety not to create feelings against your Government we deliberately avoided giving publicity to them. Questions in Parliament had, however, to be answered and the facts could not be withheld. When the facts thus became known, the reaction both in Parliament and among the public was one of dismay and great resentment. There was criticism of our Government both in Parliament and the press for our failure to give publicity to these developments at an earlier stage. Under the Indian Constitution Parliament is supreme. India has also a free press and the Government could not restrain public criticism. In the circumstances, to allege that the

Government of India built up pressure on China in any manner is a complete misreading of the facts of the situation. It is also based on complete misunderstanding of the constitutional procedures under which the Government, Parliament and the press function in India. Needless to say, such an allegation is entirely baseless.

28. I have stated before and wish to affirm once again that the Government of India attach great importance to the maintenance of friendly relations with China. They have hitherto sought to conduct their relations with China, as with other countries, in the spirit of Panch Sheel. This indeed had always been India's policy even before the five principles were enunciated. It is therefore all the more a matter of regret and surprise to us that China should now have put forth claims to large areas of Indian territory inhabited by hundreds of thousands of Indian nationals, which have been under the administrative jurisdiction of India for many years. No Government could possibly discuss the future of such large areas which are an integral part of their territory. We however recognise that the India-China frontier which extends over more than 3,500 kilometres has not been demarcated on the ground and disputes may therefore arise at some places along the traditional frontier as to whether these places lie on the Indian or the Tibetan side of this traditional frontier. We agree therefore that the border disputes which have already arisen should be amicably and peacefully settled. We also agree that until a settlement has been reached the status quo should be maintained. In the meantime both sides should respect the traditional frontier and neither party should seek to alter the status quo in any manner. Further, if any party has trespassed into the other's territory across the traditional frontier, it should immediately withdraw to its side of the frontier. So far as the Government of India are concerned, at no places at present have they any personnel, civil, police or military, on the Tibetan side of the traditional frontier. There was only one outpost, that at Tamaden established some months ago, which, subsequent enquiries showed, was somewhat north of the McMahon Line. In keeping with our earlier promise

we have already withdrawn it to a point south of the Line. There can therefore be no question of withdrawing any Indian personnel at any other place. We would now request that in the same spirit your Government should withdraw their personnel from a number of posts which you have opened in recent months at Spanggur, Mandal and one or two other places in eastern Ladakh. Similarly, your forces should also withdraw from Longju which they forcibly occupied on the 26th August and which they still continue to occupy. No discussions can be fruitful unless the posts on the Indian side of the traditional frontier now held by the Chinese forces are first evacuated by them and further threats and intimidations immediately cease.

29. Mr. Prime Minister, I regret that I have had to write to you, length and in such detail. But I must frankly say that your of the 8th September has come as a great shock to us. India was one of the first countries to extend recognition to the People's Republic of China and for the last ten years we have consistently sought to maintain and strengthen our friendship with your country. When our two countries signed the 1954 Agreement in regard to the Tibet region I hoped that the main problems which history had bequeathed to us in the relations between India and China had been peacefully and finally settled. Five years later, you have now brought forward, with all insistence, a problem which dwarfs in importance all that we have discussed in recent years and, I thought settled. I appreciate your statement that China looks upon her south-western border as a border of peace and friendship. This hope is promise could be fulfilled only if China would not bring within the scope of what should essentially' be a border dispute, claims to thousands of square miles of territory which have been end are integral part of the territory of India.

With kind regards,

Yours sincerely,

(Sd.) JAWAHARLAL NEHRU.

A NOTE ON THE BORDER DISPUTES

Annexure to the letter from the Prime Minister of India to the Prime Minister of China, 26 September 1959

A. Aksai Chin,

As shown in the text of the letter, Aksai Chin is a part of Ladakh. The Chinese Government have now admitted that in 1956 they built a highway from Tibet to Sinkiang, running for about a hundred miles through this territory. In September 1957, it was announced that this road had been completed. The next year Indian personnel carrying out routine patrol duties were arrested near Haji Langar in north-east Aksai Chin, taken to Suget Karol and detained for five weeks. The leader of the Indian patrol was placed in solitary confinement, and all documents were seized. When the Government of India protested at the serious and continuous occupation of our territory which road-building implied, and enquired whether the Chinese authorities had any knowledge of the Indian patrol, they admitted that they had detained the Indian party. Later the party was released at the Karakoram pass.

B. The Pangong area

The customary boundary between Ladakh and Tibet in this region lies from Lanak La (34° 24' North and 79° 34' East) along the eastern and southern watershed of the Chang Chenmo and the southern watershed of the Chumesang, and then along the southern bank of the Chumesang and the eastern bank of the Changlung Lungpa. Skirting the western extremity of the eastern half of Pangong Tso, the boundary thereafter follows the Ang watershed and cutting across Spanggur Tso, follows the north-eastern and northern watershed of the Indus. In recent years Chinese armed personnel have crossed this border in several places; fanned out and occupied Indian territory illegally. In July 1958 the

Government of India protested against the Chinese occupation of Khurnak Fort, about 1.5 miles within the Indian frontier. This fort has from time immemorial been within Ladakh, and has never been the subject of dispute. Even at a conference on certain pasture grounds in this area, attended by the representatives of Tibet and Kashmir and a British Commissioner in 1924, the jurisdiction of India over this fort was not disputed. However, there has been no reply as yet to the note of the Government of India.

In July 1959 it was learnt that a Chinese armed detachment had entered Indian territory in the Spanggur area south of the Pangong Lake, and had established a camp at Spanggur. When an Indian police party on its way to Khurnak approached them, it was over-powered. The Government of India protested, but the Chinese Government in their reply asserted that this was Chinese territory. This statement is contradicted even by the boundary alignment in this sector shown on Chinese maps, for example, the Map of the Administrative Areas of the Chinese Republic (1948), in which the boundary cuts across the eastern extremity of the Spanggur Lake. Spanggur stands on the western edge of the lake. Though the Government of India would have been justified in dislodging this Chinese camp, they have refrained from doing so in the hope that the Chinese would themselves withdraw.

C. Demchok

Demchok or Parigas, is another area which India is supposed to have "invaded and occupied". This is part of the Hanle region in south-eastern Ladakh. Ladakhi chronicles of the 17th century and accounts of travellers of the 18th and 19th centuries all state that Demchok was a part of Ladakh. The Kailash range, which is the eastern watershed of the Indus, lies east of Demchok. Strachey, who visited this area in 1847, confirmed this position, and Walker on the authority of Strachey, showed the boundary in this region as running east of Demchok village. The pasture grounds between Demchok and the Kailash range have been used by Indian villagers for a long time past. All revenue records of this century

prove that taxes were collected in this area by the Jammu and Kashmir Government, and a check-post has been maintained in this area for several decades. '

D. The Spiti area

Premier Chou-En-lai's letter alleges Indian "invasion" of Chauva and Chuje, i.e. the Spiti area in the Punjab State. The Spiti valley is, however, traditional Indian territory. The frontier in this area is the major watershed between the Pare Chu and the Spiti systems. As far back as 1879 the "Map of Hundes or Ngari Khorsum and Monyol" issued by the Trigonometrical Survey of India showed the boundary along this watershed. In 1956 a Chinese survey party visited this area and sought to place boundary stones on Indian territory and in 1957 a Chinese patrol party was noticed there. The Government of India drew the attention of the Chinese Government to these violations of Indian territory. The Chinese authorities neither denied the charge nor claimed this territory to be a part of, 'Tibet. They did not appear even to have an exact knowledge of this terrain, for they asked India for details of latitude and longitude. A wall map of the People's Republic of China published in November 1953 (Ya Kuang Publishing Society) shows this area within India. To speak of Indian aggression in this area is, therefore, to say the least, astonishing.

E. Shipki pass

Shipki pass is the first of the six border passes mentioned in the 1954 agreement. This has always been the limit of Indian territory All old maps indicated this as the border pass. The Government of India have constructed a road up to this point and have been maintaining it for many years; and in 1954 the words "Hindustan-Tibet" were engraved on a rock flanking the pass on the left the summer of 1956 a Chinese patrol was found on the Indian side of the pass and well within Indian territory. On being asked withdraw the Chinese personnel threw stones and threatened to use hand grenades. The commander of the Chinese patrol contended that he had received instructions to patrol the area up to Hupsang Khud and if the Indian party went beyond Hupsang Khud he "would oppose it

with arms". Hupsang Khud is four miles from Shipki pass on the Indian side. Indian protests to the Government of China against this incursion remain unanswered.

F. The Nilang-Jadhang area

Premier Chou En-lai states that there have been historical disputes regarding many places in the sector of the boundary between Ladakh and Nepal, and gives as an example the area of Sang and Tsungsha, south-west of Tsaparang Dzong in Tibet. In fact this is the only area in regard to which the Chinese authorities have raised a dispute. Sang is Jadhang village, Tsungsha is Nilang village and Tsaparang Dzong is the district headquarters in this part of Tibet. The Chinese Premier accuses India of having invaded and occupied Puling-Sumdo, that is Pulam Sumda, a village in the Nilang-Jadhang area.

It is not true that this area had always belonged to China and that the British occupied it only thirty to forty years ago. By the middle of the seventeenth century Nilang formed part of Bushahr state (now in Himachal Pradesh of India). A copper-plate inscription of 1667 A.D. records a treaty of mutual defence between Bushahr and Tehri and the cession to Tehri of Nilang. So clearly Nilang was then in India. Documents of the 18th century show that Tehri was administering the area. The inhabitants of this area are Garhwali by stock and not Tibetan.

In 1804 Nepalese troops are said to have destroyed Nilang village but in 1850 the Tehri Durbar re-established the village of Nilang and a hamlet named Jadhang, further north. In 1914 the Tibetans tried to set up a boundary pillar at Gum Gum Nala south of Nilang, and four years later the Tehri Durbar in its turn erected three boundary pillars at the border pass of Tsangchok La.

In 1926 a boundary commission consisting of Tibetan, Tehri and British representatives met at Nilang. Considerable evidence was produced by the Tehri Government in their own favour. It included ownership rights in land, proof of construction of roads and buildings and collection of land revenues for centuries. The only evidence the Tibetans could produce was

that their agents had occasionally collected a tax levied on trade with Tibet. The territory continued under the administration of the Tehri Durbar and, after the merger of Tehri State in Uttar Pradesh (India) in 1948, under the administration of the Government of Uttar Pradesh. Since 1951 no taxes at all have been paid by these villagers to Tibetans, as they have discontinued the practice of visiting Tibet for trade.

The area of Nilang-Jadhang is situated south of the main watershed in this region, along which the six border passes mentioned in the 1954 Sino-Indian Agreement are situated. In April 1956 it was found that some armed Chinese personnel had intruded into this area without securing the permission of the Indian authorities. A protest was lodged by the Government of India on 2nd May 1956, but till now there has been no reply to this protest from the Chinese Government.

G. Bara Hoti

Bara Hoti, which the Chinese call Wu-je and accuse the Government of India of having occupied, is a small area (about 1 ½ square miles) in the State of Uttar Pradesh (India). The area lies between the main watershed of the Sutlej and the Alakhnanda, which is the boundary in this sector, and the highest range of the Himalayas further south. Revenue records and other official documents of the 19th century establish that the watershed is the traditional frontier between India and Tibet in this region. It has been shown in Indian maps since 1850, when maps of this region based on surveys were first drawn. Even Chinese maps up to 1958 show the watershed as the frontier. Bara Hoti which is south of the watershed must, therefore, be regarded as within India. Till 1954 neither the Tibetans nor the Chinese seriously challenged this position, but since then Chinese personnel have persistently visited this area. There was a conference in Delhi to consider this question in April-May 1958. The Indian representatives proposed that pending a settlement of the dispute no armed personnel should be sent to the area. The Chinese Government agreed to this, but rejected the further proposal that neither side should send civilian personnel to the area. The Government of India, therefore,

have continued to send civilian personnel to the area to exercise their long-established civil jurisdiction in this area. Bara Hoti has for centuries been under a patwari, and officials of Garhwal district have been touring it regularly. To describe the continuation of this administration as "aggression" is therefore, a distortion of facts. The accusation is more applicable to the Chinese Government, who sent not merely civilian officials but an armed party to the area in 1958 in contravention of the agreement at the Delhi conference. The Government of India have scrupulously adhered to the interim agreement not to send armed personnel and have not allowed even the revenue officials to carry arms for self-protection. Furthermore, the Chinese personnel stayed at Bara Hoti in 1958 for part of the winter also, contrary to normal practice. India's proposal at the conference that even civilian personnel should not be sent to the area shows the extent to which she was willing to go in the interest of a peaceful settlement. The only major argument that the Chinese side brought forward was that certain Tibetan agents called Sarjis came occasionally to this area to collect imposts. These men, however, were not regular officials of the Chinese Government but merely promoters of trade who came to declare Indo-Tibetan trade open and to inspect the cattle which was coming from or going to Tibet to see if it was diseased. They collected taxes only from Tibetans who had come down to trade and not from local villagers. And even against these visits of the Tibetan Sarjis, the Government of India had always been making repeated protests.

Indeed, it was revealed at the Conference at Delhi in 1958 that the Chinese did not even know what area they meant by Wu-je. They therefore, pressed for a local enquiry as that would enable them to know what area they were claiming.

Two other places south-east of Bara Hoti also mentioned in Premier Chou En-lai's letter as "invaded and occupied" by India are Sangcha or Sangcha Malla, and Lapthal. They are situated in Almora District in Uttar Pradesh, on the Indian side of the Balcha Dhura pass. This pass is located on the

water-parting which is the traditional boundary in this area between India and Tibet. This is confirmed by Edwin Atkinson in his volume *The Himalayan Districts of North-Western Provinces of India* (1886). Sangcha Malla is two miles south of the border and Lapthal six miles south. No Chinese map has ever shown these places within Tibet, and they have never before been claimed by either Tibet or China. It was only in October 1958, when the Indian check-posts retired as usual because of the onset of winter, that Chinese personnel entered Indian territory and established outposts at these two places. A protest of the Government of India on 10th December 1958 has elicited no reply.

H- Yasher, Khinzemane and Shatze

"Premier Chou En-lai alleges that Indian troops intruded into Yasher and are still in occupation of Shatze and Khinzemane. The Government of India are aware of no such place or area as Yasher. Judging from its location on the small-scale maps recently published in Chinese newspapers, it is presumably a small area north-east of Height 15721 in the Simla Convention Map. Here the boundary runs due north and the territory that is marked as Yasher is inside India. Indian personnel, in this area have been given strict orders not to cross the boundary and they have scrupulously observed these orders. If the village Lung is being referred to as Yasher, then it can be categorically stated that Indian troops have never occupied it.

Khinzemane is south of the Thangla range which forms the international boundary in this area. In fact Chinese troops intruded into Khinzemane and tried to overawe Indian personnel there. Khinzemane and the Droksar pastures near it in the North East frontier Agency of India have for years belonged to the Indian village of Lumpo. The villages of Le and Timang in Tibet have been allowed to use these pastures on payment for pasture rights to the Indian village of Lumpo. There is no record of the Tibetan authorities ever having exercised jurisdiction in the region south of the Thangla range. As for Shatze, it is south of Khinzemane and within Indian territory.

I- Longju and Migyitun

Premier Chou En-lai says that Indian troops have not only over-stepped' the McMahon Line as indicated in the map attached to the notes exchanged between Britain and Tibet, but have also advanced across the boundary drawn on current Indian maps, and these maps are alleged in many places to cut even deeper into Chinese territory than the McMahon Line. It is alleged that Indian troops "invaded and occupied Longju and launched armed attacks on Chinese frontier guards stationed at Migyitun, leaving no option to the Chinese frontier guards but to fire back in self-defence.

It has been stated in the text of the letter that the representation of the McMahon Line on Indian maps strictly conforms to the line shown in the Simla Convention Map. Indian troops have not crossed the boundary as drawn on current Indian maps. The Indo-Tibetan boundary drawn at the Simla Conference departed from the watershed in the Subansiri area in order to leave in Tibet the sacred lakes of Tso Karpo and Tsari Tsarpa, the village of Migyitun to which Tibetans attach importance as the starting point of the twelve-year pilgrimage, the route from Migyitun to the lakes, and another shorter pilgrimage route known as Tsari Nyingpa. The alignment on current Indian maps carefully leaves these territories in Tibet. The international boundary here runs just south of the village of Migyitun. Longju which is entirely distinct from Migyitun lies 1.5 miles further south of the border. It cannot be part of Migyitun, which was a decaying village of twelve huts in 1913 and had further deteriorated to six huts and a monastic in 1935. The lands attached to Migyitun village were few extended to a very short distance from the village.

Until Chinese troops recently trespassed into Longju no administrative control was ever exercised over this village by the Tibetan authorities. The detachment of Indian armed constabulary was instructed only to resist trespassers and to use force only in self-defence. It was the Chinese who first fired at the Indian forward picket and later overwhelmed by force the Indian outpost at Longju. This deliberate attack

in superior numbers on an Indian outpost could have no justification at all. However, even though Longju is undoubtedly Indian territory, the Government of India are prepared to discuss with the Chinese Government the exact alignment of the McMahon Line in the Longju area. The Government of India have also offered not to send their personnel back to Longju provided that the Chinese Government also would withdraw their forces. The Chinese Government have not so far replied to this offer.

**Note Verbale given to the Ministry of Foreign Affairs of China,
24 July 1959**

The Officer-in-Charge of the Indian check-post at Longju near the international border in the Subansiri frontier division of NEFA is seriously ill. It is essential to send immediate medical relief to save his life. The location of the post is: GRID reference: MJ 7924 Longitude 93.32 East Latitude 23.37 North.

The Government of India propose to paradrop a doctor at the post. Depending on weather, the paradropping operation may take place on 24th afternoon or one of subsequent days. The aircraft has been instructed to take all care not to cross into the Chinese territory but the Chinese Government are being informed should there be any error of judgment. The Government of India would appreciate if immediate warning is issued to the neighbouring Chinese posts of this operation.

**Note given to the Counsellor of India by the Ministry of
Foreign Affairs of China, 7 September 1959**

Recently, Indian aircraft have incessantly intruded into China's air space above the Tibet Region and the south-western part of Sinkiang, circling and carrying out reconnoitering activities within Chinese territory. The main facts are as follows:

1. From 10.45 to 11.00 hours on July 14, 1959, a double-engined Indian aircraft intruded into China's air space above Chekchar, in the eastern part of Tibet, and the area to its southwest.
2. At 10.00 hours on July 14, 1959, an Indian jet plane intruded into China's air space above the Amtogar area, in south-western part of Sinkiang.
3. From 12.36 to 12.44 hours on July 15, 1959, an Indian transport aircraft intruded into China's air space above Tsona Dzong, in the eastern part of Tibet.
4. At 10.25 hours on July 22, 14.25 hours on July 29, and 10.50 hours on August 3, 1959, each time a double-engined Indian aircraft intruded into China's air space above Sunggu, Sama and other places in the Tsayu (Rima) area.
5. From 10.16 to 11.10 hours on August 22, 1959, a double-engined Indian aircraft intruded into China's air space above Migyitun, Checkchar, Raorang and other places, in the eastern part of Tibet.
6. From 11.20 to 11.30 hours, at 16.30 hours, and from 22.00 to 22.15 hours on August 26, 1959, each time a double-engined Indian aircraft intruded into China's air space above the Migyitun area.

The Ministry of Foreign Affairs of the People's Republic of China lodges a serious protest with the Indian Government against these serious incidents of Indian aircraft repeatedly violating China's territorial air and endangering peace in the border areas.

Note given by the Counsellor of India to the Ministry of Foreign Affairs of China, 14 September 1959

The Embassy of India presents its compliments to the Ministry of Foreign Affairs of the Government of the People's Republic of China and has the honour to transmit the following from the Government of India:

The Government of India have seen the memorandum handed over to the Indian Embassy in Peking on September 7th, 1959 by the Deputy Director of the Asian Division on the alleged violation of Chinese territorial air by Indian planes. The Government of India have had enquiries made into the six instances mentioned in the memorandum. They are satisfied that in not a single case did any Indian plane trespass into Chinese territory. They have already repudiated more than once the allegations about the violation of Chinese air space by Indian planes which were engaged in a supply dropping mission to the encircled outpost at Longju.

The Embassy of India takes this opportunity to renew to the Ministry of Foreign Affairs of the Government of the People's Republic of China the assurances of its highest consideration.

Memorandum given to the Embassy of India by the Ministry of Foreign Affairs of China, 16 September 1959

From 14.00 to 14.30 hours on August 30, 1959, a double-engined Indian aircraft intruded into China's air space above the Migyitun area in the southeastern part of Tibet; and at 12.57 hours on September 2, 1959, a double-engined Indian aircraft again intruded into China's air space above the Lake Pangong area in the western part of Tibet. The Ministry of Foreign Affairs of the People's Republic of China lodges a second serious protest with the Indian Government against these serious provocations of Indian aircraft repeatedly violating China's territorial air and endangering peace in the border areas.

Memorandum given by the Embassy of India in China to the Ministry of Foreign Affairs of China, 29 September 1959

Careful investigations have been made regarding the alleged violation of Chinese air space mentioned in the Note presented by the Chinese Foreign Office to the First Secretary of the Indian Embassy on the 16th September 1959.

No Indian aircraft either civil or military was within the neighbourhood of the Chinese frontier on the dates mentioned in the Chinese memorandum. It may, however, be mentioned that an aircraft of Aeroflot on its Delhi-Tashkent service may have been passing over the Lake Pangong area at about 08-00 IST on the 2nd September 1959.

There is no question of Indian aircraft endangering peace in the border areas. Indian aircraft engaged on their normal duties in Indian territory have strict instructions not to cross the international frontier, and the Government of India are satisfied that the allegations in the Chinese Government's Note are unfounded.

