

Dispute Ladakh Tibet (1939-40)

No. F.264-I/99

From

The Deputy Secretary to the Government of India in the External Affairs
Department,

To

The Resident in Kashmir,

Dated New Delhi, the 26th October 1939.

Matters in dispute between Kashmir and Tibet.

Sir,

With reference to the correspondence ending with Express letter from the Government of India in the External Affairs Department No. J.27, dated the 20th May 1939, I am directed to forward a copy of the communication noted in the margin and in respect that, if you see no objection, the Kashmir Government may be asked to obtain from the mair-i-Shzarst Ladakh a report of the proceedings on the border in the Champa Skaldan cuze and forward it with their committee. It is desired to examine the Kashmir Government's of what occurred in the light of any remarks that you may have to make before deciding that further action could be taken.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- W.R. Ray,

Deputy Secretary to the Government of India.

Copy, together with a copy of the , forwarded to the Political Officer in Sikkim for information.

By order, etc.,

Sd/- I.S.Gonsalves,

Assistant Secretary to the Government of India.

Copy of a letter No. F-313-F/38, dated Lahore, the 10th Sept. 1939, from the Hon'ble the Resident for the Punjab States, to the Secretary to the Government of India is the External Affairs Department, Simla.

Diaries of the British Trade Agent, Gartok.

Alleged murder of Champa Skaldan by Zaildar Rupshye.

With reference to the correspondence resting with the Government of India in the External affairs Department endorsement No. F. 2T-L/37, dated the 10th May 1939, I have the honour to forward, herewith, for information, copies of letters Nos.76-A, 87-A and 03-A, dated respectively the 28th July 1939, 14th August 1939 and 22nd August 1939, from the British Trade Agent, Gartok. I suggested that, if the Government of India see no objection, the Kashmir Government be informed of the intransigent attitude adopted by the Wazir, Ladakh, at his meeting with the Garpons. It seems not unlikely that unless some kind of mounds are made by the Kashmir Government, not only Ladakhi but British Indian traders visiting Tibet will be made to suffer for the Wazir's intemperance.

From

Rai Bahadur Dr. Kanshi Ram,
British Trade Agent, Gartok,

To

The Wazir Wazarat Ladakh,
Camp Demchok.

Dated Camp Denchok the 28th July 1939.

Sir,

I have the honour to say that the complainants- un zad Jhompa Chhkldam and Marzing Jhompa Chhutar of Tashigang Monastery- gave the names of some witnesses who are the residents of Rapchye, Ladakh district on the 21st July 1939, namely, (1) Kunzang Zaildar Father of Chhewang, (1) Kipham second father of Chhewang, (3) Wife of Chhewang Goba of Rupshye, (4) None Godup of Rupchye, (5) Maktikpa of Rapchye, (4) Ballce, (7) Sonam Mindup of Rupshye, and Mawang Gyalap of Rupshye. I hope you have summoned them to appear before the joint court about the same date. May I have when they are expected.

2. In the statement of Chhewang Goba of Rupshye alleged in the murder case of Chompa Skaldan, it is stated that Kunsang father of Chhewang is at Kolnag Lahaul, Kangra District. The importance of the evidence of Kunzang, an eye witness, in the present case was emphasized by the Garpons at Gartok in their various correspondence since 1939. The Garpons are still pronzing for the

presence of Kunzang before the joint court in our daily meeting. Do you still hope to present him before the joint court within two or three days along with other witnesses sited by the complainants. I hope that I may not be unnecessarily delayed.

I have etc.,

Sd/- K.Ram,

Rai Bahadur,

British Trade Agent, Gartok.

Copy forwarded to the Political Agent, Punjab Hill States, Simla, for information.

Sd/- K. Ram,

British Trade Agent, Gartok.

Confidential

From

Rai Bahadur Dr. Kanshi Ram,
British Trade Agent, Gartok,

To

The Political Agent,
Punjab Hill States, Simla.

Dated Camp Gartok, the 14th August 1939.

Sir,

I have the honour to submit herewith the following report of my journey from Simla to Gartok via Srinagar and Leh, Kashmir for the information of the Government.

1. I left Simla on the 20th May and reached Srinagar Kashmir on the 27th May 1939. The rest of the party with Accountant left Simla on the 22nd May and joined me at Lahore. I had to halt more than a week at Srinagar as the Wazir Ladakh who was to accompany me to the Tibetan border, was, owing to illness, not willing to go there and therefore a now men was appointed in his place, who was due to arrive at Srinagar on or about 7th June. During my stay at Srinagar I interviewed the Resident

and the Prime Minister Kashmir, on my 29th and June 2nd, respectively and sequainted them with the alleged murder of Champa Skaldan (Tibetan) by Zaildar of Rupchye, Lakadh, I then started from Srinagar for Loh on the 7th June and reached it after one day's halt at Kargil, on the 23rd June 1939. We [arrived] on the 11th June in a pleasant weather. The party did not have any difficulty in crossing the pass but had to travel over snow for nearly 9 miles. I met Now Wazir at Druco on his way to Loh Ladakh.

2. I had to halt for a week at Leh, as Wazir wanted some time to make arrangements for his own party. I then started from Leh for Demchok. Tibetan border on July 2nd in company of Wazir's party, and reached Demchok on the 17th July 1939. We crossed the Taglang pass, 17500 ft., without any difficulty and all the of the party reached the stage, Dobring, safely Of them suffered from headache. The weather had been perfectly While we crossed the pass.
3. The Garpons at Gartok were expected to reach Demchok on the 15th July as previously arranged, but they informed no that as the Junior Garpon who had gone to Lhasa Last year was back to Gartok very soon and would himself come to Demchok, so they would arrive at Demchok on the 19th July instead of July 15th. the Garpons with their party reached Demchok on the 19th July. On the 20th July I interviewed some complimentary presents and were received hospitably and entertained with tea etc., till I left their The Junior Sarpon informed me that both the Garpons went to Lhasa last your after touring Chinagihang, a part of Western Tibet. Owing to the importance of the murder of Champa Skaldan he hurried back and reached Gartok in time to proceed for Demchok. The Senior Garpon he me, has been transferred, but he could not say to which post. He further said that the Senior Garpon might not be dismissed as there was a case against him at Lhuon. We

had nearly two hours talk during which he informed me about some changes in Lhasa.

4. On the night of July 21st the stream by the side of which we were camping suddenly rose to higher level and began to flow over our camping ground at midnight. When we were abed as alarm was raised and we then get up and took our luggage and other belongings to a place of safety, and had to keep awake throughout the night. The rain which began to your down since morning was still continuing. The next morning we crossed the stream and camped on the Tibetan border at a place of safety. The Wazir also renewed his camp some yards away from the stream amongst the boulders. This stream forms a natural boundary between Tibet and Kashmir at Demchok.
5. The informal inquiry of the murder case which was started from July 31st, lasted till the 3rd August 1939. The result of the inquiry is being submitted in a separate report.
6. We left Domchok on the 4th August and reached Gartok on the 11th August 1939. We had to halt at stages Shorsung and Tashigang a day each for a reply from the Wazir Ladakh regarding the further witnesses about which he had written, but as we did not receive any reply from him we proceeded direct to Gartok.
7. GENERAL (a). The Junior Garpon informed me that the Lhasa Government have issued fresh order prohibiting the pujjar by the Tibetan officials in future. Secondly they have levied a tax on wool at Rs.2/- per maund. Thirdly a new tax of a Rupee per Which are exported cutaine Tibetan territory. Besides this there are several changes regarding internal administrations.
 - (b) There had been slight snowfall winter and so there had been no mortality amongst the cattle and flocks of sheep and goats. The growth

of grass is good but the output of wool is much less this year than in the previous years.

8. Weather. We travelled throughout upto Demchok in dry weather. The rain started at Domchok and is still raining and all the high peaks have been covered by fresh snow. Due to this rainy weather it is very cold here.

9. MEDICAL. I attended 140 medical and surgical cases till 12th August 1939 when we reached Gartok.

I have etc.,

Sd/- K. RAM,
Rai Bahadur,
British Trade agent, Gartok.

Copy forwarded to the Political Officer in Sikkim, Gartok, for information.

Confidential

From

Rai Bahadur Dr. Kashi Ram,
British Trade Agent, Gartok,

To

The Political Agent,
Punjab Hill States, Simla.

Dated Camp Kimtar, the 22nd August 1939.

Alleged murder of Champa Skaldax by Haildar Rupshyo.

Sir,

In continuation of this office endorsement No. 77-A, dated the 22th July 1939, I have the honour submit the following report for the information of the Government.

2. I and Wazir Ladakh reached Domchok, Tibetan border, on the 17th July 1939. The Junior Garpon and Karpa of Senior Darpan arrived there on the 19th July along with the complainant, monastery. I first camped with Wazir on the Kashmir border by the side of a strain which forms the natural boundary line between Kashmir and Tibet. The Garpons' camp was on their own border. As the stream running close to our camp suddenly

flooded on the night of 21st July, I shifted my camp across the stream to the Tibetan border.

3. Before inquiry began from the 21st July Wazir asked that the inquiry should be held on the Kashmir border in his camp, Garpons did not agree to this proposal. It was then decided that the inquiry would be held one day at Wazir's camp and one day at Garpon's camp by terms. On the first when inquiry began on the 21st July names of 16 witnesses were cited by the complainant, Umzad Tashigang and then the statement of Jhomba Rigzin, an eye witness of the murder of Champa Skeldan, was recorded in the joint court.

4. After the examination of two more witnesses- Narboo Chhtring and Goba Chhowang, alleged culprit, till 24th July, the Garpons requested to note five more witnesses, namely, Rigain Morap, Callsan, Lama August of Barquog, Dorje a servant of Lama Chhoje, and Chhiring Tendup servant of Chhowang Goba of Rupshyo, as they were not cited as witnesses by the complainant on the 21st July. The Garpons also laid stress on the necessity of the presence of Kunzang, father of Goba Chhowang, an eye witness of the murder, as referred in their letter, a copy of which with translation was submitted to the Political agent, Punjab Hill States, Simla, vide this Agency letter No. 138-A, dated the 29th October 1938. They further said that all the witnesses who belonged to Rupshyo Ladakh, as cited on the 21st July, should be produced before the court at as early a date. The Wazir did not definitely tell whether he could produce them or not. On the other hand Garpons showed their unwillingness to give further witnesses of Kharak and Barquag (Tibet) until Kunzang and other men of Rupshyo brought before the start by the Wazir. However the Garpons were persuaded and the evidence of five more witnesses of Tibet were taken up till 28th July. As names of the witnesses of Rupshyo had arrived, I wrote a letter to the Wazir to definitely inform me when these witnesses of Rupshyo along with Kunzang were expected. A copy of this letter was forwarded to the Political agent, Punjab Hill States, Simla, vide this office order No. 77-A, dated

the 28th July 1939. No replied that we jointly thought it advisable to szmmon Kunzang at Domchok. I may say in this connection that Wazir was quite wrong in this, as I only told the necessity of Kunzang's evidence in this case and asked him to arrange for his presence at Demchok. He replied me then that it would be seen later on. He further says in the same letter that as the Sub-Inspector of Police, Leh, had reported that Kunzang was at Kolnag, Kazgra District he could not be summoned, and as regards the other witnesses of Rupshyo, they could not be without a previous written application from the complainant. A copy of Wazir's letter No. 64-C, dated the 28th July 1939 is attached herewith. The Wazir in one meeting asked the Garpons to apply in writing for summoning those other witnesses of Rupshyo, but the Garpons insisted that when they had already been cited as witnesses by the complainant, it was Wazir's duty to summon them. When it was finally known that Kunzang and other men of Rupshyo could not be produced before the court I asked the Wazir to record the statements of Lama Chhoje and Sonam Wurap, who were present at Domchok. When the statements of these two witnesses were recorded, the Garpons asked the Wazir to bring the former witness with him next day as they wanted to ask him some more questions. At first Wazir hesitated to to their request on the plon that a witness could not be re-examined after another witness, but the Garpons being ignorant of British Law insisted on their domand, and Wazir agreed to it. As it was getting dark the court dispersed for the day.

