



**CONCLUDING CHAPTER
OF THE
REPORT
OF THE
INDIAN OFFICIALS
ON THE
BOUNDARY QUESTION**

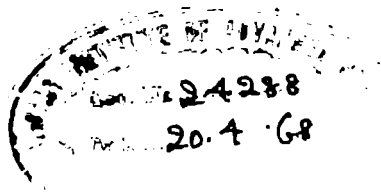
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**MINISTRY OF EXTERNAL AFFAIRS
GOVERNMENT OF INDIA**

[MEA. 30]

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This is a reprint of the concluding chapter of the report of the Indian officials on the boundary question. It was submitted, along with the report of the Chinese officials, to the two Governments of India and China.

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

IV. CONCLUSION

A. Introduction

In the preceding chapters the evidence brought forward by the Indian side has been stated in outline, and it has been shown that the areas along the common boundary which are now disputed by China have always been parts of India. The evidence and arguments brought forward by the Chinese side could in no way affect this conclusion. The Indian side furnished a vast and varied amount of material and fully established that the long traditional boundary of over 2,400 miles shown on current Indian maps was clear and precise, conformed to unchanging natural features, had support in tradition and custom as well as in the exercise of administrative jurisdiction right upto it, had been recognised for centuries and had been confirmed in agreements. It, therefore, required no further delimitation.

The Chinese case, as explained in the correspondence of the Governments and on various occasions during these discussions, was:

- (i) that the boundary which China claims, as delineated on the map furnished to the Indian side at the beginning of Item One, and not the boundary shown on the map furnished by the Indian side, was, in fact, the true traditional boundary between the two countries;
- (ii) that the common boundary between China and India had not been formally delimited and, therefore, required to be negotiated between the two Governments, and if necessary, settled through joint surveys.

The Chinese side provided no valid or coherent evidence in support of either of these contentions, and the Indian side defeated the first proposition in detail and established that the second contention had no weight and was irrelevant to the task of the officials.

In this concluding chapter, the Indian side will state briefly the geographical principles underlying the Indian alignment and the nature of the Indian evidence. It will also be shown that the material cited by the Chinese side was wholly inconclusive and that the Chinese stand had no basis either in fact or in law or in logic.

B. Geographical Facts and Principles relating to the Sino-Indian Boundary

- (i) *Exchange of authenticated maps and information regarding the claimed alignments*

In the discussions which followed the exchange of authenticated maps and descriptions of the two alignments, the Indian side showed that it had the most accurate information about its alignment for its entire length. The Indian side even volunteered to exchange maps on a much larger scale, of a scale even of 1:1 million, which

is the standard scale adopted by International Organisations; but the Chinese side were unwilling to provide a map on a scale larger than 1.5 million. The Indian side, therefore, provided a map showing the boundary of India on the roughly corresponding scale of 1 inch to 70 miles (1:4.4 million) and a topographical map of the northern frontier on the scale of 1:7 million. However, the description given by the Indian side was based on a map of a much larger scale. It clearly and precisely detailed the features along which the alignment lay and furnished spherical co-ordinates of all the nodal points. In addition, in reply to the questions of the Chinese side, other exact information regarding the natural features along the boundary and the co-ordinates of all peaks and other important points was provided. Nearly sixty questions were put to the Indian side regarding the Indian alignment and every one of them was promptly and precisely answered. The Chinese side brought forward no information to suggest that there were any factual errors in these replies.

(ii) *Lack of precise information about the alignment claimed by the Chinese side*

On the other hand, the Chinese side, although claiming initially that the alignment shown on the map furnished by them was precise and clear, were unable to provide accurate information regarding the points through which their alignment ran or even regarding the lie of particular stretches. The description provided was vague and in general terms and contained few specific co-ordinates; and of the nearly 120 questions which were put to the Chinese side to ascertain the exact location of important points along this claimed alignment, only about 30 were answered and few of these answers were precise and complete.

In the discussions subsequent to the exchange of the two reports, the Chinese side objected to the inclusion, in the Indian part of the report, of the Chinese description of their alignment and their replies to the questions put by the Indian side. It was alleged that since it was a Chinese statement, it should not have been included in the Indian part of the report. The Indian side affirmed that it was not only justifiable but essential to reproduce the Chinese description along with the Indian description. The Indian side had always placed emphasis on ascertaining complete information about the Chinese alignment and the questions asked by the Indian side could have no meaning unless the original description given by the Chinese side and their replies to the questions of the Indian side were also reproduced in full. The Indian side had taken care not to distort in any way the texts of the description or of the replies and could not understand what possible objection there could be to their quoting the statement and replies exactly as drafted by the Chinese side.

The Chinese side later asserted that some of the replies given to the Indian questions were composite ones covering more than one question. It was, however, pointed out that the questions had all been tabled separately and the Chinese replies had been given with particular references to these questions. They had never been claimed to be composite answers and they obviously formed general

answers to certain questions and did not provide the specific information sought in the many other questions. The vagueness of the description and the replies provided by the Chinese side need no comment or annotation for they tell their own tale about the legitimacy and precision of the "ancient boundary" claimed by China.

The questions to which no replies were provided were also sought to be dismissed as "minute and trifling", but the Chinese side had themselves asked even more detailed questions on certain small segments such as Longju and Khinzemane in which they were particularly interested presumably for reasons extraneous to these discussions. Indeed, the Chinese side admitted that surveys had not been conducted along the whole length of their claimed frontier and that in parts the traditional line claimed by them was a "broad" or "approximate" one. In other words, the discussions revealed clearly that while the Indian Government had a thorough knowledge of their boundary, the Chinese Government were not even familiar with the topography of the territory which they claim to have possessed and administered for centuries. This ignorance regarding a frontier claimed with tenacity could not but at the very start cast serious doubt on the intrinsic validity of the claim.

The Chinese side, however, stated that their knowledge of their frontier was less vague at points which lay astride important communication routes; and, therefore, the Indian side were particularly disappointed that even information pertaining to areas which are obviously frequented, was not provided. This was the case, for example, with the Spanggur area through which lies a traditional and well-used route, and where, indeed, a number of Chinese posts are known to be established. This failure to provide information was all the more surprising because the Chinese Government had vouchsafed, in a communication addressed to the Indian Government even while the discussions were taking place, the most precise spherical co-ordinate:—accurate to seconds—for a point in the same area; but information regarding the claimed boundary alignment at a point which could not be more than a few hundred yards away was not furnished.

The Chinese side also stated that they could not provide exact information about their alignment because this might necessitate approaches to the traditional border and precipitate border clashes. This argument too could not be sustained because modern cartography and ground surveys enable accurate surveys to be made from a vantage point for an area within a radius of 15 to 20 miles. Indeed, the co-ordinates of some peaks provided to the Indian side could have been based only on distant triangulation fixes and not obtained after surveying the entire ground surface.

(iii) *The watershed principle and its bearing on the Sino-Indian boundary*

In the discussions on the location and natural features of the alignment, the Indian side demonstrated that the boundary shown by India was the natural dividing line between the two countries. This was not a theoretical deduction based on the rights and wrongs of abstract principles. The fact that this line had received the sanction of centuries of tradition and custom was no matter of accident

or surprise because it conformed to the general development of human geography and illustrated that social and political institutions are circumscribed by physical environment. It was natural that peoples tended to settle upto and on the sides of mountain ranges; and the limits of societies—and nations—were formed by mountain barriers. The Chinese side recognised this fact that high and insurmountable mountain barriers provided natural obstacles and suggested that it was appropriate that the boundary should run along such ranges. But if mountains form natural barriers, it was even more logical that the dividing line should be identified with the crest of that range which forms the watershed in that area. Normally where mountains exist, the highest range is also the watershed; but in the few cases where they diverge, the boundary tends to be the watershed range.

Various international authorities of different countries, commenting on traditional boundaries, have testified to the logic of the watershed principle; and it is now a well-recognised principle of customary international law that when two countries are separated by a mountain range and there are no boundary treaties or specific agreements, the traditional boundary tends to take shape along the crest which divides the major volume of the waters flowing into the two countries. The innate logic of this principle is self-evident. The inhabitants of the two areas not only tend to settle upto the intervening barrier but wish and seek to retain control of the drainage basins.

The coincidence of traditional and customary boundaries, when they lie along mountains, with the water-parting line can also be illustrated from examples taken from other parts of the world. The boundaries between France and Spain along the Pyrenees, between Chile and Argentina along the Andes, and between Sudan and Congo along the central African mountains, are but three examples. This is, of course, not applicable to artificial international boundaries, such as those between Canada and U.S.A. and between various countries in Europe, which are not in origin traditional boundaries and where there is no obvious natural dividing line between the countries concerned.

The Indian side, after providing the details of the traditional Indian alignment, drew attention to its overwhelming consistency with the watershed principle. They also showed that when the Indian and the Chinese alignments coincided—as they did for most of the length of the Middle Sector—it was along the watershed line formed by one of the Himalayan ranges. Where the alignments coincided, it was possible to provide, as indeed had been provided, the most exact information about the geographical features along which it lay. When, however, the two alignments diverged, it was because the Chinese alignment arbitrarily swung westwards or southwards, away from the watershed line, and always towards India and never towards Tibet. The fact of triple coincidence, of the two alignments with the watershed, was no accident but, in fact, further proof of the validity of the watershed concept, and undermined the Chinese claim in all sectors where their alignment left this natural dividing line. Evidence under other heads would have to be very strong indeed to support such an uncommon departure from the basic

geographical principle. For the traditional boundary alignment in a mountainous area is obviously that which lies along the watershed—which is also in most cases the highest range—and not that which leaves it arbitrarily in order to encompass territory.

The fact that a mountain barrier provides a natural dividing line and the watershed range a precise and easily discernible boundary alignment does not, of course, imply that such ranges form absolute barriers. Indeed, the phrase about mountains providing an "insurmountable barrier" was one used by the Chinese side. The Indian side recognised the obvious fact that rivers often cut through watershed ranges. What they emphasised was that this did not make these ranges any less of watersheds, dividing the greater part of the waters on either side. For example, the Brahmaputra has its source north of the Himalayas and cuts through a gorge into the Indian sub-continent on its way to the sea. But clearly this does not detract from the impressive formation of the watershed along the Himalayan range and the clear division between the geographical unity of the Indo-Gangetic plains on the south and the Tibetan tableland on the north. Similarly, it is manifest that there are passes all along the high mountains and that there are always contacts across the ranges. But this does not invalidate the general conclusion that the watershed range tends to determine the limits of the settlements of the inhabitants on either side and to form the boundary between the two peoples. Neither the flow of rivers through the ranges nor the contacts of peoples across them can undermine the basic fact that a high watershed range tends to develop into the natural, economic and political limits of the areas on the two sides.

In the case of the Sino-Indian boundary, in the Western Sector, the alignment claimed by the Chinese side lay along the lower Karakoram ranges but every river marked on the map provided to the Indian side cut across them and, indeed, it was acknowledged later by the Chinese side themselves that the main watershed in the area lay much to the east of the line claimed by them. In the Middle Sector, wherever the Chinese alignment departed from the watershed to take in such pockets as Spiti, Shipki, Barahoti, Laphthal and Sangchamalla, there was neither any correlation to natural features nor any indication of the precise alignment. In the Eastern Sector, the divergence was not in just a few areas, but involved a vast stretch of territory of about 32,000 square miles, the alignment being right down at the foothills. But these points of departure from the watershed, be they in small segments as in the Middle Sector or in a large swoop as in the Eastern Sector, were all the more strange and inexplicable because the southern boundary of China not just in India's Middle Sector and with Sikkim and Bhutan but, as was recently recognised, with Nepal and Burma also, conformed exactly to the same continuing Himalayan watershed. The foothills of the Himalayas, while they could form a natural boundary between India and certain cis-Himalayan, sub-montane kingdoms on the Indian periphery and lying entirely to the south of the main range, could hardly be a well-marked geographical boundary between the two sub-continentes lying on either side of the Great Himalayas.

When the Indian side drew attention to this absence of correlation between the natural features and the Chinese alignment and the

basic inconsistency of the alignment with the geographical principle which had been mentioned in both the Indian and the Chinese descriptions of the common boundary, the Chinese side, in modification of their earlier emphasis on geographical principles, stated that their alignment was based on historical facts and could not be negated by geographical principles. The Indian side pointed out that in fact it was the Indian alignment which illustrated the Chinese statement that geographical features were relevant and determined the formation through history of traditional and customary boundaries and that historical evidence tended to confirm rather than to negate the geographical principle evident in the alignment of traditional boundaries in mountainous areas.

C. Documentary evidence in support of the stands of the two Governments

Geographical principles, however, provide only the original basis of a traditional boundary. The actual proof to support the alignments claimed by the two sides was to be considered in the discussions on treaties and agreements, tradition and custom, and administration. The earlier chapters contain the positive statements in support of the Indian alignment under these heads as well as summaries of the comments made in analysing the arguments and the material brought forward by the Chinese side.

Both the Governments of India and China acknowledged that the common boundary between India and China was in origin a traditional one. But the exchange of the descriptions confirmed that there was a radical difference regarding the actual alignment of the traditional boundary. It was, therefore, necessary to ascertain whether it was the significant points and the natural features along the alignment shown by the Indian Government or along that claimed by the Chinese Government which had been accepted for centuries as marking the traditional boundary. Such proof of the traditional and customary basis of the boundary would have to be supported by official evidence. It would be necessary to establish that sovereign authority, in a form appropriate to the geographical terrain, had been exercised upto the claimed boundary and particularly over the areas intervening between the two alignments. For this it should be shown that these areas were parts of administrative sub-divisions and subject to the pattern of revenue and tax collection prevalent in the contiguous territory, that the State wielded the power of enforcing law and order, subjected the inhabitants to the criminal and civil jurisdiction of the land and promoted the economic betterment and development of the area. Finally, it should be established that legislative enactments had mentioned the area and were enforced therein. In short, a picture of a legally constituted and effective sovereign authority should emerge, exercising the normal and regular functions of an established Government not intermittently but continuously over what was claimed as national territory.

The evidence which was produced by the Indian side established this pattern and supported the claims both of recognition in tradition and custom and of exercise of regular administrative authority. As will be abundantly clear from the attached list and the number of Indian documents cited under each item, it was an untenable allegation of the Chinese side that the Indian side had not utilised official

evidence. According to the agreed Agenda pattern, the emphasis was bound to be under Item Two on unofficial evidence, and under Item Three on official evidence, each supplementing the other. Further, it was demonstrated that the traditional alignment as shown by India had been confirmed through valid treaties and agreements. In sharp contrast, a scrutiny of the evidence provided by the Chinese side revealed that it was lacking in the quality necessary to prove that the alignment claimed by China had ever been recognised in tradition and custom as the boundary between the two countries, or that China had ever exercised regular and systematic authority over the areas now claimed by her.

At the very start the Indian side had stated that it would be logical as well as convenient to examine all the evidence under all heads for one sector before proceeding to the next, but in deference to the Chinese wishes, they agreed to the examination of evidence according to items.

Before stating briefly the Indian case and analyzing the flaws in the Chinese evidence it may be useful to summarise statistically the evidence produced by both sides, under sectors as well as under items. The following table is based on lists drawn up by the respective sides of the documents furnished by them. The Indian list is attached as an annexure to this chapter (Annexure A), and the Chinese list is to be found at the end of their Report.

		<i>Indian evidence</i>	<i>Chinese evidence</i>
Legal basis	Western Sector	23	} 114
	Middle Sector	44	
	Eastern Sector	47	
Traditional basis	Western Sector	51	} 159
Administration	,, ,,	108	
Traditional basis	Middle Sector	89	} 235
Administration	,, ,,	146	
Traditional basis	Eastern Sector	40	} 122
Administration	,,	82	
Total		630*	245

* In the statement given on the 7th November, the Indian side furnished lists of Chinese and Indian evidence tabled during the discussions. Subsequently, on the 15th November, along with the draft report, the Chinese side provided a list of the evidence tabled by them. The lists of evidence of both sides, as originally prepared by the Indian side, had been drawn up on a different method of enumeration. But to avoid confusion, the Chinese "index" has now been adopted for the purpose of the above table, and the Indian side have revised the list of their own evidence to enable this compilation.

In providing this statement the Indian side are not attaching more importance to numbers than to the quality of the evidence produced. In fact, the Indian side feel confident that there is an even greater qualitative than quantitative superiority in the evidence produced by the Indian side. The Indian evidence was more precise, contained definite references to the alignment and to the areas in dispute and provided the strongest possible proof to establish that these areas upto the boundary were traditionally parts of India. More than this, there was consistency in fact and argument, cementing the entire fabric of the Indian evidence.

D. The positive Indian evidence in support of the traditional alignment

(i) The Western Sector

The evidence relating to the Western Sector produced by the Indian side showed how for many centuries important points along the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other. The well-known Chronicle of the Kings of Ladakh, *La dvags rgyal rabs* written in the 17th century, recorded that the Ladakh boundary was traditional and well-known and specified that after King Ngeema-gon partitioned his territories in the 10th century, Demchok and Imis Pass lay on the boundary of Ladakh, while Hanle was within Ladakh. Evidence was provided regarding other major points on this boundary by travellers of different centuries, who visited these areas. These travellers included Desideri (1715), Baillie Fraser (1820), Cunningham (1854), Nain Singh (1873), Carey (1885-87), Bower (1891), Wellby (1898) and Deasy (1900).

Similarly, the Indian side demonstrated, with the support of a large variety of documents and unofficial maps originating in different countries, including China, that at least from the 6th century onwards, the southern limits of Sinkiang did not extend south of the Kuen Lun ranges, and only reached upto them towards the end of the 19th century. This made it clear that the Aksai Chin plateau and the Lingzi Tang plains were never a part of China. Among the authoritative evidence furnished were extracts and maps from well-known Chinese works, such as the *Nei fu yu tu* (1760), *Hsi yu tu chih* (1762), *Ta ching hui tien* (1818), *Hsin chiang chih lueh* (1821), *Hsi yu shui tao chi* (1824) and *Hsin chiang tu chih* (1911). The Chinese side sought to argue that the Tsungling mountains referred to in some of these works as forming the southern boundary of Sinkiang applied to the Karakoram ranges. But this contention was disproved by the internal evidence contained in the various Chinese maps brought forward by the Indian side. For example, on some maps the term Tsungling was written all along the Kuen Lun ranges and both the Yurungkash and the Qara Qash rivers were shown as cutting through these mountains, thus making clear that they could not be the Karakoram mountains. The Indian side also brought forward evidence that the Sinkiang and the Chinese authorities had themselves recognised that their boundary lay along the Kuen Lun ranges.

Documentary evidence, establishing that the people of Ladakh had used the Aksai Chin and other areas, now claimed by China, as of

right for trading, hunting, grazing and salt collecting were also furnished. Further, even though most of these areas were largely uninhabited, official documents establishing the continuous and comprehensive exercise of Indian administration over these areas for over a hundred years were brought forward. It was shown that police check-posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as 1865. There were a series of revenue and assessment reports covering the whole area now claimed by China. Aksai Chin and the whole of the Chang Chenmo valley were part of the *Ilaqa* of Tanktse and Ladakh Tehsil; and a revenue map of this Tehsil of 1908 was supplied to the Chinese side. A few representative documents out of the large number of records showing the control exercised over the various frontier areas and the revenue collected from the frontier villages were provided. Such evidence was also produced for Minsar, a Ladakhi enclave in Tibet. It was shown that the Governments of Ladakh and Kashmir had exercised full administrative authority there right down to our own times.

As regards the inhabited areas further south, such as Demchok, nineteen significant documents of regular administration, such as revenue settlements and census operations, were brought forward by the Indian side in an unbroken series for the years from 1865 down to the present times.

Other evidence provided by the Indian side established that at least from the 19th century onwards trade routes running through this area were maintained by the Kashmir Government. In 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in this area "including the route *via* the Chang Chemoo Valley". There were also legislative enactments of the Government of Kashmir regulating hunting expeditions in the Demchok and Khurnak areas and the whole Chang Chenmo Valley. Officials had been touring these areas regularly right down to the present time, and during the years 1911—1949 Indian officials, survey parties and patrols constantly visited these areas upto the traditional alignment.

In 1862 the detailed survey of the frontier areas was begun by Johnson and Godwin Austen; and thereafter a number of exploration and survey parties visited the area regularly. Geological surveys were carried out extensively in 1870, 1873 and during the years 1875 to 1882.

Survey of India maps from the sixties of the 19th century, when the area was first systematically surveyed, showed the alignment correctly and the Indian side brought forward a large number stretching over the years. They also showed that official Chinese maps, such as that of Hung Ta-chen of 1893, and the Postal Atlases of China of 1917, 1919 and 1933, showed the correct boundary along the traditional alignment.

Further, the Indian side showed that the traditional boundary received the sanction of treaties concluded in 1684 between Ladakh and Tibet and in 1842 between Ladakh, on the one hand, and Tibet and China on the other, and that it found further confirmation in subsequent diplomatic correspondence between the British Indian Government and the Chinese Central Government and in a local

agreement reached by the border authorities of the two States in 1852.

The Chinese side appeared to question the existence of the 1684 treaty and asserted that the other agreements and exchanges cited by the Indian side did not specify the description which would support the present Indian alignment. However, the fact that a treaty was concluded in 1684 was clearly established not only by the historical records quoted by the Indian side but also from the evidence brought forward by the Chinese side themselves. For example, the Chinese side cited a Tibetan work, the Biography of Polhanas, to prove that a war had been fought between Tibet and Ladakh in 1683 and in the ensuing peace settlement certain towns had been ceded to Ladakh. This was sufficient proof in itself that a peace treaty had been concluded. The *Lapchak* Mission, also referred to by the Chinese side, the corresponding *Chaba* mission and the retention of the village of *Minsar* by Ladakh, which as the Chinese side recognised had till recently been paying revenue to the Kashmir Government, all had their origin in this treaty. The Chinese side made no effort even to suggest any other possible origin for these contractual obligations, trade missions and territorial settlements.

It is true that these treaties and agreements mentioned by the Indian side gave no detailed description of the boundary; and the Chinese side, at first, sought to deny that they acknowledged the existence of a clear, well-recognised traditional boundary. The Chinese side stated that the 1842 treaty was merely "a non-aggression pact" between Ladakh and Tibet; and they cited a passage that "the territories (of Ladakh and Tibet) as they used to be will be administered by them respectively without infringing upon the other". The Indian side provided copies of both the Persian and the Tibetan texts of the treaty which showed that the "old established" frontiers had been confirmed. It was obvious from the texts that there was no uncertainty even at that time about their common frontier. But, even if one accepted the Chinese reading of this treaty, the Indian stand was substantiated; for there could be no agreement not to cross the common boundary if there were no certain knowledge as to where this boundary lay. In fact, considering that these treaties were signed centuries ago, they reflect remarkable confidence in the knowledge of the traditional boundary in difficult terrain.

Further, the Chinese Imperial Commissioner, in his letter of 1847, stated that the ancient frontier between Ladakh and Tibet was so clear and well-fixed that there was no necessity to proceed with the joint demarcation which had been proposed by the British Indian Government. From this statement of a senior Chinese official it was indisputably clear that the precise location of the common frontier was clear and beyond any doubt at that time. It only required to be established that the "ancient and well-known boundaries" mentioned in these treaties and correspondence referred to the alignment claimed by India. For this purpose the Indian side had brought forward evidence much older than the 19th century referring to important points all along the border. Apart from ancient evidence this traditional alignment was also supported by 18th century evidence produced by the Chinese side, specifically stating that the boundary ran

through Lhari, west of Demchok Karpo, which was none other than the Lhari stream near Demchok. It was thus convincingly established that treaties of the 17th and 19th centuries and the diplomatic exchanges of 1847 confirmed the boundary which was well-known and which was the traditional boundary now shown by India.

(ii) *The Middle Sector*

Apart from the natural and geographical basis of the high Himalayan watershed which supported the Indian alignment in the Middle Sector, the Indian side showed that literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise manner. The area now claimed by China—Kaurik and Gyu in the Spiti area, Shipki Pass, the Nilang-Jadhang area and Barahoti, Sangchamalla and Lapthal—were from the beginning of history parts of Indian kingdoms. The boundaries of the early Indian border states of Bashahr and Garhwal lay along the watershed, and numerous early inscriptions and historians like Ferishta have borne testimony to this. Hieun Tsang visited the region in the 7th century and confirmed that it lay in India. After the 8th century the areas were ruled successively by the Katyuri, Chand, Pala, Malla and other Garhwali dynasties right upto the latter half of the 18th century. Then some of these areas were conquered by Nepal but recovered by the British Indian Government in 1815. The Indian side also showed that innumerable contemporary records and accounts of explorers and travellers of the last 150 years had testified that the boundary lay along the Himalayan water-parting. Some of these were Gerard (1821), Hutton (1838), and Hay (1850) for the Spiti area; Gerard (1821), Gutzlaff (1849), Ryder (1904) and Wakefield (1929) for the Shipki Pass; Baillie Fraser (1815), Moorcroft (1819), Batten (1837), Manson (1842), R. Strachey (1848), Beckett (1874) and Pauw (1896) for the Barahoti area. Moreover, the alignment was confirmed not only by unofficial British maps, but by maps prepared in Germany, Russia, France and, above all—and most significantly—in Chinese maps.

A wealth of evidence was quoted for every one of the areas in dispute to establish that the Indian authorities had always exercised effective administrative and civil jurisdiction over these areas. For every pocket, numerous detailed revenue settlements, tax collection records, official village maps, accounts of tours of officials and of road construction, and reports of topographical and geological surveys were furnished as manifest proofs of Indian official authority. The revenue records cited for Nilang-Jadhang in particular were of a very detailed character, covered the years 1868—1951 and included information regarding the exact limits of every village and hamlet, the type of land, the extent of forests and the most detailed figures of revenue. The Indian side took pains to present such a selection of records as would make clear that they were not just of an occasional nature but mirrored the unbroken and continuous exercise of normal governmental authority right down till today.

The traditional boundary along the watershed was always accepted by the authorities on both sides. Traill, the first British Commissioner, recorded in 1815 that it had been recognised by the Tibetan Government. In 1890 and 1914 the alignment in the Barahoti sector was

formally communicated to the Tibetan authorities. In recent years the whole alignment has had further and explicit confirmation. The implications of the categorical assurance accepting the well-recognised boundaries of India in the correspondence of 1950 and the pledge of the two Governments to respect each other's territorial integrity contained in the 1954 Agreement will be dealt with later. Here the Indian side would like to point out that the specific mention of six border passes in this Sector in the latter Agreement undoubtedly provided a clear legal confirmation of the alignment. These passes could never have found mention in an international agreement if any of them lay entirely in Chinese territory; and the fact that they were border passes becomes clearer still if one reads together Articles IV and V of the Agreement. It is, in fact, indisputable that the Indian alignment with Tibet in general and the Middle Sector in particular has the endorsement and sanction of a binding international agreement.

(iii) *The Eastern Sector*

The Indian side showed how in ancient chronicles the sub-montane region had been repeatedly and explicitly mentioned as a part of India. Thereafter, there were specific and unambiguous references in the works and records of different countries to this area being ruled by the Varmans, the Salasthambas, the Palas and the Ahoms. Later works, such as the *Political Geography of the Assam Valley*, an Assamese work of the 17th century, and the chronicle of the Mogul historian, Shihabuddin Talish, show that Ahom rule prevailed over this tribal area till the British Indian Government replaced it. Disinterested travellers like Desideri (1716-1729) Della Penna (1730) and Gutzlaff (1849) have also testified that contemporary tradition considered that the limits of Tibet lay along the high Himalayan range. In addition to these non-British accounts, British travellers such as Michell (1883) and Cooper (1873) had referred specifically to the same alignment. There was also evidence of this in Chinese works such as *Wei tsang tu chih* (1792), *Hsitsang tu kao* (1886) and the *Ching chih kao* (1926). Further, the Indian side furnished nine Chinese maps of the 18th and 19th centuries based on official Chinese investigations conducted in the early 18th century, and several others of French, German and British origin, which all confirmed that the southern limits of Tibet in this area had never extended south of the Himalayan crest.