Note given to the Counsellor of India by the Ministry of Foreign Affairs of China, 7 September 1959

According to the report of the Naval Command of the Chinese People's Liberation Army, on August 9, 1959, the Indian LST Magar on its way to Hongkong, instead of taking the international route south-east of Hongkong and east of the Tankan Islands, unlawfully intruded into China's territorial sea from the direction south-west of the Wansan Islands outside the mouth of the Pearl River in Kwangtung, China, and sailed through the waterway west of the Chiapeng and Tankan islands of China. When the Chinese coast guard units discovered the Indian LST Magar intruding into China's territorial sea, they twice signalled at 06-11 hours of that day, warning the LST to leave Chinese territorial sea. The Indian LST, however, did not pay any attention and forcibly passed through. On account of the following circumstances, the Chinese Government cannot deem this incident of violating China's sovereignty over its territorial sea by the Indian LST Magar as fortuitous:

1. In July 1958, when the Indian cruiser Mysore was on its way for a friendly visit to Shanghai, China, it also unlawfully intruded into China's territorial sea on July 14, sailing through the waterway west of the Chiapeng and Tankan Islands. At the time, the Chinese coast guard units signalled four times, yet the cruiser did not pay any heed. The Chinese Government out of goodwill regarded that incident as one of the nature of incursion by mistake, and therefore did not raise the matter with the Indian Government. Now, however, the Indian LST Magar again intruded into China's territorial sea instead of taking the international route always followed by ships of other countries, paying no heed to the warnings served by the Chinese coast guard units. This can hardly be explained away again on the excuse of incursion by mistake.

2. In recent months, Indian troops have repeatedly intruded into the south-eastern part of the Tibet Region of China and occupied Chinese

territory at Tamaden and Shatze, and even carried out armed provocations against the Chinese troops in the Migyitun area. At the same time, Indian aircraft also continually intruded into China's territorial air above this part of the Region. Thus, the Chinese Government cannot but consider the intrusion into China's territorial sea by the Indian LST Magar as a part of India's planned military provocations against China from the ground, air and sea.

In view of the above, the Chinese Government cannot but take a serious view of the incident of intrusion into China's territorial sea by the Indian LST Magar. The Chinese Government asks the Indian Government to take effective measures to ensure against similar incidents in the future.

Note given by the Counsellor of India to the Ministry of Foreign Affairs of China, 13 September 1959

The Embassy of India presents its compliments to the Ministry of Foreign Affairs of the Government of the People's Republic of China and has the honour to transmit the following reply from the Government of India in reply to the memorandum handed over to Mr. M. K. Kannampilly, Counsellor of the Indian Embassy, Peking, on the 7th September 1959 by the Deputy Director of the Asian Division of the Ministry of Foreign Affairs:

The Government of India have seen the memorandum given to the Indian Embassy, Peking, by the Chinese Government on September 7th, 1959. They have investigated the complaint in the memorandum about the violation of Chinese territorial waters by the Indian Navy ship Magar. I.N.S. Magar was on its way to Japan to bring back some stores for the Government of India. It is not yet back home, but we have received a signal from Magar to say that the route which it took in approaching Hongkong passes west of Chipang and Tankan Islands. This route is an

internationally recognised approach to the Hongkong port and is mentioned as such in the China Sea pilot, Volume I, page 454. There was no previous information that the Chinese Government had placed any restriction on the use of this channel. The Government of India have ascertained that on no occasion was the I.N.S. Magar challenged by the Chinese coast guard as alleged by the Chinese Government. On the 7th August, while the ship was passing 30 miles off the coast of Hainan island it sighted a ship showing no lights and challenged it. The latter answered back saying that it was a Chinese warship but did not disclose its name. I.N.S. Magar gave the international call sign and no further questions were asked. No other incident took place during the passage of the ship through the aforementioned channel or elsewhere. There was therefore no question of I.N.S. Magar forcibly passing through the channel. However the Government of India have issued instructions to I.N.S. Magar to avoid using this channel on the return voyage and to keep well clear of the Chinese territorial waters.

2. The Government of India are surprised to see the complaint about the alleged violation of Chinese territorial sea by I.N.S. Mysore. As the Chinese Government are aware, Mysore was on a goodwill mission to China and the Government of India are satisfied on enquiry that at no time did the ship receive any signal from the Chinese coast guard as stated in the memorandum of the Government of China. It is regrettable that the Chinese Government should have brought forward an allegation against Mysore which was on a goodwill visit to their country, more than a year after the conclusion of the visit. It is still more regrettable that the Chinese Government should have connected the use of the channel in good faith by I.N.S. Magar with a goodwill visit paid to China by I.N.S. Mysore thereby to build up a case of violation of Chinese sovereignty over its territorial waters by two successive Indian ships.

3. As the Government of India have stated in their previous notes, there is no truth in the Chinese allegation of intrusion into Chinese territory by Indian troops on the North East Frontier Agency border or of armed

provocations against the Chinese troops in the Migyitun area. Similarly, our planes were on a supply-dropping mission to the Indian outpost at Longju which was encircled by Chinese forces. The planes had strict instructions to keep within Indian territory and the Government of India are assured that the instructions were observed.

4. The Government of India deplore the attempt in the Chinese memorandum to connect the innocent passage of an Indian ship off the coast of Hongkong with the use of Indian air space by Indian planes hundreds of miles away. The suggestion is unworthy and the Government of India cannot accept it.

The Embassy of India takes this opportunity to renew to the Ministry of Foreign Affairs of the Government of the People's Republic of China, the assurances of its highest consideration.

Memorandum given to the Counsellor of India by the Ministry of Foreign Affairs of China, 20 October 1959

According to the report of the Naval Command of the Chinese People's Liberation Army I.N.S. Magar which intruded into China's territorial sea on 9th August 1959 again made intrusion into China's territorial sea on 16th September on its way from Hongkong to Singapore. At 11-35 and 15-10 hours on 16th September the ship made unlawful intrusions 5.5 nautical miles deep into China's territorial sea east of the Chiapeng and Tankan Islands at the point 22.8 minutes 22 seconds N, 114.24 minutes 30 seconds E and 21.48 minutes 37 seconds N, 114.18 minutes 9 seconds E. The Chinese coast guard unit issued light and flag signals 15 times warning the ship to leave Chinese territorial sea yet it did not pay any attention or heed.

The Chinese Government must point out once again that the intrusions of Chinese territorial sea by I.N.S. Magar on 9th August 1959 and by I.N.S. Mysore on 14th July 1958 in disregard of the repeated warnings of the Chinese coast guard unit were wholly indisputable facts. Yet the Government of India in its reply note dated 13th September 1959 denied these facts and even cited the so-called China Sea Pilot published by the British Admiralty before the liberation of China as the basis for asserting that the waterway west of the Chiapeng and Tankan Islands is "an internationally recognised approach to the Hongkong Port". The Chinese Government cannot but express its surprise and regret at such an allegation which ignores the facts that China has already freed itself from the imperialist bondage and become a completely independent Sovereign State and although the Government of India indicated in its note that it had issued instructions to I.N.S. Magar to avoid using this channel on the return voyage and to keep well clear of the Chinese territorial sea the ship again intruded into Chinese territorial sea at another place on 16th September. This can only show that the Government of India have not taken any effective measures to stop its naval ships from unfriendly acts of repeated violation of China's sovereignty over its territorial sea. In view of this the Chinese Government cannot but make a protest and once again asks the Government of India to guarantee against similar incidents.

Memorandum given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 29 October 1959

The Government of India have seen the Chinese Government's memorandum of the 20th October, 1959, regarding the visit of I.N.S. Magar to Hongkong on her return voyage from Japan. They can only express their surprise and regret that the Chinese Government should

have chosen to send yet another protest against the passage of an Indian ship which, as the Chinese Government had been informed beforehand, was engaged on an innocent supply carrying mission.

The Chinese Government are aware that the Hongkong harbour lies within two miles of the Chinese main land. It is not possible for any ship to approach Hongkong without coming within 12 miles from the Chinese main land or one of the Chinese islands lying off the coast of South China. In view of the objection raised by the Chinese Government in their earlier memorandum of 7th September, 1959, the Government of India had issued strict instruction to I.N.S. Magar to approach and leave Hongkong harbour not through the south-western approach but the western approach channel, although this meant the ship's following a somewhat circuitous course.

It is correct that in the first position mentioned in the Chinese note the ship was within 6.8 miles from the nearest Chinese island of Tankan Shan in the Lima Chuntao group, but as already stated, no ship could leave Hongkong harbour without coming within the 12 mile limit imposed by China. Further, the Government of India are advised that at the second position, the ship was beyond the 12 miles limit from the island of Erh Chou in the same island group. The Government of India are informed by the officer commanding that the ship was never challenged by light and flag signals as stated in the Chinese Government's memorandum.

The Government of India would like to point out that although the China Sea Pilot has been compiled by the British Admiralty, it is generally recognised and internationally used as an aid to navigation for the use of mariners. In this case since the ship was visiting the British Port of Hongkong, this publication had to be relied on for a correct channel of exit from the port. The Government of India have no knowledge of any official Chinese publication for the guidance of ships sailing in the neighbourhood of Chinese territorial waters; and they cannot, therefore, understand the reference to "imperialist bondage" in this context.

Previous intimation had been given to the Chinese Government that the I.N.S. Magar was carrying a consignment of stores to India from Japan. In the geographical situation of Hongkong, it was impossible for any ship to call at that port without coming within the 12 miles from the nearest Chinese islands off the coast. The Government of India are, therefore, surprised that the Chinese Government should have regarded the innocent passage of the ship as an unfriendly act and, in the circumstances stated above, there should be no question of violation of the Chinese sovereignty over its territorial waters.

Note given by the Counsellor of China in India to the Ministry of External Affairs, 5 September 1959

On the morning of August 26, 1959 an Indian policeman, without giving prior notice to the Chinese Embassy and obtaining its permission, went on a bicycle into the courtyard of the residence of the Chinese Ambassador Mr. Pan Tzu-li, which is situated at No. 28, Prithviraj Road, New Delhi, and found Mr. Shediling, an Indian gardener employed by the Embassy, for a talk. On the morning of August 27, an Indian policeman and an officer again made an intrusion into the backyard of the Ambassador's residence, and on the afternoon of the same day, another Indian plain-clothed policeman once again intruded on a bicycle into the backyard of the residence, talked with Mr. Shediling and left together with him.

The Embassy deems it necessary to point out to the Ministry of External Affairs of India that, for whatever purpose the Indian policemen might think it necessary to enter the Ambassador's residence, the three successive arbitrary intrusions into the residence by them constitute a serious encroachment upon the privileges of the Chinese diplomatic envoy. Regarding this, the Embassy lodges a protest with the Ministry of External Affairs, and demands that the Government of India immediately

adopt effective measures to guarantee against recurrence of any similar incidents in the future.

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 19 September 1959

The Government of India have investigated the facts mentioned in the Chinese Embassy's note of the 7th September, 1959 regarding the visit of Indian Policemen into the compound of the residence of the Chinese Ambassador at 28, Prithviraj Road.

The Police authorities of the nearby Police Station at Tuglak Road had received a complaint relating to the disappearance of a lady named Shrimati Sakuntala. It was alleged that Siri Ram (not Mr. Shedling as referred to in the Chinese Embassy's note), was in some way implicated in the matter. A police official visited the servant's quarters on the 26th afternoon with a view to contact Siri Ram to investigate the complaint. Since, he was not available, another official proceeded to the servants' quarters to contact him on the following day. As a result, Siri Ram went to the Police Station to make a statement in this connection. No further visit was made by any police official to the Ambassador's residence. The Police official had only proceeded to the servants' quarters in pursuance of a complaint completely unrelated to the functioning of the Embassy or the nature of duties assigned to Siri Ram at the Ambassador's residence.

The Government of India regret that the Police Officer had visited the servants' quarters without seeking the permission of the Ambassador. This was, however, done through an erroneous impression that since the servants' quarters were inhabited only by Indian nationals and the complaint was unrelated to Embassy's work, there would be no objection to the visit. The Police Officials concerned regretted their unintentional lapse. Fresh instructions have been issued that no Police Official will enter

the premises of the Embassy or the Ambassador's residence without the formal permission of the Chinese Embassy in New Delhi.

Note given by the Ministry of External Affairs, New Delhi, to the Counsellor of China in India, 24 September 1959

The Government of India have already had occasion to point out to the Embassy of the People's Republic of China that they cannot permit a diplomatic mission accredited to the Government of India to publish or circulate any material critical of the Government of India's policies or Ministers of the Government in India. The only exception which is made as a matter of courtesy is in respect of official statements of the Government of the country which is represented by the Mission. This was made clear to the Counsellor of the Chinese Embassy at New Delhi on the 3rd June

1959 with reference to the article entitled "Revolution in Tibet and Nehru's philosophy", which had appeared in the Peking Review of the 6th May 1959, and reprinted subsequently in China Today.

2. The attention of the Government of India has now been drawn to issues No. 39 and 41 of China Today published by the Embassy of the People's Republic of China at New Delhi. In these bulletins, the Embassy have not only reproduced the texts of speeches made by Premier Chou En-lai and the Foreign Minister Marshal Chen Yi and the resolution passed by the Standing Committee of the National People's Congress but have also reprinted articles which appeared in the People's Daily on the 12th and 16th September and so-called factual data on the Sino-Indian boundary question.

3. While the Government of India raise no objection to the publication in India of official statements of the Chinese Government, even though they are critical of the Government of India, they cannot but express their surprise and regret that despite the previous warning, the Embassy

should again have published articles critical of the Indian Prime Minister and the Government of India's policy. The Indian Embassy in Peking has scrupulously avoided reprinting any articles from Indian newspapers or speeches of Indian political leaders other than Government spokesmen, which are critical of the People's Republic of China and her policies, in the official bulletins issued by the Embassy's information services

4. The Government of India ask once again that the Embassy should refrain from publishing in its bulletin any material of whatsoever kind critical of India's policies unless they are official statements by the Government of China.

Memorandum given to the Counsellor of India by the Ministry of Foreign Affairs of China, 23 October 1959

The Ministry of Foreign Affairs of the People's Republic of China have received the verbal note handed over by Mr. Mehta, Deputy Secretary of the Indian Ministry of External Affairs, to Counsellor Yeh Chen-Chang of the Chinese Embassy in India on 24th September, 1959 and have the honour to reply as follows:

The Chinese Government holds that the news bulletin issued by the Chinese Embassy in India has been consistently publicizing China's foreign policy of peace and China's achievements in various fields of construction, the purpose being to enhance the Government of India's and people's understanding of China and thereby promote the friendly relations between the two countries. The Chinese Government wishes to point out with satisfaction that throughout the years the news bulletin of the Chinese Embassy in India have played a very good role in this regard.

In accordance with the above-mentioned consistent policy followed in the issuance of the news bulletin, this publication of the Chinese Embassy in

India carried some articles and material concerning the Tibet question and the Sino-Indian boundary question. The following articles and material: the article "The Revolution in Tibet and Nehru's Philosophy" by the Editorial Department of Renmin Ribao 6th May 1959, the editorial "The truth about the Sino-Indian boundary question" of the Renmin Ribao 12th September, the editorial "Our Expectations" of the Renmin Ribao 16th September and the material on the Sino-Indian boundary question published by the Hsinhua News Agency 16th September referred to by the Government of India like other material concerning these two questions carried by the news bulletin of the Chinese Embassy correctly related the historical background and the current actual position of the two questions and were of help in enhancing the understanding of the truth of the situation and the stand and viewpoint of the Chinese Government and people on these questions by the Government of India and people. It was entirely proper and necessary for the bulletin to carry the above-mentioned articles and materials which were transmitted by Chinese State News Agency. The Chinese Government cannot see how the carrying of these articles and materials by the Embassy bulletin can in any way adversely affect Sino-Indian friendship and thus be subjected to censure.

The Chinese Government notes with regret that contrary to the news bulletins issued by the Chinese Embassy in India the news bulletins issued by many Indian Embassies in Foreign countries failed to pay full attention to the maintenance of Sino-Indian friendship and strictly abide by the principle of non-interference in the internal affairs of other countries. The news bulletins of many Indian Embassies abroad widely carried the several so-called statements of the Dalai Lama. The news bulletins of the Indian Embassy in Indonesia, Afghanistan and the U.A.R. further carried ill-intentioned commentaries of some Indian newspapers on the so-called statements of the Dalai Lama. The news bulletin of the Indian Embassy in Afghanistan even carried an article on the Tibet question written by British Labour Party leader Bevan. What is particularly surprising and

regrettable is that the news bulletins of the Indian Embassy in Burma entirely took, on the Tibet question, an attitude of hostility towards China and interfering in China's internal affairs. The following are some of the contents and headings carried in the bulletins of that Embassy:

Number 68 (20th April) carrying the so-called "statement of the Dalai Lama" under the heading "Dalai Lama sought sanctuary in India voluntarily and not under duress, China dishonoured 17 Point Agreement on Tibetan Autonomy."

Number 71 (23rd April) carrying the so-called "second statement of the Dalai Lama" under the heading "Chinese news agency circulates pure bunk."

Number 72 (24th April) carrying a so-called Indian political observer's commentary on the statement of Panchen; under the heading "Panchen Lama only echoes his master's voice. Peking throws India-China friendship in jeopardy."

The Chinese Embassies in the above countries returned the news bulletins issued by the above-mentioned Indian Embassies abroad which carried the so-called "statements of the Dalai Lama" and ill-intentioned commentaries and pointed out in the covering letter that such action was far from consistent with the Five Principles and Sino-Indian friendship. Chinese Ambassador to India Pan Tzu-Li in his written statement to Foreign Secretary Dutt of the Indian Ministry of External Affairs on 16th May 1959 also pointed out that it was very difficult to consider this line of action of the Government of India as in conformity with well-known international practice. The Government of India have failed to give a satisfactory reply, but on the contrary raised untoward censure against the news bulletin of the Chinese Embassy in India. The Chinese Government cannot but express its deep regret.

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 30 October 1959

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and have the honour to refer to the note presented by the Ministry of Foreign Affairs of the Government of the People's Republic of China on the 23rd October, 1959, to the Embassy of India in Peking. The Government of India have to state with regret that they cannot accept the Chinese Government's note as a satisfactory reply to the Indian note of the 24th September, 1959.

2. As the Government of India have stated in their earlier note, according to international usage and diplomatic courtesy, a foreign mission is not entitled to publish in its bulletins any statement or comment which is critical of the official policies and declarations of the government to which the mission is accredited. The only exception which some governments permit is the inclusion in the official bulletin statements of government leaders and official press notes issued by the government of the country which the mission represents. This usage is expected to be observed by all missions but in case a particular mission offends against this usage and violates this courtesy, the receiving government is entitled to draw the attention of the offending mission to this lapse and ask it to desist from the circulation of the objectionable material. It is for the Government of India to decide whether a foreign mission accredited to them has overstepped the limits of diplomatic courtesy and international usage in a matter of this kind and they must state that they cannot accept the judgment of the Government of the People's Republic of China. The Government of India must, therefore, ask once more that the Embassy of the People's Republic of China in Delhi and other Chinese posts in India, should desist from publishing in their official bulletins any material other than official statements of the Chinese Government, which

is critical of the official statements, policy and actions of the Government of India.

3. As the Chinese Government must be aware, the Embassy of India in Peking and other Indian posts in China scrupulously observe the correct international usage in this regard. They have never included in their bulletins any comments or quotations from the press or other unofficial sources which are critical of the Chinese Government.

4. The Government of India cannot accept the complaint of the Chinese Government that they have transgressed the limit of accepted international usage or diplomatic courtesy in the bulletins published by Indian missions in some other countries. In any case, it is not for the Government of the People's Republic of China to decide whether Indian official news bulletins in a third country have exceeded the limits of propriety. The Government of India are not aware of any complaint against any Indian mission from the governments of other countries. The Government of India are not, therefore, called upon to explain to the Chinese Government contents of Indian news bulletins published by Indian missions in other countries. For the same reason they did not wish to refer to the attempts made by several Chinese diplomatic missions to create prejudice against India in some foreign countries by wide and organised circulation of Hsinhua news releases and other comments widely critical of India. They would, however, like to state, with reference to the inclusion of the Dalai Lama's statement in the news bulletins of some Indian missions abroad, that the Government of China had made baseless allegations in regard to the responsibility of the Indian Government for the events in Tibet. The Chinese Government had alleged, without any basis whatsoever, that the Dalai Lama was under duress in India and that Indian officials were in some unexplained way responsible for Dalai Lama's first statement on Indian soil. The publication of the Dalai Lama's statement enabled opinion in other countries to decide whether it was a spontaneous statement or a statement made under

duress or instigation. The Government of India, of course, did not and do not take any responsibility for any of the statements of the Dalai Lama.

5. The Government of India would also like to point out that they allow a far greater latitude to the Chinese missions in India in regard to the publication of their bulletins and the discharge of their functions generally than is permitted to the Indian representatives in China. For example, only recently the Foreign Bureau in Yatung objected to, and returned to the Indian Trade Agent, a bulletin distributed by the Indian Trade Agency. It merely contained reproduction of the statements of the Prime Minister of India; it scrupulously avoided inclusion of unofficial comments in India critical of or in disagreement with Chinese policy or actions. The Chinese authorities' action in objecting to the circulation of the bulletin can be contrasted with the right which they claim to circulate in India, without any restriction, unofficial and miscellaneous statements critical of the Government of India.

6. The Government of India wish to make it clear that they fully reserve the right to object to the circulation of any material within India, which is critical of the Government of India, by Chinese missions, either direct or indirect, and to take appropriate action to enforce compliance with what they consider to be correct international usage and diplomatic courtesy in this regard.

The Ministry of External Affairs avail of this opportunity to renew to the Embassy of the People's Republic of China the assurances of their highest consideration.

Memorandum given by the Ambassador of India to the Ministry of Foreign Affairs of China, 11 July 1959

Reports have been received from the Indian Consulate-General and Trade Agencies in the Tibet Region of China that since the recent disturbances there various difficulties have been placed in the functioning

of the posts and in the legitimate activities of Indian traders, pilgrims and nationals. Two of these difficulties are of a nature which require urgent attention.

