

Nepal-India-Relation: The Border Encroachments

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Abstract:- Nepal's borders on the east, west, and south are connected/adjoining to India, while that on the north is connected with China. A range of high Himalayans lie on the border between Nepal and China, elongating from east to west, while the southern border with India is stretched by a plain landmarks. Nepal and China have a controlled border system whereas an open border system border exists in between Nepal and India. Nepali's sovereignty, territorial integrity and national security are its national interests but as an independent nation we do not have defined and demarcated boundaries with India. 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 plugs into a mess of conflicts, cries and sufferings that, in the long run, would lead to no less than a catastrophe. There are more than 20 districts, out of bordering 26 districts with India, have border encroachment issues between Nepal and India. Susta in Nawalparasi, Kalapani in Darchula, Mechi border, Thori Tanakpur, Pashupatinagar, Ialpatti, Timbapokhari etc are the major and large area border encroachment. The reliable and scientific ways to border management has not been identified yet. However, SSB have been deployed by India in border to control security threat specially targeted to control ISI activities in Nepal. India always looks its relation with Nepal through security eyes. All most Nepali delegates (high level) visiting in India assures that Nepali is sensitive on India's security matter. They confess in front of Indian authority but India has not given the stress to permanent solution of open border and border encroachment that has made troublesome to India and Nepal both time and again.

Keywords:- Morass, Encroachment, Catastrophe, National interest, Border Demarcation, No-man's land, Equi-distance, Equi-proximity, Masonary pillar /Junge pillar

➤ *Methods of study*

This study titled "Nepal-India Relation: the Boarder Encroachments" is done on the basis of secondary data i.e books, published/unpublished, news papers, e-news, Pdf documents available in internet and other physically appeared materials. That's why it is descriptive and analytical study.

I. INTRODUCTION

Geographically, Nepal lies in the central part of Asia between two advanced technological super states china in the north and India in the East, west and south each with over 1.30 billion population, leading, infrastructure and nuclear power. Likewise, Nepal's greater geo-physical exposure towards the

south has made India an over bearing neighbor influencing its socio-economic as well as political changes. However, Nepal - India relationship is shaped by the centuries old social, cultural, historical and geographical linkages.

History bears testimony to the fact that after the unification of Nepal in 1796 AD, Nepal's Security was based on a policy of active defense. The advent of Rana regime in 1846 A.D modified this policy as it maintained special security relationship with British India and isolation from the rest of the world. But Nepal's relationship with India prior to 1951 was based on the Sugauli Treaty, 1816 A.D. and Treaty of peace and friendship 1950 A.D. concluded with the British East India Company and independent India respectively. In view of long-standing of friendly relationship that involves, Nepal sending troops to India to help Britain to control, in response of that help, British India gave some advantages to Nepal for its export and import that was restricted through Sugauli Treaty. Nepal further strengthened its relationship with the British Raj by providing troops in World War I and II.

Thus, the Rana regime was infact, reasonably responsive to the broad range of foreign and domestic problems. The kalapani intervention, one and half year blockage 1988-89, economic blockade 2015 etc are the never forgetting wound given by India to Nepal taking advantage of unmanaged border and landlocked. Whereas, an independent nation has its defined and demarcated boundaries, a permanent population, owes 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 where boundary plays a great role. (Shrestha , 2003).

Nepal's border always has been issue of debate, discourse and dispute with India since long. When borders are not regulated and protected, the country plunges into a mess of conflicts, crisis and sufferings that, in the long run, would lead to no less than a catastrophe. Though Nepal shares its open border with china and India, she has very less and no border issue with china but with India. Nepal has never had an experience of having closed borders with its neighbors. It should be admitted that the existing border management system of Nepal has played a sensitive role in its national security. 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.

II. BOUNDARY BETWEEN NEPAL-INDIA UNDER-MODERNS NEPAL

The study of Nepal - India border relation under modern Nepal begins with unification campaign. Prithivi Narayan

Shah, his younger son Bahadur Shah and daughter in Law Rajendra Laxmi and Bhisen Thapa extended the territory of Nepal as we recognize it as greater Nepal.



Fig 1:- Greater Nepal (Source: - <https://googleweblight.com>)

King Prithivi Narayan Shah extended the border of his Kingdom of 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. But before completing his campaign he died. But the campaign of unification did not stop even after the death of Prithivi Narayan Shah. King Pratap Singh Shah also continued this campaign in his short ruling period too. Dang, Kavilashpur and Chitwan were incorporated within the boundary of Nepal. After three years of his rule, King Pratap Singh Shah died and his queen Rajendra Laxmi and uncle Bahadur Shah started Regent-rule. During their rule Lamjung, Tanahu, Palpa, Parbat, Kaski and other principalities were included in greater Nepal. After the inclusion of Linbuwan and Morang in 1782, the Gorkhali force made attack on Sikkim and some part of Bhutan also came under Nepalese territory. Thus Nepalese border was extended up to Tista River in the west and Digarchi in the North up to June 1792 and that extension reached up to Kumaun and Gadwal.

