

Report of the Officials
of the
Governments of India
and the
Peoples' Republic of China
on the
Boundary Question
(*Part 4*)

Ministry of External, Government of India

(D) EASTERN SECTOR Evidence of Indian Administration upto traditional alignment in the Eastern Sector

Under Item 2 the Indian side submitted a great deal of evidence from Indian, Chinese and other sources to show the traditional and customary basis of the watershed boundary of India from east of Bhutan to the tri-junction of the boundaries of India, Burma and China, and showed that this traditional boundary was confirmed by a formal exchange of letters with Tibet in 1914. They now submitted evidence of Indian administration in this area right upto this boundary alignment.

This entire area now constitutes a part of the North East Frontier Agency under the direct administration of the Union Government of India. It comprises the Kameng, the Subansiri, the Siang and the Lohit Frontier Divisions. It is inhabited almost entirely by tribal people who were, for a long time, permitted as far as possible to look after their own internal matters.

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 Tsekhori, Diraphu, Dzung Tuphu, Jangehe, Chakip and Kacha.

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.

The chief tribes inhabiting the region are:

- (i) The Monbas in the Tawang, Tammaphu, Domkho and Dupla Ko river valleys;
- (ii) The Akas in the Tenga and Bichom river valleys;
- (iii) The Daflas in the areas east of the Aka and Monha territory and between the Kameng and Subansiri rivers;
- (iv) The Miris in the area north and east of the dafla area upto the Subansiri river;
- (v) The Abors in the area between the Suhansiri and the Dibang river valleys; and
- (vi) The Mishmis in the area between the Dibang valley and, the Indo-Burma boundary.

In the statement regarding the traditional and customary basis of the Indian alignment the Indian side cited a large number of authorities to show that the Ahom Rajas had extensive relations with the northern tribes and :Bad exercised sovereignty over them. During the British period these various tribal areas were placed from the start under the jurisdiction either of Political Agents or of the Deputy Commissioners of the adjoining districts. These Political Agents and Deputy Commissioners regulated inter-tribal relations as also relations between the tribal people and inhabitants of the plains. From time to time laws were passed and notifications issued defining the administrative boundaries between the hill districts and those on the plains and the limits of the administrative units set up in the hill areas themselves.

Thus in 1873, when it was found that the Government were being deprived of their revenue from the hill are as by traders from the plains who were exploiting rubber and other plants and killing animals, the Government of

India issued a public notification-the Bengal Eastern Frontiered Regulation 1 of 1873. This notification empowered the Provincial Government to prescribe what was known as the Inner Line beyond which people were to be prohibited from going without special passes. They were not to obtain from the hill areas any rubber, wax, ivory or other jungle products nor hunt wild elephants beyond the Inner Line without special permission of the Government. (Photostat 1). It may be mentioned that the very use of the term Inner Line was to distinguish it from the "Outer Line". that is, the international boundary. Exclusive control of grant of permits to enter certain territories is the strongest possible proof of control of those territories.

Under this Regulation of 1873 a detailed description of the Inner Line was issued. Notifications describing the Inner Line in the Lakhimpur District and the Inner Line in the Darrang District were issued in September 1875 and March 1876 respectively. (Photostats 2 and 3). In October 1884, a revised notification regarding the Inner Line in Lakhimpur was issued. (Photostat 4). All these documents show clearly that the Inner Line marked merely an administrative limit and the area north of it was also controlled by the Government of India. Revisions of the Inner Line have been, regularly notified thereafter right down to our own times; for example, in 1928, 1929, 1934 and 1958 such notifications were issued. On the last occasion it was formally brought to the notice of the Chinese Government on 23 January 1959; but the Chinese Government said nothing to show that this area, administered by India and indeed to which admission was controlled by the Government of India, was claimed by China. (Document 5).

Similarly, Government orders were issued from time to time notifying or altering the revenue and judicial administration of the tribal areas, and appointing officers specially for the purpose. In 1880, the Government of India issued a notification conveying the Governor-General's sanction to the

Frontier Tract Regulation. This Regulation extended "to any tract inhabited or frequented by barbarous, or semi-civilised tribes adjoining or within the borders of any of the districts included within the territories under the administration of the Chief Commissioner of Assam." The administration of civil and criminal justice, as also revenue administration, were to be vested in such officers as the Chief Commissioner might appoint. (Photostat 6). Under this Regulation, Political Officers were appointed to look after these tribal areas by the District Officers of Lakhimpur, Darrang and Dibrugarh, all of which adjoined the tribal areas. Regulation 1 of 1945 consolidated and amended the administration of justice and exercise of police authority in these frontier areas.

In September 1914 a fresh division of the areas was made and three main units were established. The Central and Eastern Sections, North-East Frontier Tract, which was one of the units thus established, comprised the hills inhabited by the Abors, Miris, Mishmis and others. The Western Section, North-East Frontier Tract comprised the hills inhabited by the Monbas, Akas, Daflas and parts of the Miri and Abor hills. The Lakhimpur Frontier Tract. comprised the hills inhabited by the Singphos, Nagas and Khamtis.

The line separating these hilly areas from the plains was described in great detail in this notification. (Photostat 7).

In March 1919, by another public notification, the Central and Eastern Section, North-East Frontier Tract was renamed the Sadiya Frontier Tract and the Western Section, North-East Frontier Tract was termed the Balipara Frontier Tract. (Photostat 8). Notification 50 of 3 January 1921 notified the frontier districts of Assam to be "backward tracts" in which, under the new Government of India Act of 1919, only such laws would operate as the Governor in Council or the Governor-General in Council might direct. The Government of India Act of 1935, divided these hill areas upto the

international boundary into "excluded" or "partially excluded" areas. Section 92 of the 1935 Act stated that till such time as these excluded areas were ready to be merged with the rest of the province the Governor would administer them in his discretion under the general control of the Governor-General. On 3 March, 1936, The Government of India (Excluded and Partially Excluded Areas) Order declared the Sadiya, Lakhimpur and Balipara Tracts to be excluded areas, and they were so administered till 1947. The Constitution of India, which came into effect on 26 January, 1950, made detailed provisions under the Sixth Schedule for the administration of this whole area, now known as the North East Frontier Agency.

The exercise by the Government of India of civil and criminal jurisdiction over the tribal areas and regulation of inter-tribal relations as well as the relations between the tribes and the people living on the plains can also be conclusively established.

The Chief of Tawang, called the Deb Raja, and his dependents, all of whom had been dependents of the Thom Rajas, undertook as early as 1844 to submit to British civil jurisdiction. An annuity of Rs. 5,000 was paid to them, conditional on their good behaviour and observance of all the terms of their undertaking. The text of this undertaking' was published as far back as 1862 in Aitchison's Collection of Treaties, Engagements and Sanads (Volume 1, pages 145-146); and the Chinese and Tibetan Governments were doubtless aware of this submission of the Tawang and other Bhutiya Chiefs to British jurisdiction.

Apart from these Chief's a number of other Bhutiya Chiefs also undertook in the same year "never to join any person or persons that may be at enmity with the British Government; and furthermore to oppose every effort made against the Government the instant it shall be brought to our knowledge..." They also agreed "to act up to any orders we may get from the British

authorities". On these conditions as well as of an assurance of good behaviour, they were given a monthly pension. There could be no greater proof of this acceptance of the sovereign authority of the Government of India.

In 1853 when a Tibetan refugee took asylum under the British, some of these Bhutiya Chiefs made a representation on behalf of the Tibetan Government but later withdrew for fear of losing the annuity of Rs. 5,000 granted to them earlier. They agreed that the annuity might be forfeited "should the peace be ever broken by us". All these administrative agreements have been published in the various editions of Aitchison.

There is conclusive proof of the exercise of administrative jurisdiction in the other areas as well. The Abor region was visited as early as 1826 and 1827 by Captain Bedford, Captain Neufville and Captain Wilcox to settle a number of feuds existing between the Miris and the Abors. In 1847 Major Vetch held a meeting with several clans of Abors 'On the Dihang for the purpose of establishing trading posts. The next year he settled the Posa (stipend) to be given to the different tribes of Abors. In 1862, following certain raids made by the Abors on the plains, a force consisting of 400 soldiers was sent up the Dihang valley and the tribes subdued. The latter then gave undertakings confirming that they would not cross the administrative frontier and accepting the jurisdiction of the British Commissioner. Similar undertakings were given in 1866 by twelve more sections of the Abors who in addition agreed to preserve the tranquility of the frontier.

In 1911, when the Minyong Abors committed a breach of the peace, the Government took effective action to punish them and to bring them to order. The tribals living in Kebang, Yemsing, Rengging and Babuk were told to obey the orders of the Government and not to interfere with people

going down to the plains for trade. All these documents also have been published by Aitchison.

The Akas undertook in 1844 "never to join any parties that are or may hereafter be enemies to the British Government, but pledge ourselves to oppose them in every way in our power. We will also report any intelligence we may get 'Of any conspiracy against the British Government, and act up to any order we may receive from their authorities". Further, they also promised good behaviour on pain of forfeiting the pension they were receiving from the Government of India.

In 1883-84 when the Akas committed certain crimes, they were duly punished and thereafter they submitted and gave an undertaking of good behaviour in 1888.

The Indian side have a vast amount of evidence to show that the Political Officers in charge of the tribal areas exercised effective jurisdiction right upto the traditional frontier. It is true, as stated in the Prime Minister's letter of 26 September 1959, that the British Government's policy was generally to leave the tribes more or less to look after themselves, and not seek to establish any detailed administration in these areas such as was to be found in the rest of British Indian territory. Nevertheless, where questions of law and order, inter-tribal relations and relations between the tribal people and the plains people were concerned, the authorities never failed to exercise their sovereign jurisdiction. The Indian side would give a few examples selected from various periods to show the continuity and scope of this jurisdiction.

1- The Annual Report for 1885-1886 of the Deputy Commissioner, Darrang, stated that the Tawang representative attended the Darbar held by the Deputy Commissioner, wherein a dispute that had arise between the Tawang traders and the Kuriapara people regarding the exchange of salt for rice, was settled. The Tawang representative received his annual pension of

Rs. 5,000 at this Durbar. The Tawang representative also reported about the economic conditions prevailing in Tawang at that time. (Photostat 9). The presence of the Tawang representative at the Durbar of the British official in 1885 and his conduct there constituted formal evidence of Tawang's acceptance of British sovereignty.

2. The Annual Report on the Frontier Tribes for the year 1896-97 showed administrative control over the whole area. It stated that peaceful conditions prevailed in the Monba, Miri and Doba Abor areas. The Monbas assured the Deputy Commissioner that they would not force their hill-salt upon the people of the neighbouring plains in exchange for rice at any rate other than the fair and recognised one. An expedition was sent to the Apa Tanang (Dafla) area to punish them for a murder they had committed. (Photostat 10).

3. The Annual Report on the Frontier Tribes for the year 1901-1902 stated that certain people including the Gam (Chief) of the Miris were given permission to hunt elephants in the area beyond the Inner Line. A complaint was lodged by the Doba Abors that certain Miris had cut trees in their country, and the Deputy Commissioner thereupon imposed fines on the Miris. (Photostat 11).

4. The Annual Report for the year 1902-1903 stated that the Tawang Monbas, Charduar Monbas, and the Thebengia Monbas came as usual to Tezpur to receive their respective posas and to give their presents in return. Passes were issued for cutting trees in the Aka area, beyond the Inner Line. (Photostat 12).

5. The tour diary for February 1913 of Dundas, the Political Officer in charge of the Abor area, gave details of his official tours as far as Damro and Komkar deep in the Padam Abor area. (Photostat 13).

6. Capt Nevill Political Officer in the Western Section of the North East Frontier Tract, visited Tawang and the other Monba territories further south

during the course of his official tour in 1914. His detailed report described the conditions prevailing in these areas and made proposals for their better administration. He suggested that the Tawang monastery should be asked not to forward the pension received by it from the Government of India to Lhasa, to whom it owed religious obedience. He added that an officer should be stationed at Tawang and that police posts should be established at Dirang and Rupa. He stated that neither the inhabitants of Rupa and Shergaon nor those of But and Konia knew Tibetan. Rupa and Shergaon paid no taxes to Dirang and sent a contribution to the Monastery at Tawang. Neither in Tawang nor in these villages did Nevill find any trace of Tibetan administration. (Photostat 14).

7. The Annual Report for 1914-15 stated that certain Padam Abor villages and certain Mishmi villages were assessed for poll tax. The Mishmis were behaving satisfactorily. The report gave information also about certain inter-tribal quarrels among the Abors living as far north as Komsing and Komkar. (Photostat 15).

8. The Annual Report for 1915-16 reported certain disturbances in the Minyong Abor areas and proposed the despatch of an expedition, restore order. A poll tax was levied on the Padam Abor villages. The Chulikata and Bebijiya Mishmi areas were peaceful. (Photostat 6).

9. The Annual Administration Report of the Balipara Frontier Tract for the year 1918-19 showed clearly that Tawang was administered by Indian officials. That the British Political Officer, representing the Government of India, was in charge of the administration of the entire area was clear from the fact that he paid the stipends, regulated the inter-tribal relations of the Moonbas, conducted the administration and reported regularly about the economic conditions of the entire area. The Monhas of Rupa and Shergaon complained to the Political Officer about the oppression of the Akas and

Miris and requested him to send a guard and establish a dispensary. (Photostat 17).

10. In September 1920 the Government of India conveyed their sanction to the Government of Assam regarding the extensive tours to be conducted in the frontier areas by the political Officers of the in North East Frontier Tracts. (Photostat 18).

11. The Dairy of R. W. Godfrey, Political Officer, Sadiya Frontier Tract, regarding his tour in March 1939 deep into. the Abor territory beyond Karko described at great length the various administrative duties performed by him in a large number of villages all of which received him most cordially. Since the report is a lengthy one the Indian side supplied photostats of only extracts from it. The duties performed by the officer included hearing cases and discussing village matters with the Gams of Pangin, ordering Karko, Riga and Pang kang to remove trade blocks and to settle claims amicably in Kebang (Council), appointing men to hold a Kebang in connection with the Pertin-Tayong land dispute, hearing and settling cases concerning Damroh and giving medical treatment to the tribal people. (Photostat 19).

12. In April 1939, the Secretary to the Governor of Assam reported to the Government of India about the conditions prevailing in the central Monba region as noticed by the Political Officer while returning from his official tour to Tawang. The Miji and Miri Akas were in the habit of raiding and plundering the Monba villages and exacting illegal tributes from them, and the Governor proposed the sending.. of an expedition to punish the Akas. (Photostat 20).

This representative evidence that the Indian side brought forward regarding the nature of the jurisdiction exercised by Indian officers in the various tribal areas at different periods proves that these areas upto the traditional frontier have always been under Indian jurisdiction. All forms of administrative control, including the primary one of maintaining law and

order were in the hands of the Government of India. These tribes were the pensioners of the Indian Government and the latter controlled their relations both among themselves and with their southern neighbours, promoted their prosperity, looked after their health and social welfare and punished them for wrong-doing. The scope and variety of Indian administration in these unsettled tribal areas has been for a great many years both comprehensive and conclusive.

Detailed surveys conducted from time to time throughout these areas constitute another group of evidence conclusively proving Indian sovereign jurisdiction. The Political Officers in charge of the various frontier tracts were in the habit of collecting detailed information regarding the geography of the areas. This was illustrated by the Annual Reports and Tour Diaries, several of which the Indian side had already produced. Detailed and scientific surveys - of the areas were held between 1911-14. A survey party attached to the Miri Mission (November 1911-March 1912) surveyed the valleys of the Subansiri, Kamla and Khru rivers. The General Report 'submitted by Kerwood, who was in charge of this Mission, summarised (in Chapter IX) the results of the survey and said that nearly 1400 square miles of territory had been accurately mapped on the scale of 11 : 4 miles. (Photostat 21). The Results of this Miri survey were linked with those of the Abor Field Force which surveyed the Abor area further east. The Abor survey was conducted by a party attached to the Abor Expeditionary Force under Major General Bower, and Bentinck, Assistant Political Officer. A few relevant extracts from the lengthy Reports and Tour Diaries submitted by Bentinck are attached. It can be seen that the party visited almost all important parts of the Abor area and in particular the Dihang valley (Photostat 22).

The Mishmi area between the Dibang and the Lahit valleys was surveyed by two parties between 1911 and 1913. A few extracts from the reports

submitted by the first party under Major Bliss, Commander, Mishmi Mission Force, and similar extracts from re-reports submitted by parties attached to this Mission and in-charge of construction of bridges and roads, are attached. (Photostat 23). This provides not only proof of survey work but incidentally also of public works undertaken in these areas.

The entire Monba and Aka region from the eastern boundary of Bhutan up to the Dafla territory in the Kameng River Valley, was surveyed by a party under Lt. Huddleston of the Survey of India, attached to the Tour Party under Capt Nevill, Political Officer, in 1913-14. This party surveyed an area of 4000 square miles up to the Tse La Range. A photostat copy of the relevant extract is attached. (Photostat 24). The region further north including Tawang was surveyed by Captain Bailey and Captain Morshead. These surveys prove not only the extension of Indian administration to these areas but also that the area had been as well surveyed as was then possible and the so-called McMahon Line only formalized the traditional alignment which had been carefully confirmed and the terrain accurately surveyed.

The Assam Provincial Census Reports for the various years provide further proof of the fact that the tribal areas were, right from the beginning, an integral part of India. Although regular enumeration beyond the Inner Line was not always possible, attempts were made to collect as much information as possible regarding the habits and customs of the tribal people.

The Assam Census Report for 1881 made it clear right at the beginning that the tribal area extending up to the Himalayas and the north was part of Assam.

In paragraph 1 of page 1 it was stated:

"Assam occupies the north-east corner of the Indian Empire and is bounded on the north by the eastern section of the Himalayan range

which portion 18 inhabited by the Bhutias, Daflas, Akas and other hill tribes".

In paragraph 144 it stated:

"Miri, Dafla and Abor are names which have been given by the Assamese to three sections of one and the same race, inhabiting the mountains between the Assam valley and Tibet..."

Paragraph 145 gave an account of the Miris, Abors, Daflas and other tribes. It was worth noting that it stated that the Miris had been subject to the Ahom kings. Photostats of pages 86 and 89 from the report were attached. (Photostat 25).

The Assam Census Report of 1901 similarly gave an account of the tribal people. In paragraph 201 of Chapter XI it stated:

"Living in the Hills on the north of the Brahmaputra, we find, the Mishmis, the Abors, the - Miris, the Daflas and the Akas". (Photostat 26).

