



**NOTES, MEMORANDA AND LETTERS EXCHANGED
BETWEEN
THE GOVERNMENTS OF INDIA AND CHINA**

November 1960 – November 1961

WHITE PAPER V

**MINISTRY OF EXTERNAL AFFAIRS
GOVERNMENT OF INDIA**

On 14 November, 1960, the Prime Minister presented to Parliament the Fourth 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 March 1960. This White Paper contains the notes, memoranda and letters exchanged between the two Governments since 9 November 1960. It also contains four earlier notes which had not been included in the previous White Paper.

MINISTRY OF EXTERNAL AFFAIRS,

NEW DELHI

27 November, 1961.

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Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 2 December 1960

The Ministry of External Affairs presents its compliments to the Embassy of the People's Republic of China in India and has the honour to refer to the Note dated October 20, 1960 from the Ministry of Foreign Affairs of the People's Republic of China to the Indian Embassy in China.

2. The Government of India have made a further inquiry regarding the intrusion by a Chinese armed patrol on September 22, 1960 into Sikkim near Jelepala Pass and are satisfied that facts as communicated to the Embassy in the Ministry of External Affairs Note of September 26, 1960 are correct. The Government of India would, therefore, repeat their request to the Chinese Government to take steps to prevent such violation of Sikkim territory in future.

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

Note given by the Ministry of Foreign Affairs, Peking to the Embassy of India in China, 10 December 1960

The Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Embassy of India in China and, with reference to the note that the Indian Ministry of External Affairs delivered to the Chinese Embassy in India on October 24, 1960, has the honour to state as follows:

1. The Chinese Government notes that the Indian Government, in its note, denies all of the many intrusions of Chinese air space by Indian

aircraft and of Chinese territory by Indian personnel listed in the note of the Chinese Ministry of Foreign Affairs, dated August 27, 1960. The Chinese Government cannot but express its deep regret at this.

2. In its note the Indian Government, while admitting that the Chinese inhabitant Kiayang-geltsen is now still retained unwarrantedly by the Indian authorities concerned, attempts to describe armed Indian personnel's intrusion into Chinese territory to kidnap a Chinese citizen as Kiayang-geltsen's going to India to seek asylum. The Chinese Government must point out that Kiayang-geltsen was kidnapped from Kechilang pasture within Chinese territory by armed Indian personnel who had illegally intruded into that area. Here the question of so-called asylum does not exist at all. A Chinese inhabitant named Chien Tseng of the Le village who was with Kiayang-geltsen at the time confirmed that Kiayang-geltsen was suddenly kidnapped by the trespassing Indian troops when he was at lunch in a villager's house in Kechilang pasture. The Chinese Government once again demand that the Indian Government order the authorities concerned to release immediately the Chinese inhabitant Kiayang-geltsen.

3. The Chinese Government has always stated that Wu-je is Chinese territory and has always been under the jurisdiction of Daba Dzong of the Tibet region of China. After a situation of armed forces of China and India confronting each other arose for the first time in Wu-je in 1955, the Chinese Government, with a view to avoiding armed clashes, took the initiative to propose that both sides should refrain from stationing troops at Wu-je, pending the settlement of the dispute through negotiations. This was done entirely out of the desire of maintaining tranquillity on the border, and by no means implied any change in sovereignty over this area. Therefore, as said in the note of the Indian Ministry of External Affairs, when in 1958 the Indian representatives put forward a proposal that even civil administrative personnel of the two sides should not be deputed to the area, the Chinese Government did not agree to this

proposal. In disregard of the stand of the Chinese Government, the Indian Government in 1958 and 1959 repeatedly sent official personnel into China's Wu-je area. This could not but be regarded as attempts to change the status quo of this area belonging to China. Hence, the Chinese Government more than once lodged protests. Under these circumstances, the assertion that on April 24, 1958 (it should be 1959) Mr. Ho Ying, Deputy Director of the First Asian Department of the Chinese Ministry of Foreign Affairs, said that not sending troops did not affect the Indian side's sending officials to Wu-je is obviously a distortion of the Chinese Government's stand as presented by Deputy Director Ho Ying.

4. The Chinese Government must point out that, regarding the incident of June 3 referred to in the note of the Indian Government of July 30, 1960, in which more than 25 armed Chinese soldiers allegedly crossed the so-called McMahon Line, although nearly two months had passed before the Indian Government raised it to the Chinese Government and although it attacked the Chinese Government before the facts were looked into and before a reply was made by the Chinese Government, the Chinese Government still made serious investigations and informed the Indian Government of the results of the investigations. However, in its note the Indian Government, in disregard of the facts furnished by the Chinese Government, still persists in its original charge without any basis. The Chinese Government can only express its regret at this.

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

Note given by the Ministry of Foreign Affairs, Peking to the Embassy of India in China, 19 December 1960

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

The allegation of the Indian Government that an armed Chinese patrol entered the territory of Sikkim on September 22, 1960, has been proved untrue through investigation by the Chinese Government. The Chinese Government already gave an unequivocal answer to this effect in its note of October 20, 1960. Nevertheless, in its note of December 2, the Indian Government still clung to its original allegation without any basis. The Chinese Government cannot but express regret at this.

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

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 30 December 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 incident that Tibetan rebel bandits who had fled to the south of the so-called McMahon Line intruded into China's Tibet, made harassment and kidnapped local Chinese inhabitants, has the honour to state as follows:

The Chinese Government has received confirmed reports that at about 23.00 hours on November 10, 1960, a band of armed Tibetan rebel bandits, numbering 100 or so, intruded from south of the so-called McMahon Line into Pangtse Village (93° 47' E, 29° 1' N), Milin Country, in the south eastern part of China's Tibet region. Most of the bandits carried

pistols and some of them were in disguise. Among them were Paimalamje and Lapadenju, reactionary former chieftains of the Pangtse and Bajang villages, who had fled to Ba Cha Shi Ri, south of the so-called McMahon Line, after the rebellion in Tibet in the spring of 1959. Having surrounded Pangtse village and made harassment for about two hours, the rebel bandits forcibly kidnapped 42 able-bodied youth and men from that village and fled south of the, so-called McMahon Line via the Lo Pass.

The Chinese Government is surprised at the fact that the Indian Government should have permitted Tibetan rebel bandits who had fled to the south of the so-called McMahon Line to carry arms and even connived at their intrusion into China's Tibet to carry out harassment and kidnap peaceful inhabitants. Such planned activities of harassment and sabotage by this band of Tibetan rebel bandits have caused tension on the border, have breached the peace and tranquillity of the border area and may lead to serious consequences. In view of this, the Chinese Government lodges a serious protest with the Indian Government and demands that the Indian Government immediately take due and effective measures to impose restrictions on those Tibetan rebel bandits and require them to release at once the 42 Chinese inhabitants kidnapped from Pangtse village.

The Ministry of Foreign Affairs 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 Foreign Affairs, Peking, to the Embassy of India in China, 25 February 1961

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 two incidents of Indian armed personnel intruding into

Chinese territory has the honour to state as follows:

1. About 1800 hours on 26th November 1960 four Indian policemen carrying arms intruded into Pao-la (approximately 88° 34 minutes E. 28° 07 minutes N) in Chinese territory by crossing Kailu Pass from the direction of Sikkim. They threatened the local inhabitants with arms and seized a shot gun from PENG TO a herdsman. The four Indian policemen returned to Sikkim by the same route about 1830 hours on the same day.

2. About 1200 hours on 29th December 1960 three Indian military men carrying arms intruded into Sherelungma pasture (approximately 79° 40 minutes E. 32° 48 minutes N.) of Kia- Aghsiang Rudok Dzong in China's Ari District on horse back made stealthy observations with binoculars fired their guns and then returned to India.

The Chinese Government feel surprised at the repeated intrusions of Indian armed personnel into China's territory and their acts of threatening and robbing Chinese inhabitants. This cannot but be regarded as deliberate encroachment on the territory and sovereignty of China. Against this the Chinese Government lodges a protest with the Government of India and demands that it takes effective measures to prevent the recurrence of similar incidents in future.

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 30 March 1961

The Ministry of External Affairs present their compliments the Embassy of the People's Republic of China in India and have the honour to refer to the note dated December 10, 1960, received by His Excellency the Indian Ambassador in Peking.

2. AS has already been intimated in the note presented by the Ministry of External Affairs to the Embassy of the People's Republic of China in India on October 24, 1960, there is no basis for the allegation that a Chinese national was kidnapped by an Indian patrol from the Chinese territory. The Chinese national whose name has been mentioned by the Government of China has repeatedly stated that he had come to seek refuge in India and that he was not prepared to go back to China.

3. The Government of India have throughout maintained that Bara Hoti is part of India and this fact was indisputably substantiated with a mass of details during the discussions between Indian and Chinese officials in 1958 and more recently in the officials' discussions which took place last year. On the other hand, the Chinese Government produced no clear topographical detail of the area, much less any material evidence to prove their contention. Nevertheless, in order to safeguard against any armed clash, the Government of India, in a reciprocal understanding with the Government of China, have refrained from sending any armed personnel to Bara Hoti plain for a number of years now. The despatch of civil administrative personnel is a different matter altogether. In the absence of any agreement not to send civilian officials to the area the Government of India cannot agree that there has been any change in the status quo prevalent in the area. The Government of India must reserve their right to exercise their sovereignty in Bara Hoti in the traditional manner.

4. In regard to the intrusion by 25 armed Chinese soldiers into Indian territory on June 3, 1960, the Government of India cannot but express their surprise that the Chinese Government should persist in

claiming that the local working personnel of Hsiao of Tsona Dzong lost their Way into Indian territory while in search for firewood. Facts do not sustain this theory of unintended and innocent intrusion into Indian territory.

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 13 April 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and with reference to the Note No. (60)/First Asian/No. 1315, dated December 30, 1960, presented by the Ministry of Foreign Affairs of the People's Republic of China to the Counsellor of the Indian Embassy in Peking, Shri K. M. Kannampilly, have the honour to state that the Government of India have thoroughly investigated the allegation contained in the Note mentioned above. As a result of the investigations, they are satisfied that there was no evidence of any person of Tibetan origin going into Tibet from Indian territory and compelling other Tibetans to flee back into India against their will. The Government of India have throughout taken effective steps to disarm all Tibetan refugees coming into Indian territory and prevent them from using Indian territory as a base for hostile activity. The Government of India firmly repudiate the insinuation that they connived at so-called "armed bandits" going across into Tibet or compulsorily detaining any Tibetans within India against their wishes. No Tibetan or Chinese nationals in India are prevented from returning to their homeland should

they so wish. On the other hand, India, having granted asylum to those refugees, cannot force them to return to China.

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

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 28 April 1961

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 March 30, 1961, has the honour to state as follows:

Regarding the intrusion into the Chinese territory of Wu-je by Indian official personnel, the intrusion into the Kechilang pasture and kidnapping Chinese inhabitant Kiayang-geltsen by armed Indian personnel and the allegation that 25 Chinese soldiers entered into Indian territory, the Foreign Ministry, in its notes to the Embassy, dated August 27 and December 10, 1960, has fully explained the truth of the related facts and the stand of the Chinese Government. The Chinese Government cannot agree to the various allegations inconsistent with the facts made by the Indian Government in its note, 2nd cannot but express regret at them.

The Foreign Ministry 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, 6 May 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China with reference to the Note, dated February 25, 1961, presented by the Chinese Ministry of Foreign Affairs to Shri K. M. Kannampilly, Counsellor of the Embassy of India, Peking, have the honour to say that the Government of India have carefully inquired into the alleged incidents of incursions by Indian armed personnel into Chinese territory on November 26, 1960, and December 29, 1960.

2. These investigations have established, to the full satisfaction of the Government of India that these allegations of incursions by Indian armed personnel into Chinese territory have absolutely no foundation in fact. The Government of India are constrained to observe that the Chinese Government appear to have been misled by unfounded assertions by irresponsible junior officials or local elements.

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 6 May 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China in India and have the honour to bring to their notice the following intrusion by armed Chinese personnel:

On April 20, 1961, three Chinese personnel carrying arms were detected in Sikkim territory near Jelapla. As soon as they realized that their unauthorised presence in the territory of Sikkim had been detected they withdrew.

The Government of India once again lodge a protest against the failure to respect the boundaries of Sikkim and renew their request that the Government of China instruct the subordinate authorities to ensure that such violation of Sikkim territory does not recur. Intrusions of this kind, even if brief, could easily lead to serious incidents.

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

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 23 May 1961

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 of the Ministry of External Affairs of India delivered to the Chinese Embassy in India on April 13, has the honour to state as follows:

Regarding the incident in which the Indian Government connived at the intrusion of the arms-carrying Tibetan rebel bandits into China's Tibet region to perpetrate harassing and disruptive activities and kidnap 42 Chinese inhabitants the Chinese Ministry of Foreign Affairs, in its Note of December 30, 1960 to the Indian Embassy in China, already gave a full, detailed and accurate account of the facts, and made clear the solemn stand and raised the reasonable demand of the Chinese Government in

connection with this incident. However, in its note the Ministry of External Affairs of India even denied the facts and try to evade the unshirkable responsibility of the Indian Government. The Chinese Government cannot but express its extreme regret at this. It demands once again the Indian Government to restrain the Tibetan rebel bandits and to require them to release the 42 kidnapped Chinese inhabitants.

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, 6 June 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China in India and with reference to the Note No. 61, dated 24 April 1961 delivered to an Officer of the Embassy of India in Peking by the Chinese Ministry of Foreign Affairs on 28 April 1961 have the honour to say that the Government of India request that the facts in each case under reference do not sustain the views of the Government of the People's Republic of China.

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 20 June 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China, and with reference to Note dated May 23, 1961, handed over to the Indian Embassy in Peking by the Chinese Ministry of Foreign Affairs, have the honour to state as follows:

The Government of India are surprised that despite their reply dated 13th April, 1961 which refutes on the basis of careful investigations allegations regarding intrusion into the Tibet region of China and kidnapping of Chinese inhabitants, the Government of the People's Republic of China have returned to the same charge.

As the Government of the People's Republic of China are no doubt aware refugees from the Tibet region of China have come, and continue to come, to India of their own free will. What is more if any of them wish to return to China, they are free to do so. No Tibetan refugee is being held by any one in India, either Indian or Tibetan. If the intention of the Government of the People's Republic of China is that the Government of India should exercise force or pressure on certain Tibetan refugees to compel them to return, this cannot be done under the internationally accepted principle of asylum.

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 Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 5 August 1961,

The Ministry of Foreign Affairs of the People's Republic of China present its compliments to the Indian Embassy in China and, with

reference to the Note of the Indian Ministry of External Affairs handed over to the Chinese Embassy in India on May 6, 1961, has the honour to state as follows:

Regarding the incident referred to in the note of the Indian Ministry of External Affairs in which three Chinese personnel carrying arms allegedly intruded into Sikkim territory near Jalepla on April 20, 1961, the Chinese Government has satisfied itself, after careful investigation, that no intrusion by any Chinese personnel carrying arms occurred at the above-mentioned time and place. Therefore the Chinese Government refuses to accept the protest of the Indian Government and expresses its regret at such a totally groundless charge made by the Indian Government.

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

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 21 August 1961

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 of the Ministry of External Affairs of India delivered to the Chinese Embassy in India on June 20, 1961, has the honour to state as follows:

With regard to the incident in which a band of armed Tibetan rebel bandits with the connivance of the Indian Government intruded into Chinese territory on 10th November 1960 to perpetrate harassing and disruptive activities and kidnapped 42 Chinese inhabitants, the Ministry of

External Affairs of India in its Note once again showed the attitude of denying the facts and evading the responsibility. The Chinese Government feel much regret at this. In its Note of 30th December 1960 the Chinese Government already gave an exhaustive and accurate account of the incident to the Indian Government, pointing out names and positions of two of the intruder rebel bandits who were identified on the spot and supplying concrete details about time and place of the incident, the routes the intruder rebel bandits followed and the arms they carried. The Indian Government made no mention of these undeniable facts at all but on the contrary tried to insinuate as if above mentioned kidnapped Chinese inhabitants had gone to India "of their own free will". But facts show that those Chinese inhabitants were bound with rope and taken away by force under the serious threat of "come away or die" after the intruder rebel bandits had surrounded the village where those inhabitants had been residing. Obviously it is most erroneous to glibly talk about "free will" in such circumstances. In its Note the Indian Government once again unreasonably rejected the justified demand of Chinese Government that the Indian Government put those Tibetan rebel bandits under restraint and require them to release kidnapped Chinese inhabitants. The Chinese Government deem it necessary to point out once more that if the Indian Government should continue to connive at the harassing and disruptive activities of Tibetan rebel bandits which are liable to cause tension on the border serious consequences would result therefrom.

The Ministry of Foreign Affairs 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, 12 September 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China in India and with reference to the Note dated August 21, 1961 handed over by the Chinese Ministry of Foreign Affairs to the Indian Embassy in Peking have the honour to state that, as repeatedly made clear to the Chinese Government, the Government of India found, after careful and thorough investigations, that the allegations made in the Chinese note were absolutely groundless.

2. The Government of, India could have no knowledge of the happenings in Chinese territory as it is not within their competence to enquire into any incidents in foreign territory. The Chinese Government should be well aware by now that effective arrangements exist in Indian territory under which all refugees from Tibet are disarmed and prevented from using Indian territory for hostile activities against China. No Tibetan refugee is being held by anyone in India, either Indian or Tibetan. If any Tibetan refugee wishes to return he is free to do so.

3. The Chinese allegation that Government of India are conniving at the harassing and disruptive activities of Tibetan rebel bandits which are liable to cause tension in the border' is entirely groundless. Government of India reject it as an unworthy attempt to implicate India in China's internal problems.

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

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 2 November 1961

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 September 12, 1961, has the honour to state as follows:

Being unable to persist in denying flatly the indisputable fact that it connived at the intrusion and harassment of a Chinese border area by Tibetan rebel bandits and their kidnapping of Chinese inhabitants, the Indian Government went so far as to argue in its note that it "could have no knowledge of the happenings in Chinese territory". This effort is futile. In its past notes, the Chinese Government already presented facts in detail showing that that band of rebel bandits had their base established in an area south of the so-called McMahon Line illegally controlled by India at present. They intruded into China's Pangtse village from there and abducted local Chinese inhabitants to that base area. It is obvious that the Indian Government should bear unshirkable responsibility for that incident. Now, in its note, while brushing aside the concrete fact and the Chinese Government's proper demands, the Indian Government even countercharge the Chinese Government with attempting to implicate India in China's internal affairs. The Chinese Government once again expressed its deep regret at such an unreasonable attitude and manner of the Indian Government.

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 15 November 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and with reference to Note No. (61) Pu Yi Tzu No. 877, dated November 2, 1961, sent to the address of the Embassy of India in Peking by the Chinese Ministry of Foreign Affairs have the honour to state that mere repetition to baseless allegations does not help to establish a case where none exists. It is the considered view of the Government of India, after careful investigations, that the incident to which the Chinese Note has referred is a fabrication. However it would serve no useful purpose to prolong a fruitless disputation in a case where the two Parties are unable to agree on the facts. It is extraordinary that in re-stating its case over an alleged intrusion from Indian territory the Chinese Government should bring up the issue of the so-called MacMahon Line and insinuate that India is in illegal possession of her *own* territory south of that line. By multiplying imaginary charges all that the Chinese Government has so far succeeded in proving is its lack of respect for the territorial integrity of India ample evidence of which already exists in the territorial aggression committed by China in India's Ladakh. Barren charges will not cover up these acts of unlawful occupation of Indian territory by Chinese forces.

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

Note given by the Embassy of India in China to the Ministry of Foreign Affairs, Peking, 30 December 1960

The Government of India present their compliments to the Government of the People's Republic of China, and with reference to the text and the maps attached to the Burmese-Chinese Boundary Treaty of 1st October,

1960 which were recently presented to the Parliament of the Union of Burma, have the honour to bring to the Parliament of the Union of Burma, have the honour to bring to the attention of the Government of the People's Republic of China the following facts pertaining of the People's Republic of China the following facts pertaining to the western extremity of the Burma-China boundary where it meets the eastern extremity of the India-China boundary.

2. Although Article 5 of the Treaty does not specify the exact location of the western extremity of the Sino-Burmese boundary, in the map attached to the Treaty the boundary is shown as ending at the Diphu L'ka Pass. The traditional boundary of India west of the Sino-Burmese boundary follows the watershed between D-chu in India and Lat-te in the Tibet region of China; and the tri-junction of India, Burma and China is five miles north of the Diphu L'ke Pass, and not at the Diphu L'ka Pass itself. The coordinates of the tri-junction are approximately longitude 97° 23' east and latitude 28° 13' north. The fact that the traditional boundary running along the Himalayan watershed passes through this point has in the past been accepted by the Governments of Burma and China and it has for many years been shown correctly on official maps published in India.

3. The Government of India recognise that the text of the Treaty has left the exact location of this point unspecified. The Government of India are however obliged to point out that the extremity of the boundary between the two countries has been shown on the maps attached to the Treaty in an erroneous manner. As the location of the tri-junction at the Diphu L'ke Pass has an adverse implication on the territorial integrity of India, the Government of India wish to make clear to the Government of the People's Republic of China that they would be unable to recognize this map insofar as it prejudicially affects Indian territory.

The Government of India take this opportunity to renew to the Government of the People's Republic of China the assurances of their highest consideration.

Memorandum given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 21 February 1961

The Government of the People's Republic of China has received the memorandum of the Government of India handed over on December 30, 1960 and has the honour to answer the points raised as follows:

The Government of India states in its memorandum that it is "in an erroneous manner" that the western extremity of the boundary between China and Burma has been shown on the maps attached to the Sino-Burmese Boundary Treaty at Diphu Pass. No proof of this assertion can be found either in the Treaty itself or in the attached maps. Diphu Pass is shown on the attached maps not as the western extremity of the Sino-Burmese boundary. As the Indian Government is aware, no specific provision is made in the Sino-Burmese Boundary Treaty for the exact location of the western extremity of the Sino-Burmese boundary. This is an appropriate way of handling the matter, having regard for the fact that the boundary between China and India has not yet been formally delimited and that there is a dispute between China and India on the boundary question. There is no basis whatsoever for the Indian Government to think that the delineation of any part of the Sino-Burmese boundary in the maps attached to the Sino-Burmese Boundary Treaty has an adverse implication on the territorial integrity of India.

The Indian Government states that the Sino-Indian boundary west of the Sino-Burmese boundary follows the "Himalaya watershed" between Di-

chu and Lat-te and that the tri-junction of China, Burma and India is five miles north of the Diphu Pass. The Indian Government further asserts that this fact has in the past been accepted by the Chinese Government. These assertions are all inconsistent with the facts. The traditional customary Sino-Indian boundary east of Bhutan follows in the main the southern foot of the Himalayas and Chinese maps published throughout the years have all shown the location of this line. The unilateral claim about the boundary in this sector put forward by the Indian Government in its memorandum has never been accepted by the Chinese Government. In the past correspondence and talks between the two countries, the Chinese Government has repeatedly made detailed expositions of the objective facts concerning the Sino-Indian boundary and the stand of the Chinese Government.

In view of the fact that the Sino-Indian boundary has never been formally delimited and there is now a dispute between China and India, and that, moreover, what is in dispute is not the question of the location of individual points on the boundary but involves the question of large tracts of territory, the Chinese Government has always hoped to hold friendly consultations with the Indian Government on the basis of the Five Principles of Peaceful Co-Existence and in a spirit of mutual understanding and mutual accommodation, so as to seek a reasonable settlement of the boundary question. This has been the consistent stand of the Chinese Government in the past and present, nor will it change in the future. The Chinese Government believes that, by this approach, the entire boundary question between China and India can be settled and, along with it, the question of the tri-junction of China, India and Burma will be finally decided.

Note given by the Ministry of External Affairs, New Delhi, to the

Embassy of China in India, 30 March 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and, with reference to the Memorandum of the Chinese Government dated the 21st February, 1961, have the honour to state as follows:

1. The Government of India are surprised at the statement that the maps attached to the Sino-Burmese Boundary Treaty do not show the western extremity of the boundary between Burma and China as lying at the Diphu Pass. The first sheet of the Chinese maps attached to the Boundary Treaty, and explicitly captioned the "Map showing the Entire Boundary between Burma and China", shows the alignment, proceeding westwards, from a point approximately long. 98° 18' and Lat. 27° 36' to a point approximately long. 97° 20' and Lat. 28° 9' 30"; and this line is shown as terminating at the Diphu Pass. This alignment shown on the map is clearly in accordance with Articles 5 and 7 of the Boundary Treaty, which specifically define the boundary up to the western extremity". It is obvious, therefore, that the Diphu Pass, and not any point either north or south of it, was delineated as the western extremity of the Sino-Burmese boundary. Indeed, Section 3 of Article 7 places beyond any doubt the fact that the Diphu Pass marks the western extremity:

"The alignment of the entire boundary line between the two countries described in this Article and the location of the temporary boundary marks erected by both sides during joint survey are shown on the 1/250,000 maps indicating the entire boundary and on the 1/50,000 maps of certain areas, which are attached to the present Treaty."

2. The western extremity of the Sino-Burmese boundary must perforce touch the boundary of India; and this determines the meeting-point of the Sino-Burmese, Indo-Burmese and India-China boundaries.

The western extremity of the Sino-Burmese boundary is, therefore, the tri-junction of India, Burma and China.

3. The Government of India have already furnished to the Government of People's Republic of China precise indication of the traditional boundary in the eastern sector of the India-China boundary. The boundary was confirmed in the Instrument of Agreement between the Indian and the Tibetan plenipotentiaries when the so-called McMahon Line was delineated in respect of the eastern sector of India as well as the northern part of the Sino-Burmese boundary, and which has been accepted as the traditional boundary for north Burma. The official maps of the Government of India which showed this alignment were never disputed until September 1959 by the Government of China and were further acknowledge in conversations between the two Governments and implicitly accepted in the Agreement between India and China concluded April, 1954.

4. The Government of India have already pointed out the reasons why they cannot accept the implication as regards territorial limits of India in this delineation in the official map annexed to the Treaty of the Sino-Burmese boundary as ending at the Diphu Pass. The Government of India emphatically reject the statement that the traditional boundary between India and China in the eastern sector runs along the southern foothills of the Himalayas. The Sino-Burmese Treaty itself upholds the Indian contention of the existence of a traditional boundary running along the crest of the watershed range in the northern sector of the Sino-Burmese boundary and reinforces the validity of the traditional Indian alignment in the contiguous eastern sector of the Sino-Indian boundary.

5. It may further be re-affirmed that while the Government of India remain pledged to the promotion of friendly relations with the Government of the People's Republic of China, they cannot accept that

the common, traditional boundary is a matter for negotiations, for, as has been stated, the traditional boundary stands defined without the necessity of further or formal delimitation.