Thus, as the initiator of the unification campaign, Prithivi Narayan Shah had reached the Kathmandu valley from Gorkha and to Darjelling in the east, then Rajendra Laxmi as Co-regent integrated the 24 principalities/fiefdoms 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 chauth states, launched another campaign and succeeded in winning much of region of the far west up to Sutlej River and

from Himalayas in the North to the fertile land near to the confluence of Ganges and Yamuna in the south.

Rana Bahadur Shah after returning from Kashi Yatra, sent Gajaraj Mishra to Patna for a 13 point agreement with East India Company. The agreement was signed on 26 October, 1801 A.D. 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, Articles 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 (K.C. 2000).

III. SUGAULI TREATY AND NEPALESE SOUTHERN, EASTERN AND WESTERN BOUNDARY

The territory that had reached up to Tista in the east and to Kangra 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 4th March, 1816. The treaty not only cut off its span on the east and west but also tore apart its solution stretch.

Provisions of Treaty of Peace (The Sugauli Treaty) concluded Between Nepal and the British East India Company and Related Instruments 1815-16

TREATY OF PEACE between the HONORABLE EAST INDIA COMPANY and MAHARAJAH BIKRAM SAH,

Rajah of Nepal, settled between LIEUT - COLONEL BRADSHAW on the part of the HONORABLE COMPANY, in virtue of the full powers rested in him by His Excellency the RIGHT HONORABLE FRANCIS, EARL OF MOIRA, Knight of the most Noble order of the Garter, one of this Majesty's most Honorable privy council, appointed by the court of Directors of the said Honorable Company to direct and control all the affairs in the East India, and by SREE GOOROO GUJRAT MISSER AND CHUNDER SEEKUR OPEDEEA on the part of MAHARAJAH GIRMAUN JODE BIKRAM SAH BEHAUDER SHUMSHEER JUNG, in virtue of the powers and that effect vested in them by the said Rajah of Nipal, 2nd December 1815.

Whereas there has arisen between the Honorable East India Company and the Rajah of Nipal, and whereas the parties are Mutually dispused 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 1*

There shall be perpetual peace and friendship between the Honorable East India Company and the Rajah of Nipal.

➤ *ARTICLE 2*

The Rajah of Nipal renounces all claims to the lands which were the subject of discussion between the two states before the war, and acknowledges the right of the Honorable Company to the Sovereignty of those lands.

➤ *ARTICLE 3*

The Rajah of Nipal Hereby cedes to the Honorable the East India Company in perpetuity all the under-mentioned 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 Bootwal Khass) lying between the Rapti and the Gundruck .
- Thirdly- The whole of the low lands between the Gundruck 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 Moning into the hills, together with the territory lying between that pass and Nagree. The aforesaid territory shall be evacuated by the Gorkha troops within fourty days from this date.

➤ *ARTICLE 4*

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 proportion which the Rajah may mix. 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 5*

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 there of.

➤ *ARTICLE 6*

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 7*

The Rajah of Nipal hereby engages never to take or retain in his service any British subject, not the subject of any European or American state, without the consent of the British Government.

➤ *ARTICLE 8*

In order to secure and improve the relation of amity and peace hereby established between the two states, it is agreed that accredited Minister from each shall reside of the court of the other.

➤ *ARTICLE 9*

This Treaty, consisting of mine Articles, Shall be ratified by the Rajah of Nipal within fifteen days from this date, and the notification shall be delivered to lient - colonel Bradshaw, who engages to obtain and deliver to the Rajah the ratification of the Governer-General within twenty days, or sooner, if practicable.

Done at segowlee, on the 2nd day of December, 1815. PARIS BRADSHAW, It.- col, P.A. Seal.

Received this Treaty from Chunder Seekar 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. Signed DD. OCHTERLONY Agent, Governor-General (Source - <https://googleweblight.com>).

