

Report of the Officials
of the
Governments of India
and the
Peoples' Republic of China
on the
Boundary Question
(*Part 3*)

Ministry of External, Government of India

BASIS OF THE INDIAN ALIGNMENT IN ADMINISTRATION AND JURISDICTION

(A) WESTERN SECTOR

Evidence regarding Indian Administration and Jurisdiction of the areas right upto the traditional alignment in the Western Sector

The Indian side had already submitted a great amount of evidence, from Indian, Chinese and other sources, to substantiate the traditional boundary alignment as claimed by India. They now brought forward evidence of effective Indian jurisdiction and administration of the areas upto this traditional alignment. As jurisdiction and administration formed a continuous process stretching over decades, the quantum of evidence was naturally overwhelming; so they produced evidence illustrative both of the continuity of Indian jurisdiction and administration, and of its varied character.

Administrative Records

The administration of Ladakh and after Ladakh became a part of Kashmir, of the Governments of Kashmir and India, always extended right upto the traditional boundary in the north and east. A map of 1865 utilized by the Kashmir Government for showing the location of police check-posts, established that they were to be found as far north as in the vicinity of Yangi Dawan, on the southern bank of the Qara Qash river (Photostat 1). Till 1901 these areas near the alignment were part of the Wazarat of the Frontier District, comprising Gilgit, Baltistan and Ladakh, when it was divided into the Gilgit and Ladakh Wazarats. The latter comprised the three Tehsils of Skardu, Kargil and Ladakh. Aksai Chin and the Chang Chenmo

valley were part of the *ilaqa* of Tanktse in Ladakh Tehsil. There was considerable evidence of this Indian administration in the revenue records. Regular assessments and settlements of revenue were made from time to time and revenue collected from an inhabited places upto the boundary. Those areas which were not inhabited were, however, also shown in the revenue maps and control was exercised over them through the levy of duties on flocks and pastures, maintenance of caravan routes and rest houses and supervision and control over trading parties.

A systematic settlement of revenue for the whole of Ladakh upto the traditional alignment was made during the time of Mehta Mangal who was Wazir or Governor between 1860 and 1865; and this settlement was revised during the period of his successor Johnson (1870-1881) and Radha Kishen Kaul (1882). The lists of villages in both the Revenue Assessment Report of 1902 and the Settlement Report of 1908 mentioned 108 villages including Tanktse, Demchok, Chushul and Minsar. The areas of the Chang Chenmo valley, Lingzi Tang and Aksai Chin, where rights of pasture and salt collection were exercised, were included in the Tanktse *ilaqa*. The Preliminary Report of Ladakh Settlement 1908 made clear that these areas were part of Ladakh, and gave a short revenue and political history of the area (Photostat 2). The Assessment Report of the Ladakh Tehsil, published at Lahore in 1909, stated (page 1):

"There have been no boundary disputes on the Lhasa frontier, and the existing boundary seems to be well understood by subjects of both the State and the Lhasa Governments."

The Indian Government had a large number of records to show the control exercised over the various frontier areas and the revenue collected from the frontier villages. The Indian side were submitting photostats of a few representative documents:

(a) An original sketch map prepared by Mehta Mangal in about 1865, showing the routes and stages towards Minsar in the east and Shahidulla in the north. Demchok was clearly stated as indicating the "boundary of the State". (Photostat 3).

(b) A tour report prepared by Faqir Chand who was Wazir Wazarat (Governor) of Ladakh in 1904-05. He wrote:

"I visited Demchok on the boundary with Lhasa this place.... is situated just on the bank of the river Indus. A nullah falls into the Indus river from the south-west and it (Demchok) is situated at the junction of the river. Across is the boundary of Lhasa, where there are 8 to 9 huts of the Lhasa zamindars. On this side there are only two zamindars. The one is the agent of the Gopa and the other is the agent of the previous Kardar of Rokshu... In between at the mouth of the nullah stands a big minaret of stones. In it is fixed a wood which looks like a flag. This is the boundary line." (Photostat 4).

This document showed that Demchok was in Ladakh.

(c) A page from the report of the assessment carried out in 1905 prior to the settlement of 1908. It classified Demchok (Item 108 on the page) as a village of the fourth class for purposes of assessment of revenue. Minsar village was also one of the villages mentioned in the list. The document was signed by Khushi Mohammed, the Settlement Commissioner. (Photostat 5).

(d) A page from the revenue records of 1907 showing the pasture grounds on either side of the Indus in the Rokshu, Laganskial and Demchok areas. (Photostat 6).

(e) Nine pages from the original settlement report of Demchok 1908. The first two sheets, Nos. 6 and 7, give details of the lands cultivated in the Demchok area, such as the mode of cultivation, the type of irrigation, the kind of land, the name of the fields, and the number of Khasra (assessment number) and revenue. The next seven sheets, Nos. 37 to 43, contained the

Wajeb-ul-araz (statement of facts) in regard to Demchok. In brief, the statement said that there was no permanent habitation but that two persons enjoyed pasture rights. There were no disputes of any kind It added that details of irrigation were given elsewhere. (Photostat 7).

(f) The original revenue map of Demchok prepared at the time of the Revenue Settlement in 1908. It bore the signature of Khushi Mohammed. (Photostat 8).

(g) Page XVIII of the Appendix of the Final Assessment Report of 1908. It listed both Demchok and Minsar as State villages. (Photostat 9).

(h) Two pages from the Settlement Officer's report on assessment of revenue in kind in Ladakh Tehsil showing the amount of revenue payable by the villages of Khurnak, Demchok and Minsar. (Photostat 10).

(i) Four pages from the original revenue records of 1909 showing the extent and location of pasture grounds in the Demchok area. (Photostat 11. A translation was attached).

(j) A page from the account book of Ladakh Tehsil (1914-15) giving a list of Zaildars (Chief Collectors in groups of villages). Demchok and Minsar were included (see last item) and Zaildar Kalon Hiranman was said to be in charge of them. (Photostat 12).

(k) Two pages from the Census Report of 1921. Demchok and Minsar were included. Details mentioned regarding Demchok included one house, two men, and two women; and for Minsar 44 houses, 87 men and 73 women. (Photostat 13).

(1) Extracts from revenue records for the years 1901-1902, 1904-1905, 1906-1906, 1908-1909, 1910, 1913 and 1947-1948.

These showed the amount of revenue due and the amount collected from Demchok. Since this was a voluminous and continuous record the Indian side gave extracts only for some of the years to show the continuity of administration (Photostats 14 to 20).

(m) Extracts from the consolidated revenue register of Ladakh Tehsil. It gave a consolidated statement of the annual dues and receipts for the years 1901 to 1940 from Demchok village. (Photostat 21).

(n) Extracts from Ladakh Tehsil records. It showed the amount due and received for the year 1948-49. (Photostat 22).

The Indian side had similar records to show that the village of Minsar was from 1684 under the effective administration of the Kash.mir Government:

(a) An extract from an original record prepared in about 1862 showing that during the time of Mehta Basti Ram, that is about 1853, a sum of Rs. 56 was collected from this village as revenue. (Photostat 23).

(b) An extract from the tour report of Faqir Chand, Wazir Wazarat of Ladakh in 1905, stating that the village of Minsar belonged to Ladakh and that a sum of Rs. 297 was being: collected annually as revenue from this village. (Photoostat 24).

(c) The Indian side had shown earlier that the Assessment Report of 1905, the Final Assessment Report of 1908 and the Settlement Officer's report regarding the amount of revenue payable had all mentioned Minsar also as one of the villages. Similarly, the Indian side had shown that the census reports of 1911 and 1921 also included Minsar. In addition, they now submitted extracts from the Ladakh Tehsil revenue records showing the amount of revenue due as well as the amount actually paid by Minsar for the years 1900-1901, 1901-1902, 1904-1905, 1905-1906, 1908-1909 and 1909-1910 (Photostats 25 to 30). These were only a few extracts from the huge number of records in the possession of the Kashmir Government.

(d) Extracts from the consolidated register of Ladakh Tehsil giving a statement of annual dues and receipts from Minsar village from 1901 to 1937. (Photostat 31. A translation was attached).

Trade Routes and their Maintenance

The arrangements made by the Governments of India and Kashmir for the establishment and maintenance of trade routes across Aksai Chin, the provision of facilities such as rest houses and store houses for those using these routes and the regular use of these routes as of right by Indian trading parties-both official and unofficial constituted powerful evidence of Indian administrative jurisdiction in the 19th century upto the traditional boundary claimed by India. The very fact that there were never any disputes about the exercise of such jurisdiction and the use of these routes by Indians as of right showed that there could have been no difference 'of opinion in those times between the Ladakhis on the one hand and the authorities of Sinkiang and Tibet on the other as to where the boundary lay. If there had been any border disputes, those who used these routes would have been aware of them.

In 1866, on receipt of complaints that trade with Yarkand was suffering due to excessive duties levied by the Kashmir Government, the Government of India entered into negotiations with the Government of Kashmir for developing a new route from Chushul along the Pangong lake and across Lingzi Tang and Aksai Chin to Shahidulla, and creating other facilities. In May 1870, the two parties signed an agreement. Article 1 of this treaty stated:

"With the consent of the Maharaja, officers of the British Government will be appointed to survey the trade routes through the Maharaja's territories from the British frontier of Lahoul to the territories of the Ruler of Yarkhand, including the route via the Chang Chemoo Valley. The Maharaja will depute an officer of his Government to accompany the surveyors, and will render them all the assistance in his power. A map of the routes surveyed will be made an attested copy of which will be given to the Maharaja."

There could be no stronger evidence to show that these areas of Aksai Chin, Lingzi Tang and the Chang Chenmo valley, through which lay the Chang Chenmo-Shahidulla route, belonged to Kashmir.

The treaty also provided for the abolition of all dues on goods passing between British India and Chinese Turkestan and the appointment of Joint Commissioners by the Indian and Kashmir Governments for the purpose of carrying out the provisions of the treaty, supervising and maintaining the routes and settling disputes between travellers.

In substantiation of the above the Indian side presented the following photostats of official documents:

(a) Letter written by the Maharaja of Kashmir in 1868 proposing the survey and construction of the new route along the Chang Chenmo valley, Lingzi Tang and the Qara Qash Valley. The Maharaja also promised to get store houses constructed on the route. (Photostat 32).

(b) Statements by Syed Akbar Ali Shah, Wazir Wazarat of Ladakh, 1868 giving details of various routes and stages from Leh to Shahidulla. The latter place was mentioned as on the northern boundary of the State. Tables 1 and 2 gave the stages along the first and second summer routes to Shahidulla. The table commencing at the bottom of the second page gave the details of stages on the Chang Chenmo route. (Photostat 33).

(c) Letter written by Karam Singh, a local official, in 1869 reporting the repairs conducted on the route, the commencement of the construction of inns or rest houses at Gogra, Takhat, Tughu, Panglung, Lungkar and Chagra, and the postponement of such construction in certain other places. (Photostat 34).

(d) Text of the agreement signed by the Maharaja of Kashmir and the British Indian Government. (Photostat 35). This was a well-known document published in Aitchison's *Collection of Treaties, Engagements and Sanads*, Volume XI, 1909 edition, pages 272 to 274.

(e) A Parwana (order) addressed by the Government of Kashmir to the Wazir Wazarat dated 1870 conveying the sanction of Rs. 5,000 for the repair of the trade route and for the construction of a rest house. (Photostat 36).

(f) Extract of a report from Dr. Cayley, the Joint Commissioner appointed by the Indian Government, dated 20 October, 1870, stating that the route from Lukung to Gogra via Chang Chenmo was complete and in good order. He then discussed the relative merits of the Soda Plains (Aksai Chin) route and the other one lying westward along the upper Qara Qash valley. (Photostat 37).

(g) Cayley in January 1871 reported that Reynolds had gone from the Chang Chenmo valley across the Lingzi Tang plain to survey the roads. (Photostat 38).

(h) Another report, with an attached map, by Major Montgomerie, dated 1871 discussed the relative merits of the different routes including those through Aksai Chin and: the Qara Qash Valley. The report stated:

"Every endeavour has been made to improve the Chang Chenmo route, Serias having been built at some places and depots of grains established as far as Gogra at the head of the Changchenmo Valley, and the road generally has been put into fair order and is now said to be excellent."

(Photostat 39).

(i) Extracts from a letter from Johnson, the Governor of Ladakh, to the Prime Minister of Kashmir, recording the names of persons who were in charge of supplies on the route from Leh to Shahidulla. (Photostat 40).

(j) A report of June 1875, by Russell, Manager of the Central Asian Trading Company, stating that of the two routes to Shahidulla, his muleteers preferred the Chang Shenmo route, which lay along the Chang Chenmo Valley and the upper Qara Qash Valley. He confirmed the existence of

supply depots as far as Gogra and sought the establishment of similar depots along the upper Qara Qash Valley (Photostat 41).

(k) An extract from a report of the British Joint Commissioner in Ladakh, of July 1878 giving the details of imports and exports and the details of expenditure incurred by him for the maintenance of the route during the years 1870-1877. (Photostat 42).

Control of Hunting Expeditions

In their statement on the customary basis of the Indian alignment in the Western Sector the Indian side had already quoted from such authoritative works as Drew's *The Jummoo and Kashmir Territories (1875)* and the *Gazetteer of Kashmir and Ladakh (1890)* to show that the pastures upto the traditional alignment were being utilized: as of right by the subjects of Kashmir. Another reference which might be added was again from the *Gazetteer of Kashmir and Ladakh (page 570)* where it was stated with reference to the Lingzi Tang and Aksai Chin plains: -"The Burtsi or wild lavender (artemisia) is the only vegetation and that is not found abundantly. It is used bath for fuel and fodder." Considerable evidence was also brought forward to show that Indians had visited the frontier region right upto the border for purposes of hunting. They now quoted an official statute, The Jammu and Kashmir Game Preservation Act. Act No. XXXIV of 1938 (A.D. 1941). Notification No. 2 under the Act stated that Government declared certain areas as Game Sanctuaries, Game Reserves and Reserve Areas.

Under Game Reserves, Ladakh was mentioned and the particular areas under Ladakh mentioned included:

- "1. The tributaries of the Indus from Damchok to Koyul...
12. The Kharnak nullah.

13. The triangular area lying between Choosbal (Chushul) on, the north, the frontier on the east...

15. The Changchenmo area."

This public notification of the Kashmir Government established beyond doubt their administrative control as recently as 1941 of the Demchok, Spanggur, Pangong and Chang Chenmo areas.

Official Tours and Patrols

The areas right upto the traditional boundary in the north and east were also toured frequently by the officials of the Governments of Kashmir and India. In 1869 Drew, the Governor of Ladakh, travelled extensively in the Chang Chenmo valley, Lingzi Tang and Aksai Chin areas. He went to Changlung, Nischu, Burtsa Tang, Lingzi Tang, Lokhzung, Thaldat and Patsalung right upto Haji Langar. A detailed description of his official tours was published in his book in 1875. Drew's successor, Johnson, also toured extensively. Similarly the British Joint Commissioners, such as Cayley (1871) and Ney Elias (1874-84), who were stationed at Leh, toured most of the areas.

The exercise of jurisdiction in this area by the Governments of Kashmir and India had, indeed, continued right down to the present times. During the years 1911-1949, Indian officials survey parties and patrols constantly visited -these areas upto the traditional alignment. In recent years, reconnaissance parties also had been visiting this area. In 1951 an expedition went from Leh to Lingzi Tang and Aksai Chin. In 1952 an army reconnaissance party went upto Lanak La via Tanktse, Tsogtsalu, Hot Spring and the Kongka Pass. In August 1954 and August 1956, patrol parties repeated this tour to Lanak La. The national flag planted at Lanak La in 1954 was still found there in 1956. In September 1957 a reconnaissance party went upto the Qara Tagh pass via Tanktse, Tsogtsalu, Hot Spring,

Shamal Lungpa and Shinglung. In the summer of 1958, a patrol party went via Phobrang, Shamal Lungpa and Nischu to the Sarigh Jilganang and the Amtogor lake regions. The party planted the Indian flag at a point 80° 12' East, 35° 03' North. Another reconnaissance party went at the same time via Phobrang, Shamal Lungpa, Shinglung, Qizil Zilga and Palong Karpo to Haji Langar. A third party proceeded to the Qara Tagh pass via Phobrang, Shamal Lungpa, Shamzuling and Qizil Zilga. Other places near the Pan gong lake and in the Chang Chenmo valley were also under constant patrol until the recent unlawful Chinese occupation.

Official Explorations and Topographical Surveys .

The official reports and accounts prepared by explorers and surveyors sent by the Government of India to different parts of Ladakh at various times formed conclusive evidence showing that the jurisdiction of the Indian Government extended over these regions. The Government of India had cited on previous occasions the maps prepared by Captain Henry Strachey in 1851. Strachey visited the southern and eastern frontiers of Ladakh as Boundary Commissioner in 1847 and 1848. His map of Nari Khorsum including the Eastern most Parts of Ladakh with the contiguous districts of Monyul showed a boundary which was largely in consonance with the traditional Indian alignment. (Photostat 43). Strachey did not visit the northern Ladakh region and therefore his other map which dealt with this region, namely Map of Ladakh with the adjoining parts of Balti and Monyul, showed no details of the region lying north and north-east of the Shyok valley; nor did it show any boundary line. Walker's map of 1854, which was based almost entirely on Strachey's map, similarly showed no details of this north-eastern region.

The detailed survey of the frontier regions was commenced in 1862 by Johnson and Godwin Austen. Thereafter, a number of explorations and

survey parties were sent to the northern regions, and the depiction of details of topography as well as a scientific delineation of the boundary on maps only then became possible. The official report of the Great Trigonometrical Survey of India published in 1879, which gave a summary of the results of the survey operations during the preceding years, stated: "At the commencement of this season (1862) Capt. Montgomerie directed Mr. Johnson to carry a series of triangles from Leh to the Chinese frontiers; and accordingly about the end of May, the weather promising well, he started the Chang Chenmo series which was extended eastwards from the terminal side of the upper triangulations over a distance of about 100 miles" (Page XXXIII).

Further on it stated:

"Chang Chenmo valley is formed by an eastern tributary of the Shiok river at the head of which is a range of snowy mountains, that define the eastern boundary of the Maharaja's territory."

It was clear from these statements that at the time of 'the survey in 1862, the eastern boundary of Kashmir lay along the snowy mountains lying at the head of the Chang Chenmo valley-that is, across the Lanak Pass-and this area was scientifically surveyed by Indian officials.

About operations in 1863, the report stated (p. XXXVI):

"Captain Godwin-Austen took up the sketching of the very elevated and rugged tract of country that lies along the north of Pangong Lake district; though much hindered by cloudy weather he completed the topography of that very difficult piece of country upto and beyond the Maharaja's territory on the east; he sketched the most easterly portion of what is usually called the Pangong Lake..."

In 1862 Ryall explored the upper reaches of the Shyok river, and the next year the Lingzi Tang plains upto the Laktsung ridge. In 1864 Johnson again crossed the Lingzi Tang plains from the Chang Chenmo valley by the

Changlung Pass and produced a rough sketch of the district; and then he crossed to the head-waters of the Chip Chap and the Depsang plains, which also he sketched. The next year he repeated the journey to the Lingzi Tang plains, crossed western Aksal Chin and reached the Qara Qash.

In connection with these latter surveys the Indian side quoted from the official and authoritative reports of both Walker, who was the head of the Survey Department, and Johnson, who actually conducted the survey, to show that when this survey was carried out, the Kuen Lun and not the Karakoram was found to be the boundary.