The Indian side brought forward positive evidence to show that Indian political authority had always been exercised over the stretch of territory between the foothills and the main Himalayan range. The British Indian Government, which inherited this political authority from the Ahom rulers, exercised administrative control over these tribes in the same manner as over other Indian tribes—those in the North West Frontier areas of undivided India as well as those in the tribal areas in the heart of India. The Indian side showed how subventions were paid, and homage and tributes realized, through the Political Officers responsible for these tracts, in acknowledgement of the controlling authority of the Indian Government. Numerous undertakings were given by the Bhutias, Akas, Abors, Dafias, Miris, Mishmis and other tribes from 1844 onwards explicitly

confirming their acceptance of the sovereign authority of the Government of India and promising good behaviour. To protect the distinctive features of tribal life, the Government of India restricted entry into these areas, and no one could cross the *Inner Line* without permission from the Government. A special form of administration was also developed for these areas. The Annual Reports of Political Officers from the middle of the 19th century provided a clear picture of detailed and continuous administration; and the Indian side furnished many extracts from these Reports. The Indian side also gave details of numerous surveys and census operations which were conducted in normal exercise of administrative authority over the area. There could be no better proof that the area had always belonged to India than its specific mention in Indian legislative enactments, administrative regulations and statutes of 1873, 1880, 1884, 1914, 1919, 1928 and 1929, and in the Government of India Act of 1935 and the Indian Constitution of 1950. In striking contrast, there was not a single Chinese law or administrative enactment which made a specific mention of any of the areas in dispute.

The Chinese side alleged that the process of extending detailed Indian administration into the tribal belt was a recent one; but recent or otherwise—and the Indian side had shown that Indian authority had always been exercised over this area—clearly it was the right of the Indian Government to do so, as it would be for the Central Government of China to strengthen their authority in any semi-autonomous region of China. So any such extension of Indian administration could not support the Chinese alignment.

E. Validity of the "McMahon Line" agreement

The Indian side also established beyond doubt that the traditional boundary in the Eastern Sector had been formalized in 1914 by an exchange of letters between India and Tibet. At that time, Tibet had enjoyed the power to sign treaties and to deal directly with neighbouring States on matters regarding the boundary. The Chinese Government had recognised these rights enjoyed by Tibet and had been aware of this formalization of the Indo-Tibetan boundary at the Simla Conference.

The Indian side had made it clear that they were reluctant to discuss the history of the relations between China and Tibet and had only considered it in their initial statements to the extent that it was relevant to the exchange of letters formalizing the boundary in 1914. Unable to establish that the agreement was void, the Chinese side endeavoured to set it aside by assertions which were not historically correct and by the most serious and unwarranted allegations against the Government of India. It was, for instance, repeatedly alleged that India was seeking to defend British Imperialist policy and to benefit from British aggression in Tibet; and it was sought to convey the impression that the Indian side regarded Tibet as an independent country. The Indian side could not but emphatically repudiate these most objectionable distortions of the well-known and clearly established policies of the Government of India. It had been clearly recognised by the Government of India and had been repeated innumerable times in these discussions, that Tibet was an autonomous region of China; and independent India had always dealt with the Central Government of China on matters pertaining to Tibet. The very fact

that these talks pertaining to the boundary of India with, for the most part, Tibet, were being held with the representatives of the Chinese Central Government, was a clear indication of India's acceptance that the Chinese Government were responsible for all external affairs relating to Tibet. It was even categorically and explicitly stated by the Indian side that India did not regard Tibet as independent.

But the present status and powers of Tibet could obviously not be projected backwards or allowed to influence one's understanding of the nature of the relations subsisting between China and Tibet in 1914. That during the 300 years prior to 1950, Tibet, whatever her status, had enjoyed the right to sign treaties and have direct dealings with her neighbours on boundary questions, was clearly established by history. The Indian side had already drawn attention to the treaties of 1684 and 1842 signed by Tibet with Ladakh. In 1856, she signed a treaty with Nepal, and the People's Government of China themselves recognised the validity of this treaty, because they felt it necessary to abrogate it in their treaty, signed exactly a hundred years later, in 1956 with the Nepal Government. It was asserted by the Chinese side that the Chinese Amban in Tibet had assisted in the conclusion of the 1856 treaty. This, too, was an incorrect statement of facts; but even if true, it would only corroborate the Indian position that China recognised the treaty-making powers of Tibet. For it would mean that China assisted Tibet in directly negotiating a treaty which, among other things, granted extra-territorial rights to Nepal. The Tibetan Government protested against the conclusion of the 1890 Convention by Britain and China and successfully defied its implementation because they had not been a party to it. It, therefore, became necessary for Britain to sign an agreement with Tibet in 1904. Far from objecting to such direct negotiations by Tibet, the Chinese Amban in Lhasa assisted in its conclusion and two years later the Chinese Central Government confirmed it in their Convention with Britain. It may be noted that the 1906 Convention concluded in Peking did not suggest that the 1904 Convention was invalid, or merely repeat its provisions but specifically recognised it.

Furthermore, it was a fact of history—and the officials at these meetings were only concerned with an objective scrutiny of the facts of history—that after the 1911 revolution Tibet had issued a declaration of independence. The Indian side themselves had drawn attention to the fact that even the British Government at that time had not acknowledged this declaration. But the fact remained that whatever the theoretical conception of Chinese relations with Tibet, all working relations between the two seem to have been practically terminated. Not a single item of evidence was brought forward by the Chinese side from either the Chinese or the Tibetan archives that could suggest that this statement was incorrect. The then Central Government of China, eager to re-establish their connections with Tibet, agreed to attend the tripartite Simla Conference and designated a plenipotentiary to attend "jointly" with the Tibetan plenipotentiary and to negotiate with him and the British Indian representative on terms of equality. The Chinese Government conferred full powers on their representative and, what was even more significant, accepted without any reservation the credentials of the Tibetan representative

which vested him with full powers in the name of the Dalai Lama and authorised him to function as an equal plenipotentiary with those of China and India and settle all matters pertaining to Tibet. Thus it was the Chinese Government of the time which accepted a procedure which, under diplomatic usage, is normally adopted only at international conferences of the representatives of sovereign countries.

The fact that the Chinese Plenipotentiary did not sign the tripartite agreement which he had initialled did not in any way invalidate the agreement signed by the British and the Tibetan representatives. All Chinese reservations to the Simla Convention, as stated at the time of the Conference and subsequently in 1919, were merely regarding the boundaries of Inner Tibet and Outer Tibet. There was never any objection, or indeed any comment of any kind, regarding that part of the boundary shown on the Convention Map between India and Tibet and formalized in the exchange of letters between the Indian and the Tibetan representatives.

The Chinese side sought to suggest that the Chinese Plenipotentiary had been unaware of the direct dealings and the Agreement concluded between the Tibetan and the British Indian Plenipotentiaries. There was no reason why the formal exchange of letters between the Indian and the Tibetan representatives should have been shown to the Chinese representative. In fact, all the Tibetan documents which have now been quoted by the Chinese side as supporting their alignment were not known, at the time they were written, to the Chinese Government. They knew nothing at the time, for example, of the negotiations regarding Dokpo Karpo in the Western Sector in 1924, and those regarding Nilang-Jadhang in the Middle Sector in 1926. However, far from regarding these "secret" documents of the Tibetan Government as invalid, they have now based their claim on them.

But in fact there is no doubt that the Chinese representative and the Chinese Government were aware of the formalization of the Indo-Tibetan boundary in 1914. The substance of the agreement was mentioned at the tripartite conference; there was a general reference to it in the Simla Convention itself; and it was shown on the map presented to the conference in April 1914 and attached to the Convention in July 1914. The areas south of the red line in the Eastern Sector on this Convention Map could not be explained in any other way except by recognising that they constituted Indian territory. The Convention was published in the first edition of Aitchison's *Treaties, Engagements and Sanads* to be issued after the Simla Conference.

Apart from these facts, the whole array of argument and evidence furnished by the Chinese side during these very discussions fully proved, if anything, that Tibet at that time had enjoyed treaty-making powers and the right of direct dealings with neighbour States. The entire evidence produced by the Chinese side showed Tibet functioning all along her border without Chinese presence or support. In quoting such Tibetan actions with approval, and bringing forward such evidence of Tibetan activity, the Chinese side confirmed the legality of Tibet's powers to negotiate and conclude treaties. In all inter-governmental talks between India and Tibet

as at Dokpo Karpo, Barahoti and Nilang-Jadhang, no representative of the Chinese Central Government had been present. The representatives of the Government of Lhasa had dealt with representatives of the Central Government of India, who had been supported by officials of local Governments. There was no question, therefore, of these discussions having been conducted on a purely local level; and the fact that on the Tibetan side there had been no Chinese representation or any Chinese authority and, at any time, even a semblance of interest on the part of the Chinese Central Government, proved the Tibetan right to deal directly with the Government of India. The Chinese side were, therefore, unable to escape from the dilemma that to dispute the powers of Tibet to have direct dealings with India to confirm the traditional boundary in the Eastern Sector was to jettison all their evidence for the Eastern and Middle Sectors and almost all their evidence for the Western Sector. For the overwhelming majority of the records and documents quoted by the Chinese side were from Tibetan, and hardly any from Chinese, sources. Indeed, the documents cited by the Chinese side referred throughout to a Tibetan Government. It was obviously, even according to the Chinese evidence, much more than a merely local authority or a provincial administration.

The Chinese side sought to argue that as the negotiations were "resultless" they could not prove Tibet's negotiating powers. It hardly requires to be stated that success or failure has no bearing on this point; but if the failure of these negotiations negated their legality then the Chinese side themselves were precluded from quoting them as evidence in other contexts.

The Indian side also mentioned, in this connection, that the Chinese side had referred to a non-aggression treaty having been concluded in 1853 by the then Government of India and the Regent of Tibet. There was, in fact, no such treaty and what the Chinese side had in mind was discovered to be an administrative arrangement between the Monba chiefs and the British Indian Government. But the Chinese contention was obviously based on the premise that the Tibetan authorities had the right to make peace and war and to conclude treaties of non-aggression. It was clearly illogical in the face of this to contend that a Tibetan Government with such ample treaty-making powers could not formalize an existing traditional boundary.

To place the matter beyond all possible doubt, the Indian side cited a note formally presented by the Government of China in November 1947, enquiring whether after the transfer of power the Government of India had assumed the treaty rights and obligations existing till then between India and Tibet. In their reply of February 1948, the Government of India formally informed the Chinese Government that they had assumed these treaty rights and obligations. The reference in this exchange to the treaty rights and obligations between India and Tibet, as distinct from those between India and China, was the strongest possible proof both of the validity of the "McMahon Line" agreement and of its recognition by the Chinese Government. The Indian side also brought forward documents to show that for many years after the establishment of

the authority of the People's Government in Tibet, the Tibetan authorities had accepted the traditional international alignment in this sector.

Nowhere, in fact, as in its disputation of the validity of the so-called McMahon Line was the Chinese position so replete with contradictions. To mention but a few, the Chinese side throughout quoted with approval Tibetan negotiations on certain segments of the traditional alignment in the Western and Middle Sectors, but when confronted with the implications of this position they denied Tibet the right to confirm the traditional boundary in the Eastern Sector. They asserted that Tibet had no treaty-making powers but claimed that she had signed a treaty of non-aggression. Similarly Tibet, with no treaty-making powers, had signed an agreement conferring extra-territorial rights on Nepal which the People's Government had found necessary to abrogate. The Chinese side asserted that the Convention of 1904 between Britain and Tibet was invalid, though it had been negotiated with the assistance of the Chinese officials, and had been referred to with approval in the Convention signed between Britain and China in 1906. They argued that China had never recognised the treaty-making powers of Tibet but could not explain why the suzerain Chinese Government of 1914 had accepted the equal and plenipotentiary status of the Tibetan representative and had participated with Tibet in a tripartite conference in India. They argued that the red line in this sector on the Simla Convention Map was the boundary between Tibet and China but brought forward evidence which was said to show that the area south of this line had belonged traditionally to Tibet. The "McMahon Line" Agreement was described as a result of a secret imperialist intrigue and Tibet was said to have been coerced into signing it; but the fact remains that as late as 1943, Tibet successfully defied the combined pressure of the Chinese Central and British Governments to secure the use of Tibetan territory as a supply route for the defence of China.

This maze of contradictions makes it impossible even to comprehend the Chinese stand, much less to find evidence to sustain the Chinese claim. It needs to be stated clearly that the treaty-making powers of Tibet and in particular her formalization of the "McMahon Line" were acknowledged by the Chinese Central Government of the time; and it was profitless to distort the present position of the Government of India and the statements of the Indian side in a vain attempt to repudiate the confirmation of the traditional boundary. For it was conclusively established from every angle of law and history that the "McMahon Line" agreement which confirmed the traditional boundary in the Eastern Sector was a valid agreement which had been signed by Tibet and was now binding on China.

Indeed, the Indian position regarding the "McMahon Line" agreement found corroboration also from the documents and agreements cited by the Chinese side. Even the recently concluded Sino-Burmese Agreement which acknowledges that the Burma Sector of the "McMahon Line" was the traditional boundary between China and Burma was telling circumstantial proof that in

the Indian Sector also it had obviously confirmed the traditional boundary.

The Indian side were most surprised at the statement of the Chinese side that they distinguished between the actions of past Chinese Governments, accepted what suited them and rejected what was not in consonance with the present Chinese attitude and claims. This was obviously an extraordinary position to adopt and unsettled all relations between Governments. It was an accepted principle of international law that all past commitments of previous governments were binding on successor governments, at least until they had been re-negotiated. The whole purpose and value of the assignment given to the officials would be undermined if either side refused to accept all the facts of history, regardless of past motives and present claims, but accepted only such evidence as confirmed their contentions and repudiated those facts which destroyed them.

F. Maps and Surveys

Special mention may be made of two particular categories of evidence—maps and surveys—for the Chinese side have suggested that they have been shirked by the Indian side. In fact, they provide strong evidence of the Indian alignment.

(i) Maps

The Indian side brought forward a large number of maps published in various countries, including China, by disinterested cartographers of repute, which showed that the traditional boundary had been well-known and recognised. For the Western Sector, a large number of unofficial Chinese maps, from very ancient times right down to our own, were cited to establish the acceptance of the traditional boundary throughout history. Included among them were not merely old Chinese maps, reflecting the general understanding of the location of the traditional boundary, but modern maps, brought out by such agencies as the Commercial Press of Shanghai, for many years the foremost publishing house of China, the Shun Pao, the leading newspaper of the country, the Far Eastern Geographic Establishment, the leading cartographic organisation, and Peking University. Failing in their effort to under-rate these maps cited by the Indian side, the Chinese side supplied two old Chinese maps which were said to support their case, but even these when examined were found to support the alignment as now shown on Indian maps. For the Middle Sector, over 20 unofficial maps published in India, China and various countries of Europe and showing the watershed boundary were cited by the Indian side. Similarly, a large collection of maps, published at different times in different countries, were cited in confirmation of the Indian alignment in the Eastern Sector. They included maps published by almost every well-known cartographic firm of Europe. The most important group, as mentioned earlier, was constituted by nine Chinese maps belonging to different periods and mostly based on official Chinese investigations. All these maps showed that throughout the centuries, the traditional boundary between India and China had been shown and recognised to lie in accordance with

the present Indian alignment. The Chinese side failed to bring forward any items of evidence of this nature in support of their case.

Much of the Chinese case was based on maps issued by the Survey of India and they were repeatedly referred to under both Items 2 and 3, even though, being evidence of official viewpoints, they were not relevant evidence of tradition and custom. It was alleged that most Indian official maps supported the Chinese position and that the Indian side brought forward few official maps on their own to substantiate the Indian alignment but dealt with them primarily when replying to the Chinese evidence. It has even been suggested for the first time in the Chinese report that the Indian side "deliberately evaded such material" and that no official maps were cited by them for the Middle Sector. In fact, however, this category of evidence provided support for the Indian, and not the Chinese, case and was used considerably for every sector of the alignment.

As has been shown in detail in the earlier chapters dealing with the discussions on Tradition and Custom and on Administration and Jurisdiction, the Indian maps quoted by the Chinese side had been incorrectly interpreted and understood. Most of the Indian maps which the Chinese side brought forward showed no boundaries. But this did not mean, as the Chinese side argued, that no boundaries existed. These maps were intended for internal administrative purposes and, therefore, did not seek to show the international boundaries. This becomes clear when one considers, for example, the 1937 map of India. The main map showed no international boundaries, and has been cited by the Chinese side; but the reference becomes valueless when it is noticed that the small inset map on the same sheet correctly delineated the international frontier. Again, some physical relief maps published by the Survey of India showed no boundaries as their concern was different. They were, therefore, wholly irrelevant to the present question, let alone being evidence in favour of the Chinese side. Many Chinese maps also do not show all the regions of China within China's external frontiers. It should also be remembered that official maps of the Survey of India only showed areas which had been properly surveyed at the time of issue of the map and not necessarily the traditional alignment, which was well-known. Survey of India maps naturally laid emphasis on official surveys, which were the main function of the organisation.

The Chinese side referred, in particular, for the Western Sector to the 1825 map prepared for the East India Company, the 1840 map prepared by James Wyld, and Walker's map of 1846. The Indian side pointed out that in evaluating these maps as evidence of the boundary alignment, it was necessary to bear in mind that British control had extended over the Indian State of Kashmir only in 1846, and prior to that British Indian maps either did not show Kashmir at all, or, understandably, showed the boundaries of independent Kashmir incorrectly. It was only about twenty years after Kashmir came under British control that the first surveys of the Aksai Chin area were undertaken by Johnson; and from the sixties onwards Survey of India maps correctly depicted the limits of Indian territory in the Western Sector. So while the early maps of Wyld and Walker,

drawn before any surveys had been conducted, were based on conjecture, the Survey of India maps subsequent to the surveys showed the Indian alignment correctly. Walker himself revised his earlier erroneous maps on the basis of these accurate surveys and showed the boundaries correctly in his maps of 1866 and 1868. If Walker's maps were to be regarded as evidence, obviously the later revised maps based on scientific surveys, and not the earlier conjectural maps, were the authoritative ones.

Regarding the maps in the Eastern Sector, the Indian side explained that many of these maps showed merely the administrative frontier along the *Inner Line* as distinct from the international frontier, leaving out the tribal areas which were at that time under the overall control of the British Indian authorities but not under regular British administration. They, however, showed these areas by a colour wash in order to make clear that they were a part of India. This general British practice of delineating the administrative frontier along with a colour wash upto the international boundary could be discerned also in maps which showed the North West Frontier areas, now a part of Pakistan, as lying beyond regular Indian administration.

From the foregoing analysis, it becomes clear that Indian official maps for over a hundred years have largely shown the correct limits of Indian territories. Naturally, as the years passed, the maps became more accurate and precise, because of the growing knowledge which came from detailed surveys, development of communications and a general improvement in the science of cartography. But in any case these Indian maps never showed an international alignment which could be claimed to confirm the present Chinese alignment.

The Chinese side also laid great emphasis on the captions 'frontier undefined' and 'frontier undemarcated' on some Survey of India maps, although this had been explained in detail in the note of the Government of India of 12 February 1960. The term 'undefined' in the Western Sector indicated that the boundary had not been defined in detail from point to point or demarcated on the ground, while the term 'undemarcated' in the Eastern Sector indicated that the boundary had been delineated on a treaty map but had not been demarcated on the ground. But there was never any uncertainty about the location of the traditional boundary in these sectors.

The Indian side brought forward official Chinese maps which confirmed the Indian alignment in all the Sectors. The map of the Chinese Minister Hung Ta-chen given officially to the British representative in 1893 showed an alignment which corresponded to the Indian alignment. Similarly, the map issued by the Postal Department of China in 1917 and used officially right upto our times correctly showed the Indian alignment throughout its length. There were repeated editions of this Postal Atlas. Until the maps issued since the People's Republic of China was inaugurated, which were only recently claimed to be correct, there were no official maps published in China which substantiated the alignment now claimed by China. This conclusion is not qualified by the two maps of 1918 and 1948 which the Chinese side quoted as corroborating their alignment. For the Indian side found on scrutiny that these two maps, said to have

been prepared by the 'Northern Warlords Government' and the Ministry of Defence respectively, had never been published; and subsequently the Chinese side agreed that this was so. It was surprising that secret maps had been brought forward as valid evidence of open and effective administration. They obviously were no proof of the alignment, much less of recognition by the Government of India of the boundary delineated on them. The furnishing of such so-called 'official' maps was all the more extraordinary because the Chinese side had themselves stated that no official maps had been printed in China during the period of the Kuomintang rule. In fact, such official maps had been published, and they supported the Indian alignment.

The Chinese side asked how Chinese maps cited by the Indian side could become evidence of Indian administrative control. The Indian side explained that they had never claimed Chinese maps as proof of Indian administrative control but had only cited them to establish that the traditional Indian alignment had been endorsed by the Chinese Central Governments. The Indian side, in fact, emphasised that as proof of sovereign administrative authority, it was necessary to rely primarily on such records as those of the regular collection of revenue and taxes and the maintenance of law and order. As far as the Indian side were concerned, official maps had been adduced only as secondary, corroborating proofs of administrative jurisdiction. Even here, the emphasis had been placed on administration maps, on sub-divisional, village, local and revenue maps which showed the administrative organisation as extending right up to the traditional alignment. It was significant that all large-scale maps of particular areas published by the Survey of India, of whatever date, clearly and explicitly supported the Indian alignment.

However, it became abundantly clear that the Chinese claim to administrative control was based primarily on maps derived from Indian sources, and these, too, small-scale maps published for general purposes. It is pertinent, therefore, to pose the parallel question as to whether the Chinese side had brought forward any official maps, published in China, to support their alignment, and to enquire how Indian maps could form almost the sole evidence of Chinese administration. It was clearly of the utmost significance that the Chinese side could not produce a single published official Chinese map showing the boundary as claimed by them, even though they assert that China has administered these areas for centuries.

Finally, it is necessary to correct the erroneous impression that was sought to be created, that the Indian side had not furnished many official maps in support of their alignment. Attached to this chapter (Annexure 'B') is a list of the official maps furnished by the Indian side; and from this it will be observed that as against 13 Indian official maps quoted by the Chinese side, 36 were brought forward by the Indian side; and as against the total lack of official Chinese maps brought forward by the Chinese side, 8 official Chinese maps were produced by the Indian side. The Indian maps which were quoted by the Indian side confirmed the evidence of Indian administration, and the Chinese maps cited by them served to establish that the alignment claimed by India had been recognised by the Central and the local Governments of China.

(ii) *Surveys*

As evidence of continuous administration of these traditionally Indian territories upto the alignment, the Indian side brought forward detailed evidence of official surveys conducted in the Western Sector from 1862, in the Middle Sector from 1850 and in the Eastern Sector from 1826 and particularly during the years 1911 to 1914. The results of these open surveys had been published in a large number of official reports and scientific journals even at the time they were conducted, and the Indian side cited the relevant documents. For example, in the Western Sector, the results of surveys in the Aksai Chin, Lingzi Tang and Chang Chenmo areas were published in a series of volumes from 1863 onwards. It was, therefore, completely untenable to contend that these surveys had been the result of Indian officials "sneaking" into Chinese or Tibetan territory. In fact, in the Western Sector the only surveyor who had crossed the alignment was Johnson in 1866; but he did so at the invitation of the Khotan Government and it was the Indian Government which rebuked and punished him for crossing the Indian boundary. In the Eastern Sector, surveys of Tibetan territory across the frontier were only carried out with the explicit permission of the Tibetan Government and they had always been clearly described as "trans-frontier surveys". Nor had the Indian side cited these explorations of Chinese and Tibetan territories. Such evidence as the Indian side had brought forward of official surveying had been of well-publicized operations in Indian territory.

However, while the Chinese side sought to minimise the significance of Indian surveying and described as "absurd" the suggestion that surveys were proof of legitimate administration, they themselves claimed in the Western Sector that surveys of the Aksai Chin area had been carried out by them in 1892 and 1941. In fact, as the Indian side showed, these Chinese surveys had not been of this Indian territory; but it was significant that the Chinese side recognised that survey operations were conclusive proof of ownership and administration of territory. In the circumstances, the very fact that they did not deny the validity of the evidence brought forward by the Indian side of open, regular and systematic surveys, to which the Chinese and the Tibetan Governments of the time had taken no objection, was obviously conclusive proof, even according to the premises of the Chinese side, that these territories which had been surveyed were a part of India. Further, as the Chinese side themselves have stated: "Obviously, it is inconceivable that such official, long-term and large-scale surveys could have been conducted and accomplished smoothly had they been carried out" in someone else's territory.

In short, according to the Chinese side themselves, official and detailed surveys are conclusive proof of sovereignty and administration; they themselves could bring forward no evidence of any such surveys of the areas now claimed by them; and the Indian side brought forward evidence of an unbroken series, stretching over a hundred years, of official, long-term and large-scale surveys of all the areas in every sector.

G. The meagre contents of the Chinese case

As compared to the wealth of positive documentary proof brought forward by the Indian side, the Chinese evidence was scanty in number, recent in origin, imprecise in its indication and, what was even more, internally inconsistent both in facts and arguments. This evidence, therefore, was totally inconclusive in supporting the Chinese case.

On the Western Sector, the Chinese case consisted mostly of unsupported assertions. Little traditional and customary evidence was produced from Chinese works and maps and whatever was produced turned out to be in India's favour. Vague references from Western travellers were adduced but could not stand scrutiny because fuller references even from the same authors as well as detailed accounts of other travellers clearly established that the authority of Sinkiang had never extended south of the Kuen Lun mountains. On the basis of some place names of Uighur origin, the Chinese side sought to prove that the Aksai Chin area formed part of Sinkiang, but the Indian side showed that if philological evidence were to be considered, the vast bulk of place names in this area was obviously derived from the Ladakhi language.

For the Middle and Eastern Sectors also, there was no evidence of tradition and custom as such. The major part of the evidence quoted by the Chinese side merely pertained to the collection of religious dues or the exercise of religious superintendence over the Lamaist monasteries and the Buddhist believers in small areas. But as the Indian side explained, such spiritual allegiance to Lhasa could not be regarded as proof of political or secular control over the areas concerned. The Indian side quoted from statements made by responsible Chinese officials such as Ivan Chen, who was the Chinese Plenipotentiary at the Simla Conference (1913-14) and the Foreign Minister of China (in 1914) to confirm that these places where Lamaist institutions existed or religious dues were collected were beyond the limits of Tibet's secular authority.

In the Eastern Sector, the evidence pertained exclusively to three small pockets of Buddhist influence close to the traditional border. Indeed, the Chinese evidence was mostly about Tawang where there is an important monastery exercising spiritual authority over the Monbas who are Buddhists. The Chinese evidence failed completely to substantiate the assertion that these three small units of Monvul, Layul and Lower Zayul covered the entire area of 32,000 square miles now claimed by China. The bulk of the population of this vast area are not Buddhists but tribal people, but there was no evidence at all concerning them. There was not even a general reference to them such as was to be found in medieval Indian evidence, which the Chinese side acknowledged.

The inadequacy of the Chinese evidence was nowhere greater than in the endeavour to prove that these territories now claimed by China in the various sectors were throughout subject to the administrative authority of China or, for that matter, even of Sinkiang or Tibet. Unlike the Indian side who had produced continuous revenue and tax records and other archives of administration for year after year and decade after decade for all disputed areas, the Chinese side

produced one or two documents of an occasional and a vague nature pertaining to a few odd places and claimed them as proof of administrative authority exercised continuously for centuries over all the areas now claimed. Only one document was produced as proof that Sinkiang had exercised administrative authority over the Aksai Chin area. But this document itself was a recent one and it only mentioned a proposal for the establishment of a new administrative sub-division of Shahidulla, which, in any case, lies north of the Indian alignment. It specified the Karakoram Pass as the southern limits of the administrative project, and since, according to the traditional alignment, the Karakoram Pass lies along the northern boundary of Kashmir, it was clear that the new division could not have been responsible for the administrative control of the vast Aksai Chin area. Nor was any evidence produced, either that this new administrative unit had been established, or that for the period from 1928 right upto 1950 jurisdiction over the Aksai Chin plateau was in fact exercised by this sub-division of Sinkiang. The scrutiny of the Chinese evidence confirmed the Indian position that Sinkiang and China never exercised control upto the limits now claimed till, of course, the illegal use and control of this territory since 1950.

