

**NOTES, MEMORANDA AND LETTERS EXCHANGED
BETWEEN THE GOVERNMENTS OF INDIA AND
CHINA**

1954- 1959

WHITE PAPER

**Letter from the Consul General of India in Lhasa to the Foreign Bureau in
Tibet, 13 May 1959**

On the 27th April 1958, I discussed with you the question of Ladakhi Lamas and Muslims of Jammu and Kashmir origin. You stated then that there were some Lamas from Ladakh but no one was in possession of any visa documents. You enquired about the manner and the dates of arrival of certain other Indian Muslim nationals from Kashmir. I have looked into the position which appears to be as follows:-

Ladakhi Lamas and Muslims of Jammu and Kashmir origin have traditionally come to Tibet without any restriction or formality. Most of these people had been residing in the Tibet region of China for some time before the Sino-Indian Agreement of 1954 was concluded.

The former local Government of Tibet always treated the Muslims of Kashmir origin as foreigners and as distinct from their own nationals. These Kashmiri Muslims never declared themselves as Tibetan or deliberately renounce their Indian nationality. In fact these Kashmiris selected their own headman who is called Khachi Ponpo, literally meaning Kashmiri Officer. The former Government had no hand in the selection of this officer; nor was the Khachi Ponpo treated as an official of the Tibetan Government or paid any remuneration by them. Khachi Ponpo, with the help of a few representatives of the community, settled the disputes between the Kashmiri Muslims. The Tibetan government was only brought into the picture in case of a dispute between a Kashmiri Muslims and a Tibetan but any fine imposed on the Kashmiri Muslim used to be returned to the Khachi Ponpo. The position of the Kashmiri Muslims was similar to that of Nepalese trading in Tibet. In both categories the menfolk paid no taxes to the former local Government nor did they enjoy the right to own immovable property in Tibet. These people came and resided in Tibet only for the purpose of pursuing their trade and commerce.

Similarly a large number of the Kashmiri Lamas had come to Tibet prior to this agreement and were visiting monasteries to pursue their theological studies. The Lamas who came to Tibet after the conclusion of the 1954 Agreement were here on legitimate pilgrimage and permits should have been issued by

the authorities of the Tibet region of China. Pilgrims from India, under the Agreement, are not required to hold any Government of India travel document.

The Agreement of 1954 does not specify any procedure in respect of the nationals of one country who had been residing in the other country prior to the Agreement. Thus it was for the Government of such country to prescribe the procedure to regularise the stay in their country of the nationals of the other country. To the knowledge of the Government of India no notification or declaration was made by the local authorities in the Tibet region of China requiring the persons of Indian origin residing in the Tibet region to obtain registration of traders certificates if they were not actually travelling across the border.

In fact, however, some of these people had registered themselves with the Indian Consulate General long before the recent disturbances. It may be stated that in accordance with the laws and practice of India it is not obligatory for Indian nationals staying in foreign countries to register themselves with Indian Missions or Consulates in those countries. They are expected to fall in line with the practice prescribed for foreigners and would of course obtain an Indian nationality certificate if it was required by the local regulations. The position therefore is that these Lamas and Muslims have their origin in Jammu and Kashmir State in India, and, notwithstanding their long residence in Tibet or even marriage with Tibetans, they do not cease to be Indian nationals. Since no law or regulation has been announced and enforced previously by the local authorities of Tibet region of china, we do not agree with the contention that absence of travel documents deprives them of their Indian nationality. Some of these persons, it is now understood, applied recently as Indian nationals and the seizure of their application forms would amount to interfering in their legitimate claims to be treated distinctly as Indians.

In view of the facts explained above, the Government of India urge that Ladakhi and Kashmiri Muslims and other Indians living in Lhasa and Shigatse should be treated as Indian nationals and their registration recorded accordingly.

It may be mentioned here that the Government of India do not regard the Chinese in India as Indian nationals merely on the ground of their long residence in India unless they have formally obtained naturalisation certificates according to the Indian laws after renouncing their former nationality.