These reports were of great significant for many reasons. As the Chinese side had already pointed out, great importance attached to official reports and maps; but this report by Walker confirmed that his earlier map of 1854 was based on inadequate information; and these reports. showed what the Indian side had already pointed out, that the opinion of Hayward quoted by the Chinese side had really no factual basis.

The general report of the Great Trigonometrical Survey of India in 1865-66 by Walker, published at Dehra Dun in 1866; stated on page 10:

"Mr. Johnson, Civil Assistant, was deputed with an Assistant Mr. Low, to complete the Geographical Survey of the portion of the Ladakh District, between the Pangong Lake and the Kiun Lun Range."

That the ruler of Khotan himself considered the Kuen Lun to be the boundary was evident from the following extract from the same page in the above report:

"From the summits of the Kiun Lun Range, Mr. Johnson was unable to see any of the towns of Khotan, but while endeavouring to carry on his explorations, he was invited by the Khan Badsha of Khotan to visit Ilchi, the capital of the Province. He had not obtained the permission of the Government of India to pass beyond the frontier of Ladakh. He was. therefore, obliged to act on his own responsibility for had he

waited for formal sanction, the brief season during which the difficult and dangerous mountain passes of the Kiun Lun are open to travellers would have closed before he could have received any instructions.

Urged by a spirit of adventure and a desire to collect valuable information of the terra incognita at whose borders he had arrived, he accepted the invitation and was escorted from the first encamping ground beyond the boundary into Ilchi, by the Khan's Wazeer."

Johnson's own report, dated 22nd April 1866 (Photostat 44) gave the details of the areas traversed and surveyed by him. In regard to the boundary he said (page 2):

"The bearer of my letter returned on the twentieth day after his departure, accompanied by a beg or Governor of a small province, and an interpreter. with a letter from the Khan pressing me earnestly to visit him, with promises to take every care of me while I continue into his territory and informing me that he had despatched his Wazeer, Saifulla Khoja to meet me at Brinjga, the first encampment beyond the Ladakh boundary for the purpose of escorting me thence to Ilchi."

Brinjga was a few miles south-east of Karangutagh and this proved that at that time the northern boundary lay along the Kuen Lun range.

That the boundary further west lay at Shahidulla was proved by the following statement of Johnson (.page 6):

"There was also a wish (on the part of the traders) that the several routes beyond the Karakoram should be made safe, by the Maharaja detaching guards of adequate strength to occupy the ground within his boundary, in the vicinity of the plain called "Khergiz jungle" on the Kugiar route, and at Shahidulla and Inagar on the Sanju route. The guard of 25 men which the Maharaja had at Shadulla last season

proved in sufficient for the protection of the Khafilas, as some of them were plundered by robbers."

Item 11 on page 10 of the statement giving Johnson's itinerary also referred to the postin gof the Maharaja's guards at Shahidulla.

That the entire Qara Qash valley was also a part of the territory of Kashmir was evident from the following further statement of Johnson, after surveying the area (page 9):

"The last portion of the route to Shadulla is particularly pleasant, being the whole way up the 'Karakash valley which is wide and even, and shut in on either side by rugged mountains. On this route I noticed numerous extensive plateaus near the river, covered with wood and long grass. These being within the territory of the Maharaja of Kashmir, could easily be brought under cultivation by Ladakees and others, if they could be induced and encouraged to do so by the Kashmeer Government. The establishment of villages and habitations on this river would be important in many points of view, but chiefly in keeping the route open from the attacks of the Khergiz robbers."

In their written statement .given on 22nd August, 1960, the Chinese side had quoted an article of Godwin Austen to show that the Kirghiz were in the habit of visiting Aksai Chin. The Indian side had promised to deal with this statement under Item 3. The statement quoted ab ove, of Johnson, a person who had a more intimate knowledge of Aksai Chin than Godwin Austen, showed in what role the Kirghiz people were visiting the Aksai Chin. area. The Ladakhis on the other hand were using these areas as of right. An official Mission which visited Yarkand in 1870 for negotiations regarding trade between British India and Yarkand travelled across the Lingzi Tang and Aksai Chin areas through Nischu, Luksung, Thaldat and Brangza and obtained general information regarding the condition of these routes. One member of this Mission, Dr. Cayley, took another route slightly westward,

from Gogra in the Chang Chenmo valley along Samal Lungpa, Samzungling, Surndo, Qizi Jilga and Qara Tagh Pass to Malikshah. The return journey of the main party of the Mission was also along this route. A more detailed survey of the Lingzi Tang area was conducted by a special survey party which accompanied the second trade mission to Yarkand in 1873. Capt. Trotter of the Great Trigonometrical Survey of India, who was in charge of this survey party, reported (Report of a Mission to Yarkand: in 1873, Calcutta--1875, page 283):

"It had been decided that the Mission should proceed to Shahidulla in two parties, the headquarters going by the old Karakorum route, whilst a detached party, consisting of Capt. Biddulph (in command), Dr. Stoliczka, and myself, was directed to proceed via Chang Chenmo by the route by which the former Mission returned from Yarkand in 1870."

Trotter wrote a detailed description of his survey from which the Indian side cited a few extracts (page 286):

"From Tankse we all proceeded to Gogra, whence the Pundit was detached to accompany Captain Biddulph, who went over "Cayley's Pass" and the Ling-zi-thung plains, considerably to the east of the road by which the former Mission returned from Yarkand in 1870, which road, however, he rejoined at Kizi Jilga, thence following the Karakash in all its bends down to Sahidulla. Captain Biddulph took numerous observations for height on his line of march, generally using one of the mercurial barometers for that purpose. The Pundit kept up a continuous route-survey the whole way and took frequent astronomical observations for latitude.

"Throughout the march I made astronomical observations with my theodolite which have been reduced (in duplicate) in the headquarters office of the Great Trigonometrical Survey since my return to India. They, together with my fixings by the plane-table, as well as my

astronomical work on the return journey, and the Pundit's own observations from the basis on which the whole of the Pundit's traverses have' been built up."

Regarding the position of the frontier Trotter wrote (page 285):

"As Shahidulla was the first point where we struck the Atalik's dominions and met his peoples, I briefly give the result of survey operations upto that point."

Similarly Forsyth's main report on the Mission stated (page 3):

"At Shahidulla we were met by Yuzbashi Mohamad Zareef Khan, a captain of the Amir's army, who had been deputed with some soldiers to await our arrival, and who gave us a hearty welcome. The Kirghiz who had met us at Shahidulla, their farthest point, rendered great assistance in roughing the ice with pick axes, laying down felts and dragging the animals up."

Further on (page 37) the Report stated:

"The limits of the State (Yarkand) are along the southern frontier, Sanju to Shahidulla, Kilyan to Yangi Dawan, Kokyar to Culanuldi and Cosharab to the Muztagh to Kunjut."

This showed what the Indian side had already 'stated under Item 2, that at that time in the 19th century, Sinkiang had not yet reached the traditional northern alignment of Kashmir.

In 1871 Capt. Basevi set up a pendulum station near the Lanak pass. (Markham: Memoir on the Indian Surveys, 1878, page 141). In 1903 a detailed survey of the northern Aksai Chin area was conducted by a regular survey party attached to the explorer, Sir Aurel Stein, of the Indian Education Department. In 1913-14, the Depsang plains which had already been surveyed in a preliminary manner between 1861 and 1865, were surveyed in greater details by an official survey party attached to De

Filippi's expedition to the Karakoram area. The report of this survey was published in 1922.

This account of the surveys carried out by the Government of India since 1862 showed, apart from providing conclusive evidence of their administrative authority over these areas upto the traditional alignment, that the Survey of India could publish scientific maps after that date only.

Geological Surveys

Apart from topographical surveys periodical geological surveys were also conducted throughout the Ladakhi territory right upto the traditional northern and eastern borders. Drew, who was Governor of Ladakh until 1870, toured extensively in the Lingzithang and Aksai Chin areas and collected detailed information regarding their geological structure. Dr. F. Stoliczka of the Geological Survey of India, who was deputed to survey this area along with the Yarkand Mission of 1873, reported in 1875:

"The following brief notes on the general geological structure of the hill ranges alluded to, are based upon observations made by myself on a tour from Leh via Chang Chenmo, the high plains of Lingzithang, Karatagh, Aktagh to Shahidulla." Report of a Mission to Yarkund (page 509).

After describing the geological structure of these areas upto Shahidulla, he stated:

"Thus we have the whole system of mountain ranges between the Indus and the borders of Turkistan bounded on the north and south by Syentic rocks including between them the Silurian, Carboniferous, and Triassic formations."

It was clear once again that the Kuen Lun mountains on either side of Shahidulla were considered as the boundary at that time.

The most extensive of these surveys, however, was that conducted by Richard Lydekker during the years 1875 to 1882. He covered the upper reaches of the Shyok (Ship Chap) river, the Spanggur area, western Chang Chenmo and Lingzi Tang. The report of this survey was published in 1883. A full account of an these surveys has been -published in Memoirs of the Geological Survey of India, Vol. XXII (Calcutta 1883)

Maps

The progress of scientific exploration and survey work was reflected in the maps prepared by official cartographers at various times. The maps prepared by the British cartographers before 1846, when the Indian State of Kashmir came under British control, quite often did not show Kashmir at all, or when they did, showed it in correctly. The Chinese side submitted at the 17th meeting a map of 1825 prepared by a geographer of the East India Company and said that the Kashmir boundary had been shown only upto Long. 77° E. Later, at the 22nd meeting, a map of 1840 prepared by James Wyld was brought forward. Obviously these two maps were prepared at a time when British cartographers had little or no knowledge of Kashmir which was not under the control of the British Government. Rivers were shown wrongly, and no details were given about northern Kashmir. The same holds true of Walker's map of 1846. There were in fact no official Indian maps prior to the sixties of the 19th century showing geographical features in the Aksai Chin region, for it had not till then been visited by explorers and surveyors. Thereafter, however, official maps of the Survey of India began to show well-marked natural features and watersheds, and the correct traditional alignment. Walker himself published in 1866 a Map of part of Central Asia and in 1868 a map of Turkestan, with the adjoining portions of the British and Russian territories, which showed the northern boundary of Kashmir. along the Kuen Lun ranges, upto a point east of 80°

Longitude (Photostats 45 and 46). This second map was in four large sheets, so the Indian side provided only a part of it.

The Chinese side also brought forward at the 22nd meeting maps of 1862 and 1864 and said that the northern boundary of Kashmir had been marked along the Karakoram mountains. These maps were published by Keith Johnston, a private British firm. The first one was only lithographed by the Survey of India for purposes of record, and could not be said to represent the views of the Government of India. Clearly Johnston had not yet become cognizant of the latest surveys. But in the 1882 edition Johnston's Atlas showed what was more or less the traditional Indian alignment, and his Atlas of 1894, showing the alignment running along the Kuen Lun range to a point east of 80° Longitude, received official approval with an introduction by Sir William Hunter, Editor of the Imperial Gazetteer.

At the 17th meeting the Chinese side brought forward official Indian maps of 1865, 1903, 1917, 1929 and 1938 and said that the boundary in the western sector had not been shown. It was true that the boundary had not been shown but this did not in any way contradict the Indian position, which had been established with a vast amount of evidence, that a traditional and customary boundary existed and that it was well known. Even the Chinese side did not contend this there was no traditional and customary alignment at all, or that as late as 1938 a country like India had no international boundaries. On the 1929 map, the word Kashmir was written across the Aksai Chin and Lingzi Tang areas. These maps were obviously meant for internal circulation and showed the internal divisions at the time. In such maps the Survey of India did not always show the external limits. The 1936 map of the High Lands of Tibet and Surrounding Regions showed no boundary alignment because it was a map intended to show only physical relief. Subsequent editions of this map, of very recent times, had also shown no boundary alignments. This was a generally accepted

cartographic practice. There were for example, a number of Chinese maps which did not show all the regions of China within China's external frontiers. As for the map of 1889 which the Chinese side said showed an alignment in the north different from one claimed, it represented the position then existing and supported the Indian side's contention that the southern boundary of Sinkiang then lay north of the Kuen Lun ranges and that the Chinese came up to the Karakoram Pass only after 1892. The boundary of Sinkiang then lay north of the Kuen Lun ranges and that eastern boundary of Ladakh with Tibet, however, was shown as a firm line to include Aksai Chin, Lingzi Tang and the Chang Chenmo valley, and reached the Kuen Lun east of 80° East.

The map of India and Adjacent Countries of 1945, and India Showing Political Divisions of 1950 carried the legend Frontier Undefined but it had been explained in the Government of India's note of 12 February 1960 that this only indicated that the boundary had not been demarcated on the ground, or defined in detail from point to point. That there was no doubt about the limits of Indian territory was clear from the fact that both these maps carried a colour wash right up to the traditional boundary. Similarly, the map of India and Adjacent Countries of 1952 showed the colour wash up to the traditional boundary.

Thus except for the very early maps prepared before 1865, official maps had almost invariably shown either a boundary line or a colour wash up to the traditional limits.. Strachey's map of 1851, which the Indian side had already dealt with, showed the traditional boundary in the regions explored by Strachey. One of the first maps drawn after the Kashmir surveys of 1861 to 1865, the Map illustrating the routes taken by Johnson (Photostat 47), clearly showed a boundary along the Kuen Lun range and included the Aksai Chin area in India. So, too, did Walker's maps of 1866 and 1868, to which the Indian side had already referred. The map of Eastern Turkestan

(Photostat 48) attached to the official report of the Yarkand Trade Mission of 1873 showed a similar alignment in this sector. The maps attached to almost all the official publications of the Government of India, such as the Imperial Gazetteer of India, (1886 and 1907 editions) and the Gazetteer of Kashmir and Ladakh published in 1890, showed the traditional alignment. The map accompanying the Surveyor-Generals Report for 1905-1906 also showed the traditional boundary alignment (Photostat 49)..

But it was not only official Indian maps published after the area was known that showed the correct traditional boundary alignment; official Chinese maps also did the same. For example, the map of Hung Ta-chen, formerly Chinese Minister to the Court of St. Petersburg, drew a map which showed Aksai Chin and Lingzi Tang in India (Photostat 50). The several editions of the Postal Atlas of China, from 1917 to 1933, showed the boundary correctly along the traditional alignment. The Indian side supplied a photostat of the map in the 1917 edition (Photostat 51). These maps were issued officially by the Directorate General of Posts of the Government of China and were direct evidence committing the Chinese Government on such an important matter as the boundary alignment. At no time did the Chinese Government lose their sovereign authority; and had they any objection to these maps, they would certainly have repudiated them. In their note given on 22 August 1960 the Chinese side referred to 'two recent maps-one of 1918 printed by the Cartographic Bureau of the Chinese General Staff and another compiled in 1943 and printed in 1948 by the Bureau of Survey of the Chinese Ministry of National Defence. These maps were maps of a military organization which had never been published. Secret maps are no evidence of boundary alignments. It was, in fact, only since the 20th century that official Chinese maps began to vary the traditional boundary alignment and to how large parts of Indian territory within China. But that the Chinese Government had no fixed ideas

as to what territory they clarified or where they thought their boundary line should lie was clear from the variations and inconsistencies in these maps. In December 1947 for example, the Map of the Administrative Areas of the Chinese' Republic, issued by the Chinese Ministry of the Interior showed a boundary alignment between the Qara Qash and the Shyok, included a part of the Chang Chenmo valley in India, cut across the middle of Pangong Lake, and showed the entire Spanggur area within India (Photostat 55) and the Wall Map of the people's Republic of China showed the whole Chang Chenmo valley, the western half of Pangong lake and the Spanggur area within India (Photostat 53). In 1951 the New Map of Tibet, published by the Ta Chung Society, showed an alignment cutting across the Shyok valley and including a part of the western Pangong lake and the Spanggur lake in Tibet (Photostat 54). However, the Big Map of the People's Republic of China published by the Ya Kuang Map Publishing Society in November 1953 (Photostat 55) and the Wall Map of the People's Republic of China published by the Map Publishing Society in January 1956 (Photostat 56) reverted to the alignment shown in the 1947 map, and followed the Qara Qash-Shyok dividing line, bisected, the Pangong Lake and -included the whole Spanggur area in India.

With such a bewildering variety of alignments shown by official Chinese maps published in the course of a decade, it was not surprising that one could not be certain as to what was the alignment claimed by China, let alone be convinced that it had a traditional and 'customary basis over a period of centuries. In his letter of 16 November, 1959, Prime Minister Nehru wrote to Premier Chou En-lai: "The Government of India should withdraw all personnel to the west of the line which the Chinese Government have shown as the international boundary in their 1956 maps, which, so far as we are aware, are their latest maps." Premier Chou En-lai replied on 17 December 1959: "As a matter of fact, the Chinese map

published in 1956, to which Your Excellency referred, correctly shows the traditional 'boundary between the two countries in this sector.'" But the map given to the Indian side by the Chinese side under Item One differed considerably from the map of 1956 which Premier Chou En-lai had 'declared to be correct. For instance, the map given to the Indian side showed the alignment from the Karakoram Pass to the Chang Chenmo valley to the west of the alignment shown in the 1956 map; and it cut Pangong lake to the west of where it was cut in the 1956 map. There was a divergence, therefore, not merely among Chinese official maps but between the alignment confirmed by Premier Chou En-lai last year and that claimed by the Chinese side this year at these meetings.

COMMENTS ON THE WESTERN SECTOR UNDER ITEM 3

The Indian side had produced a large amount of representative evidence establishing the administrative control exercised for centuries by the Governments 'of Ladakh, Kashmir and India over all the areas right upto the traditional and customary alignment in the Western Sector, the Chinese side did not really come to grips with this conclusive evidence proving the exercise of continuous and comprehensive administration. On the other hand, the Chinese side were unable to show that they had at any time administered the areas now claimed by them or that they had even been there prior to the recent unlawful occupation. They could not establish that Sinkiang had extended south of the Kuen Lun mountains, and they produced no evidence of any Tibetan administration of these areas. Not a single administrative record was produced by the Chinese side to support their claim to have administered these areas for centuries. In short while the Indian evidence remained unshaken, the Chinese case was shown to be based solely on unsubstantiated assertions.

At the outset, the Indian side showed that Indian administrative control had also extended upto the alignment west of the Karakoram Pass. The Mir of Hunza had for centuries exercised sovereign jurisdiction and administrative control over the areas south of the Mustagh and Aghil ranges. Official Indian maps had been showing the alignment along these ranges; and official Chinese maps such as that of Hung Ta-chen and the Postal Atlases of China of 1917, 1919 and 1933, had also confirmed it.

The Chinese side asserted that the bulk of the Indian evidence from administrative records concerned only small areas like Demchok and Minsar and that even if this evidence were conclusive it could not support the Indian "claim" to the whole vast area upto the traditional Indian alignment, The Indian side repudiated the suggestion that they were putting forward

any "claim" to territory. These areas had always been a part of India, and it was China who was now claiming them. The Indian side had brought forward evidence of administration to cover the whole area. The attention of the Chinese side was drawn to the Revenue and Assessment Reports of 1903 which covered the whole area, the evidence regarding revenue, collection at Khurnak, and all the other types of administrative evidence which had been brought forward for the rest of the areas. If emphasis had been laid on evidence regarding certain localities, it was because they were border areas. When, for instance, conclusive evidence had been adduced about the alignment at Lanak La and about the control of routes in certain areas, it became unnecessary to deal with the areas lying west of them. The Chinese side, on the other hand, brought forward no evidence of substance regarding any of the areas along the alignment claimed by them. For instance, no evidence at all had been brought forward to support the Chinese claim that the alignment lay along Kongka Pass.

