

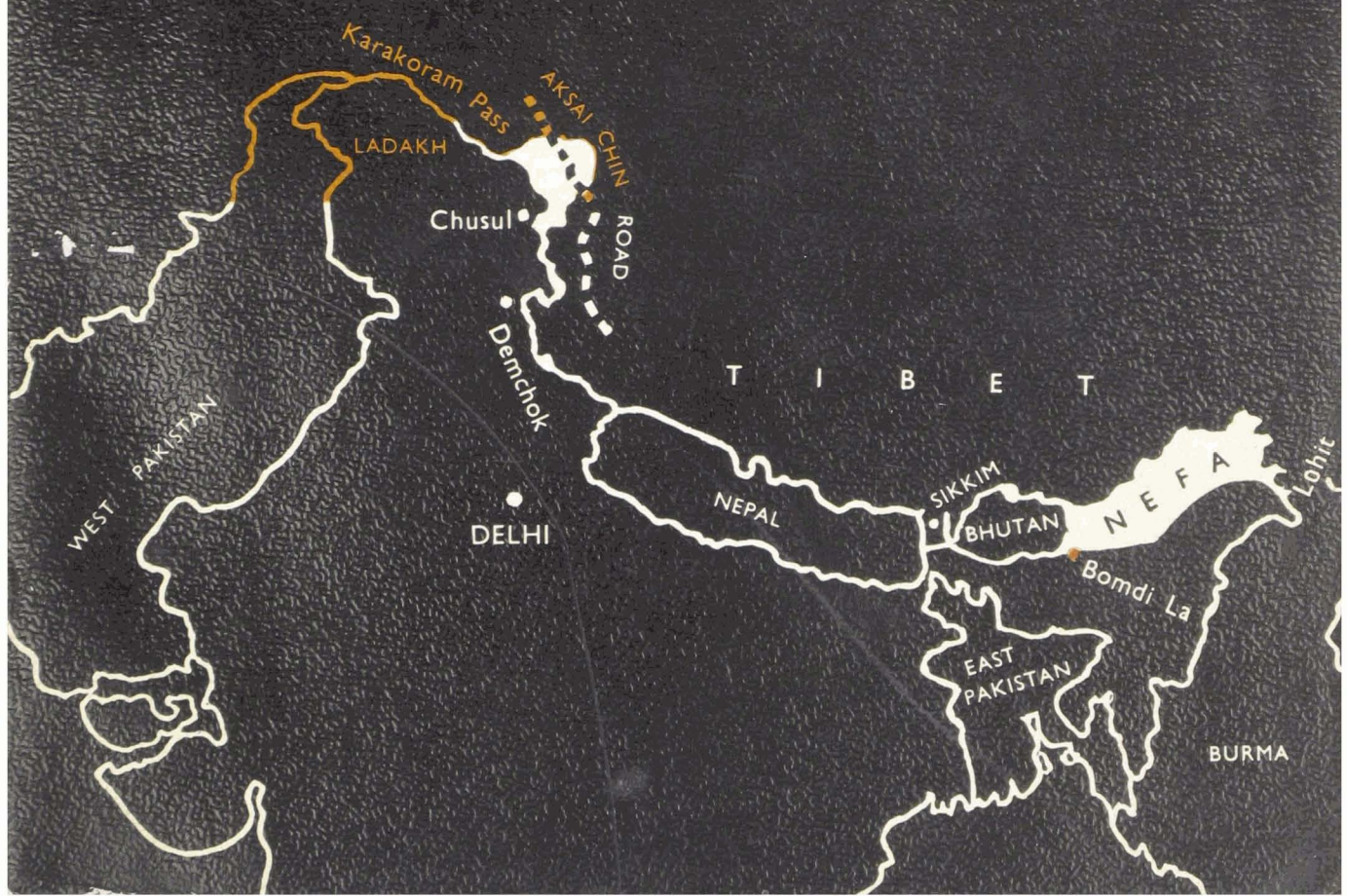
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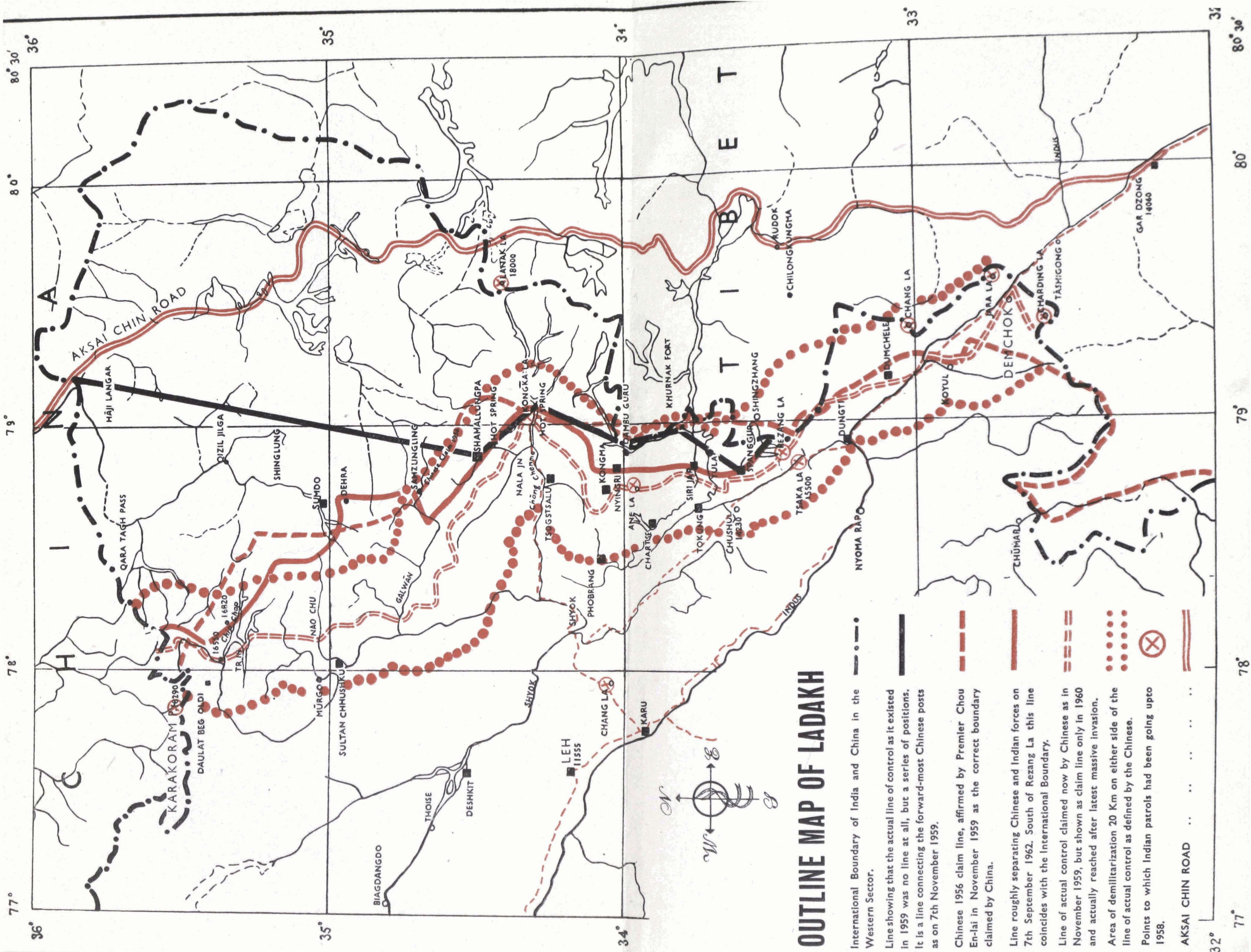


V. K. Krishna Menon

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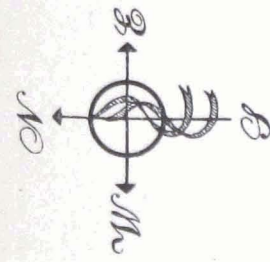
INDIA AND THE CHINESE INVASION





OUTLINE MAP OF LADAKH

- International Boundary of India and China in the Western Sector. ————
- Line showing that the actual line of control as it existed in 1959 was no line at all, but a series of positions. It is a line connecting the forward-most Chinese posts as on 7th November 1959.
- Chinese 1956 claim line, affirmed by Premier Chou En-lai in November 1959 as the correct boundary claimed by China. - - - - -
- Line roughly separating Chinese and Indian forces on 7th September 1962. South of Rezang La this line coincides with the International Boundary. ————
- Line of actual control claimed now by Chinese as in November 1959, but shown as claim line only in 1960 and actually reached after latest massive invasion. = = = = =
- Area of demilitarization 20 Km on either side of the line of actual control as defined by the Chinese.
- Points to which Indian patrols had been going upto 1958. ⊗
- AKSAI CHIN ROAD

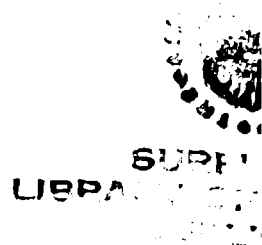


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INDIA AND THE CHINESE INVASION



V. K. Krishna Menon



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P R E F A C E

There are few Indian leaders whose critical analysis of the situation in India arising out of the premeditated Chinese invasion has greater significance for the people of our country, for the Chinese themselves and for the world that is watching the catastrophic development on India's northern frontier than that by Mr. V. K. Krishna Menon. It is not so much because Mr. Menon was in charge of India's defence in the period which served as background for the Chinese invasion or because he took the brunt of responsibility in the initial stages of the war when the Chinese superiority in manpower and firepower gave them an advantage that what Mr. Menon has to say on the subject of India and the Chinese invasion becomes of great importance. Mr. Menon represents, along with Prime Minister Nehru, certain basic values in the national life of the country. The policy which was founded on these values is at present under a severe attack from domestic and foreign critics. It is in this context that Mr. Menon's evaluation of the new situation has significance wider than the immediate audience to which it is addressed.

This short monograph, which it has been my privilege to edit, is largely based, as the Publishers' Note indicates, on one of the several speeches which Mr. Menon had occasion to deliver after his resignation from the Government of India on November 7, 1962. It has now become customary for the Publications Division of the Government of India to publish collection of speeches by the members of the Government and heads of our State though, I must confess, it has intrigued many that no such collection of Mr. Menon's policy statements either at home or in the United Nations has been made available to the citizens by the authorities concerned. It is now fashionable in the publishing trade to bring together in single volumes speeches even of our ambassadors in foreign countries. However, the present publication owes no inspiration to any such custom or fashion. Apart from the one outlined above, there are some particular reasons why it has been considered imperative to publish this speech of Mr. Menon in this form.

It is a remarkable and recognised fact that Mr. Menon's meetings draw large number of people which are comparable to those who now collect *only* to listen to the Prime Minister. For example, 60,000 persons listened to the speech in Bombay which

has served as the basis for the present monograph and, a few days later, 200,000 people collected to hear him in Amritsar. This is one of those facts about Mr. Menon which some newspapers, whose political bias is contrary to Mr. Menon's political stand, do not like to publicise. Of course, the columns of these newspapers are far too crowded to allow a substantial report of contents of Mr. Menon's speeches !

Mr. Menon has his own concept about what his meetings should be. He considers that his meetings are determined demonstrations of the popular will to "give support to the policy of this country in regard to its internal and external affairs." In relation to the Chinese invasion, Mr. Menon considers the fact and the temper of the meetings as "proclamations to the Chinese Government who have invaded this country that our people accept their challenge and will throw them out however long it takes." Mr. Menon treats these occasions as an opportunity to widen the political horizons of his audience by taking it through the complexities of the situation in all details. This presentation of the situation in full is, in fact, an article of faith with him. He stated in Bombay: "Even though this is a very large public meeting, it is wrong in a democracy to think that facts, details and various other aspects of the situation which are important for our citizens to understand should be glossed over, fearing or assuming that the people would not understand them." It is this approach of opening his heart and lending his mind that enables him to establish *rapproch* with the people. He succeeds in conveying the rational and emotional strands of his thoughts to the people by this method even though he speaks in a language which not all his listeners understand. His meetings, thus, take the form of an educative as well as emotional experience.

Those who desire to go into greater details of some of the facts, events and incidents referred to by Mr. Menon in this monograph will find the footnotes, indicating the original sources and materials, useful. The maps which accompany the text are self-explanatory and all of them, except one, have been taken from the official publications of the Government of India. I have taken the liberty of adding a historical introduction to the treaties which in law are binding on China and which have been torn up by the present Government of that country.

RAMESH SANGHVI

BOMBAY, *January* 1963.

INDIA AND THE
CHINESE INVASION

I

In spite of all the goodwill and services, both in friendship and international solidarity, that China received from our country and our people and in spite of our good neighbourly policy, this neighbour of ours has betrayed us. China has not only betrayed us, but she has also betrayed the cause of world peace and the progress of the peoples of Asia and of mankind.

For many years now, both as part of our practice and by express agreements, we have endeavoured to carry out in relation to China a policy of peace, neighbourliness and friendship. From 1954 onwards we have had treaties and agreements with them. The preamble to the first agreement of April 1954 is a statement of the famous Five Principles of *Panchsheel*, which were initiated by us and accepted by China. China and India, thereby, solemnly agreed that they would respect each other's sovereignty, not interfere in each other's internal affairs, pursue mutual interests and regard our relations as based upon reciprocity and live as good neighbours in peaceful co-existence.¹

Sometimes these are not given as much vocal importance and emphasis even by ourselves because we have become familiar with them and take them as part of our national being. But these were and are a proclamation of our faith.

China, at that time, responded in the same way. She had also a long time during which, if she had any differences or wanted to repudiate these principles, she could have spoken about it to us. In 1954, when she

¹ For full text see Appendix D.

made this agreement and when she said she would respect our sovereignty, she could not have in truth and sincerity said so unless she knew what was the ambit of our sovereignty. Certainly, she could not have joined us in our proclamation of the Five Principles if her intention was to wage war on a neighbour to whom she had pledged her friendship and peaceful co-existence. You cannot respect something if you do not understand what it is.