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

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 4 May 1961

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 of the Ministry of External Affairs of the Indian Government to the Chinese Embassy in India dated March 30, 1961, has the honour to state as follows:

In its note, the Indian Government stubbornly held to the allegation that, in accordance with the Sino-Burmese Boundary Treaty and its attached maps, the western extremity of the boundary between China and Burma was beyond any doubt marked at the Diphu Pass. This allegation is totally groundless. In its memorandum of February 21, 1961 the Chinese Government explicitly pointed out that in the Sino-Burmese Boundary Treaty the Diphu Pass was not defined as the western extremity of the boundary between China and Burma, nor was it shown on the attached maps to the Treaty as the western extremity of the boundary between China and Burma. From the text of the Treaty, it can be seen that in Article VII (1), which describes in detail the location of the section from the High Conical Peak to the western extremity of the boundary between China and Burma, no provision is made for the location of the western

extremity. This is distinctly different from the explicit provision in Article VII (2), which describes in detail the location of the section from the High Conical Peak to the south-eastern extremity of the boundary between China and Burma, that the location of the southeastern extremity lies at the junction of the Nam La and Lanchang Rivers. This difference can also be seen in Article V and VI at the Treaty. As for the Diphu Pass in the maps attached to the Treaty it is also marked in a different way from the marking for the southeastern extremity of the boundary. According to the legend of the attached maps the Diphu Pass is shown only as a dividing point of the boundary 'between China and Burma. All this indisputably shows that the Diphu Pass is not the western extremity of the boundary between China and Burma, and that no provision is made in the Sino-Burmese Boundary Treaty for the specific location of the western extremity of the boundary. It is indeed surprising that the Indian Government should, in disregard of these facts, arbitrarily act for the contracting parties and make a distorted interpretation of the Sino-Burmese Boundary Treaty and its attached maps and insist that only its interpretation is correct.

It is easy to understand why no provision is made in the Sino- Burmese Boundary Treaty for the location of the western extremity. The western extremity of the boundary between China and Burma is the tri-junction of China, Burma and India. As it involves the boundaries of three states, it must and can only be formally defined through agreement of all three Governments. China and Burma have, in accordance with the Five Principles of Peaceful Co-existence and in the spirit of mutual understanding and mutual accommodation and through friendly negotiations reached a satisfactory settlement of the question of the boundary between them. So far as the question of the boundary between China and India is concerned, the Chinese Government has also always been willing, in accordance with the same principles, to reach a fair and reasonable settlement with the Indian Government and thereby to define

the specific location of the tri-junction of China, India and Burma. It is regrettable that this friendly and reasonable desire of the Chinese Government has never received a corresponding response, from the Indian Government. The Indian Government in its note of March 30, 1961 even openly stated that it could not accept that the boundary between China and India was a matter for negotiation. This attitude of the Indian Government of refusing to negotiate and trying to impose its unilaterally claimed alignment on China is in actuality refusal to settle the boundary question.

The Indian Government's charge that the Sino-Burmese Boundary Treaty and its attached maps which show the Diphu Pass as a dividing point of the boundary between China and Burma have an adverse implication on the territorial integrity of India, and its allegation that the tri-junction of China, India and Burma should be five miles north of the Diphu Pass are totally untenable. The only so-called basis of the Indian Government is still the so-called McMahon Line which is unlawful and invalid, and which was created single-handedly by British imperialism. Such basis has long been strongly refuted by the Chinese Government in the correspondence and talks between the two countries. Moreover, the Indian Government attempted to utilize the Sino-Burmese Boundary Treaty to back up this unlawful line; this attempt will also not succeed. The unshakable fact remains that it is only the boundary line running along the southern foot of the Himalayas, as consistently pointed out by the Chinese Government, which is the true traditional customary line of the boundary between China and India in the eastern sector. According to this line, the traditional tri-junction of China, India and Burma is not only not at a point five miles north of the Diphu Pass, as alleged by the Indian Government, nor at the Diphu Pass itself, but is obviously located far south of the Diphu Pass.

The Chinese Government, which has made consistent efforts to develop Sino-Indian friendly relations on the basis of the Five Principles, has always been willing to settle the boundary question between China and India through friendly negotiations in a spirit of mutual understanding and mutual accommodation, and to define jointly with the Governments of Burma and India the exact location of the tri-junction of the three countries. However, it must be pointed out that, so long as the Indian Government does not give up its attitude of refusing to negotiate and trying to impose its views on others, the Chinese Government will absolutely not retreat an inch from its stand on the questions of the Sino-Indian boundary and of the tri-junction of China, Burma and India. The Indian Government will never succeed in its unreasonable tangling.

The Ministry of Foreign Affairs 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, 15 June, 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and have the honour to refer to the revised English translation of the Chinese text of the Report of the Officials of the Governments of India and the People's Republic of China on the Boundary Question, made available to the Ministry in April, 1961. After careful comparison of the revised informal English translation with the original Chinese text, Ministry of External Affairs are of the view that at least nine (9) changes, as in the statement enclosed, take the meaning beyond what is warranted by the Chinese text. These changes on matters

of substance are unwarranted by the Chinese text and therefore unacceptable to the Government of India.

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 16 June 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China in India and with reference to the Note dated May 4, 1961, handed over by the Chinese Ministry of Foreign Affairs to the Indian Embassy in Peking have the honour to state as follows:-

In the Note under reference the Chinese Government have continued to contend that the Diphu Pass has not been shown as the western extremity in the Sino-Burmese Boundary Treaty and its attached maps. That this contention is absolutely groundless is clear from the points mentioned in paras. 2 to 5 below.

2. The detailed description of the alignment up to the western extremity in the text of the Treaty leaves no doubt that the western extremity is at the Diphu Pass. An examination of the maps attached to the Treaty also proves this point indisputably.

3. The Chinese Government have sought support for their contention by drawing a distinction between the description in the Treaty of the western extremity and that of the south eastern extremity.

The fact that the south eastern extremity has been described more fully is of no relevance. The description of the alignment leading up to the western extremity is so precise that it obviously ends at the Diphu Pass. Indeed, it was so clear that there was no need in the Treaty to give further elucidation as in the case of the south eastern extremity.

4. The Chinese Government have further stated that in the maps attached to the Treaty, Diphu Pass is "marked in a different way from the marking for the south eastern extremity of the boundary", and that "according to the legend of the attached maps, the Diphu Pass is shown only as a dividing point of the boundary between China and Burma". However, on examination of the maps and the legends thereon do not substantiate these two contentions. There is no difference between the markings of the western extremity and that of the south eastern extremity, and there is no specific legend in which Diphu Pass has been described as the dividing point on the line between China and Burma. Indeed, as the Government of India have already stated, the first sheet of the Chinese maps attached to the Treaty is explicitly captioned the "Map showing the Entire Boundary between Burma and China" and this map shows the alignment as terminating at the Diphu Pass.

5. From the above, it is clear that the Government of India have neither interpreted the Sino-Burmese Boundary Treaty in a distorted manner, nor have, they tried to act arbitrarily for the two contracting parties. It is precisely because the treaty is being correctly interpreted, and this interpretation shows that a considerable area of Indian territory under Indian administration and control has been assumed by the Treaty as falling within China that they object to the showing of Diphu Pass as the western extremity of the boundary between China and Burma.

6. The Chinese Government are correct when they say that the western extremity of the boundary between China and Burma is the tri-

junction between China, Burma and India. However, from this it cannot follow that every tri-junction should now be decided anew by the parties concerned. As the Government of India have pointed out on innumerable occasions, the northern and eastern boundary of India is traditionally well known and well recognised and, therefore, requires no further definition. The Government of China seem to be exploiting the opportunity offered by the China-Burma Boundary Treaty to support their unwarranted claim for negotiating the question of the India-China boundary. As the Chinese Government are aware, the Government of India have pointed out repeatedly and in clear unmistakable terms that this boundary is well known and well recognised and has been so for centuries and cannot be a subject of any negotiations.

7. At the discussions held between the Indian team of officials and the Chinese team of officials it was conclusively proved that the eastern extremity of the boundary between India and China lies at a point approximately five miles north of the Diphu Pass. It is a travesty of truth to say that the only so called basis of the Indian alignment in this sector, is the so-called McMahon Line. The boundary of India in this sector, as in the others, is a traditional and customary boundary lying along the main watershed in the region. Further, Indian administration and jurisdiction have extended upto it for centuries. What is more, the so-called McMahon Line which provided formal confirmation of this natural, traditional customary and administrative boundary, is valid in international law because it was arrived at after an agreement between the Governments of India and Tibet at a time when Tibet had treaty-making powers. The Chinese Government were always aware of it and accepted it.

8. The Ministry are surprised that the Chinese Government, contrary to the legal and factual position, not only exploit the occasion of their Treaty with Burma to question the established frontiers of India by suggesting Diphu Pass as the tri-junction of the boundaries of India,

Burma and China but also to reiterate their baseless recent claim that the alignment runs along the southern foothills of the Himalayas. That this claim is totally untenable was conclusively proved during the talks between the officials. This claim has also been rejected by the Government of China themselves in the Sino- Burmese Treaty which shows the western extremity at Diphu Pass and not south of it. It is surprising that the Government of China persist in refusing to recognise the basic contradiction between their acceptance of the traditional boundary and the watershed principle, which the so-called McMahon Line confirmed, as far as Burma is concerned, and their repudiation of the traditional boundary and that very principle with regard to India.

9. It will be clear from the above that the suggestion that the Government of India are trying to impose their views on others is wholly baseless. It is, in fact, the Government of China who, in total disregard of a well-established boundary alignment continue to claim large areas of Indian territory and seek to impose their changing views and expansionist claims on others. It is not the Government of India who are trying to confuse the issues but the Government of China who, not only seek new boundary settlements and question the validity of traditional boundaries formalised by agreements but continue to exploit every opportunity to expound their recent untenable claims.

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

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 6 August 1961

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 of the Ministry of External Affairs of the Indian Government to the Chinese Embassy in India dated June 16, 1961, has the honour to state as follows:-

The Indian Government continues to insist in its Note on its misinterpretation of the Sino-Burmese Boundary Treaty and the attached maps, arbitrarily asserting that the Treaty and the attached maps had defined Diphu Pass as the western extremity of the Sino- Burmese boundary. An exhaustive answer to this was already made by the Chinese Government in its memorandum of February 21, 1961 and its Note of May 4, 1961 pointing out clearly that the Sino- Burmese Boundary Treaty had not defined the location of the western extremity, i.e., the tri-junction of China, Burma and India and that this was because China and India still differ in their understanding of the eastern section of the Sino-Indian boundary and a settlement through negotiations was yet to be achieved. In its Note, the Indian Government merely indulged in repeating its untenable contentions and no new argument was advanced. Therefore, the Chinese Government holds that the explanations and clarifications it has already made on this question are clear enough and need not to be repeated any more. But, in view of the continued haggling by the Indian Government in its Note, the Chinese Government deems it necessary to stress the two following points:-

(i) Regarding the text of the treaty: Even the Indian Government had to admit in its memorandum of December 30, 1960 that the relevant article "does not specify the exact location of the western extremity of the Sino-Burmese boundary." In its Note of June 16, 1961 itself, the Indian Government, while misrepresenting the Treaty in various ways, could not after all totally disregard the basic fact that in the Treaty there is a clear distinction between the discription of the western extremity and the

specified definition of the south-eastern extremity of the Sino- Burmese boundary.

(ii) Regarding the maps attached to the Treaty: According to the legend Diphu Pass is clearly shown only as a boundary dividing point on the Sino-Burmese boundary and not as its western extremity. This is also an indisputable fact.

In the above mentioned two replies, the Chinese Government has already clearly pointed out that the true traditional customary line in the eastern sector of the Sino-Indian boundary runs in the main along southern foot of the Himalayas, and that the traditional tri-junction of China, India and Burma is not at Diphu Pass much less north of it but is located far south of the Pass. The Indian Government's, allegation that the eastern extremity of the Sino-Indian boundary lies at a point approximately five miles north of Diphu Pass is by no means tenable. As regards the so-called "McMahon Line", the Chinese Government has more than once stated: it was a product of British imperialist aggression against China and has always aroused the great indignation of the Chinese people; it has never been recognised by any successive Chinese Governments, and is therefore illegal and null and void. The Indian Government now asserts again that the Chinese Government has accepted this line, that is all the more a distortion of the facts. The Indian Government further contends that, as the Chinese Government has accepted the watershed principle on the Sino-Burmese boundary question it should not deny the same principle in connection with the Sino- Indian boundary question. This contention is totally groundless. The Chinese Government has repeatedly pointed out that the geographical factor is only one of factors forming the traditional customary boundary line and that the watershed is but one feature of the geographical factor. The Sino-Burmese boundary has been delimited in accordance with various factors through friendly negotiation.

The above mentioned position and view points of the Chinese Government on the Sino-Indian boundary question are consistent and known to all. Here, the alleged self contradiction, change of opinion and expansionism are totally out of the question. Moreover, having regard for the fact that the Sino-Indian boundary has not yet been formally delimited and that there is a dispute between China and India on the boundary question, the Chinese Government has consistently stood for a reasonable settlement with the Indian Government of the question of the boundary between the two countries in accordance with the Five Principles and the spirit of mutual understanding and mutual accommodation and through friendly negotiation. It is regrettable that the Indian Government has all along adopted, on the Sino-Indian boundary question a rigid attitude of refusing to negotiate. It is none other than the Indian Government itself that attempts to impose on others its unilateral expansionist claim. On the question of the western extremity of the Sino-Burmese boundary the Indian Government has further deliberately stirred up a dispute and wilfully distorted the Sino-Burmese Boundary Treaty. It is incomprehensible on what grounds the Indian Government deems its understanding of a treaty concluded to the other countries more authoritative than the explicit explanation of the treaty made by the parties to it. The Chinese Government has to point out once again that the Indian Government's approach of refusing to negotiate and haggling over and over cannot settle any question.

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 Foreign Affairs, Peking, to the Embassy of India in China, 13 September 1961

I am instructed to make the following reply to the note delivered by the Indian Ministry of External Affairs to the Chinese Embassy in India on June 15, 1961:

First of all, the Chinese Government wishes again to draw the attention of the Indian Government to the fact that Chinese is the only authentic language for that part of the Report of the Chinese and Indian Officials on the Boundary Question which was drafted by the Chinese side. The English translation of that part was provided at the request of the Indian side and is merely an unofficial version. Because the translation work was done in a hurry, it was conceivable that there would be some imperfections in it, and the Chinese side reserved the right to revise it afterwards. There was a clear understanding on this question between the officials of the Chinese and Indian sides throughout their meetings.

The revised unofficial English version was provided for the purpose of correcting certain inaccuracies in the previous version and is undoubtedly closer to the sense of the Chinese original. A careful check of the nine changes in the revised version mentioned in the Indian note shows that they are closer to the sense of the Chinese original and do not, as charged by the Indian side, take the meaning beyond what is warranted by the Chinese text. Therefore, the Chinese Government cannot but express its surprise and regret at the totally groundless charge made in the Indian note.

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 19 September 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and with reference to the Note dated August 6, 1961, of the Chinese Ministry of Foreign Affairs have the honour to state that the Government of India have already stated their position in this matter, which is fully supported by factual data and universally accepted principles regarding traditional international boundaries. The Chinese Government have themselves accepted these principles in their boundary agreements with other neighbouring countries. As the Government of India have already elaborated this in great detail in the previous correspondence regarding this matter, they see little purpose in continuing this present exchange.

2. It is of no concern to the Government of India, as contended by the Chinese Government, whether textually or in cartographic representation of the text of the Sino-Burmese Boundary Treaty the western extremity of the Sino-Burmese boundary has been left "undefined". The reason adduced by the Chinese Government for such an incomplete boundary treaty is that China and India differ in their understanding of the eastern sector of the Sino-Indian boundary. This is an unwarranted misrepresentation of the position of the Government of India in regard to this matter. The Government of India are not aware of any doubts affecting this or any other sector of India's boundary with China.

3. The Chinese note, which purports to be a full reply to the previous Indian note, offers no comment on the implication and validity of the first sheet of the Chinese map attached to the Sino-Burmese Boundary Treaty captioned "Map Showing the Entire Boundary between Burma and China." The Government of India have also not found the legend which is said to show the Diphu Pass as a 'dividing point' on the Sino-Indian boundary. Had such a legend been shown on the map, the

Government of India would have been constrained to disregard and consider as void such an infringement of their own territory, and, in exercise of their inherent right of self-defence, adopt necessary and appropriate measures for the protection of the territories of the Indian Union.

4. It is a travesty of history for the Chinese Government to assert that the traditional Indian boundary, which has been well-known and recognized for centuries, is a product of British Imperialism. In fact, it is the Chinese Government who have, during the last few years, shown aggressive designs and imperialist ambitions by un- authorizedly occupying large areas of Indian territory in violation of the solemnly agreed Panch Sheel principle of respect for each others territorial integrity. It is this aggression by China on Indian territory that is the cause of differences between India and China.

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

Memorandum given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 28 September 1961

Reference the Note handed over to Shri P. K. Banerjee, Charge d' Affaires, Indian Embassy, Peking, by Mr. Chen Tze-pisy, Vice- Director, Asian Division of the Chinese Ministry of Foreign Affairs of the People's Republic of China on 13th September 1961 regarding the Officials' Report on the boundary question drafted by the Chinese side and the English translation thereof.

While it is indisputably correct that the Chinese text of the aforesaid Report is the authoritative one, the Government of India do not accept the view that the revised unofficial English translation of the Chinese text is closer to the sense of the Chinese original in every instance. In regard to 9 changes introduced therein to which the attention of the Chinese Government was drawn, the meaning conveyed alters the sense of the original. However, the Government of India recognise that there is, in this matter, a difference of opinion between the two sides.

Note given by the Ministry of Foreign Affairs Peking, to the Embassy of India in China, 10 December 1960

The Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Embassy of India in China and, with reference to the note that the Indian Ministry of External Affairs delivered to the Chinese Embassy in India on October 24, 1960, has the honour to state as follows:

The Chinese Government notes that the Indian Government still persists in its totally groundless charges, although the Chinese Government has repeatedly declared that no Chinese aircraft has intruded into Indian air space, pointed out the fact that U.S. aircraft were discovered on the Sino-Indian border, and suggested that both sides should maintain vigilance against crossings of the border of the two countries by unidentified aircraft. The Chinese Government cannot but express its surprise and regret at this. In its note, the Indian Government asserts that it finds it difficult to believe that the planes which violated Indian air space were based anywhere other than on Chinese territory. It is needless to point out that, on the same logic, the Chinese Government could also have charged that all unidentified aircraft which crossed the

Sino-Indian border to intrude into Chinese air space were Indian aircraft, yet it has not made such an unwarranted charge.

The result of investigations undertaken by the Chinese Government on the basis of the times and places provided in the note of the Indian Ministry of External Affairs shows that the charges of intrusion of Indian air space by a Chinese helicopter and entry of Indian territory by two armed Chinese personnel were totally groundless. As a matter of fact, no flight of Chinese aircraft or patrol of armed Chinese personnel ever took place at the times and places mentioned in the Indian note. Therefore, the Chinese Government rejects the charge made by the Indian Government about the Chinese Government allegedly violating the understanding reached by the Prime Ministers of the two countries.

The Chinese Government once again states that no Chinese aircraft has ever crossed the Sino-Indian boundary and expresses the hope that the Indian Government, like the Chinese Government, would maintain vigilance against the crossing of the boundary of the two countries by foreign aircraft. Should India discover any unidentified aircraft in its border air space, the Indian Government is fully entitled to take any counter-measure and need not make any inquiry of China.

The Ministry of Foreign Affairs 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 Dew to the Embassy of China in India, 13 February 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and have the honour to bring to the notice of the Embassy the following violations of Indian air space by Chinese aircraft:-

(i) On November 8, 1960 a Chinese aircraft flew over Chung-thang in Sikkim (2740° N and 8835° E) from 1200 hours to 1226 hours;

(ii) On December 24, 1960, a Chinese aircraft flew over Ukhimath (3032° N, 7905° E) at 0903 hours.

2. The Government of India protest once again against violations of Indian air space by Chinese aircraft. It is once again requested that the Government of China instruct its subordinate authorities not to violate Indian air space, as such violations can easily lead to serious consequences.

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

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 25 February 1961

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 February 13, 1961, has the honour to reply as follows:

The Chinese Government has found through investigation that the allegation made in the note of the Indian Ministry of External Affairs that Chinese aircraft had twice flown into the territorial air of India and Sikkim respectively is groundless, as no flight of Chinese aircraft was made at the time over the places mentioned in the note. It may be recalled that even Prime Minister Nehru admitted in his speech before the Indian Lok Sabha on February 17 that the Indian Government had not identified the nationality of the aircraft in the alleged two flights. The Indian Government, on the mere basis of presumption, supposed the aircraft to be Chinese and went to the length of lodging a protest with the Chinese Government. This attitude cannot be regarded as correct and friendly. The Chinese Government rejects the protest of the Indian Government and cannot but express regret at the attitude taken by the Indian Government.

The Chinese Government once again declares that no Chinese aircraft has ever flown across the Sino-Indian border and that, in case India discovers any unidentified aircraft in the territorial air over its border areas, the Indian Government has every right to deal with the matter without having to make any enquiries of the Chinese Government.

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 29 April 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and have the honour to bring

to their notice the following violation of Indian air space by a Chinese aircraft.

On March 17, 1961, a Chinese aircraft was observed flying over Askote (8020E, 2945N), Joshimath (7940 E, 3035N) and Badrinath (7930 E, 3045N), from about 1015 hours to 1100 hours.

The Government of India lodge an emphatic protest against the repeated violations of India's air space by Chinese aircraft and reiterate their request that the Government of China instruct their subordinate authorities not to indulge in such violations.

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 Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 2 June 1961

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 April 29, 1961, has the honour to reply as follows:

The Chinese Government has made a detailed investigation into the alleged flight of a Chinese aircraft over Indian territory on March 17 referred to in the note of the Indian Ministry of External Affairs. The results of the investigation show that the allegation is completely groundless and that no flight of Chinese aircraft took place at the time

and place mentioned in the note. Reference may be made to the fact that even Mr. Krishna Menon, the Indian Minister of Defence, admitted before the Indian Lok Sabha on May 4 that the Indian Government failed to identify the nationality of the said aircraft. The Indian Government has more than once imprudently made protests against the Chinese Government before any verification is made; this attitude cannot be regarded as correct and friendly. The Chinese Government categorically rejects the utterly groundless protest lodged by the Indian Ministry of External Affairs in its note of April 29 and deeply deplores such an unjustified attitude.

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

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 2 June 1961

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 three recent incidents of Indian aircraft encroaching upon China's territorial air, has the honour to state as follows:

1. On April 26, 1961, at 12.57 hours, an Indian airplane intruded into the air space over Dehra Village (approximately 34° 55' N, 78° 41' E) in the south-west of the Sinkiang Uighur Autonomous Region, China, at an altitude of approximately 3,000 metres, and circled three minutes over there for the purpose of reconnaissance.

2. On April 27, 1961, at 9-40 hours, an Indian airplane intruded into the air space over Kota Village (approximately 34° 29' N, 78° 55' E)

Shamal-Lungpa (approximately 34° 29' N, 78° 55' E) and other places in the south-west of the Sinkiang Uighur Autonomous Region, China, at an altitude of approximately 1,000 metres, and circled seven minutes over there for the purpose of reconnaissance.

3. On May 3, 1961, at 10.00 hours, an Indian airplane intruded into the air space over Height 5819 (approximately 35° 27' N, 78° 09' E) in the southwest of the Sinkiang Uighur Autonomous Region, China, at an altitude of approximately 300 metres, and circled as long as thirty minutes over there for the purpose of reconnaissance.

Such repeated incidents of Indian aircraft encroaching upon China's territorial air cannot but be regarded as deliberate provocations and as a menace to peace in the area along the border between the two countries. In regard to this, the Chinese Government lodges a serious protest with the Indian Government and demands that it immediately adopt effective measures to prevent the recurrence of similar incidents in the future.

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 16 June 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and with reference to Note dated 2nd June, 1961, handed over to the Indian Embassy in Peking by the Chinese Ministry of Foreign Affairs, have the honour to state that the allegations contained in the Note about violations of Chinese air space are without any foundation. Indian aircraft are under strict instructions to

limit their operations within Indian territory, and on no account to encroach on the territories of others. The Government of India are unable to give credence to these baseless reports and are surprised that the Government of China should have thought it fit not only to lodge a protest against imaginary violations of their air space but also to describe them as "deliberate provocations".

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 22 June 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and with reference to the Note dated 2nd June, 1961 handed over to the First Secretary of the Indian Embassy in Peking by the Chinese Ministry of Foreign Affairs regarding an intrusion into India's air space by a Chinese aircraft on 17th March, 1961 have the honour to state that the reply given by the Chinese Government is unsatisfactory and evasive. As usual the reply seeks to draw support from an official statement, this time ascribed to India's Defence Minister, which the later never made. On 4th May, 1961 in reply to a starred question in the Lok Sabha India's Defence Minister stated that a Chinese aircraft had violated India's air-space inspite of earlier protests which had been lodged by the Government of India. The Government of India would again express the hope that the Government of the People's Republic of China would exercise the necessary authority to restrain Chinese aircraft from violating India's air-space.

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 5 July 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and have the honour to bring to the notice of the Embassy the following further violations of Indian air space by Chinese aircraft:

(1) On May 26, 1961, at about 21.45 hours, an aircraft flew over Kalapani (8055 East 3015 North).

(2) On May 31, 1961, at about 20.45 hours, an aircraft flew over Kalapani (8055 East 3015 North).

(3) On June 2, 1961, at about 21.30 hours, an aircraft flew over Gunji (8052 East 3012 North).

(4) On June 3, 1961, at about 21.00 hours, an aircraft flew over Gunji (8052 East 3012 North).

In lodging a firm protest against these repeated air violations of Indian air-space, the Government of India would again urge the Government of People's Republic of China to warn all Chinese aircraft to cease forthwith violating Indian air-space as such unlawful activity could lead to grave consequences.

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 Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 12 August 1961

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 state as follows:

In the recent period, Indian troops, personnel and aircraft repeatedly encroached on Chinese territory and territorial air in China's border areas and even openly made armed provocations. The Chinese Government now points out the following serious cases:

(1) About 12.00 hours on July 9, 1961, thirty odd armed Indian military men approached the traditional customary boundary line to the west of Spanggur in China's Tibet Region. Nine of the Indian military men intruded into Chinese territory at different times and reached a point approximately 33° 36' N, 78° 46' E, and jointly with other Indian Military men staying outside of Chinese territory, they, unprovoked, fired thirteen shots towards Chinese territory. About 16.30 hours on the same day, two more armed Indian military men intruded into Chinese territory and reached a point approximately 33° 35' N, 78° 47' E. It was not until about 17.00 hours on that day that all the Indian military men who had illegally crossed the border withdrew.

(2) Since last April, Indian troops, starting from their illegally occupied Parigas which is situated in China's Demchok area, continually

pushed further into Chinese territory, and expanded the area of their unlawful patrol to include Cuje sheepfold (approximately 32° 41' N, 79° 26' E) and Rato (approximately 32° 42' N, 79° 29' E). In May, Indian troops went so far as to illegally set up a checkpoint at Oga (approximately 32° 50' N, 79° 26' E). More recently, on July 5, thirty odd Indian military men carrying light and heavy machine-guns and other weapons came on unlawful patrol to Kargo (approximately 32° 40' N, 79° 28' E), and on July 22 they penetrated still deeper to Charding La (approximately 32° 32' N, 79° 24' E) for unlawful patrol.

(3) Between July 21 and 22, 1961, six Indian military men carrying weapons, starting from Indian illegally occupied Tsungsha area of China, crossed Thaga Pass and penetrated deeply into a place about one kilometre southeast of China's Salan (approximately 31° 31' N, 79° 09' E) and carried out reconnaissance.

(4) Last June, some fifteen Indian official personnel, carrying a receiver-transmitter set, intruded again into China's Wu-je area and stationed there to carry out unlawful activities.

