

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

WHITE PAPER III

November 1959 – March 1960

**Ministry of External Affairs
Government of India**

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

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

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

are to take them over on the same date.

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

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

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

1. The Indian military Personnel involved belonged to the Indian Tibet Boundary Force under the Indian Ministry of Home Affairs. They were led by Commander S. P. Tyagi and Deputy Commander Karam Singh. They started from Leh towards the end of September for Tsogstsalu, Kiam and Shamal Lungpa to the northeast of Kongka Pass, to set up check-posts there, and arrived at Kiam on October 19. They had never been to the place before where the present clash occurred south of Kongka Pass:

2. On October 20, Mohd Khalil, Sonam Dorje and a guide called Chadan were sent from Kiam to the area south of Kongla Pass. Khalil and Dorje were each issued a rifle 10 rounds and a field glass. They admitted that they were sent for the purpose of reconnoitering the conditions of Chinese troops within Chinese territory. At 13 00 hours that afternoon, they were

discovered by 3 patrolling Chinese frontier guards. The Chinese frontier guards shouted to them and waved to them to go away. The Indians failed to do so and were then detained.

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

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

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

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

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

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

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

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

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

3. The Government of India are surprised and shocked to hear of the treatment to which the Indian prisoners were subjected by their captors. The prisoners were kept in torn tents in bitterly mid weather and without any bedding for four days. As a result of this the leader of the party, Shri Karam Singh, and three constables were severely frost-bitten. One of the prisoners, Constable Abdul Majid who had a bullet wound on his back,

received no medical attention until the fourth day. Besides, the Prisoners were subjected to continuous interrogation from the time of their arrest till the time of their release. They were asked under threats and pressure to make statements to the effect that the Indian party had gone forward knowingly into Chinese territory and that they had sent two constables and a porter the previous day to carry out espionage there. The Government of India have no knowledge of the statements which the prisoners are supposed to have made to the Chinese authorities but obviously, statements made under such circumstances cannot be regarded as voluntary.

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

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

Memorandum given to the Indian Ambassador in Peking by the Chinese Vice-Foreign Minister, 28 November 1959

The Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Indian Embassy in China, and, with reference to the note delivered on November 24 1959 to the Chinese Embassy in India by the Indian Ministry of External Affairs, has the honour to reply as follows:

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

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

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

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

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

in a free and unrestrained atmosphere; so-called pressure or threats was completely out of the question. The Indian Government's allegation in its note that the Chinese frontier guards subjected the captured personnel to threats and pressure in the interrogations and gave them harsh treatment is an utterly unwarranted charge.

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

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

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Note given by the Ministry of External Affairs, New Delhi, to the Embassy of China in India, 13 December 1959

The-Ministry of External Affairs of the Government of India present their compliments to the Embassy of the People's Republic of China and have the honour to refer to the note of the 28th November presented by the Ministry of Foreign Affairs of the People's Republic of China to the

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

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

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

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

5. The Government of India once again record their emphatic protest against the deplorable treatment to which the Indian personnel were subjected while in the custody of the Chinese soldiers. This treatment which the Indian personnel received was much worse than that to which even prisoners of war are entitled under the Geneva Convention of 12th August, 1949. It is obvious that the reports which the Chinese Government have received from their frontier guards, both about the incident and about the subsequent treatment of the Indian personnel, are entirely unrelated to facts. The Government of India would urge that

adequate action be taken against the persons responsible for subjecting the helpless Indian prisoners to such inhuman treatment.

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

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Statement of Shri Karam Singh

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

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

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

Indian territory.

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

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

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

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

7. From the place of the encounter, five of us were made to carry the dead body of a Chinese soldier who had been killed. Constable Rudra Man and I were asked to help Constable Makhan Lal, who had been injured seriously in the abdomen. His condition was really very bad. We carried him for two miles where the Chinese soldiers ordered us to leave him on the bank of the Chang Chenmo river. Two of the Chinese soldiers stayed back near Makhan Lal and nine escorted us to our destination. From this place, I and Constable Rudra Man were made to carry heavy loads. We were completely exhausted and were finding it extremely difficult to walk with this heavy load but we were repeatedly prodded by rifle butts to move on, We reached the Chinese Kongka La Post (above 16,000 ft.) at about 2 a.m. on the 22nd of October, 1959. We were all put together in a pit, 6 feet deep, 7 feet wide and 15 feet long, normally used for storing vegetables, It was covered with a tarpaulin which left several openings through which ice-cold breeze penetrated. We had to spend the night on the frozen ground without any covering. No water for drinking was

provided nor were we permitted to ease ourselves during the night and the following day. The sentries adopted a menacing attitude.

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

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

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

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

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

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

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

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

agree to include this.

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

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

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

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

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

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

20. After this interrogation, I was separated and put in a tent where

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

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

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

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

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

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

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

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

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

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

- (i) Cotton-padded coat
- (ii) Cotton-padded pant
- (iii) Cotton-padded caps
- (iv) Namda Gum boots

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

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

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

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

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

32. On November 1 interrogation started in the morning as usual. The senior officer had by then gone away. The other Chinese officers and the interpreter pursued the interrogation. I was asked how we could claim this area when we had never visited it. I told them that I had myself gone beyond Lingzi Thang with about 10 persons in 1957 and upto Shamul Lungpa in 1958 where we had established a checkpost which remained there throughout the summer and was withdrawn during the winter. They asked me if we had set up an boundary pillar at Shamul Lungpa or Lingzi Thang and I told them; that we had not done so because our boundaries extended hundred of miles further. The interrogation lasted for about 5/6 hours. The following statement was briefly recorded and signed by me:

"In 1957. I visited Lingzi Thang with 10 men and stayed there for a few days. In 1958. I visited Shamol Lungpa, where we stayed for four months. On this occasion also there were about 10 men with me. We did not construct any huts at any place nor did we construct any boundary pillar at these places."

The Chinese said that Phobrang was our last post, and that we had no right to cross Marsimik La because the entire area beyond the pass was a part of Sinkiang and that this could be verified even from the older

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

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

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

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

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

36. On 2 November 3, the Chinese asked me to sign the following:

"Chinese troops were armed with rifles, tommy-guns, LMGs and hand-

grenades only. No heavy artillery or mortars were used by them during the battle."

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

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

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

"On 20-10-59, two of our men missed. Tyagi took about 60 men with him I accompanied him. When we were at a distance of about 400 yards from the battle field a few Chinese were seen. Tyagi ordered me to take some men on the back of the hill. He himself proceeded to the front. We surrounded the hill. I have heard from my men that Indian soldiers fired first. Some horses of the Chinese were taken away by Indian soldiers. I have nothing but to thank the Chinese officers and soldiers for the kind treatment that they had given us. Medical facilities were provided to us and we were neither beaten nor coerced."

39. The same afternoon I was again interrogated by the Chinese officers

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

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

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

41. Right from the 25th October, 1959, pressure was brought to bear on me daily to confirm that Constable Mohd Khalil and his companions had been sent to Chinese territory for spying and that our object was to establish a check-post in Chinese territory. After the first two or three days they dropped the question of the check-post and said that I might confess to the espionage mission. I told them that this was not a fact but that the patrol had been sent out to ascertain whether there were any Chinese patrols on Indian territory. They told me that they had already

obtained a confession to the effect from Constable Mohd Khalil and all that they needed from me was confirmation. I did not have to sign any statement to this effect'

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

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

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

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

46. In the evening (November 7), I was taken' out from the pit to a tent and informed that Constable Abdul Majid had confessed that the first shot

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

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

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

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

47. Another lecture on Communist indoctrination was given on the morning of November 8.

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

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

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

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

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

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

51. It was either on November 9th or on the 10th morning that at about 0800 hours the Chinese took away Jem Rulia Ram, Constables Shiv Dayal, Abdul Majid and Mohd. Khalil informing them that they were to be released. In fact, they were not being released but were taken to the place of incident where a number of snaps and a cine film were taken to show that the Indian party had attacked the Chinese. They also took along the dead body of the Chinese soldier in a coffin and it was used during the filming.

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

and as I was given insufficient bedding, I was in great agony from the cold and pain in my feet.

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

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

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

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

55. Before concluding, I was told that my statement would be tape-recorded some time that day and that I must answer questions exactly as

in the statement written out by me. I was feeling very depressed and did not refuse to comply.

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

Q: Give brief details of the incident.

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

Q: What was Tyagi's intention?

A: He did not express his intention to me although inference could be drawn that he may have had an intention to fight.

Q: Who fired first?

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

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

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

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

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

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

A: Yes.

Q: What did the Chinese do when they were surrounded? A: The Chinese soldier was seen waving his hand.

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

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

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

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

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

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

63 On the morning of November 14, we were woken up at 0430 hrs and

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

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

The Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Indian Embassy in China and with reference to the note delivered to the Chinese Embassy in India by the Indian Ministry of External Affairs on December 13, 1959, has the honour to reply as follows:

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

took a responsible attitude, and made repeated serious investigations into the related facts; it has received from the Frontier Guard ' Unit of the Chinese People's Liberation Army stationed at the Kongka Pass a "report on the intrusion and provocation by armed Indian personnel and handling of the captured armed Indian personnel." In order to clarify the facts, this responsible report and the statements made by the armed Indian personnel during their capture are attached herewith, and reply is given to the Indian Government's note of December 13, 1959 as follows:

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

The Kongka Pass area not only, has a severe climate but is also remotely situated and difficult of access so that it was extremely difficult to bring up supplies

Further, the occurrence of this incident was totally unexpected to the Chinese side. Therefore, it is entirely conceivable that the Chinese Frontier guards stationed at the Kongka Pass should in the first few days have great difficulties in providing food, lodging and heating for the captured armed Indian personnel. Nevertheless, they still did their best to look after the captured armed Indian personnel. At the same time, the Chinese side brought up various supplies for them as quickly as possible from a distance of several hundred kilometers. As the clothing of the captured armed Indian personnel themselves was very thin· the Chinese frontier guards issued them cotton-padded suits, beddings, felt boots and

articles of daily use as soon as the supplies arrived. With respect to lodging since there were no houses at all in the locality, they were quartered in a comparatively warm underground room and few tents. They were given exactly the same food as that for the Chinese frontier guards, which was adequately and timely supplied. Medical treatment and care was given to those among them who were already frost-bitten at the time of their capture. The Chinese frontier guards also carefully preserved the bodies of the dead Indian personnel and, in accordance with the custom of the Indians, bathed them with hot water and wrapped them up in white cloth. The responsible report of the Chinese frontier guards stationed at the Kongka Pass attached to this note contains a detailed account of the treatment received by the captured armed Indian personnel, which sufficiently explains the actual situation at the time. Although in his statement attached to the Indian Government's note of December 13, 1959 Karam Singh made all sorts of distortions and false colouring of the living conditions during the period of custody, they cannot stand up to the test of the facts and are themselves full of contradictions. For instance, except for the morning of the first day when they ate dry rations because there was no time for cooking, the captured armed Indian

they regularly issued the captured Indian personnel sugar, black tea, cigarettes and other articles of daily use; this was absolutely not, as Karam Singh asserted. done incidentally for the purpose of taking photos. Again, Karam Singh described the underground room as being very cold and horrible, yet he admitted that later he requested on his own accord to move back to this "ice-cold pit" and not stay in' a tent such as the Chinese frontier guards lived in. If the treatment received by the captured armed Indian personnel had indeed been "deplorable" and "inhuman" as described by Karam Singh, it would have been incomprehensible how, after 23 days of custody, they could still be affirmed as being in sound health by the Indian representative at the time of handing over and how, during the period of custody, they could several times happily and of their

own accord gather together to sing and dance. Just from these two extremely simple facts one can judge that the assertion that the treatment which the captured armed Indian personnel received was "most. harsh and inhuman and opposed to all canons of civilized behaviour", is totally untenable.

