

No. 4307

**INDIA
and
PEOPLE'S REPUBLIC OF CHINA**

**Agreement (with exchange of notes) on trade and inter-
course between Tibet Region of China and India.
Signed at Peking, on 29 April 1954**

Official texts: Hindi, Chinese and English.

Registered by India on 28 April 1958.

**INDE
et
RÉPUBLIQUE POPULAIRE DE CHINE**

**Accord (avec échange de notes) concernant les échanges
commerciaux et les relations entre la région chinoise
du Tibet et l'Inde. Signé à Pékin, le 29 avril 1954**

Textes officiels hindoustani, chinois et anglais.

Enregistré par l'Inde le 28 avril 1958.

No. 4307. AGREEMENT¹ BETWEEN THE REPUBLIC OF INDIA AND THE PEOPLE'S REPUBLIC OF CHINA ON TRADE AND INTERCOURSE BETWEEN TIBET REGION OF CHINA AND INDIA. SIGNED AT PEKING, ON 29 APRIL 1954

The Government of the Republic of India and the Central People's Government of the People's Republic of China,

Being desirous of promoting trade and cultural intercourse between Tibet Region of China and India and of facilitating pilgrimage and travel by the peoples of China and India,

Have resolved to enter into the present Agreement based on the following principles :

- (1) mutual respect for each other's territorial integrity and sovereignty,
- (2) mutual non-aggression,
- (3) mutual non-interference in each other's internal affairs,
- (4) equality and mutual benefit, and
- (5) peaceful co-existence,

And for this purpose have appointed as their respective Plenipotentiaries :

The Government of the Republic of India, H.E. Nedyam Raghavan, Ambassador Extraordinary and Plenipotentiary of India accredited to the People's Republic of China; the Central People's Government of the People's Republic of China, H.E. Chang Han-fu, Vice-Minister of Foreign Affairs of the Central People's Government, who, having examined each other's credentials and finding them in good and due form, have agreed upon the following :

Article I

The High Contracting Parties mutually agree to establish Trade Agencies :

- (1) The Government of India agrees that the Government of China may establish Trade Agencies at New Delhi, Calcutta and Kalimpong.
- (2) The Government of China agrees that the Government of India may establish Trade Agencies at Yatung, Gyantse and Gartok.

¹ Came into force on 3 June 1954, upon ratification by both Governments, in accordance with article VI.

The Trade Agencies of both Parties shall be accorded the same status and same treatment. The Trade Agents of both Parties shall enjoy freedom from arrest while exercising their functions, and shall enjoy in respect of themselves, their wives and children who are dependent on them for livelihood freedom from search.

The Trade Agencies of both Parties shall enjoy the privileges and immunities for couriers, mail-bags and communications in code.

Article II

The High Contracting Parties agree that traders of both countries known to be customarily and specifically engaged in trade between Tibet Region of China and India may trade at the following places :

- (1) The Government of China agrees to specify (1) Yatung, (2) Gyantse and (3) Phari as markets for trade. The Government of India agrees that trade may be carried on in India, including places like (1) Kalimpong, (2) Siliguri and (3) Calcutta, according to customary practice.
- (2) The Government of China agrees to specify (1) Gartok, (2) Pulanchung (Taklakot), (3) Gyanima-Khargo, (4) Gyanima-Chakra, (5) Ramura, (6) Dongbra, (7) Puling-Sumdo, (8) Nabra, (9) Shangtse and (10) Tashigong as markets for trade; the Government of India agrees that in future, when in accordance with the development and need of trade between the Ari District of Tibet Region of China and India, it has become necessary to specify markets for trade in the corresponding district in India adjacent to the Ari District of Tibet Region of China, it will be prepared to consider on the basis of equality and reciprocity to do so.