The Chinese side contended that the Indian statement that Aksai Chin, Lingzi Tang and the Chang Chenmo valley were part of the Tanktse ilaqa had not been supported by the evidence produced, and that a small unit like the Tanktse ilaga could not have controlled such vast areas. The Indian side replied that published revenue reports, which had been cited by the Indian side, made it clear that these areas were part of this ilaqa. A photostat of the map of Ladakh Tehsil attached to the Settlement Report of 1908 was also supplied to the Chinese side. This map clearly marked these areas as part of Ladakh Tehsil. It was also pointed out that the extent of an ilaga depended not on the size of the area as on the population and the amount of revenue to be collected. Moreover, these areas were not further from Tanktse than they were from Shahidulla to which district the Chinese side claimed that these areas belonged.

Regarding the evidence submitted by the Indian side showing the existence of police check-posts in the Aksai Chin area as far back as in 1865, the Chinese side argued that in the 1908 edition of the Imperial Gazetteer of India it had been stated that Ladakh had no police and only a small police post where people stayed temporarily. It was pointed out by the Indian side that whatever the position in 1908, it could not affect the validity of contemporary evidence of a date over forty years earlier. Rather, it showed flux and change which were normal in any active administration. However, the Indian side welcomed the fact that the Chinese side considered the Imperial Gazetteer as authoritative because the same Gazetteer had stated elsewhere that Ladakh had become independent of Tibet long before the 19th century. The Chinese side then explained that they had only stated that the Indian side considered the Imperial Gazetteer as authoritative, and not that they themselves did so. The Chinese side were surprised at this acceptance of the Gazetteer as an authoritative work by the Indian side, because the latter had rejected, during the discussion on the Eastern Sector under Item 2, the statement in the Gazetteer about the early history of Assam. The Indian side said that the Gazetteer was authoritative regarding the state of administration and the knowledge of history and geography at the time of its publication. What was said in the Gazetteer to be the position in 1908 was obviously not a description of the position in either 1960 or 1865. As the Gazetteer was the sole basis on which the Indian evidence regarding the existence of police check-posts near the northern alignment in 1865 had been challenged, that evidence should be regarded as established.

From a statement made by Johnson to the effect that a pass in the Kuen Lun had only recently been discovered by the Khotan authorities, the Chinese side sought to infer that no check-post could have been maintained by the Indian authorities in the Aksai Chin area at that time. Relevant

passages from Johnson's account (of which a photostat copy had already been supplied) were read out by the Indian side to show that what he had in fact stated was that the Khotan authorities were not aware of the existence of the pass. Johnson had stated explicitly that the Maharaja of Kashmir had sent strong guards to protect the areas right upto the boundary alignment.

For their part, the Chinese side brought forward no evidence of having administered these areas. There was no evidence at all, such as had been brought forward by the Indian side, of tax collections revenue assessments, maintenance of law and order and construction of public works, all of which establish the existence of a normal regular administration. In the circumstances, unsubstantiated claims to have collected taxes and utilized the services of shepherds in the Aksai Chin area could not be accepted, especially as this area was thinly populated and only visited by shepherds occasionally. Mere assertions that Sinkiang had been made a formal part of the Ching Empire in 1759 and a Chinese province in 1883 were of no relevance in proving that the area south of the Kuen Lun mountains was ever a part of Sinkiang. Under Item 2, the Indian side had already established that Sinkiang had never extended south of the Kuen Lun in the past. The statement of the Chinese side that during the twenties of this century the Chinese Government had taken steps to strengthen the border defences of Sinkiang was also not pertinent, for the traditional border was the present Indian alignment.

The only documents that the Chinese side had cited and which were said to refer to the Aksai Chin and Lingzi Tang areas were a petition of the Governor of Sinkiang in 1927 and the order passed the next year by the Chinese Government in that connection. The petition of the Governor was only an effort to secure the establishment of an office at Shahidulla by referring to the strategic importance of the roads and areas around

Shahidulla. The Governor neither stated nor implied that these areas and roads were a part of Shahidulla district, much less of Khotan division or of Sinkiang Province. The Chinese side could not sustain their Interpretation that the reference of the Chang-chi-li-man Tapan lying to the east of Shahidulla applied to the Aksai Chin area upto the Kongka Pass. There was nothing in the text to show that Chang-chi-li-man Tapan was the same as Kongka Pass, which in fact lay to the south and not to the east of Shahidulla. Chang-chi-li-man appeared to be a reference to the Khangili mountains lying to the east of Shahidulla. The Chinese side later contended that Chang-chi-li-man was a reference to Changlung Barma and that the customary practice in China was to describe the eastern, southern, western and northern limits of an area. But even according to this practice the southern limit of Sinkiang would be Karakoram pass, while Changlung Barma would be not east, but about 5 degrees east of south, that is, very close to the south and nowhere near the east. The description of the eastern limits of Shahidulla by a well-known natural feature lying east supported the identification of Chang-chi-li-man with the Khangli mountains. Moreover, no description had been given in the document of the hundreds of square miles of territory lying between Shahidulla and the Kongka Pass, and there was no reference even to a single place in these areas. Such a general statement that an area east of Shahidulla belonged to Khotan was no proof of the administrative control over a vast area south of it.

The Chinese side stated later that this claim that Shahidulla district comprised the Aksai Chin area was confirmed by the Hsin chian g tu chih. But the Indian side pointed out that this work made. It clear, in chapter 4, on page 14, that the southern boundary of Sinkiang lay along the Kuen Lun range. However, even if the Chinese interpretation were accepted, all that this document of 1927 would have proved was that the new district would

extend up to the Changlung Barma pass which was not near the alignment claimed by China.

Further, the document stated, not that the Shahidulla division extended upto that pass, but that it should extend upto it-a statement of intention and not a proof of fact. So even according to the Chinese Interpretation, this area had not been included in Shahidulla division till 1928, and in that year it was planned to include a part of this area in Shahidulla division. No proof was brought forward in the form of later evidence to show that this intention had been carried out. And it was not p.ven intended to include the areas south of Changlung Barma pass.

In fact, as the Indian side pointed out, far from any part of this area having ever been under the administration of Khotan, in 1865 China had lost control of Sinkiang itself; and even after reconquering it in 1878 she did not come south of the Kilian and Sanju passes. Even as late as 1889 Chinese administration had not reached the Kuen Lun mountains, and the Chinese authorities disowned responsibility for the administration of Shahidulla itself. The Indian side provided photostat copies of various documents to substantiate this. In 1889 Satiwaldi, a Kirghiz resident of Shahidulla, had approached the Ambans of Karghalik and Yarkand for protection against raiders, and was told that the incident had happened outside their territory. Haji Mohammed, a trader from Yarkand, had stated in 1889 that when a British Officer asked the Amban of Yarkand whether he would arrange to protect the Kirghiz at Shahidulla, the Amban had replied that he did not care to do so. Usman, a resident of Shahidulla, reported the same year that Kashmiri troops and a British Officer had arrived and erected a fort at Shahidulla. Lt. H. Bower, of the Indian army, in the Report of a Journey in Chinese Turkistan in 1889-1890 wrote that Toordikul, the Aksakai (headman) of the Shahidulla Kirghiz, had complained to him that when he appealed to the Chinese for protection against raiders, the Chinese told him

that if he wanted protection he must live inside the line of custom-houses; and as the nearest custom-house was at Kilian, it was absurd to think that he could go there.

The evidence of these various private individuals, who had nothing to do with each other, provided the best possible proof that Chinese administration had not till 1889 reached this area. It was only a year later that the Chinese advanced southwards, pulled down the Shahidulla fort and built another fort close to the Suket pass, 8 miles south of Shahidulla. In 1892, Lord Dunmore, a traveller in the area, saw a notice-board there stating that "anyone crossing the Chinese boundary without reporting himself at this fort will be imprisoned." That year, however, the Chinese came further south. Two documents from the Kashmir Government records (of which photostat copies were supplied by the Indian side) showed that in 1892, the Amban of Suket had established a pillar 64 miles south of Suket and that Raja Amar Singh of Kashmir had reported it to the British. In other words, not only had the Aksai Chin area never been under Chinese control, but it was only towards the end of the 19th century that Chinese authority reached up even to the traditional northern alignment of Kashmir.

The Chinese side stated that references to revolts and to the nature of administration prevailing within their territory was not relevant to the discussion. The Indian side answered that it was relevant, for if China had not administered the southern areas of Sinkiang up to the 20th century, she could not possibly have had check-posts in the areas south of the Kuen Lun mountains for the last 200 years, as claimed by the Chinese Government in the earlier correspondence. Thereafter the Chinese side made no effort to challenge this evidence. They merely stated that Chinese lack of control was to be explained by the fact that British "Imperialism" was seeking to push up to this area, contended that inability to exercise administration was no proof of lack of sovereignty, and referred to

Hyderabad. The Indian side pointed out that they were merely concerned at this stage to establish that, whatever the reasons, Chinese administration had not prevailed even in southern Sinkiang towards the end of the 19th century. The reference to Hyderabad had no relevance at all. Hyderabad had always been a part of Indian territory and its administration had always been in Indian hands.

The Chinese side also asserted that official Chinese survey and map-making teams had visited these areas; but this was not substantiated by evidence. The document cited by the Chinese side only stated that surveys were to be carried out on the south-western and north-western borders of Sinkiang, that is, in the Sarikol and Hindukush areas on the Sino-Russian and Sino-Afghan borders. This obviously had no bearing on the Sino-Indian boundary. The Chinese suggestion that the Aksai Chin area was part of south-western Sinkiang conflicted with their own earlier claim that it was to the east of Shahidulla. In fact, it was neither south-west nor east but due south of Sinkiang. That the areas surveyed were the Pamir areas well to the west of Kashmir was made clear by the map prepared after the surveys by Hai Ying, the officer deputed for this purpose. . The Indian side supplied a photostat copy of Hai Ying's map to the Chinese side.

Another document, stated to contain a description of the areas surveyed by Li Yuan Ping, was in fact an ill-informed account of a traveller. As the earlier document showed, no survey of the areas near the boundary of Kashmir had been authorised, and Li Yuan Ping seems to have intruded into Haji Langar, just across the alignment. In fact nowhere in this document did Li Yuan Ping state that Haji Langar was in Sinkiang territory. Besides, that he could not have carried out a scientific, let alone an official, survey was obvious from the fact that Chinese authority had only reached the Kuen Lun mountains in 1892; it was over 30 years later, as the Chinese side had themselves shown, that the Sinkiang authorities were even planning the

establishment of an administrative centre at Shahidulla; and there was evidence to show that the whole of southern Sinkiang had been void of communications and any form of regular administration right down almost to our own times. On the other hand, the whole area had been by 1892 systematically surveyed by Indian officials, and trade routes were being maintained.

The next document provided by the Chinese side dealt only with surveys carried out in 1940 on the Sino-Russian border. This was stated explicitly in the document itself. Further proof that the survey was near the Russian border and not anywhere near the Indian alignment was provided by the fact that the list of places attached to the document mentioned no places in the area in the Western Sector; and only the Russian Government, and not the Indian Government, with whom the Chinese Government had during these years the friendliest relations, were informed of these survey operations.

The Chinese side asserted that on the basis of this survey of 1940 detailed maps on the scale of 1: 2,00,000 had been prepared. The Indian side replied that no such maps had ever been published in China or produced at these meetings. Under Item 1, the Chinese had even disclaimed detailed knowledge of the area; for example, exact information regarding the alignment near the Karakoram Pass had not been given. The Indian side could not believe that such information had been deliberately withheld. Moreover, considering the strength of the team employed for the 1940 survey, as stated in the document—one man and seven soldiers - it seemed physically impracticable to survey in such detail in one year a vast area of about 30,000 square kilometres. The Chinese side thereupon produced a photostat of a map said to have been the result of this survey. This map, however, appeared on the face of it to be an enlargement of a small-scale map, and did not contain even that amount of information given in maps published by

1940 or available to the Chinese Government at that time. The Indian side pointed out that the next year, in 1941, a Chinese survey party had come to Kashmir, but it was with the permission of the Indian Government, who gave the Chinese party facilities to examine the Gilgit route. The leader of the Chinese party had thanked the Government of India for their co-operation. The Indian side provided photostat copies of three documents pertaining to this survey which showed that this area belonged to Kashmir and to India.

The detailed evidence brought forward by the Indian side under such heads as Control of Routes, Tour Diaries, Official Inspections and Topographical and Geological Surveys, were characterised by the Chinese side merely as activities conducted by the British imperialists at a time when China had lost control of Sinkiang. The Indian side pointed out that general discussions about British imperialism, or Chinese imperialism, about the manner in which China had lost control of Sinkiang and had later regained it, were irrelevant to the issue. Even a Chinese patriot and hero like Dr. Sun Yat-sen had condemned Chinese imperialism of the past; and standard historical works of People's China adopted the same line. What was required to substantiate Chinese charges of British imperialism in this context was to show that these territories had traditionally been a part of China, and that certain British individuals had deliberately altered the traditional alignment because of imperialist ambitions. Every item of evidence should be considered on its merits, and not set aside on the basis of general allegations. The Chinese side themselves had agreed that not every Englishman was an imperialist, and they had quoted many accounts written by Englishmen.

The Chinese side quoted a recent article published in 1958 in a journal in China, which alleged that Forsyth, who had been sent by the British to Yarkand on a trade mission, wanted to make Sinkiang independent. The

Indian side pointed out that quotations from recent articles could not be regarded as proof of any weight; and even the statement was incorrect. The Forsyth Mission had been an open one, and not despatched in secrecy and the Chinese Government of that time had taken no objection to it. The Indian side were no defenders of British imperialism; but there was sufficient evidence to show that in the 19th century the British Government had been anxious that Chinese authority should rapidly push southwards, right upto the traditional boundaries of Ladakh and Kashmir. What caused concern to the British was the possibility that the then Tsarist Government might move into this no-man's land north of the Kuen Lun mountains. Further, even if Britain had followed an imperialist policy in Sinkiang during the years 1866 to 1878, it could not vitiate the Indian evidence of the years before and after that period.

The Chinese side alleged that all the surveys were the results of British imperialism, and specifically cited the case of Johnson. The Indian side again stated that the Chinese side had brought forward no evidence that would even suggest that these exploration and survey activities conducted right upto the traditional alignment constituted anything other than conclusive evidence of legitimate administrative control. As for Johnson, it was true that he had crossed the Kuen Lun Mountains, along which, as he himself stated, lay the traditional alignment, and entered Khotani but it was significant that he had gone into Khotan at the invitation of the ruler of Khotan and it was the Indian Government that had taken objection to his conducted had recalled and punished him. And Johnson's activities had been referred to by the Indian side as evidence of surveys upto the alignment. They had not claimed the area beyond it on the basis of his visit. The Chinese side asserted that the Indian evidence regarding the maintenance and repair of trade routes, construction of rest-houses and control of traffic referred mainly to the areas west of the Chinese

alignment. The Indian side drew attention to the fact that detailed information had already been supplied regarding the courses of- these routes and the location of stages and rest-houses on them, which left no doubt that they lay well to the east of where the Chinese alignment was now being shown. Under Item 2 it had been proved that of the two main caravan routes in this area, the eastern Chang Chenmo route lay along Nischu, Lingzi Tang, Laktsung, Thaldat, Haji Langar and along the central Qara Qash valley to Shahidulla. Such evidence as that of the 1870 Treaty and other documents also dealt specifically with areas now being claimed by the Chinese Government. The attention of the Chinese side was particularly drawn to Photostats 34, 37 and 39 provided by the Indian side. The Chinese side brought forward no such evidence of trade routes and construction of rest-houses. This was not surprising, for the numerous Indian parties in this area never, at any time, came across evidence of Chinese presence. Photostats 3 and 4 given by the Chinese side merely referred to a route from the Polu area to Ladakh but provided no evidence about the ownership of the territory lying in between, or the exact alignment of the boundary. The mere existence of a Polu-Ladakh route could not establish any conclusions about the ownership of either. It was as if one argued that because there was a Hindustan-Tibet road, Tibet belonged to Hindustan or vice versa. In fact, the Chinese side themselves mentioned that the route lay from Polu to Rudok. This route obviously lay in Chinese territory east of the Indian alignment, and was proof of their ownership of that territory, just as the control of the eastern Chang Chenmo route was substantial proof that west Aksai Chin, Lingzi 'fang and the Chang Chenmo valley belonged to India.

The Chinese side then alleged that the tours of Indian officials and patrol parties during the years 1911 to 1949 were instances of trespass. The Indian side pointed out that there was an enormous amount of conclusive

evidence to show that the administration of the Governments of Kashmir and India had throughout these years extended to these areas, and that these tours and patrols were part of legitimate Indian state activity. None of these Indian parties ever came across Chinese personnel in this area till 1958 in the northern area, and till June 1959 in the Chang Chenmo valley. Of continuous Governmental activity in this area, the Indian side cited two significant instances. The Game Preservation Act of 1941 empowered the Kashmir Government to regulate hunting expeditions specifically, among other places, in Khurnak, Demchok and the whole Chang Chenmo valley. The Chinese side were incorrect in stating that apart from Khurnak all other places referred to in this Act lay west of the alignment now claimed by them. The Indian side also gave the Chinese side a photostat of a document of as late a date as 1950 which showed that the Kashmir Government had been making arrangements for the collection of salt brine from the Amtogor lake. Nothing constituted more telling evidence of administrative jurisdiction than such a document dealing with so trifling an activity as sampling of salt collected in these areas near the Indian alignment. As evidence of having guarded the mountains and patrolled the borders the Chinese side cited the case of Desay, who had been prohibited from travelling by the Palu route. However, Desay had wanted to travel south from Khotan to Ladakh. The term Aksai Chin, or Soda Plains, was sometimes applied to the areas both west and east of the Indian alignment in this Sector, for on both sides the same type of soil was to be found. Deasy planned to travel along the Keria-Polu road and enter what might be called eastern Aksai Chin, that is, the Chinese territory lying east of the traditional Indian alignment. This was clear both from Deasy's account in the Geographical Journal cited by the Chinese side and from the map that was published in volume 16 of the same Journal (July to December 1900) to illustrate Deasy's travels. The Indian side supplied a photostat copy of

this map. On this map the term Aksai Chin was clearly written across the territory east of 80 East Longitude. Deasy himself knew clearly and reported correctly where the Indian boundary lay in this sector, and the Indian side had cited his account under Item 2.

The Chinese side also claimed that similar patrolling had been carried out by the Tibetan authorities, but of this too no evidence was provided. An order of the Kashag that foreigners should not be allowed into Tibet, which had been cited by the Chinese side, was no proof of any boundary alignment. Reference was also made to a statement of Wellby. But Wellby only said that a strong guard was maintained by the Rudok authorities at a point between the two Pangong lakes; and this corroborated the Indian traditional alignment, and not the Chinese alignment which lay further west. Wellby had also stated explicitly, and written clearly on a sketchmap, that Niallzu was regarded by both sides as on the boundary between Ladakh and Tibet; and this evidence had been brought forward by the Indian side under Item 2.

The Indian side also pointed out that the arrest of 11 Ladakhis in 1941, mentioned by the Chinese side, had occurred in an area east of the Indian alignment. The Chinese side then stated that they were arrested near the Aksai Lake. The Indian side replied that there was no lake called the Aksai Lake, but many lakes in Aksai Chin both east and west of the boundary, and the Ladakhis had been arrested in the area east of the alignment. As for the alleged utilisation of this area by the Government of the People's Republic of China in 1950 and after, the viewpoint of India had already been stated in the earlier correspondence. Unlawful incursions could not create title to territory. The Chinese Government had for long complained that foreign Powers had been intruding into their territory and air space; was one to assume that the Chinese Government acknowledged that these intrusions gave these foreign Powers valid rights to Chinese territory? The

Indian side added that they were most' surprised at the statement of the Chinese side that in 1954 and 1955 military investigations had been conducted in an area which was and had always been part of India.

