



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

WHITE PAPER III

November 1959 – March 1960

**Ministry of External Affairs
Government of India**

On 16 November 1959, the Prime Minister presented to Parliament the Second White Paper containing the notes, memoranda and letters exchanged between the Government of India and the Government of the People's Republic of China since September 1959. This White Paper contains the notes, memoranda and letters exchanged between the two Governments since 4 November 1959. It also contains 3 earlier notes which had not been included in the previous white Paper.

MINISTRY OF EXTERNAL AFFAIRS,

NEW DELHI.

29 February, 1960.

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Letter from the Prime Minister of India to the Prime Minister of China,
4 March 1960

**Memorandum given to the Indian Ambassador in Peking by the
Chinese Vice-Minister Chang Han-fu, 12 November 1959**

The Chinese Government has now received a report from the Sinkiang frontier guards that the Chinese frontier guards are prepared at a time between November 13 and 15, and at a point on the track on the southern bank of the Changchenmo Rivet and three hundred meters to the east of the Silung Barma River (approximately 78°59'30" E, 34°18'15" N), to deliver the three armed Indian personnel detained on October 20, the seven Indian soldiers captured on October 21 and the bodies of nine Indian soldiers to the personnel to be dispatched by the Indian side for the taking over. The arms and ammunition of the Indian troops which were captured by the Chinese frontier guards will also be returned at the same time.

The Chinese Government agrees to the proposal made in the Indian Embassy's memorandum of October 27 that three Indian police officers, twenty Indian constables and twenty porters come, with twenty transport ponies and carrying a white flag, to take back the Indian captured personnel and the bodies of the Indian soldiers, and also agrees that they carry with them a small number of rifles for self protection. In order that the handing-over may proceed smoothly, the representatives of the Chinese frontier Guards are prepared to meet the representatives of the Indian side (no more than ten persons including the staff) at 11 00 hours Peking time on November 13 at the above-mentioned spot to consult first on the specific time and method for the handing-over. The representatives of the Chinese Frontier guards will be led by Captain Liu Shao-tsi. If, for technical reasons, the representatives of the two sides should fail to meet at the above-mentioned appointed time, the time can be postponed to 11 00 hours Peking time on November 14 or to 11 00 hours on November 15. After the meeting between the representatives of the two sides, all the Indian captured personnel, bodies of Indian soldiers and arms and ammunition can be delivered to the Indian personnel who

are to take them over on the same date.

It is requested that the above be transmitted to the Indian Government at once.

Memorandum given to the Indian Ambassador in Peking by Vice-Minister Chang Han-fu, 14 November 1959

The following are the main facts above the border incident of October 20 and 21 in the area south of Kongka Pass as admitted by the Deputy Commander of the Indian force Karam Singh and the other eight Indian soldiers, Mohd Khalil, Sonam Dorje, Rulia Ram, Sring Nalbu, Gur Bahadur, Abdul Majit, Rudar Ban, Shiv Diyal who were detained or captured in the incident. These main points fully confirm the account of this border incident given by the Chinese Ministry of Foreign Affairs in its memorandum of October 22, its note of October 24 and its statement of October 26.

1. The Indian military Personnel involved belonged to the Indian Tibet Boundary Force under the Indian Ministry of Home Affairs. They were led by Commander S. P. Tyagi and Deputy Commander Karam Singh. They started from Leh towards the end of September for Tsogstsalu, Kiam and Shamal Lungpa to the northeast of Kongka Pass, to set up check-posts there, and arrived at Kiam on October 19. They had never been to the place before where the present clash occurred south of Kongka Pass:
2. On October 20, Mohd Khalil, Sonam Dorje and a guide called Chadan were sent from Kiam to the area south of Kongla Pass. Khalil and Dorje were each issued a rifle 10 rounds and a filed glass. They admitted that they were sent for the purpose of reconnoitering the conditions of Chinese troops within Chinese territory. At 13 00 hours that afternoon, they were discovered by 3 patrolling Chinese frontier guards. The Chinese frontier guards shouted to them and waved to them to go away. The Indians failed to do so and were then detained.

3. On October 21, Tyagi and Karam Singh took more than 60 Indian troops to the area south of Kongka Pass to search for the three missing armed Indian personnel. Before starting, Tyagi expressed he had a mind to fight against Chinese troops. The Indian military personnel carried with them four Bren guns and about 50 rifles, as well as two or three Sten guns and 25 hand grenades.

4. When the Indian military personnel approached a hill in the area south of Kongka Pass, they discovered 6 Chinese soldiers on the hill. Tyagi ordered Karam Singh to take 30 men with him to the back of the hill and himself proceeded in front with 30 men to surround and capture the Chinese soldiers. They saw one or two Chinese soldiers waving their hands for them to go away. Instead of going away they pressed forward.

5. Then Indian soldier Ali Raza fired first. Another Indian soldier Manohar Lal caught a horse of the Chinese frontier guards. Thereafter, fire was exchanged.

6. The Chinese soldiers were equipped with no mortar and other artillery. They were armed with rifles, Tommy guns, light machine guns and hand grenades.

7. The 9 Indian military personnel were killed while they were attacking uphill.

8. The detained and captured Indian military personnel admitted that they had been given good treatment by the Chinese officers and soldiers during their detention.

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

on November 4, 1959 in regard to the incident in the Chang Chenmo Valley. A first-hand account of the incident, received from the second in command of the Indian police patrol party, was attached to that note. The Government of India have since received further accounts of the incident from the Indian personnel who had been captured by the Chinese forces on October 20 and 21 and released after several reminders on November 14. These accounts corroborate the earlier reports which had been given by the members of the Indian police patrol party who had returned to the base after the clash.

2. The Government of India would also like to refer to a constable named Makhan Lal who remains still unaccounted for. According to the statement of Shri Karam Singh, he and constable I, Rudra Man were made by the Chinese forces after the clash on October 21 to carry Makhan Lal, who had sustained injuries for a distance of 2 miles. They were then made to leave behind Makhan Lal on a river bank. What happened subsequently to him is not known to any of the released personnel. The Government of India would like to have any further information which the Chinese authorities might have about Makhan Lal.

3. The Government of India are surprised and shocked to hear of the treatment to which the Indian prisoners were subjected by their captors. The prisoners were kept in torn tents in bitterly cold weather and without any bedding for four days. As a result of this the leader of the party, Shri Karam Singh, and three constables were severely frost-bitten. One of the prisoners, Constable Abdul Majid who had a bullet wound on his back, received no medical attention until the fourth day. Besides, the prisoners were subjected to continuous interrogation from the time of their arrest till the time of their release. They were asked under threats and pressure to make statements to the effect that the Indian party had gone forward knowingly into Chinese territory and that they had sent two constables and a porter the previous day to carry out espionage there. The

Government of India have no knowledge of the statements which the prisoners are supposed to have made to the Chinese authorities but obviously, statements made under such circumstances cannot be regarded as voluntary.

4. The Government of India protest strongly against the deplorable treatment to which the Indian personnel were subjected while in Chinese custody. Under Article 17 of the Geneva Convention of August 12, 1949, relating to the treatment of prisoners of war a prisoner of war is only bound to give his surname, first names and rank, date of birth and army regimental, personal or serial number, or failing this, equivalent information. No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted or exposed to unpleasant or disadvantageous treatment of any kind. Whether or not the Geneva Convention applies to the Indian personnel taken prisoners by the Chinese forces on October 21, it is obvious that they should not have been subjected to treatment worse than that to which prisoners of war are entitled. It is most regrettable that the Chinese authorities should have subjected the Indian prisoners to interrogation, threats and harsh treatment in order to compel them to make statements desired by their captors.

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

**Memorandum given to the Indian Ambassador in Peking by the
Chinese Vice-Foreign Minister, 28 November 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 note delivered on November 24 1959 to the Chinese Embassy in India by the Indian Ministry of External Affairs, has the honour to reply as follows:

In its memorandum of October 22, its note of October 24 and its statement of October 26, the Chinese Government gave detailed and incontestably correct accounts of the border incident which occurred at the Kongka Pass on October 20 and 21, 1959. The facts admitted by the captured Indian military personnel are in agreement with the accounts given by the Chinese Government. On November 14, the Chinese Government handed over to the Indian Embassy in China a written material setting out the facts admitted by the captured Indian military personnel and drew the attention of the Indian Government to it. It is proved by the material that the report of the ' Second-in-Command of the Indian police patrol party attached to the Indian Government's note of November 4 is completely inconsistent with the facts.

Out of traditional Sino-Indian friendship and humanitarian considerations, the Chinese Government on the third day after the Kongka Pass incident already took the initiative in notifying the Indian Government that it was prepared to let the Indian side take back the captured Indian military personnel and the bodies of the Indian soldiers. The Chinese Government is gratified that they were handed over to the Indian side smoothly on November 14. However the Chinese Government cannot but be surprised that, at a time when the Kongka Pass incident is drawing to a close and the two governments are actively exploring avenues to eliminate border clashes, the Indian Government should create a side issue by leveling the groundless charge and even lodging a protest against Chinese Government on the pretext of so-called "deplorable treatment of the

captured Indian personnel". The Chinese Government categorically rejects this protest of the Indian Government.

Throughout the period of their custody the Indian military personnel were given friendly and generous treatment by the Chinese frontier guards. The Kongka Pass area was difficult of access and hard to get supplies, yet the Chinese frontier guards did their utmost to look after them in various ways. A few of the captured Indian personnel got frost-bitten. That was because their own outfits were very thin. As soon as the Chinese frontier guards obtained supplies, they issued to them cotton-padded suits, felt boots, beddings and articles of daily use and gave them necessary medical treatment. In respect of board and lodging, they were treated in no way inferior to the Chinese frontier guards themselves. They were quartered in warm underground rooms or in complete new tents. The assertion that they were kept in torn tents is a pure fabrication. The Indian Government's statement in its note that Abdul Majid had a bullet wound in his back and went without medical attention for four days is also inconsistent with the facts Majid never indicated that he was wounded or ill. As a matter of fact, his movements showed that he was whole and sound. The captured Indian military personnel all expressed more than once during the period of their custody that they were well treated when they were handed over to the Indian side to be taken back, they all expressed warm thanks.

It is normal that the Chinese frontier guards conducted necessary interrogation of the captured Indian personnel to make clear the facts about the armed Indian personnel's trespass and provocation as this was their duty. The captured Indian personnel were finally interrogated once again; this was only because there were important discrepancies between the report attached to the Indian Government's note of November 4 received by the Chinese Government and the facts as told by the captured personnel, and it was necessary to check it up with them. It is also merely

for this reason that their handing back was postponed several days. The interrogations of them by the Chinese frontier guards were always made in a free and unrestrained atmosphere; so-called pressure or threats was completely out of the question. The Indian Government's allegation in its note that the Chinese frontier guards subjected the captured personnel to threats and pressure in the interrogations and gave them harsh treatment is an utterly unwarranted charge.

The Indian Government in its note expressed the hope of receiving any information which the Chinese side might have about any Indian military personnel who was unaccounted for. On November 13 when the representatives of the frontier guards of the two sides discussed on the border at the Kongka Pass the concrete steps of handing over the captured Indian military personnel and the bodies, the Indian representative also made the request that the Chinese frontier guards search for the body of that Indian military personnel for the Indian side. The Chinese representative agreed then to make a further search. The Chinese frontier guards made an active search at and about the spot of the incident but still found nothing. It could be affirmed that this Indian military personnel was not on Chinese territory. The following day, the Chinese representative informed the Indian representative of the result of the search, and expressed the hope that the Indian side might search on its own territory. The Indian representative agreed to this.

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

**Note given by the Ministry of External Affairs, New Delhi, to the
Embassy of China in India, 13 December 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 of the 28th November presented by the Ministry of Foreign Affairs of the People's Republic of China to the Ambassador of India in Peking. The Government of India have now received full details from the released Indian police personnel as to the incident at Kongka Pass and the subsequent treatment to which the Indian personnel were subjected while in Chinese custody. These details confirm the account of the incident contained in the earlier notes. The statements of the released prisoners entirely contradict the assertion in the Chinese note that the Indian personnel were given friendly and generous ' treatment by the Chinese frontier guards. On the contrary the treatment which the Indian prisoners received was most harsh and inhuman and opposed to all canons of civilised behaviour. A text of the statement made by Shri Karam Singh, who was the leader of the Indian police party, is attached to this note. This statement is corroborated in substance by other members of the Indian party.

2. It will be seen from Shri Karam Singh's statement that the Indian prisoners were denied adequate food and shelter. It also appears that Shri Karam Singh was subjected to interrogation on 12 days for a total period of nearly 90 hours. Under threats and prolonged interrogation, he was made to subscribe to certain statements which his captors wanted him to make. He was further made to repeat similar statements on subsequent occasions so that these statements could be tape-recorded. Attempts were made by the Chinese frontier guards to re-enact the incident at Kongka Pass with the forced participation of the Indian prisoners with a view to taking photographs which could be used presumably as evidence in support of the Chinese version of the incident. Similarly, photographs of the prisoners arranged in various poses were taken presumably to show that the prisoners enjoyed certain facilities and amenities while in Chinese custody. The Government of India must state that no credence whatsoever can be given to any statement made by Shri

Karam Singh or any other Indian prisoner in these circumstances. The certificates of good treatment which the prisoners might have given their captors at the time of release are equally valueless.

3. The Government of India are also surprised at the statement in the Chinese Government's note that Constable Abdul Majid was "whole and sound" and "never indicated that he was ill". In fact Constable Abdul Majid received a bullet injury in the encounter and even now he has a splinter in his back. No medical attention was given to him for the first few days, and terrified at the treatment to which the arrested personnel were being subjected, he did not ask for medical care.

4. The note of the Chinese Government suggests that they are unaware of the whereabouts of Constable Makhan Lal, who still remains unaccounted for. It will be seen from the statement of Shri Karam Singh that Constable Malkhan Lal had received an abdominal injury and was helped by him and Constable Rudra Man to walk a distance of nearly two miles. It was then left by the Chang Chenmo river in the custody of two Chinese soldiers as ordered by the Chinese escort. It is extraordinary that the Chinese authorities should now profess ignorance as to the whereabouts of Constable Makhan Lal. The Government of India would request that enquiry be made of the Chinese frontier guards once again as to the circumstances in which Constable Malkhan Lal was left behind on the Chang Chenmo River on the 21st October and what happened to him subsequently.

5. The Government of India once again record their emphatic protest against the deplorable treatment to which the Indian personnel were subjected while in the custody of the Chinese soldiers. This treatment which the Indian personnel received was much worse than that to which even prisoners of war are entitled under the Geneva Convention of 12th August, 1949. It is obvious that the reports which the Chinese

Government have received from their frontier guards, both about the incident and about the subsequent treatment of the Indian personnel, are entirely unrelated to facts. The Government of India would urge that adequate action be taken against the persons responsible for subjecting the helpless Indian prisoners to such inhuman treatment.

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

Statement of Shri Karam Singh

I reached Hot Springs on the 19th October, 1959. On the 20th morning, two parties of two constables each and the third of two constables and a porter were sent out to reconnoitre the area. Two parties returned but the third one consisting of Constables Khalil and Sonam Dorje and Porter Chettan failed to do so. The same evening search parties were sent out to look for them but they returned without any success.

2. Next morning (21st October 1959), I decided to go out and search for the men myself. Shri Tyagi also accompanied me. We left with a party of about 20 men including a section and some personnel of the ITB Force. We left instructions for the main party to follow on foot.

3. After I had gone about five miles to the east of Hot Springs I noticed hoof marks which appeared to be those of the Chinese horse-. We followed these hoof prints for a few hundred yards. We also observed the area through binoculars but we noticed nothing of special interest. After the main party had joined us, we advanced further into the plain which was over-looked by a hill. The hoof prints appeared to be running along the right of this hill. I, therefore decided that I would with about 20 men, follow them to find out whether there were any Chinese intruders in the vicinity I told Tyagi to wait with the main party until I returned and to keep a look out for any signs of the Chinese if he saw an he was to

demand the return of our missing members and to ask them to leave Indian territory.

4. I, along with Jemadar Rulia Ram, Head Constable Man Singh. Head Constable Babu Wadkar and Constables Abdul Majid, Gur Bahadur, etc., followed the hoof prints which went along a track skirting the hill on our left. As we did not apprehend any danger we were not marching in any order but were marching in twos and threes. I was not even carrying a weapon. When I had covered about six to seven hundred yards, and had almost passed the hill on the left, one of my constables noticed some movement in front along a nullah and shouted "Chini Chini". I looked at all sides but before I could spot anything in front, I noticed on my left a Chinese soldier on the hill shouting something and waiving his hands upwards as if he was asking us to raise our hands and surrender. I shouted back at the top of my voice that it was our area. Instead of receiving any answer, we were fired upon both from the front as well as from the hill top. We were taken by complete surprise and so all the members of the party made far such cover as was available and returned the fire. Some retreated towards the hill on the right. Jemadar Rulla Ram, Constables Abdul Majid, Ali Raza Gur Bahadur Beg Raj and Norbu Lama ran with me and we took shelter behind a mound. Some of the others ran towards the hill on the left but were struck down with bullets and hand-grenades. Our firing was ineffective as we had inadequate cover and the Chinese were in a favourable position. After some time I ordered those who were near me to discontinue firing as their firing was having no effect and the ammunition was being wasted.

5. The Chinese continued to fire on us almost incessantly. We could also hear firing on the other side of the hill. Constable Ali Raza made a bid to get away in the afternoon and although he was fired upon was able to escape. The Chinese used LMGs riffles, tommy guns and hand-grenades. At about 5 p.m. firing from the front increased in intensity and a few

bren-gun bursts were fired at us from our right and Constables Beg Raj and Norbu Lama were killed. Realising the overwhelming superiority in numbers of the Chinese soldiers and their fire power, I thought that it was futile to resist any further and, therefore decided to surrender. We raised a white handkerchief after which the Chinese stopped firing and asked us to drop our weapons and advance towards them with our hands raised. I, accompanied by Jemadar Rulia Ram, Constables Abdul Majid and Gur Bahadur surrendered to the Chinese. Later, Constables Shiv Dayat, Rudra Man and Tsering Norbu, who were apparently lying concealed elsewhere, also surrendered and we were all herded together.

6. When we were being searched etc., I looked around and I thought there were about 80 Chinese soldiers in position on the hill. The soldiers that were on the side of the nullah were no longer visible to me. After our search, we were sent to Kongka Pass with an escort of 11 Chinese soldiers.

7. From the place of the encounter, five of us were made to carry the dead body of a Chinese soldier who had been killed. Constable Rudra Man and I were asked to help Constable Makhan Lal, who had been injured seriously in the abdomen. His condition was really very bad. We carried him for two miles where the Chinese soldiers ordered us to leave him on the bank of the Chang Chenmo river. Two of the Chinese soldiers stayed back near Makhan Lal and nine escorted us to our destination. From this place, I and Constable Rudra Man were made to carry heavy loads. We were completely exhausted and were finding it extremely difficult to walk with this heavy load but we were repeatedly prodded by rifle butts to move on. We reached the Chinese Kongka La Post (above 16,000 ft.) at about 2 a.m. on the 22nd of October, 1959. We were all put together in a pit, 6 feet deep, 7 feet wide and 15 feet long, normally used for storing vegetables. It was covered with a tarpaulin which left several openings through which ice-cold breeze penetrated. We had to spend the night on

the frozen ground without any covering. No water for drinking was provided nor were we permitted to ease ourselves during the night and the following day. The sentries adopted a menacing attitude.

8. On the morning of October 23rd, all of us were taken out of tent for the first time and taken to a place about two miles of towards Lanak La. We remained there the whole day and returned at night. We do not know why we were kept away from the camp that day. During the day, I was merely asked through an interpreter to write out the names of the captured persons but I expressed my inability to do so for want of spectacles. I told the Chinese of5cer to take down the names, which he did.

9. On the evening of 24th, I was again taken out in a truck to a distance of about one mile, where the dead bodies had been laid out and I was asked to identify them. As I could not identify all of them I suggested that some Constables may be called to help me in identification. They brought me to the camp and asked me to select a couple of constables. We went back along with two constables-Shiv Dayal and Gur Bahadur-and identified the bodies. After this, we rejoined the others in the pit.

10. For the first 3/4 days we were given only dry bread to eat. The intensity of the cold and our conditions of living were more than sufficient torture to demoralise us. By then I and 3 constables were suffering from frost bite and our repeated requests for medical attention and hot water were disregarded.

11. At about 4 a.m. on the 25th of October, 1959, I was called by two Chinese officers and taken for interrogation. I was removed to a tent about 50 yards away, where 5 Chinese officers, including an interpreter, interrogated me One of them, at the very outset, threatened that I was a P.O.W. and that I could be shot dead any moment. He also warned me that they did not want any arguments or discussions. They asked me to

write out my statement to which I pleaded my inability as I did not have my spectacles with me. At first, they asked me to narrate the entire incident. As soon as I came to the point that firing was opened by the Chinese, their senior officer present became wild and shouted back that it was incorrect, and that I must confess that the Indians fired first. I refused to accept this despite repeated and constant threats that I would be shot dead. Ultimately, they made me say that I could not judge at that time as to who fired first.

12. They asked me to admit that Indian soldiers seized Chinese horses, which were standing near the foot of the hill towards Chang Chenmo river. As I was on the other side of the hill, I told them that I had not seen anybody taking away the horses. Despite this, it was recorded that my men had disclosed to me that some Indian constables had taken away the Chinese horses.

13. Utmost pressure was used to extort from me that Tyagi and I knew beforehand that the place, where the incident took place, was within Chinese territory. I told them that I could not make that statement because that place was miles within Indian territory, but they continued to assert that it was Chinese territory and was in Chinese occupation. In this connection, it was finally recorded that "I have now come to know that the area, where the encounter had taken place, is under Chinese occupation".

14. The Chinese wanted me to acknowledge that no member of the TTB force had ever visited that particular, area. I told them that only in June this year an ITB patrol had gone upto Kongka Pass and stayed there for a day or so They wanted to know if I myself had ever visited Kongka La and when I said that I had not after a considerable discussion, they recorded "I and my men (who were prisoners with me), had never visited this area". I insisted that they should also write that I camped several times

at Hot Springs and had toured the adjoining areas, but they did not agree to include this.

15. As regards the objective of our patrol, they wanted me to admit that we intruded into their territory to attack and capture the Chinese as well as to establish a check-post. I stated that we had no such intention. In any case, it was our territory and the question of intrusion into the Chinese territory did not arise. On this assertion, they threatened me, but I stuck to the position that we were in Indian territory and were out looking out for the missing men. They then said that when fire was opened on us Tyagi and the main party were on the left of the hill and were advancing further in order to surround it. I told them that I could not see anything on the other side of the hill, and, therefore, there was hardly any point in obtaining a statement to this effect from me. As far as I remember, they finally recorded that though Tyagi did not tell me anything, it might be that it was his intention to send us from the right side and himself proceed on the left side in order to surround the hill and capture the Chinese.

16. The Chinese were emphatic that I should admit that they had gesticulated to us from the hill to go back. I told the senior Chinese officer, through the interpreter that my party was advancing in small groups following the hoof marks and that the forward group with me had noticed some Chinese in front. Whereas it was quite correct that for a moment I noticed some gesticulations from a Chinese on the hill to my left, no time was given by the Chinese soldiers, to understand and to respond to the gesticulations. In fact, I had, at the top of my voice, shouted that it was our area. The answer to this was firing from in front and the hill to the left and rear. The Chinese officer lost his temper on this and said I was a cunning liar and threatened to take out his pistol and shoot me. I tried to argue that if their intention was to ask us to go back then they should also have allowed the patrol party to return and not

have captured them. I told them that in fact, the Chinese soldier was gesturing to us to raise up our hands and surrender and that is why I had shouted back that it was our area to which the reply was a hail of bullets. In the statement, however, the Chinese recorded that one of the Chinese soldiers on the hillock had waved his hand indicating that we should go back and not adopt a hostile attitude.

17. I was asked to admit that our action was against the spirit of 'Panch Sheel'. I told them that it was they who had opened fire on us it was they who had violated the principles. Ultimately, they recorded that "the incident was against the spirit of 'Panch Sheel'".

18. When they asked me my rank, I told them that I was a Deputy Superintendent of Police and was the Second-in-Command of the ITB Force. Shri Tyagi was the Commander of the ITB Force. I had already decided to conceal the fact that I was the leader of the party to avoid interrogation about the police and Army dispositions and I had warned those captured with me to refer to me as the Deputy Commander. The total number of men in the party that had Hot Springs in the morning was about 60 and this was recorded.

19. This interrogation lasted from 4 a.m. to about 4 p.m., with short breaks for meals, etc. By this time, I was almost frozen and mentally and physically exhausted because of cold, persistent interrogation, intimidation, threats and angry shoutings, and lack of sleep. In this condition I was compelled to sign the statement recorded by the Chinese. At the end of this interrogation, the Chinese then brought all the other captured personnel before me and read out the statement, sentence by sentence. I was asked to translate each sentence in Hindustani. All the captured personnel were asked to append their signatures on the back of the statement and several photographs were taken.

20. After this interrogation, I was separated and put in a tent where insufficient bedding was provided. The tent had a big opening at the top round the central pole to act as a chimney but as there was no fire in my tent, this hole made the tent unbearably cold.

21. My interrogation was continued in my tent on the 26th from 0730 hours to 1700 hours. I was also told that my interrogation would continue the next day and until it was concluded, I would not be provided with a proper bedding.

22. On this day I was made to sign the following statement, as far as I can remember:

"Tyagi returned after having a meeting with Mr. Sharma in Delhi on the 22nd September, 1959. I returned from Srinagar on the 24th September, 1959. Tyagi informed me that a decision had been taken to establish check posts at Tsogstsalu, Kayam (Hot Springs) and Shamul Lungpa. Tyagi left Leh on the 27th September, 1959 while I started on the 29th September 1959. Tyagi had about 40 men with him. Three constables accompanied me. I reached Phobrang on the 4th October. Tyagi arrived on the 5th of October, 1959. Tyagi started from Phobrang for Tsogstsalu. I left Phobrang on the 14th October and arrived at Tsogstsalu on the 16th October, 1959. A checkpoint was established at Tsogstsalu and we left for Kayam. We established a checkpoint at Kayam and we had to establish one at Shamul Lungpa. On 20th October, 1959, our two men missed. On the morning of 21st October 1959 Tyagi took 60 men and reached the hill (battle field). When we were at a distance of about 400 yards from the hill were some Chinese were seen. Tyagi ordered me to take some men on the back side of the hill and to surround the Chinese and himself went in front. There were some 30 men with me and about the same number with Tyagi. We surrounded the hill. A Chinese was seen waving his hand so as to say "go away and do not adopt hostile attitude" I have heard from my men that the Indian soldiers fired first Some Indian soldiers took away

the horses of the Chinese”.

23. I protested that as regards firing, none of my men had told me that Indians fired first but they rejected the plea and said that they had obtained confessions to that effect from other captured personnel. When requested to confront them with me, I was told that as I was a prisoner I had no such right. Similarly, I pointed out that the story of surrounding the till etc. was also not correct but to no avail.

24. My interrogation started next day (27-10-59) at about 0800 hrs and it lasted for about three hours. The entire period was devoted to ascertaining from me the details of the ITB organisation.

25. My interrogation was resumed at 0800 hrs on the 28th October 1959, in my tent by three Chinese, two of them were officers and the third an interpreter. The interrogation lasted 5 hours and was confined to ascertaining the details of the checkpoints.

26. Information was also obtained from me in regard to the strength of the checkpoints, arms and their functions and was duly noted down in their own language.

27. The same afternoon all of us were taken to the Chang Chenmo river where the dead bodies had been laid out. We were asked to remove their uniforms and wrap a muslin cloth in accordance with Indian custom. At our request hot water was supplied to give a bath to the dead bodies. A number of photographs were taken while we were busy in this operation.

28. In the evening, they issued us the following items of clothing:

- (i) Cotton-padded coat
- (ii) Cotton-padded pant
- (iii) Cotton-padded caps

(iv) Namda Gum boots

I did not take these because items offered to me did not fit. Either on this day or the next a doctor examined my feet which had swollen up and administered an injection. Photographs were taken.

29. On the 29th morning at about 0900 hrs. the interpreter came to my tent and delivered some sweets as a gesture of goodwill. After sometime a new face together with the previous officers and the interpreter came to me. This time two stenographers had also been brought to take down my statement. This officer introduced himself as Commander of the Tibetan area. His questions were confined to details regarding our check-posts and their strength. I repeated the facts as given on the previous day. He also enquired about the strength of the army. The Chinese disclosed to me for the first time that the Foreign Ministries of both the countries were in correspondence with each other about us (captured persons). The interrogation lasted for about 2 hours. I was not made to sign any statement.

30. At about 1300 hours on the same day (29-10-59), I was taken out of my tent together with Constable Shiv Dayal and escorted by three Chinese soldiers to the scene of the incident in a truck. The new officer, who had examined me in the morning, occupied the front seat of the truck and four other officers sat with us in the rear. After reaching the place, I was made to stand, even though it caused me intense pain, near the base of the hill on the Hot Springs side and was ordered to point with my hand towards the hill and a photograph was taken, (as if I was pointing towards the Chinese who were on the top of the hill). I was then taken to the base of a small mound behind which we had taken shelter which fire was opened on us. Constable Shiv Dayal was asked to take a lying position about 50, paces away from me towards the hill. I was given a handkerchief and asked to wave it as if to give a signal to the men to open fire. A snap was then taken. Constable Shiv Dayal was then taken to

the place where one of the killed ponies was lying and another photograph was taken together with the dead pony. Then, the senior officer drew a sketch of the hillock and the adjoining area showing positions of the Indian and the Chinese soldiers at the time of the encounter according to the Chinese version and got the same signed by me and Constable Shiv Dayal. Photographs were also taken of a few Chinese soldiers gesticulating from the hill. Late in the evening we returned to the camp.

31. My interrogation was resumed on October 30 morning at about 0800 hrs. and it lasted upto 1300 hrs. They questioned me again about the strength of each post. They also obtained my signature on a statement to the effect that the post at Hanley was established in June this year.

32. On November 1 interrogation started in the morning as usual. The senior officer had by then gone away. The other Chinese officers and the interpreter pursued the interrogation. I was asked how we could claim this area when we had never visited it. I told them that I had myself gone beyond Lingzi Thang with about 10 persons in 1957 and upto Shamul Lungpa in 1958 where we had established a checkpoint which remained there throughout the summer and was withdrawn during the winter. They asked me if we had set up an boundary pillar at Shamul Lungpa or Lingzi Thang and I told them; that we had not done so because our boundaries extended hundreds of miles further. The interrogation lasted for about 5/6 hours. The following statement was briefly recorded and signed by me:
"In 1957, I visited Lingzi Thang with 10 men and stayed there for a few days. In 1958, I visited Shamol Lungpa, where we stayed for four months. On this occasion also there were about 10 men with me. We did not construct any huts at any place nor did we construct any boundary pillar at these places."

The Chinese said that Phobrang was our last post, and that we had no right to cross Marsimik La because the entire area beyond the pass was a

part of Sinkiang and that this could be verified even from the older residents of Ladakh. I told them that our claims were based on authentic documents and therefore, our maps were correct. They disposed of my argument by saying that our claims were based on demarcation by the British, who had usurped a lot of territory in Sinkiang and in Tibet. They ridiculed our maps and said that they were anybody while sitting at home. It was on this day that I was repeatedly asked about my maps and documents. I told them that I did not bring any such papers with me because I was well conversant with the area. The Chinese showed great anger during this discussion.

33. On the morning of November 2 at about 10-00 hrs., all the captured persons were brought to my tent. The interpreter then asked them in my presence whether it was a fact that all the dead had received bullet injuries in front which indicated that they were wounded while advancing towards the Chinese. To this, they replied in the affirmative. They said that they had wrapped up the bodies themselves and had actually seen the wounds. I was asked to attest their statement. I resisted but was made to sign the following:

"All of our men had received wounds in the front during the battle which indicated that they were wounded while advancing towards the Chinese."

34. Afterwards those who had bathed the dead bodies disclosed to me at the first possible opportunity that in fact the injuries sustained by our men were on the front, back and sides and some had had parts of their heads blown off.

35. The same afternoon we all were taken out in the sun and made to sit in a semi-circle. Two watermelons were cut and distributed amongst us and a photograph was taken.

36. On November 3, the Chinese asked me to sign the following

statement:-

"Chinese troops were armed with rifles, tommy-guns, LMGs and hand-grenades only. No heavy artillery or mortars were used by them during the battle."

I appended my signature as automatic weapons and hand-grenades had been used against my party and I was not aware whether any mortar had been used.

37. There was no further interrogation. In the afternoon we were taken out in the sun and given a lecture on the Sino-Indian friendship. On this occasion I was pointed out to a new person dressed as a Chinese soldier. This person replied in the negative after looking at me. Later, this man was heard conversing in Ladakhi and remained at the camp throughout our stay there.

38 On the morning of November 4, interrogation started at about 0800 hours. Only the interpreter examined me. He insisted that I should record in my own hand-writing the main points of the statement I had already signed. I pleaded I could not do so without my spectacles but when he urged me again and again, I told him that as I was a prisoner they could force me to do anything, but it was not fair in view of their professed friendship for India. Ultimately, I scribbled down the following prepared statement which the interpreter had brought with him:

"On 20-10-59, two of our men missed. Tyagi took about 60 men with him I accompanied him. When we were at a distance of about 400 yards from the battle field a few Chinese were seen. Tyagi ordered me to take some men on the back of the hill. He himself proceeded to the front. We surrounded the hill. I have heard from my men that Indian soldiers fired first. Some horses of the Chinese were taken away by Indian soldiers. I have nothing but to thank the Chinese officers and soldiers for the kind

treatment that they had given us. Medical facilities were provided to us and we were neither beaten nor coerced."

39. The same afternoon I was again interrogated by the Chinese officers and the interpreter. They brought a statement for my signature which included a sentence that on the 21st October, 1959, when we left our camp, Tyagi had disclosed that he was determined to fight the Chinese. I refused to sign it. They then took me down to a nullah threatening me on the way that they would dispose of me there. They threatened that I and my men were guilty of having killed their Second-in-Command and, therefore, it would be quite legal for them to shoot me. When I did not yield, he compromised to change the wording "Tyagi might have had an idea to fight the Chinese". It was extremely cold in the nullah I was almost dying with pain in my feet and so I agreed to sign the amended statement which was as follows:

"On 20-10-59, two of our men missed. Tyagi took about 60 men with him with heavy arms including four bren-guns, four stenguns, about 50 rifles and hand-grenades I also accompanied him. Tyagi might have had a mind to fight against the Chinese. We surrounded the hill where a few Chinese were seen According to our men, Indian soldiers fired first. According to Shiv Dayal, Constable; it was Manohar. Lal, Constable, who took away the Chinese horses." '

40. After that I was taken back to my tent and I was given a quilt. But in spite of this quilt the cold in the tent, where I had been kept since October 25, was so intense that I requested that I should be sent to the pit and this was conceded.

41. Right from the 25th October, 1959, pressure was brought to bear on me daily to confirm that Constable Mohd Khalil and his companions had been sent to Chinese territory for spying and that our object was to

establish a check-post in Chinese territory. After the first two or three days they dropped the question of the check-post and said that I might confess to the espionage mission. I told them that this was not a fact but that the patrol had been sent out to ascertain whether there were any Chinese patrols on Indian territory. They told me that they had already obtained a confession to the effect from Constable Mohd Khalil and all that they needed from me was confirmation. I did not have to sign any statement to this effect.

42. On the same day the Chinese officer drew a sketch of the encounter on the same lines as was done by their senior officer on October 29th, but on a bigger scale. After completing the sketch, signatures of all of us were obtained. My photograph was taken as I was signing.

43. On the afternoon of November 5. I was again taken out for interrogation which lasted three hours. Particulars of my service after partition were ascertained. On this day, the interrogator addressed me as the famous man of Ladakh.

44. On November 6 they took us all to the Chang Chenmo river. I sat on the bank of it and the others were asked to stroll along the river in a leisurely manner. The escort was kept away and a movie picture was taken in order to show that we had freedom of movement.

45. On the morning of November 7, we were again taken to the bank of the river where a Chinese Officer using a Ladakhi interpreter and Constable Shiv Dayal as Hindi interpreter, gave a lecture on communism condemning landlordism and capitalism. A rosy picture was painted of the communist regime. During the same lecture, it was prominently brought out that even now when India was a free country the British and the Americans owned a number of industrial concerns and that there were still a number of Indian capitalists and landlords. The lecturer said that he

hoped that India would get rid of these evils and prosper on the lines of China.

