1935

CHINA



Registry F 3518/3518/10 FROM India Office.

No. P.Z.3675/35

Dated 30th May 1935

Tehri-Tibet Boundary dispute.

connexion with the matter.

Refers to India Office letter of 24th October 1934 (F 6320/3555/10/1934).

Transmits copy of confidential letters No.7(3)-P/35 of 20th March from Political officer at Sikkim to (1) Mr. Caroe (Government of India) and (2) Government of India giving reasons why he is reluctant to make immediate representations to Lhassa Received in Registry 31st May 1935 board by Tibetan official who visited Gum Gum Bridge and suggesting action which might be taken in

F: China.

Last Paper. F6320 3875 /00/34

References.

(Minutes.)

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Next Paper.

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directly with the approval of the Minister of Industry in accordance with the approval of the Minister of Industry in accordance with the provintons of the Imperial Ordinance in 87, promilyated on August 17, First year of Kangif (1836). The face value of each share, the anount of the first payment on shares and the face value of each debentuire of such company or partnership shall be fixed as follows:

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Communications on this subject should be addre d to—

THE UNDER SECRETARY OF STATE,

POLITICAL DEPT.,

INDIA OFFICE,

LONDON, S.W. 1, and the following number quoted:-

P.Z. 3675 35

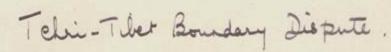
Reference to previous correspondence:

Letter from the India Office of the 212 00, 1934
No. P. Z. 6590 34.

INDIA OFFICE,

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



I am, Sir,

Your most obedient Servant,

S. F. STEWART.

The Under Secretary of State,
FOREIGN OFFICE.

Date of covering Letter.	Description.		
9th May	Enclosure received from the Secretary to the Government of India, Foreign Department.		
35090 0000 000	Copy also sent to—		

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

3675 1935 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.
- The Political Agent, Tehri-Garhwal State, still desires a frontier on the Jelukjaga Pass or Zang 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. off.0.40.7(3)-9/55.

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Yours sincercly,

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Lephny Secretary to the Covernment of Louis in the Coreign and Political Covernment, New York Political

Copy of a letter No. 7(3)-P/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.

- The visit to Gum Gum and the orders issued by Tibetan officials to the people of Nilang and Jadhung to make arrangements for supplies do not seem to be matters of great importance, bit 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 Nilang. The destruction of the notice board and the mile-stone are more serious and are definite acts of discourtesy.
- representations to Ihasa 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

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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.

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, Gartok, is well acquainted with him and the Dzongpon. I would suggest that the best course of action would be for the British Trade Agent, Gartok, 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 ke 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 pearly as possible.

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STATE OF STA

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 **Eximination** 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.

that during the course of the enquiry it was found that the copies of the maps of Nilang and Jadhung villages and their lands prepared at the Settlement of 1892 which had been supplied by the Bashahr Darbar and which were forwarded to you with Punjab Government letter No. 9080-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. Williamsom. I am accordingly to suggest that the copies of the maps referred to above should be ignored.

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CHINA

Tehri-Tibet boundary dispute.

Refers to India Office letter of 30th May

(F 3518/3518/10). Transmits copy of letter of 20th July from Government of United Provinces to Mr. Caroe, Government of India, enclosing copy of Report of Commission appointed

with copies of all connected papers.

Last Paper.

Registry Number

in Registry

F : China.

FROM 5583/3518/10

No. Office.

P. Z. 7381/1935

Dated 18th Oct:1935.

Received 18th Oct:1935.

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References.

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Communications on this subject should be addressed to—

THE INDER SECRETARY OF STATE,

POLITICAL DEPT.,

INDIA OFFICE,

LONDON, S.W. 1,

and the following number quoted:—

P.Z. M987 1997.

Reference to previous correspondence:

Letter to the India Office of the 30.5.1935

No. P. J. 3675/1935

F 6583
INDIA OFFICE,

18 OCT 1935 OCT 1935

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

Yelsi - Yilet boundary dispute

I am, Sir,

Your most obedient Servant,

S. F. STEWART.

Copy also sent to-

D.M.I.

The Under Secretary of State,
FOREIGN OFFICE.

3509c 2000 2.35

Date of covering Letter.

Description.

2-6-9-1935.

Enclosure S received from the Secretary to the Government of India, Foreign Department.

Government of the United Provinces.

D.O. No.264-D.O. 1935

Dated Naini Tal, July 20 1935.

Dear Caroe,

With reference to your D.O. No. F.76-X/34, I am desired to forward herewith a copy of the joint report by Messrs. Williamson and Eustace 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,

Sd/- C. W. Gwynne.

To

0. K. Caroe, Esquire, C.I.E., Deputy Secretary to the Government of India, Foreign & Political Department, Simla.

ENGLOSURE IN INDIA FOREIGN SECRETARY'S Letter No. 1148 M. Dated 28 SEP, 1935 n 14 OCT. 1985

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D.O. No.

3/5

Dated Naini Tal July, 1935.

Dear Puckle,

With reference to your D.O. No. 3200-S. Poll, dated July 6, 1935, I am desired to forward herewith a copy of the joint report by Messrs Williamson and Eustace on the boundary dispute between Bashahr 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. Eustace, would himself have sent his own local Government a copy of the joint report.

Yours sincerely,

Sd/- C. W. Gwynne.

F. H. Puckle Esqr., C.I.E., I.C.S., Chief Secretary to the Government of the Punjab. in mirrore to your die contrain de

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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 Jadhganga, opposite Nilang itself, be awarded to Take Charles to Tehri-Garhwal State. The area in dispute is taken to include the whole valley of the Jadhganga from its source of Gartaga and not merely the villages and adjoining cultivation of Nilang and its hamlet Jadhang.

MS281FD

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.

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REPORT

OF THE

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

1934-35.