5. On the 30th July the Garpons sent letters to me and Wazir in the morning, requesting the latter to bring along Chheje Lama with him when he would come to attend the court at Garpon's camp as promised night before. The court began its sitting from 2 p.m. at the out set the Garpons inquired Wazir about Chhoje Lama, He told them that as soon as the evidence of said Lama was taken he was not bound to stay any more, so he had left early in the morning. On this reply the Garpons got enraged and pressed for his immediate

presence in their court. The discussion on this issue took nearly an hour. I then asked Wazir to send for him (Chhoje Lama) by sending a special man. This satisfied the Garpons and we continued our inquiry and took the evidence of Umzad Tashigang complainant, who produced before the court seven letters in original alleged to have written by the alleged accused, Goba Chhewang. He stated that two out of these seven letters were sent soon after the deceased Skaldan was murdered. The copies of these letters were supplied by the Garpons and attached with the inquiry report.

6. On the 31st July no witnesses were taken as the Garpons did not wish to give further witnesses living in Barquog unless the statements of Kunzang and other men of Rupshye were recorded. I thereupon acquainted the Garpons with the letter No. 64-C, dated the 28th July 1939 from the Wazir regarding the presence of Kunzang who was at Kelang, Kangra District and could not be summoned till next year.

7. On August 1st the Garpons started discussion regarding their claim on the grazing ground of quenzong up to the limit of Phalong-lama-bum. To support their claim they had produced two old manuscripts in one of the previous meetings. In this connection they requested the realization of grazing dues on the part of Rupshyo Goba should be stopped till the final settlement of the dispute of this grazing land, which was the main cause of the murder of Champa Skaldan. They further said that they had ordered their subjects of Kharak, Barquog and Phunchok Raptan Gumpa that they should withheld this grazing dues till the final settlement of the dispute. The wazir declined to accede to this request of the Garpons and said that he would send a State official to recover this dues instead of Goba of Rupahye. The Garpons remarked that the Wazir had only come in the capacity of an agent to Rupshyo Goba, but not as an officer of Kashmir Government to settle the disputes. I also told the Wazir that as this grazing due was only as income of Rupahye Goba and he could stop its realization till final settlement of the dispute, which

would satisfy the Garpons, but he refused to agree to this suggestion. Then the question of filing the application regarding further witnesses was discussed and the Garpons at the end agreed to file an application on behalf of the complainant to the effect that unless Kunzang and other men of Rupahyo were not examined, he was not prepared to give any more witnesses living in Tibet.

8. On the 2nd August Tholing Chhongjud who had arrived at Demchok a day before to watch the proceeding of the inquiry, visited the Joint court which was being held at the camp of Wazir. Before any matter could be taken up, the Tholing Chhongjud repeated the whole story of murder and grazing dispute, and requested us, the representatives of three Governments British, Tibet and Kashmir- to do full justice to the murder of his subject, deceased Champa Skaldan by Rupahye Goba Chhewang. He also said that according to Tibetan law the statement of an accused person could not be recorded without first giving him lashes to find out the truth. I explained him that our law did not allow much procedure. He further said that he was not satisfied with the present inquiry. The Wazir instead of politely treating him, asked him in rough and threatening words to give his statement that be after his own inquiry found Chhewang guilty of murder of Ghampa Skaldan.

Seeing that a Tibetan Officer of position was thus being threatened and disgraced before court, I told Wazir that he should be more careful in using such hard morsand showing impoliteness towards Tibetan officials. Although the Chhongjud was not interpreted all the words Wazir used yet be from the attitude of Wazir gathered that he was being disagreed by him and left the court saying that he might be given final decision regarding murder and arrangement of grazing dispute, the main cause of murder. The garpons at the end of the day's sitting told us that they would after inquiry from the Chhongjud inform us whether witnesses. The court adjourned at 7.30 p.m. When we returned to our camp a strong gust of wind blew followed by a heavy

shower of rain. The Garpons and myself were dissatisfied at the disgraceful attitude of the Wazir towards the Chhongjud.

9. On August 3rd court meeting was held at the camp of the Garpons from 2-30 p.m. The Garpons first made a reference to the agreement of 1937 and inquired from Wazir about the decision of the Kashmir Government regarding the return of Tibetan subjects settled in Ladakh district, both old and new, about whom they had correspondence with him, and regarding 2% tax which was being levied on Tibetans going to Ladakh the meeting at Dokpo Karpo in 1924. I informed the Garpons that the Tibetan settlers of Rupshyo Ladakh, according to my inquiry in 1937, were not willing to return to Tibet, and as regards the 2% tax both Kashmir and Tibetan Governments were authorized to levy this tax on the goods entering their territories. The Wazir who was not polite and was not in a compromising attitude since the beginning of the inquiry, told the Garpons in rude manner that the Tibetan settlers in Ladakh who had a continued residence over 55 years could not be returned under the order of the Kash. Government and as regards new comers who are refugees in Ladakh, they could not be returned unless there was an extradition relation between the two Government. Regarding 2% tax after the meeting of Dokpe Karpo he said that he had powers to levy 20% tax in his own territory instead of 2%. This attitude of Wazir all the more infuriated the Garpons who told him that the number of traders who enter Tibetan territory were much more than those want down to Ladakh and if the Wazir did not like that the trade between Tibet and Ladakh should run smoothly, they would be obliged to adopt severe measures against the Ladakh traders and would prohibit them from taking salt from Rudok. I then intervened and told the Garpons that both the Government could levy a 2% tax on the goods entering their territory, and as regards the return of old and new Tibetan subjects the Wazir would give them in writing and they could report the matter to their Government. The Garpons than again started discussion on grazing issue which in their opinion was the main cause

of the murder of Champa Skaldan. The Wazir again told them that without previous order from the Government he could not stop the realization of this fee but he would send a state official to recover it instead of Goba Rupehyo. On this reply the Garpons got irritated and told the Wazir that he had not come there to compromise the disputes but he had come to widen the gulf of differences between Kashmir and Tibet and if there be some more murders and offences like it, the Wazir would be held responsible for all those. The Garpons as last effort to reach at an amicable settlement on grazing dues issue suggested that the grazing dues should be deposited with the British Trade Agent till final settlement this matter and the dues would be paid to the party who might have final claim to this land in disputes. The Wazir again repeated his previous argument and did not agree to this proposal, even on my repeated advice. When the meeting was about to adjourn the Garpons told us that as there was no hope of Kunzang and other witnesses coming to Demchok, they would leave for Gartok the next day on the 4th August. They then asked Wazir to send Chhoje Lama to their camp as promised by him. He altogether denied that he promised to send the said Lama to them but they could ask him whatever they liked before court. They were very irritated at this reply and told him that he was not at all responsible and reliable person as he had broken his promise made only a day before. Seeing that the Garpons were displeased the Wazir told them that he would send the Lama in company of Naib Tansildar. This enraged them all the more and told him that they would not bear a Tibetan subject being escorted to their court by an officer of Ladakh. As regards application from chhongjud they replied that they had not received any such thing from him till then.

10. The relation between the Garpons and the Wazir became more strained towards the end. As the remaining witnesses from either side were not produced before the court till 3rd August and there was no hope of their being brought in the near future, the inquiry was closed as incomplete. I therefore

decided to leave Demchok for Gartok on the 4th August. The Garpons started from Demchok at 11 a.m. and I left it at 3.30 p.m. after seeing the Wazir and his party on the 4th August 1939.

11. I received a letter from the Wazir through a constable at 9 a.m. on the 4th August at Shersung camp, in which he said that Kunzang and 5 other men had arrived at Demchok from Rupshye and I should return to Demchok to record their statements and should also inform the Garpons accordingly. A copy of this letter is attached herewith. I accordingly sent a letter to the Garpons who were camping at Tashigan, a stage ahead of me, and requested them to go back to Demchok. They sent me along a letter demanding certain assurances from the Wazir before they returned to Demchok, which I got at 12 p.m. in the night. I then sent a reply to Wazir's letter giving the gist of Garpons' letter in short and requested whether he was prepared to meet most of the demands of them. A copy of Garpons' letter with translation was sent to Wazir a day later through a special messenger. As no reply was received from the Wazir till August 8th, so we started for Gartok on the 9th and reached it on the 12th August 1939. A copy of Garpons' letter referred above with translation is attached herewith. As the inquiry is still incomplete, so the copies of the statements taken at Demchok in connection with the murder case have not been submitted herewith.

12. I may add here that: - (1) The Wazir Ladakh who was often requested by me to be impartial and polite in recording the statements of Tibetan subjects, did not care at all, but always tried to cross them from the beginning in order not to let the prima facie case establish against the alleged accused. The Garpons openly told him that if any of the Ladakh traders who visit Tibet in good numbers happened to be murdered or molested then they would also make inquiry in the same way.

(2) He definitely told the Garpons that he could not stop the realization of grazing dues of the land in dispute but he would depute a State official to recover the annual fee of Rs. 6/- or Rs.4/- as the case may be instead of Goba of Rupshyo according to the State rules. The Garpons in return told him that they would stop Ladakh subject from taking salt from Rudok.

(3) The Wazir told the Garpons that he had powers to levy 20% tax on the goods imported into Ladakh.

(4) The Tholing Chhongjud who was so disgracefully treated by the Wazir, told me and the Garpons that if no satisfactory inquiry would be done, he would take revenge from Goba himself. He was prepared to omit an act of violence on the 2nd August, but I explained him the consequences of such actions and Wazir was also informed of it.

From the above mentioned facts I conclude that from this inquiry the present matters in dispute between Ladakh and Tibet have not concluded but they have taken a serious turn. If no satisfactory inquiry will be held and no composing measure will be adopted, the relations between Tibet and Kashmir Government will be much strained. The result will be that the poor Ladakh traders who visit Tibet every year will suffer.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- K.Ram,

Rai Bahadur,

British Trade Agent, Gartok.

From

The Wazir Wazarat, Frontier District,
Ladakh.

To

Rai Bahadur, Dr. Kanshi Ram Sahib,
British Trade Agent, Gartok, Camp Demchok.

No. 64-C. Dated Camp Domchok, the 28th July 1939.

Sir,

With reference to your letter No. 76-A of date received just now I have the honour to say that it is the business of the complainants to produce their evidence. There has been no request under section 208, clause 3 of the Criminal Procedure Code, on the part of the complainants described in your letter under reply before the Joint Officers, to the effect that the witnesses cited in your letter be summoned through the Wazir Wazarat, Ladakh. Neither you nor I, could foresee that these persons of Rupahu would be cited by the complainants as their witnesses. As for Kunzang, father of Chhewang Goba and Sonam Mirup, of Rupahu, there was no doubt, mention made in the letter on the Garpoons addressed to you on the 3rd of 7th month Satak yar (Tibetan) and it is no doubt, a fact that at Leh, we jointly thought it advisable to common them at Demchok.

