

**Notes, Memoranda and letters Exchanged and Agreements signed
between The Governments of India and China**

WHITE PAPER VII

July 1962 – October 1962

*Reference on the Indian Mission in Lhasa and the Trade Agencies in Gartok,
Yatung and Gyantse*

**Note given by the Ministry of External Affairs, New Delhi, to the
Embassy of China in India, 12 September 1962**

The Ministry of External Affairs present their compliments to the Embassy of the People's Republic of China and have the honour to refer to the Ministry's note dated the 17th July 1962. It was pointed out in that note that, due to various arbitrary regulations introduced by the Chinese authorities in Tibet, the terms of Indo-Tibetan trade had been radically altered so as to make it difficult for Indian traders to dispose of large quantities of goods already imported into Tibet. Indian nationals also own some immovable property in Tibet and large sums of money are owed to them by Tibetans. The Government of India desires that equitable compensation should be paid by the Chinese authorities for all property, moveable and immovable left behind by Indian nationals in Tibet due to causes beyond their control and propose that talks to determine the quantum of compensation to be paid to the affected Indian nationals should be started urgently.

The Ministry of External Affairs avail themselves of this opportunity to renew to the Embassy of the People's Republic of China the assurances of their highest consideration.

**Aide Memoire given by the Ministry of External Affairs, New Delhi,
to the Embassy of China in India, 25 September 1962**

In the course of discussions on the withdrawal of Indian Trade Agencies in Tibet, the Chinese Embassy was informed of the Government of India's intention to retain their property and buildings in Yatung under the charge of the Indian Consul-General at Lhasa. In this Ministry's Aide Memoire dated the 1st June 1962 it was further stated that the Indian Consul-General would maintain a small staff for the upkeep of the property and buildings which would be used as a resting place for Indian officials and diplomatic couriers proceeding to and returning from Lhasa.

2. The Ministry of Foreign Affairs of the Chinese People's Republic informed the Indian Embassy in Peking on the 2nd June 1962 that they were agreeable to the retention of the buildings of the Indian Trade Agency at Yatung by the Government of India under the charge of their Consul-General in Lhasa. The request that Indian staff might remain in Yatung to look after the property was, however, not acceded to. The Indian Trade Agent at Yatung accordingly appointed Tibetan staff consisting of 5 persons to maintain the buildings left behind by him.

3. The Government of India are extremely surprised that, despite the understanding reached earlier, the Chinese authorities have persistently refused to permit Indian officials and couriers to make use of the former Agency building in Yatung as a resting place on their way to or from Lhasa. It has been further reported that some members of the staff deputed to look after the buildings have since been asked to leave the Agency premises by the local authorities.

4. The buildings of the Indian Trade Agency in Yatung have belonged to the Government of India for several years and continue to be their property, to be used by them in accordance with their local requirements. The Government of India regret the arbitrary action taken by the Chinese local authorities and wish to emphasise that the fact of legal ownership which is undisputed carries with it the legal right to utilise the building as and when required.

5. The Government of India emphatically protest against the action of the local Chinese authorities in removing forcibly the staff employed to maintain the buildings. The Government of India would request the Chinese Embassy to move the Government of China to take immediate steps to ensure that the legitimate rights of Indian officials to maintain and use their property in Yatung are restored with immediate effect.

The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of the People's Republic of China the assurances of its highest consideration.

**Memorandum given by the Ministry of Foreign Affairs, Peking, to
the Embassy of India in China, 8 October 1962**

Reference the memorandum of the Indian Ministry of External Affairs, dated July 25, 1962 to the Chinese Embassy in India.

As Deputy Director Chang Tung of the First Department of Asian Affairs of the Chinese Ministry of Foreign Affairs clearly pointed out on June 2, 1962, to ML P. K. Banerjee, Charge d'Affaires, a.i. of the Indian Embassy in China, the Chinese side agrees that the buildings of the former Indian Trade Agency at Yatung may be put under the charge of the Indian Consulate-General in Lhasa. But the Chinese Government cannot accede to the Indian request that a small staff be allowed to remain to look after the buildings and that Indian officials and couriers be permitted to use these buildings as a resting place on their way to or from Lhasa, as this would be tantamount to the setting up of another official establishment on Chinese soil, which is both inconceivable and unacceptable.

