

Borderland, Culture and Contestation between Nepal and India

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Abstract

The border between two countries is not only a passway to travel across, and legal trade transit; it is also the cause of socio-economic and cultural transmission, and sometimes it can also create political and criminal activities. This paper highlights how the border between Nepal and India has created contestation with different activities from the socio-cultural celebration to the economic and political relations, and also to the terrorism and criminal activities. It traces historical contexts of setting the border in general, and the context of Nepal and India border in particular. The paper aims to describe the geographical, cultural, and socio-economic activities across the border.

Based on the secondary materials available about open border, and its pros and cons, this paper focuses on the context of Nepal –India open border, its prospects and challenges for both countries. The analysis in this paper is based on books, documents, historical records about Nepal – Indian border, experiences of the people across the border and experts' opinions from both countries.

Key Words: Border, Madhesh, contestation, terrorism

Introduction

As a land-linked country, Nepal is surrounded by India in the east, south and the west, and by China in the north. Its northern side border with China is restricted whereas the border in other three sides with India is open. The open border of Nepal is beneficial in many senses, but sometimes it creates problems for both countries.

Thus, there are both the prospects and challenges of Nepal-India open border for both countries. Economic and cultural sharing and cooperation among the people in their livelihood is taken as positive aspect of the open border. But sometimes it has created administrative and political problems.

This paper has traced the history of setting the border in the world and explained the historical context of Nepal-India border. There seems a sort of gap between Nepal and

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India for its effective border management although there is close socio-cultural and economic relation among the people across the border. It has sometimes created tussle in the border area and also sometime in the political level.

Practices of Border

If we look back to the history of human civilization, there was not the concept of concrete physical or geographical border in the long past. There were only the cultural territories in different human settlement areas around the world. People were separated into different cultural groups and sometimes they used to fight with each other either to protect the cultural territories or to influence over others' culture.

Present concept of territorial boundary is the nineteenth century colonial gift. The concept began after the colonial expansion when the powerful countries began to extend their territories over the weaker nations. The weaker nations tried their best to protect their territories from the colonizers. The political and legal boundary became important, then. The First and Second World War also supported to increase the feeling of nationalism as it strongly prioritized for the strong border of the nation. The border sometimes became a legal trade transits, and sometimes caused smuggling, cultural transmission, and political and criminal activities. Open border of Nepal and India, for example became an easy access to many such activities. At present, there are different types of border in the world in between two countries such as:

- ❖ Open border: The border where there is no restriction among the citizens of both countries. Nepal-India border is an example.
- ❖ Partially open border: The borders of EU countries for their citizens, but not the citizens of other countries
- ❖ Controlled border: The border that allows movement of people between different jurisdictions, but places restrictions and sometimes significant restrictions on this movement
- ❖ Closed border: The border that prevents the movements of the citizens of both bordering countries without visa.

Context of Nepal-India Border

In ancient time, there was not exact borderline between India and Nepal or India and its other neighbouring countries as it has been nowadays. It was only the cultural space. According to Lok Raj Baral and Uddav Raj Pyakurel, "Going back to history, from time immemorial, both migrants and indigenous peoples inhabited the lands belonging to the northern Gangetic plain and hills" (Baral and Pyakurel, 2015). The people living

in the plain land down to the Siwalik hills that covers today's Uttar Pradesh and Bihar of India, and Terai region of Nepal had similar cultural roots and identity. Their livelihood was almost similar. The people who could tolerate hot climate only could live in these regions. They were not concerned about the political boundary. Even after the practice of geographical and political boundary came into existence, they lived depending on the economic activities of both sides across the border for their livelihood.

Although there used to be some riots between Hindus and Muslims in some of the places in this region, there was no tussle because of cultural background at the plain southern territories of present Nepal and the plain northern territories of present India. People lived with identical cultural and linguistic practices. Their livelihood, economic activities and socio-cultural practices has been almost similar for centuries in this region.

The relation between Nepal and India is very special and very ancient. It is special in the sense that people across the border don't feel the geographical boundary, so it's unique too. "In fact, relations between India and Nepal have been close since ancient times stemming from geographical location and common ethnic, linguistic and cultural identities that overlap the two countries. The open border regime that has been in existence from time immemorial has become the most distinguishing feature of India-Nepal relations". (Baral and Pyakurel, 2015).

