

**REPORT OF THE OFFICIALS  
OF THE  
GOVERNMENTS OF INDIA  
AND THE  
PEOPLE'S REPUBLIC OF CHINA  
ON THE  
BOUNDARY QUESTION**

**MINISTRY OF EXTERNAL AFFAIRS  
GOVERNMENT OF INDIA**

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This Report was submitted to the Governments of India and China by the Indian and Chinese Officials who met in accordance with the Joint Communiqué issued by the two Prime Ministers on 25 April 1960. The Report starts with the joint statement of the two sides, giving the background of their talks, and forwarding the Report to the two Governments. Each side has then given its own account of the statements leading to the adoption of the agenda; and this is followed by the agenda that was finally agreed to by both sides. Thereafter, each side has written its own report. The English translation of the Chinese report was supplied by the Chinese side, with the proviso that this translation should be treated as unofficial, the authoritative text being that in Chinese.

The joint statement, the statements of the two sides regarding the adoption of the agenda and the agreed agenda are on pages 1 to 12. Fresh numbering is used for the Indian report, which consists of 342 pages. Then follows the Chinese report on pages CR-1 to CR-213.

Ministry of External Affairs,  
Government of India.  
February 1961.



**REPORT OF THE OFFICIALS OF THE GOVERNMENTS OF INDIA  
AND THE PEOPLE'S REPUBLIC OF CHINA ON THE  
BOUNDARY QUESTION**





1. The Prime Minister of India and the Premier of the State Council of the People's Republic of China met in Delhi from the 19th of April to the 25th of April 1960 to discuss certain differences relating to the border areas which had arisen between the Government of India and the Government of the People's Republic of China. The two Prime Ministers explained fully the respective stands of the two Governments and as a result, there was a better appreciation of the points of view of the two Governments. The talks, however, did not resolve the differences that had arisen and the two Prime Ministers decided that officials of the two Governments should examine the factual materials in the possession of the two Governments in support of their stands.

2. The Joint Communiqué issued on the 25th of April 1960 at the conclusion of the talks of the Prime Ministers in Delhi embodied their decisions and served as a broad directive for the official teams who were to undertake the examination envisaged by the Prime Ministers. The Joint Communiqué *inter alia* stated as follows:—

“The two Prime Ministers, therefore, agreed that officials of the two Governments should meet and examine, check and study all historical documents, records, accounts, maps and other material relevant to the boundary question, on which each side relied in support of its stand, and draw up a report for submission to the two Governments. This report would list the points on which there was agreement and the points on which there was disagreement or which should be examined more fully and clarified. This report should prove helpful towards further consideration of these problems by the two Governments.

It was further agreed that the officials should meet from June to September, 1960, alternately in the capitals of the two countries. The first meeting should take place in Peking and the officials would report to the two Governments by the end of September, 1960. During the period of further examination of the factual material, every effort should be made by the parties to avoid friction and clashes in the border areas.”

3. The two Governments accordingly designated the following teams of officials to meet and study the documentary materials in accordance with the decisions of the two Governments :

#### INDIA

- |                        |  |
|------------------------|--|
| 1. Shri J. S. Mehta    | Director, China Division, Ministry of External Affairs (Leader). |
| 2. Dr. S. Gopal        | Director, Historical Division, Ministry of External Affairs.     |
| 3. Shri V. V. Paranjpe | Adviser.   |
| 4. Shri T. S. Murty    | Adviser.   |
| 5. Shri G. N. Rao      | Adviser.   |

## CHINESE

- 1 Mr. Chang Wen-chin      Director, First Asian Department, Ministry of Foreign Affairs (Leader).
2. Mr. Yang Kung-su.      Director, Tibet Bureau of Foreign Affairs.
3. Mr. Chien Chia-tung      Adviser.
4. Mr. Liao Teh-yun      Adviser.

In addition, the Indian team was assisted by Dr. K. Gopalachari as an Adviser during the Delhi Session. Similarly, the Chinese team was assisted as Advisers by Mr. Tu Kuo-wei and Mr. Chu Chen-chi during the Peking session and by Mr. Ho Ta-chi during the Delhi and the Rangoon sessions.

4. The officials of the two teams have held three sessions in fulfilment of the assignment given to them. In accordance with the communique, the first session of the meeting of officials took place in Peking from the 15th June to the 25th July during which 18 formal meetings were held. At this session the agenda pattern was discussed and determined, and the first item of the agenda (Location and Natural Features of the boundary) was completed.

The second session was held in Delhi from the 19th August to the 5th October during which 19 formal meetings were held. At this session discussions on the second item of the agenda (Treaties and Agreements; Tradition and Custom) and the third item (Administration and Jurisdiction) were completed, thereby concluding the entire substantive work of examining the factual material in the possession of the two sides.

5. The Joint Communique envisaged that the officials should complete their assignment by the end of September, but the two teams realised that despite their determined efforts, the assignment given to them, because of its size and scope, could not be completed within the stipulated period. Therefore, on the 24th of September the leaders of the two official teams addressed a joint message to the Prime Ministers of the People's Republic of China and the Republic of India requesting them to extend the prescribed time-limit to the minimum extent necessary. The two teams agreed to continue in session to complete the substantive work in Delhi and suggested that after a short break a third session might be held for the purpose of completing the work and finalising the report for submission to the two Governments.

6. The Prime Ministers of the two countries were pleased to agree to this extension and, after mutual consultations between the two Governments, it was decided that the third session be held in Rangoon. The Burmese Government were good enough to agree to the request of the two Governments and made the necessary arrangements for holding the meeting in their capital.

7. The third and final session of the talks started at Rangoon on the 7th of November and after 10 formal meetings concluded today with the signing of this report.

8. The task assigned to the officials, though limited to the study of the evidence and the documentary material in support of the stands of the two Governments, was nevertheless voluminous and difficult. Moreover, the Sino-Indian Boundary question has an obvious bearing on the friendly relations between the two neighbouring countries. The two teams were fully conscious of the complexity as well as the importance of the assignment which had been entrusted to them. The following report embodies the earnest and sustained labours of the Chinese and the Indian official teams spread over a period of nearly six months. During the discussions, each side not only furnished factual material to substantiate and elaborate the stand of their own Government but endeavoured to explore the viewpoint and evidence of the other Government. It is hoped that the report will enhance the understanding of the facts relating to the Sino-Indian boundary and prove helpful to the further consideration of the boundary question by the two Governments.

9. The report is formulated in accordance with the framework which was agreed upon after consultations between the two teams. The first part of the report is an introduction summarising the discussions which led to the adoption of the agreed Agenda and the commencement of the substantive examination of the evidence. The second and third parts contain the summary of the factual material and comments brought forward by the Indian and the Chinese sides respectively in support of the stands of the two Governments. It will be observed that the statements and comments of each side in the report were drafted by the side concerned and faithfully explain each side's understanding of the factual material furnished and the discussions held during the meetings. The actual pattern within the substantive part of the report corresponds to the framework of the agreed Agenda.

10. The two teams would like to record that notwithstanding the difficulties of the assignment and the differences in the understanding of the facts relating to the question, they worked in harmony and in a spirit of cordiality and co-operation throughout these meetings.

Sd. Chang Wen-chin  
Director, First Asian Department  
Ministry of Foreign Affairs,  
People's Republic of China.

Sd. Yang Kung-su  
Director, Tibet Bureau of Foreign  
Affairs,  
People's Republic of China.

Sd. J. S. Mehta  
Director, China Division,  
Ministry of External Affairs,  
Government of India.

Sd. S. Gopal  
Director, Historical Division,  
Ministry of External Affairs,  
Government of India.

RANGOON

12 December 1960.

*Saka 21 Agrahayana 1882.*

## STATEMENTS LEADING TO THE ADOPTION OF THE AGENDA

(As summarised by the Indian side)

At the first meeting of the officials of the Chinese and the Indian Governments, the Indian side stated that the Joint Communiqué issued by the two Prime Ministers at the conclusion of their discussions in Delhi should, obviously, serve as the broad terms of reference for these meetings and an Agenda should be drawn up which would enable both sides to bring forward the documentary evidence in their possession to support the stands of the respective governments. In the view of the Indian side, this could best be done by commencing with the exchange of official maps on a roughly corresponding scale showing the delineation of the Sino-Indian boundary as conceived by the two Governments, supporting it with a precise description of the common boundary as shown in the map furnished to the other side. Thereafter, factual material could be put forward by both sides in respect of the areas where the two boundary alignments diverged. The factual material could be conveniently considered by dividing the Indian boundary into the following sectors, which were no different from the divisions which have been utilised in practice in the correspondence of the two Governments:

- (i) Western Sector (the boundary between Jammu and Kashmir of India and Sinkiang and the Tibet region of China);
- (ii) Middle Sector (the boundary between the States of Punjab, Himachal Pradesh and Uttar Pradesh of India and the Ari district of the Tibet region of China);
- (iii) Eastern Sector (the boundary between the North East Frontier Agency of India and the Tibet region of China);
- (iv) Northern boundaries of Bhutan and Sikkim on the one hand and the Tibet region of China on the other.

2. Further, for facilitating systematic work, the documentary material in respect of all the sectors could be grouped under such heads as historical agreements, maps, surveys, evidence of jurisdiction and administration, travellers' accounts, etc.

3. The Chinese side in commenting on the Indian suggestion showed that they had a radically different conception of the procedure to be adopted for the meetings of the officials. For one thing, the Chinese side did not consider it necessary to exchange maps and descriptions for the fulfilment of the assignment given to the officials. Further, the Chinese side stated that the question of the boundaries of Bhutan and Sikkim fell outside the purview of these meetings. According to them, the task envisaged in the Joint Communiqué could best be taken up by both sides making preliminary general statements of their viewpoints on the Sino-Indian boundary question and from the text of these statements a list of questions could be drawn up and such a list could serve as the Agenda for the meetings.

# POLITICAL MAP OF INDIA

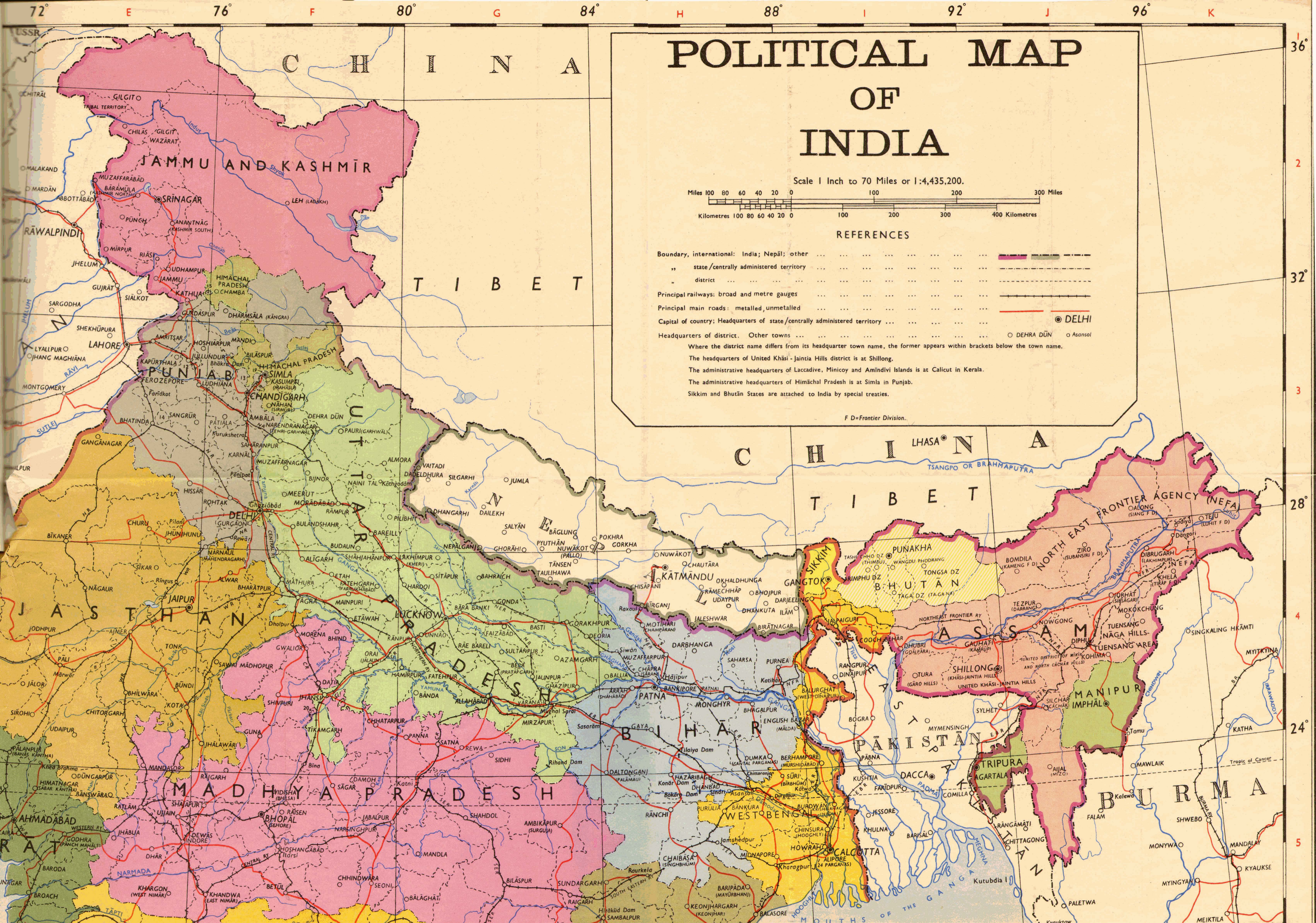
Scale 1 Inch to 70 Miles or 1:4,435,200.



## REFERENCES

- Boundary, international: India; Nepāl; other ...
  - state/centrally administered territory ...
  - district ...
  - Principal railways: broad and metre gauges ...
  - Principal main roads: metalled, unmetalled ...
  - Capital of country; Headquarters of state/centrally administered territory ...
  - Headquarters of district. Other towns ...
- Where the district name differs from its headquarter town name, the former appears within brackets below the town name.  
The headquarters of United Khāsi - Jaintia Hills district is at Shillong.  
The administrative headquarters of Laccadive, Minicoy and Amindivi Islands is at Calicut in Kerala.  
The administrative headquarters of Himāchal Pradesh is at Simla in Punjab.  
Sikkim and Bhūtān States are attached to India by special treaties.

F D=Frontier Division.





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4. The Indian side pointed out that the Joint Communique clearly presumed that the general stands of the two Governments had already been clarified in the correspondence exchanged and that the officials were required merely to bring documentary material in support of their stands.

5. At the second meeting, the Chinese side while agreeing in principle that no general statement need be made, in fact, gave an overall explanation of the Chinese Government's viewpoint on the boundary question. For example, they asserted that the Six Points formulated by Premier Chou En-lai in Delhi could be subscribed to by both sides as providing a basis of proximity or agreement.

6. The Chinese side proceeded to suggest that the main differences, which could form the basis of the Agenda, were the following three points (which were similar to the points listed by Premier Chou En-lai in his conversation with the Indian Prime Minister and subsequently at the Press Conference):—

- (i) Whether the Sino-Indian boundary had been formally delimited;
- (ii) The Location and Terrain Features of the traditional boundary and its basis;
- (iii) Ascertaining the line of present actual control between the two countries.

7. The Chinese side also stated that at present India, like Britain, had invaded and occupied various portions of Chinese territory along the Sino-Indian boundary.

8. The Indian side pointed out that the Six Points, far from providing a basis of agreement, had been firmly rejected by the Prime Minister of India, and they could scarcely be accepted as providing a starting point for the discussions of the officials. The Six Points listed expressly referred to the methods of resolving the dispute which were matters obviously within the realm of the discretion of the Governments while in fact the task of officials was, as had been stated by Premier Chou En-lai himself, the limited one of trying to "find out what is the historical and factual material relevant to the dispute". The scope of the work of the officials also became clear from the nature of the discussions which took place in formulating the joint communique in which suggestions of the Chinese officials to incorporate these very "Points of Agreement" and proposals for an on-the-spot investigation were clearly excluded from the purview of the work assigned to the officials.

9. The Indian side also stated that it could not but object to the suggestions of India having 'invaded and occupied Chinese territory' since these areas were correctly parts of India. In fact, the task of the officials was to help to establish, through a factual examination, whether these territories legitimately belonged to India or China; but to suggest that India had illegally occupied them was to beg the question by unilateral assertion. The Indian side could similarly commence by bringing forward a charge that China had 'invaded and occupied' Indian territory in the Western Sector.

10. The Indian side also pointed out that since the terms of reference for the meetings of the officials were to examine factual material on the differences which had arisen between the Indian and the Chinese Governments regarding the border areas, it was not justified to exclude from consideration the boundaries of Bhutan and Sikkim. Indeed, references to these boundaries had already been made in the correspondence between the two Governments. For example, the Chinese Government's note of the 26th December, 1959, in reply to the Indian Prime Minister's letter of the 26th September, had dealt with the question of Bhutan and Sikkim. By the terms of the Treaties between these States and India, the latter clearly had responsibility for the external relations of Bhutan and Sikkim and at Bhutan's request the Government of India had already represented to the Chinese Government on matters pertaining to her interests in Tibet. The question was important because there existed a discrepancy between the correct delineation of the boundaries of Bhutan and that shown on Chinese maps. Moreover, the relevance of these questions to the present dispute had been clearly affirmed by the Prime Minister of India in his talks with Premier Chou En-lai.

11. Subsequently, in response to these comments of the Indian side on the question of the agenda, the Chinese side came forward with a new proposal on the method of work to be followed by the officials. They suggested that each side should choose their own Agenda and present material in support of their Government's stand in a manner considered convenient to the furnishing side, leaving the other side to comment on the evidence produced.

12. The Indian side, however, pointed out that they could not agree to such a procedure as it would amount to there being no discipline of a common agenda. The communique approved by the Prime Ministers clearly envisaged a joint examination and a comparative appraisal of the factual material of both sides and not that each side would merely file unilaterally their documents in accordance with a pattern of their own choosing.

13. The Chinese side continued to assert that the question of the nature of the boundary and whether it was formally delimited as also the lines of present control were not merely relevant but crucial to the entire boundary problem and as such must be discussed by the officials. The Indian side felt that while these questions might constitute important elements in the Chinese Government's stand, they could not be accepted as essential and, in the case of determining the lines of control, even relevant to the assignment of the officials. The Chinese Government considered that the boundary was not delimited, while the Indian Government considered that the boundary stood defined. But the core of the problem for the officials was to ascertain the location of the alignments claimed by the two Governments and then for both sides to bring forward evidence to sustain the claim where it overlapped with the alignment of the other, and thus to vindicate that it was Indian or Chinese territory—as the case may be. The question of actual control was unconnected with the task of deciding as to which country had legitimate title to the area claimed by the other. The method of work proposed by the

Indian side avoided extraneous and irrelevant questions or the pitfalls of having an agenda loaded to suit one or the other Government's point of view. Instead, it envisaged a neutral and non-controversial framework which would enable both sides to furnish the positive evidence in support of their claim.

14. The Indian side pointed out that even while proceeding according to an agreed agenda both sides would retain initiative in the choice of the documents and the opportunity to provide explanations in elaborating the significance of the item of evidence which was being furnished. At the same time the other side would have the right and the opportunity to comment on the validity and relevance of the evidence received. Neither the initiative in the choice of a document by the furnishing side nor the discretion of the other side to comment or to seek relevant clarifications of it, would be, in any way, restricted or inhibited. But consistent with the spirit of the directives from the Prime Ministers, the starting point must be the facts and documents and not general propositions which lay within the discretion of the Governments.

15. These general discussions on the scope of the task given to the officials and the method of determining an agreed agenda and order of work to enable joint working and comparative appraisal of the evidence of both sides continued from the 2nd to the 5th meetings.

As a result of the discussions at the second and the third meetings, the following tentative pattern for the agenda had already become the basis for the discussion:—

Location and Natural Features of the Sino-Indian boundary.

Basis in Treaties and Agreements.

Basis in Tradition and Custom.

Basis in Administration and Jurisdiction.

Miscellaneous.

16. The Chinese side, while agreeing in principle to the discussions being conducted sector-wise, insisted that the consideration of the evidence relating to Treaties and Agreements should be completed for the entire length of the boundary before considering evidence under the other headings. The Indian side felt that there was greater logic and obvious convenience in all evidence under all heads, e.g., Treaties and Agreements, Tradition and Custom, Administration and Jurisdiction, being completed for one sector before proceeding to the consideration of the relevant Treaties and Agreements for another sector. The problem before the officials, whether looked at from the point of view of the Chinese or the Indian stand, pertained to certain geographical areas and all evidence on any particular area should be studied together before taking up evidence relating to another area. Both the Prime Ministers, during their discussions, recognised the coherence of such a method of work and themselves adopted the basis of sector-wise consideration of the stands of the respective Governments. Besides, sector-wise discussion under all

headings provided the necessary neutral basis for both sides to furnish all their factual material without, in any way, being prejudicial to the stand or the presentation of the evidence of either side.

17. In view, however, of Chinese insistence on the separate consideration of the legal aspects of the basis of the boundary, the Indian side suggested as a compromise, that the historical basis of the boundary which comprised legal as well as traditional and customary support of the boundary may be taken up and completed for all the sectors before the other aspects of the basis of the boundary such as administration and jurisdiction were discussed. This could be done by the consideration of the evidence under Treaties and Agreements together with that of Tradition and Custom for the whole boundary. This compromise proposal was found acceptable to the Chinese side.

## STATEMENTS LEADING TO THE ADOPTION OF THE AGENDA

(As summarised by the Chinese side)

The Chinese side indicated at the outset of the meetings between the Chinese and Indian officials that the agenda pattern should be determined in accordance with the terms of reference laid down by the Prime Ministers of the two countries for the officials' meeting. The Joint Communiqué of the Prime Ministers of the two countries specified that the duty of the officials' meeting was to "examine, check and study all historical documents, records, accounts, maps and other material relevant to the boundary question, on which each side relied in support of its stand." Therefore, the Chinese side deemed it necessary, first of all, to make clear the stands of the two sides and ascertain the common points and points of difference between the two sides so as to facilitate the carrying out of the examination of material.

The Chinese side pointed out that the successive correspondence and talks between the two governments had made it clear that there exist between the two sides certain common points or points of proximity. They are the six points put forward by Premier Chou En-lai during his talks with Prime Minister Nehru in Delhi, namely: (1) There exist disputes with regard to the boundary between the two sides. (2) There exists between the two countries a line of actual control up to which each side exercises administrative jurisdiction. (3) In determining the boundary between the two countries, certain geographical principles, such as watersheds, river valleys and mountain passes, should be equally applicable to all the sector of the boundary. (4) A settlement of the boundary question between the two countries should take into account the national feelings of the two peoples towards the Himalayas and the Karakoram Mountains. (5) Pending a settlement of the boundary question between the two countries through discussions, both sides should keep to the line of actual control and should not put forward territorial claims as pre-conditions, but individual adjustments may be made. (6) In order to ensure tranquillity on the border so as to facilitate the discussions, both sides should continue to refrain from patrolling along all the sectors of the boundary. At the same time, the Chinese side pointed out that at present there exist three main points of difference between the two sides with regard to the facts of the boundary: (1) Has the Sino-Indian boundary been formally delimited. (2) Where is the traditional customary Sino-Indian boundary line. (3) Where is the line up to which each side at present exercises actual control. These three main points of difference are the questions which need to be cleared up through an examination of factual material. The Chinese side, therefore, proposed that these three questions should be taken as the three major items of the agenda for the officials' meeting. Under each item, the discussion could be conducted in the order of the western, middle and eastern sectors of the boundary.

The Indian side disagreed to the proposal of the Chinese side, holding that the only duty of the officials of the two sides was to examine factual material, and should not involve the question of stand. The Indian side was of the opinion that the six points put forth by Premier Chou En-lai were rejected as a whole by the Indian Government. The Indian side also did not agree to examine material relevant to the questions of whether the Sino-Indian boundary has been formally delimited and of the line up to which each side now exercises actual control. It advocated the discussion of only one question, namely, where does the Sino-Indian boundary lie. The Chinese side pointed out that this view of the Indian side was neither justified nor in accord with the provisions of the Joint Communiqué of the Prime Ministers of the two countries, because it was explicitly stipulated in the Communiqué that all factual material relevant to the Sino-Indian boundary involving the stand of each side should be examined. At the same time, the three questions included in the agenda pattern put forward by the Chinese side were precisely the questions which had all along been disputed in the past correspondence between the governments and the Prime Ministers of the two countries, which should be made clear through an examination of factual material. The Chinese side also pointed out that its proposed agenda pattern was a neutral one, according to which both sides would have an equal opportunity to bring forward material to prove the governmental stand of each side.

Later on, through discussions, the Indian side also accepted that there should be opportunity for bringing forward for discussion without any exclusion all relevant evidences involving the stand of each side, and both sides agreed generally to include the following items in the agenda pattern: (1) Location and terrain features of the Sino-Indian boundary; (2) Treaties and agreements; (3) Tradition and Custom; (4) Administration and jurisdiction; (5) Miscellaneous.

Concerning the location and terrain features of the boundary, the Chinese side indicated at the very outset that written descriptions and maps could be exchanged, but it pointed out that this exchange was only for the purpose of making clear the location of the traditional customary Sino-Indian boundary line as understood by each side and should not imply the laying of territorial claims on the other side; because as Premier Chou En-lai had repeatedly stated, pending a settlement of the boundary question between the two countries through discussions, both sides should keep to the line of actual control and should not put forward territorial claims as pre-conditions.

In further discussing the itemization of the agenda, the Chinese side pointed out that treaties and agreements should be listed separately as one item, while basis in tradition, custom and administrative jurisdiction should be put together under another item. This was because treaties and agreements pertain to legal aspects, whose examination was mainly to ascertain whether the boundary had been formally delimited; while examination of the basis in tradition, custom and administrative jurisdiction, put together, was for the purpose of clarifying which after all of the traditional customary boundary lines set forth respectively by the two sides was the correct one. The Chinese side at the same time also indicated that it would

not object to a sector-wise examination of materials concerning tradition, custom and administrative jurisdiction. However, the Indian side insisted on putting tradition and custom together with treaties and agreements in one item, and listing administration and jurisdiction under another item. While the Chinese side deemed such a separation as not quite appropriate, it finally agreed with reluctance to the Indian side's proposal on the itemization of the agenda in order to commence the substantive work as quickly as possible.

Regarding the extent of the boundary to be considered at the meeting of officials of the two countries, the Indian side also suggested that the boundaries between China and Sikkim, between China and Bhutan, and between China's Sinkiang and Kashmir west of the Karakoram Pass, must be included. The Chinese side expressed its disagreement to this assertion. The Chinese side pointed out that, according to the talks and the Joint Communiqué of the Prime Ministers of the two countries, the work of the officials of the two countries should be confined to the Sino-Indian boundary, namely, the western, middle and eastern sectors of the Sino-Indian boundary as mutually understood by the two governments in their past correspondence.

Regarding the boundaries between China and Bhutan and between China and Sikkim, the Chinese Government has always declared that they do not fall within the scope of the Sino-Indian boundary question. For instance, in his letter to Prime Minister Nehru dated September 8, 1959, Premier Chou En-lai had explicitly made clear this point. In the note of the Chinese Government to the Indian Government dated December 26, 1959, it was only when referring to the general relations between China and Southeast Asian countries that the conditions of the boundaries of China with Bhutan and Sikkim were explained along with them. During his talks with Prime Minister Nehru in Delhi, Premier Chou En-lai once again made it clear that this question was not included in the Sino-Indian boundary question.

As for the boundary west of the Karakoram Pass, there was no discussion about it between the two governments in their past correspondence and talks, and the western sector of the Sino-Indian boundary as mutually understood by the two sides starts from the Karakoram Pass eastwards. At the same time, in view of the present actual situation in Kashmir, it was also inappropriate for the two sides—China and India—to discuss the boundary west of the Karakoram Pass between China's Sinkiang and Kashmir.

In the ensuing discussions, the Chinese side persisted in and repeatedly reiterated the above-mentioned stand regarding the extent of the boundary to be considered at the meeting of the officials of the two countries.

## AGREED AGENDA

Through discussion and conclusions between the two sides, the following agenda pattern was adopted for completing the work assigned to the two teams:

- (1) Location and Terrain Features of the boundary.
- (2) Treaties and Agreements; Tradition and Custom.
- (3) Administration and Jurisdiction.
- (4) Miscellaneous.

Items I and II were to be dealt with separately for the entire length of the boundary; Items III and IV were to be dealt with sectorwise, that is, by finishing one sector before proceeding to the next sector.

The two sides agreed that the agenda would provide a general framework, and a certain degree of flexibility should be allowed in the submission of the documentary evidence in support of the stands of the respective Governments.



**REPORT OF THE INDIAN OFFICIALS ON THEIR  
STATEMENTS AND COMMENTS MADE DURING  
THE MEETINGS OF THE OFFICIALS  
OF THE TWO GOVERNMENTS**



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## INTRODUCTION

In the following chapters, the Indian side, after giving the descriptions of the alignments provided by the two sides and an account of the clarifications sought by them, have traced the course of the discussions on the other two items of the Agenda—Treaties and Agreements, Tradition and Custom, and Administration and Jurisdiction. For each sector, the statement of evidence of the Indian side, as made at the discussions, has been reproduced; and this is followed by a summary account of the discussions on the Indian statement and the corresponding Chinese statement. Finally, in a concluding chapter, there is a general assessment of the discussions as a whole.



## ITEM I

### Description of the India-China Boundary provided by the Indian Side

The India-China boundary starts from the tri-junction of the boundaries of India, China and Afghanistan at approximately Longitude  $74^{\circ} 34'$  East and Latitude  $37^{\circ} 3'$  North and runs eastward through the Kilik Pass (Long.  $74^{\circ} 41'$  E and Lat.  $37^{\circ} 5'$  N), Mintaka Pass (Long.  $74^{\circ} 51'$  E and Lat.  $36^{\circ} 59'$  N), Khar-chanai Pass (Long.  $74^{\circ} 1'$  E and Lat.  $36^{\circ} 59'$  N), Parpik Pass (Long.  $75^{\circ} 26'$  E and Lat.  $36^{\circ} 57'$  N), and the Khunjerab Pass (Long.  $75^{\circ} 28'$  E and Lat.  $36^{\circ} 51'$  N). These passes lie on the watershed between the Hunza river flowing into the Indus system in India and the Qara Chukar river flowing into the Yarkand system in Sinkiang. From the Khunjerab Pass the boundary lies along a spur down to the north-western bend of the Shaksgam or Muztagh river which it crosses at that point and ascends the crest line of the Aghil mountains. It then runs along the crest of the Aghil watershed through the Aghil Pass (Long.  $76^{\circ} 37'$  E and Lat.  $36^{\circ} 11'$  N) the Marpo Pass (Long.  $77^{\circ} 14'$  E and Lat.  $35^{\circ} 43'$  N) and the Shaksgam Pass (Long.  $77^{\circ} 28'$  E and Lat.  $35^{\circ} 34'$  N) to the Karakoram Pass (Long.  $77^{\circ} 50'$  E and Lat.  $35^{\circ} 31'$  N).

From the Karakoram Pass the boundary lies along the watershed between the Shyok (belonging to the Indus system) and the Yarkand, and runs through the Qara Tagh Pass (Long.  $78^{\circ} 20'$  E and Lat.  $35^{\circ} 43'$  N) to cross the eastern bend of the Qara Qash river (north west of Haji Langar) and to ascend the main Kuen Lun mountains. Thereafter the boundary runs through the Yangi Pass (Long.  $79^{\circ} 25'$  E and Lat.  $35^{\circ} 55'$  N) along the crest of the mountains separating the Yurungkash basin from those of the lakes in Aksai Chin. It leaves the main crest of the Kuen Lun mountains at a point approximately Long.  $80^{\circ} 21'$  E and descends in a south-westerly direction, separating the basins of the Amtogor and Sarigh Jilganang lakes in India from those of Leighten and Tsoggar lakes in Tibet, down to Lanak Pass (Long.  $79^{\circ} 34'$  E and Lat.  $34^{\circ} 24'$  N).

South of Lanak Pass the boundary passes through the Kone Pass (Long.  $79^{\circ} 29'$  E and Lat.  $34^{\circ} 9'$  N) and the Kepsang Pass (Long.  $79^{\circ} 30'$  E and Lat.  $34^{\circ} 8'$  N), which lie along the watershed between the Chang Chenmo and Chumesang in India and the streams flowing into the Dyap Tso in Tibet. Thereafter the boundary lies along the southern bank of the Chumesang and the eastern bank of the Chang-lung Lungpa, skirts the western extremity of the eastern half of Pangong lake, lies along the watershed between the Ang stream flowing into the western Pangong lake and other streams flowing eastward, cuts across the eastern part of Spanggur lake and follows the northern and eastern watershed of the Indus through the Chang Pass (Long.  $79^{\circ} 22'$  E and Lat.  $33^{\circ} 1'$  N) upto the Jara Pass (Long.  $79^{\circ} 33'$  E and Lat.  $32^{\circ} 47'$  N). A little south of Jara Pass it turns south-westward, crosses the Indus about five miles

south-east of Demchok, and following the watershed between the Hanle river and the tributaries of the Sutlej river it passes through the Charding Pass (Long. 79° 24' E and Lat. 32° 32' N) the Imis Pass (Long. 79° 2' E and Lat. 32° 23' N), and the Kyungzing Pass (Long. 78° 46' E and Lat. 32° 38' N). Thereafter it turns westward and crosses the Pare river about five miles south of Chumar to reach Gya Peak (Long. 78° 24' E and Lat. 32° 32' N).

From the Gya Peak the boundary follows the watershed between the Spiti and Pare rivers and crosses the Pare river a mile south of the village of Kaurik. South of the Pare river the boundary ascends one of the ranges leading to the high peak of Leo Pargial (Long. 78° 45' E and Lat. 31° 54' N), crosses the Sutlej at its bend, and following the Zaskar range lies through the Shipki Pass (Long. 78° 44' E and Lat. 31° 51' N), the Raniso Pass (Long. 78° 49' E and Lat. 31° 38' N), and the Shimdang Pass (Long. 78° 44' E and Lat. 31° 29' N). Thereafter it follows the main watershed between the Sutlej and the Ganges basins and lies through the Thaga Pass (Long. 79° 7' E and Lat. 31° 26' N), Tsang Chok Pass (Long. 79° 13' E and Lat. 31° 20' N), Muling Pass (Long. 79° 18' E and Lat. 31° 13' N), Mana Pass (Long. 79° 24' E and Lat. 31° 4' N), Niti Pass (Long. 79° 52' E and Lat. 30° 58' N), Tun Jun Pass (Long. 79° 58' E and Lat. 30° 53' N), Kungri Bingri Pass (Long. 80° 13' E and Lat. 30° 38' N), Darma Pass and the Lipu Lekh Pass (Long. 81° 2' E and Lat. 30° 14' N), to join the tri-junction of the India, Nepal and Tibet boundaries.

East of Nepal the boundary follows the watershed between the Tista river system, and the Yaru Chu and the sources of the Amo Chu in Tibet, and crosses the Natu and Jelep Passes. Thereafter it crosses the Amo Chu, and, following the watershed between the Amo Chu and Paro Chu, joins the Great Himalayan Range at Chomo Lhari and runs east along the crest of that range upto the Mela Pass (Long. 91° 40' E and Lat. 27° 57' N). There it turns south and, about 13 miles from the Mela Pass, turns east, crosses the Namjang river, and following the crest of the Great Himalayan Range which is also the watershed between the Chayul Chu in Tibet and the Kameng, Kamla and Khru rivers in India, proceeds east and north east. Thereafter it crosses the Subansiri river and then the Tsari river just south of Migyitun and taking a north-easterly direction crosses the Tunga Pass (approximately Long. 94° 10' E and Lat. 28° 59' N). It then runs east, crosses the Dihang and ascends the watershed between Chimdrü Chu and Rongta Chu in Tibet and the Dibang and its tributaries in India. The boundary crosses the Yonggyap Pass (Long. 95° 36' E and Lat. 29° 13' N) and the Kangri Karpo Pass (Long. 96° 5' E and Lat. 29° 28' N) in this sector. It then crosses the Luhit river a few miles south of Rima and joins the tri-junction of the India, Burma and China boundaries near the Diphu Pass.

### **The Chinese description of the Location and Terrain Features of the Traditional Customary Sino-Indian boundary line**

The Sino-Indian boundary has never been formally delimited and there is only a traditional customary boundary line between



the two countries. The location and terrain features of this boundary line in its various sectors are as follows:—

**The western sector.**—This sector of the boundary is divided into two portions, with Kongka Pass as the dividing point. The portion north of Kongka Pass is the boundary between Sinkiang and Ladakh, and the portion south of it is that between Tibet and Ladakh.

The portion between Sinkiang and Ladakh is a part of the entire boundary between Sinkiang and Kashmir and bears the general natural features of the latter which for its entire length runs along the Karakoram Mountain Range, following broadly the watershed between two big river systems: that of the Tarim River of Sinkiang and the Indus River which flows to Kashmir. The location of the portion between Sinkiang and Ladakh is as follows: From the Karakoram Pass it runs eastward along the mountain ridge to a point east of 78 degrees East Longitude, turns south-eastward along the high ridge of the Karakoram Mountains on the east bank of the Shyok River and northern bank of the Kugrang Tsangpo River down to Kongka Pass.

The terrain features of the portion between Tibet and Ladakh are complicated. They include mountain passes, river valleys, lakes and watersheds. Its location is as follows:—South of Kongka Pass, it runs along the ridge, passing through Ane Pass, cuts across the western half of Pangong Tso, skirts the western side of the Spanggur Tso up to Mount Sajum, crosses the Shangatsangpu (Indus) River at 33 degrees North Latitude, runs along the watershed east of the Keyul Lungpa River and south of the Hanle River up to Mount Shinowu and then runs westward to reach the tri-junction of China's Ari District and India's Punjab and Ladakh.

**The middle sector.**—This sector of the boundary also has the natural features of watersheds, mountain passes and river valleys. Its location is as follows: Starting from the terminal point of the western sector, it runs southward along the watershed west of the Pare River and the Chuva River, passes by the converging point of the Pare River and the Spiti River, crosses the Siangchuan (Sutlej) River west of Shipki Pass, continues southward along the watershed and crosses the Jadhganga River west of Tsungsha. It then turns east, passes through Mana Pass, Mount Kamet, skirts along the south side of Wuje, Sangcha and Laphthal, again runs along the watershed, passing through Darma Pass, and reaches the tri-junction of China, India and Nepal.

**The eastern sector.**—The terrain features of this sector are comparatively simple. The greatest part of it—the portion from the southeastern tip of Bhutan eastward to a point west of 94 degrees East Longitude, and then northeastward to Nizamghat—follows all along the line where southern foot of the Himalayas touches the plains on the northern bank of the Brahmaputra River. This portion of the line crosses the Subansiri River south of Bini and the Tsangpo (Brahmaputra) River in the vicinity of Pasighat. From Nizamghat onwards, the line turns southeastward and enters mountainous terrain, passing through Painlon Pass, following the valley of the lower

reaches of the Tsayul River and reaching the tri-junction of China, India and Burma.

The present line of actual control between the two sides is to a certain extent different from the above-described traditional customary line. In the western sector, the Parigas district which is on the Chinese side of the traditional customary line has been occupied by India in recent years. In the middle sector, eight places: Chuva, Chuje, Shipki Pass, Sang, Tsungsha, Puling-Sumdo, Sangcha and Lapthal, which are on the Chinese side of the traditional customary line are also at present under Indian occupation. In the eastern sector, the entire area north of the traditional customary line up to the so-called McMahon line is now under Indian occupation.

## COMMENTS UNDER ITEM ONE

The two delegations exchanged formally maps showing the boundary alignments claimed by them. The Indian side suggested that as it was necessary to have a precise indication of the alignments claimed by the two sides, it was important to have maps of a sufficiently large scale. They, therefore, proposed that the maps exchanged should be of the scale of at least 1:1 million which was the standard scale for maps of this nature laid down by the United Nations Cartographical Organisation of which India, the Soviet Union and other countries were members. The Chinese side replied that they had no map of a greater scale than 1:5 million available for this purpose of exchange. In the circumstances, the Indian side agreed to an exchange of maps of that scale. The Indian side provided the *Political Map of India*, scale 1:4.4 million (Survey of India 1958), and a *Physical Relief Map of the Northern Frontier of India*, scale 1:7 million (Survey of India 1960). The Chinese side provided a map of the *South-western Frontier region of China*, scale 1:5 million (Peking 1960). Along with the maps the two sides also provided written statements.

The Chinese side stated that the written description given by the Indian side was in some respects beyond the scope of the conference. The area of dispute between India and China, according to them, lay east of the Karakoram Pass, and discussion of the alignments west of it would involve the Chinese side in the problem of the legal status of Kashmir, that State having been claimed by both India and Pakistan. The northern boundaries of Sikkim and Bhutan were also stated to be beyond the scope of the meetings of officials.

The Indian side were unable to agree with this. They pointed out that an exact and accurate description covering the entire length of the border, and not just those sectors where there was or where there was thought to be a dispute, should be given by both sides. The notes exchanged between the Governments till then and the description provided by the Indian officials at the meeting in New Delhi on 22 April 1960 had referred to some specific areas of dispute; but now the question under discussion was what India and China considered to be their boundary alignments, and India had a right to describe the whole alignment of her boundary with China. In fact, on this basis alone would it be possible to define the scope of the areas about which evidence was needed to be furnished subsequently. It was only at the 6th meeting held on 27 June 1960 that for the first time an authoritative map showing the whole alignment claimed by the People's Government of China had been made available.

The Indian side also pointed out that the Chinese side were doubtless aware that the State of Jammu and Kashmir was an integral part of India. Legally and constitutionally that State had acceded to the Indian Union and the Indian side could not compromise this position or surrender it by implication. The Indian side could not accept the

equation of India and Pakistan in respect of the State of Jammu and Kashmir. Nor did India recognise the illegal occupation by Pakistan of any part of that State.

It was also stated by the Indian side that their Government's position with regard to the boundaries of Bhutan and Sikkim was well-known. As had been fully explained in the earlier correspondence and at the meetings of the two Prime Ministers, India had the sole responsibility of representing these two States in matters concerning foreign governments. Indeed, the Government of Bhutan themselves had recently asked the Government of India to draw the attention of the Chinese Government to certain errors in their understanding of Bhutan's external boundaries. The Joint Communiqué of the two Prime Ministers referred to the "differences relating to the border areas which have arisen between the Government of India and the Government of the People's Republic of China." As such, all problems relating to the location of the boundary, including those of Bhutan and Sikkim, should be dealt with. Consistent with this correct position, the Indian side had included a description of the boundaries of these two States in their statement.

The Indian side then pointed out that the statement given by the Chinese side, instead of being a factual, precise and objective description of the alignment claimed by them, dealt with the stand of the Chinese Government on various issues. In fact, it began by asserting that the Sino-Indian boundary had not been delimited. That the Sino-Indian boundary was a traditional, customary and delimited one was a well-known fact; and under the relevant items of the agenda, extensive and conclusive evidence to prove this would be provided by the Indian side. Under Item One the two sides were merely providing descriptions of the alignments shown on the maps exchanged and not questioning the basis of the two alignments. Again, the Chinese statement concluded by giving what was described as "the line of actual control." This point about the "line of control" had been one of the so-called "six common points of proximity" put forward earlier by the Government of China and rejected by the Government of India; and the Indian side had already, at one of the earlier sessions, drawn the attention of the Chinese side to this. But despite this, the Chinese written statement had even listed as allegedly under "Indian occupation" various places which had always been parts of India, and whose administration and control were the legitimate responsibility of the Government of India.

## CLARIFICATIONS SOUGHT BY THE CHINESE SIDE

### Chinese Questions

### Indian Answers

#### WESTERN SECTOR

*Q. 1.*—The Indian description mentioned that the boundary alignment ran eastward from the Karakoram Pass through the Qara Tagh Pass, then crossed the Qara Qash river to ascend the Kuen Lun mountains, and then from a point approximately Long.  $80^{\circ}21'$  East ran in a south-westerly direction down to the Lanak Pass. The direction, alignment and the terrain features of these two portions of the boundary as shown in the Indian map and given in the Indian description, were, according to the Chinese side, not very clear; and they wished to have a clearer description of the alignment and the terrain features of these two sectors of the boundary.

*Q. 2.*—In the Indian description, it was stated that "From the Karakoram Pass, the line runs through the Qara Tagh Pass and then ascends the Kuen Lun mountains." How did this line, after leaving the watershed between the Shyok and the Yarkand rivers, reach the Qara Tagh Pass; and how did it ascend the Kuen Lun mountains from the Qara Tagh Pass?

*A.*—The boundary of India throughout this sector traditionally and customarily followed the major watershed. From the Karakoram Pass the boundary followed the watershed between the Shyok (belonging to the Indus system) and the Yarkand (belonging to the Khotan Tarim system) upto a point northwest of Haji Langar. Then the boundary followed the crest of the Kuen Lun mountains, which formed the watershed between the Yurungkash and the streams flowing south into the lakes in Aksai Chin, upto a point approximately at Long.  $80^{\circ}21'$  East. Then it ran south down to Lanak La along the watershed between the streams flowing into the lakes in Chinese territory on the one hand and those flowing into the lakes in Ladakh on the other. So the boundary from the Karakoram Pass upto Lanak La followed the main watershed in the region.

*A.*—The alignment lay along the water parting between the Wahab Jilga and the Chibra, of the Yarkand river system, and the tributaries flowing into the lower reaches of the Qara Qash down to its bend near Haji Lanagar on the one hand, and the tributaries of the Chip Chap river flowing into the Shyok and the tributaries flowing into the upper reaches of the Qara Qash below the bend near Haji Langar on the other. The boundary lay along the Qara Tagh Pass and peaks of heights 20,800 feet (6340 metres) and 21,560 feet (6571 metres). It then ran east until it crossed the Qara Qash river at its eastern bend. From that point the

## Chinese Questions

## Indian Answers

**Q. 3.**—It was said that the alignment, after crossing the Qara Qash river, ascended the Kuen Lun mountains. At what point did it do so? What were the peaks on this stretch and what were their co-ordinates? At what point did it reach the crest of the Kuen Lun mountains?

**Q. 4.**—What were the co-ordinates of peak 7040 M(23100 feet)?

**Q. 5.**—In the Indian description, the alignment was described as leaving the Kuen Lun mountains at a point approximately Long. 80°21' E. What was the latitude of this point?

**Q. 6.**—Was the watershed from the point where the alignment left the Kuen Lun mountains down to Lanak Pass a continuous one, or was it broken at various points, *i.e.*, were the two basins on the two sides of the watershed entirely separated from each other or were they connected in some parts? Also, what were the rivers which formed this watershed, and what were the co-ordinates and the important turning points in this portion?

**Q. 7.**—What was the height of this watershed, in contrast to the basins on the two sides?

**Q. 8.**—Was this watershed a continuous one or was it broken at some places?

**Q. 9.** Why then on the relief map provided by the Indian side was the alignment shown as cutting across a river flowing into the Amtogor lake?

boundary ascended a spur upto the Kuen Lun mountains. The co-ordinates of the point where the boundary crossed the Qara Qash were Long. 79°11' East, Lat. 35°51' North.

**A.**—As soon as it crossed the river, the line ascended the spur. Then it ran in a northerly and north-easterly direction until it reached a peak—23,100 feet (7040 metres). It then ran along the watershed, along Peaks 21960 feet (6693 metres) and 23300 feet (7102 metres).

**A.**—The co-ordinates of Peak 23100 feet were Long. 79° 24' E, Lat. 35° 59' North.

**A.**—The point at which the alignment left the main crest of the Kuen Lun mountains was approximately Long. 80° 21' E, Lat. 35° 28' N.

**A.**—The watershed was that between the rivers flowing into the Amtogor and Sarig Jilganang lakes in India on the one hand and the streams flowing into the Leighten and the Tsoggar lakes in Tibet, on the other. The Indian alignment in this sector did not cut across the waters flowing into the lakes mentioned. It, however, cut the western extremity of Nopte Tso. The watershed in this sector which the alignment followed, was, very high one, with an average height of about 20,000 feet.

**A.**—On the Indian side the height of the basin was about 16,000 feet. On the Tibetan side, it was also roughly that much. The height of the watershed, as already stated, was about 20,000 feet.

**A.**—As already stated, it was a continuous one upto the point where it crossed the Nopte Tso lake

**A.**—The river shown on the map as cut by the alignment was in fact a dry bed and not a river or a stream. The Chinese side would notice that it was not shown in the larger scale in set map on the same sheet.

## Chinese Questions

## Indian Answers

*Q. 10.*—Was this not a discrepancy between the larger scale inset map and the small scale map?

*A.*—There was no discrepancy, Small scale maps do not differentiate between dry river beds and perennial streams. The smaller the scale of the map, the more slurred are the Details. Larger scale maps naturally show more details, and differentiate between dry beds and perennial streams. Further, the large scale map was a topical map emphasizing the the Indian alignment in this sector, as in other sectors, was a watershed boundary and therefore it only showed perennial streams.

*Q. 11.*—In the Indian description it was stated that the Indian alignment after the Karakoram Pass lay along the watershed and crossed the Qara Qash river. Were there any particular mountain ranges along the crest of which the Indian alignment ran, between the Karakoram Pass and the place where it cut across the Qara Qash river? Did it belong to the Kara-koram ranges or the Kuen Lun mountain ranges?

*A.*—The alignment lay along the crest of one of the ranges, running east to west, of the Karakoram system.

*Q. 12.*—In the Indian description of the alignment it was stated that after the line left the Kuen Lun mountains it descended in a south-westerly direction separating the basins of the Amtogor and Sarig Gilganang lakes in India from those of Leighten and Tsoggar lakes in Tibet, down to Lanak Pass. What were the co-ordinates of the mountain peaks and passes along this continuous watershed and of the point where it cut across the Nopte Tso lakes?

*A.*—The peaks were 21250 feet (6477 metres) and 21240 feet (6474 metres). The co-ordinates of peak 21250 feet were  $80^{\circ} 19' E$  and  $35^{\circ} 35' N$ ; and the co-ordinates of peak 21240 feet were  $80^{\circ} 21' E$  and  $35^{\circ} 28' N$ .

*Q. 13.*—Were these two peaks after the alignment left the crest of the Kuen Lun mountains or before?

*A.*—They were both in the Kuen Lun mountains, more or less where the line began to move south.

*Q. 14.*—What were the peaks and passes from the point where the line left the Kuen Lun mountains till it reached the Lanak Pass?

*A.*—After it left the two peaks, the alignment lay along a continuous watershed with no prominent peaks. This watershed lay roughly at a height of about 20,000 feet. Just before the Lanak Pass, there was a peak 20610 feet (6282 metres).

*Q. 15.*—What were the co-ordinates of this peak?

*A.*— $79^{\circ} 32'$  East,  $34^{\circ} 28'$  North.

## Chinese Questions

*Q. 16.*—Was the Nopte Tso lake a separate basin in itself or was it incorporated with the basins of Leighten and Tsoggar lakes?

*Q. 17.*—The Indian description stated that the boundary lay along the southern bank of the Chumesang and the eastern bank of the Changlung Lumpa. What was meant by the statement that the line lay along the southern bank and the eastern bank? Did it lie on the banks itself?

*Q. 18.*—The description stated that the Indian boundary skirted the western extremity of the eastern half of the Pangong lake, and lay along the watershed between the Ang stream flowing into the western Pangong lake and other streams flowing eastward. What specifically were the "other streams flowing eastward"?

*Q. 19.*—What were the co-ordinates of the point where the line touched the northern bank of Spanggur lake?

*Q. 20.*—What was the specific point where the Indian alignment cut across the Spanggur lake at the southern part of this lake?

*Q. 21.*—The Indian description stated that its alignment crossed the Indus about five miles south-east of Demchok. What were the co-ordinates where the line crossed the Indus and also, what were the terrain features which the line followed from

## Indian Answers

*A.*—The alignment ran along the main watershed of the region. There were tributaries and waters flowing into the Nopte Tso lake, as distinct from the waters flowing into the other lakes already mentioned in the description.

*A.*—Yes, on the banks of the rivers.

*A.*—The Indian side felt they were not obliged to answer this question. To say that it was the watershed dividing the waters of the Ang river from other waters was precise enough to locate the watershed, and the Indian side should not be asked to describe the natural features of Tibet. However, as the Indian side believed that all questions seeking clarification should be answered wherever possible, they provided the answer to this question. The streams flowing into Tibet at this point were steep mountain torrents. The three major torrents were Numkum, Aghlung Trong Trong and Aghrong.

*A.*—The co-ordinates of the point where the Indian boundary crossed the northern bank of the Spanggur lake were approximately  $78^{\circ} 56' E$  and  $33^{\circ} 33' N$ .

*A.*— $78^{\circ} 56' E$ ,  $33^{\circ} 32' N$ .

*A.*—Crossing the Indus river at point Long.  $79^{\circ} 32' E$ , Lat.  $32^{\circ} 40' N$ , the alignment ascended the spur on the opposite bank and ran along the crest of the Ladakh range. Then it proceeded along the watershed in a north-westerly direction upto peak



## Chinese Questions

this point to the watershed between the Hanle and the tributaries of the Sutlej river

*Q. 22.*—The Indian description of the southern portion of the alignment in the Western Sector stated that the line passed through Kyungzing Pass, thereafter turned westward and crossed the Pare river about five miles south of Chumar. Did this mean that the line ran straight westward or did it run in some other direction, not entirely directly westward?

### MIDD

*Q. 1.*—Was the watershed between the Spiti and the Pare rivers referred to by the Indian side a continuous mountain ridge or did it again move on to spurs? Before the India alignment crossed the Pare river, what ridge did it follow?

*Q. 2.*—What was the location of Kaurik village? From inset 'A' on the map handed over by the Indian side, it appeared that it was situated north-west of the junction of the Pare and the Spiti rivers. Did the Indian alignment also pass in the vicinity of the junction of the Pare and the Spiti rivers as indicated on the Indian map

*Q. 3.*—The Indian side stated that south of the Pare river their alignment ascended a spur. To what mountain range did this spur belong

*Q. 4.*—The Indian side stated that their alignment crossed the Siangchuan (Sutlej) river at its bend. What were the co-ordinates of the crossing? What were the geographical features followed by the Indian alignment from Peak Leo Pargial to Shipki Pass?

*Q. 5.*—Were there other passes along the Indian alignment from Shipki Pass to Thaga Pass besides Raniso and Shimdang Passes mentioned by the Indian side?

## Indian Answers

21030 feet and then moved along a spur in a south-westerly direction

*A.*—From the Kyungzing Pass the line ran north upto peak 21030 feet (6410 metres) and then turned south-west.

### SECTOR

*A.*—The watershed between the Spiti and Pare rivers lay along high and continuous mountains and not along spurs. Before crossing the Pare river the Indian alignment lay along the ridge lying to the north-west Kaurik.

*A.*—Kaurik was situated at approximately Long.  $78^{\circ} 39'$  E. and Lat.  $32^{\circ} 06'$  N, which was about five miles north-east of the junction of the Pare and Spiti rivers. The Indian alignment lay immediately to the north and east of Kaurik and cut the Pare river about a mile south of Kaurik.

*A.*—The spur south of the Pare river along which the Indian alignment belonged to the Zaskar Wange.

*A.*—The Indian alignment crossed the Sutlej at approximately Long- $8^{\circ} 44'$  E and  $32^{\circ} 52'$  N. From Peak Leo Pargial the alignment descended along a spur, crossed the Sutlej and again mounted the spur on the opposite bank of the river to the Shipki Pass.

*A.*—Between Shipki Pass and Thaga Pass, apart from the Raniso and the Shimdang Passes mentioned earlier, the Khimokul (Gumrang) Pass (Long.  $78^{\circ} 49'$  E and Lat.  $31^{\circ} 26'$  N) also lay on the boundary.

## Chinese Questions

## Indian Answers

Q. 6.—After passing through Shimdang Pass, from what point did the Indian alignment turn north-east to reach the Thaga Pass?

Q. 7.—On Inset 'B' of the Indian map, there were marked Shalshal Pass, Balcha Dhura Pass and Kiogad Pass, but they had not been mentioned in the Indian description. Did the Indian alignment pass through these passes? What were their co-ordinates?

Q. 8.—It appeared from the Indian map that the Indian alignment, after passing through Kungri Bingri Pass, crossed a point from which it turned east. What point was this? Was it a pass or a peak?

Q. 9.—The co-ordinates of all the places named in the Indian description had been given with the exception of those for Darma Pass. What were the co-ordinates of Darma Pass?

Q. 10.—According to the Indian side's understanding, what was the distance between the Lipu Lekh Pass and the tri-junction of China, India and Nepal?

A.—After passing across the Shimdang Pass and the Khimokul Pass, the Indian alignment first ran in a south-easterly direction and then turned north-eastward at a point approximately Long.  $78^{\circ} 56'E$  and Lat.  $31^{\circ} 15' N$ .

A.—The Indian alignment lay across the Shalshal Pass (Long.  $80^{\circ} 04'E$  and Lat.  $30^{\circ} 50'N$ ), the Balcha Dhura Pass (Long.  $80^{\circ} 11'E$  and Lat.  $30^{\circ} 48'N$ ) and the Kiogad Pass (Long.  $80^{\circ} 13' E$  and Lat.  $30^{\circ} 41' N$ ).

A.—From Kungri Bingri Pass the alignment lay south up to a point Long.  $89^{\circ} 13' E$  and Lat.  $30^{\circ} 35'N$ , along the crest of hills which also formed the watershed and then turned slightly south-east and then eastward.

A.—The co-ordinates of Darma Pass were Long.  $80^{\circ} 32' East$  and Lat.  $30^{\circ} 27' North$ .

A.—From Lipu Lekh Pass to the tri-junction of the boundaries of China, India and Nepal, the distance was about three miles.

## EASTERN SECTOR

Q. 1.—What were the co-ordinates of the point south of the Mela Pass where the Indian alignment turned east, as stated in the Indian side's description?

Q. 2.—How far south was Khinzemane from the Indian alignment, and what were its co-ordinates?

A.—The point south of the Mela Pass from where the Indian alignment by lay east was approximately  $91^{\circ} 40' E$  and Lat.  $27^{\circ} 48'N$ .

A.—Khinzemane was situated at Long.  $91^{\circ} 46' E$  and Lat.  $27^{\circ} 36'N$ . and lay immediately south of the boundary, which ran along the Tang La (Thagla) ridge.

## Chinese Questions

Q. 3.—At what point did the Indian alignment cross the Namjang river?

Q. 4.—What were the terrain features followed by the Indian alignment from the point south of the Mela Pass where it turned east to reach  $92^{\circ}$  East Longitude?

Q. 5.—From  $91^{\circ} 40'$  E Long.,  $27^{\circ} 48'$  N Lat., how did the Indian alignment run along Tangla? Where were the turning points? What were the co-ordinates of the peaks and passes on this ridge?

Q. 6.—What were the specific locations of Teygala, Zanglung ridge and Nakchutpa range?

Q. 7.—What was the direction in which the Tangla mountain range ran?

Q. 8.—What were the co-ordinates of the Indian alignment where it crossed the Namjang?

Q. 9.—What were the co-ordinates of the Indian alignment where it crossed the Tsona Chu?

Q. 70.—On what terrain features were the three northward protrusions of the Indian alignment between  $92^{\circ}$  East and  $92^{\circ} 30'$  East Longitude based? What were the co-ordinates of the respective turning points?

## Indian Answers

A.—The boundary crossed the Nyamjang river east of Khinzemane.

A.—The boundary started at Teygala on the Mela ridge and ran along the Tang La (Thagla) ridge, crossed the Nyamjang east of Khinzemane and ran along the Zanglung ridge to Bumla. From Bumla the line ran along Nakchutpa range to Tona Chu.

A.—From  $91^{\circ} 40'$  E Long.,  $27^{\circ} 48'$  N. Lat., the Indian alignment ran along the crest of Thagla (Tang La) ridge. It lay across the Thagla Pass at approximately  $91^{\circ} 44'$  E Long.,  $27^{\circ} 46'$  N Lat.

A.—Teyga La was located at point  $91^{\circ} 40'$  E Long.,  $27^{\circ} 48'$  N. Lat. Zanglung was the name given to the Great Himalayas east of Nyamjang Chu. Nakchutpa was the name given to the Great Himalayas east of Bumla.

A.—The ridge ran in a west-north-west to east-south-east direction.

A.—The Indian alignment crossed the Nyamjang at approximately  $91^{\circ} 46'$  E Long.,  $27^{\circ} 46'$  N Lat.

A.—The Indian alignment crossed Tsona Chu at approximately  $92^{\circ} 0'$  E Long.,  $27^{\circ} 44'$  N Lat.

A.—The northward protrusions of the boundary between  $92^{\circ}$  East and  $92^{\circ} 30'$  East were based on the actual alignment of the crest of the Great Himalayan Range in this region. The Peaks and the co-ordinates were—

18982 ( $92^{\circ} 16'$  E— $27^{\circ} 49'$  N)  
18525 ( $92^{\circ} 16'$  E— $27^{\circ} 52'$  N)  
19359 ( $92^{\circ} 20'$  E— $27^{\circ} 47'$  N)  
21271 ( $92^{\circ} 23'$  E— $27^{\circ} 51'$  N)  
21450 ( $92^{\circ} 24'$  E— $27^{\circ} 48'$  N)  
21420 ( $92^{\circ} 26'$  E— $27^{\circ} 52'$  N)  
20769 ( $92^{\circ} 27'$  E— $27^{\circ} 49'$  N)

## Chinese Questions

Q. 11.—At what point did the Indian alignment cross the Subansiri River and what were its co-ordinates?

Q. 12.—How far south of Migyitun did the Indian alignment cross the Tsari river, and what were the co-ordinates of the crossing? What was the shortest distance between Tso Karpo and the Indian alignment? What were the terrain features followed by the Indian alignment in this portion?

Q. 13.—What was the distance between Longju and Migyitun?

Q. 14.—What were the terrain features followed by the Indian alignment from the point where it crossed the Subansiri River to the point where it crossed the Tsari River? The Co-ordinates and geographical features of some of the points along this portion of the Indian alignment might also be supplied.

Q. 15.—What were the co-ordinates of the heights on the bridge separating the tributaries of Tsari Chu south of Longju on the one hand and the Oto Chu flowing into the Tsari Chu north of Migyitun and the Lilung Chu basin on the other? What were the co-ordinates of the point nearest to the south of Tso Karpo?

## Indian Answers

A.—The alignment crossed the Subansiri River at approximately Long.  $93^{\circ} 13'$  E and Lat.  $28^{\circ} 22'$  N.

A.—The alignment crossed the Tsari River immediately south of Migyitun, at approximately Long.  $93^{\circ} 33'$  E, and  $28^{\circ} 39'$  N. The shortest distance between Tso Karpo and the alignment was roughly about a mile and a half. The natural features followed in this region was the ridge separating the tributaries of the Tsari Chu south of Longju on the one hand and the Oto Chu flowing into the Tsari Chu north of Migyitun, and the Lilung Chu basin on the other.

A.—The distance between Longju and the alignment south of Migyitun was about two miles. Migyitun itself was in Tibet.

A.—After crossing the Subansiri River, the alignment lay northward along the ridge west of the Pindigo river (flowing into the Subansiri); and then at about a point approximately Long.  $93^{\circ} 18'$  E and Lat.,  $28^{\circ} 37'$  N, the alignment turned north-eastward along the ridge lying to the north-west of the Hariak river flowing into the Tsari Chu) upto Peak 18056 feet (Long.  $93^{\circ} 32'$  E., and Lat.  $28^{\circ} 41'$  N) whereafter it turned south-east and east to cross the Tsari Chu south of Migyitun.

A.—Height 17,500 feet (co-ordinates  $93^{\circ} 42'$  E Long.,  $28^{\circ} 40'$  N. Lat.) was located on the ridge separating the tributaries of the Tri Chu on the one hand and the Oto Chu flowing into the Tsari Chu north of Migyitun and the Lilung Chu basin on the other. The co-ordinates of the point nearest to Tso Karpo were the point nearest to Tso Karpo were  $93^{\circ} 40'$  E Long.,  $28^{\circ} 40'$  N Lat.

**Q. 16.**—At what place did the Pindigo river flow into the Subansiri river? At what place did Hariak river flow into the Tsari Chu? The Indian side might furnish the heights of peaks on the ridge west of the Pindigo river and their co-ordinates; and the heights of peaks on the ridge north-west of the Hariak river and their co-ordinates.

**Q. 17.**—Was there a ridge between Longju and Migyitun? If so, what was its height in comparison with that of Longju?

**Q. 18.**—Did the watershed pass between Longju and Migyitun, or was the watershed here cut by the valley?

**Q. 19.**—How far was the Indian alignment east and south of Tsari Sarpa? What were the co-ordinates of the point where the Indian alignment which had been going eastward turned northward?

**Q. 20.**—What were the terrain features followed by the Indian alignment south of Tsari Sarpa? If there were ridges, the Indian side might furnish the heights of peaks and the co-ordinates.

**Q. 21.**—What were the geographical features of the Indian alignment between  $93^{\circ} 30'$  East Longitude and Tunga Pass?

**A.**—The Pindigo river flowed for its whole course well within Indian territory and joined the Subansiri at  $93^{\circ} 16'$  E Long.,  $28^{\circ} 22'$  N Lat. The Hariak river also flowed for its whole course in Indian territory and joined the Tsari Chu at  $93^{\circ} 31'$  E Long.,  $28^{\circ} 37'$  N Lat. The heights of the ridges west of the Pindigo river and north-west of the Hariak river were about 16,000 feet.

**A.**—Longju and Migyitun lay in the Tsari valley. The height of the intervening ridge was about 10,000 feet. The height of Longju was slightly over 9,000 feet.

**A.**—The fact that a river cut through did not invalidate the principle of the watershed. The alignment ran along the watershed and at the point where the Tsari river broke through, the line ran between Migyitun and Longju. The average height of the watershed in this area was about 15,000 feet.

**A.**—The alignment was about four miles to the south and four miles to the east of Tsari Sarpa. The alignment turned northward at approximately Long.  $93^{\circ} 57'$  E, and Lat.  $28^{\circ} 40'$  N.

**A.**—South of Tsari Sarpa, the boundary followed the southern watershed of the Lilung Chu. This watershed was about 16,000 feet high.

**A.**—Between  $93^{\circ} 30'$  E Longitude and the Tunga Pass the alignment lay along the ridges lying to the south of Tso Karpo and Tsari Sarpa and separating the basins of the Oto Chu and Lilung Chu in Tibet from the tributaries of the Subansiri in the south. From peak 16,454 feet (Long.  $93^{\circ} 59' 5''$  E, and Lat.  $8^{\circ} 48'$  N) the alignment lay through peak 16,894 (Long.  $94^{\circ} 2'$  E, and Lat.  $28^{\circ} 51'$  N) along the crest of the Great Himalayan Range upto Tunga Pass.

## Chinese Questions

## Indian Answers

Q. 22.—At what point did the Indian alignment cross the Tsangpo river, and what were the co-ordinates of the crossing ?

Q. 23.—What were the precise locations of the main turning points ; and what were the heights and co-ordinates of the peaks and passes on the Indian alignment between the lower reaches of the Tsangpo (what the Indian side called the Dihang) river and the Tsayul (what the Indian side called the Lohit) river ?

A.—The alignment reached the western bank of the Dihang at approximately Long.  $95^{\circ} 2' E$  and Lat.  $29^{\circ} 8' N$  (west of Korbo in India) and then, moving up along the midstream, crossed over to the other side at approximately Long.  $94^{\circ} 59' E$  and Lat.  $29^{\circ} 10' N$  (west of Mongku in Tibet.)

A.—The following were some of the peaks located at or near the main turning points in the alignment between the Dihang and the Lohit rivers :

Long.	Lat.
13720	( $95^{\circ} 27' E$ — $29^{\circ} 2' N$ )
18484	( $96^{\circ} 05' E$ — $29^{\circ} 28' N$ )
19700	( $96^{\circ} 24' E$ — $29^{\circ} 15' N$ )
15899	( $96^{\circ} 07' E$ — $29^{\circ} 05' N$ )
19430	( $96^{\circ} 32' E$ — $29^{\circ} 04' N$ )
14917	( $96^{\circ} 17' E$ — $28^{\circ} 23' N$ )
16061	( $96^{\circ} 48' E$ — $28^{\circ} 20' N$ )

The main passes in this area were :

Zikyon Pass Long.  $95^{\circ} 30' E$ , and Lat.  $29^{\circ} 06' N$ .

Andra Pass Long.  $95^{\circ} 33' E$ , and Lat.  $29^{\circ} 09' N$ .

Yonggyap Pass Long.  $95^{\circ} 36' E$ , and Lat.  $29^{\circ} 13' N$ .

Kangri Karpo Pass Long.  $96^{\circ} 5' E$ , and Lat.  $29^{\circ} 28' N$ .

Agua Pass Long.  $96^{\circ} 23' E$ , and Lat.  $29^{\circ} 13' N$ .

## Chinese Questions

Q. 24.—At what point did the Indian alignment cross the Tsayul river, and what were the co-ordinates of the point of crossing ?

Q. 25.—From the junction of the Tsayul river and the Tiso river upto Diphuk Pass what terrain features did the Indian alignment follow ? If they were mountain ridges, what kind of mountain ridges ?

## Indian Answers

A.—The alignment crossed the Lohit River north of its junction with the Dichu at approximately Long.  $97^{\circ} 01' E$ , and Lat.  $28^{\circ} 19' N$ .

A.—The alignment crossed the Krawnaon river at approximately  $97^{\circ} 01' E$ . Long. and  $28^{\circ} 19' N$ . Lat., lay on the opposite bank along the ridge separating the waters of the Latte and Dichu basins, and proceeded along the crest of the ridge to the mountain range at peak 15283 feet which was the tri-junction of the boundaries of India, Burma and China. The co-ordinates were approximately  $97^{\circ} 23' E$ . Long., and  $28^{\circ} 13' N$ . Lat.

## CLARIFICATIONS SOUGHT BY THE INDIAN SIDE

### Indian Questions

### Chinese Answers

#### Western Sector

**Q. 1.**—The Chinese description stated that the boundary between Sinkiang and Ladakh “for its entire length runs along the Karakoram mountain range following broadly the watershed between the two big river systems.” The word “broadly” suggested that the alignment did not throughout follow the watershed between the two big river systems. In which parts of the sector did the Chinese alignment not follow the watershed?

**Q. 2.**—The Chinese side might give the names of those tributaries as marked on the map and which the alignment crossed.

**Q. 3.**—The Chinese side might give the exact co-ordinates of the points where the Chinese alignment crossed these rivers.

**Q. 4.**—The Chinese description stated: “From the Karakoram Pass, the boundary runs eastward to a point east of 78° East Longitude.” What was the exact point east of 78° East longitude where it turned south-eastwards? The Chinese side might give the degrees and minutes longitude as well as degrees and minutes latitude.

**Q. 5.**—The Chinese alignment proceeded east from the Karakoram Pass to a point 78° 5' E., 35° 33' N. This segment east of the Karakoram Pass was shown on the map as a straight line. The Indian side would like to have more details.

**A.**—Except for the sources of certain tributaries of the Shyok river, it broadly—not strictly—followed the watershed between the two big river systems. The line turned south-eastward along the high ridge of the Karakoram mountains on the east bank of the Shyok river and the northern bank of the Khugrang Tsangpo river. The entire portion of this line lay along the high ridge. This was a watershed.

**A.**—Between the Karakoram Pass and the Kongka Pass, the rivers which the alignment crossed were—

- (1) Chip Chap river,
- (2) 3 small rivers called “western gulleys”
- (3) Chilowan,
- (4) the tributaries of the Chang Chenmo.

**A.**—Longitude 78° 5' East, Latitude 35° 33' North.

**A.**—The map given by the Chinese side showed this alignment very clearly. It followed the watershed between the tributaries of the Yarkand river and the Shyok.



**Q. 6.**—The Indian side would like to have the co-ordinates of prominent peaks on this range from Karakoram Pass to the point  $78^{\circ} 5'$  East and  $35^{\circ} 33'$  North.

**Q. 7.**—What were the heights of prominent peaks on this range ?

**Q. 8.**—The Chinese description stated : “From the Karakoram Pass it runs eastward along the mountain ridge.” Was that the highest range ? And was it a continuous range ?

**Q. 9.**—The Indian side would like to have some heights of peaks and location of passes on this particular ridge.

**Q. 10.**—Was the boundary line along one long continuous ridge except where the rivers broke through, or was it a series of broken hills ?

**Q. 11.**—From the crossing of the Chang Lung river to the Kongka Pass, did the alignment run along a ridge ?

**Q. 12.**—The Chinese alignment turned south-west from the point  $78^{\circ} 5'$  E,  $35^{\circ} 33'$  N. to a point  $78^{\circ}$

**A.**—It ran along the ridge of that particular mountain range which lay east of the Shyok river and north of the Khugrang Tsangpo river. It might not be the highest range.

**A.**—From  $78^{\circ} 5'$  East, the line turned south-west to a point Long.  $78^{\circ} 1'$  E. and Lat.  $35^{\circ} 21'$  N., where it crossed the Chip Chap river. After this, it turned south east along the mountain ridge and passed through two peaks—Peak 6845 metres and Peak 6598 metres. The co-ordinates of Peak 6845 M were Long.  $78^{\circ} 12'$  E, Lat.  $34^{\circ} 57'$  N. The co-ordinates of Peak 6598 M were Long.  $68^{\circ} 13'$  E., Lat.  $34^{\circ} 54'$  N. After the alignment passed over the two peaks, it went south along the mountain ridge, where it crossed the Galwan river at Long.  $78^{\circ} 13'$  E, Lat.  $34^{\circ} 46'$  N. It then passed over Peak 6556 M and followed the watershed between the Khugrang Tsangpo river and its tributary the Changlung river, crossed the Changlung river at Long.  $78^{\circ} 53'$  E, Lat.  $34^{\circ} 22'$  N, and reached the Kongka Pass.

**A.**—It ran along the mountain ridge in a south-easterly direction upto the Kongka Pass.

**A.**—It ran in a south-westerly direction along a gulley upto the Chip Chap river for the entire length.

1' E, 35° 21' N, where it crossed the Chip Chap river. The Indian side would like to have more details about this stretch of the alignment. Did it follow a ridge or a stream ?

*Q. 13.*—The Indian side would like to have a confirmation of what was clear from the information and map given by the Chinese side, that their alignment did not run along the highest range of the Karakoram mountains, but along lower ridges to the east.

*Q. 14.*—After crossing the Chip Chap river, and before it reached Peak 6845 metres, did the Chinese alignment cross any other tributaries flowing into the Chip Chap ?

*Q. 15.*—The Chinese description stated : “The boundary alignment runs along the east bank of the Shyok river and the northern bank of the Khugrang Tsangpo river.” At what exact point—either the coordinates or distances correlated with some natural features—did the alignment move from the east bank of the Shyok river to the northern bank of the Khugrang Tsangpo river ?

*Q. 16.*—South of the Kongka Pass, the alignment ran along the ridge passing through Ane Pass. The Indian side would like to have details of this ridge, heights of peaks location of passes, etc.

*Q. 17.*—South of the Kongka Pass, the alignment cut the Chang Chenmo river. What were the exact points at which it cut this river valley ?

*A.*—The ranges west of the Shyok river were higher, and in Indian territory.

*A.*—The line passed over Peak 6556 metres. It then moved to the watershed on the northern bank of the Khugrang Tsangpo river.

*A.*—After passing the Kongka Pass, it turned south-west, crossed the junction of the Chang Chenmo river and the Silung Barma river, and went upto Peak Tamate, the coordinates of which were Long. 78° 55' E, Lat. 34° 10' N. Then the line ran in a south-westerly direction, along the Chang Chenmo mountains, and over Peak 6107 M<sub>34</sub> to the Ane Pass.

## Indian Questions

**Q. 18.**—From the Kongka Pass to the junction of the Chang Chenmo and the Silung Barma rivers, did the alignment run south-west immediately after it passed the Kongka La? Did it run along a ridge or along streams?

**Q. 19.**—The Chinese side stated that the alignment, running along the Chang Chenmo mountains, reached the Ane Pass. This meant presumably that at some point it left the Chang Chenmo mountains and turned south to reach the Ane Pass. At what point did it leave the Chang Chenmo mountains? Did it run due south from there and along a ridge upto the Ane Pass?

**Q. 20.**—The Chinese alignment ran along the Chang Chenmo range and then crossed the river valley to the Ane Pass. At what point did it cross the valley?

**Q. 21.**—Did it cross any rivers between Peak 6107 and the Ane Pass? Where did it cross Kiu river?

**Q. 22.**—Passing through Ane Pass, the alignment cut across the western half of Pangong Lake. What were the details of the alignment, such as terrain features, from the Ane Pass to the Pangong Lake?

**Q. 23.**—What was the exact point where the alignment cut the western half of Pangong Lake? And what was the exact point where it left the Pangong Lake?

**Q. 24.**—The Indian side would also like to have the names of passes through which the Chinese alignment ran?

## Chinese Answers

**A.**—After passing through the Kongka Pass, it turned south-west along mountain ridges.

**A.**—After leaving Peak 1607 metres it went in a south-easterly direction along the mountain ridge upto the Ane Pass.

**A.**—It crossed the river at the junction of the Chang Chenmo river and the Silung Barma river.

**A.**—To the Chinese knowledge there was a river called the Chee Yu river which might be the Kiu river. This Chee Yu river lay within Chinese territory, and the line did not cut across it.

**A.**—It followed the mountain ridge to Height 6127 M, turned in a south-westerly direction, and reached the northern bank of the Pangong Lake.

**A.**—The co-ordinates of the point where it reached the Pangong Lake were—Long.  $78^{\circ} 49'$  E, Lat.  $33^{\circ} 44'$  N. It crossed to the southern bank of the lake at a point Long.  $78^{\circ} 43'$  E, Lat.  $33^{\circ} 40'$  N. Then it went in a south-easterly direction along the watershed dividing the Tongta river and the other rivers flowing into the Spanggur Lake, till it reached Mount Sajum.

**A.**—The Chinese side have already mentioned the main passes—the Karakoram Pass, the Kongka Pass and the Ane Pass.

## Indian Questions

Q. 25.—The Chinese description stated that the alignment skirted the western side of the Spanggur Lake. Did this mean that it touched the western side of the Spanggur Lake?

Q. 26.—According to the Indian map, the watershed ridge was cut by the western tip of Spanggur Lake. It would, therefore, help understanding to have the names of the rivers flowing into the Spanggur Lake. The Indian side would also like to have the distance of the Chinese line from the western tip of the Spanggur Lake as well as the co-ordinates of this point. According to the map given by the Chinese side, the alignment touched the western tip of the Spanggur Lake.

Q. 27.—If according to the Chinese side, the alignment on their map did not touch the lake, would they give the distance from the lake and the co-ordinates of this point?

Q. 28.—The boundary in this area, according to the Chinese, lay in a south-easterly direction along the watershed. The Indian side would like to have the heights of peaks on this watershed and their co-ordinates.

Q. 29.—The Chinese side mentioned three peaks—6556 metres, 6106 metres and 6127 metres. The Indian side would like to have the co-ordinates of these peaks.

Q. 30.—The Chinese alignment was stated to run from the Spanggur Lake upto Mount Sajum. What were the terrain features of this stretch?

Q. 31.—From Mount Sajum the alignment was said to run to the crossing of the Indus. What were the natural features of this stretch : heights of peaks, passes, etc.?

## Chinese Answers

A.—It did not touch, but went along the ridge, i.e., it ran along the watershed composed of the streams flowing into the Spanggur Lake on the Chinese side and the river on the Indian side, which the Chinese called Tongta river.

A.—The alignment marked on the map given by the Chinese side did not seem to touch the lake

A.—6556 metres:—Long.  $78^{\circ} 26' E$ ,  
Lat.  $34^{\circ} 32' N$ .

6107 metres:—Long.  $78^{\circ} 39' E$ ,  
Lat.  $34^{\circ} 04' N$ .

6127 metres:—Long.  $78^{\circ} 46' E$ ,  
Lat.  $33^{\circ} 50' N$ .

## Indian Questions

Q. 32.—The Chinese description stated that the alignment crossed the Indus at 33° North latitude. The Indian side wished to have the exact co-ordinates of this crossing.

Q. 33.—In the Chinese statement, it was alleged that in the Western sector, India was in "occupation" of Parigas district. This district was not marked on the map supplied by the Chinese side. Nor was Parigas known to the Indian side. The Chinese side might give details of the location and area of this district.

Q. 34.—The Chinese side stated that Parigas lay west of Demchok after crossing the Chopu river. As the Indian side were not aware of these names Parigas and Chopu, they wished to have the co-ordinates of Parigas.

Q. 35.—The Chinese alignment ran along the watershed east of the Koyul Lungpa river and south of the Hanle river. The Indian side would like to have details of heights of peaks, names of passes, etc., on these two watersheds, and also the exact point where the alignment turned from the watershed east of the Koyul Lungpa to that south of the Hanle river.

Q. 36.—The Indian side would like to have the height and co-ordinates of Mount Shinowu, mentioned in the Chinese description.

Q. 37.—From that point, according to the Chinese statement, the alignment ran westward. At what point did it cross the Pare river?

Q. 38.—From the map given to the Indian side, it appeared that the Chinese alignment cut the Pare river as its junction with a stream at a point Long. 78° 37' E., Lat. 32° 37' N. The Indian side would be glad to have a confirmation of this.

## Chinese Answers

A.—It crossed the Indus river at point Long. 79° 10' E, Lat. 33° (approximately).

A.—Parigas was part of the Demchok area. West of Demchok, after crossing the Chopu river, one arrived at Parigas.

A.—Chopu river was located one kilometre to the west of village Demchok. West of this river, there was a frontier post of the Indian troops and that was Parigas.

A.—The height of this peak was approximately 6410 metres. Its co-ordinates were approximately : Long. 78° 45' E., Lat. 32° 43' N.

A.—The location of the point where the line crossed the Pare river was approximately as stated by the Indian side

Q. 39.—What were the co-ordinates of what was called the tri-junction of the Ari district in China and the Punjab and Ladakh in India?

A.—The co-ordinates of this junction were approximately Long.  $78^{\circ} 24'E$ , Lat.  $32^{\circ} 31' N$ .

MIDDLE SECTOR

Q. 1.—The description given by the Chinese side stated that their alignment ran southward along the watershed west of the Pare river and the Chuva river. Would the Chinese side point out the Chuva river on their map?

Q. 2.—What was meant by the watershed west of the Pare river and the Chuva river? Was it the watershed between the Pare and Chuva rivers? Otherwise, between which rivers did this watershed lie?

Q. 3.—Would the Chinese side give details of heights of peaks and names of passes on this watershed? The co-ordinates of these points might also be given.

Q. 4.—Did the alignment run along the watershed right up to the converging point of the Pare river and the Spiti river? Would the Chinese side give exact co-ordinates of the point where the Pare river and the Spiti river converged? Did the alignment pass through this point?

Q. 5.—The Chinese side stated that the alignment passed through Peak 6526 metres. The Chinese description stated that the boundary ran along the watershed and passed by the converging-point of the Pare and the Spiti rivers. Did this mean that Peak 6526 was on the watershed?

Q. 6.—The Chinese side have stated that Height 6526 is on the watershed separating the Pare and the Chuva rivers on the one hand and the other tributaries of the Spiti on the other. The Indian side would like to know how many miles west of Chuva river the height was located.

A.—In the portion north of the junction of the Pare and the Spiti rivers, the alignment followed the watershed between the Pare and the Chuva rivers (the Chuva river was situated between the boundary and the Pare river, and flowed into the Spiti river) on the one hand, and the other tributaries of the Spiti river on the other.

A.—It passed through Peak 6526 metres (approximately  $78^{\circ} 30' E$  Long. and  $32^{\circ} 21' N$  Lat).

A.—Height 6526 was on the watershed separating the Pare and the Chuva rivers on the one hand and the other tributaries of the Spiti river on the other.

## Indian Questions

Q. 7.—The Chinese side gave the height of one peak on the watershed north of the junction of the Pare and the Spiti rivers. The Indian side would like to have heights of some other peaks on this watershed and the names of passes, if any.

Q. 8.—The Chinese side stated that the Chuva river was situated between the boundary and the Pare river. Was this river shown on the Chinese map and, if it were, would they point it out? The Chinese answer also stated that the Chuva river flowed into the Spiti river. The co-ordinates of this junction might be given.

Q. 9.—The Chinese description stated that their alignment passed by the converging-point of the Pare and the Spiti rivers. Did the alignment pass east or west of the junction, and at how many miles distance from it? The Indian side would also like to have the co-ordinates of the point at which it passed this junction.

Q. 10.—Before the alignment reached the junction of the Pare and the Spiti rivers, did it cross what the Chinese side called the Chuva river? If it did, the Indian side would like to have the co-ordinates of this crossing.

Q. 11.—The Chinese side stated that their alignment met the Spiti river a few kilometres west of the converging-point of the Chuva and Spiti and that it then ran along the Spiti upto its junction with Pare. In the Chinese map however, the alignment was shown not along the Spiti but descending directly from the north and cutting the Pare river just east of its junction with the Spiti. The Indian side would like to have a clarification of this discrepancy.

Q. 12.—Chuva and Chuje were alleged to be places "under Indian occupation". These places were not marked on the map. The Indian side would like to have details of their location and area.

## Chinese Answers

A.—With regard to the position of the Chinese line in the vicinity of the junction of the Pare and the Spiti rivers, the Chinese side's earlier answer was a more detailed explanation of the map provided by the Chinese side. This explanation, therefore, should not be considered as being different from the map.

A.—Chuva and Chuje were to the east of the boundary and west of a place called Chulupu. Chuje was to the east of Chuva.

## Indian Questions

Q. 13.—The Chinese side mentioned that Chuva and Chuje were to the east of the Chinese alignment and west of Chulupu. The Indian side would like to have the co-ordinates of Chuva and Chuje. Were these villages or camping-grounds?

Q. 14.—Chuva and Chuje were stated to be two villages. The Indian side would like to know how far and in what direction from Sumdo they were located.

Q. 15.—Did the alignment from the junction of the Spiti and the Pare rivers to H 6791, cut across streams, or did it lie along a ridge?

Q. 16.—Would the Chinese side give details of the alignment from the converging-point of the Pare and Spiti rivers to the crossing of the Sutlej river? If it ran along a watershed, the Indian side would like to have detail of heights of peaks and names of passes on this watershed, and the co-ordinates of these points.

Q. 17.—Would the Chinese side give the co-ordinates of the point at which the alignment crossed the Sutlej river? It was said to be west of Shipki Pass. How far west of Shipki Pass?

Q. 18.—The Chinese side stated that the alignment crossed the Sutlej at a place 6 to 7 kilometres west of Shipki Pass. The Indian side would like to have the co-ordinates of this point.

Q. 19.—The Chinese side stated that west of Shipki there was a small river called the Hupsang Khud. Did the alignment cross the Sutlej west or east of the junction of the Sutlej with the Hupsang Khud?

## Chinese Answers

A.—Chuva and Chuje were two villages. Chuva river was a small river west of Sumdo. The Chinese line met the Spiti river a few kilometres west of the converging-point of the Chuva and the Spiti rivers. Then it ran along the Spiti river upto the junction where it met the Pare river (approximately  $78^{\circ} 36'$  E. Long.  $32^{\circ} 02'$  N. Lat.)

A.—Chuva was to the north of Sumdo. Chuje was to the east of Sumdo.

A.—At a place (there was a small river called the Hupsang Khud there) about 6 to 7 kilometres west of Shipki Pass, the boundary crossed the Siangchuan River. North-east of this point the boundary passed through Peak 6791 (approximately  $78^{\circ} 45'$  E. Long,  $31^{\circ} 54'$  N. Lat.)



*Q.* 20.—The Chinese side stated that north-east of the crossing of the Sutlej the alignment passed through Peak 6791. The Indian side would like to have the heights of other peaks and a description of the natural features followed by the alignment in this segment.

*Q.* 21.—The description given by the Chinese side stated that after the crossing of the Sutlej river the alignment continued southward along the watershed. The Indian side would like to have details of heights of peaks and names of passes on this watershed, as well as the co-ordinates of these points.

*Q.* 22.—The Chinese side stated that south of the Sutlej, crossing the alignment passed through peak 5642. The Indian side would like to have the heights of other peaks and a description of the natural features in this segment.

*Q.* 23.—South of the Sutlej crossing the Chinese alignment was stated to run directly from Height 5642 to the Gumrang Pass. The Indian side would like to have the names of any other heights and passes on this ridge.

*Q.* 24.—The Indian side would like to have the co-ordinates of Shipki and Puling Sumdo which were marked on the map.

*Q.* 25.—The Indian side would like to have details of the alignment from Gumrang Pass to the crossing of the Jadhganga.

*Q.* 26.—As the Chinese alignment crossed the Jadhganga river, obviously it had left the watershed at some point before. At what exact point did it do so, and on the basis of what geographical principle? The

*A.*—South of this point, the boundary passed through Peak 5642 (approximately  $78^{\circ}50'E$ . Long.  $31^{\circ}37' N$ . Lat.).

*A.*—From Height 6791, the alignment ran along a spur in a southerly direction, and crossed the junction of the Siangchuan river and the Hupsang Khud river. It then ran along the ridge passing through Height 5642 and Gumrang Pass (approximately  $78^{\circ}49'E$ . Long.,  $31^{\circ}25' N$ . Lat.).

*A.*—Between Height 5642 and Gumrang Pass, the boundary also passed through Tapulung Pass (approximately  $78^{\circ}50'E$ . Long.  $31^{\circ}35' N$ . Lat.).

*A.*—Shipki was a village in China Puling Sumdo was located at approximately  $79^{\circ}08'E$ . Long.,  $31^{\circ}18' N$ . Lat.

*A.*—In the Sang and Tsungha area, the boundary crossed the Jadhganga river west of Tsungsha. With regard to the location of the traditional boundary in this area, the Tibet local authorities and the

## Indian Questions

## Chinese Answers

Chinese alignment in the Middle Sector was stated in the description to have the natural features of watersheds, mountain passes and river valleys. What natural features did it follow from the point where it left the watershed upto the crossing of the Jadhganga river ?

British side had entered into many negotiations in the past. The Chinese side were willing to make clarifications on this later.

*Q. 27.*—The Chinese side promised clarifications at a later stage on negotiations about this sector. But Item I dealt with only natural features. What were the natural features followed by the Chinese alignment in this sector ?

*Q. 28.*—The alignment was said to cross the Jadhganga river west of Tsunsha. How far west of Tsungsha ?

*Q. 29.*—The Indian side would like to have the co-ordinates of the point where the Chinese line crossed the Jadhganga river.

*Q. 30.*—The alignment was stated to turn east after crossing the Jadhganga river. At what exact point did it turn east, and on the basis of what natural features ?

*Q. 31.*—From the Jadhganga crossing to the Mana Pass, did the alignment lie along the Mana Gad river ?

*Q. 32.*—What were the natural features followed by the Chinese alignment after the crossing of Jadhganga river till it reached the Mana Pass ?

*Q. 33.*—What was the name of the river shown near Sang on the Chinese map ?

*A.*—Jadhganga river.

*Q. 34.*—Would the Chinese side give details of the alignment from Mana Pass to Mount Kamet ?

*A.*—The Chinese alignment ran along the ridge from Mana Pass to Mt. Kamet and after crossing Mt. Kamet.

## Indian Questions

Q. 35.—Would the Chinese side give details of the alignment from Mount Kumat onwards? Did it lie along Niti Pass?

Q. 36.—Was Ma Dzo La a pass or a village?

Q. 37.—It was stated that the alignment “skirts along the south side of Wuje, Sangcha and Lapthal”. These three places were not marked on the map, and the Chinese side might, therefore, give details of their area and location. What was meant by skirting along the south side? How far south of these three places did the Chinese alignment run? The Indian side would like to have details of the alignment in this segment and the natural features which it followed.

Q. 38.—In the Wuje, Sangcha and Lapthal area, the boundary was said to follow a mountain ridge south of these three places. How far south of these three places did the alignment lie?

Q. 39.—The Chinese side stated that in the area of Wuje, Sangcha and Lapthal the boundary followed the mountain ridge south of these three places. Were there any rivers crossing this mountain ridge? If so, the Indian side would like to have the co-ordinates of these crossings, and the heights of any peaks on this ridge.

Q. 40.—What were the co-ordinates of the point at which the alignment cut the Dhauli river?

Q. 41.—It was stated that after Wuje, Sangcha and Lapthal the alignment “again runs along the watershed”. At what point did the alignment leave the watershed, at what exact point did it return to

## Chinese Answers

A.—After passing through Mt. Kamet, the boundary did not pass through Niti Pass but passed through Ma Dzo La which was south of Niti Pass.

A.—Ma Dzo La was a mountain pass.

A.—In the area of Wuje, Sangcha and Lapthal, the boundary followed a mountain ridge south of these three places. This ridge was higher than the ridge north of these three places. The approximate co-ordinates of these three places were as follows:

Wuje  $79^{\circ} 58'$  E. Long.  $30^{\circ} 50'$  N. Lat

Sangcha  $80^{\circ} 9'$  E. Long.  $30^{\circ} 46'$  N. Lat.

Lapthal  $80^{\circ} 8'$  E. Long.  $30^{\circ} 44'$  N. Lat.

A.—In the area of Wuje, Sangcha and Lapthal, the alignment ran along a ridge south of these three places passed through Ma Dzo La (approximately  $79^{\circ} 55'$  E. Long.  $30^{\circ} 50'$  N. Lat.) and then skirted the

## Indian Questions

## Chinese Answers

het watershed, and on the basis of what geographical principles and natural features did the alignment first leave the watershed and then return to it ?

southern side of U-Dra La river upto U-Dra La. From there the alignment followed the watershed separating the tributaries of the Siangchuan and the Map Chu rivers on the one hand and the Dhauli Ganga and the Kali rivers on the other upto the tri-junction of China, India and Nepal.

*Q. 42.*—The Indian side wished to know the co-ordinates of the point from which the Chinese alignment, after running along the south side of Wuje, Sangcha and Laphthal, 'again runs along the watershed.'

*Q. 43.*—The Indian side would like to have details of the alignment from the point where it returned to the watershed upto Darma Pass.

*Q. 44.*—Were all the areas lying between Wuje, Sangcha and Laphthal Chinese territory or were the three places separated by wedges of Indian territory ? Did all the three places form one composite area or did they form three different pockets ?

*A.*—These three places were all within Chinese territory and there were no Indian territories in between.

*Q. 45.*—The Indian side would like to have the co-ordinates of U-Dra La.

*A.*—U-Dra La was not far southwest of Kungri Bingri Pass.

*Q. 46.*—How far were Sangcha and Laphthal from the U-Dra La river ?

*Q. 47.*—The Indian side would like to have details of the alignment from the Darma Pass to the tri-junction of China, India and Nepal.

*Q. 48.*—Would the Chinese side give the heights of some peaks on the watershed upto the tri-junction of China, India and Nepal. ?

*Q. 49.*—What were the co-ordinates of the tri-junction of China, India and Nepal ?

*A.*—The tri-junction of China India and Nepal was in the vicinity of Lipulekh Pass. As this tri-junction concerned three countries it could only be determined by the three sides checking together.

Q. 50.—What were the co-ordinates of the tri-junction of India, China and Nepal on the Chinese map ?

Q. 51.—The Indian side wished to have the co-ordinates of Lipulekh Pass.

EASTERN SECTOR

Q. 1.—What were the geographical principles and natural features followed by the Chinese alignment in this sector ?

A.—The main feature of the eastern sector of the boundary was that it roughly followed the line where the southern foot of the Himalayas touched the plains. Its specific location and terrain features were basically the same as drawn on many Indian maps in the past (for example, *India* of 1901, the *District Map of India* of 1905, and *Tibet and Adjacent Countries* of 1917, etc., published by the Survey of India.)

Q. 2.—The Indian side would like to have a more detailed description of the south-eastern tip of Bhutan. What were the exact co-ordinates of the point from which the eastern sector started ?

A.—The eastern sector of the boundary started at the tri-junction of China, India and Bhutan (approximately  $91^{\circ} 30'$  E. long.  $26^{\circ} 53'$  N. Lat.) and proceeded eastward to approximately  $93^{\circ} 47'$  E Long.,  $27^{\circ} 1'$  N. Lat. where it turned north-east and reached Nizamghat.

Q. 3.—It was stated that the alignment followed all along the line where the southern foot of the Himalayas touched the plains. Did this mean where the hills ended and the plains started ? Along what particular ranges of foothills did the alignment run ?

Q. 4.—The Chinese description stated that their alignment in this sector followed "all along the line" where the southern foot of the

A.—The Traditional customary line in the eastern sector from its starting point to Nizamghat followed all along the line where the foot of the

## Indian Questions

Himalayas touched the Plains. The Chinese answer given subsequently, however, stated that their alignment followed 'roughly' the line. Did this mean that it did not follow "all along the line"? The Indian side would like to know the segments where it did not follow this line.

Q. 5.—The Chinese side stated that there were individual exceptions to the alignment lying along the line where the foot of the mountains touched the plains. The Indian side would like to know which were these individual exceptions.

Q. 6.—It was stated that these plains were on the northern bank of the Brahmaputra river. The Chinese side might explain the reference to the river.

Q. 7.—What were the co-ordinates of the point west of  $94^{\circ}$  East Longitude upto which the alignment ran?

Q. 8.—The Indian side would like to have a more detailed description of the alignment from Bhutan upto this point west of  $94^{\circ}$  East Long.—heights of peaks, names of passes, co-ordinates of points where it crossed rivers, etc.

Q. 9.—The Indian side would like to have the names of the rivers which were shown on the Chinese map, and the exact points at which the alignment crossed them.

Q. 10.—The alignment was shown as crossing the second river at the bend, which was a long way from the foot-hills. How did this

## Chinese Answers

mountains touched the Plains. The use of the word "roughly" meant there were individual exceptions. This situation had been clearly shown on the map provided.

A.—Between the starting point of the eastern sector and Nizamgha, the line crossed the Bhoroli river at approximately  $92^{\circ} 51'$  E. Long.,  $26^{\circ} 55'$  N. Lat., the Subansiri river at approximately  $94^{\circ} 15'$  E. Long.,  $27^{\circ} 34'$  N. Lat., the Tsangpo river north-east of Pasighat at approximately  $95^{\circ} 19'$  E. Long.  $28^{\circ} 05'$  N. Lat. and the Dibang river at  $95^{\circ} 40'$  E. Long.,  $28^{\circ} 15'$  N. Lat.

conform with the description that the alignment ran along the line here the foot of the Himalayas touched the plains.

Q. 11.—How many miles south of Bini did the alignment cross the Subansiri river? By "South" did the Chinese side mean due south?

Q. 12.—The Indian side would like to have details of the alignment from the point west of  $94^{\circ}$  East Longitude upto Nizamghat. At what point did it turn north-eastward and what natural features did it follow? According to the Chinese map it seemed to run well in the Himalayas.

Q. 13.—What were the names of the first and the third rivers crossed by the Chinese alignment on their map in this sector? The Indian side would also like to have the co-ordinates of the points at which the Chinese alignment crossed them.

Q. 14.—The Chinese side stated that their alignment turned north-east at point  $93^{\circ} 47'$  E. Long., and  $27^{\circ} 01'$  N. Lat. Did it lie along a mountain ridge from this point?

Q. 15.—Did the Chinese alignment run through Nizamghat? If not, how many miles near it and in which direction?

Q. 16.—The description stated that from Nizamghat the line turned south-eastward. At what exact point did it turn south-eastward?

Q. 17.—At what exact point did the alignment enter mountainous terrain?

Q. 18.—Could the Indian side have details of the alignment from Nizamghat to Painlon Pass—heights and co-ordinates of peaks, river crossings, passes, etc.?

A.—The first river crossed by the alignment in the eastern sector was the Chungli river. The crossing point was approximately  $92^{\circ} 07'$  E. Long.,  $26^{\circ} 52'$  N. Lat. The third river was the Rang. river, the crossing point was approximately  $93^{\circ} 58'$  E. Long.,  $27^{\circ} 20'$  N. Lat.

A.—Nizamghat was situated immediately on the northern side of the Chinese alignment.

Q. 19.—The Chinese description stated that after Nizamghat the alignment entered mountainous terrain. Did this mean that the alignment ran along a ridge? If so, along what points and peaks?

Q. 20.—Between Painlon Pass and point  $96^{\circ} 31' E, 28^{\circ} 04' N.$  where the Chinese alignment met the lower reaches of the Tsayul river, what natural features did the Chinese alignment follow? If it were a ridge, the Indian side would like to have the heights and co-ordinates of any peaks.

Q. 21.—The description given by the Chinese side stated that the alignment crossed the Brahmaputra river in the vicinity of Pasighat. The map, however, showed the boundary as running through Pasighat. The Indian side would like to have a clarification of this discrepancy.

Q. 22.—At what exact point did the alignment join the valley of the lower reaches of the Tsayul river?

Q. 23.—Between points  $96^{\circ} 31' E, 28^{\circ} 04' N.$  and  $96^{\circ} 54' E, 27^{\circ} 53' N.$ , did the alignment lie along any particular bank of the Tsayul river?

Q. 24.—Could the Indian side have details of the alignment from the Tsayul valley to the tri-junction of India, China and Burma?

Q. 25.—The Indian side would like to know how far south of Walong the Chinese alignment lay.

Q. 26.—After leaving Point  $96^{\circ} 54' E, 27^{\circ} 53' N.$ , did the Chinese alignment run along any natural features.

Q. 27.—Could the Indian side have the co-ordinates of the tri-junction of India, China and Burma?

A.—After Nizamghat the alignment entered mountainous terrain upto the meeting point with the lower reaches of the Tsayul river. The alignment ran along a ridge. The main heights were : 3295 (approximately  $96^{\circ} 06' E. Long., 28^{\circ} 12' N. Lat.$ ); and 3575 (approximately  $96^{\circ} 17' E. Long., 28^{\circ} 08' N. Lat.$ )

A.—The line crossed the Tsangpo river north-east of Pasighat at approximately  $95^{\circ} 19' E., 28^{\circ} 05' N.$

A.—The boundary met the lower reaches of the Tsayul river at approximately  $96^{\circ} 31' E. Long., 28^{\circ} 04' N. Lat.,$  and left it at approximately  $96^{\circ} 54' E. Long., 27^{\circ} 53' N. Lat.$

A.—After the alignment met the Tsayul river at its lower reaches, it followed the river course.

A.—The tri-junction of China, India and Burma concerned three countries, and could only be determined by the three sides checking together.



## Indian Questions

Q. 28.—The Indian side would like to have the co-ordinates of the tri-junction of China, India and Burma, as shown on the Chinese map.

## Chinese Answers

It will be noticed that whereas the Chinese side provided answers to only 59 of the 118 questions put by the Indian side—and these too were in most cases incomplete or partial answers—the Indian side answered fully all the 57 questions put by the Chinese side. There was only one question—whether the Indian alignment differed from the so-called McMahon Line—that the Indian side declined to answer, on the ground that it was irrelevant to Item One, which concerned the location of the Indian alignment as furnished to the Chinese side. Spherical co-ordinates, names of places and, where necessary, the distances were all given to make the information as complete as possible. When the Chinese side said some of the co-ordinates might be different on their maps, the Indian side replied that the information given by them was accurate and based on scientific surveys and triangulations; and the Chinese side could not show that any of the information supplied by the Indian side was wrong. The Indian side were, therefore, astonished to read, in the final statement of the Chinese side, that the Indian description was imprecise. This suggestion, never substantiated or even made during the discussions, was wholly unacceptable to the Indian side.

The Chinese side stated that though the Indian side claimed that their maps were detailed and precise, they had never been checked by China, and the various Indian maps showed the Sino-Indian boundary differently. The Indian side replied that they were quite willing to explain old Indian maps, the boundaries shown on them and the surveys on which Indian maps were based, but such discussions would not be within the scope of Item One. Under that Item, the two sides were discussing only the location of the two alignments, and the Indian side had given a very precise and detailed description of the Indian alignment.

The Chinese side sought to explain why they had been unable to answer many of the Indian questions. According to them, though areas upto the Chinese line had always been under Chinese administrative jurisdiction, a specific and precise boundary line only existed where there were important routes or regular contacts. The degree of precision sought by the Indian side could be obtained only by "delimitation" and joint surveys; and as many parts of the boundary claimed by China were under Indian occupation, China had had no opportunity to survey these areas or to check her maps. The Indian method of asking detailed questions on the location of the line claimed by China was equivalent to determining and delimiting the boundary.

The Indian side pointed out that they had provided an accurate description of the traditional boundary between China and India, which had been formed over the course of centuries. This boundary was delimited and well-known, and the Indian side had unhesitatingly given all clarifications that had been sought. The Chinese side had given a precise description in several places but,

on the other hand, had argued that the alignment claimed by them was only a broad line. If a precise alignment existed in one sector it followed that it could exist with equal validity in other sectors. For example, the Chinese side had given a precise description of the alignment near the Chip Chap area; but immediately north and south of it, the boundary was said to be only a broad alignment. It was difficult to understand how a precise alignment could exist in instalments. A boundary alignment by definition was a precise line with length and no breadth. It was possible that precise co-ordinates might not be available for a particular point on the Chinese alignment, but certainly a precise line had been claimed by China. In fact, they said it was a historical boundary which had been accurately marked on the map given by them.

The Chinese side had also themselves asserted that their information was detailed and surveys had been conducted at least in those places under Chinese control where there were important communication routes or where the contacts between people were frequent. It was, therefore, particularly disappointing to the Indian side that the questions regarding the Pare and the Spanggur areas had not been answered. There were important routes in these areas, and contacts between the people; and the Chinese side had even stated that the alignment in the Spanggur area was along the watershed. Indeed, in a note sent to the Government of India on 2 July 1960, the Chinese Government had given the co-ordinates of a place in the Spanggur area not just in degrees and minutes but even in seconds. These areas were, obviously, therefore, known to them; and yet no information had been provided at these meetings.

While seeking further clarifications about the Chinese alignment, the Indian side wanted to know at what point the Chinese line left the highest range of the Karakoram mountains and how it ran from there upto the Kongka Pass.

The Chinese side replied that their alignment lay along one of the lower Karakoram ranges, which was not the main watershed in the region.

The Indian side replied that it was obvious from this answer that at some point the Chinese line left the highest range, and the Indian side desired to know the co-ordinates and exact location of that point. That the boundary claimed by China zig-zagged from range to range was clear, for the heights of various peaks given by the Chinese side as located on their alignment were on different ranges. The claim of the Chinese side, that the different ranges along which their alignment ran, were linked by spurs, was unsubstantiated. The Indian side also noted the acceptance by the Chinese side that there were at least four rivers cutting across their boundary alignment.

The Indian side were gratified that the Chinese side agreed that the range dividing the main water systems, which was the major watershed in this region, lay east of the Chinese alignment. In fact that was the range along which the traditional and customary boundary lay, and it was along that range that the Indian alignment was shown. It was the major watershed; and the fact that

the Qara Qash river pierced it did not make it any less of a watershed. It was not necessary for a watershed that no river should cut across it. The main watershed in any region was that range which divided the greater part of the volume of the waters of two river systems; and it was the Kuen Lun range which divided the greater part of the volume of waters of the two big river systems in this area. There might be a number of minor watersheds in a region, but there could be only one main watershed, and it was this main watershed that the Indian alignment followed. It did not jump from range to range at any place, and the Chinese had not given any examples of such jumping. It was a continuous watershed and ran along the Qara Tagh range of the Karakoram system till that range met a range of the Kuen Lun system; and thereafter it lay along the latter. These ranges had a geological and geographical unity; and the traditional and customary boundary had in the course of centuries conformed to this watershed.

The Indian side sought a general clarification as to the geographical principles to which the Chinese line conformed. The Chinese side had themselves earlier emphasized the importance of this; and the Indian side requested the Chinese side to let them know if the alignment claimed by them conformed to any geographical principles. The Indian alignment had a basic unity and overwhelming consistency provided by the watershed principle, and these watersheds had been listed. The Chinese alignment, on the other hand, appeared to be a collection of natural features only. In the Ladakh sector for instance, the Chinese statement said that 'the salient features of the portion between Tibet and Ladakh are complicated. They include mountain passes, river valleys, lakes and watersheds'. Were there any geographical principles underlying this traditional and customary alignment?

The Chinese side replied that their alignment adopted different principles in different situations. A boundary was naturally formed through thousands of years of history and not by abstract geographical principles. For specific portions the Chinese side would put forward specific principles, and according to actual conditions there might be several of these. They also thought the Indian question would be relevant only if a delimitation or a demarcation of the boundary were being attempted.

The Indian side replied that they were not claiming that the watershed concept was a preconceived principle, much less the sole principle, for delimiting a boundary. Determining a boundary or demarcating it was not, in fact, the work of the officials. The Chinese alignment, as was apparent from Chinese statements, was inexplicable on the basis of any geographical principle, while geographical facts and principles had determined the Indian alignment, and tradition and custom, developed over hundreds of years, had confirmed it.

That the watershed principle was a valid and legitimate one in determining boundaries had been recognised in all parts of the world, and it was incorrect to state as the Chinese side had done that it was a British concept. Various international authorities of different countries had testified to the logic of watershed boundaries;

and examples of such boundaries were numerous. The boundaries between France and Spain along the Pyrenees, between Chile and Argentina along the Andes and between the Sudan and Congo were examples of direct and indirect recognition of the watershed principle as the basis of a boundary alignment. A recognition of this watershed principle could be seen in the boundaries of China also. The Anglo-Chinese Convention of 1890 had accepted that the boundaries between Sikkim and Tibet would be the crest separating the waters flowing into the Teesta on the one hand and the Mochu on the other. The Agreements between China and Great Britain of 1894 and 1897 had laid down that the watershed between the Mekong and the Salween would determine the boundaries between Burma and China in the respective sectors. The two agreements concluded by China in 1960 with Nepal and Burma had also recognised the validity of the watershed principle in determining customary boundary alignments. So the Indian side were making no convenient or free interpretation of the watershed principle.

In the Middle Sector both sides had referred to the watershed boundary and were clear as to where the watershed lay. In fact, the two alignments coincided for the most part along the main watershed. The Chinese alignment departed from it only at Gyu and Kaurik, Shipki, Nilang-Jadhang, Barahoti, Lapthal and Cangchamalla. All these departures from the watershed were also the points of divergence from the Indian alignment, and were, curiously enough, to the south and west, so as to include Indian territory in Tibet, and in no case the other way round. These isolated and small departures always in one direction were difficult to comprehend and emphasized that the correct traditional boundary lay along the watershed itself.

In the Eastern Sector, the divergence between the Chinese claim and the traditional, customary boundary along the watershed was very great. The area in dispute appeared to be over 30,000 square miles, the Chinese side claiming that the traditional and customary line ran roughly along the southern foothills of the Himalayas. This again was curious, for the southern boundary of China lay along the watershed formed by the Himalayas, not just in the Middle Sector of India but also with Nepal, Sikkim and Bhutan; and the same continuing watershed of the Himalayas formed the northern boundary between Burma and China. Only in the Eastern Sector of the Sino-Indian boundary did the alignment claimed by China swoop down to the southern foothills of the Himalayas, while both east and west of this sector, it lay along the main watershed range.

The Chinese side sought to answer this by stating that their alignment in the Eastern Sector corresponded to the southern boundaries of Nepal, Bhutan and Sikkim. But this could not answer why the boundaries of China should in this sector alone depart from the Himalayan watershed, when they followed it elsewhere not only with India but with other countries as well.

At one stage the Chinese side questioned the relevance of the attempts to obtain a detailed understanding of the boundary line

claimed by them, and proposed that the Indian side restrict themselves to some specific and important points on the boundary, so that all discussion on Item 1 could be completed by the 12th session of the conference. The Indian side pointed out that Item 1 was of basic importance, because only when the two sides had a precise and clear understanding of the location of the alignments would they know the exact areas of dispute and be able to bring forward documents in support of the stands of the two Governments. The Chinese side themselves had asked many detailed questions, and the Indian side had always replied to them.

The Chinese side then withdrew their proposal, but wished to know whether the insistence of the Indian side on knowing the precise location of the Chinese alignment meant that if they knew it Indian personnel would not cross this line. They alleged that in the past India had persisted in despatching armed forces into Chinese territory, and accused the Indian Government of creating tension in the border areas. They mentioned in this connexion the recent visits of the Prime Minister, the Defence Minister, and senior Indian officers to these areas. The Indian side replied that this was beyond the purview of Item 1 and indeed beyond that of the meeting of the officials. It was sufficient to say that Indian personnel had never crossed the well-recognized boundary alignment, and all Indian activities in the border areas, including the visit of the Prime Minister, were normal, public and legitimate. This subject having been raised by the Chinese side, the Indian side pointed out that there had been apprehension in India at Chinese military constructions and the recent enhancement of the strength of Chinese troops on their side of the border. As far as the Government of India were concerned, they respected and would continue to respect the agreement, mentioned in the Joint Communiqué issued at the conclusion of the meetings of the two Prime Ministers, to avoid friction and clashes in the border areas during this period of examination of factual material.

## ITEM II

### TRADITIONAL AND CUSTOMARY BASIS OF THE SINO-INDIAN BOUNDARY IN THE WESTERN SECTOR

#### PART ONE: *Tradition*

The Indian alignment in the area west of the Karakoram Pass is in accordance with geographical principles, tradition and custom; and the area has always been under Indian jurisdiction. Both the upper valley of the Ghunjerab river and the upper valley of the Shaksgam river, lying south of the Aghil mountains, have always been a part of Hunza in India. The people of Hunza have exercised various rights including agricultural cultivation and pasturage and grazing rights in this area. The Shimshalis in particular used the entire area upto the Shaksgam for grazing and extracted salt at various places in the valley. On the other hand, no one from China ever used this area. The Mirs of Hunza exercised authority in this region, maintained posts and collected revenue. The official maps of the Government of India, including the one attached to the 1907 edition of the Imperial Gazetteer of India and the political maps published by the Survey of India, showed this area in Indian territory. Official Chinese maps published in 1917, 1919 and 1933 also showed this area as a part of India.

In the Western Sector east of the Karakoram Pass, the first document presented by the Indian side was an extract from an old Ladakhi chronicle, as proof that the Indian alignment in the Western Sector was a traditional one. The Indian side had already dealt with the location and natural features of the Sino-Indian boundary and shown, among other things, that it had come to coincide with a geographical principle. This natural boundary of India in the Western Sector, as in other sectors, was also a traditional and customary boundary which had been well recognised for centuries by both sides. According to international usage and practice, a traditional and customary boundary which followed well-known and unchanging natural features required no further or formal definition. But, in fact, this traditional and customary boundary had secured the additional confirmation of treaties and agreements. The Indian side dealt, in detail, with the historical evidence showing that throughout the ages the boundary of Ladakh with Sinkiang and Tibet had been where India was now showing it and was, therefore, a traditional one.

At first Ladakh was an independent state comprising a large part of western Tibet, but later, towards the end of the tenth century A.D., it was divested of most of its Tibetan possessions by a family partition. Even then, in the tenth century, the traditional boundary of Ladakh with Tibet was well-known and recognised by tradition. There was manifold proof of this. A chronicle of Ladakh compiled in the 17th century called *La dvaqs rgyal rabs*, meaning the Royal Chronicle of the Kings of Ladakh, recorded that this boundary was traditional and well-known. The first part of the chronicle was

written in the years 1610—1640; and the second half towards the end of the 17th century. The Indian side tabled extracts from this chronicle. References to pages were from the English translation by A. H. Francke and forming part of volume 2 of *Antiquities of Indian Tibet*, published in Calcutta in 1926. The Ladakhi chronicle described the partition by King Skyid-lda-ngeema-gon of his kingdom between his three sons, and then the chronicle described the extent of territory secured by that son who was given Ladakh. The following quotation was from page 94 of this book:—

“He gave to each of these three sons a separate kingdom, viz., to the eldest, Dpal-gyi-ngon, Maryul of Mnah-ris, the inhabitants using black bows; Ru-thogs of the east and the Gold-mine of Hgog; nearer this way Lde-mchog-dkar-po; at the frontier Ra-ba-dmar-po; Wam-le, to the top of the pass of the Yi-mig rock.....”

Maryul, meaning lowlands, was the name given to Ladakh. Even at that time, i.e. in the 10th century, the boundary of Ladakh was, therefore, known to lie—apart from Rudok which at that time belonged to Ladakh—at Lde-mchog-dkar-po, i.e. Demchok; and at the top of the pass of the Yimig rock, i.e. at the Imis pass, and Wamle, i.e. Hanle, was known to be within Ladakh. The present Indian alignment ran past Demchok and through the Imis pass to include Hanle in India. So, even in the tenth century the boundary alignment of Ladakh was, in this sector, where it was now.

In the latter part, i.e. the second half of the same Ladakhi chronicle, there was a reference to the war that took place at the time (from 1681 to 1683) when this part of the chronicle was being written, when a mixed force of Mongols and Tibetans invaded Ladakh. This force was driven out by the Ladakhis with the assistance of the Mogul Governor of Kashmir, Ladakh in 1664 having become a part of the Mogul empire. The Ladakhi chronicle stated on page 116 that after the war Ladakh and Tibet again decided that “the boundary shall be fixed at the Lha-ri stream at Bde-mchok.” Bde-mchog was clearly Demchok, and this quotation showed that in the 17th century, as in the 10th century 700 years earlier, the traditional boundary of Ladakh continued to lie east of Demchok.

Further evidence of the traditional Indian alignment in this sector was provided by the travellers who visited this area and recorded their experience. Ippolito Desideri, a Jesuit priest, travelled from Leh to Lhasa in the years 1715-16. In his diary (translated into English as *An Account of Tibet*) Desideri wrote:

“On the seventh of September we arrived at Trescij-Khang, or “Abbode of Mirth”, a town on the frontier between Second and Third Tibet, defended by strong walls and a deep ditch with drawbridges” (page 81).

Second Tibet was Ladakh and Third Tibet was Tibet proper; and the town on the frontier was Trescij-Khang, i.e. Tashigong. If, therefore, the frontier lay at Tashigong, that meant that the traditional boundary between Ladakh and Tibet in 1715, when Desideri went there, was in accordance with the present Indian alignment, and Demchok was a part of Ladakh.



Another traveller who visited this area in the early 19th century, James Baille Fraser, published his account in 1820. His book was called *Journal of a Tour through part of the Snowy range of the Himala Mountains and to the sources of the Rivers Jamna and Ganges*. Describing his route from Leh, Fraser stated (page 309) that on the 11th day after setting out from Oopsee, a town of Ladakh, he arrived at "Donzog, thus far in Ladakh", and that on the 12th day he reached "Tuzhzeegong (Chinese fort)". In other words, according to Fraser, Donzog, i.e. Demchok, was on the frontier of Ladakh, while Tashigong was in China.

About thirty years later, in 1846, Alexander Cunningham, an official of the East Indian Company, visited the area and in 1854 published a book on Ladakh. This book called *Ladakh* had been referred to with approval by Premier Chou En-lai himself in his letter of 8 September 1959. Cunningham wrote of the boundary between Ladakh and Tibet—

"With Rudok on the east there has been a long peace. The boundary is well defined by piles of stones, which were set up after the last expulsion of the Sokpo, or Mongol hordes, in A.D. 1687, when the Ladakhis received considerable assistance from Kashmir." (page 261).

Cunningham also specifically mentioned the Demchok region and stated:

"A large stone was then (after the expulsion of the Mongols) set up as a permanent boundary between the two countries, the line of demarcation being drawn from the village of Dechhog to the hill of Karbonas." (pages 328-329).

Dechhog is Demchok.

That this boundary between Ladakh and Tibet was a traditional boundary, well-known for centuries, was proved not only by evidence from the Indian side, but also by Chinese evidence. For instance, when in 1846 the British authorities in their correspondence with the Chinese Government referred to the boundary between Ladakh and Tibet, the Chinese Imperial Commissioner at Canton replied on 20 January 1847:

"In regard to your question whether this matter has been reported to the Emperor, I beg to remark that you the Honourable Envoy in your former correspondence referred to the distinct settlement of the boundaries and the wish of English merchants to trade with Tibet. Since however that territory had its ancient frontier, it was needless to establish any other."

In other words, even the Chinese Government agreed that the frontier between Ladakh and Tibet was an "ancient frontier", well-known for centuries, that it was a traditional frontier beyond dispute and this traditional frontier, as the Indian side had already brought forward evidence to show and would bring forward further evidence, was in accordance with the present Indian alignment.

Some other travellers, apart from the ones already mentioned, also crossed the boundary between Ladakh and Tibet and their

accounts and evidence also substantiated the present Indian alignment. Nain Singh, an Indian traveller, went on a journey from Leh to Lhasa in 1873. His account was published in the *Journal of the Royal Geographical Society* in 1877—

“At Niagzu Rawang is the boundary between Tibet and Ladakh; the right bank of the stream belongs to the latter and the left bank to the former.” (page 89).

This description by Nain Singh corroborated the Indian alignment in the Chumesang-Changlung area. Niagzu was a camping ground which was within the Indian frontier—co-ordinates  $78^{\circ} 56' E, 34^{\circ} 2' N$ —and when Nain Singh in 1873 said the boundary lay along Niagzu stream, he was giving a description in accordance with the Indian alignment. This statement of Nain Singh that Niagzu lay on the boundary was confirmed by Wellby, another traveller, who visited the area towards the end of the 19th century and published in 1898 a record of this journey. The book was called *Through Unknown Tibet*, and confirmation of the alignment at Niagzu was to be found on page 57 of the book. Though Wellby's book was a well-known published one, the Indian side produced a photostat of a diagram in the book showing that Niagzu was located on the border.

There was also such evidence of the traditional alignment further north. That the boundary lay along the Lanak Pass at the top of the Chang Chenmo Valley was testified to by several travellers. Carey who travelled through this region during the years 1885—87 and published an account in the *Proceedings of the Royal Geographical Society* for 1887, stated (Page 732 of the Proceedings) that he had engaged yaks from the Pangong villages to carry his baggage “as far as the frontier between Ladakh and Rudokh, at the head of the Chang Chenmo Valley”. Later, in another detailed account—a day to day account—published by him in the *Supplementary Papers of the Royal Geographical Society* for 1890, he referred to the crossing by him of the Lanak Pass on page 18:

“August 21, 1886. Gentle ascent to head of Lanak-la pass. From top of pass slight descent into valley with wood, water, and a little grass. At 5th mile a grassy swamp crossed. Good camping ground, grass, wood, and water rather scanty. Route now lies in independent Tibet.”

This was detailed evidence that the frontier lay at Lanak Pass, in fact, at the top of Lanak pass.

Bower, who also travelled through the Chang Chenmo area in 1891, stated in his account published in the *Geographical Journal* of May 1893 (page 386) that he “crossed the frontier” at Lanak La. Wellby, whose book *Through Unknown Tibet* had already been referred to, describing his travels in the Chang Chenmo region, referred on page 73 to “the frontier pass called Lanak La”. Later, Deasy, who travelled extensively in the Aksai Chin area, in his account of his *Journeys in Central Asia*, published in the *Journal of the Geographical Society* (issue of July to December, 1900) referred to Lanak Pass and said on page 142: “It was decided to halt for a day at Lanak Pass before entering the to us unknown land of Tibet.” He

repeated the statement that the frontier was crossed at Lanak La in his book published in 1901 and called *In Tibet and Chinese Turkestan Being the Record of Three Years Exploration*.

This massive and varied evidence showed that the traditional boundary between Ladakh and Tibet lay at least for over a thousand years where the Indian alignment was now shown. Even in the 10th century, this boundary had been recognised and for the next 900 years, there was, as the Indian side had shown, considerable proof that the boundary lay along Lanak La, along the Niagzu stream, between Demchok and Tashigong and through the Imis Pass.

Evidence for the traditional basis of the Indian alignment in the Western Sector was also provided by unofficial maps—maps published by private agencies. The Indian side were not at this stage dealing with official Chinese and Indian maps as these would come later under the item "Administration and Jurisdiction". These unofficial maps published in China, in India and in other countries showed the boundaries of Ladakh with Sinkiang and Tibet in accordance with the present Indian alignment.

The first map the Indian side submitted—and provided a photostat copy for the use of the Chinese side—was the oldest Chinese map available of this region. This map, which was drawn towards the end of the sixth century A.D., showed clearly that the Kuen Lun mountains formed the southern limits of Sinkiang. (Photostat 1).

The second map was one drawn in 1607 by a Buddhist priest, Jen Chao. These early maps were of course not very precise in topographical details, but even so, it was remarkable that it was known that what are called the Tsungling mountains, that is, the Pamir and the Kuen Lun mountains, lay between India on the one hand and Sinkiang and Tibet on the other. On this map, the Tsungling mountains, as well as Khotan and Kashgar, had been shown. (Photostat 2).

The third map was from the Chinese work, *Chin ting huang yu hsi yu tu chih*, which might be translated as *Annals and Maps of the Western Territories of the Empire*. This was published in 1762 and had a number of maps of this area, all of which showed that Sinkiang did not extend even up to where the Indian alignment was now being shown, that is, along the Kuen Lun mountains. The Indian side cited and submitted one photostat out of the various maps in this book. The photostat was a copy of the map in this book on page 42(b). This map stated clearly where the boundary of what it called Hindustan lay. The boundary of Hindustan, according to this map of 1762, lay at Sanjutagh. Sanju Pass was nearly sixty miles north of the Qara Tagh Pass and the Kuen Lun mountains. (Photostat 3).

The next map was from the *Chin ting hsin chiang chih hueh*—an account of Sinkiang—published by a Commission set up by the scholars and officials of Peking in 1821. Book 3 of this work contained a number of maps of Sinkiang. The Indian side thought it sufficient to cite only one map, that on page 4(b) of Book 3 of this Chinese

**work.** This map showed clearly that by the Tsungling mountains, which formed the boundary of Sinkiang, were meant the Kuen Lun mountain system. It was written twice on the map showing that all along the south, the boundary lay along the Kuen Lun ranges. The Yurung Kash and the Qara Qash rivers were shown as cutting through the Kuen Lun mountains. In fact, as all knew, the Yurung Kash had its source in the Kuen Lun mountains. But at that time (1821) even the source of the Yurung Kash was not in Sinkiang. So the boundary presumably lay north of the present Indian alignment, which lies along the main Kuen Lun range south of the source of the Yurung Kash river. (Photostat 4).

The next map was from the *Hsi yu Shui tao chi*, which might be translated as *Remarks on the Rivers of the Western Countries*. This book was written by Hsu Hsing-po, a geographer of Pli, and this book was published in 1824. In this book there was a map in eight sheets of this area. The Indian side referred to and supplied a photostat of only sheet 7, which showed the southern limits of the Yarkand-Khotan region. This limit was said to be the "southern mountains", Nanshan. These "southern mountains" seemed, in fact, to be one of the northern ranges of the Kuen Lun mountains, for both the Yurung Kash and the Qara Qash rivers were shown as cutting through the mountains. (Photostat 5).

The next unofficial Chinese map brought forward by the Indian side was the map published by the Peking University in November 1925 and showing the maximum extent of China under the Ching dynasty, that is before 1911. It would be seen from this map that even in the days of its maximum expansion before 1911, China did not include the Aksai Chin area. (Photostat 6).

The Indian side then submitted three maps published by well-informed private agencies in China in the twentieth century:

(a) The map of Tibet in the *Atlas of the Chinese Empire* published in 1908. It showed the Indian boundary in the Western Sector more or less in consonance with the traditional Indian alignment. (Photostat 7).

(b) Map from the Chinese Atlas, *Ta Ching ti kuo chuan tu*—the Atlas of the Chinese Empire published on 15th June 1908 by the Commercial Press Limited, Shanghai. Map 25 in this Atlas showed the Sino-Indian boundary. The alignment was shown by a thick line, but even so it was sufficiently precise to make clear, for example, that like the present Indian alignment it cut the Pangong Lake at the western extremity of the eastern half, and also that the Chang Chenmo Valley was included in India. (Photostat 8).

(c) Map of Western Tibet in *The New Atlas and Commercial Gazetteer of China* published in Shanghai some time after 1917 by the North China Daily News and Herald on the basis of authoritative official surveys. The introduction to the Atlas stated that it had been produced by the Far Eastern Geographical Establishment with the purpose of giving "maps as nearly perfect as is admitted" by the data available. This Atlas, therefore, could not be brushed aside as the publication of a British-owned paper and representing the British

view rather than the Chinese view. The Atlas was based on generally accepted views, which had been carefully ascertained, and reflected the traditional nature of the boundary alignment. This was further proved by the fact that though the Atlas was nominally an unofficial one, it had been generally utilised for over forty years as the standard Atlas of China and was as scientific and objective as was possible in 1917. In this Atlas, in the map of Tibet, the northern and eastern boundaries of Ladakh were shown more or less similar to the present Indian alignment. (Photostat 9).

Apart from Chinese maps, there was evidence also in maps published in other countries that the traditional boundary in the Western Sector lay where the Indian maps were at present showing it. In 1876, John Arrowsmith drew a map of Central Asia which he said he had constructed from the latest information, with additions and corrections to 1876. In other words, he had taken the trouble to study the problem carefully and to incorporate up-to-date information as well as the historic position. In this map of Arrowsmith, the boundary from the Muztagh Pass in the north-west right down to the Hanle region in the south-east was shown more or less in accordance with the present Indian alignment. (Photostat 10).

The next map was a German map of *Central Asien* (Central Asia) compiled from the latest sources by Dr. Joseph Chavanne and published in Leipzig in 1880. This map showed an alignment which approximated very closely to the traditional boundary in this sector. (Photostat 11).

The next map was one published in the March 1912 issue of the *Geographical Journal*, which was the official publication of the Royal Geographical Society. This map was, designed to show what were called the "Chinese Frontiers of India". It showed a boundary which approximated closely to the traditional alignment. This was a map published by a leading scientific society with an established reputation for cartographic accuracy; and it was a map meant specially to show the northern frontiers of India. (Photostat 12).

The same Society, four years later, in September 1916, published another map showing the traditional northern boundary of India. (As this map was on a small scale, the Indian side supplied an enlarged photostat) (Photostat 13).

This varied evidence—contemporary chronicles, Chinese references, reports of men who had visited the area, unofficial maps published in China as well as in other countries—all showed that the Indian alignment in the Western Sector was a traditional boundary well-known and recognised for thousands of years.

## PART TWO: Custom

There was also proof that the inhabitants of these areas had been utilising the territories upto the boundary, and that there had been practical recognition of the alignment.

There were salt lakes in the Lingzi Tang and Aksai Chin areas and the inhabitants from neighbouring villages in Ladakh had been

regularly collecting salt from these lakes. People from Phobrang and Man, including the hamlets of Kakstek, Marak and Spangmik, had been collecting salt from the salt lakes in these areas. The route to Amtogor lake, a large salt lake in this area, normally was along the Chang Chenmo valley, Thragdat Barma, Sarigh Jilganang valley, Tobok Marpo, Skydpo Lungpa valley and Lungpa Gunpo. The route to the Tso tang lake in the Lingzi Tang area by along Kyam (Hot Spring), Shamal Lungpa, Changlung Barma Pass, Nischu and Lingzi Tang.

The people of Ladakh had also been for centuries exercising pasture rights right up to the traditional frontier in this area. The inhabitants of Phobrang, Lukung, Muglib, Man and other villages in the Tanktse Ilaqa of Ladakh have been visiting Kyam (Hot spring), Kongka Pass and the Chang Chenmo valley right up to the Lanak Pass, for grazing their goats and sheep. Further south the graziers visited during winter Suriah, Khurnak, Omalung, Dambuguru, Niagzu, Chumesang, Migpal Yogma, Migpal Kongma, Damjor, Sachuk Kongma, and Dokpo Korpo. The pastures in the Spanggur area have been the close preserve of the inhabitants of Chushul; and the pastures of Keegunaru valley were utilised by the Koyul people. Similarly, the inhabitants of Hanle and Rupshu Ilaqas have always been using the pastures lying south of Chumar up to the Chepzelung and Kumsanglung streams on either side of the Pare River. This customary and unbroken use of pasture lands right up to the alignment by the inhabitants of Ladakh was so striking that in 1875 Frederic Drew, in his book *The Jummoo and Kashmir Territories, A Geographical Account*, wrote that the boundary line "divides pasture lands frequented in summer by the Maharaja's subjects from those occupied by the subjects of Lhasa." (Chapter 22—page 496). It might be added that Drew had been employed in Kashmir and had visited these areas in 1870-71.

*The Gazetteer of Kashmir and Ladakh*, published in Calcutta in 1890, also made this point. It stated on page 256: "The Chang Chenmo valley is the great autumn grazing grounds for the flocks from Lukung, Phobrang and Tanktse districts; occasionally great loss is sustained by an unusually early fall of snow, for the grass, which though nourishing, is at all times scanty, becomes quickly covered up and the animals die of starvation before they can be brought over the Marsemik into milder regions".

Another form of evidence showing that the Indian alignment in this area was the customary one was provided by the hunting expeditions that went to these areas in search of game. In 1872, for example, W. H. Johnson, the Wazir Wazarat of Ladakh—that is, the Governor of Ladakh appointed by the Maharaja of Kashmir—reported to the Dewan (the Chief Minister) that a certain Captain Fennay Fower from Meerut had come to Ladakh and gone to the Chang Chenmo for *shikar* (hunting), leaving one of his servants with the dogs in Ladakh. (Photostat 1).

Twenty years later, in 1892, there was another report from the Wazir Wazarat of Ladakh that Lt. James and Lt. Senbeck had returned from the Chang Chenmo after hunting expeditions. (Photostat 2). In fact, in 1905, there was a complaint from the Wazir

Wazarat that so many hunting expeditions were going into Chang Chenmo and so many able-bodied Ladakhis were accompanying them that as a consequence the work of the administration was suffering. It was stated that in 1905, 17 men had gone to Chang Chenmo on shooting expeditions and taken away about 50 villagers for four to six weeks. The Settlement Officer suggested that not more than six men should be allowed to go on shooting expeditions in the Chang Chenmo, they should go in two batches, and their expeditions should not last for more than a month. (Photostat 3). (The Indian side cited these extracts from official records not at this stage as proof of Administration and Jurisdiction, but as evidence of the customary basis of the alignment).

There were also references in published works to hunting expeditions in this area. Alexander Kinloch in his book *Large Game Shooting in Tibet, the Himalayas, Northern and Central India* (Third edition published in Calcutta in 1872), stated that he had visited the Chang Chenmo valley in 1861, in 1862, in 1864 and in 1870 (pages 119 to 120).

C. S. Cumberland, in his book *Sport on the Pamirs and Turkistan Steppes*, published in London in 1905, stated on page 6 that he had hunted antelopes in the Chang Chenmo valley, and on page 18 that he had gone on a yak-hunting expedition further north. He said that he crossed the Shyok River, went across the Depsang plains and right up to the Qara Tagh Pass. Lady Jenkins, in her book *Sport and Travel in both Tibets*, published in London in 1909, described her hunting expedition in the Chang Chenmo valley and said she refrained from hunting yaks west of Lanak La because the Maharaja of Kashmir was a good Hindu, and had prohibited the shooting of yaks, which were a sort of cattle (page 58).

R. L. Kennion, in his book *Sport and Life in the Further Himalaya*, published in London in 1910, stated that the antelopes had practically been hunted out of existence "in the Chang Chenmo and adjacent valleys of Ladakh on the northern Kashmir frontier". (page 227). He added on page 271 that the yaks also had almost disappeared from the Chang Chenmo district in Ladakh. He himself hunted in the Khurnak area and he mentioned that the boundary lay between the two halves of the Pangong Lake. "Of its 80 or 100 miles in length half is in Tibet proper and the remaining westerly half in Ladakh. There are really two lakes, but these are connected in the middle by a winding canal-like waterway, opening here and there into lagoons, in most parts not more than thirty feet across". (page 298).

The Indian side then quoted a passage from *The Game Animals of India, Burma, Malaya and Tibet* by R. Lydekker (the second revised edition by J. G. Dollman) published in London in 1924. He stated that in Ladakh the great district for yak was the Chang Chenmo valley, but these animals were yearly becoming scarcer within the territory of the Maharaja of Kashmir (page 81). He also stated on page 187 that the Chang Chenmo valley "in north eastern Ladakh" was the favourite hunting ground, for the *chiru*, the name for the local antelope.

The Indian side finally tabled a quotation from the book by G. Burrard published in London in 1925: *Big Game Hunting in the*

**Himalays and Tibet.** He stated on page 239 that the only spot in Indian territory in which the *chiru* antelopes were ever found was the Chang Chenmo valley. "They do not come into Chang Chenmo in any numbers until July, when considerable herds cross over from Tibet by the Lanak La." This statement was evidence that the Chang Chenmo valley was in India, that the alignment was, apart from other things, a customary one, that the area referred to was utilised for shooting and that the boundary lay at Lanak La.

Another form of evidence which substantiated the customary basis of the Indian boundary was the fact that the area right up to the boundary was traversed by traders. In fact, the roads in this area were partially constructed by Indian traders.

The Chang Chenmo valley, the Lingzi Tang plains and the Aksai Chin area were crossed by two well-known caravan routes which had, for decades, been used by the people of Ladakh for purposes of trade with the Sinkiang region. The routes lay from Leh to Tanktse and to Pamzal on the Chang Chenmo river. There were also other routes from Phobrang, Lukung and other places in the Pangong region to Pamzal. From Pamzal there were two main caravan routes; one called the Eastern Chang Chenmo route along Nischu, Lingbi, Tang, Lak Tsung, Thaldat, Khitai pass, Haji Langar and along the Qara Qash valley to Shahidullah; the other main route called the Western Chang Chenmo route, from Pamzal along Shamal Lungpa and Samzung Ling to Dehra Gomba and thereafter along the upper valley of the Qara Qash river to Qizil Jilga and Chungtash and then through the Qara Tagh Pass and the Chibra valley to Malikshah (Ak Tagh) and Shahidullah.

The Kashmir State authorities looked after the maintenance of these routes right up to the traditional boundary and even built rest houses and store houses for the benefit of the traders using these routes. Evidence of this would be brought forward later under Item 3. At this stage, the Indian side submitted old documents written by trading parties giving a detailed description of the various stages on these routes and their general condition to show that customary Indian trade routes lay through this area.

The first document was a photostat of an original report drafted by one of these trading parties in 1868 A.D. and describing the eastern Chang Chenmo route. Item 9, for example, in this report said:

"Nomads from Pangong (Phobrang) visit this place (Gulni south of the Chang Chenmo river) with their flocks of sheep and goats and camp at Pamzal. Fuel and grass are plentiful at this place. After crossing Chang Chenmo river and after traversing a distance of six miles one reaches Gogra which is also on the bank of the river Pamzal. Fuel, wood and grass are in plenty. Kiam is situated at a distance of 8 miles from Gogra. Big personalities visit this area for hunting wild horses." (Photostat 4).

The second document was again a detailed statement dated 1868 A.D., by Syed Akbar Ali Shah, the Wazir Wazarat of Ladakh, giving information about the various stages and the condition of the road along the route from Gogra to Nischu, Lak Tsung and Thaldat to the Qara Qash river. (Photostat 5).



## TREATY BASIS OF THE INDIAN ALIGNMENT IN THE WESTERN SECTOR

The Indian side had already shown that the boundary of Ladakh with Sinkiang and Tibet, like the rest of the northern boundary of India, was a natural, traditional and customary boundary which has been well-recognised for centuries by both sides. In addition to this delimitation by historic process, the Ladakh-Tibet boundary received at least twice, in 1684 and 1842, the further sanction of confirmation by treaty.

At first an independent state, in 1664 Ladakh became a part of the Mogul Empire. During 1681-83 a mixed force of Mongols and Tibetans invaded Ladakh, but it was driven out by the Ladakhis with the aid of the Mogul Governor of Kashmir. In 1684 a treaty of peace was concluded. The Prime Minister of India cited this treaty in his letter of 26 September 1959. He pointed out that this treaty between Ladakh and Tibet stated that:

“the boundaries fixed in the beginning, when Skyid-lda-ngeemagon gave a kingdom to each of his three sons, shall still be maintained.”

The Chinese Government did not question the authenticity of this treaty in their note of 26 December 1959, which was a reply to our Prime Minister's letter of 26 September 1959; nor indeed did they question it at any time in the correspondence between the two Governments. It was only at the 17th meeting of the officials at Peking, on 22 July, 1960, that for the first time the Chinese side cast doubt on this treaty and said that its very existence was still in question.

However, the authenticity of the 1684 treaty was beyond doubt. The Chinese side had said that this treaty was not mentioned in contemporary Tibetan books or in Francke's edition of the *Antiquities of Indian Tibet*. This, however, was not correct. The biography of bsod-nams-steps-rgyas of Polha, written in 1733, referred, although in its own involved way, to the peace that had been concluded in 1684. It said that Galdan, “thinking of the true weal of religion and looking for the future upon the sphere of compassion towards the enemy Chieftains”, gave back to the King seven fortified towns in Ladakh, among which Leh, Spitub and Krigste were mentioned by name. In other words, an agreement regarding the territories to be held by the two parties was arrived at. Full details of the treaty were given in the Ladakhi chronicle *La dvags rgyal rabs* translated by Francke—on pages 115-116 of Volume II. The Indian side had already, in their statement at the last meeting held in Peking on 25 July 1960, shown that this part of the chronicle as edited by Francke was authentic in that the text was based on B manuscript; and they did not, therefore, repeat the argument. The full English translation of this treaty of 1684 was published as far back as 1890 and had been accepted by scholars throughout the world. The Indian side handed over the text of this treaty in English translation. The relevant

article which, as had already been said, was cited by the Prime Minister of India on 26 September 1959, stated that "the boundaries fixed in the beginning... shall still be maintained." So, even at that time, in the 17th century, the boundaries of Ladakh were obviously well-known; and the treaty of 1684 did not find it necessary to define them but spoke only of maintaining what had been fixed in the beginning.

That the treaty of 1684, far from being a document whose existence was in doubt, was still a valid agreement and binding on Tibet was shown by the fact that the other provisions of the treaty were still in operation. The treaty provided for the return to Tibet of Ngari Khorsum which had been annexed by the ruler of Ladakh in 1640. "But the King of Ladakh reserved to himself the village of Monthser in Ngarees-khorsum that he may be independent there and he sets aside its revenue for the purpose of meeting the expense involved in keeping up the sacrificial lights at Kang-ree and the holy lakes of Manasarwar and Rakas Tal." Minsar, the sovereignty of which Ladakh thus retained, was administered since the 1684 treaty, at first by the Ladakh authorities and after 1841, when Gulab Singh annexed Ladakh, by the Kashmir Government. It was administered by the Kashmir Government right up to our own time. Evidence of this administration would be brought forward under Item 3, of the agenda. At this stage it would suffice to show that it was evidence of the validity and binding nature of the 1684 treaty, a proof of the old treaty being honoured. Prime Minister Nehru mentioned this to Premier Chou En-lai on 22 April 1960, and Premier Chou En-lai agreed on 23 April that the Kashmir Government had been collecting taxes at Minsar.

Furthermore, the other articles of the treaty such as those relating to trade and the exchange of *Lapchak and Chaba* Missions were in continuous operation from 1684 through the 18th and 19th centuries right up to our own times. This was further proof not only of the authenticity of the original agreement, but also of its recognition by the Chinese and Tibetan Governments.

The second confirmation by treaty of the traditional Ladakh-Tibet boundary was in 1842. Between 1834 and 1841 Ladakh was conquered by Gulab Singh of Jammu, then a feudatory of the Sikhs, and annexed to his kingdom. In 1841, one of Gulab Singh's generals, Zorawar Singh, invaded western Tibet. He was defeated and killed, but when the Tibetans, with the aid of the Chinese troops despatched by the Chinese Emperor, advanced to Leh, they were in their turn driven back. A peace treaty was signed in 1842 by Kashmir and Ladakh on the one hand, and Tibet and China on the other.

The treaty of 1842 was in the form of an exchange of documents embodying the undertakings given by each side to the other. So the Kashmir Government were in possession of the undertaking given by the Tibetan and Chinese authorities, and the Tibetan Government were doubtless in possession of the undertaking given by the Kashmir Government. The treaty in the possession of the Kashmir Government had been published in Aitchison's *Collection of Treaties, Engagements and Sanads* (1909 Edition). The Tibetan Government supplied to the Indian Government in November 1921 a copy of the text in their possession. The substance of both versions was the same—

restoration of peace, non-interference in each other's territory and facilities for trade. The Chinese side, at the meeting on 22 July 1960, read out certain passages from the two notes exchanged and said that this was an agreement of mutual non-aggression, and the Chinese side could not see how from this exchange of notes the Indian Government could arrive at the conclusion that the boundary between Ladakh and Tibet had been confirmed. Even if this were an agreement of mutual non-aggression, it assumed the specific location of boundaries. Ladakh and Tibet could not have agreed to "each administer its own territory within its own compound" (to quote the version as given by the Chinese side) if they did not know how far exactly their territory extended or what were the limits of their compounds. Had the Chinese side, however, read out the full texts of these two documents, it would have been clear that the notes exchanged not merely dealt with mutual non-aggression, but also stated explicitly that the boundary between Ladakh and Tibet was well-known and that this boundary was being confirmed. Indeed it was in connection with the boundary that the Tibetan Government cited this treaty in their letter of 22 November 1921. The Tibetan and Chinese representatives assured the authorities of Ladakh and Kashmir:—

"We shall neither at present nor in future have anything to do or interfere at all with the boundaries of Ladakh and its surroundings as fixed from ancient times and will allow the annual export of wool, shawls and tea by way of Ladakh according to the old established custom."

So Tibet and China agreed that the boundaries of Ladakh were "fixed from ancient times" and would be maintained. The Kashmir and Ladakh authorities on their part promised the Tibetan and Chinese authorities:—

"We shall remain in possession of the limits of the boundaries of Ladakh and surrounding dependencies, in accordance with the old custom, and there shall be no transgression and no interference beyond the old, established frontiers. We shall remain within our own limits and boundaries."

This was a true translation from the Persian text of the treaty, a copy of which the Tibetan authorities had supplied in 1921. This was again a solemn assurance by the Kashmir and Ladakh authorities that the boundaries of Ladakh were well-known and "old established" and they were once more being formally confirmed. The Indian side supplied the texts of the two notes exchanged in 1842.

These two treaties of 1684 and 1842, therefore, confirmed the traditional boundary of Ladakh. Tibet was a party to the 1684 treaty, and both Tibet and China were parties to the 1842 treaty.

At the 16th meeting at Peking on 20 July, the Indian side quoted a passage from the reply of the Chinese Imperial Commissioner at Canton to the British Government on 29 January 1847 stating that there was an 'ancient frontier' between Ladakh and Tibet, and it was needless to establish any other. A week earlier, on 13 January 1847, the same Chinese official had written to the

**British Government regarding the boundaries between Ladakh and Tibet:**

"Respecting the frontiers, I beg to remark that the borders of these territories have been sufficiently and distinctly fixed so that it will be best to adhere to this ancient arrangement and it will prove far more convenient to abstain from any additional measures for fixing them."

In other words, the Chinese official said that not merely was the boundary known, but that it was distinctly and sufficiently fixed and there was no divergence of opinion as to where it lay. Therefore, nothing more was needed to be done in this respect. The Chinese Government have accepted the authenticity of these statements by their official in 1847. They have, however, argued that this ancient frontier which was sufficiently and distinctly fixed was the alignment as claimed by the Chinese side. But the point that the Government of India wish to make by citing these statements of the Chinese Imperial Commissioner is that even in 1847 the customary and traditional boundary between Ladakh and Tibet was well-recognised and did not require, even according to the Chinese Government, any further confirmation. As to the exact location of this alignment, other evidence had been produced to show that it lay where Indian maps were now showing it.

The Chinese side sought to explain away these statements of the Imperial Commissioner on the ground that they were made shortly after the Opium War when the intentions of Britain were highly suspect. But this could not explain why the Chinese Government should have accepted both that the boundary between Ladakh and Tibet was an ancient one and that it was sufficiently and distinctly fixed and nothing further was required to be done.

Again in 1952, an agreement was reached between the local Ladakhi and Tibetan officials of the area, Thanedar Bastiram of Ladakh and Kallon Rinzin of Rudok, confirming the existing boundaries, as there had been a local dispute. "The boundary between Ladakh and Tibet will remain the same as before". The text of this agreement also was supplied by the Indian side.

The Chinese side mentioned in this connection that the area in the Western Sector claimed by China for the most part belonged to Sinkiang and, therefore, these treaties between Tibet and Ladakh, to one of which China was jointly a party, were not of relevance. The Indian side had already produced sufficient evidence, especially Chinese maps from the 6th to the 19th century, to show that Sinkiang had never extended south of the Kuen Lun mountains. They had also brought forward a number of accounts by travellers and other independent authorities to show that the boundary between Ladakh and Tibet lay at Lanak La. Further evidence would be produced under Item 3 to show that Indian administration and jurisdiction were exercised in these areas and Chinese authority had never extended to it.

The Chinese side asserted that in 1899 the Indian Government had again proposed "to delimit" the boundary between Sinkiang

and Tibet but none of these proposals had been accepted by the Chinese Government. The submitting of these proposals was in itself said to show that the boundary had not been delimited; and it was argued that the fact that these proposals were resultless showed that the boundary question had not been settled. This was not a correct statement of facts. As the Indian side had already shown, the Chinese response to the British proposals of 1847 was that the boundary was well-known and did not require any further confirmation. It was not that the boundary question was unsettled but that there was no boundary question to settle. Between 1847 and 1899 there were no proposals for any further formal definition. In 1899 the British did not propose to delimit the boundary between Ladakh and Kashmir on the one hand and Tibet on the other. As there had been some discussion regarding the status and rights of the ruler of Hunza, the British Government gave a description of the northern boundary of Kashmir with Sinkiang. It was stated explicitly in that context that the northern boundary ran along the Kuen Lun range to a point east of 80° Longitude, where it met the eastern boundary of Ladakh. This made it clear beyond doubt that the whole of the Aksai Chin area lay in Indian territory. The Government of China did not object to this definition of this boundary. If nothing came of the 1899 proposals, it was not because the Chinese Government declined to recognise the boundary according to the traditional alignment shown on Indian maps, but because even then they did not seem to consider necessary any formal definition of what was a well-known and well-recognised boundary in this area.

The Chinese side then referred to the negotiations held between the Indian Government and the Tibetan authorities during the years 1919 to 1927. These proposals as had already been pointed out by the Government of India in their note of 12 February 1960, were merely for the determination of the ownership of a few pasture grounds in one particular area north of the Pangong Lake. There was no dispute about the main alignment, let alone a demand for its determination. In the statement signed jointly by Reghci Pa Garpon and Motabir of Garpon on the Tibetan side and Major Robson and Wazir Feroze Chand on the Indian side on 9 August 1924, it was stated:—

“The Garpon of Gartok relying upon the statement of Zamin-dars of Ujang states that the boundary should be fixed along the hills, *i.e.* from Kie Gang La along the crest of the hills right upto Niagzu. From Niagzu the boundary runs to Thole Konka from which it proceeds along the crest of the ridge which ends at the point named Gaponaga thus including the whole of the grazing plot of Ote and Khurnak Fort, also Dokpo Karpo, together with the three minor Nalas, *viz.*, Mipal Goma, Mipal Yagma, Rong Goma in Tibetan territory.”

This made it clear both that the point of dispute at the time was only the alignment in one short particular sector and that even in this sector the Tibetan claim was not as extreme as the present Chinese claim.

## COMMENTS ON THE WESTERN SECTOR UNDER ITEM 2

Under this item, the Chinese side cited a number of official maps and statements by Government spokesmen, which they apparently felt would support their claim. However, according to the agenda pattern which both sides have agreed upon, the material to be furnished under the Second Item should be of a historical and legal nature and not official maps or statements. The Indian side had at the start urged strongly that the unity of evidence would be best maintained if discussion of all evidence, whether official or unofficial, in relation to a particular sector was completed before proceeding to the next sector. It was the Chinese side which insisted that this should not be so, and in face of their emphatic persistence the Indian side reluctantly accepted the Chinese proposals.

Once this broad agenda had been accepted, the Indian side wished to adhere to it instead of seeking to change it at a later stage; and they therefore did not bring forward under Item 2 any evidence of an official nature. It was pointed out that such evidence was available in great volume and would be brought forward under Item 3. At that time the Indian side would also prove how the evidence of an official nature brought forward by the Chinese side under Item 2 did not in fact support the Chinese case.

**Jammu and Kashmir.**—The Chinese side said that it was not appropriate for the officials of the two countries to discuss the boundary alignment west of the Karakoram pass. The Indian side replied that as already stated, the entire State of Jammu and Kashmir was a part of India. It was, therefore, right and relevant to bring forward evidence in respect of the area between the correct alignment shown on Indian maps, and that to the south of it claimed by the Chinese side. The Indian side had therefore made a short statement summarising the evidence in tradition and custom supporting this alignment, and were willing to bring forward detailed evidence if required.

### **Evidence in Tradition supporting the northern and eastern boundaries of Ladakh as shown on Indian maps.**

The Chinese side sought to refute the evidence brought forward by the Indian side regarding the traditional and customary basis of the Indian boundary alignment in the Western Sector rather than to provide any positive evidence of tradition and custom in support of the alignment claimed by them. However, the Indian side showed that the Chinese side had not succeeded in their efforts.

The Indian side stressed that the evidence regarding the traditional and customary basis of the Indian alignment had, apart from the specific significance of each item, totality of strength. Various items, each substantiating the Indian alignment in particular sectors.

also, when taken together, provided an overall foundation for the alignment. This was particularly because these items of evidence had not expressly the alignment in view. In fact they were primarily concerned with other matters and only indirectly substantiated the alignment; but the fact that the evidence was indirect made it all the more important and stronger. It was evidence which could not be construed as having a deliberate or official purpose in mind.

The Chinese side asserted that till the 19th century Ladakh had been a part of Tibet. But the Indian side had no difficulty in showing that Ladakh was an independent State till the 17th century when it became a part of the Mogul Empire. During the years 1834-1941 it was conquered by Gulab Singh of Jammu and in 1846 it came under the suzerainty of the British Government in India.

The Ladakhi chronicle, *La dvags rgyal rabs*, made it very clear that King Ngeema-gon by his partition of his territories between his three sons gave to each of them a separate kingdom. Four out of five Ladakhi manuscripts state this clearly; and even the Chinese side did not question the authenticity of this passage. However, they contended that this partition was a division into manorial estates. But the word used in this sentence in the Ladakhi chronicle *Ngairi* means area under dominion or rule, that is, equivalent to a kingdom and not a vassal estate. This meaning of *Ngairi* is confirmed by the following sentences in the chronicle which list the areas given to the three sons and say that they have been *Ngaitse*. This word, *Ngaitse*, has only one meaning—sovereign authority, absolute rule or control. So it is clear that the three sons were given independent kingdoms in the 10th century, and after the partition they were not under any central authority.

The Chinese side asserted that while this partition had been dealt with in certain Tibetan works,—the History of Buddhism written in the 14th century, the Blue Annals of the 15th century and the History of the Kings and Ministers of Tibet of the 17th century—they did not mention the boundaries of the three States. But these works were religious histories of a general nature which dealt very briefly with political history, and they could not be expected to give details of boundaries. The Biography of the Fifth Dalai Lama is a second-hand authority as far as the early political history of Tibet is concerned, and merely gives a little information drawn from the other books. The fact, therefore, that these works did not mention the boundaries is no proof of their non-existence. In fact a passage in the Blue Annals, cited by the Chinese side themselves states clearly that the elder son who secured Maryul became an independent sovereign. This translation of the text has been declared to be the correct one by the well-known Soviet scholar, the late Professor George Roerich.

The Chinese side also quoted another Tibetan work—The Biography of Atisha—to suggest that the three sons were given only estates which were parts of a unified domain; but the passage clearly stated that the region was called Nari not after the division among the three brothers, but even before that. Far from this passage making clear that these three sons were only given estates, it stated clearly that the territories were handed over to them with full powers.

The efforts made by the Chinese side to show that Ladakh remained a part of Tibet after the tenth century and right upto the 19th century were also effectively shown by the Indian side to be unconvincing and based on no evidence. The Chinese side quoted a passage from the Dynastic History of the Yuan period which refers to the posting of Chinese officials to Wu Ssu Tsang and Na Li Su Ku Lu Sun. But this quotation could not show that Ladakh was a part of China, for Wu Ssu Tsang was not Ladakh; and the reference to Na Li Su Ku Lu Sun, while it might show that Ngari was a part of China in the 13th and 14th centuries, did not prove that Ladakh was a part of China, for it had not been shown that Ladakh had been a part of either Ngari or Tibet. It was that which required to be proved if the Chinese case was to have any weight at all.

The passage from the Biography of Polha (1733), also quoted by the Chinese side, was clearly unconvincing. This was a religious work which showed that there was recognition only of Tibetan spiritual primacy and not any form of political submission to Tibet. The political frontiers of Tibet and the limits of Lamaist Buddhism could not be assumed to coincide automatically. It could not follow, merely because a theocratic system existed in Tibet, that all areas where Lamaist spiritual influences were found were parts of Tibet. This obvious position was enunciated at the Simla Conference of 1914 by the Chinese delegate himself, and reiterated later by the Chinese Minister for Foreign Affairs.

The Indian side found it astonishing that the Chinese side persisted in their untenable contention that Ladakh was a part of Tibet upto the middle of the 19th century and that till then the Ladakh-Tibet boundary merely denoted the limits of a feudal estate. It was not such an estate that Ladakhi chronicle described when it narrated how King Tsetang Namgyal conquered Guge and Purang in the 16th century, and how later one of his successors, Senge Namgyal, conquered Rudok. A detailed contemporary description of this has also been given by an independent observer, Andrade, who was there at the time. The *Alamgir Nama*, the official history of the reign of Aurangzeb, has also recorded the circumstances in which Ladakh became a part of the Mogal Empire in the 17th century. The French traveller, Bernier, confirmed this; so too did Desideri, who was in Ladakh in 1715, and stated explicitly that Tibet had no control at all over Ladakh.

The Chinese side stated that references in these historical works to Kings of Ladakh in the years after the 10th century need not mean that these Kings ruled over independent Kingdoms; and the Chinese side sought to draw a parallel between the Rajas of Ladakh and the Indian Princes in the period of British rule. The Indian side, however, had no difficulty in showing that this was a totally incorrect analogy. To mention but one major difference between the position of the rulers of Ladakh and the Indian Princes under British paramountcy, the latter had no right to make peace or war or to conduct foreign relations.

The Chinese side quoted another passage from the Ladakhi chronicle, that "if at the frontier the King of La-dvags does not prosper, Bod (Tibet) also cannot enjoy prosperity", and suggested that this



showed the subservient status of Ladakh to Tibet. But the passage, with its distinct reference to the King of Ladakh, showed correctly the independent status of Ladakh. When it spoke of the Tibetan Government feeling that if Ladakh did not prosper Tibet could not prosper, it obviously meant that Ladakh and Tibet were two separate independent states and the Tibetan Government were interested in the fortunes of a fellow-Buddhist ruler.

The Chinese side also cited a passage in the *Ta Ch'ing yi tung shih*, (1820) to support their contention that Ladakh was a part of Tibet. But it was pointed out by the Indian side that Ch'ing works of this period are of little use regarding the position of Ladakh and other areas south of the Kuen Lun mountains, as their authors had little knowledge of them. For instance, the Ta Ch'ing map of 1863 showed Rudok and Ari as parts of Ladakh and marked the boundary between this whole area on the one hand and Tibet on the other. But the Indian side were not, on this basis, laying claim to Rudok and western Tibet.

The Chinese side argued that *Lapchak* formed a tribute paid by Ladakh to Tibet and that this subservient was confirmed by the provision of *Ula* to the Tibetans travelling in Ladakh. It was clear that if the Chinese side regarded this as evidence of the political subordination of Ladakh to Tibet, they had misunderstood the import of these arrangements. *Lapchak* denoted the annual exchange of presents between Ladakh and Tibet, and its significance became clear when it was remembered that the presents were sent by both sides. It was not a one-sided arrangement. *Chaba* missions came from Lhasa to Ladakh. Similarly, *Ula* or the right of *begar* or free labour was enjoyed not merely by Tibetan traders in Ladakh but also by Ladakhi traders in Tibet. *Lapchak* and *Ula* have, therefore, no political significance.

The Chinese side quoted with approval a statement by Burrard and Hayden, in *A Sketch of the Geography and Geology of the Himalayan Mountains and Tibet*, that Ladakh was a Buddhist province subject to Lhasa. The reference was obviously to the religious supremacy of the Dalai Lama. In any case, this book had always been known to be full of errors and it had not been accepted by scholars as a work of accuracy. In a review of this book, Professor Kenneth Mason, as far back as 1935, pointed out many "controversial" and "inaccurate" statements in it and refused to regard it as a serious contribution to this subject.

A brief reference in this book to the effect that Moorcroft regarded Ladakh as a part of Tibet was also quoted by the Chinese side. This was obviously one of the glaring errors in this work, for Moorcroft himself described at length how Ladakh became part of the Mogul Empire. This detailed account of Moorcroft tallied fully with that in the *Alamgir Nama*.

If the Chinese side claimed that Ladakh was a part of Tibet till 1846, then the boundary between Ladakh and Tibet claimed by China ceased to be the traditional customary boundary between the two countries. It would be the boundary between Ladakh and the rest of Kashmir on the west that would, in fact, be the international boundary. The alignment along the Karakoram mountains, even if it were

the boundary between Ladakh and Tibet, instead of being ancient and traditional as claimed by China, would be only a hundred years old. There was a glaring inconsistency between the Chinese claim to the alignment now being shown by them as the traditional and customary line, and their argument that Ladakh had till about a hundred years ago been a part of Tibet. The very success of any argument that Ladakh had been a part of Tibet till the 19th century would destroy every claim to a traditional and customary basis for the alignment now being shown by China. For if the boundary, between Ladakh and Tibet had only a short history of a hundred years as an international boundary, then by very definition it could not be a traditional and customary alignment. Again, all the evidence of the Chinese side brought forward concerning the years before 1846, including the alleged viewpoint of Moorcroft, would have no validity. Nor again would the Viceroy of Canton have been speaking in 1847 of "ancient frontiers" if they had been barely 12 months old.

However, the Chinese side could not be serious about this claim which was contradicted by the evidence they themselves had brought forward. For example, a document of 1753 as quoted by the Chinese side, referred to "the boundary of the King of Tibet with the King of Ladakh". This passage proved that Tibet and Ladakh were both separate independent kingdoms.

### **Treaty Basis of the Indian Alignment**

The Indian side could not accept the Chinese contention that a boundary could be considered as delimited only if it had been defined through diplomatic exchanges and jointly demarcated on the ground. Under international law, a traditional and customary alignment which followed well-known natural features and had been recognised by both sides for centuries, was validly delimited and required no further or formal definition. However, the Indian side showed that this traditional alignment had been confirmed by treaties and diplomatic exchanges. The Chinese side sought to refute this evidence, but here again they were unsuccessful.