The evidence to prove continuous Tibetan administration of the other areas now claimed by China was also sparse and flimsy. For the whole of Ladakh, there was only one document showing the collection of produce from a private estate in Demchok. In the case of Spiti also, only one monastic record, manifestly of religious superintendence, was quoted as proof of both tradition and the exercise of administrative authority. For Shipki, the only evidence of administration, on which the Chinese case was based, was an 'avowal' of 1930 by certain individuals; but 'avowals' are private affirmations and not proofs of official authority. For Nilang-Jadhang only two documents, separated by 170 years, were cited, and even these showed not that taxes had been collected, but that transit dues were paid by those proceeding to Tibet. Such dues were collected from persons in Nilang-Jadhang and Barahoti who went for trading into Tibet, and never from persons who did not cross into Tibetan territory. In the traditional pattern of trade between India and Tibet, India supplied food-stuffs and necessities of life to Tibet, while Tibet exported wool which was only an industrial raw material. It was, therefore, the Tibetan local authorities who were anxious to take the initiative to open and encourage border trade operations. These local officials of Tibet came just across the Himalayan passes, as it was impossible to stay on the saddles of the passes, to encourage the opening of trade; but they remained in these camping and pasture grounds and did not go down to the villages where the persons from whom these dues were collected resided for most of the year. These camping grounds, where these dues were collected, were near the Indian border and very far from the alignment claimed by China. In any case, no records were brought forward by the Chinese side to correlate the alleged tax dues with land holdings and pastures, and it was clearly established that these visiting Tibetan officials had no authority in India. A comparison of the meagre and casual evidence of the Chinese side with the systematic and detailed documentary evidence of revenue settlements, land taxes, official tours and other aspects of general administration furnished by the Indian side, placed beyond

doubt that these areas were integral parts of Indian villages and the collections which were claimed as proofs of Chinese authority were merely transit dues paid for the facility of crossing into Tibet. The Chinese side were in no position to challenge the veracity of Indian tax collection and settlement records; and such detailed evidence of Indian administration over these pockets put the Chinese evidence in perspective, and underlined that they were transit dues without any significance.

In the Eastern Sector, not a single record from any of the contiguous administrative sub-divisions, containing a chart or a map or any other specific proof showing an alignment which tallies with what is now claimed as the traditional boundary, was brought forward. The nearest approach to such evidence, which must be considered essential, was a solitary document pertaining to the Walong area which mentioned a stream which was nowhere near the alignment now claimed by China. The material provided established only Buddhist influence and ecclesiastical organisation in small pockets of territory. There was no evidence of any revenue collection, of survey operations, of acquaintance with the cultivated lower valleys or of construction of public works in the inhabited areas. The Chinese evidence was striking in that it made no claim to the exercise of any form of authority—spiritual, secular or political—over the vast majority of the inhabitants of these areas south of the high Himalayan range.

Claim supported by illegal occupation

There is one argument advanced by the Chinese side which deserves special mention. The Chinese side asserted that the Chinese army crossed unhindered the Akrai Chin area in 1950, conducted surveys there in 1954-55 and eventually constructed a highway across it, and they claimed that all this supported their contention that the territory always formed part of China and that the traditional line ran to the west of it. The Indian side could not possibly accept that this trespass and present control confer a legitimate title to this area. The Chinese Government themselves accepted the position, as is shown by their statement in the Chinese note of 3 April 1960, that—"Violation of the traditional customary line and expansion of the extent of occupation by unilateral occupation cannot constitute the legal basis for acquiring territory".

In this effort of trying to determine what was the traditional boundary between Sinkiang and Tibet on the one hand and India on the other, it was necessary to ascertain the historical *status quo* or what the Chinese Government called the "long existing state of the boundary" between the two countries, and furnish proof of an original title, setting aside any evidence from gains derived from recent illegal activity in the area. International law recognises that sovereignty over national territory does not demand continuous occupation of every place. The type and continuity of control necessarily differ with the nature of the terrain and the special circumstances of the territories concerned. The Indian positive evidence of tradition, custom and the exercise of state authority for this sector all established that the Indian title was an ancient, legitimate and recognised one; and it was shown that the Governments of Kashmir and India had

exercised normal and open authority over the area in a manner appropriate to its physical and climatic conditions. The Indian side had also demonstrated that this title was intrinsically superior to the Chinese claim for it was based on evidence which pre-dates by centuries the activities of the last decade. It had been established, for example, that until this recent activity Sinkiang never exercised any control over the Lingzi Tang and Aksai Chin areas and that Chinese maps and documents invariably recognised that Sinkiang did not extend south of the Kuen Lun ranges. As mentioned earlier, the nearest direct evidence of administrative control produced by the Chinese side were documents of 1927-28 which merely mentioned the intention of establishing an administrative organisation, and that too, in Shahjulla (which is in Sinkiang), and covering an area which even in the project was stated to have its southern limit at the Karakoram Pass.

In this connection, it may be expedient to refer to two famous cases of territorial disputes where the International Court, in ascertaining the legitimate title, set aside all evidence subsequent to what was described as the "crucial date". In the dispute between the United States and Holland over the island of Palmas, evidence subsequent to 1906 was not considered as valid. In the dispute between Norway and Denmark over Eastern Greenland, Norway's claim was set aside and considered "illegal and invalid" on the ground that she had not been able to establish any proof of administration prior to 1921, when she first occupied the disputed territory. As was pointed out in the Palmas case, in such circumstances, it was necessary to establish that the display of sovereignty existed openly and publicly prior to the period when the dispute was precipitated.

Further the Indian side, by giving evidence of the administration of this area prior to 1950 and details of patrols which were sent even subsequent to 1950 and right upto 1958 and even 1959, have demonstrated that India had the continuing intent even during the last ten years of exercising her rightful sovereignty and fully discharging her responsibility of local administration in a way befitting the terrain. Indeed, the Government of India had, in the customary manner, sent a patrol into the Chang Chenmo valley in June 1959 and no trace of Chinese personnel was then found in the area. This valley was only occupied subsequently by Chinese forces; and this occupation resulted in the clash and loss of life near the Kongka Pass. The evidence of long user and jurisdiction, the continuing intent to exercise sovereignty until the present Governmental exchanges commenced and the application of international case law precedents all clearly establish the Indian title to the area. The fact that India, in trust and true to centuries of tradition, did not establish a network of fixed administrative and defence posts at the extreme limits of the difficult terrain can in no way prejudice her ancient title.

It may be mentioned here that the Prime Minister of India had enquired from Premier Chou En-lai in Delhi in April whether a second road parallel to the original highway was being constructed in the Aksai Chin area. Premier Chou En-lai disclaimed knowledge of such a road. However, the Chinese side in their final statement and their Report have mentioned, as supporting proof of their claim, that over ten routes in this area were surveyed for construction; and

it is known that some routes other than and west of the present highway have already been constructed. Such consolidation of illegal control by new constructions are even more objectionable and can certainly not strengthen, in any way, the Chinese claim to this territory. Traditional boundaries are as much binding in international law as boundaries embodied in agreements and treaties, and no government has any justification in violating such boundaries and seeking to use occupation to confer legitimacy on trespass.

H. Deficiencies and contradictions in the Chinese evidence

These general observations pertain to the weak factual foundation of the Chinese case. During the discussions, the Indian side made a careful analysis of the documents produced by the Chinese side and the comments, summarised in the earlier chapters, show why the documents cannot help to sustain the Chinese claim. Here the Indian side would like to mention certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese evidence.

(i) *Irrelevance and contradiction of many items of Chinese evidence*

(a) The scrutiny of the documents furnished by the Chinese side showed that many of them had no direct relevance to the alignment or the areas claimed by China. For example, the decree of the *Kashag* that foreigners should not be allowed to enter Tibet was no proof of any alignment; and the fact that Deasy was turned back in Tibet from a point east of 80° E, i.e. east of the traditional alignment in the Western Sector and about a hundred miles east of the alignment now claimed by China, was obviously of no significance or even relevance. The extract cited from the *Yuan Shih* to prove that Ladakh was part of Tibet in fact only affirmed that a part of Tibet belonged to China. Another document was cited to show that Chushul was close to Rudok—a well-known geographical fact which had no bearing on the alignment. Now in their report the Chinese side have sought to strengthen this item of evidence, but still to no purpose. A statement in a Chinese work that the Karakoram mountains touched Sinkiang and Tibet could not damage the Indian position, for Sinkiang reaches upto the Karakoram Pass and the Karakoram ranges run from Ladakh into Tibet. Most of the evidence advanced to support the claim over Aksai Chin pertained to the Pamirs or the Western Karakoram area and concerned either the Sino-Russian and Sino-Afghan boundaries or that part of the Sino-Indian boundary west of the Karakoram Pass which the Chinese side did not wish to discuss at these meetings.

(b) Certain items of evidence brought forward by the Chinese side contradicted the Chinese stand. For example, the Mandate of the Fifth Dalai Lama, which was claimed to show the secular authority of the Tibetan Government over the Monba area, was found to refer solely to ecclesiastical jurisdiction in the Monba area. The 1911 Report of Cheng Feng-hsiang, quoted by the Chinese side with a view to support their alignment, stated that the boundary lay at the Yapak stream south of Rima; and this is well to the north of what China now claimed as her traditional boundary. There are many such instances of evidence furnished on all sectors, which either had no relevance to the Chinese claim or factually contradicted it.

(ii) *The Chinese evidence consists of a large number of unsupported assertions*

The Indian side were surprised to find that the Chinese case contained numerous assertions which were unsupported by documentary evidence. Obviously, such assertions in face of the massive amount of Indian evidence could not be regarded as establishing the Chinese alignment. A few examples may be given to illustrate this feature of the Chinese evidence.

(a) In the Western Sector, it was claimed that the Kirghiz and Uighur people of Sinkiang had been going to the Aksai Chin and Lingzi Tang areas since the 18th century for salt-mining, pasturing and trading and this was said to establish that the area had throughout been a part of Sinkiang. But not a single document either from the archives of the Sinkiang administration or from contemporary records and accounts was produced to establish the prevalence of this practice. On the other hand, the Indian side produced both historical evidence such as accounts of travellers and official records and local gazetteers to show that it was the people of Ladakh who had been going for salt-mining, hunting and pasturing, as of right, into these very areas.

(b) It was stated that the Tibetan Government had always posted guards at Demchok and Khurnak and headmen at Gyu and Kaurik in exercise of their administrative authority. But no document to substantiate these claims was brought forward. On the other hand the Indian side produced records showing continuous administration of these places.

(c) There were other cases where the translation and examination of the photostats supplied by the Chinese side showed that the passages cited by the Chinese side in their statement and said to be taken from specified documents actually were not to be found in the full texts contained in the photostats. For instance, an avowal of 1853 was said to refer to the prevention of the sovereignty of the borders in the Monba area falling into the hands of others; but the actual Tibetan text supplied by the Chinese side did not contain such a passage. The Chinese side themselves acknowledged this during the discussions, but they now, in their Report, charge the Indian side of having made this allegation. A report of 1913 was said to state that Garpons had been appointed to Layul; but again no such reference could be found in the Tibetan text of the photostat supplied. Kishen Singh, an Indian explorer, was said to have testified to Khurnak being in Tibetan territory, but the reference did not confirm this. In their Report, the Chinese side have sought to explain this by saying that Kishen Singh camped in what was allegedly Tibetan territory and had stated that Khurnak was nearby. But even this fact was not proved, much less the inference drawn from it. Other cases wherein the significance attributed to a document did not exist, included those dealing with Kingdon Ward's visit to Tibet and Ludlow's visit to Tawang.

(d) It was stated that even though the administrative centres for the areas claimed in the Eastern Sector were in the extreme north and west of the territories now in dispute, yet the local authorities had developed special administrative techniques to control the areas

right down to the foothills. It was promised that details of these techniques would be provided along with other evidence of administration and jurisdiction, but when the administrative pattern of the Eastern Sector came to be discussed, this promise remained unfulfilled. It has, in fact, never been clarified as to how this large belt of 32,000 square miles could have been traditionally administered by Tibet.

(iii) *The evidence produced does not cover the area claimed or contain any historical proof of border points.*

There was no precise and relevant documentary evidence brought forward by the Chinese side to prove that the areas now claimed were ever known to Sinkiang or Tibet, much less that they belonged to them or to show that points along the alignment now claimed were known to be border points.

In the Western Sector, the Indian evidence had shown how important border points and passes were traditionally accepted and mentioned in contemporary records as marking the limits between India and Tibet. For example, the Indian side provided specific items of evidence of the 18th and the 19th centuries which clearly mentioned Lanak La as having been considered at the time as a border pass between Ladakh and Tibet; but the Chinese side did not provide a single historical reference to show that the Kongka Pass (which is claimed to be the limits of Chinese territory and is located in the same valley and quoted as a nodal point on their alignment) was ever accepted as a border pass. The only document quoted by the Chinese side which contained a reference to a border point was Lhari of Demchok Karpo and that reference supported the Indian alignment.

Again, in the Middle Sector, no proof was brought forward to establish any claim to points along the alignment shown by China.

In the Eastern Sector, as already stated, no maps or administrative records of any kind were brought forward to show that Monyul, Layul and Lower Tsayul covered the whole tribal belt. A Survey of India map of 1906 was referred to as stating that Monyul, Layul and Lower Tsayul comprised the whole of the area in question but the scrutiny showed that there was no such indication on the map. The Chinese side claimed that certain foreign travellers had stated that these three units covered the whole area, but when invited to give the references, failed to do so.

The Chinese side had also referred to Lhoka as comprising most of what is now called the North East Frontier Agency of India. But it is well-known that Lhoka refers only to the 18 Dzongs under the control of the Commissioner of Neptong in Tibet and certainly did not extend south of the Himalayan range. When the Indian side pointed this out, the Chinese side did not deny it.

No historical records or accounts were brought forward by the Chinese side which mentioned the foothills as the traditional boundary, much less specifying the traditional points of entry of the tribal people into the Brahmaputra plains. This was, obviously, because neither the Chinese nor the Tibetans had any knowledge of these places or of the topography of these foothills.

(iv) *Changes even in the definition of the extent of the area claimed*

It was difficult enough to assess the relevance of the Chinese evidence when no historical records were brought forward concerning areas near the alignment now claimed by China. But the Chinese claims became even more mystifying when recent and authoritative definitions of the areas claimed revealed surprising contradictions and inconsistencies. Attention has already been drawn in an earlier chapter to the bewildering variety of delineations of the Sino-Indian frontier in recent Chinese maps. Two other significant examples of contradiction are given here.

(a) In the correspondence between the two Governments, the Government of India had pointed out that even in Chinese official maps published since the inauguration of the People's Republic of China the delineation of the boundary with India had not been consistent. It was noticed, for example, that, speaking broadly, the 1951 and 1959 maps had shown one alignment, while the 1954 and 1956 maps had shown a totally different alignment. In reply to our Prime Minister's letter of 26 September 1959, Premier Chou En-lai, in his letter of 17 December 1959, stated that "the Chinese maps published in 1956 correctly show the boundary between the two countries." The Indian side were, therefore, naturally taken aback when it was found that in the face of this categorical and most authoritative statement of the Prime Minister of China, the authenticated map provided at the beginning of these discussions did not tally with the Chinese map of 1956. In fact, the map now provided claims a few thousand square miles more than even the extravagant claim to Indian territory in the 1956 map. As the Chinese side continued to assert that there was no difference in the alignments shown on the two maps, the Indian side indicated precisely the divergence between the alignments on the map given to the Indian official side and that shown on the map endorsed by Premier Chou En-lai. The Indian side remain at a loss to know which map is to be considered more authentic; for despite repeated requests no explanation was provided to resolve this vital contradiction in the Chinese definition of the alignment claimed by them.

(b) The second example seems to suggest the development of a change in the Chinese conception of their boundary, even during the course of these discussions. In the description of the Chinese alignment provided to the Indian side, it was alleged that in the Middle Sector, eight places of Chinese territory were under Indian occupation and that the boundary skirted these places on the south side. Lapthal and Sangchamalla were individually listed and mentioned as distinct from Barahoti (Wu-je). Earlier, too, in the correspondence between the two Governments and during these discussions, Barahoti, Lapthal and Sangchamalla had been mentioned separately. However, the answers given by the Chinese side to some of the questions of the Indian side seeking clarification of the Chinese alignment raised the suspicion that the claimed alignment did not just (as had been stated) skirt these places, but ran much further to the south and east of them and that these places were much nearer the traditional Indian boundary than to the line now claimed by China. But it was only five weeks after these talks began that the Indian

side were informed, for the first time, that these three areas—Barahoti (Wu-je), Sangchamalla and Laphthal—were, in fact, not separate units of territory but parts of one large, composite area of approximately 300 square miles. No explanation was provided as to why these places had earlier been mentioned separately. One could not help feeling that in this particular case the Chinese claim was inflated after the commencement of these discussions. As far as the Indian side were concerned, they contested the claim to these three pasture and camping grounds even when the area involved did not amount to more than ten to fifteen square miles. But the Indian side were naturally most concerned that the area, as finally claimed, was a sizeable one and, incidentally, included the Niti and Kungribingri Passes, which are border passes explicitly mentioned in the 1954 Agreement and where for decades India has exercised her traditional jurisdiction.

(v) *Utilization of material taken out of the proper context*

The Chinese side frequently took certain passages out of their proper context and quoted them in such a manner as to suggest that they supported the Chinese case. The most striking instance of this was the utilization of certain statements of the Prime Minister of India. For example, the listing in his letter of 22 March 1959 to Premier Chou En-lai of some of the agreements confirming the traditional Indian alignment was said to show that the 1954 Agreement was not regarded as one of such treaties. His statement in Parliament that the boundary in the Western Sector had not been delimited on the ground was cited as proof that the Indian Government had accepted that the boundary had not been delimited, and his statement that during the days of British rule no administrative outpost had been maintained in the northern Aksai Chin area was interpreted to mean that there had never been any administrative control of the whole area. Obviously these and similar statements should be read in their proper context and not distorted to suit the Chinese case.

(vi) *Inconsistencies in the logic of the Chinese case*

More damaging than even these irrelevancies, unsubstantiated assertions and ambiguities were the sharp contradictions and inconsistencies in the logic of the Chinese case. These contradictions, to which the Indian side drew attention at the time, remain unresolved.

(a) The Chinese side were unable to explain their stand about the alignment near Demchok in the Western Sector. While furnishing their evidence supporting the traditional basis of the alignment, the Indian side were the first to quote a 17th century document to show that the traditional boundary between Tibet and Ladakh near Demchok lay at the Lhari stream. When later the Chinese side also brought forward evidence of the 18th century showing that the limits of Tibetan territory were at Lhari, and that headmen as far back as a hundred years ago had confirmed that the boundary lay at Lhari, the Indian side welcomed it as a point of agreement, but, at the same time, pointed out that this destroyed the Chinese claim that the boundary lay further west of Demchok. At the request of the Chinese side, the Indian side furnished the coordinates of Lhari stream, and invited the Chinese side to give the

co-ordinates of Lhari according to them, if they disagreed with this contention. But the information sought was not provided even though Lhari had been quoted as a significant point on the alignment. It was merely asserted that Lhari was near the point where the Chinese alignment crossed the Indus, but if this were so, Lhari would be almost due north and not west of Demchok, as the Chinese evidence itself established. The Chinese side could not disown the evidence they themselves had submitted and which disproved their alignment and supported the Indian one.

(b) It was repeatedly affirmed that until Ladakh was annexed by Gulab Singh in the fourth decade of the 19th century, it was a part of Tibet and not independent of it. But this clearly destroyed the Chinese contention that the alignment of the traditional boundary as now claimed by them was "ancient", and had "always" been the boundary between the two countries. Actually, as has been mentioned, the Chinese side had themselves brought forward evidence which mentioned wars between Ladakh and Tibet, the cession of forts by Tibet to Ladakh and the exchange of regular *Lapchak* and *Chaba* trade missions between Tibet and Ladakh since the 17th and 18th centuries, all clearly showing that Ladakh was not under the political control of Tibet and the two dealt with each other as equal parties. Indeed, the Chinese side themselves quoted evidence of this very period referring to the ancient and clearly known boundaries of Ladakh. They even brought forward evidence of the 18th century to show that the international boundary between Ladakh and Tibet lay at Demchok, yet they persisted in claiming that the status of Ladakh was changed only in the mid-nineteenth century by the alleged annexation of Ladakh by Gulab Singh and thus, by implication, the international boundaries of Tibet moved east a hundred to a hundred and fifty miles from the western limits of Ladakh at about 75° to somewhere along the present Indo-Tibetan boundary at about 78°. When faced with this discrepancy between their evidence and their assertions, the Chinese side stated that the alignment claimed by them conformed to the ancient feudal line between Ladakh and Tibet; but it need hardly be pointed out that a feudal line cannot form an ancient boundary, and that a boundary only a hundred years old can scarcely be regarded as a traditional international frontier. Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence furnished by the Chinese side themselves.

(c) The Chinese side have repeatedly referred to some minor and old disputes with a view to proving that the boundary has not been formally delimited. The Indian position on the merits of these disputes had been explained in the appropriate context; but what is obvious is that the existence of these old and limited disputes to which the Chinese side referred cannot support the present claim of China but, in fact, destroys it. The disputes, such as those regarding the Dokpo Karpo pastures in the Western Sector, Barahoti in the Middle Sector and Walong in the Eastern Sector, were clearly over small areas close to the Indian alignment and very distant from what China now considers to be her traditional boundary. Indeed, if the Chinese alignment were correct, these small disputed areas would be little enclaves entirely surrounded by Chinese territory.

and nowhere near what China considers as the international boundary; and they could then never have been boundary disputes and would have no relevance to the delimited nature of the boundary. In fact, the mention of these boundary disputes by the Chinese side nullifies the present claims of China, and indicates that the alignment now claimed by her is certainly not the traditional boundary between the two countries.

(d) It would be appropriate, in this context, to refer again to a major contradiction in the Chinese case. The Chinese side asserted that Tibet was always a part of and under the sovereign control of China and had no right to have any dealings with other countries, and sign an agreement formalising the boundary; but, at the same time, they quoted these disputes—and India has not denied that such disputes took place—which show Tibetan representatives holding negotiations in attempts to resolve their boundary disputes, and in one case even constituting an international commission, without any trace of Chinese presence or concurrence. Obviously, the Chinese side cannot refer to Indo-Tibetan boundary discussions, produce Tibetan documents, and quote Tibetan claims in frontier areas, even while they assert that Tibet had no right to deal with her neighbours or to conclude Boundary Agreements.

The contradictions in the Chinese case are so numerous, and their implications so serious and far-reaching that they serve to disintegrate the Chinese evidence and position; but most of these illogicalities and contradictions are resolved if it is recognised that the Indian alignment corresponds to the traditional boundary between the two countries. Then, for example, the minor boundary disputes would really be on the boundary, the negotiations by Tibet would be in conformity with her treaty-making powers, and the traditional Ladakh-Tibet boundary would be the traditional international alignment.

I. Features of the Chinese Comments on Indian Evidence

The Chinese side made no specific comments on a large number of the documents furnished by the Indian side and presumably recognised not merely their authenticity but also the validity of the conclusions drawn from them. Even the few comments they did make were found, as shown in earlier chapters, to be of no significance. Special mention is here made, and notable examples are given, of certain surprising features of the arguments used by the Chinese side in their attempts to deal with the evidence produced by the Indian side.

(i) Refusal to face the implications of the Indian evidence

Throughout the discussions, the Chinese side reiterated their assertions without taking into account any of the Indian evidence and arguments. For example, they ignored all the remarkably precise references in Indian chronicles, literary tradition and inscriptions, which made clear that the Indian alignment had even in ancient times lain along the Himalayan watershed. This was particularly surprising because the Chinese side themselves frequently referred to Tibetan religious works which are generally regarded as

much less authoritative than Indian chronicles. Modern Indian evidence also was not so much just set aside as wholly ignored. Thus the Indian side proved that Deasy had been stopped in Tibet by local authorities, east of the traditional Indian alignment, and brought forward the map prepared by Deasy which made this clear; yet the Chinese side continued to assert that Deasy had been arrested by Tibetan authorities in the Aksai Chin area of India. Similarly, in the Middle Sector, the Indian side provided photostat copies of the field-notes written at the time by Hutton and Gerard; but the Chinese side continued to term them hearsay evidence. The Indian side cited a statement from the report of Wakefield's journey in the Shipki Pass area in 1929, wherein he stated clearly that the boundary lay across the Shipki Pass; but the Chinese side insisted, in face of the evidence, that Wakefield had not made any statement to this effect.

But nowhere was this Chinese attitude of refusing to face facts clearer than in the case of Pulamsumda. Both in the 1954 negotiations and in the correspondence of recent years between the two Governments, the Indian Government had repeatedly brought forward precise and specific proof to show that Puling Sumdo, which is mentioned in the 1954 Agreement as one of the trade markets in the Ali district of Tibet, is not the locality in the Nilang-Jadhang area called Pulamsumda. Even the co-ordinates of Puling Sumdo had been communicated in writing to the Chinese Government in 1954. Pulamsumda is a camping-ground south of the Ganges-Sutlej watershed, and Puling Sumdo is a trade mart north of the watershed and over 20 miles distance from Pulamsumda. Yet the Chinese side, without bringing forward any evidence, persisted in confusing the two places, and contended that they were the same.

(ii) *Conflicting interpretations of the same item of evidence*

The Chinese side gave conflicting interpretations of the same item of evidence, as it suited them, merely to deal with the specific point in hand. For example, it will be recalled that China had sought to deny that the 1842 Treaty between Ladakh and Tibet covered Kashmir's boundary with Sinkiang, on the ground that the latter had not participated in the negotiations. The Indian side had pointed out that the Chinese contention, even if correct, was of no relevance, for Sinkiang had never extended south of the Kuen Lun mountains. But later, when discussing the Treaty basis of the Eastern Sector, the Chinese side stated that the 1842 Treaty could not show that Tibet had enjoyed treaty-making powers because Tibet had not acted independently of China. This confirmed what the Indian Government had always maintained, that China was a party to the 1842 Treaty. By their subsequent acceptance that the Chinese Government approved of the Treaty of 1842, the Chinese side not only upheld the Indian contention but presumably abandoned their position that the treaty did not affect and was not binding on Sinkiang. For it must be assumed that the Central Government of China were safeguarding and representing the legitimate territorial interests of a constituent province when they accepted the 1842 Treaty.

(iii) *Setting aside certain groups of documents when brought forward by the Indian side but furnishing the same kind of evidence.*

The Chinese side sought to set aside groups of documents of the Indian evidence as being irrelevant but used the same types of evidence in an effort to substantiate the Chinese case.

For example, in commenting on the Indian evidence on the Western Sector under Item Two, it was stated by the Chinese side that salt-mining and pasturing were not solid proofs of tradition and custom; but later the Chinese side themselves stated without any documentary support that the people of Sinkiang had been visiting the area for salt-mining and pasturing and claimed this as proof of the traditional and customary basis of the Chinese alignment.

Similarly the Chinese side sought to belittle indirect evidence provided by accounts of travellers and unofficial maps, when quoted by the Indian side, but brought forward vague items of no intrinsic merit from every one of these categories of evidence to support their own case. They doubted the value of old style Chinese maps produced by the Indian side but later proceeded to quote not only old style Chinese maps but even a panoramic Tibetan map which did not even show rivers or bear any indication of the date of its compilation. They sought to set aside continuous and regular Indian surveys as proof of Indian administration but contended that if any Chinese surveys were conducted, they would be proofs of Chinese ownership.

(iv) *Setting aside of Indian evidence by branding it as "Imperialist"*

The Chinese side, while repeatedly pledging that they would consider and comment on Indian evidence in an objective manner, brought forward extraneous and irrelevant considerations and tried to dismiss established facts and documented evidence by making sweeping and unsubstantiated charges of *malafide* intentions. They have even gone so far as to allege in their final statement that the Indian alignment "in no way represents a traditional customary line, but marks the attempted goal of British aggression against China's territory in Sinkiang and Tibet." The Indian side take the strongest objection to this astounding allegation, made after the Chinese side had scrutinised and been unable to refute all the vast amount of evidence establishing the traditional and customary basis of the Indian alignment.

During the discussions, the Chinese side sought to minimise the value of a considerable amount of Indian evidence on the ground that it came from British sources and represented merely a manifestation of British imperialist policy. It was inevitable that Indian evidence of the last three centuries, particularly of administration, should be largely British. But for every sector where British evidence had been mentioned, the Indian side had also mentioned evidence recorded by persons of German, French or Italian origin, who could not have been impelled by the desire to support British Imperialist policy, since at that time these other European powers were jealous of British hegemony and rivals of Britain throughout the world. What was even more significant, the Indian side invariably brought forward evidence from Chinese sources to confirm the alignment shown by India.