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

(1) Before the interrogation of the captured armed Indian personnel began on October 25 1959 the Chinese side had already tried its best to satisfy their daily needs so far as local conditions at the time permitted and let them rest for three days Afterwards, their living conditions were continuously improved. In the course of the interrogation constant care was taken to give them food and necessary rest and keep them warm and

they had never been treated as prisoners. Even the latest statement of Karam Singh which distorts the facts in many ways cannot completely deny these facts. If the Chinese side had really wanted to subject the captured personnel to threats and get forced confessions from them it is certain that it would have been absolutely impossible for them to receive such treatment. Karam Singh asserts that the Chinese frontier guards told him that he would not be provided with proper bedding until his interrogating concluded, refused to allow him to confront the other captured personnel, repeatedly threatened to shoot him, etc. But all this was entirely inconsistent with the fact. Moreover, Karam Singh himself goes on to admit that bedding was given him before long and that he confronted the other captured personnel. It can be seen from this too that no credence can be given to these assertions of Karam Singh.

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

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

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

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

(5) Actually, the statement of Karam Singh attached to the Indian Government's note cannot negate or reduce the soundness of the statements made by the captured armed Indian personnel to the Chinese frontier guards; on the contrary, it in a way further proves that what the latter statements gave were indeed the facts. The latest statement of Karam Singh, in an attempt to relieve the Indian side of its responsibility

for the clash, tries hard to distort in various ways the course of the incident. Yet, in so doing, it has inevitably landed in an extremely ridiculous position, being full of inconsistencies and contradictions. Its evasive wording still cannot help revealing the following unshakable facts: On October 21, 1959, the whole party of armed Indian personnel, about sixty in number, led personally by its Commander and Deputy Commander, set out to loot for three missing persons. When they found hoof prints of Chinese horses they immediately traced them without hesitation; on reaching the vicinity of the hill where the Chinese patrolmen were, they divided themselves into two parties and commenced to advance along the two sides of the hill. Karam Singh's party "in twos and threes" (that is to say, in loose order for attack) "almost passed the hill that is\, actually outflanked to the back of the Chinese patrolmen. At that time Chinese soldiers not only were discovered by them, but were the first to call out and wave hands to them. As to the number of Chinese soldiers although Karam Singh says that he "thought" there were about 30 actually he saw only 11. After shooting started, a number of armed Indian personnel kept advancing on the hill guarded by the Chinese patrol, and even got so close to the Chinese patrol that they could be struck down by hand-grenades. The Chinese patrol did not use mortars or other heavy weapons. The above points admitted not only refute the Indian Government's previous allegations that the Chinese frontier guards opened fire without warning, that they used mortars that they, mounted on horses, advanced on the Indian troops, etc.; they are in full conformity with made by the captured Indian personnel to the Chinese frontier guards. Judging by these facts alone, it is clear that the Kongka Pass clash was entirely started by the provocation made by the armed Indian personnel who, relying on their superior strength, encircled and advanced upon the Chinese patrol. It can be seen from the above-mentioned facts that the allegations and the statements of the captured Indian personnel were entirely made under threats and pressure and that therefore "no credence whatsoever can be

given to them," they are "valueless," etc., are "groundless".

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

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

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

Before concluding this note, the Chinese Government would like to reiterate that it has never had the intention to argue endlessly with the Indian Government over the Kongka Pass incident. Its closest concern is only to prevent the recurrence of similar unfortunate incidents. Although the facts prove that responsibility for this incident does not in any way lie with the Chinese side, the Chinese Government and Chinese frontier

guards have at no time had any ill-will against the Indian Government and Indian Frontier guards. They hope that no such incident causing the loss of precious lives on both sides will recur. In view of this, the Chinese Government would like to express its eager desire that both sides would argue no more about the matter which has become a thing of the past, and that they, instead, actively devote all their energies to speedily consulting and agreeing on effective measures so as to ensure the tranquility of the border between the two countries and consolidate friendship of the

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

ANNEXURE I

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

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

At one o'clock a.m. on October 20, 1959, when three of our patrolmen were on routine patrol duty within our territory south of the Kongka Pass and east of the Silung Barma River, they found two armed Indian personnel carrying rifles and field-glasses and a civilian who had unlawfully crossed into our territory for reconnaissance. Our patrolmen immediately waved their hands and called on them to withdraw from Chinese territory. But the Indians refused. Thereupon, our patrol party, doing their best to avoid a clash, finally succeeded by peaceful means in urging them to put down their arms, took them back to the outpost, and put them under temporary detention.

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

In the morning of October 21, 1959, thirteen of our patrolmen, led by

Second Lieutenant Tuan Hai-chen, as usual were on routine patrol duty within our territory south of the Kongka Pass and east of the Silung Barma River. When our patrol party came along the Chang-chenmo River to Height 5,100 within our territory (approximately 79° 2' 10" E., 34° 17' N.), about five kilometers short of the customary international boundary line, about sixty armed Indian personnel, partly mounted and partly on foot, suddenly appeared about 400 meters west of this hill and were penetrating into Chinese territory. As soon as they discovered this unusual act of trespassing, our patrolmen waved their hands and called on the armed Indian troops to withdraw from Chinese territory. Instead of heeding our advice, however, the armed Indian troops, relying on their overwhelming superiority in numbers, divided themselves into two parties of about 30 men each, proceeded in the southern and northern directions respectively to encircle the hill where our patrolmen were and advanced towards the hill-top in loose order, while shouting, loudly "fake these Chinese!" After being encircled by the armed Indian troops from all sides, our patrolmen still continued to wave their hands and called out for the armed Indian troops to withdraw and not to take hostilities. But the armed Indian troops kept pressing forward until their vanguard came within about 30 meters of our patrol party. At 1309 hours local time, the armed Indian personnel fired the first shot. At that time, our patrol party once again gestured and called out, asking the Indians not to open fire. But the armed Indian personnel followed up by a second shot at 13:19 hours, and took away horses which our patrol party had left at the foot of the hill. At that time, still firmly obeying the order of refraining from shooting until it was finally absolutely necessary for self-defence, and exercising the utmost self-restraint, our patrol party again and again asked the armed Indian personnel to stop shooting. Especially our deputy squad leader Comrade Wu Ching-kuo stood at the very fringe of the hill-top and waved his hands and called out energetically. But at 13.27 hours the armed Indian troops opened heavy fire on our patrol party. Being at the forefront, our deputy squad leader Comrade Wu Ching-kuo was hit

and fell down. It was then 13.29 hours. It was under these circumstances when no room was left that our patrolmen returned fire in self-defence. The clash between the two sides lasted till about 15.17 hours, when the armed Indian troops started to retreat and return to Indian territory. At the two sides of Height 5100 the scene of the clash, our patrol party captured seven armed Indian personnel, including Karam Singh, who claimed himself to be Deputy Commander of the Indo-Tibetan Boundary Force of India.

After the clash, we made a careful inspection of the place of the armed clash and surrounding areas, collected the arms and ammunition left behind by the armed Indian troops and found the bodies of nine armed Indian personnel.

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

To the nine officers and men of the armed Indian troops and the inhabitants of Ladakh who had acted as guide for the armed Indian troops, who were captured successively on October 20 and 21, 1959, we gave generous and friendly treatment, scrupulously adhering to the policy of our Army of treating well captured personnel. Although the number of the captured personnel was fairly great, our stock of the Kongka Pass area was difficult of accessing up supplies, we still made the utmost efforts to take care of the captured Indian personnel, and at the same time, our higher authorities had supplies brought at top speed from Kashgar on October 28, 1959 to duly satisfy the daily needs of the captured Indian personnel.

The Kongka Pass area is over 5,000 meters above sea level, swept by bitter winds and capped by everlasting snows, and there was no house in the surrounding area. To protect the captured Indian personnel from the cold, we let them take a comparatively warm underground room. On October 24, when new tents arrived, we moved part of them into the newly erected tents so that they might not be so crowded. But two days later they said that the underground n was warmer, so at their request we let them move back to the underground room. From the first day they

arrived here we never stopped providing them with means of heating. The only kind of fuel available in the Kongka Pass area was grass roots, of which we had not stored many and which were hard to dig out. Nevertheless, we provided them all along with adequate quantities of grass roots.

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

The captured Indian personnel were given exactly the same food as provided to our own men, and even a little better. Except for the first time when there was no time for cooking and they ate dry rations they were given three meals a day, with the staple food hot and made of fine grain and a certain amount of meat. In consideration for their habit we issued them sugar and black tea quite often. In addition, we gave them cigarettes every day and brought them, some fruits over a long distance.

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

The captured Indian personnel were satisfied with the treatment they

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

(4) Interrogation of the captured armed Indian personnel.

In order to get a clear picture of all the facts of the Indian armed force's intrusion and provocation we conducted from October 25, 1959 in succession interrogations of Karam Singh and the other captured personnel one by one. In face of the facts, and because both sides were participants in this clash, all the captured Indian personnel concerned from the outset of the interrogation gave of their own accord the basic fact that the armed Indian troops intruded into the Kongka Pass area of China and, relying on their superior force, launched an armed attack on our patrol, thus bringing about the clash between the two sides of course, they were not all free from apprehensions for us at the beginning, especially Karam Singh. When we asked him on October 25 about the first shot fired by armed Indian personnel, he evaded by saying, "I don't know which side fired first" this attitude was most likely connected with the fact that he was one of the commanders of the ITBF of India: He was much afraid last we would look into his responsibility for this incident. But after we made clear to him the consistent policy of lenient treatment of prisoners followed by our Army, his apprehensions were greatly reduced. On October 26, Second Lieutenant Tuan Hai-cheu pointed out to Singh that at the time Singh was situated on a mound south of Height 5,100, and the soldiers led by him, from among whom issued the first shot were all on the slope in front of him, so he should have been able not only to see but also to hear clearly the shooting of the Indian soldiers. It was very easy to distinguish between the rifles used by the Chinese soldiers and those by the Indian soldiers by the sound of their firing, one being dull and the other sharp. And the sound of that shot was unmistakably that of an Indian rifle. Thereupon Karam Singh promptly admitted that

"The Indian soldiers fired first." Later, another captured Indian soldier Abdul Majid explicitly gave the name of the Indian soldier who fired the first shot, and Karam Singh further confirmed this.

After the first few interrogations, the basic facts about the Indian armed force's intrusion and provocation were already confirmed. As we were going to conclude the interrogation, we received from higher authorities successive instructions for us to make detailed check-up with the captured Indian personnel on related facts with reference to the statements repeatedly made by the Indian Government and the Indian Government's note of November 4 1959 and the report attached to it because there were considerable discrepancies between the account of the incident given by the Indian Government and the facts known to our side. We immediately made a detailed check-up with the captured Indian personnel. The basic facts and details given by them once more confirmed that our understanding of the incident was correct, while the account of the clash given in the note of the Indian Ministry of External Affairs of November 4 and the attached report was inconsistent with the facts. As for the capacity of Karam Singh, although the Indian Government repeatedly stated that he was the Commander, yet Karam Singh himself and the other captured personnel insisted that he was Deputy Commander, so we had no way to confirm which statement was more consistent with the fact.

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

Throughout the interrogations, we maintained a calm and reasonable

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

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

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

(6) The release and delivery

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

areas after the clash and only nine bodies of armed Indian personnel had been collected; however, since the Indian side had made the request our side was willing to make a further search, and also agreed to help look for the magazines.