**Letter from the Director of the Foreign Bureau in Tibet to the Consul General
of India in Lhasa, 17 July 1959**

Your letter of 13th May 1959 duly received. In your letter you have referred to Kachis who for generations, have lived in Lhasa, Shigatse and other places and have long become Chinese nationals, as Indian nationals; and you described the well-known facts that they had, at all times, been subjected to the jurisdiction of the local government of Tibet of our country as: the former local Government of Tibet of China always treated the Muslims of Kashmir as foreigners. These assertions are opposed to the historical facts and I cannot agree with them.

As everybody knows, among the inhabitants in Tibet of our country, there are a number of people of Islamic faith. Besides the Huis from such provinces as Yunan and Szechuan, these are some whom we call Kachis. Although their forefathers were from Kashmir, yet as early as the 17th century, during the time of the 5th Dalai Lama their forefathers had already chosen the Chinese nationality and had thus become a component part of the Tibetan people of China. In a report submitted to the former local Government by their headman during the time of the 13th Dalai Lama there is such a passage which serves a powerful evidence: "at the time of the 5th Dalai Lama, we, the subjects, had chosen him to be our own King, and, in return, he the King, also loved us as his own subjects. And it was such a great gracious kindness he bestowed on us, by allotting to us land for maintenance". Thereafter, from generation to generation, they had, at all times, been under the administration of the local Government. The final decision on the selection of headmen they elect and their appointments had to be obtained from the local Government. With the exception of some minor disputes, which were allowed to be settled by themselves under the guidance of their headmen, as was the case with the Huis also, all their civil and criminal cases, irrespective of a dispute between

Kachis and Tibetans or between Kachis themselves, had to be referred to former local Government for judgments. And it was by no means like what Mr Chhibber had alleged, that “the Tibetan Government was only brought into the picture, in case of a dispute between a Kashmiri Muslim and a Tibetan” to say nothing about that “the position of the Kashmiri Muslims was similar to that of Nepalese trading in Tibet” as asserted by Mr Chhibber. In addition they are entitled to the right of purchase of immovable property, and they also had the obligations of doing Corvee for the former local Government and of serving the military service, etc. All these facts fully prove that they are Tibetan people of China.

After the peaceful liberation of Tibet, there has been no change in their being Tibetan people of China. All those who went to India for trade or to Mecca for pilgrimage and who account for more than 80 per cent of their total households, had, in accordance with the unified stipulations of our country, approached our Bureau for traders certificates to India or for passports to Mecca. And all their passports were issued with transit visas or entry visas by the successive Consuls-General of India in Lhasa (Indian Consul-General, Lhasa, Mr Chhibber). This is a fact which demonstrates that the Indian Government has long recognised them as the nationals of the People’s Republic of China. Can there be any room left for doubts?

However, one could not help feel surprised that Mr Chhibber should have raised with us the problem that they are Indian nationals, at a time when our troops had put down the rebellion unleashed by the former local Government and the reactionaries of the upper strata in Tibet. As mentioned above, there has never been any question with regard to them as Chinese nationals. To my knowledge, only after the talks between Mr Chhibber and the “headman” of these Kachis in April of this year, did such things happen, that that “headman” taking advantage of a prayer meeting announced to all the Kachis that they all must fill revised “applications” for registration as citizens of India, which were distributed by the Consulate-General of India. I am of the view that this occurrence is not fortuitous. This is an unfriendly act of instigating the Chinese people to break with China by means of external forces. Therefore we consider it to be highly improper and an act of interference in the internal affairs of our country, that Mr Chhibber, without obtaining any consent from our Bureau

whatsoever, went so far as to utilise the former official of the former local Government (the so-called “Kachi Ponpo”) to carry out the activities, among our people, instigating them to break off with their mother-land, after we openly ordered the dissolution of the former local Government and after the dismissal of all its former officials. We regret this and hope that these activities are stopped forthwith.

**NOTES, MEMORANA AND LETTERS EXCHANGED
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INDIA
AND
CHINA**

SEPTEMBER-NOVEMBER 1959

AND

**A NOTE ON THE HISTORICAL BACKGROUND OF
THE HIMALAYAN FRONTIER OF India**

WHITE PAPER No. II

**Memorandum given by the Ambassador of India to the Ministry of Foreign
Affairs of China, 11th July 1959**

“Reports have been received from the Indian Consulate General and Trade Agencies in the Tibet region of China that since the recent disturbances there various difficulties have been placed in the functioning of the post and in the legitimate activities of Indian traders, pilgrims and nationals. Two of these difficulties are of a nature which require urgent attention.