The first relates to the status of Indian nationals in Tibet. As is well-known, Indian nationals particularly Lamas and Muslim traders from Ladakh have been resident in the Tibet region from before the conclusion of the 1954 Sino-Tibetan Agreement. Preceding that Agreement, travel between Ladakh and Tibet was free. Travellers between the two regions were not then required to possess travel papers or identity certificates. Indian Lamas and traders (now resident in Tibet) thus arrived in the Tibet region without travel papers. Although they have been earning their livelihood in Tibet or been attached to monasteries for year, they have traditionally been treated as foreigners. It is known that between four to six hundred lamas who travelled as pilgrims before and after the 1954 Agreement were studying in Tibetan monasteries. Until the recent disturbances local regulations of the region did not require them to register or hold special identity certificates. It now seems that the local authorities in Tibet have raised questions about the national status of these Indian residents in the Tibet region. In view of the circumstances in which these persons arrived and lived in the Tibet region, the Government of India request the People's Republic of China either to maintain the position which existed prior to the present regulations, namely, to allow these Indian nationals to be in the Tibet region without travel papers (passports), or if all foreign nationals are now compulsorily required to possess passports to inform the Government of India definitely on the point so that arrangements could be made to issue passports to Indian nationals resident in Tibet region who hold no passports. If passports are now required, the Government of India would trust that no impediments would be placed in Indian residents obtaining visas or registering with their Consulate-General.

2. The second difficulty relates to the reconstruction of the Indian Trade Agency at Gyantse. While permission has been accorded to the Government of India for the reconstruction of the Trade Agency at Gyantse, there appears to be a lack of helpful co-operation on the part of the local authorities and the work of construction is being impeded. In the last fortnight on two occasions the construction site has been used for firing practice, much to the alarm of the labourers.

In addition, the local authorities have not been helpful in providing the transport required for the construction. In 1957-58 they were requested to accord permission to the use of two trucks and a jeep by the engineering staff to facilitate construction of the building. In according permission to the use of the Agency jeep by the engineering staff they desired that the two trucks required for the carriage of stores might either be hired from private owners or from the local Transport Department. Now the local Foreign Bureau is not agreeable to the exclusive use of the jeep by the engineering staff, and as for the trucks, they have stated that none is available owing to other pressing needs. As trucks are no longer available on hire, the Government of India request that permission be given for the plying of a jeep with trailer under the authority of the Trade Agent, but with the principal purpose of helping the engineering staff in the construction work. As for trucks it is requested either the Transport Department should meet the requirement or the Government of India permitted to import their own trucks from India for the purpose of construction.

The Government of India would appreciate to receive the helpful co-operation of the authorities concerned for the speedy construction of the Trade Agency building at Gyantse.

Memorandum given by the Ambassador of India to the Ministry of Foreign Affairs of China, 14 August 1959

The Government of India have received further reports of difficulties that are being encountered by its representatives and nationals in the Tibet Region of China. The following is a summary of these reports:

The reconstruction of Indian Trade Agency in Gyantse and protective works remain at standstill. Meanwhile, Chinese authorities are insisting on demolition of spurs and have constructed a spur from the opposite bank diverting the main current towards the site on which the Trade Agency stands. In the absence of any protection, the embankment will be further scoured.

Because of restriction imposed on movements and the absence of guarantees for safety of the official bags, the courier service remains suspended. Bags and mail are accumulating in every post.

Recently in Gyantse the local bureau suggested that non-Tibetan class IV servants who had come on traders' certificates should go back to India and return with duly visaed passports. The Indian Trade Agent has proposed but without reply so far, the issue of passports to them locally. If this staff has to go back to India there will be unnecessary dislocation caused by delay in their return to Gyantse.

The Consul-General in Lhasa reports that members of the staff are shadowed even when they go for normal shopping and other purposes.

No reply has yet been received to the representation regarding Kashmiri Moslems. Meanwhile, it is reported that one Kashmiri Moslem who refused to attend a meeting on the 6th August was arrested and two to three hundred of his compatriots went in protest to the Foreign Bureau. About fifty to sixty Kashmiri Moslems who later endeavoured to come to the Indian Consulate were prevented by the Chinese guards at the point of weapons.

It is reported that five cobblers who are Indian nationals are held up in Gyantse and two cobblers and two Sikkimese drivers in Yatung are similarly awaiting permission to return to India.

Trade is declining and restrictions on movement of Indian traders continue.

The Government of India have to point out with regret that instead of improvements as a result of representations the restrictions continue and in fact have increased. The Government of India would urge once more that the same facilities be granted to its posts and nationals in the Tibet Regions as are enjoyed by the Chinese trade posts and nationals in India.

Memorandum given to the Embassy of India by the Ministry of Foreign Affairs of China, 21 August 1959

In 1953 the Embassy of India proposed to the Ministry of Foreign Affairs that the staff members of the Embassy be allowed to assume the duty of temporary diplomatic courier and requested the Ministry of Foreign Affairs to grant them permission to hold diplomatic passports because as temporary couriers they frequently came across difficulties on their way from China to India. Taking into account the friendly relations between China and India and the difficulties on the Indian side, the Ministry of Foreign Affairs agreed as an exceptional case that the staff members of the Embassy may carry diplomatic passports when assuming the duty of diplomatic courier.

But later, the Embassy extended the personnel assuming temporary courier duty to the staff members of the Consulate General in Shanghai and recently the staff members of the Consulate General of India in Lhasa also held diplomatic passports on courier duty. This is not in line with the spirit of the original agreement between the two parties. In order to give considerations to the convenience on the Indian side, the Ministry of Foreign Affairs agrees not to change for the time being the practice of the staff members of Consulate General acting as temporary couriers. The Ministry of Foreign Affairs, however, put forward two requests as follows:

1. There must be a fixed number of staff members who assume the duty of temporary courier. And with a view to facilitating the arrangements for the visas of the courier the Embassy is requested to give the Ministry of Foreign Affairs a copy of the name list of those staff members who often assume the duty of temporary courier, including name, date of birth and passport number.

2. When the staff members of the Consulate General of India in Lhasa assume the courier duty, it is not necessary for them to hold diplomatic passports, because there the border between China and India is closely adjoined. With service passport and the certificate for temporary couriers endorsed by the Foreign Affairs Bureau, the bags will be exempted from examination.

Memorandum given by the Ambassador of India to the Ministry of Foreign Affairs of China, 25 August 1959

The Government of India wish to draw the attention of the Government of the People's Republic of China to certain new regulations issued in the Tibet Region of China which have caused great hardship to Indian traders by altering the customary practice in the trade between the Tibet Region and India.

For a long time past and until this year commercial transactions between Indian traders and Tibetans inside the Tibet Region used to be settled in Indian or Tibetan currency. The pattern of trade was such that the value of exports from India generally exceeded the value of imports from Tibet, and the balance of payments in favour of Indian traders was settled by return to India of trade accumulations either in

- (a) Indian currency, or
- (b) Tibetan coins, or
- (c) Chinese silver dollars.

It may be mentioned that in recent years Chinese authorities had been giving permits for the export of Chinese silver dollars, and Indian traders used to bring their accumulated reserves with them into India. The Government of India also permitted the import of the silver dollars into India. The above was the most common method of adjusting the favourable balance of trade which India had with the Tibet Region.

In July this year, an official notification dated 15th July, 1959 was issued in the Tibet Region declaring Chinese paper currency as legal tender and standard money in the Tibet Region. Following this notification executive measures were taken by the local Chinese authorities to devalue the Tibetan currency in terms of the Chinese currency. This has adversely affected the value of the Indian currency.

Further, Indian traders were directed to exchange accumulations of Tibetan coins and currency held by them with Chinese currency at the new rate fixed for the latter. Reports from Yatung show that the local authorities have fixed the value of Tibetan coins in terms of Chinese paper currency in such a manner that the present value of one rupee is 25 Sangs whereas formerly the rate used to vary between 6 to 7 Sangs for a rupee. As an immediate result of this measure the value of Tibetan currency already acquired by Indian traders in the course of normal trading operations has depreciated by 75 per cent in terms of rupees. It is reported that the Chinese authorities at Yatung called all Indians on the 10th of August and directed that they should exchange all Tibetan coins and currency in their possession by the 11th of August at the exchange rate of one Chinese silver dollar to 75 Sangs. At this meeting, the Indian traders expressed their willingness to abide by the new regulations in future, but requested that they should be allowed to return to India their accumulated stock of Tibetan Sangs under previous terms. Their request was turned down by the local Chinese authorities. The Indian traders have represented that they should be permitted to take back into India the accumulated Tibetan coins, or exchange them into Indian rupees at the previous rate. This request seems to be fair because the traders

supplied goods to Tibet at the previous value of Tibetan Sangs and not at the new reduced value.

A report from Phari says that on the 13th of August Chinese authorities' confiscated Tibetan currency valued at Rs. 7,000/- (at the new rate of exchange) from Indian traders. The Indian traders were informed that these notes were forged in Kalimpong. There is absolutely no truth in this allegation. Moreover, no receipts were given for the currency which was confiscated. The Indian traders in Phari have registered their protest with the local authorities.

The Government of India wish to recall that the two Agreements signed between the Republic of India and the People's Republic of China in 1954 provide for the maintenance and development of border trade between the Tibet Region of China and India. It is true that the Sino-Indian Agreement of 1954 does not include any specific provisions as regards the currency in which trade is to be transacted or the manner in which the balance of payments between the two countries is to be adjusted. At the same time, this Agreement provides for the continuance of the customary trade between India and the Tibet Region of China and specifically provides for certain facilities to that end. Article VII of the Trade Agreement between the Republic of India and the People's Republic of China signed on the 14th October 1954 as amended by the exchange of letters in May 1957 provide as follows:

Para I-All commercial and non-commercial payments between the People's Republic of China and the Republic of India may be effected in Indian rupees.

Para IV-Payments for Border Trade between the People's Republic of China and the Republic of India will be settled according to the customary practice.

While the amended Article VII on the Trade Agreement lays down a detailed procedure for the purpose of facilitating payments between the two countries on account of commercial and non-commercial transactions (Part I) no specific procedure was laid down for the adjustment of the

transactions in respect of border trade between the two countries. These latter were to be settled according to customary practice (Para IV). As stated above, the customary practice was for the balance, which was generally in favour of the Indian traders, to be adjusted in Chinese silver dollars, Tibetan coins or Indian rupees, Indian rupees being a medium of payment in Tibet. Also the customary practice was to permit the Indian traders to take back to India accumulated reserves of Chinese silver dollars. Since the Indian traders had no previous intimation of the new orders relating to currency in the Tibet Region, the Government of India would request that the Indian traders be permitted to take with them the present accumulated reserves of Tibetan coins or Chinese silver dollars.

If the Chinese authorities are not willing to recognise the customary practice, the question can be considered later of how payments for Indo-Tibetan trade should be settled in future. Pending discussion between the two Governments on these and other related matters, it is requested that the customary practice should be allowed to continue and that arbitrary measures, such as, for example, demands for the exchange of the currencies already held by the Indian traders should not be enforced.

There is also one other matter to which the Government of India would like to draw the attention of the Government of the People's Republic of China. A report has been received from the Indian Trade Agent at Gartok that Indian traders at Taklakot have represented to him that the Chinese authorities have imposed a new tax at the rate of Rs. 8 per maund on wool purchased by them and are insisting on payment being made in Chinese silver dollars which are not available in the market. On account of this exchange difficulty, wool purchased so far by the Indian traders is detained at Taklakot. The imposition of the new tax may raise similar difficulties of payment in other Trade Marts also.

The Government of India would request that payment for the new tax in Indian currency may be accepted in terms of Article VII of the Indo-Chinese Trade Agreement of 1954 which has been extended till the end of this year. Alternately, Chinese silver dollars may be made available to the Indian traders to enable them to carry on their customary trade guaranteed in the Agreements of 1954.

Note given by the Embassy of India to the Ministry of Foreign Affairs of China, 29 August 1959

The Embassy of India presents its compliments to the Foreign Office of the People's Republic of China and has the honour to state as follows:

The Indian Trade Agent, Gartok, had to cross the border into Tibet through Lipulek Pass even though he had already gone to Niti Pass with a visa from the Chinese Embassy in New Delhi. The change entailed a 21-days continuous journey and great expenditure. In insisting that the Trade Agent should enter Tibet through Lipulek, the Foreign Office of the People's Republic of China has said that transport and other facilities required by him were stationed at Taklakot.

Owing to the change in the point of entry the Trade Agent reached Taklakot several weeks after his schedule. But he was not able to proceed further as no mechanical or animal transport was provided for him. The latest information is that the Secretary of the local Foreign Bureau has told the Trade Agent that motor traffic is still unavailable and that the Trade Agent would be informed when it is available. The Secretary of the local Foreign Bureau also told the Trade Agent that he should proceed direct to Gargunsa without halting on the way. This would mean a continuous journey of about 250 miles over rough roads. It would also mean that though the Indian Trade Agent would pass through Gartok, he will not be permitted to visit or halt there.

Gartok is the headquarters of the Indian Trade Agent according to the 1954 Agreement. As such the restriction now sought to be imposed on the Trade Agents visiting and halting at Gartok is understandable and is not in keeping with the agreement between the two countries.

The Trade Agent is already behind schedule for reasons explained earlier. It is therefore urged that the local authorities may be clearly instructed to give all necessary facilities to him to travel and complete his tour on customary pattern visiting and halting at Gartok and other usual places to enable him to assist Indian traders.

The Embassy of India avails itself of the opportunity to renew to the Ministry of Foreign Affairs of the People's Republic of China the assurances of its highest consideration.

Note given to the Embassy of India by the Ministry of Foreign Affairs of China, 11 September 1959

The Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Embassy of the Republic of India in China and has the honour to acknowledge receipt of the note of the Government of India transmitted on 25th July 1959, the aide-memoire handed over on 14th August 1959 and the aide-memoire handed over to Chang Wen-Cheng, Director of the First Asian Department of the Ministry on 11th July 1959 by H. E. Ambassador G. Parthasarathi and to take note of the interview between H.E. the Indian Ambassador and Vice Minister for Foreign Affairs Chi Peng-Fei on 3rd August 1959. The Ministry of Foreign Affairs of the People's Republic of China has also received the unofficial notes handed over by Mr. J. S. Mehta, Deputy Secretary of the Ministry of External Affairs of India to Counsellor Yeh Cheng-Chang of the Chinese Embassy in India on 8th and 24th July, 1959. Except for individual specific cases to be checked and confirmed, necessary investigations have been conducted by

the Chinese Government into the main question raised by the Government of India in the above-mentioned notes, aide-memoires and interviews regarding the various so-called difficulties encountered by the Indian Consular and Trade Organs and Indian nationals and pilgrims in Tibet in the past few months. According to the results of investigations conducted by the Chinese Government many things related by the Government of India are discordant with the facts, and its many demands are in contravention of the Sino-Indian Agreement on Trade and Intercourse between the Tibet region of China and India and, therefore, its various complaints against the Chinese local authorities in Tibet are unjustified. The Ministry hereby has the honour to give the principal facts of the questions raised by the Government of India and the views of the Chinese Government as follows.

1. Regarding the Indian Trade Agency in Gyantse:

(i) The Chinese local authorities in Tibet have always shown concern for and given assistance in the reconstruction of the Indian Trade Agency in Gyantse. After the destruction of the building of the Trade Agency by flood, the Tibetan local authorities rendered active assistance in regard to the Agency's request for renting land. For a period of time, however, the Agency delayed the choice of the land it would rent. Later the agency decided to rent the land at its original site and the local authorities agreed to this. Although the Agency has not up to now signed a new lease with the owner of the land the local authorities gave approval for the Agency to proceed with the reconstruction work before the completion of the lease procedures.

(ii) On the question of construction of protective works as asked for by the Agency, the Tibet local authorities have agreed in principle to their construction on condition that they do not affect present and future local public projects. Yet the protective works plan made by the Agency directly endangers the security of the bridge and highway nearby. For this reason

the Tibet local authorities have more than once indicated their wish-the latest on 2nd June 1959 by the Office of the Bureau of Foreign Affairs in Gyantse-that the Agency could make suitable modifications in the plan. The Agency, however, not only did not heed this wish, but peremptorily started construction work without obtaining the concurrence of the local authorities. After their repeated advice for halting the work proved to be of no avail, the local authorities could not but come out to stop it and ask the Agency itself to pull down the parts already constructed.

(iii) On the question of transport facilities asked for by the Agency the Tibet local authorities have all along done their best to render assistance. The local authorities agreed that Agency could hire the truck it needed from private owners or local transportation organs. It should not be difficult to understand that it is practically unavoidable in the present concrete conditions in Tibet, if the Agency should for the present encounter certain difficulties in hiring trucks from private owners or transportation organs owing to other pressing local needs. The Chinese Government is, however, convinced that with the lapse of time, the situation will improve gradually. As to the Agency's request to import its own trucks, the Chinese Ministry of Foreign Affairs already informed the Indian Embassy in 1957 that no foreigner-owned truck is allowed to carry on long-distance transportation over highways in Tibet.

(iv) It is found that a Chinese driver employed by the Agency was indeed detained by the local authorities. The reason was that the driver failed to pass the local driving tests and obtain a driving licence. Yet the Agency, ignoring the local traffic regulations and the repeated advice of the local authorities, insisted on the driver driving at will without licence. Under these circumstances the local authorities could not but detain the driver. But after admitting his error, he has been released. The Agency's truck was not withheld, however. It is not difficult to see from these simple facts that it is not the local authorities that created difficulties for the

Agency, but the Agency that failed to respect the regulations laid down by the local authorities.

(v) It is satisfied that the units of the Chinese People's Liberation Army stationing in Gyantse have never carried out firing practice and shooting on the site of the Agency. They have conducted their regular practice on their own camp ground. The Chinese Government cannot but express its surprise and regret at the unreasonable intervention by the Government of India in raising objection to this and without any ground describing it as aimed at intimidating the workers hired by the Agency.

(vi) Regarding the present temporary accommodation of the Agency, the local authorities know nothing about the inability of the Agency to renew the lease. The Agency recently made a request to the local authorities for renting a certain number of houses in addition to the more than ten premises already rented. Owing to the present housing shortage in Gyantse, the local authorities are unable to give it any further assistance.

2. Regarding the repair and maintenance of the building of the Indian Trade Agency in Yatung:

It is satisfied that the Yatung local authorities have never interfered with the repair and maintenance of the building of the Indian Trade Agency in Yatung. The Agency, however, on more than one occasion when it built and reconstructed its premises, failed to report to the local authorities and obtain their approval as required by the lease contract. This has been brought to the Agency's attention by the local authorities. Recently the Agency formally informed the local authorities of its intention of expanding the library and constructing a table-tennis room, kitchen, bathroom, storage room and other buildings, and obtained approval for this. Obviously, the allegation of the Government of India that the Agency has encountered difficulties in the repair and maintenance of its building

is not in conformity with the facts. It must be pointed out that the Agency has failed to respect the regulations laid down by the local authorities, not only in the construction and reconstruction of buildings, but also in other respects. For instance, according to the regulations laid down by the local authorities, the primary school attached to the Agency should confine its enrolment to children of the Indian staff members of the Agency and other Indian nationals, and should not enrol Chinese pupils. Yet the Agency has, in violation of the regulations, persisted in enrolling Chinese pupils. Again, the doctor specially serving the Agency has at the same time been taking outside patients. This is also not permitted by the local authorities.

3. Regarding the so-called "restrictions on movement":

The personnel of the Indian organs in Tibet have all along enjoyed normal freedom of movement in Tibet which has never been restricted by the Tibetan local authorities, nor has the Tibetan Military Control Commission up to now issued any order to this effect. But, as the Government of India are aware, Tibet is now in a period of military control, and sometimes the local authorities have to give necessary advice to the personnel of the Indian official organs in regard to their movement out of considerations for their safety. Out of these considerations, the local authorities suggest that the Indian Trade Agent in Yatung had better not go in person to Rinchengang to meet the Indian Trade Agent in Gyantse, but send a car to fetch him, because Rinchengang was quite far from Yatung city, and it was already past 17:00 hours. As regards the request of a junior official of the Indian Trade Agency in Yatung to leave China, it was also for the sake of his safety that the local authorities suggested that he would not leave for the time being. As for the Chinese Government's request that the Indian Trade Agent in Gartok enter China by another route, the Chinese Government has explained more than once that this was merely to enable the local

authorities to give him the protection and the facilities of a mobile wireless set, as requested by the Government of India. For years on end the local authorities have, under great material difficulties, provided the Indian Trade Agent in Gartok with such protection and communication facilities; this is yet another proof that Tibet local authorities take the attitude of rendering every possible assistance to the Indian organs in Tibet. It can be seen from the above cases that the Tibet local authorities, far from imposing any restrictions or difficulties on the normal movement of the personnel of the Indian organs in Tibet, have shown friendly concern for them. Yet this goodwill of the local authorities has been distorted by the Government of India as deliberate obstruction. The Chinese Government cannot but express its regret at this.

4. Regarding the question of Indian couriers and the carriage of mail:

(i) As stated above, at the present time there are actually transport difficulties in the Tibet region. In these circumstances, it should not be difficult to understand if the special diplomatic courier sent by the Government of India to Lhasa had to wait for a short time in Yatung. Nevertheless, the Tibet local authorities still tried their best to arrange means of transport for him so that he has safely arrived in Lhasa.

(ii) Regarding the carriage of the mail of the Indian organs in Tibet, the Government of India has up to now maintained the system of stationing Chinese Tibetan messengers along the Yatung- Gyantse road. This system contravenes the Sino-Indian Agreement and is also not in keeping with international usage. As early as in 1955, the Chinese Government asked the Government of India to abolish these messengers. Although the Government of India have indicated more than once their willingness, in accordance with the provisions of the Agreement, to despatch Indian couriers as soon as possible to replace this system, yet for four years the Government of India have delayed abolishing the Chinese Tibetan messengers and despatching Indian couriers under various untenable pretexts. Recently, the Tibet local authorities have suggested to the Indian Consulate-General more than once that if the Government of India

had difficulties in the carriage of its mail bags, it could send them through the local post office. Yet this co-operative attitude of the local authorities was apparently not approved by the Government of India. The above facts cannot but make one suspect that the Government of India would rather maintain this illegal system of Chinese Tibetan messengers indefinitely and are seeking all sorts of pretexts for it. The Chinese Government holds that there is no justification at all for the Government of India to continue to maintain this system of Chinese Tibetan messengers, and hereby demands that the Government of India abolish it in the shortest time. If the Government of India, after abolishing the Chinese Tibetan messengers, should despatch normal Indian diplomatic couriers, the Chinese Government would be willing to provide transport facilities so far as possible; if the Government of India are not yet prepared for the time being to despatch couriers, they can send their mail-bags through the local post office. The refusal of the Government of India to trust the local postal service in Tibet and their arbitrary allegation that it is undependable are utterly groundless. The Chinese Government categorically rejects this insulting allegation.