It required no re-affirmation that independent India is no defender of British Imperialist policies in India or any other part of the world. But it was not for the officials to pass judgments on the past. The task assigned to them was to study and draw conclusions from the facts of history as they related to the boundary question. Objective historical evidence which had a bearing on the boundary could not be set aside merely on the ground that it was recorded by an Englishman or came from a British source. Further, the Indian side could not agree that whatever British policy in Sinkiang might have been, it had any bearing on the boundaries of Kashmir. The charge of British "imperialist motivation" could not explain away that the Indian boundary lay along natural geographical features or that it found confirmation in Chinese official and unofficial documents. Besides, all the British records of the 19th century were now open to the general public and research scholars, but the Chinese side had not cited a single British official record of that period to prove deliberate *malafides* and an interested effort to change the then existing alignment.

However, notwithstanding these general arguments to dismiss evidence from British sources, the Chinese side themselves relied heavily on British sources. Indeed, in the Western Sector under both Items 2 and 3, the majority of the evidence produced by the Chinese side was from British sources. For example, a map published by Johnston was quoted; but when the Indian side brought forward a more accurate map published by the same firm, it was disregarded. A reference to Gerard's first-hand account of the alignment in the Shipki area was discounted when cited by the Indian side but a second-hand version, written over a hundred years later, of what Gerard was believed to have noted, was cited with approval as it seemed to support the Chinese case. The curious fact was that the Chinese side referred to Moorcroft, Cunningham, Burrard, Bell, Walker and even a publication of the British Foreign Office as evidence in their favour, but when the Indian side produced the fuller and more conclusive texts from the same author or source to prove that these documents did not help the Chinese case, the Chinese side sought to dismiss them as inspired by Imperialist motives and not worthy of serious notice.

It may be added that an objective analysis of the history of British policy towards Tibet during the years after 1880 showed that the British Government were eager to buttress rather than to belittle the position and strength of China, and therefore sought to minimise the aspirations and claims of Tibet. This was because they were anxious to prevent Russia from obtaining a foothold or influence in Tibet. In the few discussions which took place over the northern boundary of Kashmir and over minor disputes such as in Nilang-Jadhang and Dokpo Karpo, British policy was to offer a compromise to Tibetan advantage even though both sides recognised the traditional alignment, and so to persuade Tibet to settle her political and territorial disputes with China in the north. During these years, therefore, it was the then Central Government of China which reaped the benefit of European imperialist rivalries in Central Asia. At all events, if Britain with her imperialist ambitions was seeking to change the frontiers, she would scarcely have limited herself to the

traditional boundaries but would have advanced far beyond the Kuen Lun, the Aghil and the Himalayan Ranges and acquired territories which were more valuable economically and strategically. The Indian side could not therefore but affirm that any attempt to dismiss objective and contemporary records of history on general grounds that they were from British sources was contrary to the spirit of this assignment and to the methods of historical research, and, incidentally, inconsistent with the practice adopted by the Chinese side themselves.

J. Aspects of the Chinese Report

The chapters written by the Chinese side present, in an obvious effort to withstand more effectively than during the discussions the impact of Indian evidence and analyses, a different picture to what had, in fact, transpired. In contravention of the agreement arrived at and communicated to the two Prime Ministers that the substantive work would be completed at the Delhi session and the final session limited only to the drafting of the report, the Chinese side have dealt afresh with questions of substance, and, as they have themselves acknowledged, brought forward new material, arguments, explanations and elaborations. The Indian side do not feel it necessary to answer these new points as they do not seem to be of any weight, and their own report gives a correct and complete account of the discussions and, in particular, a comparative appraisal of the evidence produced by both sides. However, a few striking examples of the new material in the Chinese report are given in an appendix. (*Annexure C*).

It is particularly regrettable that in the Chinese report there are certain baseless and unbecoming allegations against the *bona fides* and integrity of the Indian side. The Indian side will not give these allegations of deliberate distortions and wilful misinterpretations the importance of rebutting them in detail. It is sufficient to say that throughout these discussions the Indian side have never made a statement which they did not substantiate, they have never presented evidence which they have not interpreted objectively and they have never rejected Chinese evidence without showing precisely why it was invalid.

K. The Boundary west of the Karakoram Pass and the Boundaries of Bhutan and Sikkim

The Indian side were surprised at the reluctance of the Chinese side to discuss questions pertaining to the boundary of Kashmir State of India west of the Karakoram Pass and to the northern boundaries of Sikkim and Bhutan on the ground that these boundaries did not fall within the scope of these discussions.

The Chinese refusal to discuss the segment of the boundary west of the Karakoram Pass was tantamount to questioning the legality of the accession of the State of Jammu and Kashmir to India when in fact the accession had not only been recognised by other countries but even by the United Nations Organisation. Kashmir was a part of India and notwithstanding any temporary occupation of the territories west of the Karakoram Pass, it was the legitimate responsibility

of the Government of India to represent to the Chinese Government with regard to this sector along with other sectors of the Sino-Indian boundary, particularly as there was a considerable discrepancy in this sector also between the alignments shown in Indian and Chinese official maps. So even though the Chinese side refused to discuss the matter, the Indian side considered it necessary to place on record, in the broadest outline, the evidence supporting the alignment shown by India in this section.

Similarly, there was complete justification for the Indian contention that the boundaries of Sikkim and Bhutan with the Tibet region of China were the legitimate responsibility of the Government of India and within the purview of these talks. The Joint Communiqué which served as terms of reference for these talks authorised the officials to consider matters "which pertain to certain differences which have arisen between the two Governments relating to the border areas." Even prior to the meeting of the two Prime Ministers, both Governments had exchanged views on matters relating to the boundaries of these States. In the case of Sikkim, the Chinese Government had categorically recognised the continuing validity of the 1890 Convention which expressly acknowledged India's responsibility for the external relations of Sikkim. In the case of Bhutan, apart from the Indo-Bhutanese Treaty of 1949, the Bhutan Government had repeatedly urged the Government of India to represent to the Chinese Government in matters pertaining to Bhutan's boundary and her interests in Tibet. Moreover, as mentioned during these discussions, the Bhutan National Assembly had passed a special resolution specifically drawing attention to the errors in the depiction in Chinese maps of Bhutan's boundary. There could, therefore, be no ambiguity regarding either the nature of the relations of India with Bhutan and Sikkim or their inclusion within the terms of reference of the present discussions.

The Chinese side's attitude was the more surprising because the Government of India had frequently explained the content of the special relations of India with these two States, and Premier Chou En-lai had stated in his press interview at Delhi on 25 April 1960 that "China respects India's relationship with Bhutan and Sikkim". The *Peking Review* which the Chinese side referred to as containing the text of the interview, qualifies the assurance by adding the adjective 'proper' before 'relations'. Since not only several first-hand and independent textual records but also tape recordings of what Premier Chou En-lai stated are available, there could be no doubt that he gave a categorical and unqualified assurance capable of no other interpretation than as an acceptance of India's position as explained previously. Indeed the statement made at the Press Conference was identical with what Premier Chou En-lai had said the same day in his conversation with the Indian Prime Minister. There could, therefore, be no doubt about the validity of the Indian stand on this question and its acceptance by the Chinese Government. In practice also the position had been acknowledged by the Chinese Government. The Indian side, therefore, naturally received with concern the statements during these discussions made by the Chinese side in refusing to deal with the discrepancies in Bhutan's borders. If the Chinese side disagreed with the Indian position, it

would have been appropriate if they had given an explanation of the Chinese understanding with regard to both the status of Bhutan and Sikkim and the nature of India's relationship with these two States, which according to Premier Chou En-lai was respected by China.

L. China had never Affirmed the Boundary Claimed and in fact Accepted and Acquiesced in the Indian Alignment

The Chinese side now state that "China has never recognised the alignment now claimed by India, it has always held that only the boundary as maintained by China is the true traditional customary line". This statement is clearly a wholly incorrect description of the facts. The Government of India only received a clear indication of the existence and extent of the Chinese claim to Indian territory in September 1959. Prior to this, the Government of India had only seen various Chinese maps erroneously depicting the boundary, but the Government of China had not precisely defined what they considered to be the territories of China or ever disputed India's declared alignment of her boundary with China. The Indian side have shown that several legislative enactments from the 19th century onwards and official documents including many Survey of India maps of the British Indian period had clearly referred to the areas now claimed by China as being parts of India. Innumerable administrative activities had also been undertaken during these years right upto the boundary. Even in desolate areas large exploratory and survey parties had conducted their activities openly and their results had been published. In the north-eastern regions, administrative arrangements were made with the tribal people and published in successive editions of Indian State papers. The "McMahon Line" agreement and the Simla Convention were published in Aitchison's *Collection of Treaties*, 1929 edition. A joint Indo-Bhutan Commission examined their common border in this area right upto the traditional alignment in 1938.

The Central Government of China, who were doubtless aware of all these publications and activities throughout these many years pertaining to areas now claimed by them, never made any protests. It is unprecedented in the history of international relations that after one State has publicly exercised full administrative jurisdiction for several centuries over certain regions, another State should raise a dispute regarding their ownership.

But even since India attained independence in 1947 and the promulgation two years later of the Chinese People's Republic, the well-known limits of Indian territory had again on many occasions been publicly and authoritatively affirmed by the Government of India. For example, the Constitution of India, formulated in 1950 after open discussions which lasted over several years, referred in one of its Schedules to the North East Frontier Agency, parts of which are now claimed by China. Subsequently the Prime Minister of India openly stated—and that too with reference to Chinese maps—that the extent of India was shown in official Indian maps and India was not aware of any major dispute regarding this delineation or of any claim to any part of Indian territory. Even according to the Chinese side there has been no ambiguity about the alignment shown on Indian official maps since 1954. But no

protest was registered regarding any of these authoritative documents and statements by the People's Republic of China.

Apart from these positive affirmations of India's frontiers, on every occasion that the erroneous depiction of the alignment on Chinese maps came to the notice of the Government of India, prompt action was taken to bring it to the attention of the Chinese authorities. The note of the Chinese Government of 26 December 1959 itself acknowledged that it was the Prime Minister of India who raised the question of Chinese maps in his discussion with Premier Chou En-lai in 1954. On that occasion, the Prime Minister made clear that India's boundaries were well-known and were not a matter of argument. Premier Chou En-lai sought to treat these Chinese maps as of little significance and described them as merely reproductions of old maps which the Chinese Government had had no time to revise. The substance of what Premier Chou En-lai said was made clear in the letter of the Prime Minister of India, sent on 14 December 1958. However, after the substantive discussions were completed, the Chinese side described the account of what took place as a distortion. This was to cast an aspersion to which the Indian side took the strongest objection. That, in fact, it was an accurate version of what occurred is confirmed by several subsequent verbal statements, and even written communications of the Chinese Government which adopted the same attitude as Premier Chou En-lai in 1954 and affirmed that these maps did not represent the correct position. This in effect was confirmed even during these discussions and in their report by the Chinese side. When the Prime Ministers met next, in the winter of 1956-57, the Prime Minister of India once again brought to the attention of the Chinese Premier the possible threat to Sino-Indian relations posed by the continued distribution of maps incorrectly depicting the Sino-Indian boundary.

It may also be mentioned that in the cases of intrusion into Khurnak, Nilang-Jadhang, Shipki and Spiti, it was the Government of India which promptly protested. No reply to the respective Indian notes of 2 July 1958, 2 May 1956 and 8 September and 24 September 1956 and the verbal protest of 7 December 1956 were received, then or later. It was only in the case of Barahoti that the Chinese Government confirmed that they considered Wuje as part of Chinese territory; and the Government of India immediately, in their note of 27 August 1954, made clear their position that Barahoti was a part of India. Thereafter a number of notes were exchanged culminating in a Conference on Barahoti in 1958. But as already stated, even the claim then put forward by China to Wuje had no relation to the extent of the claims in this area affirmed during these discussions. For example, it has now been claimed that Niti Pass itself was in Chinese territory though for many years prior to 1954 Indian posts were established on the Niti Pass and both the 1954 Agreement and the Indian note of 5 November 1955 referred to Niti Pass as the border pass between the two countries. At the time of the 1958 discussions on Barahoti, Indian posts existed near Niti Pass, to the west of Barahoti, and in Laphthal and Sangchamalla to the east; but no mention was then made of the extensive Chinese claim to or alleged Indian "occupation" of these areas .

It was again the Government of India which, in a formal note of 21 August 1958, specifically drew attention to erroneous Chinese maps; and even though the map concerned was on a small scale, the Indian Government specified the broad extent of the error in the delineation of the boundary in the Eastern, Middle and Western Sectors and in the depiction of a part of Bhutan as within Tibet. In the same note, the Government of India made clear that the correct boundaries of India were as shown in the *Political Map of India* (3rd Edition 1956). The Chinese reply of 3 November 1958, far from disputing the Indian boundary alignment or affirming support for the Chinese claim, once again suggested that the alignment in the Chinese maps was based on old maps, which would be corrected in due course after fresh consultations and surveys. Even Premier Chou En-lai's reply of 23 January 1959, to the letter from the Prime Minister of India of 14 December 1958, failed to clarify the Chinese concept of the boundary.

The Chinese Government did not even bring to the attention of the Government of India their understanding of the boundary alignment when Indian personnel were apprehended in Aksai Chin in September 1958. It was the Indian Government which took up the matter in October 1958, drawing attention to the fact of the missing personnel and protesting against the construction of a highway across Indian territory. The Chinese reply of 3 November 1958, delivered on the same day as the note belittling old Chinese maps, dwelt on the question of the apprehended personnel and alleged that they had intruded into Chinese territory; but even then the exact delineation of the boundary as conceived by China was not indicated.

In the summer of 1959 the Indian Government took the precaution of informing the Chinese Government of their intention to drop a doctor by parachute for attending on the officer-in-charge of the checkpost personnel in Longju, as he had fallen seriously ill. This was in case the aircraft flew inadvertently over the traditional boundary. In that connection the exact co-ordinates, including grid references, of the checkpost were provided in the Indian Note of 24 July 1959. The Chinese Foreign Office mentioned verbally that it was unnecessary to bring activities over Indian territory to their notice. However, only five weeks later, after the clash and loss of life at Longju, India was accused of violation of Chinese territory and of an unwarranted attack on Chinese troops at the very place regarding the location of which information had been volunteered by the Indian Government and considered unnecessary by the Chinese Government.

The Chinese Government did not even demur to an exact definition with precise co-ordinates of the traditional Indian alignment in the Lanak La-Spanggur sector in the Indian Note of 13 August 1959. But later, in October/November 1959, after the Kongka Pass incident, the Chinese version of the alignment was affirmed with vigour and tenacity, and the Indian personnel were even accused of wilful intrusion into Chinese territory.

The fact was that, despite the initiative taken by the Government of India on numerous occasions, the Chinese Government never gave their version of the boundary or disputed the definition provided by the Indian side. It was particularly surprising that even in reply to the note of 21 August 1958 and our Prime Minister's letter of 14 December 1958, where specific objection to the entire delineation on Chinese maps had been raised, they were not defended. On the contrary, in reply to all these communications it was sought to be suggested that the maps were reprints from old maps and not necessarily correct and, therefore, provided the Government of India with no cause for objection or anxiety. It was only in September 1959, five years after the Indian Government had first raised the question of Chinese maps, that the Chinese Government, in glaring contradiction to their previous position, justified and upheld these maps and claimed that they showed the traditional boundaries of China. If this alignment were really regarded as ancient and correct, the replies given (such as that of November 1958) and the lack of replies to Indian notes (such as those pertaining to Shipki, Spiti, Nilang-Jadhang and Khurnak) can only be described as grossly and deliberately misleading. In the absence of any affirmation of the alignment shown on Chinese maps, the Government of India were justified in assuming that no such claims to Indian territory were held by the Chinese Government.

When, therefore, in September 1959 claims to about 50,000 square miles of Indian territory were advanced and defended and maps which had been earlier said to be reprints of erroneous ones were upheld as representing valid claims, it could not but be a matter of astonishment and serious concern to the Government of India. Having failed, in the face of open declarations and direct communications by the Government of India, to specify her claim or to protest, there is no doubt that under the accepted canons of international usage China must be held to have accepted and acquiesced in the Indian alignment and to be now estopped from raising claims to Indian territory. But it is not only a matter of international law. Friendly relations between countries presume a frank and forthright exchange of views in such vital matters concerning national territories; and it would unsettle the very basis of trust and amity between nations if such vast territorial claims are kept undisclosed and brought forward by a neighbouring country at its own unilateral convenience when it regards them as "ripe for solution".

The Chinese side in their report have asked "Can it be said that a sovereign state has no right to reserve its position concerning questions of its own sovereignty and to raise it on suitable occasions?" While, of course, a sovereign State may reserve its position on any question, it must do so positively, especially when the territories of other States are involved. It is unknown in the history of international relations for a sovereign State to reserve its right tacitly on such issues as boundary matters, which even the Chinese side in their report acknowledge "are matters of major importance which involve the sovereignty and territory of a country", and to raise them on what it regards as suitable occasions.

Chinese State practice itself illustrates this obvious truth that it is the bounden duty of sovereign States in the protection of their

national interests to challenge in an appropriate manner any action or even authoritative statement that adversely affects their interests. The Chinese People's Republic has protested on every occasion when there was the remotest suggestion of creating "Two Chinas". It has similarly remained vigilant and issued warnings—now numbering over a hundred—at alleged intrusions into its territorial waters and air space. There is an inexplicable contrast between the promptitude of Chinese protests at such sporadic violations and her deliberate silence when she, as it is now affirmed, had always held claims—and that too on the basis of ancient title—to 50,000 square miles of Indian territory. It is a contrast which can only be explained by recognising that the Chinese claims are of very recent origin.

The correspondence between the two Governments in 1950 also made clear that the well-recognised boundary between the two countries should be respected and remain inviolate. However, after the substantive discussions were over, the Chinese side sought to draw a distinction between a "border" and a "boundary" and contended that in 1950 the Chinese Government had only recognised the Indian border. Whatever distinction the Chinese side have in mind between a "border" and a "boundary"—and it is impossible to understand how any "border" could be recognised with unspoken claims to about 50,000 square miles of territory—it can have no relevance here, for in the diplomatic exchanges the Government of India made clear that it was the well-established and precise boundary that should be respected and it was such a boundary that was recognised by the Government of China.

Finally, the fact that China clearly acquiesced in and positively confirmed the frontiers of India is also established by the Preamble to the 1954 Agreement which pledged both countries not merely to mutual non-aggression but to respect of each other's territorial integrity. As far as India was concerned, she had notified the extent of her territories to the entire world in her Constitution and official declarations prior to the Agreement and there could be no mistake about it. The Chinese side sought to argue that this pledge of mutual non-aggression and respect for territorial integrity did not require China to clarify whatever claims she might have had to Indian territory. The Chinese side sought support for this extraordinary contention that a State can tacitly reserve its claims on such matters of vital importance by recalling that even though the boundaries with Nepal and Burma were not formally delimited, China had subscribed to the Panch Sheel agreements with both those countries. The Chinese side also mentioned that the Prime Minister of India had offered to conclude a Panch Sheel agreement with Pakistan even though Pakistan held reservations regarding the State of Kashmir. But these examples were in no way an appropriate parallel and provided no justification for any claims reserved by China to Indian territory in 1954. The traditional boundaries of China with Nepal and with Burma were basically clear and there were only small and well-known areas of dispute along them. This is clear from the recent agreements of formal delimitation which merely confirmed the general validity of the existing boundaries. Similarly in the case of the dispute between India and Pakistan over Kashmir, the stands of the two sides had long been openly

stated and were fully known to both countries. But judging from the present attitude and claim of China, when she committed herself to respect India's territorial integrity in 1954 she held undisclosed reservations with regard to a vast area of territory. If the alignment now claimed by China was even then regarded as the correct one, to have kept undisclosed a claim of this magnitude was seriously misleading and contrary to the spirit of mutual confidence and respect for territorial integrity explicitly affirmed in the Panch Sheel. Peaceful relations between sovereign nations are based on the assumption of the most honourable motives and intentions. India had reason to believe that China had accepted and acquiesced in the traditional Indian alignment and was only now creating a major boundary question and not that China had sought to deceive India until September 1959 and then for the first time openly disclosed her claims to Indian territory.

What is most extraordinary, however, is the contention advanced by the Chinese side that it was India who had acquiesced in the Chinese concept of the boundary. This assertion, in the face of such facts as the initiative taken by the Prime Minister and the Government of India and particularly the affirmation in the official note of 21 August 1958 that the boundaries of India were as in the 1956 *Political Map*, is so transparently untenable that it need hardly be taken seriously or answered in detail.

Equally baseless was the other allegation that India had carried out "large scale intrusion and occupation of Chinese territory". The entire record of Sino-Indian relations since 1947 is a standing testimony of India's determination to promote friendship with China and to live in trust along the common border. In this matter of the Sino-Indian boundary, it was India who, on numerous occasions, took the initiative in clarifying the concept of the frontier and challenged the slightest semblance of deviation, whereas China neither asserted the alignment she now claims nor challenged the boundaries which had been openly and officially affirmed in the most authoritative manner by the Government of India. Now to make such groundless counter-charges of acquiescence and occupation can neither justify the present claim nor explain her actions.

M. That the Indian alignment is the true traditional boundary is proved by the evidence brought forward by the Chinese side

According to the Chinese side themselves, the evidence they led was intended to prove two contentions: that the customary and traditional boundary between the two countries is the one now claimed by China, and that the Sino-Indian boundary required to be delimited formally. Regarding the first contention, in the preceding chapters and in the earlier sections of this chapter, it has been made abundantly clear that the evidence brought forward by the Indian side to support the Indian alignment remains unshaken. But the strength of the Indian case does not depend on the intrinsic merits of its own evidence alone.

Throughout the discussions, the Indian side emphasised that the assignment given by the Prime Ministers required the officials to make a comparative appraisal of the evidence brought forward by both sides

for every sector and under every item. Therefore, the Indian side repeatedly suggested that even though, in order to complete the assignment quickly, each side might summarise its own evidence, the statements of the two sides should be inter-leaved to facilitate comparative scrutiny by the two Governments of the evidence produced by the two sides. The Chinese side, however, insisted on a format which was tantamount to two separate reports within a common framework. This reluctance of the Chinese side to face a comparative appraisal of the evidence and to subject their evidence to the implications of the comments of the Indian side was understandable. For the deficiencies of the Chinese evidence are so great and the inconsistencies in the Chinese arguments so many that the Chinese stand can hardly bear scrutiny. The evidence produced by the Indian side exceeded that of the Chinese side for every segment and on every point, so that in all it was almost thrice that produced by the Chinese side. Often the Chinese side were reduced to citing the same document as testimony of both tradition and administration. As already mentioned, the copiousness of Indian documentation was in itself of telling significance; but the full force of the Indian evidence lies even more in its qualitative superiority than in its numerical strength.

It was, of course, a matter of no surprise that the Indian evidence was both greater in number and superior in quality; for the Indian boundary alignment has the support of centuries of history. Indeed, to place this statement beyond all doubt, the Indian side would like to draw attention to the fact that the traditional Indian alignment stands proven on the sole basis of the evidence volunteered by the Chinese side. In other words, it is possible to corroborate the Indian alignment by setting aside all the hundreds of documents brought forward by the Indian side as well as all the comments made by them on the Chinese evidence, and by merely piecing together the information contained in the evidence tabled by the Chinese side and in the works of the authors quoted by them.

Five Chinese works quoted by the Chinese side, (1) the *Nei fu yu t'u*, (2) the *Hsi yu t'u chih*, (3) the *Ta Ch'ing yi t'ung chih*, (4) the *Ta Ch'ing hui tien t'u*, and (5) the *Hsin Chiang t'u chih*, confirmed that the southern limits of Sinkiang lay along the Kuen Lun ranges or even further north. This established that the northern boundary of Kashmir lay along the Kuen Lun ranges and included the Aksai Chin area in India. As for the Ladakh-Tibet boundary, the Tibetan works, (6) the Biography of Adisha and (7) the Blue Annals, showed that Ladakh was independent prior to its incorporation in the Mogul Empire in the 17th century. This disproved the Chinese contention that Ladakh had been subservient to Tibet till the 19th century. The Chinese side also quoted (8) Moorcroft, as cited in a recent work, to the effect that Ladakh was a Buddhist province subject to Tibet, but while this particular passage referred to spiritual jurisdiction, there was a long account in Moorcroft's own book describing in detail how Ladakh became a part of the Mogul Empire in the 17th century. Another Tibetan work cited by the Chinese side, (9) the Biography of Polhanas, confirmed that a peace settlement had been concluded in 1684 between the King of Ladakh and the King of Tibet. It also showed, by its reference to "border towns", that there was even then

a well-recognised boundary between Ladakh and Tibet. It was significant that at the report stage the translation was changed from "border towns" to "forts". Two documents cited by the Chinese side, (10) an Arbitration Award of 1763 and (11) an Avowal of 1859, specifically located the boundary at Lhari, west of Demchok Karpo. These documents also showed that there was a King of Ladakh who had been independent of the King of Tibet. (12) Cunningham, to whose work the Chinese side referred with approval, made clear that the boundary between Ladakh and Tibet had been well-defined by piles of stones in 1687 and that it lay near Demchok. A recent traveller (13) Schomberg, in his account quoted by the Chinese side, confirmed that the Karakoram range ran 'through' Ladakh and so could not form its international boundary.

In the Middle Sector, the Chinese side quoted an account in a book published in 1954 and claimed that (14) Gerard in 1821 had supported their alignment in the Spiti area. In fact, Gerard's own field notes, written at the time and published in 1846, stated clearly that the boundary was near Kaurik village. The Chinese side also cited a passage from (15) Sven Hedin's *Trans-Himalaya*, which stated in very great detail that the international boundary lay at Pashagong, a saddle on the Shipki Pass, and not some miles west of the Pass as is now claimed by the Chinese side. (16) and (17) Two official Survey of India maps of 1880 and 1889, cited by the Chinese side, showed the boundary clearly and correctly along the Shipki Pass. (18) A land deed of Polha specified that the boundary lay north of Barahoti and included Barahoti in India.

In the Eastern Sector, (19) the Biography of the 9th Dalai Lama referred to the exercise of Indian jurisdiction in Tawang as far back as in the early years of the 19th century. (20) Dr. Verrier Elwin stated clearly that the tribal areas south of the traditional Indian alignment had been administered by the Ahom rulers and that the British Indian Government had succeeded to this in the 19th century. (21) Haimendorf made it clear that the *Inner Line* was an administrative boundary and the territory to the north of it was under the jurisdiction of the Government of India. (22) It was stated, in the 1947 edition of the *Encyclopaedia Britannica*, in the very passage quoted by the Chinese side, that no one could enter these areas north of the *Inner Line* without special permission from the Indian Government. (23) and (24) Holdich and Kingdon Ward stated explicitly that the correct international boundary was the so-called McMahon Line and that the whole area upto it had been explored by Indian surveyors.

It can, therefore, be clearly established, by using only the items and sources of evidence cited by the Chinese side that the Sino-Indian boundary lay along the Kuen Lun range, near Demchok, near Kaurik, across the Shipki Pass, above Barahoti, and along the so-called McMahon Line. They also establish that Indian administration had prevailed right up to this alignment. Furthermore, until the Indian side explained the disastrous implications of their position, the Chinese side repeatedly insisted that the Tibetan Government had held discussions with the Indian Government regarding the Barahoti area since the latter part of the last century and regarding

Dokpo Karpo in 1924-25, and had claimed Walong in the Eastern Sector. The purpose of the Chinese side was to prove on the basis of these discussions that the boundary had not been formally delimited. India had never stated that there was a formal Boundary Agreement but in fact, these border disputes established that the traditional boundary must have lain approximately near these areas, thereby destroying the Chinese claim to their present alignment which is far removed from these areas. These negotiations, along with those concerning Nilang-Jadhang in 1925-27, further corroborated the exercise in those years by Tibet of treaty-making powers; and by so doing confirmed the validity of the so-called McMahon Line. The fact that, in addition to the large amount of evidence provided by the Indian side (not one item of which had even been sought by the Chinese side during the substantive discussions to be utilised for supporting their alignment) much of the relatively sparse evidence brought forward by the Chinese side confirmed the Indian alignment, provided its strongest vindication.

