**Tehri-Tibet Boundary dispute.**

Refers to India Office letter of 24th October 1934 (P 6320/3555/10/1934).
Transmits copy of confidential letters No. 7(5)-F/35 of 20th March from Political officer at Sikkim to (1) Mr. C. A. C. (Government of India) and (2) Government of India giving reasons why he is reluctant to make immediate representations to Lhasa with regard to destruction of mile stone and notice board by Tibetan official who visited Sum Sum Bridge and suggesting action which might be taken in connexion with the matter.

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<td>Register No.</td>
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**Notes**

- [Handwritten notes on the right side of the page.]

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**Action completed.**

**Index.**

Next Paper. Pt. X1
Sir,

I am directed by the Secretary of State for India to transmit to you, for the information of the Secretary of State for Foreign Affairs, copy of the papers noted below, on the subject of

Telsh-Tibet Boundary Dispute.

I am, Sir,
Your most obedient Servant,
S. F. STEWART.

The Under Secretary of State,
FOREIGN OFFICE.

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Copy also sent to—
CONFIDENTIAL.

D.O.No.7(3)-P/35.

The Residency,
Gangtok, Sikkim.
The 20th March 1935.

TEHRI TIBET BOUNDARY DISPUTE.

My dear Caroe,

Please refer to your demi-official letter No. F. 76-X/34, dated the 10th January 1935 and to my official letter No. 7(3)-P/35, of today.

2. I fear that it is not likely that any suggestions to Tibet that she should relinquish her territorial claims in return for a trade agreement with Tehri would be favourably received at Lhasa. I remarked on the matter of the levying of customs duties by Tehri in paragraph 20 of my note dated the 31st October 1932, which was written after my visit to the disputed area. If the fact that duties are levied is brought to the notice of the Tibetan Government, they will certainly protest strongly without giving way on the general question of the frontier.

3. The Political Agent, Tehri-Garhwal State, still desires a frontier on the Jelukjaga Pass or Zeng Kyok La. The Government of India have already agreed that the frontier should be on the Tehri side of Jadhung and I still venture to hope that the proposals made in my note of the 31st October 1932 may be accepted. The question of trade may be of importance locally, but the Lhasa authorities only regard the question of prestige and their only interest is in the actual position of the frontier.

Yours sincerely,
Sd. F. Williamson.

To

O.K. Caroe, Esq., CIE.
Deputy Secretary to the Government of India in the Foreign and Political Department, New Delhi.
Copy of a letter No. 7(3)-F/35, dated Gangtok, the 20th March 1935, from the Political Officer in Sikkim, to the Deputy Secretary to the Government of India in the Foreign and Political Department, New Delhi.

TEHRI-TIBET BOUNDARY DISPUTE.

I have the honour to refer to your letter No. F.76-X/34, dated the 10th January 1935 regarding the visit to Gum Gum Bridge of a Tibetan official, and his destroying a mile-stone and a notice board.

2. The visit to Gum Gum and the orders issued by Tibetan officials to the people of Milang and Jadhung to make arrangements for supplies do not seem to be matters of great importance, but it would certainly have been more tactful if the visit had not been paid, in the same way as, it is understood, Tehri officials do not at present travel beyond Milang. The destruction of the notice board and the mile-stone are more serious and are definite acts of discourtesy.

3. I am very reluctant to make any immediate representations to Lhasa on this matter. The Tibetan Government feel that the Government of India have taken a very long time in coming to a decision as to the frontier, and probably believe that this delay is partly due to a feeling that Tibet's case is stronger than it really is. I should much prefer not to mention the matter to them at all till I am authorised by the Government of India to make final proposals as to the whole question of the frontier. If I visit Lhasa this year I should, in any case, prefer to leave the whole question of the Tehri-Tibet frontier till a time towards the end of my stay there. It is a matter on which the Tibetan Government feel very strongly and any pressing ....
pressing of a view opposed to their own at an early stage of my visit might possibly cause them to take an obstructive line on other more important questions.

4. The "Nirpa" who destroyed the mile-stone and notice-board is the Nyer-pa or steward of the Dzongpon of Tsaparang. He accompanied me to Jangla in 1932, and is personally very amiable. The British Trade Agent, Cartok, is well acquainted with him and the Dzongpon. I would suggest that the best course of action would be for the British Trade Agent, Cartok, to be instructed to mention the matter to the Garpons or to the Tsaparang Dzongpon when he meets them, which he expects to do this summer. Their mutual relations are very friendly. He could point out that this kind of unfriendly action is likely to prejudice the Tibetan case, and should protest strongly against it. This would probably have the desired effect and would make representations to Lhasa on this minor point unnecessary. I mentioned the matter to the British Trade Agent when we recently met at Delhi and he agreed with this view.

5. I should be very grateful if the Government of India could see their way to coming to a decision on the whole question of the frontier as early as possible.
Copy of a letter No. 13365-Pol/I.S., dated Lahore the 3rd April 1935, from the Chief Secretary to the Government of the Punjab, to the Foreign Secretary to the Government of India.

TEHRI-TIBET BOUNDARY DISPUTE.

With reference to the correspondence resting with Punjab Government letter No. 6657-S-Pol/I.S., dated the 26th September 1934, on the subject noted above, I am directed by the Governor in Council to state, for the information of the Government of India, that the Superintendent Hill States Simla, reports that Mr. Williamson and he concluded their enquiry at Simla on the 27th and 28th February 1935, and that the report of the enquiry as a whole, with its appendices and maps, is being forwarded by Mr. Williamson to the Government of the United Provinces who will presumably in due course forward it to the Punjab Government.

2. The Superintendent Hill States, further reports that during the course of the enquiry it was found that the copies of the maps of Milang and Jadhung villages and their lands prepared at the Settlement of 1892 which had been supplied by the Bakhshar Darbar and which were forwarded to you with Punjab Government letter No. 9060-Pol/I.S., dated the 16th March 1934, were inaccurate and that no attention should be paid to them. He states that the original Settlement maps have since been produced before him and Mr. Williamson. I am accordingly to suggest that the copies of the maps referred to above should be ignored.
Tehri-Tibet boundary dispute.

Refers to India Office letter of 30th May (F 3515/3518/10).

Transmit copy of letter of 20th July from Government of United Provinces to Mr. Gorin, Government of India, enclosing copy of Report of Commission appointed to make recommendations regarding dispute, together with copies of all connected papers.

Last Paper.

References.

(Print.)

(Here disposed of)

The Sultans of the Punjab & the United

Provinces have been asked if they concured
in the proceedings of the Commission.

This boundary dispute is one between

the two States of Tehri & Baluchistan, which border

Tibet. As soon as the international boundary

is defined & approved, the part of India will

then proceed to take up with the Tibetans

the question of the delimitation of the Indo-Tibetan

international frontier. Tell them, this question

does not directly concern us, does it? x.

A UR.

21/10

R. stokes

4/10

593 11297 P.D.
Sir,

I am directed by the Secretary of State for India to transmit to you, for the information of the Secretary of State for Foreign Affairs, copy of the papers noted below, on the subject of

[illegible]

I am, Sir,
Your most obedient Servant,

S. F. STEWART.

The Under Secretary of State,
FOREIGN OFFICE.

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<td>30.9.1935</td>
<td>Enclosure &amp; received from the Secretary to the Government of India, Foreign Department.</td>
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Copy also sent to—
Dear Caroe,

With reference to your D.O. No. F. 76-I/54, I am desired to forward herewith a copy of the joint report by Messrs. Williamsen and Eastace on the boundary dispute between Bashahr and Tehri (Garhwal) States together with copies of all connected papers including a document in Urdu and maps in original.

2. I am to apologize for the delay, which is due to a misunderstanding in the belief that the Punjab Government would send the report. A copy of the letter to Puckle is enclosed for information.

Yours sincerely,

3d/- C. W. Gwynne.

To

C. K. Caroe, Esquire, C.I.E.,
Deputy Secretary to the Government of India,
Foreign & Political Department,
Simla.
D.O. No.

Dated Naini Tal, July 1936.

Dear Pucke,

With reference to your D.O. No. 3200-S. Poll, dated July 6, 1936, I am desired to forward herewith a copy of the joint report by Messrs Williamson and Bustace on the boundary dispute between Baahahr and Tehri (Garhwal) States together with copies of all connected papers except a document in Urdu and maps. Copies of the report and enclosures and the Urdu document and maps in original, have been sent to the Government of India.

2. I am to observe that the report was not sent to the Punjab Government in the first instance, as we were under a very natural impression that their Officer, Mr. Bustace, would himself have sent his own local Government a copy of the joint report.

Yours sincerely,

Sd/- C. W. Gwynne.

F. H. Pucke Esq., C.I.E., I.C.S.,
Chief Secretary to the Government of the Punjab.
Copy of letter from the Political Agent for Tehri-Garhwal State, Bareilly, to the Chief Secretary to Government, United Provinces, No. 161/XVI-6.A.T.5A (32-33), dated the 14th March 1935.

I have the honour to forward herewith the report of the Superintendent, Hill States, Simla, and the Political Agent, Tehri-Garhwal State, on the territory disputed between Bashahr and Tehri-Garhwal States in the neighbourhood of Nilang.

The report is comprised of

(a) A joint note by both officers setting forth the history of the case and the material for the settlement of the dispute.

(b) The representations of the parties and record of oral evidence produced.

(c) The separate findings of the two officers.

(d) All maps relating to the area.

The large mass of documentary evidence exhibited remains with the parties.

The findings though separate have a single result, namely, a recommendation that all the territory in dispute with the exception of a small area known as the Chor Gad on the right bank of the river Jadhanga, opposite Nilang itself, be awarded to Tehri-Garhwal State. The area in dispute is taken to include the whole valley of the Jadhanga from its source of Gartaga and not merely the villages and adjoining cultivation of Nilang and its hamlet Jadhang.
REPORT

OF THE

Commission appointed to make recommendations with regard to the territory in dispute between Tehri-Garhwal and Bashahr darbars in the neighbourhood of Nilang.

