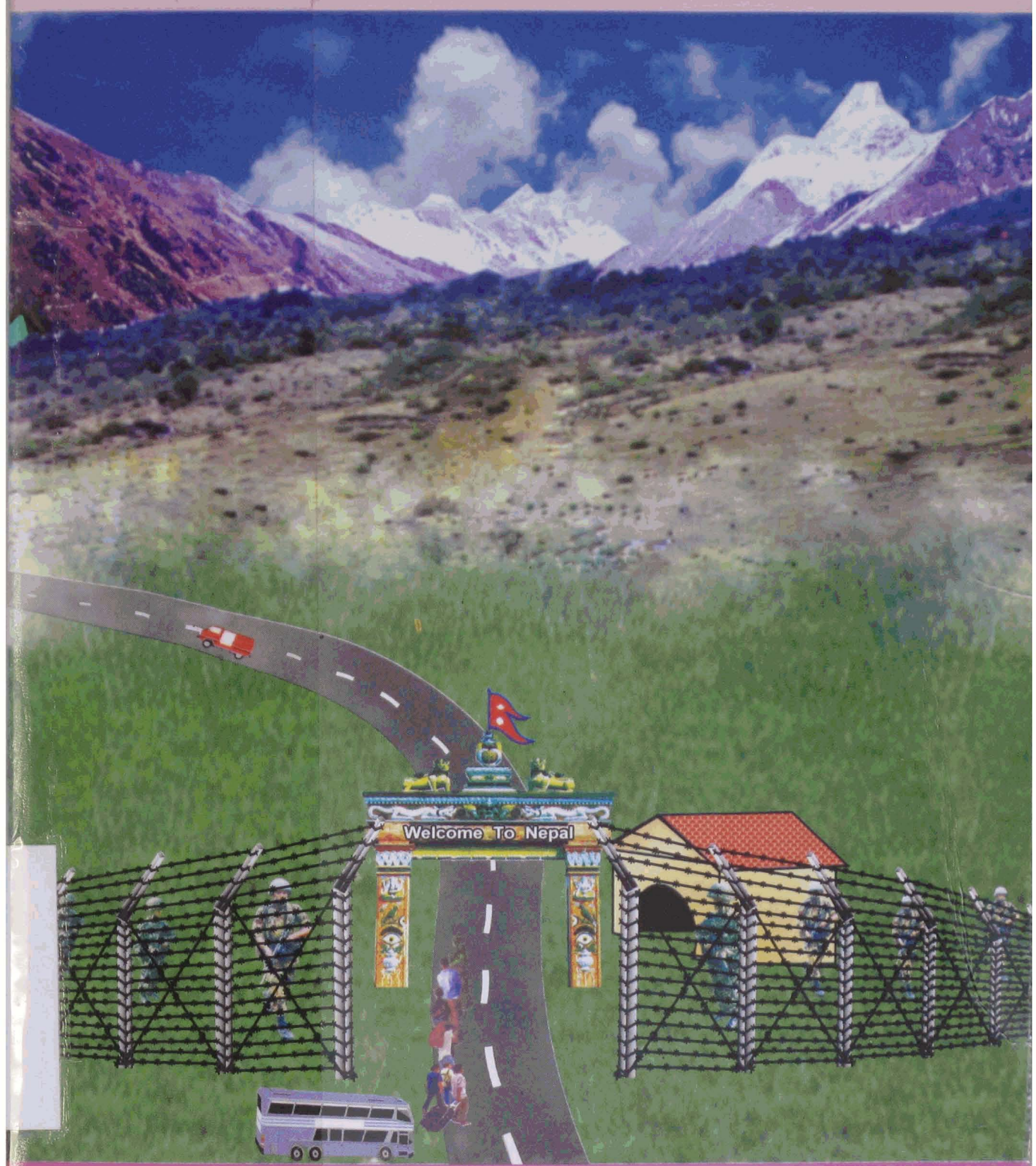


Border Management of Nepal



Buddhi Narayan Shrestha

Border Management of Nepal



Inundated Border Management around
Main Boundary Pillar No. 30 of Marchawar Area

Buddhi Narayan Shrestha

Border Management of Nepal

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Before I built a wall I'd ask to know
What I was walling in or walling out
And to whom I was likely to give offense.
GOOD FENCES MAKE GOOD NEIGHBORS

- Robert Frost

"Mending Wall" Collected Poems. New York- 1923

No-man's land around Nepal-India
Border Pillar No. 61 in the District of Bardia



Courtesy: Kantipur Daily

Anomaly in Border Management- using the boundary pillar
for tying the cattle and constructing concrete building on the
no-man's land by the citizens of Chitalhawa, India

In Memory of

Late Mr. J.R.G. Harrop,

*former Director of Land Survey Department of Nepal
for his contribution to develop
surveying and mapping activities in Nepal*

and

Late Prof. Jagat Bahadur Singh Burathokey,

*former Head of the Department of Geography,
Tribhuvan University for the development of
geography education in Nepal*

and

my late father

Hasta Bahadur Shrestha,

*who passed away in the context of
Democratic Movement of Nepal-1950*

Publisher's Note

All citizens of a sovereign nation have an inalienable right to live in peace, security and harmony as independent people of a sovereign country. This right can best be enjoyed only if the country's internal as well as external situation is stable. Nepal shares its borders with two Asian giants, and compared to its border on the north, its border with the southern neighbour remains porous and unregulated. This has brought both hindrances and benefits to Nepal from time immemorial.

Managing borders is an issue related to the country's internal security system *in toto* along with its political, economic and social dimensions. The country has to face numerous problems and challenges on several fronts, and especially a serious crisis in respect of peace and security, if there is no effective border management system. Nepal has been suffering from such problems for long because of the open, unregulated border with India. Be it the cross-border activities against India by Pakistani agents, or the safe shelter enjoyed by Nepal's Maoist rebels into Indian soil during insurgency, or just an issue of maintaining peace and security between all these neighbours, the existing open border between India and Nepal has mainly been responsible for causing trouble. It is for this reason that the well-wishers of both the countries have long been voicing their concern for the scientific demarcation and proper management of their borders.

The author of the present book, *Border Management of Nepal*, has had a long practical experience and expertise in the field of mapping activities and Nepal's border management. The book deals with the burning issues of managing and regulating the country's border with its neighbours. This is a sequel to his earlier books, *Boundary of Nepal* and *Border Management in the context of National Security* in vernacular, which we had the privilege of publishing. *Boundary of Nepal* became very popular among intellectuals, as it received the prestigious *Madan Puraskar (Prize)* for 2057 B.S. We congratulate the author for the prize, and express our pride and joy for the opportunity to publish such an important book, which will contribute to preserving and promoting Nepal's nationality, territorial integrity and sovereign security.

The present book supplements the position taken by the earlier books. Here the author has carefully analyzed the emerging issues of border management, together with its history, present status and problems, keeping in mind the fact that national well-being is impossible without national security, which again, is beyond imagination without effective border management. This has helped to answer questions as to the exact nature of controversy surrounding our border points, along with its history as well as its advantages and disadvantages of the present system for the nation. Obviously, the book has brought to light the benefits a nation can acquire by managing its boundary skillfully.

It may be noted that the books published earlier provided a complete picture of Nepal's boundary, while the present book explains serious security implications when the borders are not competently regulated. This presents a lot of information and evidences, significant in themselves, pertaining to border management. We believe that it will help the readers who are interested to know Nepal's border management system as well as the students, teachers and researchers in areas of bilateral relations and security by equipping them with the knowledge of the country's history, geography and politics on the boundary of Nepal. Therefore, we are once again grateful to the author for providing us this opportunity to publish his book, and cherish every hope and confidence that this book will also gain readers' appreciation like the earlier publications, *Boundary of Nepal* and *Border Management in the context of National Security*. Lastly, we would like to thank all those involved in the publication of the book.

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Foreword

The Kingdom of Nepal is a small, largely mountainous nation lying between the huge heavily populated nation of India on its southern side, and very sparsely populated China / Tibet to the north. Astride this northern border lies Mount Everest, at an altitude of 29,035 feet (8850 m), the highest mountain anywhere in the world. My wife and I have visited Nepal several times, always related to the mapping and determination of Everest's precise position and altitude.

Buddhi Narayan Shrestha, the author of this book was, for so many years, the Director General of Nepal's Survey Department with the long experience in the land survey and mapping activities of Nepal and therefore the most ideal person who could possibly have been chosen to write it. He has made serious efforts to analyze the borders of Nepal and brought out an interesting and informative book on the topic.

Between its covers he reviews in detail both the issue and the management of these borders. In several of these pages he is critical in his description of certain real weaknesses in the present border management of Nepal, for as a distinguished Nepali he wants Nepal's border with India to its South, in particular, to be clearly demarcated as well as excellently managed. This is more important than ever in an era when poorly known borders are often even the basis of confrontation-conflict-warfare!

It has been a real pleasure as well as an honor to have been asked to write the "Foreword" for this book. I am indeed happy that a Nepali researcher has made efforts to discuss on national border issues of his nation and its management in a comprehensive manner. I am sure that it is destined to be of as much interest to the citizens of Nepal itself as it will be to the many thousands of others who love and respect Nepal worldwide and wish to know more on the boundary business of Nepal.



Bradford Washburn

Founding Director

Boston's Museum of Science

Science Park, Boston, USA

April 7, 2003

Few Words

It has been my pleasure to read the typescript of this book by Buddhi Narayan Shrestha who made a painstaking effort to bring out this immensely significant and timely piece of work entitled *Border Management of Nepal*. Upon a thorough perusal of its text, I found it a very important reading for all Nepali citizens who need to be well aware of the status of their national frontiers. The book has presented facts on Nepal's border management issues after their extensive and in-depth study and analysis. Readers would notice that it has not only covered Nepal's geographical and historical aspects of border issues at great length but also incorporated the relevant opinions of the political leaders and intellectuals of Nepal and its neighbours on the border management of the nation.

Indeed, when we look for answers as to why we Nepalis need to be well informed of the country's border management issues, it becomes clear that the root of the major problems that Nepal is facing today lies in the open, unregulated border between herself and India. It is extremely essential for all Nepalis to be fully sensitive to this crucial fact.

Even the rebels had been finding it easier to transport arms, ammunitions and explosives into Nepal from across the southern border during insurgency. They were also frequently seen receiving medical treatment at the Indian hospitals along the Nepalese border. This has become possible exclusively because of Nepal's open border with India, though, lately, the latter seems to have taken some steps in controlling the rebel's movement. Likewise, crimes such as armed robbery, drugs trafficking, girls trafficking, and smuggling of arms, machinery equipment and foodstuff are also caused by the open border. This book has taken into account all these relevant details, and therefore, proves its significance to the readers very effectively.

So, the question arises, what is to be done now? The answer is: if we love our motherland exactly the way we love our home, and also want to protect it the way we do our home by provisioning security doors and windows and watchmen, we need to regulate the open border

between Nepal and its friendly neighbour, India. The regulation should manage movements of goods or people on either side of the border to the designated entry and exit points only. However, those residing along the border should be provided with facilities for cross-border movement in a secure and transparent manner. If we can have a regulated border with our northern neighbour, why can't we have the same with the southern one? We have to think coolly if we are to consolidate our national security system and make it more efficient. It is against this background that the present book demands a compulsive reading, as it has thrown light on these points very convincingly.

India, of late, has deployed special security personnel to look after and protect her side of the border with us. Nepal should respond to this move, and should very urgently set up its own Border Security Force. Although the author has mentioned this matter in the book, it would have been better had he put it in some more detail. But he probably left it to the readers.

To conclude, the author, who happens to be a former Director General of Survey Department of Nepal with a long involvement in research and writings on Nepal's boundary, deserves our heartiest congratulations for writing this book, which is extremely useful for native as well as foreign researchers. He has no doubt done a great service to the nation. I pray to Lord Pashupatinath for his success in writing further books in future and bringing out the fact and truth on nation's boundary issues to the general public.

Satchit Shumsher J.B.Rana

Member, State Council Standing Committee,

Honourable Retired General

and

Former Commander-in-Chief

Royal Nepal Army

Asha Dweep,
Jorpati,
Kathmandu, Nepal

Preface

We Nepalese love *Dal-Bhat-Tarkari* (*lentil soup, rice and curry*), as it is our staple food. We look forward to eating that every day. Peace and security like *Dal-Bhat-Tarkari*, are indispensable to Nepalese society and its citizens. Personal freedom is at stake whenever there is lapse of peace, security and tranquility in the society. National security, an essential element for society and its members, is closely related to the management of the country's border. Even a minor irritant at any given international border-point of a small sized country like Nepal will create a serious impact on the other side of the border-point as well. The friction thus created would not only limit itself to the two frontiers, it will rather affect the countries hinterland on both sides entirely and directly.

Now Nepalese are conscious and educated enough to understand that Nepal's internal peace, security, law and order and overall development of the nation are intimately linked with the management of border. Illegal immigrants of all sorts enter Nepal from its southern border without any obstacle. There is also an unchecked and incessant influx of the neighbouring citizens and mischievous persons inside Nepal. After a lapse of some time, a number of innocent, common Nepalis, including at intervals, poor children and women, are found dead for no fault of theirs. Thus, these immigrants create terror and bloodshed in the country. Those who are killed are gone forever. Those who survive go hiding. Those who are injured flee secretly to the other side of the border and rest there until recovery, but only to return and stage another series of killings. Some of them being criminals victimize innocent Nepalese including children and women. Besides creating terror in Nepal, crossing the border becomes a safe haven for them with total freedom of movement. No one can deny the fact that such unwarranted incidents that shake the foundation of a nation are caused by the weak, inefficient border management system, and incomplete border demarcation.

The land of Nepal is being used as an open passage/corridor to access the third country from the north too. Normally a case of this nature should have been rare. The porosity at the international border points should not have prevailed at another point. Such situations can be

anticipated since documents of any sort are required for travelling across the border. Even the policemen from the foreign country take advantage of such unrestricted border and do their ' job ' by raiding the residences of the Kathmandu metropolitan capital of Nepal. Ironically, only when there is uproar, our security personnel come to know about it. Such security lapses and loopholes in the security mechanisms are the direct result of ineffective border management system of this country.

This book is an outcome of my attempt to collect, arrange and analyze the information in areas of border management, along with an assessment of the social and economic impact due to the mismanagement of the border security system. In this perspective, I have suggested some alternative measures to the existing border management system of Nepal. Besides, I have included the historical boundary and some border issues of Nepal with both neighbouring countries, China and India. This book is in no way may be complete, for there are some more minor issues uncovered and I did not want to make the volume look unattractive. However, those relevant and interesting materials related to the main subject are included as appendices.

My earlier book, *Boundary of Nepal*, in vernacular was much appreciated by readers who seemed sensitive to the current border issues. All the copies of the first edition sold within two years encouraged me to embark on this book. The second book, *Border Management in the context of National Security* has also been admired by the readers and more than sixty percent of the total printed copies have been sold within a period of six months. I remain grateful to all respected readers of my earlier books, and now request them heartily to accept this book in English. It would greatly encourage me with your constructive responses, criticisms and comments. I express my sincere gratitude to the *Madan Puraskar Guthi (Trust)* for awarding my earlier book, *Boundary of Nepal* with the revered *Madan Puraskar (Prize)-2057 B.S.* which further motivated me to undertake this study. As a result, you have this book in your hand.

This book contains some of the relevant chapters of my earlier books; *Boundary of Nepal* and *Border Management in the context of National Security*, printed in vernacular and many new chapters in English indeed. I would like to thank Krishna Gyawali and Sunil KC for their profession in translating some of the chapters.

Likewise, I am obliged to all my well-wishers who encouraged and energized me for embarking on this book. Most notably, General Satchit Shumsher J.B.Rana: honorable member of the State Council Standing Committee and the Retired Commander-in-Chief of the Royal Nepal Army, deserves my deep appreciation for writing Few Words after reading the manuscript. I actually felt honoured. I am grateful to Dr. Bradford Washburn, Founding Director of the Boston Museum of Science, USA, for writing Foreword to this book with great interest. Similarly, I am indebted to Dr. Mohan Prasad Lohani, an eminent scholar for editing and fine-tuning the grammatical portion of this book. Without cooperation of the Bhumichitra Mapping Co., the painstaking process of publication of this book would not have been possible.

Lastly, my wife Lily Shrestha deserves my heartiest thanks for always inspiring and encouraging me to work on the book, by freeing me from domestic preoccupations. My brother Hari Govinda Shrestha and daughter Dr. Kanchana Shrestha also share a large chunk of thanks for making necessary arrangements for printing and publishing the book.

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Chapter - I : Historical Boundary of Nepal

Border Management and National Security

Nationality, sovereignty, territorial integrity and national security are of primary and inevitable concern to each nation and its citizens. An independent nation has its defined and demarcated boundaries, a permanent population, owns strong and independent government and is also capable of conducting international relations beyond its borders. A country cannot be regarded as independent in the absence of these conditions. Of all essential elements that make a nation sovereign, boundary plays a great role. The landmass within that boundary gives existence to a nation's identity. For an independent nation, failure to protect its boundary is equal to failure in protecting its national security. When borders are not regulated and protected, the country plunges into a mess of conflicts, crises and sufferings that, in the long run, would lead to no less than a catastrophe.

Nepal's borders on the east, west and south are linked to India, while that on the north is connected with China. A range of high Himalayas lie on the border between Nepal and China, elongating from east to west, while the southern border with India is stretched by a plain landmass. Similarly, most parts of the eastern and western borders also have a range of low mountains, hills and hillocks. Nepal and China have a controlled border system whereas an open border system exists in between Nepal and India. Nepal has never had an experience of having closed borders with its neighbours. It should be admitted that the existing border management system of Nepal has played a sensitive role in its national security.

Issues of national security and border management are interrelated. When peace and security are in danger within the national boundaries, alertness has to be maintained across international borders as well. If borders are not managed with skill and acumen, the country falls

into a morass of undesirable activities by native and foreign elements, disrupting its development process. On the other hand, international borders are so sensitive that, if not managed properly, they soon begin to create disturbances. For example, when Indo-Nepal borders are sealed for a few days during elections in one of these countries, we can experience the effects it would create on the other side of the border.

Speaking in the context of South Asian nations, Nepal's security system has become crucial for its neighbours, mainly because of its typical geographical location. Nepal is situated between China and India. China is a country that is most populous, has growing influence in the world arena, occupies the largest territory in Asia, and embraces a distinct political identity. India, on the other hand, is also a large country with its huge population and territory. Even Pakistan, a country with a different political system, is not far distant from Nepal. For all these reasons, Nepal's national security and border management, inter-linked as they are, have become a matter of serious concern to our neighbours in particular and the western countries in general, especially in the present context of global and regional security, after the terrorist attack incidents on 11 September 2001 in the USA and on 13 December the same year in New Delhi, India.

Historical Boundary of Nepal

The Himalayan Kingdom of Nepal lies between two big countries, China and India on its north and South. It is elongated on the east and the west. Since the last two hundred years the frontier of Nepal is surrounded on its south, east and west by India and on the north by China (Map No. 1). History is evidence that at one time the boundary of Nepal was extended towards Tista River on the East; to Kangara across Sutlej River in the west; to the confluence of Ganga and Jamuna Rivers to the south; and to Shigatshe and Tashilhunpo Gomba (monastery) across the Himalayas in the north. In the course of time, at one time the western border was limited to Sutlej in the west to the mid-plains of the Ganges in the south; and it had touched the present day Bangladesh on the east. But because of time, situation and the activities of the past, the borderline of the Tista and Sutlej constricted to Mechi River on the east to Mahakali river on the west, and to watershed of the Himalayan Range on the north, and to the Siwalik range and the plains of the Tarai on the South.



Mpa-I. Nepal, India and China, School Atlas of Nepal, Survey Department, Topographical Survey Branch, Kathmandu, April 2001 : 10

The northern borderline of Nepal has been fixed at watershed of the Himalayan Range by the Nepal-China Boundary Protocol of 20 January 1963. Although the Sugauli Treaty of 4 March 1816 and Supplementary Treaties have tried to fix Nepal's borderline on the east, south and west on the above-mentioned boundaries, because of border encroachments, claims and counter-claims, intrusions and controversies it has not been finalized yet. After the demarcation of the border points with India is completed, the process of Nepal-India Boundary Protocol should be finalized formally and the delineation of the Nepal-India border should be ascertained according to the protocol.

While the northern border has so many Himalayan peaks, and the borderline passes through the high peaks, mountains, passes, *deuralis* (terminal points of up mountain), gorges and the pasturelands, the southern borderline runs through fertile plains, jungles and rivers. On the east there is the Mechi River and the watershed of Singhalila Range, hills and hillocks stand as the border line, and the Mahakali River runs through the whole borderline on the west. No matter what the historical perspective of the Nepalese frontier was, the Kingdom of Nepal is bounded by a perimeter of 3,222.88 kilometers (including the disputed areas) Of this 1,414.88 km lies on the borderline with China and the remaining 1,808 km length along with the Indian border. Of the Nepalese border touching India, 1,213 km consists of land border and the remaining 595 kilometers is river boundary. There are 60 big and small rivers and rivulets which demarcate the border between Nepal and India. Of them the most important are the Mechi on the east and Mahakali on the west. The Mechi River forms 80 kilometers of the borderline, and similarly the Mahakali forms 230 km, Rapti 20 km, Ghongi 15 km, Rapti 6 km and the others form 244 kilometers of the borderline.

The perimeter of the greater Nepal extending from Tista on the east to Sutlej on the west was 4,079 line kilometres, east-west length as 1,373 kilometers and its area was 204,917 square kilometers. It was even bigger when the country's boundaries had extended from Tista on the east to Kangara on the West and to the confluence of the river Ganges and Yamuna on the south with the total perimeter stretching to 5,119 line kilometers, east-west length as 1,415 km and the total area as 267,575 square kilometers. But the modern Nepal has an encircled boundary line of 3,222.88 kilometers covering an area of 147,181 square kilometers.

The geographical position of the country lies between at $80^{\circ} 04'$ to $88^{\circ} 12'$ east longitude, and from $26^{\circ} 22'$ to $30^{\circ} 27'$ north latitude, with a length of 885 kilometer from east to west and a mean width of up to

193 kilometers from north to south. The lowest part of the country lies 57.3 meters above the mean sea level at Mushaharniya of Dhanusha district, and the highest part is the world's highest mountain Mt. Everest at 8,850 meters. Nepal's nearest point to the sea is 500 kilometers from the eastern border.

Physiographically, Nepal can be divided into five regions. The southern plain covers 14 per cent of the total area, the Siwalik region with low hills and hillocks covers 13 per cent, the middle mountains cover 30 per cent, the high mountain region covers 20 per cent and the high Himalayan region covers 23 per cent of the total area. Of the Himalayan region 14 per cent are perennially under the cover of snow.

The sudden rise of altitude from south to north leading to drastic differences in climate, vegetation, animal habitat and human life-style and dresses of the people is the characteristic of the Nepalese topography. As a result during the same season of the year it is sweltering hot in some places while it is shivering cold in some others.

In the context of land use, 18.0 per cent of the total land is covered by settlement, 18.0 per cent by snow and water, 13.4 per cent is pasture land, 37.6 per cent is forest, 12.3 per cent is rocky, steep slopes, fallow or used for other purposes, and 0.7 per cent of the land is covered by human settlement and roads. The population of Nepal is 23.2 million and 14.2 per cent of them live in urban area with nine per cent of the total population estimated to be homeless. The literacy rate is 53.7 per cent and the per capita GDP is US\$ 220 and 38 percent of the entire population are under poverty line.¹

For the administrative purposes the country is divided into 5 development regions, 14 zones, 75 districts, 58 municipalities and 3,913 Village Development Committees (VDCs). Each district, for the purpose of development, is normally divided into 9 areas; and the municipalities into 11 to 35 Wards and each VDC into 9 Wards. For the election purpose the country is divided into 205 election constituencies. Twenty-six districts of the country are bordered with India and 15 others with China.

Within the country, inhabited by four ethnic communities and 36 castes, there are various internal boundaries such as geographical and geological constructions, administrative and political units, and other border lines for social development and land use pattern.

¹ Statistical Pocket Book 2002. CBS Nepal : 1-14

While the demarcation and the erection of border pillars on the Nepal-China border line and the third phase of periodic supervision and maintenance of the border pillars have been completed. But with India even the preliminary demarcation of the border, as delineated by the Sugauli Treaty of 1816 and other supplementary treaties, that started 22 years ago is yet to be completed. The work of demarcation of boundary line with India has neither stopped nor been completed. The border line which has entanglements in so many places often tries to find solutions but it entangles itself again and again. However, the boundary business with India will surely be completed one day in future, since it has been already completed with China. And in such way, encirclement of the international boundary line of the Kingdom of Nepal with two neighbouring countries will be completed in a safe and secure manner.

The Birth of Nepal

King Prithvi Narayan Shah the Great was born to the royal house of Gorkha on 11 January 1723, and he had ascended to the throne on 3 April 1743. He was keen on politics since he was young. He was interested in diplomacy and had interests in visiting other countries since his princship. He had felt even at a young age that the British had growing influence in India, and conflicts brewing up amongst the three states of the Kathmandu valley and also amongst the fiefdoms of the western hills. That time disintegration had started within the 22 and the 24 fiefdoms (principalities) of western Nepal. Considering that if these smaller states continue to fight amongst one another the British could easily take them over and annex them, and King Prithvi Narayan Shah decided to unify them.

Soon after he ascended the throne of Gorkha, he set out to study the political, economic and social situations of the Kathmandu Valley. This was a strategic move before he was to launch his unification campaign. He stayed in Bhaktapur for a couple of months and acquainted himself with the internal affairs of the Valley. He knew about the rich agricultural soil of the Valley, and also that the Valley could be a transit point for expanding trade with both Tibet and India. Then he thought about conquering the Valley. For this he took Nuwakot, belonging to Kantipur, as a strategic point and decided to capture it first. He also foresaw that taking over Nuwakot would significantly strengthen the

position of Gorkha State and weaken the Valley. Nuwakot carried strategic importance for there already existed a fort, and it had remained as a pass as connecting point between the Valley and Tibet.

One year after becoming King, in 1744 AD, Prithvi Narayan Shah attacked Nuwakot but suffered defeat. The reason was the Gorkha army was not well equipped and then there was the clash of interests between the Pandeys and Basnets - two important courtier clans in the Gorkha palace. Then he made Kalu Pandey Mul Kaji (equivalent to Prime Minister) and strengthened his internal position. One year later, on 2 October 1744, he attacked Nuwakot again and won, thus expanding the borders of the Gorkha state.

Prithvi Narayan Shah employed the tactic of blockading the Kathmandu valley, and subsequently took over the surrounding settlements and the strategic positions around the valley. In the next two years during 1745-46 he captured Mahadevpokhari, Pharping, Chitlang, Dharmasthali, Naldrum, Siranchok and Shivapuri. Then he focused his attention on Kirtipur and Makawanpur, the two places, which were strategic military targets. Kirtipur being in an elevated position with a fort surrounded by walls and jungles was an ideal place to make inroads into the Valley. He thought that if he could take over Kirtipur, winning the Valley would be much easier. On 4 December 1757 he made his first attack on Kirtipur. Although the Gorkha army initially pressed hard, in the final moment of the battle Kalu Pande, commander of the Gorkha army, was killed. Prithvi Narayan Shah himself was nearly killed in the battle. As a result, Gorkha army was defeated. Kalu Pande had shown great leadership and courage in the earlier battles and was a great assistant to Prithvi Narayan for the expansion of the state of Gorkha. But unfortunately, he was killed by Kirtipurians.

But Prithvi Narayan Shah did not remain quiet. He changed his tactic and took over the nearby settlements of Panga and Chovar, and in August 1764 he attacked Kirtipur for the second time. This time the people of Kirtipur fought with the Gorkha army on their own and two brothers of Prithvi Narayan Shah— Sur Pratap Shah and Daljit Shah were injured. This time also the Gorkha army faced defeat.

After two defeats, the Gorkha army changed its strategy and surrounded the Kirtipur during the harvest season. The Gorkha army also took over the Balaju fort. After several months of blockade, the people of Kirtipur could not even get water to drink and they were forced to

surrender to the Gorkha army on 17 March 1766. Thus, this time the Gorkha army took over Kirtipur without a fight. It is said that as a revenge for his two earlier defeats Prithvi Narayan Shah had his army cut the nose of many people of Kirtipur.

Like Nuwakot for Kathmandu's trade with Tibet, Makawanpur in the south was equally important for trade with India. While the battle in the north to surround Kathmandu was going on, the Gorkha army captured Sindhulikot, Timilakot and Hariharpur in the south and southeast before they entered into the Makawanpurgadhi. Makawanpur was captured only after 10 hours of battle in August 1762. In 1763 AD, the Gorkhalis won seven other villages, including Dhulikhel and Banepa and expanded the border line to the north. With this, the Kathmandu Valley was completely surrounded and blockaded. After all the four passes (Sanga, Baad, pati and Chandragiri Bhanjyang known as *Char Bhanjyang*) of the Kathmandu Valley were controlled by Prithvi Narayan Shah, the deficiency of salt, oil, spices, and even clothes led to turmoil and there was hue and cry in Kathmandu. When the government failed to pay salary to the soldiers, their morale dwindled. Then the King of Kathmandu, Jaya Prakash Malla asked for help from the British in British India. In August 1767, when the forces of the British-India arrived in Sindhuligadhi, the Gorkhalis launched guerrilla attacks on them. Many of them were killed and the rest fled leaving behind a huge amount of weapons and ammunitions, which the Gorkha army seized.

On the one hand, this boosted the morale of the forces of Prithvi Narayan Shah and on the other, further demoralized the Kings of the Kathmandu Valley, including that of Kantipur. In addition, the political situation of the valley, wrangling inside the palace and personal enmity had rendered the people of Kantipur very weak because Jaya Prakash Malla, the King of Kantipur, was of distrustful nature, and his own brother and courtiers were dissatisfied with him. Lalitpur had also faced chaos after the death of its king Yogendra Malla. There were six *Pradhans* (courtiers), who had taken power in their own hands, and they put Tej Narsingh Malla on the throne, but the actual power remained with the Pradhans. In reality, the political situation was very much chaotic. In Bhaktapur too, the palace of King Ranjeet Malla was in disarray due to internal wrangling. When Ranjeet Malla wanted to declare his two-year-old son as his heir, a queen who was brought not through marriage opposed it. This forced the King to declare his illegitimate son as his heir to the throne. This only flared up the conflict in the palace as a result of which the palace was weakened further.²

² K.C., Surendra (1989). Diplomatic History of Nepal (in vernacular), Taplejung : Sabina Publication.

When the three kingdoms of the Kathmandu Valley were engaged in clashes and enmity, Prithvi Narayan Shah used this opportunity to impose economic blockade against the Valley. He closed the trade route to Tibet, which passed through Nuwakot. Stung by economic blockade, the rich people of the Valley had started helping the Gorkhalis covertly. When the situation of the Valley became anarchic, the Gorkha army marched into the Valley. On 25 September 1768 when the people of Kathmandu were celebrating Indraajatra festival, Prithvi Narayan had an easy victory over Kantipur. Eleven days later (on 6 October 1768), Prithvi Narayan Shah won Lalitpur. On 14 April 1769 he gained Thimi and seven months later on 17 November 1769, he took over Bhaktapur. In this way, the whole Kathmandu Valley came under the control of Prithvi Narayan Shah. In such a way he was successful tying up all the lands of Kathmandu Valley into the border line of his territory.

After his conquest of the Valley, he unified other smaller countries south of the Valley to keep other smaller fiefdoms near Gurkha State, out of the influence and control of the British rule. After his Kingdom spread out from north to south, he made Kantipur the capital of expanded country, and called it Nepal instead of Gorkha. In this way, Prithvi Narayan Shah formally established Nepal as a country and Nepal was born in 1769 AD.

Had Prithvi Narayan Shah not established the Kingdom of Nepal, one can only imagine that the smaller and weak nation states would have come under the control of the British regime, whose influence was increasing in India. If the British army had not been stopped and defeated at Makawanpurgadhi-Sindhuligadhi, neither would Nepal have been born as a country nor would Nepalese be known as a separate race (people). The credit for all these activities goes to Prithvi Narayan Shah the Great. While he had given ancestral birth to Pratap Singh Shah and Bahadur Shah as his sons, he gave birth to Nepal as a nation in 1769 AD.

However, historians say that the word Nepal was used for more than 2,500 years. Some historians say the evidential history of Nepal starts from the 6th century Bikram era. There are other historians who say a tribe of people called '*Nep*' came from west and settled in this part of the Himalayas. Since then this part of the Himalayas has been called Nepal. Some historians that the word Nepal came from '*Nepa+Aal*' meaning abode of the Nep. Others also say, a Saint called *Ne* had

nurtured and protected this land, so it was called Nepal.³ Talking about the later period, historians also say the Malla kings of Kantipur claim them to be the *Nepaleswor* (the ruler of Nepal). This shows that the word 'Nepal' was there long before the Malla kings ruled the Valley. But the theme of this text is not about the origin of the word Nepal, but how Nepal was born as a powerful and unified country in 1769 AD.

Boundary of Greater Nepal

After establishing the Kingdom of Nepal with Kantipur as its capital in 1769, Prithvi Narayan Shah did not sit with his hands folded. Looking at the possibility of the British in India taking up the smaller states of both east and west, Prithvi Narayan Shah thought of unifying all of them to form a bigger and stronger country. He thought that if those small states and fiefdoms could be unified, the British and the Bengalis could not unsettle our country as a big nation. He thus pushed forward his campaign of unification with the intention of bringing them together rather than merging them inside his border forcibly by brutal and autocratic means.

Campaign of Unification

In the august campaign of unification of the smaller states Prithvi Narayan Shah extended the border of his Kingdom to Arun River to the east by adding Middle Kirat in 1772 and Chaudandi on 16 July 1773. The next year he conquered Bijayapur, Morang, the Further Kirat and Ilam. The Gurkha army had pushed further east and had entered Darjeeling. But unfortunately, Prithvi Narayan Shah died on *Maghe Sankranti*, 11 January 1775 at 7.00 A.M. at the age of 52 at Devighat of Nuwakot. He had a policy of winning over the country and to manage them so that they would not break away again.

But the campaign of unification did not stop even after the death of Prithvi Narayan Shah. The drive of unification continued during the short three-year reign of Pratap Singh Shah, the heir to the throne. By the end of 1775 three states Dang, Kavilashpur and Chitwan were incorporated within the boundary of Nepal. After three years, Rana Bahadur Shah, the infant son of Pratap Singh Shah, sat on the throne. That time Queen mother Rajendra Laxmi and uncle Bahadur Shah had

³ Nepal, Gyanmani (1983) *Nepal Nirukta* (in vernacular). Royal Nepal Academy, Kathmandu: 13

jointly ruled the country. During that period the Gorkha forces led by Damodar Pandey and Amar Singh Thapa expanded the campaign to the West, and two states Lamjung and Tanahu among the 24-fiefdoms or principalities (a conglomerate of 24 small nation states) were included in Greater Nepal. The Nepalese forces led by the Basnets won Palpa and Parbat. Thus by 1785 Kaski, Upper Nuwakot, Garahu, Satangu, Rishing and Bhirkot were included in Greater Nepal. Then Bijayapur and Middle Kirat rebelled and tried to separate but to avoid any kind of rebellion in the future Rajendra Laxmi entered into an agreement with the Limbus, the ethnic people of those areas in 1782. Rajendra Laxmi made valuable contribution to the expansion of Nepal, and she died on 13 July 1785 while actively pursuing the goal of her father-in-law, Prithvi Narayan Shah. Then Bahadur Shah as Prince Regent took over the helm of the state affair.

Expansion to the east and west

During this time after the integration of Limbuwan and Morang into the state of Nepal, the Nepalese forces made attack on Sikkim. Sikkim asked for help from Bhot (Tibet) but did not get. So by 1792 the part of Sikkim and some part of Bhutan came under the control of Nepal. But when the Bhutanese forces came, the Nepalese withdrew still it was able to keep its border to Tista River. In the north the Nepalese border was expanded to Digarchi of Tibet before June 1792.

In the west, there used to be uprising and rebellion against the control of the Nepalese army, but during the period of Bahadur Shah the control of Kathmandu were consolidated in Parbat and Palpa. In addition, the Nepalese forces integrated the smaller states of Pyuthan, Gulmi, Arghakhanchi, Dhurkot, Rolpa, Jajarkot and Dang into the Greater Nepal up to the end of 1786. Palpa was the strongest among those state nations, and instead of keep fighting with it, Bahadur Shah kept it under his control by marrying the daughter of the King of Palpa, Mahadutta Sen. Similarly, he forced the King of Parbat, Kirtibam Malla to surrender.

Pushing further west

To push further west, Bahadur Shah sent the Nepalese force under Amar Singh Thapa to Karnali area and took control of Dailekh and Achham. Then he made plans to attack Doti and Jumla. Of them Jumla was considered more powerful and a direct attack was avoided. Then he used a diplomacy in making friendship with the state of Kumaon, which was farther west. That time there was a tussle going on between Mohan Chand, King of Kumaon, and his minister Jayakrishna Joshi. Taking

advantage of the situation, Nepal proposed to overthrow Mohan Chand and to take over Jumla and Doti, in the eastern states of Kumaon, and to give the western part of Kumaon to the new government of Joshi. Under the agreement, the Nepalese forces attacked Jumla and Doti in 1789 and integrated them into its border. But soon the government of Joshi got into trouble and they were overthrown. This helped the Nepalese to push further west and with the help of the Joshis the Nepalese forces pushed through Almora, the capital of Kumaon on 25 March 1791.

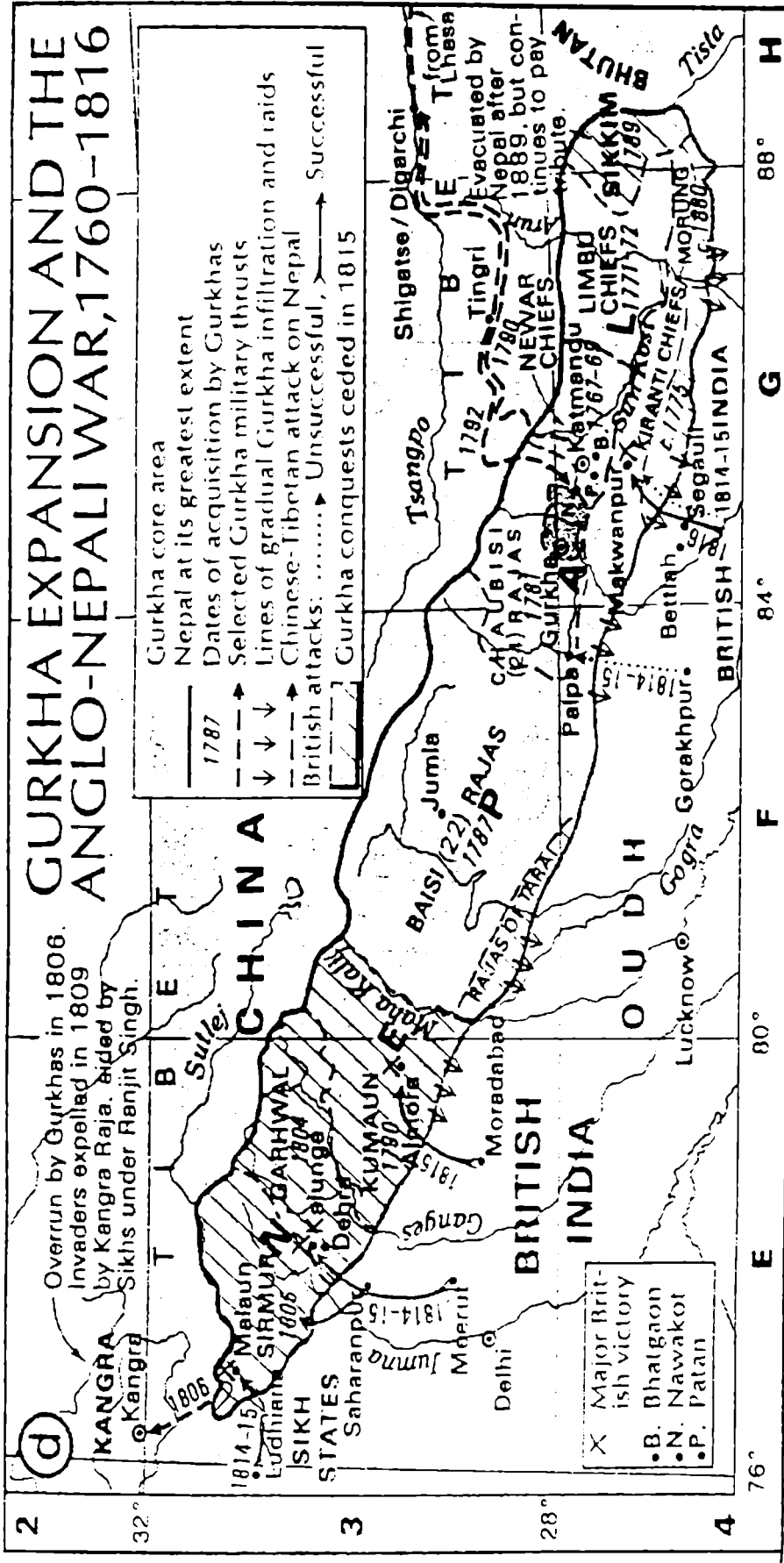
This encouraged the Nepalese to go further west. Three months later, the Nepalese forces conquered Srinagar, the capital of Gadhwal and on 26 June 1791 it succeeded in capturing the area up to Alaknanda. In the meantime, the Nepal-Tibet war flared up and Bahadur Shah made an agreement with Gadhwal and withdrew his forces from there. Under the agreement, Gadhwal agreed to Nepal's dominion on that state and to pay Rs. 9,000 annually to the Nepalese government.

During his Regency, Bahadur Shah developed relations with the government of East India Company. A seven-point trade agreement was signed between the two governments on 1 March 1792. The agreement had provision for fixing the customs tariff, and if in case goods were stolen in another territory, the culprits would be found and punished.

As the initiator of the unification campaign, Prithvi Narayan Shah had reached the Kathmandu Valley from Gorkha and to Darjeeling in the east; then Rajendra Laxmi as co-regent integrated the 24-fiefdoms / principalities in the west into the hold of Kingdom of Nepal and helped to bring stability in the Kirat region. Bahadur Shah supplemented the unification by giving permanency to the integration of the 24-fiefdoms, launched another campaign and succeeded in winning much of region of the far west. Bahadur Shah adopted a policy to ensure the security of the territory under its protection and to deal with the people of the states won by him with equality and justice.

After the death of Bahadur Shah in 1797, the onus of ruling the country fell on the 22-year-old King Rana Bahadur Shah. But because of his frailty, rifts and discords began to appear among the courtiers and those in the high level. Rana Bahadur Shah himself was involved in various oddities when he failed to control and take hold of the state affairs abdicated the throne in favour of his one-and-half-year-old son Girwanyuddha Bikram Shah and went to Kashi (Varanasi), India. With the infant king on the throne, Damodar Pandey took the role of ruling the country.

GREATNER NEPAL



Map-2. Courtesy: Historical Atlas of South Asia, The University of Chicago Press, Chicago & London 1978
 Courtesy: (National Library of China, Beijing 35/073/1978/B223)

In this context, to prevent the return of Rana Bahadur Shah, he sent Gajaraj Mishra to Patna for a 13-point agreement with East India Company. The agreement was signed on 26 October 1801 A.D.⁴ The agreement included the improvement of relations between the two sides, but the more important aspect of the agreement it had provision for the demarcation of the border. In the event of any dispute on the border between Nepal and the government of the East India Company, Article 5 of the agreement contained the provision for the representatives of both sides to sit down together to demarcate the border on the principle of justice.

The agreement also made provision for the opening of a liaison office of the East India Company at Kirtipur of Kathmandu. This was the first diplomatic office to be opened by the East India Company Government in Nepal. But Queen Raj Rajeshwori, consort of Rana Bahadur Shah, refused to accept the agreement and the agreement was annulled. The diplomatic encroachment of the British into Kathmandu was stopped again. Then after, Rana Bahadur Shah returned to Kathmandu and deposed Damodar Pandey, and Bhimsen Thapa was formally appointed to the post of Mul Kaji (equivalent to Prime Minister) in 1804. Rana Bahadur Shah again began to rule the country as guardian of the child King Girwanyuddha.

When the situation in Nepal was in disarray, the Gadhwal State had for 10 years failed to pay the money due to Nepal under the agreement. In this pretext under the instruction of Bhimsen Thapa the Nepalese force attacked Gadhwal in 1804 and conquered it. The Nepalese forces also added the frontiers of other smaller nations into its territory and expanded its territory to river Sutlej. They also attacked Kangara in 1806, but Sansar Chand, King of Kangara, asked for emergency support from Ranjeet Singh, the Sikh King of Punjab, and the Nepalese forces failed to sustain over Kangara for longer period. Then Nepal had to remain contented with Sutlej as its western border in 1809. The importance of this campaign was that, many small hill states and principalities accepted the rule of Nepal. Many military camps and centers were also established in those states.

End of unification

Therefore, as the crusade for unification of Nepal came to an end, because of the bravery and martyrdom of commanders like Balabhadra,

⁴ K.C.. Surendra (2000). Historical Glimpse of Modern Nepal. Paravi Publications : 67

Bhakti Thapa, Bahadur Shah and Amar Singh Thapa and the diplomacy of Bhimsen Thapa, Nepal's geographical expansion had extended from Tista River in the east to Sutlej River in the west, and from Himalayas in the north to the fertile land near to the confluence of Ganges and Jamuna in the South (Map No. 2).

Thus, the unification campaign started by Prithvi Narayan Shah had included the Himalayas, mountains, valleys and passes. The 56 different states spread over as Athara Thakurai, Barha Thakurai, Sirmour, Gadhwal area, Kumaon, the 22- and 24-fiefdoms / principalities, Kathmandu Valley, the Sen State, Middle Kirat, Farther Kirat, the Limbuwan and the Lepcha area were unified into a single and vast country called Greater Nepal. Had Prithvi Narayan Shah not launched the Campaign of unification, it was not impossible that the smaller countries and the principalities would have fall prey to the British colonial expansion and Nepal, as a separate nation, would not have existed.⁵

Activities on the northern border

On the north of Nepal lies the territory of China. Nepal had relations with the Tibet autonomous region of the adjoining country of China since thousands of years long and before Kingdom of Nepal was born. The Malla Kings of Kantipur furthered that relation. Even after Prithvi Narayan Shah unified Nepal and made Kathmandu his capital, he continued to have contacts with the then rulers of Tibet.

The borderline between Nepal and China runs east to west along the Himalayan range and the peaks, summits, crests, mountain passes, narrow river valleys and the pasturelands and along the slopes. The main Himalayan range, which is perennially covered with snow, and the other smaller ranges, are divided into Zanskar range on the west to Gurans Himal, Vyas Rishi Himal, Nalkankar, Chandi, Gorakh, Kanti, Langtang, Phubichyachu, Rolwaling, Langur, Chamlan, Umbak and Janak sub-ranges along the east. These sub-ranges contain eight of the highest peaks of over 8,000 meters, along with Mt. Sagarmatha, and 34 main mountain passes. These peaks and passes are woven like a wreath along the borderline. The elevated borderline spanning 1,414.88 kilometers from west to east has worked as a wall between the two countries. To go from one country to another overland, one has to go through the

⁵ Vaidya, T.R. (1993). Prithvi Narayan Shah The Founder of Modern Nepal

mountain passes, ravines, gorges and river valleys. That is why travelling to the southern neighbour is as easy as it is difficult to travel to the northern neighbour but not impossible.

Although the relation between Nepal and Tibet goes back to historical times, there were, of course antagonisms and aggressions. But those hostilities were basically for trade, economic and monetary reasons. Still the attacks and counterattacks on each other's territory had made some changes in the boundary line. During those wars the Gorkhali troops had expanded their territory inside Tibet and had extended the line of the boundary from Kerung and Kuti to Jhunga, Kukurbhukka, Dirgi, Thakurgumba, Khasa, Sonagumba, Yartab, Khumaur, Shikarjung, Sheghul, Sukiyagumba, Zigatsche, and Digarche (Tashilhunpo). But in modern times, Nepal and China have entered into border treaties and agreements followed by continued renewal. After the completion of the demarcation of border along the great expanse of the Himalayas and their regular monitoring by the joint border inspection teams, there is no dispute on border issues.

Border after Betrawoti Treaty

Prithvi Narayan Shah had established political and economic relations with Tibet during the course of his unification campaign and it was before he conquered Kathmandu Valley and made Kathmandu the capital of the unified country. He knew it too well that Pratap Malla, the King of Kantipur, after defeating the Tibetans in war had made arrangements for Nepali businessmen to open shops in Tibet and had sent currency for circulations in Tibet. And also the Malla Kings made huge economic benefits by importing gold and silver from Tibet. He also tried to attract the business transactions away from the Mallas and towards him. To make his plan a success, Prithvi Narayan Shah, in the course of securing the trading routes to Tibet, captured the northeast part of Gorkha, and Kerung on the north of Rasuwa through the existing Nuwakot. This made it easier for him to increase trade with Tibet, but he failed to bring his own currency in circulation in Tibet instead of that of the Mallas. He also failed to bring gold and silver from Tibet and to sell them in India at a profit.

On the other side, during the end of the Malla era, the economic condition of the Kathmandu Valley had deteriorated and rift among the Malla Kings had resulted in disorder and chaos in the Valley. When Prithvi Narayan Shah started making attacks in the surroundings of the Valley, the King of Kantipur started sending substandard currency to

Tibet. This bad currency had created rift between the Tibetans and the Malla Kings. Prithvi Narayan Shah then planned to seize the opportunity to replace Jaya Prakash Malla for monopoly trade with the Tibetans.

After conquering Kantipur on 25 September 1768 and then Lalitpur and giving a geographical shape and birth to Nepal, Prithvi Narayan Shah tried to boost trade with the Tibetans. After possessing and establishing authority in the Kathmandu Valley he had wished to circulate Gorkhali currency in Tibet and sent a delegation to Tibet in 1769. But the Tibetans said that they would accept the offer only if the substandard coins were replaced by pure coins. When the Tibetans remained unrelenting, the talks failed. While Prithvi Narayan Shah was not ready to bear the liability of the fault of the Malla Kings, the Tibetans were also unwilling to bear the responsibility of the fake coin.

However, Prithvi Narayan Shah had not forgotten that trade with the Tibetans would be profitable to the country. He then sent another delegation in 1773 to solve the problem of the substandard currency and to promote trade. But this effort also failed. Besides, the traditional trading route of Kerung along the border of Gorkha and Nuwakot, he had expanded trading points at Kuti on the east, Hatiya on the border of Arun River and Olangchunggola of the Tamor region. But due to the noncompliance of the Tibetans trade between Nepal and Tibet failed to develop further during the time of Prithvi Narayan Shah.

Although the monetary and trading problems with Tibet were not solved during the reign of Prithvi Narayan Shah, his successor Pratap Singh Shah continued his effort. The Tibetans also expressed their willingness to improve the monetary and trade relations. The Tibetans also wanted that the Hindu and Muslims in the south and the Buddhists in the north should be able to expand trade between Tibet and India through Nepal. Responding to Tibet's proposal as an opportunity, Nepal sent a delegation to Khasa of Tibet on the northeast of Kathmandu to talk to the Tibetans. The representatives of the two countries felt the need for an agreement. Then a trade agreement was signed between Nepal and Tibet at Khasa in September 1775. This agreement is known as Khasa Agreement. Although the agreement still failed to solve the problem of the bad money but it fixed trade routes to expand trade relations. The agreement also made provisions to let the existing border to remain as it is. The treaty also felt the need to strengthen the borderline between the two countries. The agreement also made a term that the 50 dharnis (125 kilograms) of gold, kept as guarantee, would be confiscated if any side makes encroachment of the borderline.

Under the agreement, the Tibetans would accept the pure silver coins sent by Nepal, Tibet should carry its foreign trade through Nepal, the existing customs and traditions between the two countries would be allowed to remain, and the boundary and frontier would remain as it was. But the Tibetans, violating the terms of the agreement, began using the route along Chhumbi pass of Sikkim, instead of Nepalese trade route for its trade with India. Dissatisfied Nepal sought clarification saying that the Tibetans were violating the terms of the agreement. But Tibet did not reply.

During his regency, Bahadur Shah sent a protest letter to the Tibet government expressing dissatisfaction with them for not complying fully with the terms and conditions of the treaty. In its reply, the Tibetan government, instead, made several accusations against Nepal, and also stated that Tibet was fully prepared for a counter attack, if Nepal attempted any attack on Tibet. Thus, this response of intimidation to the one of cordiality resulted the enmity in the relationship between the two countries. In the meantime, Tibet worked for attack on the pretext on Nepal that it gave asylum to one Shyamarpa Lama who had fled from Tibet and had entered Nepal. Nepal complained against the issue of mixing dust with the common salt sent by Tibet and also the issue of harassing businessmen of Nepali origin in Tibet. Thus, such issues as bad money, whether Nepal should detain or handover Shyamarpa Lama over to the Tibetans, and who would be responsible for adulterating the salt increased the dispute and argument. This made Bahadur Shah, who was Regent to the infant King at that time, think of attacking the important trading and strategic centers of Tibet to safeguard Nepal's interests, and to take over the property of Digarcha Gumba (monastery).

In the summer of 1788 AD, the Nepali troops led by Damodar Pandey attacked Tibet. The Tibetans could not resist, and the Nepali troops pushed forward through Rasuwagadhi and Gorkha to the north capturing trekking passes like Kerung and Kuti and expanded Nepal's borderline. The Nepali troops also attacked Shikarjong, the state of Panchen Lama and took it over, and also pushed up to Tashilhunpo which is located on the south of Lhasa. Fearing that Nepalese would also capture Lhasa, the Tibetans asked for help from the Chinese. But they also proposed for a treaty thinking that the Nepalese troops would be at Lhasa before the Chinese forces would arrive. Under the proposal, representatives of the two sides started talks at Kerung in March 1789. In the initial round, Nepalese accused the Tibetans of violating the Khasa

Treaty of 1775 A.D. by using other routes for trade instead of the Nepalese trade route and demanded 50 dhamnis (125 kilograms) of gold as compensation for violating the treaty and the cost of the war. The Tibetans refused the demand and the talks ended inconclusively. There were several rounds of talks, and finally, Nepal and Tibet entered into an agreement mediated by the Chinese representatives on 2 June 1789. This agreement is known as Kerung agreement.

The agreement reduced Nepal's territory, which had reached to Tashilhunpo to the earlier border of 1788. As reimbursement of the return of the territory, Nepal would get Rs. 50,000 annually from Tibet. The treaty solved the problem of the bad money, adulteration of salt and the issue of trading route. The treaty also made provisions to establish a Nepalese Counselor General in Lhasa to protect the interests of Nepalese living in Tibet and to allow Tibetan Buddhist pilgrims to come to Kathmandu.

But when Tibet paid only the first installment of Rs. 50,000 after one-and-half-year of the Kerung Treaty and was disinclined to pay the second installment, the relations again cooled. After paying the first installment, Tibet informed that it would not be able to pay the second installment and that the Kerung Treaty was controversial and proposed that it should be amended. The version was that the section of the treaty, which mentioned the reimbursement, was a separate one and that it had contained only the signature of Nepali; so they were not bound to honour the provision. They said that the treaty was still not ratified by the Lhasa palace. They also argued that the first installment of payment to Nepal was nothing but a gift to Nepal for agreeing to stop the war. On the other hand, they also felt that Nepal might not agree to their reasoning and could make attack again; so they started preparing for war.

When Nepal told the Tibetan delegation, which had come to Nepal to make their points for the amendment of treaty and to get rebate from paying the second installment, that it would listen to their arguments only after it paid the second installment. So the talks failed. In the meantime, when the Tibetan failed to control the adulteration of the common salt Nepal bought and it started secret contacts with the British government in Calcutta, Nepal became suspicious. All these initiated Nepal to start another war with Tibet.

Then Nepal sent its forces from two sides to make attack on Tibet on 6 August 1791. The force led by Kaji Damodar Pandey and

Bam Shah pushed northeast from Choshiyang of North Marsyangdi River and seceded further eastward in taking Kuti into Nepal's territory, and the other force led by Abhiman Singh Basnet pushed north and captured Digarcha, the capital of Tashi Lama. When the Tibetans acquired information that the Nepalese troops were pushing still forward, the Tibetan high officials left the Tashilhunpo monastery and fled to Lhasa. The Nepalese forces collected gold, silver and valuables such as diamonds and others and expanded further the border of Nepal. In this way Nepal's border expanded to Sigatsche and Tashilhunpo.

Because of the growing attack, the Tibetan, on one hand asked the Chinese Emperor for help, and on the other proposed the draft for a new treaty to the effect that it was willing to pay Rs.300,000 annually to Nepal, and would accept the circulation of Nepalese coin in Tibet. This brought the war to an end. But after some time, the Chinese force arrived in Lhasa to help the Tibetans. The Chinese troops then demanded that the Tibetan prisoners of war as well as Shymarpa Lama, who was living in Nepal as refugee be handed over to them. But Nepal refused to accept the conditions. On this pretext, the Chinese force attacked the Nepalese and drove the Nepalese forces back from the expanded territory and also began pushing towards the south from Gorkha, Kukurbhukka on the north of Rasuwa, Jhunga and Kerung. When the Nepalese knew about the Chinese attack, additional reinforced forces were sent from Kathmandu, so the Chinese stepped back. But when additional troops came from China, Nepal began to suffer and defeat. As a result, the Nepalese troops failed to resist and withdrew the forces from Larke, Kukurghat and Pangsitar pastures and Kerung to Rasuwagadhi. There, too, Nepalese troops suffered defeat after a heavy fighting. The Chinese troops pushed further south and reached just 30 kilometers away from Kathmandu. But despite several efforts, the Chinese troops failed to cross the Betrawoti River. Taking this opportunity the Nepalese troops launched a counter attack upon the Chinese troops with additional forces. The Chinese side suffered heavy casualty, weary and tired of the war, the Chinese wanted to end the war and preferred a treaty. Talks were held between the two sides, and on 5 October 1792 an agreement was reached as Betrawoti Treaty and the war ended. This treaty is also known as the Nepal-Tibet Treaty of 1792.

Under the treaty, the border between the two countries was kept at existing line north of Rasuwagadhi, which is the present border of Nepal. It was mentioned, if any of the countries tried to generate

unexpected dispute with an intention of taking over the other's territory, both the sides would report to the Beijing Palace, and a clause was put in the treaty that Chinese officials would settle the border line between Nepal and Tibet with the satisfaction of both the sides. The treaty also contained the provision that Nepal and Tibet would keep friendly relations and if any dispute arose the Chinese Ambassador at Lhasa would be asked to mediate.

The treaty contained 7 clauses under which Nepalese would be allowed to travel and set up factories in the territory owned by Tibet and Nepal would not be allowed to raise the issue of currency. If any foreign power attacked Nepal, China would never lag behind in helping Nepal. In this way, the Betrawoti Treaty tried to keep Nepal's northern border stable under the impartiality and fairness of China.

Border under Thapathali Treaty

After the second war between Nepal and Tibet that resulted in the Betrawoti Treaty, a mint was established in Lhasa. This ended the use of Nepali currency in Tibet. Besides, China's influence in Tibet continued to grow, and on the south the British got a chance to meddle in Nepal's politics. For a long time after the Betrawoti Treaty in 1792 A.D., neither was there any tussle nor did relations grow in a cordial and friendly manner between Nepal and Tibet. After the Sugauli Treaty of 4 March 1816 A.D. with British India, Tibetans and Chinese did not have a very positive attitude towards Nepal thinking that Nepal had inclined towards the British. A Nepali representative sent to China in August 1852 with gifts was not treated well. They were not provided good accommodation for fooding and lodging, and all, except one member, of the team, including the team leader, died on the way.

Likewise, the Tibetan government was disinclined to provide security, under the Betrawoti treaty, to Nepali traders living and doing business in Tibet. In Tibet, traders of Nepali-origin were being ill-treated since 1840 AD, and in 1852, a Nepali Newar trader was killed by a Tibetan Khampa over a dispute on payment and the Tibetan government failed to do justice. When the case was taken to the Chinese Amba, he, instead, pronounced the Nepali as guilty. When the news of these incidents reached Kathmandu, there was a growing feeling of animosity and revenge. By 1854, differences between the governments of Nepal and Tibet further widened. This was coupled with border disputes. Nepal had given the pastureland south of Khasa on annual contract to Tibet for

grazing of its cattle. But the Tibetans made settlements there and began collecting land tax from them. Besides, to include the land within their territory, the Tibetans dug 80 feet wide trenches at different places up to one mile south of the Nepalese border and began claiming that the land belonged to them. Knowing about their nuisance Jung Bahadur sent officials to recoup the land-tax collected by the Tibetans, to restore Nepal's claim to the territory and to collect the tax by Nepalese themselves. But the Tibetans did not accept Nepal's claim that they had encroached upon Nepalese territory and had shifted the borderline. As a result, this worked as a background for yet another war between Nepal and Tibet.

Taking all these things into consideration, Jung Bahadur thinking that war was inevitable and began preparing for it. He made arrangement for 64,000 infantry, 12,000 cavalries, and dozens of big and small cannons. He also made arrangement for food and other logistics. He also issued strong directives to the principalities to keep vigil on their northern border through local troops. In addition, he also made a diplomatic game of gaining permission from the British allowing Nepal's 280,000 troops to move to Tibet through the Limbuwan area via the Indian territory. When the report of such a massive troop are preparing for attacks spread, the Tibetans also made preparations for the war.

With the preparation for war completed, Jung Bahadur sent a letter to the Tibetans in the beginning of 1855 AD demanding Rs. 10 million as compensation for the property and goods looted from Nepalese businessmen in Tibet. At the same time he asked the return of Kerung and Kuti areas which were previously under Nepal's control; and to hand over the Taklakot area in the north of Darchula along the route to lake Man Sarovar.

The Tibetan government replied that it could negotiate the loss to Nepali businessmen to Rs. 500,000 but did not mention anything about the two other points mentioned in the demand. Failing to get a clear reply, Jung Bahadur formally announced war against Tibet on 6 March 1855. Under the plan, Nepalese troops attacked Tibet from North, West and Far West. The troop that pushed from the north captured Kerung, Digree, and Jhungagadhi areas. It then formed a garrison at Jhungagadhi and stationed there to protect the conquered land. The Nepali force that had pushed from northeast captured Khasa and Kuti on the north of Sindhupalchowk on 3 April 1855 and pushed further north to Sunagampa and remained there. The Nepalese force deployed in the west formed a defensive line at Humla, Jumla, Dolpa and Mustang areas.

The Nepalese had remained for 8 months defending the newly conquered territories when a combined force of the Tibetans and Chinese made a surprise attack at Kuti on the night of 5 November 1855. The Nepalese were defeated. Then the Tibetan force attacked the Nepali camp in Jhungagadhi. But the Nepalese killed 1,500 Tibetan troops and kept the base intact. The commander of the Nepali force that had withdrawn from Kuti then asked for additional troops from Kathmandu, and the reinvigorated Nepalese troops attacked Kuti from three sides. Kuti was restored again within the Nepalese territory.

When the Nepalese troops gained success in all sectors, the Tibetans proposed peace talks at the border. Then the representatives of both the countries talked at Shikarjong. The Nepalese side demanded all the territory it had won and re-made the claim of Rs.10 million as compensation for the loss of property and goods to Nepalese businessmen. But the Tibetans said they would give Rs. 500,000 to the Nepali businessmen and Rs. 400,000 more as war compensation. They also took the stance that they would not give even a single inch of the land captured by Nepal and that Nepal should retreat to its previous borderline. This debate led the talks to nowhere. Even after that there were clashes between the forces of the two countries. Finally, both sides agreed to resume the peace talks, and the negotiation was held at the Thapathali Palace in Kathmandu. Both sides then reached an agreement for a treaty, and a treaty was signed on Monday, 24 March 1856. The treaty is known as Nepal-Tibet Peace Treaty and it contains 10 articles. This treaty is also called as Thapathali Treaty.

According to the treaty, Nepal would return Kuti, Kerung, Jhungagadhi, Taklaxhar and the territory up to Dhakling pass. This contracted Nepal border with Bhairablangur Himal. This treaty also made Nepal relinquish Khasa, till then a part of Nepal, and Nepal's border was fixed at Tatopani, which is also the present border of Nepal. The treaty also had the provision for Nepal to return the Tibetan soldiers made prisoners, and Shikh prisoners along with weapons and other goods. In return, the Tibetan government agreed to pay Rs.10,000 annually to the Nepalese government. Provision was also made to upgrade the status of Nepal's representative to Lhasa from *Naik* to Consular General to look after the interests of Nepalese businessmen in Tibet. The Nepali Consular General was also given the responsibility to look after and settle the disputed cases of Nepali with Tibetan or others. To strengthen the relations between the two countries, an article was

included in the Treaty to the effect that the Gorkha government would provide all kinds of help to Tibet in the event of the latter being attacked by anybody. Apart from this, representatives of Nepalese and the Tibetan governments had also met at Rasna of Kerung frontier on 10 June 1857 (10th day of the 6th month of Fire Serpent Year) and an agreement was made on resolving any border dispute that might arise, through mutual understanding as well as the removal of Nepalese customs and trading post at Kerung⁶. In this way, by the time of Thapathali Treaty, Nepal's northern border had at times expanded and contracted and finally was limited to the Himalayan range. That time, majority of the Himalayan range had remained within the Nepalese frontier and the Nepal-Tibet borderline had elongated and extended north from the northern foot (base) of the Himalayas.

Boundary of Present Nepal

Nepal During Sugauli Treaty

The aim of the Nepalese forces to include Kangara for long failed after Ranjeet Singh, King of Punjab, sent his troops to help that hill state. It forced Nepal to remain on the nearer side of the Sutlej River as its western border. That was in 1809. Gorkhali army had overrun in Kangara in 1806. But invaders expelled them in 1809 by Kangara Raja, aided by Sikhs under Ranjeet Singh. But Nepal did not remain quiet after its defeat in Kangara. Instead, it focused its attention on the south. The same year Nepal attacked and captured Butwal and Shivaraj Praganna. These regions, although they were won by Nepal when they took over Palpa, were seized by the Wajir of Oudh and handed them over to the British. Nepal also warned the British not to look over across Kheri and the Nepalese and the British government expressed their willingness to fix their borders. But the demarcation of the border met with difficulty after it was found that the lands were being used by farmers of Bengal and Oudh. Nepal did not want to leave those areas and asked the British to vacate the area. When the British were reluctant, Nepal thought of capturing the adjoining Butwal. Finally, the government of the East India Company expressed their willingness to talk about the issue. The talks were held with Commissioner Krishna Pandit and Major Parish Bradshaw leading the Nepalese and British respectively. But the relations

⁶ Aitchison, C. U. (1929). A collection of Treaties, Engagements and Sandas. Vol- XIV: 50

between Pandit and Bradshaw got worse and when it thought that the talks would not reach to a positive conclusion, the Nepalese team withdrew from the talks in April 1815 and returned to Kathmandu.

In the meantime, the administrator of Morang on Nepal's behalf captured the Bhimnagar inside the Purnia area in 1808. But the British sent its army in June 1809 and forcibly recaptured the area. Nepal had to vacate the area in 1810. In 1811 Nepal attacked and brought under control some areas of Butwal and Betiya. When the people of Betiya opposed this, both the East India Company and the Nepalese government appointed commissioners from both sides to look into the border dispute and settle it. During the investigation, the British representative ascertained that Nepal had encroached the British territory and the ownership of the disputed area lay with the British, but Nepal refused to return the disputed territory to the East India Company. Then Lord Hastings sent a letter to the Nepalese side on 11 March 1814 and warned that if Nepal did not return the land it took within 25 days, they would take the land back forcibly. Nepal did not think it was necessary to send a reply on the stipulated date because it was certain that the land lay within the Nepalese territory.

The British side then thought that a war was inevitable. As a result, the British formally declared war against Nepal on 1 November 1814. The Royal court officials in Kathmandu discussed and debated whether the Gorkhalis should fight with the British. Finally the proposal of Bhimsen Thapa that the Gorkhalis must fight with the British was accepted and approved and plans were made accordingly. Commander Amar Singh Thapa and Bhimsen Thapa were totally against accepting the demand of the Company government. Although some nobles were against waging war against the British, many maintained that Nepal must prepare for the war as the Company government had already declared it. Therefore, Amar Singh Thapa was given the responsibility of preparing the army to secure the borders of the country. Thapa began organising the army and training them to punish the British for their stubbornness.

In the meantime, Amar Singh Thapa knew that the magistrate of Gorakhpur had deployed 17 companies of the local force to capture Butwal and Shivaraj, and the Nepalese government sent its troops from Palpa to the Butwal region to counter them. As the company force had pushed forward, Amar Singh commanded his army to withdraw a little. But on 20 May 1815 he divided his force into small groups and attacked the posts of the East India Company army. Eighteen soldiers of the

company government were killed and the Nepalese force re-captured the Butwal area. The British took this incident as a challenge and pledged to continue their war with more vigor. When the news of the recapture of Butwal and the death of the soldiers reached Calcutta, the British Governor Lord Moira ordered reinforcement to stop the Gorkhalis. In this situation, what the Company government had feared the most was whether the Chinese would come to assist Nepal. It was recalled that in 1813, when Nepalese had fought the Sikkimese, Nepalese envoy had asked the Chinese for help. Lord Moira believed that if China helped Nepal it would pose a grave danger to the Company government. In such a situation, he had thought that there would be no real peace (between Nepal and the Company government) unless he conceded the territory north of River Ganges to Nepal, and made the Ganges the common border between the two countries. In this context, he thought it necessary to understand the attitude of the Chinese if he launched an all-out attack on Nepal. Therefore, the British had feared to attack Nepal. Despite this, the war started, and the immediate reason was the border dispute at Butwal and Shivaraj. Nepal had claimed that after Palpa was integrated into Nepal, those two regions were part of Nepal. But Lord Hastings had a different opinion. He thought that those parts were owned by the Nawab of Oudh and after Oudh was included in the Company government, Butwal and Shivaraj also belonged to them. But, in fact, the border dispute between Nepal and the Company government had been going on since the time of Prithvi Narayan Shah. After Makawanpur came under Gorkhalis occupation, a dispute had arisen on the Tarai region under the Makawanpur state. But Prithvi Narayan Shah had sorted out the problem with the Company government by sending Dina Nath Upadhyaya to Calcutta. After that there were long disputes over the ownership of Rautahat, Rudrapur and other areas. Against this backdrop, the British had wanted war with Nepal by laying new claims to Butwal and Shivaraj. Those two areas belonged to the Butwal state after Butwal was included in Nepal, the latter had claimed that there should be no dispute over the ownership of those areas. There were even talks between two Nepalese authorized representatives Ranga Nath and Dalbhanjan Pandey and British official Lord Bradshaw. But when the talks ended inconclusively, the East India Company on 11 March 1815 gave a 25-day ultimatum to vacate the area. When the Nepalese government ignored the ultimatum the British pushed its forces to capture those areas. But the British forces were pushed back by the Nepalese and the areas remained with Nepal.

During the war, the British opened two fronts in the east and two more in the west. The British could not achieve success in the east, but they had moved ahead successfully in the west. When the Nepalese forces had restricted the British in the east, whereas it suffered one defeat after another in most of the fronts in the west.

The British had planned to push into Kathmandu through Makawanpur from the eastern front. To foil the British plan, Nepal had deployed its forces at Makawanpur. In the meantime, Nepalese forces made unexpected raids on the British force at Sumanpur and Parsa on 1 January 1815. The British commander was killed and the rest of the forces fled. When the British troops had pushed into Morang and heard their defeats at Bara and Parsa, they could not move ahead. In March 1815 about 2,000 British troops entered into Morang and contacted the Sikkim Palace. Under the term when the British troops attacked the plains, Sikkim would make attack on the hills. In addition, after the peace treaty between British and Nepal, the Sikkimese would get back the territory they had lost to Nepal, and the British also assured that they would guarantee the independence of Sikkim.

The second front of the British had aimed to attack Palpa via Butwal and to capture the Jitgarh fort. When the British forces were advanced along the banks of the Tinau River, they suddenly encountered with the Nepalese force. Although the Nepalese were less in number and they were defeated. But to prevent the further advance of the British, they spread a rumour that there are 12,000 more Nepalese troops in the hills. The perplexed British troops then did not dare to attack Palpa. Rather they resorted to defensive position by blocking the Butwal-Gorakhpur corridor.

On the western front, the British troops led by General Gillespie entered into Nepal on 22 October 1814 targeting the fort at Nalapani. But the Nepalese troops led by Balabhadra inside the wall fort killed General Gillespie and Lieutenant Alice on 30 October 1814, the British forces fled. But immediately afterward General Martindale with added troops, explosives and cannons attacked Nalapani again. At the same time they blocked the water route that goes inside the fort left and the Nepalese troops thirsty. When they could no longer bear the thirst and hunger, the Nepalese troops led by the warrior Balabhadra voluntarily left the fort of Nalapani on 30 November 1814. They left the fort without fearing the British cannons and guns but carrying open *Khukuris* (Nepali long knife) in their hands. Then the English troops destroyed the fort and took it over.

The Nepalese troops then proceeded towards Nahan and Jaithak. When the British troops followed them, there was a fight at Nahan and the Nepalese troops were defeated. But in the battle of Jaithak, almost half of the English troops were destroyed by the *Khukuri* attack of the Nepalese. Despite this, the English got victory after a minor battle at Sutlej. Then the English troops took over Taragarh, Ramgarh, Surajgarh and Malaun, and on the day of 14 April 1815 captured the Ralley Takura. In the battle of Deuthal Bhakti Thapa showed a great bravery but the Nepalese were defeated because they had few troops. In the war, commander of the Nepalese troops Bhakti Thapa was killed, and the British troops too suffered considerable casualty. In the battle of Almora, British commander Ochterlony resorted to deceits and the commander of Nepalese troops Hastidal Shah was killed. This way Almora along with Deuthal got inside the British territory on 28 April 1815.

Earlier, the Nepalese troops had, with their acumen of war and bravery extended Nepal's western border to Sutlej. The British had built up weapons and troops and had received huge amounts of money from the Nawab of Oudh and other traders to fight against the Nepalese. But on the Nepalese side, there was decline in the number of troops, logistics and money and the failure to receive help from Tibet and China. Still they were forced to leave the area from Sutlej to Mahakali to the British. When the news of defeat of Almora and the surrender of Bam Shah was received, Nepalese were forced to call back their troops to the eastern side of Mahakali and leave the whole region from Kumaon to Sutlej. In this context, the commander of the Western region Amar Singh Thapa signed a treaty with David Ochterlony of the East India Company on 15 May 1815, giving up the area west of Mahakali River. Then Nepal was forced to accept its western border that had extended to Sutlej as the Mahakali River and its western boundary line.

Even after that military activities of the British troops had continued. In such a situation Nepal did not think that it would be in its interest to prolong the war. Then Gaja Raj Mishra and Chandrashekhar Upadhyaya were sent to Sugauli on 28 May 1815 to talk with the Company government to bring the war to an end. Paris Bradshaw had represented the Company government. Finding that it had an upper hand, the Company government submitted many demands putting Nepal in a difficult situation. The Nepalese government declined to accept those demands, as a result of which the first round of talks failed. Again the Company government pressurized Nepal for peace treaty, and the second round of talks were held. It failed again after Nepal refused to give away the Tarai area.

Lord Hastings tried to persuade Nepal by throwing bait to leave the Tarai saying that the Company government would pay some amount annually and some other facilities as compensation and drafted a framework for the Sugauli Treaty. The draft, signed by Lt.-Col. Paris Bradshaw was sent to Nepal on 2 December 1815. He also asked Nepal to sign and approve the treaty within 15 days. But the Nepalese government declined to accept the conditions because the proposed Sugauli Treaty has provisions that Nepal's border would be confined to Mechi River in the East and Mahakali River in the West and Nepal had to concede the whole belt of the plains between those Rivers to East India Company.

Instead, Nepal intended that it would continue with the war than to accept the provision and conveyed the same to the Company government in February 1816. In response to this reply the English troops led by Sir David Ochterlony suddenly marched towards Kathmandu. The Nepalese army fought bravely to stop the British troops, but it failed at many parts and informed that it was willing to send its representative to the British headquarter for peace negotiations. Then Pandit Gajraj Mishra and Chandra Shekhar Upadhyaya on behalf of Nepal signed on the agreement on 4 March 1816 at 2:30 P.M. at Sugauli and Upadhyaya gave a copy to the Company government, and on behalf of the Company government Governor General David Ochterlony also counter-signed and gave the copy to Upadhyaya. The treaty is called the "Treaty of Sugauli" because the treaty was formalized at Sugauli of Makawanpur of the then Tarai region (Appendix-12).

The treaty chipped Nepal's wings in both the east and the west with the result that Nepal had to concede all the territories within the hills eastwards of the River Mechi including the fort and lands of Nagree and the Pass of Nagarcote leading from Morang into the hills, together with the territory lying between that Pass and Nagree to the Company government. In the west, the territory west of the Mahakali river was yielded to the Company government, and a provision was made that the King of Nepal engages never to have any concern with those countries or the inhabitants thereof. Besides, the whole plain Tarai region (except for the Butwal area) from the river Koshi to Kali came under the control of the Company government.

Prior to the Sugauli Treaty, Nepal has stretched to 1,415 kilometers from east to west. And Nepal after Sugauli Treaty was contracted to 885 km. Similarly, the boundary of Greater Nepal from

Tista to Sutlej had expanded and encircled to 4,079 line km, but the Sugauli treaty forced Nepal to remain within the boundary of 3,222.48 line km, and its area reduced from 204,917 square kilometers to 147,141 square kilometers. In such a way Nepal was forced to lose almost one-third of its territory by the treaty of Sugauli.

For 47 years, before the Sugauli Treaty, the expansion of Nepal's border was expanding uninterrupted. But after the Treaty, the unification campaign started by Prithvi Narayan Shah came to an abrupt halt and forever. After the Sugauli Treaty, Nepal's border is surrounded by the East India Company on the three sides- west, south and east. On the north, the border remained unchanged with the Chinese territory. The encircling of Nepal on three sides by the Company government prevented Nepal from making contacts with other states in India.

When Nepal lost its one-third territory under the Sugauli Treaty King Girwanyuddha Bir Bikram Shah was on the throne of Nepal and Bhimsen Thapa was the Prime Minister. It is likely because both the King and the Prime Minister were displeased with the clauses of the Treaty none of them signed the treaty and only the representative signed it. Analysts have taken the Sugauli Treaty as a humiliating and an unequal treaty for Nepal. An analysis of the clauses and provisions makes all too evident the one-sided and pressurizing conditions, such as binding of time, limitation of boundary, and restrictions on making contacts across the border, that a victorious country imposes on a vanquished one. The English had gained much unilaterally because of the treaty.

In the aftermath of the Sugauli Treaty, Lieut. John Peter Boileau came as the first British resident ambassador to Nepal for the first time, and this opened the doors for the formal entrant of the British into Nepal. Among many conditions of the treaty, there were obligatory provisions like if there were any differences between the State of Nepal and the Raja of Sikkim, or the subjects of either, that such differences shall be referred to the arbitration of the British Government by whose award the Raja of Nepal engages abide.

Before Sugauli Treaty, the Company government had a great fear that the Chinese Emperor would help Nepal in the war; and after the treaty it was still skeptical about the attitude of the Chinese as the whole of Kumaon and Gadhwal in the west and Sikkim in the east came under the British dominion. Besides, Lord Moira was anxious about the

Chinese Emperor asking the Company government whether Nepal had or had not the right to enter into treaty with it. In the meantime, a rumour had reached to the British officials that the Chinese were sending a massive force to Kathmandu to punish the British. The British officials in Bengal had feared that the Chinese might demand why they entered into war with Nepal, and why they forced Nepal into an unequal treaty. But the fear had subsided after the British Resident in Kathmandu conveyed to them a message that there were no Chinese troops in Kathmandu, and that there was no reason for the Nepalese to welcome them.

This clearly shows that they still had fears of other countries asking them why they had tricked and cheated Nepal entering into the treaty forcibly. They had also doubts that the Gorkhalis might not accept the treaty and would wage a war again. But the plan for another war never materialized amid the animosity between the Gorkhali troops and the high government officials, and the remarks and comment on the strategy adopted during the lost war and debates on whether Nepal should have continued the war instead of entering into a treaty. This forced Nepal to remain within the limited boundary of the Sugauli Treaty and Nepal has remained confined within that border to this day to the east and west.

Return of the plain area from Koshi to Rapti

Although the British had handed over the draft of the Sugauli Treaty to Nepal on 2 December 1815 and demanded for an approval within 15 days, Nepal had obliged only on 4 March 1816 and as representative of the Nepal Chandra Shekhar Upadhyaya signed on the treaty and handed it over to the British at 2:30 P.M. at Sugauli of Makawanpur. The British had understood that the delay in signing meant Nepal was not satisfied with the treaty. In order to console and appease the King of Nepal the British prepared an agreement to the effect that the British were willing to return the Tarai plains from Koshi to Rapti Rivers and presented the same to the King of Nepal on 8 December 1816 for approval and consent.

In the agreement the British had also said that after the return of the Tarai the British would discontinue paying Rs. 200,000 they had been giving to the King of Nepal to mollify the high officials of the Royal court. Nepal in return sent the agreement with the Royal seal saying that Nepal has accepted the terms and conditions of the agreement. The reply, sent on 11 December 1816, mentioned that Nepal

appreciates the hands of friendship and fraternity extended by the British, to accepted the offer to return the territory of southern portion of Koshi and Rapti Rivers that belonged to Nepal before the war and that which were not disputed (Appendix-13).

“The offer could relieve me off some of the pains caused by some provisions of the Sugauli Treaty and I believe that you have considered this with the offer; I am confident that you would work to promote the friendship between the two governments keeping in view the interest of my country,” the letter contained.

The words mentioned both in the letter of the British and the reply sent by Nepal indicated that both the governments were skeptical about each other's intentions. The Company government was apprehensive that Nepal might discard the Sugauli Treaty and wage a war; and Nepal was worried that because the Company government was stronger, it might demand more territory. More than that, the Company government was feeling sorry that it had forced Nepal to sign the treaty. This can be understood from the offer they made to return the area between the Koshi and Rapti Rivers within 9 months of the signing of the Sugauli Treaty. Again, the British might have thought that it would be more profitable for them to return some land and to get rid of the burden of paying Rs. 200,000 every year, and it would also show their integrity. Nevertheless, for Nepal it gained back some part of the one-third territory within nine months of losing them.

The agreement had also mentioned that the border demarcation between the two countries would be impossible without carrying out a survey. The agreement also appointed commissioners from both sides to demarcate the territories, according to the pre-conditions, through a straight line to establish well-defined borderlines. Additionally, there were also provisions to exchange any portion that jot in and out of the straight line on the principle of clarity and mutuality. They agreed that if the land of any individual fell across the boundary line, the issue would be put before the governments of the two countries to solve the dispute. The Commissioners were also given the authority to make agreements and to make exchanges of such land to allow the landowners and the land to remain within a single territory.

It was also agreed to carry out a survey to establish border markers, and to exchange documents bearing the borderlines and to be approved by both the governments. Thus, after the return of the territory from Koshi to Rapti Rivers the attitude of the Britishers to the Nepalese showed some restraint.

Return of the new territories

Discontent against the British rule in India had started in 1850 AD. There was a strong possibility of the Sikh waging war against the British. The first struggle for independence had started with the 'Soldier's' Mutiny'. That time, Jung Bahadur Rana was in control of power in Nepal. He had feared that the British would do something against the many murders he had committed within the nation. He was also aware that he could not remain in power for long without the support of the Company government in India. So, he was always thinking of finding ways to please the British. He found the soldiers' mutiny a good opportunity to show his loyalty to the British and gain their confidence. Jung Bahadur wrote to the British proposing to send Nepali troops to quell the mutiny to the East India Company through British resident Colonel Ramsey. The British also decided to take Nepal's friendly help to quell the Sepoy Mutiny against them in Lucknow.

As requested by the East India Company six regiments of Gorkhali troops were sent to India on 2 July 1857 to assist the British. The then Governor General Lord Kenning formed a formidable combination of the British and Gorkhali troops and the force completely quelled the mutineers in Chandpur, Jaunpur, Ajamgarh and Sohanpur. The Gorkhali forces chased the mutineers to Lucknow. But Lord Kenning thought that the mutineers could not be defeated in their stronghold of Lucknow, and asked Jung Bahadur for more troops. He also proposed that Jung Bahadur should lead his troops. Thinking that it would give him a chance to present himself as an example, Jung Bahadur set out for Lucknow on 10 December 1857 through Gorakhpur. Within one month, he took complete control of Gorakhpur, and on 10 March 1858 succeeded in controlling the outskirts of Lucknow. Then the Gorkhali troops entered the main part of the city and managed to control the citadels such as Aalam Bagh, Keshar Bagh, Musa Bagh and Moti Mahal, clearing up the city off the rebels. Thus Nepalese helped to maintain the British dominion in Lucknow.