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

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

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

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

Peking, November 7, 1959

Dear Mr. Prime Minister,

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

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

Your Excellency's letter of September 26 contains many view-points to which the Chinese Government cannot agree. Regarding these, I would like to state my views on another occasion. I am glad, however, that this letter reiterates that the Indian Government attaches great importance to the maintenance of friendly relations with China and agrees to the view consistently held by the Chinese Government that the border disputes which have already arisen should be settled amicably and peacefully, and that pending a settlement the status quo should be maintained and neither side should seek to alter the status quo by any means. In order to maintain effectively the status quo of the border between the two countries, to ensure the tranquility of the border regions and to create a favourable atmosphere for a friendly settlement of the boundary question, the Chinese Government proposes that the armed forces of China and India each withdraw 20 kilometers at once from the so-called McMahon line in the east, and from the line up to which each side exercises actual control in the west, and that the two sides undertake to refrain from again sending their armed personnel to be stationed in and patrol the zones from which they have evacuated their armed forces, but still maintain civil administrative personnel and unarmed police there for the performance of administrative duties and maintenance of order. This proposal is in effect an extension of the Indian Government's proposal contained in its note dated September 10 that neither side should send its armed personnel to Longju, to the entire border between China and India, and moreover a proposal to separate the troops of the two sides by as great a distance as 40 kilometers. If there is any need to increase this distance, the Chinese Government is also willing to give it consideration. In a word, both before and after the formal delimitation of the boundary between our two countries through negotiations, the Chinese Government is willing to do its utmost to create the most peaceful and most secure border zones between our two countries, so that our two countries will never again have apprehension or come to a clash on account of border issues. If this proposal of the Chinese Government is acceptable to the Indian

Government, concrete measures for its implementation can be discussed and decided upon at once by the two Governments through diplomatic channels.

The Chinese Government has never had the intention of straining the border situation and the relations between the two countries. I believe that Your Excellency also wishes to see the present tension eased. I earnestly hope that, for the sake of the great, long-standing friendship of the more than 1,000 million people of our two countries, the Chinese and Indian Governments will make joint efforts and reach a speedy agreement on the above-said proposal.

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

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

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

CHOU EN-LAI,
Premier of the State Council
of the People's Republic of China.

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Letter from the Prime Minister of India to the Prime Minister of China, 16 November 1959

New Delhi, November 16, 1959.

Dear Mr. Prime Minister,

I have received your letter of November 7, for which I thank you. We

have also received a report from our Ambassador, Shri Parthasarathy, on the talk which you had with him the same day.

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

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

4. We are anxious that there should be a clear- understanding about this frontier and that such border disputes as there are between our two countries should be settled by peaceful methods. In the immediate present, we think it is important to avoid all borderclashes so as to assure

tranquility in the border regions and thereby create an atmosphere favourable for friendly settlement. We agree therefore, that the two Governments should come to an agreement without delay, which would eliminate risks of border clashes.

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

interrogation. Such interrogation of prisoners is deplorable.

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

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

on the map or as the crow flies, the actual journey from one place to another might take several days.

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

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

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

11. I presume that your suggestion for a zone of withdrawal is intended also to apply to the Sino-Indian border in the middle areas that is where it touches our States of Uttar Pradesh, Himachal Pradesh and the Punjab. In these sectors also, there is no ambiguity about our border and at no point do the Chinese authorities occupy any area below the boundary. This would apply to the border of Sikkim also. If, therefore, we observe the precaution which I have mentioned above, all risk of border clashes will be eliminated in this sector of the frontier also.

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

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

international boundary. Certain police check-posts were established some distance from the boundary to control the trade routes, etc. Since this statement is controverted by you, it is obvious that there is complete disagreement between the two Governments even about the facts of possession. An agreement about the observance of the status quo would, therefore, be meaningless as the facts concerning the status quo are themselves disputed. As we are at present discussing a short term interim measure to avoid border clashes, it is essential that we do not get involved in interminable discussions on the status quo at this stage.

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

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

incalculable harm not only to our two countries but also to the cause of world peace in general.

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

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

With my expression of high regard,

I am, Yours sincerely,
JAWAHARLAL NEHRU.

Letter from the Prime Minister of China to the Prime Minister of India, 17 December 1959

Peking, December 17, 1959.

Dear Mr. Prime Minister,

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

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

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

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

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

The Chinese Government is very much perplexed by the fact that Your Excellency put forward a separate proposal for the prevention of clashes

in the sector of the border between China and India's Ladakh. The Chinese Government deems it necessary to point out the following: (1) There is no reason to treat this sector of the border as a special case. The line up to which each side exercises actual control in this sector is very clear, just as it is in the other sectors of the Sino-Indian border. As a matter of fact, the Chinese map published in 1956, to which Your Excellency referred, correctly shows the traditional boundary between the two countries in this sector. Except for the Parigas area by the Shangatsangpu River, India has not occupied any Chinese territory east of this section of the traditional boundary. (2) This proposal of Your Excellency's represents a big step backward from the principle agreed upon earlier by the two countries of maintaining for the time being the state actually existing on the border. To demand a great change in this state as a pre-condition for the elimination of border clashes is not to diminish but to widen the dispute. (3) Your Excellency's proposal is unfair. Your Excellency proposes that in this sector Chinese personnel withdraw to the east of the boundary as shown on Indian maps and Indian personnel withdraw to the west of the boundary as shown on Chinese maps. This proposal may appear "equitable" to those who are ignorant about the truth. But even the most anti-Chinese part of the Indian press pointed out immediately that, under this proposal, India's "concession" would only be theoretical because, to begin with, the area concerned does not belong to India and India has no personnel there to withdraw while China would have to withdraw from a territory of above 33,000 square kilometers which has long belonged to it, its military personnel guarding the frontiers and its civil administrative personnel -of the Hotien County, the Sinkiang Uighur Autonomous Region, and of Rudoh Dzong in the Ari area of the Tibet Autonomous Region -respectively. (4) This area has long been under Chinese jurisdiction and is of great importance to China. Since the Ching Dynasty, this area has been the traffic artery linking up the vast regions of Sinkiang and western Tibet. As far back as in the latter half of 1950, it was along the traditional route in this area that units of

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

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

the historical data concerning the Sino-Indian boundary as produced by the Indian side. The Chinese side had meant to give its detailed reply to Your Excellency's letter of September 26 and the note of the Indian Ministry of External Affairs of November in the forthcoming talks between the Prime Ministers of the two countries, and thought it more appropriate to do so. Since the talks between the two Prime Ministers have not yet taken place, however, the Chinese Ministry of Foreign Affairs will give a reply in the near future. I do not wish to go here into the details of the matter. , I would only point out again the simple fact that, according to objective history, the entire boundary between our two countries has indeed never been delimited; and it is impossible to deny this.

I have noticed that the Indian side has, in its account of the boundary between the two countries, purposely left out many obvious basic facts. For example, it does not mention the fact that on the official maps compiled by the Survey of India in the past, up to the 1938 edition, the delineation of the eastern section of the Sino-Indian boundary still corresponded to that on Chinese maps while the western section of the Sino-Indian boundary was not drawn at all; even in its 1950, 1951 and 1952 editions published after the founding of the People's Republic of China, both the eastern and western sections of the Sino-Indian boundary, though incorrectly drawn, were clearly indicated as undelimited. The Chinese Government cannot see on what ground the Indian Government began suddenly in recent years to change the undelimited boundary in both the eastern and western sectors on its maps into delimited boundary. I have made a detailed study of the heap of data cited in Your Excellency's letter of September 26, still I cannot find any satisfactory answer.

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

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

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

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

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

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

With high respects,

CHOU EN-LAI

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

Letter from the Prime Minister of India to the Prime Minister China, 21 December 1959

New Delhi, December 21, 1959

Dear Mr. Prime Minister,

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

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

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

Your letter also speaks of the `friendly manner' in which Indian personnel who were captured in the Chang Chenmo valley were treated. Shri Karam Singh whom you returned to us has made his statement of the treatment that he and his colleagues received while they were prisoners in the custody of the Chinese border forces. This statement will show you the deplorable treatment to which the Indian prisoners were subjected by the Chinese forces.

Your Excellency has suggested that you and I should meet on December

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

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

With kind regards,

I am, Yours sincerely,
JAWAHARLAL NEHRU

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

The Ministry of Foreign Affairs of the People's Republic of China presents

its compliments to the Embassy of the Republic of India in China and has the honour to make the following observations on the Sino-Indian boundary question, which the Embassy is requested to transmit to the Indian Government:

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

The Chinese Government is desirous at all times of maintaining friendship with the Indian Government and people, and, on the boundary question, of holding discussions with the Indian Government calmly and amicably and with an attitude which is fair both to itself and to others so as to seek a rapprochement of the views of the two sides. In view of the fact that the Sino-Indian boundary question is rather complex and that it would be extremely difficult to bring about a settlement through the exchange of letters, the Chinese Government has always maintained that face-to-face talks should be held speedily between the representatives of the Governments, first' of all between the Prime Ministers of the two countries, so as more effectively to exchange views and reach agreement. But since the talks between the two Prime Ministers are yet to be decided on through consultations between the two sides, and the Indian Government has moreover complained that the Chinese Government has given no reply to the parts of the above-mentioned letter and note concerning facts about the boundary, the Ministry of Foreign Affairs of China is instructed to make further observations on the major questions concerning the facts about the boundary, with reference to Premier Chou En-lai's letter of September 8, Prime Minister Nehru's letter of September

26 and the note of the Indian Ministry of External Affairs of November 4. China and India are two peace-loving, big countries with a long history of mutual friendship and with many great common tasks both at present and in the future. Friendship between China and India is in the interests not only of the two peoples, but also of world peace, particularly of peace in Asia. The Chinese Government is therefore very reluctant to engage in arguments with the Indian Government over the boundary question. Unfortunately the Sino-Indian boundary has never been delimited, Britain left behind in this respect a heritage of certain disputes, and moreover the Indian Government has made a series of unacceptable charges against China, thereby rendering these arguments unavoidable. Because the Indian Government has put forth a mass of detailed data on the boundary question, the Chinese Government feel sorry that, though trying its best to be brief, it cannot but refer in this reply, to various details so as to clarify the true picture of the historical situation and the views of the two sides.

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

QUESTION I.

Has The Sino-Indian Boundary Been Formally Delimited?

The reason for the present existence of certain disputes over the ' Sino-Indian boundary is that the two countries have never formally delimited this boundary and that there is a divergence of views between the two countries regarding the boundary. According to the Indian maps, the boundary line in the western sector cuts deep into Chinese territory, including an area of over 33,000 square kilometers in India; the boundary line in the middle sector is relatively close to the delineation on the

Chinese maps, but still a number of areas which have always belonged to China are included in India; and in the eastern sector, the whole boundary line is pushed northward, including in India an area of 90,000 square kilometers which originally belonged to China. The Chinese Government, therefore, considers it necessary to conduct friendly negotiations to bring about a reasonable settlement. The Indian Government, however, holds that the greater part of the Sino-Indian boundary line as shown on current Indian maps is defined by international agreements and therefore sees no reason to hold overall boundary negotiations. Thus, the negotiations themselves have run tip against difficulties and there is the danger of the boundary disputes remaining deadlocked for a long time. The Chinese Government considers that to say that the greater part of the Sino-Indian boundary has been formally delimited by international agreements is totally inconsistent with the facts. The Chinese Government wishes to make the following explanations:

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

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

Secondly, the 1842 treaty was concluded between the authorities of the Tibet region of China and the Kashmir authorities, but the greatest part (about 80 per cent) of the area now disputed by the Indian Government is

part of China's Sinkiang which was no party to the treaty. It is obviously inconceivable to hold that, judging by this treaty, vast areas of Sinkiang have ceased to belong to China but have become part of Ladakh. The British Government proposed in 1899 to delimit the boundary between Ladakh and Kashmir on the one hand and Sinkiang on the other, but nothing came of it. It is also inconceivable to hold that the territory of another country can be annexed by a unilateral proposal.