1934-35.
| 1. Joint note of the Commissioners | 30–39 |
| 2. Separate finding by Mr. Williamson, Political Agent, Tehri-Garhwal | 40–42 |
| 3. Separate finding by Mr. Eustace, Superintendent, Hill States | 42–46 |
| 4. Evidence of Tehri State | 46–51 |
| 5. Evidence of Bashahr State | 51–56 |
| 6. Written statements of Bashahr representatives | 56 |
| 7. Written statement of Tehri representative | 56 |
| 8. Maps | 56 |

INDEX OF CONTENTS.
1. **Introductory.**—In pursuance of orders from our respective Governments we met at Narendranagar, the winter capital of Tehri-Garhwal State, on the 28th September 1934. The Superintendent of the Simla Hill States, who had left Simla at short notice, was not accompanied by the representative of Bashahr neither was he himself aware of the details of Bashahr claim. The Tehri-Garhwal darbar stated that they would be unable to depute a representative to accompany us until they were informed of the details of the Bashahr claim; accordingly the Bashahr darbar were requested by telegram to send their representative quickly, and we departed from Narendranagar on the 29th without a representative of either party, on the 7th October the Bashahr representative, Mian Daulat Ram, joined us at Uttar Kashi, about half way to Nilang, bringing with him a list of the documents available at the Capital of the State which Bashahr darbar are proposing to put into evidence. This list was communicated by telephone to the Tehri-Garhwal darbar who thereupon agreed to depute a representative to join us with a reply to the Bashahr claim by the 22nd October; at the same time the Bashahr darbar were instructed by telephone and telegram to send to their representative by the 22nd October any other papers they might have in support of their claim, including the papers in the taluk headquarters at Chini. After having been joined by the Bashahr representative at Uttar Kashi we proceeded to Nilang in order to acquaint ourselves on the spot with the topographical details of the situation, reaching there on the 16th October. After having studied the situation on the spot in the light especially of such maps as were available to us, we left Nilang on the 18th October and returned as far as Uttar Kashi where we were informed by Tehri-Garhwal darbar that their case would be conducted by Mr. Padam Datt, divisional forest officer, who had been with us throughout in charge of the arrangements for our journey. The formal enquiry was conducted by us at Uttar Kashi on the 25th and 26th October; it was however realised that Bashahr darbar had not been given sufficient time to prepare their case; the Tehri representative also had not all his documents with him. Accordingly the formal enquiry was resumed and concluded at Simla on February the 27th and 28th, 1935.

2. **Terms of reference.**—We come now to our terms of reference. We understand from Foreign and Political Department letter No. 76-X/34, dated the 22nd May 1934 [Serial No. (10)] to the address of the Government of the United Provinces, that we have been required to record a joint finding on the question whether “in view of the change of site” (of the village of Nilang) “the Raja of Bashahr is still in position to claim that the present site is within his territories”. These strictly limited terms of reference were discussed in the letter from the Government of the United Provinces to the address of the Government of India, No. 810-C, dated the 21st August 1934 [Serial No. (18)]. The Government of India reply is Foreign and Political Department letter No. 76-X/34, dated the 15th September 1934 [Serial No. (10)], to the address of the Government of the United Provinces and this appears to extend the terms of reference in the following sentence: “Any attempt to raise the international issue before a decision has been reached as to the Indian State which may be entitled to claim jurisdiction over this tract would necessarily weaken the position of the Government of India in negotiations with Tibet ...”. We understand from the above letter that what we in fact are required to report on is the ownership as between Tehri-Garhwal and Bashahr of any tract of country in the neighbourhood of Nilang which is in dispute between the two States. We feel strengthened in this view by the point that each of the States in fact claims not only Nilang village but also the one State the whole of and the other a portion of the Jadh Ganga valley. We, therefore, propose to adjudicate on the conflicting claims in their entirety, and not merely on a dispute as to the ownership of Nilang itself.

3. **Description of the topography and inhabitants of the region in which the dispute lies.**—In order to appreciate the description which follows of the topography of the region in dispute reference should be made to the Survey sheets 33-L Chini (1932) and 33-M Tolingmuth (1930), which are the latest and most clear maps which we have been able to obtain. It will be seen that these maps show a definite boundary between Tehri-Garhwal and Bashahr up to Nilang but not beyond—also that they show Nilang village on the right bank of the Jadh Ganga. We would particularly draw attention to the clear definition in these survey sheets of
the Jadh Ganga and its tributaries, each of which forms a grazing ground essential to the existence of the inhabitants of the valley and therefore contested by the States concerned. It is these grazing grounds in the valleys which account for the importance attached by the dwellers to this otherwise inhospitable tract. The first side valley of importance to be open for spring grazing is that of the Chor Gad, some 14 miles in length. We take the opportunity to discuss at this point the controversy which has arisen as to whether the village of Nilang is on the right or left bank of the Jadh Ganga. Every survey map which we have seen places the village on the right bank. Mr. Kinney, a surveyor, who visited Nilang in 1878 stated that the houses were on the right bank of the Jadh Ganga whilst the fields of the village were on the left. Mr. Acton in his report of 1876 was informed by certain Tehri witnesses that the abadi had been moved some years earlier to the left bank from the right bank on account of the high frequency of falling stones. From the Foreign and Political Department letter No. 76-X.24 (Serai No. 110), dated the 25th May 1874, it appears that the Government of India are disposed to accept the above theory, and the question whether the site of the village has been changed from one bank to the other is therefore one which we must discuss in detail. Our observations on the spot, which are supported by photographs attached to this report, have satisfied us that it is most improbable that Nilang abadi was ever situated on the right bank. There is no visible trace of any abadi on the right bank and the bank itself is precipitous cliffs except at one point where it shelves slightly before falling again steeply to the river. The river itself cuts deep into the rock, and clearly cannot have changed its course. Finally, the nearest crossing is more than half a mile upstream of the assumed former site on the right bank, that is to say where the cliff shelves and half a mile also upstream of what has undoubtedly always been the village cultivated area on the left bank. One witness only stated before Mr. Acton that the site had been changed from the right to the left bank, viz., Hira, lumberman, Tehri witness No. 13 in Mr. Acton's proceedings (File No. 386-X.27). This man giving evidence before us as Tehri witness No. 3 has however now stated that there was never anything on the right bank except a few goat enclosures, and we have no doubt that this is the position, and that the village abadi has always been as it is now, on the left bank. As regards the inhabitants of the tract in dispute, there are no permanently occupied villages above the junction of the Jadh Ganga and the Bhagirathi (or Ganges). The valley of the Jadh Ganga with its tributaries the Chor Gad and Jadhung Gad, etc., is however used for pasture in summer by two classes of graziers namely the Jadhis, and the inhabitants of the large villages in the northern most Tehri pargana of Thaknor. The Jadhis, who are a small but distinct tribe of frontier graziers and traders, have two villages named Nilang and Jadhung in the Jadh Ganga valley; these villages contain pucca houses, and are considered by the Jadhis as their regular home. They are however only occupied for about three months in the year, and during the remaining months the tribe moves down slowly grazing through the lands of other villages in Thaknor, which is in summer green in the Jadh Ganga valley, to two other settlements which they have at Harsi in the Bhagirathi valley about 20 miles below Nilang, and at Dunda about another 30 miles further down the same valley.

4. Claims of the barbars.—We come now to the details of the claims put forward by the two barbars. The claim by Tehri-Garhwal Barbary has been expressed by their representative in the following words:—

The Tehri-Garhwal claim is the whole of the valleys of the Jadh Ganga and its tributaries on both banks, in particular the complete basins of the Jadhung Gad, the Chor Gad, the Chor Gad and the Garhanga Gad which are claim by Bashahr.

The claims put forward by Bashahr is expressed by their representative as follows:—

(a) the boundary shown on the survey sheets of 1930-32 up to a point on that line immediately north of the source of the Garhanga Gad. (Garhanga Gad is one of the right bank tributaries of the Jadh Ganga which meets the Jadh Ganga above Garhanga).

*Report on the survey of the western sources of the Garhanga Gad—particularly the Jadh Ganga or Nilang village—1878 by Mr. T. Kinney. This is printed at the end of the general report on the operations of the Survey of India 1877-78.

5. Survey and other maps in their relation to the dispute.—(a) The first map in point of date is that prepared by Hodgson and Herbert in 1817 and described by Mr. Acton as a map of the territory restored to Tehri-Garhwal State after the expulsion of the Gurkhas. This map, and the papers connected with it, are not before us, and our only information regarding it is that contained on page 4 of Mr. Acton's report of 1826. The northern boundary of Tehri according to this map is shown by the blue line in the tracing accompanying Mr. Acton's report. It extends from Tehri to the village of Nilang, the Gum Gum-nala, Jangla, and even the villages of Mukha and Harsh which are not claimed either by Tibet or Bashahr.

The next map in sequence of time is what is described in the Emerson-Barker report of 1832 as the Atlas sheet of 1839. This is a survey department map prepared in 1859 on the survey of Messrs. Mulhern, Shelvinton, Dyer, Peyton, Johnson and Brown. The sheets in question, are sheets 47 and 55. In this a dot and dash line forming the eastern boundary of Bashahr is carried east of the watershed of the Chor Gad through the village of Nilang and down to Cow Mulch, the source of the Bhagirathi or Ganges. There is not corresponding and dash line separating Bashahr from Tehri-Garhwal but that symbol he takes as representing an inter-state boundary line, there is a dotted line which may be taken as separating Bashahr from Tehri. This dotted line follows a line of snowy peaks from the Kimmay Pass through the Nela Pass and eastward through some snowy peaks (10,665, 19,362 and peak 10) after which it suddenly ends five degrees short of meeting the international boundary at Nilang.

(c) There is then the Mr. Kinney's map. Mr. Kinney was an assistant surveyor who in 1878 appears to have been sent to survey the area already surveyed in 1859. His map No. 502, published by the Survey Department in 1878 gives the same north and south international boundary with Tibet as does the Atlas sheet of 1859, passing through Nilang. It shows Nilang on the right bank of the Jadh Ganga, and strikes off another incipient line to the west which would appear to correspond with the Emerson-Barker line referred to below, and to give the Chor Gad to Bashahr, but not the right bank of the Jadh Ganga from Nilang to Garhanga nor any area on the left bank of the Jadh Ganga to Nilang village, nor the Jadhung Gad basin all of which are claimed by Bashahr.
Finding of Political Agent, Tehri State.

In forming an opinion on the conflicting claims of the two parties the geographical situation must be considered first. The normal approach to all this disputed area is along the Tibet trade route which follows first the Bhagirathi (Ganges) and then its affluents the Kistangan and Jadhganga through what is admittedly Tehri territory. Nilang itself is reached within 30 miles of the higher villages of the Thaknor pargana of Tehri State. As against this direct and easy communication Bashahr State maintains either communicate with Nilang through one of the recognized passes which lead through Tehri territory or across a mass of high mountains which lie between the Bansga valley in Bashahr and the Jadhganga. That route if possible at all, and no named pass is shown in any survey map, can only be open for at most two months in the year, such being the period of the recognized Nela Pass which leads to Harsil one of the. upper villages of Thaknor.