The British were highly impressed by the bravery and the tactics of the Nepalese troops, especially that of Jung Bahadur, in suppressing the rebels. The British then discussed in breadth on how to reward Nepal for this help. At last, the British decided to return the plain areas from Kali to Rapti Rivers, which were taken away by the Sugauli Treaty. Under this, 278 kilometers long stretch of land consisting of 9,207 square kilometers of the present four districts, Banke, Bardiya, Kailali and Kanchanpur – called *Naya Muluk* as the new territories –

were returned to Nepal. This return was formalized through a border agreement signed on 1 November 1860 (Appendix-14). The agreement was signed by Maharaja Jung Bahadur Rana on behalf of King Surendra Bikram Shah and Lieutenant Colonel George Ramsey on behalf of the Governor General of India Viceroy Charles John Earl Kenning. The agreement says that the British government returns with full sovereignty the area between Kali and Rapti Rivers, and all the low lands between Rapti River and the district of Gorakhpur. The agreement also says the areas were within Nepal's territory until 1815 A.D. and were handed over to the British under Article 3 of the Sugauli Treaty. The last clause of the agreement also says that the borderline demarcated by the pillars at the base of the mountain north of the Bagora Lake lying east of Kali or Sharada River will be considered as the boundary between the Oudh of the British territory and that of the King of Nepal.

The provisions mentioned in the treaty are as follows: During the disturbances which followed the mutiny of the Native army of Bengal in 1857, the Maharaja of Nipal not only faithfully maintained the relations of peace and friendship established between the British Government and the State of Nipal by the Treaty of Segowlee, but freely placed troops at the disposal of the British authorities for the preservation of order in the frontier districts, and subsequently sent a force to co-operate with the British Army in the re-capture of Lucknow and the final defeat of the rebels. On the conclusion of these operations, the Viceroy and Governor-General in recognition of the eminent services rendered to the British Government by the State of Nipal, declared his intention to restore to the Maharajah the whole of the lowlands lying between the River Kali and the District of Goruckpore, which belonged to the State of Nipal in 1815, and were ceded to the British Government in that year by the aforesaid Treaty. Masonry pillars have been erected to mark the future boundary of the two States, and the territory has been formally delivered over to the Nipalese Authorities. In order the more firmly to secure the State of Nipal in the perpetual possession of this territory, and to mark in a solemn way the occasion of its restoration, the Treaty has been concluded between the two States.⁷

In this way, Nepal restored and regained back the territories of Banke, Bardiya, Kailali and Kanchanpur as the new territory that was lost 44 years ago, by helping the British quell the soldier's rebellion, Sepoy Mutiny.

⁷ Aitchison, C.U. (1929 and 1931). *A Collection of Treaties...* Vol. XIV, Calcutta : 71-72

Nepal after Sugauli Treaty

The territory that had reached up to Tista in the east and to Kangara fort in the west and its expanse lying between Tista and Sutlej of Greater Nepal was cut off by the Sugauli Treaty, signed by Chandra Shekhar Upadhyaya on 4 March 1816 (Map-2.) The treaty not only cut off its span on the east and west but also tore apart its southern stretch. But the very first clause of the treaty declared that there would be long-lasting peace and friendship between the East India Company and the King of Nepal. This announcement forced the King of Nepal to evacuate the whole of the lowlands between the Rivers Kali and the Tista, and all the hilly areas east of the Mechi River of Gorkhali soldiers within 40 days from the date of the Treaty and surrender those areas to the British once and for all. Besides, the treaty also forced the King of Nepal to renounce for himself, his heirs, and successors, all claim to or connexion with the countries lying to the west of the River Kali and engage never to have any concern with those countries or the inhabitants thereof.

What is interesting about the Treaty is that Nepal was forced to give up the lower and the hilly areas of Mechi and Tista Rivers, which were not the war zones, and Nepal had to choose the British as arbitrator if there was any conflict between the Kingdom of Nepal and the King of Sikkim or the people of Nepal had to accept the decision of the British government. In addition, the British were allowed to open their Residency in Kathmandu. As compensation to all these obligations, the British promised to provide Rs. 200,000 every year under the aegis of the King of Nepal to pay for the damages caused by the provisions of the Treaty to the royal courtiers and high officials. They also added the provision that the King of Nepal should approve the treaty within 15 days. Nepal was obliged to accept all these provisions without humiliation. So it took 93 days instead of 15 to approve the treaty, and the representative instead of the King put the counter signature.

In this way, after one-thirds of Nepal's territory was surrendered to the British and most of the courtiers were dissatisfied with Bhimsen Thapa, the then Prime Minister. But Thapa tried to attract the attention of the people and other high officials saying that Nepal had to reorganize its forces and should continue war with the British. He had also tried to play diplomatic game to keep the Tarai plain areas with Nepal and for this did not hesitate to ask for help from China to resume war with the British. But the officials here remained divided and he did not have good relations with the British Resident and he did not get any indication of China helping Nepal as well. Thus the war stopped happening despite, Thapa wanting it.

On their side, the Company government was still suspicious that Nepal might negate the treaty and would resume the war. This was the reason that within 9 months of the treaty, they returned the plains from Koshi to Rapti Rivers and cancelled the provision of paying annually Rs. 200,000 to Nepal. Likewise, after Jung Bahadur pleased the British by helping them to quell the Sepoy Mutiny of the Indian soldiers, Nepal received back 278 kilometers long stretch of land between Kali and Rapti Rivers and that was the end of Nepal acquiring the land it had lost to Sugauli Treaty.

The British were in a hurry to confine Nepal within that border line and to remain secure. So, they worked at faster pace to carry out a survey of the borderline, to install masonry border pillars and to exchange the border agreement. Doubtful of what Nepal might do next the British forced Nepal to withdraw its troops from the hills east of the Mechi River within 40 days of the signing of the treaty. Then 11 months later on 10 February 1817 the East India Company entered into the Treaty of Titaliya with the Kingdom of Sikkim and handed over with full sovereign rights to the King of Sikkim and his descendents the whole hilly regions east of Mechi and west of Tista. These areas were under the dominion and control of the King of Nepal before the Sugauli Treaty.

After the Sugauli Treaty, Nepal and the Company government had disputes at several places over the demarcation of the border. For example, in 1840, Nepal had claimed the ownership of several (settlements) and the lands at Ramnagar. This dispute was settled with an *Ikararnama* understanding and in a friendly way on Saturday, 2 January 1841 after the Company government had collected the witnesses of 95 witnesses, which had included Chautaria, chief, priests and other local personalities from the Nepalese side.

Similarly, Nepal and Sikkim had disputed over the ownership of the Antu hill. This dispute was linked to the source of the Mechi River. There were two rivers originating from the northwest and northeast of the Antu hill. Sikkim had claimed that the river originating on northwest was the source of Mechi River, and thus the Antu hill should belong to them. But Nepal had said that the river originating on the northeast is the source of Mechi River and thus the Antu hill must belong to Nepal. The King of Sikkim then asked the British to mediate. The British had assigned two British officials J.W. Grant and Captain J.S. Lloyd for arbitration. Lloyd decided in 1827 AD that Antu hill belongs to Sikkim. But the Nepalese government appealed at the Bengal

government against the decision. The Bengal government then appointed Dr. Campbell to investigate on both sides claim. Sikkim argued that the Antu area had belonged to Sikkim long before the Gorkhali's attack, and the Gorkhali had captured it in the war. But Nepal asserted that as Antu hill lies west of the Mechi River and it falls within the territory of Nepal. In this context, the question arose as to which of the two sources was the source of the Mechi River. The British theorized that the River, which is longer, wider and deep and whose water volume discharge was bigger would be taken as the Main River, and the others as its tributary. Under this provision, the river flowing from northeast was longer, wider and had more discharge, thus was called the Mechi River. Campbell then concluded in 1838 that the Antu hill, lying west of the Mechi River belonged to Nepal⁸. Then after, the river flowing northwest of Antu hill was called Siddhi River.

Similarly, the British said that in the land dispute at Tirhut and Sarun districts, if the King of Nepal wanted to keep those areas within its frontier he could exchange it with another area. The land at Tirhoot was under dispute for a long time. The dispute was settled with the understanding that the borderline accepted with mutual discussions in 1812 AD would be recognized as the border and would be acceptable in the future as well. After the Sugauli Treaty, there were disputes and differences at various places. But according to the agreement of 8 December 1816, such disputes would be settled with mutual understanding and on the basis of exchanges of land on equal basis and such quantity of ground as may be considered mutually desirable for the new boundary. It further says, as it is impossible to establish desirable limits between the two States without survey, it will be expedient that Commissioners be appointed on both sides for the purpose of arranging in concert a well defined boundary on the basis of the preceding terms, and of establishing a straight line of frontier, with a view to the distinct separation of the respective territories of the British Government to the south and of Nipal to the north; and in case any indentations occur to destroy the even tenor of the line, the Commissioners should effect an exchange of lands so interfering on principles of clear reciprocity.⁹

One can also gauge that the dispute were incessant. When Jung Bahadur returned after quelling the Sepoy Mutiny in 1858 he had also raised strong voices regarding the border. He had complained with the British about the inconsistencies of border in Oudh, Rohilkhanda and

⁸ Singh, Amar K.J. (1988) Himalayan Triangle. The British Library, London: 183

⁹ Aitchison, C.U. (1929 and 1931). A Collection of Treaties Vol. XIV. Calcutta : 65

Gorakhpur. As the rivers would change their courses frequently, he had stressed on maintaining the border on village settlements and on erecting border pillars in the jungles and cultivated lands.

There was the land dispute at Bhagaura Tal (Lake) and Arrahnala in 1869 and it was settled after Jung Bahadur returned from Calcutta, with the signings of Captain Samuel and Subba Padmanabha Joshi in 1874 AD. There was also the provision that if the Nepalese and British commissioners disagreed on the settlement of the border, a third official would look into the dispute and he would settle the dispute with mutual confidence. One example of that was when Lt. Col. McAndrew and Captain Siddhi Man Singh Rajbhandari had a difference of opinion and it was settled by Sir Dite Forseyth as he was appointed as the third officials. It was agreed by both the parties and an agreement was signed by Mc Andrew and Siddhi Man Singh (Appendix-15).

A letter written by Jung Bahadur to Lt. Col. George Ramsey also reveals that there were border disputes at various places. The letter reads: "In order to avoid any future conflict, I want to draw the boundary line with the statement mentioning about the border pillars at several places of the big villages and settlements of both the sides. The British commissioners had erected permanent concrete pillars in various distances. They had also constructed earthen pillars at various points of the settlement in between permanent concrete pillars but they were weak earthen pillars at every 130 steps (foot) both of which are not strong enough. I hope they will be made strong and permanent so that they will last longer. There are 210 concrete but small pillars from the northern hills of Baghaura Tal, which meet with the eastern border of Rohil Khanda."¹⁰

Similarly, the letters exchanged between Jung Bahadur and Lt. Col. Richard Charles Lawrence also refers to the border disputes. The letter reads: "It was taken that the border points on the area near Sharada River, which was received from the British, had been demarcated in the map by the British and the Nepali representatives. But the lines demarcated by the British are put in Red and that by the Nepalese is in green ink border line. The green signs signify the Nepalese limit of the frontier had reached from Ghusarighat to Brahmadev. The border demarcation and the markings of the land, received from British to Nepal government have been done according to the report of the British

¹⁰ Ministry of Foreign Affairs (A letter from Prime Minister Jung Bahadur Rana to Lt. Col. George Ramsey on Thursday, 21 September 1860)

commissioner commissioned in 1860 for the same purpose. The border line drawn on the map as mentioned in that report was accepted and approved by the British government.”¹¹

The above mentioned examples illustrate that there were disputes on the border from the very beginning of the Treaty of Sugauli, which showed Nepal's disenchantment with the treaty. Disputes in several areas have been settled, but in so many other places the disputes have remained to be settled and there are debates and controversies. Although it is often said in totality that Nepal's present border is delineated and demarcated by the Sugauli Treaty. But in fact there have been two more treaties after Sugauli Treaty, that is the Supplementary Boundary Treaty of 11 December 1816 and the Boundary Treaty of 1 November 1860. And these three treaties together, have maintained Nepal's present and existing border with India. So, as long as the Sugauli Treaty is accepted, these borderlines have been recognized as Nepal's boundary till this date.

Border after Nepal-China Border Agreement-1961

The Thapathali Treaty of 1856 AD had provided in writing Nepali businessmen and traders the facility of territorial rights allowing Nepalese to open shops and establish business mart in Lhasa; Nepali traders would get customs facilities; and the representatives of both governments would decide any quarrel and conflict between Nepali and Tibetans, but these provisions were never implemented fully in practice.

When incidents of Nepalese being troubled and bothered and even the staff and vexation and hassles of the staff of Nepali consular general continued, diplomatic relations between Nepal and Tibet were soured. Thus the diplomatic relation was broken in 1873. However, the Tibetans being apologetic sent their representatives to Kathmandu for talks in 1880 A.D. but there were reports that the Tibetans are preparing for war at the common border, and the relations were marred with the feelings of uneasiness and mistrust.

With the relations passing through a difficult phase, in 1883 A.D. a group of Tibetans attacked the Nepalese who were residing in Lhasa and made away with cash and goods worth Rs. 900,000. Representatives of both sides met at Kuti and Rasuwagadhi for compensation of the goods looted and robbed. But they failed to reach to

¹¹ Ministry of Foreign Affairs (A letter from the Prime Minister Jung Bahadur Rana to Lt. Col. Richard Charles Lawrence on 5 April 1865)

a satisfactory conclusion. To avoid such incidents in the future and to protect its citizens in Tibet and to provide justice to them, Nepal kept government official representatives at two more places- Shigatse and Gyantse- in addition to Lhasa.

Then there was no big problem and conflict between the two sides. Nepal, according to the Betrawoti treaty, continued sending gifts to the Chinese Emperor every five years and the Chinese government would bear all the cost of the Nepali team going to China, and China would reciprocate by sending gift to Nepal as well. This continued till 1908 A.D. After the last trip, there were internal conflicts within China, it realized the independence of Nepal. In the meantime, Nepal also strived for international recognition, and as a result Britain in 1923 A.D., and during the period of 1947 and 1950, the United States and France recognized Nepal as an independent country. After China took over Tibet as its autonomous region in 1950, the Nepal-Tibet problem looked for a permanent solution, and Nepal-China relations saw upward trend and continued to develop. After the establishment of diplomatic relations between Nepal and China in 1956, which coincided with one hundred years of the Thapathali Treaty of 1856 between Nepal and Tibet, the extra territorial rights enjoyed by Nepal in Tibet was scrapped.

In the course of improving Nepal-China relations, a Nepal-China border treaty was signed between the two governments to solve the border issues on 21 March 1960 (appendix - 16). The treaty containing six articles and signed by Prime Minister Bisheshwor Prasad Koirala of Nepal and Chou En-Lai of China includes the provision of accepting the traditional border recognized by both the countries and the formation of a Nepal-China joint border committee with equal representation from both sides for demarcation. The committee was assigned the job of solving border issues through mutual talks and understanding; it could carry out border survey, erect border pillars; and draft the border treaty.

It had also provision to adopt three techniques to deal with three different types of cases while demarcating the border. First, if the maps presented by both sides coincide with each other, the border demarcation and the erection of border pillars would be done according to it. Secondly, if the maps do not coincide with each other but there is no dispute on the users' rights, the joint committee would send joint survey team, which would determine the borderline according to the user's rights and possession. At the same time border markers and pillars will be constructed according to the physical structures of land such as

watershed, passes and valleys. Under the third provision, a principle was enunciated that if the maps presented by the two sides did not coincide and the actual possession (users' rights) are also different, the joint committee would decide the borderline at the site according to equality, mutual benefit, and friendship and understanding, and would construct the border posts. In addition, to ensure peace, friendship and stability in the border areas, a provision was laid down that both sides would not deploy armed military patrol within 20 kilometers of the frontier or make the border area military-free. It means only administrative personnel and civil police would be deployed within those area. It was also included in the treaty.

The Nepal-China joint border committee formed according to the treaty of 21 March 1960 had Major General Padam Bahadur Khatri leading the six member Nepali team and the Chinese side had Changshi Chia and five other officials. The first meeting of the joint committee was inaugurated by the then Deputy Prime Minister Subarna Shumsher Rana on 12 October 1960 at the Singha Durbar Secretariat. The first meeting of the committee was held from 12 October to 26 October 1960 in Kathmandu, and the follow up meetings were held from 18 January to 15 February 1961 in Beijing and in July 1961 in Kathmandu. The committee and sub-committees had fulfilled the delineation of the border and formulated the draft of the treaty in a cordial manner.

The border treaty prepared by the Nepal-China Joint Boundary Committee was signed by His Majesty King Mahendra Bir Bikram Shah Dev and Chairman Liu Shao-Chi on behalf of their respective governments on 5 October 1961 (Appendix-17). The treaty with five articles had fixed the traditional border as the basis on which the joint committee would draw the borderline from east to west under the principle of equality, mutual benefit, friendship and mutual coordination by making on the spot-decision. The borderline was drawn so that the north of it would be Chinese and the south would be the Nepalese territory.

The border documentation has divided the Nepal-China borderline into 13 sectors. The Chinese-Nepalese boundary line starts from the point where the watershed between the Kali River and the Tinkar River meets the watershed between the tributaries of the Karnali River on the one hand and the Tinkar River on the other hand, thence it runs south-eastwards along the watershed between the tributaries of the Karnali River on the one hand and the Tinkar River and Seti River on the

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other hand, passing through Lipudhura snowy mountain ridge and Tinkarlipu (Lipudhura) Pass to Urai Pass – Nala Kankar Himal (6,550 m) – Kali Gandaki (6,241 m) – Chaklo-Gyala pass – Thaple Bhanjyang (pass) – Yangra Himchuli – Chusumdo – Chomo Parmari – Nechle Sanghu (bridge) – Popti Bhanjyang - Rakha pass – and Chabuk pass.

Nepal's borderline in the east reaches to the tri-junction of Nepal-China- Sikkim at Jhinsangchuli, but the demarcation has been complete up to Chabuk pass only. There must be two tri-junctions – one at Jhinsang in the east and another at Limpiyadhura in the west – but because of the absence of India those tri-junctions are yet to be fixed. Therefore, the border demarcation is incomplete on both the ends of the borderline. The border delineation has been marked from west to east taking the watershed, snow peaks, mountain passes, ridges, spurs, rivers, and pastures as bases. The Nepal-China Border Treaty, after its signing by both the countries, has also mentioned about the drawing of the detailed border strip-map, erection of permanent border pillars as necessary, and the formation of a draft protocol.

Under the treaty, the border areas have been adjusted to either country according to its traditional uses, possessions and its convenience. For example, the borderline after it goes ahead from the Arun Valley has been taken to the southern watershed of the Arun River instead of Naktang and Chusar Valleys. This has shifted the borderline southwards from 2 to 3 kilometers for 16 kilometers in length, resulting in their inclusion inside the Chinese frontier. Similarly, at several places, the lands, which were traditionally used by Nepalese, but belonging to China have been included inside the Nepalese territory. This adjustment on the basis of give and take and the inclusion of the pastureland within the Nepalese territory, has added 302.75 square kilometers of Chinese territory into Nepal.

These areas can be seen while evaluating the overlapping border maps before and after the demarcation of the border. But neither Nepal nor China has officially and authoritatively mentioned these adjustments of territories. What is more important is that while studying the Index 12 of the Map of India published in London in 1835 (Map No. 7), the borderline of Nepal has been drawn along the northern foot of the Himalayan range. Or, it shows Nepal's border reaching the northern foot of the whole Himalayan range, including the northern slope of all the eight peaks of more than 8,000 feet high, including Sagarmatha (Mt. Everest). But the new treaty of 1961 AD shifted and maintained Nepal's

border at the watershed of Himalayan peaks. This made Sagarmatha too belonging to both the countries with the northern face belonging to China and the southern face to Nepal. But, luckily, the highest portion with the terracing slope is on the Nepal side. Any climber reaching the peak cannot stand on the steep slope belonging to the Chinese side, and they could only make to the top by standing on a rather stopping terraced portion of the peak, which falls on the Nepalese side. So the world has recognized that Mt. Everest belongs to Nepal.

Before the Nepal-China Border Treaty, and during the border agreement China had claimed that the peak of Sagarmatha belonged to it. The map presented by China during the discussion had also shown Sagarmatha within its territory, while map of Nepal showed Sagarmatha within its territory. This matter was discussed in a friendly spirit many times by Bisheshwor Prasad Koirala and Chou En-Lai by referring to each other's maps, and afterwards Koirala also talked with Chairman Mao Tse-tung. After many rounds of talks the Chinese side finally accepted the Nepalese map. As a result, it was accepted that Sagarmatha belongs to Nepal and this matter was finalized for ever.

Thus, the international border, which had remained undecided and un-demarcated at places especially at pasturelands and passes for hundreds of years between Nepal and the Tibet Autonomous Region of China, the Nepal-China Boundary Treaty of 1961 finalized and formalized the borderline with one-and-a-half-years of the formation of the joint border committee through mutual understanding and without any hassles. This showed and proved the good neighbourly relations and mutual cooperation between Nepal and China.

Border after the Nepal-China Boundary Protocols

The border treaty signed on 5 October 1961 determined the border that had remained undetermined for hundreds of years but had been used according to tradition and conveniences between Nepal and Tibet Autonomous Region of China in a formal and scientific manner. The treaty also solved the minor scuffles that was left by history, and gave rise to the borderline as a symbol of peace and friendship. In addition, to maintain a long-lasting peace along the border the treaty also made arrangement that there would be no armed military patrol within 20 kilometers on either side of the frontier.

After the treaty was signed, officials of both the countries expressed satisfaction for resolving once and for all the problems that had remained with history. It was also felt that the treaty was a great

contribution to the future generation of both countries. The treaty also made provision for the people, whose settlements fell on the other side or the pastures used by the people lied on the other side, to choose their nationality. When the land owned and used by the people of one country lie on the other side during demarcation of the borderline, the people would become the citizen of another country. But if such people did not want to take the nationality of the country where the land falls, he could remain the citizen of the original country. Such decision would be made by him within one year of the signing of the treaty. The treaty also made provision that even after making such personal decisions if those people continued to live in the new country along with the citizens of the previous country, those people would be regarded as foreign citizens, and they could move back to their country of nationality at any time they chose.

Regarding the land of any individual, which fell within the territory of another country, such land would not be allowed to be used for dwelling or the pasture land, and which fell on the other side, would not also be allowed for pasturing for the people of another country after one year of the signing of the treaty. Similarly, provisions were made barring the people of the border areas crossing over the border for other activities such as fodder collection, cutting down trees and bamboos, collection of medicinal plants and honey, and for hunting.

The treaty also solved such minor and practical problems, and the demarcation of territory was made according to the treaty. Joint Survey Teams were formed to carry out border survey and to erect permanent pillars at different points of the borderline. Those teams replicated the details mentioned in the boundary treaty of 5 October 1961 in the actual demarcation, and jointly ascertained the positioning of permanent border points. Thus, the borderline between Nepal and China was fixed clearly and formally. To carry out the demarcation, the west to east elongated borderline was divided into 13 sectors and five joint border survey teams were assigned. The teams had carried out their assigned task of undertaking the survey work and erecting border pillars in about a year.

The teams had specified serial number 79 from west to east and had established 95 border pillars (three of them contentious) in total. The total length of the borderline was 1,414:88 kilometers and it has yet to be connected two tri-junctions on both the east and west. In addition, the position and condition of the border pillars constructed during the

demarcation were clearly indicated in the detailed map included in the border treaty so that the maintenance and reconstruction of the broken or damaged or disappeared pillars could be done in their actual locations. But no border pillars were constructed at the two far ends of the borderline, as those points were the tri-junctions of Nepal-China-India and to ascertain the tri-junction there should be the representation of all these three countries. The tri-junctions could not be ascertained in due time because of the absence of India at that time. Therefore, the demarcation of the Nepal-China border was started by establishing the border pillar number one at some kilometer south of Lipulek pass (where the watershed between the Kali River and the Tinkar River meets the watershed between the tributaries of the Karnali on the one hand and the Tinkar on the other hand) and the 79th border pillar was established at Chabuk pass (where the watershed between the Khar River and the Chabuk River meets the watershed between the Khar and the Lhonak Rivers), which lies 14 kilometers west of the Jhinsang peak lying at the tri-junction of Nepal-China-Sikkim.

According to the treaty, if there is a river at the borderline, the middle current of the river was established as the borderline. It was also agreed in principle that if the river changes its flow during the course of time, the original line would be taken as the borderline. Both sides also agreed that if the border river looked like changing its course, both sides would work to prevent it, and neither side would divert the direction of the river deliberately.

First Boundary Protocol - 1963

After the process of exchange of land possessed by one another and pastureland, used traditionally by one side or the other, and the construction of the border pillars were completed, a protocol was needed under international norm to formalize the demarcation of the borderline. To fulfill the need, the boundary protocol was prepared and was signed by Dr. Tulsi Giri, Vice- Chairman of the Council of Ministers, on behalf of Nepal and by Deputy Prime Minister and Foreign Minister Chen Yi on behalf of China on 20 January 1963 in Beijing.

The protocol contains five sections. Section 1 (Articles 1 to 5) mentions about general provisions; and Section 2 (Articles 6 to 19) carries the details about the alignment and demarcation of borderline. Similarly, Section 3 (Articles 20 and 21) describes about the positions and locations of the border pillars; Section 4 (Articles 22 to 31) mentions about the maintenance of borderline and the border pillars; and Section 5

(Articles 32 and 33) deals with the final clauses (descriptions.) The protocol has the provision that there would be joint inspection of the whole length of the border by teams of both the countries every five years. Apart from this, if one side asks for joint inspection of any part of the border, and the other side consents, there would be joint inspection even before the five-year period.

Although the safeguarding of the border were being carried by both the sides, it was the first Joint Border Inspection Committee formed to inspect the border pillars in May 1977, 14 years after the signing of the first border protocol. The committee was assigned the task of maintenance of the damaged pillars and to re-establish the pillars, which were lost, at their original positions.

Under the committee, six joint survey teams were deployed at the fields. Apart from the maintenance of the damaged border pillars, the teams worked to re-establish lost and missing pillars on the basis of previous coordinates and description cards. The joint survey teams also numbered each pillar, and updated the strip-maps of 1 kilometer width on either side of the borderline at the scale of 1:50,000. Thus, the joint survey teams completed the task assigned to them in about one-and-a-half-year time without facing any hassle and difficulty. The Joint Border Inspection Committee, on the basis of the first Nepal-China Border Inspection work, drafted the second boundary protocol to be signed by both the countries.

Second Boundary Protocol - 1979

After the formalities were completed, the Second Nepal-China Boundary Protocol, along with the maps included, was signed on 20 November 1979 in Kathmandu by Nepalese Foreign Minister K.B. Shahi and Chinese Foreign Minister Huang Hua. After the signing, both sides expressed satisfaction at the job completed by the Joint Border Inspection Committee, and it was also taken as an example of the good neighbourliness and the peaceful co-existence between the two countries (detail in Appendix-17, 2nd Protocol). The charter, thus, renewed the First Boundary Protocol signed in Peking on 20 January 1963, and established itself as the Second Boundary Protocol between Nepal and China.

Despite various border agreements, border treaties, and border protocols signed between Nepal and China, some people living at or near the frontier had faced difficulty of scarcity of pastureland to graze their animals like sheep, mountain goat, donkey, mules, yak, and they were

forced to cross over the borderline to graze these animals. To control this irregularity in the border, a joint meeting of Nepal and China made a decision 'Cross border pasture of the frontier people' on 30 September 1983 allowing inhabitants of both the sides to take their animals across the border for grazing at certain period of the year. This decision allowed the people of Humla, Mustang, Sindhupalchowk and Dolakha districts of Nepal to cross over the boundary through certain Village Development Committees (VDCs) and take their cattle to Burang, Jhongba and Nyalam provinces of Tibetan China for grazing at the assigned places. Arrangements were also made for people of Burang province across the border allowing them pasture facilities at certain VDCs of Darchula, Bajhang, Humla of Nepal. Provisions for the number of cattle, duration of grazing period and compensation for allowing the use of pastureland were also made. Provision was also made that if anybody kept more than the allotted number of cattle in another territory and for a longer period, then the certain percentage of the cattle would be confiscated and the remainder would be forced to leave the area within the specified period. The joint decision was also made that the concerned country would have to develop pastureland within its own territory within five years. People living in the frontier areas were prohibited from hunting, collection of herbs, collection of fodder, felling of bamboo and black marketing and if anyone was found to indulge in such illegal activities action would be taken against him under the law of the country where such things have happened.

Third Boundary Protocol - 1988

After ten years of the joint border inspection, both countries felt that it was time for making another border inspection. Thus the first meeting of the second Nepal-China Joint Border Inspection Committee was held on 28 February 1988 in Beijing. The main task of the joint committee was to carry out joint inspection of the borderline, maintenance of the damaged or collapsed border pillars, reconstruction of the lost or missing border pillars and to construct new border pillars. During the course of survey, the committee was assigned the task of preparing an updated map by keeping the record of the newly constructed and maintained border pillars as mentioned in the border maps under the previous protocol, and to document and prepare the final draft of the second China-Nepal joint inspection.

Five joint inspection and survey teams were assigned to work in the border areas under the joint committee. The first team was assigned to work on No. 1 to 12 border pillars; the second team on No. 13 to 33;

the third team on 34 to 51; the fourth team 52 to 62; and the fifth team on No. 63 to 79. The joint teams in three months period repaired 13 border pillars and reconstructed 7 others.

They also found out the border pillars No 57 and 62, which were not found in 1979 AD; and constructed border pillar Nos. 33, 37 and 38, which were not constructed earlier. The maps of the areas, where the new border pillars were constructed, were drawn on the scale of 1:20,000.

The second session of the Joint Border Committee was held in Kathmandu in August 1988 to make the evaluation of the work of the joint survey teams. The session assessed the statistics and the report presented by the joint survey teams, and some minor technical problems were resolved in a cordial manner and the final document of the China-Nepal Second Joint Inspection Committee was prepared after discussion. The document was signed as the China-Nepal Third Boundary Protocol by Shailendra Kumar Upadhyaya as Foreign Minister of Nepal and by Qian Qichen as Foreign Minister of China in the presence of Chinese Prime Minister Le Peng on 6 December 1988. Now it is a high time to make fourth boundary protocol, because more than fourteen years have been elapsed since the third protocol was signed.

Boundary in the Constitution of the Kingdom of Nepal-1990

The Constitution of the Kingdom of Nepal-1990 in its several clauses and articles has explained the territorial integrity of the country. And it is a sovereign nation and her borderline is indivisible. The Constitution has a provision that any treaty or agreement related to the boundary and the territory of the country must be approved and implemented by a two-thirds majority of the members of parliament present in both Houses of the Parliament. But what is more important is that the Constitution completely prohibits the territorial division of the country even if it is passed by the absolute majority of the parliament. The definition and explanation of sub-article 1(b) of Article 132 of the Constitution says, Nepal as mentioned in the constitution should be taken as the Kingdom of Nepal. Similarly, Article 126 of the Constitution has several Clauses and sub-articles related to the ratification, accession, acceptance or approval of treaty or agreement. Two significant among them are:

Clause 2 and 2(c) of the Article contains the provision for the approval; adjustment; endorsement; and confirmation of any treaty or agreement related to the boundary of the Kingdom of Nepal, and that shall be done by the two-thirds majority of the members present in the joint session of the parliament.

It has also been clearly and definitely stated in sub-article (4) that no matter what may have written in Clauses (1) and (2), there shall be no treaty or agreement that may adversely affect the territorial integrity of the Kingdom of Nepal.

Article 2 of the Constitution calls upon all Nepali people to remain always faithful to the territorial integrity of the country and to act sincerely to maintain the unity of the country. Similarly, Article 4 has provision for the indivisibility of the Kingdom. Clause (2) of this Article has provision that so long as this Constitution remains effective, the territory within the existing boundary shall not be allowed to shrink by any means or reason. But it implies that after the Constitution comes into effect if any territory or area is annexed to the existing territory of the country, this can be accepted. So the Clause (2) says- the territory of Nepal shall comprise the territory existing at the commencement of this Constitution; and such other territory as may be acquired after the commencement of this Constitution.

The following clauses are mentioned under the title 'Kingdom' of Article 4:

- (1) Nepal is a multi-ethnic, multi-linguistic, democratic, independent, and indivisible sovereign Hindu and Constitutional Monarchical Kingdom.
- (2) The territory of Nepal shall comprise:
 - a) the territory existing at the commencement of this Constitution; and
 - b) such other territory as may be acquired after the commencement of this Constitution.

Similarly, according to Article 9 (3) of the Constitution it can be understood that there shall be no objection if the country gains additional areas to its existing territory. In this connection, the Clause states that if any area or territory is gained or becomes merged within the Kingdom of Nepal, people living in those areas or territory shall be the citizens of Nepal as per the existing laws.

While Article 13 (1), through the binding expressions, has prohibited the formulation of any law that may adversely affect the

Kingdom's territorial integrity, Article 15 (1) has provision that anyone trying to partition the country can be taken into detention and Article 25 (5) has provisions for the promotion of the country's prestige and image in the international scene by keeping the country's integrity intact. The Constitution has also provision for declaring the state of emergency if there is threat to the security of any part or in the country as a whole or if there is external attack or war with another country resulting in a situation when the country might lose a certain part of the country's territory. The Constitution has the provision that the state of emergency can also be declared if there is armed rebellion within the boundary of the nation separating out or sub-dividing a certain part of the country. Similarly, if a situation arises whereby the country's territory appears to split up, the state of emergency shall be declared by the King, which is as follows:

115. Emergency Power:

- (1) His Majesty the King can declare the state of emergency throughout or in any specified parts of the country, if the country faces serious crisis to its sovereignty, territorial integrity or for the protection of any part of the country due to war, external aggression, armed rebellion or extreme economic disarray.

Indian Military Check-posts in Nepal

**(There were eighteen Indian Military Check-posts
in the northern frontier of Nepal)**

After Nepal stepped into the democratic system on 18 February 1951, she began to receive all kinds of assistance from her friendly neighbour, India. Indian experts came to Nepal as advisors to the native political and administrative officials. Similarly, Indian military officers also came here to impart military education and training to their Nepali counterparts. It is reported that India also sent a number of military officers and soldiers to assist the construction of Gauchar Tribhuvan International Airport in Kathmandu. To conduct a talk by providing such assistance, an Indian goodwill delegation of 8 military officers led by Maj. Gen. Paranjape visited Nepal on 9 April 1952.¹²

¹² Devkota, Grishma Bahadur (1959) Political Mirror of Nepal (in Devanagari) 1959. Vol-1:144.

It can be seen that India at that time did not think that its borders were strong enough for her security. In particular, India was not convinced of the reliability of its northern border. In fact, India regarded the Himalayas as its northern frontier. The indication of this position of India can be seen in the paragraph of Clause 4 of the letter Sardar Ballabhbai Patel wrote to Prime Minister Jawaharlal Nehru on November 7, 1950. (The full text of the letter is given in Appendix-3.) The relevant paragraph 4 of the letter read:

"...Our northern or north-eastern approaches consist of Nepal, Bhutan, Sikkim, Darjeeling and the Tribal Areas in Assam. From the point of view of communications they are weak spots. Continuous defensive lines do not exist. There is almost an unlimited scope for infiltration. Police protection is limited to a very small number of passes. There too, our outposts do not seem to be fully manned."

Accordingly, Ballabhbai's opinion particularly of Nepal is even more appalling.

"...3 December 1950: As Nepal's King Tribhuvan has left Kathmandu and come to New Delhi, now there is no legitimate government in Nepal. Nepal matters to India's security as crucial as Tibet to China's and Korea or the Famosa Island to the United State's, no matter how far they may remain from the US coast. In Nepal also, like in Hyderabad, Indian nationals have been victims of inhuman treatment of the Rana regime. To stop that atrocity and anarchy, India should send its army in Nepal and take her under its control, eventually to make it yet another member of the Indian Federation, just like Kashmir and Hyderabad."¹³

In keeping with this bullying attitude, India established its military check posts on the Nepalese frontier of the Nepal-China borderline. This happened during the premiership of Matrika Prasad Koirala, beginning 9 June 1952, at 18 points of the Nepalese frontier (Appendix-4). In each of the checkpoints, 20 to 40 Indian army personnel equipped with arms and communication equipment were deployed, together with a few Nepali army and civilian officials. The Indian army deployment was completed in two trips to Nepal.

¹³ Op.Cit : 39

Ever since their deployment, Nepal's political parties and civil society members kept on voicing their strong opposition to this issue. Once in 1959, a loud protest was launched, but the check posts remained as they were. At long last, the issue was again raised, this time more sharply, during the premiership of Kirti Nidhi Bista, and consequently, on 20 April 1969, the check-posts were removed and the Indian army personnel sent back home. But what is to be remembered here is that the Indian para-military forces stationed at Kalapani in Darchula district of Nepal ever since 1962 during Sino-Indian war are still not withdrawn. As a result, Indian military camps can still be seen in and around the Kalapani-Limpiyadhua area. The talk has been going on between Nepal and India regarding this "encroached and occupied" land of Nepal as well, but to no avail and the problem remains as it is, mainly because of no concrete dialogue and negotiation.

Once this author had put a question to the former Prime Minister Kirti Nidhi Bista in a talk programme organised by the Committee of Intellectual and Professional Solidarity Against Border Encroachment and the State Atrocities on 4 July 1998 as to why the Indian military camps were not removed yet from the Kalapani area during his premiership, He had then replied:

"I never knew, even when I was the Prime Minister and Foreign Minister, that there were Indian military camps in the Kalapani area. It was during my premiership that Indian checkpoints were removed from Nepal's northern border, but I did not receive any report as to why the same did not happen with regard to the Indian military camps in Kalapani. In fact, I had no idea whether there existed any such camps in Kalapani. I was never told about it by my administration. This shows how (irresponsible) is our administrative system. We will not let even an inch of our land slip out of our hand. Had I known that Indian army personnel were stationed there without our consent, I would not have kept mum. Today we have come across a big sensitive issue like border problems, and we must fully inform the people about this. The government should not hide any facts. It is clear that Indian military presence in a small country like ours is a sign of their bullying behaviour. India is powerful, but now since the Bajpayee government has come in power, this signals the arrival of a positive climate for Nepal to settle the issue for ever, just like there was a favourable situation in 1969 AD,

Northern Border Points of Nepal to be Opened



Map-3. Map of the People's Republic of China
 Compiled & Published by China Cartographic Publishing House Beijing Aug. 1995

when the check posts were removed. Nepal's border should be demarcated and mapped accordingly as per the Sugauli treaty. Steps should be taken in this direction."¹⁴

The reason behind why Nepal's administration was not formally aware of the existence of the Indian army posts in Kalapani was probably that there happened no correspondence between the two countries before the army was posted. It might be like this that after India lost to China in their border war in 1962, Indian soldiers gradually receded from the frontline, and when saw Kalapani area, they might have considered it as a strategically appropriate and sensitive location, so they decided to stay there. But, forgetting the fact that the place lies well within Nepal's border, Indian soldiers have still been occupying it. When the two countries agreed to establish Indian check-posts along Nepal's northern frontier, names of 18 such places were mentioned in the letters exchanged, excluding Kalapani. So when the checkpoints were withdrawn, Kalapani was obviously left out.

India's security perception at that time seemed influenced by its susceptibilities towards its neighbours, including Nepal, Sikkim, Bhutan and its northern neighbour, China. When the Kodari Highway that connects Kathmandu to the Tibetan province of China was underway, Indians started a propaganda that it would now increase the Chinese influence in Nepal. Some Indian newspapers went even further to criticize that the Highway was worth the load of big tanks and heavy vehicles which Nepal hardly needed to operate. It was in this context of Indian skepticism that the late King Mahendra had once said, "Communism is not something that is imported through a motorcar".

Viewed from Nepal's security perspective, the current strategy of keeping southern border open and northern border controlled is not in tune with the changing requirements of time. However, a careful and scientific balance needs to be maintained in managing border systems on both sides. For this to happen, Nepal should begin opening the northern border points for the regional balance of economic development as mentioned in Appendix- 2 and Map No. 3. It is to be recalled that a Cabinet decision has been made on 25 April 2002 for opening some previously prohibited tourist destinations as mentioned in Appendix- 5. Whatever it was in the past, Nepal must not tolerate the military activity of the countries of any part of the globe, within the nation.

¹⁴ Samakaleen Weekly, 9 July 1998

International Border Management

Border Management

Different countries have adopted different systems of managing their border vis-à-vis their neighbours. Among them, following three systems are mostly in practice in international arena:

- Open Border System
- Controlled Border System
- Close Border System

Open border system refers to a system where a traveller of one country can visit and move around in another country without any restriction. For example, since Nepal and India have followed this system, citizens of both the countries can easily and openly cross each other's borders to visit or travel each other's country. They do not have to produce any identity (ID) documents, nor is there a system of keeping the track records as to how many people cross the border every day. Although the United States of America and Canada also have an open border system, they have to produce their authentic ID cards to the immigration officials while crossing the borders.

The second one, **controlled border system**, is an arrangement under which a traveller or a visitor from one country must produce his/her travel documents before the immigration officials while entering into another country. Such documents include passports and visa. This system makes sure that people can immigrate and emigrate, but only on a regulated basis. A person will be allowed to enter another country for a fixed period of time only if the documents produced by him/her are found valid and convincing by the immigration official. Upon permitting the entry, the entrant's particulars are put on record. An example of this system can be the regulated border management between India and Bangladesh. Most of the countries of the world have also adopted this system, as they believe that it will help maintain peace and security or law and order within their territories.

The third system of **closed border** means a system whereby a ban is enforced cross border movement of all types. Under this system, no traveller can cross the border and enter the neighbouring country no

matter how valid travel documents he/she might have possessed. In some countries, entry to the immediate neighbour would be possible only through the third country. For example, when there was a closed border system at some points of the border between East and West Germany, people willing to visit the immediate neighbouring country would have to do so through the third country. Another example of the closed border is the one between North and South Korea, Israel and Palestine. Recently, India and Pakistan have adopted the closed border system since the development of cold relationship, each accusing the other of terrorism. President Pervez Musharraf of Pakistan had travelled to Nepal via all the way China instead of flying directly via India, to participate in the eleventh SAARC Summit in Kathmandu, one day late, on 6 January 2001. So far, very few countries in the world stick to the closed border system.

Subject matter of open border

There is a controlled border management system between India and Pakistan, whereas there is open border system between India and Nepal in general. If mention has to be made about the border management between Nepal and India, it is open border system in a broader sense, but in some segments there exists controlled and closed border in particular areas. In the same way, there is porous and blurred border at some other border points. It can be found that even wanton/vagabond or false and blurred border exists in some of the points along Indo-Nepal border.

If someone asks, which segment has the area of open border system, the answer comes, it is open border in most of the borderlines between Nepal and India and it has been known theoretically to all and the Nepalese experience it. But if someone looks for closed and controlled border, it can be found in Kalapani-Limpiyadhura area. Because it needs passport or identity card issued by the government level organization for the Nepalese who go to Kalapani. In addition, they must obtain permit in the form of visa; otherwise there is restriction to go to that place. It was managed closed border system in that area, while the students and journalists were visiting Kalapani during Long March Program on 6-12 June 1998. The place was obstructed and barbed-wire fencing was erected, as similar to the barbed-wire borderline in between India and Pakistan. In the same way, two Nepalese Ministers (Foreign Affairs and Water Resources) had fixed their program to visit Kalapani area on 9 February 2000 in connection to the study of that area. But they were compelled to suspend their visit due to unavailability of the permit

from India. In fact, no permit from India was needed for the Nepalese to go to any part of Indian Territory but our Ministers could not go to Kalapani area, which belongs to Nepal, as it is occupied by the Indian para-military men. The Nepalese Ministers were going officially for the onsite study of Pancheswor Multi-purpose project along Kali river watershed area on and around Kalapani. Our honourable Ministers really did not venture there and then to go to Kalapani area, perhaps the Ministers might have thought that India might stop sending salt and cooking oil for the Nepalese, if they persist. Nextly, the Ministers forgot that day-to-day Nepalese people's life was maintained, while even India executed controlled border system for fifteen months during the enforcement of economic blockade to Nepal during 1989-90. At that time, only two border points (Biratnagar and Birganj) were open. The border blockade is regarded as an example of more or less a challenge to them who used to think that there is no alternative to present border management, that is only the open border system between Nepal and India.

Be that as it may, border management and internal security of the nation is inter-related with each other in the present scenario of the various nations of the world, especially the South and South-East Asian nations. In this context, Nepal and India should not hesitate to alter / adopt the time demanded border management system to maintain the peace and security in both the nations, whereas Nepal and China has the controlled border management system.

Border Demarcation

Boundary is a line of demarcation based on political agreement and geographical barriers, which indicates the limit of a state. It has been found possible to define international boundaries by long straight lines between fixed points and even in merely astronomical terms by parallels of latitude or meridians of longitude.

Stages of international boundary

In respect to governmental processes, there are four main stages in the history of a boundary:

1. Political decisions on the allocation of territory,
2. Delimitation of the boundary in a treaty,
3. Demarcation of the boundary on the ground, and
4. Administration of the boundary

Chronologically, these stages may overlap, may succeed each other promptly, or may be separated by gaps of many years. Allocation

and delimitation may take place at a single conference. On the other hand, a general allocation of territory may be agreed upon long before boundaries are delimited. Boundaries formally delimited years ago have not yet been demarcated. Some boundaries have remained unadministered for many years, while others have been under *de facto* administration before they were delimited, or even before the final allocation of territory was decided.¹⁵ For example, boundary demarcation in many parts of western Nepal, where the boundary delimitation were carried out by the Sugauli Treaty of 1816, has not yet been carried out.

Political decision on allocation of territory

In principle, the stages of border allocation take place in a span of long time and there is less possibility of one stage overlapping the other. Therefore, the stages are usually carried out one after the other. However, issues related to border areas are not negated while delineating the border. That is because while carrying out the delimitation of boundary, questions are raised about finding suitable words to indicate either the border area or defining the whole area. The practice is to define exactly the whole area. Apart from this, provisions for delimitation of the boundary and the boundary administration should also be mentioned. This requires judicious and committed political decision.

The laying down of boundaries comprises two distinct and important stages as Delimitation and Demarcation:

Boundary delimitation

Of the four stages of the border allocation, boundary demarcation and boundary delimitation play significant and important roles. These two words, when looked up at Dictionary have the same meaning, and they look the same thing. But, in fact, they have different meanings, and suggest different purposes.

Boundary delimitation means to comprise the determination of a boundary line by treaty, agreement or similar papers and historical documents or otherwise, and its definition in written, verbal terms.¹⁶

It is the action of delimiting at their points of contact the territories of two states and of determining the line which should separate them. Boundary delimitation also means identification of the border

¹⁵ Jones, Stephen B. (1954). *Boundary-Making*, CEFI Peace Division of International Law. Washington : 5

¹⁶ McMahan, Henry. *Journal of the Royal Society of Arts* (November 15th. 1935) Vol. LXXXIV: 4

through mutual understanding and assent. Apart from this, old maps, archaeological writings, stone inscriptions, and documents etc. are additional and supplementary materials. For example: The descriptions in the Sugauli Treaty like "The King of Nepal will concede permanently all the territories within the hills eastward of the River Mitchee including the fort and lands of Nagree and the Pass of Nagarcote leading from Morung into the hills, together with the territory lying between that Pass and Nagree. The aforesaid territory shall be evacuated by the Gurkha troops within forty days from this date. The Rajah of Nipal renounces for himself, his heirs, and successors, all claim to or connexion with the countries lying to the west of the River Kali and engages never to have any concern with those countries or the inhabitants thereof."

In boundary delimitation, the definitions of geographical and topographical descriptions should be stated in clear and specific terms so that there is no ambiguity in the boundary demarcation later on. Such a situation arises seldom. But history of several countries tells that not-clear description of boundary delimitations have created serious border problems later on. Border disputes over undefined border areas could even lead to wars between countries.

During boundary delimitation, if the countries have existing maps, it is the practice to demarcating the borders on the maps showing the common boundary line of both the countries. This makes it easier to make demarcation on the ground later on. For example during boundary delimitation between Nepal and China, the two countries had exchanged the maps they possessed of the Mount Everest (Sagarmatha) area as well. Although the maps showed that the areas had overlapped on each other the issue was solved through talks in the cordial and friendly manner and the Sagarmatha peak had fallen within the Nepalese territory.

Boundary demarcation

After boundary delimitation comes the stage of boundary demarcation. Boundary demarcation means to comprise the actual laying down of a boundary line on the ground, and its definition by boundary pillars or other similar physical means.¹⁷ It is the legitimate process of marking the boundary and it is primarily ascertaining the detailed location on the ground of the boundary accepted by two sides. This should be done according to the provisions made in boundary delimitation, or it is the job to replicate the descriptions mentioned in the treaty or agreement in

¹⁷ Op. cit. : 4

the actual field and to construct physical and overt markers and monuments. For example, the erection of 101 Junge Pillars in the Sector No. 2 from Bhadrapur of Jhapa to the Koshi River at Sunsari-Saptari border in 1818, according to the Sugauli Treaty of 1816 and the supplementary treaty falls under boundary demarcation activity. But boundary demarcation in majority of the portion of the Mahakali River in the west, and from Phalelung to Jhinsang peak on the east has not taken place even after 186 years of the Sugauli Treaty. These areas are still at the level of boundary delimitation.

The demarcation of international boundary is a process, which requires dedication from the very heart because the international boundary affects many things such as national security and protection of a country's economic activities etc. It could be the reason that the Great Wall of China, the high walls of the Roman Empire and the Berlin Wall were constructed. In several European countries, apart from border pillars there are forts and fortresses, fencing of barbed wires and mounds of stone to demarcate the boundary. There are also barbed wire fences at the boundary line between India and Pakistan, North and South Korea.

Demarcation of international boundary on the ground is not easy in all places. In many countries the descriptions mentioned in the boundary delimitation could be vague and inadequate. To avoid such lack of precision, it is also a practice to carry out survey on both sides of the boundary line and to prepare a strip map on large scale. During the border survey, geodetic and geographic coordinates showing the latitude, longitude and altitude of each border pillar or border markers are established. In old days, such coordinates were established by observing and determining the positions of the astronomical bodies, but at present the information received from the satellites are processed through the Global Positioning System (GPS). In case the border pillars are lost or destroyed, their positions can be ascertained with the help of reference pillars and data of the coordinate and they can be relocated and reconstructed. If the boundary pillars, which protrude out of the ground, get lost or are destroyed there is a practice of keeping stone slabs with the marking under them to find out their positions. Similarly, there is also a practice of forming the coal-markings by putting one or two sacks of charcoal under a foot or two below the foundation of border pillars. If the border pillar at any place gets lost, it becomes easier to find out its location due to the spread of the black colour of charcoal by the soil moisture. Finally, the boundary demarcation is not only a technical job

but also an integral task that includes the identification of the descriptions as mentioned in the documents and to make correct decision in the working areas. It is because of the way a surveyor can lay down and demarcate the boundary line, the treaty or agreement may not be able to determine them exactly.

Administration of boundary:

After the completion of laying the boundary, the job further includes the border treaty between the two countries and the signing on the border protocol. Then after, the stage of the administration of boundary starts. This stage includes the inspection and supervision of the borderlines, reporting, physical maintenance and repair of pillars, and the information about criminal activities and other incidents across the border. It is the job of the boundary administration to repair of the destroyed or damaged border pillars; reestablishment of the pillars washed away or buried by rivers and floods; to keep the no-man's land intact to preserve the boundary lines. Besides, the clearing of the forests and vegetation to keep the pillars visible from one another and to keep monitoring of the intrusion and infringement of military in the frontier are also the jobs of the administration of boundary. Administration of boundary is not just knowledge and idea of the boundary, and neither it is only a chapter of the treaty nor a line on the map but, rather, it is the summing up of all the activities that may take place on the surface. The most important job of the administration of boundary is to renew the border treaty and boundary protocol in ten to twenty years period by keeping the objects along the border up-to-date and intact through regular joint inspection and supervision of the borderline.

In normal situations, the four levels mentioned above are implemented one after the other. But sometimes, these procedures may overlap each other or there could be a long gap between the two procedures. Such as the political decision on allocation of border and boundary delimitation can be carried out simultaneously but demarcation of boundary could take years to complete after boundary delimitation. For example, boundary demarcation of western Nepal, along the river Mahakali, where the Sugauli Treaty of 1816 did boundary delimitation, has not yet been carried out. Some borders may remain without administration for years while some may be under the administration of one or the other state before the demarcation is completed.

Chapter - II : Nepal - China Border Management

Nepal-China Border Management

Nepal-China Border Management System

A controlled border system has been adopted between Nepal and China. This means any Nepali citizen willing to enter China compulsorily needs passport and visa. There was no visa requirement for Nepalis to visit Hong Kong before it was returned to China, but now it is necessary. There are certain designated border crossing points between Nepal and China, only through which a traveller from each country can cross the border. One such point is the one accessed through the Kodari Highway. The list of the Nepali customs and sub-customs offices on the Nepal-China border is presented in Appendix-1 and Map No. 3. These customs offices are located 25/30 kms inside the Nepalese territory from the boundary line. Because they are far too inside the border, they have not proved as effective checkpoints in regulating export-import transactions. Besides, the frontier zone of both countries that covers 20 km each inside from the boundary line has been declared as demilitarised zone by the China-Nepal Boundary Treaty of 21 March 1960. Only the civil police and administrative personnel could be deployed in this zone. This implies that there is no possibility of army's confrontation, as the militaries of both countries cannot meet each other at the same point.

Nepal-China Joint Border Committee

Relations and contacts between Nepal and the Tibet Autonomous Region of China date back to the ancestors of the Malla Kings of the Kathmandu Valley that was long before Prithvi Narayan Shah unified this country and called it Nepal. Although there were wars at different times and peace was maintained through treaties, but the demarcation of the border by erecting markers started only in the 20th century. It may be because the mountains and hills, rivers and streams, passes and narrow valleys, hillocks and mounds, and *Deuralis* and the end of hill tops had acted as natural borders, and there was no need to erect border posts and pillars.

But as the number of people travelling between the two countries increased, settlements grew along the borderlines, and the rise in the population and the process of grazing and pasturing gave rise to the need for border markers and pillars. In the process of strengthening the country's administration before the Rana rulers came to power, there was an office called *Munsikhana* (foreign office) to deal with foreign countries and to take care of the foreign relations of the country. A section of *Munsikhana* called as *Jaisi kotha* was used to look after the border relations with Tibet. Later, the Foreign Ministry carried on the work done by that section and Nepal-China Border Committee was formed.

No Hassle on Nepal-China Border Demarcation

(Why was there no hassle on Nepal-China border demarcation?)

The geographical situation of Nepal-China border is different from that of Nepal with India. Along Nepal's border China on the north lays the massive Himalayan range, mountain passes, spurs, deuralis (terminal point of up mountain), rivers and river valleys and mountain peaks. But on the south it lays mostly plain areas with the neighbour, India. In other words, nature has formed the mighty Himalayas as the wall along Nepal's border with China; and on the south it has spread extensive plains to India. This is a natural phenomenon, however man can establish physical demarcation on the plains.

Geography is just one of the elements of Nepal's border relations with the two neighbouring countries. Secondly, what matters is the attitude and the way of thinking of the people between the countries. These behavioural patterns can be influenced by climate, altitude and other situations. According to human geography, communities living in warm countries, or in lower latitudes, or in low lands are more readily agitated than those in cooler parts who are more composed of a calm nature. Similarly, people of the tropical region are easily agitated and are more reactive. Their life span is also shorter than those of the cooler regions. People living in mild and cool regions live comparatively longer, are not easily incited or provoked and when they are angry, it

may take them longer to cool down, or, in short, they are more stable. The other element that affects our border relations with the neighbours is the level and frequency of contact. The more the contacts are there, the more the intimacy and cordiality is there. But there could also be more elbowing, bothering and quarreling. These annoyances often depend on the psychological factors. If there is a feeling of affability the debates and disputes that may arise intentionally or unintentionally are resolved more quickly. But if one side has some ill intentions the problem would grow. These factors have affected the border relations between Nepal and China.

Looking into the past about our contacts and relations with China, history tells us that the ancestors of our two countries have been in contact for more than 1,500 years. During such a long period of contacts, there were minor disputes and scuffles on issues related to the border. There were even wars. But every time such enmities had been resolved through mutual understanding. However, the two sides had not concurred on the border issues at 35 places. The unresolved border issue that remained pending even during the time of prime minister Bhimsen Thapa had ended almost 125 years later, during Nepal-China Boundary Treaty of 5 October 1961 in cordial terms and to the benefit of Nepal.

Former Prime Ministers Bisheswore Prasad Koirala of Nepal and Chou En-Lai of China had signed the Sino-Nepal Boundary Agreement on 21 March 1960 to demarcate the traditional border between the two countries in a scientific manner and to resolve once and for all smaller differences of opinions about the border line. The joint border committee formed under the agreement met for four times within one and half years and prepared the Boundary Treaty. The treaty was formalized after it was signed by His late Majesty King Mahendra Bir Bikram Shah and Chairman Liu Shao-Chi on 5 October 1961.

As mentioned in the treaty, six joint survey teams and two sub-teams set out to the border areas for the demarcation of the border by erecting concrete pillars as per decision of the joint committee meeting held on 15 May 1962. Then another agreement was signed on 14 August 1962 at 11 A.M. at the Singha Durbar Secretariat to allow the inhabitants of the frontier areas to choose their nationality, handing over to them the areas from where people could migrate, make settlements and cultivate as well as own the land in inter-frontier areas, and make use of the inter-frontier pasture lands. Besides, the teams assigned for erecting the border

pillars completed, under the joint supervision of the representatives of both the countries, the task of erecting 76 permanent border pillars in consecutive number from 1 to 79 (except for the pillar Nos. 33, 37 and 38 because of geographical difficulties), by 2 November 1962 in a friendly and harmonious atmosphere. Then after, the joint border committee prepared the draft border protocol for the assessment, approval and signing by the two governments. Accordingly, the border protocol was signed by Vice-Chairman of the Council of Ministers and Foreign Minister Dr. Tulsī Giri and Deputy Prime Minister and Foreign Minister Marshal Chen Yi on behalf of Nepal and China respectively on 20 January 1963 in China.

Thus, it is found that between Nepal and China all the procedures for the boundary protocol were completed and signed within two years and ten months of the boundary agreement. During the period the work went on smoothly without interruption, and minor disputes and differences were solved promptly and the task was completed within the given time frame. There were several specific reasons why there were no hassles and disruptions in the demarcation of the border. Because both countries looked for justice, rationale, shared knowledge and mutual cooperation, all questions of demarcation of the border were resolved through dialogue and the work proceeded uninterrupted. The major points that were given emphasis while demarcating the border were the feelings of friendship and goodwill between each other; non-aggression and non-encroachment of each other's border, territorial integrity; sense of unity; non-interference in each other's internal matters; and peaceful co-existence. Besides, the words, attitudes and the behaviour of all – from the field workers to the decision-makers – were of the same level. Any problem that came up was solved promptly at the concerned level. Minor problems were sorted out from the lower and middle levels. Even the issue of the Sagarmatha (Mt. Everest) was solved at the level of the prime minister and that too without any constraint. There was no row and argument because neither side tried to think oneself as superior and look down upon the other, or to find fault with the other and to exploit it. Both sides were clear and unanimous that the demarcation of the border in a clear and just manner was the basic right of the people of the two countries. Under this principle they had agreed to resolve any difference that might arise while demarcating the border through dialogue. Because these principles were applied in the field, the demarcation of the border went on unhindered and without any difficulty.

Another reason for less hassles was the nature of terrain. The border areas being in the Himalayan region were thinly populated; this also created less trouble while demarcating the border. Additionally, the success of the demarcation process was that the adoption of watershed principle and the first right of the users possession were taken as the bases for demarcation. Although the maps presented by the two countries had not coincided, the credit for resolving the areas that had overlapped were resolved through mutual discussion on the basis of *punchasheel* and as a token of peace and friendship. Progress in the demarcation could be achieved to the satisfaction of both countries and within the stipulated time because both sides had faith in each other's expressed goodwill and cooperation and had espoused honestly the principle respecting each other's sovereignty and territorial integrity, non-aggression and non-interference in each other's internal affairs. Thus, the demarcation of the border was formally completed on the basis of traditional and customary border line and on the principle of equality, mutual benefit and goodwill. In this way, the demarcation of border was concluded to the full satisfaction of both sides and without getting on each other's nerve. Both countries had felt proud of this achievement.

Northern Borderline: Beyond the Himalayas

**(Nepal's northern border had crossed over the crest of
Himalayan peaks)**

Historical studies show that Nepal's political relations with the Tibetan Autonomous Region of China dates back to the 7th century. As mentioned in the Tang account, because of Nepal's geographical position of lying between China and India, Chinese and Tibetan Buddhist monks and pilgrims go to India through Nepal. Traders between those countries also used to pass through Nepal. Similarly, travellers from western countries pass from India to Tibet through various border points of Nepal. Pratap Malla, the King of Kantipur, had defeated Tibetans in the 17th century and had provided facilities to Nepalese traders and businessmen to open shops and trading centres even at Lhasa, the capital of Tibet. Besides, the coins to be used in Tibet were minted in Nepal and sent, and in return Nepal used to bring gold and silver from Tibet.

Although the political and economic relations were maintained for a long time there were also incidents of wars at times. This had resulted in the switching over of the territories time and often, and the borderline being moved back and forth.

Historical accounts and description of ancient Nepal describe that Nepal's borderline had at one time reached inside Tibet at different places farther north of the present frontier. Studies of old maps indicate that Nepal's northern border had at some places reached the northern foot of the Himalayan range and at others it had reached the middle of the peak and the base (Map No. 7). But the boundary agreement between Nepal and China was held in 1961 and a border protocol was also signed to this effect. Then there have been joint border inspections, supervisions, repair and reconstruction of the border pillars and maintenance of the borderline from time to time. Old unclear documents should be amended, corrected and renewed by new treaties and agreements and those new papers should be recognized as the latest formal document. Therefore, no matter how far north Nepal's borderline had reached in the past, the boundary treaty of 1961 should be considered as binding and all activities should comply with that treaty, until a similar treaty replaces it. Although ancient activities have already become a history, it would be quite informative to know how far Nepal's border had reached in the past (Map No. 8).

It is understood that Nepal's northwestern border in the ancient times had reached close to Mansarovar and Rakchhyas (Monster) Lakes. Historians say that there were four *Thum* areas (the then hill administrative units) on the north of the present Darchula, Bajhang and Humla districts. The border in those times had reached up to the Kailash Mountain, and the four Thum areas as mentioned were Konghe, Munge, Saker and Laddhak. It is also said that prime minister Jung Bahadur had handed over the four Thums to China for Rs. 6,000.

Studies of maps show that the borders of those districts had been extend to Gurlamandhata range of the Purang province of Tibet, some part of the Laddhak mountains and to the vicinity of the Konghe lake, which is the origin of the Bramhaputra River. But the Tishe Kailash is seen even north from Mansarovar. This shows that Nepal's northwestern border had reached far north from the present border. These historical accounts are proved by various maps.

The maps of 1816, 1830, 1835 and 1846 AD show Nepal's northern boundary as extending from the source of the Kali River to Mansarovar and again coming down southwards to meet the present

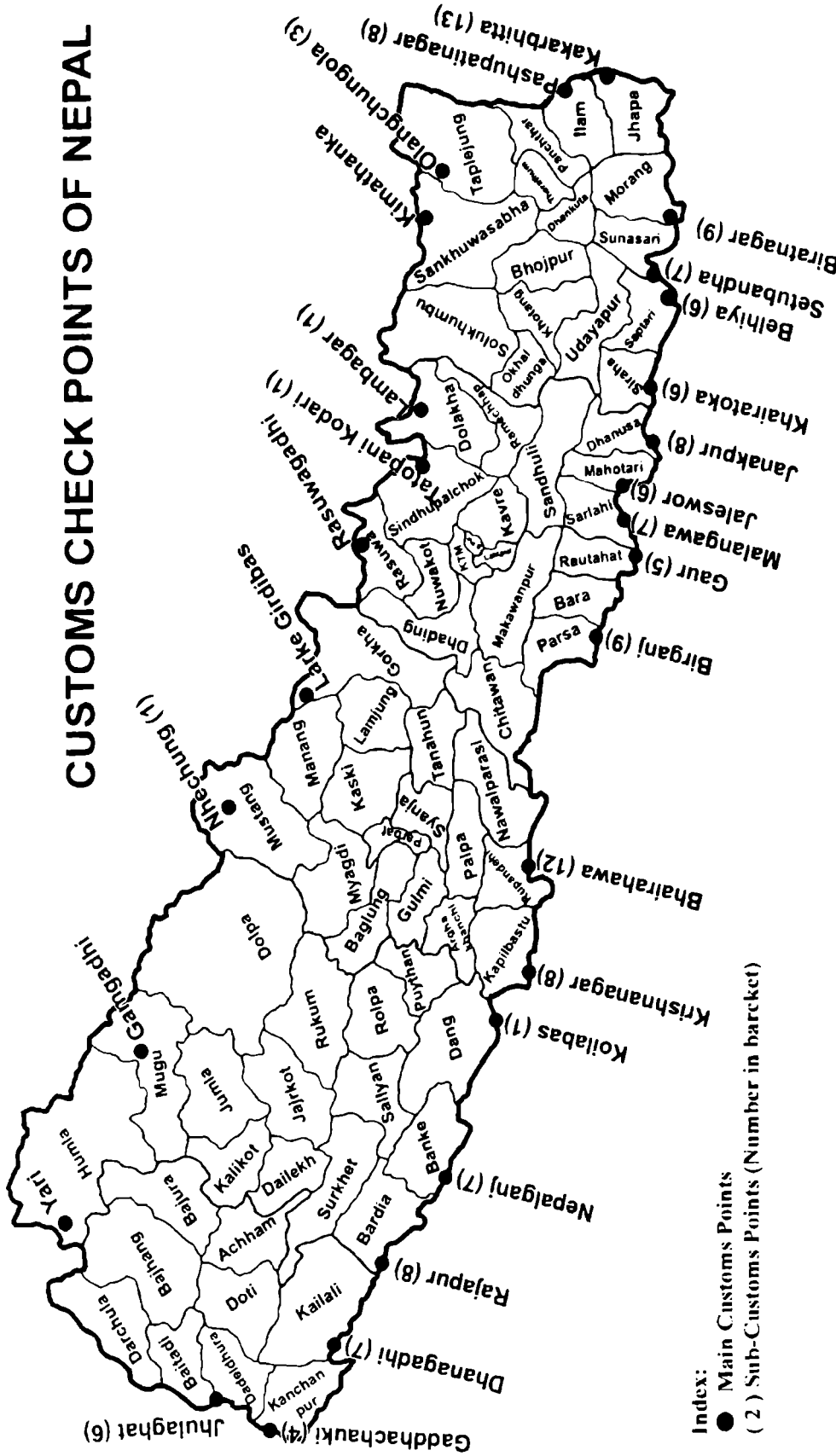
borderline (Map No. 7 and 8). These maps also show the area from Muktinath to Lhomanthang of the Mustang district on the Chinese side. Similarly, the maps of 1816 and 1840 show Nepal's borderline going beyond the *deuralis* (terminal points of up mountain), passes and watershed to reach to the northern foot of the Himalayan peaks in Mugu, Gorkha, Rasuwa, Sindhupalchowk, Dolakha, Solukhumbu and Sankhuwasabha districts. These maps prove that the borderline of the then Nepal had not limited only to the water parting line of the Himalaya but had also extended beyond that. This means we have to say that Nepal's northern borderline had crossed over the Himalayas in ancient days.

Shape of Northern Border Before 1961

After the signing on the Nepal-China Boundary Treaty on 5 October 1961 and then on the Boundary Protocol on 20 January 1963, the shape of Nepal's borderline on the north was altered at different places. At several places the existing bulged borderline has been flattened and some parts which looked like mounts has become pointed and the straight lines have been made round and the zigzag have been made even line. While demarcating the border, first two mountain peaks were marked, and borderlines were drawn between those peaks by taking the water-parting and ridge between those peaks as the basis.

Because, while demarcating the border between Nepal and China, the traditional borders, cross-border cultivated land, settlements, grazing land, possession of pastures and adjoining land of the frontier inhabitants were taken into consideration. It is natural that the existing borderline would become different from the new borderline due to the provision of give and take policy of the frontier land as well. The districts where such borderlines were changed significantly and notably are Darchula, Bajhang, Humla, Mustang, Rasuwa and Taplejung. The borderline at Darchula and Bajhang has changed from the existing east to west to become round shaped on the southern side. The northwestern part of Humla, which looked like a mount towards the Chinese side, has now pushed into Nepal, the Mustang Lhomanthang, which had stood like a human neck, was blunted by cutting the upper part of the neck and adding new parts on its two sides. Similarly, the northeastern part of

CUSTOMS CHECK POINTS OF NEPAL



Index:
 ● Main Customs Points
 ○ Sub-Customs Points (Number in bracket)

Map-4 : Locations of Custom Offices and Sub-Customs Points (Nepal-India & Nepal-China)

Rasuwa, which was almost straight, was made slightly pointed and the Langtang peak was made to stand on it. And at Taplejung, the borderline was pushed to Ghanta Bhanjyang (pass) on the north from the bridge of the Yangma River and was turned into a round hillock shape. Similarly, the northeastern part of Humla, some parts of Mugu, Dolpa, Gorkha, Rasuwa, Sindhupalchowk, Solukhumbu and Sankhuwasabha have been shifted slightly towards the south in their existing shapes.

Other reasons for the change of the shape of Nepal-China borderline after 1962 AD are the geographical remoteness of the areas, the lack of settlements and thus it was shifted on the basis of convenience, and also because of the exchange of small plots of land, mainly the pastures and grazing land, on the basis of their use and possession. Talking about the settlement, although there are very few settlements near the borderline, these few settlements are linked to the border areas. There are about 10 such settlements, which are affected by the borderline, in Humla, Rasuwa, Sindhupalchowk, Dolakha and Sankhuwasabha districts of Nepal and there are 18 such settlements on the Chinese side. Next, the no-man's lands are not demarcated along the Nepal-China border on the ground but only on maps. What is more remarkable along the Nepal-China border is that there are no border check-posts along the border line except at Kodari. The border checkpoints, immigration office, and customs points lie about 10 or 12 kilometres inside the border (Map No. 4).

When the shape of the borderline between the two countries was changed, some land traditionally belonging to Nepal fell on the Chinese side, and similarly, some Chinese lands came under the Nepalese territory. For example, the three village settlements north of Kimathanka at Sankhuwasabha district (Lumdek 350 houses, Chyanga 30 houses and Sangen Chhogma 15 houses), which had remained within the Nepalese border since historical times, and the land tax was also paid at Sankhuwasabha, were transferred to Chinese frontier. As no land tax had been paid by the inhabitants of these three settlements since 1822, the issue was taken up in 1826 for the payment of the tax, and a royal order was issued during the time of King Rajendra. Then a warrant was issued in 1870 from the Chief Inspection's Office and called for the deposition of the land tax. Afterwards as the area was disputed, in order to keep the area within Nepal's frontier, all taxes, levy and land revenue were waived during the time of Jung Bahadur. These village areas lying at an altitude of 3,000 metres were within Nepal's border, when the maps

before and after the Nepal-China boundary treaty of 1961 were compared, went towards China. And some high mountain areas without any settlement lying at an altitude of 5,000 metres on the south of Pokti pass of Chamlang Mountain and Chhiranchoma pass came into Nepalese territory. Similarly, in Taplejung district, the Kangla Deurali Bhangyang (pass) used to be the borderline between Nepal and China. After the treaty the borderline extended northwards to Ghanta Bhangyang (pass) by including Yangma and Pangbuk villages and these were included into the Nepalese territory. All these happened because the watershed principle was taken as the basis.

Changes in the Nepal-China boundary line can be distinguished by the overlying borderline on the maps before and after the border treaty of 1962. For this, if the northern borderline of the Map of Nepal prepared by Central Bureau of Statistics for population census in 1958 / Map of Nepal published by Pradyumna P. Karan from the University of Kentucky USA in 1958, in which the country is divided into 38 districts and 491 *Moujas, Praganna and Thum* (administrative division and subdivisions), is overlaid on the map published by the Topographical Survey Branch of the Department of Land Survey in 1979, alterations in the borderline at several places can be recognized very well. While comparing and computing the area of alterations in the borderline on those maps through graphical method, the exchanged areas between Nepal and China can be found as follows:

Name of district	Area gained by Nepal (In square kilometres)	Area conceded by Nepal (In square kilometres)
1. Darchula	--	48.50
2. Bajhang	--	140.00
3. Humla	860.00	287.50
4. Mugu	--	356.00
5. Dolpa	192.50	199.75
6. Mustang	352.50	108.00
7. Manang	164.00	--
8. Gorkha	56.25	280.50
9. Dhading	--	36.25
10. Rasuwa	76.00	143.50
11. Sindhupalchowk	--	32.00
12. Dolakha	104.25	28.25
13. Solukhumbu	44.75	92.25
14. Sankhuwasabha	68.00	67.50
15. Taplejung	220.75	16.25
TOTAL	2,139.00	1,836.25

The computation shows that Nepal acquired 2,139.00 square kilometres of land from China, and Nepal had to concede 1,836.25 square kilometres of its existing territory to China resulting in the net gain of 302.75 square kilometres for Nepal. These exchanges of areas on the frontiers resulted from the change of shape of Nepal's northern borderline before and after 1962 AD.

Himalayan Range is No Longer Obstacle now

The Himalayan range, elongated east to west as a frontier between Nepal and China, is no longer an obstacle to Nepal's development. Until the last few decades, the Himalayas, including the world's highest mountain, the Mount Everest were like a natural boundary wall for Nepal, and treated as a barrier to building infrastructures in the country. But now, with the invention of a number of new technologies, they are no longer insurmountable even for transportation. The Himalayan Mountain passes, valleys and river basins can all be crossed and approached now through highways. In addition to that, there is a direct air flight between Nepal and China across the Himalayas. The Kodari Highway, built in 1967 AD, links Kathmandu with Khasa (Zhangmu) of Tibet, The under-construction motorways such as Kathmandu-Rasuagadhi-Kerung Road, Beni-Jomsom-Lhomanthang-Koralla Road, Yari Hilsa-Taklakot Road are other good examples of cross-mountain transportation infrastructure.

There appears to be a need for opening other various entry points on Nepal-Tibet border with a view to developing in a balanced way the Terai, mid-hills, high hills and the Himalayan region of the kingdom of Nepal. Description of such potential entry points is given in Appendix-2 and Map No. 3. Special attention should be paid to opening these points for harnessing development potential as well as strengthening internal national security system of the country. Once an agreement was reached at the foreign ministerial level between China and Nepal for opening two northern points of Kimathanka (Dingri) in Sankhuwasabha and Jili (Lhomanthang-Nhechung) in Mustang districts¹⁸, but the agreement did not materialize presumably at the request of India. The Foreign Minister could not venture to open these two points due to the heavy pressure

¹⁸ Kantipur, 19 September 2000

from India.¹⁹ As a consequence, the Nepali travellers willing for the pilgrimage to Kailash-Mansarovar in Tibet continue to take the route through Kodari-Khasa. Similarly, the food grains to be delivered to Mustang and Humla are also being transported through Kodari.

What is worth considering is that China has built in its autonomous province of Tibet a highway from Lhasa to Pakistan, accessing through Pakistan's Karakoram Mountains. It is also heard that, within a few years, a railway line will link Chengdu with Lhasa and then with Beijing. The Lhasa-Karakoram Highway runs west-east in Tibet, and it is about 90-170 kms farther north from Nepal's northern boundary line. The distance from this Highway of most of the entry points on Nepal's northern border as mentioned in Appendix-2 is 130 km on average. The estimated distance from the Nepalese points to the nearest Tibetan Motor vehicle road head is roughly as follows:

<u>Nepal</u>	<u>China (Tibet)</u>	<u>Distance</u>
• Kimathanka	- Dinge (Rongxar)	160 km
• Lambagar	- Tingri	170 km
• Lomanthang	- Zhongba (Xilin)	90 km
• Musigaon (Dolpa)	- Paryang	150 km
• Khaptangchaur (Mugu)	- Samsang	100 km
• Larke (Gorkha)	- Saga	170 km
• Rasuwagadhi	- Kerung	110 km

The opening of these entry points (Map No. 3) in the Nepalese frontier will make headway for the economic and social development of Nepal's trans-Himalayan region. This has become even more necessary now as China has recently included Nepal in its list of tourist destinations, and Nepal has also accepted the Chinese currency, Yuan into its basket of convertible foreign currencies. The initiative in opening the potential entry points along the northern border will therefore be Nepal's great advantage, and it should materialize as soon as possible.

¹⁹ Spacetime Daily, 14 September 2000

Chapter - III : Nepal - India Border Management

Nepal-India Border Management

Border management is the system, which concerns the type of arrangements that should be formulated regarding those passengers who cross the border of one nation and enter the adjoining country. In addition, it includes the provision for what and how much quantity of accompanied and extra baggage of the cross-border passengers should be allowed with or without customs duty. It also includes making necessary arrangements for permission to export and import the commercial goods and merchandise materials in connection with the existing regulations. But the border administration is concerned about the supervision and maintenance of the borderline, repair and relocation of missing border pillars and its administrative works, after the completion of boundary demarcation business. The main scope of work of the border administration is to renew the boundary treaty and boundary protocol at certain intervals (generally within ten to twenty years period).

His Majesty's Government of Nepal had established the Northern Border Administration Offices in 1965 at Humla, Namche (Solukhumbu), Jomsom, Lengtheng (Taplejung), and it had started to work in remote areas for better border administration of the northern frontier. Later on, some more offices were established in some other districts as well. But it was not continued for long; as a result most of the offices have been closed.

But Nepal-India Joint Border Management Committee was formed on 28 February 1997 to perform the new activities concerning the management of border between the two countries. Joint meetings of the Committee were held in the following dates:

Meeting No	Date	Place	Nepalese Team Leader	Indian Team Leader
1	17 - 19 July 1997	Kathmandu	Karna Dhoj Adhikari, Team Co-ordinator	V.S. Mathur, Special Secretary, Ministry of Home Affairs
2	16 - 18 June 1998	New Delhi	Narayan Shumsher Thapa, Special Secretary, Ministry of Foreign Affairs	Nikhil Kumar, Special Secretary, Ministry of Home Affairs
3	1-4 February 2000	Kathmandu	Narayan Shumsher Thapa, Special Secretary, Ministry of Foreign Affairs	M.B. Kaushal, Special Secretary, Ministry of Home Affairs

The first two meetings were held on how to manage the border system more comfortably for both the countries. In the third meeting, discussion was held mainly on how it could be arranged to execute the passport system for the nationals of both the countries, who travel across the border. Likewise, mutual talk was held that passport system should be introduced to those passengers who travel by air route, but no concrete decision was taken place and discussion was ended subsequently to put the matter in the agenda of the next meeting.²⁰ Whatever it may be, it was clear that the intention and expression of both the sides revealed the open border system should not be continued any more for the betterment of both the nations. In this context, it is notable that passport was necessary even to go from one part of Nepal to another via Indian territory till three / four decades ago. And it was prevalent to show the passport of the passenger in the Nepalese frontier and then to enter into Indian territory after obtaining approval from Indian officials. At that time passport would be issued from *Rahadani Goswara* (passport office) of *Munsikhana*, Kathmandu and also from District *Badahakim* (as Governor / Commissioner) of District Goswara Office. Permission of entrance and move into Indian territory would be provided after presenting the passport in the border point Office. So it is not completely a new item for the Kingdom of Nepal to manage passport system for the Nepalese nationals who go to India. The then passport system was slowly forgotten after the construction of Tribhuvan Highway, which links Kathmandu to the Indian city, Raxaul, during 1960s. Passport system was prevalent in historical times even to the passengers who come from India to Nepal. For example, passport/visa system was executed for the

²⁰ Kantipur Daily, 5 February 2000

Indian nationals to enter into Nepal (especially Kathmandu Valley and southern Tarai plain areas) during and after the restoration of *Naya Muluk* (new territory) in 1860.

Whatever may be the history but an open border system exists between Nepal and India. Citizens of both the countries can cross and enter each other's border any time and without any restrictions. A single person can make a cross-border movement umpteen times a day without showing any ID documents. There is also not a system of keeping records on who crosses the border when. Even worse, houses are built on both sides of the border not sparing even the No-man's Land. And illegal goods are smuggled into the houses one side of No-man's Land that come to the other. Instances of such cross-border smuggling can be seen at the Krishnagar border point of Kapilbastu district.

Origin of the open border system

Truly speaking, it is not exactly clear as to since when and how the people in both the countries –Nepal and India –began entering each other's country openly, directly and without any hindrances. However, it can be said that as soon as Nepal restored four districts of Banke, Bardiya, Kailalai and Kanchanpur as “New Territory” from the then British India on 1 November 1860, open border system gradually came into practice between the two countries. In fact, such an open movement across the border cannot be seen as operative even after the Sugauli treaty was signed on 4 March 1816. So it can be safely concluded that until the return of the “New Territory” to Nepal, the controlled border system was in practice between the two countries. Till then any person travelling from India to Nepal, particularly to Kathmandu or Terai region, would require passport and visa. The open border system began with the return of the New Territory was further reinforced by the Nepal-India Peace and Friendship Treaty, signed on 31 July 1950. Article VII of the Treaty (Appendix-8) provided for movement of the people on reciprocal basis from both the countries in each other's territories. The Article says:

“The Government of India and Nepal agree to grant, on reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and privileges of a similar nature.”

On the other hand, looking through the Nepali perspective, crossing the border between Nepal and India required a passport system until four decades ago. But with the beginning of the construction of the

Tribhuvan Highway connecting Kathmandu with Raxaul of India, this system came to a slackness and slow halt. Before the Highway was completed, or till 1956, Nepali nationals still required a passport or a travel permission from the *Rahadani Goswara* (Passport Office) or the respective offices of the district (*Gadhi, Gaunda and Goshwara*) even to travel from one part of Nepal to another via Indian territory. The concerned Regulations and the sample of the passport used during that time are mentioned in Appendix- 6 (A and B).

Motive behind the open border system

It seems that the British government kept the India-Nepal border open for two particular reasons. First, it wanted to make sure that sturdy Nepali youths might travel to India without any restrictions to get recruited in the Gorkha Regiment of the British Army. Military officers of the East India Company were fully familiar with qualities such as bravery, militancy and obedience of the Gorkha (Nepali) soldiers, and wanted to recruit them for making the force powerful. The Company government had formulated the Gurkha Regiment on 4 April 1815 and there is evidence that the Gorkhalis have been exchanged with the rifles or bullets.²¹ Second, the East India Company had its hidden interest of exporting British and Indian commercial goods to the Nepali market without any restrictions, and also importing Nepali timbers, forest products, herbal medicines, plants, hides and skins and other raw materials to India. To be precise, the then British India started keeping India-Nepal border open to ensure that Indian finished products get continued access to the Nepalese market, its manufacturing industries continue to receive necessary raw materials from Nepal, and more important, to get a good supply of well-built, honest, loyal, young and raw Nepali boys to convert them into mature, professional soldiers in the British Gorkha Regiment.

Acceleration of the open border system

The advent of democracy in Nepal in 1950 AD also increased the number and pace of the arrivals of the Indian nationals. This not only provided an atmosphere for keeping the border open, but also further accelerated the system of open border between the two countries. As a result, Indian nationals entered Nepal in large groups in various capacities as political advisors to ministers, consultants to administrators, overseers as technical experts and also unemployed graduates seeking teachers' jobs in schools. As the time passed, those selling their goods as

²¹ Dr. Harka Gurung, Kantipur Daily, 30 September 2002

retailers turned into wholesalers after entering Nepal. Those having no jobs in their countries slipped into Nepal as petty tradesmen, hawkers and scrap collectors, making noise in the settlement areas as 'empty bottles - old newspapers.' Today we can see plenty of Indian nationals on almost every street of Kathmandu and even in remote hill towns as vegetable-sellers, plumbers, carpenters, craftsmen, painters, labourers, traders and businessmen.