Approximately 850 miles of Nepal's international border is shared with India. And approximately 670 miles of Nepal's international border is shared with the Tibetan region of China which is very difficult land areas, most of which are snow-covered mountains. "But 550 miles of 850 miles India - Nepal border lies in the flat plain land either cultivable fields or the forest" (Gaige, 2009) except some areas of river as border-Mechi River in the east and Mahakali River in the west. There are stone pillars erected about every quarter mile from the east to west between Nepal and India. The border area in both sides is densely populated, so sometimes there emerged some disputes among the people. The disputes sometimes draw the political activities and the governments into conflict.

Nepal – India border was set strongly after the Sugauli Treaty² in 1816 at the end of Anglo-Nepal war "with the defeat of Gorkha and demarcation of the modern Indo-Nepal boundary" (Michael, 2011). Nepal lost a large area of its territory in the battle although the brave soldiers fought against the British army during the war. Unwillingly, Nepal had to accept the conditions prepared by the British power in the treaty. According to Baral and Pyakurel (2015), the treaty of Sugauli, signed in 1815 and ratified in 1816, that accepts the dictated terms of the victor, could provide Nepal with a stable

2 The treaty signed on 4 March 1816 between the East India Company and Nepal to end the Anglo-Nepal War (1814-1816) that established the boundary line of Nepal and India

international border. Nepal lost the battle, but the treaty helped Nepal to identify her to the rest of the world. “Losing war is one thing, maintaining sovereignty was another. Although the conclusion of the Treaty and loss of territory was a major setback to Nepal, the Treaty of Sugauli had recognized Nepal’s independence and sovereignty” (Baral and Pyakurel, 2015).

Although there was same cultural territory, the concept of political border that divides the territory and political system has been deeply ingrained in the mindsets of the people in both sides in case of Nepal-India border. The “psychological division seemed to work to establish political identity of both” (Baral and Pyakurel, 2015). People from Nepal, while going to Indian land used to feel they were in other’s land. Baral and Pyakurel (2015) write,

“While going over to India, Nepalis felt that they were in Muglan as the word Muglan, the land of Mugal. The white pillars (Jange pillars) reminded the peoples that they were entering into the foreign land. Above all, such feelings are the blood, vein and arteries of the nation state”. (Baral and Pyakurel, 2015)

Four western Terai districts of Nepal: Banke, Bardiya, Kailali and Kanchanpur were returned to Nepal after 40 years after Sugauli Treaty. Nepal had lost about one third part of its total land after the war which was mentioned in the Treaty. Another important treaty of 1950 between Nepal and India has strengthened and well set the political boundary and the diplomatic relations between these countries. From 2003, India has given the role of border security to Sashastra Seema Bal (SSB) which is known as armed border force, and Nepal also has been giving border security from Armed Police Force (APF) in the border areas. There is ‘No-Man’s-Land’, a border land from the east to the west which can’t be used either by Nepal or by India.

It’s very clearly mentioned in the Treaty of 1950 that there is freedom to the citizens of both Nepal and India to “live, get shelter, earn money, do any legal business, get the job in both countries. It is the rights of both countries’ citizens according to that treaty” (Baral, 2013). There is socio-cultural and economic link among the people across the border which has made the people to freely pass here and there without any feeling of border barrier.

There are different types of border related disputes between Nepal and India, which are: the issue of border demarcation, issue of political terrorists, the smugglings from Nepal into India and vice versa, and the migration issue, especially from India to Nepal. There used to be bandits and the gangs from India using the land of Nepal and escaping away to Indian land across the border as criminal activities.

It is believed that Nepal – India relation is very close, but highly complex, and delicate too. Nepal has more dependency on India than China because of its easy access with open border for the transit routes, and its long time socio-cultural historical ties with Indian people. But, many disputes in the Nepal-India border arise due to the loss of pillars, and the construction of dams and the problems they create in rainy seasons.

Similar socio-linguistic and cultural relationship and easy access with open border can have both advantages and disadvantages for Nepal and India. Nepal's Terai region which is also called the Madhesh is very important for both Nepal and India for many reasons. Talking about why the Madhesh is an important geography for Nepal - India relation, Fredrich H Gaige opines; "Economic and political developments on one side of the border often have repercussions on the other side and, therefore, it is impossible to separate a study of the Tarai's relationship with the rest of Nepal from interaction between Nepal and India" (Gaige xiii). It is believed that there is easy access to import and export the goods from the borders although there are some checkpoints.

Open Border between Nepal and India

Nepal is a land-linked country that lies in between India and China. It has controlled border system in the north with China, but in the east, south and west it has open border system with India. Out of twenty seven districts of Nepal bordering India, only seven districts are in the hilly regions (Panchthar, Terathum and Ilam in the eastern hills, and Dadeldhura, Baitadi and Darchula in the western hills), all other districts are in the Terai regions in the south of Nepal.