Article III

The High Contracting Parties agree that pilgrimage by religious believers of the two countries shall be carried on in accordance with the following provisions :

- (1) Pilgrims from India of Lamaist, Hindu and Buddhist faiths may visit Kang Rimpoche (Kailas) and Mavam (Tso Manasarovar) in Tibet Region of China in accordance with custom.
- (2) Pilgrims from Tibet Region of China of Lamaist and Buddhist faiths may visit Banaras, Sarnath, Gaya and Sanchi in India in accordance with custom.
- (3) Pilgrims customarily visiting Lhasa may continue to do so in accordance with custom.

Article IV

Traders and pilgrims of both countries may travel by the following passes and route :

- (1) Shipki La pass, (2) Mana pass, (3) Niti pass, (4) Kungri Bingri pass, (5) Darma pass, and (6) Lipu Lekh pass.

Also, the customary route leading to Tashigong along the valley of the Shangatsangpu (Indus) River may continue to be traversed in accordance with custom.

Article V

For travelling across the border, the High Contracting Parties agree that diplomatic personnel, officials and nationals of the two countries shall hold passports issued by their own respective countries and visaed by the other Party except as provided in Paragraphs 1, 2, 3 and 4 of this Article.

- (1) Traders of both countries known to be customarily and specifically engaged in trade between Tibet Region of China and India, their wives and children who are dependent on them for livelihood and their attendants will be allowed entry for purposes of trade into India or Tibet Region of China, as the case may be, in accordance with custom on the production of certificates duly issued by the local government of their own country or by its duly authorised agents and examined by the border checkpoints of the other Party.
- (2) Inhabitants of the border districts of the two countries who cross the border to carry on petty trade or to visit friends and relatives may proceed to the border districts of the other Party as they have customarily done heretofore and need not be restricted to the passes and route specified in Article IV above and shall not be required to hold passports, visas or permits.
- (3) Porters and mule-team drivers of the two countries who cross the border to perform necessary transportation services need not hold passports issued by their own country, but shall only hold certificates good for a definite period of time (three months, half a year or one year) duly issued by the local government of their own country or by its duly authorised agents and produce them for registration at the border checkpoints of the other Party.
- (4) Pilgrims of both countries need not carry documents of certification but shall register at the border checkpoints of the other Party and receive a permit for pilgrimage.
- (5) Notwithstanding the provisions of the foregoing paragraphs of this Article, either Government may refuse entry to any particular person.
- (6) Persons who enter the territory of the other Party in accordance with the foregoing paragraphs of this Article may stay within its territory only after complying with the procedures specified by the other Party.

Article VI

The present Agreement shall come into effect upon ratification by both Governments and shall remain in force for eight (8) years. Extension of the present Agreement may be negotiated by the two Parties if either Party requests for it six (6) months prior to the expiry of the Agreement and the request is agreed to by the other Party.

DONE in duplicate in Peking on the twenty-ninth day of April, 1954, in the Hindi, Chinese and English languages, all texts being equally valid.

(Signed) Nedyam RAGHAVAN
Plenipotentiary
of the Government of the Republic
of India

(Signed) CHANG HAN-FU
Plenipotentiary
of the Central People's Government,
People's Republic of China

EXCHANGE OF NOTES

I

Peking, April 29, 1954

Your Excellency Mr. Vice-Foreign Minister,

In the course of our discussions regarding the Agreement on Trade and Intercourse Between Tibet Region of China and India,¹ which has been happily concluded today, the Delegation of the Government of the Republic of India and the Delegation of the Government of the People's Republic of China agreed that certain matters be regulated by an exchange of notes. In pursuance of this understanding, it is hereby agreed between the two Governments as follows :

(1) The Government of India will be pleased to withdraw completely within six (6) months from date of exchange of the present notes the military escorts now stationed at Yatung and Gyantse in Tibet Region of China. The Government of China will render facilities and assistance in such withdrawal.

(2) The Government of India will be pleased to hand over to the Government of China at a reasonable price the postal, telegraph and public telephone services together with their equipment operated by the Government of India in Tibet Region of China. The concrete measures in this regard will be decided upon through further negotiations between the Indian Embassy in China and the Foreign Ministry of China, which shall start immediately after the exchange of the present notes.