(5) Indian aircraft repeatedly encroached on Chinese territorial air. The instances of encroachment are as follows:

(a) On May 19 and about 10.00 hours on May 20 respectively, an Indian airplane intruded into the air space over Chiakang (approximately 32° 54' N, 79° 37' E) of China's Tibet Region for the purpose of reconnaissance.

(b) About 11.00 hours on June 3 and at 10.48 hours on July 15 respectively, an Indian airplane, flying from the direction of the Tinruzhe airfield on the Indian border, intruded into the air space over Digra (approximately 33° 33' N, 78° 53' E) of China's Tibet Region for the

purpose of reconnaissance. Afterwards, it flew back in the direction of the Tinruzhe airfield.

(c) At 12.45 hours on June 9, an Indian airplane, flying from the direction of Murgg of India, intruded into the air space over an area of China's Sinkiang (approximately at 35° 19' N, 78° 12' E) for the purpose of reconnaissance. Afterwards, it flew back along the Chipchap River in Chinese territory.

(d) About 09.00 hours on June 8 and at 12.11 hours on July 17 respectively, an Indian airplane, flying along the Subansiri River, overflowed Migyitun (approximately 28° 40' N, 93° 37' E) in China's Tibet Region and further intruded into the air space over Yalop (approximately 28° 44' N, 93° 19' E) for the purpose of reconnaissance; thence it flew back by the same route.

The above-mentioned activities of the Indian side have gravely encroached on the territory, territorial air and sovereignty of China, and once again caused the tension in the border areas. The Chinese Government is consistently devoting itself to maintaining the *status quo* of the boundary and keeping tranquility along the border so as to facilitate the peaceful settlement of the boundary dispute between the two countries, and all the Chinese frontier outposts, for this purpose, are continuing to desist from sending out patrol parties. The Indian side, on the contrary, taking the goodwill of China for a sign of weakness, has wilfully carried out armed provocations and expanded its illegally occupied areas in the Chinese border region. The Chinese Government cannot but lodge a serious protest against this and point out that such practice may lead to serious consequences. The Chinese Government asks the Indian Government to order the immediate withdrawal of all the Indian troops and other official personnel who have crossed the border and adopt effective measures to prevent the recurrence of similar incidents.

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 Foreign Affairs, Peking, to the Embassy of India in China, 21 August 1961

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 notes handed to the Chinese Embassy in India by the Indian Ministry of External Affairs on July 5 and June 22, 1961, respectively, has the honour to state as follows:

1. In its note of July 5, 1961, the Indian Ministry of External Affairs asserted that from May 26 to June 3, Chinese aircraft allegedly flew over Kalapani and Gunji, twice over each. The Chinese Government has satisfied itself through investigation that no flight of Chinese aircraft took place at the time and place mentioned in the note. The Chinese Government categorically rejects the protest of the Indian Government in regard to the alleged intrusion into Indian air space by Chinese aircraft, and deeply deplores such a totally groundless charge made by the Indian Government.

2. The Chinese Government has noted that in the note of June 22, 1961, the Indian Ministry of External Affairs, ignoring the statement made by the Chinese Government in its note of June 2, 1961 to the effect that no Chinese aircraft flew over Indian territory, persisted in its unjustified charge and did its utmost to argue away the statement made by the Indian Minister of Defence in India's Lok Sabha on May 4. The Chinese Government draws the attention of the Indian Government to the report

carried by India's official news agency the Information Service of India on May 5 which unequivocally said: "There was further violation of Indo-air space by aircraft suspected to be Chinese on March 17 last, Defence Minister V. K. Krishna Menon informed Lok Sabha May 4." This passage clearly shows that the aircraft which was in "violation of Indo-air space" was merely "suspected" and not identified as Chinese aircraft. Thus, the arbitrary assertion made by the Indian Ministry of External Affairs in its notes of April 29 and June 22 that an alleged Chinese airplane intruded into India's air space is contradictory to the statement of the Indian Minister of Defence. The Chinese Government cannot but express once again its regret at the fact that the Indian Government keeps making imprudent charges against the Chinese Government without finding out the facts.

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 31 October 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and with reference to the Chinese Ministry of Foreign Affairs Note (No. 61) PU Yi Ya tzu No. 648, dated August 12, 1961, handed over in Peking to the Charge d'Affaires of the Indian Embassy have the honour to state as follows:

2. Despite a searching enquiry into the allegations about encroachments into Chinese territory and violations of Chinese air space by Indian armed personnel and aircraft including an on-the-spot survey, Government of India have not discovered a single instance where Indian

forces or aircraft transgressed into Chinese territory. The existing border establishments of the Government of India are well within Indian territory unlike a number of border posts of the Chinese Government unlawfully established on Indian territory in Ladakh. Indeed, according to recent reports, Chinese troops have made further inroads into Indian territory.

3. The specific allegations of intrusion mentioned in the Chinese note are dealt with below:-

Allegation I: At about 1200 hours on July 9, 1961 thirty-odd armed Indian personnel allegedly approached the traditional customary boundary line to the west of Spanggur in China's Tibet region etc.

Comments: The customary boundary line, as the Chinese should be well aware, does not run to the west of Spanggur but cuts across the eastern part of the Spanggur lake. It follows that had nine Indian Army men reached a point approximately 3336 N, 7846 E, which is not a fact, they would have been 10 miles west of the Indian boundary. It has been further alleged that about 1630 hours on the same day two armed Indian personnel reached a point approximately 3335 N, 7847 E, and while this too is factually incorrect, had it been so, the two men would have been still well within the customary boundary line. All the locations mentioned in paragraph I of the Chinese protest note are on the Indian side of the international border and demarcated so in Indian maps. The allegation that Indian troops are intruding when they go to a part of the Indian territory is manifestly absurd. As to firing by Indian armed personnel on Indian territory, on careful examination, it has been established that no shots were fired from or near the locations in Indian territory mentioned in the note.

Allegation II: The Chinese note alleges that Indian troops have recently "pushed further into Chinese territory" in the Demchok area and patrolled up to the Guje sheepfold and Rato, etc.

Comments: Both Demchok and the other locations mentioned in the Chinese note are well within India's international border in this sector. The Chinese note refers to the setting up of a checkpost at Oga. The Ministry do not see why the Government of China should have any concern with measures India adopts inside her territory for the defence of Indian territories. As regards patrolling up to Kargo and Charding La, while Kargo is well within Indian territory, Charding La is on the border, and has been under Indian control for several years. The Chinese Government would appreciate that it is illogical to expect the Government of India to leave their territories unprotected to facilitate Chinese incursions, and indeed unlawful occupation by the Chinese has already occurred in wide areas of India's Ladakh.

Allegation III: Six Indian armed personnel crossed Thagala and penetrated up to 1 kilometer deep south-east of Salan for reconnaissance etc.

Comments: Nilang which is called Tsungsha in the Chinese note has been a part of India for many years. It is several miles south of the border pass of Thagala. Detailed enquiries have revealed that no Indian patrol crossed the Indian border pass of Thagala or any other part of the international frontier in this sector.

Allegation IV: Last June, some fifteen Indian personnel intruded into the Wuje area etc.

Comments: It would be recalled that, in the discussions held on August 19, 1958, on Barahoti—which the Chinese call Wuje— between the Chinese and Indian delegations, it was mutually agreed that the two sides would refrain from sending armed personnel to Barahoti, while the area remained in dispute. The Indian side had further proposed that the civil

authorities of either country should not extend their jurisdiction over Barahoti until the dispute had been finally settled. This suggestion was not found acceptable to the Chinese side. The Government of India have therefore been continuing to send their civil officials to Barahoti just as they used to do before in exercise of their traditional jurisdiction.

Allegation V: Violations of Chinese territorial air by Indian aircraft.

Comments: The Government of India, after a very thorough investigation, are in a position to assert positively that no Indian aircraft was involved in the flights mentioned in the Chinese note. However, the Government of India must enter a caveat to the unfounded Chinese claim that the air space over Digra and the point 35.19 N and 78.12 E [(b) and (c) of paragraph 5 of the Chinese Note] are Chinese. These locations are in Indian territory, so is the Chip-chap river. If, as it seems from the Note, the Chinese are establishing posts on this river the Government of India must denounce this further incursion into Indian territory.

4. It is surprising that the Chinese Government should draw up a list of, groundless allegations against the Government of India based on false assumptions and imaginary provocations and conclude therefrom that the activities of the Indian side have "once again caused tension in the border areas". The facts are clear and they clearly establish that the tension in the border areas is caused by acts of transgression committed by the Chinese.

5. As late as December 17, 1959, H.E. Premier Chou En-lai writing to the Indian Prime Minister had, *inter alia*, said that "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 (Ladakh-Tibet/Sinkiang) ". The Chinese forces consolidated their hold on that line in 1959-60. Since then, however, aggression is being added to aggression and instances of China's misbehaviour against a

neighbour bound to her by the Five Principles of co-existence are increasing.

6. It is not true that the Chinese 'are continuing to desist from sending out patrol parties'. Nor is there any factual basis for the assertion that the 'Chinese are devoting themselves to maintenance of the status quo'. There are reports of intensive Chinese patrolling on the frontier, of numerous incursions into Indian territory, of new military roads close to the frontier in the middle and eastern sectors and deep inside Indian territory under unlawful Chinese occupation in the western sector and new army posts closer to the border than those of 1959. Of instances of recent Chinese intrusions into Indian territory, some are cited below:-

Western sector

- (1) In April 1960 Chinese military personnel posted at Khurnak Fort patrolled the Suriah (E. 7852, N. 3347) area inside Indian territory.
- (2) A Chinese survey party visited Suriah on June 25, 1960, and returned towards Khurnak Fort the same day.
- (3) On October 13, 1960 two mounted Chinese soldiers were seen about 1 1/4 miles east of Hot Springs (E 7857/N 3419).
- (4) Four Chinese soldiers were seen at MR. E. 7901, N. 3417, about five miles from Hot Springs in the second week of October, 1960.
- (5) Sometime in May 1961, the Chinese intruded into Indian territory near Chushul at MR E. 7848, N. 3331. A section of Chinese troops was also seen on May 22, 1961 towards the east of this location.
- (6) A Chinese patrol intruded into Indian territory at MR E. 7758, N. 3523 near Dauletbeg Oldi sometime in the autumn of 1960.

Middle sector

- (7) On September 22, 1960, a Chinese armed patrol party consisting of one officer and ten soldiers crossed the Sikkim- Tibet border near Jelepla and came 200 yards inside Indian territory.

(8) On April 20, 1961, an Indian army patrol at Jelepla noticed three Chinese wearing khaki uniforms, approximately 80 yards within Indian territory.

(9) On September 12, 1961, 12 Chinese armed personnel in blue uniforms came 100 yards inside Indian territory from Jelepla.

Eastern sector

(10) On June 3, 1960, a Chinese patrol party consisting of 25 soldiers intruded four miles within Indian territory and came to Taksang Gompa (E. 9150, N. 2745).

(11) In the first week of July 1961, a Chinese patrol entered a point about one mile west of Chemokarpola in Kameng Frontier Division.

As against these, there is not one instance of Indian intrusion into Chinese territory.

7. This is not all. Reports received in August-September 1961 show that the Chinese forces have spread even beyond the 1956 Chinese claim line in Ladakh to establish the following new posts, and that they have constructed roads to link these posts with rear bases:-

Post at E. 78.12, N 35.19.

Post at Nyagzu.

Post at Dambuguru.

These fresh instances of violation of Indian territory by the Chinese establish conclusively that the Chinese are guilty of further aggression against India and their protestations to the contrary are only a cloak to cover up these renewed incursions and aggressive activities.

8. The Government of India reject the Chinese note of protest, dated August 12, 1961, and urge on the Government of China to stop further incursions into Indian territory and withdraw from areas of Indian territory illegally occupied by Chinese forces.

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 9 November 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China in India and with reference to the note handed over to the Indian Embassy in Peking by the Ministry of Foreign Affairs of the People's Republic of China on August 21, 1961, have the honour to state as follows:-

While the Government of China have rejected in their present note India's protest against violations of Indian air space by Chinese aircraft between May 26, 1961 and June 3, 1961, it may interest the Chinese Government to know that the Government of India satisfied themselves prior to lodging their protest that the aircraft concerned were of Chinese origin. The Government of India are unable therefore, to accept the Chinese contention that the charge was 'totally groundless', and would request the Chinese Government again to issue appropriate instructions to all concerned to cease indulging in these violations of Indian air space which could lead to unfortunate consequences.

In the note, dated August 21, 1961, a reference has been made to this Ministry's note dated June 22, 1961 in reply to the Chinese note of June 2, 1961. It is apparent that the Government of China are still relying on a mis-quotation from the Defence Minister's reply in Parliament to counter the facts of the case. The Chinese note now refers to a report carried by

the Information Service of India on May 5, in its morse transmission. As already pointed out in this Ministry's note dated June 22, 1961, the Defence Minister replying to a question in Parliament on May 4, 1961, said that Chinese aircraft had violated Indian air space in spite of earlier protests lodged by the Government of India. The question and the answer given to it was in Hindi. The Press Trust of India mistranslated the answer, and the Information Service of India which gathers its material from news agencies among other sources carried this mistranslation in its transmission of May 5, 1961. There is, therefore, no material support for the Chinese contention in the Defence Minister's statement in Parliament on May 4, 1961.

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

Note given by the Embassy of India in China to the Ministry of Foreign Affairs, Peking, 26 November 1960

The Embassy of India presents its compliments to the Ministry of Foreign Affairs of the Government of the People's Republic of China, and has the honour to refer to a most unpleasant and serious incident which took place on the special train on the return journey of the Diplomatic Corps from Shaosin to Peking. The members of the Diplomatic Corps entertained at Shaosin at 6 p.m. on Monday, November 21, 1960. At about 11.30 p.m. the Ambassador of India was asked to see the Acting Director of Protocol who was accompanying the diplomats. The Acting Director alleged that at 6.40 p.m. that evening the Ambassador's Private Secretary, Mr. Sundaram, had "misbehaved" towards a Chinese girl attendant in the corridors of the train and had tried to embrace her. He

further alleged that the girl had freed herself from Mr. Sundaram and Mr. Sundaram had then run away from the scene of the alleged incident. The Acting Director stated that the personnel of the train were indignant over what he called the "misbehaviour" of a member of the Indian Embassy who was also concurrently the Ambassador's Private Secretary. The Acting Director wanted the Ambassador to "educate" his Secretary and ensure that no repetition of the alleged incident would occur. The Ambassador expressed shocked surprise at the grave charge made against his Private Secretary Mr. Sundaram, and said that Mr. Sundaram was a happily married sober young man whose conduct had always been above reproach. The Ambassador added however that he would make enquiries.

Next morning (Tuesday November 22nd) the Ambassador spoke to Mr. Sundaram about the charge made against him. Mr. Sundaram was astonished and said that he had not been near a Chinese girl on the train, or at any time during the diplomatic trip. He added that the charge was fantastic and was a complete fabrication. He gave the Ambassador a detailed account of his movements on the previous evening and said that from 6.15 p.m. to 7.20 p.m., and consequently at the time of the alleged incident, he was sitting in another compartment along with six or seven others. At about 7.20 p.m. he left the compartment, along with the others, to take his dinner in the dining car. On checking all the facts given by Mr. Sundaram, the Ambassador was quite satisfied that the charge was completely false. The Ambassador then went to the Acting Director of Protocol at 10 a.m. and informed him of the result of his investigation. The Acting Director said that he regretted that Mr. Sundaram had flatly denied the charge and that the Ambassador "accepted the denial" and "repeated it" to him. The Acting Director again said that the leading man and the train personnel were indignant over the incident and wanted to know what action was being taken. He proposed that the alleged "victim" and Mr. Sundaram should be confronted with each other and their

respective versions obtained. On this occasion the Acting Director added that there had been an eye-witness to the incident, although he had made no mention of any witness to the alleged incident when he had talked to the Ambassador the previous night. The Ambassador pointed out that there were difficulties in carrying out such an investigation on a running train carrying the entire Diplomatic Corps. He also added that he had no Chinese knowing person with him who could check on what was being said by the supposed "victim" and eye-witness and who would also ensure that what Mr. Sundaram said was being properly interpreted. The Ambassador however said that he would think over the matter.

After dinner that evening, the Ambassador met the Acting Director again and told him that he could not accept an investigation on a running train. He pointed out that joint investigations of such a nature could be carried out only under proper conditions, with both sides having full facilities for presenting their respective cases. The Ambassador added that if an investigation was insisted upon, it could be carried out in Peking where each side would have the services of its own interpreters. The Acting Director regretted the Ambassador's decision not to agree to an immediate investigation and also regretted what he called the Ambassador's "judgment" in accepting Mr. Sundaram's version. The Acting Director added that he would convey the Ambassador's decision to the train personnel whose indignation, he said, would thereby increase. He further stated that he would not be responsible for any unpleasant incident that might take place as a result of "their increased indignation". The Ambassador protested strongly against the Acting Director's attempt to intimidate him and reminded the Acting Director that he and members of his party were the guests of the Chinese Foreign Office.

Half an hour later, that is at 11.30 p.m. Mr. Kallukaren, the Indian Press Attache, who was sharing the compartment with Mr. Sundaram, rushed into the Ambassador's compartment and informed him that Mr. Sundaram

had been dragged out of his compartment by members of the Protocol Department to the place of the alleged incident where a group of train personnel was demonstrating against him. The Ambassador and his wife went to the place where Mr. Sundaram was being heckled and shouted at, by a group of train personnel, with Foreign Office interpreters translating the abuses and repeatedly calling Mr. Sundaram "Rascal!, Rascal!" They were also shouting at him most violently: "Admit it! Admit it! Admit it!" One of them went so far as to shout, according to the Protocol interpreter himself, "What sort of an Indian Ambassador who will not take a responsible attitude!" The alleged "victim" and eye-witness were there but the militant demonstration was entirely carried on by another girl and a man who were assisted by Protocol interpreters. Mr. Sundaram was completely hemmed in and subjected to abuse and humiliation, physically debarred from leaving the spot and practically imprisoned, since the Chinese party had taken care to lock the door in front of which he was standing. The demonstrators were adopting an increasingly threatening and violent attitude, when the Ambassador and his wife arrived on the spot. The latter reminded the demonstrators that the Ambassador and his party were the guests of the Chinese Government and that their behaviour was not in keeping with their position as hosts. They also reminded them that earlier on, the Ambassador had already told the Acting Director that he was agreeable to having an investigation held in Peking and that therefore this demonstration was completely unjustified. The staff of the Protocol Department, who were on the spot and in the vicinity, did nothing to pacify the demonstrators. On the other hand they encouraged them, repeating to the bystanders their version of the alleged "misbehaviour". The Ambassador and his wife, however, were able to rescue Mr. Sundaram from the yelling and gesticulating crowd and take him to their compartment. There is no doubt that Mr. Sundaram would have been assaulted but for the Ambassador's intervention. As the Ambassador, his wife and Mr. Sundaram were walking back to their compartment, the Acting Director and the Deputy Director of the Protocol

Department, who had also been near the scene throughout this unruly demonstration, were returning to their compartment just ahead of the Ambassador.

Though by then it was midnight, the Ambassador walked across to the bogey where the Vice-Minister of Foreign Affairs, His Excellency Mr. Lo Kwei-po, was seated with his staff, obviously getting a report of the demonstration. The Ambassador made a very strong protest against the unruly and unseemly demonstration which had just taken place and the insult deliberately offered to the Indian Embassy. The Ambassador reminded the Vice-Minister that he had already expressed his agreement to an investigation in Peking under proper conditions, and was therefore all the more shocked and surprised that the train personnel had taken the law into their own hands, and had been assisted in doing so by officials of the Foreign Office. The Ambassador said he refused to believe that the demonstration could not have been controlled by the officials of the Foreign Office. The Vice-Minister said that he would not accept the Ambassador's protest and commended what the demonstrators had done, saying that "their action was right". He added that the demonstration was not an insult to the Indian Ambassador but a protest against the "misbehaviour" of Mr. Sundaram. He also said that in not having agreed to an immediate investigation on the running train, the Ambassador had shown an "unfriendly attitude". The Ambassador repudiated what the Vice-Minister said and pointed out that joint investigations in such cases had to be carried out under proper conditions and that the Chinese proposal to render summary justice on the spot, by holding an immediate investigation, was neither fair nor acceptable to him.

The Government of India are shocked at this incident and have directed their Ambassador to lodge a strong protest against the violent demonstration of the train personnel, actively assisted by officials of the Chinese Foreign Office, in dragging a member of the Indian Embassy out

of his compartment on a running train and in subjecting him to violent threats, insults and humiliation in its corridors. The Government of India are shocked that the train personnel were allowed to take the law into their own hands, in spite of the assurance given by the Ambassador of India, that he would agree to a joint investigation on returning to Peking. The Government of India strongly feel that the incident was specially deplorable, because of the presence, not only of senior officials of the Chinese Foreign Office on the train, but also of the Vice-Minister for Foreign Affairs, His Excellency Mr. Lo Kwei-po. The Ambassador of India and his party were guests of the Chinese Government and it is incredible to the Government of India, that the subordinate staff of the train could have been allowed to take the law into their own hands in thus insulting them. The Government of India strongly protest against the whole incident which was deliberately designed to insult the Indian Embassy and bring it into disrepute.

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

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 10 December 1960

The Ministry of Foreign Affairs of the People's Republic of China has read the note of the Ministry of External Affairs of India delivered to the Chinese Embassy in India on May 17, 1960 and has the honour to reply to this note as well as the memoranda of the Indian Embassy in China, dated August 25, 1959 and September 17, 1959, the note of the Ministry of External Affairs of India, dated October 26, 1959 and its informal note of April 25, 1960 as follows:

1. In the above-mentioned memoranda and notes, the Indian Government said that Indian traders allegedly encountered difficulties and restrictions in China's Tibet region, and claimed that certain proper measures and regulations of the Tibet region of China had altered or violated the so-called "customary practice" in trade between the Tibet region of China and India, and on this basis made a series of charges against and demands on the Chinese Government. Having made a serious check on all the cases mentioned in the above memoranda and notes, the Chinese Government deems it necessary to point out that the charges made by the Indian Government against the local authorities of the Tibet region of China are groundless, and the many demands made by the Indian Government are also unacceptable to the Chinese Government.

2. In the above-mentioned memoranda and notes, the Indian Government repeatedly objected to certain regulations and measures adopted by the local authorities of the Tibet region of China, charging that they had altered or violated the so-called "traditional pattern of trade" or "customary practice" in trade between the Tibet region of China and India. The Chinese Government rejects this charge. What the Indian Government means by "customary practice" is mainly that Indian traders may make trade payments in Indian rupees, Tibetan coins or Chinese silver dollars. It must be pointed out that there are no provisions at all on trade payments in the Sino-Indian Agreement on Trade and Inter-course between the Tibet Region of China and India of April 1954. Article I1 of the Agreement specifies the places where traders of both sides known to be customarily engaged in trade may trade. Article IV specifies the routes by which traders of both sides travel. Paragraphs 1, 2 and 3 of Article V provide that traders of both sides or inhabitants of the border districts of the two countries or porters and mule-team drivers who perform necessary transportation services need not hold passports issued by their own country in travelling across the border. Obviously, there are in the Agreement no provisions on matters concerning trade itself such as

payment. Needless to point out, these matters should be dealt with in accordance with the regulations and measures in force of the local authorities of the Tibet region of China. In its note the Indian Government also referred to Paragraphs 1 and 4 of Article VII of the Sino-Indian Trade Agreement of October 14, 1954 as a "reason" for making demands on the Chinese Government. True paragraph 1 of Article VII stipulates: All commercial and non-commercial payments between the People's Republic of China and the Republic of India may be effected in Indian rupees; and paragraph 4 stipulates: Payments for border trade between the People's Republic of China and the Republic of India, however, will be settled according to the customary practice. It must be pointed out that concerning trade between the Tibet region of China and India, there is a specific provision in Article V of the Sino-Indian Trade Agreement, which stipulates that the above-mentioned trade will be conducted in accordance with the provisions of the Sino-Indian Agreement on Trade and Intercourse between the Tibet region of China and India of April 1954. As pointed out above, there are no provisions at all on trade payments in this Agreement. It is, therefore, groundless for the Indian Government in the abovementioned memoranda and notes to insist that Indian traders in the Tibet region of China effect trade payments in Indian rupees, Tibetan coins or Chinese silver dollars. And the Chinese Government cannot agree to this.

3. After the quelling of the rebellion and the carrying out of democratic reforms in the Tibet region of China, the local authorities of the Tibet region of China, in the light of specific conditions and actual needs, have introduced certain necessary financial and economic reforms, such as the exchange of the Tibetan currency into Jen Min Pi, with a view to stabilising finance and bringing about economic prosperity. This currency reform is purely a matter within the scope of China's sovereignty and no foreign country has any right to interfere with it. All foreign nationals and traders without exception are obliged to observe the relevant laws and

regulations of the country in which they reside. The Indian Government in its memorandum of August 25, 1959 went so far as to describe this currency reform which is purely a domestic measure of China's as "arbitrary measures". This shows that the Indian Government not only fails to understand correctly the great significance of the currency reform introduced by the local authorities of the Tibet region of China, but also tries deliberately to interfere in China's internal affairs. The Indian Government demands that Indian traders be permitted to take to India Tibetan coins and Chinese silver dollars, and further asks that no difficulties should be placed in the way of remittance of profits of the Indian traders from Tibet to India, or that it should be allowed "without any conditions". It must be pointed out that monetary measures are matters within the scope of a country's sovereignty. The Chinese Government cannot accept these demands of the Indian Government. The regulation that Indian traders applying for foreign exchange must undertake goods of equivalent value has been in force for many years. Furthermore, this is also a matter of sovereign right exercised by a country in foreign exchange management in which no foreign country has the right to interfere.

4. The Indian Government, in the above-mentioned memoranda and notes, also mentioned other so-called "difficulties" encountered by Indian traders. These, too, are groundless. The Indian Government alleged that the commission of two per cent had been doubled. The Chinese Government has been satisfied that this is absolutely untrue. The local authorities of the Tibet region of China did suggest in the spring of 1959 that certain Indian traders in Western Tibet take back to India their unsold merchandise; this was done entirely out of consideration for protecting the security of the Indian traders' merchandise. However, the local authorities of the Tibet region of China indicated at the time that the Chinese side did not object to Indian traders leaving their merchandise in the locality, so long as the Indian traders themselves wished to do so. Regarding the export of sheep and goats to India, the local authorities of

China's Tibet region, with a view to effecting economic prosperity and developing animal husbandry, have stipulated that, except for the necessary amount of meat sheep and goats, no sheep and goats are to be exported at will. This is not only a matter of China's internal affairs, but also a natural measure which should be understandable to the Indian Government. The Chinese Government wishes that the Indian Government would advise Indian traders to respect the regulations of the local authorities of China's Tibet region. It should also be mentioned here that the Indian Government's allegation in its note that the Tibet local authorities refused to accept goods shipped to Tibet by Indian Traders in fulfilment of earlier contracts is untrue. Check-ups have revealed that trade organizations of the Tibet region have always faithfully observed contracts, while Indian traders, on the contrary, more than once violated provisions of contracts. Some Indian traders failed to deliver goods according to the time stipulated in the contracts; individual Indian traders even failed to deliver goods according to the specifications of the contracts, in an attempt to pass inferior goods as high quality goods. For example, of the 180 woollen piece-goods which the trade organization of China's Tibet region ordered from the Indian-Sikkim Company, only one-third are conformable to the specifications. It was only in these circumstances that the trade organization of China's Tibet region, in order to avoid losses, had to refuse to accept them.