The Chinese side stated that the translation of the treaty of 1684 as quoted by the Indian side was different from that of Francke, thereby suggesting that both these translations were unreliable and that the existence of the treaty itself was doubtful. It was pointed out that there was no difference whatsoever in substance between Francke's account of the treaty of 1684 and the English translation given by the Indian side. As the Chinese side wanted further information of the circumstances when the treaty was signed, it was stated that the King of Ladakh at that time was Delegs Namgyal and the Plenipotentiary from Tibet was Mephram Wangpo. The Chinese side cast doubts on the reliability of manuscripts B and C used in Francke's edition of the Ladakhi chronicle but failed to state on what grounds they questioned the reliability of the particular passage taken from that manuscript. The text was based on B manuscript which was an authentic account of the history of Ladakh. Manuscript C, which was also reliable, had been used for purposes of comparison. A full translation of the treaty of 1684 was published as early as 1890 and had been accepted by scholars.

The Chinese side stated that some of the places mentioned in the Ladakhi chronicle could not be identified while in the case of others, the identification given by the Indian side was open to doubt. The Indian side replied that a sufficient number of places on the border had been identified correctly to show that it conformed to the traditional alignment of the boundary as shown on present Indian maps. The identification, as given by the Indian side, of place names in the Ladakhi chronicle was the one generally accepted and the Chinese side were asked to indicate specifically which of these they questioned, and to state what their identification of these places would be. No answer was forthcoming to either of these questions.

The Chinese side quoted the account of the Ladakh-Tibet war of the 17th century in the Biography of Polha (1733) and concluded from this that no such treaty as that of 1684 had been concluded. The extract as translated by the Chinese side, however, made it clear that there was a war between Ladakh and Tibet in the 17th century and that it was ended by a peace settlement which was favourable to Ladakh. The reference to the conclusion of an agreement regarding the territories to be held by the two parties, and the surrender of seven forts to Ladakh, was obviously a reference to the treaty of 1684.

The Chinese side contended that Sinkiang had not been a party to this treaty of 1684. This, however, was not relevant, for sufficient evidence had been provided by the Indian side to show that Sinkiang had never extended south of the Kuen Lun mountains.

The Indian side pointed out that the doubting of the authenticity of the treaty of 1684 by the Chinese side was a new development. The treaty of 1684 had been quoted by the Prime Minister of India in his letter of 26 September 1959 and the Chinese Government had not questioned its authenticity in any of their subsequent communications. It was only during the present discussions, on 22 July 1960, that this was done for the first time.

Far from being a document whose existence was in doubt, this treaty was still valid and binding on Tibet. The Chinese side themselves had referred to the *Lapchak* missions, which had their origin in this treaty. Again, it was on the basis of this treaty that Minsar had been administered by the Kashmir Government right upto our times, as mentioned by Prime Minister Nehru to Premier Chou En-lai and accepted by the later at their meeting on 23 April 1960. The Chinese side stated that Premier Chou En-lai's statement on Minsar had been wrongly interpreted; but when asked to state what in that case was the correct interpretation of the Chinese Prime Minister's statement, they gave no answer.

The Chinese side claimed that the treaty of 1842 was an agreement of non-aggression. The Indian side pointed out that in fact the notes exchanged not only dealt with non-aggression but also stated explicitly that the boundary between Ladakh and Tibet was well-known, and confirmed that boundary. But even if it were only an agreement of non-aggression, Ladakh and Tibet could not have agreed to maintain their existing boundaries if they did not know how far exactly their territory extended and what its limits were. As the Chinese

side had correctly stated, the 1842 treaty did not determine the boundary; this was because there was no need for further determination of a boundary that was even then well-known and recognised by both sides.

The Chinese side raised the issue of Sinkiang not being a party to the treaty of 1842 (though in another context they claimed that China herself had been a party). As the Indian side had already produced sufficient evidence to show that Sinkiang had never extended south of the Kuen Lun mountains, here again whether Sinkiang had been a party to this treaty or not was irrelevant.

The Chinese side sought to argue that the 1847 correspondence between the Viceroy of Canton and Kwangsi and the Governor of Hong Kong and the Indian Government showed that the boundary in this sector had not been delimited. The facts were that in 1847, when the British Indian Government sought to discuss a small sector of this traditionally delimited boundary, the Chinese Government affirmed, through a very senior official, that the "ancient frontiers" between Ladakh and Tibet had been distinctly and sufficiently fixed and that there was no necessity to determine them further. The Chinese side did not explain how this could be construed as anything but an acceptance of the validity and certainty of traditional boundaries.

The Chinese side then argued that the "ancient frontiers" referred to by the Viceroy in 1847 formed the alignment now claimed by the Chinese side. The Indian side explained that the point they wished to make was that in 1847 the boundary between Ladakh and Tibet was well recognised and did not, according to the Chinese Government themselves, require further confirmation. As to the exact location of this alignment, other evidence had been produced by the Indian side to show that the traditional and customary alignment lay where the Indian maps were now showing it, and not where the Chinese side claimed it to be.

The Chinese side stated that the 1847 correspondence took place immediately after the Opium War and quoted a memorial from the Chinese Viceroy to the Peking Government wherein he had stated that the intentions of the British were suspect. The Indian side pointed out that this could have no bearing on the categorical affirmation by the Government of China that the boundary was ancient, and sufficiently and distinctly fixed and that nothing further was required to be done about determining them.

The only comment of the Chinese side on the treaty of 1852 was to state that only a translation of the document had been made available to them and that they could not say anything till they had seen the original. The Indian side pointed out that the genuineness of the 1852 Agreement could not be questioned merely because a copy of the Tibetan text of this agreement had not been made available to China last year in the course of the correspondence between the two Governments. The decision to study documents in support of the two stands had only been taken much later. In any case, a copy of the Tibetan version of this treaty, as preserved in the archives of

the Government of Tibet and handed over by them to the Government of India on 27 August 1920, was now given to the Chinese side. No attempt was made to dispute the significance of this document.

The Chinese contention that in 1899 the Indian Government had proposed to delimit the boundary between Ladakh and Tibet was shown to have no basis. The communication of the Government of India explicitly stated that the northern boundary ran along the Kuen Lun range, and the Government of China did not object to this definition of the boundary. Consequent on a discussion regarding the status and rights of the ruler of Hunza, the British Indian Government, in return for certain concessions, offered to transfer a part of the Qara Qash basin to China; but the then Chinese Government preferred to abide by the traditional customary alignment, thus proving the Indian case that the boundary lay where the Indian Government were now showing it. The Chinese Government did not wish to sign any boundary agreement such as would, have been necessary if the traditional alignment had been altered. They preferred to adhere to the traditional alignment rather than sign a boundary agreement to their advantage.

It was, therefore, surprising that the Chinese side should view as absurd the explanation that the then Government of China wished to maintain the traditional alignment and not throw the whole question open by signing a fresh treaty altering it. In fact, the Chinese side themselves offered precisely such an explanation as to why the Chinese Government in 1847 had refused to discuss even one particular sector of the alignment. It was curious that the Chinese side should regard as absurd a statement that the Chinese Government acted in a rational manner in 1839.

The Chinese side referred to the negotiations between the Governments of India and Tibet during the nineteen twenties for the determination of the ownership of a few pastures in the vicinity of Pangong Lake as proof that the boundary was undelimited. In fact, there was no dispute about the alignment in general in this area, let alone a demand for its determination. The joint statement issued in 1924 by the Kashmiri and Tibetan representatives stated that the Tibetan side wanted the boundary to be fixed along the Kieu Gang La, Niagzu, Tholo-Konka and Copa naga. This showed that even in this one particular small stretch under dispute the Tibetan claim was very far from the line at present claimed by China as the ancient and traditional frontier.

The Indian side also pointed out that no Chinese Government had ever disputed the validity of this traditional alignment till 1959, and in the circumstances this could only be regarded as acquiescence in and recognition of a delimited boundary.

### **Unofficial Chinese Maps**

The Chinese side dismissed the many unofficial Chinese maps, brought forward by the Indian side and showing the correct traditional alignment, as 'old' and 'crude'. This was clearly no argument of any weight; but the Chinese side did not even maintain this position consistently, for they themselves produced Chinese maps

of the old style which were much cruder than those brought forward by the Indian side. These old Chinese maps were in fact valuable evidence of traditional boundary alignments, if not of geographical accuracy. They represented the views prevailing in the best informed circles of the period regarding the location of territorial limits. The Indian side showed that even the maps brought forward by the Chinese side in fact confirmed the traditional Indian alignment.

The Chinese side made a general observation that where the boundary was shown as long the Tsungling mountains in Chinese maps, these mountains should be identified as the Karakoram mountains. It was pointed out that this identification of the Tsungling mountains with the Karakoram mountains was incorrect, and sufficient evidence had been brought forward in the Indian statement on the evidence substantiating the Indian alignment to show this. When the Chinese traveller Fa Hien stated that he crossed the Tsungling mountains, he was describing the Pamir section of the Kuen Lun line of mountains much to the west of the Karakoram Pass. The fact that a few British maps of the early 19th century mistakenly applied the term Tsungling to the Karakoram mountains could not invalidate Chinese maps drawn by men who knew the Kuen Lun region accurately, gave the name Tsungling to the Kuen Lun range, and correctly showed the traditional alignment as lying along these mountains. The Indian side promised to deal with official maps under Item 3. Here they contented themselves with pointing out that till 1865 British cartographers had no precise idea of northern Ladakh just as Chinese cartographers had known nothing of the areas south of the Kuen Lun mountains.

The Chinese side stated that they were not aware of the existence of any 6th century map and that the map brought forward by the Indian side did not appear to be as old as it was claimed to be. The Indian side explained that this 6th century Chinese map was from the *Sui hsi yu tu chi* of Pei Chu. The Indian side were prepared to give further details of this map if required.

The Chinese side gave an extract from the *Hsu wen hsien t'ung k'ao* stating that the Karakoram mountains touched Sinkiang and claimed that this supported their case. The Indian side felt this general statement was of no relevance to the Chinese claim. Even according to the traditional Indian alignment, at the Karakoram Pass Sinkiang reached upto the Karakoram mountains.

A *Nei fu yu t'u* map of 1760 was brought forward by the Chinese side as proof that the boundary lay along the Karakoram range. The Indian side pointed out that actually this map showed the boundary as lying along a range of mountains immediately south of Khotan, from which the Yurung Kash and the Qara Qash were said to have their origin; and the mountain range immediately south of Khotan (Ho tien) was the Kuen Lun range and not any range of the Karakorams. Furthermore, the Yurung Kash had its origin in the Kuen Lun and not the Karakoram range. As regards the origin of the Qara Qash, it was well-known that till the beginning of the 20th century Chinese cartographers were unaware of

the exact source of that river and regarded it as rising in one of the Kuen Lun ranges. Such ignorance of the real source of the Qara Qash river was reflected in even detailed maps such as the Ta Ch'ing map of 1899 which showed the sources of the Qara Qash east of Shahidulla and north of the Karakoram Pass.

The Chinese side dismissed as of no account the *Hsi yu t'u chih*, a map from which the Indian side had brought forward as evidence. This disclosed a striking inconsistency, for the Chinese side themselves had elsewhere described the same work as "authoritative and comprehensive" and "covering all important material"; and they had cited a passage from the 1782 edition of the work which vaguely referred to the sources of rivers being in Ho-t'ien. The Indian side pointed out that no specific conclusions about the boundary alignment could be drawn from this general statement. On the other hand, the 1762 edition of this work clearly stated that the "Ho-t'ien river rises from the Nan Shan" mountains, which were the same as the Kuen Lun mountains. Another map in the same work categorically affirmed that Sinkiang did not extend any further south than the Sanjutagh, which was nearly 60 miles north of the Kuen Lun mountains.

The Chinese side quoted a passage from the 1820 edition of the *Ta Ch'ing yi t'ung chih* to identify the Nimangyi mountains as the Karakoram range. The Indian side pointed out that this work proved exactly the opposite; for it showed the Nimangyi mountains as lying immediately south of Khotan and it was the Kuen Lun and not the Karakoram ranges which were immediately south of Khotan. It also said that these mountains were the same as the *Ho lang kwei* and *Ho shi mo tissu* mountains. *Ho lang kwei* range was the Kurangu range of the Kuen Lun mountains.

The Chinese side brought forward a map from the *Ta Ch'ing hui tien tu* of 1818 which showed the boundary along the Nimangyi mountains and claimed that this proved that the boundary lay along the Karakoram mountains. The Nimangyi mountains had already been shown to be one of the Kuen Lun ranges. The Indian side, in addition, pointed out that actually the map showed the Nimangyi mountains as immediately north of a desert, which confirmed that it was not the Karakoram but the Kuen Lun mountains.

A map from the *Chin ting hsin Chiang chih lueh* of 1821 was also brought forward by the Chinese side to support their claim. The Indian side pointed out that the legend on the map stated that "one branch of the Tsungling rises from the Seng-ge-ka-bab" mountains, making clear that there was more than one range of the Tsungling; this interpretation was confirmed by the Chinese side, who translated the legend as stating that the Tsungling bifurcated. The branch that was thought to rise from the Seng-ge-ka-bab mountains was not marked on the map and only the Kuen Lun range was shown. Another map in this work clearly showed the boundary as along one of the northern ranges of the Kuen Lun mountains with both the Qara Qash and the Yurung Kash rivers cutting through that range. That the Tsungling mountains were one of the Kuen Lun ranges was further confirmed by the fact that

the maps showed no other mountain range between it and the city of Khotan.

The Chinese side brushed aside the map in the *Hsi yu shui tao chi* of 1824 as of no account. The Indian side pointed out that this compilation was the work of Hsu Hsing Po of Ili, a noted cartographer with a thorough first-hand knowledge of the region. The Indian side had quoted only one of the many maps in this work. If, as the Chinese side affirmed, the map dealt with the Lop-nor area, the delineation of the boundary by a trained geographer with a first-hand knowledge of the area was of the highest value and relevance, particularly as he was not interested in the boundary alignment and was only showing what he knew to be factually correct. The fact that it was incidental evidence made it all the weightier.

The Chinese side also cited a passage from the *Hsin chiang fu chih* of 1911, stating that the boundary beyond Kanjut turned in an east-west direction as supporting their claim. The Indian side pointed out that it was the Indian line and not the Chinese line which ran in this manner, and so this passage in effect confirmed the Indian alignment. This work also referred in another passage to Shahidulla being a part of Kashmir; and as Shahidulla was much to the north of the Kuen Lun mountains, Sinkiang did not extend at that time even upto the Kuen Lun mountains, let alone south of it. The work referred also to the boundary along the Nimangyi mountains, and regarded the *Ho ssu mo ti* mountains as the source of the Qara Qash. This again showed the ignorance of the Chinese concerning the area south of the Kuen Lun even as late as the beginning of the 20th century, and confirmed the traditional alignment by showing that the Chinese had never come south of it. It also confirmed that the boundary lay along the Kuen Lun (Kurangu or Nimangyi) range.

### Unofficial modern maps

The Chinese side summarily dismissed unofficial modern maps of Chinese and foreign cartographic organisations. The Indian side regarded this attitude as unacceptable. Such maps were the result of scientific research and the objective efforts of reputable cartographers and reflected the generally accepted understanding of the boundary alignment at the time that they were drawn. They therefore constituted powerful evidence of the traditional location of the boundary, especially when drawn by scholars of disint erved third countries or Chinese cartographers of distinction. Indeed, the Chinese authorities had themselves utilised these maps for various official purposes for centuries.

The Chinese side set aside the *Atlas of the Chinese Empire* (1908) brought out by the China Inland Mission and the *New Atlas and Commercial Gazetteer* published by the Far Eastern Geographic Establishment in Shanghai in 1917 as inspired by "imperialists". This was untenable position. These publications were the work of persons who had first-hand knowledge of China and had based themselves on authoritative information. The Chinese Government had not at any time before objected to these detailed maps showing precise alignments and claiming to be based on 'authoritative



official surveys'. If the Chinese Government had ever had any reservations or objections, it was impossible that they could have remained silent.

Regarding the map in the *Atlas of the Chinese Empire* brought out by the Commercial Press, Shanghai, one of the foremost publishing houses of China, in 1908, it was contended by the Chinese side that the map was unofficial and therefore inaccurate, and that the boundary had not been clearly marked. The value of scientific unofficial maps as evidence of traditional boundaries had been stated in such great detail earlier by the Indian side, and was in fact so well-recognised, that it did not require repetition. As for the contention that the boundary had not been clearly marked, it was sufficiently precise to indicate that in the Chang Chenmo and Pangong areas the boundary had been correctly shown. Besides, such maps in this atlas as showed both the Kuen Lun and the Karakoram mountains made clear that the boundary lay along the former.

The Chinese side stated that certain maps in the Peking University Atlas of 1925, cited by the Indian side, showed that after 1911 Aksai Chin was a part of China. However, this Atlas clearly showed in the map referred to by the Indian side that China, when at its maximum extent before 1911, under the Ching Empire, had not included the Aksai Chin area. If the area was shown as part of China after 1911, it could only be on the basis of an arbitrary claim with no support in history, for nothing had happened, in 1911 or after 1911, to give support to such a claim.

#### Accounts of Foreign Travellers

The Chinese side brushed aside the precise and detailed accounts of the location of the boundary alignment by foreign travellers as unofficial and hence worth little consideration. The Indian side could not agree with the Chinese views on the value of the accounts of travellers as evidence. The Joint Communique of the Prime Ministers had regarded the examination of these accounts as an important part of the work of the officials. There should be a scientific and factual appraisal of the documents furnished and no kind of evidence should be dismissed out of hand or set aside because of its origin.

The Chinese side pointed out that the statements by travellers and explorers represented their personal views. In fact, this enhanced the validity of their evidence. It was based on first-hand experience and gave precisely the location of the traditional boundary in various sectors. The fact that they were not just official views ensured their impartiality and lent them greater strength in substantiating the traditional and customary boundary alignment.

The Chinese side contended that as some books by foreign travellers referred in their titles to 'Tibet' or 'Turkistan', it showed that the entire area travelled by them lay in Tibet or Turkistan. The Indian side pointed out that the detailed data in these works should not be dismissed on such grounds, for authors gave general and epigrammatic names to books and no conclusion could be drawn from such names.

However, the Chinese side, regardless of the inconsistency of their position, quoted some accounts of travellers to support their own stand. They cited some vague statements from the works of Moorcroft and Cunningham. The Indian side pointed out that these statements were too vague and general to prove anything, though the works themselves were of value and the detailed quotations from them given by the Indian side, substantiating the Indian position, represented the opinions of Moorcroft and Cunningham more correctly. A passage from Hayward's article in the *Journal of the Royal Geographical Society* (1870) was also cited. But Hayward had surveyed only the western extremity of the Aksai Chin area and could not speak with authority for the eastern areas. In any case, he had only recommended the fixation of a boundary along the Karakoram and had not described the actual location of the traditional boundary. He had not said that the line he suggested was the traditional customary line but had only advocated that it be fixed there for geographical and political reasons.

The Chinese side also quoted a passage from Drew's book, *Jummoo and Kashmir*, and said that it showed that the boundary was not delimited. But this quotation from Drew's book only showed that the boundary had not been demarcated on the ground. Drew further made it clear, both in his book and in the map attached to it, that the northern boundary of Kashmir stretched eastward upto a point east of 80° Longitude, and that Aksai Chin and Lingzitang were within India.

The next reference by the Chinese side was to a passage in Col. Schomberg's book *Unknown Karakoram*. But his reference to the Karakoram mountains being the northern boundary of Kashmir was only in the Mustagh and Raskam areas. He specifically stated that the Karakoram mountains ran "through" Ladakh. So Schomberg could not mean that the boundary in the area we were considering lay along the Karakoram mountains, for in that case it could not run "through" Ladakh.

### **Evidence in Custom supporting the traditional Indian alignment**

The Chinese side argued that their claim to Indian territory was supported by the fact that certain places in this area had Turki names—for example, Karakoram meant "heaps of black stones". The Indian side felt that it was not necessary to deal with this argument in detail, and only drew attention to the fact that centuries ago Indian influence had swept deep into China and there were place names in Tibet of Sanskrit and Prakrit origin. The name Khotan itself was derived from the Sanskrit word *Kustana*. And in Aksai Chin all the major place names were Ladakhi; for example, Shinglung Donglung meant a place where fire-wood and wild yaks were found; Panglong was a *nulla* (valley) with grassy ground; Kongka La meant a low pass; Amtogar meant an encounter with a round object, the lake being circular in shape; Lanak La meant a black pass, Chang Chenmo meant the Great North and Lingzi Tang meant plains extending in all four directions.

The Chinese side considered the evidence brought forward by the Indian side on pasturage and salt mining in north-eastern Ladakh as

inconclusive. They alleged that Indian herdsmen did not use pastures north of the Chang Chenmo valley, that Ladakhis utilized pastures and salt mines in the Aksai Chin and Chang Chenmo areas with the express consent of the local Chinese authorities and that their presence in these areas was similar to that of Indian pilgrims visiting Tibet. The Indian side pointed out the value of such evidence of customary usage in border areas to support the traditional alignment. It was incorrect to state that Indian herdsmen had not visited the areas north of Chang Chenmo valley. They had always used the Gunto Lumpa and Skydpo Lungpa pastures in the Aksai Chin area and collected salt in the Aksai Chin and Lingzi Tang areas. In the Chang Chenmo valley Indian graziers had been sending their flocks upto Lanak La without coming across any Tibetans or Chinese right upto 1959. The Pangong, Niagzu and Dokpo Karpo pastures had been utilised for centuries by the inhabitants of villages in the Tangtse Naqa. Similarly, the Spanggur pastures had been the jealously cherished preserve of the inhabitants of Chushul. The Ladakhis had gone to these areas as of right and without securing the permission of either the Chinese or the Tibetan Government. Under Item 3 it would be shown conclusively that there had never been any Tibetan or Chinese administration in these areas. There could, therefore, be no comparison with Indian pilgrims in Tibet

According to the Chinese side; the evidence of Indian hunting-parties visiting the areas upto the traditional alignment only showed that "imperialist" elements used to commit aggression there, and whenever Chinese border guards had come across such hunting expeditions they had turned them back. It was stated that in any case visits of hunting expeditions formed inconclusive evidence. The Indian side pointed out that the documentary evidence they had produced showed that these local and British *shikaris* used to hunt regularly in the Chang Chenmo valley upto Lanak La and in the north upto the Kuen Lun ranges. It was not true that only Europeans had gone on these expeditions. There was no evidence at all of these expeditions having ever come across Chinese or Tibetan personnel within the traditional Indian alignment, let alone of their having been stopped by the Chinese authorities. In fact, evidence would be brought forward to show that it was the Kashmir Government which had regulated the activities of these expeditions.

The Indian side also pointed out that general charges of "imperialism" were irrelevant, and repudiated any suggestion that the Indian side were justifying British policies and interests. Unless it could be definitely established that any particular document was biased at its source or that its author had ulterior motives, it should be considered on its merits. The Chinese side themselves had quoted not only from British travellers when it suited them, but also from a publication of the British Foreign Office.

Regarding the trade routes lying across the Chang Chenmo valley and the Aksai Chin area upto the Kuen Lun range, the Chinese side regarded this evidence as inconclusive. But they were regularly used by Indian traders, and no one had ever come across any permanent enclosure or structure built by the Chinese or Tibe'ans along these routes. Evidence would be brought forward under Item 3 to show

that these various routes in the border areas were under Kashmiri jurisdiction.

### **Evidence brought forward by the Chinese side**

The Chinese side brought forward remarkably little evidence to substantiate their own claim that the alignment shown by them was a traditional and customary one. In the Demchok area they cited material specifying that the traditional alignment lay along Lhari Karpo. This was very near the traditional Indian alignment, and very far from the line now claimed by China. The Indian side, therefore, welcomed this statement and saw no reason to discuss this further. There was only one Lhari in the area, and that was the stream joining the Indus near Demchok at Longitude  $79^{\circ} 28' E$  and Latitude  $32^{\circ} 42' N$ .

The only positive evidence brought forward by the Chinese side to support the claim to Aksai Chin and Lingzi Tang was a reference to Turki place names in those areas. The Indian side had already shown the irrelevancy and weakness of this evidence. In the Spang-gur area, the Chinese side brought forward only one document, stating that Chushul was close to Rudok. The Indian side could not see how this could be regarded as proving anything or supporting the Chinese claim.

## TRADITIONAL AND CUSTOMARY BASIS OF THE INDIAN ALIGNMENT IN THE MIDDLE SECTOR

The Middle Sector of the boundary between India and China lies from the junction of the Indian States of Jammu and Kashmir and the Punjab and the Tibet Region of China, to the tri-junction of the boundaries of India, Nepal and China. The boundary throughout lies along the main watershed in the region between the Spiti River and the Pare Chu, between the tributaries of the Sutlej and between the Ganges and the Sutlej basins. In this sector the Chinese alignment also conformed for the most part to the traditional Indian alignment. Only in four areas did it diverge from the watershed to include certain pockets of Indian territory in China—the Spiti area (Chuva and Chuje), Shipki pass, the Nilang-Jadhang area (Sang and Tsungsha) and Barahoti (Wu-je) Sangchamalla and Lapthal. In this sector, therefore, it would be sufficient to prove the traditional and customary basis of the Indian alignment in these four areas.

### (a) The Spiti area.

The traditional and customary alignment of the boundary in the Spiti area followed the watershed between the Spiti and Pare rivers. It crossed the Pare river a mile south of the Indian village of Kauririk, half a mile west of the Rock Bridge across the Pare river, four miles north-east of the Indian camping ground at Changrizang, five miles north-east of the junction of the Spiti and Pare rivers and five miles south-west of the Tibetan village of Shaktot.

In early times Spiti was ruled by a Hindu dynasty, whose rajas bore the suffix of Senas. A copper-plate deed, probably of the 7th century A.D., granted by Raja Samudra Sena, was to be found in the Parasuram temple at Nirmand; the text of it was published by Fleet, *Corpus Inscriptionum Indicarum*, Volume III, pages 288-9. The *Vamsavali* of Kulu states that Raja Rajendar Sena conquered Kulu, but Raja Chet Sena lost it. Later Spiti was annexed to Ladakh. Ladakhi records of the 10th century show that not only the Spiti valley, but even the Pare valley, to the east of Spiti valley, was a part of Ladakh. Thus an order issued on behalf of the rulers of Hemi Gumpa of Ladakh in 948 A.D. and of which document the Indian side supplied a photostat, stated:

“Order issued by Head Lama Dechon Namgial ruler of Hemi Gumpa of Ladakh in concurrence with 200 Lamas delegating administrative powers to Nono Sonam Lotan of Churup: Following are the boundary limits of villages of Karak, Bargaiok, Sumkhel, Goondi, Churup, Tunmur and Geu which fall within the jurisdiction of Hemi Gumpa and include forests, pasture lands, woods and water for irrigation.” (Photostat 1).

Karak, Bargaiok, Sumkhel and Churup were in the Pare valley and east of the present Indian alignment and in Tibet.

By another document issued twelve years later, in 960 A.D.—and of this document also the Indian side supplied a photostat—the King of Ladakh told the Nono of Churup that the people of Spiti area should not hesitate to pay the revenue due from them. (Photostat 2)

In the 10th century Spiti ceased to be a part of Ladakh. This was proved by a statement in the Ladakh Chronicle *La dvags rgyal rabs*, part of which had already been quoted by the Indian side when dealing with the Western Sector. Describing the partition by King Skyid-Ida-ngeema-gon of his kingdom in the 10th century, the chronicle stated that the second son 'he made ruler over Gu-ge with Pu-hrans, Rtse, etc. Lde-gssug-mgon, the youngest, he made ruler over Zans-dhkar-sgo-gsum, with Spiti, Spi-icogs, etc.'" (A.H. Francke, *Antiquities of Indian Tibet*, Volume II, page 94).

Zans-dhkar-sgo-gsum, the 'three doors' of Zanskar, was a reference presumably to the three valleys that join at the central part of Zanskar. Spi-Icogs has been indentified as Lahul, which lies between Zanskar and Spiti.

Later, however, Spiti became a part of Ladakh. In the 17th century when the Tibetans defeated King Delegs Namgyal, they seized Spiti but promptly returned it as part of the dowry when King Delegs married the Tibetan Commander's daughter.

A document of the early 19th century was an order of Shri Nema Namgial the Maharaja of Ladakh. It stated:

"Rangpa (tillers of the land) of Nako, Haagrung, Chango, Lehoo cheuling, Sialkhar and Sumra... Tocho (inhabitants of Gue, Chhurup, Sumkhil, Kharak and Berchok). None of the above mentioned areas can dare to disobey this my order dated Shingduk Dawa Nawa Ye Chhepe 15, (15th day of the fifth Tibetan month of Shing duk year)." (Photostat 3).

Another order of about the same period issued by Rajah Morub Tanzin of Ladakh for the information of village Gumpas and Kharpoon (chief) of Spiti stated:

"It is an admitted fact that people of the villages of Gue, Churup, Kaurik, Shaktot, Karak, Bargaiook and Sumkhel areas are undoubtedly natives of Spiti." (Photostat 4).

The enumeration of villages showed that not merely the Spiti valley but even the Pare valley was then a part of Ladakh.

In 1846, after the first Sikh War, the British acquired Spiti district. Article IV of the Treaty of Lahore stated that the Maharaja ceded to the East India Company:

"In perpetual sovereignty, as equivalent for one crore of rupees, all his forts, territories, rights and interests in the hill countries, which are situated between the rivers Beas and Indus, including the province of Cashmere and Hazarah."

By the treaty of Amritsar signed soon after, the British authorities handed over all this territory to the Maharaja of Kashmir, retaining

only Lahul and Spiti Cunningham and Vans Agnew went to the area to confirm the boundary between Spiti and Ladakh.

The boundary between this Indian territory of Spiti and Tibet had always been a traditional and customary one regarding which there had never in history been any dispute. It had been described by travellers and explorers as lying where the present Indian alignment showed it and including the whole of Spiti valley in India. George Trebeck, who visited the area in 1821, found that the authority of the Raja of Ladakh was absolute in theory, while in practice Spiti enjoyed considerable autonomy. (*Travels*, Volume II, page 69).

The map of *The Himalayan Provinces of Hindustan, the Punjab, Ladakh, Kashmir, Kabul, Kundus and Bokhara*, constructed from the original field-books and notes of Trebeck and his companion William Moorcroft by John Arrowsmith in 1841, showed the Pare, Spiti and Li rivers with considerable accuracy, and showed the entire Spiti valley upto the watershed between Spiti and Pare as part of India. The map was in Volume I of *Travels* by Moorcroft and Trebeck, (London 1841). The Indian side supplied a photostat of this sector of the map, enlarged for convenience. (Photostat 5).

Alexander Gerard who visited Spiti in 1821 wrote: "August 11, 1821. Marched to Changrezhing. . . Changrezhing is a small piece of cultivation belonging to Chango; one or two people repair hither in summer with their flocks, and look after the few fields of barley; but there are no permanent residents. . . Here I met four Koonawurees returning from Choomoortee with wool, who informed me that the Chinese were waiting my arrival at the boundary, three miles further on. . ." (*Account of an attempt to penetrate by Bekhur to Garoo and the Lake Manasarowara for the purpose of determining the line of Perpetual Snow on the southern face of the Himalaya etc. etc.* London 1846, pages 174-5) ↓

As the road from the Spiti valley to Tibet lies along the Pare valley, 3 miles from Changrizang would be near the Kaurik village; and this is where the boundary lay and where the Chinese were awaiting him. ↓

In 1838 Thomas Hutton went on a trip through Kunawar, Hungrung and Spiti under the patronage of the Asiatic Society of Bengal, and published his account in Volume VIII of the Society's Journal (1839). On page 945 he stated: "This spot was called by the Tartars Chungreezing (Changrizang) and here I pitched my blanket-tent at the height of 12,040 ft. above the sea. . . . On the 14th we descended by a very rugged and precipitous path to the bed of the Paratee (Para) river, a branch of the Lee (the name given to the river after the junction of the Para and the Spiti), which comes down from lake Chumorrareel, through Chinese Tartary, and joins the latter river above Shialkur. This we crossed by the "stone sangho", as it is called, which is formed by enormous masses of granite which have fallen from above, and become so firmly wedged into the bed of the river, as to form a safer and more durable bridge than any that could be constructed by the natives, and which from its great weight the waters are unable to remove. A small stream which runs down into the Paratee,

a little distance below this bridge, is said to be the boundary line of Bussaher and Chinese Tartary."

This natural bridge described by Hutton was the Rock Bridge across the Pare river half a mile to the east of the Indian alignment; and Hutton's location of the boundary conformed to the traditional alignment shown on present Indian maps.

W. C. Hay visited the Spiti valley during December 1849—January 1850, and published his Report on the Valley of Spiti in the Journal of the Asiatic Society, Volume XIX 1850 No. 6 in the list of villages comprising the Spirit district given by him on page 450 Chuje was mentioned as one of the five *kotis* (circles). The 17 villages of which it consisted were listed (Photostat 6). Kurik (Kaurik) was one of them. The Chinese side stated that Chuje was to the east of Chuva. Therefore, Chuva also formed part of India.

The map attached by Hay to his article—and of which a photostat was being supplied (Photostat 7)—showed as in the Spiti valley which was part of India, territory upto a point four miles east of the junction of the Pare and Spiti rivers. This corresponded to the traditional Indian alignment in this sector.

Further evidence of this traditional boundary in the Spiti area was provided by unofficial maps :

- (i) In *Asie Meridionale* published by Andriveau Coujon (Paris 1876), the Spiti district was shown as extending as far east as the Pare river and 4 miles east of the junction of Pare with Spiti. (Photostat 8).
- (ii) The map of *Central Asien* compiled from the latest sources by Dr. Joseph Chavanne (Leipzig 1880) showed the entire Pare valley in Spiti. (Photostat 9).
- (iii) The Map of British India in the Russian Atlas of Marks (1905) showed the boundary as cutting the Pare river a few miles east of its junction with Spiti thus conforming to the Indian alignment. (Photostat 10).

Unofficial Chinese maps right down to our own times also showed the traditional Indian alignment in this sector. The Indian side gave two latest examples:

- (i) The Wall Map of Modern China published by Ya Kuang Map Publishing Society 1947 showed the boundary in the Spiti areas as crossing the Pare river a few miles above its junction with the Spiti river. (Photostat 11).
- (ii) Map 46 in the Educational Atlas of China published by the Ya Kuang Map Publishing Society in 1947 also showed the same alignment. (Photostat 12).

#### (b) Shipki pass.

Shipki pass is on the Zanskar range, which forms a well-defined watershed frontier.

Shipki pass had been the traditional and customary boundary between the States of Bashahr (now part of the Himachal Pradesh State of India) and Guge which was incorporated in Tibet in 1720.



This fact that Shipki Pass was always a part of Bashahr has been attested by travellers. In 1818 Alexander Gerard visited the area. He states in this *Account of Koonawar in the Himalaya*, London 1841: |

“October 12, Marched to Shipki, nine miles. The road ascended a little, and then there was a steep descent into the bed of the Oopsung. Here the rocks were more rugged than any we had yet seen: they were rent in every direction, piled upon one another in wild disorder, in a most extraordinary manner not to be described, overhanging the path and threatening destruction to the traveller.

From the Oopsung the road was a tiresome and rocky ascent, to the pass which separates Koonawur from the Chinese dominions, 13,518 feet above the level of the sea.” (pages 281-282). |

Oopsung is Hupsang Khud, and Gerard stated that the boundary lay at Shipki Pass, at the top of Hupsang Khud.

Gerard again visited the area in August 1821 and reported:

“On the 5th August I made a march to Shipki, distant nine miles; the nature of the road as far as the Pass to Tartary may be summed up in a few words. On the left hand, at a great depth below, is the Sutluj, tearing its way amongst masses of fallen rock and appearing a white line of cataracts. . . . . The pathway is the bare surface of the shattered rocks which are constantly changing their place. Before, is the abyss of the Oopsung; . . . . . At the Peeming (Shipke) Pass, from which the road descends to Shipki, the barometer was 18.467, the temperature of the Mercury 74, and that of the air 63° . . . . .

This is the line of separation between Busahir and Chinese Tartary, and there could scarcely be a better-defined natural boundary. . . . From hence to Shipki was two and a quarter miles, by an excellent road upon the hill slope at an angle of 15°, on gravel and frangible red granite, like a good turnpike-road.” (*Account of an attempt to penetrate by Bekhur to Garoo and the Lake Manasarowara for the purpose of determining the line of Perpetual Snow on the southern face of the Himalaya etc.* London, 1846 pages 148—151).

Over twenty years later Dr. Ch. Gutzlaff, a corresponding member of the Royal Geographical Society, visited Shipki area, and gave a report of his journey to the Royal Geographical Society, in February 1849. He stated:—

“Proceeding about 20 geographical miles further (from Deba) to the N.W., we arrive at Shipki, in Lat. 31° 49', Long. 78° 44' E on the banks of the Satadra (Sutlej), and the first place after crossing Kanawar over high passes exceeding over 15,000 ft. on the frontier of Hindostan.” (*Journal of the Royal Geographical Society*, Vol. XX, 1851, Part II, page 205). |

The reference here was clearly to the Shipki pass and not other passes west of it. |

In 1904, C. D. H. Ryder visited the place and stated:

"On the 23rd we marched to Shipki, crossing the river on the ice, elevation 9,300 feet. On Christmas Eve we surmounted our last obstacle, the Shipki La on the frontier—a climb of 5,000 feet, mostly in snow, and a drop of 6,000 feet on the other side, camping at Khab, in British territory." (*The Geographical Journal*, Vol. XXVI No. 4, October 1905, page 390).

E. B. Wakefield visited the area in 1929. In the report of his journey published in the *Himalayan Journal*, Vol. II, April 1930, it was stated (page 103):

"Having crossed the Shipke Pass into British territory on the 11th October he halted for a week at Pooh (1115) whence he reached Simla (1305) on 2nd November."

The Indian side then brought forward, and supplied photostats of, some unofficial maps published in various countries to show that the traditional boundary in this sector lay along Shipki pass:

- (i) Berghaus' map in Stieler's Hand-Atlas 1861. The alignment in this sector was shown immediately west of Shipki village and corresponded precisely to the traditional Indian alignment. (Photostat 13).
- (ii) A. Petermann's map of *Indien und Inner Asien Nordliches Blatt* published in Stieler's Hand-Atlas 1875. The boundary in this sector was shown as following the water-parting and corresponded to the traditional Indian alignment (Photostat 14).
- (iii) The Map of *Inner Asien und Indies* in Stieler's Hand-Atlas, 1901. The boundary alignment in this sector was shown as lying along the water-parting and corresponded to the traditional Indian alignment. This map also showed what is more or less the traditional Indian alignment in the Western Sector. (Photostat 15).
- (iv) The map of *Vorder-Indien und Inner-Asien Nordliches Blatt* in Stieler's Hand-Atlas 1904. This map also showed the traditional Indian Alignment in this sector. (Photostat 16).
- (v) The map illustrating Ryder's explorations and published by the Royal Geographical Society in *The Geographical Journal*, Vol. XXVI No. 4. October 1905, facing page 480. On this map Shipki La was shown and the boundary was marked as lying across this pass. (Photostat 17).
- (vi) Map of *Vorder-Indien und Inner-Asien* published in Stieler's Hand-Atlas 1911. The boundary in this sector, and indeed for the whole Middle Sector, corresponded to the traditional Indian boundary alignment. (Photostat 18).

All this evidence showed that the traditional and customary alignment in this area lay where Indian maps were now showing it. The maps published in the various editions of Stieler's Hand-Atlas, which incorporated fresh evidence in each edition, proved that through the years the alignment remained constant, and gained

strength from tradition and custom. Indeed, even Chinese maps showed this alignment right down to 1957, as was shown by the map on page 72 of the *Chung hwa jen min kung he kuo*, printed by the Chung hwa shu chu of Shanghai, and published by Ti T'u C'hu pan she at Peking. On this map Shipki pass was clearly marked and the boundary alignment was shown as running through this Pass. (Photostat 19)

### (iii) The Nilang-Jadhang and Barahoti areas

Although these were separate areas, the Indian side, for convenience, dealt with them together. The Chinese alignment and description as given under Item I departed here also from the watershed, which was the natural, traditional and customary boundary in this area, to include the Nilang-Jadhang area and Barahoti, Sangchamalla and Lapthal in Tibet. In fact, at the 15th meeting at Peking on 18 July 1960, in answer to the question of the Indian side, it was stated by the Chinese side that Barahoti (Wu-je), Sangchamalla and Lapthal formed one composite area on the Chinese side of the alignment claimed by them, and there was no Indian territory wedged between these three pockets. This was a new claim to Indian territory, which had been put forward for the first time, and which contradicted even the position, for example, of Premier Chou En-lai in his letter of 8 September 1959, wherein he had treated Wu-je, Sangchamalla and Lapthal as three separate areas. Now, however, according to the description given by the Chinese side, an area of Indian territory of at least 300 square miles was included in Tibet. Even at the Barahoti Conference held in Delhi in 1958, at the third meeting on 24 April, the Chinese representative, Counsellor Fu Hao had stated that the area the Chinese called Wu-je was "from the south to the north about 15 kilometres approximately and from the east to the west may be a few kilometres less"—that is, an area of about 200 square kilometres at most. So this area could not include Sangchamalla and Lapthal—in fact, these two localities were not mentioned at all by the Chinese side at the Barahoti Conference, and Wu-je was regarded as a wedge of territory claimed by China and flanked on both sides by Indian territory. Sangchamalla and Lapthal had in fact never been claimed by either the Chinese or the Tibetan Government till then, and the Indian Government had been maintaining check-posts at these two places. In the winter of 1958, when according to usual practice, the Indian border check-posts retired south, Chinese patrols for the first time intruded into these two places; in 1959 the Chinese Government put forward a claim to these places; and now for the first time it was stated that Wu-je, Sangchamalla and Lapthal formed one composite area and the Chinese side claimed not merely these three places but also the territory lying between them, even though in the description given at an early stage of the meetings, Wu-je, Sangchamalla and Lapthal were specified as three separate places.

However, the Indian side showed that the traditional and customary boundary in this sector lay along the watershed range, on which were the passes of Tsangchok La, Mana, Niti, Tunjun La, Balcha Dhura, Kungri Bingri, Darma and Lipulekh. Nilang, Jadhang and Pulamsumda were in Uttarkashi district (formerly Tehri-Garhwal State), Barahoti in Garhwal district and Sangchamalla and Lapthal in Almora district, in Uttar Pradesh State.

Tehri-Garhwal, Garhwal and Almora were celebrated in ancient Indian literature as *Kedar Kshetra* (sacred regions); and the Hindu kingdoms of Brahmapura, Kumaon and Garhwal flourished here. In *Kedara Khanda of the Skanda Purana* (LX) it was said "This *Kedar Kshetra* is as ancient as God Himself; it surpasses all the *tirthas* (places of pilgrimage) and it is a land where Nature stands personified. It is the sum total of all the *tirthas* on earth. There is no place on this fair earth which can compare to this holy land." The boundaries of this *kshetra* were defined as follows: "the Himalayan mountains to the north, Gangadwar (Haridwar) to the south, Kalindi (Sarda) to the east and the Jumna to the west." Twenty chapters were devoted to stories in praise of the *tirthas* in the region as also of the Bhagirathi Mandakini, Bhilang, Alaknanda and the Jadhganga rivers, which were all tributaries of the Ganges. The Ganges was said to have been held in the hair of Siva until set free by King Bhagirath. The Jadhganga, the river on whose banks lie Nilang, Jadhgang and Pulamsumda, derived its name according to the *Puranas* from Jahnvi, who "was a descendant of Soma and fifth in descent from the Pururavas, the son of Buddha and Ila; while performing sacrifice he saw the whole place overflowing with the waters of the Ganges and getting angry drank up the river, which by the intercession of the gods was restored as his daughter; hence the river is called Jahnvi". These references showed that the sources and tributaries of the Ganges lay in India, proving that the watershed was the boundary.

The first historical notice of the Hindu Kingdom of Garhwal was to be found in the account of the Chinese traveller Hieun Tsang. In 634 A.D. he journeyed from Madawar to Mayurapura close to Hardwar and thence to Po-lo-ki-mo-pou-lo or Brahmapura. The *Memoirs* described the kingdom of Brahmapura as being 4000 li, "in circuit surrounded on all sides by mountains. The capital is small but the inhabitants are numerous and prosperous. The soil is fertile, and seed-time and harvest occur at regular seasons. Copper and rock crystal are produced here.... To the north of this kingdom in the midst of the great snowy mountains is the kingdom of Sou-fa-la-na-kiu-ta-lo or Suvarnagotra where gold of a superior quality is produced and hence its name. From east to west the Kingdom has its greatest extension, but from north to south it is narrow. For many centuries the ruler has been a woman and hence it is called the Kingdom of the Queens". Brahmapura is Barahat in the Bhagirathi valley in Tehri-Garhwal. An ancient inscribed rock trident, symbol of its being the capital, still stands there (Protostat 20). And the circuit of 4,000 li for the kingdom would place its northern limits along the Sutlej-Ganges watershed. Suvarnagotra would then be the Ali District of Tibet. This identification is confirmed by Hieun Tsang's description of the kingdom as the Kingdom of the Queens; for the Ali district of Tibet is also known as Ngari Khorsum, from the Sanskrit *nari*, meaning woman.

Local evidence showed that Garhwal and Kumaon were under the Katyuri dynasty from the eighth to the tenth century. Kumaon was derived from *Kurmachala*, the place where Vishnu in one of his incarnations was said to have resided for three years. According to local tradition the Katyuri kingdom extended from the Satadru (Sutlej) to the Sarda (Kali) and from the watershed to the plains. The capital

was originally at Joshimath in Garhwal and later in the Katyuri valley in Kumaon where the city of Kartikeyapura was built. Three copper-plate inscriptions preserved in the temple of Pandukeswar near Badrinath record grants of land by 3 Katyuri kings. One of them recorded grants to be monks at Tapoban, on the right bank of the Dhauli above Joshimath; another was addressed to the officials of Taganapura district which has been identified with the tract above the confluence of the Alaknanda with the Bhagirathi; and the third was addressed to the officials of the Antaranga district which has been identified with the country further north. All of them mentioned the Hunas as being subject to the Katyuri Kings. These Hunas were the Bhotiyas who live just south of the Sutlej-Ganges watershed.

The Katyuri dynasty was succeeded by the Chand dynasty of Kumaon and the Pala dynasty of Garhwal, each with a long line of kings. Towards the close of the 12th century, Aneka of the Halla dynasty of Nepal conquered this area (*Kedara bhumi*). This was recorded on a trident at Gopeswara in Garhwal. "This is the prosperous Aneka Malla, the *tilaka* of the rulers of the earth who with his encompassing forces has subdued *Kedara bhumi* and having made his conquered territories as his own province, free of warfare, the lord of the earth has erected thereupon his royal edifice of Shri Padmapada...in the year of the Saka king past 1113 (1191 A.D.)..." He was, however, immediately expelled by the local rulers.

Writing about the State of Garhwal in the 16th century the historian Ferishta stated that the Raja "possesses an extensive dominion and a considerable quantity of gold is procured by washing the earth mounds in his country which also contains copper mines. His territory stretches to the north as far as Tibet and on the south reaches to the Sambhai which is included in India. He retains in pay an army of 80,000 men both in cavalry and infantry and commands great respect from the emperors of Delhi...the sources of the Jumna and the Ganges are both to be found within this territory." *Tarikh-i-Ferishta* edited by Bridges IV, pages 547—549.

Baz Bahadur Chand reigned over Kumaon from 1640—1678, and of his grant-deeds sixteen were still extant. From these it was clear that he had invaded Tibet, captured the fort of Taklakhar (Taklakot) and controlled all the passes leading from India to Tibet, that is, the passes lying on the Sutlej-Ganges watershed. He further set apart the revenues of five villages near the passes for the purpose of providing the pilgrims to Lake Manasarowar and Mount Kailas with food, clothing and lodging.

A copper plate inscription issued from Siri Nagar dated the 28th of Phagun, Samvat 1723 (1667 A.D.) and bearing the seal of Raja Prithi Patti Shah of Garhwal and attested by Garhwal witnesses, recited "the cession to him by Raja Uday Singh of Bashahr, out of love so long as good relations existed, the territory upto the Gartang nala and the retention by Uday Singh, for himself, the territories above the Gartang nala on both sides of the Jadhganga and above Gangotri from Nilang Peak to Jallokhaga". Jallokhaga was Jelu-khaga or Tsangchok La pass which was on the Sutlej-Ganges watershed. This was proof that the Nilang-Jadhang area south of the Sutlej-Ganges watershed was Indian territory.

In the early years of the eighteenth century two lamas who had studied arithmetic and geometry in a Chinese College were ordered by Emperor Kang-hi to prepare a map of the country from Sining to the source of the Ganges and bring some of the water of that river. The Lamas "reached the chain of mountains which forms the south-western boundary of Tibet; and halting at the foot of the range learned from the enquiries which they there made, that the Ganges took its rise on the opposite side of that chain of mountains." (H. T. Colebrooke, *On the Sources of the Ganges in the Himadri or Emodus*, Asiatick Researches, Volume XI, Calcutta 1810, page 432).

Nepali troops over-ran kumaon in 1790 and Garhwal in 1803 but were expelled. At the close of the Anglo-Nepalese War of 1814-15, the Nepalese commander signed a Convention on 15 May 1815 by which he agreed to withdraw all Nepalese troops east of the Kali river and gave to the British all Nepalese territories from Kumaon to the Sutlej. Kumaon and Garhwal were annexed as British Districts. G. W. Traill, Assistant to the newly appointed Commissioner for the Affairs of Kumaon and Garhwal, reported in 1815: "The northern boundary (of Garhwal and Kumaon) as recognised by the Tibet Government extends to the commencement of the table-land". Garhwal to the west of the Alaknanda, excepting the Dun and the pargana of Rawain lying between the Alaknanda and the Bhagirathi, was handed over to the Raja of Garhwal and came to be known as Tehri-Garhwal State.

James Baillie Fraser, who explored the Ganges valley in 1815 stated: "The boundaries of Garhwal have been adverted to with sufficient accuracy in the prefatory observations to this narrative. It is a country of very great extent, though of small comparative value. Many of the larger rivers of Upper India, and all those which form the origin of the Ganges, have their rise in its mountains and hold their course through its territory." (*Journal of a Tour Through Part of the Snowy Range of the Himala Mountains and to the Sources of the Rivers Jumna and Ganges*, London 1820, page 367).

In 1819 Moorcroft visited this area. He stated in his account of his *Travels* (pages 3-4):

"It had been my purpose to have crossed the Himalaya by the Niti Pass before it was closed by the snows of winter...It was no doubt difficult to assemble the means of transport, and it was much to be regretted that we were not at least a fortnight earlier at Joshimath. Still, more alacrity, and a less grasping spirit in the persons employed, would probably have secured our passage, as several parties of Bhotiyas came down the pass whilst we were waiting for conveyance; and even as late as the 21st December a body of Huiniyas returned by it to their own country."

This makes it clear that the Niti Pass was a border pass. About Niland Moorcroft said:

"The country ceded to the Raja of Tiri is bounded on the east by the Mandakini, a river which falls into the Alaknanda near Rudraprayag, on the west by the Pargana of Negwa, on the south by the Tapoban mountain, and on the north

by Naifang, extending about one hundred miles from east to west, and fifty or sixty from north to south." (Page 14).

On page 20 Moorcroft said: "There is a road from Tiri to Hundes by way of the Nailang Pass which is said to be practicable for loaded yaks". The pass leading from Nilang to Tibet was the Tsangchok La which lies on the Suttlej-Ganges watershed, and this was the pass which Moorcroft referred to as the Nailang Pass.

J. H. Batten, who visited the Niti Pass in 1837, wrote: "After leaving the source of the Dhauli, the ascent was very steep through crumbling crags of blue limestone which now succeeded to the round clay-slate hills; but the top of the pass was round and open, the limestone lying about in stones as far as the eye could reach, interspersed with arenaceous quartz rocks. There was not a cloud in the sky and I obtained a full and undimmed view into Tibet". (Note of a Visit to the Niti Pass of the Grand Himalayan Chain—*Journal of the Asiatic Society of Bengal*, Volume VII, 1838, page 314).

Manson who visited Milam and the Unta Dhura Pass in 1842 reported that it "is two days' journey from Melum to the Pass (Unta Dhura) and from thence four days to Neetee; two alternate days no village to encamp at; the whole road within our own boundary". *Journal of the Asiatic Society of Bengal*, Volume XI Part II, 1842, page 1161. The road from Milam passes through Sangchamalla; and Laphthal is south of Sangchamalla.

R. Strachey, who explored the whole area, provided evidence of the traditional alignment along the whole sector. In his *Narrative of a journey to the Lakes Rakas-Tal and Manasarowar in western Tibet undertaken in September 1848*, he said, "He (Boru the pradhan of Tola a village near Milam) was a shrewd fellow and had been over a good deal of Hundes (i.e. country of the Huns) as the part of Tibet bordering on the watershed is commonly called by the Hindu inhabitants of this part of the Himalaya". *Journal of the Royal Geographical Society*, Vol. XV, 1900, page 158.

About the Niti Pass which he visited in 1849, he wrote that he and his brother "started (from Niti village) together for the Niti Pass with the intention of undertaking a series of meteorological observations in the plain of the Hundes..... The day after we crossed the Niti Pass, we were met by people sent to look after us by the Zungpun of Daba....." *Journal of the Asiatic Society of Bengal*, Volume XIX, 1850, pages 79-80.

In 1849 Strachey visited the Tunjun La. He wrote in the same article: "I went via Marshak Pass 18,500 ft. to Raj-hote (Barahoti), there visited the Pass into Tibet called Tunjun-La 16,500, and went down the river from Raj-hote as far as it was practicable, returning to Niti by Chor-Hoti Pass 17,500. You will see that this valley of the Raj-hote river exactly corresponds to those crossed on the road, from Milam into Hundes, the Marshak and Chor-Hoti passes being the parallel of Unta Dhura....."

About his visit to Milam in 1848-49 Strachey wrote: "Girthi is a deserted village on the stream which is named from it, about

halfway between Topidhunga and Malari, on the Dhaoli in Garhwal; near it are said to be lead and copper mines but they are only occasionally worked, and then on the most insignificant scale. The Government, which possesses the proprietary right in all the mines of these mountains, has, I understand, not often made a larger sum than five rupees per annum from the Girthi workings." *Journal of the Royal Geographical Society*, Volume XV, 1900, page 165. This showed that the Girthi valley lying south of the Tunjun La Pass was part of India.

Sangchamalla and Lapthal lie south of Balcha Dhura. Strachey who visited the Rakas-Tal and Mansarowar Lakes in 1848, stated in the same article (page 168) that he set out from Sangcha on 7 September 1848 and ascended the summit of the Balcha ridge. "From Balch Pass, 17,490 feet, we looked down over the part of Tibet we were about to enter."

J. O' B. Beckett, who was Settlement Commissioner of Kumaon and Garhwal during 1863—1873, described the boundaries: "The Kumaon District is separated in the north from Hoondes or Thibet by the watershed of the snowy range." *Report on the Revision of Settlement in the Kumaon District, Part I*, Allahabad, page 11, 1874.

E. K. Pauw, who was Settlement Commissioner for Garhwal in 1896, stated that the District of Garhwal "is bounded on the north-east by that portion of Tibet known as Hundes, from which it is separated by the watershed; . . . ." *Report on the Tenth Settlement of the Garhwal District* (page 1, Allahabad, 1896).

All these references showed that the traditional boundary in this area was known to be the watershed, on which lay the Niti, Tunjun-la and Balcha Dhura passes.

Unofficial maps published in China and other countries also substantiated that the boundary in this sector lay along the Sutlej-Ganges watershed and that the Nilang-Jadhang and Barahoti areas, which are south of the watershed, have always been part of India.

1. A map from the *Shui ching chu t'u* (third century A.D.) as reconstructed by Wang Mei-tsun in 1840 A.D. showed the entire Ganges basin as lying within India. (Photostat 21).

2. The map of Central Asia published in Hugh Murray's *Historical Account of Travels and Discoveries in Asia*, Volume I (Edinburgh 1820). It showed the watershed as the boundary between Garhwal and Almora on the one hand and Tibet on the other. (Photostat 22).

3. *Nouvelle Carte de l'Asie* prepared by A. R. Fremies and published by L. H. Berthe (Paris 1829) showed the entire Ganges valley within India, and conformed to the traditional Indian alignment in this sector. (Photostat 23).

4. The famous map of Central Asia published by Jules Klaproth in Paris 1836. As this was a large map in four sheets, the Indian side supplied a photostat only of the relevant sector. The watershed was marked clearly, and so were the Niti Pass on the watershed, and Nilang south of it. The captions made clear that Garhwal



extended upto the watershed, and Ngari lay north of the watershed. (Photostat 24).

5. Heinrich Kiepert's *Karte der Britischen Besitzungen in Ost Indian* published in Berlin in 1857, showed the boundary clearly in this sector as lying along the watershed. (Photostat 25).

6. Berghaus' Map of 1861, referred to earlier in this note, showed the boundary in this area also along the watershed; and Nilang and Barahoti are south of the watershed. (See Photostat 13).

7. Petermann's Map of 1875, also referred to earlier, showed the boundary along the watershed. (See Photostat 14).

8. The map of *Central Asien* compiled from latest sources by Joseph Chavanne (Leipzig 1880) showed clearly an alignment approximating very closely to the traditional Indian alignment. Both Nilang and Milam were marked as lying well south of the boundary. (See Photostat 9).

9. The map in Stieler's *Hand-Atlas 1901*, referred to earlier, showed the boundary in this sector along the watershed. Nilang was shown in India and Milam was shown well south of the boundary, making clear that Sangchamalla and Lapthal were also in India. (See Photostat 15).

10. The map in Stieler's *Hand-Atlas 1904* also showed the boundary in this sector along the watershed, and Niti Pass was marked on it. (See Photostat 16).

11. Map 26 in the *New Atlas of China* published by the Commercial Press, Shanghai (Edition 1917) showed the Sutlej-Ganges watershed as the boundary in this sector. The Niti and Balcha Dhura passes were shown as border passes. (Photostat 26).

## TREATY BASIS OF THE INDIAN BOUNDARY ALIGNMENT IN THE MIDDLE SECTOR

The Indian side then dealt with the agreements, treaties and diplomatic exchanges which confirmed the traditional and customary boundary between India and Tibet in the Middle Sector.

The traditional and customary boundary between India and Tibet in the Spiti area was confirmed by the Treaties of 1684 and 1842 referred to by the Indian side in connection with the Western Sector; for in those years Spiti, along with the adjoining area of Lahul, was part of Ladakh.

The boundary in the Barahoti area was also the subject of diplomatic correspondence and exchanges in 1889-1890 and in 1914, which resulted in effect in a confirmation of the traditional and customary Indian alignment in this area. Barahoti lies in the pargana of Malla Painkhanda in the District of Garhwal. When some Tibetans intruded into this area, in September 1889, Durga Dutt the Patwari of Malla Painkhanda handed over to two Tibetan officials, Jampal and Panda, a letter signed by the Commissioner of the Kumaon Division for transmission to the Garpon at Gartok saying that persons from the Tibet Region of China were straying into Barahoti in Indian territory. The Tibetan officials promised to explain to the Garpon at Gartok the contents of the letter.

A year later Pandit Paramanand Joshi, Deputy Collector, Garhwal, was sent to Barahoti to explain the case personally to Tibetan officials. While he was at Barahoti from 5 to 7 September 1890, Joshi showed an official Indian map of the area to a Tibetan official and

“explained to him that the British Government boundary extended along the water-parting from Tun-Jungla, Marhe la, Shalshal pass, went on to Balch Dhura, etc. as shown in the map and that Barahoti was therefore within British territories.”

On 10 July 1914, Sir Charles Bell, Political Officer, Sikkim, told the Tibetan Premier, Lonchen Shatra, that:

“the boundary between India and Tibet near Barahoti runs through the Tung Jung and Shal Shal passes.”

He also supplied Lonchen Shatra with a sketch map of the area showing the watershed boundary in the region. (Photostat 1).

On none of these occasions did the Tibetan Government object to the alignment as described, and shown on maps, by the Indian Government. So they all constituted formal acceptances of the Indian alignment.

On 21 August 1950, the Foreign Minister of China handed a note to the Indian Ambassador in which it was stated, among other things, that the Chinese Government "is happy to hear the desire of the Government of India to stabilise the Chinese Indian border". This assumed that the boundary was well-known and recognised by both sides, because only such a fixed boundary can be stabilised. The Government of India made this even clearer in their reply, handed to the Foreign Minister of China by the Indian Ambassador on 24 August 1950. For there the Government of India stated clearly "that the recognised boundary between India and Tibet should remain inviolate."

The traditional boundary from Shipki pass to the tri-junction of India, Nepal and Tibet was also confirmed in the Agreement on Trade and Intercourse between India and the Tibet Region of China signed in April 1954. Article IV of the Agreement stated:—

"Traders and pilgrims of both countries may travel by the following passes. . . . (1) Shipki La Pass, (2) Mana Pass, (3) Niti Pass, (4) Kungribingri Pass, (5) Darma Pass and (6) Lipu Lekh Pass."

Shipki Pass lies on the Zaskar Range which forms the watershed between the eastern and western tributaries of the Sutlej; and the other five passes lie on the watershed dividing the Sutlej and Ganges basins. In the original Chinese draft presented on 1 March 1954, Article IV read:

"The Chinese Government agrees to open the following mountain passes in the Ari District of the Tibet Region of China for entry by traders and pilgrims of both parties: (1) Shipki, (2) Mana, (3) Niti, (4) Kungribingri, (5) Darma and (6) Lipu Lekh."

The Indian delegate, Mr. T. N. Kaul, contended that these were Indian passes. At the plenary meeting held on 22 April, 1954, the leader of the Chinese delegation described these discussions and the results which followed:

"With regard to Article IV of the original Chinese Draft Agreement, it was stated that "the Chinese Government agrees to open the following passes". Mr. Kaul expressed the difference of opinion with regard to this point. Now we have changed it to read that 'Traders and pilgrims of both countries may travel by the following passes.' This was the fifth concession on our part."

This was an acceptance by the leader of the Chinese Delegation that the Chinese Government had agreed to re-draft this article in such a manner as to make clear that they were border passes. The use of these six passes did not involve ownership because they were border passes.

At the 17th meeting at Peking, the Chinese side stated that the negotiations and Agreement of 1954 did not involve at all the question of delimiting the boundary between the two countries. This was a correct statement of the facts. Certainly the Indian side had no intention of seeking fresh definition of a boundary which had

already been delimited by historic process, and was a natural, traditional and customary boundary, well-recognized for centuries by both sides. But this did not mean that the negotiations and Agreement had no bearing on the boundary question. If the Chinese Government were at all serious about their claims to what have always been parts of Indian territory, and shown as parts of India on Indian maps, they would have, during the negotiations, at least made references to these claims, if not discussed them. When at the first meeting of the delegations Premier Chou En-lai said that the relations between China and India were becoming closer every day and that from among the outstanding questions, the two sides could settle questions which were ripe for settlement, the Indian Ambassador immediately pointed out that there were only small questions pending between India and China, and he wished to see nothing big or small remaining outstanding between the two countries. Premier Chou En-lai replied that two large countries like India and China with a long common frontier were bound to have some questions, but all questions could be settled smoothly. In the context in which Premier Chou En-lai made this last statement it could not be inferred that he had in mind Chinese claims to large areas of Indian territory which had been shown as parts of India in official Indian maps and had been administered for centuries by the Government of India. Throughout the negotiations the Indian delegation took the line that all questions at issue between the two countries were being considered and that once this settlement had been concluded, no question remained. In his speech of April 29, 1954, after the signing of the Agreement, the leader of the Indian delegation stated:

"We have gone through fully the questions that existed between our two countries in this Tibetan Region",

thus indicating that according to India no dispute or question was left over.

At the meeting of 8 January 1954, the Vice-Foreign Minister of China, who was the leader of the Chinese delegation, stated:

"I recall that Premier Chou En-lai when he received the Indian Delegation on 31st December 1953, stated that the principles governing the relations between India and China should be to seek a peaceful co-existence under the principles of mutual respect for each other's territorial integrity and sovereignty, mutual non-aggression, mutual non-interference in each other's internal affairs, equality and mutual benefit and peaceful co-existence."

The leader of the Indian Delegation, after securing a repetition of the Five Principles by the leader of the Chinese Delegation, replied:

"These were the principles which our Prime Minister had also advocated. As far as I can see these are common ground."

These Five Principles were incorporated in the Preamble of the Agreement. Mutual respect for each other's territorial integrity assumed clear and precise knowledge of the extent of each other's territory. Two states with a common boundary could promise such respect for territorial integrity and mutual non-aggression only if

they had a well-recognized boundary. The Government of India had been showing the traditional alignment on their official maps, and stated authoritatively on many occasions that that was their boundary. The Chinese Government had also been informed that this boundary should remain inviolate. In these circumstances, the Government of China could not have affirmed their respect for the territorial integrity of India if they did not recognize the Indian alignment and had in mind claims to large areas of Indian territory.

It was, therefore, clear that the Agreement of 1954 recognised that the six passes were border passes, that during the negotiations the Chinese made no reservations regarding this point, and that by accepting the Five Principles without any qualifications the Chinese Government had accepted that there was no dispute regarding the traditional and well-recognised Indian boundary alignment. It might be added that as the Chinese Government did not raise this issue when they had a clear opportunity and occasion to do so, under international law they were now estopped from raising such claims.

(When Prime Minister Nehru visited China in October 1954, he drew the attention of Premier Chou En-lai to the wrong boundary alignment shown on Chinese maps published just then, and presumed that this was by some error because the boundaries of India were quite clear and were not a matter of argument. Premier Chou En-lai replied that these maps were really reproductions of old maps and there had been no time to revise them. This could by no stretch be interpreted to mean that the alignment shown on Chinese maps could possibly be the correct alignment, for one did not contemplate revision of what was correct. Premier Chou En-lai added that there were such errors even in the depiction on these Chinese maps of the frontier of China with the Soviet Union and Outer Mongolia.

At the 17th meeting at Peking the Chinese side stated that Prime Minister Nehru in his letter of 22 March 1959 to Premier Chou En-lai had admitted that the Middle Sector of the boundary as claimed by India had no basis in treaty or agreement. The Indian side had read this letter many times and had once more gone through it; and they could find nowhere in it any statement to this effect. Perhaps what the Chinese side had in mind was the fact that in this letter the 1954 Agreement had not been mentioned. But Prime Minister Nehru made it clear that he was not referring to all international agreements which gave added sanction to the traditional boundary. The passage might be quoted:

“It may perhaps be useful if I draw your attention to some of these agreements.”

The Chinese side had also referred to Nilang and Jadhong. This area, as the Indian side had already shown, had always been a part of India; and the discussions between the Indian and Tibetan Governments in 1926 and after concerned only ratifications of the alignment in one particular area.

## COMMENTS ON THE MIDDLE SECTOR UNDER ITEM 2

The Indian side brought forward clear and conclusive evidence to show that the alignment as shown by them in the Middle Sector had, throughout its length, a traditional and customary basis reaching back through many centuries, and that, in addition, this boundary had been recognised by Chinese Government and been confirmed through diplomatic exchanges, treaties and agreements. The Chinese side had now claimed certain areas south of the watershed boundary—the Spiti area, Shipki Pass, the Nilang-Jadhang area and Barahoti, Sangchamalla and Lapthal. They were, however, unable either to bring forward any real documentary evidence to substantiate these claims, or to refute the evidence brought forward by the Indian side.

### The Spiti area

Regarding the evidence brought forward by the Indian side showing the traditional and customary basis of the Indian alignment in this area, the Chinese side stated that they failed to see the significance of the documents of the 10th and the 19th centuries. The Indian side pointed out that these documents had been cited in order to show that throughout these many years Ladakh had extended even beyond the traditional boundary of the Spiti area to include parts of the Pare valley. This showed that Tibet did not extend, during those years, even upto the traditional Indian alignment, let alone upto the line now claimed by the Chinese Government. The Chinese side asserted that in the document of the 10th century supplied by the Indian side, the actual word Ladakh did not appear. But the Chinese side acknowledged that Hemi Gumpa was mentioned in the document; and that Hemi Gumpa was in Ladakh was not disputed even by the Chinese Government. As regards the second document of the 19th century, the Chinese side pointed out only that there was no mention of the Nono of Churup. They did not question the fact that the document was an order issued by the King of Ladakh to the officials and public of Spiti. It will be seen, therefore, that the Chinese objections had no bearing on the substance and significance of these documents, which showed clearly that from the 10th century onwards the area upto the traditional Indian alignment, if not even beyond it, had belonged to Ladakh.

The Chinese side pointed out correctly that at the time of the 10th century partition by King Ngeema-gon, Spiti was not a part of Ladakh. Nowhere, in fact, did the Indian side suggest that at that time Spiti was a part of Ladakh. The Indian side traced in outline the history of the Spiti area through the centuries to show that while at one time it was a part of Ladakh, then in the 10th century ceased to be a part of Ladakh, and again a few years later became a part of Ladakh, at no time had it been a part of Tibet. This showed conclusively that the Chinese claim to this area had no basis in tradition and custom.

As further proof of this fact that the Spiti area was always a part of India and never a part of Tibet, the Indian side had referred to the confirmation of the boundary between Spiti and Ladakh by Cunningham and Vans Agnew in the 19th century. The Chinese side asked for details of this boundary. Even though this was not relevant to the discussion, the Indian side supplied the details. The two Commissioners had determined that the snowy range forming the watershed between the Chapra basin and the rivers flowing into Ladakh should be the boundary between Ladakh and the British district of Spiti. As for the map in Cunningham's book on *Ladakh* cited by the Chinese side, the Indian side pointed out that this was only Walker's Map of 1854 which had been dealt with in detail in the earlier correspondence between the two Governments. The Indian side added that they would deal with it again under Item 3, as it was an official map. That would be in consonance with the agenda pattern accepted by both sides. It was curious that while the Chinese side had insisted on completing the discussion for all sectors under each item before proceeding to the next item, they continued to bring up under Item 2 what really came under Item 3.

As regards the report and map of Hay, who visited this area in 1849-50, the Chinese side asserted that the Chuje referred to by Hay in his report and shown on his map was different from the Chuje which the Chinese had in mind. But they brought forward no evidence to support this assertion. The conclusive, authoritative and detailed first-hand report of Hay made clear that the locality known as Chuje was Indian territory. Further proof of the Indian identification of Chuje was the fact that Taba (Tabo), Geoti (Gyu) and Kurik (Kaurik), mentioned by Hay as part of Chuje Koti, were all very near each other. So clearly Chuje was in India, and the Chinese side had themselves acknowledged that Chuva was to the west of Chuje. As for Hay's map, it showed only the area under Indian jurisdiction and, according to this map, Indian jurisdiction in the Spiti valley extended some miles to the east of the junction of the Pare and Spiti rivers.

The Indian side also quoted the evidence of Gerard and Hutton who had visited the area in 1821 and 1838 respectively and had given first-hand detailed accounts of the extent of Indian territory. The Chinese side stated, in fact of the obvious facts, that these reports were hearsay evidence. The documents themselves, cited by the Indian side, belied this contention.

The Chinese side again missed the significance of the unofficial maps cited by the Indian side. These maps, especially when drawn by well-known cartographers on the basis of first-hand information supplied by geographers of repute, provided objective, scientific and disinterested proof of traditional boundary alignments. All that the Chinese side could say with regard to the unofficial Chinese maps produced by the Indian side which showed the correct traditional alignment was that they "absolutely cannot represent the standpoint of the Chinese Government". The Indian side had never said that unofficial maps represented the standpoint of the governments of the countries of their origin; indeed, if they did, they would cease to be unofficial maps. The value of unofficial maps, as had already

been pointed out by the Indian side, was that they depicted the traditional and customary boundary alignment as was known at the time.

It was, therefore, clear that the Chinese side could not dispute effectively the evidence brought forward by the Indian side confirming the traditional and customary alignment in this area, and such comments as they did make on a few of the documents were shown to be of no weight. To support their own claim, the Chinese side only brought forward two pieces of evidence. The first document of 1665, could not prove any territorial claim, for it stated explicitly that these areas formed "estates for raising funds for religious expenses" for the Tashigong monastery. In other words, the document dealt with religious endowments, which form no proof of political authority. The Indian side explained in great detail that throughout the world ecclesiastical jurisdictions spill over political boundaries and have no bearing on them. The collection of funds for religious purposes, therefore, was no proof of political sovereignty or territorial ownership. The document quoted by the Chinese side proving only Lamaist religious activity was in sharp contrast to the order issued on behalf of the rulers of Hemi Gumpa of Ladakh in 948 A.D., and cited by the Indian side. For this latter document referred specially to the "administrative orders" exercised over the Spiti area by the authorities of Ladakh.

The second item of evidence brought forward by the Chinese side was a reference from a recent publication of 1954 to Gerard's travels in this region in 1821. This second-hand account was obviously incorrect, and it was surprising that the Chinese side should have cited it; for it suggested that the frontier lay not merely at the junction of the Pare and the Spiti rivers, but further south, at Shipki village itself. If the Chinese side wished to abide by the testimony of Gerard they had only to refer to the quotation from Gerard's own account written at that time and from that very area as field notes, and cited by the Indian side. Gerard stated specifically that the boundary was three miles from Changrizang. This confirmed the traditional Indian alignment. Gerard's account was corroborated by Hutton in 1833 and by Hay in 1850, two other well-informed observers who visited the area.

### **The Shipki Pass**

Here again, the Chinese side failed to appreciate the significance of the contemporary accounts of travellers and the unofficial maps cited by the Indian side, even though they had not hesitated to quote such evidence when it suited them. Their allegations about the veracity of the reports of Gerard and Ryder were wholly untenable. Gerard visited these areas in his personal capacity and was inspired solely by disinterested curiosity. He was a man whose chief interests in life were geography and ethnology and his accounts had been recognised as standard authorities on this subject. And as the Indian side had pointed out earlier, the Chinese side, while discounting the first hand testimony of Gerard, had quoted a report of Gerard's findings written over 130 years later. Ryder also was a man whose primary interest had been to describe facts, as he found them. Disinterested contemporary evidence could not be set aside unless a



definite ulterior purpose, motivating the individuals concerned, had been established. As for the account of Wakefield cited by the Indian side, it was incomprehensible on what basis the Chinese side concluded that Wakefield had not very clearly described the Shipki Pass as a border pass; for it had been stated explicitly in the account cited by the Indian side that Wakefield, coming from Tibet, had crossed the Shipki Pass into British territory.

Regarding the unofficial maps cited in this connection by the Indian side, the Chinese side merely asserted that they could not agree that these maps showed the traditional Indian alignment; but they brought forward no evidence to support their contention. Instead, they again drew a comparison between official and unofficial maps. The Indian side, therefore, were obliged once more to explain that official maps and unofficial maps each had an importance of their own and formed two different types of evidence. Unofficial maps were obviously the proper form of evidence to substantiate the traditional basis of a boundary alignment. The maps published in the various editions of Stieler's Hand Atlas and incorporating fresh evidence in each edition formed conclusive proof, supplied by a reputable, well-informed and disinterested third party of the unchanging nature of the traditional customary alignment in this area. The map published in China as recently as 1957 and cited by the Indian side proved that even Chinese maps had been showing the correct alignment in this area till about three years ago. However small the scale of the map, it showed very precisely the boundary along the Shipki Pass. The pass was shown by a cross (X) and the alignment was shown as running through the cross. Ryder's map showed very clearly that the traditional and customary alignment lay along the Shipki Pass. In the article accompanying this map, Ryder stated without qualification that the Shipki Pass was "on the frontier". The legend "approximate boundary" written elsewhere on the map applied to other parts of the Tibetan frontier. The Chinese side dealt with none of these unofficial maps, which showed that the traditional boundary in this area had a continuity stretching over centuries, and had been accepted even in China till at least three years ago.

The Chinese claim to the Shipki Pass area was sought to be sustained by only one item of evidence; and even this solitary item of evidence was found to be irrelevant. It was claimed that the people of Shipki village had constantly used the pastures west of the Shipki Pass and that these areas belonged to them. But no proof of such ownership had been brought forward. Even proof of use of these pastures had not been provided, although mere use of pastures, even if the assertion be true, could prove nothing. For the route from India through Shipki La to Tibet was one of the main routes in this area, and as sheep were used in this part as pack animals, people of both countries used the pastures besides the route. In fact, Indian citizens used the pastures lying between Shipki La and Shipki village, and even beyond.

The only item of evidence brought forward by the Chinese side was a statement by the inhabitants of Shipki village of 1930, claiming this territory. A unilateral claim to Indian territory put forward as

recently as 1930 by Tibetan villagers could not be regarded as scientific proof of the traditional and customary basis of the boundary. Even if this unilateral assertion were of ancient date, it would be no proof of ownership; but the fact that it was of our own times deprived it of all weight. While recent evidence could legitimately be adduced to support what had already been established on the basis of older evidence, by itself recent evidence could not provide the basis for tradition. For tradition was, by definition, something of long and ancient standing. It could not be created in 1930. This was so obvious a conclusion that it required no elaboration.

The Chinese side also quoted a passage from Sven Hedin's *Trans-Himalaya*. In fact his statement proved the Indian contention, for it stated that the boundary between India and Tibet lay at Pashagong, which was on the saddle of Shipki Pass. Moreover, on the map in the book, of which **the Indian side supplied a photostat copy**, the boundary was clearly shown along Shipki Pass. Indeed, the whole boundary alignment in this sector was shown along the watershed, and the border passes were clearly marked. The Indian side were most willing to accept **the statement and map in Sven Hedin's *Trans-Himalaya* as conclusive evidence of the boundary alignment in this sector.**

### **The Nilang-Jadhang area**

Regarding Nilang-Jadhang, the Indian side produced a large amount of evidence to establish conclusively that this area had always been a part of India. The boundary alignment between India and Tibet in this sector had always lain along the watershed range. The Chinese side, although they themselves had cited at great length Tibetan religious works, **disregarded without any reason the evidence from the Puranas and other Indian religious literature**, even though these works were regarded by historians throughout the world as of much greater authority and authenticity than the Tibetan works. In fact the Puranas provided a vast amount of data regarding the location of the boundary which was surprisingly precise for the age in which they were written. The passages quoted from the *Skanda Purana* dealt with sites and places, with geography rather than with history. As the places in *Kedar Kshetra* mentioned in the *Skanda Purana* lay north of the main Himalayan Range, the northern boundary referred to could only be the continuous Sutlej-Ganges watershed. The Indian side **brought forward no evidence that was not supported by documentary authority**; and the Chinese side gave no reasons for questioning the Indian evidence.

It was strange that the Chinese side should have stated arbitrarily that the historical material quoted by the Indian side was not relevant. This material was distinguished by the diverse sources belonging to different periods from which it was drawn, and it all went to show the unbroken tradition supporting the Indian alignment in this sector. The Chinese side made no effort to question this detailed evidence on its merits. They commented on only one item of such evidence and even here their efforts could not be sustained. Their contention that the passage from Hieun Tsang's account could not show that the boundary lay along the watershed, was effectively

answered by the Indian side, who pointed out that given the location of the capital at Brahmaputra, *i.e.* Barahoti, at the centre and the length of the circumference as 4 thousand li, it was simple to calculate where the boundary of this kingdom lay. It was, therefore, clearly incorrect to state, as the Chinese side had done, that the Indian Government began to encroach upon this area only in 1919, and had acquired this territory by aggression. The Indian side had produced a vast mass of evidence from the third century onwards to show that tradition and custom had strengthened the natural boundary along the watershed in this area. The local inhabitants of this area had always regard themselves as Garhwalis.

The Chinese side then referred to the discussions regarding the boundary in this sector between India and Tibet during the years 1921 to 1928. This, however, could in no way substantiate the Chinese claim. During these discussions the Tehri state had produced a variety of records going back to the 17th century to prove its ownership of the area; and the Tibetan side could produce only one book in which the trade dues paid by the villages of Nilang and Jadhong to the Dzongpon of Tsaparang, when they visited the Tibetan trade marts of Poling and Toling, were entered as taxes. Again, while the Tehri representative gave a precise definition of the Tehri-Tibet boundary, the Tibetan representatives referred to only on point—Gum Gum or Gungoong bridge—on the alignment claimed by them and could not say how the line would run east and west of this point. The compromise proposed at the time by Colonel Bailey, and referred to by the Chinese side was offered not because Tehri's claim was weak but because the Government of India were anxious to settle a minor dispute lest it impair the prevailing friendly relations between India and Tibet.

It was not, therefore, true to say that the then Indian Government coerced the local inhabitants in order to alter the existing boundary. Rather, it was the other way round. The people of Nilang and Jadhong, who during winter moved deeper south, in the summer went to Tibet to trade. While in Tibet they were subjected to various vexatious dues and intimidated into declaring that they were subjects of Tibet and that the trade dues paid by them were land taxes. It was significant that the only documentary evidence brought forward by the Chinese side for this area were two 'avowals' alleged to have been made by the inhabitants in 1921 and 1927—*i.e.* after the commencement of the boundary dispute. It was such repeated coercion by the Tibetan authorities of the traders of Nilang and Jadhong that forced these villagers to cease going into Tibet for trade.

The Chinese side also quoted an account by Herbert, who visited this area in 1818. But Herbert, in the extract quoted by the Chinese side, had not stated that the boundary lay where the Chinese side are now claiming it. He merely stated, "This the Tibetans affect to consider the boundary . . . ." This made it clear that Herbert himself regarded the claim as baseless. To say that certain people 'affect to consider' was one thing, to prove it as a fact or to accept it as fully established was a wholly different matter. In the years immediately after 1815, when the Government of India reconquered Garhwal, some Tibetans seem to have taken advantage of the confused situation

to coerce the people of Nilang and to intimidate travellers like Herbert. But this state of affairs obviously did not last long, for in 1819 Moorcroft visited Nilang and in his first-hand account, which we have already cited, he stated that Nilang was a part of Tehri-Garhwal.

The Chinese side also referred to two official maps of 1818 and 1889. The Indian side stated their intention of dealing with these under Item 3.

In spite of clear and repeated proofs furnished by the Indian Government in the 1954 negotiations and in the correspondence of recent years between the two Governments, the Chinese side once more brought forward their untenable claim that Puling Sumdo, which is mentioned in the 1954 Agreement as one of the trade markets in the Ari District or Tibet is the locality in the Nilang-Jadhang area called Pulamsumda. In 1954, the Indian Delegation had even communicated in writing to the Chinese side that the co-ordinates of Puling Sumdo were 31° 19' North and 79° 27' East. The co-ordinates of Pulamsumda, however, are 31° 18' North and 79° 8' East. Pulamsumda is on the southern side of the Sutlej-Ganges watershed and over twenty miles distance from Puling Sumdo on the Northern side of the watershed. Moreover, Pulamsumda is a camping ground and Puling Sumdo is a trade mart. The reference in the 1954 Agreement was obviously to Puling Sumdo, because the Agreement formalized Indo-Tibetan trade at customary trade marts. Clearly, therefore, there was no reason at all for confusing Puling Sumdo in Tibet and Pulamsumda in India. The Chinese side, however, persisted in doing so even though they were unable to bring forward any evidence that would even suggest that the two places were the same. They, for example, brought forward no evidence to show that Pulamsumda was a trade mart, which according to their argument it would have to be.

### **Barahoti, Sangchamalla and Lapthal**

There was no doubt at all that it was only at the 15th meeting of the Officials at Peking on 18th July 1960, that the Chinese side brought forward, for the first time, their new contention that Barahoti, Sangchamalla and Lapthal formed one composite area without any intervening wedges of Indian territory. That the Chinese Government had till then regarded Barahoti, Sangchamalla and Lapthal as separate areas, was shown very clearly by the fact that they had always been listed separately and enumerated singly. Furthermore, at the Barahoti Conference in 1958, the Chinese side made no claims to Sangchamalla and Lapthal, though one would have expected them to have done so if they had all formed part of one area. Even in the Chinese statement of 30 August 1960 at these meetings, Barahoti was referred to at one point as a place and not an area of considerable size, although the claim now was to a large area of about 300 square miles. It was also clear in the final statement of the Chinese side on 7 November 1960, that they were uncertain as to what exactly they were claiming, for in the same paragraph reference was made to both a composite area and a number of 'areas'.

However, the Chinese side, while they referred to evidence which they believed would support their claim to parts of these three

pockets of Barahoti, Sangchamalla and Lapthal, brought forward no evidence that would cover the whole composite area. The Indian side, on the other hand, provided sufficient evidence to show that the whole area right upto the watershed had always been a part of India. It was surprising that the Chinese side failed to grasp the significance of the evidence regarding the history of Garhwal and Kumaon brought forward by the Indian side. All the three copper-plate inscriptions in Pandukeswar stated that the Hunas were subject to the Katyuri rulers; and these Hunas are the Bhotiyas living just south of the watershed. So this showed conclusively that the Katyuri kingdom extended right upto the watershed. The Chinese side questioned the significance of a statement by Traill, who visited this area in 1815, that the northern boundary of Garhwal and Kumaon, as recognised by the Tibetan Government, extended upto the Commencement of the table-land. But this was only another way of stating that Garhwal and Kumaon extended upto the watershed, which in this region was the edge of the plateau. The statement by Batten, who visited the Niti pass in 1837, was also conclusive, and it was incomprehensible that the Chinese side should have failed to realise this; for Batten's statement showed beyond doubt that the boundary lay along the Niti pass.

In fact the Chinese side, failing to refute the evidence brought forward by the Indian side on its merits, once more adopted the familiar recourse of doubting the *bona fides* of travellers and questioning the relevance of unofficial maps. The weakness of this position, however, had been repeatedly pointed out by the Indian side. It was not sufficient to make a general, sweeping statement condemning all travellers whose testimony did not suit the Chinese side; in order to refute their evidence, it was necessary to deal with each one of them specifically and point out in what way their accounts were vitiated. As for unofficial maps, they, especially unofficial Chinese maps, provided one of the best forms of evidence available for establishing the traditional basis of the boundary.

To prove their own claim, the Chinese side made a few unsubstantiated assertions and brought forward material which had no relevance to the issue. There was no trace of any Tibetans having come annually to guard the mountains at Barahoti. Tibetan *sarijis* used to come every year, according to the Chinese side, as far as Niti and Jonam. These *Sarijis* came to India, in fact, to declare the trading season open and to assure themselves that sheep and cattle going to Tibet were free from disease. These visits of Tibetan *Sarijis* to Indian villages could no more prove Tibetan ownership of these areas than the visits of Indian officials to trade marts in Tibet to inspect trade gave India a title to these places in Tibet. According to the Chinese side themselves, these Tibetan officials used to come to Jonam, which the Chinese side recognized as being in India. This further proved the point of the Indian side that the visits of Tibetan officials to certain areas could not prove that these areas belonged to Tibet. Nor could it follow, from the assertion that the Tibetan officials came down to Jonam, that Sangchamalla and Lapthal belonged to Tibet.

The Chinese side also cited two 'land deeds' of 1729 and 1737. But these documents stated clearly that dues would be collected from "the people of the southern regions who come" as in the past. These words

placed beyond doubt that the reference was to transit dues paid by Indian traders proceeding from Niti and other places in India, to Tibet for trade. The Indian side stated that they would deal with these dues in greater detail under Item 3.

As far as the boundary alignment was concerned, there was a significant difference between the texts of these documents and the translations quoted in the Chinese statement. In the text it was merely stated that the boundary was "upto" Barahoti, thus showing clearly that Barahoti was Indian territory and was not a part of Tibet. Nor was there any reference in the text, as claimed earlier by the Chinese side, to Jonam as the boundary; and in fact the Chinese side themselves in their later statement accepted that Jonam was in India.

The Chinese side also quoted a passage from a book written by Swami Pranavananda in 1949. This book published just over ten years ago was obviously no evidence of tradition; and Swami Pranavananda had himself accepted, on his own initiative, long before these meetings of officials, that he had erred in the delineation of the alignment in his book. The Chinese side were supplied by the Indian side with a photostat copy of Swami Pranavananda's statement accepting his mistake.

Sangchamalla and Lapthal have always been a part of Kumaon and the traditional pasture grounds of the people of Milan. The Indian side could not, therefore, accept the assertion made by the Chinese side, without any evidence, that in 1941 certain Tibetans rented these pastures to other Tibetans.

The Chinese side also quoted a passage from Strachey. All that Strachey had stated in this passage was that Lapthal was more accessible from Tibet. But comparative accessibility has never been a criterion in the determination of a boundary. Strachey himself declared, in the passage cited by the Indian side in their own statement, that from Sangchamalla he had proceeded north towards the boundary of Tibet. Lapthal was to the south of Sangchamalla and, therefore, the evidence about Sangchamalla covered Lapthal.

The Chinese side quoted a passage from Nain Singh's account. Nain Singh was correct in referring to Niti village as a boundary village; for the area upto the Niti pass is a part of Niti village. If Tibetan soldiers were in Lapthal village it was obviously a case of unlawful intrusion.

### **Treaty basis of the Indian alignment**

Regarding the evidence cited by the Indian side to show that the traditional and customary boundary in the Middle Sector had been confirmed by various treaties, agreements and diplomatic exchanges, the Chinese side produced no new arguments to dispute their validity, but in fact stated much that was of little relevance. That this traditional alignment had the sanction of treaties and agreements was no unilateral interpretation of the Indian side, but a well-established conclusion.

In the Spiti area, the traditional and customary boundary had been confirmed by the treaties of 1684 and 1842 dealt with in detail when considering the Western Sector; for in those years Spiti was a part of Ladakh. As was repeatedly pointed out by the Indian side, these treaties showed that the traditional and customary boundary in this area had been formally recognised by the Governments of Tibet and China.

The boundary in the Barahoti area was also confirmed by the two Governments concerned. In 1889-1890 and in 1914 the traditional alignment in this region was specifically defined by accredited Indian officials to officials of the Tibetan Government. The *Sarji*, who was provided with a description of the boundary in 1889, and Lonchen Shatra, who received the communication of the Indian Government in 1914, whatever their rank, were both Tibetan officials authorised to deal with this problem. The Indian side provided photostat copies of the relevant documents. It was, therefore, beyond all doubt that under international law the fact that the Tibetan Government did not object to the alignment as described by an Indian official in 1889-1890 and both described and shown on a map by an Indian official in 1914 constituted formal acceptance of the Indian alignment. Acquiescence is a well-known principle in international law. A formal description of the alignment communicated by the one Government to another is not a unilateral claim; for the other Government had occasion and opportunity to challenge this description but, in fact, accepted it and thereby recognised the description of the boundary as correct. As the Chinese side repeatedly pointed out, there were discussions between India and Tibet in 1926 regarding certain aspects of the boundary in the Nilang-Jadhang area. This itself showed that if Tibet had any points for discussion with India regarding the boundary, she did not hesitate to raise them. So this confirmed the Indian position that in 1889-1890 and 1914 Tibet had no objections to the description given by the Indian Government of the boundary in the Barahoti area.

The Indian side also showed that the whole boundary between India and China had been specifically confirmed by the Chinese Government in 1950. The Indian Government, in their reply to the Chinese Government's expression of their anxiety to stabilise the "Chinese-Indian border", stated that the "recognised" boundary between India and Tibet should remain inviolate. This constituted a fresh and formal reaffirmation of the well-known, traditional and delimited alignment throughout its length. The use of the adjective "recognised" was of great significance. It made it clear that the Indian Government were drawing the attention of the Chinese Government to the fact that the traditional Indian alignment had been already recognised as delimited by the Chinese Government. If the Chinese Government did not accept this boundary and considered the alignment shown on their own maps as correct, it was impossible that they would not have, on this occasion, said so. Indeed, had the Chinese Government had any doubts at all about the boundary alignment not merely was this an opportunity for them to raise the question, but it was imperative that they should have done so. But in fact it was only in September 1959, ten years after the People's Government

came into power, that China, for the first time, created the so-called boundary question.

It was also sought to be argued by the Chinese side that the correspondence between the two Governments in 1950 provided a confirmation of the boundary alignment claimed by China. This was shown by the Indian side to be wholly untenable. It was a complete falsification of the facts to state that the situation on the India-China boundary was in 1950 in conformity with the alignment now being shown on Chinese maps. There was no Chinese personnel or personnel of the Tibet region west of the traditional Indian alignment in the Western sector in 1950, and no proof to establish Chinese or Tibetan presence in these areas at that time had been furnished either in the correspondence between the two Governments or at these meetings of officials. The Chinese side again stated (even though it was irrelevant to any discussion on the Middle Sector) that the People's Liberation Army had passed through certain Indian areas in the Western Sector. This had already been dealt with in the letter of the Prime Minister of India of 21 December 1959 and in the note of the Indian Government of 12 February 1960. The Indian side, therefore, only stated again that it was to them a matter of the utmost surprise and regret that the Chinese side should base any claim on unlawful intrusion. Trespass had never conferred, and could never confer, title. The Chinese Government themselves had recognised the validity of this argument in their note of 3 April 1960.

As for the Middle and Eastern Sectors, the Indian Government had always been in control of the areas right upto the alignment, and convincing proof to this effect would be furnished under Item 3.

The Chinese side once more brought forward the old argument questioning the relevance in this connection of the 1954 Agreement. The Government of India had already shown beyond doubt that the Agreement had a bearing on the boundary between the two countries and that normal relations between India and Tibet could not have been established if the Chinese Government had at any time made, or even had in mind claims to large areas of Indian territory contiguous to the Tibet Region. As for Article 4 which enumerated the border passes, the very wording showed that these were border passes and that China had reserved no claim to the territories west of Shipki Pass and south of the other five passes. As this had been made very clear in the earlier correspondence between the two Governments, the Indian side did not once more elaborate this in detail. They only pointed out that Article 4 stated that "traders and pilgrims of both countries may travel" by the passes. This meant that the Governments of India and China agreed that both Indian and Chinese travellers could use these passes. If these passes, however, had been within China, there was no reason why the agreement of the Indian Government should have been necessary for Chinese travellers using what would have been Chinese passes. The fact that it was necessary for the two Governments jointly to give permission for the use of certain passes placed it beyond doubt that these passes were border passes. This became even clearer when read with Article 5(2) of the Agreement, which provided for inhabitants of "border districts" travelling to and fro across the border.



The Indian side were most surprised at the argument of the Chinese side that if the boundary question were to be referred to in the negotiations of 1954, it should have been for the Indian side to raise it first. The position of the Indian Government regarding the limits of their territory and the precise alignment of their international boundaries had been well-known for years and had been repeatedly and authoritatively confirmed in public. The Chinese Government had never disputed the statements of the Indian Government at the time they were made, and in fact had never raised any claims to traditional Indian territory until their communication of 8 September 1959. It was inconceivable that if the Chinese Government had had such claims in mind, particularly when they applied to such large areas of Indian territory, they would have remained silent in 1950, 1954 and indeed right upto 1959. The confirmation since 1950 on various occasions by the Government of the People's Republic of China of the Sino-Indian boundary was a confirmation of the traditional Indian alignment which had been shown repeatedly on Indian maps.

The Indian side also pointed out that as, despite frequent occasions and opportunities, the Chinese side had not till September 1959 disputed the traditional Indian alignment, they were estopped from doing so. The Chinese side, being unable to refute this, described this principle of estoppel as "absurd". Estoppel is, however, an elementary principle of international law whose importance required no elaboration or emphasis; and it was no serious refutation merely to set it aside as "absurd" without giving any reasons at all for showing why it could not be regarded as valid or applicable.

The Chinese side claimed that it was China which had raised the boundary question at the meetings of the two Prime Ministers in 1954. This was an incorrect statement of facts. The Chinese Government themselves, in paragraph 2 of their Memorandum of 3 November 1958, had stated that it had been raised by India. The Prime Minister of India, in paragraph 5 of his letter of 14 December 1958, had confirmed that he had raised the matter. As Chinese maps were showing the boundary wrongly, the Prime Minister of India took the initiative in discussing them. And even according to the Chinese Government in their note of 3 November 1958, Premier Chou En-lai had not claimed in 1954 that the alignment shown on Chinese maps was the correct one. The Chinese side drew attention in this connection to the earlier communications from the Chinese Government. The Indian side pointed out that these had been fully dealt with in the letters of the Prime Minister of India of 22 March 1959 and 26 September 1959, and the note of the Government of India of 12 February, 1960.

The Chinese side also questioned the pertinence to the boundary problem of their adherence in 1954 to the Five Principles. The Indian side pointed out that by the 1954 Agreement the two Governments could only have confirmed the territorial integrity of each other's country if they had had clear and precise knowledge as to the alignment of their common boundary. The Government of India in addition had made it explicitly clear that there was no outstanding question between India and the Tibet Region of China, let alone any uncertainty regarding the precise alignment of the Sino-Indian boundary; and it was on that basis that the Agreement incorporating the

Five Principles had been signed. It would, therefore, have been a violation of the Five Principles if the Chinese side had had in mind claims to large areas of Indian territory but had given no indication of them at all.

The Chinese side argued that the facts that China had signed the Five Principles with Burma and Nepal but yet had since held negotiations with them on the boundary, and that the Prime Minister of India had offered to sign the Five Principles with Pakistan, showed that acceptance of the Five Principles did not necessarily mean an acceptance of the traditional boundary. The Indian side pointed out that it was not for the officials of India and China to discuss the understanding and intention of the Burmese and Nepalese Governments regarding their boundaries with China. But it was clear that there were no Chinese claims to large areas of Burma and Nepal or, in fact, any Chinese claims comparable in any way to the claims now being made by China to Indian territory. The question of the offer to Pakistan by the Prime Minister to sign the Five Principles was also outside the terms of reference of these meetings of India and China. However, the Indian side pointed out that it was quite feasible to offer to sign the Five Principles with another country if it were well-known and recognised at the time by both sides that there were disputes involving territory between the two countries. At the time the Prime Minister made his offer, the Indian Government knew the extent of Pakistan's claims, even though they were not valid. What was incompatible was that the Five Principles should be signed by two countries, one of which had in mind undisclosed claims to vast areas of the other's territory, while the other country was wholly in ignorance of these claims and was, in fact, led over the course of many years to believe that well-recognised and delimited frontiers clearly shown on her maps were regarded as beyond doubt and dispute. Two countries could sign the Five Principles if they were both aware that one of them had claims to parts of the territory of the other; but two countries could not sign the Five Principles if one of them had vast undisclosed claims to the territory of the other.

The Chinese side stated that the Prime Minister of India, in his letter of 22 March 1959, had not referred to the 1954 Agreement, and they sought to conclude from this that even the Government of India had at that time not regarded the 1954 Agreement as having a bearing on the boundary. The Indian side pointed out that Prime Minister Nehru was not in that letter drawing up an exhaustive list of the treaties and agreements that gave added sanction to the traditional Indian alignment. He was merely drawing attention "to some of these agreements" which gave "sufficient authority" to the Indian alignment. He was not giving a full list of the agreements which provided complete, total authority. He mentioned only three sectors—Sikkim, Ladakh and Eastern Sector—and was not covering all sectors of the Indian boundary. At the Barahoti conference in 1958, and in the later correspondence between the two Governments when the Middle Sector as well as other sectors of the alignment were being discussed in detail, attention had been drawn to the 1954 Agreement.

## THE TRADITIONAL, CUSTOMARY AND TREATY BASIS OF THE BOUNDARIES BETWEEN SIKKIM AND BHUTAN AND TIBET.

The boundary between Sikkim and Tibet lies along the crest of the Great Himalaya and the Donkya ranges, which form the watershed between the Teesta River in Sikkim and the Yaruchu and the sources of the Amochu in Tibet. This natural, traditional and customary boundary between Sikkim and Tibet was confirmed by the Convention signed by Britain and China at Calcutta in March 1890. Article I of the Convention laid down that:

“The boundary of Sikkim and Tibet shall be the crest of the mountain range separating the waters flowing into the Sikkim Teesta and its affluents from the waters flowing into the Tibet Mochu and northwards into other rivers in Tibet.”

This article in the Anglo-Chinese Convention of 1890 was confirmed by the Anglo-Tibet Convention of 1904, the Anglo-Chinese Convention of 1906 and the Simla Convention of 1914.

This traditional boundary alignment between Tibet and Sikkim, which has been confirmed by various treaties, was jointly demarcated on the ground—the eastern portion in 1895-96 and the northern sector in 1902-03. It has been well recognised by both sides and has always been beyond dispute. Chinese maps have also been showing this alignment. In their note of 26 December 1959, the Chinese Government stated:

“The boundary between China and Sikkim has long been formally delimited and there is neither any discrepancy between the maps, nor any dispute in practice.”

The Bhutan-Tibet boundary is also a natural, traditional and customary one. It follows the crest of the Himalayan range which forms the main watershed between the Amo Chu and the waters flowing into Ram Tso, Yu Tso, Nyang Chu and Kuru Chu in Tibet and the Paro Chu, Punakha, Thimbu, Tongsa and Bumtang rivers in Bhutan. This natural alignment has also been the traditional and customary boundary between Tibet and Bhutan. The Chinese Government have also recognised this traditional and customary alignment.

In their note of December 26, 1959, the Chinese Government stated: “Concerning the boundary between China and Bhutan there is only a certain discrepancy between the delineation on the maps of the two sides in the sector south of the so-called McMahan Line. But it has always been tranquil along the border between the two countries”. The area referred to was the south-east corner of Bhutan and the Indian Government were surprised that the Chinese Government should concern themselves with it as it was on the Bhutan-India

boundary and not the Bhutan-China boundary. The Indian side added that this area had always been part of the Tashigong Dzong of Bhutan and the villages in the area had always considered themselves as part of Bhutan. There was a vast amount of traditional and customary evidence to substantiate this.

## TRADITIONAL AND CUSTOMARY BASIS OF THE BOUNDARY IN THE EASTERN SECTOR

The Indian side brought forward evidence to show that the Indian alignment in the Eastern Sector was based on tradition and custom.

There were numerous references in ancient Indian literature to the inclusion of the tribal areas in India. The *Kalika Purana* (of the 2nd century A.D.) related in Chapters 36—40 the story of the defeat by Narakasur of King Ghatak, one of the chiefs ruling over the tribal area, and the establishment of his capital at Pragjyotishpur (Gauhati). The *Mahabharata*, written some time after 400 B.C., stated (Chapter XXVI of Sabha Parva) that Narakasur's son, Bhagadatta, was defeated by Arjuna and both the King and his Kirata (tribal) followers were compelled to pay tribute. In a later passage of the same work (Udyog Parva, Chapter XVIII) it was stated that Bhagadatta and his tribal followers took part in the battle of Kurukhetra on the side of the Kauravas. The *Ramayana*, written at about the same time, stated that King Amurtaraja founded the city of Pragjyotisha, and his grandson Viswamitra practised *tapas* (penance) upon the banks of the Kausiki, flowing through the Himilayas in the north-west part of the Pragjyotisha region.

Later the King of Pragjyotisha was again defeated by Raghu, whose kingdom, according to Kalidasa's *Raghuvamsa* (4th century A.D.) extended north of the Himalayas, from Hemakuta (Kailash) to Kamarupa indicating that this latter kingdom, which is now Assam, stretched even beyond the Himalayas. West of Pragjyotisha, Sonitpur (Tezpur) was the capital of another Indian kingdom. Both the *Bhagavata* and the *Vishnu Purana* gave an account of the defeat of King Ban (a contemporary of Narakasur) by Krishna at Tezpur. King Ban's grandson Bhaluka later established his capital at Bhalukpung (not far from Balipara) at the foot of the Aka hills where the remains of old fortifications were still visible. The Aka hilltribes claim this prince as their progenitor.

In course of time Pragjyotisha, Sonitpur and other areas south of the hills were all united under the rulers of Kamarupa. The *Vishnu Purana* stated that Kamarupa extended for 100 *yojanas* (about 450 miles) in all directions from Kamakhya temple (situated near what is now Gauhati), and the *Kalika Purana* said that the Kamakhya temple was in the centre of Kamarupa. This would include the whole of present Assam. Hieun Tsang, who visited India about 640 A.D., confirmed this by his statement that the kingdom of Kamarupa was under a Hindu ruler and was about 10,000 *li*, or an area with a circumference of 1667 miles. The *Yogini Purana* (of about 8th century A.D.) provided further information. It stated in Book I Chapter XI that Kamarupa extended right upto the Kanja hills (that is, the Himalayan range) in the north.

Till the eighth century Kamarupa was ruled by the Hindu dynasties of the Varmans, the Salasthambas and Palas. They then

came under the pressure of the Ahoms, a branch of the Shan tribe, who finally in about 1228 A.D. became masters of Kamarupa and gave the territory their name Ahom, now softened to Assam. These rulers, who held sway in this area for nearly six centuries and became absorbed in the Hindu fold, had extensive relations with the tribal people in the north and established their political authority over them. A work written in the 17th century, entitled the *Political Geography of the Assam Valley*, contained the names of tribes who were tributaries of the Ahom Kings. The Daphlas, Akas and Bhutias were referred to in this list and the tribute paid by them and the passes by which they descended to the plains, were noted. The work also described certain villages of the Mikkir and Miri tribes which were under direct Ahom rule.

Relations with the tribes were in the hands of duly appointed frontier Wardens and Governors. For example, the Sadiya-Khowa Gohain was in charge of conciliating the tribes of Sadiya country, and the Barphukan and Darrang Rajas were in charge of the Bhutias. They had in their offices a number of men versed in the languages, customs and habits of the tribes. There were also tribal experts at the court of the King.

The general success of the Ahoms in their dealings with the hill tribes was testified to by the Mogul historian Shihabuddin Talish, who accompanied a Mogul expedition in 1662-63. He wrote, "Although most of the inhabitants of the neighbouring hills paid no taxes to the Raja of Assam yet they accepted his sovereignty and obeyed some of his commands".

Another document which gave an account of the interview which the Assamese Ambassador Madhabcharan Kataki had with the Mogul Commander, Raja Ram Singh, referred to the tribal legions of the Ahom Army:

"Numerous Chieftains of the mountainous regions have become our willing allies in the campaign. They consist of a total strength of three lakhs of soldiers. They are not amenable to any considerations of right or wrong. Their participation in this campaign has been directly sanctioned by His Majesty and they rush furiously against the enemy without waiting for the orders of the general. They are quick and sudden in their attacks, and their movements and actions cannot be presaged".

In 1826, Ahom authority in this area was finally displaced by the British. During the last years of Ahom rule, control over tribal peoples weakened, but it was never lost. Michell, in his authoritative *Report on the North-East Frontier of India*, reported (page 97) that "In 1820—Before we took possession of Assam, the Mishmis were obedient to the orders of the Assam Government, and paid tribute to the Sadiya Khowa Gohains".

Similarly about the Abors Michell noted (page 53) "1825—Captain Neufville reported to the Quartermaster-General that the Abors were giving assistance to the Gohain of Sadiya against the Singphos." He also stated that "a large body of them, to the amount of 20,000 or 30,000 came down to assist the Bura Gohain in repelling

the Maomarias, who were devastating all the country east of Jorhat". (Page 55).

The fact that this tribal area was a part of India was also attested to by a number of travellers. Desideri, who was in Lhasa for several years between 1716 and 1729 and travelled extensively in Tibet, mentioned what were even then known as the extreme limits of Tibet. On pages 143—145 of his diary, which the Indian side already quoted when dealing with the Western Sector, *An Account of Tibet*, he said:

"The other place the Thibettans venerate exceedingly is called Ce-ri (Tseri or Tsari) on the extreme borders of Takpo-tru-lung. Traversing the province of Takpo and going East (North East) after crossing an exceedingly high, but not difficult mountain where grow many trees, one comes to the country of Cong-bo, divided into upper Cong-bo, or Cong-to, and lower Cong-bo or Cong-me, which are again divided into several provinces. . . . . All the Cong-bo provinces lying to the South of the river march with the above mentioned people called Lhoba, which means Southern people. . . . . Not even the Thibettans, who are close neighbours and have many dealings with them, are allowed to enter their country, but are obliged to stop on the frontier to barter goods."

It was clear from this passage that at that time Tibetan jurisdiction did not extend beyond the Tsari hills in the Subansiri area and Cong-me, to the north of Abor region, further east.

Horace Della Penna, another traveller who visited Tibet a little later, in 1730, wrote that Tibet:

"on the south is bounded by Bengal, Lho ten ke, Altibari, Mon, Brukpa, Lhoba, Lho K'haptra, Shapado, Bha..."

This account of Della Penna has been published in C. R. Markham: *Narratives of the Mission of George Boole to Tibet and of the Journey of Thomas Manning to Lhasa*. London, 1879. The quotation was from page 314. Here again Lhokhaptra referred to a part of the present Siang Frontier Division of India and Lhoba to the tribal territory in general lying south of the traditional north-east frontier of India.

In 1849 Dr. Gutzlaff, a corresponding member of the Royal Geographical Society, read a paper giving a first-hand account of the area. This paper was published in *The Journal of the Royal Geographical Society*, Volume XX, Part II, 1851. He stated (pages 191-192): "Tibet borders to the N. on Kokonor, the Desert of Gobi and Eastern Turkestan; to the S. on Yunnun, the nominal territory of Birmah, the wild land of the Abor tribes and Assam, the possession of the Sikkim Rajah, the British territory with the Punjab, and a small part of Afghanistan..."

A page later, Gutzlaff described the region to the south-east of Tibet and said: "Farther W., according to Chinese maps, runs for a distance of more than 100 geographical miles, the Naetsoo

river (Ludnaghtseu) into which flows, from the North, the Moktsoo, forming the boundary between these hill tribes and Tibet....."

Naetsoo referred to the Chayul Chu and its tributary the Nye Chu; and Moktsoo referred to the Char Chu river. This indeed placed the boundary much to the north of where it lies at present.

That Tibet had no jurisdiction in the Dibang and lower Lohit valley was also clear from Gutzlaff's statement on page 193 that "the hill-tribe, having most intercourse with Tibet, is the Mismee a somewhat more civilised race than those more to the East, but not under the rule of the Lamas".

T. T. Cooper, another traveller in this region in the eighteen sixties, in his book *The Mishmee Hills* published in 1873 in London, wrote (Page 208):

"We found our host Kaysong very hospitable, he was a Meju Mishmee, and like all his tribe, had benefited by yearly visits in his youth to the Thibetan frontier town of Roemah". Roemah was Rima.

Later, on page 213, he said:

"With the first dawn of day we left Larkong and commenced the ascent of the boundary mountain, a long, steep ridge, rising to a height of over five thousand feet. The range runs almost due east, and forms a well defined limit between Assamese and Thibetan ground."

So clearly the boundary between Assam and Tibet ran along the top of the range.

When Cooper and his party descended further on the other side of the range, they were met by some Tibetans who "desired us to return to the summit of the boundary range, and receive there the instructions sent down from the Tibetan authorities at Roemah". (Page 217).

In 1883 Michell, in his *Report on the North-East Frontier of India*, which the Indian side quoted earlier, wrote (page 47):

"The Northern boundary of Abors is believed to be the Nainphala hills, inhabited by people who resemble the Abors in dress and appearance. After these hills are crossed Eastern Tibet is reached."

And about the territory near the Dihang bend (lying north of the present Siang Frontier Division of India) Michell wrote (page 39):

"About the neighbours of the Mishmis we have fairly accurate information. To their north lies the country of Poba or Poyul, an independent people dwelling on a table-land. This State, we have reason to believe, is highly civilized. All the natives, whether Assamese, Abors or Thibetans, who have been examined about this country, assert that the Sanpo passes by Poba, and our last explorer remarks that four days' journey along



the right bank of the Sanpo from Gyala Sindong brings the traveller to the country of Poba, a state virtually independent of Thibet and differing to it in manners, customs and religion. Father Desgodin who resided many years in Thibet, believes that these people of Poba, would be only too glad to trade with neighbouring countries; but they are completely isolated by the mountain barriers surrounding them, which are inhabited by wild tribes."

This made it clear that even north of the Great Himalayan Range, Tibetans exercised no jurisdiction in certain areas.

These accounts were confirmed by various Chinese works. The *Wei Ts'ang T'u Chih* (Topographical Description of Central Tibet) written by Ma Shao-Yun and Meo Hsi-Sheng in 1792, stated on page 49:

"Loyu wild people's country is to the south of the Tibetan territory" (Photostat 1).

Similarly, the Chinese work *Hsitsang Tu Kao*, written by Huang Pei-Chiao in 1886, stated on page 38 of Chapter 8:

"From Lhoyul to Kashmir and Pulute the wild tribes that are seen are of four categories. They and the areas such as India all belong to the British...."

Further on it said:

"Lhoyul wild people: old name is Lokhe Pu Chan country. It is to the south of Tibetan territory ..... several thousand li. The people there are wild and stupid. They do not know Buddhism ..... Tibetans call them Lao Kha". (Photostat 2).

This made it clear that this tribal territory was not only outside Tibet, but also under British Indian administration.

The *Ching Shih Kao*, i.e. the Dynastic History of the Ching Period, confirmed that the tribal area lay outside Tibet. On page 2 of Book 27 of this work it was stated:

"Khang (Kham or Chamdo area) is 1250 miles to the east of Inner Tibet. Its border in the east reaches Szechuan, the border in the south reaches the tribal area and British Assam, the border in the west reaches Wei (Tibet) and the border in the north reaches Chinghai". (Photostat 3).

Evidence for the traditional basis of the Indian alignment was also provided by unofficial maps published in China, and other countries. The Indian side, under Item 2, were presenting unofficial maps only.

(i) The Emperor Kang Hi, as was well known, had a systematic map of Tibet prepared by certain Jesuit missionaries and Lamas

who were in his employ, between 1711 and 1717. A copy of this map was sent to Paris and was published by Du Halde in his *Description de la Chine* and by d'Anville in his *Nouveau Atlas de la Chine*, 1737. This map showed the Oumoula range—that is, the Great Himalayas—lying south of the Lopra-Catchou river—that is, the Chayul Chu—and its tributary the Nutchou—the Nye Chu—as the southernmost limit of Tibet in this region. (Photostat 4). This corresponded to the traditional Indian alignment.

(ii) Another Chinese map in several sheets prepared in the Tao Kwang reign (1821—1850) showed the Naichu, which name seems to have been applied both to the Nye Chu and to the Chayul Chu after the Nye Chu joined it, upto its junction with the Muchu, as the southernmost limit of Tibet. The Muchu was clearly the Char Chu. (Photostat 5). This boundary corresponded to the traditional Indian alignment.

(iii) The Ta Tsing map of 1863 again showed the mountains in the immediate vicinity of the Chayul Chu (which in this map was called Lobnakchu), and its tributaries the Nye Chu (Naichu) and the Char Chu (Muchu) as the southern limits of Tibet. (Photostat 6). This corresponded to the traditional Indian alignment.

(iv) The *Hsitsang tu kao*, written in 1886 by Huang Pei-chiao, contained a map which showed the southern frontier of Tibet in this region in the same way as in the maps quoted above (Photostat 7). The passage in the text which corroborated the map has already been quoted.

(v) Map No. 25 in the Atlas, *Ta China ti kuo chuan tu*, published by the Commercial Press, Shanghai, in 1908 clearly showed a boundary which approximated to the traditional alignment and showed the tribal territory outside Tibet. (Photostat 8).

(vi) The map of Tibet in the *Atlas of the Chinese Empire* published by the China Inland Mission in 1908 showed the Indo-Tibetan boundary in this area more or less in consonance with the traditional alignment. (Photostat 9).

(vii) The map on page 30 of *Chung kuo chin shih yu ti tu Shwo* published by Chiao Chung Academy, Canton (1910) showed an international boundary alignment which largely corresponded with the traditional alignment shown on Indian maps. (Photostat 10).

(viii) The map of Tibet in the *New Atlas and Commercial Gazetteer of China*, which, as the Indian side stated on an earlier occasion was based on authoritative surveys and was published in 1917, showed the traditional Indo-Tibetan frontier alignment east of Bhutan. (Photostat 11).

(ix) The map published by Peking University in November 1925 depicting the maximum extent of China in the days of the Ching Dynasty, again showed the frontier of India in this sector as lying approximately where the present Indian boundary lies. (A photostat of this has already been supplied).

In addition to these nine Chinese maps, the Indian side cited some maps prepared by private agencies in other countries.

(i) The German map prepared by Stulpnagel and published in Gotha in 1885 showed the Indian boundary north of the tribal area (Photostat 12).

(ii) *The Sketch map of some parts of Southern and Eastern Tibet as used Many Years ago by Catholic Missionaries*, and published in 1871, clearly showed that the Abor, Mishmi and other tribal areas lay outside Tibet (Photostat 13).

(iii) Similarly the map of *Asie Meridionale*, published by Andrievau Coujon in Paris in 1876, showed the tribal territory as lying outside Tibet. (Photostat 14).

(iv) A map specially prepared for the Royal Geographical Society of London in 1912, and cited earlier in connection with the Western Sector, showed a boundary which approximated closely to the traditional alignment. (A photostat of this map has already been supplied).

(v) Another map also published in the September 1916 issue of the *Geographical Journal*, the journal of the Royal Geographical Society, showed the traditional Indo-Tibetan frontier alignment in this sector. (A photostat of this map has already been supplied)

This extensive and varied evidence showed that the present Indian alignment in the Eastern Sector was the traditional and customary boundary between India and Tibet, which had been for centuries well-recognised and beyond dispute.

## THE TREATY BASIS OF THE INDIAN BOUNDARY ALIGNMENT IN THE EASTERN SECTOR

The traditional and customary boundary of India in the Eastern Sector obtained the added sanction of treaties in 1914 when the Indo-Tibetan Boundary Agreement of 24|25 March 1914 and the Simla Convention of 3 July 1914 were concluded.

The boundary agreement between India and Tibet was concluded by an exchange of letters between the British and Tibetan Plenipotentiaries on the 24th and 25th of March, 1914. The exact alignment of the boundary from the east of Bhutan to the tri-junction of India, Tibet and Burma, was delineated on a 1" —8 miles map in two sheets. The letter of the Tibetan Plenipotentiary accepting the boundary so delineated stated:

"I have now received orders from Lhasa, and I accordingly agree to the boundary as marked in red in the two copies of the maps signed by you, subject to the conditions mentioned in your letter, dated the 24th March, sent to me through Mr. Bell. I have signed and sealed the two copies of the maps. I have kept one copy here and return herewith the other."

The conditions mentioned in the British Plenipotentiary's letter were:

- (1) The Tibetan ownership in private estates on the British side of the frontier would not be disturbed.
- (2) If the sacred places of Tso Karpo and Tsari Sarpa fell within a day's march of the British side of the frontier, they would be included in Tibetan territory and the frontier modified accordingly.

The possibility contemplated in the second condition did not arise because it was later found that both Tso Karpo and Tsari Sarpa lay on the Tibetan side of the boundary.

The traditional Indo-Tibetan boundary thus confirmed was also shown by a red line on the map attached to the Convention initialled by the Plenipotentiaries of India, China and Tibet on 27th April 1914 and finally signed by the Plenipotentiaries of India and Tibet on 3rd July 1914. Article 9 of the Convention described the boundary in the following terms:

"For the purpose of the present Convention the borders of Tibet and the boundary between Inner and Outer Tibet shall be as shown in red and blue respectively on the map attached thereto."  
..by OT

The Chinese side, in their statement made at the 17th meeting in Peking on July 22, 1960, repeated the contentions made earlier by the Chinese Government regarding the validity of the Indo-Tibetan Boundary Agreement. These contentions have been fully answered

in the letter of the Prime Minister of India to the Prime Minister of China on September 26, 1959 and the note of the Government of India of 12 February 1960; and the Chinese side have brought forward neither fresh evidence nor any additional arguments in support of their contentions.

It was contended by the Chinese side that "neither the Simla Convention nor its attached map involved the Sino-Indian boundary line, and the Simla Conference did not discuss the Sino-Indian boundary in the first place." If by this was meant that the boundary between India and Tibet in this sector had not been involved or discussed, it was not a correct statement of the facts. The Indo-Tibetan boundary was relevant to the Conference, it was discussed and a valid agreement regarding it was reached.

That the Simla Conference met to discuss not only relations between China and Tibet but also those between Tibet and India, was clear from both the correspondence preceding the Simla Conference, and the proceedings of the Conference.

The 1904 Convention between the Indian and Tibetan Governments dealt with Indo-Tibetan relations in general. This was accepted by the Anglo-Chinese Convention of 1906. Thus the Chinese Government accepted that Tibet could settle her own relations with India. On 17 August 1912 the British Government drew the Chinese Government's attention to this position, and on 30 January 1913 the Chinese Government accepted the British Memorandum of 17 August 1912 as the basis of negotiations.

The credentials presented by the three Plenipotentiaries at the conference also made it clear that the conference was to discuss all important matters regarding Tibet. The credentials of the British Plenipotentiary stated that the negotiations were being held.

"for the conclusion of a Convention to remove all such causes of difference and to regulate the relations between the several governments",

and that the British Plenipotentiary was being appointed

"to sign for Us and in Our name everything so agreed upon and concluded and to do and transact all such other matters as may appertain thereto.....".

The credentials of the Tibetan Plenipotentiary issued by the Dalai Lama stated

".....I hereby authorise Srid Dzin (Ruler) Sha-tra Paljor Doji to decide all matters that may be beneficial to Tibet and I authorise him to seal all such documents".

The credentials of the Chinese Plenipotentiary stated

"Ch'en I-fen (Ivan Chen) is hereby appointed Special Plenipotentiary for Tibetan negotiations".

At the conference the Tibetan Representative submitted detailed statements defining the limits of Tibetan territories and these naturally led to a discussion of the limits of Tibet. All that the Chinese Representative wanted was that the question of the political status

should be taken first. The Indian side quoted from the record of the second meeting of the Simla Conference, held on 18 November 1913, a copy of which had been given to the Chinese representative:

“Sir Henry McMahon (the British Representative) pointed out that this left him face to face with his initial difficulty and he did not see how the political status of Tibet could be discussed until the limits of the country were defined. In the circumstances he considered that, in order to save time he must first go into the question with Lonchen Shatra, but he would have preferred to have been able to discuss it with Monsieur Ivan Chen simultaneously. He would have to defer doing so until his Chinese Colleague was authorised to join in the discussion.”

As the Chinese Representative raised no objection to the proposals it meant that he agreed to a discussion of the Indo-Tibetan boundary by the British and Tibetan Representatives. For it would be noted that McMahon referred to the limits of Tibet in a comprehensive and general manner and not merely to the Sino-Tibetan boundary.

Since the Indo-Tibetan common boundary was a traditional one, it could easily be settled between the two parties, while the boundary between China and Tibet was disputed and required mediation and discussion in a full conference.

The discussions and agreement on the Indo-Tibetan boundary were not behind the back of the Chinese representative, as now alleged by them. The discussions took place in Delhi between 15 to 31 January 1914, and the agreement was signed on 24/25 March 1914. During this time the venue of the tripartite conference was also in Delhi. At the 4th meeting of the full conference on 17 February 1914 McMahon tabled a statement on the limits of Tibet. In a map attached to the statement the “historic Tibetan frontiers” were shown for acceptance. What later came to be known as the McMahon Line was shown on this map as part of Tibet’s historic frontiers. Again, the Indo-Tibetan boundary formally confirmed on 24 and 25 March was shown on the map attached to the draft Convention and submitted at the 7th meeting on 22 April 1914. At the meeting the British Representative stated that the draft convention:

“Would inaugurate such a status for the whole of the Tibetan territories, as would offer the best hope of restitution of peace and prosperity to the inhabitants of an extensive area adjoining the frontiers of China and British India.”

The reference to an extensive area adjoining the frontiers of China and British India was obviously to the Sino-Tibetan frontier in the east and the Indo-Tibetan frontier in the south. The Chinese Representative raised no objection.

On the 27th April all the three Representatives initialled the map and the Convention.

All this showed that the McMahon Line was not arbitrarily drawn by the British and Tibetan Representatives behind the back of the Chinese Representative.

The Chinese side contended that the Chinese Government had not recognised the Convention of July 3, 1914 and that they had informed the British Government to that effect on 3 July and 7 July 1914, But the non-adherence of the Chinese Government was irrelevant as far as the Governments of India and Tibet were concerned; and the obligations they had assumed by the exchange of letters and the Convention, and the boundary alignment they had formalised, were binding on them both. This was made clear even then to the Chinese Government. The Indian side drew the attention of the Chinese side to the communication presented by the British Minister at Peking to the Government of China on June 25, 1914, stating:

“As it is, the patience of His Majesty’s Government is exhausted and they have no alternative but to inform the Chinese Government that, unless the Convention is signed before the end of the month, His Majesty’s Government will hold themselves free to sign separately with Tibet.

In that case, of course, the Chinese will lose all privileges and advantages which the Tripartite Convention secures to them.....”.

Similarly in their letter dated 8 August 1914 addressed to the Chinese Ambassador in London, the British Foreign Office stated:

“.....the Agreement recently reached between the British and Tibetan delegates at Simla represents the settled views of His Majesty’s Government on the question, as stated by the British Plenipotentiary at the final meeting of the Conference.”

Chinese adherence or recognition was not necessary for the Anglo-Tibetan Convention of 3 July 1914 and the Boundary Agreement of 25 March 1914 to be valid.

The assertion of the Chinese side that Tibet was a part of China and therefore had no right to enter into treaties was an untenable assertion which had not been supported by any evidence. The letter from the Prime Minister of India dated 26 September 1959 and the note of the Government of India dated 12 February 1960 had already dealt with this in detail. However, the Indian side advanced the following further facts to show that Tibet was at that time fully entitled to enter into treaties.

Tibet had, in the past, entered into a number of treaties which were not only considered valid by the parties concerned, but were in actual operation for decades and, in some cases, centuries. The Indian side had referred earlier to the treaties of 1684 and 1842 which Tibet had signed with Ladakh and Kashmir and under which Tibet’s traditional boundaries in the west had been confirmed and her trade relations with Kashmir regulated. These treaties had been in actual operation up to our own times. Similarly the Nepal-Tibet treaty of 1856 was in operation for a full century until abrogated by the Sino-Nepalese treaty of 1956. Article III of the 1956 treaty between China and Nepal stated: “All treaties and documents which existed in the past between China and Nepal including those between the Tibet Region of China and Nepal are hereby abrogated.” This showed that Tibet had been in a position to sign treaties and that

China recognised such treaties as valid. That the Chinese Government themselves recognised this right of Tibet to enter into treaties was evident also from the fact that the Chinese Amban assisted the British Government in 1904 in concluding the Anglo-Tibetan Convention of that year. Later, in 1906, the Chinese Government not only extended full recognition to this treaty but undertook "to secure the due fulfilment of the terms specified therein."

The correspondence leading to the Tibet Conference of 1914 and the actual proceedings of the Conference provided further proof of China's acceptance of Tibet's right to enter into treaties. The Indian side had already cited some of these facts earlier in this statement, and now gave a few more.

In pursuance of the Chinese offer of 30 January 1913 to negotiate on the basis of the British Memorandum of 17 August 1912, the British Minister communicated to the Chinese Government on 26 May 1913 the British Government's proposal for a joint conference in India with a view to settlement of the Tibetan question by means of an agreement of which all three Governments would be signatories. On 4 June 1913 the President of China said that he was not opposed to tripartite negotiations. On 14 July 1913, when the Chinese Vice-Minister for Foreign Affairs raised the question of the Tibetan representative's status, the British Minister insisted that the representatives must go to the conference on an equal footing. On 28 July 1913, when the British *Charge d' Affaires* communicated to the Chinese Vice-Minister for Foreign Affairs the powers being given to the British and Tibetan delegates, the Vice-Minister again raised the question of the status of the Tibetan representative, whereupon the British *Charge d' Affaires* replied "that it would be a waste of time to consider all this again as we had gone over it all before, and that I could only repeat that it was the intention of His Majesty's Government that the delegates should attend the Conference on an equal footing." A few days later the British envoy was told that the Chinese representative would go to India in any circumstances. In other words, the Chinese Government accepted Tibet's equality of status at the conference. On 7 August 1913 the Chinese Foreign Office sent the following note:

"A Presidential Order was received on 2nd August appointing Ivan Chen as Special Plenipotentiary of Chinese Government for the conduct of negotiations relating to Tibet.

It therefore devolves on our Government to order Ivan Chen to proceed to India as speedily as possible there to open negotiations for a treaty jointly with the Tibetan Plenipotentiary and the Plenipotentiary appointed by the British Government and to sign articles which may be agreed upon for the purpose of removing all difficulties which have existed hitherto in regard to Tibet."

The Chinese Government thus accepted tripartite negotiations and recognised the treaty-making powers of Tibet, and the plenipotentiary and equal status of the Tibetan representative. Explicit provision was made for a treaty with the Tibetan and British Governments. The British representative informed the Chinese Government on 25 August 1913 "that His Majesty's Government note with satisfaction



the Chinese Government's acceptance of the principle of the equality of status of the representatives and of the tripartite character of the negotiations".

During and after the Conference China never disputed the equal status of the Tibetan plenipotentiary. On 27 April 1914 the Chinese representative initialled the Convention, the preamble of which mentioned the Dalai Lama as a party along with the British Emperor and the President of the Chinese Republic. At no time did China mention the equal status of Tibet as one of her reasons for refusing to accept the Tibet Convention of 1914.

On 3 July 1914, when the Chinese representative failed to sign the Tibet Convention which had earlier been agreed to and initialled by all the three parties, the British Government concluded the agreement separately with Tibet. Another agreement regulating trade between Tibet and India was also concluded on the same day. This treaty was in full operation until very recently.

After 1914 Tibet had frequent dealings with the Indian Government. Between 1921 and 1924, as the Chinese Government are aware, the Tibetan Government entered into correspondence with the Indian Government regarding certain minor frontier disputes in the Pangong area. Similarly in 1926 there was correspondence between these two Governments on a frontier dispute and the Tibetan Government participated in a commission which had been appointed to examine certain claims put forward by the Tibetan Government in the Nilang-Jadhang area. The fact that the Chinese side themselves had referred to these negotiations of the Tibetan Government regarding the boundary showed that the Chinese Government recognised Tibet's right in the past to have foreign relations on her own and deal with matters concerning her boundaries.

The Chinese side stated that the Chinese Government had protested many times against the so-called McMahon Line and that the Tibetan Government also had repeatedly expressed dissatisfaction with it. These assertions had already been shown to be incorrect in the Prime Minister's letter of 26 September 1959 and the note of the Government of India dated 12 February 1960, and it was hardly necessary to repeat those points. The Chinese side referred in particular to the letter sent by the Tibetan Foreign Office on 18 April 1945. As could be seen from the text of that letter and from the very passage quoted by the Chinese side, the Tibetan Government clearly recognised that a Boundary Agreement had been signed in 1914. They also recognised that the area south of the McMahon Line was Indian territory. The first sentence of the Tibetan letter stated "The Indo-Tibetan boundary which is marked with a red line in the map shows all the areas below Tawang as within British territory". The Tibetan Government only doubted whether certain areas lay south of this Line; and the Government of India made the position clear in January 1946.

## COMMENTS ON THE EASTERN SECTOR UNDER ITEM 2

Regarding the Eastern Sector, the Indian side brought forward vast and varied evidence to show that the Indian alignment was based on tradition and custom and later received the added sanction of treaties. The Chinese side did not even seek to rebut most of the positive evidence brought forward by the Indian side. Instead, they once again propounded their usual arguments questioning the value of evidence drawn from ancient epics, disputing the validity of unofficial maps and casting doubts on the motives of those whose first-hand accounts substantiated the traditional and customary alignment. As the Indian side had already, on earlier occasions, often stated the correct position on these matters, they did not repeat those points, but only made a few additional comments. As for the alignment claimed by the Chinese side, the evidence cited was meagre; and even this was shown by the Indian side to be inconclusive.

### **Evidence of tradition and custom supporting the Indian alignment**

It was surprising that despite the detailed elaboration provided earlier by the Indian side showing the value of ancient Indian chronicles for the purpose of establishing the boundary alignment, the Chinese side once more made general statements criticising them. These old chronicles are extremely valuable in tracing the ancient history of India and have been accepted by all scholars as primary sources. They are contemporary accounts written by men with a first-hand knowledge of the places and areas described by them; and their accuracy has been corroborated by other evidence, archaeological, epigraphic and documentary. The Chinese side quoted a passage in the *Imperial Gazetteer of India* questioning the value of these chronicles for the early history of Assam. But the *Imperial Gazetteer* was written over fifty years ago, at the beginning of this century, when knowledge of ancient Indian history was still rudimentary. Since then a very great amount of work has been done in the field of historical scholarship; and all that we have learnt during these years has proved the remarkable accuracy of the historical and geographical knowledge provided by the Indian Epics and the Puranas. Today these ancient Indian chronicles are accepted as sources in both spheres. One section of the Puranas is devoted to geography and another entirely to history; and the fact that the accounts in the eighteen Puranas are almost identical forms extremely weighty evidence of their accuracy. The internal evidence of the Puranas also shows that they were written by men living in the localities described. Even when these Epics and Puranas do not locate places with precision, they describe correctly the extent of kingdoms, the lie of ranges and the courses of river. They make clear where the traditional and customary boundary alignment of India lay. This ancient evidence is supported by the continuity of tradition and custom as the basis for the boundary through the centuries. Medieval and modern evidence support ancient evidence, and each confirms the other.

The Chinese side stated that in the passage quoted by the Indian side from the *Ramayana*, they could not understand the significance of the reference to the Kaushiki river. This showed the extent of the Kingdom of Pragjyotisha in those days. It then included the whole of modern Assam and the North East Frontier Agency and stretched right up to Nepal.

The Chinese side also sought to minimise the importance of Kalidasa's *Raghuvamsa*. Literary tradition, however, has always been an important source of historical evidence. It is clear from Kalidasa's works that he had a first-hand knowledge of the areas he was describing, and he explicitly stated that the Kingdom of Pragjyotisha extended north of the Himalayas. The argument, therefore, of the Chinese side that when these works referred to the tribal areas they might have had in mind the areas in the plains, was wholly untenable. As the Indian side had clearly shown, the chronicles and works left no doubt that the tribal areas described in the passages cited by the Indian side were areas in the Himalayan region. There were explicit references, for instance, to Sonitpur and to Bhalukpong in the Aka area. It is also a well-known fact that the Kiratas, mentioned by name in the passage from the *Mahabharata* cited by the Indian side, had their home in what is now the Indian North East Frontier Agency. All these early Sanskrit texts emphasised what we know also from other sources, that the Himalayan mountains always formed the northern frontier of India, and inspired her cultural and spiritual life.

The Indian side were also surprised that the Chinese side should have doubted the statement of their own distinguished countryman, the famous pilgrim, Hieun Tsang. The information given by him was precise enough to show that the limits of the kingdom of Kamarupa were nowhere near the alignment now claimed by the Chinese side, but approximated more to the present Indian alignment and indeed tallied with the extent of Pragjyotisha as described in the *Ramayana*.

Regarding the Ahom rule over these tribal areas in the north since 1228 A.D., the Chinese side also made certain comments but were not able to refute the evidence brought forward by the Indian side. This evidence not merely proved contacts and intercourse between the Ahom rulers and these tribes but showed indisputably that the area was controlled and ruled directly by the Ahoms and that tribute was paid to them. The Chinese side stated that the various passages specifically quoted by the Indian side referred possibly to other parts of Assam in the east and south and not to the areas north of the alignment now claimed by the Chinese side. This was clearly a misinterpretation. When the Mogul historian, Shihabuddin Talish referred to the inhabitants of the "neighbouring hills" accepting the sovereignty of the Raja of Assam, he was undoubtedly referring to the tribal areas in the north, because the expedition of Mir Jum'la, the Mogul General, which Talish accompanied, went only into this northern area. Talish never went anywhere in eastern or southern Assam. As for the statement of the Assamese Ambassador, Madhabcharan Kataki, about the tribal legions, a reference to his work would show that he was talking of the Ahom army. Even the statement of Kataki quoted by the Indian side showed that he was referring to

the Himalayan areas, because nowhere else in Assam are "mountainous regions" to be found. The Indian side suggested that the Chinese side would do well to consider the evidence brought forward by the Indian side on its merits rather than to depend on a second-hand work published in 1949 which happened to have cited some of the evidence brought forward by the Indian side and drawn some erroneous conclusions from it. It was also pointed out that even in this particular book it was nowhere stated that any part of this area now claimed by China ever belonged to Tibet.

The Chinese side stated that some of the evidence cited by the Indian side did not pertain to the Tawang region. In fact, the Indian side had brought forward evidence to cover every area south of the traditional Indian alignment, and a great amount of evidence had been adduced to show that the Tawang region had always been a part of India. For instance, the reference, in the documents of the 17th and other centuries to Bhutiya territory being a part of India, clearly applied to this region. A large number of unofficial maps, including Chinese maps, had also been cited to show that the boundary in this area lay along the Himalayan ranges, that is, to include the Tawang area in India. Other Chinese sources were also cited to show that Lopas, that is, non-Tibetans, were never citizens of Tibet. This obviously included the inhabitants of Tawang as well.

The Chinese side then commented on a few of the large number of first-hand accounts of travellers brought forward by the Indian side. They contended that Desideri was not referring to the Sino-Indian border and was using the terms "extreme borders" and "frontier" loosely. That was an argument of no weight. Desideri indicated clearly the southern limits of both Takpo and Cong-to. He could not, therefore, have been referring to the border between Takpo and Cong-to, for it is well-known that Cong-to lies to the east of Takpo. The crucial sentence in the passage, on which the Chinese side made no comment, was the statement that the Congbo (Cong-to) provinces "march with" the territory of the Lepas and that the Tibetans were never allowed to enter that country. This made it clear that the Lopa territory was not a part of Tibet and that Desideri could not have been referring to the internal divisions of Tibet. The statement of Desideri that the Tibetans were "obliged to stop on the frontier to barter goods" confirmed that the frontier referred to was none other than the traditional Indo-Tibetan alignment lying north of the tribal territory.

Regarding Gutzlaff, whose testimony was cited by the Indian side the Chinese side merely contended that he was mistaken, but gave no reasons for their conclusion. They drew attention to the sentence in his account that the Mishmis were the tribe having most intercourse with Tibet. The Indian side failed to see what the Chinese side hoped to prove from this. It was inconceivable that the Chinese side intended to assert that because the Mishmis had contacts with Tibet, it followed that the Mishmis area was a part of Tibet. Gutzlaff had a detailed knowledge of this region and he even specifically listed the rivers which formed the boundary between the tribal territory and Tibet.

The detailed evidence cited by the Indian side was characterized by the Chinese side, without any reasons whatsoever, as "wrong or

at least. . . . vague." It was noteworthy that even the Chinese side were unwilling to state categorically that the evidence of these travellers was wrong. Michell's reference to the Pobas as an independent people was a statement of historical fact which could not be refuted. The Tibetan Government exercised little or no control over the Po-me area for a long time, let alone over the Pe-ma-ko area (originally inhabited by the Abors) or the Abor area further south. However, the Indian side were only concerned with proving that the traditional alignment lay along the ranges separating eastern Tibet from the Abor region.

The information provided by Cooper was also very precise and proved clearly that the Tibetan authorities at that time considered the frontier as lying a few miles south of Rima. All that the Chinese could say, in an effort to refute his evidence, was to allege that it was "one-sided" because Cooper had been harassed by the Tibetan authorities. Obviously, this was no proof that his evidence was partisan or that it factually incorrect.

Regarding the important Chinese sources cited by the Indian side, it was argued by the Chinese side that they were private works containing incomplete and erroneous information. But this effort to disparage the literary, geographical and historical works of their own country proved ineffective. From the preface written by Lu Hua-c'hu, a Chinese official who accompanied the Chinese army into Tibet in 1786, and the introduction written by the two authors, it was clear that *Wei ts'ang t'u chih* was based on the information contained in all previous Chinese works and in particular on the authoritative Institutes of the Ta Ch'ing dynasty. It was, therefore, neither incomplete nor erroneous so far as the territories of Tibet were concerned. So, too, the *Hsitsang tu kao*, whatever its other limitations could not be considered erroneous in regard to the territories which formed part of Tibet. The Chinese side stated that the author himself had not regarded all the contents of his book as reliable. This might well have been the case; but certainly that part of his book which concerned the limits of Tibet was reliable. The internal evidence of these two works, as also of other Chinese works in general of the 19th century, showed that the authors were not mistaken about Tibet, but were ignorant about Lopa territory. In fact, none of these works ever gave a description of the Lopa territory or of the various tribes living in that territory. This in itself confirmed the traditional Indian alignment by showing that both Chinese and Tibetans were ignorant of this tribal territory because it lay outside their jurisdiction. So when the Chinese side pointed out that the authors of these works could not obtain direct material from the area now claimed by the Chinese side, they were in fact saying that these works substantiated the Indian alignment.

The Chinese side also stated that the passages from these works had been wrongly translated by the Indian side. A reference to the original texts, however, showed clearly that there had been no errors in translation. The passage from the *Wei ts'ang t'u chih* stated clearly that the tribal country of Layul was to the south of Tibetan territory. Had it been a part of Tibet, Layul would not have been characterized as a country and as lying south of Tibetan territory. The passage did not say that Layul was "in the southern territory of

Tibet", but stated precisely that it lay "to the south of Tibetan territory". The Indian side showed that no other translation was possible. The map attached to the work also showed that the territory was outside Tibet and not a part of it, for it mentioned a boundary between Tibet and Layul.

Again, there could be no doubt that the passage from the *Sistang tu kao* had been correctly translated by the Indian side, and that the interpretation sought to be given by the Chinese side could not be sustained. The passage clearly grouped together the Layul people with other Indian people inhabiting the territory up to the Kashmir region, and all these people were stated to have been of four categories and to have belonged to the British. The argument of the Chinese side that the tribal people were characterized in this work as "Outer barbarians", as distinct from those in the interior, could not also be sustained, for the tribal people were clearly stated in this work to be foreigners. In fact, the title of the passage in question was *Appendix on Foreign (Outer) Wild Tribes*. The passage itself ran:

"Now here we set forth foreign tribes that had not been referred to earlier in this work. From Lhoyul to Kashmir and Pulute the wild tribes that are seen, are of four categories".

It was then stated that all these tribes and India belonged to the British. The map in this work also supported this, for it clearly mentioned Tibet's southern boundary with Sikkim, Bhutan and Layul. And not merely did the Indian side establish that their translations were accurate, but they drew attention to what was significant, that they had brought forward other detailed evidence confirming the testimony of these works.

With regard to *Ching shih kao*, a statement from which had also been cited by the Indian side, the Chinese side did not challenge the validity and authenticity of this work. They only contended that the passage in question recorded the four frontiers of the Kham area and not the boundaries of Tibet; that is, the Chinese side accepted that the tribal area was not a part of the Kham area. But since this tribal area immediately adjoined the Kham area in the south and since the Wei area had been separately mentioned as lying to the west of the Kham area, the tribal area could not possibly have belonged to Tibet. So, even according to the Chinese interpretation, the tribal area would lie outside Tibet. The distinction made between the tribal area and Assam could not affect the argument that the area was outside Tibet and was a part of India.

The Indian side had brought forward many maps, ancient and modern, published in many countries, including China, which correctly showed the traditional Indian alignment. The Chinese side did not dispute on their merits the evidence provided by most of these maps, but merely asserted that unofficial maps could not clearly prove anything. This argument had been answered on so many earlier occasions by the Indian side that they did not think it was necessary to deal with it again in detail.

The Chinese side commented on a small number of these maps, but even these comments were shown to be of no relevance. They

described the maps from the Atlas published by the China Inland Mission in 1908 and from the *New Atlas and Commercial Gazetteer of China* of 1917 as "imperialist". This accusation had been disposed of both by the Indian Government in the earlier correspondence and by the Indian side at the earlier discussions. The maps were shown to be accurate and based on the most authoritative information. It was surprising that the Chinese side should have stated that these maps showed the alignment claimed by them in the Eastern Sector. In fact, they showed an alignment corresponding to the traditional Indian boundary.

The Chinese side alleged that the map produced by the Catholic missionaries showed no boundary line. The Indian side had brought forward two maps issued by missionaries, one of the 18th century and one of the 19th century. The map of the 18th century, showed Tibet and the limits of Tibet; and the Great Himalayas lying south of the Chayul Chu were shown as the southernmost limits of Tibet in this region. This corresponded to the traditional Indian alignment. The map of the 19th century clearly showed the boundary line as lying north of Bhutan, Tawang and the Abor and Mishmi territories. It also showed clearly that the term Lower Zayul applied to the Rima area.

It was strange that the Chinese side should have disregarded the Chinese maps of the Ching period brought forward by the Indian side solely on the ground that some physical features had not been shown precisely. The value of old Chinese unofficial maps as evidence of traditional boundary alignments had been repeatedly explained by the Indian side, and the Chinese side themselves had cited such an unofficial Chinese map on one occasion—at the 22nd meeting on 26 August 1960. The unofficial Chinese maps cited by the Indian side were obviously of great value, and their very antiquity added to their importance as proof of boundary alignments. The Chinese side made no effort to deal with them. Nor did they deal with the other unofficial maps, published in other countries, which had also been cited by the Indian side.

#### Evidence submitted by the Chinese side

The Chinese side themselves brought forward little specific evidence to support the alignment claimed by them in this sector. They merely asserted that this territory had belonged for a very long time to Tibet, thus withdrawing the argument put forward in their earlier communications to the Indian Government that this territory had belonged not to Tibet but to China, as distinct from Tibet.

The actual evidence brought forward by the Chinese side pertained only to what they called Monvul, Layul and Lower Zayul. They did not state what they considered to be the area of these three localities, and judging from the evidence these appeared to be only three small pockets of the large area claimed by the Chinese side in the Eastern Sector. For example, Lower Zayul, as was later shown by the Indian side, really referred only to the Rima area; but even at the Simla Conference of 1914, the statements and maps brought forward by the Chinese Government showed that the claim that Lower Zayul extended south of the McMahon Line was meant to cover only

a small corner of what is Mishmi territory. Of the total length of over six hundred miles of the alignment in this sector, the area dealt with by the Chinese side appeared to comprise only about a hundred miles; and of the total Indian territory claimed by them the areas regarding which evidence was submitted pertained to less than a tenth of the whole. Thus between Tawang at the extreme west of this area and Walong in the extreme north of this area, they brought forward evidence only for a stretch of a few miles of the Dihang valley. So even if all that the Chinese side stated were correct, it could by no means prove that they had a title to the whole area south of the McMahon Line which they were now claiming. The Chinese side asserted that these three units covered the whole area south of the Indian alignment claimed by them, and that many foreigners had described the whole area in this way. The Indian side pointed out that this was not correct, and requested the Chinese side to cite the accounts of foreigners which would support their contention. The Chinese side brought forward no such evidence. Instead, they mentioned a map published by the Survey of India in 1906. It was found that while a number of place-names were marked on this map, there was nothing to show that the entire area south of the traditional alignment was comprised by these three names, Monyul, Layul and Lower Zayul.

The Chinese side asserted that the whole area now claimed by them had been covered by dzongs, or Tibetan administrative centres. But the Indian side pointed out that no evidence to this effect had been provided, and from the mere assertion that these dzongs existed, it did not follow that they covered the whole area. In fact, all these dzongs were located either in the extreme west or in the furthest north; and not only were they all nearer the Indian alignment than the Chinese alignment but they were all very distant from each other. No proof had been brought forward to show that these dzongs covered large areas, that the limits of these areas marched with each other, and that together they covered the whole area now claimed by China.

Moreover, all the evidence brought forward by the Chinese side pertained to the areas in the north, near the traditional Indian alignment; almost nothing had been said about the southern areas near the alignment claimed by the Chinese side, and no evidence at all had been brought forward to substantiate that line.

Furthermore, even this evidence brought forward by the Chinese side did not substantiate the Chinese claim to these particular areas. The Chinese side abandoned the contention that the Monyul area had always been a part of Tibet, and claimed that it became Tibetan territory only around 1680 when the Fifth Dalai Lama despatched Lanchu K'e and Mera Lama to take over this area. The phrase said to have been used in the document was "to establish rule". However, the quotation actually given by the Chinese side did not indicate in any way that Monyul was a part of Tibet. The communication was addressed to all countries of the world including Monyul; and this could not prove the Monyul was Tibetan territory. Nor did the rest of the document support the Chinese claim. In fact, the reference to the collection of voluntary contributions indicated clearly that the



**Dalai Lama was only authorising the collection of contributions to the monasteries.**

The Chinese side stated that what the Mera Lama had done was to renovate the monastery. Even if this were so, it was no proof of Tibetan administration; and as renovation of a monastery presumes its existence, this showed conclusively that Lamaist Buddhism existed in this area before the period of the Mera Lama, when, according to the Chinese side, Tibetan authority was extended to this area. This was an acceptance by the Chinese side themselves of what they had disputed on numerous other occasions, that Tibetan Buddhism can exist without Tibetan political authority prevailing.

Later, the Chinese side argued that this area had come under Tibetan authority in the days of the Second Dalai Lama. The Indian side pointed out that there were contradictions in the Chinese position; sometimes they claimed authority from the 17th century, sometimes from the 14th or 15th century, and yet again they said it was traditional, that is, presumably, much earlier still. The Chinese side were unable to clarify the position. Nor was the claim that Tibetan rule over this area dated from the years of the Second Dalai Lama borne out by the document cited by the Chinese side in this context, for it stated merely that the people of this area were "believers in the Yellow Sect" and not that they came "under the rule of the Yellow Sect".

The other document quoted by the Chinese side, that of the Seventh Dalai Lama, enjoined the Monbas to guard the frontier. This was presumably the frontier between the Monba area and that of the warrior tribes to the east. The exhortation by a religious pontiff to adherents of his faith that they should guard themselves against neighbouring tribes does not show territorial sovereignty. The pledge by the local officers in 1853 not to give up territory was also not pertinent. The Chinese side stated that there was a pledge in this document by the people of Monyul "that they will not allow the sovereignty of the frontier to fall into someone else's hand". The Indian side pointed out that no such passage was to be found in the document. Finally, the Chinese side accepted that there was no such passage, but said that this had been their general understanding of the document.

The Chinese side stated that the British Indian Government had signed an agreement of non-aggression with the Monbas in 1853. It was pointed out by the Indian side that this was purely an administrative agreement. The sovereign Indian Government reached agreements in the 19th century with the tribal authorities who were under them for the better maintenance of law and order. There could be no question of their entertaining any ambitions towards areas which were already under their sovereign control. These agreements would be dealt with in greater detail under Item 3.

The Chinese side cited a document of 1865 according to which the people of Udalguri are said to have promised to be true to their masters. The Indian side pointed out that it was well-known that Udalguri was an important town in Assam. Even the Chinese side accepted that Udalguri was south of the alignment claimed by them,

and that by 1865 it was under Indian control. However, it was claimed that Tibetans continued even thereafter to collect taxes there. The Indian side pointed out that this implied simultaneous exercise of jurisdiction which was, in fact, not the case.

The Indian side stated that it was wholly incorrect to assert that the Tibetan authorities controlled this area right up to the forties of this century. The area south of the traditional Indian alignment had always been under Indian administration and jurisdiction, and evidence to this effect would be brought forward under Item 3. The Chinese side quoted a so-called census said to have been held in this area in 1940; but the document merely dealt with the donations to be made by villages for celebrating the enthronement of the Dalai Lama and the amounts fixed by the Monba chiefs. The activities of the Tibetan official who was said to have been sent to Tawang in 1942 could not have comprised a study of the boundary, for neither he nor his entourage visited any place south of Tawang. This was obvious from the so-called boundary description which was apparently submitted by him to his superior officer. It was not the contention even of the Chinese side that in 1942 the Tibetan Government were collecting taxes at Udalguri, an important administrative centre in the plains with a railway station of its own, or at Kobirali where there has been a large tea estate since the last century.

The local administration of Tawang was never under Tibetan control. The Tawang monastery recognised the spiritual supremacy of Tibetan religious leaders and collected religious dues from the local inhabitants. The collection of such dues for religious purposes did not confer territorial sovereignty on the Tibetan religious authorities. The truth that collection of such dues could not and did not confer any territorial sovereignty had been accepted by the Chinese Government themselves as far back as in 1914. At the Simla Conference, on 7 March 1914, Ivan Chen the Chinese delegate stated: "What is termed spiritual influence should not be confused with what is termed temporal authority. What the Dalai Lama exercises is only spiritual influence and not temporal authority. He exercises the former in the same way as the Pope does in the West. The sphere within which his spiritual influence is extended can under no circumstances be claimed as the extent of his temporal authority. . . . . what is paid to the Tibetans is not in the shape of revenue in the ordinary sense of the word, but merely contributions to the monasteries. It is rather charity than a tax". And on 13 June 1914 Sun Pao-chi, the Chinese Minister for Foreign Affairs, informed the British Minister in Peking that "the Tibetans affected to think that they had rights over all places inhabited by Lamaists, but this was not so. The Lamas might have ecclesiastical authority but this did not necessarily mean that these places belonged to Tibet."

The Chinese side argued that when these spokesmen of the Chinese Government stated that these territories did not belong to Tibet, what they had in mind was that they belonged to some other province of China. But this could not affect the strength of the Indian position; for the point at issue was whether Tibetan political authority was an automatic consequence of Tibetan spiritual authority. The crucial point was the acknowledgement that these areas did not belong to

Tibet, and not to whom else—Chinese or non-Chinese—they did in fact belong.

.. The Indian side again pointed out in this connection that, whatever the system in Tibet, it remained to be proved that in areas where Lamaist Buddhism prevailed, Tibetan political authority also prevailed. For example, Lamaist Buddhism was to be found in Nepal, but it did not and could not follow that Nepal was politically subordinate to Tibet.

The Chinese side next dealt with what was called the Layul area but they did not state to which particular area this term Layul applied; nor did they give any indication of the exact extent of the area. It was merely stated that the area had originally been under the administration of the Po-me area and that later on it was given to Pe-ma-kang. For the period up to 1914, no historical evidence whatsoever was brought forward except for a vague reference to the order of the Fifth Dalai Lama of 1680, whose inconclusive nature had already been established by the Indian side. Since the areas south of the watershed had always been a part of India, the Indian side pointed out that they had full information regarding the history of this area in this sector as also the history of the neighbouring region, namely, Pe-ma-kang. The term Po-me was applied only to the valley of the Nugong Chu which was also called Po-Tsangpo in its lower reaches in Tibet. The term Pe-ma-koe was applied to the valley of the Tsangpo below the gorge and up to about the Indian boundary. The Pe-ma-koe region was originally inhabited by the Indian Abor tribes, but, as mentioned earlier, they were gradually displaced and pressed southward into Indian territory by the Manbas from the time of the Seventh Dalai Lama in the 18th century. The Chinese side asked the Indian side to prove that these Tibetan areas north of the "McMahon Line" belonged to Tibet. The Indian side pointed out that this was not their concern. It was for the Chinese side to prove their contention that Po-me had extended south of the so-called McMahon Line.

The Chinese side stated that since the 17th century the decrees and orders promulgated by the Tibetan Government had included also the Layul area, but they brought forward no evidence in support of this statement. Nor did they produce evidence to show that Layul had extended to the area south of the traditional alignment. As shown earlier by the Indian side, Chinese sources themselves had considered that Layul lay outside Tibetan territory; and since the Po-me and Pe-ma-koe areas were also inhabited by tribal people, Layul would also have included these areas. If at all the Tibetan decrees and orders had included Layul, it could be only the Po-me and Pe-ma-koe areas, and not the areas further south. Even according to the Chinese claim, before 1927 there were no Tibetan administrative units south of Keping La.

The Chinese side quoted a report claimed to have been written by Buddha Kujū in 1914 after inspecting the Layul area. As the Chinese side brought forward no evidence regarding the extent of Layul, this document was not pertinent. Nor did they clarify which were the Lo-ka, Lo-na and Lo-cha areas referred to in this document.

The document of 1921 quoted by the Chinese side merely stated what, according to Kongbu Sonam, were the stages of some particular route. The Chinese side claimed that he had indicated that the border lay near Pasighat; but there was no reference in the document that could at all suggest this. The Chinese side asserted that two places, Jung-tune and Jen Keng, mentioned in the document, were near Pasighat, but they failed to identify these places when asked to do so.

It was claimed by the Chinese side that in 1927 the Chieftain of Po-me, who had rebelled against Tibet, had been pursued right up to the Indian border and that thereafter the Tibetan Government had set up a tso attached to the Tetung Dzong. While there were occasional raids by the Pobas into the Abor region and by the Abors into the Poba region, no part of the Abor region had been included in any administrative unit of Tibet. The creation of Tetung Dzongs and of tso attached to it was, therefore, of no relevance to the subject of the location of the Indo-Tibetan boundary alignment. But even if this evidence were valid, it could not establish the traditional basis for Tibetan presence south of the McMahon Line; for tradition by definition has to be much older than thirty years.

The Chinese side cited three documents from the Tibetan records in an effort to show that when the British advanced gradually along the Brahmaputra valley, the Tibetan local authorities were unable to collect their taxes from the villagers of Lo-na, Shamai and Kakao and that the Tibetan Government had instructed their officials to continue collection of the taxes. But the fact was that the Tibetan Government had made no representation to this effect to the Government of India. As for their representation of 1947, this had already been dealt with in the letter of the Prime Minister of India of 26 September 1959 (paragraph 14).

A letter of 1945 from the Sera monastery, cited by the Chinese side, referred to the alleged collection of taxes from five villages, presumably south of Keping La. In fact, Tibetans have never collected any taxes south of Keping La. It was only in 1936, when Tibetan mercenaries were employed in the feud between the Shumong and Kong Kar tribes, that the Tibetan authorities across the border tried to collect what the local Abors regarded as payment for these mercenaries and what the Tibetans seem to have regarded as taxes. The British local authorities intervened in the 'forties', and the Administrative Officer informed the Tibetan authorities across the border that no attempt should be made to collect any sort of payment from the people living south of Keping La. This interdict was accepted and since then there has been no such collection south of the international boundary in this sector.

Regarding the Lower Zayul area, the Indian side pointed out that unless the Chinese side could identify Lower Zayul, as against what was presumably Upper Zayul, the document of 1896 regarding the administration of Lower Zayul and Upper Zayul could not be regarded as pertinent to the Chinese case. The boundary referred to in this document also did not tally with the description of the boundary given by the Chinese side. But the Chinese side never defined the extent of Lower Zayul.

The Chinese side quoted a document of 1911 which was said to be the report of Cheng Feng-Hsiang to Chao-erh-Feng. The document is said to have referred to the Ya-pi-chu-lung as the boundary; but the Chinese side were unable to identify this place. It was possible that Ya-pi-chu-lung was the same as Yepak, which was about twenty miles north of what the Chinese had described as their boundary under Item 1, and would not substantiate it. The report also seemed to be based on very meagre data. The other document quoted by the Chinese side, the report of P'eng Jui, showed that the only villages known on the west bank of this river were Sung Kung, Chinma and Walong. The other Miju villages (which he seemed to mistake for Lolo villages) south of Yepak stream and north of what the Chinese now claim as their alignment, such as Sati and Minzong, were not referred to at all. These two officers seem to have known nothing about the position on the east bank of the river where also there are several Miju villages. Actually, the whole area belonged to Mijus, whose traditional boundary with Tibet lay considerably north of Walong.

It was not understandable what the Chinese side had in mind when they stated that it was only in 1944 that the Britishers intruded into this area. The whole area right upto to the natural, traditional and customary alignment in the Eastern Sector had always been under the sovereign jurisdiction and administration of the Indian Government. The Chinese side, while claiming that their alignment was the traditional one, could bring forward no evidence to this effect.

The Chinese side quoted a statement by Nain Singh, whom once again they most unfairly alleged to have entered Tibet surreptitiously. Reading the account of Nain Singh as a whole, it became obvious that when he referred to the British frontier, he was referring to the then administrative frontier of British territory. His account also showed clearly that Tawang was not politically a part of Tibet. For he wrote: "the Mompas who inhabit the Tawang district differ materially in language, dress, manners and appearance from the inhabitants of Tibet and resemble according to the Pandit, in many respects the Dhukpas of the Bhotan country on the west." He also stated: "this Tawang monastery is entirely independent of the Jongpon and of the Lhasa Government."

The Chinese side further quoted a statement of the record of Lala's exploration. Lala, however, made it clear that Tawang (Mantangong) was not a part of Tibet. For he referred to "traders from Tibet coming to Mantangong", the authorities at Mantangong deporting Tibetan merchants and the Tsukhang levying customs duty on the Tawang-Tibet border.

The Chinese side also quoted a statement by Kingdom Ward. This was surprising, for Kingdom Ward had never had any doubts that Tawang was a part of India. Both the article quoted by the Chinese as well as Kingdom Ward's detailed work *Assam Adventure*, published in 1941, made clear that the international boundary lay along the so-called McMahon Line.

As for the account of the Mongolian Lama compiled by Col. Tanner, it did not prove that the territory was traditionally Tibetan. On

the contrary, it showed that the King of Powa had long been independent of Tibet. There was no ambiguity about this statement.

The Chinese side quoted an article by Major Holdich of 1912. The Indian side pointed out that the general purport of the whole article was to show that the boundary in the Eastern Sector lay where it was now shown on Indian maps. For example, there was a very detailed account in that article of all the Indian explorations carried out in this region right up to the alignment.

### **Evidence regarding the treaty basis of the Indian alignment**

The Indian side had brought forward conclusive evidence to show that in 1914 the Governments of India and Tibet had formalised the natural, customary, traditional and jurisdictional boundary in this sector. Further, as would be shown in great detail under Item 3, the areas right up to this alignment had always been under Indian control, and it was wholly incorrect to state that Indian personnel and troops had moved up to this boundary line after 1914, and pressed forward in even larger numbers around 1951. The Chinese side, in addition to their old arguments regarding the so-called McMahon Line, also brought forward certain new arguments which were not directly relevant to the boundary question.

At the very outset the Indian side stated that it was a matter of great surprise and regret to them that the Chinese side had once more suggested that the Government of India were seeking to benefit from the imperialist policies of other nations. The Indian side affirmed once again that the Government of India had always made clear, and the Indian side themselves had stated categorically at the meetings of the officials, that independent India had not, and had never had, any territorial ambitions in Tibet. India had given up of her own volition all the extra-territorial rights enjoyed by Britain in Tibet before 1947 and had recognised Tibet as an autonomous region of China. No better proof of this was required than the fact that discussions pertaining to the Indo-Tibetan border were being held with officials of the Chinese Government.

Discussing what they termed the nature and background of the Simla Convention, the Chinese side described it as "an important step in the British conspiracy to invade Tibet" and separate it from China. The Indian side had no wish to defend the policies of British imperialism, and the Chinese side themselves had recognised this. But the analysis given by the Chinese side of the background to the Simla Conference did not correspond with the facts. Long before the Simla Conference Sino-Tibetan relations had virtually ceased to exist; and this had nothing to do with the British. The Chinese army and representatives had been evicted from almost the whole country by the Tibetans on their own. Thereafter, the Tibetans had issued a declaration of independence and resisted all Chinese attempts to re-establish their authority within Tibet. The whole correspondence between the British and Chinese Governments in these years showed that the British Government had sought to help the Chinese Government, in the context of the fighting on the Tibet-China border and the anxiety of the Chinese Government to re-establish their connection with Tibet.