5. It is surprising as well that the Government of India should have expressed dissatisfaction with the speed with which telegrams are transmitted by the Gyantse Telegraph Office. There is no need to point out that the Gyantse Telegraph Office does not discriminate against anyone who sends telegrams.

6. Regarding Indian traders and pilgrims:

In accordance with the provisions of the Sino-Indian Agreement, the Tibet local authorities have always given due protection and facilities to law-abiding Indian traders and pilgrims in Tibet. It is, however, regrettable that not all Indian traders and pilgrims are law-abiding and observe the provisions of the Sino-Indian Agreement. To take some of the cases that the Government of India cited in their Notes. What was carried

by the pilgrim to Kailas was not ordinary "medicines for himself" as alleged by the Government of India, but more than 10 bottles of strong poisons including arsenic, mercury and sulphur. According to the regulations of the Chinese Government, these contrabands should be confiscated. As to the two cobblers, they came to Shigatse, which was not a market for trade, without the permission of the local authorities. This was in the first place in contravention of the Sino-Indian Agreement. At the same time, the trader certificates held by the two men were overdue. The Chinese Government is by no means willing to see again and again such unpleasant happenings; it therefore hopes that the Government of India will urge the Indian traders and pilgrims in and proceeding to Tibet not to be engaged in unlawful activities.

At the same time, the Chinese Government wishes to point out that according to reports received by the Chinese local authorities in Tibet in recent months, Chinese traders going from Tibet to India for normal trade have been repeatedly subjected to unwarranted cross questioning, examination and harassment by the personnel of the Indian check-posts, and even been compelled to report to them the military situation in Tibet of China. The Indian officials have further spread among them all sorts of rumours, slandering Chinese domestic measures in the Tibet region and sowing discord in the relations between the Han and Tibetan peoples in China. The Chinese Government would like to draw the attention of the Government of India to such serious acts in violation of the Sino-Indian Agreement and the Five Principles.

7. Regarding the nationality of a part of the Tibetan Muslims:

There have been many contacts on this question between Director Yang Kung-Shu of the Tibet Bureau of Foreign Affairs and Mr. Chhibber, Consul General of India in Lhasa. The forefathers of these people migrated to and settled down in Tibet several hundred years ago and they have become part of the Tibetan people in China. There is ample evidence to show that the Tibetan local authorities at all times have treated them as Chinese Tibetans. They have never complained about their status and treatment

as Chinese or applied for withdrawal from Chinese nationality. After the rebellion in Tibet was put down, however, the Government of India suddenly claimed that they are Indian nationals. What is particularly surprising, the Consulate General of India in Lhasa, without the concurrence of the Tibet local authorities, distributed on its own application forms for Indian nationality among those Muslims. This cannot but be regarded as a most unfriendly act. The Government of India claimed that they are Indian nationals, yet up to now it is unable to produce any adequate evidence or reasons. Although the Sino-Indian Agreement has been signed five years, yet they do not hold any related certificates as required of Indian nationals by the provisions of the Agreement. In spite of all this, should the Government of India produce sufficient evidence and reasons for each case to prove that individual persons among them are indeed Indian nationals, the Chinese Government has no intention to refuse to examine their case individually.

8. Regarding Indian Lamas.

The Tibet local authorities have never regarded Indian lamas as Chinese. But it must be pointed out that, whether they came to Tibet before or after the conclusion of the Sino-Indian Agreement, these Indian Lamas still do not hold today, five years since the signing of the Agreement, the necessary certificates in accordance with the provisions of the Agreement. The same is true even of individual Indian personnel of the Consulate-General of India in Lhasa, who, though coming to Tibet after the conclusion of the Sino-Indian Agreement, also do not hold certificates. All these cannot but be regarded as in violation of the Agreement.

9. Regarding the family of Mrs. Shahabir and living Buddha Tromo Geshe:

(i) Both the Tibet Bureau or Foreign Affairs and the Chinese Embassy in India have told the Indian side that Mrs. Shahabir and her daughter and daughter-in-law are all Chinese. They were arrested on account of breaking the law, and are still under trial. This is a matter completely within the scope of China's sovereignty, into which the Government of

India have no right to enquire. Yet the Government of India, disregarding the explanation of the situation given by the Chinese Government, once again asked the Chinese Government to set them free. The Chinese Government cannot but sternly reject this act of interfering in China's internal affairs by India.

(ii) In the course of putting down the rebellion in Tibet, the Chinese military authorities in the Tibet region arrested a number of foreigners who colluded with Tibetan rebels and participated in the rebellion. Living Buddha Tromo Geshe is one of them. The military authorities in Tibet will try and deal with these foreigners according to law. As these people are not ordinary criminals, the military authorities in Tibet have ruled that they are not to be visited by anybody.

10. Registration of arms:

According to orders of the Military Control Commission in Tibet, all arms held by foreigners in Tibet should be registered.

In registering the arms of the personnel of Indian organs in Tibet, the Military Control Commission in Tibet discovered that not only Indian officials but some ordinary Indian staff members too have arms. This is against what the Chinese Government have previously explicitly informed the Government of India, that is, only Indian officials (excluding other staff members) of the Indian organs in Tibet may carry arms of self-defence. Nevertheless, the Military Control Commission has only taken into custody but not confiscated the arms of the ordinary Indian staff members, and has promised to return them when they leave China.

Those arms belonging to the Indian officials were returned immediately after registration on the spot. The sporting rifle left by Mr. Chhibber in Yatung was taken into custody because the Military Control Commission did not know then that it was his. After Mr. Chhibber raised the matter with the Tibetan Bureau of Foreign Affairs, the sporting rifle has been

returned. As to the two revolvers, it was found that one belongs to a staff member of the Indian Trade Agency at Yatung, and was returned to him when he left China; the other belongs to an engineer attached to the Trade Agency at Yatung, and is temporarily kept in the custody of the Military Control Commission. Apart from these, the Military Control Commission does not know of any revolver left by Mr. Chhibber in Yatung.

Since the question of arms is being discussed, the Chinese Government would like to take this opportunity to draw the attention of the Government of India to the fact that in January this year an Indian Vice Consul in Lhasa asked in private somebody to sell a revolver and cartridges for him in Lhasa. Such an act is obviously, in violation of international usage and an abuse of Consular privileges.

11. Regarding so-called "anti-Indian propaganda":

The Government of India assert in their notes that the official organs in the Tibetan region were consistently carrying out propaganda deliberately intended to create hostile feelings against India and Indian organs in Tibet. This is totally inconsistent with the fact. Whether now or in the past, no organ of the Chinese Government has ever conducted any "anti-Indian propaganda". It is not difficult for any one with the slightest sense of justice to see from the public utterances of the officials of both sides in the past several months what a difference there is between the attitude taken by the two sides towards Sino-Indian relations. The utterances of not a few Indian responsible officials on the putting down of the rebellion in Tibet, a question within the scope of China's internal affairs, in varying degrees interfered in the internal affairs of China. As to the publication in the Lhasa Daily (there is no Lhasa Daily in Lhasa; it should be Tibet Daily) of an article alleged to be hostile towards India referred to by Mr. J. S. Mehta of the Ministry of External Affairs of India on 24th July, the Government of India should be aware that according to the Constitution of the People's Republic of China, the Chinese people enjoy full freedom

of speech and have the right to express different kinds of views. The author of the article published in the Tibet Daily expressed his personal attitude towards the large quantity of words and deeds against China, interfering in China's internal affairs and damaging Sino-Indian friendship, which had appeared in India in the past several months, or merely related to past facts, which can in no way be described as so-called propaganda deliberately hostile towards India. The Government of India, instead of checking in the least the large quantities of words and deeds against China, interfering in China's internal affairs and damaging Sino-Indian friendship which appeared in India, have lodged an unwarranted "strong protest" in an attempt to interfere with the freedom of speech of the Chinese people. The Chinese Government rejects this unjustifiable protest.

From the facts set forth in the above paragraphs it is not difficult to draw the following conclusion:

The Chinese Government has been consistently implementing the 1954 Agreement on Trade and Intercourse between the Tibet region of China and India in accordance with the Five Principles of peaceful co-existence and in the spirit of Sino-Indian friendship. The Government of India's complaint that the privileges of the Indian organs in Tibet as laid down in the Agreement are not guaranteed is groundless. On the contrary, many actions and demands of the Indian organs in Tibet have violated or gone beyond the Sino-Indian Agreement and the relevant regulations of the Chinese Government. In individual cases, they even encroached on China's sovereign rights. Although some questions have been repeatedly pointed out by the Tibet local authorities and the hope for correction expressed, yet they have not won the sufficient attention of the Government of India. The Tibetan local authorities have always taken a friendly and co-operative attitude towards the Indian organs in Tibet. In spite of the great material difficulties in the Tibet region, and in the

present period of military control in particular, the local authorities have still given the Indian organs in Tibet every possible assistance, facilities and solicitude within the scope of the provisions of the Agreement, and have given full protection and facilities to all law-abiding Indian traders and pilgrims. Such facilities as the Chinese Tibetan messenger system for long maintained by the Government of India and the mobile wireless sets and safety protection provided to the Indian Trade Agent in Gartok each year are unique even in international practice. Furthermore, the Indian organs in Tibet have all along maintained their radio stations which have not been recognised by the Chinese Government. In a word, the Tibet local authorities have done their best to satisfy all those demands made by the Government of India in the past which are proper and reasonable; while with regard to others which they are in no position or for the time being unable to meet owing to actual difficulties, they have always tried to find some substitute solution or acquainted the Indian side with the situation to gain its understanding. It is, however, regrettable that the Indian organs in Tibet often failed to adopt the same friendly and co-operative attitude. They do not pay enough respect to some of the advices and regulations of the local authorities, and sometime make excessive demands and even launched intolerable criticisms of a fault-finding and insulting nature against the Chinese telegraph and post offices. Being a consular organ, the Indian Consulate-General in Lhasa has the obligation to urge the Indian traders and pilgrims to strictly abide by Chinese laws and regulations. But actual facts show that it often sides with and shields those Indian nationals who are not law-abiding, and speaks for them or supports them in making unreasonable demands to the Tibet local authorities.

True, it is unpleasant to refer to the above-mentioned questions. But since the Government of India have repeatedly made groundless complaints against China in disregard of the facts, the Chinese Government deems it necessary to give a detailed account of the facts and make clear its stand so as to distinguish between right and wrong

and locate the responsibility. The Government of India, moreover, used most unfriendly language in their notes, saying that the continued functioning of the Trade Agencies in China and India on a reciprocal basis would depend on the Chinese Government answer. This is tantamount to placing the Chinese Government under coercion. The Chinese Government cannot but express its special regret at this.

In conclusion, the Chinese Government wishes to reiterate that it has always scrupulously abided by the Five Principles and the Sino-Indian Agreement, and that the Government of India have no reason to suspect the Chinese Government as taking an unfriendly and un-cooperative attitude towards Indian organs in Tibet. But the Chinese Government must point out at the same time that should the Indian organs in Tibet fail to strictly abide by the Five Principles and the Sino-Indian Agreement, to respect the laws and regulations of the Chinese local authorities in the Tibet region, and to cherish the desire of co-operating with the Tibet local authorities, this would certainly create difficulties for the implementation of the Sino-Indian Agreement and the enhancement of friendly relations between China and India. Through the present note, the Chinese Government hopes that the Government of India will understand the actual situation more correctly, thus contributing to better friendly co-operation between the two sides in the future.

The Ministry of Foreign Affairs of the People's Republic of China avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration.

Note given by the Counsellor of India to the Ministry of Foreign Affairs of China, 17 September 1959

The Ambassador of India had left a Memorandum with the Director of the First Asian Division of the Chinese Ministry of Foreign Affairs on the 25th August 1959, regarding currency and exchange difficulties experienced by Indian traders in Tibet. Since then the Government of India have received further representations from Indian traders in Yatung, Gyantse and Phari. Under the existing position all Indian traders in the Tibet region stand to lose 75% of their accumulated stock of Tibetan currency as a result of currency devaluation. At Gyantse and Phari the Chinese authorities issued their drafts to Indian traders in lieu of the Tibetan currency which worked out to 25% of the face value of the Tibetan currency notes in terms of Chinese paper currency or Indian currency. The Indian traders were instructed that these drafts were to be converted between the 21st and 25th August.

2. Two Indian firms at Yatung who approached the Chinese authorities with Chinese paper currency received against sale of goods for issue of Indian rupee drafts were told that they should give an undertaking to import goods of equivalent value. It may be pointed out that such a demand that the traders should bring back goods of equivalent value before being granted bank drafts is contrary to the trading practice. It is also possible that owing to the increasing difficulties experienced, a number of Indian traders may be thinking of winding up their business and returning to India. It will cause serious difficulties therefore if such people are to be asked to give an undertaking to import goods before they are given bank draft facilities for the transfer of their assets. It is requested that the Chinese Government allow the repatriation of money representing sale proceeds of goods without any conditions.

3. Indian traders are much exercised about recovery of substantial amounts of trade debts from Tibetans as they are not permitted to visit even recognised marts at Phari and Gyantse, much less Shigatse and Lhasa. All these factors have made Indo-Tibetan trade increasingly difficult and are likely to render nugatory important clauses of the 1954 Agreement.

4. While the Government of India do not deny the sovereign right of the People's Republic of China to fix its currency value at any figure it chooses, they would like to bring to the notice of the Chinese Government once again the serious hardship imposed on Indian traders by the fixation of the exchange value of Tibetan currency at 25% of its previous value. It is once again requested that the Government of China may give instructions to the local authorities in Tibet to accept exchange of the accumulated Tibetan currency held by Indian traders previous to the devaluation at the old rate and permit them to export Tibetan coins and Chinese silver dollars to India.

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 24 September 1959

The Ministry of External Affairs presents its compliments to the Embassy of People's Republic of China and has the honour to invite attention to the letter from the Director of Foreign Bureau in Lhasa addressed to the Consul General of India on 17th July 1959 and paragraphs 7 and 8 of the Chinese Government's note of the 11th September 1959 regarding the status of Indians resident in the Tibet region of China.

2. The Government of India cannot but express their surprise and regret at the unhelpful attitude adopted by the Chinese Government. They wish to clarify the position in the following paragraphs and trust that the Chinese Government will after reconsideration permit persons of Indian origin entitled to Indian citizenship to contact the Consulate General of India and return to India, should they so wish.

3. The right to Indian citizenship derives its sanction strictly from the provisions of the Indian Constitution and Indian Citizenship Act of 1955. The Government of India have neither the power nor the desire to claim as Indian nationals any person who does not qualify under the Indian laws as an Indian national.

4. According to Article V of the Indian Constitution, any person, who himself or either of whose parents was born in the territory of India, is ipso facto an Indian citizen without being required to apply for registration as an Indian national. Secondly, under Article VIII, those who or either of whose parents or any of whose grand- parents were born in undivided India and are resident abroad, are qualified for Indian nationality and such persons upon registration with any diplomatic or consular representatives of India in a foreign country are fully entitled to Indian citizenship. No time limit is prescribed within which persons must register themselves with an Indian Mission abroad. Persons of Indian origin falling in this category are eligible for registration as Indian citizens and cannot legally be excluded from the privileges of Indian nationality, unless such a person has expressly and voluntarily acquired a foreign nationality and thus in effect renounced his claim to Indian citizenship.

5. The persons of Indian origin residing in Tibet at the time of disturbances in March 1959 are qualified for Indian nationality either under Article V or VIII of the Indian Constitution and fall under one of the following categories:

(i) Registered Indian nationals.-Persons holding Indian registration certificates, traders' certificates or other documents clearly establishing their nationality.

According to our information, apart from the traders and Indian nationals in Yatung, Phari and Gyantse, twenty-eight such persons were registered with the Consulate General in Lhasor hold such Indian registration certificates and are therefore, fully entitled to Indian protection.

(ii) Ladakhi Lamas.-As is well-known, the Ladakhi Buddhists, who are followers of the Mahayana sect of the Buddhist faith have traditionally gone from Ladakh to the monasteries in Tibet for theological studies. No travel documents were prescribed for such movements before 1954, and even thereafter the responsibility for issuing the appropriate papers

(pilgrim permits) rested with the authorities of the Tibet region of China. A substantial number of these Lamas was studying in the monasteries in Tibet long before the 1954 Agreement. These Ladakhi Lamas were born in Jammu & Kashmir State of India and are therefore ipso facto Indian nationals under Article V of the Indian Constitution. It was not necessary for them to register themselves with the Indian Consulate General in Lhasa in token of their Indian citizenship. As stated in the previous Note of the Government of India no regulation had previously been prescribed requiring such persons, resident in Tibet prior to 1954, to register with the local authorities or to obtain any special kind of documents even if they were not actually travelling across the border.

(iii) Muslims of Kashmir origin.-According to the information available to the Government of India, one hundred twenty-nine families of Kashmiri Muslims involving about six hundred persons are residing in Lhasa-Shigatse area of the Tibet region of China. The names of these families will be found in the enclosure to this Note. Some of the persons who belong to these families are already registered with the Consulate General and fall under category (i) above. Others, prima facie, are potential Indian citizens with a right to register as such under Article VIII of the Indian Constitution. The Government of India agree that the Kashmiri Muslims who have been resident in Tibet since the 17th century and severed connections with Kashmir would not qualify for registration under Article VIII of the Constitution. But persons whose permanent domicile remained in the State of Jammu & Kashmir and who visited India from time to time and whose parents or one of whose grand- parents were born in undivided India, are potential citizens of India. It is this group of persons, who have stated repeatedly to the Chinese authorities that they were Indian citizens. They have apparently submitted applications in writing for registration as Indian citizens and are entitled to claim the benefits of Indian nationality in accordance with the provisions laid down under the Constitution and the Citizenship Act.

The Chinese Government's contention as stated in the letter of the 17th July 1959 from the Foreign Bureau in Lhasa is that the Kashmiri Muslims were subject to the jurisdiction of Tibetan courts, that the selection of their leader was confirmed by the Dalai Lama, that they recognised the 5th Dalai Lama and further that they sometimes fought alongside Tibetan forces. Even if these assertions were accepted, they would not by themselves constitute conclusive evidence regarding their Chinese/Tibetan nationality. Under International Law, foreigners are subject to the jurisdiction of local courts and even the affairs of the foreigners may be supervised by the local authorities. It appears that those of the Kashmiri Muslims who rendered military service did so under compulsion and that the majority did not voluntarily accept such an obligation. The fact that some may have paid homage to the 5th Dalai Lama may be no more than a courtesy to the spiritual and temporal leader of the Tibet region of China. The Indian Government have no desire to claim as Indian citizens persons who had accepted adherence to the Dalai Lamas and have since severed their connections with India. But according to the Government of India's information most of these persons do not fall in this category. The fact that some of the Kashmiri Muslims travelled on Chinese certificates does not necessarily mean that thereby they repudiated their claim to Indian nationality. It is possible that they accepted Tibetan or Chinese travel papers on some occasions for convenience. It may be mentioned that instances have occurred during the last few years in which Chinese check-posts harassed and placed difficulties in the way of Indian traders and nationals carrying Indian traders' and registration certificates when on their way from Tibet to India. In August 1956, the certificate of nationality of one Ghulam Rasul was actually retained by the Chinese check-post at Yatung. It may also be mentioned that notwithstanding any papers, which these Muslims may have carried for entry into India, they almost invariably travelled from India to Mecca on Haj as Indian nationals in special Indian pilgrim-ships and not as foreigners through normal shipping services.

On the other hand, historical evidence indicates that Kashmiri Muslims have throughout maintained their separate identity. They were exempted from poll-tax and compulsory levies or work which was prescribed for persons of Tibetan origin. Though they were tried by Tibetan courts, any fine levied on the Kashmiri Muslims were returned to the community in recognition of their status as foreign nationals. During the 1912 Sino-Tibetan conflict, the Kashmiri Muslims were actually provided with white flags to indicate that they were foreigners and neutral in the then prevailing conflict. That these people wished to maintain their connections with India is also evident from the fact that nearly one hundred boys of this community are studying in institutions in India.

The conclusion is obvious that this community of Muslims from Jammu & Kashmir State of India did not assimilate themselves with the Tibetan population and considered themselves as a distinct community of foreigners although they had resided in Central Tibet for a long time. Being primarily interested in their trade and somewhat indifferent to the political changes in Tibet, they continued to live in their traditional manner without taking the trouble of registering themselves as Indian citizens not suspecting at any time that there would be danger of their connection with their home-land being arbitrarily severed.

The Government of India have read with surprise the statement that Shri Chibber, the former Indian Consul General in Lhasa, instigated the Kashmiri Muslims to apply for Indian registration. The Government of India repudiate such a baseless charge against a responsible officer. The facts are that these Kashmiri Muslims are now anxious to exercise the right to Indian citizenship and have been trying persistently to make their claim accepted by the Chinese authorities, and that Consul General in pursuance of his duty, had made representations on their behalf to the Chinese authorities. In fact on 14th July, the persons sent a joint written representation to the Consul General of India drawing attention to their hardship and the pressure that was being put on them by Chinese local authorities to renounce their claim to Indian citizenship. The Chinese

armed sentries at the gate of the Consulate General building have steadfastly barred entry of these persons into the premises of the Consulate General. On 14th July and 6th August, large groups were turned away by force. Indeed, the local authorities have apparently threatened and intimidated these persons on account of their persistent demand to be treated distinct from the Tibetan nationals. Registration forms, which were voluntarily filled in by these persons, were actually confiscated by the Chinese local authorities. It is even alleged that important documents containing proof of their firm connections with India have been confiscated, by the local authorities and their leader intimidated for voicing the demand of his compatriots. No facilities have been given to the Consul General to meet members of the Indian community held in custody by Chinese authorities. Persons who have been anxious to seek the assistance of the Indian Consulate General have been denied any facility whatsoever.