Thirdly, there are many indisputable positive evidences to show that the western sector of the Sino-Indian boundary is not delimited. For instance, (a) Between 1921 and 1927 the British Indian Government made many representations to the authorities of China's Tibet region, asking to delimit the boundary between Ladakh and Tibet, but without any result. This is testified by many documents exchanged between the two sides at the time, and is also confirmed by Sir Arthur Lothian, the Briton who acted as the representative of India, in his letter to the London Times published on December 11, 1959. (b) According to data now available to the Chinese Government, no boundary line was drawn at all in the western sector of the Sino-Indian border on the official map published by the Survey of India as late as 1943. On the official Indian map of the 1950 edition, the present version of the boundary line was shown in a most equivocal way, but was still marked by the words "Boundary Undefined." It is only since 1954 that this undelimited sector of the boundary has suddenly become a delimited boundary. (c) Referring to this sector of the boundary in the Lok Sabha of India on August 28, 1959, Prime Minister Nehru declared that: "This was the boundary of the old Kashmir state with Tibet and Chinese Turkestan. Nobody had marked it." All the abovementioned facts are absolutely incompatible with the allegation that this sector of the boundary was delimited long ago. It is unthinkable that the Indian Government which held that this sector of the boundary had explicitly been delimited in 1842 or 1899 would, between 1921 and 1927, still ask continually for negotiations to delimit it; that it would in 1943 still admit the absence of any determined boundary' that it would in 1950 still

declare the mere existence of a boundary undefined; and that it would in 1959 still proclaim that nobody had marked the boundary.

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

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

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

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

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

Secondly, the Indian Government asserts that the boundary between India and Tibet was discussed at the Simla Conference, that the Chinese Government never objected at the time or afterwards to the discussion of the boundary between India and Tibet at the Conference, and that therefore the agreement which resulted from the Conference in regard to the McMahon Line boundary between India and Tibet must be regarded as binding on China. But this line of argument, from beginning to end, is inconsistent with the facts. As a matter of fact, the Simla Conference only discussed the boundary between the Tibet region and the rest of China and the boundary between so-called Outer and Inner Tibet, it never

discussed the boundary between China and India. The so-called McMahon Line boundary between China and India was the result of the exchange of secret letters at Delhi on March 24, 1914 between the British representative and the representative of the then Tibet local authorities. It was in no way made known to China. It also means that it was never placed on the agenda of the Simla Conference. A section of the red line shown on the map attached to the Simla Convention corresponds with the so-called McMahon Line, but that red line was presented as the boundary between Tibet and the rest of China, and it was never stated that part of the red line was the boundary between China and India. Since the so-called question of Sino-Indian boundary never existed at the Simla Conference and in the Simla Convention, the Chinese Government naturally would not refer to this question or the question of the so-called McMahon Line in its memorandum and its suggestions for the revision of the Simla Convention. The Indian Government has pointed to the fact that the Chinese Government at the time did not raise any objection to the so-called McMahon Line. But this fact only shows that the Chinese Government was completely unaware of the existence of the question of the so-called McMahon Line, and can in no way prove that the Line was legal or was accepted by the Chinese Government. It can thus be seen that the so-called McMahon Line is more unsavoury and more unrepresentable than the Simla Convention, and it is indeed all the more strange to assert that it is binding on the Chinese Government. The Chinese Government would like to ask the Indian Government whether, among all the proceedings of the Simla Conference, it can point to any particular date of the Conference or any particular article of the Convention when and where the Sino-Indian boundary question, and particularly the question of the so-called McMahon Line, was referred to. In addition, it must also be pointed out that it is beyond doubt that Britain had no right to conduct separate negotiations with Tibet." Indeed, the Chinese Government made repeated statements to this effect; as to the British Government, it too was strictly bound by the 1907 agreement on

Tibet concluded between it and the old Russian Government not to enter into negotiations with Tibet except through the intermediary of the Chinese Government. Therefore; judging by this treaty obligation alone which was undertaken by the British Government, the secret exchange of letters in 1914 between the British representative and the representative of the Tibet local authorities behind the back of the Chinese Government is void of any legal validity.

Thirdly, the assertion that China did not raise any objection to the so-called McMahon Line boundary between China and India is also inconsistent with the fact. It was during the most difficult period of China's War of Resistance to Japanese Aggression that the so-called McMahon Line gradually and unofficially appeared on Indian maps; and after 1943 the Tibet local authorities were under the firm control of British imperialism and their relations with the Chinese Central Government steadily deteriorated. Nevertheless, on learning that Britain had gradually encroached on Chinese territory south of the so-called McMahon Line, the Kuomintang Government four times protested by addressing notes to the British Embassy in China after the conclusion of the Anti-Japanese War, in July, September and November of 1946 and January of 1947. Since Britain shifted its responsibility onto India, the Kuomintang Government protested by note with the Indian Embassy in China in February 1947. Even up to November 18, 1949, Lo Chia-lun Ambassador to India of the Chiang Kai-shek clique which then still maintained diplomatic relations with the Indian Government, delivered a note to the Indian Ministry of External Affairs, repudiating the Simla Convention which the Indian Government held to be valid. The Government of the People's Republic of China, since establishing diplomatic relations with the Government of India, has repeatedly stated the fact that the Sino-Indian boundary has not been delimited. During Prime Minister Nehru's visit in China in 1954, Premier Chou En-lai made it clear that the Sino-Indian boundary was yet to be delimited. Premier Chou also said that the reason why the delineation of old maps was

followed in Chinese maps was that the Chinese Government had not yet undertaken a survey of China's boundary, nor consulted with the countries concerned, and that it would not make changes in the delineation of the boundary on its own. This was reiterated in the memorandum delivered to the Indian Embassy in China by the Chinese Ministry of Foreign Affairs on November 3, 1953. Besides even the local authorities of Tibet did not regard as reasonable the so-called McMahon Line, which was the product of underhand schemes; they repeatedly objected to this line and asked for the return of occupied Chinese territory south of the line. This fact is not denied even by the Indian Government.

Fourthly, not only the so-called McMahon Line boundary between China and India has never been recognized by the Chinese Government~ its validity was for a long time questioned by the Indian and the British Governments. The so-called McMahon Line was not adopted on the official map "Tibet and Adjacent Countries" published by the Survey of India in 1933, nor on the map "India" in the sixth edition of the Oxford Advanced Atlas, 1940, compiled by John Bartholomew, cartographer to the King of Britain. Neither was the so-called McMahon Line followed in drawing the eastern sector of the Sino-Indian boundary on the map "India 1945" attached to the 1951 3rd edition in English of "The Discovery of India." written by Prime Minister Nehru himself and first published in 1946. Although the so-called McMahon Line was drawn on the official maps of India published by the Survey of India in 1950, 1951 and 1952, it was still marked as undemarcated. Up to 1953 on the map "China West and Tibet" in the Times Atlas Of The World edited by John Bartholomew, cartographer to the King of Britain, the traditional Sino-Indian boundary line and the so-called McMahon Line were both drawn with the words "Disputed Area" marked between the lines. All these authoritative facts squarely refute the Indian Government's argument that this sector of the boundary has been delimited. The Indian Government contends that Britain withheld the publication of the Simla Convention for years in the hope that there would be in agreement about the status and boundary of

Inner Tibet. That this assertion cannot help the Indian Government out of its difficulties is already explained as above the assertion moreover adds to its difficulties. What meaning can the Simla Convention have when the British Government also admitted that no agreement was reached on it? And since the Convention itself has not acquired validity what can be said for the so-called Sino-Indian boundary line which was never proposed to the Chinese Government and which the British unilaterally meant to smuggle into this Convention? In fact, British officials who once held posts in India though by no means pro-Chinese, also admit that the McMahon legally untenable and actually ineffective. For instance, Henry Twynam who was Acting Governor of Assam, India, in 1939, letter to the *London Times* published on September 2, 1959, that this line "does not exist, and never has existed."

From what has been said in the above, the following incontestable conclusion can be drawn: The entire Sino-Indian boundary, whether in its western, middle, or eastern sector, has not been delimited. The 1842 Treaty, on which the Indian Government bases itself, did not define any boundary line for the western sector of the Sino-Indian border; and moreover, China's Sinkiang region, which is most concerned with this sector of the boundary, was no party in the Treaty. The 1954 Agreement, on which the Indian Government bases itself, did not involve the middle or any other sector of the Sino-Indian boundary. The 1914 Convention, on which the Indian Government bases itself, is itself void of legal validity, and the Sino-Indian boundary was never discussed at the 1914 Conference. That the Sino-Indian boundary is yet to be delimited has been recognized by the Indian and British Governments over a long period of time, and is borne out by indisputable evidences. In order to achieve a reasonable settlement of the Sino-Indian boundary disputes satisfactory to both sides, there is no other way except the holding of friendly negotiations.

QUESTION II.

Where Is The Traditional Customary Sino-Indian Boundary Line?

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

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

This area is the only traffic artery linking Sinkiang and western Tibet,

because to its northeast lies the great Gobi of Sinkiang through which direct traffic with Tibet is practically impossible. Therefore, since the middle of the eighteenth century, the Government of the Ching Dynasty of China had established *Karens* (check-posts) to exercise jurisdiction over and patrol this area. In the decades from the founding of the Republic of China till the liberation of China, there were troops constantly guarding this area.

After the liberation of Sinkiang in 1949 the Chinese People's Liberation Army took over the guarding of the frontier in this area from Kuomintang troops. In the latter half of 1950, it was through this area that the Chinese Government dispatched the first units of the Chinese People's Liberation Army to enter Tibet. In the nine years since then, the Chinese troops stationed in the Ari district have regularly and frequently brought up indispensable supplies from Sinkiang through this area. From March 1956 to October 1957 the Chinese Government built along the customary route a motor-road from Yehcheng of Sinkiang to Gartok of Tibet of a total length of 1200 kilometers, of which a section of the 180 kilometers runs through this area, and over 3,000 civilian workers took part in its construction.

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

The Indian Government asserts that this area "has been associated with India's culture and tradition for the last two thousand years or so, and has been an intimate part of India's life and thought". But firstly, the Indian Government fails to give any concrete facts to support its contention. On the contrary, Prime Minister Nehru said in the Rajya Sabha of India on September 10, 1959 that this area "has not been under any kind of administration". On November 23, 1959, he said again in the Rajya Sabha of India: "During British rule, as far as I know, this area was neither inhabited by any people nor were there any outposts." Though Prime Minister Nehru is no position to judge correctly the conditions prevailing on the Chinese side, his words do prove authoritatively that

India has never exercised control over this area.

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

Thirdly, the Indian Government has referred to a number of maps to corroborate what it has claimed to be the traditional customary line. But the situation in this respect is not favourable to India's arguments either. Despite slight discrepancies at some places, the delineations of the western sector of the boundary on the maps published in China in the past one to two hundred years have in the main been consistent. The Indian Government says that the delineation of the western sector of the boundary on an official Chinese map published in 1893 approximates to that of the Indian maps. The Chinese Government does not know what map is referred to here and, consequently, is unable to comment on it. As to the Atlas published in 1917 by the British-owned paper, the North China Daily News and Herald it can only represent the British view but not the Chinese, and there is no need to discuss it here.