The Chinese side suggested that the terms of the British Memorandum of 17 August 1912, mentioned by the Indian side, showed that it was a measure to intimidate and apply pressure on the then Chinese Government. However, were this so, it was surprising that the then Chinese Government had been willing and indeed eager to commence negotiations on the basis of that Memorandum. In fact, they had later decided to attend the tripartite conference on terms even more disadvantageous from the Chinese point of view.

It was the Chinese Government which had stated that the Chinese plenipotentiary would proceed to India "to open negotiations for a treaty jointly" with the Tibetan and British plenipotentiaries; and it was the Chinese Government which had acknowledged that the plenipotentiaries of the three sides would be meeting on an equal footing. In accordance with diplomatic usage which is normally only followed at international conferences of representatives of sovereign countries, the three plenipotentiaries exchanged credentials; and the Chinese representatives, far from protesting, had accepted the credentials of the Tibetan representative, which had stated that he had authority to decide all matters that might be beneficial to Tibet. It was thus abundantly clear that the Simla Conference, convened after considerable preparation, and to which plenipotentiaries of both Tibet and China came, was a meeting of equals to settle outstanding issues between the "several Governments".

The negotiations leading to the Simla Conference showed that, far from the British entertaining ambitions in Tibet, the Tibetan side were concerned at the attempts of the Chinese side to convert Tibet into a Chinese province. The Memorandum of 17 August 1912 recalled China's treaty obligations with regard to Tibet in order to assuage Tibetan apprehensions and to ensure that Tibet would participate in the Conference. In fact, to facilitate Tibetan participation, China assured the British Government that she did not entertain any aggressive designs towards Tibet. These voluntary assurances did not suggest that China was acting against her volition under pressure from a third Government.

The allegation that the Chinese Government were forced to attend the Conference was also belied by the fact that at the Conference her representatives took a full and whole-hearted interest in the proceedings, commented on the proposals of the other representatives and submitted their own counter-proposals, some of which were accepted by the other representatives. Not merely the fact that China initialled the draft convention but the whole series of exchanges prior to the meeting, as well as the course of the proceedings, established beyond doubt that China had participated in the Simla Conference in her own interest and in exercise of her sovereign will.

The Chinese side, on previous occasions, had quoted with approval the actions and communications of former Chinese Governments, but on this occasion sought to repudiate what had been done by China in the exercise of her sovereign power. The Indian side pointed out that the Chinese side could not seek support from the

actions of previous Chinese Governments when they suited the Chinese side and disown them when they did not conform with the present claims of China. The Chinese side contended that they had a right to do so. The Indian side stated that this was an extraordinary position for any Government to adopt, for it would unsettle all relations between Governments. It was an accepted principle of international law that all past commitments of previous Governments were binding on successor Governments, at least until they were re-negotiated. Further, if at these meetings officials of either side discarded such facts and agreements as were inconvenient, there would seem to be little purpose in the discussions.

The Indian side showed that it was incorrect to state that the Sino-Indian boundary had not been discussed at the Simla Conference. The discussions on the Indo-Tibetan boundary between the Tibetan and British Representatives had lasted for a month and had been full and frank, it being the earnest desire of both sides to formalise the traditional boundary. The agreement was concluded by an exchange of letters which made it clear that the Government of Tibet had acted willingly. Such bilateral discussions were common during the Simla Conference. For instance, the modifications suggested by the Chinese in the boundary between Inner Tibet and Outer Tibet had been made as a result of bilateral discussions between the Chinese and the British representatives. The outcome of these discussions was submitted to the plenary session because they concerned all three parties; but the discussions regarding the Indo-Tibetan boundary did not concern China and therefore did not require formal submission to a plenary session.

In this connection, the Indian side drew the attention of the Chinese side to the fact that the plenipotentiaries of India and Tibet had in 1914 enjoyed the necessary powers to conclude this agreement, without the endorsement of China. Moreover, under international law a failure of one of the parties to a multiple treaty to ratify it could not affect its binding value on other parties or the validity of the obligations assumed by them. The Chinese side stated that they could not agree, but gave no reasons for their refusal to accept a well-established principle of international law.

The Indian side had no wish to discuss the whole history of the relations between Tibet and China; but they were obliged to point out that in the period under discussion Tibet had had independent and direct relations with her neighbours as far as her interests along the border were concerned, without the exercise of any control by China. Such nominal suzerainty over Tibet and other connections as China had claimed would seem in fact to have been virtually extinguished. Obviously the present position regarding Chinese authority in Tibet could not be projected backwards and could not under international law affect the status and powers of Tibet in 1914.

The Indian side pointed out that the Chinese side themselves had affirmed at these meetings that the Tibetan authorities had "negotiated" with the British Indian authorities on the dispute pertaining to Dokpo Karpo in the Western Sector and the dispute regarding the Nilang-Jadhang area in the Middle Sector. In the



latter dispute the Tibetan and British Governments had even constituted a commission for the consideration of the dispute. Again, the Chinese side themselves had pointed out that a Tibetan official had come to the Barahoti area and that all the discussions about this area from 1889 right upto 1954 had been with the appropriate Tibetan authorities. On none of these occasions had the Chinese Central Government conferred powers on the Tibetan representatives, who had functioned effectively without requiring even a symbol of Chinese participation. If the Chinese side considered that Tibet had had authority to "negotiate" on all these occasions both before and after 1914, they could not logically deny that Tibet had had the power to confirm a traditional boundary in 1914. But, in fact, in the case of the Simla Convention, there was in addition an explicit recognition of the authority of the Tibetan representative by virtue of the Chinese acceptance of the credentials of Lonchen Shatra.

It was also pointed out by the Indian side that the Chinese side had brought forward no evidence of any kind to suggest the exercise of Chinese authority or the presence of Chinese personnel in Tibet, much less on the borders of Tibet and India, during the years 1912 to 1950. The fact that in 1950 the Chinese Government considered it necessary, as they themselves had often claimed and the Chinese side at these meetings had repeated, to "liberate" the Tibet Region, was proof that in that period the only effective authority which had had control of Tibet and powers to confirm the boundaries of Tibet was the Tibetan Government in Lhasa.

The Indian side had already specified some of the treaties signed by Tibet in her own right, and they therefore only made at this stage a few additional comments on this point. The authenticity of the treaty between Tibet and Ladakh of 1684 was beyond doubt. The 1842 treaty was not a treaty confirmed by China but one in which Tibet and China were equal parties. This treaty came into operation on signature, no ratification being necessary. The Chinese disputed the account given by the Indian side of the treaty of 1856 between Nepal and Tibet. But the facts were that when Nepal invaded Tibet, China was unable either to assist Tibet or to represent it at the conclusion of the peace treaty. It was incorrect to state that it was only signed after it had been authorised by the Chinese Minister in Tibet. China had no part in the conclusion of this treaty. This was confirmed by Article 7 of the treaty by which Tibet granted extra-territorial rights to Nepal. In international law, the grant of such rights of extra-territoriality was normally an exercise of sovereign rights. Unless a State had complete and unrestricted control of its territory it could scarcely grant such rights. The Chinese Government had at no time objected to the treaty and in fact the People's Government of China had given it formal recognition in the treaty signed by them with Nepal in 1956. If Tibet had had no power to conclude treaties there was no need formally to abrogate a treaty between Tibet and Nepal. Abrogation pre-supposes validity till the time of abrogation. The treaty of 1956 contained the clearest recognition that Tibet had had the power in the past to conclude treaties on her own with foreign States without the participation or permission of China.

The Chinese side repeatedly tried to dismiss the fact of Tibet's direct dealings with her neighbours by suggesting that these were due to the machinations of British imperial policy. The Indian side showed that this was not a correct account of the facts of history. From about 1873 onwards, it was the British who, far from intimidating the Chinese Government, began to negotiate with them for establishing trade and other relations with Tibet, because they were anxious to restore Chinese influence in Tibet. It was found, however, that the Anglo-Chinese Convention of 1890 and the Trade Regulations of 1893, which had been concluded without Tibetan participation, could not be enforced because of Tibetan defiance of agreements which did not have their concurrence. There could be no greater proof that Tibet at that time was not subject to Chinese authority. The provisions could only be implemented after they had been renegotiated in 1904 with Tibet; and the Chinese Amban assisted the British Government in concluding this agreement. Indeed, the then Chinese Government had not even protested against the Young-husband Mission. The Convention of 1906 between China and Britain specifically acknowledged that Tibet had refused to recognise the validity of, or to carry into full effect, the provisions of the 1890 Convention and the 1893 Regulations, and therefore a separate Agreement had had to be signed in 1904 with Tibet. But in order to support Chinese claims in Tibet the British Government had signed with the Chinese Government at the Chinese capital this Convention of 1906, expressly confirming the provisions of the 1904 Convention with Tibet.

The Indian side also recalled that as late as 1942-43, when Britain and China were allies in war, the combined pressure from both the Governments—as also the Government of the United States—could not persuade the Tibetan Government to give facilities for military supplies to China. The neutrality of Tibet in the face of this combined pressure was further conclusive proof that during this period Tibet was in control of her own affairs, even in respect of her external relations. The facts showed indisputably that throughout this period, while Tibet had implemented the obligations assumed by her, China had been unable to do so without Tibetan concurrence.

It was also pointed out by the Indian side that almost the entire bulk of such evidence as the Chinese had brought forward at these meetings was of Tibetan, as distinct from Chinese, origin. To challenge the right of Tibet in 1914 to conclude an agreement confirming a traditional border, specially after her representative had been duly chosen and accepted as an equal plenipotentiary, was in effect to disown all the evidence of Tibetan origin. As the Chinese side themselves had brought forward evidence of Tibetan competence in the matter of boundary negotiations, it did not seem possible to question the validity of the 1914 agreement which delineated the boundary that had behind it the sanction of tradition and custom stretching back for many centuries.

It was also shown by the Indian side that under international law a vassal State could conclude international agreements with third States with the knowledge and expressed or implied consent

of its suzerain state. This was amply borne out by state practice. Thus Egypt and Bulgaria had concluded, on their own, treaties with foreign governments, although they were under Turkey's suzerainty. Bulgaria in fact had at the Hague Peace Conference of 1899 ratified a declaration forbidding the launching of projectiles and explosives from balloons even though Turkey had not ratified it. The history of the British Commonwealth of Nations also provided examples of such treaty-making powers. India herself had concluded agreements before attaining independence in 1947, and no one had ever suggested that these international obligations acquired before 1947 were not binding on India. Even the Chinese Government had not taken up this position, for otherwise there would have been no need for India formally to give up the extra-territorial rights acquired on her behalf before 1947.

All that the Chinese side stated in reply to this was that the concept of vassal states was an 'imperialist' concept. This was clearly no answer to the detailed exposition of the Indian side; but the baseless allegation was particularly surprising, for the Chinese side had earlier argued at great length that till the 19th century Ladakh had been a vassal of Tibet. Surely it was not being suggested by the Chinese side that till the 9th century Tibet had held Ladakh as an "imperialist", and the present Chinese claims were based on that?

It was, therefore, clear that whether Tibet had been a vassal or not in 1914, the validity of the 1914 Agreement and the Simla Convention and their binding nature on Tibet, and on China since 1950, could not be affected. The arrangements for the Simla Conference, where the three parties had had equal plenipotentiary status, had been made with the full knowledge and consent of China. The fact that China was prepared to conclude a treaty "jointly" with Tibet established clearly that Tibet had the power to conclude treaties not only with other States but even with her own suzerain, namely, China. The Convention itself, by Article 7, recognised the right of Tibet to negotiate trade regulations in order to give effect to the Convention of 1904 between Britain and Tibet, and in conformity with this Article Britain and Tibet signed the Trade Regulations. It was significant that the Trade Regulations of 1893 and 1908, which were entered into by China on behalf of Tibet were cancelled and the Simla Convention provided expressly for the implementation of the Convention of 1904 which had been concluded not with China but with Tibet. At no time had the Government of China taken objection to this Article of the Simla Convention or to the Trade Regulations of 1914. Though China disowned the initialling of the Simla Convention by her Plenipotentiary, she never protested against the participation of Tibet at the Conference as an equal party, or gave it as a ground for not ratifying the Convention. At the conversation between the British and Chinese delegates on 15 April 1914, referred to by the Chinese side, no objection had been taken by the Chinese delegate even to the suggestion that Tibet was 'independent'. In fact, it was pointed out by the Indian side that Premier Chou En-lai, in his letter of 23 January 1959, had acknowledged as a fact that Tibet had had the power to sign the Simla Convention of 1914. For he stated in that

letter: "although related documents were signed by the local representative of the Tibet Region of China, the Tibet local authorities were in fact dissatisfied with this unilaterally drawn line". At the meetings of the officials also the Chinese side had taken the same line, that their objection was to what the Tibetan Government had signed and not to their competence to sign it.

The Chinese side quoted a statement made by the Chinese representative at the Simla Conference on 13 October 1913, and contended that he had declared that Tibet was an inseparable part of China. The Indian side had not cited this document because it dealt with aspects of Sino-Tibetan relations not relevant to these discussions, but once the Chinese side referred to it, the Indian side were obliged to point out that in that statement it had been contended that the Young Husband Expedition had been a result of Tibet's failure to follow Chinese advice. It had also been stated clearly that China engaged not to convert Tibet into a Chinese province.

The Chinese side cited also statement by Ivan Chen on 21 April 1914 and said he had asserted the subordinate status of Tibet. The Indian side pointed out that when Ivan Chen made that particular statement he had only been dealing with the status of Tibet if the Convention had come into force, and not with her status at the Simla Conference itself. It was not a description of existing circumstances, but the expression of a hope.

The Chinese side suggested that the Simla Conference had been convened for discussions between the Central Chinese Government and the authorities of an autonomous region, and compared it with the discussions which had led to the Agreement between the Chinese and Tibetan Governments of 1951. This was a contention which was hardly worth taking seriously. It would be most strange, to say the least, if such discussions between a Central Government and the authorities of a constituent state took place in a third country in the presence of the representative of that country. Furthermore, as already pointed out the three representatives had had equal plenipotentiary status.

The Chinese side then argued that any treaty-making powers enjoyed by Tibet were illegitimate, such as those exercised by Manchukuo or Taiwan. The Indian side replied that they had brought forward sufficient evidence to show that its exercise had been legitimate and recognised by Chinese Governments. Indeed the Chinese Governments had had regular dealings with these Tibetan Governments.

The Indian side pointed out once again that the Chinese representative at the Simla Conference had been aware of the formalization of the Indo-Tibetan boundary. There was evidence in the proceedings of the Conference also to show this. From 17 February 1914 onwards, if not earlier, the Chinese Government were aware that this sector of the boundary between Tibet and India was being discussed by the two states concerned, and the alignment was also officially shown on the Convention Map. The British representative clarified this by referring to the Tibetan territories "adjoining the frontiers of China and British India". There was also a general

reference in the Convention itself to the Indo-Tibetan boundary. The Chinese Government had raised various objections to the boundary between Inner Tibet and Outer Tibet. On 7 March 1914, the Chinese representative had objected to the division of Tibet into two zones. On 19 March the Chinese Government had proposed that special arrangements be made for the tract between the Salween and Chiamdo, while the area east of the Salween should be administered absolutely by China. On 7 April they had proposed that the Salween should be the boundary line between Szechuan and Tibet. On 20 April they had proposed that a large tract of territory east of the Salween should be administered as a special zone by China. All these 'concessions' had been listed in a Memorandum from the Chinese Foreign Office of 25 April 1914. On 1 May 1914, the President of the Chinese Republic had sent a Memorandum stating that the Chinese Government's objection to the boundary as settled by the Simla Convention was to the inclusion of Chiamdo and Kokonor in Tibet. On 13 June 1914 they had agreed to include in Inner Tibet certain tracts north of the Tangla range and east of the Salween, if the Chinese Government were given a free hand in the administration of Inner Tibet. In none of these proposals and statements of the Chinese Government had objection been taken to the McMahon Line. It was extraordinary that if the Chinese Government had had any objections to this boundary, of whose formalization they were aware, they would have remained silent without expressing surprise or registering a protest, on these numerous occasions when they had had an opportunity to do so. It was impossible that the Chinese representative would have allowed the British and Tibetan representatives to have settled between themselves a boundary in which China was interested. The indifference of Ivan Chen could only mean, therefore, that he felt that this was not a matter of concern to the Chinese Government because it was a matter which concerned India and Tibet alone. This was also the attitude adopted by the Chinese Government.

Again, after the Simla Conference was over, the Chinese Government on various occasions had made fresh boundary proposals. On 13 May 1919 they had proposed that Batang, Litang and Tachien Lu should become part of the Chinese province of Szechuan, southern Kokonor transferred from Outer Tibet to Inner Tibet, and Gongo transferred from Inner Tibet to Outer Tibet. No mention was made of the McMahon Line.

It was therefore, beyond doubt that in 1914 Tibet had had the right to conclude a boundary agreement on her own, that the Chinese Government had recognised this without limitations or reservations, and that the Chinese Government were aware of the formalization of the Indo-Tibetan boundary by India and Tibet. It was clear also that the Chinese Government had raised no objection to it, either at the time of the Conference or later, because it did not concern them. The refusal by the Chinese Government to ratify the Simla Convention had no bearing on the formalization of the Indo-Tibetan boundary by India and Tibet, and their reasons for not ratifying the Convention were entirely different. The Convention and Trade Regulations signed by Tibet became operative, and were fully in force till recent times.

The Chinese side alleged once more that for a long time after 1914, the Indian Government had not published this exchange of notes or changed the delineation of the boundary in this sector on their maps. The Indian side pointed out that this was an incorrect statement of the facts. As had already been shown, the Convention initialled on 27 April 1914 and the map attached to it, which included also the McMahon Line, had received the full agreement of both the Tibetan and the British representatives and the Chinese Government had been told specifically on 6 June 1914 that in case their representative was not prepared to sign the treaty, the British and Tibetan representatives would do so independently of China. The actual publication of the Convention and the notes was withheld as there was a reasonable hope that the Chinese Government would soon withdraw their minor objections to the boundaries of Inner Tibet in two small sectors, and would, in their own interests, accede to the Convention. It was in this hope that the British Government withheld the publication of the Convention; but they published it in the first edition of Aitchison's *Treaties, Engagements and Sanads* to be published after 1914—i.e. in 1929. As for the delineation on official Indian maps, the Indian side stated that they would deal with this under Item 3.

The Chinese side also made a completely irrelevant reference to Hyderabad. The Indian side pointed out that there was no parallel. The question of Hyderabad was wholly a matter for the Government of India. It was sufficient to state that there had never been any question of the Government of India accepting Hyderabad's independence or autonomy or acquiescing in her direct dealings with other States, much less recognising any representative from the then Government of that state as an equal plenipotentiary. Nor were there any agreements—let alone treaties—of any date regarding Hyderabad, which India had not been able to enforce.

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### ITEM III

## BASIS OF THE INDIAN ALIGNMENT IN ADMINISTRATION AND JURISDICTION

### (A) WESTERN SECTOR

#### **Evidence regarding Indian Administration and Jurisdiction of the areas right upto the traditional alignment in the Western Sector.**

The Indian side had already submitted a great amount of evidence, from Indian, Chinese and other sources, to substantiate the traditional boundary alignment as claimed by India. They now brought forward evidence of effective Indian jurisdiction and administration of the areas upto this traditional alignment. As jurisdiction and administration formed a continuous process stretching over decades, the quantum of evidence was naturally overwhelming; so they produced evidence illustrative both of the continuity of Indian jurisdiction and administration, and of its varied character.

#### **Administrative Records**

The administration of Ladakh and after Ladakh became a part of Kashmir, of the Governments of Kashmir and India, always extended right upto the traditional boundary in the north and east. A map of 1865 utilized by the Kashmir Government for showing the location of police check-posts, established that they were to be found as far north as in the vicinity of Yangi Dawan, on the southern bank of the Qara Qash river (Photostat 1). Till 1901 these areas near the alignment were part of the Wazarat of the Frontier District, comprising Gilgit, Baltistan and Ladakh, when it was divided into the Gilgit and Ladakh Wazarats. The latter comprised the three Tehsils of Skardu, Kargil and Ladakh. Aksai Chin and the Chang Chenmo valley were part of the *ilqa* of Tanktse in Ladakh Tehsil. There was considerable evidence of this Indian administration in the revenue records. Regular assessments and settlements of revenue were made from time to time and revenue collected from all inhabited places upto the boundary. Those areas which were not inhabited were, however, also shown in the revenue maps and control was exercised over them through the levy of duties on flocks and pastures, maintenance of caravan routes and rest houses and supervision and control over trading parties.

A systematic settlement of revenue for the whole of Ladakh upto the traditional alignment was made during the time of Mehta Mangal who was Wazir or Governor between 1860 and 1865; and this settlement was revised during the period of his successors. Johnson (1870—1881) and Radha Kishen Kaul (1882). The lists of villages in both the Revenue Assessment Report of 1902 and the Settlement Report of 1908 mentioned 108 villages including Tanktse,

Demchok, Chushul and Minsar. The areas of the Chang Chenmo valley, Lingzi Tang and Aksai Chin, where rights of pasture and salt collection were exercised, were included in the Tanktse *ilaqa*. The Preliminary Report of Ladakh Settlement 1908 made clear that these areas were part of Ladakh, and gave a short revenue and political history of the area (Photostat 2). The Assessment Report of the Ladakh Tehsil, published at Lahore in 1909, stated (page 1):

“There have been no boundary disputes on the Lhasa frontier, and the existing boundary seems to be well understood by subjects of both the State and the Lhasa Governments.”

The Indian Government had a large number of records to show the control exercised over the various frontier areas and the revenue collected from the frontier villages. The Indian side were submitting photostats of a few representative documents:—

- (a) An original sketch map prepared by Mehta Mangal in about 1865, showing the routes and stages towards Minsar in the east and Shahidulla in the north. Demchok was clearly stated as indicating the “boundary of the State”. (Photostat 3).
- (b) A tour report prepared by Faqir Chand who was Wazir Wazarat (Governor) of Ladakh in 1904-05. He wrote:

“I visited Demchok on the boundary with Lhasa.....this place.....is situated just on the bank of the river Indus. A nullah falls into the Indus river from the south-west and it (Demchok) is situated at the junction of the river. Across is the boundary of Lhasa, where there are 8 to 9 huts of the Lhasa zamindars. On this side there are only two zamindars. The one is the agent of the Gopa and the other is the agent of the previous Kardar of Rokshu.... In between at the mouth of the nullah stands a big minaret of stones. In it is fixed a wood which looks like a flag. This is the boundary line.” (Photostat 4).

This document showed that Demchok was in Ladakh.

- (c) A page from the report of the assessment carried out in 1905 prior to the settlement of 1908. It classified Demchok (Item 108 on the page) as a village of the fourth class for purposes of assessment of revenue. Minsar village was also one of the villages mentioned in the list. The document was signed by Khushi Mohammed, the Settlement Commissioner. (Photostat 5).
- (d) A page from the revenue records of 1907 showing the pasture grounds on either side of the Indus in the Rokshu, Laganskial and Demchok areas. (Photostat 6).
- (e) Nine pages from the original settlement report of Demchok 1908. The first two sheets, Nos. 6 and 7, give details of the lands cultivated in the Demchok area, such as the mode of cultivation, the type of irrigation, the kind of land, the name of the fields, and the number of *Khasra* (assessment number) and revenue. The next seven sheets, Nos. 37 to 43, contained the *Wajeb-ul-araz* (statement of facts) in regard to Demchok. In brief, the statement said that



there was no permanent habitation but that two persons enjoyed pasture rights. There were no disputes of any kind. It added that details of irrigation were given elsewhere. (Photostat 7).

- (f) The original revenue map of Demchok prepared at the time of the Revenue Settlement in 1908. It bore the signature of Khushi Mohammed. (Photostat 8).
- (g) Page XVIII of the Appendix of the Final Assessment Report of 1908. It listed both Demchok and Minsar as State villages. (Photostat 9).
- (h) Two pages from the Settlement Officer's report on assessment of revenue in kind in Ladakh Tehsil showing the amount of revenue payable by the villages of Khurnak, Demchok and Minsar. (Photostat 10).
- (i) Four pages from the original revenue records of 1909 showing the extent and location of pasture grounds in the Demchok area. (Photostat 11. A translation was attached).
- (j) A page from the account book of Ladakh Tehsil (1914-15) giving a list of Zaildars (Chief Collectors in groups of villages). Demchok and Minsar were included (see last item) and Zaildar Kalon Hiranman was said to be in charge of them. (Photostat 12).
- (k) Two pages from the Census Report of 1921. Demchok and Minsar were included. Details mentioned regarding Demchok included one house, two men, and two women; and for Minsar 44 houses, 87 men and 73 women. (Photostat 13).
- (l) Extracts from revenue records for the years 1901-1902, 1904-1905, 1905-1906, 1908-1909, 1910, 1913 and 1947-1948. These showed the amount of revenue due and the amount collected from Demchok. Since this was a voluminous and continuous record the Indian side gave extracts only for some of the years to show the continuity of administration (Photostats 14 to 20).
- (m) Extracts from the consolidated revenue register of Ladakh Tehsil. It gave a consolidated statement of the annual dues and receipts for the years 1901 to 1940 from Demchok village. (Photostat 21).
- (n) Extracts from Ladakh Tehsil records. It showed the amount due and received for the year 1948-49. (Photostat 22).

The Indian side had similar records to show that the village of Minsar was from 1684 under the effective administration of the Kashmir Government:

- (a) An extract from an original record prepared in about 1862 showing that during the time of Mehta Basti Ram, that is about 1853, a sum of Rs. 56 was collected from this village as revenue. (Photostat 23).
- (b) An extract from the tour report of Faqir Chand, Wazir Wazarat of Ladakh in 1905, stating that the village of Min-

sar belonged to Ladakh and that a sum of Rs. 297 was being collected annually as revenue from this village. (Photostat 24).

- (c) The Indian side had shown earlier that the Assessment Report of 1905, the Final Assessment Report of 1908 and the Settlement Officer's report regarding the amount of revenue payable had all mentioned Minsar also as one of the villages. Similarly, the Indian side had shown that the census reports of 1911 and 1921 also included Minsar. In addition, they now submitted extracts from the Ladakh Tehsil revenue records showing the amount of revenue due as well as the amount actually paid by Minsar for the years 1900-1901, 1901-1902, 1904-1905, 1905-1906, 1908-1909 and 1909-1910. (Photostats 25 to 30). These were only a few extracts from the huge number of records in the possession of the Kashmir Government.
- (d) Extracts from the consolidated register of Ladakh Tehsil giving a statement of annual dues and receipts from Minsar village from 1901 to 1937. (Photostat 31. A translation was attached).

### **Trade Routes and their Maintenance**

The arrangements made by the Governments of India and Kashmir for the establishment and maintenance of trade routes across Aksai Chin, the provision of facilities such as rest houses and store houses for those using these routes and the regular use of these routes as of right by Indian trading parties—both official and unofficial—constituted powerful evidence of Indian administrative jurisdiction in the 19th century upto the traditional boundary claimed by India. The very fact that there were never any disputes about the exercise of such jurisdiction and the use of these routes by Indians as of right showed that there could have been no difference of opinion in those times between the Ladakhis on the one hand and the authorities of Sinkiang and Tibet on the other as to where the boundary lay. If there had been any border disputes, those who used these routes would have been aware of them.

In 1866, on receipt of complaints that trade with Yarkand was suffering due to excessive duties levied by the Kashmir Government, the Government of India entered into negotiations with the Government of Kashmir for developing a new route from Chushul along the Pangong lake and across Lingzi Tang and Aksai Chin to Shahidulla, and creating other facilities. In May 1870, the two parties signed an agreement. Article I of this treaty stated:—

“With the consent of the Maharaja, officers of the British Government will be appointed to survey the trade routes through the Maharaja's territories from the British frontier of Lehoul to the territories of the Ruler of Yarkhand, including the route *via* the Chang Chemoo Valley. The Maharaja will depute an officer of his Government to accompany the surveyors, and will render them all the assistance in his power. A map of the routes surveyed will be made an attested copy of which will be given to the Maharaja.”

There could be no stronger evidence to show that these areas of Aksai Chin, Lingzi Tang and the Chang Chenmo valley, through which lay the Chang Chenmo-Shahidulla route, belonged to Kashmir.

The treaty also provided for the abolition of all dues on goods passing between British India and Chinese Turkestan and the appointment of Joint Commissioners by the Indian and Kashmir Governments for the purpose of carrying out the provisions of the treaty, supervising and maintaining the routes and settling disputes between travellers.

In substantiation of the above the Indian side presented the following photostats of official documents:

- (a) Letter written by the Maharaja of Kashmir in 1868 proposing the survey and construction of the new route along the Chang Chenmo valley, Lingzi Tang and the Qara Qash Valley. The Maharaja also promised to get store houses constructed on the route. (Photostat 32).
- (b) Statements by Syed Akbar Ali Shah, Wazir Wazarat of Ladakh, 1868 giving details of various routes and stages from Leh to Shahidulla. The latter place was mentioned as on the northern boundary of the State. Tables 1 and 2 gave the stages along the first and second summer routes to Shahidulla. The table commencing at the bottom of the second page gave the details of stages on the Chang Chenmo route. (Photostat 33).
- (c) Letter written by Karam Singh, a local official, in 1869 reporting the repairs conducted on the route, the commencement of the construction of inns or rest houses at Gogra, Takhat, Tughu, Panglung, Lungkar and Chagra, and the postponement of such construction in certain other places. (Photostat 34).
- (d) Text of the agreement signed by the Maharaja of Kashmir and the British Indian Government. (Photostat 35). This was a well-known document published in Aitchison's *Collection of Treaties, Engagements and Sanads*, Volume XI, 1909 edition, pages 272 to 274.
- (e) A *Parwana* (order) addressed by the Government of Kashmir to the Wazir Wazarat dated 1870 conveying the sanction of Rs. 5,000 for the repair of the trade route and for the construction of a rest house. (Photostat 36).
- (f) Extract of a report from Dr. Cayley, the Joint Commissioner appointed by the Indian Government, dated 20 October, 1870, stating that the route from Lukung to Gogra *via* Chang Chenmo was complete and in good order. He then discussed the relative merits of the Soda Plains (Aksai Chin) route and the other one lying westward along the upper Qara Qash valley. (Photostat 37).
- (g) Cayley in January 1871 reported that Reynolds had gone from the Chang Chenmo valley across the Lingzi Tang plain to survey the roads. (Photostat 38).

(h) Another report, with an attached map, by Major Montgomerie, dated 1871 discussed the relative merits of the different routes including those through Aksai Chin and the Qara Qash Valley. The report stated:—

“Every endeavour has been made to improve the Changchenmo route, *Serias* having been built at some places and depots of grains established as far as Gogra at the head of the Changchenmo Valley, and the road generally has been put into fair order and is now said to be excellent.” (Photostat 39).

- (i) Extracts from a letter from Johnson, the Governor of Ladakh, to the Prime Minister of Kashmir, recording the names of persons who were in charge of supplies on the route from Leh to Shahidulla. (Photostat 40).
- (j) A report of June 1875, by Russell, Manager of the Central Asian Trading Company, stating that of the two routes to Shahidulla, his muleteers preferred the Chang Shenmo route, which lay along the Chang Chenmo Valley and the upper Qara Qash Valley. He confirmed the existence of supply depots as far as Gogra and sought the establishment of similar depots along the upper Qara Qash Valley. (Photostat 41).
- (k) An extract from a report of the British Joint Commissioner in Ladakh, of July 1878 giving the details of imports and exports and the details of expenditure incurred by him for the maintenance of the route during the years 1870—1877. (Photostat 42).

### Control of Hunting Expeditions

In their statement on the customary basis of the Indian alignment in the Western Sector the Indian side had already quoted from such authoritative works as Drew's *The Jummoo and Kashmir Territories* (1875) and the *Gazetteer of Kashmir and Ladakh* (1890) to show that the pastures upto the traditional alignment were being utilised as of right by the subjects of Kashmir. Another reference which might be added was again from the *Gazetteer of Kashmir and Ladakh* (page 570) where it was stated with reference to the Lingzi Tang and Aksai Chin plains:—“The Burtsi or wild lavender (*artemisia*) is the only vegetation and that is not found abundantly. It is used both for fuel and fodder.” Considerable evidence was also brought forward to show that Indians had visited the frontier region right upto the border for purposes of hunting. They now quoted an official statute, *The Jammu and Kashmir Game Preservation Act, Act No. XXXIV of 1998 (A.D. 1941)*. Notification No. 2 under the Act stated that Government declared certain areas as Game Sanctuaries, Game Reserves and Reserve Areas.

Under Game Reserves, Ladakh was mentioned and the particular areas under Ladakh mentioned included:

1. The tributaries of the Indus from Damchok to Koyul....
12. The Kharnak nullah.
13. The triangular area lying between Choosbal (Chushul) on the north, the frontier on the east.....
15. The Changchenmo area.”

This public notification of the Kashmir Government established beyond doubt their administrative control as recently as 1941 of the Demchok, Spanggur, Pangong and Chang Chenmo areas.

### **Official Tours and Patrols**

The areas right upto the traditional boundary in the north and east were also toured frequently by the officials of the Governments of Kashmir and India. In 1869 Drew, the Governor of Ladakh, travelled extensively in the Chang Chenmo valley, Lingzi Tang and Aksai Chin areas. He went to Changlung, Nischu, Burtsa Tang, Lingzi Tang, Lokhzung, Thaldat and Patsalung right upto Haji Langar. A detailed description of his official tours was published in his book in 1875. Drew's successor, Johnson, also toured extensively. Similarly the British Joint Commissioners, such as Cayley (1871) and Ney Elias (1874—84), who were stationed at Leh, toured most of the areas.

The exercise of jurisdiction in this area by the Governments of Kashmir and India had, indeed, continued right down to the present times. During the years 1911—1949, Indian officials survey parties and patrols constantly visited these areas upto the traditional alignment. In recent years, reconnaissance parties also had been visiting this area. In 1951 an expedition went from Leh to Lingzi Tang and Aksai Chin. In 1952 an army reconnaissance party went upto Lanak La *via* Tanktse, Tsogtsalu, Hot Spring and the Kongka Pass. In August 1954 and August 1956, patrol parties repeated this tour to Lanak La. The national flag planted at Lanak La in 1954 was still found there in 1956. In September 1957 a reconnaissance party went upto the Qara Tagh pass *via* Tanktse, Tsogtsalu, Hot Spring, Shamal Lungpa and Shinglung. In the summer of 1958, a patrol party went *via* Phobrang, Shamal Lungpa and Nischu to the Sarigh Jilganang and the Amtogor lake regions. The party planted the Indian flag at a point 80° 12' East, 35° 03' North. Another reconnaissance party went at the same time *via* Phobrang, Shamal Lungpa, Shinglung, Qizil Zilga and Palong Karpo to Haji Langar. A third party proceeded to the Qara Tagh pass *via* Phobrang, Shamal Lungpa, Shamzuling and Qizil Zilga. Other places near the Pangong lake and in the Chang Chenmo valley were also under constant patrol until the recent unlawful Chinese occupation.

### **Official Explorations and Topographical Surveys**

The official reports and accounts prepared by explorers and surveyors sent by the Government of India to different parts of Ladakh at various times formed conclusive evidence showing that the jurisdiction of the Indian Government extended over these regions. The Government of India had cited on previous occasions the maps prepared by Captain Henry Strachey in 1851. Strachey visited the southern and eastern frontiers of Ladakh as Boundary Commissioner in 1847 and 1848. His map of *Nari Khorsum including the Easternmost Parts of Ladakh with the contiguous districts of Monyul* showed a boundary which was largely in consonance with the traditional Indian alignment. (Photostat 43). Strachey did not visit the northern Ladakh region and therefore his other map which dealt with this region, namely *Map of Ladakh with the adjoining parts of*





occupy the ground within his boundary, in the vicinity of the plain called "Khergiz jungle" on the Kugiar route, and at Shahidulla and Ilnagar on the Sanju route. The guard of 25 men which the Maharaja had at Shadulla last season proved insufficient for the protection of the Khafilas, as some of them were plundered by robbers."

Item 11 on page 10 of the statement giving Johnson's itinerary also referred to the postin of the Maharaja's guards at Shahidulla. That the entire Qara Qash valley was also a part of the territory of Kashmir was evident from the following further statement of Johnson, after surveying the area (page 9):

"The last portion of the route to Shadulla is particularly pleasant, being the whole way up the Karakash valley which is wide and even, and shut in on either side by rugged mountains. On this route I noticed numerous extensive plateaus near the river, covered with wood and long grass. These being within the territory of the Maharaja of Kashmir, could easily be brought under cultivation by Ladakees and others, if they could be induced and encouraged to do so by the Kashmeer Government. The establishment of villages and habitations on this river would be important in many points of view, but chiefly in keeping the route open from the attacks of the Khergiz robbers."

In their written statement given on 22nd August, 1960, the Chinese side had quoted an article of Godwin Austen to show that the Kirghiz were in the habit of visiting Aksai Chin. The Indian side had promised to deal with this statement under Item 3. The statement quoted above, of Johnson, a person who had a more intimate knowledge of Aksai Chin than Godwin Austen, showed in what role the Kirghiz people were visiting the Aksai Chin area. The Ladakhis on the other hand were using these areas as of right.

An official Mission which visited Yarkand in 1870 for negotiations regarding trade between British India and Yarkand travelled across the Lingzi Tang and Aksai Chin areas through Nischu, Luksung, Thaldat and Brangza and obtained general information regarding the condition of these routes. One member of this Mission, Dr. Cayley, took another route slightly westward, from Gogra in the Chang Chenmo valley along Samal Lungpa, Samzungling, Sumdo, Qizi Jilga and Qara Tagh Pass to Malikshah. The return journey of the main party of the Mission was also along this route. A more detailed survey of the Lingzi Tang area was conducted by a special survey party which accompanied the second trade mission to Yarkand in 1873. Capt. Trotter of the Great Trigonometrical Survey of India, who was in charge of this survey party, reported (*Report of a Mission to Yarkand in 1873, Calcutta—1875, page 283*):

"It had been decided that the Mission should proceed to Shahidulla in two parties, the headquarters going by the old Karakorum route, whilst a detached party, consisting of Capt. Biddulph (in command), Dr. Stoliczka, and myself, was directed to proceed via Chang Chenmo by the route by which the former Mission returned from Yarkand in 1870."



Trotter wrote a detailed description of his survey from which the Indian side cited a few extracts (page 286):

"From Tankse we all proceeded to Gogra, whence the Pundit was detached to accompany Captain Biddulph, who went over "Cayley's Pass" and the Ling-zi-thung plains, considerably to the east of the road by which the former Mission returned from Yarkand in 1870, which road, however, he rejoined at Kizi Jilga, thence following the Karakash in all its bends down to Shahidulla. Captain Biddulph took numerous observations for height on his line of march, generally using one of the mercurial barometers for that purpose. The Pundit kept up a continuous route-survey the whole way and took frequent astronomical observations for latitude.

"Throughout the march I made astronomical observations with my theodolite which have been reduced (in duplicate) in the headquarters office of the Great Trigonometrical Survey since my return to India. They, together with my fixings by the plane-table, as well as my astronomical work on the return journey, and the Pundit's own observations from the basis on which the whole of the Pundit's traverses have been built up."

Regarding the position of the frontier Trotter wrote (page 285):

"As Shahidulla was the first point where we struck the Atalik's dominions and met his peoples, I briefly give the result of survey operations upto that point."

Similarly Forsyth's main report on the Mission stated (page 3):

"At Shahidulla we were met by Yuzbashi Mohamad Zareef Khan, a captain of the Amir's army, who had been deputed with some soldiers to await our arrival, and who gave us a hearty welcome....The Kirghiz who had met us at Shahidulla, their farthest point, rendered great assistance in roughing the ice with pick axes, laying down felts and dragging the animals up."

Further on (page 37) the Report stated:

"The limits of the State (Yarkand) are, along the southern frontier, Sanju to Shahidulla, Kilyan to Yangi Dawan, Kokyar to Culanuldi and Cosharab to the Muztagh to Kunjut."

This showed what the Indian side had already stated under Item 2, that at that time in the 19th century, Sinkiang had not yet reached the traditional northern alignment of Kashmir.

In 1871 Capt. Basevi set up a pendulum station near the Lanak pass. (Markham: *Memoir on the Indian Surveys*, 1878, page 141). In 1903 a detailed survey of the northern Aksai Chin area was conducted by a regular survey party attached to the explorer, Sir Aurel Stein, of the Indian Education Department. In 1913-14, the Depsang plains which had already been surveyed in a preliminary manner between 1861 and 1865, were surveyed in greater details by an official survey party attached to De Filippi's expedition to the Karakoram area. The report of this survey was published in 1922.

This account of the surveys carried out by the Government of India since 1862 showed, apart from providing conclusive evidence of their administrative authority over these areas upto the traditional alignment, that the Survey of India could publish scientific maps after that date only.

### Geological Surveys

Apart from topographical surveys periodical geological surveys were also conducted throughout the Ladakhi territory right upto the traditional northern and eastern borders. Drew, who was Governor of Ladakh until 1870, toured extensively in the Lingzithang and Aksai Chin areas and collected detailed information regarding their geological structure. Dr. F. Stoliczka of the Geological Survey of India, who was deputed to survey this area along with the Yarkand Mission of 1873, reported in 1875:—

“The following brief notes on the general geological structure of the hill ranges alluded to, are based upon observations made by myself on a tour from Leh *via* Chang Chenmo, the high plains of Lingzithang, Karatagh, Aktagh to Shahidulla.” *Report of a Mission to Yarkund* (page 509).

After describing the geological structure of these areas upto Shahidulla, he stated:

“Thus we have the whole system of mountain ranges between the Indus and the borders of Turkistan bounded on the north and south by Syentic rocks including between them the Silurian, Carboniferous, and Triassic formations.”

It was clear once again that the Kuen Lun mountains on either side of Shahidulla were considered as the boundary at that time.

The most extensive of these surveys, however, was that conducted by Richard Lydekker during the years 1875 to 1882. He covered the upper reaches of the Shyok (Ship Chap) river, the Spanggur area, western Chang Chenmo and Lingzi Tang. The report of this survey was published in 1883. A full account of all these surveys has been published in *Memoirs of the Geological Survey of India*, Vol. XXII (Calcutta 1883) ↓

### Maps

The progress of scientific exploration and survey work was reflected in the maps prepared by official cartographers at various times. The maps prepared by the British cartographers before 1846, when the Indian State of Kashmir came under British control, quite often did not show Kashmir at all, or when they did, showed it incorrectly. The Chinese side submitted at the 17th meeting a map of 1825 prepared by a geographer of the East India Company and said that the Kashmir boundary had been shown only upto Long. 77°E. Later, at the 22nd meeting, a map of 1840 prepared by James Wyld was brought forward. Obviously these two maps were prepared at a time when British cartographers had little or no knowledge of Kashmir, which was not under the control of the British Government. Rivers were shown wrongly, and no details were given about northern Kashmir. The same holds true of Walker's map of 1846. There were, in fact, no official Indian maps prior to the sixties of the 19th century showing geographical features in the Aksai Chin region,

for it had not till then been visited by explorers and surveyors. Thereafter, however, official maps of the Survey of India began to show well-marked natural features and watersheds, and the correct traditional alignment. Walker himself published in 1866 a *Map of part of Central Asia* and in 1868 a map of *Turkestan, with the adjoining portions of the British and Russian territories*, which showed the northern boundary of Kashmir along the Kuen Lun ranges, upto a point east of 80° Longitude (Photostats 45 and 46). This second map was in four large sheets, so the Indian side provided only a part of it.

The Chinese side also brought forward at the 22nd meeting maps of 1862 and 1864 and said that the northern boundary of Kashmir had been marked along the Karakoram mountains. These maps were published by Keith Johnston, a private British firm. The first one was only lithographed by the Survey of India for purposes of record, and could not be said to represent the views of the Government of India. Clearly Johnston had not yet become cognizant of the latest surveys. But in the 1882 edition Johnston's Atlas showed what was more or less the traditional Indian alignment, and his Atlas of 1894, showing the alignment running along the Kuen Lun range to a point east of 80° Longitude, received official approval with an introduction by Sir William Hunter, Editor of the Imperial Gazetteer.

At the 17th meeting the Chinese side brought forward official Indian maps of 1865, 1903, 1917, 1929 and 1938 and said that the boundary in the western sector had not been shown. It was true that the boundary had not been shown but this did not in any way contradict the Indian position, which had been established with a vast amount of evidence, that a traditional and customary boundary existed and that it was well known. Even the Chinese side did not contend that there was no traditional and customary alignment at all, or that as late as 1938 a country like India had no international boundaries. On the 1929 map, the word Kashmir was written across the Aksai Chin and Lingzi Tang areas. These maps were obviously meant for internal circulation and showed the internal divisions at the time. In such maps the Survey of India did not always show the external limits. The 1936 map of the *Highlands of Tibet and Surrounding Regions* showed no boundary alignment because it was a map intended to show only physical relief. Subsequent editions of this map, of very recent times, had also shown no boundary alignments. This was a generally accepted cartographic practice. There were for example, a number of Chinese maps which did not show all the regions of China within China's external frontiers. As for the map of 1889 which the Chinese side said showed an alignment in the north different from one claimed, it represented the position then existing and supported the Indian side's contention that the southern boundary of Sinkiang then lay north of the Kuen Lun ranges and that the Chinese came up to the Karakoram Pass only after 1892. The boundary of Sinkiang then lay north of the Kuen Lun ranges and that eastern boundary of Ladakh with Tibet, however, was shown as a firm line to include Aksai Chin, Lingzi Tang and the Chang Chenmo valley, and reached the Kuen Lun east of 80° East.

The map of *India and Adjacent Countries* of 1945, and *India Showing Political Divisions* of 1950 carried the legend *Frontier Undefined* but it had been explained in the Government of India's note of 12

February 1960 that this only indicated that the boundary had not been demarcated on the ground, or defined in detail from point to point. That there was no doubt about the limits of Indian territory was clear from the fact that both these maps carried a colour wash right upto the traditional boundary. Similarly, the map of *India and Adjacent Countries* of 1952 showed the colour wash upto the traditional boundary.

Thus except for the very early maps prepared before 1865, official maps had almost invariably shown either a boundary line or a colour wash upto the traditional limits. Strachey's map of 1851, which the Indian side had already dealt with, showed the traditional boundary in the regions explored by Strachey. One of the first maps drawn after the Kashmir surveys of 1861 to 1865, the *Map illustrating the routes taken by Johnson* (Photostat 47), clearly showed a boundary along the Kuen Lun range and included the Aksai Chin area in India. So, too, did Walker's maps of 1866 and 1868, to which the Indian side had already referred. The map of Eastern Turkestan (Photostat 48) attached to the official report of the Yarkand Trade Mission of 1873 showed a similar alignment in this sector. The maps attached to almost all the official publications of the Government of India, such as the *Imperial Gazetteer of India*, (1886 and 1907 editions) and the *Gazetteer of Kashmir and Ladakh* published in 1890, showed the traditional alignment. The map accompanying the Surveyor-General's Report for 1905-1906 also showed the traditional boundary alignment (Photostat 49).

But it was not only official Indian maps published after the area was known that showed the correct traditional boundary alignment; official Chinese maps also did the same. For example, the map of Hung Ta-chen, formerly Chinese Minister to the Court of St. Petersburg, drew a map which showed Aksai Chin and Lingzi Tang in India (Photostat 50). The several editions of the *Postal Atlas of China*, from 1917 to 1933, showed the boundary correctly along the traditional alignment. The Indian side supplied a photostat of the map in the 1917 edition (Photostat 51). These maps were issued officially by the Directorate General of Posts of the Government of China and were direct evidence committing the Chinese Government on such an important matter as the boundary alignment. At no time did the Chinese Government lose their sovereign authority; and had they any objection to these maps, they would certainly have repudiated them.

In their note given on 22 August 1960 the Chinese side referred to two recent maps—one of 1918 printed by the Cartographic Bureau of the Chinese General Staff, and another compiled in 1943 and printed in 1948 by the Bureau of Survey of the Chinese Ministry of National Defence. These maps were maps of a military organisation which had never been published. Secret maps are no evidence of boundary alignments.

It was, in fact, only since the 20th century that official Chinese maps began to vary the traditional boundary alignment and to show large parts of Indian territory within China. But that the Chinese Government had no fixed ideas as to what territory they claimed or where they thought their boundary line should lie was clear from the

variations and inconsistencies in these maps. In December 1947, for example, the *Map of the Administrative Areas of the Chinese Republic*, issued by the Chinese Ministry of the Interior, showed a boundary alignment between the Qara Qash and the Shyok, included a part of the Chang Chenmo valley in India, cut across the middle of Pangong Lake, and showed the entire Spanggur area within India (Photostat 55) and the *Wall Map of the People's Republic of China* showed the whole Chang Chenmo valley, the western half of Pangong lake and the Spanggur area within India (Photostat 53). In 1951 the *New Map of Tibet*, published by the Ta Chung Society, showed an alignment cutting across the Shyok valley and including a part of the western Pangong lake and the Spanggur lake in Tibet (Photostat 54). However, the *Big Map of the People's Republic of China* published by the Ya Kuang Map Publishing Society in November 1953 (Photostat 55) and the *Wall Map of the People's Republic of China* published by the Map Publishing Society in January 1956 (Photostat 56) reverted to the alignment shown in the 1947 map, and followed the Qara Qash-Shyok dividing line, bisected, the Pangong Lake and included the whole Spanggur area in India.

With such a bewildering variety of alignments shown by official Chinese maps published in the course of a decade, it was not surprising that one could not be certain as to what was the alignment claimed by China, let alone be convinced that it had a traditional and customary basis over a period of centuries. In his letter of 16 November, 1959, Prime Minister Nehru wrote to Premier Chou En-lai: "The Government of India should withdraw all personnel to the west of the line which the Chinese Government have shown as the international boundary in their 1956 maps, which, so far as we are aware, are their latest maps." Premier Chou En-lai replied on 17 December 1959: "As a matter of fact, the Chinese map published in 1956, to which Your Excellency referred, correctly shows the traditional boundary between the two countries in this sector." But the map given to the Indian side by the Chinese side under Item One differed considerably from the map of 1956 which Premier Chou En-lai had declared to be correct. For instance, the map given to the Indian side showed the alignment from the Karakoram Pass to the Chang Chenmo valley to the west of the alignment shown in the 1956 map; and it cut Pangong lake to the west of where it was cut in the 1956 map. There was a divergence, therefore, not merely among Chinese official maps but between the alignment confirmed by Premier Chou En-lai last year and that claimed by the Chinese side this year at these meetings.

### COMMENTS ON THE WESTERN SECTOR UNDER ITEM 3

The Indian side had produced a large amount of representative evidence establishing the administrative control exercised for centuries by the Governments of Ladakh, Kashmir and India over all the areas right upto the traditional and customary alignment in the Western Sector. The Chinese side did not really come to grips with this conclusive evidence proving the exercise of continuous and comprehensive administration. On the other hand, the Chinese side were unable to show that they had at any time administered the areas now claimed by them or that they had even been there prior to the recent unlawful occupation. They could not establish that Sinkiang had extended south of the Kuen Lun mountains, and they produced no evidence of any Tibetan administration of these areas. Not a single administrative record was produced by the Chinese side to support their claim to have administered these areas for centuries. In short, while the Indian evidence remained unshaken, the Chinese case was shown to be based solely on unsubstantiated assertions.

At the outset, the Indian side showed that Indian administrative control had also extended upto the alignment west of the Karakoram Pass. The Mir of Hunza had for centuries exercised sovereign jurisdiction and administrative control over the areas south of the Mustagh and Aghil ranges. Official Indian maps had been showing the alignment along these ranges; and official Chinese maps, such as that of Hung Ta-chen and the Postal Atlases of China of 1917, 1919 and 1933, had also confirmed it.

The Chinese side asserted that the bulk of the Indian evidence from administrative records concerned only small areas like Demchok and Minsar and that even if this evidence were conclusive it could not support the Indian "claim" to the whole vast area upto the traditional Indian alignment. The Indian side repudiated the suggestion that they were putting forward any "claim" to territory. These areas had always been a part of India, and it was China who was now claiming them. The Indian side had brought forward evidence of administration to cover the whole area. The attention of the Chinese side was drawn to the Revenue and Assessment Reports of 1908 which covered the whole area, the evidence regarding revenue, collection at Khurnak, and all the other types of administrative evidence which had been brought forward for the rest of the areas. If emphasis had been laid on evidence regarding certain localities, it was because they were border areas. When, for instance, conclusive evidence had been adduced about the alignment at Lanak La and about the control of routes in certain areas, it became unnecessary to deal with the areas lying west of them. The Chinese side, on the other hand, brought forward no evidence of substance regarding any of the areas along the alignment claimed by them. For instance, no evidence at all had been brought forward to support the Chinese claim that the alignment lay along Kongka Pass.

The Chinese side contended that the Indian statement that Aksai Chin, Lingzi Tang and the Chang Chenmo valley were part of the Tanktse *ilaga* had not been supported by the evidence produced, and that a small unit like the Tanktse *ilaga* could not have controlled such vast areas. The Indian side replied that published revenue reports, which had been cited by the Indian side, made it clear that these areas were part of this *ilaga*. A photostat of the map of Ladakh Tehsil attached to the Settlement Report of 1908 was also supplied to the Chinese side. This map clearly marked these areas as part of Ladakh Tehsil. It was also pointed out that the extent of an *ilaga* depended not on the size of the area as on the population and the amount of revenue to be collected. Moreover, these areas were not further from Tanktse than they were from Shahidulla to which district the Chinese side claimed that these areas belonged.

Regarding the evidence submitted by the Indian side showing the existence of police check-posts in the Aksai Chin area as far back as in 1865, the Chinese side argued that in the 1908 edition of the *Imperial Gazetteer of India* it had been stated that Ladakh had no police and only a small police post where people stayed temporarily. It was pointed out by the Indian side that whatever the position in 1908, it could not affect the validity of contemporary evidence of a date over forty years earlier. Rather, it showed flux and change which were normal in any active administration. However, the Indian side welcomed the fact that the Chinese side considered the *Imperial Gazetteer* as authoritative because the same Gazetteer had stated elsewhere that Ladakh had become independent of Tibet long before the 19th century. The Chinese side then explained that they had only stated that the Indian side considered the *Imperial Gazetteer* as authoritative, and not that they themselves did so. The Chinese side were surprised at this acceptance of the Gazetteer as an authoritative work by the Indian side, because the latter had rejected, during the discussion on the Eastern Sector under Item 2, the statement in the Gazetteer about the early history of Assam. The Indian side said that the Gazetteer was authoritative regarding the state of administration and the knowledge of history and geography at the time of its publication. What was said in the Gazetteer to be the position in 1908 was obviously not a description of the position in either 1960 or 1865. As the Gazetteer was the sole basis on which the Indian evidence regarding the existence of police check-posts near the northern alignment in 1865 had been challenged, that evidence should be regarded as established.

From a statement made by Johnson to the effect that a pass in the Kuen Lun had only recently been discovered by the Khotan authorities, the Chinese side sought to infer that no check-posts could have been maintained by the Indian authorities in the Aksai Chin area at that time. Relevant passages from Johnson's account (of which a photostat copy had already been supplied) were read out by the Indian side to show that what he had in fact stated was that the Khotan authorities were not aware of the existence of the pass. Johnson had stated explicitly that the Maharaja of Kashmir had sent strong guards to protect the areas right upto the boundary alignment.

For their part, the Chinese side brought forward no evidence of having administered these areas. There was no evidence at all, such as had been brought forward by the Indian side, of tax collections, revenue assessments, maintenance of law and order, and construction of public works, all of which establish the existence of a normal, regular administration. In the circumstances, unsubstantiated claims to have collected taxes and utilized the services of shepherds in the Aksai Chin area could not be accepted, especially as this area was thinly populated, and only visited by shepherds occasionally. Mere assertions that Sinkiang had been made a formal part of the Ching Empire in 1759 and a Chinese province in 1883 were of no relevance in proving that the area south of the Kuen Lun mountains was ever a part of Sinkiang. Under Item 2, the Indian side had already established that Sinkiang had never extended south of the Kuen Lun in the past. The statement of the Chinese side that during the twenties of this century the Chinese Government had taken steps to strengthen the border defences of Sinkiang was also not pertinent, for the traditional border was the present Indian alignment.

The only documents that the Chinese side had cited and which were said to refer to the Aksai Chin and Lingzi Tang areas were a petition of the Governor of Sinkiang in 1927 and the order passed the next year by the Chinese Government in that connection. The petition of the Governor was only an effort to secure the establishment of an office at Shahidulla by referring to the strategic importance of the roads and areas around Shahidulla. The Governor neither stated nor implied that these areas and roads were a part of Shahidulla district, much less of Khotan division or of Sinkiang Province. The Chinese side could not sustain their interpretation that the reference of the Chang-chi-li-man Tapan lying to the east of Shahidulla applied to the Aksai Chin area unto the Kongka Pass. There was nothing in the text to show that Chang-chi-li-man Tapan was the same as Kongka Pass, which in fact lay to the south and not to the east of Shahidulla. Chang-chi-li-man appeared to be a reference to the Khangili mountains lying to the east of Shahidulla. The Chinese side later contended that Chang-chi-li-man was a reference to Changlung Barma and that the customary practice in China was to describe the eastern, southern, western and northern limits of an area. But even according to this practice the southern limit of Sinkiang would be Karakoram pass, while Changlung Barma would be not east, but about 5 degrees east of south, that is, very close to the south and nowhere near the east. The description of the eastern limits of Shahidulla by a well-known natural feature lying east supported the identification of Chang-chi-li-man with the Khangili mountains. Moreover, no description had been given in the document of the hundreds of square miles of territory lying between Shahidulla and the Kongka Pass, and there was no reference even to a single place in this areas. Such a general statement that an area east of Shahidulla belonged to Khotan was no proof of the administrative control over a vast area south of it.

The Chinese side stated later that this claim that Shahidulla district comprised the Aksai Chin area was confirmed by the *Hsin Chiang tu chih*. But the Indian side pointed out that this work made it clear, in chapter 4, on page 14, that the southern boundary of Sinkiang



lay along the Kuen Lun range. However, even if the Chinese interpretation were accepted, all that this document of 1927 would have proved was that the new district would extend up to the Changlung Barma pass which was not near the alignment claimed by China. Further, the document stated, not that the Shahidulla division extended upto that pass, but that it should extend upto it—a statement of intention and not a proof of fact. So even according to the Chinese interpretation, this area had not been included in Shahidulla division till 1928, and in that year it was planned to include a part of this area in Shahidulla division. No proof was brought forward in the form of later evidence to show that this intention had been carried out. And it was not even intended to include the areas south of Changlung Barma pass.

In fact, as the Indian side pointed out, far from any part of this area having ever been under the administration of Khotan, in 1865 China had lost control of Sinkiang itself; and even after reconquering it in 1878 she did not come south of the Kilian and Sanju passes. Even as late as 1889 Chinese administration had not reached the Kuen Lun mountains, and the Chinese authorities disowned responsibility for the administration of Shahidulla itself. The Indian side provided photostat copies of various documents to substantiate this. In 1889 Satiwaldi, a Kirghiz resident of Shahidulla, had approached the Ambans of Karghalik and Yarkand for protection against raiders, and was told that the incident had happened outside their territory. Haji Mohammed, a trader from Yarkand, had stated in 1889 that when a British Officer asked the Amban of Yarkand whether he would arrange to protect the Kirghiz at Shahidulla, the Amban had replied that he did not care to do so. Usman, a resident of Shahidulla, reported the same year that Kashmiri troops and a British Officer had arrived and erected a fort at Shahidulla. Lt. H. Bower, of the Indian army, in the *Report of a Journey in Chinese Turkistan in 1889-1890* wrote that Tcordikul, the Aksakai (headman) of the Shahidulla Kirghiz, had complained to him that when he appealed to the Chinese for protection against raiders, the Chinese told him that if he wanted protection he must live inside the line of custom-houses; and as the nearest custom-house was at Kilian, it was absurd to think that he could go there.

The evidence of these various private individuals, who had nothing to do with each other, provided the best possible proof that Chinese administration had not till 1889 reached this area. It was only a year later that the Chinese advanced southwards, pulled down the Shahidulla fort and built another fort close to the Suket pass, 8 miles south of Shahidulla. In 1892, Lord Dunmore, a traveller in the area, saw a notice-board there stating that "anyone crossing the Chinese boundary without reporting himself at this fort will be imprisoned." That year, however, the Chinese came further south. Two documents from the Kashmir Government records (of which photostat copies were supplied by the Indian side) showed that in 1892, the Amban of Suket had established a pillar 64 miles south of Suket and that Raja Amar Singh of Kashmir had reported it to the British. In other words, not only had the Aksai Chin area never been under Chinese control, but it was only towards the end of the 19th century

that Chinese authority reached up even to the traditional northern alignment of Kashmir.

The Chinese side stated that references to revolts and to the nature of administration prevailing within their territory was not relevant to the discussion. The Indian side answered that it was relevant, for if China had not administered the southern areas of Sinkiang up to the 20th century, she could not possibly have had check-posts in the areas south of the Kuen Lun mountains for the last 200 years, as claimed by the Chinese Government in the earlier correspondence. Thereafter the Chinese side made no effort to challenge this evidence. They merely stated that Chinese lack of control was to be explained by the fact that British "Imperialism" was seeking to push up to this area, contended that inability to exercise administration was no proof of lack of sovereignty, and referred to Hyderabad. The Indian side pointed out that they were merely concerned at this stage to establish that, whatever the reasons, Chinese administration had not prevailed even in southern Sinkiang towards the end of the 19th century. The reference to Hyderabad had no relevance at all. Hyderabad had always been a part of Indian territory and its administration had always been in Indian hands.

The Chinese side also asserted that official Chinese survey and map-making teams had visited these areas; but this was not substantiated by evidence. The document cited by the Chinese side only stated that surveys were to be carried out on the south-western and north-western borders of Sinkiang, that is, in the Sarikol and Hindu-kush areas on the Sino-Russian and Sino-Afghan borders. This obviously had no bearing on the Sino-Indian boundary. The Chinese suggestion that the Aksai Chin area was part of south-western Sinkiang conflicted with their own earlier claim that it was to the east of Shahidulla. In fact, it was neither south-west nor east but due south of Sinkiang. That the areas surveyed were the Pamir areas well to the west of Kashmir was made clear by the map prepared after the surveys by Hai Ying, the officer deputed for this purpose. The Indian side supplied a photostat copy of Hai Ying's map to the Chinese side.

Another document, stated to contain a description of the areas surveyed by Li Yuan Ping, was in fact an ill-informed account of a traveller. As the earlier document showed, no survey of the areas near the boundary of Kashmir had been authorised, and Li Yuan Ping seems to have intruded into Haji Langar, just across the alignment. In fact nowhere in this document did Li Yuan Ping state that Haji Langar was in Sinkiang territory. Besides, that he could not have carried out a scientific, let alone an official, survey was obvious from the fact that Chinese authority had only reached the Kuen Lun mountains in 1892; it was over 30 years later, as the Chinese side had themselves shown, that the Sinkiang authorities were even planning the establishment of an administrative centre at Shahidulla; and there was evidence to show that the whole of southern Sinkiang had been void of communications and any form of regular administration right down almost to our own times. On the other hand, the whole area had been by 1892 systematically surveyed by Indian officials, and trade routes were being maintained.

The next document provided by the Chinese side dealt only with surveys carried out in 1940 on the Sino-Russian border. This was stated explicitly in the document itself. Further proof that the survey was near the Russian border and not anywhere near the Indian alignment was provided by the fact that the list of places attached to the document mentioned no places in the area in the Western Sector; and only the Russian Government, and not the Indian Government, with whom the Chinese Government had during these years the friendliest relations, were informed of these survey operations.

The Chinese side asserted that on the basis of this survey of 1940, detailed maps on the scale of 1:2,00,000 had been prepared. The Indian side replied that no such maps had ever been published in China or produced at these meetings. Under Item 1, the Chinese had even disclaimed detailed knowledge of the area; for example, exact information regarding the alignment near the Karakoram Pass had not been given. The Indian side could not believe that such information had been deliberately withheld. Moreover, considering the strength of the team employed for the 1940 survey, as stated in the document—one man and seven soldiers—it seemed physically impracticable to survey in such detail in one year a vast area of about 30,000 square kilometres. The Chinese side thereupon produced a photostat of a map said to have been the result of this survey. This map, however, appeared only to be an enlargement of a small-scale map, and did not contain even that amount of information given in maps published by 1940 or available to the Chinese Government at that time. The Indian side pointed out that the next year, in 1941, a Chinese survey party had come to Kashmir, but it was with the permission of the Indian Government, who gave the Chinese party facilities to examine the Gilgit route. The leader of the Chinese party had thanked the Government of India for their co-operation. The Indian side provided photostat copies of three documents pertaining to this survey which showed that this area belonged to Kashmir and to **India**.

The detailed evidence brought forward by the Indian side under such heads as Control of Routes, Tour Diaries, Official Inspections and Topographical and Geological Surveys, were characterised by the Chinese side merely as activities conducted by the British imperialists at a time when China had lost control of Sinkiang. The Indian side pointed out that general discussions about British imperialism, or Chinese imperialism, about the manner in which China had lost control of Sinkiang and had later regained it, were irrelevant to the issue. Even a Chinese patriot and hero like Dr. Sun Yat-sen had condemned Chinese imperialism of the past; and standard historical works of People's China adopted the same line. What was required to substantiate Chinese charges of British imperialism in this context was to show that these territories had traditionally been a part of China, and that certain British individuals had deliberately altered the traditional alignment because of imperialist ambitions. Every item of evidence should be considered on its merits, and not set aside on the basis of general allegations. The Chinese side themselves had agreed that not every Englishman was an imperialist, and they had quoted many accounts written by Englishmen.

The Chinese side quoted a recent article published in 1958 in a journal in China, which alleged that Forsyth, who had been sent by the British to Yarkand on a trade mission, wanted to make Sinkiang independent. The Indian side pointed out that quotations from recent articles could not be regarded as proof of any weight; and even the statement was incorrect. The Forsyth Mission had been an open one, and not despatched in secrecy; and the Chinese Government of that time had taken no objection to it. The Indian side were no defenders of British imperialism; but there was sufficient evidence to show that in the 19th century the British Government had been anxious that Chinese authority should rapidly push southwards, right upto the traditional boundaries of Ladakh and Kashmir. What caused concern to the British was the possibility that the then Tsarist Government might move into this no-man's land north of the Kuen Lun mountains. Further, even if Britain had followed an imperialist policy in Sinkiang during the years 1866 to 1878, it could not vitiate the Indian evidence of the years before and after that period.

The Chinese side alleged that all the surveys were the results of British imperialism, and specifically cited the case of Johnson. The Indian side again stated that the Chinese side had brought forward no evidence that would even suggest that these exploration and survey activities conducted right upto the traditional alignment constituted anything other than conclusive evidence of legitimate administrative control. As for Johnson, it was true that he had crossed the Kuen Lun mountains, along which, as he himself stated, lay the traditional alignment, and entered Khotan; but it was significant that he had gone into Khotan at the invitation of the ruler of Khotan and it was the Indian Government that had taken objection to his conduct and had recalled and punished him. And Johnson's activities had been referred to by the Indian side as evidence of surveys upto the alignment. They had not claimed the area beyond it on the basis of his visit.

The Chinese side asserted that the Indian evidence regarding the maintenance and repair of trade routes, construction of rest-houses and control of traffic referred mainly to the areas west of the Chinese alignment. The Indian side drew attention to the fact that detailed information had already been supplied regarding the courses of these routes and the location of stages and rest-houses on them, which left no doubt that they lay well to the east of where the Chinese alignment was now being shown. Under Item 2 it had been proved that of the two main caravan routes in this area, the eastern Chang Chenmo route lay along Nischu, Lingzi Tang, Laktsung, Thaldat, Haji Langar and along the central Qara Qash valley to Shahidulla. Such evidence as that of the 1870 Treaty and other documents also dealt specifically with areas now being claimed by the Chinese Government. The attention of the Chinese side was particularly drawn to Photostats 34, 37 and 39 provided by the Indian side.

The Chinese side brought forward no such evidence of trade routes and construction of rest-houses. This was not surprising, for the numerous Indian parties in this area never, at any time, came across evidence of Chinese presence. Photostats 3 and 4 given by the Chinese side merely referred to a route from the Polu area to Ladakh

but provided no evidence about the ownership of the territory lying in between, or the exact alignment of the boundary. The mere existence of a Polu-Ladakh route could not establish any conclusions about the ownership of either. It was as if one argued that because there was a Hindustan-Tibet road, Tibet belonged to Hindustan or *vice versa*. In fact, the Chinese side themselves mentioned that the route lay from Polu to Rudok. This route obviously lay in Chinese territory east of the Indian alignment, and was proof of their ownership of that territory, just as the control of the eastern Chang Chenmo route was substantial proof that west Aksai Chin, Lingzi Tang and the Chang Chenmo vally belonged to India.

The Chinese side then alleged that the tours of Indian officials and patrol parties during the years 1911 to 1949 were instances of trespass. The Indian side pointed out that there was an enormous amount of conclusive evidence to show that the administration of the Governments of Kashmir and India had throughout these years extended to these areas, and that these tours and patrols were part of legitimate Indian state activity. None of these Indian parties ever came across Chinese personnel in this area till 1958 in the northern area, and till June 1959 in the Chang Chenmo valley.

Of continuous Governmental activity in this area, the Indian side cited two significant instances. The Game Preservation Act of 1941 empowered the Kashmir Government to regulate hunting expeditions specifically, among other places, in Khurnak, Demchok and the whole Chang Chenmo valley. The Chinese side were incorrect in stating that apart from Khurnak all other places referred to in this Act lay west of the alignment now claimed by them. The Indian side also gave the Chinese side a photostat of a document of as late a date as 1950 which showed that the Kashmir Government had been making arrangements for the collection of salt brine from the Amtogor lake. Nothing constituted more telling evidence of administrative jurisdiction than such a document dealing with so trifling an activity as sampling of salt collected in these areas near the Indian alignment.

As evidence of having guarded the mountains and patrolled the borders the Chinese side cited the case of Desay, who had been prohibited from travelling by the Polu route. However, Desay had wanted to travel south from Khotan to Ladakh. The term Aksai Chin, or Soda Plains, was sometimes applied to the areas both west and east of the Indian alignment in this Sector, for on both sides the same type of soil was to be found. Deasy planned to travel along the Keria-Polu road and enter what might be called eastern Aksai Chin, that is, the Chinese territory lying east of the traditional Indian alignment. This was clear both from Deasy's account in the *Geographical Journal* cited by the Chinese side and from the map that was published in volume 16 of the same Journal (July to December 1900) to illustrate Deasy's travels. The Indian side supplied a photostat copy of this map. On this map the term Aksai Chin was clearly written across the territory east of 80 East Longitude. Deasy himself knew clearly and reported correctly where the Indian boundary lay in this sector. and the Indian side had cited his account under Item 2.

The Chinese side also claimed that similar patrolling had been carried out by the Tibetan authorities, but of this too no evidence was provided. An order of the *Kashag* that foreigners should not be allowed into Tibet, which had been cited by the Chinese side, was no proof of any boundary alignment. Reference was also made to a statement of Wellby. But Wellby only said that a strong guard was maintained by the Rudok authorities at a point between the two Pangong lakes; and this corroborated the Indian traditional alignment, and not the Chinese alignment which lay further west. Wellby had also stated explicitly, and written clearly on a sketch-map, that Niagzu was regarded by both sides as on the boundary between Ladakh and Tibet; and this evidence had been brought forward by the Indian side under Item 2.

The Indian side also pointed out that the arrest of 11 Ladakhis in 1941, mentioned by the Chinese side, had occurred in an area east of the Indian alignment. The Chinese side then stated that they were arrested near the Aksai Lake. The Indian side replied that there was no lake called the Aksai Lake, but many lakes in Aksai Chin both east and west of the boundary, and the Ladakhis had been arrested in the area east of the alignment.

As for the alleged utilisation of this area by the Government of the People's Republic of China in 1950 and after, the viewpoint of India had already been stated in the earlier correspondence. Unlawful incursions could not create title to territory. The Chinese Government had for long complained that foreign Powers had been intruding into their territory and air space; was one to assume that the Chinese Government acknowledged that these intrusions gave these foreign Powers valid rights to Chinese territory? The Indian side added that they were most surprised at the statement of the Chinese side that in 1954 and 1955 military investigations had been conducted in an area which was and had always been part of India.

In the Pangong and the Demchok areas, the Chinese side brought forward no evidence of administration at all. In the Pangong area, the only material cited by them was a reference to Khurnak in Pandit Kishen Singh's tour diary published in the *Records of the Survey of India* Volume 8, Part I, page 158. The Indian side read out the relevant extract and showed that there was nothing in it to support the Chinese claim that it was Tibetan territory. Kishen Singh wrote: "Camp on south side of the Pangong. Road crosses the lake by a shallow ford near encampment. About 2 or 3 miles north-west is ruined fort of Khurnak. Water, fuel and grass plentiful."

As regards Demchok, the solitary reference cited by the Chinese was to the collection of produce by a Garpon from a garden. This was no evidence of administration and could not counter to any extent the solid and detailed evidence of administration produced by the Indian side. At most the Tibetan document proved ownership of a private estate in Demchok, but not sovereign or administrative control over the whole area. A *shika* was a private estate and not a public domain. Besides, the Chinese side had agreed that the boundary in this area lay at Lari Karpo, which was near the Indian alignment and very far from the alignment claimed

all then by the Chinese side. It was argued by them that Lari Karpo was not the Lari stream near Demchok, but a natural feature near 33° latitude. However, the Chinese side could neither identify this feature nor provide its co-ordinates.

Regarding the Indian evidence about Demchok, the Chinese side stated that the bulk of evidence was in the form of administrative records dealing with land. It was pointed out that there could be no better evidence of sovereign administration than land management and collection of land revenue.

The Chinese side alleged that there were some inconsistencies in the evidence produced by the Indian side. It was argued that the settlement records of 1908 had stated that although there was no permanent habitation in Demchok people enjoyed pasture rights there: and the Census Report of 1921 had stated that there were four people living at that time in Demchok. The Indian side answered that the two documents in question referred to two different dates with a fairly long period intervening between them. The documents bore witness to the changes which had occurred during the years 1908 to 1921. Further, the fact that there was no permanent habitation did not mean that there was no land being cultivated there by people visiting it during the appropriate seasons. Nomadic cultivation was too well-known a phenomenon to require elaboration. Similarly, the reference in the Census of 1921 to four people living in the area need not necessarily mean that there was permanent habitation there. It only showed that in that particular season, when the census was taken, there were people living there. There was, therefore, no inconsistency in the evidence of the documents.

Another example of alleged inconsistency brought forward by the Chinese side was with regard to Minsar. It was argued that different figures had been shown in two documents for revenue of the same year. It was explained that one document referred to the revenue year 1900-1901, while the other one dealt with the calendar year 1901. Besides, one document showed the total revenue collected, while the other one showed revenue collected under several heads. There was, therefore, no inconsistency. However, even if there were inconsistencies, due to administrative errors, they would not invalidate, but rather support, the fact that there was an administration in the areas. The officials at these meetings were only concerned with providing evidence of existence of administration. On the assumption that there were contradictions, the Chinese side could not doubt either the reliability or the genuineness of the documents produced. The Chinese side themselves had produced no administrative records—correct or incorrect—covering these areas, nor any other proof of administration or jurisdiction. The Chinese side then accepted that they did not doubt the genuineness of the Indian evidence.

The Chinese side enquired about the nature of the taxes collected from Demchok. Their attention was drawn to two of the documents supplied by the Indian side which gave this detailed information under 24 columns.

Regarding Minsar, it was explained that the Indian side had never disputed the fact that it was situated within Tibet, and formed

an enclave. The Indian side had not claimed that all the territory from the boundary of Ladakh upto Minsar was a part of India. Minsar was a Ladakhi enclave in Tibet and was held in full sovereignty by India. India had collected land revenue and other taxes there for centuries. Photostats 9, 10, 12, and 23 to 30 supplied by the Indian side showed the varied nature of the sovereign rights exercised in Minsar. The Chinese assertion that Ladakh only enjoyed *Ula* or free portage in Minsar was therefore entirely unjustified. On the contrary, Ladakhi jurisdiction over Minsar, which had been exercised right down to our own times, dated from 1684 and was further proof of the authenticity and validity of the Treaty of 1634.

As the Indian side had stated earlier, they dealt with official maps under this item. They said that while unofficial maps were evidence of tradition, official maps were evidence of the Governmental viewpoints. Regarding the comments made by the Chinese side on some of the Survey of India maps of the early 19th century, the Indian side pointed out that the position had already been explained in detail in earlier Indian statements. Official maps of the Survey of India only showed areas which had been properly surveyed and not necessarily the traditional boundary, which was well-known. Survey of India maps naturally laid emphasis on official surveys, which was the main function of the organisation.

The Chinese side drew attention to a Survey of India map of 1889. It was pointed out that this map showed the boundary line in the Aksai Chin and Lingzi Tang areas correctly. Nor was it true to say, as the Chinese side had done, that certain areas had been left blank on this map even after the survey of the areas. The map had given detailed information about the Aksai Chin and Lingzi Tang areas and had shown mountain heights, rivers and even the routes traversing these areas. As many details had been given in this area as in the inland areas of the Punjab and Uttar Pradesh.

The Chinese side wished to know why on certain Survey of India maps the alignment in the Western Sector had been shown as 'undefined' and that in the Eastern Sector as 'undemarcated', and suggested that the Indian Government did not distinguish between the two. The Indian side explained that this was not so, and said the difference lay in the fact that the alignment in the Eastern Sector had been delineated on a treaty map but had not been demarcated on the ground, while the alignment in the Western Sector had been neither defined from point to point nor demarcated on the ground. This had already been explained by the Government of India in their note of 12 February 1960. In this connection, the Indian side explained certain statements made by the Prime Minister of India and cited by the Chinese side. It was clear from the context that all that the Prime Minister had had in mind was that the area was sparsely inhabited, and that the alignment had never been marked on the ground.

As to why certain Survey of India maps showed no external boundary, it was reiterated that maps intended for internal consumption or to show only physical relief did not necessarily show the external boundary. Even recent editions of the map of the *Highlands of Tibet* did not show the boundary alignment.



With regard to official Chinese maps the Chinese side contended that the map of Hung Ta-chen was erroneous and because of this he had had to relinquish his post. It was pointed out in reply that this map had been formally handed over to the Indian authorities by Hai Ying, whom the Chinese side had cited as having surveyed the Pamir areas. A photostat from official Indian records was submitted in substantiation of this statement. The Chinese side commented that this document only indicated that the map had been lent and therefore it constituted a private transaction. The Indian side answered that the significant point was not whether it had been given on loan or for permanent retention, but that it had been formally given by an official of the Chinese Government to an official of the Government of India. It had, therefore, been an official, and not a private transaction, between the accredited representatives of the two Governments; and if the Chinese Government had later felt that it was erroneous it was incumbent on them to withdraw it formally or to draw the attention of the Government of India to the error.

The Indian side regarded as irrelevant, from the viewpoint of the boundary alignment, the two Chinese maps of 1918 and 1948 submitted by the Chinese side, because they were secret maps which had never been published. The Chinese side admitted, after protracted discussion, that these maps had never been published, but argued that to set them aside amounted to doubting the *bona fides* of the Chinese side. The Indian side stated that they had no intention of doubting the *bona fides* of the Chinese side; but as secret and unpublished maps had never been exposed to public criticism, or come to the official notice of other Governments, they were no proof of the alignment. In fact secrecy suggested uncertainty about the alignment shown. Governments could show whatever alignments they pleased on unpublished maps, and this was no evidence of boundary alignments, much less of their recognition by other Governments.

The Chinese side sought to argue that no official maps had been published during the period of the Nationalist Government of China and that these two maps reflected the boundary line as conceived by the Chinese Government. The Indian side answered that it was incorrect to state that no official maps had been published during the Nationalist regime. They themselves had cited the Postal Maps of China of 1917, 1919 and 1933, published by an official Chinese Governmental organization, which showed the boundary in accordance with the Indian traditional alignment. The Chinese Government could not disown these maps as having been published by "imperialist" elements who were in charge of the Postal Department. At no time had the Chinese Government lost control of the administration and had throughout exercised overall sovereign powers; and as the Chinese Government had not withdrawn these maps, repudiated them, or even suggested that the precise alignment shown on them was not binding on them, they should be regarded as authoritative expressions of the Governmental viewpoint regarding the alignment. The Indian Government would have promptly protested if the alignment now claimed by the Chinese side had been published and, therefore, had come to their notice.

The Indian side noted that the Chinese side were unable to explain the discrepancies between the alignment shown in this Sector on the 1956 map and authoritatively confirmed by Premier Chou En-lai in 1959, and that shown in the map provided by the Chinese side at these meetings. The latter map showed an alignment which ran due east from the Karakoram Pass rather than south-east as in the 1956 map, and then, making a sudden turn southward, it cut across the Upper Shyok or Chip Chap river, the Galwan river, and the Changlung river to reach the Kongka Pass. It did not run between the Shyok and the Qara Qash as the 1956 map had done. In the Pangong region, instead of leaving the entire western half of the lake in India as in the 1956 map, it cut across the Western Pangong Lake. In the Spanggur Lake area, while on the 1956 map a major part of the lake had been left in India, on the map given at these meetings the alignment had been shown west of the lake. In the Spiti and Shipki areas also the alignment had been drawn further westward in the map given to the Indian side. The statements of the Chinese side that there were no variations between the two maps and that the 1956 map had been drawn in a simplified manner were therefore clearly untenable. The variations involved considerable portions of territory and the alignment on the 1956 map had been precise enough to enable accurate comparison, such as had been done by the Indian side.

The explanation of the Chinese side that variations in other recent Chinese maps were of a minor character was also unconvincing. As the Indian side had shown in their statement, they involved large areas of territory.

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## (B) MIDDLE SECTOR

### Evidence of Indian Administration and Jurisdiction of the Areas in the Middle Sector claimed by China

The Indian side had already produced a great amount of evidence under Item 2 to show that the areas in the Middle Sector south of the natural boundary along the Himalayan watershed—the Spiti area, Shipki Pass, the Nilang-Jadhang area, Barahoti, Sangchamalla and Lapthal—now claimed by China, had ever been Indian territory. They would now prove that these territories had always been included in India's administrative divisions, and had been under the regular and continuous administration of Indian authorities. The Spiti area (Chuva and Chuje) was part of the Chuje Kothi in the Kulu Tehsil of the Kangra District of Punjab State. The Shipki Pass had been part of Namgia village in Pargana Shuwa in the Chini Tehsil, formerly of Bashahr State and now of the State of Himachal Pradesh. Nilang and Jadhang were villages in the Taknore Patti of what was Tehri-Garhwal State and what is now the Uttarkashi District of Uttar Pradesh. Niti Pass and Barahoti were parts of the villages of Niti and Kurkuti respectively in Patti Malla Painkhanda of Pargana Painkhanda, in the district of Garhwal. Sangchamalla and Lapthal were parts of the village of Milam in Patti Malla Johar of Pargana Johar in the Almora District of Uttar Pradesh. Evidence of the regular administration of these areas was naturally vast and of enormous bulk. The Indian side would therefore, produce items of various types to show different kinds of administrative activity through the centuries—assessments of land revenue and other taxes, exercise of civil, criminal and police jurisdiction, tours of officials, orders to local officials, census operations, forest administration, maintenance of schools, construction of roads, establishment of checkposts, and official surveys. The Indian side would also bring forward official Indian and Chinese maps. All this evidence formed conclusive testimony of the sovereignty of India over these areas.

#### (i) The Spiti Area

Evidence has already been cited under Item 2 to show that not only the Spiti valley but also the whole of the Pare valley further east, was for long a province of Ladakh. An official was sent from Leh as Governor (Garpon). Real administration was, however, carried on by a Wazir (Nono) and other hereditary officials who were controlled by the parliament of *gatpos* or *lambardars* of Kothis and villages. The village *lambardar* collected the revenue of his village for the Nono who retained 5 per cent. of it and transmitted the rest to Leh. The revenue paid to Ladakh amounted to Rs. 396 in cash, 200 *khals* of grain, 100 *mundis* or 4 iron crowbars, 34 pieces of Barmur cloth and 132 reams of paper. When Ladakh came under Sikh rule in 1839 the Sikh Thanedar at Ladakh collected the land revenue of Spiti. For the first 4 years Rs. 2,000, two ponies and 25 sheep were exacted annually. During the next 3 years the cash assessment was reduced to Rs. 1,031, but 100 iron crowbars and 35 sheep

were added. No revenue was at any time paid to Tibetan authorities across the border. The only trans-border transactions were the remittances by Tibetan families settled in Spiti; and even these were discontinued by about 1837.

The Spiti area up to the village of Kaurik in the Pare valley became part of the British territory in 1846, and was made a Waziri of the Kulu Tehsil of the Kangra District three years later. Kaurik, and the villages of Tabo and Lari to the west of it, form part of Chuje, one of the five *Kothis* of the Waziri. "The name Chuze (Chuje) implies endowment or assignment to religious uses, and the *Kothi* consists of villages scattered here and there over the whole length of the valley". (*Kangra Settlement Report*, 1872, by J. B. Lyall, page 114). When W. C. Hay, the Assistant Commissioner of Kulu, took over charge of the Spiti area in 1848-49, he found the Waziri extending right up to and including the village of Kaurik. This traditional boundary of Spiti up to which revenue settlements were carried out, has been described by Lyall:

"Spiti is in shape a triangle, the side which separates it from Lahaul and Kulu to the west being formed by the Kanzam Ridge and the mid-Himalaya; the opposite side which separates it from Ladakh and Chinese Tibet, by the Western Himalaya; and the base which separates it from Kanawar, by that part of the mid-Himalaya, which runs along the north side of the Sutlej. . . . . The Spiti river rises in the apex of the triangle, and runs down its centre till it nears the base, where it inclines to the left and goes out at the north-east corner." (Page 103).

This makes it clear that in the Spiti area the Himalayan watershed (the Para-Spiti watershed), and not any river or stream was the boundary, and revenue administration extended up to it.

Soon after the British annexation of Spiti to the Punjab, Vans Agnew was deputed to make a summary settlement. He fixed the amount of revenue to be paid to the Government at Rs. 753. In addition, revenue in kind continued to be collected as before; one part of it, the *na'thal*, was spent for public purposes by the Nono and the other part—*pun*—was given to the monasteries in Spiti. At the Regular Settlement in 1851-52 the Government demand was maintained at the amount fixed by Vans Agnew. But Barnes, the Settlement Officer, was unaware of the grain payments and sent a tehsildar to prepare the rent roll. The latter's equal division of the cash revenue among the five *Kothis* without regard to the amount they paid in kind, weighed heavily on the Chuje *Kothi* which paid ten times as much grain as the other *Kothis* (Photostat 1). So, under the Revision of Settlement in 1871 by Lyall, the cash revenue and *na'thal* levied on Chuje *Kothi* were reduced. At the second Revision of Settlement in 1891, it was found that while the total amount of cash revenue had remained as fixed in 1871 the amount of *na'thal* and *pun* had increased. The cash contribution of the five *Kothis* was then fixed at Rs. 824, *na'thal* at Rs. 229 and *pun* at Rs. 850. The Third Revised Settlement was made during 1910-13, when the grain collections were recorded in accordance with the declaration of the people "of the truth of which there appeared to be no doubt." The cash revenue was increased but distributed among the *Kothis* with due

regard to their grain contribution, which was kept at the earlier amount. The result of the assessment of the Waziri was as follows:—

<i>Kothi</i>	<i>Cash</i>	<i>Pun (Khals)</i>	<i>Na'thal (Khals)</i>
Chujeh . .	Rs. 121	1577	6
Sham . .	Rs. 207	261	113
Totpa . .	Rs. 173	195	91
Barshak . .	Rs. 185	342	56
Piri . .	Rs. 248	286	42
Total	Rs. 934	2661	308

The cash value of *Pun* and *Na'thal* was Rs. 1,079 in 1891 and Rs. 2,284 in 1913. (*Final Report of the Third Revised Settlement of the Kulu Sub-Division of the Kangra District 1910—1913*, Lahore 1913, page 10). There were also settlements in 1916-17, 1921-22, 1931-32, 1936-37 and 1941-42.

The Spiti area has also been topographically surveyed. The first detailed topographical survey was carried out on the scale of 2 miles to an inch by J. Peyton of the Survey of India in 1850-51. Peyton's plane tables covered the lower valley of the river between Dankar in the north and the junction of the Spiti and Sutlej rivers in the south. A hill station was established at Pangdom near Kaurik. The Narrative Report of Captain Du Vernet describes this survey:—

“Mr. Peyton took up the detail from Lipe along the Sutlej and up to Dankar in Spiti, including the tract about the Manirang pass and the Pin valley. The work executed by him is a fair example of the powers of the plane table for the survey of a wild mountainous country when placed in the hands of a skilful draftsman. Between the middle of July and October he sketched 2,300 square miles; where the ground is accessible, the usual quantity surveyed monthly with the plane table on the scale of 2 miles to an inch is 300 square miles, and the great quantity sketched on these hills, must be accounted for by the ground being almost wholly inaccessible and waste, and the drawings being made from the rivers and the few peaks and stations on their banks it was possible to visit. Nevertheless the sketches exhibit a complete figuration of the grand features of the mountains.”

Maps of the Survey of India have shown the Indo-Tibetan boundary as following the eastern boundary of the village of Kaurik and thence the watershed between the Spiti and the Para rivers. For example, the *Map of Hundes or Nari Khorsum and Monyul* published

by the Trigonometrical Survey of India in 1879, showed this alignment. (Photostat 2).

Official Chinese maps also have made it clear that the traditional boundary in the Spiti area lay along the present Indian alignment. Instances are the *Map of the Administrative Areas of the Chinese Republic*, issued by the Chinese Ministry of the Interior, December 1947, and the *Wall Map of People's Republic of China*, January 1951, which both showed a boundary alignment in this sector identical with the Indian alignment. Photostats of these maps have already been supplied to the Chinese side along with the Indian side's first statement on Indian administration in the Western Sector.

## (ii) Shipki Pass

The Shipki Pass forms part of the village of Namgia, a small village in Pargana Shuwa in Tehsil Chini of what was Bashahr State and is now Himachal Pradesh. The village is situated above Nako in the upper Kunawar valley. Namgia village has been assessed for land revenue which included forest and grazing dues. Assessments for land revenue in the area were made at the Settlements of 1853, 1854, 1856, 1859, 1876 and 1894 (*Bashahr State Gazetteer, Part A*, 1910, Lahore 1911, page 76). Old records of the erstwhile Rampur (Bashahr State) show that the Tibetans recognised that the frontier lay at Shipki La. In fact, Shipki villagers migrated from Namgia and were at that time subjects of Bashahr State. That it was well-known that Indian administration extended upto the Shipki Pass is shown by the saying common in Tibet "Pimala (Shipki Pass) Yanchhod Bod Gialbo, Pimala Ranchhod Khuno Gialbo": "The territory above Pimala belongs to the Raja of Tibet and below to the Raja of Bashahr" Pimala in Tibetan means "common pass".

The area was surveyed during 1882, 1897, and 1904-1905. Very detailed surveys were carried out in 1917 and 1920-1921.

Further evidence of Indian administration right up to the Pass is provided by the fact that the famous Hindustan-Tibet Road has been constructed and maintained by the Public Works Department of the Government of India.

Article V of the Convention between Great Britain and Tibet (1904) stated "The Tibetan Government undertakes to keep the road to Gyantse and Gartok from the frontier clear of all obstruction and in a state of repair suited to needs of trade". The Government of India, for their part, tried to maintain their section of the road. The road not only ran up to Shipki Pass, but proposals for the extension of this road up to Shipki village were made by the Punjab Government to the Government of India on 23 March 1907 and on 12 March 1912 (Letters of C. A. Barron, Chief Secretary to the Government of the Punjab, to the Secretary to the Government of India in the Foreign Department—Photostat 3). It was then stated: "If this is done, Gartok will be accessible all the year round.....trade obstructions by the Tibetans stopped and matters put upon a proper basis. A grant of Rs. 3½ lakhs spread over three years will enable the Government to complete a good mule road which would

be open all the year round throughout and greatly improve our position in Western Tibet". This was agreed to and done. The Indian Trade Agent in Tibet reported in 1918: "The Hindustan-Tibet road has greatly been improved between Kiran Khud and Shipkee. From Kiran Khud to Kanam, the road is now under proper maintenance by Public Works Department. The latter portion between Kanam and Shipkee should, I think, be taken up by the Public Works Department". (Photostat 4). Strachey's *Map of Nari Khorsum including the Easternmost parts of Ladakh* (a photostat of which had already been supplied), the map appended to the *Imperial Gazetteer of India, Provincial Series, Punjab* (1908) (Photostat 5), and the *Map of Garhwal and Sirmur* reduced from the 8-mile map prepared in Surveyor-General's Office 1822-23 (*Historical Records of the Survey of India, Volume 3, Dehra Dun, 1954, map facing p. 30*—Photostat 6), all showed Shipki as a border pass. As for Chinese maps, the Indian side had already, under Item 2, drawn the attention of the Chinese side to the fact that right down to 1957, at least, the alignment had been correctly shown along the Shipki Pass.

### (iii) The Nilang-Jadhang area

As already stated, the area of Nilang-Jadhang is part of the Taknora Patti of what was Tehri-Garhwal and is now the Uttarakashi District of Uttar Pradesh. Jadhang is a hamlet of the village of Nilang. In the 17th century the area was a matter of contention between the Indian Kingdoms of Bashahr and Garhwal, but never ceased to be a part of India. The people are Garhwalis, with permanent houses at Gangotri and Dhunda, fifty miles down the Bhagirathi which they inhabit in winter. But whether under Bashahr or under Garhwal, the area was under their regular administration and assessed for revenue. The land revenue paid to Bashahr consisted of 24 *Chharari* (720 seers) of rice. Under the Kings of Garhwal, in addition to land revenue, taxes on profits of trade, looms, produce of jungles (roots and herbs), musk hawks and beehives were levied. A letter of 1784 A.D. from Raja Jai Kirti Shah to Kardar Gajey Singh Negi of Taknora stated that land had been given to the Jadhs "at a rent of twenty rupees". This document was shown to the Tibetan representatives at the boundary discussions in 1926 and its authenticity was accepted by them.

When Garhwal came under the Gurkhas the earlier system of taxation was continued. A document of Sambat 1868 (1811 A.D.) recorded an agreement between Jadhs of Nilang and the Malgujar of Dharali, concluded in the presence of Shaktibal Nepali, by which the Jadhs agreed to pay Rs. 20 as land revenue, Rs. 2 as the price of a goat, and Re. 1 as water-mill tax. The document also contained a receipt for Rs. 23, paid as land revenue by the Jadhs of Nilang for Sambat 1869 (Photostat 7).

The *Hukum Nama* or *Gaon Halat* (Descriptive Record of Settlement) of the village of Nilang prepared during the Revenue Settlement of 1919-1920 stated:

"From Sambat 1851 to 1858 village Nelang including Jadung was within the Malgujari jurisdiction of the great-grandfather of Shri Shiv Singh of Dharali and Nain Singh's

grandfather Azmatoo and these persons after collecting the land revenue from the Jadhhs used to deposit the same with the Durbar through Kardar (Administrator) Mohan Singh of that time. After a short period, when the Goorkha administration was established, Azmatoo alone collected the land revenue from them according to the *Sanad* issued to him in Sambat 1866 and 1873 (1809 and 1816 A.D.). After the Goorkha administration was over, these people are depositing the land revenue with the Durbar as usual." (Photostat 8).

On the British conquest of Garhwal in 1815, the part of the kingdom of Garhwal, in which Nilang and Jadhang lay, was created into the State of Tehri-Garhwal. The rulers of Tehri-Garhwal continued to collect land revenue from the two villages as before. This is proved by numerous records of the Tehri Durbar. A list prepared in Sambat 1879-1880 (1823 A.D.) and shown to the Tibetan representatives in 1926, contained the names of Jadhhs of Nilang and mentioned the amount of land revenue due from each. Fourteen persons were to pay a sum of Rs. 1-8-0 each, one person twelve annas, two persons eight annas and one person four annas. The arrears amounted to Rs. 23 (Photostat 9). A record of Sambat 1886 (1829 A.D.) listed the 28 villages in Taknore Patti and their population and head of cattle. According to this document also the land revenue payable by the Jadhhs of the village of Nilang to the Tehri Durbar amounted to Rs. 23. It also contained engagements by the villagers in which they accepted the assessment (Photostat 10). In Sambat 1884 (1827 A.D.) a *Sanad* conferred by the Tehri Durbar on Ganpati, Malguzar of Mukhaba, regarding the Rawalship of the Gangotri temple, stated that the revenue of Nilang had been given "as payment for doing puja (worship)". An order from Raja Sudarshan Shah to the Jadhhs of Nilang in 1838 A.D. stated:—

"You are directed hereby to bring two yaks to the Durbar during the months of Asuj and Kartik. As regards the cost of the yaks, in this connection Rs. 60 is already advanced to you; Rs. 30 are being sent herewith and the balance amount of Rs. 30 on account of cost of 2 yaks will be adjusted from the land revenue." (Photostat 11).

A document of Sambat 1895 (1838 A.D.) listed land revenue arrears for Nilang; of this Rs. 20-8-0 had been recovered, leaving a balance of Rs. 11-8-0. A record of Sambat 1904 (1847 A.D.) stated that cesses including *adral* (land revenue) levied on the Jadh village of Nilang amounted to Rs. 51. It also stated that the settlement was carried out by Shri Shiv Singh Gussain in Sambat 1904 and a record of it had been prepared on 16th Jeth of Sambat 1905 (23 May 1849 A.D.) (Photostat 12). In the same year, one Wilson obtained from Maharaja Sudarshan Shah a lease of the forests in the Taknore Pargana and a letter appointing him the Maharaja's agent for rehabilitating the area rendered desolate during the Gurkha occupation. Wilson invited certain Jadhhs from the upper parganas in Kunawar in Bashahr State to settle at Nilang, re-established the hamlet of Jadhang and administered the area on behalf of Maharaja Bhavani Shah. A record of Sambat 1917 (1860 A.D.) gave the land revenue payable by Nilang to Tehri Durbar as Rs. 30 and cesses as Rs. 21. A re-



cord of Sambat 1920 (1863 A.D.) mentioned the levy of land revenue of Rs. 23 from the village of Nilang. Another document of Sambat 1930 (1873 A.D.) recorded that Nilang was to pay land revenue amounting to Rs. 84. A document of Sambat 1960 (1903 A.D.) stated that the land revenue to be paid by Nilang had been fixed (mukarrir) at Rs. 24; and a document dated Sambat 1972 (1915 A.D.) recorded the addition of Rs. 3 to the earlier demand on account of a water-mill. The Indian side were not producing photostats of all these documents as they had been brought forward in the boundary discussions in 1926, and shown to the Tibetan delegation who accepted their validity. It was clear from these records that Nilang, including its hamlet Jadhong, was assessed for land revenue for centuries and that, under the Tehri Durbar, there were periodic revisions.

In 1919-1920, the Tehri Durbar carried out a fresh and regular revenue settlement of the Nilang area. The Settlement Officer ascertained the area under cultivation, demarcated the holdings, measured and numbered the plots, prepared a list of land holders and tenants, classified the lands, ascertained their crops, fixed the rates, listed the rights of villages regarding grazing, cutting of wood and quarrying and prepared village maps and description of the villages. These were duly recorded, sealed and signed by the Settlement Officer and attested by the villagers. The revenue for the two villages was fixed at Rs. 27 (Photostat 13). An *Ikrarnama* or Settlement Agreement signed and sealed by the Settlement Officer and 6 Jads recorded an undertaking by the villagers of Nilang to pay land revenue to the Tehri Durbar (Photostat 14). The boundaries of the villages of Nilang and Jadhong are described in the *Sarhad Bandi* (Record of Village Limits)—

*East*—Mana Gad.

*North*—Jelu ridge (Tsang Chok La) and Lawuchi at the Tibetan boundary.

*South*—Bamak ridge.

*West*—From Kyar Kuti ridge above Chor Gad to Ghaling Gad, adjoining the boundary of Bashahr State." (Photostat 15).

The *Hukum Nama* stated:

"The village of Nilang is situated on a slope below Faproin ridge to the right of Daya Gad and the left of Jadh Ganga, on a hill ridge where a small slate mine exists. . . . There are in the village 4 families of Negi, 4 families of Bhandari, 4 of Rawat, 5 of Dingral, 5 of Rana, 3 of Goreta, 1 of Ghuniyata, 1 of Kuliyan, 1 of Dasani, 1 of blacksmith, 3 of masons and 1 of Jhumaria. The Jads derive their name from the Jadh-ganga valley they inhabit. But they call themselves Rajput, Negi and Bhandari etc. . . . The area is covered with snow from Kartik to Jeth. During this period the inhabitants move to warmer places in the south and live at Bangori, Hunga, etc., and earn their livelihood by trade. . . . . The Jads of the villages of Nilang and Jadhong pay a sum of Rs. 74 and Rs. 41-12-0

to the Chaprung (Tsaparang) Dzong and Laprung (Tholing Guru) respectively per annum as dues for trading at Poling (a Tibetan trade mart). The sum of Rs. 24, paid by the villagers of Nilang and Jadhanga to the state (Tehri) from early times as land revenue and for the grazing rights enjoyed, is very low on account of the limited cultivated area of the villages—Nilang and Jadhanga. These two villages are situated in the northernmost zone of Patti Taknore nearer to the snowy ridges. . . . . At present three Malgujars, namely Panchram, Kutukappa and Namruwa have been appointed by the Durbar for the villages of Nilang and Jadhanga. With the concurrence of the Panch, the Malgujars get as their *malgujari destour* As. 0-4-0 per family, Re. 1 on the occasion of the marriage of a daughter and a leg of mutton when a goat is killed. There are two unassessed water-mills at Daya Gad which are worked only during the two months Sawan and Bhadoon; tax is charged on the users by the local proprietor. Sheep and goats are kept in large numbers. A negligible number of Joba cows and bullocks are also kept. Grazing grounds have been sufficient for them from ancient times. Around the villages of Nilang and Jadhanga there are high rocky mountains with snow covered peaks and on the slopes grass and trees are found.”

The *Shikami Fard* (List of Landowners and Tenants) of 1920 gave a list of the *marusidars* (owners of land) and *Khaikars* and *Sirtans* (tenants). (Photostat 16). The *Muntakib Parcha* (Record of Holdings) listed the owners of holdings, areas of fields and the classes of soils, the names of *marusidars* who paid revenue to the Government, the names of sub-tenants who cultivated the lands of the *marusidars*, and the serial numbers of the fields allotted at the survey. This was a large volume, and the Indian side supplied a photostat of the relevant page (Photostat 17). The *Phant* (Revenue Assessment Record) detailed the basis of assessment, the net revenue assessed on each holding, and the names of *marusidars* paying them. (Photostat 18). The *Yad Dast Rasm Gaon* (Record of Village Rights) listed the rights of the villagers of Nilang in regard to grazing, fuel, wood for construction of houses, water springs and slate quarrying. Among the grazing places mentioned were Pulamsumda, Rangmonchi and Thingthia, all in the Nilang-Jadhanga area right up to the boundary alignment (Photostat 19).

The *Hukum Nama* for Jadhanga described the boundaries of Jadhanga as “Cheruru ridge and Jadhanga in the east, Chawri ridge in the west, Kyarket ridge in the north and Chumjyaru ridge and village of Nilang in the south”. It also stated:

“Jadhanga is situated north-east of the village Nilang on the right bank of the Managad river which takes its rise on the right side of the Chhogmanu ridge of the village Mana, Patti Talla Painkhanda. To its right the boundary of Chhogmanu ridge joins the boundary of British Garhwal which goes up to Rokri ridge. The two rivers Rokri and Thukyun take their origin from the ridge and are joined by the river Bhot. The boundary proceeds along the Rokri

ridge to Jelu ridge where the Jelu river takes its rise, and then along the Tangla ridge and joins the Jelu river, Rongmuchi ridge, Kyarkuti ridge, Chordusumdu ridge to the foot of the Thobkar Bukar ridge, and to the right of village Jadung. There are (number not legible) houses of mud roofing, one with plangs roof and one with slate roof. Besides, sixteen grain stores (Kuthar) have slate roofs. The houses are crowded together and are simple structures with verandahs. There are two families of Rawat, six of Rawa, three of Risatu, three of Guriyata and two of Dhiral community. Some Nilang families have settled here. Three Malguzars appointed for village Nilang look after this village also. Malguzar Panch Ram has also a permanent house in this village. Rights regarding grazing of cattle and collection of land revenue etc. already decided for village Nilang would be considered to be the same for this village which is a hamlet of the village of Nilang. There are three unassessed water-mills on river Thang Theng. Their proprietors do not tax the users. There is a temple of a Goddess on the left bank of river Thang Theng. The Goddess is worshipped with Soor (a kind of illicit distilled liquor) and wine on the eighth, ninth and third days of *Suklapaksh* each month. . . . The Brahmins of the village of Mukhaba are the Pandas of the inhabitants of Jadung. Between three and ten Kuri (local weight) of *fapra*, *maisha* and salt etc., are given annually by every family according to its Panda as *Dadwar* (a local tax for Puja)". (Photostat 20).

This document was significant, because it stated clearly the well-known fact that Jadhang and Nilang formed one unit, Jadhang being a village of Nilang. The *Halat Gaon* described the village of Jadhang:

"Village Jadung is situated on the bank of the river Jahnavi between two ridges. There are 17 families out of which 12 are Rajput and 5 Lower Caste. The land consists of first and second class (dong). Barley, kota and fapra are grown. People are simple but do not have cordial relations with one another. The dresses of men and women are of wool. Partition of the property is carried out on the basis of number of wives till now, and not on the basis of number of children." (Photostat 21).

The *Shikami Fard* (Record of the Cultivated Area) contained the names of tenants and sub-tenants; the *Akhri Goshwara* (Record of Holdings) gave data regarding the number of fields and the total area under cultivation which was 60,222 square yards (Photostat 22); and the *Goshwara Khasra* (Record of Fields) gave details of soil classification. (Photostat 22A).

During the settlement operations original maps of the two villages were also made. The original map of the village of Nilang was in two sheets, each bearing the seal and signature of the Settlement Officer. In these maps land under cultivation was shown. Sheet I contained plots Nos. 1—446 and Sheet II plots Nos. 447—508. (Photostat 23). The original map of Jadhang was on the scale of 63½" equal to one mile.

The index explained the colours on the map to indicate water, houses, trees and groves. (Photostat 24).

The *Paro Mawesia* (List of Camping Grounds), also prepared during the 1919-1920 settlement, listed the 136 camping grounds in the Tehri State. Forty-eight of these belonged to the Taknore Patti, and included Pulamsumda. (Photostat 25).

The 1919-20 Settlement included *Naksha Mardam Sumari* or census operations also. In Jadhong the number of families was 17, number of persons 83, and head of cattle and sheep 1635. (Photostat 26). The *Naksha Mardam Sumari* for Nilang, also prepared in 1920, gave the number of families, number of persons in each age group and the number of heads of cattle. The number of families was 58, number of persons 261 and the number of head of cattle and sheep 5,630. (Photostat 27).

The villages of Nilang and Jadhong were included in the 1951 census operations, when it was found that the area of Nilang was 46 acres—*Census of India, 1951, District Census Handbook Tehri Garhwal District, Uttar Pradesh, Printed in Allahabad, 1955, pp. 148-49* (Photostat 28). As stated above, the villages were populated only in summer.

Besides carrying out land revenue surveys and settlements the Tehri Durbar had exercised civil and criminal jurisdiction in the Nilang-Jadhong area through the Panchayati Adalat of Upper Taknore, the Court of the Deputy Collector of the Uttarkashi Division and the Chief Court of Tehri (Narendranagar): For example, a record of 1843 A.D. dealt with the case between Tasi Jadh and Chang Chopra, both of Nilang. An order of 1847 A.D. summoned the villagers of Nilang to appear before Tehri Court to receive its judgement. (Photostat 29). Another record of 1858 A.D. dealt with a case against Puchok of Nilang for bringing a false complaint. A file of 1880 A.D. concerned a civil suit between two Jadhhs of Jadhong which was decided by the Thanadar of Taknore. A document of 1907 A.D. contained a judgement given by the Deputy Collector of Uttarkashi in a criminal case filed by the Tehri Forest Department against Jadhhs of the village of Nilang for grazing in the reserve forest (Photostat 30). A document of Sambat 1985 (1927 A.D.) recorded a suit between two villagers of Nilang before the Adalati Panchayat of Taknore. The suit was dismissed (Photostat 31). Another of Sambat 1990 (1932 A.D.) recorded the suit filed by one villager of Nilang against another villager of Nilang for the restoration of the plaintiff's wife. The suit was dismissed by the Adalat Panchayat of Upper Taknore on the ground that the plaintiff could not prove his suit (Photostat 32). A document of 1936 A.D. recorded a compromise in a criminal case before the Nyaya Panchayat in Upper Taknore between Keshar Singh and Dilip Singh, both of the village of Nilang (Photostat 33).

The Tehri Durbar had also worked the deodhar forests in the area either through its Forest Department or by leasing it out. A document of 1894 A.D. contained an order from the Conservator of the Tehri Forest to the Jadhhs of Nilang to deposit Rs. 310-10-9 due for the Nilang Forest contract. (Photostat 34). Another relevant document was Order No. 4939, dated March 13, 1916, from the Secretary of the Tehri-Garhwal Government to Dunta Jadhhs of the village of Nilang

It referred to the amount payable for the forest contract for 1917, as also to the amount payable in cash (Photostat 35).

The Tehri Durbar had, for long, maintained a school and a customs post at Nilang. It had also built and repaired the pilgrim route to Gangotri and the trade route running from Nilang to Tibet through Tsangchok La.

The Chinese side had referred to the discussions between India and Tibet regarding a particular sector of the alignment in this area, which took place in 1925-1927. It was worth noting that at those discussions the Tehri Durbar produced numerous revenue, judicial and other documents to show their ownership of the whole Nilang-Jadhang area. On the other hand, the Tibetan representatives produced only two documents. The first was a ledger with a title embroidered in silk on a cloth cover—List of Doors Kept by the Tsaprang Dzungpon in the Water Bird Year. This book was clearly an old one and the seal at the end was that of Chanden Chongwa, of the time of the Sixth Dalai Lama (1700 A.D.). It contained a list of twenty names, but there was nothing in it to connect it with Nilang and Jadhang. The second was a book without either cover, title or date. It mentioned that 400 measures of barley, 1000 bamboos, 2 pots of lime, 2 loads of dyes and 2 copper pots were collected from the villagers of Nilang and Jadhang. These were clearly trade dues paid by the villagers of Nilang and Jadhang to the Tibetan authorities for the privilege of trading at Poling in Tibet. The Tibetan delegation could produce no other evidence that would suggest even a semblance of interest in this area, let alone of administration.

The Nilang-Jadhang area had also been topographically surveyed. In 1815 J. B. Fraser proceeded up the Bhagirathi Valley as far as the Temple (Gangotri). He noted the junction of the Jahnvi (Jadhganga) from the north with the Bhagirathi some six or seven miles below the Temple. He also made enquiries from two Bhotas (Nilang Jads) as to the length and direction of the stream and the existence of passes into Tibet proper near its upper reaches, and was informed that the Tibetans occasionally raided the valley destroying villages and carrying off cattle and any other plunder they could find. In May 1817 Capt. G. A. Hodgson explored the Gangotri valley as far as Gaumukh. He noted that the frontier village was Nilang, by which he meant the village of Nilang and its hamlet Jadhang. In 1849 Capt. Strachey made a reconnaissance survey of the whole of Garhwal District and constructed "an excellent map based on sound materials". The plane table section No. 36 of the North-West Himalayan Survey done by W. H. Johnson in 1853-54 gave a sketch of the Nilang valley upto the watershed. Two explorers sent by the Survey of India in 1867 carried out a route survey from the Shipki Pass and over the Thaga La on the Indo-Tibetan watershed boundary upto Nilang. (*General Report on the Operations of the Survey of India Comprising the Great Trigonometrical, the Topographical and the Revenue Surveys under the Government of India*, Calcutta 1879, Appendix, II, pp. XIII ff). The southern part of the Nilang-Jadhang area was thoroughly surveyed according to modern methods in 1936. (Evidence of Indian administration and jurisdiction in this area, as furnished by official Indian and Chinese maps, would be dealt with at the end for the entire Uttar Pradesh State).

#### (iv) Barahoti

Barahoti, a camping ground  $1\frac{1}{2}$  square miles in area, had always been under Indian administration and jurisdiction. Its location had been clearly shown in official Indian maps. It was part of the village of Kurkuti in Patti Malla Painkhanda of Pargana Painkhanda in the Garhwal District. Malla Painkhanda was the northernmost Patti of the District and Mana, Niti and Kurkuti were its northernmost villages. Parts of Districts Almora and Garhwal surveyed during the year 1876 under the orders of Col. J. T. Walker, Superintendent, Great Trigonometrical Survey of India (Photostat 36); Great Trigonometrical Survey of Kumaun and British Garhwal 1877 (Photostat 37); and map of District Garhwal in the *Gazetteer of British Garhwal*, 1910 (Photostat 38). The boundaries of Malla Painkhanda with Tibet and also been described in other official reports. The Indian side had already, under Item 2, quoted the Statistical Report on Kumaon by G. W. Traill, the first British Commissioner of Kumaon (1815-1835). In the map appended to J.O'B. Beckett's Revenue Settlement Report, the northern boundary of Malla Pankhanda was shown along the Sutlej-Ganges watershed; and the Appendix listed the areas. *Report on the Settlement Operations in the Garhwal District from 1856 to 1864* (Allahabad 1866) (Photostat 39). In the *Report on the Tenth Settlement of the Garhwal District* (Allahabad 1896), also cited earlier by the Indian side, E. K. Pauw confirmed this (Photostat 40); and the three detailed maps appended to his report showed that Barahoti was part of Malla Painkhanda (Photostats 41 to 43). According to the *Gazetteer of British Garhwal* 1910 (p. 3):

"The mountain system of Garhwal can best be regarded as a series of spurs from the Tibetan watershed, which here separates the Ganges basin (in its larger sense) from that of the Sutlej."

The area was also described in detail, and a list of the settlement pattis (groups of villages) given in the *Gazetteer* (Photostats 44 and 45).

*The Traditional Boundary Description Book of Villages in Pargana Painkhanda of Garhwal* (1931) defined the northern boundaries of the villages of Kurkuti and Niti and therefore of Malla Painkhanda thus:

"From  $\Delta$  18040, Silakank, the line (boundary of Kurkuti) goes through the district boundary to  $\Delta$  16350, Ting-jungla (Tunjun La) whence path leads to Hundesh Dawa (Daba) and then separating Hundesh and Garhwal to Makhila (Marhi La), 16380, whence path leads to Hundesh, Dangpu and then through district boundary to Salsal (Shalshal) Pass.  $\Delta$  16390, whence path goes to Hundesh, Shag, and then the line turns south-east to meet Almora boundary." (page 38).

The northern boundaries of Niti village were described as commencing from  $\Delta$  17113, Hamet and running along district boundary and through  $\Delta$  19776 and  $\Delta$  17386 to  $\Delta$  18040, Silakank, (P. 49).

These traditional boundaries were recorded by Traill during his settlement of Sambat 1880 (1823 A.D.) on the basis of the statements

of the villagers and their *patwaris*. Much of the area between the inhabited portion of the villages and their northern boundaries was forest, jungle and waste. J. H. Batten, Settlement Officer, Garhwal in 1842 recorded:

“Large portions of waste land including whole ranges and their vast forests have been included from olden times in the boundaries of adjacent villages.” (*Report on the Settlement of the District of Garhwal*, Reprinted by order of the Government of North West Provinces, 1863, Para. XVI).

The Paraganas of Panikhanda, Johar and Darma constitute what are known as the Bhotia Mahals. It has already been stated in the note of the Indian side on the Traditional and Customary Basis of the Indian Alignment in the Middle Sector that the Bhotia Mahals were always part of the Indian kingdoms of the area. Baz Bahadur in the seventeenth century constructed roads upto the Niti and Johar passes and set apart the revenues of five villages near the border passes for providing pilgrims to Manasarowar with food and clothing. Under the Pala dynasty, Malla Painkhanda, like other parts of the Bhotia Mahals, paid numerous taxes such as those on profits of trade, looms, produce of land and jungles (roots and drugs), musk, hawks and beehives. By the tax on roots and drugs, all areas in a village including jungle and waste were brought under assessment. Taxes on trade brought even pasture areas under assessment as Indian traders to Tibet used these pastures for their pack animals during their journeys to and fro. When the Gurkhas conquered Garhwal the resistance of the Bhotias, combined with the exaggerated reputation they had for wealth, marked them out for heavy exactions. The revenue demand on the area was, therefore, raised from Rs. 1,200 to Rs. 7,000 and it was not until the area was depopulated by emigration that the demand was reduced to Rs. 4,700.

On the British annexation of Kumaon and Garhwal, E. Gardner was appointed Commissioner for the Affairs of Kumaon and Garhwal with Traill as his Assistant. The latter brought Malla Painkhanda under his seven revenue settlements and gave them a measure of judicial and police administration. Traill says in his *Statistical Report on the Bhotia Mahals of Kumaon* (page 18):

“On the introduction of the British Government in 1872 *Sambat* (1815 A.D.), the authorised collections of the two preceding years were assumed as a standard for the *jama* of the current year; as the whole demand fixed was payable in coin, in *Farrukhabad Kaldar* rupees, a deduction of twenty-five per cent. was granted on the half, hitherto paid in merchandise, and a further deduction to the same amount was allowed for the discount on the *Gorka* currency. The net *jama* which, on the existing system, was imposed in one gross sum on each mahal (*pargana*) including the villages below, as well as those within the *gnats* (*passes*) stood at *Farrukhabad* rupees 11,565.

In the year 1875 S. a general abolition of the customs and transit duties throughout the province took place; the tax on the profits of trade hitherto levied from the Bhotias, as partaking of the same nature, was included in that

measure; a partial remission on the same account was made in the *jama* of some of the lower villages, while, both in these and in Bhote, the items of musk, bees' wax and hawks were struck out of the available assets. By this arrangement the net revenue was reduced to *Farrukhabad* rupees 4,124.

This demand continued in force for the remaining term of the first triennial settlement; and at the second triennial settlement in 1877 S. and at the recent quinquennial settlement in 1880 S. a progressive rise took place on a review of the increase of cultivation, brought about principally by the return of tenants who had emigrated during the Goorkha Government and finally amounted to *Farrukhabad* rupees 5,812.

The revenue of every year has invariably been liquidated without a balance.

For the internal management of these mahals the only public officer retained in them is the *Patwari* who receives from the village *Burhas* the amount of their *jama* and remits the same to the Sadr treasury. By this functionary are also made the reports connected with police relating to casualties etc. Criminal offences are rare."

The details of these settlements by Traill were given in the documents of which photostats had been supplied (Photostats 46 and 47).

For Malla Painkhanda alone the demand under the first settlement amounted to Rs. 1,016, thank to the more favourable rate of cash conversion of dues till then paid in kind. The abolition of taxes on trade and bees' wax in 1818 still further reduced the demand; but the taxes on roots and drugs were merged in the land revenue. There was a further reduction to Rs. 436 in 1880 Sambat (1823 A.D.). In subsequent years a progressive rise took place as in the rest of the Bhotea mahals on account of increase in cultivation.

The eighth revenue settlement of the area was made by J. H. Batten in 1842. He reported that:

"Mr. Commissioner Traill had made an excessive sacrifice of revenue when he introduced his nominal land tax and calculations of beesees into the upper villages of the Bhotea ghats; because there being no surplus produce from which rent or revenue could be derived, a land tax appeared to me absurd. I thought that the form of lease should be a settlement per village according to its present trading prosperity, viewed with reference to the Government demand paid previous to the abolition of the customs duties and to the consolidation of all demands into the so-called land revenue...remembering the duties levied on the Bhoteas by the Tibet government for the privilege of trading, I did not consider myself authorised to make any greater account under the head of profits of trade, than the late Commissioner had already, in fact, though not nominally, thrown into his calculations of the respective *jamas* demandable from the villages; and I accordingly, with some



slight reductions in the case of two broken down *mauzahs* kept the existing Government demand for Mulla Pynkhunda unaltered." (*Report on the Settlement of the District of Garhwal*, Benares, 1863, pages 548-549). (Photostat 48).

The next Settlement Officer, J.O.'B. Backett (1866) raised the assessment of Malla Painkhanda from Rs. 537 to Rs. 826. His assessment was based not only on profits of trade but also on enumeration of cattle; and he added to the cesses. The total sum was divided among the co-shares partly with reference to the amount of land they held and partly with reference to their cattle. In villages in which cattle was not numerous the assessment was to be wholly on the land. (*Report on the Settlement Operation of the Garhwal District 1856-64*) (Photostat 49).

The tenth settlement of the area was carried out by E. K. Pauw in 1896. He held that:

"On the general grounds that a tax on trade was undesirable, and particularly so in the case of the Tibetan trade, which affords employment to the thousands in the most sterile part of Garhwal, and provides a market for produce in the same region, thus encouraging agriculture, which without this stimulus would inevitably languish; and that with the enhancement of land revenue of the whole district at the present settlement limited to fifty per cent, there was no necessity for taxing the trade of the Bhotiyas." (*Report on the Tenth Settlement of the Garhwal District*, Printed at the North-Western Provinces and Oudh Government Press, Allahabad, 1896, page 107).

Pauw, therefore, decided to make the assessment only on the basis of agricultural produce and the produce of jungles. The latter, which was originally a royalty on wild roots and herbs in jungles, was converted into consolidated grazing dues on the excess of cattle in the village over the number necessary for cultivation. The total assessment for Malla Painkhanda amounted to Rs. 593; and of this Rs. 162 was the revenue derived from excess of cattle. The plan followed in the other non-cadastrally surveyed pattis of fixing the demand for each patti and allowing the Padham to divide it among villages was abandoned. In 1931 the Settlement Officer of Uttar Pradesh defined in words and demarcated where necessary on the ground, the traditional village boundaries and prepared records for each patti. Demarcation was done as far as possible by means of natural features, and pillars were erected at tri-junction points of villages. Elsewhere pillars were erected only where there were no definite natural features or where a natural feature required identification. (*Traditional Boundary Description Book*, 1931, Pages 3A to 5A.)

From very ancient times copper mines in the Girthi valley and Hoti area had been worked by the people of Garhwal and royalty paid to the State. This continued even in British times and J.O.'B. Beckett's Settlement Report mentioned these mines (Photostat 50).

There was a special census in Niti in 1900 when it was found that it had a population of 267. (*Gazetteer of British Garhwal*, 1911, page

192). The village was also covered by the census for 1921 (Census of India 1921, *District Census Statistics, Garhwal District, Allahabad 1923, page 32*). Every census held thereafter has also covered this area.

The Niti-Barahoti area was surveyed in detail during 1868—77. A Northern Frontier Survey on the scale of 1" —miles was done in 1904 and 1905 and a sketch survey by Hugh Rose in 1931.

#### (v) Sangchamalla and Laphthal

Sangchamalla and Laphthal are grazing grounds forming part of the village of Milam in Patti Malla Johar of Pargana Johar, in the Almora District of Uttar Pradesh. Malla Johar is the northernmost Patti and Milam its principal and northernmost village. This is shown, for example, in the Map of Almora in the *Gazetteer of Almora District 1911* (Photostat 51) and described on page 250 of the volume (Photostat 52). The northern boundary of Johar Malla with Tibet is also described in official revenue records and in the *Gazetteers*. In his Revenue Settlement Report of 1848 Batten observed:

“Eleven chief villages of Joohar Bhoteas are found at heights above the sea varying from 10,000 ft. to 11,300 ft. and all of them lie between the northern side of the high snowy peaks or chain of greatest elevation on the one side and the watershed or ridge which separates the rivers which flow into India and Tibet respectively, on the other... In all the passes but specially in Joohar, the tract above the uppermost village or where the ridge actually crosses the watershed is very rugged, impracticable and forbidding in appearance”.

According to the *Gazetteer of Almora District 1911* (page 3):

“The principal line of water-parting along the Tibetan frontier is a ridge of great altitude—the watershed is throughout a greater part of its length, a simple longitudinal range”.

From these official accounts it is clear that the northern boundary of Milam is the Sutlej-Ganges watershed, and Sangchamalla and Laphthal lie south of this watershed. Malla Johar was included in the Chand Kingdom of Kumaon and paid taxes which, besides land revenue, included taxes on profits of trade, mines, looms, produce of jungles, musk, hawks and wild beehives. Taxes were to be paid in gold dust, but were often received for the sake of convenience in silver and kind. The revenue was imposed on the area in one sum and detailed assessments were left to the village headmen.

When the Gurkhas conquered Kumaon they raised the demand from Joohar alone to Rs. 12,500. As this heavy exaction ruined the Bhoteas, it was later reduced to Rs. 8,000.

At the first settlement in 1815 by G. W. Traill, the British Commissioner for Kumaon, the calculations of previous years were assumed as the standard of assessment. A more favourable rate of cash computation in respect of dues hitherto paid in kind and the change of currency from *Farrukhabad* rupees resulted in a reduction of this nominal assessment by twenty-five per cent. The demand on

the Johar Pargana consisting of 3 Pattis amounted to Rs. 4,872. This rose to Rs. 5,140 in 1817 and, with the abolition of taxes on trade in 1818, fell to Rs. 5,051 in 1819.

Johar Malla was also included in the subsequent settlements carried out by Traill. The settlement of 1820 was made on the basis of cultivation, and trade was taxed separately. The demand was Rs. 2,633. It rose to Rs. 3,382 in 1823. It remained approximately at this figure in Traill's settlements of 1828, 1833 and 1843. The ninth settlement of 1840-42 was made by Batten who considered that Traill had made an undue sacrifice of revenue by taxing only the produce of the fields and the forests, but his assessment on the basis of the general capacity of the district was moderated by the political importance of keeping the borderers contented and amounted to Rs. 4,791. Beckett (1872) and Goudge (1902) followed the principle of Batten. Beckett says:

"It is quite fair that they (Bhoteas) should pay, because they occupy an immense tract of country to the exclusion of all others. For six months they graze their sheep and cattle all over the country. They have the benefit of the roads and bridges made at a great expense, and with these advantages they make great profits". *Report on the Revision of Settlement in the Kumaon District 1863-1873*, page 9. Photostat copies of Beckett's settlement lists for this area were attached (Photostat 53).

• Milam was subjected to a special census in 1900. At that time, the population numbered 1733 of whom 954 were men and 779 women. They were almost all found to be Bhoteas who used Milam as a depot for their trade with Tibet. *Gazetteer of Almora District*, 1911, page 265. Milam has also been covered in every later census since then.

In 1874 E. C. Ryall of the Survey of India surveyed the Milam valley:

"The Milam Hundes triangulation may be said to have been started on the base Khamlek to Dhaj, a side of the principal triangulation of the Kumaon and Garhwal Survey, in latitude  $29\frac{1}{4}^{\circ}$ , and longitude  $80\frac{1}{4}^{\circ}$ , the first two triangles of the series were observed in 1869 by Mr. W. G. Beverley, terminating on the side Balchandanda-Khaparchula, with a Cooke and Son's 12-inch Theodolite. The remaining triangles were observed by myself with Troughton and Simm's 12-inch Theodolite, up the Milam valley in 1874, . . . For about 28 miles from the base of operations the mountains encountered were of an average height of 9,700 feet above sea level. They were well wooded and not over rugged. Their slopes were studded with numerous villages and extensive patches of cultivation. This section of the triangulation lies in the Parganas of Sira and Johar in the Kumaon district, and terminates on the side Athansi-Punya, 13,340 and 13,170 feet above sea level respectively. From this base upwards physical difficulties

of no ordinary character were encountered, particularly in the narrow and deep gorge leading into and out of the Milam valley and on the Utta Dhurra (Unta Dhura) ridge . . . .”

That the watershed was the boundary between India and Tibet in this region is made clear from Ryall's remarks:

“Hundes (Nari Khorsam) is that portion of Tibet under the Government of China which occupies the upper basins of the Sutlej . . . .”

(*General Report on the Operations of the Survey of India during 1877-1878. Supplementary Appendix, Pages 1 and 3.*)

### Official Maps of Uttar Pradesh

Official Indian maps have always shown the places now claimed by China in this Sector as part of the Uttar Pradesh State of India.

1. *Map of Kumaon and British Garhwal*, “compiled in the office of the Surveyor-General of India, with the latest additions from the researches of Captain Henry Strachey in 1846 and Lt. Richard Strachey, Engineers, in 1849,” and published in April 1850, showed the Sutlej-Ganges watershed as the Indo-Tibetan boundary and therefore, Sangchamalla, Lapthal, Barahoti, Pulamsumda, Nilang and Niti in India (Photostat 54).

2. *Map of Nari Khorsum including the easternmost parts of Ladakh and with the contiguous district of Monyul*, “constructed by Capt. Henry Strachey from his own surveys and other materials, based upon the Indian Atlas, March 1851.” The depiction of the boundary in this map was the same as in map 1. On this map, Jadhong, the Niti Pass, Hoti, Sangcha and Lapthal were also marked as within India (Photostat 55).

3. *Map of the Punjab, Western Himalaya and adjoining Parts of Tibet*, “from recent surveys and based upon the Trigonometrical Survey of India, compiled by the order of the High Court of Directors of the East India Company, by John Walker, Geographer of the Company, March 10, 1854” (Photostat 56). While Walker's Map of 1854, as the Indian side had already shown, was inaccurate in the northern areas of the Western Sector and elsewhere, it was based on surveys which had been carried out in this area in the Middle Sector, and showed the correct alignment here. Nilang, Jadhong, Niti Pass, Hoti, Sangcha and Lapthal were all shown in India.

4. *Atlas Sheet No. 65*, published by John Walker, Geographer to the Secretary of State for India in Council August 15, 1860, showed Niti as a border pass. It also stated clearly that a pile of stones (obviously a boundary mark) was to be found here (Photostat 57).

5. *Map of Turkestan with the Adjoining Portions of the British and Russian Territories*, “mapped on the basis of the surveys made by British Officers up to 1867 and on recent itineraries,” published by the Superintendent, Great Trigonometrical Survey of India, Dehra Dun, August 1868. In this map the delineation of the boundary was

the same as in map 2. As this map was in many sheets, the Indian side provided a photostat of only the relevant portion (Photostat 58).

6. *Great Trigonometrical Survey of India, Trans-Frontier Maps, Skeleton Sheet No. 8*, 'compiled under the orders of Col. J. T. Walker, Superintendent, G. T. Survey of India and Major T. G. Montgomerie, from route surveys and astronomical observations made by British and Asiatic explores from the side of India and based on the Great Trigonometrical Survey by Mr. G. W. E. Atkinson.' Survey of India December 1873. This map also showed the watershed boundary and Nilang, Niti village and Lapthal as in India. Balchadhura, Niti and Tsangchok-La (Shangyok La) were shown as border passes (Photostat 59).

7. *Map of the United Provinces—Parts of Districts Almora and Garhwal*, "surveyed during the year 1876, under the orders of Col. J. T. Walker, Superintendent, Great Trigonometrical Survey of India," by E. C. Ryall. This map showed Balchadhura, Shalshal and Tunjun-La as border passes and Barahoti, Sangchamalla and Lapthal as lying on the Indian side of the watershed boundary. (Photostat 60).

8. *Map of Kumaun and Hundes* prepared for Atkinson's Gazetteer by the Great Trigonometrical Survey of India, (1884) showed Tsangchok-La, Niti, Shalshal and Balchadhura as border passes, thus placing Nilang, Jadhong, Niti village, Barahoti, Sangchamalla and Lapthal in India (Photostat 61).

9. *Hundes or Narikhorsum and Monyul with parts of surrounding Districts*, "compiled in the office of the Great Trigonometrical Survey of India, from Strachey's Map of Hundes, 1851, Trans-Himalayan Explorations by Pundits etc., and Topographical Sketches and Triangulation Charts by Messrs. Ryall and Kinney,..." Survey of India, Dehra Dun, August 1879. The map showed the watershed boundary, and Kungribingri, Shalshal, Tunjun-la and Niti as border passes. Sangchamalla and Niti village were shown in India (Photostat 62).

10. Maps appended to the Gazetteers of Garhwal and Almora Districts, 1910 and 1911, referred to earlier in this note, also showed the Sutlej-Ganges watershed as the boundary.

Chinese maps also showed the same watershed boundary in the Barahoti and Sangchamalla area: for instance, the map in the *New Atlas of China* published by the Shun Pao 1935, and claiming to be "not a mere reproduction of the published maps, but a new compilation from all available data which have been thoroughly studied", (Photostat 63): the *Map of Administrative Areas of the Chinese Republic* issued by the Chinese Ministry of the Interior, December 1947, and *Wall Map of the People's Republic of China*, January 1951. (Photostats of these two maps had been supplied along with the Indian statement on administration in the Western Sector). The *New Map of Tibet*, March 1951, besides showing the correct traditional Indian alignment in this sector, also specifically showed Sangchamalla in India (A photostat of this map also had been supplied earlier).





The Indian side were constrained to point out that the Chinese side had clearly not understood the evidence that had been submitted to show that Chuva and Chuje had formed a part of the Spiti Waziri, which had for centuries been a part of Ladakh and since 1846 had formed a part of the Punjab province. This had been proved in detail, and a great deal of evidence regarding tax-collection had been brought forward to show continuous administration of the area. Nothing proved more effectively sovereign jurisdiction over an area than its subjection to land revenue and other taxes.

The Chinese side dismissed the official surveys of the area carried out by Peyton of the Survey of India in 1850-51, and the official maps cited by the Indian side, as the products of unlawful and secret surveys on Chinese territory. The Indian side stated that they had already pointed out that general charges of imperialism could not be regarded as disposing of particular evidence. It was necessary to deal with each case on its merits and prove that the source of any particular evidence was biased. The Indian side also remarked that the Chinese side had shown themselves on other occasions partial to official Indian maps and there was no other source of evidence on which they had drawn more. Indeed even under Item 3 they had sought to establish proof of Chinese administration not on the basis of Chinese evidence, which would have been the normal source, but mostly on the basis of Indian maps.

The Indian side stated that the charge of 'imperialism' could not be sustained against Peyton himself. He had strict instructions to confine himself to Indian territory. He did not proceed beyond the Kaurik area and established a hill station at Pangdom, West of and near Kaurik. His fellow surveyors who surveyed the upper part of the Spiti valley also confined themselves to what was clearly Indian territory.

As for official maps, the Indian side pointed out that the *Map of Hundes or Nari Khorsum and Monyul*, published by the Great Trigonometrical Survey of India in 1879, a quarter of a century after Walker's Map of 1854 which had been cited by the Chinese side, was obviously the most authoritative of these official maps; and it clearly showed Kaurik as an Indian village on the boundary. The Chinese maps cited by the Indian side were on the scale of 1" = 63 miles, and could not, therefore, as the Chinese side contended, be considered as comparatively small-scale maps, or as delineating the boundary imprecisely. The Chinese map of 1947, cited by the Indian side, was an official map published under the orders of the Ministry of the Interior and in this map the delineation in the Spiti sector was clear and precise and followed the Indian alignment. Nor was it tenable to agree that maps allegedly published by private agencies after 1950 had not the approval of the People's Government of China. None of these maps had been dealt with by the Chinese side.

The Indian side showed that the Chinese assertion that their patrols had visited this area up to 1957 was incorrect. The area had always been under the jurisdiction of the Government of India and had been patrolled regularly by Indian parties. It was only in August 1956 that, for the first time, a Chinese survey party had



been noticed in this region. Twelve months later, in August 1957, another Chinese patrol party had visited this region. The Government of India had drawn the attention of the Foreign Office of China to these "violations" of Indian territory and had desired that adequate action be taken to prevent such trespasses. The Chinese Government had neither denied the charge nor claimed this area to be a part of Tibet. They had clearly not had even an exact knowledge of the area; for when, a few months later, the Indian Government had reminded the Chinese Government of these "violation", the Chinese Foreign Office had answered that they had been unable to find these places on their maps and had asked India for their co-ordinates and whether this area was near the Shipki Pass. As the Shipki Pass was about 40 miles away from the Kaurik area, the question revealed that the Chinese had not only never administered this area, but had no accurate, or even approximate, knowledge of it. The Chinese side stated that such a request for information was fully reasonable. The Indian side agreed that it was reasonable for the Chinese Government to seek information when they had none. But this lack of information was positive proof that this area had never been under Tibetan or Chinese administration, for there could be no administration of an area without knowledge of the area that was being administered.

The Chinese side quoted from a letter written by the Tashigong monastery in 1958 alleging that Indian soldiers had intruded into the "monastic estates" in the area and prevented the collection of "monastic income". The Indian side rejected this unsubstantiated charge of intrusion into the lands of Tashigong monastery. Nor was it correct to say that India had only occupied this area in 1958. The Spiti area had always been a traditional part of India and had been administered continuously by Indian Governments. But even if the document were stating the correct position, it could not prove Tibetan administration of the whole region. A monastic estate was a form of private property. It neither covered the whole area nor established that this whole area was a part of Tibet. The collection of monastic income in kind could also not be regarded as the collection of public revenue and therefore, proof of administration. All that the letter, if correct, proved was that the Tashigong monastery had some private lands in the Spiti area and used to collect the produce from these lands for its own needs.

#### (ii) **The Shipki Pass area**

The Indian side had shown conclusively that Indian administration had throughout extended right upto the Shipki Pass, across which lay the traditional and customary boundary between India and Tibet. The Chinese side brought forward no firm evidence of any date to support their contention that Tibet had administered this area. They claimed that the pasture grounds west of the Pass had belonged to Shipki village and had been used by the villagers. This statement was not in accordance with the facts. Indeed, even Shipki village had been founded by people from Bashahr State in India; and as there were no grazing grounds east of the Pass the villagers of Shipki had been allowed to use these fields in India. Grazing in this area was no proof of sovereignty because the pasture

grounds were used for their pack animals by traders travelling to India and to Tibet. Indian traders going into Tibet utilized the grazing fields along the route in Tibet, but the Indian Government had not on this basis claimed these areas as part of India. The Chinese side brought forward no proof to show that these pasture grounds west of Shipki Pass had belonged to Shipki village or had been administered by the village. They asserted that an Indian citizen had been arrested in this area by the Tibetan authorities for mowing grass, but provided no evidence to substantiate this assertion.

The Chinese side alleged that the Indian side had brought forward no material to prove that the area west of Shipki Pass belonged to India. This was a groundless suggestion. The Indian side had shown that Shipki Pass was a border pass and it was therefore unnecessary to show that the area west of the Pass was Indian territory. Nevertheless the Indian side had shown that the territory up to the Pass had formed part of the Bashahr village of Namgia. It was well-known that every Indian village not only included the inhabited portion and cultivated fields but also the pasture grounds and forests which were the preserve of the village; and the forests between the inhabited portion and Shipki Pass were leased out from time to time to the British Government by the Bashahr State. The Indian side had also provided evidence proving the collection of land revenue from Namgia village, whose limits extended upto the Pass. The Chinese side saw fit to ignore all this detailed evidence brought forward by the Indian side and stated that only evidence concerning the construction of the Hindustan-Tibet road had been provided.

Regarding this road, the Chinese side argued that the Indian evidence had shown only a desire to construct it. The Indian side replied that they had produced photostat evidence to show that the road right upto the Shipki Pass had been constructed and maintained by the Government of India, in accordance with a treaty stipulation. The work of converting the customary route into a road, undertaken by stages, had been completed in 1917-18. If the Tibetan Government had ever considered the area west of the Shipki Pass as Tibetan territory, they would have protested against this road construction carried out over a period of years. In fact, there had never been any such protest.

The Indian side showed to be baseless the Chinese statement that the former British Indian Government had acknowledged that this area was under Tibetan control. The Indian Government had been contemplating the maintenance of this road not only upto the Shipki Pass but even beyond, to Shipki, village. The document supplied by the Chinese side, wherein the British Representative in Lhasa in 1934 had stated that the sector from Hupsang to Shipki was Tibetan territory, obviously referred to this proposal. The Hupsang referred to was not the Hupsang stream on the Indian side of the Pass. It was well-known that there were two Hupsangs in this area, one on either side of Shipki Pass. Hupsang in Tibetan meant merely "water that cleanses", and was a general term applied to all flowing fresh-water streams. That on the Indian side was

known as Hupsang Yongma (Lower Hupsang) and that in Tibet as Hupsang Kongma (Upper Hupsang). There was a spring of clear water about one furlong beyond the Shipki Pass on the Tibetan side, on the road to Shipki village. It was obviously this Hupsang in Tibet which the British Representative spoke of in 1934, and the Chinese side had brought forward no evidence that could refute this obvious interpretation. The two Hupsangs should not have been confused in order to support a claim to Indian territory.

The Chinese side dismissed as a legend the common Tibetan saying, "the territory above Pimala (Shipki Pass) belongs to the Raja of Tibet and below to the Raja of Bashahr". The Indian side stated that a saying current among people for centuries was a fair reflection of the existing situation. On the other hand, the Chinese side cited a legend that a ruler of Tibet had entered into an agreement with an Indian King to the effect that "the inhabitants of both sides would respect the traditional boundary of Hupsang river", and claimed that this showed that both Bashahr and Tibet had agreed to consider the Hupsang stream as the boundary. But as there were two Hupsangs in this area, evidence that the border lay at Hupsang was obviously inconclusive and ambiguous. The Indian side invited the Chinese side to bring forward further evidence to show that it was western Hupsang that had been meant; but no such evidence was provided.

The Chinese side stated that two maps published by the Survey of India in 1880 and 1889 had shown the area west of Shipki Pass as "clearly Chinese territory". In fact, the map of 1880 showed the boundary west of Shipki village; and Shipki Pass was west of Shipki village. The Indian side were grateful to the Chinese side for bringing forward a map which delineated the boundary correctly not only in this area but in most other parts of the Middle Sector as well as in the Western Sector. The map of 1889 also showed the boundary along the watershed west of Shipki village, i.e., along the Shipki Pass. The official Indian and Chinese maps, quoted by the Indian side, had shown clearly that Shipki Pass was a border pass; and the Chinese side had had no comments to make on these maps.

The Indian side mentioned, in this connection, that the Chinese side frequently referred to Survey of India maps, described portions of the alignment which did not tally with their present claim as having been shown wrongly, and cited those stretches of the alignment which, they believed, suited them. This could hardly be regarded as an objective approach to facts or in consonance with the spirit in which the two sides were expected to participate in the meetings. It would have been as logical for the Indian side to have stated that these maps were wrong in those parts where it did not seem to suit the Indian side and to have cited them as evidence in those stretches where they tallied with the present Indian alignment. But it would be more fruitful if the two sides sought to prove their administrative control on the basis of their own administrative records and did not just cite a few stray documents published by the other side. The Indian side certainly had adopted the correct attitude and had based their case in all sectors under Item 3 on evidence of their own continuous administration.

The Chinese side also brought forward a part of a Tibetan panoramic map which according to them showed "that the posterior area of Shipki ends at Hupsang river". But they gave no details regarding the date of this map, its author and the place of publication; and as the map itself provided scanty information, and did not even show rivers, it was not possible to regard this map as scientific data. Nor, as had already been shown, did a reference to Hupsang prove anything.

The Indian side had already brought forward evidence to establish that the area had been surveyed by Gerard in 1822, by Indian officials sent by the Survey of India in 1867-68, by the Great Trigonometrical Survey of India in 1882—1897 and by Rawlinson in 1904-1905. To describe, as the Chinese side had done, all proven Indian surveys of Indian territory claimed by China as "illegal" was really to beg the question, and could not be regarded as a refutation of evidence.

The Chinese side alleged that an attempt had been made by Indian personnel to change the boundary in the area in 1954. This allegation had obviously no basis whatsoever. It had always been known that the traditional boundary lay along Shipki Pass, and Indian administration had throughout extended upto this Pass, which marked the 200th milestone on the Hindustan-Tibet Road. Indian personnel had always been patrolling and guarding the area right upto it. The Chinese side stated that the headman of Shipki village had protested against the presence of Indian personnel in 1954. The Indian Government were certainly not aware of any such protest. This could only mean that when the Chinese Government received his protest, they realised that it was an incorrect statement of the facts and therefore took no action. They had seen no reason to doubt the validity of the traditional boundary alignment across the Shipki Pass and the legitimacy of Indian patrolling right upto it. Further, when some Chinese personnel had intruded across the boundary in September, 1956, the Indian Government had promptly protested twice in writing to the Chinese Government; and the latter had neither replied claiming this area and justifying the action of their personnel nor questioned the Indian statement that the 1954 Agreement had given treaty sanction to the boundary alignment across the Shipki Pass. The Chinese side stated that this acceptance of the correct Indian alignment had been only in a spirit of friendliness and did not commit the Chinese Government. But this was not a tenable position. In fact, the conclusion was inescapable that it was only in September 1959 that the Chinese Government had decided to bring forward a claim to territory which had always been a traditional part of India, which had been continuously administered by Indian authorities, which lay west of what had been accepted as a border pass in the 1954 Agreement, and which had been shown as Indian territory even in official Chinese maps right down to 1957.

### (iii) Nilang-Jadhang

For the Nilang-Jadhang area, the Indian side had produced a vast amount of illustrative evidence, stretching over centuries, to show that it had always been part of Indian territory and continuously under regular Indian administration. The Chinese side ignored all this evidence, but merely asserted that the area had been

**"occupied" by the British only in 1919. The Indian side pointed out that, apart from all the other evidence much before this date cited by them, no detailed revenue surveys lasting for over a year such as had been carried out in 1919-1920 would have been possible in territory that had not been for long under Indian administration.**

It was also wholly untrue to say that Indian troops had entered the Nilang-Jadhang area in 1952. All that had happened in that year was that the inhabitants of this area had stopped paying trade dues to Tibet as they had ceased to visit their customary trade marts in Tibet. The Chinese side cited a document purporting to show that the Dzongpen of Tsaparang had protested to Indian army officials. No such protests had, in fact, been received. Certainly the Government of China had taken no action on the complaint said to have been received by them in 1953. It was only in 1956 that a Chinese patrol had been found in this area; and the Government of India had protested strongly and desired that these Chinese troops should be instructed to withdraw immediately from Indian territory. There had never been any reply to this protest. The only logical explanation of the fact that the Chinese Government had not claimed this area before September 1959, and had even accepted the Indian protest against Chinese intrusions into this area in 1956, was that it was **only** during the last twelve months that the Chinese Government had decided to bring forward an untenable claim to this part of India.

The Chinese side claimed that they had "inexhaustible" evidence to show Tibetan administration of this area for centuries. This assertion was contradicted by the experience of the Commission that had met in 1926 to consider certain aspects of the alignment in this sector. The Indian side had produced a vast mass of evidence stretching over centuries regarding such normal administrative activities as revenue settlements, collection of land revenue, ~~forest~~ administration, preparation of village maps, periodical census reports, civil and criminal jurisdiction, maintenance of schools, construction of roads and establishment of customs outposts. The Tibetan Representative could only produce two documents; one a list of names that had no connection with the area and the second a list of trade dues paid by the villagers of Nilang and Jadhang to the Tibetan authorities for the right to trade in Tibet.

Even at these meetings the Chinese side had not been able to cite any conclusive evidence to prove Tibetan administration of this area at any time. They brought forward what they termed "a Census and Taxation Register" of 1693, which was said to cover the population of Nilang and Jadhang and the taxes paid by them. But in fact the document merely listed the heads of 19 families in Nilang who were liable to payments. There was nothing to show that **this** constituted either the whole population of Nilang or that the list comprised items and amounts of taxes. The so-called census was, therefore, only a list of heads of those families in the village who wished to trade in Tibet. The Chinese side also cited a document which was said to be of the year 1865. The document itself, however, bore no date and did not mention, contrary to the Chinese contention, the different types of taxes paid. It only specified the different kinds of goods given as tax. The inhabitants of Nilang and Jadhang had customarily traded at the Tibetan mart of Poling (also known

as Puling Sumdo) and paid trade and transit dues to the Dzongpen of Tsaparang, who himself was a trader. This was confirmed by the document of 1932 cited by the Chinese side, which mentioned those families which were to pay taxes and those which need not i.e., those families which were trading with Tibet and those which were not doing so. There was nothing in the document to suggest, as the Chinese side claimed, that monastic dues had been collected, or that there were "families with religious duties". But even such collection and such duties could not prove the existence of Tibetan administration. There was no evidence even to suggest that land taxes had been collected in this area, in contrast to the large amount of Indian evidence spread over a long stretch of time and showing that Indian authorities had been continuously collecting land revenue in these areas.

The Chinese side then brought forward another document which spoke of one family in Nilang paying Rs. 74/- to Tibet. The very fact that this amount had been paid in Indian rupees showed that the village was in Indian territory. It was inconceivable that land taxes in Tibet would be paid by Tibetans in a foreign currency. At no time had Tibetans paid taxes to their Government in rupees. Certainly the computation of land tax levied on Tibetans was in Tibetan currency, in tankas, and not in Indian currency. Moreover, in the other documents cited by the Chinese side, the land tax in Tibet was always stated to have been collected in kind. That only one family was paying it and that there was no reference to official dues in the document were further confirmation that it was only trade dues paid to Tibet in Indian currency by Indian citizens. The only payments that were made in Tibet in Indian rupees were by Indian traders.

The Chinese side again referred to Herbert's visit to the area in 1818. The Indian side drew attention to their earlier statement under Item 2 that the Tibetans had taken advantage of the confusion that followed the reconquest of Garhwal from the Gurkhas in 1815, and had intimidated the local population who depended for their livelihood on trade with Tibet. In addition, while in Tibet these traders had been coerced into declaring that they were subjects of Tibet. The "avowals" of 1921 and 1927, said to have been made by the inhabitants of Nilang and Jadhong accepting Tibetan jurisdiction, were, significantly enough, of the years after Tibet had raised a boundary dispute with Tehri. There was nothing in the "avowals" to suggest that the signatories were the recognised spokesmen of the area. The "avowal" to the Lhasa Government not only described the Indo-Tibetan boundary in this area as running "north and south of the Gum Gum Bridge"—a description too vague to have any meaning—but had been made by only three persons. And the Chinese side themselves had agreed in the earlier discussions that statements of private individuals could not be regarded as evidence of administrative control. But these "avowals" and the evidence of payment of trade and transit dues constituted the only evidence which the Chinese side brought forward to prove administrative control of the area.

The Chinese side referred to British proposals in 1927 to give Jadhong to Tibet, and quoted from a letter from the Political Officer.

Sikkim, to the Tibetan Government in 1928. This offer, however, had been made after the Commission of 1926 had investigated the evidence carefully with the co-operation of the Tibetan Representatives and had reached the conclusion that this area had always belonged to India and had been administered by Indian Governments. The compromise offer, therefore, was made from this position of moral strength, after even the Tibetan Government had had no option but to accept that they had no claim to any part of this area. The Political Officer, even in the letter cited by the Chinese side, had clearly stated: "Though there is evidence to prove that Tehri had the right to administer and collect taxes in Sang (Jadhang) at present, it (Sang) is proposed to be given to the Tibetan Government." The Home Member (Minister) of Tehri, in his letter of 14 October 1927, (a photostat copy of which was supplied to the Chinese side) made it clear that the territorial jurisdiction of the Tehri Durbar extended upto the Sutlej-Ganges watershed, and that the Tibetans had only been collecting trade dues in the area. Indeed the Home Member pointed out that it would not even be physically feasible for the Tibetans to administer this area because the Jelu-khaga Pass was blocked with snow for 9 months in the year. However, although the Tehri Government had been exercising administrative control in this area "from time immemorial", they were willing to abide by any compromise decision which the Government of India might reach with Tibet.

It was, therefore, clear from the entire negotiations of 1926 and 1927 between the Indian and Tibetan Governments that this area belonged to India by tradition, long user and administrative control, that the accredited and responsible officials of the Tibetan Government who had participated in these negotiations had been unable to produce any substantial evidence to support the Tibetan claim, and that the Government of India, in a spirit of compromise, anxious to end a minor dispute with a magnanimous gesture, had offered Jadhang to Tibet. The offer, however, had not been accepted. But when the Tibetan Government sought to take advantage of the offer to secure further concessions, the Indian Government made it clear that the offer had been made without prejudice to their rights, and that they had no intention of going beyond it. The Indian side regretted that an offer that had been made out of friendship with Tibet, was now being utilised as the basis for a claim that had been conclusively shown to be wholly invalid.

The Chinese allegation that the Commission of 1926 had functioned unfairly was proved to be baseless. The Commission had collected all possible evidence, had examined it thoroughly, objectively and honestly, and had reached impartial conclusions. The Tibetan Representatives had been responsible officials of standing—the Postmaster-General of Tibet and two Dzongpens—and all the evidence, along with translations of documents, had been given to them. They had never questioned the validity of any part of the evidence brought forward, nor had they challenged the conclusions reached by the Commission. It was not, therefore, now open to the Chinese side to assert that the evidence brought forward before the Commission by Tehri was a result of the "machinations of a few wicked persons." One could only conclude that these aspersions were being cast on the

well-considered findings of the 1926 Commission because its conclusions were not palatable to the Chinese authorities.

The Chinese side referred to a letter from the Tibetan Kashag to the Political Officer, Sikkim, in 1920, in which it was stated that the Gum Gum bridge belonged to Tibet. The Indian side replied that it was a claim which even in 1926 the Tibetans had been unable to substantiate.

The Indian side pointed out that there could be no doubt that the inhabitants of the Nilang-Jadhang area were Garhwalis, and it was incorrect to say that they were "originally mostly Tibetans". The Garhwali inhabitants of this area, also known locally as Jads, were just like the other hillmen of Tehri and could not be distinguished from the inhabitants of other Tehri villages further south. In fact, they lived in the southern areas for the greater part of the year. They had nothing in common with the Tibetans across the watershed. The mere fact that they were sometimes called Bhutias proved nothing, for the people of the northern parts of the Almora and Garhwal districts as well as those in southern Nepal and Bhutan were also known as Bhutias. On this basis China had not claimed these territories as part of Tibet.

Regarding surveys, it was stated by the Indian side that the fact that the southern part of this area had been thoroughly surveyed in 1936 did not mean that the area had not been surveyed earlier. The Indian side had in their statement of evidence cited the regular topographical surveys carried out by Strachey in 1849, by Johnson in 1853-54 and by officials of the Survey of India during 1867-1879. There had also been detailed revenue surveys in 1849.

The Indian side were most surprised that despite many and detailed explanations given by the Indian Government during the last six years, the Chinese side had again put forward a claim to Pulamsumda, which was well within Indian territory. The fact that the Chinese side quoted the letter of the Prime Minister of India of 26 September 1959 only showed that they had misunderstood that letter. When Premier Chou-En-lai, in his letter of 8 September 1959, accused India of having "invaded and occupied" Puling Sumdo, the Indian Government were amazed, for Puling Sumdo was a Tibetan trade mart north of the watershed, which had never been occupied by India. The only place whose name sounded at all like Puling Sumdo was Pulamsumda, and the Indian Government could only believe that the Chinese Government had confused the two places. So the Prime Minister of India stated in his reply of 26 September 1959 that when the Chinese Prime Minister spoke of Indian "occupation" of Puling Sumdo, he doubtless had in mind Pulamsumda, a camping-ground in the Nilang-Jadhang area. But there was no cause for such a mistake, because even in the negotiations of 1954 the co-ordinates of the two places had been supplied to the Chinese Government. Pulamsumda was a camping-ground south of the watershed which had always been under Indian administration, whereas Puling Sumdo was a customary trade mart north of the watershed in Tibetan territory, and had never been occupied by India. It had been a trade mart for centuries and it was as such a customary trade mart that it had been recognised in the 1954 Agreement. The Indian side supplied a photostat copy of



the report of the Trade Agent at Gyantse of 1942, stating clearly that Puling Sumdo was a trade mart in Tibet frequented by traders from Tenri. There was, therefore, no question of Pulamsumda and Pung Sumdo being the same place and the Chinese side had brought forward no evidence that could even faintly suggest that this was so.

#### (iv) Barahoti, Sangchamalla and Lapthal

During the discussion under Item 1 the Chinese side had, at a late stage, claimed a large composite area in this sector, but under Item 3 they brought forward no evidence to cover this large area. Indeed, when the Indian side dwelt at great length on the limits of Niti village which extended right up to the Niti pass on the border because under Item 1 the Chinese side had included a part of the Niti area in Tibet, the Chinese side described the Indian evidence about Niti village as irrelevant. This could only mean that the Chinese side had abandoned their untenable claim to the Niti pass. In fact it was clear throughout the discussions under Item 3 that the Chinese side had in mind, when talking of Barahoti, only the small camping-ground just south of the traditional Indian alignment. As for this small locality, the Indian side had provided a wide extent of decisive evidence establishing beyond doubt that the area had always belonged to India and had been administered by Indian authorities. Nothing was brought forward by the Chinese side either to disprove the Indian position or to establish their own claim to this area.

In support of their contention the Chinese side again quoted the 'land grants' of 1729 and 1737, and cited a document of 1868. The Indian side pointed out that it had already been shown under Item 2 that the first two documents were inconclusive. Nor was there anything in the document of 1868, which merely reported a dispute caused by the wandering of livestock, that showed or even suggested that this area was in Tibet. The Chinese side quoted a sentence from this document to the effect that Sangchamalla and Lapthal were in Tibet. The Indian side pointed out that no such sentence was to be found in the document.

The Chinese side then cited a document regarding the "demarcation of land between the people of the Governments of Daba and Tungpo." This, however, showed merely that Daba Dzong extended up to Hoti and not that it included Hoti. The Indian side referred to their earlier evidence under Item 2, that tsun, the word used in the document, meant 'up to' and not 'including'. So the document showed that Tibet extended upto Barahoti, and confirmed the Indian position that the northern limits of Barahoti formed the boundary alignment.

The Chinese side stated that the Dzongpen of Daba used to send Sarjis to Barahoti as 'guards' and administrators. The evidence cited by the Chinese side, however, showed only that these Sarjis checked travellers and traders and collected trade and transit dues from traders passing through Barahoti to Tibet. Barahoti is the junction of three trade routes leading from India to Tibet. The Sarjis came down to Indian villages to announce the opening of the trade season in Tibet and assure themselves that the pack animals used by the traders were free from disease. They also contacted the customary

Indian traders and executed an agreement with them that they would abide by the customary trade practices in Tibet.

The Chinese side sought to use the report of the Deputy Collector of Garhwal in 1890, cited by the Indian side, to support their contention that the Sarjis had administrative and judicial functions. But there was nothing in this report to suggest this. Had the Deputy Collector found the Sarjis exercising administrative functions in Barahoti he would have promptly reported the matter to the Government, for Barahoti was a part of his area of jurisdiction. The Deputy Collector had made it clear in paragraph 6 of his report (a copy of which had been supplied to the Chinese side) that, whatever the duties of the Sarjis elsewhere, in Barahoti itself their only function was to collect a toll from traders going to Tibet and to refuse permission to those who had not executed the necessary trade bond. The Deputy Collector had also made it clear that just as the Tibetans sent Sarjis to India, Indian agents with similar functions, called Phoongias, went to Tibet to satisfy themselves about trade conditions there.

The Chinese side stated that it was inconceivable that Chinese authorities would continuously depute their personnel to foreign territory. But the visits of trade agents were no proof of either sovereignty or administration; and even to these visits, as the Indian side had shown earlier, the Government of India had repeatedly taken objection.

The Indian side stated that the Chinese claim that on more than one occasion the Tibetans had established a market at Barahoti was incorrect. The pattern of customary trade between western Tibet and the border areas in what was now Uttar Pradesh was well-known. Traders from India went to certain well-established marts in Tibet such as Taklakot, Gyanima and Daba. But if during any year disease broke out in these marts, Tibetan traders came instead to India. On such occasions markets were established in Barahoti by Indian authorities and not, as the Chinese side had contended, by the Tibetans. Such occasional trading at places in India could not establish Tibetan possession and administration of the area any more than regular Indian trading at Tibetan marts would justify a claim by India to these areas in Tibet. For indeed it was Indian trading in Tibetan marts which was the norm; it was only when this was prevented that this trading shifted to Indian marts.

The Indian side stated that the Chinese side were mistaken in contending that Indian troops had first entered Barahoti in 1954. Indian police personnel had regularly visited the area, which had always been administered by India. At the Barahoti Conference in Delhi in 1958, it had been clearly proved that the Tibetan Sarjis stationed themselves at Barahoti only from about 1880.

The Indian side could not comprehend the argument of the Chinese side that the detailed and numerous evidence brought forward by the Indian side showed that the then Indian Government intended to change the boundary illegally. Whenever the Indian side produced evidence to substantiate their case, aspersions were cast on the impartiality of the evidence. The Indian side repeated what they had stated many times earlier, that this could not be regarded as refuting the evidence. All evidence had to be considered on its

merits, and mere general allegations could not minimize to any extent the weight and validity of documentary proof.

The Chinese side accused Strachey of arbitrarily including Barahoti within India. The charge was baseless. As the Chinese side had themselves stated, Strachey visited these areas only in the middle of the 19th century, whereas the Indian side had brought forward evidence stretching back many years before. Even in 1815 the first official to administer the area, G. W. Traill, had stated explicitly that the whole area right up to the watershed belonged to Garhwal and Almora in India; and Barahoti lay south of the watershed.

The Indian side pointed out that there could be no weightier evidence of Indian administration and sovereignty than that brought forward by them showing that Barahoti had been covered by the various revenue settlements of the area; and it was incomprehensible why the Chinese side had not given this evidence the serious attention it deserved. Land revenue settlements in India had a comprehensive scope, and covered every aspect of village life. The land assessment was not merely for ascertaining the extent of cultivated land; pastures, waste lands and forests within the village were also assessed as they were regarded as contributing to the agricultural production of the village. The Indian side had shown that when the village of Kurkutti was assessed for revenue, the waste land, the grazing fields and the forests in Barahoti and other areas right upto the border had also been taken into consideration. Moreover, Barahoti had been specifically mentioned in these settlements such as that of 1896.

The attention of the Chinese side was also drawn to the evidence submitted earlier that there were copper mines in the Barahoti area, which had been worked by Indians "from time immemorial". The reference to Hoti in the document regarding mines cited by the Indian side was obviously to the Barahoti area.