5. The Chinese Government has all along taken a positive attitude towards the promotion of trade between the Tibet region of China and India. Even in the situation of armed rebellion in the Tibet region, in which trade between the Tibet region and India met with certain temporary and partial difficulties, the Tibet local authorities still made the greatest endeavour to provide Indian traders with the possibility of carrying on trade. A proof of this is the fact that the Tibet local authorities have never discontinued the export of the important commodity wool. Although the Indian Government expressed its desire to develop trade

between China's Tibet region and India, yet in the past period, there have occurred some adverse situations on the Indian side. On October 3 and 22, and November 1, 1959, the Indian Political Commissioner's Office in Sikkim issued successive orders prohibiting the export to the Tibet region of many kinds of goods such as kerosene and iron-made farm tools, and even food grain which the Tibetan border inhabitants used to exchange for. It is learnt that Indian traders have been obstructed again from taking orders placed by the trade organization of China's Tibet region. The Chinese Government does not know the purposes of the Indian side in adopting these and similar measures, nor wishes to raise any demands concerning measures which are India's internal affairs. The Chinese Government hopes that the Indian Government will take practical measures in the interest of the development of trade between China's Tibet region and India.

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

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 12 December 1960

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, with reference to the informal note delivered in Delhi by Foreign Secretary Dutt of the Indian Ministry of External Affairs to Assistant Minister Chia Kuan-hua of the Ministry of Foreign Affairs of the People's Republic of China on April 25, 1960, has the honour to reply as follows:

1. Regarding the question of accommodation for the Indian official organs in Tibet:

The local authorities of China's Tibet region have all along done their utmost to render assistance, in accordance with the 1954 Sino-Indian Agreement, to all the Indian official organs in the conclusion of leases and the construction of buildings. For example, regarding the question of the lease of the Indian Trade Agency in Gyantse, the Bureau of Foreign Affairs in Tibet has conducted several discussions with the Indian Consulate-General in Lhasa on the draft lease put forward by the Chinese side in June this year, and agreement has been reached on many questions in the draft lease. Now the local authorities of China's Tibet region are waiting for the final reply of the Indian Consulate-General. As regards the request of the Indian Trade Agency in Gyantse for renting three more rooms, energetic assistance has been rendered by the local authorities of Gyantse in the light of the local conditions.

Regarding the construction of the premises for the Indian Trade Agency in Gartok, the Tibet local authorities have, in the light of the present local conditions, agreed to assist the Indian Trade Agency in building some local-typed houses for temporary use.

Besides, the local authorities also rendered assistance to the Indian Consulate-General in Lhasa when the latter wanted to build more houses this year.

The Foreign Ministry believes that, in the future, reasonable requests of the Indian official organs in Tibet will continue to be fulfilled with the assistance of the local authorities. The Chinese Government hopes that the Indian Government will instruct its official organs in Tibet to adopt an attitude of co-operation similar to that of the Chinese local authorities.

2. Regarding the question of the functioning of the Indian Consulate-General and Trade Agencies in the Tibet region of China:

(1) It must be pointed out that the allegation made by the Indian Government in its note that "very strict restrictions have been imposed on the freedom of movement and functioning" of the Indian Consulate-General and Trade Agencies does not tally with the fact at all. This year, despite the very heavy transport duties of the communications departments, the local authorities of the Tibet region of China have provided members of the Indian official organs with the facility of vehicles needed for travel and transportation of supplies. In July this year, the local authorities asked the Indian Consulate-General in Lhasa and the Trade Agencies in Gyantse and Yatung respectively to submit their transportation plans month by month so as to include them in the monthly plan of the communications departments so long as possible.

(2) The local authorities of China's Tibet region have never imposed any restrictions on the proper activities of the Indian official organs in Tibet. The Ministry of Foreign Affairs must seriously point out that certain members of the Indian Trade Agencies have repeatedly seized various opportunities to carry on activities wholly incompatible with their status. For example, the officials of the Indian Trade Agency in Gyantse, during their visit to Pai Chu Monastery in Gyantse, distributed to the lamas donations wrapped in sheets of Indian newspapers carrying anti-Chinese statements and cartoons which slander the Chinese Government as committing aggression and dispatching spies to carry on activities in India, and sow discord in Sino-Soviet, Sino-Burmese and Sino-Nepalese relations. This was obviously an act which impairs friendship between China and India. It is regrettable that, without verifying the facts, the Indian Government should have charged the Chinese Government with failure to afford opportunities for Indian officials to move around to

various places and make so-called "cultural contact" with local people; this is difficult to understand.

(3) The Chinese Government holds that whether the local people employed by the Indian organs are willing to continue their service is entirely upto themselves and they have all along enjoyed full freedom in this matter. The allegation in the Indian Government's note that "local posts" is without factual basis.

3. The question of pilgrims:

In the past several years, the Chinese Government has consistently, in accordance with the relevant provisions of the Sino-Indian Agreement and the notes exchanged, given various facilities to Indian pilgrims coming on pilgrimage to the Tibet region of China. For example: lodgings at 18 places have been cleared out by the monasteries around Kang Rimpocha (Kailas) and Mavam Tso (Manasarovar) to house the pilgrims; free medical treatment has been given to them and relief to individual poor pilgrims. After the rebellion launched by the Tibetan upper strata reactionaries, the Bureau of Foreign Affairs in Tibet informed the Indian Consulate-General in Lhasa that it would be advisable for Indian pilgrims not to come for pilgrimage in 1959. Last summer, when remnant bandits were still making harassment in parts of the Ari District of Tibet, the local authorities also advised Indian pilgrims not to come for pilgrimage for the time being. All this was done out of concern for the safety of the lives and properties of Indian pilgrims. The Ministry of Foreign Affairs believes that the pilgrimage by Indians to China's Tibet region will return to normal gradually.

4. As regards the questions concerning the Indian Trade Agent in Gartok having remained for a period in Pulan Dzong on his way to Gartok in 1959 and the arrest of some foreign criminals, who were involved in the rebellion, by the military authorities of the Tibet region in the course of

quelling the rebellion in Tibet, the Ministry of Foreign Affairs already made explanations in its notes dated September 11, 1959 and February 27, 1960. The Chinese Government hopes that the Indian Government will take notice of the explanations set forth in the successive notes of the Chinese Government.

5. The Ministry of Foreign Affairs is much surprised at the hope expressed by the Indian Government in its note that the Chinese Government should "respect the sovereign rights of the Government of India over Minsar in Western Tibet". Minsar is China's territory, and is a part of the Ari District of China's Tibet region. Yet the Indian Government now hopes that the Chinese Government on Chinese territory, "respect" the "sovereign rights" of India. The Chinese Government cannot but firmly reject this.

6. As regards the question of China's boundaries with Bhutan and Sikkim, it was already clarified in Premier Chou En-lai's letter to His Excellency Prime Minister Nehru, dated September 8, 1959, and the note of the Chinese Foreign Ministry, dated December 26, 1959. Concerning the allegation in the Indian Government's note that "China might take military steps to occupy" Sikkim and Bhutan, the Ministry of Foreign Affairs already reiterated the Chinese Government's solemn and just stand in its note of December 26, 1959 and pointed out that "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". Now the Indian Government still repeatedly resorts to these allegations, long refuted by the facts, that the Chinese Government wants to commit aggression against its neighbouring countries. The Chinese Government cannot but feel special regret at 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 Foreign Affairs, Peking, to the Embassy of India in China, 31 December 1960

The Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Embassy of India in China and, with reference to the note of the Embassy, dated November 26, 1960, has the honour to state as follows:

With regard to the insult offered by Mr. Sundaram, staff member of the Indian Embassy and private secretary to the Indian Ambassador, to a Chinese stewardess during the tour of the Diplomatic Corps, the Chinese Ministry of Foreign Affairs is surprised to note that His Excellency the Indian Ambassador, on the strength of Mr. Sundaram's disavowal, categorically denied the fact, although the Chinese Ministry of Foreign Affairs, out of goodwill, adopted a friendly attitude and well-intentionedly informed His Excellency the Indian Ambassador of the truth of the fact in the hope that he would give appropriate criticism and education to his private secretary and guarantee that no similar incidents would recur in the future. In the Embassy's note of November 26, 1960, the Indian Government went so far as to describe this incident as one "deliberately designed to insult the Indian Embassy and bring it into disrepute". The Chinese Ministry of Foreign Affairs is astonished at this assertion by the Indian Government, which disregards the fact and falsely accuses the wronged party, and cannot but express the greatest regret at it.

The truth of the incident has been informed to His Excellency the Indian Ambassador by the Deputy Director of the Protocol Department of the

Chinese Ministry of Foreign Affairs. At about 6.40 P.M. on November 21, 1960, on board the train from Shaohsing to Hangchow, Mr. Sundaram, on his way from his carriage (No. 7) to carriage No. 9, forcibly embraced a Chinese stewardess standing in front of the service room at one end of carriage No. 8. Mr. Sundaram denied being present at the scene at the time of the incident. But according to His Excellency the Indian Ambassador in his talk with the Deputy Director of the Protocol Department, Mr. Sundaram himself admitted that he was in carriage No.7 when, the train left Shaohsing at 6:00 P.M. on November 21, and that later he went to carriage No. 9. The incident occurred that very evening after the train left Shaohsing at 6-00 P.M. and at the very place at one end of carriage No. 8. Moreover, it was witnessed by a steward from the other end of the carriage (This was referred to when the Deputy Director of the Protocol Department first talked to His Excellency the Indian Ambassador). All this proves that the case is true.

The case could have been settled properly provided the Indian Embassy had respected the fact. On receiving the report from the head steward, the officials of the Chinese Ministry of Foreign Affairs, having regard for the public reputation of the Indian Embassy and being unwilling to see expansion of the case, tried hard at the time to persuade and restrain the train personnel and in a friendly manner informed His Excellency the Indian Ambassador of the truth of the fact, in the hope that the Embassy would deal with the case properly on its own. Contrary to the expectations of the Chinese Ministry of Foreign Affairs, His Excellency the Indian Ambassador showed a biased confidence in Mr. Sundaram's one-sided denial and rejected the fact; at the same time, on the pretexts that there was no Chinese- speaking Indian present and that no investigation could be made on a running train, he rejected the reasonable demand of confronting the two parties concerned in the case so as to clarify right and wrong thus adopting an attitude of mistrust to the goodwill of the Chinese side. Under such circumstances, it was only natural that the train

personnel should feel disappointed and dissatisfied with His Excellency the Indian Ambassador's failure to settle this incident fairly; it was also fully justified that they sent five representatives to lodge face to face protest with Mr. Sundaram. At the time Mr Sundaram requested that he would ask Mr. Kallukaran, Press Attache of the Indian Embassy, to accompany him and the representatives of the train personnel agreed to this request. In response to the request of the representatives of the train personnel, Mr. Sundaram, also agreed to go to the scene of the incident for checking. The note of the Embassy has gone so far as to assert that Mr. Sundaram was dragged by personnel of the Protocol Department from the compartment to the scene of the incident, that the officials of the Ministry of Foreign Affairs actively assisted the train personnel in insulting Mr.Sundaram that he was practically imprisoned, that the train personnel adopted an increasingly threatening and violent attitude, etc. Needless to point out, these assertions are entirely untrue, but purely fabrications and slanders. As a matter of fact, in the course when the representatives of the train personnel lodged their protest with Mr. Sundaram, no official of the Ministry of Foreign Affairs was present except the interpreter who was asked to go there to interpret. Although the representatives of the train personnel, including the stewardess subjected to insult, were extremely indignant at Mr. Sundaram's bad attitude of flatly denying the fact and even making false counter-charges, they still maintained proper manners towards Mr. Sundaram. The assertion in the Embassy's note that the Deputy Director of Protocol Department was in the vicinity of the scene during the whole process was also an arbitrary fabrication. The fact is that on his way to the scene of the incident on learning of the matter, he met the Indian Ambassador and his wife who were already returning from the scene.

The Chinese Ministry of Foreign Affairs wishes to point out that the occurrence and development of the case was entirely caused by the Indian Embassy. It cannot but be deeply regretted that the Indian

Embassy not only failed to make due response to the friendly attitude of the Chinese side, but, on the contrary, made charges which were totally in disregard of the facts and devoid of all justification. The Chinese Ministry of Foreign Affairs refuses to accept the entirely groundless protest of the Indian Government and hopes that the Indian Embassy will respect the facts and adopt a cooperative attitude, and that no similar incidents will recur in the future.

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

Note given by the Consulate General of India in Lhasa to the Bureau of Foreign Affairs in Lhasa, 7 January 1961

The Consulate General of India, Lhasa, presents its compliments to the Bureau of Foreign Affairs in Tibet Region of China and has the honour to refer to the latter's Note dated August 24, 1960, regarding employment of local staff members and servants of Chinese nationality by the Consulate General and the Indian Trade Agencies in Tibet.

2. The Consulate General of India, Lhasa, and the Indian Trade Agencies in Tibet will inform the Foreign Bureau and the Sub Offices of Foreign Affairs concerned of their requirements of Chinese nationals to serve as members of staff or domestic servants. The Consulate General and the Trade Agencies have also noted that the Foreign Bureau and the Sub Offices of Foreign Affairs concerned would like to be informed of any decrease or increase in their personnel and they are agreeable to supply such information at periodical intervals.

3. The Consulate General of India in Lhasa avails itself of this opportunity to renew to the Bureau of Foreign Affairs in Tibet Region of China the assurances of its highest consideration.

Note given by the Embassy of India in China to the Ministry of Foreign Affairs, Peking, 28 January 1961

The Embassy of India in China presents its compliments to the Ministry of Foreign Affairs of the Government of the People's Republic of China and, with reference to the note of the Ministry of Foreign Affairs dated December 31, 1960, has the honour to state as follows:

The Government of India are shocked to find that in their note of December 31, 1960, the Chinese Ministry of Foreign Affairs persist in defending and commending the unwarranted action of the train personnel in taking the law into their own hands and organizing a violent demonstration, subjecting a member of the Indian Embassy to threats, insults and humiliation, and in completely distorting the facts relating to the deplorable incident on the special train carrying the Diplomatic Corps on November, 22, 1960.

The true facts were stated in their entirety in the note of the Embassy of India dated November 26, 1960. When the Acting Director of Protocol made the charge against Mr. Sundaram, the Ambassador of India made full enquiries. Although his enquiries established that Mr. Sundaram, was innocent, the Ambassador nevertheless expressed willingness to hold a joint investigation in Peking. What the Ambassador did not agree to was the Acting Director's insistent proposal to hold an enquiry on a running train without the members of the Indian Embassy party having a Chinese-knowing Indian interpreter with them. Any impartial observer would agree

that an investigation of a charge of such a serious nature should be carried out only under proper conditions and with full facilities being made available for both sides. The Ambassador's decision was therefore in accord with accepted procedure. To describe it as "a failure to settle the incident fairly" is a distortion of the facts. To go further and assert, as the Chinese Ministry's note does, that because the Ambassador declined an unreasonable demand, the train personnel were justified in taking the law into their own hands, is to find a pretext to defend the train personnel's reprehensible conduct.

It is a matter for deep regret that the fact of the incident, which were within the knowledge of the members of the Indian Embassy and many others, should have been distorted as they have been in the Chinese note in order to buttress up a case that does not exist. Soon after the train left Shaohsing Mr. Sundaram had, no doubt left his compartment and entered another compartment in carriage No. 9, but he had already done so by 6-15 p.m., from which time up to dinner at 7-20 p.m. and after dinner, he was continuously in carriage No. 9. Hence the relevant fact is not that he left his compartment that evening, but the time at which he left it; for long before 6-40 p.m., the time of the alleged incident, he was already in the company of several others in carriage No. 9, from where he did not move at all until 7-20 p.m. and then only in company with others. This fact is within the knowledge of all those in whose company he was from 6-15 p.m. onwards and proves that the charge against Mr. Sundaram is completely false.

Again the Chinese Ministry's note says that Mr. Sundaram "agreed to go to the scene of the incident for checking." This is entirely untrue. When Mr. Sundaram was confronted at the door of his compartment by a group of excited train personnel led by Mr. Shieh, the Foreign Office interpreter, he told Mr. Shieh and the demonstrators that he did not want to leave the compartment and say anything except in the presence of the

Ambassador. But the demonstrators refused to allow him to get into touch with the Ambassador. It is wholly incorrect to say that Mr. Sundaram willingly accompanied the demonstrators to carriage No. 8. He was forced and elbowed out of his compartment into the corridor towards carriage No. 9 by the demonstrators. Again, Mr. Sundaram's request in regard to Mr. Kallukaran was not that the latter should accompany him but that the latter should report the matter to the Ambassador. On this point also the Chinese note misstates the facts.

The note also gives a completely false description of the ugly demonstration. Mr. Sundaram was hemmed in by a gesticulating crowd of train personnel, who were adopting a threatening attitude, shouting abuses and insults and jabbing the air menacingly with their fingers. The demonstrators were certainly more than five in number and nearer 12 or 15. It is completely false to say that the demonstrators adopted "proper manners" towards Mr. Sundaram; on the contrary, they were excited, unruly and most hostile. This fact can be vouched for by the onlookers of the scene who were mostly junior diplomats. The attempt of the Chinese Ministry's note to minimise the nature of this preplanned and hostile demonstration is utterly out of keeping with the facts.

It is extremely surprising that the Chinese Ministry's note should deny the facts in regard to the active part played by the Chinese Foreign Office officials in the whole incident. Mr. Shieh, the Foreign Office interpreter, took the demonstrators to Mr. Sundaram's compartment and insisted on his coming out, saying that the demonstrators wanted him. Again, at the scene of the demonstration Mr. Shieh was nearest to Mr. Sundaram, wholly identifying himself with the demonstrators and shouting in English the unseemly abuses and insults hurled at Mr. Sundaram. With the demonstrators was also Mr. Wang, another Foreign Office interpreter, and a few feet away was Miss Kuo, also a Foreign Office interpreter. Both Mr. Wang and Miss Kuo were loudly declaiming and broadcasting among

the onlookers the false charges against Mr. Sundaram in an obviously concerted attempt to blacken his reputation. It is a matter for shocked surprise that the Chinese Foreign Office should provide interpreters for hostile demonstrators against their guests.

The statement made in the Embassy's note of November 26, 1960, that the Acting Director or Protocol and the Deputy Director were near the scene of the incident is in accord with the facts. It is surprising that the Chinese note should attempt to maintain that the Deputy Director alone was on his way to the scene of the demonstration as if he had just learnt about it. When the Foreign Office officials must have been aware of it for quite a while, as is proved by the presence of Mr. Shieh with the demonstrators from the very beginning.

In the light of what has been stated above and in the Embassy's note of November 26, 1960, the statement made in the Chinese note that "the occurrence and development of the case was entirely caused by the Indian Embassy" is a complete perversion of the facts. The Government of India refuse to accept the wholly wrong version of the deplorable incident given in the Chinese note and the justification given therein for the demonstrators being allowed to take the law into their own hands. The Government of India strongly renew their protest against the violent demonstration of the train personnel, actively assisted by the officials of the Chinese Foreign Office, and against the deliberate insult offered to the Indian Embassy.

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

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 28 March 1961

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 notes delivered by the Indian Ministry of External Affairs to the Chinese Embassy in India on July 27 and November 9, 1960 respectively, has the honour to reply as follows:

1. The local authorities in China's Tibet, in accordance with the 1954 Sino-Indian Agreement, received in the same friendly way as in previous years the Indian Trade Agent in Gartok who came to western Tibet in August 1960. They not only provided him with facilities in transport, communications, security guards, etc., but also designated officials of the Bureau of Foreign Affairs to give him help in various ways when he entered and left China and, according to the local conditions, rendered every assistance to him in his daily needs. For this, the Trade Agent himself more than once expressed his gratitude to the local Government. It is regrettable, however, that the Indian Ministry of External Affairs in its note of November 9, 1960 to the Chinese Embassy in India should have disregarded the above-mentioned facts and made utterly unreasonable charges and complaints against the Chinese side. This is what the Foreign Ministry cannot accept.

2. In its note of November 9, 1960, the Indian Ministry of External Affairs reiterated many things concerning trade between China's Tibet and India and the activities of Indian traders in the Tibet region of China which are inconsistent with the facts, and made unwarranted charges against the Chinese side. The Chinese side already made a detailed explanation of its position on this question in the note delivered by the Foreign Ministry to the Indian Embassy in China on December 10, 1960, and no repetition will be made in the present note. However, the Foreign Ministry must

sternly point out that the allegation made by the Indian Ministry of External Affairs in the above-mentioned note that Chinese traders "enjoy freedom of movement and customary trade in India," is inconsistent with the fact. In recent years, many Chinese traders who went to India for normal trade and Chinese border inhabitants who carried on border trade were continuously subjected to unwarranted questioning and harassment by the Indian side. Regarding this question, the Chinese Foreign Ministry addressed a note to the Indian Embassy in China on September 11, 1959, drawing the attention of the Indian Government on it. Regrettably, however, after that such unfortunate incidents have still occurred one after another, and their nature has become more and more serious. For instance, since May 1960, there have occurred at the Indian checkpost at Chusul several cases of infringement on the human rights in which innocent Chinese traders were detained, beaten and interrogated. Therefore, the Foreign Ministry once again has to call the serious attention of the Indian Government to this question, and ask it to adopt effective measures to prevent the recurrence of such unfortunate incidents so that Chinese traders can go back and forth between the Tibet region of China and India normally.

3. The local authorities in China's Tibet have always, in accordance with the provisions of the 1954 Sino-Indian Agreement and the notes exchanged, given protection and facilities to Indian pilgrims coming on pilgrimage to western Tibet in China. As for pilgrims who break the law, however, they should be dealt with according to law by the Tibet region. Regarding the medicines carried by Swami Brahmachari Atma Chaitanya, a law-breaking Indian pilgrim, even the list of the above-mentioned medicines given in the July 27, 1960 note of the Indian Ministry of External Affairs itself clearly includes many poisons. The Chinese Ministry of Foreign Affairs cannot but express its regret over the fact that the Indian Ministry of External Affairs should have repeatedly tried to defend the law-breaking pilgrims.

In conclusion, the Foreign Ministry reaffirms that the Chinese Government has consistently, in accordance with the Five Principles of Peaceful Coexistence, acted on the 1954 Sino-Indian Agreement on Trade and Intercourse between the Tibet Region of China and India and the related notes exchanged. Despite certain temporary limitations in facilities and inconveniences faced by the Tibet region at present, the Chinese local authorities have still rendered necessary assistance to Indian officials, traders and pilgrims in their normal activities. The Foreign Ministry hopes that the Indian side will instruct its officials, traders and pilgrims in Tibet to take a co-operative attitude too in the interest of the consolidation and development of the friendship between the peoples of the two countries.

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

Note given by the Consulate General of India in Lhasa to the Bureau of Foreign Affairs in Lhasa, 18 April 1961

The Consulate General of India in Lhasa presents compliments to the Bureau of, Foreign Affairs in Tibet, Lhasa and has the honour to state that consequent upon the ban placed on the export of animals from the Ari District, many of the Indian traders visiting Ari District for trade were compelled to leave behind their animals such as yaks, sheep etc. with their trading parties in Ari District. As the animals left behind by the Indian traders are their own property, it is, therefore, requested that the authorities of the Ari District may kindly be requested to permit the Indian traders in question to take back their animal properties from Ari District during the forthcoming trading season, or in the alternative they may arrange for adequate compensation to be paid to the individual traders.

This Consulate General would feel grateful if it could be informed of the assistance forthcoming in this respect at an early date so that the traders in question could be informed in time of the procedure to be adopted.

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

Note given by the Consulate General of India in Lhasa to the Bureau of Foreign Affairs in Tibet, Lhasa, 21 April 1961

The Consulate General of India in Lhasa presents compliments to the Bureau of Foreign Affairs in Tibet, Lhasa and has the honour to invite attention to the meeting of 15 April 1961, between Director YANG KUNG SU and Mr. P. N. KAUL, whereat Director YANG KUNG SU informed Mr. KAUL that the Indian pilgrims could visit Kailash and Mansrover during the forthcoming pilgrimage season, but suggested that entry and exit be restricted through Lipulek Pass only. As per Director YANG's suggestion, action is being taken to inform the intending pilgrims to proceed to Kailash and Mansrover and return therefrom by the Lipulek Pass. It may, however, be observed that the proposed restriction is contrary to Article IV of the Sino-Indian agreement of 1954 which lays down that pilgrims may travel by routes and passes mentioned therein; there is a possibility that some stray pilgrims may go through passes other than the Lipulek Pass.

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

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 28 April 1961

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, with reference to the Embassy's note dated January 28, 1961, has the honour to state as follows:

Regarding the question of Mr. Sundaram, private secretary to the Indian Ambassador, insulting a Chinese stewardess, the Ministry of Foreign Affairs, in its reply note to the Embassy of December 31, 1960, has already given a detailed account of the whole truth of the facts and the fair and reasonable attitude adopted by the Chinese side. In its note, the Embassy, still disregarding the facts, has persisted in defending the conduct of Mr. Sundaram, and repeated the previous wholly unreasonable charges and utterly groundless protest against the Chinese side. The Foreign Ministry cannot but express its extreme regret at this. It firmly rejects the unreasonable charges and groundless protest of the Indian Government.

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

Note given by the Bureau of Foreign Affairs in Tibet, Lhasa, to the Consulate General of India in Lhasa, 16 May 1961

The Bureau of Foreign Affairs in Tibet region of China has received the letter 21st April 1961 from the Consulate General of India in Lhasa and,

with regard to the question of pilgrimage by the Indian pilgrims to Ari District referred to in that letter, gives reply as follows:

The Bureau of Foreign Affairs wishes to reiterate that the local authorities of China's Tibet region have always done according to the relevant provisions of the 1954 Sino-Indian Agreement towards those pilgrims who come to Ari for pilgrimage. In view of the fact that at present there are still a very few scattered remnant rebel bandits in Ari District, the local authorities of China's Tibet region, in order to undertake the pilgrims' security, suggest that it would be advisable for them to come and leave through the Lipulek Pass which is also one of the passes as prescribed in the 1954 Sino-Indian Agreement, this is not only in conformity with the provisions of the 1954 Sino-Indian agreement, but also is entirely out of goodwill of local authorities concerned for the pilgrims. It is unacceptable that the Indian Consulate General in Lhasa has gone to the length of, charging this goodwill suggestion as contravention of the Sino-Indian agreement, the Bureau of Foreign Affairs cannot but express its regret at this unreasonable complaint.

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

Note given by the Consulate General of India in Lhasa to the Bureau of Foreign Affairs in Lhasa, 5 June 1961

The Consulate General of India in Lhasa presents compliments to the Bureau of Foreign Affairs in Tibet, Lhasa and has the honour to invite attention to its note of 18 April 1961 in which a request was made for permission to Indian traders visiting Ari District to recover their animal

properties left behind because of the ban placed on taking of same out of, Tibet Region of China.

As the traders have already started visiting the trade marts in Ari District it is, therefore, requested that an early assurance of assistance may kindly be intimated to this Consulate General.

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

Note given by the Consulate General of India in Lhasa to the Bureau of Foreign Affairs in Lhasa, 5 June 1961

The Consulate General of India in Lhasa presents compliments to the Bureau of Foreign Affairs in Tibet, Lhasa and has the honour to invite attention to its note of 12 April 1961 requesting for assistance in recovering some moveable properties of Indian lamas left behind in Tibet Region of China. The Consulate General of India shall feel grateful for early assistance in the said matter.