The Assam Census Report for 1921 contained a full appendix on the tribes written by Capt. Nevill, Political Officer, Balipara Frontier Tract. He dealt with all the tribes and gave detailed information regarding their territory, their customs and practices, traditions and religion. (Photostat 27).

These Census Reports make clear that the territory up to the watershed was regarded as part of India and whenever a census was held in other parts of India this area was also taken into account and attempts at enumeration made.

Apart from the tours conducted by the Political Officers and jurisdiction exercised by them in various ways there is a great deal of other administrative evidence, including construction of public works, to show that the north-eastern tribal areas always formed part of India. Instances of such works were the construction of a bridged track from Sadiya to the frontier in the Lohit valley, the establishment of a military police post near

Menilkrai, the construction of a telegraph line from Sadiya to the advanced post and the construction of a bridge track along the left bank of the Dibang river.

A note by Dundas, Political Officer, Central and Eastern Section, dated January 1916, referred to the road 92 miles long from Sadiya to Therouliang in the Mishmi area which had been built earlier at a cost of 26 lakhs of rupees. He then referred to the examination of the road and bridges which had been built earlier, by the Mishmi Works Party in 1912-13, as far as Makhung beyond the Dou river. (Photostat 28).

A letter from the Government of Assam to the Government of India, dated 19 August 1938, stated that out of the current year's provision of Rs. 18,000 a sum of Rs. 15,260.19 had already been expended in the tribal area extending up to the Himalayas III the be surrendered under that head. (Photostat 29).

A letter from the Government of India to the Government of Assam dated 30 August 1940 conveyed the sanction for the establishment of cold-weather out-posts at Karko and Riga in the Upper Siang Valley. Karko and Siang are situated in the heart of Abor territory and the sanction of special posts for these places is proof that Indian administration was actively functioning in these areas and that no taxes could have been collected by the Tibetans as alleged by the Chinese side in their earlier statements. (Photostat 30).

A letter from the Government of Assam to the Government of India dated 6 September 1940 recommended the construction of a road four feet wide in the Lohit Valley and the construction of several suspension bridges across the rivers along this road. It suggested also the establishment of an octroi and road maintenance post at Therouliang in the Tiding Valley. (Photostat 31).

Extracts of notes from a file of the Government of India dated September 1946 prove the grant of financial sanction for a number of administrative measures in the North East Frontier Agency. These measures include the purchase of bridging material in the Lohit Valley, conversion of a post of Assistant Political Officer to that of a Political Officer in the Abor Hills of the Siang Sub-agency, the establishment of a forward post in the Siang Valley, the establishment of a post in the Panir (Ranga Nadi) Valley and the construction of a temporary plains base for the Subansjri area. (Photostat 32).

The increasing responsibilities undertaken by the Government of India for extending the benefits of regular administration can also be seen from the Balipara Frontier Tract Jhum Land Regulation III of 1947 which provided for the better utilization of the Jhum land and arranged facilities for their better cultivation. (Jhum land was that which members of a village community had a customary right to cultivate or to utilise for other purposes).

These documents pertaining to different periods and extending over the entire area in question provide full proof of active jurisdiction exercised by the Government of India not only in recent years but for many decades in the past and long before 1914. They show an aspect of administration. The Government of India not only maintained law and order but undertook constructive activities in this area.

In face of this vast amount of evidence showing conclusively the exercise of Indian administration and jurisdiction in these areas up to the traditional watershed alignment, it seems hardly necessary to bring forward further evidence in the form of official maps to substantiate the Indian alignment. However, as the Chinese side have, in their statement of 4 September 1960, referred to certain maps of the Survey of India, the Indian side would deal with these.

The maps referred to by the Chinese side were the map of India of 1865, the map of India of 1889, the District Map of India of 1903, and the maps of Tibet and Adjacent Countries of 1917 and 1938. The maps showed the administrative Inner Line dividing the tribal areas from the plains districts of Assam. The description of the Inner Line, as notified from time to time, corresponded to the limits of normal regular administration in Assam, and it was this line which was shown in maps issued by the Survey of India.

British cartographers, as a rule, showed on their maps the administrative boundaries irrespective of the alignment of the international boundary. But this Inner Line, as the Indian side had already shown very clearly and as his very name denoted, was only an internal boundary. Perhaps nowhere was this more clearly shown than in the official Government of India Act of 1935. This was a legal document of the utmost significance which was drafted with great precision. In Section 311 of the Act, it was stated clearly "India means British India together with the tribal areas." In other words, tribal areas were not parts of provinces or even of British India, but they were a part of India and lay within the international boundaries of India. It is this administrative distinction between various parts of India that was shown on the maps of the Survey of India. All these maps showed the extent of these tribal areas of India either by a colour wash north of the administrative line or Inner Line or by printing the names of the tribes across the area. Since the relations of the Government of India with the tribal regions were of long standing, were well-known from the beginning and had been made, clear during the last two centuries by statutory enactments and administrative agreements, and as the administrative measures taken regarding these areas were publicly notified from time to time, there was no possibility of mistaking the administrative line shown on the maps for the external boundary of India.

The Indian side could produce a large number of maps published by the Survey of India to substantiate this position. The Map of India of 1883 showed the whole tribal area by a colour wash. (Photostat 33). The Government of India had already drawn attention, in their note of 12 February 1960, to the map published by the Survey of India in 1895 and corrected upto 1903. This map also showed the whole tribal area by a colour wash (Photostat 34). The map attached to the Memorandum on Native States, Volume II, Published by the Government of India in 1909 (Photostat 35), and the map of Eastern Bengal and Assam attached to the 1908 edition of Aitchison's *Collection of Treaties, Engagements and Sanads*, Volume II also showed the entire tribal area by a distinct colour wash. It might be pointed out, in this connection, that the same procedure was followed on the north-west frontier. Although the boundary in this area had been clearly defined by an international agreement of 1893, maps published by the Survey of India continued to show the area beyond the administrative line by a colour wash. This did not mean either that the boundary was not known or that the area beyond normal, regular administration was not a part of India.

That the four maps of the Survey of India cited by the Chinese side showed only the administrative line was further made clear by the fact that on the District Map of India of 1903 the external boundary was not shown for almost its whole length; and on the maps of Tibet and Adjacent Countries, the inset map showed clearly and correctly the whole external boundary of India.

As regards the Chinese contention that the "undemarcated" symbol was altered in Indian maps after 1952, this has already been explained in the note of the Government of India of 12 February 1960.

In fact, it had been conclusively shown that the natural, traditional and customary boundary between India and Tibet in this Sector lay along the

watershed. Not only had evidence been led from ancient times right down to our own day to prove that this was the traditional and customary alignment, but it had also been shown that it was well-recognised and accepted by both sides. Authoritative Chinese works themselves, as the Indian side had shown under Item 2, written at various times, recognised this as the boundary between the two countries. Indian jurisdiction and administration had extended right up to it for a long time and it was given further treaty sanction in 1914. Official Chinese maps, such as the Postal Atlas of China of 1917, also showed the correct alignment in this sector.

COMMENTS ON THE EASTERN SECTOR UNDER ITEM 3

As the Chinese side commenced by asserting once more that their alignment was the traditional one, the Indian side were obliged to draw attention again to the fact that under Item 2, the Chinese side had brought forward no historical evidence in support of an alignment claimed to be traditional. The Indian side, however, had provided a vast amount of conclusive evidence in support of the traditional Indian alignment. It had also been shown that this traditional Indian alignment had secured the sanction of treaty; but as the Chinese side spoke again of the McMahon Line as "illegal" the Indian side brought forward further evidence to place the issue beyond the shadow of doubt. They supplied a photostat copy of a note formerly handed over by the representative of the Government of China to the Government of India on 5 November 1947. In this note the Government of China had enquired "whether after the transfer of power, the Government of India have replaced the former Government of British India in assuming the treaty rights and obligations hitherto existing between British India and Tibet... "

In their reply of 9 February 1948, the Government of India had formally informed the Chinese Government that "as from the date of the establishment of the Dominion of India, the Government of India have replaced the former Government of British India in regard of the treaty rights and obligations: previously existing between British India and Tibet". These documents formed incontrovertible evidence of the Chinese Government's acceptance of the treaty-making powers of Tibet, and the strongest possible proof not only of the validity of the Indo-Tibetan Boundary Agreement of 1914, but also of its recognition by the Chinese Government.

The Chinese side argued that the reference here was to the treaties signed between the Chinese and British Governments; but it was shown that there was no basis at all for such an interpretation for the Chinese communication of 5 November 1947 referred explicitly to the obligations that existed between India and Tibet and not to those between India and China. The free Government of India had never been interested in any extra-territorial rights that might have been bequeathed to her, and when the time came she renounced them, and was proud to renounce them. But the legitimate rights and obligations that had been acquired by her or on her behalf had always been recognised by her; and similarly Tibet also had recognised her rights and obligations. One of the main sources of the rights and obligations of India and Tibet was the valid exchange of letters in 1914. The Government of China had recognised this in 1947.

Evidence of Indian Administration upto the Traditional Alignment The Chinese side made no effort to controvert much of the large quantum of evidence cited by the Indian side, and the few comments they did make on the remainder were shown to be lacking in substance. They asserted that while the Indian side had brought forward evidence regarding the existence of the Inner Line no evidence had been brought forward to establish administration of the areas beyond the Inner Line or the exact-location of the 'Outer Line'. The Indian side answered that this was to ignore all the evidence, such as permits to foreigners to cross the Inner Line and exercise of civil and judicial administration, covering every part of this area right upto the watershed boundary: This evidence not only substantiated the Indian alignment but disproved the Chinese claim, for the alignment claimed by the Chinese, as they themselves had admitted, was for almost its entire length the Inner Line maintained by the Government of India. The Chinese Government were claiming what was never more than an administrative line, with no international significance whatsoever. It was, in

fact, not even a municipal line. The very term Inner Line showed that it was only an administrative line within, and south of, the international alignment.

The assertion of the Chinese side that Indian administrative control had reached only upto the Inner Line and never beyond it, was obviously based on a misunderstanding of the nature of the Inner Line. The areas north of this line had always been under the jurisdiction of the Indian Government. But they were inhabited by tribes with a distinct culture and a way of life of their own and the Indian Government had always been anxious to preserve the unique quality of tribal life. For that reason regular administration, such as was to be found in other parts of India, was not extended to those areas. As explained earlier, the tribal areas had been described in the Government of India Act of 1935 as "excluded" or "partially excluded" areas-*i.e.*, excluded from the normal administrative processes to be found in other parts of India. The Inner Line showed the limits of the tribal areas. It marked the limit not of Indian administrative control but of normal Indian administration. What was to be found north of the Inner Line and upto the international boundary was a special type of administration adapted to the peculiar needs of the tribal areas.

The Chinese side then wished to know how, if the tribal areas were not administered, the tribes could have been controlled. It was explained by the Indian side that they had never stated that these areas were not administered, but only that they were not under the same type of administration which was to be found in other parts of India. A vast amount of evidence showing the precise nature of administrative authority exercised in these areas, in both the pre-British and the British periods, had been brought forward.

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The Chinese side stated that they could not understand why the Border Regulations of 1880, cited by the Indian side, applied also to tribal territories adjoining the districts administered by the Chief Commissioner of Assam. The Indian side explained that this was because special arrangements were being made for the administration of these areas. This could not, by any stretch, be interpreted to mean that the area was not apart of India. Special arrangements for the administration of the tribal areas was in fact the clearest possible proof that this part of Indian territory was under Indian administration.

The Indian side pointed out that this variation in the types of administration was not peculiar to India. Not all parts of China were administered in the same manner. Indeed, for several centuries Chinese laws had not been operative in Tibet, nor had any taxes been collected by China in Tibet. The Chinese side did not, on that account, admit lack of administrative control. Even now there existed what were known as 'Autonomous Areas' in China. As for the suggestion that there was no indication in the Indian evidence as to where exactly the international boundary lay, it was stated that the exact alignment had already been established under earlier Items, and under this Item the Indian side were only concerned with establishing the existence of Indian jurisdiction and administration upto it. The record of continuous administration supplied by the Indian side showed that authority had been exercised in every area upto the boundary. The Indian side might well ask the Chinese side whether in any of their documents under this Item the exact location of the alignment claimed by them had been described.

The Indian side repudiated the Chinese suggestion that the people of this area had always adopted an attitude of resistance to the British Government. For entirely the converse was true. The tribes had explicitly accepted the sovereign jurisdiction of the British Indian Government, and rarely was there any trouble in these areas. The Chinese side had referred

to Needham's expedition. In 1885 Needham went right upto the border in the Mishmi area and within a mile of Rima. It was true, as stated by the Chinese side, that Williamson had been murdered in the Abor area in 1911. But the Indian side could not believe that the Chinese side were seeking to argue that a stray murder in the course of over a hundred years of continuous exercise of administrative authority by the British Indian Government proved either lack of administrative control or that these areas belonged to Tibet. Occasional murders of officials took place in every part of the world, but on that ground no one could argue that administrative control did not exist. In fact, those guilty of Williamson's murder had been severely punished by the Indian authorities.

The Chinese side mentioned that the majority of the local people had hated outsiders. The Indian side replied that even if this were true, it could not follow that the territory lay outside India. In Tibet itself to this day foreigners were not particularly welcome; but it had not been inferred from this that Tibet was not now a part of China.

The Chinese side then referred to the Indian evidence regarding the undertakings by the tribes confirming Indian sovereignty. As already shown by the Indian side, they were merely administrative arrangements in order to enforce the sovereign authority of the Indian Government in this area. This authority had never been questioned by the tribes, and ways and means suitable to these areas had to be developed. The Indian side had cited a number of articles in these agreements which made their nature clear and which showed that the tribes were under the sovereign jurisdiction of the Indian Government. When a reference was made in these agreements to "British territory", what was meant was territory under regular administration. As the laws applicable to these areas were different to those enforced in the plains districts, the laws operative in the plains were referred to as "British laws", applicable to the whole of British Indian

territory as distinct from these tribal areas. In fact, the Indian side had already quoted an article from the Government of India Act which made it clear that even as recently as 1935 these territories were regarded as a part of India but not of British India. Far from these agreements showing that these areas were not British territory, they emphasised the fact that they were a part of Indian territory but that special arrangements had to be made for them.

It was also pointed out by the Indian side in this connection that if, in fact, these tribal areas had belonged to Tibet, the Government of India would have signed agreements direct with Tibet and not with the Monbas or the other tribes; for during those years the Tibetan Government were negotiating on their own, as was shown by their treaty with Nepal in 1856. So even if it had been true, as; the Chinese side had contended that these agreements were between two equal parties, it would only show not that these tribal areas belonged to Tibet but that they were independent. In fact, as already mentioned, they were administrative agreements between the Central Government and the outlying areas. The reference in an agreement of 1853 to the Lhasa Government merely indicated that on this particular occasion, which concerned an incident involving a Tibetan, the local Rajas were acting for the Tibetan Government. That it meant no more was placed beyond doubt by the fact that nine years earlier, in 1844, these Rajas had explicitly reaffirmed the administrative authority of the Government of India over these areas. The key sentence of that agreement of 1844, which the Indian, side had already quoted, was:

"We also pledge ourselves to act upto any orders we may get from the British authorities."

The Chinese side stated that the payment of *posa* or stipends could not be regarded as proof of administrative control, and cited Haimendorf in support. The Indian side replied that the payment of *posa* was clear proof

of Indian administration of the tribal areas, because they were paid to those tribes which had explicitly accepted the traditional sovereign jurisdiction of the Indian Government over their areas. As there was little normal source of income in these hilly areas, the Government were obliged to make these payments to the tribes. Moreover, through such payments, as was clear from some of the undertakings given by the tribes, the British arranged to maintain the security and defence of the international frontier lying north of the tribal areas. The explanation given by Haimendorf was patently wrong, and it was surprising "that the Chinese side should have based their argument on such an unauthoritative work. No Government in the world paid stipends to those who were not its citizens.

Regarding the varied evidence brought forward by the Indian side to show continuous Indian administration, the Chinese side only commented on a few items, and even these comments were shown to be of no pertinence. The visit of the representative of Tawang to the Durbar of the Deputy Commissioner in 1885 showed clearly that Tawang was under the administrative control of the Indian Government; and his presence was additional evidence of the formal acceptance of Indian sovereignty. He did not attend the Durbar, as the Chinese side alleged, merely to settle trade matters. As had already been shown, he received his annual pension at that Durbar and reported on the conditions prevailing in Tawang.

The Indian side could not accept the Chinese assertion that the despatch of Indian troops into this area was illegal and that they went only into the southern areas. It had been established with a wealth of documentary proof that this area was always a part of India and that Indian officials and military personnel had been touring the whole region right upto the boundary alignment, as they had a legitimate right to do, for many years. The tours of these officials were by no means secret, as the Chinese side alleged, and were fully covered in the Annual Reports. The taxes collected

were not limited to the cultivation of fields in the plains and even those tribesmen who were not owners of land in the plains had to pay these taxes.

The Indian side had produced a considerable amount of evidence to show that the Tawang area had always been administered by Indian officials. For example, in 1938 the boundary between Bhutan and this area had been surveyed for its whole length right upto the northern alignment by a joint commission set up by the Governments of India and Bhutan. The Indian side could not comprehend on what basis the Chinese side ignored all such evidence, without giving any reasons at all.

The surveys carried out in these areas upto the traditional alignment by Indian officials were also part of the legitimate exercise of administrative authority. When these officials like Bailey and Gunter crossed the border to survey Tibetan territory, it was always with the permission of the Tibetan Government. The Indian side could not accept the Chinese statement that the surveys during the years 1911 to 1914 were with the intention of annexing a part of Tibet. The boundary with Tibet was well-known and recognised, and the exchange of letters between India and Tibet in 1914 merely formalized it.

The Indian side noted that the Chinese side had not attempted to controvert the evidence of administrative control provided by the Census Reports. The nature of the terrain explained the fact that the census methods were not of the same pattern as that adopted for the other parts of India. The same method was followed for the other tribal areas in the heart of India, such as those in what was now Madhya Pradesh.

As for the public works undertaken in this area, the Indian side had shown that they were constructed even in the early years of this century, and they could not see on what grounds the Chinese side stated that they had all

been planned and built after 1940. These public works were evidence of general administration in this area.

The Chinese side cited passages from various books in an effort to prove that the areas north of the Inner Line were not a part of India; but it was shown by the Indian side that all these works in fact supported the Indian position. The Chinese side quoted a passage from Dr. Elwin's recent book *A Philosophy for NEFA*. It was incomprehensible what was sought to be proved by that statement. Dr. Elwin had clearly stated that these tribal areas had been a part of India, both under the Ahom Kings and in the days of British rule. The Indian side quoted the relevant sentence from Dr. Elwin's book:

"When the British took over the control of Assam from Purander Singh in 1838, they found that the warlike tribes of the frontier had become even more aggressive as a result of the breakdown of the authority of Government and for the remainder of the century they largely followed the policy of the Ahom kings."