It turned out, however, that the Indian side, in withdrawing its trade agency from Yatung, unilaterally kept in the buildings quite a number of the personnel of its former Trade Agency at Yatung. The Chinese Government greatly regrets this.

It must be pointed out that the buildings of the former Indian Trade Agency at Yatung were maintained by the Indian Government under the 1954 Sino-Indian Agreement on Trade and Intercourse between the Tibet Region of China and India and the Notes exchanged by the two countries in its regard, and that the land on which the buildings stand was leased by the Indian Government under the same Agreement and Notes. It can thus be seen that these buildings can only be used for specific purposes. Now the Agreement is no longer in force and the Indian Trade Agency has been abolished, yet the Indian side is trying to take advantage of its ownership

of the buildings to set up another official establishment in actuality in Chinese territory. The Chinese Government naturally cannot agree to it. Therefore, it is entirely unjustifiable for the Indian Government to lodge the protest with the Chinese side. The Chinese Government categorically rejects this protest.

**Memorandum given by the Ministry of External Affairs, New Delhi,
to the Embassy of China in India, 31 October 1962**

Reference Memorandum, dated 8th October, 1962 from the Government of the People's Republic of China.

The building of the Indian Trade Agency at Yatung has been the property of the Government of India for several decades. When the Trade Agency was withdrawn in 1962, the Chinese Embassy had been clearly informed of the Government of India's intention to retain their property and buildings at Yatung under the charge of the Indian Consul General at Lhasa. It was also stated by the Government of India that the building would be used as a resting place for Indian officials proceeding to and returning from Lhasa in the course of the performance of their official duties. The Indian Government's request was fully in keeping with international custom and practice.

The Chinese Government had informed the Indian Embassy in Peking on the 2nd June 1962 that they were agreeable to the retention of the buildings by the Government of India under the charge of the Consulate General in Lhasa. However, by later on denying permission to use the building, the Chinese Government has effectively gone back on its earlier assurance as the right to the use of property is an essential and fundamental right that arises from ownership.

In accordance with the stipulation of the Government of the People's Republic of China, the Government of India even did not keep any Indian nationals as maintenance staff but instead retained 5 Tibetan ex-employees of the Indian Trade Agency at Yatung. The Government of India were, therefore, naturally surprised when these employees, too, were turned out of the building later on by the local authorities. The Agency premises and the buildings are now not being looked after by any one. It is understood

that the locks of some of the quarters have been removed and some window panes have also been broken.

The Agency building has belonged to the Government of India for several decades and in paragraph (4) of the notes exchanged between the two Governments on 29th April, 1954, it has been clearly stated that all buildings within the compound wall of the Indian Trade Agency at Yatung may be retained by the Government of India. It has also been stated that the Government of India may continue to lease the land within the agency building from the Chinese side. This clearly shows that the land within the compound wall on which the building stands was already on lease with the Government of India several years prior to the conclusion of the 1954 Agreement.

It was only at the unreasonable and arbitrary insistence of the Chinese Government that a fresh lease deed for the land was signed between the two Governments on the 18th of January, 1958, for a period of 10 years, although such a procedure was uncalled for in, terms of the Agreement.

The Chinese Government's unwarranted denial of facilities to the Government of India for taking care of their property and building at Yatung and their plea that if Indian officials and couriers are permitted to use these buildings as a resting place it would be tantamount to the setting up of another official establishment on the Chinese soil constitute further testimony of the uncooperative and obstructive attitude that has all along characterised the actions of the Chinese Government in Tibet.

The Government of India hold the Government of the People's Republic of China responsible for any loss or damage that has already been caused, or may be caused in future, to the Agency building as a result of these unwarranted actions of the Chinese Government.