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 15 July 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China in New Delhi and with reference to the note of the Ministry of Foreign Affairs of the People's Republic of China dated the March 28, 1961, have the honour to state as follows:-

The treatment meted out to Indian traders, pilgrims and members of the Indian Missions in Tibet leaves much to be desired. Indian traders are no longer allowed to barter their goods with the inhabitants of the Tibet region of China. The export of conventional merchandise has been either stopped or controlled by the local authorities. Again facilities to remit normal profits or capital assets in the event of the closure of their trade establishments in Tibet are delayed or not given to Indian traders. In some cases these facilities are offered on a conditional basis. In one way or another the assets of Indian traders in the Tibet Region have been blocked. Loans given by Indian petty and customary traders to inhabitants of Ari region of China's Tibet are yet to be recovered.

In contrast Chinese traders in India have freedom of trade in accordance with tradition and custom. They can barter their goods and carry on their avocations as in the past. The allegation of the Government of China that traders of the Tibet region were subjected to unwarranted questioning and harassment in India is not in accordance with facts. All courtesy is shown to Tibetan traders and their entry into India is allowed in strict accordance with the provisions of the 1954 Agreement.

In regard to Indian pilgrims, the Government of China had advised that they, should not go to Kailash and Mansrovar. Such of them as were able to visit the holy places were not permitted to perform the Parikrama. This year the Chinese authorities have allowed Indian pilgrims to enter and leave Tibet through Lipulekh Pass only. This is not in accordance with the 1954 Agreement.

The Indian Missions in Tibet region are facing many difficulties. They have been deprived of all social, cultural, and other normal contacts with the local inhabitants; their movements have been restricted and impediments continuously placed in the construction of buildings for Indian Trade Agencies. Thus, the provisions of the Sino-Indian Agreement of 1954 have been circumvented.

In regard to paragraph 2 of the Chinese note relating to the alleged harassment of Chinese traders by the Indian checkpost in May, 1960 near Chusul, the Ministry of External Affairs would point out that the Government of India do not maintain any army or police checkpost at Dingroze where the Chinese nationals are said to have been detained. Further, as far as the Government of India are aware, there is no such place called Zaha. Therefore, the allegations regarding Chinese nationals being detained and harassed at Dingroze checkpost are without any foundation. The Government of India are unable to accept these unfounded accusations. It may be of interest to the Chinese Government that to date, no trader from the Tibet region has found it necessary to lodge any complaint of harassment with the local authorities at Chusul in India.

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 Indian Trade Agency in Gartok to the Ari Region Office of the Tibetan Bureau of Foreign Affairs, 21 July 1961

Indian Trade Agency, Gartok presents its compliments to the Foreign Bureau of Ari Region in Tibet of the People's Republic of China and with

reference to the discussions between the Foreign Bureau Chief and Indian Trade Agent at Gartok on 20th July, 1961 has the honour to forward herewith the plan of the portion of our Agency buildings to be constructed this year along with a list of our requirements of labour, materials etc. It will be highly appreciated if a favourable reply is given as early as possible to enable our Engineer to start construction, as the working season is very short in Western Tibet as also to enable the Trade Agent to return to Taklakot for starting tour of Trade Marts which is already getting late.

Looking forward to your co-operation, this Agency avails this opportunity to renew to the Foreign Bureau the assurances of its highest consideration.

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 26 August 1961

The Ministry of External Affairs of the Government of India present their compliments to the Embassy of the People's Republic of China in India and have the honour to bring to the Embassy's notice the uncooperative attitude of the local authorities of the Tibet region of China in facilitating the construction of the Indian Trade Agent building at Gartok. Paragraph 12 of the Notes exchanged between the representatives of the Government of India and China at the time of the conclusion of the Sino-Indian Agreement of 1954 provides that the three Trade Agencies of both the parties may function throughout the year. In paragraph 4 of the said Note, the Government of the People's Republic of China undertook to render all possible assistance for housing the Indian Trade Agency at Gartok. Accordingly, the Indian Trade Agent, Gartok, approached the authorities of Ari district of Tibet region of China for suitable

accommodation to house the Trade Agency. In October, 1954, he was told that they would not be able to provide a house for the Trade Agency but would lease land for the purpose. In spite of the fact that this offer was accepted, it took more than three years to finalise the terms of the lease-deed for the land on which the building of the Indian Trade Agency, Gartok was to be constructed. The final draft of the lease-deed was handed over by the Indian Consul-General, Lhasa to the Chinese Foreign Bureau in January, 1958, but no acceptance was received from the Foreign Bureau till October, 1958, when the working season at Gartok was over. Owing to the demand of the local authorities that the Trade Agent should enter via Lipulekh Pass though he had by then actually reached the Niti Pass caused further delay in the conclusion of the lease-deed which was actually signed in October, 1959, and thus making any construction impossible during that year.

2. During 1960, the Trade Agent, Gartok party which included Engineering staff was stopped by the local authorities while they were on their way to Western Tibet. The Indian Consul-General, Lhasa was informed on the 29th June that the Trade Agent, Gartok and his party should not enter Tibet till the 15-20th July. As the season would have been far too advanced for any constructions, when the party would have reached Gartok, the Engineering Staff was withdrawn. Early in 1961, the Consul-General, Lhasa, again broached the subject with the Foreign Bureau and he was told that the local authorities would assist in the construction of mud huts with sun-dried mud bricks. On 23rd May, 1961, a Memorandum was handed over to the Embassy in which it was stated that an Indian officer with technical experience would be deputed to Gartok in order to see that the construction is in accordance with our requirements. In the memorandum, the hope was expressed that the construction would be completed during this year. Accordingly, a Technical Officer accompanied the Trade Agent to Western Tibet. They reached Taklakot on the 2nd July, 1961. The Trade Agent requested the Foreign Bureau representative to

arrange for transport for the Technical Officer to proceed to Gartok for construction work as soon as possible. He was informed however, that the Foreign Bureau representative had no knowledge about the construction programme. The Trade Agent was also asked to consult the local authorities at Gartok about the construction. Thereupon, the Trade Agent and the Technical Officer left Taklakot for Gartok. On arrival there, the Trade Agent approached the Foreign Bureau on 20th July, 1961, for facilities in regard to construction of the Agency building. The Chief of the local Foreign Bureau told him that he should first supply a blue-print of the building plans and then he would be able to let him know the concrete assistance which could be extended. The plan and the list of requirements were supplied to the Foreign Bureau immediately, but there was no response.

3. On July 26, 1961, the Chief of the Foreign Bureau informed the Trade Agent that he had not till then received any instructions in the matter and that he did not know how long these would take to reach. Further, on August 13, 1961, the Technical Officer was informed that material, tools and plant, including moulds for making bricks and masons were not available and that the position regarding unskilled labour was under consideration.

4. In the meanwhile, the Foreign Bureau also demanded Rs. 7,112 as the price for the old stock of rubble and 11,685 mud bricks which have been lying on the site since 1956. According to the information available with the Government of India 37,800 bricks and some quantities of earth and gravel were collected by the Garpons on the site during 1956. They had demanded a sum of Rs. 11,029 for all this material. Since the Indian Trade Agent had, at no time, placed a firm order with the Garpons for this material, the Government of India naturally could not accept the responsibility for the payment. Thereupon, the local authorities removed a major portion of this material for their own use. In the circumstances, the

demand for Rs. 7,112 for 11,000 bricks, half of them unserviceable, and some quantities of gravel and earth is very unreasonable, especially as the local authorities had themselves taken 26,115 bricks for Rs. 3,917 only. However, in spite of the fact that the price demanded is exorbitant, the Trade Agent has offered to pay in the hope that construction will begin immediately. The trade Agent has been informed now that instructions are being sought from the higher authorities.

5. The above facts will prove beyond any doubt that the local authorities of Ari region, by adopting dilatory tactics, are making impossible the construction of the Trade Agency building and thus preventing the Trade Agency from functioning in Gartok throughout the year. In contrast, the three Chinese Trade Agencies in India function all the year round. Consequently, the principle of reciprocity accepted in Article I of the 1954 Agreement has not been honoured fully. Even at this late stage, the Government of India urge the Government of China to instruct the local authorities concerned to render all possible assistance in the construction of a Trade Agency building during the current working season.

6. 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 Ministry of External Affairs, New Delhi, to the Embassy of China in India, 31 August 1961

Indian traders who went to Western Tibet some times stored their unsold goods with the Bhutanese Officer at Dharchin on the conclusion of the trading season. They did so in 1959. However, in October 1959, the Bhutanese Officer, Sonam Rajye left for India leaving his house in the

charge of a watchman, and in his absence the Chinese local authorities sealed the house. When the Indian traders visited Western Tibet in 1960 and wanted to take delivery of the goods which they had left with the Bhutanese Officer, the Chinese local authorities refused to deliver the goods to them and insisted that the Bhutanese Officer should come there personally to hand over the goods. Our Trade Agent enquired whether the production of a letter of authority from the Bhutanese Officer would be acceptable but this apparently did not find favour with the local authorities.

On this account the Indian traders concerned have been put to great hardship. According to our information, there are at least 23 Indian traders whose goods are lying sealed in that house and these goods are valued at about fifty thousand rupees.

The Government of India have received a number of representations from these traders requesting their intercession in the return of these goods. The traders have pointed out that these goods deposited by them with the Bhutanese Officer in 1959 were not returned to them by the watchman under instructions of the Chinese authorities.

Our Trade Agent at Gartok has been authorised by these traders to receive the goods on their behalf and the Bhutanese Officer has also signified his approval to the handing over of these goods to the traders concerned through the Trade Agent.

We have already drawn the attention of the Chinese Government to this problem in the note sent to the Chinese Embassy on the 9th November, 1960, but the note remains unanswered. Our Trade Agent, Gartok again tried to discuss this question with the Chief of the Local Foreign Bureau on the 20th July, 1961 but the Chief evaded the question on the ground that it was beyond his competence.

The Embassy would perhaps appreciate that the sufferers in this case are poor Indian traders who had in good faith left their unsold merchandise in the Bhutanese Officer's house. The Bhutanese Officer himself is willing to return these goods to their Indian owners. If there is any particular procedure which the Chinese authorities would wish to follow in this matter, this may be intimated to US soon particularly as further delay may mean deterioration of the goods, Government of India on their part are willing to take over the goods and arrange for their return to their owners, and have authorised their Trade Agent in this behalf. Early facilities in this regard by the Chinese authorities would be greatly appreciated.

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 6 September 1961

It is with regret that the Government of India are bringing the following facts of life at Gyantse to the notice of the Embassy of the People's Republic of China: -

(i) On about the 28th July, 1961 two seasonal gardeners and a watchman were asked by the Area Leaders at Gyantse to stop working for the Indian Trade Agency. The three workers accordingly stopped working for the Agency from 1st August 1961.

(ii) Two local boys are working as domestic servants for some officials of the Indian Trade Agency at Gyantse. They are under pressure through their parents to give up working for Indian officials. If their help is withdrawn from the Indian officials, the latter will have to do their own cooking and washing. As it is these officials live in Gyantse separated

from their families who are unable to join them in Gyantse for want of accommodation.

(iii) Shri N. R. Sharma, a member of the engineering staff at Gyantse, took ill on 27th July, 1961, and his condition sharply deteriorated on the afternoon of 28th July. As the Indian Trade Agency at Gyantse is not entitled to approach the local doctor direct and has to do so through the local Foreign Bureau, an official of the Agency was urgently dispatched to move the Foreign Bureau for a doctor. However, the English Interpreter of the Foreign Bureau through whom alone an approach can be made to the Foreign Bureau raised the issue that in order to see him, an official of the Indian Trade Agency must first write and ask for an appointment. As the matter was urgent and could not wait for the correct performance of protocol requirements, the official of the Indian Trade Agency pressed the English Interpreter for help in obtaining the services of a doctor. Thus a precious hour was lost before a doctor could be obtained. The patient died. Upon his death the Indian Trade Agency asked for a death certificate which was refused on the ground that the local regulations did not permit the issue of a death certificate. The deceased was cremated on 29th July. His family was informed, and they were anxious to have his ashes for the performance of death rites which are held on the 13th day after death. In order to have the ashes sent in time for the death rites, arrangements were made to despatch an official of the Indian Trade Agency with the ashes to India. It was in these circumstances that a letter was addressed by the Trade Agency to the Foreign Bureau on 3rd August 1961 asking for travel permit and re-entry visa for Shri Bharadwaj who was due to leave for India on 5th August 1961 with the ashes. Till 0700 hours on 5th August nothing was heard from the Foreign Bureau. An urgent letter was therefor sent to the Foreign Bureau as a reminder. The person who took the letter to the Foreign Bureau was asked to go back because the Foreign Bureau was very busy. On his return at about 1030 hours, on 5th August another letter was sent to the Foreign Bureau explaining the

urgency of the request. The Foreign Bureau replied later that the matter was being reported and a further reply would be sent on 7th August. On 7th August the Foreign Bureau responded by inquiring whether Shri Bharadwaj was travelling alone or was being accompanied. Not until the evening of 7th August did the Foreign Bureau find it convenient to issue the necessary travel permit to Shri Bliaradwaj, and the latter could therefore leave Gyantse only on 8th August. The result was that the ashes did not reach Delhi in time for the death rites on the 13th day after the death.

The attention of the Embassy is drawn to the Agreement between India and China on Trade and Intercourse between Tibet Region of China and India (1954), wherein the two Governments have agreed that "The Trade Agencies of both Parties shall be accorded the same status and same treatment".

Item (7) of the Notes exchanged between the two Governments on April 29, 1954 contains the provision "The Trade Agents and traders of both countries may hire employees in the locality".

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 10 November 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China in India and with reference to the Note of the Ministry of Foreign Affairs of the People's Republic of China dated the 12th December, 1960, have the honour to state as follows:-

Accommodation

2. A few facts are mentioned below in regard to the construction of buildings for the Indian Trade Agencies at Gyantse and Gartok. These

facts speak for themselves and are sufficient to belie the Chinese Government's contention that they did their best to render 'energetic' assistance, in accordance with the 1954 Sino-Indian Agreement, to the Indian Missions in Tibet.

(a) Indian Trade Agency, Gartok

3. In its Note No. 7(16)/NEF/56-III, dated 26th August 1961 the Government of India has already drawn attention to the unhelpful and uncooperative attitude of the local authorities in Ari District of Tibet in providing suitable accommodation to the Indian Trade Agency, Gartok. Though negotiations in the matter were started as early as October, 1954, the Agency has still no building of its own. Nor has it been given any facility to rent accommodation in order to function at Gartok permanently as provided for in paragraph 12 of the Notes exchanged between the representatives of the Governments of India and China on the 29th April, 1954.

4. The Indian draft of the lease for land, on which the Indian Trade Agency is to be constructed was based on mutually agreed principles and was handed over by the Indian Consulate-General to the Foreign Bureau at Lhasa in January 1958 but final acceptance was not communicated by the Foreign Bureau till October 1958 making any construction impossible in that year. The construction was further rendered impossible during 1959 and 1960 as the Chinese local authorities first delayed the entry of the Trade Agent in Western Tibet and then declined to give him the necessary facilities to proceed with the construction. Government of India even accepted the Lhasa Foreign Bureau's suggestion that the construction programme of the Indian Trade Agency, Gartok, be phased in parts. This year again an Indian Engineer was attached to the Trade Agent's party after full discussion with the Foreign Bureau, Lhasa and with knowledge of the Chinese Embassy here. At every stage Government of

India fell in line with the wishes of the local authorities in Tibet but to no avail. The year 1961 has gone by without any progress being made which is entirely due to the unreasonable and obstructive attitude to the local authorities.

5. The Chinese note under reply has referred to their promise of assistance in building temporary local type houses. In fact when the Indian Consulate-General at Lhasa broached the matter with the Foreign Bureau in May this year, the latter stated that even these temporary houses would have to be no more than mud huts because stones could not be made available. The offer to send stone masons from India was turned down. On 16th May, 1961, the Foreign Bureau offered to supply only sun-dried bricks. This was accepted along with the broad assurance that labour and other materials required for this primitive type of construction would be forthcoming. In the event when our Trade Agent reached Gartok on the 18th of July and approached the Foreign Bureau for the promised assistance, he was told that he must first submit a blue print of the building plans before the nature of any concrete assistance to be provided could be made known to him. The plans were supplied on the same day but there was no response. On the 26th July, 1961, the Foreign Bureau, instead of giving assistance, put forward another condition, namely, that the Trade Agent should first arrange to pay Rs. 7,112 on account of an old stock of rubble and mud bricks lying on the site since 1956. Unless this payment was made, the Foreign Bureau warned, no assistance would be provided nor would construction of the huts be allowed to commence. The Trade Agent sought in vain to explain that the local Foreign Bureau had raised a new issue which had no relation to the assistance they were committed to provide for the construction work. The fact is that this old stock of rubble and brick was brought to the site by the then local Garpons without any order having been placed with them. The Chinese had themselves removed two-thirds of the total stock of bricks for Rs. 3,917 approximately leaving a third of mostly unserviceable

bricks for compulsory sale to the Indian Trade Agency at a cost of Rs. 7,112. Rather than give the Chinese local authorities an excuse to justify their obstructive and delaying tactics the Indian Trade Agent offered immediate payment of the amount demanded by the Foreign Bureau. At this stage the Chinese authorities insisted that payment should be made at Gartok. This was an impracticable proposition as the Trade Agent was on tour of the Trade marts, and was in no position to return to Gartok earlier than the end of September 1961. Although the payment for bricks was made early in October, there was no move on the part of the Foreign Bureau to extend assistance in the way of labour, material etc. for the start of construction. At the end of the trading season the Trade Agent left Gartok for Takalakot *en route* to India without being able to construct a single 'mud' hut.

6. Such are the facts. Had there been 'energetic' assistance from the Chinese local authorities as asserted in the Chinese note, there should have been a few mud-huts to show for it. Instead, nothing has been achieved except frustration. Government of India's patient and laborious efforts to put up some kind of shelter for their Trade Agency at Gartok have been 'energetically' and successfully defeated. It is apparent that the Chinese authorities were determined to make it impossible for the Government of India to have buildings of their own at Gartok during the currency of the 1954 Agreement.

(b) Gyantse

7. At Gyantse it was the same story. Earlier notes state the Position reached in the latter half of 1960 regarding the protracted negotiations for lease of land to the Trade Agency at Gyantse.

8. In November 1960 the Government of India had agreed to the new draft lease as proposed by the Chinese authorities. All that remained to

be done was demarcation of the physical boundaries of the land for incorporation in the draft lease. The Chinese had earlier suggested that the Indian side should surrender some land along the river bank in exchange for land to the north and north-east of the Indian Trade Agency's existing site. The Government of India agreed to this.

9. On 22nd November 1960, the Consulate-General, Lhasa, was informed that instructions were being issued to Foreign Bureau, Gyantse to finalise the boundaries and sign the lease. However, on 9th December when the Indian Trade Agent approached the Foreign Bureau, Gyantse, he was told that the matter was still under examination. On January 5th, 1961, when approached again, the local Foreign Bureau informed the Indian Trade Agent that they could not finalise the boundaries until the lease for the buildings rented by the Trade Agent at Gyantse was signed. The Trade Agent was taken by surprise. The two matters were wholly unrelated. Foreign Bureau, Gyantse, however, insisted on compliance with this condition. Judging from subsequent delays, this was a further deliberate move to delay finalisation of the lease.

10. Urged on by the Indian Trade Agent, the local Foreign Bureau at last indicated the proposed boundaries to him in March, 1961, but to his great surprise the boundaries indicated differed from those agreed to earlier by him and the Foreign Bureau. Going back on the earlier understanding the Chinese side had now offered, instead of areas to the North and North-East of the site, areas to the South-East which were near the river bank and vulnerable to flood and erosion. The Foreign Bureau simultaneously raised another demand *viz.* removal of protective works which the Agency had per force to construct at considerable cost in order to prevent the continual erosion of the Agency lands—a danger greatly enhanced by the 'protective works' which the Chinese had themselves undertaken at another point on the river.

11. Thus, despite patient effort and a keen desire to accommodate the Chinese on every point, the Trade Agent found it impossible to sign the lease deed, much less to begin any construction work till the end of this year.

12. The Agency continues to be housed in rented accommodation insufficient for its needs. Repeated requests for additional rented accommodation have gone unheeded. Even the lease deed for the rented buildings in Gyantse could not be finalised because of diverse obstacles put up by the local Foreign Bureau, which sought inter alia to impose a condition that the Lessee should be responsible for damage to trees even from natural causes.

13. The facts cited above in regard to Gyantse and Gartok leave no room for doubt that far from giving "energetic" assistance to the Trade Agencies in the matter of construction the Chinese side has used devious means to cause delays and make it impossible for the Government of India to have buildings of their own either at Gyantse or at Gartok. The result is that only two of three Agencies stipulated for are able to function through the year in Tibet. Chinese Missions in India, by comparison, are very comfortably accommodated.

14. The Government of India are unable to accept any suggestion from the Chinese side that its officers in Tibet have shown an uncooperative attitude or indulged in improper activities. This is manifestly absurd because no one much less a foreigner can afford to be uncooperative or act improperly on Chinese territory where they must live under rigid controls. It is no surprise therefore that while the Chinese note speaks of improper activities and uncooperative attitude of Indian officials, no example is cited. The Government of India knows only too well how under the most trying conditions its officers have endeavoured to establish rapport with the Chinese authorities in Tibet. If they have failed the blame lies on the other side. The local authorities in Tibet have for long shown a

studied discourtesy in their dealings with the Indian Agencies.

Appointments, on request, are unduly delayed. Local regulations are not communicated to the Missions even when requests for them are made. For instance in October 1961, Indian Trade Agency asked for a copy of the regulations governing trade at Yatung. The Foreign Bureau declined to meet this request on the ground that the traders should themselves have asked for it. Apart from the discourtesy this attitude puts the Trade Agency in an invidious position since it is not in a position to comply or advise compliance with regulations which are not made known to it.

15. Indian Missions in Tibet have continued to suffer from restrictions placed on their movements and contacts. They are restricted to the municipal limits of the station beyond which they cannot go without a permit from the local Foreign Bureau. Permits are also necessary if a car of one Mission has to go to another. They are stopped for meeting local visitors, or inviting local political or religious personalities except through the Foreign Bureau.

16. The Chinese side has often argued that there are no restrictions on the Indian Missions in Tibet. While all restrictions may not have been reduced to writing, they not only do exist but are rigidly enforced. These restrictions are part of the facts of life for India's Missions in Tibet. The Chinese side should know better the many direct and indirect restrictions imposed on Indian Missions in order to circumscribe their field of activity and render them completely immobile and helpless. Local people, for instance, are under pressure not to have any contacts with the Indian Missions. There is no written restriction in this regard but it is no less effective for that matter. In every way Indian Missions in Tibet are paralysed, rendered ineffective, immobilised and insulated from the life of the people.

17. Transport requirements of the Indian Missions are held up as a matter of deliberate policy. Reminders bring no response. In consequence rations and essential stores meant for staff members of the Indian Consulate General, Lhasa and the Trade Agency, Gyantse are held up at Yatung for long periods.

18. Furthermore, Indian Missions do not even have the option of choosing their local employees either for official or domestic work. The Chinese note dated the 24th August 1960 has decreed that recruitment of local people shall be through the Foreign Bureau only. At the same time the local employees are under pressure not to serve Indian Missions or Indian personnel.

19. The Note para. 2(ii) has revived an old charge against the Indian Trade Agent, Gyantse. Some traditional gifts were sent to the monastery in question wrapped in old news paper sheets. Surely it is not being seriously suggested by the Chinese side that the Trade Agent used this silly means to carry out so-called anti- Chinese propaganda contained in these crumpled up newspaper sheets. The next thing the Chinese side might suggest is that the Trade Agent used this underhand means to teach these Tibetan monks a foreign language viz English for it would be conceded that not one of the monks of this monastery had any knowledge of this language with which these sheets were printed. The Government of India cannot but treat this charge with the levity it deserves.

20. The traditional pilgrimage from India to Kailash and Mansarovar has continued to suffer from lack of rest-house, medical and other facilities. Nor is any protection given to the pilgrims. Though paragraph 10 of the Notes exchanged between the representatives of the two Governments in 1954 provides that the Government of China will, as far as possible, construct rest houses for the use of pilgrims along the route from Taklakot to Kailash and Mansarovar, little has been done in the past

seven years. One rest house only was constructed at Rakshastal, and even this is reported to be sodden and sloppy, and in a state of collapse. The 18 other places said to have been abandoned by the monasteries and reserved for the use of Indian pilgrims have little to recommend themselves for the tiny rooms in them are said to be full of grime and dirt, and there is no arrangement for cooking. Government of India's offer to supply timber for the construction of separate rest-houses for the pilgrims has not, of course, been accepted. Medical aid is not easily had and can be obtained only with the permission of the military authorities at Taklakot.

21. Minsar as the Chinese Government must be aware is a part of the State of Jammu and Kashmir, and revenue was paid by that village to the State of Jammu and Kashmir until quite recently. There is a wealth of evidence in census reports and revenue records to prove Minsar's connection with Kashmir, and the Tibetan Government has always respected this fact. The Chinese Government's illegal occupation of Minsar and rejection of Government of India's Sovereign rights over it constitute an entirely unjustifiable act of aggression. In this connection the attention of the Chinese Government is drawn to the Officials' Report on the Boundary Question where overwhelming evidence to prove that Minsar is a part of Jammu and Kashmir is marshalled.

22. Finally, the Government of India welcomes the assurance that its apprehensions regarding the aggressive intentions of China towards Bhutan and Sikkim which are bound to India by special treaty relations, are "sheer nonsense".

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 16 November 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and with reference to the Note of the Ministry of Foreign Affairs of the People's Republic of China, dated 10th December, 1960 have the honour to state that, as explained earlier in the Ministry's Note of 10th May 1961, Indian traders, customary as well as petty, have continued to suffer from various restrictions and disabilities in Tibet.

2. The Government of India has no intention of interfering in the internal affairs of China but in regard to the measures taken by the Chinese authorities to devalue and demonetise Tibetan currency which adversely affected the interests of Indian traders in Tibet, there is a legitimate issue for discussion between the two Governments under the Sino-Indian Agreement of 1954 on Trade and Inter-course between Tibet Region of China and India. Necessary protection was not afforded by the Chinese to the property and financial interests of Indian traders whose accumulation of Tibetan currency, from sales of Indian merchandise was considerably reduced by these monetary manipulations which the Chinese Note describes innocuously as "currency reform".

3. Regarding trade payments Art. VII of the Trade Agreement between the Republic of India and the People's Republic of China signed on 14th October 1954, as amended by the exchange of letters of May 1957, provides as follows:-

Para 1-All commercial and non-commercial payments between the People's Republic of China and the Republic of India may be effected in Indian rupees.

Para 4--Payments for border trade between the People's Republic of China and the Republic of India will be settled according to the customary practice.

4. The Chinese Note argues that the above provisions do not apply to trade in Tibet. Apart from the specific mention of "border trade between the People's Republic of China and the Republic of India" in the paragraph cited above, the letters exchanged between the Governments of India and China on 14th October 1954 which form part of the Trade Agreement of 1954 state inter alia that "both Governments desire to maintain and develop the existing customary trade between India and the Tibet Region of People's Republic of China". There is no doubt at all that the provisions of the Trade Agreement of 1954 were meant to apply to the Tibet region to give formal sanction to the existing customary practice in that region. Nevertheless, in disregard of the Agreement, new restrictive measures in the matter of trade payments were issued by the Chinese Government during the currency of the Agreement.