It was clear from this that Dr. Elwin was only describing the state of relative unrest within a part of India. He had then described the means adopted by the British Indian Government to reassert their authority in the tribal areas. Nowhere had he stated, or even suggested, that this area was outside India or was a part of Tibet.

The Chinese side referred to a passage in an article written by Kingdon Ward. The Indian side were surprised that the Chinese side should have quoted Kingdon Ward, for there were a number of books and articles written by him, to which the Indian side had already drawn attention, and which stated expressly that the international boundary of India in this Sector was what was known as the McMahon Line. If the Chinese wished to base their claim on Kingdon Ward's opinions, the Indian side would be

most willing to cite his many statements describing the traditional Indian alignment.

Reference was also made by the Chinese side to a passage in the book *Himalayan Barbary* by Haimendorf. This book had already been dealt with by the Indian Government in their earlier correspondence with the Chinese Government. Haimendorf was new to this area and in 1944 he had visited it for the first time. Clearly all that he meant when he talked about the Inner Line being the only effective border of India was that regular administration of the type common to the rest of India was not to be found to the north of the Inner Line. His work also was only made possible by the assistance rendered by the Government of India. The position had been fully explained in the passage in the *Encyclopaedia Britannica* of 1947, which had been quoted by the Chinese side: "beyond it (the Inner Line), it is illegal for British officials and men to move into unless with special permission." The fact mentioned in this statement, that no one could enter the tribal areas without the special permission of the Indian Government, demonstrated more clearly than anything else that these areas were a part of India. The Indian side were grateful to the Chinese side for drawing attention to the *Encyclopaedia Britannica*.

The Chinese side quoted a passage from a book by Alfred Lyall, published nearly 80 years ago, stating "we must start from the creation of a political boundary." Whatever the interpretation the Chinese side might put on Lyall's statement, it had already been shown beyond doubt by the Indian side under Item 2 that the traditional and customary boundary of India lay where it was now being shown. What Lyall had in mind was that it was a matter for decision whether the British Government in India intended to extend their authority right upto the settled boundaries of India or whether they intended to leave some independent Indian kingdoms within the international boundaries of India. This had obviously no bearing on the fact

that the border of India in the Eastern Sector had always laid along the watershed range, and that the Inner Line marked the limits of regular administration south of it. The Chinese suggestion that the name Inner Line was given to keep the boundary in a fluid state was totally unwarranted by facts.

The Chinese side again dwelt at length on the maps published by the Survey of India. The use of the term 'undemarcated' on earlier official maps had already been explained both in the earlier correspondence between the two Governments and at these meetings. Further, the maps merely showed the administrative boundaries of what was called British India in the sense that they showed only the then limits of regular, normal administration.

Material brought forward by the Chinese side

While under Item 2, the evidence, such as it was-which had been brought forward by the Chinese side had pertained to no more than about a tenth of the territory involved, under Item 3 their evidence, on their own admission, pertained to an even smaller area, and dealt with three small pockets, the Monba area in the extreme west, the so-called Layul area in the extreme north and a small part of the Lohit valley to the north of Walong in the extreme east. But even here, the evidence did not cover the whole of these small wedges of territory. For example, in the Layul area, the so-called 'Avowals' and the lists said to represent a tax register covered only a few villages along the banks of the Siang river. Even according to the Chinese side these villages were at a great distance from the alignment claimed by them. and by no stretch of logic-or of territory could this strip along the Siang river be held to cover a vast area, and that are given the name of Layul. Similarly, in the so-called Lower Zayul area, the Chinese evidence concerned only a few hamlets on the banks of the Tellu river. Outside these small pockets there were extensive areas of thickly populated territory

which the Chinese side claimed but which the Chinese evidence did not even seek to cover. There was no reference for example to the Dafla tribes, to the Tagins, to the great number of Mishmis and to the bulk of the Abor land.

The Indian side could not believe that the Chinese side meant to assert that their continuous administration of these areas was established beyond doubt by one solitary document brought forward by them regarding the collection in these areas of a few tiger skins and a pair of elephant tusks. This was in strong contrast to the evidence brought forward by the Indian side. This evidence has been selected from a vast mass of documentation in order to cover different aspects of administration in every part of this area, and particularly the northern areas near the traditional alignment.

The Monba area

The Chinese side once again cited the order of the Fifth Dalai Lama and stated that the Tibetan Government had deputed certain persons to exercise jurisdiction in the Monba area. It was pointed out that this document had already been dealt with under Item 2 and shown to be in no way conclusive of the establishment of public administration. Moreover, in the course of the discussion, the Chinese side had made so many contradictory statements that it was hard to believe that any of these statements -was correct. All that this particular document dealt with was the management of monasteries and endowments and the raising of voluntary contributions. As the whole origin of the claim to Tibetan administration of the Monba area was based on this document and as the Chinese side had repeatedly referred to it, the Indian side read out the relevant passage: " it would not only be possible to manage monasteries that are under the control of Mera Lama from Ningsang onwards and Khelin, Tsang Chiang Mu and Ali upwards and manage the farms of the

spiritual ones belonging to the monasteries but it would also be possible to build a few monasteries and collect levies for the clergy in all the places of the east, west, above, and below Mon region. For summer and autumn the levies for each person in every temporal household and the donations of those having faith and that offer, should be ten units. For the living collections can be made. For the de ad ones good deeds giving generous presentations to the lay and clergy in the place and also the Ula for transportation purposes when the great believers are deputed to places below Tsona."

This made repeatedly clear that the management was of the monasteries, that the collections were only for religious purposes, and that even Ula or the right to beggar was reserved for the monks, for the "great believers deputed to places below Tsona." Nowhere in the document was it stated, as the Chinese side had claimed, that Lang Kha Chu and the Mera Lama were to exercise jurisdiction over this area. Here was evidence provided by the Chinese side themselves that what the Fifth Dalai Lama had established in the Monba area was no more than ecclesiastical jurisdiction. And as had frequently been pointed out by the Indian side, the mere existence of a theocratic system in Tibet did not mean that wherever there was ecclesiastical jurisdiction, political authority automatically went with it. The Chinese side gave a long list of places in the area and asserted that they had been organised into tsos. Some of the places listed did not, in fact, exist, others lay north of the traditional Indian alignment, and still others were known to be outside the Monba area. A few of the names were those of places within the area. But the type of administrative organisation which actually existed in the area was far from that of the nature described by the Chinese side. Detailed descriptions of the exact type of tribal organisation found in those areas were available in the annual reports sent by the India.

The Monba area consisted of four main divisions: Tawang, including the villages of Shakti, Gyangkar, Jang and Senge; Upper Tammaphu and Upper Phutang valleys consisting of the villages of Lili Dirang and Phutang inhabited by the Sherchokpa Monbas; the lower Tembang valley consisting of the villages of Tembang, Konia and.

But inhabited by the Thebengia Monbas; and the Domkho and Dupla Ko valleys consisting of the villages of Talung Kalaktang Shergaon and Rupa, inhabited by the Sherdukpa Monbas. In the Tawang and Sherchokpa areas, the villages enjoyed autonomy in regard to their internal affairs, and the monks of the Tawang monastery collected religious dues from these villages. The Tawang area was divided into eleven groups of villages with each group under a Chhyargen or Gaonbura; eight of these groups were in western Tawang and three in eastern Tawang. In each village there was a Kachung and two or three Gamis, according to the size of the village. From the beginning the Monbas of the Tawang and Sherchokpa areas had accepted Indian sovereign authority and had received pensions from the British Indian Government. In course of time the Tawang monastery, taking advantage of the Government's policy of allowing the tribal people to look after themselves and of the backward and superstitious nature of the tribal people, began gradually to exact services and dues to which it was by no means entitled. But at no time was Tibetan administration or the tso organisation to be found in this Monba area. The Indian side had provided a large amount of evidence to this effect and they drew particular attention to Photostats 9, 10, 12 and 14, which showed that the Deputy Commissioner of Darrang and the Political Officer under him were exercising effective jurisdiction over the entire Monba area including Tawang. Photostat 14 also described the actual type of tribal administration that existed in the Monba areas. It stated: "Rupa and Shergaon are jointly ruled by a council, of 20 headmen, of whom seven are hereditary. These seven are descendants of

the original headmen who in the old days were called by the Assamese 'Sat Rajas'. Every villager may attend the council and in village affairs each man has a vote. The people are divided into two classes, the upper class who are hereditary landholders (called Babus) and the poorer classes (called Giba). There is no slavery." Every year the representatives of the Sherchokpa and Tawang Monbas came to Darrang or to Tezpur to receive their annuity and renewed their submissions and promises of good behaviour.

Some time later, the Tawang monastery started to send a part of its annuity as contribution to the Drepung monastery of which it was, a branch. But it could not follow from this that Tibetan administration prevailed in Tawang. Religious dues and the organisation of Lamaist Buddhism were no proof of administrative control just as the existence of the Roman Catholic Church in various parts of the world was not proof of the authority of any Roman Government.

Indeed in March 1914 Lonchen Shatra, the Tibetan Prime Minister had himself acknowledged to the British Indian representative that Tawang was not a part of Tibetan territory and that Tibetan interest in Tawang was confined to the income which the Potala Trung-yik Chenpo and the Loseling college of the Drepung monastery were receiving in return for the services of the agents (the Tsona Dzungpons) sent by them to manage the land of the Tawang monastery.

Lonchen Shatra made a specific request that such income obtained from Tawang might be considered as the income of private individuals. The Indian side supplied a photostat copy of the relevant extracts from the discussions, and believed that this would conclusively settle all controversy about the nature of the income or the so-called "taxes" derived from Tawang, and about the ownership of Tawang itself.

The only comment made by the Chinese side on this detailed account provided by the Indian side of the actual form of tribal organisation and the nature of Tibetan influence in the Monba area, was to brush aside summarily the statement of Lonchen Shatra. The Indian side pointed out that no one had been in a more authoritative and responsible position to speak for Tibet than Lonchen Shatra, who was the then Prime Minister of Tibet. They added that the Chinese attitude could be a precedent for the Indian side to set aside all statements by Tibetan authorities, and the whole Chinese case was based on such Tibetan statements. But it was a precedent that 'they did not intend to follow.

As for the description of the Trukdri organisation which the Chinese side had given, the Indian side stated that it was well-known that the Trukdri was only a monastic council in charge of the administration of the monastery and its endowments. The Government of India had been fully aware of the existence of this purely monastic council and had not interfered with its activities, so long as it confined itself to the management of the monastic property. The two Representatives of the Tawang monastery at Talung received the annuity of Rs. 5,000 from the Government of India on behalf of the 'Tawang monastery. These representatives at Talung, though they sometimes called themselves dzongpons, were only agents of the monastery which was unquestionably within the jurisdiction of the Government of India, as was shown even by the receipt of annuities. The Government of India had been aware that the Tawang monastery had been forwarding a part of this annuity to the Drepung monastery, and at one stage, in 1914, had even considered stopping this practice. It was extraordinary that the Chinese side should have cited the existence of the Trukdri and of these agents as evidence of Tibetan administration. Their functioning was no more than proof of a religious organisation. It was significant that the Chinese side

themselves admitted that the dzongpons were not members of the Tawang administrative committee, but only of the non-permanent committee. The Chinese side asserted that certain Indian officials such as Bailey had recognised the existence of Tibetan administration in this area. In reply it was pointed out that at least for the last 130 years and long before the traditional boundary was formalised in 1914, Indian officials had been touring every part of the area north of the Inner Line, had maintained law and order and had authorised detailed surveys. Administrative units had been formed in the area, and an elaborate machinery of government not only created but even re-organised before 1914. The very fact that the Chinese and Tibetan Governments had taken no objection to such open activities as those of the Joint Indo-Bhutan Commission of 1938 showed not merely that the area was under Indian and not under Tibetan administration, but also that this continuous exercise of administrative authorities by India was recognised by the Tibetan and Chinese Governments as legitimate. As for the reference in Bailey's book, this had already been dealt with in detail by the Indian Government in the earlier correspondence between the two Governments, and did not require repetition.

The Indian side then dealt in detail with all the documents of which photostats had been brought forward by the Chinese side. Photostat 1 referred only to a private dispute concerning the hereditary estates of the Sixth Dalai Lama in the Tawang area. The Indian side had never questioned the existence of such Tibetan private estates in this area. In fact they had been expressly safeguarded by the Indo-Tibetan exchange of letters of 1914. Photostat 2 concerned the collection of monastic dues by the agents of Tawang monastery, and was no evidence of tax-collection. Photostat 3 referred to the mismanagement of the monastic estate by the monks of

Tawang, monastery and the suggestion that the lay officials-the dzongpons should manage it.

Similarly there was nothing in photostat 4 to show any civil administration of the area by Tibetan authorities. On the other hand, it showed clearly that such religious dues as were collected were being spent on religious ceremonies and were not being forwarded either to Tawang or to Tibet.

When in 1944 the Adviser to the Governor of Assam visited Dirang Dzong, the monks helped to make his visit a success; and it was then announced that the making of offerings to Tawang monastery would be a purely voluntary affair. The document also described the administrative system established by the British officers under the headmen in each village.

The Chinese side provided photostats of some documents in support of their contention that the Dzongpons had collected taxes, listed the number of families and even exercised judicial powers in the Monba area. But none of these documents referred to taxes as such being collected. Photostat 7 listed road stages and the dues to be collected by the local authorities for road-making. It was not even clear that these road stages, which had been mentioned lay south of the traditional Indian alignment. The Indian side stated that it was impossible from this document to reach the Chinese conclusion that it had listed the families paying taxes to Tsona Dzong.

The Indian side examined with great care photostat 8, which the Chinese side claimed to be a book of tax regulations for Tsona Dzong. It did not give, as one would expect in any book of tax regulations, a complete list of villages in the Monba area and the taxes paid by them under various heads. In fact, the only places south of the traditional Indian alignment mentioned were identified as the private' Tibetan estates. This was clear proof, furnished by the Chinese side themselves, that no part of the area south of the Indian alignment belonged to Tibet or had been administered' by Tibetan officials. Moreover, it was well-known that the Tibetan Government

had, until recently, been maintaining a customs post along the traditional Tawang-Tibet border, thereby established that the Monba area was not within the customs jurisdiction of Tibet.

Photostat 9 again mentioned no tax. Photostat 10 was no evidence of a census conducted in the various tsos in 1940 as claimed by the Chinese side. This document spoke specifically of the offerings to be made by the people on the occasion of the enthronement of the Dalai Lama. It was evidence neither of census nor of tax payments but of collection of funds for a special religious ceremony.

Thus no evidence had been brought forward by the Chinese side to show either that Tibetan officials had been entitled to collect taxes in the Monba area or indeed that any civil taxes had been collected at all. The Chinese side referred to Ya Ch'ai and T'un Ch'ai, but no such taxes existed and no proof of their collection had been provided. Nor had any proof of collection in cash been brought forward. No regular revenue registers or records showing continuous collections of any sort of revenue, such as had been provided by the Indian side, had been produced by the Chinese side. The only conclusions which had been clearly established were that irregular incomes were derived from private Tibetan estates that contributions were collected for the Tawang monastery and that dues were levied on goods sold at Tsona. Indeed, had taxes been collected in any area south of the traditional alignment Lonchen Shatra in 1914 would have demanded that this be taken into consideration in framing the terms of the boundary agreement. The fact that the only stipulation made was for the protection of private Tibetan estates showed that the Tibetan Government had no other interests in this area.

To support their claim to have exercised judicial powers in this area, the Chinese side brought forward some documents of a very vague nature. Photostat 18 referred to a joint investigation by India and Tibet into a case

of rioting among some Monba villagers and the consequent death of a relation of the Dalai Lama. This did not prove the exercise of judicial authority by Tibet. Indeed, it proved Indian jurisdiction; for while the interest of Tibet was obvious in that a relative of the Dalai Lama had been killed, there was no explanation for India's interest except in that it pertained to an area under Indian administration. The Chinese side suggested that the reference in the document was to China and Tibet and not to India and Tibet. The Indian side pointed out that the Tibetan ward 'Gya' not 'Han' as stated in the final Chinese statement-in this document referred to India and not to China. Photostat 19, with its clear reference to "Lamas in the monasteries on the Tibetan border" quarrelling with the local people and the despatch of an officer to investigate, was again no more than proof, at most, of ecclesiastical jurisdiction over the monks of the monastery. There was nothing in photostat 20 to show the exercise of judicial authority. Photostat 21 described the situation arising from the damage caused to the lands of Tawang monastery during 'Lapa' raids on Monba territory. Lhasa was naturally interested in safeguarding the interests of the monastery and instructed the Abbot and other representatives of Tawang to settle the matter. Obviously it was not an exercise of judicial authority and there was no evidence of Tibetan judicial officers taking part. The actual judicial authority in such cases was exercised by the Indian Political Officers, and the Indian side had provided evidence of this. The fact that this document had been addressed to Tawang monastery and all the people of these areas did not indicate that the authority of the Tibetan Government prevailed over them. The Chinese side had themselves stated that it was the Tibetan practice to address letters to all and sundry. Photostat 23 had been cited to show that even British officers had acknowledged the exercise of judicial powers by Tibetan officers. However, examination of the full text of this document showed that

there was nothing to warrant the claim made by the Chinese side. The identification by them of Tak Dzong with Talung Dzong was also not substantiated. So none of these documents could be regarded as providing evidence of the exercise of Tibetan judicial authority in this area.

In later years, there were some occasions when the Tsona Dzongpons came down to Jang, near Tawang, during the winter months to help the Tawang monastery to manage its monastic property, and usurped certain powers to which they were not entitled. But such malpractices were always promptly put down by the Government of India. A Political Officer who had visited Tawang in 1938 found that these Dzongpons had been pretending to possess judicial authority and inflicting brutal punishment on Indian Monbas living in what was unquestionably Indian territory. The Political Officer called for immediate measures to stop these unlawful activities. In 1945 the Tsona Dzongpons alleged that they had concluded a 'treaty' with the villages of Lih, Chug and Sangti according to which the villagers had to pay paddy for the maintenance of certain gompas in Tibet in return for a nominal present of salt. The Indian Political Officer in charge of the Balipara Frontier Tract inquired into this and found that the so-called "treaty" was a forgery. The Indian side supplied photostats of the original documents. This showed clearly the type of civil administration that the Tsona Dzongpons had ever conducted on behalf of Tibet in this area.