46. In the evening (November 7), I was taken' out from the pit to a tent and informed that Constable Abdul Majid had confessed that the first shot was fired by Constable Ali Raza of our force. I refuted this and said that Constable Abdul Majid be called to state this in my presence.

Consequently Abdul Majid was summoned and when questioned in my presence he said that what he had actually stated was that Constable Ali Raza had fired back long after the Chinese had opened fire. On this, the Chinese officer got enraged and threatened to thrash Abdul Majid. He lost his nerve and admitted that Ali Raza had fired first. I was then forced to sign the following statement:

"Constable Abdul Majid had stated that it was Constable Ali Raza who fired first. I believe that statement is correct"

Then Constable Shiv Dayal was brought before me and was asked to confirm his statement that the Chinese horses had been taken away by Constable Manohar Lal. Shiv Dayal insisted that he had not said so rather he had stated that he saw Constable Manohar Lal touching a Chinese horse. On this, the Hindi interpreter was sent for, who also confirmed the statement of Constable Shiv Dayal. Therefore I refused to sign the prepared statement in possession of the Chinese interpreter which was that according to Shiv Dayal, Constable Manohar Lal had taken away the Chinese horses. Instead, I signed a statement as follows:

"According to Constable Shiv Dayal, Manohar Lal Constable of the ITB Force was seen touching a Chinese horse. I believe what he states is correct"

47. Another lecture on Communist indoctrination was given on the

morning of November 8.

48. At about 6 P.M., I was segregated from my companions and taken to a tent nearly 50 yards away. They then disclosed to me that the Government of India in their note to the Chinese Government had admitted that I was the Officer Commanding of the ITB Force. As I had from the very beginning given myself out as the Deputy Commander I tried to modify the statement by giving the Following explanations:

(a) That I was a Deputy Superintendent of Police and so was Shri Tyagi. In his absence, I was always called as Officer Commanding.

(b) My promotion was due and it was possible that my Government may have promoted me since.

I was not made to sign any statement in this regard.

49. After this I was returned to the pit and Jem. Rulia Ram and Constable Shiv Dayal were taken to the tent for further interrogation about my exact designation. Jem Rulia Ram on return informed me that the Chinese tried to argue with them that I was older than Tyagi in age and so how was it that Tyagi was senior in rank to me. They maintained that I was the second-in-command.

50. In the afternoon of November 9, we were informed that another senior officer had arrived and that we would be produced before him to make our statements.

51. It was either on November 9th or on the 10th morning that at about 0800 hours the Chinese took away Jem Rulia Ram, Constables Shiv Dayal, Abdul Majid and Mohd. Khalil informing them that they were to be released. In fact, they were not being released but were taken to the

place of incident where a number of snaps and a cine film were taken to show that the Indian party had attacked the Chinese. They also took along the dead body of the Chinese soldier in a coffin and it was used during the filming.

52. At about 8 p.m. on November 10th, I was again taken out of the pit and escorted to a tent by two Chinese sentries who threatened to shoot me. Only one mattress was provided. My interrogation was immediately begun by one officer and an interpreter. They repeatedly threatened me to accept that I had sent the patrol into Chinese territory for spying but I refused to agree. They kept on interrogating me the whole night through; and as I was given insufficient bedding, I was in great agony from the cold and pain in my feet.

53. At about 0700 hours, I was compelled to write out the following myself:

"I and Tyagi started for patrolling of the border for establishing checkpoints at Tsogtsalu, Hot Springs (Kavam) and Shamal Lungpa on 29th and 27th September, 1959. We established a checkpoint at Tsogtsalu and arrived at Hot Springs where also we established a Checkpost. On the morning of 20th, our two men missed. Tyagi took about 60 men, 4 bren-guns, about 50 rifles, 4 grenades. I accompanied him. Tyagy may have had a mind to fight against the Chinese. (They wanted me to write that Tyagi was determined to fight but I did not agree). I went to the back of the hill. We surrounded the Chinese. A Chinese was seen waving "Go away; do not adopt hostile attitude." According to Constable Abdul Majid it was Constable Ali Raza who fired first. According to Constable Shiv Dayal, Constable Mahonar Lal was seen touching a Chinese horse. Chinese troops used only riffles, sten-guns, LMGs and hand-grenades during the fight. They did not use any heavy artillery or mortars. ITB Force knows that area north, south and east of Kongka Pass is a part of China, I and my men had never visited this area

(battle field) before".

54. The interrogation was continued till about 11:00 hours when I was made to add the following paragraph to my statement:

"I and my men have been given good treatment by the Chinese Officer and soldiers. I will never do anything which is against the five principles of the Sino-Indian Agreement any more nor I will enter Chinese territory again."

55. Before concluding, I was told that my statement would be tape-recorded some time that day and that I must answer questions exactly as in the statement written out by me. I was feeling very depressed and did not refuse to comply.

56. In the evening at about 1600 hours, a new face, reported to be their senior officer, came into my tent together with the interpreter. He also brought a doctor along who dressed my frost-bitten feet and movie and still pictures were taken. After this, a tape recorder was brought in my tent and the following conversation was recorded:

Q: Give brief details of the incident.

A: On the morning of 20th a few of our horses were found missing and we sent two Constables and a Coolie in search. They did not return. On the morning of 21st Tyagi and I started for their search with about 60 men. We had four bren-guns, three or four sten-guns, about 50 rifles and hand-grenades.

Q: What was Tyagi's intention?

A: He did not express his intention to me although inference could be

drawn that he may have had an intention to fight.

Q: Who fired first?

A: According to Constable Abdul Majid, Constable Ali Raza fired first.

Q: Do you know some Chinese horses were taken away by the Indian soldier.

A: According to Constable Shiv Dayal, Constable Manohar Lal as seen touching a Chinese horse.

Q: Did the Chinese use any heavy artillery or mortar':

A: Chinese soldiers had riffles tommy-guns, bren-guns and hand-grenades. No heavy artillery or mortars were used by them.

Q: Did you and your soldiers surround the Chinese soldiers?

A: Yes.

Q: What did the Chinese do when they were surrounded?

A: The Chinese soldier was seen waving his hand.

57. At this stage, I was told that further questioning would be done the next day.

58. On the night between November 11 and 12, all my companions were taken out one by one from the pit for tape-recording their statements. Before they were actually taken each one of them was properly tutored and warned that he must stick to the statement that had already been

signed.

59. After my statement had been tape-recorded I was returned to the pit on the 11th evening and proper bedding was provided.

60. There was nothing of particular interest the next day.

61. On November 13 at about 1500 hours, we were all taken out of the pit. All of us were given a small towel each sweets and cigarettes in the presence of a senior officer. Both movie and still pictures were taken. Then we were taken to another tent where a meeting was held. A tape-recorder had been fixed in this tent. The senior officer said that we would be released the next day but before that he wanted to hear our ideas and views, especially about the incident. I was asked to speak first in Hindustani. When asked about the incident I said "One cannot clap with one hand alone and there is no fight without mistakes on both sides. Both sides should be careful in future".

62. After that Rulia Ram and Shiv Dayal spoke briefly. There was nothing of interest in Rulia Ram's speech. Constable Shiv Dayal said, if the Chinese had not captured their men, this encounter would not have taken place as they had no plan to come in this direction. At this stage, as the Chinese felt that in my presence the men were not making statements to their liking, I was asked to go back to my pit and rest there. On the 13th evening, I was persuaded to accept the Namda boots which I did.

63 On the morning of November 14, we were woken up at 0430 hrs and asked to get ready. A meal was served at 0430 hours. We were informed that we would be released at 10.00 hours, Peking time. We were taken in trucks to the place of handing over. The dead bodies and our arms and ammunition were also taken.

**Note given by the Ministry of Foreign Affairs of China to the
Embassy of India in China, 5 February 1960**

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 note delivered to the Chinese Embassy in India by the Indian Ministry of External Affairs on December 13, 1959, has the honour to reply as follows:

With regard to the Kongka Pass incident and the friendly and generous dealing with and treatment of the captured armed Indian personnel by the Chinese side after the incident detailed accounts were given by the Chinese Government in its successive memoranda and notes delivered to the Indian Government. The Chinese Government thought that, with the related facts clarified and the matter itself a thing of the past, there was no reason for either side to stir up once again a dispute over this question. Unexpectedly to the Chinese Government, however, the Indian Government, following its note of November 24, 1959, handed over another note on December 13, 1959 attaching with it a statement of Karam Singh which distorts the facts in many respects, reiterated various groundless charges against the Chinese Government about the treatment of the captured armed Indian personnel, and published this note and statement. The Chinese Government cannot but deeply regret the fact that the friendly treatment given by the Chinese side to the captured armed Indian personnel should have been distorted to serve as material for anti-Chinese propaganda. Nevertheless, the Chinese Government still took a responsible attitude, and made repeated serious investigations into the related facts; it has received from the Frontier Guard Unit of the Chinese People's Liberation Army stationed at the Kongka Pass a report

on the intrusion and provocation by armed Indian personnel and handling of the captured armed Indian personnel." In order to clarify the facts, this responsible report and the statements made by the armed Indian personnel during their capture are attached herewith, and reply is given to the Indian Government's note of December 13, 1959 as follows:

1. In its note, the Indian Government asserted on the basis of the statement of Karam Singh that the captured armed Indian personnel were subjected to "deplorable" and "inhuman" treatment during ' their custody. The Chinese Government absolutely cannot agree to this assertion, The unshakable facts are that the Chinese frontier guards, in line with the Chinese People's Liberation Army's tradition of giving magnanimous treatment to prisoners and in the interest of Sino-Indian friendship, made continuous efforts to overcome all sorts of difficulties and gave the captured armed Indian personnel such good treatment as was possible under the conditions then and there.

The Kongka Pass area not only, has a severe climate but is also remotely situated and difficult of access so that it was extremely difficult to bring up supplies and this is known to the Indian Government. Further, the occurrence of this incident was totally unexpected to the Chinese side. Therefore, it is entirely conceivable that the Chinese Frontier guards stationed at the Kongka Pass should in the first few days have great difficulties in providing food, lodging and heating for the captured armed Indian personnel. Nevertheless, they still did their best to look after the captured armed Indian personnel. At the same time, the Chinese side brought up various supplies for them as quickly as possible from a distance of several hundred kilometers. As the clothing of the captured armed Indian personnel themselves was very thin, the Chinese frontier guards issued them cotton-padded suits, beddings, felt boots and articles of daily use as soon as the supplies arrived. With respect to lodging since there were no houses at all in the locality, they were quartered in a

comparatively warm underground room and few tents. They were given exactly the same food as that for the Chinese frontier guards, which was adequately and timely supplied. Medical treatment and care was given to those among them who were already frost-bitten at the time of their capture. The Chinese frontier guards also carefully preserved the bodies of the dead Indian personnel and, in accordance with the custom of the Indians, bathed them with hot water and wrapped them up in white cloth. The responsible report of the Chinese frontier guards stationed at the Kongka Pass attached to this note contains a detailed account of the treatment received by the captured armed Indian personnel, which sufficiently explains the actual situation at the time. Although in his statement attached to the Indian Government's note of December 13, 1959 Karam Singh made all sorts of distortions and false colouring of the living conditions during the period of custody, they cannot stand up to the test of the facts and are themselves full of contradictions. For instance, except for the morning of the first day when they ate dry rations because there was no time for cooking, the captured armed Indian they regularly issued the captured Indian personnel sugar, black tea, cigarettes and other articles of daily use; this was absolutely not, as Karam Singh asserted. done incidentally for the purpose of taking photos. Again, Karam Singh described the underground room as being very cold and horrible, yet he admitted that later he requested on his own accord to move back to this "ice-cold pit" and not stay in' a tent such as the Chinese frontier guards lived in. If the treatment received by the captured armed Indian personnel had indeed been "deplorable" and "inhuman' as described by Karam Singh, it would have been incomprehensible how, after 23 days of custody, they could still be affirmed as being in sound health by the Indian representative at the time of handing over and how, during the period of custody, they could several times happily and of their own accord gather together to sing and dance. Just from these two extremely simple facts one can judge that the assertion that the treatment which the captured armed Indian personnel received was "most

harsh and inhuman and opposed to all canons of civilized behaviour", is totally untenable.

2. In its note, the Indian Government, in disregard of the facts further describes the statements made by the captured armed Indian personnel to the Chinese frontier guards as forced confessions made under "threats and prolonged interrogation" and attempts by such an assertion to overthrow these statements completely. However, this attempt will not succeed. The Chinese People's Liberation Army has a tradition of treating prisoners magnanimously, and especially of refusing to get forced confession from prisoners. In this case of the captured armed Indian personnel the Chinese frontier guards have also all along adopted a practical and objective attitude in checking up the facts with them but never forced them to make a statement against their will let alone subjecting them to pressure and threats. Although many such phrases as "threat to be shot dead" "utmost pressure" "persistent interrogation" were used in Karam Singh's statement attached to the note of the Indian Government as a pretext for overturning the statements made during their custody, it is not difficult to discern the following facts by comparing and analyzing the responsible report of the Chinese frontier guards and the statements made by the armed Indian personnel during their capture which are attached to the present note and the latest statement of Karam Singh handed over by the Indian Government on December 13, 1959:

(1) Before the interrogation of the captured armed Indian personnel began on October 25 1959 the Chinese side had already tried its best to satisfy their daily needs so far as local conditions at the time permitted and let them rest for three days. Afterwards, their living conditions were continuously improved. In the course of the interrogation constant care was taken to give them food and necessary rest and keep them warm and they had never been treated as prisoners. Even the latest statement of Karam Singh which distorts the facts in many ways cannot completely

deny these facts. If the Chinese side had really wanted to subject the captured personnel to threats and get forced confessions from them it is certain that it would have been absolutely impossible for them to receive such treatment. Karam Singh asserts that the Chinese frontier guards told him that he would not be provided with proper bedding until his interrogating concluded, refused to allow him to confront the other captured personnel, repeatedly threatened to shoot him, etc. But all this was entirely inconsistent with the fact. Moreover, Karam Singh himself goes on to admit that bedding was given him before long and that he confronted the other captured personnel. It can be seen from this too that no credence can be given to these assertions of Karam Singh.

(2) During the first interrogation on October 25, 1959, Karam Singh already gave the basic facts of the entire Kongka Pass incident. Although at that time he was still evasive about one or two important points such as the fact that the Indian armed forces fired first, yet on the following day he admitted that "some Indian soldiers took away a horse of the Chinese soldiers" and that "the Indian soldiers fired first" Throughout subsequent interrogations Karam Singh never tried to deny the facts he admitted during the above-mentioned two interrogations. If the Chinese side had subjected Karam Singh to various threats and pressure and he had put up firm resistance against such threats and pressure it would have been impossible for preliminary interrogations to yield the above-mentioned result. The only logical explanation is that since both parties to the conversation had been participant and eye-witnesses of the clash, Karam Singh could not but frankly admit these facts. Moreover, although he harboured certain apprehensions at the beginning and made reservation on individual points yet in the face of the friendly attitude of the Chinese side, his apprehensions quickly vanished.

(3) The information given by Karam Singh and the other captured armed Indian personnel was indeed given of their own accord, and not under

compulsion, this is also borne out by the following facts: firstly they gave many facts which had been unknown to the Chinese side and which therefore, it was utterly impossible for the Chinese side to force them to admit. For instance, on October 27, Karam Singh specifically described how Tyagi received instructions from his superior Mr. Sharma, Deputy Director of the Indian Ministry of Home Affairs in charge of border questions, to proceed to Lungpa and set up a check-Post there, and then returned by September 24, 1959. Secondly, as for the facts which he firmly refused to admit the Chinese side, though being in possession of material, did not press him. For example, the Indian Government formally informed the Chinese Government that Karam Singh was Commander of the I.T.B.F., yet he only admitted himself to be Deputy Commander. Regarding such an important fact, the Chinese Government all along respected his own statement, and did not insist that he correct it. It can thus be seen how incredible is the allegation that the statements of the captured armed Indian personnel were made under threat and coercion.

(4) The interrogation would have come to an end when the basic facts of the Kongka Pass incident had been established after the first few interrogations. But the Indian Government repeatedly issued statements and on November 4, 1959 delivered a note to the Chinese Government, putting forth an account of the clash, which was diametrically opposite to the incident as understood by the Chinese side. In view of this, the Chinese Government could not but adopt a responsible attitude further made a detailed check up with the captured personnel and collected necessary evidence. It is obviously unacceptable to describe such interrogation and check up as "threats" and "prolonged interrogation".

(5) Actually, the statement of Karam Singh attached to the Indian Government's note cannot negate or reduce the soundness of the statements made by the captured armed Indian personnel to the Chinese frontier guards; on the contrary, it in a way further proves that what the

latter statements gave were indeed the facts. The latest statement of Karam Singh, in an attempt to relieve the Indian side of its responsibility for the clash, tries hard to distort in various ways the course of the incident. Yet, in so doing, it has inevitably landed in an extremely ridiculous position, being full of inconsistencies and contradictions. Its evasive wording still cannot help revealing the following unshakable facts: On October 21, 1959, the whole party of armed Indian personnel, about sixty in number, led personally by its Commander and Deputy Commander, set out to look for three missing persons. When they found hoof prints of Chinese horses they immediately traced them without hesitation; on reaching the vicinity of the hill where the Chinese patrolmen were, they divided themselves into two parties and commenced to advance along the two sides of the hill. Karam Singh's party "in twos and threes" (that is to say, in loose order for attack) "almost passed the hill— that is, actually outflanked to the back of the Chinese patrolmen. At that time Chinese soldiers not only were discovered by them, but were the first to call out and wave hands to them. As to the number of Chinese soldiers although Karam Singh says that he "thought" there were about 30 actually he saw only 11. After shooting started, a number of armed Indian personnel kept advancing on the hill guarded by the Chinese patrol, and even got so close to the Chinese patrol that they could be struck down by hand-grenades. The Chinese patrol did not use mortars or other heavy weapons. The above points admitted not only refute the Indian Government's previous allegations that the Chinese frontier guards opened fire without warning, that they used mortars that they, mounted on horses, advanced on the Indian troops, etc.; they are in full conformity with made by the captured Indian personnel to the Chinese frontier guards. Judging by these facts alone, it is clear that the Kongka Pass clash was entirely started by the provocation made by the armed Indian personnel who, relying on their superior strength, encircled and advanced upon the Chinese patrol.

It can be seen from the above-mentioned facts that the allegations that the statements of the captured Indian personnel were entirely de under threats and pressure and that therefore "no credence whatsoever can be given to them," they are "valueless," etc., are "groundless".

3. The Indian Government insisted in its note that Abdul Majid had a bullet wound and received no medical treatment. Nevertheless the unshakable fact is that throughout the period of custody, Abdul Majid not only never asked for medical treatment, but moved about like a sound person. The Chinese Government cannot understand how he could still walk back to Indian territory without difficulty after being detained for 23 days, if he really had had a fairly serious wound.

4. As to the armed Indian personnel who is unaccounted for, the Chinese Government has repeatedly stated that Chinese frontier guards searched many times but failed to find this armed Indian personnel within Chinese territory. After receiving the Indian Government's note of December 13 1959, Chinese frontier guards repeatedly made search but still could not find him.

In view of what has been stated in the above paragraphs, the Chinese Government must again reject the charge and protest made by the Indian Government in its note and categorically cannot accept its request for action against the Chinese personnel concerned. In order to help clarify the related facts the Chinese Government encloses herewith, for the reference of the Indian Government, the responsible report on the intrusion and provocation by armed Indian personnel and the handling of captured armed Indian personnel submitted by the Chinese frontier guard unit stationed at the Kongka Pass and the statements made by the captured armed Indian personnel while they were on Chinese territory.

Before concluding this note, the Chinese Government would like to

reiterate that it has never had the intention to argue endlessly with the Indian Government over the Kongka Pass incident. Its closest concern is only to prevent the recurrence of similar unfortunate incidents. Although the facts prove that responsibility for this incident does not in any way lie with the Chinese side, the Chinese Government and Chinese frontier guards have at no time had any ill-will against the Indian Government and Indian Frontier guards. They hope that no such incident causing the loss of precious lives on both sides will recur. In view of this, the Chinese Government would like to express its eager desire that both sides would argue no more about the matter which has become a thing of the past, and that they, instead, actively devote all their energies to speedily consulting and agreeing on effective measures so as to ensure the tranquility of the border between the two countries and consolidate friendship of the two countries.

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

ANNEXURE I

Report on the Intrusion and Provocation by Armed Indian Personnel and the Handling of Captured Armed Indian personnel by The Frontier Guard Unit of the Chinese People's Liberation Army Stationed at the Kongka Pass, January 15, 1960,

(1) How the armed Indian reconnoitering personnel trespassed into our territory and were arrested.

At one o'clock a.m. on October 20, 1959, when three of our patrolmen were on routine patrol duty within our territory south of the Kongka Pass and east of the Silung Barma River, they found two armed Indian

personnel carrying rifles and field-glasses and a civilian who had unlawfully crossed into our territory for reconnaissance. Our patrolmen immediately waved their hands and called on them to withdraw from Chinese territory. But the Indians refused. Thereupon, our patrol party, doing their best to avoid a clash, finally succeeded by peaceful means in urging them to put down their arms, took them back to the outpost, and put them under temporary detention.

(2) How the armed Indian troops intruded into our territory and brought about the clash

In the morning of October 21, 1959, thirteen of our patrolmen, led by Second Lieutenant Tuan Hai-chen, as usual were on routine patrol duty within our territory south of the Kongka Pass and east of the Silung Barma River. When our patrol party came along the Chang-chenmo River to Height 5,100 within our territory (approximately 79° 2' 10" E., 34° 17' N.), about five kilometers short of the customary international boundary line, about sixty armed Indian personnel, partly mounted and partly on foot, suddenly appeared about 400 meters west of this hill and were penetrating into Chinese territory. As soon as they discovered this unusual act of trespassing, our patrolmen waved their hands and called on the armed Indian troops to withdraw from Chinese territory. Instead of heeding our advice, however, the armed Indian troops, relying on their overwhelming 'superiority in numbers, divided themselves into two parties of about 30 men each, proceeded in the southern and northern directions respectively to encircle the hill where our patrolmen were and advanced towards the hill-top in loose order, while shouting, loudly "fake these Chinese!" After being encircled by the armed Indian troops from all sides, our patrolmen still continued to wave their hands and called out for the armed Indian troops to withdraw and not to take hostilities. But the armed Indian troops kept pressing forward until their vanguard came within about 30 meters of our patrol party. At 1309 hours local time, the

armed Indian personnel fired the first shot. At that time, our patrol party once again gestured and called out, asking the Indians not to open fire. But the armed Indian personnel followed up by a second shot at 13:19 hours, and took away horses which our patrol party had left at the foot of the hill. At that time, still firmly obeying the order of refraining from shooting until it was finally absolutely necessary for self-defence, and exercising the utmost self-restraint, our patrol party again and again asked the armed Indian personnel to stop shooting. Especially our deputy squad leader Comrade Wu Ching-kuo stood at the very fringe of the hill-top and waved his hands and called out energetically. But at 13.27 hours the armed Indian troops opened heavy fire on our patrol party. Being at the forefront, our deputy squad leader Comrade Wu Ching-kuo was hit and fell down. It was then 13.29 hours. It was under these circumstances when no room was left that our patrolmen returned fire in self-defence. The clash between the two sides lasted till about 15.17 hours, when the armed Indian troops started to retreat and return to Indian territory. At the two sides of Height 5100 the scene of the clash, our patrol party captured seven armed Indian personnel, including Karam Singh, who claimed himself to be Deputy Commander of the Indo-Tibetan Boundary Force of India. After the clash, we made a careful inspection of the place of the armed clash and surrounding areas, collected the arms and ammunition left behind by the armed Indian troops and found the bodies of nine armed Indian personnel.

(3) The treatment given to the captured armed Indian personnel.

To the nine officers and men of the armed Indian troops and the inhabitants of Ladakh who had acted as guide for the armed Indian troops, who were captured successively on October 20 and 21, 1959, we gave generous and friendly treatment, scrupulously adhering to the policy of our Army of treating well captured personnel. Although the number of the captured personnel was fairly great, our stock of the Kongka Pass area was difficult of accessing up supplies, we still made the utmost

efforts to take care of the captured Indian personnel, and at the same time, our higher authorities had supplies brought at top speed from Kashgar on October 28, 1959 to duly satisfy the daily needs of the captured Indian personnel.

The Kongka Pass area is over 5,000 meters above sea level, swept by bitter winds and capped by everlasting snows, and there was no house in the surrounding area. To protect the captured Indian personnel from the cold, we let them take a comparatively warm underground room. On October 24, when new tents arrived, we moved part of them into the newly erected tents so that they might not be so crowded. But two days later they said that the underground room was warmer, so at their request we let them move back to the underground room. From the first day they arrived here we never stopped providing them with means of heating. The only kind of fuel available in the Kongka Pass area was grass roots, of which we had not stored many and which were hard to dig out. Nevertheless, we provided them all along with adequate quantities of grass roots.

Except for Karam Singh who had a cotton-padded jacket, the other captured Indian personnel upon capture had very thin outfits. On the very day when supplies arrived from Kashgar, we issued to each of the captured Indian personnel a brand-new set of cotton-padded suit, cotton padded cap, quilt, mattress, and felt boots. As Karam Singh originally had a cotton-padded jacket and was further too portly to get a fitting cotton-padded suit and felt boots, we gave him a double issue of bedding instead. Later on we brought up from Kashgar the largest sized felt boots for him.

The captured Indian personnel were given exactly the same food as provided to our own men, and even a little better. Except for the first time when there was no time for cooking and they ate dry rations they

were given three meals a day, with the staple food hot and made of fine grain and a certain amount of meat. In consideration for their habit we issued them sugar and black tea quite often. In addition, we gave them cigarettes every day and brought them, some fruits over a long distance.

Those of the captured Indian personnel who had fallen ill and had been frost-bitten were given all the medical care that was possible. When they were brought to the outpost, we noticed that three of them were frost-bitten in the feet as a result of the thinness of their shoes and socks, among them Karam Singh's case was more serious. Our medical personnel tended to them at once and on some days looked after Karam Singh even twice or three times a day. A few who had caught a light cold were also given timely medical care. By the time they were sent back to India, except for Karam Singh who had not yet wholly recovered from his frost-bite, the rest of them were all whole and sound. .

The captured Indian personnel were satisfied with the treatment they received here. They indicated that we took very good care of them. They led a very pleasant life, and on more than one occasion rose to sing and dance for joy without any restraint, and even proposed to hold a get-together party with the personnel of our side. It was only due to bad weather that this desire was not fulfilled.

(4) Interrogation of the captured armed Indian personnel.

In order to get a clear picture of all the facts of the Indian armed force's intrusion and provocation we conducted from October 25, 1959 in succession interrogations of Karam Singh and the other captured personnel one by one. In face of the facts, and because both sides were participants in this clash, all the captured Indian personnel concerned from the outset of the interrogation gave of their own accord the basic fact that the armed Indian troops intruded into the Kongka Pass area of China and, relying on their superior force, launched an armed attack on

our patrol, thus bringing about the clash between the two sides of course, they were not all free from apprehensions for us at the beginning, especially Karam Singh. When we asked him on October 25 about the first shot fired by armed Indian personnel, he evaded by saying, "I don't know which side fired first" this attitude was most likely connected with the fact that he was one of the commanders of the ITBF of India: He was much afraid lest we would look into his responsibility for this incident. But after we made clear to him the consistent policy of lenient treatment of prisoners followed by our Army, his apprehensions were greatly reduced. On October 26, Second Lieutenant Tuan Hai-cheu pointed out to Singh that at the time Singh was situated on a mound south of Height 5,100, and the soldiers led by him, from among whom issued the first shot were all on the slope in front of him, so he should have been able not only to see but also to hear clearly the shooting of the Indian soldiers. It was very easy to distinguish between the rifles used by the Chinese soldiers and those by the Indian soldiers by the sound of their firing, one being dull and the other sharp. And the sound of that shot was unmistakably that of an Indian rifle. Thereupon Karam Singh promptly admitted that "The Indian soldiers fired first." Later, another captured Indian soldier Abdul Majid explicitly gave the name of the Indian soldier who fired the first shot, and Karam Singh further confirmed this.

After the first few interrogations, the basic facts about the Indian armed force's intrusion and provocation were already confirmed. As we were going to conclude the interrogation, we received from higher authorities successive instructions for us to make detailed check-up with the captured Indian personnel on related facts with reference to the statements repeatedly made by the Indian Government and the Indian Government's note of November 4 1959 and the report attached to it because there were considerable discrepancies between the account of the incident given by the Indian Government and the facts known to our side. We immediately made a detailed check-up with the captured Indian

personnel. The basic facts and details given by them once more confirmed that our understanding of the incident was correct, while the account of the clash given in the note of the Indian Ministry of External Affairs of November 4 and the attached report was inconsistent with the facts. As for the capacity of Karam Singh, although the Indian Government repeatedly stated that he was the Commander, yet Karam Singh himself and the other captured personnel insisted that he was Deputy Commander, so we had no way to confirm which statement was more consistent with the fact.

Most of the things admitted by the captured personnel were written out as statements, which were partly in their own handwriting and partly written on behalf of those who were illiterate by other captured personnel but both categories were signed by themselves. In the case of Karam Singh, because his eyesight was too weak for writing owing to his age, most of his statements were taken down by us in accordance with his own words and then checked and signed by him however two statements were written by himself with efforts. All the statements have been transmitted separately.

Throughout the interrogations, we maintained a calm and reasonable attitude and treated them with courtesy. We only put questions, and let the Indians answer entirely of their own accord. These captured personnel generally adopted a good attitude, were willing to tell us the facts of their own accord, and finally indicated on their own initiative that they would never again encroach upon Chinese territory in the future. Karam Singh also said: "I shall never do anything that is against the Five Principles and Sino-Indian friendship any more and I shall never intrude into Chinese territory once again."

(5) Disposal of the bodies of armed Indian personnel.

After the conclusion of the clash, we made a careful inspection of the area

of the clash and discovered altogether the bodies of nine armed Indian personnel. After the identification of the dead bodies one by one by the captured Indian personnel, we registered their names and kept them properly. After receiving instructions from our superiors on October 24, 1959 for us to make preparations to release the captured personnel and hand over the bodies, we further wrapped up properly the bodies of armed Indian personnel in white cloth according to Indian custom, and before doing so, at the suggestion of Karam Singh, we washed each body with hot water,

(6) The release and delivery

In the morning of November 13, 1959, on instructions from our superiors we met the representative Tyagi and others of the Indian side at a place within Chinese territory on the southern bank of the Changchemno River 300 meters to the east of the Silung Barma River, and the two sides consulted and made joint arrangements on the details of handing over the captured Indian personnel, the bodies, arms, ammunition and other articles. Tyagi, representative of the Indian side mentioned that apart from the nine bodies of Indian soldiers, another Indian soldier might have died of serious wound somewhere near the battle-field and expressed the hope that our side would permit an Indian soldier to search for them in the company of our personnel. Our representative said then that our side had made a careful inspection of the place of the clash and surrounding areas after the clash and only nine bodies of armed Indian personnel had been collected; however, since the Indian side had made the request our side was willing to make a further search, and also agreed to help look for the magazines.

In the afternoon of the same day, we dispatched an appropriate number of personnel to make another careful search in the area of the clash, but still no trace of the Indian soldier said to be missing was found.

On November 19, 1959, the personnel of the two sides in charge of handing-over met on time at the place of handing-over (78°59'30"E 34°18'15"N) as agreed upon beforehand. The representative of our side Captain Liu Shao-tsi, first of all told the Indian representative Tyagi about the resultless search made on the previous day and expressed the hope that the Indian side would make search within Indian territory. The Indian representative agreed to this. Then we handed over to the Indian side all the captured Indian personnel the bodies, arms ammunition and other articles one by one as written in the lists. At the same time, the five magazines of bullets which were recovered by an Indian soldier in the company of personnel of our side from the bank of Changchemno River were also included into the list of articles being handed over. After checking and finding nothing wrong the Indian representative signed receipts in the Chinese and English languages acknowledging the receipt of all the captured Indian personnel, the bodies, arms, ammunitions and other articles, and affirmed that the captured personnel were all in good health The handing-over was completed smoothly 14:30 hours, Peking Time, that afternoon.

The handing-over proceeded in a friendly atmosphere. The representative Tyagi said that: "The Indian Government and I myself are very grateful to the Chinese people." On parting, the released Indian personnel also expressed repeatedly their gratitude to our side for the good treatment they had received. On parting Karam Singh even raised his arm and shouted aloud "Good bye, Chinese brothers!"

ANNEXURE II

Statements of Armed Indian Personnel Captured in Kongka Pass Incident of Intrusion and Armed Provocation by Armed Indian Forces on October 20 and 21, 1959.

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1. Statement of Karam Singh, October 25, 1959

On 20th October, two of the I.T.B.F. soldiers missed. On 21st October, Tyagi, the Commander of the I.T.B.F., and I, the Deputy Commander of the I.T.B.F. led about 60 men, with light machineguns and other weapons, to go out for the search of the two missing men. We suspected very much, though without any evidence, that the two missing men were arrested by the Chinese. Therefore, we went towards the direction where the Chinese are. When we arrived at the vicinity of a hill, some of our men shouted that a few Chinese soldiers were on the top of the hill. Tyagi with his men about 30, approached the hill and spread his men along the foot of the hill. At the same time, he ordered me to go to the back of the

hill with my men about 30, and to spread them along the foot of the hill on that side. I proceeded accordingly. When I with my men arrived at the back of the hill, the Chinese soldiers were surrounded. I saw six Chinese soldiers were on the top of the hill, some of them quickly disappeared. Some of them waved hands to our men, with an intention to show to our men not to approach to the Chinese. When I arrived at the back of the hill, our men formed a line along the foot of the hill, I stood at one end of the line. 10- 15 of our men climbed towards the hill's top, and the others of our men stood. Later on, both sides changed fire, I did not know which side fired at first.

In 1957, I joined the I.T.B.F. For about more than two years, I patrolled many places, but I never arrived at the hill, which recently became a battlefield. And the men under my command also never reached this place. It was for the first time that I and my men reached the hill mentioned above. When I was captured, I found the hill and its vicinity were controlled by the Chinese troops. What I have said are facts.

(Sd.)Karam Singh, Deputy Commander,
I.T.B. Force,
At Chinese Check Post.

12 o'clock,
Peking Time;
October 25, 1959.

We all agree to what Karam Singh has said above.

(Sd.)Abdul Majid.

(Sd.)Rulia Ram.

(Sd.) Gur Bahadur.

(Sd.) Sring Norbu.

(Sd.) Shiv Dayal.

(Sd.) Mohd. Khalil.

(Sd.) Rudraman.

(Sd.) Sonam Dorje.

Note :-The original statement is in the English language.

2. Statement of Karam Singh, October 26, 1959

On twenty-first October, Tyagi led about sixty men to cross the Karakoram Mountain, and arrived at an area. We discovered that there were six Chinese soldiers on a hill in this area. My Commander led about thirty men to approach to the front part of the hill, and he ordered me to lead the rest of the men, about thirty, to move to the back of the hill. The Indian soldiers very soon surrounded the Chinese soldiers, and approached to them. At the same time, some Indian soldiers took away the horses of the Chinese soldiers. In the course of time, the Chinese soldiers incessantly waved their hands, as much as to say, go away quickly, don't adopt military hostilities. They so continued for about half an hour. But the Indian soldiers made gestures to call the Chinese soldiers to surrender, and continued to approach to them. After a short time, the Indian soldiers fired first.

(Sd.) KARAM SINGH,

Deputy Commander,
At Chinese Check Post.

October 26, 1959.

NOTE :-The original statement is in the English language.

3. Statement of Karam Singh, October 27, 1959

Mr. Sharma, Deputy Director of the Ministry of Home Affairs, is in charge of the border question. S. P. Tyagi, the Commander of the I.T.B.F., is subordinate to and always in close connection with him. About

on 24th September this year, Tyagi went back from New Delhi to Leh. On the same day, he imparted to me that a decision had been made, the purpose of which was to build, small houses at Shamal Lungpa, to station some fifteen men there, and to patrol its surrounding areas. On the following two days, the I.T.B.F. started its way from Leh. We planned to reach Shamal Lungpa through Marsimik Pass, Tsogstsalu and Kiam (Hot Spring), and to build small houses at these places, except at Marsimik. Tyagi, arrived at Kiam on 18th October, and I the next day. The men both of us led were about sixty in total. On 20th October, two of our men and one coolie missed. A large number of our men were sent out for their search.

(Sd.) KARAM SINGH,

Deputy Commander,

October 27, 1959.

At Chinese Check Post.

NOTE.-The original statement is in the English language.