5. It has been customary for Indian border traders to barter goods direct with Tibetans without any official interference and to bring back Tibetan goods freely to India. Cash proceeds if any, of the trade was customarily brought back in bullion, silver dollars, coins and/or Indian currency. Thus Indian traders were able to return to India with their capital assets as well as normal profits whenever they wished to do so. At no time during the long course of this traditional border trade were Indian traders obliged to give an undertaking to bring back goods of equal value in return for facilities for the transfer of their assets. Under the new restrictive and arbitrary measures introduced in Tibet in violating of the International engagements cited above, Indian traders are unable to repatriate their profits and assets from Tibet. Remittance facilities are not being granted and applications in this behalf are being held up, even when and Indian

firm is winding up its business in Tibet. To take a recent instance. M/s Tibet Motor & Cycle Co., an Indian firm at Yatung which served notice of its intention to close, has been given a bank draft for Yuans 5,220 only thereby compelling the firm to leave the balance of its assets amounting to Yuans 43,957.26 on deposit with a local bank. One result of the restrictive trade and fiscal policy of the Chinese authorities in Tibet has been the sharp decline in the number of Indian shops at Yatung. Many were forced to withdraw because of the loss incurred as a result of the sudden devaluation of Tibet currency and the lack of facilities to repatriate trade assets. The Chinese authorities in Tibet have also interfered in the direct barter deals of petty border traders and have imposed various restrictions on normal exports of the conventional produce of Tibet to India. In other ways, too, the Chinese authorities have interfered with the customary practices of Indo-Tibetan trade. Indian border traders customarily left their unsold merchandise and animals at the end of the trading season with their Tibetan friends and/or officials. Since 1959 the Chinese authorities asked Indian traders to take back their unsold merchandise with them to India. When the Chinese authorities were apprised of transport and other difficulties they allowed the Indian traders to keep their merchandise with local Tibetans but without any guarantee of safety. Some Indian traders kept their goods in the house of the Bhutanese officer at Tharchin. This house was later sealed by the local authorities and our traders were refused permission to reclaim their goods in the trading seasons of 1960 and 1961. Meantime the goods deteriorated but there was no redress. Although this was a legitimate trade matter, the Foreign Bureau refused to discuss it with India's Trade Agent. An approach had to be made by the Government of India to the Chinese Embassy in New Delhi in the matter. At the close of the 1961 trading season when the passes were about to be snow-bound, the Chinese Embassy informed the Ministry, on 21st October 1961, that Indian traders could take back their goods left at Tharchin. This belated offer was of no practical help to the Indian traders concerned.

6. As the Chinese Government are no doubt aware border traders have been going across the Himalayan passes from time immemorial carrying their merchandise on the back of sheep and goats to the trade marts in Western Tibet or in search of Tibetan Dokpas (peasants) with whom they bartered goods. In this traditional trade and intercourse there has been a real problem regarding the safe storage of merchandise. To meet this necessary requirement of the trade, a provision was made in para 13 of the Notes Exchanged between the Governments of India and China on 29th April 1954 which reads:

"The traders of each country may rent buildings and godowns in accordance with local regulations in places under the jurisdiction of the other Party".

No such facility was in fact provided to the Indian traders by the Chinese authorities in Tibet. Again, as has been pointed out earlier, it is customary for Indian traders to use sheep and goats as pack animals to carry merchandise to Western Tibet, and to leave these animals with their Tibetan friends at the end of the trading season. The ban imposed on the return of these animals to India is tantamount to confiscation of animals owned by Indian traders. This ban is ultimately bound to affect the trade. At any rate, if the Indian owners cannot bring back their animals, they should be allowed to sell them, or in the event of outright confiscation, they should be given fair compensation.

7. Furthermore, there are large amounts of unsettled trade claims and credits of Indian traders in Tibet. Facilities for the recovery of these loans have not been given by the Chinese local authorities. Some Tibetan debtors have moved away to Lhasa or Shigatse but Indian traders are not allowed to go to these places to contact their debtors. Even where Tibetan debtors are present in the locality, the Chinese authorities do not allow Indian traders to contact them. Some of these debtors are reported to be

under Chinese detention but no access to them is permitted. Attention of the Government of China was drawn to this important question in the Government of India Note of 17th May 1960 but there has been no promise of relief.

8. From time to time the Chinese Government has asked the Government of India to 'advise Indian traders to respect the regulations of the local authorities of China's Tibet region'. There is something mysterious about these local regulations which are not published and communicated to the Indian Trade Missions in Tibet even when requests are made for them. In October 1961, the Indian Trade Agent, Yatung asked for a copy of the regulations governing trade at Yatung. The local Foreign Bureau declined to meet his request. Apart from the discourtesy this negative attitude puts the Trade Agency in an invidious position since it is not in a position to comply or advise compliance with regulations which are not made known to it. In fact there has been a bumper crop of new regulations since 1959. Again in the application of these regulations there has been wide or confusing variations. Whenever unfair and arbitrary action was taken by the local authorities against Indian traders and pilgrims. India's Trade Agents made representations to the Foreign Bureaus. But the latter did not accept the complaints of India's Trade Agents in these matters describing them as 'consular business'.

9. It has been alleged that Indian traders sometimes failed to deliver goods within the periods stipulated in the contracts, and sometimes they failed to supply goods according to specifications. This is not surprising as some of these traders were compelled to enter into contracts which they were not in a position to fulfil. The Government of India are informed that Indian traders are being forced to sign contracts in return for remittance facilities. It is obvious that this practice violates the spirit of the April 1954 Agreement.

10. Regarding the reference to export control orders made in the Chinese Note, these are not unilateral but rather the result of the arbitrary stoppage of exports of conventional Tibetan produce like borax and animals, and restrictive exports of wool and Pashmina to India.

11. In every way, therefore, the Chinese authorities have sought to strangle the traditional trade and intercourse between India and Tibet and to undermine the foundations of the Sino-Indian Agreement of 1954. Violating the stipulations of the Sino-Indian Agreement of 1954 they have only recently refused permission to 15 Indian traders to trade at Yatung, which is a mart recognised by Article II of the Agreement. These traders had entered Tibet with valid traders certificates issued by competent Indian authorities in terms of Art. V (i) of the Sino-Indian Agreement of 1954. Further, an Indian firm, M/s. Indarchand Nathmall, Yatung, which had been trading at Yatung for many years was stopped from carrying on its normal business after it had withdrawn its application for the closure of the establishment. All this can hardly be said to be in consonance with the principles enunciated in the 1954 Agreement.

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.

Statement made by the Vice-Minister for Foreign Affairs of China to the Indian Ambassador, 21 October 1960

"We have received reports from our Embassy in India to the effect that, in the morning of September 26 this year, the Police Commissioner in Kalimpong called on Mr. MA CHU-TSAI an old Chinese national and on pretext of wanting him for inquiry at the Police Office took him there

under custody. Then MA was arrested sent under guard to the court and imprisoned on the pretext that he was allegedly involved in the murder of an old Lama. On September 27 the Police Officer further searched MA's house and took away his tonic medicine and other belongings.

For this case Mr. HSU JEN our Deputy Trade Agent in Kalimpong several times made representation with the local District Head and yet the Indian local authorities have hitherto failed to provide any reason and evidence warranting the arrest of Mr. MA. has been residing in Kalimpong for 40 years; he has always abided by the laws and is on good terms with the Chinese nationals both Han and Tibetans and enjoys a good reputation there. Mr. MA is 71 years of age and weak and sickly. After being imprisoned without warrants no bail is allowed nor visit or delivery of food and medicines by his family. This is totally against the humanitarian spirit.

As for the allegation that Mr. MA is involved in the murder of an old Lama this is a sheer fabrication. In fact Mr. MA has never been acquainted nor had any contact with the murderer. There is obviously something else behind the scenes when an old man who has always abided by the laws should have been charged with involvement in a murder case. The local authorities of Kalimpong have repeatedly refused to see our Deputy Trade Agent and even denied him access to Mr. MA in accordance with provisions relating to the 1954 Sino-Indian Agreement. All these acts are obviously not in the interest of the friendly relations between China and India.

It is also necessary to recall that since June this year the Indian local authorities in Calcutta and Kalimpong have successively given orders without any justification for Mr. CHIANG WEN-KUEI, Manager of the Bank of China, Calcutta, and other responsible persons in charge of cultural and welfare undertakings of the Chinese nationals in the localities totalling

over 30 to leave India within a limited period of time. Our Embassy in India on September the 2nd and again on October the 17th made representations with the Ministry of External Affairs of your country explaining that these persons have been lawfully living in India for a long time and they all have proper occupations, have always abided by local laws and regulations, actively upheld Sino-Indian friendship and living in amity with the local people and expressing the hope that the Government of India would permit them to continue their stay. However this question has up to now failed to be settled reasonably; on the contrary an ever increasing number of Chinese nationals have been ordered to leave India within a set time limit. Moreover in its reply dated October 17 the Ministry of External Affairs of your country even asserted that these Chinese nationals told to leave India are "persons who for over a period of time have been reported to be associating and participating in activities which are prejudicial to Indian national interests". We cannot agree at all to this reply. It must be pointed out that it is the consistent policy pursued by our Government to instruct the Chinese nationals to live in amity with the local people to abide by laws and regulations of the country they reside in and not to participate in the political activities of the locality. It is inconceivable that the charge of "associating and participating in activities which are prejudicial to Indian national interests" should be made without any grounds against these law abiding Chinese nationals. It is indeed difficult to understand why Indian local authorities should have given such unreasonable treatment to the nationals of a friendly country in such a great hurry.

The above mentioned events have already impaired the proper rights and interests as well as the rights of lawful residents of the Chinese nationals whose life and human rights are endangered. The continuous occurrence of these events in India have aroused the extreme uneasiness of the broad masses of Chinese nationals and our Government express serious concern over this situation. Proceeding from its desire to

safeguard the traditional friendly relations between the Chinese and Indian people and to truly ensure the life and property of the Chinese nationals the Government of your country is requested immediately to adopt effective measures to release the innocent and falsely accused Mr. MA CHU-TSAI to give the broad masses of Chinese nationals who abide by the laws including those who were informed of leaving India within a set time-limit the rights of lawful residents to stop the various unreasonable measures adopted by the local authorities to order Chinese nationals to leave India and to prevent disruptive activities of Tibetan rebels and elements of the Generalissimo CHIANG KAI SHEK clique.

I also hope that your Excellency Mr. Ambassador will convey to, your Government the serious concern and requests of our Government."

Vice Minister spoke in particular about MA CHU-TSAI stressing humanitarian aspect. He also mentioned arrest on October 5 of one WANG CHIN-SHAN a grocer in Kalimpong who was supplying Chinese Trade Agency.

Memorandum given by the Embassy of China in India to the Ministry of External Affairs, New Delhi, 8 November 1960

The Embassy also finds it necessary to take up with the Ministry of External Affairs of India the case of a Chinese national in Kalimpong Mr. Ma Chu-tsai who has been falsely implicated in a crime and detained. It is quite a long time since he was detained unwarrantedly. The Embassy of China in India and the Ministry of Foreign Affairs of People's Republic of China have taken up this case with the Ministry of External Affairs of India and the Embassy of India in China respectively, but the Indian side has not yet given any reply in regard to the case. The Embassy of China

hereby makes representation to the Ministry of External Affairs of India once again: Mr. Ma Chu-tsai's health is now indeed extremely poor; the local authorities of India have neither given any account for his unwarranted detention, nor have they released him speedily, and what is more, he is not even allowed to be released and return home on bail. It is indeed surprising that such inhumane measures should have been imposed upon a Chinese national who is an innocent victim and also an old man of an advanced age of 71 years and in extremely poor health. The Embassy demands that the Government of India immediately instruct the local authorities to speedily release Mr. Ma Chu-tsai or to atonce allow him to be released and return home on bail.

Memorandum given by the Embassy of China in India to the Ministry of External Affairs, New Delhi, 8 November 1960

On October 21, 1960, His Excellency Mr. Ken Piao, Vice-Minister of Foreign Affairs of the People's Republic of China took up with the Embassy of India in China the matter of Chinese nationals being ordered to leave India within a specified period. Pending a reply from the Indian Government, the Calcutta local authorities of India, however, successively issued orders at the end of October to further unwarrantedly restrict the movements of Mr. Chiang Wen-Kuei, Manager of the Bank of China, and other Chinese nationals, demanding them to report themselves at the Foreigners' Registration Office three times a week and not allowing them to change their residence unless they are given permission to do so, and went so far as to openly detain Chinese nationals who have always been law-abiding. This insolent action constitutes a grave infringement on their personal freedom, and seriously affects their livelihood, thus making it quite impossible for Mr. Chiang Wen-kuei, Manager of the Bank of China,

and other law-abiding Chinese nationals to engage in their proper occupations and consequently placing them in a very difficult position. This is an unfriendly action. Out of a desire for maintaining the friendship between the peoples of China and India, the Embassy of China in India demands that the Government of India speedily instruct the authorities concerned to remove various unwarranted measures against Mr. Chiang Wen-kuei, Manager of the Bank of China, and other Chinese nationals who have suffered wrong, restore their freedom and reinstate them the right to continue their lawful stay in India.

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

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:

On the morning of November 24, 1960, the Indian authorities concerned suddenly dispatched policemen to detain Mr. Chiang Wenkuei, Manager of the Bank of China, Calcutta. It is surprising that the Indian authorities should have taken such an unruly action as violates human rights in relation to the bank manager of a friendly country.

Since he received in July 1960 a notice to leave India within a specified period, Mr. Chiang has time and again made it clear to the authorities concerned that he has taken charge of his duties at the Bank of China for many years, has always been law-abiding and, devoted to his duties, has all along valued highly Sino-Indian friendship, has made positive contributions to promoting trade between China and India and maintained good co-operation with the authorities concerned. Actuated by the urgent

need of the business, he has applied for continuing his stay. The Chinese Embassy and the Chinese Consulate-General at Calcutta have made repeated representations with the Indian Ministry of External Affairs and the West Bengal Government respectively, and the Indian Government has not provided any specific reason warranting withholding Mr. Chiang permission to stay. Later, Vice-Minister Ken of the Ministry of Foreign Affairs of China once again took up this question with the Indian Ambassador who replied that enquiries would be carried out. However, it is regrettable that even before the Indian Government gives its due reply to the representations made by the Chinese Embassy and the Chinese Ministry of Foreign Affairs on October 17 and 21 respectively, and also before a reply is given to Mr. Chiang who has applied for continuing his stay, discriminative measures should have hastily been adopted to restrict the personal freedom of Manager Chiang, and what is more, policemen should have openly been dispatched to detain him. The Embassy expresses its utmost regret at such an extremely unfriendly action.

It is also necessary to point out that for a time certain Indian newspapers have carried remarks made by Indian officials, alleging that overseas Chinese nationals have been engaged in "anti-Indian activities". This kind of contention is inconceivable. It is the consistent policy of the Chinese Government towards overseas Chinese to instruct them to respect laws and regulations of the country in which they reside, refrain from participating in local political activities and live in amity with the local people. In case individual overseas Chinese actually offend Indian law and definite information is provided by the Indian Government in this regard, the Chinese Embassy, in line with its consistent stand of maintaining Sino-Indian friendly relations, wishes to adopt a co-operative attitude and give due consideration to it. The Embassy hopes that the Indian Government would take the same friendly attitude in dealing with questions concerning overseas Chinese. But it is incredible that this year not a few responsible persons of overseas Chinese organizations have

been asked to leave India within a specified period, and that in spite of the repeated representations made by the Chinese side the Indian Government has so far not given any factual grounds supporting the alleged cases of offending laws by overseas Chinese. What is particularly worth noting is the fact that when the Indian side has promised to make enquiries with reference to the representations by the Chinese Ministry of Foreign Affairs and a reply is still being awaited, such measures as imprisonment, detention, investigation, fine and restriction of freedom should have been adopted against law-abiding and bona fide Chinese nationals. All these are obviously no accidental happenings, and the Embassy cannot but express its grave concern over them.

Out of the desire for maintaining the friendly relations between the peoples of China and India and to seek a reasonable settlement of the question by means of friendly co-operation, the Embassy requests that the Indian Government speedily reply to the representations by the Chinese Ministry of Foreign Affairs and the Chinese Embassy, and immediately remove such discriminative measures as violate the personal freedom of Mr. Chiang and other Chinese nationals. The Embassy hopes that while the two Governments are seeking a reasonable settlement of the above-said question through diplomatic channels the local authorities of India will not take any steps which might complicate the question.

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, 20 December 1960

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China in India and with reference to the Embassy's Note No. L/568/60, dated December 6, 1960, have the honour to enclose for its information a copy of the Statement presented to His Excellency the Vice Minister of China, Mr. Keng Piao, by the Ambassador of India in Peking on December 15, 1960. This statement constitutes the reply of the Government of India to the various representations, verbal and written, made to them by the Chinese Government and the Chinese Embassy in India.

2. Apart from the matters of substance, the Embassy in its Note referred to above stated that "in case individual overseas Chinese actually offend Indian law and definite information is provided by the Indian Government in this regard, the Chinese Embassy, in line with its consistent stand of maintaining Sino-Indian friendly relations, wishes to adopt a co-operative attitude and give due consideration to it". If this statement is intended to suggest that the Chinese nationals resident in India will be duly advised by the Embassy to desist from political activities and respect the Indian legislative and administrative enactments, the Government of India welcome this assurance. If, however, the statement in any way purports to suggest that the Embassy be associated with the Government of India in taking appropriate action or decision in matters pertaining to Chinese nationals living in India, the Government of India are obliged to point out that the question of the terms and conditions upon which foreign nationals in India may continue to reside in India is a matter solely within the discretion of the Government of India and this Government cannot in any way share its sovereign jurisdiction in this respect with any other authority. The Government of India continue to take an extremely liberal attitude towards foreign nationals, including Chinese, to stay, trade and enjoy freedom and facilities within India. But if any foreigner behaves in a manner contrary to or against the security requirements of the country

the Government of India must take appropriate action against such an offender.

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

Enclosure to the Government of India note, dated 20 December 1960

The Government of India have examined the statement made by His Excellency, the Vice Minister of China. Mr. Keng Piao, to the Ambassador of India at Peking on October 21, 1960, regarding the arrest of Mr. Ma Chu-Tsai, a Chinese national residing in India. The Vice Minister also referred to the orders recently passed by the Government of India terminating the stay of certain Chinese nationals in India. The Government of India had also received representations, verbal and written, from the Chinese Embassy in New Delhi on the same subjects.

2. (i) Mr. Ma Chu-Tsai

It has been stated by the Vice Minister that Mr. Ma Chu-Tsai has been involved in the murder of an old Lama on a fabricated charge. The question whether Mr. Ma Chu-Tsai is guilty or innocent of the offence, on which he has been arrested, will be decided by a Court of Law, according to the Indian Penal Code and Criminal Procedures. The Government of India must await the court's verdict and, in the meantime, they cannot accept the allegation that the charge against Mr. Ma Chu-Tsai is fabricated.

The court before which Mr. Ma Chu-Tsai was produced has already ordered his release on bail. Since, however, he is not able to fulfil the conditions of the bail, he continues to be in detention. The Government of India are informed that an officer of the Chinese Consulate- General in Calcutta and the Chinese Deputy Trade Agent at Kalimpong have been permitted to interview the prisoner and the interview has already taken place. Delivery of food and medicines to an under-trial prisoner in custody by his family is governed by appropriate rules in India, applicable to all prisoners, and these rules are being followed in respect of Mr. Ma Chu-Tsai. There is no difficulty about supply of food to him by his family, but the supply of medicines from outside is strictly controlled. The jail authorities, however, take the fullest responsibility for the health of a prisoner. In fact, on November 13, 1960, Mr. Ma Chu-Tsai was removed to a hospital in Darjeeling, where necessary treatment was given to him.

(ii) Chinese nationals in India

A reference has been made in the Vice Minister's statement to the problem of Chinese nationals in India, and in particular to the orders passed recently by the Government of India asking some Chinese nationals to leave India within a specified period. As the Chinese Government must be aware, the Government of India are most liberal in respect of allowing foreigners to reside in India. Foreigners have full freedom and facilities of work and trade in the country, and thousands of Chinese nationals have taken advantage of these facilities. The Government of India cannot, however, permit a foreigner to part, directly or indirectly, in political activities or associate himself with any activity which is likely to damage the interest of India. The persons against whom orders have been issued to leave the country have been indulging, over a considerable period, in activities which are prejudicial to Indian national interest. The Government of India have, therefore, been forced to take action against them, and it is regretted that these orders cannot be modified. In case of individual hardship, however, the Government of

India will be prepared to extend the time-limit prescribed in the 'quit notice' orders.

Note given by the Embassy of China in India to the Ministry of External Affairs, New Delhi, 3 January 1961

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 acknowledge the receipt of the Ministry's reply note of December 20, 1960 regarding the question of overseas Chinese nationals and a copy of the statement of December 15, 1960 of the Indian Ambassador to China, and the Embassy is now instructed by the Government of China to reply as follows:

1. The consistent policy pursued by the Government of China towards overseas Chinese nationals is to instruct them to observe laws and regulations of the country in which they reside, to live in amity with the local people and to refrain from participating in the local political activities. The Embassy and the Ministry of Foreign Affairs of China have time and again pointed out that the Chinese nationals who have been ordered by the authorities concerned of India to leave the country within a specified period have all been residing in India for a long time, have been minding their own business and law-abiding, have proper occupations and have made contributions to upholding Sino-Indian friendship. The Indian side in its several replies, however, failed to give a single concrete fact of Chinese nationals' breaking law. Therefore, the Embassy cannot agree at all to the allegation that the Chinese nationals "have been indulging in activities which are prejudicial to Indian national interest"

2. The Embassy has never had the intention to interfere in the sovereignty of India, but it is the Indian local authorities who have without any justification asked Mr. Chiang Wen-kuei, official functionary of the Bank of China, and other responsible persons in charge of the Chinese nationals' cultural, educational and welfare undertakings who have long been residing in India lawfully, to leave India within a specified period, and adopted such discriminative measures as restriction of personal freedom, detention and investigation. This can only be considered as an unfriendly attitude towards the nationals of a friendly country. The Embassy, out of the desire for upholding the friendly relations between the peoples of the two countries, expressed its serious concern over this matter, and hoped that a reasonable settlement of the question would be sought in the light of facts and in the spirit of the friendship between the two countries. It is regrettable that this attitude of friendly co-operation taken by the Embassy has not met with corresponding response.

3. At present, Mr. Chiang Wen-kuei's personal freedom has been repeatedly subjected to grave infringement, and this has made it quite impossible for Mr. Chiang to continue his normal functions and has also seriously affected the work of the Bank of China. In spite of these numerous unfriendly actions taken by the Indian authorities concerned, the Chinese side, out of its consistent desire for unholding the friendship between the peoples of the two countries, still wishes to take another step and make new efforts. The General Managing Office of the Bank of China has decided to send Mr. Jun-chang, roving inspector of accounts of the Bank of China, who is now in Pakistan, to go to Calcutta and take over Mr. Chiang Wen-kuei's post. The Chinese Embassy in Pakistan will approach the Indian High Commission in Pakistan for Mr. Shen's entry visa for India, and it is hoped that the Government of India will, starting from the desire for maintaining Sino-Indian friendship on its part, grant the required visa as speedily as possible and give necessary time and facilities to the new and old managers in the handing over of the post.

The Embassy also hopes that the Government of India will, also in the spirit of the friendship between the peoples of the two countries, give sympathetic consideration to the question of stay of other Chinese nationals who have long been residing in India lawfully, and have been minding their own business and law-abiding.

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

Note given by the Embassy of China in India to the Ministry of External Affairs, New Delhi, 2 February 1961

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

Regarding the unwarranted request for Mr. Chiang-Wen-kuei, Manager of the Bank of China, Calcutta, to leave India, while a reply from the Ministry of External Affairs of India to the Embassy's note of January 3, 1961 is still being awaited, the local authorities of India suddenly detained Manager Chiang without any justification on January 25 in disregard of the serious representations of the Embassy and the reasonable demand already put forward by Manager Chiang himself to the authorities concerned to leave India soon. This is utterly an unfriendly act, at which the Embassy expresses extreme regret. As a result of the unjustified measure taken by the authorities, it has been rendered impossible for Manager Chiang to perform his banking duties. With a view to bringing about a speedy settlement of the question, the General Managing Office of the Bank of China has decided to transfer Mr. Chiang to China immediately, and it is requested that the Government of India release

Manager Chiang expeditiously and unconditionally and grant to him an exit visa valid for two weeks.

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

Memorandum given by the Embassy of China in India to the Ministry of External Affairs, New Delhi, 3 February 1961

Regarding the order issued by the West Bengal Government to Mr. Chiang Wen Kuei, Manager of the Bank of China, Calcutta, to leave India within a specified period, the Chinese Embassy in India and the Chinese Consulate General in Calcutta have for several times made representations with the Ministry of External Affairs of India and the Government of West Bengal. Mr. Chiang Wen Kuei himself also made repeated representations with the local authorities. However, the local authorities disregarding these strong and just representations once again arrested Mr. Chiang on January 25 and have detained him till now. This is an unfriendly action, for this the Chinese Consulate General expresses its deep regret.

As the local authorities have taken such unjustifiable measures, Mr. Chiang feels it impossible to carry on his bank duties. For the sake of an immediate solution of this problem, the Head Office of the Bank of China in Peking, has decided to recall Mr. Chiang back to China immediately. Mr. Chiang will leave for China within two weeks. The Chinese Consulate General demands that the Government of West Bengal find a reasonable settlement of this case and release Mr. Chiang Wen Kuei immediately and unconditionally, thus enabling him to leave India for China in due course.

Memorandum given by the Embassy of China in India to the Government of West Bengal, 7 February 1961

Regarding the order issued by the West Bengal Government to Mr. Chiang Wen Kuei, Manager of the Bank of China, Calcutta, to leave India within a specified period, the Chinese Consulate General, in its Memorandum, dated February 3, informed the West Bengal Government that the Head Office of the Bank of China in Peking has decided to recall Mr. Chiang Wen-Kuei back to China immediately, and demanded that the Government of West Bengal release Mr. Chiang immediately and unconditionally, thus enabling him to leave India for China in due time. After his release on bail on February 3, Mr. Chiang wrote a letter to the Office of Security Control on February 4 stating that he would leave India by February 25 and requested the Office to endorse his departure from India. On February 6, as Mr. Chiang was sick, he entrusted Mr. R. N. Dhar, Solicitor, to apply on his behalf to the Office of Security Control for withdrawing his court case. In the meantime, Mr. R. Gupta, Chief Secretary of the Government of West Bengal also expressed on February 3 that he would propose to the Government of India to withdraw this case. While the Chinese Consulate General in Calcutta and Mr. Chiang were awaiting the reply in respect of this matter, Mr. Chiang was again unwarrantedly arrested in the afternoon of February 7 by the local authorities. The Chinese Consulate General in Calcutta feels it inconceivable, expresses deep regret, and demands that the West Bengal Government release Mr. Chiang immediately and expedite his departure formalities.