The unilateral, dominating, humiliating and one sided treaty imposed by British East Company Government "Sugauli Treaty" compelled Nepal to give up the lower and hilly areas of Mechi and Testa 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. This unjust treaty seized one-third of Nepali territory which was dissatisfactory to Prime Minister Bhimsen Thapa and other countries. So, he 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 Terai 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. (Upreti 2009)

After the Sugauli Treaty, Nepal and the company government had disputes at several places over the demarcation of the border. Nepal and Sikkim had disputed over the ownership of the Antu hill. This dispute was linked to the source of the Mechi River. But in 1838 only it was decided that it belongs to Nepal. 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 Gorakhpur. Later on Jung Bahadur Rana wrote a letter to Lt. Col. George Ramsey as in order to avoid any future conflict, I want to draw the boundary line with the statement mentioning about the border pillar at several places of the big village and settlements of both the sides. The British commissioners had erected permanent concrete pillar in various distances. They had also constructed earthen pillar at various points of the settlement in between permanent concrete pillars but they were weak earthen pillars at every 130 steps both of which are not strong enough. I hope they will be made strong and permanent so that they will last

longer. 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 are put in Red and that by the Nepalese is in green ink border line. Thus, both parties had agreed to settle border dispute between Nepal and British East India company government."

After Nepal stepped into the democratic system on 18 February, 1951, India became her very close friend. Indian political and Administrative officials came in Nepal to advice in political and administrative sector. Similarly, Indian military officials also came here to impart military

Note: Banke, Bardiya, Kailali and Kanchanpur were gifted by East India Company Government to Prime Minister Jung Bahadur Rana for his support to suppress military rebellion in India. (Sepoy Mutiny)

Education and training to their Nepali Counterparts. Raising the question of security threat India was keen interested to enter in Nepal with the ill intention. For instance Ballabhbhai Pattel opinioned that 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 (Devkota, 1959)

During the time of Prime Minister Matrika Prasad Koirala on 19th June, 1952 India established its Military check posts on the Nepalese at 18 points frontier of the Nepal-China borderline. Such points were:-

Indian Military Check-posts on the Northern Frontier of Nepal (Deployed from 1952 to 1969)

S.N.	Check post	District
1.	Tinker pass	Darchula
2.	Muchu	Humla
3.	Chharkabhat	Dolpa
4.	Thorang pass	Manang
5.	Atharasaya khola	Gorkha
6.	Rasuwadgadhi	Rasuwa
7.	Lambagar	Dolakha
8.	Chepuwa pass	Sankhuwasabha
9.	Thaychammu	Taplejung
10.	Taklakot	Bajhang
11.	Mugugaan	Mugu
12.	Kaisang	Mustang
13.	Larkey pass	Gorkha
14.	Somdang	Rasuwa
15.	Tatopani	Sindhupalchok
16.	Manache	Solukhumbu
17.	Olangchungla	Taplejung
18.	Chyaragthapu	Panchthar

Table 1:- (Source, Shrestha, 2003).

It is notable that 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. Nepali political parties, civil society raised voice against that intervention of India in Nepal but only during the time of late primeministership of Kriti Nidhi Bista, on 20th April, 1969 the Indian check posts were removed but the Indian para-military forces stationed at kalapani in Darchula of Nepal ever since 1962 during sino-Indian war are still not withdrawn P.M.Kirtinidhi Bista replied that he was not informed about kalapani encroachment and its continuity. But nothing was done from state level to remove such camps from state side strongly.

Since the time of Late King Mahendra we have adopted the equi-distance or equi-proximity neighbourhood policy but in practice, viewed from Nepal's security perspective the Current strategy of keeping southern border open and northern border controlled is not tune with the foreign policy adopted by Nepal. However, a careful and scientific balance needs to be maintained in managing border systems on both sides. For this Nepal should begin opening the northern border points for the regional balance of economic prosperity and in anotherside to avoid Indian dependency. The economic blockade of 1970, 1989 and 2015 justifies these claims. Prime Minister K.P. Oli has begun the break trough in such unilateral India dominating relation.

According to world practice of border management, we have three system i.e. open border system, controlled border system and close border system. Here, Nepal-India have open border. It refers to a system where a traveller of one country can visit and move around in another country without any restriction. While talking about border management between Nepal and India, it must be looked not only open border management system but also the conflicting border points as well. Kalapani Limpiyadhura, Nawaparasi-susta, Mechi border are most controversial border between Nepal-India as closed border systems is applied at kalapani border. On 19th February, 2002, Nepalese Foreign minister and Minister for water resource had fixed their visit at kalapani area but India did not give permission. Actually, the Nepalese Ministers were going officially for the onsite study of Pancheswor Multi-purpose project along kali river watershed area on and around kalapani. But the problem still exists paining to every nationalist Nepali.

IV. SOME MAJOR BORDER ISSUE BETWEEN NEPAL AND INDIA

➤ *Issue of kalapani/Limpiyadhura*

The western/north-western border of present Nepal is determined by The Treaty of Sugauli held on 4 March, 1816 and the south-western border was determined by Boundary Treaty of November 1, 1860 which restored Banke, Bardiya, Kailali, and kanchanpur (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 these countries or the inhabitants thereof".

