

BORDER DISPUTE BETWEEN NEPAL AND INDIA

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Abstract

Boarder between countries is a sensitive issue, which may leads to dispute. Sometimes, debate on boarder creates the situation of war between two countries. Boarder dispute cannot only divide the people of two countries but also the national politics. In this article, boarder dispute of Nepal with its neighbors is analyzed through historical and cultural perspective. This study is based on documentary sources.

Key words: Border, India, China, Sugauli

Background

From the ancient time to date, Nepal has been regarded as an independent and sovereign country. For thousands of years, the border of Nepal is surrounded by India to the three sides- south, east, and west and by China to the north. It is recorded that, at some period of history, the border of Nepal was extended to Tista in the east and to Kangada fort in the west. Similarly, Nepal was extended to the confluence of the Ganga\Jamuan Rivers in the south and to the Himalayan range of Singase and Tasilhunpo monastery in the north. In the course of time, the border of Nepal happened to be limited to Satalaj in the west, to the middle part of the Ganga River in the south and to the present Bangladesh in the east (Shrestha, 2057: p.56-57). To the date of 1863, BS the border of Nepal had reached to Kangada in the west and to Tista in the east. After the Sugauli treaty in the 1866 BS, the border of Nepal shifted back to Satalaj. Then, there held war between Nepal

and the East India Company- the then ruler of India. After then, being compelled, they signed on Sugauli treaty in 1816 BS (4 March 1816 AD). Due to the Sugauli treaty, Nepal lost the land from the Mechi to Tista in the east and from the Mahakali to Satalaj in the west and from Chure range to plain Tarai in the south. Probably, being dissatisfied with the treaty, it was not signed by the then king and Prime minister from Nepal side; a representative of Nepal signed it (Shrestha, 2057: p.1-3). In 1872, BS Paush 7 (December 11, 1816) the East Indian Company returned some snatched land from the Sugauli treaty of eastern Terai to Nepal. Similarly, when Junga Bahadur Rana helped to British people in solders revolution, then, in turn the British company, being happy, returned the western Terai (known as new nation- the districts are Banke, Bardiya, Kailali and Kanchapur) to Nepal in 1917 BS, Kartik 3 (November 1, 1860 AD) as a supplementary boundary treaty. After this treaty, the present border has been retained.

Border Dispute and Encroachment

If there is no clear borderline, no interpretation regarding borderline agreement treaty, and cold relationship between the two countries, it is called as border dispute. The border dispute means the dispute between the two countries about the imaginative borderlines. There can be many reasons to have border problem, for example, if the powerful country follow the policy of bringing historical logic and illogic regarding the border territory, if there is the policy of spreading propaganda to indigenious people, if there is mines, water sources and grazing land. In the past, there had been border disputes in the places where it was regarded important from strategic arrangement prospective such as in the forts, mountain pass, and main business path (Shrestha, 2057 : p.15). However, the border between Nepal- India is clear.

Nepal is surrounded by India in the three sides. Due to open and unregulated border system, the border problem is increasing day by day. In comparison to other sides, we can see more encroachment to the south side. After the Sugauli treaty, it started to increase gradually. To be specific, after the 1947 AD, that is, after the independence of India, there started to increase border territory dispute between Nepal and India. The origin place of Mechi river, Antu hill region, the region of Ramnagar, north side of Chure mountain to southern side, jungle etc. are regarded as the disputed border areas. The encroachment dispute increased in 10 yards (Dashgaja) region due to population increase in India, due to deforestation of Nepal's four-sided jungle or bush by Indian, and due to encroachment of Nepal's land. Susta, Arra, Nala, Tal Bagonda etc. are the disputed border areas where even border pillars are not found. When the democracy was established in 2007 BS in Nepal, then the encroachment started to increase in the area of Kalapani-Limpiyadhura and Susta. Even after the referendum in 2036 BS, the Indian people increased encroachment by deforesting the Nepalese jungle. Along with Susta, the land encroachment increased in other dwelling places. Even after the re-establishment of democracy in 2046 BS, the land encroachment continued in the places such as Tanakpur, Mahespur, Thori, Susta, Sandakapur, Manebhanjyang, Pashupatinagar, Bhantabari, the Mechi Pul area (two third) of Kankadvhitta. Indian built dam and embankment in different places such as Laxmanpur, Rasiyawall- Khurlotan, Mahalisagar, Kohalawas, Kunauli. Due to these dams and embankments, Nepalese lands have been plunging in many places at the time of massive flood in the monsoon season every year. Even after the political change in 2062/063 BS, the encroachment did not stop, yet, it has been encroaching in the places such as Lalbojhi and Bhajani in Kailali, Chaugurji of Gulariya in Bardiya, Parasan