4. Statements of Rulia Ram, Sring Norbu, Gur Bahadur, Abdul Majid, Rudraman, Shiv Dayal and Karam Singh, November 1, 1959

The nine men dead were shot down when they were approaching the hilltop. The bullets ran into them from the front.

(Sd.) SRING NORBU.

(Sd.) SHIV DAYAL.

(Sd.) GUR BAHADUR.

(Sd.) RULIA RAM.

(Sd.) RUDRAMAN.

(Sd.) ABDUL MAJID.

Shiv Nath was killed at a distance of two hundred yards from the Chinese, while the other two men, Narbu Lama and Beg Raj, were killed on a small hill seventy yards from the Chinese.

(Sd.) RUDRAMAN.

(Sd.) SRING NORBU.

(Sd.) SHIV DAYAL.

(Sd.) GUR BAHADUR.

(Sd.) RULIA RAM.

(Sd.) ABDUL MAJID.

We were about sixty to sixty-five men. We saw nine or ten Chinese on the hill. We were greater in number than they. We encircled them.

(Sd.) ABDUL MAJID.

(Sd.) RUDRAMAN.

(Sd.) SRING NORBU.

(Sd.) SHIV DAYAL.

(Sd.) GUR BAHADUR.

(Sd.) RULIA RAM.

(Sd.) KARAM SINGH.

When we came to an open place and discovered the Chinese soldiers, Tyagi immediately ordered us, "Disperse to the sides, charge up, encircle these Chinese soldiers and capture them".

(Sd.) RUDRAMAN.

(Sd.) SRING NORBU.

(Sd.) SHIV DAYAL.

(Sd.) GUR BAHADUR.

(Sd.) RULIA RAM.

(Sd.) ABDUL MAJID.

(Sd.) KARAM SINGH.

We saw that the Chinese soldiers carried and used bren guns, tommy guns, rifles and hand-grenades. The Chinese soldiers used no artillery and mortar; we neither saw nor heard these weapons.

(Sd.) RUDRAMAN.

(Sd.) SRING NORBU.

(Sd.) SHIV DAYAL.

(Sd.) GUR BAHADUR. (Sd.) RULIA RAM.

(Sd.) ABDUL MAJID.

(Sd.) KARAM SINGH.

When we were approaching the hilltop, the Chinese soldiers waved their hands again and again, warning us not to approach them, but we kept advancing.

(Sd.) RUDRAMAN.

(Sd.) SRING NORBU.

(Sd.) SHIV DAYAL.

(Sd.) GUR BAHADUR.

(Sd.) RULIA RAM.

(Sd.) ABDUL MAJID.

Since we came here, we have been fed with what the Chinese eat and have been given as much as we can eat. We have been given very good clothing and beddings. A doctor has attended us carefully and given us medicine. Besides, we have been given cigarettes, soap, sweets, fruits and so on.

(Sd.) RUDRAMAN.

(Sd.) SRING NORBU.

(Sd.) GUR BAHADUR.

(Sd.) SHIV DAYAL.

(Sd.) RULIA RAM.

(Sd.) ABDUL MAJID.

(Sd.) KARAM SINGH.

Kongka Pass, China;

November 1, 1959.

NOTE :-This is a retranslation from the Chinese translation of the original statements which are in the Hindi language. The original statements are in Rulia Ram's handwriting, and each of them is followed by signatures.

5. Statement of Rulia Ram, November 1, 1959

1. On October 21, when Chinese soldiers were discovered on the hill-top, Shri Tyagi and Shri Karam Singh ordered us: "Surround these Chinese soldiers! Take them alive!"

2. Upon Shri Tyagi's order, Karam Singh and I and other six or seven soldiers went up on a mound. We were then gathered together and I was close to Karam Singh. At that time we were only 70 yards away from the Chinese soldiers on the hill-top.

3. On October 21, I found the Chinese soldiers carrying rifles, automatic rifles, tommy guns and hand-grenades, and no other weapons. I neither saw nor heard the Chinese troops use artillery or mortar.

4. On 21, I saw nine Chinese soldiers only, while there were on our side about 70 soldiers. We encircled them with superior forces.

The above are all actual facts, for which I am wholly responsible.

(Sd.) RULIA RAM,

Warrant Officer,

3rd Grade of I.T.B.F.

At Chinese Check Post at Kongka Pass.

November 1, 1959.

NOTE: - The original statement is in the Hindi language, in Rulia Ram's own handwriting.

6. Statement of Karam Singh, November 2, 1959

On 21st October the I.T.B. Force numbered about 60 under the command of S.P. Tyagi entered into an area which I and my men had never patrolled and has for a long time been controlled by China. As soon as a few Chinese soldiers had been discovered on the top of a mountain in this area, Tyagi took a part of the force to approach to its front part and ordered me to take the rest to go round to its back, so as to encircle the Chinese soldiers and capture them. The Chinese soldiers incessantly waved their hands as much as to say get out, do not adopt military hostilities. In despite of the friendly advice, the Indian soldiers continued to crawl towards the top of the mountain and fired first.

It goes entirely against the Sino-Indian friendship and the five principles that the I.T.B. Force intruded into the area controlled by the Chinese troops and attacked them with majority of men. I as Deputy

Commander must bear a part of responsibility for the mistaken actions. I swear that I shall never intrude into the Chinese territory and adopt military hostilities against China once again.

Being very old, I cannot read and write easily without spectacles. Unfortunately, my spectacles were left in India. I cannot but request you the Chinese officers to dictate what I have admitted orally. I have personally and carefully checked all the affidavits thus made, without finding out any that is different from the original, naturally I have put my signature on every page of them. Please allow me to express my thanks for your assistance and I am willing to express my thanks for the good treatment you have given me. Now I must write the above lines though with great difficulty, otherwise I shall be uneasy.

(Sd.) KARAM SINGH,
Deputy Commander, I.T.B. Force,
2nd Nov., 59.
At Kongka Check Post, China.

Note:-The original statement is in the English language, in Karam Singh's own handwriting.

7. Statement of Mohd. Khalil, November 4, 1959

My name is Mohd. Khalil. This is my statement.

I am thirty years old. I joined the police at Leh of Ladakh in 1955, and have been serving as a constable in the I.T.B. Force up to now. I started from Leh with Sahib Tyagi on September 28, 1959, and arrived at Kiam on October 19, 1959. After we arrived at Kiam, we did not know where

the Chinese soldiers were stationed, and I was ordered to make a reconnaissance on them. At about eight o'clock in the morning of October 20, 1959, my superior Jamadar Kamar Singh called me to a place 8 yards from his tent, and said to me, "Go to the gully in the southeast to reconnoitre what the Chinese soldiers are doing. If there are Chinese soldiers, report to me immediately after you have made the reconnaissance." I asked the Jamadar for a telescope, with which I could see things a great distance away, so I brought a telescope with me. Together with me were Sonam Dorje and coolie Chadan. At about twelve o'clock, I came to a hill-top and observed the surroundings through the telescope, but found nothing. Consequently, I came to the side of a fountain in the gully (that was the place where armed clash took place on October 21, 1959). Again, I found nothing there. I drank water there and stayed there until about one o'clock. Then three Chinese soldiers came out from a gully in the east. They came towards us. They were probably patrolling. They gesticulated and shouted to us. But we did not understand what they were shouting. Then we laid down our arms. They took us to a Chinese post by the name of Kongka Pass. A few days later we received good food and clothing and other articles. We have not met difficulties of any sort. Nobody ill-treated us. It was my mistake to come within Chinese territory to make reconnaissance, and I shall never commit such a mistake again in future. This statement is made by me from my own mouth and written down at the Kongka Pass frontier post, China.

This statement is written down by Shiv Dayal for Mohd. Khalil, because Mohd. Khalil cannot write. All these remarks are made by Mohd. Khalil.

November 4, 1959 (Sd.) MOHD. KHALIL.

NOTE:-The original statement is in the Urdu language, in Shiv Dayal's handwriting.

8. Statement of Karam Singh, November 9, 1959

I and Shri Tyagi started from Leh for patrolling the border area and setting up check-posts at Tsogstsalu, Kiam and Shamal Lungpa. Tyagi had about 40 men with him, I had 3 with me. Tyagi started on 27-9-59. I left on 29th. About 40 men had been called from check-posts at Phobrang. I arrived at Phobrang on 4-10-59. Tyagi arrived on 5th. Tyagi started for Tsogstsalu on 7-10-59 with about 40 men. I left Phobrang on 14th. A check-post was set up at Tsogstsalu. Tyagi arrived at Kiam on 18-10-59. I arrived there on 19th. A check-post was set up at Kiam. We had a programme to proceed to Shamal Lungpa. On 20-10-59 two constables Mohd. Khalil and Sonam Dorje missed along with a coolie. I suggested to Tyagi to send a small party to search for the missing men. But he said he would take a strong party lest there is a mishap. He had a mind to fight against the Chinese troops. He suspected that the missing men had been arrested by the Chinese troops.

Tyagi took about 60 men with him and ordered me to accompany him. Four bren guns and about 50 rifles were carried. Two or three sten guns and some 25 hand-grenades were also carried.

When we approached near a hill, some Chinese about 6 were seen. Tyagi ordered me to take some men with me to the back of the hill and himself proceeded in front to surround and to capture the Chinese. One or two Chinese were seen waving their hands as much as to say that you go away, while others took positions. The Indian soldiers fired first. According to Constable Abdul Majid, Const. Ali Raza fired first. Indian soldiers took away a Chinese horse. According to Const. Shiv Dayal, Manohar Lal Const. caught the horse. I believe statements of these constables are true. The Chinese soldiers were equipped with no mortar and other artillery. They were armed with rifles, tommy guns, hand-

grenades and L.M.G. On most of the dead bodies of Indian soldiers the wounds are in front.

The areas east of, south of and north of the Kongka Pass are a part of China. I and my men had not visited the area where the battle occurred.

I shall never do anything that is against the Five Principles and Sino-Indian friendship any more and I shall never intrude into Chinese territory once again.

I wish that the border question between India and China should be decided amicably at the earliest.

I and my men have been given a good treatment by the Chinese officers and soldiers.

(Sd.) Karam Singh,
Deputy Commander, T.T.B. Force.
Kongka Pass, China.

9-11-59.

Note:- The original statement is in the English language, in Karam Singh's own handwriting.

**Letter from the Prime Minister of China to the Prime Minister of
India:
7. November 1959**

Peking, November 7, 1959

Dear Mr. Prime Minister,

Your Excellency's letter dated September 26, 1959 has been received. It is most unfortunate that subsequently another unexpected border clash took place on October 21 within Chinese territory in the area south of the Kongka Pass. Regarding this clash, the Chinese and Indian Governments have already exchanged several notes, including the November 4 note of the Indian Government to the Chinese Government. Most regrettably, this note of the Indian Government not only disregards 'in many respects the basic facts of the question of boundary between the two countries and the truth of the border clash, but adopts an attitude which is extremely harmful to the friendly relations between the two countries. Obviously, it is in no way helpful to a settlement of the question to take such an attitude. Under the present circumstances, I consider the most important duty facing us is, first of all, to take effective steps speedily and without hesitation to earnestly improve the disquieting situation on the border between the two countries and work for the complete elimination of the possibility of any border clash in the future.

As the Sino-Indian boundary has never been delimited, and it is very long and very far, or comparatively far, from the political centres of the two countries, I am afraid that, if no fully appropriate solution is worked out by the two governments, border clashes which both sides do not want to see may again occur in the future. And once such a clash takes place, even though a minor one, it will be made use of by people who are hostile to the friendship of our two countries- to attain their ulterior objectives. There is a history of long-standing friendship but no conflict of fundamental interests between our two countries, and our governments are initiators of the Five Principles of peaceful coexistence. We have no reason to allow the tension on the border between our two countries to continue.

Your Excellency's letter of September 26 contains many view-points to which the Chinese Government cannot agree. Regarding these, I would like to state my views on another occasion. I am glad, however, that this letter reiterates that the Indian Government attaches great importance to the maintenance of friendly relations with China and agrees to the view

consistently held by the Chinese Government that the border disputes which have already arisen should be settled amicably and peacefully, and that pending a settlement the status quo should be maintained and neither side should seek to alter the status quo by any means. In order to maintain effectively the status quo of the border between the two countries, to ensure the tranquility of the border regions and to create a favourable atmosphere for a friendly settlement of the boundary question, the Chinese Government proposes that the armed forces of China and India each withdraw 20 kilometers at once from the so-called McMahon line in the east, and from the line up to which each side exercises actual control in the west, and that the two sides undertake to refrain from again sending their armed personnel to be stationed in and patrol the zones from which they have evacuated their armed forces, but still maintain civil administrative personnel and unarmed police there for the performance of administrative duties and maintenance of order. This proposal is in effect an extension of the Indian Government's proposal contained in its note dated September 10 that neither side should send its armed personnel to Longju, to the entire border between China and India, and moreover a proposal to separate the troops of the two sides by as great a distance as 40 kilometers. If there is any need to increase this distance, the Chinese Government is also willing to give it consideration. In a word, both before and after the formal delimitation of the boundary between our two countries through negotiations, the Chinese Government is willing to do its utmost to create the most peaceful and most secure border zones between our two countries, so that our two countries will never again have apprehension or come to a clash on account of border issues. If this proposal of the Chinese Government is acceptable to the Indian Government, concrete measures for its implementation can be discussed and decided upon at once by the two Governments through diplomatic channels.

The Chinese Government has never had the intention of straining the border situation and the relations between the two countries. I believe

that Your Excellency also wishes to see the present tension eased. I earnestly hope that, for the sake of the great, long-standing friendship of the more than 1,000 million people of our two countries, the Chinese and Indian Governments will make joint efforts and reach a speedy agreement on the above-said proposal.

The Chinese Government proposes that in order to discuss the boundary question and other questions in the relations between the two countries, the Prime Ministers of the two countries hold in the immediate future.

Respected Mr. Prime Minister! The peoples of our two countries desire that we act promptly. I think we should meet their desire and not let those, who seek every chance to disrupt by all means the great friendship between China and India, attain their sinister objective. I await an early reply from Your Excellency.

I take this opportunity to express to you my cordial regards.

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, 16 November 1959

New Delhi, November 16, 1959.

Dear Mr. Prime Minister,

I have received your letter of November 7, for which I thank you. We have also received a report from our Ambassador, Shri Parthasarathy, on the talk which you had with him the same day.

2. In the note which was handed over to your Ambassador in Delhi on November 4, we have given full details, supported by factual data, of the international boundary in Ladakh. We also attached to the note a first-hand account of the incident at Chang Chenmo Valley on October 21 which resulted in the death or capture of a large number of Indian personnel. Earlier, in my letter of September 26 to you, we gave you full facts in support of our statement in regard to the Sino-Indian border along its entire length. I have not had any reply yet to my letter of September 26 or any detailed reply to our subsequent note of November 4. I notice with regret that you have not taken any account of the facts as given by us in these two communications and have dismissed them with the remark that our note "disregards in many respects the basic facts of the question of the boundary between our two countries and the truth of the border clash". I am wholly unable to agree with this observation. We should certainly explore all avenues to reduce the "; present tension between our two countries, but our efforts will not succeed if we ignore facts.

3. I should like to repeat what I have said in a previous communication, that this entire frontier was a peaceful one for a long time and there was no conflict or trouble there. It is only recently that conflicts and difficulties have arisen in regard to the frontier. These difficulties have not arisen because of any action that we have taken. The cause of the recent troubles is action taken from your side of the frontier.

4. We are anxious that there should be a clear- understanding about this frontier and that such border disputes as there are between our two countries should be settled by peaceful methods. In the immediate present, we think it is important to avoid all borderclashes so as to assure tranquility in the border regions and thereby create an atmosphere favourable for friendly settlement. We agree therefore, that the two Governments should come to an agreement without delay, which would

eliminate risks of border clashes.

5. The Government of India have given close and careful consideration to your suggestions in this regard. But, before I proceed to discuss them, I must inform you of the resentment aroused in India by the delay which took place in the release of the Indian personnel whom your forces had captured in the Chang Chenmo Valley on October 20 and 21 after inflicting casualties on our police patrol party. You will recall that on October 24 we received your offer to hand over to us the captured personnel and the dead bodies of those who were killed during the clash. On October 26 our Ambassador in Peking informed your Government of our concern about the prisoners and our anxiety to receive them as well as the dead bodies. We wished to know the time and place at which the transfer was to take place. In order to avoid delay, we sent a forward party immediately to receive the prisoners and the dead bodies. This party waited at a place about five miles from the scene of the incident and, in spite of repeated reminders to your Government, no indication was given by your Government about the date and time of release until November 12. We are now relieved to know that the prisoners and the dead bodies were handed over to our forward party on November 14. In your talk with our Ambassador in Peking, you told him that the first-hand account of the incident which was attached to our note of November 4 was contradicted by the statements which the captured Indian personnel had made to you. We have since seen the official memorandum on the subject which your Vice-Minister handed to our Ambassador on November 14. We have not yet had any report from the released prisoners as to the course of events on October 20 and 21 and the circumstances in which they made their statements to their captors. It is clear from your letter that they have been subjected to repeated interrogation. Such interrogation of prisoners is deplorable.

6. In your letter, you have suggested that the armed forces of China and

India should withdraw twenty kilometers from the lines which they occupy at present. This, in your view, would effectively prevent any border clashes. Before I discuss this suggestion further I should like to state categorically that the Government of India had not posted any army personnel anywhere at or near the international border. Our border check-posts were manned by civil constabulary, equipped with light arms. The main purpose of these check-posts was to deal with traders or others going along the recognised routes and to prevent any undesirable or unauthorised check-posts were not intended for any aggressive purpose or for any persons crossing the border. This itself indicates that these border armed conflict. It was only after the recent unfortunate incidents that we asked our Army to take over responsibility for the protection of our border.

7. A proper understanding of the facts in regard to the Sino-Indian boundary is essential to the consideration of any proposal that ' is made for the avoidance of border clashes. The facts are that on our North-East frontier, the entire territory up to the border (which is referred to as the McMahon Line) has been for long years part of India. Our civil administration has been functioning there, and there are important civil divisional headquarters not far from the border. At no point, except at Longju, are Chinese forces in occupation of any area south of the Indian border. The boundary in this area passes over a terrain, the height of which varies from, 14,000 to 20,000 feet above sea-level. In this extremely difficult terrain, almost all our border check--posts are situated on high hill features. We do not know where the Chinese posts are, but I understand that at no point along the length of this sector are posts on the two sides situated within sight of each other. In view of the difficult mountainous terrain, even where the distance between two posts is short on the map or as the crow flies, the actual journey from one place to another might take several days.

8. In view of these facts, we think that there should not be the slightest risk of any border clash if each Government instructs its outposts not to send out patrols. It is only when armed patrols go out in these difficult mountainous areas that there is likelihood of clashes taking place. We have, in fact, instructed our border outposts not to send out any forward patrols for the present. It would be extremely difficult in practice to establish a new line of outposts in the rear, whether they are to be ten or twenty kilometers from the international boundary. The risk of border clashes will be completely eliminated if our suggestion is accepted by your Government.

9. Longju stands on a different footing altogether. As we have repeatedly stated earlier, we disagree with your statement that it is on your side of the so-called McMahon Line. We have no doubt that it is on our side. But whether it is on your side or ours, the facts are that your armed forces attacked and ousted our personnel from Longju, inflicting casualties on them, and forcibly occupied our outpost. We cannot, therefore, agree to any arrangement, even as an interim measure, which would keep your forcible possession intact. The proper course which we have already suggested to you would be for you to withdraw from Longju. We on our part will not re-occupy it. This suggestion, if accepted, will immediately result in a lowering of tension.

10. At no point on this border or elsewhere, have we taken over any post from you. In your talk with our Ambassador, you have stated that Khinzemane is north of the international boundary. I do not agree with this statement. As we have informed your Government previously, Khinzemane lies clearly south of this boundary and within our territory. It has throughout been in our possession.

11. I presume that your suggestion for a zone of withdrawal is intended also to apply to the Sino-Indian border in the middle areas that is where it

touches our States of Uttar Pradesh, Himachal Pradesh and the Punjab. In these sectors also, there is no ambiguity about our border and at no point do the Chinese authorities occupy any area below the boundary. This would apply to the border of Sikkim also. If, therefore, we observe the precaution which I have mentioned above, all risk of border clashes will be eliminated in this sector of the frontier also.

12. I shall now deal with the international frontier in the Ladakh area of our State of Jammu and Kashmir. In my letter to you of September 26 and in our note of November 4, we have described in detail the international boundary in this sector, supported by factual data. Unfortunately, we do not yet know with any precision where the frontier line lies according to the claims of the Chinese Government. This is a matter for surmise based on small scale maps published in China. These maps themselves have not always been consistent, and different lines are sometimes indicated in them.

13. I regret I cannot accept the contention that you have been in occupation of the area up to the frontier line shown in your maps. On the contrary, the Government of India have exercised jurisdiction up to the frontier line specified by them. The nature of this possession has inevitably been different from that of an inhabited area. This area is uninhabited, mountainous territory of an altitude varying from 14,000 to 20,000 feet above sea-level, with the mountain peaks going up much higher. Because of this, and because we did not expect any kind of aggression across our frontier, we did not think it necessary to establish check-posts right on the international boundary. But, as stated in my letter of September 26 and the note of November 4, we exercised jurisdiction over this area by sending regular patrols up to the international boundary. Certain police check-posts were established some distance from the boundary to control the trade routes, etc. Since this statement is controverted by you, it is obvious that there is complete

disagreement between the two Governments even about the facts of possession. An agreement about the observance of the status quo would, therefore, be meaningless as the facts concerning the status quo are themselves disputed. As we are at present discussing a short term interim measure to avoid border clashes, it is essential that we do not get involved in interminable discussions on the status quo at this stage.

14. I suggest, therefore, that in the Ladakh area, both our Governments should agree on the following as an interim measure. The Government of India should withdraw all personnel to the west of the line which the Chinese Government have shown as the international boundary in their 1956 maps which, so far as we are aware are their latest maps. Similarly, the Chinese Government should withdraw their personnel to the east of the international boundary which has been described by the Government of India in their earlier notes and correspondence and shown in their official maps. Since the two lines are separated by long distances, there should not be the slightest risk of border clashes between the forces on either side. The area is almost entirely uninhabited. It is thus not necessary to maintain administrative personnel in this area bounded by the two lines on the east and the west.

15. Mr. Prime Minister, I share Your Excellency's sentiments of friendship between our two countries. I have earnestly striven for this during the past ten years, but you will no doubt appreciate that mere expressions of friendship will not repair the breach that has already occurred. We have to face the realities of a situation and the present situation is such that unless active efforts are made by the Governments of China and India, relations between our two countries are likely to grow worse. I am anxious that this should not happen as any such development will do incalculable harm not only to our two countries but also to the cause of world peace in general.

16. Your Excellency has been good enough to suggest that in order to discuss the boundary question and other outstanding issues between the two countries, the Prime Ministers of the two countries should hold talks in the immediate future. I welcome your suggestion and, as I have previously stated, I am always ready to meet and discuss with Your Excellency the outstanding differences between our countries and explore avenues of friendly settlement. It is our common desire that such a meeting should bear fruit. The nature of the discussion at our meeting should, therefore, be such that we do not lose ourselves in a forest of data. Our correspondence has shown that the issues involve a mass of historical data, maps, etc. It is necessary, therefore, that some preliminary steps are taken and the foundation for our discussions laid. Unless this is done, there is danger of the meeting not leading to a successful result, which we so much desire, and disappointing the hopes of millions of people in our two countries.

17. While, therefore, I am ready to meet you at a suitable time and place, I feel that we should concentrate our immediate efforts on reaching interim understanding, which will help in easing the present tension and will prevent the situation getting worse. Thereafter, the necessary preliminary steps might be taken and the time and place of meeting, convenient and suitable to Your Excellency and to me, could be fixed. I need not assure Your Excellency of my earnest desire, as it is the desire of my people, to restore friendship between India and China on a firm basis.

With my expression of high regard,
I am, Yours sincerely,
JAWAHARLAL NEHRU.

Letter from the Prime Minister of China to the Prime Minister of

India,
17 December 1959

Peking, December 17, 1959.

Dear Mr. Prime Minister,

Thank you for your letter of November 16, 1959. Although the Indian Government's opinions regarding the prevention of border clashes are still a certain distance away from the Chinese Government's proposal of November 7 and part of them obviously lack fairness, it is heartening that in your letter you have indicated the desire of trying to avoid all border clashes and to settle the boundary disputes between the two countries by peaceful methods.

The Chinese Government's proposal of November 7 for the withdrawal of the armed forces of the two countries 20 kilometers respectively along the entire border is aimed at thoroughly eliminating the risk of border clashes not wholly foreseeable, completely changing the present tense situation on the border where the two countries are facing each other in arms, and creating a favourable atmosphere of mutual confidence between the two countries. These aims are unattainable by other provisional measures. Furthermore, the adoption of this measure pending the delimitation of the boundary will in no way prejudice the advancing by each side of its claims when negotiations for the settlement of the boundary question take place. Therefore, the Chinese Government still earnestly hopes that we can reach agreement on such a measure for the sake of friendship between our two countries in the past and for hundreds of years to come. As to how far the armed forces of each country should withdraw, the Chinese Government is entirely willing to decide on a distance which will be deemed appropriate by both sides through consultation with the Indian Government.

Pending the above-mentioned agreement, the Chinese Government, in a conciliatory spirit and out of the desire to move toward the withdrawal of armed forces along the entire border, is prepared to agree first to reach a

partial solution by applying the proposal you have made in your letter for the non-stationing of the armed forces of both sides at Longju to the other disputed places on the border as well. In the eastern sector of the Sino-Indian border, armed Indian personnel once occupied Longju and are now still in occupation of Khinzemane. In the western sector of the Sino-Indian border, armed Indian personnel are up to now in occupation of Shipki Pass, Parigas Sang, Tsungsha, Puling-sumdo, Chuva, Chuje, Sangcha and Laphthal. Most of these places which definitely belong to China were occupied successively by armed Indian personnel after the signing of the 1954 Agreement on Trade and Intercourse between the Tibet Region of China and India in which China and India for the first time put forward the Five Principles of peaceful coexistence. Among them Puling-sumdo is one of the ten places which the Chinese Government agreed to open as markets for trade in the Ari area of the Tibet region of China as specified in Article II Section 2 of the 1954 Agreement. Now since the Indian Government holds a different opinion on the ownership of these places, the Chinese Government proposes that no armed personnel of either side be stationed at any of them.

Pending a further agreement between the two sides, the Chinese Government also welcomes the Indian Government's proposal for the frontier outposts of the two sides to stop sending out patrols. The Chinese Government has, in fact, instructed the Chinese frontier guards to stop sending out patrols from all their outposts on the Sino-Indian border after the Kongka Pass incident. Now that the Indian side has also taken the same step, this is of course a happy progress in safeguarding the tranquility of the border between the two countries. But the Chinese Government would like to ask for clarification on one point, that is: The proposal to stop patrolling should apply to the entire Sino-Indian border, and no different measure should be adopted in the sector of the border between China and India's Ladakh.

The Chinese Government is very much perplexed by the fact that Your

Excellency put forward a separate proposal for the prevention of clashes in the sector of the border between China and India's Ladakh. The Chinese Government deems it necessary to point out the following:

(1) There is no reason to treat this sector of the border as a special case. The line up to which each side exercises actual control in this sector is very clear, just as it is in the other sectors of the Sino-Indian border. As a matter of fact, the Chinese map published in 1956, to which Your Excellency referred, correctly shows the traditional boundary between the two countries in this sector. Except for the Parigas area by the Shangatsangpu River, India has not occupied any Chinese territory east of this section of the traditional boundary. (2) This proposal of Your Excellency's represents a big step backward from the principle agreed upon earlier by the two countries of maintaining for the time being the state actually existing on the border. To demand a great change in this state as a pre-condition for the elimination of border clashes is not to diminish but to widen the dispute. (3) Your Excellency's proposal is unfair. Your Excellency proposes that in this sector Chinese personnel withdraw to the east of the boundary as shown on Indian maps and Indian personnel withdraw to the west of the boundary as shown on Chinese maps. This proposal may appear "equitable" to those who are ignorant about the truth. But even the most anti-Chinese part of the Indian press pointed out immediately that, under this proposal, India's "concession" would only be theoretical because, to begin with, the area concerned does not belong to India and India has no personnel there to withdraw while China would have to withdraw from a territory of above 33,000 square kilometers which has long belonged to it, its military personnel guarding the frontiers and its civil administrative personnel -of the Hotien County, the Sinkiang Uighur Autonomous Region, and of Rudoh Dzong in the Ari area of the Tibet Autonomous Region -respectively. (4) This area has long been under Chinese jurisdiction and is of great importance to China. Since the Ching Dynasty, this area has been the traffic artery linking up the vast regions of Sinkiang and western Tibet. As far back as in the latter

half of 1950, it was along the traditional route in this area that units of the Chinese People's Liberation Army entered the Ari area of Tibet from Sinkiang to guard the frontiers. In the nine years since then, they have been making regular and busy use of this route to bring supplies. On the basis of this route, the motor-road over 1,200 kilometers long from Yehcheng in southwestern Sinkiang to Gartok in southwestern Tibet was built by Chinese frontier guard units together with more than 3,000 civilian builders working under extremely difficult natural conditions from March 1956 to October 1957, cutting across high mountains, throwing bridges and building culverts. For up to 8 or 9 years since the peaceful liberation of Sinkiang and Tibet when units of the Chinese People's Liberation Army began to be stationed in and patrol this area till September 1958 when the intrusion of the area by armed Indian personnel occurred, so many activities were carried out by the Chinese side in this area under its jurisdiction, and yet the Indian side was utterly unaware of them. This is eloquent proof that this area has indeed always been under Chinese jurisdiction and not under Indian jurisdiction. Now the Indian Government asserts that this area has all along been under Indian jurisdiction. This is absolutely unconvincing.

If the Indian Government, after being acquainted with the above viewpoints of the Chinese Government, should still insist that its demand in regard to this area is proper, then the Chinese Government would like to know whether the Indian Government is prepared to apply the same principle equally to the eastern sector of the border, that is to say, to require both the Chinese and Indian sides to withdraw all their personnel from the area between the so-called McMahon line and the eastern section of the Sino-Indian boundary as shown on Chinese maps (and on Indian maps too during a long period of time). The Chinese Government has not up to now made any demand in regard to the area south of the so-called McMahon line as a pre-condition or interim measure and what I find difficult to understand is why the Indian Government should demand that the Chinese side withdraw one-sidedly from its western frontier area.

Your Excellency and the Indian Government have repeatedly referred to the historical data concerning the Sino-Indian boundary as produced by the Indian side. The Chinese side had meant to give its detailed reply to Your Excellency's letter of September 26 and the note of the Indian Ministry of External Affairs of November in the forthcoming talks between the Prime Ministers of the two countries, and thought it more appropriate to do so. Since the talks between the two Prime Ministers have not yet taken place, however, the Chinese Ministry of Foreign Affairs will give a reply in the near future. I do not wish to go here into the details of the matter. , I would only point out again the simple fact that, according to objective history, the entire boundary between our two countries has indeed never been delimited; and it is impossible to deny this. I have noticed that the Indian side has, in its account of the boundary between the two countries, purposely left out many obvious basic facts. For example, it does not mention the fact that on the official maps compiled by the Survey of India in the past, up to the 1938 edition, the delineation of the eastern section of the Sino-Indian boundary still corresponded to that on Chinese maps while the western section of the Sino-Indian boundary was not drawn at all; even in its 1950, 1951 and 1952 editions published after the founding of the People's Republic of China, both the eastern and western sections of the Sino-Indian boundary, though incorrectly drawn, were clearly indicated as undelimited. The Chinese Government cannot see on what ground the Indian Government began suddenly in recent years to change the undelimited boundary in both the eastern and western sectors on its maps into delimited boundary. I have made a detailed study of the heap of data cited in Your Excellency's letter of September 26, still I cannot find any satisfactory answer.

The Chinese Government has pointed out many times that the boundary between China and India is very long and has never been delimited by the two Governments, that there are discrepancies between the maps of the two countries, and that therefore it is natural that the two countries should hold different opinions regarding the boundary. A reasonable

settlement of this outstanding historical issue should not be difficult at all to achieve provided it is sought through friendly consultations. The People's Republic of China is a socialist country of the working people, where the exploiting classes and pro-imperialist forces who attempted to profit by outward expansion and provocations against other countries have long lost for good their footing for carrying out their activities. The People's Republic of China is consistently faithful to the Five Principles of peaceful co-existence; it absolutely does not allow itself to take an attitude of big-nation chauvinism towards other countries, let alone encroach one inch upon foreign territory. Further, China has such a vast expanse of territory, more than half of which, moreover, is sparsely populated and will take great efforts to develop. It would be extremely ludicrous to think that such a country would still want to seek trouble in some desolate areas of a neighbouring country. Therefore, although there are some undelimited sections in the boundaries between China and some of its neighbouring countries in South Asia (whether they are big or small, friendly or unfriendly toward China), China has not taken and will never take advantage of this situation 'co make any change in the state actually existing on the border by resorting to unilateral action. China is moreover prepared even after the settlement of the outstanding boundary issues, to work in unison and co-operation with all its neighbouring countries for the creation of a most peaceful, secure and friendly boundary. Your Excellency is aware that the so-called McMahon line in the eastern sector of the Sino-Indian border has never been recognized by past Chinese Governments, nor by the Government of the People's Republic of China, yet the Government of the People's Republic of China has strictly abided by its statement of absolutely not allowing its armed personnel to cross this line in waiting for a friendly settlement of the boundary question. It is quite obvious that China, which has not even stepped into the vast area south of the so-called McMahon line which, not long ago was still under the jurisdiction of the local government of the Tibet region of China (part of the area up to 1951), would of course not think of stepping on to

Indian territory at any place along the western sector of the Sino-Indian border. The Chinese military and civil administrative personnel over there, just as in other areas along the border, are only stationed on and guarding their own territory. However, the Indian Government has not only taken an unreasonable attitude of refusing to discuss the eastern sector of the border, but also laid territorial claim to an area in the western sector of the border, which has never been under Indian rule. This has indeed greatly surprised the Chinese Government and people. In the interest of upholding Sino-Indian friendship, the Chinese Government has always exercised the utmost self-restraint in the hope of settling these disputes with the Indian Government through friendly negotiations. Even after armed Indian personnel intruded into Chinese territory and provoked successively the incidents in the areas south of Migyitun and south of the Kongka Pass, the Chinese Government still maintained a conciliatory spirit, avoided aggravation of the situation, and dealt in a friendly manner with the armed Indian personnel captured in the Kongka Pass incident. Yet the Indian side, disregarding the objective facts, arbitrarily asserted that both incidents were provoked by China, that China maltreated the captured Indian personnel, and even unscrupulously abused China as aggressor, imperialism, etc. I must say that both our people and Government feel extreme regret at such a serious state of affairs.

Your Excellency expressed welcome to my November 7 proposal for the holding of talks between the Prime Ministers of the two countries. Here indeed lies the hope for a turn for the better in the relations between the two countries. Although there are differences of opinion between our two countries on the boundary question, I believe that this in no way hinders the holding of talks between the two Prime Ministers; on the contrary, it precisely requires its early realization so as to reach first some agreements of principles as a guidance to concrete discussions and settlement of the boundary question by the two sides. Without such a guidance, there is a danger that concrete discussions of the boundary

question by the two sides may bog down in endless and fruitless debates. I therefore make the concrete proposal that the two Prime Ministers begin talks on December 26. If you wish to suggest any other date I am also willing to give it consideration. As to the site of the talks, if you agree, any place in China can be chosen, because there are in China no activities hostile to Sino-Indian friendship and you will be welcomed and respected by our people as a distinguished guest of the Chinese Government. Should you find it inconvenient for you to hold talks in China, Rangoon can be fixed as the site of the talks, subject to the consent of the Burmese Government.

Dear Mr. Prime Minister! Both our countries are still very backward economically and culturally. We urgently need to engross ourselves in long-term peaceful construction at home so as to free ourselves step by step from the present state of backwardness. We have no need to create tension between our two friendly nations or between us and any other country, thus dissipating and diverting our people's attention from domestic matters. The peoples of our two countries and the overwhelming majority of the people of the world are inspired by the fact that the world situation is developing in a direction favourable to peace. But unfortunately there are still not a few influential groups in the world who obstinately oppose this trend; they are trying to poison the international atmosphere continuing the cold war and creating tension to place barriers in the way of east-west talks; they are slandering the peace policy of the socialist countries and inciting discord between the Asian-African countries and the socialist countries, so that they may profit thereby. At present, they are obviously exerting their utmost to sow discord between China and India. Under these circumstances, the speedy holding of talks between the two Prime Ministers is our unshirkable responsibility not only to our two peoples but also to world peace.