The Sub-Inspector of Police, Ladakh has brought Sonam with him and he is at present here. As regards Kunzang he has reported that he is not at his residence but in Kalang, Kangra District. As regards other witnesses of Rupahu the Garpoons have told yesterday definitely, as you know that they would apply in writing for summoning their witnesses of Rupahu.

I may add for your information that the enquiry by Police of Ladakh, regarding Garpoona' information that of 1937 as to the murder of Champa Skaldan, by Chhswan Goba having been completed the papers have long since been filed. So the question of Kunzang's evidence could not be anticipated.

You and I have both been appointed for holding joint enquiry in this case and it is when we both meet, summoning of witnesses and other things connected with the enquiry can be discussed and decided. In my individual capacity I cannot say how long you and I have to take in completing this enquiry.

I have etc.,

Sd/ R. Chandra,

Wazir Wazarat, Ladah.

From

The Wazir Wasarat, Frontier District,
Ladkah.

To

The British Trade Agent, Gartok.
Camp Tashingan.

Most Urgent

No. 96-C, dated, Camp Demchok, the 4th August, 1939.

Sir,

With reference to your letter No. 79-A of date, I have the honour to inform you that Kunzang and other witnesses of Rupahu (names given below) have arrived just now here at Demchok. I would therefore, request you to please come over here to record the evidence and also inform the Garpoons accordingly.

It would be better if you reach here by tomorrow evening and record the evidence. With a view to await your arrival, I am handling here two days more. Kindly inform when you are reaching. This may please acknowledged an treated most urgent.

I have etc.,

Sd/- R, Chandra.

Wazir Wazarat, Ladakh.

5 p.m. 4-8-39.

Name of Witnesses.

1. Kunzang.
2. Gutuk.
3. Balce
4. Naktikpa
5. Nawung Celak.
6. Mephram

Translation of a letter dated Tashigang the 20th, 6th month Sa-yu year, from the Garpoons at Gartok the British Trade Agent, Gartok.

We received your letter in which you refer that you got a letter from Nazir Lakakh saying that six out of the witnesses residing in Ladakh have arrived at Demchok after we have left it. He further has asked us to return there. The British Trade agent in his previous letter regarding the murder of Champa Skaldan by Rupshyo Geba Chhewang, asked us to reach Ladakh and Tibetan border at Damchok on the 29th of 5th month with all witnesses living in Tibet. It is understood that the Wazir would also bring with him all the witnesses who are the residents of Ladakh. He should have brought with him Kunzang father of Rupahyo Goba. Regarding the necessary of Kunzang's presence the matter had been reported to the three Governments in the time of the former Wazir three years ago. What to say producing Kunzang before the court, other witnesses, residents of Residents of Rupshyo, Ladakh, namely: - Wife of Rupshyo Goka, Nono Gatuk, Ballo, Naktipa, Nawang Galik

and his companion in youth, Gaga Miphum, Chhiring, Padma and Dorje Chiring, whose names were cited as witnesses on the 6th of 6th month (21st July 1939) through the Garpoons by the Tibetan complainants, were not produced before the court till the 19th day of 6th month and for any definite reply regarding there was given. The statements of those witnesses who were present on the spot were according to the wish of Wazir and they were not permitted to give their evidence of their own accord. He did let us bring the witnesses together to find out the truth by cross examining the Tibetan subjects Lama Ghoje etc. were not allowed to appear before the Garpoons for further inquiry. From the way of recording the statements of the witnesses from the way of recording the statements of the witnesses from the beginning to the end by the Wazir, we gathered that he (Wazir) has come as a mukhtar on behalf of the alleged murderer Rupahyo Goba. Being a representative Kashmir Government whether he tried to settle the cases on border according to the mutual treaty between Kashmir and Tibetan Government and to law, or not, it is quite know to you, the British Trade Agent. Now we twelve witnesses who are the residents of Ladakh should be present there, No excuse be made like before. If all the cases whether small or big are waiting at Tashigang for further information and will return to border on receiving the definite reply to above. The bazir should not waste time like before. There may not be any excuse for the non-production of witnesses, In the presence of all the witnesses he may not plead that he has no power to settle the case. He should side with Rupehyo Goba instead of performing his own duties as an officer. If another officer of Kashmir Government, who could settle all the matters in dispute lawfully, may not be duped, then there will only be a burden on the subjects of Ladakh and Tibet. You, British Trade Agent, will kindly consider in this manner and will kindly report the matter to both the Governments of India and Kashmir and move them to depute another Officer who may be well informed in law and be honest and could settle all the matters in dispute next

year. Till the final settlement the villagers of Khsrak and Barqueq and Phunchok Babant guspa may be allowed to enter the grazing ground as before during the winter months. The grazing fee should not be realized for grazing the herds of sheep and goats to the limit of Phalung-Lama-bus, as we are in possession of old documents of over 100 years which give our claim to the land. The dispute regarding this grazing land should be settled on the border after border examining the documents of Tibet and Kashmir, Besides this as we have mentioned above the method of proceeding with the present case by the present Wazir from beginning to end, was brought to your notice from time to time. A Tibetan Subject Lama Chhoje whom we wanted to inquire further about the case, was left in the custody of the wazir. The wazir thinking that Lamax was guilty, sent him secretly away to Ladakh during the night. After that he again summoned him. What to say of sending him to us, he even did not allow us to inquire from him anything. You will now kindly report to the Government that another Officer who may be deputed to settle the case, should bring with him Chhewang, the alleged murderer and other witnesses who are the residents of Ladakh as mentioned above. Beside this Goba Chhewang's account books on which he has entered the price of Pujjar tea Rs. 56/- given to the villagers of Kharak, Barqueq and Phunchok Rabtan, should also be brought before the court. According to the agreement reached between the representatives of three Governments in 1937 of which three copies were drawn up following terms were agreed upon.

- (1) Return of Tibetan and Ladakh subjects
- (2) all the new comers should be returned at once,
- (3) Tibetan subjects should not be sent to bring back the Tibetan settlers in Ladakh till the final settlement. In addition to this after the meeting of Dokpa Karpo the Tibetan Traders who go down to Ladakh for trade are being levied a fresh tax. We request that the report may be sent to the Government that all the matters should be settled together on, the border next year.

Seal of the Garpoons.

CONFIDENTIAL.

No.F.369-1/39.

From

The Deputy Secretary to the Government of India in the External
Affairs Department,

To

The Resident in Kashmir.

Dated New Delhi, the 17th November 1939.

Matters in dispute between Kashmir and Tibet.

.....

Sir,

In continuation of letter from the Government of India in the External
Affairs Department No.F.364-1/39, dated the 26th October 1939, I am directed
to forward a copy of the communication noted in the margin.

No.F.213-P/38.

From

The Hon'ble Lr.C.P.Skring, O.B.E., I.C.S.,
Resident for the Punjab States,

To

The Secretary to the Government of India in the External
Affairs Department,
New Delhi.

Dated Lahere, the 3rd November 1939.

Diaries of the British Trade Agent,
Gartok: alleged murder of Champa Skaldan by Eaildar Rupshyo.

.....

Sir,

In continuation of my letter No.F.213-P/38, dated the 29th
September 1939, on the subject noted above, I have the honour to
forward for information, a copy of letter No. 107-A, dated the 2nd
October 1939, and of its enclosure from the British Trade Agent, Gartok,
to the Political Agent, Punjab Hill States, Simla.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. C.P. Skrine. Resident.

Copy of letter No. 107, A, dated the 2nd October 1939, from the Britian Trade Agent, Gartok, to the Political Agent Punjab Hill States.

Alleged murder of Champa Skaldan by Zeildar of Rupshyo,
Ladakh district.

In continuation of my confidential letter No.92-A, dated the 22nd August 1939, I have the honour to say that the Wazir Wazarat Ladakh when he received a copy of the Garpon's letter of which a copy was also submitted with my above letter, did not inform me anything about the demands put forward in the Garpons' letter till the end of September 1939. I have now received a letter No. and dated nil with copies of the statements of 6 witnesses whom he mentioned in his letter which was referred in para II of my above quoted letter. The statements of these witnesses were recorded by him independently at Demchok after we had left it.

I understand that he could not record any statement independently. I therefore have returned all the copies of statements sent by him, through my letter No. 106-A, dated the 2nd October 1939. The copy of my letter to the Tazir Ladakh, Leh, is attached herewith.

II.

Copy of letter No. 106A, dated the 2nd October 1939, from the British Trade Agent, Gartok, to the Wazir Nazarat Ladakh, Len, Kashmir state.

.....

With reference to your letter No.nil, dated nil, I have the honour to inform you that regarding remaining eight witnesses cited on the 21st July 1939 by the complainants, Umzad, Tashigang I and the Garpons waited at Demchok till 3rd August 1939. On inquiry from you, you also

informed me in your letter No. 64C, dated the 26th July 1939 that Kihuzang was not at his residence but was at Kelang, Kangra District. As for other witnesses you were not prepared to summon them without a written application from the Garpon. So there was no likelihood of the presence of these might witnesses at Demchok this year. We therefore left Demchok on the 4th august 1939.

None of us were authorized to make an independent inquiry in this case, which you also admitted in the last paragraph of your above quoted letter, wherein you say that both of us had been appointed to held a joint inquiry. Omders these circumstances the statements of 6 witnesses recorded by you alone are not valid. I am, therefore, returning the copies of the statements sent by you through your letter under reference. I have already submitted my report to the Government of India and consider the inquiry as incomplete in absence of remaining 8 witnesses.

.....

No.F.140/36.

From

The Resident in Kashmir,

To

The Secretary to the Government of India in the External Affairs Department, New Delhi.

Dated Srinagar; the 30th November 1939.

Letters in dispute between Kashmir and Tibet.

Sir,

I have the honour to refer to your letter No.F.364-I/39, dated 26th October 1939, on the above subject and to forward for information copies of the correspondence referred to in the margin. With regard to the last paragraph of the Prime Minister's demi-official letter of 15th November 1939, I would request that I may be informed whether if the Kashmir Government ask directly for a copy of the British Trade agents report there would be any objection to forwarding them a copy of paragraph 1-11 inclusive of confidential letter No.92A, dated 22nd August 1939 from the British Trade Agent, Gartok to the Political Agent, Punjab Hill States forming an enclosure to your letter under reference. This could be suitable edited as there are some rather strong observation made by the British Trade agent on the conduct of the Wazir which obviously were not intended to go further than the political authorities.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. D. Fraser.

Resident in Kashmir.

Copy of a demi-official letter from the Resident in Kashmir, to the Prime Minister, Jammu and Kashmir Government No. F.140/36, dated the 14th November 1939.

.....

Matters in dispute between Kashmir and Tibet.

.....

Would you please refer to the correspondence ending with your demi-official letter No.D.195/38/PB, dated the 29th May 1939, on the above subject.

2. The Government of India have asked that a report of the proceedings in the Champa Skaldan case by the Wazir-i-Wazaat Ladakh with the comments of His Highness' Government there on may be supplied to them.

I shall be grateful if you will kindly furnish me with a copy of the report together with the comments of His Highness' Government thereon.

.....

Copy of a demi-official letter from the Prime Minister, Jammu and Kashmir Government, to the Resident in Kashmir, No.D.195/38/FB, dated the 15th November 1939.