But the origination of river kali is not yet demarcated. There is a controversial debate about the origin point of river kali, whether it is originated from Limpiyadhura (5532 meter) or Lipulake (5029 meter). The second debate is over the location of kalapani whether it is located in the Nepalese territory or Indian side. To say clearly, the question is whether kalapani belongs to Nepal or India? We have own/own claim about kalapani, Indian Ambassador to Nepal K.V. Rajan issued two press releases relating to kalapni on the 3rd and 7th June 1998, (Kantipur Daily, 8 June 1998). But He made another statement after a few days in Birgung on the 10th 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. This challenge is neglected by our Nepali politicians yet.

On 2nd September, 1998 in a talk program arranged by Reporters club, 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 the issue then Prime Minister of India I K Gujaral, during his visit to Kathmandu on 9th June, 1997 said that a direction to hold a meeting of the Joint-Boundary working Groups within one month had been issued to solve the issue. Prime Ministers of Nepal Krishna Prasad Bhattarai and others Girija Prasad Koirala viewed that kalapani is Nepal's territory though India is delaying to decide the case but kalapani is located towards east of the river kali, as the Treaty of Sugauli says that all these areas lying to the east of the river kali is the territory of Nepal.

The border demarcation work between Nepal and India was started after the Treaty of Sugauli. Surveying and demarcation of boarder 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 where as the last station k was established at Brahmadev Mandi of kanchanpur district. The total numbers of main boundary pillars erected by the British surveys were 913 from A to K segments. Masonry boundary pillars have been named after the name of the then Prime Minister Jung Bahadur Rana. Jung Bahadur maintained all main boundary pillars of the same shape and size along the border line with India. The Nepalese people believe that Junge pillars are the main boundary monuments erected on the boundary line

between Nepal and India. But it is taken as reference pillars only by Indians. The sample of junge pillars is given below:-



Fig 2:-(Source:<https://bordernepal.wordpress.com>)

Junge pillars are the masonry pillars, the construction of which started 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 meters in height and its diameter is 3 meters in round shape. Its foundation is 1 meter deep under a rectangular platform of 2 meter by 1 meter. The pillar is constructed with bricks, mortar of brick -powder and limestone and glued materials. It is a pre-cast monuments homogeneously round in shape with its top round and smooth slope. A ditch normally 2.5 meter deep and 1.5 meter 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 distance. All together 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:

Sector No.	Name of Sector	Date of Erection	Pillar Number	Total Pillar
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.	Talbaghayda to Sharada River	1859-60	1-211	211
9.	Sharada River (old course) to, Brahmadev Mandi	1890/1906	1-41	41
	Total			913

Table 2:- (Source; Shrestha; 2013)

➤ *Mechi Border Issue*

The main border dispute between Nepal and India is Mechi Border encroachment. The Masonry Boundary Pillar locally known as junge pillar (Permanent pillar- 1) lies on the eastern bank 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 looks 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 kilometer 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 hectors of Nepalese land of Bhadrapur area alone were included within the Indian Territory. It means the Mechi Border is not free from Indian encroachment.

➤ *Susta Encroachment*

The Susta is situated on the East of Narayani River in Mid-Southern part of Nawalparasi district.

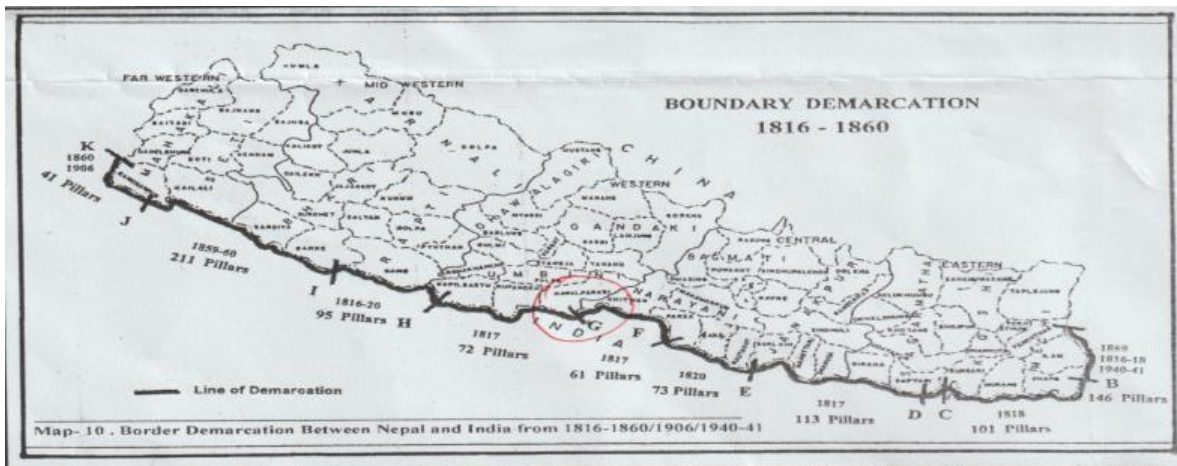


Fig 3:- Susta Nawalparasi where more than 1400 hector land of Nepal is encroached (Source:<https://timesofindia.india.times.com>)

Susta came within the Nepali territory when British returned the Terai region from Koshi to Rapti Rivers on 11 December, 1816 instead of paying Rs. 200,000 annually, as per Article 4 of the Sugauli Treaty.