The higher villages of the Thaknor pargana, which shelter the Jaduhs during the winter, join the Jadus in sending up all their flocks to graze in the upper Jadhganga valley during the summer months. It is nowhere claimed that Bashahr people graze in this area—with the exception of a claim to grazing in the Chor Gad which the Jadhus and other Tehri witnesses will not admit to be a fact.

It may be considered as certain therefore that the disputed area generally is not occupied at any time by the inhabitants of Bashahr while it is occupied by other Tehri. subjects as well as by the Jadus.

The oral evidence of Tehri State is directed to show that in the memory of present inhabitants there has been no connection whatever with Bashahr. They deny ever having paid revenue or fines to Bashahr and they assert that no Bashahr officials have visited Nilang in their time. They deny that there is any direct route between Tehri and Bashahr excepting the 30 miles of the route over the Kukil Pass at the time of the yearly fair for making purchases of necessities. They assert that the Tehri district maintains the road up the Jadhganga valley to the Jelukhanga Pass and utilise the forest from the confines of the Bhagirathi and Jadhganga as far as it goes up the valley of the latter. They do not themselves visit Bashahr and say that they speak the Garwal dialect and do not know the dialect of Bashahr.

The Tehri darbar file records of 330 cases in which Jadus were parties on one side or both. These cases cover the period 1874-1880. A.D. We have examined some of these to discover in how many instances the claim of action was placed in Bashahr—since the Jadus spend most of the year in what is admittedly Tehri State. We are unable to produce any evidence of the legal claim. But it is at least certain that over all this period the Jadus have admitted the jurisdiction of Tehri, while no single case is produced of their having taken any dispute to Bashahr.

Tehri produces the revenue assessment records of the whole of Tehri State for the years 1829, 1847, 1850, 1857, 1903 and 1923. In all these Nilang is mentioned and a revenue assessed on it. The last assessment was in modern form and is accompanied by a survey and a map which we have found on the spot to be accurate.

As against this series Bashahr produced the records of so called settlements in 1832 and 1835. As regards the former, while we are shown a number of records of demand against individuals there are no records of collections except of two lump sums in 1838 and 1839 shown in a State ledger. The map accompanying these records is obviously inaccurate and indeed raises a doubt as to whether these were any settlement proceedings at all in the ordinary sense of the word. Subsequent to 1841 there are no negotiations. In 1843 the return of a survey party from Bashahr evoked immediate protest from Tehri. This was evidently a gesture on the part of Bashahr consequent on the Tehri claim of 1829 (Acton Commission).

On the other hand it cannot be doubted that between 1857 and 1892 Bashahr as well as Tehri from time to time levied taxes and fines on the Jadus. For Tehri this was not difficult, since the Jadus were bound to spend half the year in that territory. As the evidence shows the headmen of Mukhba and Darali or any State

(Sd.) E. A. R. EUSTACE,
(Sd.) R. H. WILLIAMSON,
Superintendent, Hill States, Simla.
Political Agent for Tehri-Garhwal.

March 1st, 1933.
stamped with what purports to be the representation of the seal of the State of Garhwal. The document recites that the two States Garhwal and Bashahr make an agreement of mutual aid in case of attack and that in token of friendship the Raja of Garhwal bestows on the Raja of Bashahr the territory comprising Garhwal, Kedarnath, and Jolukhan.

How the authenticity of such a document could be tested it is impossible to say. It has no obvious characteristics which would indicate even its age. By its appearance it might be a two or twenty as two hundred years old. An argument has been raised over the fact that the date given on the paper is later than the date of the Raja of Garhwal therein mentioned. But since the date of the death of that Raja cannot be properly authenticated it is hardly worth while pursuing that argument. What is clear is that on this evidence no claim has ever been advanced by Bashahr State to this day. Neither did they ask the Government of India to take it into consideration when they received their Sanads after the Gorkha occupation, nor did they refer to it in 1871 when there was a rival assertion of claim to the Jadhals which went to the Political Agents of the time, nor was it brought to the notice of Government when the Forests of Tehri were taken under the management of the United Provinces Government and some of the area disposed of by this treaty was so administered, nor was it even mentioned at the beginning of this enquiry when Bashahr formulated its claim (paragraph 4 of our joint note). Since the date of the Sanads is the date of the Garhwal annexation, as the gazetteders show, the government of Garhwal unrepresented, territories were restored and fresh Sanads were granted. Never in any dispute proceeding of record has this treaty been mentioned or given effect to. It is impossible to attribute now such importance to this sheet of copper as to hold that it decides the present issue.

On the evidence before us the claim of Tehri State to sovereignty over the Jadhals and to the area in dispute must be considered in every way stronger than that of Bashahr. It is regrettable that owing to some misjudgment the Tehri Darbar have not been able to produce that evidence of past administration which is detailed in the Acton report, but even so it must be held that the long record of revenue assessment of the Jadhals and their villages; Nilang, the use by other Tehri subjects of the Jagdhang valley as a grazing ground, the residence of the Jadhals for more than half the year in Tehri territory, the mass of records of jurisdiction by Tehri Courts, the maintenance of communications along the Jagdhang valley up to Nilang by Tehri State—all this must override the claim of Bashahr which is based mainly on periodical levies and fines such as a trading community might well be subject to from more authorities than one.

The 4th March 1935.

(Sd.) R. H. WILLIAMSON.

Finding of Superintendent, Hill States.

Chapter 7.—The present dispute.

The claims of the two darbars have been stated in detail in Chapter 4 above. Briefly there are four areas in dispute—

(a) The triangle of land formed by the Garhwal (or Garhwal) Gad, the Jadh Garhwal, and the political boundary between Tehri and Bashahr as determined by Messrs. Emerson and Barker and as shown in Survey sheet 33.1. Chini (1932).

(b) The valley of the Chor Gad.

(c) The village of Nilang with its connected hamlet Jadhung.

(d) The basin of the Jadh Ganga and its tributaries.

(a) The Garhwal triangle.—The political boundary between Bashahr and Tehri-Garhwal was settled by Messrs. Emerson and Barker in their report of the 20th June 1912 which was accepted by the Punjab Government in their letter to the Government of the United Provinces, No. 1595-S. Pol., dated the 9th October 1912, and by the Government of the United Provinces in their letter No. 14204/57, dated the 7th November 1912. In paragraphs 15—17 of their report Messrs. Emerson and Barker stated their final conclusions as regards the proper boundary holding that it should be as shown in Atlas sheet No. 47 of 1859; also as shown in the
survey map "district Simla with adjoining native states". This boundary, as stated above, is the boundary marked on survey sheet No. 53. I. Chin (1932). It will be seen from reference to sheet No. 53. I. that the Kartgarh triangle now claimed by Bashahr is on the Tehri side of the settled boundary. Bashahr have not suggested any act of alienation on their part or on the part of their predecessors in title. The copper plate of 1667 A.D., on which the triangle should be regarded as Bashahr territory, and I consider that the triangle is undoubtedly the territory of Tehri being on the side of the settled boundary.

(b) The Chor Gad. — The Chor Gad, a right bank tributary of the Jadhz Ganga, is marked on sheet No. 53. I. It is claimed by Tehri on the ground that the inhabitants of their northern parganas and the Jadhzs are the only graziers who use it, a point which however is disputed by Bashahr who have produced certain of their own graziers as witnesses; neither state can point to any set of administration on its part in the Gad. From the side of Tehri it is asserted that this Gad cannot even be reached from Bashahr except via the Nela pass (marked in sheet No. 53. I.) and Tehri territory but this is disputed by Bashahr who point out that a road from Nital to the head of the Gad is shown in a printed state map* prepared during the period of Mr. Emerson's management, and have called two or three oral witnesses. It seems probable that if the question whether there is really a track from Nital to the Chor Gad is ever brought into serious issue some officer will have to be deputed to proceed to the spot and ascertain whether in fact a track exists. Without entering upon this question however, I consider that the Chor Gad should be regarded as within the territory of Bashahr on the ground that it lies to the north of the settled boundary.

(c) Nilang and Jadhz Ganga basin. — These may be discussed together. The situation will be explained by the map of the Jadhz Ganga basin, and the Jadhzs of Ganga, Jadhz, and the Jadhz Ganga basin itself (see p. 42). As stated in chapter 3 of this report Nilang itself, a village of some 50 substantially built houses, is now on the left bank of the Jadhz Ganga. Jadhz, which Mr. Williamson and I did not visit, is by common consent a mere hamlet of Nilang and must go with it in any decision taken as to the proper ownership of Nilang, Jadhz and the Jadhz Ganga basin itself. The first question to consider is I think whether there are any past orders, decisions or agreements affecting the question.

The Emerson-Barker decision of 1912. — In the Emerson-Barker report (approved by both Governments it was recommended that the inter-state boundary would be along the line of peaks towards the Kinimwal and Nilang passes, ending "in the Nilang pass about 13,000 feet" as shown in atlas sheet 47 of 1865, and the map "district Simla with adjoining native states". Both these maps show Nilang on the right bank of the Jadhz Ganga, though not or not also within Bashahr, but this decision is not at all clear. I have not been able to understand what exactly is meant by "the Nilang pass about 13,000 feet"; there is no pass which could possibly be called the Nilang pass of anything like 13,000 feet. What is locally referred to as the Nilang pass (Nilang Ghati) is the trade route from Tehri-Garhwal via the Jelu Khanga pass into Tibet where it passes through the Nilang gorge. The bed of this gorge is only 11,000 feet, but it must I think have been nila which Mears, Emerson and Barker referred to when they mentioned the Nilang pass. The matter of the verbal description is however in any case not very important in view of the reference by Mears, Emerson and Barker to the boundary shown in the atlas sheet of 1865, and in the map Simla district and adjoining native states. What is clear from both these maps is that Bashahr was given no territory on the left bank of the Jadhz Ganga. Neyang village of course is now on the left bank of the Jadhz Ganga, and I am accordingly of opinion that under the Emerson-Barker decision of 1912 it cannot be said to have been given to Bashahr though this is not equivalent to saying that I think it was given to Tehri. In both the maps the boundary seems to end at Nilang.

The annals of the states. — The territory restored to Bashahr after the expulsion of the Gurkhas is described in words in sunad No. 25 at page 71 of Aitken's Treaties. Volume I. 1931. It is stated that the Governor General confers upon Raja Mohinder Singh, the Raja of Bashahr: the boundaries however are not stated and so far as is known they were never defined. The territory restored to Tehri

* Map No. 3600-1109 showing the state of Moos Daniel Ram, the Bashahr representative.

after the expulsion of the Gurkhas is described in words in sunad Nos. 18 of 1920 and 19 of 1924, at page 48 of Aitken's Treaties. Volume II. 1929. Similarly, in these sunads it is only stated that the Governor General has conferred upon the chief the whole of the territory of Garhwal with certain exceptions.