In spite of the political boundary, there is neither geographical nor cultural differences between Nepal and India across the border. There is similar land structure, people speak same types of language and wear same types of dress; so it is difficult to identify the people or the land whether it is India or Nepal across the border from the east to the west of Madhesh. Moreover all the areas of Nepal's Madhesh and the land of Bihar, UP, and Bengal of India was known as '*Madhya Desh*' in ancient time. So the open border between Nepal and India is very unique in the world. According to Baral and Pyakurel (2015), there are some features of India-Nepal border:

- ❖ It is open border. People of two countries can use this border without passport, visa and other documents except those who travel by planes.
- ❖ No registration is needed while crossing the border.
- ❖ The border lies in the plain land, high hills, rivers, forests and gorges.
- ❖ Millions of Nepali workers go for employment to India, and in the same way the Indian workers come to Nepal for employment from this border.

- ❖ There are common features of people in terms of language, culture, physical features across the border. It has made the people very friendly and cooperative too. But it sometimes creates problems of national identity and national sovereignty when the dishonest people and terrorists try to exploit the free border for self-interests.

Thus, the border between Nepal and India has some specialties. It is not only the political border, but it has its socio- cultural, economic and historical connection that has begun from long past. These two countries are:

“...separated by both semblance of demarcation pillars, tributaries, rivers and by the mental makeup that both are independent, sovereign nations with their distinct characteristics. Yet, the political demarcation does not obstruct the people to people relations despite their own legal and administrative systems for dealing with the Nepalis in India and Indians in Nepal. (Baral and Pyakurel, 2015)

Nepali and Indian people have been using the border not only for the transit and migration from one side to another, there lies the daily livelihood, socio-cultural practices and other closeness. According to Lok Raj Baral and Uddav Pyakurel (2015) Nepalis and Indians are using the border for: “a) Human movements for livelihood b) Health c) Business d) Education e) Transit f) Family relation g) Migrations h) To avoid the conflict” (Baral and Pyakurel, 2015).

People from both Nepal and Indian side are engaged in formal and informal trade and business across the border. People from Nepal’s side have to depend on Indian markets for their daily livelihood. It is because of the cheaper market price of daily used foods, medicines and other necessary items. Most of the markets near the border of India are sustained only because of Nepali consumers. The commercial hub for both northern India and southern Nepal is the border area in both sides, and the businessmen have “established their trading locations at the foot of the Siwalik in order to make themselves available to the hill people as they reached the plains” (Gaige 2009). Nowadays, most of the commercial transit points across the border have turned into cities nowadays.

Because of the easy access through this open border, many Nepalese youths have been getting education in different institutions in India. Indian students also come to Nepal to take some degrees in the same way. People can select the institutions from the varieties of options available both of these countries. Sometimes, it helps to get opportunities for the people of both countries to get education in the affordable cost.

Many Nepali people have been using this open border as an easy transit to go to the third world countries by using the airways from Indian cities. It will be easier for the

people from the Terai regions of Nepal to use the airways from India to go to other countries than to come to Kathmandu and wait for the tickets to travel abroad from TIA, Kathmandu. There are six immigration transit points that other countries' citizens also can use which are: Banbasa, Dhangadhi, Nepalgunj, Bhairahawa (Sunauli), Birgunj and Kakarvitta). Foreign tourists who visit Nepal after through India can use the open border from the aforementioned transit points, and same methods can be applied to exit from Nepal through India. For example, those who come to visit Lumbini in Kapilbastu from India do not need to come from Kathmandu. They can come directly crossing the border from Sunauli of India to Bhairahawa of Nepal.

Many people have familial relations across the border between Nepal and India. They freely come and go to perform family activities to both sides of the border. It is often quoted by the leaders from both Nepal and India that there is 'Roti Beti Ka Sambandha', which means familial relations among the people. Their relations, "reflected in cultural, religious and economic oneness is historical and symbolic of friendship between the two countries. People of both sides cross the border for work, social exchange and pilgrimage" (Upreti, Paudyal and Ghimire, 2012). Geographical or the political boundary does not matter for the people living for many generations in this territory. There is seasonal migration flow from both sides for different purposes. Many people depend on seasonal jobs across the border areas for their livelihood.