The work to erect border pillars along the Susta borderline was started in 1829 A.D., 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 reverie 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. A part from this,

was that the borderline demarcated in such a way that the area lying South of Tribenighat lies in India, and the area on the east and west belonged to Nepal. That time, Susta, which was located west to the Narayani River, was covered with the dense forest. Shifting of river course is the main reason for Susta border issue. More than 14000 hector land in encroached here by India on the pretend of cut down of border by Narayani river.

➤ *Other Area's Border issues*

Although 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.

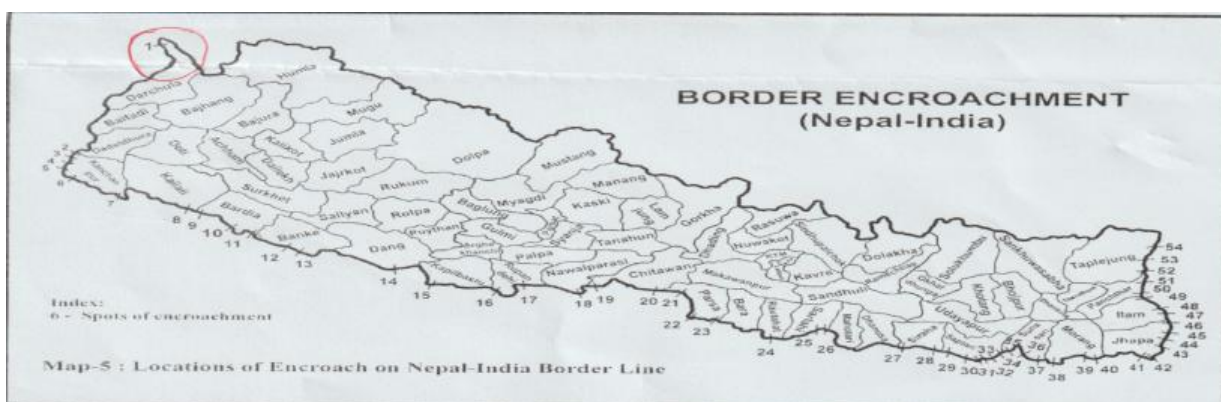


Fig 4:- Kalapani where since 1962 India has captured Nepali land (Source: <https://timesofindia.indiatimes.com>/<https://www.quora.com>)

According to the above mentioned map representing border encroachment, it is estimated around 59970 hector (kalapani 37840, Susta 14860, Mechi 1630 and remaining 5640 hector) land of Nepal is encroached and this act in still going in various places.

➤ *Now District-wise encroached land information*

- 1) Darchula District- Kalapani-Limpiyadhura.

- 2) Kanchanpur District- Bramhadevmandi-purnagiri No. 1 pillar is lost
 - Tanakpur Barrage and Inundated Area - 222 hector land is encroached
 - Banbasa-Gaddachauki:- No man's land is encroached by Indians (20 hector)
 - Sharada Barrage Area:- Altogether 36.7 Acres (14.85 hector)land of Nepal Covered by Sharadha barrage is also encroached by India
 - Shuklaphanta: 29 sq. km land is encroached by India
 - Parasani-Khuddakankad- 12 pillars have disappeared, offer 10 still needed to repair.
- 3) Kailali District-Sati-Birnalala-Bhadanala - boundary pillars have disappeared (Phulbari VDC/Village Municipal).
- 4) Bardiya District- Manau, Kahairi and Tapara - No man's land at various places have been encroached. At ward no. 12 of the Gulariya Municipality, one km long trench has been dug and boundary pillars from No. 62/5 to 62/8 have been destroyed.
 - Murtiya: some portion of land in encroached
 - Manpur-Bhimapur: The area on the north of Nakuwa Nala has also been occupied by India
- 5) Banke District
 - Santalia- No man's land is occupied by Indians
 - Holia, Nainapur (Laxmanpur Barrage), Laxmanpur barrage and dam made by India on the Rapti River in 1999 A.D. large area of Nepal has faced swamping problem.
- 6) Koilabas- In the koilabas area of the Siwalik mountain range, Indians have encroached upon some parts of Nepalese territory.
- 7) Kapilvastu District- Krishnanagar, Thanda River coast: In the Krishnanagar town, since Indians built houses on both sides of the no-man's land.
- 8) Rupandehi District

Danab River Basin- Rasiyawa-Khurdalatan Barrage: India has built a 3km long barrage in the Marchwar area of Nepal along the boundary pillar no. 30, and as a result of this, about 20 km of the no-man's land has been encroached upon and the paddy fields in the villages, namely Maligawa, Thumuwa, Piprahawa, Aurnaiya, Bichkaiya, Roinihawa, Pharena, Silautiya, Bogadi, Sibuwama and Babhari have been inundated.