Paratal in Kanchanpur, 1.5 km of Koshi embankment towards east-west highway and the encroachment of Susta is even increasing. Similarly, after being Nepal republican kingdom in 2065 BS, the land territory encroachment had been increasing in the places such as Shreeantu Guphatal in Ilam, Someshwor in Chitwan, Jhitkaiya in Bara, the 10 yards (Dashgaja) area of Koilawas in Dang, in Khaba check post and Gurung check post. The border territory encroachment has not stopped yet. Basically, there are two reasons to continue encroachment: one reason is political instability in Nepal and another is political parties have been passing their time to form government and to dissolve the government. The political parties are not paying sincere attention to this issue. Nepal does not face border dispute towards China due to the Himalayan range but it has been always facing border dispute due to open and plain area in India border. Of the 26 districts of Nepal sharing border with India, 21 districts, in 54 places, are facing the problem of violation of their territory by India. It is estimated that more than 60,000 h. land of Nepal has been encroached by Indian side. Of this, the most disputed area is Kalapani-Limpiyadhura where the largest chunk of land (37,000h.) has been encroached. Similarly, the land of Nepal has been encroached in different places in different chunks such as Susta (14,000h.) the region of the Mechi river bank (1,600h.), while constructing Sarada barrage (8.85h.), Sandakpur (2h.), Parasan Pyara Tal (450h.), Bhajani Lalbojhi (330h.) Korobari (40h.), Gulariya (6h.), Guphatal Manebhanjyang (4h.), Jhitkaiya (3h.) and Pashupatinagar (240 sq km) is the least chunk of land encroached area. Especially at time of political instability such land encroachments have been found. The most heated disputed area is Kalapani. The 372 sq. km towards Limpiyadhura from Kalapani has been encroached by Indian Army. Regarding it, many voices were heard from many Nepalese but such voices seem to have

disappeared in the sky. But those people who are worried about the nationality are aware with this issue (Shrestha, 2057 : p.331).

The Sugauli treaty has specified that the Kali River as the border of the two countries. Till the date, it has not been found the origin of the Mahakali River. And this is the main reason to have dispute concerning it. Still there is dispute about the origin of the Kali River. Of the three places- Limpiyadhura, Lipulek and Kali temple which one is the origin place of Kali River has not been specified yet. The old maps and records show Limpiyadhura is the origin place of the Kali River. It is the largest chunk of land that has been encroached by India. Although claimed by Nepal, Kalapani is currently being occupied by India's security forces since the 1962 border war with China. Nowadays India has been realizing the land encroachment. The then external affair minister Pranab Mukharjee visited Nepal in 2065 BS Magsir 10. At that visit, he told that Kalapani and Susta border dispute should be solved by dialogue. Convincing the India, the Kalapani dispute can be solved by consulting the old recorded evidences and documents. Due to massive flood at rainy season, whenever the Narayani River finds a new course and cuts Nepal's territory on the west, India maintains the new course of the river as the boundary and claims the land behind the river as her own.