The Layul Area

The Chinese side reiterated their claim that a part of the so-called Layul area had been originally under Pome and later under Pemakoi-Chen and, therefore, belonged to Tibet. The Indian side showed that this claim was entirely baseless. In the statement regarding the limits of Tibet submitted by the Chinese Representative, Ivan Chen, at the third meeting of the Simla Conference on 12 January 1914, it had been clearly stated:

"Poyul has never belonged to Tibet. It is a country inhabited by lawless herdsmen ...Poyul is practically independent and Tibet has never been able to exercise any influence over the place".

If in 1914 Poyul (Pome and Pemakoi-Chen), which lay north even of the traditional Indian alignment, was recognised as never having belonged to Tibet, the Chinese side could not claim that this area, or the area south of it, had traditionally been a part of Tibet.

However, it was noted that the Chinese side themselves admitted that evidence of Tibetan administration in this area was even less than that in the Monba area; and that evidence had already been shown to be inconclusive. The Chinese side argued that what Ivan Chen had meant was that these areas had belonged to China. The Indian side replied that Tibetan administration could not have prevailed south of an area under Chinese territory; and the Chinese stand was that the areas south of the traditional alignment had belonged to Tibet.

The Chinese side referred to some obscure administrative office being set up in this area after 1927. However, they had admitted that out of the five administrative units set up here only one, namely, Ta Kang, happened to be south of the Indian traditional alignment. But there was no place called Ta-Kang anywhere in this area.

Of the documents cited by the Chinese side to support their claim that taxes had been collected in the Layul area most of them pertained to the area north of the Indian boundary and a few to the small area between the boundary and the Sirapateng river. Photostat 11 was claimed to be a register of revenue and taxes submitted by Pa-ch'ia-si-jeng area. The document itself appeared to be the register of a private land-owner recording the amount of butter and money received and the services rendered by tenants-a record of private estate management rather than of state transactions. There was no mention of any taxes having been

collected by the Tibetan Government. The same was the case with photostat 12 which mentioned, not the revenue paid by Mechuka village to Keka Dzong, as the Chinese side claimed, but the debts payable by various Mimek traders to the Estate Manager of Gaza. It was only evidence that some Tibetan landlords had practised usury in this area.

Photostat 13 recorded the giving of certain religious offerings by the people of Loka and Lonak areas. There was nothing to show that it referred to people living south of the traditional alignment. Indeed, it obviously referred to the Tibetan territory north of the Indian alignment, for the name Loka, as was well-known, was applied to the region on either side of the Tsangpo roughly from 91 degrees to 96 degrees East Longitude, and bounded by the southern districts of Kham on the north and east, and by Bhutan and the Indian tribal territory on the south. As the Chinese side insisted, without any fresh evidence, that Loka and Lonak referred to the Layul area in India, which according to them was the greater portion of the area now claimed by them, the Indian side stated that it was strange that from this vast area only five ounces of silver, ten tiger-skins and one pair of ivory tusks were collected, according to this document, as revenue.

Obviously the correct interpretation of the document was that it referred to religious offerings from Loka and Lonak areas lying outside Indian territory. Photostat 14 was an assurance by certain village that they would maintain the local monastery properly, and was no evidence of Tibetan civil administration. Photostat 15, which was claimed to be a directive issued by the Tibetan Government to the Sera monastery for the collection of revenues in the Layul area, was in fact an effort to collect payment for Tibetan mercenaries from some Abor villages very far from the alignment now claimed by China. Considerable evidence had been supplied by the Indian side to show that the Abor areas right up to the alignment had been under Indian administration. This was proof enough that the Tibetans could

not have collected taxes in this area as late as 1945; but there was also positive evidence to show that both the Tibetan officials and people accepted Keping La as the border and refrained from coming south. In this connection the Indian side submitted a photostat copy of a report submitted by the Indian Political Officer regarding the meeting that took place between him and the Deba from the 18th to the: 20th April, 1949. The Chinese side cited only one document to support the claim to have exercised judicial powers in the Layul area. But this also had no relevance to the territory in question, and referred to a dispute between two persons of Besi and the Shika of Gaza. There was no place called Besi in the area south of the traditional alignment, while Gaza was in Tibet.

The Lohit Valley Area

Although the Chinese side had cited no evidence to show that any Tibetan administrative units had existed in the Lohit valley or that it had formed part of any Tibetan administrative unit, they continued to assert that it was part of Tibetan territory. The Indian side pointed out that in this case also Ivan Chen, in his statement submitted at the third meeting of the Simla Conference on 12 January 1914, had stated:

"Zayul is divided into two parts, the upper and the lower" both of which are outside the pale of the Tibetan control and are inhabited by independent and barbarous tribes called Miris, Abors and Mishmis".

As so much of the Chinese case depended on the actions of Ivan Chen, the Indian side could not believe that they would disown his statements on these points. But if Zayul was not, according to the: Chinese Government themselves, a part of Tibet in 1914, the Chinese side could not now with any consistency claim that this part was' traditionally a part of Tibet. The weakness of the Chinese case was apparent from the nature of the evidence brought forward by them. Only two stray documents had been

cited in support of their claim to have collected taxes in this area. Of these the first document did not mention the name of a single place in Indian territory and was of no value from the viewpoint of the boundary. It only proved that taxes had been collected in Rongto, a valley in Tibet far from the Indian boundary. The second document mentioned the despatch of such odd articles as leather, pieces of wood and beer to Tibet from a few places near the border by Tibetan settlers. There was no mention of any taxes being collected.

As against such stray references, the Indian side had produced solid proof of continuous Indian jurisdiction. There had never been any doubt about the alignment of the boundary in this region; and to show that even the local people had been well aware of the international boundary, the Indian side supplied another photostat of an extract from the tour diary of the Political Officer in 1946.

In the final statement of 7 November 1960, the Chinese side claimed that in the last years of the Ching dynasty, Chinese troops had been stationed near Walong. This assertion had never been made during the discussions, much less substantiated. It was, in fact incorrect.

Other Material cited by the Chinese side

The Chinese side brought forward four photostats in support of their contention that the Tibetan Government had often taken measures to control the entry and exit of foreigners into the territory in question. However, none of the documents were relevant, and compared in no way with the documents regarding permission for crossing the Inner Line brought forward by the Indian side. Photostat 25 was a pledge by the people of Zayul to prevent plots being hatched by foreigners. From the list of signatories it was clear that they all belonged to the Rima area lying north of the Indian territory. Photostat 26 was a promise by the authorities

of Dirang and Talung that they would not allow foreigners to cross the India- Tibet border and proceed to Lhasa. This offer to assist the Tibetan Government in keeping out foreigners was no proof of Tibetan administration in this area, but rather showed that it lay outside Tibet In the letter of Bailey, the Indian Political Officer in Sikkim seeking the Tibetan Government's permission for the visit of Kingdon Ward to certain Tibetan areas such as Sanga-cho Dzong and Chamdo, Layul and Zayul had been mentioned only to show that that was the route that would be taken by Kingdon Ward to enter Tibetan territory. Tibetan permission had not been sought for Kingdon Ward's transit through these indisputably Indian are as. In his letter of 3 January 1924 to the Government of India, Bailey stated that he was seeking permission for Kingdon Ward to visit the areas south and southwest of Chamdo. That the Tibetan Government themselves did not consider that the Layul and Zayul areas lay in Tibet, was clear from the reply they gave on 27 September 1923. They noted that Kingdon Ward would travel through Lopa Nahongpa (Lohit-Mishmi) territory to Rima "in Tibet". Their letter dated 16 February 1924, and the enclosure giving the list of authorities to whom they had written in this connection. also showed that they did not consider either Layul or the Walong area of the Lohit 'Valley as lying in Tibet.

They mentioned only places lying between Gyantse and Sanga-cho Dzong, all of which lay north of Indian territory. The Indian side submitted photostat copies of these various documents. The Chinese side did not deal with this Evidence.

The fourth document cited by the Chinese side was supposed to be a list of representations made by Norbu Dhondup, the British Trade' Agent at Yatung. This had no relevance to the question at issue and the Indian side could only presume that the reference in Item 2 of this document to the permission sought for the visit of Ludlow to Bhutan and Tawang was being

construed by the Chinese side as a request for permission to visit Tawang. It was clear from the document itself that the permission was sought not because Ludlow wanted to visit Tawang but because he sought to adopt a route other than the usual one, and to travel via Gyantse in Tibet.

As evidence of administration the Chinese side also cited two occasions when the Tibetans were supposed to have quelled revolts in this area-in the Pome area in 1927 and in the Monba area in 1853.

The quelling of a revolt in the Pome area in 1927 had obviously no relevance to the question of the traditional Indian boundary lying south of it. The Indian territory inhabited by the Abors in this part of the region had never been a part of Pome. On the other hand, the Indian contention that Tibetan administration had not extended even over the Pome area for a long time stood confirmed.

Regarding the report of Kalun Wang Ch'u-chieh-pu of 1853, the facts of the case were that when a Tibetan refugee sought asylum in India, some of the Monba chiefs, who were subjects of the Indian Government, were incited by the Tibetans to make a representation.

However, the Indian Government dealt with them effectively and the chiefs withdrew their petition for fear of forfeiting their annuity. Instead, they renewed their undertaking that they would not cause disturbances again. This only showed that the area continued to be under Indian jurisdiction.

Part Two of the Chinese Statement

In the second part of their statement the Chinese side asserted that it was only in the forties of the present century that the British had taken advantage of Chinese preoccupation elsewhere to invade and occupy this territory and that India after independence not only inherited the places occupied by Britain but further pressed forward to occupy the entire area upto the so-called McMahon Line. These serious allegations were entirely

without foundation. The Indian 'side had already established that this traditional part of Indian territory had been throughout administered by Indian authorities and that there had never been any Tibetan administration in any of these areas. The Annual Reports of the Political Officers, who had regularly toured all these areas for decades, convincingly disproved the Chinese allegation that the Monba areas had only been occupied after 1944. The Indian side had supplied photostat copies of a representative collection of these Reports. The documents cited by the Chinese side could not prove Indian "encroachment" on what had been Indian territory for centuries. Photostat 29 stating that Indian officials had ordered that grain should not be sent to the private estates of the dzongpons was clearly a secret letter written by those whose interests were affected because the Government of India were terminating their malpractices. The statement in Photostat 30, that Mills, the Adviser to the Government of Assam, had been requested by the people of Dirang to withdraw, was completely false. The Indian side had a number of records in their possession showing that the tours of Mills in 1945 had been very successful; and it could be stated categorically that there were no protests and demands of the nature spoken of in this document.

The Chinese side referred to certain discussions and correspondence between the British representatives and the Government of Tibet during 1944 and 1945 and concluded that the Tibetan Government had protested against the extension of British administration into the Monba area. They added that certain offers made by the British Government indicated that they too had recognised that these areas had originally belonged to Tibet. It was pointed out that this was an incorrect description of what in fact had happened. The British India Government had decided to put an end to the oppression practised by the Tawang monastery and its agents at Dirang

and Talung under the pretext of collecting monastic dues; and they made arrangements to establish regular administrative offices in places which had until then been allowed to look after themselves. On 21 March 1943 the Indian Government protested against the illegal activities of certain Tibetan officers in the Monba area. The Tibetan Government replied on 12 April 1944 that the most friendly relations existed between the British and the Tibetan Governments, and the calling up of villagers and attempts to obtain taxes from the Monba area could not be justified. The Tibetan Government accordingly issued orders to the officers in charge of the Tsona area to desist from such activities. This made it perfectly clear that neither the British nor the Tibetan Government ever considered these areas as belonging to Tibet. However, as the monastic income of both Tawang and Drepung monasteries was likely to be affected by the stiffening of British administration and this might affect friendly relations with Tibet, and as it had been agreed in 1914 that minor differences would be settled in a friendly spirit, the British Indian Government offered, to pay compensation. That the Tibetan Government themselves had no doubt about these areas belonging to India was further proved by the fact that on 31 October 1944, on instructions from the Kashag, the Tibetan Foreign Office told Gould, the British representative, that they "did not wish in any way to dispute the validity of McMahon Line as determining the limits of the territory (subject to such minor adjustments as were contemplated in 1914) in which India and Tibet respectively are entitled to exercise authority". But in view of the "territorial and political settlement" with China which was then pending, they requested the British Government to postpone extension of their regular administration upto the McMahon Line. They added that Chiang' Kai Shek was pressing them to admit the existence of differences with the British Government, but they had refused to do so. A photostat of this document was supplied by the Indian side.

The Chinese side cited some documents and contended that they showed that Tawang had been occupied by the Indian Government only in 1951. This again was a distorted presentation of the facts which could not be sustained. Although the Indian side had already shown in great detail that Tawang had always been a part of India, yet they dealt with the specific evidence cited by the Chinese side.

It was claimed that in answer to complaints from the Tsona Dzungpons that an Indian officer and troops had arrived at Tawang (Photostat 36), the Tibetan Government had replied that they were negotiating with the Government of India to prevent any "forcible annexation" of the territory (Photostat 37), and that in reply to the information conveyed by the Indian Trade Agent (Photostat 38) the Tibetan Government had protested that the area did not belong to India and that the latter should withdraw their officers and troops. (Photostat 39). What in fact had occurred was that on 22 March 1951 the Indian Trade Agent at Yatung had explained to the Tibetan Foreign Bureau the significance of certain administrative measures that were being taken by the Government of India. He told them that in view of the close relations that existed between India and "Tibet, the former had not till then considered it necessary to post any political officers on the border at Tawang; but it had now been decided by the Government of India to extend regular administration right upto the well-known frontier. The Indian side added that this correct statement of facts would be corroborated by the documents cited by the Chinese side if the whole text of the documents, and not merely parts of it, had been produced by the Chinese side. On 17 April 1951 the Indian Trade Agent at Yatung had reiterated this position and affirmed that what was involved was purely Indian territory and that no Tibetan territory had been occupied. The Chinese side repeated their allegation that Indian troops had invaded the Dihang valley upto Karko around 1944, and further north in 1946-47.

The evidence of the Indian side showed that this area had been under Indian administration for many years prior to 1944, and no protest had ever been received from the Tibetan Government.

That Tibet recognized this area as Indian would indeed seem to be the explanation why the Tibetan Government took no notice of the complaint said to have been made by their local official (Photostat 40).

In fact, the Tibetan Government had formalized the traditional international boundary in 1914, and they knew that Karko and the other places lay south of it. For example, a letter from the Indian Trade Agent at Lhasa referred to a representation of the Tibetan Government that Kingdon Ward had crossed the 'Red Line' (the McMahon Line) without Tibetan permission. The Indian side supplied a photo stat copy of this document. Photostat 41 supplied by the Chinese side further confirmed this, for it showed that the boundary lay at Kepang La.

As baseless were the Chinese allegations of the recent 'invasion' by India of the Lohit valley. The Chinese side produced photostats of two letters, from the Dzungpon of Sanga-cho Dzong and from the Tibetan Government, stating that a number of British Officers had come to the area between 1944 and 1947. The fact that the Tibetan authorities did not know till 1947 that Indian officials had been functioning in the area, though in fact they had been there for many years before, showed an ignorance which confirmed that they had had no contacts Or relations with this area. The four notes sent by the Government of China in 1946-47 had been answered at the time, and dealt with again in the note of the Government of India of 12 February 1960.

Conclusion

This detailed analysis of the evidence brought forward by the Chinese side claiming exercise of administrative jurisdiction in what had always been

known as the North East Frontier Tract or Agency of India established certain conclusions beyond doubt. The Chinese side had not even put forward evidence concerning over nine-tenths of the area claimed by them. For the remaining fragments of territory the evidence was either of collection of religious dues or of extortions which had been shown to be illegal. The greater part of the Chinese evidence concerned the Monba area, where the Prime Minister of Tibet himself had recognised in 1914 that the only Tibetan interests were private estates and monastic contributions; and all the Chinese evidence was shown to pertain to these. For the other two small areas, even such evidence had not been produced. There had been no valid evidence for any of these areas of the exercise of judicial authority, control of entry of foreigners, quelling of rebellions or indeed of any form of common administrative authority.

Even a knowledge of the topography of this vast area or of the tribes who inhabit it had not been shown. This was in striking contrast to the detailed Indian evidence which included undertakings by village headmen, official tours, intensive surveys, construction of public works, and all other aspects of general administration.

Finally, the Indian side submitted further evidence to show that even after the establishment of the authority of the People's Government in Tibet, the Tibetan authorities had accepted the international alignment as shown by India. Photostats of three letters exchanged between the Assistant Political Officer in Tawang and the Tsana Dzungpon in August and September 1953 regarding certain pastures situated on the border were produced; and attention was drawn to the fact that the Dzungpon of Pemakoe, in his discussions with the Indian Political Officer in January 1956, had accepted the Indian alignment in the so-called Layul area.

The Chinese side quoted a sentence from the Dzungpon's letter of 1953, and interpreted it to mean that both Lebu and Pangchen were in Tibet. The

Indian side pointed out that if this were so then there would have been no need for the Dzungpon to address the Indian Political Officer. The correspondence made obvious that the boundary lay between Lebu and Pangchen, that is, it was the traditional alignment.

To show that these cordial relations on the frontier continued even after 1953 a friendly communication of 20 May 1955 from the Tsona Dzungpon to the Assistant Political Officer at Tawang was cited.

After stating that the Indian check-post at Pangchen had stopped some Tibetan traders, the Tsona Dzungpon claimed that "because of the existence of cordial relations between our two countries we on our part are not putting any obstacles or restrictions on the movement of trade goods of all varieties during the periodical fairs". He added "It may be pointed out here that there exists a treaty between India and Tibet which guarantees free movement of trade goods, including grains, between the two countries". This document was a highly significant one because five years after the People's Government of China had established their authority in Tibet, one of their frontier officials had referred explicitly to the location of an Indian check-post at Pangchen, showing thereby that even the People's Government had recognized the traditional alignment. Further, the official described the cordial relations on the frontier between the officials of the two Governments and recognised the existence of a treaty between India and right guaranteeing free movement of trade. Obviously the official had in mind the Trade Regulations of 1914 which had been concluded at the Simla Conference. This evidence proved that as late as 1955 the Chinese authorities in Tibet recognized the traditional alignment, there were cordial relations between the frontier officials of the two countries and the Chinese officials recognized the power of Tibet to sign treaties, and the validity of the 1914 agreements. It was clearly only in very recent times that the People's Government of China had decided to repudiate this alignment. The

Chinese side were unable to refute this evidence or to show that the conclusions drawn by, the Indian side were wrong.