The first relates to the status of the Indian nationals in Tibet. As is well known, Indian nationals, particularly lamas and Muslim traders from Ladakh have been resident in the Tibet region from before the conclusion of the 1954 Sino-Tibetan Agreement. Preceding that Agreement, travel between Ladakh and Tibet was free. Travellers between the two regions were not than required to possess travel papers or identity certificates. Indian lamas and traders (now resident in Tibet) thus arrive in the Tibet region without travel papers. Although they have been earning their livelihood in Tibet or been attached to monasteries for years, they have traditionally been treated as foreigners. It is known that between four to six hundred lamas who travelled as pilgrims before and after the 1954 Agreement were studying in Tibetan monasteries. Until the recent disturbances local regulations of the region did not require them to register or hold special identity certificates. It now seems that the local authorities in Tibet have raised questions about the national status of these Indian residents in the Tibet region. In view of the circumstances in which these persons arrived and lived in the Tibet region, the Government of India requests the People’s Republic of China either to maintain the position which existed prior to the present regulations, namely to allow these Indian nationals to be in the Tibet region without travel papers (passports) or if all foreign nationals are now compulsorily require to possess passports to inform the Government of India definitely on the point so that arrangements could be made to issue passports to Indian nationals resident in Tibet region who hold no passports. If passports are now required, the Government of India would trust that no impediments would be placed in Indian residents obtaining visas or registering with their Consulate General.

**Memorandum given by the Ambassador of India to the Ministry of Foreign
Affairs of China, 14th August 1959**

No reply has yet been received to the representation regarding Kashmiri Muslims. Meanwhile, it is reported that one Kashmiri Muslim who refused to attend a meeting on the 6th August was arrested and two to three hundred of his compatriots went in protest to the Foreign Bureau. About fifty to sixty Kashmiri Muslims who later endeavoured to come to the Indian Consulate were prevented by the Chinese guards at the point of weapons.

**Note given to the Embassy of India by the Ministry of Foreign Affairs of
China, 11th September 1959**

7. Regarding the nationality of a part of the Tibetan Muslims:

There have been many contacts on this question between Director Yang Kung-Shu of the Tibet Bureau of Foreign Affairs and Mr Chhibber, Consul General of India in Lhasa. The forefathers of these people migrated to and settled down in Tibet several hundred years ago and they have become part of the Tibetan people in China. There is ample evidence to show that the Tibetan local authorities at all times have treated them as Chinese Tibetans. They have never complained about their status and treatment as Chinese or applied for withdrawal from Chinese nationality. After the rebellion in Tibet was put down, however, the Government of India suddenly claimed that they are Indian nationals. What is particularly surprising, the Consulate General of India in Lhasa, without the concurrence of the Tibet local authorities, distributed its own application forms for Indian nationality among those Muslims. This cannot but be regarded as a most unfriendly act. The Government of India claimed that they are Indian nationals, yet up to now it is unable to produce any adequate evidence or reasons. Although the Sino-Indian Agreement has been signed five years, yet they do not hold any related certificates as required of Indian nationals by the provisions of the Agreement. In spite of all this, should the Government of India produce sufficient evidence and reasons for each case to prove that individual persons among them are indeed Indian nationals, the Chinese Government has no intention to refuse to examine their case individually.