(iii) Moorcroft's Travels: Hodgson and Herberap's map: Tehri map of 1902. — In the case of Tehri-Garwhal although no statement of the boundaries of the territory restored seems to have been drawn up at the time of the issue of the sunads, I note that Moorcroft writing in 1819 said that the northern boundary of Tehri was Nilang. There is also in existence a map of 1817 showing the territory restored, the Gurkhas were expelled in 1815, Captain Hodgson and Lieutenant Herbert mentioned at page 4 of Mr. Acton's printed report. The northern boundary of Tehri according to this map is shown by the blue line on the tracing accompanying Mr. Acton's report; it does not include Nilang and the Jadhz Ganga basin in Tehri. Hodgson and Herberap's map was not produced before the Commission, and although one gatherer from Mr. Acton's report that it was approved by the political authority at the time, this point can only be cleared up by reference to the Dehra Dun records mentioned by Mr. Acton. It will be seen from paragraph 7 of Mr. Kinney's report of 1878 that Captain Hodgson and Lieutenant Herbert did actually visit northern Tehri-Garwhal, and assuming that their map ought to be taken as showing the northern boundary of the territory restored to Tehri, the position as disclosed by the blue line in Mr. Acton's tracing receives support from map No. 281 of 1905 which appears to have been prepared by the survey of India at the request of Tehri darbar itself. This map was not produced before the Commission, but it is discussed in paragraph (d) at page 5 of Mr. Acton's printed report. It will be seen that, according to Mr. Acton, the northern boundary in this map follows the line of Hodgson and Herberap. It appears from this map that in 1905 Tehri darbar did not regard themselves as the owners of any land north of the Hodgson and Herberap line.

(iv) The copper plate. — The other document directly bearing on past decisions is an engraved copper plate put forward by Bashahr. This purports to be an agreement dated S. 1723 (A.D. 1667) bearing the seal of Raja Prithvi Pati Shah of Garhwal, and the names of 10 Tehri witnesses. It records a treaty between the two states for purposes of mutual defence, and goes on to say that the northern boundary of Tehri shall in future be at a point below Harial. The plate has been challenged by Tehri on the ground that it might have been made at any time, and this is of course possible though to the layman there seems nothing suspicious about it. I think that if it be considered that the decision should proceed on the basis of the copper plate then it would be useful if the opinion of the proper officer of the archaeological department could be taken as to its apparent genuineness. There is one other point with regard to the plate which should be mentioned. The plate, as stated, is dated S. 1723, and purports to bear the seal of Raja Prithvi Pati Shah of Garhwal. The Bashahr representative himself however pointed out that in the pedigree table contained in the "United Provinces official manual of titles" (corrected up to January 1926) Raja Prithvi Pati Shah is shown as having died some five years before S. 1723. The attitude of the Tehri representative on this point was obscure and he said that the apparent discrepancy was one which he did not wish to press. If the decision should be to proceed on the basis of the copper plate if held genuine, I think that Tehri darbar should be asked to state definitely whether or not their information goes the date of death of Raja Prithvi Pati Shah as given in the United Provinces manual of titles is correct or not.

Assuming for the moment that the copper plate of 1667 A.D. fixing the Tehri boundary below Harial is genuine, then in view of the fact that the Hodgson and Herberap's map of 1817 fixes the boundary below Lamba Thatha, and of the further fact that in 1905 Tehri darbar do not themselves appear to have claimed any other boundary, there seems a good deal to say for the view that these documents Nilang and the north of it are not the property of Tehri. Harial, the country north of Harial up to Nilang being indisputably Tehri territory. Similarly the country north of the Hodgson and Herberap line between Lamba Thatha and Nilang is also now indisputably Tehri territory. Mr. Williamson and I agree...
that the boundaries shown in the copper plate and in Hodgson and Herbert’s map must at any rate be departed from in respect of the country from Harisal up to Nilang as even if this country never belonged properly to Tehri, it now clearly belongs to that state by virtue of occupation. This raises the question whether if the copper plate and Hodgson and Herbert’s map were to be departed from in respect of the country up to Nilang, there is any reason for adhering to them strictly in settling the question of the ownership of the country north of Nilang. There seems no reason for such a course, and my opinion on this part of the case is that even if the copper plate is a genuine agreement, and even if Hodgson and Herbert in their map did define correctly the boundaries of the territory restored to Tehri, these boundaries should since been modified by occupation and surrender with the result that so far as the plate and Hodgson and Herbert’s map are concerned they cannot of themselves be taken as settling the dispute.

(v) Evidence of administration. I have dealt above with the question of past orders, decisions and agreements. The other question for consideration is the extent to which the two barahs have in fact administered the country in dispute. I agree with Mr. Williamson in holding that up to 1892 there was in fact a concurrent administration by both the barahs not over Nilang and the Jadh Ganga basin itself—there is no evidence of the construction of roads or the like at that period—but over the Jadhis. Both barahs up to 1882 fixed the Jadhis from time to time, demanded contributions from them of one kind or another, and warned them when they were unruly. Tehri in particular produced lists of dunes levied upon the Jadhis for 1829, 1847, 1860, 1873 and 1893 though from the fact that according to their own map they did not in 1892 claim anything north of the Hodgson and Herbert line it would appear that these dunes must have accrued during the period of the winter residence of the Jadhis in Harisal. The first regular settlement was made by Bashahar in 1892, and thereafter revenue was collected (with arrears) in 1898 and 1904. Thereafter however Bashahar can point to no act of administration on its part up to 1926 when it conducted a second regular settlement—by way Mr. Williamson suggests of a gesture against Tehri, but in fact a regular settlement was held in Chini tahsil in 1898. As regards evidences of Tehri administration after 1892, the year of the first Bashahar regular settlement there are scanty. It will be seen from entries 10 and 11 in the general list of Tehri documents that from 1866 up to 1910 there are no documents, while the documents mentioned in entries 11 to 14, that is to say from 1910 to 1920, do not clearly show any act of administration in the disputed area. As regards the list of revenue and settlement documents produced by Tehri, it will be seen from entry 4 that after 1873 when Nilang was assessed at Rs. 105 there is no document until 1903 (entry 5), and that the subsequent documents in the list show no convincing act of administration up to 1923 when Nilang and Jadhing were first settled by Tehri.

The above documents apart there is evidence that in 1906 Tehri were carrying northward their road from Lamba Thatha, but that is the whole of the Tehri evidence. I agree that from 1920 onwards Tehri did however carry on an administration. In 1921 a school was opened in Nilang, and in 1923, as stated, a settlement was conducted. As regards civil and criminal jurisdiction over the Jadhis Tehri produced a list of 150 cases between these people filed in the state courts. As the records had been weeded, it could not be said whether the offence or cause of action had occurred in Harisal or in the disputed territory. It is however a fact that no cases between the Jadhis were ever taken to the Bashahar courts, nor could they have been unless the author had been prepared to cross mountains of seventeen or eighteen thousand feet. To sum up as regards the evidence of administration, there seems to have been a concurrent administration over the Jadhis, though not as might be expected in the circumstances a very elaborate administration, up to 1892. In 1892 Bashahar carried out their first regular settlement of Nilang and Jadhing but thereafter took no interest in the tract beyond recovering revenue (with arrears) twice at six year intervals. Equally, Tehri darbar for their part carried on no administration until about 1920. Since then they have undoubtedly carried on an administration.

Conclusion. My conclusion is that by virtue of the copper plate of A.D. 1667 (if genuine) and in view of Hodgson and Herbert’s map and the Tehri state map of 1902, it does seem that Bashahar may originally have had a good claim to Nilang and Jadhing. I also think that the correspondence of 1872 between the Raja of Bashahar, the Superintendent Hill States and Sir Henry Ramsay, the Commissioner of Kumaon, does suggest that the title of Bashahar over Nilang and Jadhing was at that time admitted. There is however no doubt that since 1892 Bashahar have really taken no interest in Nilang and Jadhing which since 1920 have definitely been administered by Tehri, and I agree with Mr. Williamson that the interests of the Jadhis are now entirely bound up with Tehri in trade as in everything else. In the circumstances I can see no sufficient ground for assigning these villages to Bashahar and I consider that they should be assigned to Tehri. I would also assign to Tehri the basin of the Jadh Ganga and its tributaries above Nilang—this is really a no man’s land but the only persons frequenting it are the traders and graziers of northern Tehri-Garhwal including the Jadhis.

It may be useful to state what, on the result of my finding, will now be the Bashahar and Tehri boundaries. The Bashahar southern boundary and the Tehri northern boundary will be the Emerson-Barker line as marked on atlas sheet 47 of 1859 and on the map Simla district with adjoining native states. This will end at a point on the right bank of the Jadh Ganga opposite Nilang village. From that point it will run north and west along the crest of the watershed as shown in atlas sheet 47 of 1859, and the map Simla district and adjoining native states. The remainder of the country under discussion that is to say Nilang village on the left bank of the Jadh Ganga, and the basin of the Jadh Ganga and its tributaries above Nilang, will, as it cannot be said to belong to Bashahar, be assigned to Tehri. Actually of course the whole of the Jadh Ganga basin is shown on every map except the sheets of 1903 and 1922 as Tibetan territory, but it will doubtless be expedient that the Tibetans should be kept back behind the Jnu Khaga pass and the eastern water-shed of the Jadh Ganga basin.

(Sd.) E. A. R. EUSTACE,
Superintendent, Hill States, Simla.

9th March 1935.

Note.—The Superintendent, Hill States, notes that atlas sheet No. 47 of 1859, submitted with this report, is the property of his office and he requests that it may be returned to him when final orders have been passed. There is no copy of this atlas sheet with the Survey of India, and the copy submitted with this report is the only copy which the Commission have been able to hear of.

Final list of general documents produced by Tehri Darbar at Simla on 28th February 1935. This superseded the list prepared at Utter Rashi in the autumn of 1934 which has since been withdrawn.