**Note given by the Ministry of External Affairs, New Delhi, to the
Embassy of China in India, 14 August 1962**

The Ministry of External Affairs presents its compliments to the Embassy of the People's Republic of China and has the honour to state that in His Aide Memoire of 20th June 1962 and Note of 26th July 1962 the Ministry of External Affairs drew the attention of the Chinese Embassy to the harassment that the Indian Trade Agents at Yatung and Gyantse were subjected to by local authorities resulting in vexatious delay in the withdrawal of the Trade Agencies. The Foreign Bureau raised a number of issues with the Indian Trade Agent at Gyantse and made the unreasonable demand that they should be settled to their satisfaction before his departure. The specific questions raised by the local authorities are as follows:

1. Payment of arrears of rent at Gyantse

Reference has already been made in the Aide Memoire of 20th June to the unreasonable claims made by local authorities for arrears of rent unsupported by any lease deed, written understanding or agreement. The rental claimed for the period between the departure of the former landlord and the signing of the new lease-deed on the 28th November 1961 was arbitrarily fixed by the Chinese authorities on the basis of the rental agreed to in the new lease deed. Even though the monthly rental paid to the former landlord was lower than that claimed by the Chinese authorities, there is no legal basis for this enhanced claim.

The claim for rental of Changlo Linka is also completely arbitrary as no lease deed has been signed by the Government of India and China for this land. The responsibility for failure to sign the lease deed lay entirely with the Chinese local authorities as the Indian Consul-General at Lhasa and the

Indian Trade Agent in Gyantse had carried out protracted negotiations with the Chinese authorities for the settlement of outstanding questions. The claim made for rental of Changlo Linka was vaguely fixed on the basis that the land belonged to the former landlord till January 1961 and that for the 'convenience of accounting' it had been decided that rent would be charged from the 16th January 19th. The arbitrary character of this claim and the absence of any legal basis to support it render it untenable.

The Government of India, however, did not like to prolong this correspondence as it is dear that the local Chinese authorities with their past attitude could not but consistently continue to be petty minded and difficult in this matter. The Indian Trade Agent was, therefore, authorised to make payment in full in respect of the Agency buildings before his departure from Gyantse. Arrangements to settle the claim regarding the land of the Agency site are being made through the Indian Consulate-General at Lhasa.

2. Demolition of Spurs

The Indian Trade Agent was also called upon to take action before his departure to demolish spurs which had been constructed earlier to save Agency property from erosion. The Chinese authorities had been clearly informed by the Indian Trade Agent in September 1961 that they may demolish the spurs if they were endangering public works but that they would have to accept responsibility for protection of the Agency land from the river. The Chinese authorities were also informed that the stones salvaged as a result of demolition of spurs would continue to be the property of the Trade Agency. It is surprising that this action which had been suggested to the local authorities in September 1961 was postponed indefinitely and was made the subject of unnecessary harassment to the Indian Trade Agent.

3. Removal of Building Material etc.

The Chinese authorities in Gyantse also called upon the Indian Trade Agent to remove all building material and partly constructed structures belonging to the Government of India from Gyantse before his departure. The Trade Agent made arrangements to dispose of such building material as could be conveniently and economically transported out of Gyantse. Following the withdrawal of the Indian Trade Agency from Gyantse, building material acquired and partly constructed structures put up in good faith by the Agency during the operation of the 1954 Agreement on Trade and Intercourse between India and the Tibetan region of China and in anticipation of its renewal have had to be left behind. Its disposal will have to be determined in accordance with established principles of international law and compensation on an equitable basis will have to be paid by the Chinese Government to the Indian Government for all property acquired by the Agency in connection with the performance of its official functions at Gyantse which has now been left behind and is under the care and control of the local Chinese authorities. Government of India desire that negotiations with Indian Consulate-General, Lhasa should be started by the local Chinese authorities at an early date to settle this outstanding matter. It is a matter of regret that the local authorities in Gyantse did not agree to watchmen being deputed by the Indian Trade Agent to look after property belonging to the Government of India. In the circumstances the Chinese authorities must accept complete responsibility for any loss of or damage that may be caused to this property pending its final disposal.