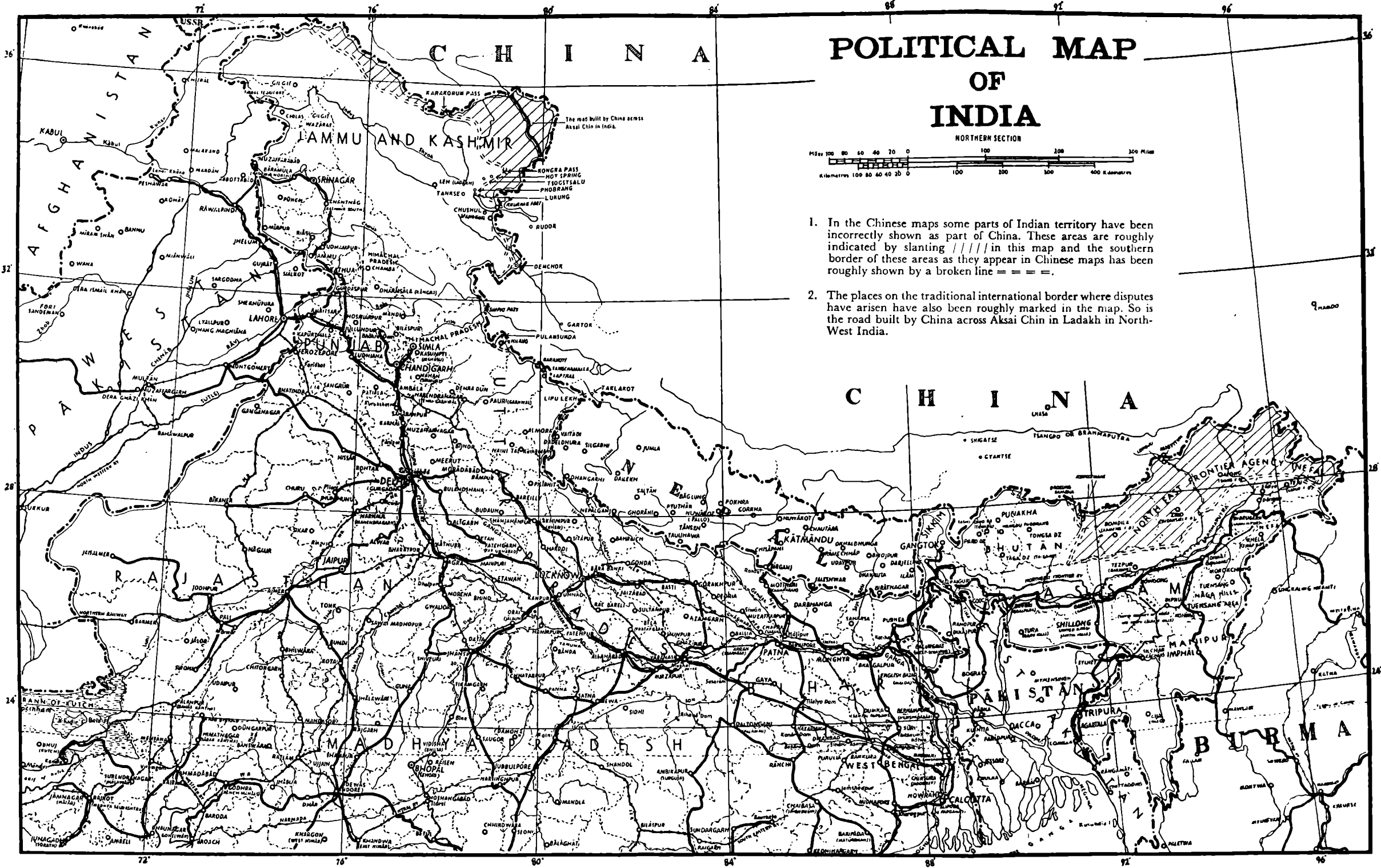
Soon after this agreement was signed, China began to make petty violations of the agreement. We are a country mainly interested in peace and not seeking out differences and quarrels, or spoiling for them. Because of this, we overlooked some of them and tried to reach small adjustments as required. The Chinese maps extant at that time showed large parts of India as part of China. She has done this with other parts of the world, including what are now the parts of Soviet Union.² When we drew her attention to these maps and their error she said they were old maps, very old ones, and, in due course, they would be changed.³ We had no reason to think that she meant otherwise ! Time passed. The maps did not change ! We began to press the issue.⁴

It may be recalled that both prior to our independence as early as 1944 — and many years before that, China had recognised her customary boundaries

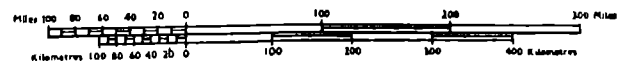
² See Douglas Jackson, W. A., *Russo-Chinese Border-lands*, New York, 1962.

³ For details, see Sanghvi Ramesh, *India's Northern Frontier and China*, Bombay, 1961, pp. 1 to 5.

⁴ The first note on this subject from the Government of India was sent to the Chinese Government on August 21, 1958. For full text and subsequent diplomatic correspondence, see *Notes, Memoranda and Letters Exchanged and Agreements Signed Between the Governments of India and China, 1954-1959*, (hereinafter referred to as White-Paper I) New Delhi, pp. 46 to 59.



POLITICAL MAP OF INDIA



1. In the Chinese maps some parts of Indian territory have been incorrectly shown as part of China. These areas are roughly indicated by slanting // in this map and the southern border of these areas as they appear in Chinese maps has been roughly shown by a broken line = = = =.
2. The places on the traditional international border where disputes have arisen have also been roughly marked in the map. So is the road built by China across Aksai Chin in Ladakh in North-West India.

with India,⁵ which is alone what we assert. Furthermore, in 1954 and 1955, the Prime Minister of China, in his communications to our Prime Minister, acknowledged the boundaries which are the boundaries of the Union of India.⁶

At no time did the Chinese challenge this or suggest that they were not the boundaries dividing our territory from theirs. If there was any dispute or difficulty in this regard, we would have been willing to discuss them, at that time in peaceful ways, as, indeed, two great countries should.

We say now, and we have said it before, that China cannot swallow us up any more than we can swallow up China. One battle does not make a war; initial reverses do not make the defeat of a nation. There are the peoples of this country, who have not sat down under foreign invasion and will not do so in the future. There have been empires here before and there have been conquests before. It used to be said that the sun never sets on the British Empire ! The empire does not and can no longer make this claim !

In 1954–55 China said, in answer to our queries about the expansionist Chinese maps, which included Union territories as Chinese, that they were old maps and she would correct those maps. In 1958, however, China began to make claims for Indian territory.⁷ When

⁵ This declaration was made by the then Government of China headed by General Chiang Kai-Shek.

⁶ For Prime Minister Nehru's full narration on these assurances, see *Prime Minister on Sino-Indian Relations*. Vol. 1, in Parliament, New Delhi, pp. 142 to 144.

⁷ The claim was first made in a Memorandum dated November 3, 1958, wherein China claimed a new boundary. For full text, see White-Paper I, p. 47.

we asked them why did they not bring up these claims before and make agreements with us, the Chinese Prime Minister, in a way of conduct not worthy of any great statesman — much less an honest statesman — of the world, said that “ we did not think that the time was ripe to make these claims.”⁸ This merely means that their capacity to perform acts of banditry had not become as potent as now. Thus, in 1958 she made claims and not only uttered threats in communications but also by action, by actually intruding into our territory.⁹

Some of us have sometimes been accused for moderation in our language or tone or perhaps because we have had different conceptions about appropriateness of occasions. It is not part of wisdom to shout as high as your voices would carry in dealing with international affairs ! But we have never failed to tell China that hers was not the action of a neighbour pledged to honour our mutual pledges of neighbourliness and respect for independence.

We tried all the diplomatic courses that were open to us when she disregarded her obligations, even as we did in regard to Portugal. Thus we went on for seventeen years with Portugal negotiating and speaking, exchanging notes. We said to Portugal that we would discuss without pre-conditions even though Goa is and was a part of India. We strove to bring about a peaceful solution of the problem, hard as it appeared. All diplomatic efforts and courses failed. Portugal still insisted

⁸ This position has been taken by the Chinese Government in a number of official communications and it formed the basis of their claim during the detailed talks in 1960 between the Officials of the Governments of India and China.

⁹ For details of territorial intrusions from 1954 to 1959, see Sanghvi *op. cit.* pp. 7 to 12 and pp. 16 to 17.

on regarding India as part of Portugal.¹⁰ Then there was no other option but to demonstrate that it was otherwise. Similarly, when all other means were exhausted we began to assert with the Chinese the sovereignty of our country.

We were not at war with China. But incursions by her were frequently taking place in different parts of India and she remained in several parts of our territory.

We have well over 2,300 miles of frontier with China.¹¹ On part of this frontier lie the Himalayan Mountains which never had been crossed by any army right through civilization. China under various rulers, including imperialists, present and past, had been in existence as a neighbouring hegemony for a long long time. But we never had wars with China. Even the British, who would have waged a war with them for intrusions if she committed one, did not wage war with China nor did China wage war against them.

When we became independent, and soon after that, we regularised in 1954 our relations with China in respect of Tibet and had at that time proclaimed the principles of our relations with nations as civilised nations should. China, in her turn, accepted and reiterated them. As I said, these appear as preamble to the Indo-Tibetan agreement with China. At the time of the 1954 agreement on Tibet we told them that with this

¹⁰ In the Constitution of Portugal the Indian area of 1532 sq. miles around Goa, Daman and Diu was described as Overseas Portugal. For full treatment of this problem, see Cunha, T. B., *Goa's Freedom Struggle*, Bombay 1961.

¹¹ For full description of the Sino-Indian Frontier, see op. cit. pp. 19-20.

regularisation, all outstanding questions between India and China had been settled.¹²

The Western Sector of our international boundary with China partly borders on Tibet and partly on Sinkiang. Our area behind this boundary, Ladakh and other areas, are part of the Union of India in the State of Jammu and Kashmir. That unfortunate state has more than once been the victim of foreign invasion which defiled the sovereignty of India.¹³ When China started coming in Ladakh, first building a road for communicating between the Soviet Union and herself across our territory, we made our protest.¹⁴ Then Chinese forward movements began to take place well over two or three years ago.

Elements of the Indian Army were moved into this area. It is sometimes not too well remembered, that out of 12,000 square miles of this particular part of Jammu and Kashmir, where there are not many people, railways, police stations, etc., we brought nearly 4,000 square miles under the assertion of Indian sovereignty in the last two or three years. I am not prepared to say that we had established ourselves there in such a way

¹² This was conveyed by the Indian Ambassador to Peking at the time of signing of the 1954 agreement. The detailed narration of what happened at this time is to be found in the Note of the Government of India, February 12, 1960. For the text of this Note, see *Notes, Memoranda and Letters Exchanged Between the Governments of India and China, November 1959 — March 1960, White-Paper III*. New Delhi, pp. 85 to 98.

¹³ This is a reference to the invasion of the State of Jammu and Kashmir in 1947 by the Government of Pakistan and consequent Pakistani occupation of large areas of the State. A part of this occupied area consists of the Sino-Indian Frontier west of the Karakoram mountain. Pakistan and China have illegally signed a "Pact" about the alleged delimitation of this frontier.

¹⁴ Note of Government of India, dated October 18, 1958, for text, see *White-Paper I*, pp. 26-27.

that the Chinese could not move in or we could eject those who had come. But we had moved forward and we had begun to move forward some two years ago. At this period the Chinese followed a policy, as they said, of not creating clashes. We continued to establish positions in this area which was part of our own country and where for historic reasons we had not established permanent civil or military machinery.

We built up some 30 or 40 military posts. And each time we built up one, they built another or others either in front of or behind our post. We also built one either in front of or behind their posts consistent with our resources. We were building up our strength and hoping at the same time that China, once she discovers that we propose to extend our power in this part of our territory, would come to satisfactory arrangements.

So far as this sector of the border is concerned, there is the international frontier which is far away from the places the Chinese then occupied and have now taken by their superior fire power and by the numerical strength of her armies. Thus, the Chinese have kept extending their claims all the time. When the Prime Minister was asked the other day what is the Chinese claim, he quite rightly said, "I don't know because it keeps on changing every day," or words to that effect. Here, I must point out an important fallacy. It is a mistake to say that India's position is one of "claiming" this line or that. It is our boundary and not a claim. It is our boundary in the same sense as the Arabian Sea or the Bay of Bengal are the boundaries of India, in our peninsular area.

It is for the world to see that from this international frontier China has pursued her expansionist policy to more and more advanced positions to the 1951 line,

1954 line and 1956 line and further forward since 1959 and 1962.¹⁵ These lines do not exist as legitimate boundaries but only in the forced political calculations of China. They were kept moving on till they came to their 1960 and 1961 lines. Even these have been crossed now by more and more acts of aggression and invasion.

In 1954, soon after the agreement on Tibet, Chinese troops intruded into the second or the Middle Sector of our border which covers the territories which are on the border regions of Himachal Pradesh, the Punjab and Uttar Pradesh.¹⁶ China came into what is called the Bara Hoti plain which is a grazing ground.¹⁷ In order to avoid a clash we came to some unwritten understanding whereby we never conceded sovereignty but went there during the negotiable season.¹⁸

Finally, there is the Eastern Sector of our boundary which borders on the North East Frontier Agency.¹⁹ There the Himalaya Mountain stretches from India's borders with Sikkim and Bhutan to our border with Burma. That is what is usually called the McMahon Line.

Sir Henry McMahon was a British-Scottish official. He did not invent or establish a new Sino-Indian or Indo-Tibetan boundary ! McMahon did not himself make any boundaries. He did not take or appropriate any territory. All he did was to delimit the boundary on the basis of historic, customary and factual data.

¹⁵ For expansion of Chinese claims, see *op. cit.* pp. 68 to 70.

¹⁶ For the description of this frontier, see *op. cit.* pp. 96 to 104.

¹⁷ Chinese incursion at Bara Hoti took place in June 1954. For diplomatic exchanges on the subject, see White-Paper I, pp. 1 to 9 ; 12 to 16 ; 23 to 25 and 30 to 32.

¹⁸ *Op. cit.* pp. 9-10.

¹⁹ For description of this frontier, see *op. cit.* pp. 114 to 119.

If you have a compound and you put a barbed wire fence around it, you do not create a new boundary — you simply denote it. That is all there is to the McMahon exercise. We have always told the Chinese and the British had always told the previous Chinese before us that this is the Sino-Indian boundary or the Indo-Tibetan border and that it was well established by history, by custom, by facts and everything else.²⁰ This McMahon line has been the boundary of India from time immemorial, from *Puranic* times and always.²¹ Somewhere over 350 years ago it was recognized by China. Emperor Kha-Hu in his records and maps dating from 1711 to 1717 has recorded these boundaries.

In more modern period, the British negotiated and settled this sector of the boundary. The negotiating parties were Tibet, China and India — that is British India at that time.²² In international law, the Government of India are the successors of the British in India, a fact recognised by the United Nations.²³ It must always be remembered that Britain was in India only by right of conquest. She did not annex any territory which was either Chinese or Tibetan. She departed leaving to us only what she had conquered or otherwise gained from us. She did not leave us any territory she annexed from other peoples in the area that is now India.

²⁰ See Historical Introduction in this volume preceding the Appendixes.

²¹ See, a Note on the Historical Background of the Himalayan Frontier, in *Notes, Memoranda and Letters Exchanged Between the Governments of India and China, September–November 1959, White-Paper II*, New Delhi, pp. 125 to 132.

²² See Appendixes E, F and G.

²³ India, before independence, had been made a founder-member of the United Nations. After the formation of Pakistan, India was accepted as the Successor State by the United Nations and had to make no fresh application for membership. Pakistan was asked to apply for membership and its application was sponsored by India.

I say this seriously. There were other territories which did not belong to India proper which, under British administration, were included in the "Indian Empire". They are no longer with us. Aden, for example, was a part of the then Province of Bombay. Aden became separate, either with Britain or independent. Burma was a part of what was then called the Indian Empire. At one time there were certain islands in the Indian Ocean which were part of the Indian Empire. Whatever Britain brought by way of conquest or acquisition to India, she had either taken away or returned or they have gone back in some other way to their original owners. So all we now have is what had always been ours — what had been ours by history, by practice and is part of our civilization.

II

Our entire northern boundary is not only customary and historical but is also sanctified by treaties and centuries long administrative jurisdiction. These are matters of considerable importance.

By the Convention between Great Britain, China and Tibet of 1914,²⁴ sometimes called the McMahon Treaty, the boundary between India and Tibet was delimited. Not only that. The delimited boundary, the McMahon Line, as it came to be known, was shown on a map which was attached to the agreement.²⁵

But over and above this, our census reports for a long long time show these areas claimed by China as hers today as in India. I am free to confess because one country writes something in a book that does not become an agreement. But there was no reason for us at that time to go and take a census of some other country. There are census records, there are revenue or settlement papers. What is more, our Criminal Law, like the Bengal Regulations, also extended to these areas.²⁶

So also in Ladakh. Places like Demchok, which we have now lost, are mentioned in our census records, settlement papers and other administrative documents.²⁷ All that part of the land mass in that area which was under the suzerainty of the Maharaja of Jammu and

²⁴ For full text, see Appendix G.

²⁵ This map is reproduced on pp. 20-21.

²⁶ For full details, see *Report of the Officials of the Governments of India and the People's Republic of China on the Boundary Question, Indian Report*, New Delhi, pp. 201 to 211.

²⁷ Indian Report, *ibid.* pp. 137 to 147.