In the Pangong and the Demchok areas, the Chinese side brought forward no evidence 'Of administration at all. In the Pangong area, the only material cited by them was a reference to Khurnak in Pandit Kishen Singh's tour diary published in the Records of the Survey of India Volume 8, Part 1, page 158. The Indian side read out the relevant extract and showed that there was nothing in it to support the Chinese claim that it was Tibetan territory. Kishen Singh wrote: "Camp on south side of the Pangong. Road crosses the lake by a shallow ford near encampment. About 2 or 3 miles north-west is ruined fort of Khurnak. Water, fuel and grass plentiful."

As regards Demchok, the solitary reference cited by the Chinese was to the collection of produce by a Garpon from a garden. This was no evidence of administration and could not counter to any extent the solid and detailed evidence of administration produced by the Indian side. At most the Tibetan document proved ownership of a private estate in Demchok, but not sovereign or administrative control over the whole area. A shika was a private estate and not a public domain. Besides, the Chinese side had agreed that the boundary in this area lay at Lari Karpo, which was near the Indian alignment and very far from the alignment claimed till then by the Chinese side. It was argued by them that Lari Karpo was not the Lari stream near Demchok, but a natural feature near 33° latitude. However, the Chinese side could neither identify this feature nor provide its co-ordinates.

Regarding the Indian evidence about Demchok, the Chinese side stated that the bulk of evidence was in the form 'Of administrative records dealing with land. It was pointed out that there could be no better evidence of

sovereign administration than land management and collection of land revenue.

The Chinese side alleged that there were some inconsistencies, in the evidence produced by the Indian side. It was argued that the settlement records of 1908 had stated that although there was no permanent habitation in Demchok people enjoyed pasture rights there: and the Census Report of 1921 had stated that there were four people living at that time in Demchok. The Indian side answered that the two documents in question :referred to two different dates with a fairly long period intervening between them. The documents bore witness to the changes which had occurred during the years 1908 to 1921. Further, the fact that there was no permanent habitation did not mean that there was no land being cultivated there by people visiting it during the appropriate seasons. Nomadic cultivation was too well-known a phenomenon to require elaboration. Similarly, the reference in the Census of 1921 to four people living in the area need not necessarily mean that there was permanent habitation there. It only showed that in that particular season, when the census was taken, there were people living there. There was", therefore, no inconsistency in the evidence of the documents.

Another example of alleged inconsistency brought forward by the Chinese side was with regard to Minsar. It was argued that different figures had been shown in two documents for revenue of the same year. It was explained that one document referred to the revenue year 1900-1901, while the other one dealt with the calendar year 1901. Besides, one document showed the total revenue collected, while the other one showed revenue collected under several heads. There was, therefore, no inconsistency. However, even if there were inconsistencies, due to administrative errors, they would not invalidate, but rather support, the fact that there was an administration in the areas. The officials at these

meetings were only concerned with providing evidence of existence of administration. On the assumption that there were contradictions, the Chinese side could not doubt either the reliability or the genuineness of the documents produced. The Chinese side themselves had produced no administrative records-correct or incorrect-covering these areas nor any other proof of administration or jurisdiction. The Chinese side then accepted that they did not doubt the genuineness of the Indian evidence. The Chinese side enquired about the nature of the taxes collected from Demchok. Their attention was drawn to two of the documents supplied by the Indian side which gave this detailed information under 24 columns. Regarding Minsar, it was explained that the Indian side had: never disputed the fact that it was situated within Tibet, and formed an enclave. The Indian side had not' claimed that all the territory from the boundary of Ladakh upto Minsar was a part of India.

Minsar was a Ladakhi enclave in Tibet and was held in full sovereignty by India. India had collected land revenue and other taxes there for centuries. Photostats 9, 10, 12, and 23 to 30 supplied by the Indian side showed the varied nature of the sovereign rights exercised in Minsar. The Chinese assertion that Ladakh only enjoyed Ula or free portage in Minsar was therefore entirely unjustified. On the contrary, Ladakhi jurisdiction over Minsar, which had been exercised right down to our own times, dated from 1684 and was further proof of the authenticity and validity of the Treaty of 1684.

As the Indian side had stated earlier, they dealt with official maps under this item. They said that while un official maps were. evidence of tradition, official maps were evidence of the Governmental viewpoints. Regarding the comments made by the Chinese side on some of the Survey of India maps of the early 19th century, the Indian side pointed out that the position had already been explained in detail in earlier Indian statements. Official maps

of the Survey of India only showed areas which had been properly surveyed and not necessarily the traditional boundary, which was well-known.

Survey of India maps naturally laid emphasis on official surveys, which was the main function of the organisation.

The Chinese side drew attention to a Survey of India map of 1889. It was pointed out that this map showed the boundary line in the Aksai Chin and Lingzi Tang areas correctly. Nor was it true to say, as the Chinese side had done, that certain areas had been left blank on this map even after the survey of the areas. The map had given detailed information about the Aksai Chin and Lingzi Tang areas and had shown mountain heights, rivers and even the routes traversing these areas. As many details had been given in this area as in the inland areas of the Punjab and Uttar Pradesh. The Chinese side wished to know why on certain Survey of India maps the alignment in the Western Sector had been shown as 'undefined' and that in the Eastern Sector as 'undemarcated', and suggested that the Indian Government did not distinguish between the two. The Indian side explained that this was not so, and said the difference lay in the fact that the alignment in the Eastern Sector had been delineated on a treaty map but had not been demarcated on the ground, while the alignment in the Western Sector had been neither defined from point to point nor demarcated on the ground.

This had already been explained by the Government of India in their note of 12 February 1960. In this connection, the Indian side explained certain statements made by the Prime Minister of India and cited by the Chinese side. It was clear from the context that all that the Prime Minister had had in mind was that the area was sparsely inhabited, and that the alignment had never been marked on the ground.

As to why certain Survey of India maps showed no external boundary, it was reiterated that maps intended for internal consumption or to show only

physical relief did not necessarily show the external boundary. Even recent editions of the map of the High Lands of Tibet did not show the boundary alignment.

With regard to official Chinese maps the Chinese side contended that the map of Hung Ta-chen was erroneous and because of this he had had to relinquish his post. It was pointed out in reply that this map had been formally handed over to the Indian authorities by Hai Ying, whom the Chinese side had cited as having surveyed the Pamir areas. A photostat from official Indian records was submitted in substantiation of this statement. The Chinese side commented that this document only indicated that the map had been lent and therefore it constituted a private transaction. The Indian side answered that the significant point was not whether it had been given on loan or for permanent retention, but that it had been formally given by an official of the Chinese Government to an official of the Government of India. It had, therefore, been an official, and not a private transaction, between the accredited representatives of the two Governments and if the Chinese Government had later felt that it was erroneous it was incumbent on them to withdraw it formally or to draw the attention of the Government of India to the error.

The Indian side regarded as irrelevant, from the viewpoint of the boundary alignment, the two Chinese maps of 1918 and 1948 submitted by the Chinese side, because they were secret maps which had never been published. The Chinese side admitted, after protracted discussion, that these maps had never been published, but argued that to set them aside amounted to doubting the bona fides of the Chinese side. The Indian side stated that they had no intention of doubting the bona fides of the Chinese side; but as secret and unpublished maps had never been exposed to public criticism, or come to the official notice of other Governments, they were no proof of the alignment. In fact secrecy suggested uncertainty about the

alignment-shown. Governments could show whatever alignments they pleased on unpublished maps, and this was no evidence of boundary alignments, much less of their recognition by other Governments.

The Chinese side sought to argue that no official maps had been published during the period of the Nationalist Government of China and that these two maps reflected the boundary line as conceived by the Chinese Government. The Indian side answered that it was incorrect to state that no official maps had been published during the Nationalist regime. They themselves had cited the Postal Maps of China of 1917, 1919 and 1933, published by an official Chinese Governmental organization, which showed the boundary in accordance with the Indian traditional alignment. The Chinese Government could not disown these maps as having been published by "imperialist" elements who were in charge of the Postal Department. At no time had the Chinese Government lost control of the administration and had throughout exercised overall sovereign powers; and as the Chinese Government had not withdrawn these maps, repudiated them, or even suggested that the precise alignment shown on them was not binding on them, they should be regarded as authoritative expressions of the Governmental viewpoint regarding the alignment. The Indian Government would have promptly protested if the alignment now claimed by the Chinese side had been published and, therefore had come to their notice.

The Indian side noted that the Chinese side were unable to explain the discrepancies between the alignment shown in this Sector on the 1956 map and authoritatively confirmed by Premier Chou En-lai in 1959, and that shown in the map provided by the Chinese side at these meetings. The latter map showed an alignment which ran due east from the Karakoram Pass rather than south-east as in the 1956 map, and then, making a sudden turn southward, it cut across the Upper Shyok or Chip Chap river,

the Galwan river, and the Changlung river to reach the Kongka Pass. It did not run between the Shyok and the Qara Qash as the 1956 map had done. In the Pangong region, instead of leaving the entire western half of the lake in India as in the 1956 map, it cut across the Western Pangong Lake. In the Spanggur Lake area, while on the 1956 map a major part of the lake had been left in India, on the map given at these meetings the alignment had been shown west of the lake. In the Spiti and Shipki areas also the alignment had been drawn further westward in the map given to the Indian side. The statements of the Chinese side that there were no variations between the two maps and that the 1956 map had been drawn in a simplified manner were therefore clearly untenable. The variations involved considerable portions of territory and the alignment on the 1956 map had been precise enough to enable accurate comparison, such as had been done by the Indian side.

The explanation of the Chinese side that variations in other recent Chinese maps were of a minor character was' also unconvincing. As the Indian side had shown in their statement, they involved large areas of territory.

(B) MIDDLE SECTOR

Evidence of Indian Administration and Jurisdiction of the Areas in the Middle Sector claimed by China

The Indian side had already produced a great amount of evidence under Item 2 to show that the areas in the Middle Sector south of the 'natural boundary along the Himalayan watershed-the Spiti area, Shipki Pass, the Nilang-Jadhang area, Barahoti, Sangchamalla and Lapthal-now claimed by China, had ever been Indian territory. They would now prove that these territories had always been included in India's administrative divisions, and had been under the regular and continuous administration of Indian authorities. The Spiti area (Chuva and Chuje) was part of the Chuje Kothi in the Kulu Tehsil of the Kangra District of Punjab State. The Shipki Pass had been part of Namgia village in Pargana Shuwa in the Chini Tehsil, formerly of Bashahr State and now of the State of Himachal Pradesh. Nilang and Jadhang were villages in the Taknore Patti of what was Tehri-Garhwal State and what is now the Uttarkashi District of Uttar Pradesh. Niti Pass and Barahoti were parts of the villages of Niti and Kurkuti respectively in Patti Malla Painkhanda of Pargana Painkhanda, in the district of Garhwal. Sangchamalla and Lapthal were parts of the village of Milam in Patti Malla Johar of Pargana Johar in the Almora District of Uttar Pradesh. Evidence of the regular administration of these areas was naturally vast and of enormous bulk. The Indian side would therefore, produce items of various types to show different kinds of administrative activity through the centuries-assessments of land revenue and other taxes, exercise of civil, criminal and police jurisdiction, tours of officials, orders to local officials, census operations, forest administration, maintenance of schools, construction of roads, establishment of checkposts, and official surveys. The Indian side would also bring forward official Indian and Chinese maps.

All this evidence formed conclusive testimony of the sovereignty of India over these areas.

(i) The Spiti Area

Evidence has already been cited under Item 2 to show that not only the Spiti valley but also the whole of the Pare valley further east, was for long a province of Ladakh. An official was sent from Leh as Governor (Garpon). Real administration was, however, carried on by a Wazir (Nono) and other hereditary officials who were controlled by the parliament of gatpos or lambardars of Kothis and villages. The village lambardar collected the revenue of his village for the Nono who retained 5 per cent of it and transmitted the rest to Leh. The revenue paid to Ladakh amounted to Rs. 396 in cash, 200 khals of grain, 100 mundis or 4 iron crowbars, 34 pieces of Barmur cloth and 132 reams of paper. When Ladakh came under Sikh rule in 1839 the Sikh Thanedar at Ladakh collected the land revenue of Spiti. For the first 4 years Rs. 2,000, two ponies and 25 sheep were exacted annually. During the next 3 years the cash assessment was reduced to Rs. 1,031, but 100 iron crowbars and 35 sheep were added. No revenue was at any time paid to Tibetan authorities: across the border. The only trans-border transactions were the remittances by Tibetan families settled in Spiti; and even these were discontinued by about 1837.

The Spiti area up to the village of Kaurik in the Pare valley became part of the British territory in 1846, and was made a Waziri of the Kulu Tehsil of the Kangra District three years later. Kaurik, and the villages of Tabo and Lari to the west of it, form part of Chuje, one of the five Kothis of the Waziri. "The name Chuzi (Chuje) implies endowment or assignment to religious uses, and the Kothi consists of villages scattered here and there over the whole length of the valley". (Kangra Settlement Report, 1872, by J. B. Lyall, page 114). When W. C. Hay, the Assistant Commissioner of

Kulu, took over charge of the Spiti area in 1848-49, he found the Waziri extending right up to and including the village of Kauririk. This traditional boundary of Spiti up to which revenue settlements were carried out, has been described by Lyall:

"Spiti is in shape a triangle, the side which separates it from Lahaul and Kulu to the west being formed by the Kanzam Ridge and the mid-Himalaya; the opposite side which separates it from Ladakh and Chinese Tibet, by the Western Himalaya; and the base which separates it from Kanawar, by that part of the mid-Himalaya, which means: along the north side of the Sutlej... The Spiti river rises in the apex of the triangle, and runs down its centre till it nears the base, where it inclines to the left and goes out at the north-east corner." (Page 103).

This makes it clear that in the Spiti area the Himalayan watershed (the Para-Spiti watershed), and not any river or stream was the boundary, and revenue administration extended up to it.

Soon after the British annexation of Spiti to the Punjab, Vans Agnew was deputed to make a summary settlement. He fixed the amount of revenue to be paid to the Government at Rs. 753. In addition, revenue in kind continued to be collected as before; one part of it, the na'thal, was spent for public purposes by the Nono and the other part – pun - was given to the monasteries in Spiti. At the Regular Settlement in 1851-52 the Government demand was maintained at the amount fixed by Vans Agnew. But Barnes, the Settlement Officer, was unaware of the grain payments and sent a tehsildar to prepare the rent roll. The latter's equal division of the cash revenue among the five Kothis without regard to the amount they paid in kind, weighed heavily on the Chuje Kothi which paid ten times as much grain as the other Kothis (Photostat 1). So, under the Revision of Settlement in 1871 by Lyall, the cash revenue and na'thal levied on Chuje Kothi were reduced. At the second Revision of Settlement in 1891, it was

found that while the total amount of cash revenue had remained as fixed in 1871 the amount of na'thal and pun had increased. The cash contribution of the five Kothis was then fixed at. Rs. 824, na'thal at Rs. 229 and pun at Rs. 850. The Third Revised Settlement was made during 1910~13, when the grain collections were recorded in accordance with the declaration of the people of the truth of which there appeared to be no doubt." The cash revenue was increased but distributed among the Kothis with due regard to their grain contribution, which was kept at the earlier amount. The result of the assessment of the Waziri was as follows:

Kothi

Cash

Pun (Khals)

Na'that (Khals)

Chujeh . Sham Totpa Barshak . Piri

The cash value of Pun and Na'thal was Rs. 1,079 in 1891 and Rs. 2,284: iR 1913. (Final Report of the Third Revised Settlement of the Kulu Sub-Division of the Kangra District 1910-1913, Lahore 1913, page 10).

There were also settlements in 1916-17, 1921-22, 1931-32, 1936-37 and 1941-42.

The Spiti area has also been topographically surveyed. The first detailed topographical survey was carried out on the scale of 2 miles to an inch by J: Peyton of the Survey of India in 1850-51. Peyton's plane tables covered the lower valley of the river between Dankar in the north and the junction of the Spiti and Sutlej rivers in the south. A hill station was established at

Pangdom near Kaurik. The Narrative Report of Captain Du Vernet describes this survey:

"Mr. Peyton took up the detail from Lipe along the Sutlej and up to Dankar in Spiti, including the tract about the Manirang pass and the Pin valley. The work executed by him is a fair example of the powers of the plane table for the survey of a wild mountainous country when placed in the hands of a skilful draftsman. Between the middle of July and October he sketched 2,300 square miles; where the ground is accessible, the usual quantity surveyed monthly with the plane table on the scale of 2 miles to an inch is 300 square miles, and the great quantity sketched on these hills, must be accounted for by the ground being almost wholly inaccessible and waste, and the drawings~ being made from the rivers, and the few peaks and stations on their banks it was possible to visit. Nevertheless the sketches exhibit a complete figuration of the grand features of the mountains."

Maps of the Survey of India have shown the Indo-Tibetan boundary as following the eastern boundary of the village of Kaurik and thence the watershed between the Spiti and the Para rivers. For example, the Map of Hundes or Nari Khorsum and Monyul published by the Trigonometrical Survey of India in 1879, showed this alignment. (Photostat 2).

Official Chinese maps also have made it clear that the traditional 'boundary in the Spiti area lay along the present Indian alignment. Instances are the Map of the Administrative Areas of the Chinese Republic, issued by the Chinese Ministry of the Interior, December 1947, and the Wall Map of People's Republic of China, January 1951, which both showed a boundary alignment in this sector identical with the Indian alignment. Photostats of these maps have already 'been supplied to the Chinese side along with the

Indian side's first statement on Indian administration in the Western Sector.

(ii) Shipki Pass

The Shipki Pass forms part of the village of Namgia, a small village in Pargana Shuwa in Tehsil Chini of what was Bashahr State and is now Himachal Pradesh. The village is, situated above Nako in the upper Kunawar valley. Namgia village has been assessed for land revenue which included forest and grazing dues. Assessments for land revenue in the area were made at the Settlements of 1853, 1854, 1856, 1859, 1876 and 1894 (Bashahr State Gazetteer, Part A, 1910, Lahore 1911, page 76). Old records of the erstwhile Rampur (Bashahr State) show that the Tibetans recognised that the frontier lay at Shipki La. In fact, Shipki villagers migrated from Namgia and were at that time subjects of Bashahr State. That it was well-known that Indian administration extended upto the Shipki Pass is shown by the saying common in Tibet "Pimala '(Shipki ,Pass) Yanchhod Bod-Gialbo, Pimala Ranchhod Khuno Gialbo": "The territory above Pimala belongs to the Raja of Tibet and below to the Raja of Bashahr" Pimala in Tibetan means "common pass".

The area was surveyed during 1882, 1897, and 1904-1905. Very detailed surveys were carried out in 1917 and 1920-1921.