Similarly, Nepalese also can have access to any part of India easily and openly. They can be seen working as security guards, watchmen, housekeepers, domestic servants, labourers, loaders and waiters in various Indian cities. Looking at all these things in perspective, the issue of India-Nepal border management is unique in the global context. Citizens of both the countries can cross each other's border from any point of their territory and over ten times a day, without any interrogation and record keeping from anywhere. But the time has now come to ponder as to how helpful this system would be in keeping with the national security of both the countries.

Border blockade by India

The day of 23 March 1989 will go down as unprecedented and also painful in the history of Nepal-India border system. From this day on, India unilaterally closed its entire 22 border crossing points and 15 transit points for Nepal. After a few days of the closure of the border, India allowed two transit points to remain open, namely, Jogbani-Biratnagar and Raxaul-Birganj. The then foreign minister of India P.V. Narasimha Rao had said that two transit points would be sufficient for Nepal. The reason behind this kind of economic blockade by India was her refusal to renew the bilateral trade and transit treaty, resulting in automatic termination of the treaty upon its expiry. The reason again behind India's refusal to renew the treaty was that Nepal wanted to conclude two separate treaties on trade and transit while India insisted on having a single unified treaty for both issues, on the ground of long-existing special relations between the two countries. Nepal did not agree to India's position of merging both the treaties because, doing so would not be in her national interest. The consequence was the economic embargo India imposed on Nepal by closing all except two border points. The entry points that existed between each side of the border before their closure were as follows:²²

²² Bharat Adhikari, (1994), Management of Foreign Trade (in vernacular), Kathmandu: Ratna Pustak Bhandar :143-144.

<u>India</u>	<u>Nepal</u>
1. Sukhiya Pokhari	Pashupatinagar
2. Naxalbari	Kakarbhitta
3. Galgaliya	Bhadrapur
4. Jogbani	Jogbani
5. Bhimnagar	Setubandh
6. Nirmali	Rajbiraj
7. Janakpur-Jayanagar	Siraha
8. Bhattamod	Jaleswor
9. Sonbarsa	Malangawa
10. Bairganiya	Gaur
11. Raxaul	Birganj
12. Nautanawa/Sunauli	Bhairahawa
13. Saurathgad/Khunwa	Taulihawa
14. Barhani	Krishnanagar
15. Jarawa	Koilabas
16. Nepalganj Road	Nepalganj
17. Katarniaghat	Rajapur
18. Tikonia	Seti Kailali
19. Gauriphanta	Dhangadhi
20. Banbasa	Mahendranagar
21. Pithauragadh-Jhulaghat	Mahakali
22. Dharchula	Darchula

Though there were apparently no other specific reasons behind the dispute between the two countries except India's unilateral insistence on having a single treaty of trade and transit, the possibility of other hidden motives on the Indian side cannot be ruled out. There were a series of inside activities going on in Nepal against the erstwhile Panchayat System. The Nepalese people disenchanted with the System had launched and did the movement. India might have planned to indirectly support and assist the movement, and so, launched economic offensive by closing its entry points to Nepal. Besides, rumours were spread about the misunderstanding and rift between the two heads of governments. This rift could have resulted from India's hegemonistic attitude towards her neighbours. In other words, India probably did not want to see other Asian nations supersede her.

It was during this period of blockade that the Peoples' Movement gained momentum against the partyless Panchayat System. The

movement was formally launched on 18 January 1990, and culminated to the change in the system with restoration of multiparty democracy on 9 April 1990.

Soon after the restoration of multi-party democratic system in Nepal, the Interim Prime Minister Krishna Prasad Bhattarai visited India, and during his visit, on the day of 10 June 1990, India withdrew economic blockade against Nepal and it was implemented on 1 July 1990. The Indo-Nepal border points were opened again after their closure for 15 months and 7 days (Appendix-9).

But, interestingly, even despite the blockade for so long, Nepal did not experience the crisis at the level India expected. The shortage of daily necessities such as salt, oil, clothes, etc. was not as acutely felt as anticipated. Of course, there was not plenty of supplies and the price also was not stable, but somehow, people could have access to essential goods. One reason for this was that, despite the blockade of Indian borders, Chinese borders were still open to allow, to some extent, daily consumer goods and kerosene, petroleum to flow into the Nepalese market.

Existing Southern Customs Points of Nepal

No agreement yet has been signed regarding the fixed entry and exit points for the cross-border movement of the residents or the travellers of both Nepal and India. But so far as the import and export of goods of commercial purposes, such as machineries, raw materials and garments, are concerned, there is a provision for restricting their commercial transaction to the designated customs points only. The provision is mentioned in the bilateral trade treaty, which has fixed only 19 customs points (including 6 quarantine check-posts) and 137 sub-customs points for commercial transactions. The description of these points can be read in Appendix-1, and the names of customs points on Nepal-India and Nepal-China borders are given in Map No. 4. Realising that the government administration and police personnel proved inefficient in stopping the smuggling and illegal trade of various goods at these customs points, the government decided to mobilise the Royal Nepalese Army personnel from 14 March 2001, with the objective of preventing

leakage of the customs revenue. In the first phase, they were deployed at 7 main and 57 sub-customs points on the border, and this already has shown the positive trend that the customs revenue has notably increased. Not only that, goods such as machineries, motorcars, etc. that used to be illegally imported from India have been seized, but also under invoicing of the goods penalised, resulting in the increased revenue.

Besides, the mobilisation of the army has also helped in protection of the border in some extent as the army personnel patrol the border customs points. The boundary pillars are safe from being disappeared and dilapidated. No-man's Land also is indirectly protected by the army's presence in the area.

Implications of Open Border System

As the saying goes, "Each coin has its two faces", and this applies to issues of public concern as well. When one side of the issue is positive, the other could equally be negative. The open border system between Nepal and India has both merits and demerits for both countries as the two faces of the same coin. And merits for one country could prove to be demerits for another. Compared to India, for example, Nepal has more disadvantages than advantages from this system. Nepal's national security and internal peace, law and order have been adversely affected by the continuation of this system. For example, terrorists commit acts of terror in Nepal, some of them get killed in the encounter, and those who survive easily manage to flee across the border in India and remain there in hiding. Those injured seriously also cross the border and get treated in Indian hospitals. Terrorists have succeeded in bringing in arms and ammunitions to Nepal from India without any hassle on the border. Such anti-national destructive activities are largely the result of the open border system between the two countries.

If we make a list of both positive and negative implications of the open border system, Nepal shares certainly most of the negative. There are, of course, a few positive effects such as easy cross-border travelling, continued friendship between the people from both sides, enhancement of socio-cultural exchange between the two peoples, etc. But the negative effects are too many, including border encroachment, crime, cross-border terrorism, lawlessness, illegal transactions of goods,

anti-social activities, girls' trafficking, illegal arms trafficking, drugs trafficking, kidnapping, smuggling and revenue leakage and loss. Taken together, followings are the positive and negative implications of the open border system between the two countries.

Positive implications

There are so many conveniences because of the open border system between Nepal and India and followings are some of the positive implications:

- 1. Convenience in movement and travel:** The most positive aspect of the open border system is the availability of the convenient mode of movement and travelling of the denizens and visitors of the two neighbouring countries. Enjoying the benefits of free and open movement, people can travel to each other's countries without any pre-requisites and formalities like travel documents, passports and visa restrictions. That the travellers need no such documents at the border points saves their time and energy to reach on their destinations on time. Unless misused, this formality would work in the interest of promoting bilateral relations between the two countries. If it were misused, it would be harmful for both the nations.
- 2. Strengthening mutual ties:** As the people are having free movement across the border, mutual relations have been strengthened between them. This has further enhanced age-old social, religious and cultural ties between the two countries. This has also made it easy to promote familial kinship ties and matrimonial relations. For example, a number of Nepalese girls have been the daughter-in-laws of Indians and, at the same time, Indian boys are the son-in-laws of the Nepalese and vice versa. Similarly, lots of adults in both countries have exchanged their relations as father-in-laws and mother-in-laws of their children. The open border has thus helped to increase the level of friendship between the people of two countries, although it is a different issue whether that 'level' is equal on the emotional scale as well.
- 3. Quick emergency response and assistance:** Open border helps emergency rescue operations and other assistance measures when there occur natural hazards and disasters such as blaze, flood, landslide and famine. Let us take some examples. On 27 February 2002, Pashupatinagar town of Ilam district caught a monstrous fire.

To put that off, fire brigades from an Indian border city of Darjeeling were quicker to be on the spot than the ones coming from the Ilam bazaar, the headquarters of the Ilam district. This became possible because the border was open and no hassling encountered. Similarly, when there was fire in the Indian city of Raxaul, fire brigades from Birganj immediately attended to the rescue operation.

4. **Medical service facilities:** One notable example will make this clear. Once an epidemic of meningitis attacked both Rupaidiya and Nepalganj, the two border towns in India and Nepal respectively. Since there were no adequate medical facilities in the Indian frontier town, the patients, especially the children from India queued up in large numbers in Nepalganj, the Nepalese town, where there was a well-equipped regional hospital. Happily, they could thus save their lives. Other incidents of immediate medical access along the border can be seen when there are programmes of polio vaccination and vitamin A capsules distribution. No doubt, countless Nepalese residing along the border also receive treatments at Indian medical centres
5. **Immediate supply of food-grains and daily consumer goods:** Thanks to the open border system that whenever one side of the border suffers from the severe shortage of food and daily necessities, the other side of the border is always there to fill in. Once in the summer 2002, truckloads of food-grains such as rice and pulse were supplied to the Nepalese market at Rupandehi through the Indian border point, Belhi. People were happy to have them at a reasonable price.
6. **Competitive market:** The market price of goods on both sides of the India-Nepal border has usually remained competitive. The local populace prefers to buy goods wherever they find them cheaper. For example, the women customers of Birganj go to Raxaul, the Indian frontier town, for cheaper shopping of daily necessary goods. On the other hand, Indian citizens along the border come to Birganj to buy cheap Chinese and third country (overseas) goods. This has become possible only because of the open border. Sometimes it is also seen that the goods of the same brandname, e.g. Liril Soap. Colgate/Pepsodent Toothpaste, etc. are found cheaper one time in Nepal and the other time in India. The reason behind competition in prices among the shopkeepers is also the open border affecting imports and exports in various unidentified ways.

7. **Supply of local labour:** It is the beauty of the open border system that the shortage of labourers on one side of the border can be immediately filled in by supplying them from the other side. And this has been the case with India-Nepal border very often. To take an example, it would be almost impossible to manage with the rice farming in Morang district of Nepal, especially when it is the harvest time, if the Indian labourers do not show up from nearby Farbisganj, just across the border.
8. **Others:** Another positive aspect of the India-Nepal open border is the opportunity for enhancing economic benefits for the residents along the border, as they can easily access to each other's weekly open-air markets (*hat bazaar*) for selling and buying their goods such as vegetables, dairy products, domestic cattle, etc. Such markets are organised at different place seven days a week on both sides of the frontier. But the full utilisation of these benefits depends mostly on improvement of understanding and lessening of misunderstanding between the government units of two countries on two sides of the border.

Negative implications

The open border system between India and Nepal has its negative fallout also. In fact, some serious problems have been caused by this system. For example, increasing influence or activities of the terrorists and its impact on the country's peace and security are a result of this system. It is because of this system that India keeps on blaming Nepal that Pakistani ISI agents easily enter India via Nepalese border with the purpose of committing destructive acts there, and also that Nepal has not been sufficiently watchful of their movement. On the other hand, it is also in everybody's knowledge that the Maoist rebels openly used to flee to India to save their lives after committing acts of terror and violence in Nepal. Those wounded in the violent encounter receive medical treatment in Indian hospitals, and there are plenty of supplies of arms and ammunition to Nepal from India. There is not an inch of doubt that all this has become possible because of the unregulated and uncontrolled border. Followings are the main negative implications arising from this system:

1. **Encroachment of border and no-man's land:** Disappearance of international boundary lines, narrowing of the no-man's land and encroachment of the land along the border are the results of open border. It is one thing that there is no demarcation of the boundary

line, but it is entirely another thing that the already demarcated boundary line with the boundary pillar is found vanished all of a sudden. The open border system allows the people on both sides to move freely and fearlessly across the border, and misusing this advantage, some people do not hesitate to indulge in activities like destroying, dilapidating or dislocating boundary pillars. Some have even encroached on no-man's land area, doing farming and building huts and houses there. In some places, Indian nationals have dislocated the boundary pillars by moving them forward to the Nepalese side. Not only that, they have even destroyed the pillars to occupy the no man's land area but also encroached portion of the Nepalese frontier. Similarly in other places, dams have been built so close to the border that the area adjacent to the border, the no-man's land area and even the territory inside Nepal, have all been inundated and have eventually disappeared into the Indian territory.

So far, 60,000 hectares of the Nepalese land in 54 border areas along the frontier have come under India's encroachment. The size of the land varies from insignificant strip fragments or slices to thousands of hectares. These areas include: Kalapani-Limpiyadhura (37,840 hectare, occupied by Indian Army), Susta area (14,860 hectare), area along the Mechi River segment (1,630 hectare), area along the Banbasa-Sharada canal (15 hectare), Tanakpur Afflux Bond (222 hectare), Pashupatinagar (40 sq. meter) and the area along the Luna (Bakraha) River (1 km width). Similarly, the main boundary pillars that have been shifted towards the Nepalese territory include: Pillar No. 84 and 85 at Thori of Parsa district, Pillar No. 46 at Madanjot of Jhapa, and Pillar Nos. 28, 29 and 30 at the Tribhuvannagar Village Development Committee (VDC) of the Sarlahi district. Besides, 13 new pillars have been erected towards the south of the Boundary Pillar No. 120 in Jhapa-Bhadrapur area and towards the west of the masonry *Junge* Pillar No. 1, as a result of which, about 300 meter wide Nepalese territory has come under Indian occupation. Details of such encroached land areas of 54 different places are given in Map No. 5.

2. **Cross-border terrorism:** Keeping the border open has made it easy for the terrorists to run their activities. Once they commit terrorist acts, they enter Indian border and go in hiding or take safe shelter. Of late, especially since the imposition of Emergency situation (on 26 November 2001) was launched in Nepal, borders

have been kept under strict vigilance, so such activities have come to a partial halt, though not a full stop. Before the declaration of Emergency, India continued to blame Nepal for not doing enough to stop the movement of Pakistani ISI agents. Besides, a magazine, India Today (12th Issue, June 2000) had blamed to hundreds of Nepalese as Pakistani ISI agents through its website. In the internet website (Nepal Game Plan) there was a list of the Nepalese from the top ranking political leaders to ordinary citizens.

It is a truth that should be realised by all concerned that those travelling through surface route from Pakistan, Bangladesh and Sri Lanka could enter Nepal only when they pass through India. And so far as air travel is concerned, passports and visas are required at the airport for them. In other words, Kathmandu's Tribhuvan International Airport falls under controlled rather than open border system.

In recent violent incidents caused by the Maoist attacks on the Royal Nepalese Army barracks and Police Posts, a number of innocent villagers used as human shield were killed or injured. Those who were injured have crossed the border and gone hiding in India. Not long ago, five such injured Maoists were captured by the Indian Police while undergoing treatment at a private hospital in Lucknow. In addition, the Police Officer of Lucknow, Mr. D.B. Bakshi arrested 8 Nepali Maoists including a leader named Akash Darlami alias Nischal and a woman activist, and handed them to the border police office in Nepal.²³ Despite the fact that some restrictions have been on border areas, terrorists have not come under the grip of border police officers because of the open border limitations.

There is also a report that some Indian towns, namely, Kauwapur, Bishanpur, Balarampur and Baharaich have been used as safe haven by the Maoists, and as the local residents have claimed, Maoists use these places for the assembling and transportation of arms and other supplies.²⁴

The fact that Nepal's Maoists have been taking refuge in India has come to the notice of western countries also. Once, during her visit to India, the US Assistant Secretary of State Ms. Christina

²³ Gorakhapatra Daily, 8 April 2002

²⁴ Gorakhapatra Daily, 22 April 2002

Rocca expressed concern over this matter. In another development, the process has been expedited to provide Nepal with a grant of 20 million US dollars as a part of the US military assistance for fighting against terrorism.²⁵ Accordingly, a delegation of the US diplomatic and military officials recently visited the Maoist-affected districts of Rolpa and Gorkha. The military officials were about one and half-a-dozen, equipped with modern sophisticated weapons and dressed in the US military attire.²⁶ Similarly, the Chief of the Army Staff of India, S. Padmanabhan visited Nepal from 13-16 May 2002, and soon after he returned home, the British Chief of the Staff Admiral Sir Michael Boas was in Nepal from 24-27 May. During their visits, they went to Maoist-affected areas and gathered information on what was going on there. Both officials expressed concern over the Maoist terror in Nepal. But such visits of foreign military personnel will not be good for the nation.

The Indian government seems to have realised the fact that Maoist insurgents flee to India after they commit terrorist acts in Nepal. This can also be understood from the action taken by the Indian Police. For example, the sources based in an Indian border town, Darbhanga indicated that the Maoist Communist Centre (MCC) had helped the Maoists in Nepal by taking undue advantage of India-Nepal open border. It was reported that 25 MCC activists had been arrested by the Indian Police in Darbhanga on 20 May 2002 for their alleged assistance to Maoists for hiding in Bihar and also in equipping them with explosives.²⁷

With a view to helping Nepal control Maoists, India has alerted its security and intelligence institutions on their activities. In this connection, India has banned the communist organisation, namely, Peoples' War Group (PWG) and Maoist Communist Centre (MCC), which were involved in violent activities in India and had been known as closest supporters of Nepal's Maoists. Indian security agencies believed that the PWG and MCC had been helping Nepal's Maoists with necessary weapons and training.²⁸

There is enough ground to suspect that Nepal's Maoists are in constant touch with not only India's violent groups but also

²⁵ Gorakhpatra Daily, 25 April 2002

²⁶ Kantipur Daily, 23 April 2002

²⁷ Kantipur Daily, 21 May 2002

²⁸ Kantipur Daily, 6 December 2001

with other destructive organisations of many other countries. In this context, with the suspicion raised about Al Queda's supplying arms to Nepal's Maoists, western countries have begun to express serious concern over their terrorist activities. The famous British newspaper, The Independent, on its issue of 12 May 2002 published a news story entitled "Nepal's Maoist Rebels Have Arms Link With Al Queda Terrorists" which supported the above-stated suspicion.

India, despite the fact that it has declared the organisations involved in violent activities in its land as "terrorists", seems to have given protection, though discreetly, to Nepal's Maoists. On the other hand, China has made it clear that it has no relations with the Maoists in Nepal. The Chinese Ambassador to Nepal, U Thong Yong has strongly condemned the violent and terrorist activities of Maoists who have misused the name of his country's leader, Chairman Mao Tse-tung. Stating that the Chinese government or any organisation in China has no relations whatsoever with Nepal's Maoists, he said: "China considers them as anti-government elements, we can never call them Maoists."²⁹

In a separate reaction to the cross-border terrorist activities on the Nepal-India open border, the then Prime Minister Sher Bahadur Deuba had said that he had received full assurance from the Indian government that India would extend all possible cooperation to Nepal in stopping transportation of arms and explosives across the border.³⁰ A joint statement was issued during Deuba's visit to India and Terrorism/Management of Border were included in the article 6 of that statement (Appendix - 11).

Former Prime Minister Girija Prasad Koirala also has his own opinions of Maoist terrorists. He says that India has protected Maoists by giving them shelter in its land. He has reached this conclusion after a long, careful study of the problem, he states. But, he also says, he still does not understand why India is helping those Maoists who are creating terror in Nepal.³¹ He says further in connection to the struggling underground political party "In one side there is India. Why India creates instability in Nepal? For India the northern border is now safe. She herself is entangled in

²⁹ Kantipur Daily, 11 May 2002

³⁰ Kantipur Daily, 23 March 2002

³¹ Kantipur Daily, 7 September 2001

Kashmir. Why she intends to make unstable to Nepal?" He expressed adversity that India has given shelter to the Maoist leader.³²

Keeping in view all the points mentioned above, it becomes clear that, this open border system though it was brought into operation with good intention, has been misused to a maximum extent. Both the countries are undergoing this ordeal of the open border directly or indirectly and knowingly or unknowingly. The national security system of both the countries has badly been affected by the impact of this open border arrangement. So, the time has come now for seeking alternatives to this arrangement. The Press Communiqué, issued by both Nepal and India regarding actions to be jointly taken for suppressing terrorism and managing borders, is mentioned in Appendix-10. This was released during the visit of Nepalese Prime Minister to India.

- 3. Illegal arms transaction:** Transporting arms and explosives illegally comes under terrorist activities. Whenever terrorists cross over the border, they usually import and export illegal arms. Being unregulated and uncontrolled, Nepal-India border has become easier for Maoists transport such arms and explosives. For example, the Nepal Police seized 1,410 items of guillotine, 3,300 items of detonators and 470 items of fuse-wire, transported from India to the Nepalese territory of Kapilvastu which is just 12 km north from the Indian border point, Khunuwa³³. When the armed Maoist rebels attacked the temporary military base camp of the Royal Nepalese Army located at Jhulneta hill of Khara in Rukum on 27 May 2002, the Army counter-attacked the rebels and killed as many as 152 of them at one go, including the Platoon Commander. Following this encounter, the security forces captured arms and explosives from the rebels on a massive scale. Such arms included LMG with its barrel and magazines, 7.62 mm rifles, 303 rifles, shotguns, 12 bore guns, SLR magazines, bonnets and bullets, plenty of socket bombs and other explosives.³⁴ The entry of these arms and explosives in such a large quantity and without any license and registration was possible only because of the loopholes and lacunas related to the open and porous border system.

³² Kantipur Daily, 9 September 2001

³³ Kantipur Daily, 26 November 2001

³⁴ Kantipur Daily, 29 May 2002

A meeting held at Gorakhpur Police Station, India on 2 May 2002 between the police officers of India and Nepal reached conclusion that Gorakhpur was being used by Maoists as their transit point and that the explosives including guillotine seized from the Maoists were made in India's Haryana and imported to Nepal through Kushinagar border point of Kapilvastu. It was also reported that the Inspector General of Police for India's Gorakhpur area, Dr. Ramlal Ram admitted that Maoists had been easily transporting arms and explosives into Nepal by taking advantage of the open border between the two countries.³⁵

This statement by one of senior most police officials of India can be justified by the action taken by the Indian Police sometime back. The Delhi Police came across two Nepalese named Krishna Bahadur and Suraj Bahadur at the old Delhi Railway Station at 2.0 clock at night on 18 December 2001 while boarding on the train to Nepal, and were arrested with 50 kg of poly-propolin explosive powder, 304 items of detonator, 46 fuse-wires and 28 guillotines. Later, in their statements to the Police, they admitted that for a year, they had been engaged in stealing explosives while working at a mine factory, and then they supplied those explosives to a Maoist leader named Karan Bahadur.³⁶

The news that Maoist rebels have been transporting arms from India was published in Jane's Defence Weekly (JDW), a US newsmagazine. The magazine wrote that the arms were either purchased illegally in the Indian arms market or received from the People's War Group (PWG) and other Maoist centers based in Bihar and Andra Pradesh. The magazine claimed that Maoist rebels have 12,000-strong trained fighters of whom 7,800 are gorilla fighters.³⁷

4. **Women trafficking:** Another worst aspect of open border between India and Nepal is the trafficking of girls, both wed and unwed, from Nepal to India. It is disgusting to acknowledge that Nepalis themselves are involved in this most ugly business: they lure innocent Nepali girls to go to India for earning wealth and then sell them to brothels in different Indian cities. According to the Field Office of the UNICEF and UNIFEM, over 5,000 Nepali girls are

³⁵ Kantipur Daily, 4 May 2002

³⁶ Kantipur Daily, 20 December 2001

³⁷ Kantipur Daily, 3 May 2002

sold to the Indian brothels each year. It is believed that around 200 thousands Nepali girls and women are now in these brothels.³⁸ These girls are forced into selling their bodies, often with physical torture, and whatever they are paid is taken by the brothel-owners. Such brothels and red-light areas based in Mumbai, Kolkata, Darbhanga, Betiya, Siligudi and other towns and cities of India. The poor, innocent girls are treated like animals or consumer goods, their bodies humiliated and souls injured. The result of this forced prostitution is that they have been infected with HIV/AIDS. One major factor causing this misery and misfortune of Nepali girls is the open, unregulated, uncontrolled border between Nepal and India.

It is good to know that some benevolent organisations like *Maiti Nepal* have launched various programmes against trafficking of Nepali girls into Indian brothels. It has not only rescued and brought home the girls from brothels, but also stopped them along with the trafficker from crossing over the border. With the help of this organisation, the Police both in Nepal and India have been able to arrest quite a number of traffickers. In appreciation of the work, a Swedish Award of the World Children 2002 and an American Rebeck Human Award were offered to it. The organisation has also received a grant worth 200 thousand US dollars for running the programmes against girls' trafficking.

5. **Peace and security:** It is the view of the common people that as there is free movement of people across the border, both the countries' law and order situation has been weak. There might be several people crossing over the border in the form of Indian or Nepalese nationals, though they are from a third country, who look like Indians and Nepalis in face, complexion and height. This is a most possible phenomenon as there are required no travel documents and record-keeping while moving across the border. This has badly impacted peace and security situation in both the countries. In some instances, criminals have also succeeded to remain at large beyond control due to the open border. On 29 June 1998, the then Parliamentarian Mirza Dil Sadbeg was killed by unidentified gunmen at Siphel, Kathmandu. The shooters could not be caught, as it was believed that they immediately crossed over the border and then flew to the third country. However, Chhota Rajan had expressed after two years of the crime that he was

³⁸ Gorakhapatra Daily, 20 April 2002

responsible for the assassinated case of Sadbeg. Similarly, on 27 March 1994, the Indian Policemen suddenly appeared at *CDO Tole* (locality), Baneshwor, Kathmandu and intruded into the life and security of the local residents, in search of a criminal fled from India, but the Nepali Police personnel had no faintest idea of it. These implies that, simply because of the open border, a number of foreigners easily and openly enter our border and cause lawlessness and anti-social activities in our soil.

6. **Drugs trafficking:** Often it is reported that narcotic drugs are transported into the Indian and Nepalese border from South and South East Asian nations, and then exported to western countries through the Nepalese land. As Nepal and India share wanton rather than open border, the smugglers must have used this route. The 1999 US Annual Report on Narcotic Drugs (published in March 2000) says that Nepal, though not a transit point, is doomed to drugs trafficking because of the open border as well as loopholes at the customs points.
7. **Trans-border crime:** Lack of restrictions on cross-border mobility has caused a sharp increase of crimes in both sides of the border. A person commits all types of crime- murder, robbery, loot, rape, kidnapping, etc.- in India and then enters safely to Nepal, and vice versa. The story mostly ends right after crossing over the border, as they cannot be chased after for no records are found at the border-crossing points.

The border officials of both countries have realized that the open border the two countries share, has stood in the way of stopping such criminals at the border point upon necessary investigation, arresting them at the crime spot, and enforcing the law of the land to deal with them. A small example can be referred to in this context. An unidentified gunman looted about 500 thousand rupees form the Dhanagadhi Branch of the Rastriya Banijya Bank. According to Bank Manager Manoj Kumar Bhatta the unidentified gunman looted the bank at around 3.30 in the afternoon. Police suspect that the gunman has already fled across the Indian border.³⁹ The Bank Manager might have filed complaints with the border police posts of both the frontiers, but to no avail, thanks again to the porous border.

Similarly, in another development, a team of Indian police personnel arrested Rahman Ansari, resident of Ramnagar, Bhutaha

³⁹ Space Time Today Daily, 10 February 2003

VDC, ward no. 7 of Sunsari district Nepal, accusing him of complicity in the murder of an Indian national and other criminal activities, and forcibly led him out of the village into India.⁴⁰ Besides, the incidences like fake currency transactions and unauthorised entry of the Indian rupees of 500 denomination into the Nepalese frontier are obviously the consequences of weak border management on the one hand and lax implementation of the extradition on the other.

8. **Theft and robbery:** After looting property on one side of the border area, dacoits are found to be leading their lives peacefully on the other side. There are instances that no action has been taken against the notorious dacoits of Jhija, India when they enter India again after committing robbery in Siraha, Janakpur and other places of Nepal. There are incidents such as Munna Khan has disappeared in Susta area of Nepal after committing robbery in several areas of India. Past history reveals that security cannot be provided to the inhabitants of border areas as a result of the open border.
9. **Smuggling of goods and machinery:** Several commercial goods, clothes and machinery have been found illegally imported from some points of the open border where there is no customs office and police post. During emergency investigation, the customs patrolling team of Royal Nepal Army found in October 2001 a large pile of textiles having no customs transit voucher in a store of a businessman of Bhadrapur, Jhapa. Similarly, on 1 March 2000 the patrolling team under the leadership of police Sub-Inspector Dhan Bahadur Tamang confiscated two smuggled Maruti vehicles of Indian registration number plates in Ward No. 5 of Nainahi VDC that lies in the southern part of Mahottari district. The revenue patrolling team of Royal Nepal Army deputed to control smuggling in Biratnagar border area has confiscated 21 different goods. To control smuggling taking place in the border area, the government had made arrangement for revenue patrolling on 25 March 2001 to check along the Nepal-India border area of Morang and Sunsari district. Due to this provision, goods worth 6 million rupees have been confiscated from that area so far.⁴¹ Even though kerosene is coloured in Nepal, the open border has not checked it from being smuggled in the expensive market of India. It is found that the

⁴⁰ Gorakhapatra Daily, 7 June 2002

⁴¹ Gorakhapatra Daily, 1 June 2002

illegal import and unauthorized export have been carried out through the open border taking advantage of the weather, time and other situations.

10. **Kidnapping of individuals:** Due to the uncontrolled movement along the border, the children of businessmen, industrialists and the rich people of one country are kidnapped and taken to another, the kidnappers demanding huge ransom. Parmeshwor Lal, a businessman of Birgunj municipality was kidnapped and taken to India. The kidnappers demanded an amount of Rs 40 million to free him, but the D.S.P of Nepal police in co-operation with Indian Police rescued Mr. Parmeshwor Lal and brought him back to Nepal on the forty-second day of being kidnapped.
11. **Plane hijacking:** Many people have blamed open border policy for the hijacking of an Indian Airlines aircraft with flight No. IC-814, which headed to Delhi from Kathmandu on 24 December 1999 from Tribhuvan International Airport. The plane was ultimately force landed at Kandhar of Afganisthan and the passengers on board were detained for a week. At the time, informal rumors were heard in Kathmandu that Pakistanis had made Indian passports in India and had come to Nepal as Indian citizens to hijack the plane. Pakistanis should have been able to enter Nepal as Indians as a result of open border system. After this incident, a control mechanism has been enforced with regard to operating air services between the two countries, considering that the plane was hijacked because of the open border between them. Under the system, a compulsory provision requiring the passport or identity card has been made for the air passengers. This has indicated the necessity of gradually adopting the system of presenting authorized identity card or travel document for passengers travelling on land route as well.
12. **Distortion of historical facts:** Due to uncontrolled border, the archeological materials, ancient bricks, fossils, soil and *surki* mortar of Lumbini, the birthplace of Gautam Buddha, have been stolen and smuggled to Piprahawa of India. India has tried, by constructing a duplicate site with the stolen materials of the period of Buddha, to draw the attention of the world to its claim that India is the birthplace of Lord Buddha. The open border system between the two countries should be blamed for helping to knowingly twist the historical fact.

13. **Migration:** Population density is higher in Indian frontier districts than in the border areas of Nepal. Inhabitants are naturally tempted to migrate to areas having less population density and more facilities. By taking inappropriate advantage of open and uncontrolled border, Indian citizens who have similar faces like the Nepalese have been found entering the border of Nepal. It is heard that such people have made successful efforts to get Nepali citizenship certificates from the back door (in an illegal way). Following such an attempt, the Mahottari District Administration Office has imprisoned Jitendra Narayan Yadav of Bastara village of Sitamadhi, India, the son in law of Faudi Yadav of Hariharpur-Harimari-5 of Mohattari district, who had tried to give his son-in-law the citizenship by claiming him to be his son⁴². The Indian teachers teaching at the schools of remote areas of Nepal also seem to be working with the ambition of becoming Nepali citizens ultimately. It is notable that open border has encouraged all these activities.
14. **Entry of Bhutanese refugees:** Around 135,000 Bhutanese Refugees have been living in Nepal for the past 12 years after illegal entry. The geographical fact between Nepal and Bhutan is that a thin strap of the land of India is lying between these two countries. Bhutanese cannot enter Nepal without stepping into the Indian territory. Further, there is no open border system between Bhutan and India. Therefore, Bhutanese refugees formally entered India first, they stayed there for some period and India led them towards the boundary of Nepal. Since India is the country linked with Bhutan, the first refugee center of Bhutanese refugees has to be India. But India has pushed them by force into the border of Nepal. Since the border between Nepal and India is open, Nepal has to bear unnecessarily the burden of Bhutanese refugees. India drove the first batch of Bhutanese refugees into the territory of Nepal through Mechi border in August 1990. Before driving them to Nepal, they had stayed in various camps of West Bengal and Assam provinces.
15. **Deforestation:** Open border has an impact on the destruction of Nepali forest. Indian timber contractors enter the Nepali open border and cut trees illegally and transport them across the border at night. Similarly, invaluable herbs, medicinal plants and leaves

⁴² Gorkhapatra Daily, 30 June 2002

have been taken to India without permission. The timber taken to India in an illegal way is being sold in the name of 'Sal timber of Nepal' and 'Nepal honey' is being sold in the name of pure Nepali honey in high prices. The border security force of India illegally cut the trees of Darchula in Nepal and took them away for constructing the building of Indian security post on the western side of Mahakali River two years ago. Even the Indian soldiers deputed at the border area for security purposes destroyed the Nepali forest by crossing the borderline.

16. **Degeneration of political values:** The state of political degeneration in Nepal has been openly imported from India due to the open border. Such degeneration has taken place because of people's open mobility along the border area. This has made adverse effect on the development of Nepal. Former Prime Minister Girija Prasad Koirala once stated that the Nepalese politics within and outside the parliament has been affected and polluted by Bihari politics due to open border, and considered the open border responsible for such deformity. He also expressed the view that undesirable elements have been smuggled and transported through the porous border⁴³. It can also be said that due to the open border between the two countries, election booths have been captured during the general elections by the wrestlers brought from the other side of border area, and the election is disturbed at times.
17. **Others:** Similarly, the distribution of fake educational certificates, fake citizenship certificates, abduction of children and businessmen, smuggling of petroleum products, kerosene and food grains, leakage in the revenue collection of customs and excise duty, fake currency notes circulation, adverse effect on Nepali culture and tradition, smuggling of drugs, illegal transport of wildlife, illegal hunting, trafficking of unauthorized medicines, illegal import of below standard chemical fertilizers, smuggling of high quality fertilizer, export of cattle, poaching, transporting audio blue-video materials causing deformity by theft, the loss of Nepali identity due to the disappearance of traditional Nepali culture, the rise in anti-social activities, rape, cheating and dacoit, etc. have also resulted due to the open uncontrolled, unregulated, porous, wanton, vagabond, blurred and unquiet border between Nepal and India.

⁴³ Kantipur Daily, 16 August 2000

Current Status of the Southern Border

The demarcation of the border between India and Nepal began after the signing of the Sugauli Treaty on 4 March 1816. The work of demarcation was further accelerated when the negotiation began on another border treaty with the then British India on 1 November 1860 and was concluded in 1885. However, the delineation and demarcation of the total border area had not yet been completed. Therefore, in different places of different regions, dispute regarding the border and the no-man's land area was experienced intermittently.

In order to complete the border demarcation business, the work of preparing the strip-map by clearing the area and by raising necessary and additional border pillars has been taking place for the past 22 years. But border demarcation with strip-mapping has not yet been completed. Though there are 54 disputed areas altogether, and the main ones include Kalapani-Limpiyadhura, Susta, Mechi and Tanakpur. The details of places where dispute is in place regarding border violation are given in Map No. 5.

The reason for the continuation of such dispute is basically the unavailability of old maps and documents for demarcation. But it has also been caused by mutual disregard to the maps presented by one party to the other, the failure to inspect the field mutually in time and also to make decisions on the spot after witnessing the evidences. Claims and counter claims have been put forward by both sides regarding different border areas, but neither country has shown seriousness in protecting them. There is often found an opportunistic overtone in both countries regarding the ownership of such disputed border points. Individuals and groups involved in undesirable activities have been taking undue advantage of this fragility of the border. This has greatly affected the security of both countries. It has therefore become necessary to solve without delay the confusion regarding the status of the border as it has a great bearing on the feelings of nationalism among the people on both sides.

Indian army personnel at the border

India has deputed its military in its border along with Nepal in order to watch upon undesirable activities and to conduct activities favourable to

itself. Along the Indo-Nepal border, the central government of India has deputed para-military security guards of Special Services Bureau (SSB). But no essential arrangement has been made from the Nepalese side for the security of Nepal-India border line. Looked from an angle, it appears that protecting India-Nepal border and safeguarding Nepal-India borderline mean the same. But, when taken seriously, things may begin to appear different. It is natural for the Indian security personnel not to allow their border area to undergo violence, but it is difficult to say that they pay the same amount of attention when the Nepalese side of the frontier is encroached upon. Therefore, Nepal should protect its land on its own.

A press release issued by the Indian Embassy, Kathmandu on 24 September 2001 had mentioned that India had made a decision to depute ten thousand-strong special security forces of SSB in its border area with Nepal, with a view to making its external security strong. Under the scheme, India had planned to depute four battalions of security forces each in the states of Uttaranchal and Uttar Pradesh and also in other eastern states in a phase wise manner⁴⁴. Three battalions of para-military forces were to be deputed in the 150 km-long Indian border area linked with Nepal's Kapilbastu, Rupandehi and Nawalparasi districts, and each check post with security watch tower was decided to be established at a distance of every 5 kms in the border area⁴⁵.

The Indian Government has alerted the residents of the border area by deputing its para-military forces along the border. With the preparation of deploying the military personnel of Secret Service Bureau in the Indian border area linked with Nepal, India has also made a provision to give free of cost licenses to purchase weapons to the citizens of the village Panchayat.⁴⁶ Apart from this, based on the discussions held during the visit of the Indian military commander to Nepal, India will send its 13 army battalions to Nepal for the purpose of social services, and Indian military is planning to run health camps in the remote districts of Nepal⁴⁷. But, for some time, India seems to have cut down the numbers of its paramilitary army for the border area linked with Nepal, as they have to be sent to Kashmir, the line of control between India and Pakistan.

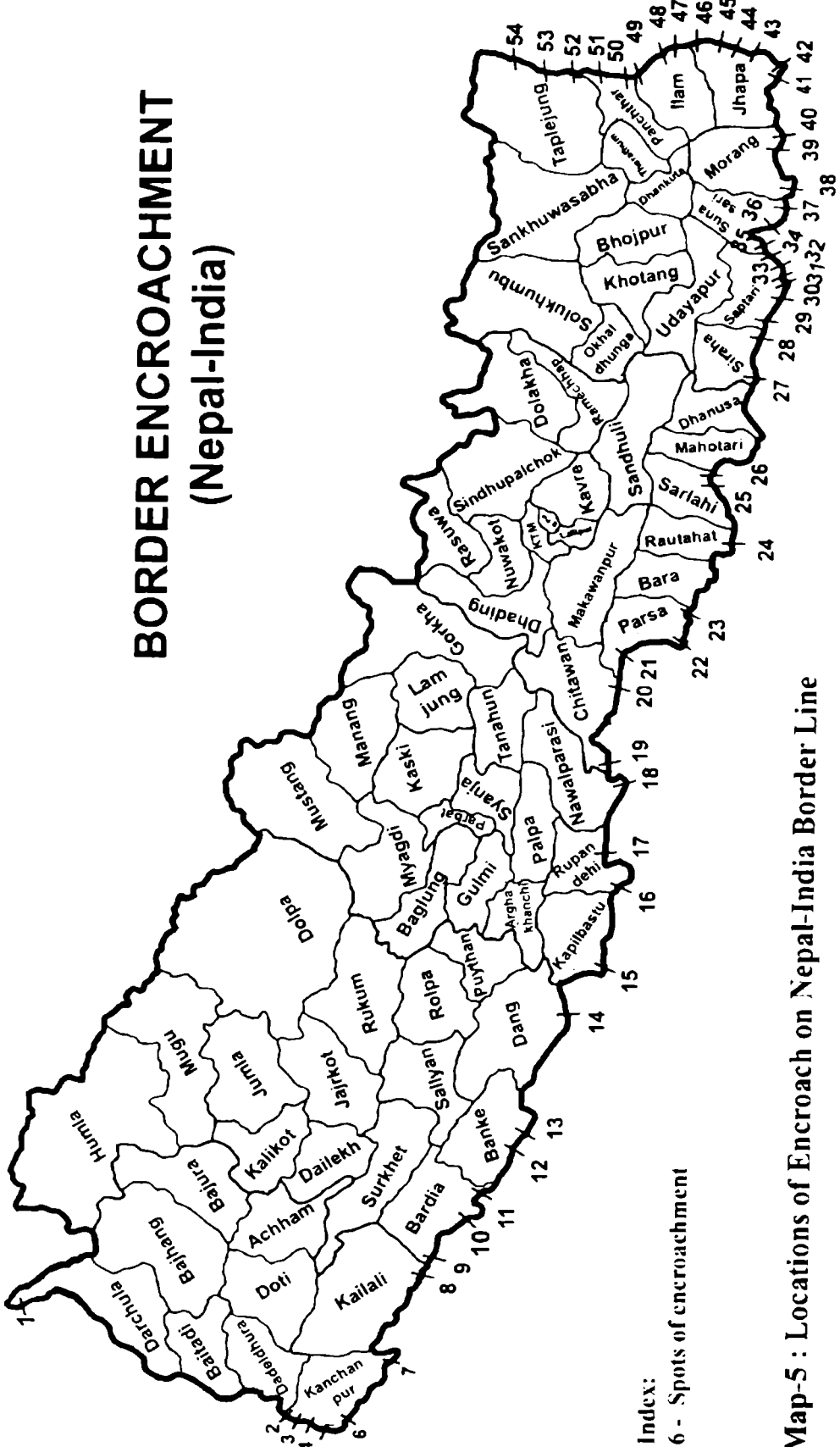
⁴⁴ Kantipur Daily, 5 October 2001

⁴⁵ Rajdhani Daily, 5 May 2002

⁴⁶ Kantipur Daily, 23 September 2001

⁴⁷ Rajdhani Daily, 17 May 2002

BORDER ENCROACHMENT (Nepal-India)



It has been learnt that India has divided Nepal's districts lying along the frontier of India into different categories from the security viewpoint. Under the scheme, India has acknowledged 570 kilometer-long plain, open borderline linked with Nepal's 8 districts ranging from Kanchanpur to Nawalparasi as 'security-sensitive,' and similarly, the 765 kilometer-long plain borderline linked with 12 districts beginning from Chitwan to Jhapa in the east has been classified as 'observation area'. Accordingly, the 215 kilometer-long area covering 3 districts to the north of Jhapa and the 258-kilometer long hilly border area encompassing 3 districts to the north of Kanchanpur have also been classified as a 'normal area'.

Indian military posts have been established in border areas at a proportion of each post covering 3 to 5 kilometers of the borderline considered as 'sensitive' by India, and 30 to 50 para-military soldiers have been deployed at each post. For example, there are 15 SSB posts in the area covering 55 kilometers between Galgalia of Bihar and Pashupatinagar of West Bengal⁴⁸. Similarly, in border areas considered as 'under observation', military posts have been established by taking into account the distance of 5 to 7 kilometers for each post, and deploying 20 to 50 soldiers in each post. Regarding 'normal' areas, military posts have been established at a rate of each post at the distance of 20 kilometers, and 40 SSB soldiers have been deployed in each of them. The following figures clarify on average as to how many and the distance at which para-military soldiers have been deployed:

1. In the plain areas of Uttar Pradesh and Bihar:

- Every 5 kilometers of the borderline = 1 post
- Every post = 20 to 50 persons (35 soldiers on average)
- Every one kilometer = 4 to 10 persons (7 soldiers on average)

2. In the hilly areas of Uttaranchal and Sikkim:

- Every 20 kilometers of the borderline = 1 post
- Every post = 40 soldiers
- Every one kilometer = 2 soldiers (on average)

3. The average of both sections mentioned above is as follows:

It can be inferred from above that in each of the four Indian states of Uttar Pradesh, Bihar, Uttaranchal and Sikkim, 5 para-military

⁴⁸ Kantipur Daily, 13 August 2002

soldiers cover the border area covering 1 kilometer. In this manner, altogether in 260 check posts established along the borderline of 1,808 kilometers, around 9,040 para-military soldiers seem to have been deployed.

The main objective behind deploying para-military forces by India along the open border with Nepal is stated to be the control of terrorist activities, smuggling, transport of weapons, and the activities of Inter Service Intelligence (ISI), a Pakistani intelligence agency. It is in this respect, perhaps, that the Indian Prime Minister Atal Behari Bajpayee's central government has given instruction to the concerned state governments to exercise extra vigilance along the Nepal-India border.⁴⁹

Because the Indian para-military forces have been deputed in its border with Nepal, several Nepali passengers have to face hassles while crossing over the border. The Indian soldiers are not found to have followed neither the practice of open border, nor are they seen to have treated passengers in a manner befitting the regulated border system. Instead, they have been found treating the Nepali people whatever they deem fit as per the time and circumstances, without really following any of the above-mentioned two systems. It is an irony that most of the ordinary Nepali passengers come across a number of hassles while the clever and malicious passengers easily cross the border. Passengers without any malicious interest and of ordinary nature are first detained and then released with great delay, whereas the ones like Maoists or wounded rebels are found easily entering India and receiving treatment in various medical centres. Some passengers have to submit the identity cards mandatorily while others don't have. As there is no provision for maintaining a record of the passengers crossing the border, Indian army seems not to have implemented any of the two-border systems regularly. It is neither an open nor controlled border system but it is discretionary. In such a situation, a word of mouth (a verbal dictate) may become as good as laws or sub-laws (rules or regulations).

Nepalese army at the border customs patrolling

Since the customs offices, located on the Nepali frontier of the Nepal-India border, have not been able to raise government revenue by checking illegal exports of goods, His Majesty's Government of Nepal decided to mobilise the Royal Nepal Army (RNA) soldiers for customs

⁴⁹ Kantipur Daily, 29 November 2001

patrolling beginning from 14 March 2001. Such patrolling teams have been deployed within the border areas of 12 customs offices and 89 sub-customs offices. The customs patrolling by the RNA soldiers has certainly helped increase the government revenue. Although patrolling is limited only to supervising the customs, these teams have by and large maintained peace and security in the border area and have somehow helped maintain border security of Nepal. In sectors where army personnel have been deployed for customs patrolling, border pillars have been protected from being destroyed, and the residents along the border have experienced that the no-man's land area has been spared encroachments. Though no substantial improvement has taken place in respect of border encroachment, it has certainly made an impact on public mind with regard to border security.

Open Border System Needs Change

Time has now come to ponder whether it is necessary to make alternative provisions for the open border system adopted between India and Nepal for hundreds of years. The latest reason why open border exists between the two countries relates to a few provisions of the Article 7 of the Nepal-India Peace and Friendship Treaty signed on 31 July 1950. In this Article, it is mentioned "the Government of India and Nepal agree to grant, on reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and privileges of a similar nature." Nepal does not seem to have followed some of the points mentioned in this Article. For example, an Indian citizen cannot claim the ownership of land for living in Nepal. Nepal has imposed a ban on it and India has not expressed any adverse reaction. Another issue for debate is whether free and unrestricted mobility should be allowed along the border or any alternative provision should be made.

In the context of provisions adopted for peace and security by different countries of the world, and the activities carried out by the terrorists in South Asian countries including Nepal and India, the existing open border system between Nepal and India has virtually stopped working. To give an example, after the hijacking of Indian Airlines plane, which had taken off from Kathmandu on 24 December 1999, regulated border system has been adopted in the air route between

the two countries. Under this provision Nepali and Indian air passengers have to submit a passport or an authorized identity card to cross the air border. This provision created a difficult situation for the passengers bringing their children along with them as the children may not have identity cards or travel documents. So with the agreement of both the countries, a decision was made to allow the students between 10 and 18 years to travel with their parents through the air route if they possess the identity cards issued by the schools⁵⁰.

Secondly, Indian soldiers have been making inquiries for some time with the citizens of both countries crossing Nepal-India border, are checking the goods of passengers and do not give entry permission to suspected individuals. The treatment by Indian soldiers toward the passengers at the border has encouraged the implementation of controlled border system in Nepali and Indian border. But such treatment has not been equally given to all passengers and it is learnt that such treatment depends upon the discretion of the Indian army men.

Nepal has also shown alertness at the border and has become watchful towards the travellers. Similarly, since the soldiers of Royal Nepal Army have been deployed for revenue patrolling in the border area, Nepal also seems to be willing to change the provisions of open border system. It is learnt that Nepal's Head of the State, Head of the Government and other authorities too are in favour of not leaving the border of Nepal open any more. In this respect, His Majesty King Gyanendra Bir Bikram Shah Dev has stated, "It won't be possible to regulate the border due to our cultural and family ties, but if we all Nepalese develop a strong will power and friendly vision, it won't be impossible either."⁵¹ Similarly, in the joint communiqué released on the occasion of Prime Minister Sher Bahadur Deuba's visit to India on 23 March 2002, the prime ministers of both countries had expressed the determination not to allow the open border between the countries to be used by terrorist and criminals and had agreed to conduct regular meetings of the representatives of both countries to control crime and terrorism.⁵² The joint press statement issued by both countries- India and Nepal- has been presented in Appendix-11.

Former Prime Minister Girija Prasad Koirala once stated that the Indian citizens have been visiting overseas in the form of Nepalese

⁵⁰ Kantipur Daily, 15 March 2002

⁵¹ Naya Sadak Daily, 10 December 2001

⁵² Kantipur Daily, 24 March 2002

nationals who have obtained passports from Nepal. This is as a result of Nepal's open border system with India.⁵³ He seems to have hinted that to check irregularities, open border system should not be continued any more between the two countries.

On the occasion of his visit to Nepal, Chief of the Indian Army Staff, Mr. Padmanavan agreed that the open border between India and Nepal had often been misused, and reiterated the need to stop such misuse by the governments of both countries jointly.⁵⁴ During the discussions between the army chiefs of both countries, an agreement was reached to establish an information center, taking into account the present problem, as the total control of the open border was not immediately possible. Discussions also took place to check activities taking place against each country due to the open border⁵⁵. From these statements, it is clear that obstructions have come up in checking criminals, terrorist and illegal activities in both countries due to open border. Therefore, it is realized that alternative provision in the existing border system has to be adopted to maintain peace and to check terrorism, smuggling, criminal etc.

The chiefs of legislative and executive agencies, army chiefs and diplomats hold unanimous opinion regarding the regulation of the border between the two countries. Dr. Bhekh Bahadur Thapa, the Royal Nepalese Ambassador to India, has stated that the open border must be regulated because it has become the cause of bitterness between Nepal and India.⁵⁶ So much so that the Maoists indulging in terrorism in Nepal have also expressed the opinion that the border between the two countries should be regulated. During the second round of talks between the government and the Maoists in September 2001, the latter had presented the demand that the open border between Nepal and India must be regulated and systematized, and the Indian army must leave Kalapani.⁵⁷ In addition, the State Affairs Committee of the House of Representatives of the parliament was planning to make a study on controlled border management to check possible threat of terrorism, smuggling and other illegal activities likely to take place by misusing the open border between Nepal and India. Expressing the view that India has not paid attention to the demand of Nepal to regulate Nepal-India open

⁵³ Arthako Rajniti. (A Fortnightly Magazine), 30 July 2000

⁵⁴ Rajdhani Daily, 17 May 2002

⁵⁵ Kantipur Daily, 17 May 2002

⁵⁶ Kantipur Daily, 16 October 2001

⁵⁷ Kantipur Daily, 15 September 2001

border for a long time, participants in a discussion held by the State Affairs Committee on 16 May 2002 argued that the open border system was unfavorable in the present situation.⁵⁸

Irrespective of the historical basis of the open border between India and Nepal, Media Services International had conducted an opinion survey in 15 districts of hills and the Tarai to find out whether the Nepali people wanted open or regulated border. The report made public on 3 July 2000 by Media Services revealed that among the respondents, 85.5% had expressed the opinion to in favour of regulating the open border between India and Nepal, while 42.9% had expressed their views in support of implementing the passport system. The public opinion survey has mentioned that 44.4% people have considered both Nepal and India responsible for the lack of supervision and control of the border, while 40.7% people have taken it to be the weakness of Nepal and 3.8% have thought it the weakness of India.⁵⁹

Similarly, Kantipur Daily had also conducted an Internet Opinion Survey. According to the results published on 21 February 2000 in response to the question, "Is it necessary to enact any rules that would govern the movement of the citizens of Nepal and India across the Nepal-India border?" 89.5% (1,053 people) respondents voted in favour of the necessity of making rules whereas 10.5% (111 people) viewed there was no necessity of making any such rules. From the survey too, it has become clear that the Nepalis have wished for the regulated and controlled border system.

Similarly, the report presented on 31 January 2000 by the Investigation Committee formed by the government in connection with the hijacking of Indian Airlines Plane has also expressed the same feeling. The report has explained that there is an open border between India and Nepal, the citizens of both countries can travel unrestricted without any passport, the criminals of both countries may misuse the open border and there is an equal possibility for non-Indian criminals to misuse the provision of open border on the basis of matching posture, dress, language and appearance similar to those of Indians. But the report has not arrived at any finding as to how and in what way regulated border system could be implemented.

Also, at the third joint meeting of Nepal-India Border Management Committee conducted from 1-4 February 2000 in Kathmandu on regulating the border between India and Nepal, the delegations of both the countries

⁵⁸ Kantipur Daily, 23 May 2002

⁵⁹ Gorkapatra Daily, 4 July 2000

agreed that the border between the two countries should be regulated because the individuals involved in undesirable activities have been misusing it, and that it should never be allowed to be misused by the citizens of any third country or anybody else. But no conclusion was reached as to how restriction on the border should be imposed. The Indian party proposed for maintaining a strict border system by making the provision of passport for the air route and identity card for the land route. Nepal's response was positive regarding air route but presented its opinion that it would be difficult to apply the identity card system on the land route until such a system is properly managed in place covering the whole border. It may be noted that after such discussions between the two countries, regulated border system has been brought and enforced into practice for air passengers of both the countries.

In the context of this incidence it has been realized that it is necessary to change the existing open border system between the two countries into the regulated border system, in order to consolidate national security and eradicate illegal and criminal activities. Regarding this, positive indication has been received from India from time to time and it is noticed that the Indian paramilitary force has also been performing its duties accordingly. The Indian side in this context has carried out several studies and exercises. Now it comes the issue of the initiation of formal talks and procedural decisions. The condition is such that if a country raises the issue formally, there is a possibility that the other country will take it positively and processes will move ahead. It appears that it is timely even if Nepal takes an initiative.

Alternative Border Management System

Plenty of indications have been encountered that the governments of both the countries are willing either to change the open border system existing between them or to seek its alternate arrangements. Some of such indications have been already explained above. Of the two systems – the regulated and closed border– which one would be the alternative for the existing open border system? Closed border system between Nepal and India cannot even be contemplated or imagined and worked out. Therefore, according to the time and situation, controlled border system is the only option in place of existing open border system.

Under the controlled border system, travellers have to submit their passports/identity cards/ visas to the immigration office located at a particular point of the international borderline in order to enter from the frontier area of one country to that of another, and have to respond to the questions of immigration authorities. If the authorities are convinced by the response of the travellers, they are given permission, after maintaining the record, to enter the territory of the new country. When the international border of the country is crossed and an entry is made to another country, customs duties have to be paid for carrying goods exceeding the fixed quantity. The first country's currency may not be accepted, the language may differ and the regulations too may be different. International border truly stands as a physically invisible wall between the people of another country and this is regulated and protected by a specific agency. While the travellers of a country can enjoy sovereign rights within the borderline of their own country, the sovereignty of another country begins after crossing the fixed borderline. In this sense, international border is a wall beyond which certain systems and regulations are laid down. After crossing that wall, one may have to mix up with different traditions.

Different alternative means may be put in place to follow such a regulated border system between India and Nepal. Some major provisions are: (1) implementation of the passports / identity card system, (2) erecting a barbed wire fence along the borderline, (3) deployment of border security force, and (4) construction of roads in the strip of no-man's land area.

Enforcing passport / ID cards

It has become necessary to implement the passport/identity card system to help citizens of both countries make cross-border movement and to consolidate inter-state peace and security. If this system is implemented, the citizens of any third country and individuals involved in terrorist and criminal activities were not be able to enter into any of these two countries illegally. And one country were stop blaming the other for allegedly allowing a free play in its soil without controlling the individuals involved in terrorist and destructive activities. Only four decades ago, a passport was actually needed for the individual leaving one part of Nepal through India for another part, and there was a tradition of entering India by acquiring an approval after the submission of a passport within the Nepali territory. Passport was issued from the *Munsikhana* (the then foreign office) in Kathmandu and through the

General Administrative Office of the *Badahakim* (District Chief) in the districts. Permission to enter India after crossing the entry post used to be granted after such passport was produced at the concerned entry point. Passport system seems to have been adopted for those while coming to Nepal from India as well. It was mandatory to take a passport, visa, permit, or identity card for Indians to enter Nepal (especially to come to the Tarai and to the Kathmandu valley). The sample of the passport used then and the regulations made for travel to Kathmandu have been included in Appendix-6. After the construction of the Tribhuvan Highway linking Kathmandu with the Indian city – Raxual – in 1956, the passport system gradually disappeared. Therefore, adoption of the system for citizens of both countries – Nepal and India – is not entirely a new thing.

On the other hand, if we make a study on the existing Immigration Act and Regulations, even the Indian nationals should obtain visa to enter Nepal. Regarding the implementation of passport and visa systems in the case of foreigners, article 3(1) of the Immigration Act-2049 (1992 AD) and its First Amendment-1993 says "no foreigners are entitled to enter into the Kingdom of Nepal and reside in Nepal without having passport and visa." It is the legal arrangements made by His Majesty's Government of Nepal. At the same time, it is mentioned in article 14(1) of the same Act that "all or any provision of this Act and the Regulations formulated under it may not be implemented to certain tribe, caste, race and foreign nationals or it can be managed to implement only according to the prescribed conditions, as decided by His Majesty's Government."

However, the government has not yet determined and identified any tribe, caste, race and nationality of foreigners to relax the passport and visa system, after the implementation of the aforementioned Immigration Act-1992 and Immigration Regulations-1994 (Second Amendment-2002). In this connection it is necessary to know about foreigners. Article 2(B) defines: "foreigner means any person, not being the citizen of Nepal at present, as it must be understood."

If we conduct further study on the arrangements made prior to the implementation of present Immigration Act and Regulations, there exists the Act Related to Foreigners-1958 and Regulation Related to Foreigners-1975. It was clearly mentioned in the Regulations of 1975 "obtainment of visa is not necessary generally for the Indian nationals to

enter into the Kingdom of Nepal." But this provision was cancelled and deleted in the new Regulations of 1994 and nothing special arrangement has been mentioned in the Second Amendment-2002. The weakness of the previous Regulation of 1975 might have been identified and the clause is removed in the new Regulation. It signifies legally that even the Indian nationals need visa and passport to enter into Nepal according to the prevalent Regulation.

It seems that the government thought, free entry and exit of the Indian citizens any time across the porous/open border had brought perversion and encouraged undesirable activities on both sides. At the same time, it was felt that the rate of illegal migration from India to Nepal increased a lot beyond expectation. In this context, provision to obtain visa also for the Indian nationals might have been incorporated in the existing Regulation, but it is relaxed in practice. However, passport/ID Card system has been introduced since 1999 for the air passengers as agreed upon by both Nepal and India. Immigration Regulation of 1994 might have provided some input to enforce ID Card/passport system for the air passengers.

It we have a look on the system India has adopted, she has already implemented the passport system for the nearest neighboring countries like Bhutan, Bangladesh and Pakistan with which Indian border is linked. India has a very good relation with Bhutan and Bangladesh as she has with Nepal. And there may not be difficulty to introduce the same system, passport / ID to Nepal as well by India. In the Nepali case, she has also adopted the passport system with those countries. In this context, it is not inconvenient to travel across the border of India and Nepal with a passport and identity card, and to maintain the record of people making cross-border movement. But the arrangement of special identity card should certainly be made for the inhabitants living within 5 kilometers of either side of the border.

Fencing the frontier

There is also a provision for erecting a barbed wire fence along the border area to protect and systematize the border physically. If the boundary is surrounded by the barbed wire, the movement except from the fixed entry / exit point will be stopped and it will be easier to control the border. Because of this provision, the agents of terrorists or smugglers or traffickers involved in undesirable activities will not be able to play within and outside the country. It will also be easy to supervise the

border and watch the illegal activities, if scaffolding as patrolling towers are established in plain area and ordinary watch towers on the top of hills and mounds in mountainous area at a distance of every 5 to 10 kilometers after making a network of barbed wire. In this context, taking into consideration the possibility of the attack from the Maoists, formerly declared as terrorists and subsequently rebels by the government, a fence plan was made with the effort of the District Security Committee to put up barbed wire fencing at the headquarters of Rolpa, which is considered sensitive from security point of view. A provision has been made to keep seven gates open including one in the main part of the headquarters, two on the northern side, three gates in the southern and one in the eastern part, and entry arrangements of the headquarters have been made after the Police check-up at 5-6 entry points. Such barbed wire fence is said to be constructed by a special technique.⁶⁰ In the past, we did witness a wall built in the border area. The then Zonal Commissioner Tek Bahadur Rayamajhi had got a wall constructed in a few kilometers of the no-man's land area to stop the smuggling of goods from Krishnanagar of Kailashpur district. Besides, an ordinary wire fence had been raised to separate the border between Nepal's Krishnanagar and India's Badhani Bazar area. Since the wire fence has been thrown away at places, the smugglers of the border area have been found smuggling goods easily.⁶¹ This example reveals that raising a wire fence along the border is not a new experience for Nepal and India. Indian security force had installed barbed wire fencing in the Kalapani area in June 1998, while Nepalese students and journalist were on the Long March programme there. Most recently, India is going to erect a barbed wire fencing around the hill-top of Sandakpur of Ilam district, encroaching the Nepalese frontier. Sandakpur hill-top is a touristic place located at an altitude of 3,636 meter from the mean sea level on the Nepalese side. But India has been encroaching 0.15 hectare of Nepalese land installing the fencing to make the complete hill-top on their frontier. They might have thought if they erect fencing, the area will be taken as granted as the Indian territory. Sandakpur is adjoined with the Singhalila national sanctuary of India. It is a famous hill-top of Nepal to watch sunrise and sunset. And it can be visualised the Himalayan panoramic view from Mount Kanchanjunga to Gauri Shankar⁶². It seems that India is initiating to start to install barbed wire fencing on the border line between India and Nepal.

⁶⁰ Kantipur Daily, 19 January 2002

⁶¹ Gorakhapatra Daily, 27 August 2002

⁶² A Pull-out of Spacetime Daily, 12 April 2003

A network of a wire fence has separated the border of the two countries on most of the parts of 2,912 kilometer-long borderline between India and Pakistan. Similarly, to control unwarranted activities and illegal migration in the 856 kilometer-long border area between the Tripura State of India and Bangladesh, wire fence is going to be raised in 40-kilometer border area in the first phase. Stating that the weak security provisions of the government have made it easy for the terrorist activities from across the border, the Chief Minister of Tripura has demanded that the Central Government (New Delhi) should give high priority to raising wire fence in that border area.⁶³ On the other hand, the State Government of Assam, India, has requested the Central Government to raise a wire fence between Assam and Bhutan in order to check the attack of separatist terrorists from Bhutanese border and to control trans-border terrorism.⁶⁴ Because there is a huge jungle in the Bhutanese border area and it is impossible to provide security in the border area with the limited resources of the Assam State, more than 10 thousand people have been killed in the separatist violence during the past two decades. In the mean time, a high wall is being constructed in between Funcholing of Bhutan and Jayagaon of India by Bhutan unilaterally to obstruct the movement of undesired elements. Government of Bhutan has already stopped the movement of public transport from Funcholing to Gyalephug and Samdup Jongkhar to discourage relations with the people on the other side of the frontier.⁶⁵

In the context of the neighboring countries of India, it would be beneficial for both countries if a network of wire fence was set up along the Nepali border. For this, what is important is the agreement and commitment of both countries. The barbed wire fence to be erected along with the iron pole has to be constructed with a different technology and by using an improved technique. Its height has to be 3 meters, so that a person cannot pass through, and it has to be constructed with a Closer distance by using a wire of 20 lines. For this, standard welding has to be done by making use of compressed mild steel pole and high quality barbed wire. In the borderline area of 1,808 line kilometers including the plains and the hilly area, around 260 entry/exit points should be opened, and finally, a durable wire fence should be put up taking into consideration the nature of the land. According to the present market

⁶³ Kantipur Daily, 12 September 2001

⁶⁴ Gorakhapatra Daily, 25 January 2002

⁶⁵ Kantipur Daily, 21 January 2003

price, an amount of 14.74 million US\$ is estimated to be spent with the rate of 8.15 US\$ per meter (including the iron pole). If both countries bear this cost equally, Nepal will have to share an amount of 7.37 million only. Other details about barbed wire fence have been given in Appendix-7.

The reference to wire fence in the border of Nepal and India was one of the questions put to Dr. Bhekh Bahadur Thapa, the Royal Nepali Ambassador to India by Shastri Ramachandran of The Times of India, New Delhi on 4 February 2000. This interview was taken a few months before the visit of the Prime Minister of Nepal to India. The sixth question put by Shastri Ramachandran to Dr. Thapa is as follows:

“Good barriers make neighbors good. It is very often mentioned that the discussions on open and porous entry points of the India-Nepal border do not hold. If a barbed wire fence is raised between the two countries, will it make us good neighbors or even worse? What do you think about it?”

Dr. Thapa responded:

“Nepal-India border had never been patterned to be kept under strict control. Therefore, the rumor of calling it porous / airy (not holding anywhere) is a deviation from the main issue. The fundamental base of Indo-Nepal relations is the unobstructed movement of people, goods and services between both the countries. Even if any change is necessary in this arrangement to control any undesirable activities between the two countries, no violation should be made of that base of the relations.”

Before Shastri Ramachandran had asked the Nepali Ambassador whether it would be good or bad to raise barbed wire fence in Nepal-India border, barbed wire fences have already been raised in different international borders, and the concerned countries have also kept their armed soldiers alert. India after its division has also put up barbed wire in the border with its neighbors and deployed armed soldiers thereto. Changes have taken place time to time, directly or indirectly, in history in the formation and control system of Nepal-India border. In this regard, incidents such as the partial wall raised in Jogbani border and the economic blockade imposed by India against Nepal for 15 months need to be recalled.⁶⁶

⁶⁶ Madan Mani Dixit's article in Himalaya Times Daily, 17 February 2000

Shastri Ramachandaran may have tried to understand the feelings of the Royal Nepalese Ambassador by asking a question whether barbed wire fence at the border of Nepal-India would increase friendliness between the two countries or invite ill-will. In this context, when barbed wire fence has already been raised along the India-Pakistan border and while dialogue is underway to raise barbed wire fence between India and Bangladesh and India and Bhutan borders, strong border fencing and regulation system would encourage good neighborhood in reality. It would further remove the doubt of one neighbor about the other neighbor's interference in the frontier area. The other aspect of fencing the frontier between the two countries can be to see what impact it will create on the social fabric and relations between the people of the two countries. Rather than having regular conflicts, confrontations, misunderstanding and doubts between two neighbors because of having open border, accepting controlled and formal borders will bring to an end such problems. Because of open border policy between India and Nepal, social deformities also are taking place among the inhabitants on both sides of the frontier. If the border between the two countries had been controlled and regulated, Nepali people would not have been so much terrorized or so many lives and so much property would not have been destroyed during the confrontations between Maoist rebels and the armed forces of the state.

Some years ago, when India was making a plan to put up a barbed wire fence between India-Bangladesh borders, some people of Bangladesh raised a voice complaining that India was trying to detain them within a barbed wire enclosures. People raising such voices were the Hindus of Bangladesh. Because the rulers of Bangladesh had segregated the Hindus of Bangladesh over the years, they wanted to migrate illegally and secretly to the West Bengal State of India. If barbed wire fence was raised between the borders of the two countries, they would not really be able to enter India.

Guarding the border

Deploying border security force is an alternative provision to protect the borderline, to check terrorist activities, to stop the smuggling of goods, and to stop several undesirable and illegal activities in order to maintain national security and peace. India has deputed border security force for a long time in its line of control with Pakistan and in the 4,053-kilometer borderline linked with Bangladesh. India has been deploying for some time in the past the para-military soldiers of Secret Service Bureau (SSB) in Indo-Nepal border, especially along the borders linked with its

Uttaranchal and Uttar Pradesh States. But while deploying army in the border, India seems to have deployed it unilaterally without any suggestions from and consultation with its immediate neighbor, Nepal. If the army had been deployed with mutual coordination between the two countries, it would have been more appropriate.

Now comes the issue whether or not Nepal should deploy Royal Nepal Army to protect its border with India. A few things have to be taken into consideration in this regard. Primarily, Indian armed force protects India-Nepal border. But is Nepal-India border thus protected? Secondly, shall Nepal too depute Royal Nepal Army along the common borderline of both the countries? Thirdly, does international treaty or understanding allow any country to establish an army post touching the line of control along the border or within the no-man's land area or near it?

Regarding these queries, it can be said that Indian soldiers protect India-Nepal border, but don't necessarily pay attention to the Nepal-India border. Therefore, Nepal should make an arrangement for border security on its own. If it is so, attention should be paid to make Nepal deploy Royal Nepalese Army in the border. This arrangement may make both the countries deploy their armies face to face on both sides of the frontier. As the proverb goes, "Can two lions live in the same jungle?" Therefore, attention has to be paid to ascertain whether there will only be positive results if the armies of both countries are put on both sides or the results will be negative as well. It has to be carefully seen if misunderstanding and confrontation take place between the armies of two countries deployed on the two sides of the border. If we observe the incidents of India with its neighboring countries, 16 Indian soldiers and 2 Bengali soldiers were killed in the confrontation between the Indian Border Security Force soldiers and Bangladeshi soldiers along India-Bangladesh borders on 18 April 2001; and as a result of that, tension took place between the two countries.⁶⁷ It is to be noted that Nepal and China have a demilitarized zone within 20 Kilometers of the border on each side in order to ensure tranquility and friendliness on the border.

Conflict has been taking place in more than 150 places of the borderline having innumerable bends and corners ever since India's neighboring country Bangladesh (East Pakistan) became independent from Pakistan on 16 December 1971, and such conflict has taken place because 6.5 kilometer border area has not been demarcated yet.

⁶⁷ Gorakhapatra Daily, 20 April 2001

Similarly, since more than one million soldiers have been deployed on both sides of the line of control between India and Pakistan, with firing and conflicts taking place at times, hundreds of citizens have been killed only this year. Human rights activists have claimed that at least 60 thousand people have died in the Indo-Pak struggle that began in 1979.⁶⁸ Therefore, India has ordered people residing within 5 kilometers from the line of control to migrate somewhere else from the border area.

Whatever may be the case of India with other neighboring countries, if Nepal has to deploy Royal Nepal Army along its border with India on the basis of friendliness and warmth of Nepal-India relations, the following Nepali armed forces will be needed for that purpose:

1. The length of Nepal-India border line = 1,808 kilometers
2. Every 10 kilometer = 1 Border Security Post = 180 posts
3. Every 5 kilometer = 1 Border Sub-post = 180 Sub-posts
4. Total number of Border Security Posts and Sub-posts = 360 posts
5. In every post = 5 to 10 soldiers (8 soldiers on average)
6. Soldiers necessary for 360 posts = 2,880 soldiers in total

According to the above-mentioned plan, following strength of forces is required:

1. In every kilometer of hilly area = at the rate of one soldier
2. In every kilometer in the plain area = at the rate of two soldiers
3. Average of both areas = at the rate of 1.5 soldiers per km
4. In 1,808 kilometer-long border line = 2,712 soldiers in minimum.

According to the calculations made above, around three thousand soldiers will be required in toto. But on calculating the number of standby soldiers and soldiers going on casual leave, an arrangement of four thousand Border security Force soldiers needs to be made. The existing strength of the Royal Nepalese Army is slightly above 50 thousand. Among them, 30 to 40 thousands are in a condition of joining the duty. Eight thousand soldiers are deputed on security (security of different agencies and VIPs).⁶⁹

Meanwhile, attention needs to be paid to some other things too, while deploying security forces in the border. In this context, we have to think of the outcome of the discussion of the Five Day Interaction Workshop held in Kuala Lumpur, Malaysia on 10 September 2001 on "The Challenges of Internal Army Mobilization in the New Century"

⁶⁸ Kantipur Daily, 16 July 2001

⁶⁹ Kantipur Daily, 28 April 2001

attended by the army officers of Nepal, India and the nations of Pacific region in which American and Japanese army chiefs also took part. It was then discussed that the army does not only have to be used for peace process, but has also to be able to work as mediator, supervisor and advisor.⁷⁰ In that workshop, Brigadier General Prakash Bahadur Basnet and Colonel Pawan Jung Shah participated under the leadership of Major General Sadip Bahadur Shah from Nepal. Therefore, it is notable that the soldiers deployed for border security cannot be said to have performed their duty by doing only the things they do while performing their duty at the barracks.

In connection to national security activities, spokesperson and Colonel Deepak Gurung of Royal Nepal Army gave information at the press conference held on 15 August 2002 that more than 3,100 terrorists have died in security actions after emergency was imposed, the death of 2,290 persons has been confirmed and more than 300 have been wounded. According to him, 12 officers and 163 soldiers of the army have died during security actions, and 235 have been wounded. The army has estimated that there are around 3 to 4 thousand strong combatants, 10-15 thousand people's militia, and 150 to 200 thousand strong indirect supporters within the Maoist rebel organisation. As a part of the plan to deploy army in every district, in protecting development infrastructure and maintaining border security, 10,000 soldiers are supposed to be added to the existing strength, of which 5,000 were added last year and another 5,000 have been added this year. With this, the total number of the Royal Nepalese Army is going to reach 60,000.⁷¹

The seven years old insurgency (started since 13 February 1996) has claimed the lives of over 7,000 Nepalese people (5,121 Maoist rebels, 873 civilian policemen, 97 armed policemen, 219 army personnel and 773 civilians at the time of the cease-fire announced by both sides on 29 January 2003. People have felt a sense of relief after the declaration of the cease-fire. Common people think that all should co-operate to transform the cease-fire into a state of permanent peace in the country. The Maoist problem has now been recognized as a movement, albeit the Maoists call it a "People's War." During the people's war a large number of people, especially from the mid-western development region, were displaced from their homes due to security reason. For example, around 1,700 people from 14 districts in that region had been displaced. By the

⁷⁰ Spacetime Daily, 11 September 2001

⁷¹ Kantipur Daily, 16 August 2002

end of November 2002, a total of 1,681 people have taken refuge in the district headquarters of 14 districts. Of the total number of the people displaced over the last seven years, the largest number 741 people have been displaced in Rolpa district. Likewise, 84 people were displaced in Bardiya, 72 in Rukum, 69 in Salyan, 61 in Dailekh, 53 in Jajarkot, 34 in Jumla, 32 in Dang, 23 in Pyuthan, 22 in Banke, 17 in Humla and 16 in Mugu districts. Earlier, the government had decided to provide Rupees 100 per day to those whose family members were killed; and to those who have been tortured or released after abduction but could not stay at home due to Maoist threats.⁷²

After the cease-fire people are returning home from the district headquarters and also from India. Returning of the displaced people who had gone to India from the hill districts of mid-western and far-western development regions have been tremendously increased. One to two hundred workers every day have been returned back only from the route of Dipayal. Youths have been fled to India from different parts of the hill districts due to lack of security during emergency.

Regarding the work of Border Security Force, it will be sustainable and long lasting if mutual agreement is made through discussions with India. And this is necessary if the Royal Nepalese Army has to be deputed along the border at all. India, however, had not considered any suggestions from or agreement with Nepal before deputing its para-military soldiers of Secret Service Bureau in the border areas linked with Nepal. Apart from this, we have to pay attention to another thing. If we are going to depute security forces in the border between Nepal and India, are we going to depute Royal Nepal Army in the Chinese border areas also? It is because both India and China are our close, friendly neighbors, "we have to maintain our relations with both countries in a balanced way." We have to adopt the policy of equidistance, despite the physical difference between Nepal's border with India and China. The border between Nepal and India is more accessible, but more problematical well. But Nepal-China border is of a remote and difficult nature and lacks problems, or in other words, all the problems have been solved since 20 January 1963. Therefore, a theoretical formula may not be adopted stating that Nepal's boundary business between India and China must be equal.

Apart from this, Article 4 of Sino-Nepal Boundary Agreement of 21 March 1960 has brought into practice the provision of not sending the

⁷² Kathmandu Post Daily, 11 January 2003

armed soldiers on patrolling within the area of 20 kilometers on both sides of the border with the view of keeping the frontier area always peaceful.⁷³ In the Geneva Convention of 1949 also, a provision has been made to keep any country's army at more than 5 kilometers distance from the border, and the international borders of most of the countries of the world are army less. On the basis of these facts, steps have to be taken in keeping with the agreement between India and Nepal.

Constructing roads on the no-man's land

The construction of road in the frontier area is also an alternative way in order to protect the borderline, to check the intrusion of unwanted elements within the country and to maintain national peace and security. Regarding the border conflict between Somalia and Ethiopia of the African continent, Ethiopia had constructed a road in its border area half a century ago. Due to this, the problem of the violation of border came to an end, but the problem of internal security of the country still persisted.

In the case of Nepal, one comes across the no-man's land on both the frontiers of Nepal and India. A road can be constructed in most of this no-man's land area. Because it is almost a plain area, a road can be constructed less expensively. But if the road is constructed in no-man's land area, it will contribute more in protecting the borderline to consolidate national security. Road facilitates the physical mobility of security personnel and the transport of goods, but it does not prevent the illegal intrusion physically or naturally. Army patrolling will become easier if the road is constructed, but it eases the mobility of unwanted elements also. Therefore, even if the road is constructed in no-man's land area, it does not help national security if a fence or an obstruction of this nature is not put up along the borderline. While talking about road construction in our border area, we have to remember that there is a postal road, 5-10 kilometers north from the borderline, beginning right from half a century during the Rana period. This postal road runs parallel east to west of the Mahendra Highway (East-West Highway) and the borderline. For quite some time, the postal road has been reconstructed and repaired in some sectors and in some areas it is even blacktopped. Therefore, if the old postal road is protected and upgraded, we have to think how necessary and useful it will be to construct the other road in no-man's land from the security point of view.

⁷³ Sino-Nepal Boundary Agreement, 21 March 1960

Summing up

The open border system existing between Nepal and India for hundreds of years has now to be changed taking into account the present environment, situation and national security perspectives of the country. On the one hand, the open border is being misused, and on the other, the existing border system has somehow below functional in order to strengthen peace and security in the country. Due to the open border, terrorists and unwanted elements perform destructive activities in the country and hide in another country after crossing the border. The terrorists wounded in the fight against the state security agency of a country receive treatment in the health centers of another country without any information. They make plans for act of violence and terror on one side of the border and perform destructive activities on the other side after crossing the porous border easily. Similar types of criminals perform murder, loot and rape in one frontier and run away into another border area. Ultimately, they try to make the laws of the land inactive and ineffective where the incidents take place. Such criminal activities are taking place only because of the open border. Needless to repeat, open border has enhanced the ill motives of the criminal elements. In the perspective of all these facts, two Prime Ministers of Nepal and India have agreed on the need to prevent the misuse of open border by terrorists, criminals and other undesirable elements and directed that co-operation in this regard be enhanced. They have realized that the discussions on the management of the border should be continued in the Joint Working Group on Border Management, between the two Home Secretaries (Article 29 of Appendix-10 and article 7 of Appendix-11)

Such criminal and destructive activities have become problematic for both the countries. After the worst terrorist and destructive incident of September 11, 2001 in America, the attack on parliament building on December 13 the same year in India, and after the incidents of murder, violence and terrorism in Nepal for in the past some years; alternative ways have been unknowingly adopted in the open border between Nepal and India. Even though open border policy has been mentioned in the treaties and negotiations that have taken place between the two countries and the day-to-day language in use, a different system appears to be in practice. Article 7 of Nepal-India Peace and Friendship Treaty of 1950 contains a provision for the citizens of both the countries to make movement in one another's country as privilege (Appendix - 8). But the citizens of Nepal not enjoy the facility of crossing the border at present. Since the paramilitary force of Indian Secret Service Bureau have been deployed in the border, it is not easy for

the inhabitants of both the countries to move freely, open border is, and controlled border system has apparently been adopted informally.

In the mean time, Institute of Foreign Affairs had conducted four seminars on "Nepal-India Open Border: Positive and Negative Implications" in Kathmandu, Nepalganj, Biratnagar and Birganj. The conclusion of the seminars was that open border system should not be continued any more. But sealing of border is not practicable. Now it is going to be too late to regulate the open border, as most of the participants had expressed their opinion during the seminars. Not only Nepal, but also India is worried on the negative implications, created by the open border system. For this reason, concrete decision should be taken as soon as possible to regulate the border as it has to be agreed upon by Nepal and India for the benefit of both nations.⁷⁴

Therefore, it has become necessary to make changes in the Articles and Clauses of the existing non-functional treaties and agreements. For example, Indian SSB has made strict security arrangements with the view to checking Maoist activities at the entry points of Indian border districts of Pithauragarh and Champabat of India linked with Baitadi, Dadeldhura and Darchula of Nepal. Now the Indian security personnel have been maintaining a record of every individual's ancestral names, address, purpose and place of visit and return date while going to India or returning back to Nepal, and security check-up has also been made stricter. Though the Nepali security personnel are not maintaining the record of those returning to Nepal, general inquiry and checking have been strengthened. According to the SSB sources, there are four SSB camps established along the India-Nepal border in Darchula, Jhulaghat, Lohaghat and Tanakpur where thousands of security personnel have been deployed equipped with modern weapons.⁷⁵ The number of the cases of Nepalese heading towards India in search of work but not being allowed to enter Indian entry points because of the failure in producing citizenship cards or the recommendations of the village development committee (VDCs) is increasing. When the Indian Security Force demanded identity card, around one hundred Nepali workers returned on 20 June 2002 from Bairgania border area alone.⁷⁶ Similarly, the governments of Uttar Pradesh and Himanchal Pradesh in

⁷⁴ Proceeding of the seminars on Nepal-India Open Border (2002). Institute of Foreign affairs, Kathmandu: 38

⁷⁵ Kantipur Daily, 18 June 2002

⁷⁶ Kantipur Daily, 24 June 2002

India have been demanding Permanent Residence Certificate / Ration Card from the Nepalese working there.

In Dharchula of India, Nepali people willing to travel from Tawaghat to Lipulek have to get an entry permission (like a visa) from Indian Security Officers. Indians have prohibited Nepalese to travel unrestricted in an area of 85 kilometers north from Tawaghat to Mangti, Gala, Budhi, Gunji, Kalapani, Nabhidang, and Lipulek. If they have to enter the Indian soil, the Nepali citizens have to produce the recommendation letter of District Development Committee, Darchula. On the basis of this recommendation, Indian officials issue a visa (entry permission) of six months to the citizens of Byas Village Development Committee and of 15 days to the Nepali citizens of other places of Nepal. According to Shiv Raj Koirala, a Local Development Officer of Darchula, the District Development Committee has been issuing two different kinds of recommendations for the inhabitants of Byas VDC and other Nepalis, and on the basis of the recommendation, the Indian authorities issue visas (entry permissions).⁷⁷ The sample of such multi-entry visa (entry permission) has been given in Appendix-6(c). According to this provision, even if there is open border system existing between Nepal and India on paper, controlled border system has functionally been adopted by the Indian side. Now the question that comes up is whether or not we should transform such functionally adopted systems into the documents of treaties or agreements.

Due to these activities and new situations / circumstances, the time has come to start homework at the Nepal-India government level regarding the adoption of controlled border system. It has been realized as necessary to start dialogue between the two countries for reaching an agreement and also coming to a final decision at the authorized level as quickly as possible. If anomalies go on increasing in the open border areas, there is a possibility of national loss- the loss of life and property and additional attack on the civil physical infrastructure of both the countries.