The Government of India wish to re-affirm that it is not the intention of the Government of India to confer citizenship on persons who do not strictly qualify for this privilege or who have surrendered their claim of Indian citizenship. Such persons who have voluntarily accepted Chinese nationality and renounced their claim to Indian citizenship should by all means be treated as Chinese nationals. At the same time, the Government of People's Republic of China should give the right to these persons who consider themselves as Indian citizens and have all the attributes of Indian citizenship to contact the Consulate General of India, and if they so wish, to return to India. The denial of access to the Consul General can only lead to the suspicion that legitimate and voluntary claims of bonafide potential Indian citizens of Indian origin are being forcibly denied. In particular, the Government of India cannot understand how persons who had already been registered as Indian nationals before the recent disturbances broke out, or how Ladakhi Lamas who could have been in the monasteries only for limited periods should be prevented from

exercising their right of protection by the Indian Consulate and for repatriation to their home-land.

While it is not possible to give names of all persons entitled to Indian citizenship as stated earlier, list of Heads of families of Muslims of Indian origin is appended to this Note. Similarly, a general Enquiry has been addressed to the Foreign Bureau in Lhasa in respect of the Lamas of Ladakhi origin in Tibet. The names of some of the senior Lamas are given in a second list attached to this Note. A third list contains the names of Indian nationals who, according to information received, are apparently held in custody in the Tibet region of China. The only fair course in the spirit of friendly understanding between the two countries would be to scrutinise the claims of all such persons of Indian origin and permit them to exercise their option as Indian or Chinese nationals. The Government of India would request that this be done.

Even if some of these persons of Indian origin are found eligible both for Indian and Chinese nationality, in accordance with international usage, they should be given option of exercising their choice freely. As is well-known, a large number of persons of Chinese origin have been resident for decades, if not generations, in the various countries of South-East Asia without having actually accepted the nationality of the countries in which they reside. In the Agreement which has been concluded by the People's Republic of China with Republic of Indonesia, to take only one example, persons of Chinese origin have been given option to choose between Chinese nationality or the nationality of Indonesia. The Government of India seek no greater concession in respect of persons of Indian origin in the Tibet region of China than the application to them of a principle which the People's Republic of China have accepted in respect of persons of Chinese origin resident outside China.

The fate of Kashmiri Muslims, Ladakhi Lamas and other Indians in Tibet region of China aroused great concern in Parliament and among the people of India. A representation from the Kashmiri Muslims resident in India who have their relatives in Tibet has been received by the Prime

Minister of India urging arrangements for the repatriation of their compatriots to their home-land. The Government of India can see no reason or advantage in compelling these persons to remain within Tibet against their own wish. In the spirit of friendship, the two Governments can readily settle the matter by both agreeing not to claim any person who does not qualify for citizenship under its respective laws and giving the option to all those who by domicile or birth are entitled to both nationalities to choose one of them.

The Government of India trust that in the light of the foregoing the Chinese Government will see their way to review the attitude so far adopted by them and in this confidence they take this opportunity of renewing to the Embassy of the People's Republic of China the assurances of their highest consideration.

Annexure I to the Note of the Indian Government, 24 September 1959

LIST OF HEADS OF FAMILIES OF MUSLIMS OF INDIAN ORIGIN RESIDING AT LHASA AND OTHER PLACES OF TIBET FOR TRADE PURPOSE

1. Haji Karimullah Ishamo
2. Abdul Ghani
3. Fazlullah Masle
4. Abdul Ghani Chisti
5. Haji Tayab Jo
6. Abdul Qadar Naeq
7. Ghulam Rasool Ganaee
8. Mohd. Iqbal
9. Faizullah Sheikh
10. Mohd. Ishaq

11. Abdur Rahman
12. Ataullah
13. Mohd. Ali
14. Ghulam Nabi
15. Khaja Sanaullah
16. Ghulam Rasool Sheikh
17. Ahmedullah Ganaee
18. Habibullah Ganaee
19. Sanaullah
20. Mohd. Shafi Malik
21. Ahmedullah Ganaee
22. Abdur Rahman Daot
23. Haji Abdul Qadar Masle
24. Habib Ullah Nangro
25. Mohd. Yahya Shakoli
26. Haji Abdul Qadar Ganaee
27. Karim Ullah
28. Haji Abdul Ghani Nankro
29. Mohd. Ishaq
30. Mohd. Hussain
31. Habib Ullah Khalo
32. Faiz Ullah
33. Abdullah Khalo
34. Haji Ghulam Hussain Ganaee
35. Habib Ullah
36. Haji Hussain Sheikh
37. Faiz Ullah Buzurg
38. Haji Habib Ullah Ganaee
39. Zaha Uddin Khazi
40. Ghulam Hussain Khazi
41. Vali Ullah
42. Abdullah Sheikh

43. Haji Habib Ullah Shamo
44. Haji Faiz Ullah Sheikh
45. Vali Ullah
46. Abdullah Vani
47. Ahmed Ullah Vani
48. Rahmatullah Vani
49. Abdur Rahman
50. Mohd. Moosa Shakuli
51. Barkat Ullah Shakuli
52. Vahab Joe Zarif
53. Mohd. Ali Shakuli
54. Haji Abdul Qadir
55. Haji Ghulam Rasool Khalo
56. Ibrahim Ganaee
57. Mohd. Suleman Khazi
58. Nizam Uddin
59. Ibrahim Sheikh
60. Haji Noor Uddin
61. Ahmad Ullah Gona
62. Haji Abdur Rahman Gona
63. Karim Ullah Malik
64. Amir Uddin
65. Ghulam Nabi
66. Abdul Qadir Gona
67. Abdul Qadir
68. Faiz Ullah Khazi
69. Faiz Ullah
70. Ghulam Moheuddin
71. Mohd. Moosa
72. Mohd. Ishaq
73. Abdul Qadir Noon
74. Ghulam Mohd.

75. Ahmad Ullah Khazi
76. Mohd Ramazan Khalo
77. Abdur Rahman Sheikh
78. Abdullah Sheikh
79. Abdul Aziz
80. Akhwand Habib Ullah Naeq
81. Abdullah
82. Ghulam Qadir
83. Haji Ghulam Mohd.
84. Habib Ullah Vani
85. Mohd. Yahya
86. Habib Ullah Malik
87. Fakhr Uddin Syed
88. Haji Mohd. Ramzan
89. Mohd. Ishaq
90. Akhwand Abdul Aziz
91. Noor Uddin Syed
92. Abdul Aziz Daot
93. Ghulam Nabi Khazi
94. Ahmad Ullah
95. Abdul Qadir
96. Haji Abdul Halim Loan
97. Ahmad Ullah
98. Abdul Ghani
99. Akhwand Ahmad Ullah
100. Vahab Jola
101. Qa Qa Rasool
102. Jamal Uddin
103. Abdul Ghaffoor
104. Faiz Ullah Loon
105. Mohd. Yusuf
106. Haji Abdul Qadir

107. Ibrahim Sheikh No. 2
108. Abdur Rahman
109. Karim Ullah
110. Ghulam Mohd.
111. Ghulam Husain

112. Habib Ullah Daot
113. Haji Ghulam Moheuddin
114. Azam Jola
115. Nizam Uddin
116. Haji Mohd. Ramzan
117. Abdul Vahed
118. Akhwand Faiz Ullah
119. Mohd. Jalil Gona
120. Mohd. Bashir Gona
121. Abdur Razzak
122. Habib Ullah
123. Akhwand Mohd. Ramzan
124. Ibrahim Malik
125. Zaka Ullah
126. Haji Mohd. Ramazan
127. Mohd. Ali
128. Abdul Qadir
129. Hameed Ullah

**Annexure II to the Note of the Indian Government, 24 September
1959**

LIST OF IMPORTANT LADAKHI LAMAS

1. Staksang Rimpoche-Head Lama of Hinus Gumpa
2. Gangon Rimpoche-Head Lama of Gangon Gompa
3. Togdon Rimpoche, Kushok of Fiang Gompa, Ladakh
4. Sharpakhampo Rimpoche-Head Lama of Theksey Gumpa.

Annexure III to the Note of the Indian Government, 24 September 1959

LIST OF INDIAN NATIONALS HELD IN CUSTODY IN THE TIBET REGION OF CHINA

1. Mrs. Shahabir Diyali, her daughter and daughter-in-law.
2. Trome Geshe Rimpoche of Sikkim from Dankar Monastery at Lhasa.

Ladakhi Lamas:-

3. Namgial Tarkhan Fiagpa.
4. Lozang Thubstan Stokpa Stongkhorpa.
5. Zopa Bazgopa.
6. Stokpa Khangpa Somapa.
7. Gochhakpa Chungwa Tingmosgangpa
8. Sonam Lingshetpa.
9. Chamba Moslem Kumi Zanskar
10. Lozang Chamba Tritscpa.
11. Lozang Giatso Zimgag Pishupa.
12. Chamba Chhostar Kumi.
13. Todon Tabpa Tingmosgang.
14. Dorji Alchi Dakungpa.
15. Lonpo Fiangpa.
16. Stanzin Pishupa.
17. Ishey Dawa.

18. Lozang Rigdol.

Ladakhi Trader:-

19. Foogyal.

Note given by the Ministry of External Affairs, New Delhi to the Embassy of China in India, 24 September 1959

An Indian pilgrim, Swami Brahmachari Atma Chaitanya while proceeding on a pilgrimage to Kailash and Manosarowar was held up and subjected to harassment by the Chinese authorities after reaching Taklakot on the 6th May, 1959.

He was harshly interrogated by four Chinese soldiers, his baggage searched, and some of his belongings confiscated. These included some homoeopathic medicines which he was accused of bringing with him with the intention of poisoning the people of Tibet. After being detained for five days he was allowed to proceed to Kailash and Manosarowar, after giving an assurance that he would return by the same route and not via the Niti valley as he had intended. On his return to Taklakot Swami Chaitanya was once again thoroughly searched by the Chinese officials, and was given a document to sign in which he was to confess that he had brought poison with him. This he naturally refused to do. The medicines were not given back to him and he was allowed to return home.

It may be mentioned that the incident occurred before the warning communicated by the Foreign Bureau to our Consul General on 20th August 1959 cautioning Indians not to proceed on pilgrimage this year in view of military operations being launched against rebels by the Chinese forces in Western Tibet.

The Government of India cannot but express its surprise at this incident, and hereby lodges a protest at the harassment of this Indian national who was proceeding on a bonafide pilgrimage in accordance with the

provisions of the Sino-Indian Agreement. In order to avoid such incidents it is requested that the officials of the People's Republic of China posted along the pilgrim routes may kindly be appropriately instructed so that Indian nationals are not subjected to such treatment in the future.

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 26 October 1959

The Ministry of External Affairs of the Government of India present their compliments to the Embassy of the People's Republic of China and have the honour to refer to the note dated the 11th September, 1959 which was handed over by the Director of the Asian Department at Peking to the Ambassador of India in Peking. The Government of India notice with surprise and regret that the note of the Chinese Government does not appear to reveal a helpful attitude towards removing the difficulties of the Indian posts in the Tibet region of China and the disabilities of Indian nationals and traders. The Government of India cannot accept the contention that the requests contained in their earlier notes are in any way contrary to the letter and spirit of the 1954 Agreement. Indeed, these notes sought to ensure, in the spirit of friendly understanding which was embodied in this Agreement, that the Indian Consulate-General in Lhasa and the Indian Trade Agencies in other parts of Tibet could function with dignity and effectiveness. The Government of India did not ask for their staff and other nationals any more rights and facilities than were being enjoyed by the Chinese posts and Chinese nationals generally in India. They were only anxious to continue the traditional pattern of trade and the exchange of pilgrims across the Sino-Indian border according to the Agreement of 1954.

2. The Government of India can only presume that the Chinese Government are still subject to some misunderstanding. In order therefore to clarify their position they intend to offer detailed comments

on all the points made in the Chinese Government's Note. For the sake of convenience the present note deals with the points relating to the Indian Trade Agency in Gyantse. Two other notes in regard to the difficulties of the other Indian official representations in the Tibet region of China and with the difficulties of Indian traders and pilgrims are being delivered separately.

3. The Government of India note the contention of the Chinese Government that the local authorities have been rendering due assistance to the Trade Agency in Gyantse. Facts, however, will speak for themselves. The following paragraphs describe the difficulties to which the Indian Trade Agency in Gyantse have been subject and the generally unco-operative attitude of the local authorities in the Tibet region of China.

Reconstruction of the Indian Trade Agency at Gyantse

4. In 1943, the then Government of India concluded a lease valid upto 1.4.1971 with the owner of the property and the representative of the Tibetan Government for the housing of the Indian Trade Agency in Gyantse. Para 4 of the notes exchanged on the occasion of the Sino-Indian Agreement of 1954 specifically provided that the Government of India might continue to lease the land within the Agency compound walls which was then being occupied by the Indian Agency. Subsequent to the floods of 1954 and the consequent loss of the buildings of the Trade Agency, the Indian Consul General in Lhasa confirmed to the Chinese Foreign Bureau in November, 1956 the Government of India's desire in the spirit of the Agreement to retain the land stipulated under the existing lease. In February 1957, he contacted the Foreign Bureau to convey the information that the Government of India wished to commence reconstruction of the Agency buildings on the old site during the following summers. He was then informed that necessary details might be discussed between the corresponding officials in Gyantse. In pursuance of this in March 1957 the site was visited by Mr. Kou of the sub-office of the

Foreign Bureau at Gyantse, but later the Indian Trade Agent was informed that the area covered by the lease was too big for the requirements of the Trade Agency. The Trade Agent informed Mr. Kou that not only was the land necessary for the Agency's requirements, but the right to retain it was recognised in the notes exchanged. In fact nearly one-third of the original property had already been scoured away by the current of the river along the embankment. On this Mr. Kou merely promised to refer the matter to his Government. Considerable time elapsed before any final reply was received. In the meanwhile according to the Government of India's information the owner of the property was privately advised by the local authorities not to lease the entire area to the Indian Agency.

5. It was only in March 1958, when preparations for the reconstruction of the Agency were ready, that the Government of India were informed by the authorities in the Tibet region of China that they could not accept the validity of the lease signed in 1943 on the ground that the lease was signed during the British days and could not be recognised by the People's Republic of China. Not only is such a contention contrary to the International Law and State practice regarding the rights of a successor State but this objection was all the more extraordinary in view of the provisions in the 1954 Agreement and the subsequent notes and of the fact that no objection to the continuance of the Agency on this property had been raised any time earlier. But for the severe floods of 1954 the Government of India would have continued to retain effective control and possession of the leased property. The Government of India were fully convinced of the validity of the existing lease, but with a view to expediting the reconstruction of the Agency building and alleviating the difficulties of the Trade Agency staff, they agreed to execute a new lease-deed for the same property. It was only on the 19th May 1958 that the Chinese authorities conveyed their agreement in principle to the commencement of the reconstruction of the Agency on the understanding that a new lease-deed would be executed. The deed has not yet been executed nor has any substantial progress been made in the

reconstruction of the Agency buildings. The Government of India have to say with regret that this is due mainly to the lack of co-operation from the local authorities of the Tibet region of China.

The protective Works

6. The history of the negotiations relating to the protective works has been briefly explained in the Government of India's Aide Memoire of 23rd March 1958. The necessity of such works was realised soon after the visit of the Indian engineer deputed to prepare plans for the reconstruction of the Agency building in 1957. The plans were formulated with the sole purpose of preventing further erosion of the property and affording protection to the new buildings to be constructed on the site. The Government of India readily agreed to the condition stipulated by the local authorities in May 1958 that management of the protective works should vest in the Chinese authorities after they had been erected by the Government of India. The Government of India also agreed to transfer these works which would cost several lakhs, free of charge, to the Chinese Government when the local authorities decided to extend the embankment along the river for the general protection of the Gyantse township. Indeed, had the local authorities been prepared to undertake the latter works immediately the Government of India would not be under the necessity of building any protective works themselves for the protection of the Agency property. In that event the designing and construction of the protective works would have been the sole responsibility of the local authorities.

7. In October 1958 the Indian Consul General at Lhasa was informed by the local Foreign Bureau that the protective works designed by the Indian engineer might damage the highway, the bridge and some lands further down-stream of the river. With a view to satisfying the Chinese authorities that no such danger was involved, a senior Indian engineer was specially sent to Gyantse in November 1958 to explain the designs on the spot to the corresponding local officials. But no permission for the commencement of the building was forth- coming. Nor was any

modification of the plan suggested by the local officials but the Indian engineer was informed that higher authorities would have to be consulted before a final clearance could be granted. To avoid further delay revised plans were prepared by the Indian side. Although these would be more expensive, they would do away with the necessity of acquiring additional land along the river embankment beyond the limits of the leased property. These plans were submitted in Gyantse on 8th January, 1959, and to the Chinese Foreign Bureau in Lhasa by the Consul General of India on 29th March 1959. This was soon after the Foreign Secretary to the Government of India had presented an Aide Memoire to the Chinese Ambassador in New Delhi requesting that urgent facilities be provided for the reconstruction of the Trade Agency buildings during the 1959 season. On enquiry from the Director, Mr. Yang Kung Su, the Indian Consul General was informed at Lhasa on 27th April 1959 that if the plans did not affect in any way the bridge and the highway, the reconstruction of the Trade Agency might be commenced. On 22nd May, this was reiterated by the Director. The Director's statement as reported by the Indian Consul General is quoted below:

"So the position standing at present is that we have always agreed to this principle and we still agree to the principle that you may carry on construction of buildings before signing the lease-deed between your side and Phunkangs (the owner) and you can proceed with the construction of the embankment within your area, as you said it will not damage the bridge and the highway".

8. With a view to confirming this on the spot, the matter was taken up by the Indian Trade Agents in Gyantse itself. On 2nd June, Mr. Moo Yu Ting, Chief of Gyantse Foreign Bureau, reiterated that there was no objection to the commencement of the protective works provided they were within the agency boundary and would not affect the bridge and the highway and that the Government of India would agree to break the works at a future time, when the Chinese Government would undertake their own river taming works. No reservation regarding the actual plans or construction

was stipulated on any of these occasions. It was in this situation-after permission had been given by the local authorities and Indian engineers had satisfied themselves that the proposed protective works within the boundary of the leased property were in no way likely to endanger the local highway and bridge further down-stream, that some preliminary stone-work for protecting the property was undertaken. The monsoon was approaching and the Indian engineer was anxious to ensure that during the rainy season there should not be any further damage to the Indian property by erosion. Considering the loss of nearly 10 acres since 1954 (representing one-third of the total area) this precaution was surely justified.

9. Thus, there is no basis for the suggestion contained in the Chinese note that the work was started in a peremptory fashion without the concurrence of the local authorities.

10. Later the Chinese authorities in Gyantse, without notice, asked the Indian Trade Agent to stop the protective work, and the work was accordingly stopped. In September the local authorities themselves demolished the protective works which had been started by the Indian engineer. As a result an additional 5 feet of land along the river embankment included in the Indian lease-hold has been scoured away by the river this season. This proves that the advice of the Indian engineers about the necessity of the protective works along this embankment was sound.

11. It may also be recalled that with a view to removing the apprehensions of the Chinese authorities the Government of India conveyed an offer through their Consul General at Lhasa in June 1959 to send the Indian Chief Engineer to Gyantse from Delhi. The Chief Engineer could explain the nature of the revised plans and assure the Chinese authorities that no damage to their public highway would be caused by the proposed protective works. The Chief Engineer was also authorised to make necessary modification in the plans to satisfy the local technical authorities at Gyantse. In response to this offer, the Consul General was

informed on 18th July that no useful purpose would be served by such a meeting between senior engineers on the spot. The conclusion is inescapable therefore that the local authorities were merely using technical objections with a view to delaying the reconstruction of the Trade Agency buildings. It should be clear from the narration given above that the Government of India have throughout tried their best to meet the requirements of the local authorities and that delay and difficulty in reconstruction is entirely due to lack of reciprocal co-operation from the other side.

Transport and supplies

12. As early as September, 1957 the Government of India had requested the permission of the Chinese authorities for the import of two trucks for bringing supplies and one jeep for the use of the engineering personnel engaged in the reconstruction of the Trade Agency. The Government of India were informed that while the import of jeep would be permitted, import of trucks into the Tibet region could not be permitted. They were told, however, that local assistance in providing trucks either officially or by hiring private owned vehicles would be given. Apparently all privately owned trucks have been confiscated after the present disturbances and trucks of the official Transport Department cannot be spared for the Indian Agency. In these circumstances the Government of India are constrained to point out that the suggestion earlier made by the Chinese Government has had no practical value and in effect an insuperable impediment has been placed in the way of the construction work of the Agency building.

13. While the Government of India cannot complain against Chinese laws preventing the use of foreign owned trucks over the highways of Tibet, they wish to point out that they had only sought permission to import trucks for specific use in the reconstruction of the Indian Agency buildings. Under international usage, foreign missions are permitted to import their own transport especially when transport is not readily available locally. Such a concession is enjoyed by foreign missions in India

and could be claimed by the Chinese Embassy in New Delhi for the construction of their Embassy premises. However, if the Chinese authorities can ensure that Indian requirement would be met locally at economical rates either by private hire or through official agencies, the Government of India would not press their request.

In the past the attention of the Chinese Government has been drawn to other difficulties encountered in the reconstruction of the Agency.

Explosives for blasting work are not locally available and no facilities were given for their import. Horse carts and labourers engaged by the Agency were diverted from the work apparently under instruction of the local authorities and bricks which were to be carried to the Agency sites are still lying in the fields for want of transport.

In November 1958 a request was made by the Indian Trade Agency for a permit to purchase timber from the Yatung area but no helpful response was forthcoming for a long time. Recently authorisation was given by the local authorities for obtaining timber from Yatung, but in actual practice the permission has proved of no avail. The price quoted by the Foreign Bureau Yatung for supply from the official factory was five times the cost of timber in the open market at Yatung. Later it was suggested by the local authorities that the Government of India should pay for the timber not in currency but in exchange for rice. Actually the total quantity of timber required (about 10,000-12,000 cubic feet) was readily available in the Yatung market but the Indian Agency was denied permission to acquire it. Surely this is an example of the lack of co-operation and deliberate difficulties created by the local officials.