Further evidence of Indian administration right up to the 'Pass is 'provided by the fact that the famous Hindustan-Tibet Road has been constructed and maintained by the Public Works Department of the Government of India. Article V of the Convention between Great Britain and Tibet (1904) stated "The Tibetan Government undertakes to keep the road to Gyantse and Gartok from the frontier clear of all obstruction and in a state of repair suited to needs of trade". The Government of India, for their part, tried to maintain their section of the road. The road not only ran upto Shipki Pass,

but proposals for the extension of this road up to Shipki village were made by the Punjab Government to the Government of India on 23 March 1907 and on 12 March 1912 (Letters of C. A. Barron, Chief Secretary to the Government of the Punjab, to the Secretary to the Government of India in the Foreign Department-Photostat 3). It was then stated: "If this is done, Gartok will be accessible all the year round trade, obstructions by the Tibetans stopped and matters put upon a proper basis. A grant of Rs. 3 ½ lakhs spread over three years will enable the Government to complete a good mule road which would be open all the year round throughout and greatly improve our position in Western Tibet". This was agreed to and done. The Indian Trade Agent in Tibet reported in 1918: "The Hindustan-Tibet road has greatly been improved between Kiran Khud and Shipkee. From Gran Khud to Kanam, the road is now under proper maintenance by Public Works Department. The latter portion between Kanam and Shipkee should; I think, be taken up by the Public Works Department". (Photostat 4). Strachey's Map of Nari Khorsum including the Easternmost parts of Ladakh (a photostat of which had already been supplied), the map appended to the Imperial Gazetteer of India, Provincial Series, Punjab (1908) (Photostat 5), and the Map of Garhwal and Sirmur reduced from the 8-mile map prepared in Surveyor General's Office 1822-23 (Historical Records of the Survey of India, Volume 3, Dehra Dun, 1954, map facing p. 3D-Photostat 6), all showed Shipki as a border pass. As for Chinese maps, the Indian side had already, under Item 2, drawn the attention of the Chinese side to the fact that right down to 1957, at least, the alignment had been correctly shown along the Shipki Pass.

(iii) The Nilang-Jadhang area

As already stated, the area of Nilang-J adhang is part of the Taknore Patti of what was Tehri-Garhwal and is now the Uttarkashi District of Uttar

Pradesh. Jadhong is a hamlet of the village of Nilang. In the 17th century the area was a matter of contention between the Indian Kingdoms of Bashahr and Garhwal, but never ceased to be a part of India. The people are Garhwalis, with permanent houses at Gangotri and Dhunda, fifty miles down the Bhagirathi which they inhabit in winter. But whether under Bashahr or under Garhwal, the area was under their regular administration and assessed for revenue. The land revenue paid to Bashahr consisted of 24 Chharari (720 seers) of rice. Under the Kings of Garhwal, in addition to land revenue, taxes on profits of trade, looms, produce of jungles (roots and herbs), musk hawks and beehives were levied. A letter of 1784 A.D. from Raja Jai Kirti Shah to Kardar Gajey Singh Negi of Taknore stated that land had been given to the Jadhhs "at a rent of twenty rupees". This document was shown to the Tibetan representatives at the boundary discussions in 1926 and its authenticity was accepted by them.

When Garhwal came under the Gurkhas the earlier system of taxation was continued. A document of Sambat 1868 (1811 A.D.) recorded an agreement between Jadhhs of Nilang and the Malgujar of Dharali, concluded in the presence of Shaktibal Nepali, by which the Jadhhs agreed to pay Rs. 20 as land revenue, Rs. 2 as the price of goat, and Rs 1 as water-mill tax. The document also contained a receipt for Rs. 23, paid as land revenue by the Jadhhs of Nilang for Sambat 1869 (Photostat 7).

The Hukum Nama or Gaon Halat (Descriptive Record of Settlement) of the village of Nilang prepared during the Revenue Settlement of 1919-1920 stated:

"From Sambat 1851 to 1858 village Nelang including Jadung was within the Malgujari jurisdiction of the great-grandfather of Shri Shiv Singh of Dharali and Nain Singh's grandfather Azmatoo and these persons after collecting the land revenue from the Jadhhs used to deposit the same with the Durbar through Kardar (Administrator)

Mohan Singh of that time. After a short period, when the Goorkha administration was established, Azmatoo alone collected the land revenue from, them according to the Sanad issued to mm in Sambat 1866 and 1873 (1809 and 1816 AD.). After the Goorkha administration was over, these people are depositing the land revenue with the Durbar as usual." (Photostat 8).

On the British conquest of Garhwal in 1815, the part of the kingdom of Garhwal, in which Nilang and Jadhanga lay, was created into the State of Tehri-Garhwal. The rulers of Tehri-Garhwal continued to collect land revenue from the two villages as before. This is proved by numerous records of the Tehri Durbar. A list prepared in Sambat 1879-1880 (1823 AD.) and shown to the Tibetan representatives in 1926, contained the names of Jadhgs of Nilang and mentioned the amount of land revenue due from each. Fourteen persons were to pay a sum of Rs. 1-8-0 each, one person twelve annas, two persons eight annas and one person four annas. The arrears amounted to Rs. 23 (Photostat 9). A record of Sambat 1886 (1829 AD.) listed the 28 villages in Talmore Patti and their population and head of cattle. According to this document also the land revenue payable by the Jadhgs of the village of Nilang to the Tehri Durbar amounted to Rs. 23. It also contained engagements by the villagers in which they accepted the assessment (Photostat 10). In Sambat 1884 (1827 AD.) a Sanad conferred by the Tehri Durbar on Ganpati, Malguzar of Mukhaba, regarding the Rawalship of the Gangotri temple, stated that the revenue of Nilang had been given "as payment for doing puja (worship) ". An order from Raja Sudarshan Shah to the Jadhgs of Nilang in 1838 AD. stated:

"You are directed hereby to bring two yaks to the Durbar during the months of Asuj and Kartik. As regards the cost of the yaks, in this connection Rs. 60 is already advanced to you; Rs. 30 are being sent herewith and the

balance amount of Rs. 30 on account of cost of 2 yaks will be adjusted from the land revenue." (Photostat 11).

A document of Sambat 1895 (1838 AD.) listed land revenue arrears for Nilang; of this Rs. 20-8-0 had been recovered, leaving a balance of Rs. 11-8-0. A record of Samhat 1904 (1847 AD.) stated that cesses including ad.ral (land revenue) levied on the Jadh village of Nilang amounted to Rs. 51. It also stated that the settlement was carried out by Shri Shiv 8jngh Gussain in Samhat 1904 and a record of it had been prepared on 16th Jeth of Samhat 1905 (23 IVfay 1849 A.D.) (Photostat 12). In the same year, one Wilson obtained from Maharaj a Sudarshan Shah a lease of the forests in the Taknore Pargana and a letter appointing him the Maharaja's agent for rehabilitating the area rendered desolate during the Gurkha occupation. ' Wilson invited certain Jadhhs from the upper parganas in Kuna war in Bashahr State to settle at Nilang, re-established the hamlet of Jadhang and administered the area on behalf of Maharaja "Bhavani Shah. A record of Sambat 1917 (1860 AD.) gave the land revenue payable by Nilang to Tehri Durbar as Rs. 30 and cesses as Rs. 21. A record of Sambat 1920 (1863 AD.) mentioned the levy of land revenue of Rs. 23 from the village of Nilang. Another document of Sambat 1930 (1873 AD.) recorded that Nilang was to pay land revenue amounting to Rs. 84. A document of Sambat 1960 (1903 AD.) stated that the land revenue to be paid by Nilang had been fixep (mukarrir) at Rs. 24; and a document dated Sambat 1972 (1915 AD.) recorded the addition of Rs. 3 to the earlier demand on account of a water-mill. The Indian side were not producing photostats of all these documents as they had been brought forward in the boundary discussions in 1926, and shown to the Tibetan delegation who accepted their validity. It was clear from these records that Nilang, including its hamlet Jadhang, was assessed for land revenue for centuries and that, under the Tehri Durbar, there were periodic revisions.

In 1919-1920, the Tehri Durbar carried out a fresh and regular revenue settlement of the Nilang area. The Settlement Officer ascertained the area under cultivation, demarcated the holdings, measured and numbered the plots, prepared a list of land holders and tenants, classified the lands, ascertained their crops, fixed the rates, listed the rights of villages regarding grazing, cutting of wood and quarrying and prepared village maps and description of the villages. These were duly recorded, sealed and signed by the Settlement Officer and attested by the villagers. The revenue for the two villages was fixed Rs. 27 (Photostat 13). An Ikrarnama or Settlement Agreement signed and sealed by the Settlement Officer and 6 Jadhhs recorded an undertaking by the villagers of Nilang to pay land revenue to the Tehri Durbar (Photostat 14). The boundaries of the villages of Nilang and Jadhang are described in the Sarhad Bandi (Record of Village Limits)

East-Mana Gad.

North--Jelu ridge, (Tsang Chak La) and Lawuchi at the Tibetan boundary.

Soauth-Bamak ridge.

West-From Kyar Kuti ridge above Char Gad to Ghaling Gad, adjoining the boundary of Bashahr State." (Photostat 15).

The Hukum Nama stated:

"The village of Nilang is situated on a slope below Faproin ridge to the right of Daya Gad and the left of Jadh Ganga, on a hill ridge where a small slate mine exists. ...There are in the village 4 families of Negi, 4 families of Bhandari, 4 of Rawat, 5, of Dingral, 5 of Rana, 3 of Goreta, 1 of Ghuniyata, 1 of Kuliyan, 1 of Dasani, 1 of blacksmith, 3 of masons and 1 of Jhumaria. The Jadhhs derive their name from the Jadh-ganga valley they inhabit. But they call themselves Raiput, Negi and Bhandati etc. The area is covered with snow from Kartik to Jeth.

During this period the inhabitants move to warmer places in the south and live at Bangori, Hunga, etc., and earn their livelihood by trade. ...The Jadhhs of the villages of Nilang and Jadhhang pay a sum of Rs. 74 and Rs. 41-12 to the Chaprung (Tsaparang) Dzong and Laprung (Tholing Guru) respectively per annum as dues for trading at Poling (a Tibetan trade mart). The sum of Rs. 24, paid by the villagers of Nilang and Jadhhang to the state Tehri from early times as land revenue and for the grazing rights enjoyed, is very low on account of the limited cultivated area of the villages-Nilang and Jadhhang. These two villages are situated in the northernmost zone of Patti Taknore nearer to the snowy ridges... At present three Malgujars, namely Panchram, Kutukappa and Namruwa have been appointed by the Durbar for the villages of Nilang and Jadhhang. With the concurrence of the Panch, the Malgujars get as their malgujari destour As. 0-4-0 per family, Re. 1 on the occasion of the marriage of a daughter and a leg of mutton when a goat is killed. There are two unassessed water-mills at Daya Gad which are worked only during the two months Sawan and Bhadoon; tax is charged on the users by the local proprietor. Sheep and goats are kept in large numbers. A negligible number of Joba cows and bullocks are also kept. Grazing grounds have been sufficient for them from ancient times. Around the villages of Nilang and Jadhhang there are high rocky mountains with snow covered peaks and on the slopes grass and trees are found."

The Shikami Fard (List of Landowners and Tenants) of 1920 gave a list of the marusidars (owners of land) and Khaikars and Sirtans (tenants). (Photostat 16). The Muntakib Parcha (Record of Holdings) listed the owners of holdings, areas of fields and the classes of soils, the names of marusidars who paid revenue to the Government, the names of sub-tenants who cultivated the lands of the marusidars, and the serial numbers of the fields

allotted at the survey. This was a large volume, and the Indian side supplied a photostat of the relevant page (Photostat 17). The Phant (Revenue Assessment Record) detailed the basis of assessment, the net revenue assessed on each holding, and the names of marusidars paying them. (Photostat 18). The Yad Dast Rasm Gaon (Record of Village Rights) listed the rights of the villagers of Nilang in regard to grazing, fuel, wood for construction of houses, water springs and slate quarrying. Among the grazing places mentioned were Pulamsumda, Rangmonchi and Thingthia, all in the Nilang-Jadhang area right up to the boundary alignment. (Photostat 19).

The Hukum Nama for Jadhang described the boundaries of Jadhang as "Cheruru ridge and Jadhganga in the east, Chawri ridge in the west, Kyarket ridge in the north and Chumjyaru ridge and village of Nilang in the south". It also stated:

"Jadhang is situated north-east of the village Nilang on the right bank of the Managad river which takes its rise on the right side of the Chhogmanu ridge of the village Mana, Patti Talla Painkhanda. To its right the boundary of Chhogmanu ridge joins the boundary of British Garhwal which goes up to Rokri ridge. The two rivers Rakri and Thukyun take their origin from the ridge and are joined by the river Bhot. The boundary proceeds along the Rokri ridge to Jelu ridge where the Jelu river takes its rise, and then along the Tangla ridge and joins the Jelu river, Rongmuchu ridge, Kyarkuti ridge, Chordusumdu ridge to the foot of the Thobkar Bukar ridge, and to the right of village Jadung. There are (number not legible) houses of mud-roofing, one with plangs roof and one with late roof. Besides, sixteen gram stores (Kuthar) have slate roofs. The houses are crowded together and are simple structures with verandahs. There are two families of Rawat, six of Rawa, three of Risatu, three of

Guriyata and two of Dhiral community. Some Nilang families have settled here. Three Malguzars appointed for village Nilang look after this village also. Malguzar Panch Ram has also a permanent house in this village. Rights regarding grazing of cattle and collection of land revenue etc. already decided for village Nilang would be considered to be the same for this village which is a hamlet of the village of Nilang. There are three unassessed water-mills on river Thang Theng. Their proprietors do not tax the users. There is a temple of a Goddess on the left bank of river Thang Theng. The Goddess is worshipped with Soor (a kind of illicit distilled liquor) and wine on the eighth, ninth and third days of Suklapaksh each month... The Brahmins of the village of Mukhaba are the Pandas of the inhabitants of Jadung. Between three and ten Kuri (local weight) of fapra, maisha and salt etc., are given annually by every family according to its Panda as Dadwar (a local tax for Puja)" (Photostat 20).

This document was significant because it stated clearly the well-known fact that Jadhag and Nilang formed one unit, Jadhag being 2 village of Nilang. The Halat Gaon described the village of Jadhag:

"Village Jadung is situated on the bank of the river Jahnavi between two ridges. There are 17 families out of which 12 are Rajput and 5 Lower Caste. The land consists of first and second class (dong). Barley, kota and fapra are grown. People are simple but do not have cordial relations with one another. The dresses of men and women are of wool. Partition of the property is carried out on the basis of number of wives till now, and not on the basis of number of children."(Photostat 21).'

The Shikami Fard (Record of the Cultivated Area) contained the names of tenants and sub-tenants; the Akhri Goshwara (Record of Holdings) gave data regarding the number of fields and the total area under cultivation

which was 60,222 square yards (Photostat 22); and the Goshwara Khasra (Record of Fields) gave details of soil classification. (Photostat 22A).

During the settlement operations original maps of the two villages were also made. The original map of the village of Nilang was in two sheets, each bearing the seal and signature of the Settlement Officer. In these maps land under cultivation was shown. Sheet I contained plots Nos. 1-446 and Sheet II plots Nos. 447-508. (Photostat 23). The original map of Jadhong was on the scale of $63 \frac{3}{4}$ equal to one mile.

The index explained the colours on the map to indicate water, houses, trees and groves. (Photostat 24).

The Paro Mawesia (List of Camping Grounds), also prepared during the 1919-1920 settlement, listed the 136 camping grounds in the Tehri State. Forty-eight of these belonged to the Taknore Patti, and included Pulamsumda. (Photostat 25).

The 1919-20 Settlement included Naksha Mardam Sumari or census operations also. In Jadhong the number of families was 17, number of persons 83, and head of cattle and sheep 1635. (Photostat 26). The Naksha Mardam Sumari for Nilang, also prepared in 1920, gave their number of families, number of persons in each age group and the number of heads of cattle. The number of families was 58, number of persons 261 and the number of heads of cattle and sheep 5,630. (Photostat 27).

The villages of Nilang and Jadhong were included in the 1951 census operations, when it was found that the area of Nilang was 46 acres-Census of India, 1951, District Census Handbook Tehri Garhwal District, Uttar Pradesh, Printed in Allahabad, 1955, pp. 148-49 (Photostat 28). As stated above, the villages were populated only in summer.

Besides carrying out land revenue surveys and settlements the Tehri Durbar had exercised civil and criminal jurisdiction in the Nilang-Jadhong area through the Panchayati Adalat of Upper Taknore, the Court of the Deputy

Collector of the Uttarkashi Division and the Chief Court of Tehri (Narendranagar): For example, a record of 1843 AD dealt with the case between Tasi Jadh and Chang Chopra, both of Nilang. An order of 1847 AD summoned the villagers of Nilang to appear before Tehri Court to receive its judgement. (Photostat 29). Another record of 1858 AD dealt with a case against Puchok of Nilang for bringing a false complaint. A file of 1880 AD~ concerned a civil suit between two Jadhhs of Jadhong which was decided by the Thanadar of Taknore. A document of 1907 AD contained a judgment given by the Deputy Collector of Uttarkashi in a criminal case filed by the Tehri Forest Department against Jadhhs of the village of Nilang for grazing in the reserve forest (Photostat 30). A document of Sambat 1985 (1927 AD.) recorded a suit between two villagers of Nilang before the Adalati Panchayat of Taknore. The suit was dismissed (Photostat 31). Another of Sambat 1990 (1932' AD.) recorded the suit filed by one villager of Nilang against another villager of Nilang for the restoration of the plaintiff's wife. The suit was dismissed by the Adalat Panchayat of Upper Taknore on the ground that the plaintiff could not prove his suit (Photostat 32). A document of 1936 AD recorded a compromise in a criminal case before the Nyaya Panchayat in Upper Taknore between Keshar Singb and Dilip Singh, both of the village of Nilang (Photostat 33).

The Tehri Durbar had also worked the deodhar forests in the area either through its Forest Department or by leasing it out. A document of 1894 AD contained an order from the Conservator of the Tehri Forest to the Jadhhs of Nilang to deposit Rs. 310-10-9 due for the Nilang Forest contract. (Photostat 34). Another relevant document was Order No. 4939, dated March 13, 1916, from the Secretary of the Tehri-Garhwal Government to Dunta Jadhhs of the village of Nilang.

It referred to the amount payable for the forest contract for 1917, as also to the amount payable in cash. (Photostat 35).

The Tehri Durbar had, for long, maintained a school and a customs post at Nilang. It had also built and repaired the pilgrim route to Gangotri and the trade route running from Nilang to Tibet through Tsangchok La.

The Chinese side had referred to the discussions between India and Tibet regarding a particular sector of the alignment in this area, which took place in 1925-1927. It was worth noting that at those discussions the Tehri Durbar produced numerous revenue, judicial and other documents to show their ownership of the whole Nilang-Jadhang area. On the other hand, the Tibetan representatives produced only two documents. The first was a ledger with a title embroidered in silk on a cloth cover-List of Doors Kept by the Tsaprang Dzungpon in the Water Bird Year. This book was clearly an old one and the seal at the end was that of Chandan Chongwa, of the time of the Sixth Dalai Lama (1700 AD.). It contained a list of twenty names, but there was nothing in it to connect it with Nilang and Jadhang. The second was a book without either cover, title or date. It mentioned that 400 measures of barley, 1000 bamboos, 2 pots of lime, 2 loads of dyes and 2 copper pots were collected from the villagers of Nilang and Jadhang. These were clearly trade dues paid by the villagers of Nilang and Jadhang to the Tibetan authorities for the privilege of trading at Poling in Tibet. The Tibetan delegation could produce no other evidence that would suggest even a semblance of interest in this area, let alone of administration.