For adopting the regulated / controlled border system, the citizens/travellers of both the countries have to present before the immigration authorities the authorized identification card like permanent identity card / citizenship card / institutional identity card / driving license / voter's identity card/ and ration card, and subsequently, a record

⁷⁷ Himal (A Fortnightly Magazine), Vol. 12, No. 9, 17-31 August 2002

of such travellers should be maintained. Since it is learnt that the SSB teams of India have started adopting this provision at several entry points, Nepal should also start it through mutual understanding. In most of the border areas, Indian paramilitary soldiers have been heavily deployed, and it is learnt that there is a plan to deploy soldiers in the rest of the India-Nepal border area. But it will not be so practical to deploy an equal number of soldiers of the Royal Nepal Army in the Nepal-India border. Therefore, as mentioned in the chapters above, it will be logical to erect a barbed wire fence in the borderline. But it requires equal commitment of both countries.

If India has to really help Nepal to root out or solve the Maoist terrorists / rebels / smugglers activities taking place in Nepal, India has to agree to change the existing open border system between Nepal and India into a regulated border system. The Indian paramilitary soldiers of SSB should check strictly and be as strict with the unwanted and undesirable groups as they are with the ordinary Nepali citizens going to India. India, not western countries holds the main key to bring to an end the Maoist / terror / rebel. In essence, as long as India allows Maoist rebels (in political and social sectors) to use its land or allows mobility to them or does not control mobility at the border, the problem cannot be solved. This is a kind of conception of the common people of Nepal.

Speaking on the Maoist issue among the audiences of the Asian Society gathered in New York, Peter Burleigh, the former US State Department official stated, "If India wants, it can certainly help solve the Maoist issue." In the same program, Saubhagya Shah, a student of Harvard University who has studied the Maoist movement, said, "Maoists have become a diplomatic tool of India and India may use this tool to make its upper hand in its border conflict with Nepal and in other controversial issues of citizenship and Bhutanese Refugees."⁷⁸ The People's War Group of India (PWG), the Naxalite Group, and Nepal's Maoist rebels are all considered to be close to the Tamil revolutionary group, LITTE of Sri Lanka, and it is believed that they are in contact with Al Qaeda as well. In this context, if India allows Maoists to move freely across the border without any control, negative impacts on India will come from other terrorist groups related with Maoists. Therefore, it is high time that alternative provision be made replacing the open border system between Nepal and India. The Heads of the Government of both countries should publicly commit themselves not to allow their border to

⁷⁸ Kantipur Daily, 10 June 2002

be used by terrorists, rebels and criminals. Regular meetings should be conducted to control crimes, smuggling, and terrorism that take place across the border. Similarly, the chiefs of the armies and other authorities should express meaningful opinions for improving the existing porous border system.

On the other hand, Nepal should maintain a balance in border management between India and China for its national security. In the modern world, it is not appropriate to consider the Himalaya as an iron frontier. From security point of view, India had never regarded the Himalayan range as a security wall after it got independence. Though the Himalayan range is remote and inaccessible, India established 18 Indian military check-posts in the northern frontier of Nepal 50 years ago, considering that its security could be breached from across the Himalaya. Nepal, keeping in view the sensitivity of its nationality and sovereignty, kept on telling the people since 1959 that the check-posts should be removed; they were ultimately removed and the Indian soldiers were sent back only in 1969 AD. When Nepal removed the Indian check-posts from its territory, India realized that it had wrongly worked upon the Himalayas as its security frontier.

Nepal should now realize that the Himalaya is not a barrier against development, but only a difficulty, and therefore, it should gradually open its northern entry points and consolidate already open entry points linked with China to maintain balance with the southern entry points with India. As a result of this arrangement, the northern part of Nepal will prosper economically and socially. The number of trade and transit routes formally existing with mutual agreement between Nepal and India is 22, but some more routes are there which are in use informally. The entry points toward China should be opened at a proportionate rate of those with India, so as to maintain economic and social balance. The details of possible entry / exit points to be opened are given in Appendix-2 and Map No.3.

Chapter - IV : Border Issues of Nepal

Issue of Kalapani / Limpiyadhura

The North-Western Border of Nepal

Background

The Treaty of Sugauli of 4 March 1816 is the basis to delineate and demarcate the western/north-western border of Nepal, even though the Boundary Treaty of November 1, 1860 implied specially the south-western portion, as the restoration of Banke, Bardiya, Kailali and Kanchanpur districts as new territory (Naya Muluk). According to the Treaty of Sugauli, river Kali is the western boundary of Nepal with India. The boundary river Kali is delimited by Article 5 of the treaty. It says "the Rajas of Nepal renounces for himself, his heirs, and successors, all claim to or connection with the countries lying to the west of the river Kali and engages never to have any concern with those countries or the inhabitants thereof." So the place, where the river Kali originated is the north-western corner border limit of Nepal with India and China as tri-junction.

Status of the river Kali and Kalapani

It is not yet demarcated the status and origination of the river Kali. The river is known as Kali at the upper reaches, Mahakali in the middle portion and Sarjoo or Gogra or western branch of Gogra when it comes down to plain area.

There is a controversial debate about the origin point of river Kali, whether it is originated from Limpiyadhura (5,532 meter) or Lipulek (5,029 mtr). The second debate is over the location of Kalapani, whether it is located in the Nepalese territory or Indian side. In other words, the question is whether Kalapani belongs to Nepal or India. There has been an issue of national interest for everyone that raised much hue and cry since October 1996.

GURHWAL KUMAON

Published According to Act of Parliament by James Horst Surgh
Hydrographer to the East India Company. 1st Feb. 1827

Scale: 1" = 4 Miles



Map-6. Courtesy: Library of Congress, Washington DC, USA (G 7761 F2 S50. N4)

The Nepalese people of all walks of life from the students to the University teachers, laymen to the intellectuals, historians to the geographers/mapping experts, former government administrators to former diplomats, village committee chairmen level to political leaders, ex-policemen to even ex-military officers have expressed their views through the news media, workshop, symposium, meeting and discussions.

As regards the determination of the origin of river Kali, there are more or less three different opinions. The first and major section, who belongs to the intellectuals, researchers, elites and the enlightened community have opined referring historical documents, old maps and hydrological facts that the river Kali of the Treaty of Sugauli is originated from Limpiyadhura. The second section represents the government machinery and they have regarded the river Kali originated from nearby to the Lipulek pass. The third school belongs to the Indian team of the Nepal-India Technical Level Joint Boundary Working Group and the Honourable Ambassador of India to Nepal who have expressed their views that the river Kali originated from a small pond, which is located south of Kalapani and further south of the Pankhagad stream (Map No. 11).

Now the main crux of the matter is to identify which one is the river Kali of that period as the spirit of the treaty. Description of origin of the river is not mentioned in the treaty. In a sense, it was not necessary to make a description of the river at that time, because of the fact that there was no controversy and confusion on the river and there was only one river which was known as Kali (Map No. 9).

To reach into a concrete conclusion, one has to study the historical documents and old maps, which are inscribed and established on and around the time of the treaty. And the other is, on the spot findings with hydrological facts.

Maps as evidence

So far as the maps as evidence is concerned, there are so many maps as proofs that depict the point of origin of Kali River which lies about 16 kilometers northwest of Kalapani at Limpiyadhura.

One of the maps published on 1827 (Map No. 6) has clearly shown the river originated from Limpiyadhura in the Zanskar Range of

the Himalayas, as Kali river. It is a map of 1"= 4 miles scale and its authenticity can be proved that it bears the label "Published According to Act of Parliament by James Horst Surgh, Hydrographer to the East India Company 1st Feb. 1827." Another map of 1830 and its updated edition of 1846 entitled "Western Provinces of Hindoostan" also show the river flowing from Limpiyadhura as Kali River. The map (scale 1"= 20 English Miles) was published in London by Parbury Allen & Co. and is captioned as "constructed from the most recent surveys."

Improved Map of India (compiled from all the latest and most authentic materials) published in London, 2 January 1846 by A. Arrowsmith No. 10 Soho Square, Hydrographer to His Majesty, has shown the river from Limpiyadhura as Kali or western branch of Gogra or Sarjoo. This map covers the area of the then Greater Nepal from Tista to Kangra. And even a map of 1856 entitled "Nipal and the Countries Adjoining south, West and East" published by Surveyor General's Office also shows the Kali river as the one flowing from Limpiyadhura. The map was compiled in Survey of India, Calcutta and bears the signature of the Deputy Surveyor General as In-charge. The notable point is that it mentions in its Note No. 3 as compiled map "Jung Bahadur's Nipal Sketch Map in Devanagari Characters received from foreign department sent thereto by Resident of Nepal." (Map No. -9)

There are other maps as counter-proofs to confirm that the river originated from Limpiyadhura is the river Kali. Some of these maps are Sketch of Kumao by Captain H.S. Webb, Surveyor 1819; Vorder-Indien Orderdas Indo-Britische Reich 1834, Steilers Hand Atlas Germany; Index Map-India-XII 1835, Baldwin & Cradock (Map No.7); Anglo Asian Map by J.B. Tassin 1837; The Atlas of India 1846 (maps of the society for the diffusion of useful knowledge), London: Charles Knight and Co (Map No. 8) and the World Atlas, Moscow 1984 (Map No. - 15).

All these maps from 1846 to 1860 have shown the river flowing from Limpiyadhura as Kali River, and thus it carries the north-western border of Nepal with India. The name of the other river originating from Lipulek Pass is not inscribed in these maps. It may be due to the fact that this is a lower order river as it has low depth, less volume of water, shorter in length and has narrow width of the river.

Secondly, the maps from 1860 to 1880 have, though maintained the geographical position of the Kali River and location of Kalapani in

situ but the name of the river Kali has been changed to Kuti and then Kuti Yangti River. An 1881 map published by Survey of India entitled "Nepal, Tibet & United Province" has mentioned the river flowing from Limpiyadhura simply as Kuti River and it has left the river flowing from Lipulek unnamed.

Thirdly, maps published after 1880 have changed the name of the river originated from Limpiyadhura as Kuti Yangti and the river flowing from nearby of Lipulek pass has been started to name as Kali river making Nepal loose almost 310 square kilometers of land, west of Lipu river. So the name of the river Kali was slowly changed into Kuti and finally into Kuti Yangti.

Most spectacularly, a map entitled "Nepal, Almorah & United Province" with 1"=1 mile published by Survey of India, 1879 has altered the border to the east and south with the cartographic symbol, keeping intact the geographical location of Kali and Lipu rivers and Kalapani. The symbol on the map has not followed the river as border line, but the international boundary line has been taken from a small artificially formed rivulet about a considerable distance south of Kalapani and Pankhagad stream. And the boundary line runs south-east along the watershed to north of Tinkar pass (Map No. 12). This map has irregularity and has been falsely inscribed as it may be called "cartographic aggression" of the border and Survey of India did it on their own. In fact, the western border of Nepal with India follows the river but not the hills and watershed, as the Sugauli treaty says.

Location of Kalapani

In such a fashion, Indian side has now claimed the artificially formed pond as the source of Kali River and about one and half kilometers long rivulet (canal) as the mighty Kali River. The cartographic encroachment of border has made Kalapani on "Indian side" making Nepal loose a further 62 square kilometers of territory.

It is noteworthy that Lipulek pass is the easiest path to reach to Taklakot, a Tibetan township of China. And there is a strategic hill with 6,180 mtr high on the south of Kalapani, along the line of false cartographic/symbolic boundary. One can have a look on those moves through the Lipulek pass from the Taklakot business center of China to India and Nepal.

INDIA-XII INDEX MAP

1835

Published under the Superintendence of the Society
Diffusion of Useful Knowledge

Droog, Hill Fort. Gurry or Gurb, Hill Fort
Auddy, Kis. Poor Town.



Map-7. Courtesy: Library of Congress, Washington DC, USA (Ref. INDIA 1831-1833)

Meanwhile, India has been maintaining a contingent of armed forces at Kalapani since 1962. During and after the war with China, India has built permanent structures with bunkers and the Indian army has occupied the area of Kalapani, which is located east of the river Kali as the intrusion of the Nepalese territory.

Nepalese officials, especially the Chief District Officers of Darchula have reported to the center time and again mentioning that the Nepalese territory of Kalapani has been encroached upon by the Indian army men who have erected some constructions there. But it was ignored during the Panchayat era to sustain the Panchayat system in Nepal. At that time, Nepal was not in a position to protest and oppose India for the sake of Panchayat regime. After the restoration of democracy in 1990, the Nepalese people started raising their voices gradually on so many issues including Kalapani/Limpiyadhura. The voice has become louder after 1996.

Statements concerning Kalapani

In the mean time, Indian Ambassador KV Rajan issued two press releases relating to Kalapani on the 3rd and 7th June '98. He stated that there is only an Indo-Tibetan Border Police-post in the area which, according to all records available with the government of India, has been on the Indian side of the border since 19th century and acknowledged as such by successive British, Indian and Nepalese governments. He also said that there is an old and complicated historical background to the boundary between the two countries dating back to the 19th century. He further said that the reference to the historical background of the boundary in the Kalapani area, as is available with the Government of India, was made in the context of the unfair insinuation that India is knowingly in occupation of the territory at Kalapani⁷⁹.

However, Mr. Rajan made another statement after a few days in Birgunj on the 10th of June that he did not say Kalapani is a part of India. He further said, India would leave the area of Kalapani there and then, if Nepal could produce authoritative documents.

In a talk program at Reporters Club, he said on 2nd of August '99 that India had inherited certain territories from British India and have not since then altered the boundaries. He further said, India has done nothing

⁷⁹ Kantipur Daily, 8 June 1998

wrong on the Kalapani issue and wished to hold discussions in a friendly atmosphere to resolve the issue through mutual understanding of both the countries. He also warned that it would be better if both Nepal and India suspended their judgments and individual stance on the issue, since a joint border technical team is still examining historical documents relating to the territorial dispute of the strip of tri-junction in the far-west district of Darchula.

One month after the statement of the Indian Ambassador, there was another talk program in the Reporters Club on September 2 and the Chinese Ambassador ZX Yong said that the Boundary Agreement between Nepal and China was made and signed on three and half decades ago, by which Kalapani area lies within the Nepalese territory. However, old documents were ignored during that agreement which would show the border of Nepal up to Limpiyadhura, the origin of Mahakali. In addition, the Chinese envoy said that tri-junction point is the subject to three countries, whereas Kalapani situated near to the tri-junction point is not the subject of three countries. He further said that the recent border trade agreement between India and China does not involve "disputed territory of Kalapani."

Regarding the issue of Kalapani further, IK Gujaral (then Prime Minister of India) during his visit to Kathmandu on 9 June '97 said that a direction to hold a meeting of the Joint Boundary Working Group within one month had been issued, to solve the issue. Similarly the Indian President KR Narayanan during a civic welcome hosted by the Kathmandu Metropolitan City on 30th May 1998 expressed that Nepal and India are two countries, where there are no doors and wall to obstruct the border.

Answering to a written question in Rajya Sabha on 16 July '98, Indian Minister of State for Foreign Affairs, Basundhara Raje furnished information that Nepal has claimed 25 square kilometers of land in the Kalapani area of India-Nepal border sector. He further informed that Nepal has claimed that land in connection with the border delineation of the western sector of India-Nepal boundary.

Some more Indian parliamentarians have expressed their views on Kalapani problem. Sanjaya Nirupam, Member of Indian Rajya Sabha has said unofficially in Kathmandu in a program arranged by the Reporters Club that Kalapani issue must be resolved through the talks between two countries and India must not take any decision in the

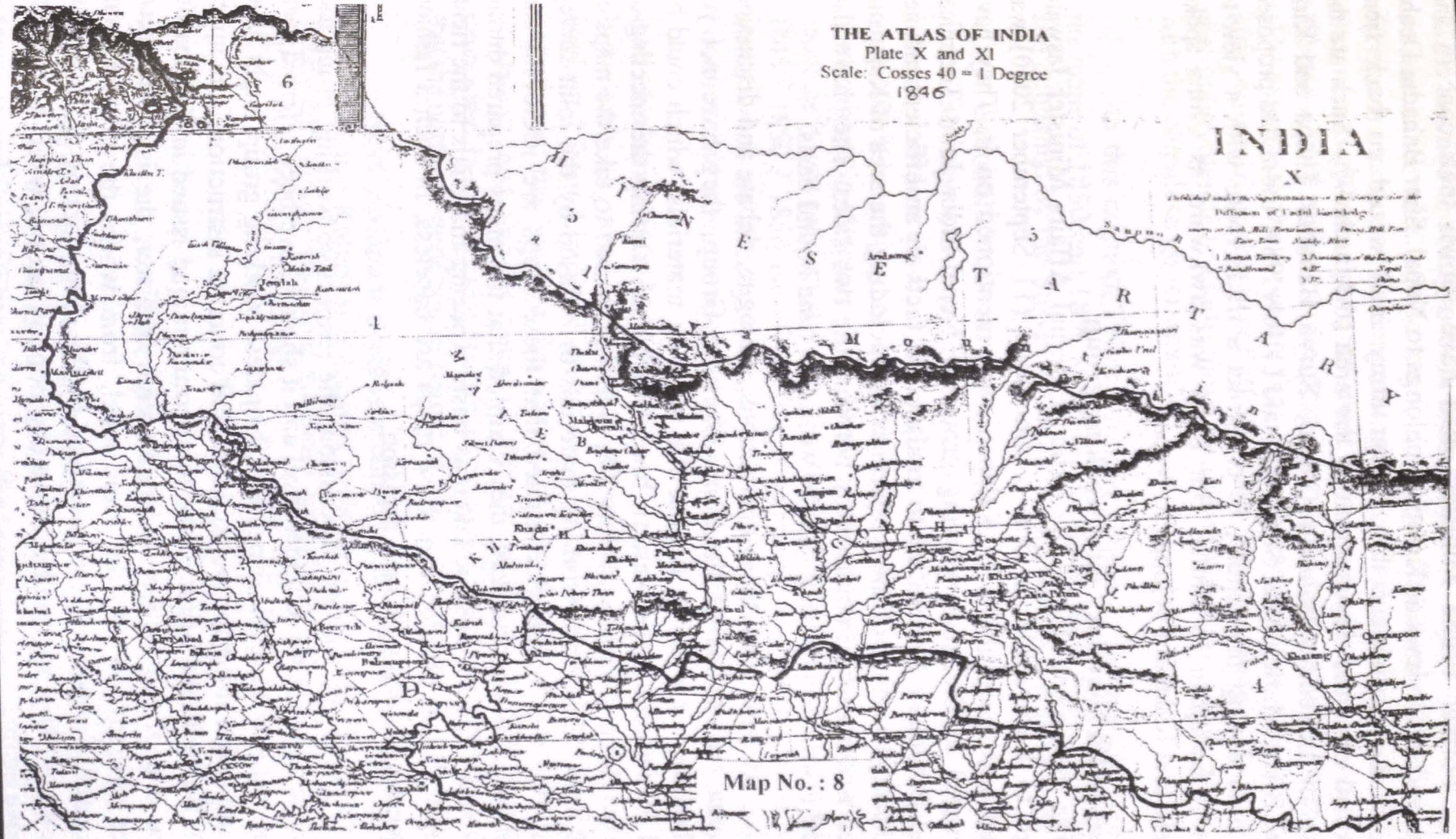
contradiction to the views of the Nepalese people (2 July '99). In the same way, Ananda Pathak, former Member of Indian Lok Sabha expressed his personal view while he visited Kathmandu (17 August '99) that if Nepal is deprived from Kalapani, Indian military force must be removed then and there from that area. As a counter to the Indian dignitaries on Kalapani issue, Girija Prasad Koirala as Prime Minister had announced and claimed that Kalapani is within the territory of Nepal as depicted on the maps of 1850 and 1856, published by Survey of India. He had repeatedly said "we feel that the disputed area of Kalapani is ours, the dispute needs to be resolved by carrying out a comprehensive study of all historical documents and proofs. If the study and facts show that the territory belongs to Nepal, then India must pull out of Kalapani (9 June '98)." In addition, the then Prime Minister Koirala has conveyed to the Indian Prime Minister Atal Behari Vajpayee that there are historical maps and documents, which depict that Kalapani belongs to Nepal (Colombo, 28 July '98). Koirala further said "I cannot say, it was the positive achievement but I am sure that Vajpayee understood well what I wanted to tell him concerning the border problem."

The border problem is also visualized by His Majesty the King. In order to regular the border the Royal Address to the joint session of parliament made a commitment to "maintain the border pillars intact" (1 July '99).

In connection to Kalapani and northwestern border issue, various other authorities of the Nepalese government have expressed their views. Notably, Prime Minister Krishna Prasad Bhattarai as head of government has said "Kalapani is a part of the Nepalese territory, Kalapani is ours according to the maps of that area (23 July '99). He spoke in the parliament that Nepal will not leave even an inch of land on the basis of available maps.

In the same way, Foreign Minister Ram Sharan Mahat has answered the questions positively in the parliament relating to Kalapani/Limpiyadhura border problem, raised by various members of parliament. He has also furnished information to the media persons that the government is dedicated to remove the Indian army from Kalapani. He has further said, "the government will handle the problem of Kalapani from technical, political, administrative and diplomatic level as well. The study is being carried out by the experts. The discussion is going on to finalize the western border, whether it is located at Lipulek or Limpiyadhura, on the basis of all types of maps and documents from the time of the Treaty of Sugauli (26 July '99).

THE ATLAS OF INDIA
Plate X and XI
Scale: 1846 = 1 Degree
1846



Map No. : 8

Map -8. Courtesy: Royal Geographical Society Library, London (10 G 15 RGS)

Former Prime Ministers also have shown their concern and expressed their views as Kalapani belongs to Nepal. Sher Bahadur Deuba told in the parliament that Indian army men would go back from Kalapani after the demarcation of the area (6 March '97). Such are the views of Lokendra Bahadur Chand, Surya Bahadur Thapa and Kirti Nidhi Bista. Marich Man Singh has said (1 July '98) "India had proposed to China during my tenure, to construct a trade route with a view to connect Kalapani to China. But India was awkward as China spoke clearly that Kalapani belongs to Nepal."

Nepal-India boundary joint working group

During the recent visit of the Indian External Affairs Minister Jaswant Singh to Kathmandu, a joint communiqué (11 September 2000) was issued and the problem of Kalapani was mentioned on it. They have instructed to the joint working group of Nepal-India Joint Technical Level Boundary Committee to analyse the facts in an efficient manner for the demarcation of the western sector including the area of Kalapani, which is a matter of controversy between the two sides. They have also issued instruction to complete the work in a time bound basis.

In spite of all these instructions, dialogue, debate and discussion between two teams of the Joint Working Group, they have not yet reached any decision to finalise the working materials, which could be used to demarcate the western border of Nepal. During the meeting of joint working group on 17 July '98, Nepal proposed to take the maps of 1850 and 1856 as the working materials to be used by the joint survey team. But the Indian side argued that these maps are irrelevant and unscientific as well. Instead, they claimed that the maps prepared during 1879 and 1928/29 must be taken as basic working materials to the field. In reply, Nepal pleaded that those maps are baseless. In such a fashion the meeting ended without a decision.

After the fruitless discussion, the respective working group had forwarded the matter to upper level and it should have been referred even to the ministerial level. Especially, Nepalese working group might have seeking and waiting for the guidance and concrete instruction from upper level. But with the result of the joint communiqué issued in Kathmandu at the end of the visit of Indian Foreign Minister, the issue has been rather pushed down to the same level, from where the problem was originated. So the problem forwarded by the joint working group is now something like a motionless move and nobody knows, when it will start to move again.

India intends to study proofs from Nepal

As the other side of the coin, during the bilateral talk between two foreign ministers in Kathmandu, the Nepalese side expressed the view that necessary arrangements must be carried out to remove the Indo-Tibetan armed police border-post from Kalapani area, whereas the Indian side expressed the opinion that appropriate solution may be explored after scrutinizing the proof of the historical documents. This indicates that India intends to study those proofs of Kalapani, which are available with the Nepalese government.

In this context, Prime Minister Bhattarai has already spelled out the maps of 1850 and 1856 as proofs. Notably, these maps were prepared and published by the Survey of India during British period in India.

Secondly, this scribe has collected a considerable number of historical maps within the nation and abroad, especially from the British Library, London (India Office Records & Collections) and Library of Congress (Geography & Map Division), Washington DC (see list of border maps in chapter - VII). Some of these maps have been mentioned above as it was published during 1816 / 1819 / 1827 / 1830 / 1835 / 1837 / 1846 / 1850 / 1856 etc. These maps can serve as counter-proofs to those maps, which are already available with the government. And the concerned ministries and departments have procured these maps from this scribe.

Kali / Kalapani itself as a proof

It is clearly engraved on above-mentioned maps that the river which has originated from Limpiyadhura is the Kali as delimited by the Treaty of Sugauli, as the western borderline of Nepal. Based on the historical documents and various maps of the era of the treaty and scientifically enunciated hydrological principle, it is no difficult to reach the conclusion that the north-western border corner of Nepal is located at Limpiyadhura.

Next, Kalapani itself is a concrete and on the spot geographical proof, because Kalapani is located towards east of the river Kali, as the Treaty of Sugauli says that all those areas lying to the east of the river Kali is the territory of Nepal.

The Western Border

River Mahakali is the western boundary of Nepal with India. Locally the river is known as Kali at the uppermost reaches, Mahakali at the middle segment and Sarjoo/Sharada/Gogra Western Branch at the lower portion

before and after it takes off the boundary of Nepal. The Boundary River is delimited by Article 5 of the Sugauli Treaty of 4 March 1816. It says "the Raja of Nepal renounces for himself, his heirs, and successors, all claim to or connection with those countries or the inhabitants thereof." But the river Kali, north of Brahmadeo Mandi is not yet demarcated.

According to the international boundary principle, a boundary between two countries should be delimited at first and it must be demarcated accordingly. Delimitation means to comprise the determination of a boundary line by treaty or otherwise and its definition in written or verbal terms; whereas demarcation is to comprise the actual laying down of a boundary line on the ground and its definition by boundary pillars or other similar physical means.

In the case of western and eastern boundary of Nepal, it is delimited by the Treaty of Sugauli and it is demarcated with masonry pillars only from Phalelung (Eastern BP No. 1) of Panchthar District to the point of Brahmadeo Mandi (Western BP No.1) of Kanchanpur. But it is yet to be demarcated from Brahmadeo Mandi northward to the origin of the river Kali as the upper portion of the western boundary and from Phalelung to Jhinsang Peak as the upper reaches of the eastern boundary line.

Nepal-India boundary line was demarcated and surveyed from 1816 to 1860/1940-41 dividing it into nine different sectors with 913 border pillars, erected from Phalelung to Brahmadeo Mandi (Map No. 10). The demarcation work was started from the east to the west. In the first stretch, 26 pillars from Phalelung to Antu Hill and additional 120 Pillars from the origin of the river Mechi to Bhadrapur had been constructed. In the same way, it was continued westward from Bhadrapur to the River Koshi, Lakhandehi River, Uriya River and Narayani River as second to fifth sectors and erected 101/113/73 and 61 pillars respectively. It was further extended to Arrah Nala, Tal Baghaura, Sharda River and ultimately to Brahmadeo Mandi as the ninth and last stretch having 72/95/211 and 41 pillars respectively along the boundary line. An unsurveyed boundary follows northward along the Kali River as the continuation of the western boundary and the Singhalila Range follows up to the point of Jhinsang as the uppermost eastern boundary.

As regards the uppermost eastern boundary, it is delimited to the watershed ridge of the Singhalila Range. But there is no conspicuous boundary ridge as the water parting line as of the roof of a house. There are more than one ridge in many segments, which run from south to north with hillocks, saddles and passes. So this part of the boundary line is yet to complete the demarcation work.

As far as the uppermost reaches of the river Kali is concerned, it is yet to be demarcated northward from Brahmadeo Mandi. This stretch of the river has its own nature of terrain, mountain topography with deep river basin. When the river comes out of the gorge near Brahmadeo Mandi. (BP-1) it has made branches and sub-branches southward on the fan-shaped flood plain.

Now it is high time to demarcate the remaining portion of the river Kali to solve the issue and much-argued debate of Kalapani and Limpiyadhura. It is the need of time to demarcate the stretch of the river with the spirit of the Treaty of Sugauli that consists of old maps, historical documents and hydrological facts. After the demarcation of River Kali in totality and the identification of its historical origin, the enumeration of localities such as Kalapani, Gunji, Nabi, Kuti, Chhota Kailash, Limpiyadhura etc will be settled once and for all. Because all the land lying to the west of River Kali belongs to India and the rest falls within the territory of Nepal. The main crux of the matter is to deploy a Nepal-India Technical Level Joint Survey Team to identify and demarcate the upper reaches of River Kali, from Brahmadeo Mandi to the point of its origin.

Status of Masonry *Junge* Pillar

The border demarcation work between Nepal and India was started after the Treaty of Sugauli (ratified on 4 March 1816). Surveying and demarcation of border with pillars had been started just after monsoon season of 1816. The border line was divided into nine segments starting from point A to K. Point A was located at Phalelung of Panchthar district as the tri-junction of Sikkim, Bengal and Nepal whereas the last station K was established at Brahmadev Mandi of Kanchanpur district (Map No. 10). North of Phalelung to Jhinsang Chuli in eastern Nepal and north of Brahmadev Mandi to the origination point of the river Mahakali in western Nepal were not demarcated at that time. The demarcation of the eastern segment has been started recently, but it is yet to be started in the western segment up to the source of river Mahakali. The reason for not demarcating on these two segments in those days may be that it is the river course of Mahakali on the west and Singhalila mountain range is elongated on the eastern border adjoining Sikkim.

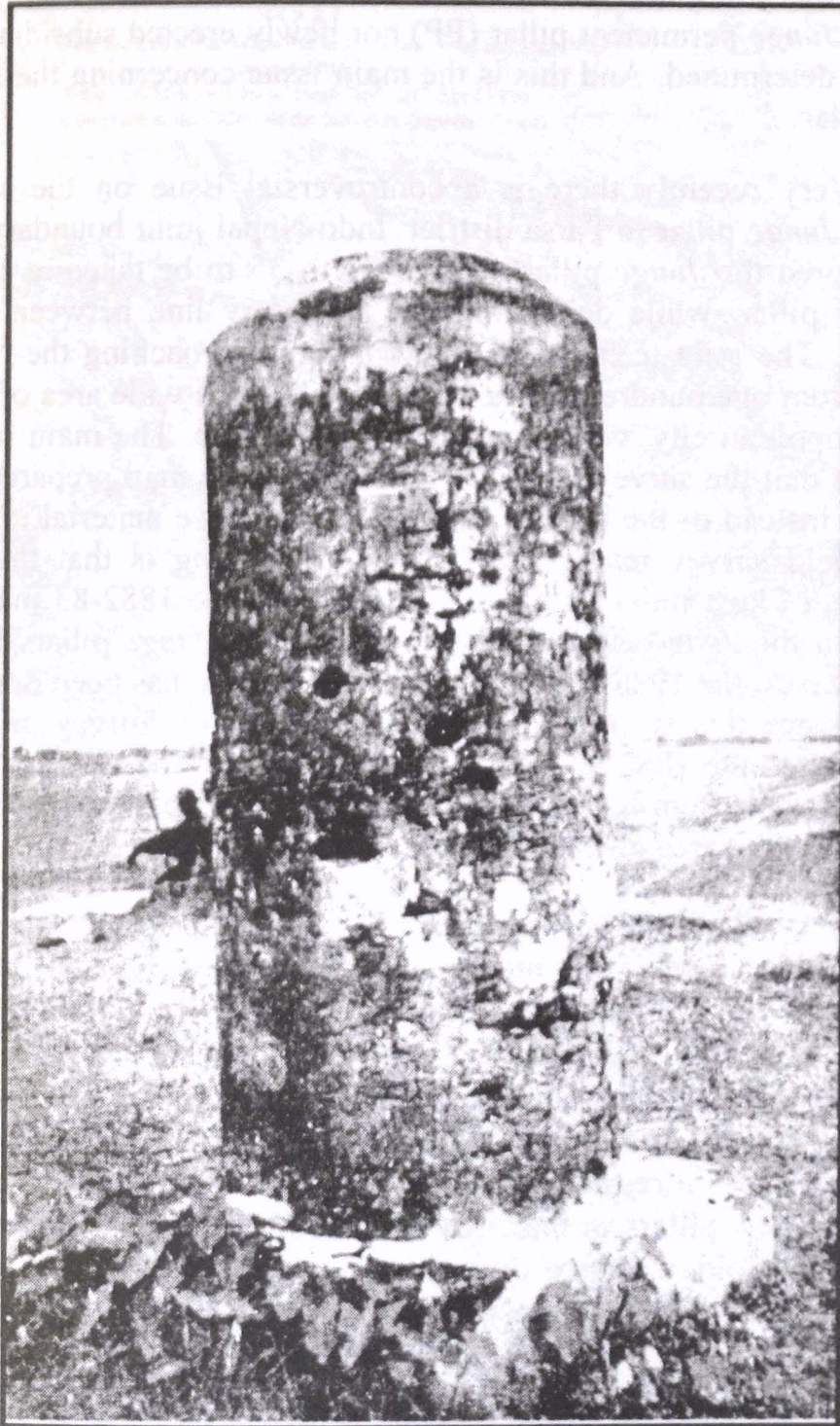
The total number of main boundary pillars (including the masonry *Junge* pillars) erected by the British surveyors was 913 from A to K segments.⁸⁰ Masonry boundary pillars have been named after the name of the then Prime Minister Jung Bahadur Rana (1846-1877). Jung Bahadur maintained all main boundary pillars (BP) of the same shape and size along the border line with India. He repaired, maintained and painted with lime water also those pillars, which were constructed before his regime. So the Nepalese people used to name the boundary pillars as *Junge* pillar. And it is synonymous with the masonry boundary pillar, as the Nepalese tongue automatically spells the name when one talks about the border business.

Issue of *Junge* pillars

The Nepalese people believe that *Junge* pillars are the main boundary monuments erected on the boundary line between Nepal and India. But recently field level Indo-Nepal joint border survey team regarded the *Junge* as the reference pillar (RP) while they were working on the Mechi riverine sector during November-December 1995. The team was demarcating the then course of the river Mechi with the help of a map of 1874 AD that bears the heading and internal details on Persian script. They started to erect new boundary pillars in the Bhadrapur area of Jhapa district ignoring the *Junge* pillars, the existing main BPs. By this action, the boundary line has been shifted towards Nepal nearly one kilometre west of *Junge* permanent pillar (as it is inscribed PP-1) and Nepalese territory has been encroached. As a result, half of the compound of Bhadrapur high school came under Indian territory. This caused much hue and cry not only among the local people of Bhadrapur but also other parts of the Kingdom including the capital city and it became the national issue. In the mean time Bhadrapur municipality issued a white paper highlighting the issue and problem. Ministers, political leaders, MPs, government officials, members of social organizations, research institutions and intellectual council visited the area. An advocate, Balkrishna Neupane filed a writ-petition in the Supreme Court on the Mechi border dispute.

After all these activities, Chief District Officer of Jhapa made a public notification on 21 March 1998 that it will be examined by the Nepalese survey team at first and the matter will be put in the next joint meeting of Nepal-India survey team. At the joint meeting it was decided that the issue would be resolved in a spirit agreeable to both the sides after the joint field inspection. The joint survey team worked along the border of Jhapa district during field season of 1999-2000 as

⁸⁰ A letter from British Embassy Kathmandu to HMG Ministry of Foreign Affairs, 2 July 1980



Masonry *Junge* Pillar

**Located at Pathamari Village Development Committee,
Ward No.-7, Jhapa District**

well, but the problem remained as it is. As a result, neither the status of masonry *Junge* permanent pillar (PP) nor newly erected subsidiary pillar has been determined. And this is the main issue concerning the status of *Junge* pillar.

Very recently there is a controversial issue on the status of masonry *Junge* pillar in Parsa district. Indo-Nepal joint boundary survey team ignored the *Junge* pillar number 33 to 35 to be taken as the main boundary pillar, while delineating the boundary line between the two countries. The joint team erected new pillars encroaching the Nepalese frontier from one hundred metre to half a kilometre wide area of Birgunj sub-metropolitan city, ward number 19, *Sarki Tole*. The main reason of dispute is that the survey team has been taking the map prepared during 1988-89, instead of the map of 1882-83, as the base material to be used by the field survey team. The most notable thing is that the British Surveyors of East India Company had prepared the 1882-83 map which has shown the *Junge* pillars. On the other hand, *Junge* pillars have not been drawn on the 1988-89 maps and boundary line has been drawn with red ink, since this is quite a new map prepared by Survey of India in comparison to the 1882-83 map of the same area of the disputed portion. Another notable item is that the old map bears *Junge* pillars but the new map of the same area does not have the location of pillars.

Regarding the encroachment of the Nepalese territory in the Birgunj area, there were many discussions at the local level and ultimately it was forwarded to Kathmandu. News media publicized the issue and it created awareness in the Nepalese society. The government was aware of the problem and the issue had been studied and scrutinized by the ministry of home affairs, police headquarter and department of land survey.⁸¹ As a result all these incidents, the demarcation work and erection of new pillars in this area have been stopped now to study the status of the old masonry *Junge* pillars, as the Nepalese leader of boundary survey team Bhaskar Sharma has stated.⁸²

Description of *Junge* pillar

Junge pillars are the masonry pillars, the construction of which started was just after the Treaty of Sugauli-1816, with a view to demarcate the border between Nepal and India. It is regarded as the main boundary pillar with its shape and size. The dimension of *Junge* pillar is 2.2 metres in height and its diameter is 3 metres in round shape. Its foundation is 1 mtr

⁸¹ Nepal Samacharpatra Daily, 9 March 2003

⁸² Rajdhani Daily, 15 March 2003



deep under a rectangular platform of 2 mtr by 1 mtr. The pillar is constructed with bricks, mortar of brick-powder and limestone and glued materials. It is a pre-cast monument homogenously round in shape with its top round and smooth slope. A ditch normally 2.5 mtr deep and 1.5 mtr wide is dug around the pillar to protect it from man, animal and other objects. It is painted with lime water to be seen distinctly from far off distances. In the explanation index of the map entitled British Boundary on the Northern Frontier of Zillah of Poornnea in North Behar-AD 1818, the dimensions (shaft, decretion, foundation, width, depth etc.) of *Junge* pillar have been mentioned with a picturesque drawing. Close to this drawing a sentence "pillars of Masonry along the Boundary connection the Ditch at the angle" has been written. The people believe that *Junge* pillars are the historical monuments of the border between Nepal and India. These are the pre-cast pillars having its serial number inscribed on the upper portion, as the pillar PP-1 is located east of Bhadrapur, Jhapa district on the way to Galgalia railway station, India.

Number of *Junge* pillars erected

Altogether there were 913 masonry *Junge* pillars erected from 1816 to 1860 along the Indo-Nepal border covering the line from Falelung to Brahmadev Mandi. Details of these pillars have been mentioned in the following table:⁸³

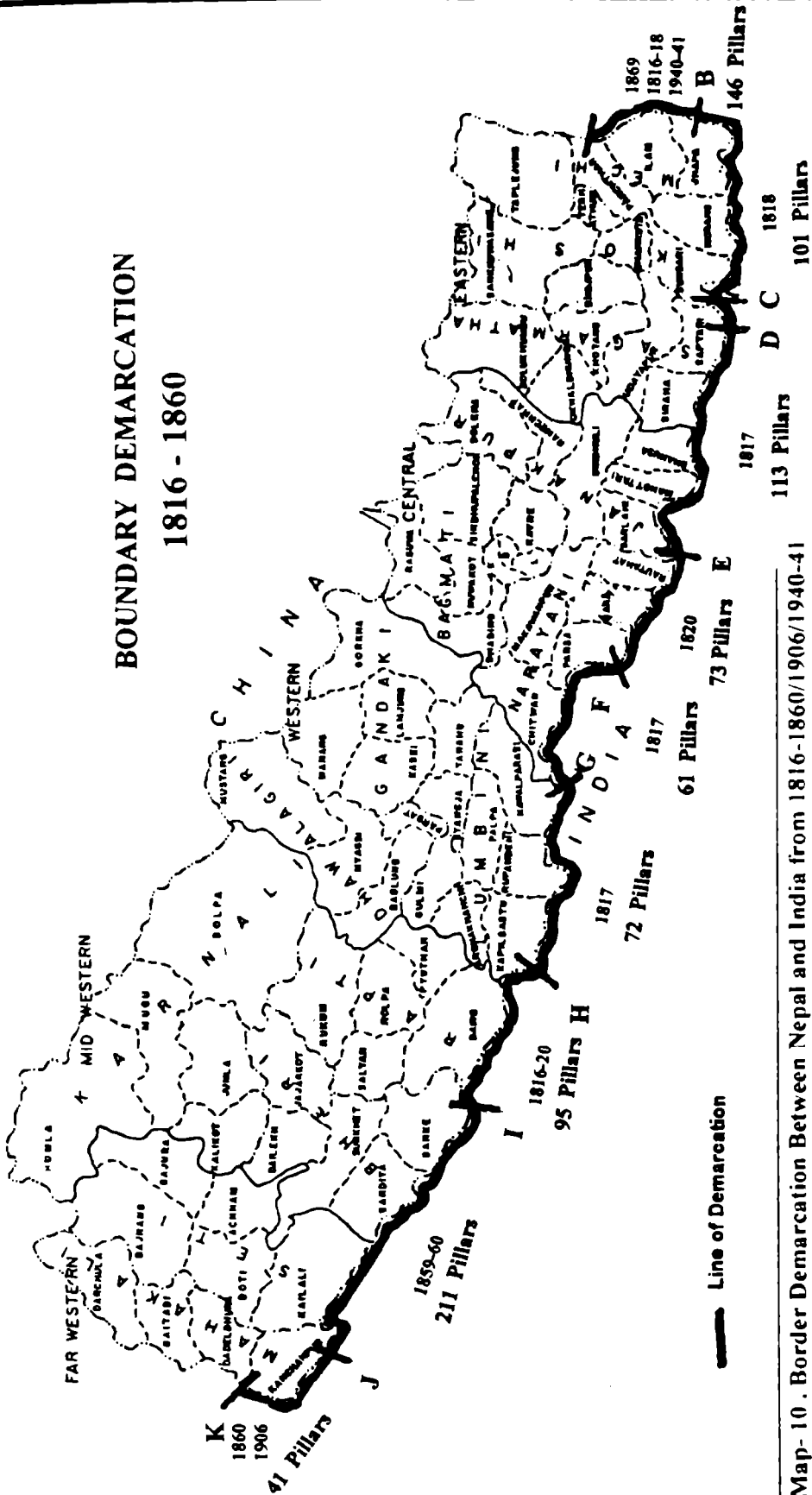
Sector No.	Name of Sector	Date of Erection	Pillar Number	Total Pillars
1	From Nepal-Sikkim-India to Nepal-Darjeeling-Purnea	1816-18/ 1869/ 1940-41	1-26 1-120	146
2	From the above sector to Koshi River	1818/ 1874-75/ 1882-83	1-77 1-24	101
3	Koshi to Lakhandehi River	1817	1-18 1-95	113
4	Lakhandehi to Uriya River	1820	1-55 39-56	73
5	Uriya to Narayani River	1817	1-5 56-84 35-63	61
6	Narayani to Arrahnala River	1817	1-72	72
7	Arrahanala to Talbaghauda	1816-20	1-95	95
8	Talbaghauda to Sharada River (old course)	1859-60	1-211	211
9	Sharada River (old course) to Brahmadev Mandi	1890/ 1906	1-41	41

Total 913

⁸³ A letter from British Embassy, Kathmandu to HMG MOFA, 2 July 1980 with attached note

BOUNDARY DEMARCATION

1816 - 1860



Map-10. Border Demarcation Between Nepal and India from 1816-1860/1906/1940-41

Reasons for naming main boundary pillar (BP)

There may be curiosity among the common people why *Junge* is the main boundary pillar. The answer is that it was constructed just after the treaty of Sugauli to demarcate the boundary between British India and Nepal. It is the largest type of pillar in shape and size along the border line. The reason for erecting *Junge* pillar soon after the treaty is that East India Company was not sure whether Nepal would follow strictly the Articles of the treaty of Sugauli. Because Nepal had signed the treaty with some compulsion, British rulers had understood it clearly. So they took the initiative to install the boundary markers on the ground as soon as possible to execute the treaty. Nepal and India have accepted *Junge* as the main boundary pillar since long; however there are recent disputes in some places on the status of *Junge* pillars due to new maps. There are 913 *Junge* pillars of the same shape and size along the boundary line. These pillars had been constructed during British time in India. They had been erected both on the land and riverine boundary sectors. All the *Junge* pillars had been given the status of main BP at that time. But there is a controversy over Mechi riverine sector and portion of Parsa district border very recently. There is no technical reason to discriminate the *Junge* pillars of these limited border line because of homogeneity in shape, size and construction materials used with rest of the pillar.

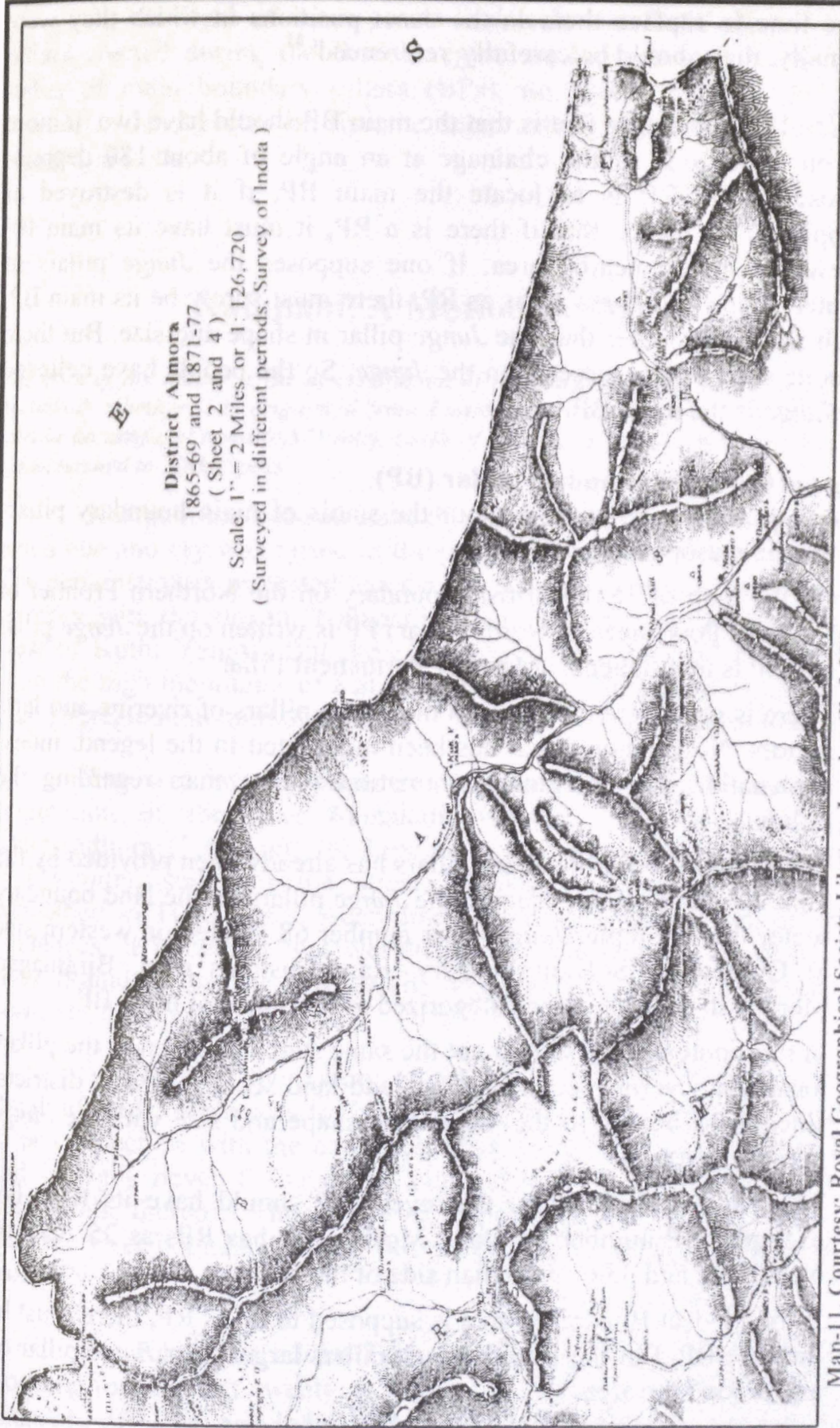
Boundary pillar (BP) versus reference pillar (RP)

To resolve the status of *Junge* pillar whether it is the main boundary pillar or a reference pillar, one has to know the construction criteria of these pillars. In this respect, there may be a question as what is the difference between BP and RP or what are the ingredients to make it different from the other.

It is defined that "main boundary pillars have been erected at intervals of about five kilometres with intermediate or auxiliary pillars at interval of about 500 metres."⁸⁴ These pillars will be established in the main chainage of the border line to create the line of sight between the two main pillars. To recognize its status, the main boundary pillars are automatically larger in shape and size in comparison to intermediate and reference pillars.

On the other hand, the reference pillars have been defined as "Reference Marks: when there is any possibility of temporary or permanent marks being moved and it is desired to be (st) able, at any

⁸⁴ Boggs, S. Whitemore (1940), International Boundaries: 166



Map-11. Courtesy: Royal Geographical Society Library, London (Ref. 355)

future time to replace them in the exact positions in which they were originally, they should be carefully 'referenced'.⁸⁵

The interesting fact is that the main BP should have two or more RPs on either side of the chainage at an angle of about 180 degrees. Purpose of the RP is to locate the main BP, if it is destroyed or disappeared. It means that if there is a RP, it must have its main BP somewhere in the nearby area. If one supposes the *Junge* pillars of disputed Jhapa and Parsa areas as RP, there must surely be its main BP, which should be larger than the *Junge* pillar in shape and size. But there are none such pillars larger than the *Junge*. So the people have believed that *Junge* is the main BP.

***Junge* is the main boundary pillar (BP)**

Following are the points to honour the status of main boundary pillars (BP) to the masonry *Junge* pillars:

- On the map of 1818 (British Boundary on the Northern Frontier of Zillah of Poornnea in North Behar) PP is written on the *Junge* pillar and PP is mentioned as Masonry Permanent Pillar.
- There is no difference between the *Junge* pillars of riverine and land sectors. No categorization has been mentioned in the legend, index, explanation and marginal information of the map regarding the pillars.
- The status of main boundary pillars has already been provided by the joint boundary survey team to the *Junge* pillars on the land boundary sector. For example, *Junge* pillar number 68 located on western side of Gunjeswori Solvent Industry, Rani Customs road, Biratnagar, Morang district has been categorized as the status of main BP.
- In this context, why should not the same status be given to the pillars located at riverine sector of Jhapa and land sector of Parsa districts, since these belong to the same type, shape and size with the *Junge* pillar of Morang?
- There is a technical fact that every BP should have its RPs. For example, BP number 35 along Mechi river has RPs as 35 A.B. on Nepal side and 35 C. on Indian side of the border.
- If the PP-1 at Bhadrapur area is supposed to be as RP, there must be its main BP. But there are no such pillars larger than *Junge* pillar on and around the area.

⁸⁵ Clark. David (1923). Plane and Geodetic Surveying for Engineers. Vol-I: 244

In the light of these points and technical facts, all 913 *Junge* pillars erected during the British regime in India belong to the same status of main boundary pillars (BPs), no matter whether these are located in land sector or riverine sector along the boundary between Nepal and India.

Kalapani, A Motionless Move

The crux of the matter is the determination of the status and origination of the river Mahakali, whether it is originated from Limpiyadhura (5, 532 Mtr), Lipulek (5,098 mtr) or an artificial pond (4,571 mtr), south of the stream Pankha Gad which follows the watershed to Tinkar pass.

Kalapani has been an issue of national interest for everyone since much hue and cry was raised in the year 1997 and the first half of 1998. The demonstrators protested against the Indian invasion of the Nepalese territory with the slogan, 'Kalapani is ours, go back Indian army to the west of Kuthi Yangti'. But there was no echo against all these voices from the high mountains of Kalapani and Limpiyadhura, the 6,180 meter high strategic mountain of the area. The move has been motionless.

The crux of the matter is the determination of the status and origination of the river Mahakali, whether it is originated from Limpiyadhura (5,532 mtr) or Lipulek (5,029 mtr) or an artificial pond (4,571 mtr), south of the stream Pankha Gad which follows the watershed to Tinkar pass. According to the documentary and historical evidences, it is certain that western border of Nepal is demarcated as river boundary by the river Kali, originated from the north-western corner of the boundary.

Article 5 of the Treaty of Sugauli (4 march 1816) says "The Rajah of Nepal renounces for himself, his heirs, and successors, all claim to or connection with the countries lying to the west of the River Kali and engages never to have any concern with those countries or the inhabitants, thereof." Thus, there is no possibility of land boundary but only the river boundary, which flows from north to south of the western part of Nepal.

The Nepal-India Joint Technical Boundary Committee has been working for the last twenty two years to identify and demarcate the boundary of Nepal and India, and so far twenty-one joint meetings have

been held alternately in Nepal and India, but no survey team has been deployed as yet to work in the Kalapani area, north of Brahmadeo Mandi. Neither did the then British surveyors of the East India Company feel the need to demarcate and prepare maps for the region nor did they erect the boundary pillars to the north of Boundary Pillar (BP) number one, as it is located at Brahmadeo Mandi. But they have independently published maps of that region from time to time with different versions.

During the Nineteenth Joint Boundary Committee Meeting at Dehra Dun (January 1997), Nepalese team proposed that Kalapani issue be included in the agenda. After much discussion and effort from the Nepalese side, it was agreed that a Joint Working Group would be formed under the coordination of the Deputy Surveyor Generals of both countries for the demarcation of river Mahakali to identify its source of origin.

During the meeting of joint task force (July 1997) in Kathmandu, the Nepalese team highlighted that Kalapani belongs to Nepal according to the Sugauli Treaty. At the same time they submitted the map of 1856 as a proof, which was prepared by Survey of India (Map No. 9). After a long discussion, it was agreed that it would be discussed in the next meeting.

Subsequently, the joint meeting was held in Kathmandu in July 1998 for the authentication of the working maps and documents of Kalapani area. It was decided that the old maps would be adopted and accepted by both teams as working materials but the meeting ended without any decision. The Nepalese team produced the Survey of India maps of 1850 and 1856 to be adopted as working materials in the field of Kalapani but the Indian team said that the maps prepared before 1879 were constructed without scientific topographic survey, so these maps cannot be taken as authoritative and reliable. They said that the maps of 1850 and 1856 (Map No. 9) are unreliable and unscientific. Instead, they proposed to use the maps of 1928/29 as working materials, which were prepared by Survey of India as it tallied with the map of 1879 (Map No. 12). In response, the Nepalese expert team said that the claim made by the Indian side was baseless. In such a fashion, the discussion of the Joint Working Group was like a tug-of-war with no developments.

In the mean time, Indian Ambassador KV Rajan made two press releases relating to Kalapani on the 3rd and 7th June 1998. He stated that there is only an Indo-Tibetan Border Police-post in the area which.

No. 62 $12 \frac{1}{2}$ 16 & parts of 62 $\frac{1}{2}$ & $\frac{1}{4}$ (Old No. 261 U. P.)

Scale 1 inch to a Mile, or 1:62,500.

65 Nepal, Almora District, United Province 81° 6'

Surveyor General of India

Scale: 1 inch to a mile

1879

60'

E

G



Map-12. Courtesy: Royal Geographical Society Library, London

according to all records available with the government of India, has been on the Indian side of the border since 19th century and acknowledged as such by successive British, Indian and Nepalese Governments. He also said that there is an old and complicated historical background to the boundary between the two countries dating back to the 19th century.

However, Mr. Rajan made another statement in Birgunj on the 10th of June 1998 that he did not say Kalapani is a part of India. He further said, India would leave the area of Kalapani then and there if Nepal could produce authoritative documents.

During the visit of IK Gujral (then PM of India) to Kathmandu on 9th June 1997, he said that they had issued a direction to the Joint Boundary Working Group to solve the issue within one month.

Similarly the Indian President KR Narayanan during a civic welcome hosted by the Kathmandu Metropolitan City on 30th May, 1998 expressed that Nepal and India are two countries, where there are no doors and a wall to obstruct the border.

As Prime Minister Girija Prasad Koirala has announced and claimed that Kalapani is within the territory of Nepal as depicted on the maps of 1850 and 1856, published by Survey of India. He has repeatedly said, "we feel that the disputed area of Kalapani is ours, the dispute needs to be resolved by carrying out a comprehensive study of all historical documents and proofs. If the study and facts show that the territory belongs to Nepal, then India must pull out of Kalapani (9 June 1998)."

In the same way, Prime Minister Koirala has conveyed his view to the Indian Prime Minister Atal Behari Vajpayee that there are historical maps and documents, which depict that Kalapani belongs to Nepal (Colombo 29 July 1998).

Notably, the Royal Address to the joint session of parliament made a commitment to "maintain the border pillars intact" (1 July 1998).

Despite all these statements made by the heads of the government, state heads, joint technical level boundary committee and working group, border survey teams have not yet been deputed to Kalapani area, though it was decided that surveyors would be deployed to start the Global Positioning System survey. But the result has been just a motionless move!

What is Mechi Border Dispute ?

The Masonry Boundary Pillar locally known as Junge Pillar (PP Number-1) lies on the eastern bank (on the way to Galgaliya Railway station of India) of the Mechi River, which flows by the Bhadrapur Municipality of the Jhapa district. At about half a kilometer northeast of the Junge Pillar is the original border pillar No. 120. If one goes south from the border pillar No. 120 along the original borderline one reaches the Junge Pillar No. 1. This Junge Pillar marks the tri-junction of Nepal and the Bengal and Bihar states of India.

The joint survey team of Nepal and India in March 1996 diverted the borderline westward from near to the pillar No. 120, making it look like the shape of English alphabet 'C' and the line was marked at some distance to the south of Junge Pillar. Then subsidiary border pillars numbering 101/1 to 101/11 were erected quickly along the new curved borderline. This encroached about one kilometre area west of the Mechi River from the original borderline, and the new border pillars were seen even within the premises of the Bhadrapur High School. As a result, about 27 hectares of Nepalese land of Bhadrapur area alone were included within the Indian territory. This action sowed the seed of dispute along the Mechi border.

New subsidiary border pillars No. 101/12 to 101/15 were also erected on the south of the Junge Pillar. Going further south, border pillars No. 102/1 to 102/11 and 103/1 to 103/13 were erected up to Maheshpur. So, the Nepalese territories along the Mechi border river at Bhainsabari, Maheshpur, Pathamari, and Baniyani on the south of Bhadrapur were also encroached. Similarly in the north, along Mechi River in areas like Jyamirgadhi, Kakarvitta, Mechi New Bridge, Nakalbanda, Madanjot, Bahundangi, Patapur have fallen into dispute. In such a way, there is a dispute and encroachment in a total area of 1,630 hectares of land along the Mechi riverine segment.

The major reasons for dispute at Mechi border, especially at the Bhadrapur border, are as follows:

1. Because of failure to take masonry Junge Pillar as the main boundary pillar.
2. Because of treating the Persian map of 1872 AD as working material.

3. Because of the adoption of the fixed boundary principle.
4. Because of the signing on the agreement by leader of the district-level joint border committee, from the Nepalese side.

Because of failure to take Junge pillar as the main boundary pillar

The non-acceptance of Junge Pillar, which has remained as a custodian of the border since time immemorial as the main boundary pillar, is primarily responsible for sparking on dispute along the Mechi River, and especially at the borderline in Bhadrapur area. The Nepal-India Joint survey Team took it only as a reference pillar or as reference to the main pillar while demarcating the border. At the government level, the Junge Pillar was called only as a reference pillar, which denigrated to the actual border between the two countries. The origin of the masonry Junge Pillar dates back to the days when Nepal signed on the Sugauli Treaty. The pillar was constructed soon after the signing of the Treaty. The map published in January 1818 can ascertain this, as it bears the picturesque drawing of the masonry Junge Pillar. Secondly and more importantly, this type of pillars were constructed by the British themselves and not by the Nepalese as a monument of Nepal's border. After the treaty the British, assuming that Nepal might not vacate the territory between the Mechi and Tista Rivers within the stipulated 40 days, had fixed Nepal's boundary by these pillars. The British had constructed the Junge Pillar in a similar pattern to demarcate both the land boundary and the river boundary. The dispute over the border, which the British had demarcated unilaterally till the erection of the Junge Pillar, cropped up after taking a map in Persian language as a basic material to find out the course of the river at the time the Junge Pillar was constructed.

Thirdly, why was the Junge Pillar erected on the eastern bank of the Mechi River, when the River was a natural boundary? Or why was construction of the Junge Pillars felt necessary? It must be because the British surveyors had reached the conclusion that there must be some border markers according to the spirit of the Sugauli Treaty. Article 3(5) of the Sugauli Treaty has specified in clear words that "all the territories within the hills eastwards of the River Mechi shall be evacuated by the Gurkha troops within 40 days from the date of signing of the treaty." That means the British had made up in their minds that the whole Mechi River belongs to Nepal. That's why the pillars were erected on the eastern bank of the river, leaving Mechi to Nepal side.

At the start of the dispute, government officials had categorized the Junge Pillar as the status of reference pillars. Looking at the intensification of the dispute, and the old documents, land ownership record and maps established by the Nepalese government after the cadastral survey and measurement of Jhapa district in 1965-66 AD also showed the Junge Pillar as the main boundary pillar, but the present officials have kept a flexible approach. When the border dispute in Mechi started, the then Foreign Minister Dr. Prakash Chandra Lohani had said that the Junge Pillar was not a reference pillar. He clarified this as a speaker during the release of Dr. Shastra Dutta Pant's book entitled, *Seema Samasya (Border Problem)* on 6 November 1999.

Another point is if the Junge Pillar is taken as a reference pillar, technically there must be surely its main boundary pillar. Such main boundary pillar naturally must be bigger and larger in shape and size than the Junge Pillar or that should be more massive than the Junge Pillar. But no one has seen or found such pillar because it does not exist. There are hundreds of other pillars similar in shape and size to the Junge Pillar at Bhadrapur lying weathered but standing firmly at different points along the Nepal-India borderline. If all those pillars have been given the status of main boundary pillars, then why should the Junge Pillar, erected by the British Surveyors at the riverine sector of the Mechi River, not get the status of main boundary pillar? There are also technical evidences that the Junge Pillar at Bhadrapur is the main boundary pillar because of its shape, size and construction materials.

Taking the Persian map of 1874 AD as working material

Another reason for the dispute at Mechi border is the adoption of Persian Map (Urdu script) of 1874 AD as basic and reference material. The Map is prepared completely in Persian language, and its top bears the title of Morang, Country Nepal, year 1874 in Persian language. This map also contains a picturesque drawing of the Junge Pillar plotted in its exact position. But on the map it has altered the course of Mechi River from border pillar No. 120 on the North of Junge Pillar (PP-1) towards the south showing a meandering course of the River in a serpentine shape. And this Persian map and the One-Inch Topographical Map sheet of 1925-26 AD prepared by the Survey of India have differences over the meandering course of the river. In the latter map the river has less curves. and this map also contains all the numberings of the border pillars.

The question, thus, is why the Nepal-India Joint Technical Border Committee did not take the map as basic material prepared by the Survey of India during the time of British rule, and which could be read

and understood by all. But instead of this, they took the map written in the Persian language as basic material while managing the border on the south of Mechi River? A simple answer to that question could be that it was the only map available of that area. But it needs to be investigated if that was the only map available of that area or whether not there are others and even more authoritative maps. Another thing is how appropriate that simple answer would be in the context of technical approach and in view of Nepalese nationality.

On the perspective of nationalism, it is all clear that when the historical masonry Junge Pillar is not considered as a national border monument and if the Nepalese territory west of that boundary pillar goes to India, the Nepalese land will continue to shrink. Technically, the map in Persian language should have been matched and tallied with the Survey of India map of 1925/26, prepared after an elaborate survey of both sides of the river. Because that was prepared with more details of the area and was constructed at the larger scale of 1 inch equaling 1 mile. Similarly, the map of 1882-83 at the scale of 4 inches equaling 1 mile, and another map of 1883-84-85 with the scale of 1 inch equaling 1 mile should also have been looked for. Had all the internal details of those maps been compared, their details established, and disagreements worked out to devise the real and regular details, it would have been authentic. Above all and more importantly, if the masonry Junge Pillar, which stands as the main boundary pillar on the spot along the Mechi border, is taken a living proof, which is more authoritative, the chronicles of dispute at the Mechi border will come to an end forever. And the boundary line should be demarcated from one Junge pillar to another, instead of searching for details written on papers in the form of documents and agreements and evidences in the maps.

Adoption of fixed boundary principle

Another reason for the hassle at the Mechi border is the adoption of fixed boundary principle in border business. Adoption of fixed boundary principle means finding out the course of the mainstream of the river Mechi on 4 March 1816 and erection of new border pillars at that place. The course of the river may have been indicated in the map made during that time. Finding out the water current of the Mechi River at the time also means finding out the map made just after 1816 AD or at about the same time and demarcating the land according to it. But the map in Persian script made 58 years after the Sugauli Treaty has been used to deal with the dispute on Mechi border. What is the need to harp on different theories on the borderline fixed by the British after chopping off

Nepal's land after the Sugauli Treaty, erecting a huge masonry pillar on the eastern bank of the Mechi River at Bhadrapur that would not collapse even by a 9 Richter scale of earthquake? The pillar is the marker of warning to Nepal that it should not step east of it. The debate, disputes and controversies have arisen because Indians, who have accepted the borders left by the British as legacy, did not recognize Junge Pillar, erected by the British themselves, as the main boundary pillar rather took it only as a reference pillar recently. If investigations are done, analyses made and clarifications sought, the Junge Masonry Pillar will remain as the main boundary pillar and the chapter of whole dispute will come to a close at a stroke.

Signing on the joint agreement at the district level

A district level joint survey committee meeting had commenced in November 1995 at Kishangunj of India to evaluate the work done by the joint survey team, which had also worked in Jhapa district, and to push forward the work in that season. The Nepalese team was led by Chief District Officer (CDO) Birendra Kumar Singh, and District Magistrate of the Purnia-Kishangunj district had led the Indian team. According to the decision of the meeting, both sides agreed on erecting new border pillars on the Mechi water current as per the map of 1874 AD. Under the agreement, and by the special initiative of the Indian surveyors the subsidiary border pillars of the main border pillar No. 101 were erected by encroaching upon Nepalese territory. Those new and short size pillars were erected as deep inside as the premises of the Bhadrapur School. When those short border pillars were erected, the common people came to know that the Nepalese border had been encroached upon, thus giving rise to a big hue and cry.

While in the past it was the line of sight of the two Junge Pillars as the borderline, which had demarcated the border between Nepal and India. Now it was the small subsidiary pillars that separated the border. This changed the international border at the Bhadrapur area. In this relation, the Nepal-India Technical Joint Committee and the district level joint team or group do not have the authority to make amendments and alterations on any part of the country's border. In fact, no one has the right to make alteration and revision in the country's borderlines or to relinquish Nepal's territory. There is no such provision even in the constitution of the Kingdom of Nepal and other relevant laws. In such a situation, the signature of one Chief District Officer cannot change the country's border specified by the Junge Pillar. The only effect of that official's signature is that it created debate and dispute over the border

area on the Mechi River. But the fact that the actual border is the one demarcated by the Junge Masonry Pillars will bring the debate to a close.

Responses, and interactions on the border problem at Bhadrapur

The meeting of the Nepal-India Joint Team was held in November 1995 in Kishangunj, India, and was led by the Chief District Officer of the Jhapa district and the district magistrate of the Purniya district of India. The meeting decided to carry out the survey and demarcation according to the map of 1847 AD. Three months after the decision, the survey of the Bhadrapur area was carried out in February/March 1996 and by the end of March, the erections of new secondary border pillars were started. By the end of the field season i.e. May /June 15 secondary pillars of 101; 11 of 102; and 13 of 103 by giving the name like 103/13 at south of Bhadrapur were erected on the east and west of the flow of Mechi River. Similarly, 77 border pillars were constructed during the previous four years on the north of Bhadrapur.

When the new pillars intruded into the Nepalese territory, local people and intellectuals, members of the Bhadrapur municipality and Mayor Bharatendu Malli, and journalists expressed their concern. When asked the border survey team, they replied that it was the demarcation of new borderline. When the issue became serious, local administration gave controversial and ambiguous responses. The CDO told some people that they were only temporary border posts and others were told that they could be removed after making decisions later on. When actual details were found out, it became certain that it was the demarcation of a new borderline, and this created a sensation all over Jhapa. The ripple of this also reached Kathmandu, the Capital of the nation. In this connection, the Bhadrapur municipality organised a seminar on 26 July 1996 and issued a White Paper. It says, "to call the area, where construction of a Mechi Bridge was proposed in 1985, belonging to India is to try to throw dust in the eyes of the Nepalese people and to try to darken the day." The Human Rights, Environment and Community Development Centre (HURECD), organised a seminar in Bhadrapur on 2 August 1996 and publicly disclosed the encroachment of Nepal's territory by India.

Debate in parliament

Voices were also raised in the parliament about the encroachment of Nepal's territory and on behalf of the government Foreign Minister Dr. Prakash Chandra Lohani gave a statement at both the Houses of the Parliament on 4 August 1995. The statement had pledged that Nepal would not allow, even a breath of a hair of the Nepal's territory, which

was determined by the Sugauli Treaty and the documents, to be altered. It also contained that the flow of the Mechi River according to the map of 1874 AD was considered as the boundary under Sugauli Treaty, and there was a decision to construct border pillars as per the Treaty. Another point clarified by the statement was that after the demarcation of Mechi River as Nepal's border, the then British-India government had, in 1818 AD, made reference pillars on the Indian side of the River on its part to indicate the boundary line, and such reference pillars were not constructed that time on Nepal's side.

On the spot visit

On 16 August 1996, a team comprising of the representatives of all the political parties and led by the Foreign Minister made an on-the-spot inspection of Mechi and the Maheshpur border areas. The team consisted of the Minister, four Assistant Ministers, 11 MPs of different political parties, chief of the Department of Land Survey (Director General Punya Prasad Oli) and deputy chief (Deputy Director General Shanta Bhakta Manandhar). After the inspection the government side put forth its view that new border pillars were erected, and MPs of the opposition parties expressed the view that Nepal must not leave even one inch of its territory assigned by the treaty, and that they would raise the voices of the people of Jhapa in the parliament. While some of the MPs said that they would take the matter further by discussing with all the concerned parties, others said because the issue of international boundary is very sensitive, any comments would be made only on the basis of facts. The Jhapa District Administrative Office organized a district-level all party discussion programme in the presence of the deputy chief of the Department of Land Survey.

On 20 August, Nepal Intellectuals Council, Sunsari visited Jhapa and made an observation of the new pillars erected on the river. Similarly, from 28-30 August 1996 the Jhapa branch of the council made a tour of the area, and on 4 September organized a symposium. At the symposium, two lecturers of the Mechi Campus, Raj Kumar Pokharel presented a working paper on 'Historical Study of Mechi Border' and Khagendra Prasai on 'Border problems, A Study', and drew the conclusion at the end of the symposium that the Mechi border was indeed encroached upon. Similarly, on 28 August 1996 Nepal People's Youth League Jhapa organized a talk programme and on the same day the National Janamukti Party Jhapa organized a protest procession and mass meeting, and apprised the people about the encroachment of the

border. On 31 August, General Secretary of the National People Council (Rastriya Janata Parishad) Sribhadra Sharma after making an on-the-spot inspection claimed that the study of the old documents, treaties and agreement revealed that the then demarcation of the border had encroached upon Nepalese territory. On 4 September, Rabindra Chakravarti, member of the Upper House of the parliament, after a visit to the site said that many unanswered questions have come up vis-a-vis India, after 122 years, on the border issue. He said that the Junge Pillar on the other side of the Mechi River is surely the main boundary pillar, and on the east of the Junge Pillar in Indian soil there are many reference pillars⁸⁶.

A team of the Tanka Prasad Acharya Memorial Academy Kathmandu led by Dr. Meena Acharya, and including this author, went to Jhapa and made an on-site observation along the Mechi River area from Bahundangi on the north to Baniyani on the south from 6-9 September 1996. The team made a study by comparing the available maps with the positions of the land and the river. It also made study of the condition of the Junge Pillar and the position of the reference pillars by taking measurements and compared them with the distance in the maps. After the field visit and studies, it organised an interaction programme with the local intellectuals, officials of the municipality and journalists on 10 September, and explained that the Nepalese border had been encroached upon at several places. The Academy organised a national symposium on 'Border problem in the context of Nepal-India Relations' in Kathmandu on 3 October. At the symposium, the author of this book and Dr. Surendra K.C. of Tribhuvan University presented working papers and evaluations on the theme. After elaborate discussion and question answers, the symposium concluded that Nepalese territory had been encroached upon at various places along the banks of the Mechi River.

Writ-petition filed in supreme court

In relation to the border dispute on Mechi River advocate Balkrishna Neupane with an intention of filing a case at the Supreme Court under Article 16 of the constitution of Nepal filed an application at the Foreign Ministry on 20 October 1996 for making available the copies of all the documents including the latest one related to the Mechi border. But member of the Bar Association, Lawyer Ramji Bista and six others filed the writ-petition in the Supreme Court on 4 November. In the writ, they

⁸⁶ Hijo Aaja Daily. Bhadrapur, 8 September 1996

demanding investigation into the legality the hastily erected new border pillars and the demarcation of new borderline by changing the national boundary fixed by the Junge pillar, thus causing the relinquishing of the territory and causing the separation of territorial integrity of the areas at Bhadrapur municipality and the Ward No. 2 and 3 of Maheshpur VDC of Jhapa district, which has been an inseparable part of the country for hundreds of years and they were possessed, used and utilized by the Nepalese. The writ also demanded a stay order and sought full justice from the Supreme Court to maintain the continuous possession of the people of Nepal in that part of the land.

The written replies to this writ were made by Chief Secretary of His Majesty's Government Balram Singh Malla on 31 March 1997; Land Reform and Management Secretary Rewoti Raman Pokharel and Director General at the Department of Land Survey on 4 April, and Chief District Officer of Jhapa Bageshwori Dutta Chataut on 29 July 1997 through the office of the Attorney General demanding the abolition of the writ, and the writ filed was subjected to dismiss.

In this connection, the Supreme Court in relation to the Mechi border ordered the government on 10 November 1998 to be present before the court with the attested copies of the decision made according to the agreement of 1874 AD between the two countries to maintain the mid-current of the Mechi River on the basis of Fixed Boundary Principle and also asked for the attested copy of the map prepared in 1816 AD showing the Masonry Junge Pillar. The court has not yet made its decision.

Yet to solve the issue

The border survey team of Jhapa in a letter dated 16 March 1998 informed the Bhadrapur Municipality that, as per the 19th Nepal-India Joint Technical Level Boundary Committee held in New Delhi, both sides would be making unilateral inspections of the pillars on the east of the Bhadrapur bazaar erected from 16 March 1996 during the 1995-96 field season. The Chief District Officer of Jhapa on 21 March 1998 publicly said that after the separate inspections by both sides, the Nepal-India Joint Survey Team would make a resurvey and for this a joint border meeting would be held immediately. The joint meeting of the district-level officials of both countries was held on 4 January 1999 in Chandragadhi, Nepal. The meeting decided that if there was any debate over the survey of the border area and the construction work, the field team leaders of both sides would meet and make a joint field visit and

inspection. And they would reach an understanding agreeable to both sides to proceed with the construction, and in the case of a problem related to the encroachment of the area in the river, the previous decision would prevail and both sides should agree to it. In addition, it was also said that the debate had arisen due to the new subsidiary pillars in the Mechi River area, and more than 40 such pillars in the riverine sector were swept away by water. In summary, the joint survey team also worked in Jhapa during the field season of 1999, but it failed to make any progress to solve the debate that had arisen in 1995. It is hard to presume when and how this complicated problem and dispute of Mechi riverine segment will be solved.

Debate on Susta Area

Location of Susta

The Susta is situated on the east of Narayani River in mid-southern part of Nawalparasi district in the pointed portion left by the floodwater. On its west is the flow of the Narayani River, and it is surrounded by India on the north, east and south by a curved boundary line. One can reach there after travelling about 25 kilometers south-east from Parasi bazaar, the district headquarter of Nawalparasi, to Pakalihawa VDC and another 20 to 25 minutes boat ride across the Narayani River. This place which was the Susta VDC was merged with the Tribeni VDC in 1980, calling it Tribeni-Susta VDC, and the area along the banks of the river on the north of Susta has been called Ward No. 4 of the VDC. The Susta area lies to the south of the Indian territory. The Indian territory lies on its east and south as well.

The Susta area came within the Nepali territory when the British returned the Tarai region from Koshi to Rapti Rivers on 11 December 1816 instead of paying Rs. 200,000 annually, as per Article 4 of the Treaty of Sugauli. The work to erect border pillars along the Susta borderline was started in 1829 AD, and in 1883-84-85 the border map was also prepared. The map shows the borderline being demarcated from Tribenighat along the mid-current of the Narayani River. When the borderline passes along the river on the south of Susta, the borderline leaves the riverine sector and catches the land boundary and the border pillars are constructed towards the west and bend towards Sagardinhi village. As a result, the Junge Pillar No. 1 was constructed at Sagardinhi

and the No. 2 was in Mangalbari. Apart from this, what was more important was that the borderline was demarcated in such a way that the area lying south of Tribenighat lay in India, and the area on the east and west belonged to Nepal. That time, Susta, which was located west of the Narayani River, was covered with the dense forests.

Reason of dispute

The change of course by the River was the main reason of dispute in the Susta area. The other reasons are floods, cutting and felling of the jungles and lack of transportation facility. The Narayani River called Gandak in India, has for hundreds of years been changing its course from east to west. Every time the Narayani River, which separates India on the east and Nepal on the west, cuts its banks on the west the Nepalese territory gradually shifts inside India. There are big floods and thousands of hectares of land shift towards the east of the river all at once. For example, in 1845 AD the Narayani River suddenly shifted towards the west by cutting Nepal's territory. Similarly during the massive flood of July 1954, the river shifted towards the west. To date the River has eroded 13,000 hectares of land on its western bank. In 1980 AD there was another massive flood and the people of Susta had to be shifted to Tribeni. That time too, the river had cut about 100 hectares of land.

Shifting of river course

Whenever the Narayani River finds a new course cutting Nepal's territory on the west, India maintains the new course of the river as the boundary and claims the land left behind by the river as its own. Thus, it has been encroaching upon Nepal's territory. Nepal has been making its stance that the change of its course by the river should not be linked with the boundary line. While Nepal thinks that the borderline should be maintained at the place where the river used to flow at the time when the treaty was signed between Nepal and the British government, and that the changed course of the river should not be taken as the basis for the border. India has held the position that wherever the river finds its course, that should be taken as the border. This is the mentality behind the dispute at Susta. This conflicting thinking and feeling and the dispute they have created can only be solved by adopting the principles used to solve the problems related to the demarcation of the border rivers. The disagreement involves the principles to be applied in setting river boundary demarcation questions. "Nepal insists upon the boundary delimited in the 1816 treaty between Nepal and British India, while India proposes that the more generally accepted principle under which the

boundary follows the river course should be applied in this and similar cases."⁸⁷

Although the local officials have been trying to solve this problem for a long time, they have failed to reach a conclusion. As a result, India has not retreated from their mean approach to encroaching upon even the jungle areas of Nepal on the east of the new course of the river. There were even attempts to solve this problem at the central level, but no basis to solve the issue was found even in 1972 AD.⁸⁸ when relations between the two countries were rather warm.

The main cause of the conflict is the shifting of the course of the river towards the west by cutting along its banks. The second reason was when the boundary survey was done in 1817 AD at first and 1829 and in 1884-85, and also in 1922 when the topographical survey was done by the Survey of India, no border pillars were erected on the banks of the river. When the demarcation was made by the British Surveyors the border pillars were erected on the Sector F to G from Uria to the Gandak River from the east and it was extended along Someshwor range, Balmikinagar, Panchanad River to Tribenighat of the Narayani River where the border pillar No. 63 was erected near Tribenighat. But from Tribenighat to Susta where the Narayan River forms the borderline along 24 kilometers, no demarcation was made on either side of the river. Further demarcation has been done only after the borderline leaves the river on the south of Susta and touches the land boundary in the western sector at Pakalihawa south where Junge Pillars were erected by numbering them from Number 1 onwards. This has left room for the disputes along the river areas.

Principle to settle the dispute

The question is which of the two principles – fixed boundary or fluid boundary principle - have to be adopted. The 9th meeting of the Nepal-India Joint Technical Level Boundary Committee from 1 to 3 January 1988 had agreed to demarcate the riverine sector on the basis of fixed boundary principle. Under this agreement, the demarcation should be made on the fixed boundary principle where the rivers act as the borderline such as in the Narayani areas. According to this, the borderline should be fixed along the course the Narayani River as flown in 1817 AD no matter whether the river flows along that area today or not. But India does not agree to accept that principle in the Susta area.

⁸⁷ Leo E. Rose, *Nepal : Strategy for Survival* (Berkeley, 1971) : 257

⁸⁸ Gaige, Frederick H (1975), *Regionalism and National Unity in Nepal*, Vikas Publishing House P. Ltd, Delhi : 48

It is to be noted that while in the Mechi River area India has created disputes by erecting new border pillars inside the Nepalese territory, thus, encroaching upon thousands of hectares of land by imposing the fixed boundary principle. But India is unwilling to agree to the same principle in the Susta area. The flow of rivers in both places is of similar nature. The Mechi River flows from north to south, and in the disputed area of Susta the Narayani River also flows from north to south. But the main point relates to the Mechi banks, the Junge Pillars were erected in 1816-18 AD as border monuments whereas such pillars were not erected on the banks of the Narayani River. Therefore, there is no need to re-demarcate the border on the fixed boundary principle along the river Mechi where the main boundary pillars have already been erected. But there is a need to demarcate the border by erecting border pillars along the then course the Narayani River used to flow and end the many decades long dispute forever.

In flood hazards like that of 1954 and 1980 AD, the Narayani River has further eroded its west bank resulting in the encroachment of Nepalese territory by the Indians. Besides, the territory at Madanpur, about two-and-a-half-kilometers from Susta, and the Nepalese territory that had bordered Rampurwa, Notunwa and Bedauli of India, has disappeared and the 6.5-kilometer wide Nepalese territory has been shrunk. As a result, the Border Pillar No. 1 in that area is also missing.

In winter, it takes half-an-hour boat ride across the Narayan River to reach Susta, which is surrounded by India on its three sides. And in the rainy season one has to go through Bhainsalotan or cross over the Indian territory from Tribenighat to reach Susta. That means it is easier to reach to Susta from the other part of Nepal by passing through the Indian territory than through Nepal. The Susta area is very fertile for agriculture because of the alluvial soil brought by the river. In addition, because there was forest, Indians came over to Susta to fell down the trees and take the timber and wood to India. Later they settled in the area because of the fertile land. Because it was easier to come from India, the number of Indian farmers and timber smugglers began to increase outnumbering the Nepalese who had lived there for ages. There are 162 Nepali families in Susta but the number of Indian families who came to settle there has reached more than 200 households. As the number of Indians is more and the area lies east of the River, the Indian population in that area is raising voices to the effect that the area belongs to India. With passage of time, Indian nationals have claimed the western flow of

the Narayani River as the borderline, and they have also drawn maps at the local level accordingly. In such map some portion of the Narashahi village is also shown within the Indian territory. But Nepal, while preparing its map, has taken the course of the river in 1817 AD as the borderline. The topographical maps of the area prepared in 1992-93 with the assistance of Japan International Co-operation agency (JICA) has taken the course of the River in 1817 AD as the borderline.

Confrontation of Nepalese and Indian farmers

It is not only the Indian farmers, Indian labours, who had come during the construction of the Gandak barrage, but Indian timber smugglers and Indian dacoits also have trespassed Susta. At one time it was a safe haven for Indian dacoits. The notorious Indian dacoit Sucha Singh used to hide in encroached area of Susta. Nepal arrested him and he was extradited to India in 1964 after he fled to Nepal when he assassinated the then Punjab chief minister Pratap Singh Kairon. The rise in the number of dacoits had even created a reign of terror in the whole border area. Because the area was encroached upon, there are times when Indian farmers loot and take out the standing crops planted by Nepalese farmers. There were also some rumours of Nepalese cutting down crops planted by Indian farmers in areas where Nepalese outnumber the Indians. There were also times when the harvesting was done under the supervision of Nepalese and Indian police. Thus, it is not only the territory but also the standing crops and trees that are encroached.