By contrast, there have been considerable contradictions and ' confusion in the delineations of the boundary on maps published in Britain and India in the past century and more. This is because, after occupying Kashmir. Britain actively tried to use it as a base for aggression against China's southern Sinkiang and northwestern Tibet ' and, therefore, it continually made arbitrary changes in the traditional customary boundary line in the western sector and sent surveying parties to intrude into China for this

purpose. Prime Minister Nehru says that "accurate" maps, that is, maps in agreement with the current Indian maps, became possible only from 1865 after surveys. But, even so, some reputed surveyors did not wish to misrepresent the facts at will. For instance, the delineations of the boundary on the "Sketch Map of Eastern Turkestan" of 1870 by G. W. Hayward and on the "Sketch Map of the Country North of India" of 1871 by Robert Shaw-both surveyors being referred to by Prime Minister Nehru in his letter of September 26-are close to the traditional customary line as shown on Chinese maps. In his article in the Journal Of The British Royal Geographical Society, Vol. XL: 1870, Hayward stated explicitly that the boundary ran along the main chain of the Karakoram mountain to the passes in Chang-chenmo, that is to say, it is the Chinese maps, rather than the current Indian maps, that have correctly delineated this sector of the boundary. What is of special significance is the fact that no boundary line, let alone an "accurate" boundary line, was drawn at all for this sector on the official map compiled by the Survey of India as late as the 1943 edition. On its 1950 map, though the same colour for Kashmir was painted in the area disputed by India, still no boundary line was drawn, and there were marked the words "Boundary Undefined". This fact has already been pointed out above.

Fourthly, the Indian Government says that the traditional customary line claimed by it possesses in addition distinct geographical features, that is, it runs along the watershed. However; to begin with, the principle of watershed is not the sole or main international principle for the delimitation of boundaries. It is particularly impermissible to use the watershed as a pretext for seeking a boundary line within the territory of another country. Next, the traditional customary line claimed by the Indian Government, instead of separating the Hotien River system from the Indus River system, actually cuts across the Hotien River system. On the contrary, the traditional customary line as shown on Chinese maps truly reflects the geographical features of this area, that is, having no steep slopes in the north-south direction, the area is easily passable and,

therefore, naturally forms the only route linking Sinkiang and western Tibet. To the west, however, there lies between this region and Ladakh the towering Karakoram mountain range which is extremely difficult to pass through. The Indian Government also admits that this area is extremely difficult of access from Ladakh.

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

(2) Concerning the middle sector. The disputed areas involved here owing to difference of conception between the two sides regarding the traditional customary line-Chuva Chuje, Shipki Pass, Sang, Tsungsha, Puling-Sumdo, Wuje, Sangcha and Lapthal-are all traditional Chinese territory. Except Sang and Tsungsha which were invaded and occupied by Britain earlier, they were all occupied or intruded into by India only after the signing of the 1954 Sino-Indian Agreement.

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

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

Tibet region. ·

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

The Indian Government claims that it has all along been exercising jurisdiction over the above-mentioned places. However in the note annexed to Prime Minister Nehru's letter of September 26, 1959, apart from some extremely strained arguments in connection with Sang and Tsungsha, there are no concrete facts whatever to show that jurisdiction has always been exercised over the seven other places.

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

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

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

As early as the middle of the seventeenth century, the local government of the Tibet region of China had begun to exercise jurisdiction over this area comprising Monyul, Loyul and Lower Tsayul. Take the Monyul area for example. In the middle of the seventeenth century, when the fifth Dalai Lama unified Tibet, he sent his disciple Mera Lama and tribal chief Namka Drukda, Dinpon of Tsona, to the Monyul area to establish their rule there. By the beginning of the eighteenth century, the local government of the Tibet region had unified the whole of Monyul and divided the area gradually into 32 "tso" (a few named "din"). At Tawang, the capital of Monyul, an administrative committee known as "Tawang Shidrel" and a non-permanent administrative conference of a higher level known as "Tawang Drudrel" were set up to direct the affairs of the whole area. The local government of the Tibet region used always to appoint the officials of the administrative organs at various levels in Monyul, collect taxes (mainly grain tax, twice a year) and exercise judicial authority in all parts of the area. Monyul was included in every census conducted in Tibet in the past and was not treated as an exceptional case. The religious, economic and cultural life of the local people, the Monbas has been deeply influenced by the Tibetan nationality; they believe in Lamaism, can speak the Tibetan language, and used Tibetan currency. It is from the Monyul area that the 6th Dalai Lama, Tsanyun Gyaltso, hailed, and his house there received for all generations the mandates conferred by successive regimes of the Tibet region.

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

Therefore, the allegations of the Indian Government that "the Tibetan

authorities have not exercised, jurisdiction at any time in this area," that the local "tribes have not been afflicted in the slightest degree by any Tibetan influence, cultural, political or other," and so on are incredible.

The Indian Government claims that it has always exercised jurisdiction over this area. However, in Prime Minister Nehru's own words, Indian administration had "gradually moved up" to this area; the tribes had generally been left "more or less to look after themselves" until around 1914; and British political officers only visited these areas." And what did the British officers who had visited this area say? The Captain Bailey referred to by Prime Minister Nehru in his letter of September 26, 1959, who was specially sent by the British Indian Government in 1913 to southeastern Tibet to conduct illegal exploration and survey for the purpose of defining the so-called McMahon Line, described the jurisdiction of the Tibet local government over the Monyul area at the time in his book "No Passport To Tibet" published in 1957; he further stated in his letter to the *London Times* published on September 7 this year that "When we reached Tawang (i.e. capital of Monyul), we found a purely Tibetan administration in force." Even Christoph Von Fuhrer-Haimendorf, then Special Officer of the Indian External Affairs Department in Subansiri, who was sent by the Indian Assam authorities in 1944, that is thirty years after the so-called McMahon Line was defined, to explore this area, also testified in his book "Himalayan Barbary" published in 1955 that the frontier in this area was undefined and unsurveyed, and remained unadministered by the Indian authorities. It can thus be seen how untenable are the assertions that the area has belonged to India for tens and hundreds of years, that the current boundary has always been the historical boundary, etc., etc.

The Indian Government says that the British concluded a number of agreements with some of the local tribes between 1844 and 1888 and that these agreements are evidence of Indian jurisdiction. However, the 1853 agreement with the Monbas cited by Prime Minister Nehru, begins with the statement by the Monbas : "We....being deputed by the Daba

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

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

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

still considered it a dispute area while the delineation on the map "India 1945", attached Prime Minister Nehru's book "The Discovery Of India," was still the same as that on Chinese maps.

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

It can be seen from what has been said in the above that the Chinese Government's view of the 'traditional ' customary line is based on objective facts and confirmed by a mass of factual data in all its sectors, western, middle and eastern. On the other hand the boundary line marked on Indian maps, with the exception of the middle sector which for the most part conforms to reality, does not represent at all the traditional customary line. The eastern and western sectors of this boundary line, it can in particular be seen beyond any shadow of doubt, are the product of the British policy of aggression and expansion in modern history.

It should not have been necessary to discuss the British poi of aggression and expansion in modern history as the history of India itself, the history of India's adjacent countries which had only been a part of British India or its dependency, the history of China and, in particular, the history of China's Tibet region bordering adjoining India, all bear witness to this policy. While embarking on armed aggression against Tibet and conspiring to cause Tibet to break away from China, Britain also nibbled at the frontiers of Tibet both on the maps and in deed, which resulted in this boundary line that was later inherited by India and is marked on current Indian maps. Of course, the great Indian people, who treasure peace, can in no way be held responsible for all the acts of aggression committed by Britain with India as its base. It is however, surprising that the Indian Government should claim the boundary line ·which Britain unlawfully created through aggression against Tibet and which even includes areas to which British authority had not extended as the traditional customary boundary line, while perversely describing the true traditional customary

boundary line pointed out by the Chinese Government on the basis of objective facts as laying claim to large tracts of Indian territory. How would the Indian Government feel, if it were in the position of the Chinese Government. If this assertion is maintained, the inevitable conclusion to be derived would be that the British colonialists were most fair-minded while oppressed China was full of undisguised ambitions; that the powerful British imperialism was, for the past one hundred years and more, invariably upholding the traditional Sino-Indian boundary while the weak China was ceaselessly encroaching upon British territory! The Chinese Government believes that no one would accept this conclusion.

Question III

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

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

The Indian Government disagrees with the Chinese Government's statement that the boundary has not been delimited and an over-all settlement of the question should be sought through negotiations and only acknowledges that certain minor, partial adjustments could be made. Yet the Indian Government agrees that the two sides should maintain the status quo of the border, avoid the use of force and settle the disputes

through negotiations. Thus although there are differences between the two sides, the tranquility of the border and the friendship of the two countries could have been ensured. Contrary to the expectations of the Chinese Government, the Indian Government has time and again asserted that the Chinese Government had previously agreed that the boundary had been delimited and accepted the Indian Government's claim regarding the boundary and that the Chinese Government changed its stand only recently. At the same time, the Indian Government has also made incorrect interpretations of the status quo of the border, repeatedly violated the *status quo* in actual deeds and even resorted to force, thus creating tension on the border. In these circumstances, the Indian Government has perversely charged that the Chinese Government should be held responsible for all this and said that China harboured ambitions of "aggression" and "expansion." The above-mentioned attitude of the Indian Government has made the boundary question all the more difficult and complicated.

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

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

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

As a matter of fact, the Sino-Indian Agreement of 1954 is an agreement on trade and intercourse between the Tibet region of China and India and has nothing to do with the boundary question and no provision concerning the boundary can be found in any article of the Agreement. It may be recalled that at that time, the question which the two countries were most concerned about and which called for urgent solution was the

establishment of normal relations between India and the Tibet region of China on a new basis. During the negotiations, neither side asked to discuss the boundary question; this was intended to avoid affecting the settlement of the most urgent question at the time. Both sides were clear on this point. At the very beginning of the negotiations, Premier Chou En-lai made it clear to the Indian Government Delegation that the task of the negotiations was "to settle those outstanding questions between the two countries which are ripe for settlement." Afterwards, at the fourth meeting held on January 8, 1954 the two sides jointly defined the task of the negotiations as settling those outstanding questions between the two countries which were ripe for settlement in accordance with the Five Principles of peaceful co-existence. On April 23 of the same year, the Chinese representative further pointed out that the negotiations would not touch on the boundary question. The Indian representative agreed to this view of the Chinese side. There was, therefore, no fact whatever to show that the Chinese Government agreed to the Indian Government's conception of the boundary or that it would not bring up the boundary question for discussion afterwards.

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

The fact is that at that time Prime Minister Nehru took exception to the delineation of the Sino-Indian boundary line on Chinese maps and therefore Premier Chou En-lai explained that the delineation of the boundary on Chinese maps followed that of the old maps and that it would not be fitting for the Chinese Government, on its own, to change the delineation of the boundary before conducting surveys and consulting with the countries concerned. In particular, Premier Chou En-lai pointed out at the time that China has undelimited boundaries with India and

some other southwestern neighbouring countries. Prime Minister Nehru said, however, that he considered that no boundary question existed between China and India. It can be seen from this conversation that there was an obvious difference of views between the two sides regarding the boundary, and that Premier Chou En-lai clearly expressed his disagreement to any unilateral revision of maps.

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

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

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

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

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

The Chinese Government has faithfully abided by this principle in the ten

years since liberation, Chinese military and administrative personnel have been under orders not to go beyond the areas which have always been under Chinese jurisdiction, and even not to cross the so-called McMahon Line in the eastern sector.