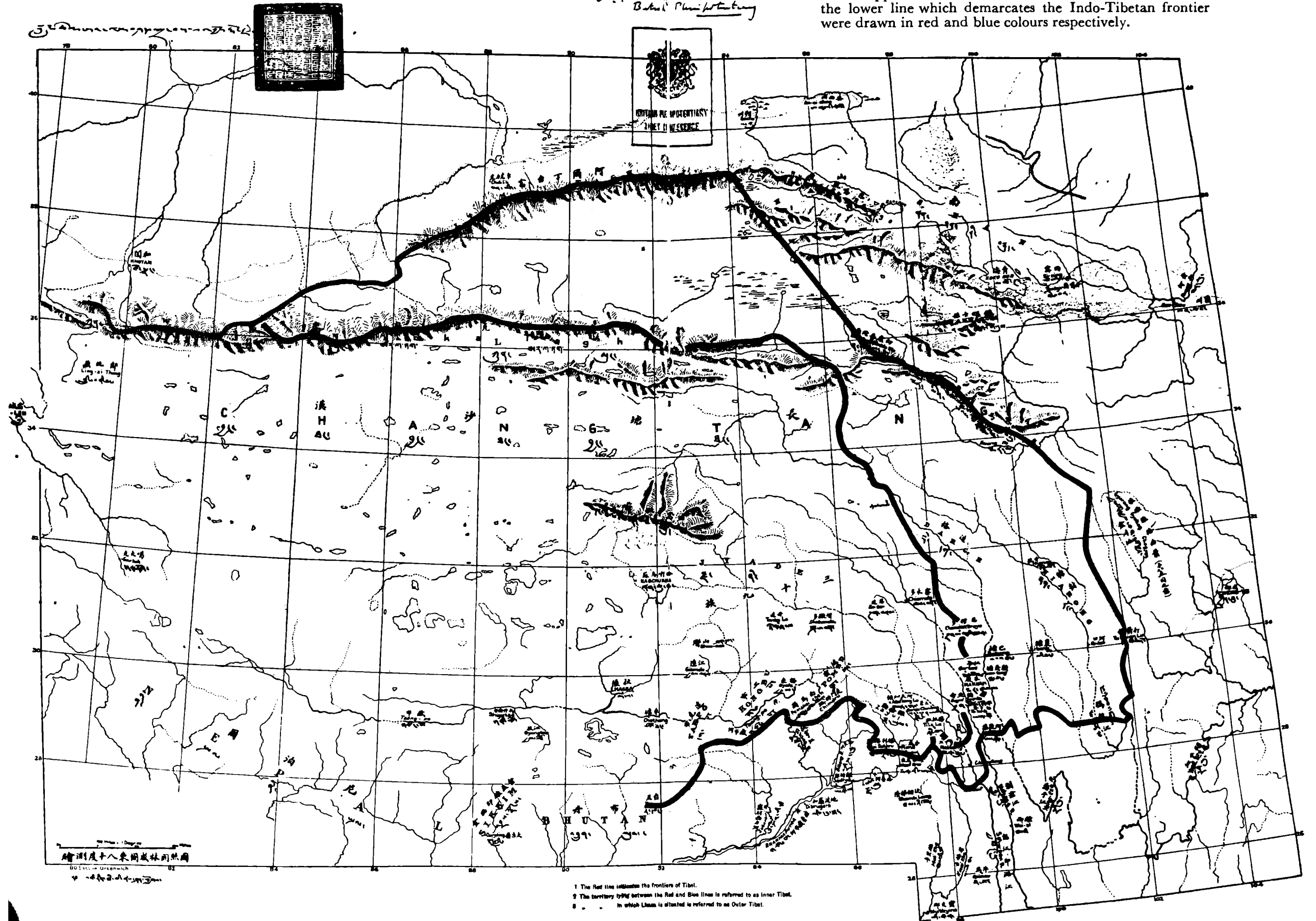
SIMLA CONVENTION MAP, 1914.

MAP REFERRED TO IN ARTICLE 9 OF THE CONVENTION BETWEEN GREAT BRITAIN, CHINA AND TIBET, DATED THE 5TH JULY 1914
 WE HEREBY SIGN AND SEAL IN TOKEN OF OUR ACCEPTANCE THIS 5TH DAY OF JULY 1914

Chen
 Plenipotentiary

This historic map was signed by Lochen Shatra on behalf of Tibet. It recognised the historic, traditional and customary Southern boundaries of Tibet. Ivan Chen, the Chinese plenipotentiary agreed to this delimitation.

The upper line which shows the Sino-Tibetan frontiers and the lower line which demarcates the Indo-Tibetan frontier were drawn in red and blue colours respectively.



- 1 The Red line indicates the frontiers of Tibet.
- 2 The territory lying between the Red and Blue lines is referred to as Inner Tibet.
- 3 The territory lying to the south of the Blue line is referred to as Outer Tibet.

Map attached to the Simla Convention signed by Great Britain and Tibet on 3 July, 1914.

Kashmir is, by the fact of accession, whether it be in the east, south or west, part of the territory of the Union of India as much as Maharashtra is part of the territory of the Union.

The boundaries of Ladakh with Tibet were determined not only by word of mouth. There are two treaties which are binding on China. Firstly, there is the treaty between Ladakh and Tibet signed at Tingmosgang in 1684,²⁸ which determined the Ladakh-Tibet boundary. Secondly, there is the 1842 treaty between India and China.

In 1841, the ruler of Kashmir, Gulab Singh, waged war on China and Tibet, but he was defeated at Leh. The next year he carried the offensive into Tibet. I think that is something to remember. He conquered parts of Tibet. Finally, there was agreement in regard to Ladakh to which China, India and the Buddhist authorities were parties. By this treaty, signed in September, 1842, the traditional boundary was re-affirmed.²⁹ Sometimes the Chinese say Sinkiang was not a party to this agreement and therefore the agreement is not valid. Sinkiang had not become part of China in 1842 and therefore China has no right to raise this issue.³⁰ By this agreement the Chinese and Tibetans pledged to respect all traditional and customary boundaries. All that was written in the documents and treaties of 1684 and 1842 which also said there shall never be war between the two sides.

It is a well known principle of international behaviour that pacts must be observed *pacta sunt*

²⁸ See, Appendix A.

²⁹ See, Appendix B.

³⁰ According to Chinese official histories, Sinkiang became part of China in 1883. For full historic treatment of China's Southern frontier, see *op. cit.* pp. 28 to 33.

servanda.³¹ That is to say, agreements must be kept and not be changed because it does not suit one party. Because a country wants to build a road across another's territory, she cannot forget or ignore agreements ! These agreements to which I have referred and the corroborative data are well documented with the signatures, seals and everything else in very formal manner. Again, there appear in our census reports, settlement records, and other official documents, places, names and other relevant particulars of this area.

When we first protested against their intrusions, the Chinese said first of all they were not there, even as we were told by another invader who massed troops in our country and when charged with invasion said she was not there ! The Chinese sought to establish titles by squatting ! This is not a legitimate or defensible or permissible practice amongst nations. Secondly, the Chinese now argue that people in these parts are ethnically different from the rest of India. The people of Ladakh, in fact, have really little affinity, ethnical or otherwise, with the Chinese people.³² Various spurious arguments have been put forward in this way !

In the Eastern Sector they say, and they keep on saying, that the McMahon Line and the territory which the boundary establishes as part of India is the result of British imperialism !³³ Well, British imperialism may have done a lot of things good and bad. They also built

³¹ See, Oppenheim, L. *International Law*, Vol. I, Peace, London, 1952, pp. 794-795.

³² For detailed study, see Petech, L. A. *Study on the Chronicles of Tibet*, 1939 ; Konow, Stern, *Inscriptions Indicarum*. The Kharaoshte Inscriptions, Vol., 1929 ; and Francke, A. H., *Antiquities of Indian Tibet*.

³³ For Chinese arguments, see, Officials' Report, referred to before, Chinese Report, pp. 19 to 25.

a few fences, demarcated or delimited boundaries. But if our inheritance is from the British Empire, the Chinese inheritance is from the Manchu dynasty and their ancestors! There are few boundaries in the world to which at one time or other a contribution was not made by some King, some Emperor, some conqueror, some Csar or some Son of Heaven. For that reason we cannot throw them away any more than we can refuse to recognize or appreciate the good smell of a rose flower because it is manured with something that does not smell so good. This idea that the British gave us a boundary by adding foreign territory and that they conquered something from China or from Tibet is not historically correct. It is just fantastic and nothing less!

During the nineteenth and twentieth centuries China, acquiescing in and accepting the historic boundaries and without any demur much less protest, had recognised the boundary. Let it be said, that only recently they began to penetrate more and more into the Western sector. Later, within the limits of our resources, we had begun to assert our title over somewhere about 4,000 square miles out of the area which the Chinese had occupied. We were in no position to wage war nor were we poised for conflict or clashes. On the Eastern sector of the frontier, with the exception of the occupation of the village of Longju,³⁴ which they occupied two or three years ago after a clash with our troops,³⁵ there have been no incursions by China. Therefore, even though she had made all these cartographical and verbal claims and even though their maps were wrong and remained uncorrected, we had no reason to assume they intended occupying our territories and

³⁴ For details, see, *White Paper I*, pp. 44 to 46.

³⁵ For details of clash, see op. cit. pp. 18-19.

embarking on large-scale military aggression. They had not shown any desires to do so in this area, and had even told us that they accepted the McMahon Line.³⁶

Theirs is a powerful empire with 125 Divisions or more in the Army and possessing the third largest Air Force in the world. China has also large resources for conflict at the disposal of the State because much of it does not go into the stomachs of its people. She had not asserted any claims in NEFA before. There were no Chinese soldiers, no semblance of Chinese authority anywhere below our side of the Himalayan slopes.

Now, apart from the history and other factors which I have set out, there is a well known international practice that if there is a waterway, a canal or river, between two countries, the centre of that waterway, unless there is an agreement to the contrary, is the boundary.³⁷ We have, however, instances where this is not the case. For example, where we have river boundaries between Pakistan and ourselves, we have or had our boundary on the Pakistan side in some places and in others the Pakistan boundary is or has been on our side of the river. But this is the result of historical factors or specific agreements. Normally speaking, the middle line of the river is the boundary.

What happens when there is a mountain as or on the boundary? When there is a mountain, its spine, its peak, the top part of it like the backbone, is the boundary. Usually, mountains are in the habit of

³⁶ Premier Chou En-lai categorically accepted the McMahon Line during his visit to India in December 1956. For details of his discussions with Prime Minister Nehru, see White Paper I, pp. 49-50.

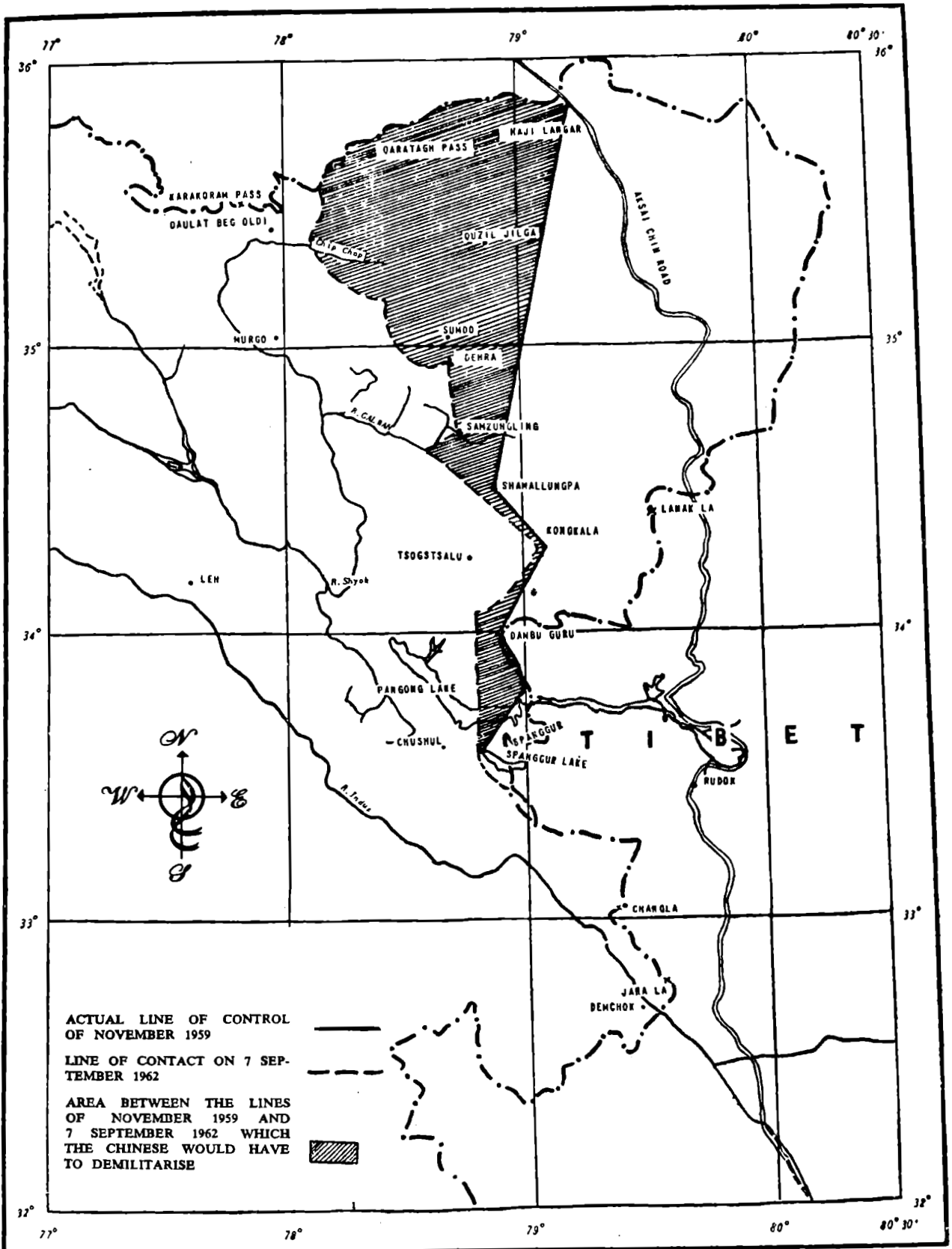
³⁷ For various authorities in international law on practise, see Adami, *National Frontiers*, 1922 and Hyde C. C., *International Law Chiefly as Applied and Interpreted by the United States*, 1951.

sending out rivers and the Water Parting or watershed is the boundary.³⁸ Our boundary precisely follows this principle. And this is the boundary not only in maps, not only in census reports, but also in the racial memory of this land. It has nothing mystic about it. It is too late in the day for anybody in China to say that Pandit Jawaharlal Nehru, the “imperialist” discovered it when he wrote the “Discovery of India” in pursuit of “imperialist ambitions” from that time!³⁹ Certainly, the Chinese Government should know something about imperialist ambitions because they seem to be pursuing them !

In 1959, there were no Chinese troops on our side but they had made their illegal claims. Before that date, neither the British nor we — the British much less than we — had made great deal of what you may call administrative projections into these areas. In every country, on the borders there are unoccupied areas in the sense of not being so closely occupied as in the cities. In 1959, when China slowly began to show her hand, we started taking precautions. And while we did not seek to reoccupy Longju, we established military posts in that area sufficiently strong to deal with a border situation and commensurate with the resources at our disposal.

³⁸ The watershed principle was applied in several cases by the Hague Court in the Island of Timor, arbitration, see, Scott, *Hague Court Reports*, 1916, 1932 Vol. I, p. 383, as well as awards relating to boundary settlements between Colombia and Costa Rica, Argentina and Chile and Guatemala and Honduras. Chinese *State practise* substantiates this principle as China accepted it as basis for various arguments beginning with the Treaty of *Ninchu*, 1689 to Agreements with Burma and Nepal signed in 1960.

³⁹ This is the main line for justification adopted by the Chinese Government through its organ, *People's Daily*, Peking. For example, see *More on Nehru's Philosophy in Light of the Sino-Indian Boundary Question* in the issue dated October 27, 1962.



LINE OF ACTUAL CONTROL IN NOVEMBER 1959 AND 7 SEPTEMBER 1962 IN THE WESTERN SECTOR.

III

On September 8, this year, the Chinese crossed the international boundary at the Thagla Ridge which is situated at the Water Parting near the trijunction of Bhutan, Tibet and India.

There are several passes in the Himalayan ranges in this Eastern sector. Some of these we have guarded, some others are unguarded and still some others are guarded on the Chinese side. Passes are common. In the conflict which began on September 8, 1962, guarding of passes have, however, assumed a lesser importance as the Chinese, with their overwhelming superiority in numbers, have come over the mountains and ignored the passes in many cases.)