IV. CONCLUSION

A. Introduction

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

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

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

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

In this concluding chapter, the Indian side will state briefly the geographical principles underlying the Indian alignment and the nature of the Indian

evidence. It will also be shown that the material cited by the Chinese side was wholly inconclusive and that the Chinese stand had no basis either in fact or in law or in logic. .

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

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

In the discussions which followed the exchange of authenticated maps and descriptions of the two alignments, the Indian side showed that it had the most accurate information about its alignment for its entire length. The Indian side even volunteered to exchange maps on a much larger scale, of a scale even of 1: 1 million, which is the standard scale adopted by International Organisations; but the Chinese side were unwilling to provide a map on a scale larger than 1: 5 million. The Indian side, therefore, provided a map showing the boundary of India on the roughly corresponding scale of 1 inch to 70 miles (1: 4: 4 million) and a topographical map of the northern frontier on the scale of 1: 7 million. However, the description given by the Indian side was based on a map of a much larger scale. It clearly and precisely detailed the features along which the alignment lay and furnished spherical co-ordinates of all the nodal points. In addition, in reply to the questions of the Chinese side, other exact information regarding the natural features along the boundary and the co-ordinates of all peaks and other important points was provided. Nearly sixty questions were put to the Indian side regarding the Indian alignment and every one of them was promptly and precisely answered. The Chinese side brought forward no information to suggest that there were any factual errors in these replies.

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

On the other hand, the Chinese side, although claiming initially that the alignment shown on the map furnished by them was precise and clear, were unable to provide accurate information regarding the points through which their alignment ran or even regarding the lie of particular stretches. The description provided was vague and in general terms and contained few specific co-ordinates; and of the nearly 120 questions which were put to the Chinese side to ascertain the exact location of important points along this claimed alignment, only about 60 were answered and few of these answers were precise and complete.

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

The Chinese side later asserted that some of the replies given to the Indian questions were composite ones covering more than one question. It was, however, pointed out that the questions had all been tabled separately

and the Chinese replies had been given with particular references to these questions. They had never been claimed to be composite answers and they obviously formed general answers to certain questions and did not provide the specific information sought in the many other questions. The vagueness of the description and the replies provided by the Chinese side need no comment or annotation for they tell their own tale about the legitimacy and precision of the "ancient boundary" claimed by China.

The questions to which no replies were provided were also Bought to be dismissed as "minute and trifling", but the Chinese side had themselves asked even more detailed questions on certain small segments such as Longju and Khinzemane in which they were particularly interested presumably for reasons extraneous to these discussions. Indeed, the Chinese side admitted that surveys had not been conducted along the whole length of their claimed frontier and that in parts the traditional line claimed by, them wag a "broad" - or "approximate" one. In other words, the discussions revealed clearly that while the Indian Government had a thorough knowledge of their boundary, the Chinese Government were 110t even familiar with the topography of the territory which they claim to have possessed and administered for centuries. This ignorance regarding a frontier claimed with tenacity could not but at the very start cast serious doubt on the intrinsic validity of the claim.

The Chinese side, however, stated that their knowledge of their frontier was less vague at points which lay astride important communication routes; and, therefore, the Indian side were particularly disappointed that even information pertaining to areas which are obviously frequented, was not provided.. This was the case, for ex ample, with the Spanggur area through which lies a traditional and well-used route, and where, indeed, a number of Chinese posts are known to be established. 'This failure to provide information was all the more surprising because the Chinese Government

had vouchsafed, in a communication addressed to the Indian Government even while the discussions were taking place, the most precise spherical co-ordinates-accurate to seconds-for a point in the same area: but information regarding the claimed boundary alignment at a point which could not be more than a few hundred yards away was not furnished.

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

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

In the discussions on the location and natural features of the -alignment, the Indian side demonstrated that the boundary shown 'by India was the natural dividing line between the two countries. 'This was not a theoretical deduction based on the rights and wrongs of abstract principles. The fact that this line .had received the sanction of centuries of tradition and custom was no matter of accident or surprise because it conformed to the general development. of human geography and illustrates that social and political Institutions are circumscribed by physical environment. It was natural that peoples tended to settle upto and on the sides of mountain ranges' and the limits of societies--and nations--were formed by mountain barriers. The Chinese side recognised this fact that high and insurmountable mountain barriers provided natural obstacles and suggested that it was appropriate that the boundary should run along such ranges. But if mountains form natural barriers, it was even more logical that the dividing line should be identified with the crest of that range which forms the watershed in that

area. Normally where mountains exist, the highest range is also the watershed; but in the few cases where they diverge, the boundary tends to be the watershed range.

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

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

The Indian side after providing the details of the traditional Indian alignment, drew attention to its overwhelming consistency with the watershed principle. They also showed that when the Indian and the Chinese alignments coincided-as they did for most of the length of the Middle Sector-it was along the watershed line formed by one of the Himalayan ranges. Where the alignments coincided, It was possible to

provide, as indeed had been provided, the most exact information about the geographical features along which it lay. When, however, the two alignments diverged it was because the Chinese alignment arbitrarily swung westwards' or southwards, away from the watershed line, and always towards India and never towards Tibet. The fact of triple coincidence, of the two alignments with the watershed, was no accident but, in fact, further proof of the validity, of the watershed concept, and undermined the Chinese claim in all sectors where their alignment left this natural dividing line. Evidence under other heads would have to be very strong indeed to support such an uncommon departure from the basic geographical principle. For the traditional boundary alignment in a mountainous area is obviously that which lies along the watershed which is also in most cases the highest range-and not that which leaves arbitrarily in order to encompass territory.

The fact that a mountain barrier provides a natural dividing line and the watershed range a precise and easily discernible boundary alignment does not, of course, imply that such ranges form absolute barriers. Indeed, the phrase about mountains providing an "insurmountable barrier" was one used by, the Chinese side. The Indian side recognised the obvious fact that rivers often cut through watershed ranges. What they emphasised was that this did not make these ranges any less of watersheds, dividing the greater part of the waters on either side. For example, the Brahmaputra has its source north of the Himalayas and cuts through a gorge into the Indian sub-continent on its way to the sea. But clearly this does not detract from the impressive formation of the watershed along the Himalayan range and the clear division between the geographical unity of the Indo-Gangetic plains on the south and the Tibetan table and on the north. Similarly, it is manifest that there are passes all along the high mountains and that there are always contacts across the ranges. But this does not invalidate the

general conclusion that the watershed range tends to determine the limits of the settlements of the inhabitants on either side and to form the boundary between the two peoples. Neither the flow of rivers through the ranges nor the contacts of peoples across them can undermine the basic fact that a high watershed range tends to develop into the natural, Economic and political limits of the areas on the two sides.

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

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

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

Both the Governments of India and China acknowledged that the common boundary between India and China was in origin a traditional one. But the exchange of the descriptions confirmed that there was a radical difference regarding the actual alignment of the traditional boundary. It was, therefore, necessary to ascertain whether it was the significant points and the natural features along the alignment shown by the Indian Government or along that claimed by the Chinese Government which had been accepted for centuries as marking the traditional boundary. Such proof of the

traditional and customary basis of the boundary would have to be supported by, official evidence. It would be necessary to establish that sovereign authority, in a form appropriate to the geographical terrain, had been exercised upto the claimed boundary and particularly over the areas intervening between the two alignments. For this it should be shown that these areas were parts of administrative sub-divisions and subject to the pattern of revenue and tax' collection prevalent in the contiguous territory, that the State wielded the power of enforcing law and order, subjected the inhabitants to the criminal and civil jurisdiction of the land and promoted the economic betterment and development of the area. Finally, it should be established that legislative enactments had mentioned the area and were enforced therein. In short, a picture of a legally constituted and effective sovereign authority should emerge, exercising the normal and regular functions of an established Government not intermittently but continuously over what was claimed as national territory.

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

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

countries, or that China had ever exercised regular and systematic authority over the areas now claimed by her.

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

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

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

	Indian evidence		Chinese evidence	
Legal basis	Western Sector	23		
	Middle Sector	44		47
	Eastern Sector	47		

Traditional Basis	Western Sector	51		66
Administration	Western Sector	108		
Traditional Basis	Middle Sector	89		
Administration	Middle Sector	146		41
Traditional Basis	Eastern Sector	40		
Administration	Eastern Sector	82		91

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

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

(i) The Western Sector.

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

Similarly, the Indian side demonstrated, with the support of a large variety of documents and unofficial maps originating in different countries, including China, that at least from the 6th century onwards, the southern limits of Sinkiang did not extend south of the Kuen Lun ranges, and only reached upto them towards the end of the 19th century. This made it clear that the Aksai Chin plateau and the Lingzi Tang plains were never a part of China. Among the authoritative evidence furnished were extracts and maps from wellknown Chinese works, such as the *Nei fu yu tu* (1760), *Hsi yu tu chih* (1762), *to ching hui tien* (1818), *Hsin Chiang chih I1wh* (1821), *Hsi yu skui tao chi* (1824) and *Hsin Chiang tu chih* (1911). The Chinese side sought to argue that the Tsungling mountains referred to in some of these works as forming the southern boundary of Sinkiang applied to the Karakoram ranges. But this contention was disproved by the internal evidence contained in the various Chinese maps brought forward by the Indian side. For example, on some maps the term Tsungling was written all

along the Kuen Lun ranges and both the Yurungkash and the Qara Qash rivers were shown as cutting through these mountains, thus making clear that they could not be the Karakoram mountains. The Indian side also brought forward evidence that the Sinkiang and the Chinese authorities had themselves recognised that their boundary lay along the Kuen Lun ranges. Documentary evidence, establishing that the people of Ladakh had used the Aksai Chin and other areas, now claimed by China, as of right for trading, hunting, grazing and salt collecting were also furnished. Further, even though most of these areas were largely uninhabited official documents establishing the continuous and comprehensive exercise of Indian administration over these areas for over a hundred years were brought forward. It was shown that police check-posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as 1865. There were a series of revenue and assessment reports covering the whole area now claimed by China. Aksai Chin and the whole of the Chang Chenmo valley were part of the Ilaga of Tanktse and Ladakh Tehsil; and a revenue map of this Tehsil of 1908 was supplied to the Chinese side. A few representative documents out of the large number of records showing the control exercised over the various frontier areas and the revenue collected from the frontier villages were provided. Such evidence was also produced for Minsar, a Ladakhi enclave in Tibet. It was shown that the Governments of Ladakh and Kashmir had exercised full administrative authority there right down to our own times.

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

Other evidence provided by the Indian side established that at least from the 19th century onwards trade routes running through this area were maintained by the Kashmir Government. In 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in this area "including the route via the Chang Chemoo Valley". There were also legislative enactments of the Government of Kashmir regulating hunting expeditions in the Demchok and Khurnak areas and the whole Chang Chenmo Valley. Officials had been touring these areas regularly right down to the present time, and during the years 1911-1949 Indian officials, survey parties and patrols constantly visited these areas upto the traditional alignment. In 1862 the detailed survey of the frontier areas was begun by Johnson and Godwin Austen; and thereafter a number of exploration and survey parties visited the area regularly. Geological surveys were carried out extensively in 1870, 1873 and during the years 1875 to 1882. Survey of India maps from the sixties of the 19th century, when the area was first systematically surveyed, showed the alignment correctly and the Indian side brought forward a large number stretching over the years. They also showed that official Chinese maps, such as that of Hung Ta-chen of 1893, and the Postal Atlases of China of 1917, 1919 and 1933, showed the correct boundary along the traditional alignment. Further, the Indian side showed that the traditional boundary received the sanction of treaties concluded in 1684 between Ladakh and Tibet and in 1842 between Ladakh, on the one hand, and Tibet and China on the other, and that it found further confirmation in subsequent diplomatic correspondence between the British Indian Government and the Chinese Central Government and in a local agreement reached by the border authorities of the two States in 1852.

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

It is true that these treaties and agreements mentioned by the Indian side gave no detailed description of the boundary; and the Chinese side, at first, sought to deny that they acknowledged the existence of a clear, well-recognised traditional boundary, The Chinese side stated that the 1842 treaty was merely "a non-aggression pact" between Ladakh and Tibet; and they cited a passage that "the territories (of Ladakh and Tibet) as they used to be will be administered by them respectively without infringing upon the other". The Indian side provided copies of both the Persian and the Tibetan texts of the treaty which showed that the "old established" frontiers had been confirmed. It was obvious from the texts that there was no uncertainty even at that time about their common frontier. But, even if one accepted the Chinese reading of this treaty, the Indian stand was

substantiated; for there could be no agreement not to cross the common boundary if there were no certain knowledge as to where this boundary lay. In fact, considering that these treaties were signed centuries ago, they reflect remarkable confidence in the knowledge of the traditional boundary in difficult terrain.

Further, the Chinese Imperial Commissioner, in his letter of 1847, stated that the ancient frontier between Ladakh and Tibet was so clear and well-fixed that there was no necessity to proceed with the joint demarcation which had been proposed by the British Indian Government. From this statement of a senior Chinese official it was indisputably clear that the precise location of the common frontier was clear and beyond any doubt at that time. It only required to be established that the "ancient and well-known boundaries" mentioned in these treaties and correspondence referred to the alignment claimed by India. For this purpose the Indian side had brought forward evidence much older than the 19th century referring to important points all along the border. Apart from ancient evidence this traditional alignment was also supported by 18th century evidence produced by the Chinese side, specifically stating that the boundary ran through Lhari, west of Demchok Karpo, which was none other than the Lhari stream near Demchok. It was thus convincingly established that treaties of the 17th and 19th centuries and the diplomatic exchanges of 1847 confirmed the boundary which was well-known and which was the traditional boundary now shown by India.

(ii) The Middle Sector

Apart from the natural and geographical basis of the high Himalayan watershed which supported the Indian alignment in the Middle Sector the Indian side showed that literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise

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

A wealth of evidence was quoted for every one of the areas in dispute to establish that the Indian authorities had always exercised effective administrative and civil jurisdiction over these areas. For every pocket, numerous detailed revenue settlements, tax collection records, official village maps, accounts of tours of officials and of road construction, and reports of topographical and geological surveys were furnished as manifest proofs of Indian official authority. The revenue records cited for Nilang-Jadhang in particular were of a very detailed character, covered the years

1868-1951 and included information regarding the exact limits of every village and hamlet, the type of land, the extent of forests and the most detailed figures of revenue. The Indian side took pains to present such a selection of records as would make clear that they were not just of an occasional nature but mirrored the unbroken and continuous exercise of normal governmental authority right down till today.

The traditional boundary along the watershed was always accepted by the authorities on both sides. Traill, the first British Commissioner, recorded in J.815 that it had been recognised by the Tibetan Government. In 1890 and 1914 the alignment in the Barahoti sector was formally communicated to the Tibetan authorities. In recent years the whole alignment has had further and explicit confirmation. The implications of the categorical assurance accepting the well-recognised boundaries of India in the correspondence of 1950 and the pledge of the two Governments to respect each other's territorial integrity contained in the 1954 Agreement will be dealt with later.

Here the Indian side would like to point out that the specific mention of six border passes in this Sector in the latter Agreement undoubtedly provided a clear legal confirmation of the alignment. These passes could never have found mention in an international agreement if any of them lay entirely in Chinese territory; and the fact that they were border passes becomes clearer still if one reads together Articles IV and V of the Agreement. It is, in fact, indisputable that the Indian alignment with Tibet in general and the Middle Sector in particular has the endorsement and sanction of a binding international agreement.

(iii) The Eastern Sector

The Indian side showed how in ancient chronicles the sub-montane region had been repeatedly and explicitly mentioned as a part of India. Thereafter,

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

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

Miris, Mishmis and other tribes from 1844 onwards explicitly confirming their acceptance of the sovereign authority of the Government of India and promising good behaviour. To protect the distinctive features of tribal life the Government of India restricted entry into these areas and no one could cross the Inner Line without permission from the Government. A special form of administration was also developed for these areas. The Annual Reports of Political Officers from the middle of the 19th century provided a clear picture of detailed and continuous administration; and the Indian side furnished many extracts from these Reports. The Indian side also gave details of numerous surveys and census operations which were conducted in normal exercise of administrative authority over the area. There could be no better proof that the area had always belonged to India than its specific mention in Indian legislative enactments, administrative regulations and statutes of 1873, 1880, 1884, 1914, 1919, 1928 and 1929, and in the Government of India Act of 1935 and the Indian Constitution of 1950. In striking contrast, there was not a single Chinese law or administrative enactment which made a specific mention of any of the areas in dispute. The Chinese side alleged that the process of extending detailed Indian administration into the tribal belt was a recent one; but recent or otherwise-and the Indian side had shown that Indian authority had always been exercised over this area-clearly it was the right of the Indian Government to do so, as it would be for the Central Government of China to strengthen their authority in any semiautonomous region of China. So any such extension of Indian administration could not support the Chinese alignment.

E. Validity of the "McMahon Line" agreement

The Indian side also established beyond doubt that the traditional boundary in the Eastern Sector had been formalized in 1914 by an exchange of

letters between India and Tibet. At that time, Tibet had enjoyed the power to sign treaties and to deal directly with neighbouring States on matters regarding the boundary. The Chinese Government had recognised these rights enjoyed by Tibet and had been aware of this formalization of the Indo-Tibetan boundary at the Simla Conference.

The Indian side had made it clear that, they were reluctant to discuss the history of the relations between China and Tibet and had only considered it in their initial statements to the extent that it was relevant to the exchange of letters formalizing the boundary in 1914.

Unable to establish that the agreement was valid, the Chinese side endeavoured to set it aside by assertions which were not historically correct and by the most serious and unwarranted allegations against the Government of India. It was, for instance, repeatedly alleged that India was seeking to defend British Imperialist policy and to benefit from British aggression in Tibet; and it was sought to convey the impression that the Indian side regarded Tibet as an independent country. The Indian side could not but emphatically repudiate these most objectionable distortions of the well-known and clearly established policies of the Government of India. It had been clearly recognised by the Government of India and had been repeated innumerable times in these discussions, that Tibet was an autonomous region of China; and independent India had always dealt with the Central Government of China on matters pertaining to Tibet. The very fact that these talks pertaining to the boundary of India with, for the most part, Tibet, were being held with the representatives of the Chinese Central Government, was a clear indication of India's acceptance that the Chinese Government were responsible for all external affairs relating to Tibet. It was even categorically and explicitly stated by the Indian side that India did not regard Tibet as independent.