There were also cases when the families of Nepalese ex-army men were settled in Susta area to increase the number of Nepali population. There were also plans to launch the resettlement campaign but it did not succeed. The Nepalese government has also provided some facilities to the Nepali families living in Susta area for long. When the cadastral survey was done in 1966, the Nepalese families had failed to get the land-ownership certificate because of lack of proof of their owning the land. But because of the Indian encroachment, a special team was sent in 1975-76 to Susta and land-ownership certificates were provided to Nepali citizens who have been using the land, and facilities were provided for seeds and fertilizers. To stop encroachment and to maintain Nepal's territorial sovereignty a police post was also established in Susta. Later the post was strengthened health post and schools were established. Still, the Indian side has not stopped claiming that the Susta area belongs to them. When Nepal tried to manage the settlement by replacing Indian living there illegally, the Indian began

staking claim to even more area. This fuelled the dispute further. At times, the area had also become tense because of conflict between Nepali and Indian farmers at the local level. There were also scuffles and confrontations when Indians tried to get Nepali citizenship by fraud and forgery.

The problem awaiting solution

There were also attempts to solve the dispute of Susta at the national level. But they had failed when Indians took the negative attitude. At several meetings of the Nepal-India Joint Technical Boundary Committee, the Nepalese side had tried to put the Susta dispute on the agenda. But nothing happened except for minor discussion, and the issue has been indefinitely postponed. It now seems that the discussion on this issue has almost stopped. When the joint survey team goes to this sector, the Nepalese side has been unable to do anything except to agree with the Indian that nothing could be done because no agenda or working procedure were fixed or were agreed upon. Local people say that in the season of 1998-99, the joint border team had proceeded to the other sector after making verbal agreement to reconstruct the border pillars damaged or destroyed by the river in the land segment. The dispute in the Susta area dates back to even two to three decades to the disputes of Mechi and Mahakali or encroachments of the Pashupatinagar and Jaubari Danda (hill), but the Susta dispute has turned into something like a septic wound. So, it is beyond one's imagination when Susta dispute will be solved and the border demarcation will be carried out to identify the course of the Narayani River as it flowed in 1817 AD.

Locations of Violated Nepal-India Border

**(At how many places has the
Nepal-India border been violated?)**

Altogether 26 out of 75 districts of Nepal have border linkages with India, of which 21 are undergoing the violation of their territory by India. There are 54 such border points within those 21 districts where Nepal's territory seems to be encroached upon (Map No. 5). The total area under encroachment is estimated at around 59,970 hectare, of which Kalapani-

Limpiyadhura alone covers 37,840 ha, Susta area 14,860 ha, various places in Jhapa district cover around 1,630 ha, and other places in other districts occupy around 5,640 ha. Taken together, the following border areas of the Nepalese territory have frequently been reported as encroached upon by India:

1. Darchula District

1. **Kalapani-Limpiyadhura:** This area begins at the Lipulek pass leading to a commercial centre of China's autonomous province of Tibet, Taklakot, where traders from Nepal and India would often visit, and ends at Limpiyadhura, passing through the Byas VDC, ward no. 1 (formerly known as Nabhidang of Tulsinuarang and now Kalapani). The Indian paramilitaries have their occupying presence in this area, which also covers the westward hills such as Gunji, Kuti, Nabi, Chhota Kailash and Jolingkang. During a march-past by the Nepali students, the Indian security forces did not hesitate to further encroach upon 500 meters of the Nepalese land to the south, and put it under their fencing.

2. Kanchanpur District

2. **Bramhadevmandi-Purnagiri:** Some of the Nepalese territory has been encroached upon after the boundary pillar no. 1 erected at Brmahadev Mandi was swept away by the flood in the river.
3. **Tanakpur Barrage and Inundated Area:** In this part of the Nepalese territory, around 222 hectares of land has been encroached upon. This has happened because of the construction of Afflux Bond as a part of the Tanakpur Barrage built by India.
4. **Banbasa-Gaddachauki:** It is seen that the Indian residents have gradually been occupying Nepal's territory in the no-man's land area of villages namely Laxmipur, Rampur, Bilaspur, Melaghat and Sundarnagar which are the eastern part of Chandani-Dodhara villages, Tribhuvanbasti and Baldangi. The total occupied area is about 20 hectares, which has been illegally used for farming by the Indian Punjabis for the last 25 years or more.
5. **Sharada Barrage Area:** Altogether 36.67 Acres (14.85 hectares) of land has been encroached upon by India ever since the construction of Sharada barrage.

6. **Shuklaphanta:** An area of 29 sq. kms come under Indian encroachment located at different points of the southern boundary line of Shuklaphanta Wildlife Reserve, spanning 20 kms.
7. **Parasan-Khuddakankad:** Using the boundary pillar no. 197 as reference pillar, located at Parasan VDC, ward no. 9, Khuddakankad, an area covering 150 meter-width has also been encroached upon by India. The Indian contractors have been intruding into this area to cut and export timbers to India. According to Yagya Raj Bohara, the then Administrative Officer of Kanchanpur district, 12 pillars have disappeared and 10 need repairing in the border area spanning from Tribhuvanbasti VDC to Bramhadeo Mandi. (He reportedly said this on 26 March 2000.)

3. Kailali District

8. **Sati-Birnal-Bhadanala:** In this area, boundary pillars have disappeared and some territory toward the Nepali side of the no-man's land has been annexed into India. Similarly, since the Mohana river, flowing close to Phulbari VDC, keeps on changing its direction, the forests in its vicinity have been destroyed by Indians.

4. Bardiya District

9. **Manau, Khairi and Tapara:** The no-man's land at so many places of this area has been encroached. At ward no. 12 of the Gulariya Municipality, one km-long trench has been dug and boundary pillars from No. 62/6 to 62/8 have been destroyed, thus merging them into Indian territory.⁸⁹ Similarly, about 60 km-long border area that includes most of the no-man's land covering boundary pillars from No. 41 to 48 has been used for farming by both Indians and Nepalis.
10. **Murtiya:** Some of the areas that fall on the way to Murtiya from Bardiya have been encroached upon.
11. **Manpur-Bhimapur:** The area on the north of Nakuwa Nala has also been occupied by India.

5. Banke District

12. **Santalia:** Since this area is dominated by the Indian residents, they have violated the no-man's land at so many places and built houses there.

⁸⁹ Kantipur Daily, 5 March 2001

13. Holia, Nainapur (Laxmanpur Barrage): India built Laxmanpur barrage and dam on the Rapti river in 1999 AD. which inundated 9 VDCs of Banke district, including Bethani, Holia, Phattepur, Gangapur, Matehiya and Nainapur. The barrage was built about 300 meters away from the boundary pillar no. 19 as well as the border line between the two countries, situated to the south of Dorachure village of Holiya VDC, ward no. 9. India has created a problem by building dams so close to its border with Nepal that they block the flow of Nepal's small rivers heading toward India. As a result of India's building Laxmanpur barrage and 22 km-long dam on the border, not only have the boundary pillars been lost but the inner part of Nepal has also been swamped with water.

6. Dang District

14. Koilabas: In the Koilabas area of the Siwalik mountain range, Indians have encroached upon some parts of Nepalese territory that go farther to the north-east from the existing boundary line, claiming that the territory falls within their border. In the Harnadanda area, the boundary belonging to Churea plains has been shifted to the north so as to make it the boundary of the Chure a range. The Dunduwa range in Dang is already under dispute since the British-India days.

7. Kapilvastu District

15. Krishnanagar, Thanda River Coast: In the Krishnanagar town, since Indians built houses on both sides of the no-man's land, obviously the Nepalese side has come under their occupation. Similarly, some part of the no-man's land has been submerged into the Thanda river, and disappeared.

8. Rupandehi District

16. Danab River Basin (Rasiyawal-Khurdalotan Barrage): India has built a 3 km-long barrage in the Marchwar area of Nepal along the boundary pillar no. 30, and as a result of this, about 20 kms of the no-man's land has been encroached upon and the paddy fields in the villages, namely Maligawa, Thumuwa, Piprahawa, Aurnaiya, Bechkuiya, Roinihawa, Pharena, Silautiya, Bogadi, Sibuya Ama and Babhani have been inundated. Not only that, it has put at risk the birthplace

of Lord Buddha, Lumbini as it might one day disappear into the swamp due to construction of dam.

17. **Sunauli Border Point:** It has been confirmed that the Nepalese side of the no-man's land at Belhiya-Sunauli border point has been encroached upon illegally by Indians who have erected huts and water storage tank. An Indian Police Post that has occupied 9.1 meters territory inside the Nepalese side of the border has also not yet been dismantled.

9. Nawalparasi District

18. **Susta Narsahi Area:** Indians occupied the forest area inside the Nepalese territory of Susta well before 1958 AD. This trend continued even after that, as the Narayani river has been changing its course and making it easier for continuous encroachment. Indeed, this has remained as one of the oldest disputed lands. The total area under Indian occupation is about 14,860 hectares. Besides, the no-man's land near Ghonginala also under dispute for long is still awaiting resolution.

10. Chitwan District

19. **Balmiki Ashram Area:** The forest area in this location has been frequently destroyed and woods taken away by Indians, so the Nepalese territory has been encroached.
20. **Daranala-Darichure:** Indians have each year been encroaching upon the outskirts of Daranala and some parts of Madichure.

11. Parsa District

21. **Thori:** Indians have removed the old boundary pillars numbered 84 and 85, and also shifted the boundary line further inside the Nepalese territory, thus encroaching upon 500 meters of the Nepalese land.
22. **Laxmipur-Pipara:** This area is also partially encroached upon, in bits and pieces.
23. **Birganj-Sirsiyama-Alau:** In Alau and Sikta area, the no-man's land the Nepalese side has been encroached upon and owned for livelihood by Indians. but no decision has been taken on this complaint of Nepal. India has built its consulate office and customs office in the Nepalese territory in Sirsiya.

Birganj. The Raxaul-based land belonging to Nepal Transportation Corporation has also been violated by Indian residents. The Nepalese government had purchased 27.71 Acres (11.22 hectares) for IRs. 32,000/- on June 29, 1924, which has been occupied by the Indian encroachers since the last decade.⁹⁰

12. Rautahat District

24. **Gaur-Jamuna:** In the southern part of the ward no. 7 of the Jamuna VDC, Indians have planted trees and consumed them, thus taking the land under their control. On the other hand, the dam built on the Indian side of the border near Gaur municipality has continues to inundate the Nepalese territory during the rainy season, terrorising the local residents.

13. Sarlahi District

25. **Tribhuvannagar:** The boundary pillars numbered 29 and 30 located at the Tribhuvannagar VDC have been made disappeared, and the Nepalese land covering 200 ft. from the no-man's land has been encroached upon by 43 Indian families, planting *Sisau* trees in it. The Nepalese territory near the boundary pillars numbering 35, 38 and 39 have been found encroached upon, with the building of as many as 29 houses in the respective land by Indians. Similarly, 20 houses around boundary pillars numbering 28, 29 and 30 and 11 houses around pillars numbering 25 and 26 have also been raised, according to the then Chief District Officer (CDO) of Sarlahi district and it was communicated to the District Magistrate (DM) of Sitamadhi, Bihar, India.

26. **Sangrampur-Hathiaul:** The Nepalese territory within the no-man's land at the Sangrampur VDC to the east and the Hathiaul VDC to the west has been encroached upon for the last 20 years, as Indians have been residing and farming in the land.

14. Siraha District

27. **Madar-Chandraganj:** The southern part of the Madar and Chandraganj VDCs and also the area along the asphalt road

⁹⁰ Kantipur Daily, 30 July 2000

in the Siraha market leading to India have been encroached upon to some extent by India

28. **Tandi:** It was reported lately that some parts of the Nepalese territory inside the no-man's land had suffered Indian encroachment.

15. Saptari District

29. **Subarnapatti:** A 50 meter-wide strip of land in this area has been encroached upon. Added to this, 40 hectares of the Nepalese territory has been further snatched by India, by shifting boundary pillar 50 meters further inside Nepal. This move of India has invited protests by the people in Rampur, Malhaniya.
30. **Sakhada-Chhinnamasta:** The area besides Balarampur village, to the south from the temple of Goddess Sakhada Bhagawoti, has remained under the control of Indians.
31. **Lalapatti-Gobindapur:** In Lalapatti, the *Junge* pillar has been dislocated and replaced with a new pillar along the land spanning 50 to 100 meters. About 34 hectares of the Nepalese territory inside the no-man's land has gone under Indian occupation.
32. **Kunauli:** About 40 hectares of the government-owned Nepalese strip land has been encroached upon by India at about 5 km-long border area located between the road to the east from Kunauli and to the south from the road leading to the Indian railway station.
33. **Bishnupur-Shivanagar:** The areas belonging to the VDCs alongside the country's southern border in Saptari district, including this area, have been subjected to Indian encroachment on a bits and pieces basis.
34. **Gobargadha:** At so many places within the no-man's land of this village situated to the west from the Koshi river, the Indian farmers occupied the Nepalese land claiming as their own.

16. Sunsari District

35. **Kataiya-Bhantabari:** The boundary pillars have disappeared and the land belonging to Nepal has been occupied by India on the east-southern side of the Koshi barrage. India seems

to have occupied the Nepalese land from within a big chunk of the territory registered in Nepal's name as its owner on the record of the land Acquisition Office of the Koshi Project and known as *Kataiya Mauja*.

36. **Harinagariya-Shivaganj:** A road has been built on the Nepalese side of the no-man's land at Shivanagar, Nepal leading to Birpur, India. Earlier, a Nepal-India gateway was built on the middle of the road, and the flags of both countries were hoisted, but now the gate has been destroyed and the road has been occupied by India. In addition, the no-man's land in the border area of Pakariya, northwest from Harinagariya, has also been encroached upon.
37. **Sahebganj:** A portion of the land near the village of Sahebganj situated in the southeastern border of Sunsari has been taken under control by India and, claimed ownership of it. A news report published in a Nepali daily said that a team formed under the CDO of the border district of Sunsari decided to bring it to the notice of Indian officials and reach an agreement on the matter relating to the violation of altogether 7,000 Bigahas of land by India in Sunsari alone (Kantipur Daily, 17 December 1999).

17. Morang District

38. **Buddhanagar-Jogbani:** The no-man's land seems to have vanished in the Rani industrial area, south from Biratnagar, bordering the Jogbani town of India. As Indians have built a temple within the no-man's land, no one dares to destroy it and clear the area. The encroachers of this land are mostly Indian citizens in Jogbani, Purnia, Bhupibhagalpur, Indranagar, Chhapada, and Maheshkot. The CDO of Morang district, Tulasi Prasad Bhattarai was reported to have said that in the no-man's land areas, especially in Buddhanagar, Pokhariya, Rangeli, Dainiya, Sorabhag, Bhatigachh and Majhare VDCs, altogether 933 Indian immigrants were found to have encroached upon the public or government-owned land (Kantipur Daily, 11 March 2000).
39. **Rangeli-Chopraha:** On the Nepalese side of the no-man's land of the border villages, namely Rangeli, Amgachhi, Jhurkiya, Mahadeva and Karsiya, Indian nationals have built houses and run shops, thus encroaching upon the Nepalese territory.

40. **Bakraha (Luna) River-Chunimadi:** India has encroached upon 1-km wide area of the Nepalese land situated at Bardanga near the Bakraha river, claiming ownership of it. This issue came under dispute, with both teams from India and Nepal arguing against each other, but Nepal has refuted the claim of India in writing. The CDO of Morang district, Dolakh Bahadur Gurung had reportedly stated that India had recently built a dam on the Bakraha river by violating the Nepalese territory, and Nepal had clearly urged the Indian side to demolish the dam.⁹¹

18. **Jhapa District**

41. **Pathamari:** As a result of the erection of a new boundary pillar, the land belonging to the Nepalese Police Post and the Customs Office in this area has come under dispute. Indians have even intruded into the Nepali nationals' farms and seized their crops, saying the land belongs to India, not Nepal.
42. **Maheshpur:** About 10 hectares of the Nepalese territory has forcibly been occupied by Indians in the area that is located to the east from Dolgaun, ward no. 2 of the Maheshpur VDC. Indians have cut the trees and transported them from there into India. Besides, they have expanded the coverage of their Indira Settlement Scheme across the Nepalese border and thus violated the Nepalese land.
43. **Bhadrapur:** Approximately 27 hectares of the Nepalese territory has come under Indian occupation as a result of new boundary pillars with the numbering from 101/1 to 101/6 erected by India. In doing so, the border already existing *Junge* pillar was twisted toward the west in such a way that it has been turned around upto the area of 500 mtr pushed starting from pillar no. 120. As the *Junge* pillar is located in Bhadrapur, on the coast of the Mechi river.
44. **Kakadbhitta-Mechi Bridge:** The Nepalese land on the coast of the Mechi river in Mechi Municipality has been encroached upon every inch in bits and pieces, and despite the fact that the 399 meter-long bridge that leads to India should have been owned fifty-fifty by Nepal and India, but

⁹¹ Kantipur Daily, 6 July 2002

only one-third portion of the bridge has been placed on the Nepalese side, thus violating the Nepalese land on the direction of north-south coast of the river.

45. **Nakalbanda:** By shifting the boundary pillar no. 46 located on the Mechi river coast at Madanjot-Warisjot, to the north from the Mechi Municipality, India has occupied some Nepalese land.
46. **Bahundangi:** Thus, taken together, the Nepalese border land has been encroached by India at various places of the 20 km-long coastal area of the Mechi river, including the areas to the north from Baniyani, Maheshpur and stretching upto Bahundangi. The Patapur Tirang border area, to the north from Bahundangi, has been disputed since 1940 A.D.⁹² Most of the territories belonging to ward no. 2 of the Jyamirgadhi VDC and also ward no. 2 of the Maheshpur VDC, both being linked on the south with Bhadrapur of Jhapa district, have been encroached and these are situated across the Mechi river.

19. Ilam District

47. **Pashupatinagar-Hile:** India has encroached upon and fenced 40 sq. meter area on the Nepalese side of the no-man's land located at Phatak, Pashupatinagar VDC, to construct a building for the Indian Customs Office. This issue has not been fully resolved yet even though the CDO of Ilam district had talked to his Indian counterpart several times. As a result of the subsidiary boundary pillar no. 71/22 that was one of four such pillars erected on 8 July 2002 at Hile, Passhupatinagar-4 by Indian technicians, six Nepali houses and one government office have gone to the Indian side of the no-man's land. Mr. Janardan Adhikary, the CDO of Ilam, had reportedly said that India had not informed Nepal before erecting those pillars.⁹³
48. **Mane Bhanjyang:** The Nepalese territory at the border town area of Mane Bhanjyang also find to have been occupied by India. The local residents have vehemently protested India's this action.
49. **Sandakpur:** A pleasant hill called Sandakpur (Sandakfu /Santapur) with an elevation of 3,636 meters where the

⁹² Gorakhapatra, 16 July 2002

⁹³ Kantipur Daily, 8 August 2002

border line between Nepal's Ilam and Panchthar districts of Nepal meets that of India is the best tourist destination for viewing the Mount Kanchanjanga and also the southern plains of Terai. It has prompted India to cast its eye on it. India has built a 32 km-long road in the Nepalese territory to fetch tourists to this place from its other cities, thus constricted the border. Besides, the hillside border on the Singhalila mountain range situated between Jaubari and Kalpokhari has also been blurred by India.

20. Panchthar District

50. **Chyangthapu-Singhalila:** This area is being manipulated by the Indian Army. Since it is a hill area, stretching long from north to south, the situation here needs to be further studied. Because the boundary status at the Timbu Pokhari area has not yet been ascertained, there have been problems in raising cattle in the area.⁹⁴
51. **Chiwabhanjyang-Singhalila:** India has built its national park alongside this border area, and merged some part of the Nepalese hill stretching up to Phalelung into this park, this portion of border between the two countries has turned into bogus.

21. Taplejung District:

52. **Timbapokhari:** The Nepalese side of the eastern hill of this area has been encroached upon. Besides, when India built the Singhalila Park, a strip of 15 kms, to the south from the Mount Kanchanjanga, has also been swept over by India.
53. **Megna Tumling:** The eastern part of Megna Tumling has been occupied by India, engulfing the hillside border area.
54. **Kabeli-Kabru:** The Indian side has been encroaching and pushing forward into the Nepalese land at the Kabru hill located at an altitude of 7,317 meters, to the north from the Kabeli river and to the south from the Mount Kanchanjanga. It has been using by the Indians in connection to the expedition to Kanchanjanga supposing that the area belongs to India.

⁹⁴ Kantipur Daily, 8 August 2002

Mount Everest was claimed by China

The physical demarcation of border between Nepal and China along the Himalayan range, which consists of also Sagarmatha (Mt. Everest), the world's highest peak, is not an easy task. The basic feature of the region is the problem of accessibility, its remoteness, absence of settlement and the non-availability of goods and materials. But principle, procedure and technique adopted by the two sides, mutual understanding, cooperation, and friendship and goodwill between the two countries facilitated the demarcation of the border. The two parties worked in accordance with the Five Principles of Peaceful co-existence and in a spirit of fairness, reasonableness and mutual accommodation. As a result, after the completion of the whole work, the boundary protocol was signed on 20 January 1963.

History is witness that although contacts between Nepal and China dates back to hundreds of years, the demarcation of border through scientific method was done only in 1963 AD. Before the boundary treaty between the two countries was signed, there were debates, disputes and claims at several places of the frontier areas. Some of the disputes which dated back to the time of Bhimsen Thapa had remained unsettled. But the demarcation of the border formally solved and ended those historical debates.

About those historical debates the then Prime Minister Bisheswore Prasad Koirala had said at the House of Representatives on 1 October 1959 that the border between Nepal and Tibet have already been determined although there were disputes in some places. But three days later he said at a press conference that there are many unsettled disputes on the Nepal-Tibet border for a long time, some of them are even hundreds of year old and there have been debates on those areas. But, he had said, that we have agreed to accept the traditional and customary border as per our treaty with China.

Issue raised

Prime Minister Koirala had counter-signed the Sino-Nepal Boundary Agreement in Peking on 21 March 1960 to form a joint border committee to demarcate the border between Nepal and China, to carry out survey of the border, to erect border pillars and to prepare a draft for the border

treaty. On the way back home from Peking, he made a stopover in Hong Kong where he said at a press conference on 25 March 1960 that there was only some questions about a few miles of the territory, and that this was not a dispute over the border; rather there had been some irregularity in some areas for the last 50 or 60 years between Nepal and China. He said clearly that he had no information about encroachment of Nepalese territory by China in the last 12 months, and also that there would be no consultation with India on Nepal-China border agreement because it strictly was a matter to be resolved by Nepal and China only. But at the press conference he did not mention about China laying a claim to Sagarmatha. He alone knew why he didn't reveal that at the press conference. But at another press conference in Kathmandu on 3 April, B.P. Koirala disclosed, which is off the record, that Mt. Everest also lies in the area claimed by China. In a somber tone, he said that China had made a claim on Sagarmatha. They argued that Sagarmatha belonged to them but Nepal had rejected their claim. He also said that there were some differences on border in other areas, but the claim over Sagarmatha was a new thing during the visit to Peking. As Nepal had rejected it outright, there were no further talks.⁹⁵ But it was not known as to how much area of Sagarmatha was claimed by China.

B.P. Koirala continued to say in a somewhat tired tone, that there could be talks on China's claim over Sagarmatha during the visit of Chinese Prime Minister Chou En-Lai to Kathmandu. Prime Minister Koirala also hoped that the claim over Mt Everest and other border disputes could be resolved by the working procedure of the border agreement. He also said that the agreement to keep 20 kilometres area on each side of the frontier as non-military zone was certainly beneficial to Nepal.

On the dispute over Sagarmatha Tanka Prasad Acharya said on 8 April 1960 that Prime Minister B.P. Koirala, in his statement had said that China had recognized Nepal's traditional border with her, but he had also said that China had made a claim over Sagarmatha. This looked very mysterious, he said. It does not matter if China has made claims on Sagarmatha but Nepalese can never accept this. All Nepalese have a firm belief that Sagarmatha lies within Nepal's territory. Our old maps and dealings show this. In the meantime, B.P.'s opponent Nepal Communist Party took out rallies with slogans and organised mass meeting accusing Prime Minister Koirala of selling Nepal's Sagarmatha to China. This had

⁹⁵ Risal. Bhairab, Patrika Weekly. 2-8 September 1999 : 8

stirred up the nationalist feeling and made a big issue. The opposition political parties had used this as a sensitive issue against Prime Minister Koirala and his Nepali Congress Party.

Presentation of maps

When Prime Minister Bisheswore Prasad Koirala had visited Beijing, China had said that Sagarmatha lies within the frontier of China. At that time both sides had presented maps showing Sagarmatha within their respective boundaries. But it is a matter of curiosity about the map put forth by Nepal, such as who had drawn it, and whether or not it had borne the name of Sagarmatha on it and how far from Sagarmatha the borderline was drawn. So far it is known that Nepal had presented the map drawn by the British India. The Survey of India during the British rule had started drawing and charting maps of countries from the central Asian countries of Iraq and Iran to China, South East Asia and Laos and Vietnam from the decade of 1860. That was the reason why the Chinese had said about the map presented by the Nepalese Prime Minister that it bore the name Everest in the map, which is a British name, and it contains no Nepali name; still, they had said that the name of the peak as Chomolugma in Tibetan colloquium had been in use for a long time. In reply Nepalese said that its Nepali name is Sagarmatha but the Chinese understood that the name was recently coined. At that time Nepal could not present its argument forcefully that it had named the peak as Sagarmatha a long time ago.

Before his China visit Bisheswore Prasad Koirala had consulted with noted historian Baburam Acharya. And Acharya had told him that his studies long time ago had found that the Nepali name for Everest was Sagarmatha, and it was recognized at the government level in 1956. Although Acharya had named the peak Sagarmatha in 1938 AD, Nepal could not make this point to the Chinese because the name was formally recognized only a few years ago.

Finding the highest mountain

Scientists had found Sagarmatha as the world's highest peak more than 150 years ago. The Survey of India has surveyed and measured the peaks of the Himalayas during 1849-50 from the Indian territory, 176 kilometers far away using the Great Triangulation Surveying technique. That time the peaks had no specific names and the peaks were given the Roman numerical. Sagarmatha was given the number XV and was called Peak XV⁹⁶. While computing the data, the height of the Peak XV was

⁹⁶ Edney, Matthew H (1999) Mapping An Empire. oxford University Press, New Delhi : 262

calculated as 8,840 metres (± 3 metres), and was declared the highest peak in the world in 1855. The Survey of India carried out a survey for the second time in 1954 and computed it to be 8,848 metres; China in 1975 calculated it to be 8,848.13 mtr and the Boston Museum of Science/National Geographic Society measured its height and formally declared on 11 November 1999 as 8,850 metres, as this project was operated by Dr. Bradford Washburn, Honorary Director of Boston Museum of Science.

The peak, which was found under the joint efforts of the Surveyor General of India Sir George Everest, Bengali surveyor of India Radhanath Sickdhar and Nepalese corporal Tejbir Budhathoki, was named in 1865 by the Royal Geographical Society of London as Mount Everest in honour of the British surveyor. In fact, it was Radhanath Sickdhar who had measured the height of the peak and did major works and had found that it was the highest peak in the world. That means, Sickdhar was the discoverer of the Everest. But George Everest was given the credit, although he played only an official role in the whole effort because he was a British citizen.

Naming and meaning of Sagarmatha

Baburam Acharya's pride as an Asian was hurt, and he was sore at the British for naming the peak after its former Surveyor General by completely disregarding the actual person who had discovered the world's highest peak. He presumed that as the peak belonged to Nepal and it must have surely a local name. He then visited districts of Ramechhap, Okhaldhunga and Solukhumbu to find the local and colloquial name of the peak. He inquired with as many local people he could find and may have also flipped over the pages of the old, dusty and historical documents and government papers in various local offices and courts. Finally, he found that the peak was called locally as Sagarmatha and the people in those areas still call the peak as Sagarmatha. Acharya's article entitled 'Sagarmatha or Chomolungma' in the Volume 4, Issue No. 5 of the well-read literary magazine Sharada was published in 1938 AD. According to his research and investigation, Sagarmatha was formed by the combination of two words *Sagar* and *Matha*. He had maintained that the word *Sagar* is the transformation of *swarga* (heaven) in Vedic and Sanskrit letters, and it is in use in Nepali language. For instance, the Nepalese people say "*Sagar Dadhyo*" when the west horizon appears glowish at the sun-set time and it is always remembered by local inhabitants. Similarly, *Math* or *Matha* signifies the sky or the head, the

tallest part of the body. Generally, *Sagar* denotes the heaven or sky and *Matha* is the head or crest. In this way Sagarmatha means 'the head reaching up to the sky.' Thus, it becomes pertinent and meaningful to call the peak as Sagarmatha in Nepali language, as it is the highest mountain in the world⁹⁷.

These are some accounts of how Sagarmatha got its name. It has already been mentioned that Nepal had presented the map prepared by the British India during the Nepal-China border talks. Another thing is that it is not clear whether Nepal failed to present the map of its northern border drawn by Nepal herself to the Chinese or it did not have any. It may be that it had but did not dare to produce. As far as the map prepared by Nepal is concerned, Nepal had some maps showing various parts of Nepal's border with Tibet. Those maps were drawn in Nepali handmade paper and most of them were *Najari Naksa* (eye sketch maps). Some of them should still be with the Royal Nepalese Army headquarters. Those maps made with manual techniques may have collected dust owing to lack of safekeeping. Some of the elongated big and long maps in strip size may have been kept safe in leather bags. As those maps were only *Najari* and sketched maps but not made scientifically, Nepal might have considered it inappropriate to produce them before the Chinese. It might also have felt some kind of shame on what the Chinese would say if Nepal presented those maps. Again, Nepal might have taken the maps made by the British as correct and more accurate than those made by Nepal. That time it was rumoured that since Nepal did not have its own name for Mt. Everest, the border maps were not made by Nepal but had only presented the ones drawn by the British.

At the press conference of 3 April 1960, when Prime Minister Koirala was asked in the presence of the Chinese Prime Minister whether he could disclose the border map presented by Nepal, Koirala had replied that doing so would not be beneficial in the interest of the public. Thus, it was clear that Nepal had failed to present a map drawn by her during the Nepal-China border talks. On the other hand, the Survey of India had, in 1856, published a map with the inclusion of details showing the sketch map (without scale) in Devanagari script of Jung Bahadur's time, Kali River as Nepal's western border line. Jung Bahadur's map was sent to the British Foreign Office through the British resident in Kathmandu to include in the Survey of India Map. And this map is as the proof of Nepal at Kalapani-Limpiyadhura issue with India. Had it been presented

⁹⁷ Baburam Acharya (2003). Cheen Tibbat Ra Nepal (in vernacular), Shree Krishna Acharya. Kathmandu : 250

the Nepal made map concerning Sagarmatha during the talk with China, the issue would have been resolved earlier and unanimously.

The final point of curiosity is that the map presented by Nepal had failed to indicate how much was its border line in the north of the Sagarmatha peak. It is understood that the map presented by Prime Minister Koirala to the Chinese had shown the borderline on the watershed of Sagarmatha peak or on the crest of the peak. That map was drawn by the then British Survey of India. That time it was said if Koirala had presented and staked Nepal's claim according to a map prepared by Nepal and stored in the *Jaisi Kotha* (Tibet Section) of the Foreign Department, Nepal's northern borderline could have covered the middle bottom of the northern slope of Sagarmatha.

Sagarmatha / Chomolungma / Everest / Friendship Peak

Leaving everything aside, China might have claimed Sagarmatha because Nepal failed to present a map made by her and its original Nepalese name for the peak in a convincing manner. Still, Nepal kept on saying in a meek tone that Sagarmatha belongs to Nepal. This was also the reason that Chairman Mao Tse-tung accepted that Chomolungma and Sagarmatha were the same peak and agreed to the border line according to the map presented by Nepal. He had also suggested to scrap the different names used in the two countries and outside such as Sagarmatha – Chomolungma – Mount Everest and rather to call the peak 'Friendship Peak' as a symbol of friendship between Nepal and China. Just as the bridge on Nepal-China border at Kodari was called Friendship Bridge, the naming of Sagarmatha as Friendship Peak could not be named because of lack of interest on the Nepalese side. That time if Prime Minister Koirala had only nodded his head by way of concurrence, Nepal might not have been called these days as the country of Sagarmatha.

Chou En-Lai settled the issue

The Chinese Prime Minister Chou En-Lai paid a three-day visit to Nepal on the scheduled time to strengthen Nepal-China relations and to resolve the issue of Sagarmatha. In this connection after the Chinese prime minister said at a press conference at the Singha Durbar Gallery *Baithak* on 28 April 1960 that 'Sagarmatha belongs to Nepal', the Sagarmatha issue was put off at once.⁹⁸ Answering to a question of Kishori Raman Rana of the Kalpana newspaper, the Chinese Premier said 'we have never laid any territorial claim to Mount Jolmo Lungma (name in Tibetan

⁹⁸ Risal, Bhairab. Patrika Weekly. 9-15 September 1999 : 8

language as the mother goddess of the earth) or Sagarmatha (Nepali name as the head reaching up to the sky) ever since the question was raised during the talks in Peking. During the talks in Peking the two parties just exchanged maps. The delineations on the maps of the two countries were different. The Chinese maps which were drawn on the basis of Chinese historical situation show the mountain within Chinese territory, while the Nepalese maps which were drawn on the basis of Nepalese historical situation show the mountain on the boundary line between the two countries. At that time, Prime Minister Koirala made the point that Nepal had always regarded this mountain as its own. Chairman Mao Tse-tung, when he received Prime Minister Koirala, expressed the view that they could follow the Nepalese delineation which shows the mountain on the boundary line, that is to say, with the northern half of the peak belonging to China and the southern half of the peak belonging to Nepal. Following Chairman Mao Tse-tung's talks with Prime Minister Koirala, our government has all along maintained this attitude.⁹⁹

The Chinese Prime Minister also informed the press that the Nepalese Prime Minister had told them that historically anyone who climbs Mt. Jolmo Lungma/ Sagarmatha from the south had to secure a visa from His Majesty's Government of Nepal while anyone who climbs the mountain from north had to secure a visa from the Chinese Government. This is a fact, and we agreed to what he said. At the time, it was considered acceptance of the delineation on Nepalese maps, namely, to draw Sagarmatha on the boundary line. He also said that during his recent visit to India, maps drawn by India likewise followed this delineation writing the so-called name 'Mt. Everest' north of the boundary line and the elevation of the peak south of the boundary line. It was also indicated that all maps of other foreign countries followed this delineation. However, Everest is the name imposed on the mountain by Britain. Replying to a question of Don Connery, correspondent of Time, Magazine, the US periodical, the Chinese prime minister said, "the mountain links up the two countries and will not separate our two countries as indicated by the US journalist".

To a question of Ramesh Nath Pandey, correspondent of Nepal Times, Commoner and Janata, asked the Chinese prime minister at the banquet what he had meant by saying that the Nepal-China border had not been formally demarcated for thousands of years, the Chinese Prime Minister replied that there was a need for demarcation of the border in a scientific manner and that there was not much difference on the demarcation of the border traditionally and scientifically, and also that

⁹⁹ Bhasin, Avtar Singh (1947-92). Nepal's Relation with India and China, Vol-II: 1264

any problem that might arise would be solved by the joint border committee through talks. He had also said in a light-hearted manner that if Pandey wanted he could go along to watch the work of demarcating the boundary.

To a question of Henry Bradsher, New Delhi-based correspondent of Associated press how much is the discrepancy of the total number of square miles between the Nepalese and Chinese maps, Prime Minister Chou said that it was very little, and it was difficult to point out the actual discrepancy between the two countries. If Nepal lays claim to these areas, China could give it consideration as there is no loophole. The Chinese Prime Minister also said that friendship between Nepal and China was enduring and that China was willing to leave any area Nepal might make its claim to.

In the meantime, Their late Majesties King Mahendra and Queen Ratna had made a stopover in New Delhi en route to Belgrade on 29 August 1961. In answers to questions made by foreign journalists there, His late Majesty had said that Sagarmatha had always been Nepal's, and no Nepali wanted to depart with it. When asked about demarcation of border at the tri-junction of Nepal-India-China, the King said that the demarcation would be carried out between the three countries in a cordial manner.

Their Majesties had returned home on 27 October 1960 after visiting different parts of China. During the visit His late Majesty had also signed the Nepal-China Boundary Treaty on 5 October 1961. On the day of return, His Majesty said at a programme at *Tundikhel* (open parade ground) that the boundary treaty with China had fixed the border between the two countries, and that had concluded the negotiation, discussion and debate of about 18 months about the border between the two countries. His Majesty further added that the border pillars would be erected at a time convenient to both the countries, and the treaty had strengthened the friendship and relations between the two countries. His Majesty had also said that the border treaty had benefited Nepal with about 300 square miles of territory. In his speech, His Majesty had said that the world focused its attention Nepal was on Sagarmatha and proud to announce that Sagarmatha belonged to this country. The King also added that "this is ours, as it is, we the Nepalese feel proud to say so". His Majesty also said that the dispute over the northern border that had continued since the time Bhimsen Thapa as Prime Minister of the country was resolved to Nepal's benefit.¹⁰⁰

¹⁰⁰ Devakota, Grishma Bahadur (1983). Political Mirror of Nepal. Vol.-III U Devakota. Kathmandu: 216

During Their Majesties stopover in New Delhi, the then Prime Minister Dr. Tulsī Giri who had accompanied the King had said that time was still not appropriate for the three countries to hold joint discussion for the demarcation of the tri-junctions, and also that the issue would remain untouched.¹⁰¹

The issue was resolved at prime ministers level

As per the wishes of the head of the state and the head of the government the border treaty was signed between Nepal and India accordingly. The erections of border pillars were completed in about a year time without making any discrepancy in words and actions, and the Nepal-China boundary protocol was signed on 20 January 1963. With this, the border, which had remained undefined for thousands of years, was formally demarcated through scientific method. Although China had made its claim on Sagarmatha initially, it later gave up that claim owing to the deep friendship, cordiality between the two countries, and mainly on the basis of equality, leaving Sagarmatha as Nepal's national property. Because there was no lingering debate and argument even on the issue of Sagarmatha and the whole process of demarcation went on smoothly based on the traditional principle of watershed and on the basis of mutual benefit, peace and friendship. All the issues related to border demarcation were solved to the satisfaction of both sides. On the claim of Sagarmatha, if one of the two countries had carried the feeling that it was bigger, more skillful, prosperous, and that the other country had to depend on it, it might be possible that the issue of who belongs to Sagarmatha would have remained unresolved even these days. But not even a speck of that issue was raised and as a result Nepal is known as the country of Sagarmatha all over the world.

It should be noted that the issue of Sagarmatha was resolved at the level of the prime ministers. Who can say that this issue would be resolved to amicably if it had been taken up at the lower level? This is because if an issue or debate is dealt with at the lower level, which does not have the authority to make a decision, it could remain unsettled. If a convoluted issue becomes a matter of prestige at the national and international level, it becomes distorted with no sign of its being solved like the Kalapani-Limpiyadhura issue between Nepal and India.

Peak of Sagarmatha is located in Nepal

Many people may wonder how Sagarmatha could be of Nepal if the borderline runs over the peak. On top of that there is the curiosity of

¹⁰¹ Op. Cit : 160

which country should claim the rights to the peak or on which country the peak is located. The shortest and the easiest answer is that the peak or the highest portion lies on the Nepalese side and Sagarmatha belongs to Nepal. But for those who want to go deeper, the explanation is that the peak of Sagarmatha is formed by three slopes coming from three different sides. In other words, from the peak of Sagarmatha the slopes go down towards three different directions as the sloping roofs of a house. Of them one slope runs down on the west; the second slope moves down towards northeast; and the third slope goes towards the south. The western ridge is long and steeply slanted. The northeastern slope appears to be very steep as a cliff, and the southern slope is less steep, bears considerably gentle decline and a little more comfortable than the other two. The western and southern ridges act as the international borderline between Nepal and China. The northeastern slope lies completely on the Chinese side. And the northern face of the ridge is more dangerously steep than the western and southern ones. In comparison to the others, the southern side located towards Nepal is less steep for climbing.

The most important matter about the peak of Sagarmatha is that there is about 2 meter by 2.3 meter of sloping terraced portion on the southern side of the demarcating line of water-parting ridge. And that piece of sloping terraced area with the highest portion lies on the Nepalese side. But the Chinese side from the borderline is almost vertical, and anyone conquering Sagarmatha from the northern or Chinese face cannot set foot on the peak without stepping on that sloping terraced area of the Nepalese frontier and no one can remain standing on the water-parting ridge of the borderline. As that sloping terraced area of the world's highest portion is located on the Nepalese side of the borderline, so Sagarmatha is said to lay in Nepalese territory. As the watershed principle was adopted while demarcating the borderline, the highest part joining the slope remained on the Nepalese side. That sloping terrace with the highest peak cannot accommodate more than seven or eight conquerors at a time, and if more climbers reach the peak at the same time, they will have to wait for their turns to step on that highest part, since there is no sufficient place for a considerably large group. The successful summiteers must get a little bit down to provide the turn to those who are waiting to step on to the highest part of the mountain. In 1988, when the joint friendship expedition team of China-Japan-Nepal placed 12 climbers from both the southern and northern sides at the same time, some had stepped on that highest portion, while others had waited a little bit down, and then those on the peak had got

down to make room for others. It was also the same case with the 38 and 54 summiters on 10 May 1993 and 16 May 2002 respectively. In short, it is because of the fact that the highest peak with the sloping terraced portion lied on the Nepalese side during demarcation and China gave up its claim to Sagarmatha.

Rebels : Beyond the Border

The Nepalese rebels who do not think safe and feel free within the territory of their own nation, flee beyond the border to India, no matter whoever may be the rebels. It may be a rebellious son of a cruel hearted father or the leaders of the political parties banned by the then government. If a father scolds and warns his mischievous son, the son intends to cross the open border suddenly to be safe from his father. When a Nepalese national commits crime or murder, rape or some illegal activities, he intends to cross the porous border to escape from the Nepali law and to get safe shelter in India, commonly referred to as *Mugalan* (land of the Mugal Emperors). Ultimately the Nepalese criminal will be branded as *Lahure* (working in Lahore) of *Mugalan*, when he returns to Nepal after completing the period of his detention and also after earning some amount of money. Similarly, if an unmarried young and enthusiastic daughter does not come home for a week, the parents should be taken for granted that she is with her boy friend beyond the border to become a married couple. After the acceptance of that boy as son-in-law by the girl's parents, they will be back in their nation within a day. When the government intends to serve a warrant to an anti-government leader, he will be on the other side of the porous border within a short span of time for the safety of his daily life. This has been a kind of traditional practice from the Nepalese common people to politicians, courtiers and regents and even the King from time immemorial to get safe shelter in the various parts of India. It is because of the fact that there is no restriction on the Nepalese nationals to cross the border with no documents of identification. Any Nepali is free to move beyond the Indo-Nepal borderline and to secure a safe haven in India so long as he does not act against the interest of India.

Rebels in the history

If we look back on the past political and social history, prince Bahadur Shah, the younger son of Prithvi Narayan Shah the Great had taken

refuge at Betiya India after being exiled by his elder brother King Pratap Singh Shah. Similarly, King Rana Bahadur Shah declared a rebellion from his recluse in India to claim the self relinquished state back from his own son King Girvana Yuddha Bikram Shah. But his army could not face his son's force and the Swami had to retreat again at Varanasi in 1800 AD. The then British rulers extended a warm reception and allowed him to operate against the monarch in Kathmandu. Nepalese personalities like Bhimsen Thapa, Bal Narsing Kunwar and Jugat Jung received refuge in various places of India. Not only the Kings, Princes, Regents and courtiers of high office, but the Queens of Nepal also had taken political asylum in India. Queen Rajya Laxmi and King Rajendra entered Varanasi after the infamous *Kot Parva*.¹⁰² The rebels managed to flee beyond the border though the border was not open at that time as it is today.

Democratic movement

King Tribhuvan Bir Bikram Shah Dev had taken refuge beyond the border in New Delhi, India in 1950. King Tribhuvan at first took asylum at the Indian Embassy in Kathmandu and then Indian Ambassador managed for him to flee to India on 11 November 1950. It was for the democratization process of the country to get freedom from the Rana oligarchy rulers who ruled for 104 years by usurping ancestral Prime Ministership of Nepal. When the King was in New Delhi, Pundit Jawahar Lal Nehru, Prime Minister of India was the key figure to facilitate the tripartite Delhi accord signed among the King, the Ranas and the Nepali Congress Party. After the tripartite signature, the King returned to Kathmandu on 15 February 1951 and Nepal was declared as a democratic country on Sunday, 18 February 1951. This may be one of the instances how even the King had to go beyond the border to bring democracy in the nation.

Anti-national element of partyless Panchayat System

In the political history of Nepal, late King Mahendra Bir Bikram Shah Dev banned all political parties, dissolved the parliament and established Partyless Panchayat System in 1961. After the ban on multi-party system, some of the political leaders and their supporters were put into custody while some others managed to flee beyond the border in course of time, because the border was open and there was no provision for restriction on the free movement of people. Various leaders and workers of Nepali Congress Party, Nepal Communist Party, Janabadi Morcha

¹⁰² Kunwar. Vijaya B. Kathmandu Post Daily, 3 January 2003:4

Nepal and others started operating the political activities from Indian cities. They launched activities against the Panchayat System from the Indian frontier. They were safe and secure beyond the border in the Indian cities of Kolkata, Varanasi, Lucknow, Gorakhpur, Muzaffarpur, Darbhanga, Raxaul, and Rupaidia etc. The then Nepal government called them anti-national elements. There was armed fighting between the so-called anti-national element as rebellious and the Nepalese police force/security personnel, in several spots along the border line. The rebels used to enter the Nepalese frontier frequently to create disturbances and at the very moment they would return to the Indian frontier to be safe and secure from the Nepalese police force. It was possible for the rebels to cross the border by the rebellious without any difficulty because the border was open and open to all.

In those days, the Nepalese political leaders namely, Bisheswore Prasad Koirala, Subarna Shumsher JB Rana, Ganesh Man Singh, Pushpa Lal Shrestha, Mana Mohan Adhikari, Mohan Bikram Singh, Nirmal Lama, Ram Raja Prasad Singh etc. launched their movement against the then Nepal government from the Indian soil. They were safe and sound beyond the border of Nepal. The movement of 1990 for the restoration of Democracy in Nepal was a result of the circumstances created by also India's border blockade on Nepal for 15 months. The movement was backed up directly or indirectly from the other side of the border.

Maoist insurgency

For the last few years, India has been harbouring the Maoist rebels. Maoist leaders who have found shelter in the Indian territory were operating hostile movement in Nepal against the police force and royal Nepal army. Regarding the underground movement conducted by the Maoist rebels, former prime minister Girija Prasad Koirala has said that India has protected Maoists by giving them shelter in her land. He has reached this conclusion after a long and careful study of the problems. He further said, he still does not understand why India is helping those Maoists who are creating terror in Nepal.¹⁰³ In the context of the shelter provided by India to Maoist leaders, Koirala expressed resentment and said "on one side there is India. Why does India create instability here? Northern border for India is secure now. She herself is entangled in Kashmir. Why does she intend to create instability in Nepal?"¹⁰⁴

¹⁰³ Kantipur Daily, 7 September 2001

¹⁰⁴ Kantipur Daily, 9 September 2001

There are some more statements from countries other than India and Nepal. Susan Pittman, a US State Department spokeswoman said "the Maoists need to lay down their arms immediately, stop their brutal and senseless attacks and engage in the peaceful pursuit of their aims within the democratic framework of Nepal's constitution."¹⁰⁵ In the mean time, Shyam Saran, Indian Ambassador to Nepal said "there could be Maoists among the Nepalese crossing into India through the open international border. We have also reports of MCC and PWG cadres from India going to training camps in western mid-hills of Nepal."¹⁰⁶ On the other hand, India has assured Nepal of all possible help in its fight to combat growing Maoist insurgency in the Himalayan Kingdom. The assurance was conveyed by Indian defence minister George Fernandes when he called on the visiting King Gyanendra Bir Bikram Shah Dev at the Rastrapati Bhawan.¹⁰⁷

Now the Maoist problem has been recognized as a movement, albeit the Maoist called it a "people's war." His Majesty's Government of Nepal had designated the Maoists as terrorists at first. But later on they were addressed as rebels. The government had put on price tag on the head of Maoist leaders up to 5 million rupees, if one could bring them live or dead. Now the government of Nepal has taken back the label of terrorist and rebels to the Maoists. CPN-Maoist is as one of the political parties of Nepal. They had launched a people's war in 1996 aimed at bringing about radical changes in the economic and social structure to pave the way for a new form of governance. But the war has been stopped and cease-fire was made. In this situation neither it has to be neglected to the Maoists saying as terrorists or rebels nor it has to be designated as the parallel of the government and state. However, Dr. Baburam Bhattarai, Co-ordinator of peace talk team of CPN-Maoist presented certificate of appreciation and offered shawl to the awardees jointly and parallelly with the Prime Minister in a function organized by Reporters' club, Kathmandu on 31 March 2003. On the other hand, the United States government on 30 April 2003 announced the names of 38 groups as "Foreign Terrorism Organizations" and has named CPN (Maoists) among 38 outfits under "Other Terrorist Group". The U.S. Department of state displayed the lists, determined by the Secretary of State from the "Patterns of Global Terrorism" on its website. The listing of Maoists in the second tier terrorist group comes at a time when HM

¹⁰⁵ The Himalayan Times Daily, 17 November 2002

¹⁰⁶ Kathmandu Post Daily, 21 December 2002

¹⁰⁷ The Himalayan Times Daily, 23 March 2003

Government of Nepal and the Maoists are engaged in peace negotiations. In the mean time, Dr. Baburam Bhattarai, Co-ordinator of Maoists peace talk team has made serious objection on that listing on their case. He stated that it is not good to include CPN Maoists in such listings, while the peace talk is going on. It may hamper the ongoing peace talk.

Actually, the Maoists had started people's movement on 13 February 1996 with a view to upgrading the economic condition of the general rural people of Nepal and changing the political scenario by transferring power to the people, as they put it. After five years the people's movement turned into people's war and Maoists started making armed confrontations with the local administrations, security forces and political parties. In fact, there was a reign of terror in that area where they had launched and moved people militia. The government was not able to include the communist Party of Nepal (CPN)-Maoist in the development activities of the country, so that they had adopted the rebellious movement to warn the government.

Poor, uneducated and jobless young people became angry, frustrated and violent against the government administration. Besides, feelings of tyranny, injustice, ethnic differences and religious fundamentalism led the enthusiastic youngsters to resort to cult of terrorism and the Maoist movement was expanded. In some confrontations, Maoists used the common people including very young chaps, under-aged girls and students and senior citizens as the human shield on the front line, while fighting with the government armed forces. This caused the killing of many innocent people. Maoist guerrillas compelled to the local villagers to join their 'people's force.' For example, they would come every day asking the girls of various VDCs of Sindhuli district to join their gang. In some places Maoists resorted to force and kidnapped many girls. In Dumja, Jhangajholi and Ratmata VDCs the Maoists abducted more than a dozen girls between the age of 13 and 16. So the parents started giving away their daughters in marriage as fast as they could, even though the law states the marriageable age as 18.¹⁰⁸ Due to violent activities of the Maoists, Nepali citizens intended to migrate temporarily to the Indian cities. According to Pushpa Raj Majhi, a police constable on duty at Kakarvitta, an important border town of eastern Nepal, over the last five to six months (July to December 2002) every day at least 60 to 65 Nepalese citizens cross over to the Indian side on an

¹⁰⁸ Space Time Today Daily, 12 January 2003

average.¹⁰⁹ The purpose is to become safe and secure on the other side of the Nepalese frontier.

After winning the war temporarily in some pocket areas and district headquarters, Maoists used to loot the government property and bank funds and gold deposit. In some cases liquid property and food stuff of the local but rich inhabitants were confiscated by the Maoist people's force. This created a kind of terrorist situation, especially in various districts of the far-western development region. This may be their compulsion to sustain, maintain and move their people's movement and to feed on the people's militia force. However, Maoists have expressed time and often as their slogans that they are fighting for the upliftment of the people of Nepal.

During the Maoist insurgency common Nepalese people were of the view that the war was going on between two groups of Nepali people, but not with the aliens. Among them one is the government force and the other is the rebels which is known as people's force. And the same Nepalese people have been killed by both the forces.

Cease-fire between Maoist and government force

Realising this fact, both the sides agreed to make cease-fire and to hold talks for peace in the country. As a result, cease-fire was declared on 29 January 2003. After the cabinet meeting held on 29 January the government withdrew the terrorist tag, red corner notice in INTERPOL against them, price tag on the heads of Maoist leaders and stopped all spying activities against the Maoists. In the same way, Maoist supremo Pushpa Kamal Dahal alias Prachanda announced an immediate cease-fire and agreed to hold peace talks with the government. The CPN-Maoist appealed to all party workers, fighters and people to help implement the declaration of cease-fire. Now people have felt a sigh of relief after the declaration of the cease-fire. There is a feeling of all the Nepalese nationals that all should co-operate to transform the cease-fire into a state of permanent peace in the country. So many infrastructures such as telecommunication towers, hydro-power stations, roads and bridges have been destroyed and disrupted during Maoist insurgency. The people are of the view that this entire infrastructure must be reconstructed as soon as possible to provide services to the general people.

According to the Royal Nepal Army Spokesman, Colonel Deepak Gurung the seven years old insurgency which started on 13 February 1996 has claimed the lives of 7,973 Nepalese people, and over

¹⁰⁹ Space Time Today Daily, 12 January 2003

four thousand of them were killed after the imposition of a state of emergency on 26 November 2001. Those who lost their lives during insurgency were 6,011 Maoist rebels, 873 civilian policemen, 773 civilians, 219 army personnel and 97 armed policemen since its inception on 13 February 1966.¹¹⁰

Fortunately, there is a cease-fire now and people have felt relief to conduct their affairs comfortably and businessmen move and transport merchandise from one place to another. Similarly, the people who had gone to India from the hill districts of Nepal have returned home in increasing numbers after the cease-fire. One can take an example of the hill districts of mid-western and far-western development regions. One to two hundred workers every day have returned only from the route of Dipayal. During emergency period youths had fled to India, especially from different parts of the hill districts due to lack of security.

Fleeing of Corrupt persons

There are some other examples of how not only the rebels but also people from other sections used to go beyond the border to India for the protection of their lives. Currently the corrupt persons have started to flee beyond the border to remain safe and sound away from the penal action of Commission of Investigation of Abuse of Authority (CIAA). The commission had raided the houses of twenty two government officials of revenue departments, especially the customs and tax offices to investigate whether their property, cash or kind, had been earned legally or illegally. Six officials were out of reach of the CIAA. Most probably they had gone beyond the border in search of safe havens because CIAA was not able to trap them for months and months.

Similarly, three former ministers, Khum Bahadur Khadka, Jaya Prakash Gupta and Chiranjibi Wagle had been taken into custody by the CIAA to find out the source of their huge amount of property including land and buildings, cash and gold and investment on commercial business. They were put in jail during the enquiry period. After the completion of enquiry, Special Court released them on bail with a deposit of tens of millions of rupees on a condition that they would present themselves to CIAA on the given date. But Khadka and Gupta were mostly not available to the CIAA for additional and supplementary enquiries. CIAA summoned Khadka and a team of policemen had gone

¹¹⁰ Kathmandu Post Daily. 1 November 2002

to arrest him. But the police team could find him in no place within the territory of Nepal. He fled away while CIAA personnel had gone to contact him in his residence in February 2003. In the mean time CIAA was searching for him very much. But Khadka suddenly reached CIAA at 11 A.M. on Friday, the 4th of April 2003.¹¹¹ He might have gone beyond the border for a long period of time. It is due to the fact that no identification card is necessary for exit and entry on the international border between Nepal and India. Because the border is open and any Nepali/Indian national can cross the porous border any time and so many times a day. At the same time, there is no record keeping system of those passengers of both nations, while they cross the international border.

Extradition of culprits

If a practice had been introduced at least to maintain the record for the Nepali and Indian citizens, it would have been easier for the policemen on the other side to arrest the culprits and criminals, though they are beyond the border. If the law offenders of a country cross the border and enter into the other frontier, the security personnel could arrest him and extradite to the concerned government authority with the help of the record of border crossings, though there is a lack of effective articles in the Extradition Treaty between the two countries. There was a joint meeting of the delegations to update and to put into effect the existing Extradition Treaty. But the meeting ended without any decision. Updating the treaty for extraditing the citizens of a third country to India was India's proposal. But Nepal had refused to agree to the Indian proposal to handover citizens of third countries to India.¹¹²

Remarks

Because of lack of effective measures in the extradition treaty in general and weakness in border management system in particular, the rebels intend to move beyond the border to get safe havens on the other side of the frontier. The rebels range from the lower section of the society to leaders of the political parties and bureaucrats. It has been affected the security of the nation. Now there is a need realised by all to develop an appropriate system on border management, not to let the rebels go beyond the border, so that the prevailing laws and regulations could be enforced to them within the country's jurisdiction for the maintenance of national security as well as to check the evil designs and mischievous of the members of the Nepalese society.

¹¹¹ Rajdhani Daily, 5 April 2003

¹¹² Space Time Today Daily, 21 February 2003

Chapter - V : Published Relevant Articles of the Author

Army Mobilization At Border Points: How Meaningful ?

Admitting that the civil administration and the police force have been unable to stem smuggling and illegal trade, Royal Nepalese Army is going to be mobilized at four entry points along Nepal-India border, namely, Biratnagar, Birgunj, Bhairahawa, Nepalgunj and one entry point along Nepal China border, Tatopani. It is estimated that various goods worth of about Rs. 11,000 million are entering the country without paying the customs every year. If these items were to enter via designated entry points complying with all legal provisions, it is expected that the government revenue would increase by fifty percent.

Here, we come across many questions: First, why did the police force become ineffective in carrying out its assigned duty? Second, whether or not mobilization of the army can resolve the problem in any sustainable manner? Third, can any alternative measure other than deployment of the army be more sustainable and systematic? There can be many explanations for the ineffectiveness of administration and police force in checking the illegal inflow of goods ranging from consumer items, raw materials, and machinery spare parts to petroleum products. The responsible personnel may lack the information; she/he may work as a team with the smugglers; or it may be simply the result of their indifference towards these activities. In spite of the information, in many instances, they may be compelled to be onlookers of what is going on. In border areas we can find such accomplished smugglers who work so swiftly that the customs people would not have a faint notion of it. For example, they make shuttles across the border ten to fifteen times a day to carry the goods in small and manageable quantities. Similarly, they can work at nights sneaking through some secret routes for the safe passage of goods.

There are various types and quantities of items that are passed by the smugglers with the connivance of the customs people. Such deals may be based on local mutual contacts and/or illegal side payments. The

reason is that the employees often invest a large sum of money to get that posting and they have every incentive to regain it three or four fold. Once the goods are safely passed, the price almost doubles and the connivance of the entry point customs employee can bring him steady income. Hence it is possible that the transactions are generally carried out with the connivance of government people.

Pretending not to see is a way of working hand in glove with smugglers. The traders formally pay the customs duty and get clearance. Both the customs employees and traders benefit while the government revenue dwindles. In the process, there is under-accounted or under-invoiced inflow of goods. In this way all the concerned parties may be working on the same hidden agenda while pretending to abide by the law. The other people cannot do anything except being helpless onlookers. Although there is a provision for surprise rechecking, it is of no avail as those responsible may already have reached some tacit understanding with concerned parties, about sharing the illegal benefit in equal percentage instead of paying the total amount of revenue to the government.

Turning to the deployment of Royal Nepalese Army at the entry-points along international borders and its effectiveness in curbing illegal transactions, one may wonder whether the mobilization of army in the border areas would be effective in checking smuggling and illegal trade. Even if the situation improves in the short-term, the challenge is to sustain the trend in the long run. There is every possibility that the army would simply transform itself into the big brother of police. There is a fresh case in point. Some officials of Royal Nepalese Army were reported to indulge in illegal prey of a wild deer in Jutpani VDC area of Chitwan district. While the incident was still fresh, efforts were ongoing to diffuse the issue and give the impression that the army officials were not involved in the case. It is difficult to maintain that similar opaque activities would not occur in the area of illegal trade in the frontier area.

All these issues notwithstanding, the government has already mobilized the army in Birgunj and Tatopani border entry-points. As for remaining three entry-points, the army is being deployed in the near future at Bhairahawa while Biratnagar and Nepalgunj will follow suit. At the beginning it is estimated that altogether 250 strong army personnel will be required to patrol 5 entry-points. But the district of Parsa alone will require some 100 strong to patrol over 75-km long borderline. Out of that 70 strong are already put in place. If this norm is followed,

Nawalparasi and Rupandehi sector with 60 km borderline with India will entail approximately 120 army men. According to this scheme, the average distribution of army personnel in the open border area of Tarai plains will be two persons per km. If half of the personnel were to be deployed in the main customs offices and sub-offices the average distribution would come to one person per km. This means that one army soldier will have to take care of 1-km borderline.

From this perspective, to patrol 1,808 km long borderline along with 22 entry-points currently in use between Nepal and India, it will require at least 3,600 strong army. Similarly, Tatopani entry point in Sino-Nepal border, which is presently in use and three more entry points that are expected to open in near future, namely, Lizi (Mustang), Kimathanka-Dingri, (Sankhuwasabha) and Rasuwagari-Kerung (Rasuwa) will require 400 more army personnel. It demands not only the creation and recruitment of about 4,000 new positions but also additional budget and effective management system. In the absence of appropriate system and management it can generate negative impacts. Accordingly, adequate attention should be given to the human and psychological consequences of such mobilization.

We may recall at this point the statement of the Indian Defense Minister George Fernandez' speech in his electoral constituency that India would establish military check posts on its open border with Nepal (particularly along the northern part of Bihar). India had made allegations that Pakistani ISI had been allowed by Nepal to carry out anti-Indian activities through its soil. The establishment of military checkpoints by India can be the offshoot of this apprehension. Nepal's move to deploy her army personnel along the border line can also be viewed as a reaction to the Indian move. However, while reacting to Indian move we must be careful whether we are lending any credence to the claims of Indian defense minister.

In this context, it would be pertinent to ponder whether there is any better course of action other than military mobilization. The introduction of regulated and controlled border in the place of current system of porous border may have spontaneous impact on the illegal transactions across the border. The system of regulated border not only helps in stemming illegal trade but it can be an effective instrument of checking terrorist activities, girls trafficking, kidnapping, illegal immigration and other criminal activities. It would not only increase government revenue but also create positive impact on the law and order situation of Nepal.

For the regulated border system it would be more effective to use barbed wire fences instead of erecting concrete pillars at regular distance. This can permanently resolve many of the border related problems. India and Bangladesh have already started to put such barbed wire fencing to check the flow of illegal immigrants. In the first stage they have decided to fence 40 km out of the 865 km Tripura border between the two countries. The new fencing is being introduced as the prevalent system of military check posts established in every five mile's distance could not work effectively. Likewise, almost all parts of Indo-Pakistan border (with an exception of Line of Control in disputed Kashmir state) have long seen barbed wire fences of ten feet height. Given that both India-Bangladesh and India-Pakistan borders have already seen such fences we cannot see any reason why India and Nepal should not jointly embark on the same course. The only missing thing here is mutual commitment. Would not it be in the interests of both India and Nepal to gradually shift towards controlled border regime by introducing the barbed wire fencing instead of establishing military check-posts facing each other?

(Kantipur Daily, 23 March 2001)

Impact of Army Mobilization on Customs Patrolling

Every action inevitably generates reaction, which in turn impacts the source of the action. Then our concern must be to know whether such impacts have been positive or negative. Out of the 22 main customs offices and 143 sub-offices situated along the Indo-Nepal border the army patrolling has been introduced in 7 main and 57 sub customs offices since 4 March 2001. The army is working under Chief Customs Officer. The actual number of the army personnel assigned to different main and sub-customs offices is as follows:

- 30 strong for 13 sub-customs offices under Kakadbhitta main office
- 40 strong for 9 entry-points under Biratnagar main office
- 30 strong for 6 entry-points under Jaleswor main office
- 70 strong for 9 entry-points under Birgunj main office
- 30 strong for 12 entry-points in Bhairahawa-Belhia sector
- 30 strong for 7 entry-points in Nepalgunj sector
- 30 strong for 1 entry-point in Tatopani sector

Besides, a contingent of army staff intended for five entry-points under Gaur Custom Office, Rautahat, has not so far been deployed due to the problem of their accommodation. The army personnel reside in barracks and use the same kitchen. Therefore, they have less contact with the public while the police can live in a rented house in the villages. Sometimes it is possible for him to live with his family. More interactions may result in intimacy, which in turn can generate favoritism. Consequently, necessary actions are not taken sometimes while unwarranted actions are taken up with more emphasis. It may be due to this reason why the government has thought it wise to rely on army instead of police. Only future will tell how far this belief of the government is well founded and how far reliance upon the army will prove beneficial.

Now let us turn to the effects of army mobilization on the customs patrolling along the border areas. If we are to assess on the basis of army activities so far, we should admit that it has become effective in checking the passage of contraband goods and smuggling. However, more important is its possible long-term impact on the economy of the country. The government is assuming that mobilization of army personnel under Customs Officers in the border areas would improve compliance with existing laws and the collection of revenue. It will be attested over time by the quantity of the recorded imports and balance of bilateral trade between the two countries. However, the mobilization of army so far has produced some positive and some negative effects.

Positive Effects: The mobilization has succeeded significantly in checking smuggling and illegal trade. The smugglers who used to work at night have begun to import at daytime paying due charges at customs offices. For instance, the trading community in Jaleswor who rarely paid customs has begun to import via main customs office by making due payments. The army personnel deployed under Mechi Customs Office have spotted 51 packets of contraband goods at some 10 km west of Kakabhitta. Similarly, it has seized unauthorized import worth of 2.4 million rupees in Biratnagar. In Birgunj, they have brought under control 18 smuggled vehicles within 17 days. By the mid of March 2001 Rs. 8,428,000 revenue has been collected by selling such vehicles.

Likewise, as the import of rice along Birgunj border area has to be made through customs offices, farmers on the Nepalese side would get better price for their farm produce. The news that the army made some customs personnel at Bhairahawa pay for the five packets of

biscuits brought along from India has demonstrated that even they have to comply with existing rules. In another instance, unauthorized inflow of Indian daily newspapers via Bhattamod (without paying income and local development taxes) in Mahottari district has been halted. Now the people are compelled to read Nepali newspapers. In the Nepalgunj sector, consumers have started to rely more on local market instead of direct purchases across the border in Rupaidia thus improving the transactions of local traders.

From the above account, it is evident that the activities of the army so far have been effective, to a certain extent, in increasing the level of revenue collection. This is definitely a positive sign as the increased government revenue can enable the country to invest more in development activities. However, if those responsible in the government, continue to misappropriate national treasure, the money collected by the mobilization of army would end up to nothing.

There can be some other indirect positive impacts of army mobilization along the border areas. For example, if the unauthorized import of clothes is stopped and all the imported clothes are made to pay customs properly before making their way to Nepali market, many of our sick industries like Hetauda Cloth Factory and Ganapati Cotton Mills could have good chances of recovery. Similarly, other industries blighted by the illegal inflow of cheaper goods from across the border could better compete with them. The revival of national industries would improve the employment situation in the country. Moreover, it can also address the Indian grievances that her markets are suffering from the illegal passage of cheaper Chinese goods via Nepal. It also can be helpful in meeting to Indian accusations that the Pakistani ISI is using Nepali territory to accumulate illegal arms which are later used in carrying out anti-Indian activities.

Negative Effects: As a saying goes, "every coin has two aspects", the mobilization of army personnel in the border areas has begun to bring about some negative effects. In the first place, it has caused recession in the towns on both sides of the border. Bhirahawa, which has been a supplier of foreign goods for most of the Indian consumers, is experiencing a slowdown in its overall transaction while the border market of Sunauli on the Indian side has seen a reduction in the number of visiting Nepali customers. The situation in the Indian border market of Raxaul is even worse. Almost ten thousand Nepalese consumers used to visit Raxaul everyday where they used to purchase about Rs. 1 million

worth of consumer items. However, after the mobilization of army its transaction has gone down by 80 percent. The Nepalese consumers, on the other hand, have begun to feel that the consumer items have become more expensive as compared to the direct purchase from Raxaul. As the unhindered flow of Indian rice has been stopped, the price of rice in border areas has increased. Small Nepalese farmers, who had already sold their farm-produce in a low price, have to buy the same product now at a higher price. In Nepal, we lack economic means and physical infrastructure for food storage while on Indian side there is a provision of cooperative godowns whereby they can store adequate foodstuff for longer time duration.

The story of the Tatopani entry-point to the North, adjoined with the Chinese frontier is not different. The teeming market of Tatopani has begun to look as if deserted. The sale of Khasa market in Tibet has gone down drastically. This has resulted in price hike of Chinese goods in the local market of Kathmandu.

The business community in Jhapa has expressed its dissatisfaction over the process of army mobilization. They are complaining that the deployment of army has obstructed peaceful and smooth trading practices and has injected some sort of terror among the trading community. They also are saying that the army instead of concentrating along the border line has begun raid in godowns containing already cleared goods deeper inside the frontier and thus creating problems for the traders. Local people say that the activities of army have hit hard the petty traders working in informal sectors by taking away both their employment and income. Interestingly, in this connection, there is no news or report of any seizure of goods meant for illegal export from the country. Is it that the illegal export of medicinal herbs and the import of industrial raw materials from the third countries escape the eyes of the army? In the context of army mobilization at border entry-points there are stories reported by news media about a section of traders running to New Delhi. Grapevines have it that following the informal visit of former Indian Ambassador Mr. K V Rajan to Kathmandu these traders have run to Delhi to affect the withdrawal of army from the border areas. It is possible that a section of traders having no permanent asset like land and building in Nepal do believe that they can affect the action of those in government through New Delhi. Apparently, these people seem to forget that Nepal is a sovereign country. Our leadership in authority should deliver appropriate message to all concerned in this matter.

In any case, the government decision to mobilize army under seven main customs offices at different entry-points to improve revenue collection appears to have send a strong message to one group of traders indulged in illegal trade and smuggling. For the time being these people are scared. Nevertheless, more important is the question of sustainability of this trend. If these people again succeed to overcome this fear and to resume their business as usual by corrunding army personnel, all these display and mobilization, would simply be a mere spectacle having no meaning at all. If the leaders of Mafia succeed to mobilize their own corrupt forces vis-a-vis government army, who knows who will win!

What traders are also trying to make out from the statement of the Finance Minister is that the army mobilization is a short-term arrangement commencing immediately and lasting for six months. Similarly, the Mafia active in the border areas is spreading a rumor that the mobilization of army in Indo-Nepal border has been on account of emergency declaration by the government. These rumors are the product of their desperation and no one needs to take them seriously. Instead if the army, in addition to customs patrolling, were to look after border pillars, no-man's land, cross border population movement and forest resources as well, their deployment would have been more effective and meaningful.

(Spacetime Daily, 12 April 2001)

Motive Behind : Indian Army At the Border

Twenty-six districts of Nepal have a common border with five states of India, namely, Uttaranchal, Uttar Pradesh, Bihar, West Bengal and Sikkim. Out of them India has started establishing 14 military check posts along 285 km borderline from Darchula, Baitadi, Dadeldhura to Kanchanpur in the first stage. Each of the 14 check posts will consist of 40 strong army. This means altogether five companies of armed forces will be deployed in that sector of border. In the next step, it is understood that India is going to deploy its *jawans* from its paramilitary force in the remaining part of Indo-Nepal border. It has also been learnt that this force will form a part of Indian Secret Service Bureau (SSB) and will operate under the direct control of the central government. In this way, it has been revealed that the 1,808 km long frontier on the Indian side will

be facing Nepal with 70,000 strong soldiers of SSB, right by the side of no-man's land.

The common people in Nepal are wondering as to why India should have deployed such a great number of troops along Indo-Nepal border. During zero hours in Nepalese parliament, the MPs had repeatedly drawn the attention of government and asked for the explanation as to why in the name of controlling cross-border activities Indian government was deploying an alarming number of its paramilitary force along the border. This situation can be read as the reflection of Indian thought and intentions towards Nepal. There can be both overt and covert intentions. Overt intentions may include stemming cross border criminal activities, neutralizing the elements working against intimate bilateral relations and keeping close surveillance on their activities.

Indian understanding of Maoist activities in Nepal, their liaison with RIM and People's War Group and its implications for Indian state can also be an explanation for the SSB move. If it were the case their intentions would be to weaken them. The inner story can be different. One constant preoccupation of India can be perceived as Pakistani ISI activities have been increasing in Nepal and resulting threat perception from Nepal. Much of Indian thinking and actions appear to have been guided by this thought. The efforts repeatedly made by Nepal to convince India about its genuine intentions seem to have failed. Similarly, Indian perception of worsening law and order situation in Nepal, particularly in the aftermath of Royal family massacre, may also have instigated India to consolidate security situation in the border areas. Similarly, it may be the outcome of changing security perceptions of India. Earlier, Indians thought that their security could be ensured by establishing military check posts along the range of Himalayas in Nepal, Bhutan and Sikkim. But in the changed international context, India may be thinking that Indian security can be enhanced by spreading an intensive network of military check posts on the Indian side of Indo-Nepal border.

The Indian move towards establishing a network of military check posts has come at a time that reminds us of the Nepali proverbial coincidence of "missing of the goat the same day as the tiger was heard roaring in the neighborhood." The 24th meeting of Indo-Nepal Joint Technical Level Boundary Committee was held in Kathmandu 6-7 September 2001. During the meeting none of the outstanding border issues, such as Kalapani-Limpiyadhura, Susta, Mechi, Thori and

Sandakpur, wherein Nepal has experienced Indian push and pressure were discussed. At the same time Nepal's recently ousted prime minister after a long silence came up with the conclusion that both the Royal Palace and India were giving support and shelter for Nepal Communist Party (Maoists). The call by NCP (Maoist) to withdrawal of Indian force from the 372 square km area around Lipulekh-Limpiyadhura was followed by warning that in case of Indian failure to withdraw, the 2,000 strong Red Army soldiers residing in Darchula, were ready to fight with Indian forces and to shed their blood to get the Indian occupied Kalapani back. At the same time by coincidence, Malaysian capital Kuala Lumpur was hosting an interaction program on "The Challenges of Internal Military Mobilization in the New Century." Participated in by 100 Chiefs of the Army Staff and representatives from 35 countries across the world including Nepal, this program underscored the need to apply strength from the army while calling upon it to play the role of mediator, inspector and counselor for peace building apart from its conventional role as fighter. Only the future holds the clue whether these coincidences were sheer chance or had some deeper logic.

Whatever the coincidences, India is going to deploy its 70,000 paramilitary soldiers of SSB along Nepal-India border. This SSB force, operating directly under central command, will replace the border security force working formerly under the state governments. It is learnt that they will be equipped with automatic weapons, tanks, launchers and military vehicles. After their deployment, people will be allowed to cross the borders only at designated entry points. It is also understood that small entry points will have a standing force of 20 to 50 people while the bigger ones will keep a standing force of 50 to 150 soldiers.

On average, the number of SSB personnel will come to 35 strong at small entry points and 100 at bigger ones. On the whole, the average for one entry point comes to 68 strong soldiers. According to this norm, it appears that altogether 1,030 entry points will be established from Darchula to the eastern point in Taplejung where the borders of Nepal, India and China meet. On the other hand, from this account it appears that out of the 70,000 strong, each km of borderline (total 1,808 kms long) between Nepal and India will be guarded by 38 SSB soldiers. Seen from the perspective of international border security norms the density of entry points and the deployment of force (per km) appears to be higher than average.

It has been one year since this author wrote a book on the "Boundary of Nepal". In one chapter of the book under the sub-head

"Issues Pertaining to Open Border" the author had proposed some measures for the management of borders to be India appears implementing them in its frontiers. We Nepalese are good at speaking and writing. We do nothing to implement them. India on the other hand, has shown the will to go forward in action in her own way. The writer in the above-mentioned book had written that Nepal should establish one customs office, one Immigration office and one security check post in every 10 km border line of 26 districts sharing common border with India. According to this norm, there will be altogether 180 check posts. These posts are expected to keep surveillance of 5 km borderline on both sides. Besides these posts, there should be sub-check posts in every 2 kms of border line to be manned by border security force. These sub-posts will keep surveillance of 1 km border on both sides. In this way the security personnel from two sub-posts will meet at certain point in the middle and come back to their post. If this rule is followed the total number of such check posts will be 900. To derive this number we can use the adopted norms while establishing check posts and to seal the border used as proxy during Indian elections. For example, during third phase elections of Legislative Assembly in the Indian state of Bihar on 21-22 February 2000, India had established 12 check posts to seal about 5 kms border in the Biratnagar-Jogbani sector.

Apart from safeguarding the border and the citizens inhabiting the areas, the proposed sub-check posts, to be established in every two km, will also serve to control smuggling, unauthorized trade, inflow of contraband goods as well as terrorist and criminal activities. Similarly, the customs office, immigration office and check posts to be established in every 10 kms, will issue permit to the incomers, keep their records, ensure that due procedure is being observed in import and export trade and will keep surveillance of five kms borderline on both sides. In addition, the immigration office could also issue some special permit for the inhabitants on the frontier to facilitate their smooth movements across the border.

If we compare the two scenarios, we had proposed 900 entry points and security check posts while the Indians have come up with an estimate of 1,030 entry points. Similarly, while we proposed one border security person to keep surveillance of 1 km borderline, it appears that the Indians are proposing 38 personnel per km on average.

In any case, according to prevalent principles of international border management, the Indian move to deploy its force in the border

with a view to regulating the movement of people, is indicative of her shift from open border to a controlled border system. However, we are not publicly informed whether India's policy shift from an open border regime to a controlled border regime is an outcome of bilateral consultation or understanding between the two countries. The question whether Nepal has agreed to go for controlled border system is also pertinent here. It is important to know whether the government is keeping abreast with these developments. One would like to know what actions are underway on the part of Nepalese government to address these issues and this was discussed in the parliament, too.

Looking back, after the hijacking of Indian Airlines plane from Kathmandu, the Nepalese border management committee had proposed to its Indian counterpart to shift towards a controlled border regime. Accordingly, a new system was introduced whereby passport or any other authorized identification document was made necessary for passengers travelling the two countries through air route. In this context, the decision to shift towards controlled border regime should have been reached by mutual consultation and consensus. However, it is not clear whether the Indian move was made with the consent of Nepal. The question whether India is really on the way to deploy SSB personnel permanently along Indo-Nepal border also remains unanswered.

The deployment of Indian SSB force on Indo-Nepal border will indeed enhance the security of Indian border. But the question remains what would be its implications for Nepal-India borderline. One may advance an argument that it is only a conceptual problem and that since the border is common, the security of one side may automatically enhance the security of the other side no matter which of the two parties takes responsibility for it. But what is important is whether such arguments are tenable. Suspicions can have disastrous results. We cannot rule out the possibility of excesses on the part of security forces either side of the border. But we should not harbor suspicions towards our close neighbor. We should know that suspicion has no cure. However, we can think and act in a way that leaves no room for suspicions on either side. As India and Bangladesh have set forth to erect barbed wire fences along their 865 km border between Indian state of Tripura and Bangladesh. Nepal and India also can follow this example. Instead of establishing a series of check posts and deploying a large number of security personnel from both sides facing each other along their border on permanent basis, would not it be wise for both countries to gradually embark upon barbed

wire fencing? India would erect one km fence while Nepal would erect another km and so on. This action would also help harmonize the common intentions and perceptions of both countries.

(Kantipur Daily, 28 September 2001)

Border is Extended even to the Sky

International border of any country is demarcated and maintained on the basis of some natural attributes such as mountain ranges, watershed, mountain passes, rivers and the like. In countries or sectors where these attributes are missing boundaries are demarcated and maintained through some markers or concrete pillars. Generally, the boundaries cover the area from a certain point of land surface straight down to the center of the earth. It also extends straight upwards to the infinity of space. That is why it is customary for international air flights to take permission from the country concerned before entering the sky within the designated plumb line of boundary pillars that extend a line vertically upward, defining its territory to the sky.

In land surface the border is demarcated physically by erecting border pillars but the sky cannot be demarcated physically. Accordingly, for airplanes, the international airport of a given country symbolizes the demarcated international border. For example, for any incoming international flight to Nepal Tribhuvan International Airport (TIA) symbolizes the demarcated border point. But in the case of Indian citizens using air route, TIA so far has not been operating as a demarcated border point. Likewise, for Nepalese nationals flying from Kathmandu to Delhi, Indira Gandhi International Airport (IGIA), does not represent an international border. For decades, passengers have crossed the border openly through these two airports. A new policy has been introduced for the last few years requiring passengers to produce some identification documents; yet, there is no practice of verification. The recent hijacking of Indian Airlines plane that took off from TIA (which remained under control of the hijackers for eight days after landing at Kandhar, Afghanistan) and its subsequent release through negotiation illustrates the need operating TIA and IGIA to begin operate as international border points for the citizens of India and Nepal respectively. To make this concept of border operational it is necessary

that both international airports be treated as border points and passport system should be introduced.

Nepal and India have remained close friendly nations since time immemorial. If seen from the perspective of practicality, a great number of people in Nepal have their kith and kin and relatives across the border. Similarly, many Indians have their relatives in Nepal. Nepalese pilgrims regularly visit various shrines in India. Similarly, many Indians visit Nepal for religious and business purposes. Of late Nepal has become an increasingly popular destination of honeymoon celebrations for newly married Indian couples.

Such deep and intimate relations between Nepal and India with its history going back to centuries had been soured by the incident of Indian Airlines' hijacking. The behavior of Indian media, particularly their exaggerated coverage and prominently anti-Nepali tone, had made the Nepalese apprehensive of Indian mood and intentions. They labeled an innocent Nepali citizen as 'hijacker' and the public was supplied with fabricated information. That the allegations made by India to the management of a government owned agency and an innocent Nepali citizen did not hold water became evident as the scenario unfolded and the hijacking fiasco died down.

In eight days following hijacking, India not only magnified the event but also showered Nepal with incredible number of allegations that has made inroads deep into Nepali psyche. Some of the major allegations included:

- Nepal has become a heaven for the terrorists due to its lax in border security;
- TIA has been an easily accessible border entry-point for the hijackers;
- Pakistan is taking advantage of Nepal's open border to carry out anti-Indian activities;
- Nepal is giving permission to Pakistani and Afghani nationals to enter the country at par with Indians, etc.

A careful postmortem of all these Indian moods and expressions point to the fact that at the heart of the matter there are two important issues involved: Nepalese open border and TIA that does not operate as border point for Indian nationals. On the other hand, if one were to think seriously over the reasons for the hijacking, he suddenly gets entangled with this element of border. In fact, the hijacking fiasco may have its links with the absence of real demarcation along the Line of Control in

between India and Pakistan occupied Kashmir as well as the dynamics of insurgency, intrusion, byproduct of action and reaction regarding the cross border activities of these countries.

Various border regimes like open border, closed border or controlled border are in practice across the world on the basis of mutual understanding of the concerned nations. Under open border regime, people generally with good intentions from either country, can cross the border without any obstructions while under closed regime neither people nor goods can enter the border of the other country. But under controlled regime, both the people and goods are allowed to cross the border on a regular and systematic basis.

Nepal and India have an open border system based on tradition. However, the mood and behavior of officials working in different sectors of border line tend to transform the porous border into an opaque or blurred border. In this way the same border sometimes becomes an open border will some time it may become a closed border; at other time it would appear as a controlled border in some segments. For that reason, such scenario may be described as opaque border. After the incidence of hijacking, the question whether to continue with the open border regime or to go for controlled regime has assumed added significance. Indian media had pointed to the absence of Nepalese border security as the main cause that led to the hijacking incident.

It is impossible even to think about adopting a closed border system between India and Nepal as relations between the two countries are not limited to formal governmental and diplomatic domain. Rather they encompass larger society through a whole network of individual, family and social relationships. For example, people living closer to the border on both sides have a long tradition of marrying across the border. On the other hand, the existing open and uncontrolled border system has many times placed Nepal in an awkward position to the extent of damaging its international image due to virulent Indian propaganda. Moreover, from time to time, India has been casting Indo-Nepal border areas in some dubious light. To resolve all these problems, it is time for Nepal to rethink about the open border option. The hijacking incident has, to some extent, helped to create a more conducive climate for rethinking.