With high respects,

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
China,
21 December 1959**

New Delhi, December 21, 1959

Dear Mr. Prime Minister,

Thank you for your letter of December 17 the text of which our Ambassador in Peking has telegraphed to us. I deeply regret that you have not accepted the very reasonable proposals contained in my letter of 16th November. They were intended to secure an immediate lessening of tension along the Sino-Indian border by eliminating any risk of border clashes and to create the necessary atmosphere for a peaceful settlement of the border problem.

Your present letter once again reiterates claims to extensive areas which by history, by custom or by agreement have long been integral parts of India. I am particularly sorry to find that you have based your claim on recent intrusion by Chinese personnel into parts of Indian territory. It is these intrusions which have brought about the present situation and created apprehensions. You have not sent an, reply to my letter of September 26 to you and our note of November in which some salient facts bearing on the situation had been mentioned.

I only wish to say forces have occupied aggression at Kongka post was attacked by that cannot accept your allegation that Indian any part of Chinese territory, or committed Pass or at Longju where our established check Chinese troops.

Your letter also speaks of the friendly manner' in which Indian personnel who were captured in the Chang Chenmo valley were treated. Shri Karam Singh whom you returned to us has made his statement of the treatment

that he and his colleagues received while they were prisoners in the custody of the Chinese border forces. This statement will show you the deplorable treatment to which the Indian prisoners were subjected by the Chinese forces.

Your Excellency has suggested that you and I should meet on December 26 so as to reach an agreement on the principles which are presumably to guide the officials on both sides in the discussion of details. As I informed you in my letter on November 16 and earlier; I am always ready to meet and discuss with your Excellency the outstanding differences between our countries and explore the avenues of settlement. How can we, Mr. Prime Minister, reach an agreement on principles when there is such complete disagreement about the facts? I would, therefore, prefer to wait for your promised reply to my letter of September 26 and our note of November 4, before we discuss what should be the next step. I wish to add that it is entire impossible for me to proceed to Rangoon or any other place within the next few days.

I would not like to end this letter to you without referring to the sentiments which you have expressed in your last paragraph. I am in entire agreement with you that the principal concern of our two countries should be "with the programme of long-term peaceful construction to lift ourselves from our present state of backwardness", to which you have referred. I equally agree with you that we should not be parties to the increasing of tension between our two countries or in the world. India has welcomed the fact that there is some lowering of world tensions and that "the world situation is developing in a direction favourable to peace". It is for this last reason, even apart from the imperative need to improve the relations between our two countries, that in spite of all recent events I have continually stressed the need for a peaceful settlement of our problems.

With kind regards,

I am,

Yours sincerely,
JAWAHARLAL NEHRU

**Note given by the Ministry of Foreign Affairs of China to the Embassy
of India in China, 26 December 1953**

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 make the following observations on the Sino-Indian boundary question, which the Embassy is requested to transmit to the Indian Government:

On September 8, 1959, Premier Chou En-lai wrote to Prime Minister Jawaharlal Nehru, giving an over-all account of the historical background and the present actual situation of the Sino-Indian boundary question and the stand and policy of the Chinese Government. Afterwards, Premier Chou En-lai and the Chinese Government received Prime Minister Nehru's letter of September 26 and the Indian Ministry of External Affairs' note of November 4. In the said letter and note, the Indian Government indicated that it could not agree to Premier Chou En-lai's account of the facts regarding the boundary.

The Chinese Government is desirous at all times of maintaining friendship with the Indian Government and people, and, on the boundary question, of holding discussions with the Indian Government calmly and amicably and with an attitude which is fair both to itself and to others so as to seek a rapprochement of the views of the two sides. In view of the fact that the Sino-Indian boundary question is rather complex and that it would be extremely difficult to bring about a settlement through the exchange of letters, the Chinese Government has always maintained that face-to-face talks should be held speedily between the representatives of the Governments, first' of all between the Prime Ministers of the two countries, so as more effectively to exchange views and reach agreement.

But since the talks between the two Prime Ministers are yet to be decided on through consultations between the two sides, and the Indian Government has moreover complained that the Chinese Government has given no reply to the parts of the above-mentioned letter and note concerning facts about the boundary, the Ministry of Foreign Affairs of China is instructed to make further observations on the major questions concerning the facts about the boundary, with reference to Premier Chou En-lai's letter of September 8, Prime Minister Nehru's letter of September 26 and the note of the Indian Ministry of External Affairs of November 4. China and India are two peace-loving, big countries with a long history of mutual friendship and with many great common tasks both at present and in the future. Friendship between China and India is in the interests not only of the two peoples, but also of world peace, particularly of peace in Asia. The Chinese Government is therefore very reluctant to engage in arguments with the Indian Government over the boundary question. Unfortunately the Sino-Indian boundary has never been delimited, Britain left behind in this respect a heritage of certain disputes, and moreover the Indian Government has made a series of unacceptable charges against China, thereby rendering these arguments unavoidable. Because the Indian Government has put forth a mass of detailed data on the boundary question, the Chinese Government feel sorry that, though trying its best to be brief, it cannot but refer in this reply, to various details so as to clarify the true picture of the historical situation and the views of the two sides.

For convenience' sake, in the following paragraphs the section of the boundary between China's Sinkiang and Tibet on the one hand and Ladakh on the other will be termed the western sector, the section of the boundary from the southeastern end of the western sector to the converging point of China, India and Nepal the middle sector, and the section of the boundary east of Bhutan the eastern sector.

QUESTION I.

Has The Sino-Indian Boundary Been Formally Delimited?

The reason for the present existence of certain disputes over the ' Sino-Indian boundary is that the two countries have never formally delimited this boundary and that there is a divergence of views between the two countries regarding the boundary. According to the Indian maps, the boundary line in the western sector cuts deep into Chinese territory, including an area of over 33,000 square kilometers in India; the boundary line in the middle sector is relatively close to the delineation on the Chinese maps, but still a number of areas which have always belonged to China are included in India; and in the eastern sector, the whole boundary line is pushed northward, including in India an area of 90,000 square kilometers which originally belonged to China. The Chinese Government, therefore, considers it necessary to conduct friendly negotiations to bring about a reasonable settlement. The Indian Government, however, holds that the greater part of the Sino-Indian boundary line as shown on current Indian maps is defined by international agreements and therefore sees no reason to hold overall boundary negotiations. Thus, the negotiations themselves have run tip against difficulties and there is the danger of the boundary disputes remaining deadlocked for a long time. The Chinese Government considers that to say that the greater part of the Sino-Indian boundary has been formally delimited by international agreements is totally inconsistent with the facts. The Chinese Government wishes to make the following explanations:

(1) Concerning the western sector. The Indian Government holds that the boundary line it claims was fixed by a treaty concluded between the authorities of the Tibet region of China and the Kashmir authorities in 1842.

But firstly-, this treaty merely mentioned that the boundary between Ladakh and Tibet would be maintained as it had been and that both sides would hold to their confines and refrain from encroaching on each other. The treaty contained no provision or hint whatsoever about the concrete location of the boundary. None of the arguments advanced by Prime Minister Nehru in his letter of September 26, 1959, to Premier Chou En-lai to the effect that the location of the boundary has been long established can prove that the boundary line now claimed by the Indian Government is well-founded.

Secondly, the 1842 treaty was concluded between the authorities of the Tibet region of China and the Kashmir authorities, but the greatest part (about 80 per cent) of the area now disputed by the Indian Government is part of China's Sinkiang which was no party to the treaty. It is obviously inconceivable to hold that, judging by this treaty, vast areas of Sinkiang have ceased to belong to China but have become part of Ladakh. The British Government proposed in 1899 to delimit the boundary between Ladakh and Kashmir on the one hand and Sinkiang on the other, but nothing came of it. It is also inconceivable to hold that the territory of another country can be annexed by a unilateral proposal.

Thirdly, there are many indisputable positive evidences to show that the western sector of the Sino-Indian boundary is not delimited. For instance, (a) Between 1921 and 1927 the British Indian Government made many representations to the authorities of China's Tibet region, asking to delimit the boundary between Ladakh and Tibet, but without any result. This is testified by many documents exchanged between the two sides at the time, and is also confirmed by Sir Arthur Lothian, the Briton who acted as the representative of India, in his letter to the London Times published on December 11, 1959. (b) According to data now available to the Chinese Government, no boundary line was drawn at all in the western sector of the Sino-Indian border on the official map published by the Survey of India as late as 1943. On the official Indian map of the 1950 edition, the

present version of the boundary line was shown in a most equivocal way, but was still marked by the words "Boundary Undefined." It is only since 1954 that this undelimited sector of the boundary has suddenly become a delimited boundary. (c) Referring to this sector of the boundary in the Lok Sabha of India on August 28, 1959, Prime Minister Nehru declared that: "This was the boundary of the old Kashmir state with Tibet and Chinese Turkestan. Nobody had marked it." All the above-mentioned facts are absolutely incompatible with the allegation that this sector of the boundary was delimited long ago. It is unthinkable that the Indian Government which held that this sector of the boundary had explicitly been delimited in 1842 or 1899 would, between 1921 and 1927, still ask continually for negotiations to delimit it; that it would in 1943 still admit the absence of any determined boundary' that it would in 1950 still declare the mere existence of a boundary undefined; and that it would in 1959 still proclaim that nobody had marked the boundary.

(2) Concerning the middle sector. The Indian Government considers that the specification in Article IV of the 1954 Sino-Indian Agreement of six passes in this area as passages for traders and pilgrims of both countries indicates that the Chinese Government has already concurred in the Indian Government's opinion about this sector of the boundary. The Chinese Government holds that this allegation is untenable both factually and logically.

The question of the boundary between the two countries was not touched on at all in the 1954 Sino-Indian Agreement or during its negotiations. The Chinese side's draft wording for Article IV of the Agreement was that "The Chinese Government agrees to open the following mountain passes in the Ari district of the Tibetan region of China for entry and exit by traders and pilgrims of both parties"

The Indian side disagreed with the Chinese draft; its own draft wording was that "Traders and pilgrims from India and western Tibet may travel by the routes traversing the following localities and passes." Later on the

two sides agreed to change the wording into: "Traders and pilgrims of both countries may travel by the following passes and route." The concession made by the Chinese Government was only to adopt a wording which does not involve the ownership of these passes. Nobody can draw from this the conclusion that this sector of the boundary between the two countries has thus been fixed. On the contrary, the Chinese representative, Vice-Foreign Minister Chang Han-fu, in his talk with the Indian representative, Ambassador Mr. N. Raghavan, on April 23, 1954 clearly stated that the Chinese side did not wish, in those negotiations, to touch on the boundary question. And Ambassador N. Raghavan agreed forthwith. The Chinese Government therefore maintains that there is no ground to say that this sector of the boundary has been delimited and that there is no need to conduct negotiations for its delimitation.

(3) Concerning the eastern sector. The Indian Government holds that the so-called McMahon Line is the product of the 1914 Simla Conference jointly attended by Britain, China and the Tibet region of China, and is therefore valid. The Chinese Government holds that the so-called McMahon Line is wholly illegal and the Indian Government's assertion is utterly unacceptable to the Chinese Government.

Firstly, it is known to the world that the Simla Convention itself is void of legal validity. The Chinese representative Ivan Chen attending the Simla Conference not only refused to sign the Simla Convention, but acting under instructions from the Chinese Government formally declared at the Conference on July 3, 1914 that the Chinese Government would not recognize any treaty or similar document that might then or thereafter be signed between Britain and Tibet. Similar declarations were made in formal notes delivered to the British Government on July 3 and 7 the same year by Minister of the Chinese Government in Britain Lew Yuk-lin. All Chinese Governments since then persisted in this stand. Many dirty unequal treaties signed by the past Chinese Governments under imperialist oppression have already been proclaimed null and void. The

Chinese Government feels perplexed why the Government of India, which has likewise won independence from under imperialist oppression, should insist that the Government of its friend China recognize an unequal treaty which the Chinese Government has not even signed.

Secondly, the Indian Government asserts that the boundary between India and Tibet was discussed at the Simla Conference, that the Chinese Government never objected at the time or afterwards to the discussion of the boundary between India and Tibet at the Conference, and that therefore the agreement which resulted from the Conference in regard to the McMahon Line boundary between India and Tibet must be regarded as binding on China. But this line of argument, from beginning to end, is inconsistent with the facts. As a matter of fact, the Simla Conference only discussed the boundary between the Tibet region and the rest of China and the boundary between so-called Outer and Inner Tibet, it never discussed the boundary between China and India. The so-called McMahon Line boundary between China and India was the result of the exchange of secret letters at Delhi on March 24, 1914 between the British representative and the representative of the then Tibet local authorities. It was in no way made known to China. It also means that it was never placed on the agenda of the Simla Conference. A section of the red line shown on the map attached to the Simla Convention corresponds with the so-called McMahon Line, but that red line was presented as the boundary between Tibet and the rest of China, and it was never stated that part of the red line was the boundary between China and India. Since the so-called question of Sino-Indian boundary never existed at the Simla Conference and in the Simla Convention, the Chinese Government naturally would not refer to this question or the question of the so-called McMahon Line in its memorandum and its suggestions for the revision of the Simla Convention. The Indian Government has pointed to the fact that the Chinese Government at the time did not raise any objection to the so-called McMahon Line. But this fact only shows that the Chinese Government was completely unaware of the existence of the question of

the so-called McMahon Line, and can in no way prove that the Line was legal or was accepted by the Chinese Government. It can thus be seen that the so-called McMahon Line is more unsavoury and more unpresentable than the Simla Convention, and it is indeed all the more strange to assert that it is binding on the Chinese Government. The Chinese Government would like to ask the Indian Government whether, among all the proceedings of the Simla Conference, it can point to any particular date of the Conference or any particular article of the Convention when and where the Sino-Indian boundary question, and particularly the question of the so-called McMahon Line, was referred to. In addition, it must also be pointed out that it is beyond doubt that Britain had no right to conduct separate negotiations with Tibet." Indeed, the Chinese Government made repeated statements to this effect; as to the British Government, it too was strictly bound by the 1907 agreement on Tibet concluded between it and the old Russian Government not to enter into negotiations with Tibet except through the intermediary of the Chinese Government. Therefore; judging by this treaty obligation alone which was undertaken by the British Government, the secret exchange of letters in 1914 between the British representative and the representative of the Tibet local authorities behind the back of the Chinese Government is void of any legal validity.

Thirdly, the assertion that China did not raise any objection to the so-called McMahon Line boundary between China and India is also inconsistent with the fact. It was during the most difficult period of China's War of Resistance to Japanese Aggression that the so-called McMahon Line gradually and unofficially appeared on Indian maps; and after 1943 the Tibet local authorities were under' the firm control of British imperialism and their relations with the; Chinese Central Government steadily deteriorated. Nevertheless, on learning that Britain had gradually encroached on Chinese territory south of the so-called McMahon Line, the Kuomintang Government four times protested by addressing notes to the British Embassy in China after the conclusion of

the Anti-Japanese War, in July, September and November of 1946 and January of 1947. Since Britain shifted its responsibility onto India, the Kuomintang Government protested by note with the Indian Embassy in China in February 1947. Even up to November 18, 1949, Lo Chia-lun Ambassador to India of the Chiang Kai-shek clique which then still maintained diplomatic relations with the Indian Government, delivered a note to the Indian Ministry of External Affairs, repudiating the Simla Convention which the Indian Government held to be valid. The Government of the People's Republic of China, since establishing diplomatic relations with the Government of India, has repeatedly stated the fact that the Sino-Indian boundary has not been delimited. During Prime Minister Nehru's visit in China in 1954, Premier Chou En-lai made it clear that the Sino-Indian boundary was yet to be delimited. Premier Chou also said that the reason why the delineation of old maps was followed in Chinese maps was that the Chinese Government had not yet undertaken a survey of China's boundary, nor consulted with the countries concerned, and that it would not make changes in the delineation of the boundary on its own. This was reiterated in the memorandum delivered to the Indian Embassy in China by the Chinese Ministry of Foreign Affairs on November 3, 1953. Besides even the local authorities of Tibet did not regard as reasonable the so-called McMahon Line, which was the product of underhand schemes; they repeatedly objected to this line and asked for the return of occupied Chinese territory south of the line. This fact is not denied even by the Indian Government. Fourthly, not only the so-called McMahon Line boundary between China and India has never been recognized by the Chinese Government its validity was for a long time questioned by the Indian and the British Governments. The so-called McMahon Line was not adopted on the official map "Tibet and Adjacent Countries" published by the Survey of India in 1938, nor on the map "India" in the sixth edition of the Oxford Advanced Atlas, 1940, compiled by John Bartholomew, cartographer to the King of Britain. Neither was the so-called McMahon Line followed in drawing the

eastern sector of the Sino-Indian boundary on the map "India 1945" attached to the 1951 3rd edition in English of "The, Discovery of India." written by Prime Minister Nehru himself and first published in 1946. Although the so-called McMahon Line was drawn on the official maps of India published by the Survey of India in 1950, 1951 and 1952, it was still marked as undemarcated. Up to 1958 on the map "China West and Tibet" in the Times Atlas Of The World edited by John Bartholomew, cartographer to the King of Britain, the traditional Sino-Indian boundary line and the so-called McMahon Line were both drawn with the words "Disputed Area" marked between the lines. All these authoritative facts squarely refute the Indian Government's argument that this sector of the boundary has been delimited. The Indian Government contends that Britain withheld the publication of the Simla Convention for years in the hope that there would be in agreement about the status and boundary of Inner Tibet. That this assertion cannot help the Indian Government out of its difficulties is already explained as above the assertion moreover adds to its difficulties. What meaning can the Simla Convention have when the British Government also admitted that no agreement was reached on it? And since the Convention itself has not acquired validity what can be said for the so-called Sino-Indian boundary line which was never proposed to the Chinese Government and which the British unilaterally meant to smuggle into this Convention? In fact, British officials who once held posts in India though by no means pro-Chinese, also admit that the McMahon legally untenable and actually ineffective. For instance, Henry Twynam who was Acting Governor of Assam, India, in 1939, letter to the *London Times* published on September 2, 1959, that this line "does not exist, and never has existed."

From what has been said in the above, the following incontestable conclusion can be drawn: The entire Sino-Indian boundary, whether in its western, middle, or eastern sector, has not been delimited. The 1842 Treaty, on which the Indian Government bases itself, did not define any boundary line for the western sector of the Sino-Indian border; and

moreover, China's Sinkiang region, which is most concerned with this sector of the boundary, was no party in the Treaty. The 1954 Agreement, on which the Indian Government bases itself, did not involve the middle or any other sector of the Sino-Indian boundary. The 1914 Convention, on which the Indian Government bases itself, is itself void of legal validity, and the Sino-Indian boundary was never discussed at the 1914 Conference. That the Sino-Indian boundary is yet to be delimited has been recognized by the Indian and British Governments over a long period of time, and is borne out by indisputable evidences. In order to achieve a reasonable settlement of the Sino-Indian boundary disputes satisfactory to both sides, there is no other way except the holding of friendly negotiations.

QUESTION II.

Where Is The Traditional Customary Sino-Indian Boundary Line?

Although the Sino-Indian boundary has not been formally delimited, both sides acknowledge the existence of a traditional customary line, that is, the line formed by the extent of jurisdiction exercised historically by each side. The present question is that the two sides hold very different conceptions of position of the traditional customary line. In drawing the boundary (mainly the eastern and western sectors) on its maps, the Indian Government has gone far beyond the extent of its original actual jurisdiction it asserts that this is not only based on international treaties, but is the traditional customary line itself. The Chinese Government holds that the delineations of the Sino-Indian boundary on current Indian maps, which differ greatly from those on Chinese maps, are not based on any international treaty, as stated above, and, what is more, are not based on tradition and custom.

(1) Concerning the western sector. The area of over 33000 square kilometers now disputed by India has always belonged to China. This is conclusively borne out by Chinese official documents and records. Except for the very small area of Parigas which has been occupied by India in recent years the remaining broad area has always been under the effective control of the Chinese government. The major part of this area is under the jurisdiction of Hotien County of the Sinkiang Uighur Autonomous Region of China, while the minor part under that of Rudok Dzong of the Tibetan Autonomous Region of China. Though sparsely populated, this area has been all along been a place for pasturage and salt-mining for the Uighur and Kirghiz people living in the southwestern border of Sinkiang a part of the Tibetan people living in the northwestern border of Tibet. Many places of this area are named in the Uighur language. For instance, Aksai Chin, which is part of Hotien County of Sinkiang, means "the desert of white stones" in the Uighur language while the Karakash River which flows through this area means the "river of the black jade" in the Uighur language.

This area is the only traffic artery linking Sinkiang and western Tibet, because to its northeast lies the great Gobi of Sinkiang through which direct traffic with Tibet is practically impossible. Therefore, since the middle of the eighteenth century, the Government of the Ching Dynasty of China had established *Karens* (check-posts) to exercise jurisdiction over and patrol this area. In the decades from the founding of the Republic of China till the liberation of China, there were troops constantly guarding this area. After the liberation of Sinkiang in 1949 the Chinese People's Liberation Army took over the guarding of the frontier in this area from Kuomintang troops. In the latter half of 1950, it was through this area that the Chinese Government dispatched the first units of the Chinese People's Liberation Army to enter Tibet. In the nine years since then, the Chinese troops stationed in the Ari district have regularly and frequently brought up indispensable supplies from Sinkiang through this area. From March 1956 to October 1957 the Chinese Government built

along the customary route a motor-road from Yehcheng of Sinkiang to Gartok of Tibet of a total length of 1200 kilometers, of which a section of the 180 kilometers runs through this area, and over 3,000 civilian workers took part in its construction.

These unshakable facts should have been sufficient to prove beyond dispute that this area is Chinese territory.

The Indian Government asserts that this area "has been associated with India's culture and tradition for the last two thousand years or so, and has been an intimate part of India's life and thought". But firstly, the Indian Government fails to give any concrete facts to support its contention. On the contrary, Prime Minister Nehru said in the Rajya Sabha of India on September 10, 1959 that this area "has not been under any kind of administration". On November 23, 1959, he said again in the Rajya Sabha of India: "During British rule, as far as I know, this area was neither inhabited by any people nor were there any outposts." Though Prime Minister Nehru is no position to judge correctly the conditions prevailing on the Chinese side, his words do prove authoritatively that India has never exercised control over this area.

Secondly, the Indian Government says that it has been sending regular patrols to this area, and that this is one way India exercises its jurisdiction. According to data available to the Chinese Government however, armed Indian personnel intruded only three times into this area to carry out reconnaissance, namely, in September 1958, July 1959 and October 1959, and on each occasion they were promptly detained and then sent out of China by Chinese frontier guards. Apart from these three intrusions, they have never been to this area. It is precisely for this reason that the Indian Government has been so unaware of the long-term activities of the Chinese personnel in this area that it declares that it was in 1957 that Chinese personnel first entered this area.

Thirdly, the Indian Government has referred to a number of maps to corroborate what it has claimed to be the traditional customary line. But the situation in this respect is not favourable to India's arguments either.

Despite slight discrepancies at some places, the delineations of the western sector of the boundary on the maps published in China in the past one to two hundred years have in the main been consistent. The Indian Government says that the delineation of the western sector of the boundary on an official Chinese map published in 1893 approximates to that of the Indian maps. The Chinese Government does not know what map is referred to here and, consequently, is unable to comment on it. As to the Atlas published in 1917 by the British-owned paper, the North China Daily News and Herald it can only represent the British view but not the Chinese, and there is no need to discuss it here.

By contrast, there have been considerable contradictions and ' confusion in the delineations of the boundary on maps published in Britain and India in the past century and more. This is because, after occupying Kashmir, Britain actively tried to use it as a base for aggression against China's southern Sinkiang and northwestern Tibet ' and, therefore, it continually made arbitrary changes in the traditional customary boundary line in the western sector and sent surveying parties to intrude into China for this purpose. Prime Minister Nehru says that "accurate" maps, that is, maps in agreement ' with the current Indian maps, became possible only from 1865 after surveys. But, even so, some reputed surveyors did not wish to misrepresent the facts at will. For instance, the delineations of the boundary on the "Sketch Map of Eastern Turkestan" of 1870 by G. W. Hayward and on the "Sketch Map of the Country North of India" of 1871 by Robert Shaw-both surveyors being referred to by Prime Minister Nehru in his letter of September 26-are close to the traditional customary line as shown on Chinese maps. In his article in the Journal Of The British Royal Geographical Society, Vol. XL: 1870, Hayward stated explicitly that the boundary ran along the main chain of the Karakoram mountain to the passes in Chang-chenmo, that is to say, it is the Chinese maps, rather than the current Indian maps, that have correctly delineated this sector of the ' boundary. What is of special significance is the fact that no boundary line, let alone an "accurate" boundary line, was drawn at all for this sector

on the official map compiled by the Survey of India as late as the 1943 edition. On its 1950 map, though the same colour for Kashmir was painted in the area disputed by India, still no boundary line was drawn, and there were marked the words "Boundary Undefined". This fact has already been pointed out above.

Fourthly, the Indian Government says that the traditional customary line claimed by it possesses in addition distinct geographical features, that is, it runs along the watershed. However; to begin with, the principle of watershed is not the sole or main international principle for the delimitation of boundaries. It is particularly impermissible to use the watershed as a pretext for seeking a boundary line within the territory of another country. Next, the traditional customary line claimed by the Indian Government, instead of separating the Hotien River system from the Indus River system, actually cuts across the Hotien River system. On the contrary, the traditional customary line as shown on Chinese maps truly reflects the geographical features of this area, that is, having no steep slopes in the north-south direction, the area is easily passable and, therefore, naturally forms the only route linking Sinkiang and western Tibet. To the west, however, there lies between this region and Ladakh the towering Karakoram mountain range which is extremely difficult to pass through. The Indian Government also admits that this area is extremely difficult of access from Ladakh.

It can thus be seen that judging by the actual administrative jurisdiction at all times or by the maps and geographical features referred to by India, the line claimed by India to be the traditional customary boundary line in the western sector is without any foundation; while the traditional customary line for which China stands is truly well-founded.

(2) Concerning the middle sector. The disputed areas involved here owing to difference of conception between the two sides regarding the traditional customary line-Chuva Chuje, Shipki Pass, Sang, Tsungsha, Puling-Sumdo, Wuje, Sangcha and Laphal-are all traditional Chinese

territory. Except Sang and Tsungsha which were invaded and occupied by Britain earlier, they were all occupied or intruded into by India only after the signing of the 1954 Sino-Indian Agreement.

The local authorities of the Tibet region have kept up to now the land-conferring documents or land deeds concerning these places issued in the past few centuries. For example, the mandate issued in the name of the 7th Dalai Lama in the 18th century stated specifically that Wuje was within the territorial limits of Daba Dzong of Tibet. Furthermore, the local authorities of the Tibet region have all along been collecting taxes in these places and the census record and taxation papers of some of these places have been well preserved down to the present time.

Nearly all those who have lived long in these places are of the 'Tibetan nationality of China. Despite foreign occupation of their places of residence, they still did not wish to be separated from their -motherland. For instance, after Sang and Tsungsha were occupied by Britain. the local population still considered themselves Chinese nationals and on more than one occasion pledged their allegiance to the local government of the Tibet region of China in statements made to the local authorities of the Tibet region.

It must be pointed out in particular that among the abovementioned places. Puling-Sumdo is one of the ten places which the Chinese Government agreed to open as markets for trade in the Ari district of Tibet as specified in Article II Section 2 of the Sino-Indian Agreement of 1954. It was opened together with the nine other markets in compliance with request made by Mr. N. Raghavan, representative of the Indian Government and Indian Ambassador, at the first meeting of the negotiations. Puling-Sundo, however, was occupied by India soon after the signing of the 1954 Agreement.

The Indian Government claims that it has all along been exercising jurisdiction over the above-mentioned places. However in the note annexed to Prime Minister Nehru's letter of September 26, 1959, apart from some extremely strained arguments in connection with Sang and

Tsungsha, there are no concrete facts whatever to show that jurisdiction has always been exercised over the seven other places.

The principle of watershed put forward by the Indian Government cannot be applied here either, as it does not conform with the jurisdiction actually exercised by each side.

The maps published by the two sides also show that it is China, not India, which has abided by the traditional customary line. The delineations of this sector of the boundary on past Chinese maps, though leaving a few very small pieces of Chinese territory outside of the Chinese boundary, on the whole reflected the correct traditional customary line. On the other hand, no boundary line was drawn for this sector on official Indian maps even as late as 1950, and only the words "Boundary Undefined" were marked.

(3) Concerning the eastern sector. The area between the so-called McMahon Line and the boundary line at the southern foot of the Himalayas as shown on Chinese maps has always belonged to China, and was until recently still under Chinese jurisdiction. This is proved by a mass of facts.

As early as the middle of the seventeenth century, the local government of the Tibet region of China had begun to exercise jurisdiction over this area comprising Monyul, Loyul and Lower Tsayul. Take the Monyul area for example. In the middle of the seventeenth century, when the fifth Dalai Lama unified Tibet, he sent his disciple Mera Lama and tribal chief Namka Drukda, Dinpon of Tsona, to the Monyul area to establish their rule there. By the beginning of the eighteenth century, the local government of the Tibet region had unified the whole of Monyul and divided the area gradually into 32 "tso" (a few named "din"). At Tawang, the capital of Monyul, an administrative committee known as "Tawang Shidrel" and a non-permanent administrative conference of a higher level known as "Tawang Drudrel" were set up to direct the affairs of the whole area. The local government of the Tibet region used always to appoint the

officials of the administrative organs at various levels in Monyul, collect taxes (mainly grain tax, twice a year) and exercise judicial authority in all parts of the area. Monyul was included in every census conducted in Tibet in the past and was not treated as an exceptional case. The religious, economic and cultural life of the local people, the Monbas has been deeply influenced by the Tibetan nationality; they believe in Lamaism, can speak the Tibetan language, and used Tibetan currency. It is from the Monyul area that the 6th Dalai Lama, Tsanyun Gyaltsso, hailed, and his house there received for all generations the mandates conferred by successive regimes of the Tibet region.

In addition, it must be pointed out that even after the so-called McMahon Line was defined and made public, the local government of the Tibet region continued to exercise extensively and for a long period of time its jurisdiction over this area. For instance, the Tibetan administrative institutions in Monyul had been almost kept intact until 1951. In Loyul and Lower Tsayul, up to 1946, the administrative organs of "tso" and "din" were maintained quite extensively, and the people continued to pay taxes and render *corvee* to the Lhasa authorities.

Therefore, the allegations of the Indian Government that "the Tibetan authorities have not exercised, jurisdiction at any time in this area," that the local "tribes have not been afflicted in the slightest degree by any Tibetan influence, cultural, political or other," and so on are incredible. The Indian Government claims that it has always exercised jurisdiction over this area. However, in Prime Minister Nehru's own words, Indian administration had "gradually moved up" to this area; the tribes had generally been left "more or less to look after themselves" until around 1914; and British political officers only visited these areas." And what did the British officers who had visited this area say? The Captain Bailey referred to by Prime Minister Nehru in his letter of September 26, 1959, who was specially sent by the British Indian Government in 1913 to southeastern Tibet to conduct illegal exploration and survey for the purpose of defining the so-called McMahon Line, described the jurisdiction

of the Tibet local government over the Monyul area at the time in his book "No Passport To Tibet" published in 1957; he further stated in his letter to the *London Times* published on September 7 this year that "When we reached Tawang (i.e. capital of Monyul), we found a purely Tibetan administration in force." Even Christoph Von Fuhrer-Haimendorf, then Special Officer of the Indian External Affairs Department in Subansiri, who was sent by the Indian Assam authorities in 1944, that is thirty years after the so-called McMahon Line was defined, to explore this area, also testified in his book "Himalayan Barbary" published in 1955 that the frontier in this area was undefined and unsurveyed, and remained unadministered by the Indian authorities. It can thus be seen how untenable are the assertions that the area has belonged to India for tens and hundreds of years, that the current boundary has always been the historical boundary, etc., etc.

The Indian Government says that the British concluded a number of agreements with some of the local tribes between 1844 and 1888 and that these agreements are evidence of Indian jurisdiction. However, the 1853 agreement with the Monbas cited by Prime Minister Nehru, begins with the statement by the Monbas: "We....being deputed by the Daba Rajas to carry letters of friendship to the Agent, Governor-General, North-East Frontier, desiring that the former friendly relations which existed between the Government of India and our Lhasa Government...should be again resumed..." This passage proves exactly and indisputably that the Monbas belong to Tibet, not India, and that it was under the premise of recognizing them as belonging to Tibet that the Indian Government concluded the agreement with them. The Daba Rajas referred, to here the Regent of the local government of the Tibet region. As to the agreements with the Abors and the Akas cited, it can also be seen clearly from their texts that the areas of those tribes were not British territory. Some of the agreements even stated explicitly that British territory "extends to the foot of the hills (i.e., southern foot of the Himalayas)." And these peoples were not British subjects.

It can be seen from the above historical data provided by the Chinese and Indian sides respectively that this area always belonged to China, not to Britain or India.

This conclusion is further confirmed forcefully by the authoritative maps published in the two countries. The maps published in China as a rule include this area in Chinese territory, that is, marking the boundary line along the true traditional boundary at the southern foot of the Himalayas. According to material now available to the Chinese Government, the same delineation was followed on the official maps published by the Survey of India up to and including the 1938 edition. After 1938 and up to 1952, the Survey of India changed its delineation by marking the boundary in accordance with the so-called McMahon Line, but still using marking in undemarcated boundary. Since 1954, it has again changed the demarcated boundary into demarcated boundary. By these successive changes, it shifted from its original position of recognizing the area as Chinese territory to that of claiming this area as India's lawful territory at all times. Nevertheless, the delineation on current Indian maps has not been accepted internationally. As stated above, the atlas edited by John Bartholomew, cartographer to the King of Britain, and published in 1958 still considered it a dispute area while the delineation on the map "India 1945", attached Prime Minister Nehru's book "The Discovery Of India," was still the same as that on Chinese maps.

In the face of these authoritative facts, the Atlas of the Chinese Empire published in London in 1906 by the China Inland Mission, a British church organization, to which the Indian Government referred, is obviously without significance.

It can be seen from what has been said in the above that the Chinese Government's view of the 'traditional ' customary line is based on objective facts and confirmed by a mass of factual data in all its sectors, western, middle and eastern. On the other hand the boundary line marked on Indian maps, with the exception of the middle sector which for the most part conforms to reality, does not represent at all the traditional

customary line. The eastern and western sectors of this boundary line, it can in particular be seen beyond any shadow of doubt, are the product of the British policy of aggression and expansion in modern history.

It should not have been necessary to discuss the British policy of aggression and expansion in modern history as the history of India itself, the history of India's adjacent countries which had only been a part of British India or its dependency, the history of China and, in particular, the history of China's Tibet region bordering adjoining India, all bear witness to this policy. While embarking on armed aggression against Tibet and conspiring to cause Tibet to break away from China, Britain also nibbled at the frontiers of Tibet both on the maps and in deed, which resulted in this boundary line that was later inherited by India and is marked on current Indian maps. Of course, the great Indian people, who treasure peace, can in no way be held responsible for all the acts of aggression committed by Britain with India as its base. It is however, surprising that the Indian Government should claim the boundary line which Britain unlawfully created through aggression against Tibet and which even includes areas to which British authority had not extended as the traditional customary boundary line, while perversely describing the true traditional customary boundary line pointed out by the Chinese Government on the basis of objective facts as laying claim to large tracts of Indian territory. How would the Indian Government feel, if it were in the position of the Chinese Government. If this assertion is maintained, the inevitable conclusion to be derived would be that the British colonialists were most fair-minded while oppressed China was full of undisguised ambitions; that the powerful British imperialism was, for the past one hundred years and more, invariably upholding the traditional Sino-Indian boundary while the weak China was ceaselessly encroaching upon British territory! The Chinese Government believes that no one would accept this conclusion.

Question III

What is the Proper Way To Settle The Sino-Indian Boundary Dispute?

The Chinese Government, starting from the above-mentioned facts that the Sino-Indian boundary has never been formerly delimited and that there is difference of conception between the two sides regarding the boundary, has consistently held that an overall settlement of the boundary question between the two countries should be sought by the Chinese and Indian sides, taking into account the historical background and present actual situation, in accordance with the Five Principles and through friendly consultations: that pending this, as a provisional measure, the two sides should maintain the status quo of the border, and not seek to change it by unilateral action, let alone by force; and that as to some of the disputes partial and provisional agreements could be reached through negotiations.