The Nilang-Jadhang area had also been topographically surveyed. In 1815 J. B. Fraser proceeded up the Bhagirathi Valley as far as the Temple (Gangotri). He noted the junction of the Jahnavi (Jadhganga) from the north with the Bhagirathi some six or seven miles below the Temple. He also made enquiries from two Bhoteas (Nilang Jadhhs) as to the length and direction of the stream and the existence of passes into Tibet proper near its upper reaches, and was informed that the Tibetans occasionally raided the valley destroying villages and carrying off cattle and any other plunder

they could find. In May 1817 Capt. G. A Hodgson explored the Gangotri valley as far as Gaumukh. He noted that the frontier village was Nilang, by which he meant the village of Nilang and its hamlet Jadhong. In 1849 Capt. Strachey made a reconnaissance survey of the whole of Garhwal District and constructed "an excellent map based on sound materials". The plane table section No. 36 of the North-West Himalayan Survey done by W. H. Johnson in 1853-54 gave a sketch of the Nilang valley upto the watershed. Two explorers : sent by the Survey of India in 1867 carried out a route survey from the Shipki Pass and over the Thaga La on the Indo-Tibetan watershed boundary upto Nilang... (General Report on the Operations of the Survey of India Comprising the Great Trigonometrical, the Topographical and the Revenue Surveys under the Government of India, Calcutta 1879, Appendix, II, pp. XIII ff). The southern part of the Nilang-Jadhong area was thoroughly surveyed according to modern methods in 1936. (Evidence of Indian administration and jurisdiction in this area, as furnished by official Indian and Chinese maps, would be dealt with at the end for the entire Uttar Pradesh State).

(iv) Barahoti

Barahoti, a camping ground 11 square miles in area, had always been under Indian administration and jurisdiction. Its location had been clearly shown in official Indian maps. It was part of the village of Kurkuti in Patti Mana Painkhanda of Pargana Painkhanda in the Garhwal District. Mana Painkhanda was the northernmost Patti of the District and Mana, Niti and Kurkuti were its northernmost villages. Parts of Districts Almora and Garhwal surveyed during the year 1876 under the orders of Col. J. T. Walker, Superintendent, Great Trigonometrical Survey of India (Photostat 36); Great Trigonometrical Survey of Kumaun and British Garhwal 1877 (Photostat 37) ; and map of District Garhwal in the Gazetteer of British

Gurhwal, 1910 photostat 3t). The boundaries of Mala Painkhanda with Tibet and also been described in other official reports. The Indian side had already, under Item 2, quoted the Statistical Report on Kumaon by G. W. Traill, the first British Commissioner of Kumaon (1815-1835). In the map appended to J.O'B. Beckett's Revenue Settlement Report, the northern boundary of Malla Pankhanda was shown along the Sutlej-Ganges watershed; and the Appendix listed the areas. Report on the Settlement Operations in the Garhwal District from 1856 to 1864 (Allahabad 1866) (Photostat 39). In the Report on the Tenth Settlement of the Garhwal District (Allahabad 1896), also cited earlier by the Indian side, E. K. Pauw confirmed this (Photostat 40); and the three detailed maps appended to his report showed that Barahoti was part of Mana Painkhanda (Photostats 41 to 43). According to the Gazetteer of British Garhwal 1910 (p. 3):

"The mountain system of Garhwal can best be regarded as a series of spurs from the Tibetan watershed, which here separates the Ganges basin (in its larger sense) from that of the Sutlej."

The area was also described in detail, and a list of the settlement pattis (groups of villages) given in the Gazetteer (Photostats 44 and 45). The Traditional Boundary Description Book of Villages in Parflana Painkhanda of Garhwal (1931) defined the northern boundaries of the villages of Kurkuti and Niti and therefore of Malla Painkhanda thus:

"From D. 18040, Silakank, the line (boundary of Kurkuti) goes through the district boundary to D. 16350, Tingjungla (Tunjun La) whence path leads to Hundesh Dawa (Daba) and then separating - Hundesh and Garhwal to Makhila (Marhi La) , 16380, whence path leads to Hundesh, Dangpu and then through district boundary to Salsal (Shalshal) Pass, D. 16390, whence path goes to Hundesh, Shag, and then the line turns south-east to meet Almora boundary." (page 38).

The northern boundaries of Niti village were described as commencing from D. 25443, Kamet and running along district boundary and through D. 19776 and 6. 17386 to D. 18040, Silakank, (P. 49).

These traditional boundaries were recorded by Traill during his settlement of Sambat 1880 (1823 A.D.) on the basis of the statements (of the villagers and their patwaris. Much of the area between the inhabited portion of the villages and their northern boundaries was forest, jungle and waste. J. H. Batten, Settlement Officer, Garhwal in 1842 recorded:

"Large portions of waste land including whole ranges and their vast forests have been included from olden times in the boundaries of adjacent villages." (Report on the Settlement of the District of Garhwal, Reprinted by order of the Government of North West Provinces, 1863, Para. XVI).

The Paraganas of Panikhanda, Johar and Darma constitute what are known as the Bhotia Mahals. It has already been stated in the note of the Indian side on the Traditional and Customary Basis of the Indian Alignment in the Middle Sector that the Bhotia Mahals were always part of the Indian kingdoms of the area. Baz Bahadur in the seventeenth century constructed roads upto the Niti and Johar passes and set apart the revenues of five villages near the border passes for providing pilgrims to Manasarowar with food and clothing. Under the Pala dynasty, Malla Painkhanda, like other parts of the Bhotia Mahals, paid numerous taxes such as those on profits of trade, looms, produce of land and jungles (roots and drugs), musk, hawks and beehives. By the tax on roots and drugs, all areas in a village including jungle and waste were brought under assessment. Taxes on 'trade brought even pasture areas under assessment as Indian traders to Tibet used these pastures for their pack animals during their journeys to and fro. When the Gurkhas conquered Garhwal the resistance of the Bhotias, combined with the exaggerated reputation they had for wealth, marked them out for

heavy exactions. The revenue demand on the area was, therefore, raised from Rs. 1,200 to 'Rs. 7,000 and it was not until the area was depopulated by emigration that the demand was reduced to Rs. 4,700.

On the British annexation of Kumaon and Garhwal, E. Gardner was appointed Commissioner for the Affairs of Kumaon and Garhwal with Traill as his Assistant. The latter brought Malla Painkhanda under his seven revenue settlements and gave them a measure of judicial and police administration. Traill says in his Statistical Report on the Bhotia Mahals of Kumaon (page 13):

"On the introduction of the British Government in 1872 Sambat (1815 AD.), the authorised collections of the two preceding years were assumed as a standard for the jama of the current year; as the whole demand fixed was payable in coin, in Farrukhabad Kaldar rupees, a deduction of twenty-five percent was granted on the half, hitherto paid in merchandise. and a further deduction to the same amount was allowed for the discount on the Goorka currency. The net jama which on the existing system, was imposed in one gross sum on each mahal (pargana) including the villages below, as well as those within the ghats (passes) stood at Farrukhabad rupees 11,565.

In the year 1875, a general abolition of the customs and transit duties throughout the province took place; the tax on the profits of trade hitherto levied from the Bhotias, as partaking of the same nature, was included in that measure; a partial remission on the same account was made in the jama of some of the lower villages, while" both in these and in Bhote, the items of musk, bees' wax and hawks were struck out of the available assets. By this arrangement the net revenue was reduced to Farrukhabad rupees 4,124.

This demand continued in force for the remaining term of the first triennial settlement; and at the second triennial settlement in 1877 S.

and at the recent quinquennial settlement in 18J30 S. a progressive rise took place on a review of the increase of cultivation, brought about principally by the return of tenants who had emigrated during the Goorkha Government and finally amounted to Farrukhabad rupees 5,812.

The revenue of every year has invariably been liquidated without a balance.

For the internal management of these mahals the only public officer retained in them is the Patwari who receives from the village Burhas the amount of their jama and remits the same to the Sadr treasury. By this functionary are also made the reports connected with police relating to casualties etc. Criminal offences are rare."

The details of these settlements by Traill were given in the documents of which photostats had been supplied (Photostats 46 and 47).

For Malla Painkhanda alone the demand under the first settlement amounted to Rs. 1,016, thank to the more favourable rate of cash conversion: of dues till then paid in kind. The abolition of taxes on trade and bees' wax in 1818 still further reduced the demand; but the taxes on roots and drugs were merged in the land revenue. There was a further reduction to Rs. 436 in 1880 Sambat (1823 A.D.). In subsequent years a progressive rise took place as in the rest of the Bhotas mahals on account of increase in cultivation.

The eighth revenue settlement of the area was made by J. H. Batten in 1842. He reported that:

"Mr. Commissioner Traill had made an excessive sacrifice of revenue when he introduced his nominal land tax and calculations of beesees into the upper villages of the Bhotas ghats; because there being no surplus produce from which rent or revenue could be derived, a land tax appeared to me absurd. I thought that the form of lease should be a settlement per village according to its present trading prosperity,

viewed with reference to the Government demand paid previous to the abolition of the customs duties, and to the consolidation of all demands into the so-called land revenue remembering the duties levied on the Bhotas by the Tibet government for the privilege of trading, I did not consider myself authorised to make any greater account under the head of profits of trade, than the late Commissioner had already, in fact, though not nominally, thrown into his calculations of the respective jamas demandable from the villages; and I accordingly, with some slight reductions in the case of two broken down mauzarnr kept the existing Government demand for Mulla Pynkhunda unaltered." (Report on the Settlement of the District of Garhwal, Benares, 1863, pages 548-549). (Photostat 48).

The next Settlement Officer, J.O.'B. Backett (1866) raised the assessment of Malla Painkhanda from Rs. 537 to Rs. 826. His assessment was based not only on profits of trade but also on enumeration of cattle; and he added to the cesses. The total sum was divided among the co-shares partly with reference to the amount of loan they held and partly with reference to their cattle. In villages in which cattle was not numerous the assessment was to be wholly on the land. (Report on the Settlement Operation of the Garhwal District 1856-64) (Photostat 49).

The tenth settlement of the area was carried out by E. K. Pauw in 1896. He held that:

"On the general grounds that a tax on trade was undesirable. and particularly 50 in the case of the Tibetan trade, which affords employment to the thousands in the most sterile part of Garhwal, and provides a market for produce in the same region, thus encouraging agriculture, which without this stimulus would inevitably languish; and that with the enhancement of land revenue of the whole district at the present settlement limited to fifty per cent, there was no

necessity for taxing the trade of the Bhotiyas." (Report on the Tenth Settlement of the Garhwal District, Printed at the North-Western Provinces and Oudh Government Press, Allahabad, 1896, page 107).

Pauw, therefore, decided to make the assessment only on the basis of agricultural produce and the produce of jungles. The latter, which was originally a royalty on wild roots and herbs in jungles, was converted into consolidated grazing dues on the excess of cattle in the village over the number necessary for cultivation. The total assessment for Malla Painkhanda amounted to Rs. 593; and of this Rs. 162' was the revenue derived from excess of cattle. The plan followed in the other non-cadastrally surveyed pattis of fixing the demand for each patti and allowing the Padham to divide it among villages was abandoned. In 1931 the Settlement Officer of Uttar Pradesh defined in words and demarcated where necessary on the ground, the traditional village boundaries and prepared records for each patti. Demarcation was done as far as possible by means of natural features, and pillars were erected at tri-junction points of villages.

Elsewhere pillars were erected only where there were no definite natural features or where a natural feature required identification. (Traditional Boundary Description Book, 1931, Pages 3A to 5A.)

From very ancient times copper mines in the Girthi valley and Hoti area had been worked by the people of Garhwal and royalty paid to the State. This continued even in British times and J.O.'B. Beckett's Settlement Report mentioned these mines (Photo.stat 50).

There was a special census in Niti in 1900 when it was found that it had a population of 267. (Gazetteer of British Garhwal, 1911, page 192). The village was also covered by the census for 1921 (Census of India 1921, District Census Statistics, Garhwal District, Allahabad 1923, page 32). Every census held thereafter has also covered this area.

The Niti-Barahoti area was surveyed in detail during 1868-77. A Northern Frontier Survey on the scale of 1" =miles was done in 1904 and 1905 and a sketch survey by Hugh Rose in 1931.

v) Sangchamalla and Lapthal

Sangchamalla and Lapthal are grazing grounds forming part of the village of Milam in Patti Malla Johar of Pargana Johar, in the Almora District of Uttar Pradesh. Malla Johar is the northernmost Patti and Milam its principal and northernmost village. This is shown, for example, in the Map of Almora in the Gazetteer of Almora District 1911 (Photostat 51) and' described on page 250 of the volume (Photostat 52). The northern boundary of Johar Malla with Tibet is also described in official revenue records and in the Gazetteers. In his .Revenue Settlement Report of 1848 Batten observed:

"Eleven chief villages of Joohar Bhotas are found at heights above the sea varying from 10,000 n. to 11,300 n. and all of them lie between the northern side of the high snowy peaks or chain of greatest elevation on the one side and the watershed or ridge which separates the rivers which flow into India and Tibet respectively, on the other ...In all the passes but specially in Joohar, the tract above the uppermost village or where the ridge actually crosses the watershed is very rugged, impracticable and forbidding in appearance".

According to the Gazetteer of Almora District 1911 (page 3);

"The principal line of water-parting along the Tibetan frontier is a ridge of great altitude-the watershed is throughout a greater part of its length, a simple longitudinal range".

From these official accounts it is clear that the northern boundary of Milam is the Sutlej-Ganges watershed, and Sangchamalla and Lapthalie south of

this watershed. Malla Johar was included in the Chand Kingdom of Kumaon and paid taxes which, besides land revenue, included taxes on profits of trade, mines, looms, produce of jungles, musk, hawks and wild beehives. Taxes were to be paid in gold dust, but were often received for the sake of convenience in silver and kind. The revenue was imposed on the area in one sum and detailed assessments were left to the village headmen.

When the Gurkhas conquered Kumaon they raised the demand from J achar alone to Rs. 12,500. As this heavy exaction ruined the Bhotas, it was later reduced to Rs. 8,000.

At the first settlement in 1815 by G. W. Traill, the British Commissioner for Kumaon, the calculations of previous years were assumed as the standard of assessment. A more favourable rate of cash computation in respect of dues hitherto paid in kind and the change of currency from Farrukhabad rupees resulted in a reduction of this nominal assessment by twenty-five per cent. The demand on the Johar Pargana consisting of 3 Pattis amounted to Rs. 4,872.. This rose to Rs. 5,140 in 1817 and, with the abolition of taxes on trade in 1818, fell to Rs. 5,051 in 1819.

Johar Malla was also included in the subsequent settlements carried out by Traill. The settlement of 1820 was made on the basis of cultivation, and trade was taxed separately. The demand was Rs. 2,633. It rose to Rs. 3,382 in 1823. It remained approximately at this figure in Traill's settlements of 1828, 1833 and 1843. The ninth settlement of 1840-42 was made by Batten who considered that Traill had made an undue sacrifice of revenue by taxing only the produce of the fields and the forests, but his assessment on the basis of the general capacity of the district was moderated by the political importance of keeping the borderers contented and amounted to Rs. 4,791. Beckett (1872) and Goudge (1902) followed the principle of Batten. Beckett says:

"It is quite fair that they (Bhoteas) should pay, because they occupy an immense tract of country to the exclusion of all others. For six months they graze their sheep and cattle all over the country. They have the benefit of the roads and bridges made at a great expense, and with these advantages they make great profits". Report on the Revision of Settlement in the Kumaon District 1863-1873" page 9. Photostat copies of Beckett's settlement lists for this area were attached (Photostat 53).

Milam was subjected to a special census in 1900. At that time, the population numbered 1733 of whom 954 were men and 779 women. They were almost all found to be Bhoteas who used Milam as a depot for their trade with Tibet. Gazetteer of Almora District, 1911, page 265. Milam has also been covered in every later census since then.

In 1874 E. C. Ryall of the Survey of India surveyed the Milam valley:

"The Milam Hundes triangulation may be said to have been started on the base Khamlek to Dhaj, a side of the principal triangulation of the Kumaon and Garhwal Survey, in latitude 29°r, and longitude 80°io, the first two triangles of the series were observed in 1869 by Mr. W. G. Beverley, terminating on the side Balchandanda-Khaparchula, with a Cooke and Son's 12-inch Theodolite. The remaining triangles were observed by myself with Troughton and Simm's 12-inch Theodolite, up the Milam valley in 1874. ...For about 28 miles from the base of operations the mountains encountered were of an average height of 9,700 feet above sea level. They were well wooded and not over rugged. Their slopes were studded with numerous villages and extensive patches of cultivation. This section of the triangulation lies in the Parganas of Sira and Johar in the Kumaun district, and terminates on the side Athansi-Punya, 13,340 and 13,170 feet above sea level respectively. From this base upwards physical difficulties of no

ordinary character were encountered, particularly in the narrow and deep gorge leading into and out of the Milam valley and on the Unta Dhurra (Unta Dhura) ridge..."

'That the watershed was the boundary between India and Tibet in this region is made clear from Ryall's remarks:

"Hundes (Nari Khorsam) is that portion of Tibet under the Government of China which occupies the upper basins of the Sutlej..."

(General Report on the Operations of the Survey of India during 1877-1878. Supplementary Appendix, Pages 1 and 3.).

Official Maps of Uttar Pradesh

Official Indian maps have always shown the places now claimed by China in this Sector as part of the Uttar Pradesh State of India.

1. Map of Kumaon and British Garhwal, "compiled in the office of the Surveyor-General of India, with the latest additions from the researches of Captain Henry Strachey in 1846 and Lt. Richard Strachey, Engineers, in 1849," and published in April 1850, showed the Sutlej-Ganges watershed as the Indo-Tibetan boundary and therefore, Sangchamalla, Lapthal, Barahoti, Pulamsumda, Nilang and Niti in India (Photostat 54).
2. Map of Nari Khorsum including the easternmost parts of Ladakh and with the contiguous district of Monyul, "constructed by Capt Henry Strachey from his own surveys and other materials, based upon the Indian Atlas, March 1851." The depiction of the boundary in this map was the same as in map 1. On this map, Jadhong, the Niti Pass, Hoti, Sangcha and Lapthal were also marked as within India (Photostat 55).
3. Map of the Punjab, Western Himalaya and adjoining Parts of Tibet, "from recent surveys and based upon the Trigonometrical 'Survey of India, compiled by the order of the High Court of Directors of the East India Company, by John Walker, Geographer of the Company, March 10, 1854"

(Photostat 56). While Walker's Map of 1854, as the Indian side had already shown, was inaccurate in the northern areas of the Western Sector and elsewhere, it was based in surveys which had been carried out in this area in the Middle Sector, and showed the correct alignment here. Nilang, Jadhong, Niti Pass, Hoti, Sangcha and Lapthal were all shown in India.

4. Atlas Sheet No. 65, published by John Walker, Geographer to "the Secretary of State for India in Council August 15, 1860, showed Niti as a border pass. It also stated clearly that a pile of stones (obviously a boundary mark) was to be found here (Photostat 57).

5. Map of Turkestan with the Adjoining Portions of the British and Russian Territories, "mapped on the basis of the surveys made by British Officers up to 1867 and on recent itineraries," published by the Superintendent, Great Trigonometrical Survey of India, Dehra Dun, August 1868. In this map the delineation of the boundary was the same as in map 2. As this map was in many sheets, the Indian side provided a photostat of only the relevant portion (Photostat 58).

6. Great Trigonometrical Survey of India, Trans-Frontier Maps, Skeleton Sheet No. 8, 'compiled under the orders of Col. J. T. Walker. Superintendent, G. T. Survey of India and Major T. G. Montgomerie from route surveys and astronomical observations made by British and Asiatic explores from the side of India and based on the Great Trigonometrical Survey by Mr. G. W. E. Atkinson." Survey of India December 1873. This map also showed the watershed boundary and Nilang, Niti village and Lapthal as in India. Balchadhura, Niti and Tsangchok-La (Shangyok La) were shown as border passes (Photostat 59).

7. Map of the United Provinces-Parts of Districts Almora and Garhwal, "surveyed during the year 1876, under the orders of Col. J. T. Walker, Superintendent, Great Trigonometrical Survey of India," by E. C. Ryall. This map showed Balchadhura, Shalshal and Tunjun-La as border passes and

Barahoti, Sangchamalla and Lapthal as lying on the Indian side of the watershed boundary. (Photostat 60).