Regarding Sangchamalla and Lapthal, the evidence submitted by the Indian side was conclusive. The Gazetteer Map clearly showed the pasture grounds of Sangchamalla and Lapthal as the northern most parts of the Patti Malla Johar of the Almora District, and Milam was the northernmost village in the Patti. It was, therefore, clear that Sangchamalla and Lapthal were included in the traditional boundaries of Milam. The revenue settlements for Milam and the census taken in the area had also included Sangchamalla and Lapthal. The area upto the border had been regularly visited by Indian officials. Major Napier, who was deputed in 1910 by the District Commissioner of Almora to tour the area, reported that there could not be any doubt about the boundary. He did not think it would be necessary to demarcate it "as the watershed of the Himalayas in this part is so well defined that it makes a natural boundary which cannot be mistaken." It was incorrect to argue that the Indian side had confused physical features with administration and jurisdiction. All that the Indian side had stated was that the administration extended right upto the traditional boundary and that the administrators of the time considered the demarcation of the boundary unnecessary as it stood out clearly and permanently.

On the other hand, the Chinese side brought forward no evidence of Tibetan administration of this area. They failed to substantiate their assertion that this area had been 'guarded' by Tibetan officials. Such Tibetan visits as took place were those of Tibetan personnel to ensure that traders and pack animals going into Tibet were free from disease.

The Chinese side asserted that official Indian maps had not consistently shown Nilang, Barahoti, Sangchamalla and Lapthal and "other areas" within the boundaries of the Uttar Pradesh State of India, some of these maps having either shown no boundary in the Middle Sector or used a colour wash. The Indian side replied that there was not a single map of the Survey of India which did not show the watershed as the boundary between Almora and Garhwal on the one hand and Tibet on the other. As regards Nilang and Jadhong, the Indian side drew the attention of the Chinese side to the numerous official maps which included them in India. The use of the colour wash to show territories which formed part of India and the absence of international boundaries on maps intended for internal purposes had been explained earlier both by the Indian Government in the correspondence and by the Indian side at these meetings. More significant was the fact, which the Chinese side had been unable to explain away, that all Chinese maps had shown the watershed as the boundary in this Sector. For example, the official map of China, published in 1947, showed the watershed boundary in this region; and the New Map of Tibet, published in March 1951, also clearly included Sangchamalla in India.

The discussion thus showed conclusively that the areas in the Middle Sector west and south of the watershed now claimed by China had been continuously under Indian administration. The Chinese side could neither controvert the Indian evidence nor establish their claim to have administered any part of this area at any time.

## (C) SIKKIM AND BHUTAN

### Exercise of Administration by Bhutan and Sikkim up to the traditional alignment

Sikkim has always been exercising full administrative control and jurisdiction up to the traditional customary boundary. Prominent instances of the exercise of jurisdiction up to the traditional boundary are those in March 1886 when Tibetans trespassing across the eastern boundary of Sikkim with Tibet and in June 1902 when trespassers who crossed the northern border were expelled. The Chinese side are doubtless aware of this.

The 1:5 M. official map showing the alignment claimed by the Chinese side produced during the current discussions does not appear to differ in any way from the traditional customary boundary of Sikkim with Tibet as recognised by both sides. The largest scale map which has been published in China since 1949, the 1:2.25 M. *New Map of Tibet* (1951) published in Peking, also shows a boundary similar to that on the official map, between Sikkim and Tibet.

The State of Bhutan has been maintaining checkpoints all along her boundary with Tibet and has been exercising effective administrative jurisdiction up to this boundary. Bhutanese officials have been conducting official tours and collecting taxes from the land extending up to it and Bhutanese citizens have been regularly utilising the lands up to the border. The local Tibetan officials in areas adjacent to the border have respected this boundary.

The Government of India have already taken up with the Government of China various matters on behalf of Bhutan, including the delineation of Bhutan's external boundaries.

The official map supplied during the current discussions is on a very small scale; but the boundaries appear to be more or less correctly drawn except in so far as they concern Bhutan's eastern border with India. That a major discrepancy exists here was confirmed when the Chinese side gave the Indian side the co-ordinates of the south-east corner of Bhutan. The Government of India feel concerned that the boundaries of a state, whose external relations the Government of India alone are competent to deal with, are being incorrectly shown in Chinese unofficial and official maps.

Since the traditional boundary of India and Tibet lies along the Himalayan watershed, Bhutan's eastern boundary is contiguous only with Indian territory and is, therefore, a matter concerning India and Bhutan only. As far as India and Bhutan are concerned, the valid boundary in this sector is known and recognised. Actually not only this part of Bhutan's eastern boundary but the whole of Bhutan's eastern boundary with India had been studied jointly by representatives of the Government of India and the Government of Bhutan during 1936—38 and their joint recommendations have been formally accepted by the two Governments concerned.

Chinese officials have illegally dispossessed the designated authorities of the Government of Bhutan in the following eight villages situated in western Tibet over which Bhutan has been exercising administrative jurisdiction for more than 300 years: Khangri, Tarchen, Tsekhor, Diraphu, Dzung Tuphu, Jangehe, Chakip and Kocha. Bhutan has for centuries appointed the officers who governed these villages, collected taxes from them and administered justice. Tibetan authorities consistently recognised that these villages belonged to the Bhutan Government. The villages were not subject to Tibetan officers and laws; nor did they pay any Tibetan taxes. There has thus been a violation of Bhutan's legitimate authority over these villages. At the request of the State of Bhutan the Government of India in their notes of 19 August 1959 and 20 August 1959 have represented to the Chinese Government to restore the rightful authority of the Bhutan Government over their enclaves.

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## (D) EASTERN SECTOR

### Evidence of Indian Administration upto traditional alignment in the Eastern Sector

Under Item 2 the Indian side submitted a great deal of evidence from Indian, Chinese and other sources to show the traditional and customary basis of the watershed boundary of India from east of Bhutan to the tri-junction of the boundaries of India, Burma and China, and showed that this traditional boundary was confirmed by a formal exchange of letters with Tibet in 1914. They now submitted evidence of Indian administration in this area right upto this boundary alignment.

This entire area now constitutes a part of the North East Frontier Agency under the direct administration of the Union Government of India. It comprises the Kameng, the Subansiri, the Siang and the Lohit Frontier Divisions. It is inhabited almost entirely by tribal people who were, for a long time, permitted as far as possible to look after their own internal matters.

The chief tribes inhabiting the region are:

- (i) The Monbas in the Tawang, Tammaphu, Domkho and Dupla Ko river valleys;
- (ii) The Akas in the Tenga and Bichom river valleys;
- (iii) The Daflas in the areas east of the Aka and Monba territory and between the Kameng and Subansiri rivers;
- (iv) The Miris in the area north and east of the dafia area upto the Subansiri river;
- (v) The Abors in the area between the Subansiri and the Dibang river valleys; and
- (vi) The Mishmis in the area between the Dibang valley and the Indo-Burma boundary.

In the statement regarding the traditional and customary basis of the Indian alignment the Indian side cited a large number of authorities to show that the Ahom Rajas had extensive relations with the northern tribes and had exercised sovereignty over them. During the British period these various tribal areas were placed from the start under the jurisdiction either of Political Agents or of the Deputy Commissioners of the adjoining districts. These Political Agents and Deputy Commissioners regulated inter-tribal relations as also relations between the tribal people and inhabitants of the plains. From time to time laws were passed and notifications issued defining the administrative boundaries between the hill districts and those on the plains and the limits of the administrative units set up in the hill areas themselves.

Thus in 1873, when it was found that the Government were being deprived of their revenue from the hill areas by traders from the

plains who were exploiting rubber and other plants and killing animals, the Government of India issued a public notification—the *Bengal Eastern Frontier Regulation I* of 1873. This notification empowered the Provincial Government to prescribe what was known as the *Inner Line* beyond which people were to be prohibited from going without special passes. They were not to obtain from the hill areas any rubber, wax, ivory or other jungle products nor hunt wild elephants beyond the *Inner Line* without special permission of the Government. (Photostat I). It may be mentioned that the very use of the term *Inner Line* was to distinguish it from the “Outer Line” that is, the international boundary. Exclusive control of grant of permits to enter certain territories is the strongest possible proof of control of those territories.

Under this Regulation of 1873 a detailed description of the *Inner Line* was issued. Notifications describing the *Inner Line* in the Lakhimpur District and the *Inner Line* in the Darrang District were issued in September 1875 and March 1876 respectively. (Photostats 2 and 3). In October 1884, a revised notification regarding the *Inner Line* in Lakhimpur was issued. (Photostat 4). All these documents show clearly that the *Inner Line* marked merely an administrative limit and the area north of it was also controlled by the Government of India. Revisions of the *Inner Line* have been regularly notified thereafter right down to our own times; for example, in 1928, 1929, 1934 and 1958 such notifications were issued. On the last occasion it was formally brought to the notice of the Chinese Government on 23 January 1959; but the Chinese Government said nothing to show that this area, administered by India and indeed to which admission was controlled by the Government of India, was claimed by China. (Document 5).

Similarly, Government orders were issued from time to time notifying or altering the revenue and judicial administration of the tribal areas, and appointing officers specially for the purpose. In 1880, the Government of India issued a notification conveying the Governor-General's sanction to the *Frontier Tract Regulation*. This Regulation extended “to any tract inhabited or frequented by barbarous, or semicivilised tribes adjoining or within the borders of any of the districts included within the territories under the administration of the Chief Commissioner of Assam.” The administration of civil and criminal justice, as also revenue administration, were to be vested in such officers as the Chief Commissioner might appoint. (Photostat 6). Under this Regulation, Political Officers were appointed to look after these tribal areas by the District Officers of Lakhimpur, Darrang and Dibrugarh, all of which adjoined the tribal areas. Regulation I of 1945 consolidated and amended the administration of justice and exercise of police authority in these frontier areas.

In September 1914 a fresh division of the areas was made and three main units were established. The *Central and Eastern Sections, North-East Frontier Tract*, which was one of the units thus established, comprised the hills inhabited by the Abors, Miris, Mishmis and others. The *Western Section, North-East Frontier Tract* comprised the hills inhabited by the Monbas, Akas, Daflas and parts of the Miri and Abor hills. The *Lakhimpur Frontier Tract* comprised the hills inhabited by the Singphos, Nagas and Khamtis



The line separating these hilly areas from the plains was described in great detail in this notification. (Photostat 7).

In March 1919, by another public notification, the *Central and Eastern Section, North-East Frontier Tract* was renamed the *Sadiya Frontier Tract* and the *Western Section, North-East Frontier Tract* was termed the *Balipara Frontier Tract*. (Photostat 8). Notification 50 of 3 January 1921 notified all the frontier districts of Assam to be "backward tracts" in which, under the new Government of India Act of 1919, only such laws would operate as the Governor in Council or the Governor-General in Council might direct. The Government of India Act of 1935 divided these hill areas upto the international boundary into "excluded" or "partially excluded" areas. Section 92 of the 1935 Act stated that till such time as these excluded areas were ready to be merged with the rest of the province the Governor would administer them in his discretion under the general control of the Governor-General. On 3 March, 1936, *The Government of India (Excluded and Partially Excluded Areas)* Order declared the Sadiya, Lakhimpur and Balipara Tracts to be excluded areas, and they were so administered till 1947. The Constitution of India, which came into effect on 26 January, 1950, made detailed provisions under the Sixth Schedule for the administration of this whole area, now known as the North East Frontier Agency.

The exercise by the Government of India of civil and criminal jurisdiction over the tribal areas and regulation of inter-tribal relations as well as the relations between the tribes and the people living on the plains can also be conclusively established.

The Chief of Tawang, called the Deb Raja, and his dependents, all of whom had been dependents of the Thom Rajas, undertook as early as 1844 to submit to British civil jurisdiction. An annuity of Rs. 5,000 was paid to them, conditional on their good behaviour and observance of all the terms of their undertaking. The text of this undertaking was published as far back as 1862 in Titchison's *Collection of Treaties, Engagements and Sanads* (Volume I, pages 145-146); and the Chinese and Tibetan Governments were doubtless aware of this submission of the Tawang and other Bhutiya Chiefs to British jurisdiction.

Apart from these Chief's a number of other Bhutiya Chiefs also undertook in the same year "never to join any person or persons that may be at enmity with the British Government; and furthermore to oppose every effort made against the Government the instant it shall be brought to our knowledge...". They also agreed "to act up to any orders we may get from the British authorities". On these conditions as well as of an assurance of good behaviour, they were given a monthly pension. There could be no greater proof of the acceptance of the sovereign authority of the Government of India.

In 1853 when a Tibetan refugee took asylum under the British, some of these Bhutiya Chiefs made a representation on behalf of the Tibetan Government but later withdrew for fear of losing the annuity of Rs. 5,000 granted to them earlier. They agreed that the annuity might be forfeited "should the peace be ever broken by us". All these

administrative agreements have been published in the various editions of Aitchison.

There is conclusive proof of the exercise of administrative jurisdiction in the other areas as well. The Abor region was visited as early as 1826 and 1827 by Captain Bedford, Captain Neufville and Captain Wilcox to settle a number of feuds existing between the Miris and the Abors. In 1847 Major Vetch held a meeting with several clans of Abors on the Dihang for the purpose of establishing trading posts. The next year he settled the *Posa* (stipend) to be given to the different tribes of Abors. In 1862, following certain raids made by the Abors on the plains, a force consisting of 400 soldiers was sent up the Dihang valley and the tribes subdued. The latter then gave undertakings confirming that they would not cross the administrative frontier and accepting the jurisdiction of the British Commissioner. Similar undertakings were given in 1866 by twelve more sections of the Abors who in addition agreed to preserve the tranquillity of the frontier.

In 1911, when the Minyong Abors committed a breach of the peace, the Government took effective action to punish them and to bring them to order. The tribes living in Kebang, Yemsing, Rengging and Babuk were told to obey the orders of the Government and not to interfere with people going down to the plains for trade. All these documents also have been published by Aitchison.

The Akas undertook in 1844 "never to join any parties that are or may hereafter be enemies to the British Government, but pledge ourselves to oppose them in every way in our power. We will also report any intelligence we may get of any conspiracy against the British Government, and act up to any order we may receive from their authorities". Further, they also promised good behaviour on pain of forfeiting the pension they were receiving from the Government of India.

In 1883-84 when the Akas committed certain crimes, they were duly punished and thereafter they submitted and gave an undertaking of good behaviour in 1888.

The Indian side have a vast amount of evidence to show that the Political Officers in charge of the tribal areas exercised effective jurisdiction right upto the traditional frontier. It is true, as stated in the Prime Minister's letter of 26 September 1959, that the British Government's policy was generally to leave the tribes more or less to look after themselves, and not seek to establish any detailed administration in these areas such as was to be found in the rest of British Indian territory. Nevertheless, where questions of law and order, inter-tribal relations and relations between the tribal people and the plains people were concerned, the authorities never failed to exercise their sovereign jurisdiction. The Indian side would give a few examples selected from various periods to show the continuity and scope of this jurisdiction.

1. The Annual Report for 1885-1886 of the Deputy Commissioner, Darrang, stated that the Tawang representative attended the Darbar held by the Deputy Commissioner, wherein a dispute that had arisen between the Tawang traders and the Kuriapara people regarding the

exchange of salt for rice, was settled. The Tawang representative received his annual pension of Rs. 5,000 at this Durbar. The Tawang representative also reported about the economic conditions prevailing in Tawang at that time. (Photostat 9). The presence of the Tawang representative at the Durbar of the British official in 1885 and his conduct there constituted formal evidence of Tawang's acceptance of British sovereignty.

2. The Annual Report on the Frontier Tribes for the year 1896-97 showed administrative control over the whole area. It stated that peaceful conditions prevailed in the Monba, Miri and Doba Abor areas. The Monbas assured the Deputy Commissioner that they would not force their hill-salt upon the people of the neighbouring plains in exchange for rice at any rate other than the fair and recognised one. An expedition was sent to the Apa Tanang (Dafra) area to punish them for a murder they had committed. (Photostat 10).

3. The Annual Report on the Frontier Tribes for the year 1901-1902 stated that certain people including the Gam (Chief) of the Miris were given permission to hunt elephants in the area beyond the *Inner Line*. A complaint was lodged by the Doba Abors that certain Miris had cut trees in their country, and the Deputy Commissioner thereupon imposed fines on the Miris. (Photostat 11).

4. The Annual Report for the year 1902-1903 stated that the Tawang Monbas, Charduar Monbas, and the Thebengia Monbas came as usual to Tezpur to receive their respective *posas* and to give their presents in return. Passes were issued for cutting trees in the Aka area, beyond the *Inner Line*. (Photostat 12).

5. The tour diary for February 1913 of Dundas, the Political Officer in charge of the Abor area, gave details of his official tours as far as Damro and Komkar deep in the Padam Abor area. (Photostat 13).

6. Capt Nevill Political Officer in the Western Section of the North East Frontier Tract, visited Tawang and the other Monba territories further south during the course of his official tour in 1914. His detailed report described the conditions prevailing in these areas and made proposals for their better administration. He suggested that the Tawang monastery should be asked not to forward the pension received by it from the Government of India to Lhasa, to whom it owed religious obedience. He added that an officer should be stationed at Tawang and that police posts should be established at Dirang and Rupa. He stated that neither the inhabitants of Rupa and Shergaon nor those of But and Konia knew Tibetan. Rupa and Shergaon paid no taxes to Dirang and sent a contribution to the Monastery at Tawang. Neither in Tawang nor in these villages did Nevill find any trace of Tibetan administration. (Photostat 14).

7. The Annual Report for 1914-15 stated that certain Padam Abor villages and certain Mishmi villages were assessed for poll tax. The Mishmis were behaving satisfactorily. The report gave information also about certain inter-tribal quarrels among the Abors living as far north as Komsing and Komkar. (Photostat 15).

8. The Annual Report for 1915-16 reported certain disturbances in the Minyong Abor areas and proposed the despatch of an expedition

to restore order. A poll tax was levied on the Padam Abor villages. The Chulikata and Bebijiya Mishmi areas were peaceful. (Photostat 16).

9. The Annual Administration Report of the Balipara Frontier Tract for the year 1918-19 showed clearly that Tawang was administered by Indian officials. That the British Political Officer, representing the Government of India, was in charge of the administration of the entire area was clear from the fact that he paid the stipends, regulated the inter-tribal relations of the Monbas, conducted the administration and reported regularly about the economic conditions of the entire area. The Monbas of Rupa and Shergaon complained to the Political Officer about the oppression of the Akas and Miris and requested him to send a guard and establish a dispensary. (Photostat 17).

10. In September 1920 the Government of India conveyed their sanction to the Government of Assam regarding the extensive tours to be conducted in the frontier areas by the Political Officers of the North East Frontier Tracts. (Photostat 18).

11. The Dairy of R. W. Godfrey, Political Officer, Sadiya Frontier Tract, regarding his tour in March 1939 deep into the Abor territory beyond Karko described at great length the various administrative duties performed by him in a large number of villages all of which received him most cordially. Since the report is a lengthy one the Indian side supplied photostats of only extracts from it. The duties performed by the officer included hearing cases and discussing village matters with the Gams of Pangin, ordering Karko, Riga and Pangkang to remove trade blocks and to settle claims amicably in Kebang (Council), appointing men to hold a Kebang in connection with the Pertin-Tayong land dispute, hearing and settling cases concerning Damroh and giving medical treatment to the tribal people. (Photostat 19).

12. In April 1939, the Secretary to the Governor of Assam reported to the Government of India about the conditions prevailing in the central Monba region as noticed by the Political Officer while returning from his official tour to Tawang. The Miji and Miri Akas were in the habit of raiding and plundering the Monba villages and exacting illegal tributes from them, and the Governor proposed the sending of an expedition to punish the Akas. (Photostat 20).

This representative evidence that the Indian side brought forward regarding the nature of the jurisdiction exercised by Indian officers in the various tribal areas at different periods proves that these areas upto the traditional frontier have always been under Indian jurisdiction. All forms of administrative control, including the primary one of maintaining law and order, were in the hands of the Government of India. These tribes were the pensioners of the Indian Government and the latter controlled their relations both among themselves and with their southern neighbours, promoted their prosperity, looked after their health and social welfare and punished them for wrong-doing. The scope and variety of Indian administration in these unsettled tribal areas has been for a great many years both comprehensive and conclusive.

Detailed surveys conducted from time to time throughout these areas constitute another group of evidence conclusively proving Indian sovereign jurisdiction. The Political Officers incharge of the various frontier tracts were in the habit of collecting detailed information regarding the geography of the areas. This was illustrated by the Annual Reports and Tour Diaries, several of which the Indian side had already produced. Detailed and scientific surveys of the areas were held between 1911—14. A survey party attached to the Miri Mission (November 1911—March 1912) surveyed the valleys of the Subansiri, Kamla and Khru rivers. The General Report submitted by Kerwood, who was in charge of this Mission, summarised (in Chapter IX) the results of the surveys and said that nearly 1400 square miles of territory had been accurately mapped on the scale of 11 : 4 miles. (Photostat 21). The Results of this Miri survey were linked with those of the Abor Field Force which surveyed the Abor area further east. The Abor survey was conducted by a party attached to the Abor Expeditionary Force under Major General Bower, and Bentinck, Assistant Political Officer. A few relevant extracts from the lengthy Reports and Tour Diaries submitted by Bentinck are attached. It can be seen that the party visited almost all important parts of the Abor area and in particular the Dihang valley (Photostat 22).

The Mishmi area between the Dibang and the Lohit valleys was surveyed by two parties between 1911 and 1913. A few extracts from the reports submitted by the first party under Major Bliss, Commander, Mishmi Mission Force, and similar extracts from reports submitted by parties attached to this Mission and incharge of construction of bridges and roads, are attached. (Photostat 23). This provides not only proof of survey work but incidentally also of public works undertaken in these areas.

The entire Monba and Aka region from the eastern boundary of Bhutan up to the Dafla territory in the Kameng River Valley, was surveyed by a party under Lt. Huddleston of the Survey of India, attached to the Tour Party under Capt. Nevill, Political Officer, in 1913-14. This party surveyed an area of 4000 square miles up to the Tse La Range. A photostat copy of the relevant extract is attached. (Photostat 24). The region further north including Tawang was surveyed by Captain Bailey and Captain Morshead.

These surveys prove not only the extension of Indian administration to these areas but also that the area had been as well surveyed as was then possible and the so-called McMahon Line only formalized the traditional alignment which had been carefully confirmed and the terrain accurately surveyed.

The Assam Provincial Census Reports for the various years provide further proof of the fact that the tribal areas were, right from the beginning, an integral part of India. Although regular enumeration beyond the *Inner Line* was not always possible, attempts were made to collect as much information as possible regarding the habits and customs of the tribal people.

The Assam Census Report for 1881 made it clear right at the beginning that the tribal area extending up to the Himalayas in the north was part of Assam.

In paragraph 1 of page 1 it was stated:—

“Assam occupies the north-east corner of the Indian Empire and is bounded on the north by the eastern section of the Himalayan range which portion is inhabited by the Bhutias, Daflas, Akas and other hill tribes....”.

In paragraph 144 it stated:—

“Miri, Dafla and Abor are names which have been given by the Assamese to three sections of one and the same race, inhabiting the mountains between the Assam valley and Tibet...”

Paragraph 145 gave an account of the Miris, Abors, Daflas and other tribes. It was worth noting that it stated that the Miris had been subject to the Ahom kings. Photostats of pages 86 and 89 from the report were attached. (Photostat 25).

The Assam Census Report of 1901 similarly gave an account of the tribal people. In paragraph 201 of Chapter XI it stated:—

“Living in the Hills on the north of the Brahmaputra, we find the Mishmis, the Abors, the Miris, the Daflas and the Akas”. (Photostat 26).

The Assam Census Report for 1921 contained a full appendix on the tribes written by Capt. Nevill, Political Officer, Balipara Frontier Tract. He dealt with all the tribes and gave detailed information regarding their territory, their customs and practices, traditions and religion. (Photostat 27).

These Census Reports make clear that the territory up to the watershed was regarded as part of India and whenever a census was held in other parts of India this area was also taken into account and attempts at enumeration made.

Apart from the tours conducted by the Political Officers and jurisdiction exercised by them in various ways there is a great deal of other administrative evidence, including construction of public works, to show that the north-eastern tribal areas always formed part of India. Instances of such works were the construction of a bridged track from Sadiya to the frontier in the Lohit valley, the establishment of a military police post near Menilkrai, the construction of a telegraph line from Sadiya to the advanced post and the construction of a bridge track along the left bank of the Dibang river.

A note by Dundas, Political Officer, Central and Eastern Section, dated January 1916, referred to the road 92 miles long from Sadiya to Therouliang in the Mishmi area which had been built earlier at a cost of 26 lakhs of rupees. He then referred to the examination of the road and bridges which had been built earlier, by the Mishmi Works Party in 1912-13, as far as Makhung beyond the Dou river. (Photostat 28).

A letter from the Government of Assam to the Government of India, dated 19 August 1938, stated that out of the current year's provision of Rs. 18,000/- a sum of Rs. 15,260-1-9 had already been beginning that the tribal area extending up to the Himalayas in the be surrendered under that head. (Photostat 29).

A letter from the Government of India to the Government of Assam dated 30 August 1940 conveyed the sanction for the establishment of cold-weather out-posts at Karko and Riga in the Upper Siang Valley. Karko and Siang are situated in the heart of Abor territory and the sanction of special posts for these places is proof that Indian administration was actively functioning in these areas and that no taxes could have been collected by the Tibetans as alleged by the Chinese side in their earlier statements. (Photostat 30).

A letter from the Government of Assam to the Government of India dated 6 September 1940 recommended the construction of a road four feet wide in the Lohit Valley and the construction of several suspension bridges across the rivers along this road. It suggested also the establishment of an octroi and road maintenance post at Therouliang in the Tiding Valley. (Photostat 31).

Extracts of notes from a file of the Government of India dated September 1946 prove the grant of financial sanction for a number of administrative measures in the North East Frontier Agency. These measures include the purchase of bridging material in the Lohit Valley, conversion of a post of Assistant Political Officer to that of a Political Officer in the Abor Hills of the Siang Sub-agency, the establishment of a forward post in the Siang Valley, the establishment of a post in the Panir (Ranga Nadi) Valley and the construction of a temporary plains base for the Subansiri area. (Photostat 32).

The increasing responsibilities undertaken by the Government of India for extending the benefits of regular administration can also be seen from the *Balipara Frontier Tract Jhum Land Regulation III* of 1947 which provided for the better utilization of the Jhum land and arranged facilities for their better cultivation. (Jhum land was that which members of a village community had a customary right to cultivate or to utilise for other purposes).

These documents pertaining to different periods and extending over the entire area in question provide full proof of active jurisdiction exercised by the Government of India not only in recent years but for many decades in the past and long before 1914. They show all aspects of administration. The Government of India not only maintained law and order but undertook constructive activities in this area.

In face of this vast amount of evidence showing conclusively the exercise of Indian administration and jurisdiction in these areas up to the traditional watershed alignment, it seems hardly necessary to bring forward further evidence in the form of official maps to substantiate the Indian alignment. However, as the Chinese side have, in their statement of 4 September 1960, referred to certain maps of the Survey of India, the Indian side would deal with these. The maps referred to by the Chinese side were the map of *India* of 1865, the map of *India* of 1889, the *District Map of India* of 1903, and the maps of *Tibet and Adjacent Countries* of 1917 and 1938. The maps showed the administrative *Inner Line* dividing the tribal areas from the plains districts of Assam. The description of the *Inner*

*Line*, as notified from time to time, corresponded to the limits of normal regular administration in Assam, and it was this line which was shown in maps issued by the Survey of India. British cartographers, as a rule, showed on their maps the administrative boundaries irrespective of the alignment of the international boundary. But this *Inner Line*, as the Indian side had already shown very clearly and as its very name denoted, was only an internal boundary. Perhaps nowhere was this more clearly shown than in the official Government of India Act of 1935. This was a legal document of the utmost significance which was drafted with great precision. In Section 311 of the Act, it was stated clearly "India means British India together with the tribal areas." In other words, tribal areas were not parts of provinces or even of British India, but they were a part of India and lay within the international boundaries of India. It is this administrative distinction between various parts of India that was shown on the maps of the Survey of India. All these maps showed the extent of these tribal areas of India either by a colour wash north of the administrative line or *Inner Line* or by printing the names of the tribes across the area. Since the relations of the Government of India with the tribal regions were of long standing, were well-known from the beginning and had been made clear during the last two centuries by statutory enactments and administrative agreements, and as the administrative measures taken regarding these areas were publicly notified from time to time, there was no possibility of mistaking the administrative line shown on the maps for the external boundary of India.

The Indian side could produce a large number of maps published by the Survey of India to substantiate this position. The Map of India of 1883 showed the whole tribal area by a colour wash. (Photostat 33). The Government of India had already drawn attention, in their note of 12 February 1960, to the map published by the Survey of India in 1895 and corrected upto 1903. This map also showed the whole tribal area by a colour wash. (Photostat 34). The map attached to the *Memorandum on Native States*, Volume II, Published by the Government of India in 1909 (Photostat 35), and the map of *Eastern Bengal and Assam* attached to the 1908 edition of Aitchison's *Collection of Treaties, Engagements and Sanads*, Volume II also showed the entire tribal area by a distinct colour wash.

It might be pointed out, in this connection, that the same procedure was followed on the north-west frontier. Although the boundary in this area had been clearly defined by an international agreement of 1893, maps published by the Survey of India continued to show the area beyond the administrative line by a colour wash. This did not mean either that the boundary was not known or that the area beyond normal, regular administration was not a part of India.

That the four maps of the Survey of India cited by the Chinese side showed only the administrative line was further made clear by the fact that on the *District Map of India* of 1903 the external boundary was not shown for almost its whole length; and on the maps of *Tibet and Adjacent Countries*, the inset map showed clearly and correctly the whole external boundary of India.



As regards the Chinese contention that the "undemarcated" symbol was altered in Indian maps after 1952, this has already been explained in the note of the Government of India of 12 February 1960.

In fact, it had been conclusively shown that the natural, traditional and customary boundary between India and Tibet in this Sector lay along the watershed. Not only had evidence been led from ancient times right down to our own day to prove that this was the traditional and customary alignment, but it had also been shown that it was well-recognised and accepted by both sides. Authoritative Chinese works themselves, as the Indian side had shown under Item 2, written at various times, recognised this as the boundary between the two countries. Indian jurisdiction and administration had extended right up to it for a long time and it was given further treaty sanction in 1914. Official Chinese maps, such as the *Postal Atlas of China* of 1917, also showed the correct alignment in this sector.

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## COMMENTS ON THE EASTERN SECTOR UNDER ITEM 3

As the Chinese side commenced by asserting once more that their alignment was the traditional one, the Indian side were obliged to draw attention again to the fact that under Item 2, the Chinese side had brought forward no historical evidence in support of an alignment claimed to be traditional. The Indian side, however, had provided a vast amount of conclusive evidence in support of the traditional Indian alignment. It had also been shown that this traditional Indian alignment had secured the sanction of treaty; but as the Chinese side spoke again of the McMahon Line as "illegal" the Indian side brought forward further evidence to place the issue beyond the shadow of doubt. They supplied a photostat copy of a note formerly handed over by the representative of the Government of China to the Government of India on 5 November 1947. In this note the Government of China had enquired "whether after the transfer of power, the Government of India have replaced the former Government of British India in assuming the treaty rights and obligations hitherto existing between British India and Tibet .....". In their reply of 9 February 1948, the Government of India had formally informed the Chinese Government that "as from the date of the establishment of the Dominion of India, the Government of India have replaced the former Government of British India in regard to the treaty rights and obligations previously existing between British India and Tibet". These documents formed incontrovertible evidence of the Chinese Government's acceptance of the treaty-making powers of Tibet, and the strongest possible proof not only of the validity of the Indo-Tibetan Boundary Agreement of 1914, but also of its recognition by the Chinese Government. The Chinese side argued that the reference here was to the treaties signed between the Chinese and British Governments; but it was shown that there was no basis at all for such an interpretation for the Chinese communication of 5 November 1947 referred explicitly to the obligations that existed between India and Tibet and not to those between India and China. The free Government of India had never been interested in any extra-territorial rights that might have been bequeathed to her, and when the time came she renounced them, and was proud to renounce them. But the legitimate rights and obligations that had been acquired by her or on her behalf had always been recognised by her; and similarly Tibet also had recognised her rights and obligations. One of the main sources of the rights and obligations of India and Tibet was the valid exchange of letters in 1914. The Government of China had recognised this in 1947.

### **Evidence of Indian Administration upto the Traditional Alignment**

The Chinese side made no effort to controvert much of the large quantum of evidence cited by the Indian side, and the few comments they did make on the remainder were shown to be lacking in substance. They asserted that while the Indian side had brought

forward evidence regarding the existence of the *Inner Line* no evidence had been brought forward to establish administration of the areas beyond the *Inner Line* or the exact location of the 'Outer Line'. The Indian side answered that this was to ignore all the evidence, such as permits to foreigners to cross the *Inner Line* and exercise of civil and judicial administration, covering every part of this area right upto the watershed boundary. This evidence not only substantiated the Indian alignment but disproved the Chinese claim, for the alignment claimed by the Chinese, as they themselves had admitted, was for almost its entire length the *Inner Line* maintained by the Government of India. The Chinese Government were claiming what was never more than an administrative line, with no international significance whatsoever. It was, in fact, not even a municipal line. The very term *Inner Line* showed that it was only an administrative line within, and south of, the international alignment.

The assertion of the Chinese side that Indian administrative control had reached only upto the *Inner Line* and never beyond it, was obviously based on a misunderstanding of the nature of the *Inner Line*. The areas north of this line had always been under the jurisdiction of the Indian Government. But they were inhabited by tribes with a distinct culture and a way of life of their own and the Indian Government had always been anxious to preserve the unique quality of tribal life. For that reason regular administration, such as was to be found in other parts of India, was not extended to those areas. As explained earlier, the tribal areas had been described in the Government of India Act of 1935 as "excluded" or "partially excluded" areas—i.e., excluded from the normal administrative processes to be found in other parts of India. The *Inner Line* showed the limits of the tribal areas. It marked the limit not of Indian administrative control but only of normal Indian administration. What was to be found north of the *Inner Line* and upto the international boundary was a special type of administration adapted to the peculiar needs of the tribal areas.

The Chinese side then wished to know how, if the tribal areas were not administered, the tribes could have been controlled. It was explained by the Indian side that they had never stated that these areas were not administered, but only that they were not under the same type of administration which was to be found in other parts of India. A vast amount of evidence showing the precise nature of administrative authority exercised in these areas, in both the pre-British and the British periods, had been brought forward.

The Chinese side stated that they could not understand why the Border Regulations of 1880, cited by the Indian side, applied also to tribal territories adjoining the districts administered by the Chief Commissioner of Assam. The Indian side explained that this was because special arrangements were being made for the administration of these areas. This could not, by any stretch, be interpreted to mean that the area was not apart of India. Special arrangements for the administration of the tribal areas was in fact the clearest

possible proof that this part of Indian territory was under Indian administration.

The Indian side pointed out that this variation in the types of administration was not peculiar to India. Not all parts of China were administered in the same manner. Indeed, for several centuries Chinese laws had not been operative in Tibet, nor had any taxes been collected by China in Tibet. The Chinese side did not, on that account, admit lack of administrative control. Even now there existed what were known as 'Autonomous Areas' in China.

As for the suggestion that there was no indication in the Indian evidence as to where exactly the international boundary lay, it was stated that the exact alignment had already been established under earlier Items, and under this Item the Indian side were only concerned with establishing the existence of Indian jurisdiction and administration upto it. The record of continuous administration supplied by the Indian side showed that authority had been exercised in every area upto the boundary. The Indian side might well ask the Chinese side whether in any of their documents under this Item the exact location of the alignment claimed by them had been described.

The Indian side repudiated the Chinese suggestion that the people of this area had always adopted an attitude of resistance to the British Government. For entirely the converse was true. The tribes had explicitly accepted the sovereign jurisdiction of the British Indian Government, and rarely was there any trouble in these areas. The Chinese side had referred to Needham's expedition. In 1885 Needham went right upto the border in the Mishmi area and within a mile of Rima. It was true, as stated by the Chinese side, that Williamson had been murdered in the Abor area in 1911. But the Indian side could not believe that the Chinese side were seeking to argue that a stray murder in the course of over a hundred years of continuous exercise of administrative authority by the British Indian Government proved either lack of administrative control or that these areas belonged to Tibet. Occasional murders of officials took place in every part of the world, but on that ground no one could argue that administrative control did not exist. In fact, those guilty of Williamson's murder had been severely punished by the Indian authorities.

The Chinese side mentioned that the majority of the local people had hated outsiders. The Indian side replied that even if this were true, it could not follow that the territory lay outside India. In Tibet itself to this day foreigners were not particularly welcome; but it had not been inferred from this that Tibet was not now a part of China.

The Chinese side then referred to the Indian evidence regarding the undertakings by the tribes confirming Indian sovereignty. As already shown by the Indian side, they were merely administrative arrangements in order to enforce the sovereign authority of the Indian Government in this area. This authority had never been questioned by the tribes, and ways and means suitable to these areas had to be developed. The Indian side had cited a number of

articles in these agreements which made their nature clear and which showed that the tribes were under the sovereign jurisdiction of the Indian Government. When a reference was made in these agreements to "British territory", what was meant was territory under regular administration. As the laws applicable to these areas were different to those enforced in the plains districts, the laws operative in the plains were referred to as "British laws", applicable to the whole of British Indian territory as distinct from these tribal areas. In fact, the Indian side had already quoted an article from the Government of India Act which made it clear that even as recently as 1935 these territories were regarded as a part of India but not of British India. Far from these agreements showing that these areas were not British territory, they emphasised the fact that they were a part of Indian territory but that special arrangements had to be made for them.

It was also pointed out by the Indian side in this connection that if, in fact, these tribal areas had belonged to Tibet, the Government of India would have signed agreements direct with Tibet and not with the Monbas or the other tribes; for during those years the Tibetan Government were negotiating on their own, as was shown by their treaty with Nepal in 1856. So even if it had been true, as the Chinese side had contended, that these agreements were between two equal parties, it would only show not that these tribal areas belonged to Tibet but that they were independent. In fact, as already mentioned, they were administrative agreements between the Central Government and the outlying areas. The reference in an agreement of 1853 to the Lhasa Government merely indicated that on this particular occasion, which concerned an incident involving a Tibetan, the local Rajas were acting for the Tibetan Government. That it meant no more was placed beyond doubt by the fact that nine years earlier, in 1844, these Rajas had explicitly reaffirmed the administrative authority of the Government of India over these areas. The key sentence of that agreement of 1844, which the Indian side had already quoted, was:—

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

The Chinese side stated that the payment of *posa* or stipends could not be regarded as proof of administrative control, and cited Haimendorf in support. The Indian side replied that the payment of *posa* was clear proof of Indian administration of the tribal areas, because they were paid to those tribes which had explicitly accepted the traditional sovereign jurisdiction of the Indian Government over their areas. As there was little normal source of income in these hilly areas, the Government were obliged to make these payments to the tribes. Moreover, through such payments, as was clear from some of the undertakings given by the tribes, the British arranged to maintain the security and defence of the international frontier lying north of the tribal areas. The explanation given by Haimendorf was patently wrong, and it was surprising that the Chinese side should have based their argument on such an unauthoritative work. No Government in the world paid stipends to those who were not its citizens.

Regarding the varied evidence brought forward by the Indian side to show continuous Indian administration, the Chinese side only commented on a few items, and even these comments were shown to be of no pertinence. The visit of the representative of Tawang to the Durbar of the Deputy Commissioner in 1885 showed clearly that Tawang was under the administrative control of the Indian Government; and his presence was additional evidence of the formal acceptance of Indian sovereignty. He did not attend the Durbar, as the Chinese side alleged, merely to settle trade matters. As had already been shown, he received his annual pension at that Durbar and reported on the conditions prevailing in Tawang.

The Indian side could not accept the Chinese assertion that the despatch of Indian troops into this area was illegal and that they went only into the southern areas. It had been established with a wealth of documentary proof that this area was always a part of India and that Indian officials and military personnel had been touring the whole region right upto the boundary alignment, as they had a legitimate right to do, for many years. The tours of these officials were by no means secret, as the Chinese side alleged, and were fully covered in the Annual Reports. The taxes collected were not limited to the cultivation of fields in the plains and even those tribesmen who were not owners of land in the plains had to pay these taxes.

The Indian side had produced a considerable amount of evidence to show that the Tawang area had always been administered by Indian officials. For example, in 1938 the boundary between Bhutan and this area had been surveyed for its whole length right upto the northern alignment by a joint commission set up by the Governments of India and Bhutan. The Indian side could not comprehend on what basis the Chinese side ignored all such evidence, without giving any reasons at all.

The surveys carried out in these areas upto the traditional alignment by Indian officials were also part of the legitimate exercise of administrative authority. When these officials like Bailey and Gunter crossed the border to survey Tibetan territory, it was always with the permission of the Tibetan Government. The Indian side could not accept the Chinese statement that the surveys during the years 1911 to 1914 were with the intention of annexing a part of Tibet. The boundary with Tibet was well-known and recognised, and the exchange of letters between India and Tibet in 1914 merely formalized it.

The Indian side noted that the Chinese side had not attempted to controvert the evidence of administrative control provided by the Census Reports. The nature of the terrain explained the fact that the census methods were not of the same pattern as that adopted for the other parts of India. The same method was followed for the other tribal areas in the heart of India, such as those in what was now Madhya Pradesh.

As for the public works undertaken in this area, the Indian side had shown that they were constructed even in the early years of this century, and they could not see on what grounds the Chinese

side stated that they had all been planned and built after 1940. These public works were evidence of general administration in this area.

The Chinese side cited passages from various books in an effort to prove that the areas north of the *Inner Line* were not a part of India; but it was shown by the Indian side that all these works in fact supported the Indian position. The Chinese side quoted a passage from Dr. Elwin's recent book *A Philosophy for NEFA*. It was incomprehensible what was sought to be proved by that statement. Dr. Elwin had clearly stated that these tribal areas had been a part of India, both under the Ahom Kings and in the days of British rule. The Indian side quoted the relevant sentence from Dr. Elwin's book:

"When the British took over the control of Assam from Purander Singh in 1838, they found that the warlike tribes of the frontier had become even more aggressive as a result of the breakdown of the authority of Government and for the remainder of the century they largely followed the policy of the Ahom kings."

It was clear from this that Dr. Elwin was only describing the state of relative unrest within a part of India. He had then described the means adopted by the British Indian Government to reassert their authority in the tribal areas. Nowhere had he stated, or even suggested, that this area was outside India or was a part of Tibet.

The Chinese side referred to a passage in an article written by Kingdon Ward. The Indian side were surprised that the Chinese side should have quoted Kingdon Ward, for there were a number of books and articles written by him, to which the Indian side had already drawn attention, and which stated expressly that the international boundary of India in this Sector was what was known as the McMahon Line. If the Chinese wished to base their claim on Kingdon Ward's opinions, the Indian side would be most willing to cite his many statements describing the traditional Indian alignment.

Reference was also made by the Chinese side to a passage in the book *Himalayan Barbary* by Haimendorf. This book had already been dealt with by the Indian Government in their earlier correspondence with the Chinese Government. Haimendorf was new to this area and in 1944 he had visited it for the first time. Clearly all that he meant when he talked about the *Inner Line* being the only effective border of India was that regular administration of the type common to the rest of India was not to be found to the north of the *Inner Line*. His work also was only made possible by the assistance rendered by the Government of India. The position had been fully explained in the passage in the *Encyclopaedia Britannica* of 1947, which had been quoted by the Chinese side: "beyond it (the *Inner Line*), it is illegal for British officials and men to move into unless with special permission." The fact mentioned in this statement, that no one could enter the tribal areas without the special permission of the Indian Government, demonstrated more clearly than anything else that these areas were a part of India. The Indian side were grateful to the Chinese side for drawing attention to the *Encyclopaedia Britannica*.

The Chinese side quoted a passage from a book by Alfred Lyall published nearly 80 years ago, stating "we must start from the creation of a political boundary." Whatever the interpretation the Chinese side might put on Lyall's statement, it had already been shown beyond doubt by the Indian side under Item 2 that the traditional and customary boundary of India lay where it was now being shown. What Lyall had in mind was that it was a matter for decision whether the British Government in India intended to extend their authority right upto the settled boundaries of India or whether they intended to leave some independent Indian kingdoms within the international boundaries of India. This had obviously no bearing on the fact that the border of India in the Eastern Sector had always lain along the watershed range, and that the *Inner Line* marked the limits of regular administration south of it. The Chinese suggestion that the name *Inner Line* was given to keep the boundary in a fluid state was totally unwarranted by facts.

The Chinese side again dwelt at length on the maps published by the Survey of India. The use of the term 'undemarcated' on earlier official maps had already been explained both in the earlier correspondence between the two Governments and at these meetings. Further, the maps merely showed the administrative boundaries of what was called British India in the sense that they showed only the then limits of regular, normal administration.

#### **Material brought forward by the Chinese side**

While under Item 2, the evidence—such as it was—which had been brought forward by the Chinese side had pertained to no more than about a tenth of the territory involved, under Item 3 their evidence, on their own admission, pertained to an even smaller area, and dealt with three small pockets, the Monba area in the extreme west, the so-called Layul area in the extreme north and a small part of the Lohit valley to the north of Walong in the extreme east. But even here, the evidence did not cover the whole of these small wedges of territory. For example, in the Layul area, the so-called 'Avowals' and the lists said to represent a tax register covered only a few villages along the banks of the Siang river. Even according to the Chinese side these villages were at a great distance from the alignment claimed by them, and by no stretch of logic—or of territory—could this strip along the Siang river be held to cover a vast area, and that area given the name of Layul. Similarly, in the so-called Lower Zayul area, the Chinese evidence concerned only a few hamlets on the banks of the Tellu river. Outside these small pockets there were extensive areas of thickly populated territory which the Chinese side claimed but which the Chinese evidence did not even seek to cover. There was no reference for example to the Daffa tribes, to the Tagins, to the great number of Mishmis and to the bulk of the Abor land. The Indian side could not believe that the Chinese side meant to assert that their continuous administration of these areas was established beyond doubt by one solitary document brought forward by them regarding the collection in these areas of a few tiger skins and a pair of elephant tusks. This was in strong contrast to the evidence brought forward by the Indian side. This evidence had been selected from a vast mass of documentation in order to cover different aspects



of administration in every part of this area, and particularly the northern areas near the traditional alignment.

### The Monba area

The Chinese side once again cited the order of the Fifth Dalai Lama and stated that the Tibetan Government had deputed certain persons to exercise jurisdiction in the Monba area. It was pointed out that this document had already been dealt with under Item 2 and shown to be in no way conclusive of the establishment of public administration. Moreover, in the course of the discussion, the Chinese side had made so many contradictory statements that it was hard to believe that any of these statements was correct. All that this particular document dealt with was the management of monasteries and endowments and the raising of voluntary contributions. As the whole origin of the claim to Tibetan administration of the Monba area was based on this document and as the Chinese side had repeatedly referred to it, the Indian side read out the relevant passage: "it would not only be possible to manage monasteries that are under the control of Mera Lama from Ningsang onwards and Khelin, Tsang Chiang Mu and Ali upwards and manage the farms of the spiritual ones belonging to the monasteries but it would also be possible to build a few monasteries and collect levies for the clergy in all the places of the east, west, above, and below Mon region. For summer and autumn the levies for each person in every temporal household and the donations of those having faith and that offer, should be ten units. For the living collections can be made. For the dead ones good deeds giving generous presentations to the lay and clergy in the place and also the *Ula* for transportation purposes when the great believers are deputed to places below Tsona."

This made repeatedly clear that the management was of the monasteries, that the collections were only for religious purposes, and that even *Ula* or the right to *beqar* was reserved for the monks, for the "great believers deputed to places below Tsona." Nowhere in the document was it stated, as the Chinese side had claimed, that Lang Kha Chu and the Mera Lama were to exercise jurisdiction over this area. Here was evidence provided by the Chinese side themselves that what the Fifth Dalai Lama had established in the Monba area was no more than ecclesiastical jurisdiction. And as had frequently been pointed out by the Indian side, the mere existence of a theocratic system in Tibet did not mean that wherever there was ecclesiastical jurisdiction, political authority automatically went with it.

The Chinese side gave a long list of places in the area and asserted that they had been organised into *tsos*. Some of the places listed did not, in fact, exist, others lay north of the traditional Indian alignment, and still others were known to be outside the Monba area. A few of the names were those of places within the area. But the type of administrative organisation which actually existed in the area was far from that of the nature described by the Chinese side. Detailed descriptions of the exact type of tribal organisation found in those areas were available in the annual reports sent by the Indian Political Officers, who were in charge of the areas from the beginning

The Monba area consisted of four main divisions: Tawang, including the villages of Shakti, Gyangkar, Jang and Senge; Upper Tam-maphu and Upper Phutang valleys consisting of the villages of Lih, Dirang and Phutang inhabited by the Sherchokpa Monbas; the lower Tammaphu valley consisting of the villages of Tembang, Konia and But inhabited by the Thebengia Monbas; and the Domkho and Dupla Ko valleys consisting of the villages of Talung, Kalaktang, Shergaon and Rupa, inhabited by the Sherdukpa Monbas. In the Tawang and Sherchokpa areas, the villages enjoyed autonomy in regard to their internal affairs, and the monks of the Tawang monastery collected religious dues from these villages. The Tawang area was divided into eleven groups of villages with each group under a *Chhyorgen* or *Gaonbura*; eight of these groups were in western Tawang and three in eastern Tawang. In each village there was a *Kachung* and two or three *Gomis*, according to the size of the village. From the beginning the Monbas of the Tawang and Sherchokpa areas had accepted Indian sovereign authority and had received pensions from the British Indian Government. In course of time the Tawang monastery, taking advantage of the Government's policy of allowing the tribal people to look after themselves and of the backward and superstitious nature of the tribal people, began gradually to exact services and dues to which it was by no means entitled. But at no time was Tibetan administration or the *tso* organisation to be found in this Monba area. The Indian side had provided a large amount of evidence to this effect, and they drew particular attention to Photostats 9, 10, 12 and 14, which showed that the Deputy Commissioner of Darrang and the Political Officer under him were exercising effective jurisdiction over the entire Monba area including Tawang. Photostat 14 also described the actual type of tribal administration that existed in the Monba areas. It stated: "Rupa and Shergaon are jointly ruled by a council of 20 headmen, of whom seven are hereditary. These seven are descendants of the original headmen who in the old days were called by the Assamese 'Sat Rajas'. Every villager may attend the council and in village affairs each man has a vote. The people are divided into two classes: the upper class who are hereditary landholders (called Babus) and the poorer classes (called Giba). There is no slavery." Every year the representatives of the Sherchokpa and Tawang Monbas came to Darrang or to Tezpur to receive their annuity and renewed their submissions and promises of good behaviour.

Some time later, the Tawang monastery started to send a part of its annuity as contribution to the Drepung monastery of which it was a branch. But it could not follow from this that Tibetan administration prevailed in Tawang. Religious dues and the organisation of Lamaist Buddhism were no proof of administrative control, just as the existence of the Roman Catholic Church in various parts of the world was not proof of the authority of any Roman Government. Indeed, in March 1914 Lonchen Shatra, the Tibetan Prime Minister, had himself acknowledged to the British Indian representative that Tawang was not a part of Tibetan territory, and that Tibetan interest in Tawang was confined to the income which the Potala, Trung-yik Chenpo and the Loseling college of the Drepung monastery were receiving in return for the services of the agents (the Tsona Dzong-pons) sent by them to manage the land of the Tawang monastery. Lonchen Shatra made a specific request that such income obtained

from Tawang might be considered as the income of private individuals. The Indian side supplied a photostat copy of the relevant extracts from the discussions, and believed that this would conclusively settle all controversy about the nature of the income or the so-called "taxes" derived from Tawang, and about the ownership of Tawang itself.

The only comment made by the Chinese side on this detailed account provided by the Indian side of the actual form of tribal organisation and the nature of Tibetan influence in the Monba area, was to brush aside summarily the statement of Lonchen Shatra. The Indian side pointed out that no one had been in a more authoritative and responsible position to speak for Tibet than Lonchen Shatra, who was the then Prime Minister of Tibet. They added that the Chinese attitude could be a precedent for the Indian side to set aside all statements by Tibetan authorities, and the whole Chinese case was based on such Tibetan statements. But it was a precedent that they did not intend to follow.

As for the description of the *Trukdri* organisation which the Chinese side had given, the Indian side stated that it was well-known that the *Trukdri* was only a monastic council in charge of the administration of the monastery and its endowments. The Government of India had been fully aware of the existence of this purely monastic council and had not interfered with its activities, so long as it confined itself to the management of the monastic property. The two representatives of the Tawang monastery at Talung received the annuity of Rs. 5,000 from the Government of India on behalf of the Tawang monastery. These representatives at Talung, though they sometimes called themselves dzongpons, were only agents of the monastery which itself was unquestionably within the jurisdiction of the Government of India, as was shown even by the receipt of annuities. The Government of India had been aware that the Tawang monastery had been forwarding a part of this annuity to the Drepung monastery, and at one stage, in 1914, had even considered stopping this practice. It was extraordinary that the Chinese side should have cited the existence of the *Trukdri* and of these agents as evidence of Tibetan administration. Their functioning was no more than proof of a religious organisation. It was significant that the Chinese side themselves admitted that the dzongpons were not members of the Tawang administrative committee, but only of the non-permanent committee.

The Chinese side asserted that certain Indian officials such as Bailey had recognised the existence of Tibetan administration in this area. In reply it was pointed out that at least for the last 130 years and long before the traditional boundary was formalised in 1914, Indian officials had been touring every part of the area north of the *Inner Line*, had maintained law and order and had authorised detailed surveys. Administrative units had been formed in the area, and an elaborate machinery of government not only created but even re-organised before 1914. The very fact that the Chinese and Tibetan Governments had taken no objection to such open activities as those of the Joint Indo-Bhutan Commission of 1938 showed not merely that the area was under Indian and not under Tibetan administration, but also that this continuous exercise of administrative authority

by India was recognised by the Tibetan and Chinese Governments as legitimate. As for the reference in Bailey's book, this had already been dealt with in detail by the Indian Government in the earlier correspondence between the two Governments, and did not require repetition.

The Indian side then dealt in detail with all the documents of which photostats had been brought forward by the Chinese side. Photostat 1 referred only to a private dispute concerning the hereditary estates of the Sixth Dalai Lama in the Tawang area. The Indian side had never questioned the existence of such Tibetan private estates in this area. In fact they had been expressly safeguarded by the Indo-Tibetan exchange of letters of 1914. Photostat 2 concerned the collection of monastic dues by the agents of Tawang monastery, and was no evidence of tax-collection. Photostat 3 referred to the mismanagement of the monastic estate by the monks of Tawang monastery and the suggestion that the lay officials—the dzongpons—should manage it.

Similarly there was nothing in photostat 4 to show any civil administration of the area by Tibetan authorities. On the other hand, it showed clearly that such religious dues as were collected were being spent on religious ceremonies and were not being forwarded either to Tawang or to Tibet. When in 1944 the Adviser to the Governor of Assam visited Dirang Dzong, the monks helped to make his visit a success; and it was then announced that the making of offerings to Tawang monastery would be a purely voluntary affair. The document also described the administrative system established by the British officers under the headmen in each village.

The Chinese side provided photostats of some documents in support of their contention that the Dzongpons had collected taxes, listed the number of families and even exercised judicial powers in the Monba area. But none of these documents referred to taxes as such being collected. Photostat 7 listed road stages and the dues to be collected by the local authorities for road-making. It was not even clear that these road stages, which had been mentioned, lay south of the traditional Indian alignment. The Indian side stated that it was impossible from this document to reach the Chinese conclusion that it had listed the families paying taxes to Tsona Dzong.

The Indian side examined with great care photostat 8, which the Chinese side claimed to be a book of tax regulations for Tsona Dzong. It did not give, as one would expect in any book of tax regulations, a complete list of villages in the Monba area and the taxes paid by them under various heads. In fact, the only places south of the traditional Indian alignment mentioned were identified as the private Tibetan estates. This was clear proof, furnished by the Chinese side themselves, that no part of the area south of the Indian alignment belonged to Tibet or had been administered by Tibetan officials. Moreover, it was well-known that the Tibetan Government had, until recently, been maintaining a customs post along the traditional Tawang-Tibet border, thereby established that the Monba area was not within the customs jurisdiction of Tibet.

Photostat 9 again mentioned no tax. Photostat 10 was no evidence of a census conducted in the various tsos in 1940, as claimed by the

**Chinese side.** This document spoke specifically of the offerings to be made by the people on the occasion of the enthronement of the Dalai Lama. It was evidence neither of census nor of tax payments but of collection of funds for a special religious ceremony.

Thus no evidence had been brought forward by the Chinese side to show either that Tibetan officials had been entitled to collect taxes in the Monba area or indeed that any civil taxes had been collected at all. The Chinese side referred to *Ya Ch'ai* and *Tun Ch'ai*, but no such taxes existed and no proof of their collection had been provided. Nor had any proof of collection in cash been brought forward. No regular revenue registers or records showing continuous collections of any sort of revenue, such as had been provided by the Indian side, had been produced by the Chinese side. The only conclusions which had been clearly established were that irregular incomes were derived from private Tibetan estates, that contributions were collected for the Tawang monastery and that dues were levied on goods sold at Tsona. Indeed, had taxes been collected in any area south of the traditional alignment Lonchen Shatra in 1914 would have demanded that this be taken into consideration in framing the terms of the boundary agreement. The fact that the only stipulation made was for the protection of private Tibetan estates showed that the Tibetan Government had no other interests in this area.

To support their claim to have exercised judicial powers in this area, the Chinese side brought forward some documents of a very vague nature. Photostat 18 referred to a joint investigation by India and Tibet into a case of rioting among some Monba villagers and the consequent death of a relation of the Dalai Lama. This did not prove the exercise of judicial authority by Tibet. Indeed, it proved Indian jurisdiction; for while the interest of Tibet was obvious in that a relative of the Dalai Lama had been killed, there was no explanation for India's interest except in that it pertained to an area under Indian administration. The Chinese side suggested that the reference in the document was to China and Tibet and not to India and Tibet. The Indian side pointed out that the Tibetan word 'Gya'—not 'Han' as stated in the final Chinese statement—in this document referred to India and not to China. Photostat 19, with its clear reference to "Lamas in the monasteries on the Tibetan border" quarrelling with the local people and the despatch of an officer to investigate, was again no more than proof, at most, of ecclesiastical jurisdiction over the monks of the monastery. There was nothing in photostat 20 to show the exercise of judicial authority. Photostat 21 described the situation arising from the damage caused to the lands of Tawang monastery during 'Lopa' raids on Monba territory. Lhasa was naturally interested in safeguarding the interests of the monastery and instructed the Abbot and other representatives of Tawang to settle the matter. Obviously it was not an exercise of judicial authority and there was no evidence of Tibetan judicial officers taking part. The actual judicial authority in such cases was exercised by the Indian Political Officers, and the Indian side had provided evidence of this. The fact that this document had been addressed to Tawang monastery and all the people of these areas did not indicate that the authority of the Tibetan Government prevailed over them. The Chinese side had themselves stated that it was the Tibetan practice to address letters to all and sundry. Photostat 23 had been

cited to show that even British officers had acknowledged the exercise of judicial powers by Tibetan officers. However, examination of the full text of this document showed that there was nothing to warrant the claim made by the Chinese side. The identification by them of Tak Dzong with Talung Dzong was also not substantiated. So none of these documents could be regarded as providing evidence of the exercise of Tibetan judicial authority in this area.

In later years, there were some occasions when the Tsona Dzongpons came down to Jang, near Tawang, during the winter months to help the Tawang monastery to manage its monastic property, and usurped certain powers to which they were not entitled. But such malpractices were always promptly put down by the Government of India. A Political Officer who had visited Tawang in 1938 found that these Dzongpons had been pretending to possess judicial authority and inflicting brutal punishment on Indian Monbas living in what was unquestionably Indian territory. The Political Officer called for immediate measures to stop these unlawful activities. In 1945 the Tsona Dzongpons alleged that they had concluded a 'treaty' with the villages of Lih, Chug and Sangti according to which the villagers had to pay paddy for the maintenance of certain *gompas* in Tibet in return for a nominal present of salt. The Indian Political Officer in charge of the Balipara Frontier Tract inquired into this and found that the so-called "treaty" was a forgery. The Indian side supplied photostats of the original documents. This showed clearly the type of civil administration that the Tsona Dzongpons had ever conducted on behalf of Tibet in this area.

### The Layul Area

The Chinese side reiterated their claim that a part of the so-called Layul area had been originally under Pome and later under Pema-koi-Chen and, therefore, belonged to Tibet. The Indian side showed that this claim was entirely baseless. In the statement regarding the limits of Tibet submitted by the Chinese Representative, Ivan Chen, at the third meeting of the Simla Conference on 12 January 1914, it had been clearly stated:—

"Poyul has never belonged to Tibet. It is a country inhabited by lawless herdsmen... Poyul is practically independent and Tibet has never been able to exercise any influence over the place".

If in 1914 Poyul (Pome and Pema-koi-Chen), which lay north even of the traditional Indian alignment, was recognised as never having belonged to Tibet, the Chinese side could not claim that this area, or the area south of it, had traditionally been a part of Tibet. However, it was noted that the Chinese side themselves admitted that evidence of Tibetan administration in this area was even less than that in the Monba area; and that evidence had already been shown to be inconclusive. The Chinese side argued that what Ivan Chen had meant was that these areas had belonged to China. The Indian side replied that Tibetan administration could not have prevailed south of an area under Chinese territory; and the Chinese stand was that the areas south of the traditional alignment had belonged to Tibet.

The Chinese side referred to some obscure administrative office being set up in this area after 1927. However, they had admitted that out of the five administrative units set up here only one, namely, Ta Kang, happened to be south of the Indian traditional alignment. But there was no place called Ta-Kang anywhere in this area.

Of the documents cited by the Chinese side to support their claim that taxes had been collected in the Layul area most of them pertained to the area north of the Indian boundary and a few to the small area between the boundary and the Sirapateng river. Photostat 11 was claimed to be a register of revenue and taxes submitted by Pa-ch'ia-si-jeng area. The document itself appeared to be the register of a private land-owner recording the amount of butter and money received and the services rendered by tenants—a record of private estate management rather than of state transactions. There was no mention of any taxes having been collected by the Tibetan Government. The same was the case with photostat 12 which mentioned, not the revenue paid by Mechuka village to Keka Dzong, as the Chinese side claimed, but the debts payable by various Mimek traders to the Estate Manager of Gaza. It was only evidence that some Tibetan landlords had practised usury in this area.

Photostat 13 recorded the giving of certain religious offerings by the people of Loka and Lonak areas. There was nothing to show that it referred to people living south of the traditional alignment. Indeed, it obviously referred to the Tibetan territory north of the Indian alignment, for the name Loka, as was well-known, was applied to the region on either side of the Tsangpo roughly from 91 degrees to 96 degrees East Longitude, and bounded by the southern districts of Kham on the north and east, and by Bhutan and the Indian tribal territory on the south. As the Chinese side insisted, without any fresh evidence, that Loka and Lonak referred to the Layul area in India, which according to them was the greater portion of the area now claimed by them, the Indian side stated that it was strange that from this vast area only five ounces of silver, ten tiger skins and one pair of ivory tusks were collected, according to this document, as revenue. Obviously the correct interpretation of the document was that it referred to religious offerings from Loka and Lonak areas lying outside Indian territory.

Photostat 14 was an assurance by certain village that they would maintain the local monastery properly, and was no evidence of Tibetan civil administration. Photostat 15, which was claimed to be a directive issued by the Tibetan Government to the Sera monastery for the collection of revenues in the Layul area, was in fact an effort to collect payment for Tibetan mercenaries from some Abor villages very far from the alignment now claimed by China. Considerable evidence had been supplied by the Indian side to show that the Abor areas right upto the alignment had been under Indian administration. This was proof enough that the Tibetans could not have collected taxes in this area as late as 1945; but there was also positive evidence to show that both the Tibetan officials and people accepted Keping La as the border and refrained from coming south. In this connection the Indian side submitted a photostat copy of a

report submitted by the Indian Political Officer regarding the meeting that took place between him and the Deba from the 18th to the 20th April, 1949.

The Chinese side cited only one document to support the claim to have exercised judicial powers in the Layul area. But this also had no relevance to the territory in question, and referred to a dispute between two persons of Besi and the Shika of Gaza. There was no place called Besi in the area south of the traditional alignment, while Gaza was in Tibet.

### **The Lohit Valley Area**

Although the Chinese side had cited no evidence to show that any Tibetan administrative units had existed in the Lohit valley or that it had formed part of any Tibetan administrative unit, they continued to assert that it was part of Tibetan territory. The Indian side pointed out that in this case also Ivan Chen, in his statement submitted at the third meeting of the Simla Conference on 12 January 1914, had stated:—

“Zayul is divided into two parts, the upper and the lower, both of which are outside the pale of the Tibetan control and are inhabited by independent and barbarous tribes called Miris, Abors and Mishmis”.

As so much of the Chinese case depended on the actions of Ivan Chen, the Indian side could not believe that they would disown his statements on these points. But if Zayul was not, according to the Chinese Government themselves, a part of Tibet in 1914, the Chinese side could not now with any consistency claim that this part was traditionally a part of Tibet. The weakness of the Chinese case was apparent from the nature of the evidence brought forward by them. Only two stray documents had been cited in support of their claim to have collected taxes in this area. Of these the first document did not mention the name of a single place in Indian territory and was of no value from the viewpoint of the boundary. It only proved that taxes had been collected in Rongto, a valley in Tibet far from the Indian boundary. The second document mentioned the despatch of such odd articles as leather, pieces of wood and beer to Tibet from a few places near the border by Tibetan settlers. There was no mention of any taxes being collected.

As against such stray references, the Indian side had produced solid proof of continuous Indian jurisdiction. There had never been any doubt about the alignment of the boundary in this region; and to show that even the local people had been well aware of the international boundary, the Indian side supplied another photostat of an extract from the tour diary of the Political Officer in 1946.

In the final statement of 7 November 1960, the Chinese side claimed that in the last years of the Ching dynasty, Chinese troops had been stationed near Walong. This assertion had never been made during the discussions, much less substantiated. It was, in fact, incorrect.



### Other Material cited by the Chinese side

The Chinese side brought forward four photostats in support of their contention that the Tibetan Government had often taken measures to control the entry and exit of foreigners into the territory in question. However, none of the documents were relevant, and compared in no way with the documents regarding permission for crossing the *Inner Line* brought forward by the Indian side. Photostat 25 was a pledge by the people of Zayul to prevent plots being hatched by foreigners. From the list of signatories it was clear that they all belonged to the Rima area lying north of the Indian territory. Photostat 26 was a promise by the authorities of Dirang and Talung that they would not allow foreigners to cross the India-Tibet border and proceed to Lhasa. This offer to assist the Tibetan Government in keeping out foreigners was no proof of Tibetan administration in this area, but rather showed that it lay outside Tibet. In the letter of Bailey, the Indian Political Officer in Sikkim seeking the Tibetan Government's permission for the visit of Kingdon Ward to certain Tibetan areas such as Sanga-cho Dzong and Chamdo, Layul and Zayul had been mentioned only to show that that was the route that would be taken by Kingdon Ward to enter Tibetan territory. Tibetan permission had not been sought for Kingdon Ward's transit through these indisputably Indian areas. In his letter of 3 January 1924 to the Government of India, Bailey stated that he was seeking permission for Kingdon Ward to visit the areas south and south-west of Chamdo. That the Tibetan Government themselves did not consider that the Layul and Zayul areas lay in Tibet, was clear from the reply they gave on 27 September 1923. They noted that Kingdon Ward would travel through Lopa Nahongpa (Lohit-Mishmi) territory to Rima "in Tibet". Their letter dated 16 February 1924, and the enclosure giving the list of authorities to whom they had written in this connection, also showed that they did not consider either Layul or the Walong area of the Lohit Valley as lying in Tibet. They mentioned only places lying between Gyantse and Sanga-cho Dzong, all of which lay north of Indian territory. The Indian side submitted photostat copies of these various documents. The Chinese side did not deal with this evidence.

The fourth document cited by the Chinese side was supposed to be a list of representations made by Norbu Dhondup, the British Trade Agent at Yatung. This had no relevance to the question at issue and the Indian side could only presume that the reference in Item 2 of this document to the permission sought for the visit of Ludlow to Bhutan and Tawang was being construed by the Chinese side as a request for permission to visit Tawang. It was clear from the document itself that the permission was sought not because Ludlow wanted to visit Tawang but because he sought to adopt a route other than the usual one, and to travel *via* Gyantse in Tibet.

As evidence of administration the Chinese side also cited two occasions when the Tibetans were supposed to have quelled revolts in this area—in the Pome area in 1927 and in the Monba area in 1853. The quelling of a revolt in the Pome area in 1927 had obviously no relevance to the question of the traditional Indian boundary lying

south of it. The Indian territory inhabited by the Abors in this part of the region had never been a part of Pome. On the other hand, the Indian contention that Tibetan administration had not extended even over the Pome area for a long time stood confirmed.

Regarding the report of Kalun Wang Ch'u-chieh-pu of 1853, the facts of the case were that when a Tibetan refugee sought asylum in India, some of the Monba chiefs, who were subjects of the Indian Government, were incited by the Tibetans to make a representation. However, the Indian Government dealt with them effectively and the chiefs withdrew their petition for fear of forfeiting their annuity. Instead, they renewed their undertaking that they would not cause disturbances again. This only showed that the area continued to be under Indian jurisdiction.

### **Part Two of the Chinese Statement**

In the second part of their statement the Chinese side asserted that it was only in the forties of the present century that the British had taken advantage of Chinese preoccupation elsewhere to invade and occupy this territory, and that India after independence not only inherited the places occupied by Britain but further pressed forward to occupy the entire area upto the so-called McMahan Line. These serious allegations were entirely without foundation. The Indian side had already established that this traditional part of Indian territory had been throughout administered by Indian authorities and that there had never been any Tibetan administration in any of these areas. The Annual Reports of the Political Officers, who had regularly toured all these areas for decades, convincingly disproved the Chinese allegation that the Monba areas had only been occupied after 1944. The Indian side had supplied photostat copies of a representative collection of these Reports. The documents cited by the Chinese side could not prove Indian "encroachment" on what had been Indian territory for centuries. Photostat 29 stating that Indian officials had ordered that grain should not be sent to the private estates of the dzongpons was clearly a secret letter written by those whose interests were affected because the Government of India were terminating their malpractices. The statement in Photostat 30, that Mills, the Adviser to the Government of Assam, had been requested by the people of Dirang to withdraw, was completely false. The Indian side had a number of records in their possession showing that the tours of Mills in 1945 had been very successful; and it could be stated categorically that there were no protests and demands of the nature spoken of in this document.

The Chinese side referred to certain discussions and correspondence between the British representatives and the Government of Tibet during 1944 and 1945 and concluded that the Tibetan Government had protested against the extension of British administration into the Monba area. They added that certain offers made by the British Government indicated that they too had recognised that these areas had originally belonged to Tibet. It was pointed out that this was an incorrect description of what in fact had happened. The British India Government had decided to put an end to the oppression

practised by the Tawang monastery and its agents at Dirang and Talung under the pretext of collecting monastic dues; and they made arrangements to establish regular administrative offices in places which had until then been allowed to look after themselves. On 24 March 1943 the Indian Government protested against the illegal activities of certain Tibetan officers in the Monba area. The Tibetan Government replied on 12 April 1944 that the most friendly relations existed between the British and the Tibetan Governments, and the calling up of villagers and attempts to obtain taxes from the Monba area could not be justified. The Tibetan Government accordingly issued orders to the officers in charge of the Tsona area to desist from such activities. This made it perfectly clear that neither the British nor the Tibetan Government ever considered these areas as belonging to Tibet. However, as the monastic income of both Tawang and Drepung monasteries was likely to be affected by the stiffening of British administration and this might affect friendly relations with Tibet, and as it had been agreed in 1914 that minor differences would be settled in a friendly spirit, the British Indian Government offered to pay compensation.

That the Tibetan Government themselves had no doubt about these areas belonging to India was further proved by the fact that on 31 October 1944, on instructions from the *Kashag*, the Tibetan Foreign Office told Gould, the British representative, that they "did not wish in any way to dispute the validity of McMahon Line as determining the limits of the territory (subject to such minor adjustments as were contemplated in 1914) in which India and Tibet respectively are entitled to exercise authority". But in view of the "territorial and political settlement" with China which was then pending, they requested the British Government to postpone extension of their regular administration upto the McMahon Line. They added that Chiang Kai Shek was pressing them to admit the existence of differences with the British Government, but they had refused to do so. A photostat of this document was supplied by the Indian side.

The Chinese side cited some documents and contended that they showed that Tawang had been occupied by the Indian Government only in 1951. This again was a distorted presentation of the facts which could not be sustained. Although the Indian side had already shown in great detail that Tawang had always been a part of India, yet they dealt with the specific evidence cited by the Chinese side.

It was claimed that in answer to complaints from the Tsona Dzongpons that an Indian officer and troops had arrived at Tawang (Photostat 36), the Tibetan Government had replied that they were negotiating with the Government of India to prevent any "forcible annexation" of the territory (Photostat 37), and that in reply to the information conveyed by the Indian Trade Agent (Photostat 38) the Tibetan Government had protested that the area did not belong to India and that the latter should withdraw their officers and troops. (Photostat 39). What in fact had occurred was that on 22 March 1951 the Indian Trade Agent at Yatung had explained to the Tibetan Foreign Bureau the significance of certain administrative measures

that were being taken by the Government of India. He told them that in view of the close relations that existed between India and Tibet, the former had not till then considered it necessary to post any political officers on the border at Tawang; but it had now been decided by the Government of India to extend regular administration right upto the well-known frontier. The Indian side added that this correct statement of facts would be corroborated by the documents cited by the Chinese side if the whole text of the documents, and not merely parts of it, had been produced by the Chinese side. On 17 April 1951 the Indian Trade Agent at Yatung had reiterated this position and affirmed that what was involved was purely Indian territory and that no Tibetan territory had been occupied.

The Chinese side repeated their allegation that Indian troops had invaded the Dihang valley upto Karko around 1944, and further north in 1946-47. The evidence of the Indian side showed that this area had been under Indian administration for many years prior to 1944, and no protest had ever been received from the Tibetan Government. That Tibet recognized this area as Indian would indeed seem to be the explanation why the Tibetan Government took no notice of the complaint said to have been made by their local official (Photostat 40). In fact, the Tibetan Government had formalized the traditional international boundary in 1914, and they knew that Karko and the other places lay south of it. For example, a letter from the Indian Trade Agent at Lhasa referred to a representation of the Tibetan Government that Kingdon Ward had crossed the 'Red Line' (the McMahon Line) without Tibetan permission. The Indian side supplied a photostat copy of this document. Photostat 41 supplied by the Chinese side further confirmed this, for it showed that the boundary lay at Kepang La.

As baseless were the Chinese allegations of the recent 'invasion' by India of the Lohit valley. The Chinese side produced photostats of two letters, from the Dzongpon of Sanga-cho Dzong and from the Tibetan Government, stating that a number of British Officers had come to the area between 1944 and 1947. The fact that the Tibetan authorities did not know till 1947 that Indian officials had been functioning in the area, though in fact they had been there for many years before, showed an ignorance which confirmed that they had had no contacts or relations with this area. The four notes sent by the Government of China in 1946-47 had been answered at the time, and dealt with again in the note of the Government of India of 12 February 1960.

## **Conclusion**

This detailed analysis of the evidence brought forward by the Chinese side claiming exercise of administrative jurisdiction in what had always been known as the North East Frontier Tract or Agency of India established certain conclusions beyond doubt. The Chinese side had not even put forward evidence concerning over nine-tenths of the area claimed by them. For the remaining fragments of territory the evidence was either of collection of religious dues or of extortions which had been shown to be illegal. The greater part

of the Chinese evidence concerned the Monba area, where the Prime Minister of Tibet himself had recognised in 1914 that the only Tibetan interests were private estates and monastic contributions; and all the Chinese evidence was shown to pertain to these. For the other two small areas, even such evidence had not been produced. There had been no valid evidence for any of these areas of the exercise of judicial authority, control of entry of foreigners, quelling of rebellions or indeed of any form of common administrative authority. Even a knowledge of the topography of this vast area or of the tribes who inhabit it had not been shown. This was in striking contrast to the detailed Indian evidence which included undertakings by village headmen, official tours, intensive surveys, construction of public works, and all other aspects of general administration.

Finally, the Indian side submitted further evidence to show that even after the establishment of the authority of the People's Government in Tibet, the Tibetan authorities had accepted the international alignment as shown by India. Photostats of three letters exchanged between the Assistant Political Officer in Tawang and the Tsona Dzungpon in August and September 1953 regarding certain pastures situated on the border were produced; and attention was drawn to the fact that the Dzungpon of Pemakoe, in his discussions with the Indian Political Officer in January 1956, had accepted the Indian alignment in the so-called Layul area.

The Chinese side quoted a sentence from the Dzungpon's letter of 1953, and interpreted it to mean that both Lebu and Pangchen were in Tibet. The Indian side pointed out that if this were so then there would have been no need for the Dzungpon to address the Indian Political Officer. The correspondence made obvious that the boundary lay between Lebu and Pangchen, that is, it was the traditional alignment.

To show that these cordial relations on the frontier continued even after 1953, a friendly communication of 20 May 1955 from the Tsona Dzungpon to the Assistant Political Officer at Tawang was cited. After stating that the Indian check-post at Pangchen had stopped some Tibetan traders, the Tsona Dzungpon claimed that "because of the existence of cordial relations between our two countries we on our part are not putting any obstacles or restrictions on the movement of trade goods of all varieties during the periodical fairs". He added "It may be pointed out here that there exists a treaty between India and Tibet which guarantees free movement of trade goods, including grains, between the two countries". This document was a highly significant one, because five years after the People's Government of China had established their authority in Tibet, one of their frontier officials had referred explicitly to the location of an Indian check-post at Pangchen, showing thereby that even the People's Government had recognised the traditional alignment. Further, the official described the cordial relations on the frontier between the officials of the two Governments and recognised the existence of a treaty between India and Tibet guaranteeing free movement of trade. Obviously the official had in mind the Trade Regulations of 1914 which had been

concluded at the Simla Conference. This evidence proved that as late as 1955 the Chinese authorities in Tibet recognized the traditional alignment, there were cordial relations between the frontier officials of the two countries and the Chinese officials recognized the power of Tibet to sign treaties, and the validity of the 1914 agreements. It was clearly only in very recent times that the People's Government of China had decided to repudiate this alignment. The Chinese side were unable to refute this evidence or to show that the conclusions drawn by the Indian side were wrong.

## IV. CONCLUSION

### A. Introduction

In the preceding chapters the evidence brought forward by the Indian side has been stated in outline, and it has been shown that the areas along the common boundary which are now disputed by China have always been parts of India. The evidence and arguments brought forward by the Chinese side could in no way affect this conclusion. The Indian side furnished a vast and varied amount of material and fully established that the long traditional boundary of over 2,400 miles shown on current Indian maps was clear and precise, conformed to unchanging natural features, had support in tradition and custom as well as in the exercise of administrative jurisdiction right upto it, had been recognised for centuries and had been confirmed in agreements. It, therefore, required no further delimitation.

The Chinese case, as explained in the correspondence of the Governments and on various occasions during these discussions, was:

- (i) that the boundary which China claims, as delineated on the map furnished to the Indian side at the beginning of Item One, and not the boundary shown on the map furnished by the Indian side, was, in fact the true traditional boundary between the two countries;
- (ii) that the common boundary between China and India had not been formally delimited and, therefore, required to be negotiated between the two Governments, and if necessary, settled through joint surveys.

The Chinese side provided no valid or coherent evidence in support of either of these contentions, and the Indian side defeated the first proposition in detail and established that the second contention had no weight and was irrelevant to the task of the officials.

In this concluding chapter, the Indian side will state briefly the geographical principles underlying the Indian alignment and the nature of the Indian evidence. It will also be shown that the material cited by the Chinese side was wholly inconclusive and that the Chinese stand had no basis either in fact or in law or in logic.

### B. Geographical Facts and Principles relating to the Sino-Indian Boundary.

- (i) *Exchange of authenticated maps and information regarding the claimed alignments.*

In the discussions which followed the exchange of authenticated maps and descriptions of the two alignments, the Indian side showed that it had the most accurate information about its alignment for its entire length. The Indian side even volunteered to exchange maps on a much larger scale, of a scale even of 1:1 million, which

is the standard scale adopted by International Organisations; but the Chinese side were unwilling to provide a map on a scale larger than 1:5 million. The Indian side, therefore, provided a map showing the boundary of India on the roughly corresponding scale of 1 inch to 70 miles (1:4:4 million) and a topographical map of the northern frontier on the scale of 1:7 million. However, the description given by the Indian side was based on a map of a much larger scale. It clearly and precisely detailed the features along which the alignment lay and furnished spherical co-ordinate of all the nodal points. In addition, in reply to the questions of the Chinese side, other exact information regarding the natural features along the boundary and the co-ordinates of all peaks and other important points was provided. Nearly sixty questions were put to the Indian side regarding the Indian alignment and every one of them was promptly and precisely answered. The Chinese side brought forward no information to suggest that there were any factual errors in these replies.

(ii) *Lack of precise information about the alignment claimed by the Chinese side.*

On the other hand, the Chinese side, although claiming initially that the alignment shown on the map furnished by them was precise and clear, were unable to provide accurate information regarding the points through which their alignment ran or even regarding the lie of particular stretches. The description provided was vague and in general terms and contained few specific co-ordinates; and of the nearly 120 questions which were put to the Chinese side to ascertain the exact location of important points along this claimed alignment, only about 60 were answered and few of these answers were precise and complete.

In the discussions subsequent to the exchange of the two reports, the Chinese side objected to the inclusion, in the Indian part of the report, of the Chinese description of their alignment and their replies to the questions put by the Indian side. It was alleged that since it was a Chinese statement, it should not have been included in the Indian part of the report. The Indian side affirmed that it was not only justifiable but essential to reproduce the Chinese description along with the Indian description. The Indian side had always placed emphasis on ascertaining complete information about the Chinese alignment and the questions asked by the Indian side could have no meaning unless the original description given by the Chinese side and their replies to the questions of the Indian side were also reproduced in full. The Indian side had taken care not to distort in any way the texts of the description or of the replies and could not understand what possible objection there could be to their quoting the statement and replies exactly as drafted by the Chinese side.

The Chinese side later asserted that some of the replies given to the Indian questions were composite ones covering more than one question. It was, however, pointed out that the questions had all been tabled separately and the Chinese replies had been given with particular references to these questions. They had never been claimed to be composite answers and they obviously formed general



answers to certain questions and did not provide the specific information sought in the many other questions. The vagueness of the description and the replies provided by the Chinese side need no comment or annotation for they tell their own tale about the legitimacy and precision of the "ancient boundary" claimed by China.

The questions to which no replies were provided were also sought to be dismissed as "minute and trifling", but the Chinese side had themselves asked even more detailed questions on certain small segments such as Longju and Khinzemane in which they were particularly interested presumably for reasons extraneous to these discussions. Indeed, the Chinese side admitted that surveys had not been conducted along the whole length of their claimed frontier and that in parts the traditional line claimed by them was a "broad" or "approximate" one. In other words, the discussions revealed clearly that while the Indian Government had a thorough knowledge of their boundary, the Chinese Government were not even familiar with the topography of the territory which they claim to have possessed and administered for centuries. This ignorance regarding a frontier claimed with tenacity could not but at the very start cast serious doubt on the intrinsic validity of the claim.

The Chinese side, however, stated that their knowledge of their frontier was less vague at points which lay astride important communication routes; and, therefore, the Indian side were particularly disappointed that even information pertaining to areas which are obviously frequented, was not provided. This was the case, for example, with the Spanggur area through which lies a traditional and well-used route, and where, indeed, a number of Chinese posts are known to be established. This failure to provide information was all the more surprising because the Chinese Government had vouchsafed, in a communication addressed to the Indian Government even while the discussions were taking place, the most precise spherical co-ordinates—accurate to seconds—for a point in the same area: but information regarding the claimed boundary alignment at a point which could not be more than a few hundred yards away was not furnished.

The Chinese side also stated that they could not provide exact information about their alignment because this might necessitate approaches to the traditional border and precipitate border clashes. This argument too could not be sustained because modern cartography and ground surveys enable accurate surveys to be made from a vantage point for an area within a radius of 15 to 20 miles. Indeed, the co-ordinates of some peaks provided to the Indian side could have been based only on distant triangulation fixes and not obtained after surveying the entire ground surface.

(iii) *The watershed principle and its bearing on the Sino-Indian boundary.*

In the discussion on the location and natural features of the alignment, the Indian side demonstrated that the boundary shown by India was the natural dividing line between the two countries. This was not a theoretical deduction based on the rights and wrongs of abstract principles. The fact that this line had received the sanction of centuries of tradition and custom was no matter of accident

or surprise because it conformed to the general development of human geography and illustrated that social and political institutions are circumscribed by physical environment. It was natural that peoples tended to settle upto and on the sides of mountain ranges; and the limits of societies—and nations—were formed by mountain barriers. The Chinese side recognised this fact that high and insurmountable mountain barriers provided natural obstacles and suggested that it was appropriate that the boundary should run along such ranges. But if mountains form natural barriers, it was even more logical that the dividing line should be identified with the crest of that range which forms the watershed in that area. Normally where mountains exist, the highest range is also the watershed; but in the few cases where they diverge, the boundary tends to be the watershed range.

Various international authorities of different countries, commenting on traditional boundaries, have testified to the logic of the watershed principle; and it is now a well-recognised principle of customary international law that when two countries are separated by a mountain range and there are no boundary treaties or specific agreements, the traditional boundary tends to take shape along the crest which divides the major volume of the waters flowing into the two countries. The innate logic of this principle is self-evident. The inhabitants of the two areas not only tend to settle upto the intervening barrier but wish and seek to retain control of the drainage basins.

The coincidence of traditional and customary boundaries, when they lie along mountains, with the water-parting line can also be illustrated from examples taken from other parts of the world. The boundaries between France and Spain along the Pyrenees, between Chile and Argentina along the Andes, and between Sudan and Congo along the central African mountains, are but three examples. This is, of course, not applicable to artificial international boundaries, such as those between Canada and U.S.A. and between various countries in Europe, which are not in origin traditional boundaries and where there is no obvious natural dividing line between the countries concerned.

The Indian side after providing the details of the traditional Indian alignment, drew attention to its overwhelming consistency with the watershed principle. They also showed that when the Indian and the Chinese alignments coincided—as they did for most of the length of the Middle Sector—it was along the watershed line formed by one of the Himalayan ranges. Where the alignments coincided, it was possible to provide, as indeed had been provided, the most exact information about the geographical features along which it lay. When, however, the two alignments diverged, it was because the Chinese alignment arbitrarily swung westwards or southwards, away from the watershed line, and always towards India and never towards Tibet. The fact of triple coincidence, of the two alignments with the watershed, was no accident but, in fact, further proof of the validity of the watershed concept, and undermined the Chinese claim in all sectors where their alignment left this natural dividing line. Evidence under other heads would have to be very strong indeed to support such an uncommon departure from the basic

geographical principle. For the traditional boundary alignment in a mountainous area is obviously that which lies along the watershed—which is also in most cases the highest range—and not that which leave arbitrarily in order to encompass territory.

The fact that a mountain barrier provides a natural dividing line and the watershed range a precise and easily discernible boundary alignment does not, of course, imply that such ranges form absolute barriers. Indeed, the phrase about mountains providing an "insurmountable barrier" was one used by the Chinese side. The Indian side recognised the obvious fact that rivers often cut through watershed ranges. What they emphasised was that this did not make these ranges any less of watersheds, dividing the greater part of the waters on either side. For example, the Brahmaputra has its source north of the Himalayas and cuts through a gorge into the Indian sub-continent on its way to the sea. But clearly this does not detract from the impressive formation of the watershed along the Himalayan range and the clear division between the geographical unity of the Indo-Gangetic plains on the south and the Tibetan tableland on the north. Similarly, it is manifest that there are passes all along the high mountains and that there are always contacts across the ranges. But this does not invalidate the general conclusion that the watershed range tends to determine the limits of the settlements of the inhabitants on either side and to form the boundary between the two peoples. Neither the flow of rivers through the ranges nor the contacts of people across them can undermine the basic fact that a high watershed range tends to develop into the natural, economic and political limits of the areas on the two sides.

In the case of the Sino-Indian boundary, in the Western Sector, the alignment claimed by the Chinese side lay along the lower Karakoram ranges but every river marked on the map provided to the Indian side cut across them and, indeed, it was acknowledged later by the Chinese side themselves that the main watershed in the area lay much to the east of the line claimed by them. In the Middle Sector, wherever the Chinese alignment departed from the watershed to take in such pockets as Spiti, Shipki, Barahoti, Laphthal and Sangchamalla, there was neither any correlation to natural features nor any indication of the precise alignment. In the Eastern Sector, the divergence was not in just a few areas, but involved a vast stretch of territory of about 32,000 square miles, the alignment being right down at the foothills. But these points of departure from the watershed, be they in small segments as in the Middle Sector or in a large swoop as in the Eastern Sector, were all the more strange and inexplicable because the southern boundary of China not just in India's Middle Sector and with Sikkim and Bhutan but as was recently recognised, with Nepal and Burma also, conformed exactly to the same continuing Himalayan watershed. The foothills of the Himalayas, while they could form a natural boundary between India and certain cis-Himalayan, sub-montane kingdoms on the Indian periphery and lying entirely to the south of the main range, could hardly be a well-marked geographical boundary between the two sub-continentes lying on either side of the Great Himalayas.

When the Indian side drew attention to this absence of correlation between the natural features and the Chinese alignment and the

basic inconsistency of the alignment with the geographical principle which had been mentioned in both the Indian and the Chinese descriptions of the common boundary, the Chinese side, in modification of their earlier emphasis on geographical principles, stated that their alignment was based on historical facts and could not be negated by geographical principles. The Indian side pointed out that in fact it was the Indian alignment which illustrated the Chinese statement that geographical features were relevant and determined the formation through history of traditional and customary boundaries and that historical evidence tended to confirm rather than to negate the geographical principle evident in the alignment of traditional boundaries in mountainous areas.

### **6. Documentary evidence in support of the stands of the two Governments**

Geographical principles, however, provide only the original basis of a traditional boundary. The actual proof to support the alignments claimed by the two sides was to be considered in the discussions on treaties and agreements, tradition and custom, and administration. The earlier chapters contain the positive statements in support of the Indian alignment under these heads as well as summaries of the comments made in analysing the arguments and the material brought forward by the Chinese side.

Both the Governments of India and China acknowledged that the common boundary between India and China was in origin a traditional one. But the exchange of the descriptions confirmed that there was a radical difference regarding the actual alignment of the traditional boundary. It was, therefore, necessary to ascertain whether it was the significant points and the natural features along the alignment shown by the Indian Government or along that claimed by the Chinese Government which had been accepted for centuries as marking the traditional boundary. Such proof of the traditional and customary basis of the boundary would have to be supported by official evidence. It would be necessary to establish that sovereign authority, in a form appropriate to the geographical terrain, had been exercised upto the claimed boundary and particularly over the areas intervening between the two alignments. For this it should be shown that these areas were parts of administrative sub-divisions and subject to the pattern of revenue and tax collection prevalent in the contiguous territory, that the State wielded the power of enforcing law and order, subjected the inhabitants to the criminal and civil jurisdiction of the land and promoted the economic betterment and development of the area. Finally, it should be established that legislative enactments had mentioned the area and were enforced therein. In short, a picture of a legally constituted and effective sovereign authority should emerge, exercising the normal and regular functions of an established Government not intermittently but continuously over what was claimed as national territory.

The evidence which was produced by the Indian side established this pattern and supported the claims both of recognition in tradition and custom and of exercise of regular administrative authority. As will be abundantly clear from the attached list and the number of Indian documents cited under each item, it was an untenable allegation of the Chinese side that the Indian side had not utilised official

evidence. According to the agreed Agenda pattern, the emphasis was bound to be under Item Two on unofficial evidence, and under Item Three on official evidence, each supplementing the other. Further, it was demonstrated that the traditional alignment as shown by India had been confirmed through valid treaties and agreements. In sharp contrast, a scrutiny of the evidence provided by the Chinese side revealed that it was lacking in the quality necessary to prove that the alignment claimed by China had ever been recognised in tradition and custom as the boundary between the two countries, or that China had ever exercised regular and systematic authority over the areas now claimed by her.

At the very start the Indian side had stated that it would be logical as well as convenient to examine all the evidence under all heads for one sector before proceeding to the next, but in deference to the Chinese wishes, they agreed to the examination of evidence according to items.

Before stating briefly the Indian case and analysing the flaws in the Chinese evidence it may be useful to summarise statistically the evidence produced by both sides, under sectors as well as under items. The following table is based on lists drawn up by the respective sides of the documents furnished by them. The Indian list is attached as an annexure to this chapter (Annexure A), and the Chinese list is to be found at the end of their Report.

		<i>Indian evidence</i>	<i>Chinese evidence</i>
Legal basis	Western Sector	3	47
	Middle Sector	44	
	Eastern Sector	47	
		} 114	
Traditional basis	Western Sector	51	66
	Administration	108	
		} 159	
Traditional basis	Middle Sector	89	41
	Administration	146	
		} 235	
Traditional basis	Eastern Sector	40	91
	Administration	82	
		} 122	
Total		630*	245

\*In the statement given on the 7th November the Indian side furnished lists of Chinese and Indian evidence tabled during the discussions. Subsequently, on the 15th November, along with the draft report, the Chinese side provided a list of the evidence tabled by them. The lists of evidence of both sides, as originally prepared by the Indian side, had been drawn up on a different method of enumeration. But to avoid confusion the Chinese "index" has now been adopted for the purpose of the above table, and the Indian side have revised the list of their own evidence to enable this compilation.

In providing this statement the Indian side are not attaching more importance to numbers than to the quality of the evidence produced. In fact, the Indian side feel confident that there is an even greater qualitative than quantitative superiority in the evidence produced by the Indian side. The Indian evidence was more precise, contained definite references to the alignment and to the areas in dispute and provided the strongest possible proof to establish that these areas upto the boundary were traditionally parts of India. More than this, there was consistency in fact and argument, cementing the entire fabric of the Indian evidence.

#### D. The positive Indian evidence in support of the traditional alignment

##### (i) *The Western Sector.*

The evidence relating to the Western Sector produced by the Indian side showed how for many centuries important points along the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other. The well-known Chronicle of the Kings of Ladakh, *La dvags rgyal rabs* written in the 17th century, recorded that the Ladakh boundary was traditional and well-known and specified that after King Ngeema-gon partitioned his territories in the 10th century, Demchok and Imis Pass lay on the boundary of Ladakh, while Hanle was within Ladakh. Evidence was provided regarding other major points on this boundary by travellers of different centuries, who visited these areas. These travellers included Desideri (1715), Baillie Fraser (1820), Cunningham (1854), Nain Singh (1873), Carey (1885—87), Bower (1891), Wellby (1898) and Deasy (1900).

Similarly, the Indian side demonstrated, with the support of a large variety of documents and unofficial maps originating in different countries, including China, that at least from the 6th century onwards, the southern limits of Sinkiang did not extend south of the Kuen Lun ranges, and only reached upto them towards the end of the 19th century. This made it clear that the Aksai Chin plateau and the Lingzi Tang plains were never a part of China. Among the authoritative evidence furnished were extracts and maps from well-known Chinese works, such as the *Nei fu yu tu* (1760), *Hsi yu tu chih* (1762), *Ta ching hui tien* (1818), *Hsin chiang chih lueh* (1821), *Hsi yu skui tao chi* (1824) and *Hsin chiang tu chih* (1911). The Chinese side sought to argue that the Tsungling mountains referred to in some of these works as forming the southern boundary of Sinkiang applied to the Karakoram ranges. But this contention was disproved by the internal evidence contained in the various Chinese maps brought forward by the Indian side. For example, on some maps the term Tsungling was written all along the Kuen Lun ranges and both the Yurungkash and the Qara Qash rivers were shown as cutting through these mountains, thus making clear that they could not be the Karakoram mountains. The Indian side also brought forward evidence that the Sinkiang and the Chinese authorities had themselves recognised that their boundary lay along the Kuen Lun ranges.

Documentary evidence, establishing that the people of Ladakh had used the Aksai Chin and other areas, now claimed by China, as of

right for trading, hunting, grazing and salt collecting were also furnished. Further, even though most of these areas were largely uninhabited, official documents establishing the continuous and comprehensive exercise of Indian administration over these areas for over a hundred years were brought forward. It was shown that police check-posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as 1865. There were a series of revenue and assessment reports covering the whole area now claimed by China. Aksai Chin and the whole of the Chang Chenmo valley were part of the Ilaga of Tanktse and Ladakh Tehsil; and a revenue map of this Tehsil of 1908 was supplied to the Chinese side. A few representative documents out of the large number of records showing the control exercised over the various frontier areas and the revenue collected from the frontier villages were provided. Such evidence was also produced for Minsar, a Ladakhi enclave in Tibet. It was shown that the Governments of Ladakh and Kashmir had exercised full administrative authority there right down to our own times.

As regards the inhabited areas further south, such as Demchok, nineteen significant documents of regular administration, such as revenue settlements and census operations, were brought forward by the Indian side in an unbroken series for the years from 1865 down to the present times.

Other evidence provided by the Indian side established that at least from the 19th century onwards trade routes running through this area were maintained by the Kashmir Government. In 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in this area "including the route via the Chang Chenmo Valley". There were also legislative enactments of the Government of Kashmir regulating hunting expeditions in the Demchok and Khurnak areas and the whole Chang Chenmo Valley. Officials had been touring these areas regularly right down to the present time, and during the years 1911—1949 Indian officials, survey parties and patrols constantly visited these areas upto the traditional alignment.

In 1862 the detailed survey of the frontier areas was begun by Johnson and Godwin Austen; and thereafter a number of exploration and survey parties visited the area regularly. Geological surveys were carried out extensively in 1870, 1873 and during the years 1875 to 1882.

Survey of India maps from the sixties of the 19th century, when the area was first systematically surveyed, showed the alignment correctly and the Indian side brought forward a large number stretching over the years. They also showed that official Chinese maps, such as that of Hung Ta-chen of 1893, and the Postal Atlases of China of 1917, 1919 and 1933, showed the correct boundary along the traditional alignment.

Further, the Indian side showed that the traditional boundary received the sanction of treaties concluded in 1684 between Ladakh and Tibet and in 1842 between Ladakh, on the one hand, and Tibet and China on the other, and that it found further confirmation in subsequent diplomatic correspondence between the British Indian Government and the Chinese Central Government and in a local

agreement reached by the border authorities of the two States in 1852.

The Chinese side appeared to question the existence of the 1684 treaty and asserted that the other agreements and exchanges cited by the Indian side did not specify the description which would support the present Indian alignment. However, the fact that a treaty was concluded in 1684 was clearly established not only by the historical records quoted by the Indian side but also from the evidence brought forward by the Chinese side themselves. For example, the Chinese side cited a Tibetan work, the Biography of Polhanas, to prove that a war had been fought between Tibet and Ladakh in 1683 and in the ensuing peace settlement certain towns had been ceded to Ladakh. This was sufficient proof in itself that a peace treaty had been concluded. The *Lapchak* Mission, also referred to by the Chinese side, the corresponding *Chaba* mission and the retention of the village of Minsar by Ladakh, which as the Chinese side recognised had till recently been paying revenue to the Kashmir Government, all had their origin in this treaty. The Chinese side made no effort even to suggest any other possible origin for these contractual obligations, trade missions and territorial settlements.

It is true that these treaties and agreements mentioned by the Indian side gave no detailed description of the boundary; and the Chinese side, at first, sought to deny that they acknowledged the existence of a clear, well-recognised traditional boundary. The Chinese side stated that the 1842 treaty was merely "a non-aggression pact" between Ladakh and Tibet; and they cited a passage that "the territories (of Ladakh and Tibet) as they used to be will be administered by them respectively without infringing upon the other". The Indian side provided copies of both the Persian and the Tibetan texts of the treaty which showed that the "old established" frontiers had been confirmed. It was obvious from the texts that there was no uncertainty even at that time about their common frontier. But, even if one accepted the Chinese reading of this treaty, the Indian stand was substantiated; for there could be no agreement not to cross the common boundary if there were no certain knowledge as to where this boundary lay. In fact, considering that these treaties were signed centuries ago, they reflect remarkable confidence in the knowledge of the traditional boundary in difficult terrain.

Further, the Chinese Imperial Commissioner, in his letter of 1847, stated that the ancient frontier between Ladakh and Tibet was so clear and well-fixed that there was no necessity to proceed with the joint demarcation which had been proposed by the British Indian Government. From this statement of a senior Chinese official it was indisputably clear that the precise location of the common frontier was clear and beyond any doubt at that time. It only required to be established that the "ancient and well-known boundaries" mentioned in these treaties and correspondence referred to the alignment claimed by India. For this purpose the Indian side had brought forward evidence much older than the 19th century referring to important points all along the border. Apart from ancient evidence this traditional alignment was also supported by 18th century evidence produced by the Chinese side, specifically stating that the boundary ran



through Lhari, west of Demchok Karpo, which was none other than the Lhari stream near Demchok. It was thus convincingly established that treaties of the 17th and 19th centuries and the diplomatic exchanges of 1847 confirmed the boundary which was well-known and which was the traditional boundary now shown by India.

(ii) *The Middle Sector*

Apart from the natural and geographical basis of the high Himalayan watershed which supported the Indian alignment in the Middle Sector, the Indian side showed that literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise manner. The area now claimed by China—Kaurik and Gyu in the Spiti area, Shipki Pass, the Nilang-Jadhang area and Barahoti, Sangchamalla and Laphal—were from the beginning of history parts of Indian kingdoms. The boundaries of the early Indian border states of Bashahr and Garhwal lay along the watershed, and numerous early inscriptions and historians like Ferishta have borne testimony to this. Hieun Tsang visited the region in the 7th century and confirmed that it lay in India. After the 8th century the areas were ruled successively by the Katyuri, Chand, Pala, Malla and other Garhwali dynasties right upto the latter half of the 18th century. Then some of these areas were conquered by Nepal but recovered by the British Indian Government in 1815. The Indian side also showed that innumerable contemporary records and accounts of explorers and travellers of the last 150 years had testified that the boundary lay along the Himalayan water-parting. Some of these were Gerard (1821), Hutton (1838), and Hay (1850) for the Spiti area; Gerard (1821), Gutzlaff (1849), Ryder (1904) and Wakefield (1929) for the Shipki Pass; Baillie Fraser (1815), Moorcroft (1819), Batten (1837), Manson (1842), R. Strachey (1848), Beckett (1874) and Pauw (1896) for the Barahoti area. Moreover, the alignment was confirmed not only by unofficial British maps, but by maps prepared in Germany, Russia, France and, above all—and most significantly—in Chinese maps.

A wealth of evidence was quoted for every one of the areas in dispute to establish that the Indian authorities had always exercised effective administrative and civil jurisdiction over these areas. For every pocket, numerous detailed revenue settlements, tax collection records, official village maps, accounts of tours of officials and of road construction, and reports of topographical and geological surveys were furnished as manifest proofs of Indian official authority. The revenue records cited for Nilang-Jadhang in particular were of a very detailed character, covered the years 1868—1951 and included information regarding the exact limits of every village and hamlet, the type of land, the extent of forests and the most detailed figures of revenue. The Indian side took pains to present such a selection of records as would make clear that they were not just of an occasional nature but mirrored the unbroken and continuous exercise of normal governmental authority right down till today.

The traditional boundary along the watershed was always accepted by the authorities on both sides. Traill, the first British Commissioner, recorded in 1815 that it had been recognised by the Tibetan Government. In 1890 and 1914 the alignment in the Barahoti sector was

formally communicated to the Tibetan authorities. In recent years the whole alignment has had further and explicit confirmation. The implications of the categorical assurance accepting the well-recognised boundaries of India in the correspondence of 1950 and the pledge of the two Governments to respect each other's territorial integrity contained in the 1954 Agreement will be dealt with later. Here the Indian side would like to point out that the specific mention of six border passes in this Sector in the latter Agreement undoubtedly provided a clear legal confirmation of the alignment. These passes could never have found mention in an international agreement if any of them lay entirely in Chinese territory; and the fact that they were border passes becomes clearer still if one reads together Articles IV and V of the Agreement. It is, in fact, indisputable that the Indian alignment with Tibet in general and the Middle Sector in particular has the endorsement and sanction of a binding international agreement.

### (iii) *The Eastern Sector*

The Indian side showed how in ancient chronicles the sub-montane region had been repeatedly and explicitly mentioned as a part of India. Thereafter, there were specific and unambiguous references in the works and records of different countries to this area being ruled by the Varmans, the Salasthambas, the Palas and the Ahoms. Later works, such as the *Political Geography of the Assam Valley*, an Assamese work of the 17th century, and the chronicle of the Mogul historian, Shihabuddin Talish, show that Ahom rule prevailed over this tribal area till the British Indian Government replaced it. Disinterested travellers like Desideri (1716-1729) Della Penna (1730) and Gutzlaff (1849) have also testified that contemporary tradition considered that the limits of Tibet lay along the high Himalayan range. In addition to these non-British accounts, British travellers such as Michell (1883) and Cooper (1873) had referred specifically to the same alignment. There was also evidence of this in Chinese works such as *Wei tsang tu chih* (1792), *Hsitsang tu kao* (1886) and the *Ching chih kao* (1926). Further, the Indian side furnished nine Chinese maps of the 18th and 19th centuries based on official Chinese investigations conducted in the early 18th century, and several others of French, German and British origin, which all confirmed that the southern limits of Tibet in this area had never extended south of the Himalayan crest.

The Indian side brought forward positive evidence to show that Indian political authority had always been exercised over the stretch of territory between the foothills and the main Himalayan range. The British Indian Government, which inherited this political authority from the Ahom rulers, exercised administrative control over these tribes in the same manner as over other Indian tribes—those in the North West Frontier areas of undivided India as well as those in the tribal areas in the heart of India. The Indian side showed how subventions were paid, and homage and tributes realized, through the Political Officers responsible for these tracts, in acknowledgement of the controlling authority of the Indian Government. Numerous undertakings were given by the Bhutias, Akas, Abors, Daffas, Miris, Mishmis and other tribes from 1844 onwards explicitly

confirming their acceptance of the sovereign authority of the Government of India and promising good behaviour. To protect the distinctive features of tribal life, the Government of India restricted entry into these areas, and no one could cross the *Inner Line* without permission from the Government. A special form of administration was also developed for these areas. The Annual Reports of Political Officers from the middle of the 19th century provided a clear picture of detailed and continuous administration; and the Indian side furnished many extracts from these Reports. The Indian side also gave details of numerous surveys and census operations which were conducted in normal exercise of administrative authority over the area. There could be no better proof that the area had always belonged to India than its specific mention in Indian legislative enactments, administrative regulations and statutes of 1873, 1880, 1884, 1914, 1919, 1928 and 1929, and in the Government of India Act of 1935 and the Indian Constitution of 1950. In striking contrast, there was not a single Chinese law or administrative enactment which made a specific mention of any of the areas in dispute.

The Chinese side alleged that the process of extending detailed Indian administration into the tribal belt was a recent one; but recent or otherwise—and the Indian side had shown that Indian authority had always been exercised over this area—clearly it was the right of the Indian Government to do so, as it would be for the Central Government of China to strengthen their authority in any semi-autonomous region of China. So any such extension of Indian administration could not support the Chinese alignment.

#### **E. Validity of the "McMahon Line" agreement**

The Indian side also established beyond doubt that the traditional boundary in the Eastern Sector had been formalized in 1914 by an exchange of letters between India and Tibet. At that time, Tibet had enjoyed the power to sign treaties and to deal directly with neighbouring States on matters regarding the boundary. The Chinese Government had recognised these rights enjoyed by Tibet and had been aware of this formalization of the Indo-Tibetan boundary at the Simla Conference.

The Indian side had made it clear that, they were reluctant to discuss the history of the relations between China and Tibet and had only considered it in their initial statements to the extent that it was relevant to the exchange of letters formalizing the boundary in 1914. Unable to establish that the agreement was void, the Chinese side endeavoured to set it aside by assertions which were not historically correct and by the most serious and unwarranted allegations against the Government of India. It was, for instance, repeatedly alleged that India was seeking to defend British Imperialist policy and to benefit from British aggression in Tibet; and it was sought to convey the impression that the Indian side regarded Tibet as an independent country. The Indian side could not but emphatically repudiate these most objectionable distortions of the well-known and clearly established policies of the Government of India. It had been clearly recognised by the Government of India and had been repeated innumerable times in these discussions, that Tibet was an autonomous region of China; and independent India had always dealt with the Central Government of China on matters pertaining to Tibet. The very fact

that these talks pertaining to the boundary of India with, for the most part, Tibet, were being held with the representatives of the Chinese Central Government, was a clear indication of India's acceptance that the Chinese Government were responsible for all external affairs relating to Tibet. It was even categorically and explicitly stated by the Indian side that India did not regard Tibet as independent.

But the present status and powers of Tibet could obviously not be projected backwards or allowed to influence one's understanding of the nature of the relations subsisting between China and Tibet in 1914. That during the 300 years prior to 1950, Tibet, whatever her status, had enjoyed the right to sign treaties and have direct dealings with her neighbours on boundary questions, was clearly established by history. The Indian side had already drawn attention to the treaties of 1684 and 1842 signed by Tibet with Ladakh. In 1856, she signed a treaty with Nepal, and the People's Government of China themselves recognised the validity of this treaty, because they felt it necessary to abrogate it in their treaty, signed exactly a hundred years later, in 1956 with the Nepal Government. It was asserted by the Chinese side that the Chinese Amban in Tibet had assisted in the conclusion of the 1856 treaty. This, too, was an incorrect statement of facts: but even if true, it would only corroborate the Indian position that China recognised the treaty-making powers of Tibet. For it would mean that China assisted Tibet in directly negotiating a treaty which, among other things, granted extra-territorial rights to Nepal. The Tibetan Government protested against the conclusion of the 1890 Convention by Britain and China and successfully defied its implementation because they had not been a party to it. It, therefore, became necessary for Britain to sign an agreement with Tibet in 1904. Far from objecting to such direct negotiations by Tibet, the Chinese Amban in Lhasa assisted in its conclusion and two years later the Chinese Central Government confirmed it in their Convention with Britain. It may be noted that the 1906 Convention concluded in Peking did not suggest that the 1904 Convention was invalid, or merely repeat its provisions but specifically recognised it.

Furthermore, it was a fact of history—and the officials at these meetings were only concerned with an objective scrutiny of the facts of history—that after the 1911 revolution Tibet had issued a declaration of independence. The Indian side themselves had drawn attention to the fact that even the British Government at that time had not acknowledged this declaration. But the fact remained that whatever the theoretical conception of Chinese relations with Tibet, all working relations between the two seem to have been practically terminated. Not a single item of evidence was brought forward by the Chinese side from either the Chinese or the Tibetan archives that could suggest that this statement was incorrect. The then Central Government of China, eager to re-establish their connections with Tibet, agreed to attend the tripartite Simla Conference and designated a plenipotentiary to attend "jointly" with the Tibetan plenipotentiary and to negotiate with him and the British Indian representative on terms of equality. The Chinese Government conferred full powers on their representative and, what was even more significant, accepted without any reservation the credentials of the Tibetan representative

which vested him with full powers in the name of the Dalai Lama and authorised him to function as an equal plenipotentiary with those of China and India and settle all matters pertaining to Tibet. Thus it was the Chinese Government of the time which accepted a procedure which, under diplomatic usage, is normally adopted only at international conferences of the representatives of sovereign countries.

The fact that the Chinese Plenipotentiary did not sign the tripartite agreement which he had initialled did not in any way invalidate the agreement signed by the British and the Tibetan representatives. All Chinese reservations to the Simla Convention, as stated at the time of the Conference and subsequently in 1919, were merely regarding the boundaries of Inner Tibet and Outer Tibet. There was never any objection, or indeed any comment of any kind, regarding that part of the boundary shown on the Convention Map between India and Tibet and formalized in the exchange of letters between the Indian and the Tibetan representatives.

The Chinese side sought to suggest that the Chinese Plenipotentiary had been unaware of the direct dealings and the Agreement concluded between the Tibetan and the British Indian Plenipotentiaries. There was no reason why the formal exchange of letters between the Indian and the Tibetan representatives should have been shown to the Chinese representative. In fact, all the Tibetan documents which have now been quoted by the Chinese side as supporting their alignment were not known, at the time they were written, to the Chinese Government. They knew nothing at the time, for example, of the negotiations regarding Dokpo Karpo in the Western Sector in 1924, and those regarding Nilang-Jadhang in the Middle Sector in 1926. However, far from regarding these "secret" documents of the Tibetan Government as invalid, they have now based their claim on them.

But in fact there is no doubt that the Chinese representative and the Chinese Government were aware of the formalization of the Indo-Tibetan boundary in 1914. The substance of the agreement was mentioned at the tripartite conference; there was a general reference to it in the Simla Convention itself; and it was shown on the map presented to the conference in April 1914 and attached to the Convention in July 1914. The areas south of the red line in the Eastern Sector on this Convention Map could not be explained in any other way except by recognising that they constituted Indian territory. The Convention was published in the first edition of Aitchison's *Treaties, Engagements and Sanads* to be issued after the Simla Conference.

Apart from these facts, the whole array of argument and evidence furnished by the Chinese side during these very discussions fully proved, if anything, that Tibet at that time had enjoyed treaty-making powers and the right of direct dealings with neighbour States. The entire evidence produced by the Chinese side showed Tibet functioning all along her border without Chinese presence or support. In quoting such Tibetan actions with approval, and bringing forward such evidence of Tibetan activity, the Chinese side confirmed the legality of Tibet's powers to negotiate and conclude treaties. In all inter-governmental talks between India and Tibet

as at Dokpo Karpo, Barahoti and Nilang-Jadhang, no representative of the Chinese Central Government had been present. The representatives of the Government of Lhasa had dealt with representatives of the Central Government of India, who had been supported by officials of local Governments. There was no question, therefore, of these discussions having been conducted on a purely local level; and the fact that on the Tibetan side there had been no Chinese representation or any Chinese authority and, at any time, even a semblance of interest on the part of the Chinese Central Government, proved the Tibetan right to deal directly with the Government of India. The Chinese side were, therefore, unable to escape from the dilemma that to dispute the powers of Tibet to have direct dealings with India to confirm the traditional boundary in the Eastern Sector was to jettison all their evidence for the Eastern and Middle Sectors and almost all their evidence for the Western Sector. For the overwhelming majority of the records and documents quoted by the Chinese side were from Tibetan, and hardly any from Chinese sources. Indeed, the documents cited by the Chinese side referred throughout to a Tibetan Government. It was obviously, even according to the Chinese evidence, much more than a merely local authority or a provincial administration.

The Chinese side sought to argue that as the negotiations were "resultless" they could not prove Tibet's negotiating powers. It hardly requires to be stated that success or failure has no bearing on this point; but if the failure of these negotiations negated their legality then the Chinese side themselves were precluded from quoting them as evidence in other contexts.

The Indian side also mentioned, in this connection, that the Chinese side had referred to a non-aggression treaty having been concluded in 1853 by the then Government of India and the Regent of Tibet. There was, in fact, no such treaty and what the Chinese side had in mind was discovered to be an administrative arrangement between the Monba chiefs and the British Indian Government. But the Chinese contention was obviously based on the premise that the Tibetan authorities had the right to make peace and war and to conclude treaties of non-aggression. It was clearly illogical in the face of this to contend that a Tibetan Government with such ample treaty-making powers could not formalize an existing traditional boundary.

To place the matter beyond all possible doubt, the Indian side cited a note formally presented by the Government of China in November 1947, enquiring whether after the transfer of power the Government of India had assumed the treaty rights and obligations existing till then between India and Tibet. In their reply of February 1948, the Government of India formally informed the Chinese Government that they had assumed these treaty rights and obligations. The reference in this exchange to the treaty rights and obligations between India and Tibet, as distinct from those between India and China, was the strongest possible proof both of the validity of the "McMahon Line" agreement and of its recognition by the Chinese Government. The Indian side also brought forward documents to show that for many years after the establishment of

the authority of the People's Government in Tibet, the Tibetan authorities had accepted the traditional international alignment in this sector.

Nowhere, in fact, as in its disputation of the validity of the so-called McMahon Line was the Chinese position so replete with contradictions. To mention but a few, the Chinese side throughout quoted with approval Tibetan negotiations on certain segments of the traditional alignment in the Western and Middle Sectors, but when confronted with the implications of this position they denied Tibet the right to confirm the traditional boundary in the Eastern Sector. They asserted that Tibet had no treaty-making powers but claimed that she had signed a treaty of non-aggression. Similarly Tibet, with no treaty-making powers, had signed an agreement conferring extra-territorial rights on Nepal which the People's Government had found necessary to abrogate. The Chinese side asserted that the Convention of 1904 between Britain and Tibet was invalid, though it had been negotiated with the assistance of the Chinese officials, and had been referred to with approval in the Convention signed between Britain and China in 1906. They argued that China had never recognised the treaty-making powers of Tibet but could not explain why the suzerain Chinese Government of 1914 had accepted the equal and plenipotentiary status of the Tibetan representative and had participated with Tibet in a tripartite conference in India. They argued that the red line in this sector on the Simla Convention Map was the boundary between Tibet and China but brought forward evidence which was said to show that the area south of this line had belonged traditionally to Tibet. The "McMahon Line" Agreement was described as a result of a secret imperialist intrigue and Tibet was said to have been coerced into signing it; but the fact remains that as late as 1943, Tibet successfully defied the combined pressure of the Chinese Central and British Governments to secure the use of Tibetan territory as a supply route for the defence of China.

This maze of contradictions makes it impossible even to comprehend the Chinese stand, much less to find evidence to sustain the Chinese claim. It needs to be stated clearly that the treaty-making powers of Tibet and in particular her formalization of the "McMahon Line" were acknowledged by the Chinese Central Government of the time; and it was profitless to distort the present position of the Government of India and the statements of the Indian side in a vain attempt to repudiate the confirmation of the traditional boundary. For it was conclusively established from every angle of law and history that the "McMahon Line" agreement which confirmed the traditional boundary in the Eastern Sector was a valid agreement which had been signed by Tibet and was now binding on China.

Indeed, the Indian position regarding the "McMahon Line" agreement found corroboration also from the documents and agreements cited by the Chinese side. Even the recently concluded Sino-Burmese Agreement which acknowledges that the Burma Sector of the "McMahon Line" was the traditional boundary between China and Burma was telling circumstantial proof that in

the Indian Sector also it had obviously confirmed the traditional boundary.

The Indian side were most surprised at the statement of the Chinese side that they distinguished between the actions of past Chinese Governments, accepted what suited them and rejected what was not in consonance with the present Chinese attitude and claims. This was obviously an extraordinary position to adopt and unsettled all relations between Governments. It was an accepted principle of international law that all past commitments of previous governments were binding on successor governments, at least until they had been re-negotiated. The whole purpose and value of the assignment given to the officials would be undermined if either side refused to accept all the facts of history, regardless of past motives and present claims, but accepted only such evidence as confirmed their contentions and repudiated those facts which destroyed them.

## F. Maps and Surveys

Special mention may be made of two particular categories of evidence—maps and surveys—for the Chinese side have suggested that they have been shirked by the Indian side. In fact, they provide strong evidence of the Indian alignment.

### (i) Maps

The Indian side brought forward a large number of maps published in various countries including China, by disinterested cartographers of repute, which showed that the traditional boundary had been well-known and recognised. For the Western Sector, a large number of unofficial Chinese maps, from very ancient times right down to our own, were cited to establish the acceptance of the traditional boundary throughout history. Included among them were not merely old Chinese maps, reflecting the general understanding of the location of the traditional boundary, but modern maps, brought out by such agencies as the Commercial Press of Shanghai, for many years the foremost publishing house of China, the Shun Pao, the leading newspaper of the country, the Far Eastern Geographic Establishment, the leading cartographic organisation, and Peking University. Failing in their effort to under-rate these maps cited by the Indian side, the Chinese side supplied two old Chinese maps which were said to support their case, but even these when examined were found to support the alignment as now shown on Indian maps. For the Middle Sector, over 20 unofficial maps published in India, China and various countries of Europe and showing the watershed boundary were cited by the Indian side. Similarly, a large collection of maps, published at different times in different countries, were cited in confirmation of the Indian alignment in the Eastern Sector. They included maps published by almost every well-known cartographic firm of Europe. The most important group, as mentioned earlier, was constituted by nine Chinese maps belonging to different periods and mostly based on official Chinese investigations. All these maps showed that throughout the centuries, the traditional boundary between India and China had been shown and recognised to lie in accordance with



the present Indian alignment. The Chinese side failed to bring forward any items of evidence of this nature in support of their case.

Much of the Chinese case was based on maps issued by the Survey of India and they were repeatedly referred to under both Items 2 and 3, even though being evidence of official viewpoints, they were not relevant evidence of tradition and custom. It was alleged that most Indian official maps supported the Chinese position and that the Indian side brought forward few official maps on their own to substantiate the Indian alignment but dealt with them primarily when replying to the Chinese evidence. It has even been suggested for the first time in the Chinese report that the Indian side "deliberately evaded such material" and that no official maps were cited by them for the Middle Sector. In fact, however, this category of evidence provided support for the Indian, and not the Chinese, case and was used considerably for every sector of the alignment.

As has been shown in detail in the earlier chapters dealing with the discussions on Tradition and Custom and on Administration and Jurisdiction, the Indian maps quoted by the Chinese side had been incorrectly interpreted and understood. Most of the Indian maps which the Chinese side brought forward showed no boundaries. But this did not mean, as the Chinese side argued, that no boundaries existed. These maps were intended for internal administrative purposes and, therefore, did not seek to show the international boundaries. This becomes clear when one considers, for example, the 1937 map of India. The main map showed no international boundaries, and has been cited by the Chinese side; but the reference becomes valueless when it is noticed that the small inset map on the same sheet correctly delineated the international frontier. Again, some physical relief maps published by the Survey of India showed no boundaries as their concern was different. They were, therefore, wholly irrelevant to the present question, let alone being evidence in favour of the Chinese side. Many Chinese maps also do not show all the regions of China within China's external frontiers. It should also be remembered that official maps of the Survey of India only showed areas which had been properly surveyed at the time of issue of the map and not necessarily the traditional alignment, which was well-known. Survey of India maps naturally laid emphasis on official surveys, which were the main function of the organisation.

The Chinese side referred, in particular, for the Western Sector to the 1825 map prepared for the East India Company, the 1840 map prepared by James Wyld, and Walker's map of 1846. The Indian side pointed out that in evaluating these maps as evidence of the boundary alignment, it was necessary to bear in mind that British control had extended over the Indian State of Kashmir only in 1846, and prior to that British Indian maps either did not show Kashmir at all, or, understandably, showed the boundaries of independent Kashmir incorrectly. It was only about twenty years after Kashmir came under British control that the first surveys of the Aksai Chin area were undertaken by Johnson; and from the sixties onwards Survey of India maps correctly depicted the limits of Indian territory in the Western Sector. So while the early maps of Wyld and Walker,

drawn before any surveys had been conducted, were based on conjecture, the Survey of India maps subsequent to the surveys showed the Indian alignment correctly. Walker himself revised his earlier erroneous maps on the basis of these accurate surveys and showed the boundaries correctly in his maps of 1866 and 1868. If Walker's maps were to be regarded as evidence, obviously the later revised maps based on scientific surveys, and not the earlier conjectural maps, were the authoritative ones.

Regarding the maps in the Eastern Sector, the Indian side explained that many of these maps showed merely the administrative frontier along the *Inner Line* as distinct from the international frontier, leaving out the tribal areas which were at that time under the overall control of the British Indian authorities but not under regular British administration. They, however, showed these areas by a colour wash in order to make clear that they were a part of India. This general British practice of delineating the administrative frontier along with a colour wash upto the international boundary could be discerned also in maps which showed the North West Frontier areas, now a part of Pakistan, as lying beyond regular Indian administration.

From the foregoing analysis, it becomes clear that Indian official maps for over a hundred years have largely shown the correct limits of Indian territories. Naturally, as the years passed, the maps became more accurate and precise, because of the growing knowledge which came from detailed surveys, development of communications and a general improvement in the science of cartography. But in any case these Indian maps never showed an international alignment which could be claimed to confirm the present Chinese alignment.

The Chinese side also laid great emphasis on the captions 'frontier undefined' and 'frontier undemarcated' on some Survey of India maps, although this had been explained in detail in the note of the Government of India of 12 February 1960. The term 'undefined' in the Western Sector indicated that the boundary had not been defined in detail from point to point or demarcated on the ground, while the term 'undemarcated' in the Eastern Sector indicated that the boundary had been delineated on a treaty map but had not been demarcated on the ground. But there was never any uncertainty about the location of the traditional boundary in these sectors.

The Indian side brought forward official Chinese maps which confirmed the Indian alignment in all the Sectors. The map of the Chinese Minister Hung Ta-chen given officially to the British representative in 1893 showed an alignment which corresponded to the Indian alignment. Similarly, the map issued by the Postal Department of China in 1917 and used officially right upto our times correctly showed the Indian alignment throughout its length. There were repeated editions of this Postal Atlas. Until the maps issued since the People's Republic of China was inaugurated, which were only recently claimed to be correct, there were no official maps published in China which substantiated the alignment now claimed by China. This conclusion is not qualified by the two maps of 1918 and 1948 which the Chinese side quoted as corroborating their alignment. For the Indian side found on scrutiny that these two maps, said to have

been prepared by the 'Northern Warlords Government' and the Ministry of Defence respectively, had never been published; and subsequently the Chinese side agreed that this was so. It was surprising that secret maps had been brought forward as valid evidence of open and effective administration. They obviously were no proof of the alignment, much less of recognition by the Government of India of the boundary delineated on them. The furnishing of such so-called 'official' maps was all the more extraordinary because the Chinese side had themselves stated that no official maps had been printed in China during the period of the Kuomintang rule. In fact, such official maps had been published, and they supported the Indian alignment.

The Chinese side asked how Chinese maps cited by the Indian side could become evidence of Indian administrative control. The Indian side explained that they had never claimed Chinese maps as proof of Indian administrative control but had only cited them to establish that the traditional Indian alignment had been endorsed by the Chinese Central Governments. The Indian side, in fact, emphasised that as proof of sovereign administrative authority, it was necessary to rely primarily on such records as those of the regular collection of revenue and taxes and the maintenance of law and order. As far as the Indian side were concerned, official maps had been adduced only as secondary, corroborating proofs of administrative jurisdiction. Even here, the emphasis had been placed on administration maps, on sub-divisional, village, local and revenue maps which showed the administrative organisation as extending right upto the traditional alignment. It was significant that all large-scale maps of particular areas published by the Survey of India, of whatever date, clearly and explicitly supported the Indian alignment.

However, it became abundantly clear that the Chinese claim to administrative control was based primarily on maps derived from Indian sources, and these, too, small-scale maps published for general purposes. It is pertinent, therefore, to pose the parallel question as to whether the Chinese side had brought forward any official maps, published in China, to support their alignment, and to enquire how Indian maps could form almost the sole evidence of Chinese administration. It was clearly of the utmost significance that the Chinese side could not produce a single published official Chinese map showing the boundary as claimed by them, even though they assert that China has administered these areas for centuries.

Finally, it is necessary to correct the erroneous impression that was sought to be created, that the Indian side had not furnished many official maps in support of their alignment. Attached to this chapter (Annexure 'B') is a list of the official maps furnished by the Indian side; and from this it will be observed that as against 13 Indian official maps quoted by the Chinese side, 36 were brought forward by the Indian side; and as against the total lack of official Chinese maps brought forward by the Chinese side, 8 official Chinese maps were produced by the Indian side. The Indian maps which were quoted by the Indian side confirmed the evidence of Indian administration, and the Chinese maps cited by them served to establish that the alignment claimed by India had been recognised by the Central and the local Governments of China.

## (ii) *Surveys* }

As evidence of continuous administration of these traditionally Indian territories upto the alignment, the Indian side brought forward detailed evidence of official surveys conducted in the Western Sector from 1862, in the Middle Sector from 1850 and in the Eastern Sector from 1826 and particularly during the years 1911 to 1914. The results of these open surveys had been published in a large number of official reports and scientific journals even at the time they were conducted, and the Indian side cited the relevant documents. For example, in the Western Sector, the results of surveys in the Aksai Chin, Lingzi Tang and Chang Chenmo areas were published in a series of volumes from 1863 onwards. It was, therefore, completely untenable to contend that these surveys had been the result of Indian officials "sneaking" into Chinese or Tibetan territory. In fact, in the Western Sector the only surveyor who had crossed the alignment was Johnson in 1866; but he did so at the invitation of the Khotan Government and it was the Indian Government which rebuked and punished him for crossing the Indian boundary. In the Eastern Sector, surveys of Tibetan territory across the frontier were only carried out with the explicit permission of the Tibetan Government and they had always been clearly described as "trans-frontier surveys". Nor had the Indian side cited these explorations of Chinese and Tibetan territories. Such evidence as the Indian side had brought forward of official surveying had been of well-publicized operations in Indian territory.

However, while the Chinese side sought to minimise the significance of Indian surveying and described as "absurd" the suggestion that surveys were proof of legitimate administration, they themselves claimed in the Western Sector that surveys of the Aksai Chin area had been carried out by them in 1892 and 1941. In fact, as the Indian side showed, these Chinese surveys had not been of this Indian territory; but it was significant that the Chinese side recognised that survey operations were conclusive proof of ownership and administration of territory. In the circumstances, the very fact that they did not deny the validity of the evidence brought forward by the Indian side of open, regular and systematic surveys, to which the Chinese and the Tibetan Governments of the time had taken no objection, was obviously conclusive proof, even according to the premises of the Chinese side, that these territories which had been surveyed were a part of India. Further, as the Chinese side themselves have stated: "Obviously, it is inconceivable that such official, long-term and large-scale surveys could have been conducted and accomplished smoothly had they been carried out" in someone else's territory.

In short, according to the Chinese side themselves, official and detailed surveys are conclusive proof of sovereignty and administration; they themselves could bring forward no evidence of any such surveys of the areas now claimed by them; and the Indian side brought forward evidence of an unbroken series, stretching over a hundred years, of official, long-term and large-scale surveys of all the areas in every sector.)

## G. The meagre contents of the Chinese case

As compared to the wealth of positive documentary proof brought forward by the Indian side, the Chinese evidence was scanty in number, recent in origin, imprecise in its indication and, what was even more, internally inconsistent both in facts and arguments. This evidence, therefore, was totally inconclusive in supporting the Chinese case.

On the Western Sector, the Chinese case consisted mostly of unsupported assertions. Little traditional and customary evidence was produced from Chinese works and maps and whatever was produced turned out to be in India's favour. Vague references from Western travellers were adduced but could not stand scrutiny because fuller references even from the same authors as well as detailed accounts of other travellers clearly established that the authority of Sinkiang had never extended south of the Kuen Lun mountains. On the basis of some place names of Uighur origin, the Chinese side sought to prove that the Aksai Chin area formed part of Sinkiang, but the Indian side showed that if philological evidence were to be considered the vast bulk of place names in this area was obviously derived from the Ladakhi language.

For the Middle and Eastern Sectors also, there was no evidence of tradition and custom as such. The major part of the evidence quoted by the Chinese side merely pertained to the collection of religious dues or the exercise of religious superintendence over the Lamaist monasteries and the Buddhist believers in small areas. But as the Indian side explained, such spiritual allegiance to Lhasa could not be regarded as proof of political or secular control over the areas concerned. The Indian side quoted from statements made by responsible Chinese officials such as Ivan Chen, who was the Chinese Plenipotentiary at the Simla Conference (1913-14) and the Foreign Minister of China (in 1914) to confirm that these places where Lamaist institutions existed or religious dues were collected were beyond the limits of Tibet's secular authority.

In the Eastern Sector, the evidence pertained exclusively to three small pockets of Buddhist influence close to the traditional border. Indeed, the Chinese evidence was mostly about Tawang where there is an important monastery exercising spiritual authority over the Monbas who are Buddhists. The Chinese evidence failed completely to substantiate the assertion that these three small units of Monyul, Layul and Lower Zayul covered the entire area of 32,000 square miles now claimed by China. The bulk of the population of this vast area are not Buddhists but tribal people, but there was no evidence at all concerning them. There was not even a general reference to them such as was to be found in medieval Indian evidence, which the Chinese side acknowledged.

The inadequacy of the Chinese evidence was nowhere greater than in the endeavour to prove that these territories now claimed by China in the various sectors were throughout subject to the administrative authority of China or, for that matter, even of Sinkiang or Tibet. Unlike the Indian side who had produced continuous revenue and tax records and other archives of administration for year after year and decade after decade for all disputed areas, the Chinese side

produced one or two documents of an occasional and a vague nature pertaining to a few odd places and claimed them as proof of administrative authority exercised continuously for centuries over all the areas now claimed. Only one document was produced as proof that Sinkiang had exercised administrative authority over the Aksai Chin area. But this document itself was a recent one and it only mentioned a proposal for the establishment of a new administrative subdivision of Shahidulla, which, in any case, lies north of the Indian alignment. It specified the Karakoram Pass as the southern limits of the administrative project, and since, according to the traditional alignment, the Karakoram Pass lies along the northern boundary of Kashmir, it was clear that the new division could not have been responsible for the administrative control of the vast Aksai Chin area. Nor was any evidence produced, either that this new administrative unit had been established, or that for the period from 1928 right upto 1950 jurisdiction over the Aksai Chin plateau was in fact exercised by this sub-division of Sinkiang. The scrutiny of the Chinese evidence confirmed the Indian position that Sinkiang and China never exercised control upto the limits now claimed till, of course, the illegal use and control of this territory since 1950.

The evidence to prove continuous Tibetan administration of the other areas now claimed by China was also sparse and flimsy. For the whole of Ladakh, there was only one document showing the collection of produce from a private estate in Demchok. In the case of Spiti also, only one monastic record, manifestly of religious superintendence, was quoted as proof of both tradition and the exercise of administrative authority. For Shipki, the only evidence of administration, on which the Chinese case was based, was an 'avowal' of 1930 by certain individuals; but 'avowals' are private affirmations and not proofs of official authority. For Nilang-Jadhang only two documents, separated by 170 years, were cited, and even these showed not that taxes had been collected, but that transit dues were paid by those proceeding to Tibet. Such dues were collected from persons in Nilang-Jadhang and Barahoti who went for trading into Tibet, and never from persons who did not cross into Tibetan territory. In the traditional pattern of trade between India and Tibet, India supplied food-stuffs and necessities of life of Tibet, while Tibet exported wool which was only an industrial raw material. It was, therefore, the Tibetan local authorities who were anxious to take the initiative to open and encourage border trade operations. These local officials of Tibet came just across the Himalayan passes, as it was impossible to stay on the saddles of the passes, to encourage the opening of trade; but they remained in these camping and pasture grounds and did not go down to the villages where the persons from whom these dues were collected resided for most of the year. These camping grounds, where these dues were collected, were near the Indian border and very far from the alignment claimed by China. In any case, no records were brought forward by the Chinese side to correlate the alleged tax dues with land holdings and pastures, and it was clearly established that these visiting Tibetan officials had no authority in India. A comparison of the meagre and casual evidence of the Chinese side with the systematic and detailed documentary evidence of revenue settlements, land taxes, official tours and other aspects of general administration furnished by the Indian side, placed beyond

doubt that these areas were integral parts of Indian villages and the collections which were claimed as proofs of Chinese authority were merely transit dues paid for the facility of crossing into Tibet. The Chinese side were in no position to challenge the veracity of Indian tax collection and settlement records; and such detailed evidence of Indian administration over these pockets put the Chinese evidence in perspective, and underlined that they were transit dues without any significance.

In the Eastern Sector, not a single record from any of the contiguous administrative sub-divisions, containing a chart or a map or any other specific proof showing an alignment which tallies with what is now claimed as the traditional boundary, was brought forward. The nearest approach to such evidence, which must be considered essential, was a solitary document pertaining to the Walong area which mentioned a stream which was nowhere near the alignment now claimed by China. The material provided established only Buddhist influence and ecclesiastical organisation in small pockets of territory. There was no evidence of any revenue collection, of survey operations, of acquaintance with the cultivated lower valley or of construction of public works in the inhabited areas. The Chinese evidence was striking in that it made no claim to the exercise of any form of authority—spiritual, secular or political—over the vast majority of the inhabitants of these areas south of the high Himalayan range.

#### *Claim supported by illegal occupation*

There is one argument advanced by the Chinese side which deserves special mention. The Chinese side asserted that the Chinese army crossed unhindered the Aksai Chin area in 1950, conducted surveys there in 1954-55 and eventually constructed a highway across it, and they claimed that all this supported their contention that the territory always formed part of China and that the traditional line ran to the west of it. The Indian side could not possibly accept that this trespass and present control confer a legitimate title to this area. The Chinese Government themselves accepted the position, as it shown by their statement in the Chinese note of 3 April 1960, that—"Violation of the traditional customary line and expansion of the extent of occupation by unilateral occupation cannot constitute the legal basis for acquiring territory".

In this effort of trying to determine what was the traditional boundary between Sinkiang and Tibet on the one hand and India on the other, it was necessary to ascertain the historical *status quo* or what the Chinese Government called the "long existing state of the boundary" between the two countries, and furnish proof of an original title, setting aside any evidence from gains derived from recent illegal activity in the area. International law recognises that sovereignty over national territory does not demand continuous occupation of every place. The type and continuity of control necessarily differ with the nature of the terrain and the special circumstances of the territories concerned. The Indian positive evidence of tradition, custom and the exercise of state authority for this sector all established that the Indian title was an ancient, legitimate and recognised one; and it was shown that the Governments of Kashmir and India had

exercise normal and open authority over the area in a manner appropriate to its physical and climatic conditions. The Indian side had also demonstrated that this title was intrinsically superior to the Chinese claim for it was based on evidence which pre-dates by centuries the activities of the last decade. It had been established, for example, that until this recent activity Sinkiang never exercised any control over the Lingzi Tang and Aksai Chin areas and that Chinese maps and documents invariably recognised that Sinkiang did not extend south of the Kuen Lun ranges. As mentioned earlier, the nearest direct evidence of administrative control produced by the Chinese side were documents of 1927-28 which merely mentioned the intention of establishing an administrative organisation, and that too, in Shahidulla (which is in Sinkiang), and covering an area which even in the project was stated to have its southern limit at the Karakoram Pass.

In this connection, it may be expedient to refer to two famous cases of territorial disputes where the International Court, in ascertaining the legitimate title, set aside all evidence subsequent to what was described as the "crucial date". In the dispute between the United States and Holland over the island of Palmas, evidence subsequent to 1906 was not considered as valid. In the dispute between Norway and Denmark over Eastern Greenland, Norway's claim was set aside and considered "illegal and invalid" on the ground that she had not been able to establish any proof of administration prior to 1921, when she first occupied the disputed territory. As was pointed out in the Palmas case, in such circumstances, it was necessary to establish that the display of sovereignty existed openly and publicly prior to the period when the dispute was precipitated.

Further the Indian side, by giving evidence of the administration of this area prior to 1950 and details of patrols which were sent even subsequent to 1950 and right upto 1958 and even 1959, have demonstrated that India had the continuing intent even during the last ten years of exercising her rightful sovereignty and fully discharging her responsibility of local administration in a way befitting the terrain. Indeed, the Government of India had, in the customary manner, sent a patrol into the Chang Shenmo valley in June 1959 and no trace of Chinese personnel was then found in the area. This valley was only occupied subsequently by Chinese forces; and this occupation resulted in the clash and loss of life near the Kongka Pass. The evidence of long user and jurisdiction, the continuing intent to exercise sovereignty until the present Governmental exchanges commenced and the application of international case law precedents all clearly establish the Indian title to the area. The fact that India, in trust and true to centuries of tradition, did not establish a network of fixed administrative and defence posts at the extreme limits of the difficult terrain can in no way prejudice her ancient title.

It may be mentioned here that the Prime Minister of India had enquired from Premier Chou En-lai in Delhi in April whether a second road paralalled to the original highway was being constructed in the Aksai Chin area. Premier Chou En-lai disclaimed knowledge of such a road. However, the Chinese side in their final statement and their Report have mentioned, as supporting proof of their claim, that over ten routes in this area were surveyed for construction; and



It is known that some routes other than and west of the present highway have already been constructed. Such consolidation of illegal control by new constructions are even more objectionable and can certainly not strengthen, in any way, the Chinese claim to this territory. Traditional boundaries are as much binding in international law as boundaries embodied in agreements and treaties, and no government has any justification in violating such boundaries and seeking to use occupation to confer legitimacy on trespass.

#### **H. Deficiencies and contradictions in the Chinese evidence**

These general observations pertain to the weak factual foundation of the Chinese case. During the discussions, the Indian side made a careful analysis of the documents produced by the Chinese side and the comments, summarised in the earlier chapters, show why the documents cannot help to sustain the Chinese claim. Here the Indian side would like to mention certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese evidence.

##### *(i) Irrelevance and contradiction of many items of Chinese evidence*

(a) The scrutiny of the documents furnished by the Chinese side showed that many of them had no direct relevance to the alignment or the areas claimed by China. For example, the decree of the *Kashag* that foreigners should not be allowed to enter Tibet was no proof of any alignment; and the fact that Deasy was turned back in Tibet from a point east of 80° E, *i.e.* east of the traditional alignment in the Western Sector and about a hundred miles east of the alignment now claimed by China, was obviously of no significance or even relevance. The extract cited from the *Yuan Shih* to prove that Ladakh was part of Tibet in fact only affirmed that a part of Tibet belonged to China. Another document was cited to show that Chushul was close to Rudok—a well-known geographical fact which had no bearing on the alignment. Now in their report the Chinese side have sought to strengthen this item of evidence, but still to no purpose. A statement in a Chinese work that the Karakoram mountains touched Sinkiang and Tibet could not damage the Indian position, for Sinkiang reaches upto the Karakoram Pass and the Karakoram ranges run from Ladakh into Tibet. Most of the evidence advanced to support the claim over Aksai Chin pertained to the Pamirs or the Western Karakoram area and concerned either the Sino-Russian and Sino-Afghan boundaries or that part of the Sino-Indian boundary west of the Karakoram Pass which the Chinese side did not wish to discuss at these meetings.

(b) Certain items of evidence brought forward by the Chinese side contradicted the Chinese stand. For example, the Mandate of the Fifth Dalai Lama, which was claimed to show the secular authority of the Tibetan Government over the Monba area, was found to refer solely to ecclesiastical jurisdiction in the Monba area. The 1911 Report of Cheng Feng-hsiang, quoted by the Chinese side with a view to support their alignment, stated that the boundary lay at the Yapak stream south of Rima; and this is well to the north of what China now claimed as her traditional boundary. There are many such instances of evidence furnished on all sectors, which either had no relevance to the Chinese claim or factually contradicted it.

(ii) *The Chinese evidence consists of a large number of unsupported assertions !*

The Indian side were surprised to find that the Chinese case contained numerous assertions which were unsupported by documentary evidence. Obviously, such assertion in face of the massive amount of Indian evidence could not be regarded as establishing the Chinese alignment. A few examples may be given to illustrate this feature of the Chinese evidence.

(a) In the Western Sector, it was claimed that the Kirighiz and Uighur people of Sinkiang had been going to the Aksai Chin and Lingzi Tang areas since the 18th century for salt-mining, pasturing and trading and this was said to establish that the area had throughout been a part of Sinkiang. But not a single document either from the archives of the Sinkiang administration or from contemporary records and accounts was produced to establish the prevalence of this practice. On the other hand, the Indian side produced both historical evidence such as accounts of travellers and official records and local gazeteers to show that it was the people of Ladakh who had been going for salt-mining, hunting and pasturing, as of right, into these very areas.

(b) It was stated that the Tibetan Government had always posted guards at Demchok and Khurnak and headmen at Gyu and Kaurik in exercise of their administrative authority. But no document to substantiate these claims was brought forward. On the other hand the Indian side produced records showing continuous administration of these places.

(c) There were other cases where the translation and examination of the photostats supplied by the Chinese side showed that the passages cited by the Chinese side in their statement and said to be taken from specified documents actually were not to be found in the full texts contained in the photostats. For instance, an avowal of 1853 was said to refer to the prevention of the sovereignty of the borders in the Monba area falling into the hands of others; but the actual Tibetan text supplied by these Chinese side did not contain such a passage. The Chinese side themselves acknowledged this during the discussions; but they now, in their Report, charge the Indian side of having made this allegation. A report of 1913 was said to state that Garpons had been appointed to Layul; but again on such reference could be found in the Tibetan text of the photostat supplied. Kishen Singh, an Indian explorer, was said to have testified to Khurnak being in Tibetan territory, but the reference did not confirm this. In their Report, the Chinese side have sought to explain this by saying that Kishen Singh camped in what was allegedly Tibetan territory and had stated that Khurnak was nearby. But even this fact was not proved, much less the inference drawn from it. Other cases wherein the significance attributed to a document did not exist, included those dealing with Kingdon Ward's visit to Tibet and Ludlow's visit to Tawang.

(d) It was stated that even though the administrative centres for the areas claimed in the Eastern Sector were in the extreme north and west of the territories now in dispute, yet the local authorities had developed special administrative techniques to control the areas

right down to the foothills. It was promised that details of these techniques would be provided along with other evidence of administration and jurisdiction, but when the administrative pattern of the Eastern Sector came to be discussed, this promise remained unfulfilled. It has, in fact, never been clarified as to how this large belt of 32 000 square miles could have been traditionally administered by Tibet.

(iii) *The evidence produced does not cover the area claimed or contain any historical proof of border points*

There was no precise and relevant documentary evidence brought forward by the Chinese side to prove that the areas now claimed were ever known to Sinkiang or Tibet, much less that they belonged to them or to show that points along the alignment now claimed were known to be border points.

In the Western Sector, the Indian evidence had shown how important border points and passes were traditionally accepted and mentioned in contemporary records as marking the limits between India and Tibet. For example, the Indian side provided specific items of evidence of the 18th and the 19th centuries which clearly mentioned Lanak La as having been considered at the time as a border pass between Ladakh and Tibet; but the Chinese side did not provide a single historical reference to show that the Kongka Pass (which is claimed to be the limits of Chinese territory and is located in the same valley and quoted as a nodal point on their alignment) was ever accepted as a border pass. The only document quoted by the Chinese side which contained a reference to a border point was Lhari of Demchok Karpo and that reference supported the Indian alignment.

Again, in the Middle Sector, no proof was brought forward to establish any claim to points along the alignment shown by China.

In the Eastern Sector, as already stated, no maps or administrative records of any kind were brought forward to show that Monyul, Layul and Lower Tsayul covered the whole tribal belt. A Survey of India map of 1906 was referred to as stating that Monyul, Layul and Lower Tsayul comprised the whole of the area in question but the scrutiny showed that there was no such indication on the map. The Chinese side claimed that certain foreign travellers had stated that these three units covered the whole area, but when invited to give the references, failed to do so.

The Chinese side had also referred to Lhoka as comprising most of what is now called the North East Frontier Agency of India. But it is well-known that Lhoka refers only to the 18 Dzongs under the control of the Commissioner of Neptong in Tibet and certainly did not extend south of the Himalayan range. When the Indian side pointed this out, the Chinese side did not deny it.

No historical records or accounts were brought forward by the Chinese side which mentioned the foothills as the traditional boundary, much less specifying the traditional points of entry of the tribal people into the Brahmaputra plains. This was, obviously, because neither the Chinese nor the Tibetans had any knowledge of these places or of the topography of these foothills.

*(iv) Changes even in the definition of the extent of the area claimed*

It was difficult enough to assess the relevance of the Chinese evidence when no historical records were brought forward concerning areas near the alignment now claimed by China. But the Chinese claims became even more mystifying when recent and authoritative definitions of the areas claimed revealed surprising contradictions and inconsistencies. Attention has already been drawn in an earlier chapter to the bewildering variety of delineations of the Sino-Indian frontier in recent Chinese maps. Two other significant examples of contradiction are given here.

(a) In the correspondence between the two Governments, the Government of India had pointed out that even in Chinese official maps published since the inauguration of the People's Republic of China the delineation of the boundary with India had not been consistent. It was noticed, for example, that, speaking broadly, the 1951 and 1959 maps had shown one alignment, while the 1954 and 1956 maps had shown a totally different alignment. In reply to our Prime Minister's letter of 26 September 1959, Premier Chou En-lai, in his letter of 17 December 1959, stated that "the Chinese maps published in 1956 correctly show the boundary between the two countries." The Indian side were, therefore, naturally taken aback when it was found that in the face of this categorical and most authoritative statement of the Prime Minister of China, the authenticated map provided at the beginning of these discussions did not tally with the Chinese map of 1956. In fact, the map now provided claims a few thousand square miles more than even the extravagant claim to Indian territory in the 1956 map. As the Chinese side continued to assert that there was no difference in the alignments shown on the two maps, the Indian side indicated precisely the divergence between the alignments on the map given to the Indian official side and that shown on the map endorsed by Premier Chou En-lai. The Indian side remain at a loss to know which map is to be considered more authentic; for despite repeated requests no explanation was provided to resolve this vital contradiction in the Chinese definition of the alignment claimed by them.

(b) The second example seems to suggest the development of a change in the Chinese conception of their boundary, even during the course of these discussions. In the description of the Chinese alignment provided to the Indian side, it was alleged that in the Middle Sector, eight places of Chinese territory were under Indian occupation and that the boundary skirted these places on the south side. Lapthal and Sangchamalla were individually listed and mentioned as distinct from Barahoti (Wu-je). Earlier, too, in the correspondence between the two Governments and during these discussions, Barahoti, Lapthal and Sangchamalla had been mentioned separately. However, the answers given by the Chinese side to some of the questions of the Indian side seeking clarification of the Chinese alignment raised the suspicion that the claimed alignment did not just (as had been stated) skirt these places, but ran much further to the south and east of them and that these places were much nearer the traditional Indian boundary than to the line now claimed by China. But it was only five weeks after these talks began that the Indian

side were informed, for the first time, that these three areas—Bara-hoti (Wu-je), Sangchamalla and Lapthal—were, in fact, not separate units of territory but parts of one large, composite area of approximately 300 square miles. No explanation was provided as to why these places had earlier been mentioned separately. One could not help feeling that in this particular case the Chinese claim was inflated after the commencement of these discussions. As far as the Indian side were concerned, they contested the claim to these three pasture and camping grounds even when the area involved did not amount to more than ten to fifteen square miles. But the Indian side were naturally most concerned that the area, as finally claimed, was a sizeable one and, incidentally, included the Niti and Kungribingri Passes, which are border passes explicitly mentioned in the 1954 Agreement and where for decades India has exercised her traditional jurisdiction.

(v) *Utilization of material taken out of the proper context*

The Chinese side frequently took certain passages out of their proper context and quoted them in such a manner as to suggest that they supported the Chinese case. The most striking instance of this was the utilization of certain statements of the Prime Minister of India. For example, the listing in his letter of 22 March 1959 to Premier Chou En-lai of some of the agreements confirming the traditional Indian alignment was said to show that the 1954 Agreement was not regarded as one of such treaties. His statement in Parliament that the boundary in the Western Sector had not been delimited on the ground was cited as proof that the Indian Government had accepted that the boundary had not been delimited, and his statement that during the days of British rule no administrative outpost had been maintained in the northern Aksai Chin area was interpreted to mean that there had never been any administrative control of the whole area. Obviously these and similar statements should be read in their proper context and not distorted to suit the Chinese case.

(vi) *Inconsistencies in the logic of the Chinese case*

More damaging than even these irrelevancies, unsubstantiated assertions and ambiguities were the sharp contradictions and inconsistencies in the logic of the Chinese case. These contradictions, to which the Indian side drew attention at the time, remain unresolved.

(a) The Chinese side were unable to explain their stand about the alignment near Demchok in the Western Sector. While furnishing their evidence supporting the traditional basis of the alignment, the Indian side were the first to quote a 17th century document to show that the traditional boundary between Tibet and Ladakh near Demchok lay at the Lhari stream. When later the Chinese side also brought forward evidence of the 18th century showing that the limits of Tibetan territory were at Lhari, and that headmen as far back as a hundred years ago had confirmed that the boundary lay at Lhari, the Indian side welcomed it as a point of agreement, but, at the same time, pointed out, that this destroyed the Chinese claim that the boundary lay further west of Demchok. At the request of the Chinese side, the Indian side furnished the coordinates of Lhari stream, and invited the Chinese side to give the

co-ordinates of Lhari according to them, if they disagreed with this contention. But the information sought was not provided even though Lhari had been quoted as a significant point on the alignment. It was merely asserted that Lhari was near the point where the Chinese alignment crossed the Indus, but if this were so, Lhari would be almost due north and not west of Demchok, as the Chinese evidence itself established. The Chinese side could not disown the evidence they themselves had submitted and which disproved their alignment and supported the Indian one.

(b) It was repeatedly affirmed that until Ladakh was annexed by Gulab Singh in the fourth decade of the 19th century, it was a part of Tibet and not independent of it. But this clearly destroyed the Chinese contention that the alignment of the traditional boundary as now claimed by them was "ancient", and had "always" been the boundary between the two countries. Actually, as he has been mentioned, the Chinese side had themselves brought forward evidence which mentioned wars between Ladakh and Tibet, the cession of forts by Tibet to Ladakh and the exchange of regular *Lapchak* and *Chaba* trade missions between Tibet and Ladakh since the 17th and 18th centuries, all clearly showing that Ladakh was not under the political control of Tibet and the two dealt with each other as equal parties. Indeed, the Chinese side themselves quoted evidence of this very period referring to the ancient and clearly known boundaries of Ladakh. They even brought forward evidence of the 18th century to show that the international boundary between Ladakh and Tibet lay at Demchok, yet they persisted in claiming that the status of Ladakh was changed only in the mid-nineteenth century by the alleged annexation of Ladakh by Gulab Singh and thus, by implication, the international boundaries of Tibet moved east a hundred to a hundred and fifty miles from the western limits of Ladakh at about 75° to somewhere along the present Indo-Tibetan boundary at about 78°. When faced with this discrepancy between their evidence and their assertions, the Chinese side stated that the alignment claimed by them conformed to the ancient feudal line between Ladakh and Tibet; but it need hardly be pointed out that a feudal line cannot form an ancient boundary, and that a boundary only a hundred years old can scarcely be regarded as a traditional international frontier. Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence furnished by the Chinese side themselves.

(c) The Chinese side have repeatedly referred to some minor and old disputes with a view to proving that the boundary has not been formally delimited. The Indian position on the merits of these disputes had been explained in the appropriate context; but what is obvious is that the existence of these old and limited disputes to which the Chinese side referred cannot support the present claim of China but, in fact, destroys it. The disputes, such as those regarding the Dokpo Karpo pastures in the Western Sector, Barahoti in the Middle Sector and Walong in the Eastern Sector, were clearly over small areas close to the Indian alignment and very distant from what China now considers to be her traditional boundary. Indeed, if the Chinese alignment were correct, these small disputed areas would be little enclaves entirely surrounded by Chinese territory

and nowhere near what China considers as the international boundary and they could then never have been boundary disputes and would have no relevance to the delimited nature of the boundary. In fact, the mention of these boundary disputes by the Chinese side nullifies the present claims of China, and indicates that the alignment now claimed by her is certainly not the traditional boundary between the two countries.

(d) It would be appropriate, in this context, to refer again to a major contradiction in the Chinese case. The Chinese side asserted that Tibet was always a part of and under the sovereign control of China and had no right to have any dealings with other countries, and sign an agreement formalising the boundary; but, at the same time, they quoted these disputes—(and India has not denied that such disputes took place)—which show Tibetan representatives holding negotiations in attempts to resolve their boundary disputes, and in one case even constituting an international commission, without any trace of Chinese presence or concurrence. Obviously, the Chinese side cannot refer to Indo-Tibetan boundary discussions, produce Tibetan documents, and quote Tibetan claims in frontier areas, even while they assert that Tibet had no right to deal with her neighbours or to conclude Boundary Agreements.

The contradictions in the Chinese case are so numerous, and their implications so serious and far-reaching that they serve to disintegrate the Chinese evidence and position; but most of these illogicalities and contradictions are resolved if it is recognised that the Indian alignment corresponds to the traditional boundary between the two countries. Then, for example, the minor boundary disputes would really be on the boundary, the negotiations by Tibet would be in conformity with her treaty-making powers, and the traditional Ladakh-Tibet boundary would be the traditional international alignment.

## **I. Features of the Chinese Comments on Indian Evidence**

The Chinese side made no specific comments on a large number of the documents furnished by the Indian side and presumably recognised not merely their authenticity but also the validity of the conclusions drawn from them. Even the few comments they did make were found, as shown in earlier chapters, to be of no significance. Special mention is here made, and notable examples are given, of certain surprising features of the arguments used by the Chinese side in their attempts to deal with the evidence produced by the Indian side.

### *(i) Refusal to face the implications of the Indian evidence*

Throughout the discussions, the Chinese side reiterated their assertions without taking into account any of the Indian evidence and arguments. For example, they ignored all the remarkably precise references in Indian chronicles, literary tradition and inscriptions, which made clear that the Indian alignment had even in ancient times lain along the Himalayan watershed. This was particularly surprising because the Chinese side themselves frequently referred to Tibetan religious works which are generally regarded as

much less authoritative than Indian chronicles. Modern Indian evidence also was not so much just set aside as wholly ignored. Thus the Indian side proved that Deasy had been stopped in Tibet by local authorities, east of the traditional Indian alignment, and brought forward the map prepared by Deasy which made this clear; yet the Chinese side continued to assert that Deasy had been arrested by Tibetan authorities in the Aksai Chin area of India. Similarly, in the Middle Sector, the Indian side provided photostat copies of the field-notes written at the time by Hutton and Gerard; but the Chinese side continued to term them hearsay evidence. The Indian side cited a statement from the report of Wakefield's journey in the Shipki Pass area in 1929, wherein he stated clearly that the boundary lay **across the Shipki Pass**; but the Chinese side insisted, in face of the evidence, that Wakefield had not made any statement to this effect.

But nowhere was this Chinese attitude of refusing to face facts clearer than in the case of Pulamsumda. Both in the 1954 negotiations and in the correspondence of recent years between the two Governments, the Indian Government had repeatedly brought forward precise and specific proof to show that Puling Sumdo, which is mentioned in the 1954 Agreement as one of the trade markets in the Ali district of Tibet, is not the locality in the Nilang-Jadhang area called Pulamsumda. Even the co-ordinates of Puling Sumdo had been communicated in writing to the Chinese Government in 1954. Pulamsumda is a camping-ground south of the Ganges-Sutlej watershed, and Puling Sumdo is a trade mart north of the watershed and over 20 miles distance from Pulamsumda. Yet the Chinese side, without bringing forward any evidence, persisted in confusing the two places, and contended that they were the same.

(ii) *Conflicting interpretations of the same item of evidence*

The Chinese side gave conflicting interpretations of the same item of evidence, as it suited them, merely to deal with the specific point in hand. For example, it will be recalled that China had sought to deny that the 1842 Treaty between Ladakh and Tibet covered Kashmir's boundary with Sinkiang, on the ground that the latter had not participated in the negotiations. The Indian side had pointed out that the Chinese contention, even if correct, was of no relevance, for Sinkiang had never extended south of the Kuen Lun mountains. But later, when discussing the Treaty basis of the Eastern Sector, the Chinese side stated that the 1842 Treaty could not show that Tibet had enjoyed treaty-making powers because Tibet had not acted **independently** of China. This confirmed what the Indian Government had always maintained, that China was a party to the 1842 Treaty. By their subsequent acceptance that the Chinese Government approved of the Treaty of 1842, the Chinese side not only upheld the Indian contention but presumably abandoned their position that the treaty did not affect and was not binding on Sinkiang. For it must be assumed that the Central Government of China were safeguarding and representing the legitimate territorial interests of a constituent province when they accepted the 1842 Treaty.



(iii) *Setting aside certain groups of documents when brought forward by the Indian side but furnishing the same kind of evidence.*

The Chinese side sought to set aside groups of documents of the Indian evidence as being irrelevant but used the same types of evidence in an effort to substantiate the Chinese case.

For example, in commenting on the Indian evidence on the Western Sector under Item Two, it was stated by the Chinese side that salt-mining and pasturing were not solid proofs of tradition and custom; but later the Chinese side themselves stated without any documentary support that the people of Sinkiang had been visiting the area for salt-mining and pasturing and claimed this as proof of the traditional and customary basis of the Chinese alignment.

Similarly the Chinese side sought to belittle indirect evidence provided by accounts of travellers and unofficial maps, when quoted by the Indian side, but brought forward vague items of no intrinsic merit from every one of these categories of evidence to support their own case. They doubted the value of old style Chinese maps produced by the Indian side but later proceeded to quote not only old style Chinese maps but even a panoramic Tibetan map which did not even show rivers or bear any indication of the date of its compilation. They sought to set aside continuous and regular Indian surveys as proof of Indian administration but contended that if any Chinese surveys were conducted, they would be proofs of Chinese ownership.

(iv) *Setting aside of Indian evidence by branding it as "Imperialist"*

The Chinese side, while repeatedly pledging that they would consider and comment on Indian evidence in an objective manner, brought forward extraneous and irrelevant considerations and tried to dismiss established facts and documented evidence by making sweeping and unsubstantiated charges of *malafide* intentions. They have even gone so far as to allege in their final statement that the Indian alignment "in no way represents a traditional customary line, but marks the attempted goal of British aggression against China's territory in Sinkiang and Tibet." The Indian side take the strongest objection to this astounding allegation, made after the Chinese side had scrutinised and been unable to refute all the vast amount of evidence establishing the traditional and customary basis of the Indian alignment.

During the discussions, the Chinese side sought to minimise the value of a considerable amount of Indian evidence on the ground that it came from British sources and represented merely a manifestation of British imperialist policy. It was inevitable that Indian evidence of the last three centuries, particularly of administration should be largely British. But for every sector where British evidence had been mentioned, the Indian side had also mentioned evidence recorded by persons of German, French or Italian origin, who could not have been impelled by the desire to support British Imperialist policy, since at that time these other European powers were jealous of British hegemony and rivals of Britain throughout the world. What was even more significant, the Indian side invariably brought forward evidence from Chinese sources to confirm the alignment shown by India.