The Indian Government disagrees with the Chinese Government's statement that the boundary has not been delimited and an over-all settlement of the question should be sought through negotiations and only acknowledges that certain minor, partial adjustments could be made. Yet the Indian Government agrees that the two sides should maintain the status quo of the border, avoid the use of force and settle the disputes through negotiations. Thus although there are differences between the two sides, the tranquility of the border and the friendship of the two countries could have been ensured. Contrary to the expectations of the Chinese Government, the Indian Government has time and again asserted that the Chinese Government had previously agreed that the boundary had been delimited and accepted the Indian Government's claim regarding the boundary and that the Chinese Government changed its stand only recently. At the same time, the Indian Government has also made incorrect interpretations of the status quo of the border, repeatedly violated the *status quo* in actual deeds and even resorted to force, thus creating tension on the border. In these circumstances, the Indian

Government has perversely changed that the Chinese Government should be held responsible for all this and said that China harboured ambitions of "aggression" and "expansion." The above-mentioned attitude of the Indian Government has made the boundary question all the more difficult and complicated.

Therefore, the Chinese Government deems it necessary to clarify the following points:

1. Whether the Chinese Government has ever agreed that the boundary was delimited and accepted the Indian Government's claim regarding the boundary and changed its stand afterwards.

The Indian Government has referred to the Sino-Indian Agreement of 1954, holding that this Agreement has dealt with all the outstanding issues between India and the Tibet region, and that therefore the boundary question should be considered settled.

As a matter of fact, the Sino-Indian Agreement of 1954 is an agreement on trade and intercourse between the Tibet region of China and India and has nothing to do with the boundary question and no provision concerning the boundary can be found in any article of the Agreement. It may be recalled that at that time, the question which the two countries were most concerned about and which called for urgent solution was the establishment of normal relations between India and the Tibet region of China on a new basis. During the negotiations, neither side asked to discuss the boundary question; this was intended to avoid affecting the settlement of the most urgent question at the time. Both sides were clear on this point. At the very beginning of the negotiations, Premier Chou En-lai made it clear to the Indian Government Delegation that the task of the negotiations was "to settle those outstanding questions between the two countries which are ripe for settlement." Afterwards, at the fourth meeting held on January 8, 1954 the two sides jointly defined the task of the negotiations as settling those outstanding questions between the two countries which were ripe for settlement in accordance with the Five

Principles of peaceful co-existence. On April 23 of the same year, the Chinese representative further pointed out that the negotiations would not touch on the boundary question. The Indian representative agreed to this view of the Chinese side. There was, therefore, no fact whatever to show that the Chinese Government agreed to the Indian Government's conception of the boundary or that it would not bring up the boundary question for discussion afterwards.

The Indian Government has also referred to the talks between the two Prime Ministers in Peking in October 1954, expressing the view that Premier Chou En-lai's remarks about Chinese maps implied that the Chinese Government would revise its maps in accordance with Indian maps, that is to say, the Chinese Government had accepted the Indian Government's claim regarding the boundary.

The fact is that at that time Prime Minister Nehru took exception to the delineation of the Sino-Indian boundary line on Chinese maps and therefore Premier Chou En-lai explained that the delineation of the boundary on Chinese maps followed that of the old maps and that it would not be fitting for the Chinese Government, on its own, to change the delineation of the boundary before conducting surveys and consulting with the countries concerned. In particular, Premier Chou En-lai pointed out at the time that China has undelimited boundaries with India and some other southwestern neighbouring countries. Prime Minister Nehru said, however, that he considered that no boundary question existed between China and India. It can be seen from this conversation that there was an obvious difference of views between the two sides regarding the boundary, and that Premier Chou En-lai clearly expressed his disagreement to any unilateral revision of maps.

The Indian Government has also referred to the talks between The two Prime Ministers held in India at the end of 1956, considering that Premier Chou En-lai's remarks made at the time about the so-called McMahon Line implied that the Chinese Government recognized this line.

In fact, when Premier Chou En-lai referred to the so-called McMahon Line,

he said that it was illegal and had never been recognized by the Chinese Government. He explained at the same time that despite this, in order to ensure the tranquility of the border and out of consideration for the friendship of the two countries, Chinese military and administrative personnel would strictly refrain from crossing this line and expressed the hope that a proper way to settle the eastern sector of the boundary might be found at a later date. This statement of Premier Chou En-lai can by no means be interpreted as recognition of this line by the Chinese Government.

It can thus be seen that the Chinese Government has been consistent in its attitude that the boundary has not been delimited and is yet to be settled through negotiations between the two countries. The Indian Government's implication that the Chinese Government has changed its original stand does not accord with the facts.

(2) Whether the Chinese Government scrupulously respects the *status quo* of the border.

It is a principle agreed upon by both sides that pending an over-all settlement of the Sino-Indian boundary question, the status quo of the border should be maintained.

The Chinese Government has faithfully abided by this principle in the ten years since liberation, Chinese military and administrative personnel have been under orders not to go beyond the areas which have always been under Chinese jurisdiction, and even not to cross the so-called McMahon Line in the eastern sector.

The Indian Government's interpretation of the status quo of the border, however, is based not on the actual scope of jurisdiction of two sides, but on the unilaterally fixed boundary line shown on maps that includes large areas where Indian jurisdiction has reached. Thus armed Indian personnel have repeatedly violated the *status quo* of the border and, step by step, extended the scope of its occupation by encroaching on Parigas, Chuva, Chuje, Shipki Pass, Puling-Sumdo, Sangcha and Lapthal, and intruded

into Aksai Chin, Lake Pangong, Kongka Pass and Wuje. But the Indian Government describes all these actions as maintenance of the status quo. In the eastern sector, after the outbreak of the rebellion in Tibet in March this year, armed Indian personnel even overstepped the so-called McMahon Line at one time occupied Longju and Tamaden, and is now still in occupation of Khinzemane, all of which are situated north of that Line. Although the Indian side has occupied Puling Sumdo, one of the Chinese markets specified in the 1954 Agreement and once occupied Tamaden which India itself admits to be Chinese territory, yet the Indian Government has all along denied having violated the status quo of the border. Moreover, basing itself on the boundary line shown on its 'own maps, the Indian Government accused China of violating the status quo of the border. To this the Chinese Government cannot agree.

(3) Whether the Chinese Government has earnestly avoided using force. Recently, two armed clashes which neither side wished to see occurred in the Migyitun area and the Kongka Pass area. This was extremely unfortunate. But it is not China that should be held responsible for them. The Migyitun area incident of August 25 was caused by the action of the armed Indian personnel who had invaded and occupied Longju in advancing further to the southern vicinity of Migyitun and attacking a Chinese patrol. Armed Chinese personnel never attacked the outpost established illegally by India at Longju on the contrary, it was the armed Indian personnel from the Longju outpost who opened fire on an even larger scale on the following day but the Chinese troops stationed at Migyitun never returned from -The allegation that Chinese troops drove armed Indian personnel out of their outpost at Longju by superior force is not true. Armed Chinese personnel entered Longju only on September 1, that the sixth day counting from August 27 when the armed Indian personnel withdrew.

The case of the Kongka Pass incident of October 21 is even more obvious. On the day after three armed Indian personnel were detained on their intrusion into Chinese territory more than 60 armed Indian personnel

carrying light and heavy machine guns and other weapons intruded further into Chinese territory, and launched an armed attack on a Chinese patrol numbering 14 only and carrying light arms alone. Both before and after the Indian party opened fire the Chinese patrol gave repeated warnings not to shoot. The Chinese deputy squad leader, Wu Ching-Kuo, waved his hands to the Indian personnel and called on them not to shoot, but this esteemed comrade was the first man to be hit and killed. Only after this was the Chinese patrol forced to return fire.

That China has consistently refused to use force is further out by the following facts:

(a) When a situation of the armed forces of the two sides facing each other first appeared on the Chinese territory of Wuje in 1955, the Chinese Government took the initiative in proposing that neither side should station troops in Wuje pending a settlement through negotiations.

(b) With regard to Chinese territories of Parigas, Chuva, Chuje, Shipki Pass, Sang, Tsungsha, Puling-Sumdo, Sangcha, Lapthal and Khinzemane, which have been occupied by the Indian side, the Chinese Government has never tried compelling the armed Indian personnel to withdraw by force of arms. Even in regard to such an area as Tamaden which the Indian Government itself admits to be Chinese territory, the Chinese Government also patiently waited for the Indian troops to withdraw of their own accord and did not resort to force.

(c) With regard to armed Indian personnel who intruded into the garrison areas of Chinese frontier outposts, the Chinese frontier guard units first of all invariably advised them to leave Chinese territory and it was only when they refused to listen to such advice were they disarmed and afterwards sent out of Chinese territory together with their arms.

(d) All the Chinese frontier guards are under strict orders absolutely to refrain from using their arms unless they are already subjected to armed attack.

(e) After the occurrence of the unfortunate Kongka Pass incident, the Chinese Government immediately ordered its troops guarding the Sino-

Indian border to stop patrolling the entire border.

(f) In order completely and effectively to prevent any border clashes, the Chinese Government has recently proposed time and again that the armed personnel of the two sides on the border respectively withdraw 20 kilometers or some other appropriate distance.

The above-mentioned facts prove that the Chinese Government. has adopted all possible measures to maintain the tranquility of the border and to prevent the use of force and the occurrence of armed dashes. After the Kongka Pass incident, the Indian Government also instructed its frontier guards to stop patrolling and indicated to the Chinese Government that in any event neither side should resort to force except as a last resort in self-defence. This is undoubtedly worthy of welcome. Prior to the occurrence of these two clashes, however, the Indian Government in its note dated August 11 this year had informed the Chinese Government to the effect that Indian frontier guards had instructions "to resist trespassers and to use minimum force necessary for this purpose if warning given by them remains unheeded." The Indian Government's note also stated that "if any Chinese troops are still within Indian territory, they should be immediately withdrawn as otherwise this may lead to avoidable clash." Even after the occurrence of the first clash the Indian frontier guards, according to the note sent by the Indian Government to China on August 27, 1959, still had instructions to "use force on the trespassers if necessary." It must be pointed out that since there are divergences both between the two countries conception of the boundary and between their maps, and since the Indian Government regards large tracts of Chinese territory which have always been under Chinese jurisdiction as Indian territory, Chinese military and administrative personnel stationed on the soil of their own country would inevitably be called "trespassers" by the Indian side. In this way, Indian subordinates in carrying out these instructions, could use force more or less freely according to their own judgment. Obviously, it cannot be said that the occurrence of the two unfortunate border incidents was unrelated

to such instructions.

(4) Whether China wants to engage in "aggression" and "expansion." Centering around the Sino-Indian boundary question, there has recently appeared in India a great deal of anti-Chinese pronouncements, which in cold war language slander China as "imperialism," "expanding into India" and "committing aggression." The Chinese people cannot but feel deep regret at such malicious attacks against China, which simply fly in the face of facts.

The Chinese Government has noted that there is at present in India a rather prevalent observation that China has now grown strong and, like certain Chinese rulers in history or modern imperialists would seek expansion abroad. Apart from those who are obviously hostile to China, the great majority of those who spread this observation probably do so because they lack an accurate understanding of New China. In these circumstances, the Chinese Government deems it useful to explain China's stand once more to the Government and people of India. Although the Chinese people have begun to score some achievements, China is still very backward economically and culturally and it will still take the Chinese people decades or even over a hundred years of arduous efforts to overcome such backwardness. But at no time in future will China become a threat to its neighbouring countries, just as China does not believe that India, after it has grown strong as China fervently hopes, would become a threat to China. To say that the growth of China's population and industry would constitute a threat to its neighbours is utterly incomprehensible to the Chinese people. China's social system is a socialist one under which political and economic powers are in the hands of the working people and the people and Government of socialist China have not, nor can they have, nor should they have, any intention of threatening others. Moreover, the following facts must be taken note of: Firstly, although China's population has increased at a higher rate since liberation, yet the average annual rate of increase is only two percent,

while the average annual rate of increase in China's grain output has reached 9-8 per cent, the highest annual rate of increase being 35 per cent. In the future, the per unit area grain output and agricultural labour productivity in China will still be greatly raised. Apart from that, China has a vast territory, more; than half of which is sparsely populated and will take great efforts to develop. Therefore the Chinese people absolutely do not need to seize the territory of other countries to feed themselves.

Secondly, although China's industry has undergone some development, it 'still its natural resources and has a huge domestic market; its industry neither needs to grab raw materials from abroad nor needs to dump its products in foreign countries. Thirdly, the development of China's industry and agriculture has led to a shortage, not surplus, of labour power in China. Therefore, China has no surplus population to send abroad.

In order to attain their great goals in peaceful construction, the Chinese people are in urgent need of a long-term peaceful international environment. Therefore, in conducting its foreign relations the Chinese Government has consistently pursued a policy of peace and is desirous of living in friendship with all countries, big and small, on the basis of the Five Principles. With regard to the outstanding issues between China and other countries, the Chinese Government has consistently stood for their fair and reasonable settlement by peaceful methods without resorting to force. It is not only impossible, improper and unnecessary for China to commit aggression against its neighbours, rather it is its earnest hope that they would all grow prosperous and strong rapidly. Because only thus can we altogether more effectively prevent imperialist war and aggression and maintain peace in this area; only thus can we better meet each other's needs and help each other in construction work.

So far as the question of boundary is concerned, China absolutely does not want one inch of another country's territory. There are undelimited boundaries between China and many of its neighbouring countries, but China has never taken, and will never take, advantage of this situation to make any changes in the actually existing state of affairs on the borders

by unilateral action. Whether or not the boundary has been delimited, China is always prepared to work in close cooperation with its neighbours for the creation of the most peaceful, secure and friendly border zones so that there will be no mutual misgivings or clashes over the border questions.

With regard to Bhutan and Sikkim, some explanation may be given in passing. China has no other intentions than that of living with them in friendship without committing aggression against each other. Concerning the boundary between China and Bhutan, there is only a certain discrepancy between the delineation on the maps of the two sides in the sector south of the so-called McMahon Line. But it has always been tranquil along the border between the two countries. The boundary between China and Sikkim has long been formally delimited and there is neither any discrepancy between the maps nor any disputes in practice. All allegations that China wants to encroach on Bhutan and Sikkim, just like the allegations that China wants to commit aggression against India and other southwestern neighbouring countries, are sheer nonsense. The basic stand of the Chinese Government towards its neighbours has long been defined time and again and there should have been no need to deal with it at length. It is, however, unfortunate that recently, particularly since the putting down of the rebellion of the reactionary serf-owners in the Tibet region of China, India has in various ways distorted and attacked the Chinese attitude. In the interest of friendship of the two countries, the Chinese Government does not wish to answer attack with attack, but would rather assume that the Indian Government really has some misunderstandings about China's intentions. It may be that, for certain reason, the campaign against China would still continue. Even if unfortunately that should be the case, the Chinese Government absolutely refuses to think that the misunderstandings about China of those who harbour no ill-will would likewise continue for long. Because, if China were really committing aggression against and posing a threat to India or any other country, ten thousand denials would not alter the fact; if it is

otherwise, although ten thousand propaganda machines. tell the whole world about China's "aggression" and "threat," they will only discredit the propagandists themselves. "The strength of a horse is known by the distance travelled, and the heart of a man is seen with the passage of time." China's peaceful and friendly attitude toward India will stand the test of time. The Chinese Government is convinced that, though the truth of a matter may be hidden for a while, it is impossible to hide it up for long.

(5) Where lies the key to the settlement of the Sino-Indian boundary question?

There exist important differences between the Governments of China and India in their stand on the boundary question and there is still tension between the two countries on the border. But the Chinese Government has never had any doubt that the tension will eventually pass away and a reasonable settlement of the boundary question will be reached through friendly consultations.

The confidence of the Chinese Government is based on the following: There is friendship of thousands of years' duration but no irreconcilable conflict between the two countries; both sides urgently need to devote themselves to long-term peaceful construction at home and are willing to work for the defence of world peace; and it is uncalled-for as well as unthinkable to go on arguing like this without end. On the boundary question, both sides have indicated their willingness to maintain the status quo of the order and to settle the boundary dispute by peaceful means. This shows that a basis exists for China and India to live together in friendship and that the boundary question could be settled in a reasonable way. Besides, looking at it the other way round, there is no alternative. It is impossible for the two sides to change the geographical reality of their being neighbours or to break off all contacts along the lengthy boundary line. It is particularly impossible to entertain the absurd idea that our two great friendly neighbours with a combined population of

more than one thousand million might start a war over such temporary and local disputes. Therefore, a friendly settlement of the boundary disputes by peaceful means is the only logical answer.

What are the key questions which demand an urgent solution right now?

The Chinese Government has the honour to present the following opinions to the Indian Government:

(a) The Chinese Government is of the opinion that no matter what views the two sides may hold about any specific matter concerning the boundary, there should no longer be any difference of opinion about the most basic fact known to the whole world, that is the entire boundary between the two countries has indeed never been delimited, and is therefore yet to be settled through negotiations. Recognition of this simple fact should not create any difficulties for either side, because it would neither impair the present interests of either side, nor in any way prevent both sides from making their own claims at the boundary negotiations. Once agreement is reached on this point it could be said that the way has been opened to the settlement of the boundary question. Although up to now each side has persisted in its own views on the concrete disputes concerning the different sectors of the boundary, provided both sides attach importance to the fundamental interest of friendship of the two countries and adopt an unprejudiced attitude and one of mutual understanding and accommodation, it would not be difficult to settle these disputes. If India's opinions prove to be more reasonable and more in the interest of friendship of the two countries, they should be accepted by China; if China's opinions prove to be more reasonable and more in the interest of friendship of the two countries, they should be accepted by India. It is the hope of the Chinese Government that the forthcoming meeting between the Prime Ministers of the two countries will first of all reach agreement on some principles on the boundary question so as to provide guidance and basis for the future discussion and the working out of a solution by the two sides.

(b) Pending the formal delimitation of the boundary, the status quo of the border between the two countries must be effectively maintained and the tranquility of the border ensured. For this purpose, the Chinese Government proposes that the armed forces of the two sides along the border respectively withdraw 20 kilometers or some other distance considered appropriate by the two sides, and that, as a step preliminary to this basic measure, the armed personnel of both sides stop patrolling along the entire border:

The Chinese Government believes that if agreement can be reached on the two points mentioned above, the situation on the Sino-Indian border will undergo an immediate change and the dark clouds hanging over the relations between the two countries will quickly vanish.

The Chinese Government earnestly hopes that the views it has set forth here at great length on the past, present, and future of the Sino-Indian boundary question would receive the most good-willed understanding of the Indian Government, thereby helping to bring about a settlement of this question satisfactory to both the sides and a turn for the better in the relations between the two countries. Although some arguing cannot be helped in order to make reply to unfair charges, the intention and aim of the Chinese Government is not to argue, but to bring arguing to an end. China and India are two great countries each with its great past and future. Guided by the great ideal of the Five Principles peaceful coexistence, the two countries have over the past few years joined hands and cooperated closely in defence of world peace. Today, history again issues a call to the peoples of the two countries asking them to make still greater contributions internationally to the cause of peace and human progress, while accomplishing tremendous changes at home. The task falling on the shoulders of the Chinese and Indian peoples of the present generation is both arduous and glorious. The Chinese Government wishes to reiterate here its ardent desire that the two countries stop quarrelling, quickly bring about a reasonable settlement of the boundary question, and on this basis consolidate and develop the great friendship of the two

peoples in their common cause.

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

**Letter from the Prime Minister of India to the Prime Minister of
China,
5 February, 1960**

New Delhi, February 5, 1960

My Dear Prime Minister,

My Government is sending you separately, through our Ambassador in Peking, a reply to the note of the Chinese Government which was handed to the Indian Embassy on the 26th December 1959.

I confess that I do not particularly like this long distance correspondence which consists of a reaffirmation of our respective views, and yet there is no escape from this when questions of far-reaching importance are raised between Governments and statements made which cannot be accepted. You were good enough to suggest that we should meet to discuss these matters and, so far as we are concerned, it has been our consistent policy to welcome such meetings and informal approaches which sometimes lead to helpful results. But I found that the respective viewpoints of our two Governments, in regard to the matters under discussion, were so wide apart and opposed to each other that there was little ground left for useful talks. I suggested in my letter of November 16, 1959, certain preliminary steps which would have eased the situation and facilitated further discussions. Unfortunately you have not found yourself able to accept those proposals. I still hope that you will reconsider your decision in this matter.

In the latest note from the Government of the People's Republic of China,

emphasis has been laid on our entire boundary never having been delimited. That is a statement which appears to us to be wholly incorrect, and we cannot accept it. On that basis there can be no negotiations. It has pained me deeply that the relation between India and China which have in the past been so friendly and which we had endeavoured so much to strengthen, should have deteriorated rapidly and led to bitterness and resentment. That is a tragedy for both our countries as well as for the larger issues in the world. For my part, I have endeavoured and shall continue to endeavour to find a way to a peaceful settlement and for a restoration of friendly relations. But for the moment, I do not see any common ground between our respective viewpoints.

Nevertheless I think that we should make every effort to explore avenues which might lead to a peaceful settlement. Although any negotiations on the basis you have suggested are not possible, still - I think it might be helpful for us to meet. I am afraid it is not possible for me to leave India during the next few months. The budget session of our Parliament is beginning on February 8 and this will require my presence here. I would, however, be glad if you could take the trouble to come to Delhi for this purpose at a time convenient to you and us. You will be our honoured guest when you come here. I would suggest that some time in the second half of March might be fixed for this meeting, if it is convenient to you.

With kind regards,

Yours sincerely,
JAWAHARLAL NEHRU

His Excellency Mr. Chou En-lai,
Prime Minister of the People's Republic of China,
Peking.

**Note of the Government of India to the Chinese Government,
12 February 1960**

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 refer to the Chinese Government's Note handed on the 26th December, 1959, to the Embassy of India in Peking. In reply, the Embassy has been directed by the Government of India to state as follows:

2. The Government of India regret that the Chinese Government have not fully considered the various points raised in the Prime Minister of India's letter of September 26, 1959 to the Chinese Premier and in the Note handed by the Ministry of External Affairs to the Embassy of the People's Republic of China on November 4, 1959. The Government of China have merely reiterated their claims to vast areas of Indian territory and ignored the facts mentioned in the letter. It was the earnest hope of the Government of India that a proper appreciation of the Facts and historical data presented by them in support of their stand regarding the boundary would pave the way for an amicable settlement by narrowing down the issues for discussion. The Government of India have to state with regret, however, that the Government of China in their Note not only do not accept incontrovertible facts but disregard major frontier Agreements by untenable interpretation of their terms or by questioning their validity. Such an approach can hardly lead to an understanding which both countries desire:

3. The Government of China contend that the Sino-Indian boundary has not been formally delimited and in support of that contention allege that the boundary has not been determined by treaties and agreements. The Government of India cannot accept this contention. The Sino-Indian boundary, based on custom and tradition, follows natural features, and for the major part this customary and traditional boundary is also confirmed by treaty and agreement. This boundary throughout has been

fixed and well-known for centuries. According to international usage and practice a customary boundary which follows well-known and unchanging natural features like main watersheds stands defined and does not require further or formal definition. It is significant that until recently no Chinese Government ever challenged it, or protested against the exercise of the sovereign jurisdiction of India up to this traditional boundary. In view of all these facts, the Government of India cannot agree that negotiations have to be conducted to reach new agreements for fresh determination of the Sino-Indian boundary.

4. The Government of China have stated that the present controversy has arisen because "the Sino-Indian boundary has never been delimited, Britain left behind in this respect a heritage of certain disputes and moreover the Indian Government has made a series of unacceptable charges against China". The Government of India cannot accept either the assertions or the imputations contained in this statement. In fact the present controversy regarding the boundary and the tension on the border have arisen because the Chinese Government laid claims to extensive areas of Indian territory for the first time on September 8, 1959, and intruded into Indian territory, both before and afterwards, in furtherance of their claims. The Government of India are particularly surprised and shocked by this attitude and action of a neighbour whose friendship they have always cherished. Despite these unwelcome developments, the Government and the people of India have shown the utmost restraint. They have always been willing to explore the possibilities of a peaceful settlement. But an amicable settlement cannot be reached on the basis that a new agreement has to be negotiated to determine afresh the entire Sino-Indian boundary. Such a basis for negotiations would ignore past history, custom, tradition and international agreements and is therefore entirely unacceptable to the Government of India. The Government of India wish to state again that they are prepared to discuss specific disputes in regard to the location of particular places on

the boundary, and to make minor frontier rectifications by agreement, where they may be considered necessary.

5. The following paragraphs give in brief the basic data in regard to the international boundary. They also deal with the arguments advanced by the Chinese Government in their Note of December 26, 1959.

6. Taking the Ladakh sector first, it is wrong to say, as the Chinese Government have done, that according to the Government of India the boundary of Ladakh was fixed by the Treaty of 1842. In fact the boundaries of Ladakh were fixed and well recognised from the 17th century onwards. The 1842 Treaty did not fix the boundary but merely confirmed it. That this traditional boundary lay where Indian maps are showing it is confirmed by those who visited this area in the 19th century. The Government of China have quoted unofficial maps published by Hayward in 1870 and Robert Shaw in 1871, as well as an article by Hayward, to prove their contention that the traditional eastern boundary of Ladakh lay where the Chinese maps are now showing it. Hayward, however; surveyed only the western extremity of Aksai Chin, and Shaw's route lay even further westwards. Their opinions, therefore, are not authoritative for eastern Aksai Chin. The latter area was surveyed by Johnson in 1865 and visited by the second Yarkand Mission in 1873. It is their reports, therefore, that are authoritative in regard to the eastern boundary of Ladakh, and their maps and accounts substantiate the traditional Indian alignment.

7. The Chinese Government assert that the 1842 Treaty was between Tibet and Kashmir whereas about 80 per cent of the area now claimed by them is part of Sinkiang. The Government of India surprised at this contention. Prime Minister Nehru has already dealt with this point in his letter of September 26. The Treaty itself makes it clear that China was a party to it. The following quotation from the Treaty is relevant:

"Now that in the presence of God, the ill-feeling created by the war which had intervened, has been fully removed from the hearts, and no complaints now remain (on either side) 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 of Rajas) Raja Sahib Bahadur, and the Khagan (Emperor) of China and the Lama Guru Sahib of Lhasa. We shall remain in possession of the limits of the boundaries of Ladakh and the neighbourhood subordinate to it, in accordance with the old custom, and there shall be no transgression and no interference (in the country) beyond the old established frontiers. We shall hold to our own respective frontiers."

In fact, the treaty was concluded to terminate a war in which Tibet had appealed to China for assistance against Kashmir. The statement in the Chinese note that 80 per cent of the area was part of Sinkiang in 1842 is unfounded. Even Chinese maps of the 18th and 19th centuries show clearly that Sinkiang never extended south of the Kuen Lun mountains.

8. The Chinese Government state that nothing came of the proposal in 1899 "to delimit the boundary". This again shows a failure to take into account the facts as stated in the Prime Minister of India's letter of September 26, 1959. It was clearly stated in that letter that the proposal made in 1899 by the British referred not to the eastern frontier of Ladakh with Tibet but to the northern frontier of Ladakh with Sinkiang. That proposal stated explicitly; that the northern boundary ran along the Kuen Lun range to a point east of 80 degrees east longitude, where it met the eastern boundary of Ladakh. This showed beyond doubt that the whole of the Aksai Chin area lay in Indian territory, and the Government of China did not object to this definition of the boundary. If nothing came of the proposal of 1899, it was not because the Chinese Government declined to recognise the boundary according to the traditional alignment shown on Indian maps, but because even then they did not seem to consider

necessary any formal definition of the well-known boundary in this area.

9. The Government of India never contended that the boundary had been explicitly defined in 1842 or 1899. Indeed formal definition or demarcation is not necessary for recognition of a boundary so long as it is fixed by custom and tradition and is well-known. The Chinese Government state that there is much indisputable evidence to show that this sector of the Sino-Indian boundary was not delimited. In fact the evidence that they have brought forward shows only that the boundary was not demarcated on the ground. The proposals of the then British Indian Government between 1921 and 1927 were merely for the determination of the ownership of a few pasture grounds in one particular area. There was no dispute about the main alignment, let alone a demand for its determination. The letter of Sir Arthur Lothian in The Times of December 11, 1959 has been quoted in this context. But this letter referred to an effort to secure delimitation "on the ground"- i.e., demarcation. The map published by the Survey of India in 1950 showed this boundary as "undefined", to indicate that this sector had never been described in detail from point to point or demarcated on the ground. The statement of the Prime Minister in the Lok Sabha on the 28th August, 1959, that the boundary had not been marked, indicated merely that it had not been marked on the ground.

10. The Chinese Government contend that, except for the Demchok (Parigas) area, which according to them has been "occupied" by India in recent years, the rest of the area in Ladakh, claimed by China, has always belonged to her and has been under her effective control. These contentions are wholly baseless. That the Demchok area has for centuries been a part of Ladakh is proved by the treaty between Ladakh and Tibet signed in, and by the accounts of travellers who visited the area thereafter. As for the rest of the area, it is wrong to state that the major part of it was under the jurisdiction of Sinkiang. As already mentioned

above, Chinese maps of the 18th and 19th centuries make clear that Sinkiang never extended south of the Kuen Lun mountains. So, no part of this area could ever have been a part of Sinkiang. Nor was any portion of this territory a part of Rudok Dzong of Tibet. Moorcroft who visited this area in 1820, stated that Pamgong Lake divided the district of Rudok from the principality of Ladakh. This in effect conforms with the traditional alignment as shown on Indian maps rather than that shown on Chinese maps. Strachey, who visited this area as a Boundary Commissioner in 1847, gave a more specific alignment, which is essentially in consonance with the alignment on Indian maps.

11. It is most regrettable that the Chinese Government should have claimed, without bringing forward any evidence in support, that their people have utilized this area for pasturage and salt-mining. In fact, the pastures and salt-mines referred to have always been the preserve of Ladakhi villagers who have regularly visited these areas; and these villagers never came across any Chinese trespassers. It is incorrect to say that since 1750 the Chinese Government has established check-posts to exercise jurisdiction over and patrol this area: There were never any Chinese outposts south of the Kuen Lun mountains. Throughout the twentieth century officials of the Kashmir Government and Indian traders and hunting parties moved freely in this area and they did not come across any evidence of the exercise of jurisdiction by the Chinese in that area. During these years a detailed geological survey of the whole area was carried out by the Governments of Kashmir and of India. It is only in recent years that Chinese personnel have intruded into this territory; and the Government of India are astonished that the Chinese Government use this intrusion as the basis for their claim. The statement that Indian personnel came into this territory only thrice, and that too in recent times—in September 1958, in July 1959 and in October 1959 is unwarranted by facts. Indian personnel have patrolled this area regularly. Only on the three occasions mentioned by the Chinese Government did

they come across Chinese troops.

12. It is strange that the Chinese Government should have brought forward an argument based on philology and advanced a claim on the fact that names such as Aksai Chin and Karakash are of Uighur origin. It is not necessary to treat this argument seriously. The Government of India will content themselves with drawing attention to the fact that centuries ago Indian influence swept deep into China, and there are place names in Tibet and Sinkiang of Sanskrit or Prakrit origin. The name Khotan itself is derived from the Sanskrit word Kustana. Again, the present name of the Ari district of Tibet is an abbreviation of the Sanskrit term Nari in Nari (Ngari) Khorsum, a name by which Western Tibet is known.

13. The Chinese Government have stated in their latest note that the delineation of the boundaries of Ladakh in Chinese maps for the past 200 years have in the main been consistent. This is certainly true of the Chinese maps published up to the twenties of the present century, but these maps consistently showed a boundary which was more or less in consonance with the traditional alignment as shown on Indian maps. It is only on Chinese maps published since the late twenties that different alignments have been shown. The broad trend in the recent Chinese maps has been to push the alignment deeper into Indian territory.

14. It is extraordinary that the Chinese Government should not be aware of their own official maps such as the one drawn in 1893, and that they should brush aside The New Atlas and Commercial Gazetteer of China, as the publication of a private agency. It was in fact based on authoritative official surveys as stated in the introduction. However, the Government of India would like to draw the attention of the Government of China to the Postal Map of China published in 1917 by the Chinese Government. This map shows the whole northern boundary of India more or less according to the traditional Indian alignment.

15. The Government of China attach little importance to the fact that the alignment shown on Indian maps runs along the main watershed. They seem unaware that traditional boundaries in mountainous areas tend to follow the main watershed rather than any other natural feature. This is because a watershed is the best of all possible natural boundaries. It is liable to no change and is readily recognisable. Where there are a series of mountain ranges, it is the watershed range rather than any other that becomes the traditional boundary, because the peoples on both sides tend to settle up to the sources of rivers but not beyond. That the alignment of the northern boundary of India throughout follows the major watershed supports the fact that this became the boundary through custom and tradition. The argument of the Chinese Government that the watershed boundary of Ladakh is vitiated by the fact that a river breaks through it is untenable. There is hardly any major watershed in the world, however high and continuous, which is not pierced by some river; but that does not make it any less of a watershed. Equally untenable is the other argument that the alignment shown on Chinese maps is supported by the fact that the area now claimed by the Chinese Government is easily approached from the Chinese side and not from the Indian side. Accessibility is not a criterion for determining the alignment of boundaries.

16. The Government of India are glad to note the acceptance by the Government of China that the alignment of the boundary as shown on Indian maps between the Punjab, Himachal Pradesh and Uttar Pradesh in India and the Tibet region "conforms to reality". This alignment conforms to the watershed principle and Chinese maps have also shown this alignment for the greater part of its length. The Government of India, however, reject the claim of the Chinese Government in certain areas in this sector- the Spiti area, Shipki pass, Nilang-Jadhang, Barahoti, Sangchamalla and Lapthal. The Prime Minister of India in his letter of

September 26, 1959 has given sufficient data to show that these territories have always been part of India. The Chinese Government have ignored these precise data' and have merely repeated their claim. In the circumstances the Government of India consider it unnecessary .to repeat their earlier statements.

17. The Government of China have also accused the Government of India of having occupied Puling-Sumdo, one of the markets for trade in the Ari district of Tibet, specified in the 1954 Agreement. The Government of India repudiate this allegation. They are not, and never have been, in occupation of this place. The Chinese Government are confusing this trade mart with a locality in the Nilang-Jadhang area in India called Pulamsumda. This latter place in India, however, has never been a trade mart. The co-ordinates of Puling-Sumdo (also known as Poling) are $31^{\circ} 19'$ north and $79^{\circ} 27'$ east, and these co-ordinates were communicated by Mr. Kaul with his letter of March 26, 1954 to Mr. Chen Chia Kang. The co-ordinates of Pulamsumda are $31^{\circ} 18'$ north and $79^{\circ} 8'$ east. During the negotiations leading to the 1954 Agreement it was Puling-Sumdo (Poling) which was mentioned since it was a traditional trade mart. It was then made clear to the Chinese delegation that Puling-Sumdo and Poling were different names for the same place. There was no occasion to refer to Pulamsumda ($31^{\circ} 18'$ north and $79^{\circ} 8'$ east) and no reference was in fact made to it either in the discussions or in the subsequent Agreement. There should, therefore, be no room for misunderstanding.

18. The Chinese Government contend that the Tibetan authorities are in possession of land deeds and census and taxation papers concerning these areas which they are claiming, and give as an example a document of the eighteenth century concerning Barahoti. The Government of India are somewhat surprised to know of this. During the prolonged discussions on Barahoti which took place in New Delhi, in 1958 between the Chinese and Indian delegations, the Chinese delegation did not refer to the

existence of such documents. It will be recalled that the Indian delegation stated at the time that they had revenue records and other evidence in their favour.

19. The Government of India cannot accept the contention of the Chinese Government that these areas belong to China because their inhabitants are of Tibetan origin. Indeed, such arguments based on ethnic affinities had been rebutted by Premier Chou En-lai himself as early as July 1957. Addressing the Fourth Session of the National People's Congress at Peking on July 9, 1957, Premier Chou En-lai said: "The boundary question has a direct bearing on the interests of the nationalities living in compact communities on the Sino-Burmese borders. Therefore in tackling this question we must specially take into account the interests of these nationalities. We know that the boundary line between two countries is often found dividing into two parts a nationality living in compact communities on the borders. This is the result of historical development. On the various sections of the defined boundary between China and Burma I and on the border between China and other countries we find people of the same nationality living on both sides of the boundary line. So, when we solve the question of the undefined boundary line between China and Burma, we must realise before-hand that it will be hard to avoid separating the nationalities concerned by the boundary line. India is a State in which people of different races and creeds enjoy common citizenship. There are thousands of Indian citizens of Tibetan origin. The study of the Tibetan language is encouraged by the Government of India. These Indians of Tibetan origin have always been loyal citizens of India.