The border dispute at Susta is the main example of land encroached due to this reason. At Susta, the area of Bhendiyari, Dhanaiya and the land between the jerk of river has been completely encroached by Indian side. The encroachment at Susta region is extending towards Susta dwelling. From 1902 BS to the present time, 14,000 h. land is under encroachment at Susta. Similarly, there seems danger in Triven VDC ward 4 due to Narayani River. For the solution of

Susta problem, the course of Narayani River should be identified and there should be erected Junge pillar to both sides of the river. Due to dam and embankment constructed by India in the border area, this problem has aroused. Due to dam and embankment construction near the international borderline, the problem of plunging or sinking of Nepal land has been created. As a result the border problem has appeared. If India build chain dam one after another, most of the plain land can be plunged and more problems can be created. The dam and embankment constructed by India in the border areas are Laxmanpur dam in Banke, Rasiyawal- Khurlotan dam in Rupandehi, Mahalisagar dam in Kapilwastu, Koilabas dam in Dang, Purnagiri dam in Kanchanpur, Danda-pharena dam in Rupandehi, Bairganiya ring dam in Rautahat, Gandak dam, Koshi dam, and the embankment in Luna river, Khando, Kamala- Bagmati, Lalbakaiya etc.

Isoglosses Border and Possibility of Fraction (Division)

Border is not only a line but it is the border line land. The word border refers to the one definite point mentioned on treaty which links to other point. There is no ambiguity between Nepal and India regarding border. It is clear as mentioned in the geographical border treaty agreement. It can be predicted that due to different ideologies and values within the different geographical regions a kind of fraction is increasing and appearing among the people. The border made by natural things such lake, river, stream, sea is called isogloss or geographical border. If border is built by constructing pillar and piling up stones that is called artificial or manmade border (Shrestha, 2057 : p.18-19).

Sometimes the matter of geographical border division comes into political level and in the different parts of the

country in the name of caste, region. One of the underground groups, Janatantrik Mugti Morcha (JMT), claimed that an independent Terai region has already born and the border of it is clear by the land itself. By insisting, JMT mentioned that there is only remain to hold dialogue to split the border. In this connection, the Terai-Madhes party told that Nepal is about to split into different pieces. So, in such a situation, it is necessary to understand ‘who is playing such a fatal role for the country?’ Regarding it, the president of Terai Madhes Loktantrik Party (TMLP) Mahanta Thakur warned, in a programme in 2065 BS Paush 5, that if there is no provision of ‘one province one Madhes’, there will not be one Nepal too. On the other hand, the president of Nepal Dr. Ram Baran Yadav said that the matter of ‘one province one Madhes’ can be dangerous from the perspective of nationality and of unity. By the study of historical border of Nepal, we understand that Nepal is going back to shift 149 years ago, that is, Nepal without Terai.

The Terai people from Madhesi descent are demanding the federal state as ‘one province one Madhes.’ If the Terai province is born, we cannot say that the Himalayan province won’t be born in Bhot likewise Limbuwan, Khumbuwan, Tamuwan, Karnali and so on in the different parts of the country. If such situation emerged, where will be the existence of Nepal? It is the serious and considerable matter for all the Nepalese.

Ideological Fraction (Division)

As we know, Nepal is made of by Himal, Hill and Terai. The ideological fraction is emerging in the country. We are guided by different ‘blocks’ and ‘isms’. Some of us are left-leaning, some of us democracy-leaning, some of us are pro-Indian and some of us are anti-Indian, some of us pro-

Chinese, some of us are progressive, some of us are non-progressive, some of us are classical. Actually we should be nationalist rather than affiliating with small 'blocks' and 'isms'. We should put the necessity of the nation on the top. The land towards the north is mostly covered by snow and which is regarded as the least developed area. Hilly region is known as stone region and pseudo-developed area which is regarded worthy from the prospective of water resource, electricity production, mine, herb, trekking. Similarly the Terai is regarded as developed and fertile region. It is good from the prospective irrigation, industry, transportation and grain production p. All the three regions are complementary each other. They should be always joined, and work as the border safeguard. But the political parties of Nepal have been explaining federal system differently without considering the probable vulnerability in Nepal, for example, some parties are explaining federal system as making state of certain castes and region. This may lead the nation towards disastrous war and fraction.