Keeping in view the 1,808 km long borderline between Nepal and India, adoption of a completely controlled border system must presuppose some minimum infrastructures on both sides. Similarly, its proper management calls for both time and commitment. In this context.

if it is not possible to embark upon completely regulated border all at once, it appears necessary to take some middle path. Accordingly, it would be practical to start to adopt phase wise semi-controlled system.

Under this scheme, in the first phase, both countries should agree to make passport a compulsory travel document for each other's citizens using air route. Instead of prevalent requirement of identification issued by any authority, it would be better to accept passport as the only authentic travel document. This would symbolize the beginning of regulated border system in the area of air traffic. Hammer can shape a rod when it is red hot. Accordingly, if we are to go for regulated border system we have to think and act before the sensation and hangover of the plane-hijacking incident passes away.

It is usual for the passengers departing from Nepal to India through land route to undergo security checks at more than ten points also by Indian security on their frontier. But the recent hijacking fiasco has shown that the hijackers can safely change the destination of the plane over the sky of India. This is only to say, though Nepal and India have the practice of open border on the land route, they should not leave the sky border uncontrolled since a boundary is considered to extend vertically downward to the center of the earth and vertically upward to infinity. It has become necessary to demarcate the border in the sky as on the earth, by designating TIA and IGIA as the controlled border entry points for the air passengers visiting Nepal and India respectively.

(Kantipur Daily, 5 January 2000)

Nepal-India Border Demarcation : Two Decades

Nepal-India Joint Technical Level Boundary Committee has completed two decades and this is the first day of its twenty-first year. If we have a historic look back on the border activities between Nepal and India, it goes back to 1816. The treaty of Sugauli- 4 March 1816, Supplementary Treaty of 11 December 1816 and Boundary Treaty of 1 November 1860 form the basis of boundary demarcation. And these treaties are the Terms & Reference (TOR) of present Joint Boundary Committee. This committee has adopted these treaties, the then historical maps and old

documents as working materials to demarcate the boundary line physically on the ground.

Since the formation of the Technical Committee, working group and joint survey teams conducted field surveys. They are making strip-maps covering one kilometer of both sides of borderline showing ten-yard (no-man's land) on each frontier. Renovation and maintenance of the damaged boundary pillars, construction of additional subsidiary pillars on the curved line, clear-filling of the ten-yard no-man's land have been performed each year. But the boundary business has not yet been completed. The common Nepalese people are anxious to know whether the bye-gone days of these two decades have been taken as short duration or sufficiently long period.

Incidents and happenings

So many negative and positive incidents have taken place within the nation during the last two decades of demarcation. Some notable happenings include the economic blockade by India from 23 March 1989 to 1 July 1990 (Joint Communiqué signed on 10 June 1990), restoration of democracy on the day of 8 April 1990 and the late King's proposal to have declared as the "Zone of Peace." And this Peace Zone declaration remained valid till the last day of the Panchayat regime. Nepal had proposed it during the coronation of late King Birendra on 25 February 1975. The Zone of Peace proposal had been supported and endorsed by 116 countries of the world except India, our southern neighbour. In the context of such incidents and happenings, nobody had time to care for the borderline of our nation, even if it is broken, disconnected and disputed by our neighbour.

There are also some other accidents and incidents for the last twenty years relating to the ongoing southern border business. Political leaders would love to utter that "billions of cusec water from Mechi and Mahakali have flown down to India, but the government is not able to utilize it for the benefit of the common people." The underlying motto of their statement is to bring down the authorities and replace them on their seats. But who cares how many places and strategic points of our nation have been encroached upon?

Mahakali treaty without determining the source of river Mahakali

At one time, the head of the government was in so much hurry to sign the Treaty of Integrated Development of the Mahakali River on 12 February 1996 stating "Mahakali river is a boundary river on major stretches

between the two countries". But it totally ignored the Article 5 of the Treaty of Sugauli- 4 March 1816, as it says": The Rajah of Nipal renounces for himself, his heirs, and successors, all claims to or connection with the countries lying to the west of the River Kali." The most important thing before signing the Mahakali Treaty was to identify and determine the origin of the river Mahakali. It is mentioned in the Mahakali Treaty that the Detailed Project Report (DPR) of Pancheswor Integrated Project will be formulated within a period of six months of the signing of the treaty. But six years have elapsed and the DPR is not yet framed. It is due to the controversy in determining the origination of river Kali, whether it is originated from Limpiyadhura or Lipulek Pass or an artificial pond! But the Nepalese authorities don't spare their time to verify the historic documents and then original maps that 372 square kilometer of the national soil has been on the encroachment by our close neighbour.

Exchange of goodwill visits

During this period, so many friendly, official and state visits have taken place by the authorities of both countries since the formation of Nepal-India Joint Technical Level Boundary Committee. But the main crux of the border problem is as motionless as it was twenty years ago. If we mention some of the state visits of the higher authorities of the two nations, the then Prime Minister of India IK Gujaral visited Kathmandu on 9 June 1997 and our former Prime Minister Girija Prasad Koirala visited India from 31 July to 6 August 2000. Indian President KR Narayanan also visited Kathmandu on 30 May '98 and our late King Birendra Bir Bikram Shah Dev visited India several times also on the occasion of Republic Day of India in 2000. Foreign Ministers of both nations have exchanged visits so many times and noteworthy is the last visit of Indian Foreign Minister Jaswant Singh to Nepal. He talked to the media on 12 September '99 that an instruction had been issued to the working group of Nepal-India Technical Level Boundary Committee to complete the work efficiently, scrutinizing the facts of the western sector including Kalapani area.

Controversial statements

The then Ambassador of India to Nepal KV Rajan made several statements and press releases on the matter of Kalapani issue. He said, according to all records available with the government of India, Kalapani has been on the Indian side of the border since 19th century (3 June 98). He also stated in a press release that there is an old and complicated historical

background to the boundary between the two countries dating back to the 19th century. He further said, the reference to the historical background of the boundary in the Kalapani area, as is available with the government of India, was made in the context of the unfair insinuation that India is knowingly in occupation of the territory at Kalapani (7 June '98).

However, Mr. Rajan made another statement that he did not say Kalapani is a part of India. On the country he said that India would leave the area of Kalapani then and there, if Nepal could produce authoritative documents (10 June '98). In a talk program at Reporters Club (2 August '99), he said that India had inherited certain territories from British India and they had not since then altered the boundaries. He further said that, India hadn't done anything wrong on the Kalapani issue and wishes to hold discussions in a friendly atmosphere to resolve the issue through mutual understanding of both the countries. He also warned that it would be better, if both Nepal and India suspended their judgments and individual stance on the issue, since a joint border technical committee was still examining historical documents relating to the territorial dispute of the strip of tri-junction in the far-west district of Darchula.

The Nepalese people in general think that these are controversial statements of the Ambassador of India about Nepal. At the same time, with reference to the inconsistent statement of honourable Ambassador, elites were of the opinion that there must have been underlying fact that not only Kalapani but also further west, up to Limpiyadhura belongs to Nepal.

It may be relevant to mention the statements of some of the Nepalese authorities as well. Prime Minister Sher Bahadur Deuba told in the parliament (6 March '97) that Indian army would go back from Kalapani after the demarcation of that area. The then Prime Minister Girija Prasad Koirala had claimed that Kalapani was within the territory of Nepal as depicted on the maps of 1850 and 1856, published by Survey of India. He also said " we feel that the disputed area of Kalapani is ours, the dispute needs to be resolved by carrying out a comprehensive study of all the historical documents and proofs. If the study and facts show that the territory belongs to Nepal, then India must pull out of Kalapani (9 June'98). This is regarded as a counter to former Prime Minister of India, IK Gujral when he said "demarcation work is going on by the technicians of both the countries. If the demarcation report indicates the land of Kalapani as Nepalese territory, we will pull out from there instantly (2 March'97).

Furthermore, the then PM GP Koirala had conveyed to the Indian Prime Minister Atal Behari Vajpayee that there are historical maps and documents which depict that Kalapani belongs to Nepal (Colombo, 28 July '98). Koirala further told the Nepalese pressmen: "I cannot say, it was the positive achievement but I am sure that Vajpayee understood well what I wanted to tell him concerning the border problem." Similarly, former PM Krishna Prasad Bhattarai as head of government said "Kalapani is a part of the Nepalese territory, Kalapani is ours according to the maps of that area" (23 July '99).

These statements and counter statements have been publicized, but nothing has been done in the field of demarcation of Kalapani-Limpiadhura area. This is to be noted that Nepal-India border working group is not yet able to decide the working map of Kalapani area. As there is a controversy, whether joint survey team should take up the maps of 1850 and 1856 as basic materials as proposed by Nepal or maps prepared during 1879 and 1928-29 as encountered by India. This is the pending issue of the working group since 23 July '98. This issue was forwarded by the joint working group to the higher authorities up to the ministerial level. But the then Foreign Minister Dr. Mahat, just after seeing off his Indian Counterpart, briefed to the pressman that Nepal and India has agreed to solve the border problem including Kalapani through an expert committee within a limited time frame (12 Sept '99).

Since then so many other incidents have taken place in the country. The Indian airplane which took-off from Kathmandu on 24 December '99 was hijacked and it ultimately landed and was stranded for complete one week at Kandahar, Afganistan. At that time Indian Foreign Minister Jaswnant Singh blamed one of the Nepalese passengers on board, Gajendra Tamrakar as a hijacker. But it was proved after the release of the passengers that the Indian statement was false.

In the context of this incident, who has the time to think whether the open border system should continue or should be closed or it should be controlled border system on the complete borderline between the two countries? However, Indira Gandhi International Airport and Tribhuvan International Airport have been converted into controlled border points for the nationals of both the countries, after the hijacking incident. But the authorities have not focussed their eyes on the land-border area, on which India is blaming Nepal that ISI agents have been infiltrated into Nepalese territory. To remove this blame, Nepalese people are eager to

know whether two governments will be agreed to implement the controlled border system for the whole of the India-Nepal borderline.

Border issues on shade

It may be a fact that we Nepalese do not have time to talk to India. We forget our national issues like border problems during the mourning period. During the assassination of the royal families including our beloved King Birendra and Queen Aishwarya, the whole nation was in sorrowful mood. In other side of the coin, during the preparation of happy SAARC summit, officials would have no time to remember how the Nepalese territory had been encroached upon by one of our neighbours. But the people are aware that there are dialogues, disputes and encroachment in 54 places along Nepal-India borderline, having its area from small patch of land to a large chunk of 372 square km. Some of the examples are Kalapani-Limpiyadhura, Susta, Mechi, Thori, Tanakpur, Pashupatinagar, Sandakpur, Lalapatti, Timbapokhari etc.

In the same way, who cares for border issues during the fighting with arms between Nepalese Policemen and Nepalese Maoists? They don't have time to think about their encroached frontier during the confrontation. Both groups have been engaged in killing and firing each other ignoring that the innocent men and women including children have been killed. But the Indian Foreign Minister dubbed the Nepalese Maoists as terrorist and planned to deploy the Indian army on the Indian frontier. Very recently the central government of India deployed 10,000 Secret Service Bureau (SSB) army men along the whole Indo-Nepal borderline of 1,808-line kilometer in length. There are five army men deployed in each and every kilometer of borderline. Certainly they will protect the Indo-Nepal borderline. But there is a question, whom shall protect Nepal-India border, though Indo-Nepal and Nepal-India border is a common line to each other. We Nepalese do not have the time to plan, formulate, implement and talk to the Indian counterpart concerning the unilateral deployment of Indian SSB army men.

Difficult question to answer

Whatever may be the issues, incidents and happenings during the last twenty years, Nepalese people are curious, to know at what date Nepal-India border demarcation will be completed. In other words, is the twenty years period a long one or a short duration in the context of the demarcation of the two borders? The answer may be easy as well as difficult.

It is a difficult question to answer, if we look at the border issues of neighbours of India, other than Nepal. Indo-China boundary talks have not made any progress since the border war of 1962, though there have been eleven rounds of unsettled talks to form the joint boundary committee. Regarding Indo-Pakistan border, more than thirty-two thousand people have been killed during the dispute over the line of control, since the war of 1971. In the same way, Bangladesh, the fourth neighbour of India, has disputes over more than 150 corner points and curved segments of the borderline line and 6.5 km of the boundary line is yet to be demarcated. As a result, three Bangladeshi border security force (BSF) and sixteen Indian BSF army men were killed on 18 April 2001 during the confrontation between two forces in the frontier area. Next, India-Myanmar borderline is not yet fully demarcated in the mountainous and forest areas.

So far as the easy answer is concerned, Nepal and China have completed their boundary business on 20 January 1963, less than three years period, starting from boundary agreement to demarcation and signing on the boundary protocol. In this context, Nepal-India boundary demarcation is too long for Nepal. However, it may not be too long for India in the perspective of her neighbours. Our political leaders and authorities are too busy to solve their internal and intra-party problems. Government officials are engaged in carrying out the ministerial instructions. The only thing is that the common Nepalese people have to become more active and build up pressure on the government. Government authorities and officials are the machinery who have to play the role to execute it for the preservation and protection of the boundary of the nation.

(Space Time Today Daily, 20 and 21 November 2001)

Nepal-China Border Demarcation : Token of Friendship

Background:

Nepal and China have a common border of 1,414.88 kilometers presently. It runs west to east from Zaskar range passing through various ranges such as Gurans Himal, Byasrishi, Nalakankar, Chandi, Gorakh, Kanti, Gautam, Mustang, Peri, Langtang, Phurbichyachu. Rolwaling, Mahalangur, Chamlan, Umbak and Janak Himal ranges. Boundary business between two countries starting from the boundary

delimitation agreement to boundary treaty, demarcation of pillars, preparation of strip-maps and signing on the boundary protocol have been completed within a short span of time. Timely and successfully completed Sino-Nepal boundary business is considered as the symbol of friendship in the history of Nepal.

Nepal and the Tibetan region of China are neighbours since time immemorial. If we look back on the history, Nepal's contact with Tibet proper began in the seventh century. Economic, social and cultural contacts started from that period, though there were some hostilities between Nepal and Tibet. Some of these cases were below standard of the Nepalese coins circulated in Tibetan markets, dissatisfaction at Nepal's trade interest in Tibet, ill-treatment to the Nepalese traders stationed at Lhasa, adulterated salt exported to Nepal by Tibet etc.

Historic border treaties:

In the past history of some centuries, there were some confrontations between two countries especially in the economic and trade affairs. In this context, there were border conflicts in some trade and transit points. But agreement and treaties were made from time to time to settle those conflicts amicably. As a result, Khasa Treaty (September 1775) was signed to maintain the borderline in its previous position. Kerung Treaty (2 June 1789) was signed to bring Nepal back from the invaded Tibetan land to its former borderline, Treaty of Betrawoti (5 October 1792) was designed to prevent an unprovoked dispute with the intention of possessing the territories of the other, and Treaty of Thapathali (24 March 1856) aimed at restoring Taglakhar, Chewur Gumba, Kerong, Jhunga, Kuti and Dhakling by Tibet and to withdraw all the Nepalese troops that may be on this side of the Bhairab Langur range.

After the Treaty of Thapathali also named as Nepal-Tibet Treaty of Peace-1856, Nepal had no conflicts and disputes with Tibet. Since then, customary borderline was maintained and economic, social and cultural relations were developed smoothly. China always wished to see Nepal as a prosperous neighbour and a friendly nation. As a consequence, diplomatic relations between Nepal and China were established in 1955 and there was also an agreement on trade and cross-border transit in 1956. Sino-Nepalese Treaty of Peace and Friendship was signed on 28 April 1960 to promote friendship on the basis of Panchasheel and Nepal treated the Tibetan affair as an internal matter of China and has consistently supported one China policy.

Developing border agreement and treaty:

To develop relations and friendship furthermore between the two countries, Sino-Nepal Boundary Agreement (21 March 1960) was signed by two Prime-Ministers, Bisheshwor Prasad Koirala and Chou En-Lai. The main objective of this agreement was to respect the existing traditional customary boundary line and to delineate and demarcate it scientifically. As a result of this agreement, Boundary Treaty (5 October 1961) was made between two nations and it was signed by two heads of the state His Majesty the King of Nepal Mahendra Bir Bikram Shah Dev and Chairman of the People's Republic of China Liu Shao-Chi. It was regarded as a boundary of peace and friendship towards strengthening peace in Asia and the world.

Boundary delimitation:

The mandate of the treaty was to conduct necessary on the spot investigations and surveys and certain adjustments were made in accordance with the principles of equality, mutual benefit, friendship and mutual accommodation. Three sessions of the Joint Boundary Committee were held in Beijing and Kathmandu to delineate the boundary in detail from one point to the other in various sectors and segments of the boundary line, before formally signing on the treaty.

In order to execute the treaty, boundary delineation was made on the basis of existing traditional customary line with the technical principles of determining the water-parting line to connect snow-capped high altitude mountain peaks, passing and crossing through mountain passes and spurs, saddles and cols, rivers and rivulets, pastureland and river basin or valleys. The most important aspect adopted was to maintain certain adjustments in accordance with the principles of mutual accommodation on trans-frontier cultivation of lands and trans-frontier pasturing by the inhabitants of certain border areas. After the transfer of the areas to the other party, they were definitely considered citizens of the country to which the area belonged. Any inhabitants of these areas who do not wish to become citizens of the country to which the area belongs may retain their previous nationality by making declaration to that effect within one year of the enforcement of the agreement. Concrete rules were laid down regarding choice of nationality, the legitimate rights of those who decide to retain their previous nationality and protection and disposal of their property.

After the signing ceremony of the Boundary Treaty, the People's Daily (Peking 13 October 1961) in its editorial described it as an warmth of the Chinese people towards the Nepalese to celebrate the birth of this

boundary of peace and friendship between China and Nepal. Sincere gratitude was expressed to the Nepalese friends who have contributed to the creation of this boundary for the sake of the future generation of the Chinese and Nepalese people.

Boundary demarcation:

To implement the boundary treaty, the most important work was to demarcate the boundary line, to establish and construct the main boundary pillars and markers and also the erection of reference pillars physically on both sides of the frontier. During the demarcation, boundary delineation was followed as mentioned in the treaty of 5 October 1961. However, some adjustments were made through friendly consultation in such sectors where the boundary lines as shown in the maps of the two sides did not coincide and where divergence occurred as to the appraisal of the conditions under which jurisdiction was actually exercised.

In the context of the boundary demarcation, some of the maps produced by both sides did not coincide in 35 places on the Sino-Nepal borderline. But it was settled forever in accordance with the principles of equality, mutual benefit, friendship and mutual accommodation. Besides, it was adopted by both the parties; the Five Principles of Peaceful Co-existence and in a spirit of fairness, reasonableness, mutual understanding and most importantly respecting each other as Nepal and China have equal rights and status in the international arena.

Settlement of the tallest peak

In connection with the boundary delineation, China had claimed that Sagarmatha (Chomolungma) belonged to her, while Prime-Minister B.P. Koirala visited Beijing on 21 March 1960. But Koirala refused to entertain the claim. During the discussion, Chinese side mentioned that Everest is the British name and Chomolungma is the Tibetan name since long. These names are written on the maps published by the respective countries. But there is no word for it in the Nepalese language. In reply, Nepal side responded that Sagarmatha is its Nepalese name. But the Chinese thought it was recently named. In counter response, Nepal briefed that the emerald Nepalese historian Babu Ram Acharya named it colloquially as Sagarmatha in 1938 after research and investigation, though we have not yet published the map with our own language and script. Eventually, China was not satisfied completely with all these answers and proposed to rename the mountain as "Friendship Peak." But Nepal did not agree on it. Finally it was agreed to name it as Sagarmatha in Nepal and Chomolungma in China after the cordial discussions.

Regarding the question of Sagarmatha, two parties exchanged the maps. The delineation on the maps of the two countries was different. The Chinese maps which were drawn on the basis of Chinese historical situation show the mountain within Chinese territory, while the Nepalese maps drawn on its historical facts show the mountain on the boundary line between the two countries. Finally the Chinese side agreed to follow the Nepalese delineation, which shows the mountain on the boundary line, with the northern half belonging to China and the southern half belonging to Nepal, respecting the water-parting line.

As a result, the dispute of Sagarmatha was settled while the visiting Prime Minister Chou En-Lai made a statement in Kathmandu that "Sagarmatha belongs to Nepal." This statement was made in a press conference at Singha Darbar Gallery Hall on 28 April 1960 at 10.30 P.M. And it proved as an outcome of the principles of mutual accommodation and real friendship with mutual understanding of the degree of sensitivity and gravity of the problems.

There may be an underlying curiosity as to how Sagarmatha belongs to Nepal and why the world has recognized that Sagarmatha lies in Nepal, whereas the northern half of the mountain belongs to China! The simple answer is that the northern face of Sagarmatha on the Chinese frontier has very steep slope and it is very difficult for the mountaineer to stand on the border ridge, whereas the southern face into the Nepalese frontier has less steep. The most important geographical fact is that there is a small sloping terrace having 6 by 7 feet on the Nepalese side just south of the water-parting borderline and this is the highest portion of the mountain. Those who ascend the top of Sagarmatha also from the northern (Chinese frontier) route, must step on to the Nepalese sloping terraced area to conquer the summit of Sagarmatha. Until and unless the expeditioners climbing from northern face step on to the Nepalese side i.e. the highest part, they are not regarded as the conqueror of Sagarmatha. To mount the victory flag on the summit and even to put off the expeditioner's bag and to take the pictures as the conqueror, the mountaineers must have to step into the Nepalese frontier. With all these facts, Sagarmatha belongs to Nepal and is recognized as such by the world.

Nepal-India-China tri-junction points, yet to be fixed:

Whatever the claims and counter claims made during the boundary demarcation by both sides, all these disputes and dialogues were settled in a peaceful and friendly manner and all the boundary businesses were completed successfully within a period of less than three years. The total

length of the boundary line demarcated so far is 1,414.88 km and the main boundary pillars/markers erected along the boundary line are numbered as 1 to 79 in serial order from west to east, with so many reference pillars on both sides. But the tri-junction points (zero serial numbers) on both the western and eastern ends of the borderline have not yet been fixed, where Nepalese, Chinese and Indian territories meet. This is due to the fact that the Indian representative was not present during boundary demarcation, though Nepal had intimated and invited India formally. But there was no response from India, as it is reported.

Regarding the tri-junction of the western end, Chinese Ambassador to Nepal Zeng Xu Yong told in a program organized by the Reporter's Club that Lipulek was regarded as the tri-junction boundary point among Nepal, India and China by which Kalapani lies in the Nepalese territory as the boundary agreement between Nepal and China was signed three and a half decades ago. However, old documents were ignored at that time which depict the Nepalese border up to Limpiyadhura, the origin of the river Mahakali (Kantipur Daily, 3 September 1999). With all these facts, it is sure that the length of Nepal-China borderline will be further extended and its final total length will be near about 1,464 km, after the finalization of the tri-junction points at Limpiyadhura and Jhinsang Peak. But nobody knows even the approximate period of the finalization of these triple-points, because it needs the consent of India, as an inevitable fact.

Boundary protocols:

After the completion of the joint boundary demarcation physically on the ground, Boundary Protocol was signed on 20 January 1963 by Chinese Vice-Premier and Foreign Minister Chen Yi and Vice-Chairman of the Nepalese Council of Ministers and Foreign Minister Dr. Tulasi Giri. After the lapse of fifteen years, joint inspection of the boundary line was made on the repair, maintenance and construction of the damaged pillars. In the same way Second Boundary Protocol was signed on 20 November 1979 by the Nepalese Foreign Minister K.B. Shahi and the Chinese Foreign Affairs Minister Huang Hua. Next, Third Protocol was signed on 6 December 1988 by the respective Foreign Ministers, Shailendra Kumar Upadhyaya from Nepal and Qian Qichen from Chinese side to renew the last protocol, after the completion of the joint inspection and maintenance of the borderline. These are the images of true friendship between Nepal and China.

Concluding remarks:

Now it is high time to make the fourth protocol, because twelve years have elapsed since the third protocol was signed. Some of the main boundary pillars might have been damaged and disappeared and same is

the case with reference pillars or markers due to landslide, flood and snow. So it is necessary to formulate a joint inspection committee to erect the missing pillars and repair the damaged ones. Nepal-China friendship will be further consolidated as good neighbour with the inspection and maintenance of Nepal-China borderline at an interval of a decade. This is the common interest of both the nations. Next, it is expected that Nepal will undertake positively to open two more trade routes at Kimathanka (Dingri) and Mustang (Liji) in the very near future as already agreed by both nations. It will help to promote not only the trade and economic activities but also to strengthen furthermore the cordial friendship between the people of Nepal and China.

FRIENDSHIP,
(A bi-Annual Journal on China Studies, Vol. 2, Nr. 1, November 2001)



Chapter - VI : Miscellaneous

Who Said What about the Open Border?

1. The regulation of open border may not be that easy due to the close cultural and family ties across the border, yet if we all Nepalese can demonstrate strong will and our friendly relations with India continues to improve, it would not be that impossible, too.

His Majesty the King Gyanendra Bir Bikram Shah Dev
(Naya Sadak Daily, 10 December 2001)

2. Both Nepal and India have agreed to exchange information to check activities of violence and terror by groups abusing the long porous border.

Lokendra Bahadur Chand, Prime Minister
(Kathmandu Post Daily, 23 December 2002)

3. The prevalent open border regime between Nepal and India and the loose implementation of extradition treaty has facilitated easy traffic for the people associated with terrorist activities. India has expressed its firm commitment that under no circumstances India would allow anybody to use Indian territory against Nepal.

Sher Bahadur Deuba, Prime Minister
(Kantipur Daily, 26 March 2002)

4. India has assured us that she would assist us in checking the entry of terrorists into Nepal, tightening the loopholes of porous border that enable them to enter India through third country and stopping transportation of explosives, arms and ammunition.

Sher Bahadur Deuba, Prime Minister
(Kantipur Daily, 23 March 2002)

5. It is due to the influence of open border that the politics within and outside parliament is assuming *Bihari* characteristics. Open border is also facilitating smuggling and traffic of undesirable elements.

Girija Prasad Koirala, Former Prime Minister
(*Kantipur Daily*, 16 August 2000)

6. There are no fences in Nepal-India border, neither is there a psychological feeling of border among the people crossing the border. Accordingly, the border should be controlled and regulated. People crossing the border should feel that they are entering into a different country.

Madhav Kumar Nepal, Former Foreign Minister and
Leader of the Opposition in Parliament
(*Kantipur Daily*, 7 November 1999)

7. It is necessary to regulate the border on scientific basis. Regulation of the border is a must because open border has become a constant irritant in Nepal-India relations.

Dr. Bhesh Bahadur Thapa,
Royal Nepalese Ambassador to India
(*Kantipur Daily* 16 October 2001),

8. To prevent the abuse of open border by miscreants, regulation of border is the most outstanding issue. Open border should not be abused and to that effect, monitoring is essential.

K.V. Rajan, Indian Ambassador to Nepal
(*Gorakhapatra Daily*, 13 June 2000)

9. Effective from 1 October 2000, the people travelling India and Nepal through the air will be required to produce some identification document. It has been agreed to regulate the border areas for controlling criminal activities along the border and for checking the abuse of open border by criminal elements against either of the countries.

Kamal Pandey, Indian Home Secretary
(*Gorakhapatra Daily*, 8 July 2000)

10. At present, Nepal-India border is open. Time and again it is learnt from both sides that smugglers, drug peddlers, criminals and other undesirable elements are misusing the open border. The closure of the border also would cause inconveniences. Therefore, regulated border is the need of the day.

Hiranya Lal Shrestha,
Former MP and Foreign Affairs Expert
(*Nav Awaz Weekly*, 3 October 1999)

11. The Nepalese are experiencing more negative than positive effects on account of open border with India. As the porous border is associated with the problems like theft, armed robbery, counterfeit money, trafficking of women, kidnapping, drug peddling and smuggling of forest products, there is an urgent need to regulate the border and keep the record of passers by.

Jhahnath Khanal, Former Minister
(*Nepal Samacharpatra Daily*, 26 July 2001)

12. The issue of border regulation has not progressed beyond rumors; if we could, at least, maintain the record of the people crossing the border that would be a good step forward.

Dr. Dilli Raman Regmi, Senior Politician
(*Sapcetime Daily*, 27 July 2001)

13. India should not have taken decision against the feeling of Nepalese people. The problem of Kalapani can result in misuse of open border.

Sanjay Nirupam, Indian State Assembly Member
(*Gorakhapatra Daily*, 3 July 1999)

14. As currently India has also accorded priority to the issue of open border management, the government should seriously concentrate on developing appropriate proposals based on on-site studies of the border areas.

Parshuram Meghi Gurung, MP-House of Representatives
(*Kantipur Daily*, 23 May 2002)

15. Mainly the Indian merchants and investors, against the interests of Nepalese economy, are engaged in the economic abuse of open border.

Madan Mani Dixit, Former Chancellor,
Royal Nepal Academy
(*Himalaya Times Daily*, 17 February 2000)

16. The process of keeping the record of individuals crossing the border between the two countries (Nepal and India) should move forward.

Dr. Mohan Man Sainju, Former Vice-Chairman,
National Planning Commission,
(*Nepal Samacharpatra Daily*, 26 July 2001)

17. Five years ago, during my tenure as Foreign Minister, it was agreed between the foreign ministers of the two countries to regulate the border; it is our weakness that we have failed to follow it up.

Dr. Prakash Chandra Lohani, Former Foreign Minister,
(Nepal Samacharpatra Daily, 26 July 2001)

18. By holding consultations with intelligentsia and building opinion on Nepal-India border issue, we should facilitate the government to move ahead.

Dr. Mohan Prasad Lohani, Former Ambassador,
(Nepal Samacharpatra Daily, 26 July 2001)

19. Open border between Nepal and India poses several challenges. Due to the domineering attitudes and manners of the Indian government employees the situation is that whenever there is a problem it is India, which wins at the case of Nepal. Indians should be issued work permit in Nepal and border should be regulated.

Dr. Vidya Bir Singh Kansakar,
Head of Department of Geography (Tribhuvan University)
(Nepal Samacharpatra Daily, 26 July 2001)

20. On account of open border, it has not been possible to establish the actual number of Nepalese going to India and Indians coming to Nepal. As per experts' opinion we would inform the government that to eliminate negative currents in bilateral ties between the two countries open border should be regulated and we expect the government to initiate the process accordingly.

Man Mohan Bhattarai, Nepali Congress Youth Leader,
(Nepal Samacharpatra Daily, 26 July 2001)

21. Appropriate time has come to propose to India for the regulation of open border.

Hiranya Lal Shrestha, Former Parliamentarian
and Foreign Affairs Expert
(Kantipur Daily, 23 May 2002)

22. Crimes are increasing in Parsa district due to the open border. The border should be regulated and work permit should be issued (for Indians) working in industrial sector.

Ram Chandra Kushbaha, Former Parliamentarian
(Kantipur Daily, 25 December 2000)

23. The border should be regulated gradually by requiring the visitors to produce identification documents to begin with.

Prof. Dr. Kulanand Lal Das, (Birgunj)
(Kantipur Daily, 25 December 2000)

24. The remedy for the problem of border management is to control the open crossings (entry and exit) of the border.

Bhairab Risal, Senior Journalist
(Kantipur Daily, 15 February 2000)

25. As Nepal and India have a common border, both countries should resolve their bilateral problems peacefully through appreciating each other's problems.

Dr. Lok Raj Baral, Former Ambassador
(Gorakhapatra Daily, 17 August 2001)

26. Because of the open border and provision for the nationals of Nepal and India to move across the border without passports, it is possible for the criminals from both countries to abuse open border. Even the non-Indian criminals taking advantage of identical appearances, language and attire can abuse it.

Report of the Committee on IC-814 Hijacking Incident
(24 January 2000)

27. The Nepalese side should put pressure on the Indians to come up with certain time-bound solutions for the border and other issues.

(Editorial in Kantipur Daily, 11 September 2001)

28. The open border between Nepal and India has entailed more costs to both countries than the benefits in the last few years. The regulation of the open border would resolve these problems. As it is well said "something is better than nothing", until some lasting measures are in place, it would be better to introduce the practice of recording people's movement across the border and issuing some entry slip.

(Editorial in Samacharpatra Daily, 28 July 2001)

29. By realizing the need to regulate the border, Nepal and India had agreed to proceed ahead. A committee was formed but it has remained inert.

Dr. Prakash Chandra Lohani, Former Foreign Minister
(Kantipur Daily, 7 November 1999)

30. By regulating the borders, records pertaining to individual visitor, purpose of visit and expected duration of stay in the country should be maintained at check posts in the international border.

Hiranya Lal Shrestha, Foreign Affairs Expert
(*"Sima Byabasthapan ko Sawal"*,
Nepal Samacharpatra Daily, 5 February 2001)

31. The Indian government has started to deploy its Border Security Force (SSB) along the borderline apparently to curb the criminal activities being carried out in the area by taking advantage of open border.

Sobhakant Regmi, Rajdhani Daily Correspondent
(*Rajdhani Daily*, 5 May 2001)

32. All unequal treaties between India and Nepal including the 1950 treaty and Mahakali integrated treaty should be terminated. Indian army should be withdrawn from Kalapani area and border intrusion must be checked. The open border between Nepal and India should be regulated and managed. The system of work permit should be introduced.

The Second Round of Government-Maoist Talks,
(*Kantipur Daily*, 15 September 2001)

33. According to highly placed sources, the Commander-in-Chiefs of both countries (Nepal and India), during their discussions, agreed to establish some intelligence mechanism in view of unfeasibility to regulate the open border in the short term. The discussions also covered to stop hostile activities being carried out against each other from the territories of the respective countries by taking advantage of the open border.

(**Kantipur Daily**, 17 May 2002)

34. The officials participating in the third meeting of Nepal-India joint border management team expressed their commitment not to allow the citizen of a third country or anybody else to misuse open border between the two countries.

(**Samacharpatra Daily**, 5 February 2000)

35. The inter-border movement of people between India and Nepal should be allowed only through certain designated entry points along the border on the basis of mutual consultations. The

movement of people from others than those designated points should be considered illegal. The system of passport should be introduced for the people crossing Nepal-India border.

A Report on the Internal and International Migration in Nepal 1983
(Coordinated by Dr Harka Gurung),
(National Population Commission, pp. 279-80)

36. The uniform of Royal Nepalese Army is very much similar to that of Indian army. In view of open border, it is the considered opinion of security experts that the army uniforms of the two countries should not look alike.

(*Kantipur Daily*, 1 September 2002)

37. It is evident that the end of existing open border regime and shift to regulated border regime is in the interests of both countries, Nepal and India.

Dr. Shastra Dutta Pant, Development Administration Expert
(*Border Issue*, South Asia Study Center, 1999)

38. The only way to solution is to demarcate the border by erecting a straight wall along the borderline in the presence of commissioners from both countries. In the current situation, there is an urgent need to regulate the border. This is the way to the solution of the problem and it is in the interest of both countries.

Chetendra Jung Himali, Historian
(*Sagarmatha Daily*, 30 July 1996)

39. Although there are 27 customs offices established along our border with India, the inter-border movement of people goes unhindered. This is a unique international border in that sense no record is maintained about the number of foreigners and nationals moving across the border.

Dr. Harka Gurung, Planner and Former Minister
Working Paper presented at Tanka Prasad Acharya Memorial Academy,
29 January 2001

40. It has been agreed to intensify surveillance along 1,800 km long open border between Nepal and India. 'It is essential for both the countries to exchange information on any suspicious activities going on.'

Yashwant Singha, Indian Foreign Minister
(*Kantipur Daily*, 25 August 2002)

41. Everybody can come to Nepal from India without any restriction due to open order. Therefore the health team of this side of the border will feed the polio drops to the inhabitants of the Indian side as well.

Dr. Braja Kishore Thakur, District Health Chief, Sunsari
(Kantipur Daily, 30 September 2002)

42. Meetings of Joint committee of both Nepalese and Indian security organizations are being held regularly with a view to prevent the misuse of the open border by criminal elements. Both sides have agreed to evaluate the criminal activities.

Bimal Prasad Dhakal, CDO, Mahottari
(Kantipur Daily, 5 October 2002)

43. The open border with India has created many seen and unseen problems. It has only encouraged the terrorists to spread terrorism. National security is related not only to the individual but is also related to freedom, nationality, honour, development, and integrity of the nation.

Taranath Ranabhat, Speaker- House of Representatives
(Rising Nepal Daily, 14 September 2002)

44. If the tasks of the Nepal-India joint committee formed in 1997 to review the border disputes were followed up, the problems caused by open border would be easily minimized.

Dr. Prakash Chandra Lohani, Former Foreign Minister
(Kathmandu Post Daily, 14 September 2002)

45. Why has no concrete work been done so far regarding regulation of Nepal-India border even though Nepal and India had issued two joint press communiqués on the matter during the visits of Nepal's two prime ministers to India? Nepal should raise the issue at the political level.

Shailendra Kumar Upadhyaya, Former Foreign Minister
(Space Time Today Daily, 14 September 2002)

46. Nepal does not have will power and knowledge to regulate the border. Border security has great importance while we talk about the national security.

Bharat Keshar Simha, Honorary ADC and former General,
Royal Nepalese Army HQ
(Himalayan Times Daily, 14 September 2002)

47. We should be serious about border management for national security.

Home Nath Dahal, Former MP, House of Representatives
(*Himalayan Times Daily*, 14 September 2002)

48. The porous Nepal-India border has to be regulated, which is necessary but we are already having very close co-operation with the Indian army. We have increased vigilance in the bordering areas from both sides (Nepal and India), and we already have revenue-patrolling teams of the RNA already deployed along the border. This is the first step towards regulating the border.

Deepak Gurung, Colonel, Spokesperson- Royal Nepal Army
(*Kathmandu Post Daily*, 1 November 2002)

49. There is an open border between Nepal and India and it is difficult to monitor and regulate movement by insurgents across the open border between Nepal and India and that on the Indian side "additional security personnel have been deployed to improve our ability to intercept any hostile elements from crossing the border either for sanctuary or for indulging in activities inimical to the interest of both our countries."

Indian Embassy, Kathmandu
(*Press Release*, 25 November 2002)

50. Maoist leaders and workers have lived in India and they might have crossed the border to and fro having benefited from the long open border.

Shyam Saran, Indian Ambassador to Nepal
(*Kantipur Daily*, 21 December 2002)

51. There is a porous border with India. Nepal shares a 1,800 plus kilometer land border with India through which tens of thousands of people pass everyday from both sides. Maoist rebels are taking advantage of "openness" of this boundary and are forging alliances with extremist groups in India.

Michael Malinowski, American Ambassador to Nepal
(*Spotlight Weekly*, 29 November 2000)

52. What is specific, however, in this pact is the issue of an open border-open for free movement of people to each other's territories. "Granting privileges to those who are actually already inside the country cannot be taken to mean that entry itself is automatic or free."

Madan Regmi, Noted Analyst and
President, China Study Center
(*Spotlight Weekly*, 29 November 2000)

53. India's position on the open border issue continues to be ambivalent, if not outright contradictory. On the one hand, it says that the open border is being abused by elements hostile to India, and on the other hand it argues that it is not quite feasible to check the two-way flow of people across the Nepal-India border.

Dhruba Hari Adhikary, Eminent Journalist
(Spotlight Weekly, 29 November 2000)

54. If it is the 1950 treaty that is preventing India from agreeing to regulate the Nepal-India border, the two governments should immediately decide to get rid of this anachronistic document.

Uddhav Deo Bhatta, Seasoned Nepali Diplomat
(Spotlight Weekly, 29 November 2000)

55. It is an anomaly that Nepal has a passport system with China's Tibet, where only 6 million people live, but does not have even a record-keeping system for those entering Nepal from India.

Prakash A Raj, Research Scholar
(Spotlight Weekly, 29 November 2000)

56. A broad consensus in Nepal is for transformation of the open border into a "regulated" one- regulating the entry of Indian nationals. Of course, we should regulate the border; but must not seek to seal it or raise a Berlin-type of wall. Once the border is regulated, Indians would not be able to claim Nepali citizenship on the basis of false statements and forged documents.

Lalbabu Yadav, University Teacher, Rautahat
(Spotlight Weekly, 29 November 2000)

57. Nepal has long been a victim of unequal relations with India since the Sugauli Treaty of 1815-16, which will have to be sorted out in a friendly manner.

Dr. Baburam Bhattarai, General Secretary, CPN Maoist
(Space Time Today Daily, 15 December 2002)

58. Nepal has a long open border with India, which will have to face any bad consequences of Nepal's internal problems. From home guards to the supply of fresh army recruits to Indian Gurkha battalion and day-to-day border crossings, Nepal has complex relation with India.

Christina Rocca,
US Asst. Secretary of State for South Asia Affairs
(Spotlight Weekly, 20-26 December 2002)

59. As high mountains and deep passes provide a strong wall along Nepal's northern neighbor China, which has very little contact with larger Nepalese population, the Indian border is open and easy to cross as there are frequent contacts between the people of the two countries.

Christina Rocca,

US Asst. Secretary of State for South Asia Affairs
(Spotlight Weekly, 20-26 December 2002)

60. The open border between Nepal and India had made criminal elements to cross the border. There could be Maoists among the Nepalese crossing into India through the open international border. We also have reports of MCC and PWG cadres from India going to training camps in western mid-hills of Nepal.

Shyam Saran, Indian Ambassador to Nepal
(Kathmandu Post Daily, 21 December 2002)

61. India and Nepal share a 1,751 km long open border. I consider an asset, despite calls heard on both sides of this border that it needs to be closed or at least regulated.

Shyam Saran, Indian Ambassador to Nepal.
*(Paper presented during talk Programme organized by
Nepal Council of World Affairs, 10 January 2003)*

62. Nepal-India open border should be controlled and regulated. All kinds of encroachment and infiltration from across the border must step immediately.

24 Point Maoist Position Paper
(Released on 27 April 2003)

Who Said What on the Kalapani Border Issue?

1. Our discussion with India will cover all outstanding issues such as border issues including Kalapani and use of Indian territory by the terrorists against Nepal. While expediting the works related to the border, we shall emphasize the need to expand and expedite work even in areas where we differ conceptually such as Kalapani and similar other areas.

Sher Bahadur Deuba, Prime Minister
(Kantipur Daily, 20 March 2002)

2. During our discussions (with India), the 1950 treaty and outstanding border issues between the two countries including Kalapani will be on our priority agenda.

Sher Bahadur Deuba, Prime Minister
(Kantipur Daily, 21 March 2002)

3. This problem will be sorted out through dialogue with Indian government on the basis of our historical documents and conviction that Kalapani is a part of Nepalese territory.

Girija Prasad Koirala, Prime Minister
(Kantipur Daily, 10 July 1998)

4. We feel that the territory of disputed Kalapani is ours. This dispute should be resolved on the basis of all our historical documents. If the evidences prove that the territory belongs to us, India should move out from there.

Girija Prasad Koirala, Prime Minister
(Gorakhpatra Daily, 9 June 1998)

5. We talked to the Indian Prime minister about the historical maps and records providing evidence that Kalapani belongs to Nepal. I would not say that we made positive achievement on border issue but I would believe that Mr. Bajpayee understood fully what I wanted to tell him. (During Colombo meet).

Girija Prasad Koirala, Prime Minister
(Kantipur Daily, 30 July 1998)

6. As regards Kalapani, the technicians from both sides are engaged in the demarcation of border. If their reports conclude that the area belongs to Nepal, we will immediately withdraw from there.

I.K. Gujral, Indian Prime Minister
(Gorakhpatra Daily, 24 February 1997)

7. Nepal-India joint technical level boundary committee has been properly instructed to expedite the work of demarcation by investigating into the facts about all the territory in the western sector including Kalapani region.

Jaswant Singh, Indian Foreign Minister
(Kantipur Daily, 12 September 1999)

8. The border pillars will be kept intact. (During the Royal Address to the Joint Session of Parliament)

His Majesty the King Birendra Bir Bikram Shah Dev
(Gorakhpatra Daily, 1 July 1999)

9. We are two such countries where there are no walls and doors between us to fence (define) the border.

K.R. Narayanan, Indian President
(*Kantipur Daily*, 30 May 1998)

10. Kalapani is in Nepali territory and Kalapani is ours according to the map of that area.

Krishna Prasad Bhattarai, Prime Minister
(*Kantipur Daily*, 24 July 1999)

11. Based on all maps and documents since Sugauli Treaty of 1816, we are discussing to determine whether our western border ends at Lipulekh, Limpiyadhura or Kutiyangdi.

Dr. Ram Sharan Mahat, Foreign Minister
(*Samacharpatra Daily*, 27 July 1999)

12. Twenty five sq. km area of Kalapani sector of Nepal-India border has been claimed by Nepal. Nepal has made the claim due to some differences in our understanding of the borderline in the western sector of Indo-Nepalese border.

Basundhara Raje, Indian Minister of State for External Affairs
(*Kantipur Daily*, 17 July 1998)

13. Nobody informed me on the Kalapani issue. I learned it when the resolution was put in the parliament. I have already pledged that we would not give up an inch of Nepalese territory. Even now I reiterate it. I will firmly stand by it.

Sher Bahadur Deuba, Prime Minister
(*Kantipur Daily*, 25 September 1998)

14. It was very unfortunate that I could not learn about the presence of Indian army in the Kalapani area. I am ashamed of it. If I had that knowledge I would have ensured the withdrawal of Indian army as I had removed the Indian check posts from Nepalese frontier.

Kirtinidhi Bista, Former Prime Minister
(*Jana Ekta Weekly*, 6 July 1998)

15. During my tenure, India had made a proposal to China for the construction of a trade route linking Kalapani to China. However, India had to pull the proposal back as China explicitly conveyed to India that Kalapani area belongs to Nepal.

Marich Man Singh, Former Prime Minister
(*Pratipatra Weekly*, 2 July 1998)

16. By all evidences till this date, accessed by us so far, Kalapani belongs to Nepal. Our party strongly condemns the infringement of even an inch of our territory from any source.

Madhav Kumar Nepal, General Secretary,
Nepal Communist Party (UML)
(*Kantipur Daily*, 9 July 1998)

17. By this time there should not be any doubt that Limpiyadhura is the origin of Kali River and that Kutiyangdi itself is Kali River. This should be the conclusion of us all. If Limpiyadhura is the border, Indian army should go back from Kalapani area.

Bam Dev Gautam, General Secretary NCP (ML)
(*Samakalin Weekly*, 29 July 1999)

18. If we follow the norms of hydrology, the origin of Kali can be Limpiyadhura and not Lipulek as the river descending from Limpiyadhura is much longer and four times larger than the size of the one coming down from Lipulek. Also, its watershed catchment area is larger than that of Lipulek.

Kumar Gyawali, Foreign Secretary
(*Kantipur Daily*, 25 April 1997)

19. It is an 'established fact' that Kalapani belongs to Nepal and all old maps, which are in our possession, attest it.

Murari Raj Sharma, Foreign Secretary
(*Kantipur Daily*, 11 September 1999)

20. We are surprised by the barbed wire fences being erected in the Nepali territory of Kalapani and it has deeply hurt us.

Murari Raj Sharma, Foreign Secretary
(*Kantipur Daily*, 6 July 1998)

21. The origin of Kali River as determined by the Sugauli Treaty is Limpiyadhura. That alone can be the tri-junction of Nepal-India-China border and trading point, but not Lipulekh.

Dilendra Prasad Badu, Parliamentarian (Darchula) and
Minister of State for Education
(*Bimarsha Weekly*, 16 July 1999)

22. Both the then British India and Nepal government have accepted that Kalapani has remained an Indian territory since 19th century.

K.V. Rajan, Indian Ambassador to Nepal
(*Kantipur Daily*, 4 June 1998)

23. Kalapani is an old border with complicated historical background.
K.V. Rajan, Indian Ambassador to Nepal
(Kantipur Daily, 8 June 1998)
24. Ever since the days of Indian independence, there have been no alterations in Nepal-India border with ill thought. Kalapani has remained the part of Indian territory since British period.
K.V. Rajan, Indian Ambassador to Nepal
(Kantipur Daily, 3 August 1999)
25. The current border was inherited by India from the British-India government and no alterations have been made ever since.
K.V. Rajan, Indian Ambassador to Nepal
(Gorakhpatra Daily, 3 August 1999)
26. The border problem will take time to resolve. It has its own norms and principles. We should not question the reverence of each other.
K.V. Rajan, Indian Ambassador to Nepal
(Kantipur Daily, 20 November 1998)
27. I have never claimed that Kalapani is an Indian territory. Since the officials of both countries are studying and investigating the issue; protest, processions and anti-Indian sloganeering will benefit to no one.
K.V. Rajan, Indian Ambassador to Nepal
(Gorakhpatra Daily, 11 June 1998)
28. It is my request to all that it will be helpful to postpone our concept and judgment of right and wrong until the technical experts of both countries complete their work.
K.V. Rajan, Indian Ambassador to Nepal
(Nepal Jagaran, 9 August 1999)
29. I have never made any comments on whether Kalapani belongs to Nepal or India.
K.V. Rajan, Indian Ambassador to Nepal
(Gorakhpatra, 14 June 2000)
30. Three decades and a half ago, when Nepal and China signed border agreement, Lipulek pass was designated as the tri-juncture between Nepal, India and China, according to which Kalapani area belongs to Nepal. However, during the agreement, older facts and evidences that extended Nepalese border to Limpiyadhura, the origin of Mahakali River, were largely ignored.
Zeng Xu Yong, Chinese Ambassador to Nepal
(Kantipur Daily, 3 September 1999)

- 31 For the security of our borders, it is necessary that our border be demarcated scientifically, in the first place. Our legal entitlements should not be made a subject of controversy between the two countries.

Dr. Bhesh Bahadur Thapa, Nepalese Ambassador to India
(*Jana Astha Weekly*, 14 June 2000)

- 32 The South Block has rejected the proposal made by the Nepalese Ambassador to India, Dr. Bhesh Bahadur Thapa, to withdraw Indian army from the disputed areas until the issue of Kalapani is resolved.

(**Kantipur Daily**, 1 August 2000)

- 33 Why have we failed to keep Kalapani under our control? Why has the government failed and why is it keeping silent? It should speak out the truth.

Santosh Pant, Senior Artist
(*Prakash Weekly*, 8 June 1998)

- 34 What is the basis of Indian claims (in Kalapani)? It should not be taken that lightly. People across the professions should work together to diagnose the problem in an intellectual manner.

Neer Shah, Actor and Former General Manager
of Nepal Television
(*Prakash Weekly*, 8 June 1998)

- 35 Limpiyadhura is the place of origin of Mahakali River. The Nepali territory covering 388 sq. km has fallen prey to Indian aggression.

Chetendra Jung Himali, Historian
(*Samakalin Weekly*, 29 July 1999)

- 36 More than 25 years have passed since India began to occupy Kalapani. One wonders what the officials responsible to look after the border of the country were doing? Do they have a map of Nepal somewhere on the wall of their working room?

Dr. Surendra K.C., Historian, Tribhuvan University
(*Samakalin Weekly*, 9 July 1998)

- 37 His Majesty's Government should have taken initiative on a sensitive issue like border, but it seems to be doing nothing. We should make efforts to drive out Indian forces from the area (Kalapani) by the mobilization of people and through the diplomatic channel.

Padma Ratna Tuladhar, Former Minister and
Independent Leftist Leader
(*Samakalin Weekly*, 9 July 1998)

38 The issue of the presence of Indian army in Kalapani area should be sorted out through negotiation between both parties (Nepal and India). India should not take any decision against the feeling of Nepalese people.

Sanjay Nirupam, Member, Rajya Sabha, India
(*Gorakhapatra Daily*, 3 July 1999)

39 Indian troops should be withdrawn from Kalapani. If Nepal has been subjected to injustice in Kalapani, then India must immediately withdraw.

Anand Pathak, Former Member of Indian Lok Sabha
(*Dristi Weekly*, 17 August 1999)

40 I was the minister when the (Indian) military was deployed at Kalapani. King Mahendra unwillingly overlooked the issue then. "I have already angered India too much, India has become like a raging fire- now let it take the seat in Kalapani", the king told.

Rishikesh Shah, Former Foreign Minister
(*Jana Bhawana Weekly*, 8 June 1998)

41. It is simply a matter of nonsense of Rishikesh Shah's talk to assume that a nationalist like King Mahendra, who had made the courageous decision to drive away Indian check posts, could have given consent to India to deploy its troops at Kalapani.

Shailendra Kumar Upadhyay, Former Foreign Minister
(*Samakalin Weekly*, 3 September 1998)

42. We have been claiming that Kalapani is Nepalese territory. Even the maps produced by Indian side prove that Kalapani area belongs to Nepal. Since the Indian map itself has admitted this, why should there be any need to produce the other maps?

Punya Prasad Oli,
Former Director General, Department of Survey
(*Gorakha Weekly*, 23 June 1998)

43. People are talking about Kalapani dispute while I am saying it is undisputably Nepalese territory. It should have remained undisputed. The presence of army in Kalapani is aggression on the part of a close neighbor. Now the dispute has come up in establishing that aggression.

Bhairab Risal, Senior Journalist
(*Samakalin Weekly*, 2 July 1998)

44. In the area now occupied by India there were Garbyang, Gunji, and Nabi villages under Byas Garkha, until 1961. The Central Bureau of Statistics of His Majesty's Government had even conducted census in the area. If it were not Nepalese territory, would India have allowed us to undertake census? At that time I was the official responsible for conducting census in the region.

Bhairab Risal, Senior Journalist
(*Samakalin Weekly*, 9 July 1998)

45. Historical documents clearly spelled out that the areas east of Kali River (known as Kutiyangdi at the upper reaches) would lie within the territory of Nepal. Kalapani as such, topographically, is a part of Nepal, and the upper reaches lying east of the river Kali entirely belongs to Nepal.

Prof. Bishwo Pradhan, Former Foreign Secretary
(*The Rising Nepal Daily*, 9 August 1999)

46. The Kali River, having its origin in Limpiyadhura, locally called Kutiyangdi or something like that, is in fact the border river between Nepal and India as mentioned in the Sugauli Treaty.

Hiranya Lal Shrestha, Former MP
(*Nav Aawaz Weekly*, 5 September 1999)

47. By all measures such as the length of river, its catchment area, the average volume of flow and numbering of river; the main Kali River is the one that descends from Limpiyadhura. This is the main upper reach of Kali River and the origin of this river is Limpiyadhura. This fact, established by the hydrological principle, cannot be changed by any other evidences.

Jagat Kumar Bhusal, Senior Hydrologist
(*Mulyankan Monthly*, July-Aug. 1998)

48. The earlier survey maps also show that Kalapani belongs to Nepal. But we should not play with India on this issue. This dispute should be resolved as soon as possible.

Ram Singh Aitwal, Khalanga, Darchula
(*Samacharpatra Daily*, 21 September 1999)

49. If the government gives adequate attention to the people of Darchula, the people of Darchula themselves will drive away the Indian army from Kalapani.

Ganesh Singh Thagunna, President DDC, Darchula
(*Mulyankan Monthly*, July-Aug. 1998)

50. Not only from Kalapani, the Indian troops should also evacuate from Nepalese territory of Gunji, Nabi, Kuti and Nabhidang. Therefore, the main issue is not only that of Kalapani but that of determining the origin of Kali River.

Rishi Raj Lumsali, President DDC, Kanchanpur
(*Mulyankan Monthly, July-Aug. 1998*)

51. Although Kalapani has been acknowledged as border, the painful aspect of the issue is that we have not been able to demarcate the border accordingly to date.

Biswo Kant Mainali, Senior Advocate
(*Samakalin Weekly, 29 July 1999*)

52. Sixty-two sq. km land lying east of Lipukhola has been subjected to Indian occupation. On the other hand, 310 sq. km territory between Lipukhola and Kuti Yangti has been transgressed. On the whole, 372 sq. km Nepalese territory in this area has been under Indian occupation at the moment.

Jhala Nath Khanal, Former Minister
(*Chhalphal Weekly, 25 July 1999*)

53. I had recommended and submitted a report to Singh Durbar that the problem of Kalapani be resolved soon through dialogue at the level of governments. To resolve this issue, national flags should be waving at the border and a road should be constructed to link Chhangru with Kalapani.

Dr. Dwarika Nath Dhungel, Former CDO of Dardhula and
Former Secretary
(*Samakalin Weekly, 15 July 1999*)

54. Problems like Kalapani and Mahakali Treaty are as much indicative of the misunderstanding or negligence of Nepalese leadership as they are symbolic of their diplomatic naivety.

Dr. Jaya Raj Acharya, Former Ambassador to the UN
(*Kantipur Daily, 3 November 1999*)

55. The presence of Indian army in Kalapani area is a problem between Nepal and India and the differences can be resolved through the efforts of a joint study team from both countries.

Dr. Lok Raj Baral, Former Ambassador to India
(*Kantipur Daily, 31 October 1999*)

56. I have already made a request to the Indian Prime Minister Atal Bihari Bajpayee to give Kalapani back to Nepal.

Kamal Raj Bhandari, Astrologer

57. The issue is that of Kali River and not that of Kalapani. If Kali River is a border river, Kalapani, where the Indian army is deployed, cannot be the Indian territory by any means. Therefore, the main problem is to determine the locus of Kali River as mentioned in Sugauli Treaty.

Dr. Mangal Siddhi Manandhar, MP, House of Representatives
(Sambodhan Weekly, 18 September 1998)

58. Border dispute in the Kalapani area and differences of opinion regarding the origin of the Mahakali river are other issues that the present government should take up with India as soon as possible.

Khilendra Basnyat, Feature Writer
(The Rising Nepal Daily, 6 January 2000)

59. The presence of Indian troops in Kalapani represents both a border dispute and a case of transgression. To regulate the border, we will require the report of the joint technical team that has been working for the last two decades. As pointed out by many members of our parliament, India, which covers Nepal from three sides, has committed encroachments on more than 50 locations in the border.

Chakra Prasad Bastola, Former Foreign Minister
(Kantipur Daily, 5 July 2000)

60. Why is the government keeping silent when the Indians have brought in their troops in Kalapani and occupied our territory? Why have we become speechless?

Chitra Bahadur K.C., MP, House of Representatives
(Sambodhan Weekly, 30 June 2000)

61. After the joint visit to 372 sq. km area of Kalapani area of Byas VDC by the Chief District Officer of Darchula (Nepal), Mr. Bed Prakash Lekhak and his Indian counterpart Mr. Rajiv Joshi, the Indian officer, for the first time, have admitted that the area is disputed. This shift in Indian soft policy has come about when India has already deployed more than 8,000-strong SSB soldiers at 185 km-long border area along Mahakali River.

(Kantipur Daily, 18 October 2001)

62. Nepal should raise the matter with India with the backing of all evidences which prove that Kalapani belonged to Nepal. Initially seven or eight Indian army soldiers had been garrisoned at the Kalapani area in the 1960s, the number of Indian soldiers there has reached that of an entire battalion now.

Bharat Keshar Simha, Honorary ADC and former General, Royal Nepal Army Headquarter
(*Space Time Today Daily*, 14 September 2000)

63. Regarding the Kalapani issue, a Joint Technical Level Boundary Committee of both nations is working and that will be determined (resolved) by the joint committee.

Shyam Saran, Indian Ambassador to Nepal
(*Nepal Samacharpatra Daily*, 11 January 2003)

Statistics on Kalapani Border Area

Following data have been established with the computation by graphical method on the maps. Areas have been calculated and finalized as correct as possible, taking the average value of the maps 1 inch to one mile, two miles and four miles and 1:250,000 scale. Length of the rivers has been measured in the similar methodology. Regarding the height of the places, it is based on the most reliable and authentic maps. For the rest, government statistics, articles of various writers, and statement of the books such as 'Mechi To Mahakali' have been studied and taken as the bases of final data:

1. Area of Kalapani periphery from the shallow stream and land boundary (drawn on Indian map) to Lipulek Pass = 62 square kilometers
2. Area from the river, originated nearby from Lipulek pass to the river originated from Limpiyadhura = 310 sq. km
3. Total area of Kalapani-Limpiyadhura region = 372 sq. km
4. Length of the river from Lipulek pass to the confluence at nearby Gunji = 17.76 kilometers
5. Length of the river from Limpiyadhura to the confluence at nearby Gunji = 47.84 km

6. Length of water parting (watershed) ridge from Lipulek pass to Limpiyadhura = 53.12 km
7. Length from Lipulek pass to the point nearby Tinkar pass (drawn on Indian Map) = 3.84 km
8. Height of Kalapani = 3,584 meter
9. Height of Lipulek pass = 5,029 meter
10. Height of Limpiyadhura pass = 5,532 meter
11. Height of Tinkar pass = 5,258 meter
12. Height of the confluence of two rivers near Gunji = 3,706 meter
13. Height of the highest landmass (hill) of Kalapani area = 6,180 meter
14. Distance from Kalapani to Lipulek pass = 10 km
15. Distance from Kalapani Indian military camp (Indo-Tibet Border Post) to Chhangru = 14 km
16. Distance from Kalapani to Khalanga Bazar of Darchula District = 96 km
17. Distance from Kalapani to Tinkar = 22 km
18. Number of districts of Nepal, adjoined with Indian border = 26 Districts
19. Number of districts of Nepal, adjoined with Chinese border = 15 Districts
20. Length of Nepal-China border line with no tri-junctions on both the ends = 1,414.88 km
21. Length of Nepal-India border line = 1,808 km (1,778 + 30 Limpiyadhura sector) :
 - Among them, land boundary line = 1,213 km
 - Riverine boundary line = 595 km
22. Number of border rivers, rivulets and streams on the riverine sector = 60 rivers
 - Among them, River Mechi = 80 km, Mahakali = 230 km, Narayani = 20 km, Ghongi = 15 km, Rapti = 6 km and other rivers = 244 km
23. Himalayan peaks, higher than 8,000 meter on Nepal-China border line = 8 peaks
24. Number of main passes on Nepal-China border line = 37 passes
25. Length of Complete encircled boundary line of Nepal = 3,222.88 line km

26. Total area of the Kingdom of Nepal = 147,181 sq. km
 - East-west length = 885 km
 - North-south width = 193 km (average)
27. Length of Complete encircled boundary line of River Tista to Sutlej = 4,079 line km
 - East- West length = 1,373 km
 - Its area = 204,917 sq km (approximately)
28. Length of complete encircled boundary line of River Tista to Kangra = 5,119 line km
 - East-West length = 1,415 km
 - Its area = 267,575 sq km (approximately)

Glossary on Border / Boundary

**(Definition of selected terms
related with the border and boundary)***

Artificial

Boundary: Boundaries which are not marked by nature and which must therefore be marked on the ground by means of stones or monuments placed by man have likewise been known as "artificial" or "conventional" boundaries.

Border: A boundary between one nation (or a political division) and another. It means an area which adjoins the boundary line with a variable depth.

Border Area: It means an area which extends inwards from the boundary line. Normally border area used to be considered as a "sensitive area."

Border Line: A line of demarcation situated at a border between two states. It consists of a series of short straight lines between intervisible monuments.

Boundary: Boundary is the line which indicates the outermost territorial limits of state sovereignty. In fact, boundary is not only a line but a vertical plane that cuts through the air space, the soil, and the sub-soil of adjacent states. It is a line, marking the territorial jurisdiction of a state or other entity having an international status. It is also a

natural and artificial separation that delineates the confines of the real property. A boundary is not an idea, nor a paragraph in a treaty, nor a line on a map, but a functional feature of the face of the earth. A boundary is considered to extend vertically downward to the center of the earth and vertically upward to infinity.

Boundary

Administration: This function is concerned with the regulation of activities in relation to the line, so demarcated. The supervisory functions will include passport and customs regulation at points of entry on the land routes, at the, and seaport.

Boundary

Allocation: Allocation is a process, which refers to political decision on the distribution of territory.

Conflict: Clash, competition, or mutual interference of opposing or incompatible forces or qualities. It is a controversy, encounter, counteract etc. (the judgment did not end the conflict between the parties).

Controversy: A disagreement or dispute, a justicable dispute. A case that requires a definitive determination of the law on the facts alleged for the adjudication of an actual dispute,

Delimitation: Delimitation is to compromise the determination of a boundary line by treaty or otherwise and it's definition in written, verbal terms. It denotes description of the alignment in a treaty or other written source.

Demarcation: Demarcation is to comprise that actual laying down of boundary pillars or other similar physical means. It denotes the means by which the described alignment is marked, or evidenced, on the ground, by means of cairns of stones, concrete pillars, beacons of various kinds, cleared roads inscrub, and so on.

Dispute: A conflict or controversy; a conflict of claims or rights, an assertion of rights, claim or demand on one side, met by contrary claims or allegations on the other. The subject of litigation, the matter for which a suit is brought and upon which issue is joined, and in relation to which jurors are called witnesses examined. Dispute involves a disagreement between two states on a point of

law or fact, which disagreement is normally manifested by the making of a claim or protest. The claim or protest should be expressed by properly authorized agents at the appropriate level and in the appropriate form: in diplomatic exchanges, in applications sent to the Registry of the International Court of Justice.

Encroach: To enter by gradual steps or stealth into the possessions or rights of another; to trespass or intrude, to gain or intrude unlawfully upon another's land, property or authority, to advance beyond desirable or normal limits.

Encroachment: An infringement of another's rights or intrusion on another's property.

Fixed

Boundary: Fixed Boundary is the boundary along the river where the boundary has remained in the same position as it was during the time of boundary demarcation, irrespective of the present position of the river.

Fluid

Boundary: Fluid boundary is the boundary along mid-stream of the river. If it has changed its course suddenly and taken a new course, then the boundary on previous course should be the boundary. And if the river has changed its course by cutting its bed gradually then the present mid-stream of the river should be the boundary.

Frontier: In international law, that portion of the territory of any country which lies close along the border line of another country, and so "fronts" or faces it. It is the border between two countries. The term means something more than the boundary line itself, and includes a tract of strip of country, of definite extent, contiguous to the line. In fact, it is the farthest limits of man's advance that have been called the frontier.

International

Boundaries: It comprises all boundaries between two nations, whether they traverse land, rivers, lakes, or arms of the sea through territorial waters out to the high sea.

Map: A map is a portrayal of geographical facts. Map is the representation of all or part of the earth's surface or some other celestial body on a flat or plane surface. It has usually also of political facts associated with them. A map published by a state, or under its auspices, or purporting to reflect its position, and which it has been disposed to utilize as a means of publicly revealing its position, may be fairly accepted as establishing that when issued it represented what that state deemed the limits of its domain.

Natural

Boundary: Lines which are marked by nature, such as mountain crests, rivers, and shore lines of lakes and seas, have long been utilized in establishing natural or geographical boundaries.

No-man's Land: An area of unowned, unclaimed or uninhabited land (a no-man's land of bottomlands aggregation up to 40 square miles), a belt of ground between the most advanced elements of opposing armies (the no-man's land that was neither wholly good or wholly evil).

Territory: A geographical area belonging to or under the jurisdiction of political authority: and administrative sub-division of a country.

Thalweg: The line of greatest depth or the stream line of the fastest current, which is called in German "Thalweg." Boundaries in navigable rivers and straits very commonly follow the thalweg, or navigable mid-channel (thalweg). A more refined reference of thalweg would be the continuous line of deepest soundings.

Triple-Point: Triple-point is located at that point where three countries meet and three boundaries terminate. At each end of any boundary, unless one end is on the coast, the two countries concerned meet a third country at what is called a triple-point or tri-junction.

Uti possidetis: It is "As you possess, so may you possess." The term is derived from Roman law, "in which it designated an interdict of the Praetor, by which the disturbance of the

existing state of possession of immovable, as between two countries, was forbidden."

Vista: Where a boundary penetrates a forest, it is a common practice to cut a path along it and it is called "vista." The width of the vista varies, four to eight meters being the usual range.

Watershed: A watershed (water parting) is a line on the crest of a mountain range from which the water separates and runs down opposite slopes.

* Extracted from various Dictionaries and books



Chapter - VII : Appendices

Appendix - 1

Customs points of Nepal

(Nepal-India / Nepal-China)

Names of Main Customs Office and Sub-Customs Office
of the Department of Customs

S.N	Name of Customs Office and Zone / Cross-border Points			
1	Pashupatinagar, Mechi / Sukiya Pokhari	1. Hile Chhoti	2. Tumling Chhoti	3. Memeng Chhoti
		4. Chyangthapu	5. Chhiruwa	6. Banduke
		7. Maimajuwa	8. Manebhanjyang	
2	Kakarbhitta, Mechi / Naxalbari •	1. Bhadrapur	2. Nakalbanda	3. Kechana
		4. Keraghari	5. Panthapada	6. Jhapa
		7. Aathmauja	8. Dangibari	9. Bahundangi
		10. Gaadagalli	11. Satighatta	12. Mahabhara
3	Biratnagar, Koshi / Jogbani •	1. Rangeli	2. Doria	3. Chunnibari
		4. Dainea	5. Kadmaha	6. Madhumalla
		7. Mayaganj	8. Chaukighat	9. Tarigama
4	Sunsari, Koshi Barrage / Bhimnagar	1. Sahebganj	2. Kauwakhoj	3. Ghuski
		4. Sisuwa	5. Laukahi	6. Laahi
		7. Bhantabari		
5	Belhi Rajbiraj, Sagarmatha / Kunauli	1. Bananiya	2. Swornapatti	3. Kodarkatti
		4. Hanumannagar	5. Govindapur	6. Aurahi
6	Siraha Khairatoka, Sagarmatha / Jayanagar	1. Sikhajyoti	2. Aarahi	3. Bariyarpatti
		4. Naurangi	Jhanjhpatti	6. Thadi
7	Janakpur, Janakpur / Jayanagar	1. Inarwa	2. Mauwa	3. Baidehi
		4. Lagma	5. Khajuri Station	6. Mahinathpur
		7. Kathal	8. Bhandariya	
8	Jaleswor,	1. Bathnaha	2. Katikataiya	3. Raghunathpur

	Janakpur / Bhitamod	4. Pokharbhinda	5. Shamsi	6. Matihani
9	Sarlahi Malangwa, Janakpur / Sonbarsha	1. Tribhuvannagar	2. Dharmapur (Bhandsar)	3. Fenara
		4. Parsa	5. Sangrampur	6. Bara
		7. Balara		
10	Gaur, Narayani / Baigania	1. Brahmapuri	2. Aurahiya	3. Khap
		4. Mathiya	5. Bangkul	
11	Birganj, Narayani / Raxaul •	1. Alau	2. Kawahi	3. Materwa
		4. Bhishwa	5. Simraungarh	6. Gaadparsauni
		7. Kacharwa	8. Amritdhara	9. Piparpate
12	Tatopani Kodari, Bagmati/Khasa	1. Bhainse		
13	Tribhuvan International Airport Gauchar, Bagmati			
14	Foreign Post Office Sundhara, Bagmati			
15	Bhairahawa Belhi, Lumbini / Nautanuwa •	1. Tribeni	2. Maheshpur	3. Paklihawa
		4. Lumbibi	5. Parsauni	6. Bhujaaha
		7. Buchchibarewa	8. Amuwa	9. Thumuwa
		10. Bishnupur	11. Manjhariya	12. Bethariya
16	Koilabas, Rapti / Jarawa	1. Dechangawa		
17	Krishnanagar, Lumbini / Badahani	1. Suthauli	2. Rangapur	3. Gaura
		4. Dohani	5. Bhilmi	6. Kusaha
		7. Bannganga	8. Chakarchauda	
18	Nepalganj, Bheri / Rupaidiya •	1. Saahigaun	2. Bhangotana	3. Khadaincha
		4. Udharapur	5. Bhagawanpur	6. Narainapur
		7. Suiyabagauda		
19	Rajapur, Bheri / Katarniaghat	1. Gulariya	2. Tapara	3. Dhanaura
		4. Chhedapur	5. Padariya	6. Kothiyaghat
		7. Taaratal	8. Ganeshpura	
20	Kailali Dhanagadhi, Seti / Gaurifanta	1. Prithvipur	2. Sati	3. Bhadari
		4. Kanari	5. Ghuiyaphata	6. Sonafanta
		5. Bardawa		
21	Kanchanpur Gaddachauki Mahendranagar, Mahakali / Banawasa •	1. Belauri	2. Pachuie	3. Parasan
		4. Chaandani		
22	Jhulaghat Baitadi, Mahakali / Jhulaghat Pithauragadh	1. Tinkar	2. Darchula	3. Jholungebagar
		4. Dharmaghat	5. Byas Chhangru	6. Dattu

23	Olangchungola Taplejung, Mechi	1. Topkay	2. Fembu	3. Tankhu
24	Kimathanka Sankhuwasabh, Koshi			
25	Lambagar Dolakha/Janakpur	1. Bigu		
26	Rasuwagadhi, Bagmati / Kerung			
27	Larke Girdibas, Gorkah/Gandaki			
28	Mustang Nhechung / Dhaulagiri	1. Jomsom		
29	Mugu Gamgadhi / Karnali			
30	Yari Pass, Humla / Karnali			

- Quarantine Check-posts

Source: Department of Customs, Tripureswor Kathmandu, 2002

Appendix - 2

Northern Border points of Nepal (Nepal-China Existing and Probable Border-points)

S.N.	Nepal Border-points	District	Nearest Market to China (Tibet)
1.	Lipulek	Darchula	Taklakot / Burang
2.	Tinkar	Darchula	Taklakot
3.	Ural Pass	Bajhang	Taklakot
4.	Hilsa*	Humla	Taklakot
5.	Khaptang Chaur	Mugu	Samsang
6.	Musigaun	Dolpa	Parryang
7.	Lomanthang (Mustang)	Mustang	Jili, Korella
8.	Naru	Manang	Gyala
9.	Larke Pass (Syalay)	Gorkha	Barpak, Saga
10.	Rasuwadgadhi (Timuregadhi)*	Rasuwa	Kerung
11.	Kodari (Tatopani)*	Sindhupalchok	Zhangmu (Khasa)
12.	Lapchegaun (Lambagar)	Dolakha	Tingri
13.	Namche-Chhulay	Solukhumbu	Tingri
14.	Kimathanka	Sankhuwasabha	Dinge, Riyu Bazar
15.	Olangchungola*	Taplejung	Rongsar
16.	Lonak	Taplejung	Rongsar

* Presently working Border-points (Kantipur Daily, 19 September 2000)

Appendix - 3

Sardar Patel's Letter to Jawaharlal Nehru on 7 November 1950

D.O No. 8²¹-DPM/50
New Delhi, 7th Nov. 1950

My Dear Jawaharlal,

1. Ever since my return from Ahmedabad and after the Cabinet meeting the same day which I had to attend at practically fifteen minutes' notice and for which I regret I was not able to read all the papers, I have been anxiously thinking over the problem of Tibet and I thought I should share with you what is passing through my mind.
2. I have carefully gone through the correspondence between the External Affairs Ministry and our Ambassador in Peking and through him the Chinese Government. I have tried to peruse this correspondence as favourably to our Ambassador and the Chinese Government as possible, but, I regret to say that neither of them comes out well as a result of this study. The Chinese Government have tried to delude us by professions of peaceful intentions. My own feeling is that at a crucial period they managed to instill into our Ambassador a false sense of confidence in their so-called desire to settle the Tibetan problem by peaceful means. There can be no doubt that, during the period covered by this correspondence, the Chinese must have been concentrating for an onslaught on Tibet. The final action of the Chinese must have been concentrating for an onslaught on Tibet. The final action of the Chinese, in my judgement, is little short of perfidy. The tragedy of it is that the Tibetans put faith in us; they chose to be guided by us; and we have been unable to get them out of the meshes of Chinese diplomacy or Chinese malevolence. From the latest position, it appears that we shall not be able to rescue the Dalai Lama. Our Ambassador has been at the great pains to find an explanation or justification for Chinese policy and actions. As the External Affairs Ministry remarked in one of their telegrams, there was a lack of firmness and unnecessary apology in one or two representations that he made to the Chinese Government on our

behalf. It is impossible to imagine any sensible person believing in the so-called threat to China from Anglo-American machination in Tibet. Therefore, if the Chinese put faith in this, they must have distrusted us so completely as to have taken us as tools or stooges of Anglo-American diplomacy or strategy. This feeling, if genuinely entertained by the Chinese in spite of your direct approaches to them, indicated that, even though we regard ourselves as the friends of approaches to them, indicates that, even though we regard ourselves as the friends of China, the Chinese do not regard us as their friends. With the communist mentality of "Whoever is not with them being against them," this is a significant pointer, of which we have to take due note. During the last several months, outside the Russian Camp, we have practically been alone in championing the cause of Chinese entry into the UNO and in securing from the Americans assurances on the question of Formosa. We have done everything we could to assuage Chinese feelings, to allay its apprehensions and to defend its legitimate claims, in our discussions and correspondence with America and Britain and in the UNO. In spite of this, China is not convinced about our disinterestedness; it continues to regard us with suspicion and the whole psychology is one, at least outwardly, of scepticism, perhaps mixed with a little hostility. I doubt if we can go any further than we have done already to convince China of our good intentions, friendliness and goodwill. In Peking we have an Ambassador who is eminently suitable for putting across the friendly point of view. Even he seems to have failed to convert the Chinese. Their last telegram to us is an act of gross discourtesy not only in the summary way it disposes of our protest against the entry of Chinese forces into Tibet but also in wild insinuation that our attitude is determined by foreign influences. It looks as though it is not a friend speaking in that language but a potential enemy.

3. In the background of this, we have to consider what new situation now faces us as a result of the disappearance of Tibet, as we know it, and the expansion of China almost up to our gates. Throughout history, we have seldom been worried about our north-east frontier. The Himalaya has been regarded as an impenetrable barrier against any threat from the north. We had a friendly Tibet which gave us no trouble. The Chinese were divided. They had their own domestic problems and never bothered us about our frontier. In 1914, we entered into convention with Tibet which was not endorsed by the Chinese. We seem to have regarded Tibetan autonomy as extending

to independent treaty relationship. Presumably, all that we required was Chinese counter-signature. The Chinese interpretation of suzerainty seems to be different. We can, therefore, safely assume that very soon they will disown all the stipulations which Tibet has entered into with us in the past. That throws into the melting pot all frontier and commercial settlements with Tibet on which we have been functioning and acting during the last half a century. China is no longer divided. It is united and strong. All along the Himalayas in the north and north-east, we have, on our side of the frontier, a population ethnologically and culturally not different from Tibetans or Mongoloids. The undefined state of the frontier and the existence on our side of a population with its affinities to Tibetans or Chinese have all the elements of potential trouble between China and ourselves. Recent and bitter history also tells us that Communism is no shield against imperialism and that Communists are as good or as bad as imperialists as any other. Chinese ambitions in this respect not only cover the Himalayan slopes on our side but also include important parts of Assam. They have their ambitions in Burma also. Burma has the added difficulty that it has no McMahon line round which to build up even the semblance of an agreement. Chinese irredentism and communist imperialism are different from the expansionism or imperialism of the Western Powers. The former has a cloak of ideology which makes it ten times more dangerous. In the guise of ideological expansion lie concealed racial, national and historical claims. The danger from the northeastern threats to security are still as prominent as before, a new threat has developed from the north and north-east. Thus, for the first time, after centuries, India's defence has to concentrate itself in two fronts simultaneously. Our defence measures have so far been based on the calculations of a superiority over Pakistan. In our calculations we shall now have to reckon with Communist China in the north and north-east a Communist China which has definite ambitions and aims and which does not, in any way, seem friendly towards us.

Let me also consider the political considerations on this potentially troublesome frontier. Our northern or north-eastern approaches consist of Nepal, Bhutan, Sikkim, Darjeeling and the Tribal Areas in Assam. From the point of view of communications they are weak spots. Continuous defensive lines do not exist. There is almost an unlimited scope for infiltration. Police protection is limited to a very small number of passes. There too, our outposts do not seem to be

fully manned. The contact of these areas with us, by no means, is close and intimate. The people inhabiting these portions have not established loyalty or devotion to India. Even Darjeeling and Kalimpong areas are not free from pro-mongoloid prejudices. During the last three years, we have not been able to make any appreciable approaches to the Nagas and to the hill tribes in Assam. European missionaries and other visitors had been in touch with them, but their influence was, in no way, friendly to India or Indians. In Sikkim, there was political ferment some time ago. It is quite possible that discontent is smouldering there. Bhutan is comparatively quiet, but its affinity with Tibetans would be a handicap. Nepal has a weak oligarchic regime based almost entirely on force; it is in conflict with a turbulent element of the population as well as with enlightened ideas of the modern age. In these circumstances, to make people alive to the new danger or to make them defensively strong is a very difficult task indeed, and that difficulty can be got over only by enlightened firmness, strength and a clear line of policy. I am sure the Chinese and their source of inspirations, Soviet Russia, would not miss any opportunity of exploiting these weak spots, partly in support of their ideology and partly in support of their ambitions. In my judgement, therefore, the situation is one in which we cannot afford either to be complacent or to be vacillating. We must have a clear idea of what we wish to achieve and also of the methods by which we should achieve it. Any flattering or lack of decisiveness in formulating out objectives or in pursuing our policy to attain those objectives is bound to weaken us and increase the threats, which are so evident.

5. Side by side with these external dangers we shall now have to face serious internal problems as well. I have already asked Lengar to send to the External Affairs Ministry a copy of the Intelligence Bureau's appreciation of these matters. Hitherto, the Communist Party of India has found some difficulty in contacting Communists abroad, in getting supplies of arms, literature, etc., from them. They had to contend with difficult Burmese and Pakistan frontiers on the east or with the long seaboard. They shall now have a comparatively easy means of access to Chinese Communists, and through them to other foreign Communists. Infiltration of spies, fifth columnists and Communists would not be easier. Instead of having to deal with isolated communist pockets in Telengana and Warrangal we may have to deal with Communist threats to our security along our

northern and north-eastern frontiers where, for supplies of arms and ammunition, they can safely depend on Communist arsenals in China. The whole situation thus raises number of problems on which we must come to an early decision so that we can as said earlier, formulate the objectives of our policy and decide the methods by which those actions will have to be fairly comprehensive involving not only our defence strategy and state of preparation but also problems of internal security to deal with which we have not a moment to loose. We shall also have to deal with administrative and political problems in the weak spots along the frontier to which I have already referred.

It is, of course, impossible for me to be exhaustive in setting out all these problems. I am, however, giving below some of the problems, which in my opinion, require early solution and round which we have to build our administrative or military policies and measures to implement them:

- a. A military and intelligence appreciation of the Chinese threat to India both on the frontier to internal security.
- b. An examination of our military position and such redistribution of our force as might be necessary, particularly with the idea of guarding important routes or areas which are likely to be the subject of dispute.
- c. The question of Chinese entry into U.N.O. In view of the rebuff which China has given us and the method which it has followed in dealing with Tibet, I am doubtful whether we can advocate its claims any longer.
- d. There would probably be a threat in the U.N.O. virtually to outlaw China, in view of its active participation in the Korean war. We must determine our attitude on this question also.
- e. The political and administrative steps which we should take to strengthen our northern and north-eastern frontiers.
- f. This would include the whole of the border i.e. Nepal, Bhutan, Sikkim, Darjeeling and the Tribal Territory in Assam.
- g. Measures of internal security in the border areas as well as the states flanking those areas such as U.P., Bihar. Bengal and Assam.
- h. Improvement of our communications, road, rail, air and wireless in these areas, and intelligence of frontier outposts.

- i. Policing and intelligence frontier posts.
 - j. The future of our mission at Lhasa and the trade posts at Gyantse and Yatung and the force which we have in operation in Tibet to guard the trade routes.
 - k. The policy in regard to McMahon line.
7. These are some of the questions which occur to my mind. It is possible that a consideration of these matters may lead us into wider questions of our relationship with China, Russia, America, Britain and Burma. This, however, would be of a general nature, though some might be basically very important, e.g., we might have to consider whether we should not enter into closer association with Burma in order to strengthen the latter in this dealings with China. I do not rule out the possibility that, before applying pressure on us China might apply pressure on Burma. With Burma, the frontier is entirely undefined and the Chinese territorial claims are more substantial. In its present position, Burma might offer an easier problem for China, and therefore, might claim its first attention.
8. I suggest that we meet early to have a general discussion on these problems and decide on such steps as we might think to be immediately necessary and direct quick examination of other problems with a view to taking early measures to deal with them.