But the present status and powers of Tibet could obviously not be projected backwards or allowed to influence one's understanding of: the nature of the relations subsisting between China and Tibet in 1914. That during the 300 years prior to 1950, Tibet, whatever her status, had enjoyed the right to sign treaties and have direct dealings with her neighbours on boundary questions, was clearly established by history. The Indian side had already drawn attention to the treaties of 1684 and 1842 signed by Tibet with Ladakh. In 1800, she signed a treaty with Nepal, and the People's Government of China themselves recognised the validity of this treaty, because they felt it necessary to abrogate it in their treaty, signed exactly a hundred years later, in 1956 with the Nepal Government. It was asserted by the Chinese side that the Chinese Amban in Tibet had assisted in the conclusion of the 1856 treaty. This, too, was an incorrect statement of facts; but even if true, it would only corroborate the Indian position that China recognised the treaty-making powers of Tibet. For it would mean that China assisted Tibet in directly negotiating a treaty which, among other things, granted extra-territorial rights to Nepal. 'The Tibetan Government protested against the conclusion of the 1890 Convention by Britain and China and successfully defied its implementation because they had not been a party to it. It, therefore, 'became necessary for Britain to sign an agreement with Tibet in 1904. Far from objecting to such direct negotiations by Tibet, the Chinese Amban in Lhasa assisted in its conclusion and two years later the Chinese Central Government confirmed it in their Convention with Britain. It may be noted that the 1906 Convention concluded in Peking did not suggest that the 1904 Convention was invalid, or merely repeat its provisions but specifically recognised it. Furthermore, it was a fact of history-and the officials at these meetings were only concerned with an objective scrutiny of the facts ,of history-that after the 1911 revolution Tibet had issued a declaration of independence.

The Indian side themselves had drawn attention to the fact that even the British Government at that time had not acknowledged this declaration. But the fact remained that whatever the theoretical conception of Chinese relations with Tibet, all working relations between the two seem to have been practically terminated. Not a single item of evidence was brought forward by the Chinese side from either the Chinese or the Tibetan archives that could suggest that this statement was incorrect. The then Central Government of China, eager to re-establish their connections with Tibet, agreed to attend the tripartite Simla Conference and designated a plenipotentiary to attend "jointly" with the Tibetan plenipotentiary, and to negotiate with him and the British Indian representative on terms of equality. The Chinese Government conferred full powers on 'their representative and, what was even more significant, accepted without any reservation the credentials of the Tibetan representative which vested him with full powers in the name of the Dalai Lama and authorised him to function as an equal plenipotentiary with those of China and India and settle all matters pertaining to Tibet. Thus it was the Chinese Government of the time which accepted a procedure which under diplomatic usage, is normally adopted only at international conferences of the representatives of sovereign countries.

The fact that the Chinese Plenipotentiary did not sign the tripartite agreement which he had initialled did not in any way invalidate the agreement signed by the British and the Tibetan representatives.

All Chinese reservations to the Simla Convention, as stated at the time of the Conference and subsequently in 1919, were merely regarding the boundaries of Inner Tibet and Outer Tibet. There was never any objection, or indeed any comment of any kind, regarding that part of the boundary shown on the Convention Map between India and Tibet and formalized in

the exchange of letters between the Indian and the Tibetan representatives.

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

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

Apart from these facts, the whole array of argument and evidence furnished by the Chinese side during these very discussion fully proved, If anything, that Tibet at that time had enjoyed treaty making powers and the right of

direct dealings with neighbour States. These entire evidence produced by the Chinese side showed Tibet functioning all along her border without Chinese presence or support. In quoting such Tibetan actions with approval, and bringing forward such evidence of Tibetan activity the Chinese side confirmed the legality of Tibet's powers to negotiate and conclude treaties. In all inter-governmental talks between India and Tibet as at Dokpo Karpo, Barahoti and Nilang-Jadhang, no representative of the Chinese Central Government had been present. The representatives of the Government of Lhasa had dealt with representatives of the Central Government of India, who had been supported by officials of local Governments. There was no question, therefore, of these discussions having been conducted on a purely local level~ and the fact that on the Tibetan side there had been no Chinese representation or any Chinese authority and, at any Ume, even a semblance of interest on the part of the Chinese Central Government, proved the Tibetan right to deal directly with the Government of India. The Chinese side were, therefore, unable to escape from the dilemma that to dispute the powers of Tibet to have direct dealings with India to confirm the traditional boundary in the Eastern Sector was to jettison all their evidence for the Eastern and Middle Sectors and almost all their evidence for the Western Sector. For the overwhelming majority of the records and documents quoted by the Chinese side were from Tibetan, and hardly any from Chinese sources. Indeed, the documents cited by the Chinese side referred throughout to a Tibetan Government. It was obviously, even according to the Chinese evidence, much more than a merely local authority or a provincial administration.

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

themselves were precluded from quoting them as evidence in other contexts.

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

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

Nowhere, in fact, as in its disputation of the validity of the so-called McMahon Line was the Chinese position so replete with contradictions. To mention but a few, the Chinese side throughout quoted with approval

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

This maze of contradictions makes it impossible even to comprehend the Chinese stand, much less to find evidence to sustain the Chinese claim. It needs to be stated clearly that the treaty-making powers of Tibet and in particular her formalization of the "McMahon Line" were acknowledged by the Chinese Central Government of the time; and it was profitless to distort

the present position of the Government of India and the statements of the Indian side in a vain attempt to repudiate the confirmation of the traditional boundary. For it was conclusively established from every angle of law and history that the "McMahon Line" agreement which confirmed the traditional boundary in the Eastern Sector was a valid Agreement which had been signed by Tibet and was now binding on China.

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

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

F. Maps and Surveys

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

(i) Maps.

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

different periods and mostly based on official Chinese investigations. All these maps showed that throughout the centuries, the traditional boundary between India and China had been shown and recognised to lie in accordance with the present Indian alignment. The Chinese side failed to bring forward any items of evidence of this nature in support of their case. Much of the Chinese case was based on maps issued by the Survey of India and they were repeatedly referred to under both Items 2 and 3, even though being evidence of official viewpoints, they were not relevant evidence of tradition and custom. It was alleged that most Indian official maps supported the Chinese position and that the Indian side brought forward few official maps on their own to substantiate the Indian alignment but dealt with them primarily when replying to the Chinese evidence. It has even been suggested for the first time in the Chinese report that the Indian side "deliberately evaded such material" and that no official maps were cited by them for the Middle Sector. In fact, however, this category of evidence provided support for the Indian, and not the Chinese, case and was used considerably for every sector of the alignment.

As has been shown in detail in the earlier chapters dealing with the discussions on Tradition and Custom and on Administration and jurisdiction, the Indian maps quoted by the Chinese side had been incorrectly interpreted and understood. Most of the Indian maps which the Chinese side brought forward showed no boundaries. But this did not mean, as the Chinese side argued, that no boundaries existed. These maps were intended for internal administrative purposes and, therefore, did not seek to show the international boundaries. This becomes clear when one considers, for example, the 1937 map of India. The main map showed no international boundaries, and has been cited by the Chinese side; but the reference becomes valueless when it is noticed that the small inset map on the same sheet correctly delineated the international frontier. Again, some

physical relief maps published by the Survey of India showed no boundaries as their concern was different. They were, therefore, wholly irrelevant to the present question, let alone being evidence in favour of the Chinese side. Many Chinese maps also do not show all the regions of China within China's external frontiers. It should also be remembered that official maps of the Survey of India only showed areas which had been properly surveyed at the time of issue of the map and not necessarily the traditional alignment, which was well-known. Survey of India maps naturally laid emphasis on official surveys, which were the main function of the organisation.

The Chinese side referred, in particular, for the Western Sector to the 1825 map prepared for the East India Company, the 1840 map prepared by James Wyld, and Walker's map of 1846. The Indian side pointed out that in evaluating these maps as evidence of the boundary alignment, it was necessary to bear in mind that British Control had extended over the Indian State of Kashmir only in 1846, and prior to that British Indian maps either did not show Kashmir at all or, understandably, showed the boundaries of independent Kashmir incorrectly. It was only about twenty years after Kashmir came under British control that the first surveys of the Aksai Chin area were undertaken by Johnson; and from the sixties onwards Survey of India maps correctly depicted the limits of Indian territory in the Western Sector. So while the early maps of Wyld and Walker, drawn before any surveys had been conducted, were based on conjecture, the Survey of India maps subsequent to the surveys showed the Indian alignment correctly. Walker himself revised his earlier erroneous maps on the basis of these accurate surveys and showed the boundaries correctly in his maps of 1860 and 1868. If Walker's maps were to be regarded as evidence, obviously the later revised, maps based on scientific surveys, and not the earlier conjectural maps were the authoritative ones.

Regarding the maps in the Eastern Sector, the Indian side explained that many of these maps showed merely the administrative frontier along the Inner Line as distinct from the international frontier leaving out the tribal areas which were at that time under the overall control of the British Indian authorities but not under regular British administration. They, however, showed these areas by a colour wash in order to make clear that they were a part of India.

This general British practice of delineating the administrative frontier along with a colour wash upto the international boundary could be discerned also in maps which showed the North West Frontier areas, now a part of Pakistan, as lying beyond regular Indian administration.

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

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

The Indian side brought forward official Chinese maps which confirmed the Indian alignment in all the Sectors. The map of the Chinese Minister Hung Ta-chen given officially to the British representative in 1893 showed an alignment which corresponded to the Indian alignment. Similarly, the map issued by the Postal Department of China in 1917 and used officially right upto our times correctly showed the Indian alignment throughout its length. There were repeated editions of this Postal Atlas. Until the maps issued since the People's Republic of China was inaugurated, which were only recently claimed to be correct, there were no official maps published in China which substantiated the alignment now claimed by China.

The conclusion is not qualified by the two maps of 1918 and 1948 which the Chinese side quoted as corroborating their alignment. For the Indian side found on scrutiny that these two maps, said to have been prepared by the 'Northern Warlords Government' and the Ministry of Defence respectively, had never been published; and subsequently the Chinese side agreed that this was so. It was surprising that secret maps had been brought forward as valid evidence of open and effective administration. They obviously were no proof of the alignment, much less of recognition by the Government of India of the boundary delineated on them. The furnishing of such so-called 'official' maps was all the more extraordinary because the Chinese side had themselves stated that no official maps had been printed in China during the period of the Kuomintang rule. In fact, such official maps had been published, and they supported the Indian alignment.

The Chinese side asked how Chinese maps cited by the Indian side could become evidence of Indian administrative control. The Indian side explained that they had never claimed Chinese maps as proof of Indian administrative control but had only cited them to establish that the traditional Indian alignment had been endorsed by the Chinese Central Governments. The Indian side, in fact, emphasised that as proof of

sovereign administrative authority, it was necessary to rely primarily on such records as those of the regular collection of revenue and taxes and the maintenance of law and order. As far as the Indian side were concerned, official maps had been adduced only as secondary, corroborating proofs of administrative jurisdiction. Even here, the emphasis had been placed on administration maps, on sub-divisional, village, local and revenue maps which showed the administrative organisation as extending right upto the traditional alignment. It was significant that aH large-scale maps of particular areas published by the Survey of India, of w:hatever date, clearly and €explicitly supported the Indian alignment.

However, it became abundantly c1ear that the Chine se claim to administrative control was based primarily on maps derived from Indian sources, and these, too, small-scale maps published for general purposes. It is pertinent, therefore, to pose the parallel question as to whether the Chinese side had brought forward any official maps, published in China, to support their alignment, and to enquire how Indian maps could form almost the sole evidence of Chinese administration. It was clearly of the utmost significance that the Chinese side could not produce a single published official Chinese map showing the boundary as claimed. by them, even though they assert that China has administered these areas for centuries. Finally, it is necessary to correct the erroneous impression that was sought to be created, that the Indian side had not furnished many official maps in support of their alignment. Attached to this chapter (Annexure 'B') is a list of the official maps furnished by the Indian side; and from this it will be observed that as against 13 Indian official maps quoted by the Chinese side, 36 were brought forward by the Indian side; and as against the total lack of official Chine se maps brought forward by the Chinese side, 8 official Chinese maps were produced by the Indian side. The Indian maps which were quoted by the Indian side confirmed the evidence of Indian

administration, and the Chinese maps cited by them served to establish that the alignment claimed by India had been recognised by the Central and the local Governments of China.

(ii) Surveys

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

However, while the Chinese side sought to minimise the significance of Indian surveying and described as "absurd" the suggestion that surveys

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

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

G. The meagre contents of the Chinese case

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

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

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

In the Eastern Sector, the evidence pertained exclusively to three small pockets of Buddhist influence close to the traditional border. Indeed, the Chinese evidence was mostly about Tawang where there is an important monastery exercising spiritual authority over the Monbas who are Buddhists. The Chinese evidence failed completely to substantiate the

assertion that these three small units of Monyul, Layul and Lower Zayul covered the entire area of 32,000 square miles now claimed by China. The bulk of the population of this vast area are not Buddhists but tribal people, but there was no evidence at all concerning them. There was not even a general reference to them such as was to be found in medieval Indian evidence, which the Chinese side acknowledged.

The inadequacy of the Chinese evidence was nowhere greater than in the endeavour to prove that these territories now claimed by China in the various sectors were throughout subject to the administrative authority of China or, for that matter, even of Sinkiang or Tibet. Unlike the Indian side who had produced continuous revenue and tax records and other archives of administration for year after year and decade after decade for all disputed areas, the Chinese side produced one or two documents of an occasional and a vague nature pertaining to a few odd places and claimed them as proof of administrative authority exercised continuously for centuries over all the areas now claimed. Only one document was produced as proof that Sinkiang had exercised administrative authority over the Aksai Chin area. But this document itself was a recent one and it only mentioned a proposal for the establishment of a new administrative subdivision of Shahidulla, which, in any case, lies north of the Indian alignment. It specified the Karakoram Pass as the southern limits of the administrative project, and since, according to the traditional alignment, the Karakoram Pass lies along the northern boundary of Kashmir, it was clear that the new division could not have been responsible for the administrative control of the vast Aksai Chin area. Nor was any evidence produced, either that this new administrative unit had been established, or that for the period from 1928 right upto 1950 jurisdiction over the Aksai Chin plateau was in fact exercised by this sub-division of Sinkiang. The scrutiny of the Chinese evidence confirmed the Indian position that Sinkiang and China never

exercised control upto the limits now claimed till, of course, the illegal use and control of this territory since 1950.

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

that these visiting Tibetan officials had no authority in India. A comparison of the meagre and casual evidence of the Chinese side with the systematic and detailed documentary evidence of revenue settlements, land taxes, official tours and other aspects of general administration furnished by the Indian side, placed beyond doubt that these areas were Integral parts of Indian villages and the collections which were claimed as proofs of Chinese authority were merely transit dues paid for the facility of crossing into Tibet. The Chinese side were in no position to challenge the veracity of Indian tax collection and settlement records; and such detailed evidence of Indian administration over these pockets put the Chinese evidence in perspective, and underlined that they were transit dues without any significance.

In the Eastern Sector, not a single record from any of the contiguous administrative sub-divisions, containing a chart or a map or any other specific proof showing an alignment which tallies with what is now claimed as the traditional boundary, was brought forward. The nearest approach to such evidence, which must be considered essential, was a solitary document pertaining to the Walong area which mentioned a stream which was nowhere near the alignment now claimed by China. The material provided established only Buddhist influence and ecclesiastical organisation in small pockets of territory.

There was no evidence of any revenue collection, of survey operations, of acquaintance with the cultivated lower valley or of construction of public works in the inhabited areas. The Chinese evidence was striking In that it made no claim to the exercise of any form of authority-spiritual, secular or political-over the vast majority of the inhabitants of these areas south of the high Himalayan range.

Claim supported by illegal occupation

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

In this effort of trying to determine what was the traditional boundary between Sinkiang and Tibet on the one hand and India on the other, it was necessary to ascertain the historical status quo or what the Chinese Government called the "long existing state of the boundary" between the two countries, and furnish proof of an original title, setting aside any evidence from gains derived from recent illegal activity in the area.

International law recognises that sovereignty over national territory does not demand continuous occupation of every place. The type and continuity of control necessarily differ with the nature of the terrain and the special circumstances of the territories concerned. The Indian positive evidence of tradition, custom and the exercise of state authority for this sector all established that the Indian title was an ancient, legitimate and recognised one; and it was shown that the Governments of Kashmir and India had exercised normal and open authority over the area in a manner appropriate to its physical and climatic conditions. The Indian side had also demonstrated that this title was intrinsically superior to the Chinese claim for it was based on evidence which pre-dates by centuries the activities of

the last decade. It had been established, for example, that until this recent activity Sinkiang never exercised any control over the Lingzitan and Aksai Chin areas and that Chinese maps and documents invariably recognised that Sinkiang did not extend south of the Kuen Lun ranges. As mentioned earlier, the nearest direct evidence of administrative control produced by the Chinese side were documents of 1927-28 which merely mentioned the intention of establishing an administrative organisation, and that too in Shahidulla (which is in Sinkiang), and covering an area which even in the project was stated to have its southern limit at the Karakoram Pass. In this connection, it may be, expedient to refer to two famous cases of territorial disputes where the International Court, in ascertaining the legitimate title, set aside all evidence subsequent to what was described as the "crucial date". In the dispute between the United States and Holland over the island of Palmas, evidence subsequent to 1906 was not considered as valid. In the dispute between Norway and Denmark over Eastern Greenland, Norway's claim was set aside and considered "illegal and invalid" on the ground that she had not been able to establish any proof of administration prior to, 1921, when she first occupied the disputed territory. As was pointed out in the Palmas case, in such circumstances, it was necessary to establish that the display of sovereignty existed openly and publicly prior to the period when the dispute was precipitated. Further the Indian side, by giving evidence of the administration of this area prior to 1950 and details of patrols. which were sent even subsequent to 1950 and right upto 1958 and even 1959, have demonstrated that India had the continuing intent even during the last ten years of exercising her rightful sovereignty and fully discharging her responsibility of local administration in a way befitting the terrain. Indeed, the Government of India had, in the customary manner, sent a patrol into the Chang Shenmo valley in June 1959 and no trace of Chinese personnel was then found in

the area. This valley was only occupied subsequently by Chinese forces; and this occupation resulted in the clash and loss of life near the Kongka Pass. The evidence of long user and jurisdiction, the continuing intent to exercise sovereignty until the present Governmental exchanges commenced and the application of international case law precedents all clearly establish the Indian title to the area. The fact that India, in trust and true to centuries of tradition, did not establish a net-work of fixed; administrative and defence posts at the extreme limits of the difficult terrain can in no way prejudice her ancient title.