It required no re-affirmation that independent India is no defender of British Imperialist policies in India or any other part of the world. But it was not for the officials to pass judgments on the past. The task assigned to them was to study and draw conclusions from the facts of history as they related to the boundary question. Objective historical evidence which had a bearing on the boundary could not be set aside merely on the ground that it was recorded by an Englishman or came from a British source. Further, the Indian side could not agree that whatever British policy in Sinkiang might have been, it had any bearing on the boundaries of Kashmir. The charge of British "imperialist motivation" could not explain away that the Indian boundary lay along natural geographical features or that it found confirmation in Chinese official and unofficial documents. Besides, all the British records of the 19th century were now open to the general public and research scholars, but the Chinese side had not cited a single British official record of that period to prove deliberate *malafides* and an interested effort to change the then existing alignment.

However, notwithstanding these general arguments to dismiss evidence from British sources, the Chinese side themselves relied heavily on British sources. Indeed, in the Western Sector under both Items 2 and 3, the majority of the evidence produced by the Chinese side was from British sources. For example, a map published by Johnston was quoted; but when the Indian side brought forward a more accurate map published by the same firm, it was disregarded. A reference to Gerard's first-hand account of the alignment in the Shipki area was discounted when cited by the Indian side but a second-hand version, written over a hundred years later, of what Gerard was believed to have noted, was cited with approval as it seemed to support the Chinese case. The curious fact was that the Chinese side referred to Moorcroft, Cunningham, Burrard, Bell, Walker and even a publication of the British Foreign Office as evidence in their favour, but when the Indian side produced the fuller and more conclusive texts from the same author or source to prove that these documents did not help the Chinese case, the Chinese side sought to dismiss them as inspired by Imperialist motives and not worthy of serious notice.

It may be added that an objective analysis of the history of British policy towards Tibet during the years after 1880 showed that the British Government were eager to buttress rather than to belittle the position and strength of China, and therefore sought to minimise the aspirations and claims of Tibet. This was because they were anxious to prevent Russia from obtaining a foothold or influence in Tibet. In the few discussions which took place over the northern boundary of Kashmir and over minor disputes such as in Nilang, Jadhong and Dokpo Karpo, British policy was to offer a compromise to Tibetan advantage even though both sides recognised the traditional alignment, and so to persuade Tibet to settle her political and territorial disputes with China in the north. During these years therefore, it was the then Central Government of China which reaped the benefit of European imperialist rivalries in Central Asia. At all events, if Britain with her imperialist ambitions was seeking to change the frontiers, she would scarcely have limited herself to the

traditional boundaries but would have advanced far beyond the Kuen Lun, the Aghil and the Himalayan Ranges and acquired territories which were more valuable economically and strategically. The Indian side could not therefore but affirm that any attempt to dismiss objective and contemporary records of history on general grounds that they were from British sources was contrary to the spirit of this assignment and to the methods of historical research, and, incidentally, inconsistent with the practice adopted by the Chinese side themselves.

### **J. Aspects of the Chinese Report**

The chapters written by the Chinese side present, in an obvious effort to withstand more effectively than during the discussions the impact of Indian evidence and analyses, a different picture to what had, in fact, transpired. In contravention of the agreement arrived at and communicated to the two Prime Ministers that the substantive work would be completed at the Delhi session and the final session limited only to the drafting of the report, the Chinese side have dealt afresh with questions of substance, and, as they have themselves acknowledged, brought forward new material, arguments, explanations and elaborations. The Indian side do not feel it necessary to answer these new points as they do not seem to be of any weight, and their own report gives a correct and complete account of the discussions and, in particular, a comparative appraisal of the evidence produced by both sides. However, a few striking examples of the new material in the Chinese report are given in an appendix. (*Annexure C*).

It is particularly regrettable that in the Chinese report there are certain baseless and unbecoming allegations against the *bona fides* and integrity of the Indian side. The Indian side will not give these allegations of deliberate distortions and wilful misinterpretations the importance of rebutting them in detail. It is sufficient to say that throughout these discussions the Indian side have never made a statement which they did not substantiate, they have never presented evidence which they have not interpreted objectively and they have never rejected Chinese evidence without showing precisely why it was invalid.

### **K. The Boundary west of the Karakoram Pass and the Boundaries of Bhutan and Sikkim**

The Indian side were surprised at the reluctance of the Chinese side to discuss questions pertaining to the boundary of Kashmir State of India west of the Karakoram Pass and to the northern boundaries of Sikkim and Bhutan on the ground that these boundaries did not fall within the scope of these discussions.

The Chinese refusal to discuss the segment of the boundary west of the Karakoram Pass was tantamount to questioning the legality of the accession of the State of Jammu and Kashmir to India when in fact the accession had not only been recognised by other countries but even by the United Nations Organisation. Kashmir was a part of India and notwithstanding any temporary occupation of the territories west of the Karakoram Pass, it was the legitimate responsibility

of the Government of India to represent to the Chinese Government with regard to this sector along with other sectors of the Sino-Indian boundary, particularly as there was a considerable discrepancy in this sector also between the alignments shown in Indian and Chinese official maps. So even though the Chinese side refused to discuss the matter, the Indian side considered it necessary to place on record, in the broadest outline, the evidence supporting the alignment shown by India in this section.

Similarly, there was complete justification for the Indian contention that the boundaries of Sikkim and Bhutan with the Tibet region of China were the legitimate responsibility of the Government of India and within the purview of these talks. The Joint Communique which served as terms of reference for these talks authorised the officials to consider matters "which pertain to certain differences which have arisen between the two Governments relating to the border areas." Even prior to the meeting of the two Prime Ministers, both Governments had exchanged views on matters relating to the boundaries of these States. In the case of Sikkim, the Chinese Government had categorically recognised the continuing validity of the 1890 Convention which expressly acknowledged India's responsibility for the external relations of Sikkim. In the case of Bhutan, apart from the Indo-Bhutanese Treaty of 1949, the Bhutan Government had repeatedly urged the Government of India to represent to the Chinese Government in matters pertaining to Bhutan's boundary and her interests in Tibet. Moreover, as mentioned during these discussions, the Bhutan National Assembly had passed a special resolution specifically drawing attention to the errors in the depiction in Chinese maps of Bhutan's boundary. There could, therefore, be no ambiguity regarding either the nature of the relations of India with Bhutan and Sikkim or their inclusion within the terms of reference of the present discussions.

The Chinese side's attitude was the more surprising because the Government of India had frequently explained the content of the special relations of India with these two States, and Premier Chou En-lai had stated in his press interview at Delhi on 25 April 1960 that "China respects India's relationship with Bhutan and Sikkim". The *Peking Review* which the Chinese side referred to as containing the text of the interview, qualifies the assurance by adding the adjective 'proper' before 'relations'. Since not only several first-hand and independent textual records but also tape recordings of what Premier Chou En-lai stated are available, there could be no doubt that he gave a categorical and unqualified assurance capable of no other interpretation than as an acceptance of India's position as explained previously. Indeed the statement made at the Press Conference was identical with what Premier Chou En-lai had said the same day in his conversation with the Indian Prime Minister. There could, therefore, be no doubt about the validity of the Indian stand on this question and its acceptance by the Chinese Government. In practice also the position had been acknowledged by the Chinese Government. The Indian side, therefore, naturally received with concern the statements during these discussions made by the Chinese side in refusing to deal with the discrepancies in Bhutan's borders. If the Chinese side disagreed with the Indian position, it

would have been appropriate if they had given an explanation of the Chinese understanding with regard to both the status of Bhutan and Sikkim and the nature of India's relationship with these two States, which according to Premier Chou En-lai was respected by China.

**L. China had never Affirmed the Boundary Claimed and in fact Accepted and Acquiesced in the Indian Alignment**

The Chinese side now state that "China has never recognised the alignment now claimed by India, it has always held that only the boundary as maintained by China is the true traditional customary line". This statement is clearly a wholly incorrect description of the facts. The Government of India only received a clear indication of the existence and extent of the Chinese claim to Indian territory in September 1959. Prior to this, the Government of India had only seen various Chinese maps erroneously depicting the boundary, but the Government of China had not precisely defined what they considered to be the territories of China or ever disputed India's declared alignment of her boundary with China. The Indian side have shown that several legislative enactments from the 19th century onwards and official documents including many Survey of India maps of the British Indian period had clearly referred to the areas now claimed by China as being parts of India. Innumerable administrative activities had also been undertaken during these years right upto the boundary. Even in desolate areas large exploratory and survey parties had conducted their activities openly and their results had been published. In the north-eastern regions, administrative arrangements were made with the tribal people and published in successive editions of Indian State papers. The "McMahon Line" agreement and the Simla Convention were published in Aitchison's *Collection of Treaties*, 1929 edition. A joint Indo-Bhutan Commission examined their common border in this area right upto the traditional alignment in 1938.

The Central Government of China, who were doubtless aware of all these publications and activities throughout these many years pertaining to areas now claimed by them, never made any protests. It is unprecedented in the history of international relations that after one State has publicly exercised full administrative jurisdiction for several centuries over certain regions, another State should raise a dispute regarding their ownership.

But even since India attained independence in 1947 and the promulgation two years later of the Chinese People's Republic, the well-known limits of Indian territory had again on many occasions been publicly and authoritatively affirmed by the Government of India. For example, the Constitution of India, formulated in 1950 after open discussions which lasted over several years, referred in one of its Schedules to the North East Frontier Agency, parts of which are now claimed by China. Subsequently the Prime Minister of India openly stated—and that too with reference to Chinese maps—that the extent of India was shown in official Indian maps and India was not aware of any major dispute regarding this delineation or of any claim to any part of Indian territory. Even according to the Chinese side there has been no ambiguity about the alignment shown on Indian official maps since 1954. But no

protest was registered regarding any of these authoritative documents and statements by the People's Republic of China.

Apart from these positive affirmations of India's frontiers, on every occasion that the erroneous depiction of the alignment on Chinese maps came to the notice of the Government of India, prompt action was taken to bring it to the attention of the Chinese authorities. The note of the Chinese Government of 26 December 1959 itself acknowledged that it was the Prime Minister of India who raised the question of Chinese maps in his discussion with Premier Chou En-lai in 1954. On that occasion, the Prime Minister made clear that India's boundaries were well-known and were not a matter of argument. Premier Chou En-lai sought to treat these Chinese maps as of little significance and described them as merely reproductions of old maps which the Chinese Government had had no time to revise. The substance of what Premier Chou En-lai said was made clear in the letter of the Prime Minister of India, sent on 14 December, 1958. However, after the substantive discussions were completed, the Chinese side described the account of what took place as a distortion. This was to cast an aspersion to which the Indian side took the strongest objection. That, in fact, it was an accurate version of what occurred is confirmed by several subsequent verbal statements, and even written communications of the Chinese Government which adopted the same attitude as Premier Chou En-lai in 1954 and affirmed that these maps did not represent the correct position. This in effect was confirmed even during these discussions and in their report by the Chinese side. When the Prime Ministers met next, in the winter of 1956-57, the Prime Minister of India once again brought to the attention of the Chinese Premier the possible threat to Sino-Indian relations posed by the continued distribution of maps incorrectly depicting the Sino-Indian boundary.

It may also be mentioned that in the cases of intrusion into Khurnak, Nilang-Jadhang, Shipki and Spiti, it was the Government of India which promptly protested. No reply to the respective Indian notes of 2 July 1958, 2 May 1956 and 8 September and 24 September 1956 and the verbal protests of 7 December 1956 were received, then or later. It was only in the case of Barahoti that the Chinese Government confirmed that they considered Wuje as part of Chinese territory; and the Government of India immediately, in their note of 27 August 1954, made clear their position that Barahoti was a part of India. Thereafter a number of notes were exchanged culminating in a Conference on Barahoti in 1958. But as already stated, even the claim then put forward by China to Wuje had no relation to the extent of the claims in this area affirmed during these discussions. For example, it has now been claimed that Niti Pass itself was in Chinese territory though for many years prior to 1954 Indian posts were established on the Niti Pass and both the 1954 Agreement and the Indian note of 5 November 1955 referred to Niti Pass as the border pass between the two countries. At the time of the 1958 discussions on Barahoti Indian posts existed near Niti Pass, to the west of Barahoti, and in Laphthal and Sangchamalla to the east; but no mention was then made of the extensive Chinese claim to or alleged Indian "occupation" of these areas.

It was again the Government of India which, in a formal note of 21 August 1958, specifically drew attention to erroneous Chinese maps; and even though the map concerned was on a small scale, the Indian Government specified the broad extent of the error in the delineation of the boundary in the Eastern, Middle and Western Sectors and in the depiction of a part of Bhutan as within Tibet. In the same note, the Government of India made clear that the correct boundaries of India were as shown in the *Political Map of India* (3rd Edition 1956). The Chinese reply of 3 November 1958, far from disputing the Indian boundary alignment or affirming support for the Chinese claim, once again suggested that the alignment in the Chinese maps was based on old maps, which would be corrected in due course after fresh consultations and surveys. Even Premier Chou En-lai's reply of 23 January 1959, to the letter from the Prime Minister of India of 14 December 1958, failed to clarify the Chinese concept of the boundary.

The Chinese Government did not even bring to the attention of the Government of India their understanding of the boundary alignment when Indian personnel were apprehended in Aksai Chin in September 1958. It was the Indian Government which took up the matter in October 1958, drawing attention to the fact of the missing personnel and protesting against the construction of a highway across Indian territory. The Chinese reply of 3 November 1958, delivered on the same day as the note belittling old Chinese maps, dwelt on the question of the apprehended personnel and alleged that they had intruded into Chinese territory; but even then the exact delineation of the boundary as conceived by China was not indicated.

In the summer of 1959 the Indian Government took the precaution of informing the Chinese Government of their intention to drop a doctor by parachute for attending on the officer-in-charge of the checkpost personnel in Longju, as he had fallen seriously ill. This was in case the aircraft flew inadvertently over the traditional boundary. In that connection the exact co-ordinates, including grid references, of the checkpost were provided in the Indian Note of 24 July 1959. The Chinese Foreign Office mentioned verbally that it was unnecessary to bring activities over Indian territory to their notice. However, only five weeks later, after the clash and loss of life at Longju, India was accused of violation of Chinese territory and of an unwarranted attack on Chinese troops at the very place regarding the location of which information had been volunteered by the Indian Government and considered unnecessary by the Chinese Government.

The Chinese Government did not even demur to an exact definition with precise co-ordinates of the traditional Indian alignment in the Lanak La-Spanggur sector in the Indian Note of 13 August 1959. But later, in October/November 1959, after the Kongka Pass incident, the Chinese version of the alignment was affirmed with vigour and tenacity, and the Indian personnel were even accused of wilful intrusion into Chinese territory.

The fact was that, despite the initiative taken by the Government of India on numerous occasions, the Chinese Government never gave their version of the boundary or disputed the definition provided by the Indian side. It was particularly surprising that even in reply to the note of 21 August 1958 and our Prime Minister's letter of 14 December 1958, where specific objection to the entire delineation on Chinese maps had been raised, they were not defended. On the contrary, in reply to all these communications it was sought to be suggested that the maps were reprints from old maps and not necessarily correct and, therefore, provided the Government of India with no cause for objection or anxiety. It was only in September 1959, five years after the Indian Government had first raised the question of Chinese maps, that the Chinese Government, in glaring contradiction to their previous position, justified and upheld these maps and claimed that they showed the traditional boundaries of China. If this alignment were really regarded as ancient and correct, the replies given (such as that of November 1958) and the lack of replies to Indian notes (such as those pertaining to Shipki, Spiti, Nilang-Jadhang and Khurnak) can only be described as grossly and deliberately misleading. In the absence of any affirmation of the alignment shown on Chinese maps, the Government of India were justified in assuming that no such claims to Indian territory were held by the Chinese Government.

When, therefore, in September 1959 claims to about 50,000 square miles of Indian territory were advanced and defended and maps which had been earlier said to be reprints of erroneous ones were upheld as representing valid claims, it could not but be a matter of astonishment and serious concern to the Government of India. Having failed, in the face of open declarations and direct communications by the Government of India, to specify her claim or to protest, there is no doubt that under the accepted canons of international usage China must be held to have accepted and acquiesced in the Indian alignment and to be now estopped from raising claims to Indian territory. But it is not only a matter of international law. Friendly relations between countries presume a frank and forthright exchange of views in such vital matters concerning national territories; and it would unsettle the very basis of trust and amity between nations if such vast territorial claims are kept undisclosed and brought forward by a neighbouring country at its own unilateral convenience when it regards them as "ripe for solution".

The Chinese side in their report have asked "Can it be said that a sovereign state has no right to reserve its position concerning questions of its own sovereignty and to raise it on suitable occasions?" While, of course, a sovereign State may reserve its position on any question, it must do so positively, especially when the territories of other States are involved. It is unknown in the history of international relations for a sovereign State to reserve its right tacitly on such issues as boundary matters, which even the Chinese side in their report acknowledge "are matters of major importance which involve the sovereignty and territory of a country", and to raise them on what it regards as suitable occasions.

Chinese State practice itself illustrates this obvious truth that it is the bounden duty of sovereign States in the protection of their



national interests to challenge in an appropriate manner any action or even authoritative statement that adversely affects their interests. The Chinese People's Republic has protested on every occasion when there was the remotest suggestion of creating "Two Chinas". It has similarly remained vigilant and issued warnings—now numbering over a hundred—at alleged intrusions into its territorial waters and air space. There is an inexplicable contrast between the promptitude of Chinese protests at such sporadic violations and her deliberate silence when she as it is now affirmed had always held claims—and that too on the basis of ancient title—to 50,000 square miles of Indian territory. It is a contrast which can only be explained by recognising that the Chinese claims are of very recent origin.

The correspondence between the two Governments in 1950 also made clear that the well-recognised boundary between the two countries should be respected and remain inviolate. However, after the substantive discussions were over, the Chinese side sought to draw a distinction between a "border" and a "boundary" and contended that in 1950 the Chinese Government had only recognised the Indian border. Whatever distinction the Chinese side have in mind between a "border" and a "boundary"—and it is impossible to understand how any "border" could be recognised with unspoken claims to about 50,000 square miles of territory—it can have no relevance here, for in the diplomatic exchanges the Government of India made clear that it was the well-established and precise boundary that should be respected and it was such a boundary that was recognised by the Government of China.

Finally the fact that China clearly acquiesced in and positively confirmed the frontiers of India is also established by the Preamble to the 1954 Agreement which pledged both countries no merely to mutual non-aggression but to respect of each other's territorial integrity. As far as India was concerned, she had notified the extent of her territories to the entire world in her Constitution and official declarations prior to the Agreement and there could be no mistake about it. The Chinese side sought to argue that this pledge of mutual non-aggression and respect for territorial integrity did not require China to clarify whatever claims she might have had to Indian territory. The Chinese side sought support for this extraordinary contention that a State can tacitly reserve its claims on such matters of vital importance by recalling that even though the boundaries with Nepal and Burma were not formally delimited, China had subscribed to the Panch Sheel agreements with both those countries. The Chinese side also mentioned that the Prime Minister of India had offered to conclude a Panch Sheel agreement with Pakistan even though Pakistan held reservations regarding the State of Kashmir. But these examples were in no way an appropriate parallel and provided no justification for any claims reserved by China to Indian territory in 1954. The traditional boundaries of China with Nepal and with Burma were basically clear and there were only small and well-known areas of dispute along them. This is clear from the recent agreements of formal delimitation which merely confirmed the general validity of the existing boundaries. Similarly in the case of the dispute between India and Pakistan over Kashmir, the stands of the two sides had long been openly stated

and were fully known to both countries. But judging from the present attitude and claim of China, when she committed herself to respect India's territorial integrity in 1954 she held undisclosed reservations with regard to a vast area of territory. If the alignment now claimed by China was even then regarded as the correct one, to have kept undisclosed a claim of this magnitude was seriously misleading and contrary to the spirit of mutual confidence and respect for territorial integrity explicitly affirmed in the Panch Sheel. Peaceful relations between sovereign nations are based on the assumption of the most honourable motives and intentions. India had reason to believe that China had accepted and acquiesced in the traditional Indian alignment and was only now creating a major boundary question and not that China had sought to deceive India until September 1959 and then for the first time openly disclosed her claims to Indian territory.

What is most extraordinary, however, is the contention advanced by the Chinese side that it was India who had acquiesced in the Chinese concept of the boundary. This assertion, in the face of such facts as the initiative taken by the Prime Minister and the Government of India and particularly the affirmation in the official note of 21 August 1958 that the boundaries of India were as in the 1956 *Political Map*, is so transparently untenable that it need hardly be taken seriously or answered in detail.

Equally baseless was the other allegation that India had carried out "large scale intrusion and occupation of Chinese territory". The entire record of Sino-Indian relations since 1947 is a standing testimony of India's determination to promote friendship with China and to live in trust along the common border. In this matter of the Sino-Indian boundary, it was India who, on numerous occasions, took the initiative in clarifying the concept of the frontier and challenged the slightest semblance of deviation, whereas China neither asserted the alignment she now claims nor challenged the boundaries which had been openly and officially affirmed in the most authoritative manner by the Government of India. Now to make such groundless counter-charges of acquiescence and occupation can neither justify the present claim nor explain her actions.

**M. That the Indian alignment is the true traditional boundary is proved by the evidence brought forward by the Chinese side.**

According to the Chinese side themselves, the evidence they led was intended to prove two contentions: that the customary and traditional boundary between the two countries is the one now claimed by China and that the Sino-Indian boundary required to be delimited formally. Regarding the first contention, in the preceding chapters and in the earlier sections of this chapter, it has been made abundantly clear that the evidence brought forward by the Indian side to support the Indian alignment remains unshaken. But the strength of the Indian case does not depend on the intrinsic merits of its own evidence alone.

Throughout the discussions, the Indian side emphasised that the assignment given by the Prime Ministers required the officials to make a comparative appraisal of the evidence brought forward by both sides

for every sector and under every item. Therefore, the Indian side repeatedly suggested that even though, in order to complete the assignment quickly, each side might summarise its own evidence, the statement of the two sides should be inter-leaved to facilitate comparative scrutiny by the two Governments of the evidence produced by the two sides. The Chinese side, however, insisted on a format which was tantamount to two separate reports within a common framework. This reluctance of the Chinese side to face a comparative appraisal of the evidence and to subject their evidence to the implications of the comments of the Indian side was understandable. For the deficiencies of the Chinese evidence are so great and the inconsistencies in the Chinese arguments so many that the Chinese stand can hardly bear scrutiny. The evidence produced by the Indian side exceeded that of the Chinese side for every segment and on every point, so that in all it was almost thrice that produced by the Chinese side. Often the Chinese side were reduced to citing the same document as testimony of both tradition and administration. As already mentioned, the copiousness of Indian documentation was in itself of telling significance; but the full force of the Indian evidence lies even more in its qualitative superiority than in its numerical strength.

It was, of course, a matter of no surprise that the Indian evidence was both greater in number and superior in quality; for the Indian boundary alignment has the support of centuries of history. Indeed, to place this statement beyond all doubt, the Indian side would like to draw attention to the fact that the traditional Indian alignment stands proven on the sole basis of the evidence volunteered by the Chinese side. In other words, it is possible to corroborate the Indian alignment by setting aside all the hundreds of documents brought forward by the Indian side as well as all the comments made by them on the Chinese evidence, and by merely piecing together the information contained in the evidence tabled by the Chinese side and in the works of the authors quoted by them.

Five Chinese works quoted by the Chinese side, (1) the *Nei fu yu t'u*, (2) the *Hsi yu t'u chih*, (3) the *Ta Ch'ing yi t'ung chih*, (4) the *Ta Ch'ing hui tien t'u*, and (5) the *Hsin Chiang t'u chih*, confirmed that the southern limits of Sinkiang lay along the Kuen Lun ranges or even further north. This established that the northern boundary of Kashmir lay along the Kuen Lun ranges and included the Aksai Chin area in India. As for the Ladakh-Tibet boundary, the Tibetan works, (6) the *Biography of Adisha* and (7) the *Blue Annals*, showed that Ladakh was independent prior to its incorporation in the Mogul Empire in the 17th century. This disproved the Chinese contention that Ladakh had been subservient to Tibet till the 19th century. The Chinese side also quoted (8) Moorcroft, as cited in a recent work, to the effect that Ladakh was a Buddhist province subject to Tibet, but while this particular passage referred to spiritual jurisdiction, there was a long account in Moorcroft's own book describing in detail how Ladakh became a part of the Mogul Empire in the 17th century. Another Tibetan work cited by the Chinese side, (9) the *Biography of Polhanas*, confirmed that a peace settlement had been concluded in 1684 between the King of Ladakh and the King of Tibet. It also showed, by its reference to "border towns", that there was even then

a well-recognised boundary between Ladakh and Tibet. It was significant that at the report stage the translation was changed from "border towns" to "forts". Two documents cited by the Chinese side, (10) an Arbitration Award of 1763 and (11) an Avowal of 1859, specifically located the boundary at Lhari, west of Demchok Karpo. These documents also showed that there was a King of Ladakh who had been independent of the King of Tibet. (12) Cunningham, to whose work the Chinese side referred with approval, made clear that the boundary between Ladakh and Tibet had been well-defined by piles of stones in 1687 and that it lay near Demchok. A recent traveller (13) Schomberg, in his account quoted by the Chinese side, confirmed that the Karakoram range ran 'through' Ladakh and so could not form its international boundary.

In the Middle Sector, the Chinese side quoted an account in a book published in 1954 and claimed that (14) Gerard in 1821 had supported their alignment in the Spiti area. In fact, Gerard's own field notes, written at the time and published in 1846, stated clearly that the boundary was near Kauirik village. The Chinese side also cited a passage from (15) Sven Hedin's *Trans-Himalaya* which stated in very great detail that the international boundary lay at Pashagong, a saddle on the Shipki Pass, and not some miles west of the Pass as is now claimed by the Chinese side. (16) and (17) Two official Survey of India maps of 1880 and 1889, cited by the Chinese side, showed the boundary clearly and correctly along the Shipki Pass. (18) A land deed of Polha specified that the boundary lay north of Barahoti and included Barahoti in India.

In the Eastern Sector, (19) the Biography of the 9th Dalai Lama referred to the exercise of Indian jurisdiction in Tawang as far back as in the early years of the 19th century. (20) Dr. Verrier Elwin stated clearly that the tribal areas south of the traditional Indian alignment had been administered by the Ahom rulers and that the British Indian Government had succeeded to this in the 19th century. (21) Haimendorf made it clear that the *Inner Line* was an administrative boundary and the territory to the north of it was under the jurisdiction of the Government of India. (22) It was stated, in the 1947 edition of the *Encyclopaedia Britannica*, in the very passage quoted by the Chinese side, that no one could enter these areas north of the *Inner Line* without special permission from the Indian Government. (23) and (24) Holdich and Kingdon Ward stated explicitly that the correct international boundary was the so-called McMahon Line and that the whole area upto it had been explored by Indian surveyors.

It can, therefore, be clearly established, by using only the items and sources of evidence cited by the Chinese side that the Sino-Indian boundary lay along the Kuen Lun range, near Demchok, near Kauirik, across the Shipki Pass, above Barahoti, and along the so-called McMahon Line. They also establish that Indian administration had prevailed right up to this alignment. Furthermore, until the Indian side explained the disastrous implications of their position, the Chinese side repeatedly insisted that the Tibetan Government had held discussions with the Indian Government regarding the Barahoti area since the latter part of the last century and regarding

Dokpo Karpo in 1924-25, and had claimed Walong in the Eastern Sector. The purpose of the Chinese side was to prove on the basis of these discussions that the boundary had not been formally delimited. India had never stated that there was a formal Boundary Agreement but in fact, these border disputes established that the traditional boundary must have lain approximately near these areas, thereby destroying the Chinese claim to their present alignment which is far removed from these areas. These negotiations, along with those concerning Nilang-Jadhang in 1925—27, further corroborated the exercise in those years by Tibet of treaty-making powers; and by so doing confirmed the validity of the so-called McMahon Line. The fact that, in addition to the large amount of evidence provided by the Indian side (not one item of which had even been sought by the Chinese side during the substantive discussions to be utilised for supporting their alignment) much of the relatively sparse evidence brought forward by the Chinese side confirmed the Indian alignment, provided its strongest vindication.

#### N. Indian boundary is already delimited

- (i) *The Chinese side accept that a traditional boundary could be valid and precise*

The Indian alignment has thus been shown to be the true traditional boundary between the two countries, finding independent confirmation even in evidence supplied by the Chinese side. The other Chinese contention regarding formal delimitation is also neither tenable in theory nor relevant to the Sino-Indian problem.

The Chinese side have contended that the most fundamental aspect of their stand is the necessity of recognising that the boundary has not been formally delimited. They have affirmed that in the absence of formal delimitation no precision is possible nor can sanctity be attached to the common traditional boundary. The Indian side have repeatedly stated that they agreed with the Chinese side that the common boundary between the two countries is a traditional and customary one. They have never suggested that this alignment has its original sanction in a detailed Boundary Agreement. The Indian case was that this traditional boundary was by itself valid and required no further or formal definition.

The Chinese side have throughout asserted that not only was the Sino-Indian boundary not formally delimited, but that even if the traditional boundary were undisputed, it required to be settled by a Boundary Agreement through joint surveys. But, as was acknowledged by the Chinese side, while boundaries are as old as integrated groupings of human society, boundary agreements are a feature of recent history, particularly since the formation of nation-states. Even today a large number of international boundaries have not been defined in boundary agreements. Many boundaries between South American states are traditional boundaries without boundary agreements. The boundaries of China with many of her neighbours were for long only traditional boundaries but caused no dispute. The boundary between China and the Mongolian People's Republic is still a traditional one, and no disputes are known to exist.

The Chinese statements made even during the course of these discussions in relation to the Sino-Indian boundary established the superfluity of formal delimitation and exposed the basic contradiction in what is said to be the most fundamental aspect of their stand. On the one hand, the Chinese side repeatedly contended that since the boundary was merely a traditional one, it could not be precise; in fact, it was stated that the Chinese alignment was "broad" and "approximate", because it was not formally delimited. On the other hand the Chinese side commenced their description by stating that "there is a traditional line", and during the discussions they repeatedly affirmed that the traditional alignment described by them was "precise and clear", that it was "firm and unshakable", that the "ancient line is well-defined", and that the "traditional boundary has always been as indicated in the Chinese maps". No distinction such as was subsequently suggested between a "boundary" and a "border" was made during the discussions. Indeed, on the basis of what is called the well-known and precise traditional line, the Chinese Government have not hesitated to arrest Indian nationals a few hundred yards from their claimed alignment; nor has the 'approximateness' of the alignment prevented the Chinese Government from taking action which led to the wanton loss of Indian lives last year in the Kongka Pass area fairly close to the claimed Chinese alignment.

This ambivalence of the Chinese position was evident throughout the discussions. When the Chinese side did not answer questions or were unable to provide clarifications on factual obscurities, they stated that their alignment was unsurveyed, 'broad' and 'approximate', because the boundary was undelimited. But when they wished to affirm their claim in the face of Indian evidence, they stated that their boundary was precise and the Chinese Government were confident of their knowledge. In fact the Chinese side plainly affirmed that a traditional boundary required no further delimitation. When referring to the Dokpo Karpo discussions of 1924-25, the Chinese side stated that China had not agreed at the time to certain proposals because "the Chinese side felt that the traditional line was clear and needed no delimitation". Here, when not the actual alignment but the Chinese concept of traditional boundaries was being considered, it is clear that the argument advanced and the statement made indisputably acknowledge that the Chinese side accept that a treaty or boundary agreement is not essential to delimit a boundary. It is the same line of argument and almost the same words used by the Indian side to describe the Indian position.

The Chinese side had also stated earlier that, with the assistance of modern cartography, precision was possible even in the case of traditional boundaries and they even conceded that it was not the Chinese contention that the Indian alignment was not precise. While the Indian side also feel that more accurate information could have been provided by the Chinese side and they do not accept that the Chinese alignment was the true traditional boundary, they do not doubt that there is a delineation implicit in the Chinese description of the boundary. The Indian side have also pointed out that where the Indian and the Chinese alignments coincide, as they do in the Middle Sector, and when they follow natural features such as the watershed

absolute precision was possible and such precision had been demonstrated in the definition of the common boundary even though the boundary had not been formally delimited. The Chinese side could not claim firm validity for a traditional boundary in one context and deny it in another. Along a high mountain barrier, demarcation by pillars fixed at regular intervals is not easy. But the very fact that precision is claimed by both sides for their respective alignments proves that, given maps prepared on the basis of scientific surveys which can be conducted far from a high range, a traditional boundary can be clear and definite without joint surveys and without a boundary agreement or formal delimitation.

(ii) *The Chinese concept of formal delimitation*

In the face of claims of precision and validity for a boundary which the Chinese side repeatedly stated had not been formally delimited, it became impossible to understand why the Chinese side emphasised the absolute necessity of formally delimiting traditional boundaries and what they understood by it. As India had never claimed that a Boundary Agreement covering the whole alignment existed, the Chinese side's insistence on proving that the boundary had not been formally delimited seemed unnecessary. It is a traditional line confirmed and acknowledged in agreements; but this does not make it any the less valid. It would, however, appear that by the process of formal delimitation the Chinese side meant not merely a formal instruments containing a definition of an agreed boundary but a procedure of discussions involving "friendly consultations", joint surveys and "joint negotiations" on the basis of "mutual understanding and mutual accommodation". In underlining the importance of this procedure, the Chinese side have constantly referred to the examples of Burma and Nepal who recently concluded Boundary Treaties or Agreements with China. But the differences between the Indian and the Chinese Governments regarding their common boundary had no parallel in the boundaries of China with Burma and with Nepal. In those cases, except in some well-defined pockets, the concept of the common traditional boundary held by the two Governments concerned was more or less identical. In referring to the examples of Burma and Nepal, the Chinese side would seem not to have squarely faced the magnitude of their claim to over 50,000 square miles of Indian territory. With such a vast discrepancy between the two alignments no demarcation, joint surveys or agreed definition as part of formal delimitation was possible unless the Chinese side understood by this process negotiations for large-scale adjustments of national territories.

The Chinese side stated that "If the Indian side had been willing to face the fact that the Sino-Indian boundary had not been formally delimited and drew logical conclusions from it, then it should have adopted a positive attitude and agreed to hold negotiations to formally delimit the boundary". The Indian side, from the very commencement of these discussions, pointed out that references to the methods of settlement contained in the Chinese insistence on formal delimitation went beyond the scope of the assignment given to the officials. Further, while acknowledging in theory that the task of officials was merely to explore facts, the Chinese side reaffirmed the so-called Six

Points of Proximity as a basis for solution of the problem. These points had been rejected by the Prime Minister of India; and they contained suggestions for recognition of lines of actual control which would have destroyed the very basis of the task undertaken by the officials which was to ascertain the true traditional alignment. Neither the insistence that the boundary was not formally delimited nor the proposal for affirming "that there existed a dispute", could be permitted to confer legality on the present Chinese claim, which, as had been shown, was not justified on the basis of historical evidence and which in any case China was precluded from advancing because she had acquiesced in and accepted the Indian alignment. In a factual study of the Sino-Indian boundary question, the emphasis on formal delimitation could only belittle the significance of the vast area of territory involved. Moreover, the Chinese understanding of the process seems to enlarge its scope to comprehend matters totally unrelated to it, and unsettle the entire boundary which according to both sides has been recognised by centuries of tradition and custom and would inevitably involve territorial adjustments.

The actual Indian alignment was clear and its precision was recognised by the Chinese side. Formal delimitation of traditional boundaries was an optional procedure—for a traditional boundary was valid without it—and a matter of convenience of the Governments concerned. It was but an extra process of confirmation and, in the case of the Sino-Indian boundary, it could only be with reference to the traditional Indian alignment.

(iii) *International precedents and Chinese State practice.*

That some attempts were made in the past to settle minor disputes—never pertaining to more than a few miles along the alignment—far from invalidating confirms the existence of a long recognised traditional boundary over thousands of miles between India on the one hand and Tibet and Sinkiang on the other.

A well-known case of a boundary dispute which occurred on the dissolution of the Austro-Hungarian Empire, when Poland and Czechoslovakia were established as independent states, was an instructive precedent on this question. The frontiers as re-established between Poland and Czechoslovakia in 1919 conformed to the old historical frontier of Galicia and Hungary which had never been defined in an agreement. The Permanent Court of International Justice in its famous advisory opinion upheld the validity of traditional, historical and customary frontiers. The Court stated "although there is no express provision recognising this frontier (meaning there is no treaty in regard to this matter) the Court had no doubt about the matter. The very fact that disputes between the two states with regard to certain points on this frontier occurred seems hardly explicable except on the assumption that everywhere else the frontier between Galicia and Hungary has been adopted as the frontier between Poland and Czechoslovakia." This opinion vindicated that the validity of historical frontiers is reinforced rather than undermined by the facts of small disputes.

It is also clear that the traditional boundary, as elucidated by the Indian side, had long existed along the southern borders of China.



The watershed principle itself had found explicit mention in agreements concluded by China with Russia in 1864, with France in 1895 and with Great Britain in 1890. But more than this, an analysis of the agreements recently concluded with Burma and Nepal by China confirms the Indian and not the Chinese position. In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown, provides the natural division between the Indian sub-continent and the Tibet region of China. An analysis of the Sino-Burmese Agreement of January 1960, confirmed by the treaty of October 1960, is particularly instructive in its implications. From this Agreement it becomes clear:

- (i) That there was a 'traditional' boundary between China and Burma in the northern sector—running along the Himalayan watershed from the tri-junction to the high conical peak;
- (ii) That there was an exact coincidence between this boundary, now confirmed by the recent Agreements, and that delineated in the 'McMahon Line' Agreement of 1914.

This agreement also incidentally proves that Chinese official maps had been grossly erroneous in the past. Till at least 1953, Chinese maps had shown the boundary of China with northern Burma as running roughly along latitude 25°, whereas now it is acknowledged by China that the true traditional boundary between Burma and China lay approximately along the 28th Parallel. This document of formal delimitation amounts to an unqualified admission that an area of about 25,000 square miles of Burmese territory had been earlier incorrectly shown in the official maps of the People's Republic as parts of China. Obviously, as the traditional boundaries could not have been formed or even changed in seven years, the Agreement proves that pre-1953 Chinese maps had not correctly delineated the traditional boundary.

The analysis of this agreement has a bearing in principle on the Sino-Indian boundary, and in particular for the contiguous Eastern Sector of India. This agreement proves that the traditional boundary lay along the Himalayan watershed and that it was precise long before the recent treaties of formal delimitation. If there was for northern Burma such a precise traditional boundary along the watershed as has now been confirmed, it could not possibly be suggested that the traditional boundary for the Eastern Sector of India did not run along the same watershed but much to the south along the foothills; and if it is now accepted, as it must be, that the 'McMahon Line' adhered to the traditional boundary of northern Burma, it could not be something else in the Indo-Tibetan sector. It should also be obvious that Chinese official maps which were grossly erroneous in departing from the watershed in Burma to include vast areas of Burma in China, are equally erroneous when showing the boundary in the Eastern Sector along the foothills of the Himalayas and that the 'McMahon Line' represents the true traditional boundary along the Himalayan watershed, as much for India as for Burma.

So the very Agreements with Burma and Nepal which China presents as examples as well as indications of her point of view, only

serve to vindicate the Indian case and must in fact, on analysis, be of embarrassment to China.

*(iv) Delimitation of traditional boundaries through historical process*

In contrast to the inconsistencies in Chinese concept and practice regarding formal delimitation, the Indian position on the formation and validity of traditional boundaries is logical, and supported by international boundary law precedents in every part of the world including China.

Before explaining the validity of the Indian concept, it may be expedient to define the different processes and methods of indicating and determining boundaries between sovereign international States. Delimitation is a general term for the formation of the precise alignment which is recognised to separate two countries. The process and method of delimitation vary according to historical circumstances. It may be by delineation on a map or by demarcation on the ground, or by precise definition in the form of co-ordinates of nodal points or prominent features along the alignment in a descriptive statement or by a formal delimitation in a negotiated bilateral instrument embodying the agreed definition of the boundary. But apart from all these, the boundary may also be delimited by historical process; and it is such a process of historical delimitation which is relevant to a traditional boundary, such as that between India and China. A traditional boundary takes shape on the basis of the natural features of an area, and is later recognised through a process of acknowledgement spread over centuries of custom and tradition. Much later, it may be confirmed by delineation, demarcation, definition or even formal delimitation, but as is clear even from the cases of Nepal and Burma, such confirmation is not necessary to its validity. Formal agreements, though essential for artificial boundaries, are optional in the case of a boundary based on natural features, which had been traditionally recognised. Unlike artificial boundaries, traditional boundaries are delimited through impersonal factors without deliberate human intervention and derive their sanctity from the recognition over the centuries by the peoples and governments of the countries concerned. A distinction, therefore, obviously exists between delimitation of a boundary in the sense of its being clear, valid, and well-known and formal delimitation through a negotiated instrument.

It may be pointed out that even the Chinese side have, in practice, repeatedly endorsed this historical process of boundary formation. During the discussions they made various statements to this effect. The Indian side have already quoted Chinese statements which acknowledged the importance of geographical features in the process of boundary formation. The Chinese side stated, for example:

“The boundary is formed through hundreds of thousands of years of history. Naturally in the formation of a boundary line through these years, geographical features are related to it.”

Similarly, on the process of delimitation of traditional boundaries, the Chinese side stated: “. . . this line has been formed through history by administrative jurisdiction and tradition and custom. We

have sufficient material and evidence to prove that this traditional customary line is the boundary—that all the territory on this side which we considered as the traditional customary line is our territory.” The Chinese side in their final statement accepted that through a historical process a traditional customary line can be formed. The Chinese side had even stated, as pointed out earlier, that a traditional line was so clear that it needed no delimitation. These statements underlined and recognised the historical process of formation of traditional boundaries and, in fact, explained how boundaries were delimited in this way.

Thus whatever they might conceive to be the requirement for the delimitation of a boundary, in practice the Chinese side accepted that natural features and historical practice were sufficient to give it precision and validity.

The boundary of India with China is a striking instance of such a process of historical delimitation. This long frontier lies along an impressive and clearly marked natural alignment—along the Mustagh range and the Aghil range, across the Karakoram Pass, along the main Kuen Lun range, across Lanak La, Kone La and Kepsang La, along the Chumesang river, between the two halves of the Pangong Lake, along the Kailash range and the Zaskar range, across the Shipki Pass, the Mana Pass, the Niti Pass, the Kungri Bingri Pass, the Darma Pass, and the Lipu Lekh Pass, and along the Great Himalayan Range north of Sikkim, Bhutan and what is known as the North East Frontier Agency of India. In other words, it runs along features which form the most striking geographical definition of the boundary between India and China.

This alignment has also been recognised and accepted in history. To mention but a few significant items from the vast mass of evidence brought forward during these discussions, official Indian and Chinese records showed that the southern limits of Sinkiang lay along the Karakoram Pass and the Kuen Lun ranges; there was unofficial evidence to establish that throughout the ages Lanak La, Niagzu and Demchok in the Western Sector and the mountain passes in the Middle Sector had been recognised as key points along the boundary; and in the Eastern Sector, there was continuous testimony from Indian, Chinese and other sources to show that the tribal territory south of the Himalayan ranges has always been a part of India and never a part of Tibet. Official evidence for all sectors was also conclusive in showing that the administration had extended right upto this boundary.

It will be seen that an alignment drawn through these nodal points mentioned in history and shown to be the limits of Indian administration would coincide with the alignment now shown by India. This cumulative evidence indisputably establishes the Indian position that the natural northern boundary of India has long been well-known and recognised and requires no further definition.

(v) *Do traditional boundaries change?*

The Chinese side had also asserted that traditional boundaries tend to change continuously, and that this change might be due to the strength or weakness of the States concerned or “when strong control

was exercised by one or other State in the border areas." The Indian side are not aware whether the Chinese side considered that such arguments are in any way applicable to the present dispute—where India considered that an old boundary was sought to be changed by a new claim—but it is abundantly clear that these arguments have no bearing on a traditional boundary. Such boundaries do not naturally change and if they change, they become artificial boundaries. Certainly the strength and weakness of the States concerned or the exercise of effective authority or military control in the border areas do not in themselves affect legitimate title or result in any change in the location of a traditional line. On the contrary, with the development of scientific cartography, knowledge of the exact delineation of the traditional line gets increasingly precise. In fact, the Indian side fully endorse the statement of the Chinese side that "the development of surveys and cartography has helped people to be more precise in the understanding of the boundary", but the Indian side do not agree that the advance of this science means changes in the traditional boundary.

The Chinese side asked whether the Indian side considered that boundaries were pre-determined. In a sense, the answer is in the affirmative. But this is not to say that boundaries from ancient times were artificially prescribed. Since the facts of geography preceded human habitation, the boundaries are pre-determined only where the geographical features are clear and provide a natural dividing line between the two countries.

## O. Conclusion

In the preceding pages it has been shown that traditional boundaries are delimited by a historical process and that both Indian and Chinese evidence established beyond doubt that the true traditional boundary between the two countries is that shown by India. The Chinese side, by the logic of their own arguments, should recognise that traditional boundaries are valid and that the emphasis on formal delimitation is irrelevant and extraneous to the Sino-Indian boundary dispute. Any kind of formal delimitation is optional and not essential in establishing the location and validity of traditional boundaries. If boundaries only become valid when they are formalized in a Boundary Agreement, it would amount to suggesting that there were no valid boundaries between China and Nepal or Burma prior to 1960, and that there are still no boundaries between China and Mongolia and, in the Sarikol sector, between China and the U.S.S.R.—indeed that there were no boundaries in the world before such formal agreements, which are a feature only of modern history.

The fact is that formal delimitation of the Sino-Indian boundary cannot resolve the issue because, unlike the northern boundaries of Nepal or Burma, the Indian, and Chinese alignments are separated for long distances by large belts of territory—100 to 150 miles in depth. The crux of the Sino-Indian boundary question is not the nature of the boundary, because both sides contend that their alignment is, in fact, what for centuries has been accepted, but which of the two alignments is the true traditional boundary. During the last six months the two sides brought forward material which they considered to be in support of the stands of their respective Governments. The

indian case stood proven, as it conformed to the obvious principles of the formation of traditional boundaries, and was, therefore, naturally and irresistibly supported by unbroken historical evidence and administrative record. The Chinese case, on the other hand, was found to be inconsistent in logic, and documentary support for it was meagre and lacking in content. The result, as is plain from these Reports, was a telling contrast between the wealth of consistent and conclusive evidence produced by the Indian side, and the sketchy and contradictory material brought forward by the Chinese side. The positive Indian evidence as well as the analysis of the Chinese evidence establish indisputably that the true traditional boundary between India and China is that defined in the description provided by the Indian side at the commencement of these discussions. The title of India is an ancient and immemorial one, and no major dispute regarding it existed till just over twelve months ago. The majestic arc of the Kuen Lun and the Great Himalayan Ranges forms the most impressive natural boundary in the world, has been recognized in tradition and custom for centuries, has determined the limits of administration on both sides and has received confirmation, for different sectors at different times during the last 300 years, in valid international agreements. The facts, therefore, demand respect for this boundary defined by nature, confirmed by history and sanctified by the laws of nations.

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## ANNEXURE 'A'

### Indian Alignment : Basis in Treaties and Agreements

#### (i) WESTERN SECTOR

1. Account of Antonio de Andrade, 1627. Showing that Ladakh was an independent kingdom before the 17th century.
2. Francke's *Antiquities of Indian Tibet* Volume II, containing *La dvags rgyal rabs*, the chronicle of Ladakh. Evidence regarding Ladakh-Tibet Treaty of 1684 confirming the traditional Ladakh-Tibet boundary.
3. Bsod nams stobs rgyas of Polha, 1733. Evidence regarding the Ladakh-Tibet treaty confirming the Ladakh-Tibet boundary.
4. *Alamgir Nama*, the official history of the reign of Aurangzeb. Showing that Ladakh became a part of the Mogul empire in 1664.
5. Bernier's Account. . . . . Showing that Ladakh became a part of the Mogul empire in the 17th century.
6. Living Buddha Kato Rejung's Arbitration Award of 1753. Proving that Ladakh was independent in the 18th century.
7. Moorcroft's *Travels*, Ed. Wilson, 1841. Showing that Ladakh became a part of the Mogul empire in the 17th century.
8. Kashmir-Tibet Treaty of 1842 Text in possession of the Kashmir Government, and published in Aitchison's *Collection of Treaties* 1909 Edition. Confirming the "old established" frontier of Ladakh and Tibet.
9. Kashmir-Tibet Treaty of 1842. Text in possession of the Tibetan Government. Confirming the "Old established" frontier of Ladakh and Tibet.
10. Letter of the Chinese Imperial Commissioner to the British Representative, 13, January, 1847. Stating that the Ladakh-Tibet boundary had been "sufficiently and distinctly fixed" and no further delimitation was necessary.

11. Letter of the Chinese Imperial Commissioner to the British Representative, 20 January 1847. Stating that there was an "ancient frontier" and it was needless to establish any other.
12. Agreement between Thanedar Bastiram of Ladakh and Kalon Rinzin of Rudokh. Confirming the existing boundaries.
13. Avowal of Demchok herdsmen, 1859. Confirming that the boundary lay near Demchok.
14. Frederick Drew : *The Jummoo and Kashmir Territories*, 1875, P. 496. Showing that he only said that the boundary was not demarcated on the ground.
15. Text of the Ladakh-Tibet Treaty of 1684 as published in 1890. In confirmation of the traditional boundary.
16. Protocol of Tchuguchak between Russia and China defining boundaries, 1864. Showing acceptance of watershed as a principle for defining boundaries.
17. Chinese Agreement with France, 1895. Showing validity of traditional boundaries.
18. International Court's Advisory Opinion regarding Poland-Czechoslovakia boundaries. Showing validity of traditional boundaries.
19. British Proposal of 1899. Showing that the northern boundary of Ladakh ran along the Kuen Lun upto 800 Longitude.
20. Statement of 9 August 1924 signed by the Representatives of the Tibetan Garpon and Major Robson and Wazir Feroze Chand on the Indian side. Proving that what was discussed in 1924 was only a small section and not the entire alignment.
21. Sino-Burmese Agreements of 28 January 1960 and October 1960. Showing validity of traditional boundaries and that such boundaries tended to run along watersheds.
22. Sino-Nepalese Agreement of 21 March 1960. Showing validity of traditional boundaries and that such boundaries tended to run along watersheds.
23. Chinese Prime Minister's statement to the Indian Prime Minister on 23 April 1960. Admitting that Kashmir collected taxes from Minsar.

## Indian Alignment : Basis in Treaties and Agreements

### (ii) MIDDLE SECTOR

1. Ladakh-Tibet Treaty of 1684. . Which confirmed the traditional boundaries between Ladakh, of which Spiti was then a part, and Tibet.
2. Kashmir-Tibet Treaty of 1842. . Which confirmed the traditional boundaries between Ladakh of which Spiti was then a part, and Tibet.
3. Sino-Russian Protocol of 1864. . Showing Chinese acceptance of traditional boundaries along watersheds.
4. Letter from the Commissioner of Kumaon division to the Garpon of Gartok (1889). Confirming that Barahoti is Indian territory.
5. Discussions between Deputy Collector, Garhwal and Tibetan officials held from the 5th to 7th September 1890. Confirming that the boundary lies along the Tunjun La, Marhi La, Shalshal and Balchadhura Passes.
6. Anglo-Chinese Convention of 1890. Showing Chinese acceptance of traditional borders along watersheds.
7. Sino-French Treaty of 1895. Showing Chinese acceptance of traditional boundaries along watersheds.
8. Anglo-Chinese Agreement of 1897. Showing Chinese acceptance of traditional boundaries along watersheds.
9. Discussions between Political Officer, Sikkim, and the Prime Minister of Tibet held on 10 July 1914. Confirmation that the boundary lies along the Tunjun La and Shalshal Passes.
10. Advisory Opinion of the International Court of Justice (1919) on the Polish-Czech frontier. Express boundary agreements are not necessary for the recognition of the frontier.
11. Report of British Trade Agent, Gartok (1942). Poling Sumdo trade mart in Tibet is frequented by Tehri traders.
12. Chinese note of 21 August, 1950 . Chinese welcome India's stabilization of frontiers, showing that China knew and recognized these fixed boundaries.



13. Indian note of 24 August 1950 Informing China that the recognized boundary between India and Tibet should remain inviolate.
14. Statement of the Indian Ambassador at the first session of the negotiations leading to the 1954 Sino-Indian Agreement on Tibet. Though it was announced that the conference could discuss and settle all outstanding questions between India and China, the Chinese side did not bring forth any claims to Indian territory.
15. Statement of Premier Chou En-lai at the first session of the negotiations leading to the 1954 Sino-Indian Agreement on Tibet. Showing that China had not territorial claims against India.
16. Vice-Foreign Minister of China's statement of 8 January 1954. Enunciation of respect for each other's territorial integrity—One of the Five Principles of Peaceful Co-existence—and thus showing that China had a precise knowledge of the entire Sino-Indian boundary and accepted that boundary.
17. January 1954 : Statement of the Leader of the Indian Delegation during the negotiations leading to the 1954 Sino-Indian Agreement on Tibet. Confirmation that India subscribed to the principle of respect for each other's territorial integrity and accepted the entire traditional Sino-Indian boundary.
18. Statement of the leader of the Chinese Delegation at the eighth session of the negotiations leading to the 1954 Sino-Indian Agreement on Tibet. On the location of Poling Sumdo.
19. Statement of the Leader of the Indian Delegation at the 8th session of the negotiations leading to the 1954 Sino-Indian Agreement on Tibet. Co-ordinates of Poling Sumdo and Pulamsumda were given.
20. March 1st, 1954 Chinese draft of Article IV of the Sino-Indian Agreement on Tibet. It was subsequently withdrawn as the draft implied that only the Chinese Government had the authority to regulate traffic across the 6 border passes in the Middle Sector.

21. Statement of Shri T.N. Kaul on the March 1st, 1954 Chinese draft of Article IV of the Sino-Indian Agreement. The statement pointed out the incorrectness of the implications of the draft as a result of which the draft was withdrawn.
22. Article V, Paragraph 2 of the 1954 Agreement. Proof that the Agreement deals with the border.
23. April 22, 1954 : Statement of the Leader of the Chinese Delegation. Withdrawal of the March 1st, 1954 Chinese draft of Article IV of the Sino-Indian Agreement on Tibet which implied that only the Chinese Government had the right to control the 6 border passes in the Middle Sector of the Indo-Tibetan boundary.
24. April 29, 1954 : Statement of the Leader of the Indian Delegation at the conclusion of the Sino-Indian Agreement on Tibet. Stating, without any Chinese objection, that there were no outstanding questions between India and China.
25. Article IV of the April 1954 Agreement. List of six border passes in the Middle Sector of the traditional Indo-Tibetan boundary.
26. April 1954 Agreement on Trade and Intercourse between India and the Tibet Region of China. Confirmation of the entire traditional boundary of India with Tibet, the trade and intercourse across which were to be regulated by the Agreement.
27. October 1954 discussions between the Prime Ministers of India and China. Premier Chou En-lai did not affirm that the boundary shown in Chinese maps was correct, as the Chinese side now claim.
28. Statement of Premier Chou En-lai at the 1956 Prime Ministers' Conference. Boundary shown in Chinese maps was not affirmed to be correct as is being done now.
29. Barahoti Conference of April 1958. When the Chinese side failed to raise any claims to nearby Sangchamalla and Laphthal or the Niti Pass.
30. Indian note of 21 August 1958. Drawing attention to the incorrect boundary alignment in Chinese maps.

31. Chinese Memorandum of 3 November 1958. Which confirms that it was the Government of India that first drew attention to the incorrect boundary alignment shown in Chinese maps.
32. Prime Minister of India's letter of 14 December 1958. It was India which drew the attention of China in 1954 to incorrect Chinese maps.
33. Chinese Premier's letter of 23 January 1959. On the incorrect alignment shown in Chinese maps.
34. Para. 4 of Prime Minister of India's letter of 22 March 1959. Only some and not all agreements relevant to the boundary question were being listed.
35. Indian Prime Minister's letter of 22 March 1959.
36. Chinese communication of 8 September 1959. Until which China had kept silent on the boundary question.
37. Indian Prime Minister's letter of 26 September 1959.
38. Chinese Premier's letter of 17 December 1959. On the incorrect alignment shown in Chinese maps.
39. Indian Prime Minister's letter of 21 December 1959.
40. Sino-Burmese Agreement of January 1960. Chinese acceptance of traditional boundaries along watersheds.
41. Indian note of 12 February 1960. 1954 Agreement does deal with the boundary.
42. Sino-Nepalese Agreement of March 1960. Chinese acceptance of traditional boundaries along watersheds.
43. Chinese Government's note of 3 April 1960. Trespass cannot Confer legal right.
44. *Encyclopaedia Britannica* Meaning of 'Delimitation' etc.

## Indian Alignment : Basis in Treaties and Agreements

### (iii) EASTERN SECTOR

1. Ladakh-Tibet treaty of 1684. Proving the treaty-making powers of Tibet.
2. Kashmir-Tibet treaty of 1842. Proving the treaty-making powers of Tibet.
3. Nepal-Tibet treaty of 1856. Proving the treaty-making powers of Tibet.
4. Anglo-Chinese Convention of 1890. To show Tibetan defiance of treaties signed by China without Tibetan participation.
5. Anglo-Chinese Trade Regulations regarding Tibet of 1893. To show that treaties signed with China without Tibetan participation were not implemented.
6. Anglo-Tibetan Convention of 1904. Proving the treaty-making powers of Tibet.
7. Anglo-Chinese Convention of 1906. Confirming that Tibet had treaty-making powers.
8. Tibetan Declaration of Independence, 1912. Showing that when Tibet joined the Simla Conference, the Tibetan Plenipotentiaries had equal status with the British and Chinese Plenipotentiaries.
9. British Memorandum of 17 August 1912 to the Chinese Government. Showing that Britain had drawn the attention of the Chinese Government to the fact that Indo-Tibetan affairs had been settled directly between the two in the past.
10. Chinese Government's reply of 30 January 1913. Showing that the Chinese Government had accepted the British Memorandum of 17 August 1912 as the basis for negotiations.
11. British proposal of 26 May 1913 to the Chinese Government. Proposing a joint conference in which Britain, Tibet and China would be participating.
12. Statement of the Chinese President, 4 June 1913. Accepting the proposal for tripartite negotiations.

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| 13. Discussions between Chinese Vice-Foreign Minister and British representative at Peking on 14 July 1913.                        | Showing that Tibetan Plenipotentiary entered the Simla Conference on an equal footing with the other Plenipotentiaries.                                    |
| 14. Discussions between the Chinese Vice-Foreign Minister and British representative on 28 July 1913.                              | Showing that Tibetan Plenipotentiary entered the Simla Conference on an equal footing with the Chinese Plenipotentiary.                                    |
| 15. Chinese Foreign Office note of 7 August 1913.  | Stating that the Chinese representative would go for negotiations "for a treaty jointly with the Tibetan Plenipotentiary".                                 |
| 16. British note of 25 August 1913 to the Chinese Government.  | Showing British satisfaction at Chinese acceptance of the principle of equality of status and tripartite character of the negotiations.                    |
| 17. Chinese representative's statement of 13 October 1913 at the Simla Conference.   | Proving that China admitted that Tibet was regarded as distinct from China for the purpose of the Conference.  |
| 18. Credentials of the three plenipotentiaries at the Simla Conference   | Showing that Tibetan Plenipotentiary participated on an equal footing with the Chinese Plenipotentiary.  |
| 19. Extract from the Simla Conference meeting on 18 November 1913.   | Regarding Chinese representative's agreement to Indo-Tibetan boundary question being discussed separately between the British and Tibetan representatives. |
| 20. McMahon's statement of 17 February 1914 on limits of Tibet and the attached map.   | Showing that Chinese representative was aware of the "McMahon Line".   |
| 21. Anglo-Tibetan Boundary Agreement of 24-25 March 1914 and the attached map.   | As confirmation by agreement of the Indian traditional alignment.  |
| 22. Points raised or proposals made by the Chinese representative at the Simla Conference on March 7, March 19 and April 20, 1914. | Showing that no objection was raised to the "McMahon Line" by the Chinese Government.  |

23. Draft of the Simla Convention, 22 April 1914. Showing that the Chinese representative was aware of the "McMahon Line".
24. Draft Simla Convention initialled on 27 April 1914 and map attached. Showing that the Chinese Government were aware of the Indo-Tibetan boundary.
25. Chinese President's Memorandum of 1 May 1914. Showing that China had no objection to the "McMahon Line".
26. Chinese objections of 13 June 1914. Showing that the objections did not refer to the "McMahon Line".
27. Communication of the British Minister at Peking dated 25 June to the Chinese Government. Stating that Britain would have to sign separately with Tibet.
28. Simla Convention of 3 July 1914 and the attached map. As confirmation by an agreement of the Indian traditional alignment.
29. Indo-Tibetan Trade Regulations of 3 July 1914. Proving Tibet's treaty-making powers in 1914.
30. British Foreign Office letter of 8 August 1914 to the Chinese representative. Stating that the agreement reached with Tibet represented the settled views of the British Government.
31. Chinese proposal of 30 May 1919. Showing no objection was taken to the "McMahon Line" by the Chinese Government.
32. Anglo-Tibetan negotiations of 1921-24 on Dokpo Karpo. Showing the treaty-making powers of Tibet.
33. Anglo-Tibetan negotiations on Nilang-Jadhang of 1926. Showing the treaty-making powers of Tibet.
34. International Agreements regarding Mongolia. Showing Chinese acceptance of the principle of the treaty-making powers of autonomous regions of China such as Mongolia and Tibet.
35. Tibetan refusal of transit facilities to China 1942-43. Showing Tibetan control of her external relations.
36. Tibetan Foreign Office communication of 18 April 1945 to the Indian Government. Showing that Tibet recognises the Simla Convention of 1914.
37. Government of India's communication of January 1946 to the Tibetan Government. Clarifying the validity of the "McMahon Line".

38. Chinese Embassy's note of 5 November 1947 to the Government of India. Showing validity of the "McMahon Line" and Chinese recognition of Tibet's treaty-making powers.
39. Government of India's note dated 9 March 1948 to the Chinese Embassy in Delhi. Showing that India had succeeded to the treaty-making rights and obligations between former British India and Tibet.
40. Sino-Nepalese treaty of 1956. Reference to abrogation of Nepal-Tibet treaty of 1856 confirmed Chinese recognition of treaty-making powers of Tibet.
41. Chinese Premier's letter of 23 January 1959. Accepting the right enjoyed by Tibet to sign the Simla Convention.
42. Chinese letter of 26 December 1959. Chinese view that the agreement of 1853 was in the nature of a treaty of non-aggression shows Chinese recognition of Tibetan control of her external relations.
43. Treaty-making powers enjoyed by Bulgaria, Egypt, Canada, Australia and India prior to independence Showing that Vassals and Dependent States were entitled under international law to enter into international agreements.
44. Indian Prime Minister's letter of 26 September 1959. Regarding validity of the "McMahon Line" and showing that the assertion that Tibet protested against it is not correct.
45. Sino-Burmese Agreement of 28 January 1960 and Sino-Burmese Agreement of October 1960. To show that traditional boundaries can be precise and valid, that they tended to follow watershed and that the "McMahon Line" boundary formalized in 1914 was the traditional boundary.
46. Note of the Government of India of 12 February 1960. Regarding the validity of the "McMahon Line" and showing that the assertion that Tibet protested against that line was not correct.
47. Sino-Nepalese Agreement of 21 March 1960. Showing that traditional boundaries can be precise and valid.

**Indian Alignment**

**Western Sector**

(i) BASIS IN TRADITION AND CUSTOM

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| 1.  | P'ei Chu's map from <i>Sui hsi yu tu chi</i> of the 6th century.  | Showing that Kuen Lun mountains formed the southern limits of Sinkiang.  |
| 2.  | Buddhist priest Jen Ch'ao's map of 1607.  | Showing the Kuen Lun section of the Tsungling as the boundary between India and Sinkiang.  |
| 3.  | Biography of Adisha.  | Showing that Ladakh became an independent kingdom in the tenth century.  |
| 4.  | <i>La dwags rgyal rabs</i> , a 17th century chronicle of Ladakh.  | Showing that as early as the tenth century the traditional boundary between Ladakh and Tibet was well-known and recognised; and that the same boundary was known to exist in the 17th century. |
| 5.  | The Blue Annals . . . . .   | Confirming that Ladakh became independent in the tenth century.  |
| 6.  | <i>Chien lung neifu yu t'u</i> , 1760 . . . . .   | Showing the source of Qara Qash in Kuen Lun.   |
| 7.  | <i>Chin ting huang yu hsi yu t'u chih</i> of 1762, map on page 42(b).   | Stating that the boundary between India and Sinkiang lay at Sanjutagh in northern Kuen Lun.  |
| 8.  | Ippolito Desideri : <i>An Account of Tibet</i> (1715-16) edited by De Filippi, 1937.  | Stating that Tashigong lay on the frontier between Ladakh and Tibet, thus including Demchok in India.  |
| 9.  | <i>Ta Ch'ing hui tien t'u</i> , 1818 . . . . .  | Identifying Nimangyi with Kuen Lun.  |
| 10. | <i>Ta Ch'ing yi t'ung chih</i> , 1820. . . . .  | Proving that Chinese works themselves located the source of Qara Qas'i at Nimangyi which was the same as Kurangu, a northern branch of the Kuen Lun.   |
| 11. | James Baillie Fraser : <i>Journal of a tour through part of the snowy range of the Himala Mountains and to the sources of the rivers Jamma and Ganges</i> , 1820. | Stating that Chinese territory commenced after Demchok.  |



- Chin ting hsin chiang chih lueh*, 1821.  
Map on Page 4(b) of Book 3. Showing the southern boundary of Sinkiang along the Kuen Lun section of the Tsungling, and the Qara Qash and Yurung-kash cutting across the mountains.
- Hsu Hsing-po's *Hsi yu shui tao chi*, 1824, sheet 7 of the map. Showing the southern limits of Sinkiang along Nanshan or Kuen Lun mountains.
- Moorcroft's *Travels*, edited by Wilson, 1841. Showing that Chinese claim that Ladakh was part of Tibet was inconsistent with their claim that their alignment was traditional.
5. Letter of the Chinese Imperial Commissioner at Canton, 20 January 1847. Showing that the Chinese Government themselves considered, from as early a time as 1847, that Ladakh and Tibet had an "ancient frontier" and that it needed no further delimitation.
6. Cunningham : *Ladakh*, 1854, p. 261 and 328-29. Showing that the Ladakh-Tibet boundary had already been well defined by 1684.
7. Cunningham : *Ladakh*, 1854. Showing that Chinese claim that Ladakh was part of Tibet was inconsistent with their claim that their alignment was traditional.
8. Ta Ching map of 1863. Disproving the Chinese contention that Ladakh was part of Tibet before the 1840's.
9. Statement by Syed Akbar Ali, Wazir of Ladakh, 1868. Regarding utilization of Eastern Aksai Chin route by Indians.
10. Report of a trading party, 1868. Regarding utilization of Chang Chenmo routes by Indian traders.
11. Report of Johnson, Wazir Wazarat of Ladakh, 1872. Regarding utilization of Chang Chenmo valley by Indians for hunting.
12. Nain Singh's travel account, 1873. *Journal of the Royal Geographical Society*, 1877. Stating that the boundary in the Pangong region lay at Niagzu.
13. Frederick Drew : *The Jummoo and Kashmir territories*, 1875, p. 496. Regarding use of pastures.

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| 24. | John Arrowsmith's map, 1876.   | Showing the traditional Indian alignment.  |
| 25. | Joseph Chavanne : Map of <i>Central Asien</i> , Leipzig 1880.  | Showing the traditional Indian boundary.   |
| 26. | Carey's travel account published in <i>Proceedings of the Royal Geographical Society</i> , 1887, p. 732.                         | Stating that the boundary between Indian Ladakh and Rudok Dzong of Tibet lay at Lanak La east of Chang Chenmo. |
| 27. | Carey's travel diary published in <i>Supplementary Papers of the Royal Geographical Society</i> , 1890, p. 18.                   | Confirming Lanak La as the boundary.   |
| 28. | <i>The Gazetteer of Kashmir and Ladakh</i> , 1890, p. 256.   | Regarding use of pastures in Chang Chenmo valley.  |
| 29. | Alexander Kinloch : <i>Large Game Shooting in Tibet, the Himalayas Northern and Central India</i> , Calcutta, 1892, pp. 119-120. | Evidence of hunting by Indians in Chang Chenmo valley.   |
| 30. | Report of Wazir Wazarat of Ladakh, 1892.   | Regarding utilization of Chang Chenmo valley by Indians for hunting.   |
| 31. | Bower's account in the <i>Geographical Journal</i> of May 1893, p. 386.  | Confirming Lanak La as the boundary.   |
| 32. | Cumberland : <i>Sport on the Pamirs and Turkistan Steppes</i> , London 1895, pp. 6 and 18.                                       | Evidence of hunting by Indians in Depsang plains and Chang Chenmo valley.                                      |
| 33. | Wellby : <i>Through Unknown Tibet</i> , 1898, p. 57.   | Confirming the location of the Indian alignment along Niagau.  |
| 34. | Wellby : <i>Through Unknown Tibet</i> , 1898, p. 73.   | Confirming Lanak La as the boundary.   |
| 35. | Ta Ching Map of 1899.  | Showing the source of Qara Qash north of Kuen Lun.   |
| 36. | Deasy : Journeys in Central Asia, <i>Journal of the Geographical Society</i> , July—December 1900, page 142.                     | Regarding utilization of Chang Chenmo valley upto Lanak La by Indians for hunting.                             |
| 37. | Deasy : <i>Tibet and Chinese Turkistan</i> , 1901.   | Confirming Lanak La as the boundary.   |
| 38. | Wazir Wazarat's complaint, 1905.   | To the effect that too many were going to Chang Chenmo valley for hunting.                                     |

39. *Atlas of Chinese Empire* published by China Inland Mission, 1908. Showing the traditional Indian alignment.
40. *Ta ching ti kuo ch'uan t'u* published by Commercial Press, 1908. Showing the western Pangong lake and Chang Chenmo Valley in India.
41. *Lady Jenkins : Sport and Travels in both Tibets*, London, 1909, page 58. Confirming Lanak La as the boundary.
42. *Kennion : Sport and Life in the Further Himalaya*, London, 1910. Regarding utilisation of Chang Chenmo Valley, Khurnak and Pangong areas by Indians for hunting; and in confirmation of the Indian alignment near the Pangong lake.
43. *Hsin Chiang t'u Chih*, 1911, Book 4, page 22. Showing that according to Chinese earlier works the source of Qara Qash lay in the Kuen Lun.
44. *Hsin Chiang t'u Chih*, 1911, Book 4, page 27. Showing that Sinkiang did not extend upto Kuen Lun in those days.
45. Map in the *Geographical Journal*, 1912 "Chinese Frontiers of India." Showing the traditional Indian boundary.
46. Map in the *Geographical Journal*, 1916. Showing the traditional Indian boundary.
47. *New Atlas and Commercial Gazetteer*, by North China Daily News and Herald, Shanghai, 1917. Showing the traditional Indian boundary alignment.
48. *Lydekker : The Game Animals of India, Burma, Malaya and Tibet*, London, 1924. Regarding utilisation of Chang Chenmo Valley by Indians for hunting.
49. Peking University Map (1925) . Showing that even during the maximum extent of the Chinese Empire during the Ching period, the Aksai Chin part of Ladakh was not included in China.
50. *Burrard: Big Game Hunting in the Himalayas and Tibet*, London, 1925, page 239. Regarding utilisation of Chang Chenmo Valley upto Lanak La for hunting.
51. *The Himalayan Journal*, Vol. VII, (1935) Mason's Review. Disproving Chinese contention that Ladakh was part of Tibet before the 1840's.

## Indian Alignment : Western Sector

### (ii) EVIDENCE OF INDIAN ADMINISTRATION

1. Strachey's Map of *Nari Khorsum including the Easternmost Parts of Ladakh*, 1851. Showing the traditional Indian boundary in the south and east of Ladakh.
2. Strachey's Map of *Ladakh with the adjoining parts of Balti and Monyul*, 1851. Showing that northern Ladakh had not yet been surveyed and that no boundary had been shown in the original map of Strachey.
3. Walker's *Map of Punjab and Western Himalayas*, 1854. Showing that this map was based on Strachey's map and that the northern boundary could not have been shown correctly.
4. Original revenue record of 1862. Showing that revenue was being collected at Minikong from as early as 1853.
5. Johnson's Survey of 1862 published in the *Report of the Great Trigonometrical Survey of India*, 1871, page XXXIII. Evidence of survey in Chakrasen Chenmo area; and of boundary at Lanak La.
6. Ryall's Survey of 1862-63. To show that the upper reaches of Shyok and Lingzi Tapes were surveyed.
7. Godwin Austen's Survey, 1863 published in the *Report of the Great Trigonometrical Survey of 1879*, page XXXVI. To show Indian survey in Pangong area.
8. Johnson's Survey of 1864 published in the *Report of the Great Trigonometrical Survey*, 1866. Showing that the Depsang plain and Aksai Chin were surveyed by the Indian authorities; and that the boundary lay along the Kuen Lun.
9. Johnson's Survey Diary published in the *Report of the Great Trigonometrical Survey of India*, 1866. As evidence regarding the posting of Kashmiri garrisons in Aksai Chin; that King's men were visiting Aksai Chin illegally only for the purpose of robbery and that the Sinkiang authorities were not aware of the passage across Kuen Lun until the

10. Kashmir Government Map of 1865. Showing the existence of Police check-posts in the vicinity of Yangi Dawan in northern Aksai Chin.
11. Mehta Mangal's Sketch Map of 1865. Showing that Demchok marked the boundary of the State.
12. Map illustrating the route taken by Johnson, 1865. Showing the boundary along the Kuen Lun.
13. Walker's Map of *Central Asia*, 1866. Showing the northern boundary along Kuen Lun.
14. Walker's Map of *Turkistan with the adjoining parts of British and Russian territories*. Showing the northern boundary along Kuen Lun.
15. Kashmir Maharaja's letter of 1868. Regarding survey and construction of a new route along the Chang Chenmo and Qara Qash Valleys.
16. Statement of Akbar Ali Shah, 1868. Showing the routes and stages on Leh-Shahidulla route.
17. Letter of Karam Singh, a Kashmiri official, 1869. Evidence of construction of inns and rest-houses on the traditional routes.
18. Treaty between the British Government and Kashmir, 1870. Showing evidence of use and survey of trade routes in Aksai Chin and Lingzi Tang by Indians.
19. Kashmir Government's *Parwana* (order) to the Wazir Wazarat, 1870. Conveying sanction of Rs. 5,000 for repairs to roads and construction of a rest-house.
20. Drew : *The Jammu and Kashmir Territories*, 1875. As evidence of official tours in 1869.
21. Report of Cayley, Indian joint Commissioner, 20 October, 1870. Regarding the various routes across Aksai Chin.
22. Drew : *The Jammu and Kashmir Territories*, 1875. Showing geological survey conducted in Aksai Chin and Lingzi Tang before 1870.
23. Major Montgomerie's Report, 1871. Regarding relative merits of the Aksai Chin routes.
24. Report of Cayley, Indian Joint Commissioner, January 1871. Regarding route survey in Lingzi Tang, etc.

25. Letter of Johnson, Governor of Ladakh. . . . . Regarding arrangements made for supplies on Leh-Shahidulla routes.
26. Trotter's account of surveys during 1873, published in the *Report of a Mission to Yarkand in 1873*, Calcutta, 1875, page 286. Evidence of detailed survey in Aksai Chin and Qara Qash Valley.
27. Trotter's account of surveys during 1873, published in the *Report of a Mission to Yarkand in 1873*, Calcutta, 1875. Showing that Sinkiang commenced from Shahidulla.
28. Forsyth : *Report of a Mission to Yarkand*, 1875, pages 3 and 37. Showing that the Mission was officially received by Sinkiang authorities only at Shahidulla.
29. Stoliczka's report in Forsyth's *Report of a Mission to Yarkand*, 1875. Evidence of geological survey in Aksai Chin and Lingzi Tang.
30. *Map of Eastern Turkestan*, 1873 . . . . . Showing the northern boundary of Ladakh along the Kuen Lun.
31. Report of Russell, General Manager of Central Asian Trading Company, 1875. As evidence of utilisation of the Chang Chenmo and Qara Qash Valley routes by Indians.
32. British Joint Commissioner's Report of July, 1878. Showing evidence of expenditure on the maintenance of routes.
33. Captain Basevi's Survey : Markham's *Memoir on the Indian Surveys*, 1878, page 41. Evidence of survey up to Lanak La.
34. Lydekker : *Memoirs of the Geological Survey of India*, Volume XXII, Calcutta 1883. Showing geological surveys conducted by Indian authorities in the Shyok and Chang Chenmo Valleys and Lingzi Tang.
35. Johnston's Atlas, 1882 . . . . . Showing the traditional Indian alignment.
36. *Imperial Gazetteer of India*, 1886. Showing the traditional Indian alignment.
37. Statement by Satiwaldi, 1889. . . . . Showing that the Sinkiang authorities had disowned responsibility for protection of Kirghiz of Shahidulla.

38. Statement by Haji Mohammad, 1889. Showing that the Sinkiang authorities had disowned responsibility for protection of Kirghiz of Shahidulla.
39. Statement of Usman, 1889. Showing that Shahidulla was still under the control of Kashmir.
40. *Gazetteer of Kashmir and Ladakh*, 1890, page 570. Regarding the use of Aksai Chin and Lingzi Tang for collection of fuel and fodder.
41. Map attached to the *Gazetteer of Kashmir and Ladakh*, 1890. Showing the traditional Indian alignment.
42. Bower : *Report of a Journey in Chinese, Turkistan*, 1891. Showing that the Sinkiang authorities had disowned responsibility for the protection of Kirghiz of Shahidulla and that Kilian was the last Chinese customs post.
43. Arjun Singh's report to Raja Amar Singh, 1892. Showing that the Chinese came south of Suket only in 1892.
44. Raja Amar Singh's report to the Government of India, 1892. Showing that the Chinese came south of Suket only in 1892.
45. Lord Dunmore's statement, 1892. Showing that the southernmost Chinese checkpost was at Suket.
46. Macartney's letter of 1893. Showing that Hung Ta chen's map was officially handed over to the Indian representative.
47. Map of Hung Ta chen, 1893. Showing Aksai Chin and Lingzi Tang areas in India.
48. Map of Hai Ying, Officer deputed by the Chinese Government to survey south west Sinkiang area. Showing that he surveyed only the Pamir areas.
49. Johnston's Atlas of 1894 : with Hunter's Introduction. Showing the boundary along the Kuen Lun.
50. *Geographical Journal*, Volume XIII, Deasy's article. Disproving the Chinese claim regarding control of Aksai Chin routes.

51. *Geographical Journal*, July to December, 1900, containing Deasy's map. Disproving the Chinese claim regarding control of Aksai Chin routes.
52. Minsar Revenue Records for 1900-1901. Showing revenue collection by Kashmir.
53. Demchok Revenue Records, 1901-1902. Showing revenue collection.
54. Minsar Revenue Records for 1901-1902. Showing revenue collection.
55. Revenue Assessment Report, 1902. Showing that Tanktse, Demchok, Chushul and Minsar were included in the list of Kashmir villages.
56. Tour Report of Fakir Chand to Wazir Wazarat, Ladakh: 1904-1905. Showing the exact location of the recognised boundary in the vicinity of Demchok.
57. Tour Report of Faqir Chand, 1904-1905. Showing revenue collection from Minsar.
58. Demchok Revenue Records, 1904-1905. Showing revenue collection.
59. Minsar Revenue Records, 1904-1905. Showing revenue collection.
60. Revenue Assessment Report signed by Khushi Mohammad, 1905. Classifying Demchok and Minsar in the list of villages in the State.
61. Demchok and Minsar Revenue Records, 1905-1906. Showing revenue collection.
52. Map in Surveyor-General's Report for 1905-1906. Showing the traditional boundary alignment.
63. Extract from Ladakh Revenue Records, 1907. Showing pasture grounds used by Indians in the vicinity of Demchok and Laganskial.
64. *Imperial Gazetteer of India* map, 1907. Showing Hunza and other areas west of Karakoram Pass in India.
65. Aurel Stein's Survey, 1908. Evidence of survey in northern Aksai Chin.



66. Preliminary report of Ladakh Settlement, 1908. Showing the inclusion of **Aksai Chin, Lingzi Tang and Chang Chenmo Valley** in Ladakh.
67. Final Assessment Report, 1908, Page XVIII of appendix. Listing **Demchok and Minsar** as Indian villages.
68. Extracts from Settlement Report, 1908. Giving details of lands cultivated by Indians in **Demchok**.
69. Revenue map of Demchok, 1908. Evidence of revenue administration.
70. Extracts from Settlement Report regarding kind revenue, 1908. Showing the amount of revenue collected in **Demchok, Khurnak and Minsar**.
71. Extracts from original Revenue Records of Demchok village, 1909. Showing location of pasture grounds in **Demchok area**.
72. Demchok Revenue Records, 1908-09 Showing revenue collection.
73. Minsar Revenue Records, 1908-09. Showing revenue collection.
74. Assessment Report of Ladakh Tehsil 1909. Stating that the existing boundary was well understood and that there were no disputes.
75. Demchok Revenue Records, 1910. Showing revenue collection.
76. Minsar Revenue Records, 1909-10. Showing revenue collection.
77. Demchok Revenue Records, 1913. Showing revenue collection.
78. Map of Ladakh Tehsil. Showing limits of **Tanktse Ilaqa**.
79. De Filippi's expedition of 1913-14. Evidence of survey in **Depsang area**.
80. Extracts from account book of Ladakh Tehsil, 1914-15. Giving names of Indian tax collectors in **Demchok**.
81. *Postal Atlas of China*, 1917. Showing that official maps of China showed the boundary in accordance with the traditional Indian alignment.
82. *Postal Atlas of China*, 1919. Showing that the official maps of China showed the boundary in accordance with the Indian traditional alignment.

83. Extract from Census Report of 1921. Showing evidence of general administration in Minsar area.
84. Island of Palmas case in the International Court of Justice, 1928. Precedent to show that evidence pertaining to a period before the crucial date was inadmissible.
85. The case between Norway and Denmark regarding the status of Eastern Greenland in the International Court of Justice, 1933. Precedent to show that evidence pertaining to a period before the crucial date was inadmissible.
86. *Postal Atlas of China*, 1933. Showing that official Chinese maps showed the boundary in accordance with the traditional Indian alignment.
87. Consolidated Revenue Register of Ladakh Tehsil. Giving consolidated statement of revenue due and revenue collected from Demchok from 1901—1940.
88. Consolidated Revenue Register of Ladakh Tehsil. Giving consolidated statement of revenue due and revenue collected from Minsar 1901—1937.
89. J. & K. Game Preservation Act, 1941, Notification No. 2. Showing that the Chang Chenmo Valley, Demchok, Khurnak and Chushul areas were declared Game Reserves.
90. Correspondence regarding Chinese exploration of the Gilgit route, 1941. Showing that Chinese survey in 1941-42 was confined to the vicinity of Gilgit region.
91. *Map of the Administrative Areas of China* published by Chinese Ministry of Interior, 1947. To show variations in Chinese maps.
92. Demchok Revenue Records for 1947-48. Showing revenue collection.
93. Ladakh Tehsil Records for 1948-49. Showing revenue collection.

94. Map in *People's China*, October 1950. To show variations of boundary in Chinese maps.
95. Kashmir Government record of 1950. Evidence of salt collection from Amtogor Lake.
96. Aksai Chin Patrol of 1951. Evidence of general administration in Aksai Chin.
97. *New map of Tibet*, Tachung Society, 1951. To show variations in Chinese boundary alignment.
98. Lanak La Patrol, 1952. Evidence of general administration in Chang Chenmo and Lingzi Tang.
99. *Big Map of People's Republic of China*, Yakuang Society, November 1953. To show variations in Chinese boundary alignment.
100. Lanak La Patrol of August 1954. Evidence of general administration in Chang Chenmo Valley and Lingzi Tang.
101. *Wall Map of People's Republic of China*, Map Publishing Society, January 1956. Showing variations in Chinese boundary alignment.
102. Lanak La Patrol of Agusut 1956. Evidence of general administration in Chang Chenmo Valley and Lingzi Tang.
103. Qara Tagh Patrol of September 1957. Evidence of general administration in Aksai Chin.
104. Amtogor Patrol of 1958. Evidence of general administration in Aksai Chin.
105. Haji Langar Patrol of 1958. Evidence of general administration in Aksai Chin.
106. Qara Tagh Patrol of 1958. Evidence of general administration in Chang Chenmo Valley.
107. Chang Chenmo Patrol, June 1959. Evidence of general administration in Chang Chenmo Valley.
108. Chinese Premier's letter of 17 December 1959. To show that while the Chinese Prime Minister had stated that maps published in 1956 were considered correct by China, the map given at the meeting carried a different alignment.

## Indian Alignment : Middle Sector

### (i) Basis in Tradition and Custom

1. *Skanda purana* : Kedar Khanda (IX) Which describes the Himalayas as the northern boundary of Kedar Kshetra and the sources of the Ganges as wholly in India.
2. *Shui Ching chu t'u* map of 3rd century A.D. as reconstructed by Wang Mei-tsun in 1840 A.D. Which shows the entire Ganges basin including its sources in Indian territory.
3. Hieun Tsang's travels. Describing the Kingdom of Brahmapura was 4,000 li in circumference.
4. Barhat rock inscription. Confirming that Barhat in the Bhagirathi valley is Brahmapura.
5. Pandukeshwar Copper-Plate inscription of King Lalitasura Deva. Recording land-grants to Tapoban and confirming that the Katyuri Kings controlled all the Himalayan areas inhabited by Bhuteas.
6. Pandukeshwar Copper-Plate inscription of King Subhish karaja deva. Recording orders to the Taganapura officials and confirming that the Katyuri Kings controlled all the cis-Himalayan areas inhabited by Bhuteas.
7. Pandukeshwar Copper-Plate inscription of King Padma Deva. Recording orders to officials of Antaranga district and confirming that the Katyuri Kings controlled all the cis-Himalayan areas inhabited by Bhuteas.
8. Copper-Plate inscription of seventh century issued by Raja Samudra Sena found in the Parasuram temple at Nirmand. Published in *Corpus Inscriptionum Indicarum* Fleet, Vol. III, pp. 288-89. Showing that Spiti was not part of Tibet.
9. *Vamsavali* of Kulu on the conquests of Rajendra Sena. Showing that Spiti was not part of Tibet.
10. *Vamsavali* of Kulu on the reign of Raja Chet Sena. Showing that Spiti was not part of Tibet.

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| 11. | Orders issued by Dechan Namgyal of Hemi Gompa, Ladakh in 948 A.D. | Showing Gyu and Kaur as under Indian administration.   |
| 12. | <i>Sanad</i> issued by King of Ladakh in 960 A.D.                 | Showing that the boundary lies east of Gyu and Kaurik.   |
| 13. | Gopaleswara trident inscription of 1191 A.D.                      | Recording that Kedar bhumi— <i>i.e.</i> , Kedar Kshetra whose limits were the Himalayas—was under the control of King Aneka Malla. |
| 14. | <i>Tarikh-i-Ferishta</i> Briggs. Volume IV, Pages 547—49.         | Recording that the sources of the Ganges and Jamuna were in the territories of the King of Garhwal.                                |
| 15. | Trinet temple inscription of 1640.                                | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.   |
| 16. | Badrinath temple inscription of 1643.                             | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.   |
| 17. | Badrinath temple inscription of 1643.                             | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.   |
| 18. | Someshwar temple inscription of 1648.                             | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.   |
| 19. | Pinanath temple inscription of 1654.                              | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.   |
| 20. | 1659 land grant.  | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.   |
| 21. | 1662 land grant.  | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.   |
| 22. | Baleswar temple inscription of 1664.                              | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.   |
| 23. | Land grant of Baz Bahadur Chand (1665).                           | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.   |

24. Briddh Kedar temple inscription of 1666. Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.
25. 1670 land grant. Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.
26. Bageshwar temple inscription of 1670. Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.
27. Bageshwar temple inscription of 1670. Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.
28. Land grant of 1671. Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.
29. Grant to Manasarowar pilgrims of 1673. Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.
30. Land grant of 1675. Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.
31. Sirinagar Copper-Plate inscription of 1667. Recording the cession of all territories north of Gartang nala and south of Jalukhaga Pass by Raja Uday Singh of Bashahr to Raja Prithipati Shah of Garhwal.
32. *On the sources of the Ganges in the Himadri or Emodus* : H. T. Colebrooke in the *Asiatick Researches* Volume XI, (Calcutta, 1870), page 432. Recording that Chinese explorers sent by Emperor K'ang Hsi found the south-western boundaries of Tibet along the Himalayas and that the sources of the Ganges are not in Tibet.
33. *La dyags rgyal rabs*. Showing that Spiti was not a part of Tibet.
34. Orders of Maharaja Nima Namgyal. Showing that the boundary lies east of Gyu and Kaurik.
35. Orders of Raja Morub Tenzin. Showing that Gyu and Kaurik are in Indian territory.
36. Anglo-Nepalese Convention of 1815. Recording the cession of Kumaon and Garhwal by Nepal.

37. Account of G.W. Traill, Assistant Commissioner for Kumaon and Garhwal (1815). Confirming that the northern boundary of Kumaon and Garhwal was recognised by the Tibetan Government and lay along the commencement of the plateau.
38. *Journal of a tour through part of the snowy range of the Himala mountains and to the sources of the Rivers Jumna and Ganges* : J. B. Fraser (London 1820) Page 357. Confirming that the sources of the Ganges were in India.
39. Account of George Trebeck's visit of 1821 to Spiti in Moorcroft's *Travels*, (London 1841) Volume II, Page 69. Showing that Spiti was part of Ladakh and not of Tibet.
40. Moorcroft's *Travels* : Page 3-4 Confirming that Moorcroft found in 1819 that the Niti Pass was on the Indo-Tibetan boundary.
41. Moorcroft's *Travels* : Page 14 Confirming that Nilang was Part of the Raja of Tehri's territories in 1819.
42. Moorcroft's *Travels* : Page 20 Confirming that the Tsangchok La was the boundary between Tehri and Tibet in 1819.
43. Alexander Gerard's visit to Spiti in 1821 : *Account of an attempt to penetrate by Bekhur to Garoo and the Lake Manasarowara* for the purpose of determining the line of perpetual snows on the southern face of the Himalaya (London, 1846) Pages 174-75. Stating that the boundary lies three miles beyond Changrizang.
44. Visit to Shipki by Alexander Gerard in 1818 : *Account of a visit to Koonawar in the Himalaya* (London 1841). Describing the boundary as at Shipki Pass.
45. Visit to Shipki by Alexander Gerard in 1821 : *Account of an attempt to penetrate by Bekhur to Garoo*. Describing the boundary as at Shipki Pass.
46. Map of Central Asia in Hugh Murray's *Historical Account of Travels and Discoveries in Asia*, Volume I (Edinburgh 1820). Confirming that Tibet's boundaries with Almora and Garhwal lie along the watershed.

47. A. B. Fremiss' *Nouvelle Carte de l'Asie* (Paris, 1829). Confirming that the entire Ganga-tic valley lies in India.
48. *Note of a visit to the Niti Pass of the Grand Himalayan Chain* : J. H. Batten in the *Journal of the Asiatic Society of Bengal*, Volume VII, 1838 Page 714. Recording that Niti Pass was that limit of Indian territory and only areas beyond it were Tibetan.
49. Jules Klaproth's map of Central Asia (Paris 1836). Confirming that Nilang is in Indian territory and that the Kumaon-Tibet boundary lies along the watershed.
50. Thomas Hutton's visit to Spiti in 1838 : *Journal of the Asiatic Society of Bengal*, Volume VIII (1839). Referring to the boundary as at the rock-bridge on the Pare river, one mile east of the Shipki Pass.
51. *Map of the Himalayan provinces of Hindustan, the Punjab, Ladakh, Kashmir, Kabul, Kundus and Bokhara constructed from the original field books and notes of George Trebeck and William Moorcroft* by John Arrowsmith : (London, 1841). Showing the watershed of the Spiti and Pare rivers as the boundary.
52. Treaty of Lahore (1846).
53. Account of a visit to Milam and Untadhura pass by Manson in 1842: *Journal of the Asiatic Society of Bengal*, Volume XI, Part II (1842) Page 1161. Confirming that Sangchamala and Laphthal are in Indian territory.
54. Cunningham—Vans Agnew Commission of 1846. Proving that Spiti was always a part of India.
55. Article IV of Treaty of Amritsar, 1848. To show that Spiti was not Tibetan territory.
56. Account of W.C. Hay's visit to Spiti in 1849-50 : *Journal of the Asiatic Society*, Volume XIX (1850) No. 6. Showing Gyu and Kaurik to be Indian territory.
57. Map in the *Journal of the Asiatic Society*, Volume XIX (1850), No. 6. Showing the boundary as 4 miles to the east of the junction of the Pare and Spiti rivers.



58. Visit of Dr. Ch. Gutzlaff to Shipki in 1849 ; *Journal of the Royal Geographical Society*, Volume XX (1851) Part II, Page 205. Describing the boundary as at Shipki Pass.
59. Account of a visit to Sangchamalla by R. Strachey in 1848. Confirming that the boundary lay along the Balchadhura pass.
60. *Narrative of a journey to the Lakes Rakus tal and Manasarowar* in Western Tibet undertaken in September 1848 : R. Strachey : *Journal of the Royal Geographical Society*, Volume XV, 1900, Page 158. Confirming that the inhabitants of Tola near Milam regarded Tibet as extending only upto the watershed.
61. Account of a visit to Niti Pass by R. Strachey in 1849 : *Journal of the Asiatic Society of Bengal*, Volume XIX, 1850, Pages 79-80. Confirming that Tibetan jurisdiction did not extend beyond Niti Pass.
62. Account of a visit to Tunjun La Pass by R. Strachey (1849). Confirming that the Barahoti was in Indian territory and that the boundary lay along Tunjun La Pass.
63. Account of a visit to Milam in 1848-49 by R. Strachey : *Journal of the Royal Geographical Society*, Volume XV, 1900, Page 165. Confirming that the mines in the whole of Girthi Valley were worked by Indian citizens.
64. Berghaus' map in Stieler's Hand-Atlas (1861). Showing the boundary as lying immediately west of Shipki village.
65. *Karte der Britischen Besitzungen in Ost Indien* Heinrich Kiepert (Berlin 1857). Confirming that the Kumaon-Tibet boundary runs along the watershed.
66. Berghaus' map of 1861 in Stieler's Hand Atlas. Confirming that the northern boundary of Kumaon lies along the watershed and that Nilang and Barahoti are in Indian territory.
67. *Report on the Revision of Settlement in the Kumaon District* : J. O'B Beckett [Allahabad (1874), Volume I, Page 11.] Confirming that the Kumaon Tibet Boundary is along the watershed.

68. Petermann's Map of 1875 in Stieler's Hand-Atlas. Confirming that Kumaon's northern boundary lies along the watershed, and showing the boundary as along the Shipki Pass.
69. *Asie Meridionale* : Andriveau Coujon (Paris 1876). Map showing boundary as 4 miles to the east of the junction of the Pare and Spiti rivers.
70. *Central Asien* map of Joseph Chavanne (Leipzig 1880). Showing the entire Pare Valley as well as the Nilang and Milam areas in Indian territory.
71. *Report on the Tenth Settlement of the Garhwal District* : E. K. Pauw (Allahabad 1896) Page 1. Confirming that the Garhwal Tibet boundary is along the watershed.
72. Ta Ch'ing map of 1899. Ngari Korsum was a part of Ladakh.
73. *Inner Asien und Indien* map in Stieler's Hand Atlas (1901). Showing the boundary as along the watershed, and confirming that the Kumaon-Tibet boundary is along the watershed and that Nilang, Sangchamalla and Laphthal are in Indian territory.
74. *Vorder-Indien und Inner Asien Nordliches Blatt* map. Stieler's Hand-Atlas of 1904. Confirming that the Kumaon-Tibet boundary is along the watershed and that Niti is a border Pass.
75. Account of visit of C.D.H. Ryder to Shipki in 1904 : *Geographical Journal*, Volume XXVI, No. 4 (1905). Page 390. Describing the boundary as at Shipki Pass.
76. Map of British India in Marks' Russian Atlas (1905). Showing the boundary as some miles east of the junction of the Pare and Spiti rivers.
77. Map illustrating Ryder's explorations in the *Geographical Journal* Volume XXVI, No. 4, (1905) page 48c. Confirming that the boundary lies along the Shipki Pass.

78. *Vorder Indien und Inner Asien* map in Stieler's Hand-Atlas (1911). Describing the boundary in the middle sector as along the watershed.
79. *Chinese Frontiers of India* map of the Royal Geographical Society (1912). Showing the traditional Indian alignment in this sector.
80. *Northern Frontiers of India* map of the Royal Geographical Society (1916). Showing the traditional Indian alignment in this sector.
81. Map 26 in *New Atlas of China* published by the Commercial Press (Shanghai 1917). Confirming that the Kumaon-Tibet boundary is along the watershed and that Niti and Balchadhura are border passese.
82. Visit of E.B. Wakefield to Shipki Pass : *Himalayan Journal*, Volume II (1930). Describing the Shipki Pass as the boundary.
83. Sven Hedin : *Trans-Himalaya*, (1913), Page 364. Describing the boundary as on the saddle of the Shipki Pass.
84. *Wall Map of Modern China* : published by the Ya Kuang Society in 1947. Showing the boundary as some miles east of the junction of the Pare and Spiti rivers.
85. *Educational Atlas of China* published by the Ya Kuang Society in 1947. Showing the boundary as some miles ast of the junction of the Pare and Spiti rivers.
86. *Chung hua jenmin kang ho kuo* Atlas published by the Titu chu' pan she Society (Peking 1957). Confirming the boundary as along Shipki Pass.
87. Counsellor Fu Hao's statement at the 3rd meeting of the Barahoti talks held on 24 April, 1958. Which described the area in dispute.
88. Premier Chou En-lai's letter of 8 September, 1959. Which treated Barahoti, Sangchamalla and Laphthal as three separate areas.
89. Swami Pranavananda's letter of 23 October 1950. Pointing out various printing errors in his *Kailas Manasarovar*.

## Indian Alignment : Middle Sector

### (ii) Basis in Administration

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| 1. Land deed of Polhanas (1729).   | Confirming that Barahoti is in Indian territory.  |
| 2. Letter from Raja Jaya Kirti Shah to Kardar Gajey Singh Negi of Taknore in 1784 A.D.   | Proving regular Tehri administration over Nilang and Jadhanga.  |
| 3. Agreement concluded between the Jads of Nilang and the Malguzar of Dharali in 1811 A.D.   | Fixing the amounts of various taxes to be paid by Nilang.   |
| 4. <i>Kangra Settlement Report</i> : J. B. Lyall(1812), page 114.  | Describing the extent of Chuje Kothi.   |
| 5. Tax receipt of 1812 A.D.  | Showing that Nilang village paid Rs. 23 as tax in that year.  |
| 6. 1815 Reconnaissance Survey of Bhagirathi Valley by J. B. Fraser.  | Regarding Tibetan interest in Nilang being confined to occasional raids for plunder.  |
| 7. <i>Statistical Report on the Bhootea Mahals of Kumaon</i> : G. W. Traill (1815).  | Which confirms that the Pargana Johar was wholly under Indian administration and refers to recognised boundaries ; and proves that the whole of Malla Painkhanda was under Indian administration. |
| 8. 1817 Reconnaissance Survey of Gangotri Valley by Capt. G. A. Hodgson.   | Reporting on Nilang and Jadhanga villages.  |
| 9. Gerard's 1822 Survey of Bashahr.  | When Bashahr territory upto the Shipki Pass was surveyed.   |
| 10. Revenue Settlement of 1820.  | Which conforms that Pargana Johar was wholly under Indian administration.   |
| 11. Revenue Settlement of 1813.  | Which confirms that Pargana Johar was wholly under Indian administration.   |
| 12. <i>Map of Garhwal and Sirmur</i> reduced from the 8 Mile Map <sup>3</sup> prepared in Surveyor-General of India's Office, 1822-23 ; ( <i>Historical Records of the Survey of India</i> , Vol. III Dehra Dun, 1954, Page 30). | Confirming that the traditional boundary runs through Shipki Pass.  |

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| 13. Tehri Revenue Records of 1823 A.D.  | Details of revenue being collected from Nilang.  |
| 14. Sanad of Tehri Durbar conferring Rawalship of Gangotri temple on Ganpati, Malguzar of Mukhaba (1827 A.D.) | Allotting revenues for meeting expenditure on religious ceremonies.  |
| 15. Revenue Settlement of 1828.   | Which confirms that Pargana Johar was wholly under Indian administration.  |
| 16. Revenue list of Taknore Patti (1829' A.D.)  | Which lists Nilang as a constituent village of the Patti and gives details of population and revenue paid by Nilang. |
| 17. Orders of Raja Sudarsan Shah to Jads of Nilang (1838 A.D.)  | Regarding adjustments to be made from the taxes paid by the village.   |
| 18. Tehri Revenue Arrears list of 1838 A.D.   | Listing arrears from Nilang.   |
| 19. Ninth Revenue Settlement of 1840-42 by Batten.  | Which confirms that Pargana Johar was wholly under Indian administration.  |
| 20. Revenue Settlement of 1843.   | Which confirms that Pargana Johar was wholly under Indian administration.  |
| 21. 1843 Judicial Records of Tehri State.   | Regarding a dispute between two Nilang villagers.  |
| 22. 1847 Judicial Records of Tehri State.   | Regarding summons issued to some Nilang villagers.   |
| 23. J. H. Batten's Revenue Settlement Report (1848).  | Which confirms that the Johar Bhutea area extends upto the watershed.  |
| 24. 1849 Reconnaissance Survey of Garhwal district.   | Which covered Nilang and Jadhang.  |
| 25. 1849 Lease of forest areas in Taknore patti by Wilson.  | Who subsequently re-established Jadhang village.   |
| 26. Tehri Revenue Records of 1849 A.D.  | Giving details of revenue due from Nilang for 1847 A.D.  |
| 27. <i>Map of Kumaon and British Garhwal</i> : Survey of India (1850).  | Confirming that the boundary is along the Sutlej-Ganges watershed.   |

28. Half-inch Survey of Spiti by J. Peyton during 1850-51: Narrative Report of Capt. Du Vernet. Showing that the surveys covered the area upto the traditional boundary.
29. Map of Nari Khorsum including the eastern-most parts of Ladakh (1851). Confirming that the boundary is along Shipki Pass and the Sutlej-Ganges watershed and that Jadhang, Hoti, Sangchamalla and Laphthal are Indian territory.
30. 1853-54 Survey of Nilang Valley by W. H. Johnson. Which included all the territory upto the watershed.
31. Revenue Settlement of 1853 : *Bashahr State Gazetteer*, Part A (Lahore 1911) Showing the regular revenue collection from Namgia village including its forest and pasture areas.
32. *Map of the Punjab, Western Himalaya and Adjoining parts of Tibet* (1854). Confirming that the boundary runs along the Sutlej-Ganges watershed.
33. Revenue Settlement of 1854— *Bashahr State Gazetteer*, Part A (Lahore 1911). Showing regular revenue collection from Namgia village including its forest and pasture areas.
34. *Report on the Settlement Operations of the Garhwal District, 1856-64* : J. O. B. Beckett (1866-), pages 548-49. Showing that the whole of Mal Painkhanda was under Indian administration.
35. Revenue Settlement of 1856— *Bashahr State Gazetteer*, Part A (Lahore 1911). Showing regular revenue collection from Namgia village including its forest and pasture areas.
36. 1858 Judicial Records of Tehri State. Regarding a case of false complaint against a Nilang village.
37. Revenue Settlement of 1859— *Bashahr State Gazetteer*, Part A (Lahore 1911). Showing regular revenue collection from Namgia village, including its forest and pasture areas.
38. Atlas Sheet No. 65 (1860). Confirming that the border is along Niti Pass.
39. Tehri Revenue Records of 1860 A.D. Listing taxes paid by Nilang.
40. Tehri Revenue Records of 1863 A.D. Listing taxes paid by Nilang.

41. *Report on the Settlement of the District of Garhwal* J.H. Batten (Benares 1863), pages 548-49. Proving that the whole of Malla Painkhanda was under Indian administration.
42. Map appended to J.O.B. Beckett's Report. Confirming that the northern boundary of Malla Painkhanda lies along the watershed.
43. *Report on the Settlement Operations of the Garhwal District 1856-64*: J.O.B. Beckett (1866). Proving that copper mines in the Girthi Valley and Hoti area have been traditionally worked by Garhwalis.
44. Detailed Reconnaissance Survey of Garhwal, 1868-77. Which covered the Barahoti area.
45. 1867 Route Survey of the watershed boundary : *General Report on the Operations of the Survey of India* (Calcutta 1879). Which covered the area between Nilang and Thaga La.
46. *Map of Turkistan with the Adjoining portions of the British and Russian territories.* Confirming that the border lies along the Sutlej-Ganges watershed.
47. 1867-68 Official Surveys . . . . . When Bashahr territory upto the Shipki Pass was surveyed.
48. *Kangra Settlement Report*: J.B. Lyall (1872), Page 103. Describing the limits of Spiti.
49. Beckett's Revenue Settlement of 1872 ; *Report on the Settlement Revision operations in the Kumaon District during 1863-73*, Page 9. Which confirms that Pargana Johar was wholly under Indian administration.
50. Tehri Revenue Records of 1873 A.D. Listing taxes paid by Nilang.
51. Skeleton Sheet No. 8 of the Trans-Frontier maps, Great Trigonometrical Survey of India. (1873). Confirming that the Sutlej-Ganges watershed is the boundary.
52. E.C. Ryall's 1874 Survey of Milam Valley. Which shows that the Milam village limits extended upto the watershed.
53. Revenue Settlement of 1876— *Bashahr State Gazetteer*, Part A (Lahore 1911). Showing regular revenue collection from Namgia village, including its forest and pasture area.
54. *Map of the United Provinces, Parts of Districts Almora and Garhwal.* Survey of India (1876). Confirming that the boundary lies along Balchadhura, Shalshal and Tunjun La Passes.

55. *Supplementary General Report on the Operations of the Survey of India during 1877-78.* Pages 1-3. Confirming that Tibet did not extend beyond the upper Sutlej basin.
56. Great Trigonometrical Survey of India—Kumaon and British Garhwal map (1877). Showing Barahoti as Indian territory.
57. *Hundes or Narikhorsum and Monyul, with parts of surrounding district*—Survey of India (1879). Confirming that Niti, Tunjun La, Shalshal and Kungri Bingri are border passes and that the Gyu-Kaurik area is in India.
58. Survey of India map of 1880 . Brought forward by the Chinese side to prove that the boundary lies along Hupsang and actually showing it at Shipki Pass.¶
59. 1882 Survey of Bashahr State¶ . When territory upto Shipki Pass was officially surveyed.
60. 1882-97 Great Trigonometrical Survey of India. When Bashahr territory upto the Shipki Pass was surveyed.
61. *Map of Kumaon and Hundes.* Survey of India (1884). Confirming that the boundary lies along the Sutlej-Ganges watershed.¶
62. Survey of India map of 1889. . Brought forward by the Chinese side to prove that the boundary lies along Hupsang and actually showing it at Shipki Pass. It also showed Niti, Tunjun Lal, Shalshal and Balchadhura as border passes.
63. Orders of the Conservator of Forests to Nilang village in 1894. Regarding contracts for Nilang forest.
64. Revenue Settlement of 1894—*Bashahr State Gazetteer, Part A* Lahore 1911) Showing regular revenue collection from Namgia village, including its forest and pasture area.
65. *Report on the Tenth Settlement of the Garhwal District* ; E.K. Pauw (Allahabad 1896), page 107. Proving exercise of regular administration in areas claimed by China.
66. Sub-divisional Map of Garhwal (1896).



- . Assessment Circle Map of Garhwal District (1896).
- . Map of Garhwal District showing principal mountain ranges (1896).
- . E.K. Pauw's *Report on the Tenth Settlement of the Garhwal District* (Allahabad 1896).      Confirming that the northern boundary of Malla Painkhanda is along the watershed.
- . 1897 Survey of Bashahr State      .      When territory upto Shipki Pass was officially surveyed.
- . 1900 A.D. Special Census : *Gazetteer of British Garhwal* (1911), page 192.      Showing Census coverage of Niti village
- . The 1900 special census of Milam.
- . Goudge's Revenue Settlement of 1902.      Which confirms that Pargana Johar was wholly under Indian administration.
- . Tehri Revenue Records of 1903 A.D.      Listing taxes paid by Nilang.
- . Article IV of the 1904 Anglo-Tibetan Convention.      Which provided for proper maintenance of the Hindusthan-Tibet road.
- . Quarter Inch Northern Frontier Survey of 1904.      Which covered the Barahoti areas.
- . 1904-1905 Survey of Bashahr State      .      When territory upto Shipki Pass was officially surveyed.
- . Rawlinson's Survey of 1904-1905      .      When Bashahr territory upto the Shipki Pass was surveyed.
- . Punjab Government's proposals of 23 March 1907 to the Government of India on the Hindusthan-Tibet road.      Suggesting that in view of Tibetan disinterest in the trans-frontier portion of the road, the Shipki Pass—Shipkee village stretch may be improved by India.
- . Judgement of Deputy Collector, Uttar Kashi in 1907 A.D.      In a dispute between the Forest Department and some Nilang villagers.
- . Map appended to the *Imperial Gazetteer of India*, Provincial Series, Punjab (1908).      Confirming that the traditional boundary runs through Shipki Pass.

82. Deputation of Major Napier on tour of the Almora border in 1910. On the basis of which he reported that the watershed was the boundary.
83. *Gazetteer of British Garhwal* (1910) Which defines the boundary along the watershed.
84. *District Map of Garhwal* (1910) Showing Barahoti as Indian territory.
85. *District Map of Almora* (1911). Confirming that the boundary lies along the Sutlej-Ganga watershed.
86. *Gazetteer of Almora District* (1911) On the Gurkha rule in Almora. It also confirms that the Almora-Tibet boundary lies along the watershed.
87. Punjab Government's proposals of 12 March 1912 to the Government of India on the Hindusthan-Tibet Road. Suggesting that in view of Tibetan disinterest in the trans-frontier portion of the road the stretch from Shipki Pass to Shipki village may be improved by India.
88. *Final Report of the Third Revised Settlement of the Kulu Sub-Division of the Kangra District 1910-13* (Lahore 1913). Detailing the successive revenue settlements which dealt with Chuje Kothi from 1847 onwards.
89. Statement of Ivan Chen, Chinese Plenipotentiary at the Simla Conference on 7 March 1914. Clarifying that religious supremacy does not confer territorial sovereignty.
90. Statement of Sun Pao-chi, Chinese Foreign Minister, on 13 June 1914. Clarifying that religious supremacy does not confirm territorial sovereignty.
91. Tehri Revenue Records of 1915 A.D. Recording enhancement of taxes due from Nilang.
92. Orders of the Tehri Durbar to Nilang villagers in 1916 A.D. Fixing amounts payable for utilisation of forests.
93. Revenue Settlement of 1916-17. Showing the regular revenue collection from Chuje.
94. 1917 Survey of Bashahr State. When territory upto Shipki Pass was officially surveyed.

95. Report of British Trade Agent, Gartok, for 1918. Giving details of the maintenance of the Hindustan-Tibet Road by the Public Works Department.
96. *Gaon Halat* of Nilang (1919-20). Describing successive revenue settlements from 1851 onwards.
97. 1919-20 Revenue Settlement of Nilang and Jadhang.
98. 1920-21 Survey of Bashahr State. When territory upto Shipki Pass was officially surveyed.
99. *Ikrarnama* records of Tehri State. Refixing land revenue due from Nilang village.
100. *Sarhadbandi* records of Tehri State Describing Nilang village's boundaries.
101. *Hukumnama* records of Tehri State Describing the population, economy, taxes and village self-governing institutions of Nilang and Jadhang.
102. *Shikam-i-fard* records of Tehri State. Listing the Marusidars, Khaikars and Sirtans of Nilang and Jadhang.
103. *Muntakab Parcha* records of Tehri State. Listing various types of land-holdings in Nilang and Jadhang.
104. *Phant* records of Tehri State. Listing data on which revenue from Nilang and Jadhang is assessed.
105. *Yad dast rasm gaon* records of Tehri State. Listing forest, mining and [pasturage rights of Nilang and Jadhang and showing that these included Pulamsumda and extended upto the watershed.
106. *Hukumnama* records of Tehri State. Describing the village boundaries of Jadhang.
107. *Hukumnama* records of Tehri State. Describing the location of Jadhang village and showing it to be a part of Nilang.
108. *Halat Gaon* records of Tehri State. Describing the people and customs of Jadhang village.

109. *Shikam-i-fard* records of Tehri State. Listing land-owners and tenants in Jadhong village.
110. *Akhri Goshwara* records of Tehri State. Giving details of land holdings in Jadhong village.
111. *Goshwara Khasra* records of Tehri State. Giving details of classification of lands in Jadhong village.
112. Revenue map of Nilang village.
113. Revenue map of Jadhong village scale 1 : 979.
114. *Paro Mawcsia* records of Tehri State. Listing camping-grounds belonging to Taknote Patti, of which Pulamsumda is specifically mentioned as one.
115. *Naksha Mardum Sumari* records of Tehri State. Giving census lists of Nilang.
116. *Naksha Mardum Sumari* records of Tehri State. Giving census lists of Jadhong.
117. 1921 Census Operations : *District Census Statistics-Garhwal District* (Allahabad 1923), page 32. Showing census coverage of Nilang Village.
118. Revenue Settlement of 1921-22. Showing regular revenue collection from Chuje.
119. Water-Bird Year—List of doors of Tsaprang dzong. Which was one of the total number of two documents produced by the Tibetan representatives before the 1926 Commission and found to be unconnected with the problem.
120. "Avowal" of 1926. Brought forward by the Chinese side which showed that the Tehri villagers were paying the trade tax in their own currency.

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| 121. Book without cover, title or date.   | Which was one of the total number of two documents produced by the Tibetan representative before the 1926 Commission and found to refer to trade dues only. |
| 122. Home Member of Tehrils letter of 14 October 1927.  | On the Tibetan failure to produce evidence supporting its claim.  |
| 123. 1927 Judicial Records of Tehri State.  | Regarding a suit between two Nilang villagers filed in the Adalati Panchayat Court of Taknore.  |
| 124. Traditional boundary description book of villages in Pargana Painkhanda (1931). Pages 3A-5A. | Proving that the village boundaries were officially demarcated.   |
| 125. Traditional boundary description book of villages in Pargana Painkhanda (1931). Page 38.     | Which describes in detail the boundary as lying along the watershed.  |
| 126. Hugh Rose's Sketch Surveys of Garhwal (1931).  | Which covered the Barahoti area.  |
| 127. Revenue Settlement of 1931-32.   | Showing regular revenue collection from Chuje.  |
| 128. 1932A.D. Judicial Records of Tehri State.  | Regarding a civil suit between two villagers of Nilang in the Adalati Panchayat Court of Upper Taknore.   |
| 129. <i>New Atlas of China</i> published by the Shun Pao (1935).                                  | Showing Barahoti and Sangchamalla areas as Indian territory.  |
| 130. 1936 rigorous surveys.   | Which covered the southern part of Nilang and Jadhanga area.  |
| 131. 1936 Judicial Records of Tehri State.  | Regarding a criminal case between two Nilang villagers.   |
| 132. Revenue Settlement of 1936-37.   | Showing regular revenue collection from Chuje.  |
| 133. Revenue Settlement of 1941-42.   | Showing regular revenue collection from Chuje.  |

134. *India and Adjacent Countries* map 1945.
135. *Map of the Administrative Areas of the Chinese Republic*, issued by the Chinese Ministry of the Interior (1947). Showing Barahoti and Sangchamalla areas as in Indian territory and the traditional Spiti-Tibet boundary as east of Gyu and Kaurik.
136. *India showing Political Divisions* map 1950.
137. *Wall Map of the People's Republic of China*, Peking, January 1951. Confirming that the traditional Spiti-Tibet boundary is east of Gyu and Kaurik and showing Barakoti and Sangchamalla areas as Indian territory.
138. *New Map of Tibet*, Peking 1951. . Showing Barahoti and Sangchamalla areas as Indian territory.
139. *India and Adjacent Countries* map (1952).
140. *District Census Handbook—Tehri Garhwal District*, Allahabad 1955. Showing coverage of Nilang and Jadhgang in the 1951 Census of India.
141. *Political Map of India* (1956).
142. Indian Protest of 2 May 1956. On Chinese border violation in Nilang-Jadhgang area.
143. Indian protest of 8 September 1956. On Chinese border violation at Shipki, to which China failed to reply.
144. Indian *aide-memoire* of 24 September 1956. On Chinese border violation at Shipki to which China failed to reply.
145. Note of the Indian Embassy of 7 December 1957. On Chinese violation of Spiti border.
146. Note of 25 December 1957. On Chinese violation of Spiti border.

## Indian Alignment : Eastern Sector

### (i) BASIN IN TRADITION AND CUSTOM

1. *Mahabharata* Chapter 26 of *Sabha Parva* and Chapter 18 of *Udyog Parva*. Conquest of the area claimed by an Indian king as proof that it was traditionally part of India.
2. *Ramayana*. Showing that the ancient Indian kingdom of Pragjyotisha included what is now North East Frontier Agency.
3. *Bhagavata*. Subjugation of tribal areas as proof of its having traditionally been part of India.
4. *Kalika Purana* Chapters 36—40. Evidence of conquest of tribal area by an Indian king.
5. *Vishnu Purana*. Showing subjugation of tribal areas, and extent of Kamarupa.
6. *Yogini Purana*, Book I, Chapter II Stating that Kamarupa extended upto Kanja hills.
7. Hieun Tsang. Regarding extent of Kamarupa.
8. Account of Shihabuddin Talish, a Mogul historian (1663). Stating that the hill tribes accepted the sovereignty of the Assam kings.
9. Madhabcharan Kataki's interview with the Moghal Commander. Stating that the frontier tribes were serving willingly under the Assam Rajas.
10. *Political Geography of the Assam Valley* (17th century). Stating that the Daflas, Akas and Bhutias were tributaries of the Ahom kings of Assam.
11. Desideri : *An Account of Tibet*, ed. De Filippi, 1937, pages 143--45. Showing that in early 18th century Congbo marked the extreme limit of Tibet and that the Tibetans were not allowed to enter the territory of the Lhobas (tribal people).
12. d'Anville's *Nouveau Atlas de la Chine*, 1737. A map based on Chinese official investigations showing the Himalayan ranges as the boundary between Tibet and India.

13. Markham : *Narratives of the Mission of George Bogle to Tibet and of the Journey of Thomas Manning to Lhasa*, London 1879, page 314. Containing the account of Horace Della Penna (1760) stating that Mon (Tawang) Lhoba and Lhokaptra (rest of NEFA) were outside Tibet.
14. *Wei tsang t'u chih* (1792). Stating that 'Loyu' territory was outside Tibet.
15. Map prepared during the reign of Tao-kuang (1821-50). Showing Nye Chu and Char Chu as the southern limit of Tibet.
16. *Journal of the Royal Geographical Society*, Vol. 20, Part II, 1851, pages 191-192. Containing an article by Gutzlaff (1849) to the effect that the land of the wild Abors was outside Tibet and that Chayul Chu and Char Chu formed the boundary between the two.
17. A German map by Stulpnagel published in Gotha, 1855. Shows Indian boundary north of the tribal area.
18. *Records of the Survey of India*, Vol. 8, Part II : Major Tanner's article regarding the journey of Mongolian Lama Serap Gyatso in 1856-58. Stating that Pome and Pre-ma-kee were independent of Tibet.
19. Ta Ching map of 1863. Showing the Nye Chu and Char Chu near the traditional Indian boundary as the southern limit of Tibet.
20. *The Sketch Map of some parts of Southern and Eastern Tibet as used Many Years ago by Catholic Missionaries*, published in 1871. Clearly showing Abor, Mishmi and tribal areas outside Tibet.
21. T. T. Cooper : *The Mishmi Hills*, London, 1873. Stating that Rima was on the frontier of Tibet.
22. *Journal of the Royal Geographical Society*, Vol. 47 : Trotter's article regarding Nain Singh's journey. Stating that Tawang was not under the control of Tibetan officials and that Monbas were different from Tibetans.
23. *Records of the Survey of India*, Vol. 8, Part I, Explorer Lala's journey, 1875-76. Showing that collection of customs dues at Tawang-Tibet border proved that Tawang was not part of Tibet.
24. Map of *Asie Meridionale* by Andrievau Coujon, Paris, 1876. Shows the traditional Indian boundary.



25. Michell: *Report on the North East Frontier of India*, 1883. Showing that the Abors were serving under Assam rulers
26. Michell: *Report on the North East Frontier of India*. Stating that Nainphalla hills formed the boundary between Abor area and Tibet and that Poyul was independent of Tibet.
27. Huang Pei-chiao's *Hsi tsang t'u kao* (1886) Chapter 8, page 38. Showing that the tribes from Layul to Kashmir were under India.
28. Map No. 25 of *Ta ching ti ku ch'uan t'u*, published by Commercial Press, Shanghai, 1908. Showing that India-Tibet boundary lay along the traditional alignment claimed by India.
29. *Atlas of the Chinese Empire* by China Inland Mission, 1908. Showing the boundary in consonance with the traditional Indian alignment.
30. Map on page 30 of *Chung kuo ching shih yu ti tu shwo* by Chiao Chung Academy, Canton, 1910. Shows the boundary in consonance with the traditional Indian alignment.
31. Royal Geographical Society Map of 1912. Shows the traditional Indian boundary.
32. *Journal of Royal Society of Arts*, 1912 Holdich's article. Confirming Indian control right upto the traditional boundary claimed by India.
33. Statement of Ivan Chen at the Simla Conference of 7 March 1914. Showing that the limits of spiritual authority were not synonymous with limits of temporal authority and that contributions paid to Lhasa were not necessarily revenue paid to Tibet.
34. Statement of Sun Pao-chi on 13 June 1914. Stating that exercise of ecclesiastical authority by lamas did not prove that the areas belonged to Tibet.
35. Royal Geographical Society Map of 1916. Shows the traditional Indian boundary.
36. Map of Tibet in *New Atlas and Commercial Gazetteer of China*, 1917. Shows the north-eastern boundary of India in accordance with the traditional Indian alignment.

37. Peking University Atlas of November 1925 : Map depicting the Maximum extent of China in the days of the Ching dynasty. Shows the boundary along the Indian traditional alignment.
38. *Ching shih kao* or Dynastic History of the Ching period, Book 27, page 2. Stating that the tribal area in Assam lay outside Kham area of Tibet.
39. Kingdon Ward: *Assam Adventure*; and articles in *Royal Central Asian Society Journal*, 1938. Confirming international boundary along the "McMahon Line".
40. Government of India's note, 12 February 1960. Showing that the Chinese contention that the red line on the Simla Convention Map represented Tibet-China boundary, was fantastic.

### Indian Alignment in the Eastern Sector]

#### (ii) EVIDENCE OF INDIAN ADMINISTRATION

1. Tours of Bedford, Neufville and Wilcox in the Abor area, 1826-27. Evidence of administration.
2. Undertaking given by the Chief of Tawang. Accepting British jurisdiction.
3. Undertaking given by Aka and Bhutia Tribes, 1844. Promising to guard against enemies and assuring good behaviour.
4. Undertaking given by other Bhutia Chiefs, 1844. Agreeing "to act up to any orders we may get from the British Government".
5. Vetch's tours of Abor areas, 1847. Evidence of administration.
6. Abor expedition, 1866. Evidence of control over Abor area.
7. Undertaking given by Abors, 1866. Agreeing to preserve the tranquillity of the area.
8. Bengal Eastern Frontier Regulation of 1873. Showing that *Inner Line* between NEFA and Assam was an internal line and that entry into tribal areas beyond the *Inner Line* was controlled by Indian Government.
9. Government of India's notification of September 1875. Showing that *Inner Line* was an internal administrative line.

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| 10. Government of India's notification of March 1876.  | Showing that <i>Inner Line</i> was [an internal administrative line.                                       |
| 11. Frontier Tract Regulation, 1880  | Evidence of revenue collection and civil administration.   |
| 12. Assam Census Report of 1881.   | Showing evidence of administration in NEFA and that NEFA was bounded by the Himalayan ranges on the north. |
| 13. Survey of India Map of 1883.   | Showing the tribal area by colour wash as part of India.   |
| 14. <i>Inner Line</i> Notification regarding Lakhimpur, October 1884.  | Showing that <i>Inner Line</i> was an internal administrative line.  |
| 15. Annual Report on the Frontier Tribes for the year 1885-86.   | Showing Indian control over Tawang.  |
| 16. Undertaking by Abors, 1888-  | Promising good behaviour.  |
| 17. Annual Report on the Frontier Tribes for the year 1896-97.   | Showing administrative powers exercised in the Monba, Miri, Abor and Dafia areas.                          |
| 18. Assam Census Report of 1901.   | Showing general administration.  |
| 19. Annual Report on the Frontier Tribes for the year 1901-1902.   | Showing administrative functions exercised in Miri and Abor areas.   |
| 20. Annual Report on the Frontier Tribes for the year 1902-1903.   | Showing control exercised over Monba and Aka areas.  |
| 21. <i>District Map of India</i> , 1903.   | Showing internal administrative line north of Assam.   |
| 22. Survey of India map of 1895 corrected upto 1903.   | Showing tribal territory by a colour wash as part of India.  |
| 23. Map attached to <i>Memorandum on Native States</i> , Vol. II, 1909.  | Showing tribal territory by a colour wash as part of India.  |
| 24. <i>Map of Eastern Bengal and Assam</i> attached to Aitchison's <i>Collection of Treaties etc.</i> , Vol. II, 1909. | Showing tribal territory by a colour wash as part of India.  |
| 25. Orders issued to Abor tribes, 1911.  | Evidence of control over Abors;  |

26. Miri Mission Report, 1911-12. Containing Kerwood's report regarding survey of Subansiri, Kamla and Khru river valleys
27. Report on the Abor Expeditionary Force, 1912. Containing detailed report showing survey of Abor area.
28. Report on the Mishmi Mission Force, 1911-13. Evidence of survey and public works in the Mishmi area.
29. Tour diary of Dundas, Political Officer, Abor area, 1913. Evidence of official tours in Abor areas.
30. Huddleston's Report, 1913-14. Survey of Tawang and other Monba and Aka areas.
31. Report of Captain Nevill, Political Officer, Western Section, North East Frontier, 1914. Evidence of official tour of Tawang and other Monba areas and of Indian administrative machinery prevailing in the Monba area.
32. Bell's note regarding discussion with Lonchen Shatra during the Simla Conference, 1914. Evidence to show that Tibet had only private estates and private income in Tawang.
33. Statement by Ivan Chen on 12 January 1914 during the Simla Conference. Evidence to show that Pome and Pe-ma-koe were not under Tibetan administration; and evidence to show that Lower Tsayul was not under Tibetan administration.
34. Agreement between India and Tibet dated 24/25 March 1914. Showing that Tibetan interest south of the 'McMahon Line' was confined to private estates.
35. 1914 discussions between British and Tibetan representatives. Stating that minor differences regarding boundary would be settled in a friendly spirit
36. Government notification of 1914 regarding establishment of Central and Eastern Section, Western Section and Lakhimpur Section of the North East Frontier Tract. Evidence of general administration.
37. Annual Report on the Frontier Tribes for the year 1914-15. Evidence of taxation and other administrative functions exercised in Abor and Mishmi areas.

38. Annual Report on the Frontier Tribes, 1915-16. Maintenance of law and order and collection of taxes in Abor and Mishmi areas.
39. Note by Dundas, Political Officer, Central and Eastern Section, North East Frontier Tract, dated January 1916. Public works in Mishmi area.
40. Map of *Tibet and Adjacent Countries*, 1917. Showing correct international boundary in the inset.
41. *Postal Atlas of China*, 1917. Official Chinese map showing correct international boundary.
42. Annual Report on the Frontier Tribes, 1918-19. Showing Indian administration in Tawang.
43. Gazette notification of March 1919. Renaming Central and Eastern Section and Western Section of the North East Frontier Tract, as Sadiya Frontier Tract and Balipara Frontier Tract; evidence of administration.
44. Government of India's letter dated 2 September 1920. Sanctioning tours of Political Officers in the North East Frontier Tract.
45. Government notification 5G of 3 January 1921. Evidence of legislative powers exercised.
46. Assam Census Report of 1921. Administration in what is now North East Frontier Agency.
47. Tibetan Government's letters of 23 September 1923 and 16 February 1924 and Bailey's letter of 3 January 1924. Showing that Tibet herself did not consider Layul and Lower Tsayul as Tibetan territories.
48. *Inner Line* notifications of 1928, 1929, 1934 and 1958. Showing that the *inner Line* was an internal administrative line.
49. Government of India Act of 1935. Classifying the tribal hilly areas as Excluded and Partially Excluded Areas for purposes of administration.
50. Government of India Act of 1935. Section 311. Showing that India included tribal territory

51. The Government of India (Excluded and Partially Excluded areas) Order dated 3 March 1936. Declaring certain areas as excluded from the regularly administered province.
52. Assam Government's letter dated 7 September, 1938. Conveying the political Officer's findings regarding condition in Tawang and illegal activities of the Tsoela Dzongpon.
53. Letter of the Government of Assam to the Government of India, dated August, 1938. Regarding expedition to Tawang.
54. Tour diary of R. W. Golrey, March, 1939. Official tour of the Abor area and the exercise of administrative duties.
55. Letter from the Government of Assam to the Government of India, April 1939. Showing evidence of administration in the Monba and Aka areas.
56. Government of India's letter of August 1940 to the Government of Assam. Regarding establishment of out-posts at Karko and Riga in the Abor area.
57. Government of Assam's letter of September 1940. Public works in Lohit valley.
58. Protest by British Government to Tibet dated 24 March 1943. Showing that the activities of the Tibetan Officers in Monba area were illegal.
59. Tibetan Government's reply of 12 April 1944. Agreeing not to collect taxes in the Monba area and thereby accepting that such activities were illegal.
60. Discussions between the British representative and the Tibetan Government, October to December 1944. In pursuance of assurances regarding private estates in the Monba area.
61. Gould's note on discussions with the Tibetan *Kashag*, 31 October 1944. Showing that Tibet did not dispute the validity of the 'McMahon Line and that she only wanted a postponement of extension of regular Indian administration up to that Line and that Chiang Kai-shek was pressing them to admit differences with the British.

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| 62. Letter from the Assam Government dated 4 July 1945.  | Showing the illegal activities and forging of 'treaties' by Tsona Dzongpons.        |
| 63. Regulation I of 1945.  | Judicial administration and exercise of police authority.                           |
| 64. Extracts from records of Government of India, September, 1946.                                     | Evidence of general administration and public works in different parts of NEFA.     |
| 65. Political Officer's tour of Lohit Valley, 1946.  | Showing that local people accepted the traditional Indian boundary.                 |
| 66. Jhum Land Regulation of 1947.  | Showing general administration in NEFA.   |
| 67. Discussions between Indian Political Officer and the Tibetan Deba, April 1949.                     | Showing Tibetan acceptance of the traditional Indian boundary.                      |
| 68. Indian note of 12 February 1950 to China.  | Regarding stabilisation of the border.  |
| 69. Discussion between the Indian Trade Agent at Yatung and the Tibetan Foreign Bureau, 22 March 1951. | Stating that India would extend regular administration upto the "McMahon Line".     |
| 70. Discussion between the Indian Trade Agent at Yatung and the Tibetan Foreign Bureau, 17 April 1951. | Reiterating that India would extend regular administration upto the "McMahon Line". |
| 71. Correspondence between the Indian Assistant Political Officer, Tawang and Tsona Dzongpon, 1953.    | Acceptance of "McMahon Line" and existence of cordial relations on the border.      |
| 72. Indian Prime Minister's conversation with Chinese Prime Minister, 1954                             | Showing that China did not raise the issue until recently.                          |
| 73. Letter to Tsona Dzongpon, 1955.  | Acceptance of "McMahon Line" and existence of cordial relations on the border.      |
| 74. Discussions between Indian Assistant Political Officer and Tsona Dzongpon of Pe-ma-koe, 1956.      | Regarding Tibet's acceptance of Indian traditional boundary.                        |
| 75. Indian Prime Minister's conversations, with Chinese Prime Minister, 1956-57                        | Showing that China did not raise the issue until recently                           |

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| 76. Indian Ambassador's informal protest regarding map of China displayed at Peking airport, February 1957.          | Showing that China did not raise the dispute until recently.           |
| 77. Government of India's note of 21 August 1958 drawing attention to Chinese maps showing the boundary erroneously. | Showing that China did not raise the issue until recently.             |
| 78. Chinese reply of 3 November 1958   | Admitting that the alignment in Chinese maps was based on old maps.    |
| 79. Prime Minister of India's letter of 14 December 1958 raising the question of maps.                               | Showing that China did not raise the issue until recently.             |
| 80. Chinese Prime Minister's reply of January 1959.  | Showing that China still did not raise this issue.                     |
| 81. <i>Inner Line</i> notification of 1958, notified to the Chinese Embassy, 23 January 1959.                        | Showing Chinese acceptance of Indian alignment.                        |
| 82. Indian Note of 24 July 1959 regarding Longju.  | Showing that at that time China did not consider it Chinese territory. |

### **Boundary between Bhutan and Sikkim and Tibet.**

#### EVIDENCE IN TREATIES, TRADITION AND ADMINISTRATION

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|--|--|
| 1. Anglo-Chinese Convention of 1890.                           | Defining Sikkim's boundary with Tibet.   |
| 2. Delimitation of Tibet-Sikkim boundary of 1895.              |  |
| 3. Indo-Bhutan treaty of 1949.                                 | Showing India's responsibility for the external relations of Bhutan.             |
| 4. Indo-Sikkim Agreement of 1950                               | Showing India's responsibility for the defence and external relations of Sikkim. |
| 5. Bhutan National Assembly Resolution.                        | Drawing attention to the errors in depiction in Chinese maps.                    |
| 6. Government of India's note of 21 August 1958.               | Drawing attention to erroneous depiction of the boundary in Chinese maps.        |
| 7. Chinese Prime Minister's Press Conference on 25 April 1960. | Stating that China respects India's relations with Bhutan and Sikkim.            |



## ANNEXURE 'B'

Official maps cited by the Indian side in support of the alignment

### INDIAN MAPS

#### *Western Sector*

1. Map of Nari Korsum by Strachey (1851).
2. Map illustrating the routes taken by Johnson (1865).
3. Map of Central Asia by Walker (1866).
4. Map of Turkistan by Walker (1868).
5. Map of Eastern Turkistan attached to the Yarkand Mission Report (1873).
6. Johnston's Atlas (1894).
7. Imperial Gazetteer map (1886).
8. Map of India (1889).
9. Kashmir Gazetteer map (1890).
10. Map in Surveyor General's Report for 1905-1906.
11. Imperial Gazetteer map (1907).
12. Southern Asia Series map (1929).
13. India and Adjacent Countries map (1945).
14. Map of India showing Political Divisions (1950).
15. India and Adjacent Countries map (1952).

#### *Middle Sector*

1. Map of Garhwal and Sirmur (1822-23).
2. Map of Kumaon and British Garhwal (1850).
3. Map of Nari Khorsum (1851).
4. Map of the Punjab and Western Himalays (1854).
5. Atlas Sheet No. 65 (1860).
6. Beckett's Settlement Report map (1866).
7. Map of Turkistan with adjoining portions (1868).
8. Skeleton Sheet No. 8 of Trans-Frontier Series (1873).
9. Map of United Provinces (1876).
10. Map of Kumaon and British Garhwal (1877).

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\*The 13 maps quoted by the Chinese side and referred to by the Indian side at p. 252 are those listed in the Annexure to the Chinese Report under the following numbers:

- (i) Items 3, 8 and 10 of the section on Treaties and Agreements;
- (ii) Items 15, 17, 20, 33, 44, 45 and 63 of the section on the Western Sector;
- (iii) Items 10 and 35 of the section on the Middle Sector; and
- (iv) Item 29 of the section on the Eastern Sector.

11. Map of Hundes and Nari Khorsum (1878).
12. Gazetteer map of Kumaon and Hundes (1884).
13. Sub-divisional map of Garhwal (1896).
14. Assessment Circle map of Garhwal (1896).
15. Map of Garhwal showing principal mountain ranges (1896).
16. Imperial Gazetteer map (1908).
17. District Map of Almora (1910).
18. District Map of Garhwal (1911).
19. India and Adjacent Countries map (1945).
20. Map of India showing Political Divisions (1950).
21. India and Adjacent Countries map (1952).

#### *Eastern Sector*

1. Map of India (1883).
2. Map of India (1903).
3. Native States Memorandum map (1909).
4. Aitchison map (1909).
5. Tibet and Adjacent Countries map.
6. India and Adjacent Countries map (1945).
7. Map of India showing Political Divisions (1950).
8. India and Adjacent Countries map (1952).

#### CHINESE MAPS

Cited by the Indian side in support of the traditional customary boundary:

- Western Sector:*
- (i) Hung Ta-chen's map (1893).
  - (ii) Postal Atlas of 1917.
  - (iii) Postal Atlas of 1919.
  - (iv) Postal Atlas of 1933.

- Middle Sector:*
- (i) Map of the Administrative Divisions of the Chinese Republic (1947).
  - (ii) Wall Map of China (1951).
  - (iii) New Map of Tibet (1951).
  - (iv) Chung-hua Atlas of Ti-t'u-ch'u-pan-she (1957).

- Eastern Sector:*
- (1) Postal Atlas of 1917.

## ANNEXURE 'C'

### Examples of changes in the Chinese Report

The following are some instances of new material brought forward by the Chinese side which had not been mentioned during the discussions:

- (1) In connection with the 1842 treaty, official Indian maps of the period are said to have shown the Ladakh-Tibet boundary in the main consistently with the alignment now shown on Chinese maps.
- (2) During the discussions the Chinese side cited a document which stated that "Chushul was very close to the Naga of Mordo of Rudok Dzong". The Indian side pointed out that a mere statement that Chushul was very close to Rudok Dzong was no proof of the boundary alignment. No reply was made then; but it is now asserted without any evidence or specific co-ordinates that the Naga of Mordo is to be the west of the Spanggur Lake.
- (3) The Indian side brought forward a map in an Atlas published by the Peking University showing the maximum extent of the Chinese Empire during the Ching dynasty. Even in that map the Aksai Chin area had not been shown in China. The Chinese side were unable then to explain away this map. It is now contended for the first time in a new annotation that this map was drawn by a student of Peking University.
- (4) A quotation is now cited for the first time that Tanktse, Lukung and Phobrang were "three small villages", though this has no bearing on the fact that Tanktse was the headquarters of an *Ilaqa*.
- (5) The Prime Minister of India is quoted as having said that during British rule the Aksai Chin area had neither inhabitants nor outposts.
- (6) The Chinese side asserted during the discussions that an Indian explorer, Kishen Singh, had stated that Khurnak belonged to Tibet and they gave the reference in the published records of the Survey of India. The Indian side read out the relevant passage and showed that Kishen Singh had not made any such statement. The Chinese side thereafter made no attempt to justify their contention. However, it is now stated that Kishen Singh had camped in allegedly Tibetan territory and that Khurnak fort was close to it. This is, obviously, not to say that Khurnak is in Tibet; but even this erroneous argument had not been made at the discussions.
- (7) The Prime Minister of India is said to have admitted explicitly that British India had not exercised jurisdiction in the Aksai Chin area.

- (8) It is claimed now that the Chinese side brought forward evidence regarding the settlement of murder and robbery cases by Tibetan authorities in this area. No such claim was made in the Chinese statement at the discussions.
- (9) The British Indian proposals regarding the northern boundary of Kashmir in 1899 did not describe the northern boundary. This statement, made here for the first time, is factually incorrect; and at the discussions the Chinese side had explicitly stated that the proposals of 1899 had described the northern boundary line and had been rejected by China.
- (10) Britain instigated the Tibetan declaration of independence in 1912 and China took punitive actions.
- (11) In 1950 what was mentioned was the stabilization of the Sino-Indian border, and no reference was made to the boundary, and, therefore, the Indian side could not take the border for the boundary.
- (12) For the first time, it is incorrectly argued that Chinese maps, cited by the Indian side for the Eastern Sector, had not shown the traditional Indian alignment. Till now the Chinese side had been merely seeking to underrate the reliability of these works.
- (13) In the Eastern Sector, the Chinese side brought forward a document stating that certain *Manja* dues had been collected for expenses of worship. The Indian side pointed out that this made it clear that these were only religious dues. It is now asserted that the *Manja* dues formed one of the various taxes paid by that area to the Tibetan Government.
- (14) The Chinese side brought forward a document in the Eastern Sector which the Indian side showed clearly to concern usury transactions of the Tibetan landlords. This was not refuted at the time, but in the report it is stated that the Indian side misrepresented the meaning. The Chinese side claim now that the document has the Tibetan words "exacting corvee and levying taxes". As the Indian side pointed out even then, there is no mention of taxes in this document.
- (15) Many places were mentioned in the Tibetan documents cited by the Chinese side. When the Indian side asked the Chinese side to identify these places by names or co-ordinates, the Chinese side were able to identify only some of them by name. Now they have all been identified in such a manner as to suggest that they are all south of the 'McMahon Line'.

**REPORT OF THE CHINESE OFFICIALS ON THEIR STATE-  
MENTS AND COMMENTS MADE DURING THE MEETINGS  
OF THE OFFICIALS OF THE TWO GOVERNMENTS**



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## ITEM I

### LOCATION AND TERRAIN FEATURES OF THE BOUNDARY

#### POSITIVE STATEMENT

The Sino-Indian boundary has never been formally delimited and there is only a traditional customary boundary line between the two countries. The location and terrain features of this traditional customary boundary line are now described as follows in three sectors, western, middle and eastern. The western sector refers to the section of the boundary linking Sinkiang and Tibet of China with Ladakh; the middle sector, the section of the boundary between China's Tibet on the one hand and India's Punjab, Himachal and Uttar Pradesh on the other; and the eastern sector, the section of the Sino-Indian boundary east of Bhutan.

#### A. Concerning the Western Sector

The western sector of the traditional customary line is divided into two portions, with Kongka Pass as the dividing point. The portion north of Kongka Pass is the boundary between Sinkiang and Ladakh, and the portion south of it is that between Tibet and Ladakh.

The portion between Sinkiang and Ladakh for its entire length runs along the Karakoram Mountain range. Its specific location is as follows: From the Karakoram Pass it runs eastwards along the watershed between the tributaries of the Yarkand River on the one hand and the Shyok River on the other to a point approximately  $78^{\circ} 05' E, 35^{\circ} 33' N$ , turns south-westwards and runs along a gully to approximately  $78^{\circ} 01' E, 35^{\circ} 21' N$ ; where it crosses the Chipchap River. It then turns south-east along the mountain ridge and passes through peak 6,845 (approximately  $78^{\circ} 12' E, 34^{\circ} 57' N$ ) and peak 6,598 (approximately  $78^{\circ} 13' E, 34^{\circ} 54' N$ ). From peak 6,598 it runs along the mountain ridge southwards until it crosses the Galwan River at approximately  $78^{\circ} 13' E, 34^{\circ} 46' N$ . Thence it passes through peak 6,556 (approximately  $78^{\circ} 26' E, 34^{\circ} 32' N$ ), and runs along the watershed between the Kugrang Tsangpo River and its tributary the Changlung River to approximately  $78^{\circ} 53' E, 34^{\circ} 22' N$ , where it crosses the Changlung River. It then follows the mountain ridge in a south-easterly direction up to Kongka Pass.

The portion between Tibet and Ladakh starts at Kongka Pass where it turns south-west along the mountain ridge, crosses the junction of the Chang Chenmo River and the Silung Barma River, ascends the mountain ridge again and passes through Mount Lamate (approximately  $78^{\circ} 55' E, 34^{\circ} 10' N$ ), continues southwards along the Chang Chenmo Mountain, passes through peak 6,107 (approximately  $78^{\circ} 39' E, 34^{\circ} 04' N$ ), and then again south-eastwards along the mountain ridge up to Ane Pass. From Ane Pass southwards, the boundary line runs along the mountain ridge and passes through peak 6,127 (approximately  $78^{\circ} 46' E, 34^{\circ} 50' N$ ), and then southwards to the northern bank of the Pangong Lake (approximately  $78^{\circ} 49' E, 33^{\circ} 44' N$ ). It crosses this lake and reaches its

southern bank at approximately  $78^{\circ} 43' E$ ,  $33^{\circ} 40' N$ . Then it goes in a south-easterly direction along the watershed dividing the Tongada River and the streams flowing into the Spanggur Lake until it reaches MOUNT Sajum. It then follows the mountain ridge southwards, crosses the Shangatsangpu (Indus) River at about  $79^{\circ} 10' E$ ,  $33^{\circ} N$ , runs along the watershed east of the Keyul Lungpa River and south of the Hanle River up to Mount Shinowu (approximately  $78^{\circ} 45' E$ ,  $32^{\circ} 43' N$ ). It then runs westwards and crosses the Pare River at its junction with a small stream (approximately  $78^{\circ} 37' E$ ,  $32^{\circ} 37' N$ ) to reach the tri-junction of China's Ari district and India's Punjab and Ladakh (approximately  $78^{\circ} 24' E$ ,  $32^{\circ} 31' N$ ).

## **B. Concerning the Middle Sector**

The middle sector of the traditional customary line, starts from the terminal point of the western sector, runs southwards along the watershed between the Pare and the Chuva Rivers on the one hand and the other tributaries of the Spiti River on the other, and passes through peak 6,526 (approximately  $78^{\circ} 30' E$ ,  $32^{\circ} 21' N$ ) on this watershed. Several kilometres west of the junction of the Chuva and the Spiti Rivers, the boundary meets the Spiti River and running along it, reaches its junction with the Pare River (approximately  $78^{\circ} 36' E$ ,  $32^{\circ} 02' N$ ).

South of the junction of Pare and the Spiti Rivers, the boundary passes through peak 6,791 (approximately  $78^{\circ} 45' E$ ,  $31^{\circ} 54' N$ ) and runs southwards along the mountain ridge until it crosses the junction of the Siangchuang and the Hupsang Rivers approximately 7 kilometres west of Shipki Pass, continues along the mountain ridge southwards, and passes through peak 5,642 (approximately  $78^{\circ} 50' E$ ,  $31^{\circ} 37' N$ ), Tapulung Pass (approximately  $78^{\circ} 50' E$ ,  $31^{\circ} 35' N$ ) and Gumrang Pass (approximately  $78^{\circ} 49' E$ ,  $31^{\circ} 25' N$ ).

The boundary line crosses the Jadhganga River west of Tsungsha and then runs eastwards passing through Mana Pass. From Mana Pass to Mount Kamet and after passing through Mount Kamet, the boundary line runs along the mountain ridge.

In the area of Wuje (approximately  $79^{\circ} 58' E$ ,  $30^{\circ} 50' N$ ), Sangcha (approximately  $80^{\circ} 09' E$ ,  $30^{\circ} 46' N$ ) and Lapthal (approximately  $80^{\circ} 08' E$ ,  $30^{\circ} 44' N$ ), the boundary line follows a continuous mountain ridge south of these three places, passes through Ma Dze La (approximately  $79^{\circ} 55' E$ ,  $30^{\circ} 50' N$ ) south of Niti Pass skirts the southern side of the U-Dra La River and arrives at U-Dra La not far south-west of Kungri Bingri Pass.

From near U-Dra La the boundary line follows the watershed separating the tributaries of the Siangchuan River and the Ma Chu River on the one hand and the Dhauli Ganga and the Kal Rivers on the other, passes through Darma Pass to reach the tri-junction of China, India and Nepal in the vicinity of Lipulek Pass.

## **C. Concerning the Eastern Sector**

The greatest part of the traditional customary line in the eastern sector, from the tri-junction of China, India and Bhutan (approximately  $91^{\circ} 30' E$ ,  $26^{\circ} 53' N$ ) eastwards up to approximately  $93^{\circ} 45' E$ ,  $27^{\circ} 01' N$  and then north-eastwards to the vicinity of Nizamgha

which is just north of the traditional customary boundary line, roughly follows throughout the line where the southern foot of the Himalayas touches the plains on the northern bank of the Brahmaputra River.

From the starting point of the eastern sector to Nizamghat, the boundary line crosses the Chungli River at approximately  $92^{\circ} 07' E, 26^{\circ} 52' N$ ; crosses the Bhoroli River at approximately  $92^{\circ} 51' E, 26^{\circ} 55' N$ ; crosses the Ranga River at approximately  $93^{\circ} 58' E, 27^{\circ} 20' N$ ; crosses the Subhansiri River at approximately  $94^{\circ} 15' E, 27^{\circ} 34' N$ ; crosses the Tsangpo River at approximately  $95^{\circ} 19' E, 28^{\circ} 05' N$ ; north-east of Passighat; and crosses the Dibang River at approximately  $95^{\circ} 40' E, 28^{\circ} 15' N$ .

From Nizamghat the boundary line turns south-eastwards into mountainous terrain and runs along the mountain ridge up to where it meets the lower stretch of the Tsayul River, passing through peak 3,295 (approximately  $96^{\circ} 06' E, 28^{\circ} 12' N$ ), Painlon Pass and peak 3,575 (approximately  $96^{\circ} 17' E, 28^{\circ} 08' N$ ).

The boundary line meets the lower stretch of the Tsayul River at approximately  $96^{\circ} 31' E, 28^{\circ} 04' N$ , then runs along this river until it leaves it at approximately  $96^{\circ} 54' E, 27^{\circ} 53' N$  and runs in a south-easterly direction up to the tri-junction of China, India and Burma.

In addition to the above description, the Chinese side also submitted "Map of China's South-Western Frontiers" (scale 5,000,000:1). This map shows the location and terrain features of the above-mentioned Sino-Indian traditional customary line.

#### COMMENTS

The Indian side, in describing the alignment it claims, particularly stressed the role of geographical principles. The Indian side asserted that in high mountainous regions, a traditional customary line generally tends to follow the main watershed, and that the alignment claimed by the Indian side consistently follows the watershed principle and is therefore the only correct alignment. The Indian side considered that in high mountainous regions, a watershed constitutes a natural barrier, that the inhabitants of a country need to hold on to the water sources but would not and could not cross over the water sources to the other side of the watershed. According to such a line of reasoning, the Indian side held that long before man settled down in the border regions, unchanging geographical features had determined the political and economic life along the borders, thereby fixing the traditional customary line of the boundary. Such assertions can be seen at a glance as running counter to the facts of history.

In actuality, a traditional customary line is gradually formed through a long historical process, mainly by the extent up to which each side has exercised administrative jurisdiction through the years. Geographical features are related to the formation of a traditional customary line, but they are not the decisive factors. For people living in mountainous regions, high mountains are not necessarily an absolute barrier to their activities, (particularly when there are

rivers or passes cutting across the mountain ridges). Nor can a country's administrative jurisdiction be limited by mountain ridges. To drive this point home, suffice it to mention the fact of people of China's Tibetan nationality having spread to many places on the southern side of the Himalayas and the administrative jurisdiction of the Tibet region of China having extended to these places. As a matter of fact, in the course of a long history, the administrative jurisdiction of a country and the activities of its people are bound to undergo changes owing to political, economic and other reasons, and therefore the formation of a traditional customary line must also be through a process of change and could not have been predestined or mechanically determined by a certain geographical feature. This is even more so in the case of the Sino-Indian traditional customary line which is as long as 2,000 kilometres and has extremely complicated terrain features. As made clear by the Chinese side in its description of the boundary, the Sino-Indian traditional customary line in different segments conforms to different geographical features such as mountain ridges, watersheds, the line where the foot of the mountains touches the plains, and rivers. This is entirely understandable. The Indian side asserted that the Sino-Indian traditional customary line should along its entire length conform to the principle of so-called principal watershed. This is clearly without any factual basis. It was also obviously incorrect for the Indian side to attempt first of all to establish the alignment it claims by means of abstract geographical principles before the two sides had started on the examination, checking and study of the various items of evidence which each side relies in support of its stand concerning the boundary.

The assertion of the Indian side that the inhabitants of a country always tend to extend their control up to the water sources is also incorrect. As is well-known, many river systems along the Sino-Indian border have their sources in China, such as the Indus, the Ganges and the Brahmaputra Rivers. According to the above assertion of the Indian side, would not the places around these river sources within China's territory necessarily all become Indian territory?

Although the Indian side asserts that the alignment it claims consistently follows the principal watershed, this is not a fact. Particularly in the western sector, the alignment claimed by India jumps from the Karakoram Mountains to the Kuen Lun Mountains, cuts across the main river in the area, the Qara Qash River. This most clearly refutes the Indian side's assertion. In order to argue for this assertion, the Indian side even came up with a new definition for a watershed, alleging that a watershed is that line which divides the major volume of waters of two river systems and is not necessarily the line which divides two river systems completely. This definition is totally inconsistent with the well-known understanding of this term, but only facilitates the making of various arbitrary interpretations of the location of the watershed. The Indian side precisely made use of such a definition to assert arbitrarily that the main watershed in the area in the western sector disputed by the Indian side is not the Karakoram Mountains which divides the two major river systems of the Hotien River and the

Indus River, but is the Kuen Lun Mountains which cut across the Karakash River, one of the major rivers of the Hotien River system. It is natural that one could not agree to such assertions.

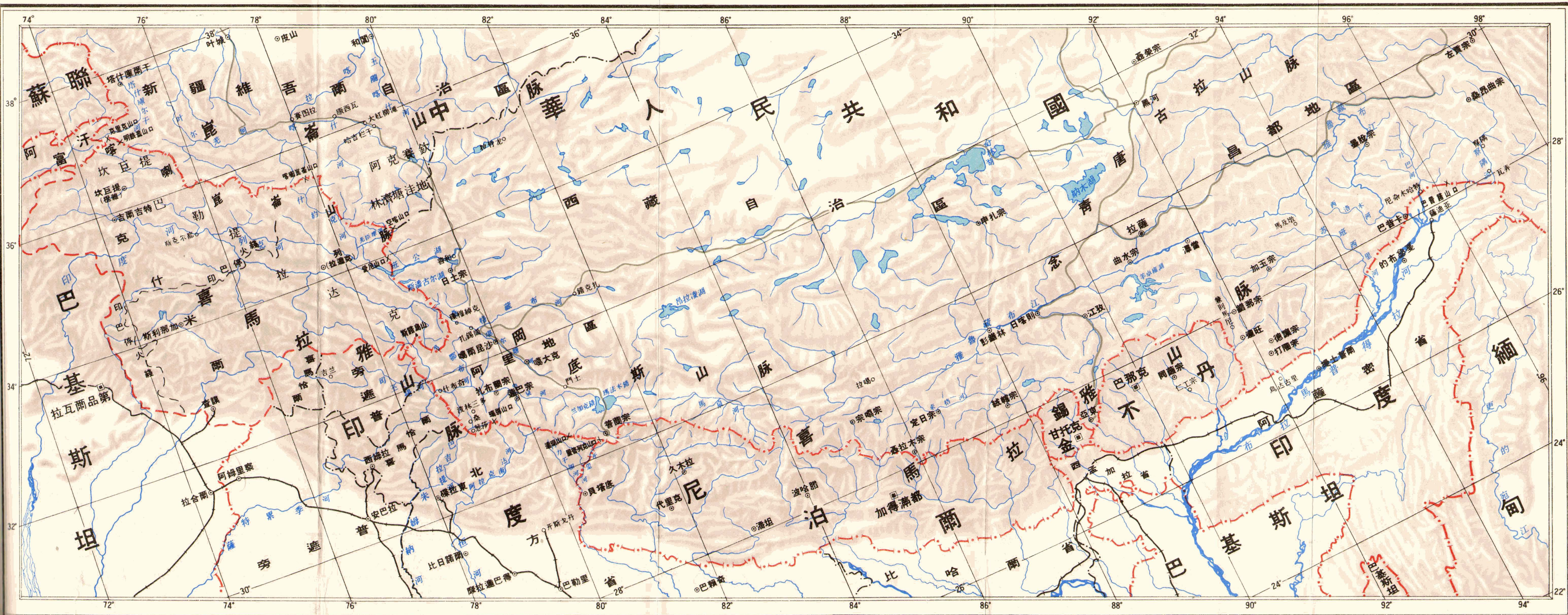
In order to uphold its watershed principle, the Indian side also raised such an argument, that is since the boundary line maintained by China in the middle sector basically follows the watershed, and the boundaries of China with Sikkim and Bhutan as well as a part of the Sino-Burmese boundary also follow the crest of the Himalayas, the eastern sector of the Sino-Indian boundary should likewise follow the crest of the Himalayas. It is contended that in as much as a certain portion of the Sino-Indian boundary conforms to a certain geographical feature or the boundaries between China and some other neighbouring countries also conform to the same feature, the entire Sino-Indian boundary should without exception conform to this feature. Such a method of deduction is totally untenable. Because following this deduction of the Indian side, the Chinese side could similarly ask: Since the boundaries of India with Nepal, Sikkim and Bhutan run along the foot of the Himalayas, why is it that the Sino-Indian boundary in its eastern sector alone cannot run along the foot of the Himalayas? Or: Since the Indian side asserts that the Sino-Indian boundary should run along the crest of the Himalayas, then why should the western sector of the boundary not run along the crest of the Himalayas, but along the Karakoram Mountains (or the Kuen Lun Mountains as contended by the Indian side) to the north of the Himalayas? Could it be said that the western sector of the boundary too runs along the Himalayas?

In discussing the First Item of the agenda, the Indian side also emphasized the precision of the alignment claimed by it, and requested the Chinese side to provide the exact co-ordinates of many small and unimportant places among the traditional customary line maintained by China. It is not difficult to see that the understanding of the Indian side about the question of precision of the Sino-Indian traditional customary line is incorrect. Generally speaking, since a traditional customary line is a boundary which has not been formally delimited nor jointly surveyed by the two countries, although it may be basically clear, it cannot be precise at every point along the entire line. Furthermore, as the Sino-Indian traditional customary line is in many places located in towering mountains and at places even rarely visited by man, it would be inconceivable that the precise location of the boundary at all points and the exact co-ordinates of every point through which the boundary passes could be given. The Chinese side already explained in a sufficiently exhaustive way the specific location and terrain features of the boundary line maintained by it and also gave the necessary adequate clarifications to the questions asked by the Indian side. With regard to some of the extremely minute and trifling question which the Indian side asked for clarification, as the Sino-Indian traditional customary line cannot be very precise at every point, as explained above, these questions by their very nature cannot be answered. Coupled with the fact that in the interest of Sino-Indian friendship and in the interest of avoiding misunderstanding and clash, the Chinese Government has purposefully;

refrained from conducting surveys in places too close to the boundary or in those areas which were traditionally under Chinese administration but are now under Indian control, it is entirely understandable that the Chinese side did not answer certain detailed questions. Although the Indian side emphasized that the alignment it claimed was precise, it is not so. For instance, the Indian side maintained that the part of the alignment it claimed in the western sector from a point east of 80° E to Lanak Pass runs along a watershed. But according to on-the-spot investigations by the Chinese side, there is no such watershed in that area. It can also be seen from the discussions under Item II and III that even the Indian Government and Prime Minister Nehru as well as official Indian maps have all admitted that the Indian alignment lacks precise description at certain places.

The Indian side asserted that if one side could not precisely know the alignment of the other side, it would lead to serious consequences, such as the danger of border clashes or friction. The Chinese side pointed out that the unfortunate incidents and other unpleasant happenings which occurred in the past along the border could not be explained away by the lack of precise knowledge about the Chinese alignment by Indian personnel. For example, the Kongka Pass clash of October 1959 was brought about by armed Indian personnel who knowing full well that armed Chinese personnel were stationed on the Chinese side of the boundary, still continued to advance and launched an attack. In September 1959, armed Indian personnel penetrated deep into the area in the western sector east of traditional customary line maintained by China up to the vicinity of China's Sinkiang-Tibet highway. This could even less be explained by a lack of precise knowledge about the location of the Chinese alignment. In the eastern sector, although the Indian side should have a precise knowledge about the so-called McMahon Line claimed by it, still there occurred the incidents of armed Indian personnel crossing this Line and entering the southern part of Migyitun (including Longju) and Tamaden, the latter being a place which even the Indian Government admitted as being north of the alignment claimed by India. All this goes to prove that the occurrence of the border clashes or friction was mainly caused by the intentional pressing forward by armed Indian personnel in an attempt to change the *status quo* of the boundary. Therefore, prevention of clashes or friction should mainly depend on the sincere desire of both sides to maintain tranquillity along the border.

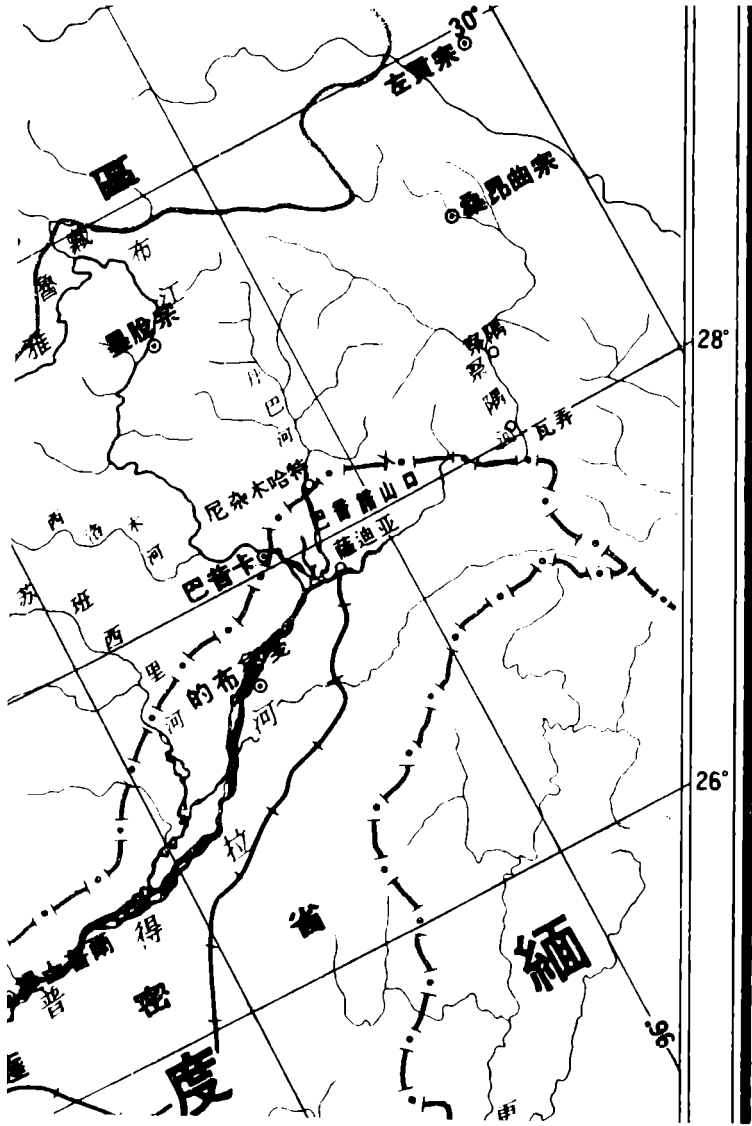
# 中國西南邊疆圖



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中華人民共和國外交部1960年6月



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## ITEM II

### TREATIES AND AGREEMENTS; TRADITION AND CUSTOM

Two questions were discussed under Item II. The first question is the examination of treaties and agreements; the point to be made clear here is whether the Sino-Indian boundary has been formally delimited by the conclusion of a treaty between the Governments of the two countries. A formally delimited boundary is one whose alignment and location have been explicitly and specifically defined in a certain form of treaty (generally the conclusion of a treaty or agreement) between the countries concerned through joint negotiations (sometimes a joint survey is needed). Boundaries which have not been explicitly defined in treaty form are not formally delimited, though some of such boundaries may be traditional customary boundaries. The Chinese side has always held that the Sino-Indian boundary has never been formally delimited by treaty, and that there is only a traditional customary line between the two countries. The Indian side has insisted that the Sino-Indian boundary has been delimited or confirmed by treaty and alleged that it is the very boundary line claimed unilaterally by India. Thus, the question as to whether the Sino-Indian boundary has been formally delimited has become a focal point in the dispute between China and India. The second question is the examination of the traditional customary basis of the boundary; the point to be made clear in this part under Item II together with Item III is where does the traditional customary boundary lie. The controversy here between the two sides is: whether it is the boundary line as maintained by China, or that claimed by India, which correctly reflects this traditional customary line.