Firing near the Agency premises

14. The Government of India are surprised at the repudiation of the report about firing practice over the Agency premises. The firing actually took place near the Agency offices and the staff premises which are nowhere near the camping ground of the Chinese Army. There were a

number of incidents and these could hardly be part of ordinary firing practice:-

(i) On 28th June at 9 A.M. IST 2 bullets were fired over the head of the Indian Assistant Engineer when he was counting bricks at the Agency site.

(ii) At 10 P.M. IST on 4th July 1959 firing practice took place near the residence of the Trade Agent.

(iii) On 18th July when two members of the staff were going to take delivery of the Agency car which had been kept in custody, two bullets were fired over their heads.

Empty cartridges of the 7.9 m. service rifles and 5.9 mm. revolvers were collected from near the Agency premises and are in the possession of the Government of India. The Government of India do not wish to suggest that this firing was intended to intimidate the labourers working on the Agency premises. In fact, subsequent to the firing all work stopped as the labourers subsequently left their jobs.

15. After considerable effort work was resumed only recently but following a visit on 5th September by Mr. Yang of the Foreign Bureau and Chinese military engineer the local persons and workers asked to be relieved and the work again stopped.

Arrest of the driver of the car of the Indian Trade Agency at Gyantse

16. It is not easy to get drivers at Gyantse. The particular driver appointed by the Trade Agency had passed a driving test at Lhasa. He was in possession of a driving licence issued by the Chinese authorities and this licence was withdrawn when a private truck he was driving was requisitioned. Full particulars of the driver were furnished to the Chinese sub-office on the 25th June-the day he was appointed. Between then and the date of his arrest on 12th July, the Foreign Bureau were reminded

twice (on 30th June and 11th July) to arrange for a driving test. In reply the Agency official was told that a driving licence would be issued after a test at Yatung. No mention was made by the Foreign Bureau that the driver should not drive the car pending the issue of a fresh licence. Yet the driver was summarily arrested and released only after one week. The local authorities have stated that this was the normal punishment for such offence and it is therefore not understood how the Chinese Government hold that the driver was released after admission of his error. If this was so, he could have been released the same day. Incidentally, no fresh test has yet been arranged for the driver even though 3 months have passed since the date of his arrest.

17. The note of the Chinese Government is silent about the detention of the car of the Indian Trade Agency by the local authorities. The detention of the official car of the Indian Agency was against all international usage and the Government of India repeat their protest against this unfriendly action. The treatment meted out to the Trade Agent himself when he endeavoured to secure the release of the car was far from courteous. Hearing of the detention of the car and the driver, the Indian Trade Agent went to the Military headquarters at 18.15 hours IST and asked for an interview with the Chief of the Foreign Bureau. No reply was forthcoming. In fact the sentry did not allow him to take the car away. This treatment was undoubtedly against the normal international practice relating to the privileges and courtesies to be shown to representatives of foreign countries.

Difficulties of temporary accommodation at Gyantse

18. The Chinese Government in their note have shown ignorance of the difficulties with regard to the temporary accommodation of the Trade Agent. In fact attention to these difficulties was drawn specifically in a note presented by the Foreign Secretary to the Chinese Ambassador at

New Delhi on 23rd March 1959. No reply has yet been received to this note. The lease of the premises which the Trade Agent now occupies became due for renewal in April 1959. He has been endeavouring to secure its extension ever since but has not yet succeeded. It has been reported that confidential and indirect pressure has been brought to bear on the family of the owner of the property not to renew the lease of the premises. It is also reported that the premises of a member of the Indian staff was forcibly vacated when he had been temporarily deputed to stay in the Agency premises. A recent report indicates that on 1st October notice was given to two members of the staff of the Agency to vacate their residential premises in 2 or 3 days time. The Indian Trade Agent has informed the Foreign Bureau that this would only be possible if alternative accommodation were provided.

19. The Government of India remain deeply concerned at the present accommodation difficulties of the Trade Agent and his staff in Gyantse. These difficulties can be judged from the fact that eight rooms in one part of a private house held by the Agency on hire are utilised for the Agency offices and the dispensary, the residential accommodation of the Doctor and the Head Assistant and several of the junior personnel of the Agency. Only two small rooms are available for accommodation of the entire office and the official records. This is extremely inadequate. The house is surrounded by manure pits and cattle refuse and its entrance is next to an open community latrine. In a place situated at an altitude of over 13,000 ft. and subject to severe climatic conditions and living in a house with such unhygienic surroundings, it is not a matter of surprise that the members of the Agency are constantly suffering from ill health and disease.

20. According to the Government of India's information, additional accommodation to relieve this congestion is in fact available in Gyantse. But whenever efforts were made to take on lease some vacant premises, accommodation was denied to the Agency. Some time later the Chinese authorities themselves occupied the premises which had been denied to

the Indian Trade Agency. The Government of India would once more urge the Chinese authorities to assist the Trade Agent to secure adequate accommodation for himself, his office and his staff. The present difficulties to which Indian staff are being subjected are in sharp contrast to the facilities in regard to accommodation and other things which are enjoyed by the Chinese posts in India.

21. As regards the reconstruction of the old premises, the Government of India will be prepared to exchange, in lieu of the land within their lease hold along the river bank, additional land of the corresponding area on the north and north-eastern side of the Agency site. The embankment side of the Trade Agency premises would be surrendered so that the Chinese authorities would be free to undertake the construction of protective works according to their own design for the safety of the bridge and public highway. Detailed proposals are now being worked out and will be communicated to the Chinese authorities separately. The new proposal can only be effective if the Chinese Government agree in principle to lease out an equal area of land on the other side of the Agency premises and to ensure that necessary facilities of access to the river for water etc. will be guaranteed to the Agency.

Conclusion

22. The difficulties of the Indian Trade Agency in Gyantse are real and have to be removed without delay if the Agency is to carry on its normal functions. It has been without proper accommodation for years and the living conditions of the Agency staff are deplorable. If the Agency premises are to be reconstructed, essential transport has to be provided for the carriage of materials and facilities provided for the purchase of timber and other building requirements. The Government of India would request the Government of China to issue appropriate instructions to the local authorities at Gyantse to give all required facilities and assistance to the Indian Trade Agent in accordance with and in the spirit of the Sino-Indian Agreement of 1954 and the correspondence exchanged at that occasion.

23. The Ministry of External Affairs take this opportunity of renewing to the Embassy of the People's Republic of China the assurances of their highest consideration.

Note given by the Ministry of External Affairs, New Delhi to the Embassy of China in India, 26 October 1959

The Ministry of External Affairs of the Government of India present their compliments to the Embassy of the People's Republic of China and have the honour to refer to the Chinese Government's note presented to the Ambassador of India in Peking on the 11th September 1959. The following paragraphs deal with that note in so far as the difficulties of the Indian representatives at posts in Tibet other than Gyantse are concerned. Two separate notes are being simultaneously presented to the Embassy in regard to the difficulties in Gyantse and the difficulties of Indian traders and Indian nationals in general in the Tibet region of China.

The Trade Agency at Yatung

2. The lease of the Trade Agency in Yatung only prescribes that permission of the local authorities should be obtained in respect of the construction or reconstruction of the Agency premises. On no occasion has any construction involving extension of the plinth area been undertaken without due notice to the Foreign Bureau. At the same time the Government of India have to state with regret that whenever permission even for small alterations was sought, considerable time elapsed before it was granted. Requests for such minor alterations and repair works were submitted to the local Foreign Bureau on the 1st January, 6th March, 2nd, 8th and 15th April, 1959 but the approval of the Foreign Bureau was conveyed to these requests by Director Hung Fei only

on the 11th July, 1959. On the 2nd April 1959 plans were submitted for rebuilding the quarters of the sweeper. These quarters had been demolished by the fall of a tree. Since the sweeper and his family had no shelter, a reminder was sent on the 15th April saying that presumably there would be no objection to the work of reconstruction being started. Since no objection was raised by the Foreign Bureau and no reply was received and since the poor family was in miserable plight, reconstruction was started on the 28th April. Thus, it would hardly be correct to say that no intimation was given to the local authorities or that their permission was not sought.

3. On the 23rd July 1958, the Head Assistant of the Trade Agency in Yatung was informed by Mr. Lu Ching Wu of the Foreign Bureau that unauthorised repairs had been undertaken by the Agency. The only works that had been undertaken were fixing glass panes, white-washing and minor repairs. Mr. Lu stated that even for such repairs prior permission had to be obtained. Objection was also taken to the restoration of a boundary wall which had fallen down and to the erection of a fence around a flower and kitchen garden in the agency compound after the melting of the winter snows. It is difficult to understand why even such ordinary maintenance work or minor improvements or restoration in the existing buildings should be subject to the prior approval of the local authorities. The Chinese posts in India are not subjected to such difficulties or interminable delay. In any case, if previous permission is insisted on by the local authorities, the Government of India would urge that expeditious clearance be given in respect of alterations or minor construction and that a more reasonable attitude be taken in respect of ordinary maintenance and repair works.

4. The primary school to which reference is made in the Chinese Government's note was opened soon after the visit of the Indian Prime Minister to Yatung in 1958 with funds presented by the local Indian trading community. The school is located within the Agency premises and

is intended exclusively for the benefit of the children of the staff working in the Trade Agency. The total number of such children is less than 25. It would seem extraordinary to prohibit the children of local staff of the Indian Agency from availing of the facilities of this elementary school. The children are of course free to attend a local school elsewhere if they so wish. Similarly, the Doctor and the dispensary attached to the Trade Agency are intended for the members of the Agency staff and their families. Local people from the neighbourhood however often come to the dispensary for treatment of minor ailments. This has been the practice for years. While no encouragement for the use of the Agency dispensary is given to the local people, the Government of India cannot understand why facilities of treatment should be denied to suffering people who choose to visit the dispensary on their own. Such an attitude seems strange and somewhat inhuman. However, the Government of India will abide by the wishes of the local authorities.

5. The Government of India would like to point out in this context that the school supported by the Chinese Trade Agency in Kalimpong enrolls Indian children on its rolls and no objection has been taken to this by the Government. The Government of India can only attribute the hesitation of the Chinese Government to some unaccountable distrust of the elementary school maintained by the Indian Agency at Yatung. In such matters full reciprocity is desirable.

Local regulations

6. The Chinese Government in their note have referred to the Indian Agencies not respecting local regulations. In fact, except for ad hoc decisions which are conveyed verbally by the local officials in Tibet, no set of regulations for the guidance of foreign representatives in Tibet has been provided. A request for such codified regulations was addressed to the Foreign Bureau in Lhasa in November, 1956 and repeated in Peking in November, 1957. Whenever reminders were given, the reply was received by Indian officials that local laws were changing progressively and no

codified regulations existed. It will be appreciated that in the circumstances it is not possible for the Indian posts in Tibet to know what local regulations they are expected to observe. The Government of India emphatically repudiate the allegation that Indian representatives deliberately flout local regulations.

Restrictions on movements and contacts

7. The Government of India appreciate that regulations which are imposed by the Government of China in the interest of public security have to be followed. At the same time, if Indian representatives have to discharge their normal functions they should have reasonable freedom of movement and other facilities. A few instances may be quoted in which such facilities were withheld for no apparent reason. Thus the Trade Agent, Yatung, was prevented from going in the Agency car to meet the Indian Trade Agent from Gyantse at Rinchengang. If it was safe for the Trade Agent, Gyantse, and his wife to travel to Yatung from Rinchengang, it is difficult to understand why there was any danger in the Trade Agent, Yatung, meeting them at the same place and driving back with them.

8. There are other similar instances of unreasonable and objectionable restrictions imposed on the movement of Indian officials. In February 1959 the Head Assistant of the Indian Agency at Yatung was refused permission to proceed to Rinchengang which is on a recognised route, to meet another official of the agency in Gyantse. In October 1958 the Trade Agent in Yatung was refused permission to accompany Mrs. Jigmie Dorji, the wife of the Prime Minister of Bhutan, on her way back to Gangtok. The last two incidents took place long before the recent disturbances and at that time no emergency security restrictions were in force.

9. In August 1959 the Consul General designate of India while on his way to Lhasa was held up for nearly two hours by the Chinese check-post at Chumbi despite his possessing diplomatic passport. Difficulties also arose

in clearing his luggage even though all items had been declared in advance. On 8th August Shri S. K. Chakrabarti who was returning to India from Lhasa as a courier holding a diplomatic passport was stopped and harassed for a few hours for some unaccountable reason after he had cleared through Chumbi check-post and before he reached Champithang. As recently as 28th September, the Head Assistant at Yatung, despite a properly visaed official passport in his possession, on his way back from Gangtok to Yatung, was compelled to return to Nathula by the Chinese check-post soldiers at Champithang. The Indian Trade Agent at Yatung is not permitted to move beyond a mile of the Agency towards Chumbi and not even a yard on the road towards Lhasa. The Trade Agent in Gyantse is confined to an area approximately two miles on either side of the Agency. The movement of the Indian Consul General in Lhasa is restricted to the Lhasa township. The sentry guard posted outside the Consulate General prevents all people including even Indian nationals from having access to the Consulate. It may be added that Chinese nationals of the Tibet region are forbidden even to attend cinema shows and purely cultural performances in the Agency or Consulate General. Cinema shows attended mainly by Indians are frequently organised by the Chinese representatives in India in their own premises and, with permission in public places outside and no exception has ever been taken by the Government of India to attendance at these shows by Indian nationals. In India, complete freedom of movement and contact with Indian nationals has been allowed to the Chinese representatives. It is hardly necessary to point out that restrictions of the kind mentioned above are not in accordance with the spirit of mutual trust and friendship which is embodied in the 1954 Agreement.

The tour of the Indian Trade Agent in Western Tibet

10. The Sino-Indian Agreement of 1954 envisages a permanent Trade Agency at Gartok in Western Tibet to assist Indian traders and pilgrims visiting the area. No suitable building is locally available on hire at Gartok

and despite the efforts of the Government of India, it has not been possible till now to conclude a lease and commence the construction of the Trade Agency at that place. Pending availability of suitable accommodation, the Trade Agent therefore endeavours to discharge his functions by a tour lasting about four months during the summer season every year. It has been the traditional practice for decades for the Trade Agent to enter Tibet by the same pass through which he returned from Tibet at the end of the previous season. All his camping equipment is left at the nearest frontier check-posts and thereby the trouble of bringing the equipment down to the plains at the conclusion of every season is saved. The local authorities are clearly aware of the practice and knew that the Indian Trade Agent who had left Western Tibet by Niti pass in November 1958 would re-enter by the same pass in 1959. The Ministry of External Affairs had also forwarded his detailed itinerary for 1959 to the Chinese Embassy at New Delhi and specifically requested a visa for the Niti pass in a note dated the 18th May 1959. As a result the Trade Agent's passport duly visaed for the Niti pass was received from the Embassy on the 29th May 1959. If the Chinese authorities were unable to make the necessary security and communication arrangements beyond the Niti pass and wished the Trade Agent to follow a different route, it would have been expected that information to that effect would be given to the Government of India in time so that the Trade Agent could be asked to proceed through Lepulekh pass as subsequently desired by the Chinese authorities. Thereby considerable delay and great personal hardship to the Trade Agent could have been avoided. For want of timely intimation, the Trade Agent had to retrace his journey when he was already nearing the frontier at Niti pass and there was delay of one month in the schedule of his entry into Tibet.

11. Despite the Trade Agent's compliance with the last minute requirement of the Chinese authorities at great personal inconvenience

and hardship he was surprised to find after he had arrived at Taklakot through the new route that he could not proceed further since no mechanical transport was available. He was therefore held up at Taklakot for six weeks. The Trade Agent was willing to avail of animal transport, but even this was not provided by the local Chinese authorities. In the 3rd week of August he was advised to proceed straight to Gargunsa while his destination in accordance with past practice, which must have been well known to the Chinese authorities, was Gartok. Gargunsa is an important Chinese military headquarters but is of little importance from the point of view of the work which the Trade Agent is supposed to do under the 1954 Agreement. Gartok is the most important market in western Tibet and is also the administrative headquarters for that region. Finally, when transport was arranged by the Chinese authorities, the Indian Trade Agent and his staff had to perform the journey of more than a hundred miles from 5 in the morning till 8 in the evening on the back of an open truck. This lack of consideration for an official of a friendly country who had been sent to Western Tibet to discharge his normal functions in accordance with an international agreement could hardly be regarded as evidence of friendship or co-operation and the Government of India cannot but express their regret at this strange treatment to which their Trade Agent was subjected.

12. The Chinese Government have suggested in their note that the special facilities which they are called upon to provide for the Indian Trade Agent are unique and extraordinary. This suggestion is obviously misleading. As the Chinese Government must be aware, it had been the practice for the Indian Trade Agent in Western Tibet to take his own rifles for the protection of himself and his party during their long journeys across wild and uninhabited regions. He also used to carry his own wireless set in order to be able to keep in touch with the Government of India. In 1953 however, the Chinese authorities summarily seized the rifles and the wireless set which the then Trade Agent had been carrying and these were returned to him at the Indian border on his return

journey. It was only when the Chinese authorities prohibited the Trade Agent from carrying any weapons in self-protection or any wireless set that the Government of India requested the local authorities to provide for security guard and a wireless unit for the Indian Trade Agent. It is of course well known that a regular system of postal communication or even of police protection is not available in that area. If now it is the contention of the Chinese Government that they have no responsibility for providing either escort or wireless facility for the Trade Agent, the Government of India would like to know whether they have any objection to the Government of India themselves arranging for these facilities for their Trade Agent. If the Chinese authorities would neither provide these facilities themselves nor permit the Trade Agent to make his own arrangements it need hardly be said that the Trade Agent would not be able to discharge his functions and to that extent the corresponding provision in the 1954 Agreement would be rendered nugatory.

13. The Government of India are anxious to sign the lease for a plot of land for the construction of the Trade Agency in Gartok. They are gratified that the lease has now been all but completed. Information has however been received recently that the local authorities in the Tibet region have been insisting that the rent for the leased property will have to be paid in Yuans. This is contrary not merely to the customary practice but to the specific provision in para 2(v) of the letter of His Excellency the Ambassador of China in India dated the 25th May 1957 which amplified the Trade Agreement between China and India signed in October 1954.

Couriers and communications

14. The Chinese Government could not be unaware of the fact that since the disturbances in Tibet the Indian bag service for all the Indian posts in Tibet has remained suspended for months. In the circumstances a special courier permit was requested as early as the 3rd June 1959 for an Indian official Shri Bhupindra Singh to proceed as courier up to Lhasa. Despite this advance request he had to wait for 18 days at Yatung before any

transport was provided for him. It is understood, however, that all this time there was official Chinese transport plying between Yatung and Lhasa. Some- what earlier than this an Indian engineer who was proceeding to Gyantse in connection with the construction work of the Indian Agency premises there was held up for three weeks for lack of transport. Since officially-owned transport of the Government of India cannot be permitted to ply to Lhasa on courier duty and since private transport is not available on hire, the Indian posts have to rely entirely on the assistance of the local authorities in securing transport. On all occasions Indian couriers are required to sit at the back of trucks and make themselves as comfortable as they can. It appears from the manner in which requests for transport were ultimately complied with that the local authorities were completely indifferent to the requirements of the Government of India and the hardships which are imposed on their staff.

15. It is true that the Chinese authorities had asked the Government of India to discontinue the existing messenger system in 1955. It will be recalled, however, that the road for use of mechanical transport between Lhasa and Yatung was completed only in 1956. In 1957, a detailed scheme for a jeep courier system in replacement of the old messenger system was worked out by the Government of India and requests were made to the Chinese authorities in Lhasa first verbally and then in writing to agree to this arrangement. The Chinese authorities, however, were not prepared to permit the Government of India to run their own jeeps even for the exclusive purpose of carrying official mails and bags to the Indian posts. It was only in these circumstances that the existing system had to be continued but this was done with the full knowledge and authorisation of the local authorities in Tibet. It may be observed that Article I of the Sino-Indian Agreement gives to both the sides the privileges of communication through couriers and of despatch of mail bags containing official communications. Para. 7 of the notes exchanged at Peking at the time of conclusion of the Sino- Indian Agreement provides that the Trade

Agent may hire employees locally. Thus the continuance of the messenger system with local personnel, pending the institution of modern courier system, is fully in consonance with and in no way contrary to the 1954 Agreement.

16. Nevertheless, in view of the objection of the Chinese Government the Government of India are agreeable in principle to start a courier system with Indian couriers which would use transport provided by the Chinese authorities. Such a system will be feasible only if suitable mechanical transport is made available by the Chinese authorities regularly and at reasonable rates. For the safety of bags it may also be necessary to provide transport for the exclusive use of the Indian couriers. Detailed arrangements involved in the system are now being worked out and will be communicated to the Chinese authorities shortly.

17. The attention of the Chinese Government has already been drawn to instances in which the bags of Indian Government were opened while they were handled by the local postal authorities. It will also be recalled that four cases of baby food for the infant child of the Consul General were handed over by the Trade Agent in Gyantse for onward despatch to Lhasa in April, 1959. They were kept for over a month in the sub-office of the Foreign Bureau and thereafter returned to the Trade Agent on the plea that no transport was available. Finally the food for the child was delivered to the previous Consul General through the local authorities in August, a few days before the Consul General left on transfer. The bags, urgent supplies, etc., which had accumulated for over 4 months at Yatung were transported by the special courier (Shri Bhupindra Singh) who proceeded to Lhasa in June this year.

With regard to the suggestion to use the local postal facilities, it may be stated that letter sent through the local post office have taken as much as a month between Yatung on the one hand and Phari and Gyantse on the other, when in fact the journey can be performed in one or two days.

Ordinary letters from India to Lhasa through Tibetan postal channels have taken even longer. In contrast under the messenger system (which is dependent on animal transport) official bags only took four days from Gangtok to Gyantse.