The Thagla Ridge was always in their possession. We made no objection to having it under their guard provided they remained on their side of it. Through this Thagla pass their troops came south of the McMahon Line and surrounded our post at Dhola. This type of military activity is part of Mao Tse-tung's strategy. He has written, "surround, but do not attack; attack but do not surround"⁴⁰ The Chinese go and surround their enemy's position hoping that the other side will be starved out. Where they cannot surround they try to attack and unleash a battle.

In dealing with China, we may be dealing with a country that is, perhaps, not so old in modern warfare

⁴⁰ This military principle has been repeatedly stated by Mao Tse-tung in his various works on military problems such as *Strategic Problem in the Auto-Japanese War; Problems of War and Strategy*, all to be found in selected Works of Mao Tse-tung, Bombay, 1954, Vol. II.

as the United Kingdom or Russia. But the Chinese armies, which were thrown against us, have been engaged in fighting for the last 36 years? They have been engaged in war among themselves or against the Japanese or in other ways from 1926 onward. They are, therefore, well seasoned and very well equipped in this way for their present purposes. There are also other factors which I shall mention below.

In NEFA, the Chinese armed forces, euphemistically called 'Frontier Guards' in a "defensive attack" and a "defensive operation" came through the Thagla Pass. They were not deployed just to have a look! They came much further down, and surrounded our post at Dhola one night. And our troops who held Dhola, as in Ladakh, stood up and made some demonstration. They did not shoot or do anything of that kind and the attackers went away. That had been more or less the Chinese habit in Ladakh also. We take up a defensive pose and they go away, because both we and they were avoiding clashes.

The next day, they returned to Dhola in larger numbers, somewhere about 1,200 and surrounded this post. Again without fighting they dispersed.⁴¹ But this time they dug themselves in not far away. We had already our defensive position over there. We began to make such arrangements as we could make within our resources in order to meet these attacks.

By October 20, the Chinese had much larger forces. They had poured these immense forces through the

⁴¹ The details of the beginning of the Chinese invasion are given in several notes of the Government of India. See, *Notes, Memoranda and Letters Exchanged Between the Governments of India and China*, July 1962 – October 1962, *White Paper VII*.

Thagla Pass. One of our officers said, "they came down like ants."

There were considerable divisions of the Chinese Army in Tibet and it is no breach of security to say that even at that time China had more forces in Tibet than the whole of the Indian Army or at least as much. China has very considerable strategic divisions, that is to say, divisions that can be spared to go anywhere, wherever they are directed by their war-lords.

When they came through on the October 20, 1962 there was no option for this country but to assert by force its right to evict the invader. It was certainly what was expected and repeatedly demanded by Parliament and the nation. There are some who now conveniently ask: "Why did we not wait till we were ready?" If we had waited till we were ready, then the country would have said, and rightly: "Why did we not eject them when they came in?" I say without fear of contradiction that there are occasions when a foreign country, after exhibiting its lack of cordiality, comes and invades our territory, there is only one thing you can do, whether you are weak or you are strong.

More powerful countries than ourselves, more organized countries, countries more prepared for war than ours, have been defeated in sudden undeclared wars or suffered initial reverses in massive surprise attacks. In the face of Hitler, Britain, France, the Low countries and many others have had this experience. They suffered initial reverses. A battle or a few of them, however, does not make a war or end it! A number of notes of one Government does not make the whole of history! Masses of men thrown against us may initially prove successful. But so long as there are freedom loving peoples in this country, so long as we have a democracy

and a civilisation and our honour and our dignity to defend, we shall not permit the occupation of our territory by any foreign power.

We had taken up positions in Ladakh and NEFA which they surrounded, and our men offered battle and inflicted very heavy casualties, suffering some themselves.⁴² This went on and we gradually got back, were pushed back by overwhelmingly superior forces on the most difficult terrain. We withdrew to more and more defensible positions after being unable to hold the forward ones.

I want to say this publicly : it has never been the policy of our Government, and I hope it will never be, to do what is called fighting “ to the last man and to the last gun ”. The function of an army is not to commit suicide misconceiving it as glory, but to offer battle and fight it as strenuously as possible. No government in the world has the right to sacrifice troops just for glory.

Therefore, in all these places our troops fought every inch of the ground. When they could no longer hold it, they took other positions after inflicting maximum casualties on the other side and continuing to do so to impede the enemy's advance. In a few days, and soon, the Chinese threw to the winds the semblance of the McMahon Line or things of that kind and came below the Namka Chu river which by all calculations is an Indian river. I should have said that even before this, and at the time when they surrounded the Dhola Post, they had crossed the Namka Chu river and destroyed our bridges.

A word may be said about our own position in this *locale*. China has her base in Tibet. The Tibetan plateau

⁴² See White Paper VII, pp. 125 to 127.

is not connected by rail with China proper, but is well connected by wheeled traffic. She can move her equipment and troops by wheeled traffic upto about four or five miles short of the front bases, and often further. We are on the slopes, that is to say, on and between high hills. It is all hills and ravines, where not even pack animals can go. Our soldiers have to go on foot or even drawn up or down to get anywhere. This is the country in which our men have been fighting. Contrary to what many people think, the whole of this NEFA region, as we discovered when we were building the border roads, is like some kind of chocolate pudding ; very soft ground. It is on every account very very inhospitable terrain. The Chinese had all these advantages. No disadvantages, however, deterred us from making the effort that was required and will not overwhelm us in the future either. I state this only in order that we may understand the situation.

Our people accepted the challenges of battles and fought with ferocity and courage, undaunted. They were pushed back further and farther. Our Units often scattered themselves when further battle at a spot was of no avail. So came all those stories of thousands and thousands of our casualties, more casualties than the number of troops deployed at a particular time! Happily these accounts are exaggerated. The total number killed in this area is far, far lower than what has appeared in reports conditioned either by the lack of information on the part of Government itself due to the nature of the operations or on the part of the people, or as per propoganda, indigenous and foreign. If the McMahon Line is "difficult" for the Chinese to understand, and they often say "so-called", the demarcation between indigenous and foreign in the above respect is also sometimes difficult to demarcate!

From sizable numbers to vast hordes of Chinese troops poured into our territory and their tactics in battle is not to meet anyone frontally. In a frontal attack, the Indian Army would annihilate the enemy, and has done so. But they come around our positions. They can afford to come round because they have superior numbers and can throw small and large numbers all around. These vast waves of men were poured against our people and pushed us backwards and backwards, until we were in the last position we were defending. After some time, they surrounded us and that is presumably why it has not been possible to hold positions at Se La, which was very very strongly defended and the Chinese moved into Bomdi La.

IV

It has been often said that some of our troops, could have fought better if they were as good or as well equipped as the Chinese armies. I think that can be said about almost any army. Whether we were ill-prepared or we could be better prepared, if we had time and the resources — that is another matter — this is not the time to discuss it. But some of the stories that some people circulate should be looked into.

It has been said by people that our troops who were on the Himalayas were without boots and without blankets! Except in a cartoon, it is not possible for a soldier to stand at 17,000 feet above sea level without boots over months!

Every soldier of the Indian Army is issued two pairs of boots, one rubber and one leather and he puts on the rubber boots when he has got to climb a mountain. He is issued anything from 2 to 5 blankets—and here I am only quoting what the Prime Minister has said in Parliament⁴³ — according to the climatic conditions. But it happens that at a height of fifteen, sixteen or at seventeen thousand feet, a soldier can carry only about 40 to 50 pounds of weight because of the rarefied atmosphere on the one hand, the consequent deficiency in oxygen as well as the steep mountains on the other. The soldier, therefore, carries only what is essential and travels light. He travels light, that is to say, he takes the weapons that he must have or rather he is issued weapons that he must have, and he takes the minimum amount of clothing and other equipment and to the extent he can

⁴³ See Prime Minister Nehru's Statement in Lok Sabha on November 14, 1962.

carry. The rest of it all is taken to him by other means. That is the way of an army like ours. I do not know how the Chinese do it, but that is the process of any army that we know.

This happened in Goa also. When our troops went into Goa, they did not take the whole of their equipment. What was required for them they took. Afterwards these went by wheeled traffic even though the Portuguese blew up the roads and we had to do something about it.

In order that our people may have food and weapons and more blankets and more of other equipment, these had to be dropped from the air. There are no roads and as I said [no animals can go there and therefore these had to be dropped by air. When they were so dropped, first of all, they had to do what is called [free droppings without parachutes] because the parachutes would be seen by the other side. When these supplies were dropped at that height they usually fell within a distance of two or three miles and not always on hills. Then they had to be collected. You open the back of the aeroplane and the whole cargo slides off and becomes scattered over long distances. In the beginning — it improved a little later — nearly 75 per cent of what we dropped was lost. That is to say, the dropped cargo went into ravines, often two miles deep, where either troops or those who go with them had to go round and collect them. That took probably two or more days.

Therefore, it is quite true there must have been shortage of equipment, but to suggest that our troops at 17,000 feet were in T-Shirts is fantastic. They had the normal equipment of the Indian Army and an army likes to keep to its own way of clothes. There has been, to my knowledge, no cases where any soldier has died of exposure. He has died by enemy action. Some may have

died by catching pneumonia and so on. There have been other cases, a very small number, of frost-bites which have been cured. But there have been no cases in the Indian Army where soldiers have been sent out without boots or shoes or deliberately without the weapons they should have. The weapons, that are in the Indian Army and according to the laid down specifications, were issued to them. This includes automatic weapons as well as non-automatic weapons for Units as a whole. But all that was apparently not sufficient as against the people who were attacking them.

There are many reasons for this.

First of all, an invading army, particularly an army which is in fact engaged in a war that has not been declared, is like a burglar. It has better advantages than the defending party. They can choose their time and place. This has happened also in our other frontier difficulties where when we shoot we shoot into jungle, but when the opposing side shoots, they shoot into our villages. This is so because they can choose the place to launch their attacks on us. We were not attacking. The other side was attacking. The venue of battle becomes their choice. This is an initial advantage that an unscrupulous opponent who does not respect international codes of behaviour has over those who do.

The second reason — I am saying this not for propaganda — is that our troops have got guns pointed in one direction, towards the enemy which they have used to great advantage and with courage. The Chinese have got guns behind and guns in front. Therefore, these masses of men have no choice, but hurl themselves forward. That is how these relays of men are hurled against us. The invading hordes do not all possess weapons. When one man is dead, his weapon is picked

up by the fellow behind. They are accustomed to that and take a very detached view of life.

We have suffered serious reverses. In face of these our people have responded to the challenge of this invasion in a way that no country can excel. They have responded as though the whole country is one man. There might have been vacillations in the minds of some people who probably think they know more about such things! But among the masses of our people there has been no necessity for us to create *morale*. The *morale* was there! There is no lack of *morale* among the troops either then or now. Otherwise they would not be fighting at 17,000 feet in conditions which are very hard. What is more, having had to scatter in the mountains after a retreat they have not gone to their homes or disappeared as deserters. They have all sought to rejoin their Units and on their own.

V

Having said all this, we must look at what the position is today. There is only one end to this situation and that is the ending of the invasion, whether it takes one day, hundred days or thousand days. There can be no other answer. We have called this, in another context, “vacating of aggression”, that the invading party or its elements, who have no right to be on our country, should go back to the places where they belonged. Therefore, when the Prime Minister said without equivocation that we will not negotiate on conditions where the gains of aggression, gains of invasion are to be capitalised by the invader, he was stating a simple truth. The arrogant Chinese do not perhaps understand this. But they will. This is our way and the only way.

We are not even to consider the fact that our physical strength is not always commensurate at a given time to throw back the invader. Are we to accept the position of surrender? No, emphatically no! Did our people, those who went before us, did they ever imagine that they were strong enough to throw the British out of this country when they started the struggle or even later? The British, when they came and invaded, won, though they were small. They themselves were not strong at that time, but our determination was low. When our determination grew the Empire suffered displacement.

I am not saying for a moment that if we sit back and say the Chinese must go they will go. Vast and intensive organisation, the mobilisation not only of our determination but also of our organised skills and resources in every way is necessary. The strengthening

of our industrial base and making this country self-sufficient in military equipment is especially essential. I owe no apologies to make to anyone in saying this. I do not think this country will ever be able to defend itself effectively unless it can produce and rely on the weapons of defence that it should produce for any sustained action.

[We will go anywhere and to any part of the world where we can get equipment in order to bridge the gap between not having them or enough of them and having them in adequate measure until we make our own. But we are not going to be safe if we have to depend permanently upon not our strength but something that may drop from somewhere or even be procured in large and diverse quantities. This is the only answer that our country can effectively offer. This means the mobilisation of our resources.

I have seen it in newspapers which I have read — I don't say which ones — and in many ways some people have asked why did we go on with the Five-Year Plans? In terms of content this means : why did we go on with education, why did we build the Bhakra Dam, why did we build the railways, and why did we not instead prepare for war?

This question is wrongly posed. We must think about this intelligently and seriously. If we had not embarked on our two Five-Year Plans, if there were no new roads, if there were no extended means of communications, if there were not enough locomotives and rolling stock, and more than all, if there were no insistence and increase in Ordnance Factories production and of other equipment, and if there was no increase in food grown, our country would not have been in even as good a position as it is today. There had

been suggestions, I am glad to say, not from any responsible quarters, that we should stop education because the invasion is taking place! If we are to deprive the growing people of our country the opportunity of education, then, when all is over, we shall be dealing not with a country of citizens but illiterates. There is no apology that either the Government of this country or anyone else has to make in regard to the efforts that have been made in the last 10 years to advance the economic, social and industrial growth. Apart from the social security or social organisation questions and from the point of view of defence alone, the increase in our food supplies, the development of our irrigation and the industrial base we have built up, are essential to our defence, our *morale* and our security.

Even doubts cast or engendered are inimical to the *morale* of our nation including that of our fighting men. Those ideas are essentially fifth columnist though they do not walk on two feet but as insidious a growing diseases in people's minds. Such contamination of the mind is also a fifth column element as are the boots and blankets story! The latter wasn't true. Let us assume for argument it was. Let us assume there were some shortages. Would spreading stories about them have improved the situation? No. What can such rumour-mongering do? It might well — fortunately it hasn't done it to a great extent — have affected the *morale* of troops or pained the families of the men who are dead, as well as perhaps affected their comrades, who are fighting for this land of ours. Spreading rumours which certainly do not serve any purposes of our defence is not a patriotic action.

I am sorry, but I have no definition for patriotism because I do not have to sell it. In other countries this idea of spreading stories — rumour-mongering in

war time — is punishable by heavy penalties. No patriotic newspaper would publish stories which are not checked twice over. The fact that Government does not give out certain information or do not do so at certain times is no excuse for printing material that is not information !

Fortunately, our people have a great deal of commonsense in these matters as stands proved even in connection with this matter. They read the news or heard it, they “remembered” and took care to forget the same. Most of it passed with the day ! Anything that affects the *morale* of our people, particularly in the border areas is most reprehensible. Supposing the people in Tezpur, shall we say, believed that our troops up there were without boots and shoes. What effect would that have ? It would bring down the *morale* of even of the townspeople. To an extent the vast demonstrations that have taken place during the last five or six weeks all over India are a counterblast to such rumours. This spurt of our people and not the other should be reflected in the media of our communications by so many megaphones and also become implanted in the minds of those who have the capacity to influence others. A contribution, as important as weapons, as important as gold bonds or such others, is the contribution to the *morale* of the nation. Our *morale* may be as good as it should be, but any attempt or any action that results in sapping the vitality of it is anti-patriotic.

Secondly, it is necessary that while we do not scrap our growing potential in industrial development schemes and projects — I don't want to call them plans — and development, we would, however, have to consider certain priorities. Some priorities were even laid down before. Those priorities are largely based upon the requirement that the largest benefit should accrue

to the largest number of people. At present the benefits to the largest number of our people are the requirements of our defence.

Our resources should be diverted and directed in such a way as to add to the strength of our country. Our projects and plans have to be modified, some may have to go forward, others a little backward. For this purpose and for the purpose of bridging the gulf between the present and our own capacity to produce equipment, we will go anywhere and everywhere. We get them from whatever we can and from whoever can give them. But it is not necessary that either we or the giver should proclaim to the Chinese where it is coming from or at what time it is coming or how much is coming or going because these do not add to our fighting strength.