It is quite obvious that these two questions are different in nature. Here, the viewpoint and basis of the Chinese side on these two questions are explained as follows:

#### POSITIVE STATEMENT CONCERNING TREATIES AND AGREEMENTS

The Chinese side has pointed out more than once that the entire Sino-Indian boundary, whether in its western, middle or eastern sector, has never been formally delimited. Up to now, no boundary treaty or agreement delimiting the entire boundary has ever been concluded between China and India, nor has there been any treaty or agreement delimiting a certain sector of the boundary concluded between them; and none of the treaties and agreements concluded between the two countries in the past contain terms pertaining to the defining of the Sino-Indian boundary. This is a well-known fact. Nobody on earth can cite a treaty concerning the delimitation of the Sino-Indian boundary.

With regard to certain segments of the Sino-Indian boundary, diplomatic exchanges have been made in history, but nothing has

ever come of it. Concerning the western sector, the British Government in 1847 wrote to the Viceroy of Kwangtung and Kwangsi of China Chi Ying and the Chinese Amban in Tibet respectively, proposing that the two countries jointly delimit the boundary between China's Tibet region and Kashmir; in 1899 the British Government again proposed to delimit the boundary between China's Sinkiang region and Kashmir. None of these proposals were accepted by the Chinese Government. Between 1919 and 1927, local negotiations were conducted between the British Government and the Tibet local authorities on the delimitation of the boundary between the Tibet region and Ladakh north of the Pangong Lake, but no result was achieved either. Concerning the middle sector, Britain began to intrude into the area of Sang and Tsungsha in 1919. The Tibet local authorities repeatedly took up the matter with Britain between 1926 and 1935, but without any result. There have always been disputes between the two sides over this sector of the boundary, and no agreement has ever been reached. Concerning the eastern sector, Britain continuously invaded Chinese territory, and the local government of Tibet and the Chinese Central Government have on many occasions made representations to and protests against the British and Indian governments. On April 18, 1945, the Tibet local government wrote to Bapu Losan, Assistant Agent to the Political Officer in Sikkim, demanding that the British troops be withdrawn from Kalaktang and Walong immediately. The Chinese Government protested four times by addressing notes to the British Embassy in China in July, September and November 1946 and January 1947 respectively, and protested by note with the Indian Embassy in China in February 1947. After the independence of India, the Tibet local government cabled to Prime Minister Nehru of India and the United Kingdom High Commissioner to Delhi respectively on October 14, 1947, demanding that the territories occupied by Britain be returned. Up till 1949, Lo Chia-lun, Ambassador to India of the Chiang Kai-shek clique which at that time still maintained diplomatic relations with the Indian Government, addressed a note to the Indian Ministry of External Affairs, repudiating the Simla Convention which the Indian Government held to be valid. These diplomatic exchanges themselves show forcefully that not only has the Sino-Indian boundary not been delimited, but that there have always been disputes between the two sides.

That the Sino-Indian boundary has never been formally delimited is even borne out by official Indian maps and other Indian authoritative material.

The following are the eleven official Indian maps provided by the Chinese side to the Indian side under the sub-heading of treaties and agreements of this item:

1. "Map of India." Drawn and engraved by a geographer of the East India Company John Walker in 1825 with additions to 1826. It is indicated on the map that it was based on the latest surveys of the best authorities and published principally for the use of the officers of the Army in India. On the map, the Kashmir area is drawn as only extending eastwards to 77° E., and not as shown on current Indian maps extending to East of 80° E. No boundary line is drawn in the eastern sector of the Sino-Indian boundary.

2. "India." Published by the Surveyor General's Office, Calcutta, in 1865. The western sector of the Sino-Indian boundary is not drawn on the map and the delineation of the eastern sector of the boundary corresponds to that shown on the Chinese maps.

3. "India." Re-edited by the Survey of India in 1889. As is indicated, the western sector of the Sino-Indian boundary protrudes up to 80° E., penetrating deep into Chinese territory but a segment of it is marked as boundary undefined, and the delineation is considerably different from the boundary line now claimed by India. The delineation of the eastern sector corresponds to that shown in the Chinese maps, but the boundary is also marked as undefined.

4. "District Map of India." Published by the Survey of India in 1903. The western and middle sectors of the Sino-Indian boundary are not drawn on the map, and the delineation of the eastern sector corresponds to that shown on the Chinese maps.

5. "Tibet and Adjacent Countries." Published by the Survey of India in 1917. The western and middle sectors of the Sino-Indian boundary are not drawn on the map. The boundary line drawn in the eastern sector still corresponds to that shown on the Chinese maps.

6. "Southern Asia Series": Kashmir. Published by the Survey of India in 1929. The western sector of the Sino-Indian boundary is not drawn on the map.

7. "Highlands of Tibet and Surrounding Regions." First edition, published by the Survey of India in 1936. The western and middle sectors of the Sino-Indian boundary are not drawn on the map. In the eastern sector the so-called McMahon Line is drawn with the indication of "boundary undemarcated".

8. "Tibet and Adjacent Countries." Published by the Survey of India in 1938. The western and middle sectors of the Sino-Indian boundary are not drawn on the map. In the eastern sector of the boundary, a small portion extending eastwards from the south-eastern corner of Bhutan is drawn with the marking for international boundary, and its location corresponds to the alignment shown on Chinese maps. The so-called McMahon Line is not shown on the map.

9. "India and Adjacent Countries." First edition, published by the Survey of India in 1945. The western and middle sectors of the Sino-Indian boundary are still not drawn on the map; only a colour wash is applied to the eastern portion of Kashmir to spread beyond 80° E., cutting deep into Chinese territory, but it is marked as "frontier undefined." In the eastern sector, the so-called McMahon Line is marked as "approximate" boundary line.

10. "India Showing Political Divisions in the New Republic." First edition, published by the Survey of India in 1950 after the independence of India. The western and middle sectors of the Sino-Indian boundary are not drawn on the map, only a rough frontier outline is shown by a colour wash and marked as boundary undefined. Although the so-called McMahon Line is drawn in the eastern sector, the boundary is marked as undemarcated.

11. "India and Adjacent Countries." Second edition, published by the Survey of India in 1952 (the first edition was published in 1951). The western and middle sectors of the Sino-Indian boundary are not drawn on the map, only a colour wash is applied to indicate the extent of the Indian frontiers similar to that covered by the line

shown on current Indian maps. In the eastern sector, the so-called McMahon Line is still drawn with the markings of "boundary undemarcated."

It can be seen from the delineations of the Sino-Indian boundary shown on these official Indian maps that :

1. The official Indian maps of an earlier period recognised that the Sino-Indian boundary had not been formally delimited, and moreover, their delineations of the boundary were in the main consistent with that shown on the Chinese maps.

2. Later on the delineations of the Sino-Indian boundary on the official Indian maps were changed time and again. From 1865 to 1945, most of the official Indian maps did not show the western and middle sectors of the boundary. Some of these maps indicated the boundary in an ambiguous way, but the boundary was marked out as undefined, and the location of the boundary on them were inconsistent with the boundary line shown on current Indian maps. On the official Indian maps published in 1950 and 1952, still no boundary line was shown, but only a colour wash was applied to mark out indistinctly an outline, while the 1950 map further has the markings of "boundary undefined." As to the eastern sector, it was not until around 1937, that is more than 20 years after the Simla Conference, that this sector of the boundary was drawn according to the so-called McMahon Line. From the above-mentioned official Indian maps published in the past century it can be seen that India itself also recognized that the Sino-Indian boundary has not been delimited.

It was only from 1954 onward that the maps published by the Survey of India changed the drawing of the entire Sino-Indian boundary into delimited boundary as now claimed by India. There were no such delineations in the official maps published by India before that time.

Apart from the above-mentioned eleven official Indian maps, the Chinese side has also provided later some other maps which prove the the Sino-Indian boundary has not been formally delimited. They will not be enumerated here.

Even the Indian Government, on many occasions, has admitted in different ways that the Sino-Indian boundary was actually not formally delimited. Prime Minister Nehru himself expressed that there were disputes over the western and middle sectors of the Sino-Indian boundary, and that the two sectors were not defined jointly by the two sides. Official Indian records also prove that the western sector of the boundary has not been formally delimited.

In his speech at the Rajya Sabha on August 31, 1959 Prime Minister Nehru said, "... The Ladakh border which was for all these long years under Jammu and Kashmir State, and nobody knew exactly what was happening there. Although some British officers went hundred years ago and drew line and Chinese did not accept that line. That matter is clearly one for consideration and debate."

In his speech at the Lok Sabha on September 4, 1959, Prime Minister Nehru said, "But actual boundary of Ladakh with Tibet was not very carefully defined. It was defined to some extent by

British Officers who went there. But I rather doubt if they did any careful survey."

In his speech at the Lok Sabha on September 12, 1959, Prime Minister Nehru said when he spoke of the Aksai Chin area, "It is a matter for argument as to what part of it belongs to us and what part of it belongs to somebody else. It is not at all a dead clear matter, however I have to be frank to the House. It is not clear. I cannot go about doing things in a matter which has been challenged not to-day but for hundred years, it has been challenged as to the ownership of this strip of territory that has nothing to do with the McMahon Line, it has nothing to do with anything else. That particular area stands by itself, it has been in challenge all kind.... The point is there has never been any delimitation there in that area."

In his letter to Premier Chou En-lai dated March 22, 1959, Prime Minister Nehru also did not hold that the middle sector of the boundary as claimed by India was based on treaty and agreement. The Chinese side will deal with this point later.

No treaty concerning the Sino-Indian boundary can be found either in the Chinese diplomatic documents or in any collection of treaties in the world; such a treaty cannot be found even in the collection of treaties published by India. In the *Collection of Treaties, Engagements and Sanads Relating to India and Neighbouring Countries* compiled by Aitchison, Under Secretary to the Government in the Foreign and Political Department, and later revised and supplemented up to 1929 by the Indian Foreign and Political Department, there are the following accounts: "... The northern as well as the eastern boundary of the Kashmir State is still undefined..." (Vol. 12, page 5). "... The Indo-Chinese frontier on the side of Eastern Turkistan (i.e., Sinkiang) has never been fixed by treaty..." (Vol. 14, page 4).

Those in the world, including some Englishmen, who are familiar with the facts of the Sino-Indian boundary do not believe that the Sino-India boundary has been formally delimited. Even Frederick Drew, former Governor of Ladakh, who put forward in his book *Jammoo and Kashmir Territories* a Sino-Indian boundary alignment which was advocated only by himself and which was obviously incorrect, still clearly stated on page 496 of this book that the boundary between Ladakh and China to the east of the Karakoram Pass was "undefined" and "doubtful."

Judging by what has been stated in the above, it is an indisputable fact that no boundary treaty has been concluded between China and India, and that no boundary between them has ever been formally delimited.

## COMMENTS ON TREATIES AND AGREEMENTS

Although the Chinese side proved with indisputable facts that no treaty delimiting the boundary had ever been concluded between China and India and the entire Sino-Indian boundary had never been formally delimited, the Indian side still maintained that boundary treaties between China and India had been concluded and the Sino-Indian boundary had been delimited. The Chinese side cannot agree at all to this contention. Following are comments on the western middle and eastern sectors of the Sino-Indian boundary respectively:

### A. Western Sector

The Indian side referred to the so-called 1684 treaty between Tibet and Ladakh, the 1842 treaty between Tibet and Kashmir, the correspondence of the Viceroy of Kwangtung and Kwangsi Provinces with British officials in 1847, the agreements between Rudok Dzong of the Tibet region and Ladakh in 1852 and the British note of 1899 to prove that the western sector was formally delimited or that the boundary line now claimed by India was confirmed by China and India. However, these treaties and documents can by no means prove the contention of the Indian side.

#### (1) *Concerning the So-called 1684 Treaty*

The Indian side had repeatedly referred to this treaty in its previous notes. This time the Indian side submitted a text of the so-called 1684 treaty. In the past the Chinese side did not know the existence of this treaty, and after studying the document submitted by the Indian side, the Chinese side still holds that the existence of this treaty has not been confirmed. The document of the so-called treaty handed over by the Indian side is neither the original text nor a copy of the original. Who after all are the contracting parties that concluded this treaty? Who were the representatives who signed it? When and where was it signed? Nothing has been said about all this, and moreover, not a word defining the boundary can be found in the articles of the so-called treaty. Can such fragmentary accounts without a proper beginning and end be regarded as a treaty? There cannot be such a strange treaty in the world.

The Indian side also cited account in the book, *Antiquities of Indian Tibet* edited by Francke as the basis for the existence of the so-called 1684 treaty. However, the account in this book is only something patched up out of the material of some manuscripts which are not so reliable, and even Francke himself did not arbitrarily call these mutually unrelated sentences a treaty. Therefore, the book *Antiquities of Indian Tibet* cannot possibly prove the existence of the so-called 1684 treaty. Furthermore, nothing in the account in this book is stated to the effect that the boundary between Tibet and Ladakh was delimited at that time. It must also be pointed out that in this book the English translation concerning the historical events

in 1684 contains serious errors and is not faithful to the Tibetan original.

In authoritative Tibetan historical works, such as the *Biography of the Fifth Dalai Lama* and the *Biography of P'olha*, there is no account whatsoever concerning the conclusion of this so-called treaty. The Indian side claimed that the *Biography of P'olha* mentioned the 1684 treaty. This is not at all true.

Following is the only paragraph in the *Biography of P'olha* which is relevant to the matter:

"At that time, at the request of Living Budha Thamjamkhenpa of the Bgah-brgyud Sect, Gadantsewang received the Head of Ladakh, Sen-ge-rnam-rgyal, Bde-ldan-rnam-rgyal, and their sons and grand sons. Since the Wise Man is wholeheartedly devoted to the religion and the people and also had compassion and pity for these enemy chieftains, he gave them Leh, Bitu, Chishe, etc. altogether 7 forts together with the estates, the subjects and the riches and said to them: 'The foolish ones of the world set their minds on happiness, yet this actually cause their own suffering. You too have impaired your own happiness. Because your hearts are not right and you made vain attempts to oppose the Yellow Sect, therefore you have landed yourselves in such a bitter situation. In the future you must not discriminate against Buddhism as a whole and the Yellow Sect in particular. And the human beings, since the beginning of non-existence, have been born over and over again in rotation, from parents of a generation to the next generation, and you should be devoted to seeking happiness for them.' The Head of Ladakh and his sons agreed to all this."

It is quite evident that this account can only show that the Tibetan side bestowed on Ladakh seven forts and estates. How can it be inferred from this that an agreement for the formal delimitation of the boundaries was reached and the so-called 1684 treaty was concluded between the two sides?

The Indian side finally could not but admit that the boundary was not concretely defined in the so-called 1684 treaty. However, in order to justify itself, it again asserted that there was no need for the 1684 treaty to define the boundary, and it would be all right so long as the boundary already fixed was maintained. For this reason, the Indian side further claimed that since the eldest son of Skyid-Ida-Ngeema-gon (a Tibetan prince) was conferred the Maryul (Ladakh) fief in the tenth century, Ladakh had become a separate independent kingdom, and the boundary between Ladakh and Tibet had been delimited in the way as now claimed by India, and the subsequent treaties or agreements were only meant to confirm this boundary line. This assertion is untenable. According to the historical records on the Chinese side, the fact that Skyid-Ida-Ngeema-gon conferred fiefs on each of his three sons only reflected a change in the ownership of manorial estates among the feudal lords of Tibet at that time. The three sons of the prince each took his share of fiefs from the unified Skyid-Ida-Ngeema-gon dominion and Maryul at that time was a small



state, and not an independent kingdom. The document provided by the Indian side concerning the so-called boundary of Maryul not only has mistakes in the translation, but contains some so-called names of places of which the location is not known even to the Indian side. Therefore, the question of delimiting the boundary between Ladakh and Tibet as between two countries does not at all arise, even less can it prove the argument that the boundary of Maryul in the 10th century was consistent with the entire boundary line between Ladakh and Tibet now claimed by India.

The Indian side also referred to such customs as Ladakh sending "Lo-chhaks" to Tibet to pay annual tributes and Ladakh exacting Ula at Minsar as evidence of the validity and the binding force of the so-called 1684 treaty. Such an argument cannot hold water, since the then Ladakh continued to be subordinate to Tibet, politically and religiously. These customs referred to by the Indian side emerged as a result of the subordination of Ladakh to Tibet, and cannot prove the existence of the so-called 1684 treaty.

It can be clearly seen from the above that a situation of the boundary having been explicitly delimited or confirmed by a treaty in 1684 does not at all arise.

## (2) *Concerning the 1842 Treaty*

In the Indian side's accounts of the western sector of the Sino-Indian boundary, this treaty was mentioned again and again in order to prove that the boundary between Ladakh and Tibet as claimed by India was confirmed by this treaty. But after checking up with the original text of the 1842 treaty, the Chinese side repeatedly proved that this treaty was only an exchange of notes between the two sides after a war, to ensure mutual non-aggression. It did not make any provision whatever of the specific location of the boundary. This is verified by the original text of the notes exchanged:

Following is the relevant part in the document handed over by the Tibet local representative to the Kashmir representative in 1842: "The territories of Ladakh as they used to be, and the territories of Lasa also as they used to be will be administered by them respectively without infringing upon each other."

Following is the relevant part in the document handed over by the Kashmir representative to the Tibet local representative in 1842: "Maharaja Shri Gulab Singh and Shri Guru Lama-Ponpo of Lasa have been reconciled and become friendly. It is decided that Ladakh and Tibet will each administer its own territories within its own confines, refrain from being hostile to each other and live together in peace. Shri Maharaja Sahib swears by the Kunchok that he will never go against this."

One of these two documents states "both of them will refrain from being hostile to each other and live together in peace," while the other says the territories will be "administered by the sides respectively without infringing upon each other." This is clearly an agreement of mutual non-aggression. How can it be insistently explained as having confirmed the boundary between Ladakh and Tibet?

Later on, it seemed that the Indian side was no longer opposed to the view that the 1842 treaty was only of the nature of a treaty of mutual non-aggression. However, the Indian side still maintained that this treaty confirmed the specific location of the boundary arguing that had both sides not knowing clearly the extent of their territories they could not have each adhered to their own confines. The Chinese side pointed out three points: First, the treaty did not define any specific location of the boundary; regarding this the Chinese side submitted as evidence documents exchanged between the two sides at that time. Secondly, by adhering each to its confines, it is undoubtedly meant that each side should administer the territory under its own jurisdiction and neither should commit aggression against the other. It is quite obvious that it was not at all a treaty for defining the boundary, but a guarantee of respect by each side for the other's territory. Thirdly, even if the boundary between Ladakh and Tibet was actually confirmed at that time, how could India assert that this line was the boundary line now claimed by it and not the traditional customary line maintained by the Chinese side? On the contrary, in the maps published by Indian official organs during that period, the delineation of the boundary between Ladakh and Tibet was in the main consistent with that shown in Chinese maps.

Finally, the Indian side no longer denied that the 1842 treaty did not define the specific location of the boundary and that it could not constitute a legal basis for the contention that the boundary was formally delimited. However, the Indian side still considered that the boundary line was very clear and formal delimitation was not necessary. That this argument of the Indian side is untenable can be proved by the fact that in 1847 the British Government proposed to the Chinese Government to delimit formally the boundary between Ladakh and Tibet. If the boundary had been very clear and there had been no need to delimit it formally, why should Britain have proposed to delimit formally the boundary between Ladakh and Tibet?

### (3) *Concerning the 1852 Agreement*

Apart from the two treaties mentioned above, the Indian side also referred to the 1852 agreement reached between officials of the Tibet region and Ladakh to prove its allegation that the boundary in the western sector has been delimited. As a matter of fact, however, this agreement only referred to the maintenance of the old boundary by the two sides of Ladakh and Tibet, and provided that Ladakhis should pay "annual tribute" to Tibet, but made no provision whatever about the boundary between Tibet and Ladakh. Of course, one cannot assert on the basis of this agreement that the boundary between Tibet and Ladakh was confirmed at that time.

### (4) *Concerning the 1847 Correspondence and other Documents.*

The Indian side referred to the correspondence of 1847, asserting that the indication of the Chinese Viceroy of Kwangtung and Kwangsi Provinces at that time of the existence of the old borders between Ladakh and Tibet and of the view that it was not necessary to fix the boundary again, meant the confirmation of the alignment now claimed by India. Such an inference cannot stand. The proposal for delimiting the boundary between Ladakh and Tibet was

made by the British at a time precisely after the Opium War of British aggression against China. Just as the Viceroy stated in his memorial to the Chinese Emperor, the British intention in proposing to delimit the boundary was "highly suspect". At that time the Chinese Government, fearing that Britain would take this opportunity to invade and occupy Chinese territory, rejected the proposal of Britain. The old borders between Ladakh and Tibet mentioned by the Viceroy of the Kwangtung and Kwangsi Provinces also could only mean the traditional customary line maintained by China. At that time India did not put forward the alignment it now claims how could the then Chinese Government proceed to conform it?

The Indian side referred to a document of 1924. The Chinese side already stated that from 1919 to 1927 the British Indian Government had asked the local authorities of China's Tibet many times to delimit the boundary between Ladakh and Tibet. Negotiations were held between the two sides, but nothing came of them. Therefore this document cannot prove the contention that the boundary between Ladakh and Tibet was delimited.

All this proves that at that time the British Indian Government was very anxious to delimit formally the boundary between Ladakh and Tibet through negotiations. Negotiations and exchanges were conducted between China and India, but without any result. In the above-mentioned documents and correspondence, China referred to the existence of a traditional customary line between Ladakh and Tibet. But this was taken by the Indian side to mean that the Chinese side agreed to the alignment now claimed by the Indian side. The Indian side further asserted that this line was confirmed by treaties and correspondence and other documents. Such assertions obviously do not conform to the facts and are the misinterpretations of the repeated statements of the Chinese authorities.

#### (5) *Concerning the Exchanges of 1899*

It should also be pointed out that the treaties, agreements and correspondence mentioned above by the Indian side have not a word about the relations between China's Sinkiang and Ladakh, yet the greatest part of the area disputed by India at present belongs to China's Sinkiang which has had nothing to do with these treaties and agreements. It is obviously inconceivable that these treaties and agreements could be cited as proof that the boundary between Sinkiang and Ladakh has already been formally delimited, thereby incorporating vast areas of Sinkiang into Ladakh.

As to the boundary between Ladakh and China's Sinkiang, the Indian side never submitted any treaty or agreement to prove that this section of the boundary has been formally delimited. In the written statements of the Indian side, only the exchanges of 1899 were mentioned. However, just as pointed out by the Chinese side, Britain at that time did not describe the northern boundary of Kashmir for China, as the Indian side asserts but put forward a specific proposal for the delimitation of the boundary. The British side clearly stated in its note that if this delineation of the boundary was accepted, that part of the territory on this side of the line should be henceforth considered as Chinese territory; the British side also asked China for consideration of and an answer to their note. It can thus

be seen that this is nothing but a proposal for delimiting the boundary. It is also inconceivable to hold that the territory of another country can be annexed by a unilateral proposal. It may be mentioned in passing that the proposal of British at that time also admitted that the entire area around the source of the Karakash River should not remain within Chinese territory, an area far to the south of the alignment claimed by the Indian side. Now, the Indian side cannot but recognise the fact that the proposal put forward by Britain to delimit the boundary was not accepted by the Chinese Government. This shows that the contention of the Indian side in the past that China did not oppose the British proposal of 1899 about the delineation of the boundary is not true. The Indian side, however, came out with a strange explanation that the Chinese Government did not accept the line proposed by Britain because China would rather accept a boundary line which proved more unfavourable to itself, that is, the boundary line now claimed by India. Anyone with the slightest bit of commonsense cannot of course believe such an assertion.

### **B. Concerning the Middle Sector**

The boundary in the middle sector has also not been formally delimited by any treaty. As to the treaty basis of this sector of the boundary, the Indian side has submitted few new evidences, and its arguments had for the most part been put forward in the past and refuted by the Chinese side. No matter how the Indian side has defended its own stand, it can in no way change this basic fact, that is, as in the case of the western sector, the Indian side cannot advance any treaty basis whatever which could prove that the middle sector of the boundary has been formally delimited.

(1) The boundary line in the Chuva and Chuje area is a section in the middle sector of the boundary. The Indian side has employed a strange logic in the way of argument to prove that the boundary line in this area has been confirmed by treaties. At first the Indian side supposed that Chuva and Chuje belonged to Spiti, cited the so-called 1684 treaty and the 1842 treaty as the basis to confirm the boundary in the Spiti area and then asserted that this proved that Chuva and Chuje belong to India and that the boundary line in this area had been confirmed by treaties. With regard to such a strange logic, the Chinese side will not deal with it for the time being. It only wishes to point out that the above-mentioned two treaties have already been dealt with in detail by the Chinese side when commenting on the western sector and as they cannot constitute the legal basis for the contention that the western sector of the boundary has been formally delimited, it is natural that they cannot do so for the contention that the boundary in the Spiti area has been formally delimited. As to Chuva and Chuje, they do not belong to Spiti at all and Spiti, to which the Indian side refers, has nothing whatever to do with Chuva and Chuje now in dispute.

(2) Wuje is also an area in the middle sector of the boundary. The Indian side put forward the negotiations between 1889 and 1890 and in 1914 to prove that the Chinese Government had accepted the alignment claimed by India in the Wuje area. But judging from the

photostats of the Indian officials' reports submitted by the Indian side, the so called negotiations between 1889 and 1890 referred only to a local official of the British colonial government telling a Tibetan official stationed at Wuje—that is a "serji" as called by the Indian side—about the British intention to occupy Wuje. This of course was not formal negotiations. As to the so-called 1914 negotiations, they referred only to another official of the British colonial government asking Lochen Shatra of the Tibet local government to withdraw the outposts stationed at the Chinese territory of Wuje, while Lochen Shatra expressed briefly that it was necessary to investigate the matter. Facts later show that the Tibet local Government continued to send outposts to be stationed at Wuje every year, which was never suspended, and that the Tibet local government had never accepted the territorial claim made by Britain. It is obvious that no question of any boundary agreement arose here.

(3) The Indian side time and again raised the point that this sector of the boundary "was confirmed in the Agreement on Trade and Intercourse Between the Tibet Region of China and India signed between China and India in April 1954". It further asserted that the provision in Article IV of this Agreement of six passes as routes for traders and pilgrims of the two sides proved that the Chinese Government had already agreed to the Indian Government's opinion on this sector of the boundary. Such an allegation is totally inconsistent with the facts, and the Chinese Government already gave detailed answers in the notes of December 26, 1959 and April 3, 1960, respectively.

Firstly, the 1954 Sino-Indian Agreement is an agreement on trade and intercourse between the Tibet region of China and India. Not only does none of the paragraphs in this Agreement involve the boundary question but the two sides had an understanding at that time, that is, no boundary question should be touched on in the negotiations. Therefore, how can it be said that this Agreement confirmed the alignment claimed by the Indian side?

Secondly, precisely because the boundary question was not to be discussed in those negotiations, the two sides did not mention it. How can it be considered that the boundary question does not exist only because at that time the boundary question was not discussed and the two sides did not mention the boundary question?

Thirdly, since the two sides held different views regarding the question of the six passes at that time, they finally agreed to adopt a wording in the agreement, which did not involve the question of ownership of these passes, so as to bypass this difficult question. Article IV of the 1954 Agreement only provides for the routes by which the traders and pilgrims of one country travel to the other. It does not touch specifically the location of the boundary. No matter whether viewed from the spirit of the 1954 Agreement, or from its real contents or the process in which agreement was reached on this Article, one cannot interpret this Article as having confirmed the Sino-Indian boundary.

(4) It should be pointed out with emphasis that Prime Minister Nehru did not consider that the middle sector of the alignment claimed by India has treaty and agreement basis, even when he stressed

that there were treaties and agreements concerning the eastern and western sectors. In his letter of March 22, 1959 to Premier Chou En-lai, Prime Minister Nehru, after mentioning that the Indian side considered that there were treaty basis for the boundary between China and Sikkim, for the boundary between Ladakh and Tibet and for the eastern sector for the Sino-Indian boundary, said:

"Thus, in these three different sectors covering much the larger part of our boundary with China, there is sufficient authority based on geography, tradition as well as treaties for the boundary as shown in our published maps. The remaining sector from the tri-junction of the Nepal, India and Tibet boundary upto Ladakh is also traditional and follows well-defined geographical features. Here, too the boundary runs along well-defined watersheds between the river systems in the south and the west on the one hand and north and east on the other."

In this passage Prime Minister Nehru mentioned treaty basis for those three sectors of the boundary, but only not for the middle sector of the Sino-Indian boundary. This of course is by no means fortuitous. Furthermore, Prime Minister Nehru stated in the first part of the same letter, that he considered the Sino-Indian boundary "in most parts" had the sanction of specific international agreements between the two governments. This further proves that he did not consider that the middle sector of the Sino-Indian boundary had treaty and agreement basis.

The Indian side disagreed to this point, asserting that Prime Minister Nehru mentioned "some" of these agreements as distinct from "all" agreements, and "sufficient" authority as against "complete" authority, and that therefore Prime Minister Nehru at this stage was merely mentioning some aspects of the treaty basis of the Sino-Indian boundary. But the Indian side did not explain why Prime Minister Nehru separated the middle sector from the other sector in this passage.

### C. Concerning the Eastern Sector

Concerning the eastern sector, the Indian side was likewise unable to bring forward any treaty between the two countries to prove that the boundary in this sector was formally delimited. What it had brought forward was still the Simla Convention of July 3, 1914 between Britain and China's Tibet local authorities and the secret exchange of letters of March 24 and 25, 1914 between them on the so-called McMahon Line, and no other new evidence was produced. With regard to these two documents of 1914, the Chinese side in its past correspondence long repeatedly proved that they are illegal and null and void and cannot constitute a legal basis for the boundary in the eastern sector as claimed by the Indian side. Furthermore, one of the two documents, the Simla Convention, is even more unrelated to the question of the Sino-Indian boundary. Since the Indian side insisted that these two documents are valid and tried its utmost to defend them, the Chinese side could not but go further into this question.

#### (1) *Concerning the Simla Convention*

1. In dealing with the Simla Convention, it is necessary first of all to say a few words about its nature and background. The Chinese

side pointed out time and again that the Simla Convention and the Simla Conference which produced the Convention were an important step taken by Britain in its plot to invade Tibet and carve out Tibet from Chinese territory. The Chinese people expressed the greatest indignation at this. One aspect of British aggression against Tibet consisted of wresting special political, economic and military privileges in Tibet. But the British ambitions towards Tibet went much further. It made unceasing attempts to separate Tibet entirely from China and turn Tibet into an "independent state", but actually to place Tibet completely under its own control. The Simla Conference of 1913-1914 was one of a series of British attempts in this connection. As everybody knows, in 1911 there broke out in China a revolution which resulted in overthrowing the monarchy and setting up a republic. Taking advantage of the instability of the then Chinese political situation and the fact that the central authority of the Republic had just been set up, Britain flagrantly instigated the Tibet local government to launch a rebellion and openly declare "independence". The Chinese Government firmly opposed and took punitive actions against this. When this plot was on the point of being frustrated, Britain took a step further and came out in open interference forcing the Chinese Government to agree to the convening of a so-called tri-partite conference of China, Britain and Tibet in an attempt to compel the Chinese Government to recognize the "independence" of Tibet through the form of concluding a treaty. The August 17, 1912 memorandum of the British Government to the Chinese Government which the Indian side cited as the basis of the Simla Conference included the following main points: The British Government (1) would not allow China to interfere in "Tibet's internal affairs"; (2) would not permit China to station troops without limit in Lhasa or Tibet; (3) demanded the conclusion of an agreement on the basis of the above points as a condition for the recognition of the Republic of China; (4) before the conclusion of such an agreement, would close to the Chinese all routes and communication to Tibet through India. This is a document nakedly interfering in China's internal affairs and applying pressure and threats against China. It was precisely due to such interference and under such threats and pressure that the Chinese Government could not but agree to the convocation of the Simla Conference. But in spite of this the Chinese Government still expressed its regret and dissatisfaction with the above-mentioned memorandum of Britain, and the British plot to carve out Tibet from China did not succeed at the Simla Conference.

2. At the Simla Conference the question of the Sino-Indian boundary was not discussed at all; only such questions as the dividing line between Tibet and the other parts of China and the line between the so-called inner and outer Tibet and their status were discussed. The Indian side asserted that the question of the Sino-Indian boundary was discussed at the conference, and enumerated some forced arguments which are all untenable.

The British memorandum of August 17, 1912, which the Indian side referred to as "basis" of the conference, did not mention the question of the Sino-Indian boundary at all. The credentials of the plenipotentiaries of China, the Tibet region and Britain referred to

by the Indian side also did not mention that the Sino-Indian boundary question was to be discussed.

The Indian side asserted that since the representative of the Tibet region wanted first to discuss the question of the limits of Tibet while the Chinese representative wanted first to discuss the question of the political status of Tibet, the British representative McMahon proposed that he should first go into the question of the limits of Tibet with the representative of the Tibet region. The Indian side said that the Chinese representative agreed to this proposal and that implied agreement to the British representative and the Tibet local representative to discuss the Sino-Indian boundary. The Chinese side found it indeed difficult to understand such a deduction of the Indian side. It could be pointed out that the several statements made by the Tibet local representative at the conference on the so-called limits of Tibet were all clearly restricted to the specific limits of Tibet adjoining the other parts of China, and had nothing to do at all with the Sino-Indian boundary. Similarly, when the Chinese representative put forward a counter-proposal, it also only mentioned the specific line dividing the Tibet region from the other parts of China and did not concern the Sino-Indian boundary. As for the British representative, he also did not at the time propose for the discussion of the question of the boundary between China and India. Therefore, the implications of discussing the "limits of Tibet" is very clear, that is, the line dividing Tibet from the other parts of China. The Chinese side cannot understand how the Indian side could, upon citing the fact that the British representative expressed his intention to contact the Tibet local representative first, arrive at the conclusion that the Chinese representative agreed to a discussion between the British representative and the Tibet local representative on the Sino-Indian boundary question.

If indeed as alleged by the Indian side, the Chinese representative agreed to a discussion between the Tibet local representative and the British representative on the question of the Sino-Indian boundary and this discussion was a part of the Simla Conference and was not done behind the back of the Chinese representative, then one would ask, why did they not formally submit the results of their discussions—these as the Indian side holds, are the letters exchanged between the Tibet local representative and the British representative on March 24-25, 1914 and the map showing the so-called McMahon Line—to the conference or at least inform the Chinese representative? Why was it that the British representative, in the map submitted to the plenary session of the conference drawn with the red and blue lines, made the so-called McMahon Line as only a section of the red line dividing the Tibet region from the rest of China and made no specific explanations at all at the conference? One cannot find the letters exchanged on March 24 and 25, 1914 and the attached map among the records of the Simla Conference, nor can it find any reference anywhere made by any side to these letters exchanged and the attached map or to the Sino-Indian boundary line. There was no such indication even in the so-called Simla Convention, a product of the conference. This can only show that the discussions on the so-called McMahon Line between the British and Tibetan representatives were held behind the back of the Chinese representative outside the Simla Conference. The Indian side



insists that, since in the map submitted by the British representative at the Simla Conference, a section of the red line was made just the same as the so-called McMahon Line, it should be understood without explanations that this implied delimitation of the Sino-Indian boundary. Such an assertion is obviously unacceptable. Delimitation of the boundary of two countries is a major event. Furthermore, the area involved is so extensive, how can the Sino-Indian boundary be regarded as delimited without any explanations or discussions but only on the basis of a proposed line (i.e. the red line) purporting to represent an internal administrative division in China?

3. Not only did the Simla Conference not discuss the Sino-Indian boundary question, but the Simla Convention itself is invalid. The Chinese representative did not sign the Convention at all. The Chinese side noted that the Indian side no longer attempted to deny this point. Now the Indian side emphasized in its arguments, that whether or not the Chinese Government took part in or recognized the Simla Convention is irrelevant or not essential to its validity. It even openly stated that "the non-adherence of the Chinese Government was irrelevant as far as the Governments of India and Tibet were concerned." This is tantamount to an outright negation of China's sovereignty over Tibet, to this China absolutely cannot agree, and it is all the more regrettable that these words should come from the officials of a friendly country.

(i) The Chinese representative formally declared at the conference on July 3, 1914 that the Chinese Government would not recognize any treaty or similar document that might then or thereafter be signed between Britain and Tibet. Before this, a telegram of the Chinese Government handed over to the British representative by the Chinese representative Ivan Chen on April 21 also indicated this. Similar declarations were made in two formal notes delivered to the British Government on July 3 and 7 of the same year by Minister of the Chinese Government to Britain Lew Yuk-lin. All Chinese governments since then persisted in this stand. Therefore, the Simla Convention has never had any legal validity.

(ii) In its written statement, the Indian side cited the correspondence of the British Minister to China dated June 25, 1914 in an attempt to prove that although the Simla Convention was only signed by the British and the Tibet region representatives, it is still in force. But it is not difficult to see from this quotation by the Indian side that the purpose of this correspondence of the British Minister was to exert pressure on the Chinese Government in an attempt to coerce the Chinese Government into accepting the Simla Convention. Such unscrupulous tactics of Britain of exerting pressure was repeatedly applied before and during the Simla Conference. This could only show how vicious and truculent was British imperialism and show even more clearly that the British Government realized the importance of obtaining the signature of the Chinese representative and how eagerly it tried to obtain the recognition of the Simla Convention by the Chinese Government. The reason for this is very simple, because it is inconceivable that an important convention concerning China could come into force without the recognition of the Chinese Central Government.

(iii) Precisely because of this, even after 1914, Britain still time and again hoped that the Chinese Government would recognize this convention, but this aim was never achieved. Regarding this point, Paragraph 16 of the letter from Prime Minister Nehru to Premier Chou En-lai on September 26, 1959 also states: "the British Indian Government were reluctant to issue new maps of India showing only the McMahon Line in the hope that China would accept the Simla Convention as a whole."

Basing oneself on the above-mentioned paragraphs, one can indeed arrive at no other conclusion than that the Simla Convention is both invalid and irrelevant to the Sino-Indian boundary.

## (2) *Concerning the so-called McMahon Line*

It was the letters exchanged between Britain and the Tibet region on March 24 and 25, 1914 that secretly drew the so-called McMahon Line. This exchange of letters was done secretly by the Tibet local authorities with the British Government under the threat and enticement of Britain and behind the back of the Chinese Central Government. The Chinese Government has never recognized it. It is therefore illegal and null and void. The so-called McMahon Line can only prove that Britain had such a scheme which it never succeeded in carrying through. It is indeed without any justification whatever for the Indian side now to want to inherit this secret exchange of letters and ask China to recognize that it is legal.

1. Although the Indian side argued that the exchange of letters on March 24 and 25, 1914 was not done in secret or behind the back of the Chinese Government, it failed to prove this by any document or record of the Simla Conference, nor by citing any other documents. Its only reason was that the British representative at the Simla Conference on February 17, and April 22, 1914 submitted a map showing a section of a line which corresponded to the so-called McMahon Line. That this reason is untenable has already been shown in the above comments.

2. In order to defend the secret exchange of letters between the Tibet local representative and the British representative, the Indian side argued that bilateral discussions were common during the Simla Conference. True, at that time the Chinese representative and the British representative did conduct bilateral discussions. But the question is: why was it that the results of discussions between the Chinese and British representatives could not constitute an agreement, but must be referred to the plenary session, while only the so-called McMahon Line required a secret exchange of notes and did not need to be referred to the plenary session? It was precisely because the question of the Sino-Indian boundary was never put forward at the Simla Conference, that the Chinese representative did not and could not raise any objection. But now the Indian side not only refrained from denouncing Britain's aggressive schemes, but on the contrary, blamed the Chinese representative who was hoodwinked, asking why he did not raise any objection. The Indian side even asserted that it was because the Chinese representative did not consider that the so-called Indo-Tibetan boundary concerned China, so he raised no objection; and that in a multi-lateral treaty, if one party did not agree it was still valid for the other parties. These assertions are all

strange and untenable. It can be seen from the counter-proposals of the Chinese representative made at the conference on October 30, 1913 that the then Chinese Government not only proclaimed that Tibet was an integral part of Chinese territory, but also unequivocally demanded that Britain must not annex Tibet or any portion of it.

3. The Chinese side could mention again that for a long time after 1914, Britain dared not publish this exchange of letters nor change the alignment in the map which had all along been applied to the sector of the boundary, that is, the traditional customary line maintained by China. In fact; even after this exchange of letters was published in the collection of treaties put out by an official Indian organ in 1929, Britain still dared not immediately draw this line formally on the official maps of India. All this undeniably shows that this document is underhand and unrepresentable.

4. As for the so-called McMahon Line, since it was a line drawn up by Britain as a result of unilaterally changing the traditional customary line in the eastern sector of the boundary, and a line which Britain tried to impose on China, it is illegal. The Indian side claimed that this line was the very traditional customary line. This is not a fact. A great amount of evidence was provided and would continue to be provided by the Chinese side to prove this point.

5. No central government of China ever recognized the so-called McMahon Line, but repeatedly lodged protests with the British and the Indian governments against their entering the area south of this line; the Tibet local government also time and again expressed its dissatisfaction. In its letter dated April 18, 1945 to the Assistant Agent to the Political Officer in Sikkim, Bapu Losan, the Tibet local authorities explicitly demanded the British troops to withdraw from Kalaktang and Walong, both of which are in Chinese territory close to the traditional customary line maintained by China. The Indian side asserted that the Tibet local government admitted in this letter that the area south of the McMahon Line was Indian territory; this interpretation does not conform to the original text. It is crystal clear that in this letter the Tibet local government demanded the withdrawal of British troops from Kalaktang and Walong south of the so-called McMahon Line; how can it be said that the Tibet local government admitted that the territory south of the McMahon Line belonged to India?

In order to prove the "legality" of the so-called McMahon Line, the Indian side referred to the correspondence of the Chinese Government on November 5, 1947 and that of the Indian Government on February 9, 1948. These two letters, however, have nothing to do with the McMahon Line. Nowhere in these two documents was mentioned the so-called McMahon Line, or the Simla Convention of 1914, or the secret exchange of letters between Britain and the Tibet local authorities. Before the above-mentioned correspondence of the Chinese Government, the Chinese Government sent four notes successively in July, September and November of 1946 and January of 1947 to the British Embassy in China, protesting against the British gradual invasion into the Chinese area in the eastern sector north of the traditional customary line, and in February 1947, it again lodged a protest by addressing a note to the Indian Embassy in China. After the above-mentioned correspondence of the Chinese Government, up

to 1949, the ambassador to India of Chiang Kai-shek clique which at that time still maintained diplomatic relations with the Indian Government, sent a note to the Indian Ministry of External Affairs, repudiating the Simla Convention which the Indian Government held to be valid. In the presence of these facts, the two documents cited by the Indian side obviously cannot in any sense be used to prove that the Simla Convention of 1914 and the secret exchange of letters on the so-called McMahon Line is legal or valid.

Therefore, no matter how one looks at it, neither the letters exchanged on March 24 and 25, 1914, nor the so-called McMahon Line, can constitute the legal basis of the eastern sector of the boundary as claimed by the Indian side.

(3) *Concerning the allegation that Tibet had the right to conclude treaties separately*

Being unable to prove that the Simla Convention and the secret exchange of letters on the so-called McMahon Line had legal validity and that the boundary between India and Tibet was discussed at the Simla Conference, the Indian side time and again argued that the Tibet local government had the right to conclude treaties separately with foreign countries. But the reasons it enumerated are all untenable.

Tibet is a part of Chinese territory and China enjoys full sovereignty over Tibet. This premise itself denies Tibet the right to conclude treaties separately with foreign countries independently of the Chinese Central Government. Unless authorized and consented to by the Chinese Central Government, the Tibet local authorities has no right to conclude treaties with foreign countries. During the past centuries, such an important question as the conclusion of treaties concerning the boundary with foreign countries was always handled by the Chinese Central Government itself and there was not a single case of authorizing any local authority to conclude any treaty or agreement concerning the delimitation of the boundary with foreign governments. This is a well-known fact.

With regard to those treaties or agreements which the Indian side referred to and considered as separately signed by the Tibet local government, the Chinese side, without repeating past comments, would only point out that even the existence of the 1684 treaty mentioned by the Indian side is in question. As for the 1842 agreement, the Indian side itself admitted that there were the words "the Chinese Emperor." The 1856 Tibet-Nepal treaty was also dealt with by the Amban in Tibet (representative of the Central Government) under authorization. At any rate, these agreements are completely different in nature from the Simla Convention and the secret exchange of letters concerning the so-called McMahon Line, of which the Chinese Government definitely declared its non-recognition. As for the 1904 treaty, even the Indian Government would not deny that it was something forced upon China, and this treaty could not but be included into another treaty signed by China and Britain in 1906 as an annex. The trade regulation of 1914 is related to the illegal Simla Convention, and therefore is likewise illegal and null and void. As for the negotiations of 1921—1927 concerning a part of

the boundary between Tibet and Ladakh and the negotiations of 1926 concerning the Sang and Tsungsha area, they are all negotiations of a local nature and had achieved no result whatever.

The Indian side also stated that as most of the evidence provided by the Chinese side at the meetings of the officials were from the Tibet region, such evidence would also become null and void if it was denied that Tibet had the right to conclude the 1914 convention. This is also a strange assertion. Firstly, the Chinese side, provided evidence not only from the Tibet region, but also provided a great number of pieces of other evidence as well. Secondly, the Indian side obviously mixed the two things together, that is, the fact that Tibet has no right to conclude treaties separately with foreign countries and the fact that the Tibet local authorities have the right to function within their own competence. The former is an international question while the latter is an internal question. These two questions are entirely different in nature which can by no means be mentioned in the same breath.

The Indian side claimed that before the Simla Conference the Chinese Government had accepted Tibet's attendance at the conference on an equal footing with the right to conclude treaties, and that the Chinese Government had raised no objection in this connection during the conference. This does not tally with the facts. In its own statement, the Indian side referred to the fact that the Chinese Government repeatedly raised the question of the status of the Tibet local representative. It was only because Britain insisted on the Tibet representative attending the conference on an equal footing—here one can see once again the imperialist nature of Britain in its attempt to separate Tibet from China—that the Chinese Government stated that "the Chinese representative would go to India in any circumstances." This was a statement of reserving its opinion as there was no other way out. It absolutely cannot be considered as an indication of accepting the British demand. During the conference, the Chinese representative still raised objections repeatedly. For example, in the proposal of the Chinese representative put forward on October 30, 1913, apart from stating that "Tibet forms an integral part of the territory of the Republic of China," it was particularly pointed out that "Tibet undertakes to be guided by China in her foreign and military affairs and not to enter into negotiation with any foreign Powers except through the intermediary of the Chinese Government." Another example: on April 15, 1914, in his talks with Rose, the British deputy representative, the Chinese representative first of all raised an objection to the equal standing given to Tibet *vis-a-vis* China and Britain in the preamble of the draft Simla Convention. All this can be found in the proceedings of the Simla Conference.

The Indian side also claimed that Premier Chou En-lai and Chinese officials also admitted that Tibet had the right to conclude the Simla Convention. This can only be said to be the wishful interpretation of the Indian side. Premier Chou En-lai and Chinese officials do not deny the fact that the then Tibet local representative signed the Simla Convention, but they have always clearly pointed out at the same time that this is illegal, and that Tibet has no right to conclude treaties separately.

In order to prove that Tibet had the right to conclude treaties separately, the Indian side did not scruple to make a lengthy statement on the question of the historical status of Tibet in the discussion. The Indian side, ignoring the fact that Tibet has always been an inalienable part of China, said at length that: "Long before the Simla Convention, Sino-Tibetan relations had virtually ceased to exist," "Thereafter, the Tibetans issued a declaration of independence and resisted all Chinese attempts to re-establish their authority within Tibet." It also said that at the Simla Conference, Tibet took part in the capacity of a "sovereign country," "such nominal suzerainty over Tibet as China claimed had in fact virtually extinguished," etc. It is not difficult to see that in making these assertions, the Indian side actually regarded Tibet as an "independent country." It is known to the world that the so-called "independence of Tibet" was a plot of British imperialism to separate Tibet from China so that it may invade Tibet. This plot did not succeed. No country on earth has recognized the so-called "independence of Tibet." Prime Minister Nehru said on March 17, 1959 in Lok Sabha that: "So far as I know, there is not one country in the world which recognized the independence of Tibet. We definitely have not." The assertion of the "independence of Tibet" now made by the Indian side not only gravely hurt the feelings of the Chinese people, but also inevitably landed the Indian side in self-contradiction.

As it insists in effect on the assertion of "independence of Tibet," the Indian side has no choice but to defend to the utmost the policy of aggression of British imperialism. It alleged that towards the end of the 19th century and around the time of the Simla Conference Britain not only had not intimidated China, but on the contrary, had helped China to "restore its influence in Tibet," that Britain was "far from entertaining ambitions in Tibet," that the "independence" of Tibet "had nothing to do with the British," etc. It goes without saying how far these assertions run counter to the historical facts. The fact that British imperialism carried out aggression and oppression against China is known to all, and even admitted by some responsible British officials. In his letter to Hamilton, Secretary of State for India of the British Government, dated June 11, 1901, Curzon, Governor of British India, explicitly made known his intention towards Tibet, saying: "What I mean is that Tibet itself and not Nepal must be the buffer state that we endeavour to create." Before the Simla Conference, Britain in its memorandum of August 17, 1912 openly made to the Chinese Government various unreasonable demands of interference in China's internal affairs, and intimidated that it would refuse to recognize the Republic set up after the 1911 Revolution, and would close all the routes to Tibet via India. Can all this be considered as indications of helping China to "restore its influence in Tibet," and being "far from entertaining ambitions in Tibet"? The Indian side contended that the British Government at that time did not recognize the "independence" proclaimed by Tibet. The fact was that the British Government at that time dared not openly give recognition for fear that it would be too barefaced in the matter, but its intention was most obvious. On March 30, 1959 Prime Minister Nehru said in the Lok Sabha: "The previous government of India took an expedition to Lhasa under Colonel Younghusband fifty-five years ago. It very much interfered

—imperialist intervention. They sat down there and imposed British Government's will acting through the then Indian Government on Tibet and imposed our troops there. All kinds of extraterritorial privilege were imposed on Tibet." In this passage, Prime Minister Nehru rightly condemned Britain's imperialist actions. The Chinese side cannot understand why should India now say such things in defence of British Imperialism, which are totally contrary to these indisputable historical facts and also inconsistent with the original attitude of the Indian Government.

From what has been said above, the following incontestable conclusion can be drawn: China and India have never concluded any treaty to delimit the boundary, nor any treaty to confirm the boundary. The entire Sino-Indian boundary, whether in its western, middle, or eastern sector, has never been delimited or confirmed.

The Indian side admitted later that the Sino-Indian boundary was not based on a definite boundary agreement. But it still argued on the following points:

(1) **The Allegation that the Sino-Indian Boundary Was Delimited Through a Historical Process.** The Indian side asserted that as the alignment claimed by the Indian side was one which followed unchanging terrain features, was precise, well-known for centuries, basically undisputed and confirmed by agreements and diplomatic exchanges, it had been objectively delimited through a historical process, though it was not formally defined by a definite boundary agreement between the two governments. It goes without saying that this assertion is totally untenable. First of all, the description of the boundary line claimed by the Indian side is incorrect. As was mentioned above, the Sino-Indian boundary has for long been under dispute, and is without basis in treaties and agreements. From Item I one can see that the Sino-Indian boundary does not consistently follow the terrain feature of the main watershed, nor is it precise at every point throughout the line.

What is most surprising is that, in order to meet its own needs, the Indian side even "created" a new version of an internationally accepted concept by interpreting the word for "delimitation" in a sense which is at variance with what is internationally understood, and claimed that the boundary could be delimited through a historical process. Such a conception of delimitation has never been heard of. As is well known, a boundary should be delimited jointly by both sides through negotiations. The historical process can only form a traditional customary boundary line but not delimit the boundary. If the interpretation given by the Indian side was acceptable, why should the British Government have attempted to delimit the boundary in the eastern sector with the Tibet local government in 1914 through a secret exchange of letters? Thus it can be seen that the precise and unchanging understanding of "delimitation" can only be that the delimitation can be determined only through negotiations between the countries concerned and in the form of a treaty.

Besides introducing a new version for the concept of "delimitation," the Indian side, in an attempt to cover up the inconsistency

between the official Indian maps published before 1954 and the present position of the Indian side, deliberately obliterated the distinction between an undelimited boundary and an undemarcated boundary. In disregard of the fact that official Indian maps indicate clearly the western and middle sectors of the boundary as undefined, the Indian side asserted that they were only not demarcated. True, the whole line of the Sino-Indian boundary has not been demarcated. But demarcation and delimitation are two totally different things. There are two steps for defining the boundary: first the delimitation of the boundary, that is, for the countries concerned to determine jointly on paper the specific location and alignment of the boundary line through diplomatic channels; secondly, the demarcation of the boundary, that is, to plant markers and the like along the boundary as determined by the relevant document. They are two steps, one succeeding the other and different in nature. Only after the boundary is delimited can demarcation on the ground be carried out. This is not only the understanding of the Chinese side, but also an internationally accepted understanding. For instance, this is also what the Encyclopaedia Britannica states. In fact, distinction has been made between these two concepts in official Indian maps in which both the boundaries undelimited and undemarcated can be found. The interpretation made by the Indian side purely for its convenience that the Sino-Indian boundary which was clearly shown as undelimited means undemarcated boundary can by no means be convincing.

Judging by the above comments on the various points raised by the Indian side, one cannot but arrive at the conclusion once again that it is fully reasonable for the Chinese side to consider that the Sino-Indian boundary has not been formally delimited; and that it is unreasonable for the Indian side to insist that the Sino-Indian boundary has been formally delimited and no delimitation is called for.

(2) The allegation that the Chinese Government has since long past acquiesced in the alignment claimed by India.

The Indian side claimed that neither before nor after the liberation of China did the Chinese Government raise any objection to the alignment claimed by the Indian side, and that this implied that the Chinese Government acquiesced in the assertion that the boundary had been delimited, and so now the Chinese Government should be "estopped" from raising this question. This assertion not only is in contravention of the internationally accepted principle that a boundary can be formally delimited only through negotiations and the conclusion of treaties between the countries concerned through diplomatic channels, but does not conform to the facts. In the above comments on the three sectors of the boundary, the Chinese side enumerated a great amount of material to show that before liberation China and Britain had many exchanges on the question of the Sino-Indian boundary, but no result was ever achieved, and that there had always been disputes between the two sides over the boundary question. After the liberation, the People's Republic of China has time and again stated that the Sino-Indian boundary has not been delimited. During Prime Minister Nehru's visit to China in 1954, Premier Chou En-lai made it clear that the Sino-Indian boundary



had yet to be delimited. He also said that the reason why the delineation on old maps was followed in Chinese maps was that the Chinese Government had not yet undertaken a survey of China's boundary, nor consulted with the countries concerned, and that until this had been done, it would not make changes in the delineation of the boundary on its own. These words of Premier Chou En-lai's made it clear that the boundaries between China and its neighbouring countries have yet to be formally delimited through negotiations. Now the Indian side asserted that Premier Chou En-lai had recognized at that time the alignment claimed by the Indian side, and promised to revise Chinese maps in accordance with such an alignment. This is obviously a distortion of what Premier Chou En-lai originally meant.

The Indian side also cited a memorandum delivered by the Chinese Ministry of Foreign Affairs to the Indian Ambassador on August 21, 1950, in which it was stated that the Chinese Government "is happy to hear the desire of the Government of India to stabilize the Chinese-Indian border," the Indian side insisted that this statement assumed that the boundary was well-known and had been recognized by both sides and that stability could be ensured only when there was a fixed boundary, etc. Such is indeed a strange allegation. The Chinese memorandum was a reply to the memorandum which the Indian Ambassador delivered to China on August 12, at a time when the Chinese Government was liberating Tibet. The Indian Ambassador stated in the memorandum that "the Government of India never had nor do they have now any political or territorial ambitions in Tibet." and that the Indian Government "is concerned about the possibility of unsettled conditions on its borders arising from military operations." It was justified for the Chinese Government to welcome the expression of the Indian Government which hoped to stabilize the Sino-Indian border. Could it be that the Indian side wanted the Chinese Government to reject such an attitude of the Indian Government? Furthermore, what was mentioned at the time was about the stabilization of the Sino-Indian border and no mention was made about the boundary. How could the Indian side take the "border" for the "boundary" and conclude from the passage "the desire to stabilize the Chinese-Indian border" that China had recognized the boundary now claimed by India? This is something which the Chinese side has tried hard but failed to understand.

The Indian side also raised the contention that if two states with a common boundary were to accept the Five Principles and declare mutual respect for territorial integrity and mutual non-aggression, there must be first of all a boundary recognized by both sides. This means that since both China and India have accepted the Five Principles, it proves that the boundary between the two countries has undoubtedly been clearly delimited. But many facts have refuted such an allegation of the Indian side. We need only say that although China, Burma and Nepal have all accepted the Five Principles, they still agreed that it was necessary, in pursuance of these principles, to settle the question of delimiting their boundaries through consultations in a friendly spirit of mutual understanding and mutual

accommodation. It is known to all that there have been territorial disputes between India and Pakistan which have not yet been resolved up to now. But this did not prevent Prime Minister Nehru from declaring on March 20, 1956 in India's Lok Sabha: "In all goodwill and earnestness, I offer Panchsheel to the Prime Minister of Pakistan and I have faith that if we have our dealings with one another on these Five Principles, the nightmare of fear and suspicion will fade away." This clearly shows that Prime Minister Nehru does not think that two countries must first have a commonly recognized boundary before they can declare their acceptance of the Five Principles.

Later on when the Indian side found that it could not justify itself in the argument, it explained that only when neither of the two countries makes any claim to vast areas of the other's territory or when each side is aware of the extent of the territorial claims of the other, are the two countries in a position to accept the Five Principles. This and the previous allegations are obviously contradictory.

The Indian side also contended that according to international law, if one side does not raise an issue when it has an opportunity to do so, it has no longer the right to set forth its views on the issue. The Indian side attempted to use this contention to prove that the Sino-Indian boundary question did not exist and that the Chinese side had no right to raise this question any more. The Chinese side did not understand: Is it that the boundary question must be raised even at occasions not at all meant for discussing the boundary question? Is it that the Chinese side must raise the Sino-Indian boundary question on all occasions, otherwise it would imply that the Chinese side has acquiesced in the assertion that there is no question about the Sino-Indian boundary and thus, according to international law, it can no longer raise the boundary issue? The Chinese side does not know on what international law the Indian side has based itself. The contention that silence means acquiescence reflects not at all the accepted principles of international law. Can it be said that a sovereign state has no right to reserve its proposition concerning questions of its own sovereignty and to raise it on suitable occasions?

China has never recognized the alignment now claimed by India; it has always held that only the boundary as maintained by China is the true traditional customary line. Whenever the Chinese Government refers to the Sino-Indian boundary, it can only be the traditional customary line as maintained by China, and not the other. In the Chinese maps either published before or after 1950, the boundary is drawn in the main according to the traditional customary line as maintained by China. This fact alone shows that China has never recognized the alignment claimed by India. It should be pointed out emphatically that before liberation, the actual situation on the border was in the main consistent with the delineation of the boundary adopted by China. And no change took place in the early days after liberation: on the Chinese side of the traditional customary line the western sector remained completely under China's control. It was through the area in the western sector that units of the Chinese People's Liberation Army in the

latter half of 1950 entered the Ari district of Tibet from Sinkiang. As for the other two sectors, India only entered Sang and Tsungsha in the middle sector and a small portion of the area in the eastern sector. India's large-scale intrusion into and occupation of Chinese territory north of the Chinese alignment in the eastern sector took place precisely after the Indian Government had pledged that it had no territorial ambition towards Tibet, while its intrusion into and occupation of the Demchok area in the western sector and the other places in the middle sector took place even after 1954. The Indian side flippantly charged that the facts brought forward by the Chinese side were fabricated, but it failed to put forward any counter-proof. This is regrettable.

Furthermore, even the maps published by official Indian organs as late as 1950 do not have a boundary line like that now claimed by India. In the official Indian maps published by the Survey of India at the time, no boundary was drawn in the western and middle sectors, and the eastern sector was only marked as boundary undemarcated. How can this be claimed as a boundary line well-known and particularly recognised and accepted by the Chinese Government?

Thus it can be seen that, no matter how one looks at it, the Chinese Government has not on any occasion confirmed the boundary line as claimed by India. If one must hold on to the argument of acquiescence, then it is India rather than China which is to be considered to have acquiesced, because the delineation of the Sino-Indian boundary in the maps published by China has always been consistent, and the Indian Government had never raised any objection to it until 1954 when the question of the boundary in the eastern sector was raised, while the question of the boundary in the western sector was raised for the first time as late as 1958.

## CONCERNING TRADITION AND CUSTOM

### POSITIVE STATEMENT

The Chinese Government has always held that although the entire Sino-Indian boundary has not been formally delimited, there is a traditional customary line to follow. This is the line which was formed by the extent up to which each side has always exercised jurisdiction. The Indian Government also acknowledges the existence of a traditional customary line, but it has put forward a traditional customary line which greatly exceeds the extent upto which it has always exercised its actual jurisdiction. As a matter of fact, the traditional customary line as claimed by the Indian side not only has no basis whatsoever in treaty and agreement, as stated above, but also has no basis in tradition and custom. It is the traditional customary line pointed out by the Chinese side that has an incontestable basis in tradition and custom as well as in administration and jurisdiction. The relevant facts and material are cited below under this item and the following item respectively.

#### A. Concerning the Western Sector

This sector of the boundary is divided into two portions, with Kongka Pass as the dividing point. The portion north of Kongka Pass is the boundary between China's Sinkiang and Ladakh, and the portion south of it is that between the Ari district of China's Tibet and Ladakh.

- (1) *The basis in tradition and custom of the boundary between Sinkiang and Ladakh*

For centuries, the area east of the traditional customary line between Sinkiang and Ladakh as pointed out by the Chinese side has belonged to Hotien of Sinkiang. There are accounts of the boundary in this area in Chinese official annals of various periods. This is not only an area where Chinese people of the Uighur nationality and the Khirghiz nationality have lived and carried out activities for generations, but also where the Chinese Government has always exercised administrative jurisdiction in various ways. Even a considerable number of material from British sources admitted in varying degrees the above-mentioned facts.

1. The fact that the southern boundary of Hotien lies along the Karakoram Mountains is of long historical standing. Authoritative Chinese official annals have recorded that jurisdiction in the southern part of Hotien extended up to the mountains, i.e. the Karakoram Mountains (also termed Tsung Ling), around the sources of the Karakash River, and that these mountains were the southern boundary of Hotien. At the time of the Ching Dynasty, the mountains in this region were called in Manchu the "Nimangyi Mountains" which means snow-clad mountains. The *Chin-Ting Huang-Yu Hsi-Yu Tu-Chih* of 1782—that is an authoritative and comprehensive work sanctioned by Emperor Chien Lung of the Ching Dynasty,

covering all important material up to 1782 concerning the history and geography of Sinkiang—stated in reference to the boundaries of Hotien: "Hotien is a scound derivative from Yutien and is an abode of Muslims in the western regions... Yutien is a component part of our territory and, as the histories of the past record it, here lies the river sources." (Volume XIX, page 9). This shows that the sources of the Hotien River are within Hotien. Another well-known Chinese official annal of 1820 called *Chia-Ching Chung-Hsiu Ta-Ching Yi Tung-Chih* stated on page 4 of Vol. 528 more clearly in reference to the mountains and rivers of Hotien that the mountains from which springs the Karakash River, a tributary of the Hotien River, belong to Hotien. Its original wording is: "Nimangyi Mountains are in the south of Hotien. There are two mountains in the east and west and the Hotien River springs therefrom." The Chinese official annals of the 20th century have also been consistent in its description of the southern boundary of Hotien. For example, the *Sinkiang Tu-chih* compiled and edited by Yuan Ta-hua, the Governor of Sinkiang, in 1911, described the southern boundary of Sinkiang thus: "Passing Kanjut, it turns in an east-west direction, reaches the sources of the Karakash River in the Nimangyi Mountains and terminates at the Tibetan border." (Boundaries Vol. I, page 2).

Just as the Chinese official annals, Chinese maps, particularly some authoritative maps, have during the past 200 years consistently shown the sources of the Karakash River as lying within Hotien and that the mountains around the river source (i.e. the Karakoram Mountains alternately termed Tsung Ling or Nimangyi Mountains), are the southern boundary of Hotien. Among the early maps drawn in the ancient style, the "Chien-Lung Nei-Fu Yu-Tu" of 1760 and the "Ta-Ching Hui Tien-Tu" of 1818 may be cited as evidence. Since the 20th century, with the progress of China's techniques in survey and cartography and further surveys of the border regions, the position of the southern boundary of Hotien has been more precisely indicated on Chinese maps. Two authoritative maps of a large scale may be cited to prove that Chinese maps have long correctly shown this traditional customary line. These maps are: the Map of China on the scale of 2 million to 1, printed in 1918 by the Cartographic Bureau of the Office of the Chinese General Staff, and the Map of China on the scale of 1 million to 1 compiled in 1943 and printed in 1948 by the Bureau of Survey of the Chinese Ministry of National Defence. These are two most precise maps printed before China's liberation from which the specific location of the traditional customary line maintained by China can be most clearly seen. Chinese maps published before liberation have generally shown this stretch of the traditional customary line basically the same as in the above-mentioned maps.

It can thus be seen clearly from the above-mentioned Chinese official annals and the delineation on Chinese maps that the traditional customary boundary line between Sinkiang and Ladakh has always followed the Karakoram Mountains and is the same as that shown on current Chinese maps. It has reliable and incontrovertible basis in history and tradition.

2. The area east of the traditional customary line between Sinkiang and Ladakh pointed out by the Chinese side has always been

a place where people of the main nationalities of China's Sinkiang, the Uighurs and the Kirghiz, have lived and moved about. The Uighurs came from the north to what is now southern Sinkiang over a thousand years ago, while the Kirghiz, who are very similar to the Uighurs in language, religion and habits and custom moved to the area south of the Kuen Lun range at the latest in the beginning of the 18th century. These two brother nationalities in China have for years on end engaged in salt-mining, pasturing and hunting in this entire area, and their footsteps have covered all such places as Haji Langar, Khitai Dawan, Segs Kol, Aksai lake, Lingzitang, Chung Tash and Kizil Jilga. Up to now, there still remains many stone houses, stone sheep enclosures and other constructions built by them at various periods as well as various articles left behind.

Since they have lived and moved about there for generations, they have naturally named the important mountains, rivers and places there in their Turkic language. For example, "Karakoram" means "heaps of black stones." "Karakash Daria" means "river of the black jade," "Aksai Chin" means "Chin's desert of white stones," and "Sarig Jilganang Kol" means "lake in a valley of yellow mountains."

3. The traditional customary line pointed out by the Chinese side can also find proof in Indian maps. For a considerable period after Britain set up its rule in Kashmir in the middle of the 19th century, the Indian maps still drew the boundary as running along the Karakoram Mountains, and sometimes even south of the Karakoram Mountains.

In the map compiled in 1846 by John Walker, cartographer of the East India Company, the "Map showing the extent of the Sikh territory at the death of Maharajah Runjeet Singh and the Partitions effected by the treaties between the British Government, Maharajah Dhuleep Singh and Maharajah Golab Sing" showed that at the time the northern boundary of Kashmir (including Ladakh) only extended to the Shyok River south of the Karakoram Mountains, and even did not include the river sources east of the Shyok River and the Nubra River; while in the east it only extended to around 78° E, and did not reach the Karakoram Mountains.

Another example is the map compiled by John Walker on the orders of the Court of Directors of the East India Company, the "Map of the Punjab, Western Himalaya and Adjoining Parts of Tibet" which shows the boundary between China's Sinkiang, and Kashmir as along the Karakoram Mountains.

Again, for example, "The Northern Frontier of British Hindustan" published in 1862 by the Survey of India also clearly indicated that the boundary between China's Sinkiang and Kashmir was along the Karakoram Mountains, having the words "Tsung Ling or Karakorum Range," making clear that here Tsung Ling is the Karakoram Mountains.

The above-mentioned maps indicate that the early official Indian maps showed the part of the boundary between Sinkiang and Ladakh

as close to the alignment on Chinese maps. At the same time, these maps also prove that Tsung Ling here is the Karakoram Mountains.

4. Evidences for the traditional customary line between Sinkiang and Ladakh pointed out by China can also be found in the accounts of some British "travellers", "explorers" and officials of the former British Indian Government. For example, William Moorcroft said in his *Notice on Khoten*: "The rivers of Khoten—the Karakash, Kara Dereas, or Black river ('Kara' meaning black in Toorkee, and 'Kash', river) proceeding from the mountains of Khoten" (See "The Journal of the Royal Geographical Society" 1832, Vol. I, p. 244). Here he clearly described the Karakash as a river within Hotien.

Cunningham, one of the members of the committee sent by the British Indian Government in 1846-47 to survey the eastern and northern boundaries of Kashmir, stated in his book *Ladak* published in 1854 on pp. 17-18 that: "Ladakh is the most westerly country occupied by the Tibetan race who profess the Buddhist faith. On the north it is divided by the Karakoram Mountains from the Chinese district of Kotan." It can thus also be clearly seen that the boundary between Ladakh and Hotien is the Karakoram Mountains and not the Kuen Lun Mountains, as asserted by the Indian side.

Lieutenant G. W. Hayward, who was sent by the British Royal Geographical Society to carry out activities in southern Sinkiang of China, wrote in his book *Journey from Leh to Yarkand and Kashgar, and Exploration of the Sources of the Yarkand River* (published in the "Journal of the Royal Geographical Society" Vol. XL 1870): "The natural boundary of Eastern Turkistan to the south is the main chain of the Karakorams; and the line extending along the east of this range, from the Muztagh to the Karakorams, and from the Karakoram to the Chang Chenmo passes may be definitely fixed in its geographical and political bearing as constituting the limit of the Maharajah of Kashmir's dominions to the north." The boundary line described by him between Eastern Turkistan (i.e. Sinkiang) and Ladakh basically conforms to the traditional customary line maintained by China.

Colonel R. C. F. Schomberg, a Briton who made repeated surveys in China's southern Sinkiang, stated on page 9 of his book *Unknown Karakoram* published in 1936 that "The Karakoram Mountains form the northern frontier of the present State of Kashmir. They stretch south-east from the tangle of great ranges where China, Russia, Afghanistan and the Indian Empire meet, through parts of Baltistan and Ladakh to the confines of Tibet." It is particular worth pointing out that the northern boundary of Kashmir as described by Colonel Schomberg starts from the junction where it meets with China, Russia and Afghanistan up to the junction of Sinkiang with Tibet runs in a south-easterly direction throughout and consistently follows the Karakoram mountains and does not turn north-east, after passing through the Karakoram Pass, jump to the Kuen Lun mountains and then turn south-west, as the current Indian maps show it. The description given by Colonel Schomberg conforms to the traditional customary line maintained by China.

On page 121 of the *Principal Mountain Ranges of Asia*, which forms part II of *A sketch of the Geography and Geology of the Himalayas*

*Mountains and Tibet* written in 1933 by Colonel S. G. Burrard, Superintendent, Great Trigonometrical Surveys, and H. H. Hayden, Superintendent, Geological Survey of India, it is stated "The Survey has never been able to survey the eastern limits of the Depsang basin beyond the Ladakh border." As is well-known, the Depsang basin is east of Karakoram Pass and the Chinese alignment cuts across this basin, and the eastern limits of this basin are within Sinkiang. The above quotation substantiates the Chinese alignment.

From the above-mentioned and some other reports and accounts by "travellers", one can also find proof of the fact that the area to the east of the traditional customary line pointed out by the Chinese side has always been a place where Chinese border people have lived and moved about.

For example, in Lieut. Hayward's above-mentioned book *Journey from Leh to Yarkand and Kashgar, and Exploration of the Sources of the Yarkand River* published in 1870, in criticizing British travellers arbitrarily changing the boundary lines on maps, he stated "The boundary line is given on the latest map of Turkistan as extending up to Kathaitum, in the Kilian Valley (this valley is in the Kuen Lun region and within Chinese territory); but not only this valley, but the valleys of the Yarkand and Karakash rivers are frequented by Kirghiz, who all pay tribute to the ruler of Turkistan".

Again, for example, Godwin-Austen recorded that when he went on an exploration in the Pangong Lake area in 1863, his guides told him that "the country on beyond was grazed over by a nomad tribe, called Kirghis.....these are the people who wander over the plains thence to Ilchi (i.e., Hotien), and into a *terra incognita* on the east". (Vol. 37 of the "Journal of the Royal Geographical Society" in 1867). His description proves that Kirghiz people even crossed the Aksai Chin area to carry out activities in the vicinity of Pangong Lake.

(2) *The Basis in Tradition and Custom of the boundary between the Ari District of Tibet and Ladakh.*

The places disputed by the Indian side east of the boundary between the Ari district of Tibet and Ladakh as pointed out by the Chinese side have always belonged to Ari of China's Tibet, and are places where the Tibetan people of China have lived and moved about for generations. Apart from Parigas—a very small area which has been invaded and occupied by India in recent years—the remaining areas have always been under the control of the Chinese Government and are under the administrative jurisdiction of Rudok Dzong of the Tibetan Autonomous Region of China.

1. In the past century or two, there have been quite clear accounts in China's official annals and documents of the location of this sketch of the traditional customary line. For example, an authoritative Chinese official annal the "Huang-Chao Hsu Wen-Hsien Tung-Kao" in Vol. 330 made it clear that this stretch of the traditional customary line of Tibet touches the Karakoram mountains in the north. It states that Tibet "reaches up to the Karakoram mountains in the north-west, touching Hotien of Sinkiang".



With regard to the stretch of the boundary in the Spanggur area, a document of the Kasha to the Garpon of Ari dated the 17th day of the first month of the Wood Bull Year of the Tibetan calendar (1865) records that the boundary lies at the Naga of Mordo to the west of the Spanggur Lake. The document states: "Chushul is very close to the Naga of Mordo of Rudok Dzung".

2. The Indian side tried hard to prove that the Demchok area belongs to Ladakh. But much evidence in tradition and custom can be cited to prove that it has always indisputably belonged to Tibet. The papers of mediation drawn up by Living Buddha Ka-To Re-Jung in 1753 after mediating a dispute within the Ladakh court records that the boundary of Demchok is at Lari Karpo to the west of it. This document states: "I arrived on the 10th day of the second half of this month (7th month of the Water Male Monkey Year) at the sacred place of the Guru—Lari Karpo of Demchok—which is the boundary of the King of Tibet with the King of Ladakh". The "Guru" referred to here is a term of respect for the Dalai Lama, and "the sacred place of the Guru" means a territory of the Dalai Lama. It can thus be seen that Demchok is definitely within Tibetan territory.

In addition to the above-mentioned documents, headmen in Ladakh had as far back as 100 years ago also admitted that Demchok belonged to Tibet and that the boundary lay at Lari Karpo west of Demchok, that is to say, where the traditional customary line as pointed out by the Chinese side lies. In a covenant concluded between them and Demchok's headman in the Earth Sheep Year of the Tibetan calendar (1859), it is stated: "Demchok Lari Karpo and the waters, grass and sheep enclosures, etc. in this valley belonged to the Tibet Government in the past and naturally will still belong to the (Tibet) Government in the future." It can be seen from this that the boundary line in the Demchok area is at Lari Karpo west of Demchok, and not along the so-called "Lari stream" as claimed by the Indian side.

The fact that the Demchok area is within Chinese territory can be proved even by some authoritative British material. *Tibet*, a book written under the direction of the Historical Section of the British Foreign Office in 1920 states on page 4 that "The frontier crosses the Indus about 25 miles below Demchok (33° north)". This just coincides with the location of the alignment maintained by China showing Demchok which is on the upper reaches as within Chinese territory. Charles Bell who served as British Political Officer in Tibet, Bhutan and Sikkim, expressed agreement also to this statement on page 7 of his book *Tibet: Past and Present* of 1924, and indicated in the attached map that Demchok is within Chinese territory. Similarly, Alexander Cunningham and Henry Strachey (who were members of a commission specially sent by the British Government to survey the boundary between Ladakh and Tibet) also admitted in their book and maps that Demchok is within Tibet. (See page 18 of Cunningham's *Ladakh* and the attached map and Strachey's map of Ladakh drawn up in 1851). Incidentally, it might also be mentioned that the "Map of Central Asien" (1880) compiled by Joseph Chavanne handed over by the Indian side also shows Demchok as within Chinese territory.

3. The places east of the above-mentioned stretch of the traditional customary line have always been where Tibetan people of China

pastured. The Oe pastures north of Pangong Lake, the Niagzu pastures, the Drokpo Karpo pastures and the pastures in the vicinity of Kongka Pass are places where they have for generations moved about and made a living. The pastures in the Demchok area are also places where they have always pastured. In the long course of using these pastures, the herdsmen of Ari have formed a tradition and custom of watching the border and guarding mountains. Persons appointed to guard the mountains by the local authorities of Ari and nominated by the herdsmen often patrol along the mountains of the traditional customary line. The tradition and custom have already continued for more than a hundred years in the Pangong Lake area and the Demchok area. Some of the old men who have long been engaged in the task of guarding the mountains along the boundary are still alive and healthy.

4. The Chinese maps have always been consistent with the present alignment in drawing the boundary line between Tibet and Ladakh. The Map of China on the scale of 2 million to 1, printed in 1918 by the Cartographic Bureau of the Office of the Chinese General Staff, and the Map of China on the scale of 1 million to 1 compiled in 1943 and printed in 1948 by the Bureau of Survey of the Chinese Ministry of National defence provided by the Chinese side are authoritative evidence. The traditional customary boundary between the Ari district of Tibet (including Demchok) and Ladakh as pointed out by the Chinese side is also reflected in official Indian maps. The Chinese side has cited the following maps: those published by the Survey of India in 1881, 1889 and 1900 and the attached map to the "Imperial Gazetteer of India" of 1908. Although there are mistakes in the delineation of these maps with regard to the other portions of the western sector, yet their delineation of the boundary of the Demchok area is basically correct. Most of the above-mentioned maps also show the boundary line as including Niagzu in China's territory and cutting across the western part of the Pangong Lake. That means such delineation is basically in conformity with the traditional customary line pointed out by China.

From the above-mentioned materials it can be clearly seen that the traditional customary line between Tibet and Ladakh as advocated by China has a firm and unshakable basis in tradition and custom.

### **B. Concerning the Middle Sector**

The areas of Chuva, Chuje, west of Shipki Pass, Sang, Tsungsha, Puling-Sumdo, Wuje, Sangcha and Lapthal which are east and north of the traditional customary line in the middle sector, have always belonged to China. They were long under the jurisdiction of the local government of the Tibet region of China and are places where Chinese border people have lived and moved about. Historical documents for centuries have clear stipulations and records regarding this. Even some official British and Indian accounts and maps also cannot but admit that these places belong to China. Except for Sang and Tsungsha which were invaded and occupied by Britain earlier, these places were all occupied or intruded into by India only after the signing of the 1954 Sino-Indian Agreement.

### (1) *Chuva and Chuje*

As far back as in the middle of the 17th century, the area of Chuva and Chuje was stipulated by the 5th Dalai Lama as territory under the administration of Tashigong Gyupa Tsatsang. In the land-conferring document issued by the 5th Dalai Lama in 1665 and re-issued by the 7th Dalai Lama in 1737 to Tashigong Gyupa Tsatsang, it stipulated: "Being bases for raising funds for religious expenses, the Gzhigkha Pargyo, Chuva, Mtsoreb, Dkorkhres, etc. conferred to Tashigong Gyupa Tsatsang upon its founding, need not pay taxes or render corvees other than those to Tsatsang." (Note: Chuje is a village under the administration of Mtsoreb.) Tashigong Gyupa Tsatsang has always administered this place and levied taxes and received corvee until 1958 when this administration could not but the broken off due to Indian occupation of this area.

That the Chuva and Chuje area belongs to Tibet can also be proved by a case in 1821 in which the Tibet local authorities forbade Gerard, a Briton, to enter this area to conduct surveys when he tried to do so. The Historical Records of the Survey of India (1815—1830), collected and compiled by Colonel Phillimore and published by order of the Surveyor General of India in 1954, records that Gerard "worked north to Shipki, where he received a letter from Gorpan forbidding him to proceed east. He crossed to the north bank, went up the Spiti to its junction with the Parati, and was again turned back by messengers who were friendly but firm". (Vol. III, page 41). Just as described by the Chinese side under the First Item, the junction of the Spiti River and the Pare River is where the Chinese traditional customary line in the Chuva, Chuje area passes.

### (2) *The Area West of Shipki Pass*

In the vicinity of Shipki Pass, the traditional customary line is at the Hupsang Khud which is west of this pass. The pastures between the Hupsang Khud and the pass have always belonged to China's Shipki village and had been places where the villagers of Shipki village had constantly pastured and mowed grass, before being occupied by India in 1957. In the part relevant to Shipki village in the avowal of 1930 of the various districts of Tsaparang Dzong concerning the boundary, it is stated: ".....The boundary between the people of Shipki and the frontier people of the Kulu in the west follows the crest of the Kularatsi beyond Shipki from the north up to Tso Kam (dried lake), then along the ridge from the crest of Pashagangri to Dongtogtog; the area between the Hupsang Khud and the Siangchuan River indisputably belongs to the (Tibetan) Government."

### (3) *The Area of Sang, Tsungsha and Puling-Sumdo*

The British began encroachment upon the Sang and Tsungsha area in 1919 in an attempt to change the location of the boundary and carried out various kinds of coercion against the local people. Even under such circumstances, the local inhabitants still considered themselves Chinese nationals and made repeated avowals to the Tibet local government ensuring that they would be loyal to China's Tibet local government and continue to defend the borders. For instance, in the avowal of the inhabitants of Sang and Tsungsha in

1921 to Tsaparang Dzong, it is stated: "The fact that Sang and Tsungsha which belong to Tsaparang Dzong have in the past and up to today always paid tax and rendered corvee to the government is clear, and the lands, real estate, mountains and rivers all belong to the latter. The people of Tsungsha are further under instructions to guard the frontiers.... What is to be done first of all in the future is to ensure that the area above the stone pillar at Gungoong bridge is not lost to foreigners and that the 72 pieces of foreign currency and two bears' gall will be presented to the government before the 15th day of the 9th month without any procrastination. If the King of Tehri should again engage in vicious acts of forcing corvee from the people and trampling on their lands, the situation will be immediately reported to the Dzongpen." Again for example in the avowal of the inhabitants of Sang and Tsungsha to Tsaparang Dzong in 1927, it is stated: "The government subjects in the area north of the Gungoong Bridge stone pillar which is the western boundary of Guge 'Tsaparang Dzong, that is the lands and people of Tsungsha and Sang, have for thousands of years indisputably been an inseparable part under the Tibetan government.... What is particularly important is that the waters, pastures, woods, stones, usable land, and people in the area north of the Gungoong Bridge stone pillar, which belongs to the government, should be protected and not be encroached upon or invaded by foreigners." The avowal also ensured that the yearly taxes and corvee would be rendered as stipulated in the tax register and that they absolutely would not go back on their word, etc.

In the beginning of the 19th century, the British attempted to send persons to go into the Sang and Tsungsha area but were stopped by the Tibetans. In 1818 the Briton Herbert tried to survey the sources of the Jadhganga River but did not realize his goal. In his report on his journey on September 11, 1818, Herbert said: "Crossing Chippila ghat about 800 feet above the river, the path then descends to cross the river by the Dadhe Sangar. This the Thibetans affect to consider the boundary, and conceive the crossing of it by a European to be an event of some moment. The people of Nilang are ordered to watch it and to report instantly any circumstances of this kind." On September 13 he arrived at Tsungsha. His report went on to say that then "not only did they (the villagers of Tsungsha) give me to understand that they considered my going any further quite out of the question, but also that I should pledge myself that no European would ever again visit Neilang (i.e. Tsungsha).... I assured them that such an event was very unlikely again to occur." (See Vol. III, p. 36 of Historical Records, Survey of India). This account shows that at that time the boundary was at a point on the Jadhganga River, which is still two-days distance south from Tsungsha. The boundary shown on the map inset between pp. 30-31 of the above-mentioned Historical Records, Survey of India (Vol. III) is also far to the south-west of Tsungsha.

Official British and Indian maps and documents etc. have also proved that the Sang and Tsungsha area belongs to China. In the maps "India" published by the Survey of India in 1880, 1881, 1889 and 1900 the Sang and Tsungsha area is shown clearly as within Chinese territory. Even up to 1920, after Britain deliberately

annexed Sang and Tsungsha, it still dared not declare the entire river valley i.e. the entire area south of the watershed alignment claimed by the Indian side, is the territory of British India. In the part concerning the Sang and Tsungsha area on pp. 50-51 of Tibet, a handbook prepared in that year under the direction of the Historical Section of the British Foreign Office, it still could not but say in a reluctant manner that "The frontier in this region is imperfectly defined, but it would appear that the upper portion of the valley above Lilang (Nilang) lies in Tibet". In the negotiations concerning the Sang and Tsungsha area between Britain and the Tibet local authorities from 1926 to 1935 although Britain tried hard to argue for its occupation of these places, it could not but admit a portion of the facts. In his proposal for drawing the boundary, contained in his letter and the attached map dated the fifth day of the second month of the Tibetan calendar in 1928 to the Tibet local authorities, Col. F. M. Bailey, Political Officer of Britain to Sikkim, admitted willingness to return to China the area north of Tsungsha up to Tsang Chok La Pass. Britain's attempt was obviously to try to maintain its occupation of the remaining area by returning a portion of it. But as this proposal still did not conform to the location of the traditional customary line, the Tibetan authorities did not agree and the negotiations were without result.

The Chinese side has pointed out again and again that Puling-Sumdo is a traditional trade market belonging to the Tsaparang Dzong area of Tibet and is one of the ten places which the Chinese Government agreed to open as markets for trade in the Ari district of Tibet as specified in Article II, Section 2 of the Sino-Indian Agreement of 1954. The above-mentioned maps "India" published by the Survey of India in 1880, 1881, 1889 and 1900, clearly show Puling-Sumdo within Chinese territory, and its location is precisely that of the Pulamsumda as named and drawn into Indian territory in the later Indian maps. It can also be seen from these maps that Puling-Sumdo is not Poling as asserted by the Indian side and that they are two different places. Puling-Sumdo was invaded and occupied by India soon after the signing of the 1954 Sino-Indian Agreement.

#### (4) *Wuje, Sangcha and Laphthal*

Both in the land-deed conferred by P'olha in 1729 and the land-deed sanctioned by the 7th Dalai Lama in 1737, it is recorded that the above-mentioned places are within Daba Dzong. The two documents have the following clear stipulation: "The taxes and corvee from the Tibetans and Monbas along the mountain routes in Niti, Jo Nam and Shawo should be as in the past and not changed. . . . The boundaries of Daba shall be as noted in the deed drawing the boundaries: To the east including Darampalomaila, to the south including Dichutse, Lopo and Wuje and to the north including Gyonaglingwa, Shapogang and Trugguyuja. All this well-known and without any doubt." These two documents thus not only show that Wuje is within the boundaries of Daba Dzong, but that the Sangcha and Laphthal area which is north of Jo Nam is also within Daba Dzong. Daba Dzong sent people yearly to guard the mountains at Wuje. In 1941, the inhabitants of the Tung Po region of Daba Dzong also rented the pastures in the Sangcha and Laphthal area to inhabitants of

the neighbouring Chunglung region and received annual rent. For a long time, Daba Dzong continually sent people to Niti, Jo Nam, etc. south of Wuje, Sangcha and Lapthal to inspect the persons and cattle going to enter Tibet.

In the book *Kailas -Manasarovar* written by the Indian Swami Pranavananda, F.R.G.S., published in 1949, we can also find basis for the fact that Wuje belongs to Tibet. On pp. 154-155 of this book, in listing the fifth and sixth routes, it is clearly indicated that in going from India to Tibet, the Indian boundary is first to be crossed before arriving at Wuje. This indisputably proves that Waje is north of the traditional customary line.

Lieutenant Strachey, who was sent by Britain to make surveys along the Tibetan border, admitted in his article "Note on the Construction of the Map of the British Himalayan Frontier in Kumaon and Garhwal" that the Sangcha and Lapthal area belongs to Tibet (see Part II of Vol. XVII of 1848 "Journal of the Asiatic Society of Bengal"). But in the map he drew up, he purposely changed the location of the traditional customary boundary line and pushed the boundary to the watershed north of this area. He said in this article: "It will be observed in this quarter that I have made the British frontier include a good deal of ground unexplored and omitted by the surveyors: the valley of Laptel being so much more open and accessible to Gnari than to Jwar or to Painkanda, it seemed questionable whether it did not belong to Lhasa, but I have allowed its place in the boundary map to be decided by the flow of its water into Painkanda, so as to advance the British frontier to the crest of the Balch mountains and the low pass into Shelshel." This account shows nakedly how British officials and "explorers" arbitrarily changed the Sino-Indian traditional customary line and drew Chinese territory into India.

Nain Singh, who was sent by the Survey of India to enter into Chinese territory to make surveys, admitted he was questioned by Chinese frontier guards when he arrived at the Lapthal area on June 26, 1866. His diary of the time states: "26th—Arrived at Lapthal camp. Here I saw four Bhotia soldiers, who were sent here to stop the progress of Major Brereton. They questioned me as to who I was, where I had come from and whither I was going; my answer to them was that I had come from Niti, knowing this would not excite suspicion. This village is on the extreme border of the Lhasa territory." (Published in 1915 in the *Records of the Survey of India* prepared under the direction of the Surveyor General of India, Vol. VIII, p. 24).

In accordance with the above-cited Chinese and foreign historical facts and materials in tradition and custom, it is not difficult to arrive at the following conclusion: The areas in dispute in the middle sector of the Sino-Indian boundary are undeniably Chinese territory and the traditional customary line pointed out by China is well-founded.

### C. Concerning the Eastern Sector

The area north of the eastern sector of the traditional customary line pointed out by the Chinese side has long been a part of China's

Tibet. In 1914, Britain illegally drew a so-called McMahon Line within Chinese territory north of the traditional customary line. Later on, British troops and personnel gradually moved into Chinese territory north of the traditional customary line. In 1951, around the time the peaceful liberation of the Tibet region of China, Indian troops and personnel further pressed forward in force into the area south of the so-called McMahon Line. It was only then that Chinese administration was forced to withdraw completely from the area north of the traditional customary line up to the so-called McMahon Line.

The Chinese side is in possession of a large amount of historical documents, official and unofficial accounts, maps and other evidences which prove that the area south of the so-called McMahon Line has always belonged to China and that the Chinese alignment is fully based on tradition and custom.

The area between the traditional customary line and the so-called McMahon Line is divided into three parts: Monyul, Layul and Lower Tsayul.

#### (1) *Concerning the Monyul Area*

1. During the time of the Second Dalai Lama, the Monyul area had inseparable relations with Tibet. In the middle of the 17th century, when the Fifth Dalai Lama established the rule of the yul area to establish their rule there. After 20 years, the rule Lama, Blodro Jatso and Tsona official Namka Drukdra to the Monyul area to establish their rule there. After some 20 years, the rule established by the Tibet local authorities in Monyul became quite perfect.

These facts can be clearly seen from the mandate issued by the Fifth Dalai Lama to Mera Lama in 1680:

“Hark all ye nations of the world, big and small areas of the snow abode of Tibet and Great Tibet, the sacred land of India, the places east and west, above and below the Mon area in the south, Kagar, Kanga and Kakra of Lopa, and so on, all the monasteries, villages, Dzongpens, officers, civilian and military chiefs, headmen and common subjects bathing in the sun:”

“As was the case from the days of Dalai Lama Getanjatso on and in the period of Pahudungpachosja, when the rule was handed down from uncle to nephew, the eastern part of the Mon area was exclusively inhabited by followers of the Yellow Sect. Particularly when households were established in the Mon area by order of the patron and about, the following instructions were given: If the orders can be carried through, not by the use of force, but by a skilful way to be worked out by the layman Namka Drukdra and Mera Lama, not only can the patron's estates of the monastery and sub-monasteries of Mera Lama below Nyensam and above Dgrahlingjamatams and Ali be secured, but some more monasteries can be built and

monk services exacted in the places east and west, above and below the Mon area; offering grain about 10 Dzes each in summer and autumn, to be paid by each household in view of faith where the order reaches, shall be collected: the contribution given to the local monks as a reward for the service they do for the living and the dead shall be acquired and transportation Ula be exacted from those in view of faith in the area below Tsona. When pledge has thus been obtained, peaceful means has been faithfully applied to carry through the order together with the local monks, so that areas including Mago and Timbu in the east, upto Kure to the west and all parts above Daonsam have all been brought into the territory of the Deba of Tibet, and great meritorious service has been made . . . . Since Fire Monkey Year, all monks and laymen, including the local monks, not caring for their personal security whole-heartedly and actively maintained the religious cause for about 25 years, thus bringing under our rule the remaining parts of the Mon area of the Nyanshang Chu valley such as Lachen tso Sum, Dagspa tso Lnya, Bamonushi in the east, Rongmdosum, etc. which were not yet under our rule and the Loyuls etc. . . . .”

The place mentioned in this mandate are all to the south of the so-called McMahan Line. For example, Mago and Timbu are in the Tawang river basin, Dagspa Tso Lnya, later known as Dagspa Tso. Gye is in the western and south-western part of Tawang, and Bamonushi is in the vicinity of Senge Dzong and Dirang Dzong. Besides, this document also proves that from the very beginning, the local authorities of the Tibet region established their rule in the Monyul area in the form of the combination of the political and religious authority, political authority and religious authority being inseparable.

At the time of the Fifth Dalai Lama, the local authorities of the Tibet region, through Mera Lama, also expanded the famous Tawang monastery and renaming it “Hgaran Rnamjallha Dzewa” and registering it in the “Dgondeb” (i.e. register of monasteries) of the “Yigtsang” of Tibet and gave the monastery definite administrative and religious powers, such as appointing lower-ranking officials, levying taxes, implementing the “monk service” system (i.e. “Drakral” or offering the second among three sons to serve as lama) etc.

The facts noted in the above-mentioned mandate of the Fifth Dalai Lama were reiterated in the mandate of the Seventh Dalai Lama issued to the Tawang monastery in 1725. It also particularly pointed out: “This monastery is responsible for guarding our frontiers and cannot be compared with other monasteries, therefore this mandate is conferred.”

2. The fact that the entire Monyul area has always been under the rule of the local authorities of the Tibet region can further be proved by such documents as the letters of assurance and avowals of the local officials and people of different periods. These documents show that they have always been loyal to the local authorities of the Tibet region and determined to safeguard the borders against



foreign enchoachment. The following documents are now brought forward as evidences:

(i) In a latter of assurance handed over to the Tibet local authorities in 1853, the officials and headmen of the Monyul area undertook that sovereignty over frontier territories would not be lost. The chief contents of this letter of assurance are as follows:

“We, the undersigned who have affixed our seals voluntarily guarantee that we will never waver in our loyalty in this letter of assurance drawn up in three copies. As noted in paragraph 5 of the 7 paragraphs of the proclamation, when the lands and people of Khoirabari were occupied by foreigners, it was specified that land rent of 5,000 rupees is to be given each year. In the future, the following situation must not happen again even in the least: those who go to collect the rent, without considering the interests involved but only concerned in receiving the money, conclude or agree to illegal documents and be manipulated by the other side so that our sovereignty over the frontier territories is lost, thereby creating disputes and disturbances and adding trouble for our Han and Tibetan superiors. They should be very careful and prudent. We, of the Tawang monastery, and the Babu and headmen of the borders pledge this.”

Those who signed their names and affixed their seals to the above document were the abbot and other responsible personnel of Tawang monastery, the Dzongpen of Taklung Dzong and the Babu and headmen of Bomkhar, Bedzaling, Dindze, Shibon, Kalaktang, Donkog, and Murshing in the vicinity of Taklung Dzong. The “land of Khoirabari” mentioned in this document refer particularly to the area of Udalguri south of the traditional customary line. From the above quoted document, it can be seen that the area of Monyul had even extended south of the traditional customary line as maintained by the Chinese side. Although the British had at the time concluded with the Monbas an agreement of a mutual non-aggression nature and undertook the obligation of paying the Monbas 5,000 rupees per year, they always harboured ambitions towards the Monyul area. The Monbas could not but heighten their vigilance against this. They before, assured the local authorities of the Tibet region that they would absolutely not conclude any illegal documents to meet the desire of Britain and to the detriment of the sovereignty and territorial integrity of the Tibet region. Taklung Dzong and the places in its vicinity mentioned in this document are all in the southern part of the Monyul area close to the traditional customary line as maintained by the Chinese side. This shows that the headmen and inhabitants of this area were all very clear that they were Chinese people and loyal to the local government of China’s Tibet region.

(ii) In 1865, when the inhabitants of Khoirabari in the vicinity of the traditional customary line as maintained by the Chinese side were faced with the direct threat of British aggression, they assured the local authorities of the Tibet region: “Although this is an epoch of foreigners, we will never forsake the promises made by our forefathers and, whether in internal or external matters, will never fall

in our relationship of lord and vassal. Under whatever circumstances, we, old and young, noble and vulgar, alike will remain loyal and never be discouraged in the least."

This document proves that the inhabitants of Khoirabari pledged their allegiance to the local authorities of the Tibet region of China. It must be made clear that the extent of "Khoirabari" mentioned here is slightly different from that of the "lands of Khoirabari" referred to in the above document. The "lands of Khoirabari" occupied by foreigners, mentioned in the above document, referred particularly to that part of Khoirabari south of the traditional customary line, that is, the area of Udalguri; whereas the "Khoirabari" mentioned in the document here no longer included Udalguri, because although at that time rents were still collected by Tibet from Udalguri, it was already occupied by Britain.

(iii) In 1940 when Tsona Dzong, in accordance with the instructions of the local authorities of the Tibet region, ordered the entire Monyul area to submit "kang" of households and records of the households which render corvee, the headmen and representatives of various places of Monyul, after submitting the records on instructions, guaranteed in an avowal that their reports were correct. The headmen and representatives who signed this avowal still included those from Taklung Dzong, Kalaktang, Bedzaling, Murshing, Donkog, Dindze, etc. in the southern part of the Monyul area.

3. The fact that the Monyul area belongs to China's Tibet can also be proved by the report of the officials of the Tibet local government on their inspection of the borders.

In 1942, the local government of the Tibet region ordered Tsona Dzong to make an inspection tour of the borders. The accounts written by the officials sent by that Dzong after their inspection of the borders in the next year stated:

"The record of the inspection of the geographical conditions made by representatives of the Tawang Drudrel, two Dzongpens of Taklung Dzong..... and representatives of the inhabitants of Donkog and Mursing after their inspection of the various places is as follows:

"The area from Amra Tala of Tibet to Posale, Lhasding, and the Jamochu River in the south, is a vast uninhabited forest and within two miles of the above-mentioned three places are all our territory. In Water Monkey Year (1932), the British set up a camp about a mile south of the Jomochu in our territory. Eleven years have since passed. About 9 miles south of Jomochu river, we reached the trade mart Udalguri which is one of those places from which Tibet receives land rent. Another 14 miles away is Kubiale, also one of those places where we receive land rent....."

This document shows that at the time the boundary was still to the south of Amra Tala, and Amra Tala is close to the Chinese boundary line. This basically conforms to the traditional customary boundary line pointed out by China.

## (2) Concerning the Loyul Area

The Loyul area was long ago a part of Tibet. It was originally under the administration of the Pome area, and then put under the administration of Pemakoe under the Sela Monastery. Besides quite some Tibetans, most of the inhabitants of the area are Lopas. Important documents such as the mandates issued by the local authorities of the Tibet region since the 17th century covered the Loyul area in their mandate. The mandate of 1680 of the Fifth Dalai Lama referred to above is an example.

In 1914, the local authorities of the Tibet region sent Living Buddha Kuru to inspect the Loyul area. In his report of the same year to the local government of the Tibet region, he said that at the time he pointed out the following to the British personnel who had intruded into the Loyul area for exploration (although at that time Britain already began its attempt to occupy this area, it was then still limited to sending individual persons to intrude into the area to carry out illegal activities.): "Before Assam in India was incorporated into Britain in the past, the (Tibetan) government's documents already had accounts about Lokar, Lonag and Lokhra, and later there were avowals to abide by the law." The Lokar, Lonag and Lokhar mentioned here refer to Loyul. His report confirms that the Loyul area has always belonged to Tibet.

In 1921, the local authorities of the Tibet region further sent Gonposodnam, general officer in charge of commerce in Pemakoe, to make another inspection tour in the Loyul area. In his report to the Tibet local authorities, he recorded the route to India along the Tsangpo River through the Loyul area, and made it clear that the boundary was at Pasighat, in the vicinity of the traditional customary line as maintained by the Chinese side. He said in his report:

"Along the right bank of the Tsangpo River to India, there are the following 22 stages: Medog, Hora, Yorthang, Nyatsong, Sdetong, Shirong, Geling, Korbo, Duding, Spangmgo, Moshing, Bomdo, Rangshing, Karko, Spankhang, Kana, Palling, Yegches, Kebang, Rongdum and Renggeng until one arrives at Pagle of India."

The places mentioned here, from Geling downwards, are all to the south of the so-called McMahan Line, while Rongdum and Renggeng are in the vicinity of Pasighat. This shows that the boundary then was in the area of Pasighat and this is in conformity with the traditional customary line maintained by China.

In 1927, the prince of the Pome area rebelled and the local authorities of the Tibet region sent troops to quell the rebellion, dispatching Tibetan Officer Phuntso and Dzongpen Norbu Dongrub southward along the Tsangpo River by two routes in pursuit, up to Padam not far from the north of Pasighat close to the Chinese boundary. After this, the local authorities of the Tibet region set up a Dzong at Ddesdong and made the area north of the Sirapateng River and south of Kepang La, which is south of the so-called McMahan Line. Tso No. 5 of this Dzong with the name of the Dangan Tso. Although no separate Tso was set up south of the Dangan Tso, organizations such as the Shodpon were set up there.

Around 1945, the British came northward along the 'Tsangpo River and intruded to the vicinity of Karko north of the traditional customary boundary as maintained by the Chinese side. In the report of the Sera Monastery, which was then in charge of the affairs of Pemakoe, to the local authorities of the Tibet region, it was stated: "The Lonag-same-karko village (i.e. Karko village of the lower area of Lonag) in the five Tso six monastery area of Pemakoe is territory of the Tibet government. Every year the government collects government taxes from this area to the amount of 1,500 Dzamka." This report also said that Britain was gradually expanding in the direction of Karko. Regarding this, the local authorities of the Tibet region in 1946 ordered the Dzongpen of Pemakoe to continue to collect taxes so far as possible from this area as before. In the directive issued by the local authorities of the Tibet region to the Dzongpen of Pemakoe in 1947, it was reiterated: "It is learnt that last year and this year British officers and men came to the area between Karko of the lower area of Lonag and the Shichu River as well as the villages and the northern and southern banks of the rivers of Dangam Tso, and occupied the above-mentioned land and held the inhabitants as their own. Regarding this, directives were issued last year. It is entirely wrong for the British to attempt to occupy as their own territory which indisputably belongs to Tibet and not to Britain..." At that time officials of the Tibet region also made repeated representations with the British, and in 1947 when the local authorities of the Tibet region cabled the Indian Government demanding the return of Chinese territory in the Tibet region, they also mentioned the Loyul area.

The above-mentioned documents indisputably demonstrate that the traditional customary line in the Loyul area is far to the south of the so-called McMahan Line, and that it has been violated only in recent years through gradual encroachment by Britain.

### (3) Concerning the Lower Tsayul Area

The Lower Tsayul area originally belonged to the Sangngachos Dzong of China's Chamdo Area. In the mandate given by the Dalai Lama to the Sangngachos Dzong in 1896, it was clearly stated that there were the places of Upper and Lower Tsayul in the area under the administration of Sangngachos Dzong.

In 1910, Chao Erh-feng, Minister of the Ching court in charge of Border Affairs in Szechuan and Sikang, set up commissioners at Sangngachos and Tsayul and dispatched Cheng Feng-hsiang, Tuan Peng-jui and others to make a tour of inspection of the Lower Tsayul area and guard against British intrusion. In his report to Chao Erh-feng in 1911, Cheng Feng-hsiang stated, "The dividing line between Tsayul and Lo Lo is along a stream at Yapichulung at the third stage to the southeast. The British are still farther away beyond Adzara. The name of the place is not known." Again, in his book *Kamu Hsi Nan Chih Lueh* he stated, "Lower Tsayul is between two rivers which join. At the fourth stage downstream there is the Yapichulung stream, which comes to join the river from the northwest. The area southeast of the stream belongs to Lo Lo." Besides, in the *Ke Mai Hsien* (i.e. Sangngachos Dzong) *Tu Chih*, it is also noted that Tuan Peng-jui and others at the time surveyed the area

up to Yapichulung in the south, making a census and compiling records and a report. This book quoted Tuan Peng-jui's report as saying then "On the western bank of Lower Tsayul there are 10 households at Sungkung, 7 households at Sama and one household at Waloon..." Waloon is Walong. As is well known, Walong is a rather famous village in the Lower Tsayul area. It can clearly be seen from the above-mentioned documents that the areas of Walong, Yapichulung, etc. are all to the north of the traditional customary line as maintained by the Chinese side. It can be seen that the boundary line at that time is in conformity with the traditional customary line maintained by China. After the Revolution of 1911, this area was still under the administration of Sangngachos Dzong. It was not until around 1944 that it was invaded by Britain.

The traditional customary line pointed out by the Chinese side besides being conclusively proved by the above-mentioned facts and evidence, can also find strong evidence in authoritative maps published by China and India. Chinese maps have always shown the boundary line along the southern foot of the Himalayas. It is needless to cite many examples. The following official Chinese maps are sufficient as proof:

- (i) The 2,000,000: 1 "Chungkuo Yu Tu" published in 1918 by the Cartographic Bureau of the Headquarters of the General Staff of the Chinese Government.
- (ii) The 1,000,000: 1 "Chungkuo Yu Tu" published in 1948 by the Bureau of Survey of the Ministry of Defence of the Chinese Government.

Since the 19th century and up to around 1937, the delineation of this sector of the boundary on official maps published by the Survey of India was basically identical with that of Chinese maps, that is, showing the whole of the area of Monyul, Loyul and Lower Tsayul within Chinese territory, and no Sino-Indian boundary whatsoever approximating the so-called McMahon Line. For example, the following five official Indian maps verify the above-mentioned statement of the Chinese side. They are: (1) The 1865 map of India; (2) The 1889 map of India; (3) The 1903 "District Map of India"; (4) The 1917 map of "Tibet and Adjacent Countries"; (5) The 1938 map of "Tibet and Adjacent Countries."

It is known to all that the Survey of India is an official organ of India. The boundary line marked on the above-mentioned maps cannot but be said to represent most authoritatively India's view of the traditional customary boundary. The so-called McMahon Line first appeared on Indian maps around 1937. But up to 1952, this illegal line had only been marked as boundary undefined. From 1954 onwards, the marking for this "boundary undefined" was suddenly changed to the marking for delimited boundary. The unilateral changes in the delineation of the eastern sector of the boundary on Indian maps around 1937 and up to recent years not only lack legal basis but obviously lack basis in tradition and custom or any other basis.

Proof of the traditional customary line as pointed out by the Chinese side can be found even in the accounts and statements made

by British officials in India and personnel sent by Britain to conduct exploration activities in the area of the eastern sector of the Sino-Indian boundary since the middle of the 19th century. Although these accounts and remarks generally reflect the British stand and policy, yet in face of facts, they cannot but in varying degrees admit that many places north of the traditional customary line maintained by China have always belonged to China. Without citing all of them, a few examples are given below:

1. Nain Singh, who sneaked into China's Tibet to make secret surveys in 1873—75 by order of the Survey of India, admitted that boundary between China and India lay between Amra Tala in the southern part of Monyul and Udalguri in India. According to the account of his surveys, coming from the north, "...across it (Phutang La) and then ascend to Taklung, the summer residence of two Jongpon who spend the winter months at Khalak Tang, and Amra (or Amba) Tala, near the British frontier." He continued to deal with his journey south of Amra Tala. In this account too, special mention was made of the location of the boundary between India and Tibet: "Road carried along the stream to its junction with the Sangti Chu; the two streams form the Dhansiri River, the Sangti River is crossed by a wooden bridge, near which is the frontier between British and Tibetan territory." (ed. Trotter: "Account of the Pandits' Journey in Great Tibet from Leh in Ladakh to Lhasa, and of His Return to India *via* Assam, "Journal of the Royal Geographical Society, Vol. XLVII). The account of Nain Singh clearly shows that near the wooden bridge on the Sangti River between Amra Tala and Udalguri lay "the frontier between British and Tibetan territory," but not a line of any other nature.

The attached map illustrating Nain Singh's journey compiled by Trotter (published in the same journal) also shows that the "British boundary" lies between Amra Tala and Udalguri south of 27° N. This account and the map further prove this section of the traditional customary line as maintained by the Chinese side.

2. Lala, who entered China's Tibet area to carry out illegal surveys in 1875-76 by order of the Survey of India, recorded that at the time in Tawang "there is a Tibetan regiment 500 strong, commanded by 3 officers who also exercise civil functions." "Narrative of the Route-Survey of Explorer Lala, from Darjeeling to Shigatse, Tsetang, and Tawang; and from Shigatse back to Darjeeling *via* Gyantse Dzong and Phari, 1875-76." (Records of the Survey of India, Vol. VIII, part 1). He also clearly admitted that Mantangong or Tawang was "an important Tibetan post." This shows extremely clear that Tawang has always belonged to Tibet.

3. British geographer Kingdon Ward who went several times to the area of the eastern sector to conduct surreptitious survey activities admitted in his article "The Assam Himalayan: Travels in Balipara" published in 1938: "Monyul is in fact an outlying district of Tibet like the Chumbi valley. And Tawang is controlled by Tsona Dzong, an important but small district headquarter, east of Gyantse on the southern plateau of Tibet." (Journal of the Royal Central Asian Society, Vol. XXV).

4. In the "Account of the Lower Tsang-po by the Mongolian Lama Serap Patso during 1856—68," compiled by Colonel Tanner, it is

stated: "When the Mongolian Lama was at Pemako, all the lands from the Doshing (Pass) and Dehmu (Temo) La passes up to Dangam village were under the rule of Powa Kanam." (Records of the Survey of India, Vol. VIII, Part II, 1915). The Dangam village is in the vicinity of the junction of the Sirapateng River and the Tsangpo River. This at least also confirms that the area north of this place was within Tibet.

5. In his speech entitled "The North-eastern frontier of India", British surveyor officer Colonel Holdich said: "Eastward of the Dihang is the Dibong, which drains from north to south through an unexplored corner of Tibet." (Journal of the Royal Society of Arts, Vol. 60, 1912). The Dihang and the Dibong Rivers mentioned here are both to the south of the so-called McMahon line and to the north of the traditional customary line maintained by China. The fact that Holdich termed it a "corner of Tibet" has testified that these places are a part of China's Tibet and not a part of India.

According to the above large amount of facts and material, it can be seen clearly that the area of Monyul, Loyul and Lower Tsayul has in history always belonged to China, and that the traditional customary line set forth by the Chinese side is based on objective facts.

## COMMENTS ON TRADITION AND CUSTOM

### PART I: COMMENTS ON THE POSITIVE STATEMENT OF THE INDIAN SIDE

With reference to the basis of the alignment in tradition and custom, the evidences provided by the Indian side are all unofficial, informal and indirect ones. The Indian side holds that according to the agenda pattern governmental and official documents should be brought forward under Item III of the agenda, these documents are precluded under the portion of Item II concerning tradition and custom and only materials obtained from incidental and indirect sources can be brought up under this portion of Item. II. This allegation of the Indian side is not consistent with the intent of the agenda pattern. It is not difficult to see that the agenda pattern only stipulates what is to be discussed under each Item, and does not specify materials from what sources should, and materials from what sources should not be brought up under each Item. Therefore, all the materials relevant to the contents of the Item concerned can be brought forward, whether official or unofficial, direct or indirect, and it goes without saying that the priority and emphasis should go to the official and direct materials which are obviously more authoritative. The deliberate evasion of official and direct materials by the Indian side precisely shows that either it is simply in no possession of these materials or it finds these materials too unfavourable to it.

Failing to put forward official and direct materials, the Indian side tried hard to argue for its unofficial and indirect materials by unduly exaggerating their role and alleging that they were purely objective and of tremendous significance because they were mainly concerned with other things having a detached third person interest in the boundary question generally free from influence of ulterior motives and intentional distortions. It is apparent at a glance that these allegations are wrong. Boundary matters are matters of major importance which involve the sovereignty and territory of a country, and only the country concerned can set forth fully its own standpoint, and only the country concerned is able and in a position to obtain an overall and detailed picture of the boundary through the exercise of administrative jurisdiction and through investigations and studies as well as surveys. Hence, it is only the official and direct materials which are the most authoritative. With regard to unofficial and indirect materials, they are inadequate to give an overall picture of the boundary; moreover, the authors concerned are not responsible for the correctness or incorrectness of the facts and views they set forth, and, therefore, they can in no way be compared with official and direct materials in authority and importance. As a matter of fact, any unofficial and indirect material must be based to a certain extent on some official and direct materials if it is indeed to reflect the actual situation. Even the Indian side cannot but admit this. For instance, the Indian side



had this to say in citing certain Chinese maps: "Even more important are unofficial maps drawn by Chinese cartographers of distinction on the basis of official and of other information and of authoritative surveys." It can thus be seen that unofficial and indirect materials must be given a proper appraisal, and their importance should not be exaggerated. Even if they correctly reflect the objective facts, they generally can only be treated as supplementary evidence of an auxiliary nature.

It must also be pointed out that many of the unofficial and indirect materials cited by the Indian side are by no means purely objective as claimed by the Indian side, particularly the accounts of those so-called Western "travellers". This can be clearly seen in the subsequent specific comments of the Chinese side.

From the above-mentioned, it is not difficult to have a proper overall appraisal of the evidence of the Indian side concerning tradition and custom. Following are specific comments on the evidences brought forward by the Indian side concerning the various sectors :

#### *A. Concerning the Western Sector*

Most of the area disputed by the Indian side belongs to China's Sinkiang, but regarding the boundary between Sinkiang and Ladakh, the Indian side brought forward no evidence to substantiate the alignment claimed by it, except for the instances that a few Ladakhis occasionally crossed the border to Sinkiang for salt-mining and pasturing, that there was trade intercourse between the border peoples, and that a few westeners trespassed into Sinkiang or Tibet for hunting.

Regarding the boundary between Tibet and Ladakh, the Indian side erroneously cited the history since the 10th century, arriving at conclusions which do not conform to the actual state of affairs. The Indian side cited some Chinese maps, but these maps are either not drawn by Chinese or lack authority or at comparatively simple, and can in no way support the Indian stand. As to the official Indian maps the Indian side evaded from making any mention of them.

##### *(1) Concerning salt-mining, pasturing, trade and hunting*

The Aksai Chin and Linghithang area of China's Sinkiang has for centuries been a place where Chinese people of the Uighur and Kirghiz nationalities have traditionally and customarily lived and moved about. The Chinese side has cited a large amount of materials to prove this.

The Indian side has now claimed that Ladakhis also went salt-mining in this area but failed to provide evidence for it. It is not difficult to point out that this can only be in the nature of trans-border salt-mining by inhabitants of a neighbouring country. The Chinese local authorities sometimes permitted them to cross over and sometimes not, according to circumstances. Upon discovery by the Chinese local authorities once they crossed over without permission, they were even detained and interrogated. The arrest by Chinese patrols of the Ladakhis and Indians who illegally crossed the border cited by the Chinese side under Item III of the agenda is

a best proof in this respect. Therefore, it goes without saying that such trans-border salt-mining activities were obviously no basis for the boundary alignment claimed by the Indian side.

The Indian side also claimed that Ladakhis had also been pasturing in the area of the western sector disputed by the Indian side. However, it is noteworthy that the evidence produced by the Indian side only involved the Chang Chenmo valley or the southern part of the valley, but not Linghithang and Aksai Chin to its north. It can be seen that Ladakhis had not pastured in the latter areas. With regard to the Chang Chenmo valley, as the major part of it lies in Ladakh and only the small part of it to the east and North of the Kongka Pass belongs to China, a general reference to pasturing in the valley by Ladakhis can in no way prove that the places to the north and east of the Kongka Pass necessarily belong to India. As for the assertion that the Pangong Lake area and the places further south along the traditional customary boundary maintained by the Chinese side are pastures used exclusively by inhabitants of Chushul and Hanle, it does not conform to the fact. The materials provided by the Chinese side show that these areas have always been Chinese pastures which have all along been used by Chinese border people.

Concerning Ladakhi traders coming along customary trade routes to Sinkiang for trade, there have always been such instances, just as people have also gone from Sinkiang to Ladakh for trade. Part of these trade routes is in Ladakh and the rest in Sinkiang. The places through which these trade routes pass cannot be claimed as Ladakhi territory just because they have been traversed by Ladakhi traders. Similarly a trade route in Ladakh cannot be termed Chinese territory just because it has been traversed by Chinese traders.

The Indian side further alleged that the Kashmir authorities built these routes and resthouses and store houses along the routes, and therefore the entire area concerned is in Indian territory. But the Indian side failed to provide evidence for it. In fact, the routes on this side of the Chinese traditional customary line were never repaired by the Kashmir authorities, nor is there any trace of the Kashmir authorities having built resthouses and store houses along these routes. This area has always been under Chinese control, the Chinese Government is clear about the situation there.

The evidence concerning hunting to which the Indian side referred was limited to that by westerners, and was a situation which arose only after the British invaded Ladakh, and cannot constitute a tradition in history. Moreover, the evidence produced by the Indian side show that those huntings mainly took place in the Chang Chenmo valley, most of which, as mentioned earlier, lies in Ladakh. Therefore a general reference to the Chang Chenmo valley cannot prove the alignment claimed by India. Further there were occasional intrusions by some of the hunting parties into China's Sinkiang and Tibet, but their mere presence there cannot turn these places into Indian territory. Even these people themselves admitted their having travelled beyond Indian territory into China. This can be seen from the titles of the books referred to by the Indian side which

have the words "Tibet", "Turkistan", etc. Therefore, the accounts of entry into China for hunting obviously cannot prove the Indian claim for the traditional customary line.

(2) *Concerning the history of Ngeema-gon giving lands to his three sons*

Concerning the boundary between Ari of Tibet and Ladakh the Indian side cited the history of Ngeema-gon, a local prince of China's Tibet, giving lands to his three sons, asserting that this proves that Ladakh was an independent kingdom in the 10th century, and held that the boundary between Ladakh and Tibet had since then been an international boundary and as now claimed by India. The Chinese side cannot agree to this assertion.

With regard to the situation of Ngeema-gon giving lands to his three sons in the 10th century, although several Chinese and Ladakhi books of history, such as the *Biography of A-di-sha*, the *Blue Annals*, the *History of the Kings and Ministers of Tibet*, the *Bu-ston History of Buddhism*, etc., recorded this, the versions of some specific facts were different, such as who was the eldest son, where were the estates given to each situated etc. The conferring of estates only reflected a change in the estates of manorial lords within Tibet at that time, and was not the setting up of so-called independent kingdoms, even less can it be inferred from this that a definite international boundary was determined. The Indian side brought forth a document in Tibetan, alleging that there was a sentence in this document saying that Ngeema-gon "gave to each of these three sons a separate kingdom." But this Tibetan text precisely does not support the assertion of the Indian side. It is written in the text: "De-Nas-Sras-Gsum-Ngai-Ris-So-So-Gngang." This sentence signifies: "He conferred on each of his three princes vassals." The Indian side's interpretation of the word "Ngai-Ris" in this sentence into "kingdom" is obviously erroneous. "Nagi-Ris" in Tibetan can only mean "vassals" or "area under jurisdiction", but cannot be given the far-fetched interpretation of "kingdom." It can thus be seen that the evidence does not have the meaning that the three sons after being given lands became kings of separate kingdoms. The Indian side's translation is probably based on the English translation in Francke's *Antiquities of Indian Tibet*, which reads: "He gave to each of these three sons a separate kingdom." But it should be pointed out that Francke's English translation is not faithful to the Tibetan original.

The fact that after Ngeema-gon gave lands to his three sons, Maryul (Ladakh) did not become an independent kingdom can also be testified by the above-mentioned well-known Tibetan historical works. The *Biography of A-di-sha* has the following account: "Ngeema-gon... holding in memory the unified domain bequeathed to him by his forefathers, gave Bu-rang to Tza-shi-gon, Sham-shung to Pai-ji-gon, and Maryul to Dai-tzu-gon. As vassals were conferred on the three brothers separately it was given the name Ngari-Khorsum." This clearly shows that the three sons were given feudal estates under the unified rule of local Prince Ngeema-gon. Again, in the *Blue Annals*, a well-known ancient work on Tibetan history, there is the following account: "After Ngeema-gon came to Ari, he had three sons, Bai-ji-gon, Tza-shi-gon and Dai-tzu-gon. The eldest

held Maryul, the second son Bu-rang, the youngest son Sham-shung. All these places were under the unified jurisdiction of Gu-ge." As everyone knows, Gu-ge is the name of a local prince of the Ari district of Tibet, and according to this document, after the conferring of estates, Maryul was still under the jurisdiction of a local prince of Tibet, and not an independent kingdom.

It may be also mentioned that both the 87th volume of the "Yuan History" "Pai Kuan Chih" and the 547th volume of the *Ta Ching Yi Tung Chih* record that Ladakh was a part of China's Tibet. Even in the book *A Sketch of the Geography and Geology of the Himalaya Mountains and Tibet* published by the Survey of India, which represents the British stand and is far from being sympathetic or biased towards China, it is also said on page 9 that "Gulab Singh.... conquers Ladakh, a Buddhist province subject to Lhasa." It is further said on page 15 of this book that in 1820 Ladakh was under Tibet and the jurisdiction of the then Tibet local government had reached Ladakh and Baltistan, and that Ladakh which was a part of Tibet was only in 1846 annexed by Kashmir.

While the fact about Ngeema-gon conferring estates on his three sons was recorded in historical works, since Ladakh did not become an independent kingdom, a question of an international boundary between Ladakh and Tibet did not at all arise. As to a line dividing Maryul from the rest of Ari as that dividing two administrative districts under a unified domain, no sound basis for it can yet be found in history books. Nor is it conceivable that, a thousand years ago and along hundreds of kilometres in such a remote region, a clear dividing line could have been drawn in conferring fiefs. The Indian side's contention that the boundary of Maryul in the 10th century was already determined more or less in conformity with the boundary between Ladakh and Tibet as it now claims is obviously inconceivable. The administrative line dividing Ladakh from the other administrative districts of Tibet could only have been formed gradually in the course of the development of history, and it was only by 1846 that, along with the annexation of Ladakh by Kashmir, this administrative line became the international boundary between China and India.

The Indian side furnished the Tibetan text and English translation of a relevant passage from the *Ladakhi Chronicles*, attempting to prove thereby that the limits of Maryul were already determined in the 10th century. The Indian side held that the two versions were the same. But in fact, they are not the same the place names mentioned in them are different, and for most of the places their locations are also not clear. Therefore, these two texts can only roughly describe some points of the Maryul area and can by no means be considered as having determined a clear dividing line between it and the other parts of Ari. Still less can the conclusion be drawn that the so-called boundary of Maryul in the 10th century more or less conformed to the entire boundary between Ladakh and Tibet now claimed by India.

### (3) Concerning maps

The unofficial maps submitted by the Indian side cannot prove the alignment it claims. These maps can be divided into the following categories:

The first category: maps alleged by the Indian side to be Chinese maps, but are actually westerners' maps. They obviously do not represent the Chinese viewpoint. The Chinese people attach no importance to these maps and look upon them with disdain. One map cited by the Indian side is said to be an oldest map drawn in the 6th century. But the Indian side was unable to provide its source. Actually that map was not drawn in the 6th century, but only tried to indicate the territory of China in the 6th century. It was drawn up toward the end of the Ching Dynasty at the earliest, that is, in the 19th century, and moreover was compiled by foreigners outside China. This is very easy to ascertain. Firstly, the form is not that of ancient Chinese maps. Secondly, the characters on the map are crooked and obviously not written by a Chinese. As for the 1908 map by the China Inland Mission and the 1917 map by the British owned North China Daily News and Herald, both cited by the Indian side, it has been made clear in the previous Chinese notes that these maps were drawn by imperialist elements according to their ulterior motives and that the Chinese never accepted the erroneous Sino-Indian boundaries drawn by these people. The Indian side even stated that for more than 40 years the Chinese authorities had been using the 1917 map of the North China Daily News and Herald. This is indeed a fantastic assertion. Note to say that in the ten years and more after liberation the Chinese authorities has never recognized these maps, even in the thirty years and more before liberation the Chinese authorities never recognized, nor used these maps.

The second category consists of modern Chinese maps. These maps similiary do not support the Indian side's claim for this sector of the boundary. The map alleged by the Indian side to have been published by Peking University is actually a map from a historical atlas drawn up by a student of Peking University. And even the maps in this atlas show that at the time of the Ching Dynasty Ladakh was still subordinate to China, and that the area in the western sector now disputed by the Indian side is within Chinese territory. The map by the Commercial Press cited by the Indian side approximates the current Chinese delineation, showing the boundary as along the Karakorams.

The third category consists of old maps drawn in the traditional Chinese style. The Indian side made some far-fetched conclusions from certain individual old Chinese maps, arbitrarily asserting that Tsung-Ling along with the boundary ran on these maps is the Kuen Lun and absolutely not the Karakorams. This neither conforms to the facts, nor to the meaning of these ancient maps. For example, concerning the map "Nan-Lu-Chung-Tu" in the book called *Chin-Ting Sinkiang Chih-Lueh* cited by the Indian side, the Indian side asserted that in this map the Karakash and the Yurung Rivers were drawn cutting across the Tsung-Ling and considered that this

proved Tsung-Ling to be Kuen Lun. But the actual situation is exactly contrary to the assertion of the Indian side. Because the map clearly shows the rivers up to Tsung-Ling without cutting across it. As a matter of fact, that Tsung-Ling (Nimangyi Mountain) Indian cartographers already acknowledged this fact and adopted throughout the world. Back in the 19th century, some British and Indian cartographers already acknowledged this fact and adopted in their maps the name "Tsung-Ling" along with Karakoram. For example, maps such as the "Indian Northern Sheet" in the Royal Atlas of Modern Geography of 1864, compiled by Alexander Keith Johnstons, cartographer to the British Queen, and the "Map of India" of 1840, compiled by James Wyld, another cartographer to the British Queen, have marked respectively the words "Tsung Ling or Karakorum Rangs," and "Tsung-Ling or Karakorum Mountains" along the entire southern boundary of Sinkiang. The Chinese side also provided another map from the above-mentioned book, the *Chin-Ting Sinkiang Chih-Lueh*, i.e. "Sinkiang Chung-Tu", which further proves the incorrectness of the Indian assertion. On top of "Tsung-Ling" in the Sinkiang Chungtu there is a note saying that Tsung-Ling "starts in the Seng-ge-ka-hab mountain and connects Tibet." (The Seng-ge-ka-bab mountain is the mountain from which springs the Seng-ge-ka-bab, i.e. the Indus River. Seng-ge in the Tibetan for lion, and ka-bab for spring.) As everyone knows, the Kuen Lun Mountains are very far from the Seng-ge-ka-bab River while the Karakorums are in the vicinity of the source of this River. This further proves that the Tsung-Ling along which the western sector of the boundary runs on the map is the Karakoram Mountains south of the Kuen Lun Mountains, and not the Kuen Lun Mountains.

As for the "Hsi-Yu-Tu-Chi" cited by the Indian side, it is but a simple sketch map without drawing the boundary and simply showing the names of a few places only. To determine the location of the Sino-Indian boundary to be at Sanju by means of these few places can only be termed as an arbitrary deduction.

As for the map of the "Hsi-Yu-Shui-Tao-Chi," it mainly shows the Lob-nor River system, and not the limits of Sinkiang.

The fourth category consists of map of third countries. Some of the maps are very simple and it is difficult to ascertain the specific location of the boundaries. The Chinese side pointed out that there are innumerable maps of third countries showing various delineations. Selecting one or two of them at random which suits one's need cannot prove the point. Chinese and Indian maps should be brought forward, which are most convincing.

## B. Concerning the Middle Sector

The evidence in tradition and custom cited by the Indian side for the middle sector of the boundary as claimed by it cannot prove the views that the Indian side tried to prove, and some of them on the contrary, even corroborated the views of the Chinese side.

### (1) Concerning the Spiti Area

The Indian side claimed that the boundary line in the Spiti Area follows the watershed between the Spiti and the Pare Rivers. The evidence cited by the Indian side in support of its claim can be divided into the following categories:

1. In Tibetan material, the Indian side produced the photostats of two documents each of the 10th and the 19th centuries respectively and again mentioned the conferring of estate by Ngeema-gon to his third son and the case of a Tibetan official giving dowry on his daughter's marriage. But there is no clear relation between these materials and the Indian assertion that the boundary here runs along the watershed between the Spiti and the Pare Rivers.

Concerning the two documents which are said to be of the 10th century, the word "Ladakh" does not appear at all in the original Tibetan text of the first document, and we don't know how the Indian side got the translation: "Hemi Gumpa of Ladakh." The Indian side alleged on the one hand that all the places named in the document belong to Ladakh, on the other hand it cannot but admit that Churup, Karak, Bargaiok and Sumknel mentioned in this document are now all Chinese territory. Since this is so, does not one have reason to consider that other places mentioned in the document such as Chuva, etc. also belong to China and not to Ladakh? The Indian side asserted that in the second document there was a message of the King of Ladakh to Nono of Churup, but no such words as "Nono of Churup" can at all be found in this document. Therefore, from the photostats supplied by the Indian side it cannot be seen that Churup at that time was under Ladakhi jurisdiction. What is more, the Indian side also admitted in its statement that Churup is China's traditional territory.

About the two documents of the 19th century. There are obvious differences between the English translation and the Tibetan texts both submitted by the Indian side. Neither the Indian side's English translation nor the contents of the original documents prove that the dividing line between Tibet and Ladakh was the watershed between the Spiti and the Pare River.

As for the case of Ngeema-gon giving Zansdkar-sgo-gsum to his third son, as mentioned by the Indian side, even assuming the accounts in the *Antiquities of Indian Tibet* compiled by A. H. Francke were credible, they could only prove that Spiti was not a part of Maryul (Ladakh). The Indian side again said that Spiti later became a part of Ladakh, but did not cite relevant evidence. Whether or not Spiti belonged to Maryul (Ladakh), none of the evidences cited by the Indian side can prove that Ari district of Tibet and Spiti then had their dividing line along the watershed between the Spiti and the Pare Rivers, or that the Pare valley was then not within Ari of Tibet.

The Indian side recalled the history of the Spiti area and considered that this area twice became a part of Ladakh but was never a part of Tibet. As a matter of fact, the Indian side's statement at the most can only show that the ownership of the Spiti area has undergone many changes in history and cannot prove that this section of the Sino-Indian traditional boundary runs along the

watershed between the Pare and the Spiti Rivers as claimed by India. It should also be pointed out that the assertion that the Spiti area has never been a part of Tibet is disputable. In the photostat of the Ta Ching Yi Tung Chih provided by the Chinese side, it is clearly noted that this area (Piti), belonged to Tibet. In a word, whatever the Indian side's concept of the Spiti area, it cannot overthrow the fact that Chuva and Chuje east of the traditional customary line have always belonged to China, and the Chinese side has cited necessary material in the relevant positive statement to prove this point.

2. The Indian side said that Cunningham and Vans Agnew confirmed the boundary between Spiti and Ladakh in accordance with the Amritsar Treaty. The Indian side did not give the details about the confirmation of the boundary by Cunningham. Also, one can see no relation between the statement of the Indian side and the Indian claim that the boundary runs along the watershed between the Spiti and the Pare Rivers. But one thing is quite clear. In the attached map of the book *Ladakh* which Cunningham wrote on the basis of his investigations, it is clearly indicated that Gyu (Chuva) is within Chinese territory. This is another evidence confirming the Chinese alignment.

3. The Indian side cited the accounts of certain European travelers. So far as the two pieces of material of W.C. Hay concerning Spiti are concerned, the Indian side took "Chujeh Koti" as Chuje mentioned by China. This is incorrect, because China's Chuje is not a large Koti administering 17 villages, and its geographical location is also different from that mentioned by Hay. The villages of Lidang and Kurik, which were mentioned by W. C. Hay as under the jurisdiction of Chujeh Koti were far to the west of Chuva (see map attached to Cunningham's book). But Chuje referred to by the Chinese side is east of Chuva. This shows that Chujeh as mentioned by Hay is not Chuje referred to by the Chinese side. Furthermore, in Cunningham's above-mentioned attached map, a village named Kyurik close to the junction of the Pare River (which is the Kaurik village often mentioned by the Indian side in describing its claimed alignment) is shown within Chinese territory. The delineation of this sector of the boundary in the above-mentioned map also supports the Chinese alignment. As for the other sketch map of Hay's, although it marks out the Spiti basin, it does not show the boundary line, nor the Pare River. It, therefore, cannot at all clarify the question of the boundary. As for the other persons mentioned, Gerard and Hutton, their remarks about the boundary are only based on hearsay, and different from many other comparatively authoritative materials, showing that they are in themselves incredible.

4. The Indian side also cited some unofficial maps of third countries. As stated above, such maps cannot serve as valid evidence.

From the above, it can be seen that the Indian side has not provided any strong evidence in tradition and custom in support of its claim that the boundary line follows the watershed between the Spiti and the Pare Rivers.



## (2) *Concerning the Shipki Pass*

The Indian side only cited the accounts of a few foreigners and a few unofficial maps as basis in tradition and custom in support of the Indian alignment.

In some of the foreigners' accounts cited by the Indian side, Shipki Pass is not clearly described as a border pass (such as Wakefield's account). Others, such as Gerard and Ryder, gave incorrect accounts about this part of the boundary. This is not strange, because they were British Military officers under the direction of the British colonial government, and it was obviously with ulterior purposes that they entered China's Tibet and carried out activities there. Because of this, in 1821 the local Government of Tibet for 4 times forbade Gerard to come to the interior part of Tibet.

As for the unofficial maps cited by the Indian side, although there are seven of them, five are taken from the German Stieler's Hand-Atlas. The Chinese side cannot agree to the allegation that these maps correspond to the traditional Indian alignment. Official Indian maps, such as the map "India" of the Survey of India published in 1881 and 1889, show the boundary as far to the west of Shipki village which is within China. Can Stieler's Hand-Atlas be considered even more authoritative in its view of the Sino-Indian boundary than the official maps of India? The Indian side said that these five maps from this Atlas were published in different years but the alignment remained constant, and hence they are sufficient basis in tradition and custom for the alignment claimed by the Indian side. But the Chinese side has carefully and repeatedly scrutinized these five maps. Not only are these photostats rather out of focus and difficult to read, but also it was not at all possible to discern on maps of this scale the location of the boundary in this part. As for Ryder's map provided by the Indian side, it can only prove that this portion of the boundary line has not been formally delimited. The major part of the boundary line drawn in his map is a broken line, and it was noted that this broken line is only an approximate boundary." The Indian side also cited part of a Chinese map, the "Chunghua Jenmin Kungho Kuo Tui." Although what was provided by the Indian side is an enlarged photostat, it can be seen that the scale of this map is very small and the boundary line drawn very thick. As Shipki Pass is not far from the boundary in the first place, it is very difficult to tell the exact location of the boundary line here.

## (3) *Concerning Sang, Tsungsha, Wuje and Other Places*

The Indian side dealt with the disputed areas of Sang, Tsungsha, Puling-Sumdo, Wuje, Sangcha and Laphthal altogether. In its written statement, the Indian side first of all made some unfair charges against the Chinese side, alleging that China has raised new territorial claims, and then it quoted some historical materials, religious mythology, accounts of the British and unofficial maps in an attempt to prove that the boundary in these areas follows the watershed and that these disputed areas belong to India. But none of those charges and assertions can stand.

1. As China explained the fact that Wuje, Sangcha and Lapthal were three places contiguous to one another and that there was no Indian territory in between them, the Indian side asserted that China had made a new claim to Indian territory and that this did not conform to the stand of the Chinese side in the past, etc. One cannot but be surprised and regret at such a charge. Firstly, Wuje, Sangcha and Lapthal have always been territories of the Tibet region of China under the jurisdiction of Daba Dzong, and the question of China making territorial claims does not at all arise here. Secondly, these three places, though each a unit in itself, are contiguous and there cannot possibly be other places wedged in between them. This is just as mentioned by the Chinese side in the case of Sang, Tsungsha and Puling-Sumdo, which are three places but contiguous to one another, and there is nothing strange in it. Whether in Premier Chou En-lai's letter of September 8, 1959 or in any of the correspondence of the Chinese Government, the Chinese side has never said that these three places are not contiguous or that there are Indian territories wedged in between. If the Indian side had such a wrong impression, the Chinese side cannot be blamed for it. As for the 1958 negotiations mentioned by the Indian side between China and India on the Wuje question, they did not concern the question of Sangcha and Lapthal to begin with. Both sides had first clearly decided through consultations that the negotiations would be confined to the ownership of Wuje alone. Therefore, the approximate extent of the Wuje area referred to at the time by the Chinese side naturally indicated only the extent of Wuje without including Sangcha and Lapthal. What is more, it was only after the negotiations that the Chinese side discovered the entry of the Indian side into Sangcha and Lapthal. It was thus all the more impossible for the Chinese side to raise the question of these two places in Wuje negotiations.

2. As for the Indian ancient works and legends quoted by the Indian side, here we would only like to point out that these ancient works and legends cannot form any basis supporting the alignment claimed by the Indian side. Although the *Puranas* quoted by the Indian side is a part of the Indian people's ancient cultural heritage, some scholars of Indian history also consider that the *Puranas* cannot serve as a reliable basis of authentic history. In the *Skanda Purana* (one of the *Puranas*) quoted by the Indian side, it is only said in general terms that the northern limits of Tehri-Garhwal and Almora which were termed *Kedar Kshetra* were the Himalayas and does not mention at all the specific location of the boundary. As everyone knows, the Himalayas are composed of a number of parallel ranges and are hundreds of kilometres wide. It is, therefore, not possible to ascertain the specific location of the boundary on the basis of this book. There are many myth and legends among the peoples of both China and India, and if both sides were to cite such material, it would obviously be of no help in clarifying the location of the traditional customary line.

3. The Indian side also quoted some historical materials. But the majority of such materials bear no logical relation to the conclusion which the Indian side tries to draw. For example, on the basis of the sentence in *Ta Tang Hsi Yu Chi* written by Hsuan Chuang

in Tang Dynasty of China that "the kingdom of Brahmapura" as being "4000 li in circuit," the Indian side concluded that this ancient country must have its northern limits along the Sutlet-Ganges watershed. The Indian side stated that so long as the length of the circumference and the location of the centre is known, the location of the circumference as the boundary can be calculated. Such a method of determining the location of a boundary line by the most elementary calculation in arithmetic is indeed amazing.

4. The Indian side took much space in its statement to describe the rise and decline of the States of Garhwal and Kumaon and other historical happenings. But some of the Indian side's quotations do not at all touch on the boundary question (such as the inscriptions on the three copper-plates in the temple of *Pandukeswar*), and others just mention in a vague way the approximate extent of these states, for example, in the report of 1815 of G. W. Traill, Assistant to the Commissioner for the Affairs of Kumaon and Garhwal, it is only said that "The northern boundary of Garhwal and Kumaon..... extends to the commencement of the table-land." The allegation that the sources of the Ganges and its tributaries were within these kingdoms is also pure guess work of the Indian side. Although individual pieces of evidence refer to the sources of the Ganges, that is not equivalent to meaning that the boundary lies precisely on the watershed.

The Indian side also listed some foreigners' accounts to support its contentions. The Chinese side pointed out many times that the accounts of these Westerners should be properly appraised in the light of historical background. Only two points will be commented here: Firstly, in not a few quotations made by the Indian side, the traditional boundary was not mentioned. For instance, J. H. Batten only said that when he went up to the Niti Pass, "there was not a cloud in the sky and I obtained a full and undimmed view into Tibet." Except showing that the Niti Pass is located in a high place and that from it a full and undimmed view of Tibet could be seen, this sentence shows nothing else. How could the Indian side judge on this basis that the Niti Pass is a border pass? Secondly, the scheme of the British to draw in India certain places north of the traditional customary line maintained by China is nakedly revealed by Strachey in his following account: "I do not think that our Bhotiya subjects have any definite ideas as to the boundary between the British possessions and those subject to Lhasa; nor indeed am I aware that any boundary has ever been settled between the two powers. We English in Kumaon affirm that the watershed is the boundary, and I think no one will dispute the assertion. I was indeed told that Hoti, a pasture ground north-east of Niti Village within the watershed, was considered by the Tibetans to be a dependency of Daba Dzong. But as it was convenient for me to consider it British ground when I was geologizing here in the following year, I did not find any one, either Bhotiya or Tibetan, inclined to deny my positive assertion that it was British." ("Narrative of a Journey to the Lakes Rakas-Tal and Manasarowar, in Western Tibet undertaken in September, 1848," "The Geographical Journal," Vol. XV, pp. 407-408, 1900). The above quotation puts it very clearly: Knowing well that the Tibetans considered the Hoti pasture to belong to Tibet, he nevertheless arbitrarily included it into Indian territory for the sake

of "convenience" and, without even asking the Tibetans, he said impudently that he found no one who objected to his assertion. Is this not a thoroughly imperialist tone? Although some other accounts generally state that the boundary is along the watershed, it is obvious that this is only a general way of putting it and cannot rule out the fact that at certain places the boundary is south of the watershed.

6. Concerning some unofficial maps cited by the Indian side. These maps are very sketchy. Some of them practically did not even have a single place name in the middle sector. On others the boundary line cannot be seen from the photostat, but one sees only some mountain ranges shown there in dark shades. As for the two Chinese maps cited, one is the "Hui Chian Ho Tu" which is just a sketch map drawn in the old style with some rivers marked on it. It neither has any boundary to speak of nor indicates that the sources of all the tributaries of the Ganges are in India. The other map, the New Atlas of China published by the Commercial Press in 1917 is of a small scale and is also not precise in its marking of the boundary alignment. The Chinese side noted that the Indian side has not cited one official map of China or India, of the past or of the present, to support its claim concerning the traditional boundary in the middle sector, while the Chinese side has cited formal official Indian maps to prove its view of the traditional boundary line.

### C. Concerning the Eastern Sector

As in the case of the western and middle sectors the Indian side cited some unofficial and indirect data to substantiate the alignment in the eastern sector it claimed. The Chinese side considered that some of the data cited by the Indian side had nothing to do with the alignment the Indian side tried to substantiate, some failed to elucidate the points the Indian side wanted to make and others were interpreted incorrectly. As to the evidence provided by the Chinese side to substantiate the traditional customary alignment in the eastern sector maintained by it, the Indian side could find no reason to refute it, but argued sophistically again that the so-called McMahon Line was not illegal. The Indian side even openly disregarded the fact that Tibet is an inalienable part of China's territory by separating it from China and setting it as a unit distinct from China. At this, the Chinese side cannot but express deep regret.

(1) The Indian side cited a number of such ancient Indian works as *Mahabharata*, *Ramayana*, *Raghuvamsa*, *the Puranas*, etc., asserting that there were many references in these ancient works to the territory of India as including the "tribal areas" north of the Chinese traditional boundary since remote ancient times. It also asserted that this area was under the control of the Ahom Dynasty from the 13th to the 19th centuries. However, all these assertions did not tally with the fact, nor did the material cited by the Indian side provide any conclusive evidence in this respect either.

Undoubtedly, these ancient works consisting of myths and legends, could not be cited as basis for the alignment claimed by the Indian side. The *Imperial Gazetteer of India*, which the Indian side considered to be a most authoritative work, had this to say about the ancient history of Assam: "The early history of the Province is

very obscure. . . . The first mention of the country which we now call Assam is found in the epics and religious legends of Gangetic India, but it is not yet possible to unravel the slender thread of real fact from the tangled skein of fable, invention and poetical exaggeration." It could thus be seen that the ancient history of Assam remained a subject calling for further deep study. As for the passages cited by the Indian side, all they could do was to give a picture about the rise and fall of certain ancient dynasties in what is now called Assam, they could not prove that the entire area north of the traditional customary line and south of the so-called McMahon Line belonged to India. The quotations referred only in general terms to "tribal areas" and "tribal followers". But as everybody knows, there is an enormous number of various tribes in Assam's interior and the surrounding areas in all directions and the situation about these tribes one or two thousand years ago should be even more complicated. Even assuming part of the data cited by the Indian side could be regarded as reliable history, one could not infer from such general terms as "tribal areas" and "tribal followers" that they precisely referred to the various tribes north of the traditional customary line and not to other tribes south of the line. As to the story about the grandson of a certain king practising tapas (penance) on the banks of the Kausiki, cited by the Indian side from *Ramayana*, it was still more perplexing. It can be ascertained from the *Imperial Gazetteer* of India that the Kausiki River mentioned in ancient Indian legends is the Kosi River, which is situated along the border area between India and Nepal and has nothing to do with the eastern sector of the Sino-Indian boundary. Moreover, the Indian side quoted a sentence from a book of Hsuan Chuang of China's Tang Dynasty saying perimeter of "the Kingdom of Kamarupa was about 10,000 li," thinking that this single quotation could confirm the alignment claimed by the Indian side. Here once again the Indian side employed its strange method of deduction. Other similar examples would not be enumerated here one by one.

The contention of the Indian side that the Ahom Dynasty controlled the area now under dispute in the eastern sector during the period from the 13th century to the 30's of the 19th century did not tally with the historical facts. Of course, due to the geographical proximity of the hill tribes north of the traditional customary Chinese alignment to Assam, it was understandable that some mutual contacts and intercourse might have taken place. But it would be unjustifiable to interpret this intercourse as indicating subordination of these tribal areas to the Ahom Dynasty. In fact the Indian side provided no precise evidence to substantiate this argument. For instance, the Mikkir tribe referred to by the Indian side inhabited mainly the southern bank of the Brahmaputra River which has nothing to do with the area under dispute. The Indian side quoted a passage from the writings of a Moghul historian and a conversation between an Assamese Ambassador and a Moghul general, which only made ambiguous references to "neighbouring hills" or "numerous chieftains of the mountainous regions." But since the central, northern, eastern and southern parts of Assam were all "hilly" and inhabited by "hill tribes," how could the Indian side infer from these ambiguous terms that the territory north of

the traditional customary Chinese alignment belonged to India? The Chinese side noted that most of the data provided by the Indian side with regard to the period of the Ahom Dynasty were taken from the book *Anglo-Assamese Relations* published in 1949 by the Department of Historical and Antiquarian Studies under the Assam Government of India. However, it could be pointed out that the northern boundary of Assam as described at the very outset of this most authoritative work on Assamese history was practically at one with the traditional customary Chinese alignment. The book wrote: "The kingdom of Assam, as it was constituted during the last 140 years of Ahom rule, was bounded on the north by a range of mountains inhabited by the Bhutanese, Akas, Duflas and Abors; on the east, by another line of hill people by the Mishmis and Singphos...." (See page 1 of the book). The map attached to the book showed even more clearly that the national minority regions along the Himalayan ranges and their southern slopes were all beyond the boundary of Assam. The book also wrote that the area disputed by the then Assamese government was merely a belt of land lying between the foot of the hills and the extremities of the plains. Having described how fertile this belt of land was and how the hill people maintained their contact with the plains through this area, the book went on: "The ownership, of this belt was claimed by the Ahom government, but it could enforce its claim only when it was strong enough to expel the tribal intruders." (See page 33 of the book). It followed from the foregoing that in the north the rule of the Ahom Dynasty extended only to the plains on the northern bank of the Brahmaputra River without even reaching the southern foot of the Himalayas.

(2) The accounts of certain western "travellers" cited by the Indian side cannot be considered as supporting the alignment claimed by the Indian side. The first thing worthy of note is that these accounts referred only to Loyul and Lower Tsayul, while the Indian side was unable to provide such material concerning the Monyul area.

As far as Loyul and Lower Tsayul were concerned, the accounts cited by the Indian side, instead of proving them to be Indian territory, only served to show that they had close relations with Tibet. For instance, Desideri pointed out that there was frequent intercourse between the Tibetans and the Lhobas. Although he used such expressions as "the extreme borders of Takpo-trulung" and that Tibetans "are obliged to stop on the frontier to barter goods," yet there is no reason to regard the so-called extreme borders or frontier mentioned here as indicating the Sino-Indian boundary. Desideri had been using these expressions in a general sense and did not mean to refer to the international boundary as one understands it today. Following the phrase "the extreme borders of Takpo-trulung," there was another important clause in his original writings which the Indian side failed to quote, namely: "Cong-to Province starts from here." As stated in the book, and also admitted by the Indian side, Cong-to (or Cong-bo) was a district of Tibet (just as Takpo or Takpo-trulung was another district of Tibet). Hence the so-called "extreme borders" here obviously meant the line dividing two districts of Tibet and could not possibly indicate an international boundary. According to the same reason

the so-called "frontier" of Lhoba could not possibly be regarded as indicating the boundary between China and India. As to Gutschlaff, in referring to the area of "hill tribes", while he erroneously implied that they were politically distinct from Tibet, he still clearly described the Mishmis as "having the most intercourse with Tibet."

As to the accounts of several others, some of them were erroneous. For instance, Michell wrongly described the Pome area which has always belonged to Tibet as "virtually independent" and in another context he also said only in an uncertain manner: "The northern boundary of Abors is believed to be the Nainphala hills." Cooper's accounts were even more biased. This is not difficult to see from the fact that he repeatedly attempted to carry out espionage activities in the border areas of China but was invariably stopped and even detained by the Chinese local authorities or local inhabitants. The accounts by some others were ambiguous in that they mentioned only the names of a number of tribes and their relationship with Tibet, etc., without, however, making clear the location of the Sino-Indian boundary, nor mentioning the limits of these tribes, particularly their northern limits. Even the names of places or mountains were omitted. Further, what is more important is that none of these accounts made it clear that the area of these hill tribes belonged to India.

As to the Indian side's contention that a mere clarification of the dividing line between the areas inhabited by Tibetans and those inhabited by these tribes would make clear the Sino-Indian boundary line, it is indeed a strange assertion, because these are entirely two different things, how can they be confused into one? If the Indian side wishes to establish the alignment claimed by it, it should be able to bring forward evidence which directly proves that the eastern section of the tribal areas belongs to India. However, the accounts of the "travellers" cited by the Indian side all fail to serve as such evidence.

(3) None of the three Chinese works cited by the Indian side *The Wei Tsang Tu Chih*, *Hsitsang Tu Kao* and *Ching Shih Kao* could support the arguments of the Indian side.

The *Wei Tsang Tu Chih*, and *Hsitsang Tu Kao* are two private works. While they may be of some reference value for information about Tibet, due to the limited material collected by the authors and particularly due to the failure to obtain first-hand material on the spot, it goes without saying that they are not perfect in content, and there are errors and mistakes. The author of *Hsitsang Tu Kao* stated in the preface of the book that in this book, "while some of the material have been verified and are reliable, others have not been verified and are not definite. As there are no major specialized works on Tibet and as Pei-Chiao (the author himself) lives in a remote place without access to the libraries of the Capital, this book can only be incomplete as it is." This shows that even the author himself did not consider the content of the book as quite reliable.

Besides this, the interpretation of these accounts by the Indian side and the conclusions drawn therefrom did not tally with the original meaning of these books either. For instance, the accounts of the *Wei Tsang Tu Chih* did not indicate Loyul as not belonging to China,

but only showed that the author then regarded Loyul as a tribal area distinct from the interior of Tibet. In fact, the "Map of Routes from Chientsang to Houtsang" attached to this book showed Lhoba (Loyul) to be within the territory of Tibet. The Indian side's interpretation of a passage it quoted from the *Hsitsang Tu Kao* is also wrong. The original text of this passage reads: "The above-mentioned are all interior lands. And there is no need to dwell on them. I shall now deal with the outer barbarians from Loyul to Kashmir and Pulute, so as to show the guarding of the various barbarian frontier regions. As to Wu-Indu and other places, 80 or 90 per cent of them belong to Britain, most of the names of places under their jurisdiction and adjacent places have been translated from the English....." Here, firstly, it says: "The above-mentioned are all interior lands." ("Yi-shang chieh nei-ti"). This indicates that what has been mentioned above is not the whole of Tibet. Secondly, as for the areas of Loyul and others, the author regarded them as China's "outer barbarians", ("Wai-yi") as distinct from the people in the interior, while the expression "guarding of the various barbarian frontier regions" ("Shou-tsai Sze-yi chi tao") all the more shows that the area around Loyul were China's frontier region which had to be guarded. Thirdly, in the phrase "As to Wu-Indu and other places," the word "Chi," being a preposition, does not mean "they and" as the Indian side alleged. Besides, this sentence is completely separated from the previous one. It can be seen that the author only meant to say that 80 or 90 per cent of Wu-Indu (former Chinese name for India) and other places belong to Britain. He did not mean to classify Loyul as belonging to Britain along with India and other places as the Indian side interpreted. As to the expression in *Ching Shih Kao* that "the border" of the Kham area "reaches in the south the territory of Loyul and British Assam," it only mentioned the limits of Sikang and not the boundaries of Tibet. Furthermore, this expression clearly distinguished Loyul from British Assam, thus showing that Loyul was not a part of Assam, still less British territory.

(4) The Indian side also presented a number of unofficial maps which could not make any point clear. Although quite a number of maps published by the official sources of both China and India as well as other authoritative maps already powerfully confirmed the traditional alignment maintained by the Chinese side, yet the Indian side still tried to seek a basis from some erroneous and unauthoritative maps to substantiate its claims. Following are only a few brief observations on the maps presented by the Indian side:

1. The Chinese maps presented by the Indian side again included maps published by imperialist elements which had been repeatedly refuted by the Chinese side, namely, the maps published by the China Inland Mission and by the "North China Daily News and Herald." It could be pointed out, incidentally, that even in these two maps, an alignment which approximates the traditional customary Chinese alignment was shown in the eastern sector. As regards the map drawn by a French missionary in the 18th century, it was similar in nature to the above two maps. Although the Indian side asserted that there was an international boundary line shown on it, actually on boundary line whatsoever was marked.



2. Likewise, the several Chinese maps published in the period of the Ching Dynasty could be no valid evidence. It was evident at a glance that the map of the years of Tao Kuang and the Ta Ching map of 1863 portrayed very inaccurately the terrain features in the eastern sector. As to the map attached to *Hsitsang Tu Kao*, remarks were already made on the relevant passages in that book. Besides, both the *Ta Ching Ti Kuo Chuan Tu* published by the Commercial Press in 1908 and the extremely sketchy map published by the Chiao Chung Academy of Kwangtung in 1910 were maps which lacked basis in reliable data. Nevertheless, their delineation for the boundary line is still different from that claimed by India.

3. As to the unofficial foreign maps referred to by the Indian side, the Chinese side had long made it clear that there were many unofficial foreign maps which differed from one another in their delineations. The Chinese side could also present quite a number of maps of third countries to substantiate the Chinese alignment, if it is so desired. Moreover, as none of these maps cited by the Indian side were authoritative, the Chinese side deemed it unnecessary to comment on them one by one.

## PART II. COMMENTS OF INDIAN SIDE'S COMMENTS

Being unable to refute the various items of evidence produced by the Chinese side concerning basis in tradition and custom for the western, middle and eastern sectors, the Indian side could only engage in misinterpretation and forced arguments by bringing forward a number of strange contentions.

The Indian side tried hard to narrow down the extent of the area covered by the evidence of the Chinese side. For instance, concerning the eastern sector, the Indian side alleged that the Chinese side did not indicate the extent of the three areas of Monyul, Loyul and Lower Tsayul as if the evidence cited by the Chinese side only covered three small pockets making up only one tenth of the entire area in the eastern sector disputed by the Indian side, or one sixth of the alignment claimed by the Indian side in the eastern sector. Such an allegation is indeed most strange, but the Indian side did not explain how it arrived at such an inference.

As is well-known, the three areas of Monyul, Loyul and Lower Tsayul form the entire area disputed by the Indian side in the eastern sector. This was not only explained long ago by the Chinese side in its past correspondence, but also well known to many foreigners who had visited these areas. They often mentioned Monyul, Lo and Zayul in written accounts or showed them in maps; and even the Survey of India showed the location of Lonakpo and Zayul-Med somewhere north of and very close to the Chinese traditional customary line in the map of "The Province of Eastern Bengal and Assam," published in 1906.

As for the materials presented by the Chinese side, they are both comprehensive and concrete, which were not only related in general to the entire area of some 90,000 square kilometres disputed by the Indian side, composed of these three districts, but also related specifically to the administrative centres, big and small, and to densely-populated valleys, major routes and important places near the Chinese

traditional customary line, among which such places as Taklung Dzong were even recognized by the Indian side to be near the traditional customary line. This should be sufficient to show that the entire disputed area has always belonged to China. On the contrary, it was precisely the evidence provided by the Indian side which was often vague or even not related at all to the area disputed by the Indian side. For example, in its positive statement, the Indian side only quoted certain evidence relating roughly to "tribal areas," "neighbouring hills" or "mountainous areas". These evidences, in the first place, could not show that these areas referred to the area disputed by the Indian side in the eastern sector, to say nothing of their belonging to India. In other evidences submitted by the Indian side, the names of specific places referred to, if any, were at least far less than those in the evidence put forward by the Chinese side. Some of them did not even mention the word "India". None of them could show that the disputed area in the eastern sector belonged to India.

As is well-known, for centuries China's Tibet region maintained the system of combining political and religious authority which was recognized by the Chinese Central Government, but the Indian side, in its statements and comments, went so far as to repeatedly dismiss the many items of Tibetan material provided by the Chinese side as religious documents irrelevant to the ownership of territory. For instance, the Indian side described the exercise throughout the years of administration and the exaction of corvee and taxes in Chuva and Chuje by Tashigong Gyupa Tsatsang of Tibet mentioned in the ancient land-conferring deed issued by the 5th Dalai Lama as the mere exercise of religious authority and the collection of "religious dues." This is obviously incorrect. According to the system of "Political-religious unity," political authority and religious authority in Tibet were intimately and inseparably connected. If all historical material with religious wordings were to be dismissed as irrelevant to political history and could not be used to substantiate the boundary, that would be tantamount to negating the entire political history of China's Tibet region ever since the system of integrating political and religious authority was implemented. The Indian side also cited two passages from the statements of Chinese officials Ivan Chen and Sun Pao-chi in 1914 to argue for its above-mentioned contention; but, as everyone knows, the statements of Ivan Chen and Sun Pao-chi referred to those places which, while under the religious influence of Lhasa, were administratively under the jurisdiction of other Chinese provinces. These statements do not negate the fact that the system of combining political and religious authority was practised in Tibet.

The Indian side often made interpretations and drew inferences which were not in keeping with or drew conclusions completely opposite to the original meaning of the statements and evidence of the Chinese side. For instance, with regard to the Demchok area in the western sector, the Chinese side had explicitly stated in its statements that the Sino-Indian boundary in that area was at Lari Karpo to the west of Demchok, crossing the Indus River at about 33° N Lat. and the co-ordinates of the location where the boundary crosses the Indus River were given. But the Indian side misrepresented the original meaning and went so far as to arbitrarily assert that the Chinese side had given up its views on the traditional customary line in this area

and agreed to the claim of the Indian side that the traditional customary line should lie on the so-called Lari stream. Again, for example, concerning the 1680 mandate of the Fifth Dalai Lama, it clearly indicated that the Monyul area in the eastern sector had had inseparable relations with Tibet as early as in the days of the Second Dalai Lama (Getanjatso) and that the Tibet local government had begun to establish rule there in the middle of the 17th century. But the Indian side, basing itself merely on the year this mandate was issued, misinterpreted the facts by saying that it was only after 1680 that Monyul became a part of Tibet. Another instance is, with regard to the fact that the Loyul area in the eastern sector originally belonged to Pome, the Indian side insisted that the area under the jurisdiction of Pome did not extend south of the so-called McMahon Line. But the Indian side failed to give factual material to prove its assertion. As the Chinese side already pointed out, even in the "Account of the Lower Tsang-po by the Mongolian Lama Serap Jatso during 1856-68," edited by Colonel Tanner, a British officer, it could also be confirmed that the area under the jurisdiction of Pome extended south of the so-called McMahon Line. Still one more example is, the report of the Sera Monastery of 1945 cited by the Chinese side clearly referred to "five tsos of Pemakoe," which means five districts. But the Indian side alleged that this report only listed five villages, and, furthermore, even asserted that this figure differed from the number of villages listed in another item of evidence cited by the Chinese side, the report of Kongbu Sonam. It is not difficult to see that the Indian side is confusing different items of evidence in an attempt to narrow down the extent of the area covered by the evidence of the Chinese side. It could also be mentioned that, although the 1853 avowal of the officials and headmen of the Monyul area cited by the Chinese side stated in explicit terms that they pledged loyalty to the Tibet local government and saw to it that sovereignty over the frontier territories would not be lost, the Indian side still alleged that there was no such sentence in the document.