18. It is also reported that telegrams for despatch are only accepted in Yatung and Gyantse on 3 days in the week; no telegrams are accepted in Lhasa on Monday and in all cases no telegrams can be sent except during certain fixed hours. On the 6th July, the Indian Trade Agency, Gyantse gave details to local authorities of three specific cases where telegrams were delayed in transmission or never delivered at all. A telegram from Delhi marked most immediate was despatched on 3rd, reached Gyantse on 4th and was actually delivered to the Agency on the 6th September.

19. While no reflection on the Chinese Postal Department is intended, it will be clear from the above instances that the normal post and telegraphs facilities are not sufficiently developed in the Tibet region. The Government of India are only interested in ensuring that official communications to and from them reach their posts in Tibet in safety and without delay.

20. The Government of India deplore the arbitrary action of the Chinese authorities in stopping the messenger system through which official communications had hitherto been maintained between India and the Indian trade posts and the Consulate General in Tibet. So far as the Government of India are aware, the system has never been misused and even though the messengers were local people, at no time could any exception be taken to their conduct. In accordance with international usage facilities must be given to a foreign representative to keep himself in touch with his Government. The facility of a bag service is well recognised and this was specifically provided in the 1954 Agreement. In fact, as the Chinese Government are aware Government of India have

been very generous in giving courier permits to the Chinese representatives and as many as 38 Chinese couriers hold multi-entry Indian visas for movement between India and China. It is particularly regrettable, therefore, that before an alternative system with Indian couriers could be worked out, the Government of India should have been deprived by the Chinese Government of the facilities of communication with the Indian posts in Tibet. The bag service to the Indian posts in Gyantse and Lhasa has remained suspended since July. The difficulties of these posts for lack of suitable bag facilities can well be imagined.

21. The statement of the Chinese Government's note that the Government of India have been maintaining wireless sets in their agencies in Tibet in an unauthorised manner is hardly in consonance with facts. It will be recalled that as early as September 1955 the Chinese Government agreed in principle to the retention of the Indian wireless Links at Lhasa, Gartok and either Gyantse or Yatung on a reciprocal basis. Details were being worked out when suddenly, in September, 1957, the Chinese check-post at Yatung summarily seized some essential parts required for repairing the wireless set of the Trade Agency at Gyantse. This seizure was not even intimated to the Indian Trade Agent, Yatung and only later when enquiries were made by him was he informed of the detention of the equipment. This was justified by the local authorities on the ground that it was a prohibited item of import. The seized equipment has not yet been released. However, in March this year the Government of India made a comprehensive proposal to the Chinese Government for establishment of wireless sets on a reciprocal basis by Indian posts in China and Chinese posts in India. No agreement to these proposals has yet been received from the Chinese Government. In these circumstances, to say that wireless stations are being maintained by the Indian posts in an unauthorised manner does not present the facts of the situation correctly.

Conclusion

22. The Government of India find no pleasure in enumerating the facts given in the foregoing paragraphs. Facts have however to be stated clearly to contrast the treatment accorded by the Chinese authorities to Indian trade posts in Tibet with the facilities and privileges enjoyed by corresponding Chinese posts in India. The Government of India have to say with regret that repeated requests from their representatives in the Tibet region for the minimum facilities of transport, communication and accommodation have not been dealt with by the local authorities in the Tibet region with the sympathy and attention which are due to the representatives of a friendly country. They would also like to state that unless these facilities are forthcoming the Indian posts in Tibet cannot function with dignity and discharge the responsibilities intended for them under the Sino-Indian Agreement of 1954.

23. The Government of India take the opportunity of renewing to the Embassy of the People's Republic of China, the assurances of their highest consideration.

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 26 October 1959

The Ministry of External Affairs present their compliments to the Embassy of People's Republic of China and have the honour to refer to the note which was handed to the Ambassador of India in Peking by the Director of the Asian Department of the Chinese Foreign Office on the 11th September 1959. That note dealt with a variety of matters. The Government of India have dealt with some of them in two other notes. The present note is, therefore, confined only to the difficulties of Indian traders in particular, and Indian nationals in general, in the Tibet region of China.

2. As the Chinese Government must be aware, the 1954 Agreement between India and China envisaged that the traditional trade and religious connections between the Tibet region of China and India would continue to be maintained to the mutual advantage of the people on both sides. The Government of India are not unaware of the special difficulties which have arisen as a result of the recent disturbances in the Tibet region. It occurs to them, however, that some of the restrictions imposed by the local authorities in Tibet have hardly any relation to the security and other aspects of the recent disturbances. If these restrictions continue, the arrangements contemplated in 1954 will completely break down.

Difficulties of Indian trades in Central Tibet

3. The traditional border trade between India and the Tibet region of China was based on a free exchange of goods and presupposed that no difficulties would be placed in the way of remittance of profits of Indian nationals engaged in this trade from Tibet to India. The Government of India have explained the difficulties which have arisen as a result of new currency measures introduced by the Chinese Government in a note presented by the Ambassador of India in Peking on the 25th August, 1959, The new measures introduced by the Chinese authorities make it extremely difficult to exchange goods according to the traditional pattern of trade. Indian traders are being subjected to great hardship by the restrictions imposed which have inevitably caused serious loss on goods which had been exchanged or sold prior to the devaluation. Moreover, they are being confronted with serious difficulties in the remittance of profits because payments are no longer being made in Indian rupees and the customary method of adjustment through export to India of either silver dollars or silver coins is being denied to them. Obstacles are also being placed in the barter of goods taken by the Indian traders to Tibet with the goods which they used to receive traditionally from the Tibetans. The Government of India do not contest the right of the Chinese authorities to introduce such currency measures as they consider

necessary in the interest of their country, but since these measures adversely affect the traditional pattern of trade envisaged in the 1954 Agreement, it is only fair that some method should be devised to save the Indian traders from the severe loss to which they are being put by the devaluation of the local currency. Further there should be some-reasonable means for Indian traders to repatriate their earnings back to India.

4. It has been suggested that Indian traders could repatriate their earnings through drafts on the Bank of China in Calcutta by depositing Chinese currency with the local authorities. It should be realised, however, that small traders who are engaged in transactions in remote areas in the Tibet region particularly in Western Tibet would have serious practical difficulty both in obtaining and in cashing rupee drafts with the Bank of China in Calcutta. Moreover, it has been reported that Chinese authorities are insisting that before any rupee bank draft can be issued in favour of an Indian trader, he must enter into a bond for the import of specified goods of equivalent value in future. This condition, if it were to be fulfilled literally, would impose great hardship on the traders. Apart from the fact that this would interfere with the freedom of a trader to continue or not to continue his trade in future, a trader has compulsory obligations to meet in India to his suppliers, in addition to the personal expenses of himself and his family. It may be stated in this context that on many occasions in the past when Indian traders took goods to the Tibet region in fulfilment of earlier contracts, the Chinese authorities refused to accept them, thereby causing severe loss to them.

5. There are still other difficulties which are being experienced by Indian traders. On account of the restrictions imposed by the local authorities, Indian traders are not free to travel to recognised markets in Tibet. Unless the Indian traders receive permission to move to the recognised markets, they will be unable to dispose of the merchandise which they have taken this season to the Tibet region or to collect old debts. Some of

the Tibetans to whom they had earlier supplied goods have now moved to Shigatse and Lhasa. The Indian traders are not able to contact these persons now. It is requested that in view of the circumstances arising out of the disturbances the traders should, as a special case, be allowed to go up to Lhasa and Shigatse to realise debts from their old customers. Further, unless reasonable facilities are given to them to hire transport, a right embodied in the 1954 Agreement, they will be unable to carry on trade. The Government of India would request that the difficulties enumerated in this and the preceding paragraphs should be sympathetically examined by the Chinese authorities and remedial action taken without delay. Otherwise, the 1954 Agreement, insofar as it concerns the maintenance of the traditional trade between the two countries, will be rendered nugatory.

Difficulties of traders in Western Tibet

6. The Indian traders who visit Western Tibet are mostly petty traders who usually barter their goods for wool, salt, borax etc. In the hope that this traditional basis of exchange would continue these traders crossed into Tibet as usual, but by and large little trade or exchange of goods has been possible this year. It appears that a deliberate effort is being made to prevent the Tibetan suppliers of wool etc. from exchanging their produce with the Indian traders. The few Indian traders, who managed to purchase a small amount of wool, have been put to serious difficulties by the imposition of a new export tax on wool of the equivalent of Rs. 8 per maund. Indian traders have expressed their willingness to pay this new tax. In practice they are not finding it possible to do so, because while they are paid by the Tibetans as well as by the Chinese authorities in Indian rupees, they are required to pay the tax in Chinese silver dollars. Three months ago, a decree was issued by the Chinese authorities that Chinese paper currency would be legal tender in the Tibet region of China. It is all the more surprising, therefore, that local authorities should insist on payment of tax in silver dollars. Besides, silver dollars are not

available in Western Tibet markets. Indian-traders are, therefore, faced with an impossible situation and the Government of India cannot help feeling that these new requirements are meant to prevent export of wool and to disrupt the traditional pattern of border trade. The Government of India would repeat their earlier request that instructions should be issued by the Chinese Government to enable the Indian traders to carry on their traditional trade in wool and other commodities and to pay tax in a convenient medium, and also to repatriate their wares and legitimate profits to India.

7. The Government of India have recently received reports that the local authorities of Western Tibet, contrary to the customary practice, have imposed a ban on the export of sheep and goats to India. These animals were traditionally purchased by Indian traders not merely for the purpose of gathering wool but also for use as beasts of burden on the return journey to India. Further, petty Indian traders visiting Western Tibet traditionally left their unsold merchandise at the end of the season at the various trade marts and local authorities of the Tibet region have assisted them by ensuring the safe custody of the merchandise. The responsibilities of the Tibetan authorities have now been assumed by the Military Control Commission. The latter informed the traders towards the end of September 1959 that unsold merchandise should be taken back to India. This instruction was received by the traders at a time when many of the passes had already been blocked by snow. Basing themselves on the traditional practice, the traders had made no transport arrangements to repatriate their unsold merchandise and will, therefore, be compelled to leave it behind. It is feared that if no safety precautions are arranged by the local authorities, the traders will lose a substantial, if not the entire value of these goods. The Government of India would, therefore, request that at least for the season just attended, the customary practice should be observed by the Chinese authorities in Tibet, and necessary arrangements for the protection of the goods left behind should be made.

Otherwise, thousands of small traders will be subjected to serious loss and suffering.

Difficulties of pilgrims and other Indian nationals

8. The Chinese Government have mentioned a number of specific cases in their note. The Government of India have examined all the points mentioned in the Chinese note. Full information regarding the complaint of an Indian pilgrim who was harassed on his way to Mansarovar has been given in a separate note presented to the Chinese Embassy in New Delhi on the 24th September 1959. The particular pilgrim was carrying a few ordinary homoeopathic medicines. To subject him to delay and harassment on the suspicion that he might be carrying poison was uncalled for. It should have occurred to the persons responsible for this harsh treatment that a pilgrim on his way to a sacred place could have no use for poison. In this as in other similar matters, the Chinese check-post official must have given free play to their imagination.

9. As early as April 1957 the Embassy of India presented to the Ministry of Foreign Affairs, Peking a list of the difficulties which were experienced by Indian pilgrims proceeding to Kailash and Mansarovar. There were no security arrangements on the way nor any arrangements for sanitation and hygiene. Paragraph 10 of the letters exchanged after the 1954 Agreement envisaged that the Chinese Government would construct rest houses for the use of pilgrims. The Government of India even offered to supply timber to assist in the expeditious construction of these rest houses, but this offer was not accepted by the local authorities. It appears that in 1958 one or two rest houses had been built, but by and large the old difficulties still continue. However, in accordance with the wishes of the Chinese Government, all intending Indian pilgrims have been warned not to undertake any pilgrimage this season. It is hoped that when conditions return to normal, the facilities which the Indian nationals have traditionally enjoyed of visit to the two places held sacred by them will be restored.

10. A separate note has already been presented to the Embassy on the 24th September, 1959, on the question of Indian nationals other than traders residing in Tibet. The Government of India seek no concession except that persons who are entitled to Indian nationality should be given option to exercise the right of Indian citizenship and return to India, if they so wish.

11. A reference has been made in the Chinese Government's note to the case of two cobblers. It was for the local authorities to prevent them from proceeding as far as Shigatse. The Government of India were certainly not aware of their movement. At all events, the fact that they had done so was no reason to subject them to delay and harassment on their return journey when they were merely anxious to go back to India.

12. With reference to the family of Shahbir and Tromo Geshe the Government of India seek only to obtain details of the specific charges which have been preferred against them. It may be recalled that paragraph 6 of the letters exchanged at the time of the conclusion of the Sino-Indian Agreement specifically provides for access to the representatives of both sides by their nationals involved in criminal or civil cases. International usage also requires that facts relating to the arrest and the nature of the charges against foreign nationals should be communicated on request to the representatives of the countries concerned. The Government of India would suggest once more that, if only on humanitarian grounds, the wife and children of Shahbir be permitted to return to India and join their husband and father, who is now residing in Kalimpong.

13. The Government of India are surprised at the allegation in the Chinese Government's note that false rumours were being spread by Indian nationals visiting Tibet. They have fully satisfied themselves that such an allegation is entirely unfounded. The allegation that Chinese nationals have been subjected to unwarranted questioning by the Indian border check-posts is equally unfounded. In the past whenever such a complaint was received, the Government of India had immediate

investigations made into it but in the case was the charge found true. If specific complaints were brought to their notice, they will certainly examine them.

Registration of arms

14. The arms held by Indian nationals and representatives were imported or acquired at a time when there was no proper system of issuing fire arms' licences in Tibet. The Chinese Government must be aware that all Indian nationals including the junior personnel of the Indian posts have complied with the recent orders of the local authorities asking them to surrender their arms. The Government of India trust that satisfactory arrangements will be made for the protection of Life and property as laid down in para 9 of the notes exchanged at the time of the Sino-Indian Agreement of 1954. It is extraordinary that at the time these arms were deposited the local authorities refused to issue receipts on the basis of which the owner could claim them back when returning to India. At the time when the Vice Consul endeavoured to sell his revolver, to which reference is made in the Chinese note, no system of licence or restriction on sale existed in the Tibet region of China.

Anti-Indian propaganda in Tibet

15. The Government of India are glad to be assured that the articles to which they had drawn attention in their note of 24th July, 1959, alleging that India was a successor to the British imperialism do not represent the official thinking of the People's Republic of China. Since, however, these articles were published in organs which are officially controlled, the Government of India could only conclude that such views did have official support. The Government of India wish to recall in this context the anti-Indian demonstration which was organised in Yatung on 1st May 1959 with official support and connivance, when India was denounced as 'Imperialists, blood-suckers, expansionists' etc. Posters with anti-Indian slogans were pasted by the Chinese officials such as Lu Ching Wu of the Foreign Bureau on the quarters occupied by the Indian Overseer and on the main gate outside the Indian Trade Agency. The Government of India

take serious notice of official participation and encouragement of such direct anti-Indian propaganda. The Government of India are concerned to note that certain officials in the Tibet region of China have been suggesting openly that in due course China will 'liberate' Bhutan, Sikkim, Ladakh and other parts of India. They hope that such irresponsible and unfriendly propaganda will immediately be stopped and suitable action taken against the persons responsible for such suggestion.

16. The details given in the preceding paragraphs provide clear evidence of the harsh and unsympathetic treatment to which Indian traders and Indian nationals in general have been subjected in the Tibet region of China in recent months. Such treatment is not in accordance with the spirit of the 1954 Agreement and the notes on border trade and other connected matters which were exchanged at the time. Unless remedial measures are taken by authorities in the Tibet region of China, there is bound to be a complete disruption of the border trade. This will inevitably cause hardship to people on both sides of the border. If this happens, the responsibility has to be borne by the authorities responsible for the control of trade and other connected matters in the Tibet region. So far as the Government of India are concerned, they would undoubtedly deplore a breakdown of the traditional arrangements for trade in the border regions between the two countries. At the same time, they could not allow their nationals to proceed to the Tibet region without an assurance of protection and fair treatment. The Government of India do not seek any special privileges for their nationals or for their Trade Agents, but they will expect the Chinese authorities in Tibet, if these authorities are keen on continuance of the trade connections, to make it possible for Indian traders to carry on their business in fair conditions and in a friendly atmosphere.

Conclusion

17. It will be clear from what has been stated in this and the other two notes which have been presented simultaneously to the Embassy that the allegations in the Chinese Government's note of September 11 are

unfounded. It is not the Government of India who have violated the spirit of the 1954 Agreement. The instances given in these notes will show that the facilities to which the personnel of the Indian posts and Indian nationals in general are entitled under the 1954 Agreement have been denied to them on many occasions. The Government of India repudiate the allegation that any attempt has been made by them to encroach on China's sovereignty. The Government of India which is jealous of its own sovereignty, could not encroach on the sovereignty of any other country or support any attempt to do so. The facts given in these notes disprove any such contention. The allegation contained in the Chinese Government's note that "many actions and demands of India organs have violated or gone beyond the Sino-Indian Agreement" is also without any basis whatsoever. The Government of India only ask for their officers and nationals treatment and facilities which are guaranteed by the 1954 Agreement and the correspondence exchanged on the occasion and are implicit in them. They are surprised to be accused of having used unfriendly language. Neither in this note nor in any of the earlier notes or memoranda, which have been delivered to the Chinese Government by or on behalf of the Government of India, has any expression been used which is not recognised by normal diplomatic usage. On the other hand the language used in some of the Chinese Government's notes and memoranda has exceeded the bounds of normal diplomatic courtesy. The Government of the People's Republic of China appear to have taken exception to the reference in the Government of India's earlier note about the functioning of Trade Agencies in India and China on a reciprocal basis. Reciprocity is inherent in the Sino-Indian Agreement and the Government of India would not expect any treatment for its official agencies or for the Indian nationals which they themselves would not be prepared to accord to the official organs of the Chinese Government and Chinese nationals in India. There can be no question of coercion in stating this fact. The Government of India would reiterate that both parties to the Sino-Indian Agreement of 1954 should observe the Agreement in letter and in spirit.

On their part the Government of India have been seeking to do so ever since the Agreement was signed and even despite their unfortunate experience in recent months.

18. The Ministry of External Affairs take this opportunity of renewing to the People's Republic of China the assurances of their highest consideration.

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 29 October 1959

The Government of India have already had several occasions in the last few months to draw the attention of the Chinese Government to the position of Indian nationals particularly Muslims from Kashmir and Lamas from Ladakh resident in the Lhasa and Shigatse areas of Tibet region of China. A comprehensive note on the subject was presented to the Chinese Embassy on the 24th September, 1959. It was then pointed out that under the Indian law these persons were entitled to Indian nationality. Even if it is argued that under the Chinese law these persons, by virtue of their residence in China, are entitled to Chinese nationality or are to be regarded as Chinese nationals, they should, according to international usage, be given the option to choose which of the two nationalities they would like to adopt and be permitted to leave Tibet and return to India if they so desire.

2. Recent reports indicate that despite the representations of the Government of India, consistent pressure is being brought on the Kashmiri Muslims to observe regulations which can only be obligatory for Chinese nationals, and to accept Chinese nationality against their own wishes. It is understood, for example, that the Kashmiri Muslims in Lhasa are being required to attend meetings which are held every day and sometime twice a day but which are obviously intended for the instruction of the Chinese nationals only. The Kashmiri Muslims have pointed out to

the local authorities that since they have applied for registration as Indian nationals and since the question of their nationality and their future residence in the Tibet region is a matter under discussion between the Governments of India and the People's Republic of China, there should be no compulsion on them to attend such meetings. It is understood that on the 21st October about 15 Kashmiri Muslims were summoned by the local authorities and warned to attend the daily meetings. They were warned that failing compliance, they would be subjected to punishment. Similarly on the 22nd October 1959 at 19.00 hours IST, members of the Kashmiri Muslim community (both men and women) were summoned to a meeting and detained till 23.00 hours. They were individually interrogated and pressed to accept Chinese nationality. The members of the community reaffirmed their desire to be treated as Indian nationals and as a result at least one of their spokesmen was placed under house arrest. On the 23rd October at 08.30 hours IST, some Kashmiri Muslims were taken under guard to the Chinese area office and similarly harassed and pressed to accept Chinese nationality. They were warned that if they persisted in their refusal to accept Chinese nationality they would be imprisoned and put to difficulties and harassment. On the 24th October, at a meeting, similar efforts were made to persuade them to denounce their claim to Indian nationality and, on their refusal to do so, one couple was put under house arrest.

3. The Government of India protest strongly against the pressure and intimidation to which persons of Indian origin, who are entitled to Indian citizenship are being subjected in order to compel them to accept Chinese nationality against their wishes. The Government of India would again urge that the Chinese Government should desist from such pressure and allow these persons to exercise their option in favour of Indian nationality to which they are clearly entitled. These people have committed no crime; they wish merely to return to the country of their origin. Just as China has always claimed the same freedom for persons of Chinese origin living in South-East Asia regardless of how long they may have been away from

China, the Government of People's Republic of China should allow persons of Indian origin living or residing in the Tibet region to exercise their choice of citizenship freely. The Government of India would, therefore, urge that those who have already been taken into custody should be released immediately and pressure on others to accept Chinese nationality should cease forthwith.

Memorandum given by the Embassy of India to the Ministry of Foreign Affairs of China, 30 October 1959

The Government of India have considered the memorandum presented by the Ministry of Foreign Affairs of the Government of People's Republic of China to the Embassy of India on the 21st August 1959 regarding the arrangements for the carriage of diplomatic bags intended for the Embassy of India, Indian Consulates and the trade posts in People's Republic of China.

2. The Government of India would like to point out that it is a fundamental principle of international law and is recognised by international usage that diplomatic and consular missions should be able to communicate freely and in secrecy with their Home Government and with other posts in the same country. For this purpose, persons acting as couriers who carry official bags are given exemption from the local jurisdiction not only by the receiving State concerned but also by countries through which they may have to traverse while engaged in the performance of such duties. The Home Government or the Diplomatic Envoys concerned are unrestricted in the choice and number of their messengers. Further, according to the international practice, there is nothing to prevent non-diplomatic members of the staff being selected to act as couriers on a particular occasion. During the time such persons are designated as couriers and act as such, they do not perform their work as

members of the non-diplomatic staff in the Embassy. They are, therefore, entitled to protection and immunity customarily accorded to a courier. They revert, however, to their normal functions and privileges when not engaged on courier duties.