Thirdly, there has been a great deal of argument about what is called our policy of non-alignment. It is said, that on account of non-alignment we have neither weapons nor friends today and if we were aligned to somebody then someone would fight our wars while presumably we could sit at home or at least shift our burdens.

Let us assess what has non-alignment done to us!

On the side of China is the "great" country of Albania! Then there are the two unfortunate neighbours of China, the Democratic Republic of Viet-Nam and North Korea, who have no choice but be on the side of China, because they happen to be too near the Chinese giant — physically! These are the only three countries that in this vast world who have aligned themselves with China. On the other hand, some 60 to 65 nations of the world have proclaimed themselves in support of us in varying ways and degrees. They have allowed themselves to stand up and be counted as those who regret

or denounce the Chinese invasion of India, some in strong terms, some in not such strong terms, some quicker than others, but all of them, 60 or 65 of them, have come out.

I am sometimes asked by some of my good friends: why, if we are the leader of the non-aligned group, so called, [every such non-aligned country has not proclaimed herself on our side? To me this sounds fantastic. The essence of non-alignment is to be non-aligned! If all the impartial people gang up together they would become another block and aligned to each other, against the rest. The essence of non-alignment is each country and government acts independently and not as part of group or a block or alliance! China is a great country, relations with whom have been strongly promoted in respect of the ex-colonial countries. We ourselves have actively promoted this. Therefore, it is not valid or wise to criticise non-alignment because [some non-aligned countries have doubts, are ill-informed or make statements that we do not like.]

Again, it is said if we had not pursued the policy of non-alignment we would have military allies today! It should not be forgotten that military alliances might or might not be of value, but when you have a military ally you take every trouble of the military ally as well. It becomes a large joint family, the allies have their allies and so on and so forth. But short of joining such military alliances with all the implications, there has been no hesitation on our part in the past in seeking to obtain equipment from wherever it is available and is to our satisfaction.

Furthermore, it is amply clear to all now, that powerful countries with whom we are not aligned, have not only not declined to give the equipment but have

also been willing to do so. They have readily responded to our requests as far as they can. In fact, the President of the United States, I think and certainly the American authorities, and the United Kingdom, and even some of their newspapers who have not always been friendly to us, the *Manchester Guardian* and the *Daily Telegraph* and others have said that they hope India will not depart from her policy of independence and non-alignment. We should seek to understand this policy more fully and at least as much as some of the foreigners, who have been our critics in the past and not push ourselves into departing from it.

Non-alignment is not just a policy of ourselves ; it is a world requirement. It simply means that we cannot afford and do not throw our weight around dividing this world totally into two conflicting groups wherein there is no " area of peace " in between them. In the last ten or twelve years, more particularly during the last seven years, and on many an occasion, the presence of India alone as a non-aligned country in the first instance, and during the last three or four years, the accretion of a large number of other countries, into what was a somewhat solitary club, has more than once been the cause of averting world war.

I have not the time to go into much great detail about this. We must all feel gratified that this country as a whole under the leadership of our Prime Minister stands by this policy despite the misrepresentations and the interested counsel of a few of our countrymen who presume to speak in the name of this nation.

In our troubles on our frontiers, *i.e.* the invasion by China, involve not only the loss of territory to us but much more. China is not striking against our bodies alone, but against our soul, our dignity and our honour

too. All this is gruesome to us. We were doing our little best against the factors pushing towards world war. It is at that time and when we were trying to deal, along with others, with the problem of disarmament that China struck at us and world peace. This is something that every country should appreciate in their judgment of Chinese policy.

It is also part of wisdom, which is amply reflected by our Prime Minister, not to increase the number of our opponents in the world. That is not the way to wage war or defend the country. Therefore, the Prime Minister, said in Parliament that our policy of non-alignment basically remains unchanged and that nobody has asked us to change it, and I would add, except from within this country. No one from outside has made a call for the change of the non-alignment policy.

VI

Now we come to the second part of the attack on our policy by the few not so wise but vociferous. The demand is not so vociferous in words but by perhaps more potent in terms of gestures and actions.

The demand is that our internal policy which is the maintenance of democracy, subject to such inroads as we must make on it in times of war by passing the Defence of India Act and the restrictions on the liberty and opinion all that kind, should undergo change ! Our internal policy for democracy and social justice, for the betterment of the masses, for the raising of standards of life and for the upholding of human dignity in the masses does not sit well on the minds and find a place in the hearts of these select-patriots of ours ! Our internal policies must continue to be to retain our democratic ideas and our democratic institutions and the promotion of social justice.

We should be very aware that this country cannot remain as an independent country except by being a strong country. She cannot be a strong country without being a democracy wherein everybody feels the country is their's. They have felt so and consciously. A democracy cannot be maintained except in a society which seeks and pursues social justice. There must be, particularly in war conditions, equality of sacrifice and equality of opportunity for all. Both for sacrifice and service a democracy must make provision for all. There must also be equality of burdens, there must also be equality in that increasing sense that this is the great motherland of us all.

Government has made various appeals for the conservation of our resources without wasting them.

For example, we are short of electric power. Power is very much required for the production of ammunition, particularly in certain parts of India. If electric power were to be wasted for decorative purposes, then, of course, it is not assisting the war effort.

We have also a very difficult foreign exchange position. Every industrially advancing country has a difficult foreign exchange position, because foreign exchange is earned by the export of grown commodities, largely produced on the basis of underpaid labour and ill-advanced industry, mainly agriculture. To buy capital goods which were required for the purpose of increased production, we need this foreign exchange. This is no phenomenon of India alone. Any underdeveloped but advancing country has the same problem. When the United States of America became a great industrial country Britain was a great Empire and British capital was pumped in at that time. In the post-industrial revolution and the Napoleonic era, the goods of Industrial Revolution went to build the aqueducts of Western Asia and the rest of the world and advanced their industries.

So when we have a very difficult foreign exchange position of this kind, the credit of this country has to be maintained high. That is the reason why even those who might have had moral inhibitions now realise that they are probably less important — than the requirements for the safety of the country. It is a great sacrifice for some of them to make this concession. We have now a policy which makes it easier for hoarded or hidden gold that there is in the country to go into the vaults of the Reserve Bank. Sometime ago when I said this at Chowpatty in Bombay before the present Ordinance about gold was issued — what is more at that time when I had the responsibility for the governmental decisions — it was not so well received !

It is now part of the law of the land, also part of the appeal of the Government. But I find gold is like an animal whose movement depends on whether its body is heavy or light. When it is light it travels to the bank. When it is heavy it doesn't ! So you go to a meeting and you find little children taking off their trinkets worth eight annas and it goes to add to our gold treasure. But the large quantities of gold which fails to fall into the net of the Customs Officials or which has passed through that net by a process of an outflanking manoeuvre and become lost in the ocean of concealed or hoarded treasure remain unobtained. This must walk back to the banks !

The time must come when like in other countries the possession of gold by individuals or private parties over a certain limit is made illegal. I said a while ago, I cannot seek to define patriotism. But I found indication of the definition of patriotism in one of our national newspapers the other day when it suggested that the gold bonds or at least a part of them should be returned to the people, who buy the gold bonds, in gold itself ! What a wonderful degree of faith in the stability of this country ! Are these the patriots ?

According to the calculations of the Reserve Bank which I looked up not now but two or three years ago, there are thousands of crores worth of gold in the country. I had always held the view that we should get all the gold in the country into our reserve and thus make our credit strong and ourselves economically more independent. The reserves of gold is a defence weapon, a potent one. What is sought is not to drain the country of gold but to get it into the bank and then our credit is sound.

Even at a conservative calculation, there must be some 2,000 crores of rupees worth of gold hidden in

the country apart from what there is in the temples of our country. This gold, which is now lying idle—unless you regard the process of speculation and the change of it from hand to hand even without moving the gold at all a productive process — is not doing any socially valuable work ! This country has not got a good name abroad in this matter because the international price of gold is much lower than the internal price which spells lack of commercial and other morality.

Therefore, when the time is happily reached when those upon whose behalf it is said, as I mentioned a little while ago, gold will come in quicker if the gold bonds were redeemed in gold in 15 years, there should be a change of heart. After all we are a Gandhian country. When there is a change of heart in this matter there will be that backing for our credit which is required for the purpose of equipping this country and for conveying the assurance of the stability of this land.

China will have shivers if she knows that our entire resources are at the disposal of this land in order to repel her invasion ! She watches all these things. She no doubt knows that the trinkets come. Therefore, she knows the masses of people and their small savings, their desire to sacrifice is not measured in terms of an achieved equality of sacrifice but in our people's hope that equality of sacrifice will come. The best test of patriotism of those concerned would be when these resources which are so badly wanted by the nation goes into the national reserve, within vaults of the Reserve Bank, and this comes about without compulsion !

There is no doubt in my mind that public opinion in this country will not see its strength sapped or its resources depleted because some people try to sit on buried gold. We also hope that the Princes and others

who are often patriotic individuals will respond fully. Some of them have ranks in the armed forces of India. We must hope that their jewellery, their crown jewels as they would be called in some other places, which are not concealed, but are open family treasures, will go to the bank. Even if they are not given away by the owners they can be deposited with the right to use them for national security if such should become absolutely necessary. What is the difference in these treasures sitting in princely basements or safes and the same resting in the vaults of the bank? They will probably be looked after better! But the real difference is that if deposited, they help the nation without harming the owners. Therefore, until this vast amount of gold goes into the national reserve we would not be a strong country and more able to rely on ourselves.

Public opinion asserts itself. Take a simple example of this. There are a number of places of worship in this country — temples, gurudwaras, churches and mosques. There are certain practices, certain observances, that you must take off your shoes, or you must not spit in the place or you must not smoke or you must hold a covering over your head. These observances are not enforced by the Indian Penal Code, but enforced by public opinion, without noise or resistance. When public opinion goes in the direction, peacefully but effectively, of making the persons concerned feel they cannot withhold from the nation what it needs because the people will not tolerate it that way, we will succeed even where enforcement may fail. I won't say anything more.

Public opinion is potent — it works where Ordinances fail! The Government have given an opportunity to the people, to some people to purge themselves of the past wrong, of their sins if you like, without any penalties or fear or odium. It is unwise for anyone concerned to

keep on thinking that this or any other Government or any person should be put to the necessity of administering strong doses of penalties or restrictions in order to bring about the desired results ! This vast quantum of reserve must be accumulated and should go into the Reserve Bank. That applies not only to gold but to other things also, may be some kinds of steels, or whatever else it is, which somebody is holding back in the hope they will get higher prices.

Let it not be forgotten that if this country is not free because her own resources are not sufficient to throw back the invader and if the invader occupies it, not even the buried gold will remain buried ! On the other hand, the owner may well take the place of the gold ! So we must persuade some people not to bother about redemption of their bonds in gold. The very appeal for bond redemption in hard gold would show that the gold we need is available somewhere, only the terms are not good enough for the would-be investors ! Government have already offered them prices which are equal to the international price on deposit of the gold. In order to compensate them for their having to forgo the advantage of the illegal price, Government have also offered to pay a high level of interest. Moreover, the bonds are gilded security, guaranteed on the faith of this nation in victory which it must be presumed they share. If the gold does not come out, it is not only the gold that is not available to the nation but the unreserved loyalty of the people concerned in this matter that is not forthcoming.

The same thing applies to various other commodities, mainly luxury items, that are coming into the country which need not come into the country. I am not one of those people who think that there can be what may be called an " immaculate conception " in regard to trade

relations and that the outside party can be dispensed with. Every country has trade with every other in normal times. Imports have to be paid for by exports and *vice versa*. Other people will not give something unless they take something. That is the way of trade. In conditions of the present kind, however, where foreign exchange has to be conserved, we have to postpone even some future enjoyment for the purpose of present survival.

VII

We are in a very difficult position also because on the other side of this vast continent is China who at the moment is better protected by the Himalayas than we are, or, indeed, as our racial memory had made us feel and think. For them it has now become a battlement and a road while for us it is no longer a barrier against them, but an impediment to our fighting capacity. Therefore, whether it is on land, sea or air, as the case may be, whether it is by weapons of one kind or other, we have to render ourselves stronger.

One important weapon is the diplomatic skill of our representatives, their vision which does not always lie in finding a formula or in notes, but more in the diversity of the resources which renders our diplomacy more telling. The material of our diplomacy is not only the skill of the people concerned but the ground on which this skill is sown, namely, the good relations that exist with other countries.

No country can succeed in diplomacy, even though she has the best of methods, if nobody will buy it. Therefore, the good relations that we promote, the restraint that we use in criticising even our enemies, consistent with our firmness and the feelings in our minds, but also equally consistent with our sense of responsibility and dignity, is a potent factor. Our inner strength coupled with good relations will render the diplomatic offensive which China has launched less effective and more to our advantage than hers.

It is not only in the fields of battle that outflanking movements and attacks from the rear are menacing. In diplomatic fields also, diplomatic outflanking and

diplomatic “surrounding but not attacking” can be of great disadvantage to the attacked party. We must consider this. There are countries in the world about which we as individuals may hold, rightly or wrongly, different views, but this is no time to indulge in the luxury of such individual opinion about those who should be our friends and whose friendship we have to somehow cultivate and garner for ourselves.

Therefore, when people ask what can we do, it is not a question of saying we will die for our country. Why, we want people to live for our country not only as well but to the fullest extent we can! There are some spectacular things which move people. Some of these things are perhaps not merely spectacular, they represent the emotions without which no drive and no effort can be made. But when emotional upsurges and demands happen it must be realised that there is, and there should continue to be, a basis for them. There should be a full understanding of problems so that in our own minds there would be no lingering doubt about them.

When China launches her offensive she announces that India had attacked her! Every time she launches an invasion upon us, half an hour before that, she announces on her radio that “imperialist India” under “imperialist Nehru” has launched an attack on her troops and she is fighting a defensive action! Always defensive action when she attacks us! Defending her empire, I suppose, or her hopes of an empire!

We have to garner our resources as much as possible. Whether it be in Bombay or in the humblest hamlet or in a factory or a school, there shall be no doubt in our mind that there is only one way to deal with an invasion and that is to end it. Our position cannot be modified

in any other way. Every bit of territory that has been taken from this country by China temporarily must come back to us. Territory has been taken after the stiffest resistance had been offered by the armed forces of this land. There is not any part of our land anywhere which they just walked over. It has been fought for strenuously and fiercely. No part of India has been surrendered.

If we have temporarily withdrawn, it is in order to get back and fight or because that was the only way to deal with the enemy in that particular area. Also, while it is true that we have suffered reverses we have inflicted heavy casualties on the other side and there have been the stoutest, stiffest, heroic and epic resistance in every place. I am not at liberty even to speculate loudly on the number of our casualties, except to say that they will be found to be much smaller than what has been spoken about. This is not because there was no severe fighting on both sides but because our troops were skilful. Brave men do not die so easily because they do not allow their timidity to give emotional advantage to their opponents. That is the reason.

These men deserve all our gratitude and that gratitude can be only expressed by the growth of *morale* and security and sense of stability at home.

VIII

There is for us one and only one rallying point in our country. That is our Prime Minister. He has the advantage, thanks to the efforts of those who went before us, of having established in this country by a political revolution a land that belongs to all its people.

We have adopted to ourselves a policy where the progress and prosperity of this inheritance in the future shall also be equally shared in that way. We are protected by a system of law which has shown its flexibility, by being susceptible of modification in times when it has to be modified.

But over and above all this, we have the inestimable advantage of a unique personality, one of the greatest men in the world whose wisdom has saved us so long from being dragged into the vortex of a world war. On more than one occasion, in the short annals of our independence, he has not only elevated the honour of this country, which is very vital and precious to us, but also made singular, significant and unique contribution to the preservation of peace in the world. Those who would cast aspersions, those who tried to detract from the uniqueness of this factor, they do not understand either their own position or the situation. There can be no greater calamity to us than in any way weakening the hands of the Prime Minister.

The Prime Minister's hands are strengthened not so much by guns or even the possession of big guns by this country as by the knowledge that our entire population without distinction of opinion, caste or creed, are behind him and, therefore, he does not have to fight or look after two fronts but only one. Our primary and

overwhelming duty is not merely to shout slogans, but to make the Prime Minister feel every moment of his life that there is no part of this country which does not support him solidly and without reservation.