Letters in dispute between Kashmir and Tibet.

Would you please refer to the correspondence ending with my demi-official letter No.D.195/38/PB, dated 29th May 1939, on the subject noted above.

His Highness' Government have received a report from the Wazir-i-Wazarat, Ladakh, in which he states on the basis of the enquiry, that no case has been made out against the Zaildar of Rupshu. He further states that the British Trade Agent left the scene of investigation before all the witnesses were examined. There could, therefore, be no joint report from the Wazir-i-Wazarat, Ladakh, and the British Trade Agent.

I shall be grateful if you will kindly let me know whether the British Trade Agent has made any report of his own in the matter.

.....

Confidential

D.O.No.P.140/36

Srigagar, the 29th November 1939.

Letters in dispute between Kashmir and Tibet.

.....

(My dear Gopaldaswami),

Will you please refer to your demi-official letter No.D.195/38/FB, dated the 15th November 1939, on the above subject.

The Government of India are anxious to examine the report of the Wazir-i-Wazarat together with the comments of His Highness' Government thereon in order to consider what further action should be taken in this matter in view of reports received by them as to the

probable reaction of the Tibetan Government to the failure of the joint enquiry to reach an agreed finding.

I should be grateful therefore, if you would send me a copy of the official report and the comments of His Highness' Government.

I am referring your query regarding a report by the British Trade Agent Gartok to the Government of India.

Yours sincerely,
Sd. D. de M.S. Fraser.

Dewan Bahadur
N.Gopalashami Ayyangar, C.S.I., C.I.E.
Prime Minister,
Jammu and Kashmir Government,
Jammu.

No.F.369-X/39.

From

The Additional Deputy Secretary to the Government of India in the
External Affairs Department,

To

The Resident in Kashmir,

Dated New Delhi, the 10th January 1940.

Subject: - Matters in dispute between Kashmir and Tibet.

.....

Sir,

With reference to your letter No.F.140/36, dated the 30th November 1939, I am directed to say that the Government of India have no objection to letting the Government of Kashmir have a copy of the British Trade Agent's report should they ask for it, and provided that, as suggested by you, it is carefully edited so as to omit any observations which might offend the susceptibilities of that Government.

2. It appears from the report that the conduct of the Wazir sent by the Kashmir Government was far from satisfactory and it is suggested that this might be brought to the notice of the Darbar if the report as edited uses not make it apparent.

This communication is issued under the authority of the Crown Representative.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. E.W. Fletcher.

Additional Deputy Secretary to the Government of India.

Copy of letter No.F. 140/36, dated the 24th February 1940, from the Resident in Kashmir, to the Secretary to the Government of India in the External affairs Department, New Delhi.

.....

Matters in dispute between Kashmir and Tibet

I have the honour to refer to the correspondence ending with the External Affairs Department letter No. F. 369-X/39, dated 10th January 1940, on the above subject, and to forward, for the information of Government, a copy of the report of the Wazir-i-Wazarat, Ladakh, received from the Kashmir Government. The report deals at some length with the question of of witnesses and the recording of their evidence and goes on to summarise the evidence recorded. The Kashmir Government have stated that they must reserve their comments until they have seen a copy of the British Trade Agent's report in the matter.

2. In my reference to Government, I had suggested that before sending the British Trade Agent's report to the Kashmir Government, It should be so edited so as to remove the adverse comments of the British Trade Agent on the conduct of the Wasir which were likely to cause offence. In your letter under references however, it is proposed that these allegations should be passed on to the Kashmir Government. Having received the Wazir's report which is a straightforward document and

singularly free from comment, I can now see little advantage is so doing. The Wazir was acting as the Kashmir Government's representative and the letter are most unlikely to accept these observations without protest. They may well question his impartiality of the British Trade Agent, a point on which I am myself not free from doubt as a result of the conversation I had with him during his stay in Srinagar, my impression was that he fell he was on a hopeless quest and get no cooperation from his opposite member.

The Kashmir Government were at first reluctant to agree to any form of joint enquiry on the ground that the matter had been investigated by their police who had found no prima facie case against the accused. They however finally did agree to a joint informal enquiry by the Wazir-i-Wazarat and the British Trade Agent, reference my letter No. F. 140/36, dated 11th May 1939.

3. An attempt was in fact made to hold a joint enquiry by the Wazir and the Garpons and though the results were most unsatisfactory, the blame for failure cannot be attached, I think, safely to the Wazir. Some of the Garpons' demands were certainly unreasonable and they made no attempt to confine themselves to the investigation of the murder but brought up questions of boundaries and grazing rights and the return of Tibetan subjects which were outside the scope of the enquiry. It may be assumed, I think, that the Wazir had strict instructions from his Government to confine himself solely to the matter of the murder. The British Trade agent also appears to have done little to induce the Garpons to be more accommodating. In particular, I consider it unfortunate that he made so little effort to persuade the Garpons to return after he had received the Wazir's letter of 4th August stating that further witnesses had arrived. The difficulties of collecting witnesses in such a country and over such distances must not, I feel, be overlooked

and the 3 or 4 days' delay might well have been condoned by the Garpons. In the circumstances, the chances of a satisfactory settlement were small. It is unfortunate that there was no agreement as to the conduct of the enquiry; each party was anxious to conduct it on their own lines, the Wazir on the lines of an enquiry under the Criminal Procedure Code, and the Garpons according to their own methods.

4. It is doubtful if any effective settlement of the matters in dispute between Kashmir and Tibet will be reached by meetings such as those of 1939 and 1937. It is, I think, clear that, though the Garpons may attach considerable importance to the settlement of the murder case, this is only incidental to the bigger question of grazing rights, boundary demarcation, etc., and in present circumstances I see little advantage in further attempt at a settlement of the murder. From a perusal of the Wazir's summary of the evidence recorded, it appears doubtful whether a case could be made out against the accused and it is most improbable that the Kashmir Government would be willing to agree to another enquiry. In my opinion it would be willing to agree to another enquiry. In my opinion it would be best to let the matter drop until Govt. are prepared to take up the major questions when a Commission could be appointed to deal with all matters in dispute. For the present I would suggest that the Kashmir Government be given extracts from the British Trade Agent's reports emitting adverse comments on the Wazir's conduct. They can be informed that Government regret the failure of the joint enquiry to come to any agreed finding and that, should relations between Kashmir and Tibet further deteriorate as a result, Government may be compelled to take action in the interests of Indo-Tibetan relations as a whole.

HIS HIGHNESS' GOVERNMENT, JAMMU & KASHMIR

Office of the Wazir Wazarat Ladakh.

(Report of the Wazir Wazarat, Ladakh on informal enquiry hold on the Tibetan border (Damchuk) jointly with the Britain Trade Agent, Gartok).

Under orders of the Government, vide Chief Secretary's telegram No. D-196/38, dated 27th May 1939, the Wazir Wazaret of Ladakh, was required to accompany the British Trade Agent, to Demchuk, the State Village on the Tibetan border of the state territory. We reached Damchuk, on the 17th of July 1939, although we were due on the 16th of July 1939 according to our programs. The Garpons were asked by the British Trade Agent, vide his letter No. 64A dated with June 1939, to reach Damchuk on the 15th of July 1939, with all the complainants and witnesses regarding the murder of Champa Skaldan by the Zaildar of Rapshu. The Garpons did not turn up on the date appointed by the British Trade Agent but informed on the 15th July 1939, late in the evening, that they would reach Damshuk four days later. We reached Demchok on the 17th of July 1939, and the Garpons arrived on the evening of 19th July 1939. The real proceedings relating to the investigation of the alleged murder case were not, however, started until the 21st instant. Presents were given to the Garpoens and a tea party was also arranged in their honour. Notes-By Garpon is here meant the Junior Garpoen is person and the Senior Garpon by proxy i.e. his Nirpa (agent).

The Garpoons when asked to give as itinerary of the witnesses they wanted to produce in this case said that Unsad of Tashigong grapa would supply this list as they were not the complainants. Unsad gave the names of 17 witnesses and signed the list prepared by the Joint officers. After the list had been signed by Unsad of Tashigong gumpa the Garpeons pressed hard that the names of Unsad, Champa Sulthiun, Champa Chettar and Murzang witnesses should be struck off the list. To most the wishes of the Garpoana their names were struck off the list. The Garpoene further stressed that all their witnesses should be allowed to make their statements is a group according to their Tibetan Law. When they were told that this was not allowed according to the law in force in the States, they let us record the statements of the witnesses individually.

The statement of Champa Rigzan, their chief witness was recorded at first. After one more witness of theirs viz. Noorbe Chhringwas examined. They

pressed us hard to examine the accused goba Chhowang of Rupzhu. All our attempts to explain the law to them, that the accused should be examined after the prosecution evidence was recorded in full failed to convince them and they remained adamant in their contention that according to their law the accused should be examined before they were asked to produce further evidence. The British Trade Agent felt inclined to most the wishes of the Garpoons and therefore I too, had to give in as my non-cooperation with my colleague was not desirable. Before us proceeded to record the statement of Chhewang goba, the Garpoons made another demand that according to the Tibetan law, Chhawang goba of Rupahu must be flegged before his statement was taken down.

The unreasonableness of their demand was brought home to them. After a long discussion they withdrew their demand and I was then able to proceed to record the statement of goba Chhewang of Ropchu. When the statement of the goba was finished the Garpoons, who were also taking down the notes of his statement, demanded to have their memorandum of his statement signed by the goba. This demand of theirs too, being unreasonable was not accepted. They raised a fresh demand that according to the law of Tibet the statement of the accused should be handed over to them. This too, being an extraordinary demand was not acceptable but they would not listen to reason. They threatened the breaking off these proceedings if their demand was not met with. However, with great difficulty we managed to arrange with them in this way that the statement of the accused was handed over to the British Trade agent which he returned the next day after he had supplied them a copy of the statement of the accused. The Garpoons then produced other witnesses and the statements of lama Noorbo, Punchak Tandup, Chhring Sonam witnesses cited by the complainant were recorded. Three more witnesses i.e. Gutuk non of Shashpu, Ganbee and Chhring (Nos. 7,26 and 17 respectively of Duroueq) were not produced by the Garpoons who stated that they had gone after a stray horse and would come some day. They were, however, never produced and the Garpoons said subsequently that they would not produce these witness until Kunzang's (father of Chhowang goba) statement was taken down. The statement of Sonam Murup of Rupshu witness Eo. It was recorded after the statement of village (not gives in the liot) were recorded simply to meet the wishes of the Garpoons. Statement of one Chhuje lama was also recorded. Last of all the statement of Unzad the complainant was recorded with great difficulty as the Garpoons would not allow us to have his statement recorded. This statement was recorded on 30th July

1939. From 31st July 1939, onwards they (the Garpoons) promised to have a petition of the complainant filed to the effect that he would not like to give further evidence unless Kunzang's evidence was

SECRET

D.O.No. 494-C.

Governor's Secretariat,

Shillong.

Dated, the 28th July 1943.

My dear Caree,

I am desired to enclose for your information a copy of a report on the route Denning-Walong. Of Appendix A a copy of the note on stage 15 only is sent as being of special interest.

I am sending a copy of this D.O. and enclosures to Gould.

Encls.

Yours sincerely,

Sd/- Illegible,

O.K. Caroe, Ksq., C.S.I., C.I.E.,

Secretary to the Government of India,

External Affairs Department,

New Delhi.

