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## **AGREEMENT**

### **BETWEEN**

# **THE REPUBLIC OF INDIA AND THE PEOPLE'S REPUBLIC OF CHINA ON TRADE AND INTERCOURSE BETWEEN TIBET REGION OF CHINA AND INDIA**

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 people's 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.

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 for 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) Phulanchung (Taklakot),

Gyanima-Khargo, (4) Gyanima-Chakra, (5) Rampura, (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 (Kailash) 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 customs

3- Pilgrims customarily visiting Lhasa may continue to do so in accordance with customs.

### *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 passport 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 purpose 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 chekposts of the other party.

2 - Inhabitants of the border district of the two countries who across 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 hereto fore and need not be restricted to the passes and route specified in Article 1V above and shall not be required to hold passports, visas or permits.

3- Porters and mule-team drivers of the 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 or certificates 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 twentyninth day of April, 1954, in the Hindi, Chinese and English language, all texts being equally valid.

(Sd) NEDYAM RAGHAVAN,  
Plenipotentiary of the  
Government of  
Republic of India.  
Republic of China.

(Sd) CHANG HAN-FU,  
Plenipotentiary of the  
theCentral People's  
Government, People's

### **NOTES EXCHANGED**

#### **NOTE**

**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, 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.

(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 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 Agencies 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 (Kailash) and Mavam Tso (Mansarovar); and the Government of India agrees to place all possible facilities in India at the disposal of pilgrimage.

(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 11 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 assurance of my highest consideration.

(Sd.) 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.

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#### **NOTE**

Peking, April 29, 1954

Your Excellency Mr. Ambassador,

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

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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.

(Sd) 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.

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(Original in English)