It may be mentioned here that the Prime Minister of India had' enquired from Premier Chou En-lai in Delhi in April whether a second road parallel to the original highway was being constructed in the Aksai Chin area. Premier Chou En-lai disclaimed knowledge of such a road. However, the Chinese side in their final statement and their Report have mentioned, as supporting proof of their claim that over ten routes in this area were surveyed for construction; and it is known that some routes other than and west of the present highway have already been constructed. Such consolidation of illegal control by new constructions are even more objectionable and be certainly not strengthen, in any way, the Chinese claim to this territory. Traditional boundaries are as much binding in international law as boundaries embodied in agreements and treaties, and no government has any justification in violating such boundaries and seeking to use occupation to confer legitimacy on trespass.

H. Deficiencies and contradictions in the Chinese evidence

These general observations pertain to the weak factual foundation of the Chinese case. During the discussions, the Indian side made a careful analysis of the documents produced by the Chinese side and the comments, summarised in the earlier chapters, show why the documents cannot help

to sustain the Chinese claim. Here the Indian side would like to mention certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese evidence.

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

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

(b) Certain items of evidence brought forward by the Chinese side contradicted the Chinese stand. For example, the Mandate of the Fifth Dalai Lama, which was claimed to show the secular authority of the Tibetan

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

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

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

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

(b) It was stated that the Tibetan Government had always posted guards at Demchok and Khurnak and headmen at Gyu and Kaurik in exercise of their administrative authority. But no document to substantiate these claims was

brought forward. On the other hand the Indian side produced records showing continuous administration of these places.

(c) There were other cases where the translation and examination of the photostats supplied by the Chinese side showed that the passages cited by the Chinese side in their statement and said to be taken from specified documents actually were not to be found in the full texts contained in the photostats. For instance, an avowal of 1853 was said to refer to the prevention of the sovereignty of the borders in the Monba area falling into the hands of others; but the actual Tibetan text supplied by the Chinese side did not contain such a passage. The Chinese side themselves acknowledged this during the discussions; but they now, in their Report, charge the Indian side of having made this allegation. A report of 1913 was said to state that Garpons had been appointed to Layul; but again on such a reference could be found in the Tibetan text of the photostat supplied. Kishen Singh, an Indian explorer, was said to have testified to Khurnak being in Tibetan territory, but the reference did not confirm this. In their Report, the Chinese side have sought to explain this by saying that Kishen Singh camped in what was allegedly Tibetan territory and had stated that Khurnak was nearby. But even this fact was not proved, much less the inference drawn from it. Other cases wherein the significance attributed to a document did not exist, included those dealing with Kingdon Ward's visit to Tibet and Ludlow's visit to Tawang.

(d) It was stated that even though the administrative centres for the areas claimed in the Eastern Sector were in the extreme north and west of the territories now in dispute, yet the local authorities had developed special administrative techniques to control the areas right down to the foothills. It was promised that details of these techniques would be provided along with other evidence of administration and jurisdiction, but when the administrative pattern of the Eastern Sector came to be discussed, this

promise remained unfulfilled. It has, in fact, never been clarified as to how this large belt of 32,000 square miles could have been traditionally administered by Tibet.

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

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

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

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

In the Eastern Sector, as already stated, no maps or administrative records of any kind were brought forward to show that Monyul, Layul and Lower Tsayul covered the whole tribal belt. A Survey of India map of 1906 was referred to as stating that Monyul, Layul and Lower Tsayul comprised the whole of the area in question but the scrutiny showed that there was no

such indication on the map. The Chinese side claimed that certain foreign travellers had stated that these three units covered the whole area, but when invited to give the references, failed to do so.

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

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

(iv) Change even in the definition of the extent of the area claimed

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

(a) In the correspondence between the two Governments, the Government of India had pointed out that even in Chinese official maps published since the inauguration of the People's Republic of China the delineation of the boundary with India had not been consistent. It was noticed, for example,

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

(b) The second example seems to suggest the development of a change in the Chinese conception of their boundary, even during the course of these discussions. In the description of the Chinese alignment provided to the Indian side, it was alleged that in the Middle Sector, eight places of Chinese territory were under Indian occupation and that the boundary skirted these places on the south side. Laphthal and Sangchamalla were individually listed and mentioned as distinct from Barahoti (Wu-je). Earlier, too, in the correspondence between the two Governments and during these discussions, Barahoti, Laphthal and Sangchamalla had been mentioned separately. However, the answers given by the Chinese side to some of the questions of the Indian side seeking clarification of the Chinese alignment

raised the suspicion that the claimed alignment did not just (as had been stated) skirt these places, but ran much further to the south and east of them and that these places were much nearer the traditional Indian boundary than to the line now claimed by China. But it was only five weeks after these talks began that the Indian side were informed, for the first time, that these three areas: -Barahoti (Wu-je), Sangchamalla and Laphal- were, in fact, not separate units of territory but parts of one large, composite area of approximately 300 square miles. No explanation was provided as to why these places had earlier been mentioned separately. One could not help feeling that in this particular case the Chinese claim was inflated after the commencement of these discussions. As far as the Indian side were concerned, they contested the claim to these three pasture and camping grounds even when the area involved did not amount to more than ten to fifteen square miles. But the Indian side were naturally most concerned that the area, as finally claimed, was a sizeable one and, incidentally, included the Niti and Kungribingri Passes, which are border passes explicitly mentioned in the 1954 Agreement and where for decades India has exercised her traditional jurisdiction.

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

The Chinese side frequently took certain passages out of their proper context and quoted them in such a manner as to suggest that they supported the Chinese case. The most striking instance of this was the utilization of certain statements of the Prime Minister of India. For example, the listing in his letter of 22 March 1959 to Premier Chou En-lai of some of the agreements confirming the traditional Indian alignment was said to show that the 1954 Agreement was not regarded as one of such treaties. His statement in Parliament that the boundary in the Western Sector had not been delimited on the ground was cited as proof that the Indian

Government had accepted that the boundary had not been delimited, and his statement that during the days of British rule no administrative outpost had been maintained in the northern Aksai Chin area was interpreted to mean that there had never been any administrative control of the whole area. Obviously these and similar statements should be read in their proper context and not distorted to suit the Chinese case.

(vi) Inconsistencies in the logic of the Chinese case

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

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

At the request of the Chinese side, the Indian side furnished the coordinates of Lhari stream, and invited the Chinese side to give the coordinates of Lhari according to them, if they disagreed with this contention. But the information sought was not provided even though Lhari had been quoted as a significant point on the alignment. It was merely asserted that Lhari was near the point where the Chinese alignment crossed the Indus,

but if this were so, Lhari would be almost due north and not west of Demchok, as the Chinese evidence itself established. The Chinese side could not disown the evidence they themselves had submitted and which disproved their alignment and supported the Indian one.

(b) It was repeatedly affirmed that until Ladakh was annexed by Gulab Singh in the fourth decade of the 19th century, it was a part of Tibet' and not independent of it. But this clearly destroyed the Chinese contention that the alignment of the traditional boundary as now claimed by them was "ancient", and had "always" been the boundary between the two countries. Actually, as he has been mentioned, the Chinese side had themselves brought forward evidence which mentioned wars between Ladakh and Tibet, the cession of forts by Tibet to Ladakh and the exchange of regular Lapchak and Chaba trade missions between Tibet and Ladakh since the 17th and 18th centuries, all clearly showing that Ladakh was not under the political control of Tibet and the two dealt with each other as equal parties. Indeed, the Chinese side themselves quoted evidence of this very period referring to the ancient and clearly known boundaries of Ladakh. They even brought forward evidence of the 18th century to show that the international boundary between Ladakh and Tibet lay at Demchok, yet they persisted in claiming that the status of Ladakh was changed only in the mid-nineteenth century by the alleged annexation of Ladakh by Gulab Singh and thus, by implication, the international boundaries of Tibet moved east a hundred to a hundred and fifty miles from the western limits of Ladakh at about 75° to somewhere along the present Indo-Tibetan boundary at about 78°. When faced with this discrepancy between their evidence and their assertions, the Chinese side stated that the alignment claimed by them conformed to the ancient feudal line between Ladakh and Tibet; but it need hardly be pointed out that a feudal line cannot form an ancient boundary, and that a boundary only a hundred years old can scarcely be regarded as a traditional

international frontier. Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence furnished by the Chinese side themselves.

(c) The Chinese side have repeatedly referred to some minor and old disputes with a view to proving that the boundary has not been formally delimited. The Indian position on the merits of these disputes had been explained in the appropriate context; but what is obvious is that the existence of these old and limited disputes to which the Chinese side referred cannot support the present claim of China but, in fact, destroys it. The disputes, such as those regarding the Dokpo Kaxpo pastures in the Western Sector, Barahoti in the Middle Sector and Walong in the Eastern Sector were clearly over small areas close to the Indian alignment and very distant from what China now considers to be her traditional boundary. Indeed, if the Chinese alignment were correct, these small disputed areas would be little enclaves entirely surrounded by Chinese territory and nowhere near what China considers as the international boundary and they could then never have been boundary disputes and would have no relevance to the delimited nature of the boundary. In fact, the mention of these boundary disputes by the Chinese side 'nullifies the present claims of China, and indicates that the alignment now claimed by her is certainly not the traditional boundary between the two countries.

(d) It would be appropriate, in this context, to refer again to a major contradiction in the Chinese case. The Chinese side asserted that Tibet was always a part of and under the sovereign control of China and had no right to have any dealings with other countries, and sign an agreement formalising the boundary; but, at the same time, they quoted these disputes-(and India has not denied that such disputes took place)-which show Tibetan representatives holding negotiations in attempts to resolve their boundary disputes, and in one case even constituting an international

commission, without any trace of Chinese presence or concurrence. Obviously, the Chinese side cannot refer to Indo-Tibetan boundary discussions, produce Tibetan documents, and quote Tibetan claims in frontier areas, even while they assert that Tibet had no right to deal with her neighbours or to conclude Boundary Agreements

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

1. Features of the Chinese Comments on Indian Evidence

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

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

Throughout the discussions, the Chinese side reiterated their assertions without taking into account any of the Indian evidence and arguments. For example, they ignored all the remarkably precise references in Indian

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

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

bringing forward any evidence, persisted in confusing the two places, and contended that they were the same.

(ii) Conflicting interpretations of the same item of evidence

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

For it must be assumed that the Central Government of China were safeguarding and representing the legitimate territorial interests of a constituent province when they accepted the 1842 Treaty.

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

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

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

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

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

The Chinese side, while repeatedly pledging that they would consider and comment on Indian evidence in an objective manner, brought forward extraneous and irrelevant considerations and tried to dismiss established facts and documented evidence by making sweeping and unsubstantiated challenges of malafide intentions. They have even gone so far as to allege in their final statement that the Indian alignment "in no way represents a

traditional customary line, but marks the attempted goal of British aggression against China's territory in Sinkiang and Tibet." The Indian side take the strongest objection to this astounding allegation, made after the Chinese side had scrutinised and been unable to refute an the vast amount of evidence establishing the traditional and customary basis of the Indian alignment.

During the discussions, the Chinese side sought to minimise the value of a considerable amount of Indian evidence on the ground that it came from British sources and represented merely a manifestation of British imperialist policy. It was inevitable that Indian evidence of the last three centuries, particularly of administration should be largely British. But for every sector where British evidence had been mentioned, the Indian side had also mentioned evidence recorded by persons of German, French or Italian origin who could not have been impelled by the desire to support British Imperialist policy, since at that time these other European powers were jealous of British hegemony and rivals of Britain throughout the world. What was even more significant, the Indian side invariably brought forward evidence from Chinese sources to confirm the alignment Shown by India. It required no re-affirmation that independent India is no defender of British Imperialist policies in India or any other part of the world. But it was not for the officials to pass judgments on the past. The task assigned to them was to study and draw conclusions from the facts of history as they related to the boundary question. Objective historical evidence which had a bearing on the boundary could not be set aside merely on the ground that it was recorded by an Englishman or came from a British source. Further, the Indian side could not agree that whatever British policy in Sinkiang might have been, it hart any bearing on the boundaries of Kashmir. The charge of British "imperialist motivation" could not explain away that the Indian boundary lay along natural geographical features or that it found

confirmation in Chinese official and unofficial documents. Besides, all the British records of the 19th century were now open to the general public and research scholars, but the Chinese side had not cited a single British official record of that period to prove deliberate malafides and an interested effort to change the then existing alignment.

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

It may be added that an objective analysis of the history of British policy towards Tibet during the years after 1880 showed that the British Government were eager to buttress rather than to belittle the position and strength of China, and therefore sought to minimize the aspirations and claims of Tibet. This was because they were anxious to prevent Russia from obtaining a foothold or influence in Tibet. In the few discussions which took place over the northern boundary of Kashmir and over minor disputes such

as in Nilang-Jadhang and Dokpo Karpo, British policy was to offer a compromise to Tibetan advantage even though both sides recognised the traditional alignment, and so to persuade Tibet to settle her political and territorial disputes with China in the north. During these years, therefore, it was the then Central Government of China which reaped the benefit of European imperialist rivalries in Central Asia. At all events, if Britain with her imperialist ambitions was seeking to change the frontiers, she would scarcely have limited herself to the traditional boundaries but would have advanced far beyond the Kuen Lun, the Aghil and the Himalayan Hanges and acquired territories which were more valuable economically and strategically. The Indian side could not therefore but affirm that any attempt to dismiss objective and contemporary records of history on general grounds that they were from British sources was contrary to the spirit of this assignment and to the methods of historical research, and, incidentally, inconsistent with the practice adopted by the Chinese side themselves.

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J. Aspects of the Chinese Report

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

particular, a comparative appraisal of the evidence produced by both sides. However, a few striking examples of the new material in the Chinese report are given in an appendix. (Annexure C).

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

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

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

The Chinese refusal to discuss the segment of the boundary west of the Karakoram Pass was tantamount to questioning the legality of the accession of the State of Jammu and Kashmir to India when in fact the accession had not only been recognised by other countries but even by the United Nations Organisation. Kashmir was a part of India and notwithstanding any temporary occupation of the territories west of the Karakoram Pass, it was the legitimate responsibility of the Government of India to represent to the Chinese Government with regard to this sector along with other sectors of the Sino-Indian boundary, particularly as there

was a considerable discrepancy in this sector also between the alignments shown in Indian and Chinese official maps. So even though the Chinese side refused to discuss the matter, the Indian side considered it necessary to place on record, in the broadest outline, the evidence supporting the alignment shown by India in this section.

Similarly, there was complete justification for the Indian contention that the boundaries of Sikkim and Bhutan with the Tibet region of China were the legitimate responsibility of the Government of India and within the purview of these talks. The Joint Communiqué which served as terms of reference for these talks authorised the officials to consider matters "which pertain to certain differences which have arisen between the two Governments relating to the border areas." Even prior to the meeting of the two Prime Ministers, both Governments had exchanged views on matters relating to the boundaries of these States. In the case of Sikkim, the Chinese Government had categorically recognised the continuing validity of the 1890 Convention which expressly acknowledged India's responsibility for the external relations of Sikkim. In the case of Bhutan, apart from the Indo-Bhutanese Treaty of 1949, the Bhutan Government had repeatedly urged the Government of India -to represent to the Chinese Government in matters pertaining to Bhutan's boundary and her interests in Tibet.

Moreover, as mentioned during these discussions, the Bhutan National Assembly had passed a special resolution specifically drawing attention to the errors in the depiction in Chinese maps of Bhutan's boundary. There could, therefore, be no ambiguity regarding either the nature of the relations of India with Bhutan and Sikkim or their inclusion within the terms of reference of the present discussions.

The Chinese side's attitude was the more surprising because the Government of India had frequently explained the content of the special relations of India with these two States, and Premier Chou En-lai had stated

in his press interview at- Delhi on 25 April 1960 that "China respects India's relationship with Bhutan and Sikkim". The Peking Review which the Chinese side referred to as containing the text of the interview, qualifies the assurance by adding the adjective 'proper' before 'relations'. Since not only several first hand and independent textual records but also tape recordings of what Premier Chou En-lai stated are available, there could be no doubt that he gave a categorical and unqualified assurance capable of no other interpretation than as an acceptance of India's position as explained previously. Indeed the statement made at the Press Conference was identical with what Premier Chou En-lai had said the same day in his conversation with the Indian Prime Minister.

There could, therefore, be no doubt about the validity of the Indian stand on this question and its acceptance by the Chinese Government. In practice also the position had been acknowledged by the Chinese Government. The Indian side, therefore, naturally received with concern the statements during these discussions made by the Chinese side in refusing to deal with the discrepancies in Bhutan's borders. If the Chinese side disagreed with the Indian position, it would have been appropriate if they had given an explanation of the Chinese understanding with regard to both the status of Bhutan and Sikkim and the nature of India's relationship with these two States, which according to Premier Chou En-lai was respected by China.

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

The Chinese side now state that "China has never recognised the alignment now claimed by India, it has always held that only the 'boundary as maintained by China is the true traditional customary line". This statement is clearly a wholly incorrect description of the facts. The Government of India only received a clear indication of -the existence and extent of the

Chinese claim to Indian territory in September 1959. Prior to this, the Government of India had only seen various Chinese maps erroneously depicting the boundary, but the Government of China had not precisely defined what they considered to be the territories of China or ever disputed India's declared alignment of her boundary with China. The Indian side have shown that several legislative enactments from the 19th century onwards and official documents including many Survey of India maps of the British Indian period had clearly referred to the areas now claimed by China as being parts of India. Innumerable administrative activities had also been undertaken during these years right upto the boundary. Even in desolate areas large exploratory and survey parties had conducted their activities openly and their results had been published. In the north-eastern regions, administrative arrangements were made with the tribal people and published in successive editions of Indian State papers. The "McMahon Line" agreement and the Simla Convention were published in Aitchison's *Collection of Treaties*, 1929 edition. A joint Indo-Bhutan Commission examined their common border in this area right upto the traditional alignment in 1938.

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

But even since India attained independence in 1947 and the promulgation two years later of the Chinese People's Republic, the well-known limits of Indian territory had again on many occasions been publicly and authoritatively affirmed by the Government of India. For example, the Constitution of India, formulated in 1950 after open discussions which

lasted over several years, referred in one of its Schedules to the North East Frontier Agency, parts of which are now claimed by China. Subsequently the Prime Minister of India openly stated-and that too with reference to Chinese maps-that the extent of India was shown in official Indian maps and India was not aware of any major dispute regarding this delineation or of any claim to any, part of Indian territory. Even according to the Chinese side there has been no ambiguity about the alignment shown on Indian official maps since 1954. But no protest was registered regarding any of these authoritative documents and statements by the People's Republic of China.