SECRET

REPORT OF RECCE, PARTY ROUTE DENNING TO WALONG

By Lt.P.P.P. Hutchins, 2nd Assam Riles.

17th April to 23rd May 1943.

MAPS- 91 D, 92A, 91 H, Soale 1' 4 miles.

Distance- DENNING-NM 6860 to WALONG-NM 5478 Appror. 123 miles.

GENERAL DESCRIPTION

A path is existent over the whole route and in many places this follows the old

This petition inspite of the protrested effects of the British Trade Agent, was never submitted before the Joint officers and on the 4th august 1939, the Garpoons struck their camp and left for Gartok in the forenoon. The British Trade Agent also left for Gartok the same day at about 2 P.M. as he had to stay at Sarshaf about 12 miles from Danchuk. After about three hours the British Trade Agent had left the remaining witnesses of Rupochu including Mipum uncle of goba Chhewang, arrived at Damchuk. It may be noted have that Kuasang, about when a great clamour had been raised by the Garpoons also arrived. At that very moment intimation was sent to the British Trade Agent through special messenger to this effect. He was requested to come over to Demchok to record their statements jointly with me and also to inform the Garpoons accordingly. At about 2 P.M. on the 6th August 1939, the British Trade agent's reply came, copy of which is attached for personal. In this he simply mentioned the unreasonable demands of the Garpoons which are quite with the alleged murder case and most of which had already been replied to on the 1st and 3rd August 1939. The British Trade Agent, apparently found it impossible to ensure the Garpoons about the unreasonableness of their demands which were quite unconnected with the case and therefore evaded his coming again to Demchuk for recording the evidence of the Garpoons' witnesses belonging to Rupchu illaqa, Ladakh, District vide his letter No. 81.A dated 6.8.1939 ((please see appendix No.-----)) although the demands made by the Garpoons as stated by the British Trade Agent in his above mentioned letter were already discussed and replied to on the 1st and 3rd of August 1939, vide orders dated 1st and 3rd of August 1939, respectively on the file. Only one witness i.e. wife of the accused did not was reported to have gone to her father's house in Kalang, Kargra District. However her evidence was not material to the case as according to Champa Rignam when both were in goba's tent it seemed to Champa Rigzing that she was wiping her tears that had come to her eyes out of compassion for the Champa Skaldan. I recorded the statements of these men of Rupochu in my capacity as District Magistrats of Ladakh District.

A perusel of the English translation of the Garpoons' letter to the British Trade Agent, received by me on the 14th of August 1939, at my camp Kun with the British Trade Agent's letter No. 82-A dated 7.8.1939, shows that the Wazir Wazerat, was to bring with him all their witnesses who are the residents of Ladakh Tahsil, as if I, in my capacity as Wazir Wazaret of R Ladakh could anticipate the names of the witnesses of the Garpoons which (witnesses) they cited on the 21st July 1939, when on 23.7.1939, they promised to file a

petition before the Joint officer to have their witnesses of Rupochu illaqa summoned, the Sub-Inspector of Police Ladakh who was with me, was verbally instructed to have these witnesses of Rapchu presented before the Joint officers's court as soon as possible. The Carpoons were further told that the distance from Demchuk to the residence of the witnesses in Rupshu illaqa was some seven stages and it would at least take ten days before the witnesses could arrive at Demchuk, even if they marched by double stages a day. Ordinarily it would not take less than 20 days. It may be acted here that the witnesses of Rupchu summoned by the Naib Tehsildar (Sub-Inspector Police) included Kunsang, much slanoured for by the Garpoons were presented at Damchuk on the 4th of August 1939. Had the Garpoons and the British Trade Agent not left earlier the evidence of their witnesses would have been recorded as they arrived within the time calculated. The Garpoons admit that ruply regarding the witnesses of Rupchu was given to them but say it was not defaults. In the circumstances that the distance between Demchuk had Rupchu was seven stages and the way lay over ragged mountains, it could not be said with certainly when the witnesses of Rupchuwould come and the Garpoons themselves must have rearenslised these difficulties.

The Garpoons seem to be incorrect in stating the number of witnesses cited by them on 21st July 1939, as a of the witnesses cited on 21.7.1939 would show that ----- Dorje Were never cited by the complainant on the 21-7-1939, However, Chheje lama had been brought by the Sub-Inspector of Police with him as directed by the joint officers at Leh, in terms of the Garpoon's letter No. Nil, dated 3.7. Satak to the address of the British Trade Agent, copy received by me from the Political Office, Srinagar. This letter of the Garpoons formed the basis of goba Chhewang, though not included in the list of witnesses cited by the complainants on 31st July 1939, was also summoned in view of the fast that according is the statement of Champa Rigean he was also present at the time of the alleged murder of Champa Skaldan by goba Chhewang. In short the Garpoons have failed to avail themselves of the opportunity of having their witnesses of Rupchu produced before the joint officers, when it was intimated to them that the witnesses as of Rupchu cited by them had also arrived. Nevertheless the enquiry is this case is completed for finding out whether the allegations of murder brought against the goba Chhewang of Rupchu are establishment or not.

Wow let me some to the facts of the case which are as under:-

(1) Champa Skaldemn said to have been murdered by goba Chhuwang had no grazing interests of his own, as according to the statements of Champa Rigzan and other witnesses of He had no live-stock of his own. It was on the 5th day of the 18th month (according to Rupahu and Gartok-11th) of the Sinkfak year of the Tibetan Era, that he (witeses) with Champa Skaldan went over to goba Chhowang's tent in the Tsyoga
.....
.....

say if any of the goba's fathers and servents took hold if skaldan when he was being beaten by goba. The stick was in the goba's hands and there was no stick in the hands of the After the release of the witness goba told him that he had killed and that the witness should reveal it to any body. The witness gave him an undertaking to this effect. The undertaking was in Goba's handwriting and was signed by the witness. It was dark when the goba asked the witness to take the deadbody of the deceased to the nalls following by. On witness' refusal, goba loaded the dead body on his (deceased's) pony with the help of Nawang Golik and also some youngman of Rupchu, whose name the witness does not know. The witness alongwith these men went with the pony and threw the dead body of Skaldon in a hole brenched in a stretch of ice-covered mails. He (the witness) was then told to be off. In the dark of night the witness marched off to his village and in the morning come to his tent in the grazing ground. The witness did not tell any body about Skaldan's murder by goba Chhewang. In the third month of the next year the witness again went to Rupchu to goba's tent with six others of Burqueq. It was in compliance to a message sent by the goba. At that time the dead body of Skaldan was floating in the water. Goba brought the witness and others to the dead body of Skaldan and told them to see that

there were no signs of injury on his body. All these seven men took the dead body out of water. It was swollen up. One eye and testicles were missing. The witness could not say which eye, right or the left was missing from the dead body. There being a large swelling over the body, it could not be discerned whether there were any signs of injuries on it. Then they took the dead body of the deceased about ½ furlong' distance from the former place. Goba demanded Rs. 15/- as grazing fee. They paid him Rs.10/- and asked time for the payment of the arrear of Rs.5/- He gave them tea worth Rs. 56/- as puja (forced-sale Goba Chhawang's father Kunsang gave him Rs. 7/- to Champa Rigzan witness) telling him to maintain the secrecy of the murder as he had done hitherto. Goba Chhawang began beating the deceased and the witness without their giving him any provocation. The deceased was a rather, clever and intelligent man and being the representative of the Kharak and Burqueq villages he often entered into discussions with the goba on grazing fee disputes. Goba did not like this. So it is thought by the people of these villages that goba had enmity with the deceased. The witness also stated that it was during the 4th month of the same Sinkfak year (3rd month according to Rupchu and Gartok) that Champa Skaldan had come all alone to Rupchu. He saw goba Chhawang in these days but would not come to terms with him. Sonam Murup then told him that he should come in the Lhasa days along with one or two more of Kharak in the 12th Bodhi month and he (Sonam Murup) would have their grazing dispute settled. At that time too there were unpleasant relations between the goba and the deceased Skaldan.

Punokak Tundup and Rigzan Murup both of Burqueq, are the only two witnesses out of the 7 men stated to have gone in the 3rd month of the year next to Sinkfak, to Rupshu, produced by the Garpoons who say that they went to Rupshu in the third month of the Sinkhi year. They along with others went to Rupchu where goba Chhawang along with his father Kunzang came with them to the place where the dead body of Champa Skadam was lying. Lhasa seven men took the dead body out of water and threw it in the open ground. Both of them corroborate the statement of Champa Rigzan that the dead body was swollen up and eye and testicles were missing on it. They both like Champa Rigzan cannot say which eye right or left was missing from the dead-body nor could they discern any injury on the dead-body of

the deceased Skaldan owing to the swelling up of the corpos. Both of them say that Champa Rigzan when he reached back on the 5th day of the 12th month of the Siakfak year had told them that skaldan had died by falling in Tgyaga nalla. Punchak Tumdup saw the deceased only three times in his life-time. Rigzas Murup though he know Champa Skaldan but having been living in jungle from his childhood he never went to the house of Champa Skaldan though the deceased came to him in the jungle and meet him there. He recognized Skaldan's dead body from his teeth. Both of them say that in the time of goba Chhewang's father Champa Rigzan generally went to him for the payment of grazing dues but in the time of Goba Chhewang, Champa skaldan went to him for the payment of the grazing duos. RigzanMurup also stated that Champa Rigzan had told him that Goba had also written a letter to him and that he (Champa Rigzan) had promised the Rupshu goba that he would come to him for the settlement of the grazing dispute and for Desing the dead body of Champa Skaldan; and that goba had given him (Champa Rigzan) a letter as well. This witness (Rigzan Murup) does not say that Champa Rigzan had told him that Chhewang goba of Rupchu had killed Champa Skaldan. Skaldan never told the witness that he had enmity with the goba of Rupchu but it were other people who said that Skaldan deceased had enmity with the goba Chhewang of Rupchu. There are other witnesses Chhring Sonam, Lama Moorbe, Moorbe Chhring, lala Tashi Tundup and Unzad Champa Sulthiu the couplainant whose statements were recorded. They neither saw Skaidan being beaten to death by Chhewang goba of Rupchu nor did they see the dead body of Skaldan. They all state that they have head from Champa Rigzan. All these witnesses excepting Unxad Champa Sklthium the complainant, any that Champa Rigzan had told them first that Champa Skaldan had died by falling in a nalla but on their further enquiring of him Champa Rigzan told them that goba Chhewang had killed Champa Skaldan. Noorbo Chhring of Kharak states that Champa Rigzan had told the people of both the villages Kharak and Burqueq in the 2nd of the 12th month of the Sinkfak year through some other man of Kharak namely Urgial that Champa Skaldan who had gone with him had fallen in a nalla and died. Lama Tashi Tundup was the Head lama of Punchok Raftan gunpa when Skaldan along with Champa Rigzan is said to have gone to Rupchu.