4. Other difficulties experienced by the Indian Trade Agents

Apart from the major problems listed above the Indian Trade Agent at Gyantse was faced with a number of additional administrative difficulties all of which further delayed his departure from Gyantse. He was denied the

assistance of members of the local staff for purposes of packing, etc. after June 3, 1962 on the specious ground that there was no obligation on the part of the local authorities to provide staff to the Indian Trade Agency after it had ceased to operate.

Similarly, questions of transport and loading arrangements, storage facilities for baggage, travel permits for Tibetan wives of Indian and Nepalese employees of the Trade Agency were not settled until detailed and laborious discussions had been held with the local Foreign Bureau.

The Government of India regret that the Chinese authorities in Tibet should have, despite the specific request made for the cooperation of the Chinese authorities in facilitating smooth withdrawal, denied normal facilities to the Indian Trade Agents at Yatung and Gyantse as a result of which their departure was considerably delayed. They would also call upon the Chinese Government to give urgent consideration to the specific proposals made regarding the disposal of the Government of India's property in Gyantse and elsewhere in Tibet.

The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of the People's Republic of China the assurances of its highest consideration.

**Note given by the Ministry of External Affairs, New Delhi, to the
Embassy of China in India, 5 September 1962**

The Ministry of External Affairs presents its compliments to the Embassy of the People's Republic of China and has the honour to refer to para. 3 of the Ministry's note dated the 14th August 1962, relating to building material and partially constructed structures of the former Indian Trade Agency at Gyantse for which an equitable compensation will have to be paid by the Chinese Government. It was suggested that the matter should be settled by the Consul-General of India at Lhasa and local Chinese authorities. The Government of India have also left behind building material in Gartok which was acquired in good faith with the intention of constructing buildings for the Indian Trade Agency there. The Government of India desire that disposal of this property should also be considered between the Indian Consul-General at Lhasa and local Chinese authorities who may be informed accordingly.

The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of the People's Republic of China the assurances of its highest consideration.

**Note given by the Ministry of Foreign Affairs, Peking, to the
Embassy of India in China, 22 September 1962**

The Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Embassy of India in China and, with reference to the memorandum and the note delivered by the Indian Ministry of External Affairs to the Chinese Embassy in India (on June 20 and July 26, 1962 respectively, has the honour to state as follows:

1. In view of the fact that the Indian Government again and again rejected the Chinese Government's proposal for the two sides to conduct negotiations to conclude a new agreement on trade and intercourse, the trade agencies established by each side in accordance with the 1954 Sino-Indian Agreement on Trade and Intercourse between the Tibet Region of China and India should naturally be withdrawn upon expiration of the Agreement on June 3, 1962. The Chinese Government withdrew its Trade Agencies at Calcutta and Kalimpong even before the expiration of the Agreement. The Indian Government did not inform the Chinese Government till May 30, 1962 that it proposed to withdraw its trade Agencies at Yatung and Gyantse, China, on June 10 and 11 respectively, and the actual withdrawals were then delayed till June 18 and 23, respectively. The Chinese Government, showing an attitude of goodwill and considerateness throughout, not only gave them plenty of time for the above-mentioned withdrawal of the Indian Trade Agencies, but also gave special permission to the former Indian Trade Agent Mr. A. K. Bakshi to visit Gartok more than one month after the expiration of the Agreement.

2. The local authorities in China's Tibet gave every possible assistance and facility to the Indian Trade Agencies in the course of their withdrawal. The

Bureau of Foreign Affairs in Tibet, China, conceded to the request of the Indian Consul-General and Vice-Consul at Lhasa for a special visit to Gyantse and Yatung to assist the Indian Trade Agencies in their withdrawal. In order to meet the transportation requirements of the Indian side, the Chinese local authorities provided trucks on 23 runs, 291 beasts of burden, and civilian labour totaling 81 persons/times. The large amount of articles of the former Indian Trade Agencies and the luggage of the former Indian Trade Agents were all granted exemption from customs examination on exit. Special allowance was also made so that employees of the former Indian Trade Agencies were able to take out with them articles the exportation of which was prohibited by China's customs regulations. Upon departure, both Mr. L. S. Jangapangi, the former Indian Trade Agent at Yatung and Mr. K. L. S. Pandit, the former Indian Trade Agent at Gyantse, expressed their thanks for the assistance and facilities given by the Chinese local authorities in the withdrawal.