20. The Government of India cannot accept that the Agreement signed in 1954 between India and China had no bearing on the question of the boundary between the two countries. It is true that during the negotiations neither side asked to discuss the boundary question. The Indian delegation did not raise it because, so far as the Government of

India were concerned, the boundary was well-known and beyond dispute, and there could be no question regarding it. Not only was the boundary shown on official Indian maps, but Indian authorities had been exercising administrative control over all areas up to the international border shown on Indian maps. If the Chinese Government were at all serious about their claim to any of these areas, it would be expected that they would at least refer to their claims, if not discuss them. It is true that Premier Chou En-lai at the first meeting said that the relations between China and India were becoming closer every day and that from among the outstanding questions the two sides could settle questions which were ripe for settlement. The Indian Ambassador then pointed out that there were only small questions pending between India and China but he wished to see nothing big or small remaining outstanding between the two countries. Premier Chou En-lai replied that two large countries like India and China with a long common frontier were: bound to have some questions but all questions could be settled smoothly. In the context in which Premier Chou En-lai made this statement, it could hardly be inferred that he had in mind Chinese claims to vast tracts of territory which were shown as parts of India in Indian maps and were under Indian administration. At the meeting of January 8, 1954 the Vice-Foreign Minister of China stated that the negotiations between China and India were to settle, in accordance with the Five Principles, those pending questions that were ripe for settlement. The Indian side accepted the principles as the basis for discussions. In his speech on April 29, 1954 after the signing of the Agreement, the leader of the Indian Delegation stated, "we have gone through fully questions that existed between our two countries in this (Tibetan) region", thus indicating that in the Indian view no dispute or question was left over. The Indian Delegation throughout took the line that all questions at issue between the two countries were being considered and, once the settlement was concluded, no question remained. In view of this the Chinese statement that Ambassador Raghavan agreed, in what is stated to be an informal talk, that the

boundary question would not be discussed, is surprising.

21. In these circumstances the Government of India can only express their surprise at the contention of the Chinese Government' that the question of the boundary between the two countries was not touched at all during the discussions leading to the 1954 Agreement. When Article 4, which specifies six passes in this area, was being discussed, the Chinese delegation brought forward a draft which stated that the Chinese Government "agrees to open" the passes. In other words, it was claimed that these passes belonged to China. This was contested by the Indian representative Mr. Kaul, who stated that they were Indian passes. It cannot, therefore, be asserted that the question of the ownership of these passes was not raised at all. The text as finally agreed upon was: "Traders and pilgrims of both countries may travel by the following passes and route". This could only be interpreted to mean that the use of these passes does not involve ownership because they are border passes.

22. The Chinese Government have also contended on a priori grounds that the boundary question could not have been discussed in 1954 because at that time "the question which the two countries were ' most concerned about and which called for urgent solution was the establishment of normal relations between India and the Tibet Region of China on a new basis . But surely normal relations between India and Tibet region of China could not have been established if the Chinese Government had in mind at that time claims to large areas of Indian territory contiguous to the Tibet Region. The Government of China were then fully aware of the alignment of the international boundary as shown on official Indian maps. They must also have been aware of the authoritative declaration made in 1950 by the Prime Minister of India on the subject of India's frontiers. Besides, the Government of China were aware that the Constitution of the Republic of India, adopted after lengthy discussions in open sessions of the Constituent Assembly, made specific

mention in its Sixth Schedule of the Tribal areas of Assam and the North East Frontier Agency, which the Chinese Government now seek to claim as Chinese territory. In the 1954 Agreement the Chinese Government affirmed their respect for the territorial integrity of India. In the circumstances mentioned above they could not have done so if they intended to raise a demand subsequently for large areas of Indian territory. Further, in discussions with the Prime Minister of India in 1954 and 1956-57, the Prime Minister of China did not give any indication whatsoever that his Government had large territorial claims, but, on the contrary, gave the impression that the revision of the maps was essentially a procedural issue, which would be made in due course. The conclusion is obvious that the Chinese Government have changed their position since 1954.

23. The Government of India cannot accept the contention that the area south of the traditional boundary east of Bhutan has always belonged to China and was until recently under Chinese jurisdiction. The territory was under the Varman, the Salastambha and the Pala dynasties till the 8th century, when they came under the pressure of the Ahoms, a branch of the Shan tribe. Finally, in the 13th century, an Ahom ruler gained control over the whole kingdom and gave the name Ahom, now softened to Assam, to the country. The Ahom rulers held sway in this area for nearly six centuries till they were finally displaced by the British authority in India in 1826. During the last years of Ahom rule control over the tribal peoples in the north weakened, but authority was re-established by the then Government of India over a period of years. At no time, however, was the sovereignty over these areas lost by the rulers of Assam or acquired by the Tibetans. The tribal areas south of the traditional' watershed boundary have always been part of India.

24. In the 19th century the Government of British India asserted their authority over the tribes who acknowledged the right of that Government

to maintain law and order in their areas. References to the territory of the British in the agreements concluded by the British Indian Government with the tribes meant merely that such territory was then under the direct administration of the British Government in India, as distinct from the tribal areas where they only exercised loose control. But at no time did these tribesmen cease to be under the central authority of the British Indian rulers.

25. The only evidence that the Chinese Government have brought forward to support their claim to jurisdiction over this area is with reference to Tawang and the Walong area. But Tawang and Walong form only a tiny fraction of the large area now claimed by the Chinese Government, and the evidence brought forward in regard to these two localities has no relevance to the rest of the area. Even with regard to Tawang and Walong the arguments of the Chinese Government are untenable. Tawang was never a part of Tibet. The local administration of Tawang was in the hands of a Raja, who was assisted by Chhoryens, or headmen of groups of villagers and Kachungs or village headmen. The only functions which the Lama hierarchy exercised in this area was ecclesiastical. In Tawang there is a large Tibetan monastery, whose Abbot and monks collected religious dues from the local inhabitants, who are Lamaists. Collection of such dues could not and did not confer any territorial sovereignty on the Tibetan authorities in respect of Tawang. This view is also supported by the statement made by the Chinese plenipotentiary at the Simla Conference in 1914. Ivan Chen stated on the 7th March 1914 that "what is paid to the Tibetans is not in the shape of revenue, in the ordinary sense of the word, but merely contributions to the monasteries. It is rather charity than a tax". And on 13th June 1914 Sun Pao-Chi, the Chinese Minister for Foreign Affairs, informed the British Minister in Peking that "the Tibetans affected to think that they had rights over all places inhabited by Lamaists, but this was not so. The Lamas might have ecclesiastical authority but this did not necessarily mean that, these places belonged to

Tibet".

26. Again, certain Tibetan families owned private estates south of the traditional boundary and collected rents. These rents cannot be regarded as Government taxes. It is possible that these rents were paid even after 1914, for the agreement between the Indian and the Tibetan representatives on the boundary safeguarded the rights of private estates.

27. The Chinese Government have quoted the agreement signed in 1853 between the British Indian authorities and the Monbas, and claimed that the Indian Government by this agreement recognised the Monbas as belonging to Tibet. Had this been so, it would be expected that the British Indian Government would have signed the agreement direct with Tibet. The Tibetan Government were, during these years, negotiating on their own, as is shown by their treaty with Nepal signed in 1856. In fact the agreement of 1853 concerned one specific instance in which a Tibetan was involved, and the local Rajas appeared to be acting on this particular occasion for the Tibetan Government. Indeed, nine years earlier, in 1844, these Rajas accepted British authority in India by a written agreement. The key sentence of the 1844 Agreement reads as follows: "We also pledge ourselves to act upto any orders we may get from the British authorities."

28. The Walong area in the lower Lohit valley, which the Chinese Government refer to as Lower Tsayul, consists of a few villages inhabited by Mishmis and refugee Tibetans. The presence of the latter does not prove that this area belonged to Tibet. These refugees resisted the attempts of the Tibetan authorities to collect taxes.

29. It is incorrect to state that the authoritative maps published in India and China showed the boundary in this sector according to the alignment

now being shown on Chinese maps. As already stated, the Postal Map of China published in 1917 showed the boundary in consonance with the Indian alignment as shown in Indian maps. In November 1925 the University of Peking published a map showing the Frontiers of China at a time when China had expanded most that is in the days of the Ching dynasty before 1911. Even then the frontier east of Bhutan was shown approximately along the present alignment. . As for official Indian maps, the Government of India have already drawn the attention of the Chinese Government to the Map of India published by the Survey of India in 1895, which showed the tribal area by a light orange colour wash. From 1938 to 1952 the Survey of India showed this boundary by an undemarcated symbol, because in fact the boundary had not been demarcated on the ground. As, however, the traditional boundary lay along a major watershed, the Government of India decided in 1954 that no demarcation on the ground was necessary. The undemarcated symbol was, therefore, omitted in subsequent maps.

30. The Government of China have mentioned in this connection the Map of India (1945) included in the third English edition of the Book *The Discovery of India* by Mr. Nehru. The particular map was a sketch map inserted by the publisher, and the author could not be held responsible for its inaccuracy. Nor should any adverse conclusion be drawn from it, so far as the Government of India are concerned.

31. The Government of India regret that the Chinese Government should persist in questioning the validity of the Agreement reached in 1914 between India and Tibet confirming the traditional boundary east of Bhutan. This was not the first time that Tibet conducted negotiations and concluded treaties, in her own right, with foreign states. On several occasions before 1914 Tibet had conducted negotiations and concluded treaties with other states. For example, Tibet concluded a treaty with Nepal in 1856 and another with Great Britain in 1904. These treaties were

never objected to by China and were fully operative. At the Simla Conference, the Tibetan and Chinese plenipotentiaries met on an equal footing. This position was explicitly and unequivocally accepted by the Chinese Government. The three Plenipotentiaries exchanged copies of their credentials at the first session of the Conference on October 13, 1913. The credentials of the Tibetan representative issued by the Dalai Lama made it clear that Tibet was an equal party at the Conference, with the right "to decide all matters that may be beneficial to Tibet", and the Chinese representative accepted the credentials of the Tibetan representative as being in order. The credentials of the British Indian representative, which were also accepted by the Chinese representative, confirmed that all the three representatives were of equal status, and that the Conference was meeting "to regulate the relations between the several Governments".

32. It is not true to say that the Agreement of March 1914 between India and Tibet about the Indo-Tibetan boundary was secret. It was an Agreement between the authorised representatives of the two parties, reached after full discussion, and approved by the Government of Tibet. There was, therefore, nothing clandestine about it. Moreover, the Indo-Tibetan boundary was delineated on the map appended to the Tripartite Convention, which was also signed by the Chinese representative on April 27, 1914. The 1914 boundary Agreement was published in the 1929 edition of Aitchison's *Treaties, Engagements and Sanads*, the previous edition having been published as early as 1909. The Chinese Government never protested against this Agreement. In fact, long before this Agreement the Government of British India had asserted their authority over these tribal areas, concluded Agreements with the tribes and created two Frontier Tracts comprising the entire territory. These facts were all well-known and neither the Tibetan nor the Chinese Government ever challenged the British Indian authority.

33. The Government of India cannot accept the contention of the Government of China that the Simla Conference only discussed the boundaries between Tibet and China and between Outer Tibet and Inner Tibet. It is also incorrect to say that the red line on the Convention Map which was signed by the Chinese representative represented only the boundary between Tibet and the rest of China, and that it was never stated that part of this red line was the boundary between China and India. The argument that the McMahon Line sector of the red line on the Convention Map represented the boundary between Tibet and China is fantastic. Article 9 of the Convention, initialed by British Indian, Chinese and Tibetan penitentiaries, dealt with the boundaries of Tibet and the map attached to the Convention clearly showed Tibet's boundary, with India. It is this boundary line which is known as the McMahon Line. The *Postal Map* of China published by the Chinese Government in 1917 showed this line as the boundary between India and Tibet, and marked the territory south of the line as India. By no stretch of imagination can it be contended now that any Chinese territory then lay south of the McMahon Line. The contention that the red line represents the boundary between Tibet and China is contradicted by the Chinese Government's own statement that jurisdiction had been exercised in the area south of the line by the Tibetan authorities and not by the Chinese Government.

34. It is strange that the Chinese Government should now seek to rely on the Anglo-Russian Convention of 1907, and argue that 1914 Agreement was invalid as Britain was precluded by the 1907 Convention from having direct negotiations with Tibet. As China was not a party to the Convention between Britain and Russia, she cannot invoke that Treaty in support of her contention. In fact, throughout the negotiations, the Russian Government were kept fully informed of the progress of the negotiations. A copy of the Agreement including the map was given to the Russian Government who raised no objection to the negotiations and the subsequent Agreement.

35. The Chinese note refers to four protests made in 1946-47 by the Chinese Government. It may be stated that these protests related to acts of British Indian administration in a small area of the North-East Frontier Agency in 1943. The Government of India then replied that "the only activities in which the Government of India have been engaged in the area in question have been entirely restricted to the Indian side of the boundary between India and Tibet, which has been accepted for over 30 years". The protest of the Kuomintang Government of November 1949 merely stated that China had not signed the Simla Convention. No reply was sent to the protest as soon afterwards, in December 1949, the Government of India recognised the People's Government of China. A few months later, in August 1950, the Government of India mentioned in a note to the Government of China that the recognised frontier between Tibet and India should remain inviolate. The same year the Prime Minister of India declared publicly that India stood by the McMahon Line. There could, therefore, be no doubt about Government of India's position in regard to the international boundary.

36. The Tibetans never protested against the Indo-Tibetan boundary as agreed upon in 1914. On more than one occasion, they acknowledged its existence and affirmed that they had no wish to dispute its validity. When the McMahon Line was verbally re-affirmed by the British Indian Representative in 1936 and 1938, the Tibetan Government replied that they were fully aware of the terms of the 1914 Agreement. It is the Government of India which protested in 1943 against illegal penetration by the Tibetans into Indian territory. Similar protests were made by the Indian Government whenever the Tibetans sought to take advantage of Indian preoccupations in order to levy illegal dues in Indian territory. When the Government of India protested, the Tibetans withdrew. As for the fantastic Tibetan claims put forward in 1947, Prime Minister Nehru's letter of September 26, 1959 has adequately dealt with them.

37. The Chinese Government are aware of the special treaty relations which the Government of India have with Bhutan and Sikkim. In view of this the Government of India welcome the explanations: given in the Chinese note relating to the boundaries between Sikkim and Bhutan on the one hand and Tibet on the other. The note states "that the boundary between Sikkim and the Tibet region of China has long been formally delimited, and that there is neither any discrepancy on the maps nor any dispute in practice. The Government of India would like to add that this boundary has also been demarcated on the ground. As for Bhutan, its northern boundary is traditional and" well-known. Adjoining it on the east is the North-East Frontier Agency of India, whose boundary with Tibet is both traditional and delineated by agreement. It is not, therefore, possible for any Tibetan territory to lie south of the McMahon Line. The Government of India note with satisfaction that the Chinese Government have not repeated their map claims to any part of northern Bhutan. In view of the responsibility of the Government of India for the defence and maintenance of the integrity of Bhutan and Sikkim, the Government of India welcome the assurance of the Government of China that they will not encroach on the territory of Sikkim and Bhutan.

38. The foregoing paragraphs have set out in brief the points of substance regarding the Sino-Indian boundary question. The Government of India can only express their regret that the Chinese Government should have repeated their earlier versions of the incidents at Longju and at Kongka Pass in the Chang Chenmo valley. The true facts regarding these incidents have already been communicated to the Chinese Government in the earlier Indian notes, and the various points raised in these notes still remain unanswered. It is only necessary to point out that if in fact the Chinese personnel entered Longju 5 days after the withdrawal of the Indian personnel, the Indian casualties cannot be explained. Similarly, the detailed account of Shri Karam Singh, which was handed to the Chinese

Embassy in Delhi on November 24, 1959 disproves the Chinese Government's version of the incident at Kongka Pass. The Government of India have to state once more that these unfortunate incidents, involving severe casualties among Indian personnel, would not have occurred, if the Chinese troops had not intruded into Indian territory and taken offensive action against Indian police personnel engaged on routine patrol duty on Indian soil.

39. The Government of India share the sentiments of friendship expressed by the Chinese Government. Even before they attained independence, the people of India demonstrated in ample measure their friendship for the Chinese people. Since the achievement of independence by India this feeling of friendship has found expression in many concrete ways. The surprise and disappointment of the Indian people have therefore been all the greater at the challenge to the historic frontier of India by the Government of China. Recent developments have deeply disturbed the minds of the Indian people and created a feeling of uneasiness over the long frontier which for centuries had remained tranquil. In the interest of the two countries and of peace of the world, active steps must therefore be taken to remove the causes of the present tension and to establish a firm foundation of friendship between the two countries:

40. An essential first step is for the two Governments to agree on an arrangement without delay, which would completely eliminate the risk of border clashes and facilitate a friendly settlement of the disputes. In their latest note the Chinese Government have repeated their earlier proposal that the armed forces of the two Governments should withdraw twenty kilometres or some other agreed distance from the border, and that the armed personnel of both sides should stop patrolling along the entire border. These suggestions have been discussed in detail in the Prime Minister of India's letter of November 16, 1959 to Premier Chou En-lai.

The constructive proposals made by the Prime Minister of India in that letter are intended to secure the objective which both the Governments have in view. The Government of India would still hope that the Government of China would accept these proposals.

41. The Chinese Government have asked the Government of India to accept the position, as a preliminary to discussions, that "the entire boundary between the two countries has never been delimited and is therefore yet to be settled through negotiations". It is clearly impossible for the Government of India to accept this proposition which they consider unreasonable and against the facts of history, geography, custom, tradition and international agreements. The facts enumerated in the preceding paragraphs entirely disprove the Chinese Government's contention. The Government of India are anxious for a friendly settlement but they cannot possibly accept suggestions which gravely prejudice their basic position.

42. In his letter of November 16, 1959, to Premier Chou En-lai, the Prime Minister of India expressed his readiness to meet the premier at a suitable time and place, but suggested that the immediate efforts of the two Governments should be concentrated on reaching an interim understanding, which would help in easing the present tension and prevent the situation worsening. Although no further border incidents have taken place in recent weeks, the urgent need for an interim understanding is paramount. The basic causes of tension and resentment remain. The Government of India are yet unable to understand why during the last year or so the long border which had remained tranquil through the centuries should have become a source of tension and anxiety. If there are any deeper reasons for this, they are unaware of them. Apart, therefore, from the boundary question, it is important, in the interest of both China and India and of world peace in general, that the two Governments should leave nothing undone, which could remove

misunderstanding and restore the traditional friendship and cordiality between the two countries on a firm basis.

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

Peking, the 12th February, 1960.

The Ministry of Foreign Affairs,
Government of the People's Republic of China,
Peking.

**Letter from the Prime Minister of China to the Prime Minister of
India,
26 February 1960,**

Peking, February, 26, 1960

Dear Mr. Prime Minister,

I thank Your Excellency for your letter of February 5 1960, which was brought here on February 12 by Indian Ambassador to China, Mr. Parthasarathi. At the same time, the reply to the Note of December 26 1959, of the Ministry of Foreign Affairs of the People's Republic of China made by the Indian Embassy in China on the instructions of the Indian Government was also delivered by Mr. Parthasarathi to our Ministry of Foreign Affairs. The reply Note of the Indian Embassy will be answered by the Chinese Ministry of Foreign Affairs after studying it.

You have in your letter agreed to the suggestion of the Chinese Government and myself for the holding of a meeting between the Premiers of China and India in the immediate future so as to explore avenues which may lead to a peaceful settlement of the boundary issue, and invited me to visit Delhi in the latter half of March. I express to you

my deep gratitude for your friendly invitation. The Chinese Government has consistently held that the friendship between the Chinese and Indian peoples is eternal, that it is necessary and entirely possible to settle the boundary issue between the two countries in a friendly and peaceful manner, and that the two countries must not waver in their common desire for a peaceful settlement of the boundary issue on account of temporary differences of opinion and certain unfortunate and unexpected incidents. The Chinese Government, therefore, takes a positive attitude towards the forthcoming meeting and has confidence in it. As to myself, needless to say, I am very glad of the opportunity of once again visiting the capital of great India, meeting the great Indian people fighting for the prosperity, strength and progress of their motherland and for world peace, and seeing you as well as other friends whose acquaintance I had the honour of making during my last visits. I particularly hope to see the dark clouds hovering between our two countries dispersed through our joint efforts, so that the long-standing friendly relations between the two countries may be consolidated and developed.

Owing to reasons in connection with State affairs, I shall come to your country in April. The specific date will be discussed and decided upon through diplomatic channels.

With kind regards,

CHOU EN-LAI

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

**Note given by the Ministry of External Affairs, New Delhi to the
Counsellor of China in India, 5 December 1959**

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and have the honour to state that during the last two months a number of unidentified aircraft, coming from the direction of the Tibet region of China, have flown over Indian territory. A statement of these violations of the air space of India, giving the places, time and the position of the aircraft, is attached to this note.

2. The Government of India protest against these repeated violations of air space over Indian territory. They request that immediate steps be taken to prevent such violations in future. It will be appreciated if strict instruction is given to the Chinese aircraft to respect Indian territory.

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

Statement showing details of recent violation of our air space

	Date and time of flight			Area	Approximate latitude and Longitude	
1	19/9/1959	2230	Hrs.	MOKOKCHUNG	26° 20' N	94.32' E
2	21/9/1959	2215	Hrs.	ZUNHEBOTO	26° 10' N	94.35' E
3	22/9/1959	0730	Hrs.	CHAMPANG (Tuensang Distt.)		
4	04/9/1959	0845	Hrs.	AININI (Lohit Frontier Division)	28° 45' N	96.00' E
5	10/9/1959	0930	Hrs.	TUTING (Siang Frontier Division)	29° 00' N	94.50' E
6	19/9/1959	2230	Hrs.	ZERO (Subansiri Frontier Division)	27° 35' N	93.30' E

7	19/9/1959	2330	Hrs.	LIMEKING (Do.)	28° 20' N	94.15' E
8	20/9/1959	0130	Hrs.	DOPORIJO (Do.)	28° 00' N	94.50' E
9	17/10/1959	0910	Hrs.	BUMLA (Kameng Frontier Division)	28° 40' N	91.50' E
10	18/10/1959	0915	Hrs.	TOWANG (Do.	28° 30' N	91.50' E
11	18/10/1959			CHUTANGMU (Do.	28° 40' N	91.50' E
12	19/10/1959	0720	Hrs.	TOWANG (Do.	28° 30' N	91.50' E
13	19/10/1959	1115	Hrs.	TOWANG (Do.	Do.	DO
14	31/10/1959	0830	Hrs.	LEH	34° 10' N	77.40' E
15	24/11/1959			ZERO	27° 35' N	93.50' E
16	23/11/1959	0912	Hrs.	SEPIA (Kameng Frontier Division)	27° 20' N	93.50' E
17	15/11/1959	2200	Hrs.	HAYULIANG.	28° 00' N	96.30' E
18	15/11/1959	0035	Hrs.	WALONG	28° 10' N	97.00' E

Note given by the Ministry of Foreign Affairs of China to the Embassy of India in China, 21 December 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 note delivered by the Indian Ministry of External Affairs to the Chinese Embassy in India on December 5, 1959 concerning the alleged intrusions into Indian air space by unidentified aircraft from the direction of the Tibet region of China, has the honour to reply as follows:

The Chinese Government has enjoined the authorities concerned to investigate into the matter on the basis of the data regarding time and place provided by the Indian Ministry of External Affairs in the annex to its note. It is satisfied that no flight of Chinese aircraft over Indian territory ever occurred at all. Therefore, the Chinese Government cannot

accept the protest of the Indian Government. The Chinese Government expresses deep regret at the fact that the Indian Government rashly protested with the Chinese Government without ascertaining the facts.

The Chinese Government wishes to point out at the same time that intrusions by Indian aircraft into Chinese air space frequently occurred in recent months along the Sino-Indian boundary. Despite two previous protests by the Chinese Government, such provocative intrusions still did not stop. According to the reports of the Chinese frontier guards, in the past three months, Indian aircraft still kept intruding into the air space over the Tibet region of China, circling around and carrying out reconnaissance. The main facts are as follows:

1. At 13.25 hours on September 23, 1959 a double-engined Indian transport aircraft intruded into Chinese air space over Sama in the Tsayu area in south-eastern Tibet from the direction due south of Tsayu.

2. At 11.45 hours on October 11, 1959 an Indian aircraft intruded into Chinese air space over the Lake Pangong area in western Tibet.

3. At 12.00 hours on October 17, 1959 an Indian aircraft intruded into Chinese air space over the Lake Pangong area in western Tibet.

4. At 11.40 hours on October 18, 1959 a double-engined Indian aircraft intruded into Chinese air space over the area of Le and Hsiao in eastern Tibet from the direction of Kechilang pasture.

5. A double-engined Indian aircraft intruded into Chinese air space over the Le area in eastern Tibet at 09.10 hours on October 19, 1959 from Bang Pass, and over the Shatze area at 09.30 hours on the same day.

6. At 12.00 hours on December 7, two Indian aircrafts intruded into Chinese air space over the area east of the Kongka Pass in Sinkiang.

The Chinese Government lodges a third protest with the Indian Government against these serious provocations of repeated violation of China's air space by Indian aircraft and demands that the Indian Government immediately adopt necessary measures to ensure against further violation of China's air space by Indian aircraft and to maintain the peace and tranquillity of the Sino-Indian border.

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 22 February 1960

The Ministry of External Affairs present their compliments to the Embassy of China and with reference to the note delivered by the Chinese Ministry of Foreign Affairs to the Indian Embassy in China on the 21st December 1959 concerning the alleged intrusion into Chinese air space by Indian aircraft, have the honour to reply as follows:

The Government of India have caused careful enquiries to be made into the six alleged intrusions into Chinese air space by Indian aircraft. The enquiries show that allegations are entirely baseless. Indian aircraft have strict instructions not to fly over foreign territory without the prior permission of the foreign Governments concerned and these instructions are carefully observed. The Government of India cannot accept the protest of the Chinese Government, and express regret that they should have done so without ascertaining the full facts.

The Ministry of External Affairs avail themselves of this opportunity to renew to the Embassy of China the assurances of their highest consideration.

Memorandum given by the Ministry of Foreign Affairs of China to the Embassy of India in China, 23 January 1960

The Government of the People's Republic of China has received the memorandum of the Government of India of October 29, 1959 in reply to the Chinese Embassy in India concerning the Chinese Government's protest against the intrusion of Chinese territorial sea by few Indian Naval Ships. The Chinese Government cannot but deem with regret that the above-mentioned reply of the Government of India is unsatisfactory.

As pointed out by the Chinese Government in its memorandum September 7, 1959 there is south east of Hongkong an international navigational route for entry to and exit from Hongkong. It is known to all and has always been followed by ships of other countries. If Indian ships should have taken this route in approaching and leaving Hongkong the question of violation of China's sovereign rights over its territorial sea would not have arisen. However the I.N.S. Magar instead of taking the international route and in disregard of the repeated warnings of the Chinese coastal guard units twice sailed in Chinese territorial sea at will. This cannot but be deemed deliberate intrusion of China's territorial sea. When I.N.S. Magar left Hongkong for Singapore on September 16 although it no longer took the water way west of the Chiapeng and Tankan Islands of China as it had done on August 9 but sailed to the south east of them yet it still did not follow the international route but intruded into China's territorial sea. After leaving China's territorial sea for some time it again at 15:10 hours unlawfully intruded into China's

territorial sea at the point 21 degrees 48 minutes 37 seconds N, 114 degrees 18 minutes 9 seconds E and sailed in the direction west-west-south cutting as deep as 5.5 nautical miles into Chinese territorial sea. To shed its responsibility for the I.N.S.' wilful act of not following the international route but intruding repeatedly and arbitrarily into China's territorial sea the Government of India resorted to the pretext that "No ship could leave Hongkong harbour without coming within 12 miles limit imposed by China". This allegation can only be interpreted to mean that the Government of India is deliberately evading the fact that the I.N.S. Magar repeatedly intruded into China's territorial sea and the Chinese Government absolutely cannot agree to this.

The Chinese Government would like to state once again that Indian ships in approaching and leaving Hongkong should take the customary international route which is now consistently followed by ships of other countries and should not intrude at will into China's territorial sea. The Chinese Government once again asks the Government of India to adopt effective measures ensuring against similar incidents in future.

Note given by the Ministry of External Affairs, New Delhi, to the Counsellor of China in India, 6 November 1959

When His Excellency the Chinese Ambassador called at the Ministry yesterday, he informed the Foreign Secretary that there were demonstrations in front of the gates of the Chinese Embassy at least four times during the day, namely at 11.45 A.M., 12.50 P.M., 1.35 P.M. and 3.50 P.M. The Ambassador said that on all these occasions there were crowds outside the gates of the Embassy uttering objectionable slogans and on one occasion they burnt some documents. Further, at 3.50 P.M.

the Ambassador himself could not leave his premises for the Ministry because of the demonstrations just outside his gates.

2. In accordance with the promise made by the Foreign Secretary, the Government of India immediately called for a report from the local officers. They are informed that throughout the day more than 200 police men accompanied by senior police officers and magistrates were present in the vicinity of the Embassy. At no time was any demonstration permitted in front or within 100 yards of the Embassy gates. In the circumstances, the Government of India cannot understand the basis of the Ambassador's complaint that persons were allowed to assemble just outside the gates of the Embassy obstructing passage through the gates or that the normal functions of the Embassy were affected.

3. As has been pointed out to the Chinese Embassy in the past, under the Indian law demonstrations cannot be prohibited so long as they are peaceful. The Government of India are well aware of the diplomatic usage and practice in accordance with which the Embassy of a foreign country is entitled to full courtesy and protection from the receiving government. They are satisfied that adequate steps were taken by the local authorities in Delhi to secure compliance with this usage and practice and that no demonstration was permitted within 100 yards of the Embassy. As the Chinese Embassy must be aware, there is great indignation in India over the recent incident in Ladakh, which has resulted in severe casualties to the Indian police reconnaissance party, and the Government of India would not be justified in preventing peaceful demonstrations intended to express popular feelings on the subject. They wish, however, to assure the Ambassador that no demonstration will be permitted in the immediate vicinity of the Embassy nor will any interference by outsiders in the work of the Embassy be tolerated.

Memorandum given by the Counsellor of China in India to the Ministry of External Affairs, New Delhi, 16 November 1959

On November 6, 1959, Mr. J.S. Mehta, Deputy Secretary to the Ministry of External Affairs of India, handed over an informal note to Mr. Yeh Cheng-chang, Counsellor of the Chinese Embassy, in reply to the serious protest lodged orally on November 4 by the Chinese Ambassador with the Foreign Secretary of India regarding the incident of Indians holding demonstrations on the same day in front of the Chinese Embassy. The Chinese Embassy considers that the reply of the Indian Government is not in conformity with the facts and is what the Embassy cannot agree. The actual situation is as follows: At 11.45 on the morning of November 4, about 200 Indians demonstrated in front of the Embassy. Some of these people held bamboo sticks and tree branches in their hands, shouting slogans insulting the People's Republic of China and its state leaders, and someone among them made a speech to incite anti-Chinese sentiments. The demonstrators shouted and clamoured loudly and made big noises, and at about 12.10 they burnt Chinese publications. At about 12.50 P.M. some 100 Indians demonstrated again in front of the Embassy. At 01.35 P.M., another Indian bringing with him about 30 small pupils came in front of the Embassy in demonstration. At about 03.50 P.M. when the Chinese Ambassador was to go by car to fulfil his appointment with the Foreign Secretary at the Ministry of External Affairs of India, some 100 Indians coming from the left side were shouting slogans in front of the gate of the Embassy, and the passage was blocked with the result that the Ambassador failed to leave the Embassy in time. (The Foreign Secretary was then informed of the delay by telephone.)

From all these facts, it can be clearly seen that the anti-Chinese demonstrations held by Indians in front of the Embassy on November 4 from the morning till the evening were carried out successively in an organised way. These activities took place either in front of or within 100

yards from the gates of the Embassy. As the Ministry of External Affairs is aware, the Chinese Embassy is situated on the side of a main thoroughfare and there are pedestrians and vehicles passing through constantly every day. The almost day-long clamouring, confusion and the blocking of the traffic in front of the Embassy on November 4 are known to all in Delhi. This should by no means be denied. Such a situation has affected the normal functions as well as the tranquillity of the Embassy, for which the Indian Government cannot evade its responsibility.

As to the question of the so-called "public feelings" referred to in the Ministry's note, the Embassy would like to point out that the Kongka Pass incident was entirely caused by the Indian armed personnel's intrusion into Chinese territory and their armed provocation against China's frontier guards and that the anti-Chinese demonstrations in India were apparently an outcome of deliberate instigation. The fact that not a few children of about 10 years of age were among the demonstrators on November 4 is a vivid proof.

It must be further mentioned that after the protest lodged by the Chinese Ambassador on November 4 with the Ministry of External Affairs of India regarding the aforesaid incident, there should have occurred an incident in which at approximately 5.00 P.M. on November 9, some 40 Indians openly burnt an effigy of Premier Chou En-lai of the State Council of the People's Republic of China in front of the Embassy. This is a gross insult to the state leader of the People's Republic of China. Regarding this, the Embassy hereby lodge a serious protest.

In view of the above, the Embassy holds that the aforesaid reply of the Indian Government is not only inconsistent with the facts but also exceedingly unsatisfactory. The Embassy must point out that at present such anti-Chinese demonstrations are still continuing in India, to which the Indian Government give serious attention.

Note given by the Counsellor of China in India to the Ministry of External Affairs, New Delhi, 27 November 1959

The Embassy of the People's Republic of China in India presents its compliments to the Ministry of External Affairs of India and hereby lodges a serious protest with the Ministry against the grave incident in which a group of Indians made provocations and disturbance in front of the gates of the Chinese Embassy and openly insulted the Chinese People's leader and the head of the Chinese Government.

At 14.30 hours on November 17, 1959, more than 40 hooligans claiming to be members of the Indian "Bolshevik" Party made provocations and disturbance in front of the gates of the Chinese Embassy. They shouted such slogans as "Chini Luteron Hay Hay", "Chou En-lai Murdabad", "Mao Tse-tung Hay Hay" and made speeches wantonly slandering the People's Republic of China. What is most serious, they openly burnt on the spot two effigies of the Chinese People's leader Chairman Mao Tse-tung and the head of the Chinese Government Premier Chou En-lai, which were made of straw, and the Indian police present watched on with folded arms, without intervening at all. These trouble-makers carried on their hulla-baloo and harassment and did not disperse till 15.50 hours.

Recently, some Indians who are hostile to the People's Republic of China and to Sino-Indian friendship continually made disturbance in front of the premises of the Chinese Embassy and Consulates in India. These activities not only have seriously affected the normal functioning and tranquillity of the Chinese Embassy and Consulates, but have been calculated to incite an anti-Chinese campaign and to damage Sino-Indian friendly relations. And the Chinese Embassy has, upon instructions, more

than once protested against these with the Indian Ministry of External Affairs and asked the Indian Government to pay attention and take effective measures to stop them. The Chinese Government cannot but deeply regret that, up till now, these provocations, instead of being stopped, have grown more and more rampant, culminating in the extremely grave incident of burning the effigies of the Chinese People's leader Chairman Mao Tse-tung and the head of the Chinese Government Premier Chou En-lai in front of the gates of the Chinese Embassy on November 17. The Indian Government cannot shirk its due responsibility for this incident. The Chinese Government hereby lodges a serious protest with the Indian Government and asks it to deal with the matter speedily. give a satisfactory reply and take immediate effective measures to prevent the recurrence of similar incidents.

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

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

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and with reference to the Embassy's memorandum dated November 16 and note dated November 27 regarding demonstrations near the Chinese Embassy, have the honour to state as follows:

2. As has been explained by the Ministry on several occasions in the past under the Constitution and laws of India, it is not possible to prohibit demonstrations so long as they remain peaceful. The Embassy must be

aware that demonstrations in the country are not infrequent even against the Ministers of Government and many of these are organized by political parties. The Government of India are mindful of their obligation in regard to the protection of foreign missions in India. They have given strict instructions to the local authorities to ensure that no demonstration should be permitted within at least 100 yards of the main gates of the Chinese Embassy. Similar instruction has been issued in regard to protection to the Chinese Consulates and Trade Agency elsewhere in India. So far as the Chinese Embassy is concerned, a strong police force has always been deputed to enforce this instruction whenever information is received that a procession is proceeding towards the Embassy or that a procession or demonstration is planned. The Prime Minister of India has repeatedly condemned demonstrations against foreign embassies and consulates in India. In particular, he has expressed disapproval in public of the burning of effigies or shouting of slogans. The Government of India regret that a few people should have expressed their feelings in such an objectionable manner. They wish to assure the Embassy that they are determined to prevent such irresponsible demonstrations in front of the Chinese Embassy and other Chinese offices. The Government of India are not aware that the Embassy has, in any way, been prevented from carrying out its normal functions because of these demonstrations.