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1. Introductory.—In pursuance of orders from our respective Governments we met at Narendranagar, the winter capital of Tehri-Garl wal 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 Bashshr 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 tahsil 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 arm ngements 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 Punjab Government, a copy of which was forwarded to 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 of India re cal Department letter No. 76-X/34, dated the 15th September 1934 [Serial No. (19)]. 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 . . . ' 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

3. Description of the topography and inhabitants of the region in which the dispute lies.—In order to appreciate the discription which follows of the topography of the region in dispute reference should be made to the Survey sheets 53-I Chini (1932) and 53-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 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 darbars 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 while the fields of the village were on the left; Mr. Acton in his report of 1926 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 danger of falling stones. From the Foreign and Political Department letter No. 76-X/34 [Serial No. (10)], dated the 22nd May 1934, 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 cliff 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, lumberdar, Tehri witness No. 13 in Mr. Acton's proceedings (File No. 368-X/27). This man giving evidence before us as Tehri witness No. 5 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 pasturage in summer by two classes of graziers namely the Jadhs, and the inhabitants of a dozen villages in the northern most Tehri pargana of Thaknor. The Jadhs, 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 Jadhs 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 in summer graze in the Jadh Ganga valley, to two other settlements which they have at Harsil 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 darbars.—We come now to the details of the claims put forward by the two darbars. The claim by Tehri-Garhwal darbar 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 Dei Gad, the Chor Gad and the Gartaga Gad which are claimed by Bashahr.

The claim 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 Gartaga Gad. (Gartaga Gad is one of the right bank tributaries of the Jadh Ganga which meets the Jadh Ganga above Gartaga),

- (b) from the above point due south to the source of the Gartaga Gad,
- (c) from this point down the left bank of the Gartaga Gad to the Jadh Ganga,
- (d) from this point, upstream along the right bank of the Jadh Ganga to the point where the Jadh Ganga is met by the Chor Gad,
- (e) at this point the boundary claimed by Bashahr crosses the Jadh Ganga and runs up to the peak marked 20,900 on the left bank of the Jadh Ganga above Nilang,
- (f) from the peak the boundary claimed runs back to the Jadh Ganga to include the glacier stream (Dei Gad) and the cultivated lands of Nilang (The area claimed on the left bank of the Jadh Ganga is the basin of the glacier stream named the Dei Gad and includes the whole of the present Nilang village and its cultivation),
- (g) from the point mentioned in (f) above the boundary claimed runs along the right bank of the Jadh Ganga to the point where the Jadh Ganga is joined by the Jadhung Gad.
- (h) from this point the boundary runs northward along the ridge enclosing the valley of the Jadhung Gad via Jadhung peak (17,356) and the peak 19,410; thence in a semi-circle northwards and westwards so as to include the sources of the Jadhung Gad and its tributaries to the point where the watershed meets the main ridge which is the water parting between the Chor Gad and the Jadhung Gad.

In both cases these verbal descriptions are from the survey sheets above quoted; supplementary maps illustrating their claim have also been handed in by the representatives of both darbars, and are attached as appendices.

- 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 1926. The northern boundary of Tehri according to this map is shown by the blue line in the tracing accompanying Mr. Acton's report. It excludes from Tehri State the village of Nilang, the Gum Gum nala, Jangla, and even the villages of Mukba and Harsil which are not claimed either by Tibet or Bashahr.
- (b) The next map in sequence of time is what is described in the Emerson-Barker report of 1912 as the Atlas sheet of 1859. This is a survey department map prepared in 1859 on the survey of Messrs. Mulherson, Shelverton, Dyer, Peyton, Johnson and Brown. The sheets in question are numbers 47 and 65. 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 Mukh, the source of the Bhagirathi or Ganges. There is no corresponding dot and dash line separating Bashahr from Tehri-Garhwal but if that symbol be taken as representing an inter-statel 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 Kimilay Pass through the Nela Pass and eastward through three snowy peaks (19,655, 19,962 and peak R) 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 again the area already surveyed in 1859. His map, No. 364, SO2, published by the Survey Department in 1879 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 Gartaga 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. MS281FD

^{*}Report on the survey of the western sources of the Ganges—particularly the Jadh Ganga or Nilang village—in 1879 by Mr. T. Kinney. This is printed at the end of the general report on the operations of the Survey of India 1877-78.

- (d) In 1898 the Survey of India published a map (unnumbered) of "district Simla with adjoining Native States". This map follows the Atlas sheet of 1859 and Mr. Kinney's map. It is of interest as being referred to in the Emerson-Barker report (discussed hereafter), and has been followed in a map of 1915 zincographed at Roorkee and entitled "map of the Bashahr State" (scale 1" to 4 miles) (No. 3640-
- (e) Bashahr State has put in its own settlement maps of Nilang and Jadhung villages prepared at the settlement of 1892. These maps differ materially from the settlement maps of 1920 put in by Tehri State. Bashahr has also put in its settlement maps of 1928 which approximate to those of Tehri.
- (f) The Tehri settlement map has been checked by us as regards its general features with conditions on the spot, and we have no doubt that it correctly represents the present position.
- (g) The general map put in by Tehri darbar in support of their claim includes the watershed of the Chor Gad and the whole watershed of the Jadh Ganga and its tributaries, the most important of which is the Jadhung Gad. This is stated to be a settlement map of Tehri-Garhwal and in general use in the State.
- 6. Previous boundary commissions .- (a) The Emile-Nicholas Commission of 1904. This related to a dispute in the neighbourhood of Naukot, on the Pabar river and the Changsil ridge. The area adjudicated on is 100 miles west of the area now disputed, and the decision of this Commission does not affect us.
- (b) The Dharma Nand-Darling Commission of 1910. This related to a second distant boundary dispute which was settled by compromise.
- (c) The Emerson-Barker Commission of 1912. This is important in that though the main subject of dispute was the area known as Manjhiban, the Commission was also authorised according to paragraph 15 of its report "to demarcate the boundary line in the event of its being found in dispute" elsewhere. In paragraph 17 of the report it is stated that whereas the Tehri objections to the line (i.e., the boundary as shown in Atlas sheet of 1859) west of the Kimilay Pass were more or less specific, the same could not be said for the reasons advanced by that darbar for not accepting the same line between the Kimilay and Nilang Passes. The report proceeded as follows :-
- We cannot therefore understand how Garhwal will be prejudiced by acceptance of this line, and in pursuance of the powers conferred on us we decide that for the future the international boundary for the whole line extending from Ghora Mund to the trijunction of Garhwal, Bashahr and Tibet shall be that shown on the Atlas sheets of 1859. We have taken full advantage of our powers because the experience gained in the present proceedings has convinced us that if any point is left open to the smallest doubt, advantage is taken by subordinate officials to foment disputes for their own ends. Thus the one concerning the Manjhiban was undoubtedly set in motion during the proceedings of 1910 Commission, and there will be no final settlement until every pretext for asserting a claim, however vexatious and frivolous it may be, is removed."
- (d) The Acton Commission of 1926. This was a Commission appointed to determine the ownership as between Tehri-Garhwal State and Tibet of most of the country which is in dispute in the present proceedings. Mr. Acton was not able to agree with the Tibetan representatives as to the whereabouts of the boundary but his separate report contains much that is of interest in connection with the present dispute.