3. In its memorandum, however, the Indian Government unwarrantedly charged the Chinese local authorities with not giving the former Indian Trade Agencies, due co-operation, and alleged that the local authorities "used un fair means to harass and delay the departure of the Indian trade agencies". This does not at all conform to the facts, and the Chinese Government categorically rejects this charge and allegation. The Indian Government requested that the privileges of using couriers and code communication be accorded as before to the former Indian Trade Agencies after the expiration of the Sino-Indian Agreement. This is obviously an improper request and the Chinese Government naturally cannot agree to it. But as a special allowance, the Chinese side agreed that couriers sent by the Indian Government to its Consulate-General at Lhasa might stop over at the former Indian Trade Agencies on their way back to India. As to the

premises and the site occupied by the former Indian Trade Agency at Gyantse, they belong to the Chinese Government; and since the Trade Agency did not pay the rent over a long period of time, it goes without saying that it should clear and settle its accounts before its withdrawal. Before his departure from Gyantse, the former Indian Trade Agent himself wrote to the Gyantse Office of the Tibet Foreign Bureau, pledging that the Indian Consulate-General at Lhasa would pay the overdue rent to the Bureau of Foreign Affairs in Tibet, China. It is crystal clear that the handing of this question by the Chinese local authorities was entirely correct and unimpeachable. It was equally proper for the Chinese local authorities to state that the former Indian Trade Agency at Gyantse should handle on its own the Indian property left over. It is regrettable that the Indian Government repeatedly slandered the Chinese local authorities as "most unreasonable" and "arbitrary". What is particularly surprising is that the Indian Government should have raised objection to a matter" which is entirely within China's internal jurisdiction, that is, the Chinese wives of employees of the former Indian Trade Agencies, in leaving China together with their husbands, should go through the necessary procedures in accordance with Chinese law. Could it be that by marrying employees of the former Indian Trade Agencies they could be exempted from undergoing the necessary procedures which Chinese citizens must undergo before going abroad? As a matter of fact, the Chinese local authorities adopted special procedures so that they could leave the country as quickly as possible. The unwarranted charge of the Indian Government can only expose its unjustified' position in interfering in China's internal affairs.

4. It must be particularly mentioned that about the time when the Indian Government announced the withdrawal of the Indian Trade Agency, one incident occurred after another in which Chinese employees of the Indian

Trade Agency at Yatung and their families fled the country in groups under the threats and instigation of the Trade Agency and a Chinese employee, named Mingmapingtso, met a sudden and unaccounted-for death at the premises of that Agency. Regarding this the Chinese Government already lodged a strong protest with the Indian Government in its note of June 11, 1962, in which the Indian side was urged to give an account of those incidents. In its memorandum and note, the Indian Government not only tried to help the former Indian Trade Agency at Yatung shirk its responsibility, but made false counter-charges against China, alleging that the local employees had run away only due to fear of the local authorities", and that Mingmapingtso had committed "suicide" because of "the entry of Chinese troops into the Agency premises". It even described the proper investigation conducted by the Chinese local authorities into these incidents as "undue harassment" against the Indian Trade Agent and therefore lodged a counter-protest. The Chinese Government firmly refutes such nonsense and categorically rejects this unreasonable protest.