I am not a very emotional person and I don't say this in an emotional way. I have had the privilege of being associated with Panditji in various ways during the last 25 or 30 years. No sacrifice on the part of any individual in this country is too great to strengthen the hands of the leader of this nation. The Prime Minister is not merely leader of this Government. He is the leader of this nation who, 32 years ago on the banks of the Ravi, called this nation to take the pledge of independence and said at that time that those who toil should have a return for their toil and those who seek to take away our freedom, we must end their authority over this land.

So it is not a new gospel for us to adopt when we speak of a society based on social justice and liberty. We should work for this, each in his way but with fixity of purpose and without blurring our vision. We should also strenuously strive to stop the spreading of rumours and, instead, spread healthy propaganda to enable gold, by peaceful persuasion, to find its place in our national reserve. That persuasion need not even be articulate. If public opinion is strong enough it would have its effect.

I make bold to say this without any equivocation whatsoever. There is no other rallying point for us, there is no other single factor in this country which has knit us together in these last so many years, which has earned for us a place in this world and there is no person whose political or other wisdom is surpassed even by the collective wisdom of all of us. This is not hero worship because I am an iconoclast. It is merely a statement of fact and I think the best sinews of war lie

in the realisation of fact and not in the escape from it or the romantic creation of facts which will suit our ambitions. The Prime Minister leads not only his Government, not only his party but this nation and to a very great extent he leads the generation that is in front of us also. He, in a sense, is the leader of the generation yet to come.

While he is a citizen of this land and we have the first claim on him, he is also part of the leadership of this world. If it is to survive, the world requires wisdom, patience, forbearance and, what is more, a sense of dignity and proportion which he personifies.

If we do our duty in this regard we will enable this country to march to its historic destiny unenslaved and determined that we shall not negotiate, we shall not settle, nor shall we do anything else on the basis of surrender.) As it was said in the days of the Spanish Republican War by one of its woman leaders, "we would sooner die on our feet than live on our knees". That should be the motto of this country. We cannot say in modern war that they shall not pass because it is not they alone that pass, it is the projectiles that pass and we need to beat projectiles with projectiles.

No sacrifice is too great to keep this great motherland of ours free for the benefit of our people. I want to say this, here and now : it is very wrong for leaders of people to make promises or for us to expect them. No promises should be made that there shall be no reverses or difficulties or that successes await us at the corner. There can only be demands for sacrifices in work and service with total dedication. Other things are inherent in it and they come by themselves if our effort has been adequate, well directed and sustained through thick and thin.

If this country does not survive none of us survives.

DOCUMENTS

HISTORICAL INTRODUCTION

Seven of the several legally binding engagements entered into by India and China are reproduced in full in the Appendixes which follow. They cover a period of 270 years — from 1684 when the Peace Treaty between Ladakh and Tibet was signed at Tingmosgang to 1954 when the Agreement between the Republic of India and the People's Republic of China on Trade and Intercourse between the Tibet Region of China and India was concluded in Peking. These treaties, agreements and exchange of notes between the two sides are primarily pacts on the question of the demarcation of the Sino-Indian boundary though they also lay down the rules of conduct for trade and neighbourly relations. A simple reading of these texts will prove that all the three sectors of the long frontier, viz., the Western Sector from the trijunction of Afghanistan, Sinkiang and India to the eastern border of the Punjab ; the Central Sector covering the Punjab, Himachal Pradesh and the Uttar Pradesh borders with Tibet ; and, the Eastern Sector along the northern extremes of ancient Kamrupa, now called the North East Frontier Agency, are legally demarcated.

The period of 270 years during which these engagements were transacted was full of turmoil and trouble for both the countries. It was more so for China than for India. Tibet, during most of this period, functioned outside the sovereignty of the Central Government of China. It waged wars independently of the Central Government and signed treaties likewise. By the end of this period, even the Central Government had accepted that it had no control over the Lhasa authorities and had considered it in consonance with political realities to accept the Tibetan representatives as equals at international conferences, such as the Simla Conference of 1914. It is against this background that we must recreate the historical context in which these engagements became binding obligations between the two countries.

The first of these, the Treaty of 1684, (Appendix A) signified the termination of a war between Ladakh and the Mughal Power on the one hand and the Tibetan and the Mongolian authorities on the other. This war began in 1681 when the Lhasa authorities,

with the aid of Mongol hordes, which had accepted Lamaistic Buddhism, suddenly invaded the Mughal tributary state of Ladakh which was part of the state of Kashmir. In 1637-38, Mughal troops had unfurled their flag at Leh and Ladakh had been made an integral part of Mughal frontier defence system. The last of the great Mughals, Aurangzeb, had visited Srinagar in 1665 and summoned the feudatory ruler of Ladakh, called the Gyalpo, and discussed with him the affairs of this borderland. On Aurangzeb's insistence the Gyalpo had embraced Islam. Then, the *Khutba* was struck in Aurangzeb's name; a mosque was built in Leh and the Mughal coins were made common currency in Ladakh.

Sixteen years later, the Tibetan-Mongolian invasion was mounted. The Mughal Governor of Kashmir rushed troops to resist the invaders. A bitter struggle continued for three years when the joint Mongol-Tibetan force was pushed back. The war ended with the treaty which was signed at Tingmosgang. Apart from the terms regarding trade, etc., the parties agreed that "the boundaries fixed, in the beginning, when King Skyid-Ida-ngeema-gon gave a kingdom to each of his three sons, shall be maintained." Neither party felt the need of writing a description of this boundary in the Treaty. This is an important fact to remember. This was so because the boundary was historical, customary and traditional and known to be such for at least seven centuries. In fact, the parties considered sufficient to mention the fixing of the boundaries in the time of King Skyid-Ida-ngeema-gon. Such was the force of the inviolability of this boundary.

The reference to the partition of the trans-Himalayan kingdom by this king only proved that the fact and the effect of the separation and delimitation of Ladakh's boundaries by him were well-known and accepted without dissent and reserve. The partition had taken place in the Xth century. It was recorded in the authoritative *La dvags rgyal rabs* or the Royal Chronicle of the Kings of Ladakh or Maryul, a name by which Ladakh was known till late XIXth century. King Skyid-Ida-ngeema-gon's act of creation of the kingdom of Ladakh was described as follows :

"He gave to each of his three sons separate kingdoms, viz., to the eldest Dpal-gyi-ngon, Maryul of the Mnah-ris, the inhabitants using black bows; Ru-thongs 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 Yi-mig rock.”

These odd-sounding names have a deep significance. The frontier was thus demarcated at Lde-mchog-dkar-po or Demchok; at the top of the Yi-mig rock or the Imis pass and at Wam-le or Hanle. Ru-thongs later became a part of Tibet. This demarcation of Indo-Tibetan frontier was respected till the invasion of 1681 and it was re-established by the Treaty of 1684. There was to be re-affirmation of this same demarcation by another Treaty in 1842 and, in fact, till its violation by China in 1959, this thousand years sanctified frontier had been respected by all concerned.

When the Chinese began to claim Ladakhi territories, Prime Minister Nehru drew the attention of the Chinese Premier to the Treaty of 1684 in his letter of September 26, 1959. In his reply of December 26, 1959, Premier Chou En-lai did not refute either the fact or the effect of the Treaty of 1684. It was only on July 22, 1960 that China chose to take a stand that no such treaty existed! This was a patently untenable stand since the facts of the war and the treaty were recorded in the *Biography of Pohla*, written in 1783. The full text was published in English in 1890 and till 1960 neither official nor non-official Chinese scholars had raised any doubt as to its existence!

Besides the documentary evidence, life itself had left a testimony to the terms of this Treaty. The Royal Chronicle of the Ladakhi Kings recorded that Ladakh gave up its rights to the district of Ngari Khorgum but “King of Ladakh reserves to himself the village of Monthser . . .”. The village, later known as Minsar became an Indian enclave in Tibet and continued to be such till Chinese troops illegally occupied it. Upto 1958, the Indian citizens of Minsar continued to pay revenue dues to the Government of the state of Jammu and Kashmir.

The Treaty of 1842 (Appendix B) was signed on 16-17 September of that year or on 2nd of the month of Assuj, Sambat 1899. Shri Khalsaji and Shri Maharaj Sahib Bahadur Raja Gulab Singh on the one hand and the Emperor of China and the Lama Guru of Lhasa on the other, were parties to the Treaty.

During the last days of the Mughal Dynasty, a powerful Sikh Confederacy had risen in the Punjab. One of its soldiers, Gulab

Singh, founded his State in Jammu, Ladakh became part of this new kingdom. In 1841, a war broke out between Gulab Singh and Tibet. The Chinese Emperor rushed troops to aid Lhasa. After a draw, both sides thought it wise to end hostilities on the basis of *status quo ante*. The Emperor of China and the Lama Guru of Lhasa agreed that “we shall neither at present nor in future have anything to do or interfere at all with the boundaries of Ladakh and its surrounding as fixed from, the ancient times.” Thus, the Treaty terminated the state of war, and again, recognised the customary, historical and traditional frontier of Ladakh.

The Government of China could not deny the existence of the Treaty of 1842 but described it as “an agreement of mutual non-aggression.” This original interpretation aimed at suggesting that the Treaty had nothing to do with frontier demarcation ! But unfortunately for Peking another agreement between the Government of Jammu and Kashmir (by this time Gulab Singh had also become the master of Kashmir) entered into ten years later in 1852 (Appendix C) liquidated this Chinese argument. Thanedar Bastiram representing the Indian side and Kalon Rinzin, on behalf of the Tibetan authorities, agreed that “the boundary between Ladakh and Tibet will remain the same as before.”

Thus, as late as 1852, the boundaries of Ladakh with Tibet as fixed in the Xth century were sanctified.

In relation to the Central Sector of the frontier, the Panchsheel Treaty of 1954 (Appendix D) has the distinction of having been a legal engagement entered into the present Government of China and of bearing the signature of its present Prime Minister, Chou En-lai.

The preamble to this Treaty lays down the Five Principles or the Panchsheel which formed the basis of the agreement. The very first of them was “mutual respect for each other’s territorial integrity and sovereignty”. The territorial limits of India were clearly and distinctly laid down in the Indian Constitution of 1950. It can hardly be argued by any civilized Government that it was unaware of them and it had promised to respect these limits without knowing what they were !

The need for the Treaty of 1954 arose because eight months after India recognized the new Government of China in December

1949, China had expressed desire to “stablize the Indo-Tibetan frontier”. What this “stabilization” meant was clarified at the very first informal discussion of this subject by Premier Chou En-lai. He told the Indian Ambassador in Peking that “there was no territorial dispute or controversy between India and China”. This meeting took place on September 27, 1951. The formal negotiations that followed clearly indicated that China meant to respect the Indo-Tibetan frontier as established by history, custom, tradition, treaties and administrative jurisdiction and as laid down in the Constitution of India.

During these talks, the Chinese twice betrayed their inner mind. Premier Chou En-lai once referred to the “outstanding questions” between India and China that were “ripe for settlement”. The Indian Ambassador was quick to retort and stated that there were only small questions pending between the two countries and India wished to see nothing, big or small, remaining outstanding between the two countries. On April 29, 1954, when the Treaty was signed, the Indian spokesman minced no words: “We have gone through fully questions that existed between our two countries in this (Tibet) region.” Premier Chou En-lai and his delegation heartily agreed with this conclusive statement.

There was another instance when India clinched the point about the firm demarcation of Indo-Tibetan boundary. The Treaty laid down that traders and pilgrims were to travel by the Shipki, Mana, Niti, Kungri-Bingri, Darma and the Lipu Lekh passes. The Chinese brought a draft of this clause stating that they “agree to open” these passes. This was objected to in as much as this was a claim on ownership of the passes by implication. The Chinese agreed to drop this phraseology.

The three engagements which delimited the Eastern Sector of the frontier (Appendix E, F, and G) were entered into at the time of the Simla Conference held in 1914.

The initiative for convening a tripartite conference of China, Tibet and India was taken by the then Government of India on August 17, 1912. This was soon after the Chinese Revolution when the rule of the Manchus had been ended and China proclaimed

itself a Republic. Sun Yat-sen had been announced as President of this Republic on February 19, 1912. A peculiar situation had arisen in Tibet at that time. Tibet under the 13th Dalai Lama, had announced that it was "independent and sovereign". In fact, China had lost its control over Tibet much earlier and the British policy was to settle principal Indo-Tibetan problems directly with Lhasa. All this was made clear in the British Memorandum of August 17, 1912 to Nanking. On January 30, 1913, the Chinese Government accepted this position and agreed to send its plenipotentiary to India to participate in the tripartite conference along with the Tibetan and British representatives.

The agenda of the conference had only one main item : Tibet. It was proposed that the territorial limits of Tibet might be discussed first. Sir Henry McMahon, the British plenipotentiary, took up this matter with Lochen Shatra, the Tibetan plenipotentiary. Ivan Chen, the Chinese plenipotentiary, could not participate in the discussion that followed in Delhi between January 15 to 31, 1914 as he was awaiting instructions from Nanking. However, on February 17, 1914, McMahon placed a statement on Tibetan territorial limits to the full conference where Ivan Chen was present. A map showing the "historic frontiers of Tibet" was attached to the statement. The historic, traditional and customary frontier of India and Burma with Tibet, beginning at the trijunction of Bhutan, Tibet and India, was clearly demarcated on the map. This, later, came to be known as the McMahon line. Lochan Shatra, after receiving approval from Lhasa, accepted this demarcation. There was an exchange of letters ratifying this acceptance. On April 17, 1914, the map demarcating the southern frontier of Tibet, was accepted by the three plenipotentiaries, including Ivan Chen. The McMahon line was drawn in red colour on the map.

Since the conference was also to demarcate the frontiers of Inner and Outer Tibet and yet another line was to be drawn. Ivan Chen did not accept the other line, dividing Tibet into British and Chinese spheres of influence, or between Inner and Outer Tibet, which was drawn in blue. This fact is of some importance today since Chinese propaganda seeks to confuse this refusal with the alleged refusal to accept the McMahon line. Ivan Chen did accept the red line — the McMahon Line — and affixed his signature to the map drawn in two sheets. (See Simla Convention Map.) It must be added

that in context of the fact of Tibetan legal capacity to enter into treaty engagements at this period and the concurrent Chinese acceptance of this status of Tibet, evidenced by the presence of Lochen Shatra on the same footing of equality with Ivan Chen at the conference table, the agreement or otherwise by China to the demarcation of Indo-Tibetan and Tibetan-Burman frontier, is essentially a matter of academic interest. By all canons of international law and practice, even if Ivan Chen expressed his disagreement with the McMahon Line, it was binding on Tibet in 1914 and became equally binding on China from 1954 onward when its status as a successor power in Tibet was recognized by India in accordance with the provisions of the Panchsheel Treaty of 1954.

The Convention between Great Britain, China and Tibet was signed on July 3, 1914 which by Article 9 determined the boundary between India and Burma on the one hand and Tibet on the other. The map showing the line of demarcation in two sheets was attached to this Convention. On the same day, Anglo-Tibet Trade Regulations were signed between Great Britain and Tibet. All previous similar engagements between the parties were abrogated by these regulations. Ivan Chen and his Government were fully aware of the fact of these regulations and they fully accepted them, thus accepting Tibet's right to conclude agreements with foreign States.

These are facts of history. Still, they did not prevent Premier Chou En-lai from blandly stating on September 1, 1959 that the "McMahon Line was set forth in the past by British imperialists unilaterally". But there was an explanation to this. By then, Peking had staked its claim to 36,000 square miles of Indian territory south of the McMahon Line !

The degree of deliberate defiance and contempt which the present Government of China has shown for international commitments and the easy recourse to arms it has taken in violation of the code of civilized behaviour are portents of the new menace which has arisen in Asia.

APPENDIX A

PEACE TREATY BETWEEN LADAKH AND TIBET, SIGNED AT TINGMOSGANG (1684)

The Drukpa (red sect) Omniscient Láma, named Mee-pham-wáng-po, who in his former incarnations had always been the patron Láma of the kings of Ladák, from generation to generation, was sent from Lhása to Táshis-gang, to arrange the conditions of a treaty of peace — for the Ladák king could never refuse to abide by the decision of the Omniscient One.