3. In regard to the reference to the incident in the Kongka Pass, which has been referred to in the note of the Embassy dated November 16, the Government of India repudiate the suggestion that the Indian personnel were responsible for it. As the Embassy is aware, this has been the subject of detailed notes exchanged between the Governments of India and China and the Ministry do not propose to deal with it in the present note.

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

Note given by the Chinese Embassy in India to the Ministry of External Affairs, New Delhi, 17 December 1959

The Embassy of the People's Republic of China in India presents its compliments to the Ministry of External Affairs of the Republic of India and has the honour to state as follows:

In recent months, there have been successive errors in the telegrams delivered to the Chinese Embassy by the Indian Central Telegraph Office, among them the following being the serious cases :

(1) More than 20 errors and omissions were found in a telegram totalling about 300 words which was sent from the Chinese Trade Agency at Kalimpong to the Embassy on September 19, 1959.

(2) At 6 A.M. on October 28, 1959, the Embassy received a telegram from the Chinese Consulate General at Calcutta, which should have 180 words in all. But only less than 130 words were delivered to the Embassy by the Telegraph Office with 4 to 5 errors.

(3) On November 26, 1959, the Chinese Trade Agency at Kalimpong sent a telegram to the Embassy, which should have 213 words. But the Central Telegraph Office gave the Embassy only 154 words. After these apparent errors were found in the above-said telegrams, it was not until inquiries were made by the Embassy at the Indian Central Telegraph Office that the errors were corrected. However, the timely disposing of these telegrams by the Embassy was delayed.

The above-said successive errors of the Indian Central Telegraph Office have caused difficulties in the work of the Embassy, and affected the Embassy's normal contacts with other organs of China in India. The Embassy hereby requests the Government of India to pay attention to the above situation and prevent the recurrence of the errors mentioned above in the future.

The Embassy takes this opportunity to renew to the Ministry the assurances of its highest consideration.

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

The Embassy of the People's Republic of China in India presents its compliments to the Ministry of External Affairs of the Government of India and has the honour to state as follows:

On October 10, 1959, some 400 Chiang Kai-shek clique elements and Tibetan rebels openly held a meeting in the vicinity of Kalimpong to celebrate the so-called "national day of the Republic of China". At the place of the meeting they even hung the national flag of India side by side with the so-called national flag of the Chiang Kai-shek clique, and the photographs of President Prasad and Prime Minister Nehru with that of Chiang Kai-shek. Not only the Indian local authorities failed to forbid such activities, but a director of the C.I.D. of Kalimpong and a police officer attended the rally in person. As instructed by the Ministry of Foreign Affairs of China, the Embassy hereby lodges a protest against the Indian local officials' connivance at such acts hostile to the People's Republic of China and detrimental to the Sino-Indian friendly relations as well as against their attendance at the above-mentioned rally.

It must be pointed out that in the first half of this year the "Chinese Journal of India" in Calcutta made venomous slanders and attacks against the head of state of China, and the Chiang Kai-shek clique elements openly hung the so-called national flag of the clique in the Meikwang School. The Consulate-General of China at Calcutta has in the Meikurang School. The Consulate-General of China at Calcutta has taken up the matter with the Government of West Bengal, demanding that the Indian local government stop such acts of directing hostility towards the People's Republic of China and of creating "two Chinas". While this just demand is not yet met with a reasonably reply, there appeared during August, in Kalimpong, Darjeeling and other places propaganda leaflets, "President Chiang's message to Tibetans", etc., printed and circulated in large quantities by the Taiwan Chiang Kai-shek clique to oppose the Chinese Government. On October 10, the Chiang Kai-shek clique elements in Calcutta also obtained permission to hold celebrations for the so-called "National day of the Republic of China". The occurrence of such a series of incidents shows that the Indian local authorities concerned are deliberately conniving at the Chiang Kai-shek clique elements to be engaged in activities against the People's Republic of China and carry out the plot of creating "two Chinas" on Indian soil. Such course of events is harmful to the normal development of the friendly relations between China and India.

In the hope of preserving and developing the friendly relations between China and India, the Embassy demands that the Ministry of External Affairs of India speedily take effective measures to prevent occurrence of similarly incidents in the future.

The Embassy takes this opportunity to renew to the Ministry the assurances of its highest consideration.

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

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and has the honor to refer to their note of the 29th October, 1959 and state as follows:

Investigations show that some of a meeting was held on the 10th October in which some foreign nationals participated. There was no prior indication that, the meeting was intended to express sympathy with the KMT regime, and as it was believed that the demonstration would be peaceful, the local authorities did not prohibit it. Instructions have, however, been issued to prevent any pro-Kuomintang meeting and demonstration in future. The Government of India will not hesitate to use the power recently taken by them to turn out of Kalimpong, any foreigner who indulges in objectionable activities. As the Chinese Embassy must be aware, the Government of India recognize the Chinese People's Republic. They do not recognise any other Government of China and will not permit any activities designed to promote idea of two Chinas.

This Ministry take the opportunity of extending assurances of its highest consideration.

Note given by the Embassy of India in China to the Ministry of Foreign Affairs of China, 29 October 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 report the following incidents:-

At about 3 P.M. on 27th October, 1959, the maid-servant in the house at No. 14 Chun Shu Hutting occupied by a member of the staff of the Embassy, Mr. O. P. Puri, rang up to say that the ex-landlord of the house had unauthorisedly entered it and adopted a threatening attitude towards the female inmates. On receipt of this news Mr. Puri rushed back to his house and found the ex-landlord seated in his drawing room harshly abusing Mrs. O. P. Puri and Mrs. R. K. Sharma, the wife of another member of the staff who was visiting. When Mr. Puri entered the house the ex-landlord spoke disparagingly of the Indian people and the Government of India. The ladies who were taken by fright had locked themselves in the bedroom. On Mr. Puri's return to the house the ladies came out crying. Mr. Puri begged the ex-landlord to leave the house. The landlord insisted that as the house was his property he was free to enter it any time he wished.

On the night of 26th October, the landlord had caused some misunderstanding. The house has two separate parts occupied by Mr. Puri and the landlord respectively. On the night in question Mr. Puri had locked his door and gone out to a party leaving his wife at home to attend to their sick child. He left the main entrance to the house unlocked in order to be able to get back to his quarters without disturbing anybody. He informed the landlord that he was doing so. The landlord, however, locked the main entrance making it difficult for Mr. Puri to re-enter his house. Mrs. Puri had to force the lock of their apartment in order to open the outer door to let her husband in.

The Embassy of India regrets these incidents and the offensive behaviour of the ex-landlord Mr. Ling Tien-Hsing. The Embassy hopes that action as may be deemed necessary will be taken by the Government of the People's Republic of China to prevent a recurrence of this kind of harassment and ill-treatment of members of the Embassy.

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 by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 6 November 1959

The Government of India wish to draw attention to the following incidents, which have recently been reported by the Indian representatives in Tibet:

(i) Kesong Tsering, who is the gardener attached to the dispensary of the Indian Trade Agency in Yatung, was arrested by the Chinese authorities on the 22nd October, 1959, Kesong Tsering is an Indian protected person and his arrest without any reason is open to serious objection. The Indian Trade Agency in Yatung took up the matter with the local Foreign Bureau and sought permission under the terms of the 1954 Agreement to meet him. In reply the Trade Agency was informed that Kesong Tsering is a Chinese national. This is completely contradictory to the facts.

Kesong hails from Sikkim and even though he has been in the employment of the Indian Trade Agency, he continues to own property in Lachan. His father and his relations are similarly residing in Sikkim. There are no grounds on which Kesong Tsering can be regarded as a Chinese national. In fact the name of Kesong Tsering was included in the list of the Indian nationals furnished to the Foreign Bureau in May this year and no objection was raised that Kesong Tsering was a Chinese national. The Government of India strongly protest against the arbitrary detention of an Indian protected persons and the denial of the rights of access to him by the Trade Agent in accordance with the international usage. The 1954

Agreement provides for Indian representatives meeting Indian nationals even if they may have been taken into custody for justifiable reason. In this case no justification has yet been provided. The Government of India urge that instructions should be issued for Kesong Tsering release immediately.

(ii) Dawa Thondup, retired head-clerk of the Indian Trade Agency, Gyantse who had been residing in Yatung as a small trader, requested permission some time ago to send his family to India. Dawa Thondup is an Indian national holding an Indian Trader's certificate. It is true that his wife was born in Tibet, but by virtue of her marriage, she is fully entitled to Indian nationality. Indeed, one of his sons has been in India for sometime and Dawa Thondup now desires to send his eldest son for study and the rest of the family back to India. The matter has been taken up by the Indian Trade Agency, Yatung, to seek permission for the family of an Indian national to return to India. It may also be pointed out that the mother of Dawa Thondup's wife was also an Indian national and thus, according to the Tibetan custom by which the nationality of the daughters is derived from their mothers, the claim of Dawa Thondup's wife to Indian nationality is well grounded.

The general question of nationality of Indian nationals in Tibet has already been explained in the Government of India's note of the 24th September, 1959. The Chinese Government have recognised in principle in the Sino-Nepalese Agreement that person's resident in the Tibet region born of mixed parentage are entitled to exercise the option to choose one of the two nationalities. In the circumstances, the Government of India see no justification for placing restrictions on the return of Dawa Thondup's family to India.

The Government of India request that immediate instructions be issued for the release of Kesong Tsering and for necessary permission to Dawa Thondup's family to leave for India.

Letter given by the Consulate General of India in Lhasa to the Bureau of Foreign Affairs in Lhasa, 21 December 1959

The Consulate General of India in Lhasa pays its compliments to the Bureau of Foreign Affairs in Tibet and has the honour to invite attention to the meeting that took place between Mr. Chiang Su-Min, Vice Director of the Foreign Bureau and Mr. P. N. Kaul Consul General for India in Lhasa, wherein at the end Mr. Chiang narrated certain events that had taken place at Gyantse during the month of November. The Consulate General has in the meantime received instructions to lodge protest in regard to the incidents facts of which are reported to be as follows:

On 23rd November, a group of women entered the premises of Indian Trade Agency at Gyantse and searched the house of woman attendant. They were asked to leave by Mrs. Kapoor, the wife of the Trade Agent Mr. Kapoor was then away in India. Similar intrusion took place on 22nd November and intruders were warned not to enter the premises. On 24th November, a group of 11 persons apparently under the influence of alcoholic drink, again entered the Agency premises and took out some articles from the premises. It was repeatedly explained to this crowd that they had no authority to enter the premises of a foreign Trade Agency without permission. When questioned, the crowd stated that they had been sent by the local Chinese authorities in the town. Thereupon Mrs. Kapoor and the Head Assistant of the Trade Agency went to report the incident to the Military Headquarters in Gyantse town. Only after waiting for some time was it possible for them to see and convey the narrative of the incidents to Mr. Mooyuting.

The Government of India take serious objection to repeated and apparently deliberate violations of the Agency premises by a crowd of persons. Whatever demand had to be made on the female attendant, the entry into Agency premises is clearly contrary to international usage and terms of 1954 Agreement between the two countries which enjoins mutual respect for the rights of the Trade Agencies. It is requested that the matter be investigated and action taken against the persons responsible for violation of Agency premises. Clear instructions may also be issued to ensure that no violation of Trade Agency premises should occur in the future.

The Consulate General of India takes this opportunity to renew to the Bureau of Foreign Affairs its assurances of highest consideration.

Memorandum given by the Ministry of Foreign Affairs of China to the Embassy of India in China, 22 December 1959

The Ministry of Foreign Affairs of the People's Republic of China has received the memorandum presented by the Embassy of the Republic of India in China on October 30, 1959, and hereby replies to it as follows:

Regarding the question of the non-diplomatic personnel of the Indian Embassy in China acting as temporary diplomatic couriers, in order the easier to explain the situation, the Ministry would like to refer back to the related documents exchanged and verbal agreement reached on this question between the Chinese Ministry of Foreign Affairs and the Indian Embassy in China in 1953.

The Chinese Ministry of Foreign Affairs issued on January 28, 1953 a note to the diplomatic missions in China (including the Indian Embassy in China) stating that in the case of non-diplomatic personnel of the missions in China wishing to act as temporary diplomatic couriers, the mission concerned could produce a "certificate for temporary diplomatic

courier", and that when the "certificate for temporary diplomatic courier" has been endorsed with visas by the Chinese Ministry of Foreign Affairs, the diplomatic mail bags carried by the personnel concerned will be exempted from examination.

On February 20 and April 17, 1953 Mr. A. H. Safrani, First Secretary of the Indian Embassy in China, and Mr. R. Goburdhun, Counsellor of the Indian Embassy in China, respectively expressed the hope to Mr. Chin Li-chen, Director of the Visa Department of the Chinese Ministry of Foreign Affairs, that the Chinese Government would agree to the non- diplomatic personnel of the Indian Embassy holding diplomatic passports and to issue them diplomatic visas when they act as temporary diplomatic couriers, because while they would not encounter problems in China for holding certificates for temporary diplomatic couriers, they would often be harassed by the Hongkong check-post for this, as they have to pass Hongkong both ways.

Taking into account those special difficulties mentioned by the India Government, and in line with the spirit of Sino-Indian friendship and cooperation, the Chinese Government made an exception in agreeing that non- diplomatic personnel of the Indian Embassy in China, while acting as temporary diplomatic couriers, may hold diplomatic passports and the Chinese Government will issue them diplomatic visas. However, in order to avoid the holding by these personnel of two identity papers concurrently and make them observe the regulations of the Chinese Government, the Chinese Government specifically made the point that, when non-diplomatic personnel acting as temporary diplomatic couriers hold diplomatic passports, the non-diplomatic passports originally held by them should be handed over to the Chinese Ministry of Foreign Affairs for the cancellation of the visas on them issued by the Chinese Government, and that, when their duty as temporary diplomatic couriers has terminated and they again become ordinary staff members, their

diplomatic passports should be handed over to the Chinese Ministry of Foreign Affairs for the cancellation of the visas on them issued by the Chinese Government. This measure was notified to M. R. Goburdhun, Counsellor of the Indian Embassy in China, on September 10, 1953 by Mr. Chin Li-chen, Director of the Visa Department of the Chinese Ministry of Foreign Affairs, and Mr. Goburdhun thereupon expressed full agreement. It is regrettable that the Indian Embassy in China has never acted in accordance with the verbal agreement already reached, and especially, the holding of diplomatic passports by non-diplomatic personnel acting as temporary diplomatic couriers was extended to staff members of the Indian Consulate-General in Shanghai, and lately even staff members of the Indian Consulate General in Lhasa also held diplomatic passports and acted as temporary diplomatic couriers. Nevertheless, basing itself on Sino-Indian friendship, the Chinese Government for the time being did not take exception to the above-mentioned way followed by the Indian Government, which was inconsistent with the agreement between the two sides. In order to facilitate in future the issuance of visas for couriers, the Chinese Ministry of Foreign Affairs, in its memorandum of August 21, 1959 to the Indian Embassy in China, requested the Embassy to furnish the Ministry with a name list of those staff members who often would act as temporary couriers. However, the Indian Government has up to now failed to adopt a co-operative attitude in respect of this normal and entirely reasonable request, and even advanced various pretexts in its memorandum of October 30, 1959 to the Chinese Ministry of Foreign Affairs for refusing to furnish the name-list. It should be pointed out that as early as in 1954 the Indian Government asked the Chinese Government for name-list of couriers and the Chinese Government, in a spirit of co-operation, has in the past years been furnishing the Indian Government with such name-lists. It is hoped that the Indian Government will also co-operate by speedily furnishing the Chinese Government with a name-list.

Regarding the question of the holding of diplomatic passports by non-diplomatic personnel of the Indian Consulate-General in Lhasa acting as temporary diplomatic couriers, as the Chinese Ministry of Foreign Affairs pointed out in its memorandum of August 21, 1959 to the Indian Government, because the Tibet region of China and India are contiguous and couriers can come and go direct and do not have to pass Hongkong, the staff members of the Indian Consulate-General in Lhasa acting as temporary couriers will not be subjected to harassment by the Hongkong check-post, as described by the Indian side on February 20 and April 17, 1953, and therefore naturally do not need to hold diplomatic passports, but should in compliance with the Chinese Government's requirement hold certificates of temporary diplomatic couriers. The Chinese Government would like to point out that the diplomatic mail bags carried by temporary diplomatic couriers holding certificates of temporary diplomatic couriers have always enjoyed due protection and immunities within Chinese territory, and no mishap has even occurred. The Indian Government in its memorandum of October 30, 1959 described the reasonable request made by the Chinese Government in its memorandum of August 21, 1959 as in any way objecting to non-diplomatic personnel being chosen for couriers duties. This is an untruthful assertion and is inconsistent with the facts.

It is worth pointing out that since the beginning of this year there have been not a few cases of procrastination and delay in the issuance of visas for India by the Indian side to Chinese couriers. These unjustifiable delays cannot be regarded as in conformity with the immunities and facilities usually due to couriers in international practice.

Nevertheless, the Chinese Government has always taken an attitude of friendly co-operation with the Indian Government on the courier question, and has never had any intention of giving rise to unnecessary argumentation on the courier question. The Chinese Government would like to see the Indian Government take the same attitude, furnish name-

lists of the personnel who will act as temporary diplomatic couriers and, in compliance with the requirement of the Chinese side, issue certificates of temporary couriers to those staff members of the Indian Consulate-General in Lhasa who act as temporary diplomatic couriers. so that their diplomatic mail bags may be exempted from inspection.

Note given by the Ministry of Foreign Affairs of China to the Embassy of India in China, 31 December 1959

According to the principle of the Government of the People's Republic of China in dealing with the question of nationality, a person born of a Chinese parent, father or mother, is a Chinese (except otherwise provided by treaty or agreement). Kesong Tsering's mother and Basang Chulma's father are Chinese. Therefore according to the above said principle Kesong Tsering and Basang Chulma are Chinese. Kesong Tsering was arrested on account of offence against the law and was meted due punishment corresponding with his guilt by the local authorities. This is entirely a matter of China's internal affairs. Yet the Indian Trade Agency in Yatung asked to "meet" him and the Government of India further unreasonably asked for his "immediate release" and even expressed "strong protest" etc. The Chinese Government is greatly surprised at this. These acts of the Government of India cannot but be conceived as an intervention in the Chinese Government's internal affairs and are incompatible with the five principles of peaceful co-existence jointly initiated by China and India as well with the friendly relations between our two countries. The Chinese Government expresses its deep regret at this and categorically rejects the protest of the Government of India.

2. On 22nd October 1959 Kesong Tsering who was in the employment of the Indian Trade Agency in Yatung was arrested by the local authorities

for felling trees without permission. After being arrested Kesong Tsering admitted his offence, accepted the reprimand and expressed his willingness to amend. He was released by the local authorities on 7th November 1959. According to Kesong Tsering's confession it was at the instigation of Pappachan a staff member of the Indian Trade Agency in Yatung, that he felled trees without permission and that the objective of this theft was to set up electric poles in the compound of the Trade Agency. It should be pointed out that this act of Pappachan was very much out of keeping with his normal official duties in China's Tibetan region as a staff member of the Indian Trade Agency. Regarding Pappachan's instigation of other people to steal trees the Yatung office of the Bureau of Foreign Affairs in Tibet already took up the matter with the Indian Trade Agency in Yatung, asked the Indian side to deal suitably with him and expressed the hope that no similar cases will occur in the future.

3. Reference Indian national Dawa Thondup's request for permission for his family of Chinese nationality to leave China, according to the regulations of the Chinese Government, a Chinese national should go through necessary exit formalities before he goes abroad. On this question Dawa Thandup not only failed to cooperate with the local authorities; on the contrary India unreasonably prevented his family from fulfilling the formalities for going abroad, refused to observe decrees and regulations of the Chinese Government and brazenly filled the name of his family who are of Chinese nationality in his Indian trader's certificate in an attempt to change their nationality surreptitiously and sneak them out of China. This was an offence against the law for which the Chinese authorities gave Dawa Thondup a severe reprimand. As to exit of Basang Chulma the local authorities in regard for the union of the whole family expressed consent once again on 10th November 1959 for them to leave China and gave them facilities by allowing them to go through the exit formalities locally.

Note given by the Ministry of Foreign Affairs of China to the Embassy of India in China, 31 December 1959

Regarding question of nationality of the Indians and Ladakhi Lamas residing in the Tibetan region of China and the Kajis in the Tibetan region of China which has been raised by the Government of India on several occasions the Ministry would like to set forth the Chinese Government's views as follows:

1. Concerning the nationality of the Indians and Ladakhi Lamas residing in the Tibetan region of China:

The Chinese Government would like to reiterate that it has never had the intention of regarding Indian residents who are of Indian origin and the Ladakhi Lamas as Chinese. The local authorities have all along regarded them as having Indian nationality provided that they hold valid certificates of their Indian nationality. It should be pointed out that upto now many among the above-mentioned persons still hold no legal certificates of nationality and so their nationality cannot be identified. Five years have passed since conclusion of the 1954 Sino-Indian Agreement on Trade and intercourse between the Tibetan region of China and India yet the Government of India have still failed to deal with the matter of the certificates which its nationals must hold in accordance with the provisions of the Agreement. This is an abnormal situation which it is hoped will be rectified speedily.

2. Concerning the nationality of the Kajis in the Tibetan region of China:

As pointed out by the Ministry of Foreign Affairs of China in its note to the Government of India, dated 18 September 1959 the ancestors of

these persons moved to and settled in Tibet as early as several centuries back and they have become long since part of the Tibetans of China. There are adequate proofs to show that they have always been treated as the Tibetans of China by the local Governments of the Tibetan region of China. Since 1951 most of them have been abroad with either Chinese passports or certificates for Chinese citizens going abroad and transit or exit visas were issued by the Indian Consul General in Lhasa on all the Chinese passports. Neither the Government of India nor the persons concerned ever complained about their status and treatment as Chinese nationals or asked that they renounced Chinese nationality. As Chinese they are naturally entitled to the rights and bear the obligations due to Chinese citizens. It is therefore entirely proper that they now continue taking part in various social activities and enjoy the right to education. The Chinese Government cannot agree to the fact that Government of India should lodge a so-called "strong protest" against this matter which is purely within the scope of China's internal affairs.

Even though according to the Indian Laws people can apply for and acquire Indian nationality the Government of India cannot ignore China's principle governing the handling of the question of nationality. It is universally acknowledged that according to international law and practice, if, in dealing with a question of nationality there should arise any clash between the laws of two countries it must be dealt with in accordance with the law of the country in which the person concerned resided, before the two countries have come to an agreement through consultations.

The Chinese Government absolutely cannot agree to the view expressed in Government of India's note and the practice of Mr. S. C. Chibber formerly Indian Consul General in Lhasa which would force persons of Chinese nationality living in China to unilaterally accept the Indian law.

Nevertheless the Chinese Government in line with its stand to settle the question of nationality through friendly consultations and respecting the desires of the persons concerned themselves in regard to their nationality is willing to settle the question of nationality of the Kajis in the Tibetan region in a sympathetic and reasonable manner. The Chinese Government therefore hold that those of them who desire of their own will to acquire Indian nationality must go through the legal procedure of renouncing Chinese nationality in accordance with the regulations of the authorities of the Tibetan region of China before they can choose Indian nationality. As to those who do not go through the procedure of renouncing Chinese nationality they no doubt remain Chinese and will continue to enjoy the treatment due to Chinese.

3. The Chinese Government has never forced any foreign national (including Indian nationals) residing in the Tibetan region of China to stay in Tibet and prevented him from going back to his country. It is a fact known to all that foreign nationals in the Tibetan region or any other part of China who desire to return to their country are always given permission by the local authorities to do so when they personally applied to the competent local Departments provided they are not involved in any outstanding civil or criminal case or other disputes. In the recent period alone the authorities concerned in the Tibetan region have given permission for more than 120 Ladakhi Lamas to leave China, assisted them in overcoming their difficulties and even subsidised them with travel expenses. This spirit of sympathy, reasonableness and humanitarianism is apparent to all. However the Government of India repeatedly stressed that the local authorities of the Tibetan region of China placed various difficulties in the return of Indian nationals to their country. This does not conform to the fact and the Chinese Government cannot but express its deep regret at this.

**Note given by the Bureau of Foreign Affairs in Lhasa to the
Consulate General of India in Lhasa, 25 January 1960**

The Bureau of Foreign Affairs in Tibet pays its compliments to the Consulate General of India in Lhasa and has the honour to have received the letter of the Consulate General, dated 21st December 1959. According to the information got by the Bureau of Foreign Affairs the course of the matter was to be as follows :

On 20th November 1959 there was a local resident entrusted by the wife of Nisho, a resident there to fetch from Chomo the woman attendant of Indian Trade Agency at Gyantse the articles which she borrowed from Nisho; Chomo promised to return these articles later on. During their talks Mrs. Kapoor, the wife of the Trade Agent suddenly came and slung abuses at that resident. In view of her daring manner and unreasonableness that resident returned without disputation with her. Four days later Chomo still did not return the articles borrowed. On 24th November as requested by the wife of Nisho, 8 peasants went to fetch from Chomo the articles she borrowed. While reaching the outside of Chomo's living quarters these peasants asked gardener there to tell Chomo to send out the articles borrowed but Chomo threw out the borrowed mattress and other articles from her room to the court for peasants to take. Though it is an extremely discourteous behaviour but the five peasants still took back the articles. At that time Mrs. Kapoor once again came and slung abuses at the peasants; the latter held that it is not beneficial to the matter to dispute with a madam with strong emotions and daring manners. The peasants returned at once from the spot. At about 3.00 p.m. on 24th November 1959 under the circumstances of no previous engagement Mrs. Kapoor suddenly arrived at the Military Control Commission of Gyantse and requested meeting Mr. Yin or Mr. Moo. Though this behaviour ran counter to the usual way yet Mr. Moo immediately received her. Mr. Moo expressed that the situation

she described would be investigated. Later on 8th December 1959 Mr. Chiang Su-Min, Vice-Director for the Bureau of Foreign Affairs in Tibet informed Consul General Mr. Kaul the result after investigation.

According to the above-mentioned situation it appears that the peasants entrusted by the wife of Nisho to fetch from Chomo the articles she borrowed were entirely reasonable and also the attitude of the peasants was very fine. Neither had they ever entered anyone's living quarters nor made the so-called "search". The contention stated in the letter from the Consulate General is not fair, also is not in keeping with the facts. The Bureau of Foreign Affairs in Tibet refuses to accept the protest lodged by the Consulate General of India. Simultaneously the Bureau of Foreign Affairs in Tibet regrettably noted that Mrs. Kapoor not only did not rein up her attendant's rough behaviour but also did not edify Chomo to return the articles borrowed earlier. On the contrary discourteous abuse been slung at the peasants once and again. It was an unfriendly attitude towards the peasants; obviously was also extremely not in line with the status of a madam Trade Agent. The Bureau of Foreign Affairs hope that no similar unhappy matter should reoccur in the future.

The Bureau of Foreign Affairs in Tibet take this opportunity to renew to the Consulate General of India in Lhasa its assurances of highest consideration.

Note given by the Ministry of Foreign Affairs of China to the Embassy of India in China, 27 January 1960

The Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Indian Embassy and has the honour to acknowledge receipt of the note 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 October 26, 1959 on

various questions concerning the Indian Trade Agency at Gyantse. The Chinese Government, in its note of September 11, 1959, already made reply to the points set forth in this note of the Indian Government. Basing itself on facts, it has repeatedly and patiently made clear to the Indian side that the local authorities of China's Tibet region, consistently adhering to the spirit of Sino-Indian friendship and in accordance with the 1954 Sino- Indian Agreement and the Notes exchanged, have given active assistance to the Indian Trade Agency at Gyantse in its reconstruction. It is regrettable that the Indian Trade Agency at Gyantse should lack a spirit of friendly co-operation with the active assistance of the local authorities, so that the questions which could have been settled long ago are procrastinated and remain outstanding up to now.

1. Regarding the extent of the land which the Indian Trade Agency at Gyantse asked to lease.

Paragraph 4 of the Notes exchanged on the occasion of the conclusion of the 1954 Sino-Indian Agreement clearly provides that "The Government of China agrees that all buildings within the compound walls of the Trade Agencies of the Government of India at Yatung and Gyantse in Tibet Region of China may be retained by the Government of India. The Government of India may continue to lease the land within its Agency compound walls from the Chinese side." The Indian Government, however, in disregard of the agreement and on the pretext of the obsolete lease concluded at the time of the former British colonial government, repeatedly asked to lease large pieces of land outside of the compound walls. This is obviously unacceptable to the Chinese Government. According to the old lease, the area covered by the lease would have included a part of the Nienchu River at that place. This unreasonable demand made by the Indian Government is not only in violation of the Notes exchanged about the 1954 Sino-Indian Agreement, but also inconsistent with the principle of sovereignty in international law.

The Chinese Government has noticed that the Indian Government, in its note of October 26, 1959, indicated that it would no longer lease land along the river, and has informed the Tibet local authorities about this. As to the Indian Government's request to lease lands north and northeast of the site, the local authorities of China's Tibet region would define a reasonable extent for the lease as permitted by local conditions and taking into consideration the actual needs of the Indian Trade Agency at Gyantse. The Chinese Government hopes that the Indian Government would instruct the Indian Trade Agency at Gyantse to take a cooperative attitude towards the Chinese local authorities and quickly submit a plan for the consultation and conclusion of the lease so as to settle as soon as possible this question which could have been solved long ago.

2. Regarding the building of spurs.

Since the site to be leased by the Indian Trade Agency at Gyantse will be moved northward, the question of building spurs no longer exists. However, as the Indian Ministry of External Affairs, in its note, has given an account inconsistent with the facts, it is necessary to set forth the truth of the facts.

In 1958, the Indian Trade Agency at Gyantse planned to build spurs in the local public river. According to this plan, the spurs would seriously endanger the bridge and highway further down-stream; and the local authorities, naturally could not agree to this. On March 29, 1959 the Indian Consulate-General in Lhasa handed over a so-called revised plan to the Tibet Foreign Bureau, and explained that this plan only called for the building of a protective wall along the land formerly leased, but no longer that of spurs in the river. In line with its consistent spirit of friendly assistance, the Chinese local authorities in Tibet agreed that the Indian side could build a protective wall along the river-bank provided that it

would not endanger the bridge and highway and that the plan is examined and approved by the competent local organs at Gyantse. But strangely, the blueprints later handed over by the Indian Trade Agency to the authorities concerned at Gyantse still envisaged the building of spurs in the river. When this was discovered by the authorities concerned at Gyantse, they further notified the Indian Trade Agency at Gyantse that it might not build spurs in the river. As many as seven such notifications were made in succession. However, the Indian Trade Agency at Gyantse paid no heed to the notifications of the local authorities, peremptorily started the construction work, and built a great number of spurs in the river, seriously endangering the bridge and highway further down-stream of the Nienchu River, and causing the erosion of land of the southern bank. Such an action of peremptorily building a great number of illegal works in a public river of the host country, disregarding the security of local public installations, paying no heed to the repeated notifications of the local authorities, and failing to act on the expressed intention of the Indian Consulate- General in Lhasa to revise its original plan, is indeed extraordinary. The Indian Government, instead of stopping this action of the Indian Trade Agency at Gyantse, supported it and in many ways argued for it in its note. The Chinese Government expresses its extreme regret at this.

3. Transport and supplies.

Regarding the question of transport and supplies ,serving the reconstruction of the Indian Trade Agency at Gyantse, the Chinese local authorities have all along rendered active assistance in spite of great material difficulties locally. The Indian Government has obviously had some misunderstandings on this matter so that it should have described the consistent active assistance given by the local authorities as deliberate creation of difficulties. The Chinese Government absolutely cannot agree with such an unwarranted charge.

The Chinese Government has noted that the Indian Government no longer persists in its request for the import of trucks for its Trade Agency. The Chinese Government believes that if only the Indian Trade Agency at Gyantse consults with the local authorities in a friendly and cooperative manner, reasonable requests made in connection with the reconstruction of the buildings of the Trade Agency undoubtedly will be reasonably satisfied.

4. Regarding the detention of the driver.

The Indian Government stated in its note of July 25, 1959 that, "Recently the local driver who had been in the service of the Agency for a long time was questioned and detained by the authorities," etc. This was a distortion of the facts. The fact was that the original driver long hired by the Agency died in the spring of 1959 and the Agency then hired another local driver who had not obtained a formal driving license. The local authorities repeatedly notified the driver that he must obtain a formal driving license before he could drive. However, the Indian Trade Agency insisted on the driver driving at will without license. It was only when its repeated notifications were ignored that the local authorities could not but detain that driver. It is perfectly clear that the Chinese local authorities had full right to take action against the driver who violated the regulations. However, the Indian Government said in its note of October 26 that, "No mention was made by the Foreign Bureau that the driver should not drive the car pending the issue of fresh license." Such an allegation is obviously unreasonable.

In its note of September 11, 1959, the Chinese Ministry of Foreign Affairs made clear to the Indian Government that the local authorities had not detained the car of the Agency. Nor had the local authorities prevented personnel of the Agency from taking away the car. The Indian

Government's assertion in its note that "In fact the sentry did not allow him to take the car away" is inconsistent with the facts. The Chinese Government firmly rejects the protest made by the Indian Government on this matter.

5. Regarding the practice of the People's Liberation Army units and the temporary accommodation of the Indian Trade Agency at Gyantse.

The Chinese Government, in its note of September 11, 1959, has given definite and clear replies to the Indian Government regarding these two questions. The Chinese Government hopes that the Indian Government will no more intervene unreasonably with the regular practice conducted by the Chinese troops on their own camp ground. As to the temporary accommodation of the Indian Trade Agency at Gyantse, the local authorities have exerted their utmost efforts and already properly settled the question by arranging more than ten premises.

6. Conclusion.

To sum up, the Chinese local authorities have all along given active assistance to the Indian Trade Agency at Gyantse in its reconstruction work, and yet the latter has repeatedly made impracticable demands, and on many occasions failed to observe the regulations of the Chinese local authorities and even adopted various methods which impaired the Chinese people's interests. It is regrettable that the accounts of the facts given by the Indian Government in its past notes are one-sided, and its arguments untenable. Therefore, its charges against the Chinese Government are also groundless.

Nevertheless, the Chinese Government, persisting in its desire of upholding Sino-Indian friendly relations and scrupulously adhering to the 1954 Sino-Indian Agreement and the Notes exchanged, will instruct the local authorities to continue to assist the Indian Trade Agency at Gyantse

and to satisfy so far as possible the reasonable demands made by the Indian Trade Agency at Gyantse in connection with its reconstruction work. It is hoped that the Indian Government will, in the same spirit, instruct the Indian Trade Agency at Gyantse to cooperate with the Chinese local authorities so that concrete questions may be settled smoothly.

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

Note given by the Embassy of India in Peking to the Ministry of Foreign Affairs of China, 2 February 1960

The Embassy of India in China presents its compliments to the Diplomatic Personnel Service Association of the Ministry of Foreign Affairs and has the honour to state that the taps and water tanks at 36, Shun Chen Chieh, rented by this Embassy, are in need of immediate repairs. This has been repeatedly reported to the Housing Bureau.

2. The Housing Bureau informed the Embassy a few days ago that unless the house was properly heated, there was danger of water freezing and the pipes bursting. It was pointed out to them that all arrangements for heating existed at 36, Shun Chen Chieh and there was an immediate need for a servant to attend to the boiler. The D.P.S.A. was requested to recommend a person for the job. No person had been recommended for the work. In the circumstances, the Embassy was not in a position to accept any responsibility because it was not free to engage servants on its own.

3. The Press Attache, who is staying at the above residence has not yet been given a satisfactory cook. In the absence of servants, it is not possible to heat the house properly, even if fuel is supplied.

4. The Embassy of India requests that the Press Attache may kindly be given immediately the servants that the Embassy has asked for. The Embassy has rented the house for its use on payment of rent. The Embassy cannot accept responsibility for extensive repairs to the house. And as for any damage that may be caused to the installations from lack of adequate heating, the Embassy regrets it can accept no responsibility as the officer residing in the building was not given the servants necessary to fully operate the heating system.

The Embassy avails itself of this opportunity to renew to the Diplomatic Personnel Service Association the assurances of its highest consideration.

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 19 February 1960

The Ministry of External Affairs presents its compliments to the Embassy of the People's Republic of China and has the honour to invite attention to its note of the 26th October 1959 in regard to the Indian Trade Agency in Gyantse. The Government of India have now seen the Chinese note presented on the 27th January 1960 to the Counsellor of the Indian Embassy in Peking on the subject. The Government of India will communicate their detailed comments on the various points raised in the note as early as possible. Meantime, they wish to draw the attention of the Chinese Government to the continued difficulty of accommodation of

the Indian Trade Agency in Gyantse and delay in the reconstruction of the Agency premises.