8. Map of Kumaun and Hundes prepared for Atkinson's Gazetteer by the Great Trigonometrical Survey of India, (1884) showed Tsang chok-La, Niti, Shaishal and Balchadhura as border passes, thus placing Nilang, Jadhang, Niti village, Barahoti, Sangchamalla and Lapthal in India (Photostat 61).

9. Hundes or Narikhorsum and Monyul with parts of surrounding Districts, "compiled in the office of the Great Trigonometrical Survey of India, from Strachey's Map of Hundes, 1851, Trans-Himalayan Explorations by Pundits etc., and Topographical Sketches and Triangulation Charts by Messrs. Ryall and Kinney..." Survey of India, Dehra Dun, August 1879. The map showed the watershed boundary, and Kungribingri, Shalshal, Tunjun-la and Niti as border passes. Sangchamalla and Niti village were shown in India (Photostat 62).

10. Maps appended to the Gazetteers of Garhwal and Almora Districts, 1910 and 1911, referred to earlier in this note, also showed the Sutlej-Ganges watershed as the boundary.

Chinese maps also showed the same watershed boundary in the Barahoti and Sangchamalla area: for instance, the map in the New Atlas of China published by the Shun Pao 1935, and claiming to be "not a mere reproduction of the published maps, but a new compilation from all available data which have been thoroughly studied", (Photostat 63): the Map of Administrative Areas of the Chinese Republic issued by the Chinese Ministry of the Interior, December 1947, and Wall Map of the People's Republic of China, January 1951 (Photostats of these two maps had been supplied along with the Indian statement on administration in the Western Sector). The New Map of Tibet, March 1951, besides showing the correct traditional Indian alignment in this sector, also specifically showed

Sangchamalla in India (A photostat of this map also had been supplied earlier).

The Chinese side cited two Indian maps to show that Nilang was not part of India. As for the first map, based on the surveys of Herbert, it should be remembered that Herbert, was unsuccessful in visiting the area. The map could not, therefore, be regarded as authoritative.

The second map was India, published by the Survey of India, 1889.

This map showed clearly that Niti, Tunjun-La, Shalshal and Balchadhura were border passes.

COMMENTS ON THE MIDDLE SECTOR UNDER ITEM 3

On the Middle Sector, the Indian side brought forward a large amount of representative evidence, relating to different aspects of administration, to show that Indian governments had exercised full, continuous and uninterrupted control over all the areas right upto the traditional alignment. The Chinese side were un able to disprove the conclusive nature of this evidence. As for the material submitted by them with regard to the are as south of the watershed DOW claimed by them, the Indian side established that they constituted no proof of administration having evpr extended to these areas.

(i) The Spiti Area

The Chinese side claimed that they had administered the Kaurik area for centuries, but the only evidence they brought forward was the solitary document which they had already cited under Item 2. This suggested that they had no other documentary evidence that would even suggest administrative control of this area. The one document cited was the "land-grant" said to have been issued by the Fifth Dalai Lama in the middle of the 17th century, and renewed by the Seventh Dalai Lama in the next century. It has been established by the Indian side in great detail, during the discussion under Item 2, that manoria¹ estates were no proof of political administration, and that the exercise of religious authority and the collection of religious dues were. no proof of political sovereignty. The Chinese side brought forward no proof of collection of taxes, of what one might call "secular revenue" and distinct from religious dues. The Indian side had brought forward documents to show the clear distinction maintained in these areas between religious dues and taxes paid to the State, between na'thal and cash revenue on the one hand, and pun on the

other. As the Chinese side referred again to the combination of religion and administration in Tibet, the Indian side reiterated the obvious fact that the mere existence of a theocratic system in Tibet did not mean that all areas where Tibetan Buddhism prevailed belonged to Tibet.

In sharp contrast, the Indian case had been based on numerous records of powerful validity, showing the continuity of Indian administration in this area which had been a part of Chuje Kothi from the earliest times. The Chinese side sought to differentiate Chujeh from Chuje. But the Indian side had given not only the precise location of Chuje Kothi but also the traditional meaning of the term Chuje. They had in addition adduced documentary proof that Chuje Kothi included Kaurik and Gue villages and that these villages were regularly assessed for land revenue by the British authorities in Spiti and the Punjab. As the Chinese side contended that there was another Chuje, the Indian side sought information as to the precise location with co-ordinates of that place. No answer was forthcoming.

The Indian side were constrained to point out that the Chinese' side had clearly not understood the evidence that had been submitted to show that Chuva and Chuje had formed a part of the Spiti Waziri, which had for centuries been a part of Ladakh and since 1846 had formed a part of the Punjab province. This had been proved in detail, and a great deal of evidence regarding tax-collection had been brought forward to show continuous administration of the area. Nothing proved more effectively sovereign jurisdiction over an area than its subjection to land revenue and other taxes.

The Chinese side dismissed the official surveys of the area carried out by Peyton of the Survey of India in 1850-51, and the official maps cited by the Indian side, as the products of unlawful and secret surveys on Chinese territory. The Indian side stated that they had already pointed out that

general charges of imperialism could not be regarded as disposing of particular evidence. It was necessary to deal with each case on its merits and prove that the source of any particular evidence was biased. The Indian side also remarked that the Chinese side had shown themselves on other occasions partial: to official Indian maps and there was no other source of evidence on which they had drawn more. Indeed even under Item 3 they had sought to establish proof of Chinese administration not on the basis of Chinese evidence, which would have been the normal course, but mostly on the basis of Indian maps.

The Indian side stated that the charge of 'imperialism' could not be sustained against Peyton himself. He had strict instructions to confine himself to Indian territory. He did not proceed beyond the Kaurik area and established a hill station at Pangdom, West of and near Kaurik. His fellow surveyors who surveyed the upper part of the Spiti valley also confined themselves to what was clearly Indian territory.

As for official maps, the Indian side pointed out that the Map of Hundes or Nari Khorsum and Monyul, published by the Great Trigonometrical Survey of India in 1879, a quarter of a century after Walker's Map of 1854 which had been cited by the Chinese side, was obviously the most authoritative of these official maps; and it clearly showed Kaurik as an Indian village on the boundary. The Chinese maps cited by the Indian side were on the scale of 1" = 63 miles, and could not, therefore, as the Chinese side contended be considered as comparatively small-scale maps, or as delineating the boundary imprecisely. The Chinese map of 1947; cited by the Indian side, was an official map published under the orders of the Ministry of the Interior and in this map the delineation in the Spiti sector was clear and precise and followed the Indian alignment.

Nor was it tenable to agree that maps allegedly published by private agencies after 1950 had not the approval of the People's Government of China. None of these maps had been dealt with by the Chinese side. The Indian side showed that the Chinese' assertion that their patrols had visited this area up to 1957 was incorrect. The area had always been under the jurisdiction of the Government of India and had been patrolled regularly by Indian parties. It was only in August 1956 that, for the first time, a Chinese survey party had been noticed in this region. Twelve months later, in August 1957, another Chinese patrol party had visited this region. The Government of India had drawn the attention of the Foreign Office of China to these "violations" of Indian territory and had desired that adequate action be taken to prevent such trespasses. The Chinese Government had neither denied the charge nor claimed this area to be a part of Tibet. They had clearly not had even an exact knowledge of the area; for when, a few months later, the Indian Government had reminded the Chinese Government of these "violation", the Chinese Foreign Office had answered that they had been unable to find these places on their maps and had asked India for their co-ordinates and whether this area was near the Shipki Pass. As the Shipki Pass was about 40 miles away from the Kaurik area, the question revealed that the Chinese had not only never administered this area, but had no accurate, or even approximate, knowledge of it. The Chinese side stated that such a request for information was fully reasonable. The Indian side agreed that it was reasonable for the Chinese Government to seek information when they had none. But this lack of information was positive proof that this area had never been under Tibetan or Chinese administration, for there could be no administration of an area without knowledge of the area that was being administered. The Chinese side quoted from a letter written by the Tashigong monastery in 1958 alleging that Indian soldiers had intruded into the "monastic

estates" in the area and prevented the collection of monastic income". The Indian side rejected this unsubstantiated charge of intrusion into the lands of Tashigong monastery. Nor was it correct to say that India had only occupied this area in 1958. The Spiti area had always been a traditional part of India and had been administered continuously by Indian Governments. But even if the document were stating the correct position, it could not prove Tibetan administration of the whole region. A monastic estate was a form of private property. It neither covered the whole area nor established that this whole area was a part of Tibet. The collection of monastic income in kind could also not be regarded as the collection of public revenue and therefore, proof of administration. All that the letter, if correct, proved was that the Tashigong monastery had some private lands in the Spiti area and used to collect the produce from these lands for its own needs.

(ii) The Shipki Pass area

The Indian side had shown conclusively that Indian administration had throughout extended right upto the Shipki Pass, across which lay the traditional and customary boundary between India and Tibet. The Chinese side brought forward no firm evidence of any date to support their contention that Tibet had administered this area. They claimed that the pasture grounds west of the Pass had belonged to Shipki village and had been used by the villagers. This statement was not in accordance with the facts. Indeed, even Shipki village had been founded by people from Bashahr State in India; and as there were no grazing grounds east of the Pass the villagers of Shipki had been allowed to use these fields in India. Grazing in this area was no proof of sovereignty because the pasture grounds were used for their pack animals by traders travelling to India and to Tibet. Indian traders going into Tibet utilized the grazing fields along the

route in Tibet, but the Indian Government had not on this basis claimed these' areas as part of India. The Chinese side brought forward no proof to show that these pasture grounds west of Shipki Pass had belonged to Shipki village or had been administered by the village. They asserted that an Indian citizen had been arrested in this area by the Tibetan authorities for mowing grass, but provided no evidence to substantiate this assertion. The Chinese side alleged that the Indian side had brought forward no material to prove that the area west of Shipki Pass belonged to India. This was a groundless suggestion. The Indian side had shown that Shipki Pass was a border pass and it was therefore necessary to show that the area west of the Pass was Indian territory. Nevertheless the Indian side had shown that the territory up to the Pass had formed part of the Bashahr village of Namgia. It was well-known that every Indian village not only included the inhabited portion and cultivated fields but also the pasture grounds and forests which were the preserve of the village; and the forests between the inhabited portion and Shipki Pass Were leased out from time to time to the British Government by the Bashahr State. The Indian side had also provided evidence proving the collection of land revenue from Namgia village, whose limits extended upto the Pass. The Chinese side saw fit to ignore all this detailed evidence brought forward by the Indian side and stated that only evidence concerning the construction of the Hindustan-Tibet road had been provided.

Regarding this road, the Chinese side argued that the Indian evidence had shown only a desire to construct it. The Indian side replied that they had produced photostat evidence to show that the road right upto the Shipki Pass had been constructed and maintained by the Government of India, in accordance with a treaty stipulation. The work of converting the customary route into a road, undertaken by stages, had been completed in 1917-18. If the Tibetan Government had ever considered the area west of the Shipki

Pass as Tibetan territory, they would have protested against this road construction carried out over a period of years. In fact, there had never been any such protest.

The Indian side showed to be baseless the Chinese statement that the former British Indian Government had acknowledged that this area was under Tibetan control. The Indian Government had been contemplating the maintenance of this road not only upto the Shipki Pass but even beyond, to Shipki, village. The document supplied by the Chinese side, wherein the British Representative in Lhasa in 1934 had stated that the sector from Hupsang to Shipki was Tibetan territory, obviously referred to this proposal. The Hupsang referred to was not the Hupsang stream on the Indian side of the Pass. It was well-known that there were two Hupsangs in this area, one on either side of Shipki Pass. Hupsang in Tibetan meant merely "water that cleanses", and was a general term applied to all flowing fresh-water streams. That on the Indian side was known as Hupsang Yongma (Lower Hupsang) and that in Tibet as Hupsang Kongma (Upper Hupsang). There was a spring of clear water about one furlong beyond the Shipki Pass on the Tibetan side, on the road to Shipki village. It was obviously this Hupsang in Tibet which the British Representative spoke of in 1934, and the Chinese side had brought forward no evidence that could refute this obvious interpretation. The two Hupsangs should not have been confused in order to support a claim to Indian territory.

The Chinese side dismissed as a legend the common Tibetan saying, "the territory above Pimala (Shipki Pass) belongs to the Raja of Tibet and below to the Raja of Bashahr". The Indian side stated that a saying current among people for centuries was a fair reflection of the existing situation. On the other hand, the Chinese side cited a legend that a ruler of Tibet had entered into an agreement with an Indian King to the effect that "the inhabitants of both sides would respect the traditional boundary of Hupsang

river", and claimed that this showed that both Bashahr and Tibet had agreed to consider the Hupsang stream as the boundary. But as there were two Hupsangs in this area, evidence that the border lay at Hupsang was obviously inconclusive and ambiguous. The Indian side invited the Chinese side to bring forward further evidence to show that it was western Hupsang that had been meant; but no such evidence was provided.

The Chinese side stated that two maps published by the Survey of India in 1880 and 1889: had shown the area west of Shipki Pass as "clearly Chinese territory". In fact, the map of 1880 showed the boundary west of Shipki village; and Shipki Pass was west of Shipki village. The Indian side were grateful to the Chinese side for bringing forward a map which delineated the boundary correctly not only in this area but in most other parts of the Middle Sector as well as in the Western Sector. The map of 1889 also showed the boundary along the watershed west of Shipki village, i.e., along the Shipki Pass. The official Indian and Chinese maps, quoted by the Indian side, had shown clearly that Shipki Pass was a border pass; and the Chinese side had had no comments to make on these maps.

The Indian side mentioned, in this connection, that the Chinese side frequently referred to Survey of India maps, described portions of the alignment which did not tally with their present claim as having been shown wrongly, and cited those stretches of the alignment which they believed, suited them. This could hardly be regarded as an objective approach to facts or in consonance with the spirit in which the two sides were expected to participate in the meetings. It would have been as logical for the Indian side to have stated that these maps were wrong in those parts where it did not seem to suit the Indian side and to have cited them as evidence in those stretches where they tallied with the present Indian alignment. But it would be more fruitful if the two sides sought to prove their administrative control on the basis of their own administrative records and did not just cite

a few stray documents published by the other side. The Indian side certainly had adopted the correct attitude and had based their case in all sectors under Item 3 on evidence of their own continuous administration. The Chinese side also brought forward a part of a Tibetan panoramic map which according to them showed "that the posterior area of Shipki ends at Hupsang river". But they gave no detail regarding the date of this map, its author and the place of publication; and as the map itself provided scanty information, and did not even show rivers, it was not possible to regard this map as scientific data. Nor, as had already been shown, did a reference to Hupsang prove anything.

The Indian side had already brought forward evidence to establish that the area had been surveyed by Gerard in 1822, by Indian official sent by the Survey of India in 1867-68, by the Great Trigonometrical Survey of India in 1882-1897 and by Rawlinson in 1904-1905. To describe, as the Chinese side had done, all proven Indian surveys of Indian territory claimed by China as "illegal" was really to beg the question, and could not be regarded as a refutation of evidence.

The Chinese side alleged that an attempt had been made by Indian personnel to change the boundary in the area in 1954. This allegation had obviously no basis whatsoever. It had always been known that the traditional boundary lay along Shipki Pass, and Indian administration had throughout extended upto this Pass, which marked the 200th mile stone on the Hindustan-Tibet Road Indian personnel had always been patrolling and guarding the area right upto it. The Chinese side stated that the headman of Shipki village had protested against the presence of Indian personnel in 1954. The Indian Government were certainly not aware of any such protest. This could only mean that when the Chinese Government received his protest, they realised that it was an incorrect statement of the facts and therefore took no action. They had seen no reason to doubt the validity of

the traditional boundary alignment across the Shipki Pass and the legitimacy of Indian patrolling right upto it.

Further, when some Chinese personnel had intruded across the boundary in September, 1956, the Indian Government had promptly protested twice in writing to the Chinese Government; and the latter had neither replied claiming this area and justifying the action of their personnel nor questioned the Indian statement that the 1954 Agreement had given treaty sanction to the boundary alignment across the Shipki Pass. The Chinese side stated that this acceptance of the correct Indian alignment had been only in a spirit of friendliness and did not commit the Chinese Government. But this was not a tenable position. In fact, the conclusion was inescapable that it was only in September 1959, that the Chinese Government had decided to bring forward a claim to territory which had always been a traditional part of India, which had been continuously administered by Indian authorities, which lay west of what had been accepted as a border pass in the 1954 Agreement, and which had been shown as Indian territory even in official Chinese maps right down to 1957.

(iii) Nilang-Jadhang

For the Nilang-Jadhang area, the Indian side had produced a vast amount of illustrative evidence, stretching over centuries, to show that it had always been part of Indian territory and continuously under regular Indian administration. The Chinese side ignored all this evidence, but merely asserted that the area had been "occupied" by the British only in 1919. The Indian side pointed out that, apart from all the other evidence much before this date cited by them, no detailed revenue surveys lasting for over a year such as had been carried out in 1919-1920 would have been possible in territory that had not been for long under Indian administration.

It was also wholly untrue to say that Indian troops had entered the Nilang-Jadhang area in 1952. All that had happened in that year was that the inhabitants of this area had stopped paying trade dues to Tibet as they had ceased to visit their customary trade marts in Tibet. The Chinese side cited a document purporting to show that the Dzungpen of Tsaparang had protested to Indian army official. No such protests had, in fact, been received. Certainly the Government of China had taken no action on the corn plaint said to have been received by them in 1953. It was only in 1956 that a Chinese patrol had been found in this area; and the Government of India had protested strongly and desired that these Chinese troops should 'be instructed to withdraw immediately from Indian territory. There had never been any reply to this protest. The only logical explanation of the fact that the Chinese Government had not claimed this area before September 1959, and had even accepted the Indian protest against Chinese intrusions into this area in 1956, was that it was only during the last twelve months that the Chinese Government had .decided to bring forward an untenable claim to this part of India.

The Chinese side claimed that they had "inexhaustible" evidence to show Tibetan administration of this area for centuries. This assertion was contradicted by the experience of the Commission that had met in 1926 to consider certain aspects of the alignment in this sector. The Indian side had produced a vast mass of evidence stretching over centuries, regarding such normal administrative - activities as revenue settlements, collection of land revenue, forest administration, preparation of village maps, periodical census reports, .civil and criminal jurisdiction, maintenance of schools, construction of roads and establishment of customs outposts. The Tibetan Representative could only produce two documents; one a list of names that had no connection with the area and the second a list of trade dues paid by

the villagers of Nilang and Jadhong to the Tibetan authorities for the right to trade in Tibet.

Even at these meetings the Chinese side had not been able to 'cite any conclusive evidence to prove Tibetan administration of this area at any time. They brought forward what they, termed "a Census and Taxation Register" of 1693, which was said to cover the population of Nilang and Jadhong and the taxes paid by them. But in fact the document merely listed the heads of 19 families in Nilang who were liable to payments. There was nothing to show that this constituted either the whole population of Nilang or that the list comprised items and amounts of taxes. The so-called census was, therefore, only a list of heads of those families in the village who wished to trade in Tibet. The Chinese side also cited a document which was said to be of the year 1865. The document itself, however, bore no date and did not mention, contrary to the Chinese contention, the different types of taxes paid. It only specified the different kinds of goods given as tax. The inhabitants of Nilang and Jadhong had customarily traded at the Tibetan mart of Poling (also known as Puling Sumdo) and paid trade and transit dues to the Dzungpen of Tsaparang, who himself was a trader. This was confirmed by the' document of 1932 cited by the Chinese side, which mentioned those families which were to pay taxes and those which need not i.e., those families which were trading with Tibet and those which were not doing so. There was nothing in the document to suggest, as the Chinese side claimed, that monastic dues had been collected, or that. there were "families with religious duties". But even such collection and such duties could not prove the existence of Tibetan administration. There was no evidence even to suggest that land taxes had been collected in this area, in contrast to the large amount of Indian evidence spread over a long stretch of time and showing that Indian authorities had been continuously collecting land revenue in these areas.