The Joint Signature on Border Map

The assigned border line between the two countries is mentioned on treaty agreement report, and accordingly by constructing border pillars the map is drawn. (Shrestha, 2057 : p.139) As we know, Nepal is surrounded by India from three sides. The map of Nepal has been drawing for long time back. Nepal India Joint Technical Committee had been formed in 1981 for this purpose and it worked for 26 years before it was dissolved in January 2007. The border line between Nepal and India is 1808 km; of this, the Committee settled 98 percent of border demarcation disputes and prepared 182 strip maps. And 8,553 border pillars have been erected. Surveyors from both Nepal and India have put their signatures on those maps. Only two percent work remains, including on disputed regions of

Susta and Kalapani. The Indian external affair secretary Shivashankar Menon, in his visit in Kathmandu in 2066 Ashad 7, said that both countries' authority will put their signature on the completed work (98%) in the near future. Probably, the two foreign secretaries will put signature on the map in the near future.

Before doing agreement and putting signature on, at first, we should understand the remaining 2% disputed area. That is, we should understand the places that are remained to draw on map? And of the 182 set maps, how much are they clear and correct? We should look carefully, if there is correct and accurate on the map and incorrect and inaccurate on the land what to do then? On the other side, of 8,553 border pillars, in how many places have they been erected in the previous places or proper places? For this, we should carry out research on this aspect before putting signature from the two sides. Besides this, we should explore, why India is hastening to sign on this issue? It is a considerable matter for Nepal. Regarding this issue, the Nepalese people are curious to know whether the map is drawn as exactly as the Sugauli treaty's time or not, that is, we should explore whether it is drawn according to the old records and documented testimonials or not. It is suggested that only on the completion of the national border map we should put join signature on the issue. If we look at the world scenario, all countries have agreed to put signature regarding the border dispute only after the completion of the work. That is, when they do not have any dispute they put signature on the treaty agreement paper. If we look at the Mt. Everest dispute between Nepal and China, it was signed by the then foreign affair ministers of the two countries only after the completion of border line map protocol in 2019 BS Magh -7. Hence, it is suggested that only after the completion of work concerning the dispute signature

should be put by a calling press conference- media and by showing to the Nepalese people.

India is saying that except Susta and Kalapani, there is no dispute regarding border line between Nepal and India. India is hastening to put signature on the completed work. But there might have hidden and forgery motive of India. Regarding it, we should be aware in time. It is claimed (by India) that 98% border dispute has completed. But on what thing should we be aware is that whether there is accurate chunk of land or not that should be taken into consideration. Over 54 places, there has been dispute between Nepal and India. Such thing should be made clear to researchers, history experts, discovers in time. Nowadays, we have been hearing the encroachment of Nepal land in 22 check posts in dang district and oppression of Indian police in the place. Regarding it, we should find out actual truth in time. It is heard that 81 pillars have been shifted in Bara district, and similarly, 11 ropani lands has been encroached at Shreeantu Guphatal in Ilam district. In the same way, the problem of Tanakpur, Sandakpur, Mahespur etc. have not been solved yet. By the 2% work, we may understand it as the very little chunk of land. But it is not little chunk of land. It refers to the 37 km long chunk of land. Of the 37km chunk of land in different places, it has been increasingly encroached. Especially, we should take stand in this regard; we should not leave even a single piece of land to India.

Ways of Problem Solving

This border dispute between the two countries should be solved by dialogue in amicable way and reverentially. If there is need of third country as a mediator for the dispute, we should be ready to ask help. If we could not be able to solve the problem by this way, we should ask for help of the United

Nation Organization. Yet, if the problem could not solve, at last, we should be ready to go in international court.