N. Indian boundary is already delimited

(i) *The Chinese side accept that a traditional boundary could be valid and precise*

The Indian alignment has thus been shown to be the true traditional boundary between the two countries, finding independent confirmation even in evidence supplied by the Chinese side. The other Chinese contention regarding formal delimitation is also neither tenable in theory nor relevant to the Sino-Indian problem.

The Chinese side have contended that the most fundamental aspect of their stand is the necessity of recognising that the boundary has not been formally delimited. They have affirmed that in the absence of formal delimitation no precision is possible nor can sanctity be attached to the common traditional boundary. The Indian side have repeatedly stated that they agreed with the Chinese side that the common boundary between the two countries is a traditional and customary one. They have never suggested that this alignment has its original sanction in a detailed Boundary Agreement. The Indian case was that this traditional boundary was by itself valid and required no further or formal definition.

The Chinese side have throughout asserted that not only was the Sino-Indian boundary not formally delimited, but that even if the traditional boundary were undisputed, it required to be settled by a Boundary Agreement through joint surveys. But, as was acknowledged by the Chinese side, while boundaries are as old as integrated groupings of human society, boundary agreements are a feature of recent history, particularly since the formation of nation-states. Even today a large number of international boundaries have not been defined in boundary agreements. Many boundaries between South American states are traditional boundaries without boundary agreements. The boundaries of China with many of her neighbours were for long only traditional boundaries but caused no dispute. The boundary between China and the Mongolian People's Republic is still a traditional one, and no disputes are known to exist.

The Chinese statements made even during the course of these discussions in relation to the Sino-Indian boundary established the superfluity of formal delimitation and exposed the basic contradiction in what is said to be the most fundamental aspect of their stand. On the one hand, the Chinese side repeatedly contended that since the boundary was merely a traditional one, it could not be precise; in fact, it was stated that the Chinese alignment was "broad" and "approximate", because it was not formally delimited. On the other hand, the Chinese side commenced their description by stating that "there is a traditional line", and during the discussions they repeatedly affirmed that the traditional alignment described by them was "precise and clear", that it was "firm and unshakable", that the "ancient line is well-defined", and that the "traditional boundary has always been as indicated in the Chinese maps". No distinction such as was subsequently suggested between a "boundary" and a "border" was made during the discussions. Indeed, on the basis of what is called the well-known and precise traditional line, the Chinese Government have not hesitated to arrest Indian nationals a few hundred yards from their claimed alignment; nor has the 'approximateness' of the alignment prevented the Chinese Government from taking action which led to the wanton loss of Indian lives last year in the Kongka Pass area fairly close to the claimed Chinese alignment.

This ambivalence of the Chinese position was evident throughout the discussions. When the Chinese side did not answer questions or were unable to provide clarifications on factual obscurities, they stated that their alignment was unsurveyed, 'broad' and 'approximate', because the boundary was undelimited. But when they wished to affirm their claim in the face of Indian evidence, they stated that their boundary was precise and the Chinese Government were confident of their knowledge. In fact the Chinese side plainly affirmed that a traditional boundary required no further delimitation. When referring to the Dokpo Karpo discussions of 1924-25, the Chinese side stated that China had not agreed at the time to certain proposals because "the Chinese side felt that the traditional line was clear and needed no delimitation". Here, when not the actual alignment but the Chinese concept of traditional boundaries was being considered, it is clear that the argument advanced and the statement made indisputably acknowledge that the Chinese side accept that a treaty or boundary agreement is not essential to delimit a boundary. It is the same line of argument and almost the same words used by the Indian side to describe the Indian position.

The Chinese side had also stated earlier that, with the assistance of modern cartography, precision was possible even in the case of traditional boundaries and they even conceded that it was not the Chinese contention that the Indian alignment was not precise. While the Indian side also feel that more accurate information could have been provided by the Chinese side and they do not accept that the Chinese alignment was the true traditional boundary, they do not doubt that there is a delineation implicit in the Chinese description of the boundary. The Indian side have also pointed out that where the Indian and the Chinese alignments coincide, as they do in the Middle Sector, and when they follow natural features such as the watershed,

absolute precision was possible and such precision had been demonstrated in the definition of the common boundary even though the boundary had not been formally delimited. The Chinese side could not claim firm validity for a traditional boundary in one context and deny it in another. Along a high mountain barrier, demarcation by pillars fixed at regular intervals is not easy. But the very fact that precision is claimed by both sides for their respective alignments proves that, given maps prepared on the basis of scientific surveys which can be conducted far from a high range, a traditional boundary can be clear and definite without joint surveys and without a boundary agreement or formal delimitation.

(ii) *The Chinese concept of formal delimitation*

In the face of claims of precision and validity for a boundary which the Chinese side repeatedly stated had not been formally delimited, it became impossible to understand why the Chinese side emphasised the absolute necessity of formally delimiting traditional boundaries and what they understood by it. As India had never claimed that a Boundary Agreement covering the whole alignment existed, the Chinese side's insistence on proving that the boundary had not been formally delimited seemed unnecessary. It is a traditional line confirmed and acknowledged in agreements; but this does not make it any the less valid. It would, however, appear that by the process of formal delimitation the Chinese side meant not merely a formal instrument containing a definition of an agreed boundary but a procedure of discussions involving "friendly consultations", joint surveys and "joint negotiations" on the basis of "mutual understanding and mutual accommodation". In underlining the importance of this procedure, the Chinese side have constantly referred to the examples of Burma and Nepal who recently concluded Boundary Treaties or Agreements with China. But the differences between the Indian and the Chinese Governments regarding their common boundary had no parallel in the boundaries of China with Burma and with Nepal. In those cases, except in some well-defined pockets, the concept of the common traditional boundary held by the two Governments concerned was more or less identical. In referring to the examples of Burma and Nepal, the Chinese side would seem not to have squarely faced the magnitude of their claim to over 50,000 square miles of Indian territory. With such a vast discrepancy between the two alignments no demarcation, joint surveys or agreed definition as part of formal delimitation was possible unless the Chinese side understood by this process negotiations for large-scale adjustments of national territories.

The Chinese side stated that "If the Indian side had been willing to face the fact that the Sino-Indian boundary had not been formally delimited and drew logical conclusions from it, then it should have adopted a positive attitude and agreed to hold negotiations to formally delimit the boundary". The Indian side, from the very commencement of these discussions, pointed out that references to the methods of settlement contained in the Chinese insistence on formal delimitation went beyond the scope of the assignment given to the officials. Further, while acknowledging in theory that the task of officials was merely to explore facts, the Chinese side reaffirmed the so-called Six

Points of Proximity as a basis for solution of the problem. These points had been rejected by the Prime Minister of India; and they contained suggestions for recognition of lines of actual control which would have destroyed the very basis of the task undertaken by the officials which was to ascertain the true traditional alignment. Neither the insistence that the boundary was not formally delimited nor the proposal for affirming "that there existed a dispute," could be permitted to confer legality on the present Chinese claim, which, as had been shown, was not justified on the basis of historical evidence and which in any case China was precluded from advancing because she had acquiesced in and accepted the Indian alignment. In a factual study of the Sino-Indian boundary question, the emphasis on formal delimitation could only belittle the significance of the vast area of territory involved. Moreover, the Chinese understanding of the process seems to enlarge its scope to comprehend matters totally unrelated to it, and unsettle the entire boundary which according to both sides has been recognised by centuries of tradition and custom and would inevitably involve territorial adjustments.

The actual Indian alignment was clear and its precision was recognised by the Chinese side. Formal delimitation of traditional boundaries was an optional procedure—for a traditional boundary was valid without it—and a matter of convenience of the Governments concerned. It was but an extra process of confirmation and, in the case of the Sino-Indian boundary, it could only be with reference to the traditional Indian alignment.

(iii) *International precedents and Chinese State practice*

That some attempts were made in the past to settle minor disputes—never pertaining to more than a few miles along the alignment—far from invalidating confirms the existence of a long recognised traditional boundary over thousands of miles between India on the one hand and Tibet and Sinkiang on the other.

A well-known case of a boundary dispute which occurred on the dissolution of the Austro-Hungarian Empire, when Poland and Czechoslovakia were established as independent states, was an instructive precedent on this question. The frontiers as re-established between Poland and Czechoslovakia in 1919 conformed to the old historical frontiers of Galicia and Hungary which had never been defined in an agreement. The Permanent Court of International Justice in its famous advisory opinion upheld the validity of traditional, historical and customary frontiers. The Court stated "although there is no express provision recognising this frontier (meaning there is no treaty in regard to this matter) the Court had no doubt about the matter. The very fact that disputes between the two states with regard to certain points on this frontier occurred seems hardly explicable except on the assumption that everywhere else the frontier between Galicia and Hungary has been adopted as the frontier between Poland and Czechoslovakia." This opinion vindicated that the validity of historical frontiers is reinforced rather than undermined by the facts of small disputes.

It is also clear that the traditional boundary, as elucidated by the Indian side, had long existed along the southern borders of China.

The watershed principle itself had found explicit mention in agreements concluded by China with Russia in 1864, with France in 1895 and with Great Britain in 1890. But more than this, an analysis of the agreements recently concluded with Burma and Nepal by China confirms the Indian and not the Chinese position. In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown, provides the natural division between the Indian sub-continent and the Tibet region of Chirra. An analysis of the Sino-Burmese Agreement of January 1960, confirmed by the treaty of October 1960, is particularly instructive in its implications. From this Agreement it becomes clear:

- (i) That there was a 'traditional' boundary between China and Burma in the northern sector—running along the Himalayan watershed from the tri-junction to the high conical peak;
- (ii) That there was an exact coincidence between this boundary, now confirmed by the recent Agreements, and that delineated in the 'McMahon Line' Agreement of 1914.

This agreement also incidentally proves that Chinese official maps had been grossly erroneous in the past. Till at least 1953, Chinese maps had shown the boundary of China with northern Burma as running roughly along latitude 25°, whereas now it is acknowledged by China that the true traditional boundary between Burma and China lay approximately along the 28th Parallel. This document of formal delimitation amounts to an unqualified admission that an area of about 25,000 square miles of Burmese territory had been earlier incorrectly shown in the official maps of the People's Republic as parts of China. Obviously, as the traditional boundaries could not have been formed or even changed in seven years, the Agreement proves that pre-1953 Chinese maps had not correctly delineated the traditional boundary.

The analysis of this agreement has a bearing in principle on the Sino-Indian boundary, and in particular for the contiguous Eastern Sector of India. This agreement proves that the traditional boundary lay along the Himalayan watershed and that it was precise long before the recent treaties of formal delimitation. If there was for northern Burma such a precise traditional boundary along the watershed as has now been confirmed, it could not possibly be suggested that the traditional boundary for the Eastern Sector of India did not run along the same watershed but much to the south along the foothills; and if it is now accepted, as it must be, that the 'McMahon Line' adhered to the traditional boundary of northern Burma, it could not be something else in the Indo-Tibetan sector. It should also be obvious that Chinese official maps which were grossly erroneous in departing from the watershed in Burma to include vast areas of Burma in China, are equally erroneous when showing the boundary in the Eastern Sector along the foothills of the Himalayas and that the 'McMahon Line' represents the true traditional boundary along the Himalayan watershed, as much for India as for Burma.

So the very Agreements with Burma and Nepal which China presents as examples as well as indications of her point of view, only

serve to vindicate the Indian case and must in fact, on analysis, be of embarrassment to China.

(iv) *Delimitation of traditional boundaries through historical process*

In contrast to the inconsistencies in Chinese concept and practice regarding formal delimitation, the Indian position on the formation and validity of traditional boundaries is logical, and supported by international boundary law precedents in every part of the world including China.

Before explaining the validity of the Indian concept, it may be expedient to define the different processes and methods of indicating and determining boundaries between sovereign international states. Delimitation is a general term for the formation of the precise alignment which is recognised to separate two countries. The process and method of delimitation vary according to historical circumstances. It may be by delineation on a map or by demarcation on the ground, or by precise definition in the form of co-ordinates of nodal points or prominent features along the alignment in a descriptive statement or by a formal delimitation in a negotiated bilateral instrument embodying the agreed definition of the boundary. But apart from all these, the boundary may also be delimited by historical process; and it is such a process of historical delimitation which is relevant to a traditional boundary, such as that between India and China. A traditional boundary takes shape on the basis of the natural features of an area, and is later recognised through a process of acknowledgement spread over centuries of custom and tradition. Much later, it may be confirmed by delineation, demarcation, definition or even formal delimitation, but as is clear even from the cases of Nepal and Burma, such confirmation is not necessary to its validity. Formal agreements, though essential for artificial boundaries, are optional in the case of a boundary based on natural features, which had been traditionally recognised. Unlike artificial boundaries, traditional boundaries are delimited through impersonal factors without deliberate human intervention and derive their sanctity from the recognition over the centuries by the peoples and governments of the countries concerned. A distinction, therefore, obviously exists between delimitation of a boundary in the sense of its being clear, valid, and well-known and formal delimitation through a negotiated instrument.

It may be pointed out that even the Chinese side have, in practice, repeatedly endorsed this historical process of boundary formation. During the discussions they made various statements to this effect. The Indian side have already quoted Chinese statements which acknowledged the importance of geographical features in the process of boundary formation. The Chinese side stated, for example:

"The boundary is formed through hundreds of thousands of years of history. Naturally in the formation of a boundary line through these years, geographical features are related to it."

Similarly, on the process of delimitation of traditional boundaries, the Chinese side stated: "..... this line has been formed through history by administrative jurisdiction and tradition and custom. We

have sufficient material and evidence to prove that this traditional customary line is the boundary—that all the territory on this side which we considered as the traditional customary line is our territory.” The Chinese side in their final statement accepted that through a historical process a traditional customary line can be formed. The Chinese side had even stated, as pointed out earlier, that a traditional line was so clear that it needed no delimitation. These statements underlined and recognised the historical process of formation of traditional boundaries and, in fact, explained how boundaries were delimited in this way.

Thus whatever they might conceive to be the requirement for the delimitation of a boundary, in practice the Chinese side accepted that natural features and historical practice were sufficient to give it precision and validity.

The boundary of India with China is a striking instance of such a process of historical delimitation. This long frontier lies along an impressive and clearly marked natural alignment—along the Mustagh range and the Aghil range, across the Karakoram Pass, along the main Kuen Lun range, across Lanak La, Kone La and Kepsang La, along the Chumesang river, between the two halves of the Pangong Lake, along the Kailash range and the Zanskar range, across the Shipki Pass, the Mana Pass, the Niti Pass, the Kungri Bingri Pass, the Darma Pass, and the Lipu Lekh Pass, and along the Great Himalayan Range north of Sikkim, Bhutan and what is known as the North East Frontier Agency of India. In other words, it runs along features which form the most striking geographical definition of the boundary between India and China.

This alignment has also been recognised and accepted in history. To mention but a few significant items from the vast mass of evidence brought forward during these discussions, official Indian and Chinese records showed that the southern limits of Sinkiang lay along the Karakoram Pass and the Kuen Lun ranges; there was unofficial evidence to establish that throughout the ages Lanak La, Niagzu and Demchok in the Western Sector and the mountain passes in the Middle Sector had been recognised as key points along the boundary; and in the Eastern Sector, there was continuous testimony from Indian, Chinese and other sources to show that the tribal territory south of the Himalayan ranges has always been a part of India and never a part of Tibet. Official evidence for all sectors was also conclusive in showing that the administration had extended right upto this boundary.

It will be seen that an alignment drawn through these nodal points mentioned in history and shown to be the limits of Indian administration would coincide with the alignment now shown by India. This cumulative evidence indisputably establishes the Indian position that the natural northern boundary of India has long been well-known and recognised and requires no further definition.

(v) Do traditional boundaries change?

The Chinese side had also asserted that traditional boundaries tend to change continuously, and that this change might be due to the strength or weakness of the States concerned or “when strong control

was exercised by one or other State in the border areas." The Indian side are not aware whether the Chinese side considered that such arguments are in any way applicable to the present dispute—where India considered that an old boundary was sought to be changed by a new claim—but it is abundantly clear that these arguments have no bearing on a traditional boundary. Such boundaries do not naturally change and if they change, they become artificial boundaries. Certainly the strength and weakness of the States concerned or the exercise of effective authority or military control in the border areas do not in themselves affect legitimate title or result in any change in the location of a traditional line. On the contrary, with the development of scientific cartography, knowledge of the exact delineation of the traditional line gets increasingly precise. In fact, the Indian side fully endorse the statement of the Chinese side that "the development of surveys and cartography has helped people to be more precise in the understanding of the boundary", but the Indian side do not agree that the advance of this science means changes in the traditional boundary.

The Chinese side asked whether the Indian side considered that boundaries were pre-determined. In a sense, the answer is in the affirmative. But this is not to say that boundaries from ancient times were artificially prescribed. Since the facts of geography preceded human habitation, the boundaries are pre-determined only where the geographical features are clear and provide a natural dividing line between the two countries.

O. Conclusion

In the preceding pages it has been shown that traditional boundaries are delimited by a historical process and that both Indian and Chinese evidence established beyond doubt that the true traditional boundary between the two countries is that shown by India. The Chinese side, by the logic of their own arguments, should recognise that traditional boundaries are valid and that the emphasis on formal delimitation is irrelevant and extraneous to the Sino-Indian boundary dispute. Any kind of formal delimitation is optional and not essential in establishing the location and validity of traditional boundaries. If boundaries only become valid when they are formalized in a Boundary Agreement, it would amount to suggesting that there were no valid boundaries between China and Nepal or Burma prior to 1960, and that there are still no boundaries between China and Mongolia and, in the Sarikol sector, between China and the U.S.S.R.—indeed that there were no boundaries in the world before such formal agreements, which are a feature only of modern history.

The fact is that formal delimitation of the Sino-Indian boundary cannot resolve the issue because, unlike the northern boundaries of Nepal or Burma, the Indian and Chinese alignments are separated for long distances by large belts of territory—100 to 150 miles in depth. The crux of the Sino-Indian boundary question is not the nature of the boundary, because both sides contend that their alignment is, in fact, what for centuries has been accepted, but which of the two alignments is the true traditional boundary. During the last six months the two sides brought forward material which they considered to be in support of the stands of their respective Governments. The

Indian case stood proven, as it conformed to the obvious principles of the formation of traditional boundaries, and was, therefore, naturally and irresistibly supported by unbroken historical evidence and administrative record. The Chinese case, on the other hand, was found to be inconsistent in logic, and documentary support for it was meagre and lacking in content. The result, as is plain from these Reports, was a telling contrast between the wealth of consistent and conclusive evidence produced by the Indian side, and the sketchy and contradictory material brought forward by the Chinese side. The positive Indian evidence as well as the analysis of the Chinese evidence establish indisputably that the true traditional boundary between India and China is that defined in the description provided by the Indian side at the commencement of these discussions. The title of India is an ancient and immemorial one, and no major dispute regarding it existed till just over twelve months ago. The majestic arc of the Kuen Lun and the Great Himalayan Ranges forms the most impressive natural boundary in the world, has been recognized in tradition and custom for centuries, has determined the limits of administration on both sides and has received confirmation, for different sectors at different times during the last 300 years, in valid international agreements. The facts, therefore, demand respect for this boundary defined by nature, confirmed by history and sanctified by the laws of nations.

Indian Alignment : Basis in Treaties and Agreements

(i) WESTERN SECTOR

1. Account of Antonio de Andrade, 1627. Showing that Ladakh was an independent kingdom before the 17th century.
2. Francke's *Antiquities of Indian Tibet* Volume II, containing *La dvags rgyal rabs*, the chronicle of Ladakh. Evidence regarding Ladakh-Tibet Treaty of 1684 confirming the traditional Ladakh-Tibet boundary.
3. *Bsod nambs stobs rgyas* of Polha, 1733. Evidence regarding the Ladakh-Tibet treaty confirming the Ladakh-Tibet boundary.
4. *Alamgir Nama*, the official history of the reign of Aurangzeb. Showing that Ladakh became a part of the Mogul empire in 1664.
5. Bernier's Account. Showing that Ladakh became a part of the Mogul empire in the 17th century.
6. Living Buddha Kato Rejung's Arbitration Award of 1753. Proving that Ladakh was independent in the 18th century.
7. Moorcroft's *Travels*, Ed. Wilson, 1841. Showing that Ladakh became a part of the Mogul empire in the 17th century.
8. Kashmir-Tibet Treaty of 1842. Text in possession of the Kashmir Government, and published in Aitchison's *Collection of Treaties*, 1909 Edition. Confirming the "old established" frontier of Ladakh and Tibet.
9. Kashmir-Tibet Treaty of 1842. Text in possession of the Tibetan Government. Confirming the "old established" frontier of Ladakh and Tibet.
10. Letter of the Chinese Imperial Commissioner to the British Representative, 13 January 1847. Stating that the Ladakh-Tibet boundary had been "sufficiently and distinctly fixed" and no further delimitation was necessary.

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| 11. Letter of the Chinese Imperial Commissioner to the British Representative, 20 January 1847. | Stating that there was an "ancient frontier" and it was needless to establish any other. |
| 12. Agreement between Thanedar Bastiram of Ladakh and Kalon Rinzin of Rudokh. | Confirming the existing boundaries. |
| 13. Avowal of Demchok herdsmen, 1859. | Confirming that the boundary lay near Demchok. |
| 14. Frederick Drew : <i>The Jummoo and Kashmir Territories</i> , 1875, P. 496. | Showing that he only said that the boundary was not demarcated on the ground. |
| 15. Text of the Ladakh-Tibet Treaty of 1684 as published in 1890. | In confirmation of the traditional boundary. |
| 16. Protocol of Tchuguchak between Russia and China defining boundaries, 1864. | Showing acceptance of watershed as a principle for defining boundaries. |
| 17. Chinese Agreement with France, 1895. | Showing validity of traditional boundaries. |
| 18. International Court's Advisory Opinion regarding Poland-Czechoslovakia boundaries. | Showing validity of traditional boundaries. |
| 19. British Proposal of 1899. | Showing that the northern boundary of Ladakh ran along the Kuen Lun upto 80° Longitude. |
| 20. Statement of 9 August 1924 signed by the Representatives of the Tibetan Garpon and Major Robson and Wazir Feroze Chand on the Indian side. | Proving that what was discussed in 1924 was only a small section and not the entire alignment. |
| 21. Sino-Burmese Agreements of 28 January 1960 and October 1960. | Showing validity of traditional boundaries and that such boundaries tended to run along watersheds. |
| 22. Sino-Nepalese Agreement of 21 March 1960. | Showing validity of traditional boundaries and that such boundaries tended to run along watersheds. |
| 23. Chinese Prime Minister's statement to the Indian Prime Minister on 23 April 1960. | Admitting that Kashmir collected taxes from Minsar. |

Indian Alignment : Basis in Treaties and Agreements

(ii) MIDDLE SECTOR

1. Ladakh-Tibet Treaty of 1684. Which confirmed the traditional boundaries between Ladakh, of which Spiti was then a part, and Tibet.
2. Kashmir-Tibet Treaty of 1842. Which confirmed the traditional boundaries between Ladakh, of which Spiti was then a part, and Tibet.
3. Sino-Russian Protocol of 1864. Showing Chinese acceptance of traditional boundaries along watersheds.
4. Letter from the Commissioner of Kumaon division to the Garpon of Gartok (1889). Confirming that Barahoti is Indian territory.
5. Discussions between Deputy Collector, Garhwal, and Tibetan officials held from the 5th to 7th September 1890. Confirming that the boundary lies along the Tunjun La, Marhi La, Shalshal and Balchadhura Passes.
6. Anglo-Chinese Convention of 1890. Showing Chinese acceptance of traditional borders along watersheds.
7. Sino-French Treaty of 1895. Showing Chinese acceptance of traditional boundaries along watersheds.
8. Anglo-Chinese Agreement of 1897. Showing Chinese acceptance of traditional boundaries along watersheds.
9. Discussions between Political Officer, Sikkim, and the Prime Minister of Tibet held on 10 July 1914. Confirmation that the boundary lies along the Tunjun La and Shalshal Passes.
10. Advisory Opinion of the International Court of Justice (1919) on the Polish-Czech frontier. Express boundary agreements are not necessary for the recognition of the frontier.
11. Report of British Trade Agent, Gartok (1942). Poling Sumdo trade mart in Tibet is frequented by Tehri traders.
12. Chinese note of 21 August 1950. Chinese welcome India's stabilization of frontiers, showing that China knew and recognized these fixed boundaries.

13. Indian note of 24 August 1950. Informing China that the recognized boundary between India and Tibet should remain inviolate.
14. Statement of the Indian Ambassador at the first session of the negotiations leading to the 1954 Sino-Indian Agreement on Tibet. Though it was announced that the conference could discuss and settle all outstanding questions between India and China, the Chinese side did not bring forth any claims to Indian territory.
15. Statement of Premier Chou En-lai at the first session of the negotiations leading to the 1954 Sino-Indian Agreement on Tibet. Showing that China had no territorial claims against India.
16. Vice-Foreign Minister of China's statement of 8 January 1954. Enunciation of respect for each other's territorial integrity—one of the Five Principles of Peaceful Co-existence—and thus showing that China had a precise knowledge of the entire Sino-Indian boundary and accepted that boundary.
17. January 1954 : Statement of the Leader of the Indian Delegation during the negotiations leading to the 1954 Sino-Indian Agreement on Tibet. Confirmation that India subscribed to the principle of respect for each other's territorial integrity and accepted the entire traditional Sino-Indian boundary.
18. Statement of the leader of the Chinese Delegation at the eighth session of the negotiations leading to the 1954 Sino-Indian Agreement on Tibet. On the location of Poling Sumdo.
19. Statement of the Leader of the Indian Delegation at the 8th session of the negotiations leading to the 1954 Sino-Indian Agreement on Tibet. Co-ordinates of Poling Sumdo and Pulamsumda were given.
20. March 1st, 1954: Chinese draft of Article IV of the Sino-Indian Agreement on Tibet. It was subsequently withdrawn; the draft implied that only the Chinese Government had the authority to regulate traffic across the 6 border passes in the Middle Sector.

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| 21. Statement of Shri T. N. Kaul on the March 1st, 1954 Chinese draft of Article IV of the Sino-Indian Agreement. | The statement pointed out the incorrectness of the implications of the draft as a result of which the draft was withdrawn. |
| 22. Article V Paragraph 2 of the 1954 Agreement. | Proof that the Agreement deals with the border. |
| 23. April 22, 1954 : Statement of the Leader of the Chinese Delegation. | Withdrawal of the March 1st, 1954 Chinese draft of Article IV of the Sino-Indian Agreement on Tibet which implied that only the Chinese Government had the right to control the 6 border passes in the Middle Sector of the Indo-Tibetan boundary. |
| 24. April 29, 1954: Statement of the Leader of the Indian Delegation at the conclusion of the Sino-Indian Agreement on Tibet. | Stating, without any Chinese objection, that there were no outstanding questions between India and China. |
| 25. Article IV of the April 1954 Agreement. | List of six border passes in the Middle Sector of the traditional Indo-Tibetan boundary. |
| 26. April 1954 Agreement on Trade and Intercourse between India and the Tibet Region of China. | Confirmation of the entire traditional boundary of India with Tibet, the trade and intercourse across which were to be regulated by the Agreement. |
| 27. October 1954 discussions between the Prime Ministers of India and China. | Premier Chou En-lai did not affirm that the boundary shown in Chinese maps was correct, as the Chinese side now claim. |
| 28. Statement of Premier Chou En-lai at the 1956 Prime Ministers' Conference. | Boundary shown in Chinese maps was not affirmed to be correct as is being done now. |
| 29. Barahoti Conference of April 1958. | When the Chinese side failed to raise any claims to nearby Sangchamalla and Lapthal or the Niti Pass. |
| 30. Indian note of 21 August 1958. | Drawing attention to the incorrect boundary alignment in Chinese maps. |

31. Chinese Memorandum of 3 November 1958. Which confirms that it was the Government of India that first drew attention to the incorrect boundary alignment shown in Chinese maps.
32. Prime Minister of India's letter of 14 December 1958. It was India which drew the attention of China in 1954 to incorrect Chinese maps.
33. Chinese Premier's letter of 23 January 1959. On the incorrect alignment shown in Chinese maps.
34. Para. 4 of Prime Minister of India's letter of 22 March 1959. Only some and not all agreements relevant to the boundary question were being listed.
35. Indian Prime Minister's letter of 22 March 1959.
36. Chinese communication of 8 September 1959. Until which China had kept silent on the boundary question.
37. Indian Prime Minister's letter of 26 September 1959.
38. Chinese Premier's letter of 17 December 1959. On the incorrect alignment shown in Chinese maps.
39. Indian Prime Minister's letter of 21 December 1959.
40. Sino-Burmese Agreement of January 1960. Chinese acceptance of traditional boundaries along watersheds.
41. Indian note of 12 February 1960. 1954 Agreement does deal with the boundary.
42. Sino-Nepalese Agreement of March 1960. Chinese acceptance of traditional boundaries along watersheds.
43. Chinese Government's note of 3 April 1960. Trespass cannot confer legal right.
44. *Encyclopaedia Britannica* Meaning of ' Delimitation ' etc.