 - Suanuli Border point- It has been confirmed that the Nepalese side of the no-man's land at Belhiya-suanuli border point has been encroached upon illegally by Indians who have erected huts and water storage tank.
- 9) Nawalparasi District, Susta Narsahi Area: Indians occupied that forest area inside the Nepalese territory of Susta well before 1958 A.D. About 14860 hectares of Nepalese land has been encroached by India here.
- 10) Chitwan District, Balmiki Ashram Area: The forest area in this location has been frequently destroyed and woods taken away by Indians and Nepalese territory have been encroached. Likewise, in Daranala-Darichure also India has encroached the land of Nepal.
- 11) Parsa District, Thori, Indians have removed the old boundary pillars numbered 84 and 85, and also shifted the boundary line and 560 meters of the Nepalese land. Laxmipur-pipara, and Birgunj-Sirsiyana. Alau, in Alau and sikta area, the no-man's land the Nepalese side has been encroached upon and owned for livelihood by Indians, India has built its consulate office and customs office in the Nepalese territory in sirsiya, Birjung.
- 12) Rautahat District, Gauri-Jamuna, Dam built on the Indian side of the border near Gaur municipality has continued to inundate the Nepalese territory during rainy season.
- 13) Sarlahi District, Tribhuvannagar: The boundary pillars numbered 29 and 30 located at the Tribhuvannagar VDC have been made disappeared and the Nepalese and covering 200 ft. from the no. man's land has been encroached upon by 43 Indians families, planting sisau trees in it. Sagrampur-Hathiaul, the Nepalese territory within the no-man's land at the Sagrampur VDC to the east and the Hathiaul VDC to the west has been encroached upon for the last 25455, as Indians have been residing and farming in the land.
- 14) Siraha District, Madar-Chandragunj- The southern part of the Madar and Chadragunj VDCs and also the area along the asphalt road in the siraha market leading to India have been encroached upon some extent by India. At Tandil also no man's land is encroached.
- 15) Saptari District, At Subarnapatti of Saptari district 50 meter-wide strip of land in this area has been encroached upon. India has shifted boundary pillar 50 meter further inside Nepal. Lalapatti-Gobindapur, here also junge pillar has shifted 100 meter inside Nepal and about 34 hector of land is encroached. Same kind of encroachment is in kunauli, Bishnupur-Shivanagar and Gobargadha.
- 16) Sunsari District, Kataiya-Bhantabari, have too the boundary pillars have disappeared at the eastern side of koshi-barrage. At Harinagariya-Shivaganj a road has been built on the Nepalese side of no-man's land. Earlier, a Nepal-India gateway of both countries was hoisted but now the gate has been destroyed and the road has been occupied by India. No man's land has also been encroached. Sahebganj village area altogether seven thousand big has land has been encroached have too (Kantipur, 17 dec, 1999).
- 17) Morang District, Buddhanagar-Jogbani town's no man's land has been encroached as Indian has made temple within the no-man's land. Altogether 933 Indian

immigrants were found to have encroached upon the public or government owned land. (Kantipur Daily, 11 March, 2000). Likewise, No man's lands of the bordered VDCs i.e. Rangeli, Amgachi, Jhurkiya, Mahadeva and Karsiya have been encroached. Further, in the same district, India has encroached upon 1 km wide area of the Nepalese land situated at Bardanga near to Bakraha river (Kantipur Daily, 6 July, 2002).