1. S. 1841 (1785 A.D.) Entry from state accounts ledger about realization of Rs. 1,001 on account of contract of Nelang for the year 1839-40.
2. S. 1863 (1807 A.D.) Letter from Mr. Beckett, A. C., to His Highness regarding the behaviour of Nelang people when Messrs. Macdonald and Hood visited Nelang and requesting His Highness to publish the Nelang people if they deliberately refused to serve as guides.
3. S. 1896 (1840 A.D.) Entry in the state account showing a balance of Rs. 11-8 land revenue against the Jads of Nelang.
4. S. 1898 (1842 A.D.) Order from Tehri darbar to the Jads of Nelang ghats (frontier) and Adhals to help the people of Upper Taknore in their trade as they had been doing from before.
5. S. 1917 (1861 A.D.) A letter to the certain headmen of upper Taknore described as being responsible for the contract or revenue of Nelang admonishing them for having been complainant of by inhabitants of lower Taknore.
6. S. 1924 (1889 A.D.) Letter (copy apparently a true one) from H. H. to Mr. Wilson appointing him as Kardar over Jads for four years and to realise and deposit Rs. 30 Bhent and Rs. 54 ijafa.
7. S. 1925 (1890 A.D.) Order (copy apparently a true one) to the Panch Jads of Nelang to the effect that Mr. Wilson was appointed as Kardar for four years over them and that they should pay revenue and begar through him.
8. S. 1932 (1876 A.D.) Entry from state accounts showing an income of Rs. 2 on account of stamp duty from Khitwa Jads of Nelang Taknore.
9. S. 1938 (1882 A.D.). Entry from state accounts showing Re. 1 as stamp duty from Gabiya Jad of Nelang Taknore.

10. S. 1942 (1886 A.D.). Entry from state accounts showing Rs. 11-4 as “rasum” (court fee in divorce case) from Sukhnam Jad of Nelang.


Bonds were taken from the guardian to send their boys regularly.

16. S. 1885 (1829 A.D.). Report of the Panchayat of Jads of Nelang Taknore about the visit of the wazir of Bashahr to Nelang and having conducted the survey of that place with the copy of a letter of Tehri Darbar to the Political Agent.

17. S. 1968 (1902 A.D.). Report of tahsildar to the Chief Court forwarding application of Panch Jads of Nelang and Jadung praying for appointment of two malguzars. The whole misal is produced.

Revenue and settlement records produced by Tehri-Garhwal representative.

1. A settlement record (register) of the settlement of the whole state of Sambat 1880 (A.D. 1829). Contains on page 19 the assessment of Nelang village at Rs. 23. The column of total assessment only is filled in and not the other column. The other columns show against each village the number of houses, buffaloes, young buffaloes, cows, bullocks, sheep, goats, water mills, barren area, irrigated area, non-irrigated area, total areas. There are other villages besides Nilang in which only the assessment column has been filled in.

2. A settlement record of the whole state of Sambat 1904 (A.D. 1847) showing assessment of “Nilang of the Jads” together with other villages in Patti Thaknor. The Nilang assessment is shown at Rs. 51 and this is the same register in which only the total assessment column has been filled in.

3. A settlement record of the whole state of Sambat 1915 (1860 A.D.) showing assessment at Rs. 51 to be recovered from Nilang through the headmen of Mukhba, Dharali, Suki and Jhal.

4. A settlement record of the whole state of Sambat 1930 (1873 A.D.) giving the assessment of Nilang at Rs. 105.

5. A settlement Khatami of two patti (Thaknor and another) of Sambat 1960 (1903 A.D.) giving the assessment of Nilang at Rs. 24.

6. A settlement record of Sambat 1980 (1923 A.D.) of Phatti Thaknor showing assessment of Nilang at Rs. 27-8 and of Jadung at Rs. 11.

7. Order of Tehri Chief Court dated Sambat 1988 (1911 A.D.) appointing a headman of Nilang and Jadung.

8. Village papers of Nilang and Jadung of Sambat 1980 (1923 A.D.), and current village map of Nilang and Jadung. The papers of 1923 are also still current. The Tehri representative has no further revenue or settlement papers to produce. He states that the last settlement was in 1923 and this is still current.

Judicial records produced by Tehri State.

150 records of criminal cases of village Nilang.

27 records of criminal cases of village Jadung.

43 records of civil cases of village Nilang.

10 records of civil cases of village Jadung.

These records cover the period S. 1931 to S. 1982 (1874—1925 A.D.)

Among these 57 criminal cases dating from 1843 A.D. to 1924 A.D. put forward as relating to disputes in Nilang itself.

Three civil and revenue cases from 1917 A.D. to 1921 A.D. relating to disputes in Nilang itself.

Fourteen criminal cases 1879 A.D. to 1924 A.D. as relating to disputes in Jadung.

Two civil cases of 1880 and 1921 A.D. as relating to disputes in Jadang.

All in the Tehri courts or in the panchayats of Jads.

Oral evidence produced by Tehri.

1. Dalip Singh, Panch of the Jads, age 47 years.

The Tehri darbar manages the forests up to Nilang in the Jadh Ganga valley. There are no trees above Nilang. The Jadhis of Nilang and Jadung pay revenue to the Tehri darbar. We have never paid revenue to Bashahr nor have Bashahr ever claimed it. Jurisdiction over the Jadh is of Tehri darbar. No orders ever come from Bashahr. I have been punch for 19 years. I was formerly schoolmaster at Nilang.

Tehri made a census of the Jadhis in 1976 S. Tehri appoints the malguzar who collects revenue. All our cases are decided by the Tehri darbar. No case has ever gone to Bashahr for settlement or been settled by Bashahr. The road to Nilang and beyond is repaired by orders of the Tehri darbar—the small repairs through the Jadhis and the big repairs by the darbar’s agency. Neither Bashahr nor Tibet have ever repaired a road. There is a school in Nilang maintained by the darbar. The cultivation and Jadung as it is now is as it always has been. It has never been increased. There is no room for increase. We have never in my time entered into any engagement to pay revenue to Bashahr nor have we paid. No demand for subvention for any purpose has been made by us. In my time there has been no settlement by Bashahr. No officer from Bashahr has ever come to Nilang. Before this enquiry I have never seen a Bashahr officer. We Jadhis have never complained to Tibet that the Tehri Government has made a survey of our land and erected boundary marks.

In my time we have never presented any nazir to Bashahr. We call ourselves Garhwalis, not Bashhariyas or Bhotias. We speak a Garhwali language among ourselves. I do not know the Bashhari language. Nor do any Jadhis as far as I know. The principal road to Bashahr is from Uttar Kashi through Rewain. There is a road from Harisol over the Nela pass to Bashahr. It is open in Asarh only. We never trade with Bashahr. When we go to Rampur in Bashahr for the mela to make purchases we have to pay customs duties. All persons have to pay these duties. There is no road through the Chor Gad to Bashahr. None of us have ever been to Bashahr that way nor has anyone ever come from Bashahr that way. We graze in the Chor Gad and in the Jadung Gad, and everywhere between Suki and the Jelukhado pass. Our families live for three months in the year in Nilang. For the rest in the valley of Tehri down to Suki and below.

26th October 1934.

Sd. by Bashahr representative.

I am not a resident of Almora district. I am a resident of Garhwal. So was my father.

Ever since I can remember the villages of Mukhba, Dharali and villages down to Suki all graze in common. In my time the malguzars of Nilang have been Anji Pari, Dhatti and Sham Chand. The revenue is collected by the malguzar who pays it to the patwari for remitting to the Tehri darbar. There is no road at all through the Chor Gad to Bashahr. Rampur and Bashahr men come to the mela at Uttar Kashi and Dunda in the month of Mugh. So do people from all directions—Afghans, Tibetans, etc. I am not a foreigner married into Nilang. I am one of the Jadhis of Nilang.
I pay 6½ annas revenue for my land in Nilang and 4½ annas for my land in Bagon (Harzil) and 8 annas for my land in Dunda.

If I do anything against the darbar I shall be punished. I am not precluded from giving true evidence. The present malguzar is Sher Singh. There have been many others since Sham Chand.

Formerly there were no papers of individual assessment. I know nothing personally of any settlement before that of 1872 S. (1915 A.D.). I do not know anything of 1860 Sambat. I was at school then. I have seen forest work done in the Chor Gad valley by a watchman of P. Ghata Nam of the Tehri darbar. There has only been one census in my time conducted by the Tehri darbar I remember the following cases between Jadhvs which actually arose during our stay in Nilang:

1. Dhyan Singh vs. Garda... A criminal case, in Jadhunag, 7 or 8 years ago. This was decided by the Panchayat of which I am a member.

2. Molya vs. Ram Singh... A revenue case about a kuhl-7 or 8 years ago.
Re ext.

My present assessment is on a settlement of 1802 S. conducted by Pt. Ram Prasad.

A census was last made 3 or 4 years ago. I do not give evidence from fear of the darbar. I give the true facts on my oath.

By P. A., Tehri.

In my time I never saw any abadi on the right bank of the Jadh Ganga. I have never heard of it. There were formerly a few families living at the foot of the hill east of the cultivated area. About 22-23 years ago there was a land slip. There houses were overwhelmed. There families came and lived in the main village where they had also houses. There was never any cultivation on the right bank. There was never any stream running into the Jadh Ganga from the south except the Dee Gad.

There was always a panchayat of the Jadhvs. Since 1974 S. they have kept records. The Tehri darbar appoints the panches. I have been a panchise since 1972 S.

(Sd.) R. H. WILLIAMSON.

29th October 1934.

2. Pt. Vidy Dutt, malguzar of Mukhba, age 55.

I am one of the priests conducting worship at Gangotri. We have several Rawals, not one Rawal as elsewhere. I am a prohét of the Jadhvs. Formerly we malguzars of Mukhba were malguzars for Nilang and Jadhunag. I produce receipts given by the thandhar of Thaknor pargana for the land revenue realised by the malguzar of Mukhba from Nilang and Jadhunag. My great grand father was thandhar of the pargana. (Exhs. a of 1914 S., b of 1920 S., c of 1920 S.) Also a written judgment in a Jadhunag case. We Mukhba people also trade with Tibet through the Jillukhaga pass. The road is kept up by the darbar. It has never been made by Bashahr or Tibet. The bridges at Gartaga and Karcha were made by the darbar. The forests of Gartaga and Nilang have been cut by the Tehri darbar in my time. The Mukhba herd grazes in all the side valleys of the Jadh Ganga up to the Jillukhaga. No one has ever stopped us. For as long as I remember the Tehri darbar has administered the Jillukhaga.

The Jadhvs deal with smaller cases through their own panchayats. Important cases are tried at Uttar Kashvi by the deputy collector there.

There is a school at Nilang for the Jadhvs maintained by the darbar.

The Jadhvs are Hindus and Rajputs. They intermarry among themselves. Bashahirs coming on pilgrimage or trade come through Rawal and Uttar Kashvi. There is another way through the Nela Pass which is only open for one or two months. It comes to Harzil. There is no other road to Bashahr. There is no road through the Chor Gad. I have never known of a Bashahr official coming to Nilang or Jadhunag. Nor ever heard of any such official coming before my time.