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 11 February 1961

As the Embassy is aware, the Government of India through the agency of the Government of West Bengal had given notices to Mr. Chang Ching, Principal, Hsinhua High School, Calcutta, and Hou Hsing-fu, Editor, China Review, Calcutta, to leave India within specified periods. The periods of notice expired some time ago but the two Chinese nationals have not so far left this country. In view of the serious nature of their anti-Indian activities, the Government of India have decided to deport them forthwith. They will be pushed across the land frontier at Nathula on Monday, the 13th February, 1961, at 9-00 A.M. I am giving advance notice of this intention of the Government of India to enable the Chinese Government to make arrangements to receive them if the Chinese Government so desire.

Note given by the Embassy of China in India to the Ministry of External Affairs, New Delhi, 25 February 1961

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:

At three o'clock on the morning of February 11, the police authorities of Calcutta unwarrantedly and unlawfully arrested, all of a sudden, Mr. Chang Ching, principal of the Hsing Hua Middle School, who had long been residing in Calcutta, and Mr. Hou Hsing-fu, editor of the China Review, who was born in India, forcibly took them in custody to and deported them from Nathula Pass on February 13. When they were on the way under custody, they were subjected to inhuman treatment.

It must be pointed out that after receiving orders from the local authorities of West Bengal asking them to leave India, both Mr. Chang Ching and Mr. Hou Hsing-fu put forward, in accordance with law, legitimate reasons requesting to continue to stay in India. While the Indian local authorities referred their cases to judicial procedures and a just settlement by the court was being awaited by them, the Indian local authorities, however, took such a step as to have suddenly arrested them and deported them from India under custody. The Embassy expresses its regret at this unreasonable measure. It is requested that the Government of India put an end to such discriminative measures against the Chinese nationals.

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

Memorandum given by the Embassy of China in India to the Ministry of External Affairs, New Delhi, 8 March 1961

In August 1960, Mr. Chang Hsiu-feng, Principal of the Chung Hwa School at Kalimpong, and his wife, who have long been residing in India, received orders from the local authorities not permitting them to reside in Kalimpong, and were arrested in December by the same authorities without any justification. Later Mr. Chang was sentenced to four months' imprisonment by the local court, and his wife Yao Pan-ying was also sentenced to two months' imprisonment by the local court on February 27, 1961.

The Chinese Embassy in September 1960 brought up the question of their stay to Mr. V. V. Paranjpe of the China Division of the Indian Ministry of External Affairs, and the Chinese Consulate General at Calcutta also took

up the matter with the West Bengal local authorities in 1960 and January 1961 on several occasions, in the hope that the question of their stay would be dealt with in a reasonable way, and it has been repeatedly pointed out that Mr. Chang has always been law-abiding, devoted to the education of the children of Chinese nationals, and enjoying popular respect. Chang's wife is a housewife, dependent on her husband and looking after their children. As entrusted by the Chinese nationals, Mr. Chang serves as the Principal of the Chung Hwa School of the local Chinese nationals and in the interest of the education of the children of the Chinese nationals and necessitated by his work in the school, he had applied to the local authorities for continuing to stay. When a formal reply to his application was still being awaited, he was suddenly arrested by the local authorities without any justification and was sentenced to rigorous imprisonment and to a fine.

It must be pointed out in particular that Mr. Chang's wife Yao Panying was born and brought up in India, and that she has been ailing for a long time and is very weak, while five children are under her care, one of whom is still at the breast. She together with the children, lives entirely on her husband's income, and is also dependent on her husband as to where to stay. It is entirely necessary to show sympathy towards a woman in such a position. However, it is surprising that she was also unwarrantedly detained by the local authorities on December 5, 1960, and it was not until December 17, 1960, that she was permitted to come out on bail on condition that she should leave Kalimpong in the night of the same day. Thus, bringing all her children with her, she had to go to Calcutta and stayed there for the time being. Owing to the fact that her husband is in prison, she has been leading a poor and hard life and has been difficult to find a shelter, since she arrived in Calcutta. In order to save her family from plight, she has requested the local authorities to release her husband immediately so that they may go back to China together. The local authorities, however, in disregard of her reasonable and appropriate

demand based on the fact that she has five children to look after, and she is in bad health and has financial difficulties, twice forcibly ordered her to go to Kalimpong from Calcutta for trial, passed an utterly unjustified judgment and imprisoned her with a fine. It should be pointed out that even those who were present at the court were very much surprised at such unreasonable sentence.

In view of the above facts, the measures taken by the Indian local authorities against Mr. Chang and his wife are utterly unjustified as well as inhuman. This is inconsistent with the liberal spirit towards foreigners as claimed more than once in its note by the Indian Government.

In view of the fact that Mr. Chang's wife is in bad health and her five children need the care of their parents and that she has applied for leaving India and returning to China, the Embassy requests that the Government of India adopt measures to release Mr. Chang Hsiu-feng and his wife, so that they may leave India.

**Memorandum given by the Embassy of China in India to the
Ministry of External Affairs, New Delhi, 8 March 1961**

In October and November 1960, the Chinese Embassy took up for several times with the Ministry of External Affairs of India the wronged case of an innocent Chinese national, Mr. Ma Tsu-tsai, who originally resided in Kalirnping. Owing to the condition of his health, Mr. Ma Tsu-tsai himself has for many times expressed his desire to return to China for rest and treatment, and has already submitted to the Chinese Consulate General at Calcutta a formal application for return to China at an early date.

According to his application, Mr. Ma has been in bad health for a long time as he is old and weak. Particularly since he was put into prison in October 1960, the several months' imprisonment has done serious harm to his health which is deteriorating daily and he himself and his family are very much concerned over his health. After a careful examination of his health, the doctor also advises that he needs a tranquil environment for rest and treatment. He has applied for return to his native place in China for rest and treatment, where members of his family will look after him and meet the charges for his medical treatment.

The Embassy hopes that the Ministry of External Affairs will, in a humanitarian spirit, render assistance to Mr. Ma Tsu-tsai so that he may return to China at an early date.

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 13 March 1961

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

The Chinese Government has received a report stating that three specialists sent to Nepal by China, Hsing Yi-hsing, Yang Yung-chi and Mao Hung-yuan, accompanied by an official of the Department of Industry of the Nepalese Government, were deliberately harassed and unreasonably detained by the Indian checkpost personnel at India's Nepalganj Station on their way to western Nepal at 11-00 A.M. on February 28, 1961. The Chinese specialists showed their passports with valid transit visas issued by the Indian Embassy in Nepal. But the Indian checkpost personnel detained the Chinese specialists, alleging that they

did not possess legal transit documents. Despite the protests of the Chinese specialists and the repeated representations of the Nepalese official who accompanied them, the Indian checkpoint personnel claimed that they had the right to detain any person for 24 hours. It was not until 20.00 hours that day that the passports of the Chinese specialists were examined and they were set free as late as 24.00 hours. The Chinese specialists were unreasonably detained for as long as 13 hours.

The Chinese Government is surprised at the unreasonable detention of the Chinese specialists by the Indian checkpoint personnel and the deliberate delay in examining the valid visas issued by the Indians themselves. This cannot but be regarded as extraordinary and unfriendly. While expressing its deep regret at this, the Chinese Government requests the Indian Government to attend to it and give instructions to the authorities concerned against any recurrence of similar incidents.

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 17 March 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and have the honour to refer to the note of the Embassy, dated the 25th February.

Mr. Chang Ching and Mr. Hou Hsing-fu were Chinese nationals holding Chinese passports. In view of their undesirable activities, under the provisions of the Foreigners' Act they were required to leave India within a stipulated period which allowed adequate margin for preparation and

departure from the country. Since they did not comply with the orders served on them, the Government of India considered it necessary in the interest of security to compel them to leave Indian territory. The allegation that they were subjected to "inhuman treatment" is entirely unfounded. In fact, they were provided with adequate food and clothing and treated with consideration.

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 by the Embassy of China in India to the Ministry of External Affairs, New Delhi, 21 March 1961

On March 8, the Embassy, at the request of Mr. Ma Chu-tsai's family, took up with the Ministry of External Affairs the matter that Mr. Ma Chu-tsai requested to leave India for China because of his old age, weakness and daily deteriorating health.

Now members of Mr. Ma's family have again reported at the Chinese Consulate-General at Calcutta and requested the Embassy to assist them in getting out of their difficult position.

Since Mr. Ma was put into prison on a false charge, great harm has been done to his health. When he was released on bail, he was not allowed to reside in Kalimpong, thus he moved to Calcutta. His whole family was also ordered to leave Kalimpong. His house in Kalimpong was sealed. He has reached an advanced age of over 70 and is suffering from serious illness. Several doctors have time and again advised him that he should not move within a short period of time, and his lawyer has presented the health

certificate to the Kalimpong court. However, in disregard of the practical difficulties that Mr. Ma is extremely weak and that all his family has been forced to leave Kalimpong, the district court, Kalimpong, has now again ordered Mr. Ma to travel a long distance to appear at the Kalimpong court. Consequently, Mr. Ma has been obliged to go there though suffering from illness. In these circumstances, Mr. Ma's family is very much worried about his health and has great fear that his life will be in danger. Mr. Ma himself and his family earnestly hope that the authorities concerned will transfer the case to Calcutta for trial.

The Embassy considers that his request is proper and reasonable, and hopes that the Ministry of External Affairs will give it sympathetic consideration. The Embassy is seriously concerned about Mr. Ma Chu-tsai's health and his present difficult position, and would like to request the Government of India to pay due attention to his life and safety in the process of the case. It is also hoped at the same time that sympathetic consideration will be given to his request for an early return to China for rest and treatment on account of his illness

Memorandum given by the Consulate General of China in Calcutta to the Government of West Bengal, 2 May 1961

The Chinese nationals in Calcutta Mr. Liu Wei-tai (Manager of Peking Restaurant) and Mr. Wu Tao-lung (ex-publisher of the Chinese Review) have been living in India for many years and have always been law abiding. The West Bengal Government, however, on July 25, 1960, unreasonably ordered them to leave India within 90 days, then again in November and December 1960, arrested them and sent them to the Calcutta local court for trial respectively, disregarding the representations made by the Chinese Consulate General in Calcutta and petitions

submitted by themselves for continuing their stay in India. While they were waiting for the trial of the court, the Calcutta Police, all of a sudden, at 3 O'clock in the morning of April 29, 1961, arrested them again and deported them from India under Police custody. Such a series of unjustifiable and discriminative measures taken by the West Bengal Government against Mr. Liu Wei-tai and Mr. Wu Tao-lung, particularly that of deporting them unreasonably from India under custody, are obviously very unfriendly and in-humane. For them, the Chinese Consulate General lodges a protest with the West Bengal Government.

Letter from the Government of West Bengal to the Chinese Consul, Calcutta

Reference Chinese Consul in Calcutta's letter of protest to the Government of West Bengal on May 2, 1961, regarding the deportation of Messrs. Wu Tao Lung and Lee Wei Tai.

2. The Government of West Bengal firmly reject the assertion of the Chinese Consul that the deportation of Messrs Wu Tao lung and Lee Wei-tai was unjustifiable and discriminatory. As the Chinese Embassy in New Delhi was informed on April 29, 1961, by the Ministry of External Affairs the two Chinese nationals had been served with notice to leave India within specified period. Even though the periods of notice expired they had not made any effort to leave the country. In view of the serious nature of their anti-Indian activities, the Government of India were constrained to effect their deportation across the land frontier.

Note given by the Ministry of External Affairs, New Delhi, to the

Embassy of China in India, 24 May 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China in India and with reference to the Note, dated March 13, 1961, handed over to Sri S. K. Bhutani, First Secretary, Embassy of India, Peking by Mr. Wang Chao Chen, Special Officer in the First Asian Department of the Chinese Foreign Office, have the honour to state as follows:

The Government of India have read with surprise the allegation in the Chinese Note that three (3) Chinese Officials were harrassed and detained by Indian Checkpost personnel at Nepalganj station at 11 A.M. on 28th February 1961.

2. The fact is that these Chinese Officials had repeatedly entered Indian territory by unauthorised routes from Nepal and had not heeded previous warnings given to them. On 25th February 1961 they entered Indian territory at Tanakpur again by an unauthorised route. After proper investigation of the case, the three Chinese were treated with leniency as it was felt that they had violated the Foreigners Order 1948 of the Government of India out of ignorance. They were verbally warned and instructed that under Indian regulations no foreigner should enter or leave India (from Nepal) except by an authorised route. Any contravention of these regulations renders the foreigners liable to prosecution under the Foreigners Act of 1946 of the Government of India. However, the three Chinese concerned demanded a written warning which had to be prepared and served on them.

3. Thus it will be seen that in the circumstances the three Chinese in question were treated with exceptional courtesy when under the law they should have been prosecuted.

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

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 22 June 1961

The Ministry of Foreign Affairs of the People's Republic of China present its compliments to the Embassy of India in China and, with reference to the note of the Ministry of External Affairs of India dated May 24, 1961, has the honour to reply as follows:

With regard to the case in which three specialist sent to Nepal by China were unreasonably detained by Indian checkpost personnel, the Indian Ministry of External Affairs alleged in its note that the Chinese specialists had not heeded previous warnings and repeatedly entered Indian territory by unauthorised routes from Nepal. This allegation does not tally with that fact. It may be pointed out that at the time when they applied to the Indian authorities concerned for transit visas, the Chinese specialists listed specifically the places in Nepal to which they would proceed by land or by air via India territory Either at the time of applying for the transit visas or when they were obtaining them, they received no notification in whatever form specifying the routes authorised for entering Indian territory. Each time when they entered Indian territory on transit, the Chinese specialists went to the authorities concerned of their own accord to go through the necessary formalities. Instead of making objections or warnings, the Indian officials who examined their documents told the Chinese specialists clearly that they had completed all the formalities and would have no trouble in continuing their trip. It was only when they were passing through the Nepalganj Station on their way from India to Nepal

that they were deliberately harassed and unreasonably detained by local Indian checkpost personnel in spite of the fact that, as declared by the Indian checkpost personnel, the Nepalganj Station is precisely one of the points through which foreigners are allowed to enter or leave Indian territory as stipulated by the Indian Government. In its note, the Indian Ministry of External Affairs not only evaded the fact cited by the Chinese Government that the Chinese specialists were unreasonably detained by the Indian checkpost personnel, but put forward excuses without factual basis in a futile attempt to sophistically defend the unreasonable acts of the Indian checkpost personnel, and went so far as to glibly state that the Chinese specialists "were treated with exceptional courtesy." The Chinese Government cannot but feel regret at this. As to the allegation made in the note of the Indian Ministry of External Affairs that the Chinese specialists had demanded a written warning, the Chinese Ministry of Foreign Affairs wishes to point out that what really happened was that the Chinese specialists demanded the Indian checkpost personnel to make a written explanation for their unreasonable detention.

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

Note given by the Chinese Bureau of Foreign Affairs, Lhasa, to the Consulate General of India in Lhasa, 18 August 1961

The Bureau of Foreign Affairs in Tibet present its compliments to the Consulate General of India, Lhasa and hereby lodges the following protest with the Consulate General regarding illegal detention of a Chinese citizen by the Indian troops illegally entrenched in Tsungsha of China.

According to the report of the local authorities in Ari on the 7th June 1961, KADUP a border inhabitant of Tseda County in China's Ari, passing through Tsungsha area of China to carry on petty trade customarily was illegally detained for 8 days by the Indian troops illegally entrenched in Tsungsha on the pretext that KADUP was not in possession of a trader's certificate.

The Bureau of Foreign Affairs in Tibet again point out the following two points to the Consulate General of India, Lhasa:

(1) Chinese Government has repeatedly stated that Tsungsha area has always been Chinese territory. India should respect the territorial integrity of China and withdraw all the Indian personnel who have illegally intruded into Tsungsha area.

(2) Leaving aside the question of ownership of territory, according to the item 2 of article V of the Sino-Indian Agreement signed in April 1954 and customary practice in border area, there has always been no need for border inhabitants on both sides to carry certificates for going back and forth. It can thus be seen that the detention of KADUP by Indian side on the pretext of his not possessing a trader's certificate is entirely an unreasonable harassment, an act of arbitrary infringement on human rights and is in contravention with the agreement of 1954.

Based on what is mentioned above the Foreign Bureau hereby lodges protest against the unreasonable detention of a Chinese citizen by the Indian troops which have illegally intruded into Chinese territory and requests that the Consulate General convey to the Government of India to take effective measures for the prevention of reoccurrence of similar incidents.

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

Note given by the Consulate General of India, Lhasa, to the Bureau of Foreign Affairs in Tibet, Lhasa, 24 November 1961

Consul General of India presents his compliments to Foreign Bureau and with reference to latter's note dated 18 August 1961 has the honour to state as follows:-

The note is based on false assumptions and the allegations contained in it are entirely without any factual basis. It reveals both malicious and predatory motives.

No person by name KADUP of Tseda country attempted to pass through Nilang which the Chinese call Tsungsha on June 7, 1961. Nilang is an integral part of the territories of the Indian Union. That has never been in doubt, and for any foreign authority to ask the Government of India to withdraw their control over Indian territory is extraordinary procedure and an act of irresponsibility.

Regarding specific subject of complaint namely harassment and illegal detention of KADUP detailed enquiries have been made. While no person by name KADUP sought entry into Nilang a Tibetan named GHUTUK of village sarang arrived at Nilang on June 7th, 1961 and sought entry into India as a petty trader. But as he was an official of the local Government of Tibet there was doubt whether under Article V of the 1954 Agreement he could enter India for purposes of trade and intercourse without a duly visaed passport. The matter was referred to higher authorities for a

decision but GHUTUK was not prepared to wait and left for Tibet on 14th June 1961. At no time was GHUTUK placed under detention.

The attention of the Foreign Bureau is invited to Article V (5) of the 1954 Agreement.

It is regretted that the Foreign Bureau should have framed false charges in order to lodge a protest. As there is no factual basis for the allegation, Foreign Bureau's protest is rejected.

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

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 1 June 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China in India and have the honour to state that it has been brought to the notice of the Government of India that on February 13, 1961 the Chinese Deputy Trade Agent at Kalimpong along with three other members of the Chinese Trade Agency drove through Teesta Police Checkpost in a taxi ignoring the traffic signal. While the Police signalled the taxi to stop, the Chinese Deputy Trade Agent directed the driver to ignore the Police signal and proceed. Enquiries made into this incident show that the Chinese Deputy Trade Agent had wilfully directed an Indian national to violate the laws and regulations of the State. The Chinese Deputy Trade Agent who called at the Kalimpong Police Station stated that the driver was not at fault.

The Ministry of External Affairs regret this irresponsible conduct of a member of a Chinese Mission in India and hope that similar wilful violations of the law will stop.

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

Note given by the Embassy of China in India to the Ministry of External Affairs, New Delhi, 21 June 1961

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 of June 1, 1961 and the conversation of May 24 between Mr. V. V. Paranjpe, Under Secretary of the Ministry, and Mr. Ma Mu-ming First Secretary of the Embassy, has the honour to state as follows:

With regard to the Ministry's allegation in the above note and conversation that the Chinese Deputy Trade Agent at Kalimpong ignored the traffic signal, the Embassy has made enquiries. The fact was that, at about 4.30 on the afternoon of February 13 when the Chinese Deputy Trade Agent at Kalimpong together with other three members of the Trade Agency was to pass through the Teesta Bridge in a taxi, the car began to slow down and the horn was repeatedly sounded. At that time, a policeman at the checkpost, after making out the passengers in the car, gesticulated that the car may pass, giving no signal to stop the car, thus the car continued to proceed. But when it was passing in front of the Kalimpong police station, the police suddenly stopped it and took the driver into the police station, accusing him of having ignored a signal to

stop the car. Members of the Trade Agency then accompanying the Deputy Trade Agent followed the driver into the police station and explained the actual position of what happened.

It must be pointed out that the allegation made by the Ministry does not conform to the facts at all. The car was moving in accordance with the traffic signal by the policeman at the Teesta checkpoint; the Deputy Trade Agent did not direct the driver to ignore a policeman's signal to stop the car; nor did the Deputy Trade Agent go into the police station himself. The assertion of the Ministry that the Chinese Deputy Trade Agent had wilfully directed an Indian national to violate the laws and regulations of the State is thus completely baseless. The Embassy categorically rejects this unwarranted charge and cannot but express regret at it.

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

Memorandum given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 10 August 1961

The Government of India have decided that with effect from 16 August 1961, for security reasons, the officers and staff members of the Chinese Trade Agency in Kalimpong will not travel beyond the municipal limits of Kalimpong less that portion of the Development Area falling south of the following points:

- (1) Sub-Divisional Officer's bungalow (Adambari),
- (2) Surja Sadan (on Ringkingpong Road), and
- (3) Office of Block Development Officer, Block No. I (Bong Road),

except with the prior permission of the Sub-Divisional Officer, Kalimpong, to be obtained by application (in triplicate) in the proforma enclosed.

2. The Trade Agent and his staff may travel beyond the limits of Kalimpong municipality as defined in the foregoing paragraph only after the Sub-Divisional Officer, Kalimpong, has accorded his permission in writing.

PROFORMA

To

The Sub-Divisional Officer,
KALIMPONG.

Dear Sir,

This is to request you to allow me to travel beyond the Municipal limits of Kalimpong on Details of the journey are given below.

(date)

Faithfully yours,

(Name)

Official designation.. ..

Details of *the* journey

1. Date of the commencement of the journey
2. Purpose of the journey
3. Mode of travel
4. Destination

(Name of each city/town or other place to be visited should be mentioned)

5. Arrival time in each place and time of departure therefrom

.....

6. Date and time of return to Kalimpong

.....

**Letter given by the Agent of the Ministry of External Affairs at
Kalimpong to the Deputy Trade Agent of China at Kalimpong, 14
August 1961.**

Sir,

I am directed to say that the Government of India have decided that with effect from 16th August, 1961 for security reasons, the officers and staff members of the Chinese Trade Agency in Kalimpong will not travel beyond the municipal limits of Kalimpong less that portion of the Kalimpong Development Area falling South of the following points:

- (i) Sub-Divisional Officer's bungalow (Adambari) ;
- (ii) Surja Sadan (on Ringkingpong Road); and
- (iii) Office of the Block Development Officer, Block No, I (Bong Road);

except with the prior permission of the Sub-Divisional Officer, Kalimpong, to be obtained by application (in triplicate) in the proforma enclosed.

2. The Trade Agent and his staff may travel beyond the limits of Kalimpong Municipality as defined in the foregoing paragraph, only after the Sub-Divisional Officer, Kalimpong, has accorded his permission in writing.

Yours faithfully,
(Sd.) D. C. MOOKERJEE,
Agent of the Ministry of External

Affairs, Government of India, at
Kalimpong.

**Memorandum given by the Embassy of China in India to the
Ministry of External Affairs, New Delhi, 24 August 1961.**

On August 10, 1961, Mr. B. C. Mishra, Deputy Secretary of the Ministry of External Affairs of India, handed over an Aide Memoire to Mr. Ma Mu-ming, First Secretary of the Chinese Embassy in India, stating that the officers and staff members of the Chinese Trade Agency in Kalimpong will not go beyond a limited area of the Kalimpong municipality except with the permission in writing of the Sub-Divisional Officer, Kalimpong. It must be pointed out that, following the various harassments and restrictions imposed on the Chinese Trade Agency in Kalimpong, the Government of India has now again taken such a step as to stipulate that, except with permission in writing, not only the personnel of the Trade Agency are not allowed to travel beyond a limited area of the Kalimpong municipality, but they are not allowed even to enter the Development Area which is an important section lying within the Kalimpong municipality. This is further unwarranted restriction against the Chinese Trade Agency in Kalimpong, and is not in conformity with the spirit of the 1954 Sino-Indian Agreement. The Embassy hereby expresses its regret at it.

**Letter given by the Agent of Ministry of External Affairs at
Kalimpong to the Deputy Trade Agent of China at Kalimpong, 25
August 1961.**

Dear Mr. Hsu Jen,

I have the honour to invite your attention to my letter No. 474C, dated 14-8-1961 to your address containing some instructions of the Government of India regarding movement of staff members of the Trade Agency of the People's Republic of China at Kalimpong and am very sorry to point out that instructions of my Government have not been acted upon and intentionally disregarded in as much as on the 24th August, 1961, at about 07.00 hours, two of your staff members came out of Kalimpong Municipal area in the CAR WBA 3730 and was proceeding towards Siliguri along our National Highway 31A till they were found out at Teesta Bridge when their Laissez Passer was asked for in terms of my above quoted letter, which they failed to produce.

2. May I request you kindly to take steps that your subordinate staff members do not violate security instructions of the Government of India and I would highly appreciate if you kindly confirm me the action taken by you to prevent recurrence of the same.

With warm regards,

I am,
Yours sincerely,

Sd/- D. C. MOOKERJEE,
Agent of the Ministry of External
Affairs, Government of India at
Kalimpong.

Note given by the Agent of the Ministry of External Affairs at

Kalimpong to the Trade Agency of China at Kalimpong, 28 August 1961.

The Agent of the Ministry of External Affairs, Government of India, at Kalimpong, presents his compliments to the Trade Agency of the People's Republic of China at Kalimpong and has the honour to state as follows:

(i) The Government of India desires that the Trade Agency of the People's Republic of China at Kalimpong should not deal with any other Departments of the Government, whether of the Central or State Government, or with any Indian citizens, except through the Agent of the Ministry of External Affairs at Kalimpong. Such communications, in future, may be sent for onward despatch to the undersigned and it is assured that the same will be despatched, if the Government of India, have no objection, with all convenient speed.

ii) The Trade Agency of the People's Republic of China at Kalimpong should give previous notice to the Agent of the Ministry of External Affairs at Kalimpong of the arrival and departure from Kalimpong of the names of the diplomatic officers of the Trade Agency. The names of non-diplomatic personnel and other particulars should also be registered with the undersigned.

(iii) The Trade Agency of the People's Republic of China at Kalimpong should notify to the Agent of the Ministry of External Affairs at Kalimpong the name of all Indians who are employed by the Trade Agency and intimate him the change of personnel on their own initiative both in respect of Chinese and Indian personnel and diplomatic and nondiplomatic personnel.

(iv) It is further the desire of the Government of India that no function in which Indian nationals are proposed to be invited should be held in the premises of the Trade Agency of the People's Republic of China at Kalimpong except with the previous permission of the Government of India to be accorded by the Agent of the Ministry of External Affairs at Kalimpong on this behalf.

2. The Agent of the Ministry of External Affairs, Government of India, at Kalimpong, would highly appreciate if the Deputy Trade Agent of the People's Republic of China at Kalimpong would kindly note the request of the Government of India in the preceding paragraph and would favour the undersigned with information on clauses (ii) and (iii) of the same.

3. The Agent of the Ministry of External Affairs, Government of India, at Kalimpong, takes this opportunity to renew to the Trade Agency of the People's Republic of China at Kalimpong his assurances of highest consideration.

Yours sincerely,
Sd/- D. C. MOOKERJEE,
Agent of the Ministry of External
Affairs, Government of India at
Kalimpong.

**Note given by the Ministry of External Affairs, New Delhi, to the
Embassy of China in India, 28 August 1961**

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and with reference to their letter No. M/139/61, dated June 21, 1961 have the honour to state as follows:-

On the question of facts regarding the incident of February 13, 1961, when the Chinese Deputy Trade Agent, Kalimpong, made a taxi driver ignore the traffic signal while driving through Teesta police post, the Embassy asserts inter alia "nor did the Chinese Deputy Trade Agent go into the police station himself". This could mean that he was dragged into the police station by some agency other than himself, for which there is no evidence. Therefore it could only mean that the Deputy Trade Agent went into the police station not because he wanted to but because he had to in the circumstances of the case where he was responsible for misguiding a citizen against the law.