- 18) Jhapa district, pathamari boundary pillar erected newly has created dispute between Nepal and India in Jhapa district. Likewise, Mahespur- here 10 hector of Nepali territory has been occupied by Indians. Indians have cut down trees and taken away and settle after deforestation. Approximately 27 hector of Nepali land has occupied by Indians at Bhadrapur. Junge pillar no. 101/6 is evicted by India 500 meter inside Nepalese territory. The area at eastern border where there is Nepal-India border dispute is kakadbhitta-Mechi Bridge. 339 meter long bridge that leads to India should have owned 50/50 by Nepal and Indian but only 1/3 portion of the bridge has been placed on the Nepalese side. Next to mechi bridge Nakalbanda and Bahundangi are also the area where India has occupied Nepalese territory 20 km long coasted area of Mechi river, including the areas to the north from Baniyani, Maheshpur and stretching upto Bahundangi has been disputed since 1940 (Gorkhapatra, 16 July, 2002).
- 19) Illam District, India has encroached upon and fenced 40 sq. meter area on the Nepalese side of the No-man's land at phatak, Pashupatinagar-4 by Indian technicians has encroached Nepalese territory. Six pillar houses including one government offices have gone to the Indian side (Kantipur, 8 Aug, 2002). Together, at Mane Bhanjyang, Sandakpur are also the major border disputed area between Nepal and India.
- 20) Panehthar District (Kantipur 8th August 2002), chyangthapu-singhalila and chiwabhanjung - sing halila's border between Nepal and India is also under dispute.
- 21) Taplejung District, Timbapokhari- about 15 km strip to the south from the Mt. Kanchanjungha has encroached by India. At Megna Tumling and Kabeli-Kabru, Indians are using Nepali land for expedition to Kamchanjungha supposing that the area belongs to them.

Thus, twenty-six districts of Nepal have a common border with five states of India, namely Uttaranchal, Uttar Pradesh, Bihar, West Bengal and Sikkim where an almost districts there are border dispute between Nepal and India.

Nepal-India Joint-Technical Boundary Committee established/formed before three decades also has not worked as we deserved. In this regard, if we have a historic look back on the border activities between Nepal and India, it goes back to 1816. Treaty of Sugauli 4th March, 1816, supplementary Treaty of 11 December, 1816 and boundary Treaty of 1st

November, 1860 formed the basis of boundary demarcation. All these treaties are the 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. (www.sugaulisandi.com)(www.britannica.com)

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 yards (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 completed. Further, some notable happenings include the economic blockade by India from 23 March 1989 to July 1990, zone of peace proposed (on Feb 25, 1975) by Late King Birendra and Indian indifference role, though it was approved by 118 countries except India it is not being effective. Joint communiqué signed by Nepal and India on 10th June 1990, Mahakali Treaty held on 12 February 1996 ignoring to Limpiyadhura/Kalapani Indian Military intervention of Nepali 372 Square kilometer land. (www.researchgate.net/www.moir.gov.np).

The then Ambassador of India to Nepal K.V. Rajan made several statements and press release on the matter of Kalapani issue. He said, according to all records available with government of India, Kalapani has been on the Indian side of the border since 19th century. 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. But he made another statement that he did not say Kalapani is a part of India on the contrary he said that India would leave the area of Kalapani then and there, if Nepal could produce authoritative documents (10 June, 1998, Reporters club).

Prime Mnister Sher Bahadur Deuba told in parliament on 6th March, 1997 that Indian army would go back from Kalapani after 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 feed 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 (9th June 1998). As Indian Prime Minister I.K. Gujral had viewed fourteen months before as PM Girija viewed. Further on 28 July, 1998, P.M. Girija Prasad Koirala had conveyed to the Indians Prime Minister Atal Behari Vajpayee that there are historical maps and documents which

depict that Kalapani belongs to Nepal. (<https://borderNepal.wordpress.com>)

Similarly, former Prime Minister KP Bhattarai said Kalapani is a part of Nepalese territory, Kalapani is ours according to the maps of that area (23rd July, 1999). These Statements and counter statement did not bring any fundamental change on the regard of Kalapani border issue. Dr. Ram Sharan Mahat as a Foreign Minister viewed that Nepal-India border problems would be solved soon, (Sept 12, 1999).

But on 24th December, 1999 a tragic event held that was hijack of Indian airplane from Kathmandu and taken at Kandahar of Afghanistan and Indian foreign Minister Jaswant Singh blamed one of the Nepalese passengers on board Gajendra Tamrakar as a hijacker. But later it was proved wrong blame. This event dragged the concentration of Nepal and India both 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 land border management was not focused though India blames us Nepal has been the open ground of ISI agents.

The open borders between Nepal and India have been cursed to Nepal. During Terai movement, the anti national activities were commonly supported by Indian authority and an unofficial economic blockade imposed by India in pretext of issuance of new constitution during 2015 A.D. also added a big headache between Nepal and India that all became possible due to having open border. So, it is most important to manage open border settling all border disputes through diplomatic way.