**Note given by the Ministry of External Affairs, New Delhi, to the Embassy of
China in India, 24th September 1959**

1. The Government of India cannot but express their surprise and regret at the unhelpful attitude adopted by the Chinese Government. They wish to clarify the position in the following paragraphs and trust that the Chinese Government will after reconsideration permit persons of Indian origin entitled to Indian citizenship to contact the Consulate General of India and return to India, should they so wish.
2. The right to Indian citizenship derives its sanction strictly from the provisions of the Indian Constitution and Indian Citizenship Act of 1955. The Government of India have neither the power nor the desire to claim as Indian nationals any person who does not qualify under the Indian laws as an Indian national.
3. According to the Art V of the Indian Constitution, any person, who himself or either of whose parents was born in the territory of India, is ipso facto an Indian citizen without being required to apply for registration as an Indian national. Secondly, under Article VIII, those who or either of whose parents or any of whose grand-parents were born in undivided India and are resident abroad, are qualified for Indian nationality and such persons upon registration with any diplomatic or Consular representatives of India in a foreign country are fully entitled to Indian citizenship. No time limit is prescribed within which persons must register themselves with an Indian Mission abroad. Persons of Indian origin falling in this category are eligible for registration as Indian citizens and cannot legally be excluded from the privileges of Indian nationality, unless such a person has expressly and voluntarily acquired a foreign nationality and thus in effect renounced his claim to Indian citizenship.
4. The persons of Indian origin residing in Tibet at the time of disturbances in March 1959 are qualified for Indian nationality either under Art V or VIII of the Indian Constitution and fall under one of the following categories:

- (i) Registered Indian nationals:- Persons holding Indian registration certificates, traders' certificates or other documents clearly establishing their nationality.

According to our information, apart from the traders and Indian nationals in Yatung, Phari and Gyantse, twenty eight such persons were registered with the Consulate General in Lhasa or hold such Indian registration certificates and are therefore, fully entitled to Indian protection.

- (ii) Ladakhi Lamas-

- (iii) **Muslims of Kashmir origin:-** According to the information available to the Government of India, one hundred twenty nine families of Kashmiri Muslims involving about six hundred persons are residing in Lhasa/Shigatse area of Tibet region of China. The names of these families will be found in the enclosure to this Note. Some of the persons who belong to these families are already registered with the Consulate General and fall under category (i) above. Others, prima facie, are potential Indian citizens with the right to register as such under Art VIII of the Indian Constitution. The Government of India agree that the Kashmiri Muslims who have been resident in Tibet since the 17th century and severed connections with Kashmir would not qualify for registration under Art VIII of the Constitution. But persons whose permanent domicile remain in the State of Jammu and Kashmir and who visited India from time to time and whose parents or one of whose grandparents were born in undivided India, are potential citizens of India. It is this group of persons, who have stated repeatedly to the Chinese authorities that they were Indian citizens. They have apparently submitted applications in writing for registration as Indian citizens and are entitled to claim the benefits of Indian nationality in accordance with the provisions laid down under the Constitution and the Citizenship Act.

The Chinese Government's contention as stated in the letter of the 17th July 1959 from the Foreign Bureau in Lhasa is that the Kashmiri Muslims were subject to the jurisdiction of Tibetan courts, that the selection of their leader was confirmed by the Dalai Lama, that they

recognise the V Dalai Lama and further that they sometimes fought alongside Tibetan forces. Even if these assertions were accepted, they would not by themselves constitute conclusive evidence regarding their Chinese/Tibetan nationality. Under the International Law, foreigners are subject to the jurisdiction of local courts and even the affairs of the foreigners may be supervised by the local authorities. It appears that those of the Kashmiri Muslims who rendered military service did so under compulsion and that the majority did not voluntarily accept such an obligation. The fact that some may have paid homage to the V Dalai Lama may be no more than a courtesy to the spiritual and temporal leader of the Tibet region of China. The Indian Government have no desire to claim as Indian citizens persons who had accepted adherence to the Dalai Lamas and have since severed their connection with India. But according to the Government of India's information most of these persons do not fall in this category. The fact that some of the Kashmiri Muslims travelled on Chinese certificates does not necessarily mean that thereby they repudiated their claim to Indian nationality. It is possible that they accepted Tibetan or Chinese travel papers on some occasions for convenience. It may be mentioned that instances have occurred during the last few years in which Chinese check posts harassed and placed difficulties in the way of Indian traders and nationals carrying Indian traders and registration certificates when on their way from Tibet to India. In August 1956, the certificate of nationality of one Ghulam Rasul was actually retained by the Chinese check post at Yatung. It may also be mentioned that notwithstanding any papers which these Muslims may have carried for entry into India, they almost invariably travelled from India to Mecca on Haj as Indian nationals in special Indian pilgrims' ships and not as foreigners through normal shipping services.