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

1954 and affirmed that these maps did not represent the correct position. This in effect was confirmed even during these discussions and in their report by the Chinese side. When the Prime Ministers met next, in the winter of 1956-57, the Prime Minister of India once again brought to the attention of the Chinese Premier the possible threat to Sino-Indian relations posed by the continued distribution of maps incorrectly depicting the Sino-Indian boundary.

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

It was again the Government of India which, in a formal note of 21 August 1958, specifically drew attention to erroneous Chinese maps; and even

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

The Chinese Government did not even bring to the attention of the Government of India their understanding of the boundary alignment when Indian personnel were apprehended in Aksai Chin in September 1958. It was the Indian Government which took up the matter in October 1958, drawing attention to the fact of the missing personnel and protesting against the construction of a highway across Indian territory. The Chinese reply of 3 November 1958, delivered on the same day as the note belittling old Chinese maps, dwelt on the question of the apprehended personnel and alleged that they had intruded into Chinese territory; but even then the exact delineation of the boundary as conceived by China was not indicated. In the summer of 1959 the Indian Government took the precaution of informing the Chinese Government of their intention to drop a doctor by parachute for attending on the officer-in-charge of the checkpost personnel in Longju, as he had fallen seriously ill.

This was in case the aircraft flew inadvertently over the traditional boundary. In that connection the exact co-ordinates, including grid references, of the checkpost were provided in the Indian Note of 24 July

1959. The Chinese Foreign Office mentioned verbally that it was unnecessary to bring activities over Indian territory to their notice. However, only five weeks later, after the clash and loss of life at Longju, India was accused of violation of Chinese territory and of an unwarranted attack on Chinese troops at the very place regarding the location of which information had been volunteered by the Indian Government and considered unnecessary by the Chinese Government.

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

The fact was that, despite the initiative taken by the Government of India on numerous occasions, the Chinese Government never gave their version of the boundary or disputed the definition provided by the Indian side. It was particularly surprising that even in reply to the note of 21 August 1958 and our Prime Minister's letter of 14 December 1958, where specific objection to the entire delineation on Chinese maps had been raised, they were not defended. On the contrary, in reply to all these communications it was sought to be suggested that the maps were reprints from old maps and not necessarily correct and, therefore, provided the Government of India With no cause for objection or anxiety. It was only in September 1959, five years after the Indian Government had first raised the question of Chinese maps, that the Chinese Government, in glaring contradiction to their previous position, justified and upheld these maps and claimed that they showed the traditional boundaries of China. If this alignment were really regarded as ancient and correct, the replies given (such as that of

November 1958) and the lack of replies to Indian notes (such as those pertaining to Shipki, Spiti, Nilang-Jadhang and Khurnak) can only be described as grossly and deliberately misleading. In the absence of any affirmation of the alignment shown on Chinese maps, the Government of India were justified in assuming that no such claims to Indian territory were held by the Chinese Government.

When, therefore, in September 1959 claims to about 50,000 square miles of Indian territory were advanced and defended -and maps which had been earlier said to be reprints of erroneous ones were 'upheld as representing valid claims, it could not but be a matter ,of astonishment and serious concern to the Government of India. Having failed, in the face of open dec1arations and direct communications by the Government of India, to specify her claim or to protest, there is no doubt that under the accepted canons of international usage China must be held to have accepted and acquiesced in the Indian alignment and to be now estopped from raising claims to Indian territory. But it is not only a matter of international law. Friendly relations between countries presume a frank and forthright exchange of views in such vital matters concerning national territories; and it would unsettle the very basis of trust and amity between nations if such vast territorial claims are kept undisclosed and brought forward by a neighbouring country at its own unilateral convenience when it regards them as "ripe for solution".

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

Chinese side in their report acknowledge "are matters of major importance which involve the sovereignty and territory of a country", and to raise them on what it regards as suitable occasions.

Chinese State practice itself illustrates this obvious truth that it is the bounden duty of sovereign States in the protection of their national interests to challenge in an appropriate manner any action or even authoritative statement that adversely affects their interests.

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

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

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

one, to have kept undisclosed a claim of this magnitude was seriously misleading and contrary to the spirit of mutual confidence and respect for territorial integrity explicitly affirmed in the Panch Sheel. Peaceful relations between sovereign nations are based on the assumption of the most honourable motives and intentions.

India had reason to believe that China had accepted and acquiesced in the traditional Indian alignment and was only now creating a major boundary question and not that China had sought to deceive India until September 1959 and then for the first time openly disclosed her claims to Indian territory.

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

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

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

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

Throughout the discussions, the Indian side emphasised that the assignment given by the Prime Ministers required the officials to make a comparative appraisal of the evidence brought forward by both sides for every sector and under every item. Therefore, the Indian side repeatedly suggested that even though, in order to complete the assignment quickly, each side might summarise its own evidence, the statement of the two sides should be interleaved to facilitate comparative scrutiny by the two Governments of the evidence produced by the two sides. The Chinese side, however, insisted on a format which was tantamount to two separate reports within a common framework. This reluctance of the Chinese side to face a comparative appraisal of the evidence and to subject their evidence to the implications of the comments of the Indian side was understandable. For the deficiencies of the Chinese evidence are so great and the inconsistencies in the Chinese arguments so many that the Chinese stand can hardly bear scrutiny. The evidence produced by the Indian side exceeded that of the Chinese side for every segment and on every point, so that in all it was almost thrice that produced by the Chinese side. Often the

Chinese side were reduced to citing the same document as testimony of both tradition and administration. As already mentioned, the copiousness of Indian documentation was in itself of telling significance; but the full force of the Indian evidence lies even more in its qualitative superiority than in its numerical strength.

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

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

account in Moorcroft's own book describing in detail how Ladakh became a part of the Mogul Empire in the 17th century.

Another Tibetan work cited by the Chinese side, (9) the Biography of Polhanas, confirmed that a peace settlement had been concluded in 1684 between the King of Ladakh and the King of Tibet. It also showed, by its reference to 'border towns', that there was even then a well-recognised boundary between Ladakh and Tibet. It was significant that at the report stage the translation was changed from "border towns" to "forts". Two documents cited by the Chinese side, (10) an Arbitration Award of 1763 and (11) an Avowal of 1859, specifically located the boundary at Lhari, west of Demchok Karpo. These documents also showed that there was a King of Ladakh who had been independent of the King of Tibet. (12) Cunningham, to whose work the Chinese side referred with approval, made clear that the boundary between Ladakh and Tibet had been well-defined by piles of stones in 1687 and that it lay near Demchok. A recent traveller (13) Schomberg, in his account quoted by the Chinese side, confirmed that the Karakoram range ran 'through' Ladakh and so could not form its international boundary.

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

Shipki Pass. (18) A land deed of Polha specified that the boundary lay north of Barahoti and included Barahoti in India.

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

It can, therefore, be clearly established, by using only the items and sources of evidence cited by the, Chinese side that the Sino-Indian boundary lay along the Kuen Lun range, near Demchok, near Kaurik, across the Shipki Pass, above Barahoti, and along the so-called McMahon Line. They also establish that Indian administration had prevailed right up to this alignment. Furthermore, until the Indian side explained the disastrous implications of their position, the Chinese side repeatedly insisted that the Tibetan Government had held discussions with the Indian Government regarding the Bara Hoti area since the latter part of the last century and regarding Dokpo Karpo in 1924-25, and had claimed Walong in the Eastern Sector. The purpose of the Chinese side was to prove on the basis of these discussions that the boundary had not been formally delimited. India had never stated that there was a formal Boundary

Agreement but in fact, these border disputes established that the traditional boundary must have laid approximately near these areas, thereby destroying the Chinese claim to their present alignment which is far removed from these areas. These negotiations, along with those concerning Nilang-Jodhang in 1925-27, further corroborated the exercise in those years by Tibet of treaty-making powers; and by so doing confirmed the validity of the so-called McMahon Line. The fact that, in addition to the large amount of evidence provided by the Indian side (not one item of which had even been sought by the Chinese side during the substantive discussions to be utilised for supporting their alignment) much of the relatively sparse evidence brought forward by the Chinese side confirmed the Indian alignment" provided its strongest vindication.

N. Indian boundary is already delimited

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

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

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

Boundary Agreement. The Indian case was that this traditional boundary was by itself valid and' required no further or formal definition.

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

The Chinese statements made even du ring the course of these discussions in relation to the Sino-Indian boundary established the superfluity of formal delimitation and exposed the basic contradiction in what is said to be the most fundamental aspect of their stand. On the one hand, the Chinese side repeatedly contended that since the boundary was merely a tradition al one, it could not be precise; in fact, it was stated that the Chinese alignment was "broad" and "approximate", because it was not formally delimited. On the other hand the Chinese side commenced their description by stating that "there is a traditional line", and during the discussions they repeatedly affirmed that the traditional alignment described by them was ""precise and (clear", that it was "firm and unshakable", that the "ancient line is well-defined", and that the "traditional boundary has always been as indicated in the Chinese maps". No distinction such as was subsequently suggested between a "boundary" and a "border" was made during the

discussions. Indeed, on the basis of what is called the well-known and precise traditional line, the Chinese Government have not hesitated to arrest Indian nationals a few hundred yards from their claimed alignment; nor has the 'approximateness' of the alignment prevented the Chinese Government from taking action which led to the wanton loss of Indian lives last year in the Kongka Pass area fairly close to the claimed Chinese alignment.

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

The Chinese side had also stated earlier that, with the assistance of modern cartography, precision was possible even in the case of traditional boundaries and they even conceded that it was not the Chinese contention that the Indian alignment was not precise. While the Indian side also feel

that more accurate information could have 'been provided by the Chinese side and they do not accept that the 'Chinese alignment was the true traditional boundary, they do not .doubt that there is a delineation implicit in the Chinese description of the boundary. The Indian side have also pointed out that where the Indian and the Chinese alignments coincide, as they do in the Middle 'Sector, and when they follow natural features such as the watershed, absolute precision was possible and such precision had been demonstration in the definition of the common boundary even though the boundary had not been formally delimited. The Chinese side could not claim firm validity for a traditional boundary in one context and deny it in another. Along a high mountain barrier, demarcation by pillars fixed at regular intervals IS not easy. But the very fact that precision is claimed by both sides for their respective alignments proves that, given maps prepared on the basis of scientific surveys which can be conducted far from a high range, a traditional boundary can be clear and definite without joint surveys and without a boundary agreement or formal delimitation.

(ii) The Chinese concept of formal delimitation

In the face of claims of precision and validity for a boundary which the Chinese side repeatedly stated had not been formally delimited, it became impossible to understand why the Chinese side emphasised the absolute necessity of formally delimiting traditional boundaries and what they understood by it. As India had never claimed that a Boundary Agreement covering the whole alignment existed, the Chinese side's insistence on proving that the boundary had not been formally delimited seemed unnecessary. It is a traditional line confirmed and acknowledged in agreements; but this does not make it any the less valid. It would, however, appear that by 'the process of formal delimitation the Chinese side meant not merely a formal instruments containing a definition of an

agreed boundary but a procedure of discussions involving "friendly consultations", joint surveys and "joint negotiations" on the basis of "mutual understanding and mutual accommodation". In underlining the importance of this procedure, the Chinese side have constantly referred to the examples of Burma and Nepal who recently concluded Boundary Treaties or Agreements with China. But the differences between the Indian and the Chinese Governments regarding their common boundary had no parallel in the boundaries of China with Burma and with Nepal. In those cases, except in some well-defined pockets, the concept of the common traditional boundary held by the two Governments concerned was more or less identical. In referring to the examples of Burma and Nepal, the Chinese side would seem not to have squarely faced the magnitude of their claim to over 50,000 square miles of Indian territory. With such a vast discrepancy between the two alignments no demarcation, joint surveys or agreed definition as part of formal delimitation was possible unless the "Chinese side understood by this process negotiations for large-scale adjustments of national territories.

The Chinese side stated that "If the Indian side had been willing to face the fact that the Sino-Indian boundary had not been formally delimited and drew logical conclusions from it, then it should have adopted a positive attitude and agreed to hold negotiations to formally delimit the boundary". The Indian side, from the very commencement of these discussions, pointed out that references to the methods of settlement contained in the Chinese insistence on formal delimitation went beyond the scope of the assignment given to the officials. Further, while acknowledging in theory that the task of officials was merely to explore facts, the Chinese side reaffirmed the so-called Six Points of Proximity as a basis for solution of the problem. These' points had been rejected by the Prime Minister of India; and they contained suggestions for recognition of lines of actual control

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

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

(iii) International precedents and Chinese State practice

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

A well-known case of a boundary dispute which occurred on the dissolution of the Austro-Hungarian Empire, when Poland and Czechoslovakia were

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

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

(i) That there was a 'traditional' boundary between China and Burma in the northern sector-running along the Himalayan watershed from the tri-junction to the high conical peak;

(ii) That there was an exact coincidence between this boundary now confirmed by the recent Agreements and that delineated in the 'McMahon Line' Agreement of 1914.

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

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

Chinese official maps which were grossly erroneous in departing from the watershed in Burma to include vast areas of Burma in China, are equally erroneous when showing the boundary in the Eastern Sector along the foothills of the Himalayas and that the McMahon Line represents the true traditional boundary along the Himalayan watershed, as much for India as for Burma.

So the very Agreements with Burma and Nepal which China presents as examples as well as indications of her point of view, only serve to vindicate the Indian case and must in fact, on analysis, be of embarrassment to China.

(iv) Delimitation of traditional boundaries through historical process

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

Before explaining the validity of the Indian concept, it may be expedient to define the different processes and methods of indicating and determining boundaries between sovereign international States. Delimitation is a general term for the formation of the precise alignment which is recognised to separate two countries. The process and method of delimitation vary according to historical circumstances. It may be by delineation on a map or by demarcation on the ground, or by precise definition in the form of coordinates of nodal points or prominent features along the alignment in a descriptive statement or by a formal delimitation in a negotiated bilateral instrument embodying the agreed definition of the boundary. But apart from all these, the boundary may also be delimited by historical process; and it is such a process of historical delimitation which is relevant to a

tradition boundary, such as that between India and China. A traditional boundary takes shape on the basis of the natural features of an area, and is later recognised through a process of acknowledgement spread over centuries of custom and tradition. Much later, it may be confirmed by delineation, demarcation, definition or even formal delimitation, but as is clear even from the cases of Nepal and Burma, such confirmation is not necessary to its validity. Formal agreements, though essential for artificial boundaries, are optional in the case of a boundary based on natural features, which had been traditionally recognised. Unlike artificial boundaries, traditional boundaries are delimited through impersonal factors without deliberate human intervention and derive their sanctity from the recognition over the centuries by the peoples and governments of the countries concerned. A distinction, therefore, obviously exists between delimitation of a boundary in the sense of its being clear, valid, and well-known and formal delimitation through a negotiated instrument. It may be pointed out that even the Chinese side have, in practice, repeatedly endorsed this historical process of boundary formation.

During the discussions they made various statements to this effect. The Indian side have already quoted Chinese statements which acknowledged the importance of geographical features in the process of boundary formation. The Chinese side stated, for example:

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

Similarly, on the process of delimitation of traditional boundaries, the Chinese side stated" ...this line has been formed through history by administrative jurisdiction and tradition and custom. We have sufficient material and evidence to prove that this traditional customary line is the boundary-that all the territory on this side which we considered as the

traditional customary line is our territory." The Chinese side in their final statement accepted that through a historical process a traditional customary line can be formed. The Chinese side had even stated, as pointed out earlier, that a traditional line was so clear that it needed no delimitation. These statements underlined and recognised the historical process of formation of traditional boundaries and, in fact, explained how boundaries were delimited in this way.

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

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

This alignment has also been recognised and accepted in history. To mention but a few significant items from the vast mass of evidence brought forward during these discussions, official Indian and Chinese records showed that the southern limits of Sinkiang lay along the Karakoram Pass and the Kuen Lun ranges; there was unofficial evidence to establish that throughout the ages Lanak La, Niagzu and Demchok in the Western Sector

and the mountain passes in the Middle Sector had been recognised as key points along the boundary; and in the Eastern Sector, there was continuous testimony from Indian, Chinese and other sources to show that the tribal territory south of the Himalayan ranges has always been a part of India and never a part of Tibet. Official evidence for all sectors was also conclusive in showing that the administration had extended right upto this boundary. It will be seen that an alignment drawn through these nodal points mentioned in history and shown to be the limits of Indian administration would coincide with the alignment now shown by India. This cumulative evidence 'indisputably establishes the Indian position that the natural northern boundary of India has long been well known and recognised and requires no further definition.

(v) Do traditional boundaries change?

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

endorse the statement of the Chinese side that "the development of surveys and cartography has helped people to be more precise in the understanding of the boundary", but the Indian side do not agree that the advance of this science means changes in the traditional boundary. The Chinese side asked whether the Indian side considered that boundaries were pre-determined. In a sense, the answer is in the affirmative. But this is not to say that boundaries from ancient times were artificially prescribed. Since the facts of geography preceded human habitation, the boundaries are pre-determined only where the geographical features are clear and provide a natural dividing line between the two countries.

O. Conclusion

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

The fact is that formal delimitation of the Sino-Indian boundary cannot resolve the issue because, unlike the northern boundaries of Nepal or

Burma, the Indian and Chinese alignments are separated for long distances by large belts of territory - 100 to 150 miles in depth. The crux of the Sino-Indian boundary question is not the nature of the boundary, because both sides contend that their alignment is, in fact, what for centuries has been accepted, but which of the two alignments is the true traditional boundary. During the last six months the two sides brought forward material which they considered to be in support of the stands of their respective Governments. The Indian case stood proven, as it conformed to the obvious principles of the formation of traditional boundaries, and was, therefore, naturally and irresistibly supported by unbroken historical evidence and administrative record. The Chinese case, on the other hand, was found to be inconsistent in logic, and documentary support for it was meagre and lacking in content. The result, as is plain from these Reports, was a telling contrast between the wealth of consistent and conclusive evidence produced by the Indian side, and the sketchy and contradictory material brought forward by the Chinese side.

The positive Indian evidence as well as the analysis of the Chinese evidence establish indisputably that the true traditional boundary between India and China is that defined in the description provided by the Indian side at the commencement of these discussions. The title of India is an ancient and immemorial one, and no major dispute regarding it existed till just over twelve months ago. The majestic arc of the Kuen Lun and the Great Himalayan Ranges forms the most impressive natural boundary in the world, has been recognized in tradition and custom for centuries, has determined the limits of administration on both sides and has received confirmation, for different sectors at different times during the last 300 years, in valid international agreements. The facts, therefore, demand respect for this boundary defined by nature, confirmed by history and sanctified by the laws of nations.