It was agreed as follows :—

- (1) The boundaries fixed, in the beginning, when king Skyid-Ida-ngeema-gon gave a kingdom to each of his three sons, shall still be maintained.
- (2) Only Ladákis shall be permitted to enter into the Ngárees-khor-sum wool trade.
- (3) No person from Ladák, except the royal trader of the Ladák Court, shall be permitted to enter Rudok.
- (4) A royal trader shall be sent by the Deywa Zhung (*i.e.*, the Grand Láma of Lhása), from Lhása to Ladák, once a year, with 200 horse-loads of tea.
- (5) A “ Lo-chhak ” shall be sent every third year from Leh to Lhása with presents. As regards the quality and value of presents brought for all ordinary Lámas, the matter is of no consequence, but to the Lábrang Chhakdzot shall be given the following articles, *viz.* :—
 - (a) *Gold dust* — the weight of 1 zho 10 times.
 - (b) *Saffron* — the weight of 1 srang (or thoorrang) 10 times.
 - (c) Yarkhand cotton cloths — 6 pieces.
 - (d) Thin cotton cloth — 1 piece.

The members of the Lapchak Mission shall be provided with provisions, free of cost, during their stay at Lhása, and for the journey they shall be similarly provided with 200 baggage animals, 25 riding ponies, and 10 servants. For the uninhabited portion of the journey, tents will be supplied for the use of the Mission.

- (6) The country of Ngárees-khor-sum shall be given to the Omniscient Drukpa Láma, Mee-pham-wáng-po, and in lieu thereof the Deywa Zhung will give to the Ladák king three other districts (in Great Tibet).
- (7) The revenue of the Ngárees-khor-sum shall be set aside for the purpose of defraying the cost of sacrificial lamps, and of religious ceremonies to be performed at Lhása.
- (8) But the king of Ladák reserves to himself the village (or district?) of Monthser (*i.e.*, Minsar) in Ngárees-khor-sum, 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 Káng-ree (*i.e.*, Kailás), and the Holy Lakes of Mánásarwar and Rakas Tál.

With reference to the first clause of the treaty, it may be explained that, roughly speaking, king Skyed-lda-ngeema-gon gave the following territories to his sons :—

- (a) *To the eldest son* — The countries now known as Ládak and Purig, extending from Hánley on the east to the Zójila Pass on the west, and including Rudok and the Gogpo gold district.
- (b) *To the second son* — Googey, Poorang and certain other small districts.
- (c) *To the third son* — Zángskar, Spiti, and certain other small districts.

APPENDIX B

PEACE TREATY BETWEEN THE RULER OF JAMMU, THE EMPEROR OF CHINA AND THE LAMA GURU OF LHASA (1842)

As on this auspicious day, the 2nd of Assuj, Sambat 1899 (16th or 17th September 1842 A.D.), we, the officers of the Lhasa (Government), Kalon of Sokan and Bakshi Shajpuh, Commander of the Forces and two officers on behalf of the most resplendent Sri Khalsaji Sahib, the asylum of the world, King Sher Singhji and Sri Maharaj Sahib Raja-i-Rajagan Raja Sahib Bahadur Raja Gulab Singhji, *i.e.*, the Muktar-ud-Daula Diwan Hari Chand and the asylum of viziers, Vizir Ratnun, in a meeting called together for the promotion of peace and unity, and by professions and vows of friendship, unity and sincerity of heart and by taking oaths like those of Kunjak Sahib, have arranged and agreed that relations of peace, friendship and unity between Sri Khalsaji and Sri Maharaj Sahib Bahadur Raja Gulab Singhji, and the Emperor of China and the Lama Guru of Lhasa will henceforward remain firmly established for ever ; and we declare in the presence of the Kunjak Sahib that on no account whatsoever will there be any deviation, difference or departure (from this agreement). 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.

Should any of the opponents of Sri Sarkar Khalsaji and Sri Raja Sahib Bahadur at any time enter our territories, we shall not pay any heed to his words or allow him to remain in our country.

We shall offer no hindrance to traders of Ladakh who visit our territories. We shall not even to the extent of a hair's breadth act in contravention of the terms that we have agreed to above regarding firm friendship, unity, the fixed boundaries of Ladakh and the keeping open of the route for wool, shawls and tea. We call Kunjak Sahib, Kairi, Lassi, Zhoh Mahan, and Khushal Choh as witnesses to this treaty.

The treaty was concluded on the 2nd of the month of Assuj, Sambat 1899 (16th or 17th September 1842 A.D.).

APPENDIX C

AGREEMENT BETWEEN TIBET AND KASHMIR (1852)

This is dated the third day of the month of the Water Bull Year (apparently 1852).

The Ladakis refusing to supply the Tibetan Government trader Ke-Sang Gyurme with the usual transport animals on account of the decreased tea trade, the Nyer-pass of the Garpons were deputed to enquire about this matter and to investigate the boundary dispute between Ladak and Tibet. A meeting was accordingly arranged between Ladak Thanadar Sahib Bastiram and Kalon Rinzin accompanied by his servant Yeshe Wangyal and an agreement was made as follows :

In future the Ladakis will supply the Tibetan Government traders with the usual transport requirements without any demur. The joint Te-Jis¹ will request their Government to appoint only intelligent and capable men to take the annual tribute to Tibet. The Ladakis shall provide the Tibetan Government traders with accommodation and servants as usual and render them any further assistance according to the old-established custom. The Garpons will issue orders to the effect that tea and woollen goods arriving at Nagari shall only be sent to Ladak and not to any other place. The boundary between Ladak and Tibet will remain the same as before. No restriction shall be laid by the people of Rudok on the export of salt and woollen goods and the import of barley flour and barley. Neither party shall contravene the existing rules and the rates of Customs duties and market supplies shall be fixed by both parties concerned. The above rules shall apply also to the Rongpas,² who export salt. The travellers from North and West who come through Rong are given passports by the Thanadar. They are liable to

¹ *i.e.*, the Garpons of Sartok. 'Teji' is a Tibetan title which the then Garpons might have held.

² *i.e.*, people inhabiting the valley countries.

Customs duties as prescribed in their passports. Should any of them be unable to produce his passport, he shall be made to pay fifty times the amount ordinarily recoverable from him. No case will be heard against such recoveries made by the Customs Officer. In deciding all important matters the ruler shall take into consideration the manners and customs of both sides and observe the old-established rules regarding supply of transport, etc. There shall be no restriction in grazing animals in the pasture reserved for the animals of the Government traders, but the people shall not be allowed to abuse this privilege by bringing animals from outside to graze on it. Both parties shall adhere strictly to the agreement thus arrived at between Tibet and Singpas (Kashmiris), and the two frontier officers shall act in perfect accord and co-operation.

Drawn in duplicate and sealed by Thanadar Sahib Bastiram and Kalon Rinzin Two Nyer-pass of the Garpons. Witness Yeshe Wangyal, Private servant of Kalon Rinzin.

APPENDIX D

AGREEMENT BETWEEN THE REPUBLIC OF INDIA AND THE PEOPLE'S REPUBLIC OF CHINA ON TRADE AND INTERCOURSE BETWEEN TIBET REGION OF CHINA AND INDIA (1954)

The Government of the Republic of India and the Central People's Government of the People's Republic of China.

Being desirous of promoting trade and cultural intercourse between Tibet Region of China and India and of facilitating pilgrimage and travel by the peoples of China and India.

Have resolved to enter into the present Agreement based on the following principles :

- (1) mutual respect for each other's territorial integrity and sovereignty,
- (2) mutual non-aggression,
- (3) mutual non-interference in each other's internal affairs,
- (4) equality and mutual benefit, and
- (5) peaceful co-existence.

And for this purpose have appointed as their respective Plenipotentiaries :

The Government of the Republic of India, H.E. Nedyam Raghavan, Ambassador Extraordinary and Plenipotentiary of India accredited to the People's Republic of China ; the Central People's Government of the People's Republic of China, H.E. Chang Han-fu, Vice-Minister of Foreign Affairs of the Central People's Government, who, having examined each other's credentials and finding them in good and due form, have agreed upon the following :—

ARTICLE 1

The High Contracting Parties mutually agree to establish Trade Agencies :

- (1) The Government of India agrees that the Government of China may establish Trade Agencies at New Delhi, Calcutta and Kalimpong.
- (2) The Government of China agrees that the Government of India may establish Trade Agencies at Yatung, Gyantse and Gartok.

The Trade Agencies of both Parties shall be accorded the same status and same treatment. The Trade Agents of both Parties shall enjoy freedom from arrest while exercising their functions, and shall enjoy in respect of themselves, their wives and children who are dependent on them for livelihood freedom from search.

The Trade Agencies of both Parties shall enjoy the privileges and immunities for couriers, mail-bags and communications in code.

ARTICLE 2

The High Contracting Parties agree that traders of both countries known to be customarily and specifically engaged in trade between Tibet Region of China and India may trade at the following places :

- (1) The Government of China agrees to specify (1) Yatung, (2) Gyantse and (3) Phari as markets for trade. The Government of India agrees that trade may be carried on in India, including places like (1) Kalimpong, (2) Siliguri and (3) Calcutta, according to customary practice.
- (2) The Government of China agrees to specify (1) Gartok, (2) Pulanchung (Taklakot), (3) Gyanima-Khargo, (4) Gyanima-Charkra, (5) Rampura, (6) Dongbra, (7) Puling-Sumdo, (8) Nabra, (9) Shangtse and (10) Tashigong as markets for trade ; the Government of India agrees that in future, when in accordance with the development and need of trade between the Ari District of Tibet Region of China

and India, it has become necessary to specify markets for trade in the corresponding district in India adjacent to the Ari District of Tibet Region of China, it will be prepared to consider on the basis of equality and reciprocity to do so.

ARTICLE 3

The High Contracting Parties agree that pilgrimage by religious believers of the two countries shall be carried on in accordance with the following provisions :—

- (1) Pilgrims from India of Lamaist, Hindu and Buddhist faiths may visit Kang Rimpoche (Kailas) and Mavam Tso (Manasarovar) in Tibet Region of China in accordance with custom.
- (2) Pilgrims from Tibet Region of China of Lamaist and Buddhist faiths may visit Banaras, Sarnath, Gaya and Sanchi in India in accordance with custom.
- (3) Pilgrims customarily visiting Lhasa may continue to do so in accordance with custom.

ARTICLE 4

Traders and pilgrims of both countries may travel by the following passes and route :

- (1) Shipki La Pass, (2) Mana Pass, (3) Niti Pass, (4) Kungri Bingri Pass, (5) Darma Pass, and (6) Lipu Lekh Pass.

Also, the customary route leading to Tashigong along the valley of the Shangatsangpu (Indus) River may continue to be traversed in accordance with custom.

ARTICLE 5

For travelling across the border, the High Contracting Parties agree that diplomatic personnel, officials and nationals of the two countries shall hold passports issued by their own respective countries and visaed by the other Party except as provided in Paragraphs 1, 2, 3 and 4 of this Article.

- (1) Traders of both countries known to be customarily and specifically engaged in trade between Tibet Region of China and India, their wives and children who are dependent on them for livelihood and their attendants will be allowed entry for purposes of trade into India or Tibet Region of China, as the case may be, in accordance with custom on the production of certificates duly issued by the local government of their own country or by its duly authorised agents and examined by the border checkpoints of the other Party.
- (2) Inhabitants of the border districts of the two countries who cross the border to carry on petty trade or to visit friends and relatives may proceed to the border districts of the other Party as they have customarily done heretofore and need not be restricted to the passes and route specified in Article 4 above and shall not be required to hold passports, visas or permits.
- (3) Porters and mule-team drivers of the two countries who cross the border to perform necessary transportation services need not hold passports issued by their own country, but shall only hold certificates good for a definite period of time (three months, half a year or one year) duly issued by the local government of their own country or by its duly authorised agents and produce them for registration at the border checkpoints of the other Party.
- (4) Pilgrims of both countries need not carry documents of certification but shall register at the border checkpoints of the other Party and receive a permit for pilgrimage.
- (5) Notwithstanding the provisions of the foregoing paragraphs of this Article, either Government may refuse entry to any particular person.
- (6) Persons who enter the territory of the other Party in accordance with the foregoing paragraphs of this Article may stay within its territory only after complying with the procedures specified by the other Party.

ARTICLE 6

The present Agreement shall come into effect upon ratification by both Governments and shall remain in force for eight (8) years. Extension of the present Agreement may be negotiated by the two Parties if either Party requests for it six (6) months prior to the expiry of the Agreement and the request is agreed to by the other Party.

Done in duplicate in Peking on the twentyninth day of April, 1954, in the Hindi, Chinese and English languages, all texts being equally valid.

(SD.) NEDYAM RAGHAVAN,

(SD.) CHANG HAN-FU,

*Plenipotentiary of the
Government of the
Republic of India.*

*Plenipotentiary of the
Central People's Govern-
ment, People's Republic
of China.*

APPENDIX E

INDIA-TIBET FRONTIER (1914)

EXCHANGE OF NOTES BETWEEN THE BRITISH AND TIBETAN
PLENIPOTENTIARIES

To

Lonchen Shatra,

Tibetan Plenipotentiary.

In February last you accepted the India-Tibet frontier from the Isu Razi Pass to the Bhutan frontier, as given in the map (two sheets), of which two copies are herewith attached, subject to the confirmation of your Government and the following conditions :—

- (a) The Tibetan ownership in private estates on the British side of the frontier will not be disturbed.
- (b) If the sacred places of Tso Karpo and Tsari Sarpa fall within a day's march of the British side of the frontier, they will be included in Tibetan territory and the frontier modified accordingly.

I understand that your Government have now agreed to this frontier subject to the above two conditions. I shall be glad to learn definitely from you that this is the case.

You wished to know whether certain dues now collected by the Tibetan Government at Tsona Jong and in Kongbu and Kham from the Monpas and Lopas for articles sold may still be collected. Mr. Bell has informed you that such details will be settled in a friendly spirit, when you have furnished to him the further information, which you have promised.

The final settlement of this India-Tibet frontier will help to prevent causes of future dispute and thus cannot fail to be of great advantage to both Governments.

DELHI,
24th March 1914.

A. H. McMAHON,
British Plenipotentiary.

TRANSLATION

To

Sir Henry McMahon,

British Plenipotentiary to the China-Tibet Conference.

As it was feared that there might be friction in future unless the boundary between India and Tibet is clearly defined, I submitted the map, which you sent to me in February last, to the Tibetan Government at Lhasa for orders. 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.

Sent on the 29th day of the 1st Month of the Wood-Tiger year (25th March 1914) by Lonchen Shatra, the Tibetan Plenipotentiary.



APPENDIX F

CONVENTION BETWEEN GREAT BRITAIN, CHINA AND TIBET (1914)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, His Excellency the President of the Republic of China, and His Holiness the Dalai Lama of Tibet, being sincerely desirous to settle by mutual agreement various questions concerning the interests of their several States on the Continent of Asia, and further to regulate the relations of their several Governments, have resolved to conclude a Convention on this subject and have nominated for this purpose their respective Plenipotentiaries, that is to say :

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Sir Arthur Henry McMahon, Knight Grand Cross of the Royal Victorian Order, Knight Commander of the Most Eminent Order of the Indian Empire, Companion of the Most Exalted Order of the Star of India, Secretary to the Government of India, Foreign and Political Department ;

His Excellency the President of the Republic of China, Monsieur Ivan Chen, Officer of the Order of the Chia H O ;

His Holiness the Dalai Lama of Tibet, Lonchen Ga-den Shatra Pal-jor Dorje ; who having communicated to each other their respective full powers and finding them to be in good and due form have agreed upon and concluded the following Convention in eleven Articles :—

ARTICLE 1

The Conventions specified in the Schedule to the Present Convention shall, except in so far as they may have been modified by, or may be inconsistent with or repugnant to, any of the provisions of the present Convention, continue to be binding upon the High Contracting Parties.

ARTICLE 2

The Governments of Great Britain and China recognising that Tibet is under the suzerainty of China, and recognising also the autonomy of Outer Tibet, engage to respect the territorial integrity of the country, and to abstain from interference in the administration of Outer Tibet (including the selection and installation of the Dalai Lama), which shall remain in the hands of the Tibetan Government at Lhasa.