We both concur in the statement of the case contained in the above six paragraphs. We append separate findings.

(Sd.) E. A. R. EUSTACE,

(Sd.) R. H. WILLIAMSON,

Superintendent, Hill States, Simla.

Political Agent for Tehri-Garhwal.

March 1st, 1935.

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 affluent the Jadhganga through what is admittedly Tehri territory. Nilang itself is reached within 20 miles of the higher villages of the Thaknor pargana of Tehri State. As against this direct and easy communication Bashahr State must 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 Baspa 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 recognised Nela Pass which leads to Harsil one of the upper villeges of Thaknor.

The higher villages of the Thaknor pargana, which shelter the Jadhs during the winter, join the Jadhs in sending up all their flocks to graze in the upper Jadhganga valley during the summer months. It is nowhere claimed that the Bashahr people graze in this area-with the exception of a claim to grazing in the Chor Gad which the Jadhs 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 Jadhs.

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 Bashahri official has visited Nilang in their time. They deny that there is any direct route to Bashahr permitting of access without passing through Tehri territory. They say that they do not trade with Bashahr, but only visit Rampur at the time of the yearly fair for making purchases of necessities. They assert that Tehri State maintains the road up the Jadhganga valley to the Jelukhaga Pass and utilise the forest from the confluence of the Bhagirathi and Jadhganga as far as it goes up the valley of the latter. They call themselves Garhwalis and say that they speak the Garhwali dialect and do not know the dialect of Bashahr.

The Tehri darbar file records of 230 cases in which Jadhs were parties on one side or both. These eases cover the period 1874-1925 A.D. We have examined some of these to discover in how many instances the crime or cause of action was placed in Nilang-since the Jadhs spend most of the year in what is admittedly Tehri State. As the files have been weeded it is very difficult to determine this point. But it is at least clear that over all this period the Jadhs 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, 1860, 1873, 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 produces the records of so called settlements in 1892 and 1928. As regards the former, while we are shown jamabandis of records of demand against individuals there are no records of collections except of two lump sums in 1898 and 1904 shown in a State ledger. The map accompanying these records is obviously maccurate and indeed raises a doubt as to whether there were any settlement proceedings at all in the ordinary sense of the word. Subsequent to 1904 there are no realisations. In 1928 the arrival of a survey party from Bashahr evoked immediate protest from Tehri. This was obviously a gesture on the part of Bashahr consequent on the Tehri claim of 1926 (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 Jaths. For Tehri this was not difficult, since the Jadhs were bound to spend half the year in that territory. As the evidence shows, the headmen of Mukhba and Darali or any State officer in those upper Thaknor villages was the agency employed for such realisations. As regards Bashahr it would seem that at that period the Jadhs used regularly to trade to Rampur the capital of that State—a practice which they have for the last generation at least given up. In some sense however Bashahr undoubtedly considered the Jadhs to be their subjects, for there is evidence that in 1871 there was correspondence between the Political Agents of the States in regard to a protest by Bashahr that Tehri was interfering with their collections.

The conclusion would seem to be that both States asserted their rights to tax the Jadhs up to the year 1892, after which the Bashahr claims weakened until they were revived again by the prominence given to Tehri's claim against Tibet in 1926.

During the present century Tehri has made a bridged road up to Gartaga and also maintains a rough road between Gartaga and Nilang. It exploits the forest up to the tree limit about Lamathata. It has established a school at Nilang. In a word, the interests of the Jadhs are now entirely bound up with Tehri in trade as in everything else.

Coming next to the evidence of the maps it may be admitted at once that the whole of the Jadhganga valley down to Nilang has consistently been shown in all surveys of the Government of India (except the last) to be in Thibet. Nilang itself has been placed always on the right bank of the Jadhganga and within the boundary of Bashahr. Jadhung has never found a place. The trijunction of the boundaries of Bashahr, Tibet and Tehri-Garhwal is always shown on the right bank just at the village site of Nilang. The Hodgson and Herbert boundary line differs from these surveys in placing the Garhwal boundary a great deal further south, but that line has never been acknowledged as correct and certainly is incorrect in that it excludes from Tehri-Garhwal the upper villages of Thaknor pargana such as Harsil, Mukhba and Darali which have never been claimed by Bashahr.

It was on the Atlas sheet of 1859-60 and its derivative the map of 'Simla with adjoining Native States' that Messrs. Emerson and Barker based their finding in 1912 that the boundary between Tehri and Bashahr States should be the boundary as shown in those maps. They thereby maintained the trijunction point as given by the Government of India Survey upto their time. They were adjudicating from a distance of over 100 miles and they had not before them any dispute as to Nilang and the Jadhganga valley or the allocation of the Jadhs to one State or the other. They did not strictly adhere to their own principle of following the watershed line, for otherwise they would have seen that the Chor Gad would not go to Bashahr. But their decision was accepted and was approved by Government. It would be against the interest of finality and continuity in decisions to re-open that question of the Chor Gad again. Therefore it seems clear that Tehri must give up its claim to the Chor Gad and Bashahr must also fail in its claim to the Gartaga area on the left bank of the Jadhganga.