The Indian Government's interpretation of the status quo of the border, however, is based not on the actual scope of jurisdiction of two sides, but on the unilaterally fixed boundary line shown on maps that includes large areas where Indian jurisdiction has reached. Thus armed Indian personnel have repeatedly violated the *status quo* of the border and, step by step, extended the scope of its occupation by encroaching on Parigas, Chuva, Chuje, Shipki Pass, Puling-Sumdo, Sangcha and Laphthal, and intruded into Aksai Chin, Lake Pangong, Kongka Pass and Wuje. But the Indian Government describes all these actions as maintenance of the status quo. In the eastern sector, after the outbreak of the rebellion in Tibet in March this year, armed Indian personnel even overstepped the so-called McMahon Line at one time occupied Longju and Tamaden, and is now still in occupation of Khinzemane, all of which are situated north of that Line. Although the Indian side has occupied Puling Sumdo, one of the Chinese markets specified in the 1954 Agreement and once occupied Tamaden which India itself admits to be Chinese territory, yet the Indian Government has all along denied having violated the status quo of the border. Moreover, basing itself on the boundary line shown on its 'own maps, the Indian Government accused China of violating the status quo of the border. To this the Chinese Government cannot agree.

(3) Whether the Chinese Government has earnestly avoided using force.

Recently, two armed clashes which neither side wished to see occurred in the Migyitun area and the Kongka Pass area. This was extremely unfortunate. But it is not China that should be held responsible for them. The Migyitun area incident of August 25 was caused by the action of the armed Indian personnel who had invaded and occupied Longju in advancing further to the southern vicinity of Migyitun and attacking a

Chinese patrol. Armed Chinese personnel never attacked the outpost established illegally by India at Longju on the contrary, it was the armed Indian personnel from the Longju outpost who opened fire on an even larger scale on the following day but the Chinese troops stationed at Migyitun never returned from -The allegation that Chinese troops drove armed Indian personnel out of their outpost at Longju by superior force is not true. Armed Chinese personnel entered Longju only on September 1, that the sixth day counting from August 27 when the armed Indian personnel withdrew.

The case of the Kongka Pass incident of October 21 is even more obvious. On the day after three armed Indian personnel were detained on their intrusion into Chinese territory more than 60 armed Indian personnel carrying light and heavy machine guns and other weapons intruded further into Chinese territory, and launched an armed attack on a Chinese patrol numbering 14 only and carrying light arms alone. Both before and after the Indian party opened fire the Chinese patrol gave repeated warnings not to shoot. The Chinese deputy squad leader, Wu Ching-Kuo, waved his hands to the Indian personnel and called on them not to shoot. but this esteemed comrade was the first man to be hit and killed. Only after this was the Chinese patrol forced to return fire.

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

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

(b) With regard to Chinese territories of Parigas, Chuva, Chuje, Shipki Pass, Sang, Tsungsha, Puling-Sumdo, Sangcha, Lapthal and Khinzemane, which have been occupied by the Indian side, the Chinese Government has never tried compelling the armed Indian personnel to withdraw by force of arms. Even in regard to such an area as Tamaden which the Indian Government itself admits to be Chinese territory, the Chinese

Government also patiently waited for the Indian troops to withdraw of their own accord and did not resort to force.

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

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

(e) After the occurrence of the unfortunate Kongka Pass incident, the Chinese Government immediately ordered its troops guarding the Sino-Indian border to stop patrolling the entire border.

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

The above-mentioned facts prove that the Chinese Government. has adopted all possible measures to maintain the tranquility of the border and to prevent the use of force and the occurrence of armed dashes.

After the Kongka Pass incident, the Indian Government also instructed its frontier guards to stop patrolling and indicated to the Chinese Government that in any event neither side should resort to force except as a last resort in self-defence. This is undoubtedly worthy of welcome. Prior to the occurrence of these two clashes, however, the Indian Government in its note dated August 11 this year had informed the Chinese Government to the effect that Indian frontier guards had instructions "to resist trespassers and to use minimum force necessary for this purpose if warning given by them remains unheeded." The Indian Government's note also stated that "if any Chinese troops are still within Indian territory, they should be immediately withdrawn as otherwise this may lead to avoidable clash." Even after the occurrence of the first clash

the Indian frontier guards, according to the note sent by the Indian Government to China on August 27, 1959, still had instructions to "use force on the trespassers if necessary." It must be pointed out that since there are divergences both between the two countries conception of the boundary and between their maps, and since the Indian Government regards large tracts of Chinese territory which have always been under Chinese jurisdiction as Indian territory, Chinese military and administrative personnel stationed on the soil of their own country would inevitably be called "trespassers" by the Indian side. In this way, Indian subordinates in carrying out these instructions, could use force more or less freely according to their own judgment. Obviously, it cannot be said that the occurrence of the two unfortunate border incidents was unrelated to such instructions.

(4) Whether China wants to engage in "aggression" and "expansion."

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

The Chinese Government has noted that there is at present in India a rather prevalent observation that China has now grown strong and, like certain Chinese rulers in history or modern imperialists would seek expansion abroad. Apart from those who are obviously hostile to China, the great majority of those who spread this observation probably do so because they lack an accurate understanding of New China. In these circumstances, the Chinese Government deems it useful to explain China's stand once more to the Government and people of India.

Although the Chinese people have begun to score some achievements, China is still very backward economically and culturally and it will still take the Chinese people decades or even over a hundred years of arduous

efforts to overcome such backwardness. But at no time in future will China become a threat to its neighbouring countries, just as China does not believe that India, after it has grown strong as China fervently hopes, would become a threat to China. To say that the growth of China's population and industry would constitute a threat to its neighbours is utterly incomprehensible to the Chinese people. China's social system is a socialist one under which political and economic powers are in the hands of the working people and the people and Government of socialist China have not, nor can they have, nor should they have, any intention of threatening others. Moreover, the following facts must be taken note of: Firstly, although China's population has increased at a higher rate since liberation, yet the average annual rate of increase is only two percent, while the average annual rate of increase in China's grain output has reached 9.8 per cent, the highest annual rate of increase being 35 per cent. In the future, the per unit area grain output and agricultural labour productivity in China will still be greatly raised. Apart from that, China has a vast territory, more than half of which is sparsely populated and will take great efforts to develop. Therefore the Chinese people absolutely do not need to seize the territory of other countries to feed themselves. Secondly, although China's industry has undergone some development, it still its natural resources and has a huge domestic market; its industry neither needs to grab raw materials from abroad nor needs to dump its products in foreign countries. Thirdly, the development of China's industry and agriculture has led to a shortage, not surplus, of labour power in China. Therefore, China has no surplus population to send abroad.

In order to attain their great goals in peaceful construction, the Chinese people are in urgent need of a long-term peaceful international environment. Therefore, in conducting its foreign relations the Chinese Government has consistently pursued a policy of peace and is desirous of living in friendship with all countries, big and small, on the basis of the Five Principles. With regard to the outstanding issues between China and other countries, the Chinese Government has consistently stood for their

fair and reasonable settlement by peaceful methods without resorting to force. It is not only impossible, improper and unnecessary for China to commit aggression against its neighbours, rather it is its earnest hope that they would all grow prosperous and strong rapidly. Because only thus can we altogether more effectively prevent imperialist war and aggression and maintain peace in this area; only thus can we better meet each other's needs and help each other in construction work.

So far as the question of boundary is concerned, China absolutely does not want one inch of another country's territory. There are undelimited boundaries between China and many of its neighbouring countries, but China has never taken, and will never take, advantage of this situation to make any changes in the actually existing state of affairs on the borders by unilateral action. Whether or not the boundary has been delimited, China is always prepared to work in close cooperation with its neighbours for the creation of the most peaceful, secure and friendly border zones so that there will be no mutual misgivings or clashes over the border questions.

With regard to Bhutan and Sikkim, some explanation may be given in passing. China has no other intentions than that of living with them in friendship without committing aggression against each other. Concerning the boundary between China and Bhutan, there is only a certain discrepancy between the delineation on the maps of the two sides in the sector south of the so-called McMahon Line. But it has always been tranquil along the border between the two countries. The boundary between China and Sikkim has long been formally delimited and there is neither any discrepancy between the maps nor any disputes in practice. All allegations that China wants to encroach on' Bhutan and Sikkim, just like the allegations that China wants to commit aggression against India and other southwestern neighbouring countries, are sheer nonsense.

The basic stand of the Chinese Government towards its neighbours has long been defined time and again and there should have been no need to deal with it at length. It is, however, unfortunate that recently,

particularly since the putting down of the rebellion of the reactionary serf-owners in the Tibet region of China, India has in various ways distorted and attacked the Chinese attitude. In the interest of friendship of the two countries, the Chinese Government does not wish to answer attack with attack, but would rather assume that the Indian Government really has some misunderstandings about China's intentions. It may be that, for certain reason, the campaign against China would still continue. Even if unfortunately that should be the case, the Chinese Government absolutely refuses to think that the misunderstandings about China of those who harbour no ill-will would likewise continue for long. Because, if China were really committing aggression against and posing. threat to India or any other country, ten thousand denials would not alter the fact; if it is otherwise, although ten thousand propaganda machines. tell the whole world about China's "aggression" and "threat," they will only discredit the propagandists themselves. "The strength of a horse is known by the distance travelled, and the heart of a man is seen with the passage of time." China's peaceful and friendly attitude toward India will stand the test of time. The Chinese Government is convinced that, though the truth of a matter may be hidden for a while, it is impossible to hide it up for long.

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

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

The confidence of the Chinese Government is based on the following: There is friendship of thousands of years' duration but no irreconcilable conflict between the two countries; both sides urgently need to devote

themselves to long-term peaceful construction at home and are willing to work for the defence of world peace; and it is uncalled-for as well as unthinkable to go on arguing like this without end. On the boundary question, both sides have indicated their willingness to maintain the status quo of the order and to settle the boundary dispute by peaceful means. This shows that a basis exists for China and India to live together in friendship and that the boundary question could be settled in a reasonable way. Besides, looking at it the other way round, there is no alternative. It is impossible for the two sides to change the geographical reality of their being neighbours or to break off all contacts along the lengthy boundary line. It is particularly impossible to entertain the absurd idea that our two great friendly neighbours with a combined population of more than one thousand million might start a war over such temporary and local disputes. Therefore, a friendly settlement of the boundary disputes by peaceful means is the only logical answer.

What are the key questions which demand an urgent solution right now? The Chinese Government has the honour to present the following opinions to the Indian Government:

(a) The Chinese Government is of the opinion that no matter what views the two sides may hold about any specific matter concerning the boundary, there should no longer be any difference of opinion about the most basic fact known to the whole world, that is the entire boundary between the two countries has indeed never been delimited, and is therefore yet to be settled through negotiations, Recognition of this simple fact should not create any difficulties for either side, because it would neither impair the present interests of either side, nor in any way prevent both sides from making their own claims at the boundary negotiations. Once agreement is reached on this point it could be said that the way has been opened to the settlement of the boundary question. Although up to now each side has persisted in its own views on the concrete disputes concerning the different sectors of the boundary, provided both sides attach importance to the fundamental interest of

friendship of the two countries and adopt an unprejudiced attitude and one of mutual understanding and accommodation, it would not be difficult to settle these disputes. If India's opinions prove to be more reasonable and more in the interest of friendship of the two countries, they should be accepted by China; if China's opinions prove to be more reasonable and more in the interest of friendship of the two countries, they should be accepted by India. It is the hope of the Chinese Government that the forthcoming meeting between the Prime Ministers of the two countries will first of all reach agreement on some principles on the boundary question so as to provide guidance and basis for the future discussion and the working out of a solution by the two sides.