The Chinese side then brought forward another document which spoke of one family in Nilang paying Rs. 741 to Tibet. The very fact that this amount had been paid in Indian rupees showed that the village was in Indian territory. It was inconceivable that land taxes in Tibet would be paid by Tibetans in a foreign currency. At no time had Tibetans paid taxes to their Government in rupees. Certainly the computation of land tax levied on Tibetans was in Tibetan currency, in tankas, and not in Indian currency. Moreover, in the other documents cited by the Chinese side, the land tax in Tibet was always stated to have been collected in kind. That only one family was paying it and that there was no reference to official dues in the document were further confirmation that it was only trade dues paid to Tibet in Indian currency by Indian citizens. The only payments that were made in Tibet in Indian rupees were by Indian traders.

The Chinese side again referred to Herbert's visit to the area in 1818. The Indian side' drew attention to their earlier statement under Item 2 that the Tibetans had taken advantage of the confusion that followed the reconquest of Garhwal from the Gurkhas in 1815 and had intimidated the local population who depended for their livelihood on trade with Tibet. In addition, while in Tibet these traders had been coerced into declaring that they were subjects of Tibet. The "avowals" of 1921 and 1927, said to have been made by the inhabitants of Nilang and Jadhong accepting Tibetan jurisdiction were, significantly enough, of the years after Tibet had raised a boundary dispute with Tehri. There was nothing in the "avowals" to suggest that the signatories were the recognised spokesmen of the area. The "avowal" to the Lhasa Government not only described the Indo-Tibetan boundary in this area as running "north and south of the Gum Gum Bridge"-a description too vague to have any meaning -but had been made by only three persons. And the Chinese side themselves had agreed in the earlier discussions that statements of private individuals could not be

regarded as evidence of administrative control. But these "avowals" and the evidence of payment of trade and transit dues constituted the only evidence which the Chinese side brought forward to prove administrative control of the area.

The Chinese side referred to British proposals in 1927 to give Jadhong to Tibet, and quoted from a letter from the Political Office, Sikkim to the Tibetan Government in 1928. This offer, however, had been made after the Commission of 1926 had investigated the evidence carefully with the co-operation of the Tibetan Representatives and had reached the conclusion that this area had always belonged to India, and had been administered by Indian Governments. The compromise offer, therefore, was made from this position of moral strength, after even the Tibetan Government had had no option but to accept that they had no claim to any part of this area. The Political Officer, even in the letter cited by the Chinese side had clearly stated: "Though there is evidence to prove that Tehri had the right to administer and collect taxes in Sang (Jadhong) at present, it (Sang) is proposed to be given to the Tibetan Government." The Home Member (Minister) of Tehri, in his letter of 14 October 1927, (a photostat copy of which was supplied to the Chinese side) made it clear that the territorial jurisdiction of the Tehri Durbar extended upto the Sutlej-Ganges watershed, and that the Tibetans had only been collecting trade dues in the area. Indeed the Home Member pointed out that it would not even be physically feasible for the Tibetans to administer this area because the Jelukhaga Pass was blocked with snow for 9 months in the year. However, although the Tehri Government had been exercising administrative control in this area "from time immemorial", they were willing to abide by any compromise decision which the Government of India might reach with Tibet.

It was, therefore, clear from the entire negotiations of 1926 and 1927 between the Indian and Tibetan Governments that this area belonged to India by tradition, long user and administrative control, that the accredited and responsible officials of the Tibetan Government who had participated in these negotiations had been unable to produce any substantial evidence to support the Tibetan claim, and that the Government of India, in a spirit of compromise, anxious to end a minor dispute with a magnanimous gesture, had offered Tadhang to Tibet. The offer, however, had not been accepted. But when the Tibetan Government sought to take advantage of the offer to secure further concessions, the Indian Government made it clear that the offer had been made without prejudice to their rights, and that they had no intention of going beyond it. The Indian side regretted that an offer that had been made out of friendship with Tibet was now being utilised as the basis for a claim that had been conclusively shown to be wholly invalid. The Chinese allegation that the Commission of 1926 had functioned unfairly was proved to be baseless. The Commission had collected all possible evidence, had examined it thoroughly, objectively and honestly, and had reached impartial conclusions. The Tibetan Representatives had been, responsible officials of standing - Post Master-General of Tibet and two Dzungpens - and all the evidence along with translations of documents, had been given to them. They had never questioned the validity of any part of the evidence brought forward, nor had they challenged the conclusions reached by the Commission. It was not, therefore, now open to the Chinese side to assert that the evidence brought forward before the Commission by Tehri was a result of the "machinations of a few wicked persons." One could only conclude that these aspersions were being cast on the well-considered findings of the 1926 Commission because its conclusions were not palatable to the Chinese authorities.

The Chinese side referred to a letter from the Tibetan Kashag to the Political Officer, Sikkim, in 1920, in which it was stated that the Gum Gum bridge belonged to Tibet. The Indian side replied that it was a claim which even in 1926 the Tibetans had been unable to substantiate.

The Indian side pointed out that there could be no doubt that the inhabitants of the Nilang-Jadhang area were Garhwalis, and it would be incorrect to say that they were "originally mostly Tibetans". The Garhwali inhabitants of this area, also known locally as Jadhhs, were just like the other hillmen of Tehri and could not be distinguished from the inhabitants of other Tehri villages further south. In fact, they lived in the southern areas for the greater part of the year. They had nothing in common with the Tibetans across the watershed. The mere fact that they were sometimes called Bhutias proved nothing, for the people of the northern parts of the Almora and Garhwal districts as well as those in southern Nepal and Bhutan were also known as Bhutias. On this basis China had not claimed these territories as part of Tibet.

Regarding surveys, it was stated by the Indian side that the fact that the southern part of this area had been thoroughly surveyed in 1936 did not mean that the area had not been surveyed earlier. The Indian side had in their statement of evidence cited the regular topographical surveys carried out by Strachey in 1849 by Johnson in 1853-54 and by officials of the Survey of India during 1867-1879. There had also been detailed revenue surveys in 1849.

The Indian side were most surprised that despite many and detailed explanations given by the Indian Government during the last six years, the Chinese side had again put forward a claim to Pulamsurnda, which was well within Indian territory. The fact that the Chinese side quoted the letter of the Prime Minister of India of 26 September 1959 only showed that they had misunderstood that letter. When Premier Chou-En-lai, in his letter of 8

September 1959, accused India of having "invaded and occupied" Puling Sumdo, the Indian Government were amazed, for Puling Sumdo was a Tibetan trade- mart north of the watershed, which had never been occupied by India. The only place whose name sounded at all like Puling Sumdo was Pulamsumda, and the Indian Government could only believe that the Chinese Government had confused the two places. So the Prime Minister of India stated in his reply of 26 September 1959 that when the Chinese Prime Minister spoke of Indian "occupation" of Puling Sumdo, he doubtless had in mind Pulamsumda, a camping-ground in the Nilang-Jadhang area. But there was no cause for such a mistake, because even in the negotiations of 1954 the co-ordinates of the two places had been supplied to the Chinese Government. Pulamsumda was a camping-ground south of the watershed which had always been under Indian administration, whereas Puling Sumdo was a customary trade mart north of the watershed in Tibetan territory, and had never been occupied by India. It had been a trade mart for centuries and it was as such a customary trade mart that it had been recognized in the 1954 Agreement. The Indian side supplied photostat copy of the report of the Trade Agent at Gyantse of 1942, stating clearly that Puling Sumdo was a trade mart in Tibet frequented by traders from Tehri. There was, therefore, no question of Pulamsumda and Puling Sumdo being the same place and the Chinese side had brought forward no evidence that could even faintly suggest that this was so.

(iv) Barahoti, Sulichamalla and Laphthal During the discussion under Item 1 the Chinese side had, at a late stage, claimed a large composite area in this sector, but under Item 3 they brought forward no evidence to cover this large area. Indeed, when the Indian side dwelt at great length on the limits of Niti village which extended right up to the Niti pass on the border because under Item 1 the Chinese side had included a part of the Niti area in Tibet, the Chinese side described the Indian evidence about Niti village

as irrelevant. This could only mean that the Chinese side had abandoned their untenable claim to the Niti pass. In fact it was clear throughout the discussions under Item 3 that the Chinese side had in mind, when talking of Barahoti, only the small camping-ground just south of the traditional Indian alignment. As for this small locality, the Indian side had provided a wide extent of decisive evidence establishing beyond doubt that the area had always belonged to India and had been administered by Indian authorities. Nothing was brought forward by the Chinese side either to disprove the Indian position or to establish their own claim to this area.

In support of their contention the Chinese side again quoted the 'land grants' of 1729 and 1737, and cited a document of 1868. The Indian side pointed out that it had already been shown under Item 2 that the first two documents were inconclusive. Nor was there anything in the document of 1868, which merely reported a dispute caused by the wandering of livestock, that showed or even suggested that this area was in Tibet. The Chinese side quoted a sentence from this document to the effect that Sangchamalla and Lapthal were in Tibet. The Indian side pointed out that no such sentence was to be found in the document.

The Chinese side then cited a document regarding the "demarcation of land between the people of the Governments of Daba and Tung-po." This, however, showed merely that Daba Dzong extended up to Hoti and not that it included Hoti. The Indian side referred to their earlier evidence under Item 2, that *tsun*, the word used in the document, meant 'up to' and not 'including'. So the document showed that Tibet extended up to Barahoti, and confirmed the Indian position that the northern limits of Barahoti formed the boundary alignment.

The Chinese side stated that the Dzongpen of Daba used to send Sarjis to Barahoti as 'guards' and administrators. The evidence cited by the Chinese side, however, showed only that these Sarjis checked travellers and traders

and collected trade and transit dues from traders passing through Barahoti to Tibet. Barahoti is the junction of three trade routes leading from India to Tibet. The Sarjis came down to Indian villages to announce the opening of the trade season in Tibet and assure themselves that the pack animals used by the traders were free from disease. They also contacted the customary Indian traders and executed an agreement with them that they would abide by the customary trade practices in Tibet.

The Chinese side sought to use the report of the Deputy Collector of Garhwal in 1890, cited by the Indian side, to support their contention that the Sarjis had administrative and judicial functions. But there was nothing in this report to suggest this. Had the Deputy Collector found the Sarjis exercising administrative functions in Barahoti he would have promptly reported the matter to the Government, for Barahoti was a part of his area of jurisdiction. The Deputy Collector had made it clear in paragraph 6 of his report (a copy of which had been supplied to the Chinese side that, whatever the duties of the Sarjis elsewhere, in Barahoti itself their only function was to collect toll from traders going to Tibet and to refuse permission to those who had not executed the necessary trade bond. The Deputy Collector had also made it clear that just as the Tibetans sent Sarjis to India, Indian agents with similar functions, called Phoongias, went to Tibet to satisfy themselves about trade conditions there.

The Chinese side stated that it was inconceivable that Chinese authorities would continuously depute their personnel to foreign territory. But the visits of trade agents were no proof of either sovereignty or administration; and even to these visits, as the Indian side had shown earlier, the Government of India had repeatedly taken objection.

The Indian side stated that the Chinese claim that on more than one occasion the Tibetans had established a market at Barahoti was incorrect. The pattern of customary trade between western Tibet and the border

areas in what was now Uttar Pradesh was well-known. Traders from India went to certain well-established marts in Tibet such as Taklakot, Gyanima and Daba. But if during any year disease broke out in these marts, Tibetan traders came instead to India. On such occasions markets were established in Barahoti by Indian authorities and not, as the Chinese side had contended, by the Tibetans. Such occasional trading at places in India could not establish Tibetan possession and administration of the area any more than regular Indian trading at Tibetan marts would justify a claim by India to these areas in Tibet. For indeed it was Indian trading in Tibetan marts which was the norm; it was only when, this was prevented that this trading shifted to Indian marts.

The Indian side stated that the Chinese side were mistaken in contending that Indian troops had first entered Barahoti in 1954. Indian police personnel had regularly visited the area, which had always been administered by India. At the Barahoti Conference in Delhi in 1958, it had been clearly proved that the Tibetan Sarjis stationed themselves at Barahoti only from about 1880.

The Indian side could not comprehend the argument of the Chinese side that the detailed and numerous evidences brought forward by the Indian side showed that the then Indian Government intended to change the boundary illegally. Whenever the Indian side produced evidence to substantiate their case, aspersions were cast on the impartiality of the evidence. The Indian side repeated what they had stated many times earlier, that this could not be regarded as refuting the evidence. All evidence had to be considered on its merits, and mere general allegations could not minimize to any extent the weight and validity of documentary proof.

The Chinese side accused Strachey of arbitrarily including Barahoti within India. The charge was baseless. As the Chinese side had themselves stated,

Strachey visited these areas only in the middle of the 19th century, whereas the Indian side had brought forward evidence stretching back many years before. Even in 1815 the first official to administer the area, G. W. Traill, had stated explicitly that the whole area right up to the watershed belonged to Garhwal and Almora in India; and Barahoti lay south of the watershed.

The Indian side pointed out that there could be no weightier evidence of Indian administration and sovereignty than that brought forward by them showing that Barahoti had been covered by the various revenue settlements of the area; and it was incomprehensible why the Chinese side had not given this evidence the serious attention it deserved. Land revenue settlements in India had a comprehensive scope, and covered every aspect of village life. The land assessment was not merely for ascertaining the extent of cultivated land; pastures, waste lands and forests, within the village were also assessed as they were regarded as contributing to the agricultural production of the village. The Indian side had shown that when the village of Kurkutti was assessed for revenue, the waste land, the grazing fields and the forests in Barahoti and other areas right upto the border had also been taken into consideration. Moreover Barahoti had been specifically mentioned in these settlements such as that of 1896.

The attention of the Chinese side was also drawn to the evidence submitted earlier that there were copper mines in the Barahoti area, which had been worked by Indians "from time immemorial". The reference to Hoti in the document regarding mines cited by the Indian 'side was obviously to the Barahoti area.

Regarding Sangchamalla and Lapthal, the evidence submitted by the Indian side was conclusive. The Gazetteer Map clearly showed the pasture grounds of Sangchamalla and Lapthal as the northern most parts of the Patti Malla Johar of the Almora District and Milam was the northernmost village in the

Patti. It was, therefore, clear that Sangchamalla and Lapthal were included in the traditional boundaries of Milam. The revenue settlements for Milam and the census taken in the area had also included Sangchamalla and Lapthal. The area upto the border had been regularly visited by Indian officials. Major Napier, who was deputed in 1910 by the District Commissioner of Almora to tour the area reported that there could not be any doubt about the boundary. He did not think it would be necessary to demarcate it "as the watershed of the Himalayas in this part is so well defined that it makes a natural boundary which cannot be mistaken." It was incorrect to argue that the Indian side had confused physical features with administration and jurisdiction. All that the Indian side had stated was that the administration extended right upto the traditional boundary and that the administrators of the Ume considered the demarcation of the boundary unnecessary as it stood out clearly and permanently.

On the other hand, the Chinese side brought forward no evidence of Tibetan administration of this area. They failed to substantiate their assertion that this area had been 'guarded' by Tibetan officials. Such Tibetan visits as took place were those of Tibetan personnel to ensure that traders and pack animals going into Tibet were free from disease.

The Chinese side asserted that official Indian maps had not consistently shown Nilang, Barahoti, Sangchamalla and Lapthal and "other areas" within the boundaries of the Uttar Pradesh State of India, some of these maps having either shown no boundary in the Middle Sector or used a colour wash. The Indian side replied that there was not a single map of the Survey of India which did not show the watershed as the boundary between Almora and Garhwal on the one hand and Tibet on the other. As regards Nilang and Jadhang, the Indian side drew the attention of the Chinese side to the numerous official maps which included them in India. The use of the colour wash to show territories which formed part of India and the absence of

international boundaries on maps intended for internal purposes had been explained earlier both by the Indian Government in the correspondence and by the Indian side at these meetings. More significant was the fact, which the Chinese side had been unable to explain away, that all Chinese maps had shown the watershed as the boundary in this Sector. For example, the official map of China published in 1947, showed the watershed boundary in this region; and the New Map of Tibet, published in March 1951, also clearly included Sangchamalla in India.

The discussion thus showed conclusively that the areas in the Middle Sector west and south of the watershed now claimed by China had been continuously under Indian administration. The Chinese side could neither controvert the Indian evidence nor establish their claim to have administered any part of this area at any time.

(C) SIKKIM AND BHUTAN

Exercise of Administration by Bhutan and Sikkim up to the traditional alignment

Sikkim has always been exercising full administrative control and jurisdiction up to the traditional customary boundary. Prominent instances of the exercise of jurisdiction up to the traditional boundary are those in March 1886 when Tibetans trespassing across the eastern boundary of Sikkim with Tibet and in June 1902 when trespassers who crossed the northern border were expelled. The Chinese side are doubtless aware of this.

The 1: 5 M. official map showing the alignment claimed by the Chinese side produced during the current discussions does not apparently differ in any way from the traditional customary boundary of Sikkim with Tibet as recognised by both sides. The largest scale map which has been published in China since 1949, the 1: 2'25 M. New Map of Tibet (1951) published in Peking, also shows a boundary similar to that on the official map, between Sikkim and Tibet.

The State of Bhutan has been maintaining checkposts all along her boundary with Tibet and has been exercising effective administrative jurisdiction up to this boundary. Bhutanese officials have been conducting official tours and collecting taxes from the land extending up to it and Bhutanese citizens have been regularly utilising the lands up to the border. The local Tibetan officials in areas adjacent to the border have respected this boundary.

The Government of India have already taken up with the Government of China various matters on behalf of Bhutan, including the delineation of Bhutan's external boundaries.

The official map supplied during the current discussions is on a very small scale; but the boundaries appear to be more or less correctly drawn except in so far as they concern Bhutan's eastern border with India. That a major discrepancy exists here was confirmed when the Chinese side gave the Indian side the co-ordinates of the southeast corner of Bhutan. The Government of India feel concerned that the boundaries of estate, whose external relations the Government of India alone are competent to deal with, are being incorrectly shown in Chinese unofficial and official maps. Since the traditional boundary of India and Tibet lies along the Himalayan watershed, Bhutan's eastern boundary is contiguous only with Indian territory and is, therefore, a matter concerning India and Bhutan only. As far as India and Bhutan are concerned the valid boundary in this sector is known and recognised. Actually not only this part of Bhutan's eastern boundary but the whole of Bhutan's eastern boundary with India had been studied jointly by representatives of the Government of India and the Government of Bhutan during 1936-38 and their joint recommendations have been formally accepted by the two Governments concerned. Chinese officials have illegally dispossessed the designated authorities of the Government of Bhutan in the following eight villages situated in western Tibet over which Bhutan has been exercising administrative jurisdiction for more than 300 years: Khangri, Tarchen, Tsekhor, Diraphu, Dzung Tuphu, Jangehe, Chakip and Kocha. Bhutan has for centuries appointed the officers who governed these villages, collected taxes from them and administered justice. Tibetan authorities consistently recognised that these villages belonged to the Bhutan Government. The villages were not subject to Tibetan officers and laws; nor did they pay any Tibetan taxes. There has thus been a violation of Bhutan's legitimate authority over these villages.

At the request of the State of Bhutan the Government of India in their notes of 19 August 1959 and 20 August 1959 have represented to the Chinese Government to restore the rightful authority of the Bhutan Government over their enclaves.