We have said in our joint note that Nilang village is now an established settlement on the left bank. The configuration of the country shows that its cultivation must always have been on the left bank. It is inexplicable how at the time of Mr. Kinrey's visit in 1878 the village site should have been on the precipitous right bank. But at any rate the fact that the Jadhs and their cultivation are now established on the left bank rules out the claim of Bashahr to sovereignty over the Jadhs. It is mainly on that basis that Bashahr now assert a title to Jadhang, the other village of the Jadhs in the Jadhang Gad. While Tehri can consistently claim that the whole Jadhganga valley is theirs as being part of the Ganges basin, Bashahr cannot advance any such geographical argument. Their claim to this area must rest solely on the evidence of administration, though they have in the last stage of the enquiry produced evidence of an alleged grant of this territory two hundred years ago.

The Sanads restoring territory to the rulers of Garhwal and Bashahr after the Gurkha occupation give no indication in respect of the area now in dispute. There was no official pronouncement from that time up to the date of the Emerson-Barker Commission. That Commission did not do more than define a boundary line from west to east along a well defined range. It is only now that the Bashahr State has advanced a treaty claim to the whole Jadhganga valley. They produce a sheet of copper roughly stamped or incised with Hindi characters and similarly

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stamped with what purports to be a 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 Gartang Gad, Nilai g and Jelukhaga.

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 as well be two or twenty as two hundred years old. An argument has been raised over the fact that the date given on the plate is later than the date of the Raja of Garhwal therein mentioned. But since the date of the death of that Raja is disjuted 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 Sanad after the Gurkha occupation, nor did they refer to it in 1871 when there was a rival assertion of claim to tax the Jachs 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 (paregraph 4 of our joint note). Since the supposed date of this inscription the Rajas of Garhwal, as the gazetteers show, advanced their boundaries, the Gurkhas invaded, 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 Jadhs and to the area in dispute must be considered in every way strong at than that of Bashahr. It is regrettable that owing to some mishap 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 Jadhs and their villeg. Nilang, the use by other Tehri subjects of the Jadhgapga valley as a grazing ground, the residence of the Jadhs for mere than half the year in Tehri territory, the mass of records of jurisdiction by Tehri Courts, the maintenance of communications along the Jadhganga 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 Gartagar (or Gartang) Gad, the Jadh Ganga, an the political boundary between Tehri and Bashahr as determined by Messrs. Emerson and Barker and as shown in Survey sheet 53. I. 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 Gartagar 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. 3159-S.-Pol., dated the 9th October 1912, and by the Government of the United Provinces in their letter No. 1439/4/57, 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 MS281FD

survey map "district Simla with adjoining native states". This boundary, as stated above, is the boundary marked on survey sheet No. 53. I. Chini (1932). It will be seen from reference to sheet No. 53. I; that the Gartagar triangle now claimed by Bashahr is on the Tehri side of the settled boundary; Bashahr have not suggested any act of administration on their part or other consideration (save 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 their side of the settled boundary.

(b) The Chor Gad.— The Chor Gad, a right bank tributary of the Jadh Ganga, is marked on sheet No. 53. I. It is claimed by Tehri on the ground that the inhabitants of their northern parganna and the Jadhs 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 act 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 Nithal to the head of the Gad is shown in a printed state map* prepared during the period of Mr. Emerson's managership, and have called two or three oral witnesses. It seems probable that if the question whether there is really a track from Nithal 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 Jadhung.

(d) Jadh Ganga basin.—These may be discussed together. The situation will be clear from the four miles to the inch survey sheets Nos. 53. I. Chini (1932), and 53. M. Tolingmuth (1930) (preliminary edition). 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 Jadh Ganga. Jadhung, 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, Jadhung and the Jadh Ganga basin I have been in considerable difficulty. The first question to consider is I think whether there are any past orders, decisions or agreements effecting the question.

(i) The Emerson-Barker decision of 1912.—In the Emerson-Barker report (approved by both Governments) it was recommended that the inter-statal boundary would be along the line of peaks towards the Kimilay and Nilang passes, ending "in the Nilang pass about 13,000 feet" as shown in atlas sheet 47 of 1895, and the map "district Simla with adjoining native states". Both these maps show Nilang on the right bank of the Jadh Ganga, though whether or not also within Bashahr is not quite 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 11,300 feet, but it must I think have been this which Messrs. 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 Messrs. Emerson and Barker to the boundary as shown in the atlas sheet of 1859, 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 Jadh Ganga. Nilang village of course is now on the left bank of the Jadh 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 saving that I think it was given to Tehri. In both the maps the boundary seems to end at Nilang.

(ii) The sanads of the states.—The territory restored to Bashahr after the expulsion of the Gurkhas is described in words in sanad No. 25 at page 71 of Aitchison's Treaties, Volume I, 1931. It is stated that the Governor General confers upon Raja Mohindar 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

after the expulsion of the Gurkhas is described in words in sanads Nos. 18 of 1820 and 19 of 1824, at page 48 of Aitchison's Treaties, Volume II, 1929. Similarly, in these sanads 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 Herberts map: Tehri map of 1902.— In the case of Tehri-Garhwal although no statement of the boundaries of the territory restored seems to have been drawn up at the time of the issue of the sanads, 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. This is the map of 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 Jadh Ganga basin in Tehri. Hodgson and Herbert's map was not produced before the Commission, and although one gathers from Mr. Acton's report that it was approved by the political authorities of 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-Garhwal, 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 1902 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 Herbet. It appears from this map that in 1902 Tehri darbar did not regard themselves as the owners of any land north of the Hodgson and Herbert 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 Prithwi Pati Shah of Garhwal, and the names of 10 Tehri witnesses. It recites 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 Harsil. 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 archæological 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 Prithwi Pati Shah of Garhwal. The Bashahr representative himself however pointed out that in the pedigree table contained in the United Provinces official "manual of title". of titles" (corrected up to January 1929) Raja Prithwi 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 so far as their information goes the date of death of Raja Prithwi 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 Harsil is genuine, then in view of the fact that the Hodgson and Herbert map of 1817 fixes the boundary below Lamba Thata, and of the further fact that in 1902 Tehri darbar do not themselves appear to have claimed any other boundary, there seems a good deal to say for the view that on these documents Nilang and the country north of it are not the property of Tehri. Harsil mentioned in the copper plate is not however of course now claimed by Bashahr, the country north of Harsil up to Nilang being indisputably Tehri territory. Similarly the country north of the Hodgson and Herbet line between Lamba Thata and Nilang is also now indisputably Tehri territory. Mr. Williamson and I agree

^{*} Map No. 3640-1100 see statement of Mian Daulat Ram, the Bashahr representative,

^{*} Moorcroft's Travels, Volume I, Chapter I; page 15 in John Murray's edition of 1841.