A brief history regarding the difficulties of accommodation has already been given in the previous notes on the subject. The Government of India would invite the attention of the Chinese Government to paras 4 and 5 of the note of 26th October, 1959. The Government of India have throughout maintained that the lease concluded in 1943 for the property, on which the Indian Trade Agency was situated, remains valid, regardless of the internal changes in the Tibet region of China. They have also consistently affirmed that an area approximately equal to that specified in the original lease was required to reconstruct the various Trade Agency buildings. The Government of India cannot now accept the contention that it is necessary to negotiate afresh "the reasonable extent of the site required for the needs of the Trade Agency".

As stated above, the Government of India's contention in regard to the actual area of the Trade Agency in Gyantse is supported by the terms of the lease for the property concluded in 1943 between the representatives of the then Government of India, the Tibetan authorities and the owners of the land. Article I of the lease defines the area of the property as measuring 29.13 acres and refers specifically to the description of the property in the Agreement signed in 1908 between Great Britain (then representing the Government of India), the Tibetan Delegate, and also the Central Government of China. The 1908 Agreement, it will be recalled, was concluded between the three parties to amend the Trade Regulations which were agreed upon in 1893. It may be noted that the Central Chinese Government was a party to the 1893 Regulations: the two Chinese Commissioners namely, Ho Chang-Jung and James H. Hart signed on behalf of the Chinese Government. Similarly, the Special Commissioner Chang Yin Tang signed the Agreement of 1908 on behalf of the Chinese Emperor. It is also clear that the Government of the People's

Republic of China accepted the continuing validity of the lease and the area specified in it. It is surprising that, on the one hand, the Chinese Government implicitly agreed, in paragraph 4 of the notes attached to the 1954 Agreement, to the continuation of the arrangements made under the lease of 1943 and on the other hand, they call it now an 'obsolete lease'. Certainly the words 'retained' and 'continue to lease' in this paragraph do not convey the existence of a legal vacuum concerning relations between the two parties in this regard before 1954.

As pointed out in earlier notes, the lease of 1943 is obviously endorsed by paragraph 4 of the notes attached to the 1954 Agreement regarding the Trade and Intercourse with the Tibet Region of China. The statement that "the Government of India may continue to lease the land within the Agency compound walls" should be read in the spirit of the agreement and in the context of the immediately preceding sentence in the notes. The fact is that there were no compound walls right along the perimeter of the Trade Agency either in Yatung or in Gyantse; and therefore the phrase 'compound walls' only signifies the boundary of the areas in question. The record of the proceedings makes it abundantly clear that under the provisions of the agreement, the Government of India would continue to remain in possession of the land occupied by its agencies prior to the conclusion of the 1954 Agreement. That the interpretation placed by the Government of India is correct and had been accepted by the Chinese authorities is clearly borne out by the fact that even after the conclusion of the 1954 Agreement India remained in possession of the entire area in Gyantse. The Trade Agency was obliged to leave the premises temporarily because of the unprecedented floods which washed away the buildings on this property in 1954. It may be added that on the authority of the same paragraphs in the 1954 Agreement the Government of India continue in possession of the original area of the Trade Agency in Yatung even up to this day and, in fact, the

position has been recognised afresh by the Chinese Government in the lease agreement for the Yatung Agency concluded as recently as 1958.

The Government of India are therefore, greatly surprised by the suggestion now put forward that the Chinese Government dispute India's right to continue to occupy and rebuild on the area remaining out of the original Agency compound. In November 1959 the Indian Trade Agent in Gyantse held discussions with the Local Foreign Bureau to finalise the exchange of land on the river side and to facilitate commencement of the reconstruction of the premises. In the meeting between Mr. Moo Uyu-Ting, Director of the Foreign Bureau in Gyantse, and the Indian Trade Agent on the 7th and the 14th November, Director Moo, on behalf of the Chinese Government, put forward for the first time the suggestion that the Government of India would be entitled merely to an area of land enclosed within the quadrangular compound near the tennis court and the main building of the previous Agency building. The area thus suggested would be approximately one fourth of an acre only. There could be little doubt in the mind of the local authorities that it would be quite impossible to build the office of the Trade Agency, the residential premises for the Agent and his staff in an area approximating to 1200 square yards only. The contention of the Chinese authorities is, therefore, not merely indefensible on the basis of previous agreements but is manifestly absurd.

Of the total area of 29·13 acres originally occupied by the Indian Trade Agency nearly a third has been eroded by the river and only about 19·13 acres remain. The Government of India are reconciled to the loss of the area along the river embankment and do not contend that its boundary limit should include any part of the river stream even though it originally lay within the leasehold. In fact, the Government of India have throughout tried to take an accommodating and reasonable attitude with a view to reaching an agreement and facilitating the reconstruction of the Agency premises as soon as possible. Even though the Government of

India are fully convinced of the continuing validity up to 1971 of the lease agreement of 1943, in the spirit of accommodation they agreed to conclude a new lease. But, throughout the protracted discussions on the subject, the Government of India made it repeatedly clear that they not only have the right to the continued occupation of their entire leasehold area but they also wish to retain occupation of the area which now remains, after a portion has been washed away by the river. In fact, both the Chinese Government in Peking as well as the local authorities in Lhasa had agreed in principle to the leasing by the Government of India of the entire remaining area and even some extra land, to construct the protective works and also to start construction of the building, without the formal execution of a new lease deed. This was confirmed in letters exchanged at Lhasa in May 1958 and discussion held in Peking in June 1958. It was with a view to by-pass the question of protective works and their management, which apparently presented difficulties from the Chinese side, that the Government of India offered to surrender the site along the river embankment but at the same time it was stipulated as a condition to this arrangement that Agency must be guaranteed the right to draw water for the Agency requirements and that an area equal to and in lieu of the land so surrendered and contiguous to the Agency property on the north and north-eastern side of the Agency site is made available by the local authorities. The Government of India are prepared to make this adjustment but are unwilling to enter upon fresh negotiations on the question of the extent of the area required for the Agency premises.

The foregoing paragraph would show that the Government of India have throughout taken a fully co-operative attitude. They firmly reject the assertion in the latest note of the Chinese Government that the Indian attitude has in any way been unreasonable or difficult. Indeed, it is the local Chinese authorities which have persistently delayed and obstructed, on one pretext or another, the reconstruction of the Indian Trade Agency

in Gyantse. The Embassy must be aware that the question of Gyantse property has been taken up by the Government of India at different times and at different levels. For three years the Government of India have been trying to secure the necessary facilities and co-operation to rebuild its Agency, and engineers have been waiting at Gyantse to start the construction work. It has been pointed out repeatedly that in the difficult climatic condition of Tibet, the Trade Agent and the staff suffer serious inconvenience in the absence of proper office and residential accommodation. At no time in the past on the long discussions on this subject, was any reservation made by the local authorities about the area of the land for the Agency and the Government of India can only conclude from the unreasonable attitude now taken by the Chinese Government that they are not anxious to give facilities for the proper functioning of the Indian Trade Agency in Gyantse. The Government of India protest against this attitude. They firmly reject the interpretation which is sought to be placed on the Agreement and are of the view that the present attitude amounts to a clear violation of the 1954 Agreement. It is paradoxical that the principle of sovereignty under International Law, in the exercise of which states enter into treaty relations, is invoked, in the note of the Chinese Government, to justify their unwillingness to fulfill in good faith the solemn international obligation thus freely assumed under such treaties.

The Government of India would again urge that immediate steps should be taken for the conclusion of the lease for the establishment of the Indian Trade Agency in Gyantse providing for an area of at least 19.13 acres largely on the original site. The Government of India would not be prepared to surrender the site. If however, lease agreement is not concluded in the near future on this basis and no satisfactory arrangements are reached without delay, the Government of India would have to consider closing the Agency establishment altogether.

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

Note given by the Ministry of Foreign Affairs of China to the Embassy of India in China, 27 February 1960

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 acknowledge receipt of the note on questions concerning the Indian Trade Agency in Yatung handed over by Mr. J. S. Mehta, Deputy Secretary of the Indian Ministry of External Affairs, to Counsellor Yeh Cheng-chang of the Chinese Embassy in India on October 26, 1959, and the note regarding the trip of the Indian Trade Agent in Gartok to the western area of China's Tibet delivered by the Indian Embassy in China to the Chinese Ministry of Foreign Affairs on August 29, 1959. Regarding many of the questions raised in the above-mentioned notes, the Ministry of Foreign Affairs, in its note of September 11, 1959 to the Indian Embassy in China already made clear the truth of the facts in a friendly and sincere manner. The Indian Government, however, has again brought up these questions and laid blame on the Chinese Government. This is obviously not conducive to the development of Sino-Indian friendly relations. The Chinese Government, out of the desire to safeguard the traditional friendship between China and India, would like to make further replies as follows:-

1. Questions concerning the Indian Trade Agency in Yatung:

(1) The local authorities of China's Tibet region have never obstructed the Indian Trade Agency in Yatung in its repair work such as whitewashing of buildings, fixing of windows and painting of doors and window frames; they have also duly given permission to the plans for

renovations or construction on its premises submitted by the Agency in accordance with the lease contract. This is sufficient to show the friendly and cooperative attitude of the local authorities of China's Tibet region towards the Agency. What should be pointed out is that the Trade Agency, in carrying out certain of its renovation or construction projects, did not always abide by the provisions of the lease contract. The local authorities of China's Tibet region will remain willing in the future to render assistance to the Trade Agency with regard to its reasonable requests in this respect; but it is also hoped that the Indian Trade Agency would likewise adopt a cooperative attitude and observe the relevant provisions of the lease contract.

(2) With regard to the request of the local authorities of China's Tibet region that the Indian school in the premises of the Indian Trade Agency in Yatung should not enrol Chinese pupils, the Indian Government said in its note that this request "seems extraordinary", and that it indicates "some unaccountable distrust of the elementary school maintained by the Indian Trade Agency at Yatung." The Chinese Government is amazed by these assertions. It is stipulated by the local authorities of China's Tibet region that Chinese children must receive Chinese education. The Indian Trade Agency should respect China's internal measures.

(3) The Chinese Government notes with satisfaction that the doctor and clinic specially serving the Indian Trade Agency will abide by the wish of the local authorities and will no longer take in Chinese patients in the future.

(4) The Indian Government, on the excuse of the verbal notification of Chinese laws and regulations by the local authorities of China's Tibet region, asserted that "it is not possible for the Indian posts in Tibet to know what local regulations they are expected to observe." The Chinese Government is astonished by such a statement. According to international practice, all relevant regulations of a country notified by its government

to foreign representative organs either verbally or in written form should be regarded as valid. The ignoring of regulations of the local authorities of China's Tibet region as shown by Indian organs in Tibet is rarely seen in international practice.

2. Regarding so-called restrictions on the movement of personnel of the Indian organs in Tibet:

(1) In its note of September 11, 1959, the Chinese Government has made clear that the local authorities of China's Tibet region have always given adequate facilities so far as possible to the personnel of the Indian organs in Tibet in their normal functioning, and have never imposed any restrictions on it. It is well known that for a considerable period before and after the Tibetan upper-class reactionary clique launched armed rebellion, the rebel bandits carried out harassment in various parts of Tibet. It was very necessary for the local authorities of China's Tibet region to adopt some protective measures for a period of time to protect the smooth functioning of the Indian organs in Tibet and to ensure the safety of the Indian officials. In fact, along with progress in the suppression of the rebellion, some of the protective measures have been gradually lifted. The Chinese Government is of the belief that, should the Indian organs in Tibet and Indian officials adopt a cooperative attitude, such well-intentioned measures on the part of the local authorities will have the full understanding of the Indian Government.

(2) The local authorities of China's Tibet have no objection to the Indian Trade Agency inviting local people to attend cinema shows. It must be pointed out, however, that the contents of some of the films shown by the Indian Trade Agency are obviously unwelcome. To draw large numbers of Chinese inhabitants to see these films is most inappropriate and hence also not in the interests of the normal development of friendly relations between the two countries.

3. Regarding the trip of the Indian Trade Agent in Gartok to western Tibet:

(1) The local authorities of China's Tibet region have consistently, in accordance with the Sino-Indian Agreement of 1954, given assistance to the Indian Trade Agent in Gartok in his annual trip to western Tibet for the performance of his duties. They will continue to do so in the future. Since the Indian Embassy in China last year asked for the provision of a mobile radio station and security protection for the Trade Agent, the Chinese Government taking into account the situation in Tibet at the time, made the timely suggestion that the Trade Agent change his route and enter Chinese territory and proceed to Pulan Dzong through the Lipulek Pass, so that this assistance could be rendered to him. This suggestion was entirely reasonable.

When the Indian Trade Agent arrived at Pulan Dzong on July 30, 1959, Chinese troops were mopping up remnant rebels in western Tibet. In order to ensure his security, the local authorities of China's Tibet region suggested to him that he ride in a car instead of using animal transportation, and also that he proceed to Gargunsa instead of Gartok for the time being. Moreover, as August is a rainy season in western Tibet, the road was impassable for motor traffic. It is understandable that under such exceptional circumstances the Indian Trade Agent should have been obliged to remain in Pulan Dzong for some time. In connection with this question, the Chinese Government has repeatedly enumerated the facts to make clear the good-willed attitude of the local authorities of China's Tibet region towards the Indian Trade Agent. However, the Indian Government has ceaselessly made complaints. The Chinese Government cannot understand this.

(2) Regarding the payment of rents by the Indian Trade Agency in Gartok, although, in accordance with the notes exchanged in 1957, it can also be made in Rupees through commercial banks in India, it is clear that when paying rents to the local authorities within Chinese territory, the Trade Agency should abide by Chinese regulations governing foreign exchange and pay in JMP. There is no room for argument on this question.

4. Regarding couriers and communication:

(1) The Chinese Government has noted that the Indian Government has agreed to start using Indians as couriers. As far the various arguments made by the Indian Government in its note for the out-moded and unreasonable Chinese Tibetan messenger system, they are all untenable. This system is an old one left over by history, which does not conform to normal diplomatic relations and is totally inconsistent with the spirit of the Sino-Indian Agreement of 1954. The Chinese Government has from 1955 asked again and again that the Indian organs in Tibet stop using such messengers, and repeatedly indicated its willingness to assist the Indian organs in Tibet in the transmission of mailbags. However, the Indian side has not only adopted over a long period of time an attitude of not cooperating, but even labelled the Chinese Government's legal act of abolishing the Chinese Tibetan messenger system in faithful implementation of the Sino- Indian Agreement of 1954 as an "arbitrary action." The Chinese Government expresses deep regret at this.

(2) The Indian Government alleged in its note that the Chinese local postal authorities, while handling the Indian Government's mailbags, had opened these bags. The local authorities of China's Tibet region long ago explained to the Indian consulate-General in Lhasa that last year, when the post office of the former local authorities of Lhasa was taken over, it was discovered that one of the two mailbags destined to the Indian Consulate-General was torn. The Tibet local authorities could by no means

be held responsible for this. As for delays in transmitting mailbags and food, it was difficult to avoid in April last year under the concrete conditions prevailing at that time in Tibet. But the situation has long since Improved.

(3) As no formal agreement has yet been reached in the negotiations between the Chinese and Indian sides on the mutual establishment of radio stations on an equal and reciprocal basis, it therefore goes without saying that the radio stations now in the Indian organs in Tibet have not been recognized by the Chinese Government. This was clearly pointed out by Deputy Director Li Chen of the Asian Department of the Ministry of Foreign Affairs in January 1958 in his talk with Counsellor Singh of the Embassy. Any assertion that the radio stations set up by the Indian organs in Tibet have obtained the permission of the Chinese Government is obviously inconsistent with the actual fact.

Apart from the above, clear replies were made by the Chinese Government in its note of September 11 to the questions of the delay of Indian courier Shri Bhupindra Singh in Yatung and so-called deprivation of the Indian Government of facilities of communication with the Indian posts in Tibet, which were raised in the Indian notes. As a matter of fact, the Chinese local post and telegraphic offices have never refused to accept the mailbags and telegrams of the Indian organs in Tibet and have always rendered assistance in their transmission.

Summarizing the above facts, it can be seen that the Chinese Government and the Tibet local authorities have all along treasured friendly relations between China and India and faithfully carried out the Sino-Indian Agreement of 1954. Many of the questions raised in the Indian Government's notes have already been settled with the assistance of the Chinese local authorities; as to the remaining questions, so long as the principles of mutual respect for territorial integrity and sovereignty, non-interference in each other's internal affairs and equality and mutual benefit are adhered to, most of them can also be settled through on-the-

spot friendly consultations made by the Indian organs in Tibet with the local authorities of China's Tibet region. The Chinese Government considers that endless disputes over these questions not only would not help settle the actual questions, but would leave behind an unpleasant effect on friendly relations between China and India. So far as the Chinese Government is concerned, it will continue to enjoin the Tibet local authorities to give the Indian organs in Tibet various facilities that are possible and necessary in the latter's normal functioning in line with the Sino-Indian Agreement and friendship between the two countries. It is true that in the course of putting down the rebellion and instituting reforms in Tibet, there have arisen individual, temporary difficulties. This is unavoidable and is also fully understandable. The Chinese Government believes that, with the gradual restoration of normal order in the Tibet region, these difficulties will be eliminated step by step. The Chinese Government, however, must urge the Indian Government to instruct the Indian organs in Tibet likewise to abide strictly by the Five Principles and the Sino-Indian Agreement of 1954 and show full understanding and cooperation with the local authorities of China's Tibet region in their good-willed measures and assistance.

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

Note given by the Embassy of China in India to the Ministry of External Affairs, New Delhi, 18 December 1959

The Embassy of the People's Republic of China in India presents its compliments to the Ministry of External Affairs, of India and, regarding the unwarranted imposition of restrictions by the local authorities of Darjeeling on the normal functions of the Chinese Trade Agency at Kalimpong while conniving at the forcible intrusion by Americans into the compound of the Chinese Trade Agency, lodges a protest as follows:

As reported by the Chinese Trade Agency at Kalimpong, on November 27, 1959, Mr. A. B. Choudhury, Superintendent of police, Darjeeling District, and Mr. Nima Namchu, Deputy Superintendent, suddenly informed the Trade Agency that, for the purpose of avoiding unexpected incidents, they would send policemen to the Trade Agency to provide protection as from November 28. At 8.30 on the morning of November 28, 1959 Mr. Namchu, the Deputy Superintendent, together with the personnel of the Foreigners' Registration Office, brought a group of armed soldiers to the gate of the Chinese Trade Agency and started posting them. Since then, fixed armed sentry guards were posted respectively at the front gate and the back entrance of the Trade Agency, and these armed soldiers were directed by plain-clothed persons of unknown identity who were stationed there all the time. These soldiers and unidentified plain-clothed persons obstructed and interrogated all the staff of the Trade Agency entering or coming out, either by car or on foot, of the Agency. Chinese nationals entering or leaving the Trade Agency were compelled to register their names, numbers of their Foreigner's Registration certificates, time of entering and leaving the Agency etc., and after that they were summoned to the Foreigners' Registration Office at Kalimpong for detailed questioning. The Chinese nationals were told that the Registration Office disliked their going to the Trade Agency, and that, should they go again, they must inform the Office in advance and submit the record of their conversations after their visit. Some Chinese nationals were prevented from entry into the Trade Agency without any reason. Even those Chinese nationals and Nepalese nationals who went to supply the Trade Agency with daily necessities or to work at the Agency also met with obstructions. When Chinese nationals stopped out of the Trade Agency after a film show given by the Agency for their entertainment, they were warned that they should go to the Foreigners' Registration Office for questioning.

It is surprising that, while the staff of the Chinese Trade Agency and the Chinese nationals were harassed without any justification as they entered or came out of the Trade Agency, the Indian soldiers and the unidentified plain-clothed persons twice connived at the intrusion of Americans into the compound of the Trade Agency. At 4.30 P.M., December 3, four Americans including Frederic Rheinstin of the U.S. National Broadcasting Co., and its Far East Bureau Chief, Cecil Brown, with the connivance of the Indian soldiers and the unidentified plain-clothed person, arbitrarily intruded into the compound of the Trade Agency, in disregard of the objection of the personnel of the Agency, and forcibly took moving pictures and photographs there. At 12-30 P.M., December 4, Rheinstin and Brown intruded once again into the compound of the Agency.

The Chinese Embassy considers that the situation stated above is extremely serious. The above-mentioned line of action taken by the Darjeeling local authorities of India against the Chinese Trade Agency at Kalimpong has by far exceeded the scope of providing protection for a foreign official organ, and is apparently in contravention of international usage. The unwarranted harassment carried out by the local authorities against the staff of the Trade Agency and the Chinese nationals entering or coming out of the Chinese Trade Agency is in reality intended to restrict the normal functions of the Agency and to oppose the Chinese nationals making contacts with the Agency. It may be pointed out that, under the present circumstances of military control, the guards sent by the Tibet local authorities of China for the security of the Indian Consulate-General at Lhasa, have placed no restrictions on the normal functions of the Consulate-General. However, viewed from the very fact that, in disregard of the objection of the personnel of the Agency, the Indian soldiers on guard at the Chinese Trade Agency even twice connived at the intrusion of Americans into the compound of the Agency, it cannot but make one suspect what India is actually aimed at in

adopting such a measure. The unjustified restrictions imposed by the Darjeeling local authorities against the Chinese Trade Agency have seriously affected the carrying on of the normal functions of the Agency. Meanwhile, taking it into consideration that not long ago the local authorities have attempted to acquire without any justification the plots of land which are being used by the Chinese Trade Agency, one also has reason to suspect whether or not it is the intention of the Indian side to put to suspension the functions of the Chinese Trade Agency, or simply to make it impossible for the organ to continue to exist at all. Regarding this, the Chinese Embassy is instructed to lodge a serious protest with the Indian Government, and demand that the Indian Government instruct the Darjeeling local authorities immediately to do away with the unwarranted restrictions against the Chinese Trade Agency, and inquire into the case in which the Indian soldiers on guard at the Trade Agency connived at the intrusions of the Americans into the compound of the Agency.

The Embassy avails itself of the opportunity to renew to the Ministry the assurances or its highest consideration.

Note given by the Embassy of China in India to the Ministry of External Affairs, New Delhi, 15 January 1960

The Embassy of the People's Republic of China in India sent a note to the Ministry of External Affairs of India on December 18, 1959, lodging a protest against the unwarranted imposition of restrictions by the Darjeeling local authorities on the normal functions of the Chinese Trade Agency at Kalimpong while conniving at the forcible intrusion by Americans into the compound of the Chinese Trade Agency. Since then, however, the local authorities of Darjeeling have continued to carry on all sorts of harassments and place various restrictions on the Chinese Trade Agency in Kalimpong, and they even went so far as to obstruct the

delivery of telegrams to the Trade Agency and prevent Mr. Lee Chih-ken, the Deputy Trade Agent, and his wife from entering the Trade Agency. For instance, a telegram from the Embassy dated December 28, 1959 reached Kalimpong at 18.07 hours, December 29, but it was not received by the Trade Agency until 8.30 in the morning of December 30. The Trade Agency was told by the local telegraph office that a messenger had been sent to deliver the above-said telegram to the Trade Agency at 19.30 December 29, but failed to enter the Trade Agency because he was prevented by the sentry guard at the gate, and for this reason the time of the delivery was delayed. At about 12 o'clock, December 29, 1959, when another telegram was sent to the Trade Agency by the telegraph office, the delivery was also obstructed. The messenger said that the guard at the gate of the Trade Agency had told him that he was not allowed to enter without a "pass". On December 27, 1959, Mr. Lee Chih-ken, the Deputy Trade Agent of the Chinese Trade Agency at Kalimpong, and his wife were once prevented from entry when they came back to the Trade Agency from outside. It must be pointed out that the various harassments and obstructions to which the Chinese Trade Agency was subjected have put the functions of the Trade Agency to suspension. The Embassy requests that the Indian Government pay serious attention to this and immediately stop such improper measures against the Chinese Trade Agency at Kalimpong.

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 6 February 1960

The Ministry of External Affairs present their compliments to the Embassy of China in India and with reference to the Embassy's note No. M/450/59 have the honour to state as follows:

As the Embassy is doubtless aware, the Government of India are responsible for the protection of foreign Missions in India and their staff. In pursuance of this general responsibility, and having particular regard to recent developments which have roused popular feelings in the Darjeeling area, the Superintendent of Police Darjeeling, and his Deputy informed the Chinese Trade Agent at Kalimpong on the 27th November 1959 that it had become necessary to post a protective police guard outside his office. On the following morning police guards took up their positions at the two entrances to the office of the Chinese Trade Agent. In order to provide an adequate measure of safety, the police guards were obliged to question, as is customary in such circumstances, all those who desired to enter the premises and to allow only those who satisfied them as to their bona fides and identity. Many persons belonging to different communities and certainly all Chinese nationals were thus permitted to enter the Agency compound after preliminary questioning. The staff of the Trade Agency should be able to enter the premises freely on production of their identity cards. The Government of India reject as baseless the suggestion that these precautionary measures constitute an interference in the conduct of the legitimate business of the Chinese Trade Agent.

2. With regard to interrogation of Chinese nationals, it is a fact that the Foreigners Registration Office at Kalimpong interrogates Chinese nationals as well as other foreigners as a part of its normal functions. The Chinese Embassy must be aware that Chinese nationals, like other foreigners, are required to comply with the provisions of the Foreigners Registration Act and the rules there-under, and to provide to the Police authorities information concerning their residence, business, movement etc. Foreigners' registration has been in force in India for well over ten years.

3. As regards the alleged intrusion of two Americans into the Agency compound, the facts are that on the 3rd December 1959, two United

States citizens, Mr. Cecil Brown and Mr. Fredrick Rhenstein, and two Germans Mr. Amon and Mr. Lingburger, went to the Chinese Trade Agency with the intention of seeking an interview with the Agent. The police guards at the gate after ascertaining their identity and purpose let them in as the authority to grant or refuse interviews vested not with the Police but with the Chinese Trade Agent himself. Subsequently, when it became known that the interview would not be granted, the persons in question withdrew from the Agency peacefully. The Government of India feel bound to point out that the account given by the Embassy is far removed from the facts of the case and that the protest in the Embassy's note is clearly unwarranted.

4. The Government of India are obliged once again to draw attention to the sharp contrast between the treatment accorded to their representatives stationed in Lhasa. Yatung and Gyantse and the courtesy and facilities extended to the Chinese Missions in India. The crippling restrictions on the movement of the Indian Trade Agent at Yatung, the confinement of the Indian Trade Agent at Gyantse to a radius of two miles from his office and the denial to Indian citizens of free access to their Consul-General at Lhasa are illustrative of the general attitude of the local Chinese authorities to the Indian representatives stationed in the Tibet region of China.

5. The Ministry take this opportunity to renew to the Embassy the assurances of their highest consideration.

Note given by the Embassy of China in India to the Ministry of External Affairs, New Delhi, 6 February 1960

The Embassy of the People's Republic of China in India has more than once requested that the Indian Government pay attention to the unwarranted imposition of restrictions by the local authorities on the

Chinese Trade Agency at Kalimpong. It is regrettable, however, that the abnormal treatment to which the Trade Agency has been subjected is not even slightly changed, and incidents of various unwarranted harassments have continued to occur. At 8-30 A.M. of January 19, 1960, an overseas Chinese trader, who used to supply the Trade Agency with bean curd regularly, was stopped by the Indian sentry guard at the back entrance of the Trade Agency, and that armed soldier even raised his rifle to threaten him into leaving the place. When the personnel of the Trade Agency came out to receive him on hearing the noise, three furious soldiers were still trying to prevent the trader from entering the Agency, saying that they had orders not to allow visitors to enter through the back entrance. Later, a plain-clothed man also confirmed that the orders had been issued by Mr. A. B. Choudhury, Superintendent of Police, Darjeeling District, India. At 10 A.M. on the same day, Mr. P. T. Maitra from the Darjeeling police office went to the Chinese Trade Agency, saying that what had happened in the morning was caused by "misunderstanding" and he denied the existence of the above said orders, made apologies ratio the Agency on behalf of the Indian personnel involved and ensured against recurrence of similar incidents in the future. Yet, in fact, the various obstructions and harassments to which the Chinese Trade Agency was subjected has been not in the least reduced.

The Embassy hereby informs the Ministry of the above-mentioned incidents, and would like to point out that the very fact that the Indian Darjeeling police office made apologies to the Chinese Trade Agency is a proof of the gravity of the incident. The Embassy would like to request once again that the Indian Government pay serious attention to the various harassments and unwarranted restrictions to which the Chinese Trade Agency at Kalimpong has been subjected and hopes that the Indian Government will make an early reply to its note of December 18, 1959 and memorandum of January 15, 1960.

Note given by the Embassy of China in India to the Ministry of External Affairs, New Delhi, 27 October 1959

The Embassy of the People's Republic of China in India presents its compliments to the Ministry of External Affairs of Indian, With reference to the attempt of the Darjeeling local authorities of India to acquire without any justification the land being by the Chinese Trade Agency at Kalimpong, has the honour to state as follows:

According to the report which the Embassy has received, at 2 o'clock on the afternoon of October 5, 1959, a person claiming to be from an office of land acquisition of Darjeeling entered without prior notice the compound of the Chinese Trade Agency at Kalimpong and, disregard of the advice and prevention of the officials of the Agency, forcibly pasted up a notification of acquisition of land which was signed by the Deputy Commissioner of Darjeeling. According to the notification the land of the Trade Agency (plot Nos. 468A, 468/469A, 468/727, 468Aj718 and 470/475) was to be subject to acquisition, and the Governor of West Bengal had authorised some officials with their servants and workmen to enter upon and survey the land and do other acts on it. The Embassy and the Trade Agency cannot but feel greatly surprised at this sudden and unscrupulous act taken by the Indian local authorities.

The Ministry must be aware that since its establishment in March 1955, the Chinese Trade Agency at Kalimpong has been all along using the land referred to in the notification and land No. 468/692 (extension together with the buildings on them. Furthermore, as early as several years back, the Agency came into agreement with the owner of the above-mentioned property of buildings and land, R. Omo, regarding the transfer of the buildings and land to the Agency. On August 1, 1957, R. Omo wrote to inform the Sub-Divisional Officer of Kalimpong of the discussions which she had had with the Agency regarding the transfer, and formally filed an

application for necessary permission of the transfer. Meanwhile the Embassy would like to mention that, besides the buildings and land mentioned above, the Agency also uses the land, Touzi Nos. 955 and 1086 and the godown thereon. It has also been agreed with the owner, Jigmie Panda, that this property of buildings and land be transferred to the Agency, and Jigmie Panda wrote on August 5, 1957 to the Deputy Collector of Darjeeling applying for the permission of the transfer. After the filing of applications by R. Omo and Jigmie Panda respectively with the local authorities concerned, Mr. Lee Chih-kan, Deputy Trade Agent of China at Kalimpong also wrote on October 17, 1957 to the Deputy Commissioner of Darjeeling, inquiring about the position of how these applications were being dealt with. Although in his reply of October 28 1957, the Deputy Commissioner of Darjeeling stated that the matter was receiving consideration and that he would duly inform Deputy Trade Agent Lee Chih-kan of the result of the consideration, yet no further reply whatsoever has been received up to the present. It must be pointed out that the matter of the intended transfer to the Agency of the above-mentioned two properties of buildings and land has been undertaken completely in accordance with normal procedures, and that no objection has ever been raised by the Darjeeling local authorities. However, since then two long years have passed and the approval of the two applications for the transfer of the above-mentioned properties of buildings and land is still being awaited. This cannot but make one suspect that it was caused by the deliberate delay and shelving by the Darjeeling local authorities. It is extremely surprising that, in disregard of the fact that the above-mentioned two properties of buildings and land have all along been used by the Agency, and that the applications for the transfer of the properties have been made long ago and are still valid, the Darjeeling local authorities should have now issued, all of a sudden, a public notice to acquire the land on which the Agency is located.

The Chinese Trade Agency at Kalimpong has been established in accordance with the provisions of the Agreement between China and India on Trade and Intercourse between Tibet Region of China and India signed in 1954 and on a reciprocal basis. The notes exchanged between the Governments of the two countries have further provided that the Governments of both sides agree to render assistance to each other's Trade Agencies in respect of housing and the use of land. As the Ministry is aware, the Tibet local authorities of China have all along been giving necessary facilities and assistance in regard to the question of house and land of the Indian Trade Agencies in Tibet. At the beginning of 1958, the Indian Trade Agency at Yatung completed the procedures of renewing the lease of land, and the Tibet local authorities of China are assisting the Indian Trade Agencies at Gyantse and Gartok in completing the procedures of leasing land and have also rendered them assistance in their work of construction. It is regrettable that the Darjeeling local authorities not only have failed to give necessary facilities to the Chinese Trade Agency at Kalimpong in the transfer to the Agency of the buildings and land which the Agency has all along been using, but on the contrary, have attempted to use pretext to acquire the main part of the land of the Agency. Obviously it is intended to create difficulties for the Agency. The Embassy cannot but regard this as unfriendly and not in conformity with the provisions of the notes exchanged in 1954.

It must be further pointed out that the person of the office of land acquisition of Darjeeling, without obtaining the consent of the staff of the Chinese Trade Agency at Kalimpong, should have arbitrarily entered the compound of the Agency and forcibly pasted up a notification there. This is apparently an unscrupulous act in contravention of international usage that foreign official organs be protected.

The Embassy holds that the fact mentioned above is very serious. In order that the Chinese Trade Agency at Kalimpong may exercise its

functions normally, the Embassy hereby demands that Ministry immediately take effective measures to enjoin the Darjeeling local authorities to withdraw the attempted acquisition of the land of the Agency, render assistance in completing at an early date the procedure regarding the transfer of the two properties of buildings and land to the Agency, and ensure in the future against recurrence of any incident of violating the privileges that the Agency should be protected.

The Embassy takes this opportunity to renew to the Ministry the assurances of its highest consideration.

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 16 November 1959

The Ministry of External Affairs present their compliments to the Embassy of People's Republic of China in India and with reference to their note of the 27th October 1959 regarding the premises occupied by the Chinese Trade Agency in Kalimpong have the honour to state as follows:

The house at present occupied by the Chinese Trade Agency in Kalimpong is required urgently for use by the West Bengal Government for an important educational institution in the area. In order, however, not to inconvenience the Trade Agency, Government have agreed not to take possession of the property for the time being. Transfer of the property by sale or permanent lease by the owner will, however, not be permissible.

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

Note given by the Embassy of China in India to the Ministry of External Affairs, New Delhi, 15 January 1960

The Embassy of the People's Republic of China in India presents its compliments to the Ministry of External Affairs of India and, with reference to the Ministry's note dated November 16, 1959 regarding the acquisition of the land being used by the Chinese Trade Agency at Kalimpong, has the honour to state as follows:

With regard to the attempt of the Darjeeling local authorities of India to acquire without any justification the land being used by the Chinese Trade Agency at Kalimpong, the Embassy would like to reiterate to the Ministry that it is clearly laid down in the notes exchanged in 1954 pertaining to the Agreement between China and India on Trade and Intercourse between the Tibet Region of China and India that the two Governments agree to render assistance to each other's Trade Agencies in the use of land and in housing. The Embassy, therefore, still requests that the Government of India, in line with the above-mentioned provisions, withdraw the acquisition of the land being used by the Chinese Trade Agency and kindly give facilities so that the two properties of buildings and land concerned may be transferred to the Chinese Trade Agency at Kalimpong at an early date. The Embassy would also like to point out that, even well after the Ministry of External Affairs of India informed the Embassy in a note on November 16, 1959 that possession of the said property would not be taken for the time being, the land acquisition staff of the office of the Darjeeling Deputy Commissioner, India, accompanied by the Director of the Foreigners' Registration Office, Kalimpong, should have been to the Chinese Trade Agency at Kalimpong on December 7, 1959, and requested for taking measurements both inside and outside the building for its acquisition. The Embassy cannot but express regret at this,

and request the Ministry of External Affairs to prevent recurrence of similar incidents.

The Embassy takes this opportunity to renew to the Ministry the assurances of its highest consideration.

**Letter from the Prime Minister of India to the Prime Minister of
China, 4 March 1960**

New Delhi; March 4, 1960

My Dear Mr. Prime Minister,

I thank you for your letter of the 26th February. I am glad that you have accepted my invitation to visit Delhi so that we can have talks about our problems and explore avenues which may lead to a peaceful settlement of these problems. I shall look forward to your visit in April.

We shall naturally try to suit your convenience about the date of your visit here. If I may suggest it, about the 20th April might perhaps be suitable.

I shall probably have to leave India for Europe on the 29th or 30th April. ,

With kind regards,

Yours sincerely,
JAWAHARLAL NEHRU