V. CONCLUSION

Open border continues to exist between India and Nepal since 1950. Due to this condition, both countries are facing big problem, which are being intensified day by day. The peace and amity treaty of 1950 has nullified the treaties signed in 1816, 1817, 1823, and 1860. Hence, Indo-Nepal border problem comprises two kinds of conflicts one is the present and popular frontier conflict of Nepal and another is the frontier conflict before Sugauli Treaty. Nepal must demand the territories of the greater Nepal, the land that lies in India on the basis of the treaties, understandings international practices. In the letter of abandonment of 15 August, 1947, it is mentioned, "we are leaving the four parts: Sikh, Maratha, Mugol and Gorkha (Nepal) in the similar condition when we had first taken it, everyone should rule according to their own border"

Whatever is mentioned in any treaty held between India-Nepal, it is the primary work of present that the Nepal-India border must be regulated on the basis of international practice, provision of International law and mutual understanding made by Nepal and India timely. If we fail to manage open and neglected (by Nepal) border encroachment as soon as possible it will intensify the border conflict as Nepal faced during un-official economic blockade of 2015 A.D. not only cross border crimes and terrorist activities also promotes that always increases tensions between two old neighbouring countries. That's why; we must concern to settle Nepal-India border disputes scientifically and permanently.

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PICTURES

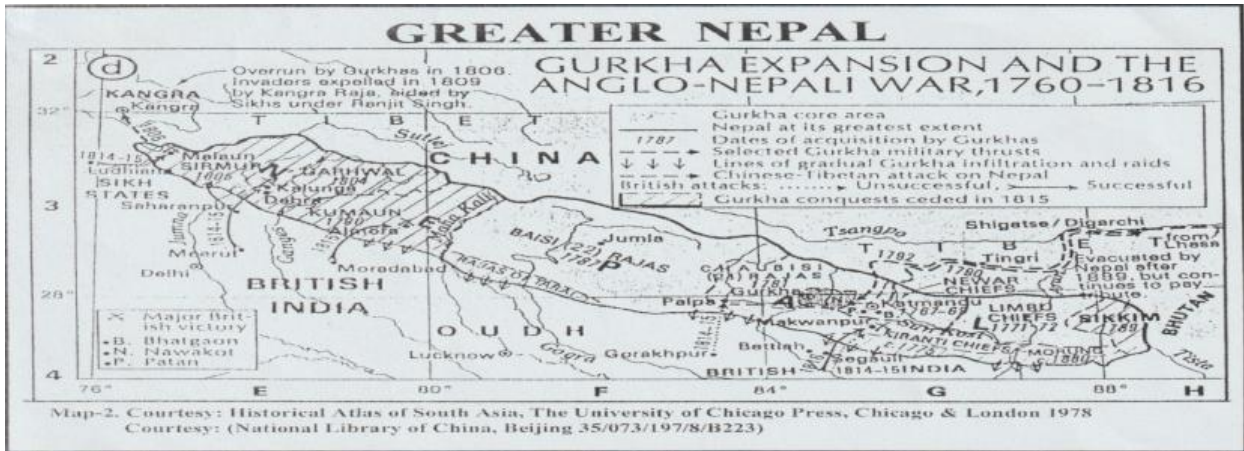


Fig 5:- GURHWAL KUMAU

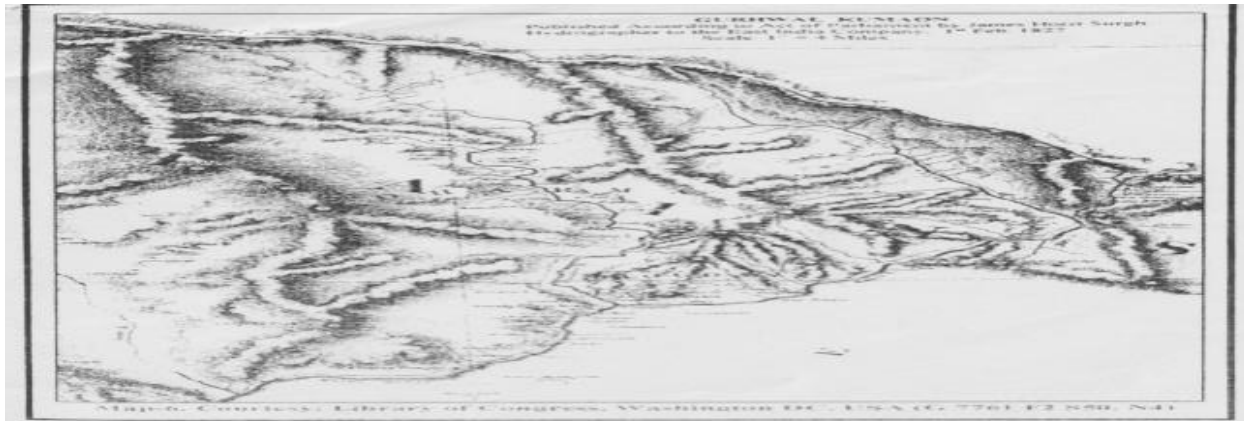


Fig 6:- (Greater Nepal - 1831 - 1833)



Fig 7:- (Greater Nepal - 1831 - 1833)