Indian Alignment : Basis in Treaties and Agreements

(iii) EASTERN SECTOR

1. Ladakh-Tibet treaty of 1684. Proving the treaty-making powers of Tibet.
2. Kashmir-Tibet treaty of 1842. Proving the treaty-making powers of Tibet.
3. Nepal-Tibet treaty of 1856. Proving the treaty-making powers of Tibet.
4. Anglo-Chinese Convention of 1890. To show Tibetan defiance of treaties signed by China without Tibetan participation.
5. Anglo-Chinese Trade Regulations regarding Tibet of 1893. To show that treaties signed with China without Tibetan participation were not implemented.
6. Anglo-Tibetan Convention of 1904. Proving the treaty-making powers of Tibet.
7. Anglo-Chinese Convention of 1906. Confirming that Tibet had treaty-making powers.
8. Tibetan Declaration of Independence, 1912. Showing that when Tibet joined the Simla Conference, the Tibetan Plenipotentiaries had equal status with the British and Chinese Plenipotentiaries.
9. British Memorandum of 17 August 1912 to the Chinese Government. Showing that Britain had drawn the attention of the Chinese Government to the fact that Indo-Tibetan affairs had been settled directly between the two in the past.
10. Chinese Government's reply of 30 January 1913. Showing that the Chinese Government had accepted the British Memorandum of 17 August 1912 as the basis for negotiations.
11. British proposal of 26 May 1913 to the Chinese Government. Proposing a joint conference in which Britain, Tibet and China would be participating.
12. Statement of the Chinese President, 4 June 1913. Accepting the proposal for tripartite negotiations.

13. Discussions between Chinese Vice-Foreign Minister and British representative at Peking on 14 July 1913. Showing that Tibetan Plenipotentiary entered the Simla Conference on an equal footing with the other Plenipotentiaries.
14. Discussions between the Chinese Vice-Foreign Minister and British representative on 28 July 1913. Showing that Tibetan Plenipotentiary entered the Simla Conference on an equal footing with the Chinese Plenipotentiary.
15. Chinese Foreign Office note of 7 August 1913. Stating that the Chinese representative would go for negotiations "for a treaty jointly with the Tibetan Plenipotentiary".
16. British note of 25 August 1913 to the Chinese Government. Showing British satisfaction at Chinese acceptance of the principle of equality of status and tripartite character of the negotiations.
17. Chinese representative's statement of 13 October 1913 at the Simla Conference. Proving that China admitted that Tibet was regarded as distinct from China for the purpose of the Conference.
18. Credentials of the three plenipotentiaries at the Simla Conference. Showing that Tibetan Plenipotentiary participated on an equal footing with the Chinese Plenipotentiary.
19. Extract from the Simla Conference meeting on 18 November 1913. Regarding Chinese representative's agreement to Indo-Tibetan boundary question being discussed separately between the British and Tibetan representatives.
20. McMahon's statement of 17 February 1914 on limits of Tibet and the attached map. Showing that Chinese representative was aware of the "McMahon Line".
21. Anglo-Tibetan Boundary Agreement of 24-25 March 1914 and the attached map. As confirmation by agreement of the Indian traditional alignment.
22. Points raised or proposals made by the Chinese representative at the Simla Conference on March 7, March 19 and April 20, 1914. Showing that no objection was raised to the "McMahon Line" by the Chinese Government.

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| 23. Draft of the Simla Convention, 22 April 1914. | Showing that the Chinese representative was aware of the "McMahon Line". |
| 24. Draft Simla Convention initialled on 27 April 1914 and map attached. | Showing that the Chinese Government were aware of the Indo-Tibetan boundary. |
| 25. Chinese President's Memorandum of 1 May 1914. | Showing that China had no objection to the "McMahon Line." |
| 26. Chinese objections of 13 June 1914 | Showing that the objections did not refer to the "McMahon Line". |
| 27. Communication of the British Minister at Peking dated 25 June to the Chinese Government. | Stating that Britain would have to sign separately with Tibet. |
| 28. Simla Convention of 3 July 1914. and the attached map. | As confirmation by an agreement of the Indian traditional alignment. |
| 29. Indo-Tibetan Trade Regulations of 3 July 1914. | Proving Tibet's treaty-making powers in 1914. |
| 30. British Foreign Office letter of 8 August 1914 to the Chinese representative. | Stating that the agreement reached with Tibet represented the settled views of the British Government. |
| 31. Chinese proposal of 30 May 1919. | Showing no objection was taken to the "McMahon Line" by the Chinese Government. |
| 32. Anglo-Tibetan negotiations of 1921-24 on Dokpo Karpo. | Showing the treaty-making powers of Tibet. |
| 33. Anglo-Tibetan negotiations on Nilang-Jadhang of 1926. | Showing the treaty-making powers of Tibet. |
| 34. International Agreements regarding Mongolia. | Showing Chinese acceptance of the principle of the treaty-making powers of autonomous regions of China such as Mongolia and Tibet. |
| 35. Tibetan refusal of transit facilities to China 1942-43. | Showing Tibetan control of her external relations. |
| 36. Tibetan Foreign Office communication of 18 April 1945 to the Indian Government. | Showing that Tibet recognises the Simla Convention of 1914. |
| 37. Government of India's communication of January 1946 to the Tibetan Government. | Clarifying the validity of the "McMahon Line". |

38. Chinese Embassy's note of 5 November 1947 to the Government of India. Showing validity of the "McMahon Line" and Chinese recognition of Tibet's treaty-making powers.
39. Government of India's note dated 9 March 1948 to the Chinese Embassy in Delhi. Showing that India had succeeded to the treaty-making rights and obligations between former British India and Tibet.
40. Sino-Nepalese treaty of 1956. Reference to abrogation of Nepal-Tibet treaty of 1856 confirmed Chinese recognition of treaty-making powers of Tibet.
41. Chinese Premier's letter of 23 January 1959. Accepting the right enjoyed by Tibet to sign the Simla Convention.
42. Chinese letter of 26 December 1959. Chinese view that the agreement of 1853 was in the nature of a treaty of non-aggression shows Chinese recognition of Tibetan control of her external relations.
43. Treaty-making powers enjoyed by Bulgaria, Egypt, Canada, Australia and India prior to independence. Showing that Vassals and Dependent States were entitled under international law to enter into international agreements.
44. Indian Prime Minister's letter of 26 September 1959. Regarding validity of the "McMahon Line" and showing that the assertion that Tibet protested against it is not correct.
45. Sino-Burmese Agreement of 28 January, 1960 and Sino-Burmese Agreement of October 1960. To show that traditional boundaries can be precise and valid, that they tended to follow watershed and that the "McMahon Line" boundary formalized in 1914 was the traditional boundary.
46. Note of the Government of India of 12 February 1960. Regarding the validity of the "McMahon Line" and showing that the assertion that Tibet protested against that line was not correct.
47. Sino-Nepalese Agreement of 21 March 1960. Showing that traditional boundaries can be precise and valid.

Indian Alignment : Western Sector

(i) BASIS IN TRADITION AND CUSTOM

1. P'ei Chu's map from *Sui hsi yu tu chi* of the 6th century. Showing that Kuen Lun mountains formed the southern limits of Sinkiang.
2. Buddhist priest Jen Ch'ao's map of 1607. Showing the Kuen Lun section of the Tsungling as the boundary between India and Sinkiang.
3. Biography of Adisha. Showing that Ladakh became an independent kingdom in the tenth century.
4. *La dvags rgyal rabs*, a 17th century chronicle of Ladakh. Showing that as early as the tenth century the traditional boundary between Ladakh and Tibet was well-known and recognised ; and that the same boundary was known to exist in the 17th century.
5. The Blue Annals. Confirming that Ladakh became independent in the tenth century.
6. *Chien lung neifu yu t'u*, 1760. Showing the source of Qara Qash in Kuen Lun.
7. *Chin ting huang yu hsi yu t'u chih* of 1762, map on page 42(b). Stating that the boundary between India and Sinkiang lay at Sanjutagh in northern Kuen Lun.
8. Ippolito Desideri : *An Account of Tibet* (1715-16) edited by De Filippi, 1937. Stating that Tashigong lay on the frontier between Ladakh and Tibet, thus including Demchok in India.
9. *Ta Ch'ing hui tien t'u*, 1818. Identifying Nimangyi with Kuen Lun.
10. *Ta Ch'ing yi t'ung chih*, 1820. Proving that Chinese works themselves located the source of Qara Qash at Nimangyi which was the same as Kurangu, a northern branch of the Kuen Lun.
11. James Baillie Fraser : *Journal of a tour through part of the snowy range of the Himala Mountains and to the sources of the rivers Jamna and Ganges*, 1820. Stating that Chinese territory commenced after Demchok.

12. *Chin ting hsin Chiang chih lueh*, 1821. Map on Page 4(b) of Book 3. Showing the southern boundary of Sinkiang along the Kuen Lun section of the Tsungling, and the Qara Qash and Yurungkash cutting across the mountains.
13. Hsu Hsing-po's *Hsi yu shui tao chi*, 1824, sheet 7 of the map. Showing the southern limits of Sinkiang along Nanshan or Kuen Lun mountains.
14. Moorcroft's *Travels*, edited by Wilson, 1841. Showing that Chinese claim that Ladakh was part of Tibet was inconsistent with their claim that their alignment was traditional.
15. Letter of the Chinese Imperial Commissioner at Canton, 20 January 1847. Showing that the Chinese Government themselves considered, from as early a time as 1847, that Ladakh and Tibet had an "ancient frontier" and that it needed no further delimitation.
16. Cunningham : *Ladakh*, 1854, p. 261 and 328-29. Showing that the Ladakh-Tibet boundary had already been well defined by 1684.
17. Cunningham : *Ladakh*, 1854. Showing that Chinese claim that Ladakh was part of Tibet was inconsistent with their claim that their alignment was traditional.
18. Ta Ching map of 1863. Disproving the Chinese contention that Ladakh was part of Tibet before the 1840's.
19. Statement by Syed Akbar Ali, Wazir of Ladakh, 1868. Regarding utilization of Eastern Aksai Chin route by Indians.
20. Report of a trading party, 1868. Regarding utilization of Chang Chenmo routes by Indian traders.
21. Report of Johnson, Wazir Wazarat of Ladakh, 1872. Regarding utilization of Chang Chenmo valley by Indians for hunting.
22. Nain Singh's travel account, 1873. *Journal of the Royal Geographical Society*, 1877. Stating that the boundary in the Pangong region lay at Niagzu.
23. Frederick Drew : *The Jummoo and Kashmir territories*, 1875, p. 496. Regarding use of pastures.

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| 24. John Arrowsmith's map, 1876. | Showing the traditional Indian alignment. |
| 25. Joseph Chavanne : Map of <i>Central Asien</i> , Leipzig 1880. | Showing the traditional Indian boundary. |
| 26. Carey's travel account published in <i>Proceedings of the Royal Geographical Society</i> , 1887, p. 732. | Stating that the boundary between Indian Ladakh and Rudok Dzong of Tibet lay at Lanak La east of Chang Chenmo. |
| 27. Carey's travel diary published in <i>Supplementary Papers of the Royal Geographical Society</i> 1890, p. 18. | Confirming Lanak La as the boundary. |
| 28. <i>The Gazetteer of Kashmir and Ladakh</i> , 1890, p. 256. | Regarding use of pastures in Chang Chenmo Valley. |
| 29. Alexander Kinloch : <i>Large Game Shooting in Tibet, the Himalayas Northern and Central India</i> , Calcutta, 1892, pp. 119-120. | Evidence of hunting by Indians in Chang Chenmo Valley. |
| 30. Report of Wazir Wazarat of Ladakh, 1892. | Regarding utilization of Chang Chenmo Valley by Indians for hunting. |
| 31. Bower's account in the <i>Geographical Journal</i> of May 1893, p. 386. | Confirming Lanak La as the boundary. |
| 32. Cumberland : <i>Sport on the Pamirs and Turkistan Steppes</i> , London 1895, pp. 6 and 18. | Evidence of hunting by Indians in Depsang plains and Chang Chenmo Valley. |
| 33. Wellby : <i>Through Unknown Tibet</i> , 1898, p. 57. | Confirming the location of the Indian alignment along Niagzu. |
| 34. Wellby : <i>Through Unknown Tibet</i> , 1898, p. 73. | Confirming Lanak La as the boundary. |
| 35. Ta Ching Map of 1899. | Showing the source of Qara Qash north of Kuen Lun. |
| 36. Deasy : <i>Journeys in Central Asia, Journal of the Geographical Society</i> , July—December 1900, page 142. | Regarding utilisation of Chang Chenmo Valley upto Lanak La by Indians for hunting. |
| 37. Deasy : <i>Tibet and Chinese Turkistan</i> , 1901. | Confirming Lanak La as the boundary. |
| 38. Wazir Wazarat's complaint, 1905. | To the effect that too many were going to Chang Chenmo Valley for hunting. |

39. *Atlas of Chinese Empire* published by China Inland Mission, 1908. Showing the traditional Indian alignment.
40. *Ta ching ti kuo ch'uan t'u* published by Commercial Press, 1908. Showing western Pangong lake and Chang Chenmo Valley in India.
41. Lady Jenkins : *Sport and Travels in both Tibets*, London, 1909, page 58. Confirming Lanak La as the boundary.
42. Kennion : *Sport and Life in the Further Himalaya*, London, 1910. Regarding utilisation of Chang Chenmo Valley, Khurnak and Pangong areas by Indians for hunting; and in confirmation of the Indian alignment near the Pangong lake.
43. *Hsin Chiang t'u Chih*, 1911, Book 4, page 22. Showing that according to Chinese earlier works the source of Qara Qash lay in the Kuen Lun.
44. *Hsin Chiang t'u Chih*, 1911, Book 4, page 27. Showing that Sinkiang did not extend upto Kuen Lun in those days.
45. Map in the *Geographical Journal*, 1912 "Chinese Frontiers of India." Showing the traditional Indian boundary.
46. Map in the *Geographical Journal*, 1916. Showing the traditional Indian boundary.
47. *New Atlas and Commercial Gazetteer*, by North China Daily News and Herald, Shanghai, 1917. Showing the traditional Indian boundary alignment.
48. Lydekker : *The Game Animals of India, Burma, Malaya and Tibet*, London, 1924. Regarding utilisation of Chang Chenmo Valley by Indians for hunting.
49. Peking University Map (1925). Showing that even during the maximum extent of the Chinese Empire during the Ching period, the Aksai Chin part of Ladakh was not included in China.
50. Burrard : *Big Game Hunting in the Himalayas and Tibet*, London, 1925, page 239. Regarding utilisation of Chang Chenmo Valley upto Lanak La for hunting.
51. *The Himalayan Journal*, Vol. VII, (1935) Mason's Review. Disproving Chinese contention that Ladakh was part of Tibet before the 1840's.

(ii) EVIDENCE OF INDIAN ADMINISTRATION

1. Strachey's Map of *Nari Khorsum including the Easternmost Parts of Ladakh*, 1851. Showing the traditional Indian boundary in the south and east of Ladakh.
2. Strachey's Map of *Ladakh with the adjoining parts of Balti and Monyul*, 1851. Showing that northern Ladakh had not yet been surveyed and that no boundary had been shown in the original map of Strachey.
3. Walker's *Map of Punjab and Western Himalayas*, 1854. Showing that this map was based on Strachey's map and that the northern boundary could not have been shown correctly.
4. Original revenue record of 1862. Showing that revenue was being collected at Minsar from as early as 1853.
5. Johnson's Survey of 1862 published in the *Report of the Great Trigonometrical Survey of India*, 1871, page XXXIII. Evidence of survey in Chang Chenmo area; and of boundary at Lanak La.
6. Ryall's Survey of 1862-63. To show that the upper reach of Shyok and Lingzi Tang were surveyed.
7. Godwin Austen's Survey, 1863 published in the *Report of the Great Trigonometrical Survey of 1879*, page XXXVI. To show Indian surveys in Pangong area.
8. Johnson's Survey of 1864 published in the *Report of the Great Trigonometrical Survey*, 1866. Showing that the Depsang plains and Aksai Chin were surveyed by the Indian authorities; and that the boundary lay along the Kuen Lun.
9. Johnson's Survey Diary published in the *Report of the Great Trigonometrical Survey of India*, 1866. As evidence regarding the posting of Kashmiri guards in Aksai Chin; that Kirghiz were visiting Aksai Chin illegally only for the purpose of robbing; and that the Sinkiang authorities were not aware of the passes across Kuen Lun until then.

10. Kashmir Government Map of 1865. Showing the existence of police check-posts in the vicinity of Yangi Dawan in northern Aksai Chin.
11. Mehta Mangal's Sketch Map of 1865. Showing that Demchok marked the boundary of the State.
12. Map illustrating the route taken by Johnson, 1865. Showing the boundary along the Kuen Lun.
13. Walker's Map of *Central Asia*, 1866. Showing the northern boundary along Kuen Lun.
14. Walker's Map of *Turkistan with the adjoining parts of British and Russian territories*. Showing the northern boundary along Kuen Lun.
15. Kashmir Maharaja's letter of 1868. Regarding survey and construction of a new route along the Chang Chenmo and Qara Qash Valleys.
16. Statement of Akbar Ali Shah, 1868. Showing the routes and stages on Leh-Shahidulla route.
17. Letter of Karam Singh, a Kashmiri official, 1869. Evidence of construction of inns and rest-houses on the traditional routes.
18. Treaty between the British Government and Kashmir, 1870. Showing evidence of use and survey of trade routes in Aksai Chin and Lingzi Tang by Indians.
19. Kashmir Government's *Parwana* (order) to the Wazir Wazarat, 1870. Conveying sanction of Rs. 5,000 for repairs to roads and construction of a rest-house.
20. Drew : *The Jummoo and Kashmir Territories*, 1875. As evidence of official tours in 1869.
21. Report of Cayley, Indian Joint Commissioner, 20 October 1870. Regarding the various routes across Aksai Chin.
22. Drew : *The Jummoo and Kashmir Territories*, 1875. Showing geological survey conducted in Aksai Chin and Lingzi Tang before 1870.
23. Major Montgomerie's Report, 1871. Regarding relative merits of the Aksai Chin routes.
24. Report of Cayley, Indian Joint Commissioner, January 1871. Regarding route survey in Lingzi Tang, etc.

25. Letter of Johnson, Governor of Ladakh. Regarding arrangements made for supplies on Leh-Shahidulla routes.
26. Trotter's account of surveys during 1873, published in the *Report of a Mission to Yarkand in 1873*, Calcutta, 1875, page 286. Evidence of detailed survey in Aksai Chin and Qara Qash Valley.
27. Trotter's account of surveys during 1873, published in the *Report of a Mission to Yarkand in 1873*, Calcutta, 1875. Showing that Sinkiang commenced from Shahidulla.
28. Forsyth : *Report of a Mission to Yarkand*, 1875, pages 33 and 37. Showing that the Mission was officially received by Sinkiang authorities only at Shahidulla.
29. Stoliczka's report in Forsyth's *Report of a Mission to Yarkand*, 1875. Evidence of geological survey in Aksai Chin and Lingzi Tang.
30. *Map of Eastern Turkestan*, 1873. Showing the northern boundary of Ladakh along the Kuen Lun.
31. Report of Russell, General Manager of Central Asian Trading Company, 1875. As evidence of utilisation of the Chang Chenmo and Qara Qash Valley routes by Indians.
32. British Joint Commissioner's Report of July 1878. Showing evidence of expenditure on the maintenance of routes.
33. Captain Basevi's Survey : Markham's *Memoir on the Indian Surveys*, 1878, page 141. Evidence of survey up to Lanak La.
34. Lydekker : *Memoirs of the Geological Survey of India*, Volume XXII, Calcutta 1883. Showing geological surveys conducted by Indian authorities in the Shyok and Chang Chenmo Valleys and Lingzi Tang.
35. Johnston's Atlas, 1882. Showing the traditional Indian alignment.
36. *Imperial Gazetteer of India*, 1886. Showing the traditional Indian alignment.
37. Statement by Satiwaldi, 1889. Showing that the Sinkiang authorities had disowned responsibility for protection of Kirghiz of Shahidulla.

38. Statement by Haji Mohammad, 1889. Showing that the Sinkiang authorities had disowned responsibility for protection of Kirghiz of Shahidulla.
39. Statement of Usman, 1889. Showing that Shahidulla was still under the control of Kashmir.
40. *Gazetteer of Kashmir and Ladakh*, 1890, page 570. Regarding the use of Aksai Chin and Lingzi Tang for collection of fuel and fodder.
41. Map attached to the *Gazetteer of Kashmir and Ladakh*, 1890. Showing the traditional Indian alignment.
42. Bower : *Report of a Journey in Chinese Turkistan*, 1891. Showing that the Sinkiang authorities had disowned responsibility for the protection of Kirghiz of Shahidulla and that Kilian was the last Chinese customs post.
43. Arjun Singh's report to Raja Amar Singh, 1892. Showing that the Chinese came south of Suket only in 1892.
44. Raja Amar Singh's report to the Government of India, 1892. Showing that the Chinese came south of Suket only in 1892.
45. Lord Dunmore's statement, 1892. Showing that the southernmost Chinese checkpost was at Suket.
46. Macartney's letter of 1893. Showing that Hung Ta-chen's map was officially handed over to the Indian representative.
47. Map of Hung Ta-chen, 1893. Showing Aksai Chin and Lingzi Tang areas in India.
48. Map of Hai Ying, Officer deputed by the Chinese Government to survey south-west Sinkiang area. Showing that he surveyed only the Pamir areas.
49. Johnston's Atlas of 1894 : with Hunter's Introduction. Showing the boundary along the Kuen Lun.
50. *Geographical Journal*, Volume XIII, Deasy's article. Disproving the Chinese claim regarding control of Aksai Chin routes.

51. *Geographical Journal*, July to December, 1900, containing Deasy's map. Disproving the Chinese claim regarding control of Aksai Chin routes.
52. Minsar Revenue Records for 1900-1901. Showing revenue collection by Kashmir.
53. Demchok Revenue Records, 1901-1902. Showing revenue collection.
54. Minsar Revenue Records for 1901-1902. Showing revenue collection.
55. Revenue Assessment Report, 1902. Showing that Tanktse, Demchok, Chushul and Minsar were included in the list of Kashmir villages.
56. Tour Report of Fakir Chand to Wazir Wazarat, Ladakh : 1904-1905. Showing the exact location of the recognised boundary in the vicinity of Demchok.
57. Tour Report of Faqir Chand, 1904-1905. Showing revenue collection from Minsar.
58. Demchok Revenue Records, 1904-1905. Showing revenue collection.
59. Minsar Revenue Records, 1904-1905. Showing revenue collection.
60. Revenue Assessment Report signed by Khushi Mohammad, 1905. Classifying Demchok and Minsar in the list of villages in the State.
61. Demchok and Minsar Revenue Records, 1905-1906. Showing revenue collection.
62. Map in Surveyor-General's Report for 1905-1906. Showing the traditional boundary alignment.
63. Extract from Ladakh Revenue Records, 1907. Showing pasture grounds used by Indians in the vicinity of Demchok and Laganskial.
64. *Imperial Gazetteer of India* map, 1907. Showing Hunza and other areas west of Karakoram Pass in India.
65. Aurel Stein's Survey, 1908. Evidence of survey in northern Aksai Chin.

66. Preliminary report of Ladakh Settlement, 1908. Showing the inclusion of Aksai Chin, Lingzi Tang and Chang Chenmo Valley in Ladakh.
67. Final Assessment Report, 1908, Page XVIII of appendix. Listing Demchok and Minsar as Indian villages.
68. Extracts from Settlement Report, 1908. Giving details of lands cultivated by Indians in Demchok.
69. Revenue map of Demchok, 1908. Evidence of revenue administration.
70. Extracts from Settlement Report regarding kind revenue, 1908. Showing the amount of revenue collected in Demchok, Khurnak and Minsar.
71. Extracts from original Revenue Records of Demchok village, 1909. Showing location of pasture grounds in Demchok area.
72. Demchok Revenue Records, 1908-09. Showing revenue collection.
73. Minsar Revenue Records, 1908-09. Showing revenue collection.
74. Assessment Report of Ladakh Tehsil 1909. Stating that the existing boundary was well understood and that there were no disputes.
75. Demchok Revenue Records, 1910. Showing revenue collection.
76. Minsar Revenue Records, 1909-10. Showing revenue collection.
77. Demchok Revenue Records, 1913. Showing revenue collection.
78. Map of Ladakh Tehsil. Showing limits of Tanktse *llaqa*.
79. De Filippi's expedition of 1913-14. Evidence of survey in Depsang area.
80. Extracts from account book of Ladakh Tehsil, 1914-15. Giving names of Indian tax collectors in Demchok.
81. *Postal Atlas of China*, 1917. Showing that official maps of China showed the boundary in accordance with the traditional Indian alignment.

82. *Postal Atlas of China, 1919.* Showing that the official maps of China showed the boundary in accordance with the Indian traditional alignment.
83. Extract from Census Report of 1921. Showing evidence of general administration in Minsar area.
84. Island of Palmas case in the International Court of Justice, 1928. Precedent to show that evidence pertaining to a period before the crucial date was inadmissible.
85. The case between Norway and Denmark regarding the status of Eastern Greenland in the International Court of Justice, 1933. Precedent to show that evidence pertaining to a period before the crucial date was inadmissible.
86. *Postal Atlas of China, 1933.* Showing that official Chinese maps showed the boundary in accordance with the traditional Indian alignment.
87. Consolidated Revenue Register of Ladakh Tehsil. Giving consolidated statement of revenue due and revenue collected from Demchok from 1901—1940.
88. Consolidated Revenue Register of Ladakh Tehsil. Giving consolidated statement of revenue due and revenue collected from Minsar 1901—1937.
89. J. & K. Game Preservation Act, 1941, Notification No. 2. Showing that the Chang Chenmo Valley, Demchok, Khurnak and Chushul areas were declared Game Reserves.
90. Correspondence regarding Chinese exploration of the Gilgit route, 1941. Showing that Chinese survey in 1941-42 was confined to the vicinity of Gilgit region.
91. *Map of the Administrative Areas of China* published by Chinese Ministry of Interior, 1947. To show variations in Chinese maps.
92. Demchok Revenue Records for 1947—48. Showing revenue collection.
93. Ladakh Tehsil Records for 1948-49. Showing revenue collection.

94. Map in *People's China*, October 1950. To show variations of boundary in Chinese maps.
95. Kashmir Government record of 1950. Evidence of salt collection from Amtogor Lake.
96. Aksai Chin Patrol of 1951. Evidence of general administration in Aksai Chin.
97. *New map of Tibet*, Tachung Society, 1951. To show variations in Chinese boundary alignment.
98. Lanak La Patrol, 1952. Evidence of general administration in Chang Chenmo and Lingzi Tang.
99. *Big Map of People's Republic of China*, Yakuang Society, November 1953. To show variations in Chinese boundary alignment.
100. Lanak La Patrol of August 1954. Evidence of general administration in Chang Chenmo Valley and Lingzi Tang.
101. *Wall Map of People's Republic of China*, Map Publishing Society, January 1956. Showing variations in Chinese boundary alignment.
102. Lanak La Patrol of August 1956. Evidence of general administration in Chang Chenmo Valley and Lingzi Tang.
103. Qara Tagh Patrol of September 1957. Evidence of general administration in Aksai Chin.
104. Amtogor Patrol of 1958. Evidence of general administration in Aksai Chin.
105. Haji Langar Patrol of 1958. Evidence of general administration in Aksai Chin.
106. Qara Tagh Patrol of 1958. Evidence of general administration in Chang Chenmo Valley.
107. Chang Chenmo Patrol, June 1959. Evidence of general administration in Chang Chenmo Valley.
108. Chinese Premier's letter of 17 December 1959. To show that while the Chinese Prime Minister had stated that maps published in 1956 were considered correct by China, the map given at the meeting carried a different alignment.