5. In its note the Indian Government admitted that the large numbers of Chinese employees who had run away had been aware of the decision of the Indian Government to withdraw its Trade Agencies long before it intimated this decision to the Chinese Government on May 30. In both cases, however, the Indian Trade Agency at Yatung did not inform the Chinese local authorities until long after the incidents took place (this was obviously intended to make it easy for these escapees to sneak out of Chinese territory). The Indian frontier guards, disregarding entry procedures, allowed these persons to enter Sikkim, and now the Indian Government has given them permission to stay in India. These iron-clad facts indisputably show that the escape of the above-mentioned persons was fully instigated and arranged by the Indian Trade Agency and

the Indian Government in a planned way. The Indian side can only expose itself further by its quibbling and making false counter-charges.

6. Mingmapingtso's sudden death at the Indian Trade Agency's premises was all the more mysterious. The spot where Mingmapingtso lay seriously wounded had been disturbed before examination was undertaken by Chinese officials so that it was hard to make out the local cause of the death. It has been established that when Mingmupingtso was carried to the hospital of the Indian Trade Agency at about 16:00 hours, he was still conscious and asked for a talk with local Chinese officials. But the Chinese local authorities had never been informed of this request of his, and was informed by the Indian Trade Agency only at 20: 00 hours of the death of Mingmapingtso.

From the time of entry of the wounded into the hospital to his death, Sonam Dorjie, the doctor of the Indian Trade Agency, not only did not make the necessary diagnosis and try to save the man's life, but also did not make any report or record. (These facts are established by Sonam Dorjie's written evidence which bears his personal signature). All this was extraordinary. In disregard of these facts, the Indian Government in its memorandum of June 20 lightly explained the sudden death of Mingmapingtso as "suicide" and fabricated a fictitious "entry of Chinese troops into the Agency premises" so as to explain the cause of the "suicide". That will not do at all.

7 From the above paragraphs it can be seen clearly that, in withdrawing its Trade Agencies, the Indian side conducted a series of premeditated acts of disruption to undermine the relations between the two countries. The Indian Government can in no way shake off its responsibilities under whatever pretext.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Indian Embassy the assurances of His highest consideration.

**Note given by the Ministry of Foreign Affairs, Peking, to the
Embassy of India in China, 29 September 1962**

The Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Indian Embassy in China and, with reference to the note of the Indian Ministry of External Affairs delivered to the Chinese Embassy in India on June 22, 1962, has the honour to state the following:

Regarding the illegal entry of the two Indians, Ram Prakash and Narain Gir, into a non-pilgrimage area in Tibet, China, the Chinese Government has already given a correct account of the case in its previous notes and there is no need to repeat it here. Even the Indian Government did not venture in all its previous notes to deny directly the fact that the two Indians had illegally entered a non-pilgrimage area in Tibet, China, and did not hold any valid documents issued by the Chinese side. The Chinese local authorities could have dealt with the above-mentioned illegal acts of the two Indians according to law. Nevertheless, the Chinese side, in the spirit of Sino-Indian friendship, instead of pressing the matter with them, gave them friendly help. It is surprising that the Indian note should have slandered the Chinese side as misdirecting and persecuting them. This only shows that the Indian side is engaged in willful trouble-making.

The Chinese Government deeply regrets that the Indian side should have time and again rudely interfered in China's exercise of sovereign power.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Indian Embassy in China the assurance of its highest consideration.

**Note given by the Ministry of External Affairs, New Delhi, to the
Embassy of China in India, 30 October 1962**

The Ministry of External Affairs presents its compliments to the Embassy of the People's Republic of China and with reference to the Note, dated 29th September, 1962 from the Ministry of Foreign Affairs of the People's Republic of China has the honour to state as follows:

Detailed facts have already been communicated in the previous notes of the Indian Government on the subject.

Two Indians, Shri Ram Prakash and Shri Narain Gir entered Tibet on pilgrimage. They were deliberately misguided by the Chinese and lost their way. They were thereafter taken into custody and moved from place to place for interrogation, while being kept by the Chinese authorities under illegal detention for almost two months.

They were not only prevented from contacting Indian officials in Tibet while under illegal detention but local authorities also did not inform Indian officials in Tibet until they had been made to cross the border into Indian territory. Such harassment was unwarranted and unjustifiable.

The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of the People's Republic of China the assurances of its highest consideration.