He states that in the end of the 11th month of the Sinkhi year he along-with six others namely Chhampa Rigzan, Punchak Thchup. Rigzan Murup Angud, Sonam Chhring and Champa Chhambel lama went to Rupchu with a view to secure reduction in the aaual rate of grazing fue from the goba Rupchu. Before seeing the goba they went to Chhuje lama at Chamur and requested him to come with them to Rupshu goba with a view to recommend reduction in their grazing fee but Chhuje lama refused to comply with their wishes. They borrowed Rs. 5/- in cash and one tant from the lama. They then want to Chhewang and offered him licqer and meat about one half of a he-goat. They also offered him Rs.1/- as nasarana. Goba did not needed to their request of reduction in the grazing dues and also did not accept mazaraon. They paid Rs. 15/- including Rs.1/- that of nazarana to goba. He, at the time of their departure gave them one thaliful of rice and one leg of meat and told them to come in the 5th month of the next year on the occasion of Chhuje lama's Bhumeik (coming out of Chills). They

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that in the third month lamas and gobas of Burqueq and Kharak should come to take the dead body out of water from the place where Skaldan had died. The witness knew Champa Skaldan from the time of his birth. He was in a lama in his gumpa. He was not a had character but he deprived of lamaship by the lama of the gumpa. Skalden had no hair. The only sister he had died after him. He had no live stock. He looked very healthy and was very strong, and a clever fellow in all the three tillages including the gunpa. The witness does not know either there were good or bad relations between Skaldan and goba Chhawang or between goba Chewang and Champa Rigzan Noorbe Chhring witness states that in the third month of the Sinkh year they received a letter from goba Chhawang summoning Champa Skaldan and gobas of Kharak village and one more reliable paroon. The witness did not himself read the goba's letter.

He only heard from some one that letter was received from goba but this letter is not available. He heard that the goba had written that the people of Kharak who had carried his luggage while he was coming from his pilgrimage to Rawalsal in the Mandi State and had charged hire from his home-people should come to Rupchu to explain why they charged hire from him. The third month being the cowing season they did not go to Rupchu. In the 5th month of the Simfak year goba sonam Tundup, Deadoel, Durje Chhring of Kharak with their 5 yaks went to Chhuja lama of Rupchu to bring grain. The witness was not with them, Goba caught hold of these people and threatened than to have their hands and fact out off for their disohpying his orders and he also confiscated their yaks. On Chhuje lamas paying him Rs. 5/- he released all these persons and returned their three yaks. The witness was told this story by these person. The witness further repeate the story by these person. The witness further repeats the story heard from Champa Rigsan. He also corroborates the story of Tashi Tundup lama of their going to Rupshu in the 8th or the 9th month of the Siakhi year. Tashi Tundup lama, Chhring Sonam and four others of Burqueq whose names the witness does not know, want to goba Chhewang for the reduction in their grazing fee. Goba get Rs. 15/- but the witness was not with them. He was told this tory by the people of Kharak. The witness does not know how many months have passed since that occurance. He knows Champa Skaldan deceased. The deceased was formerly a lama in Burqueq, where he contracted some illicit connection with a woman whose name the witness does not know and who is not now alive. There is no near or

remots relation of the deceased living now. The deceased had no house or landed property in Kharak but he had land and house in Burqueq village. The witness know the deceased for 8 years. He did not know if the deceased had any live-stock. The witness know that the deceased was a clever and an intelligent man in all the three villages i.e. Kharak, Burqueq and Punchak gunpa. He (the deceased) was made their agent and fought their cases whenever it was needed. His requirements were looked to by the villagers and was supplied a pony for riding and given clothes and food besides. The witness heard about Champa Skaldan's murder from Champa Rigzan, in the 4th month of the next year. The witness did not see his dead body. Champa Rigzan told the people of Kharak and Burqueq through one Urgian in the end of the 12th month of the sinkhi year that Champa Skaldan who had gone with him had fallen in a nalla and died. Tashi Tundup lama of Burqueq performed the last rites of the deceased Skaldan and it is not known to the witness what relation Karma Chhring had with the deceased. As suggested by the Garpoons the witness stated that he does not know if the deceased skaldan had any house or land in both the villages Kharak and Burqueq. Sonam Murup and Chhuje lama witnesses belonging to Rupchu say that they did not know Champa Skaldan deceased nor they Rigzan. They both state that they have no know the murder of Champa Skaldan in Tayegn halla no..... heard or lama states that in the 11th month of the Sinkhi year he was at Chamur and undergoing penance. He was shut up in a room and nobody was allowed in except his servants. Lama T Shi Tundup or his six companions did not come to his room in that month. They never came to him even after his penance till now. Nobody of Kharak or Burqueq ever borrowed Rs. 5/- or a tent from him in Chamur nor any body of the above villages ever approached him with the request that the witness should arrange to settle their grazing dispute with goba Chhewang. The witness further says that in the 5th month of the Sinfak year no men of the names of Sonam Tundup. Dadoal, Durje Chhring did come to him for borrowing grain. He was then performing and was shut up in his room till the 4th month of the Sinkhi year.

Goba Chhrwang, Sarbarah Zaildar of Rupchu denies having known Skaldan or Champa Rigzan or having killed Champa Skaldan, witnesses of Rupchu i.e. Kunsang Mipun fathers of Cherang Goba, Gutuk. Nawang Golit, Daloo and Naktikpa all say that they did not know Champa Skaldan nor do they know Champa Digzan. They have never known that man Champa Skaldan was murdered by the goba of Rupshu (Chhewang Goba)

Kunzang the father the Chhewang, definitely says that he never paid Rs. 7/- to Champa Rigzan or any other man. Gopa Chhewang says that on Lular days of the Sinkfak year he was in his ancestral abode at Kurauk and his statement has been corroborated by Son N Murup, witness of the Garpoons, Kunzang and Nipum say that they were in the Chamat Gunpa on the occasion of Lular days in the Sinkfak year and they did not come to Teyaga nalla till the next year, Kunzang says that from the 10th month of the Sinkfak year he remained in the Charmur Gunpa. He further says that he does not live with his son Chhewang in the Toyaga nalls but he lives in a separate tent whenever he comes to live there. Wipun says that he did not live or reside in the teyaga nalla in the Sinkfak or the Sinkhi year. All the witnesses of the Kharak and Burqueq villages of Tibet produced by the Garpoons, state that the grazing land for which goba Chhewang realizes grazing fee from them (graziers of Kharak Burqueq and Punchak Raften gunpa) belonged to them originally and this grazing land which lies from Phalang Lama Bhum to Quensong nalla was forcibly taken possession of by the grandfather of Chhewang goba of Rupchu some forty years ago, Since then they have been paying Rs. 6/- annually as grazing fee for the grazing of their live-stock to goba's fore-fathers and to goba himself. They never questioned the title of goba Chhewang or his fore-fathers to this grazing fee which they submissively paid to the goba and his fore-fathers. They never before, till now, brought it to the notice of the Tibetan authorities that this grazing land was not included in Kashmir territory. It was in goba Chhewang's time that they were asked to pay this fee at an enhanced rate. For the purpose of securing reduction in the higher rate of grazing fee levied by goba Chhewang and to bring it to the level of former rate of Rs. 6/- annually the villagers of Kharak and Burqueq villages including Bunchak Raftar gunpa had detailed Champa Skaldan and Champa Rigzan to Rupshu Skaldan had visited Rupshu in the 4th month of the Sinkfak year all alone according to Champa Rigzan, and with a companion whose name is not known according to others. He had visited Chhewang goba at that time, also. Lama Noorbo produced three manuscripts and gave them over to the Garpoons court, who said that they could not trace the dates of these documents without consulting their jantries. They further said that in one of these manuscript it was laid down that from the end of Phalang (big stone) upto Quenzong nalla the grazing area belonged to the Tibetan villages. This witness also produced three letters alleged to have been written by Chhawang Urgial (Goba Rapahu) but he give these letters to the Garpoon's court. The Garpoons did not file these letters before the joint officers but gave copies of these letters which along

with their english translation are on the file. The Garpoons did not file in original before the Joint Officers the manuscripts regarding the claim of the Tibetan villages to this grazing land from Phaland Mama Bhun to the Quenzong nalls of the Rupchu illaqa. The Garpoons without having any authority have asked the goba of Rupshu (Chhewang) vide their letter No. Nil, dated the 28.7.39 addressed to the goba not to realize the grazing dues from the Tibetan graziers till the decision of the murder case. As regards the letter alleged to have been written by goba Chhewang to the people of Kharak, Murqueq and Punchak Reftan gunpa in connection with the murder of Champa Skaldes the Garpoons forgot to have the origin identified by gobe Chhewang. The undertaking said to have been given by Champa Rigzan and written in goba Chhewang's hand to an effect that Ckampa Skaldan had died by falling in a nalla, base not date while the second letter No.3, stated by Champa. Rigan to have been given to him by Chewang goba asking the people and lamas of Burqueq to come to Rupshu on the 1st day of us 3rd month of the Sinkhi year regarding the settlement of the grazing dispute, bears the date 13th of the 11th month of the Sinkfak year. This letter is said to have been from the Zaildar of Rupchu father and son. The first letter sent by goba Chhewang to the people of Burqueq is regarding the encroachment on grazing ground. There are four other letters copies of which have been given by Garpoons which relate to the price of the tea given in pujjar and the demand thereto made by goba Chhewang.

As stated above the undertaking though not in original having been identified, does not bear the date and only relates to the falling down of a man in water. No mention of Champa Skaldan is made there in the letter No. 3 stating that they should come on the 1st day of the third month as noted above is dated the 13th day of the 11th month of the Sinkfak year. This letter is alleged to have been given to Champa Rigzen on the day of the alleged murder of Champa Skaldan when the same night Chanpa Rigzant went to his tent in the grazing land. As it would appear from the statement of Champa Rigzan he, after throwing the dead body of Champa Skaldan, marched straight to his tent in the grazing area where he reached early in the morning. It means he came with the deceased as stated by him before sunset in Goba's tant on the 5th day of the 12th month (11th according to Rupchu and Gartok) of the Sinkfak year and in the dusk of the same day he left for his winter residence in the grazing land. As such the letter if genuins, must have been written on the 5th day of the 12th month (11th month according to Rupchu and Gartok) of the Sinkfak year. This date of 13th when the incident of the said murder occurred on the 5th

day of the 12th month (11th month according to Rupchu and Gartok) of the Siakfak year and Champa Rigzan who is said to have taken the letter left for his tent in the grazing land the same evening, show that the letter was written 8 days after the occurrence of the alleged murder and departure of Champa Rigzan from Rupshu,. As such the letter goes a long way to contradict the statement of Chempa Rigzan.

Regarding the amount of Rs. 7/- said to have been received by Champa Rigzan in the third month of the Sinkhiy year from Kunzang the father of Chhowang goba (though Kunzang quite denies this allegation and also states that he does not know Champa Rigzan) the letter of the Garpoons to the British Trade Agent which forms the basis of the enquiry under report, contain that Rs.7/- were given to Champa Rigzan by Kunzang on the very day of the alleged murder of Champa Skaldan by goba Chhewang when Kunzang is said to have taken Champa Rigzan from the hands of goba Chhawang. Thus there is a material discrepancy even between the statement of Champa Rigzan and the letter addressed by the Garpoons to the British Trade Agent.