To solve this problem, we should ask for counseling and suggestion from experts in the field. We should understand the root of the problem. After that, regarding the problem, reality should be informed at the higher level. After then, the problem should be dealt cordially in the political level. Only the complex and debatable matter should be dealt from the head of the nation and of the government. If any small piece of land becomes the foreign land then the people who are dwelling there can be foreigner. That is, when the border line shifts, the people of one frontier would turn into the citizens of other country. They had to depart their kith and kin on the other side of the border. It hampers the social status of members of communities. Hence, we should be aware with this thing. The head of the government should look for the solution of border problem keeping the national unity in mind. In such a case we should not look for our own post, politics and power. Nationality should be put on the top priority. For all the countries, the border problem is a very sensitive issue. If the small chunk of land continues to encroach, at last, large chunk of land can be encroached and then there can be danger of existence of the country itself. We should not put such issue in shadow rather we should be clear about it. Solution of the border problem can be sought from the local level authority of the two countries. In the context of Nepal-India, the Centre District Officer can make effort to solve the problem. We must be determined to clear out differences within ourselves and bring to an end the long-lingering and turbulent issue in the larger interest of the country by reaching to national consensus. We can make solution from mutual understanding, discussion, and consensus of the two countries. Both countries should look for justice, rational and mutual cooperation while dealing with this issue. These can be the best ways to solve the problem. Boundary pillars and border lines are equally sharing elements of both the

nations. This is common property of both the countries. If some of the border pillars are missing, it affects both sides. The border administrators of the both sides should observe and investigate the border line things such as pillars time to time. Besides this, the border ordinance should be renewed between 10 to 20 years period which is regarded as important work of the border administrators. (Shrestha, 2057 : p.17)

Nepal should be clear about the diplomatic effort for the solution of problem. Regarding diplomatic policy, Nepal should make India understand and should prove that Nepal and India are equal in the international level. We should identify the possible alternative ways of problem solving. After then, we should deal respectfully and cordially at political level. We should go ahead by doing homework regarding the complex border issue such Kalapani. To solve the border issue between Nepal and India, Nepal should be clear in the questions such as, If India claims Kalapani as her own land, what to do then? If India told that Kalapani was given by the then king Mahenddra, how to give counter response then? If China does not tell Kalapani belongs to Nepal, how and what to answer then? If India brings the policy of no-man's land/ buffer zone, what to do then? If India brings the offer of settling army forces of the both countries in the disputed areas, what to do then? If India asks for lease for hundred year, what to do then? If we need the third country as a mediator, which country should we choose? And if it is told that it will be loss for Nepal, if Nepal extends Kalapani issue to international level, in this situation how to answer? To answer such questions, Nepal should be well prepared in advance.

Conclusion

To solve the border encroachment problem, we need to sit for dialogue, discussion, and should have mutual understanding with each other. Though Nepal has requested a number of times to stop the border encroachment, yet, India has not heard. India has the tendency of domineering. Due to it, Nepal is facing the territory encroachment problem. Moreover, security problem is being created day by day. It would be unwise diplomatic work to put signature on the border agreement paper without identifying the encroached areas and Junge pillars. We should go for field observation in the disputed areas. We should consult old recorded documents related to it. If we see something to improve between the two countries, we should hold talks at bilateral level reverentially. Agreement should be done by bringing it in front of the people, that is, by showing to them. In the areas where land has been encroached, at first, *Junge* pillar should be erected and only after that signature should be put on the map. Sometimes the map can be accurate but the land has been encroached, in such a situation, it will be futile for us. Without finalizing the entire border disputes, signature should not be put on the agreement paper. If encroachment continues at the current rate and if we continue to watch silently, millions of people will soon become aliens and our nation and nationality will be under serious threat. Eventually, it could even end of Nepal' existence in the near future. Hence, the border issue should be solved as soon as possible.

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