On the other hand, historical evidence indicates that Kashmiri Muslims have throughout maintained their separate identity. They were exempted from poll tax and compulsory levies or work which was prescribed for persons of Tibetan origin. Though they were tried

by Tibetan courts, any fine levied on the Kashmiri Muslims were returned to the community in recognition of their status as foreign nationals. During the 1912 Sino-Tibetan conflict, the Kashmiri Muslims were actually provided with white flags to indicate that they were foreigners and neutral in the then prevailing conflict. That these people wish to maintain their connections with India is also evident from the fact that nearly one hundred boys of this community are studying in institutions in India.

The conclusion is obvious that this community of Muslims from Jammu and Kashmir state of India did not assimilate themselves with the Tibetan population and considered themselves as a distinct community of foreigners although they had resided in central Tibet for a long time. Being primarily interested in their trade and somewhat indifferent to the political changes in Tibet, they continued to live in their traditional manner without taking the trouble of registering themselves as Indian citizens not suspecting at any time that there would be danger of their connection with their homeland being arbitrarily severed.

The Government of India have read with surprise the statement that Shri Chhibber, the former Indian Consul General in Lhasa, instigated the Kashmiri Muslims to apply for Indian registration. The Government of India repudiate such a baseless charge against a responsible officer. The facts are that these Kashmiri Muslims are now anxious to exercise the right to Indian citizenship and have been trying persistently to make their claim accepted by the Chinese authorities, and that Consul General of India drawing attention to their hardship and the pressure that was being put on them by Chinese local authorities to renounce their claim to Indian citizenship. The Chinese armed sentries at the gate of the Consulate General building have steadfastly barred entry of these persons into the premises of the Consulate General. On 14th July and 6th August, large group were turned away by force. Indeed the local authorities have apparently threatened and intimidated these persons on account of their persistent demand to be treated distinct from the Tibetan

nationals. Registration forms, which were voluntarily filled in by these persons, were actually confiscated by the Chinese local authorities. It is even alleged that important documents containing proof of their firm connection with India have been confiscated, by the local authorities and their leader intimidated for voicing their demand of his compatriots. No facilities have been given to the Consul General to meet members of the Indian community held in custody by Chinese authorities. Persons who have been anxious to seek the assistance of the Indian Consulate General have been denied any facility whatsoever.

The Government of India wish to re-affirm that it is not the intention of the Government of India to confer citizenship on persons who do not strictly qualify for this privilege or who have surrendered their claim of Indian citizenship. Such persons who have voluntarily accepted Chinese nationality and renounced their claim to Indian citizenship should by all means be treated as Chinese nationals. At the same time, the Government of People's Republic of China should give the right to these persons who consider themselves as Indian citizens and have all the attributes of Indian citizenship to contact the Consulate General of India, and if they so wish, to return to India. The denial of access to the Consul General can only lead to the suspicion that legitimate and voluntary claims of bonafide potential Indian citizens of Indian origin are being forcibly denied. In particular, the Government of India cannot understand how persons who had already been registered as Indian nationals before the recent disturbances broke out, or how Ladakhi Lamas who could have been in the monasteries only for limited periods should be prevented from exercising their right or protection by the Indian Consulate and for repatriation to their home-land.

While it is not possible to give the names of all persons entitled to Indian citizenship as stated earlier, list of Heads of families of Muslims of Indian origin is appended to this Note. Similarly, a general enquiry has been addressed to the Foreign Bureau in Lhasa in respect of the lamas of Ladakhi origin in Tibet. The names of some of the

senior Lamas are given in a second list attached to this Note. A third list contains the names of Indian nationals who, according to information received, are apparently held in custody in the Tibet region of China. The only fair course in the spirit of friendly understanding between the two countries would be to scrutinise the claims of all such persons of Indian origin and permit them to exercise their option as Indian or Chinese nations. The Government of India would request that this be done.

Even if some of these persons of Indian origin are found eligible both for Indian and Chinese nationality, in accordance with international usage, they should be given option of exercising their choice freely.

The fate of Kashmiri Muslims, Ladakhi Lamas and other Indians in Tibet region of China aroused great concern in Parliament and among the people of India. A representation from the Kashmiri Muslims resident in India who have their relatives in Tibet has been received by the Prime Minister of India urging arrangements for the repatriation of their compatriots to their home-land. The Government of India can see no reason or advantage on compelling these persons to remain within Tibet against their own wish. In the spirit of friendship, the two Governments can readily settle the matter by both agreeing not to claim any person who does not qualify for citizenship under its respective laws and giving the option to all those who by domicile or birth are entitled to both nationalities to choose one of them.