The Jadhvs speak among themselves a form of Garhwal. They have no relations with Bashahr.

X D. by Bashahr representative.

I am also prohét of people of Bashahr but I do not go to Bashahr. I know nothing of any road from the Jadh Ganga to Bashahr.

By P. A., Tehri.

I have never known of any abadi of Nilang on the right bank of the Jadh Ganga.

26th October 1934.

(Sd.) R. H. WILLIAMSON.

3. Sher Singh, lumberdar (Malguzar) of Nilang, age 34.

I have been malguzar for the last six years for Nilang and Jadhunag. I pay the revenue into the Tehri darbar. The Tehri darbar cut the forests from Harzil to Nilang. No Bashahr officer ever comes to Nilang nor do we receive any orders from Bashahr. We never pay any revenue to Bashahr or Tibet. I was appointed malguzar by the Tehri darbar. So was my predecessor. Our cases are heard by the panchayat appointed by Tehri. Appeals are heard in the Tehri courts. The roads are maintained by the darbar and large works are done by them direct.

Bashahr have never conducted settlement in Nilang.

The present abadi of Nilang has always stood where it is now.

We have never paid revenue to Bashahr or any fine or aid or nazar. We have never made any complaint to Tibet about Tehri having fixed boundary marks. We never marry outside Garhwal.

XX. by Bashahr representative.

I have never heard of any of the names you have just read out (list of Jadhvs who paid nazar to Tika Sahib in Rampur) except Toba Ram. I know a Toba Ram Jadh in 1896 A.D. who is a young man.

26th October 1934.

(Sd.) R. H. WILLIAMSON.

4. Bali Ram, malguzar and sarpanch of Dharali, age 58.

I go to Tibet for trade through Nilang and the Jillukhaga. The road is kept up through the villages of Dharali and other high villages of the valley and through the Jadh. The Tehri darbar does the major repairs. My forefathers were malguzars of the Jadhvs.

I produce a receipt of land revenue granted by the thandhar of Thaknor to my great grand father Ahammat in 18....8 (two last figures missing) for the land revenue of Jadh Rs. 23. Exh. d. (bearing seal).

Also a receipt dated 18....8 (two last figures missing) for Rs. 23 from 'Nilang Jadh' given by thandhar Thaknor to Ahammat. Exh. e. (bearing seal).

Also a letter to the two headmen of Nilang directing them to pay tax—dated 1892 S. Not signed but sealed. Exh. f.

Also an agreement by the Jadhvs recognising my grandfather as their headman dated 1850 S. Exh. g.

Also a darbar order authorising my ancestors to collect revenue of Nilang dated 1917 S. Seal of Raja Bhawani Shah. Exh. h.

XX. by Bashahr representative.

Nil.

26th October 1934.

(Sd.) R. H. WILLIAMSON.

5. Hira, son of Moti Jadh, former lumberdar Nilang, age 58.

I always paid the revenue of Nilang and Jadhunag to the Tehri darbar.

I never paid any revenue to Bashahr.

By P. A., Tehri.

Within my memory the houses of Nilang have always stood where they are now. There were never any houses on the other bank of the Jadh Ganga. Only
List of documents produced by Bashahr representative.

1. Sambat 1913 (1857 A.D.). Original in Tibetan, and translation of an iqarnama given by the Zang and Chongnga people to the “Ala hakim” (not otherwise specified). In the Tibetan language. Purporting to be given by the Mukhia and the two others of Chongnga and by the Mukhia and of Zang (Jadung). Bearing one seal. Acknowledges that they have been fined for non-payment of revenue and undertaking in future to pay revenue at Puari (in Bashahr). In the body of the document the writers are described as Zang Chang wala.

2. Sambat 1914 (1858 A.D.). Original in Tibetan and translation of an iqarnama given by the people of Chongnga and Zangpa, further described as Zang Choung wala. Addressed to the “Ala Munsif of the time being”. Engages to pay revenue (salu) at the Puari wazir.

3. Sambat 1927 (1871 A.D.). A document in Bashahr tankra script (a form of Hindi), bearing a Bashahr seal—and translation. Purporting to be a letter from Maharaja Shamsah Singh of Bashahr to the “Chongnga, that is, Nilang” people. Calling on them to give aid (kharsha) according to past practice in the repair of the Durbai Kila of Kamru (in Bashahr).

4. Sambat 1930 to 1949 (1874 to 1933 A.D.). Extracts purporting to be from a register in the Kamru archives stating the recovery of revenue (in salt, cloth and lead) from the Chongnga people. Four entries dated Sambat 1930, 1933, 1944 and 1949. Differing recoveries for each of these years. Extracts certified by Shiv Lal and Lobha Ram munnars.

5. Sambat 1929 to 1931 (1869 to 1875 A.D.). Extract copies from a list of fines and revenue purporting to have been levied on the people of Chongnga and paid to Lumba Chering (said to be a servant of Bashahr darbar). Four entries dated 1925, 1927, 1928, 1931—

(a) Sambat 1925. Chongnga people fined Rs. 60 for “mar lut” of the people of Topai (in Bashahr).

(b) Sambat 1927. Levy of Rs. 25 for repair of Kila in Kamru.

(c) Sambat 1929. Levy of Rs. 72 from all the Jadha on account of a land dispute in the presence of certain Tibetan officials.

(d) Sambat 1931. Levy of two goats by the above Lumba Chering—it is not stated from whom—for a breach of the peace.

Sambat 1931. Levy of Rs. 250 in connection with a certain land dispute. Not stated from whom but was paid to Lumba Chering.

Above extracts certified by Shiv Lal Mulahr and Lobha Ram patwari.

6. Sambat 1931 (1875 A.D.). Letter in original in ordinary Pahari Hindi script from Fateh Ram and Sarjit, wazirs (apparently of Bashahr), addressed to the people of Chongnga and Zang. States that certain revenue (khzud) accounts, and accounts of fine, had not been settled and directing payment. Signed and sealed by Fateh Ram and Sarjit in Hindi and Tankra respectively.

7. 10th August 1872. A parwana in Urdu bearing this date and the seal of the Superintendent. Hill States—signature not legible—addressed to the wazir of Bashahr. States that he (the Superintendent) has received a complaint from the wazir that the Jadha have paid revenue to a Tibetan official, that according to the standing agreement the Tibetan official had paid back the revenue to Bashahr, that the Jadhas had been fined Rs. 50 and that in Sambat 1927 the Jadhas have filed an iqarnama a copy of which is enclosed. Acknowledges receipt of this complaint and says that he (the Superintendent) has filed the papers. Adds that “Ramuji Sahib” (? Sir Henry Ramsay, Commissioner of Kumaon) has been informed.

8. 1871 A.D. Copy in tankra script of a report (original not produced) from Sarjit wazir dated 25th February 1871 to somebody not named. States that each year the people of Nilang pay revenue into Kamru, that the Nilang people areour subjects and have always paid revenue in this way, but that now Mr. Wilson (an agent of Tehri State) has instigated them not to pay revenue. Asks that Mr. Wilson may be addressed to the effect that he should not interfere.

9. 1871 A.D. A reply to the above document from the Superintendent, Hill States, an Urdu parwana stamped with the seal of the Superintendent, Hill States. Same mark as on document 7 above, apparently initials which are not legible. States that the Report No. 8 above has been read. Instructs that the revenue should be recovered by the sale of the defaulter’s property, and that a further report should be submitted if Mr. Wilson still interferes.

10. An Urdu document entitled “tarjama iqarnama naisbhtu zamindaran Chongnga”. Also headed “the Nilang wale zamindars shall pay revenue year by year”. Marked as attested by the hakim Chini (in Bashahr). Text as follows in the presence of the wazir Tikam Das and the Tasparanzon (magistrate) the zamindars of Zang and Chongnga have written an agreement to the effect that the revenue which they have been paying so far shall also be paid in future every year. In this there shall be no default. Witnesses to this Rupan Galdan, wazir Chini—Mirdad Ganga Da on behalf of ilum Chini “. Added beneath in continuation in same writing—written at (?) Tanglikhadi. This iqarnama was written 60 years ago in the month of Margher (November)”. This document is not dated.

11. A document in the Tibetan language dated the 9th month but year not given. Translation offered as follows—

Letter from the Saprong magistrate to Raja Padam Singh (the present Raja of Bashahr). States that the year before last the Raja of Tehri has surveyed and fixed boundary pillars in the Chongnga land. That he has sent a deputation to Boghori in Tehri-Garhwal State to protest to the Tehri-Garhwal authorities and to ask them to withdraw. That the representative of Tehri-Garhwal would take no action. That he has received a letter from the Raja of Tehri-Garhwal asking that consideration of the dispute be deferred till the meal at Puling. That nothing happened at Puling, and that if nothing is done by next year a report will have to be made to the Tibetan Government.

12. Report by the Saprong magistrate to Lhasa—copy submitted to Bashahr State. Dated the 6th month. Year not given. Relates that the Chongnga people have complained to him that in 1876 he has surveyed and paid revenue of forests Tehri has put up pillars on the Bang Kyog (? Jhel Khaga pass) and in the following year he, the conservator, surveyed Chongnga village. Relates to the history of the dispute and of the negotiations between the parties.

13. An order in Tankra script purporting to be signed by Raja Shamsah Singh of Bashahr. Dated S. 1917 (1860 A.D.). Addressed to the kamar of Kamru fort instructing him to pay money to Lumba Chering who was going to Chongnga.

14. An order in Pahari Hindi script from one Bashni Murari (apparently a Bashahr official) directing the lumbdar of Sanglah village in Bashahr to hand in at Kamru some of the goats his people had recovered from Chongnga. Dated month of Bhadon but no year given.

15. Sambat 1932. Copy of a parwana from the tahsildar of Chini in Bashahr (original not produced) acknowledging receipt of gifts made by 43 Chongnga men to Tika Raghunath Singh of Bashahr on the occasion of his visit to Chini tahsil. The parwana is addressed to one Rati Ram Pandit.

Bashahr papers produced at Simla on the 20th February 1835.

1. Letters.—1. Copper plate inscription dated Siri Nagar, the 28th of Phagun S. 1723 bearing the seal of Raja Prithi Patti Shah of Garhwal and attestation of the Garhwal witnesses reciting the cession to him by Raja Udhy Singh of Bashahr out of love so long as good relations exist the territory up to the Garthala Nala and retention by Raja Udvy Singh for himself, territories above Garthala Nala on both sides of Jadha Ganga and above Gangotri from Nilang Peak to Jallo Khaga. The inscription also recites a treaty of mutual defence.