Yours
(sd) Vallabhbhai Patel

The Hon'ble Pt. Jawaharlal Nehru,
Prime Minister of India,
New Delhi

India's Ambassador in Peking at that time was K.M. Pannikar

Source : Institute of Foreign Affairs (2002) Seminar Proceeding on Nepal-India Open Border. Positive and Negative Implications, Kathmandu: 116-121

Appendix - 4

Indian Military Check-posts on the Northern Frontier of Nepal (Deployed from 1952 to 1969)

S.N.	Check-post	District	S.N.	Check-post	District
1.	Tinkar Pass	Darchula	2.	Taklakot	Bajhang
3.	Muchu	Humla	4.	Mugugaon	Mugu
5.	Chharkabhot	Dolpa	6.	Kaisang (Chhusang)	Mustang
7.	Thorang Pass	Manang	8.	Larkay Pass	Gorkha
9.	Atharasaya Khola	Gorkha	10.	Somdang	Rasuwa
11.	Rasuwagadhi	Rasuwa	12.	Tatopani (Kodari)	Sindhupalchok
13.	Lambagar	Dolakha	14.	Nanche (Chyalsa)	Solukhumbu
15.	Chepuwa Pass	Sankhuwasabha	16.	Olangchungola	Taplejung
17.	Thaychammu	Taplejung	18.	Chyangthapu	Panchthar

- A delegation consisting of eight military Officers from India, led by Major General Paranjape visited Kathmandu on 9 April 1952. After mutual discussions, the decision was held that India will send a military group to Nepal to provide educational training to the Nepalese army men.*
- As the communiqué published by the Ministry of Defence on 9 June 1952, a contingent of 157 Indian military men having 20 Officers, 17 Lower Grade Officers and 120 Sepoys entered into Nepal.*
- In the second batch, another group of 145 Indian army men consisting of 5 Officers and 140 Sepoys had come to Nepal as saying to construct Gauchar Airfield.*
- Indian armed military-men of the Indian Military Check-posts, deputed on 9 June 1952 in the northern frontier of Nepal were put away and sent back to India by the Government of Nepal on 20 April 1969, though the rumour to be removed the Indian Check-posts had raised from 21 June 1959.

* Grishma Bahadur Devakota (1959), *Political Mirror of Nepal (in vernacular)*, Volume-1:144 and 146

Appendix - 5

Northern Areas (formerly restricted) Recently Opened for the Tourists

Following areas of various districts (formerly restricted areas) have been opened for the tourists as per decision of His Majesty's Government, Council of Ministers on 25 April 2002 :-

1.	Taplejung District : <ul style="list-style-type: none"> ● Olangchungola VDC ● Lelep VDC ● Papung VDC ● Yamphuding VDC 	2.	Sankhusabha District : <ul style="list-style-type: none"> ● Chepuwa VDC ● Hatiya VDC ● Pawakhola VDC ● Kimathanka VDC
3.	Solukhumbu District : <ul style="list-style-type: none"> ● From Thame to north-western trail to go to Nangpala of Namche VDC 	4.	Rasuwa District : <ul style="list-style-type: none"> ● Thuman Area ● Timure Area
5.	Manang District : <ul style="list-style-type: none"> ● Naar VDC ● Phu VDC ● North of Tilche Village of Thoche VDC 	6.	Humla District : <ul style="list-style-type: none"> ● Limi VDC ● Muchu VDC ● Route to Tibet via Tange river of Dama VDC
7.	Darchula District : <ul style="list-style-type: none"> ● Byas VDC Area 	8.	Bajhang District : <ul style="list-style-type: none"> ● Kanda VDC ● Saipal VDC ● Dhuli VDC
9.	Mugu District <ul style="list-style-type: none"> ● Mugu Area ● Dolpu Area ● Pulu Area ● Bhangri Area 		

Source: Nepal Gazette Part -3, Vol. 52, No. 10, Date 17 June 2002

Appendix - 6 (A)

Passport Regulations-2009 B.S. (1952 AD)

- (1) Effective from now on, the Indians while visiting Kathmandu must bring along a Permit or an Identity Card issued by the District or City Magistrate. No Passport from the Nepal Government will be required in case the above-stated documents are produced to the officials of the Police Department of the Nepal Government. It is obligatory that Indian visitors produce these documents before the above noted officials.
- (2) The Nepalis while going out of Nepal to India and returning therefrom to Kathmandu will each time be required to have carry the Passport.
- (3) Those wanting to visit Kathmandu from other districts of Nepal will be required to carry a Permit issued from the *Badahakim* (the district chief) of the respective district.
- (4) In case the Nepalis residing for long or permanently settled down in any foreign country want to visit Kathmandu, they will require to have the Permit issued from the concerned District Magistrate or the City Magistrate or they will require to inform the Nepal Police in advance and get permission therefrom or they will require to possess the Passport issued by the Embassies or Consulates of Nepal in the respective country or from the *Alainchikothi* (as consulate office of Nepal) in Patna, India.

Foreign Secretary

Source: *Nepal Gazette, Part 9, Published by Nepal Government, Kathmandu, 22 April 1952.*

Appendix - 6 (B)

Sample of Passport / Permit-1918 BS (1862 AD)

(Required in advance to go
out of the Kathmandu valley)

This arrangement was helpful to some extent in controlling in-country migration.

This is a letter from Shri Rana Uddipa Singh Kumar Rana, the Western Commanding General and the Great Son of Rajkumarkumar (Madrajakumaraatmaja):

This is an order issued to the check posts and their officials starting from Bishnumati upto the Western Palpa that the six persons including Ananda Bada whose details are stated below and who are planning to go their home in Palpa be allowed to proceed without any restrictions after checking them against the following physical descriptions-

<u>Name</u>	<u>No. of Persons</u>	<u>Age</u>	<u>Complexion</u>
Ananda Bada	1	37	White
Harshavir	1	27	Olive
Kisnamuni	1	8	White
Laxmi Thaku (Female)	1	35	Black
Jasa Thaku (Female)	1	5	Olive

Dated: Samvat 1918 Chaitra Shudi. (April 1862)

Source: *Arthako Rajniti (Political Economy), A Fortnightly magazine, Vol-1, No. 4, 30 July 2000 (page-7).*

- Effective from 14 April 1952, it was arranged that the people travelling from and to Nepal through land or air route would be issued with the permanent Passport valid for one year at the charge of *Mohar Nepali Rupees 5.00*⁵⁶

⁵⁶ Devkota, Grishma Bahadur (1959), Political Mirror of Nepal (in vernacular), Vol. 1: 149.

Appendix - 6 (C)

Office of District Development Committee, Darchula

Subject:- Relating to Multi-entry Permit

I am present with an Application to obtain multi-entry permit on being travel to and from following controlled and security area of the State of India. My description (account) is as follows :

Full Name and Surname of the Applicant:-

Position:-

Office:-

Identification Mark (Description):-

Address:-

Zone:-

District:-

Name of Village Development Committee:-

Age:-

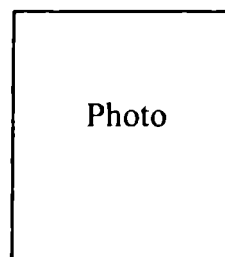
Description of Traveling Places:- Dharchula, Joljeebi, Baluwakot, Sitapul

Duration of Permit:- Only 6 months

Note:- *It is certified that the applicant is the resident of the settlement area within 10 (ten) kilometers of Nepal-India borderline.*

Signature of Concerned Authority:-

Position :-



Signature of the Applicant:-

Source: Himal Fortnight Magazine, Year 12, Number 9, Page-21, 17-31 August 2002

Appendix - 7

Cost Estimate of Fencing at the Frontier (Barbed-wire fencing on the borderline)

1. Design of Barbed-wire Fencing :

- | | |
|---|-----------|
| 1) Height of Barbed-wire Fencing | 3.0 meter |
| 2) Layers of Barbed-wire (15 Centimeter apart each layer) | 20 Lines |
| 3) Height of 5 cm Iron Angle-pole | 3.5 meter |
| a) underneath the surface | 0.4 meter |
| b) above the surface | 3.0 meter |
| 4) Distance of two Poles to erect on the ground | 2.0 meter |

2. Description :

- 1) To be constructed not to let enter men and cattle into the gap (difference) of two lines of barbed-wire.
- 2) There will be 15 holes (15 centimeter apart each) in the iron angle-pole to tie on the barbed-wire and it will make welding to the pole.
- 3) Fencing should be made in a scientific technique rather than in an ordinary method.
- 4) There will be about 260 entry / exit points (2-8 meter wide) along the fencing line to travel to and from either side of the frontiers.
- 5) Barbed-wire should be of galvanized standard with high quality.
- 6) Angle-pole should be of compressed mild steel.
- 7) Concrete base of angle pole above the surface:
length 45 cm, width 45cm and height 60 cm
- 8) Concrete base underneath the surface 45 cm depth

3. Estimated cost (barbed-wire, angle-pole, transportation, labour charge etc.) :

- 1) Installation of complete barbed-wire fencing ,
each one meter in length = 8.15 US\$
- 2) For one kilometer border-line = 8,150.00 US\$
- 3) Total cost for 1,808 km border-line fencing = 14.74 million US\$

Appendix - 8

Nepal-India Peace and Friendship Treaty-1950

31 July 1950

The Government of India and the Government of Nepal recognizing the ancient ties which have happily existed between the two countries for centuries;

Desiring still further to strengthen and develop these ties and to perpetuate peace between the two countries;

Have resolved therefore to enter into a treaty of Peace and Friendship with each other, and have for this purpose, appointed as their plenipotentiaries the following persons, namely,

The Government of India:

His Excellency Shri Chandreshwar Prasad Narain Singh, Ambassador of India in Nepal;

The Government of Nepal:

Mohun Shamsher Janga Bahadur Rana, Maharaja, Prime Minister and Supreme-Commander-in-Chief of Nepal, who having examined each other's credentials and found them good and in due form having agreed as follows:

Article I

There shall be everlasting peace and friendship between the Government of India and the Government of Nepal. The two Governments agree mutually to acknowledge and respect the complete sovereignty, territorial integrity and independence of each other.

Article II

The two Governments hereby undertake to inform each other of any serious friction or misunderstanding with any neighbouring State likely to cause any breach in the friendly relations subsisting between the two Governments.

Article III

In order to establish and maintain the relations referred to in Article I the two Governments agree to continue diplomatic relations with each other by means of representatives with such staff as is necessary for the due performance of their functions.

The representatives and such of these staff as may be agreed upon shall enjoy such diplomatic privileges and immunities as are customarily granted by international law of a reciprocal basis, provided that in no case shall these be less than those granted to persons of a similar status of any other State having diplomatic relations with either Government.

Article IV

The two Governments agree to appoint Consul-Generals, Consuls, Vice-Consuls and other consular agents, who shall reside in towns, ports and other places in each other's territory as may be agreed to.

Consul-Generals, Consul, Vice-Consuls and consular agents shall be provided with exequators or authorization of their appointment. Such exequator or authorization is liable to be withdrawn which issued to, if considered necessary. The reasons for the withdrawal shall be indicated wherever possible.

The persons mentioned above shall enjoy on a reciprocal basis all the rights, privileges, exemptions and immunities that are accorded to persons of corresponding status of any other state.

Article V

The Government of Nepal shall be free to import, from or through the territory of India, arms, ammunition or warlike material and equipment necessary for this arrangement shall be worked out by the two Governments acting in consultation.

Article VI

Each Government undertakes, in token of the neighborly friendship between India and Nepal, to give to the nationals of the other, in its territory, national treatment with regard to participation in industrial and economic development of such territory and to the grant of concessions and contracts relating to such development.

Article VII

The Government of India and Nepal agree to grant, on reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and privileges of a similar nature.

Article VIII

So far as matters dealt with herein are concerned, the Treaty cancels all previous treaties, agreements, and engagements entered into on behalf of India between the British Government and the Government of Nepal.

Article IX

This treaty shall come into force from the date of signature by both Governments.

Article X

The Treaty shall remain in force until it is terminated by either party by giving one year's notice.

Done in duplicate in Kathmandu this 31st day of July, 1950 corresponding to 16th day of Shrawan 2007).

SD-
Chandreshwar Prasad Narain Singh
for the Government of India

SD-
Mohun Shamsheer Janga Bahadur Rana
for the Government of Nepal.

Letter Exchanged with the Treaty of Peace and Friendship

Kathmandu
31st July 1950

Excellency,

In the course of our discussion of the Treaties of Peace and Friendship and of Trade and Commerce which have been happily concluded between the Government of India and the Government of Nepal, we agreed that certain matters of details be regulated by an exchange of letters. In pursuance of this understanding, it is hereby agreed between the two Governments:

1. Neither Government shall tolerate any threat to the security of the other by a foreign aggressor. To deal with any such threat, the two Governments shall consult with each other and devise effective counter-measures.
2. Any arms, ammunition or warlike material and equipment necessary for the security of Nepal that the Government of Nepal may import through the territory of India shall be so imported with the assistance and agreement of the Government of India. The Government of India will take steps for the smooth and expeditious transport of such arms and ammunition through India.
3. In regard to Article 6 of the Treaty of Peace and Friendship which provides for national treatment, the Government of India recognize

that it may be necessary for some time come to afford the Nepalese nationals in Nepal protection from unrestricted competition. The nature and extent to this protection will be determined as and when required by mutual agreement between the two Governments.

4. If the Government of Nepal should decide to seek foreign assistance in regard to the development of the natural resources of, or of any industrial project in Nepal, the Government of Nepal shall give first preference to the Government or the nationals of India, as the case may be, provided that the terms offered by the Government of India or Indian nationals, as the case may be, are not less favourable to Nepal than the terms offered by any other Foreign Government or by other foreign nationals. Nothing in the foregoing provision shall apply to assistance that the Government of Nepal may seek from the United Nations Organization or any of its specialized agencies.
5. Both Governments agree not to employ any foreigners whose activity may be prejudicial to the security of the other. Either Government may make representations to the other in this behalf, as and when occasion requires.

Please accept Excellency, the assurances of my highest consideration.

SD
Mohun Shamsheer Janga Bahadur Rana
Maharaja, Prime Minister and
Supreme Commander-in Chief of Nepal

To,
His Excellency
Shri Chandreshwar Prasad Narain Singh
Ambassador Extraordinary and Plenipotentiary of India
at the Court of Nepal,
Indian Embassy, Kathmandu

Source : *India Bilateral Treaties and Agreements, Vol-1 (1947-52), Ministry of External Affairs, Delhi, India.*

Appendix - 9

Nepal-India Joint Communiqué-1990

Shri K.P. Bhattarai, the Prime Minister of Nepal, visited India from 8-10 June 1990 at the invitation of the Prime Minister of India, Shri V.P. Singh.

1. The two leaders held talks on bilateral, regional and international issues of mutual concern. The talks were held in the most cordial and friendly atmosphere, characterising the age-old ties and shared values of the two countries in the economic, social, cultural and religious spheres.
2. The Prime Minister of India applauded the success of the movement for democracy in Nepal and the commencement of the process of the establishment of a multi-party system with a constitutional monarchy and with the people of Nepal as the repository of power. The two leaders reaffirmed their desire promptly to normalise the unique, friendly and brotherly relations between their two peoples, impart to them new dimension and dynamism and elevate them to ever rising levels of cordiality.
3. The two leaders reiterated their Government's adherence to and respect for the principles of sovereign equality, territorial integrity, national independence, non-use of force, non-interference in each other's internal affairs and peaceful settlement of all disputes. They agreed that Nepal and India will fully respect each other's security concerns. In this context, neither side will allow activities in its territory prejudicial to the security of the other. The two countries shall have prior consultations with a view to reaching mutual agreement on such defence related matters which, in the view of either country, could pose a threat to its security.
4. Pending the finalisation of a comprehensive arrangement covering all aspects of bilateral relations, the two Prime Ministers agreed to restore *status quo ante* to April 1, 1987 in the relations between the two countries. The two Governments will take all necessary steps, such as the issue of administrative orders, notifications, legislation / ordinances, etc. in order to ensure that *status quo ante* to April 1,

that it may be necessary for some time come to afford the Nepalese nationals in Nepal protection from unrestricted competition. The nature and extent to this protection will be determined as and when required by mutual agreement between the two Governments.

4. If the Government of Nepal should decide to seek foreign assistance in regard to the development of the natural resources of, or of any industrial project in Nepal, the Government of Nepal shall give first preference to the Government or the nationals of India, as the case may be, provided that the terms offered by the Government of India or Indian nationals, as the case may be, are not less favourable to Nepal than the terms offered by any other Foreign Government or by other foreign nationals. Nothing in the foregoing provision shall apply to assistance that the Government of Nepal may seek from the United Nations Organization or any of its specialized agencies.
5. Both Governments agree not to employ any foreigners whose activity may be prejudicial to the security of the other. Either Government may make representations to the other in this behalf, as and when occasion requires.

Please accept Excellency, the assurances of my highest consideration.

SD
Mohun Shamsher Janga Bahadur Rana
Maharaja, Prime Minister and
Supreme Commander-in Chief of Nepal

To,
His Excellency
Shri Chandreshwar Prasad Narain Singh
Ambassador Extraordinary and Plenipotentiary of India
at the Court of Nepal,
Indian Embassy, Kathmandu

Source : *India Bilateral Treaties and Agreements, Vol-1 (1947-52), Ministry of External Affairs, Delhi, India.*

Appendix - 9

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4. Pending the finalisation of a comprehensive arrangement covering all aspects of bilateral relations, the two Prime Ministers agreed to restore *status quo ante* to April 1, 1987 in the relations between the two countries. The two Governments will take all necessary steps, such as the issue of administrative orders, notifications, legislation / ordinances, etc. in order to ensure that *status quo ante* to April 1,

1987 is restored by July 1, 1990. Illustrative lists of actions to be completed by the two Governments are given in Annexure - 1 (India) and Annexure - 2 (Nepal). It was further agreed that the above arrangements would not be altered by either side without mutual consultations.

5. The two leaders declared their solemn intention to usher in a new era of cooperation between the two countries particularly in the spheres of industrial and human resources development, for the harnessing of the waters of the common rivers for the benefit of the two peoples and for the protection and management of the environment.
6. During the visit, the Prime Minister of Nepal called on the President of India, Shri R. Venkataraman and on the Vice-President of India, Dr. S.D. Sharma. He also visited Rajghat and Shantivana and laid wreaths in honour of Mahatma Gandhi and Pandit Jawaharlal Nehru.
7. The Prime Minister of Nepal extended a cordial invitation to the Prime Minister of India to visit Nepal. The invitation was accepted with pleasure.

New Delhi, June 10, 1990

K. P. Bhattarai
Prime Minister of Nepal

V. P. Singh
Prime Minister of India

ANNEXURE - I

ACTIONS TO BE TAKEN BY GOVERNMENT OF INDIA

Trade

1. Import of primary products from Nepal to be exempted from basic custom duties as well as from quantitative restrictions.
2. Provide access, free of basic custom duties and quantitative restrictions, for all manufactured articles containing not less than 65% of Nepalese materials or Nepalese and Indian materials, on a case by case basis, keeping in mind the need for expeditious clearance.

3. Allow 50% tariff concession on MFN rate of import duty, where value of Nepalese and Indian materials and labour added in Nepal is at least 40% of the ex-factory price, on a case by case basis, keeping in mind the need for expeditious clearance.
4. Export to Nepal of quota goods, namely those that are either restricted or chanelised for export from India.
5. The refund of Indian excise duty to Nepal under the Duty Refund Procedure should be such as to cover, but not to exceed, the basic and additional customs duties levied on similar goods imported from third countries.
6. Supplies of coke and coal to Nepal under quota will be resumed. Prices and supply schedules will be subject to agreement between MMTC and Nepal Coal Limited.
7. Chanalising of exports of POL products of Nepal through IOC, and agreement between IOC and NOC for product exchange between the two organisations.
8. Restoration of the Stand By Credit Facility to Nepal at the enhanced level of Indian Rupees 35 crores.

Transit

9. Notification under Section 7 of the Customs Act 1962 restoring the 22 border points covered under GOI Notification No. 73/Customs/F. No 552/58/78-LCI and 238/Customs dated 15.12.1979 and 149/84 Customs dated 19.5.1984, and the routes specified therein as Land Customs Stations for the movement of goods between India and Nepal.
10. The 15 points earlier designated as transit points for Nepal's transit trade, through India, with third countries be reinstated.

Others

11. Restoration of the movement of the Nepalese trucks to and from the nearest railway heads/terminals.
12. Once a joint venture is approved by the two Governments, the Government of India would allow movement of capital as per the terms agreed upon on the joint venture.
13. Restoration of the three earlier immigration points on the Indo-Nepal border for the movement of tourists.

ANNEXURE - II

ACTION TO BE TAKEN BY HIS MAJESTY'S GOVERNMENT OF NEPAL

Trade

1. Restoration of tariff preferences to Indian goods by, *inter alia*, exemption of additional customs duty.
2. Exemption of basic customs duty on imports of primary products from India as provided for similar products from Nepal imported to India.
3. Tariff preferences for third country goods should not be such as to be detrimental to the tariff regime for Indian exports.
4. Valuation of Indian goods exported under DRP for assessment of basic customs duty will be made on the basis of ex-factory/ex-depot price, excluding any element of refundable Indian duties and taxes, but including transport and insurance charges, wherever applied.

Indian Nationals

5. Removal of Indian nationals from the ambit of the Work Permit scheme.
6. Indian nationals employed in schools in Nepal will be placed on the same footing as Nepalese nationals as regards terms and conditions of employment.

Other Matters

7. Removal of restrictions on the movement of Indian currency between Nepal and India on the basis of reciprocity.
8. Restoration of facilities for Indian nationals to have their vehicles registered in Nepal on the basis of reciprocity.

Source: *Nepal India Democracy in the Making of Mutual Trust (1993)*, Dinesh Bhattarai and Pradip Khatiwada, Nirala Publications, Jaipur India : 262-267.

Appendix - 10

Nepal-India

JOINT PRESS STATEMENT-2000

3 August 2000

1. His Excellency Mr. Girija Prasad Koirala, Prime Minister of Nepal, is paying an official goodwill visit to India from 31 July to 6 August, 2000 at the invitation of His Excellency Shri Atal Behari Vajpayee, Prime Minister of India. The Prime Minister of Nepal is accompanied by His Excellency Mr. Chakra Prasad Bastola, Minister of Foreign Affairs and senior officials of His Majesty's Government of Nepal. He is also accompanied by his daughter, Ms. Sujata Koirala.
2. During his visit, the Prime Minister of Nepal visited Rajghat and paid homage to the memory of Mahatma Gandhi. The Prime Minister of Nepal called on the President and the Vice President of India. He had a meeting with the Prime Minister of India, which was followed by delegation-level talks, led by the two Prime Ministers, on bilateral and other issues of mutual interest. Ministers of Home Affairs, External Affairs, Defence, Finance, Human Resource Development and Water Resources of the Government of India called on the Prime Minister of Nepal. The Prime Minister of Nepal also received the Deputy Chairman of the Planning Commission and the Leader of the Opposition, Lok Sabha. He also attended a business meeting organised by the Confederation of Indian Industry. He will visit Hyderabad where he will attend a dinner hosted by the Governor of Andhra Pradesh, visit the Hi-tech City, interact with leaders of business and industry and attend a luncheon meeting hosted in his honour by the Federation of the Indian Chambers of Commerce and Industries.
3. The wide-ranging discussions during the visit were held in an atmosphere of warmth and cordiality. During these discussions, the Prime Ministers of India and Nepal noted that the age-old and traditional friendship between the peoples of the two countries, based on the enduring bonds of history, geography and shared social and cultural values, had been reinforced in recent times and bilateral

cooperation expanded to embrace the new areas of economic and developmental activities. The Prime Ministers reiterated the commitment of their Governments to further strengthen the close and friendly relations between the two countries, in a spirit of equality, mutual respect and partnership and on the basis of an enhanced level of trust and understanding, keeping the long-term perspective in mind. The two Prime Ministers were convinced that a regular dialogue at various levels was required to continuously explore new avenues of cooperation, implement understandings reached in the past and avoid complacency. In the new millennium, the two countries must constantly nurture and upgrade their partnership, which derived sustenance from traditional links and shared values.

4. In the present context of increasing globalization and the communication revolution and the fast-changes that have taken place at the national, regional and global levels, the two Prime Ministers were convinced that the agenda of partnership in the 21st century must focus on expanding mutually beneficial and future-oriented cooperation. The two Prime Ministers agreed that the institutional mechanisms for dialogue and interaction in existence over the past 50 years should be reviewed and rationalised in the context of the new millennium to set the tone for mature relations and cooperation in the decades ahead.
5. In pursuing cooperative relations in this new framework, the two Prime Ministers agreed to respect each other's sensitivities and concern and to address such issues that might arise from time to time in a constructive manner.
6. The two Prime Ministers noted that in recent years, the ties between India and Nepal had been reinforced by their shared commitment to multi-party democracy. They noted that their commitment to the consolidation and institutionalisation of democratic values and principles had given the bilateral relations a new dynamism.

Joint Commission :

7. It was agreed that the first meeting of the revived India-Nepal Joint Commission would be convened during the forthcoming visit of the External Affairs Minister of India to Nepal. The Joint Commission would act as an umbrella body at the level of Foreign Ministers to oversee the entire gamut of bilateral relations and provide directives on measures to further strengthen them. It would also review and rationalise the existing inter- Governmental mechanisms.

Economic Cooperation :

8. The two Prime Ministers noted with satisfaction that the work on the B.P. Koirala Institute of Health Sciences at Dharan, the 22-Bridges Project on the East-West Highway and the Maternal and Neo-Natal Intensive Care Units at Paropakar Indra Rajyalaxmi Maternity Hospital, Kathmandu, had been successfully completed. They directed that the work on the India-Nepal cooperation projects under implementation, including finalization of the framework for continued cooperation on the B.P. Koirala Institute of Health Sciences at Dharan with the strengthening and extension of Indian faculty support to the Institute till October 2009, the 200-bed Emergency and Trauma Centre at Bir Hospital, Kathmandu, Raxual-Sirsiya Rail Link Project and the Mahendranagar- Tanakpur Link Project, be expedited.
9. The Prime Ministers were apprised of the outcome of the Fifth Meeting of the India- Nepal High Level Task Force, held in Kathmandu on 6-7 June, 2000. They endorsed the recommendations made by the High Level Task Force and directed that the following new projects should be implemented expeditiously:
 - i. Cooperation between the two Governments in improving physical facilities and infrastructure at important border customs stations and check-posts, beginning with three major border crossings at Raxual-Birgunj, Sunauli-Bhairahawa and Jogbani-Biratnagar;
 - ii. Cooperation in development of infrastructure, including transportation and communication links, in the adjoining districts of Nepal and India;
 - iii. Launching of jointly-developed pilot projects in Nepal in the field of rural and community development;
 - iv. Cooperation between the two Governments in jointly setting up a small or medium sized hydropower project in Nepal;
 - v. Cooperation in setting up an Export Processing Zone or Free Trade Zone close to the Inland Container Depot being developed at Birgunj;
 - vi. Cooperation in developing the dairy industry in Nepal, with the involvement of the National Dairy Development Boards of India and Nepal; and;
 - vii. Cooperation in the establishment of a Technology Institute in Nepal as the Partnership Project, with information technology being one of its key components.

Trade, Transit and Investment Links :

10. The two Prime Ministers noted with satisfaction that the India-Nepal Treaty of December 1996 and the Transit Treaty of January 1999 had contributed to the expansion of trade and economic cooperation between the two countries and in facilitating Nepal's transit through India. During the delegation-level talks, views were exchanged on some practical problems which had emerged during the implementation of these Treaties; particularly on the Special Additional Duty, definition of "manufacturing", issues of misdeclaration, facilities access of Nepalese food products into the Indian market and certification procedures for import of Indian vehicles under Nepal's new emission norms.
11. It was agreed that exports from Nepal to India would be exempted from the levy of special Additional Duty on customs. It was also agreed that imports of Indian Vehicles into Nepal under Nepal's new emission norms would be permitted on the basis of self-certification by Indian vehicle manufacturers based on type approvals.
12. The Indian side conveyed that testing facilities were being set up at Gorakhpur and Raxaul, which would help to streamline procedures for Nepalese food exports to India. The Indian side also agreed to assist in upgrading the testing facilities in Nepal.
13. Both the Prime Ministers directed that the Inter-Government Committee on Trade, Transit and Unauthorised Trade, headed by the Commerce Secretaries of the two Governments, be convened soon to effectively address the remaining issues in a constructive manner and to take steps to promote trade and economic links between Nepal and India.
14. The Prime Ministers noted with satisfaction that initiatives taken in recent years, including the conclusion of the trade treaty with its provision for preferential entry of Nepalese manufactures into the Indian market and liberalisation of procedures for Indian rupee investments in Nepal, had led to increase investment by Indian companies in Nepal. The two sides agreed to facilitate expansion of the industrial production base in Nepal, including through enhanced participation of the private sector. With this objective, it was agreed to conclude a Bilateral Investment Protection and Promotion Agreement (BIPA) at the earliest.
15. The two Prime Ministers also directed that the conclusion of a bilateral Agreement on Trans-Border Movement of Motor Vehicles be expedited.

16. Noting that the Bureau of Indian Standards (BIS) and the Nepal Bureau of Standards and Metrology (NBSM) have had preliminary exchanges on cooperation in the field of standards, the two Prime Ministers observed that this would be desirable for further promoting bilateral trade and investment.

Water Resources :

17. The two Prime Ministers noted that the huge potential for development of hydropower resources in Nepal and the projected demand for power in India in the coming decades offered rich opportunities for cooperation to bring about rapid, environmentally sustainable economic growth on both sides of the border. However, the process of achieving concrete results had been relatively slow and needed to be accelerated. The Prime Ministers directed that a Joint Committee on Water Resources, headed by the Water Resources Secretaries of the two Governments, be set up to discuss all important issues pertaining to cooperation in the water resources sector including implementation of existing agreements and understandings. The Joint Committee, which would meet at least once in every six months, would also oversee the work of all technical and expert level committee and groups in this field.
18. The Prime Ministers reiterated that the implementation of the Mahakali Treaty would be given high priority. They directed that the remaining investigations and studies be completed as per the schedule agreed upon by the Joint Group of Experts on Pancheshwar and that the work on the preparation of the DPR be completed latest by the end of 2001. Unresolved issues pertaining to DPR would be addressed by the Joint Committee on Water Resources.
19. On the Sapta Kosi High Dam and Sun Kosi-Kamala Diversion Projects, the two Prime Ministers agreed that the ongoing process be expedited.
20. The two Prime Ministers directed that the Joint Task Force on Flood Control and Forecasting be set up immediately to review cooperation in a comprehensive manner and give its recommendations to the two Governments. It was also agreed that there would be close consultations between the concerned authorities of the two Governments regarding flood control structures, which may cause damage to life and property in the adjoining border districts of India and Nepal. Responding to the Nepalese concern of inundation in the Banke District of Nepal, the

Indian side assured that measures were being taken to ensure that the flood control embankment constructed in the Indian side would not cause inundation in the adjoining regions of Nepal and that the situation in this regard would be monitored jointly and necessary action taken.

Cooperation in Science and Technology :

21. The two Prime Ministers noted that an Agreement of Cooperation in Science and Technology would be concluded shortly.

Cooperation in Information Technology :

22. In response to request received from the Nepalese side, the Indian side agreed to extend their cooperation in the development of information technology in Nepal. It was agreed that a Technology Institute would be established in Nepal as an India-Nepal partnership project, with information technology as the key thrust area. Other avenues of cooperation in this vital sector would be identified through mutual consultations.

Cooperation in Human Resource Development :

23. Taking note of traditional links between India and Nepal in the field of human resource development, the two Prime Ministers agreed that the cooperation in this key sector must be reinforced. This would include, *inter alia*, the continuing involvement of India, both at the Governmental level as well as through the private sector, in development of institutions of higher learning and technical studies in Nepal. The Indian side noted the concern expressed by the Nepalese side regarding the high fee structure for the Nepalese students for pursuing higher education in India and assured that necessary measures would be taken to address the problem.

Cooperation in Conservation of Cultural Heritage:

24. Noting that India and Nepal shared a rich cultural heritage and there were large number of cultural- sites which were of importance to the peoples of the two countries, the two Prime Ministers agreed that joint efforts, both at Governmental and non-Governmental levels, to conserve such cultural heritage sites would be mutually beneficial and that the possibility of setting up a Cultural Foundation would be explored.

Boundary Demarcation:

25. The two Prime Ministers reviewed the progress in the work of the Joint Technical Level Boundary Committee and directed the

Committee to complete its field work by 2001-2002 and final preparation of strip maps by 2003. The Committee was also directed that in case it was unable to reach mutually acceptable agreement on certain specific segments of the boundary despite its best efforts, detailed reports on those pockets, including a compilation of the available evidence, would be submitted to the two Governments for their consideration. The Prime Ministers also directed the Joint Working Group of the Joint Technical-Level Boundary Committee to expeditiously complete its examination of the facts relating to the alignment of the boundary in the western sector, including the Kalapani area, and in other pockets, where there were differences in perceptions of the two sides.

1950 Treaty:

26. The Prime Ministers directed the Foreign Secretaries to undertake a review of all issues pertaining to the 1950 Treaty. The Foreign Secretaries would meet within six months.

Terrorism/Management of Border:

27. The Prime Ministers reiterated the determination of the two countries to work closely and fight the scourge of terrorism. They renewed the commitment of the two countries not to allow their respective territories to be used for activities directed against or prejudicial to the security of the other. In pursuance of their shared objective of combating terrorism and cross-border crimes, the two Governments agreed to devise effective modalities and measures to strengthen their existing cooperation in this regard.
28. The two Prime Ministers were apprised of the outcome of the discussions held by the Home Secretaries of the two Governments in Kathmandu from 5-7 July, 2000.
Expressing their satisfaction at the progress made in those discussions, they directed the Home Secretaries to meet regularly to review and expand the cooperation between the concerned law enforcement and security agencies of India and Nepal.
29. While expressing the determination of the two Governments to preserve the mutually beneficial open interaction between the nationals of the two countries across the border, the Prime Ministers agreed on the need to prevent the misuse of the open border by terrorists, criminals and other undesirable elements. They directed that cooperation in this regard be stepped up. Discussions on the

management of the border would continue in the Joint Working Groups on Border Management as well as in talks between the two Home Secretaries.

Indian Teachers in Nepal:

30. In response to the request made by the Indian side for the regularisation of the services of Indian school and college teachers employed in Nepal, the Nepalese side assured that the decision taken by His Majesty's Government in 1998 in this regard would be implemented.

Consulate General of India at Birgunj:

31. Responding to the long-standing Indian request for the setting up of the Consulate General of India at Birgunj, the Nepalese side informed that the request was under consideration of His Majesty's Government.

Invitation:

32. The Prime Minister of Nepal invited the Prime Minister of India to pay an official visit to Nepal at an early date. The invitation was accepted with pleasure. The dates of the visit would be decided through diplomatic channels.

August 03, 2000

Sd./ Narayan S Thapa
Foreign Secretary
His Majesty's Government of Nepal

Sd./ Lalit Mohan Singh
Foreign Secretary
Government of India

Source: www.nepalicongress.org.np/archives/indiavisit/visit_pr_3aug.html

Appendix - 11

Nepal-India Joint Press Statement-2002

On the official Goodwill visit of Rt. Hon. Sher Bahadur Deuba to India (20-25 March 2002)

1. His Excellency Mr. Sher Bahadur Deuba, Prime Minister of Nepal, is paying an official goodwill visit to India from March 20-25, 2002 at the invitation of His Excellency Shri Atal Behari Vajpayee, Prime Minister of India. The Prime Minister of Nepal is accompanied by His Excellency Mr. Bijaya Kumar Gachhedar, Minister for Water Resources, His Excellency Mr. Purna Bahadur Khadka, Minister for Industry, Commerce and Supply, Mr. Bhakta Bahadur Balayar, Minister of State for Science and Technology, His Excellency Mr. Arjun Jung Bahadur Singh, Minister of State for Foreign Affairs, a group of Parliamentarians, senior officials of His Majesty's Government of Nepal and business leaders. He is also accompanied by his wife, Dr. Arzu Deuba.
2. During his visit, the Prime Minister of Nepal visited Rajghat and paid homage to the memory of Mahatma Gandhi. The Prime Minister of Nepal called on the President and the Vice President of India. He had a meeting with the Prime Minister of India, which was followed by delegation-level talks, led by the two Prime Ministers, on bilateral and other issues of mutual interest. Ministers of Home Affairs, External Affairs, Defence, Commerce and Industry, Human Resource Development and Water Resources of the Government of India called on the Prime Minister of Nepal. The Prime Minister of Nepal also received the Leader of the Opposition, Lok Sabha. He also attended a business meeting organised jointly by the Confederation of Indian Industry and the Federation of Indian Chambers of Commerce and Industries. He will visit Kolkata where he will meet the Governor and Chief Minister of West Bengal.
3. The wide-ranging discussions during the visit were held in an atmosphere of warmth and cordiality. During these discussions, the Prime Ministers of India and Nepal noted that the close, friendly and

time-tested relations between the peoples of the two countries, based on geographical proximity and traditional linkages, have been developing dynamically in all spheres. The Prime Ministers reiterated that further development of bilateral relations in a spirit of equality, mutual respect and partnership and on the basis of an enhanced level of mutual trust and cooperation remains a priority for both countries. They noted that a regular dialogue at various levels was required to widen and deepen the on-going bilateral cooperation for the mutual benefit of their peoples. The two countries would focus on a forward-looking and constructive agenda to meet the challenges of the 21st century in keeping with the changing realities of the times.

4. The Prime Ministers noted that in recent years, the ties between India and Nepal had been further strengthened by their shared commitment to multi-party democracy and reiterated their resolve to further consolidate democratic values and principles.

Joint Commission

5. The two Prime Ministers stressed the need to hold the meeting of the India-Nepal Joint Commission headed by the respective Foreign Ministers on a regular basis to oversee the entire gamut of bilateral relations and to provide the directives on measures to further strengthen them. The Commission would also review and rationalise the existing inter-governmental mechanisms.

Terrorism/Management of Border:

6. The Prime Ministers reiterated the determination of the two countries to work closely in fighting the scourge of terrorism which was adversely affecting peace and stability in the region and was also impeding socio-economic development. They reiterated their opposition to the use of violence in the pursuit of political or ideological objectives. The Indian side condemned the widespread attacks by the Maoists in Nepal and reiterated its support for the steps taken by Government of Nepal to maintain peace and security in the country. The Nepalese side deplored the brutal attack on the Indian Parliament on December 13, 2001 and expressed its support for India in its efforts to confront the challenge of terrorism. The Prime Ministers renewed the commitment of the two countries not to allow their respective territories to be used for activities inimical to the interest of the other. In pursuance of their shared objective of combating terrorism and cross-border crimes, the two Governments agreed to intensify their ongoing cooperation and continue to work closely with each other.

7. The two Prime Ministers noted the outcome of the discussions held by the Home Secretaries of the two Governments in New Delhi from February 6-7, 2002 and stressed the need for expeditious implementation of the decisions taken during that meeting, including an early conclusion of the Agreement for Mutual Legal Assistance and updating the Extradition Treaty. The two Prime Ministers agreed on the need to prevent the misuse of the open border by terrorists, criminals and other undesirable elements and directed that cooperation in this regard be enhanced. Discussions on the management of the border would continue in the Joint Working Group on Border Management and between the two Home Secretaries.

Economic Cooperation:

8. The two Prime Ministers emphasised the importance of working to deepen and widen bilateral economic co-operation. The Indian side reiterated its commitment to continue its association with the development efforts of Nepal.
9. The two Prime Ministers reviewed the progress on the implementation of various India-Nepal cooperation projects including those identified by the India-Nepal High Level Task Force.
 - i. B.P. Koirala Institute of Health Sciences : Noting the successful completion of the project in 1999, the two Prime Ministers directed that the conclusion of the proposed MoU between the Governments of India and Nepal on the Development of BPKIHS as a Center of Excellence be concluded within the next three months.
 - ii. Bir Hospital Expansion : Noting that a new plot of land had recently been identified by Government of Nepal for this project, the two Prime Ministers directed that the Detailed Project Report should be completed expeditiously so that construction work on the project could commence within this year.
 - iii. Development of infrastructure at selected border check posts along India-Nepal border : The Prime Ministers noted that the Preparation of the Feasibility Study for the project relating to development of infrastructure at four important border customs and check posts namely Raxaul-Birgunj, Sunauli-Bhairahawa and Jogbani-Biratnagar and Rupeihdia - Nepalgunj, would be completed by end-April and directed that the two sides finalise the prioritized projects and work out an implementation schedule at an early date.

- iv. Launching of jointly-developed pilot projects in Nepal in the field of rural and community development - The Prime Ministers noted with satisfaction that the Project for electrification of two remote villages - Sarang Danda, District Panchthar in Eastern Nepal and Ankhale, District Gulmi in Western Nepal using Solar Photovoltaic energy had progressed and the supply of material and equipment had started.
 - v. Tanakpur-Mahendranagar Link Road – Noting that the Detailed Project Report and the cost estimates for the project had been completed, the two Prime Ministers directed that all other formalities be completed in a time bound manner to facilitate early commencement of work.
 - vi. Setting up an Institute of Technology in Nepal – It was agreed that an Institute of Technology would be established at an appropriate location in far-western Nepal and modalities in regard to the project would be worked out expeditiously to facilitate early commencement of work on the project.
10. The two Prime Ministers agreed that the Government of India would undertake the Feasibility Study of the East-West Railway in Nepal under the framework of bilateral cooperation.
 11. The two Prime Ministers directed that necessary formalities be completed to facilitate forward movement on the laying of an Optical Fibre Cable Network along the East -West Highway in Nepal.

Trade, Transit and Investment Links :

12. The two Prime Ministers noted with satisfaction that the India-Nepal Trade Treaty had been renewed for a period of five years till March 5, 2007 with mutually agreed amendments to the Protocol to the Treaty without changing the basic framework of the Treaty. They expressed the hope that the new Treaty would pave the way for increased bilateral trade and encourage the pace and process of industrialisation in Nepal. The Nepalese side requested that various taxes and levies imposed prior to the renewal of the Trade Treaty may be reviewed.
13. The two sides agreed to expeditiously conclude a Bilateral Investment Promotion and Protection Agreement (BIPA) which would provide a framework for the promotion of Indian investment in Nepal.

14. Both sides agreed to resolve, as early as possible, the difficulties faced in Nepalese exports to India of agricultural and primary products because of the quarantine regulations in India. Both sides also agreed to expedite the setting up of testing facilities at Gorakhpur and Raxaul, as agreed earlier, so as to facilitate Nepalese food exports to India. The Nepalese side also requested that similar facilities be established at other major border trading routes between the two countries.
15. The Prime Ministers directed that within the next two months, the two sides should hold negotiations and conclude the bilateral Agreement on the operationalisation of the Birgunj-Raxaul Rail Link and the Inland Container Depot (ICD) at Birgunj.
16. The Prime Ministers also directed that the two sides hold negotiations and conclude the Agreement on the Trans-Border Movement of Motor Vehicles within the next two months.
17. It was reiterated that, as earlier agreed, imports of Indian vehicles into Nepal under Nepal's new emission norms would be permitted on the basis of self-certification by Indian vehicle manufacturers based on type approvals. The Nepalese side conveyed that the necessary notifications in this regard would be issued at the earliest.
18. The Prime Ministers directed that the Inter-Governmental Committee on Trade, Transit and Unauthorised Trade, headed by the Commerce Secretaries of the two Governments, be convened regularly to review and consolidate trade and economic cooperation.

Water Resources :

19. The two Prime Ministers noted that the vast potential for development of hydro electricity in Nepal and the projected demand for power in India in the coming decades offered rich opportunities for cooperation to bring about rapid and environmentally sustainable economic growth on both sides of the border.
20. The Prime Ministers reiterated that the implementation of the Mahakali Treaty would be given high priority. In this context, the two Prime Ministers directed the two sides to complete the joint Detailed Project Report of Pancheshwar Project as per the revised schedule by June 2002 and jointly work out a Plan of Action towards the early commencement of work on the Project.
21. On the Sapta Kosi - Sun Kosi Project, the Prime Ministers stressed the need to set up the Joint Project Office expeditiously and commence work on the preparation of the Detailed Project Report at the earliest.

22. The two Prime Ministers emphasised the importance of the role of the Joint Task Force on Flood Control and Forecasting in working towards joint preventive measures. It was also agreed that there should be close consultations between the concerned authorities of the two Governments regarding flood control structures and that preparation of a Master Plan on Flood forecasting should be jointly worked out by the two sides.
23. The Nepalese side raised the problems of inundation in Rupandehi and Banke districts. The two Prime Ministers directed the two sides to undertake a joint survey at the level of Chief Engineers to clarify the facts on the ground and work out agreed proposals by the end of April 2002 and undertake necessary measures before this coming monsoon so that there would be no adverse effects on the lives and livelihood of people on either side of the border. With regard to inundation in Banke, the decisions taken earlier by the Joint Committee on Water Resources would also be taken into consideration.
24. The two Prime Ministers directed that the second meeting of the Joint Committee on Water Resources, headed by the Water Resources Secretaries of the two Governments be held immediately. They further directed that the Committee should meet at least once in every six months in future to discuss and resolve all important issues relating to Water Resources and regularly monitor progress.

Cooperation in Science and Technology:

25. The two Prime Ministers noted with satisfaction that the Agreement of Cooperation in the field of Science and Technology would provide the necessary framework for the ongoing and future cooperation in this area and would be of mutual benefit to both countries. They agreed that the opportunities which this Agreement would open up should be fully utilised by both sides for the benefit of the peoples of the two countries.

Cooperation in Human Resource Development:

26. Taking note of traditional links between India and Nepal in the field of human resource development, the two Prime Ministers noted that cooperation in this key sector would be further streamlined and strengthened.

Boundary Demarcation:

27. The two Prime Ministers noted the importance of a scientifically demarcated alignment of the international boundary between India and Nepal. They reviewed the progress in the work of the Joint

Technical Level Boundary Committee and directed the Committee to complete its task by 2003. The two Prime Minister reiterated that, in case the Committee was unable to reach mutually acceptable agreement on certain specific segments of the boundary despite its best efforts, detailed reports on these pockets, including a compilation of the available evidence, would be submitted to the two Governments for their consideration. The Prime Ministers also directed the Joint Working Group of the Joint Technical-Level Boundary Committee to expeditiously complete its examination of the facts relating to the alignment of the boundary in the western sector, including the Kalapani area, and in other pockets, where there were differences in perceptions of the two sides.

1950 Treaty:

28. The Prime Ministers noted that in accordance with the earlier decision that the Foreign Secretaries of India and Nepal undertake a review of all issues pertaining to the 1950 Treaty, the two Foreign Secretaries had held their first round of discussions in January 2001 and had agreed to continue their discussions.

Indian Teachers in Nepal:

29. In response to the request made by the Indian side for the regularisation of the services of Indian school and college teachers employed in Nepal, the Nepalese side assured that the decision was under consideration by His Majesty's Government of Nepal.

Consulate General of India at Birgunj:

30. Responding to the long-standing Indian request for the setting up of the Consulate General of India at Birgunj, the Nepalese side informed that the request would be considered by His Majesty's Government of Nepal.

Invitation:

31. The Prime Minister of Nepal invited the Prime Minister of India to pay an official visit to Nepal at an early date. The invitation was accepted with pleasure. The dates of the visit would be decided through diplomatic channels.

New Delhi , March 23, 2002

Sd./ Madhu Raman Acharya
Act Foreign Secretary
His Majesty's Government of Nepal

Sd./ Ms Chokila Aiyer
Foreign Secretary
Government of India

Source: www.mofa.org.np

Appendix - 12

Treaty Of Sugauli-1816

(Proposed)

2 December 1815

Treaty of Peace between the Honourable East India Company and Maha Rajah Bikram Sah, Rajah of Nipal, settled between Lieutenant-Colonel Bradshaw on the part of the Honourable Company, in virtue of the full powers vested in him by His Excellency the Right Honourable Francis, Earl of Moira, Knight of the Most Noble Order of the Garter, one of His Majesty's Most Honourable Privy Council, appointed by the Court of Directors of the said Honourable Company to direct and control all the affairs in the East Indies, and by Sree Gooroo Gujraj Misser and Chunder Seekur Opedeea on the part of Maha Rajah Girmaun Jode Bikram Sah Bahadur, Shumsheer Jung, in virtue of the powers to that effect vested in them by the said Rajah of Nipal , - 2nd December 1815.

Whereas war has arisen between the Honourable East India Company and the Rajah of Nipal, and whereas the parties are mutually disposed to restore the relations of peace and amity which, previously to the occurrence of the late differences, had long subsisted between the two States, the following terms of peace have been agreed upon :

Article 1st

There shall be perpetual peace and friendship between the Honourable East India Company and the Rajah of Nipal.

Article 2nd

The Rajah of Nipal renounces all claim to the lands which were the subject of discussion between the two states before the war; and acknowledges the right of the Honourable Company to the sovereignty of those lands.

Article 3rd

The Rajah of Nipal hereby cedes to the Honourable the East India Company in perpetuity all the undermentioned territories, viz -

- First :-** The whole of the low lands between the Rivers Kali and Rapti.
- Secondly :-** The whole of the low lands (with the exception of Bootwul Khass) lying between the Rapti and Gunduck.

- Thirdly :-** The whole of the low lands between the Gunduck and Coosah, in which the authority of the British Government has been introduced, or is in actual course of introduction.
- Fourthly :-** All the low lands between the Rivers Mitchee and the Teestah.
- Fifthly :-** All the territories within the hills eastward of the River Mitchee including the fort and lands of Nagree and the Pass of Nagarcote leading from Morung into the hills, together with the territory lying between that Pass and Nagree. The aforesaid territory shall be evacuated by the Gurkha troops within forty days from this date.

Article 4th

With a view to indemnify the Chiefs and Barahdars of the State of Nipal, whose interests will suffer by the alienation of the lands ceded by the foregoing Article, the British Government agrees to settle pensions to the aggregate amount of two lakhs of rupees per annum on such Chiefs as may be selected by the Rajah of Nipal, and in the proportions which the Rajah may fix. As soon as the selection is made, Sunnuds shall be granted under the seal and signature of the Governor General for the pensions respectively.

Article 5th

The Rajah of Nipal renounces for himself, his heirs, and successors, all claim to or connexion with the countries lying to the west of the River Kali and engages never to have any concern with those countries or the inhabitants thereof.

Article 6th

The Rajah of Nipal engages never to molest or disturb the Rajah of Sikkim in the possession of his territories; but agrees, if any differences shall arise between the State of Nipal and the Rajah of Sikkim, or the subjects of either, that such differences shall be referred to the arbitration of the British Government by whose award the Rajah of Nipal engages to abide.

Article 7th

The Rajah of Nipal hereby engages never to take or retain in his service any British subject, nor the subject of any European and American State, without the consent of the British Government.

Article 8th

In order to secure and improve the relations of amity and peace hereby established between the two States, it is agreed that accredited Ministers from each shall reside at the Court of the other.

Article 9th

This treaty, consisting of nine Article, shall be ratified by the Rajah of Nipal within fifteen days from this date, and the ratification shall be delivered to Lieut-Colonel Bradshaw, who engages to obtain and deliver to the Rajah the ratification of the Governor-General within twenty days, or sooner, if practicable.

Done at Segowlee, on the 2nd day of December 1815.

Paris Bradshaw, Lt. Co., P.A.

Treaty Of Sugauli-1816 (Ratified) 4 March 1816

Received this treaty from Chunder Seekur Opedeea, Agent on the part of the Rajah of Nipal, in the valley of Muckwaunpoor, at half-past two o'clock p.m. on the 4th of March 1816, and delivered to him the Counterpart Treaty on behalf of the British Government.

*Dd. Ochterlony
Agent ; Governor- General.*

Source: *C.U. Aitchisons (1929) A Collection of Treaties, Engagements and Sanads Relating to India and Neighbouring Countries, Vol. XIV, Calcutta : 62-64*

Appendix - 13

Supplementary Boundary Treaty-1816

(Draft)

8 December 1816

Exchange of Notes, British Note

*Memorandum for the approval and acceptance of the Rajah of Nipal,
presented on the 8th December 1816.*

Adverting to the amity and confidence subsisting with the Rajah of Nipal, the British Government proposes to suppress, as much as is possible, the execution of certain Articles in the Treaty of Segowlee, which bear hard upon the Rajah as follows :-

2. With a view to gratify the Rajah in a point which he has much at heart, the British Government is willing to restore the Terai ceded to it by the Rajah in the Treaty, to wit, the whole Terai lands lying between the Rivers Coosah and Gunduck, such as appertained to the Rajah before the late disagreement; excepting the disputed lands in the Zillahs of Trihoot and Sarun, and excepting such portions of territory as may occur on both sides for the purpose of settling a frontier, upon investigation by the respective Commissioners; and excepting such lands as may have been given in possession to any one by the British Government upon ascertainment of his rights subsequent to the cession of Terai to that Government. In case the Rajah is desirous of retaining the lands of such ascertained proprietors, they may be exchanged for others, and let it be clearly understood that, notwithstanding the considerable extent of the lands in the Zillah of Tirhoot, which have for a long time been a subject of dispute, the settlement made in the year 1812 of Christ, corresponding with year 1869 of Bikramajeet, shall be taken and everything else relinquished, that is to say, that the settlement and negotiations, such as occurred at that period, shall in the present case hold good and be established .
3. The British Government is willing likewise to restore the Terai lying between the Rivers Gunduk and Rapti, that is to say, from the River Gunduk to the western limits of the Zillah of Goruckpore, together

with Bootwul and Sheeraj, such as appertained to Nipal previous to the disagreements, complete, with the exception of the disputed places in the Terai, and such quantity of ground as may be considered mutually to be requisite for the new boundary.

4. As it is impossible to establish desirable limits between the two States without survey, it will be expedient that Commissioners be appointed on both sides for the purpose of arranging in concert a well defined boundary on the basis of the preceding terms, and of establishing a straight line of frontier, with a view to the distinct separation of the respective territories of the British Government to the south and of Nipal to the north; and in case any indentations occur to destroy the even tenor of the line, the Commissioners should effect an exchange of lands so interfering on principles of clear reciprocity.
5. And should it occur that the proprietors of lands situated on the mutual frontier, as it may be rectified, whether holding of the British Government or of the Rajah of Nipal, should be placed in the condition of subjects to both Governments, with a view to prevent continual dispute and discussion between the two Governments the respective Commissioners should effect in mutual concurrence and co-operation the exchange of such lands, so as to render them subject to one dominion alone.
6. Whenssoever the Terai should be restored, the Rajah of Nipal will cease to require the sum of two lakhs of Rupees per annum, which the British Government agreed to advance for the maintenance of certain Barahdars of his Government.
7. Moreover, the Rajah of Nipal agrees to refrain from prosecuting any inhabitants of the Terai, after its revertance to his rule, on account of having favoured the cause of the British Government during the war, and should any of those persons, excepting the cultivators of the soil, be desirous of quitting their estates, and of retiring within the Company's territories, he shall not be liable to hindrance.
8. In the event of the Rajah's approving the foregoing terms, the proposed arrangement for the survey and establishment of boundary marks shall be carried into execution, and after the determination in concert of the boundary line, Sunnuds conformable to the foregoing stipulations, drawn out and sealed by the two States, shall be delivered and accepted on both sides.

Edward Gardner, Resident.

Source: *C.U. Aitchisons (1929) A Collection of Treaties, Engagements and Sanads Relating to India and Neighbouring Countries, Vol. XIV, Calcutta: 65-66*

Supplementary
Boundary Treaty-1816
(Ratified)

11 December 1816
Nepalese Note

Substance of a Letter under the seal of the Raja of Nipal, received on the 11th December 1816.

After compliments :

I have comprehended the document under date the 8th of December 1816, or 4th of poos 1873 Sumbat, which you transmitted relative to the restoration, with a view to my friendship and satisfaction, of the Terai between the Rivers Coosa and Rapti to the southern boundary complete, such as appertained to my estate previous to the war. It mentioned that in the event of my accepting the terms contained in that document, the southern boundary of the Terai should be established as it was held by this Government. I have accordingly agreed to the terms laid down by you, and herewith enclose an instrument of agreement, which may be satisfactory to you. Moreover, it was written in the document transmitted by you, that it should be restored, with the exception of the disputed lands and such portion of land as should, in the opinion of the Commissioners on both sides, occur for the purpose of settling a boundary; and excepting the lands which after the cessions of the Terai to the Honourable Company, may have been transferred by it to the ascertained proprietors. My friend, all these matters rest with you, and since it was also written that a view was had to my friendship and satisfaction with respect to certain Articles of the Treaty of Segowlee, which bore hard upon me, and which could be remitted, I am well assured that you have at heart the removal of whatever may tend to my distress, and that you will act in a manner corresponding to the advantage of this State and the increase of the friendly relations subsisting between the two Governments.

Moreover I have to acknowledge the receipt of the orders under the red seal of this State, addressed to the officers of Terai between the Rivers Gunduk and Rapti, for the surrender of that Terai, and their

retiring from thence, which was given to you at Thankote, according to your request, and which you have now returned for my satisfaction.

**Substance of a Document under the Red Seal,
received from the Durbar
on the 11th December 1816**

With a regard to friendship and amity, the Government of Nipal agrees to the tenor of the document under date the 8th of December 1816 or 4th poos 1873 Sumbut which was received by the Durbar from the Honourable Edward Gardner on the part of the Honourable Company, respecting the revertance of the Terai between the Rivers Coosa and Rapti to the former southern boundary, such as appertained to Nipal pervious to the war, with exception of the disputed lands.

Dated the 7th of Poos 1873 Sumbut.

Source: C.U. Aitchisons (1829) A Collection of Treaties, Engagements and Sanads Relating to India and Neighbouring Countries, Vol. XIV, Calcutta : 66-67

Appendix - 14

Boundary Treaty-1860

1st November 1860

Boundary Treaty With Nipal, - 1st November 1860

During the disturbances which followed the mutiny of the Native army of Bengal in 1857, the Maharajah of Nipal not only faithfully maintained the relations of peace and friendship established between the British Government and the State of Nipal by the Treaty of Segowlee, but freely placed troops at the disposal of the British authorities for the preservation of order in the Frontier Districts, and subsequently sent a force to co-operate with the British Army in the re-capture of Lucknow and the final defeat of the rebels. On the conclusion of these operations, the Viceroy and Governor-General in recognition of the eminent services rendered to the British Government by the State of Nipal, declared his intention to restore to the Maharajah the whole of the lowlands lying between the River Kali and the District of Goruckpore, which belonged to the State of Nipal in 1815, and were ceded to the British Government in that year by the aforesaid Treaty. These lands have now been identified by Commissioners appointed for the purpose by the British Government, in the presence of Commissioners deputed by the Nipal Darbar; masonry pillars have been erected to mark the future boundary of the two States, and the territory has been formally delivered over to the Nipalese Authorities. In order the more firmly to secure the State of Nipal in the perpetual possession of this territory, and to mark in a solemn way the occasion of its restoration, the following Treaty has been concluded between the two States :

Article 1st

All Treaties and Engagements now in force between the British Government and the Maharajah of Nipal, except in so far as they may be altered by this Treaty, are hereby confirmed.

Article 2nd

The British Government hereby bestows on the Maharajah of Nipal in full sovereignty, the whole of the lowlands between the Rivers Kali and Raptee, and the whole of the lowlands lying between the River

Raptee and the District of Goruckpore, which were in the possession of the Nipal State in the year 1815, and were ceded to the British Government by Article III of the Treaty concluded at Segowlee on the 2nd of December in that year.

Article 3rd

The boundary line surveyed by the British Commissioners appointed for the purpose extending eastward from the River Kali or Sardah to the foot of the hills north of Bagowra Tal, and marked by pillars, shall henceforth be the boundary between the British Province of Oudha and the Territories of the Maharajah of Nipal.

This Treaty, signed by Lieutenant-Colonel George Ramsay, on the part of His Excellency the Right Honourable Charles John, Earl Canning, G.C.B., Viceroy and Governor-General of India, and by Maharajah Jung Bahadoor Rana, G.C.B., on the part of Maharajah Dheraj Soorinder Vikram Shah Bahadoor Shumshere Jung, Shall be ratified, and the ratifications shall be exchanged at Khatmandoo within thirty days of the date of signature.

Signed and sealed at Khatmandoo, this First day of November, A.D., one thousand eight hundred and sixty corresponding to the third day of Kartick Budee, Sumbut nineteen hundred and seventeen.

*G. Ramsay, Lieut. Col,
Resident at Nipal
CANNING
Viceroy and Governor-General.*

This Treaty was ratified by His Excellency the Governor-General, at Calcutta, on the 15th November 1860.

*A.R. Young,
Deputy Secretary to the Government of India.*

Source: C.U. Aitchisons (1929) A Collection of Treaties, Engagements and Sanads Relating to India and Neighbouring Countries, Vol. XIV, Calcutta : 71-72

Appendix - 15

Boundary Agreement-1875

7 January 1875

Agreement with Nipal, - 7th January 1875

We, Lieutenant-Colonel I. F. Mac Andrew, Officiating Commissioner of Sitapoor and Commissioner of the British Government for settlement of the Nepal boundary on the Dhundwa range of hills, and Colonel Sidhiman Sing Sahib Bahadur Raj Bhandari, Commissioner of the Nepal Government for the settlement of the said boundary, do agree that the boundary between the two States on the Dhundwa range of hills from the Arrah Nuddee to the hills above Baghora Tal shall be the foot of the lower spurs where they meet the plain to the south of the range, on the following conditions :

First : That the subjects of the British Government who come to the hills for bankas shall have it at the rate of payment they have been used to make to Tulsipoor.

Second : That the Nipal Government shall accept the boundary laid down by the Surveyor at the foot of the hills as a final settlement of the question.

*I.F. Mac Andrew, Lieut-col.
Commr. for British Govt.*

The 7th January 1875

Signed In Nipalese Character.

Source: C.U. Aitchisons (1929) A Collection of Treaties, Engagements and Sanads Relating to India and Neighbouring Countries, Vol. XIV, Calcutta : 73-74

Appendix – 16

Sino-Nepal Boundary Agreement -1960 21 March 1960

The Government of the People's Republic of China and His Majesty's Government of Nepal have noted with satisfaction:

That the two countries have always respected the existing traditional customary boundary line and lived in amity.

With a view to bringing about the formal settlement of some existing discrepancies in the boundary line between the two countries and

The Scientific delineation and formal demarcation of the whole boundary line, and

To consolidating and further developing friendly relations between the two countries,

The Two Governments have decided to conclude the present Agreement under the guidance of the Five Principles of Peaceful Co-existence and have agreed upon the following:

Article I

The Contracting Parties have agreed that the entire boundary between the two countries shall be scientifically delineated and formally demarcated through friendly consultations, on the basis of the existing traditional customary line.

Article II

In order to determine the specific alignment of the boundary line and to enable the fixing of the boundary between the two countries in legal form, the contracting Parties have decided to set up a Joint Committee composed of an equal number of delegates from each side and enjoin the Committee, in accordance with the provisions of Article III of the present Agreement, discuss and solve the concrete problems concerning the Sino-Nepalese Boundary, conduct survey of the

boundary, erect boundary markers, and draft a Sino-Nepalese Boundary Treaty. The Joint committee will hold its meetings in the capitals or other places of China and Nepal.

Article III

Having studied the delineation of the boundary line between the two countries as shown on the maps mutually exchanged (for the map submitted by the Chinese side, see attached Map 1; for the map submitted by the Nepalese side, see attached Map 2)*, and the information furnished by each side about its actual jurisdiction over the area bordering on the either country, the Contracting Parties deem that, except for discrepancies in certain sections, their understanding of the traditional customary line basically the same. The Contracting Parties have decided to determine concretely the boundary between the two countries in the following ways of in accordance with three different cases:

1. Sections where the delineation of the boundary line between the two countries on the maps of the two sides is identical:

In these section the boundary line shall be fixed according to the identical delineation on the maps of the two sides. The Joint Committee will send out joint survey teams composed of an equal number of persons from each side to conduct survey on the spot and erect boundary markers.

After the boundary line in these sections is fixed in accordance with the provisions of the above paragraph, the territory north of the line will conclusively belong to China, while the territory south of the line will conclusively belong to Nepal, and neither Contracting Party will any longer lay claim to certain areas within the territory of the other Party.

2. Sections where the delineation of the boundary line between the two countries on the maps of the two sides is not identical, whereas the state of actual jurisdiction by each side is undisputed:

The Joint Committee will send out joint survey teams composed of an equal number of persons from each side to conduct surveys on the spot, determine the boundary line and erect boundary markers in these sections, in accordance with concrete terrain features (watersheds, valleys, passes etc.) and the actual jurisdiction by each side.

* Maps are not reproduced here

3. Sections where the delineation of the boundary line between the two countries in the maps of the two sides is not identical and the two sides differ in their understanding of the state of actual jurisdiction:

The Joint Committee will send out joint teams composed of an equal number of persons from each side to ascertain on the spot the state of actual jurisdiction in these sections, make adjustments in accordance with the principles of equality, mutual benefit, friendship and mutual accommodation, determine the boundary line and erect boundary markers in these sections.

Article IV

The Contracting Parties have decided that, in order to ensure tranquility and friendliness on the border, each side will no longer dispatch armed personnel to patrol the area on its side within twenty kilometers of the border, but only maintain its administrative personnel and civil police there.

Article V

The present Agreement is subject to ratification and the instruments of ratification shall be exchanged in Kathmandu as soon as possible.

The present Agreement will come into force immediately on the change of the instruments of ratification and will automatically cease to be in force when the Sino-Nepalese boundary treaty to be signed by the two Governments comes into force.

Done in duplicate in Peking on the twenty-first day of march, 1960, in the Chinese, Nepalese and English language, all texts being equally authentic.

Sd/-
Chou En-Lai
Plenipotentiary of the
Government of the
People's Republic of China.

Sd/-
B.P. Koirala
Plenipotentiary of His Majesty's
Government of Nepal.

Source: Avtar Sing Bhasin (1992). Nepal's Relation with India and China, Vol. I – II, India: 1259-1262

Appendix - 17

Nepal-China Boundary Treaty - 1961 5 October 1961

The Chairman of the People's Republic of China and His Majesty the King of Nepal.

Being of the agreed opinion that formal settlement of the question of the boundary between China and Nepal is of fundamental interest to the peoples of the two countries;

Noting with satisfaction that the friendly relations of long standing between the two countries have undergone further development since the establishment of diplomatic relations between the two countries, and

That the two parties have, in accordance with the Five Principles of Peaceful co-existence and in a spirit of fairness, reasonableness, mutual understanding and mutual accommodation,

Smoothly achieved an overall settlement of the boundary question between the two countries through friendly consultations;

Firmly believing that the formal delimitation of the entire boundary between the two countries and its consolidation as a boundary of peace and friendship not only constitute a milestone in the further development of the friendly relations between China and Nepal, but also are a contribution towards strengthening peace in Asia and the world;

Have resolved for this purpose to conclude the present Treaty on the basis of the Agreement between the Government of the People's Republic of China and His Majesty's Government of Nepal.

On the Question of the Boundary between the two countries of March 21, 1960 and

Have agreed upon the following:

Article I

The Contracting Parties, basing themselves on the traditional customary boundary line and having jointly conducted necessary on the spot investigations and surveys and made certain adjustments in

accordance with the principles of equality, mutual benefit, friendship and mutual accommodation, hereby agree on the following alignment of the entire boundary line from west to east, Chinese territory being north of the line and Nepalese territory south thereof;

1. The Chinese-Nepalese boundary line starts from the point where the watershed between the Kali River and the Tinkar River meets the watershed between the tributaries of the Mapchu (Karnali) River on the one hand and the Tinkar River on the other hand, thence it runs southeastwards along the watershed between the tributaries of the Mapchu (Karnali) River on the one hand and the Tinkar River and the Seti River on the other hand, passing through Niumachisa (Lipudhura) snowy mountain ridge and Tinkarlipu (Lipudhura) Pass to Pehlin (Urai) pass.
2. From Pehlin (Urai) Pass, the boundary line runs along the mountain ridge southeastwards for about 500 meters, then northeastwards to Height 5655 meters, thence continues to run along the mountain ridge northwestwards to Tojang (Tharodhunga Tappa), then northeastwards passing through Height 5580.6 meters to Chimata Pass, Thence it runs generally northwestwards, passing through Chimala to Lungmochiehkouo (Numoche Tappa); thence the boundary line runs generally eastwards, passing through Paimowotunkouo (Kitko Tappa) and then runs along Chokartung (Kitko) mountain spur down to the Chilungpa (Yadangre) stream, then it follows the Chilungpa (Yadangre) stream northwards to its junction with the Mapchu (Karnali) River, then it follows the Mapchu Karnali river generally eastwards to Yusa (Hilsa). At Yusa (Hilsa) the boundary line departs from the Mapchu (Karnali) River and runs northeastwards along the mountain spur up to Chialosa (Takule), then along the mountain ridge, passing through Kumalatse (Kumalapche), Kangpaochekuo (Ghanbochheko) and Mainipaimikuo (Manepamango) to Kangkuona (Kangarje) then northwards passing through Kangchupeng (Kandumbu) and Height 6550 meters to Nalakankar.
3. From Nalakankar, the boundary line runs generally northeastwards along the watershed between the tributaries flowing into the Manasarowar Lake and the tributaries of the Humla Karnali River passing through Nalakankar Pass to Latsela (Lapche) Pass; thence it runs generally southeastwards along the watershed between the tributaries flowing into the Manasarowar Lake and the tributaries of

the Machuan River on the one hand and the tributaries of the Humla Karnali River, the Mugu Karnali River and the Panjang Khola on the other hand, passing through Changla mountain, Namja Pass, Khung (Thau) Pass and Marem Pass to Pindu Pass, then it continues to run southeastwards along the watershed between the tributaries of the Machuan River on the one hand and the tributaries of the Barbung River and the Kali Gandaki River on the other hand gradually turning northeastwards to Height 6214.1 meters.

4. From Height 6214.1 meters, the boundary line runs northeastwards along the mountain spur, passing through 5025 meters and crossing the Angarchubo (Angarchhu) stream to Height 5029 meters; thence it runs generally eastwards along Tuchu (Thukchu) mountain spur passing through Height 4730 meters and Bungla (Panglham) to the foot of Tingli Bhodho spur at its northwestern end, then turns northeastwards and runs along the southern bank of the Roumachushui (Rhamarchhushu) seasonal stream to the foot of Tingli Bhodho spur at its northeastern end; thence turns southeastwards, crosses the junction of two seasonal streams flowing northwards, and runs to the junction of three seasonal streams flowing northwards, and then up the eastern stream of the above three seasonal streams to Height 4697.9 meters, then turns southwestwards crossing a seasonal stream to Height 4605.8 meters; thence it runs generally southeastwards passing through Pengpengla (Phumphula) and then along Chukomaburi (Chhukomapoj) mountain ridge, passing through Height 4696.6 meters, and Height 4757.9 meters to Height 4796.6 meters, thence along the mountain ridge northeastwards passing through Hsiabala, then generally eastwards passing through Height 5044.1 meters to Chaklo.
5. From Chaklo, the boundary line runs generally southwards along the watershed between the tributaries of the Yalu Tsangpo River and the tributaries of the Kali Gandaki River, passing through Height 6724 meters to Lugula Pass, thence it runs generally eastwards along Lugula snowy mountain and the watershed between the tributaries of the Yalu Tsangpo River and the tributaries of the Marshiyangdi River to Gya (Gyala) Pass.
6. From Gya (Gyala) Pass, the boundary line runs along the mountain ridge eastwards to Height 5782 meters, then southeastwards to Lajing Pass, then it runs along Lajing mountain ridge, passing

through Height 5442 meters and Lachong (Lajung) Pass to height 5236 meters, then turns southwestwards to Sangmudo snowy mountain; thence generally southeastwards and continues to run along Lajing mountain ridge, passing through Height 6139 meters to Height 5494 meters, and then in a straight line crosses the Dougar (Tom) River to height 5724 meter; thence the boundary line runs generally northeastwards along the snowy mountain ridge, passing through Height 6010 meters. Height 5360 meters and Height 5672 meter to Thaple Pass.

7. From Thaple pass, the boundary line runs generally northeastwards along the snowy mountain ridge, passing through Tasriyangkang snowy mountain to Khojan; thence it continues to run generally southwards along the snowy mountain ridge, passing through Mailatsaching Pass, Pashuo snowy mountain and Langpo snowy mountain to Yangrenkangri (Yangra) snowy mountain.
8. From Yangrenkangri (Yangra) snowy mountain, the boundary line runs along the mountain ridge southwards to Tsalasungkuo and then generally eastwards and then northeastwards along a dry stream bed and passes through Jirapo (Kerabas) to reach the Sangching (Sanjen) River, then follows that river southeastwards, passes through its junction with the Changchieh (Bhryange) River and continues to follow the Sangching (Sanjen) River to a point where a small mountain spur south of Genjungma (Pangshung) pasture ground and north of Chhaharcy pasture ground meets with the Sangching (Sanjen) River; then it runs along the above small mountain spur eastwards and then southeastwards to Height 4656.4 meters, then runs eastwards to the black top; thence it runs along a mountain spur to the junction of the Bhurlung River and the Tinghsiaka (Khesadhang) Stream, then runs eastwards along the Bhurlung River to its junction with the Kyerong River; thence follows the Kyerong river southwards and then eastwards to its junction with the Tungling Tsangpo (Lende) River, passing through Rasua Bridge to the junction of the Tungling Tsangpo (Lende) River and the Guobashiachu (Jambu) stream; thence turns eastwards up the Guobashiachu (Jambu) stream, passing through the junction of the Chusumdo Tsangpo River and the Phuriphu Tsangpo River, both the tributaries of the upper Guobashiachu (Jambu) stream to reach the boundary marker point at Chusumdo.

9. From the boundary marker point at Chusumdo, the boundary line runs generally southeastwards along the ridge of Tsogaskangri (Seto Pokhari) snowy mountain, Langtang snowy mountain, Dorley mountain and Gulinchin (Phurbo Chyachu) mountain to Chakesumu (Kharaney) mountain; thence runs down to reach the Changnibachu (Kharaney) River and then follows that river southwards to its junction with the Bhochu (Bhote Kosi) River; then follows the Bhochu (Bhote Kosi) River southwards, passing through Dalaima (Bhaise) Bridge to the junction of the Bhochu (Bhote Kosi) River and the Junchu (Jum) River; thence eastwards up the Junchu (Jum) River to its source at Tsaje mountain (Jum Khola Ko Sir Ko Tuppa); thence the boundary line runs generally northwards along the mountain ridge to Chomo Parmari (Height 6208.8 meters).
10. From Chomo Pamari (Height 6208.8 meters), the boundary line runs generally northwards along the mountain ridge to height 5914.8 meters, then generally northeastwards along Shondemo Kangri (Sudemo) snowy mountain passing through Height 5148 meters, and then crosses two tributaries of the Shondemo Chu (Shongdemo) Stream, passing through Shondemo (Sudemo) which lies between the above two tributaries to Gyanbayan, then it runs along Gyanbayan mountain spur downwards, crosses the Pinbhu Tsangpo River (the western tributary of the Lapche River), and then along the mountain spur up to Height 5370.5 meters at Seborori (Korlang Pari Ko Tippa); thence the boundary line turns southeastwards along the mountain spur downwards, crosses the Lapche Khung Tsangpo River (the eastern tributary of the Lapche River), then it runs along Bidin Kangri (Piding) snowy mountain to Height 5397.2 meters; thence the boundary line turns westwards along the mountain ridge to height 5444.2 meters at Kobobori (Raling), then generally southwards along Rasurnkungpo (Ristinggumbo) mountain ridge to Niehlu (Niule) Bridge.
11. From Niehlu (Niule) Bridge, the boundary line runs generally eastwards to Chejenma (Gauri Shankar), and then eastwards along the mountain ridge and then northwards along the watershed between the Rongshar River and the Rongbuk River on the one hand and the tributaries of the Dudhkosi River on the other hand to Nangpa Pass, and then runs generally southeastwards along the mountain ridge, passing through Cho Oyu mountain, Pumoli mountain (Gnire Langur), Mount Jolmo Lungma (Sagar Matha) and Lhotse, to

Makalu mountain; then runs southeastwards and then eastwards along the mountain ridge to Popti pass.

12. From Popti pass, the boundary line runs along the mountain ridge eastwards passing through Tsagala (Kepu Dada) to Kharala (Khade Dada), and then generally northeastwards passing through Lanapo (Lhanakpu) and Chebum (Chhipung) to the source of the Sunchunchu (Shumjung) River; then it follows the Sunchunchu (Shurojung) River to its junction with the track leading from Kimathangka to Chentang, then it runs along the track to the bridge on the Karma Tsangpo (Kama) River; thence it runs generally southeastwards along the Karma Tsangpo (Kama) River passing through its junction with the Pengchu (Arun) River, and along the Pengchu (Arun) River to its junction with the Nadang River, then continues to follow the Pengchu (Arun) River westwards to its junction with the Tsokangchingpo (Chhokang) River; thence the boundary line departs from the Pengchu (Arun) River and runs generally eastwards along a mountain spur passing through Angde and Dalai (Tale) Pass to Dalaila (Tale), and then runs along the mountain ridge passing through Jangkan (Dukan), Kaijungkan (Khachunkha), Renlangbu (Relinbu) and Sulula to reach Ragla (Rakha) Pass.
13. From Ragla (Rakha) Pass, the boundary line runs generally eastwards along the watershed between the tributaries of the Nadang River and the tributaries of the Yaru River on the one hand and the tributaries of the Tamur River on the other hand, passing through Ombola (Ombak) Pass, Theputala (Tiptala) Pass, Yangmakhangla (Kangla) Pass and Chabukla to the terminal point where the watershed between the Khar River and the Chabuk River meets the watershed between the Khar River and the Lhonak River.

The entire boundary line between the two countries as described in the present Article is shown on the 1:500,000 maps of the entire boundary attached to the present Treaty; the location of the temporary boundary markers erected by both sides and the detailed alignment of certain section of the boundary are shown on the 1:50,000 maps of those section attached to the present Treaty.

Article II

The Contracting Parties have agreed that wherever the boundary follows a river, the midstream line shall be the boundary. In case a

boundary river changes its course, the original line of the boundary shall remain unchanged in the absence of other agreements between the two Parties.

Article III

After the signing of the present Treaty, the Chinese-Nepalese Joint Boundary Committee constituted in pursuance of the Agreement of March 21, 1960 between the two Parties on the question of the boundary between the two countries shall set up permanent boundary markers as necessary on the boundary line between the two countries, and then draft a protocol setting forth in detail the alignment of the entire boundary line and the location of the permanent boundary markers with detailed maps attached thereto showing the boundary line and the location of the permanent boundary markers. The above-mentioned protocol, upon being signed by the Government of the two countries, shall become an annex to the present treaty and the detailed maps shall replace the maps now attached to the present Treaty.

Upon the signing of the above-mentioned protocol, the tasks of the Chinese-Nepalese Joint Boundary Committee shall be terminated, and the Agreement of March 21, 1960 between the two Parties in the question of the boundary between the two countries shall cease to be in force.

Article IV

The Contracting Parties have agreed that any dispute concerning the boundary which may arise after the formal delimitation of the boundary between the two countries shall be settled by the two Parties through friendly consultations.

The present Treaty shall come into force on the day of the signing of the Treaty.

Done in duplicate in Peking on October 5, 1961 in the Chinese, Nepalese and English languages, all three texts being equally authentic.

Sd/-

LIU SHAO-CHI
*Chairman of the People's
Republic of China*

Sd/-

MAHENDRA BIR BIKRAM SHAH DEVA
His Majesty the King of Nepal.

Source: Avtar Sing Bhasin (1992). Nepal's Relation with India and China, Vol. I - II, India: 1280-1286

Nepal-China Boundary Protocol

20 January 1963

(Summary, 1st Protocol)

The "Protocol between the Government of the People's Republic of China and His Majesty's Government of Nepal relating to the boundary between the two countries," declares that the Sino-Nepalese Joint Boundary Committee has successfully completed the task conferred upon it by the Sino-Nepalese Boundary Treaty of October 5, 1961 with regard to establishing permanent boundary markers and has thereby clearly and formally demarcated the boundary line between China and Nepal.

The Protocol says that the Chinese and Nepalese Governments are "deeply convinced that this will help to strengthen the traditional friendship between the two peoples and further consolidate and promote the friendly and good-neighbourly relations between the two countries established on the basis of the Five Principles of Peaceful co-existence."

The Protocol was signed by Chinese Vice Premier and Foreign Minister Chen Yi and the Vice-Chairman of the Nepalese Council of Ministers and Foreign Minister, Dr. Tulsī Giri as an annex to the boundary treaty between China and Nepal. It is a document which finally stipulates in concrete terms the boundary line between the two countries. It comes into force on the day of its signing.

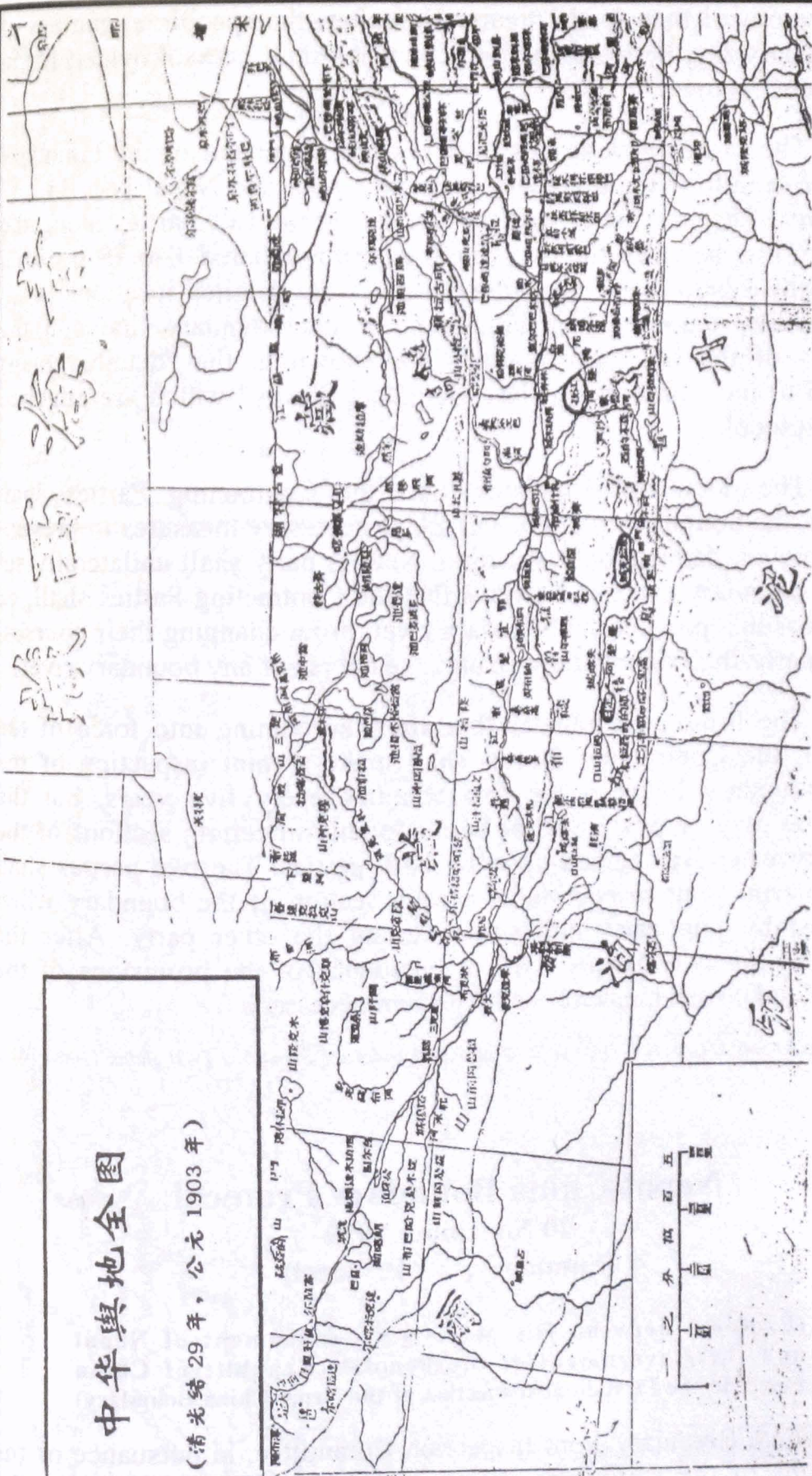
The Protocol is divided into five parts as follows:

- Part one - general provision (articles 1-5)
- Part two - alignment of the boundary line (article 6-19)
- Part three - locations of boundary markers (articles 20 and 21)
- Part four - maintenance of the boundary line and the boundary markers (articles 22-31);
- Part five - final clauses (articles 32-33)

The Protocol states that "the boundary line between China and Nepal has been further surveyed on-the-spot and formally demarcated by the two parties in pursuance of Article III of the Boundary Treaty between the two countries. The alignment of the boundary line as surveyed and demarcated by the two parties follows entirely the alignment as described in the treaty and is set out more in detail in the

中华舆地全图

(清光绪 29 年，公元 1903 年)



Map-13. Old Atlas of China, Qing Dynasty-1903, Guangxu 29

Courtesy : State Bureau of Surveying & Mapping, Beijing, China (Historical Museum Section)

present protocol than in the treaty. Hereafter, the specific alignment of the boundary line between the two countries shall be as provided for in the present Protocol."

