

# THINKING THROUGH THE NEPAL POLICY

Relevant for: International Relations | Topic: India - Nepal

On August 15, Nepal Prime Minister K.P. Sharma Oli made a friendly gesture towards India by [telephoning Prime Minister Narendra Modi](#) to convey greetings on India's Independence Day. This should be welcomed. This was followed by [a meeting of the India-Nepal Joint Project Monitoring Committee](#) on August 17 chaired by the Indian Ambassador to Nepal and the Nepal Foreign Secretary.

The committee was set up to review progress in the large number of bilateral cooperation projects. An India-Nepal Joint Commission meeting at the level of Foreign Ministers is due later in October but may be held virtually due to the novel coronavirus pandemic. But will the two sides hold Foreign Secretary-level talks on the vexed boundary issue that is related to [Kalapani and Susta](#)?

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The Nepali side has upset the apple cart by taking a series of unilateral actions. A relatively minor dispute involving about 35 square kilometres of territory around the Kalapani springs, was expanded to claim a large wedge of Indian territory towards the east, measuring nearly 400 square kilometres. The expanded claim was incorporated into Nepal through a constitutional amendment and [a revised official map](#). India has been confronted with a *fait accompli* though Nepal has conveyed its willingness to negotiate on the issue in Foreign Secretary-level talks. India should be willing to engage in talks with Nepal on all aspects of India-Nepal relations. But any talks on the Kalapani issue should be limited to the area which was the original subject for negotiations and Susta. To agree to talks which include the unilateral changes will create a very bad precedent not only in India-Nepal relations but in managing India's borders in general. This is irrespective of Nepal presenting historical documents or maps which support its claims.

Borders which have been accepted by both sides for more than 100 years and which have also been reflected on their official maps cannot be unilaterally altered by one side coming up with archival material which has surfaced in the meantime. This would make national boundaries unstable and shifting, and create avoidable controversies between countries as is the case now between India and Nepal.

The Treaty of Sugauli of 1816 sets the Kali river as the boundary between the two countries in the western sector. There was no map attached to the treaty. Nepal is now claiming that the main tributary of the Kalapani river rises east of the Lipu Lekh pass from the Limpiyadhura ridgeline and hence should serve as the border. Even if the lengthiest tributary may be one principle for a riverine boundary, which is itself debatable, it is not the only one. There are many boundaries which do not follow any geographical principle at all but are the result of historical circumstances, mutual agreement and legal recognition.

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The fact is that once the British side carried out detailed surveys of the region, they consistently showed the India-Nepal border heading due north of Kalapani springs to a few kilometres east of the Lipu Lekh Pass. This alignment never changed in subsequent years and was also reflected in Nepali official maps. This is just a fact.

It has been argued that it was the East India Company and successor governments which

engaged in “cartographic chicanery” to shift the source of the Kali river towards the east. What prevented successive Nepali governments to reject such chicanery and assert the Nepali claim? There is no record of such a claim being raised at any point including when the Company was in a generous mood, having received Nepali help in putting down the 1857 Indian war of independence.

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In 1969, the then Prime Minister of Nepal Kirti Nidhi Bisht, demanded that India military personnel manning 17 villages along the Nepal-Tibet border since the early 1950s be withdrawn. Here is the National Panchayat record of Bisht’s statement: “The Minister informed that the check posts manned by the Indian nationals exist in seventeen villages — Gumsha, Mustang, Namche Bazar, Lamabagar, Kodari, Thula, Thumshe, Thulo, Olanchung Dola, Mugu, Simikot, Tin Kar, Chepuwa, Jhumshung, Pushu, Basuwa and Selubash.”

If Lipu Lekh and Kalapani were on Nepali territory then why were they omitted from the list?

I have pointed out earlier that the argument that the omission was due to Nepali “magnanimity” taking into account India’s security concerns *vis-à-vis* China is laughable. The withdrawal of Indian military personnel from the Nepal-Tibet border was precisely to win brownie points with China.

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The inconvenient fact is that the Chinese, at least since 1954, have accepted Lipu Lekh Pass as being in Indian territory. In the Nepal-China boundary agreement of 1960, the starting point of the boundary is clearly designated at a point just west of the Tinker Pass.

In a recent article (*The Hindu*, Editorial page, August 19, 2020), [Nepali journalist Kanak Mani Dixit advised Indians](#) “must try and understand why Nepal does not have an ‘independence day’”, the implication being that Indians should with humility remember their history as a colonised country while Nepal was always an independent nation. Independence Day has meaning for us because we engaged in a long and painful struggle for independence from British colonial rule. We also recall that it was the ruler of “independent” Nepal which sent troops to fight alongside the East India Company, mercilessly killing those who were fighting India’s first war of independence. The same independent country was happy to receive as reward chunks of Indian territory in the Terai through the treaty of 1861. If no agreement has superseded the Sugauli treaty as has been claimed then, perhaps the “Naya Muluk” received after Nepal’s alliance with the Company against Indians fighting for freedom, should be restituted. Or should this brand of “chicanery” be excused since it benefited Nepal?

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Reversing history selectively may seem tempting but it can open a Pandora’s box which may have irretrievably negative consequences for what Mr. Dixit rightly describes as “the most exemplary inter-state relationship of South Asia”.

For India, more than the exemplary inter-state relationship, it is the unique people-to-people relations between India and Nepal; and, fortunately, inter-state relations have been unable to undermine the dense affinities that bind our peoples together. While India should reject the Nepali state’s ill-conceived territorial claims, it should do everything to nurture the invaluable asset it has in the goodwill of the people of Nepal.

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