Sometimes many people from both countries cross the border to escape away from violent political conflict that occurs in the country they live in. For example, during the decade of Maoist Movement in Nepal, many people from the western hills of Nepal migrated to Indian land. In the beginning, it was the problems of hilly region peoples, but it affected the Terai regions too. Both Maoist and government victims had to run away to save their lives during the violent conflict in Nepal.

In this way, the open border between Nepal and India has both positive and negative impacts. It has become a transit point for both socio-economic and cultural interaction, and also the point for smuggling, crimes and terrorist activities.

Human trafficking, cross-border crime, smuggling or illegal trade, border disputes or the issues of encroachment, lack of coordination among the security and other officials from both countries, issues of no-man's-land, disappearance of border pillars, etc. are the major problems in Nepal India border.

Advantages and Disadvantages of Open Border

Open border makes the people easier for their free movement from the territory of one country to another without restriction. The open borders allow only the people to cross the border, but not to supply the goods and services. So, it has both positive as well as

negative impacts to both countries. It is considered advantageous from the humanitarian perspectives as it enables people for free movement without any restriction. It is considered as a fundamental right to live by moving to any country. Humans are born free, so there should not be any restriction for them to move anywhere for their living. So, the open border of any two countries helps people find a way out in any difficulties for living by moving to another place. It creates the feeling of the earth a common home for all. It expands the horizon of knowledge across the geographical boundary and the culture.

Open border is very useful for the people in condition of inhuman discrimination and exploitation done upon them in the state or by another state. People have to live by crossing the border but if the border is controlled, they find no place to live. In time of wars, natural calamities, political brutality and inhuman cruelty and discrimination people have to move across the border by leaving their place to save their lives. Open border helps them in such conditions.

However, the open border has many negative impacts to the people of both countries in some situations. Small countries with limited resources get victimized with the overflow of immigrants without any restriction. It affects in multiple sectors in the country where many people come from outside. Nepal is now facing the same problem. The density of Terai region of Nepal is massively increasing. There are different forms of conflicts seen in the border area which becomes very challenging to the government. It creates a threat of security in the host country. It goes beyond planning and expectation for the state to manage the population and to provide those proper facilities and security. It affects the socio-economic and cultural activities of people across the border. It also becomes an environmental problem because of unmanaged flow of people in the limited resources in the host country. Such problems have been explicitly observed in the Terai region of Nepal.

It is believed that unrestricted flow of people from other country creates unemployment, influence of foreign culture and reduces the welfare schemes to the people of the host country. The immigrants from India in Nepal are more problematic than it is for India because of the geographical size and resources. This also creates the situation of brain drain in the country with limited opportunities and facilities. The government of weak country having open border cannot strictly collect the tax in case of labour workers easily available from another side of the border which becomes the problem for the government.

Open border negatively affects the political system of the country having open border. The people from other countries try to influence the politics of the host country. They join in different movements for the rights and supports of the political party which is in their favour, and sometimes it affects the election of that country.

Advantages

People of both countries get benefits from the open border. Chance of free movement is one of the important advantages for the people to find out the better opportunities. People from one country fulfil their needs by going beyond the border from the open border. It helps to reduce the poverty. People from a developing country may get chances to stay and work in developed country which will help to lead the country towards the prosperity as Ravikant writes, “Free migration, that helps to reduce world poverty” (Ravikant, 2016). It will help to increase the remittance too. Because of the people’s movement and learning from abroad, they can increase the local production across the border.

Free movement of people from one country to another is a human right. Everybody has the right to move without restriction. There will be a sense of equality in behaving each other without any feeling of biasness in among the people across the border if there is open border.

There are many advantages of open border between Nepal and India, some of which can be listed as follows:

- a. This border is easy to move. People from both sides can easily move from the land of one country to another.
- b. It helps to improve the bilateral relation. Bilateral relation between the countries can be improved due to the socio-cultural and economic activities across the border. Nepal-India relation is not only country to country formal relation, its people to peoples’ relation.
- c. It helps people during the time of natural calamities like flood, landslide, fire, earthquake and any other natural hazards. People from one country can easily go to help the people of another country and people can get rescued across the border too. It will be easy to run in search of temporary shelters across the border in the time of natural calamities. For example, during the time of earthquake in Nepal in 2015, it was easy to rescue the victims and in other management process. It became possible because of the easy access across the border.
- d. It makes the labour exchange easier.
- e. People get easy access to the marketplace to get the basic needs for daily livelihood
- f. It helps in the economic development of people.