2. An undertaking by the Mukhia signatories of Nilang to pay 24 charhari rice (25x20 seers) to the agent of Manahul. Dass wazir yearly or in default to pay Rs. 60 dated S. 1900 (original in tankra) unsigned.
3. Letter from Superintendent of Hill States to Raja of Bashahr, dated 30th April 1872 A.D. mentioning the receipt of a letter from Ramji Sahib of Kumaoon and stating amongst others that Nilang and Jadung people admit their liability to pay to Bashahr Rs. 24 or salt or rice worth it and woollen cloth per head per year.

4. A letter from Raja Sahib, Bashahr, dated 12th June 1872 A.D. to Superintendent, Hill States, in reply to the above stating that Nilang is within Bashahr and pays a land revenue of 24 chharari salt and 100 haths of patti every year.

5. Sale of trees from Nilang forest. Three entries in the register—
   (i) 175 sal trees for Rs. 421-5-3 in 1861 A.D. to Dulu Shah.
   (ii) 149 deodar trees for Rs. 400-15-0 in 1862 A.D. to Dulu Shah.
   (iii) 9 deodar trees for Rs. 34-12-0 in 1863 A.D. to Dulu Shah.

6. Census of Nilang 1921—55 houses, 40 females and 55 males.

7. Grant of Rs. 30 as taccavi to Jit Singh, son of Sipalu of Nilang on the 25th Phagan S. 1928 (1929 A.D.) for bringing a kuhl to water the newly broken up lands in Changa valley.

II. Settlement records—1. of 1892 A.D. (a) settlement map of Nilang. The copy of this map as supplied to Superintendent, Hill States, was wrongly filled in. I show the original to the Commissioners. The reference entries in the copy seem to have been made by the copyist from imagination:

   (a) Settlement map of Jadung.
   (b) Khewat and Khatauni of the two.
   (c) Khanas Paimaish of the two.
   (d) Jamahandi of Jadung and Nilang S. 50—54.
   (e) " " " " S. 55—59.
   (f) " " " " S. 60—64.
   (g) " " " " S. 65—69.
   (h) " " " " S. 70—74.
   (i) " " " " S. 75—79.
   (j) " " " " S. 80—84.

   (a) Kistbandi.

2. Sambit 1886—

   (a) Masavi of Nilang.
   (b) Masavi of Jadung.
   (c) Field book for both.
   (d) Khatauni for both.
   (e) Fard Rang Sazi for both.
   (f) Jantri parta and register bachh for both.

   (g) Khewat and Shajra Nasab, Misal Haqiyat, etc., for Ghori Kamru.

III. Entries of realization of land revenue from Choungsa and fines from Choungsa.

<table>
<thead>
<tr>
<th>Year</th>
<th>Karachi (land revenue)</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. St. 1873—1883</td>
<td>(a) Salt 10 chharari ... Rs. 5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) Karakoti 10.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) Sik 15 seers.</td>
<td></td>
</tr>
<tr>
<td>2. St. 1884 to 1893</td>
<td>(a) Salt 10 chharari ... (a) Rs. 7.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) Karakoti 10.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) Sik 15 seers.</td>
<td></td>
</tr>
<tr>
<td>3. St. 1894—1902</td>
<td>(a) Salt 10 chharari ... (a) On account of fight between two zamindars, Rs. 15 and 2 khadus.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) Karakoti 10.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) Sik 15 seers.</td>
<td></td>
</tr>
</tbody>
</table>

Year | Karachi (land revenue) | Fine |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4. St. 1903—1906</td>
<td>(a) Salt 4 chharari ...</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) Karakoti 4.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) Sik 6 seers.</td>
<td></td>
</tr>
</tbody>
</table>

5. St. 1907—1910 | (a) Salt 4 chharari ... |
| | (b) Karakoti 4. |
| | (c) Sik 6 seers. |

6. St. 1911—1914 | (a) Salt 80 chharari ... |
| | (b) Karakoti 4. |
| | (c) Sik 14 seers. |

7. St. 1915—1918 | (a) Salt 40 chharari ... |
| | (b) Karakoti 4. |
| | (c) Sik 6 seers. |

8. St. 1919—1920 | (a) Salt 40 chharari ... |
| | (b) Karakoti 4. |
| | (c) Sik 6 seers. |

9. St. 1921 | (a) Salt 20 chharari ... |
| | (b) Karakoti 15. |
| | (c) Sik 2 seers. |

10. St. 1922 | (a) Salt 20 chharari ... |
| | (b) Karakoti 15. |
| | (c) Sik 2 seers. |

11. St. 13 Baisakh 1923 | (a) Salt 1 chharari 7 tamath. |
| | (b) Karakoti 150 haths. |
| | (c) Sik 2 seers. |

12. St. 1926 | (a) Salt 1 chharari. |
| | (b) Karakoti 150 haths. |
| | (c) Sik 2 seers. |

13. St. 1927 | (a) Salt 1 chharari. |
| | (b) Karakoti 150 haths. |
| | (c) Sik 2 seers. |

14. St. 1928 | (a) Salt 1 chharari 7 tamath. |
| | (b) Karakoti 150 haths. |
| | (c) Sik 2 seers. |

15. St. 1929 | (a) Salt 1 chharari 7 tamath. |
| | (b) Karakoti 150 haths. |
| | (c) Sik 2 seers. |

16. St. 24th Kartak 1941 | (a) Register of karahil. |

Year | Karachi (land revenue) | Fine |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>17. St. 1842</td>
<td>(a) 9 goats worth Rs. 49-8-0.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) Cash 9-8-0.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) Silver kanga 33.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(d) 5 goats worth Rs. 25.</td>
<td></td>
</tr>
</tbody>
</table>

18. St. 1943 | Through Labh Jit from Nilang and Jadung people:— |
| | (a) 3 sheep worth Rs. 3 from Aru Garhwall. |
| | (b) 2 khadus worth Rs. 6, cash Rs. 6 from Aru Garhwall. |
| | (c) One goat worth Rs. 3. |
| | (d) from Khagwa Tangwa for bringing deceased goats Rs. 5. |

Note: The text contains a mixture of numbers and dates, and some entries are in a local language, indicating a historical or administrative record. The entries suggest the administration and taxation practices of the time, including revenue collection and social payments.
3. A jumaband of Jadung and Nilang dated Sambat 1980-81 (A.D. 1923-24) which is stated to be the last year of the 1892 Settlement.

The Bashahr representative states that he has no more papers to produce and that the settlement papers of 1926 Settlement have not been sent him.

Oral evidence produced by Bashahr.

1. Dhami Ram, Kamnago of Bashahr State.

When the Aton Commission came to Nilang I travelled from Bashahr to Nilang by the Chor Gad. There was with me a lumbardar of village Rakshan, Sukhjit; also Dwarika Das samundra of Kamrup. Also coolies. We were seven men in all. We came through Chitkul and Nithal in Bashahr. I came through at the end of Asarh. I do not know how long that road is open. I came because it was the nearest way.

26Th October 1934.

(Sd.) R. H. WILLIAMSON.

Maid Daulat Ram, representative of Bashahr State.

I enter in evidence the map of Bashahr State here with (photo xeroxed at Rookse, 1915, No. 3640-1100). It was made at the time when Mr. Emerson was Manager of the Bashahr State. It proves that Nilang belongs to Bashahr and that there is a road from Nithal to Nilang. Since it is on a small scale it does not give the other area now claimed by Bashahr.

I also put in the map of the Tibetan border and trade routes which accompanies the report on the external land trade of the Punjab for 1912-13. It shows that Nilang is within the Bashahr limits. The Jadung Ganga is not evident in this.

I also hand in a written statement.

I request on behalf of the Bashahr Darbar that till this dispute is settled neither party be allowed to exercise jurisdiction or collect revenue in the disputed area. I hand in this written request. I put in a representation to the effect that owing to the short time given the Bashahr Darbar has not been able to produce a quantity of documentary evidence and a large number of witnesses to give oral evidence.

(Sd.) R. H. WILLIAMSON.

Revenue and settlement records produced by Bashahr representative.

1. Settlement map of Nilang of Settlement 1892. As regards this map the Bashahr representative explains as follows —

(a) the blue area running from east to west is not the Jadung Ganga, it represents banjar land;

(b) the Jadung Ganga is not shown on this map. It runs from east to west some distance above the cultivation shown on the map to the north of the abadi;

(c) that Dei Gad or glacier stream is not shown on this map. The fact that no cultivation is shown to the west of the Dei gad is due to there having been no cultivation at the time of settlement;

(d) it is a practice in Bashahr State maps to show abadis in yellow and water in blue.

2. Settlement map of Jadung prepared in 1892. The Bashahr representative explains as follows —

"this map represents both the abadi and the cultivated land. The figures in both maps represent karams, a measure of length equivalent to 41 feet."

The above pair of maps are signed on the second sheet, that is to say the Jadung sheet, by Shiv Lal, Naib Tahsildar, Kamla Nand giridar and Dilbuk patwari.

(Sd.) KEHAR SINGH.

Oral evidence of Bashahr, produced on 28th February 1935.

Statement of—

Dwarika Das, son of Ratan Das, village Kamru, Bashahr State.

Nand Ram, son of Barkat Ram, village Rakshan, Bashahr State.

Sant Ram, son of Sarija, village Kamru, Bashahr State.

We and others of our villages and the whole pargana take our flocks to the Chor Gad every year.

XX. The Nilang Jada also graze in the Chor Gad.

(Sd.) R. H. WILLIAMSON.

28th February 1935.

Boundary dispute between Bashahr and Tehri States.

Written statements of the Tehri Darbar representative.

Claim:

The claim of the Tehri Darbar for territorial sovereignty over the area to which the Bashahr State has now laid a claim is based on continuous and uninterrupted acts of sovereignty exercised by the Tehri Darbar over the area, with the support of the British authorities, as forming part of the Taknore pargana in the Tehri State, from time immemorial.
2. According to the copper plate produced by the Bashahr State in support of its claim, it is obvious that the places mentioned as Gartag Gad, Nelan and Jehukaga and the areas comprised within their boundaries, were in the sovereignty of the Tehri State till the year 1729 Sambat A.D. 1778, when it was made over to the Bashahr State on certain conditions which have now become impossible of fulfilment. While the genuineness of this document is questioned, a reference to it here is necessary as showing a clear admission on the part of Bashahr that Nelan was known as such far back and the village could not have been differently named afterwards. The Bashahr Darbar would claim the area under dispute as forming part of the Tulka pargana in the Kunamar Ilapa adjoining the Takmora pargana of the Tehri State.