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 Harsil 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 are to be departed from in respect of the country up to Nilang, there is any reason for adhereing 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, those boundaries have since been modified by occupation and sufferance 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 darbars 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 darbars not over Nilang and the Jadh Ganga basin themselves-for there is no evidence of the construction of roads or the like at that period-but over the Jadhs. Both darbars up to 1892 fined the Jadhs 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 dues levied upon the Jadhs for 1829, 1847, 1860, 1873 and 1903 though from the fact that according to their own map they did not in 1902 claim anything north of the Hodgson and Herbet line it would appear that these dues must have accrued during the period of the winter residence of the Jadhs in Harsil. The first regular settlement was made by Bashahr in 1892, and thereafter revenue was collected (with arrears) in 1898 and 1904. Thereafter however Bashahr can point to no act of administration on its part up to 1928 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 1928. As regards evidences of Tehri administration after 1892, the year of the first Bashahr regular settlement these also are scanty. It will be seen from entries 10 and 11 in the general list of Tehri documents that from 1886 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 Jadhung were first settled by Tehri. The above documents apart there is evidence that in 1908 Tehri were carrying northward their road from Lamba Thata, 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 Jadhs. 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 Harsil or in the disputed territory. It is however a fact that no cases between the Jadhs were ever taken to the Bashahr courts, nor could they have been unless the suitor 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 Jadhs, though not as might be expected in the circumstances a very elaborate administration, up to 1892. In 1892 Bashahr carried out their first regular settlement of Nilang and Jadhung 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 Bashahr may originally have had a good claim to Nilang and Jadhung. I also think that the correspondence of 1872 between the Raja of

Bashahr, the Superintendent Hill States and Sir Henry Ramsay, the Commissioner of Kumaon, does suggest that the title of Bashahr over Nilang and Jadhung was at that time admitted. There is however no doubt that since 1892 Bashahr have really taken no interest in Nilang and Jadhung which since 1920 have definitely been administered by Tehri, and I agree with Mr. Williamson that the interests of the Jadhs 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 Bashahr 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 Jadhs.

It may be useful to state what, on the result of my finding, will now be the Bashahr and Tehri boundaries. The Bashahr 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 line 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 water shed 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 Bashahr, be assigned to Tehri. Actually of course the whole of the Jadh Ganga basis is shown on every map except the issues of 1930 and 1932 as Tibetan territory, but it will doubtless be expedient that the Tibetans should be kept back behind the Jelu Khaga pass and the eastern water-shed of the Jadh Ganga basin.

(Sd.) E. A. R. EUSTACE,

9th March 1935.

Superintendent, Hill States, Simla.

Nore.—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 he 28th February 1935. This supersedes the list prepared at Uttar Kashi 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. Mackdonald and Hood visited Nelang and requesting His Highness to punish the Nelang people if they deliberately refused to serve as guide.
- 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 Adrals 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 as having been complained of by inhabitants of lower Taknore.
- 6. S. 1925 (1869 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 (1869 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 Jad of Nelang Taknore.

- 9. S. 1938 (1882 A.D.). Entry from state accounts showing Re. 1 as stamp duty from Gablya 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 Sukhnand Jad of Nelang.
- 11. S. 1966 (1910 A.D.). Report of patwari of Halqa Taknore against Jads of Nelang for failure to supply horses.
- 12. S. 1970 (1914 A.D.). Report of Forest Guard, Harsil Beat, Taknore Range against Barman Singh of Nelang for having killed two "burars". Accused fined Rs. 11.
- 13. S. 1974 (1918 A.D.). Application of Jads of Nelang and Jadung praying for the appointment of Malguzars Ishwari, Mauliya and Angdu.
- 14. S. 1976 (1920 A.D.). Report of Panch Jads of Nelang praying for appointment of new malguzars. Panchram and Kutkapa appointed as malguzars.
- 15. S. 1977 (1921 A.D.). Report of the school master at Nelang requesting for enforcement of regular attendance of Jad boys in the school.

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

- 16. S. 1885 (1929 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 1886 (A.D. 1829). Contains on page 19 the a sessment of Nilang 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 for Sambat 1918 (1860 A.D.) showing assessment at Rs. 51 to be recovered from Nilang through the headmen of Mukhba, Dharali, Suki and Jhala.
- 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 Khatauni of two pattis (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 Jadhung at Rs. 11.
- 7. Order of Tehri Chief Court dated Sambat 1968 (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 Jadhang.

43 records of civil cases of village Nilang.

10 records of civil cases of village Jadhang.

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 Jadhang.

Two civil cases of 1880 and 1921 A.D. as relating to disputes in Jadhang. All in the Tehri courts or in the panchayat of Jadhs.

Oral evidence produced by Tehri.

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

The Tehri darbar manages the forests up to Nilang in the Jadh Ganga valley. There are no trees above Nilang. The Jadhs of Nilang and Jadhung pay revenue to the Tehri darbar. We have never paid revenue to Bashahr nor have Bashahr ever claimed it. Jurisdiction over the Jadhs 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 Jadhs 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 Jadhs 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 Jadhang 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 an 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 Jadhs have never complained to Tibet that the Tehri Government has made a survey of our land or erected boundary marks.

In my time we have never presented any nazar to Bashahr. We call ourselves Garhwalis, not Bashahris or Bhotias. We speak a Garhwali language among ourselves. I do not know the Bashahri language. Nor do any Jadhs as far as I know. The principal road to Bashahr is from Uttar Kashi through Rewain. There is a road from Harsil 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 Jadhung Gad, and everywhere between Suki and the Jelukhago 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.

(Sd.) R. H. WILLIAMSON.