¹ See p. 70 of this volume.

(3) The Government of India will be pleased to hand over to the Government of China at a reasonable price the twelve (12) rest houses of the Government of India in Tibet Region of China. The concrete measures in this regard will be decided upon through further negotiations between the Indian Embassy in China and the Foreign Ministry of China, which shall start immediately after the exchange of the present notes. The Government of China agrees that they shall continue as rest houses.

(4) The Government of China agrees that all buildings within the compound walls of the Trade Agencies of the Government of India at Yatung and Gyantse in Tibet Region of China may be retained by the Government of India. The Government of India may continue to lease the land within its Agency compound walls from the Chinese side. And the Government of India agrees that the Trade Agencies of the Government of China at Kalimpong and Calcutta may lease lands from the Indian side for the use of the Agencies and construct buildings thereon. The Government of China will render every possible assistance for housing the Indian Trade Agency at Gartok. The Government of India will also render every possible assistance for housing the Chinese Trade Agency at New Delhi.

(5) The Government of India will be pleased to return to the Government of China all lands used or occupied by the Government of India other than the lands within its Trade Agency compound walls at Yatung.

If there are godowns and buildings of the Government of India on the above mentioned lands used or occupied and to be returned by the Government of India and if Indian traders have stores, godowns or buildings on the above-mentioned lands so that there is a need to continue leasing lands, the Government of China agrees to sign contracts with the Government of India or Indian traders, as the case may be, for leasing to them those parts of the land occupied by the said godowns, buildings or stores and pertaining thereto.

(6) The Trade Agents of both Parties may, in accordance with the laws and regulations of the local governments, have access to their nationals involved in civil or criminal cases.

(7) The Trade Agents and traders of both countries may hire employees in the locality.

(8) The hospitals of the Indian Trade Agencies at Gyantse and Yatung will continue to serve personnel of the Indian Trade Agencies.

(9) Each Government shall protect the person and property of the traders and pilgrims of the other country.

(10) The Government of China agrees, so far as possible, to construct rest houses for the use of pilgrims along the route from Pulanchung (Taklakot) to Kang Rimpoche (Kailas) and Mavam Tso (Manasarovar); and the Government of India agrees to place all possible facilities in India at the disposal of pilgrims.

(11) Traders and pilgrims of both countries shall have the facility of hiring means of transportation at normal and reasonable rates.

(12) The three Trade Agencies of each Party may function throughout the year.

(13) Traders of each country may rent buildings and godowns in accordance with local regulations in places under the jurisdiction of the other Party.

(14) Traders of both countries may carry on normal trade in accordance with local regulations at places as provided in Article II of the Agreement.

(15) Disputes between traders of both countries over debts and claims shall be handled in accordance with local laws and regulations.

On behalf of the Government of the Republic of India I hereby agree that the present Note along with Your Excellency's reply shall become an agreement between our two Governments which shall come into force upon the exchange of the present Notes.

I avail myself of this opportunity to express to Your Excellency Mr. Vice-Foreign Minister, the assurances of my highest consideration.

(Signed) N. RAGHAVAN
Ambassador Extraordinary and Plenipotentiary
of the Republic of India

His Excellency Mr. Chang Han-fu
Vice-Minister of Foreign Affairs
Central People's Government
People's Republic of China

II

Peking, April 29, 1954

Your Excellency Mr. Ambassador :

I have the honour to receive your note dated April 29, 1954, which reads :

[See note I]

On behalf of the Central People's Government of the People's Republic of China, I hereby agree to Your Excellency's note, and your note along with the present note in reply shall become an agreement between our two Governments, which shall come into force upon the exchange of the present notes.

I avail myself of this opportunity to express to Your Excellency, Mr. Ambassador, the assurances of my highest consideration.

(Signed) CHANG HAN-FU
Vice-Minister
Ministry of Foreign Affairs
People's Republic of China

H. E. Nedyam Raghavan
Ambassador Extraordinary and Plenipotentiary
Republic of India