Indian Alignment : Middle Sector

(i) Basis in Tradition and Custom

1. *Skanda purana* : Kedar Khanda (IX) Which describes the Himalayas as the northern boundary of Kedar Kshetra and the sources of the Ganges as wholly in India.
2. *Shui Ching chu t'u* map of 3rd century A.D. as reconstructed by Wang Mei-tsun in 1840 A. D. Which shows the entire Ganges basin including its sources in Indian territory.
3. Hicun Tsang's travels. Describing the Kingdom of Brahmapura was 4,000 li in circumference.
4. Barhat rock inscription. Confirming that Barhat in the Bhagirathi valley is Brahmapura.
5. Pandukeshwar Copper-Plate inscription of King Lalitasura Deva. Recording land-grants to Tapoban and confirming that the Katyuri Kings controlled all the Himalayan areas inhabited by Bhuteas.
6. Pandukeshwar Copper-Plate inscription of King Subhishkarajadeva. Recording orders to the Taganapura officials and confirming that the Katyuri Kings controlled all the cis-Himalayan areas inhabited by Bhuteas.
7. Pandukeshwar Copper-Plate inscription of King Padma Deva. Recording orders to officials of Antaranga district and confirming that the Katyuri Kings controlled all the cis-Himalayan areas inhabited by Bhuteas.
8. Copper-Plate inscription of seventh century issued by Raja Samudra Sena found in the Parasuram temple at Nirmand. Published in *Corpus Inscriptionum Indicarum* : Fleet, Vol. III, pp. 288—89. Showing that Spiti was not part of Tibet.
9. *Vamsavali* of Kulu on the conquests of Rajendra Sena. Showing that Spiti was not part of Tibet.
10. *Vamsavali* of Kulu on the reign of Raja Chet Sena. Showing that Spiti was not part of Tibet.

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| 11. Orders issued by Deshan Namgyal of Hemi Gompa, Ladakh in 948 A.D. | Showing Gyu and Kaurik as under Indian administration. |
| 12. <i>Sanad</i> issued by King of Ladakh in 960 A.D. | Showing that the boundary lies east of Gyu and Kaurik. |
| 13. Gopaleswara trident inscription of 1191 A.D. | Recording that Kedar bhumi— <i>i.e.</i> , Kedar Kshetra whose limits were the Himalayas—was under the control of King Aneka Malla. |
| 14. <i>Tarikh-i-Ferishta</i> : Briggs. Volume IV, Pages 547-49. | Recording that the sources of the Ganges and Jamuna were in the territories of the King of Garhwal. |
| 15. Trinnet temple inscription of 1640. | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand. |
| 16. Badrinath temple inscription of 1643. | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand. |
| 17. Badrinath temple inscription of 1643 | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand. |
| 18. Someshwar temple inscription of 1648. | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand |
| 19. Pinanath temple inscription of 1654. | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand. |
| 20. 1659 land grant. | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand. |
| 21. 1662 land grant. | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand. |
| 22. Baleswar temple inscription of 1664 | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand. |
| 23. Land grant of Baz Bahadur Chand (1665). | Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand |

24. Briddh Kedar temple inscription of 1666. Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.
25. 1670 land grant. Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.
26. Bageshwar temple inscription of 1670.. Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.
27. Bageshwar temple inscription of 1670. Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.
28. Land grant of 1671. Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.
29. Grant to Manasarowar pilgrims of 1673. Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.
30. Land grant of 1675. Showing control of all Kumaon upto the Himalayan watershed by Baz Bahadur Chand.
31. Sirinagar Copper-Plate inscription of 1667. Recording the cession of all territories north of Gartang nala and south of Jalukhaga Pass by Raja Uday Singh of Bashahr to Raja Prithipati Shah of Garhwal.
32. *On the sources of the Ganges in the Himadri or Emodus* : H. T. Colebrooke in the *Asiatick Researches* Volume XI, (Calcutta, 1870), page 432. Recording that Chinese explorers sent by Emperor K'ang Hsi found the south-western boundaries of Tibet along the Himalayas and that the sources of the Ganges are not in Tibet.
33. *La'dyags rgyal rabs*. Showing that Spiti was not a part of Tibet.
34. Orders of Maharaja Nima Namgyal. Showing that the boundary lies east of Gyu and Kaurik.
35. Orders of Raja Morub Tenzin. Showing that Gyu and Kaurik are in Indian territory.
36. Anglo-Nepalese Convention of 1815. Recording the cession of Kumaon and Garhwal by Nepal.

37. Account of G. W. Traill, Assistant Commissioner for Kumaon and Garhwal (1815). Confirming that the northern boundary of Kumaon and Garhwal was recognised by the Tibetan Government and lay along the commencement of the plateau.
38. *Journal of a tour through part of the snowy range of the Himala mountains and to the sources of the Rivers Jumna and Ganges* : J. B. Fraser (London 1820) Page 357. Confirming that the sources of the Ganges were in India.
39. Account of George Trebeck's visit of 1821 to Spiti in Moorcroft's *Travels*, (London 1841) Volume II, Page 69. Showing that Spiti was part of Ladakh and not of Tibet.
40. Moorcroft's *Travels* : Pages 3-4 . Confirming that Moorcroft found in 1819 that the Niti Pass was on the Indo-Tibetan boundary.
41. Moorcroft's *Travels* : Page 14 Confirming that Nilang was part of the Raja of Tehri's territories in 1819.
42. Moorcroft's *Travels* : Page 20 Confirming that the Tsangchok La was the boundary between Tehri and Tibet in 1819.
43. Alexander Gerard's visit to Spiti in 1821 : *Account of an attempt to penetrate by Bekhur to Garoo and the Lake Manasarowara* for the purpose of determining the line of perpetual snow on the southern face of the Himalaya (London, 1846) Pages 174-75. Stating that the boundary lies three miles beyond Chang-rizang.
44. Visit to Shipki by Alexander Gerard in 1818 : *Account of a visit to Koonawar in the Himalaya* (London 1841). Describing the boundary as at Shipki Pass.
45. Visit to Shipki by Alexander Gerard in 1821 : *Account of an attempt to penetrate by Bekhur to Garoo*. Describing the boundary as at Shipki Pass.
46. Map of Central Asia in Hugh Murray's *Historical Account of Travels and Discoveries in Asia*, Volume I (Edinburgh 1820). Confirming that Tibet's boundaries with Almorā and Garhwal lie along the watershed

47. A. B. Fremiss' *Nouvelle Carte de l'Asie* (Paris, 1829). Confirming that the entire Gāngē-tic valley lies in India.
48. *Note of a visit to the Niti Pass of the Grand Himalayan Chain* : J. H. Batten in the *Journal of the Asiatic Society of Bengal*, Volume VII, 1838, Page 314. Recording that Niti Pass was the limit of Indian territory and only areas beyond it were Tibetan.
49. Jules Klaproth's map of Central Asia (Paris 1836). Confirming that Nilang is in Indian territory and that the Kumaon-Tibet boundary lies along the watershed.
50. Thomas Hutton's visit to Spiti in 1838 : *Journal of the Asiatic Society of Bengal*, Volume VIII (1839). Referring to the boundary as at the rock-bridge on the Pare [river, one mile east of the Shipki Pass.
51. *Map of the Himalayan provinces of Hindustan, the Punjab, Ladakh, Kashmir, Kabul, Kundus and Bokhara constructed from the original field books and notes of George Trebeck and William Moorcroft* by John Arrowsmith : (London, 1841). Showing the watershed of the Spiti and Pare rivers as the boundary.
52. Treaty of Lahore (1846)
53. Account of a visit to Milam and Untadhura pass by Manson in 1842 : *Journal of the Asiatic Society of Bengal*, Volume XI, Part II (1842) Page 1161. Confirming that Sangchamalla and Laphthal are in Indian territory.
54. Cunningham—Vans Agnew Commission of 1846. Proving that Spiti was always a part of India.
55. Article IV of Treaty of Amritsar, 1848. To show that Spiti was not Tibetan territory.
56. Account of W. C. Hay's visit to Spiti in 1849-50 : *Journal of the Asiatic Society*, Volume XIX (1850) No. 6. Showing Gyu and Kaurik to be Indian territory.
57. Map in the *Journal of the Asiatic Society*, Volume XIX (1850), No. 6 Showing the boundary as 4 miles to the east of the junction of the Pare and Spiti rivers.

58. Visit of Dr. Ch. Gutzlaff to Shipki in 1849 : *Journal of the Royal Geographical Society*, Volume XX (1851) Part II, Page 205. Describing the boundary as at Shipki Pass.
59. Account of a visit to Sangchamalla by R. Strachey in 1848. Confirming that the boundary lay along the Balchadhura pass.
60. *Narrative of a journey to the Lakes Rakas-tal and Manasarowar* in Western Tibet undertaken in September 1848 : R. Strachey : *Journal of the Royal Geographical Society*, Volume XV, 1900, Page 158. Confirming that the inhabitants of Tola near Milam regarded Tibet as extending only upto the watershed.
61. Account of a visit to Niti Pass by R. Strachey in 1849 : *Journal of the Asiatic Society of Bengal*, Volume XIX, 1850, Pages 79-80. Confirming that Tibetan jurisdiction did not extend beyond Niti Pass.
62. Account of a visit to Tunjun La Pass by R. Strachey (1849). Confirming that Barahoti was in Indian territory and that the boundary lay along Tunjun La Pass.
63. Account of a visit to Milam in 1848-49 by R. Strachey : *Journal of the Royal Geographical Society*, Volume XV, 1900, Page 165. Confirming that the mines in the whole of Girthi Valley were worked by Indian citizens.
64. Berghaus' map in Stieler's Hand-Atlas (1861). Showing the boundary as lying immediately west of Shipki village.
65. *Karte der Britischen Besitzungen in Ost Indien* : Heinrich Kiepert (Berlin 1857). Confirming that the Kumaon-Tibet boundary runs along the watershed.
66. Berghaus' map of 1861 in Stieler's Hand-Atlas. Confirming that the northern boundary of Kumaon lies along the watershed and that Nilang and Barahoti are in Indian territory.
67. *Report on the Revision of Settlement in the Kumaon District* : J. O' B Beckett (Allahabad (1874), Volume I, Page 11.) Confirming that the Kumaon-Tibet boundary is along the watershed.

68. Petermann's Map of 1875 in Stieler's Hand-Atlas. Confirming that Kumaon's northern boundary lies along the watershed, and showing the boundary as along the Shipki Pass.
69. *Asie Meridionale* : Andriveau Coujon (Paris 1876). Map showing boundary as 4 miles to the east of the junction of the Pare and Spiti rivers.
70. *Central Asien* map of Joseph Chavanne (Leipzig 1880). Showing the entire Pare valley as well as the Nilang and Milam areas in Indian territory.
71. *Report on the Tenth Settlement of the Garhwal District* : E. K. Pauw (Allahabad 1896) Page 1. Confirming that the Garhwal Tibet boundary is along the watershed.
72. Ta Ch'ing map of 1899. Ngari Korsum was a part of Ladakh.
73. *Inner Asien und Indien* map in Stieler's Hand-Atlas (1901). Showing the boundary as along the watershed, and confirming that the Kumaon-Tibet boundary is along the watershed and that Nilang, Sangchamalla and Laphthal are in Indian territory.
74. *Vorder-Indien und Inner-Asien Nordliches Blatt* map. Stieler's Hand-Atlas of 1904. Confirming that the Kumaon-Tibet boundary is along the watershed and that Niti is a border Pass.
75. Account of visit of C. D. H. Ryder to Shipki in 1904 : *Geographical Journal*, Volume XXVI, No. 4 (1905), Page 390. Describing the boundary as at Shipki Pass.
76. Map of British India in Marks' Russian Atlas (1905). Showing the boundary as some miles east of the junction of the Pare and Spiti rivers.
77. Map illustrating Ryder's explorations in the *Geographical Journal* Volume XXVI, No. 4 (1905), page 480. Confirming that the boundary lies along the Shipki Pass.

78. *Vorder Indien und Inner Asien* map in Stieler's Hand-Atlas (1911). Describing the boundary in the middle sector as along the watershed.
79. *Chinese Frontiers of India* map of the Royal Geographical Society (1912). Showing the traditional Indian alignment in this sector.
80. *Northern Frontiers of India* map of the Royal Geographical Society (1916). Showing the traditional Indian alignment in this sector.
81. Map 26 in *New Atlas of China* published by the Commercial Press (Shanghai 1917). Confirming that the Kumaon-Tibet boundary is along the watershed and that Niti and Balchadhura are border passes.
82. Visit of E. B. Wakefield to Shipki Pass : *Himalayan Journal*, Volume II (1930). Describing the Shipki Pass as the boundary.
83. Sven Hedin : *Trans-Himalaya*, (1913), Page 364. Describing the boundary as on the saddle of the Shipki Pass.
84. *Wall Map of Modern China* : published by the Ya Kuang Society in 1947. Showing the boundary as some miles east of the junction of the Pare and Spiti rivers.
85. *Educational Atlas of China* published by the Ya Kuang Society in 1947. Showing the boundary as some miles east of the junction of the Pare and Spiti rivers.
86. *Chung hua jenmin kung ho kuo* Atlas published by the 'Titu chu' pan she Society (Peking 1957). Confirming the boundary as along Shipki Pass.
87. Counsellor Fu Hao's statement at the 3rd meeting of the Barahoti talks held on 24 April 1958. Which described the area in dispute.
88. Premier Chou En-lai's letter of 8 September 1959. Which treated Barahoti, Sangchamalla and Lapthal as three separate areas.
89. Swami Pranavananda's letter of 23 October 1950. Pointing out various printing errors in his *Kailas-Manasarowar*.

Indian Alignment: Middle Sector

(ii) Basis in Administration

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| 1. Land deed of Polhanas (1729). | Confirming that Barahoti is in Indian territory. |
| 2. Letter from Raja Jaya Kirti Shah to Kardar Gajey Singh Negi of Taknore in 1784 A.D. | Proving regular Tehri administration over Nilang and Jhang. |
| 3. Agreement concluded between the Jads of Nilang and the Malguzar of Dharali in 1811 A.D. | Fixing the amounts of various taxes to be paid by Nilang. |
| 4. <i>Kangra Settlement Report</i> : J. B. Lyall (1812), page 114. | Describing the extent of Chuje Kothi. |
| 5. Tax receipt of 1812 A.D. | Showing that Nilang village paid Rs. 23 as tax in that year. |
| 6. 1815 Reconnaissance Survey of Bhagirathi Valley by J. B. Fraser. | Regarding Tibetan interest in Nilang being confined to occasional raids for plunder. |
| 7. <i>Statistical Report on the Bhootea Mahals of Kumaon</i> : G. W. Traill (1815). | Which confirms that the Pargana Johar was wholly under Indian administration and refers to recognised boundaries ; and proves that the whole of Malla Painkhanda was under Indian administration. |
| 8. 1817 Reconnaissance Survey of Gangotri valley by Capt. G. A. Hodgson. | Reporting on Nilang and Jhang villages. |
| 9. Gerard's 1822 Survey of Bashahr . | When Bashahr territory upto the Shipki Pass was surveyed |
| 10. Revenue Settlement of 1820 | Which confirms that Pargana Johar was wholly under Indian administration. |
| 11. Revenue Settlement of 1823 . | Which confirms that Pargana Johar was wholly under Indian administration. |
| 12. <i>Map of Garhwal and Sirmur</i> reduced from the 8 Mile Map prepared in Surveyor-General of India's Office, 1822-23 : (<i>Historical Records of the Survey of India</i> , Vol. III Dehra Dun, 1954, Page 30). | Confirming that the traditional boundary runs through Shipki Pass. |

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| 13. Tehri Revenue Records of 1823 A.D. | Details of revenue being collected from Nilang. |
| 14. Sanad of Tehri Durbar conferring Rawalship of Gangotri temple on Ganpati, Malguzar of Mukhaba (1827 A.D.). | Allotting revenues for meeting expenditure on religious ceremonies. |
| 15. Revenue Settlement of 1828. | Which confirms that Pargana Johar was wholly under Indian administration. |
| 16. Revenue list of Taknore Patti (1829 A.D.). | Which lists Nilang as a constituent village of the Patti and gives details of population and revenue paid by Nilang. |
| 17. Orders of Raja Sudarsan Shah to Jads of Nilang (1838 A.D.) | Regarding adjustments to be made from the taxes paid by the village. |
| 18. Tehri Revenue Arrears list of 1838 A.D. | Listing arrears from Nilang. |
| 19. Ninth Revenue Settlement of 1840-42 by Batten. | Which confirms that Pargana Johar was wholly under Indian administration. |
| 20. Revenue Settlement of 1843. | Which confirms that Pargana Johar was wholly under Indian administration. |
| 21. 1843 Judicial Records of Tehri State. | Regarding a dispute between two Nilang villagers. |
| 22. 1847 Judicial Records of Tehri State. | Regarding summons issued to some Nilang villagers. |
| 23. J. H. Batten's Revenue Settlement Report (1848). | Which confirms that the Johar Bhutea area extends upto the watershed. |
| 24. 1849 Reconnaissance Survey of Garhwal district. | Which covered Nilang and Jadhang. |
| 25. 1849 Lease of forest areas in Taknore patti by Wilson. | Who subsequently re-established Jadhang village. |
| 26. Tehri Revenue Records of 1849 A.D. | Giving details of revenue due from Nilang for 1847 A.D. |
| 27. <i>Map of Kumaon and British Garhwal</i> : Survey of India (1850). | Confirming that the boundary is along the Sutlej-Ganges watershed. |

28. Half-inch Survey of Spiti by J. Peyton during 1850-51 : Narrative Report of Capt. Du Vernet. Showing that the surveys covered the area upto the traditional boundary.
29. *Map of Nari Khorsum including the eastern-most parts of Ladakh (1851).* Confirming that the boundary is along Shipki Pass and the Sutlej-Ganges watershed and that Jadhang, Hoti, Sangchamalla and Lapthal are Indian territory.
30. 1853-54 Survey of Nilang Valley by W. H. Johnson. Which included all the territory upto the watershed.
31. Revenue Settlement of 1853 : *Bashahr State Gazetteer, Part A (Lahore 1911).* Showing the regular revenue collection from Namgia village, including its forest and pasture areas.
32. *Map of the Punjab, Western Himalaya and Adjoining parts of Tibet (1854).* Confirming that the boundary runs along the Sutlej-Ganges watershed.
33. Revenue Settlement of 1854— *Bashahr State Gazetteer, Part A (Lahore 1911).* Showing regular revenue collection from Namgia village, including its forest and pasture areas.
34. *Report on the Settlement Operations of the Garhwal District, 1856-64 : J. O. B. Beckett (1866), pages 548-49.* Showing that the whole of Malla Painkhanda was under Indian administration.
35. Revenue Settlement of 1856— *Bashahr State Gazetteer, Part A (Lahore 1911).* Showing regular revenue collection from Namgia village, including its forest and pasture areas.
36. 1858 Judicial Records of Tehri State. Regarding a case of false complaint against a Nilang villager.
37. Revenue Settlement of 1859— *Bashahr State Gazetteer, Part A (Lahore 1911).* Showing regular revenue collection from Namgia village, including its forest and pasture areas.
38. Atlas Sheet No. 65 (1860). Confirming that the border lies along Niti Pass.
39. Tehri Revenue Records of 1860 A.D. Listing taxes paid by Nilang.
40. Tehri Revenue Records of 1863 A.D. Listing taxes paid by Nilang.

41. *Report on the Settlement of the District of Garhwal* : J. H. Batten (Benares 1863), pages 548-49. Proving that the whole of Malla Painkhanda was under Indian administration.
42. Map appended to J. O'B. Beckett's Report. Confirming that the northern boundary of Malla Painkhanda lies along the watershed.
43. *Report on the Settlement Operations of the Garhwal District 1856-64* : J. O'B. Beckett (1866). Proving that copper mines in the Girthi Valley and Hoti area have been traditionally worked by Garhwalis.
44. Detailed Reconnaissance Survey of Garhwal, 1868-77. Which covered the Barahoti area.
45. 1867 Route Survey of the watershed boundary : *General Report on the Operations of the Survey of India* (Calcutta 1879). Which covered the area between Nilang and Thaga La.
46. *Map of Turkistan with the Adjoining portions of the British and Russian territories.* Confirming that the border lies along the Sutlej-Ganges watershed.
47. 1867-68 Official Surveys. When Bashahr territory upto the Shipki Pass was surveyed.
48. *Kangra Settlement Report* : J.B. Lyall (1872), Page 103. Describing the limits of Spiti.
49. Beckett's Revenue Settlement of 1872 : *Report on the Settlement Revision operations in the Kumaon District during 1863-73*, Page 9. Which confirms that Pargana Johar was wholly under Indian administration.
50. Tehri Revenue Records of 1873 A.D. Listing taxes paid by Nilang.
51. Skeleton Sheet No. 8 of the Trans-Frontier maps, Great Trigonometrical Survey of India (1873). Confirming that the Sutlej-Ganges watershed is the boundary.
52. E. C. Ryall's 1874 Survey of Milam Valley. Which shows that the Milam village limits extended upto the watershed.
53. Revenue Settlement of 1876—*Bashahr State Gazetteer*, Part A (Lahore 1911). Showing regular revenue collection from Namgia village, including its forest and pasture area.
54. *Map of the United Provinces, Parts of Districts Almora and Garhwal.* Survey of India (1876). Confirming that the boundary lies along Balchadhura, Shalshal and Tunjun La Passes.

55. *Supplementary General Report on the Operations of the Survey of India during 1877-78*, pages 1-3. Confirming that Tibet did not extend beyond the upper Sutlej basin.
56. Great Trigonometrical Survey of India—Kumaon and British Garhwal map (1877). Showing Barahoti as Indian territory.
57. *Hundes or Narikhorsum and Monyul with parts of surrounding districts*—Survey of India (1879). Confirming that Niti, Tunjun La, Shalshal and Kungri Bingri are border passes and that the Gyu-Kauririk area is in India.
58. Survey of India map of 1880. Brought forward by the Chinese side to prove that the boundary lies along Hupsang and actually showing it at Shipki Pass.
59. 1882 Survey of Bashahr State. When territory upto Shipki Pass was officially surveyed.
60. 1882-97 Great Trigonometrical Survey of India. When Bashahr territory upto the Shipki Pass was surveyed.
61. *Map of Kumaon and Hundes*. Survey of India (1884). Confirming that the boundary lies along the Sutlej-Ganges watershed.
62. Survey of India map of 1889. Brought forward by the Chinese side to prove that the boundary lies along Hupsang and actually showing it at Shipki Pass. It also showed Niti, Tunjun La, Shalshal and Balchadhura as border passes.
63. Orders of the Conservator of Forests to Nilang village in 1894. Regarding contracts for Nilang forest.
64. Revenue Settlement of 1894—*Bashahr State Gazetteer*, Part A (Lahore 1911). Showing regular revenue collection from Namgia village, including its forest and pasture area.
65. *Report on the Tenth Settlement of the Garhwal District* : E. K. Pauw (Allahabad 1896), page 107. Proving exercise of regular administration in areas claimed by China.
66. Sub-divisional Map of Garhwal (1896).

67. Assessment Circle Map of Garhwal District (1896).
68. Map of Garhwal District showing principal mountain ranges (1896).
69. E. K. Pauw's *Report on the Tenth Settlement of the Garhwal District* (Allahabad 1896). Confirming that the northern boundary of Malla Painkhanda is along the watershed.
70. 1897 Survey of Bashahr State When territory upto Shipki Pass was officially surveyed.
71. 1900 A.D. Special Census: *Gazetteer of British Garhwal* (1911), page 192. Showing Census coverage of Niti village.
72. The 1900 special census of Milam.
73. Goudge's Revenyue Settlement of 1902. Which confirms that Pargana Johar was wholly under Indian administration.
74. Tehri Revenue Records of 1903 A.D. Listing taxes paid by Nilang.
75. Article IV of the 1904 Anglo-Tibetan Convention. Which provided for proper maintenance of the Hindusthan-Tibet road.
76. Quarter Inch Northern Frontier Survey of 1904. Which covered the Barahoti areas.
77. 1904-1905 Survey of Bashahr State. When territory upto Shipki Pass was officially surveyed.
78. Rawlinson's Survey of 1904-1905 When Bashahr territory upto the Shipki Pass was surveyed.
79. Punjab Government's proposals of 23 March 1907 to the Government of India on the Hindusthan-Tibet road. Suggesting that in view of Tibetan disinterest in the trans-frontier portion of the road, the Shipki Pass—Shipkee village stretch may be improved by India.
80. Judgment of Deputy Collector, Uttar Kashi in 1907 A.D. In a dispute between the Forest Department and some Nilang villagers.
81. Map appended to the *Imperial Gazetteer of India*, Provincial Series, Punjab (1908). Confirming that the traditional boundary runs through Shipki Pass.

82. Deputation of Major Napier on tour of the Almora border in 1910. On the basis of which he reported that the watershed was the boundary.
83. *Gazetteer of British Garhwal* (1910). Which defines the boundary as along the watershed.
84. *District Map of Garhwal* (1910). Showing Barahoti as Indian territory.
85. *District Map of Almora* (1911). Confirming that the boundary lies along the Sutlej-Ganges watershed.
86. *Gazetteer of Almora District* (1911). On the Gurkha rule in Almora. It also confirms that the Almora-Tibet boundary is along the watershed.
87. Punjab Government's proposals of 12 March 1912 to the Government of India on the Hindusthan-Tibet Road. Suggesting that in view of Tibetan disinterest in the trans-frontier portion of the road the stretch from Shipki Pass to Shipki village may be improved by India.
88. *Final Report of the Third Revised Settlement of the Kulu Sub-Division of the Kangra District 1910-13* (Lahore 1913). Detailing the successive revenue settlements which dealt with Chuje Kothi from 1847 onwards.
89. Statement of Ivan Chen, Chinese Plenipotentiary at the Simla Conference on 7 March 1914. Clarifying that religious supremacy does not confer territorial sovereignty.
90. Statement of Sun Pao-chi, Chinese Foreign Minister, on 13 June 1914. Clarifying that religious supremacy does not confirm territorial sovereignty.
91. Tehri Revenue Records of 1915 A.D. Recording enhancement of taxes due from Nilang.
92. Orders of the Tehri Durbar to Nilang villagers in 1916 A.D. Fixing amounts payable for utilisation of forests.
93. Revenue Settlement of 1916-17. Showing the regular revenue collection from Chuje.
94. 1917 Survey of Bashahr State. When territory upto Shipki Pass was officially surveyed.

95. Report of British Trade Agent, Gartok, for 1918. Giving details of the maintenance of the Hindusthan-Tibet Road by the Public Works Department.
96. *Gaon Halat* of Nilang (1919-20). Describing successive revenue settlements from 1851 onwards.
97. 1919-20 Revenue Settlement of Nilang and Jhang.
98. 1920-21 Survey of Bashahr State. When territory upto Shipki Pass was officially surveyed.
99. *Ikrarnama* records of Tehri State. Refixing land revenue due from Nilang village.
100. *Sarhadbandi* records of Tehri State. Describing Nilang village's boundaries.
101. *Hukumnama* records of Tehri State. Describing the population, economy, taxes and village self-governing institutions of Nilang and Jhang.
102. *Shikam-i-fard* records of Tehri State. Listing the Marusidars, Khaikars and Sirtans of Nilang and Jhang.
103. *Muntakab Parcha* records of Tehri State. Listing various types of land-holdings in Nilang and Jhang.
104. *Phant* records of Tehri State. Listing data on which revenue from Nilang and Jhang is assessed.
105. *Yad dast rasm gaon* records of Tehri State. Listing forest, mining and pasturage rights of Nilang and Jhang and showing that these included Pulamsumda and extended upto the watershed.
106. *Hukumnama* records of Tehri State. Describing the village boundaries of Jhang.
107. *Hukumnama* records of Tehri State. Describing the location of Jhang village and showing it to be a part of Nilang.
108. *Halat Gaon* records of Tehri State. Describing the people and customs of Jhang village.