The Government of India trust that in the light of the foregoing the Chinese Government will see their way to review the attitude so far adopted by them and in this confidence they take this opportunity of renewing to the Embassy of the people's Republic of China the assurances of their highest consideration.

**Annexure I to the Note of the Indian Government, 24th September
1959**

**LIST OF HEADS OF FAMILIES OF MUSLIMS OF INDIAN ORIGIN
RESIDEING AT LHASAS AND OTHER PLACES OF TIBET FOR TRADE
PURPOSE**

1. Haji Karimullah Shamo
2. Abdul Ghani
3. Fazlullah Masle (Baba)
4. Abdul Ghani Chisti
5. Haji Tayab Jo
6. Abdul Qadar Naeq
7. Ghulam Rasool Ganaee
8. Mohd Iqbal
9. Faizullah Sheikh
10. Mohd Ishaq
11. Abdur Rehman
12. Ataullah
13. Mohd Ali
14. Ghulam Nabi
15. Khaja Sanaullah
16. Ghulam Rasool Sheikh
17. Ahmedullah Ganaee
18. Habibullah Ganaee
19. Sanaullah
20. Mohd Shafi Malik
21. Ahmedullah Ganaee
22. Abdur Rahman Daot
23. Haji Abdul Qadar Masle
24. Habib Ullah Nangro
25. Mohd Yahya Shakoli
26. Haji Abdul Qadar Ganaee
27. Karim Ullah
28. Haji Abdul Ghani Nankro

29. Mohd Ishq
30. Mohd Hussain
31. Habib Ullah Khalo
32. Faiz Ullah
33. Abdullah Khalo
34. Haji Ghulam Hussein Ganee
35. Habi Ullah
36. Haji Hussain Sheikh
37. Faiz Ullah Buzurg
38. Haji Habib Ullah Ganaee
39. Zaha Uddin Khazi
40. Ghulam Hussain Khazi
41. Vali Ullah
42. Abdullah Sheikh
43. Haji Habib Ullah Shamo
44. Haji Faiz Ullah Sheikh
45. Vali Ullah
46. Abdullah Vani
47. Ahmed Ullah Vani
48. Rahmatullah Vani
49. Abdur Rehman
50. Mohd Moosa Shakuli
51. Barkat Ullah Shakuli
52. Vahab Joe Zarif
53. Mohd Ali Shakuli
54. Haji Abdu Qadir
55. Haji Ghulam Rasool Khalo
56. Ibrahim Ganaee
57. Mohd Suleman Khazi
58. Nizam Uddin
59. Ibrahim Sheikh
60. Haji Noor Uddin
61. Ahmad Ullah Gona
62. Haji Abdur Rahman Gona
63. Karim Ullah Malik

- 64.Amir Uddin
- 65.Ghulam Nabi
- 66.Abdul Qadir Gona
- 67.Abdul Qadir
- 68.Faiz Ullah Khazi
- 69.Faiz Ullah
- 70.Ghulam Moheuddin
- 71.Mohd Moosa
- 72.Mohd Ishaq
- 73.Abdul Qadir Noon
- 74.Ghulam Mohd
- 75.Ahmad ullah Khazi
- 76.Mohd Ramazan Khalo
- 77.Abdur Rehman Sheikh
- 78.Abdullah Sheikh
- 79.Abdul Aziz
- 80.Akhwant Habib Ullah Naeq
- 81.Abdullah
- 82.Ghulam Qadir
- 83.Haji Ghulam Mohd
- 84.Habib Ullah Vani
- 85.Mohd Yahya
- 86.Habib Ullah Malik
- 87.Fakhr Uddin Syed
- 88.Haji Mohd Ramazan
- 89.Mohd Ishaq
- 90.Akhwand Abdul Aziz
- 91.Noor Uddin Syed
- 92.Abdul Aziz Daot
- 93.Ghulam Nabi Khazi
- 94.Ahmad Ullah
- 95.Abdul Qadir
- 96.Haji Abdul Halim Loan
- 97.Ahmad Ullah
- 98.Abdul Ghani