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, Dantu 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 Magh. So do people from all directions-Afghans, Tibetans, etc. I am not a foreigner married into Nilang. I am

I pay 61 annas revenue for my land in Nilang and 41 annas for my land in Bagori (Harsil) and 81 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 1960 Sambat, I was at school then. I have seen forest work done in the Chor Gad valley by a thekedar Pt. Ghana Nand of the Tehri darbar. There has only been one census in my time conducted by the Tehri darbar I remember the following cases between Jadhs which actually arose during our stay in Nilang :-

- 1. Dhyan Singh vs. Garda ... A criminal case, in Jadhung, 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 khul-7 or 8 years Re. exd.

My present assessment is on a settlement of 1892 S. conducted by Pt. Ram

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

By P. A. Telri.

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. The 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 Dei Gad.

There was always a panchayat of the Jadhs. Since 1974 S. they have kept records. The Tehri darbar appoints the punches. I have been a punch since

(Sd.) R. H. WILLIAMSON.

26th October 1934.

2. Pt. Vidya Datt, 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 prohit of the Jadhs. Formerly we malguzars of Mukhba were malguzars for Nilang and Jadhang. I produce receipts given by the thanedar of Thaknor pargana for the land revenue realised by the malguzar of Mukhba from Nilang and Jadhang. My great grand father was thanedar of the pargana. (Exhs. a of 1914 S., b of 1920 S., c of 1920 S.) Also a written judgment in a Jadhang case. We Mukhba people also trade with Tibet through the Jelukhaga 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 herds graze in all the side valleys of the Jadh Ganga up to the Jelukhaga. No one has ever stopped us. For as long as I remember the Tehri darbar has administered up the Jelukhaga.

The Jadhs deal with smaller cases through their own panchayat. Important cases are tried at Uttar Kashi by the deputy collector there.

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

The Jadhs are Hindus and Rajputs. They inter-marry among themselves Bashahris coming on pilgrimage or trade come through Rawain and Uttar Kashi-There is another way through the Nela Pass which is only open for one or two months. It comes to Harsil. 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 Jadhang. Nor ever heard of any such officer coming before my time-

The Jadhs speak among themselves a form of Garhwali. They have no relations with Bashahr.

XD. by Bashahr representatives.

I am also prohit 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 I. Samber 1913 (487 A.P.). Original in These

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 Jadhang. I pay the revenue into the Tehri darbar. The Tehri darbar cut the forests from Harsil 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 Jadhs 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 Jeluknago. The road is kept up through the villages of Dharali and other high villages of the valley and through the Jadhr. The Tehri darbar does the major repairs. My forefathers were malguzars of the Jadhs.

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

Also a receipt dated 18.... S. (last two figures missing) for Rs. 23 from 'Nilang Jadh ' given by thanadar Thaknor to Azmat. 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 given by the Jadhs recognising my grandfather as their headman dated S. 1930. 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.

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 Jadhang 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

goat enclosures. There were 10-12 families living in the place where the landslip occurred. They left that place and came to the main village. There was never any steam at the place where the landslide occurred.

XX. Nil.

26th October 1934.

(Sd.) R. H. WILLIAMSON.

List of documents produced by Bashahr representative.

- 1. Sambat 1913 (1857 A.D.). Original in Tibetan, and translation of an iqrarnama given by the Zang and Choungsa people to the " Ala hakim " (not otherwise specified). In the Tibetan language. Purporting to be given by the Mukhia and two others of Choungsa 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 wale.
- 2. Sambat 1914 (1858 A.D.). Original in Tibetan and translation of an iqrarnama given by the people of Choungas and Zangpa, further described as Zang Choung wale. Addressed to the "Ala Munsif of the time being". Engages to pay revenue (salt) to the Puari wazir.
- 3. Sambat 1927 (1871 A.D.). A document in Bashahri tankra script (a form of Hindi), bearing a Bashahr seal-and translation. Purporting to be a letter from Maharaja Shamsher Singh of Bashahr to the "Choungsa, that is, Nilang people. Calling on them to give aid (kharcha) according to past practice in the repair of the Durbar Kila of Kamru (in Bashahr).
- 4. Sambat 1930 to 1949 (1874 to 1893 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 Choungsa 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 muharrirs.
- 5. Sambat 1925 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 Choungsa and paid to Lumba Chering (said to be a servant of Bashahr darbar). Four entries dated 1925, 1927, 1928, 1931-
 - (a) Sambat 1925. Choungsa 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 1928. 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. 256 in connection with a certain land dispute. Not stated from whom but was paid to Lumba Chering.

Above extracts certified by Shiv Lal Muharrir 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 Choungsa and Zang. States that certain revenue (khrad) 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 Jadhs 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 Jadhs had been fined Rs. 50 and that in Sambat 1927 the Jadhs have filed an iqramama a copy of which is enclosed. Acknowledges receipt of this complaint and says that he (the Superintendent) has filed the papers. Adds that "Ramji 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 are our 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 defaulters property, and that a further report should be submitted if Mr. Wilson still interferes.
- 10. An Urdu document entitled " tarjuma igrarnama nawishta zamindaran Choungsa ". 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 Tasparanzong (magistrate) the zamindars of Zang and Choungsa 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— Margod Ganga Da on behalf of ilaqa Chini ". Added beneath in continuation in same writing—" written at (?) Tanglikhdi. This iqrarnama was written 60 years ago in the month of Maghsir (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 Choungsa land. That he has sent a deputation to Baghori 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 8th month. Year not given. Relates that the Choungsa people have complained to him that in 1976 the conservator of forests Tehri has put up pillars on the Bang Kyog (? Jelu Khaga pass) and in the following year he, the conservator, surveyed Choungsa 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 Shamsher Singh of Bashahr. Dated S. 1917 (1860 A.D.). Addressed to the kamdar of Kamru fort instructing him to pay money to Lumba Chering who was going to Choungsa.
- 14. An order in Pahari Hindi script from one Bishtu Murari (apparently a Bashahr official) directing the lumberdar of Sanglah village in Bashahr to hand in at Kamru some of the goats his people had recovered from Choungsa. Dated month of Bhadon but no year given.
- 15. Sambat 1952. Copy of a parwana from the tahsildar of Chini in Bashahr (original not produced), acknowledging receipt of gifts made by 43 Choungsa men to Tika Raghunath Singh of Bashahr on the occasion of his visit to Chini tahsil. The parwana is addressed to one Rati Ram Panda.