The Government of China engages not to convert Tibet into a Chinese province. The Government of Great Britain engages not to annex Tibet or any portion of it.

ARTICLE 3

Recognising the special interest of Great Britain, in virtue of the geographical position of Tibet, in the existence of an effective Tibetan Government, and in the maintenance of peace and order in the neighbourhood of the frontiers of India and adjoining States, the Government of China engages, except as provided in Article 4 of this Convention, not to send troops into Outer Tibet, nor to station civil or military officers, nor to establish Chinese colonies in the country. Should any such troops or officials remain in Outer Tibet at the date of the signature of this Convention, they shall be withdrawn within a period not exceeding three months.

The Government of Great Britain engages not to station military or civil officers in Tibet (except as provided in the Convention of September 7, 1904, between Great Britain and Tibet) nor troops (except the Agents' escorts), nor to establish colonies in that country.

ARTICLE 4

The foregoing Article shall not be held to preclude the continuance of the arrangement by which, in the past, a Chinese high official with suitable escort has been maintained at Lhasa, but it is hereby provided that the said escort shall in no circumstances exceed 300 men.

ARTICLE 5

The Governments of China and Tibet engage that they will not enter into any negotiations of agreements regarding Tibet with one another, or with any other Power, excepting such negotiations and agreements between Great Britain and Tibet as are provided for by the Convention of September 7, 1904, between Great Britain and Tibet and the Convention of April 27, 1906, between Great Britain and China.

ARTICLE 6

Article 3 of the Convention of April 27, 1906, between Great Britain and China is hereby cancelled, and it is understood that in Article 9(*d*) of the Convention of September 7, 1904, between Great Britain and Tibet the term "Foreign Power" does not include China.

Not less favourable treatment shall be accorded to British commerce than to the commerce of China or the most favoured nation.

ARTICLE 7

- (a) The Tibet Trade Regulations of 1893 and 1908 are hereby cancelled.
- (b) The Tibetan Government engages to negotiate with the British Government new Trade Regulations for Outer Tibet to give effect to Articles 2, 4 and 5 of the Convention of September 7, 1904, between Great Britain and Tibet without delay; provided always that such Regulation shall in no way modify the present Convention except with the consent of the Chinese Government.

ARTICLE 8

The British Agent who resides at Gyantse may visit Lhasa with his escort whenever it is necessary to consult with the Tibetan Government regarding matters arising out of the Convention of September 7, 1904, between Great Britain and Tibet, which it has been found impossible to settle at Gyantse by correspondence or otherwise.

ARTICLE 9

For the purpose of the present Convention the borders of Tibet, and the boundary between Outer and Inner Tibet, shall be as shown in red and blue respectively on the map attached hereto.

Nothing in the present Convention shall be held to prejudice the existing rights of the Tibetan Government in Inner Tibet, which include the power to select and appoint the high priests of monasteries and to retain full control in all matters affecting religious institutions.

ARTICLE 10

The English, Chinese and Tibetan texts of the present Convention have been carefully examined and found to correspond, but in the event of there being any difference of meaning between them the English text shall be authoritative.

ARTICLE 11

The present Convention will take effect from the date of signature.

In token whereof the respective Plenipotentiaries have signed and sealed this Convention, three copies in English, three in Chinese and three in Tibetan.

Done at Simla this third day of July, A.D., one thousand nine hundred and fourteen, corresponding with the Chinese date, the third day of the seventh month of the third year of the Republic, and the Tibetan date, the tenth day of the fifth month of the Wood-Tiger year.

INITIAL* OF THE LONCHEN SHATRA.

(INITIALLED) A.H.M.



* Owing to it not being possible to write initials in Tibetan, the mark of the Lonchen at this place is his signature.

SCHEDULE

- (1) Convention between Great Britain and China relating to Sikkim and Tibet, signed at Calcutta the 17th March 1890.
- (2) Convention between Great Britain and Tibet, signed at Lhasa the 7th September 1904.
- (3) Convention between Great Britain and China respecting Tibet, signed at Peking the 27th April 1906.

The notes exchanged are to the following effect :—

- (1) It is understood by the High Contracting Parties that Tibet forms part of Chinese territory.
- (2) After the selection and installation of the Dalai Lama by the Tibetan Government, the latter will notify the installation to the Chinese Government, whose representative at Lhasa will then formally communicate to His Holiness the titles consistent with his dignity, which have been conferred by the Chinese Government.
- (3) It is also understood that the selection and appointment of all officers in Outer Tibet will rest with the Tibetan Government.
- (4) Outer Tibet shall not be represented in the Chinese Parliament or in any other similar body.
- (5) It is understood that the escorts attached to the British Trade Agencies in Tibet shall not exceed seventy-five per centum of the escort of the Chinese Representative at Lhasa.
- (6) The Government of China is hereby released from its engagements under Article 3 of the Convention of March 17 1890, between Great Britain and China to prevent acts of aggression from the Tibetan side of the Tibet-Sikkim frontier.
- (7) The Chinese high official referred to in Article 4 will be free to enter Tibet as soon as the terms of Article 3 have been

fulfilled to the satisfaction of representatives of the three signatories to this Convention, who will investigate and report without delay.

INITIAL* OF LONCHEN SHATRA

(INITIALLED) A.H.M.



NOTE

Whereas the Simla Convention itself after being initialled by the Chinese Plenipotentiary was not signed or ratified by the Chinese Government, it was accepted as binding by the two other parties as between themselves.

* Owing to it not being possible to write initials in Tibetan, the mark of the Lonchen at this place is his signature.

APPENDIX G

ANGLO-TIBET TRADE REGULATIONS (1914)

Whereas by Article 7 of the Convention concluded between the Governments of Great Britain, China and Tibet on the third day of July, A.D., 1914, the Trade Regulations of 1893 and 1908 were cancelled and the Tibetan Government engaged to negotiate with the British Government new Trade Regulations for Outer Tibet to give effect to Articles 2, 4 and 5 of the Convention of 1904 ;

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, and His Holiness the Dalai Lama of Tibet have for this purpose named as their Plenipotentiaries, that is to say :

His Majesty the King of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Sir A. H. McMahon, G.C.V.O., K.C.I.E., C.S.I. ;

His Holiness the Dalai Lama of Tibet—Lonchen Ga-den Shatra Pal-jor Dorje ;

And whereas Sir A. H. McMahon and Lonchen Ga-den Shatra Pal-jor Dorje have communicated to each other since their respective full powers and have found them to be in good and true form, the following Regulations have been agreed upon :—

(1) The area falling within a radius of three miles from the British Trade Agency site will be considered as the area of such Trade Mart.

It is agreed that British subjects may lease lands for the building of houses and godowns at the Marts. This arrangement shall not be held to prejudice the right of British subjects to rent houses and godowns outside the Marts for their own accommodation and the storage of their goods. British subjects desiring to lease building sites shall apply through the British Trade Agent to the Tibetan

Trade Agent. In consultation with the British Trade Agent the Tibetan Trade Agent will assign such or other suitable building sites without unnecessary delay. They shall fix the terms of the leases in conformity with the existing laws and rates.

(2) The administration of the Trade Marts shall remain with the Tibetan authorities, with the exception of the British Trade Agency sites and compounds of the rest-houses, which will be under the exclusive control of the British Trade Agents.

The Trade Agents at the Marts and Frontier Officers shall be of suitable rank, and shall hold personal intercourse and correspondence with one another on terms of mutual respect and friendly treatment.

(3) In the event of disputes arising at the Marts or on the routes to the Marts between British subjects and subjects of other nationalities, they shall be enquired into and settled in personal conference between the British and Tibetan Trade Agents at the nearest Mart. Where there is a divergence of view the law of the country to which the defendant belongs shall guide.

All questions in regard to rights, whether of property or person, arising between British subjects, shall be subject to the jurisdiction of the British Authorities.

British subjects, who may commit any crime at the Marts or on the routes to the Marts, shall be handed over by the Local Authorities to the British Trade Agent at the Mart nearest to the scene of offence, to be tried and punished according to the laws of India, but such British subjects shall not be subjected by the Local Authorities to any ill-usage in excess of necessary restraint.

Tibetan subjects, who may be guilty of any criminal act towards British subjects, shall be arrested and punished by the Tibetan Authorities according to law.

Should it happen that a Tibetan subject or subjects bring a criminal complaint against a British subject or subjects before the British Trade Agent, the Tibetan Authorities shall have the right to send a representative or representatives of suitable rank to attend the

trial in the British Trade Agent's Court. Similarly in cases in which a British subject or subjects have reason to complain against a Tibetan subject or subjects, the British Trade Agent shall have the right to send a representative or representatives to the Tibetan Trade Agent's Court to attend the trial.

(4) The Government of India shall retain the right to maintain the telegraph lines from the Indian frontier to the Marts. Tibetan messages will be duly received and transmitted by these lines. The Tibetan Authorities shall be responsible for the due protection of the telegraph lines from the Marts to the Indian frontier, and it is agreed that all persons damaging the lines or interfering with them in any way or with the officials engaged in the inspection or maintenance thereof shall at once be severely punished.

(5) The British Trade Agents at the various Trade Marts now or hereafter to be established in Tibet may make arrangements for the carriage and transport of their posts to and from the frontier of India. The couriers employed in conveying these posts shall receive all possible assistance from the Local Authorities, whose districts they traverse, and shall be accorded the same protection and facilities as the persons employed in carrying the despatches of the Tibetan Government.

No restrictions whatever shall be placed on the employment by British officers and traders of Tibetan subjects in any lawful capacity. The persons so employed shall not be exposed to any kind of molestation or suffer any loss of civil rights, to which they may be entitled as Tibetan subjects, but they shall not be exempted from lawful taxation. If they be guilty of any criminal act they shall be dealt with by the Local Authorities according to law without any attempt on the part of their employer to screen them.

(6) No rights of monopoly as regards commerce or industry shall be granted to any official or private company, institution, or individual in Tibet. It is of course understood that companies and individuals, who have already received such monopolies from the Tibetan Government previous to the conclusion of this agreement shall

retain their rights and privileges until the expiry of the period fixed.

(7) British subjects shall be at liberty to deal in kind or in money, to sell their goods to whomsoever they please, to hire transport of any kind, and to conduct in general their business transactions in conformity with local usage and without any vexations, restrictions or oppressive exactions whatever. The Tibetan Authorities will not hinder the British Trade Agents or other British subjects from holding personal intercourse or correspondence with the inhabitants of the country.

It being the duty of the Police and the Local Authorities to afford efficient protection at all times to the persons and property of the British subjects at the Marts and along the routes to the Marts, Tibet engages to arrange effective police measures at the Marts and along the routes to the Marts.

(8) Import and Export in the following Articles :—
arms, ammunition, military stores, liquors and intoxicating or narcotic drugs

may at the option of either Government be entirely prohibited, or permitted only on such conditions as either Government on their own side may think fit to impose.

(9) The present Regulations shall be in force for a period of ten years reckoned from the date of signature by the two Plenipotentiaries ; but, if no demand for revision be made on either side within six months after the end of the first ten years the Regulations shall remain in force for another ten years from the end of the first ten years ; and so it shall be at the end of each successive ten years.

(10) The English and Tibetan texts of the present Regulations have been carefully compared, but in the event of there being any difference of meaning between them the English text shall be authoritative.

(11) The present Regulations shall come into force from the date of signature.

Done at Simla this third day of July, A.D., one thousand nine hundred and fourteen, corresponding with the Tibetan date, the tenth day of the fifth month of the Wood-Tiger year.



Signature of the Lonchen Shatra.

A. HENRY McMAHON,
British Plenipotentiary.

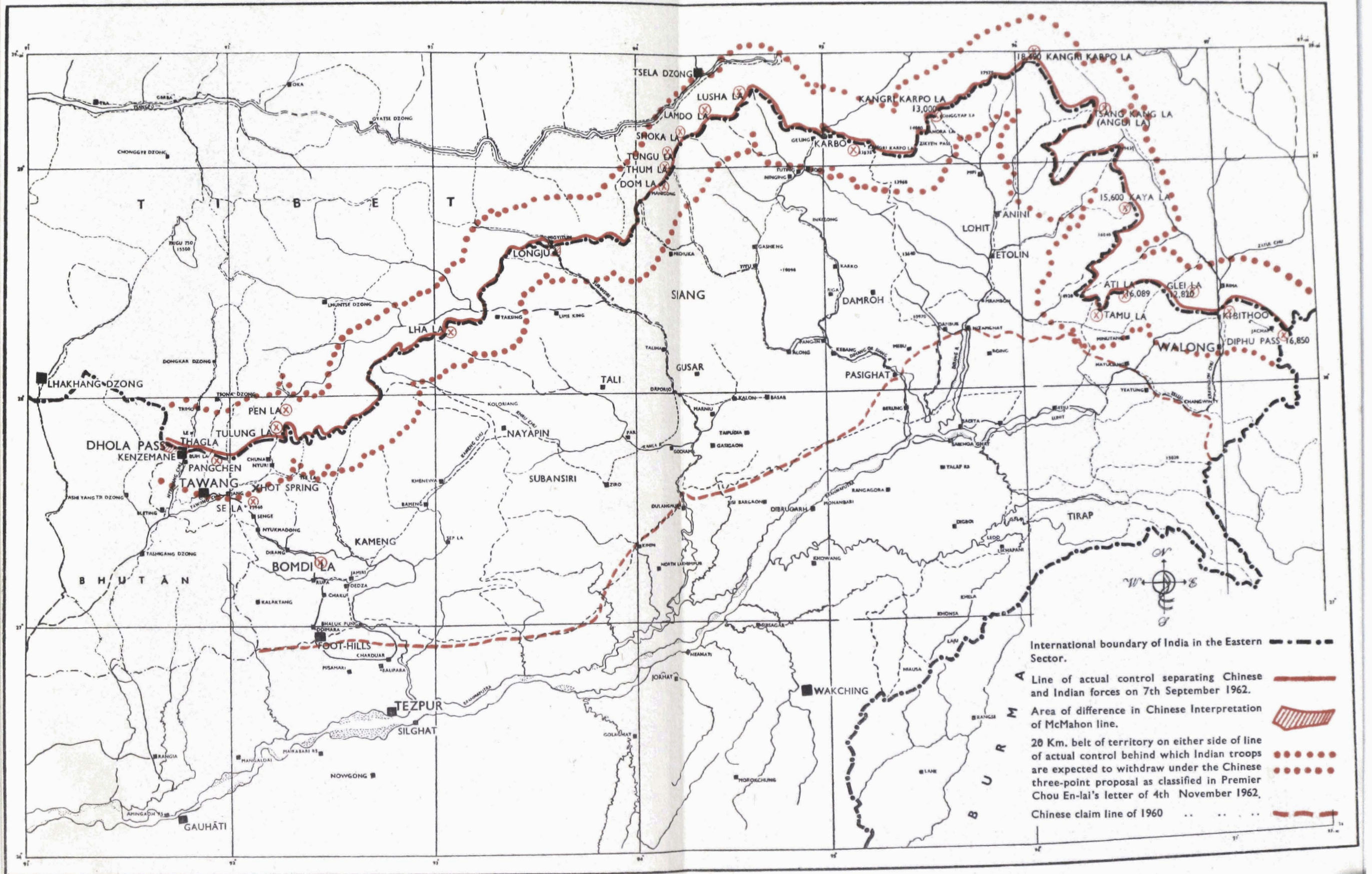


PUBLISHERS' NOTE

This monograph is based on an address which Mr. Krishna Menon delivered at a public meeting at Chembur, Bombay, on December 9, 1962 under the auspices of the Bombay Suburban District Congress Committee. The address was tape-recorded. Mr. Menon authorised this publication after carefully examining the transcript.



OUTLINE MAP OF NEFA



- International boundary of India in the Eastern Sector.
- Line of actual control separating Chinese and Indian forces on 7th September 1962.
- Area of difference in Chinese Interpretation of McMahon line.
- 20 Km. belt of territory on either side of line of actual control behind which Indian troops are expected to withdraw under the Chinese three-point proposal as classified in Premier Chou En-lai's letter of 4th November 1962.
- Chinese claim line of 1960