In view of the fact that the Indian side repeatedly made misinterpretations and wilful inferences of the Chinese side's evidence such as those cited above, the Chinese side could not but express the hope that each side would carefully grasp the meaning and spirit of the other having respect for facts and logic so as to avoid unnecessary misunderstandings and disputes, thereby conducing to the progress of the examination of materials. At the same time, the Chinese side made it clear that its viewpoints should be understood only on the basis of its own statements, and that certain viewpoints or material of the Indian side could not be regarded as agreed to or acquiesced in by the Chinese side just because the Chinese side had not deemed it necessary to comment on them specifically one by one.

In attempting to negate certain items of evidence cited by the Chinese side, the Indian side also brought up the strange contention that evidence in tradition and custom must date far back in years, otherwise it cannot serve as a basis. For instance, this was how the Indian side lightly brushed aside the evidence of 1930 cited by the Chinese side proving that the area west of Shipki Pass belongs to Tibet. Such contention of the Indian side obviously cannot hold water. Needless to say, in appraising the value of a piece of

material, the first and foremost thing to bear in mind is whether the given material conforms to the objective facts. As to the date of the material, it may date back to early years, but not necessarily so. As a matter of fact, a considerable number of evidences in tradition and custom cited by the Indian side are also of quite recent date. For instance, Wakefield's account about Shipki Pass cited by the Indian side was precisely published also in 1930, while some unofficial maps cited by the Indian side were published as late as the 50s of the 20th century. Yet the Indian side considered such material as constituting valid evidence. The Chinese side cannot accept these evidences of the Indian side not because they do not date back to early years, but because they either do not conform to the facts or fail to support the explanations made by the Indian side.

The Indian side also charged the Chinese side with adopting different attitudes towards materials of the same category, alleging for instance, that the Chinese side rejects the accounts of western "travellers" cited by the Indian side, while quoting from them when they are found favourable to it. Actually, this is quite easy to understand and the question of inconsistency does not arise at all. As the Chinese side has repeatedly pointed out, these so-called "travellers" generally all proceed from the British standpoint and their accounts generally reflect the policy of aggression of British imperialism against China, therefore such accounts are naturally unacceptable. But if even in the accounts of such persons there can be found certain specific portions which are consistent with the Chinese viewpoint, it would all the more prove the strength of the Chinese position. There is no contradiction in the Chinese side rejecting those parts which are erroneous and quoting from those parts which are correct in such accounts. As a matter of fact, there have also been instances of the Indian side rejecting the unfavourable portion of a certain evidence or category of evidences while quoting from those portions favourable to it. For example, the Indian side often brushed aside at one stroke those portions of certain "travellers" accounts cited by the Chinese side which correctly reflect the true situation of the boundary.

The Indian side also mentioned that the Chinese side rejected the fact of pasturing and salt-collecting by Ladakhis as evidence of Indian ownership of the area in the western sector while citing the pasturing and salt-collecting by people of Sinkiang and Tibet as evidence that the same area belongs to China. There is no contradiction in this either, because these two kinds of pasturing and salt-collecting are different in nature and can in no way be mentioned in the same breath. Such activities of the Ladakhis were of an occasional, incidental and trans-frontier nature, whereas such activities of the people of Sinkiang and Tibet are of a long standing in history, frequent and sufficient to prove the ownership of territory.

As to ancient Chinese maps, the Chinese side also adopted an attitude of objective analysis, and there is nothing contradictory in it. The Chinese side has always held that ancient authoritative Chinese maps are of great reference value taking into account the then knowledge of geography and the scientific and technical conditions prevailing in those days. But on the other hand, it still has to

be admitted that in the absence of precise surveys and the method of co-ordinates, they cannot have such precision as modern maps do in indicating the location of places and distances. The maps cited by the Chinese side are all official maps of greater authority, and the Chinese side explained these maps with prudence on the basis of the relevant annotations. Most of the maps cited by the Indian side, however, are maps from private sources. They are not only lacking in authority, but some of them are even drawn up by foreigners.

In persisting in its stand, the Indian side did not scruple to argue for British imperialism. For instance, concerning the Sang and Tsungsha area, after Britain invaded and occupied this area in 1919, the Tibet local government consistently and resolutely demanded the return of all the lost territory, and negotiations and exchanges on this question were spread over a period of 10 years. As the position of the Tibet local government was fully justified, even Britain could not partially accept it and submitted a so-called "compromise" proposal, agreeing to return to China a part of the occupied territory. This was obviously an attempt on the part of Britain, by disgorging part of its encroachments, to keep hold of the rest of the territory it occupied. Yet, the Indian side alleged that this was because Britain attached importance to "friendship" and volunteered to cede Indian territory to Tibet, and that "the offer was made not because Tehri's claim was weak but because the Government of India were anxious to settle a minor dispute lest it impair the prevailing friendly relations between India and Tibet." These allegations of the Indian side are indeed inconceivable. How could such a notorious inveterate imperialist become so "generous"? Is not such an assertion by the Indian side an obvious defense of the British imperialist policy of expansion and distortion of the facts of history? Furthermore, in disregard of the avowal of the people of Sang and Tsungsha produced by the Chinese side which clearly laid bare British threats against them, the Indian side asserted that this evidence was the product of the threats against them by the Tibet local government; the Indian side also alleged that the Briton Herbert had been subjected to intimidations when he was prevented by the Tibet authorities from penetrating deep into the territory of China for activities in the early years of the 19th century. This, too, can only be regarded as falsifying the historical facts.

## ITEM III ADMINISTRATION AND JURISDICTION

### POSITIVE STATEMENT

Item III deals with the basis of the boundary line in administration and jurisdiction. The Chinese side has always held that a traditional customary line is principally formed by the extent up to which each side has throughout history exercised its administration and jurisdiction. A large number of facts prove that the traditional customary line pointed out by the Chinese side, apart from having adequate basis in tradition and custom as stated above, also have conclusive basis in administrative jurisdiction.

#### A. Concerning the Western Sector

The vast region east of the western sector of the traditional customary line pointed out by the Chinese side has always belonged to China. Although this is a region mountainous and precipitous in terrain features, with very sparse population and difficult of access, it has always been under the jurisdiction of the Chinese Government. The greater part of it has been under the jurisdiction of China's Sinkiang, and the smaller part under that of China's Tibet. Only a small Parigas area was occupied by India several years ago.

The region east of the traditional customary line from the Karakoram Pass to the Kongka Pass has always belonged to Hotien of China's Sinkiang throughout history. Since Sinkiang was formally made a component part of the Ching Empire in 1759, this region has been even more conclusively a part of China's territory. At that time the Chinese Government appointed an administrative commissioner to Hotien to exercise unified jurisdiction over the various places which belonged to Hotien. In 1883 Sinkiang was formally made a province and the Chinese Government set up Hotien Chih-Li-Chou (the Hotien Special Division). After the founding of the Republic of China, Hotien Tao was set up instead. As regards the fact that the area under the jurisdiction of Hotien extends to the Karakoram mountains, it was already made clear by the Chinese side under Item II. In dealing with Item III, the Chinese side cited important facts to show how the Chinese Government in the 20th century further set up administrative organs and appointed personnel to strengthen the border defences and jurisdiction in this area. That is, in 1928 the Chinese Government set up under the then Hotien Tao a Shahidulla Sheh-Chih-Chu (bureau of administration at Shahidulla), a local administrative unit on a country level, which was charged with the specific duty of exercising jurisdiction over the areas in the southern part of Hotien. The course of the setting up of this organ and its extent of jurisdiction find clear description in the following documents.

In his petition submitted to the Chinese Central Government on August 30, 1927 suggesting that a Sheh-Chih-Chu be set up at

Shahidulla, the then Governor of Sinkiang, Yang Tsung-hsin, stated: "With reference to Shahidulla, which lies in the south-east of the area under the jurisdiction of Ghuma Bazar County now belonging to Hotien Tao, it is a district which on the southern side extends to Kalahulumu Tapan, borders on British Tiaopaiti (*i.e.*, Ladakh), and is an important place through which Chinese and Indian traders and people travel to and from India. On the eastern side, it extends to Changchiliman Tapan of Hotien, where there is also a small route leading to India and also links with Houtsang. On the western side, it extends to the check-post of Bazar Dara, with access to Kanjut and also borders on Tash Kurghan. On the northern side, it extends to a point under the jurisdiction of Ghuma Bazar County, 830 odd *li* from Ghuma Bazar County seat. It is an extremely important place. In the tenth year of the Republic of China (*i.e.* 1921), some people suggested that a Defence Commissioner be appointed to that place to strengthen the border defences. Taking into account both the internal and external aspects of the matter and considering repeatedly the various facts concerning the history alien affairs, geography and administration of that place, I see that the setting up of an administrative unit there really brooks no further delay, and I have the honour to submit a detailed account of this . . . ."

This suggestion was immediately approved by the Chinese Central Government. The message jointly issued by the Ministry of Interior and the Ministry of Finance to the Governor of Sinkiang on March 24, 1928 stated: "Soon after receipt of your petition asking for setting up of a post of country head assistant for border defence at Shahidulla, Ghuma Bazar County, the case was examined and discussed, and was considered feasible. A joint report was made on this, and on March 17 this year we received the Generalissimo's following instructions: The report is received and the suggestion approved."

The above-mentioned documents state very clearly that the four limits of the area of jurisdiction of Shahidulla Sheh-Chih Chu covered a vast area which not only extended up to the Karakoram Pass, but also reached Changchiliman Tapan. Anyone who is acquainted with the geographical conditions of this locality knows that Changchiliman Tapan is Changlung Barma and its vicinity, which is very close to the Kongka Pass. There is another point which should not be ignored: The above-mentioned documents also show that the vast area under the jurisdiction of Shahidulla Sheh-Chih-Chu was originally under that of Hotien, and that some time earlier, in 1921, the authorities of Sinkiang had already considered the suggestion that a special officer (Defence Commissioner) be appointed to exercise jurisdiction over this area. All this indisputably testifies to the fact that the area east of the traditional customary line pointed out by the Chinese side belongs to Sinkiang.

As for the Pangong Lake area and the Demchok area south of the Kongka Pass, the Chinese side also cited evidence under Item II to prove that they are part of the Ari district of Tibet and under the jurisdiction of Rudok Dzong and Tashigong respectively.

The dispatching of personnel on patrol duty, to guard mountains and control routes was one of the important indications of the exercise of administration by the Chinese Government in the entire disputed area in the western sector. Early in the middle of the 18th century the Chinese Government started to set up Karens at Shahidulla, Kengshwar and other places to control the border areas. Chinese troops patrolled Aksai Chin, Linghithang and other places within the Chinese traditional customary line, where traces of camping of the patrols can still be found up to the present time. In this connection, the message submitted by Pan Chen, Commissioner of Hotien Chih-Li-Chou, to the local authorities of Sinkiang on May 23, 1898 (April 4 of the 24th year in the reign of Kuang Hsu), can also be cited. It is stated in this message: "To the south-west of the Pulu mountain there is a road leading to Tiaopaiti of Britain. This mountain road is rugged and has long been severed and closed. And sentinels have been dispatched to guard it." The above-mentioned road leading to Tiaopaiti (*i.e.* Ladakh) refers to the road running through Aksai Chin. This can be clearly seen in the preface written by the above-mentioned official Pan Chen himself for the book *Travelling from Karghalik to Dihua*. The preface stated: "In the Pulo mountain in Yutien County there is a road running through Aksai Chin and Rudok, leading to Tiaopaiti. In the early days when the province was first set up, the road was already severed."

In the areas of the Pangong Lake and Demchok, as there are many pastures there on which generations of the local Tibetan people depend to make a living, the local authorities of Ari have exercised jurisdiction mainly by dispatching special personnel to guard the mountains and patrol the borders. These measures continued for more than a hundred years, some old men who guarded the mountains for scores of years are still alive and in good health. Besides, the Tibet local authorities also used to appoint special officials to inspect the border areas at irregular intervals.

One of the chief aims of the Chinese Government dispatching personnel to patrol or guard mountains in the area of the western sector was to guard the frontiers against the stealthy intrusions of foreigners. As is known to all, after Britain annexed Kashmir, it tried hard to use Kashmir as a base to encroach upon China's southern Sinkiang and the northwestern part of China's Tibet, and for this purpose dispatched quite a number of so-called surveyors or explorers into Chinese territory to carry out unlawful activities. Pan Chen's message and article referred to above, especially mentioned that the road running through China's Aksai Chin to Ladakh had "long been severed and closed." It can be seen that in order to prevent foreign intrusions, the Chinese Government at that time even did not hesitate at closing roads. The boundary line in the western sector was lengthy and the areas along this sector desolate, remote and difficult of access. The so-called surveyors or explorers from foreign countries often took advantage of this situation to stealthily intrude into Chinese territory to carry out unlawful activities. Although it was difficult for the Chinese local authorities to prevent all such occurrences, it still tried its utmost to stop them whenever discovered.



In this connection, the situation of H.H.P. Deasy, an Englishman, in 1898 may be cited as an example. Several times he requested the local government of Sinkiang to let him to go from Yutien to Ladakh by way of Aksai Chin, but was not given permission. Sun Chi-chun, Yutien County head of Hotien Division said in his message dated July 4, 1898 (the 16th day of the fifth month of the 24th year, in the reign of Kuang Hsu): "The British tourist Deasy, who had been here for some time, wanted to go from Polu and take the road through Aksai Chin. I have personally dissuaded and stopped him from going." The Governor of Sinkiang commented in his instruction: "It was quite right for the officials of the Division to make a flat refusal." Deasy also testified in his travel notes that Aksai Chin was under the jurisdiction and control of China's Sinkiang Province and that the Chinese side had prohibited him to go there. His original words read: "The Amban of Keria, who several times informed me that the Aksai Chin is part of the province of Sin-Chiang and under his jurisdiction, refused to allow me to use the Polu route." (H. H. P. Deasy: "A Journey to Northern Tibet and Aksai Chin" 1899, "Geographical Journal" Vol. XIII, p. 115). This passage provides a strong proof that Aksai Chin is under the jurisdiction and control of China.

Similarly, the authorities in Ari of Tibet also maintained high vigilance against foreign trespassings. For instance, the directive issued by the Tibet local government to the Ari Garpon in the Wood Tiger Year of the Tibetan Calendar explicitly stipulated: "After the mountain route is opened, those foreigners who come without permission should...be strictly stopped." M. S. Wellby, mentioned by the Indian side, was one of the foreigners who were strictly prevented from entering Chinese territory. Referring to his intention to trespass on Ari from Chushul in Ladakh, Wellby wrote: "At Shushal, where we completed our stores of bhousa and grain, our difficulties began. No one could or rather would, tell us of a road running eastward...looking at the Map, it appeared that still two other routes remained—one by the northern and one by the southern extremity of the lake (referring to the Pangong Lake). We knew quite well that the Southern Course would be impossible, for the strong guard maintained at Rudok were certain to turn us back for good and for all. It did however, look feasible to find a crossing between the two Lakes. We sent Esau with another man, mounted on ponies, to find this out; but they were soon stopped by a strong armed party from Rudok who were well acquainted with our every movement, and fully determined to oppose any attempt in that quarter." (M. S. Wellby: "Through Tibet to China", "Geographical Journal" 1898, Vol. XII, p. 264).

The Chinese patrol and mountain-guarding personnel also exerted necessary control over the Ladakhi inhabitants who crossed the border into Aksai Chin, Linghithang and other places for salt-mining and others who came to carry out unlawful activities. For instance, in September 1941, the Chinese side arrested eleven Ladakhi trespassers in Aksai Chin. The Chinese side has furnished a document of the local authorities of Sinkiang concerning this incident. It is mentioned in the document that the then Kashgar Administrative Commissioner's Office of Sinkiang Province, upon instructions of the provincial

government of Sinkiang, lodged a serious protest with the Consul-General of Britain in Kashgar against this incident. The protest stated: "Recently in the area of Aksai Chin Lake, which is under the border check-post at Kengshwar in Hotien, eleven Indians, upon crossing the border line without permission, were detained by the border check-post. Through questioning, their names were known as follows: (1) Ketso, (2) Rdorje, (3) Norpu, (4) Kuangke, (5) Tangchinchungchuke, (6) Tokmei and (7) Patacha. These people, under the pretext of grazing sheep, crossed the borderline in an attempt to steal salt and take it to India. The remaining four were named: (1) Telintzu, (2) Namukeli, (3) Kungchukchungchou, (4) Tangchihhinamkli. They were sent by a special agency to cross the border line. . . With a view to preserving the Sino-British relations, the provincial government of Sinkiang has released and sent back all the above-mentioned trespassers, with their sheep and horses and guns by the same route, as an expression of our friendly attitude towards the neighbours. At the same time the provincial government lodges hereby a serious protest with the Consul-General against such unfriendly, unlawful activity, in the hope that this matter be immediately brought to the notice of the Indian side, so that there will be no recurrence of such incident. Should such trespassing recur, the live stock and other articles shall be confiscated in the interest of border defence. It is hoped that this note, as communicated above, will be duly noted and dealt with."

The document stated that the Ladakhi trespassers were arrested by the detachment of the border check-post of Kengshwar within the extent of jurisdiction of Hotien, and the place of their arrest was at the Aksai Chin Lake, namely the Aksai Lake or the Amtoghar Lake as the Indian side calls it. As is known to all, in the Aksai Chin area this is the only lake that is called the Aksai Lake; and it is only this lake that bears also the name of Amtoghar Lake, because there is a place called Amtoghar by the side of the lake. Hence there leaves no room for doubt that it was in Aksai Chin—an area now disputed by the Indian side—that these Ladakhi trespassers were arrested.

From the above-mentioned examples, one can see without difficulty that the Chinese Government has been exercising the most important state function of guarding the frontier in the areas of the western sector.

The Chinese local authorities also collected taxes, assigned corvee and directly administer Gzhigkha in the areas east of the traditional customary line in the western sector. Herdsmen and salt-mining people in Aksai Chin, Linghithang and the Pangong Lake area generally paid taxes in kind such as in salt and sheep. When going on patrol to Aksai Chin and Linghithang and other places, the frontier guards in Sinkiang often employed persons and animals from herdsmen to load supplies for them needed when patrolling. In the Demchok area moreover the Tibet local government always directly administered Gzhigkha, and every year the Garpon of Ari directly checked and received various products. In an official register of two Garpons of the Iron Sheep Year of the Tibetan calendar, it records; "According to the items listed in the books and documents in the

charge of the two Garpons of Ari, the annual income is now recorded item by item according to the old practice in the following: Tashigong Demchok Gzhigkha, according to the receipt of the produce of the manorial estate this year, besides the seeds there are some good chingko (grains) 568 ruka and 3 dze; and manching (a kind of food), 8 ruka 1 dze, and so on".

In the past, the Tibetan people and land were all administered by the three Tibetan feudal estate-holders (Kasha, nobles and monasteries). Gzhigkha is an administrative unit. From the above-mentioned documents, it can be seen clearly that Demchok Gzhigkha was administered directly by the Garpon of Ari, the ruler in the Ari district and that its income was also directly checked and received by the Garpon of Ari. Thus, Demchok Gzhigkha has always been under the direct administration of the Tibet local government.

The fact that the Ari district of Tibet east of the traditional customary line (including Demchok) has always been under Chinese administration is also reflected in the official Indian maps. For example, maps of the Survey of India of 1881, 1889 and 1900, the attached map to the "Imperial Gazetteer of India" of 1908 and the map of the Survey of India 1945 have all shown Demchok area within Chinese territory. Furthermore, most of these maps show Niagzu in Chinese territory and draw the boundary line through the western part of the Pongong Lake, that is, basically in conformity with the traditional customary line as maintained by China. If it is to be said that these areas have always been Indian territory, then why is it that these official Indian maps, particularly maps as late as 1945, still drew these places as not in Indian territory but within Chinese territory?

Furthermore, the Chinese Government has many times dispatched officials, survey teams and exploration teams etc. to carry out extensive explorations and surveys in the southern part of the area under administration of Hotien up to the vicinity of the traditional customary line. Here only some important examples will be cited.

In 1891, the Sinkiang Governor ordered Hai Yin and Li Yuan-ping and other officials to conduct a survey and inspection of the border area in the southern part of Sinkiang. Concerning this survey, Sinkiang Governor Tao Mo stated in his report to the Government of the Ching Dynasty in 1894; "July that year (*i.e.* 17th year of Kuang Hsu of the Ching Dynasty, *i.e.* 1891 A.D.) the former Governor Wei Kuang-tao sent Hai Yin, the Chiang-hsuan-fu-chin-li and Li Yuan-ping, the alternate Secretary-General to go separately to the south-western and north-western borders for inspection and survey where there were snowy ridges and ice-clad mountains with strange and formidable features. These officials went deep into these places and conducted surveys again and again. Till autumn the 19th year of Kuang Hsu, they began to know something and to draw up maps successively along with descriptions, which were already sent by us to the Ministry in Charge of External Affairs for reference."

The above-mentioned Chinese official Hai Yin surveyed the area of the Pamirs. Upon receiving instructions, Li Yuan-ping in 1891 to 1892 made extensive surveys along the Karakoram mountains in the

border areas of the southern part of Sinkiang, within the traditional customary line from the vicinity of the Kilik Pass in the west to the vicinity of the Kongka Pass in the east. The sections where Li Yuan-ping conducted surveys included the southern part of the area under administration of Hotien. In 1892, he went from Suket southwards upstream along the Karakash River, surveyed Aksai Chin, Linghithang and other places, and reached the Karakoram mountains on the northern bank of the Chang Chenmo River. There are explicit records in his survey reports about the distance he covered at that time: "Arriving at Haji Langar, where not much firewood and hay was available. There were three giant rocks, around which were built several compound and walls. To its east, clear water in the midst of rocky mountains flows therefrom subterraneously to the confluence of Sarigh Su, where also lies the source of the Karakash River. Due south, going up the mountain slope, traversing a comparatively even hill path, passing a small earth tapan, where according to the natives lies a route leading north-eastwards to Yutien, and after covering a distance of 80 li, I reached Blakobash. Here no firewood and hay was available. There are several fountains flowing into a small ice lake. By the side of the fountains, fresh grass grows sparsely. Going further on, to the south-west for 80 li I reached Kizil-blak, where the mountain slope is all covered with red clay. No firewood and hay was available. There are several small lakes filled with very green water which tastes salty. Then, after traversing 110 li on smooth salt Gobi I reached Thaldat, where no firewood and hay was available. Going on again for 70 li on smooth hill path, I reached Kizilkol, where there are also several fountains which flew for over ten strides before going underground. By the side of the fountains, grows some fresh grass hardly enough to feed one horse. Continuing south-westwards up the mountains for 40 li on smooth hill path, thence turning due south for another 60 li on earth gobi, where the wind blows still heavily and water freezes both in the morning and at night. It is a place where, even in June, one has to put on furs as if in severe winter. This makes one doubt whether it is not the highest mountain earth. Then, passing an earth tapan I travelled for more than 20 li still on earth gobi, where no firewood any hay was available. It is a place where the river from Changchiliman Tapan, etc. makes a turn and flows eastwards. Thence onward, one gradually comes across lofty peaks. Going south-eastwards along the mountain valley for more than 30 li, thence turning due south and then south-westwards for more than 60 li I arrived at Changchiliman Tapan, which leads to Tiapaiti (i.e. Ladakh)." !

In brief, this report of Li Yuang-ping deals with the fact that after crossing the Quen Luen Mountains he went from Haji Langar and Thaldat in a north-south direction, passing through "earth gobi" in the Linghithang area, to conduct surveys personally up to Changchiliman Tapan. These places are all situated in the vicinity of the traditional customary line maintained by the Chinese side.

Later, in the 20th century, the Chinese Government also conducted large scale surveys in the border areas of Sinkiang east and north of the traditional customary line. For example, from 1940 to 1941, the local government of Sinkiang Province of China twice

organised surveying teams to conduct, with the assistance of Soviet experts, detailed and over-all topographical surveys of the southern part of Sinkiang, including Aksai Chin, Linghithang and the upper reaches of the Karakash River and other places in the southern part of the areas under the jurisdiction of Hotien. From a document about this survey signed and issued by the Governor of Sinkiang Sheng Shih-tsai in 1940, one can see that the region to be surveyed included the Shahidulla area and that the area under the administration of Shahidulla has been clearly stated above, that is, extending up to Aksai Chin, Linghithang and the Karakoram range. The Chinese surveying teams had conducted surveys and measurements in the above-mentioned areas for two years, and finally drew up, according to the results of the surveys, a set of detailed topographical maps, 200,000 to 1 in. scale,—one of the zinc blocks of this set of maps that prints Aksai Chin and Linghithang was made into a photostat, which the Chinese side already handed over to the Indian side. In the period of the surveys, the Chinese Government also sent frontier guard units and administrative personnel to assume the work of security, transport and supply etc. and many Chinese border inhabitants also took part in this work.

At the same time, the Chinese Government also organized another survey team, which, with the assistance of Soviet experts, carried out geological surveys in the above-mentioned border areas of the southern part of Hotien in 1941. This survey team carried out surveys from Shahidulla through Kengshwar, Khitai, Tapan, Thaldat and other places up to the vicinity of the traditional customary line. Similarly, the local governments at various levels in China's Sinkiang region also rendered various kinds of support to this Survey team. Proof can be found in the instructions given by the then administrative commissioner of Hotien to the subordinate state power organs at various places. The order stated: "As soon as the working personnel of this team arrives from the south of Shahidulla at Kengshwar, the porters supplying fodder shall advance together with the personnel. Yaks should, after covering half of the journey, rush to Khitai Tapan; while the personnel will move speedily southwards from the north of Khitai Tapan. After 6 or 7 days, they could meet. When the personnel of this team reaches a certain place, head of the local police station, head of the district and village concerned should render every possible assistance."

The surveys carried out by the Chinese Government in the above-mentioned areas as listed above show indisputably that the above-mentioned areas are under the effective control of China. Obviously, it is inconceivable that such official, long-term and large scale surveys could have been conducted and accomplished smoothly had they been carried out not in China's own territory.

Since the peaceful liberation of Sinkiang, the Chinese People's Liberation Army has taken over the guarding of the original frontier areas and continued to control the areas east of the traditional customary line in the western sector. From the end of 1950 to the autumn of 1951, the Chinese People's Liberation Army entered the Ari district of Tibet through the Aksai Chin area along the customary route between Sinkiang and Tibet. Since then, large numbers

of personnel of the Chinese side have entered and goods sent to Tibet from Sinkiang through this area. Owing to the fact that this area is an important stretch of land which links the two vast areas of China's Sinkiang and Tibet, the Chinese Government and Chinese frontier forces have from the outset carried out extensive activities in this area, such as dispatching frontier guard units to patrol the frontier areas, carrying on various kinds of investigations and surveying communication lines. Back in July 1951, Chinese People's Liberation Army units already started patrolling in the Kongka Pass area and other places. From 1954 to 1955, Chinese frontier guard units carried out all-round military investigations in the entire area east of the traditional customary line. At the same time, the administrative departments of China's Sinkiang region also set up a special survey team, charged with the surveying of the course to be taken by the Sinkiang-Tibet highway. The footsteps of the members of this survey team covered every place in Aksai Chin and Lingshihang. And, after the surveys for a period of about two years, they put forward more than ten routes to be chosen and decided upon, among which some are even to the west of the present Sinkiang-Tibet highway. Finally, the Chinese Government completed the construction of the present Sinkiang-Tibet highway through the Aksai Chin area from March 1956 to October 1957. As to how this stupendous project was carried out, the Chinese Government already explained this in detail in its past notes to the Indian Government.

Since the Chinese People's Liberation Army entered the Ari district, the Chinese frontier guard units have every now and then also gone on patrol to the area south of the Kongka Pass east of the traditional customary line as maintained by China. As stated above, with the only exception of Parigass in the southern part which was occupied by the Indian troops several years ago, the Chinese frontier guard units have always, effectively controlled the frontier areas.

All the facts on the exercise of jurisdiction as stated above, prove indisputably that the Chinese Government has continued to control effectively the area east of the traditional customary line as maintained by China since the peaceful liberation of Sinkiang and Tibet.

### **B. Concerning the Middle Sector**

The areas to the east and north of the traditional customary line in the middle sector maintained by the Chinese side such as Chuva, Chuje, the area west of Shipki Pass, Sang, Tsungsha, Pulingsumdo, Wuje, Sangcha and Laphal are all traditional Chinese territories. The materials concerning administrative jurisdiction provided by the Chinese side under Item III further demonstrate that the local government of China's Tibetan region had long exercised effective jurisdiction and control over the disputed areas mentioned above and that except Sang and Tsungsha which were invaded and occupied by Britain earlier, they all fell under control of the Indian side only after the signing of the Sino-Indian Agreement of 1954.

## (1) *Chuva Chuje Area*

The Chuva Chuje area has always been Chinese territory and for centuries it was under the administration of the Tshigong Gyupa Tsatsang of the Ari district of China's Tibet. The land-conferring document issued by the Fifth Dalai Lama in 1665 and renewed by the Seventh Dalai Lama in 1737 clearly stipulated that Chuva Chuje was a Gzhigkha under the jurisdiction of the Ashigong Gyupa Tsatsang and the taxation power in this Gzhigkha solely belonged to the Tashigong Gyupa Tsatsang. The Chinese side already submitted a photostat of that authoritative historical document under Item II. It may be further pointed out that in the beginning of this century, in 1917, the Gorpan of Ari, the responsible administrative official in the Ari district of China's Tibet, again renewed the land-conferring document and added remarks to it. This shows irrefutably that the local authorities of China's Tibetan had for centuries continuously enjoyed jurisdiction over Chuva and Chuje. As a feudal lord, the Gyupa Tsatsang not only enjoyed the ownership of the land of Chuva and Chuje and the subject people there, but also exercised administrative jurisdiction on behalf of the local government of China's Tibet, including the collection of taxes. Facts about taxation are clearly stated in the reports made by the man in charge of that monastery and provided by the Chinese side which clearly show the categories and amounts of taxes. It is well-known to everyone who is familiar with Tibet region's affairs that owing to the system of "combined political and religious authority" which prevailed there in the past, many estates and inhabitants in Tibet region were subjected to monastic administration.

For several centuries, it was the Tashigong Gyupa Tsatsang who appointed the headmen of Chuva and Chuje, and the latter executed the instructions of the former. Every year, the people of Chuva and Chuje had to pay various taxes including certain amount of grain as land tax. From time to time, the Gyupa Tsatsang also charged his subjects there with corvees. As late as 1957, Chinese patrolmen still patrolled the Chuva Chuje area.

It was in 1958 that Chuva and Chuje were occupied by India, and the administrative jurisdiction which had long been exercised by China's Tibet there could not but be broken off. The Indian personnel not only prevented the representatives of the Tashigong Gyupa Tsatsang from entering this area to exercise their administrative power, but also prevented the local inhabitants from paying their taxes to the Tsatsang. At the end of 1958, the responsible official in Tashigong reported to his superiors about the advancing of Indian troops, stating that the Indian troops entered China's Chuva Chuje area in April of that year.

## (2) *Area west of Shipki Pass*

The traditional customary Sino-Indian boundary line west of Shipki Pass, as already pointed out by the Chinese side under Item II, lies on the Hupsang Khud. The pastures on the eastern bank of the river have always belonged to Shipki Village of Tsaparang Dzong in China's Tibet region. The inhabitants of Shipki Village

always grazed cattle and mowed grass on the Hupsang pastures, while the Indian inhabitants west of the river were not allowed to cross the river to mow grass. More than ten years ago, an inhabitant in Indian territory crossed the river to mow grass stealthily, he was then punished by a fine. The Shipki villagers had also transferred among themselves the ownership of these pastures by purchasing and selling. In Earth Ox Year (1889), for example, the inhabitants of the entire village, with the headman taking the initiative, made a deed to sell the pastures to Yang Sall, a rich man in the village. It was stipulated in the deed that the buyer had the privilege of starting to mow the grass of these pastures two days before all other inhabitants of the village were allowed to do so. These facts are sufficient to show that the area west of Shipki Pass has always been within the limits of the jurisdiction of China's Tibet region.

It may be further pointed out that even the former British Indian Government did not raise a dispute over this area and explicitly recognized China's jurisdiction over it without dissension. For example, (1) In his talk with a representative of the Tibet local government in 1934, Norbu Dongrub, the British representative in Lhasa, asked: "Is the British Government allowed to construct a road in the sector of Tibetan territory from the Hupsang to Shipki in the Ari district measuring six miles long, where the paths are rough and difficult?" The representative of the Tibetan local government answered: "Since it is Tibetan territory, it is not allowed for the British Government to construct the road." This conversation proves that British also recognized that the Sino-Indian boundary lay west of the Hupsang River. (2) The map of India published by the Survey of India in 1889 shows the boundary line in such a manner that it lies very far to the west of Shipki Village. Besides, the map of India published by the Survey of India in 1880 again shows the area now in dispute inside Chinese territory.

Moreover, the Chinese side has also submitted a map to show that the area west of Shipki Pass belongs to China. This map is a part of the rather old Prospect Map kept by Tsaparang Dzong, the original of which was drawn for the purpose of showing the administrative limits of Tsaparang Dzong. It is clearly noted on the map that "up at the Hupsang Khud beyond Shipki lies the Tibetan boundary line, which can be reached from Tsaparang Dzong in six days."

At the end of 1954, Indian personnel once came to Shipki Pass where they carved without permission on a stone surface the following inscription: "Hindustan-Tibet," in an attempt to move the boundary forward from the Hupsang Khud to Shipki Pass. The headman of Shipki Village of Tsaparang Dzong lodged a face-to-face protest at that time and demanded the withdrawal of the Indian personnel. The headman and other local inhabitants made a report afterwards to the Tibet local government of China about the incident, stating: "The Indian-Tibetan boundary has always been along the Hupsang Khud since ancient times and, indeed, no dispute has ever occurred since successive generations of our forefathers. It was only last year that the above-mentioned stone-inscription incident took place in Sbmig La." Sbmig La is Shipki Pass. Since



1957, Indian armed personnel further entered the Chinese territory east of the Hupsang Khud, setting up permanent strongholds in this area and putting it under their control. They even prohibited the Chinese inhabitants to enter this area to mow grass and collect wood. Only since then China has been obliged to cease exercising its jurisdiction over the area west of Shipki Pass.

### (3) *The Areas of Sang, Tsungsha and Puling-Sumdo*

Sang, Tsungsha and Puling-Sumdo have always been a part of the district under the jurisdiction of Tsaparang Dzong of the Tibet region of China. Although Britain began its encroachment around 1919, the Tsaparang Dzong government, until recently, still maintained certain administration in these places.

There are innumerable facts and evidences which show the jurisdiction of the Tibet region of China over the comparatively more populous area of Sang and Tsungsha. For centuries the Tsaparang Dzong government collected taxes, exacted corvee and conducted census in this area. The census records and taxation papers filed by Tsaparang Dzong as early as 1693 (Water Chicken Year) which have been preserved up to the present recorded in detail the households in Tsungsha and the items and amount of taxes paid by Sang and Tsungsha at that time, including the names of the heads of families of "full household rendering corvee" and "half household rendering corvee" the taxes paid in kind by the villages of Sang and Tsungsha respectively and the "official grain" paid by them jointly etc. The taxation papers of that Dzong in 1865 (Wood Ox Year) also listed in detail the names and items of the various taxes. As for the nature of the tax paid by the villages of Sang and Tsungsha to Tsaparang Dzong, it was not, as the Indian side alleged, a kind of due paid for the right of trading at Poling. The Chinese side has cited evidence to prove that such tax is land tax in nature. The avowal submitted by the people of Sang and Tsungsha to the government of the Tibet region of China in 1926 explicitly stated: "The 74 units in foreign currency we pay annually according to regulation are purely land tax."

Besides, the inhabitants of Sang and Tsungsha were under the obligation to render "monk service" to the Mokar Monastery of Tsaparang Dzong; and it was originally provided that the Thokar Monastery should have kept seven lamas, and the number was later reduced to two. The Chinese side had under Item II, already brought forward the avowal of the people of Sang and Tsungsha submitted to Tsaparang Dzong in Fire Rabbit Year (1927) which stated: "We, the humble people should render monk service to Tsaparang Dzong."

Therefore, it can be seen that even after British began encroachment on this area, Tsaparang Dzong still exercised certain effective jurisdiction over this area and the inhabitants. Another example: The local authorities of Tsaparang Dzong still conducted census in 1932, and in the census records preserved to the present the number of the households and that of persons etc. of the "household which renders corvee," the "dependent household" and "leisure household"

which does not render any corvee" were separately listed. Until the stationing of Indian troops at Tsungsha in 1952, Tsaparang Dzong authorities had continued to collect taxes from the inhabitants in Sang and Tsungsha, and took a census in 1950.

In the past, the Tsaparang Dzong government also designated the local inhabitants to take charge of the guard of the border check-post. This has already been proved by the records of the statements made by the Briton Herbert and the avowals of the local inhabitants in 1921 and 1927, cited earlier by the Chinese side. Even in 1930, the border inhabitants of Tsaparang Dzong still continued to carry out the instructions and orders of the Tsaparang Dzong authorities, and made pledges. This can be seen from an avowal presented to the Lhasa authorities by three representatives of the local people, which stated: "The boundary line in the Tsungsha area stretches straight southward and northward from the boundary stone marker at Gungoong Bridge, the areas on this side of the line in disputably belong to the government (Kasha). We..., in future, must still take full responsibility and stand active guard over it."

The local judicial power has always belonged to Tsaparang Dzong and the litigious disputes among all the inhabitants were taken charge of and dealt with by the Tsaparang Dzong authorities as had been provided. In 1927, the local inhabitants mentioned in their avowal: "The lawsuits and disputes among the people and all other matters which are to be determined by law, should, as originally provided, still be appealed to the judicial authority of Tsaparang Dzong for settlement, and we will never follow the rascals such as the old headmen, nor appeal to Tehri for determination, nor fall back on it not let ourselves be ruled by it." Tehri was then an Indian tribal state which concretely put in force the directives of the British Indian Government to invade and occupy the Sang and Tsungsha area.

It must be pointed out that, although Britain began encroachment on Sang and Tsungsha around 1919, yet in the negotiations held and contacts made during the period from the twenties to the thirties, when facing the conclusive evidences brought forward by the local authorities of Tibet, it also felt lame in reason and could not but recognize that the local authorities of Tibet still collected taxes there until 1927, and also expressed willingness to return to Tibet a part of the land it occupied. In 1928 in spite of the arguments with a view to justifying the aggressive acts of Britain advanced by Bailey, the Political Officer of Britain to Sikkim, he could not but finally admit in his letter to the local authorities of Tibet: "In 1926 and 1927 A.D. by the British calendar, namely, in Fire Tiger Year and Fire Rabbit Year by the Tibetan calendar, the Tibetan officers at the border collected taxes from the people of Tsung (i.e. Tsungsha) and Sang". Moreover, he also stated, "the view of the Indian Government is: The village north of Tsung called 'Sang' and the pastures and places above it, together with Jamchula or Tsang Chokla etc. belong to Tibet". As Britain merelly agreed to return Sang but would continue to occupy Tsungsha, the local authorities of Tibet naturally could not agree to this. The local authorities of Tibet, in their reply letter

of the same year, clearly pointed out: "Anyway, the area above the original border stone marker at Gungoong Bridge and the people of Sang and Tsungsha indisputably belong to Tibet." After that, the British side adopted an attitude of procrastination and the representations were without result. The situation thereafter was: On the one hand, Britain exercised illegal control over Sang and Tsungsha, while on the other hand, the majority of the local people still pledged their allegiance to China and Tsaparang Dzong still maintained certain jurisdiction over this area.

However, new situation have arisen since 1952. In that year, Indian troops pushed forward and occupied Sang and Tsungsha and prevented the local inhabitants from rendering corvee and paying taxes to the local authorities of China. China's jurisdiction over Sang and Tsungsha was thereby compelled to break off completely. After having received reports from the local inhabitants, the Dzongpen of Tsaparang Dzong, together with the representatives of the inhabitants of the area belonging to Tsaparang, repeatedly lodged protests with the representatives of the Indian troops, demanding their withdrawal from Chinese territory. But the Indian troops refused to withdraw and asserted that they had entered there by order of the Indian Government. The course of events concerned was described in the report submitted in 1953 to their superior authorities by the Dzongpen of Tsaparang Dzong and the representatives of the inhabitants of the area belonging to it, and the Chinese side has brought forward the relevant parts of this report. In 1955, Indian personnel penetrated ever deeper into Chinese territory, and entered Puling-Sumdo. In the following year, the Chinese personnel patrolling in the vicinity of Tsungsha and Puling-Sumdo raised stern protest, pointing out that Sang, Tsungsha and Puling-Sumdo were all Chinese territory. Disregarding these facts, India even reinforced its control over these places in the following years.

As for Puling-Sumdo, the Chinese side has time and again pointed out that this place is one of the ten markets for trade designated by the Chinese side as stipulated in the 1954 Sino-Indian Agreement. It can be seen, therefore, that the fact that this market is under China's jurisdiction has long been recognized and accepted by the Indian Government. As stated above, the names and location marked clearly on the map of India published by the Survey of India in 1889 have not only proved that Poling and Puling-Sumdo are two places, both being in Chinese territory, but also that the entire area of Sang and Tsungsha are within Chinese territory. Similarly, on the map of India published by the Survey of India in 1880, Puling-Sumdo and the area of Sang and Tsungsha are clearly marked as Chinese territory.

#### (4) *Wuje, Sangcha and Laphal*

Wuje, Sangcha and Laphal had always been under the jurisdiction of Daba Dzong of China's Tibet region. The historical documents filed for centuries and well preserved up to now by the local authorities of the Tibet region, stipulate clearly that these places are within the territorial limits of Daba. The Chinese side has earlier cited the land-deed conferred by P'olha in 1729 and the land-deed

sanctioned by the 7th Dalai Lama in 1737, both of which state clearly in the same wording that the Sangcha and Lapthal area, which is north of Wuje and Jo Nam, is within Daba Dzong. We may also cite the boundary-delineating deed made in 1936, with the consent of the Dzong government, by the people of the areas of Daba and Dongpo (both belonging to Daba Dzong) who rendered service to the government. This deed said explicitly: "The mandate of the government of the Daba Dzong clearly defines the limits of Daba (area) as.....in the south, the middle part of the bank of the Jumudar and the crest of Shar Lung within Wuje belong to Daba. The area in the east belongs to the people of Dongpo who render service to the Government." Besides, the Chinese side has also cited the verdict of the Daba Dzong government in 1868 on a pasture ground dispute between the inhabitants of Dongpo and the monastery. This document states: "In the east, Khriskosnogsum, in the south, Blangpos-tagtsab (i.e. Sangcha, Lapthal and U-Dra La), and in the west up to Byihustag, all these are summer pastures." It thus proves that Sangcha, Lapthal, etc. are under the jurisdiction of Daba Dzong and that it was owing to the dispute over the pasture ground of this area between the inhabitants of Dongpo and the monastery, both under the jurisdiction of the Dzong, that this case of appealing to Daba Dzong for determination took place. The above-mentioned consecutive documents of several centuries indisputably prove that the areas of Wuje, Sangcha, Lapthal and others lie within the territorial limits of Daba Dzong and that administrative jurisdiction over these places was exercised by the local authorities of the same Daba Dzong.

The Chinese side has further cited facts about the jurisdiction exercised by the Daba Dzong local authorities over these areas:

First of all, since the Wuje area is a key place for border defence and a communication pass in China's Tibet region, the Daba Dzong government never failed to send guards to be stationed there every year. All the guards performed their duty in accordance with the instructions of the Dzong government. Besides standing guard over the border, they were also charged with the tasks of registering and inspecting the passing caravans and flocks of sheep, collecting taxes as well as settling disputes and maintaining public security; and they had always performed such tasks in the past. These facts are well-known to everybody. The Daba Dzong government till preserves a number of documents given to the guards, from which it can be seen that the guards had the right to inspect the caravans passing by.

Besides, it can also be mentioned that the Chinese authorities had more than once set up markets at Wuje. For example, in 1926, as infectious disease was found among the flocks of sheep in the areas nearby, the Daba Dzong authorities immediately ordered that a market be set up at Wuje and that all work such as administration, collection of taxes, inspection and maintenance of public security be looked after there. It is because Wuje was under the jurisdiction of Daba Dzong that the Daba Dzong government had practically executed such power.

In the past, the Daba Dzong authorities had also sent guards to be stationed at and guard the area of Sangcha and Lapthal so as to prevent strangers from sneaking into the Chinese border. At the same time, the said Dzong government used to send yearly two persons to the area south of the traditional customary boundary to inspect the livestock and only when assured that no case of disease has found among the livestock, did they permit the livestock to enter China's Sangcha and Lapthal through the areas south of the traditional customary boundary such as Jo Nam, etc.

It was not until 1954, that Indian troops began to enter Wuje and prevented Chinese personnel from exercising their normal administrative power there. The Chinese guards submitted detailed reports to the government about the circumstances at that time, among which, the report of Gechu stated: "Gechu, the guard of Chinpu hereby reports: During the work of my humble self of guarding the mountains from 21 to 69 years of age, no single word of dispute over the territory has ever been heard from the Indians. But last year (Wood Horse Year), after the arrival at Wuje of over 20 Indian guard policemen with their head Jipuchisapu....., they said brutally to me: 'Wuje belongs to us. You are not allowed to stay here.' They beat the guard Norpu several times with a club. Four or five Indian soldiers held Serji Jyampa by his head, arms and legs.....brought him to a place at an arrow's distance and clamoured that he should no longer stay at Wuje from that very day....Wuje has assuredly belonged to Tibet from ancient times to the present.....There is no dispute whatsoever over it hitherto, but only at present do (the Indians) attempt to garb it by force. It is definitely and indisputably Tibetan territory. By my Triratna, what I have reported are all true." As for the occupation of Sangcha and Lapthal by Indian troops, it took place even later.

The facts and evidences cited above all eloquently prove that China had for centuries enjoyed and exercised administrative jurisdiction over the disputed areas in the middle sector, whereas the occupation or penetration by Indian personnel has taken place only in recent years. This, however, can by no means change the fact that these areas have always belonged to China.

### C. Concerning the Eastern Sector

The Chinese side has already cited a vast amount of factual material under Item II of the agenda which proves that only the traditional customary line in the eastern sector maintained by the Chinese side is the true traditional customary line. This traditional customary line can be further testified by the facts of jurisdiction exercised by the two sides throughout the years. That is to say, the area north of the traditional customary line was always under China's administration and not under that of Britain and India. Even after the so-called McMahan Line was illegally marked out in 1914, the Chinese side still continued to exercise extensive administration in the above-mentioned area. It was only in recent times (primarily between 1945—1951) when, with the forcible pressing forward of the British Government and later the Indian Government into the area north of the traditional customary line, that China was forced to gradually discontinue its administration in this area, and the line up

to which each side exercised actual control was pushed from the traditional customary line maintained by China to the so-called McMahon Line.

To give a systematic exposition of the above-mentioned basic facts the following discusses the matter in two parts:—

**(1) Facts showing that the Area North of the Traditional Customary Line was always under China's Administration**

As the Chinese side has already explained, the area between the traditional customary line in the eastern sector and the so-called McMahon Line is composed of Monyul, Loyul and Lower Tsayul. For several centuries, the local authorities of China's Tibet exercised various forms of administration in the above-mentioned area. Such administration was, generally speaking, demonstrated in the following aspects:—

*1. The Setting Up of Administrative Organs at Various Levels and the Appointment of Officials.*

(i) As far back as in the middle of the 17th century, the administration of the Tibet local authorities in the Moyul area already reached a certain scale. Under Item II of the agenda, for instance, the Chinese side has cited the mandate of the 5th Dalai Lama of 1680, which clearly recorded the fact of the Tibet local government sending the Tsona Dzong official Namka Drukdra and Mera Lama to exercise administration in the Moyul area. Following that, the administrative jurisdiction of this area by the Tibet local authorities was further perfected as time went by, and the whole area was gradually divided, in accordance with the Tibetan system of administrative division, into thirty-two "tso" (a few named "din"), that is, Pamakhar Tso, Tonlen Tso, Trilam Tso, Onla Tso, Drepa Tso, Mukobshagsum Tso, Samlung Tso, Khabon Tso (the above are called Dagspa Tso Gye, in the western and south-western part of Tawang), Shar Tso, Lhaog Tso, Seru Tso (the above are called Sharnyima Tso Sum, in the Tawang Chu Valley), Hrobyangdag Tso (also in the Tawang Chu Valley), Simo Tso, Kyarpa Tso, Gomri Tso, Shanle Tso (the above are called Legpo Tso Shi, in the Nyamjang Chu Valley), Shot-sanlagor Din, Sag Din, Me Din, Lonpo Din, Ladze Khar Din, Mucho Din (the above are called Panchen Din Dru also in the Nyamjang Chu Valley), Sengedzong-Nyumadong Tso, Dirang Tso, Li Tso, Tembang-Namshi Tso, Sansdi Tso, Chuk Tso (the above are called Tso Dru under Dirang Dzong, also called Chrangnang Tso Dru, in the Chrangnang or Bhoroli Valley), Rakhung-Khosdam Tso, Sher-Dugpen Tso, Upper Romnang Tso, Lower Romnang Tso (the above are called Tso Shi under Taklung Dzong, in southern part of Monyul. Sometimes, the Upper and Lower Romnang Tso are divided into six "Tso", they are, Donkong, Murshing, Kalaktang, Dzingi, Shabon, and Bedzaling). The gradual division of the entire Monyul area into thirty-two "tso" by the Tibet local authorities is a long-existing fact. But the Indian side, in disregard of the above-mentioned facts, still asserts that there has never been any organisation of "tso" in the Monyul area. If this is truly the understanding of the Indian side, it can only show that the Indian side knows nothing about the actual situation in that area. The Tibet local authorities set up administrative organs at various levels designated officials and exercised

their administration in the Monyul area. At Tawang, the capital of Monyul, an administrative committee for the whole area known as "Tawang Shidrel" (composed of a representative of Tawang "bla brang", two "Nyer Thsang" and a representative of Grags Tsong) and a non-permanent administrative conference of a higher level known as "Tawang Drudrel" (composed of the members of the "Tawang Shidrel" plus two Tsona Dzungpen or two of their representatives) were set up to direct the political and religious affairs of the whole area. Both the "Shidrel" and the Drudrel" are under the leadership of the Tsona Dzungpen. As the Monyul area was on the frontiers, the Tibet authorities often issued directives directly to the "Shidrel" and the "Drudrel" and appointed the heads of the organs such as the Tawang "bla brang". Every winter the Tsona Dzungpen went to live in Jyangkarshi which was to the east of Tawang. The "Dzung Khang" was located there and it was the court of the Tsona Dzungpen. There were also two representatives designated by the Tibet local government called "Gshes Thang" who were permanently stationed in Jyangkarshi. Prior to 1853, one of these representatives was designated by the Tibet authorities to be the hereditary office of the house of the uncle of the 6th Dalai Lama. Besides, lower ranking officials in Monyul, such as the Dirang Dzungpen, Taklung Dzungpen, headman of various localities, etc. were appointed by the "Tawang Shidrel" according to the directives of Lhasa. It can be seen from the above-mentioned facts that the administrative organisational set-up in the Monyul area of the Tibet local government was complete. The above-mentioned facts were all clearly recorded through the years in the directives issued by the Lhasa authorities and the reports of Tsona Dzung and "Tawang Shidrel". The following is but a selection of this array of documents which suffices to prove this:

(a) In the 1853 instructions of the Kaloon of the Tibet local government to the Tsona Dzungpen, and the officials of "Tawang Shidrel" and Monyul (which also served as the mandate to the house of the uncle of the 6th Dalai Lama), it stated that one of the offices of the "Gzhes Sdod" of Jyangkarshi which was held as a hereditary one by the house of the uncle of the 6th Dalai Lama according to the old regulations would from that year onwards be appointed without exception by the Tibet local government. The following is an extract from this document:

"To the Tsona Dzungpen, Tawang Shidrel, headmen and the people, both noble and common, of Jyangkarshi, three 'tso' (referring to Sharnyima Tso Sum), Dagpa, Panchen, Legpo, the Chrangnang Valley and Upper and Lower Romnang:

"Manskuashangpa is the house of the uncle of the 6th Dalai Lama, . . . . . one of the administrators of Jyangkarshi has been from his house. From this year onwards, the government takes back the post so as to lessen disputes."

(b) A communication of a high-ranking official, Silon Sholkhang of the Tibet local government in 1914 also mentioned the appointment of officials:

"The Tawang bla brang was appointed by the successive abbots of Blogsalling (referring to Blogsalling Grags Tsong under

Drepong Monastery of Lhasa) . . . . . and a Dzongpen each was sent to be stationed at Dirang Dzong and Taklung Dzong, both belonging to the Tawang Grags Tsong.”

(c) In 1943, in view of the fact that there was some carelessness and slackness in the selection and appointment of the administrative personnel of various levels in the Monyul area, the Tibet local authorities ordered a check-up of the situation. The report of the Tibetan “Kasha” to the “Regent” at that time said:

“There are cases of successive abbots (meaning abbot of Bogsalling of Drepong Monastery) appointing the Mkhan Tsab of Tawang Grags Tsong. . . . . In the future, the main designator, the abbot of Bogsalling of Drepong Monastery should pay strict attention to the appointment of personnel.”

This report also mentioned that strict attention should also be paid to the appointment of personnel on the “Tawang Drudrel”, which was formed by representatives from Tawang bla brang, Nyer Thsang, Grags Tsong and the Jyangkarshi Gshes Thang under Tsona Dzong; and specified that the two Dzongpen of Tsona Dzong should be stationed by turns in summer and winter in Jyangkarshi. Concerning the appointment of the Dzongpen of Taklung Dzong and Dirang Dzong, this report mentioned:

“The Dzongpen of Taklung Dzong and Dirang Dzong under our jurisdiction have always been appointed by the Tawang Grags Tsong. . . . . The local chief official in charge of this should strictly interview the new Dzongpen before he takes office and obtain a true avowal from him. The selection of the Dzongpen should be from elder, senior and perspicacious monks, in the Tawang monastery.” The report also stated that the above matter has been “separately notified to the various units concerned”.

(d) In the report of the Dirang Dzong to the Tibet local authorities in 1945 concerning the appointment of Dzongpen for Dirang Dzong and Taklung Dzong, it stated:

“Concerning Dirang Dzong of the Tibet government in the eastern part of Monyul, . . . in the appointment of Dzongpen, the heads of the various small monasteries will take turns in taking the post according to the system of monk service. . . . The Dzongpen of Taklung Dzong, upon completion of his term of office of three year, should report to the Dalai Lama through the abbot Spyikhyab. . . . . asking for the favour of awards of peace.”

Even officials of the British Indian Government in the past could not but recognize the fact that the Tibet local government had a complete administrative set up in the Monyul area. For example, Bailey who was sent by Britain in 1913 to enter into Tibet illegally to conduct surveys stated in his book No Passport to Tibet published in 1957 that “Monyul was governed by the Trukdri, a council of six, situated in Tawang”.



(ii) In the Loyul area, although the administrative organizational set-up of the Tibet local authorities was not as complete as that in the Monyul area, still administrative organs were set up in a number of places and officials were appointed to exercise administration. Under Item II of the agenda, the Chinese side has pointed out that the Loyul area was originally under the administration of Pome of Tibet. After the Tibet local authorities put down the rebellion of the Pome chief-tain in 1927, a Dzong was set up in Sdesdong (later the Dzong government was shifted to Medog) to administer over the Pemakoe area. At the same time, the entire area was divided into five "tso", Dum Bu Tso, Tsakha Tso, Uri Tso, Padspung Tso, and Dangam Tso, and administrative officials called "Tsopen" and "Sho Dpon" were appointed. The "five tso and six monasteries" mentioned in documents of the Tibet local authorities through the years was in reference to the above-mentioned five "tso". Among them, Dangam Tso was south of the so-called McMahon Line and north of the Sira Pateng river. South of Dangam Tso there were administrative officials including those called "Sho Dpon".

Again for example, the Bachashiri area in the Siyom river basin was through the years administered by personnel designated by Gacha Dzong of Tsela Dzong. The Chinese side has cited the 1906 document asking for the Gacha Dzong's approval of a new selection of a headman in this area. This petition states:

"Headman Wangdrag has resigned. The instructions received were to select a headman from the villages of Bachashiri. Through consultations between headman Wangdrag and others, Ldarlingdaja is designated as new headman. When Daja comes back, the former headman will transfer his post to the new headman. Approval of the superior is hereby requested."

In the Bragnag area in the Dibang river basin, the Tibet local government also set up administrative organizations of "Dge Dpon" and "Spyi Dpon". In the report of Datsergyamtso of Rihunche to the Tibet local government in 1913, it is stated:

"Formerly in the Iron Rat Year (1900), when Living Buddha Je Dzung of Rihuche went to Pemakoe in order to establish a holy place there. . . . . Living Buddha Je Dzung stayed in Bragnagamabo (the basin of the tributaries of the Dibang river) by invitation for about a year. Then he returned to Dmar Thang (also in the Bragnag area). From then on great numbers of people who wanted to settle down in this place came from all directions and at the same time Dge Dpon and Spyi Dpon were designated there."

The above-mentioned three documents show that the Tibet local authorities had set up, in accordance with the specific local conditions of the time, various forms of administrative organs in the Loyul area.

(iii) Concerning the lower Tsayul area, the Tibet local authorities in the past placed it under the Meyul area of Sangngachos Dzong, its main villages being Dapa, Hatod, Yegung, Walong, Dilim, Mgokhung,

Dumpa, Minchi, and Chaha. They all lay south of the so-called McMahon Line.

It can thus be seen that the Tibet local authorities of China had extensively set up organs of administrative jurisdiction in the area north of the traditional customary line. Such organs had existed up to recent times. For instance, the administrative organs in the Monyul area had existed in a rather complete form up to 1951 when India occupied Tawang. The majority of the administrative organs in the Loyul and Lower Tsayul areas had also existed up to around 1945.

## 2. Tax Collection. Exaction of Corvee, Household Census, Conferring of Fiefs.

The local Government of China's Tibet had consistently collected taxes and conducted census in the area north of the traditional customary line.

(i) The Tibet local authorities had always collected various taxes in kind from the Monyul area. This was generally calculated according to households, making a collection in summer and another in autumn, which were termed "Gyatral" (summer tax) and "Sdontral" (autumn tax). Except for the collection by the Tawang Nyer Thsang, Tsona Dzong and Jyangkarshi also collected taxes directly from a part of the area. There are clear accounts of this in the tax regulations stipulated by the Tibet local government through the centuries and in the tax registers preserved by Tsona Dzong and other organs. The mandate of the 5th Dalai Lama of 1680 cited by the Chinese side under Item II of the agenda made it clear that in the middle of the 17th century the Tibet local government collected various taxes and exacted corvee in Monyul. Since then, such measures were continued down through the years. The following documents were cited as evidence.

- (a) In the list of households Tsona Dzong from which corvee was to be exacted approved of by the "Regent" of Tibet in 1860, the number of households from which corvee was to be exacted and taxes collected by Tsona Dzong in various places in Monyul was recorded in detail, as well as those individual households from which corvee and taxes were to be exempted. For instance, it mentioned 299 households in Shar Tso, 244 households in Seru, 165 households in Lhaog, 24 households in Yugsum, 44 households in Rho and Gyamdagpa, 93 households in Pemakharna, 60 households in Tonlen, 127 households in Drepa Tso, 262 households in Panchen Din Dru, 139 households in Senge Dzong and others.
- (b) In 1895, the Tibet local government, according to the original tax register, issued a new tax register for Tsona Dzong. This tax register made it clear at the very beginning that "this register was revised according to the register of the Water Monkey Year with new taxes added, and is basically the same as that stipulated in the Wood

Chicken Year”, and said that the taxes collected and corvee exacted from the various places of Monyul by the Tibet local authorities were “taxes and corvee for the government which are to be registered according to the respective contract taken under oath”. It can thus be seen that for years the Tibet local authorities had in Monyul a complete tax register listed in great detail the types and amount of the taxes and corvee to be collected and exacted in the various places of Monyul by Tsona Dzong.

- (c) A communication of “Silon” Sholkhang of the Tibet local government in 1914 mentioned that Tawang bla brang was to submit to Brags Tsong of Blogsalling of Drepong Monastery 10 Cheng of silver every year and that the Nyer Thsang was to submit 10 Cheng of silver annually. The corvee, taxes and rice rendered by Legpo and Panchen of the Monyul district to Tsona Dzong every year were worth approximately 30 cheng of silver. It was also said that “when there is war with other countries, 1,500 soldiers are to be enlisted according to the enlistment register. If recruits are not available, 25 Tibetan taels of silver are to be paid for every recruit not available, making a total of 750 Cheng of Tibetan silver”.
- (d) The 1914 report of Tsona Dzong to the Tibet local authorities recorded in detail the amount of taxes and corvee collected and exacted by Jyangkarshi directly from Dirang, Namshi, Tembang, Sansdi, Li, Chuk, Senge Dzong and Nyumadong of the Chrangnang river basin.
- (e) In 1940, the Tibet local authorities instructed Tsona Dzong to make another census of the number of households in the Monyul area from which corvee was to be exacted. In the same year, the officials of various levels in the Monyul area made a check-up in pursuance of the instructions transmitted down from Tsona Dzong and worked out a register which was submitted to the Tibet local authorities. The register listed in detail the number of households from which corvee was to be exacted in the 32 “tso” of the entire Monyul area and the various places under their jurisdiction. That is, 41 households in Pemakhar Tso, 118 households in Tonlen Tso, 74 households in Trilam Tso, 58 households in Onla Tso, 73 households in Drepa Tso, 78 households in Mukobshagsum Tso, 78 households in Samlung Tso, 104 households in Khabon Tso, 249 households in Shar Tso, 215 households in Lhaog Tso, 200 households in Seru Tso, 93 households directly under Tawang Monastery’s administration, 67 households in Rho and Gyandag Tso, 14 households in Simo Tso, 28 households in Kyrpa Tso, 36 households in Gomri Tso, 28 households in Shanle Tso, 18 households in Shotsanlagor Din, 30 households in Me Din, 23 households in Sag Din, 28 households in Lonpo Din, 56 households in La Dze Khar Din, 24 households in Mucho Din, 47 households in Senge Dzong and Nyumadong, 144 households in Dirang Dzong, 40 households in Li Tso, 85

households in Tembang Tso, 29 households in Sansdi Tso, 17 households in Chuk Tso, 166 households in the area under the jurisdiction of Taklung Dzong (Bedzaling, Shabon, Kalak-tang Dzingi, Murshing and Donkog).

(ii) In the Loyul area, too, the Tibet local authorities extensively collected taxes. It is sufficient to prove this by citing the following documents.

- (a) The 1846 list of taxes paid by the Bachashiri area to Gacha Dzong of Tsela Dzong shows that the amount of taxes from Bdethang, Lhalung and Galin villages of the area in that year was paid in full.
- (b) The list of taxes paid by Manchukha Village of Bachashiri to Gacha Dzong in the same year shows in detail the amount of taxes paid in kind by each household.
- (c) The letter of the Sholkhang "Silon" of 1914, in reference to the Loyul area, reads as follows: "Because of the fact that Living Buddha Guru of successive generations propagated the faith there the natives of Lokar and Lonag always believed in him. Every year, Lokar and Lonag paid, through Living Buddha Guru, to the Government manja dues in five Tibetan taels of silver, ten sheets of tiger and leopard hides and one pair of elephant tusk."

"Lokar" and "Lonag" mentioned in the document refer to the Loyul area, and the manja dues was one of the various taxes paid by that area to the Tibet local government.

- (d) In the 1921 avowal jointly made by the headmen of Ngamyang, Kunging, Korbo, Jardo, Panggo, Toting and Geling Villages, they pledged to fulfil as ever various obligations, including payment of grain tax. The areas mentioned above are all situated on the two banks of the Tsangpo River south of the so-called McMahan Line and north of the Sira Patend River.
- (e) In 1945, in their instructions given to the Sera Monastery which was in charge of the political and religious affairs of Pemakoe, the Tibet local authorities ordered the Monastery to collect taxes on schedule every year in the Loyul area. A list attached to the document shows the households that were to render corvee service (i.e. the tax payers) in a part of the area as follows:

"Geling Village of Dangam Tso, with 16 households possesses altogether 37 khals, 2 dzes and half pe of sown area; Korbo Village, 17 khals and 3 and half dzes of sown area; Sponag Village, 13 khals and 5 dzes of sown area; Korub Village, with 20 households, 43 khals, 2 dzes and 5½ pes of sown area; and Maongodra Village, with 23 households, 71 khals, 12 dzes and 3 pes of sown area, or 1¼ rkang. Lochabs Jardo Village has 46 households and 8 singles. Ngamyang Village has 99 households and 7 singles. Kuging Village has 84 households, 2 of which have been destroyed by fire. Lokarloting

Village has 52 households and 9 singles. Miging Village has 38 households. The Lopa Village of Panggo has 74 households and 28 singles. The register of Iron Sheep Year mentions the 554 households and 160 singles of the Lochokkar Tribe in Lodsagnagtonggong. The Lochoknag Tribe consists of 1,454 households and 249 singles. The locations of the areas mentioned above are as follows: Lodsagnagtonggong is situated below the Sira Pateng River and above the Beyugin River; below the Hagon River and above the Shibu and the Siga River; above the Delin River, the Shide River and the Chiju River; Lochoknag is situated below Marburn and above Liyubo; below Marlinyube and above Loyul; and above Shimar and Harjou. The eight places in Simong are all situated below Harjou and above Shashiungonrong. The four villages in Ma Bubs are all situated below Lokhoe and above Shika across the river; below Shebab and above Shishi; below Chidi and above Shiri, on the other side of the river bounded by the Dzuamdzung punidorog River; and above Shashiungonrong and below Yabni, including the Lopa village of Darpin. There are, all told 1,454 households in the places listed above, 249 of which have been destroyed by fire. Taxes should be paid to and corvee performed for the government every year without delay. In case of defiance, factual reports must be made promptly. This is to be made known to all so that no such case should happen."

The villages of Dangan Tso mentioned in the above document are all situated south of the so-called McMahon Line and mostly north of Sirapateng River; Miging Village among others, for example, is situated even south of the Sirapateng River. As to the "Lochokkar (Lokar) Tribe" and the "Lochoknag (Lonag) Tribe," as already explained by the Chinese side, they are names widely used in Tibet in the past for the Loyul tribes. The locations of these tribes recorded in the document—which states, for example, that "Lochoknag is situated below Marburn"—clearly indicate that regular annual tax-collection by the Tibet local government at that time extended right down to places south of Karko, that is to say, far south of the so-called McMahon Line.

(iii) In the Lower Tsayul area, the Tibet local government also fixed, long ago, the amounts of taxes to be collected:

- (a) The assessment roll of Lower Tsayul, revised by the Tibet local government in 1892 on the basis of the older ones, shows in detail the amounts of corvee and taxes to be paid each year by Dungpa, Hatod, Walong, Dilim, Dumpa, Minchi and Chaha of the area. These places are all situated on the two banks of the Tsayul River, south of the so-called McMahon Line.

- (b) The 1929 assessment roll of Sangngachos Dzong also gives in detail the amounts of corvee and taxes to be collected in Upper and Lower Tsayul and stipulates that "in Lower Rom and the lower area (namely the Meyul area of Lower Tsayul), collection of taxes should be made..... on the basis of the number of rkangs and local production."

In addition to tax-collection and census; the Tibet local authorities also conferred fiefs and instituted "monk service" and other systems in the areas north of the traditional customary line. For example, as 6th Dalai Lama Tsangyang Jatso was born in Monyul, his uncle's family possessed in successive generations a fief conferred by the local government of the Tibet region and was partially exempted from taxes and corvee by order of the Tibet local authorities. As to the "monk service," it was stipulated in explicit terms by the Tibet local authorities as far back as the middle of the 17th century. For instance, the mandate issued by the 5th Dalai Lama in 1680 cited by the Chinese side under Item II of the agenda states: "Some more monasteries can be built and monk service exacted in the places east and west, above and below the Mon area." After that, this system was not only established in Monyul but practised through the years.

All these facts further show that the Tibet local authorities always exercised full jurisdiction over the areas north of the traditional customary line.

### 3. Exercise of Judicial Power

In the areas north of the traditional customary line, the Tibet local authorities also exercised such judicial power as passing judgments in cases of disputes and punishing offenders and officials who neglected their duty. This is clearly recorded in the documents cited as follows:

- (i) The Biography of the 9th Dalai Lama (1805—1815) writes:

"In the Mon area, a feud occurred between Lhaog Tso and Trimuwa under Seruwa due to a dispute over ownership of land. Seruwa went so far as to send troops to outrageously attack Lhaog and killed Chos D zad Rin Chen, a descendant of the 6th Dalai Lama's uncle without any reason. Therefore, the Han and Tibetan authorities jointly sent Kaloon Gahshuwa there along with Gronyi Losam Tanpa, a local official. On arrival, they made a detailed investigation and arrested and imprisoned two or three ringleaders."

- (ii) In a mandate given by the Ching Government to its Amban in Tibet in 1852 (published in "Tunghua Hsulu" 1884) it was stated as follows:

"According to a report from Muteng-eh (the Amban in Tibet of that time),...In the Rtawang Monastery (i.e. Tawang Monastery) under the Administrator of Tsola (i.e. Tsona) in South-east Tangut (i.e. Tibet), the Lamas Wu Dze and

Sodnan Ngosgrud, who have always lived in the same monastery, mustered crowds to fight each other in a minor quarrel over a debt. Tsaifeng (the Mdahpon) has been despatched there to make investigations and handle the matter; and selected Tibetan leaders have also been sent there to mediate. Why should they still dare, while refusing to appear in court in defiance of the summons, to rely on force and muster crowds? Are there other causes? now that the Amban and the Nomanhan (i.e. the "Regent" of Tibet) have already instructed the Tibetan leaders sent there to make impartial investigations and settle the case equitably, if defiance should persist, Chen Ho-sheng and other selected Han and Tibetan officials would be sent there to join the efforts to make proper arrangements for a settlement. . . . . The Amban and others are hereby instructed to handle the matter speedily and satisfactorily according to circumstances. It is imperative to make the settlement convincing to both parties in the case and make them abandon their grudge against each other so that order can be restored to the frontier area."

(iii) In a message to the Amban of the Ching Court in Tibet in 1853, the "Regent" of the Tibet local authorities quoted the report of Kaloon Wangchu Jalpo who was then in the Monyul area on an official mission, saying:

"In accordance with the instructions, Ngawang Yishes, Iyan-shing, Kadro and others who have been arrested in succession are now all in Tawang. You, the Kaloon, may keep them in fixed places and deal with their cases according to the varying degrees of their offence. Ngawang Yishes should have been punished severely, but he has not only been arrested and punished by Patan Chosphe, but also removed from the post of Nyer Thsang of Tawang and expelled from the monastery. His property has been confiscated and he has been sentenced to one year's imprisonment. . . . As to Nyanshing, Kadro and the others who have been arrested and are now in custody in Tawang, . . . I intend to send them to various places of Tsona and Lentse and instruct the Dzongpens there to keep them in proper custody."

(iv) In a directive issued by the "Regent" of the Tibet local authorities in 1867 dealing with a case of dispute in Monyul, it is stated as follows:

"A case of dispute has occurred in the area between Namshi-Tembang on the one hand and Sher-Dugpen on the other due to difference of opinion about collection of rent for the land in the vicinity of Assam of India. In Wood Ox Year (i.e. 1865), Brongpa, the Dzongpen of Tsona, and the Tawang Nytsang were sent there to handle the case. As both sides clung to their own arguments, no settlement was reached. . . . . To investigate into, decide on and deal with the case, the Tawang Nytsang, representative of the Dzongpen of Tsona Dzong, monks of Tawang Monastery and headmen of the three tsos have been ordered

to go there in winter to seek final settlement of the matter."

(v) The verdict issued by the Gacha Dzong of Tsela Dzong in 1922 on the case of robbery in Bachashiri described in detail how the Gacha Dzong tried the case and passed judgment.

(vi) In a report of the Tibet "Kasha" to the "Regent" in 1943, it was stated:

"In the files kept by Tsona Dzong, there is a copy of the verdict under seal on the case of dispute about land and murder between the Tawang Tsatsang and Pahog Dungan. The successive Dzongpens hereafter should strictly carry out the verdict in accordance with this copy."

Moreover, the decision signed by the Taklung Dzongpen of Tibet and others on the one hand and the British local officials of Tezpur on the other in 1853 after the Shesrab Gragspa revolt was suppressed by the Tibet local authorities reads in part as follows:

"Now that the Tibet government and the East India Company are getting along as smoothly as water and milk mixing together, should any one be found trying to sow discord, he would be arrested and sent, in case Tibetan, to the Taklung Dzong for immediate severe punishment; and in case of people belonging to the Company, such as Assamese, to Sahib Pen Chin in Tezpur for immediate severe punishment."

It can thus be seen that even British officials recognized the right of the Tibet local authorities to exercise jurisdiction and judicial power in the areas north of the traditional customary line.

#### 4. *Suppression of Revolts.*

In modern history, the Tibet local authorities twice took action on a relatively large scale to suppress revolts in the area between the traditional customary line and the so-called McMahon Line. One of the actions, to suppress the revolt of the Pome chieftain in the Loyul area in 1927, was already mentioned by the Chinese side under Item II. The other action was taken by the Tibet local authorities in 1853 when Shesrab Gragspa, the then Taklung Dzongpen, was trying to coerce the local inhabitants to revolt against Tibet. The Tibet local authorities immediately sent troops commanded by Kaloon Wangchu Jalpo and Mdahpon Doje Dongrud to take punitive action and put down the insurrection. The related documents are quoted as follows:—

(i) A 1853 message of the Tibetan "Regent" to the Amban in Tibet quoting the report of Kaloon Wangchu Jalpo sent in at that time from Monyul. Apart from describing how Shesrab Gragspa fled to India under pursuit of Tibetan troops, the report also states the following:

"As is the rule, the Dzongpens of Taklung Dzong and Dirang Dzong are appointed by the Tawang Tsatsang and all newly-appointed dzongpens must perform their duties of



guarding the frontier and collecting information without fail. The Tawang Monastery and all Dzongpens concerned have already received thorough instructions on this. In view of the importance of frontier affairs, I have, for the time being, stationed able serfs and local soldiers in Taklung (Dzong) to assist in ensuring tranquility. Meanwhile among the Lhasa Tibetan troops (referring to the Tibetan troops in Monyul) there are about 130 soldiers from Tsona and Lentse, both adjoining this area. I intend to station 30 men with officers in Tawang for one year."

(ii) The avowal made in 1853 by the Taklung and Dirang Dzongpens and the headmen of various places under their administration to the Tibet local authorities mentioned the suppression of this revolt and pledged themselves to be peaceful and abide by the law thereafter. The avowal states:

"When the government troops were closing in to chase them, Shesrab Gragspa and his followers had fled away well in advance, and we local inhabitants had also fled to the valley and dispersed and hide ourselves. The ordinances were issued (by the Government) and personnel were sent in successive groups to console the people.... Except for a few ringleaders who were punished according to law, we people of upper, middle and lower classes have all held our own houses and lands.... From now on in our activities, we will certainly bear in mind the seven articles contained in the ordinances, all local laws and regulations and directives issued in succession by the Phogsdpon and Mdahdpon."

##### 5. Frontier Defence; Entry and Exit Control

(i) In order to guard against British intrusion, the Tibet local government on many occasions gave instructions to the officials, headmen and inhabitants in the frontier areas, asking them to take strict measures in this connection and exercise control over entries and exits. The officials and inhabitants of the frontier areas, in their turn, repeatedly assured the Tibet local government that they would carry out this task. For example:

(a) In 1931, the heads of the villages of Upper and Lower Tsayul (including the villages of Dilim, Walong, Dumpa, Minchi, Chaha and Hatod in Smadyu District of Lower Tsayul) jointly submitted to the Tibet local authorities a letter of assurance expressing their determination to guard against foreign aggression.

(b) The letter of assurance made by the Dzongpens of Dirang Dzong, Taklung Dzong, and others to the Tibet local government in 1942 states:

"We have received the order (referring to the order issued by the Tibet local authorities) that ..... as stated in the other orders previously issued, strict control should be exercised hereafter in your areas so that not a single foreigner should be allowed to cross the border at any time to move about in our territory, or to enter either

by mixing in crowds or sneaking in; and that such cases, if any, should be reported promptly. Following the order, which all our men under the Dzongpens and headmen along the frontiers fully understand, we have made it known to all and will execute it scrupulously."

(ii) In the phase of the strict safeguard measures of the Tibet local authorities, British personnel had to apply to the Tibet local authorities for permission for going to such areas as Monyul and Loyul. For example:

(a) In his letter to the Tibet local government in 1923, Major Bailey, the British Political Officer in Sikkim, stated:

"British Sahib Kingdom Ward, collector of various flower seeds, intends to go to southeastern parts of Tibet... He intends to pass through Loyul and Tsayul and go to Chamdo, Sikang, from Sangngachos Dzong. If the Tibet government should prevent his going along this route, (he) would go there by way of Burma or Sikkim."

(b) In 1934, Norbu Dongrub, British Commercial Representative in Yatung, told the Tibet local government the following: "Sahib Ludlow, a former teacher at the English School in Gyantse, intends to go to Mon Tawang by way of Bhutan in April this summer to collect flower seeds and return again by way of Bhutan. Please grant him the permission."

The large amount of facts quoted above irrefutably show that for centuries the local government of China's Tibet exercised effective administration over the entire area consisting of three integral parts, namely, Monyul, Loyul and Lower Tsayul, between the traditional customary line and the so-called McMahon Line. The Tibet authorities of China took various administrative measures in these areas and continued to do so uninterrupted up to a few years ago.

## **(2) Facts Showing that It Was Only in the Recent Past that China's Administration was Undermined by the British and Indian Encroachments.**

The Chinese side has proved in the foregoing parts the fact that, in the eastern sector of the Sino-Indian boundary, the area between the traditional customary line and the so-called McMahon Line has always been under China's administration and that such administration was still effectively exercised up to the 40s of the 20th century. During the latter period and after the end of World War II, Britain took advantage of the then prevailing situation in which China was too occupied to look after the south-eastern border of Tibet, to arbitrarily dispatch troops to invade part of the area north of the traditional customary line. After its independence, India not only inherited the areas occupied by Britain, but pushed northward even further; particularly around the time of the peaceful liberation of the Tibet region in 1951, India made an all-out advance towards the so-called McMahon Line and eventually controlled all the places south of this line. Wherever the British and Indian troops reached, they compelled the Tibet local government to stop their administration which had existed over a long period of time.

and supplanted it with their own administration. Under such pressure from external forces, the administrative organs of the Tibet local government first withdrew in the years before 1951 from part of the area and later withdrew completely after 1951. However, regarding such British and Indian encroachments the then Koumintang government and the Tibet local government of China repeatedly made representations and lodged protests with the British and Indian governments, demanding the withdrawal of British and Indian troops from Chinese territory. The local officials who always exercised administration there and the local inhabitants also time and again submitted to the local authorities of Tibet reports on the developments of British and Indian encroachments and demanded that serious representations be made with Britain and India, to resume the original administration. The above events all took place in the recent past and the facts are all there. It should not have been necessary to prove them. But, to eliminate any possible argument, the Chinese side still brought forward the following factual material as conclusive evidence.

### 1. Concerning the Monyul Area

The invasion and occupation of the Monyul area by Britain and India took place in two stages. The first stage was from around 1944 to 1951. Britain began to dispatch troops to invade the southern part of Monyul, namely, the places south Sela under the administration of Taklung Dzong and Dirang Dzong around 1944. India inherited these places from the British Government after its independence in 1947. The second stage was after 1951 when India dispatched troops to occupy further the northern part of Monyul which includes Tawang and is to the north of Sela. The relevant facts are as follows:

(i) The then local officials of Tsona Dzong, Tawang Drudrel and Dirang Dzong submitted reports again and again to the Tibet local government concerning the 1944-45 British invasion of the areas of Taklung Dzong and Dirang Dzong in the southern part of Monyul and how Britain forced the Tibetan officials to stop exercising their authority. The following reports are now cited as evidence:—

(a) The report submitted by the Dzongpen of Dirang Dzong in 1944 to the Tibet local government stated: "A total of more than 50 British officers and men and coolies have come and stationed themselves at Dhom of Dirang." They moreover compelled Dirang hereafter not to "hand in grain to Jyangkarshi (i.e. representative organ of Tsona Dzong)."

(b) In 1945, Dirang Dzong again reported to the Tibet local government as follows:

"Last year, British officers and men came to Dirang (Dzong). Like the little devils who trespassed on the land of Buddha, they have defied the laws of the state, forcibly occupying the land and inciting my subjects by saying that it is forbidden to abide by the law and rendering services to Tibetan personnel such as rendering official services and paying taxes. Armed sentinels have been assigned with the special

task of guarding all important passage ways. They have resorted to threats of armed force to prevent us from exercising authority on our own land. . . . In a word, even the supply of such things as firewood and hay have been suspended, let alone the collection of taxes, and corvee and the exercise of authority as has customarily been the case. . . . Having reached the end of our patience, we, your humble servants, cannot be appeal and report to our superiors and request that in the future we may be ensured of the exercise of authority over such properties as the estates on which our living depend. . . . If the present state of affairs should continue for long, it will inevitably lead to a situation in which the guest would have usurped the place of the master of the house.

(c) The report submitted by the Dzongpen of Tsona Dzong and the Drudrel of Tawang to the Tibet local government in 1945 dealt with the course of events in connection with the British invasion of Taklung Dzong and Dirang Dzong and how the Dzongpen of Tsona Dzong, among others, proceeded to the Dirang Dzong area to make representations with the British officials. The report stated: ". . . On April 8, the British Assam Lal and his party came to Dirang of our Monyul. On receiving the letter of Dirang Dzong, we, the Dzongpen and Drudrel, went there in person. . . . and after meeting them (i.e. British officials), we immediately requested that the British officers and men who came and stationed themselves at Dirang last year should now be withdrawn."

(d) In the same year, the Tibet local government sent a directive to Tsona Dzong and Tawang Shidrel, which pointed out: "That the land in Monyul has always belonged to us is beyond shadow of doubt." This document ordered them to continue exercising such administrative powers as collecting corvee and taxes in the Monyul area.

After the invasion of British troops, the Tibet local government made constant representations with the British, demanding the withdrawal of the invading British forces. For instance, in a meeting with Richardson, the British representative in Lhasa, on May 17, 1944, the Tibet local government pointed out the Britain had dispatched troops to invade such places as Dirang Dzong, obstructed the administration of Tibetan local officials and placed watch on the local inhabitants with its troops to prevent them from rendering services and paying taxes to the Tibet local government. It also declared: "How could these unprecedented new acts have their origin in the instructions of the Indian Government! . . . It is hoped that the original boundary of the Monyul area would be maintained as before and that the Singhpa (i.e. British) officers and men be withdrawn." Thereafter the Tibet local government continued to make repeated representations. For instance, in the winter of 1944 and in April 1945 it made two representations, one orally and the other in written form, with the British representative in Tibet, demanding that British troops be withdrawn at once from Kalaktang under the jurisdiction of the Taklung Dzong in the southern part of Monyul and from Walong in Lower Tsayul.

In its replies at that time to the Tibet local government, the British Government tried to justify its acts of aggression by arbitrary arguments. But, it can be seen even from these replies that Britain admitted at the time that the places it occupied had heretofore been under Tibetan administration and not under that of British India. It can also be seen that, at that time Britain did not scruple to resort to blackmail to effect its aggression. In his conversation with the officials of the Tibet local government on October 11, 1944, Gould, the British Political Officer in Sikkim, admitted that with regard to Kalaktang in the Monyul area, the British Indian Government "had not" previously "exercised special administration over this area", but to form a pretext for Britain's occupation of the Monyul area, he invented the unfounded lie to the effect that "in view of the fact that recently the Chinese side harboured intentions to occupy some places in Burma". On December 4 of the same year, in his conversation with the local officials of the Tibet region, Gould further stated that "he was instructed to say that the officials sent by the Indian Government (*i.e.* the officers and men who occupied Kalaktang and Walong) were not in a position to withdraw. Therefore, it was hoped that the Tibet government would give up minor considerations for broader interests, be farsighted and instruct the Tsona Dzong etc. not to collect governmental taxes and corvee in the locality." In the memorandum which Gould handed on the same day to the local authorities of the Tibet region, it was stated that the British Indian Government insisted on the so-called McMahon Line which was illegally drawn and had never been recognised by the Chinese Government; but it also indicated that "My Government was willing to change the boundary, namely that starting from Sela, it should run not to the north, but to the south of Tawang," and demanded that "the officials of the Tibet government be instructed not to exercise authority south of Sela". This proposal clearly shows that up to the end of 1944, the Tibet local government was still fully exercising its powers of administration in the entire Monyul area; at the same time, it shows that the British Indian Government still had some hesitations about invading the northern part of Monyul, north of Sela. But, since it still insisted on occupying the southern part of Monyul, this aggressive proposal was never approved by the Tibet local government.

(ii) In 1951, India advanced further to occupy the northern part of Monyul north of Sela. The following documents can fully testify to this:

(a) The report which Tsona Dzong submitted at the time to the Tibet local authorities stated:

"In Wood Monkey Year *i.e.* 1944, the British occupied the area south of Sela in the east (*i.e.* the southern part of Monyul) by asserting that the land, houses and inhabitants in this area had already been conferred to them by the Tibet government. They were later turned over to the Indian government. But, on December 30 (according to Tibetan calendar; *i.e.* the beginning of February, 1951 A.D.) the Indian Government representative Sahib, who came for the

take-over, Babu, an interpreter, 60 soldiers and 700 inhabitants of Chrang Nang who served as porters, suddenly arrived at Mon Tawang.

(b) In its directive to the Dzongpen of Tsona Dzong in 1951, the Tibet local government stated:

"There should have been no alternative but to retaliate against such an act of armed force by the officers and men of the Indian Government who took advantage of the situation to gradually press forward, cross the border and enter our territory... Nevertheless, we will immediately request the Indian Government through its representative in Lhasa not to create new incidents in the border of Monyul which is undoubtedly Tibetan territory or occupy it." In the directive, it also instructed Tsona Dzong to continue to "uphold justice, collect taxes and corvee in a reasonable way and exercise judicial authority" in the Monyul area.

(iii) In March, 1951, Rimshisonamdobtung, the Trade Agent of the Indian Government at Yatung in Tibet notified the Tibet local government that, "On instructions by the Indian Government, by telegram transmitted by the Political Officer in Sikkim, a representative of the Indian Government had been dispatched to Mon Tawang near Tsona to take over Tawang."

To this, the Tibet local government replied at once, pointing out that the Indian Government "had adopted an approach of seizing as its own what did not belong to it. This, we deeply regret and absolutely cannot accept... Please tell the Indian Government at once through the Political Officer in Sikkim to withdraw immediately the officers and men who have arrived in Tawang."

The above documents clearly show that the Tibet local government had maintained its administrative powers in the northern part of Monyul up to 1951, and it was only at this time that India occupied this area.

## 2. Concerning the Loyul Area

Concurrent to its invasion of the Monyul area, Britain dispatched other troops around 1944 to go up the Tsangpo River and invade the area of Karko and Simong of Loyul. This can be clearly seen from the following documents:

(i) In the 1945 report to the local authorities of the Tibet region by the Sera Monastery which was in charge of the affairs of Pemakoe, it was stated: "The British constructed a big two-storey building on land belonging to the Tibet government (ie Karko), and also built huts in the Simong area, thus giving rise to much trouble. In particular, when the headmen of the above-mentioned area went this year to collect taxes as they had always done, the villages had been notified (by the British) that they were forbidden to pay government taxes and render service; moreover, British soldiers robbed the headmen of articles needed on their trip as well as salt and other articles of daily use which they carried with them as merchandise." The report

also mentioned that headmen sent by the Tibet local government to collect taxes were detained by the British personnel who had invaded and were stationed in Karko for as long as 15 days, and had been subjected to all kinds of intimidation, so that thereafter they would not "go within Kepang La and Goyula of Dangan Tso to collect taxes."

(ii) After receiving the report of the Sera Monastery, the Tibet local government repeatedly ordered the local officials of Pemakoe to exercise their administrative powers and collect taxes in the Loyul area as they had always done. For this, the Da Dzong Dzongpen in Pemakoe (*i.e.* Medo Dzong) wrote in 1945 to the British personnel who invaded and occupied Karko, stating that the Tibet local government would continue to exercise administration over Karko and other places. This document stated: "Last year, when the (Tibetan) representatives who went to Loyul to collect government taxes and corvee reached there they were told by the representative of the British Government stationed in Karko...that they absolutely forbidden to conscript cooks and those for other services to request housing and to press for and exact ula, etc. in the name of collecting taxes and administering the law of the Tibet government...Therefore, we, the Dzongpens, headmen and inhabitants, reported fully to the government and received instructions saying...that the general representative, working personnel and Tsopens were hereby ordered to proceed to the said locality and collect all taxes in full which should have been collected according to the old regulations."

(iii) But acts of British aggression became more flagrant thereafter. In 1946-47 Britain dispatched troops to further occupy the area south of Kapang La and north of Karko and further undermined the administrative powers of Tibet. In their report to the Tibet local government in 1948, the Dzongpen and headmen of the various Tsos of Pemakoe stated:

"Successive reports were submitted to the superior officials concerning the gradual occupation by the British of the lower area of Lochokar and Lochoknag of Pemakoe to an extent of more than seven or eight stages along the eastern and western banks of the river, where Lodsam (*i.e.* the tax collected by the Tibet local government in Loyul) should be collected for the government and instructions were received...taxes should be collected as usual...But, as have been reported previously, since Wood Chicken Year, (1945 A.D.), the British have put a stop to the paying of taxes and corvee and have gradually occupied the place. Particularly in collecting taxes and corvee this year, we found two Sahibs and 500 soldiers on guard to prevent our work in Geling beneath the Kepang La Mountain. It is now nearly three years that the lower areas of Lochokar and Lochoknag below Kepang La have failed to render taxes and corvee according to the old regulations. This is **greatly detrimental, and you must be clearly aware of it.**"

The above documents show that, in the period from 1944 to 1947, Britain gradually invaded the above-mentioned area, and that the

Tibet local government was compelled to stop exercising its inherent powers of administration in the locality.

After its independence, India continued to occupy the above-mentioned area and around 1951 further occupied the remaining vast areas of Loyul such as Dsagnag and the Siyom Valley.

### 3. Concerning the Lower Tsayul Area

Starting from 1944, Britain dispatched troops to invade the Walong area of Lower Tsayul. In this connection, the Dzongpen of Sangngachos of Tibet sent representatives to negotiate with the British. After the negotiations, there was a time when British troops had to withdraw from the Walong area. The report submitted at the time by the Dzongpen of Sangngacho Dzong to the General Administrator of Chamdo described the invasion of British troops and the negotiations conducted with the British officials. It said:

“On November 26, two (British) Sahibs and over 20 soldiers came to the lower area of Walong of Lower Tsayul...we ...sent representatives there to negotiate... (The British) Sahib began by saying that the lower areas previously belonged to the British Government, but the Tibet government had up to now collected taxes there for over 30 years; starting from this year, the Tibet government is forbidden to collect taxes and corvee there. We replied by saying that the lower areas have been undisputed land of our Tibet government since ancient times, and we have collected taxes and corvee there all the time, let alone for 30 years. The report also stated that, after the negotiations, it was decided that British personnel should be withdrawn completely from our territory. It continued that the local officials of the Tibet region “decided to go to Walong for an inspection. Thereupon two representatives of the Dzongpen, the Shengwu of Tsayul himself and the leading representative of the masses went there together. The higher ranking Sahib and more than 20 soldiers had withdrawn from Walong on the 17th of this month. The lower ranking Sahib Officer Zabu and over 20 soldiers were still in Walong, but it was agreed that they would withdraw on the 22nd.”

But later on, the British troops came again and occupied the Walong area. At the beginning of 1947, the local authorities of the Tibet region sent instructions to the General Administrator of Chamdo concerning the occupation of Walong by British troops, saying that “the original frontiers should be maintained, and all former powers of Tibet to collect taxes from the land and inhabitants and to administer the law in the Lo and Mon areas under its jurisdiction should not be lost.”

Moreover, as has been stated above, after Walong was invaded by British troops, the local authorities of the Tibet region negotiated time and again with the British, demanding the withdrawal of British troops. On learning of these acts of British aggression, the then Chinese Government sent four notes of protest to the British Embassy



in China in July, September and November of 1946 and January of 1947, respectively. As Britain shifted the responsibility onto India, the Chinese Government addressed a note of protest to the Indian Embassy in China in February 1947.

The following conclusion may be drawn from the above facts:

(i) The area north of the traditional customary line had always been under the administration of China, and the local authorities in China's Tibet region had a number of relatively complete administrative set-ups and exercised effective administrative powers there.

(ii) The claim of the Indian side that the so-called McMahon Line was the traditional boundary is completely untenable. It has been effectively refuted by the vast amount of factual materials cited above.

(iii) It was only in the recent past, when Britain and India made armed advances into the area between the traditional customary line and the so-called McMahon Line, that China was compelled to stop exercising its jurisdiction there.

## COMMENTS

### A. Concerning the Western Sector

#### (1) *Comments on the Positive Statement of the Indian Side*

The material provided by the Indian side can generally be summed up into three categories, and the following comments are now made accordingly:

#### 1. *Concerning "administrative records" and control of hunting expeditions*

There are altogether 31 pieces of evidence brought forward by the Indian side under the item of "administrative records" representing over 55 per cent. of the evidence put forward by the Indian side regarding administrative jurisdiction. However, after studying them, one cannot but point out that the area disputed by India in the western sector covers a vast territory of more than 33,000 square kilometres, while the evidence put forward by the Indian side actually involves only two places of Demchok and Minsar, whose areas are very small. Even as far as these two places are concerned, the evidence of the Indian side also cannot prove that they belong to India. Among them, Minsar is situated deep within China, and is completely irrelevant to the boundary question.

The pieces of evidence cited by the Indian side with regard to Demchok either had nothing to do with administrative jurisdiction, or was self-contradictory, or did not tally with the actual situation, and, therefore, none of them could be taken as valid proof. For example, one of the pieces of evidence from the Indian side showed that the amount of tax of Demchok in 1901 was 28 rupees in all, whereas another evidence from the Indian side (also 1901) put the total up to 297 rupees. As regards the population of Demchok, some of the evidence of the Indian side said that there were two men and two women, and some said that there was no permanent habitation, but there were only two persons who enjoyed the right of pasturage there. These self-contradictory situations can only show the Indian side's lack of genuine knowledge about Demchok. Besides, although the Indian side brought forward some tax registers, it was never able to explain what was the nature of these "taxes". It can be seen that these pieces of evidence themselves are very vague and cannot serve as proof for ownership of territory. Moreover, the circumstances described in the evidence of the Indian side are also absolutely inconsistent with the facts. The evidence cited by the Chinese side, on the other hand, shows that Demchok has always been a inhabited point of Chinese inhabitants of Tibetan nationality, and not a place where there are no or few permanent inhabitants as alleged by the Indian side.

Concerning Minsar, it must first of all be pointed out that this place lies far in the interior of the Ari district of China's Tibet about 200 kilometres from the boundary of Ladakh and totally irrelevant to the boundary question. This place is indisputably a part of Chinese territory. Even the report and the appendix of the Final Assessment Report of Khushi Mohamed, the Settlement Commissioner, produced by the Indian side, also stated that Minsar was "situated within the territory of Lhasa". Although Minsar submitted Ula to Ladakh in the past, this was connected with the former historical relations of Ladakh being subordinate to Tibet. The evidence of the Indian side can at most only show certain details of the relationship of submitting Ula by Minsar to Ladakh in the past, but it is absolutely irrelevant to the question of territory.

Regarding Aksai Chin, Lingshithang, etc., which area is more than 27,000 square kilometres, the Indian side only brought forward three pieces of evidence under the item of "administrative records", they are: a map and a document intended to prove that the area of Aksai Chin and Lingshithang belongs to "Tanktse Ilaqua" and a sketch map intended to show that police check-posts were set up by Ladakh at the Yangi Pass.

Regarding the place Tanktse, it was mentioned in the report of the Governor of Ladakh in 1905 cited by the Indian side. It was stated in the report: "Tanktse, Lukung and Phobrung" are "three small villages". It can be seen that Tanktse is not a big place, and cannot administer such a big area of more than 27,000 square kilometres. The documents and maps put forward by the Indian side did not show in any way Tanktse's confines or limits, even less did they show that Aksai Chin, Lingshithang and Chang Chenmo were a part of it. Therefore, the assertion of the Indian side is obviously untenable.

Regarding the allegation of the setting up of police check-posts at the Yangi Pass by Ladakh, the Indian side put forward a sketch map of 1865 as evidence and stated that this map was drawn by Johnson for the Maharaja of Kashmir. But the account of Johnson in 1865 cited by the Indian side themselves explicitly stated that the Yangi Pass was very recently discovered and used by Chinese Officials for the first time. This account, although not fully consistent with the actual situation, unquestionably shows that it is the Chinese side and not the Indian side which has controlled Yangi Pass, and that India even had no knowledge of this Pass before 1865. Moreover, it was affirmed in the "Imperial Gazetteer of India," Vol. 16, p. 94 cited by the Indian side that "no police force is maintained (in Ladakh) but a small garrison of State troops is quartered in the fort at Leh". It can also be seen from these two pieces of material that the so-called setting up of police check-posts at the Yangi Pass by Ladakh is totally out of the question. What is more, Prime Minister Nehru also said in Rajya Sabha of India on November 23, 1959: "During British rule, as far as I know, this area was neither inhabited by any people, nor were there any out-posts." This statement is incorrect as far as the situation prevailing on the Chinese side is concerned, but it authoritatively confirmed the fact that India had never exercised its jurisdiction over the disputed area, even less establishing any administrative organs there.

Regarding the control of hunting expeditions, the Indian side provided the Jammu and Kashmir Game Preservation Act of 1914. However, the grounds for hunting mentioned in this Act, with the exception of the Khurnak Fort, were all to the west of the traditional customary line as maintained by China and not concerned with the disputed area. But it is indisputable that Khurnak Fort is situated within Chinese territory. Even Kishen Singh, surveyor of the Survey of India, also admitted that it belongs to China. In the chart of his travels of 1873-74, the 31st stage listed is noted as in Rudok of China's Tibet region, and at this stage it is noted that close by his camping ground is the place of Khurnak Fort (See Record, Survey of India, Vol. VIII, Part I, p. 158).

2. *Concerning trade routes, official tours, patrols, surveys, topographical surveys, and geological surveys.*

The Indian side mentioned that the British made every effort to open up a route through Kashmir to China's Sinkiang, and that the British sent personnel to the southern part of China's Sinkiang to carry out explorations, surveys and visits so as to prove that India had exercised administration over places east of the traditional customary line such as Aksai Chin and Linghithang. However, it can be clearly seen from the material and evidence provided by the Indian side that some of them is not concerned with Aksai Chin and other places; while others though they mentioned that the British sent personnel into the southern part of China's Sinkiang to conduct so-called explorations, surveys etc., these activities were mainly carried out illegally by the British who took advantage of the rebellion which broke out in China's Sinkiang in the 60s and 70s of the 19th century, and, after the quelling of the rebellion by the Chinese Government, Britain's aggressive schemes ended in failure and its aggressive activities as mentioned above were also forced to be withdrawn. The fact that the various activities of Britain as cited by the Indian side were concentrated in the 60s and 70s of the 19th century is inseparable with the above-mentioned circumstances and, therefore, they must be analyzed in relation to each other.

During the period of 1865—78, a rebellion started by a foreign force headed by Yakub scheming to usurp the political power of Sinkiang took place in China's Sinkiang. The British Government of the time, actively plotting to separate Sinkiang from China and turn it into a so-called "buffer state" under the aegis of the British colonial forces, adopted a policy of flagrant aggression and intervention. British imperialism not only gave the rebel clique great support politically and materially, but openly entered into interventionist activities of manufacturing so-called "independence" for Sinkiang and interfering in the Chinese Government's action of quelling the rebellion. From around 1868 on, British actively sent persons to sneak into the border regions of the southern part of China's Sinkiang to carry out illegal surveying activities in an attempt to open up a communication route from British India through Kashmir to the southern part of China's Sinkiang so as to give further support to the rebel regime of Yakub. In 1869, Yakub sent persons to collude with the British Indian Government and obtained supplies of arms and ammunitions in large quantities from the latter. In 1870 and 1873, Britain

dispatched twice the so-called Forsyth mission to Southern Sinkiang, its purpose being to collude with Yakub and thereby to expand the sphere of influence of British imperialism. At the same time, the British penetrated deep into various places in the southern part of China's Sinkiang to carry out extensive secret surveys. In 1874, the British Government flagrantly "concluded a treaty" with the rebel regime of Yakub. After this, both sides "exchanged diplomatic envoys" so as to create the so-called independent status of Sinkiang. This representative of the British Queen Victoria, Mr. Forsyth, made a most naked statement to Yakub. On behalf of the British Queen, he told Yakub: ".....If you can establish friendly relations with us, we can supply you with the weapons you need and, if necessary, we can dispatch 10,000—20,000 armed troops to be stationed in Kashgar to protect you. If enemies from a certain side attack you, we will dispatch more troops to protect you, and the expenses for the troops will be borne by our two sides. This situation will continue for 60 years. After 60 years, you will then kindly turn over Cheteh Sahr entirely to us to be placed under our protection..... By then even your children and grandchildren and later generations will be taken care of by us. For this we should stick to the promises and conditions to which we both have been bound....." (Quoted from passages of "*Hamid's Manuscript on History*" by Burhan Shahidi in his article "On the Regime of Yakub"). The meaning of this passage is very clear and no explanations are required. After the Chinese Government had basically put down the rebellion, Britain still tried hard to save the dying rebel regime, and flagrantly intervened in the quelling of the rebellion by China. The Chinese Minister to Britain Kuo Sung-tao in his report to the Ching Government in 1877 said, "Immediately after I had arrived at London, an emissary from Kashgar Shield, came. I met the British lords who put in a good word for him, and then British Foreign Secretary Derby sent several times Thomas Francis Wade to talk to me on this matter. In the light of a note of three articles received afterwards, I found that Britain had schemed to place Kashgar under its protection and for this purpose concluded a treaty four years ago and exchanged diplomatic envoys to be stationed in each other's place. In my judgment, its aim..... is to turn this place into a buffer state in favour of India and that is why they are giving such vigorous protection to Yakub." A Minister of the Ching Court Tso Tsung-tang, who was responsible for quelling the rebellion, in his comment on this matter said, "It is not that Andijan (that is, Yakub) had no place to stay. Why should the British set up a state for him? Even if a state needs be set up, they could give him the land either out of British territory or Indian territory. Why should they demand fertile land from us to give him as a favour? Although they advised China to be generous enough to set up a small state, in actuality it is plotting to nibble away at China as a silk-worm nibbles at a mulberry leaf..... The British, under the pretext of protecting Andijan, has schemed to occupy various cities in our border areas, and even asserted that Kashgar is the original territory of "Pasha". What is their real purpose? (from the *Complete Works of Tso Tsung-tang*, vol. 51, "Report on Dealings with the Affairs of Mohammedan Sinkiang.") At this time, the British envoy to China H. Fraser went to the Ministry in Charge of External Affairs of the Ching Government, saying that he, on instructions of the British Government, was to put forward three

proposals to the Chinese Government. The second proposal was "the boundary between China and Kashgar should be clearly drawn" and the third proposal was "after the two sides have come to terms they will for ever be friendly and not carry out aggression against each other". It is not difficult to see from this that by this time Britain still did not give up its ambitions of carrying out aggression against Sinkiang. However, such unreasonable intervention was strenly rejected by the Chinese Government of the time. The Chinese Government persisted in quelling the rebellion in Sinkiang. In 1878 the Yakub regime supported by Britain finally completely collapsed.

The above facts and historical documents clearly show the fact of the collusion of the British Government at the time with the Yakub regime and the scheme of Britain to carry out aggression against Sinkiang. And it was precisely against such a background that it happened that the British sent personnel to carry out frequent activities in the border areas in the southern part of China's Sinkiang and even deep into the interior of China. It is not difficult to see from this that such activities as to open up "trade routes" carry out official tours, explorations and topographical surveys, etc. put forward by the Indian side can only prove the fact of the aggression committed by Britain in the above-mentioned period of time, and cannot be used at all as a basis for ownership of territory and administrative jurisdiction.

The Indian side failed to provide any concrete instance to deny the basic historical fact that British imperialism, for many years, actively carried out a policy of aggression against China's Sinkiang and Tibet region, a fact which is directly related to the Sino-Indian boundary question. But the Indian side tried by every means to defend British imperialism, asserting that during the period of Yakub's usurpation of power in southern part of Sinkiang, the British Government was only interested in developing trade with Sinkiang, and had no intention to interfere in Sinkiang's internal affairs; and that Britain not only did not attempt to carry out aggression against China, but "in the 19th century the British Government were anxious that Sinkiang should rapidly push southwards". What was particularly surprising to the Chinese side was that when the Indian side could no longer deny the facts of British imperialist aggression against Sinkiang cited by the Chinese side, it not only tried hard to defend British imperialism, but put forward the assertion of "Chinese imperialism". It is well-known that China has, for more than a hundred years, suffered greatly from imperialist oppression. How could it be said that Britain, whose aggressive nature is well-known, was not imperialist, while China, which the whole world knows has long suffered from aggression, was imperialist?

Regarding the concrete questions raised by the Indian side, the Chinese side also put forward the following points to further clarify the facts:

Regarding the so-called trade routes. As stated above, the British intention to open up a "trade route" through Kashmir to China's Sinkiang in the 60s and 70s of the 19th century was actually a part of Britain's scheme to invade Sinkiang. It should be further pointed

out that this scheme of Britain at the time was irrelevant to the jurisdiction over such places as Aksai Chin. That Britain had constructed, as the Indian side asserted, a road through Aksai Chin was not true at all. The road constructed by Britain went only as far as to the Indian part of Chang Chenmo. This could be clearly seen from the documents provided by the Indian side. As for the routes in such places as Aksai Chin, British personnel seized the opportune moment during the above-mentioned short period of time, to make illegal intrusions, but the Chinese side already provided sufficient material to show that the routes were controlled by China over a long period of time, and not by Britain or India.

The Indian side mentioned a treaty concluded between Britain and the Kashmiri authorities in 1870. However, it could be seen from the passages cited by the Indian side that this treaty only mentioned "the survey" of "the route via the Chang Chenmo valley" which referred to that part of the Chang Chenmo valley belonging to Ladakh west of the traditional customary line as maintained by the Chinese side, but did not at all involve such cases as Aksai Chin. The other articles of this treaty further provided that Britain and Kashmir would jointly send persons to take care of and maintain that part of the road in Kashmir. But both from the articles and the actual situation, it could be seen that such measures, either then or later on, were limited to the area west of the traditional customary line as maintained by the Chinese side and did not at all concern the area east of this line.

As for the other documents mentioned by the Indian side, they likewise could not be taken as proof for administration. For instance, the letter of the Maharaja of Kashmir of 1868 as cited only showed that he did not object to carrying out surveys on the Chang Chenmo road, but did not show the specific area, much less did it concern such places as Aksai Chin, Linghithang, the Karakash valley, etc. as asserted by the Indian side. The order given by the Kashmiri Government to the officials of Ladakh in 1870 as cited only mentioned the road to be repaired up to Chang Chenmo, but did not concern the Aksai Chin and other areas. Again for instance, the alleged letter of a local official in 1869, Cayley's report in 1870 and Major Montgomerie's report in 1871, all cited by the Indian side, precisely showed that the easternmost extremity of the road and the rest house, depots, etc. on it constructed by Britain at the time only lay at Gogra, which was west of the traditional customary line maintained by China. The Indian side asserted that stages, store houses, etc. were built on the trade route through Aksai Chin by the Kashmiri Government, but it did not bring forward any evidence, nor did it cite any name of the specific place where the construction took place. In fact, no stage or store house built by the British ever appeared at such places as Aksai Chin, etc.

Regarding the British surveys, the Indian side referred to the activities of such British personnel as Johnson, Walker, Trotter, Forsyth, Basevi, etc. who carried out illegal explorations and surveys in the southern part of Sinkiang including Linghithang and Aksai Chin, etc., asserting that these were official activities of India, and could be taken as evidence of India's administrative jurisdiction

However, just as the Chinese side already stated above, the activities of these British were carried out precisely at a time when Britain was implementing the policy of colluding with and supporting the Yakub rebellion in order to carry out aggression against China's Sinkiang. The so-called explorations and surveys carried out by these personnel who sneaked into the area of Sinkiang and Tibet were actually aimed at stealthily altering the alignment of the boundary so as to form a pretext for the invasion and occupation of China's territory. But these schemes, as the Chinese side already stated, did not succeed, and the so-called travellers' notes and maps left by them can only be records of the infamous history of the aggression against China by British imperialism. It is certainly most surprising that they should be taken as basis of administrative jurisdiction in support of territorial claims.

The Chinese side proved with a great deal of facts Britain's aggressive ambitions against Sinkiang and Tibet in the latter part of the 19th century. The Indian side asserted that whether those Englishmen who confirmed the Indian-claimed boundary in this period were imperialist elements should be proved in each case. The Chinese side pointed out that British officials in this period moving about in the area east of the traditional customary line as maintained by the Chinese side and in other places in the southern part of Sinkiang, could not but be persons who carried out the imperialist policy of Britain. They disregarded the sovereignty of another country, sneaking into its territory (as in the case of Wellby), secretly conducting topographical survey of that country (as in the case of Johnson), arbitrarily laying territorial claims so as to expand Britain's extent of occupation (as in the case of Johnson and Drew), colluding with a rebel clique of another country (as in the case of Forsyth) and even openly advocating and launching aggression against the territory of another country (as in the case of Younghusband). These facts could all be verified and were, for the most part, openly confessed by these persons themselves and not deliberately fabricated by others. Therefore, it is by no means groundless to call these persons imperialist elements. The alignment on old Indian maps in earlier times for the western sector of the Sino-Indian boundary was in conformity with that of the Chinese maps, but were later on repeatedly changed, extending more and more north-eastwards; this was inseparable from the activities and influence of these persons.

For instance, Johnson, who was referred to most frequently by the Indian side in its statements, was one of the British persons who deliberately changed the boundary of Kashmir, pushing it to the Kuen Lun Mountains. He confessed: ".....emboldened me to undertake the risk of visiting the Khotan county, thinking by this enterprise to be able to furnish information of value to our Government, as regards those provinces of Central Asia, which are at present almost unknown to Europeans....." Is it necessary to prove that he sneaked in to do the illegal work of collecting intelligence? When his activities and the boundary alignment he proposed for the occupation of Chinese territory conformed to the aggressive aims of British imperialism at the time, although the British Government greatly questioned the authenticity of his so-called survey, his activities and maps were sanctioned and published. To take his illegal



activities as basis for administrative jurisdiction can by no means be justified.

The Indian side also spoke of Drew's activities in the areas such as Lingshiang, etc. as proof of administrative jurisdiction. In fact, he was also one of those persons who illegally entered Chinese territory to carry out secret surveys. As a result of this "survey", he stealthily fabricated a boundary line. But he still could not but admit that "I have . . . . . only represented my opinion". (See *Jammoo and Kashmir Territories*, p. 496).

It is worthwhile noting that in the time of the British Indian Government, the Survey of India was always interested in "trans-frontier exploration" and secret surveys which were in actuality illegal, secret surveys of the territory of another country. The surveyors and investigators sent by British imperialism at the time not only entered the above-mentioned areas of Sinkiang and Tibet, but also penetrated deep into other provinces of China. It could be seen from the map attached to the book *A Sketch of the Geography and Geology of the Himalayan Mountains and Tibet* published in 1933 by order of the Indian Government that the areas surveyed by Britain and India included Kashgar and other Chinese territories as far as 88° E and even 100° E where Kansu is situated. It is of course absurd to regard whatever places where the British and Indian personnel went or surveyed as under British administrative jurisdiction.

The Indian side also asserted that the Indian officials, survey teams and patrol teams often visited the places up to the alignment claimed by the Indian side during the period of 1911—1949. However, the Indian side did not cite any concrete facts and evidence. This shows that in this period of 40 years and more, Indian personnel did not at all come to this area. What is more, Prime Minister Nehru has admitted explicitly that British India did not exercise jurisdiction there. So how could this area be termed as Indian territory and always under Indian jurisdiction? As for the alleged activities after 1951 referred to by the Indian side, the Chinese Government already pointed out in its notes in the past that, with the exception of the crossing of the border by Indian personnel in 1958 on three occasions, which was stopped, there was no other trace of border-crossing by Indian personnel.

It could thus be seen that it was quite obvious that these materials of so-called official tours, surveys, exploration, etc. cited by the Indian side could not be held as evidence for administrative jurisdiction.

### 3. Concerning Maps.

The Chinese side cited a number of official Indian maps as evidence under Item II. The Indian side was not willing to discuss these maps under that item, but persisted in placing them under Item III for discussion. What one could not make clear first of all in the statement of the Indian side under Item III was whether these maps discussed by the Indian side were cited as positive evidence or as objects for criticism? For instance, the Indian side commented on

the official Indian maps (provided by the Chinese side under Item II) published in 1865, 1903, 1917, 1929, 1936, 1938. But did the Indian side, at the same time regard them as positive evidence sufficient to prove the boundary claimed by the Indian side? If they were positive evidence of the Indian side, the Chinese could in no way understand how these maps which did not mark at all the alignment of the western sector could be used to prove the boundary in the Western Sector claimed by the Indian side.

Secondly, the Chinese side could not understand whether the maps discussed by the Indian side were brought forward as evidence for administrative jurisdiction or as any other kind of evidence. The Chinese side presumed that they were probably brought forward by the Indian side as evidence for administrative jurisdiction, because "Evidence Regarding Indian Administration and Jurisdiction of the Areas Right up to the Traditional Indian Alignment in the Western Sector" was explicitly written as the heading of the entire written statement of the Indian side. But, after repeated study, the Chinese side still failed to see the relationship between these maps and the administrative jurisdiction of the Indian side. If they reflected the official exploration of the Indian side, it could not be seen which maps directly concerned the surveys cited by the Indian side. Especially those several maps on which no boundary line whatsoever were shown, the Chinese side absolutely could not imagine how they reflected the surveys as claimed by the Indian side.

The Chinese side also could not understand whether the Indian side intended to discuss official maps or unofficial ones as well under this Item. It seemed that the Indian side intended to discuss both. However, it could not but be pointed out that it is obviously improper to discuss unofficial maps to show administrative jurisdiction, because unofficial maps are even less concerned with official administrative jurisdiction.

As a number of the official Indian maps cited by the Indian side to defend its position were originally cited by the Chinese side under Item II, therefore, in commenting on the Indian side's statement, the Chinese side could not but involve certain questions under Item II such as whether the boundary had been formally delimited.

The Indian side asserted that the maps drawn by British cartographers before 1846 generally did not show Kashmir, or showed it incorrectly; and that official Indian maps showing this area did not exist before the 60s of the 19th century as the explorers or surveyors had yet not visited the Aksai Chin area. Basing itself on these reasons, the Indian side attempted to disprove Walker's map published in 1825, Wyld's map published in 1840 and Walker's map published in 1846 cited by the Chinese side. But it can be seen that Walker's map published in 1825 was published mainly for the use of the officers of the Indian army. The notes on this map showed that it was based on the most authoritative and latest surveys; and Kashmir was shown on this map. Walker's "Map Showing the Extent of the Sikh Territory" published in 1846 even more clearly showed the territory of Gulab Singh, that is, the entire extent of Kashmir, the eastern boundary of which merely extended to 78° E, whereas the boundary

claimed by the Indian side at present went beyond 80° E. Mention should be made once again of Walker's Map of Punjab, Western Himalaya and Adjoining Parts of Tibet published in 1854. This map was drawn by Walker on the order of the Court of Directors of the East India Company, and on the basis of the latest surveys of the Great Trigonometrical Survey of India. It clearly showed the boundary between China's Sinkiang and Kashmir at the Karakoram Mountains. Therefore, these maps obviously could not be considered as unofficial maps leaving out Kashmir, or incorrectly showing Kashmir before surveys had been carried out. These maps all clearly show the area of Aksai Chin beyond the limits of Kashmir (including Ladakh), thereby incontestably proving that the boundary alignment in the western sector maintained by China is correct, while the alignment claimed by India is incorrect.

The purpose of the Chinese side in bringing forward official maps published by the Survey of India in 1865, 1903, 1917, 1929, 1936 and 1938 was to show that the western and middle sectors had not been officially delimited because none of these maps showed the boundary in these two sectors. The Indian side admitted that these maps did not show the boundary in these two sectors, but asserted that they only showed the internal division of India but not the external limits, or, for instance, the map published in 1936 only showed the topography, but did not mark the boundary. It could be seen without having to make any detailed study of these maps that such assertions of the Indian side was entirely a pretext which was absolutely untenable. These maps, including the one published in 1936, clearly showed the boundaries between India and Nepal, and between Sikkim and Bhutan; and even the eastern sector of the boundary between India and China was also shown according to the traditional customary line maintained by China (These, of course, are the external limits of India). But why were the western and middle sectors only, of the Sino-Indian boundary not shown? Obviously, this was by no means fortuitous, but could only show either that the Indian side was not clear about the boundary in these two sectors, or that the boundary had not been formally delimited. Although the fact was so clear, the Indian side still asserted that this did not contradict the standpoint of the Indian side that there existed a publicly recognised traditional customary line, that even the Chinese side did not hold that no traditional customary line existed or that a country like India should have had no international boundary as late as 1938. Such an assertion is a forced argument. How could it be convincing to say that no contradiction existed when it was actually there. Regarding the question of whether there was a traditional customary line or whether India had an international boundary, the Chinese side always maintained an affirmative attitude. The question is: has the traditional customary line which is the international boundary between China and India been formally delimited, and does it precisely lie on the alignment claimed by the Indian side at present? It is an obviously illogical deduction to say that since China does not deny the existence of a traditional customary international boundary between China and India, this boundary has been delimited and should precisely lie on the boundary claimed by India. According to logic, the question that

should have been raised is: since the Indian side held that the Sino-Indian boundary claimed by it was explicit, had long been delimited and well-known, why then did it not first of all show it on its own maps, or why did it show it in only one sector and not in the other two, or why did it only show the international boundaries between India and its other neighbouring countries, but not the entire international boundary between Indian side and China?

In dealing with the official maps of 1945, 1950 and 1952 compiled by the Survey of India, the Indian side once again attempted to confuse an undefined boundary with an undemarcated boundary. The Chinese side pointed out that, even in accordance with the definition of the Indian side, the definition of a boundary was entirely different from the demarcation of a boundary. On the above-mentioned maps, an undefined boundary and an undemarcated boundary were clearly distinguished from each other. Both undefined boundary and undemarcated boundary could be found on these maps. If it were really as asserted by the Indian side that an undefined boundary was the same as an undemarcated boundary, then why should it be necessary to show on these maps the Sino-Indian boundary in the eastern sector as undemarcated boundary and that in the western and middle sectors as undefined boundary? Why should the three sectors of the boundary not simply be drawn as all undefined or all undemarcated boundary?

The Indian side again went on to say that although the boundary in the western and middle sectors was not shown on the above-mentioned maps, the extent of the Indian territory nevertheless could be seen from the colour wash on them. This likewise cannot make sense, because a comparatively accurate boundary could only be shown by a line, while a mere colour wash could only show that the boundary was not clear. So far as the two maps of 1950 and 1952 were concerned, the way of colouring was not the same; on the map of 1950, in particular, the outline of colour revealed no small difference from the present Indian alignment. Therefore, what else could these maps prove except that the Indian side was not clear about the boundary in the western and middle sectors and that both sectors had not been delimited?

In the face of such a large amount of evidence—more evidence of this sort regarding official Indian maps could still be cited, though it is not necessary—what value can there be in the other Indian maps cited by the Indian side? If certain maps published in the sixties, seventies or nineties of the 19th century presented by the Indian side had really given a correct reflection of the Indian alignment in the western and middle sectors claimed by the Indian side, then why should the official Indian maps between the beginning of the 20th century and the early fifties have not shown at all the boundary or have only shown the boundary as undefined? Maps should be drawn with ever greater precision, and not to the contrary. As to the reason why the incorrect delineation should appear on the maps referred to by the Indian side, it can be easily answered by virtue of the following fact, that is: after its invasion and occupation of Kashmir, Britain, using it as a base, made energetic efforts to carry out aggression against Sinkiang and Tibet of China. This incorrect

delineation was precisely the result of Britain's attempt to tamper with the existing traditional customary line.

The Indian side brought forward certain so-called official Chinese maps, alleging that they also proved the western sector of the boundary as claimed by it. This argument could not stand up to scrutiny. None of these are official Chinese maps and therefore could not represent China's viewpoint. "Hung Chun (Minister Hung) Tu" was only a imitation of a Tsarist Russian map with names of places in Chinese, which could not be regarded as a Chinese map. After its publication, Chinese officials one after another pointed out to the government that it was incorrect and condemned Hung Chun for it. It was for this erroneous map that Hung Chun was dismissed. Huang Kuang-ta, prefect of Kashgar, in his report to the government said, "In my humble opinion, the foreigners are skilled in surveying and cartography, and clever at scheming. The map compiled by Minister Hung is no more than a Chinese translation of a map of foreign make, and all the mountains, rivers, places and boundaries have been drawn accordingly. While working at the map, he was only eager at finishing the work speedily without giving a thought to the consequence that he would play into the hands of the foreigners and the disaster he would bring to later days. . . . Only recently the British here brought up the boundary question before us. Yet why should, as early as several years ago, all the strategic points southwest of the Muztagh Mountains and half of the hinter land of Taghdunbash be left outside of Chinese boundary, so that the British now take it as evidence against us and give us trouble?" In his note to the Ministry in charge of External Affairs Jao Ying-chi Governor of Sinkiang, apart from quoting Huang Kuang-ta said: "The boundaries and names of Hung Chun's map were copied and translated from the map of a foreign edition, so it is fraught with mistakes." (Sinkinag Tu *Chih*, 'Boundaries' Vol. 5, page 19-21). These two passages not only show that Hung Chun's map was a copy from a foreign edition but also point out Britain's aggression against China by placing China's territory along the Karakoram Mountains (Muztagh) outside Chinese boundary. The Indian side, basing itself merely on the instance that a British official had borrowed this map from a Chinese official asserted that this map was an official Chinese map which was submitted to the British Government by the Chinese Government. This assertion is of course, absolutely groundless. As to the "Postal Map of China" of 1917, the Chinese Government, in its note dated April 3, 1960, already pointed out that this map was drawn arbitrarily by French and British imperialist elements, who then controlled China's postal office, without the consent of the Chinese authorities. It did not represent the view of the Chinese people but only that of the imperialist elements, this is self-evident.

Failing to deny the correctness of the 1:2,000,000 "Map of China" of 1918 published by the Bureau of Cartography of the Headquarters of the Chinese General Staff and the 1:1,000,000 "Map of China" published by the Bureau of Survey of the Chinese Ministry of Defence in 1948 as presented by the Chinese side, the Indian side even advanced the argument that secret maps could not be used as evidence for the boundary. This is surprising. This assertion can only be interpreted

as an attempt of the Indian side to impose an unjustifiable limitation on the Chinese side's evidence. Regardless of whether or not these two maps have been published, their significance lies in the fact that they correctly and on a large scale showed the traditional customary line maintained by China, and most of the maps published in China in the past decades have shown the delineation of the traditional customary line basically in conformity with these maps. This shows that they are fully authoritative. They prove that the traditional customary line maintained by China has been consistent, while the Indian side's assertion that the Chinese side has long accepted or acquiesced in the alignment claimed by India and only in recent years brought forward China's own alignment is utterly groundless.

The Indian side tried its utmost to exaggerate the divergence of delineation on Chinese maps. But the actual divergences which the Indian side talked about all the time were only those found between some peaks of the Karakoram Range, between some sections along a short stretch of the Chang Chenmo River, between this and the other side of the small Spanggur Lake, and between some other minor points. These divergences are indeed insignificant as compared with those of the delineation on the above-mentioned British and Indian official maps which sometimes involve an area of tens of thousands of square kilometres. The comments made by the Indian side on Chinese maps, far from achieving its aim as it expected, proved the basic consistency of the delineation on Chinese maps. The Chinese Government did not deny but stated time and again that certain minor divergences did exist at individual places on Chinese maps. This is naturally the case before the formal delimitation of the boundary through negotiations and joint surveys have been carried out. Referring to the map printed by China in 1956, Premier Chou En-lai was completely correct in pointing out that it correctly showed the traditional boundary in the western sector between the two countries. The Chinese side could not see in the western sector any divergence between the map of 1956 referred to by Premier Chou En-lai and the map handed over to the Indian side by the Chinese side under Item I.

From the above discussion of the maps, especially, the official Indian maps, the following conclusions can be drawn, apart from the one that the Indian maps presented by the Indian side cannot be taken as evidence for administrative jurisdiction: (1) that the Sino-Indian boundary has never been formally delimited; (2) that it is the alignment on the Chinese maps, not that on the Indian maps published after 1954, that correctly reflects the traditional customary line between China and India.

## (2) *Comments on the Comments of the Indian side*

The Indian side has tried hard to deny various facts and evidences cited by the Chinese side, but it either failed to put forward any reasons, or could not have any facts in its support. As to the contention advanced by the Indian side in its comments which confused right and wrong, in addition to what has been answered by facts in the positive statement, the Chinese side now would only clarify and comment on the following major questions:

1. Concerning the extent of the area under the jurisdiction of Saitula Sheh-chih-chu (the Administrative Bureau of Shahidulla), the petition of the Sinkiang Governor cited by the Chinese side has made clear its boundary with Ladakh; that is, it extends "on the southern side to the Kalahulumu Tapan, (i.e. Karakoram Pass)" and "on the eastern side to the Changchiliman Tapan of Hotien." As to the location of the Changchiliman Tapan, the Chinese side has also cited evidence to prove that it is the area of Changlung Barma, very close to the traditional customary line maintained by China. But the Indian side, utterly disregarding the explanation and the evidences given by the Chinese side, arbitrarily asserted that Changlung Barma, being to the south-east of Shahidulla, the boundary which "on the eastern side extends to" the Changchiliman Tapan could not possibly be at Changlung Barma, but could only be at a spot named "Khangili" within Chinese territory to the east of Shahidulla. But it failed to give any reasons and evidences to prove that Changchiliman Tapan was "Khangili". It is futile for the Indian side to deny that the areas of Aksai Chin and Linghithang belong to China by negating the fact that the area under the jurisdiction of the Administrative Bureau of Shahidulla includes Changchiliman Tapan (that is the area of Changlung Barma). According to the traditional Chinese method of describing the extent of place, usually only the four principal limits—the eastern, the southern, the western and the northern—are pointed out, while its extent to the south-east or north-east or any other directions are very seldom pointed out. The adoption of this method of mentioning its four limits in describing the area under the jurisdiction of a local administrative unite is also a general practice. For instance, in dividing the whole of India into zones, the Indian Government did not follow the directions strictly. For example, its northern area should be north-western area to be exact, and its southern area should be south-eastern area to be exact, but the Indian Government still called them the northern area and the southern area, and people do not think these ways of calling them improper. It can thus be seen that it is unjustifiable for the Indian side to dismiss the authority of the Chinese evidence by employing the above-mentioned tactics.

Moreover, the Indian side alleged that the above-mentioned petition of the Sinkiang Governor cited by the Chinese side clearly mentioned that south of Shahidulla there is an "important Indian road," thus making it clear that the areas in the western sector was Indian. But the original of the document reads: the Shahidulla area which extends 'on the southern side to the Kalahulumu Tapan, bordering on the British Tiaopaiti, is an important road for the Chinese and Indian traders going to or coming from India.' That is to say: the Shahidulla area extends in the south to the Karakoram Pass (Kalahulumu Tapan) where it borders on Ladakh (Tiaopaiti), and this pass is an important road for the traders of the two countries going to or coming from India. In any circumstances, one fails to read from the wording of this passage anything like "an important Indian road". Apparently the interpretation made by the Indian side is entirely wrong.

2. The Indian side stated that China had never extended its administration to the south of the Kuen Lun Mountains and it was not

until 1892 that China exercised its administration to the extent of Karakoram Pass. It alleged that China "lost its control over Sinkiang" in 1865, that it was not until 1878 that China "reconquered it", and that in 1889 China even "disowned responsibility for the administration of Shahidulla", etc. Such allegations are entirely untenable. The fact that China has always exercised its administration to the extent of the Karakoram has been proved by the large amount of factual materials cited by the Chinese side. Although in certain short periods of time, as a result of local rebellion, the Chinese Central Government was unable to exercise its administration in an over-all way over the remote border areas of Sinkiang. One cannot on this account assert that these areas did not belong to China. As the Chinese side has clearly explained, between 1865 and 1878, Yakub carried out rebellious activities against China under the instigation of British imperialism, but after quelling the rebellion the Chinese Government immediately restored its administration all over Sinkiang. It must be pointed out that the occurrence of rebellion within Chinese territory and the quelling of the rebellion are purely China's internal affairs. The allegation of the Indian side that the falling of certain areas of Sinkiang at one time into the hands of a local rebel regime constituted China's loss in its administration over there, is tantamount to denying the incontestable sovereignty of China over Sinkiang, and this is something to which the Chinese side absolutely cannot agree. As for the last basis cited by the Indian side, it is equally untenable. Shahidulla is some distance both from the border and the disputed area and has always been under China's administration, this is a fact which needs no further proof. Even the evidence produced by the Indian side, such as Bower's statement, has also demonstrated that the authorities of China's Sinkiang province were carrying out their function of protecting the Chinese inhabitants there. In this case, how can it be said that China disowned responsibility for the administration of Shahidulla?

3. Concerning the question of the so-called two Aksai Chins and two Aksai lakes. In 1898, the Briton Deasy applied several times for permission to enter the Aksai Chin area from the local authorities of Sinkiang Province, but he was refused. Of this fact, there are clear-cut and identical accounts in both the document cited by the Chinese side and the writings of Deasy himself, and the Indian side could not but admit this. But the Indian side created two Aksai Chins by alleging that the place which Deasy was forbidden to enter by the local authorities of Sinkiang was not the Aksai Chin within the area disputed by the Indian side, but was one by the side of the area, namely another Aksai Chin which was east of the disputed area.

Evidence provided by the Chinese side records that in 1941 the patrol detachment from the checkpost at Kangsewar of Sinkiang arrested 11 Ladakhi trespassers at the Aksai Lake and has thereby confirmed that the Aksai Chin area disputed by the Indian side is under the control of China. Being unable to deny the facts, the Indian side went so far as to create two Aksai Lakes, asserting that this incident did not occur at the Aksai Lake (i.e. Amtogar Lake as termed by the Indian side) of Aksai Chin, but at another Aksai Lake



which was east of the area disputed by the Indian side. Such assertions about two Aksai Chins and two Aksai Lakes are indeed exceedingly surprising. The fact that there is only one Aksai Chin—about which India has raised disputes—and there is only one Aksai Lake within the area of the Aksai Chin, is a matter crystal clear to the eye if one casts a glance at the map. The Indian side did not scruple to resort to allegations which run counter to the fact in an attempt to extricate itself from its plight in face of the conclusive evidences of the Chinese side, but evidently this is of no avail.

4. Concerning the Chinese official surveys and cartography. Between 1891 and 1892, the Chinese Government dispatched Li Yung-ping and other officials to go deep into the areas of Aksai Chin and Linghithang, now disputed by the Indian side, and conducted surveys of the boundary between Sinkiang and Ladakh. This is a conclusive historical fact which is backed up by documentary evidence. But the Indian side arbitrarily asserted that Li Yung-ping had only surveyed the Sinkiang boundary near the Pamirs. The reason it gave was that in the Chinese evidence were written such words as "Hindu Kush" and "Sari Kol." True, the names of the two places were indeed recorded in the Memorial to the Throne by the then Sinkiang Governor cited by the Chinese side and another official Hai Ying mentioned in this Memorial to the Throne had indeed been to these two places. But in the same Memorial to the Throne, it is clearly stated that Li Yuan-ping and others had been instructed "to go to the south-west and north-west borders for inspections and survey." Furthermore, in the first paragraph of the evidences cited by the Chinese side it is explicitly stated that the south-west "borders on those extensive lands under Britain." Has not this clearly indicated that the south-west of Sinkiang and British Kashmir including Ladakh bordered on each other? The Indian side has, however, deliberately misinterpreted this by alleging that it refers not to Ladakh but to Afghanistan. Such argument is indeed difficult to comprehend. Let alone the fact so clearly recorded in Li Yung-ping's Report on the surveys presented by the Chinese side—the fact that he had, after passing through Haji Langar and Thaldat etc. of the Aksai Chin area, climbed up the Karakoram range. The Indian side, while failing to give any concrete counter-proof in face of these evidences, resorted to the blunt assertions that "it is inconceivable that in the same year any official expedition could have ventured south into what was well-known Indian territory," and that the survey of Li Yung-ping was the activities of a private tourist. But such assertions aimed at bluntly obliterating the evidence cannot in the least reduce the authority of the Chinese evidence, still less can it affect the fact of the Chinese side exercising administrative jurisdiction over the areas east of the traditional customary line.

In 1940-1941, the Chinese side conducted, with the assistance of Soviet experts, a survey in that part of Sinkiang which bordered on Ladakh, and drew up topographical maps of 200,000 to 1 in scale. This is, needless to say, an historical fact. The Chinese side has furthermore presented as evidence the photostat of the block that printed the map of Aksai Chin and Linghithang drawn up that year.

But the Indian side cited some evidence which had nothing at all to do with this matter in an attempt to obliterate this fact, and asserted that this survey was conducted by the Chinese side with the permission of the British Government and that it was confined to the Gilgit side. It must be pointed out that the evidences produced by the Indian side are those which deal with the opening of the routes "Leh-Karakoram Pass and Gilgit-Hunza-Kashgar" between the Chinese and the British sides in 1942-1943. It is altogether a different matter from the topographical-survey conducted by the Chinese side in the areas of Aksai Chin and Linghithang in 1940-41. Furthermore, being unable to refute the fact that the Chinese Government had carried out a large-scale survey in the area of the western sector in 1940-41, the Indian side tried to belittle the significance of the survey by asserting that the map of 200,00 to 1 scale produced by the Chinese side drawn on the basis of the result of the survey could not possibly be a map of such large scale but was only the enlargement of a small map. However, the photostat of the map provided by the Chinese side clearly show that it is a map with detailed terrain features and cannot possibly be of small scale. Therefore the assertion of the Indian side is totally untenable.

5. Concerning the State of Chinese control over the areas east of the traditional customary line since liberation, the Chinese side has already brought forward a great number of facts. But the Indian side still persisted in alleging that up to 1950, the Indian side still patrolled in the areas of Aksai Chin and Linghithang, and it was only in 1958 and 1959 that for the first time they came across evidence of Chinese presence, and as late as even in June, 1959, the Indian side was still not aware of Chinese presence in the eastern Chang Chenmo area. Such allegations are obviously unconvincing. Because if the case were really what the Indian side described, then people cannot help asking: How did the Chinese People's Liberation Army units which set out from Sinkiang in 1950 reach the Ari district of Tibet? How was it possible to construct in the period from March 1956 to October 1957 the Sinkiang Highway that passes through the Aksai Chin area? In the face of large amount of facts concerning the exercise of jurisdiction by the Chinese side, the Indian side, being unable to deny them, consequently resorted to the assertion that the activities of the Chinese side were "unlawful incursions" into Indian territory. Such assertion is not worthy of refutation. One may ask: Since the Indian side held that up to 1958 the Indian Government had continuously and uninterruptedly controlled this area, then how is it to be explained that the Indian side had not the slightest knowledge of such important and large-scale activities of the Chinese personnel and their other activities and that it was not until the recent two years that the Indian side suddenly charged China with "unlawful incursions"?

6. In discussing the ownership of Demchok, the Chinese side cited evidence to show that the local government of Tibet exercised administration in the Gzhigkha of Demchok and collected taxes in kind thereby proving that Demchok is part of Tibet. Later, the Chinese side again gave a detailed explanation about Kzhigkha being a unit of administrative jurisdiction in Tibet then. It is incomprehensible that the Indian side should have asserted that the Chinese

side had not presented any evidence in regard to Demchok. After the Chinese side had pointed out this, the Indian side gave up its wrong assertion but bluntly described Gzhigkha as a "private estate" or even simply a "private garden". The Ching-Ko which the Gzhigkha delivered to superior authorities as taxes in kind is a kind of barley which is the staple food of the Tibetan people, and this is a well-known fact. The Indian side, however, persisted in its comment that Ching-Ko is a "fruit". Such arbitrary conclusions, which run counter to facts and common sense, evidently cannot stand.

## B. Concerning the Middle Sector

### (1) *Comments on the Positive Statement of the Indian Side*

Many of the evidences provided by the Indian side had nothing to do with the disputed areas, others could not serve as proof for the exercise of administration, still others could only indicate the situation in certain areas after they fell into the hands of India recently.

#### 1. *Chuva and Chuje*

With regard to this area, the Indian side mainly described the collection of taxes in what it called Spiti area by Ladakh, the Sikh Dynasty and even the British Indian Government, and provided some materials and maps related to surveys.

The Indian side took great trouble to cite many detailed and specific figures in regard to taxation, but these data did not show how they were related to Chuva and Chuje. The Indian side argued in this way: they first presumed that Chuva and Chuje unquestionably belonged to Indian Spiti, and then tried to make people believe, that on the basis of the materials showing the collection of taxes by India in Spiti, India had exercised jurisdiction over Chuva and Chuje. However, since the supposed premise that Chuva and Chuje belonged to Spiti had not been substantiated, the conclusion drawn thereby of course could not be considered reliable.

The Indian description of the taxation in the Spiti area by Ladakh and the Sikh Dynasty did not show that either Chuva or Chuje was included in it, nor which part of the listed sums were handed in by the inhabitants of Chuva and Chuje. The Indian side alleged that the Spiti area had never been taxed by the Tibet local authorities, but the Spiti area was not within the scope of dispute between the Chinese and Indian sides, and such an allegation obviously had nothing to do with the present discussion. What the Indian side had yet to prove was that Chuva and Chuje had never handed in taxes to Tibet, but no evidence whatsoever was provided by it to prove this point. So far as the Chinese side was concerned China already convincingly proved, by citing concrete material, that China's Tibet region had all along exercised administration in Chuvan and Chuje but the exercise of such powers had to break off in 1958 only as a result of occupation by Indian troops.

The Indian side talked at length about taxation in the Spiti area by Britain after 1846 and mentioned that there was a Kothi called "Chujeh" or "Chuzi" in the taxed area. It seemed that the Indian side intended to confuse the Chuje mentioned by China with this "Chujeh Kothi." As a matter of fact, the Chinese side already pointed out

under Item II that, judging either by its extent or by its geographical position, China's Chuje is not the same place as the "Chujeh Kothi" mentioned in the Indian materials.

The Indian side also made reference to the topographical survey of this area by Peyton in 1850-51 and the map published by the Trigonometrical Survey of India in 1879 as well as two Chinese maps. The Chinese side already pointed out in its comments with regard to the western sector that the British Indian surveyors in the past frequently carried out illegal and secret surveys of China's territory and it obviously could not be considered proper to use such activities and maps as basis for territorial claims. It could also be mentioned that quite a number of official Indian maps also confirmed China's traditional customary boundary line in this sector. For instance, the map appended to the Imperial Gazetteer of India of 1908, which was provided by the Indian side when talking about the Shipki Pass, was such a case. It could be clearly seen from the original of this map that Kangra District of Punjab bordering on China did not include the Chuva and Chuje area as asserted by the Indian side. On the contrary, the delineation of the District's boundary on the maps is similar to the traditional customary boundary pointed out by China. Such is also the case with the map (i.e. Walker's map) appended to the afore-mentioned book *Ladakh* written by Cunningham. As to the Chinese maps put forward by the Indian side, they are all of comparatively small scale and the delineation of the boundary is not very precise.

## 2. Area West of Shipki Pass

The Indian side claimed that the Shipki Pass belonged to a small village called Namgia in Himachal Pradesh of India and cited some legends said to the Tibetan and other material claiming that the Indian side had carried out road-building and survey west of the Pass, in an attempt to prove that the area west of the Pass was under Indian administration.

However, the Indian side had not offered any materials which could specifically show that the area between the Hupsang River and the Shipki Pass belonged to the Namgia village. Although the Indian side mentioned in general terms that the land tax assessed in Namgia village included forest and grazing taxes, it failed to prove what connection it definitely had with the disputed area west of the Shipki Pass. Therefore, the evidence of the land tax assessed in Namgia village provided by the Indian side had nothing to do with this subject. On the other hand, the Chinese side knows that the inhabitants of the Namgia village of India were not allowed to cross the traditional boundary to graze cattle or mow grass in Chinese territory east of the Hupsang River. The Indian border inhabitant mentioned by the Chinese side in its positive statement, who was fined by the Shipki village for trespassing and secretly gathering grass was precisely a native of Namgia village. It could be added that the trespasser was called Jatso and the sum fined was 4 rupees. Although this incident happened more than ten year ago, it is still fresh in the memories of the Shipki villagers. Together with the evidence of other facts provided by the Chinese side, it can be established that the area west of the Pass up to the Huspsang River

is under the jurisdiction of the Shipki village of China's Tsaparang Dzong and not under that of the Namgia village of India.

Concerning the legend related by the Indian side that the Tibetans recognize Pimala (the Shipki Pass) as a common pass, the Chinese side has never heard of it before. The legends that have long been spread among the local inhabitants are just to the contrary. These legends say that in history Hgadantsewang, ruler of Ari in China's Tibet, once made arrangements with a certain Indian Raja, providing that inhabitants of both sides should respect the traditional boundary of the Hupsang river and exchange gifts periodically to show their friendship. The word "Hupsang" means "to clean." On visiting the other side, the inhabitants of one side had only to drink three mouthfuls of the water in the Hupsang river to break temporarily their original taboos and respect the custom of the other side.

The Indian side also mentioned the construction and maintenance of the so-called "Hindustan-Tibet Road" leading to the Shipki Pass. However, this customary passage has long been in existence and was not first built after the beginning of the twentieth century. The evidence of 1907, 1912 and 1918 provided by the Indian side only indicated the British intention to build a road leading to the Shipki Pass and did not show whether the road construction had actually been carried out, nor did it show whether Indian administrative jurisdiction extended to the Shipki Pass, while the evidence provided by the Chinese side shows that as late as 1934, the British Government still requested the Tibet region of China for permission to build a road in the sector of "Tibetan territory" from the Hupsang River to the Shipki Pass and was refused by the Tibet local government. It is, therefore, clear that this area is China's territory under the administration of the Tibet authorities. This is a fact beyond dispute, and was even acknowledged by Britain at that time. The Indian side cited an article from the British Tibetan Treaty of 1904, but this article could only show that Tibet had the obligation of maintaining within its territory the road leading to India and did not give India the right to build roads in Chinese territory west of Shipki.

Talking about survey, the Indian side only mentioned the years and failed to give any concrete facts. Therefore, the Chinese side had nothing to comment on. Even if such surveys did take place, if they were carried out on Chinese territory without the consent of the Chinese authorities, they were of course illegal and could not constitute a basis for Indian administrative jurisdiction.

### 3. *The Area of Sang, Tsungsha and Puling-Sumdo*

Most of the evidence cited by the Indian side in its positive statement to substantiate its claim that the area of Sang, Tsungsha and Puling-Sumdo was under Indian jurisdiction was records of land revenues. Of all the 23 photostats in this respect of 17 were related to the period after 1919. Such evidence, being compiled after the illegal occupation of Sang and Tsungsha by Britain, could not be considered as valid. But since they had been put forward, the Chinese side had to point out a few facts to prove that they were illegal. For example, in its letter of May 9, 1928 in reply to Bailey,

British Political Officer in Sikkim, the Tibet local government of China stated that "the Tehri side used force to occupy Tibetan territory, assigned corvees to the people of Sang and Tsungsha of the Tibet government and carried out such illegal activities as building roads, felling trees, etc." Another example was the letter of the Tibet local Government to Weir, Commissioner in Sikkim dated the 19th day of the 5th Month of the Tibetan calendar in 1930, stating that "The land and inhabitants above the Gungoong Bridge are indisputably under the administration of Tibet. That Tehri Raja should arbitrarily fell trees in our territory and transport them away without permission is against the law and cannot be tolerated."

Just as pointed out by the Chinese side in making the positive statement, although the land of the Sang and Sungsha area was unlawfully invaded and occupied step by step following the start of British invasion in 1919, the Saparang Dzong government of China's Tibet region to a certain extent still exercise administrative jurisdiction over this area, such as collecting taxes, conducting census, etc. This fact was even acknowledged by British officials.

With regard to the small amount of evidence of land tax before 1919 provided by the Indian side, some were related to the question of the alleged rule of the Gurkhas over the Kumaon area for a time, which had yet to be cleared up, while the others lacked proof that the places mentioned in them were related to the disputed area. Therefore, it could not serve to substantiate the Indian claim.

Concerning the question of ethnic type of the inhabitants of Sang and Tsungsha area, the Indian side labelled them as Garhwalis in its statement. This did not tally with the fact. In fact, most of the inhabitants in the area were of Tibetan origin. The family names such as Ngapadenle, Tsirendengrub, Tsungsoawh, etc. listed in the census registers of Tsungsha submitted to the Kasha by the Tsaparang Dzong in 1926 are all Tibetan names, even Pranavananda, an Indian, mentioned in his book *Kailas-Manasarovar* on page 158 that the inhabitants of Tsungsha are Bhutias, that is, Tibetans. The ancestors of these people moved in mainly from Poling. Even under British occupation, they still considered themselves Chinese nationals and repeatedly made avowals to pledge their allegiance to their mother-land.

In its statement, the Indian side also referred to the negotiations between the Tibet region of China on the one side and Tehri and Britain on the other in 1926-1935 (The Indian side mistakenly shortened the period of negotiations to 1925-1927), and charged that the representative of China's Tibet at that time produced only two documents during the negotiations, one of them having nothing to do with Sang and Tsungsha. This statement was completely incorrect. In fact, during the negotiations lasting about ten years the local government of China's Tibet produced not only the census registers of Water Chicken Year and taxation papers, and registers of corvee, but also various maps; and it inspected the boundary marker at the Gungoong Bridge together with the British representative. In its letter in reply to Bailey, British Political Officer in Sikkim, dated the 9th day of the 5th month of the Tibetan calendar

in 1928, the Tibet local government solemnly refuted the allegation in Bailey's letter that during the negotiations the Tibet representative "had made no other conclusive statement than mentioning that there was a stone marker on the boundary." It was further stated in the reply letter that "this comes from the fact that Mr. Acton, representative of the British Government has all along supported Tehri, turning the facts upside down and fabricating false statements."

As to surveying and cartography, the Indian side maintained that the southern part of the Sang and Tsungsha area had not been completely surveyed until 1936, in other words, the complete survey took place 17 years after the invasion of this area by Britain. The survey and cartography undertaken by Britain at this time certainly made deliberate changes of the traditional customary line.

#### 4. *Wuje, Sangcha and Lapthal*

With regard to the Wuje area, the Indian side mainly offered two categories of material. One was related to the boundary of the Patti of Malla Painkhanda of India's Garhwal, to Kurkuti village of which Patti the Indian side claimed that Wuje belonged; the other was related to taxation in this area by India in the past.

The first category of material provided by the Indian side included official Indian records and maps beginning from the 60s of the 19th century upto the present century. This material explained only one thing, namely, the British Indian government of the time did attempt to change the traditional customary boundary and push the whole of it to the Sutlej-Ganges watersheds so that Wuje and the other areas could be annexed. In the middle of the 19th century, R. Strachey, sent to the Chinese border by Britain to carry out survey activities shamelessly said: "We English in Kumaon affirm that the watershed is the boundary." Knowing well that the Tibetans regarded Wuje as belonging to China's Tibet region, he nevertheless arbitrarily showed it within Indian territory for the sake of "convenience". The Chinese side already cited in full this passage from his statement under Item II. From this passage, one could easily trace the source of marking Wuje within Indian territory and taking the watershed for boundary as shown in various official records and maps of the British Indian Government. That these materials could not form a basis in administrative jurisdiction is self-evident.

The material related to taxation brought forward by the Indian side included the history of the taxation system and the records of the British Indian Government. After studying these material the Chinese side was indeed puzzled about the intention of the Indian side in submitting it. Was the material submitted to explain the taxation system in Garhwal or to prove that Indian had collected taxes in Wuje? If the former was the case, apparently it had nothing to do with the question under discussion. If the latter was the case, the Indian material could not serve the purpose. Although there were no settled inhabitants in the Wuje area, the area was situated on an important communication route. The Daba Dzong Government of China's Tibet always sent its men to guard the checkpost and collect taxes, but no materials from the Indian side specifically mentioned any instance of collection of taxes

in Wuje by the Indian side. The Indian side explained how a certain Hindu dynasty allocated the tax to be collected from several villages for the pilgrims as subsidies, how another dynasty collected land and forest taxes in the Patti of Malla Painkhanda, how much the tax rates for the Bhutias of Garhwal were once raised by the Gurkhas, how many times the British Indian Government made assessments for land tax etc. However, all this did not touch specifically upon the Wuje area. Only in one of the Indian materials, a list submitted by an official of the British Indian Government, the word "Hotee" was found under the heading of disused mines. However, it was still not clear whether this "Hotee", where copper was said to be mined, was the same Wuje (called "Barahoti" by the Indian side). But there has never been any copper mining in Wuje.

Besides, the Indian side also tried to prove that Wuje belonged to India by the fact that the Indian Government had carried out a census in Niti village and a survey in the Niti-Barahoti area. However, whether a census was carried out in Niti village or not bore no relation to the Wuje area under discussion. Even the Indian side has never attempted to prove that Wuje belonged to Niti village, but tried to describe Wuje as belonging to Kurkuti village. As to the reason why the unlawful survey by the British Indian personnel cannot form a basis in administrative jurisdiction, there is no need to repeat it, since the Chinese side has explained it several times before.

Judging from the above, the Indian side has not put forward any conclusive evidence for Wuje with regard to administrative jurisdiction.

The Indian side argued that Sangcha and Lapthal were pastures belonging to Milam village of Almora District of India, but no positive and direct evidence was provided. The Indian side produced a map from the Gazetteer of Almora and the tax records of Patti Malla Johar. However, in the statements quoted by the Indian side, one could find nothing stating that Sangcha and Lapthal were under the administration of Milam. The Indian side tried to confirm its administrative jurisdiction over these pastures merely by claiming that the watershed was the boundary. However, the Chinese side already commented on such a claim by the Indian side under Items I and II, explaining the reason why it could not stand and that geographical features could on no account be confused with administrative jurisdiction. The Indian side cited tax records which only told of the taxation in Patti Malla Johar and, like the census in Milam village, did not mention the two places of Sangcha and Lapthal. Therefore, it can be said that the various evidence provided by the Indian side cannot serve as any evidence of ownership or administrative jurisdiction over Sangcha and Lapthal.

##### 5. Concerning the Maps

Concerning the map of the adjoining areas between China and India's Uttar Pradesh, the Indian side and that official Indian maps always showed the areas of Sang, Tsungsha, Wuje, Sangcha and Lapthal as part of India's Uttar Pradesh, but the facts known to the



Chinese side are different. Although the boundary line in the few Indian maps of 1850-84 cited by the Indian side runs along the so-called watershed, this delineation was not adopted by the maps published by the Survey of India during a long period of time. Therefore, it could not be taken for representing the traditional delination on Indian maps. To prove this, it would be sufficient just to point out the following facts.

Firstly, the delineation of the middle sector of the boundary, particularly that in the Sang and Tsungsha area, on the maps published by the Survey of India was close to the line shown on Chinese maps in many places and different from that in the maps submitted by the Indian side. For instance, the maps "India" published by the Survey of India in 1881, 1889 and 1900 all clearly showed Sang, Tsungsha and Puling-Sumdo within Chinese territory.

Secondly, for quite a long time no line was shown at all in the middle sector of the boundary on the maps published by the Survey of India in the 20th century. For instance, on the "District Map of India" of 1903. "Tibet and Adjacent Countries" of 1917, "Southern Asia Series" of 1929 and "Tibet and Adjacent Countries" of 1938, all provided by the Chinese side, no boundary line was shown in this sector; and the maps "India and Adjacent Countries" of 1945 and "India Showing Political Divisions in the New Republic" of 1950 only used colour wash to paint the outlines of the bordering area and marked them as "Boundary Undefined." Apart from the above-mentioned maps, many other maps published successive by the Survey of India did not delineate the boundary line. |

Therefore, it would not be difficult to see, after an overall study of the maps published successively by the Survey of India, that the allegation that Indian maps all along showed the areas of Sang, Tsungsha, Wuje, Sangcha and Lapthal within the territory of India's Uttar Pradesh did not tally with the facts at all.

It is also necessary to point out that the Indian maps cited by the Indian side which showed the boundary line along the so-called watershed did not reflect the real traditional boundary. The delineation of the boundary line on these maps was only created by certain British surveyors and cartographers to meet the British desire for territorial expansion. For instance among the maps cited by the Indian side three were noted as being drawn on the basis of the survey made by R. Strachey. As the Chinese side already pointed out, even R. Strachey himself admitted in his writings that, when drawing the maps, he purposely changed the traditional boundary line and pushed it to the so-called watershed.

The Indian side also referred to Chinese maps. But, as already stated on many occasions by the Chinese side, the delineation of the boundary line in the middle sector in Chinese maps conformed in the main to the traditional customary line maintained by China. Even on the several Chinese maps submitted by the Indian side, the area of Sang and Tsungsha was also clearly shown within Chinese territory.

## (2) *Comments on the Indian Side's Comments*

In its comments, the Indian side tried to belittle or negate lightly the large amount of facts and material cited by the Chinese side, alleging that these items of evidence cannot show that the disputed areas in the middle sector were at any time under the jurisdiction of the Tibet region of China. But it is not difficult to see that the reasons cited by the Indian side were either lacking in factual support or lacking in logic. The various items of evidence brought forward by the Chinese side are not only from authoritative sources and authentic beyond doubt, they are also directly related to the areas under dispute and squarely hit the point, forcefully proving that the areas under dispute have always been under Chinese jurisdiction. The Indian side's comments can in no way impair the validity of these evidences and there is no need for the Chinese side to answer the Indian comments one by one. The counter comments of the Chinese side would only concentrate on the following questions:

1. In discussing the ownership of Chuva and Chuje, the Indian side made a distorted interpretation of the Gzhigkha system practised in China's Tibet region in the past, making repeatedly such untenable assertions as: "manorial estates are no proof of official administration" and "exercises of religious authority and collection of religious dues are no proof of political sovereignty." The Chinese side pointed out that the Gzhigkha in Tibet was neither a garden nor a private estate as that under the British landlord system, even less can it be unilaterally termed as a district under religious jurisdiction. It was a kind of administrative unit under the old Tibetan system of "combined political and religious authority." The three big feudal estate-holders in the past (the Kasha, monasteries and nobility) each owned and administered the Gzhigkha in various places, and the Chuva and Chuje area was one of them. The land-conferring document of the 5th Dalai Lama cited by the Chinese side is a most authoritative document proving administrative jurisdiction in this area for the past several centuries and cannot be lightly brushed aside by the Indian side.

The Indian side charged that the Chinese side lacked knowledge about the Chuva and the Chuje area in that the Chinese Government did not reply to the representations made by the Indian Government in 1957 and 1958, but asked the Indian Government for the location of this area, etc. Such charges by the Indian side were improper. The fact was that on December 7, 1957, an official of the Indian Embassy in China approached the Asian Department of the Ministry of Foreign Affairs of China saying that a few Chinese nationals had crossed the boundary in the vicinity of what the Indian side called Kaurik Nullah; but the Indian side could not give the specific location of the river; therefore, the Chinese Ministry of Foreign Affairs requested it to clarify this point and give the co-ordinates. This request was completely reasonable, but the Indian side all along failed to comply. This could not but make one feel that it was the Indian side who lacked knowledge of this area.

2. Regarding the traditional customary boundary line west of the Shipki Pass which should be along the Hupsang River, the Chinese side already brought forward among others, an evidence indicating that even in 1934 the British Government asked the Tibet local government for permission to build a road in the sector of "Tibetan territory" from the Hupsang River to the Shipki Pass. The Indian side did not and could not deny this but asserted that there were two Hupsang Rivers and what the British Government had in mind was the Hupsang River east of Shipki Pass. Nevertheless, the Indian side did not show the specific location of this so-called East Hupsang River. Such assertion about two Hupsang Rivers was very surprising. The Chinese side also provided a panoramic map showing that the boundary is at the Hupsang Khud west of Shipki Pass. But the Indian side brushed it aside as unscientific material. The Chinese side has never unduly emphasized the precision of such panoramic maps. But so far as this specific panoramic map is concerned, its importance lies in the fact that it particularly mentioned in words that the boundary was at Hupsang Khud west of Shipki Pass, and this gives it indisputable authoritative value. Further, the Indian side also considered that the two Indian maps provided by the Chinese side proved on the contrary the Indian side's claims for the boundary alignment. It could be pointed out that the two maps of "India" published by the Survey of India in 1880 and 1889 respectively, particularly the latter, show a boundary line different from the current Indian maps for the area west of Shipki Pass, and although they did not mark out Shipki pass, the point can be seen from the fact that the alignment drawn was relatively close to the Spiti river. The Chinese side also pointed out that although generally speaking the alignment shown on these two maps for the middle and western sectors of the boundary are erroneous, it is basically the same as the traditional customary line pointed out by the Chinese side in the areas of Demchok, Sang, Tsungsha and Puling-Sumdo.

The Indian side asked that since the Chinese side held that India had occupied the area west of Shipki Pass since 1954 why had no protests been lodged with the Indian side. As a matter of fact, the Chinese Government has long answered this question. Just as stated by Premier Chou En-lai in his letter to Prime Minister Nehru dated September 8, 1959, the Chinese Government upon learning of an incident of such nature, made, as it always did, thorough and detailed investigations into it instead of making prompt and impassioned charges against the Indian Government. This was in the interest of upholding Sino-Indian friendship. In 1956, the Chinese and Indian frontier patrols encountered in the area west of Shipki Pass and east of the Hupsang River, and, on the basis of this, the Indian Government accused the Chinese personnel of crossing the boundary. In dealing with this matter, the Chinese Government adhered to this same spirit. One can only regret that the Indian side, in disregard of the Chinese efforts to uphold Sino-Indian friendship, should have now blamed the Chinese Government for not lodging a protest at that time.

3. Concerning the Sang and Tsungsha area, although the Chinese side cited conclusive evidence proving that the inhabitants of this

area submitted land tax to the Tsaparang Dzong government, the Indian side misinterpreted this tax as "trade dues". The Indian side, taking as their ground that this tax was paid in rupees, asserted that this showed that Sang and Tsungsha were Indian territory. But it is not difficult to point out that until recently, Indian rupees were still circulated in the markets of some places in Tibet, that even at present Indian rupees are still being used in other individual countries besides India, and that this can by no means be taken as ground to assert that these countries or these places in Tibet should be regarded as Indian territory.

While admitting that the inhabitants of this area made an avowal to the effect that they considered themselves Chinese people, the Indian side alleged without any basis that they did so as a result of the intimidation from the side of China. The Indian side also arbitrarily termed and avowal signed and sealed by three representatives of the entire inhabitants of this area as a statement of a few private individuals. It can be seen at a glance that such allegations of the Indian side are forced arguments and even the Indian side did not bring forward any basis for them.

Concerning the negotiations from 1926—35 between China's Tibet region on the one hand and Britain and Tehri on the other the Indian side could not deny the fact that Britain expressed willingness to return a part of the occupied territory, but described, the notorious British imperialism bent on aggression as law-abiding, generous, yielding and kind-hearted. The Chinese side further pointed out that if this entire area, as alleged by the Indian side, indeed belonged to India, it would be inconceivable how Britain could suddenly become so "generous" and express willingness to return a part of the territory to China's Tibet. The logical conclusion could only be: Since Britain could not deny the fact that this area belonged to Tibet, it could not but try, by disgoring part of its encroachments, to maintain its occupation of the rest.

With regard to the facts about the inhabitants of this area offering monk service to Tsaparang Dzong and being under the judicial authority of the Dzong government, although the Chinese side cited relevant conclusive evidence, the Indian side still asserted that the Chinese side did not provide any evidence. This can only be surprising.

Referring to the question of Puling-Sumdo, in the "Note on the Border Disputes" contained in his letter to Premier Chou En-lai dated September 26, 1959, Prime Minister Nehru admitted that "the Chinese Premier accuses India of having invaded and occupied Puling-Sumdo, that is Pulam Sumda, a village in the Nilang-Jadhang area." In its comments now the Indian side suddenly changed its argument and asserted that Puling-Sumdo is not Pulamsumda but Poling. These contradictory statement were indeed surprising. The Chinese side pointed out that Puling-Sumdo which is under the administration of Tsaparang Dzong is one of the ten markets specified by the Chinese side for trade in the Sino-Indian Agreement of 1954, and that it is not Poling. Besides, the maps "India" published by the Survey of India in 1889 and 1900 clearly show that Puling-Sumdo is

**within Chinese territory and is situated at the very place which the Indian maps later called Pulamsumda, whereas Poling is another place in Chinese territory.**

4. The Indian side's attempts at negating and belittling the large amount of authoritative evidence cited by the Chinese side concerning the area of Wuje, Sangcha and Lapthal were but forced arguments in disregard of the facts. For example, the land-deeds of 1729 and 1737 and the boundary-delineating deed of 1936 all clearly noted that Wuje, Sangcha and Lapthal were within the confines of Daba Dzong. But the Indian side said that the Tibetan word "Tsun" in the above-mentioned three documents only means "reach", that is to say the boundary of Daba only "reaches" Wuje and other places, and Wuje and other places are not included. This is an obvious misinterpretation of the original meaning of the Tibetan. Anyone who understands Tibetan knows that the correct meaning of the Tibetan word "Tsun" is "to include...in" therefore the meaning that the document is most clear. Further the Indian side alleged that the verdict of the Daba Dzong government in 1868 on a pasture ground dispute among the inhabitants of Dongpo only involved a dispute which arose because of "the wanderings of livestock". This is also a wilful misinterpretation of the meaning of a historical document.