As the facts of the case, it may interest the Embassy to know that the driver of the taxi cab in question pleaded guilty to the offence in court, and he was convicted and sentenced. The driver stated that he violated the traffic signal at the Teesta checkpoint at the instance of the Deputy Chinese Trade Agent, and that he had no other reason for doing so.

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

Note given by the Embassy of China in India to the Ministry of External Affairs, New Delhi, 22 September 1961

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 No. 17(35) EAD/61, dated August 28, 1961, has the honour to state as follows:

With regard to the so-called incident in which the Chinese Deputy Trade Agent at Kalimpong was alleged to have ignored traffic signal, the Chinese Embassy, in its Note No. M/139/61, dated June 21, 1961 to the Ministry of External Affairs of India, already gave a detailed and exact account of the facts. The police at the checkpost did not ask the car to stop at the time; the Deputy Trade Agent did not enter the police station, he all along stayed outside. However, the Ministry of External Affairs in its note disregarded the facts and attempted to make a distorted interpretation of the translation of the above-mentioned note of the Embassy and draw inferences utterly devoid of any factual basis. The Embassy cannot but express its regret at such distortion and unreasonable tangling of the Ministry.

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

Letter given by the Deputy Trade Agent of China at Kalimpong to the Agent of the Ministry of External Affairs at Kalimpong, 27 September 1961.

Dear Mr. Mookerjee,

Your letters of 14th, 25th and 28th August received. After imposing various restrictions on this Agency, the Indian Government have now made a further decision that officials and staff members of this Agency "will not travel beyond the municipal limits of Kalimpong" before obtaining written permission. Within the municipality there are again certain

portions where their movement is restricted. And moreover, there has been such an occurrence that members of this Agency were prevented from going to Bagdogra Airport, Siliguri to receive Deputy Trade Agent home. On the 24th of August, two members of the Agency drove to the airport, and around 7 A.M. while passing through Teesta Bridge they were stopped by a police officer at the checkpoint there. Notwithstanding their explanation that they were proceeding to meet Deputy Trade Agent returning from Calcutta, the officer refused their pass. On indicating at that moment the refusal to be an unfriendly act, they retraced the journey, as compelled to, back to Kalimpong. You must be aware that the road connecting Kalimpong with the airport is the only one by use of which this Agency have been able to come into contact with the outside in carrying out official functions.

As is well-known, it is the least privilege of and a usual, indispensable business procedure for this Agency to deal with departments concerned of the Indian Government and Indian traders while as a Chinese official trade organ it is performing legitimate duties. It is, therefore, surprising that the Indian Government should openly place restrictions in this field, stipulating that this Agency should not deal with any official quarters of Indian traders except through the Agent of the Ministry of External Affairs at Kalimpong, the Sub-divisional Officer, Kalimpong, that communications to them should be despatched only through him and with his "no objection" first; and above all, that "previous permission" should be obtained before invitations are extended to Indian nationals to any function to be held at the Agency. Surely, these are all rarely heard. It has to be pointed out that such a series or afore-said unwarranted restrictions and harassments further imposed on this Agency are in violation of the spirit of the 1954 Sino-Indian Agreement. I hereby lodge a protest.

With kind regards,

Yours sincerely,

Sd/- HSUE JEN.

Deputy Trade Agent of the
People's Republic of China at
Kalimpong.

**Memorandum given by the Embassy of China in India to the
Ministry of External Affairs, New Delhi, 27 September 1961**

Following the unwarranted restricting of the movement of the personnel of the Chinese Trade Agency at Kalimpong to a limited area in August 1961, the Government of India has now further imposed various restrictions and obstructions on the Agency. As reported by the Chinese Trade Agency at Kalimpong, the Agent of the Ministry of External Affairs of India, in a note sent on August 28, 1961 to the Trade Agency, went so far as to request that the Trade Agency should not deal with any other departments of the Government of India, whether of the Central or State Government, or with any Indian citizens, except through the Agent of the Ministry of External Affairs. It was also requested in the note that no function in which Indian nationals are invited should be held in the premises of the Trade Agency except with the previous permission of the Government of India. Moreover, on August 24, 1961 when the Chinese Deputy Trade Agent went back to Kalimpong from Calcutta, two officers of the Trade Agency proceeded in a car to the airport to meet him, but when they reached the Teesta Bridge, the checkpoint did not allow them to pass, with the result that when the Deputy Trade Agent arrived at the airport near Siliguri, no officer from the Agency received him. The Chinese Embassy hereby lodges a protest with the Ministry of External Affairs of

India against these unreasonable restrictions and obstructions which are in violation of the spirit of the 1954 Sino-Indian Agreement.

Memorandum given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 7 October 1961

Reference Note dated 27th September 1961 handed over by Mr. Yeh Cheng-Chang, Counsellor of the Chinese Embassy, to the Director of the China Division of the Ministry of External Affairs.

The Note referring to the procedure instituted by the Government of India to regulate the movements of the personnel of the Chinese Trade Agency at Kalimpong uses the term "unwarranted" and suggests that the SDO, Kalimpong, in communicating certain other procedures to the Chinese Trade Agency on August 28, 1961, went too far. The Embassy seems to question the Government of India's right to institute regulations and procedures for the conduct of affairs in this country. Indeed, a case has occurred in the past where a particular official Agent of the Chinese Government went to the extent of wilfully misleading an Indian citizen to act against the law and public security. The Embassy will note that at all times there must be due and proper observance of Government laws and regulations in India, and wilful violations thereof cannot be permitted.

The Embassy's Note mentions that on August 24, 1961 two officials of the Trade Agency at Kalimpong were not allowed to proceed in a car beyond Teesta Bridge to receive the Deputy Trade Agent who was returning from Calcutta. The Embassy will note that the officials of the Chinese Trade Agency at Kalimpong deliberately went to Teesta Bridge without a laissez passer as required under the regulations communicated by the SDO to the Chinese Trade Agency on August 14, 1961. It is hoped that, in future,

the Chinese official agencies in India will comply with the regulations and procedures of Government and there will be no recurrence of such incidents in future.

The Chinese Trade Agency has not, so far, complied with the requirement that officers as well as staff of the Trade Agency should be registered with the SDO, Kalimpong, and names and particulars of Indian nationals employed by the Trade Agency should likewise be communicated to him. It is necessary that the Chinese Trade Agency in Kalimpong comply with the official regulations of the country. We hope the Chinese Embassy will now issue necessary instructions to their Trade Agency instead of instigating their staff in non-observance of official regulations by lodging a "protest" in support of unjustifiable conduct of their staff.

The Embassy's note contains the perfunctory remark that the regulations instituted in Kalimpong are "in violation of the spirit of the 1954 Sino-Indian Agreement". The relevant provision in the 1954 Agreement states that "The Trade Agencies of both Parties shall be accorded the same status and same treatment". In the notes exchanged at Peking on April 29, 1954, mention is made of trade as well as contacts in accordance with laws and regulations of the local Governments. The Embassy are aware that the Official Agencies of the Government of India in Tibet have been subjected to various official regulations and directives by local officials. There is no violation of the 1954 Agreement as this is purely a question of conforming to the laws and regulations of the local Government.

The Ministry of External Affairs, on the grounds stated above, reject the Chinese Embassy's protest of September 27, 1961.

Note given by the Ministry of External Affairs, New Delhi, to the

Embassy of India in China, 27 June 1961

The Ministry of Foreign Affairs has noted with regret that the No. 8/61 issue of the *India News*, published by the Indian Embassy on June 1, carried a resolution adopted by an Indian political party which slanderously charged China with "maintaining her violations" of Indian territory. The Embassy has, therefore, abused the hospitality and courtesy extended by the Chinese Government in taking advantage of issuing bulletins to arbitrarily slander and attack the Chinese Government. In this regard, the Ministry lodges a protest with the Embassy.

The Ministry would also like to draw the attention of the Embassy to the fact that materials have time and again appeared in the bulletins and publications distributed by the Embassy, which make groundless charges against the Chinese Government. This practice cannot but be regarded as most unfriendly.

Note given by the Ministry of External Affairs, New Delhi to the Embassy of China in India, 5 July 1961

The Ministry of External Affairs refer to the note read on June 27, 1961, to Shri P. K. Banerjee, Counsellor, Indian Embassy, Peking by Mr. Kang Mao Chao, Deputy Director of the Information Department of the Ministry of Foreign Affairs of the Government of China.

2. The Indian Embassy in Peking brings out a fortnightly newsheet entitled "India News". This news-sheet is a modest effort on the part of the Indian Embassy to give some news of India to the Chinese people. The Government of the People's Republic of China must be fully aware of the extreme caution exercised by the Indian Embassy in issuing its news-

sheets and distributing its publications. No material which can be construed to be an attack on the People's Government of China is ever used by the Embassy and the publications distributed do not include any literature which can be construed as an attack on the People's Government of China. Statements made by non-officials in India and press comments from Indian papers on China are never reproduced in the news-sheets. The news-sheets only reproduce speeches by the Prime Minister and other Ministers of the Indian Government bearing on India's territorial integrity.

3. The People's Government of China are aware that even this modest effort is closely circumscribed and the Indian Embassy bulletin has virtually no circulation except among the few surviving Indian nationals now in China and some members of the diplomatic corps.

4. The Ministry of External Affairs are constrained to observe that the accusation made in the Chinese note that the Embassy of India in Peking puts out from time to time material in its bulletins and distributes publications which make groundless charges against the Chinese Government is based on no evidence whatever. No examples have been cited nor was any complaint, even informally, made to the Embassy in this matter at any time in the past.

5. The Government of China are aware that a garbled and interpolated version of the resolution passed by the All India Committee of the Indian National Congress appeared in a Hsin Hua release on May 31, and this was featured in the People's Daily and other Chinese papers on June 1, 1961, under the sensational headline "National Committee of Indian National Congress Party turns Black into White". Having regard to these facts, it was the duty of the Indian Embassy in Peking, in the interests of the centuries old friendship of the people of India and China, to correct the false impression created and all that the Indian Embassy did was to

publish without comments the true version of the resolution in its news-sheet No. 8/61. As the People's Government of China know the Indian Congress Party, having secured a majority in the Indian Parliament in free democratic elections under a system of universal franchise, constitutes the ruling party in charge of the Government of India and this Party has the responsibility of governing the country and formulating national policies. The resolution passed by the All India Committee of the Indian National Congress at its last session only reflects the official views of the Government of India which are well-known to the Government of the People's Republic of China in as much as these have been expounded in clear and unmistakable terms at the official talks on the border problem and mentioned in the Indian Parliament on several occasions by the leaders of the Government of India.

6. The above paragraphs show that the Embassy of India in Peking has all along strictly conformed to the requirements of international practice in the matter of its bulletins. The Embassy of the People's Republic of China in Delhi, on the other hand, carries on a wide propaganda offensive on Indian soil against the Government of India. The Embassy distributes literature, e.g. "Peking Review", "China Reconstructs", etc. which contain material highly offensive to the Government of India. Some of these Chinese publications have directly attacked the Government of India in matters concerning their internal jurisdiction.

7. It will be clear from the above that the charge of abusing 'hospitality and courtesy levelled against the Embassy of India in Peking is completely wide off the mark. It will be more appropriate for the Government of the People's Republic of China to advise the Chinese Embassy in Delhi to conform to the correct standards maintained by the Embassy of India in Peking and to curb the propensity of Hsin Hua to distort, "arbitrarily slander" and misrepresent the Government and the people of India in the Chinese press.

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 23 September 1961

The Information Department of the Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Embassy of India and has the honour to request the Embassy to send to the Information Department three copies of the material attacking Chinese press reports which the Embassy issued recently. The Embassy has not yet sent the said printed material to the Information Department.

The Ministry of Foreign Affairs takes this opportunity to renew to the Embassy of India in China the assurances of its highest consideration.

Note given by the Embassy of India in China to the Ministry of Foreign Affairs, Peking, 28 September 1961

The Embassy of India presents its compliments to the Ministry of Foreign Affairs of the People's Republic of China and, with reference to their Information Department's letter No. (61) Hsin Tze Ti O/306/Hao, dated September 23, 1961, has the honour to state that the Embassy of India is not aware of any material, attacking Chinese press reports which is alleged to have been published by the Embassy.

2. 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.

Memorandum given by the Embassy of India in China to the Ministry of Foreign Affairs, 18 October 1960

On the 4th October 1960 an Indian Air Force hunter aircraft took off from Ambala at 0932 hours on a routine training flight. It was in normal contact with its base till 0954 hours when it was reported at a bearing of 080 degree from Ambala. Since then the aircraft has been reported missing and despite repeated searches no trace of the aircraft has been found. There was only one occupant of the aircraft, the pilot Flight Lieutenant K. P. Singh.

2. While all Indian aircraft carry strict instructions not to violate Chinese air space, it is considered possible that owing to navigational error or mechanical failure, the aircraft may have strayed and possibly crashed in Chinese territory. The Government of India would appreciate if the Chinese Government would instruct investigation to be made in the western Tibet region in case any information pertaining to the missing Indian aircraft or Pilot has been reported by the local authorities concerned.

Memorandum given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 26 November 1960

It was stated in the memorandum delivered by the Indian Embassy in China on October 18, 1960 that an I.A.F. Hunter aircraft was reported missing on October 4, 1960, during its flight on Indian territory near the Ari district of China's Tibet region and that it might have strayed and possibly crashed in Chinese territory. The Chinese Government has

instructed the local authorities concerned to conduct detailed investigation into this. It is satisfied that no foreign aircraft was found crashed on the above date in China's Tibet region.

Note given by the Embassy of China in India to the Ministry of External Affairs, New Delhi, 30 December 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 Indian Ministry's note of August 20, 1960 to the Chinese Embassy has the honour to state as follows:

In its note of August 20, the Ministry of External Affairs of India not only failed to give serious consideration to the proper request made by the Chinese Embassy in its note of August 1, but deliberately misrepresented what was stated in the note and made totally groundless charges against the Chinese Embassy and the correspondent of the Hsin Hua News Agency in India. The Embassy of China expresses its deep regret at this. In its note of August 20, the Ministry of External Affairs of India arbitrarily put blame on the report of the correspondent of the Hsin Hua News Agency as "picked from newspapers which are either not of any standing or are opposed to Government", "entirely one-sided if not false". The Indian Ministry in its note, however, failed to give a single fact to support its above allegations. All those who pay heed to facts can see that the reports on India sent by the Hsin Hua correspondent are all well founded on facts and have their sources. In reporting about the happenings in India, the Hsin Hua correspondent based himself exclusively on the newspapers and journals openly published in India for his source of information. It is entirely a normal practice and there is nothing objectionable for a foreign correspondent to quote information from the

newspapers and journals openly published in the country to which he is accredited. It may be asked whether the Government of India has ever laid down any stipulations which regulate that information from certain newspapers or journals may be quoted while information from others should not be quoted. If quotations of information different from the views of the Government of India are considered "false and one-sided", such kind of charge holds no water at all. Nevertheless, the Government of India, using this as a pretext, should have compelled the Hsin Hua correspondent and all other members of the staff of the New Delhi Branch Office of the Hsin Hua News Agency to withdraw from India; this is obviously a self-irony to "the freedom of the press" bragged about by the Government of India. Since the Government of India has deprived the Hsin Hua correspondent even of the right to objectively quote information from the newspapers and journals openly published in India, how can there be such contention as it is found in the Indian Ministry's note that "the Government of India cherish and uphold the principle of the freedom of the press"? If the Government of India exceptionally does not allow the Hsin Hua correspondent to objectively quote information from the newspapers and journals openly published in India while allowing "the freedom of comments" to Indian and accredited foreign correspondents in India, then how can it be said that this does not constitute a discrimination against the Hsin Hua correspondent?

The Indian Ministry in its August 20 note also deliberately misrepresented what was stated in the Chinese Embassy's note of August 1, and groundlessly charged the Chinese Embassy with interfering in the Indian Government's exercise of its sovereign right. The Chinese Embassy cannot but express its surprise and regret at this. In the conversations during the two interviews he had with the Hsin Hua correspondent Mr. Kao Liang in the middle of July, Mr. P. N. Menon, Director of External Publicity Division, Ministry of External Affairs of India, asked Mr. Kao Liang to counsel the Head Office of the Hsin Hua News Agency, Peking, to

change its policy of reporting on India. This action on the part of Mr. Menon obviously constitutes an interference in the affairs of the Chinese state news agency, and that is the reason why the Chinese Embassy pointed out in its note of August 1 that "no one is in any way entitled to interfere in the reports of the Hsin Hua News Agency, using 'interference in internal affairs' as a pretext". This is altogether necessary and appropriate. The Indian Ministry in its note, however, countercharged that the Chinese Embassy interfered in the Indian Government's exercise of its sovereign right. This charge is totally groundless and reverses right and wrong.

The Embassy of China holds that the Government of India by not allowing the Hsin Hua correspondent to continue his stay in India, particularly by compelling the entire staff (including a driver) of the New Delhi Branch Office of the Hsin Hua News Agency to withdraw, has created a situation in which the New Delhi Branch Office of the Hsin Hua News Agency has been forced to suspend its work. This is neither in conformity with the normal relations between China and India, nor in the interest of the friendship between the Chinese and Indian peoples. The Embassy of China, therefore, requests that the Government of India take steps so that the New Delhi Branch Office of the Hsin Hua News Agency may restore its work at an early date.

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, 10 February 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China in India and with reference to the latter's Note No. M/447/60, dated December 30, 1960, have the honour to state that it was with regret that the Government of India were obliged to take the decision requiring the Hsin Hua News Agency correspondent to leave Delhi and to obtain the closure of the News Agency Office. The Government of India cannot accept the substance or the analysis contained in the note and must point out that the decision regarding the closure of the Agency was taken after careful consideration and on the firm conviction that the reports which had been sent by the Hsin Hua News Agency over a period of time were contrary to facts and were calculated to cause further harm to the friendly relations between India and China. The Government of India do not admit the right of the Chinese Government to question the validity or the wisdom of a decision which lies entirely within the sovereign discretion of the Government of India. They firmly reject the contention in the Embassy's note.

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

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 18 March 1961

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

A soldier of the Chinese frontier guards stationed in the Yatung area in the Tibet region of China, Liu Shu-jung, was found missing while

performing his normal duties on March 7, 1961, and up to now he has still not returned to his base. Meanwhile, according to news reports, the Indian Government has declared that a Chinese soldier was arrested by an Indian armed patrol on the Sikkim border on March 10. Judging from the date and place, this Chinese soldier appears to be Liu Shu-jung, the missing Chinese soldier mentioned above. The Indian Government is kindly requested to assist in sending him back to China, for which the Chinese Government would be deeply grateful.

The Ministry of Foreign Affairs of the People's Republic of China avails itself of this opportunity to renew to the Embassy of India 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, 9 May 1961

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and with reference to the Note dated March 18, 1961, presented to Shri S. K. Bhutani, First Secretary of the Indian Embassy, Peking, by the Ministry of Foreign Affairs of the People's Republic of China, have the honour to state as follows:

On March 10, 1961, an armed Chinese soldier was apprehended in Sikkim territory near the Sikkim-Tibet border. After his apprehension by an Indian patrol he declared that he did not want to go back to China and that he would like to seek asylum in India. In this circumstance, the Government of India regret their inability to return the soldier to China.

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

Note given by the Embassy of India in China, to the Ministry of Foreign Affairs, Peking, 24 June 1961

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 request for information concerning the opening of branches of foreign banks in China. The Embassy would be grateful if rules and regulations on the subject are given to it at an early date.

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

Note given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China, 12 August 1961

The Ministry of Foreign Affairs of the People's Republic of China presents compliments to the Embassy of India in China and has the honour to address a reply to the Embassy's note of June 24, 1961.

Regarding the Embassy's request for supplying information on the rules and regulations for the setting up in China of the branches of foreign banks, the Ministry of Foreign Affairs, after consulting the authorities concerned, came to know that no appropriate material of this kind is available.

We avail of this opportunity to convey to the Embassy the assurances of our highest consideration.

Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 10 November 1961

In September, 1961, Government of India's attention was drawn to the distortions in Chinese press reports on the proceedings of the Belgrade Conference, and in particular to the deliberate and mischievous misrepresentations of the Prime Minister's statement and the role of the Indian Delegation. The Foreign Secretary spoke to His Excellency the Chinese Ambassador on the subject on September 14, 1961 and the Indian Charge d'Affaires in Peking made a verbal demarche to the Chinese Foreign Office on the same day. The Chinese Government's response to the representations on the subject was conveyed verbally by His Excellency the Vice-Foreign Minister, Mr. Keng Piao, to our Charge d'Affaires in Peking on October 24, 1961. The Chinese reply denied that their press reports of the Prime Minister's speech at Belgrade contained deliberate and mischievous misrepresentations and asserted that Chinese newspaper reports had brought out the objective truth. In this reply there were further attacks on the Prime Minister, the Defence Minister and the Secretary-General of the Ministry of External Affairs. Other matters, irrelevant to the issue, were also raised. A note Verbale on the subject was handed over to the Chinese Counsellor in New Delhi on November 10, 1961, the text of which follows:

The Government of India have seen with surprise and regret a report from their Charge d'Affaires in Peking about Vice-Foreign Minister Keng Piao's talk with him on 24th October. The Vice- Foreign Minister made a series of allegations against the Government of India and the Indian

Press. He also indulged in personal attacks on Prime Minister Nehru, Defence Minister Krishna Menon and Secretary General R. K. Nehru. No attempt was made to substantiate the allegations which were couched in language which is calculated to cause offence.

2. The Vice-Foreign Minister accused the Secretary General of making an "incorrect and untrue statement" to the Press on his return from Mongolia via China. The Secretary General's visit to China was not fortuitous. He was representing the Government of India at the 40th Anniversary celebrations of the Mongolian Revolution. It was found expedient for him to return from Ulan Baton via China and Hongkong. He was asked to utilise the opportunity thus provided to renew his contacts with the Chinese leaders whom he had known during his tenure as Ambassador of India in Peking, and at the same time to inspect Indian missions in Peking and Hong Kong.

3. The visit to Peking was informal and the Secretary General's talks with the Chinese leaders were in the nature of an exchange of views on relations between the two countries in which the Secretary General had long been deeply interested. The Secretary General felt that it would be appropriate for him to seek the reactions of the Chinese leaders to the facts stated in the Officials' Report on the border problem. The whole purport of the talks, as the record will show, was to emphasise the fact that occupation of Indian territory by China had come in the way of friendly relations. This was repeated by the Secretary General in different words in a brief statement he made to the Press on his return to India.

4. These are the facts relating to the Secretary General's stopover in China en route to India from Mongolia, and the facts were stated by the Prime Minister at a press conference prior to the Secretary General's departure for Mongolia and China and briefly related to Parliament on the Secretary General's return. It is surprising that, in regard to these facts,

the Secretary General should be charged with prevarication and abuse of Chinese hospitality. Not content with this attack on the Secretary General, Vice-Foreign Minister Keng Piao has discourteously charged the Prime Minister of India with 'dishonest dealing'. Such accusations and offensive remarks are not conducive to high level contacts between the two Governments.

5. Vice-Foreign Minister Keng Piao referred to what he called "slandering speeches" made by Prime Minister Nehru, Defence Minister Krishna Menon and the Secretary General. There is no slander in these speeches and statements. They are a bare statement of facts about unlawful intrusion and occupation of Indian territory by Chinese forces. In 1957-58, while China was still bound to India by the five principles of peaceful co-existence, Chinese forces marched in and occupied Indian territory in Aksai Chin. Since then they have extended their occupation further into Ladakh. Solemn assurances and official statements of the Chinese Premier notwithstanding, Chinese forces have gone even beyond the limit which Premier Chou En-lai had arbitrarily claimed for China in India's Ladakh upto 1959-60. When India's territorial integrity is at stake as a result of aggressive activities on the part of Chinese forces, how else should the Indian Government react? And if it reacts and tells Chinese representatives that they have acted wrongly, does it amount to slandering China?

6. There is very little criticism of China per se in the Indian Press although the Indian Press naturally reacts to the national preoccupation and concern over the threat posed by China to India's territorial integrity. As the Defence Minister put it "India is determined not to negotiate a surrender". How could this sentiment be objectionable to the Chinese Government unless it wants India to acquiesce tamely in the occupation of India's territory?

7. It should be apparent that Indian leaders and the Press are not anti-Chinese but rather pro-Indian and deeply interested in the security and integrity of the Indian Union. They do not go out of the way to attack or make offensive remarks about another Government or its leaders. As for the Chinese press which the Vice-Foreign Minister has described as 'always objective', never indulging in distortions, misrepresentations, or maligning', it has carried on a campaign of vilification against India. For sometime past, it has been propagating the view that India's Prime Minister was representing the Western Powers at the Belgrade Conference, that he was acting for the Colonial powers and that he confused issues by raising the question of "war and peace". While the Chinese Government may quite legitimately claim these as their authentic views and true appreciation of the Prime Minister's role at the Belgrade Conference, it is inconceivable that they who were not represented at the Conference should put out a version of the Prime Minister's speech at Belgrade holding it to be more authentic than the official version. Indeed the Chinese press has gone far and wide to search for words and phrases in foreign comments which it could touch up to suit its view of the Indian Prime Minister's role at the Belgrade Conference. It has even used fragmentary sentences torn out of context from India press reports and comments to buttress the campaign against India's Prime Minister.

8. The Indian Embassy in Peking who were for a while silent spectators of this growing campaign of calumny against India's Prime Minister, deemed it necessary to meet enquiries from friendly foreign sources by putting out on restricted distribution a comparative statement of the speech delivered by India's Prime Minister and the Chinese versions thereof. This was a modest effort which placed side by side the original speech and that put out by the Chinese press. But the Chinese press reacted to this with great vehemence. It has also shown extraordinary intolerance by resorting (as Hsinhua and China Youth Daily have done) to highly improper methods of intimidation against the Indian Embassy in Peking. The Government of

India are unable to agree that the reproduction of speeches/statements of Indian leaders in the Indian Embassy news-bulletins is contrary to international practice.

9. The Vice-Foreign Minister touched upon a number of other small matters and these have been dealt with separately in notes from the Government of India. These allegations too are unfounded. If the Chinese Government need any clarification on any particular matter they can appropriately enquire through diplomatic channels before turning their own doubts into allegations against the Government of India. It is a malicious charge that the Government of India are 'continuing to encourage Tibetan rebels' because Tibetan refugees in India have all along been restrained from indulging in anti-Chinese activities. No 'armed Tibetan rebel' has carried out a raid on Chinese territory from Indian soil.

10. The Vice-Foreign Minister refurbished the disingenuous charge that while Chinese troops have been withdrawn from the border, Indian troops are making every effort to trespass into Chinese territory. As the Chinese Government know, there is intensive military activity entirely on the Chinese side, and India has recently lost some more territory to Chinese intruders.

11. Regarding strong notes since June/July 1961 these have in the main come from Chinese official quarters only, while Indian notes during the period have been restricted to a bald statement of facts.

12. As to the Chinese Ambassador in Delhi not being able to see anybody important, he has never been refused a request for interview by anyone from the Prime Minister downwards.

13. As the Chinese Government are no doubt aware for many years it was the Government of India's endeavour to have friendly relations with them.

Even now that is the Government of India's wish. But the forcible occupation of Indian territory by Chinese forces, so long as it continues, cannot lead to friendly relations.