3. The Tehri Darbar can show from published records of Government, more particularly the Gazetteer of Simla Hill States, and from the report of the Emerson-Barker Commission that the boundary between these parganas ever claimed by the Bashahr Darbar before any British authorities where a dispute arose, never extended beyond the high mountain ridge which separates the Baspa watershed from the Jadanganga watershed. It is obvious that this boundary has at no place been disturbed by a valley of river or a smaller ridge being treated as the boundary. In this connection reference to the Gazetteer of the Simla Hill States and the Emerson-Barker Commission is invited. The description is so clear and vivid as to give no room for doubt, despite the fact that the boundary is stated to end at Nelan pass, which has not been shown in the map.

4. This apparent difficulty in the description of inter-State boundary can satisfactorily be explained if Pandit Hari Kishan's description of the boundary, which was accepted in 1906 by the Emerson-Barker Commission, is followed and the point of tri-junction of the Bashahr, Tibet and Tehri State is fixed according to that description. Though no place is marked on the map as Nelan pass yet the description of that pass is so clear as to leave no doubt as to its location at the point of tri-junction mentioned in Pt. Hari Kishan's description. By Nelan pass, described as situated at a height of 13,000 feet, Nelan village (height 11,310 feet) without any pass in its vicinity could not possibly have been meant. Nor could it be possibly identified with Jelukhaga (Sangheokha) with its height of 17,400 feet. From Mr. Kenny's report, page XIV, line 14, it is obvious that there are two passes at the head of the Nelan valley, and the eastern pass is nowhere named or marked on the map but its identity on the map both in the Barker-Emerson report situated at a distance of about 35 miles and height 13,000 feet, cannot be mistaken with the point of tri-junction mentioned in Pt. Hari Kishan's description. Of the two passes at the head of the Nelan valley, if the eastern pass is the Jelukhaga pass, the western pass not so far specifically named, can in ordinary language be called as Nelan pass. In any case there has been no question about the high ridge forming part of the boundary between the two States, and as the claim of the Bashahr State never before extended beyond the high ridge separating the Baspa watershed from the Jadanganga watershed, it is for the Bashahr State to show the reasons for this extended claim.

5. In order to properly appreciate the reasons, which in view of the Tehri Darbar has been led to make this claim appears necessary to give a proof and historical resume of the various events connected with this area. At the time of Gurkha invasion and Gurkha occupation of the Garhwal Raj, there is documentary evidence to show that the village of Nelan specially known as such, was in existence, but it is a patent historical fact that during the Gurkha occupation a large number of villages in the occupied territory became desolate and have been wiped out of existence on account of the Gurkha tyranny and oppression and that Nelan was one of such villages. Soon after the restoration of Maharaja Sudeshan Shah to this ancient possession Mr. William Fraser and two or three years afterwards Hodgson and Herbert made journeys up to Gangotri. All these travellers and surveyors have represented the area in question as covered by perpetual snow beyond the limits of the territory conferred on Raja Sudeshan Shah. Till about the end of the reign of Maharaja Sudeshan Shah from 1815-59, the area in the vicinity of Nelan continued to remain desolate and uninhabited and unadministered for want of any resident population. About the year 1850, one Mr. Wilson obtained a lease of the forests in the whole Takmora pargana from Maharaja Sudeshan Shah and also a letter of appointment to act as his agent to inhabit the area which had been rendered desolate during the Gurkha occupation. Mr. Wilson consequently

invited certain Jads from the upper pargana in Kunamar in Bashahr State, to settle at Nelan and established a hamlet of Nelan at Jadung, and carried administration on behalf of Maharaja Bhawani Shah in these areas. There being no trade mart in the Jelukhaga pass, the Jads of Nelan and Jadung carried on trade with Tibet by the route which their brethren in Bashahr had been using. A tax was consequently imposed by the Bashahr State on the Jads of Nelan and Jadung for making use of its trade route. To this impost Mr. Wilson had raised serious objections as the Bashahr State could not under the terms of its Sanad impose any transit duties. The first complaint which Mr. Wilson made was in the year 1857 A.D. and a letter of the Superintendent of Hill States, Simla, addressed to the Raja Sahib of Bashahr dated 30th April 1872, in which reference to Mr. Wilson's complaint had been made speaks volume in support of the above statement. The Bashahr Darbar claimed that no trade tax was levied on these Nelan Jads but only land tax for occupying land in Bashahr State when they came into Bashahr State from their home for trading purposes. Major Sir Henry Ramsay, Commissioner of Simla, at Kumaun was, therefore, accordingly informed by the Superintendent, Hill States, Simla, as is indicated by his letter to Raja Sahib of Bashahr, dated 10th August 1872.

6. As regards jurisdiction and sovereignty of the Tehri State over Nelan, the case was finally decided when Mr. Wilson raised the question. However in 1877 and 1878 Mr. Kenny made a survey map in which a portion of the territory now claimed by the Bashahr Darbar was shown to be in the Bashahr State. In connection with this map the Tehri State submits that the Government of India has repeatedly, times out of number, that survey maps are no evidence of territorial limits and that Government surveyors are not judicial tribunals nor have power to settle boundaries. The boundaries they mark are the result of what has been told to them by interested parties or otherwise during survey operations. The reasons why the Jads of Nelan wanted to be placed under the jurisdiction of Tibet, Bashahr and Tehri together by having the village recorded as tri-junction of the three Governments has been sufficiently indicated in the last paragraph of Mr. Kenny's report.

7. There is no evidence of any administrative acts performed or attempted by the Bashahr State over the Jads of Nelan for acts done at Nelan, before the Tehri-Tibet boundary dispute arose. The Tehri Darbar holds that the documentary evidence produced by the Bashahr Darbar for acts done by it in connection with the Jads of Nelan relates to occurrences in Bashahr State. From the documents produced by the Bashahr State it is obvious that when the dispute between Tehri and Tibet arose, both Tibet and Bashahr joined to make a common cause against the Tehri State. However the Government of India had ordered the area under dispute to be treated as neutral zone, after the year 1924 and any acts done thereafter or attempted to be done thereafter by Tehri, Bashahr or Tibet are inadmissible in evidence. Every time Bashahr made such attempts it was met by serious re-monstrances by the local population resulting in representation to the Tehri Darbar of which intimation was given from time to time, to the Political authorities.

8. On its own part the Tehri Darbar has referred the Commissioners and the Bashahr State, to the large volume of records as its documentary evidence of having done all administrative acts which are necessary for a sovereign power, in the governance of its subjects. European tourists had been to Nelan and any acts done by the local residents were subjects of complaint by them, when a complaint was justified, to the Tehri Darbar. Schools have been opened, roads, bridges and staging bungalows have been constructed, Panchayats of local residents, as judicial tribunals, have been established and so forth. To remove the difficulty which the Jads of Nelan had experienced by using the Bashahr road as their trade route, the trade route through the Jelukhaga pass has been improved and during Mr. Wyndham's time, as Political Agent, of the State, negotiations through R. B. Pt. Ghana Nund Khundari and Dr. Ganga Bihari Tewari, Ph.D., Forest Member of Tehri-Garhwal State, were opened with the Tibet Government for giving trade facilities to the Nelan and Jadung subjects of the Tehri State, resulting in the establishment of a trade mart at Thauling.

(8d.) CHAKRA DHAR JAYAL,  
Rai Bahadur, I. P. S. (Retd.).
Dated 20th February 1935.
Devan, Tehri-Garhwal State.
CONFIDENTIAL

Copy of a letter No. F.76-X/34, dated Simla, the 3rd September 1935, from the Deputy Secretary to the Government of India in the Foreign and Political Department, to the Chief Secretary to the Government of the Punjab United Provinces.

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Tehri-Tibet boundary dispute.

I am directed to refer to the correspondence ending with letter of endorsement from the Government of India in the Foreign and Political Department, No. F.76-X/34, dated the 9th May 1925. The Government of India observe that, although the findings of Messrs. Williamson and Eastace with regard to the inter-statal boundary are separate, the conclusions of both officers are the same, and may broadly be stated as follows:—

(a) Leaving out of consideration the international dispute as between India and Tibet, the whole of the Jadhganga basin with the exception of the Chor Gad (the lowest main tributary on the right bank) should be assigned to Tehri.

(b) The Chor Gad should be assigned to Bashahr.

(c) Nilang village settlement (abadi) and cultivated lands are on the left bank of the Jadhganga, and not on the right bank as shown in the survey.

(d) As a consequence of the above finding, Nilang and Jadhg, the only two permanent settlements in the Jadhganga valley, should be assigned to Tehri.

I am to enquire whether the joint findings of Messrs. Eastace and Williamson relating to the inter-statal boundary, as defined above, have the concurrence of the Government of the Punjab United Provinces. If both Local Governments concur, the Government of India would propose to define the inter-statal boundary as described in the final paragraph of Mr. Eastace's finding.
3. The inter-stateal boundary once defined, the Government of India would then take up with the Tibetan Government the question of delimitation of the Indo-Tibetan international frontier, with reference to the claims of India (as represented by Tehri State) and Tibet to the upper basin of the Ganges valley.
Confidential.

Copy of a letter No. 7172-3-Pol/I.B., dated Simla, the 20th September 1935, from the Chief Secretary to the Government of the Punjab, to the Foreign Secretary to the Government of India, Simla.

Tehri - Tibet Boundary Dispute.

I am directed to refer to the correspondence resting with Mr. Gace's letter No. F.75-X/34, dated the 3rd September 1935, and, in reply, to inform you that the Governor in Council concurs in the joint findings of Messrs Rustace and Williamson relating to the Tehri - Bashahr boundary as defined in the letter referred to above.
Copy of letter from the Political Agent for Tehri-Garhwal State, Bareilly, to the Chief Secretary to Government, United Provinces, No. 161/XVI-6.A.P.5A (32-33), dated the 14th March 1939.

I have the honour to forward herewith the report of the Superintendent, Hill States, Simla, and the Political Agent, Tehri-Garhwal State, on the territory disputed between Rashahr and Tehri-Garhwal States in the neighbourhood of Nilang.

The report is comprised of

(a) A joint note by both officers setting forth the history of the case and the material for the settlement of the dispute.
(b) The representations of the parties and record of oral evidence produced.
(c) The separate findings of the two officers.
(d) All maps relating to the area.

The large mass of documentary evidence exhibited remains with the parties.

The findings though separate have a single result, namely, a recommendation that all the territory in dispute with the exception of a small area known as the Chor Gad on the right bank of the river Jaduganga, opposite Nilang itself, be awarded to Tehri-Garhwal State. The area in dispute is taken to include the whole valley of the Jaduganga from its source of Gartaga and not merely the villages and adjoining cultivation of Nilang and its hamlet Jadhang.