Bashahr papers produced at Simla on the 28th February 1935.

- I. 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 Udey Singh of Bashahr out of love so long as good relations exist the territory up to the Gartang Nala and retention by Raja Udey Singh for himself, territories above Gartang Nala on both sides of Jadh 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 chharari rice (24×30 seers) to the agent of Mansukh Dass wazir yearly or in default to pay Rs. 60 dated S. 1900 (original in tankri) 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 Kumaon and stating amongst others that Nilang and Jadong 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 kelu that is deodar trees for Rs. 421-5-3 in 1861 A.D. to Dulu Shah.
 - (ii) 149 deodar trees for Rs. 460-15-0 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. 1985 (1928 A.D.) for bringing a kuhl to water the newly broken up lands in Chargad 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) Khasra Paimaish of the two.
 - (d) Jamabandi of Jadung and Nilang S. 50-54.

(10) 0 444	Trees certains as	4		O
(e)	,,	"	33	S. 55—59.
(f)	**	1)	"	S. 60—64.
-(g)			n	S. 65—69.
(h)	,,	39	***	S. 70-74.
(1)	11	,,	,,	S. 75-79.
(i)	THE COLUMN		,,	S. 80-84.

- (k) Kistbandi.
- 2. Sambat 1986-
 - (a) Masavi of Nilang.
 - (b) Masavi of Jadung.
 - (c) Field book for both.
 - (d) Khatuni 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 Chungsa.

Year.	Karadh (land revenue). Fine.
1. St. 1873—1883	(a) Salt 10 chharari	Rs. 5
	(b) Karakti 10.	2 goats.
	(c) Sik 15 seers.	
2. St. 1884 to 1893	(a) Salt 10 chharari	(a) Rs. 7.
	(b) Karakti 10.	(b) One goat worth Rs. 3.
	(c) Sik 15 seers.	
3. St. 1894—1902	(a) Salt 10 chharari	(a) On account of fight between two zamindars, Rs. 15 and 3
	(b) Karakti 10.	khadus.
	(c) Sik 15 seers.	

	54	
Year.	Karadh (land revenue).	Fine.
4. St. 1903—1906 .	. (a) Salt 4 chharari	(a) Ram 1.
1. 00.1000	(b) Karakti 4.	(b) Goats 2.
	(c) Sik 6 seers.	(c) Cash Rs. 3.
5. St. 1907—1910 .	. (a) Salt 4 chharari	(a) 2 men of Nilang fined Rs. 7
	(b) Karakti 4. (c) Sik 6 seers.	and 2 goats worth Rs. 6 and a khadu for fight over a woman of Jadang.
6. St. 1911—1914 .	. (a) Salt 80 chharari	(a) Four goats.
0. St. 1911—1914 .	(b) Karakti 4.	(a) Tom Boune
	(c) Sik 6 seers.	
7. St. 1915—1918 .		(a) Rs. 5.
8. St. 1919—1920 .		(a) 2 zamindars of Jadang fined
		Rs. 11 and 2 goats worth Rs. 5.
9. St. 1921	. (a) Salt 20 chharari	For having fought over boundary of fields.
10. St. 1922	. (a) Salt 20 chharari	One Phuchak fined Rs. 15 and 2 khadus for having enticed a woman.
11. St. 13 Baisakh 1923.	. (a) Salt 1 chharari 7 tamath.	
	(b) Karakti 150 haths.	
	(c) Sik 2 seers.	
12. St. 1926	. (a) Salt 1 chharari.	
	(b) Karakti 150 haths.	
	(c) Sik 2 seers.	
13. St. 1927	. (a) Salt 1 chharari	(a) Fine Rs. 10. Again Rs. 15.
	(b) Karakti 150 haths.	(b) 6 kids worth Rs. 9.
	(c) Sik 2 seers,	(c) 3 goats worth Rs. 9, 1 ram Rs. 3, khadu worth Rs. 3.
14. St. 1928	(a) Salt 1 chharari 7 tamath.	
	(b) Karakti 150 haths.	
	(c) Sik 2 seers.	
15. St. 1929	(a) Salt 1 chharari 7 tamath.	
	(b) Karakti 130 haths.	
	(c) Sik 2 seers.	
Goal Bahi Year.		
16. St. 24th Karatak 194	(a) Register of karadh	Fine Rs. 254 realized from Nilang and Jadang people through Jup Chharing vakil.
17. St. 1942	(a) 9 goats worth Rs. 49-8-0.	
	(b) Cash 0-8-0.	
	(c) Silver kangra 33.	
	(d) 5 goats worth Rs. 25.	
	(e) Rs. 65-2-0 from Jadang people alone through Labh Jit.	
18. St. 1943	Through Labh Jit from Nilang and Jadhang people:—	The second second second
	(a) 3 sheep worth Rs. 3 from Aru Garhwali.	
	(b) 2 khadus worth Rs. 6, cash Rs. 6 from Aru Garhwali,	
	(c) Saku Chharing for selling Jan to Aru Rs. 2,	
Monare	(d) from Khagwa Tangwa for bringing deceased goats Rs. 5,	
MS2S1FD		G

Goal Bahi Year.

Karadh (land revenue).

18. St. 1943—contd. .. (e) Giachho Rs. 4,

- (f) from Zampa Charring Rs. 5,
- (g) Rs. 7 from Nilang people in connection with the abduction of Mst. Chhot,
- (h) Tangji of Nilang fined Rs. 12 for quarrelling with Sanama Julahu and Nanmar Datasi,
- (i) Tangji again fined for quarrelling with these people. Rs 30,
- (j) Nethu Nanmen Datasi for quarrels in (h) and (i) above Rs. 22,
- (k) Phant Rs. 8,
- (l) from Gialtud of Chhongsa on account of bond 5 goats worth Rs. 25, 7 khadus worth Rs. 24-8-0, rice 4 chharari worth Rs. 8, 6 phadi worth Rs. 3.