The Shaksod of Thuling gunpa who claimed to be the overlord of the three villages and of the Tashigong gunpa did not depose if he was confident that goba Chhea had killed a Champa Skaldan. I have seen the statements of Chhewang goba and Sonam Nurup recorded by the police. There is no material discrepancy between their statements recorded by the Police and those recorded by the Joint officer. Rupshu goba on the other hand says that this fictitious allegation has been brought against him by the Garpoons who are anxious to see him removed from the Daidari as they find him a bar to their armed raids in bringing back the Tibetan settlers of Rupshu illaga. This is borne out by the remarks of Ration Singh Sahib late wazir Wazarat Ladakh that the Garpoons are bent upon seeing the destruction of Zaildar of Rupshu (copy of remarks enclosed) most of the witnesses of the Garpoons belonging to Burqueq and the complainant say that the people of Kharak, Burqueq and Punchak Raftan Gunpa are very afraid of the Rupshu goba and they say that their lives are not safe at his hands and that he should be removed from the Chowkidari of the border. All these things taken together along with the facts that Champa Sigzan, the only witness who was with the deceased did not see himself whether Skaldan had died or not but heard that Skaldan had died; and that in the first instance he declared that skaldan had died by falling in a nalls; and that he was given Rs. 7/- when he went along with six others to Rupshu in the third month of the year next to Sinkfak (While in the Garpoons' statement

addressed to the British Trade Agent he is said to have been given Rs. 7/- at the time when he was saved by Kunsang from the hands of goba Chhewang; and that the other witnesses say that they heard from Champa Ngzan; and that the complainant heard of the murder of the deceased Skaldan not from Champa Rigzah direct but from Tashi Tundup Lama, who was told this by Champa Rigaan when he brought the sealed bags of tea to Tashigong Gunpa; and that Skaldan deceased is said by Champa Rigzan having his land and house in Burqueq while others have shown their ignorance regarding his house or landed property; and that Shaksed. Thuling gunpa dared not say if he was confident of the allegations that Chhewang goba killed the deceased Skaldan; and that the Sarbara saildar pleads alibi; and that the Rupahy witnesses of the Garpoons more particularly Kunzang express ignorance of the alleged murder of Skaldan by Chhewing point out clearly that the Garpoons have failed to prove their allegation of murder of Chumpa Skaldan by Chhewang Sarbarah Zaildar of Rupshu. Thus no prima facie case of murder has been made out against Chhewang (Sarbarah) Zaildar of Rupshu.

Dated 1/9/1939

Sd/- Wazir Wazarat, Ladakh.

No. 54-A

From

The British Trade Agent, Gartok.

To

The Garpoons at Gartok,
Gartok.

Sir,

In continuation of this Agency letter No. 49-A, dated the 17th May 1939, I have the honour to say that I with my party and the Wazir Ladakh will reach the border at Damchok on the 16th July 1939 (30th day of 5th month Tibetan). You will also kindly reach there on the 15th July 1939, a day earlier with all complainants and witness on regarding the murder of Champa Skaldan by faildar or Rupshye. Even now if you fail to come to border to meet the representatives of British and Kashmir Government in above connection, then your case will not further be considered by the Government.

I have etc.,

Sd/- K. Ram,

British Trade Agent, Gartok.

Copy of a letter No. 96-C, dated the 4th August 1939, from the Wazir Wazarat, Frontier District, Ladakh, to the British Trade Agent, Gartok Camp.

With reference to your letter No. 79-A, of date, I have the honour to inform you that Kunzang and other witnesses of Rupshu (names given below) have arrived just now here at Damchuk. I would therefore request you to please come over here to record the evidence and also inform the Garpoons accordingly.

I would be better if you reach here by tomorrow evening and record the evidence, with a view to wait your arrival, I am halting here two days more. Kindly inform when you are reaching. This may please be acknowledged and treated most urgent.

Name of witnesses

1. Kunsang
2. Gatuk
3. Balco
4. Naktikpa
5. Nawang Golak
6. Mephram

Copy of a letter No. 81-A dated the 6th August 1939, from the British Trade Agent, Gartok to the Wazir Wazarat, Ladakh, Camp Demchok.

With reference to your letter No. 96-C, dated the 4th August 1939, I have the honour to say that I inform the Garpoons accordingly regarding six witnesses referred to in your above letter. The reply of Garpoons was received last night at 12 p.m. they say that till their stay at Demchok up to the 19th day of 6th month (3rd August 1939) you had told them that without a written application from the complainant, you could not produce any of these witnesses who were cited by the complainant, Tashigang Umsad, on the 5th day of 6th month (21st August 1939). Regarding Kunsang you told them till the last minute that he was in Kolang, Kullu, and could not be brought in till next year. Out of these witnesses Narzing, wife of Chhewang and Dorje a sevant of Chhoje lama are still away. They have given the names of three other witnesses of Rupshye, namely; Da-Chhiring Padma and Dorje Chhiring, whose evidences they consider necessary in the murder case. They further say that even Chhoje lama, Tibetan subject, who was present at Demchok was not produced before them as promised by you. If a 11 these above witnesses were not produced before the Joint court, the Garpoons say that they are not prepared to proceed with the inquiry further. They further say that their request to stop the realization of grazing fee of the grazing land upto the limit of Phalung-lama-bum, till the final settlement of grating land in dispute was not acceded to as this grazing land belonged to them according to the record given in the two old manuscripts produced before the Joint court. The main cause of the murder of Champa Skaldan is the above grazing land in dispute. Thirdly they say that whether Wazir Ladakh is prepared to settle the terms of agreement regarding the return of Tibetan Subjects settled in Ladakh district, etc., given by Rao Rattam Singh, former Wazir, in 1937.

Under the circumstances you will kindly let me know that whether you are prepared to meet the wishes of the Garpoons as mentioned above.

Copy of a letter No. 82-A dated the 7th August 1939, from the British Trade Agent, Gartok, to the Wazir Wazarat, Ladakh, Camp Demchok.

In continuation of my letter No. 81-A, dated the 6th August 1939, I have the honour to forward herewith a copy of the letter received from the Garpoons at Gartok with a translation.

2. You will kindly correct the date in line eleven of the letter referred above for 21st August 1939 substitute 21st July 1939.

Translation of a letter dated Tashigang the 20th, 6th month Sa-yu year, from the Garpoons at Gartok the British Trade Agent, Gartok.

We received your letter in which you refer that you got a letter from Nazir Lakakh saying that six out of the witnesses residing in Ladakh have arrived at Demchok after we have left it. He further has asked us to return there. The British Trade agent in his previous letter regarding the murder of Champa Skaldan by Rupshyo Geba Chhewang, asked us to reach Ladakh and Tibetan border at Damchok on the 29th of 5th month with all witnesses living in Tibet. It is understood that the Wazir would also bring with him all the witnesses who are the residents of Ladakh. He should have brought with him Kunzang father of Rupshyo Goba. Regarding the necessary of Kunzang's presence the matter had been reported to the three Governments in the time of the former Wazir three years ago. What to say producing Kunzang before the court, other witnesses, residents of Residents of Rupshyo, Ladakh, namely:- Wife of Rupshyo Goka, Nono Gatuk, Ballo, Naktipa, Nawang Galik and his companion in youth, Gaga Miphum, Chhiring, Padma and Dorje Chiring, whose names were cited as witnesses on the 6th of 6th month (21st July 1939) through the Garpoons by the Tibetan complainants, were not produced before the court till the 19th day of 6th month and for any definite reply regarding there was given. The statements of those witnesses who were

were present on the spot were according to the wish of Wazir and they were not permitted to give their evidence of their own accord. He did let us bring the witnesses together to find out the truth by cross examining the Tibetan subjects Lama Ghoje etc. were not allowed to appear before the Garpoons for further inquiry. From the way of recording the statements of the witnesses from the way of recording the statements of the witnesses from the beginning to the end by the Wazir, we gathered that he(Wasir) has come as a mukhtar on behalf of the alleged murderer Rupahyo Goba. Being a representative Kashmir Government whether he tried to settle the cases on border according to the mutual treaty between Kashmir and Tibetan Government and to law, or not, it is quite know to you, the British Trade Agent. Now we twelve witnesses who are the residents of Ladakh should be present there, No excuse be made like before. If all the cases whether small or big are waiting at Tashigang for further information and will return to border on receiving the definite reply to above. The bazir should not waste time like before. There may not be any excuse for the non-production of witnesses, In the presence of all the witnesses he may not plead that he has no power to settle the case. He should side with Rupehyo Goba instead of performing his own duties as an officer. If another officer of Kashmir Government, who could settle all the matters in dispute lawfully, may not be ducted, then there will only be a burden on the subjects of Ladakh and Tibet. You, British Trade Agent, will kindly consider in this manner and will kindly report the matter to both the Governments of India and Kashmir and move them to depute another Officer who may be well informed in law and be honest and could settle all the matters in dispute next year. Till the final settlement the villagers of Khsrak and Barqueq and Phunchok Babant guspa may be allowed to enter the grazing ground as before during the winter months. The grazing fee should not be realized for grazing the herds of sheep and goats to the limit of Phalung-Lama-bus, as we are in possession of old documents of over 100 years which give our claim to the

land. The dispute regarding this grazing land should be settled on the border after border examining the documents of Tibet and Kashmir, Besides this as we have mentioned above the method of proceeding with the present case by the present Wazir from beginning to and, was brought to your notice from time to time. A Tibetan Subject Lama Chhoje whom we wanted to inquire further about the case, was left in the custody of the wazir. The wazir thinking that Lamax was guilty, sent him secretly away to Ladakh during the night. After that the again summoned him. What to say of sending him to us, he even did not allow us to inquire from him anything. You will now kindly report to the Government that another Officer who may be deputed to settle the case, should bring with him Chhewang, the alleged murderer and other witnesses who are the residents of Ladakh as mentioned above. Beside this Goba Chhewang's account books on which he has entered the price of Pujjar tea Rs. 56/- given to the villagers of Kharak, Barqueq and Phunchok Rabtan, should also be brought before the court. According to the agreement reached between the representatives of three Governments in 1937 of which three copies were drawn up following terms were agreed upon.

- (1) Return of Tibetan and Ladakh subjects
- (2) all the new comers should be returned at once,
- (3) Tibetan subjects should not be sent to bring back the Tibetan settlers in Ladakh till the final settlement. In addition to this after the meeting of Dokpa Karpo the Tibetan Traders who go down to Ladakh for trade are being levied a fresh tax. We request that the report may be sent to the Government that all the matters should be settled together on, the border next year.

Seal of the Garpoons.

Translations of seven letters in Tibetan sent by Gobe Rupahyo to the people of Barqueq.

Letter No. 1.

This is being sent to you, Lamas, dabas and Korpas of Barquq that you promised last year that you would come to me on the occasion of Kyebze Bumchog in connection with grazing in Quenzong, but you have come as yet. Now you should remain in your own place. If you again repeat your encroachment on the grazing ground, this will surely result in a quarrel between you and me, You Lamas and zamindars of Barqueq should note likewise. A full detail about this my messenger will relate to you. From Rupshyopon, dated the 25th of fourth month Sinkfak year. (Note by the Garpons at Gartok: - this letter was brought from Hubahyo tobarqueq in the 5th month by a man whom we do not know, we sent a verbal message through the same man that the grazing in quenzong should be according to the old custom).

Letter No. 2. (An Agreement)

Regarding the falling down of a man in water, I the undersigned hereby undertake to give in writing before the competent court- the following that I, Jhemba Rigzin, in person and gobas and other men of village would peme in the 1st day of 3rd month. If we fail to come, we hold ourselves liable to pay Rs. 110/- to Zaildar Rupshyo as compensation. Sd/- Jhemba Rigzin by Chhewang goba of Rupshyo after killing Chsmpa Champa Skaldan in 12th month of Sinkfak year of Barqueq. It was written by goba Chhewang himself in the present of Jhemba Rigzin. This original agreement was returned by Goba Chhewang after Rigzin and others had thrown away the dead body in the 3rd month of Mi-chi year and was brought to Barqueq in the same month).