3. Further, the Home Government are not only within their rights in designating such persons as couriers, but persons so designated have to be equipped with the most respected form of travel documents such as diplomatic passports to ensure special protection for the bags and documents. When a person who is normally a junior functionary, is performing the duty of a courier, it is only proper that he should hold similar documents to ensure the secrecy and safety of the official bag. It is regretted therefore that the Government of India cannot accept the contention in the memorandum of the Chinese Ministry of Foreign Affairs that it is in any way objectionable for non-diplomatic personnel to be chosen for courier duties.

4. The Government of India are gratified to note that the Ministry of Foreign Affairs of the Government of People's Republic of China are agreeable to the Indian members of the staff of the Indian Embassy in Peking and the Consulate General in Shanghai acting as couriers and being accorded temporarily for the duration of the assignment the privileges normally allowed to a courier. The Government of India, however, fail to appreciate the reason for denying the same facility to the members of the staff of the Consulate General in Lhasa. In fact, because of the geographical situation of Lhasa, it is not practicable for the same courier who travels to Peking to carry special bags for the Consulate General in Lhasa or other posts in Tibet.

5. The Government of India trust that the Government of People's Republic of China will agree that, in accordance with international usage, the Government of India may continue to designate Indian nationals regardless of their permanent functions to perform duties as couriers to

the Embassy of India in Peking, Consulates in Shanghai and Lhasa and the trade posts in Tibet and that further, such couriers may for the satisfactory performance of their responsibilities be given diplomatic passports for the duration of their assignment and afforded the usual protection and amenities to couriers under international usage.

6. The Government of India would like to mention that as many as 38 Chinese nationals hold diplomatic passports at present on which the Government of India have issued multiple entry visas because they have been designated as couriers by the Government of Chinese People's Republic.

APPENDIX I

HISTORICAL BACKGROUND OF THE HIMALAYAN FRONTIER OF INDIA

India's northern frontier is a traditional one, in the sense that it has lain approximately where it now runs for nearly three thousand years. The areas along this frontier, which is nearly 2,500 miles long from the Kuen Lun mountains in the far north to the junction with Burma in the east, have always been a part of India. At times they were independent principalities, and in other periods they were incorporated in large empires like the Mauryan and the Gupta; but always the people and the rulers regarded themselves as Indians and remained within the Indian fold. Occasionally Tibetan rulers overran these areas; but these invasions were always exceptional and temporary, and never did these territories become part of Tibet. It is a long and continuous tradition that lies behind the present frontier of India.

This northern frontier of India is for much of its length the crest of the Himalayan ranges. The Himalayas have always dominated Indian life, just as they have dominated the Indian landscape. One of the earliest Sanskrit texts, though its exact date is uncertain-the Vishnu Purana-makes it clear

that the Himalayas formed the frontier of India. It states that the country south of the Himalayas and north of ocean is called Bharat, and all born in it are called Bharatiyas or Indians.

uttaram yat samudrasya himadres caiva daksinam

varsam tad (tam) bharatam nama bharati yatra santatih.

The earliest reference to the Himalayas is in the Rig Veda which was written about 1500 B.C. It states that the Himalayas symbolise all mountains (10th Mandala, 10th Adhyaya, Sukta 121.4). The Kena Upanishad, written sometime about 1000 B.C., speaks of Uma the daughter of the Himalayas- Umam haimavatim. The legend is that Uma, the daughter of the Himalayas, revealed the mystic idealism of the Upanishads to the gods. This is an imaginative expression of the historical fact that the thought of the Upanishads was developed by the dwellers in the forests and fastnesses of the Himalayas. For centuries thereafter, the striving of the Indian spirit was directed towards these Himalayan fastnesses. Siva was the blue-necked, snow-crowned mountain god; Parvati was the spring-maiden daughter of the Himalayas; Ganga was her elder sister; and Meru, Vishnu's mountain, was the pivot of the universe. The Himalayan shrines are still the goal of every Hindu pilgrim.

These references to the Himalayas continue down the centuries, and show that the inhabitants of India had a first-hand knowledge of this region. The Mahabharata, written sometime after 400 B.C., states that all the rulers of India took part in the war. The list of kingdoms may not establish the historical fact of their participation in the war, but it is adequate evidence of geographical knowledge.

It has even been held that the Pandavas-'pale-face'-belonged to a yellow-tinted, Himalayan, non-Aryan tribe which practised polyandry. The Papancha-Sudani says that one branch of the Kurus lived in the trans-Himalayan region known as Uttara-Kuru. In the days of Aitareya Brahmana and the Mahabharata some of the Kurus were still living beyond the Himalayas. The unity of this whole Himalayan region during this period is shown by the statement in the Sabhaparva of the

Mahabharata, that Arjuna, on one of his campaigns, returned from Pragjyotisha (Assam) to Uluka (in northern Punjab), through the inner, outer, and adjacent belts of the Himalayas. In fact, Pragjyotisha was a name transplanted from the eastern Punjab to Assam. Arjuna is also stated to have defeated the people living around lake Manasarowar. The Himalayas became a symbol of steadfastness and dignity. The Bhagavad Gita, describing the perfection of the Almighty, states that of immovable things he is the Himalaya- sthavaranam himalaya. The Ramayana, probably of about the same date as the Mahabharata, compares the steadfastness of Rama to the Himalayas sthairyena himavaniva. It also says that king Amurataraja founded the city of Pragjyotisha, and his grandson Viswamitra practised tapas upon the banks of the Kausiki, flowing through the Himalayas in the north-west part of the Pragjyotisha region.

After the period of the Epics, we are on firmer historical ground. It is highly probable that both Gautama the Buddha and Mahavira belonged to the Himalayan tribes. The empire of Chandragupta Maurya, towards the end of the 4th century B.C., comprised the whole of India north of the Narbada, as well as Afghanistan. Kautilya's Arthashastra refers to the worship of mountains, and looks on the Himalayas as divine mountains. The distribution of Asoka's inscriptions shows that his empire included Afghanistan, Baluchistan, Nepal, and the whole of India except Assam upto Mysore and Madras. Inscriptions have been found near Kalsi, in the northern part of Debra Dun district, and at Lalitapatan in the Nepal valley. Further evidence of the inclusion of the Himalayan terrain in Asoka's empire is provided by Rock Edict XIII, which refers to the Nabhapamtis of Nabhaka, probably identical with Na-pei-hra, referred to by the Chinese pilgrim Fa-Hien early in the 5th century A.D. as being located near Kapilavastu.

The next great development in Indian history was the establishment of the Kushan Empire in north-west India in the first century A.D. These rulers belonged to the Yueh-chi tribe of nomads in Central Asia. But they

were neither Tibetans nor Chinese; the description we have of them is that of large pink-faced men, who came under Hindu and Buddhist influence. One of the later rulers was called Vasudeva, a Hindu name. In fact Kadphises II came into collision with the Chinese who were now for the first time entering into relations with Central and West Asia. Kadphises was defeated by the Chinese, but his successor Kanishka avenged this defeat; and a Chinese prince is reported to have lived in Kanishka's court as a hostage. At its height the Kushan empire included the Central Asian provinces of Kashgar, Yarkand and Khotan, and extended to the borders of Parthia and Persia. But it was essentially an Indian empire, in that Indian influences percolated into these provinces, while Central Asian influences on India were superficial. The Kharoshti records discovered in what is now Chinese Turkestan bear traces of Indian names like Krishnasena and Indian titles like Devaputra. The Kharoshti script and the Prakrit language were introduced. Even the Sassanians of the third century A.D. regarded Bactriana as virtually an Indian kingdom and the Oxus as a river of the Buddhists and the Brahmins. Kanishka was a Buddhist, and Buddhist texts as well as a large number of other Kushan documents have been found in numerous places in Central Asia where Indian colonies had flourished. During the days of the Kushan empire, which straddled the mountains which now form India's northern boundary, India's political and cultural influence swept deep into China.

If, however, the Kushans were of foreign stock who became, if we may use the phrase, 'naturalised' Indians, the Guptas, who ruled the greater part of India from about 320 to 647 A.D., were of Indian stock. Samadragupta, the second of the line, thoroughly subdued the princes in the northern plains, and the boundary of his empire ran along the Himalayas. On his coins appears the figure of the goddess Haimavati. Kamarupa (Assam), Nepal, and Kartripura (Kumaon and Garhwal) are said to have been tributary kingdoms situated on the frontiers of his dominions. The literature of the period shows that the Himalayas were a

part of India, and the people were familiar with it. Kalidasa in the Raghuvamsa says that Raghu conquered areas to the north of the Himalayas, from Hemakuta (Kailas) to Kamarupa, thereby suggesting that this Indian kingdom (which is now Assam) stretched even beyond the Himalayas. His Kumarasambhava opens with a verse in which the Himalayas are referred to as a measuring-rod spanning the wide land from the east to the western sea-a metaphor suggesting that the culture developed in the Himalayan regions could serve as the measuring-rod of the cultures of the world.

asty uttarasyam disi devatatma
himalayo nama nagadhirajah
purvaparau toyanidhi vagahya
sthitah prithivya iva manadandah

The Himalayas are said by him to be the source of precious gems and medicinal herbs. His graphic descriptions of the Himalayan scenes read like those of one who has first-hand knowledge of this region. Another drama, written perhaps by a younger contemporary of Kalidasa, the Mudrarakshasa, states that the empire of Chandra- gupta II Vikramaditya extended from the Himalayas to the southern ocean.

The Gupta empire was finally destroyed by the Huna invaders from Central Asia, but their power was in turn broken by Yashodharman, king of Malwa, in about 530 A.D. The Mandasor pillar inscription says that his authority was acknowledged over the vast area bounded by the Himalayas in the north, the Mahendra mountains in the south, the Brahmaputra in the east and the ocean in the west. Harsha, who became king of Kanauj in 606 A.D., also established a vast empire in northern India. Banabhatta says that he exacted tribute from "an inaccessible land of snowy mountains"- obviously some Himalayan state. At the assembly he organized at Kanauj in honour of the Chinese pilgrim Hieun Tsang, one

of the tributary kings present was the king of Kamarupa. Hieun Tsang has given an account of all the Indian kingdoms through which he passed. Immediately south of the Hindu Kush mountains was Kapisa, ruled by a Kshatriya king. East of the Sindhu, the first important state was Kashmir. It consisted not only of what is now Kashmir but also a considerable part of the Punjab. East of the Yamuna lay the kingdoms of Mo-li-pa-lo, Suvarnagotra, Nepal and Kamarupa. Mo-li-pa-lo is Mar-po, the actual name of Ladakh. Suvarnagotra was a state in the Himalayas which was said to be ruled by women.

After Harsha, a Tibetan king, Sron-btran-sgam-po, annexed Nepal, defeated the usurper who had occupied Harsha's throne, and occupied Tirhut. But this Tibetan occupation of Indian territory was short-lived. In 731 Yasovarman, one of the later rulers of Kanauj, sent an embassy to China, probably to seek the assistance of the Emperor of China against his enemies in India. But nothing came of this mission, and Yasovarman was defeated by the king of Kashmir, Lalitaditya Muktapida.

Tibetan and Chinese influences, in fact, never gained a permanent footing on the Indian side of the Himalayas throughout the centuries of Hindu rule in India. The Himalayan regions often changed hands, but it was almost always between Indian rulers. Only once—and that too for a very short period—did a part of this territory come under Tibetan sway. Ladakh was an Indian state, and its kings traced their descent from the Sakya family. Spiti was ruled by Hindu rajas who bore the surname or suffix of Senas. In the possession of the Parasuram temple at Nirmand is a copper-plate deed, probably of the 7th century A.D., granted by Raja Samudra Sena. The Kulantapitha Mahatmya mentions two Rajas of Spiti by name, belonging to the 7th century. They too have the suffix of Sena. Garhwal seems to have been, in the later period, part of the kingdom of Brahmapura. The earliest dynasty of which records exist is that of the Katyuris. Hieun Tsang wrote that in Kamarupa (Assam) the chief ruler was a Hindu, Bhaskaravarman, who claimed to be a Kshatriya. That this kingdom was a large one which included most of what is now the North-

East Frontier Agency is established by evidence derived from various sources. Ptolemy, the Egyptian geographer who wrote in the 2nd century A.D., describing "India beyond the Ganges", refers to the Dobassa mountains, which are the eastern extremity of the Himalayas. In the Kalika Purana it is said that the Kamakhya temple (situated near what is now Gauhati) was in the centre of Kamarupa; and it is added in the Vishnu Purana that the kingdom extended round this temple in all directions for 100 yojana or about 450 miles. Even allowing for exaggeration, this would include the whole of present Assam, East Bengal and even Bhutan. This is borne out by Hieun Tsang, who estimated the territory of Kamarupa as being 10,000 li, or an area with a circumference of 1667 miles.

It was indeed, from the north-west and not from the north that India was successfully invaded. The Moslem conquest of India was really begun in the last quarter of the twelfth century by Mohammad Ghuri. For the next five hundred years, various Moslem rulers established their authority right upto the Himalayas. In fact, the northern boundary of India dwindled in significance, attention being centred more on the north-west. Two Moslem rulers tried to conquer Tibet and push their frontier beyond the Himalayas. In 1205, Muhammad bin Bakhtiyar crossed into Tibet via Assam with a large army. He is said to have reached "the open country of Tibbat", but thereafter he was obliged to retreat, and on his way back was routed by the King of Kamarupa. In 1325, Muhammad Tughlak sent another expedition, but this one perished in the Himalayan passes. The disastrous results of these two efforts served to limit the territorial ambitions of Indian rulers to the Himalayas. To the Moguls, these mountains were a natural barrier imposed by God, to be watched carefully but not to be crossed. But they extended their authority upto them. Babar's authority was that of a pioneer and, therefore, rootless; and the rule of Humayun, who for a time even lost his throne, was always weak. But Akbar had by 1576 consolidated Mogul authority in these Himalayan areas. Thevenot, a French traveller who visited India in 1666, wrote that

the province of "Ayoud or Haoud" contained "the most northern countries that belong to the Great Mogul". Ayoud and Haoud have been interpreted by Cunningham as corrupt forms of Himavat, which the Greeks called Emudos and Imaus. This seems the correct interpretation, and not that "Ayoud" is Oudh, for Thevenot mentions certain areas as being part of Ayoud which we know were not in Oudh. But even if the latter interpretation is accepted, it does not nullify the conclusion that the Mogul empire in this region extended upto the Himalayas, for the Ain-i-Akbari says that the northern boundary of Oudh province was the mountains. Military officers called faujdars were stationed all along the Himalayan border to keep the turbulent hill- chiefs under control and to collect tribute from them.

More varied was the history in this period of the areas at the two extremities of the northern frontier-Kashmir and Assam. They were both parts of India, and there were clearly contacts between them. The Rajatarangini, the Kashmir chronicle of the 12th century, mentions that Samdhimat and Lalitaditya Muktapida visited Kamarupa. But the Moslem rulers did not find it as easy to subdue these two areas as they had found the rest of northern India. In 1586, Akbar annexed Kashmir, but Ladakh remained independent. In 1640, she went to war with Tibet and acquired the whole of Ngari Khorsum (south-western Tibet) including Mount Kailas and Lake Manasarowar. But a few years later, the fortunes of war swung the other way, and Ladakh was forced in 1664 to accept the suzerainty of the Mogul and seek his military assistance. Emperor Aurangzeb sent an Army which defeated the Tibetans, but when the Mogul army retired, the Tibetans returned and imposed terms on King Delegs Namgyal. He seems to have surrendered Spiti, which had by this time become part of Ladakh, but promptly received it back as part of the dowry on marrying the Tibetan commander's daughter. Ngari Khorsum was returned to Tibet, but the village of Minsar was retained. From about 1690, the gyalpos or chiefs of Ladakh began to pay tribute to the governors of Kashmir.

In Assam, the Hindu kings-the Varman, the Salastambha and the Pala dynasties-found themselves, from the eighth century onwards, under the pressure of the Ahoms, a branch of the Shan tribe. Finally, in 1228, the kingdom came under the rule of Chukupha, who is said to have been the first to assume for himself and his people the name of Ahom-"the fearless"-and to have given this name, now softened to Assam, to the country. The new rulers successfully resisted Moslem efforts to subdue them. In 1554, the Ahom ruler adopted the Hindu religion and changed his name, Chatamba, to Jaiyadhaja Singh. From then onwards, the Ahom kings always took Hindu names; and the Ahom Shans, adopting the language and customs as well as the religion of the conquered people, became absorbed in the Hindu fold. Aurangzeb sought to conquer Assam; but though the Ahom raja surrendered in 1662, he regained his territory four years later.

In the 18th century, European Powers entered the Indian political scene, but as they moved in from the sea-coasts, they did not at the beginning affect the northern frontier regions of India. Though the Mogul empire was disintegrating, central and northern India remained in Indian hands. The central sector of the Himalayan range was the boundary of the kingdom of Oudh, while west of it sprouted small kingdoms, whose only visitors were pilgrims to Hindu shrines and whose chief article of commerce was ice for the courts. In 1801, Wellesley first thrust British influence into Oudh, and it gradually increased and culminated in annexation by Dalhousie in 1856. In the early years of the 19th century, the Gurkhas of Nepal had occupied Garhwal and the neighbouring hill states, and turning their attention to the plains came into clash with the British. War dragged on for three years, from 1813 to 1816, till the Gurkhas were finally defeated; and by the Treaty of Sagauli, the Raja of Nepal recognized British sovereignty over these border areas. In the Punjab, Ranjit Singh had set up a strong Sikh kingdom. In 1818-19, he

occupied Kashmir; and between 1834 and 1841, Ladakh was conquered by Gulab Singh of Jammu, then a feudatory of the Sikhs, and annexed to his kingdom. In 1841, one of Gulab Singh's generals invaded western Tibet. He was defeated and expelled, but when the Tibetans, with the aid of the Chinese, advanced to Leh, they were in their turn driven back. A peace treaty was signed in 1842. Four years later, Kashmir came under the suzerainty of the British. Gulab Singh was recognized as the Maharaja of the whole area, including Ladakh; but some months later, Spiti was taken over by the British in exchange for certain other territory, and added to Kulu district. The Punjab itself was finally annexed by the British in 1849.

Assam was annexed in 1838. But in the north, east and south, there were numerous tribes over whom the Ahom rulers had gradually lost control. The British policy was one of acquiring loose political control over these areas, with the minimum of interference compatible with the protection of these tribesmen and restraining them from raiding either Indian or Chinese territory. Administration had gradually to be pushed up into these regions, and the frontier between Assam and Tibet ascertained. This was not just a question of political division. The tribesmen in the north—the Monbas, Akas, Daflas, Miris, Abors and Mishmis—were ethnically different from the Tibetans. Towang inhabited by the Monbas had been part of India for centuries and Tibetan influence had grown in it only since the early years of the nineteenth century.

The leaders of the Aka tribes bound themselves in 1842 and 1844, in return for stipends, to maintain the peace. Over forty years later, in 1883, they raided a forest office, and a military expedition was despatched against them. They, however, only surrendered in 1888, and signed an Agreement under which their stipends were to be restored after a probation of two years. Thereafter, they kept the peace, and when Nevill visited the area in the winter of 1913-14, he found the rajas and people friendly. "The most excellent relations," he reported, "were established

with the Akas. I believe this friendliness will be permanent". But less amenable from the start were the Daflas. Though they agreed informally in 1835, 1837 and 1852 to curb their raiding activities, they did not desist from attacking their fellow-tribesmen living on the plains. In 1874-75, the British sent a military force into the hills. There were no disturbances after that, but nor was there any cordiality towards the British. When Nevill's mission visited the area in 1913, it was ill-received and he even opened fire on one occasion.

With the Miris and Abors, two tribes in close relation with each other, the British were at first on friendly terms. But there was a conflict in 1848 and a serious raid ten years later; and a British military expedition into the hills was turned back. A second expedition was sent the next year and the Abors overawed into submission. Three treaties were signed between November 1862 and January 1863, and a fourth in 1866, with various branches of the tribe. One curious feature of the agreements with the Abors was that the stipends were to be in kind, of articles such as hoes and salt which could be distributed among the whole community. It was in a sense a recognition of the democratic nature of the Abor system of government. In 1893 they attacked an outpost, and in consequence an expedition was sent. It was by no means a success. The Abors were never really subdued, and in March 1911, an Assistant Political Officer who ventured into the area was murdered. Once more an expedition was sent to punish the Abors and exact reparation, and advantage was taken of the occasion to ascertain the frontier with Tibet.

In the north-eastern corner of India lived the Mishmi tribes. The British concluded no written engagements with them, and despite numerous raids for long took no stricter measures than occasional blockades. In 1899, what Lord Curzon termed a "miniature army" was sent, but with little result. In 1910, it was learnt that the Chinese had occupied Rima in Tibet, entered the Delei valley in Mishmi country and planted their flag at

Menilkrai also in Mishmi territory. The Assam Government, therefore, recommended that the Mishmis should be brought definitely under British control. A friendly Mission was sent in 1911, and as Tibetan settlements and influence were discovered round Walong, road-building was commenced and British administration carried into this area.

The British, therefore, took nearly seventy-five years to secure all the territory that had been formerly parts of Assam. But by 1912-13, the administration of this northern region of Assam had been established sufficiently to necessitate the formation of two large units, the Sadiya and Balipara Frontier Tracts. Sufficient information about the frontier had also been acquired to enable the definite delineation of the Assam-Tibet boundary. Throughout the tribal areas, whatever the difficulties of the British administrators, normally their problems were not complicated by the presence of Tibetan influence and control.

Indeed, this broad survey of the frontier areas from the earliest days down to modern times shows that India's present northern frontier is along its whole stretch the historic frontier. Few, if any, land frontiers in the world can claim as strong a sanction of long and unbroken tradition.

Historical Division

Ministry of External Affairs