Unable to deny the fact that the Tibet local government stationed guards at Wuje, the Indian side arbitrarily asserted that these guards were only "trade agents". This is even more clearly a far-fetched conclusion. The fact that the Chinese guards at Wuje were endowed with a very broad administrative power can also be testified by the report made in 1890 by an Indian officer cited by the Indian side. In spite of a good many distortions of the actual local situations made by this Indian officer whose duty was to carry out the British colonial government's instructions, he said in his report that these guards "perform all kinds of services" and were at the same time "sepoys", "police" and "revenue officers". "The guards at this post of Barahoti (i.e., Wuje)", he said, "consist of two Serjis and three assistants called Lhatoongas", "the duty of these Series while stationed at Barahoti is: in the first place, to communicate to Jongpon anything they heard regarding the movements of the British government or other important matters connected with trade; and, in the next place, to collect taxes...". The Indian side further stated that against this, the British Indian government had lodged its protest. But it must be pointed out that, although Britain had harboured ambitions to invade and occupy Wuje since the 19th century, such revelation cannot negate the fact that China did exercise the jurisdiction. Moreover, the local government of China's Tibet region had never yielded to the will of Britain, and it had always sent out mountain guards in order to persist in its exercise of jurisdiction over Wuje.

The Indian side was also unable to deny the fact that the Tibet local government sanctioned the setting up of a temporary market at Wuje, but the Indian side argued that this was a transference of the market into Indian territory due to temporary requirements of trade, and cannot prove that Wuje belongs to Tibet. One could not but ask:

"If Wuje was indeed Indian territory, how could the power of sanctioning the setting up of the market, as well its administration and taxation, entirely rest in the hands of the Daba Dzong local authorities of Tibet and not in those of Garhwal of India? It can be seen that it is only because Wuje is Chinese territory that the Daba Dzong local authorities could enjoy and exercise such powers.

### C. Concerning the Eastern Sector

#### (1) *Comments on the Indian Side's Positive Statement*

1. Concerning the question of the so-called Inner Line. The Indian side asserted that the tribal areas between the traditional customary line in the eastern sector and the so-called McMahon Line were always under the administrative jurisdiction of India and that at different times the Indian Government gave different names to this area. The Indian side further argued that the line south of this area (i.e., the traditional customary line maintained by China) was only the "inner line" of India, a kind of administrative boundary irrelevant to the Sino-Indian boundary; while it was the "outer line" beyond the "inner line" that represented the Sino-Indian boundary which had always been in full conformity with the so-called McMahon Line. The Indian side cited quite a number of evidence to prove these arguments. However, it was surprising that the evidence of the Indian side only mentioned the 'Inner Line', and not a single document mentioned the 'Outer Line'. One was not even clear as to whether the Indian Government indeed ever did specify such an "outer line". In the maps brought forward by the Indian side (concerning the question of maps, they will be dealt with in detail later), although these tribal areas were coloured, no so-called "outer line" was drawn. Even the colouring covered different areas on different maps, and all of them were different from the alignment as claimed by the Indian side, that is, the so-called McMahon Line. The purpose of the Indian side in making its positive statement was obviously to prove the international alignment in the eastern sector claimed by India, therefore, one would legitimately expect the Indian side to show with documentary evidence where this so-called "outer line" regarded as the "international boundary" had always lain. However, as the Indian side did not bring forward any documentary evidence concerning the "outer line" or its alignment, one could not but arrive at the impression that the Indian side's statement not only could not prove the alignment claimed by the Indian side, that is, the so-called McMahon Line, but, on the contrary, rather proved that such a line never in reality existed, and therefore even the Indian side itself could not prove its specific location by means of valid documents.

Secondly, the regulations and notifications quoted by the Indian side could not in the least prove that the area under dispute north of the "inner line" was always under Indian jurisdiction. The Indian side itself admitted that the "inner line" specified by these regulations and notifications marked the limits of its administration. This was in fact saying that the Indian Government's administrative jurisdiction only reached up to the "inner line" and did not exceed it. True, the Indian side added that the area north of the "inner line"

was under the control of the Indian Government. But one would ask: Since the Indian Government did not exercise jurisdiction in this area, how could it control this area?

The fact is, in the 19th century, and even up to the 30's and 40's of the 20th century, the British Indian Government did not establish authority in the vast tribal areas south of the so-called McMahon Line, and, naturally, it could be even less said that it exercised effective jurisdiction. With the exception of some isolated and brief armed intrusions and some illegal activities of so-called surveyors, neither Englishmen nor Indians dared to enter lightly into this area. The tribal people in this area generally adopted an attitude of resistance to foreigners coming from India. For example, in 1887, Needham, the Englishman who served as Assistant Political Officer in Sadiya, illegally intruded into the area of the so-called Mishmis but, owing to the opposition of the local people who even threatened him with poisoned arrows, he was forced to return. Again for example, the Englishman Williamson, who served as Political Officer in Sadiya, although permitted by the Indian Government to enter the Loyul area in 1911, was eventually killed by the local people before he had reached very far north of the so-called "inner line" owing to the opposition of the local headmen. There are many such examples and they need not be cited one by one. The fact that the area north of the "inner line" was not under the jurisdiction of the Indian Government could be seen even in the writings of some Englishmen. For example, Verrier Elwin, who served as adviser of the NEFA after India's independence, in his book *A Philosophy for NEFA* on page 2, stated: "...They (the British) established outposts in the foothills, and from time to time imposed blockades and made punitive expeditions into the interior. In addition, a few daring explorers penetrated deep into the mountains, but it is doubtful whether they had any very great effect upon the outlook of the people, most of whom continued to resent visitors". In his article of 1930, "The Seinghku and Delei Valleys, North-East Frontier of India," Kingdon-Ward stated: "An imaginary 'inner line' is drawn between administered and independent territory, and no European is allowed to cross the line without special permission". ("The Geographical Journal" Vol. LXXV, 1930, p. 424). Here Kingdon-Ward clearly pointed out that the area north of the "inner line" was "independent territory" (of course, this meant independent of India; as a matter of fact, it was not independent but a part of the territory of China's Tibet region), and not territory under the administration of the Indian Government. Haimendorf, who once served as Special Officer of the External Affairs Department of the British Indian Government, stated in his book *Himalayan Barbary* (p. 4) published in 1955 that "the so-called Inner Line, the boundary between the provincially administered plains districts and the unadministered highlands over which the Government of India claimed, but did not exercise, political control. The Inner Line was, indeed, the effective frontier of India". The 1947 Edition of the *Encyclopaedia Britannica* could also be mentioned. Its explanation of the so-called "inner line" is: "...an inner line.....up to which the protection of British Authority is guaranteed, and beyond which, except by special permission, it is not lawful for British subjects to go". (p. 551). These examples alone

are sufficient to show that, contrary to the assertion of the Indian side, the area north of the so-called "inner line" had never been under the jurisdiction of India up to the 30's and 40's of the 20th century.

In the light of the above, it is not difficult to see further that this so-called "inner line" which basically conforms to China's traditional customary alignment in the eastern sector is in actuality the international boundary up to which the Indian Government exercised administration. But why was it that the British Indian Government did not call it the international boundary but gave it such a strange name as the "inner line"? To answer this question, a passage could first be quoted from Sir Lyall, External Affairs Secretary to the Governor General of India, concerning how the British Indian Government dealt with boundary questions. He said: "We have usually begun by projecting a political border-line, by interposing, that is, some protected State between our real territories and the power beyond them, whose approach seemed to threaten our security. But the result of this manoeuvre has been too often to accelerate our own extension, because we have found ourselves eventually forced to advance up to any line that our rivals could not be permitted to overstep". (Sir Alfred Lyall, *The Rise of the British Dominion in India*, page 278). This passage of Sir Lyall's clearly depicted the boundary policy adopted by Britain at the time in India. This policy, in the words of Lyall, seemed to be out of consideration of British security, but was actually out-and-out aggressive in nature. That is to say, Britain often purposely did not draw the international boundary of India, or only drew it as a so-called inner-line, and then found some areas which it considered suitable in the territories of some neighbouring countries to serve as its "protectorates" or "buffer states" or so-called "frontier tracts" so as to annex gradually and finally these areas into India. The development from first drawing an "inner line" in imagination and on the maps in the eastern sector of the Sino-Indian boundary to the illegal fixing of the so-called McMahon Line through a secret exchange of letters in 1914 with the Tibet local government representative was precisely the result of Britain's implementation of this policy described by Lyall. As a matter of fact, some of the evidence cited by the Indian side also reflected this policy. For instance, in the 1880 Frontier Tracts Regulation for Assam, it stated that this regulation extended to "any tract inhabited or frequented by barbarous or semi-civilized tribes adjoining or within the borders of any of the districts included within the territories under the administration of the Chief Commissioner of Assam." It was of course understandable that this regulation applied to the tribal areas under the administration of the Chief Commissioner of Assam, but one could not but ask why should the application of this regulation even extend to "any" tribal tract which was not within the territories under the administration of the Chief Commissioner of Assam but only adjoining them (that is, territories outside his administration)? Besides reflecting the policy of expansion on the boundary question described by Sir Alfred Lyall, what other reason could be used to explain this?

2. Concerning the agreements concluded between British Indian local officials and the hill tribes. The Indian side asserted that the Tawang authorities and certain so-called "Bhutiya" chiefs undertook



as early as 1844 to submit to British civil jurisdiction and British sovereign authority and also asserted that the so-called "Abors" and "Akas" accepted respectively in 1866 and 1844 British jurisdiction. The main, if not the only, evidence cited by the Indian side was only certain agreements concluded by British Indian local officials in those years with the hill tribes concerned and the economic compensation which the British authorities gave to these tribes. But a mere glance at these documents published by the British Indian Government would suffice to see that they do not support the above contention of the Indian side. Although these agreements were of unequal nature to a certain degree they only limited the hill people's activities and their traditional interests and rights in the plain areas belonging to British India and ensured that both parties would live together in peace and friendship. There was nothing in the agreements which could be interpreted as the mountainous tribal areas themselves having accepted British sovereignty and jurisdiction. On the contrary, the Chinese side cited a large amount of direct evidence which precisely proved that these tribes were always under the continuous jurisdiction of China.

In the agreements, there are not a few such provisions: "The British territory which extends to the foot of the hills (*i.e.*, the southern foot of the Himalayas) will be respected," "recognize all persons residing in the plains to be British subjects" and not interfere in the administrative measures of Britain in the plains, "we acknowledge ourselves subservient to the British laws in their country," etc. This shows that both contracting parties were of the common opinion that these tribal areas were not British territory, that the tribal peoples were not British subjects, that their boundary with British India was the traditional alignment maintained by China, that is, the line along the southern foot of the Himalayas, and that the tribal peoples only undertook to respect the sovereignty and jurisdiction of the British authorities in the plains. Some agreements carried such particular passages as "Now" that we (the "Bhutyas") are assured the Government of India do not intend to invade our country." (See the 1853 agreement of British officials with "Bhutiya" chiefs); some others made such strict restrictions on British personnel as only allowing two interpreters appointed by the British Government to carry communications back and forth (See the 1888 agreement between British officials and the "Akas"); and still some others even further stated that the representative of the tribe was "deputed by the Daba Rajas (*i.e.*, the 'Regent' of the Tibet local government)" to restore the "friendly relations which existed between the Government of India and our Lhasa Government." (See the 1853 agreement between British officials and "Bhutiya" chiefs). These provisions prove that the tribal areas, instead of being ever under the sovereignty and jurisdiction of Britain, were on the contrary precisely a part of Tibet. Although some of the agreements contained passages such as "not to be enemies to the British Government," it could only indicate the desire to maintain friendship between the two sides and did not show in any case that Britain enjoyed sovereignty over these tribes.

As for the "annuities" or "posa" given by the British authorities to certain tribes, as repeatedly mentioned by the Indian side, they can serve even less as a proof that the British Indian authorities had

exercised jurisdiction there. As a matter of fact, these "annuities" were but a kind of economic compensation which the British authorities could not but give these hill tribes in order to make them give up their traditional rights and interests on the plains of British India. On page 182 of his book *Himalayan Barbary*, Haimendorf stated that "according to the tribesmen, on the other hand, the posa-payments were a kind of rent, paid by the (British Indian) Government for the use of their (i.e., the tribal peoples) ancestral lands in the Brahmaputra valley." The following stipulation can also be found in the agreement cited by the Indian side itself. For example, in the agreement concluded in 1844 between British officials and the Tawang representative, it was stated that Tawang would "be allowed annually one-third of the whole of the proceeds of Koreeahapara Dwar, viz., 5,000 rupees," while Tawang agreed to "relinquish all its rights in the Dwar, and can no longer levy land rent from the ryots" (Dwar is situated to the south of the traditional customary line maintained by China); in the provisions concluded between British officials and the so-called Akas in 1888, it was also recorded that the Akas would receive "posa", while at the same time the Akas would "withdraw all our claims to any land south of the boundary pillars". It can thus be seen that the British "annuity" was actually only a kind of payment to the hill tribes as compensation for their giving up their traditional income and interests in the Indian plains (such as land, rent, etc.), and had nothing to do with so-called administrative jurisdiction.

It must also be pointed out that all these agreements stipulated that if the hill tribes did not implement the agreements, they would but forfeit the British pension, or their privilege of entering Indian territory, or simply that the agreements would be considered automatically null and void. That Britain had no authority to compel them to implement these agreements, is another proof that Britain did not exercise sovereign rights or control over these tribes. Even though sometimes the British engaged in so-called "punitive measures" against certain hill tribes, north of the traditional customary line maintained by China and adjacent to the Indian plains, in an attempt to impose certain conditions on them through such imperialist measures of aggression, these hill tribes always took the attitude of offering resolute resistance so that Britain could not exercise any real authority in the tribal areas.

In commenting on the evidence cited by the Chinese side, the Indian side asserted many times that since the Monbas accepted annuities from the British Indian Government, the Chinese side could not have exercised jurisdiction in the Monyul area. But the various facts cited by the Chinese side have forcefully refuted such totally groundless contentions of the Indian side.

3. In its comments above on the "inner" and "outer" lines, the Chinese side already made clear the true state of affairs with reference to some instances cited by the Indian side to show the alleged exercise of jurisdiction by political officers of the British Indian

**Government. Now the Chinese side would like merely to add the following points:**

(i) The Indian side mentioned that the Tawang representative took part in a meeting convened by British officials when he went to Tezpur, India in 1885 to collect rent, asserting that this was an indication of Tawang's acceptance of British sovereignty. Such an assertion is untenable. The Chinese side has produced a mass of authoritative material to prove that at the time Monyul was entirely under China's administrative jurisdiction. Furthermore, in the documents submitted by the Indian side, it can also be seen that in addition to collecting rents, the Tawang representative went to take part in the meeting, with the further purpose of regulating trade relations between Tawang and the British plains districts. So this can by no means be confused with the question of accepting British sovereignty.

(ii) The Indian side stated that British political officer Nevill visited Tawang in 1914, and further stated that in 1918-19, Tawang was already administered by Indian officials. But the relevant evidence provided by the Indian side did not bear out these assertions. The Chinese side also noted that the Indian side had to admit to a certain extent the fact that the local authorities of Tibet were exercising administrative jurisdiction in the Monyul area. For instance, it had to admit that Tawang Monastery exacted "services and dues" in the Monyul area, that the Tawang Monastery was a branch of the Drepung Monastery in Lhasa, that there was the organisation of "Drudrel" in Tawang, that there was the office of Dzongpen in Taklung and other dzongs, etc. It can thus be seen that since Tawang was at that time entirely under China's administration, the contention that it was administered by India naturally cannot be correct.

(iii) The Indian side mentioned that Britain had sent troops into the mountainous tribal areas. But as pointed out earlier by the Chinese side, these were entirely illegal acts of aggression, which were met with the consistent strong resistance of the local tribes. It could also be mentioned that the instances of British intrusions cited by the Indian side were generally in areas close to the traditional customary line. Large-scale invasions and deep penetration into this area began only around 1945. It is indeed most strange that the Indian side should cite these illegal acts as administrative jurisdiction.

(iv) The Indian side also cited records of "tours" of some British officials as evidence of administrative jurisdiction. But from the diary of an official of 1913 and an official's report of 1914 cited by the Indian side, it is not difficult to see that their visits were entirely of the nature of secret reconnaissance and exercise of jurisdiction was completely out of the question. As for Godfrey's tour of 1939, it is not difficult to judge from his report that his tour was the prelude to deliberate British invasion and occupation of Chinese territory, and his activities were flagrant acts of intrusion.

The two supplementary photostats later supplied by the Indian side, attempting to show that the local government of Tibet region of China or the local people had recognised the so-called McMahon Line, could also be mentioned in this connection. One was a report by an Indian official in 1949. In the report, he made an equivocal statement out of his personal subjective conjecture that the Tibetan "Deba" seemed to have accepted a certain mountain pass as the boundary. How could such an uncertain and subjective view of an individual be taken as a reflection of the actual situation at the time? The other document is in fact extracts from the diary written by an Indian official during his tour in Lower Tsayul in 1946, and it is not strange that this official, who executes the whims and wishes of the British Indian Government, should describe the so-called McMahon Line as the boundary, but it is not something to be relied upon.

(v) Concerning the surveys by British Indian personnel, the Chinese side has more than once pointed out that the British Government was accustomed to sending people to sneak into China's Tibet and other places to carry out illegal surveys, which, of course, could not be deemed as evidence for the exercise of jurisdiction by the Indian Government. As a matter of fact, these illegal activities were not limited in their scope to the present area under dispute, but they often penetrated deep into the heart of China's Tibet. For example, in 1913, Captain Bailey and Captain Morshead sneaked into the Tsangpo River basin to conduct surveys and their scope of activities were mainly in the area north of the so-called McMahon Line, and not south of it. In his report, Captain Gunter, head of the Mishmi Mission Survey Detachment of the "Abor Expedition," has even admitted that "the principal places of interest fixed by the survey were: Tibetan villages of Sama, Kahao and Rima." From the extracts of the report of Lieutenant Huddleston cited by the Indian side, it can also be seen that he even suggested "extension of pukka surveys into Tibet." If illegal surveys could serve as evidence for the exercise of jurisdiction, Chinese territory north of the so-called McMahon Line should also be considered as under the jurisdiction of Britain. Obviously this is unacceptable.

What is even more worthy of note is that the several detailed surveys mentioned by the Indian side all took place in the years from 1911 to 1914. This is by no means fortuitous. In discussions on Item II of the agenda, the Chinese side already pointed out the schemes of British imperialism in those years. Taking advantage of the moment when internal order in China had not yet been stabilized following the revolution which overthrew the monarchy, British imperialism spared no efforts to engineer the so-called "independence" of Tibet and illegally created a so-called McMahon Line in an attempt to annex into the British colonial empire large tracts of territory belonging to China's Tibet region. It was proceeding from such designs that British imperialism organized the extremely ignominious "Abor Expedition" on the pretext of "punishing" the Abors who killed Williamson, and seized this chance to conduct illegal surveys in the various mountainous tribal areas north of the traditional customary line maintained by China in the eastern sector. The historical facts concerned were described by the Indian Taraknath Das when

he pointed out on page 107 of his book *British Expansion in Tibet* that "This is the real nature of the Abohr Expedition of the British Government in India, which under the cover of a punitive expedition or a surveying of the frontier, extends its interests for the protection of India, and strengthening its position against China for the future march of British expansion into the heart of the Chinese Republic, the Yangtse region."

(vi) The Indian side also cited some census reports as evidence of administrative jurisdiction. These "census reports" contained some accounts about the customs and habits of the tribes, but no word was mentioned at all about the number of persons or households in each tribe. How can such material which is more like travellers' notes be taken as evidence of India's exercise of jurisdiction and particularly as evidence of population census? As a matter of fact, the Indian side itself has also admitted in its written statement that "regular enumeration (by India) beyond the Inner Line was not always possible." (Actually, the evidence cited by the Indian side suggests that no enumeration was ever carried out.) In contrast to this, the household registers cited by the Chinese side were detailed and specific. This again proves that it was China and not India which for long periods of time exercised administrative jurisdiction in this area.

The evidence concerning poll tax cited by the Indian side merely stated that a tax was stipulated, and, what is more, the document itself made it quite clear that this tax applied only to the hill people who came to cultivate in the Indian plains. Such evidence of course cannot serve as proof of tax collection from the hill tribes themselves.

The Indian side also asserted that it had undertaken public works projects in the area under dispute in the eastern sector. But from the evidence cited by the Indian side it is not difficult to see that the public works cited by the Indian side were mainly some roads, bridges and checkposts of a military nature built after 1940 in places near the traditional customary line. Such evidence, therefore, serves only to reveal clearly the British scheme of deliberately invading and nibbling away step-by-step China's frontier areas, and cannot constitute valid evidence of India's exercise of administrative jurisdiction in the vast area north of the traditional customary line.

4. Concerning maps. The Indian side asserted that the boundary for the eastern sector shown on maps of the Survey of India was only the "inner line," and not the international boundary. It is not difficult to see that such an assertion is untenable. Here the 1889 map of "India" of the Survey of India can still be cited as an example. On this map, the eastern sector of the boundary (which conforms in the main to the traditional customary line maintained by China) was clearly marked as "Boundary undefined." If this line was indeed the "inner line" as claimed by the Indian side, and in view of the fact that according to the positive statement of the Indian side, the notifications of 1875, 1875, and 1884 had long specifically defined this

"inner line" point by point why should the 1889 map (it could be mentioned in passing that this map was checked up as late as 1888) have marked a large portion of this line as "undefined"? Obviously, this line on the 1889 map can only be understood as the Sino-Indian boundary line and cannot be arbitrarily interpreted as any other line. Taking as another example the 1938 map of the Survey of India entitled "Tibet and Adjacent Countries." On this map, although only a portion of the eastern sector (it also conforms in the main to the traditional customary line pointed out by China) was marked out as proceeding from the south-eastern corner of Bhutan eastward, this line was delineated with the markings for international boundaries as shown by the map legend. This shows that the boundary in the eastern sector marked on the map can only be the Sino-Indian boundary and absolutely cannot be interpreted again as any so-called inner line within Indian territory.

In seeking basis for its contention that the Indian maps only drew an "inner line" and did not draw the international boundary, the Indian side cited the "Government of India Act" of 1935, and quoted from Section 311 of the Act which stated that "India means British India together with the tribal areas" trying to make the point that Indian maps only showed British India and not the whole of India. But it is precisely this act which offers further proof that the contention of the Indian side is untenable, because the 1865, 1889 and 1903 maps cited by the Chinese side are all maps of "India" and not maps of "British India". Therefore, according to the definition for "India", as given by the "Government of India Act," these maps should have shown within India the area south of the so-called McMahon Line, which the Indian side considers to be Indian territory. But the fact is precisely that these maps did not do so. What can be the reason for this? In fact, these maps drew all the other tribal areas, such as the Naga tribal area, etc., as within Indian territory, but only the tribal areas situated south of the so-called McMahon Line and north of the traditional customary line were not drawn as within Indian territory. This shows indisputably that these tribes indeed do not belong to India.

Concerning the Survey of India maps of 1883 and 1895 and the maps attached to the two books of 1909 cited by the Indian side, it has already been pointed out earlier by the Chinese side that the extents of the colour wash on these maps are all different from one another, and that there is quite a difference between them and the so-called McMahon Line. Among these maps, the 1883 map in particular drew the eastern part in such a manner that it greatly exceeded the so-called McMahon Line, even putting under colour wash a number of places of Upper Esayul. Therefore, such portions under colour wash obviously cannot serve as proof of the alignment claimed by India. What can truly make the point is still the boundary line in the eastern sector clearly marked on these maps which conforms in the main to the traditional customary line.

From the above analysis of the various categories of evidence provided by the Indian side, it is not difficult to see clearly that the area in the eastern sector disputed by the Indian side has never been Indian territory and the "inner line" defined by the Indian Government throughout the years is in substance precisely the international

boundary between China and India. It was not until 1914 that the so-called McMahon Line was illegally marked out through a secret exchange of letters, thereby showing this area within Indian territory. However, even up to the thirties and forties of the 20th century the Indian side still failed to exercise authority in this vast area.

After the Chinese side has so eloquently refuted the various items of evidence of the Indian side, the Indian side could not but admit in effect that the allegation that the Indian Government had always exercised administrative jurisdiction over the area of the eastern sector could not stand. In order to justify itself, the Indian side put forward a new contention to the effect that the jurisdiction exercised by the Indian Government over this area was a "non-regular" and "non-normal" one different from that over any other place within Indian territory. But the Indian side has failed throughout to explain how this special jurisdiction was exercised, and in what form. Needless to say, the special jurisdiction alleged by the Indian side is in actually a mere subterfuge for the non-existence of jurisdiction.

## (2) *Comments on the Indian Side's Comments*

After the studying the comments of the Indian side on the Chinese side's basis in administrative jurisdiction over the eastern sector, the Chinese side found that there were many places where the contents of the evidence cited by the Chinese side were obviously distorted. For example, with reference to the fact that a Kaloon of the Tibet local government was sent "by joint decision of the Han and Tibet authorities" to investigate and handle cases, the Indian side arbitrarily misinterpreted this into meaning "by joint decision of the Indian and Tibet authorities." Other examples are: saying that the documents did not have the word "taxes" while what the document clearly specified were precisely exacting corvee and levying taxes; misrepresenting the meaning of the Tibetan words for "exacting corvee and levying taxes" into some sort of relationship of owing debts; and saying arbitrarily that no place names were given in the documents while these documents listed in great detail names of many places in the areas of Monyul, Loyul and Lower Tsayul. The evidence cited by the Chinese side are all there, and there is no need to make a point by point refutation.

1. In this comments, the Indian side asserted that many documents submitted by the Chinese side dealt only with the areas north of the so-called McMahon Line and was irrelevant to the area under dispute which is south of this line. The evidence which was rejected on the basis of this interpretation include the following: the list of revenue submitted by Manchukha village of the Bachashiri area which belong to Gacha Dzong, the letter of Shol Khang Silon, the verdict of Gacha Dzong, the list stipulating taxes received by Sangngachos Dzong, and others. But, as a matter of fact, the Bachashiri area which belong to Gacha Dzong is located in the valley of the Siyom River, south of the so-called McMahon Line. "Lokar" and "Lonag" mentioned in the letter of Sholhand Silon refer to the Loyul area south of the so-called McMahon Line. The terms "Lower

Rong and the Lower Area" mentioned in the list stipulating revenue of Sangngachos Dzong, refer to the Lower Tsayul area south of the Line. It is a well-known fact that Tsayul is divided into upper and lower Rong.

As to the location of Dangom Tso it was clearly pointed out long ago by the Chinese side that it is south of the so-called McMahon Line and north of the Sira Pateng river. The Indian side has arbitrarily asserted that there is no place in this area called Dangom, this can only be regarded as disregarding the fact.

Besides, the Indian side also argued at great length that Pome was an area independent of Tibet, which does not conform at all to the facts of history. It is true that a rebellion broke out in that area in 1927, but this can in no way negate the fact that this area has always been under the jurisdiction of China's Tibet region.

2. The Indian side also alleged that the evidence provided by the Chinese side was relevant only to three pockets, and less than one tenth the size of the entire area under dispute. In fact, in its positive statement the Chinese side proved in great detail that for several centuries, the local government of China's Tibet region had exercised administrative jurisdiction in the entire area between the traditional customary line and the so-called McMahon Line, which is made up of three component parts, namely, Monyul, Loyul and Lower Tsayul. Apart from the census and revenue records of the many major villages of this area with large populations, the evidence of the Chinese side also included many place names; far from being restricted to the "three pockets" as described by the Indian side, the places named included areas in the west all the way up to the frontiers of China and Bhutan, in the east all the way up to the trijunction of China, India and Burma, and to the south in the broad area all along the traditional customary line. But one cannot but be reminded by this assertion of the Indian side that nowhere in the evidence cited by the Indian side in its own positive statement, was any mention made of the so-called "outer line" which the Indian side claimed to be the international boundary, and even very few place names in the disputed area were mentioned. Can this prove on the contrary that the Indian evidence is relevant to the entire area under dispute? It is quite clear what conclusions should be drawn from the above-mentioned facts.

3. The Indian side had another way of negating evidence supplied by the Chinese side, namely to assert that it was irrelevant to the exercise of administrative jurisdiction. For example: the register of taxes paid by the Bachashiri area in the year 1846 to Gacha Dzong was misrepresented as being a "register of a private landowner"; the list of tax-payers attached to the 1945 document of the Tibet local government was considered to be irrelevant to the collecting of taxes; the pledges made by the headmen of Ame and other villages in the year 1921 to pay taxes were asserted to be irrelevant to administrative jurisdiction. The list of the households of Tsona Dzong from which corvee was to be exacted and tax levied as endorsed by the Tibet local government in 1860 clearly recorded the households in the various places of Monyul from which taxes were to be levied and



the households from which taxes were exempted. But, the Indian side arbitrarily stated that this was but a list of road stages which did not show the facts relating to the collection of taxes. Obviously, such assertions do not conform to the actual situation as indicated by these documents. Besides, although the Chinese side brought forward quite a number of evidence to prove the long existence of the organ of "tso" in the eastern sector area as a Chinese administration unit, the Indian side flatly denied its existence without giving any reason at all.

4. The Indian side said that evidence cited by the Chinese side showing that the frontiers were well-guarded and the entry and exist of foreigners under control, was "not really relevant to the question under discussion." Such an assertion is obviously baseless. For instance, the Chinese side had cited a document signed by the various village heads of Upper and Lower Tsayul, jointly guaranteeing to take measures against foreign encroachment. The Indian side said that most of those who signed the document were from that part of Tsayul north of the so-called McMahan Line (Rima), but it could not deny that included among the village heads who signed the document were also the village heads of Dilim, Walong, Dumpa, Minchi, Chaha, and Hatod in the Meyul area of Lower Tsayul, which is in the disputed area south of the "McMahan Line". This document clearly proves that these villages were all under the jurisdiction of the local government of China's Tibet region.

Such is also the case with regard to the assurances signed by the Dzongpens of Dirang Dzong and Taklung Dzong in 1942. These two Dzongpens and other headmen gave the assurance that they would thoroughly implement the orders of the Tibet local government of not allowing the entry of foreigners into Chinese territory, and would subject themselves to "any punishment stipulated by the political and religious laws" should they disobey these orders. This clearly shows that the areas administered by these Dzongpens and headmen are also within the territory of China's Tibet.

5. Concerning the quelling by Tibet of the rebellion in Taklung Dzong, the Chinese side fails to see from the comments of the Indian side what it was trying to prove. The Chinese side would only point out that the two documents concerned which it has cited fully prove that at the time the Tibet local government was quelling a rebellion on Chinese territory and thereafter restored normal order there.

6. With regard to the mass of facts concerning the administrative jurisdiction in the Monyul area exercised by the local government of China's Tibet, such as the setting up of administrative organs at various levels, levying taxes, administering justice, etc., the Indian side dismissed them all either by saying that they were of a religious nature, or by saying that some places were only Tibetan private estates, etc. All these assertions cannot hold water. The large number of documents cited by the Chinese side clearly prove that the Tibet local Government had always ruled in the Monyul area by the system of combining political and religious authority in the same way as in other parts of Tibet, and that it not only had religious authority but also powers of administrative jurisdiction. But in asserting that the

local government of China's Tibet had only religious authority or held only so-called private estates in the Monyul area, the Indian side failed to cite any convincing factual basis.

It has been pointed out above that the Indian side also acknowledges to a certain extent the administrative set up of the Tibet local government in the Monyul area. But the Indian side tried to change the nature of these set ups by saying that they were so to speak purely religious organisations. This assertion cannot stand up to the test of facts. The many documents cited by the Chinese side clearly show that the Tawang Drudrel, composed of the responsible personnel in the Tawang Monastery and the Dzongpen (or his deputy) of Tsona Dzong as well as Taklung Dzong and Dirang Dzong, are all organs of administrative jurisdiction in the Monyul area and that they have always been dealing with such affairs as taxation, justice, guarding the frontiers and routine administrative duties in accordance with the instructions of the Tibet local government.

Obviously, to say that taxes levied by the local government of China's Tibet in the Monyul area were so-called religious contributions or income from private estates, is equally incorrect. Only two examples are needed to show this. The revenue regulations of Tsona Dzong drafted by the Tibet local government in 1895, which the Chinese side cited, clearly stipulated that the corvee and taxes imposed by Tsona Dzong in the Monyul area were "corvee and taxes rendered to the government". While evading any mention of this fact, the Indian side arbitrarily asserted that the corvee and taxes imposed on the Monyul area by Tsona Dzong only proved that Tibet had private estates there. Take another example: The list of households from which services were to be exacted, which was submitted to the Tibet local government by the officials and headmen of the Monyul area in 1940 clearly states the fact that in rechecking the households from which services were to be exacted throughout the Monyul area, the Tibet local government was making a comparison with the original corvee and tax register and the census records. But the Indian side persisted in saying that this document could only prove that the Tibet local government collected funds in Monyul for religious ceremonies. This is an obvious distortion.

Concerning the fact that the Tibet local government exercised judicial powers in the Monyul area, the Indian side again said that this pertained only to protecting the rights and interests of Tibet in the Tawang Monastery. This is indeed a strange assertion. The documents cited by the Chinese side have clearly shown that the Tibet local government exercised extensive judicial powers in the Monyul area. The six documents cited by the Chinese side as evidence pertained to different kinds of cases occurring in the Monyul and Loyul areas—cases of murder, fights, robbery, land and property disputes—as well as to the punishment of the guilty party and of officials who neglect their duty. To include all these cases under the heading of dealing with affairs of the Tawang Monastery can by no means be justified. It must also be pointed out that under this item the Indian side has obviously disregarded the main fact clarified by the documents which the Chinese side has cited. For instance, concerning

the directive issued by the Tibet local government in 1867 on how to deal with the dispute between Namshi, Tembang, and Sherdugpen of Monyul, the Indian side said that no justice officers of Tibet took part in the case. But it was clearly recorded in the document concerned that "Brongpa, the Dzongpen of Tsona, and the Tawang Nytsang have been sent to deal with the case." Both the Dzongpen of Tsona and the Tawang Nytsang were Tibetan officials, and since they exercised complete powers of administrative jurisdiction, judicial power was of course also included.

The Indian side also cited a summary from an alleged discussion in 1914 between Lochen Shatra and a representative of the British Indian Government in an attempt to prove that Tibet had only some religious rights and interests in Tawang. But this summary was a unilateral account by the Briton, and not at all the official minutes of a discussion.

7. When such assertions as "religious authority" or "private estate" could no longer be used to deny the facts concerning China's administrative jurisdiction, the Indian side resorted to an even simpler method to negate the evidence cited by the Chinese side. For instance, in commenting on the specific facts and evidence cited by the Chinese side to prove that administrative organs were set up in the Bachashiri and the Dzagnag areas, the Indian side did not even try to advance any reason but simply indicated that "as a matter of fact, there was no such administrative jurisdiction." With regard to some other evidence which fully prove that China had exercised administrative jurisdiction in the Monyul area, the Indian side also rejected them on the sole ground that the Monyul area was under Indian administrative jurisdiction. Such a line of argument can indeed hold no water.

8. In the second part of its positive statement, the Chinese side put forward a mass of evidence to show that Chinese jurisdiction over the disputed area was violated only in the recent past owing to the occupation by Britain and India. Most of the evidence cited by the Chinese side were dismissed by the Indian side with the simple statement that since the Indian side had already cited its evidence, the evidence of the Chinese side was totally groundless. This reason given by the Indian side obviously cannot hold water. The Chinese side holds that in examining the evidence submitted by the other side the proper method for officials of both sides to follow is to base their comments on the merits of the evidence concerned. It is absolutely unconvincing for the Indian side to arbitrarily brush aside the evidence cited by the Chinese side without any comment simply because they could not be negated.

It is even more impossible to accept the argument of the Indian side with reference to the representations of the Tibet local government in 1944-45 with the British Government on Britain's forcible advance into the area north of the traditional customary line and the Tibet local government's representations with the Indian Government in 1951. The Indian side said that this forcible advance of the British Government was to establish so-called "regular administration" and

to "stop" the alleged "illegal activities" and "malpractices" of the Tsona Dzongpen and the Tawang Monastery. It further alleged that the Tibetan side made representations at the time merely for the sake of "private estates," that the Tibet local government recognised the so-called McMahon Line, etc. The behaviour of British imperialism was here described as both correct and reasonable. But what was the actual situation? Leaving aside other facts for the moment, the Tibet local government stated clearly at the time to the British Government and the Indian Government that "...it is hoped that the original status of the boundary in the Monyul area will be maintained as before." The Tibet local government demanded the immediate withdrawal of British troops from the Monyul and the Lower Tsayul areas and said that the Indian Government "adopted an approach of seizing as its own what did not belong to it. This, we deeply regret and absolutely cannot accept.... Please tell the Indian Government at once through the political officer in Sikkim to withdraw immediately the officers and soldiers who have arrived in Tawang," etc. These facts are a strong refutation of the assertion that the Tibet local government had recognized the so-called McMahon Line. In fact, if the Tibet local government had really willingly accepted the so-called McMahon Line and if the area south of the line had really been Indian territory, the Tibet local government would not have made representations in 1947 with the Indian Government, after India's independence, to demand the return of all the area occupied by Britain south of this line. It can also be recalled that in the course of negotiations between the Tibet local government and the British Government, the latter more than once offered to return to Tibet that tract of territory north of Se La. The question then will arise: Whether the British imperialism could have been so generous as to willingly present a part of its own territory to others simply for the sake of setting up "regular administration" on its own territory? The Chinese side failed to find any solution to these glaring contradictions in the comments of the Indian side. The indisputable fact is that precisely because the entire area south of the so-called McMahon Line is Chinese territory, and because the Tibet local Government had always exercised administrative jurisdiction there, the Tibet local government rightly made representations again and again with the British and Indian governments against their arbitrary advance in the forties and fifties of the 20th century.

The Indian side further alleged that even after Tibet was liberated, the Tibet local government still accepted the so-called McMahon Line. This allegation is obviously incorrect. The photostat letter of the Tsona Dzongpen of 1953 provided by the Indian side clearly stated: "Tso Sum, Daba Tso, Hro, Byang, etc. in east Monyul (i.e. the southern, part of Monyul) of our territory...." This not only shows that the Tibet local government has always considered the area south of the so-called McMahon Line to be "ours," that is, Chinese territory, but also testifies to the fact that there did exist the organ of "Tso" in this area. The Indian side further cited a letter of the Tsona Dzongpen in 1955, and basing itself on the phrase of "a treaty between Indian and Tibet which guarantees free movement of trade goods" mentioned in the letter, made the interpretation that this referred to the trade regulations of 1914 between Tibet

and Britain which is the same in nature as the secret exchange of letters on the so-called McMahon Line. It is indeed both surprising and regrettable that the Indian side should have considered the illegal regulations of 1914 still valid after China and India had concluded the Agreement on Trade and Intercourse between the Tibet Region of China and India in 1954.

From the above-mentioned facts, it is not difficult to see the unjustifiability of all the distorted interpretations made by the Indian side of the factual materials submitted by the Chinese side.

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## CONCLUSION

The Chinese and Indian officials, in pursuance of the task assigned them by the Prime Ministers of the two countries in their Joint Communiqué of April 25, 1960, have examined, checked and studied a mass of historical documents, records, accounts, maps and other materials relevant to the Sino-Indian boundary question on which each side relies in support of its stand. Now, the Chinese side wishes to make a general review of the evidences produced by the two sides and their discussions and, on this basis, to set forth the main conclusions the Chinese side has drawn from the work of the officials of the two countries.

In its previous letters and notes to the Indian Government, the Chinese Government has long pointed out that there are two points of major difference between China and India in their understanding of the boundary question, namely: (1) Has the Sino-Indian boundary been formally delimited; (2) Where is the traditional customary boundary between China and India.

On the first point, the Chinese Government holds that the reason for the present dispute between China and India over the Sino-Indian boundary question is that the two countries have never formally delimited the boundary, that there is a divergence between the two countries in their conception of the boundary, and that in order to settle this dispute, it is necessary for both sides to delimit the boundary formally through friendly negotiations. The Indian Government, however, holds that the Sino-Indian boundary line claimed by it has been delimited and that there is no call for overall boundary negotiations. Therefore, in order to find a proper way to settle the boundary dispute, it has become a practical question of great importance to make clear whether the Sino-Indian boundary has been formally delimited.

On the second point, the Chinese Government holds that, although the Sino-Indian boundary has not been formally delimited, there exists between the two countries a traditional customary line up to which each side has exercised jurisdiction throughout the years and the location of this line is the same as or very close to the Sino-Indian boundary shown on Chinese maps. The Indian side holds that the Sino-Indian boundary now claimed by India is the traditional customary line. The Chinese side has pointed out that current Indian maps, in their drawing of the Sino-Indian boundary, include into India vast areas which have always belonged to China. This alignment in no way represents the traditional customary line, but marks the attempted goal of British aggression against China's territory in Sinkiang and Tibet. The Indian Government, however, not only denies that the boundary line claimed by it has far exceeded the extent of its original actual jurisdiction, but on the contrary charges China with laying claim to large tracts of Indian territory and encroaching upon Indian territory. Therefore, to facilitate the settlement of the Sino-Indian boundary dispute, there is need to find out

the actual location of the traditional customary boundary between China and India, and it is necessary, at the same time, to find out what discrepancies there are between this traditional customary line and the line up to which each side at present exercises actual control and how these discrepancies have come about.

The work done by the Chinese and Indian officials over the past five months was to clarify thoroughly these questions through an examination of factual material in the possession of the two sides. Under the first item of the agenda of the officials' meeting—the location and terrain features of the boundary—the two sides explained their respective understanding of the Sino-Indian boundary by descriptions and maps. The theme of that part of the second item concerning treaty and agreement basis of the boundary was to clarify whether the Sino-Indian boundary has been formally delimited, and whether it has any basis in treaty and agreement. That part of the second item concerning basis of the boundary in tradition and custom, and the third item—administration and jurisdiction—centred on another theme, namely, to clarify which of the different understandings of the Chinese and Indian sides of the location of the traditional customary boundary coincides with objective actuality and which does not, as well as to clarify the situation of the line up to which each side at present exercises actual control and how this line came into existence.

Now, as the discussion of the above-mentioned items has been concluded, the Chinese side would, calmly and with respect for the Indian side, explain why, after this joint examination and discussion, the Chinese side cannot but feel that the stand and arguments of the Chinese side are fully justified and well-founded while those of the Indian side lack support in fact and are logically untenable.

It is still under the two headings: "Has the Sino-Indian Boundary Been Formally Delimited," and "Where is the Traditional Customary Boundary Line Between China and India," that the views of the Chinese side are summarized and overall comments made below on the materials and arguments advanced by the Indian side. The Sino-Indian boundary referred to here is the western, middle and eastern sectors of the Sino-Indian boundary as mutually understood by the governments of the two countries in their past correspondence. Putting it specifically, the western sector refers to the section of the boundary between China's Sinkiang and Tibet on the one hand and Ladakh on the other; the middle sector, the section of the boundary from the south-eastern end of the western sector to the tri-junction of China, India and Nepal; and the eastern sector, the section of the boundary east of Bhutan. With regard to the boundary between China's Sinkiang and Kashmir west of the Kara-Koram Pass and the boundaries between China and Sikkim and between China and Bhutan as repeatedly raised by the Indian side in the discussions, they do not, in accordance with the talks and the Joint Communiqué of the Prime Ministers of the two countries and the past statements of the Chinese Government, fall within the scope of the Sino-Indian boundary question, and are irrelevant to the task of the officials of the two countries.

**Question One: HAS THE SINO-INDIAN BOUNDARY BEEN FORMALLY DELIMITED**

A formally delimited boundary must be one jointly negotiated (sometimes also jointly surveyed) by the countries concerned and with its alignment and location explicitly and concretely defined in a certain treaty form (usually the conclusion of a boundary treaty or agreement); this is an internationally recognized principle. Boundaries not explicitly defined in treaty form are not formally delimited boundaries, though some of them may be traditional customary boundaries. In modern times, in order to meet political, national defence and economic needs, and owing to the possibilities afforded by scientific and technical developments, the general practice of the countries of the world is to delimit boundaries formally by concluding treaties. Now, the boundaries of most of the countries of the world have been formally delimited. And those of the remaining countries, whether they are traditional customary lines or not, are gradually being turned into formally delimited boundaries through the same diplomatic and treaty procedure. Especially for those disputed boundaries, the countries concerned should all the more delimit their boundaries through negotiations and the conclusion of treaty. In the light of the above, it is not hard to find out whether the Sino-Indian boundary has been formally delimited or not.

The Chinese Government has pointed out that there has never been any boundary-delimiting treaty or agreement between China and India, whether concerning the whole length or a sector of the boundary. Nor is there a single article in the past treaties and agreements of other nature between China and India, that specifically defines the concrete location of a sector of the boundary between the two countries. Therefore, it can only be said that the whole length of the Sino-Indian boundary has not been formally delimited and that this boundary has no basis at all in international treaty. But in order to maintain amity along the border and eliminate boundary disputes, it is most necessary for the two countries to accomplish an overall formal delimitation of the boundary between the two countries through consultations and the conclusion of a treaty.

The Indian Government, disagreeing to the stand of the Chinese Government, maintains that the Sino-Indian boundary has been confirmed by a number of treaties and agreements, that it is clearly delimited, and that the question of overall boundary negotiations as suggested by China does not arise between the two countries.

Having examined and studied the so-called boundary treaties and agreements referred to by the Indian side, it is found that they are of the following three categories:

(1) The existence of the treaty is still in question. Concerning the so-called 1684 treaty which the Indian side considers as confirming the western sector of the Sino-Indian boundary, not only the Chinese Government and the Tibet region have no knowledge of this treaty, even the Indian side, at the repeated request of the Chinese side, has all along been unable to produce the text of this document or give the time and place of signing and the signatories of the treaty. What the



Indian side could give was merely certain alleged extracts from the original treaty, whose authenticity has not been proved. Even these extracts only mention that Tibet and Ladakh shall maintain their original boundary, but do not specify where the original boundary lies. Therefore, the material provided by the Indian side has not definitely proved the existence of such a treaty, and those extracts produced by it do not touch on the location of the boundary.

(2) They are completely irrelevant to the question of boundary delimitation. Among this category are the notes exchanged in 1842 between China's Tibet region and Ladakh, the local agreement reached in 1852 between officials of China's Tibet region and Ladakh, and the 1954 Sino-Indian Agreement on Trade and Intercourse Between the Tibet Region of China and India.

The first two documents only said that "the territories (of Tibet and Ladakh) as they used to be, will be administered by them respectively without infringing upon each other," but did not mention the concrete location of the boundary. So it is obvious that no boundary was delimited or confirmed. As for the 1954 Sino-Indian Agreement on Trade and Intercourse Between the Tibet Region of China and India, it can be seen from both its title and its contents that it has no relation with the boundary. Moreover, as the Chinese Government has pointed out, during the negotiations of the Agreement both sides had the clear understanding that neither of them had the intention of touching on the boundary question. The Indian side, however, basing itself merely on the fact that the Agreement enumerates six passes as passages for traders and pilgrims of both sides has categorically asserted that the middle sector of the boundary was fixed by both sides, which is inconsistent with the fact.

(3) The treaties themselves are illegal and null and void. Among this category are the 1914 Simla Convention which the Chinese Government refused to sign and recognize, and the secret letters on the so-called McMahon Line exchanged in the same year between the British representative and the representative of the Tibet region behind the back of the Chinese Central Government, which China has never recognized.

Regarding the Simla Convention, the Chinese side has repeatedly pointed out the following facts: (1) The Simla Convention itself has no legal validity. The Chinese Government not only refused to sign this treaty, but also formally declared at the conference and to the British Government that it would not recognize this agreement and other similar documents signed between the British representative and the representative of the Tibet local authorities. Since then, all the successive Chinese Governments have persisted in this stand. (2) The Simla Conference only discussed the boundary between the Tibet region and the rest of China and the dividing line between so-called Inner and Outer Tibet, it never discussed the question of the boundary between China and India. In the entire records of proceedings of the Conference and the text and attached map of the Simla Convention, no mention about the Sino-Indian boundary can be found. The Indian assertion that the Simla Conference not only discussed but

also formally delimited the Sino-Indian boundary' to the east of Bhutan is without factual basis. Since the Simla Convention has no legal validity and does not concern the Sino-Indian boundary question, then of course, it cannot possibly be a treaty basis for the Sino-Indian boundary, as the Indian side asserts.

As for the secret letters on the so-called McMahon Line exchanged between the British representative and the representative of the Tibet region behind the back of the representative of the Chinese Central Government on March 24-25, 1914, at the time of but outside the Simla Conference, their illegality and invalidity are obvious. The fact that the British representative and the representative of the Tibet Local authorities had to exchange letters on the so-called McMahon Line behind the back of the representative of the Central Government of China in a secret way shows most clearly that these letters were illegal and unrepresentable. The Chinese Government explicitly declared during the Simla Conference that it would not recognize any treaty or similar document that might then or thereafter be signed between Britain and Tibet. This further confirmed the illegality of the letters exchanged. The British Indian Government did not publish these letters until more than ten years after 1914 (1929), and it was another 8 years afterwards, that is, around 1937, when the Chinese War of Resistance against Japan broke out, before it dared to draw the so-called McMahon Line on Indian maps. These facts show that the British Indian Government itself also for a long time doubted the legality and validity of the so-called McMahon Line.

Arguing for this so-called McMahon Line which is illegal, the Indian side went so far as to contend that the Tibet local government had the right to enter into treaties separately, and that it was irrelevant or unnecessary for the Chinese Government to take part in or recognize the Simla Convention and the above-mentioned secret exchange of letters. The Indian side even openly denied China's sovereignty and China's territorial integrity, declaring that "long before the Simla Convention, Sino-Tibetan relations had virtually ceased to exist," that Tibet proclaimed its "independence," that Tibet attended the Simla Conference in the capacity of a "sovereign state," etc. The Indian side also tried hard to argue for the British imperialist policy of aggression against Tibet, asserting that Britain was "far from entertaining ambitions in Tibet," and that Britain, instead of having threatened China on the Tibet question, helped China to "re-establish its authority within Tibet." These assertions of the Indian side not only run counter to historical facts, but also do not accord with the statements of Prime Minister Nehru. Tibet is a part of Chinese territory and China enjoys full sovereignty over Tibet, this precludes the Tibet local government from any right to conclude treaties separately with foreign countries, unless authorized or approved by the Central Government of China. Both prior to and during the Simla Conference, the representative of the Central Government of China opposed consistently the insistence of the British representative to give equal footing to the Tibet local representative. As to British imperialist aggression against Tibet, it is a well-known fact. On March 17, 1959, Prime Minister Nehru also said in Lok Sabha that there was no country in the world which had recognized the independence of Tibet; and on March 30, 1959, while speaking in Lok

Sabha, he condemned Younghusband's aggression against Tibet in 1904, saying that the latter imposed the British Government's will on Tibet. Yet now the Indian side would arbitrarily describe the Simla Convention and the unpresentable secret letters exchanged as a legal and valid treaty basis for the delimitation of the eastern sector of the Sino-Indian boundary, and as binding on the present Chinese Government. This is not only utterly unacceptable to China, but also most unseemly for India. In order to stand by its assertion, the Indian side further alleged that as the items of evidence brought forward by the Chinese side in the discussions were, for the most, from the Tibet region, they would become invalid if the right of Tibet to conclude the 1954 Convention was negated. Such an assertion obviously cannot hold water. That Tibet has no right to conclude treaties separately with foreign countries and that it has the right to exercise authority in the area within its own competence are two questions completely different in nature, how could the two be confused?

As stated above, of the various items of evidence brought forward by the Indian side as treaty basis, the existence of some is still in question, some have no relation whatever to the location of the boundary, and some are absolutely illegal and null and void, and therefore none of them can serve as treaty basis for the formal delimitation of the Sino-Indian boundary. From this it can be concluded that the entire Sino-Indian boundary has not been delimited.

During the meetings of the officials, the two sides also reviewed certain exchanges in history concerning the boundary between the two countries. These exchanges include the correspondence between the British Indian Government and the Chinese Government in 1846 and 1847 in which the former asked to delimit the boundary between Ladakh and Tibet; the note of the British Government to the Chinese Government in 1899 proposing to delimit the boundary between Kashmir and China's Sinkiang; the claim on the boundary in the Wuje area put forward by the British Government to the Tibet local authorities in 1914; the negotiations between 1921 and 1927 concerning the boundary between Ladakh and Tibet and those between 1926 and 1935 concerning the boundary in the Sang and Tsungsha area, the repeated representations made by the Chinese Central Government and the Tibet local authorities between 1945 and 1949 protesting to the British and Indian Governments against their seizure of China's territory north of the eastern sector of the traditional customary boundary line maintained by China and demanding the withdrawal of Britain and India, etc. It can be seen that these exchanges did not only involve a few small areas, but involved the entire western and eastern sectors of the boundary as well as some places in the middle sector. But all these exchanges were fruitless because no agreement was reached. None of them ever led to the settlement of the boundary question as alleged by the Indian side, but on the contrary, they can only prove that the boundary has not been delimited.

The Chinese side has also cited large numbers of official maps published in India and official Indian statements and records to prove that the India side also admitted time and again in the past that the Sino-Indian boundary was undelimited.

A mass of official maps published by the Survey of India from the middle of the 19th century up to the independence of India generally marked out the international boundary lines between India and all its other neighbouring countries except that between India and China, some maps merely showed vaguely in colour wash a rough outline of the Indian territory bordering on China, some were even indicated with the words of "boundary undefined." The maps published by the Survey of India as late as 1950 and 1952 still showed the western and middle sectors of the Sino-Indian boundary in the same vague way. With regard to the eastern sector of the Sino-Indian boundary, just as the Indian Government has admitted, it was not until around 1937 that the so-called McMahon Line was shown on the official Indian maps, and the markings of "undemarcated boundary" were always used. Since 1954 the official Indian maps have suddenly made the change by making the Sino-Indian boundary in all its western, middle and eastern sectors as boundary delimited according to the alignment now claimed by India. These changes in maps have indisputably proved that the Indian Government had also considered the Sino-Indian boundary as undelimited and that only in the recent past did it change its stand.

Some official Indian statements and records were also to the same effect. The "Collection of Treaties, Engagements and Sanads, Relating to India and Neighbouring Countries" revised and continued up to 1929 by the Foreign and Political Department of India stated: "The northern as well as the eastern boundary of the Kashmir State (both of the two portions are bordering on China) is still undefined." "The Indo-Chinese frontier on the side of Eastern Turkistan (i.e. Sinkiang) has never been fixed by treaty." As late as August 28, 1959, referring to the western sector of the Sino-Indian boundary in India's Lok Sabha, Prime Minister Nehru also said: "This was the boundary of the old Kashmir state with Tibet and Chinese Turkistan (i.e. Sinkiang). Nobody had marked it." It can be seen that the Indian side also considered the western sector of the boundary as never delimited. In his letter to Premier Chou En-lai, dated March 22, 1959, Prime Minister Nehru only mentioned geographical and traditional basis for the middle sector of the Sino-Indian boundary and did not say that there was treaty basis for it. This is clearly at variance with the later assertion insisted on by the Indian side that the 1954 Sino-Indian Agreement on Trade and Intercourse between India and the Tibet Region of China constituted a treaty basis for the middle sector of the Sino-Indian boundary.

What has been stated in the above clearly shows that although the Indian side tried energetically to prove that the Sino-Indian boundary had long been clearly delimited and that there was no room for overall negotiations, no evidence referred to in these officials' meetings supported this assertion of the Indian side. Therefore, it was indeed extremely difficult for the Indian side to maintain its original stand. In such circumstances, the Indian side no longer emphasized that the Sino-Indian boundary had been delimited through treaties and even could not but admit that the Sino-Indian boundary was without an "original sanction in what might be described as an explicit Boundary Agreement." and "without

the existence of an overall formal boundary agreement." Indeed if the Indian side had been willing to face the fact that the Sino-Indian boundary had not been formally delimited and drew logical conclusions therefrom, it should have adopted a positive attitude and agreed to hold negotiations between the two countries to formally delimit the boundary. But unfortunately, the Indian side still would not abandon its stand of considering the Sino-Indian boundary as clearly delimited and opposing the holding of overall boundary negotiations between the two countries, and put forward a new argument to justify this stand. After confusing in various ways the internationally accepted conception for "delimitation," the Indian side made the allegation that the Sino-Indian boundary has been "delimited through a historical process." The Indian side insisted that because the Sino-Indian boundary line claimed by it allegedly followed unchanging terrain features, was precise, well-known through centuries, basically undisputed and had received confirmation in agreements and diplomatic exchanges, it had been objectively delimited through a historical process though it had not been formally defined by the governments of the two countries with an explicit boundary agreement. It goes without saying that this assertion is also completely untenable. Firstly, the Indian side's description of the boundary line claimed by it is incorrect. Comments will be made elsewhere later concerning the Indian alignment's natural features, precision, state of being well-known and so on as asserted by the Indian side. As to the allegation that the Indian alignment has "received confirmation in agreements and diplomatic exchanges," it has been proved previously that it is not a fact. Secondly, the Indian side's allegation that a boundary can also be delimited through a historical process is a notion never heard of before. As everybody knows, a boundary must be jointly delimited by both sides through negotiations and agreement. Through a historical process, only a traditional customary line can be formed, but a boundary line cannot be delimited. Thirdly, if this allegation could be established, why, then, was it necessary for the British Government to "delimit" the eastern sector of the boundary in 1914 with the Tibet local Government through the secret exchange of letters? Why did the official Indian statements and maps referred to above repeatedly describe the Sino-Indian boundary as "undefined"? Obviously, in the past even the British Indian Government did not regard the Sino-Indian boundary as delimited and the notion that the Sino-Indian boundary had long been delimited through a historical process also did not exist in India formerly, and it was only to suit its own needs that this notion was recently created by the Indian side.

The Indian side does not admit that it has changed its original stand—a change from its past stand of recognizing that the Sino-Indian boundary is undefined to the arbitrary assertion that it has long been entirely delimited in the way as now claimed by India—but, on the contrary, charges China with having suddenly changed its stand. The Indian side asserted that the Chinese Government, whether before or after liberation, has raised no objection to the boundary line now claimed by the Indian side and this implied that it had "acquiesced" in the allegation that the boundary was delimited, and that it was not until September, 1959 that China laid against

India claims to large tracts of territory. The Indian side even alleged that such "claims" brought forward by China were "unprecedented" in the history of international relations, and that China should be "estopped" from raising the issue. The Chinese side cannot but be surprised at and regret these allegations of the Indian side. That the Sino-Indian boundary has not been delimited is an objective fact, a fact which the Indian Government also recognised in the past; at the same time, maps published in China have always marked the Sino-Indian boundary according to the traditional customary line maintained by China, while official Indian maps on the contrary, have displayed great confusion and contradiction during the past hundred years. Therefore, talk of the Chinese Government's acquiescence" in the allegation that the Sino-Indian boundary has been delimited according to the alignment claimed by the Indian side is completely out of the question, not to say of the Chinese Government's laying so-called territorial claim against the Indian Government. Negotiations and exchanges held on many occasions in history between the two countries fully show that the Chinese Government before liberation not only did not "acquiesce" in but consistently rejected the British Indian Government's unilateral boundary claims and insisted on the restoration of the occupied Chinese territories; since China's liberation, the Government of the People's Republic of China has all the more consistently adhered to the stand that the Sino-Indian boundary has not been delimited. Although the Indian side has tried to prove to the contrary, no conclusion can be drawn from the instances cited by it that the Chinese Government has confirmed or acquiesced in the allegations that the Sino-Indian boundary has been delimited.

Firstly, in 1954 when Prime Minister Nehru visited China, Premier Chou En-lai explicitly pointed out that the Sino-Indian boundary is undelimited. Now the Indian side asserts that Premier Chou En-lai confirmed at that time the alignment claimed by the Indian side and promised to revise the Chinese maps in accordance with this alignment. This is obviously a distortion of the actual meaning.

Secondly, the Indian side referred to the correspondence between the two governments in 1950 concerning the question of the peaceful liberation of Tibet and asserted that the Indian Government repeatedly indicated at the time that the recognised boundary between China and India should remain inviolate and so on, to which China, agreed, and that this implied that the Chinese Government had recognized the boundary line as claimed by the Indian side. This assertion is totally incorrect. At that time the Chinese Government was liberating Tibet, and the Indian Government repeatedly indicated that it had no territorial ambitions towards Tibet and was desirous of stabilizing the Sino-Indian border. This certainly deserved welcome. Nevertheless, China has never recognized the boundary now claimed by the Indian side and always considered the boundary maintained by the Chinese side as correct. Even the official maps published in India at the time had not yet marked out a Sino-Indian boundary line as now claimed by the Indian side. It is obvious that since this line did not exist at all at that time, how could the Chinese Government give it recognition? Besides, the actual condition of the border at that time conformed in the main

to the boundary maintained by China, and so there is no reason to imagine that the Chinese Government should abandon the boundary line which had been consistently shown on the Chinese maps and which conformed in the main to the actual condition of the border, and should come to recognize the boundary line now claimed by the Indian side.

Thirdly, the Indian side contended that since in 1954 China and India jointly confirmed the Five Principles of peaceful co-existence including mutual respect for each other's territorial integrity and mutual non-aggression, this showed that both the Chinese and Indian sides had confirmed that there was no question that the boundary between the two countries had been clearly delimited. This contention is also obviously incorrect. China, together with Burma and Nepal, all accepted the Five Principles, but still they agreed that it was necessary to delimit, in pursuance of these Principles, their boundaries through friendly consultations. In spite of the fact that there exist between India and Pakistan territorial disputes which have not yet been settled, Prime Minister Nehru, in his speech in Lok Sabha on March 26, 1956, also proposed that India and Pakistan jointly confirm the Five Principles. It can be seen that Prime Minister Nehru also does not hold that the two sides must first have a commonly recognised boundary before they can declare acceptance of the Five Principles. Now the Indian side attempts to use the acceptance of the Five Principles by China and India as proof that both the Chinese and Indian sides have long confirmed that the boundary between the two countries has been formally delimited. This cannot convince anybody.

Fourthly, the Indian side also referred to some correspondence concerning the boundary question between the two governments during the recent years, alleging that the Indian Government had time and again set forth the alignment claimed by it, while the Chinese Government had never expressed its views on the boundary, nor disputed the claim of the Indian side. Such a charge on the part of the Indian side is likewise groundless, nor does it tally with the facts. For instance, concerning the question of the so-called McMahan Line raised by Prime Minister Nehru in his letter dated December, 14, 1958, Premier Chou En-lai in his reply of January 23, 1959 pointed out once again that this Line was illegal and null and void. Premier Chou En-lai also explicitly pointed out that there existed differences between the two sides over the boundary question and further mentioned in particular that the area in the western sector now disputed by the Indian side was Chinese territory. As to some of the correspondence of the Indian Government, it is not difficult to understand why the Chinese Government did not give an immediate answer. Such correspondence involved, for the most part, some places very small in area in the middle sector of the boundary. As the two sides often have different names for places, a place name raised by one side may not necessarily be identified at once by the other. Some individual place names such as the Kaurik Nullah, which the Indian side alleged was its alignment in the area of Chuva and Chuje, even the Indian side itself could not provide the co-ordinates, and it was therefore all the more difficult for the Chinese side to identify it. Furthermore, as the

boundary of the two countries has not been formally delimited and demarcated, the Chinese Government, upon discovering trespass by Indian personnel or when the Indian Government alleged trespass by Chinese personnel has always carried out detailed investigations in a thorough way and advocated the settlement of these disputes through consultation and negotiations, instead of immediately making impassioned charges or counter-charges against the Indian Government. This attitude of the Chinese Government proceeds entirely from a desire to uphold Sino-Indian friendship. But now such a friendly attitude of the Chinese Government has not only not been appreciated by the Indian side, the Chinese Government has even been charged with having "undisclosed" territorial claims and only bringing them forward at its own convenience. At this, one cannot but feel deep regret.

Fifthly, what is especially surprising is that the Indian side should even charge the Chinese side with again laying fresh territorial claims at these officials' meetings, alleging that Wuje, Sangcha and Lapthal as raised by the Chinese Government in the past were only 3 small separate pockets, while what the Chinese side had now raised was one composite area of 300 square miles. This charge of the Indian side is completely without foundation. Each of these places is a unit in itself, but they are contiguous to one another and constitute one area. This is nothing strange, just as Sang, Tsungsha and Poling-Sumdo which, while being three place names, adjoin each other and constitute one area. During the negotiations on the Wuje question in 1958, the Chinese side pointed out that Wuje was about 200 square kilometres in area; but at that time the Indian side first said it was six square miles and later changed it to one square mile. It can be seen that it is precisely the Indian Government, and not the Chinese Government, which lacks knowledge about this place.

It can thus be seen that no matter how one looks at it, the Chinese Government has "acquiesced" neither in the allegation that the Sino-Indian boundary has been delimited, nor in the alignment now claimed by the Indian side, not to say of the Chinese Government having laid any "territorial claims."

Through the examination of the various foregoing historical facts and relevant evidence, one cannot but once again come to the following firm and incontestable conclusion: The Sino-Indian boundary has indeed not been formally delimited; it is necessary for the two countries to formally delimit the boundary through negotiations; the proper avenue to a settlement of the Sino-Indian boundary question is for the two sides, in accordance with the Five Principles, to conduct peaceful and friendly consultations in a spirit of mutual understanding and mutual accommodation so as to reach agreement on the delimitation of the boundary between the two countries.

*Question Two: WHERE IS THE TRADITIONAL CUSTOMARY SINO-INDIAN BOUNDARY LINE?*

Although the Sino-Indian boundary has not been formally delimited, both sides acknowledge the existence of a traditional customary line. Now the question is that the two sides hold very different



conceptions of the location of the traditional customary line. Therefore, apart from making clear the nature of the Sino-Indian boundary, it is necessary for the officials of the two sides further to make clear where the traditional customary Sino-Indian boundary line lies.

The two sides gave detailed descriptions of the traditional customary line as understood by them respectively, and provided maps showing their alignments. Following that, each side put forward evidence to support the boundary line it advocates and to clarify the ownership throughout the years of the disputed areas. Through an analysis and comparison of the evidence of the two sides, it is not difficult to see that the traditional customary line maintained by the Chinese side is well-founded, while the greatly different boundary line claimed by the Indian side is without basis.

### **Concerning the Traditional Customary Line maintained by the Chinese side**

The Chinese side has cited a large amount of evidence, mostly official and direct materials of the Chinese side, including official annals, official reports, petitions, orders, instructions, land-conferring documents, taxation papers, census records, documents of diplomatic representations, people's letters of assurance, avowals and official maps, etc. Others are British and Indian materials, including some official and semi-official records and accounts and many official maps published by India. Naturally these materials cannot include all the materials in the possession of the Chinese side, but are only a small portion which were selected with discretion, and they are characterized by being authoritative and representative, clearly relevant to the disputed areas and definitely indicating ownership, and therefore conclusive. All these materials indisputably prove that all the areas disputed by the Indian side in the western, middle and eastern sectors have always been Chinese territory, that Chinese people have lived and moved about in these territories, and that the Chinese Government has always exercised there extensive administrative jurisdiction, including the establishment of administrative organs, appointment of officials, patrolling, guarding of mountains, control of the routes, conferring of fiefs, collecting taxes, assigning corvee, conducting census, administering justice, putting down rebellion, undertaking exploration and survey, etc. The main facts can be summarized as follows:—

#### *1. Concerning the Area in the Western Sector*

Many Chinese official documents of the past two centuries cited by the Chinese side show that the south-western border of Sinkiang lies along the Karakoram Mountains; and that the entire area at the source of the Karakash River and the Aksai Chin and other areas are within Hotien of Sinkiang. This shows that 80 per cent of the vast area disputed by the Indian side in the western sector has always belonged to Sinkiang. The remaining part belongs to Tibet, which fact can find proof in the other Chinese official annals and documents cited by the Chinese side. These documents clearly show that the traditional customary line of Tibet connects with the

Karakoram Mountains in the north, and that the area of the Spang-gur Lake and the area of Demchock are both within Tibet.

The southern part of Sinkiang east of the western sector of the traditional customary line has for centuries been a place where the Uighur and Kirghiz people of Sinkiang live and carry on activities. In the 18th century at the latest, they began salt-mining, cattle-grazing and hunting in Aksai Chin, Linshithang and the area of the source of the Karakash River. Many mountains, rivers and places there were named in their language—the Turkic language. As for the area of Tibet south of the Kongka Pass and down to the vicinity of Demchock, it is a place where Chinese Tibetan people have pastured for generations, and they own the pastures there.

After Sinkiang was formally included into China in the middle of the 18th century, the Chinese Government established an administrative organ in Hotien, exercising unified jurisdiction over, among other places, all the parts of the Southern area of Sinkiang bordering on Ladakh, and then set up Karens in Shahidulla, Kengshwar and other places to strengthen its control over this area. In the twenties of the 20th century, the Chinese Government set up under the then Hotien Tao a Shahidulla Sheh-Chih-Chu (administrative bureau), a local administrative unit on a county level, which was charged with the specific duty of exercising jurisdiction over this area. As for Demchock on the bank of the Shangatsangpu River, it has always been a part of the Ari district of Tibet.

One of the marks of the exercise of the Chinese Government's authority in the area in southern Sinkiang, which is disputed by the Indian side, is the fact that it dispatched personnel to patrol there and controlled the routes, and that when foreigners travelled to and from Aksai Chin and other places by the customary routes, they must get the permission of the Chinese Government. In September 1941, eleven Ladakhis and Indians surreptitiously crossed the border and went to the vicinity of the Aksai Lake with the area disputed by the Indian side, where-upon they were immediately detained by Chinese patrolmen, and the Administrator's Office of the Kashgar district of Sinkiang Province was instructed to lodge a protest with the British Consulate-General in Kashgar. In the part of Tibet bordering on Ladakh, the Tibet local government has also for the past more than hundred years dispatched personnel to the frontier for "guarding the mountains" so as to check the passers-by and guard the pastures. Border people who went to border areas of Sinkiang and Tibet for pasturing and salt-mining must pay taxes to the local authorities. The Chinese Government has undertaken extensive exploration and survey in the area of southern Sinkiang adjoining Ladakh. The two most important occasions were: first 1891-1892, when the Chinese Government dispatched a southern Sinkiang official Li Yuan-ping to survey this area. He passed through Aksai Chin and Linghithang, and reached the mountain on the northern bank of the Chang Chenmo River. The account of the traditional customary line given in his official report was consistent with the boundary now set forth by China. The other was in 1940-41 when the local authorities in Sinkiang, with the assistance of Soviet experts, conducted extensive geographical and geological surveys in this area, and a map

of the scale of 200,000 to 1 was compiled on the basis of the results of the survey.

Since the founding of the People's Republic of China, the Chinese Government has continued to control the area east of the western sector of the traditional customary line maintained by China. The Chinese Government stated in its previous correspondence that, in 1950, the Chinese People's Liberation Army, starting from southern Sinkiang, entered Ari of Tibet through this area; from March 1956 to October 1957, Chinese communication departments built along the traditional route a motor-road running through this area. The Chinese side has now further explained that as early as July 1951, Chinese frontier guard units already went to the Kongka Pass and other places for patrolling; that in 1954-1955, the Chinese frontier guard units further conducted comprehensive military investigations in the entire area; and that in the meantime, the local authorities of Sinkiang, in making preparations for the construction of the Sinkiang-Tibet road, organized a special survey team to carry on extensive survey, and in as long as two years, more than ten planned alternative routes were proposed.

The western sector of the traditional customary line maintained by the Chinese side has been consistently reflected in maps published in China. The two official maps of large scale cited by the Chinese side most clearly and forcefully prove this fact. These maps are: the Map of China on the scale of 2 million to 1, printed in 1918 by the Cartographic Bureau of the Headquarters of the Chinese General Staff, and the Map of China on the scale of 1 million to 1 compiled in 1943 and printed in 1948 by the Bureau of Survey of the Chinese Ministry of National Defence. The delineation of the western sector of the traditional customary line in Chinese maps published in the past several decades has been basically consistent with that shown in the above-mentioned two maps, and this has fully testified to their authority.

Although since the latter half of the 19th century British imperialism harboured ambitions towards the area in the western sector now disputed by the Indian side, still the entire area has all along been under the effective control of China, and not under that of India. This continues to be true up to the present day. Only Parigas, a part of Demchok, has been occupied by India in recent years. What can also be mentioned in passing is that when Britain proposed to delimit the boundary between Sinkiang and Kashmir (including Ladakh) in 1899, the boundary line it advocated, though extending north of the traditional customary line maintained by China, was still far to the south of the alignment now claimed by the Indian side. This shows that the claim now laid by the Indian side even exceeds what the British craved at that time.

This traditional customary line can also find its proof in the accounts of some so-called British travellers and explorers, even in those of officials of the British Indian Government. For example, Cunningham, one of the members of the Committee sent by the British Indian Government in 1846-47 to survey the eastern and

northern boundaries of Kashmir, and Lieutenant Hayward, who was sent by the British Royal Geographical Society to carry on activities in southern Sinkiang of China both clearly indicated in their writings that the boundary between Sinkiang and Ladakh was along the Karakoram Mountains. This is in conformity with the traditional customary line maintained by China.

The delineation of the boundary between Sinkiang and Ladakh in the official Indian maps of the early period was also close to the traditional customary line maintained by China. For example, the "Map of the Punjab, Western Himalaya and Adjoining Parts of Tibet" compiled in 1854 on order of the Court of Directors of the East India Company and the "Map of the Northern Frontier of British Hindustan" published by the Survey of India in 1862 both clearly show the boundary between China's Sinkiang and Ladakh as along the Karakoram Mountains, and not along the Kuen Lun Mountains as now claimed by the Indian side.

## (2) *Concerning the Areas in the Middle Sector*

In the middle sector the areas disputed by the two sides: Chuva, Chuje, the area west of Shipki Pass, Sang, Tsungsha, Puling-Sumdo, Wuje, Sangcha and Lapthal, have all along belonged to China, are all traditional Chinese territories and were long under the jurisdiction of the local authorities of China's Tibet. This is clearly specified and recorded in the historical documents of the past several centuries cited by the Chinese side, and even some official British and Indian records and maps cannot but admit that these places belong to China. The main facts are as follows :

1. Chuva and Chuje: It was explicitly stipulated in the land-conferring documents issued by the 5th Dalai Lama in the middle of the 17th century that Chuva and Chuje were under the jurisdiction of the Tashigong Gyupa Tsatsang. Gyupa Tsatsang has all along appointed headmen, collected taxes (including a certain amount of grain as land tax), assigned corvee, etc., in this area. In 1821, a Briton, Gerard, attempted to enter this area for surveying, but was not permitted by the Tibet local authorities. The above-mentioned facts indicate that the Tibet authorities have all along exercised effective jurisdiction in this area.

2. West of Shipki Pass: The evidence of the Chinese side proves that the traditional customary boundary should be along the Hupsang Khud several kilometers west of the Pass and the grassland between the Hupsang Khud and the Pass has always belonged to the Shipki village of Tibet, and is where its inhabitants regularly go for cutting grass and pasturing. In 1934, Britain asked permission of the Tibet local government to build a road from the Hupsang Khud to Shipki. The Tibet local government at the time explicitly told the British side, "Since it is Tibetan territory, it is not allowed for the British Government to construct the road." This clearly indicates that Britain, too, recognised that the boundary was at the Hupsang Khud, and that is why permission had to be obtained from the Tibet authorities before building a road.

3. Sang, Tsungsha and Puling-Sumdo: A large amount of evidence since the 17th century shows that Sang and Tsungsha were always under the jurisdiction of Tsaparang Dzong of Tibet. Tsaparang Dzong all along collected taxes, assigned corvee, conducted census, dealt with civil and criminal cases in this area, and also appointed local inhabitants to undertake the guarding of the borders. In 1919 the State of Tehri of India began to invade Sang and Tsungsha, arbitrarily changed the boundary markers and tried by intimidation to stop the local inhabitants from paying tax to the Tibet local government. But the local inhabitants still repeatedly declared their allegiance to the local government of China's Tibet and continued to pay tax. Tsaparang Dzong also continued to exercise certain jurisdiction in the area, and in 1932 and 1950 still twice conducted census of the households and lands. Not only Chinese maps but also official British and Indian maps and documents confirm that Sang and Tsungsha belong to China. The maps "India" published by the Survey of India in 1881, 1889 and 1900 show the two places as within Chinese territory. In the discussions taken up by the Tibet local government with Britain from 1926 to 1935, Britain, though tried hard to defend its encroachments by sophistry, could not but recognise part of the facts by agreeing to return to China Sang and the area to its north-east up to and including Sangchok Pass. As this suggestion still did not conform to the traditional customary line, it was rejected by the Tibet local government.

As for Puling-Sumdo, this is a traditional trade mart in the area of Tsaparang Dzong of Tibet and is one of the ten trade markets designated to be open by the Chinese side as laid down in the 1954 Sino-Indian Agreement. Even the maps "India" published by the Survey of India in 1881, 1889 and 1900 clearly show Puling-Samdo as within Chinese territory.

4. Wuje, Sangcha and Lapthal: Some Tibetan historical documents, such as the land-conferring documents issued by the Dalai Lama in the 18th century, clearly recorded these areas as always belonging to Daba Dzong of the Tibet region and being summer pastures under the jurisdiction of Daba Dzong. The Tibet local government exercised administration over this area by appointing people to guard the mountains, control the entries and exits and collect taxes. A market has been set up more than once in Wuje by Daba Dzong. The report of an Indian official of 1890 referred to by the Indian side, while making a lot of distortions about local conditions, admitted that Chinese guards performed various functions in Wuje and that they were "sepoys, police and revenue officers." It is inconceivable that the Chinese authorities would have been able through all the years to send people uninterruptedly to foreign territory not under its jurisdiction to perform such extensive functions and authority. As for Sangcha and Lapthal, Lieutenant Strachey who was sent by Britain to the Tibetan borders for surveying the boundary also recognised that they should belong to Tibet. This piece of Chinese territory was drawn into India only as a result of his wilful alteration of the Sino-Indian traditional customary line.

With the exception of Sang and Tsungsha, which were occupied by Britain earlier, it was only after the 1954 Sino-Indian Agreement

that India unlawfully occupied or entered the above areas in the middle sector of the boundary.

### *(3) Concerning the Area in the Eastern Sector*

The Chinese side has presented an even greater amount of historical documents, official and unofficial accounts, maps and various other evidence which prove that the entire area comprising Monyul, Loyul and Lower Tsayul between the traditional customary line maintained by China and the so-called McMahon Line long belonged to China. Tibetan administration over Monyul was already fairly complete as far back as the 17th century. Likewise, Loyul has all along been a part of Tibet. Lower Tsayul has always been a part of the area of Tsayul.

The Tibet local authorities extensively set up administrative organs of all levels, and appointed their officials. The administrative organs in Monyul were the most complete. The whole district was divided into 32 "tsos" and "dins". In addition, a permanent administrative organ and a non-permanent administrative conference were established at Tawang, the capital, to direct the affairs of the whole area of Monyul. "Tsos" and "dins" were also set up in Loyul, which were placed respectively under the administration of some larger Dzongs, such as Ddestong Dzong and Tsina Dzong. Lower Tsayul was placed under the administration of Sangngachos Dzong, and in the last years of the Ching Dynasty, it was further placed under the direct jurisdiction of an administrative committee set up by the Chinese Government in Tsayul.

On the basis of the above-mentioned administrative organs of different levels, the Tibet local government used to collect taxes, conduct census, exercise judicial authority and control personnel movement, etc. in this area. The successive Dalai Lamas and the Tibet local government also conferred manorial lands (i.e., Gzhigkha) in this area. It was from Monyul that the 6th Dalai Lama Tsanyun Gyaltso hailed, and his house in his native place received for all generations the mandates conferred by the Tibet local government and enjoyed protection and a preferential treatment.

Chinese troops have been sent to quell rebellions in this area. The rebellion in the southern area of Monyul was put down in 1853. When the chieftain of Pome rebelled in 1927, Tibet again sent troops to take punitive actions, pushing up to Padam, north of Pasighat in southern Loyul close to the traditional customary line. In the last years of the Ching Dynasty, Chinese troops were stationed around Walong in Lower Tsayul to guard the frontiers.

The Tibet local government extensively exercised administrative jurisdiction over this area for a considerable period of time even after the so-called McMahon Line was drawn. For instance, the administrative institutions in Loyul and Lower Tsayul were extensively maintained up to 1946. The administrative institutions in Monyul lasted until 1951, individual places were paying taxes to the Tibet local government even after 1951.

The maps published by China and India also prove that the eastern sector of the boundary maintained by China is in full consonance

with the original traditional customary line. The delineation of the eastern sector of the boundary on Chinese maps has always been consistent, that is, marking the boundary along the southern foot of the Himalayas, which is basically the same delineation as that on current Chinese maps. Official Indian maps originally followed generally the same delineation as Chinese maps, such as the 1865 map of "India", the 1889 map of "India", the 1903 "District Map of India", the 1917 map of "Tibet and Adjacent Countries", etc. It was not until around 1937, that is, 23 years after the Simla Conference, that the delineation was changed on Indian maps by marking the eastern sector of the boundary in accordance with the McMahon Line, but still using an "undemarcated" marking. This was also the case in the early days after India's independence. It was only since 1954 that the McMahon Line has been changed into a defined boundary on Indian maps. This proves that the delineation of Indian maps is void of traditional and factual basis.

Many British officials serving in India in the past and so-called "travellers" engaged in survey activities there also acknowledge in varying degrees that the so-called McMahon Line was originally non-existent and that the area in the eastern sector disputed by India had nothing to do with India and was obviously under China's effective control.

Britain began to cast greedy eyes on the area north of the eastern sector of the traditional customary line maintained by China in the middle of the 19th century. In the face of the threat of British aggression, the local Tibetan officials and people made repeated pledges or avowals to the authorities of the Tibet region, expressing their determination to defend the frontiers against foreign intrusion. Britain began to invade this area in force after the forties of the 20th century. Apart from making representations directly to the invading British personnel, the local officials repeatedly reported to the Tibet local government on British invasion, asking it to take up the matter with the British Government. As a result of the repeated representations made by the Tibet local government, the British Government was compelled in 1944 to express willingness to change the so-called McMahon Line by marking the boundary in the Monyul area south of Tawang between the so-called McMahon Line and the traditional customary line maintained by China. While this proposal of the British Government was intended to exchange a minor "concession" for the seizure of the entire vast territory south of the so-called McMahon Line, it shows that even Britain felt the so-called McMahon Line invalid and difficult to cling to. It was only natural that this new British proposal of aggressive nature was rejected by the Tibet local authorities.

India began to press forward in the area south of the so-called McMahon Line in force only around the time of the peaceful liberation of China's Tibet region in 1951. The Chinese military and civilian personnel refrained from crossing this Line then and afterwards solely for the sake of the tranquillity of the frontiers and the friendship between the two countries so as to facilitate the negotiation and settlement of the boundary question. This in no way signified the recognition of this Line by the Chinese Government. Thus, a

line of actual control between China and India was formed along the so-called McMahon Line. However, this is obviously no formal boundary between the two countries, still less the traditional customary boundary between the two countries.

It can be seen from the above that the traditional customary line of the Sino-Indian border maintained by China, whether in the western, the middle or the eastern sectors, is based on objective facts and substantiated by a mass of evidence.

Regarding the authoritative and competent evidences put forward by the Chinese side, the Indian side could not find any tenable reasons to refute them. It only resorted to misrepresentations and sophistry by some strange methods and contentions. Sometimes it even struck off the Chinese evidence at one stroke.

One of the methods employed by the Indian side is to try hard to narrow down the extent of the area covered by the evidence of the Chinese side. For instance, the evidence put forward by the Chinese side in connection with the eastern sector concerns the three integral areas of Monyul, Loyul and Lower Tsayul. It is common knowledge that these three areas together make up the whole of the area in the eastern sector disputed by the Indian side measuring some 90,000 square kilometres. The Indian side, however, arbitrarily asserts that the Chinese evidence only touches on three pockets making up less than one-tenth of the area in the eastern sector. The Indian side has never truly given any account of how it has come to this conclusion.

The Indian side has also attempted to change the nature of the evidence put forward by the Chinese side. The most striking instance is that it described the considerable facts about the jurisdiction exercised by the local government of China's Tibet region in the area disputed by the Indian side as all in the nature of religious authority and the collection of "religious dues", which it considered could not represent administrative authority. The Indian side has taken the Roman Catholic Church as example, saying that although many countries in the world believe in Catholicism and pay tributes to the Roman Catholic Church, these countries are not for this reason under the jurisdiction of Rome. Anyone who has a little knowledge of the social and historical conditions in Tibet understands that in the Tibet region the system of "political-religious unity" was long practised in which political and religious authority was integrated. The administrative power which gave expression to such a system obviously cannot be put on a par with the purely religious authority of the Roman Catholic Church over various places in the world. The Indian side also cited two passages from statements of the Chinese officials Sun Pao-chi and Ivan Chen in 1914 to argue for its assertion. It is not difficult to point out, however, that their statements were directed against the energetic attempts of the British imperialists at the Simla Conference in 1914 to push, in collusion with the Tibet local government, the dividing line between Tibet and the other parts of China eastwards and north-eastwards into the administrative districts of the various provinces in north-west and south-west China. Their words do not negate the practice of the system of "political-religious unity" in Tibet and are totally irrelevant to the areas in western and



southern Tibet which have all along belonged to the Tibet region but are now disputed by the Indian side.

The Indian side often made interpretations and drew inferences which were not in keeping with the original meaning of the statements and evidence of the Chinese side. For instance, the Indian side could not rebut the fact that the Chinese Government conducted large-scale surveys in the western sector area in 1940-41, but attempted to negate this survey by asserting that the map 200,000 to 1 in scale drawn on the basis of the results of this survey produced by the Chinese side could not be of such a large scale but was an enlargement of a small-scale map. Again for example, the Chinese side made it clear that the boundary in the Demchok area is in the vicinity of Lari Karpo to the west of Demchok, crossing the Indus River at about 33°N, and the co-ordinates of the point where the boundary crosses the Indus River were given. But the Indian side arbitrarily asserted that the Chinese side had given up its views on the traditional customary line in this area, and agreed to the claim put forward by the Indian side that the boundary is at a so-called Lari stream to the east of Demchok. Further, the Chinese side has brought forth quite a number of evidence to prove that there long existed Chinese administrative organizational units of "tso" in the area of the eastern sector disputed by the Indian side. But the Indian side flatly denied the existence of such organizations in the eastern sector area without giving any reason. Regarding the collection of taxes by the Tibet local government in the area disputed by the Indian side, the Indian side, in addition to misinterpreting them as "religious dues," also misinterpreted them as "transit dues" or "trade dues." Moreover, it arbitrarily described the people of the Tibet local government guarding the mountains at Wuje as "trade agents," and the administration over many places in the eastern sector area as "private estates," etc. However, it is only sufficient to ask, why is it that as soon as the disputed areas in the eastern and middle sectors fell into the hands of India, these so-called "transit dues," "trade dues" or "private estates" which had long existed all disappeared into thin air? It can be seen that such assertions of the Indian side are but wilful misinterpretations of the Indian side which are totally untenable.

The Indian side has also more than once misinterpreted the meaning of certain words in the evidence of the Chinese side. For instance, as regards the account provided by the Chinese side in Tibetan language in the Biography of the 9th Dalai about the dispatch by the "joint decision of Han and Tibetan authorities" of a Kaloon of the Tibet local government to the Monyul area in the eastern sector to deal with cases of dispute, the Indian side arbitrarily interpreted the Tibetan word meaning "Han" in the phrase to mean "India." In this way the phrase would mean the dispatch of a Kaloon of the Tibet local government by the joint decision of Indian and Tibetan authorities, and this is obviously impossible. The Chinese side has presented a document in Tibetan language about Waju in the middle sector, in which it is explicitly written that Wuje is within the limits of Daba Dzong. The Indian side, however, crudely misinterpreted a preposition concerned in the Tibetan text and alleged that the limits of Daba Dzong were only up to but not including Wuje.

In order to negate the evidence of the Chinese side, the Indian side even did not scruple to arbitrarily change and "create" the names of a number of places. For instance, with regard to the fact that the Chinese Government set up in 1927 the special organ of Sheh Chih Chu (administrative bureau) at Shahidulla for administering southern Sinkiang, although the Chinese side has presented evidence to prove that the jurisdiction of this organ extended to Changchiliman Tapan in the vicinity of Kongka Pass, yet the Indian side groundlessly insisted that Changchiliman Tapan could not be in the vicinity of Kongka Pass, but could only be at Khangili which was in the north-eastern direction beyond the area under dispute in the western sector. Further, the Indian side has not been able to deny the facts that a Chinese patrol arrested in 1941 in the vicinity of the Aksai Lake in the area disputed by the Indian side in the western sector 11 Ladakhis and Indians who had intruded into Chinese territory and that in the Shipki Pass area the traditional customary line is along the Hupsang Khud. However, the Indian side alleged that there are two Aksai Lakes and two Hupsang Khuds and that what the Chinese side referred to were the lake and the river outside of the area disputed by the Indian side. The Indian side has not presented any evidence to prove this strange allegation. Besides, regarding Puling-Sumdo which is one of the trade markets opened by China as stipulated in the 1954 Agreement, the Indian side confirmed in Prime Minister Nehru's letter of September 26, 1959 that it is the same as Pulamsumda in the Sang and Tsungsha area. But now the Indian side has changed into saying that it should be Poling within Chinese territory and not Pulamsumda. This is in effect also to create two Puling-Sumdos. With regard to the considerable number of places referred to in the evidence of the Chinese side concerning the exercise of administration by the Chinese Government in the eastern sector area, the Indian side asserted that there were no such places south of the so-called McMahon Line.

The Indian side had another strange argument. It held that since the Indian side had submitted evidences for a certain disputed area (although they were irrelevant or made no point), the facts substantiated by the evidences provided by the Chinese side were groundless or impossible. But the Indian side did not explain how it could negate the evidence of the Chinese side merely by bringing forward such kinds of evidence.

What is surprising is that the Indian side again repeatedly argued for the acts of aggression committed by Britain against China's Sinkiang and Tibet. Although the Chinese side had provided a large amount of material to prove the fact of the forced pressing forward by the British after the 40s of the 20th century towards the area north of the traditional customary line maintained by China in the eastern sector, the Indian side arbitrarily asserted that this was only the British Indian Government's establishment of "regular administration" in Indian territory. If such British actions were indeed proper and legitimate, why should have the Chinese Government and Tibet local government of the time repeatedly lodged protests against Britain and even explicitly demanded that Britain maintain the existing boundary between China and India? The Chinese side further brought forward much material to prove that British imperialism schemed to manufacture "independence" for Sinkiang in

collusion with the rebel clique of Yakub in Sinkiang and that certain so-called Western "travellers" and "explorers" carried out imperialist machinations. The Indian side tried hard to argue in their defence and expressed its disagreement to the evidence of the Chinese side, however, it failed to put forward any tenable reason. Regarding the British proposal to delimit the boundary between Sinkiang and Kashmir (including Ladakh) in 1899, its "compromise" proposal concerning the boundary of the Sang and Tsungsha area in the middle sector in 1928 and its proposal to change the alignment of the so-called McMahon Line in the Monyul area in 1944, anyone can see clearly that this was but a tactic of British imperialism, which, conscious of the unjustifiability of its claim, attempted to retain or secure its occupation of extensive tracts of Chinese territory by making minor "concessions." But the Indian side arbitrarily asserted that Britain voluntarily conceded a part of Indian territory out of its "goodwill" and proceeding from its considerations of "friendship." If Britain were indeed so full of generosity and goodwill, one should have long ceased calling it imperialist. The defence of the Indian side for British imperialist aggression even reached the amazing extent of declaring that the British policy towards Tibet at the end of the 19th and beginning of the 20th centuries was to "buttress rather than to belittle the position and strength of China" and "it was the then Central Government of China which seems to have reaped the benefit of European imperialist rivalries in Central Asia." It cannot but be said that this is completely turning upside down a well-known historical fact.

It is particularly regrettable that when confronted with the mass of authoritative Chinese evidences and unable to deny the Chinese Government's exercise of jurisdiction in the disputed area, the Indian side referred to all this as China's "illegal intrusions" into Indian territory. For instance, this was how the Indian side described the fact that ever since 1950, the Government of the People's Republic of China has been transferring troops and building a highway in the disputed area in the western sector. But the point is, since the Indian side maintains that this area has always been Indian territory and under the effective control of the Indian Government, why was it that for a long time it had no knowledge at all of such large-scale activities of the Chinese Government, and it was not until the recent two years that it suddenly charged China with "illegal intrusions"?

Listed above are only a few of the main methods and arguments which the Indian side was accustomed to using in commenting on the evidence cited by the Chinese side. But it is not difficult to see that these are all strained arguments which run against logic, do not conform to objective facts and are utterly unconvincing. Instead of helping to uphold the Indian stand, they tend all the more to prove that the traditional customary line maintained by the Chinese side is entirely correct.

#### **Concerning the Boundary Line claimed by the Indian side**

Before citing historical facts and documents, the Indian side started by attempting to establish the boundary line it claimed by means of some abstract conceptions. The Indian side alleged that the boundary line it claimed consistently followed the main watershed and, as a traditional customary boundary was defined mechanically or

predetermined according to a certain single geographical principle and in high mountainous regions must of necessity conform to the main watershed, the boundary line it claimed was therefore the natural dividing line between China and India which had the strongest original basis in geography and was the only correct one. Such an assertion of the Indian side, in total disregard of the various complicated factors involved in forming a traditional customary line is obviously erroneous. It is well-known that a traditional customary line is formed gradually through a long process of historical development according to the extent up to which each side has all along exercised its administrative jurisdiction. Geographical features have a certain bearing upon the formation of a traditional customary line, but they are by no means the only or decisive factor. As to people living in high mountainous regions, mountains do not necessarily constitute obstacles to their activities (particularly when the mountains are intersected by rivers and passes), and administrative jurisdiction of a country is not confined by mountains. Therefore, as a rule the natural features of a traditional customary line are relatively complicated and the traditional customary line follows different natural features in different sectors in accordance with the actual situation throughout the years of administrative jurisdiction and activities of the inhabitants of a country under there is no reason why it should precisely run along the single feature of watersheds. The Indian side argued that since the boundary line in the middle sector maintained by the Chinese side ran in the main along the watershed and the boundaries of China with Sikkim and Bhutan as well as part of the boundary between China and Burma delimited according to the Sino-Burmese Boundary Treaty of 1960 also ran along the Himalayan watershed, the Sino-Indian boundary should follow completely the watershed, without exception along the entire line. This is an obviously forced argument. Because similar questions can be put: Since the boundaries of India with Nepal, Sikkim and Bhutan all run along the southern foot of the Himalayas, why alone cannot the eastern sector of the Sino-Indian boundary run along the southern foot of the Himalayas? Since the Indian side maintains that the Sino-Indian boundary should run along the Himalayas, why should the western sector of this boundary alone not run along the Himalayas, but jump to the Karakoram to the north of the Himalayas. It is thus evident that the argument of the Indian side that the Sino-Indian boundary must consistently run along the main watershed is untenable. As far as the Sino-Burmese boundary is concerned, it also does not follow the watershed along its entire length, but as in the case of the Sino-Indian traditional customary line as pointed out by the Chinese side, follows various geographical features such as watersheds, the foot of mountains, rivers, etc. in accordance with the actual situation. Even where it generally runs along the watershed, there are also exceptions. Actually, neither does the alignment claimed by the Indian side really follow the principle of main watershed. For instance, in the western sector, instead of running along the Karakoram, this alignment jumps over to the Kuen Lun Mountains, and cuts the main river in the locality—the Karakash River; and the segment of the alignment running from a point of 80° E to Lanak Pass does not run along the watershed either. It is surprising that the Indian side even “created” a definition for a watershed which is different from what has been internationally acknowledged.

alleging that it was "a line which divides the major volume of waters of two river systems." It can be seen at a glance that such an equivocal definition can be used to make any wilful interpretation, and even to take for a watershed something which is not a watershed.

Proceeding from its contention that a geographical principle predetermines a traditional customary line, the Indian side argues further that the alignment it claims was defined precisely as far back as one or two thousand years ago and has never undergone any changes and therefore it is truly of the nature of a traditional customary boundary line. The Indian side further tried to brush aside arbitrarily at the very outset the traditional customary line pointed out by the Chinese side on the grounds that it is not very precise at every point. But it is not difficult to see that such arguments of the Indian side similarly cannot stand. As stated above, the traditional customary line between China and India was formed gradually in a long process of historical development according to the extent up to which each side all along exercised administrative jurisdiction, and therefore it is inconceivable that in the early periods of history, this line was already fixed as the present alignment. As a matter of fact, the Indian side's allegation that the alignment it claims has undergone no changes during the past one or two thousand years together with its other allegations, are also self-contradictory. For instance, the Indian side once said that Shahidulla of Sinkiang belonged to Kashmir before the end of the 19th century, and that Rudok of Tibet was formerly a part of Ladakh. According to the allegation of the Indian side, should not these Chinese territories in Sinkiang and Tibet now also belong to India? But even the Indian side itself does not consider this to be so. As for the question of precision, as the Sino-Indian traditional customary line has not been formally delimited and the two governments never conducted any joint surveys, it cannot be very precise at every point, but can only be an approximate line. Of course, if one were to provide every detail along the alignment it advocates merely according to the map, that would not be impossible for either side, but what would be the meaning of this? Can it be ensured that information provided in such a fashion is definitely in conformity with the actual situation on the ground? It could be pointed out that this was the actual way by which the Indian side provided the information concerning its alignment, and therefore, although the Indian side emphasized that its information was precise, it does not entirely tally with the actual terrain features. For example, there exist clear discrepancies between the Indian side's description of the terrain features in the Aksai Chin region and the actual situation there. The fact is, the Indian Government in the past also admitted that the Sino-Indian traditional customary line is not very precise. In his speech in the Lok Sabha of India on September 4, 1959, Prime Minister Nehru said that "actual boundary of Ladakh with Tibet was not very carefully defined." Furthermore, the alignment drawn on official Indian maps at different times is full of confusion and contradiction. As for the Chinese side, it proceeded at the very outset from a matter-of-fact attitude and, while recognizing that its alignment is only an approximate line, gave a sufficiently detailed explanation of the location and terrain features of this line and gave necessary and adequate answers to the Indian side's requests for clarification. But the Chinese side was against getting entangled in minute details.

It can be seen from the above that it is obviously a futile endeavour on the part of the Indian side to try to establish by abstract concepts the alignment it claims. Such a line of action by the Indian side also runs counter to the requirements of the Joint Communiqué of the two Prime Ministers concerning the ascertaining of the facts of the boundary through an examination of material, because if as asserted by the Indian side the traditional customary alignment could be ascertained merely by its natural features, what necessity would there still be in examining various items of historical evidence?

The evidence cited by the Indian side with reference to the basis of the alignment in tradition and custom are all unofficial, informal and indirect. The Indian side has further, in particular, put forward the argument that such evidence was of tremendous significance because they were mainly concerned with other things and had a purely objective, detached, third-person interest in the boundary question, generally free from influences of ulterior motives and intentional distortions. This argument cannot be agreed to. It exaggerated the role of informal and unofficial materials, unduly placing them—above official material. Furthermore, such materials are generally not “purely objective”, as alleged by the Indian side. This can be seen specifically below.

The unofficial and informal material relating to tradition and custom cited by the Indian side can be roughly divided into four categories: (1) ancient Indian epics, tales and some historical works; (2) accounts of western “travellers”; (3) unofficial maps of foreign countries; and (4) some old books and maps published in China.

(1) Citing some ancient books of India such as the *Puranas*, *Mahabharat*, *Ramayana* and *Raghuvamsa*, the Indian side contends that the alignment it claims was fixed as early as one or two thousand years ago. But in fact these books gave no account of the specific location of the boundary. Basing itself purely on the fact that these books made some generalized reference to the Himalayas or tribal areas, the Indian side has asserted that this was proof of the present alignment claimed by India. This is obviously not a scientific attitude.

(2) Account of Western “travellers” constitute the bulk of the unofficial and indirect material cited by the Indian side. It is not difficult to point out that such Western “travellers” or “explorers” or “geographers” were mostly officials of the British Indian Government, its military officers or employees of Britain who “travelled” or made “inspections” in accordance with the aggressive designs of the British Government. Therefore, their accounts generally take the British stand and reflect the aggressive policy of Britain, and cannot be taken as purely objective evidence. Most of the accounts of Western “travellers” cited by the Indian side were quite vague. Some were not relevant to the boundary at all; some made no mention of the specific location of the boundary; some mentioned in general term cattle grazing and trading activities of some Ladakhis and hunting trips by Europeans, without, however, specifying that these activities took place in the area under dispute; and others, on the contrary, showed close relations

between the disputed area and Tibet. Hence, from whichever angle, these accounts do not prove the boundary line claimed by the Indian side.

The Indian side charged that the Chinese side on the one hand brushed aside the accounts of the Western "travellers" cited by the Indian side, while on the other hand also cited such accounts, thereby adopting different attitude towards the same kind of material. Actually this is quite easy to understand. The accounts of these "travellers" generally reflect the aggressive policy of British imperialism, and they are naturally unacceptable. But when some particular portions of the accounts by these people who were anything but pro-Chinese are consistent with the Chinese viewpoint. It is indeed note-worthy, because this would all the more prove the strength of the Chinese viewpoint. There is no contradiction at all in the Chinese side rejecting those parts which are erroneous and quoting from those parts which are correct in such accounts. As a matter of fact, there have also been instances of the Indian side rejecting the unfavourable portion of certain evidence or category of evidences while quoting from those portions favourable to it. For example the Indian side often brushed aside at one stroke those portions of certain "travellers" accounts cited by the Chinese side which correctly reflect the true situation of the boundary.

(3) Unofficial maps of foreign countries. Needless to say, the great majority of such evidence are even more lacking in significance or authority. There are innumerable maps of this kind which draw the Sino-Indian boundary in many different ways. If such maps are to be chosen to support the alignment maintained by each side, many such maps could be cited by either side. It is difficult, therefore, to clarify the matter by relying on such maps. Throughout the discussions, the Chinese side has purposely refrained from citing unofficial maps of any third country, but not because it could not do so. As to the unofficial maps of foreign countries cited by the Indian side, some were very sketchy, and some were even so unclear so to render it difficult to judge whether the alignment shown was closer to that claimed by India or that maintained by China.

(4) The Indian side mentioned some old Chinese books and maps such as the *Ta Tang Hsi Yuch Chi* by Hsuen Chuang. On the basis of the sentence in the *Ta Tang Hsi Yuch Chi* which said that "the Kingdom of Brahmapura" was "4,000 li in circuit," the Indian side even managed to calculate that the northern boundary of this ancient Indian state must have been on the watershed between the Sutlej River and the Ganges. Basing itself on another sentence from this work that "the Kingdom of Kamarupa was 10,000 li in circuit," the Indian side again calculated that the eastern sector of the Sino-Indian boundary was along the crest of the Himalayas. Such calculations of the Indian side are obviously unscientific. The interpretations by the Indian side of some Chinese books of the Ching Dynasty do not conform to their original meaning, and in particular, its interpretation of some Han words was obviously mistaken.

Some of the Chinese maps cited by the Indian side, including the so-called official Chinese maps, likewise could not prove that China has accepted the boundary claimed by India.

One category of such maps consists of ancient Chinese maps of a panoramic nature, which on the whole did not show any precise boundary and some had nothing to do with the boundary at all. The Indian side has made incorrect interpretations in the case of some maps, particularly by interpreting Tsung Ling as the Kuen Lun Mountains instead of the Karakoram, which runs counter to the fact as commonly acknowledged both inside and outside China.

The second category of maps which the Indian side referred to as Chinese maps were actually maps drawn by Westerners. For instance, the 1908 map of the China Island Mission—a British missionary organization; the 1917 map published by the British owned north China Daily News and Herald; the 1917, 1919 and 1933 editions of the "Postal Map of China". These maps were all drawn erroneously by imperialist elements according to their own will and mostly in foreign languages; they are not at all Chinese maps, nor do they represent China's viewpoint. The 19th century map of the Chinese-Russian border area copied by Hung Chun was a translated version of a Tsarist Russian map and also was not an official Chinese map.

The third category consists of modern Chinese maps. Although not all of them are very precise, it is not difficult to see that the discrepancies where they exist are very minute and can be considered inconsequential when compared with the confusion and contradiction of official Indian maps. The Chinese Government not only has not denied but repeatedly stated that Chinese maps followed the delineation of the boundary according to pre-liberation maps, that there are certain minute discrepancies in some individual places on Chinese maps, and that this is only natural prior to a formal delimitation of the boundary by the two countries through negotiations and joint surveys. Therefore, instead of proving the boundary claimed by the Indian side, these maps cited by the Indian side, on the contrary, proves the basic consistency of delineation in Chinese maps. As to the 1956 map of China particularly referred to by the Indian side which was confirmed by Premier Chou En-lai to be the map which correctly showed the traditional boundary in the western sector, there is no discrepancy at all between the delineation of the boundary in this sector on this map and that on the map which the Chinese provided the Indian side under Item I.

In the field of administration and jurisdiction, the Indian side has cited more evidences than in the field of tradition and custom, and most of them are official materials. But it is found after examination and study that these evidences too cannot support the boundary line claimed by the Indian side.

1. Records concerning administration in general, such as taxation, census, exercise of judicial authority, etc.: Many evidences submitted by the Indian side in this regard have nothing to do with the various areas disputed by the Indian side; others are fraught with contradiction; still others show only the conditions of certain areas after they were brought under the control of India.



Regarding the area in the western sector measuring 33,000 square kilometres, most of the evidences submitted by the Indian side only concerned the two places of Demchok and Minsar which are very small in area; moreover, they are full of contradictions and can by no means prove that the two places belong to India, Minsar, in particular, is a village deep within Tibetan territory and has no relation whatever with the question of territory and boundary. Regarding the greatest part of the area in the western sector, including Aksai Chin, Lingshihang and other places, some of the so-called administrative records produced by the Indian side are all irrelevant to these places. Even the names of these places are not found in the evidences of the Indian side. Some evidence refers to the Chang Chemo Valley, but as the greater part of the valley is within Indian territory and only a very small part lies east of the traditional customary line in the area disputed by the Indian side, a general reference to the valley cannot prove that that part of it lying within the area disputed by the Indian side necessarily belongs to India too. In fact, with regard to the area in the western sector, Prime Minister Nehru stated in India's Rajya Sabha on September 10, 1959 that it "has not been under any kind of administration." On November 23 the same year, he said again in the Rajya Sabha, "during British rule, as far as I know, this area was neither inhabited by any people, nor were there any outposts". So far as the Chinese side is concerned, these remarks of Prime Minister Nehru's are incorrect. Nevertheless, they undoubtedly prove that India has never exercised jurisdiction over this area.

With regard to the various disputed areas in the middle sector, the Indian side has brought forward a number of tax records and census-records as evidence. But in these evidences none of the places in the disputed areas in the middle sector can be found, hence they tell nothing. Most of the evidence concerning Sang and Tsungsha are dated after the British invasion of this area in 1919 and obviously do not constitute valid evidence.

Regarding the disputed area in the eastern sector, the Indian side tried to explain away the fact that official Indian maps of the past conform to the delineation of the traditional customary line maintained by China, saying that this line did not represent the international boundary but was an "inner line," and that the area north of this line was still Indian territory, only under a non-regular and non-normal jurisdiction which differed from that exercised in other parts of Indian territory. Yet the Indian side has never been able to cite evidence to show how this peculiar jurisdiction was carried out and what form it assumed. The regulations and notifications referred to by the Indian side only specified the so-called "inner line," but did not mention any jurisdiction in the area north of the "inner line". The Indian side cited some agreements concluded in the 19th century between officials of the British Indian Government and some tribes in the mountainous areas north of the "inner line" as evidence for ownership of territory and special jurisdiction. But one can see from many articles of the agreements that these tribal areas were not British territory, the tribal peoples not British subjects, and the boundary between them and India was the traditional customary line maintained by China. Some

of the articles even explicitly stated that the representatives of the tribal areas, "deputed by the Daba Rajas" (i.e. the "Regent" of the Tibet local government), were willing to restore friendly relations which existed between the Government of India and "our Lhasa Government". This precisely proves that these tribal areas were a part of Tibet. Other evidences cited by the Indian side also cannot show any administrative jurisdiction exercised by India north of the "inner line". The very few individual items of evidence relating to tax collection only concerned the Indian plains south of the "inner line", and of course cannot be taken as proof of taxation in the tribal areas north of the "inner line". It can be seen from this that the Indian Government had no jurisdiction, whether "regular" or "non-regular", in the area in the eastern sector. The tribal peoples in the area in the eastern sector generally adopted an attitude of resistance to foreigners coming from India, and it occurred more than once that British officials who when without permission to their areas were killed. Some British officials also recognized in their writings that the area north of the so-called "inner line" was not territory administered by the Indian Government, that the so-called "inner line" was "the boundary between the provincially administered plains districts and the unadministered highlands", etc. From the above, it is not difficult to draw the correct conclusion that the so-called "inner line" which is basically in conformity with the eastern sector of the traditional customary line as maintained by China is only another name given by the British Indian Government to the international boundary line between China and India. The British Indian Government purposely gave it the strange name of "inner line", with the purpose of keeping this section of the boundary in a fluid state, so that whenever the British imperialists deemed it feasible, they might cross this boundary line to encroach on Chinese territory north of the line.

2. Evidence concerning official "travels", exploration, surveys, "punitive" expeditions, etc. When dealing with evidence of this kind, the historical background has also to be taken into account. Like the accounts of the Western "travellers", they reflect British imperialist aggression against Sinkiang and Tibet, and can by no means be taken as proof of the exercise of jurisdiction by the British Indian Government. In fact, these illegal activities of the British imperialists at that time were not confined to the areas in the various sectors of the Sino-Indian boundary disputed by the Indian side, but often penetrated deep into the heart of Sinkiang and Tibet, and even to other provinces of China. For example Captain Bailey, who in 1913 sneaked into the Tsangpo River basin to conduct surveys, carried out activities mainly to the north of, and not south of, the so-called McMahon Line. In his report, Captain Gunter, head of a Survey Detachment of the "Abor Expedition", even admitted that, "the principal places of interest fixed by the Survey were Tibetan villages of Sama, Kahao and Rima", all of which are to the north of the so-called McMahon Line. Chart XII attached to the book *A sketch of the Geographical and Geology of the Himalaya Mountains and Tibet* published under the authority of the Indian Government in 1933 shows most clearly that the areas surveyed by the British Indian Government included Kansu and

other parts of Chinese territory, as far as east as 88° E and even 100° E. If all the places reached or surveyed by British Indian personnel were counted as areas under British administrative jurisdiction should not a small half of China, at least, have become British territory? These examples undoubtedly prove that such activities were illegal acts of aggression by the British imperialists. In his book *British Expansion in Tibet* of 1927, the Indian Taraknath Das also pointed out: "This is the real nature of the Abohr Expedition of the British Government in India, which under the cover of a punitive expedition or a surveying of the frontier, extends its interests for the protection of India, and strengthening its position against China for the future march of British expansion into the heart of the Chinese Republic, the Yangtse region". The Indian side, however, not only refused to consider these activities illegal and aggressive, but tried hard to defend the British imperialists and even called China imperialism. The Chinese side cannot but feel indignation and regret at this.

3. Official Indian maps: The Indian side has only referred to them mainly in reply to the Chinese side which cited a great number of official Indian Maps. The Indian side itself has only produced a few official Indian maps as positive evidence. The Indian side has put forward various untenable arguments to defend and explain its official maps.

Concerning the boundary in the western and middle sectors, as everyone knows, the delineation of the boundary on official Indian maps published before 1862 was basically in conformity with the traditional customary line maintained by China. The majority of official Indian maps from 1865 to 1945 did not show these two sections of the boundary, while some showed the boundary in a vague way, but marked as "boundary undefined". Some even drew certain of the areas disputed at present as within Chinese territory. The official Indian maps from 1950 to 1952 still did not draw the boundary line, but only showed a vague outline by colour wash, and the 1950 map was marked with the words "boundary undefined". It was from 1954 that official Indian maps began to show the Sino-Indian boundary as a delimited boundary according to the present claim of the Indian side. As for the boundary line in the eastern sector, the delineation on official Indian maps before 1936 was almost exactly the same as the traditional customary line maintained by China. From that year on they began to show the so-called McMahan Line but still used "undemarcated" markings; some individual maps still drew this section of the boundary according to the traditional customary line maintained by China. It was only since 1954, too, that official Indian maps have formally changed the so-called McMahan Line claimed by India into a delimited boundary. The above-mentioned continuous changes in the maps fully show the aggressive ambitions of the British imperialists over a long time against China's Sinkiang and Tibet; at the same time, they even more eloquently prove that the boundary line now claimed by the Indian side has no factual basis whatsoever, and the allegation that its alignment is "precise" and "well-known" is out of the question. It is regrettable that the Indian side, not confining itself to defending its own unreasonable claim, has sought by all means

to defend the acts and motives of British imperialism in making wilful changes in the maps.

The Indian side argued that the maps drawn by British cartographers before 1846 usually did not show Kashmir or incorrectly showed Kashmir; it further alleges that before the 60s of the 19th century there were no official Indian maps showing the area in the western sector. But contrary to what the Indian side has said, most of the Indian maps during this period cited by the Chinese side were official maps which all showed Kashmir and the delineation of the boundary was very close to the traditional customary line maintained by China.

The Indian side asserted that although the boundary line as claimed by the Indian side was well-known for centuries, yet official Indian maps only showed the boundary line where surveys had reached. This assertion is obviously self-contradictory. Further, some maps of the Survey of India in fact precisely show the boundary in the western sector where surveys had not been conducted.

The Indian side cannot deny that many official Indian maps between 1865 and 1945 did not show the boundary in the western and middle sectors, but it alleged that these maps showed only the internal division of India and not the outer limits, or showed only the terrain features and not the boundary. These assertions of the Indian side were evidently forced arguments, because these maps showed India's boundaries with Nepal, Sikkim, Bhutan, and other neighbouring countries, and even the eastern sector of the Sino-Indian boundary where the line was drawn in conformity with the traditional customary line mentioned by China. As for the delineation of the eastern sector of the boundary, the Indian side also asserted that this sector as shown on Indian maps was only the "inner line", and not the international boundary. This assertion is likewise untenable. The map of "India" of 1889 showed the eastern sector of the boundary in basic conformity with the traditional customary line maintained by China and explicitly marked "boundary undefined". The eastern sector of the boundary line drawn on the map of "Tibet and Adjacent Countries" of 1938 even more clearly showed the traditional customary line maintained by China with the markings of an international boundary.

The Indian side argued that, though some of the official Indian maps did not draw the Sino-Indian boundary line, yet they showed an outline of the limits of Indian territory by colour wash. It must be pointed out that this assertion in itself indicated that the Indian Government had no fixed views regarding the boundary. Otherwise, why could it not draw the international boundary by a line? Moreover, the outlines shown on these maps by colour wash were also different. There is no small difference between the colour wash out line in the western and middle sectors on the 1950 map of "India Showing Political Division in the New Republic" and the boundary line now claimed by the Indian side. The maps of 1883, 1895 and 1909 cited by the Indian side are also different with one another in

their colour wash outlines in the eastern sector, and show quite some discrepancies with the boundary line now claimed by the Indian side.

The Indian side arbitrarily interpreted the boundary clearly marked "undefined" on official Indian maps as "boundary undemarcated." Just as repeatedly pointed out by the Chinese side, delimitation and demarcation are two steps one after the other and different in nature. This is an internationally acknowledged practice which can never be confused at will. As a matter of fact, the above-mentioned two steps are also clearly distinguished on official Indian maps.

Being unable to defend the official Indian maps, the Indian side finally even resorted to the allegation that the Chinese side should not have cited these maps as evidence for administration and jurisdiction. This charge is astonishing. As a matter of fact, the Chinese side had not cited at all any official Indian maps as positive evidence in its positive statement under Item III, and it was only under the insistence of the Indian side to discuss official Indian maps under this item that the Chinese side, in order to refute the arguments of the Indian side, could not but refer to them and further cited more official Indian maps. But the crux of the matter is, why should the Indian side oppose reference to the official Indian maps by the Chinese side, if it really thought they were sufficient to prove the alignment claimed by it?

It can thus be seen that the various reasons given by the Indian side in defence of the official Indian maps are all untenable. The more the Indian side argues, the more there will be loopholes.

To sum up, the boundary line claimed by the Indian side, whether in the western, middle or eastern sectors, not only lacks basis in tradition and custom, but also lacks basis in administration and jurisdiction. This line was wilfully created by the British imperialists in the course of their invasion of and nibbling at China's Sinkiang and Tibet.

### Conclusion

The examination, checking and study of a mass of evidence relevant to the Sino-Indian boundary by the officials of both sides over the past five months and more have further substantiated the basic facts regarding the boundary as repeatedly expounded by the Chinese Government. They are :

1. The entire Sino-Indian boundary has never been formally delimited and there does not exist between China and India any treaty or agreement delimiting their boundary.

2. The boundary line pointed out by the Chinese side correctly reflects the true traditional customary line of the Sino-Indian boundary. This traditional customary line was gradually formed and made clear through a long process of historical development according to the extent up to which each side has all along exercised administrative jurisdiction, and it was not mechanically defined or predetermined by some geographical principal. A vast amount of

of factual material has incontestably proved that this boundary line pointed out by the Chinese side has full basis in tradition and custom as well conclusive basis in administrative jurisdiction. As for the alignment claimed by the Indian side, it does not at all present any so-called traditional customary line; it has neither been confirmed by history nor sanctioned by any treaty or agreement but is a line planned out by the British imperialists for the purpose of implementing its policy of aggression and expansion against China's Sinkiang and Tibet and which only appeared for the first time in 1954 on official Indian maps as its territorial claim.

3. There exists at present a line up to which each side exercises actual control which differs from the traditional customary line, this came about because India not only inherited the occupation by British imperialism of what originally was Chinese territory, but even in recent years further forcibly pushed its control into Chinese territory north of the traditional customary line. China, on the other hand, has never at any time or at any point crossed the traditional customary line and entered Indian territory. Chinese military and civil personnel even did not cross the so-called McMahon Line which China has never recognized.

Upon further clarifying the above-mentioned basic facts concerning the Sino-Indian boundary, one could further see that the Chinese Government has all along adopted a correct attitude towards settling the Sino-Indian boundary question, while the attitude of the Indian Government is incorrect. Although the boundary line pointed out by the Chinese side correctly reflects the traditional customary Sino-Indian boundary line, the Chinese Government, proceeding from the paramount principle of the need of the Chinese and Indian peoples to live together in friendship and taking into consideration the facts that the boundary between the two countries has never been formally delimited and that British imperialism left over some disputes in this respect has consistently maintained that: China and India should, taking into consideration the historical background and the present actualities, seek for a settlement fair and reasonable to both sides through friendly consultations in accordance with the Five Principles of peaceful co-existence and in a spirit of mutual understanding and mutual accommodation; pending the overall settlement of the boundary question, both sides should maintain the *status quo* and not alter it by unilateral action, even less by force; for a part of the disputes, agreements of a limited and temporary nature may be reached through negotiations. It is a pity that such a friendly and consiliatory attitude of the Chinese Government which is fair and reasonable did not receive a corresponding response from the Indian Government. The Indian Government not only did not agree to the Chinese Government's proposition that the boundary between the two countries has not been delimited and that negotiations should be conducted for an overall settlement of the boundary question, but insisted on the Chinese Government's total acceptance and recognition of the entirely baseless alignment put forward by the Indian side. The Indian Government has laid new territorial claims against China, but it charges China with having

"aggressive" ambitions. The Indian Government indicated that the two sides should maintain the *status quo* of the boundary, but in actual deeds it repeatedly violated the *status quo*, expanding its scope of occupation, even not scrupling to provoking armed border clashes. At the same time, India also launched at home large-scale anti-Chinese campaigns. All this has created a temporary tension between China and India and cannot but create a difficult and complicated situation for a settlement of the boundary question.

Although through the work of the officials of the two sides over the past five months and more, owing to the refusal by the Indian side to recognize the basic facts concerning the boundary which have once again been proven by different kinds of documentary material, the basic differences between the two sides still exist, still the Chinese side hopes that by this exchange and examination of the materials in the possession of the respective sides and the explanation of the respective points of view, the two governments would gain a further understanding of the real situation of the boundary and thus conduce to their continued search for avenues to a fair and reasonable settlement of the boundary question.

During the talks between the two Prime Ministers in April 1960, Premier Chou En-lai pointed out that although there were some points of basic difference between the two sides on the boundary question, some common points could still be found and he referred specifically to six common points or points of proximity between the two sides and expressed the opinion that if agreement on these six points could be reached by the two sides through consultations, a big stride towards a reasonable settlement of the boundary question would undoubtedly be made by the two sides. The six points mentioned by Premier Chou En-lai pertained either to the understanding of facts or to principles in handling the boundary question, but they were all derived from an approach of respecting the objective facts and respecting the stands of the two sides. This can also be further confirmed in the present meetings of the officials.

1. "There exist disputes with regard to the boundary between the two sides." This is self-evident. The discussions between the two sides have proved this beyond doubt.

2. "There exists between the two countries a line of actual control up to which each side exercises administrative jurisdiction". Although the two sides hold different views on how the line of actual control has taken form, there are no marked differences between them in their understanding of the location of the line of control at present. Acknowledgement of this fact is of great significance to the upholding of tranquillity along the border and the maintenance of the *status quo*.

3. "In determining the boundary between the two countries, certain geographical principles, such as watersheds, river valleys and mountain passes, should be equally applicable to all sectors of the boundary". The Indian side lays special stress on the importance of watershed in determining the Sino-Indian boundary in the eastern sector. The Chinese side has, however, pointed out that

there are other geographical principles which must also be taken into consideration and which should be equally applicable to all sectors of the boundary, and this conforms all the more to the complexity of the Sino-Indian boundary.

4. "A settlement of the boundary question between the two countries should take into account the national feelings of the two peoples towards the Himalayas and the Karakoram Mountains." This also proceeds from respect for historical facts, and only this is fair to both sides.

5. "Pending a settlement of the boundary question between the two countries through discussions, both sides should keep to the line of actual control and should not put forward territorial claims as pre-conditions, but individual adjustments may be made." Since both sides admit the existence of a line of actual control, obviously, the most reasonable approach and one in the best interest of the two peoples is for the two sides to maintain the *status quo* of the boundary pending the settlement of the boundary question, and refrain from raising territorial claims as pre-conditions for negotiations.

6. "In order to ensure tranquillity on the border so as to facilitate the discussions, both sides should continue to refrain from patrolling along all sectors of the boundary". There is obviously a common ground between the two sides on this point. In their Joint Communiqué, the two Prime Ministers stated explicitly that every effort should be made by the two parties to avoid friction and clashes in the border areas. In their discussions, the officials of the two countries have also reaffirmed this determination of the two sides. In order that this good desire may be actually realized, it should be the minimum measure for the two sides to continue to refrain from patrolling along all sectors of the boundary.

In view of the foregoing these six points conform to the objective facts and do not hamper either side from reserving its own position. Hence, there should be no difficulty for both sides to accept these six points.

During the discussions, the Indian side repeatedly referred to the Sino-Burmese Boundary Treaty and the Sino-Nepalese Boundary Agreement of 1960 to support its stand. The Chinese side welcomes the Indian side's reference to this treaty and agreement, because they have indeed become examples for settling the boundary question left over by history between friendly neighbouring countries. The conclusion of the above treaty and agreement is precisely the result of the joint efforts made by China with Burma and Nepal through friendly consultations and through being steadfast in the Five Principles of peaceful co-existence and a spirit of mutual understanding and mutual accommodation. The Chinese side believes, if the Indian side is willing to understand correctly the above treaty and agreement and not misinterpret their spirit and substance, and to approach the Sino-Indian boundary question in the same spirit, a settlement of the Sino-Indian boundary question could be found.



The peoples of China and India have maintained a profound friendship for generations. Far from conflicting in their fundamental interests, they have every reason to call for co-operation in their common cause of building their respective countries and defending world peace. Compared with their long-standing friendship, the current boundary dispute between the two countries is only an issue of a temporary and limited nature. And as the way to the settlement of similar boundary questions left over from history between China and some other neighbouring countries has already been found through friendly consultations in accordance with the Five Principles and in a spirit of mutual understanding and mutual accommodation, there are more reasons to expect that the boundary issue between China and India could also be speedily settled along the same course.

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## Statement of the Chinese side on the Reports of the two sides

### (I)

The officials of the two sides jointly determined, through full consultations, a format for the report at the 37th meeting held in Delhi on October 5, 1960. The gist of the format is as follows:

1. Introduction:
  - (a) Discussion of the two Prime Ministers, Joint Communique, total number of meetings held, etc. (Both sides to draft jointly).
  - (b)
    - (i) Summary of statements made during the discussions on the procedure and the agenda. (The Chinese side).
    - (ii) Summary of statements made during the discussions on the procedure and the agenda. (The Indian side).
  - (c) Agreed agenda. (Both sides to draft jointly).
2. Chinese statements and comments. (To be drafted by the Chinese side).
3. Indian statements and comments. (To be drafted by the Indian side).

A main feature of the above-mentioned format is that apart from items (a) and (c) of the Introduction which were to be drafted jointly by the two sides, the statements and comments of each side should be drafted by each side itself. This provision is not only to facilitate the drafting of the report, but is also to ensure that the statements and comments of each side would be presented faithful to their original meaning. Naturally, in order for one side to summarize its own comments, sometimes in its report it is unavoidable that some words of the other side need to be referred to or quoted. This, however, should be confined to the minimum degree. Regarding this point, mutual understanding was also reached between the two sides.

The report of the Chinese side has followed strictly the provision of the above-mentioned format. But the report of the Indian side has violated the provisions of the above-mentioned format. In the part concerning the discussions on the agenda, the report of the Indian side summarized not only its own statements, but also those of the Chinese side. Under Item I of the agenda, the Indian side not only included in its report the Chinese side's description of the traditional customary line, but also listed the Chinese side's questions concerning the alignment claimed by the Indian side and the Chinese side's clarifications of the traditional customary line maintained by China made during the discussions on this item. Obviously, such an act of the

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Indian side has greatly exceeded the minimum extent of referring to or quoting from the statements of the Chinese side, and has in actuality summarized the Chinese side's statements for the Chinese side. It must also be pointed out that these summaries of the statements of the Chinese side made by the Indian side in the place of the Chinese side have in some places distorted the original meaning of the Chinese side. In listing the questions and answers of the two sides under Item I, the Indian side, adopting an unfair attitude, often only listed as one answer for the answers actually given by the Chinese side to two or more questions put forward by the Indian side (while it often listed one of its own questions as two or even three questions), thereby greatly increasing the number of the questions raised by the Indian side and reducing that of the answers given by the Chinese side. Furthermore, in referring to and quoting from the statements and comments of the Chinese side under Items II and III, there exist also in the report of the Indian side numerous distortions of the original meaning of the Chinese side.

In view of the above situation, the Chinese side cannot but state the following:

1. The Indian side has violated the format of the report agreed upon by the two sides through consultations.

2. The statements of the Chinese side summarized, referred to or quoted in the report of the Indian side, unless consistent with the actual meaning of the Chinese side, can only represent the understanding of the Indian side itself. For all the statements and comments of the Chinese side, only the Chinese side's report should be taken as correct.

## (II)

The report drafted by the Chinese side fully conforms to the agreed format and the understanding arrived at between the two sides. As this report is to be submitted to the two governments, the Chinese side, in order to make it clear-cut and easy to understand, has made some reorganizations and condensations of the original statements and comments. It is only in a few places in the report that minor changes were made to the original wording. In some other individual places, some explanations were made concerning certain details which were understood by the officials of the two sides and were not clearly brought out at the time of making the statement. All this has not changed the arguments and contents of the Chinese side's original statements, therefore the Chinese side's report has entirely faithfully reflected the spirit and substance of the statements and comments made by the Chinese side during the discussions.

It was only in its final statement that the Chinese side mentioned one or two new items of evidence and referred to this evidence under the relevant item of the agenda in the report. There is nothing wrong in this. One needs only to point out that the Indian side in its final statement added even more new materials and arguments. For instance, it cited some correspondence between China and India in 1958

and 1959, the dispute between the United States and the Netherlands over Palmas island, the dispute between Norway and Denmark over Eastern Greenland, etc. Furthermore, under the various items of the agenda in the Indian side's report, not only were the new arguments in its final statement mentioned, comments were ever added concerning the Chinese side's final statement.

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LIST OF EVIDENCE CITED BY THE CHINESE SIDE

TREATIES AND AGREEMENTS

- 1 Biography of the 5th Dalai Lama, 1696. Regarding the relationship between Tibet and Ladakh in the 17th century.
- 2 Biography of Polha by Tsai Jen Wang Chieh, 1733. Regarding the relationship between Tibet and Ladakh in the 17th century.
- 3 Map of India, 1825, by Walker, Geographer to the East India Company. In the Western Sector, Kashmir's boundary extended eastwards only upto 77° east. In the eastern sector no boundary was drawn.
- 4 1842 communication from the Local Tibetan Government to the Kashmir authorities. Guaranteeing mutual non-aggression.
- 5 1842 communication from the Kashmir authorities to the Tibetan Local Government. Guaranteeing mutual non-aggression.
- 6 Letter from Hardinge Governor-General of India to the Ching Government's Minister Resident in Tibet in 1846. Regarding the request for delimiting the boundary between Kashmir and Tibet.
7. 1847 Memorandum of the Viceroy of Kwangsi and Kwangtung to the British authorities. Regarding the demand for delimiting the boundary between Tibet and Ladakh.
- Map of India, 1865—Surveyor General's Office, Calcutta. The boundary in the Western Sector was not shown and the boundary shown in the Eastern Sector was identical with the traditional customary alignment according to China.
9. *Jummoo and Kashmir Territories*, 1875, by Frederic Drew. Regarding the un-delimited nature of the boundary in the Western Sector.
10. Survey of India Map of India, (1889) Boundary in the Western Sector marked as "Boundary undefined". The boundary in the Eastern Sector is identical with the Chinese traditional customary boundary and marked as "Boundary undefined".

11. *Rise of the British Dominion in India*, 1893, by Lyall, Foreign Secretary to the British Indian Government. Regarding British Border Policy
12. 1899 Proposals of the British Government for delimiting the boundary between Chinese| Sin-kiang and Kashmir.
13. Letter dated 11 June 1901 from Curzon, Governor-General of India to Hamilton. Regarding British Policy towards Tibet.
14. *District Map of India*, 1903, of the Survey of India. Boundary in the Western Sector and Middle Sector not shown; the boundary in the Eastern Sector is identical with the Chinese traditional customary boundary.
- . Sino-British Treaty of 1906.
16. British Government's *Aide Memoire* dated 17 August 1912 to the Chinese Government. Regarding British intervention and threats prior to the Simla Conference.
17. Chinese Representative Ivan Chen's statement on 30 October 1913. Regarding Tibet being part Chinese territory.
18. Telegram dated 21 April 1914 from the Chinese Government, handed over by the Chinese Representative Ivan Chen to the British Representative. All political and territorial issues between China and Britain should be discussed only by China and Britain.
19. Discussions between the Chinese Representative and the British Representative, Rose, on 15 April 1914. Regarding opposition to Tibet being given equal status with Britain and China.
20. Statement by the Chinese Representative, Ivan Chen on 3 July 1914. Regarding the invalidity of all treaties signed between Britain and Tibet.
21. Communication dated 3 July 1914 sent by the Chinese Minister in Britain, Liu Yuk Lin to the British Secretary of State for Foreign Affairs. Chinese Government's refusal to sign the Simla Convention and the announcement that all the Agreements signed between Britain and Tibet, without the concurrence of the Chinese Government shall be invalid.

22. Communication dated 7 July 1914 from Chinese Minister in Britain, Liu Yuk Lin to the British Secretary of State for Foreign Affairs. Chinese Government's refusal to sign the Simla Convention and the announcement that all the Agreements signed between Britain and Tibet, without the concurrence of the Chinese Government shall be invalid.
23. *Antiquities of Indian Tibet* by Francke (1914). Contents of this work cannot prove the existence of the so-called 1684 treaty.
24. *Map of Tibet and Adjoining Countries*—Survey of India (1917). No boundary in the Western and Middle Sectors drawn. The boundary drawn in the Eastern Sector is identical with the Chinese traditional customary line.
25. Letter dated 7th month of the Tibetan Calendar in 1925, from the Tibetan Local Government to the Political Officer, Sikkim. Regarding the boundary dispute in the Pangong lake region.
26. *Map of Southern Asia*—Survey of India (1929). No boundary shown in the Western Sector.
27. *Collection of Treaties, Engagements and Sanads between India and its neighbouring countries* compiled in 1929 by Aitchison, Under Secretary, Ministry of External Affairs. Regarding lack of formal delimitation of the boundary in the Western Sector.
28. *Highlands of Tibet and Surrounding Regions* map—Survey of India (1936). No boundary drawn in the Western and Middle Sectors. In the Eastern Sector the McMahon Line is drawn but designated as "boundary undemarcated".
29. *Tibet and Adjacent Countries* map—Survey of India. (1938). No boundary shown in the Western and Middle Sectors. The boundary in the Eastern Sector is identical with the Chinese traditional and customary boundary.
30. *India and Adjacent Countries* map—Survey of India (1945). Boundary in Western and Middle sectors marked as "Boundary undefined".
31. Letter dated 18 April 1945 from the Tibetan Local Government to Bapu Losang, Assistant Agent of the Political Officer, Sikkim. Regarding the demand that British troops must withdraw from Kalaktang and Walong.

32. Protests of the Chinese Government handed over to the British Ambassador to China in July, September and January 1947, protesting against the entry of the British troops into the region north of the Chinese traditional and customary line in the Eastern Sector. Chinese Protest handed over to the Indian Embassy in China in February 1947.
33. Telegrams sent by the Tibetan Local Government to Prime Minister Nehru of India and the United Kingdom's High Commissioner in Delhi on 14 October 1947. Demanding restoration of the territories of China's Tibet.
34. Communication from the External Affairs Ministry of India to Ambassador Lo Chia-lun of Chiang Kai-shek's Clique in 1949. Regarding the non-recognition of Simla Convention's validity.
35. *Political map of the Indian Republic—Survey of India, (1950).* Use of the legend "Boundary undefined" in the Western Sector and Middle Sector and in the Eastern Sector the legend "Undemarcated" to show the so-called McMahon Line.
36. *Aide Memoire* dated 21 August 1950 from the Indian Embassy in China to the Chinese Foreign Office.
37. *India and Adjacent countries map—Survey of India. (1952).* Colour-wash is used in the Western and Middle Sectors to show the boundary and in the Eastern Sector the so-called McMahon Line is designated "Undemarcated".
38. 1954 Discussions between Prime Minister Nehru and Premier Chou En-lai. When it was explained that the Sino-Indian boundary was still to be delimited and that China would not unilaterally alter the boundary alignment.
39. Prime Minister Nehru's speech of 20 March 1956 in the Indian Parliament. Offer of Five Principles to the Prime Minister of Pakistan.
40. Prime Minister Nehru's speech in the Indian Parliament on 17 March 1959. No country has recognized Tibet's "Independence".



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| 41. Letter dated 22 March 1959 from Prime Minister Nehru to Premier Chou En-lai.                                  | Boundary in the Middle Sector has no basis in treaty or agreement.   |
| 42. Prime Minister Nehru's speech on 30 March 1959 in the Lok Sabha of the Indian Parliament.                     | Condemning British aggression against Tibet in 1904.   |
| 43. Prime Minister Nehru's speech on 31 August 1959 at the Joint Session of both Houses of the Indian Parliament. | Existence of a dispute about the boundary in the Western Sector.   |
| 44. Prime Minister Nehru's speech on 4 September 1959 in the Lok Sabha of the Indian Parliament.                  | Boundary between Ladakh and Tibet has not been defined.  |
| 45. Prime Minister Nehru's speech on 12 September 1959 in the Lok Sabha of the Indian Parliament.                 | Existence of a dispute about the boundary in the Western Sector. The boundary has not been formally delimited.                   |
| 46. Prime Minister Nehru's letter dated 26 September 1959 to Premier Chou En-lai.                                 | Puling Sumdo is identical with Pulam Sumda and the reasons for Great Britain delaying publication of the so-called McMahan Line. |

## BASIS IN TRADITION, CUSTOM AND ADMINISTRATION

### WESTERN SECTOR

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| 1. <i>History of Buddhist Religion</i> by Buston (1322).                             | Regarding historical relationship between Ladakh and Tibet.   |
| 2. <i>Dynastic History of the Yuan period</i> Vol. 87, Pai kuan chih chapter (1369). | Regarding Ngari Korsum.   |
| 3. <i>Annals of Adisha.</i>  | Regarding historical relationship between Ladakh and Tibet.   |
| 4. <i>Blue Annals</i> by Hsun Nu. Fire—Monkey year of the Tibetan Calendar (1476).   | Showing that the lands divided by the Tibetan Local King Neemagon among his three sons continued to be under Tibetan control. |
| 5. <i>Ladakhi Chronicles</i>   | Showing that Neemagon had allotted "vassal estates" and not independent kingdoms to his soos.                                 |

6. Records of decision by Living Buddha Ka-to Rejung mediating in a dispute with Ladakh (1753). Showing that Demchok belongs to Tibet.
7. *Ch'ien lung nei fu yu t'u map* (1760). Showing that the sources of the Qara Qash are in Chinese territory.
8. *Ching ting hwang yu hsi yu t'u chih* (1782) Chapter 19. Showing that the sources of the Qara Qash river are in Khotan territory.
9. The map of Ili in *Ta ch'ing hui tien* (1818). Showing that the sources of the Qara Qash are in Chinese territory.
10. *Chia ching chung hsiu ta ching yi tung chih* (1820) Volume 528. Regarding the source of the Qara Qash river being in Chinese territory.
11. *Chia ching chung hsiu ta ching yi tung chih* (1820) Volume 547. Regarding the relationship between Ladakh and Ali region of China's Tibet.
12. Tibetan official records of the Iron-Goat Year. Regarding the taxes in kind received by the two Garpons of Ali from the Shika of Demchok.
13. *Chin ting hsin chiang chih lueh* (1821) General map of Sinkiang in Chapter I. Showing that the South-Western boundary of Sinkiang is along the Tsungling which are the same as the Karakoram mountain ranges.
14. Annals of Khotan by Moorcroft (1831). Showing that the Khotan river rises from mountain ranges belonging to Khotan.
15. Map of *India* (1840) by James Wyld, Cartographer Royal. South-Western boundary of Sinkiang is along the Tsungling which are the same as the Karakoram mountain range.
16. Tibetan Kashag's orders to the Garpons of Ali in the Wood-Tiger year of the Tibetan Calendar. Strict orders to stop foreign from crossing the border.
17. *Map showing the extent of the Sikh territory at the death of Maharaja Ranjit Singh and the partition effected by the treaties between the British Government, Maharaja Duleep Singh and Maharaja Gulab Singh* by John Walker (1846). Showing that Ladakh had not extended upto the Karakoram ranges even.

18. *Ladakh* by Major Cunningham (1854), pages 17-18. Showing that Karakoram mountain range is the boundary of Khotan.
19. *Ladakh* by Major Cunningham (1854), page 18. Showing that the boundary lies to the west of Demchok.
20. *Punjab, Western Himalaya and adjoining parts of Tibet* map by John Walker appearing in Major Cunningham's *Ladakh* (1854). Showing that the boundary between Sinkiang and Ladakh is along the Karakoram range and that Demchok is in Chinese territory.
21. 1859 agreement between the Headmen of Ladakh and the Headmen of Damchok. Regarding the boundary being at Lhari Karpo.
22. *Northern Frontier of British India* map published by the office of the Surveyor General, Calcutta (1862). Showing that the South-Western boundary of Sinkiang is along the "Tsuncling" which are the same as the Karakoram mountains.
23. *Map of Northern India* from the "Royal Collection of Modern topographical maps" (1864). Compiled by Johnston, Cartographer Royal. Showing that the South-Western boundary of Sinkiang is along the "Tsuncling" which are the same as the Karakoram mountains.
24. Orders of the Tibetan Local Government to the Garpon of Ali on 17 January 1865. Regarding the boundary being at Murdo Naga.
25. Letter dated 22 April 1866 written by Johnson to the Surveyor General of India. Regarding his trip to Khotan and the secret collection of intelligence.
26. Quotation from the Royal Geographical Society Magazine, Vol. 37 (1867). Lt. Col. Godwin Austen's account of the activities of the Kirghiz tribal people of China in the vicinity of Pangong lake and the areas north of it.
27. Travels from Leh to Yarkand and Kashgar and the examination of the source of the Yarkand river by Lt. Hayward (1869). Showing that the boundary of Sinkiang is along the Karakoram mountain range.
28. Hamid's Manuscript on History Regarding discussions between Forsyth and Yakub Beg.
29. September 1877 Report to the Ching Government from Kuo Sun-hsi, Chinese Minister to Britain.

30. September 1877 Report from the Chinese Minister to Britain to the Chinese Government.
31. Tso Tsung Tang's "Memorials on dealings with Sinkiang". British scheme of aggression against Sinkiang.
32. Map of Central Asia (1880) by Joseph Chavanne. Showing that Demchok is in Chinese territory.
33. Map of *India* (1881) by the Survey of India. Showing Demchok, Niagzu and other places in Chinese territory.
34. Map of *India* (1889) by the Survey of India. Showing Demchok, Niagzu and other places in Chinese territory.
35. 1892 Report of Li Yuan-ping, a Chinese official. Regarding Surveys in the border areas of Lingzihang, Aksai Chin, etc.
36. Sinkiang Governor's report of 1894. Regarding the completion of survey work in the border areas of Southern Sinkiang.
37. Communication dated 23 May 1898 from Magistrate Pan-chen of the Khotan Administrative Bureau to the Sinkiang Local Government. Regarding the closing of the Aksai Chin road.
38. Communication dated 4 July 1898 from the Magistrate of Yutien county of Hotien Division. Showing how Deasy, an English man was stopped from entering Aksai Chin.
39. Governor of Sinkiang's orders on 7 August 1898. Approving Deasy being stopped from entering Aksai Chin.
40. *Through Unknown Tibet* by Wellby (1898). Regarding Tibetan troops stopping him from crossing the boundary.
41. *Through Unknown Tibet* by Wellby (1898). Regarding Tibetan troops stopping him from crossing the border.
42. *Huang ch'ao hsu hsien t'ung k'ao* Vol. 330. Regarding the north-western corner of Ali's boundary reaching Karakoram mountains.
43. *Travels in Northern Tibet and Aksai Chin* by Deasy (1899). Regarding Chinese authorities preventing him from entering Aksai Chin.

44. *Map of India*, Survey of India (1900) Showing that Aksai Chin, the sources of the Qara Qash river, Niagzu and Demchok are within Chinese territory.
45. *Imperial Gazetteer of India* (1908), Chapter 16. Showing that Ladakh did not have police posts.
46. *Map of North-Western Frontier and Kashmir State in the Imperial Gazetteer of India*. (1908) Showing Demchok in Tibetan territory.
47. *Hsin chiang t' chih* (1911,) Chapter I on "National Boundaries". Regarding the sources of Qara Qash being in Sinkiang territory.
48. *Hsin chiang t'u chih* (1911), Chapter II on "National Boundaries". Showing that Hung Chun's map was a reproduction of a foreign map.
49. *Records of the Survey of India*, Vol. 8, Part I. Kishen Singh's acknowledgement that Khurnak fort is in Tibet.
50. *Map of China* (1918) scale 1 : 2 M. Prepared by the Cartographic Bureau of the Chinese General Staff. Indicating the customary and traditional line in the Western Sector.
51. *Handbook on Tibet*, 1920 published by the British Foreign Office. Showing that the boundary-line crosses the Indus River at Latitude 33° N.
52. *Record of a Journey from Ycheheng to Tihwa* (1921). Regarding entry into Aksai Chin etc. being controlled by China.
53. *Tibet Past and Present* (1924) by Charles Bell, Political Officer responsible for British affairs in Tibet, Bhutan and Sikkim. Showing that the boundary crosses the Indus river at Latitude 33° N.
54. Communication dated 30 August 1927 from Yang Tseng Hsin, Governor of Sinkiang. Proposal for the establishment of the Shahidulla Administrative Bureau.
55. Despatch dated 24 March 1928 from the Ministries of Interior and Finance to the Governor of Sinkiang. Approval for the establishment of the Shahidulla Administrative Bureau.
56. *A sketch of the Geography and Geology of Himalayan Mountains and Tibet* (1933) by Burrard, Superintendent, Trigonometrical Survey, and Hayden, Superintendent, Geological Survey Map 12. Illegal trans-frontier surveys by Britain.

7. *A Sketch of Geography and Geology of Himalayan Mountains and Tibet* (1933) by Burrard, Superintendent of Trigonometrical Survey : Part II *Principal Mountain Ranges of Asia*. On the eastern parts of Depsang plains not being surveyed by the Survey of India and the historical relationship between Ladakh and Tibet.
58. *The Unknown Karakoram* (1936) by Col. Schomberg. Regarding the Karakoram ranges being the boundary of Sinkiang.
59. Orders from Sheng Shih-tsai, Governor of Sinkiang, addressed to the border defence superintendent. Regarding surveys in the border regions of South Sinkiang.
60. Orders of the Head of the Khotan Administration to all the lesser administrative units. On exploration and survey work in Aksai Chin and other places.
61. September 1941 protest of the Sinkiang authorities to Britain. Illegal entry of 11 Ladakhis into the Aksai Chin region.
2. 1 : 200,000 map of Aksai Chin and other regions, prepared by the Chinese Government after conducting actual surveys in 1941.
63. *Map of India and Adjacent Countries* (1945) by the Survey of India. Showing Aksai Chin, the sources of the Qara Qash and places like Demchok to be in Chinese territory.
64. *Map of China, 1948, scale 1 : 1,000,000* produced by the Survey Bureau of the Chinese Defence Ministry. Showing the customary traditional line of the Sino-Indian boundary in the Western Sector.

#### MIDDLE SECTOR

1. Population and revenue registers of Sangand Tsungsha maintained by the Tsaparang Dzong.
2. Tibetan local government's records concerning manorial estates (1729) Showing that Wuje etc. are in Daba territory.
3. 1737 Orders of the 7th Dalai Lama giving permission for action concerning some manors. Showing that Wuje etc. are in Daba territory.
4. Orders issued by the 7th Dalai Lama to Gyupa Tsatsang of Tashigong in 1737. Conferring on Gyupa Tsatsang of Tashigong the jurisdiction over Chuva and Chuje.

5. *Journal of the Asiatic Society of Bengal*, Volume 17(1846) Part II: Explanatory notes on the map of the British Himalayan borders in the Kumaon and Garhwal regions. Showing how the boundary was altered by Lt. R. Strachey to take over Wuje, Sangcha and Laphal.
6. *Map of Punjab and Western Himalayas adjoining Western Tibet* by John Walker, Cartographer to the East India Company appearing in Major Cunningham's *Ladakh*(1854). Showing that Chuva is in Chinese territory.
7. 1865 Revenue records of Tsaparang Dzong. Regarding Tsungsha.
8. Panoramic map of Tsaparang Dzong. Showing the boundary at Hupsang river to the west of Shipki Pass.
9. 1868 Dabba Dzong authorities' judgement in the pasturage dispute between the monastery and the Tung Poinhabitants.
10. 1880 Map of *India* published by the Survey of India. Showing Sang, Tsungsha, Puling Sumdo and the region west of Shipki Pass in China.
11. 1881 Map of *India* published by the Survey of India. Showing Sang, Tsungsha, Puling Sumdo etc. in Chinese territory.
12. 1889 Map of *India* published by the Survey of India. Showing Sang, Tsungsha, Puling Sumdo and the region west of Shipki Pass in Chinese territory.
13. 1890 Report by an Indian official. Showing that China was posting frontier guards at Wuje.
14. 1900 Map of *India* published by the Survey of India. Showing Sang, Tsungsha, Puling Sumdo etc. in Chinese territory.
15. "Narrative of a journey to the Rakas Tal and Manarovar Lakes in Western Tibet during the early part of 1848. *Geographical Journal* Vol. 15 (1900) Regarding Wuje region.
16. *Imperial Gazetteer of India* (1908) Map of Puniab. Showing Chuva and Chuje in Chinese territory.
17. *Tran-Himalaya* by Sven Hedin (1913). Regarding the Shipki area.

18. *Records of the Survey of India*, Vol. 8(1915). Regarding interrogation of Nain Singh by Chinese frontier guards when he reached Laphal in 1866.
19. 1917 circulation by the Garpon of Ali of the 7th Dalai Lama's orders dated 1737 to Gyupa Tsatsang of Tashigong.
20. *Handbook on Tibet* (1920) published by the Historical Section of the British Foreign Office. Regarding Sang, Tsungsha regions being Tibetan territory.
21. 1921 Avowal of Sang and Tsungsha residents.
22. 1926 Avowal of Sang and Tsungsha residents.
23. 1927 Avowal of Sang and Tsungsha residents.
24. 1928 letter of Bell, British Political Officer in Sikkim to the Tibetan Local Government. Proposing that the area north of Tsungsha should be returned to China.
25. Reply of the Tibetan Local Government to Bell's letter of 1928. Regarding Sang and Tsungsha area.
26. Letter from the Tibetan Local Government to Weir, British Political Officer in Sikkim during 1930. Regarding Sang and Tsungsha.
27. Avowal regarding the border by all the inhabitants of Tsaparang Dzong in 1930. Regarding the Shipki stretch.
28. Avowal regarding the border by all the inhabitants of Tsaparang Dzong in 1930. Regarding the Sang and Tsungsha stretch.
29. 1932 statement of the population of Sang and Tsungsha.
30. Discussion between Norbu Dhondup, the British representative in Lhasa and officials of the Tibetan Local Government in 1934. Regarding the British demand for construction of the road between Shipki and the Hupsang Khud.
31. 1936 boundary agreement between Dongpu region under the jurisdiction of Dab Dzong and Daba.



32. *Kailas-Manasarovar* by Prana- Regarding eth race of the  
vananda (1949). Tsungsha residents and the  
boundary of Wuje area.
33. 1953 report from the Dzongpen of Regarding the occupation of  
Tsaparang Dzong to the Tibetan Sang and Tsungsha areas by  
Local Government. Indian troops.
34. *Historical Records of the Survey of Regarding the Tibet Local  
India Vol. III (1954).* Government prohibiting  
Gerard, an Englishman from  
going to Chuva and Chuje  
areas in 1821.
35. *Historical Records of the Survey of Regarding the stopping of Her-  
India Vol. III (1954).* bert an Englishman from  
exploring the sources of Jadh-  
ganga.
36. *Historical Records of the Survey of Showing Sang and Tsungsha  
India Vol. III (1954), Map on regions in Chinese territory.  
pages 30-31.*
37. 1954 investigation report by the Regarding entry of Indian troops  
guards at Wauje. into Wuje.
38. 1954 Sino-Indian Agreement on Decision that Poling Sumdo shall  
Trade and Intercourse between the be one of the 10 marts opened  
Tibet region of China and India. for trade by the Chinese side.
39. Report made by the residents of Regarding Indian troops coming  
Shipki to the Tibetan Local Gov- upto the Shipki Pass.  
ernment in 1955.
40. Communication from the Daba Regarding the checking of the  
Dozong to the guards at Wuje. traders.
41. Report submitted by the Tashigong Regarding occupation by Indian  
authorities to the Tibetan Local troops of Chuva and Chuje.  
Government in 1948.

#### EASTERN SECTOR

1. 1680. Mandate of the Fifth Dalai Instructing Mera Lama and  
Lama. others to run the administra-  
tion in Monyul region.
2. Mandate of the Seventh Dalai Lama to the Tawang monastery in 1725.
3. *Biography of the 9th Dalai Lama* Regarding China's exercise of  
Judicial authority over Monyul  
area

4. *Wei tsang t'u chih* (1792). Routes from Chien Tsang (Posterior Tibet) and Hou Tsang (Rear Tibet); and on Loyu being a Chinese territory.
5. 1844 Agreement between the British local officers and the Monbas. Regarding the nature of the agricultural tax levied on the Monbas in the plains areas.
6. 1846 Settlement records of the revenues paid to the Gacha Dzong by the Pachashiri area of Loyu.
7. 1846 Settlement records of the revenues paid to the Gacha Dzong by the Manchuloha village of Loyu.
8. 1852. Orders of the Ch'ing Government to the Minister Resident in Tibet. Regarding the Chinese exercise of judicial authority in the Monyul region.
9. Agreement of 1853 between the Monbas and the British Local Officers. Regarding Monyul belonging to Tibet.
10. Instructions of the Tibetan Local Government to officials of the Tsona dzong, "Tawang Shidrel" and to Monyul during 1853.
11. Message of the "Regent" of the Tibetan Local authorities to the Chingdynasty's Minister Resident in Tibet. Regarding the exercise of judicial authority in Monyul by the Tibetan Local Government.
12. 1853 Agreement between to Official of the Tibetan region and the Indian officials at Tezpur. Regarding British recognition of the Tibetan local Authorities exercising control and judicial authority over Monyul region.
13. Assurances given in 1853 to the Tibetan Local Government by the Dzongpens and Headmen of Monyul region's Talung dzong, Dirang dzong, etc.,
14. Assurances given in 1853 by the officials and headmen of Monyu to the Tibetan Local Government.
15. 1860 Statement of households in Tsona dzong.
16. Avowal given in 1865 to Tibetan Local Government by the residents of Koirabari.

17. Map of *India*, Survey of India (1865). Alignment in the Eastern Sector is identical with the traditional customary line shown by China.
18. 1866 Agreement between the Local British officers and the Abor people. Hill areas were not under the control of Britain.
19. 1867 directive of the Local Tibetan Government. Settlement of the dispute between Namshi-Tembag and the Sherdukpen.
20. "Record of the travels of Nain Singh from Leh via Ladakh to Lhasa and his return to India via Assam" by Trotter, an official of the Survey of India : *Journal of the Royal Geographical Society* Vol. 47 (1817). Showing that the boundary is near the Chinese traditional customary line.
21. Map attached to Trotter's narrative of Nain Singh's travels, Survey of India (1877). Showing that the boundary is near the Chinese traditional customary line.
22. Frontier Tract Regulations of 1880 issued by the Government of India. On the border policy of Britain.
23. 1888 agreement between the British officials and the Aka people. Hill areas were not under the control of Britain.
24. Map of *India*, Survey of India (1899). Alignment of the Boundary in the Eastern Sector is identical with the Chinese traditional customary boundary.
25. 1892 Revenue assessment deed drawn up by the Tibetan Local Government.
26. *Rise of the British dominion in India* by Lyall, Foreign Secretary to the British Indian Government (1893). On British border policy.
27. Revenue assessment records of Tsona Dzong (1895).
28. Mandate of 1896 issued by the Dalai Lama to the Sangacho Dzong.
29. *District Map of India* Survey of India (1903). Alignment of the boundary in the Eastern Sector is identical with the Chinese traditional customary line.
30. Report on the Pachashiri areas made to the Gacha dzong in 1906. Regarding the selection of headmen.

31. *East Bengal and Assam Province map, Survey of India (1906).* Area to the north of the Chinese traditional customary line is shown as the Lona and Lower Zayul regions.
32. *Imperial Gazetteer of India (1908)* . Ancient history of Assam is not entirely reliable. Reference to the Hsi Chi river is actually to the Kosi river,
33. Report by Cheng Feng-hsiang, a Chinese officer to Chao Er-feng in 1911. Regarding patrolling in Lower Zayul.
34. *Annals of South-Western Kham* by Cheng Feng-hsiang (1911). Regarding the frontiers of Zayul.
35. *Chronicles of Khemai country.* Survey and enquiries by Tuan Peng-jui, a Chinese official, concerning the population of Lower Zayul.
36. Speech by Col. Holdich on "India's North-eastern Frontier" *Journal of the Royal Society of Arts*, Volume 60 (1912). Showing that the Tamba valley is Tibetan territory.
37. Report by Ta Tse Pengchok to the Government in 1914. Establishment of a Chinese administrative unit.
38. Report by the Tibetan Living Buddha Guru to the Tibetan Local Government in 1913. Regarding patrolling of the Loyo border.
39. Letter from Sholkhang 'Silon' to the Tibetan Local Government in 1914. Regarding deputation of officials and collection of taxes by Tibet in the Monyul area.
40. Extract from the above letter of Sholkhang in 1914. Regarding the collection of taxes by Tibet in the Loyo area.
41. Report of 1914 from the Tsona dzong to the Tibetan Local Government. Regarding the methods of revenue collection in Monyul.
42. "Report on the Mishmi Mission Survey detachment" by Captain Gunter, Survey of India (1914). Regarding the illegal crossing of the boundary by the British for survey purposes.
43. "Report on the Route Survey made by Surveyor Lala in 1875-76 travelling from Darjeeling to Shigatse, Tsetang and Tawang, and then against from Shigats via Gyantse and Phari back to Darjeeling" : *Records of the Survey of India*, Vol. 8 (1915), Part I. Regarding the stationing of Tibetan troops in Tawang and the civil administration of Tawang.

44. "Account of a journey to the lower reaches of the Brahmaputra by the Mongolian Lama Serap Gyatso in 1856 to 1858". Edited by Major Tanner: *Records of the Survey of India*, Vol. 8, (1915) Part II. Showing that the area to the north of Sira Pateng river is Pome territory.
45. *Tibet and Adjacent Countries* map, survey of India (1917). Alignment of the boundary in the Eastern Sector is identical with the Chinese traditional customary line.
46. Map of China, scale 1 : 2,000,000, prepared by the Cartographic branch of the Chinese General Staff (1918). Showing the Chinese traditional customary line in the Eastern Sector.
47. Communication from the villages of Ami, Khuken etc. of Loyu addressed to the Tibetan Local Government in 1921. Assuring the payment of taxes in grain, as before.
48. 1921 Report by Gompo Sonam, Trade Commissioner of Pe-ma-kang made to the Tibetan Local Government. Regarding patrolling of the boundaries of Loyu.
49. Judgment delivered by the Gacha Dzong of Loyu region in a theft case of Pacha hiri area during 1922.
50. Letter to the Tibetan Local Government from the British Authorities in 1923. Requesting permission for Kingdon Ward, an Englishman, to travel to Chamdo region through Loyul and Zayul.
51. The Account by Das, an Indian, of British expansion in Tibet (1927). On the aims of Britain in organizing the Abor expedition.
52. The 1929 revenue assessment register of Sangacho Dzong.
53. "North-eastern Frontier of India the valleys of Seingku and Delei rivers" by Kingdon Ward, *Geographical Magazine*, Vol. 75 (1930). Area outside the so-called "Inner Line" does not come under the control of Britain.
54. 1931 Avowal by all village chiefs of Upper and Lower Zayul.
55. 1934 discussions between British officials and the Tibetan Local Government's officials. Requesting permission for Ludlow, an Englishman, to go to Tawang.

56. *Tibet and Adjacent Countries* map Survey of India (1938). Boundary alignment in the Eastern Sector is the same as the Chinese traditional customary line.
57. "Assam Himalayas : travels in Balipara" by Kingdon Ward. *Royal Central Asian Society Journal*, Vol. 25 (1938). Monyul is a frontier region of Tibet.
58. Statement of the households rendering corvee service submitted by Monyul in 1940.
59. Avowal deed of the entire Monyul region submitted to the Tibetan Local Government in 1940.
60. Guarantee deed given by Dirang Dzong and Talung Dzong to the Tibetan Local Government in 1942.
61. Record of border patrols in the Monyul region by officers of the Tibetan Local Government (1942)
62. Tibetan Ka-hag's note of 1943 to the 'Regent'. Regarding deputation of administrative officers of various ranks and exercise of judicial authority.
63. Report of the Dzungpen of Dirang Dzong to the Tibetan Local Government in 1944. Regarding aggression by British troops.
64. Report from the Dzungpen of Sangacho Dzong to the Commissioner-General of Chamdo in 1944. Regarding British occupation of Lower Zayul region.
65. Discussion between the officials of the Tibetan Local Government and the British authorities in May 1944. Demanding withdrawal of British troops which had occupied Monyul.
66. Discussions between Gould, the British Political Officer in Sikkim and officials of the Tibetan Local Government on 11 October 1944.
67. Discussions between Gould and Officials of the Tibetan Local Government on 4 December 1944.
68. *Aide Memoire* handed over by Gould to the Tibetan Local Government on 4 December 1944. Proposing to alter the so-called McMahan Line.

69. Report of Dirang Dzong to the Tibetan Local Government in 1945. Appointment of the Dzongpens of Dirang and Talung.
70. Report of Tsona Dzong to the Tibetan Local Government in 1945. On British aggression.
71. Directive issued by the Tibetan Local Government to the Dzongpen of Dirang Dzong in 1945. Regarding the continued exercise of control and collection of taxes in Monyul.
72. Statement of some Loyu households rendering corvee service, submitted to the Tibetan Local Government in 1945 by the Sera monastery.
73. Report from the Sera monastery to the Tibetan Local Government in 1945. Regarding British occupation of Karko in Loyul.
74. Letter from the Dzongpen of Te Dzong in Pe-ma-kang to the British officials who had occupied Karko.
75. Directive from the Tibetan Local Government to Pe-ma-kang in 1946. Regarding British occupation of Loyul.
76. Directive from the Tibetan Local Government to Pe-ma-kang in 1947. Regarding British occupation of Loyul.
77. 1947 Directive from the Tibetan Local Government to the Commissioner of Chamdo. Regarding the British occupation of Walong.
78. The 1947 *Encyclopaedia Britannica*. On the inability of British authorities to assure protection beyond the Inner Line.
79. *Map of China*, Survey Bureau of the Chinese Defence Ministry (1948). Showing the Chinese traditional customary line.
80. Report submitted by the Dzongpen and other officials of Pe-ma-kang to the Tibetan Local Government in 1948. Regarding the British occupation of Loyu region.
81. *Anglo-Assamese relations*, by the Department of Historical and Antiquarian Studies, Government of Assam (1949). No tribal area north of the Chinese traditional customary line is in Assamese territory.
82. The map in the above-mentioned work. Showing that the southern slopes of the Himalayas are not in Assamese territory.

83. Report from the Tsona Dzong to the Tibetan Local Government in 1951. Regarding Indian occupation of Tawang.
84. Directive of 1951 from the Tibetan Local Government to Tsona Dzong Regarding Indian occupation of Tawang.
85. Memorandum of 1951 from the Government of India to the Tibetan Local Government. Regarding the entry of Indian officials into Tawang.
86. Reply of the Tibetan Local Government to the Indian Government in 1951. Regarding Indian occupation of Tawang.
87. Letter from the Dzongpen of Tsona in 1953. Regarding Monyul being under the jurisdiction of Tsona dzong.
88. *Himalayan Barbary* by Heimen-dorf, an Officer-on-Special duty of the British Indian Government, Page 4. Inner Line is the effective boundary of India.
89. Page 182 of the above mentioned work. 'Posa' is the rent paid by the British Indian Government to the tribal people of the hill areas.
90. *Philosophy for NEFA* by Elwin, Adviser to the North-East Frontier Agency (1957). Area north of Inner Line did not come under the control of British Indian Government.
91. *No Passport to Tibet* by Bailey (1957). Monyul was under the control of the Tawang "Trukdri."



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