99. Akhwand Ahmad Ullah
100. Vahab Jola
101. Qa Qa Rasool
102. Jamal Uddin
103. Abdul Ghafoor
104. Faiz Ullah Loon
105. Mohd Yusuf
106. Haji Abdul Qadir
107. Ibrahim Sheikh No. 2
108. Abdur Rahman
109. Karim Ullah
110. Ghulam Mohd
111. Ghulam Husain
112. Habib Ullah Daot
113. Haji Ghulam Moheuddin
114. Azam Jola
115. Nizam Uddin
116. Haji Mohd Ramzan
117. Abdul Vahed
118. Akhwand Faiz Ullah
119. Mohd Jalil Gona
120. Mohd Bashir Gona
121. Abdur Razzak
122. Habib Ullah
123. Akhwand Mohd Ramazan
124. Ibrahim Malik
125. Zaka Ullah
126. Haji Mohd Ramazan
127. Mohd Ali
128. Abdul Qadir
129. Hamdeed Ullah

**Note given by the Ministry of External Affairs, New Delhi to the Embassy of
China in India, 29th October 1959**

The Government of India have already had several occasions in the last few months to draw the attention of the Chinese Government to the position of Indian nationals particularly Muslims from Kashmir and Lamas from Ladakh resident in the Lhasa and Shigatse areas of Tibet region of China. A comprehensive note on the subject was presented to the Chinese Embassy on the 24th September 1959. It was then pointed out that under the Indian Law these persons were entitled to Indian nationality. Even if it is argued that under the Chinese law these persons, by virtue of their residence in China, are entitled to Chinese nationality or are to be regarded as Chinese nationals, they should, according to international usage, be given the option to choose which of the two nationalities they would like to adopt and be permitted to leave Tibet and return to India, if they so desire.

2. Recent reports indicate that despite the representations of the Government of India, consistent pressure is being brought on the Kashmiri Muslims to observe regulations which can only be obligatory for Chinese nationals, and to accept Chinese nationality against their own wishes. It is understood, for example, that the Kashmiri Muslims in Lhasa are being required to attend meetings which are held every day and sometime twice a day but which are obviously intended for the instruction of the Chinese nationals only. The Kashmiri Muslims have pointed out to the local authorities that since they have applied for registration as Indian nationals and since the question of their nationality and their future residence in the Tibet region is a matter under discussion between the Governments of India and the People's Republic of China, there should be no compulsion on them to attend such meetings. It is understood that on the 21st October about 15 Kashmiri Muslims were summoned by the local authorities and warned to attend the daily meetings. They were warned that failing compliance, they would be subjected to punishment. Similarly on the 22nd October 1959 at 19:00 hours IST, members of the Kashmir Muslim community (both men and women) were summoned to a meeting and detained till 23:00 hours. They were individually interrogated and pressed to accept Chinese nationality. The members of the community re-

affirmed their desire to be treated as Indian nationals and as a result at least one of their spokesmen was placed under house arrest. On the 23rd October at 08.30 hours IST, some Kashmiri Muslims were taken under guard to the Chinese area office and similarly harassed and pressed to accept Chinese nationality. They were warned that if they persisted in their refusal to accept Chinese nationality they would be imprisoned and put to difficulties and harassment. On the 24th October, at a meeting, similar efforts were made to persuade them to denounce their claim to Indian nationality and, on their refusal to do so, one couple was put under house arrest.

The Government of India protests strongly against the pressure and intimidation to which persons of Indian origin, who are entitled to Indian citizenship and are being subjected in order to compel them to accept Chinese nationality against their wishes. The Government of India would again urge that the Chinese Government should desist from such pressure and allow these persons to exercise their option in favour of Indian nationality to which they are clearly entitled. These people have committed no crime; they wish merely to return to the country of their origin. Just as China has always claimed the same freedom for persons of Chinese origin living in South-East Asia regardless of how long they may have been away from China. The Government of Peoples Republic of China should allow persons of Indian origin living or residing in the Tibet region to exercise their choice of citizenship freely. The Government of India would, therefore, urge that those who have already been taken into custody should be released immediately and pressure on others to accept Chinese nationality should cease forthwith.