Disadvantages

Open border between the countries does not have only the advantages, but also has some disadvantages. One of the disadvantages of the open border is a threat to security. People living across the border sometimes cannot feel safety. An open border is open door for criminal and anti-national activities. There are many examples of such activities like Paris and Brussels attacks by the IS militants. It is believed that the attackers utilized the open borders to enter into Paris from Belgium. The case of crowd of migrants entering

into EU countries through Greece is another example of unwanted flow of people from open border. Similarly, there are many criminal cases across the Nepal-India border. Free entry of criminals and terrorists and maintaining similar life activities with the local people across the border makes it very difficult for the government to identify and control the criminal cases to the host country.

The country with low birth rate and less population should face the problems of overpopulation because of open border. People from other countries easily come to the countries that have the balance population. Migration across the border results in demographic changes which becomes problems in different sectors. Migration across the border may create the problems in infrastructure management. It is very difficult to manage and fulfill the demands by utilizing the limited resources of the host country.

Free movement of people across the open borders easily transforms the epidemics and diseases from one country to another. It makes the government and authorities difficult to screen people with diseases. It will result in global spread of the epidemics and diseases which causes the loss of many lives.

Challenges of Nepal - India Border

Open border heightens the issues of land encroachment from one side to another. There are issues of border encroachment in different spots between Nepal and India. The major disputes are the problems of border security, dams, barrage and disturbance in border, and the claims and counter claims in the 'No-Man's-Land' and border areas. Some spots with high dispute in the border area are Kalapani-Limpiyadhura area, Susta area, Mechi River bank, Balmikinagar, Thori, Sandakpur, Manebhanjyang, Chiwabhanjyang, Bhandabari, Jogbani, Sakhada-Lalapatti, Kunauli, Sunauli-Belhi, Krishnanagar, Santalia, Bhandanala, Biranala, Luna River area, Laxmanpur dam area, and Rasiawal Khurdalotan dam area. Among many disadvantages of open border, the following problems are to be discussed briefly:

- ❖ Crimes across the border: Because of the open border between India and Nepal there occurs different criminal activities like murder, kidnapping, hijacking, robbery, theft, etc.
- ❖ Deforestation and natural destruction. The people across the border area destroy the forest area and other natural places to construct the shelter for living around the border land. People cross the border permanently settle in other side of border for many reasons. In case of Nepal and India border, it is very easy to live in other part without any restriction. For example the people from Indian side can easily come to Nepal's Terai for different purposes and start living permanently there. Same case is applied to go to Indian land too. But, it is believed that, to come to Nepal and claim to be the permanent dwellers is easier because of the lack of strong

enumeration and record system, and the transitional government for long time due to conflict and political changes.

- ❖ Terrorist activities: It has become easier for the terrorists to use open border between Nepal and India. They find it easier to run and hide easily to another side of the border after terrorist act in one side.
- ❖ Girls trafficking: Many girls from Nepal have been trafficked to India and other countries from the transits of India. The open border has become an easy access for the traffickers.
- ❖ Arms/weapons supply: The illegal weapons have been seen in both the areas of India and Nepal across the border these days.
- ❖ Smuggling: It's easy to carry illegal things for the smugglers from the open border. They can run away and hide by crossing the open border.
- ❖ Migration: Migration creates many socio-economic and demographic problems. Migration has “created imbalances in the Terai” (Jha, 2012). It is the problems for both countries although Nepal has to face more difficulties as the flow is more in Terai from outside for many reasons.

Conclusion

Open border has both challenges and opportunities. The concern is how to manage it for the welfare of both countries. It can be effectively managed for the optimum benefits of the countries. It is believed that the big and powerful country in the border area can be an advantage for people of small country, but it will be threat in different matters if not properly managed. There are multiple issues to be addressed while managing the border for the benefits of the countries and the people who live there. The issues like geographical, economic, socio-cultural, political and humanitarian issues are to be taken into consideration while analyzing the border problems across the globe.

Nepal-India border is not only a political and geographical phenomenon, it has historical and socio-cultural multilayer connectivity and interlink among the people across it. The cross border systems and activities in Nepal-India border are not only set and regulated by the governments, it has also been socio-culturally practised for the centuries. It is a matter of daily life activities for the millions of people living across the border to cross the border for different purposes. People have socio-cultural connectivity across the border. But, by taking the advantages of open border many criminal activities have been observed in the border areas. There is the challenge of terrorist activities for both countries. Both countries should take this issue seriously to solve the dispute and other technical problems they have been facing regarding the border. They need collective efforts to properly manage this open border.

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