The protocol describes in detail the alignment of the boundary line. The length of the boundary between China and Nepal is 1, 111.47 kilometres. The boundary markers erected by the two parties along the boundary line between the two countries are numbered 1 to 79 in serial order from west to east. The protocol gives the detailed locations of all the boundary markers. The alignment of the boundary line and the locations of the boundary markers are shown in the "detailed maps attached to the Chinese-Nepalese Boundary Treaty" which are attached to the Protocol.

The document stipulates that "the Contracting Parties shall maintain the boundary markers and adopt necessary measures to prevent their removal, damage or destruction. Neither party shall unilaterally set up new boundary markers." It says that the Contracting Parties shall, as far as possible, prevent the boundary rivers from changing their courses, neither party shall deliberately change the course of any boundary river.

The Protocol stipulates that after the coming into force of the Protocol, the Contracting Parties shall make a joint inspection of the entire boundary between the two countries every five years, but the inspection may be postponed or be made only in certain sections of the boundary whenever agreed upon by both parties. The two parties shall make interim joint inspection of certain section of the boundary when requested by one party and agreed to by the other party. After the inspection the two parties shall in pursuance of the provisions of the Protocol, take such measures as they deem necessary.

Source: Avtar Sing Bhasin (1992). Nepal's Relation with India and China, Vol. I - II, India: 1290-1292

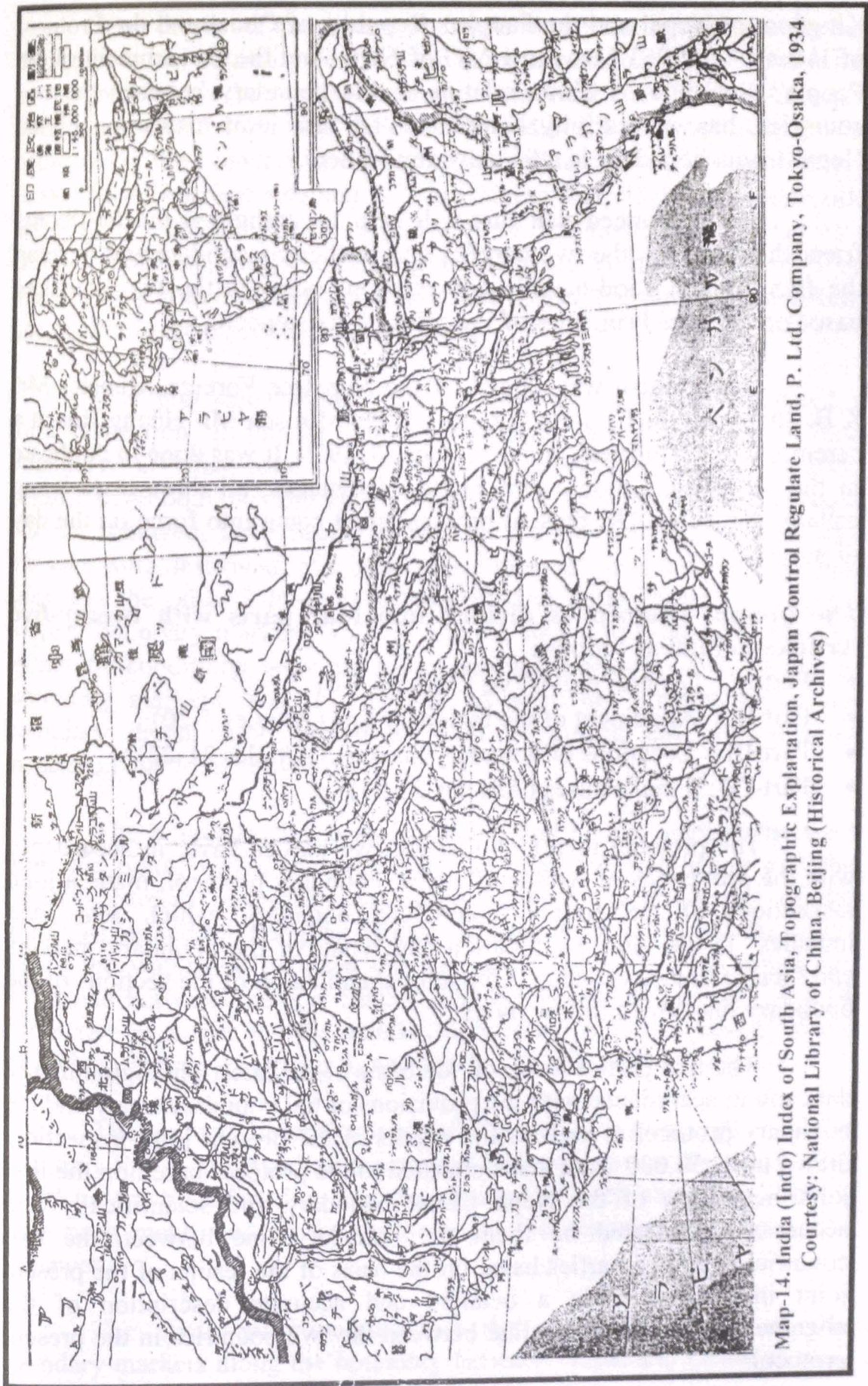
Nepal-China Boundary Protocol

20 November 1979

(Summary, 2nd Protocol)

**(Protocol between His Majesty's Government of Nepal
and the Government of the People's Republic of China
based on the First Joint Inspection of the Nepal-China Boundary)**

Nepal-China Boundary Joint Inspection Committee, in pursuance of the provisions of the Boundary Treaty of October 5, 1961 between the



Map-14. India (Indo) Index of South Asia, Topographic Explanation, Japan Control Regulate Land, P. Ltd. Company, Tokyo-Osaka, 1934
 Courtesy: National Library of China, Beijing (Historical Archives)

Kingdom of Nepal and the People's Republic of China and the Protocol of January 20, 1963 between HMG of Nepal and the Government of the People's Republic of China relating to the boundary between the two countries, has successfully completed the first joint inspection of the Nepal-China boundary in a friendly atmosphere.

It is convinced that this will help to strengthen the traditional friendship between the two peoples and further consolidate and develop the friendly and good-neighbourly relations between the two countries based on the Five Principles of Peaceful Co-existence.

The protocol was signed by the Nepalese Foreign Minister Mr. K.B. Shahi and the Chinese Foreign Affairs Minister Mr. Huang Hua at a ceremony in Kathmandu on November 20, 1979. It was done in duplicate in the Nepalese, Chinese and English languages, all three texts being equally authentic. The present protocol shall come into force on the day of its signing.

The present protocol is divided into four parts with twenty-five Articles in total as follows:

- Part-I : General provisions (Articles 1-6)
- Part-II : Alignment of the boundary line (Articles 7-20)
- Part-III : Locations of boundary markers (Articles 21-22)
- Part-IV : Final clauses (Articles 23-25)

The protocol mentions that the two parties have, in accordance with the provisions of Article 30 of the boundary protocol, made a joint inspections of the entire Nepal-China boundary, which *inter alia* includes: 1) the joint examination and repair of the boundary markers and their reference objects; 2) the joint examination of the sections of the boundary line which follow rivers.

The two parties have, on the basis of the latest photogrammetric data and in accordance with the provisions of the boundary treaty and the boundary protocol as well as the results of the present joint inspection, drawn up 1: 50,000 scale maps attached to the protocol based on the first joint inspection of the Nepal-China boundary and scientifically and accurately delineated on them the boundary line between the two countries. The two parties have, on the basis of the results of the present joint inspection, made a detailed and accurate description of the alignment of the boundary line between the two countries in the present protocol.

The details of the boundary markers erected by the two parties during the initial boundary demarcation along the boundary line between the two countries have been mentioned and numbered 1 to 79 in serial order from west to east. However, there are 16 additional boundary markers on both sides of the boundary line. For example, additional marker number 5(1) is located in Nepalese side and 5(2) in Chinese side, 53(1) in Chinese side and 53(2) in Nepalese side, so on and so forth. Location of each marker with latitude, longitude, magnetic bearing and distance to the offset (mostly on mountain top with its height) have been mentioned. The direct distance from one marker to the other has been recorded.

The protocol mentions that the two parties have conducted a joint inspection of the 95 boundary markers along the Nepal-China boundary. Of this total, 39 boundary markers are found in good condition; 43 boundary markers, which were to varying degrees damaged but not removed, have been repaired by the two parties; 11 boundary markers were destroyed, of which 2 have been re-erected at their original sites and the other 9 have been re-erected at other places by the two parties; boundary markers Nos. 57 and 62, owing to hindrance imposed by natural conditions, were not found during the present joint inspection. Boundary markers Nos. 33, 37 and 38 were not erected during the boundary demarcation period as well as during the present joint inspection due to natural reasons.

The boundary line between Nepal and China, starting the west from the point, where the watershed between the Kali River and the Pangkha Stream meets the watershed between the tributaries of the Mabja River and the Pangkha Stream, and reaching in the east the point, where the watershed between the Kar and Ghunsa Streams meets the watershed between the Kar Stream and the Lhonak River, is 1,414.88 kilometers in length and the detailed description of the alignment of the entire boundary line is given in Articles 8-20 of the present protocol.

The protocol describes in detail the length of each section of the boundary line as surveyed on the ground and measured on the maps. The length of the boundary line and the distance of each and every section have been mentioned in the protocol. All the distances are horizontal distances.

The document stipulates that the specific locations of the boundary markers along the boundary between Nepal and China as well

as the results of the present joint inspection are described one by one in the present protocol. All the magnetic bearings have been used therein to describe the locations of the boundary markers are surveyed on the ground. The locations of all the boundary markers from the Tinkar (Dinggar) Pass in the west to the Tiptala (Chebda) Pass in the east as well as the results of the present joint inspection are described.

The alignment of the boundary line and the locations of the boundary markers as described in the present protocol are shown in the maps attached to the protocol based on the first joint inspection of the Nepal-China boundary. These maps constitute a part of the present protocol. These maps are prepared in the Nepalese and Chinese languages. A complete set of maps consists of 57 maps at a scale of 1:50,000. The present protocol and its Attached Maps constitute a revision and supplement to the boundary protocol and the detailed maps have been attached to the boundary treaty. The present protocol and its attached maps shall prevail where the boundary protocol and the detailed maps attached to the boundary treaty differ from them.

Source : HMG Ministry of Foreign Affairs (1979), Kathmandu (Protocol between HMG of Nepal and the Govt. of the People's Republic of China) : 1-58

Nepal–China Boundary Protocol

6 December, 1988

(Summary, 3rd Protocol)

Nepal-China Boundary Second Joint Inspection Committee, in pursuance of the provisions of the Boundary Treaty of October 5, 1961, the Protocol of January 20, 1963 and the Protocol of November 20, 1979 between HMG of Nepal and the Government of the People's Republic of China based on the First Joint Inspection of the Nepal-China Boundary has successfully completed the second joint inspection of the Nepal-China Boundary in a friendly atmosphere.

The Protocol says that this will help to strengthen the traditional friendship between the two peoples and further consolidate and develop the friendly and good neighbourly relations between the two countries based on the Five Principles of Peaceful co-existence.

The Protocol was signed by the Nepalese Foreign Minister Mr. Shailendra Kumar Upadhyaya and the Chinese Foreign Minister Mr. Qian Qichen at a ceremony in Beijing on December 6, 1988. The present Protocol comes into force on the day of its signing.

The Present Protocol is divided into five parts with twelve Articles in total, as follows:

- Part-I covers the general provision (articles 1-3)
- Part -II is mentioned as alignment of the boundary line from Boundary Marker Nos. 32-34 and 52-54 (articles 4-6)
- Part -III mentions location of newly-erected Boundary Markers and Boundary Markers re-erected at new sites (articles 7-8)
- Part-IV is described as maintenance of Boundary Marker No. 33 (article 9)
- Part-V is the final clauses which describe the boundary map on scale 1:50,000 and sketch maps on scale 1:20,000 as attached with the Protocol (articles 10-12)

The Protocol mentions that the present joint inspection did not include inspection of Boundary Marker No. 77 (remained in good condition), 37 and 38 (erected during last survey) and 57 and 62 (found after first round of joint inspection). The two parties carried out field surveys on the locations of Boundary Markers Nos. 7(1), 14, 20, 21 43 and 44 and these were repaired and re-erected at their original sites. Marker No. 33 (never been erected due to natural reasons) was erected on the boundary line Marker No. 70 (2) was found to be in good condition. Sketch maps were drawn jointly showing Markers Nos. 33 and 70 (1).

The length of the boundary line of the sections from markers No. 32 to 34 and 52 to 54 are measured on the maps attached to the 1979 protocol and verified with the ground, actual horizontal distances have been established and recorded.

The specific locations of the Boundary Markers that were newly erected and re-erected at new sites along the boundary between Nepal and China as well as results of the present joint inspection are described in the present Protocol. All the magnetic bearings used therein to describe the locations of the Boundary Markers are surveyed on the ground and cross-marks are mentioned as well. The direct distances from one boundary marker to another are mentioned in meter, two places after the decimal. The document also mentions who shall be responsible to maintain which of the boundary markers.

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The alignment of the boundary line and the locations of the boundary markers as described in the present protocol are shown in the maps attached to the protocol based on the first joint inspection of the Nepal-China boundary. These maps constitute a part of the present protocol. These maps are prepared in the Nepalese and Chinese languages. A complete set of maps consists of 57 maps at a scale of 1:50,000. The present protocol and its Attached Maps constitute a revision and supplement to the boundary protocol and the detailed maps have been attached to the boundary treaty. The present protocol and its attached maps shall prevail where the boundary protocol and the detailed maps attached to the boundary treaty differ from them.

Source : HMG Ministry of Foreign Affairs (1979), Kathmandu (Protocol between HMG of Nepal and the Govt. of the People's Republic of China) : 1-58

Nepal–China Boundary Protocol

**6 December, 1988
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The alignment of the boundary line between Boundary Markers are shown on the boundary map on scale 1:50,000 and sketch maps on scale 1:20,000 which are attached to the present protocol. These maps comprise part of the present Protocol. The present Protocol and its Attached Maps constitute a revision of and supplement to the boundary Protocol and the detailed maps attached to the boundary Treaty. The present Protocol and its Attached Maps shall prevail where the Boundary Protocol and the Detailed Maps Attached to the Boundary Treaty and the 1979 Protocol and its Attached Maps differ from them.

Source: HMG Ministry of Foreign Affairs (1988). Kathmandu (Protocol between HMG of Nepal and the Govt. of the People's Republic of China) : 1-9

एस हो र ! रमेश विष्ट

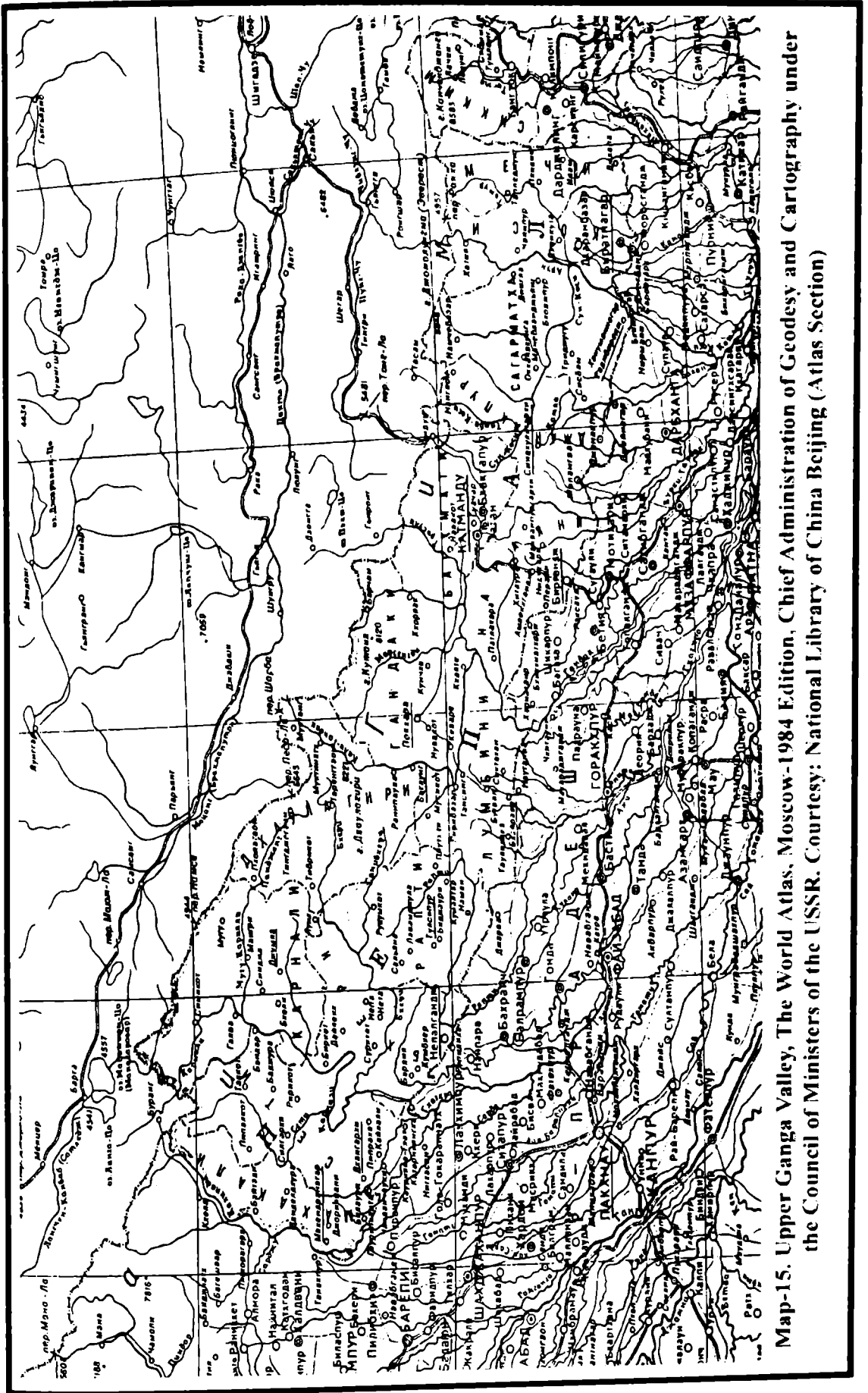


Courtesy: Gorkhapatra Daily

हैनन्, हैनन्, यिनीहरू डुबेका हैनन् !
 ह्वाँ तल्लि रू लो बाँध बनाउदैछन्
 रे, यसपालिको वर्षामा चै पक्का
 डुबिन्छ भनेर वचनलाई अहिल्यैदेखि
 'प्राक्टिस' गरिरा'छन् !!!

No, No, they are not sunk down !
 High dam is going to be constructed near to the southern border. They are making practice from now, assuming that "they will be surely sunk during this monsoon."

www.gorkhapatra.org.np
Email: gopa@mos.com.np



Map-15. Upper Ganga Valley, The World Atlas, Moscow-1984 Edition, Chief Administration of Geodesy and Cartography under the Council of Ministers of the USSR. Courtesy: National Library of China Beijing (Atlas Section)

Chapter - VIII : Maps

List of Selected Border Maps Concerning Nepal

Large and Medium Scale Maps :

Title of Map	Published Year	Map Scale	Total Sheets Publisher
1. British Boundary on the Frontier of Tirhoot	8 March 1817	1"=2 miles	1 Survey of India
2. Nepal Boundary along Ooreca Nudce	25 November 1817	-	1 "
3. Boundary between British and Nipaulese Possession on N.W. Frontier of Chumparun	December 1817	1" = 4 miles	1 "
4. British Boundary of the Northern Frontier of Poorunnea	January 1818	1"=2 miles	1 Lieut. John Peter Boileau
5. Map of Nepaul Frontier and Terrye between Gunduck and Bogmutty	November 1821	1" = 4 miles	1 Survey of India
6. Boundary Between Nepaul Terriani and Zillah Sarun	6 December 1822	1"=4 miles	1 "
7. Boundary between Nipal and Oudh	29 August 1861	1"=4 miles	1 "
8. Map of Frontier Districts of Nipal and North Behar River Gunduk and Coosee	1840	1"=4 miles	1 "
9. Nepal Boundary Survey (Urdu) Dist. Morung, Country Nepal	1874-75	4"=1 mile	14 "
10. Nepal Boundary Survey (SOI)	1882-83	4"= 1 mile	43 "
11. Nepal Boundary survey (SOI)	1883-84-85	1"=1 mile	45 "

12. Topographical Map Sheets Survey of India (SOI)	1920-32	1"=1-2-4 miles	45 Surveyor General of India
13. Bengal Traverse Party and Drawing Office (Map)	1840-41	16"=1 mile	24 Bengal Traverse Party
14. Topographical Map Sheets Revised (SOI) Nepal-India	1957-74	1"=1 mile	66 Surveyor General of India
15. Topographical Map Sheets Revised (SOI) Nepal-China	1957-74	1"=1 mile	44 "
16. Topographical Maps of Nepal	1992-2002	1: 25,000 - 50,000	292 Survey Department of Nepal
17. Nepal-India Boundary Strip Map. Joint Technical Level Boundary Committee	Continuig	1:500 to 15,000	Progressing Nepal-India Joint Boundary Committee
18. Atlas of Sino-Nepal Boundary Treaty	October 1961	1: 50,000 1:500,000	7 Nepal-China Joint Boundary Committee
19. Nepal-China Boundary Map	November 1979	1:50,000	57 "
20. Nepal-China Boundary Map	December 1988	1:50,000	57 "

Small Scale Maps :

Title	Published Year	Map Scale	Publisher
1. Map of Nepal with the Routes	1811	1"=20 Miles	Kirkpatrick
2. Improved Map of India (Showing Tista-Kangra) Kumaon	2 January 1816	Cosses 42=1 Degree	Hydrographer to His Majesty, London
3. Sketch of Kumoan	1819	Reduced from 12 miles= 1 inch	Captain W.S. Webb. Surveyor
4. Improved Map of India	1820-21	1 inch = 15 Eng miles	A. Arrowsmith
5. Gurhwal Kumaon	1 February 1827	1"=4miles	East India company According to Act of Parliament
6. Western Provinces of HINDOOSTAN	1830	1"=22 miles	Parbury Allen & Co. London
7. Vorder-Indien, Indo-Britische	1834	1"=150 miles	Stielers, Germany
8. INDIA-XII, Index Map	March 1 st - 1835	--	Baldwin & Chadock, London
9. Anglo Asian Map	1837	--	J.B. Tassin
10. Map of India	March 1 st - 1841	Cosses 42=1 Degree	John Murray, Albermale Street
11. Atals of India (Plate X and XI)	1846	Cosses 40=1 Degree	Charles Knight and Co. London

12. Western Provinces of Hindoostan (Punjab, Rajpootana, Sind, Kabool)	February 16th 1846	1:350,000	Willaim H. Allen & Co. London
13. Kumaon and British Gurhwal	April 1850	8 Miles=1 Inch	Surveyeor General of India
14. Nipal and the Countries in South, West and East	24 April 1856	1"=16 Miles	Surveyor General of India
15. District Darjeeling	1861-67	1 inch = 8 miles	Surveyor General of India
16. Map of the Dominion of the House of Gorkha	1819	1"=40 miles	Hamilton
17. District Almora sheet 2 and 4	1865-69 and 1871-77	1"=2 miles	Survey of India
18. Nepal, Almora, United Province	1879	1"=1 Mile	Surveyeor General of India
19. Nepal, Tibet & United Province	1881	1"=4 Miles	Surveyeor General of India
20. Old Map of China	1903	-	State Bureau of Surveying & Mapping of China (Qing Dynasty)
21. Tibet and Surrounding Regions	1906	1 : 3.8 million	Royal Geographical Society, London
22. Map of Nepal	1928	1:1,788,122	Perceval Landon
23. India (Indo) Index of South Asia	1934	No Scale	Japan Control Regulate Land, P. Ltd. Co. Tokyo-Osaka
24. Manasarobar NH 44-7	1955	1:2,50,000	U.S. Army Map Service, USA
25. Nepal Ko Naksa	1958	1"=8 miles	Statistic Dept, Nepal
26. Nepal	1960	1:500,000	University of Kentuky (P.P. Karan), U.S.A.
27. Upper Ganga Valley (Atlas)	1984 Edition	1:2,500,000	Chief Administration of Geodesy and Cartography under the Council of Ministers of the USSR
28. Outline Map of Nepal	1969	1"=18 Miles	Sahayogi Press (Harka Gurung)
29. Nepal Administrative Map	1975	1:2,000,000	Survey Dept, Nepal

Chapter - IX : Last Chapter

Newspapers' Note to the Author

Vanguard of Lost Border

MIDWEEK POST - *A Pull out of The Kathmandu Post Daily, 15 August 2001*

Maps are his passion and his life. He travelled far and wide in search of the borders that Nepal can claim through history. He found that the western border of Nepal stretches up to the Limpiyadhura, beyond Kalapani. After years of extensive research both at home and abroad, his efforts resulted in the epoch-making book, 'Nepal Ko Simana' (Boundary of Nepal).

The hard work paid off this year as the book has won the 'Madan Puraskar', the renowned award of the country. From that evening when the award was announced, Buddhi Narayan Shrestha, retired director general of the Land Survey Department, has been catapulted into limelight. There is a resurgence of public interest in his book including among politicians and government ministers, geographers and historians. "My website has been flooded with compliments and inquiries from both home and abroad," said Buddhi Narayan.

Already in 1999, he had come up with his finding about Nepal's western border. He elaborated upon it to then prime minister Krishna Prasad Bhattarai along with six ministers and six secretaries at a briefing at the Foreign Ministry. "The issue created a lot of curiosity and awareness among political leaders. Time and again it was raised in parliament. This led His Majesty's Government to lay claim to Kalapani and demand the withdrawal of Indian troops from Nepalese territory," says Buddhi Narayan with a sense of pride.

According to him, the Indian troops have been on that part of Nepalese soil (Kalapani) since the Indo-China war of 1962 when they retreated in defeat. This is only one case of Indian encroachment and there are others. In 21 out of the 26 districts of Nepal that share a border with India, there are 53 places facing the problem of encroachment from the Indian side.

It took Buddhi Narayan a year and half to bring out the book. He spent years in researching, pouring over maps and documents. to consolidate his findings He scoured the libraries in Nepal like the Keshar, the Jagadamba library and Nepal Central Library, and also the India Survey library in London and the US Library of Congress for maps and documents. All the documentary evidence pointed to the fact that that Nepal's western border was not only confined to Kalapani by the Sugauli treaty of 1816 as mentioned in history books but actually stretched up to the Limpiyadhura, farther west. At Kalapani itself, 372 square kilometers of Nepalese territory has been encroached upon.

"Based on this fact, the Nepalese government's call for the withdrawal of Indian troops from Kalapani is justified", says Buddhi Narayan in answer to a question. However, he wonders why political leaders are not pursuing the case seriously now. Recurrent border disputes between Nepal and India gave him the stimulus to write "Nepal Ko Simana". He saw those disputes during his 28 years with the Land Survey Department where he served from the post of survey officer to director general.

"After I retired, I felt inspired to write and tell the public freely about the facts and figures, which I am doing now," says Mr. Shrestha. Right from his school days in Okhaldhunga, the geographical descriptions of Nepal and various other countries fascinated him so much that he longed to visit the places depicted.

He holds a master's degree in geography and has also specialized in land use and survey. The 60-year old is determined to embark on another venture. His next book will be "Battle of maps" covering border disputes in countries adjoining Nepal. The conflicting positions of Nepal and India over the western border will figure in this book also. For instance, at a joint meeting of the Technical boundary Working Group in 2055 B.S., Nepal had argued that the maps of 1850-1856 drawn by British surveyors of Survey of India should be the base maps while India counter argued that the base maps should be from the period 1819-1928/29. Nepal did not find it acceptable saying this was a baseless and unilateral move on the part of the Indian government.

He also informed that mapping of Nepalese kingdom, that began as early as 1991 when he was the director general of the survey department is nearing completion. Under funding of the FINIDA, (development of the Finland Government) the airplane was brought to Nepal then for aerial photographs for the purpose of mapping. As for the scholar Buddhi Narayan is concerned, his search for knowledge is still boundless. "The journey for knowledge should continue. It is not good to stop," he says.

- *By Sudha Shrestha (Kathmandu Post Daily)*

Rare Chinese Map locates Kalapani as Nepalese soil

BY OUR REPORTER - People's Review Weekly, 13 -19 December 2001

Rare Chinese map written in Chinese script has also located Kalapani-Limpiyadhura area as Nepalese territory, according to Buddhi Narayan Shrestha, former Director General, Survey Department.

Shrestha, who was in a visit to China recently, he had an opportunity to visit the National Library of China in Beijing and the State Bureau of Survey and Mapping of China, recovered such a rare map there. Shrestha has also brought some copies of them. (Map No. 14)

According to Shrestha, the Old Atlas of China, published in 1903 has located the origin of the Mahakali river as Limpiyadhura (Map No. 13). The map has also indicated that the river as the Nepal-India border and the eastern part of the river is identified as the Nepalese territory. Also the topographical map published by the Cartographic Publishing house in 1999 has also located Limpiyadhara as the origin of the Mahakali river, according to Shrestha.

To recall, Shrestha, in the past, had also visited the library of Congress, USA, and British library, London, to collect those old maps. These maps too have indicated Kalapani as the Nepalese territory, Shrestha claims.

Kalapani Belongs to Nepal

TODAY Reporter

Space Time Today Daily, 13 October 2001

The old and rare maps with legends in Chinese characters have depicted that the areas from Kalapani to Limpiyadhura fall under Nepalese territory.

This claim was substantiated by Buddhi Narayan Shrestha, former Director General of Department of Survey after making a

comprehensive study of these maps in Beijing National Library of China and State Bureau of Surveying and Mapping of China. Shrestha, who was in China to study the maps have also brought back copies of the same, which have shown that Kalapani-Limpiyadhura areas fall under the Nepalese territory.

The Old Atlas of China issued in 1903 with Chinese legends, in which Guangshu 29, a ruler of Ching Clan is inscribed has clearly shown a river originating from Limpiyadhura. Furthermore, according to Shrestha, this river has been taken as the border and the area lying east from this river has been written as Nepal. Likewise, Historical Map of Asia drawn in 1916 and printed in 1921 (Imply 1916 July, Printing 1921 October) has also indicated Limpiyadhura as Nepal's north-west border.

A map drawn in 1922, which shows changes in geographical areas over time also depicts two rivers originating from Limpiyadhura and Lipulek, however the names of the rivers have not been given. However, Topographic Map of China published from China Cartographic Publishing House in 1999 has shown Lipulek as the border even as it has shown Kalapani in Nepal.

According to Shrestha, during his studies of the maps in China's National Library, he also came upon a map with Japanese legends. The map titled "Land Index of South Asia" which was drawn by Fujita Motoharu and published by Japan Control Land Regulator in 1934 have also shown Nepal's north-west border as Limpiyadhura. Likewise, Historical Atlas of South Asia, published from London, have also printed a huge map of Nepal in page 55-56, under the heading Gurkha Expansion 1760-1816 in which the river originating from Limpiyadhura has been named as Mahakali.

He also said that maps published from London in 1910 and 1968 have also shown Limpiyadhura as Nepal's border. It should also be noted that Shrestha, who earlier had studied the old maps in Library of Congress of Washington DC and British Library of London (India Office Records and Collection) had stated that these maps had also shown the origin of Mahakali River in Limpiyadhura. He has also further stated that the historical maps, which have been found in Beijing National Library, have complimented the maps found in America and Britain.

Buddhi Narayan, who tried to salvage the Kali River

Patrika Weekly, 23-29 July 1999

Buddhi Narayan Shrestha, the second grandson of *Maila Sahu* of Okhaldhunga, was in the Library of Congress in Washington DC on May 27, 1999. Going through maps at the Geography and Map Division at about 11:30 A.M. he found a map scaling 1 inch is to 4 miles. The medium scale map clearly showed that the river originating from Limpiyadhura was the Kali River. His effort to find the truth about Kalapani, which had become an issue since October 1996, finally bore truth.

Shrestha, born in a wealthy business family of Okhaldhunga, was already an expert on Nepal's borders. This finding made him the only person with substantive proof that Kalapani, which India has been claiming as its territory, actually belongs to Nepal. Buddhi Narayan is still known in his home district of Okhaldhunga as the grandson of *Maila Sahu*. Buddhi Narayan's father was also a government employee. After the father died in the democratic movement in 1950, the status of his grandfather was taken as a medium class family. Shrestha said that it was only last year that he had to Okhaldhunga in a programme called 'Let us remember our birthplace'. He had gone to many countries such as West Bengal of India, Canada, Japan and Germany on scholarship and has gained proficiency and expertise on his subject. He had joined the Department of Land Survey as Survey Officer and rose to become the Director General. He retired on 6 November 1992. He has now started his own mapping company, Bhumichitra Company P. Ltd.

The map, he obtained in the Library of Congress, was published on February 1, 1827 by East India Company, and it was clearly written that it was made public according to the Act of parliament. He was in the Library of Congress from May 25 to June 17, 1999 where he studied nearly 150 maps. He had found that particular map on the third day of pondering over the maps about Nepal. Shrestha said that he had stayed with a Nepali in Virginia, USA and everyday after breakfast he used to go to the Library to study whether he could find any counter-proof of the Kalapani-Limpiyadhura issue. Finally, he found it.

He has gone to the United States at the invitation of Dr. Bradford Washburn, Honorary Director of the Boston Museum of Science to discuss on the programme of the height measurement of Mt. Everest. Dr. Washburn, who had been working on the study of the height of Everest since 1983, had called Shrestha as the latter had also worked on it. Before this, Shrestha had also studied map in July 1998 at the British Library, London. He had found a map of 1856 in the Library, entitled 'Nipal and the Adjoining Country', which showed that the river originating from Limpiyadhura was the Kali River. Then after, he was busy finding additional proofs to make this more authentic. But that map was not as clear as the map he found in the Library of Congress.

His study about the border of Nepal that started from the masonry *Junge* Pillars in Mechi River in 1996 finally proved that Kalapani, where India has stationed its troops, is located in the Nepalese territory. Now that Nepal has the proof, it should take the initiative to solve the issue through talks.

In 1998, there were extensive discussions on the source of the Mahakali River, but no one could give any proof. Historian Chetendra Jung Himali for the first time said that the source of Mahakali River is Limpiyadhura. He also obtained a map which was included in the book written by the Chairman of the Kanchanpur District Development Committee Rishi Raj Lumsali. But the map was not clear and Shrestha sought other evidences.

Presently, Shrestha is the team leader of the Base Mapping Project of the Base Map of Kathmandu Valley funded by the Asian Development Bank for the Urban Development Project of the government Department of Housing and Urban Development.

He has written many articles on Kalapani and Nepal-India boundary. He had also worked in committees, which included historians and geographers but could not find the map in the committee as he obtained in the Library of Congress. He said he made a photocopy of the map. After finding the map, he told the librarian about his purpose of looking for the map. Then he was allowed to look at more maps. At the Library of Congress he also obtained an 1830 map published in London; map published on February 16, 1846 and another one published on January 2, 1816. Thinking that the map was drawn at a closer date of the Sugauli Treaty between Nepal and India, he looked for more maps of that time.

He thinks Nepal should talk with the Indian government at the diplomatic level accompanied by the technical team and should make them understand. But India does not want to talk about Kalapani, however Nepal should try. In the mean time, our government is also positive about solving the border issues. Thus there is no reason to be confused. Buddhi Narayan has obtained additional proofs of part of the territory of Nepal, which shows Kalapani belongs to Nepal after three years of research efforts. He said, "I felt that boundary business is a very serious issue for the nation and I got into it with all my effort and energy."

By- Reporter Gopal Khanal

Putting up Barbed-wire Fencing on the Boundary

Kosheli Weekly- A pull out of Kantipur Daily, 28 July 2001

He is engaged in putting fences around the boundary of his house. It would be better to build a wall if it is possible. But, he thinks, the only thing possible is to put barbed wire fencing. He knows very well that there is a lot of trespassing and one is at odds in a boundary without any restriction. What he has known from his journey from Okhaldhunga to Kathmandu is that if the demarcation and fencing of the boundary of nation is not erected on time, today's history will be lost in the future.

The conscience of 60-year-old Buddhi Narayan now says: Thanks god! He was aware just in time. One must appreciate his scruples that he spent his whole life thinking about the boundary of the country. The job sounds as a very tedious one. But Buddhi Narayan has made the history of the country speak through geography and through maps, and his efforts were duly recognized and acknowledged by the Madan Puraskar Trust. After his book, 'Boundary of Nepal' won the Madan Puraskar, the country's oldest and the most prestigious prize, Buddhi Narayan Shrestha has become an authority on the boundary issue of Nepal.

He had started feeling the smell of soil and geography while roaming around the hills and mountain slopes of Okhaldhunga district. He used to delineate the boundary even by the dust that was splattered by his slippers. "It may be because I come from the hills that geography

attracted me from my early days,” he recalls his past. He said that he used to think geography is a subject of the present, and history a dead one of the past (history is a chap and geography is a map). This belief has come true in his life and work.

Later, he came to Kathmandu and joined Vanasthali Vidyashram High School to complete his high schooling. In the school, he became alert after finding the geographical features of Okhaldhunga, his home district, in his geography textbook written by Netra Bahadur Thapa. This interest made him a person with deep interest and faith in maps. His curiosity and interest in visiting places he had seen in the maps took him to 64 districts of his country and 23 countries around the world and made him well informed about them.

Buddhi Narayan, who specialized on ‘land use mapping’, served in the Department of Land Survey from 1965 to 1992 AD. His 27-year-long government service starting from survey officer to director general (12 years of experience in the field of cadastral surveying and mapping in various districts) did not let him remain quiet after his retirement. “My days after retirement have been fruitful,” he said. If I had remained in government service I could not have written the book, ‘Boundary of Nepal’. With prize Rs. 100,000 he had received as prize of Madan Puraskar (Prize), he has a plan to participate personally in the International Cartographic Conference to be held in Beijing, China next month and to study old and historical maps in the National Library of China.

While in government service, he had to ignore and overlook infringements of Nepal’s for many reasons. Others could say, “Look, Buddhi Narayan has remained quiet despite knowing that the country’s border has been encroached upon.” But in reality, he used to be deeply perturbed as director general of the department of Land Survey. He had to be careful about what he spoke while in a high position. “Only after I retired I started speaking what I saw and experienced,” said Shrestha. Presently, he is engaged at the Bhumichitra Mapping Company Pvt. Ltd., which was established by him and other colleagues of the Department after they had retired at the same time from government service.

After he started working in a private company, his practical, theoretical and academic knowledge has broadened, as there are no restrictions to think, ponder, analyze and make inferences to reach certain practical and intellectual conclusion. He says there are examples

of encroachment of boundary while building houses. His boundary philosophy is based more on practical and pragmatic rather than on theoretical aspect. He says one does not have to feel headache on the boundary, if the neighbor sharing a common border is not a bully. Talking about Nepal's boundary, his studies and experiences tell that India has failed to play role of a 'good neighbour'. While dealing with boundary problems what is needed is quiet diplomacy but this aspect is very weak in the context between Nepal and India, he says.

"I have taken part in some meetings related to boundary problems, and in those meetings India has always presented itself as a 'big brother'. When discussions were being held in English medium they would suddenly switch into Hindi to show us down, and the Indian counterparts have a habit of making arguments without strong and convincing proof."

The topographical map presently used by Nepal was made by the Survey of India during the 1960s decade. But that map contains only the internal details of the Nepalese side. It is difficult to separate the borderlines in maps where the whole portion on the Indian side has been left blank. Even then out of the 272 maps that Nepal should receive, 13 maps are still unavailable. "India has not yet provided us with maps of disputed areas like Kalapani, Susta and Thori. This issue was raised when Atal Bihari Vajpayee was foreign minister of India. We were asked to pay IC Rs. 62,000 for the topographic maps and reproduction materials and we paid. But we have still not received the complete set of maps," said the former director general of the Department of Survey.

Shrestha says the concerns and awareness at the people and the political levels have increased only in the last decade after the re-establishment of multi-party democracy in Nepal. "The private media have played a central role in creating and increasing that awareness," he said, adding the historical and geographical awareness of the boundary of the nation increased after Kantipur Daily wrote about the Kalapani border problem.

We have jumped from the era, when geographical boundaries were determined by the positions of the stars, planets and the sun, to satellite geodesy to find the map co-ordinate points with the help of navigational satellites. But we are still baffled by not getting appropriate maps of our boundary.

Article 5 of the Sugauli Treaty says that Kali River forms the western border of Nepal. But the source of the Kali River has not been determined. Shrestha says Nepal's problem on the western border will be solved as soon as the source of Kali River is ascertained as to whether it is Lipulek or Limpiyadhura. In his book 'Boundary of Nepal', he has mentioned that of the 1,808 kilometres of open border between Nepal and India there have been encroachments in 54 places of 21 districts from the Indian side. 'My book won the Madan Puraskar (Prize) may be because I have taken the issues of the encroachment of the territory of the nation.' Shrestha, who is delighted at the unexpected winning of the prize, said 'I have succeeded in bringing out my feelings despite the straightforward and unsophisticated language.'

After his book, which was mainly meant for creating national awareness and for national security purposes, won the prize, Shrestha was inspired and enthused to carry on more studies on this subject. He is now thinking of writing a book on 'Battle of Maps' by using his knowledge and experience about border conflicts of neighbouring countries.

In the book "Boundary of Nepal" he has portrayed the mental or conflicting psychological condition in a frank and straightforward manner. He writes: "When Nepalese and Indian friends sleep together keeping a piece of straw as the boundary line, it is natural, in deep or in half sleep, for one's leg to nudge against the other. But when one is fully awake the Indian friend should not keep his leg pressing on the Nepalese friend; it is still more improper for the Indian to dig a hole on the bed and try to bury the Nepalese leg!"

Buddhi Narayan, who says that the boundary line even extends up to the sky, has also cited references about himself. "I did not want to leave my experiences behind and throw away the proofs that I collected, so I also incorporated all of them in the book to highlight myself," he says frankly. When the maps prepared by the Survey of India during 1960s were now out of date, he had started preparing new maps with the assistance of the Finnish government while he was the director general at the Department of Survey.

He says there could be some psychological reasons for India to continue to occupy Kalapani area despite knowing that the area belongs to Nepal on the basis of old maps and document. He has the intuition that India is looking for some face-saving measures, and feels that Nepal must understand why India is finding it difficult to withdraw its troops

from Kalapani. To untie that knot, Nepal should help even if that means raising the issue internationally. He also presumes that India is concerned about how Nepal would use the area of Kalapani, which has strategic, tourist, religious and commercial importance. He suggests that we must assure India at the government level that we will use the territory in a way that it will not harm anybody. "Raising voices for our rights does not mean enraging India in any way," he says.

He also says that the boundary demarcation at the tri-junction between Nepal, China and India has not been completed because of India. But we must work to make maps as proofs in a scientific manner before anything else. "Maps are our lives- and our past as well as our future." Several things may be lost in geography but they remain in maps. For him, contents of maps and boundary lines are alluring and enticing subjects. "During the process of demarcation of boundary when the next demarcation point is found it gives exhilarating pleasure," said Shrestha, and this is the only one passion even at the age of 60. "Those, who say it is a dull and boring subject, have not recognized the soil of the nation."

It is because of this obsession that he says in the 'Boundary of Nepal': "The no-man's land which was scratched initially is now shredded. Many of those shredded land have reached the state of being snatched away; and areas, which have been snatched like the Kalapani have been captured and occupied by the military barrack of the neighbouring country. If these shredding and snatching are not prevented and blocked there would be nothing left but to repent later on. Therefore, one must save things when it is day time; otherwise there would be nothing but darkness when night falls."

By- Senior Feature Writer Devendra Bhattarai

Why is Government mum even after obtaining the evidence ?

Editorial,
Jana-Ahwan Weekly, 7 July 1999

Former Director General of the Department of Surveys Buddhi Narayan Shrestha has brought forth before the public the fact about Kalapani which nationalist Nepalese have been raising an issue. The former

director general made public the verified map of the whole of Kalapani, which he had obtained in the Library of Congress in Washington DC, showing the area belongs to Nepal. The failure of the government of Krishna Prasad Bhattarai to take any initiative to regain the territory from India on the basis of the map has attested its treacherous character.

India, which has been occupying the Nepalese territory, has been cultivating falsehood by establishing a fake temple of Kali and by calling a rivulet near Pankhagad as the source of the massive Kali River. The recently found evidence has proved that the source of Kali River is Limpiyadhura. But the quislings here have been cursing the nationalist people who have been raising the voice that the Mahakali Treaty was deceitful and that India has captured Nepalese territory, which must be returned. The map, whose copy was brought from the Library of Congress, clearly shows that the re-named Kuti River originating from Limpiyadhura is the real Kali River. This historical document has also confirmed that the whole Kalapani, including the area where India has stationed its army camp belongs to Nepal. When the rulers, who are responsible for safeguarding the country's territorial integrity, keep mum even after finding the evidence, it has become necessary for nationalist Nepalese to launch a massive movement to regain the land.

It was the job of the government to collect the proof. But a person did it by spending his own money. But the government did not even thank him. Although the anti-national government failed to recognize the efforts of Shrestha, the nationalist people should appreciate him for his hard work. They must honour all those who fight for the country. The parliamentarians, too, have not indulged in any serious discussion on the Mahakali River despite the finding of this historical document. The members of the parliament if they love this country must raise their voices in the parliament and should expose the government and the party, which is involved in anti-national activity. But the parliament has a majority of those whose loyalty lies more with India. They will make attempts to let this issue of grave national importance be treated lightly and will try to divert the people's attention. The nationalist and revolutionary forces must remain aware and vigilant on this.

The Indian army is parading on Nepalese territory. But why doesn't the government here speak up? Why aren't those in the government look concerned and serious about it? It is clear – those in power do not have any love for this country. If they have, they should be

able to tell the Indian troops to leave this area and demand India to return all our territories upon which it has encroached. But this deaf government has remained dumb. This has made it imperative that all conscious, nationalist and revolutionary people stand on a single platform and fight for nationalism.

Buddhi Narayan versus Krishna Prasad !

Editorial,
Jana Aastha Weekly, 5 July 1999

Last week the former Director General of the Department of Survey Buddhi Narayan Shrestha returned to Nepal carrying with him verified maps, which he had obtained in the Library of Congress in Washington DC and those unmistakably showed that the whole of Kalapani belonged to Nepal. The maps clearly showed that the Kuti River (presently named as Kutiyangdi) flowing from Limpiyadhura was the actual Kali River.

The debate at present is focused more on which is the actual Kali River than on the sovereignty of the Kalapani area. The Sugauli Treaty has maintained Kali River as Nepal's western boundary. So, as soon as the question of the actual Kali River is solved, the issue of Kalapani will be resolved.

According to Buddhi Narayan Shrestha the maps showed that the Kuti River flowing from Limpiyadhura was the real Mahakali River. These authorized maps, which were prepared after the Sugauli Treaty between Nepal and East India Company and them showing that the Kuti River flowing from Limpiyadhura as the Kali River, is an unmistakable evidence that the river falsely named as Kutiyangdi is the actual Mahakali River. On that basis the whole Kalapani area (including Kuti, Nabi, Gunji and Tulsineurang areas where Indian military camps are based) can be claimed as Nepal's sovereign territory.

Although Buddhi Narayan Shrestha was former Director General of the Department of Surveys he is now a commoner. But he has discharged the responsibility of a citizen towards the country. The role he played is much higher than his present status. But the government and the responsible persons in the government, who have taken oath to protect the country's boundary and not to allow any encroachment on the country, have remained silent even after Buddhi Narayan has collected

this vital evidence. In fact, the responsibility of seeking the proof that Kalapani belongs to Nepal lies more with Krishna Prasad Bhattarai, Ram Sharan Mahat and the likes. But Krishna Prasad Bhattarai as prime minister and Ram Sharan Mahat as foreign minister did not feel this responsibility or they did not want to, despite knowing that it was their job. Therefore for Nepal and the Nepalese, Buddhi Narayan is more honourable and commendable than Krishna Prasad Bhattarai and Ram Sharan Mahat and their likes.

It is intriguing when Buddhi Narayan went to America on his own expenses and collected such important evidence why do those in the government fail to get enthused with a feeling of patriotism? It is true that India has raped our self-pride in Kalapani. It is the same India that had attacked the intruders at Kargil in Kashmir. But why cannot Krishna Prasad, who says that he is biased towards India, emulate his model? The hungry and ignorant Indians had got enthused with patriotic feelings on the Kargil issue; their hearts had agitated with nationalist feelings. But why cannot the conscience and pride of Krishna Prasad be affected when foreign troops are parading on Nepalese land since decades? Why do devotees of India through it has encroached the Nepalese territory the Krishna Prasads remain quiet and try to show that other proud Nepalese are also

Had Kalapani been an Indian territory and had Nepali troops been there, then our chests would be facing the cannon fires fired by India. Indian military planes would have been flying over our heads. As a result, we would have been branded as the most notorious country in the world. But the situation is opposite. There are Indian troops in our Kalapani area and this does not pinch the hearts of those who are in power. But why does it worried the heart of Buddhi Narayan only? And he goes to America selling his property to seek proof in favour of the nation. Still, why are such people being disgraced again and again?

Maps Show Kalapani Belongs To Nepal

SUNDAY DESPATCH Weekly, July 11-17, 1999

By Our Correspondent

PROOFS are beginning to pour about Nepal's western border at Kalapani and the status of the Mahakali River. There already are almost a dozen documents, which reveal that Kalapani lies within the territory of Nepal.

Not only that, the documents show the origin of Mahakali River lies almost 16 kilometres northwest of Kalapani at Limpiyadhura. "All the maps show the position of Kalapani on the east of the Lipu River flowing from Lipu Lekh (mountain). This proves Kalapani lies in Nepal," says Buddhi Narayan Shrestha, former Director General of the Department of Survey and the Managing Director of Bhumichitra Mapping Co. Pvt. Ltd.

Shrestha recently returned by studying maps in the Geography and Map Division of the US Library of Congress in the Washington D.C. Shrestha says the maps show how the origin of Mahakali was gradually changed and also the very name of Kali River was changed.

Referring to a map published on Feb. 1, 1827, which he studied in the Library of Congress, Shrestha says it has clearly mentioned the river originating from Limpiyadhura in the Zanskar range of the Himalayas as Kali River. It is a large scale map (1" = 4 miles) and its authenticity can be proved that it bears the label 'Published According to Act of Parliament by James Horst Surgh, Hydrographer to the East India Company, 1st Feb. 1827.' After Shrestha's findings began to appear in the news media, the government, it seems, has begun to take interest in the latest series of proofs. On Friday, the Home Ministry and the Department of Surveys contacted him and asked for maps. Shrestha says, he found the map as a counter-proof of several other maps.

Another map of 1830 entitled 'Western Provinces of Hindustan' also shows the river flowing from Limpiyadhura as Kali River. The map (of the scale of 1" = 20 English mile) was published in London by Parbury Allen & Co. and is captioned as 'constructed from the most recent surveys.' Similarly, another map of 1835, India-XII, Index Map has demarcated the border (between Nepal and India) considering the river flowing from Limpiyadhura as the border river. So has the map of 1841 entitled 'Map of India,' published by John Murray, Alberdale Street.

The next counter-proof is another map also published in London by William H. Allen & Co. on Feb. 16, 1846 which shows the river flowing from Limpiyadhura is the Kali river. Last year, Shrestha had also studied maps at British Library's India Office Records and Collection. One 1855 map entitled 'Nipal and the Countries adjoining in the South, West & East' also shows Kali river as the one flowing from Limpiyadhura. The map was compiled in the Office of the Surveyor General of India.

Nepal's border with India was demarcated according to the Treaty of Sugauli of 4th March 1816, and according to the Treaty Nepal border was fixed between Mechi River in the east and Kali in the West. And even a map of 1816 clearly mentioned the river from Limpiyadhura as Kali river or western branch or Gogra or Sarjou. Shrestha says, all maps from 1816 to 1860 have maintained the river flowing from Limpiyadhura as Kali River, and thus the border of Nepal and India. But maps of 1860 to 1880 have, though maintained the position of Kalapani and the Kali River, but the name of the Kali has been changed to Kuti River. An 1881 map published by the Survey of India entitled 'Nepal, Tibet and United Province' has mentioned the river flowing from Limpiyadhura simply as Kuti River, but it has (intentionally?) left the river flowing from Lipu Lek unnamed.

Maps published after 1880 have changed the name of the river flowing from Limpiyadhura as Kuti Yangti, and the river flowing from Lipu Lek has been renamed as Kali river, making Nepal lose almost 310 square kilometer of land west of Lipu river. So, the name of the Kali River was slowly changed into Kuti and finally into Kuti Yangti, Shrestha says. However, a map published by the Survey of India in 1879 has altered the border further. The map has not even followed the river flowing from Lipu Lek as the border river, but the international border is being taken from a small artificially formed rivulet about a considerable distance south of Kalapani, near a small stream called Pankhagadh, and running north-east along the watershed to about three and half miles north of Tinkar Pass. "The 1879 map has irregularity and has falsely demarcated and they did it on their own" Shrestha says.

The Indian side has now claimed the artificially formed pond as the source of Mahakali and about one and half mile long 'canal' as the mighty Mahakali. This demarcation of border has made Kalapani on 'their' side making Nepal lose a further 62 square kilometres of its territory. Shrestha says, the Lipu Lek pass at 16,780 feet is the easiest path to reach Tibet of China, and there is a strategic peak of the height of 20,276 ft. on the south of Pankhagadh stream, south of Kalapani. "You can see everything that moves through the Lipu Lek Pass from the Taklakot region of China from that point and also on the south, and India has cartographically demarcated the border along the watershed area to make the peak on its territory.

Meanwhile, India has been maintaining a contingent of its armed forces at Kalapani since the 60s. In the 70s they even built permanent

structures. However, after many hue and cries in Nepal over the intrusion of the Nepalese territory, India has agreed to talks. Several times Indian government has even said if Nepal has sufficient proofs, India may be willing to vacate Kalapani. There have even been talks between the technical teams of both the countries.

The latest findings certainly put Nepal in a strong position. Though Nepal may leave its claim over the territory west of Lipu river, it lost due to historical aberrations. Nepal must not concede any more of its land. This matter must be settled down through negotiations and on the basis of historical facts and documents. India's willingness to talks is a positive sign, and this issue must be a thorn on the relations between the two countries. Meanwhile, according to reports, Indian Prime Minister during his recent visit to China proposed a trade road along the banks of the Lipu River through Lipu pass into Tibet region of China. This makes it still more important to settlement of the issue as quickly as possible.

Map Shows Kalapani in Nepal

The Independence Weekly, 7-13 July 1999
By A Staff Reporter

An increasing number of proofs have been found that Kalapani in the far western Darchula district of Nepal, lies within the territory of Nepal. Not only that, maps also prove that the origin of Mahakali, known as Kali river, is not the stream flowing from Lipu mountain, but the river flowing from Limpiyadhura, about 16 kilometres north west of Kalapani.

That makes a big chunk of land west of Lipu river at the tri-junction of Nepal, India and China actually an area of Nepal. "All maps show the position of Kalapani on the east of the Lipu river flowing from Lipu Lek (mountain), and thus Kalapani is in Nepal," says Buddhi Narayan Shrestha, ex-director general of the Department of Survey and president of Bhumichitra (Mapping and Land Development) Company Pvt. Ltd.

Shrestha has recently returned after a two-week study of old maps and documents on Nepal-India border at the geography and map division of the Library of Congress in Washington D.C.

Kalapani in Nepal

Kathmandu Post Daily, 30 June 1999
RSS (National News Agency)

Ex-Director General of the Department of Survey and Managing Director of Bhumichitra (Mapping and Land Development) Company P. Ltd. Buddhi Narayan Shrestha has returned here after studying old maps and documents on Nepal-India border for two weeks at the Library of Congress (Geography and Map Division) in Washington DC, USA. According to the Bhumichitra Company, Shrestha focused his study on the map and documents concerning the Kalapani area and the origin of the Mahakali river.

In course of his study, Shrestha found that the maps published also from Britain with the permission of the East India Company and the Survey of India shows Kalapani within the territory of Nepal. Likewise, small and medium size maps of 1821, 1830, 1835, 1841 and 1846, which are also available at the library, shows the river originated from Limpiyadhura. The river is named "Kalinadi" in the maps.

Last year, Shrestha had studied the maps and documents on Kalapani, Limpiyadhura, Susta, Thori, Someshwor and the Mechi river area at the India Office Records and Collections of the British Library for three weeks, and had made available the copies of the maps.

Library of Congress Map Shows Kalapani in Nepal

The Rising Nepal Daily, 30 June 1999
RSS (National News Agency)

Ex-Director General of the Department of Topography and managing director of Bhumichitra (mapping and development). Company P. Ltd. Buddhi Narayan Shrestha has returned here after

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Nepal and India has Border Disputes at many places

Interview / Comment

People's Review Weekly, 30 January - 6 February 2003

Q. Border disputes often come up between Nepal and India. What could be the reason?

A. There are many two reasons. One is border demarcation and the other is border regulation. If one takes the issue of border demarcation, after the Sugauli Treaty in 1816, surveyors of the East India Company began demarcation along the Nepal-India border. They also charted maps. They succeeded in some places while failed in others. At several places the issue of demarcation dates back to those days. After India gained independence in 1947, people had thought that the issue of demarcation of border would be solved. But, instead, those issues along with the issue of encroachment of border and disputes increased rather than decreased.

At present, there are disputes of various kinds in 54 places along the Nepal-India border. Nonetheless, the Nepal-India Joint Technical

Boundary Committee has been working since the last 21 years to re-demarcate the border, installation of border pillars and to explain and re-define the no-man's lands where it was not clear. But the Committee has failed to complete its job. Every time, teams, consisting of 4 to 7 members, from Nepal and India go for field visit, but they fail to finish the task. The reason is they do not have uniformity on basic metrological facts, such as the exact position of the missing border pillars, base maps and records; and there are differences and controversies on those facts.

The Indian side propose to identify one base as basic metrological fact and the Nepalese side proposes the other. So, until there is the debate on the basic metrological fact the controversies remain. One can take the issue of Limpiyadhura of the Kalapani issue. The Nepalese side has proposed the basic maps of 1856 and 1850 in its claim that Kalapani belongs to Nepal; the Indian side proposed to take the maps of 1921 and 1856 as base maps saying the Nepal's proposal was unscientific. Therefore, the issue of Kalapani is still alive. It is not only Kalapani, which is in controversy but also 572 sq. feet land 16 km from Kalapani is in controversy. Similarly, the issue of Susta is still there. This debate of border between Nepal and India has been there for more than five decades.

Q. What is the issue at Pashupatinagar in Ilam?

A. When the joint team of Nepal and India worked there about three or four months ago the Nepalese side erected for border pillars. The Indian side should erect four pillars, but when the Nepalese team had gone to Jhapa, the Indian side erected 72/22-pillar by encroaching into Nepalese territory. This created a big controversy. The Indians had installed the pillar by going even inside the no-man's land in the Nepalese territory. The result was that 11 houses within the Nepalese territory and a small customs check point got into the Indian side. The people raised their voices and took out procession, now officials of both the sides agreed to find a way out. But the issue of border at Pashupatinagar has not been solved. It is not only at Pashupatinagar that India has encroached but also at the picturesque Sri Antu of Ilam.

Q. Who do you see is at fault on these border disputes?

A. Border is a line of agreement between two countries. The Nepalese side wants to solve the issue as soon as possible and through peaceful means, but the Indian try to delay and create hassles. This is my observation. For example, when the two sides agree to meet

at a certain point, the Nepalese reach there on time. When the Nepalese are tired of waiting, they arrive. The result is that the job remains unfulfilled.

Q. Like in other countries, there are debates on sealing the border between Nepal and India. Is it possible to seal the border between these two countries?

A. The border between Nepal and India should not be sealed; it is also not possible. The relations between Nepal and Indian is not only political but also social, religious, familial and cultural. Sealing a border means locking up the border, and it should not be done. But also we must not leave as it is. Now, the border is open and there are gaps and breaks. To leave it as it is not beneficial to either country. Therefore, the border must be regulated. Internationally, there are three types of borders in principle - open, closed and regulated. We cannot even imagine a closed border between Nepal and India, and an open border has also failed to give required benefit, so it must be regulated. Regulated border means, everyone crossing over the border should carry some kind of ID - passport is better. Passport is not possible in our context, so everybody should be given some kind of identification card or paper and, all entry and exit should be recorded at the immigration offices of both the countries. In the present context, when terrorism has taken a global perspective, South Asian cannot remain aloof. So, to control any kind of terrorism Nepal and India should taken initiative for a regulated border. For example, the attack at the Indian parliament in Delhi and the rise of Maoists activities in Nepal is because of open border.

Q. You said Nepal and India have close relations. But it is often said that we are too close and India always has a dominating attitude towards Nepal?

A. It is not exactly dominating, but it could be a psychological effect. India is too big both in area and population, but India should understand that Nepal and India have the same rights in the international arena. But Nepalese have understood that because of its size, position and population India is a bit arrogant towards Nepal.

Q. It is also said that India is unwilling to regulate the border to see that the terrorist activities goes on in Nepal. What do you think?

- A. What I see is that India has a dual or ambiguous role. In principle, India says that Nepal and India should have open border. The Indian ambassador to Nepal at a programme sometime back had said that the border (between Nepal and India) could not be regulated or closed. At the same programme, he also talked about regulating the border because of the Maoists. So, in principle India wants an open border, but in practice they talk about regulating the border. India has also kept its border security force at some places of the Nepal-India border saying the open border has become a nuisance. Therefore, India is already in regulating the border in practice. But at Kalapani, the border is closed, not open. Nepalese cannot go to Kalapani.



Introduction to the Author



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Education : Master Degree Geog. (Tribhuvan University), Land Surveying Course (India)

Training : Land Use Mapping and Development (Canada), Land Information System (Germany), Remote Sensing Technology (Japan), Consulting Methods and Skills (Kathmandu), Development Planning, (TU-CEDA, Kathmandu)

Profession : Consulting services on mapping & surveying, preparation of reports on it and study-research-presentation-publication on national boundary and border issues of Nepal

Experience :

- 27 years of experience in various capacities including the post of Director General of HMG Survey Department and 10 years as the Managing Director in Private Sector Mapping & Land Development Company.
- Council Member (Expert), Land Use Council, HMG Ministry of Land Reform & Management, Kathmandu 15 April 2002 onward.
- Working as Team Leader in Supervision and handling of cadastral maps and related materials for the "Preparation of Urban Digital Cadastral Database for Kathmandu Metropolitan City" For Kathmandu Valley Mapping Programme (KVMP) / EC Kathmandu from 21 May 2002 onward.
- Consultant for preparing Texts plan background paper in high priority area on Land Use, Development and Consolidation,

ADB/Tenth Plan Support TA (32247-NEP) to National Planning Commission Nepal, 13 May-9 October 2002.

- Preparation of Base Maps of Kathmandu Valley, ADB/DHUD-KUDP, August 1997 -August 1999.
- Preparation of the Study Report on "Land Information System in Nepal" for the Ministry of Land Reform & Management, Kathmandu, May -December 1996.
- GPS field observation and study of Vertical of Deflection at Namche-Lukla, Nagarkot area for Boston Museum of Science, USA, 1994-97.
- Mapping Consultant, District Agriculture Planning Project, MOA/APROSC/ UNDP, Kathmandu, Jan-April 1993, Aug.-1993 and Jan.-April 1994.
- Global Positioning System (GPS) field observations in Kathmandu with the affiliation of University of Colorado, Boulder, USA, 1993.
- Digital Mapping of Kathmandu Valley, NTC/ DANIDA, Kathmandu, 1992.
- Formulation of "Eastern Nepal Topographic Mapping Project" negotiated with FINIDA for HMG 1992.
- Everest-K2, Italy CNR/RONAST/Survey Department, Kathmandu, 1991.
- Negotiated and executed "Lumbini Topographical Mapping Project". HMG/JICA 1990.
- Preparation of Index of Geographical Names of Nepal (5 Volumes of five development regions), Mapping Sub-Committee of National Council for Science and Technology (NCST), Kathmandu, 1987-88.
- Everest-Khumbu Aerial Photography and Mapping Project USA/NEPAL/CHINA, Kathmandu, 1984.
- Preparation of Map Inventory of Nepal, NCST Mapping Sub-Committee, Kathmandu, 1982.
- Census Mapping Project, UNFPA/CBS/SD, Kathmandu, 1981-82 and 1991-92.
- Formulation of Sixth Five-Year Plan (1980-85), Seventh Five-Year Plan (1985-90) and Eighth Five-Year Plan (1990-95) on Surveys & Mapping, HMG Survey Department, Kathmandu.

- Preparation of Atlas of Economic Development of Nepal, NCST Mapping Sub-Committee, Kathmandu, 1980.

Country Visited :

- Japan, Thailand, Canada, USA, U.K, France, India, Pakistan, Bangladesh, China, Hongkong, Singapore, Dubai, Bahrain, Germany, Switzerland, Austria, Malaysia, Czech Republic, Australia, Belgium, Netherlands, Luxembourg, and Finland.
- Traveled 64 districts of Nepal, out of 75

Conference and Seminar :

- 23rd Asian Conference on Remote Sensing, 25-29 November 2002, Asian Association on Remote Sensing and Survey Department, Kathmandu.
- Seminar on " Securing Land for the Urban Poor " 2-4 October 2001, UNCHS, Fukuoka-Japan.
- Symposium on "Nepal-India Open Border: Positive and Negative Aspects" Institute of Foreign Affairs (IFA) / Friedrich-Ebert-Stiftung (FES), Kathmandu, 25 July 2001.
- Workshop on Geomatics and Space Science Technology Application, HMG MoST/ NRSA-India / ICIMOD, Kathmandu, 19 April 2001.
- International Society for Photogrammetry and Remote Sensing (ISPRS) Congresses, 16-23 July 2000, Amsterdam-Netherlands and 9-19 July 1996, Vienna-Austria.
- International Federation of Surveyors (FIG) Congresses, 19-25 July 1998 Brighton-U.K. and 5-12 March 1994, Melbourne-Australia.
- 12th United Nations Regional Cartographic Conference for Asia and the Pacific, 20-28 February 1991, Bangkok, Thailand.
- United Nations International Seminar on G.I.S. Infrastructure for Asia and the Pacific, 12-14 July 1995, Kuala Lumpur-Malaysia and other six international conferences on Surveying and Mapping.
- Participated in more than seventeen national conferences and seminars on Development of Surveying and Mapping, Development of GIS in Nepal, Seminars of Survey Officers etc.
- Presented papers and national reports in some of the national and international conferences.
- Led and represented the Nepalese delegations in the Joint Meetings of Nepal-India and Nepal-China Boundary business.

- Study and research on boundary business carried in the British Library- London, Library of Congress- Washing DC and National Library of China- Beijing.

Publications :

- ◆ Boundary of Nepal (Book in Vernacular) 2000 A.D., Awarded "Madan Prize-2057"
- ◆ Border Management in the context of National Security (Book in Vernacular) 2002 A.D.
- ◆ Border Management of Nepal (Book) 2003 A.D.
- ◆ Cadastral Survey for Public Usefulness (Book in Vernacular), 1981 A.D.
- ◆ Other Miscellaneous Writings :
 - Articles published in various newspapers, journals on Nepal-India Border Issues mainly on Kalapani problem (in Nepali and English).
 - Working Paper on Boundary Demarcation in the Riverine Segment and view on Mechi Border.
 - Height of Mount Everest.
 - Land Information System and Cadastral System of Nepal.
 - Downtrend of the Price of Land.
 - Possibility of Earthquake in Nepal.
 - Whether Nepal Needs Mapping or Chemical Fertilizer.
 - Role of Maps in the News Media.
 - Problems of Human Settlement.
 - Presented national reports in International Surveyors Congresses and conferences etc.

Award-Prize :

- **Madan Puraskar (Prize)-2057** : awarded certificate with Rs. One hundred thousand cash prize by Madan Puraskar Guthi (Trust), Lalitpur, 18 October 2001 in recognition of writing the book "Boundary of Nepal."
- **Letter of Commendation** : by New Support Nepal (Nava Sahara Nepal), Kathmandu, 4 January 2003, in recognition of the important contribution made for the development of the Nepalese Society through highlighting geographical border of the nation.
- **Letter of Appreciation** : by JICA Alumni Association of Nepal (JAAN), Kathmandu, 18 December 2002 in recognition of invaluable and distinguished contribution made for the betterment of the institution and the nation.

- **Felicitation** : by International Forum - Progressive Nepali Society - Nobel Academy, Kathmandu, 11 January 2002 (on the occasion of the National Unity Day) in recognition of fostering the national sentiment on the border issues of Nepal.
- **Felicitation** : by Okhaldhunga Social Service Kathmandu, 20 October 2001 in recognition of the commendable work performed to identify the nation's boundary, drawing attention to the international arena.
- **Eduard Dolezal Award** : 18th ISPRS Congress, Vienna-Austria, 11 July 1996 in recognition of developing Surveying, Remote Sensing, Photogrammetry and Geographical Information System in Nepal.
- **Felicitation** : by the District Development Committee, Okhaldhunga (on behalf of the inhabitants of Okhaldhunga district), Okhaldhunga, 22 January 1999 in recognition of the outstanding contribution made to create awareness on the preservation of National Boundary of Nepal and of the contribution to expand Surveying, Mapping and Land Information activities in Nepal.
- **Letter of Appreciation** : by Okhaldhungeli Solidarity Society, Kathmandu, 29 January 2002 (on the occasion of Martyrs Day) in recognition of writing the research oriented book "Boundary of Nepal" to create the awareness to the general people on the national boundary demarcation of Nepal.

Membership of Professional Society:

- Past President (1992-1994) and Member, Nepal Surveyor Society, Kathmandu.
- Member, The Royal Institution of Chartered Surveyors, London U.K.
- President, Nepal Remote Sensing and Photogrammetric Society, Kathmandu.
- Vice President, Nepal Land & Housing Development Association, Kathmandu.
- Vice President (1995-98) and Life Member, Nepal Geographical Society, Kathmandu.
- International Real Estate Federation (FIABCI)- Nepal Chapter President (1997-99), Paris France.
- Member, Nepal GIS Society (NGISS), Kathmandu.
- Member, Management Association of Nepal (MAN), Kathmandu.
- Member, Institution of Surveyors (1995-99), Australia Inc, Melbourne.
- Fellow, Royal Geographical Society (1997-99), London, U.K.

- Honorary Senior Consultant, Magna Technologies (USA) Inc. Wellington Delaware, USA.
- Life Member, Tanka Prasad Acharya Memorial Academy, Naxal-Kathmandu, Nepal.
- Honorary Member, J.P. Academy, Dilli Bazar-Kathmandu, Nepal.
- Executive Member and Life Member, JICA Alumni Association of Nepal, Adwaitmarga, Kathmandu.
- Life Member, Council of Former Public Servants, Sankhamul-Lalitpur, Nepal.
- Board Member, Child Development & Research Institute, Dilli Bazar- Kathmandu.
- Member, Border Encroachment Study Committee, Putalisadak-Kathmandu.
- Board Member, America–Nepal Alliance for Health, Newtown-PA, USA.

Medal / Decoration :

- Gorkha Dakshinbahu, Class Three, 1992.
- Gorkha Dakshinbahu , Class Four 1978.
- Jaanapad Sewa Padak (Medal) 1981.
- Coronation Medal 1975.
- Deergha Sewa Padak (Long Service Medal) 1991.
- Throne Accession Silver Jubilee Medal 1997.
- Birendra Aishworya Service Medal 2002.

Presentation and Discussion on Border Issues to :

- 05 April 2003 Amar Singh Thapa Academy (Paper Presented in the Interaction Programme on "What is Sugauli Treaty ?") at Lalitpur Sub-Metropolitan City Hall.
- 02 January 2003 Rotary Club of Patan West, Lalitpur (Talk on Border Management Issues of Nepal) at Hotel Summit.
- 12 October 2001 Talk Program (Border Issues of Nepal) arranged by Royal Nepalese Embassy, China and Nepalese Students in Beijing at Royal Nepalese Embassy Hall, Beijing.
- 06 October 2001 Talk Program (Border Issues of Nepal) arranged by Nepalese Association in Japan (NAJ), in collaboration with Royal Nepalese Embassy, Tokyo at Sambung Hall, Saiwai-cho, Itabashi-ku, Tokyo.

- 29 Sept. 2001 Young Men's Buddhist Association, Lalitpur Nepal at Loka Kirti Mahavir, Lalitpur.
- 10 Sept. 2001 Regional Center of National Buddhist Association and World Buddhist Brotherhood Association at Buddha Vihar Hall, Adwaitmarga, Kathmandu.
- 02 August 2001 All Nepal National Free Students Union, Central Office Kathmandu at Law Campus Hall, Kathmandu.
- 20 May 2001 Action for Solidarity, Equality, Environmental and Development (ASEED)-South Asia, Kirtipur at their Meeting Hall.
- 12 Nov. 2000 Talk and Discussion Program arranged by America-Nepal Society, Washington DC, USA at The American University Hall, Ward Circle Building.
- 20 Sept. 2000 Nepal-India Human Development and Friendship Association, Kathmandu at Hotel Soltee Crown Plaza.
- 26 July 2000 Nine Leftist Group, Kathmandu at Federation of Nepalese Journalists Hall.
- 27 June 2000 Democratic National Youth Federation- Nepal, Kathmandu at National City Hall.
- 30 May 2000 Foreign Relation and Human Rights Parliamentarian Committee of the House of Representatives, Singha Darbar, Kathmandu at H of R Hall.
- 26 May 2000 Nepal History Association, Kathmandu at Trichandra College Hall.
- 04 May 2000 Nepal Geographical Society, Kathmandu at Padma Kanya Campus, Sagarmatha Hall.
- 01 April 2000 All Nepal National Free Student's Union, Central Office, Kathmandu at National City Hall.
- 25 Nov. 1999 Honourable Prime Minister, Ministers for Foreign Affairs, Home, Law & Justice, Water Resources, General Administration and Land Reform & Management, Secretaries of these ministries, Principal Secretary, Chief Advisor to the Prime Minister and Secretary General of Nepali Congress Party, Kathmandu at Prime Minister's residence.
- 06 Nov. 1999 Political Science Association of Nepal (POLSAN), Kathmandu at Nepal Tourism Board Hall.
- 05 October 1999 Border Encroachment Resistance Committee, Kathmandu at Report's Club Hall.
- 18 August 1999 National Excellence and Preservation of People's Rights Civil Society, Pokhara at Miteri Hotel Hall.

- 08 August 1999 Prime Minister's Chief Advisor Dr Narayan Khadka, Kathmandu at his residence.
- 04 August 1999 Ministry of Foreign Affairs (Minister, Assistant Minister, Special Secretary, Joint Secretary, Under Secretary, Section Officer etc) at the Ministry Hall.
- 02 August 1999 Ministry of Defence (Secretary), Kathmandu at his office, Singha Darbar.
- 25 July 1999 Speaker's Office of the House of Representative (Speaker, Secretary General, Secretary, Joint Secretary etc). at his office, Singha Darbar.
- 12 July 1999 Ministry of Land Reform & Management (Secretary, Joint Secretary, Under Secretary, Director General and Deputy Director General of Survey Department), Kathmandu at the Ministry Hall, Singha Darbar.
- 01 July 1999 National Concerned Society, Kathmandu at their Hall.
- 15 May 1999 Greater Boston Nepalese Community (GBNC), Boston, USA at their Office.
- 22 January 1999 District Council of the District Development Committee, Okhaldhunga at DDC Hall.
- 20 Nov. 1998 All Nepal People's Youth League, Central Committee, Kathmandu at Staff College Auditorium.
- 19 August 1998 Yeti Nepali Society (Members of Executive Committee), London, UK at their Office.
- 04 July 1998 Border Encroachment Resistance Committee, Kathmandu at Federation of Nepalese Journalists Hall.
- 23 Nov. 1997 National Concerned Society, Kathmandu at their Hall.
- 03 Oct. 1996 Tanka Prasad Acharya Memorial Academy, Kathmandu at Hotel Blue Star.
- 09 Sept. 1996 Bhadrapur Municipality, Jhapa at their Seminar Hall.

Interviewed by the Electronic Media :

- 29 March 2003 Times FM 90.6, Motherland program
- 23 March 2003 Radio Sagarmatha, Today's Talk program
- 02 Sept. 2002 Nepal Television, Talk of Mind Program.
- 15 Dec. 2001 Metro FM Radio, Churning (Manthan) Program.
- 14 Dec. 2001 97.9 FM KATH Image Channel, Today's Context Program.
- 16 Sept. 2001 Channel Nepal TV, Conversation Program.
- 24 August 2001 Channel Nepal TV, Today's Context Program.
- 13 August 2001 97.9 FM KATH Image Channel, Today's Context Program.

- 04 August 2001 Nepal Television, Argument (Bahar) Program.
- 13 Sept. 2000 Kantipur FM Radio, Tareman Program.
- 14 June 2000 Radio Sagarmatha, Today's Talk Program.
- 31 March 2000 Radio Sagarmatha, Today's Talk Program.
- 02 Feb. 2000 BBC London Nepali Service, UK, Common Platform (Chautari) Program.
- 06 October 1999 Radio Nepal, Episode and Notion (Ghatana Ra Bichar) Program.
- 05 July 1999 Radio Sagarmatha, Today's Talk Program.
- 30 June 1999 Radio Sagarmatha, Today's Talk Program.
- 26 August 1998 BBC London Nepali Service, UK, Common Platform (Chautari) Program at their Studio.

Interviewed by Newspapers and Magazines :

- More than 50 Daily, Weekly and Monthly newspapers, magazines and Journals have published the interviews of the Author on Border Demarcation and Border Management Issues of Nepal.

- Bhumichitra Mapping Co. P. Ltd.



Nepal-India Border Demarcation

WARM EMBRACE : COLD RELATION



Courtesy : Nepal Fortnight : Kantipur Publications

*Kalapani Border Issue tends to reach the highest point
But it descends again and again to the foot-hill.*

Kalapani-Limpiyadhura Border Encroachment

GOOD NEIGHBOUR : BAD INTENTION



Courtesy : Kantipur Daily

Occupies and sits impudently in other's territorial land

WHOEVER MIGHT CALL HIM SHAMELES

Nepal-India Boundary

**DAM IS CONSTRUCTED FOR INDIA :
LAND OF NEPAL IS SUBMERGED**



Courtesy : Kantipur Daily

No-man's land is already submerged

**LET NOT THE BORDER PILLAR
BE TUMBLED DOWN**

Kalapani Border

ILL-TEMPERED LEADER : HALF BAKED ADVISOR



Courtesy : Samakaleen Weekly

Leader Treats the People as Sheep

**PRETENDS TO PROVIDE ASSURANCES,
But never fulfils the commitment**

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17. Shrestha, Buddhi Narayan (2002), **Border Management in the context of National Security** (in Vernacular), Bhumichitra Mapping Co P. Ltd, Kathmandu
18. Shrestha, Hiranya Lal (1999), **Kalapani and Source of Kali** (in Vernacular), Rastriya Janaprawakashan, Kathmandu.
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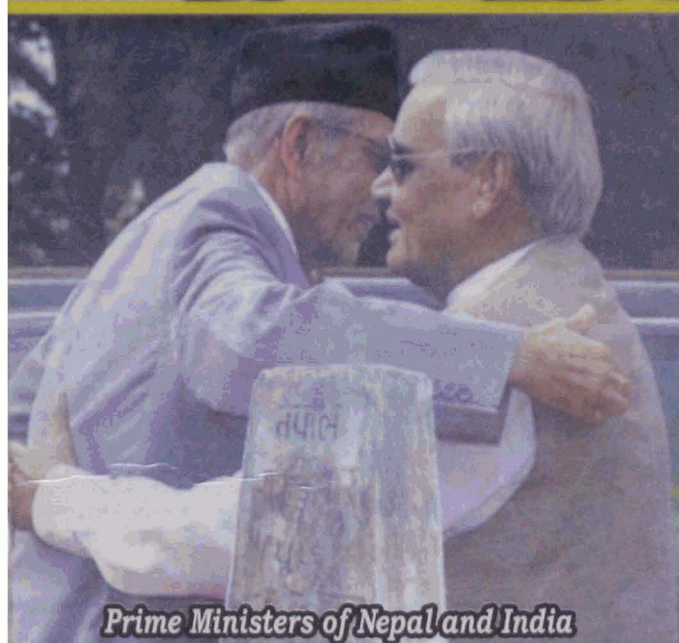
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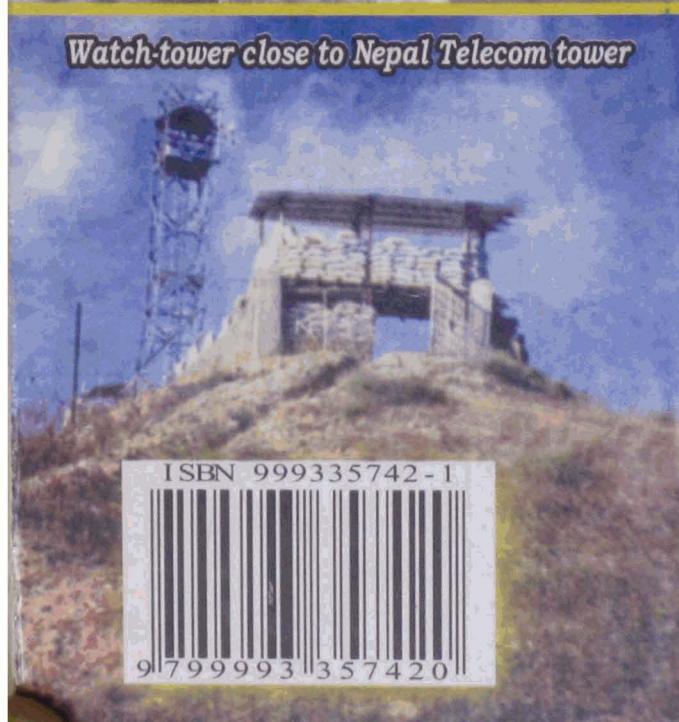
SSB Checking at Indo-Nepal Bhimnagar Border Point, near Koshi Barrage



Prime Ministers of Nepal and India

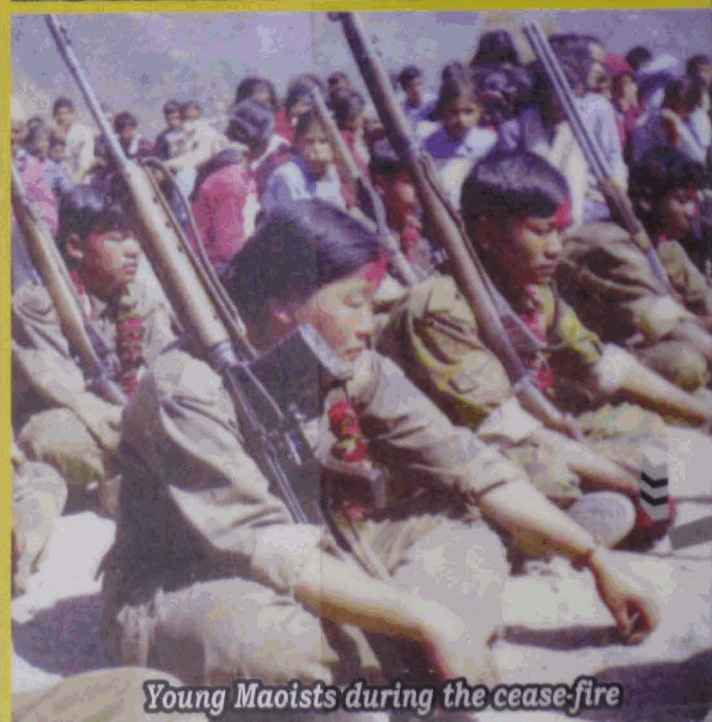


Erected and instantly Pulled out Pillar at Hile



Watch-tower close to Nepal Telecom tower

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Young Maoists during the cease-fire