19. St. 1946 ...

- .. (a) Salt 1 chharari 7 tamath.
 - (b) Karakti 130 haths.
 - (c) Salt in lieu of sik 1 chharari 7 tamath.
- 20. St. 1948 .. .
- .. (a) Rs. 4 in lieu of salt and sik.
 - (b) Karakti 140 haths.
- 21. St. 1953 ...
- ... Entry of deposit of Rs, 36 (mentioned in Ex. 15) in Register Siah Tehsil Chini,
- 22. St. 1956 Chet Rs. 4. Har Rs. 110-3-9.
- 23. St. 1962 Rs. 104 realized as land revenue from Chhongsa,

(Sd.) KEHAR SINGH.

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 Jadh Ganga, it represents banjar land;
 - (b) the Jadh 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 girdawar and Dilsuk patwari.

3. A jamabandi of Jadung and Nilang dated Sambat 1980-81 (A.D. 1923-24) which is stated to be the last year of the 1892 Settlement.

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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. Dhani Ram, Kanungo of Bashahr State.

When the Acton Commission came to Nilang I travelled from Bashahr to Nilang by the Chor Gad. There was with me a lambardar of village Rakshan, Sukhjit; also Dwarka Das zamindar 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.

(Sd.) R. H. WILLIAMSON.

26th October 1934.

Maid Daulat Ram, representative of Bashahr State.

I enter in evidence the map of Bashahr State herewith (photo zincographed at Roorkee, 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 Jadh 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.

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

Statement of-

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

Nand Ram, son of Barkat Ram, village Raksham, 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 Jads 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.

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 Gartang Gad, Nelang and Jelukhaga and the areas comprised within their boundaries, were in the sovereignty of the Tehri State till the year 1723 Sambat A.D. 1788, when it was made over to 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 Nelang was known as such as 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 Tukpa pargana in the Kanawar Illaqa adjoining the Taknore 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 Jadganga 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 Nelang 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 toto 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 Nelang 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 Nelang pass, described as situated at a height of 13,000', Nelang village (height 11,310') without any pass in its vicinity could not possibly have been meant. Nor could it be possibly identified with Jelukhaga (Sangehokla) with its height of 17,490'. From Mr. Kenny's report, page XIV, line 14, it is obvious that there are two passes at the head of the Nelang 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', 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 Nelang valley, if the eastern pass is the Jelukhaga pass, the western pass not so far specifically named, can in ordinary language be called as Nelang 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 Jadganga 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 resumé 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 Nelang 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 tyrrany and oppression and that Nelang was one of such villages. Soon after the restoration of Maharaja Sudershan Shah to this ancient possessions Mr. William Fraser and two or three years afterwards Hodgson and Herbert made journies upto 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 Sudershan Shah. Till about the end of the regime of Maharaja Sudershan Shah from 1815-59, the area in the vicinity of Nelang 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 Taknore pargana from Maharaja Sudershan 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 Kunawar in Bashahr State, to settle at Nelang and established a hamlet of Nelang at Jadung, and carried administration on behalf of Maharaja Bhwani Shah in these areas. There being no trade mart in the vicinity of the Jelukhaga pass, the Jads of Nelang 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 Nelang 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 1827 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 Nelang 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 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

6. As regards jurisdiction and sovereignty of the Tehri State over Nelang, 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 repeated, 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 whether by interested parties or otherwise during survey operations. The reasons why the Jads of Nelang 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 Nelang for acts done at Nelang, 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 Nelang 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 remonstrances 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 Nelang 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 Nelang 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 Nand Khanduri and Dr. Ganga Bishen Tiwari, Ph.D., Forest Member of Tehri-Garhwal State, were opened with the Tibet Government for giving trade facilities to the Nelang and Jadung subjects of the Tehri State, resulting in the establishment of a trade mart at Thuling.

(Sd.) CHAKRA DHAR JAYAL, Rai Bahadur, I. P. S. (Retd.), Dewan, Tehri-Garhwal State.

List of maps, etc.

- 1. Atlas Sheet No. 47 of 1859.
- 2. District Simla with adjoining Native States (Survey of India).
- 3. Latest Survey of India sheets 53 I and 53 M.
- 4. Survey of India sheet 364-S. 02 (Kinney's survey).
- 5. Map of Bashahr State.
- 6. Map of Tehri-Garhwal State-Hindu script (showing their claim).
- Map of the disputed area filed by Bashahr State to show their claim. (Tracing on oil paper).
- 8. Field map of Nilang Village—Tehri Settlement of 1923.
- 9. Field map of Nilang Village-Bashahr Settlement of 1892.
- Field map of Nilang Village—Bashahr Settlement of 1928.
- 11. Jadhang Village-Bashahr Settlement of 1928.
- 12. Map entitled "Thibetan Border & Trade Routes" filed by Bashahr.
- 13. Photographs of Right and Left Banks of Jadhganga River at Nilang. Taken during visit of this Commission.

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.

Tehri-Tibet boundary dispute.

I am directed to refer to the correspondence ending with Letter from the Government of India in the Foreign and Political Department, No. F.76-X/34, dated the 9th May 1935. The Government of India observe that, although the findings of Messrs. Williamson and Eustace 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 shewn in the survey.
- (d) As a consequence of the above finding, Nilang and Jadhang, the only two permanent settlements in the Jadhganga valley, should be assigned to Tehri.
- 2. I am to enquire whether the joint findings of Messrs. Eustace and Williamson relating to the inter-statal boundary, as defined above, have the concurrence of the Government of the Punjab 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. Eustace's finding.

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3. The inter-statal 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 Jadhganga valley.

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Copy of a letter No. 7172-S-Pol/I.S., 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. Caroe's letter No. F.76-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 Eustace and Williamson relating to the Tehri - Bashahr boundary as defined in the letter referred to above.

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Copy of adector No. 7172-3-Fol/1.3., deted Simls, the 20th September 1930, Item the Cut of Decretary be the Covernment of the Panjab, to the Port and Decretary to the Covernment of India, Simis.

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resting mith in. Oursel a'sout . mi him maisser the Std September 1920, and, in really, so inform you ne Tenri - Pannenr boundary as defined in the letter . OVODE OF DOTTE 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 Jadhganga, opposite Nilang itself, be awarded to Tehri-Garhwal State. The area in dispute is taken to include the whole valley of the Jadhganga from its source of Gartaga and not merely the villages and adjoining cultivation of Nilang and its hamlet Jadhang.