109. *Shikam-i-fard* records of Tehri State. Listing land-owners and tenants in Jadhang village.
110. *Akhri Goshwara* records of Tehri State. Giving details of land holdings in Jadhang village.
111. *Goshwara Khasra* records of Tehri State. Giving details of classification of lands in Jadhang village.
112. Revenue map of Nilang village.
113. Revenue map of Jadhang village scale 1 : 979.
114. *Paro Mawcsia* records of Tehri State. Listing camping-grounds belonging to Taknore Patti, of which Pulamsumda is specifically mentioned as one.
115. *Naksha Mardum Sumari* records of Tehri State. Giving census lists of Nilang.
116. *Naksha Mardum Sumari* records of Tehri State. Giving census lists of Jadhang.
117. 1921 Census Operations : *District Census Statistics-Garhwal District* (Allahabad 1923), page 32. Showing census coverage of Niti Village.
118. Revenue Settlement of 1921-22. Showing regular revenue collection from Chuje.
119. Water-Bird Year—List of doors of Tsaprang dzong. Which was one of the total number of two documents produced by the Tibetan representatives before the 1926 Commission and found to be unconnected with the problem.
120. "Avowal" of 1926. Brought forward by the Chinese side which showed that the Tehri villagers were paying the trade tax in their own currency.

121. Book without cover, title or date. Which was one of the total number of two documents produced by the Tibetan representative before the 1926 Commission and found to refer to trade dues only.
122. Home Member of Tehri's letter of 14 October 1927. On the Tibetan failure to produce evidence supporting its claim.
123. 1927 Judicial Records of Tehri State. Regarding a suit between two Nilang villagers filed in the Adalati Panchayat Court of Taknore.
124. Traditional boundary description book of villages in Pargana Painkhanda (1931). Pages 3A-5A. Proving that the village boundaries were officially demarcated.
125. Traditional boundary description book of villages in Pargana Painkhanda (1931). Page 38. Which describes in detail the boundary as lying along the watershed.
126. Hugh Rose's Sketch Surveys of Garhwal (1931). Which covered the Barahoti area.
127. Revenue Settlement of 1931-32. Showing regular revenue collection from Chuje.
128. 1932 A.D. Judicial Records of Tehri State. Regarding a civil suit between two villagers of Nilang in the Adalati Panchayat Court of Upper Taknore.
129. *New Atlas of China* published by the Shun Pao (1935). Showing Barahoti and Sangchamalla areas as Indian territory.
130. 1936 rigorous surveys. Which covered the southern part of Nilang and Jadhang area.
131. 1936 Judicial Records of Tehri State. Regarding a criminal case between two Nilang villagers.
132. Revenue Settlement of 1936-37. Showing regular revenue collection from Chuje.
133. Revenue Settlement of 1941-42. Showing regular revenue collection from Chuje.

134. *India and Adjacent Countries* map 1945.
135. *Map of the Administrative Areas of the Chinese Republic*, issued by the Chinese Ministry of the Interior (1947). Showing Barahoti and Sangchamalla areas as in Indian territory and the traditional Spiti-Tibet boundary as east of Gyu and Kaurik.
136. *India showing Political Divisions* map 1950.
137. *Wall Map of the People's Republic of China*, Peking, January 1951. Confirming that the traditional Spiti-Tibet boundary is east of Gyu and Kaurik and showing Barahoti and Sangchamalla areas as Indian territory.
138. *New Map of Tibet*, Peking 1951. Showing Barahoti and Sangchamalla areas as Indian territory.
139. *India and Adjacent Countries* map (1952).
140. *District Census Handbook—Tehri Garhwal District*, Allahabad 1955. Showing coverage of Nilang and Jadhong in the 1951 Census of India.
141. *Political Map of India* (1956).
142. Indian Protest of 2 May 1956. On Chinese border violation in Nilang-Jadhong area.
143. Indian protest of 8 September 1956. On Chinese border violation at Shipki, to which China failed to reply.
144. Indian *aide-memoire* of 24 September 1956. On Chinese border violation at Shipki to which China failed to reply.
145. Note of the Indian Embassy of 7 December 1957. On Chinese violation of Spiti border.
146. Note of 25 December 1957. On Chinese violation of Spiti border.

Indian Alignment : Eastern Sector

(i) BASIS IN TRADITION AND CUSTOM

1. *Mahabharata* Chapter 26 of *Sabha Parva* and Chapter 18 of *Udyog Parva*. Conquest of the area claimed by an Indian king as proof that it was traditionally part of India.
2. *Ramayana*. Showing that the ancient Indian kingdom of Pragjyotisha included what is now North East Frontier Agency.
3. *Bhagavata*. Subjugation of tribal areas as proof of its having traditionally been part of India.
4. *Kalika Purana* Chapters 36—40. Evidence of conquest of tribal area by an Indian king.
5. *Vishnu Purana*. Showing subjugation of tribal areas, and extent of Kamarupa.
6. *Yogini Purana*, Book I, Chapter II Stating that Kamarupa extended upto Kanja hills.
7. Hicun Tsang. Regarding extent of Kamarupa.
8. Account of Shihabuddin Talish, a Mogul historian (1663). Stating that the hill tribes accepted the sovereignty of the Assam kings.
9. Madhabcharan Kataki's interview with the Mogul Commander. Stating that the frontier tribes were serving willingly under the Assam Rajas.
10. *Political Geography of the Assam Valley* (17th century). Stating that the Daflas, Akas and Bhutias were tributaries of the Ahom kings of Assam.
11. Desideri : *An Account of Tibet*, ed. De Filippi, 1937, pages 143-45. Showing that in early 18th century Congbo marked the extreme limit of Tibet and that the Tibetans were not allowed to enter the territory of the Lhobas (tribal people).
12. d'Anville's *Nouveau Atlas de la Chine*, 1737. A map based on Chinese official investigations showing the Himalayan ranges as the boundary between Tibet and India.

13. Markham : *Narratives of the Mission of George Bogle to Tibet and of the Journey of Thomas Manning to Lhasa*, London 1879, page 314. Containing the account of Horace Della Penna (1760) stating that Mon (Tawang) Lhoba and Lhokaptra (rest of NEFA) were outside Tibet.
14. *Wei tsang t'u chih* (1792). Stating that 'Loyu' territory was outside Tibet.
15. Map prepared during the reign of Tao-kuang (1821-50). Showing Nye Chu and Char Chu as the southern limit of Tibet.
16. *Journal of the Royal Geographical Society*, Vol. 20, Part II, 1851, pages 191-192. Containing an article by Gutzlaff (1849) to the effect that the land of the wild Abors was outside Tibet and that Chayul Chu and Char Chu formed the boundary between the two.
17. A German map by Stulpnagel published in Gotha, 1855. Shows Indian boundary north of the tribal area.
18. *Records of the Survey of India*, Vol. 8, Part II : Major Tanner's article regarding the journey of Mongolian Lama Serap Gyatso in 1856-58. Stating that Pome and Pe-ma-koe were independent of Tibet.
19. Ta Ching map of 1863. Showing the Nye Chu and Char Chu near the traditional Indian boundary as the southern limit of Tibet.
20. *The Sketch Map of some parts of Southern and Eastern Tibet as used Many Years ago by Catholic Missionaries*, published in 1871. Clearly showing Abor, Mishmi and tribal areas outside Tibet.
21. T. T. Cooper : *The Mishmi Hills*, London, 1873. Stating that Rima was on the frontier of Tibet.
22. *Journal of the Royal Geographical Society*, Vol. 47 : Trotter's article regarding Nain Singh's journey. Stating that Tawang was not under the control of Tibetan officials and that Monbas were different from Tibetans.
23. *Records of the Survey of India*, Vol. 8, Part I, Explorer Lala's journey, 1875-76. Showing that collection of customs dues at Tawang-Tibet border proved that Tawang was not part of Tibet.
24. Map of *Asie Meridionale* by Andrievau Coujon, Paris, 1876. Shows the traditional Indian boundary.

25. Michell : *Report on the North East Frontier of India*, 1883. Showing that the Abors were serving under Assam rulers.
26. Michell : *Report on the North East Frontier of India*. Stating that Nainphala hills formed the boundary between Abor area and Tibet and that Poyul was independent of Tibet.
27. Huang Pei-chiao's *Hsi tsang t'u kao* (1886) Chapter 8, page 38. Showing that the tribes from Layul to Kashmir were under India.
28. Map No. 25 of *Ta ching ti ku ch'uan t'u*, published by Commercial Press, Shanghai, 1908. Showing that India-Tibet boundary lay along the traditional alignment claimed by India.
29. *Atlas of the Chinese Empire* by China Inland Mission, 1908. Showing the boundary in consonance with the traditional Indian alignment.
30. Map on page 30 of *Chung kuo ching shih yu ti tu shwo* by Chiao Chung Academy, Canton, 1910. Shows the boundary in consonance with the traditional Indian alignment.
31. Royal Geographical Society Map of 1912. Shows the traditional Indian boundary.
32. *Journal of Royal Society of Arts*, 1912, Holdich's article. Confirming Indian control right upto the traditional boundary claimed by India.
33. Statement of Ivan Chen at the Simla Conference of 7 March 1914. Showing that the limits of spiritual uthority were not synonymous with limits of temporal authority and that contributions paid to Lhasa were not necessarily revenue paid to Tibet.
34. Statement of Sun Pao-chi on 13 June 1914. Stating that exercise of ecclesiastical authority by lamas did not prove that the areas belonged to Tibet.
35. Royal Geographical Society Map of 1916. Shows the traditional Indian boundary.
36. Map of Tibet in *New Atlas and Commercial Gazetteer of China* 1917. Shows the north-eastern boundary of India in accordance with the traditional Indian alignment.

37. Peking University Atlas of November 1925 : Map depicting the maximum extent of China in the days of the Ching dynasty. Shows the boundary along the Indian] traditional alignment.
38. *Ching shih kao* or Dynastic History of the Ching period, Book 27, page 2. Stating that the tribal area in Assam lay outside Kham area of Tibet.
39. Kingdon Ward : *Assam Adventure* ; and articles in *Royal Central Asian Society Journal*, 1938. Confirming international boundary along the "McMahon Line".
40. Government of India's note, 12 February 1960. Showing that the Chinese contention that the red line on the Simla Convention Map represented Tibet-China boundary, was fantastic.

Indian Alignment in the Eastern Sector

(ii) EVIDENCE OF INDIAN ADMINISTRATION

1. Tours of Bedford, Neufville and Wilcox in the Abor area, 1826-27. Evidence of administration.
2. Undertaking given by the Chief of Tawang. Accepting British jurisdiction.
3. Undertaking given by Aka and Bhutia Tribes, 1844. Promising to guard against enemies and assuring good behaviour.
4. Undertaking given by other Bhutia Chiefs, 1844. Agreeing "to act up to any orders we may get from the British Government".
5. Vetch's tours of Abor area, 1847. Evidence of administration.
6. Abor expedition, 1866. Evidence of control over Abor area.
7. Undertaking given by Abors, 1866. Agreeing to preserve the tranquillity of the area.
8. Bengal Eastern Frontier Regulation of 1873. Showing that *Inner Line* between NEFA and Assam was an internal line and that entry into tribal areas beyond the *Inner Line* was controlled by Indian Government.
9. Government of India's notification of September 1875. Showing that *Inner Line* was an internal administrative line.

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| 10. Government of India's notification of March 1876. | Showing that <i>Inner Line</i> was an internal administrative line. |
| 11. Frontier Tract Regulation, 1880. | Evidence of revenue collection and civil administration. |
| 12. Assam Census Report of 1881. | Showing evidence of administration in NEFA and that NEFA was bounded by the Himalayan ranges on the north. |
| 13. Survey of India Map of 1883. | Showing the tribal area by colour wash as part of India. |
| 14. <i>Inner Line</i> Notification regarding Lakhimpur, October 1884. | Showing that <i>Inner Line</i> was an internal administrative line. |
| 15. Annual Report on the Frontier Tribes for the year 1885-86. | Showing Indian control over Tawang. |
| 16. Undertaking by Abors, 1888. | Promising good behaviour. |
| 17. Annual Report on the Frontier Tribes for the year 1896-97. | Showing administrative powers exercised in the Monba, Miri, Abor and Dafia areas. |
| 18. Assam Census Report of 1901. | Showing general administration. |
| 19. Annual Report on the Frontier Tribes for the year 1901-1902. | Showing administrative functions exercised in Miri and Abor areas. |
| 20. Annual Report on the Frontier Tribes for the year 1902-1903. | Showing control exercised over Monba and Aka areas. |
| 21. <i>District Map of India</i> , 1903. | Showing internal administrative line north of Assam. |
| 22. Survey of India map of 1895 corrected upto 1903. | Showing tribal territory by a colour wash as part of India. |
| 23. Map attached to <i>Memorandum on Native States</i> , Vol. II, 1909. | Showing tribal territory by a colour wash as part of India. |
| 24. Map of <i>Eastern Bengal and Assam</i> attached to Aitchison's <i>Collection of Treaties etc.</i> , Vol. II, 1909. | Showing tribal territory by a colour wash as part of India. |
| 25. Orders issued to Abor tribes, 1911. | Evidence of control over Abors. |

26. Miri Mission Report, 1911-12. Containing Kerwood's report regarding survey of Subansiri, Kamla and Khru river valleys.
27. Report on the Abor Expeditionary Force, 1912. Containing detailed report showing survey of Abor area.
28. Report on the Mishmi Mission Force, 1911-13. Evidence of survey and public works in the Mishmi area.
29. Tour diary of Dundas, Political Officer, Abor area, 1913. Evidence of official tours in Abor areas.
30. Huddleston's Report, 1913-14. Survey of Tawang and other Monba and Aka areas.
31. Report of Captain Nevill, Political Officer, Western Section, North East Frontier, 1914. Evidence of official tour of Tawang and other Monba areas and of Indian administrative machinery prevailing in the Monba area.
32. Bell's note regarding discussion with Lonchen Shatra during the Simla Conference, 1914. Evidence to show that Tibet had only private estates and private income in Tawang.
33. Statement by Ivan Chen on 12 January 1914 during the Simla Conference. Evidence to show that Pome and Pe-ma-koc were not under Tibetan administration ; and evidence to show that Lower Tsayul was not under Tibetan administration.
34. Agreement between India and Tibet dated 24/25 March 1914. Showing that Tibetan interest south of the 'McMahon Line' was confined to private estates.
35. 1914 discussions between British and Tibetan representatives. Stating that minor differences regarding boundary would be settled in a friendly spirit.
36. Government notification of 1914 regarding establishment of Central and Eastern Section, Western Section and Lakhimpur Section of the North East Frontier Tract. Evidence of general administration.
37. Annual Report on the Frontier Tribes for the year 1914-15. Evidence of taxation and other administrative functions exercised in Abor and Mishmi areas.

38. Annual Report on the Frontier Tribes, 1915-16. Maintenance of law and order and collection of taxes in Abor and Mishmi areas.
39. Note by Dundas, Political Officer, Central and Eastern Section, North East Frontier Tract, dated January 1916. Public works in Mishmi area.
40. Map of *Tibet and Adjacent Countries*, 1917. Showing correct international boundary in the inset.
41. *Postal Atlas of China*, 1917. Official Chinese map showing correct international boundary.
42. Annual Report on the Frontier Tribes, 1918-19. Showing Indian administration in Tawang.
43. Gazette notification of March 1919. Renaming Central and Eastern Section and Western Section of the North East Frontier Tract, as Sadiya Frontier Tract and Balipara Frontier Tract ; evidence of administration.
44. Government of India's letter dated 2 September 1920. Sanctioning tours of Political Officers in the North East Frontier Tract.
45. Government notification 5G of 3 January 1921. Evidence of legislative powers exercised.
46. Assam Census Report of 1921. Administration in what is now North East Frontier Agency.
47. Tibetan Government's letters of 23 September 1923 and 16 February 1924 and Bailey's letter of 3 January 1924. Showing that Tibet herself did not consider Layul and Lower Tsayul as Tibetan territories.
48. *Inner Line* notifications of 1928, 1929, 1934 and 1958. Showing that the *Inner Line* was an internal administrative line.
49. Government of India Act of 1935. Classifying the tribal hilly areas as Excluded and Partially Excluded Areas for purposes of administration.
50. Government of India Act of 1935, Section 311. Showing that India included tribal territory.

51. The Government of India (Excluded and Partially Excluded areas) Order dated 3 March 1936. Declaring certain areas as excluded from the regularly administered province.
52. Assam Government's letter dated 7 September 1938. Conveying the Political Officer's findings regarding conditions in Tawang and illegal activities of the Tsona Dzongpon.
53. Letter of the Government of Assam to the Government of India, dated August 1938. Regarding expedition to Tawang.
54. Tour diary of R. W. Godfrey, March 1939. Official tour of the Abor area and the exercise of administrative duties.
55. Letter from the Government of Assam to the Government of India, April 1939. Showing evidence of administration in the Monba and Aka areas.
56. Government of India's letter of August 1940 to the Government of Assam. Regarding establishment of out-posts at Karko and Riga in the Abor area.
57. Government of Assam's letter of September 1940. Public works in Lohit valley.
58. Protest by British Government to Tibet dated 24 March 1943. Showing that the activities of the Tibetan officers in Monba area were illegal.
59. Tibetan Government's reply of 12 April 1944. Agreeing not to collect taxes in the Monba area and thereby accepting that such activities were illegal.
60. Discussions between the British representative and the Tibetan Government, October to December 1944. In pursuance of assurances regarding private estates in the Monba area.
61. Gould's note on discussions with the Tibetan *Kashag*, 31 October 1944. Showing that Tibet did not dispute the validity of the 'McMahon Line' and that she only wanted a postponement of extension of regular Indian administration upto that Line and that Chiang Kai-shek was pressing them to admit differences with the British.

62. Letter from the Assam Government dated 4 July 1945. Showing the illegal activities and forging of 'treaties' by Tsona Dzongpons.
63. Regulation I of 1945. Judicial administration and exercise of police authority.
64. Extracts from records of Government of India, September 1946. Evidence of general administration and public works in different parts of NEFA.
65. Political Officer's tour of Lohit Valley, 1946. Showing that local people accepted the traditional Indian boundary.
66. Jhum Land Regulation of 1947. Showing general administration in NEFA.
67. Discussions between Indian Political Officer and the Tibetan Deba, April 1949. Showing Tibetan acceptance of the traditional Indian boundary.
68. Indian note of 12 February 1950 to China. Regarding stabilisation of the border.
69. Discussion between the Indian Trade Agent at Yatung and the Tibetan Foreign Bureau, 22 March 1951. Stating that India would extend regular administration upto the "McMahon Line".
70. Discussion between the Indian Trade Agent at Yatung and the Tibetan Foreign Bureau, 17 April 1951. Reiterating that India would extend regular administration upto the "McMahon Line".
71. Correspondence between the Indian Assistant Political Officer, Tawang and Tsona Dzongpon, 1953. Acceptance of "McMahon Line" and existence of cordial relations on the border.
72. Indian Prime Minister's conversation with Chinese Prime Minister, 1954. Showing that China did not raise the issue until recently.
73. Letter to Tsona Dzongpon, 1955. Acceptance of "McMahon Line" and existence of cordial relations on the border.
74. Discussions between Indian Assistant Political Officer and Tsona Dzongpon of Pe-ma-koe, 1956. Regarding Tibet's acceptance of Indian traditional boundary.
75. Indian Prime Minister's conversations with Chinese Prime Minister, 1956-57. Showing that China did not raise the issue until recently.

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| 76. Indian Ambassador's informal protest regarding map of China displayed at Peking airport, February 1957. | Showing that China did not raise the dispute until recently. |
| 77. Government of India's note of 21 August 1958 drawing attention to Chinese maps showing the boundary erroneously. | Showing that China did not raise the issue until recently. |
| 78. Chinese reply of 3 November 1958. | Admitting that the alignment in Chinese maps was based on old maps. |
| 79. Prime Minister of India's letter of 14 December 1958 raising the question of maps. | Showing that China did not raise the issue until recently. |
| 80. Chinese Prime Minister's reply of January 1959. | Showing that China still did not raise this issue. |
| 81. <i>Inner Line</i> notification of 1958, notified to the Chinese Embassy, 23 January 1959. | Showing Chinese acceptance of Indian alignment. |
| 82. Indian Note of 24 July 1959 regarding Longju. | Showing that at that time China did not consider it Chinese territory. |

Boundary between Bhutan and Sikkim and Tibet

EVIDENCE: IN TREATIES, TRADITION AND ADMINISTRATION

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| 1. Anglo-Chinese Convention of 1890. | Defining Sikkim's boundary with Tibet. |
| 2. Delimitation of Tibet-Sikkim boundary of 1895. | |
| 3. Indo-Bhutan treaty of 1949. | Showing India's responsibility for the external relations of Bhutan. |
| 4. Indo-Sikkim Agreement of 1950. | Showing India's responsibility for the defence and external relations of Sikkim. |
| 5. Bhutan National Assembly Resolution. | Drawing attention to the errors in depiction in Chinese maps. |
| Government of India's note of 21 August 1958. | Drawing attention to erroneous depiction of boundary in Chinese maps. |
| 7. Chinese Prime Minister's Press Conference on 25 April 1960. | Stating that China respects India's relations with Bhutan and Sikkim. |

Official maps cited by the Indian side in support of the alignment

INDIAN MAPS

Western Sector

1. Map of Nari Korsum by Strachey (1851).
2. Map illustrating the routes taken by Johnson (1865).
3. Map of Central Asia by Walker (1866).
4. Map of Turkistan by Walker (1868).
5. Map of Eastern Turkistan attached to the Yarkand Mission Report (1873).
6. Johnston's Atlas (1894).
7. Imperial Gazetteer map (1886).
8. Map of India (1889).
9. Kashmir Gazetteer map (1890).
10. Map in Surveyor General's Report for 1905-1906.
11. Imperial Gazetteer map (1907).
12. Southern Asia Series map (1929).
13. India and Adjacent Countries map (1945).
14. Map of India showing Political Divisions (1950).
15. India and Adjacent Countries map (1952).

Middle Sector

1. Map of Garhwal and Sirmur (1822-23).
2. Map of Kumaon and British Garhwal (1850).
3. Map of Nari Khorsum (1851).
4. Map of the Punjab and Western Himalayas (1854).
5. Atlas Sheet No. 65 (1860).
6. Beckett's Settlement Report map (1866).
7. Map of Turkistan with adjoining portions (1868).
8. Skeleton Sheet No. 8 of Trans-Frontier Series (1873).
9. Map of United Provinces (1876).
10. Map of Kumaon and British Garhwal (1877).

*The 13 maps quoted by the Chinese side and referred to by the Indian side at p. 252 are those listed in the Annexure to the Chinese Report under the following numbers :

- (i) Items 3, 8 and 10 of the section on Treaties and Agreements ;
- (ii) Items 15, 17, 20, 33, 44, 45 and 63 of the section on the Western Sector ;
- (iii) Items 10 and 35 of the section on the Middle Sector ; and
- (iv) Item 29 of the section on the Eastern Sector.

11. Map of Hundes and Nari Khorsum (1878).
12. Gazetteer map of Kumaon and Hundes (1884).
13. Sub-divisional map of Garhwal (1896).
14. Assessment Circle map of Garhwal (1896).
15. Map of Garhwal showing principal mountain ranges (1896).
16. Imperial Gazetteer map (1908).
17. District Map of Almora (1910).
18. District Map of Garhwal (1911).
19. India and Adjacent Countries map (1945).
20. Map of India showing Political Divisions (1950).
21. India and Adjacent Countries map (1952).

Eastern Sector

1. Map of India (1883).
2. Map of India (1903).
3. Native States Memorandum map (1909).
4. Aitchison map (1909).
5. Tibet and Adjacent Countries map.
6. India and Adjacent Countries map (1945).
7. Map of India showing Political Divisions (1950).
8. India and Adjacent Countries map (1952).

CHINESE MAPS

Cited by the Indian side in support of the traditional customary boundary:

Western Sector: (i) Hung Ta-chen's map (1893).

(ii) Postal Atlas of 1917.

(iii) Postal Atlas of 1919.

(iv) Postal Atlas of 1933.

Middle Sector: (i) Map of the Administrative Divisions of the Chinese Republic (1947).

(ii) Wall Map of China (1951).

(iii) New Map of Tibet (1951).

(iv) Chung-hua Atlas of Ti-t'u-ch'u-pan-she (1957).

Eastern Sector: (i) Postal Atlas of 1917.

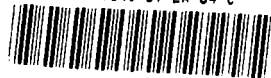
Examples of changes in the Chinese Report

The following are some instances of new material brought forward by the Chinese side which had not been mentioned during the discussions:

- (1) In connection with the 1842 treaty, official Indian maps of the period are said to have shown the Ladakh-Tibet boundary in the main consistently with the alignment now shown on Chinese maps.
- (2) During the discussions the Chinese side cited a document which stated that "Chushul was very close to the Naga of Mordo of Rudok Dzong". The Indian side pointed out that a mere statement that Chushul was very close to Rudok Dzong was no proof of the boundary alignment. No reply was made then; but it is now asserted without any evidence or specific co-ordinates that the Naga of Mordo is to the west of the Spanggur Lake.
- (3) The Indian side brought forward a map in an Atlas published by the Peking University showing the maximum extent of the Chinese Empire during the Ching dynasty. Even in that map the Aksai Chin area had not been shown in China. The Chinese side were unable then to explain away this map. It is now contended for the first time in a new annotation that this map was drawn by a student of Peking University.
- (4) A quotation is now cited for the first time that Tanktse, Lukung and Phobrang were "three small villages", though this has no bearing on the fact that Tanktse was the headquarters of an *Ilaga*.
- (5) The Prime Minister of India is quoted as having said that during British rule the Aksai Chin area had neither inhabitants nor outposts.
- (6) The Chinese side asserted during the discussions that an Indian explorer, Kishen Singh, had stated that Khurnak belonged to Tibet and they gave the reference in the published records of the Survey of India. The Indian side read out the relevant passage and showed that Kishen Singh had not made any such statement. The Chinese side thereafter made no attempt to justify their contention. However, it is now stated that Kishen Singh had camped in allegedly Tibetan territory and that Khurnak fort was close to it. This is, obviously, not to say that Khurnak is in Tibet; but even this erroneous argument had not been made at the discussions.
- (7) The Prime Minister of India is said to have admitted explicitly that British India had not exercised jurisdiction in the Aksai Chin area.
- (8) It is claimed now that the Chinese side brought forward evidence regarding the settlement of murder and robbery cases by Tibetan authorities in this area. No such claim was made in the Chinese statement at the discussions.

- (9) The British Indian proposals regarding the northern boundary of Kashmir in 1899 did not describe the northern boundary. This statement, made here for the first time, is factually incorrect; and at the discussions the Chinese side had explicitly stated that the proposals of 1899 had described the northern boundary line and had been rejected by China.
- (10) Britain instigated the Tibetan declaration of independence in 1912 and China took punitive actions.
- (11) In 1950 what was mentioned was the stabilization of the Sino-Indian border, and no reference was made to the boundary, and, therefore, the Indian side could not take the border for the boundary.
- (12) For the first time, it is incorrectly argued that Chinese maps, cited by the Indian side for the Eastern Sector, had not shown the traditional Indian alignment. Till now the Chinese side had been merely seeking to underrate the reliability of these works.
- (13) In the Eastern Sector, the Chinese side brought forward a document stating that certain *Manja* dues had been collected for expenses of worship. The Indian side pointed out that this made it clear that these were only religious dues. It is now asserted that the *Manja* dues formed one of the various taxes paid by that area to the Tibetan Government.
- (14) The Chinese side brought forward a document in the Eastern Sector which the Indian side showed clearly to concern usury transactions of Tibetan landlords. This was not refuted at the time, but in the report it is stated that the Indian side misrepresented the meaning. The Chinese side claim now that the document has the Tibetan words "exacting corvee and levying taxes". As the Indian side pointed out even then, there is no mention of taxes in this document.
- (15) Many places were mentioned in the Tibetan documents cited by the Chinese side. When the Indian side asked the Chinese side to identify these places by names or co-ordinates, the Chinese side were able to identify only some of them by name. Now they have all been identified in such a manner as to suggest that they are all south of the 'McMahon Line'.

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