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

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

The Chinese Government earnestly hopes that the views it has set forth here at great length on the past, present, and future of the Sino-Indian boundary question would receive the most good-willed understanding of the Indian Government, thereby helping to bring about a settlement of this question satisfactory to both the sides and a turn for the better in the relations between the two countries. Although some arguing cannot be helped in order to make reply to unfair charges, the intention and aim of the Chinese Government is not to argue, but to bring arguing to an end.

China and India are two great countries each with its great past and

future. Guided by the great ideal of the Five Principles peaceful coexistence, the two countries have over the past few years joined hands and cooperated closely in defence of world peace. Today, history again issues a call to the peoples of the two countries asking them to make still greater contributions internationally to the cause of peace and human progress, while accomplishing tremendous changes at home. The task falling on the shoulders of the Chinese and Indian peoples of the present generation is both arduous and glorious. The Chinese Government wishes to reiterate here its ardent desire that the two countries stop quarrelling, quickly bring about a reasonable settlement of the boundary question, and on this basis consolidate and develop the great friendship of the two peoples in their common cause.

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

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

New Delhi, February 5, 1960

My Dear Prime Minister,

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

I confess that I do not particularly like this long distance correspondence which consists of a reaffirmation of our respective views, and yet there is no escape from this when questions of far-reaching importance are raised between Governments and statements made which cannot be accepted.

You were good enough to suggest that we should meet to discuss these matters and, so far as we are concerned, it has been our consistent policy

to welcome such meetings and informal approaches which sometimes lead to helpful results. But I found that the respective viewpoints of our two Governments, in regard to the matters under discussion, were so wide apart and opposed to each other that there was little ground left for useful talks. I suggested in my letter of November 16, 1959, certain preliminary steps which would have eased the situation and facilitated further discussions. Unfortunately you have not found yourself able to accept those proposals. I still hope that you will reconsider your decision in this matter. .

In the latest note from the Government of the People's Republic of China, emphasis has been laid on our entire boundary never having been delimited. That is a statement which appears to us to be wholly incorrect, and we cannot accept it. On that basis there can be no negotiations.

It has pained me deeply that the relation between India and China which have in the past been so friendly and which we had endeavoured so much to strengthen, should have deteriorated rapidly and led to bitterness and resentment. That is a tragedy for both our countries as well as for the larger issues in the world. For my part, I have endeavoured and shall continue to endeavour to find a way to a peaceful settlement and for a restoration of friendly relations. But for the moment, I do not see any common ground between our respective viewpoints.

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

With kind regards,

Yours sincerely,
JAWAHARLAL NEHRU

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

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

The Embassy of India presents its compliments to the Ministry of Foreign Affairs of the People's Republic of China and has the honour to refer to the Chinese Government's Note handed on the 26th December, 1959, to the Embassy of India in Peking. In reply, the Embassy has been directed by the Government of India to state as follows:

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

Such an approach can hardly lead to an understanding which both countries desire:

3. The Government of China contend that the Sino-Indian boundary has not been formally delimited and in support of that contention allege that the boundary has not been determined by treaties and agreements. The Government of India cannot accept this contention. The Sino-Indian boundary, based on custom and tradition, follows natural features, and for the major part this customary and traditional boundary is also confirmed by treaty and agreement. This boundary throughout has been fixed and well-known for centuries. According to international usage and practice a customary boundary which follows well-known and unchanging natural features like main watersheds stands defined and does not require further or formal definition. It is significant that until recently no Chinese Government ever challenged it, or protested against the exercise of the sovereign jurisdiction of India up to this traditional boundary. In view of all these facts, the Government of India cannot agree that negotiations have to be conducted to reach new agreements for fresh determination of the Sino-Indian boundary.

4. The Government of China have stated that the present controversy has arisen because "the Sino-Indian boundary has never been delimited, Britain left behind in this respect a heritage of certain disputes and moreover the Indian Government has made a series of unacceptable charges against China". The Government of India cannot accept either the assertions or the imputations contained in this statement. In fact the present controversy regarding the boundary and the tension on the border have arisen because the Chinese Government laid claims to extensive areas of Indian territory for the first time on September 8, 1959, and intruded into Indian territory, both before and afterwards, in furtherance of their claims. The Government of India are particularly surprised and shocked by this attitude and action of a neighbour whose

friendship they have always cherished. Despite these unwelcome developments, the Government and the people of India have shown the utmost restraint. They have always been willing to explore the possibilities of a peaceful settlement. But an amicable settlement cannot be reached on the basis that a new agreement has to be negotiated to determine afresh the entire Sino-Indian boundary. Such a basis for negotiations would ignore past history, custom, tradition and international agreements and is therefore entirely unacceptable to the Government of India. The Government of India wish to state again that they are prepared to discuss specific disputes in regard to the location of particular places on the boundary, and to make minor frontier rectifications by agreement, where they may be considered necessary.

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

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

their reports, therefore, that are authoritative in regard to the eastern boundary of Ladakh, and their maps and accounts substantiate the traditional Indian alignment.

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

"Now that in the presence of God, the ill-feeling created by the war which had intervened, has been fully removed from the hearts, and no complaints now remain (on either side) there will never be on any account in future, till the world lasts, any deviation even by the hair's breadth and any breach in the alliance, friendship and unity between the King of the world Siri Khalsaji Sahib and Siri Maharaj Sahib Raja-i-Rajagan (Raja of Rajas) Raja Sahib Bahadur, and the Khagan (Emperor) of China and the Lama Guru Sahib of Lhasa. We shall remain in possession of the limits of the boundaries of Ladakh and the neighbourhood subordinate to it, in accordance with the old custom, and there shall be no transgression and no interference (in the country) beyond the old established frontiers. We shall hold to our own respective frontiers."

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

8. The Chinese Government state that nothing came of the proposal in 1899 "to delimit the boundary". This again shows a failure to take into account the facts as stated in the Prime Minister of India's letter of

September 26, 1959. It was clearly stated in that letter that the proposal made in 1899 by the British referred not to the eastern frontier of Ladakh with Tibet but to the northern frontier of Ladakh with Sinkiang. That proposal stated explicitly; that the northern boundary ran along the Kuen Lun range to a point east of 80 degrees east longitude, where it met the eastern boundary of Ladakh. This showed beyond doubt that the whole of the Aksai Chin area lay in Indian territory, and the Government of China did not object to this definition of the boundary. If nothing came of the proposal of 1899, it was not because the Chinese Government declined to recognise the boundary according to the traditional alignment shown on Indian maps, but because even then they did not seem to consider necessary any formal definition of the well-known boundary in this area.

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

The statement of the Prime Minister in the Lok Sabha on the 28th August, 1959, that the boundary had not been marked, indicated merely that it

had not been marked on the ground.

10. The Chinese Government contend that, except for the Demchok (Parigas) area, which according to them has been "occupied" by India in recent years, the rest of the area in Ladakh, claimed by China, has always belonged to her and has been under her effective control. These contentions are wholly baseless. That the Demchok area has for centuries been a part of Ladakh is proved by the treaty between Ladakh and Tibet signed in 1684, and by the accounts of travellers who visited the area thereafter. As for the rest of the area, it is wrong to state that the major part of it was under the jurisdiction of Sinkiang. As already mentioned above, Chinese maps of the 18th and 19th centuries make clear that Sinkiang never extended south of the Kuen Lun mountains. So, no part of this area could ever have been a part of Sinkiang. Nor was any portion of this territory a part of Rudok Dzong of Tibet. Moorcroft who visited this area in 1820, stated that Pamgong Lake divided the district of Rudok from the principality of Ladakh. This in effect conforms with the traditional alignment as shown on Indian maps rather than that shown on Chinese maps. Strachey, who visited this area as a Boundary Commissioner in 1847, gave a more specific alignment, which is essentially in consonance with the alignment on Indian maps.

11. It is most regrettable that the Chinese Government should have claimed, without bringing forward any evidence in support, that their people have utilized this area for pasturage and salt-mining. In fact, the pastures and salt-mines referred to have always been the preserve of Ladakhi villagers who have regularly visited these areas; and these villagers never came across any Chinese trespassers. It is incorrect to say that since 1750 the Chinese Government has established check-posts to exercise jurisdiction over and patrol this area: There were never any Chinese outposts south of the Kuen Lun mountains. Throughout the twentieth century officials of the Kashmir Government and Indian traders and

hunting parties moved freely in this area and they did not come across any evidence of the exercise of jurisdiction by the Chinese in that area. During these years a detailed geological survey of the whole area was carried out by the Governments of Kashmir and of India. It is only in recent years that Chinese personnel have intruded into this territory; and the Government of India are astonished that the Chinese Government use this intrusion as the basis for their claim. The statement that Indian personnel came into this territory only thrice, and that too in recent times-in September 1958, in July 1959 and in October 1959 is unwarranted by facts. Indian personnel have patrolled this area regularly. Only on the three occasions mentioned by the Chinese Government did they come across Chinese troops.

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

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

has been to push the alignment deeper into Indian territory.

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

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

boundaries.

16. The Government of India are glad to note the acceptance by the Government of China that the alignment of the boundary as shown on Indian maps between the Punjab, Himachal Pradesh and Uttar Pradesh in India and the Tibet region "conforms to reality". This alignment conforms to the watershed principle and Chinese maps have also shown this alignment for the greater part of its length. The Government of India, however, reject the claim of the Chinese Government in certain areas in this sector- the Spiti area, Shipki pass, Nilang-Jadhang, Barahoti, Sangchamalla and Laphthal. The Prime Minister of India in his letter of September 26, 1959 has given sufficient data to show that these territories have always been part of India. The Chinese Government have ignored these precise data' and have merely repeated their claim. In the circumstances the Government of India consider it unnecessary .to repeat their earlier statements.

17. The Government of China have also accused the Government of India of having occupied Puling-Sumdo, one of the markets for trade in the Ari district of Tibet, specified in the 1954 Agreement. The Government of India repudiate this allegation. They are not, and never have been, in occupation of this place. The Chinese Government are confusing this trade mart with a locality in the Nilang-Jadhang area in India called Pulamsumda. This latter place in India, however, has never been a trade mart. The co-ordinates of Puling-Sumdo (also known as Poling) are 31° 19' north and 79° 2T east, and these co-ordinates were communicated by Mr. Kaul with his letter of March 26, 1954 to Mr. Chen Chia Kang. The co-ordinates of Pulamsumda are 31° 18' north and 79° 8' east. During the negotiations leading to the 1954 Agreement it was Puling-Sumdo (Poling) which was mentioned since it was a traditional trade mart. It was then made it clear to the Chinese delegation that Puling-Sumdo and Poling were different names for the same place. There was no occasion to refer

to Pulamsumda (31° 18' north and 79° 8' east) and no reference was in fact made to it either in the discussions or in the subsequent Agreement. There should, therefore, be no room for misunderstanding.

18. The Chinese Government contend that the Tibetan authorities are in possession of land deeds and census and taxation papers concerning these areas which they are claiming, and give as an example a document of the eighteenth century concerning Barahoti. The Government of India are somewhat surprised to know of this. During the prolonged discussions on Barahoti which took place in New Delhi, in 1958 between the Chinese and Indian delegations, the Chinese delegation did not refer to the existence of such documents. It will be recalled that the Indian delegation stated at the time that they had revenue records and other evidence in their favour.

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

avoid separating the nationalities concerned by the boundary line. India is a State in which people of different races and creeds enjoy common citizenship. There are thousands of Indian citizens of Tibetan origin. The study of the Tibetan language is encouraged by the Government of India. These Indians of Tibetan origin have always been loyal citizens of India.