Letter No.3.

To the address of Lamas and six families of Barqueq.

You are hereby ordered to come here on the 1st day of 3rd month regarding grazing dispute. Besides this in accordance with the agreement given by Jhemba Rigzin, if you fail to come here on the 1st day of 3rd month, you will have to pay compensation. From Zaildar Kunzang year: -

(Note by the Garpons at Gartok: this letter was written and sent by Goba Gahewang of Rupahyo through Jhemba Rigzin after killing Champa Skaldan. Received in Barquap village in the 3rd month of Mi-Chi year Korpas Jhemba Rigzin etc. in all seven mon had gone Goba Chhewang in connection with dead body and came back).

Letter No. 4.

From Chhewing addressed to Koraps Lhunchok Lhundup and Chhiring of Barqueq.

Rs. 56/- the price of tea of first year has not been paid so far, although you had promised to pay the same within 6th month. You should now send the price of tea through this man, Samtan Gyachho, immediately without fail. You should take this as urgent. If you fail to send the money you will have to pay the interest as well. This should be noted accordingly. Dated 18th of 6th month Mi-chi year. (Note by the Garpons at Gartok: - this letter was received at Barqueq in the 8th month of Barquegpas through Samtan Gyachho of Rupahyo a nervan of Lama Chhoje. It being Pujjar tea, the price was not paid by us till now. We sent this message through Samtan Gyachho and asked him (Goba) to allow further time.)

Letter No.5.

From Chhewang Zaildar of Rupshyo to Korpas Phunchok Lhundup and Chhiring.

The price of Indian and Tibetan tea sold to both of you last year which should have been paid by now, has not been received by me till now. You will now send the price of tea and an equal amount as compensation through Memr Dorje without fail. If you still fail to send this amount, you will have to bear the consequences. You will note accordingly (Note by the Garpons at Gartok: - this was received in Barquesq in the 9th month through Dorje a servant of Lama Chheje; A letter stating the following was sent through Dorje by Barqueq Gumpa that the tea has been produced in the court, and if it is forfeited by the court well and good. Otherwise if an order for taking pujan is passed by the court we will pay the price or tea will be returned).

Letter No. 6.

From the Ruphyopon to the Gobas and zaimindarz of Barqueq.

The price of tea purchased from me by Korpa Phunchok Dhundup and Chhiring has not been paid so far not even a single pie. I am detailing a messenger, Chhiring Sandup, to Korpa Phunchok and Chhiring to recover the price of tea. You the Gobas and villagers should assist in the recovery according to customs prevalent in your village. In case you desist from assisting my messenger and side with your men, this will create a big dispute between you and me.

Note accordingly. 13th day of third month sa-yo year.

(Note by the Garpons at Gartok: - This letter was received in Barqueq in the 4th month of Sayoyear through Chhiring Sandup and another youth of Supshye. The tea has been sent to Tashigong Gumpa, Report has been sent to the court. Amount will be paid in case ordered to take put pujan otherwise tea will be returned. Message to the effect was sent copy Barquesq villagers through Chhiring Sandup.

Letter No. 7.

From Pupshyopon to Korpa Phunchok Dhundup and Chhiring.

Regarding the payment of price of the tea you have taken from me, I have written you and sent messages repeatedly. Put you did not comply. I herewith send a special man along with copy of account. The price of tea along with the interest for the intervening years should be sent without delay. This should be treated urgent. If you hesitate in sending the price of the tea, there will a dispute between us, Say, if there exists a system of trade between Tibet and Ladakh or not. If so why should our dealing be treated as Pujjar. Please write in detail. The Messenger will relate further in detail. Dated Tega the 13th day of 4th month, Sa-yo year.

(Note by the Garpons at Gartok: - Received in the 4th month through Chhiring Sandup and another youth of Rupshyo-Money will be paid if court authorizes to take Pujjar otherwise tea will be returned. Message to the effect was sent though Chhiring Sandup).

From the Garpons at Gartok.

The above written seven letters have been sent by the Goba of Rupshyo to the zamindars of village Barqueq and Gumpa, three (addresses in all. These have been presented in original before the representatives of all the three Governments. These true copies prepared separately after having duly compared and the copies are true reflections of the original.

Seal of the Garpons.

Translation of a letter from the Garpoons at Gartok to the British Trade Agent, Gartok, dated the 3rd of 7th month Sa-tok year (Tibetan).

We received your letter of 24th of the 6th month through the Tajums, in which you asked us, according to the Government order to give full details of the murder of Champa Skaldan of Kharak, Tibet, by Goba Chhewang of Rupahyo, Ladakh, and the name of the deceased's companion.

The inhabitants to Kharak and Supshyo have a common grazing ground. Goba Chhewang of Rupshyo asked the Gopas of Kharak and their representatives Champa Skaldan, by a letter to come to his village to settle a grazing dispute in the 3rd month of Sing-Khi year (April 1934). As it was the sowing season, they could not go to Rupshyo. In the 5th month (Tibetan when three men from Kharak went to Rupshyo to borrow grain from lema chhoje, the Goba of Rupshye told them that, as they had not come to him in the 3rd month according to his letter, he would cut off their hands and feet for disobeying his orders. Whereupon Lama Chhyeje interceded on their behalf and paid Rs. 5/- as Naziana. Not satisfied with this the Goba also took two Yaks by force from these men.

After that, in the 6th month, seven men from Dharkyol including a Lama, went to Rupshyo to settle the dispute.

The Goba forcibly realized Rs.15/- from these men as grazing dues. We further debarred many of the Bharkyok villagers from entering this grazing land. This was new thing and had never before been heard of.

Then a man from Rupshyo, Sonam Mundup, told the Kharak villagers that he would suggest a compromise on the grazing issue. Taking this assertion as true Chempa Skaldan and Korpa Jhemba Rinjin of Kharak went to Rupshuo on the 5th of the 12th month of the Shing-pha year (January 1935). They put before the Goba some presents, but he, without saying a word,

assaulted and beat them with the result that Champa Skaldan died on the spot. The Goba then tried to Murder Jhemba Ringin, also but his (the Goba's) father intervened and saved the man's life. He was then threatened that he must follow the instructions given to him. He was told not to disclose the murder of Champa Skalden and was directed simply to say that the deceased was drowned. The Goba's father Kunzang also give Jhemba Rinjin Rs. 7/- as a bribe. Thus it came about that Jhamba Rinjin did not disclose the murder of Champa Skalden to any one for some time.

In the 3rd month of the Mehtse year (April 1936) the Goba of Rupahyo called the Sharkyok Lama and Kprpas (subjects) to Rupahyo the enquire into the drow of Champa Skaldan and to settle the grazing dispute and one man from each family of Bharkyok went to Rupshyo. The Goba demanded from them Rs. 16/- as grazing dues and Rs. 1/- per head as Nazrans Besides this they were given in Pujjar (i.e, were compelled to buy) Indian and Tibetan tea worth Rs. 25/- they could not refuse these demands and the tea thus given has been kept sealed till now.

The above details we have given on the basis of a petition from the Bharyok people, Kotpa Jhemba Rinjin is still alive. The Officers from three Governments British, Ladakh and Tibet should make enquires together and settle the matter at once. You will please report to the Government accordingly. The people of Kashmir are trying to delay the proceedings of this important murder case. The companion of the deceased, Jhamba Rinjin), is a very old man, If he should die in the mean time, then there will be none to relate the incident.

Therefore you should please ask the Government to make enquires at once and should move the Government to issue strict orders to the Kashmir Government not to delay the proceedings.

With compliments.

Extract of a letter No. 2660/A dated the 28th August 1937, from the Wazir Wazar at Ladakh, Len, to the Hon'ble Revenue Minister, His Highness Government, Jammu and Kashmir, Srinagar.

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The Zaildar of Ripshu is the only person who stands as a stumbling block in the way of the Tibetans and if he is removed the field is open for their raids on pastures and poor zemindars. This is why the Garpoons are so keen upon his destruction. I think he should be strengthened to serve as a stronger barrier for the Tibetans.

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From

The additional Deputy Secretary to the Government of India in the
external Affairs Department,

To

The Political Officer in Sikkim,

Dated New Delhi, the 17th April 1940,

Subject: - Matters in Dispute between Kashmir and Tibet.

Sir,

In continuation of endorsement from the Government of India in the External Affairs Department No. F. 369- I/39, dated the 10th January 1940, I am directed to forward a copy of the correspondence noted in the margin.

2. The Government of India desire as far as possible to avoid being drawn into these border disputes between Kashmir and Tibet and owing to the distance of the scene from Lhasa, and the negligible control exercised by the Lhasa Government over their officials on this border, they doubt whether the appointment of a commission to settle the issues would serve any purpose. The chief question in dispute appear to be:

(a) trazing rights.

(b) Claim by the Tibetan authorities to levy Poli tax on Tibetans who have migrated from Tibet to Kashmir territory, or alternatively the forcible return to Tibet of these émigrés.

3. It is regrettable that the joint enquiry into the murder case ended without coming to an agreed finding. The blame for this, however, appears to rest largely on the Garpons who seem to have insisted on the enquiry being

conducted in accordance with Tibetan custom, in spite of the fact that the scene of the offence was in Kashmir territory and that the Kashmir Government would have been within their rights had the case tried at Leh and the Tibetan authorities been permitted to watch the proceedings.

4. The Government of India do not in any case consider it opportune at the moment to take up the question of appointing a commission. Should the Tibetan Government make any communication on the subject of the failure of the enquiry into the murder case, I am to request that, subject to say comments you may wish to make, you will point out to them the considerations referred to in paragraph 2 above and at the same time draw their attention to the necessity retraining their local officials from indulging in activities likely to use a further deterioration in the relations between them and the Kashmir Government.

I have the honour to be,

Sir,

Your most obedient servant,

Sd,-S.W. Flotcher,

Additional Deputy Secretary to the Government of India.

From

The Additional Deputy Secretary to the Government of India in the
External Affairs Department,

To

The Resident in Kashmir.

Dated New Delhi, the 7th April 1940.

Matters in dispute between Kashmir and Tibet.

Sir,

I am directed to refer to your letter No. F. 140/ 16, dated the 24th February 1940, and to forward for your information a copy a letter to the Political Officer, Sikkim.

2. The Government of India agree that for the present all that need be done is to give the Kashmir Government extracts from the British Trade Agent's reports, amitting adverse comments on the Wazir's conduct. The Kashmir Government may further be informed that the Government of India regret the failure of the joint enquiry to come to any agreed finding and that, should relations between Kashmir and Tibet further deteriorate as a result of this, they will endeavour to impress on the Lhasa Government the importance of maintaining a semblance of control over their officials in Western Tibet.

3. The Government of India agree that there seems little advantage in making any further attempt to settle the murder case.

This communication is issued under the authority of the Crown Representative.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. E.W. Flotcher,

Additional deputy Secretary to the Government of India.

Copy, together with a copy of the letter under reply, with enclosure, forwarded is the Hon'ble the Resident for the Punjab States for information in continuation of endorsement from the Government of India in the External Affairs Department No. F. 360-I/39, dated the 10th January 1940.

By order, etc.

Sd. I.S. Consalves,

Assistant Secretary to the Government of India.