20. The Government of India cannot accept that the Agreement signed in 1954 between India and China had no bearing on the question of the boundary between the two countries. It is true that during the negotiations neither side asked to discuss the boundary question. The Indian delegation did not raise it because, so far as the Government of India were concerned, the boundary was well-known and beyond dispute, and there could be no question regarding it. Not only was the boundary shown on official Indian maps, but Indian authorities had been exercising administrative control over all areas up to the international border shown on Indian maps. If the Chinese Government were at all serious about their claim to any of these areas, it would be expected that they would at least refer to their claims, if not discuss them. It is true that Premier Chou En-lai at the first meeting said that the relations between China and India were becoming closer every day and that from among the outstanding questions the two sides could settle questions which were ripe for settlement. The Indian Ambassador then pointed out that there were only small questions pending between India and China but he wished to see nothing big or small remaining outstanding between the two countries. Premier Chou En-lai replied that two large countries like India and China with a long common frontier were bound to have some questions but all questions could be settled smoothly. In the context in which Premier Chou En-lai made this statement, it could hardly be inferred that he had in mind Chinese claims to vast tracts of territory which were shown as parts of India in Indian maps and were under Indian administration. At the meeting of January 8, 1954 the Vice-Foreign Minister of China stated that the negotiations between China and India were to settle, in accordance

with the Five Principles, those pending questions that were ripe for settlement. The Indian side accepted the principles as the basis for discussions. In his speech on April 29, 1954 after the signing of the Agreement, the leader of the Indian Delegation stated, "we have gone through fully questions that existed between our two countries in this (Tibetan) region", thus indicating that in the Indian view no dispute or question was left over. The Indian Delegation throughout took the line that all questions at issue between the two countries were being considered and, once the settlement was concluded, no question remained. In view of this the Chinese statement that Ambassador Raghavan agreed, in what is stated to be an informal talk, that the boundary question would not be discussed, is surprising.

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

22. The Chinese Government have also contended on a priori grounds that the boundary question could not have been discussed in 1954 because at that time "the question which the two countries were ' most concerned about and which called for urgent solution was the

establishment of normal relations between India and the Tibet Region of China on a new basis . But surely normal relations between India and Tibet region of China could not have been established if the Chinese Government had in mind at that time claims to large areas of Indian territory contiguous to the Tibet Region. The Government of China were then fully aware of the alignment of the international boundary as shown on official Indian maps. They must also have been aware of the authoritative declaration made in 1950 by the Prime Minister of India on the subject of India's frontiers. Besides, the Government of China were aware that the Constitution of the Republic of India, adopted after lengthy discussions in open sessions of the Constituent Assembly, made specific mention in its Sixth Schedule of the Tribal areas of Assam and the North East Frontier Agency, which the Chinese Government now seek to claim as Chinese territory. In the 1954 Agreement the Chinese Government affirmed their respect for the territorial integrity of India. In the circumstances mentioned above they could not have done so if they intended to raise a demand subsequently for large areas of Indian territory. Further, in discussions with the Prime Minister of India in 1954 and 1956-57, the Prime Minister of China did not give any indication whatsoever that his Government had large territorial claims, but, on the contrary, gave the impression that the revision of the maps was essentially a procedural issue, which would be made in due course. The conclusion is obvious that the Chinese Government have changed their position since 1954.

23. The Government of India cannot accept the contention that the area south of the traditional boundary east of Bhutan has always 'belonged to China and was until recently under Chinese jurisdiction. The territory was under the Varman, the Salastambha and the Pala dynasties till the 8th century, when they came under the pressure of the Ahoms, a branch of the Shan tribe. Finally, in the 13th century, an Ahom ruler gained control over the whole kingdom and gave the name Ahom, now softened to

Assam, to the country. The Ahom rulers held sway in this area for nearly six centuries till they were finally displaced by the British authority in India in 1826. During the last years of Ahom rule control over the tribal peoples in the north weakened, but authority was re-established by the then Government of India over a period of years. At no time, however, was the sovereignty over these areas lost by the rulers of Assam or acquired by the Tibetans. The tribal areas south of the traditional watershed boundary have always been part of India.

24. In the 19th century the Government of British India asserted their authority over the tribes who acknowledged the right of that Government to maintain law and order in their areas. References to the territory of the British in the agreements concluded by the British Indian Government with the tribes meant merely that such territory was then under the direct administration of the British Government in India, as distinct from the tribal areas where they only exercised loose control. But at no time did these tribesmen cease to be under the central authority of the British Indian rulers.

25. The only evidence that the Chinese Government have brought forward to support their claim to jurisdiction over this area is with reference to Tawang and the Walong area. But Tawang and Walong form only a tiny fraction of the large area now claimed by the Chinese Government, and the evidence brought forward in regard to these two localities has no relevance to the rest of the area. Even with regard to Tawang and Walong the arguments of the Chinese Government are untenable. Tawang was never a part of Tibet. The local administration of Tawang was in the hands of a Raja, who was assisted by Chhoryens, or headmen of groups of villagers and Kachungs or village headmen. The only functions which the Lama hierarchy exercised in this area was ecclesiastical. In Tawang there is a large Tibetan monastery, whose Abbot and monks collected religious dues from the local inhabitants, who are Lamaists. Collection of such dues

could not and did not confer any territorial sovereignty on the Tibetan authorities in respect of Tawang. This view is also supported by the statement made by the Chinese plenipotentiary at the Simla Conference in 1914. Ivan Chen stated on the 7th March 1914 that "what is paid to the Tibetans is not in the shape of revenue, in the ordinary sense of the word, but merely contributions to the monasteries. It is rather charity than a tax". And on 13th June 1914 Sun Pao-Chi, the Chinese Minister for Foreign Affairs, informed the British Minister in Peking that "the Tibetans affected to think that they had rights over all places inhabited by Lamaists, but this was not so. The Lamas might have ecclesiastical authority but this did not necessarily mean that, these places belonged to Tibet".

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

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

pledge ourselves to act upto any orders we may get from the British authorities."

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

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

30. The Government of China have mentioned in this connection the Map of India (1945) included in the third English edition of the Book *The Discovery of India* by Mr. Nehru. The particular map was a sketch map inserted by the publisher, and the author could not be held responsible for

its inaccuracy. Nor should any adverse conclusion be drawn from it, so far as the Government of India are concerned.

31. The Government of India regret that the Chinese Government should persist in questioning the validity of the Agreement reached in 1914 between India and Tibet confirming the traditional boundary east of Bhutan. This was not the first time that Tibet conducted negotiations and concluded treaties, in her own right, with foreign states. On several occasions before 1914 Tibet had conducted negotiations and concluded treaties with other states. For example, Tibet concluded a treaty with Nepal in 1856 and another with Great Britain in 1904. These treaties were never objected to by China and were fully operative. At the Simla Conference, the Tibetan and Chinese plenipotentiaries met on an equal footing. This position was explicitly and unequivocally accepted by the Chinese Government. The three Plenipotentiaries exchanged copies of their credentials at the first session of the Conference on October 13, 1913. The credentials of the Tibetan representative issued by the Dalai Lama made it clear that Tibet was an equal party at the Conference, with the right "to decide all matters that may be beneficial to Tibet", and the Chinese representative accepted the credentials of the Tibetan representative as being in order. The credentials of the British Indian representative, which were also accepted by the Chinese representative, confirmed that all the three representatives were of equal status, and that the Conference was meeting "to regulate the relations between the several Governments".

32. It is not true to say that the Agreement of March 1914 between India and Tibet about the Indo-Tibetan boundary was secret. It was an Agreement between the authorised representatives of the two parties, reached after full discussion, and approved by the Government of Tibet. There was, therefore, nothing clandestine about it. Moreover, the Indo-Tibetan boundary was delineated on the map appended to the Tripartite

Convention, which was also signed by the Chinese representative on April 27, 1914. The 1914 boundary Agreement was published in the 1929 edition of Aitchison's *Treaties, Engagements and Sanads*, the previous edition having been published as early as 1909. The Chinese Government never protested against this Agreement. In fact, long before this Agreement the Government of British India had asserted their authority over these tribal areas, concluded Agreements with the tribes and created two Frontier Tracts comprising the entire territory. These facts were all well-known and neither the Tibetan nor the Chinese Government ever challenged the British Indian authority.

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

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

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

36. The Tibetans never protested against the Indo-Tibetan boundary as agreed upon in 1914. On more than one occasion, they acknowledged its

existence and affirmed that they had no wish to dispute its validity. When the McMahon Line was verbally re-affirmed by the British Indian Representative in 1936 and 1938, the Tibetan Government replied that they were fully aware of the terms of the 1914 Agreement. It is the Government of India which protested in 1943 against illegal penetration by the Tibetans into Indian territory. Similar protests were made by the Indian Government whenever the Tibetans sought to take advantage of Indian preoccupations in order to levy illegal dues in Indian territory. When the Government of India protested, the Tibetans withdrew. As for the fantastic Tibetan claims put forward in 1947, Prime Minister Nehru's letter of September 26, 1959 has adequately dealt with them.

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

38. The foregoing paragraphs have set out in brief the points of substance regarding the Sino-Indian boundary question. The Government of India can only express their regret that the Chinese Government should have repeated their earlier versions of the incidents at Longju and at Kongka Pass in the Chang Chenmo valley. The true facts regarding these incidents have already been communicated to the Chinese Government in the earlier Indian notes, and the various points raised in these notes still remain unanswered. It is only necessary to point out that if in fact the Chinese personnel entered Longju 5 days after the withdrawal of the Indian personnel, the Indian casualties cannot be explained. Similarly, the detailed account of Shri Karam Singh, which was handed to the Chinese Embassy in Delhi on November 24, 1959 disproves the Chinese Government's version of the incident at Kongka Pass. The Government of India have to state once more that these unfortunate incidents, involving severe casualties among Indian personnel, would not have occurred, if the Chinese troops had not intruded into Indian territory and taken offensive action against Indian police personnel engaged on routine patrol duty on Indian soil.

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

countries:

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

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

42. In his letter of November 16, 1959, to Premier Chou En-lai, the Prime Minister of India expressed his readiness to meet the premier at a suitable time and place, but suggested that the immediate efforts of the two Governments should be concentrated on reaching an interim

understanding, which would help in easing the present tension and prevent the situation worsening. Although no further border incidents have taken place in recent weeks, the urgent need for an interim understanding is paramount. The basic causes of tension and resentment remain. The Government of India are yet unable to understand why during the last year or so the long border which had remained tranquil through the centuries should have become a source of tension and anxiety. If there are any deeper reasons for this, they~ are unaware of them. Apart, therefore, from the boundary question, it is important, in the interest of both China and India and of world peace in general, t'hat the two Governments should leave nothing undone, which could remove misunderstanding and restore the traditional friendship and cordiality between the two countries on a firm basis.

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

Peking, the 12th February, 1960.

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

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

Peking, February, 26, 1960

Dear Mr. Prime Minister,

I thank Your Excellency for your letter of February 5 1960, which was brought here on February 12 by Indian Ambassador to China, Mr. Parthasarathi. At the same time, the reply to the Note of December 26 1959, of the Ministry of Foreign Affairs of the People's Republic of China made by the Indian Embassy in China on the instructions of the Indian

Government was also delivered by Mr. Parthasarathi to our Ministry of Foreign Affairs. The reply Note of the Indian Embassy will be answered by the Chinese Ministry of Foreign Affairs after studying it.

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

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

With kind regards,

CHOU EN-LAI
Premier of the State Council of the
People's Republic of China.

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

New Delhi; March 4, 1960

My Dear Mr. Prime Minister,

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

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

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

With kind regards,

Yours sincerely,
JAWAHARLAL NEHRU