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India Nepal Border Disputes Including Kalapani Issue



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India Nepal Border Disputes Including Kalapani Issue

Introduction

Disregarding the historical facts & evidences, and primarily the ongoing bilateral talks relating to Kalapani issue, K.P. Sharma Oli led Nepal government released a new emblem of Nepal after second amendment of the Constitution of Nepal on 13 June 2020. Earlier, on 20 May 2020, on recommendation of the Council of Ministers of Nepal, the lower house of Nepal's Parliament approved a new map of Nepal which showed Kalapani and Lipulekh as part of Nepalese territories. These territories have been claimed by India as its own. These actions of Nepal would definitely complicate the ongoing bilateral talks that have been taken a long time to resolve the border issues. The following brief provides a historical background to this issue.

Treaty of Sugauli of 1815

The Treaty of Sugauli 1815 was signed between the East India Company and King of Nepal following the defeat of the latter in 1814-16 Anglo-Nepalese War. Article 5 of this Treaty points out that the Raja of Nepal had renounced all claims with regard to "countries laying to the west of the River Kali". India-Nepal boundary is based on the Sugauli Treaty. The important events relating to this Treaty are tabulated below:

Year	Brief of the event
1814	Governor-General Lord Hastings had sent the East India Company combatants to attack Nepal.
1814-15	Anglo-Nepalese War took place between the East India Company combatants and the Rajah of Nepal, resulting in defeat of the King.
2 December 1815	Treaty of Sugauli was signed between the East India Company and the Rajah of Nepal.
4 March 1816	Ratification of the Treaty of Segowlee
1817	Differences including the ownership of four villages were resolved through the "Governor General's ruling of 1817 which also clarified that the Kalapani fountain was the source of the River Kali.
1818	The then British India Government had established the reference pillars on its side.
1850	Publication of first map of the Indo-Nepal Boundary by Survey of India.
1856	Publication of second map of the Indo-Nepal Boundary by Survey of India.
1873-77	The first scientific topographical survey of the Kumaon and British Garhwal area covering the Indo-Nepal Boundary was conducted.
1879	Publication of the third map of the Indo-Nepal Boundary by Survey of India.
1924-27	On request of the then Prime Minister of Nepal, topographical surveys in this area were conducted, under the control of Nepalese Government Supervisors.
1928/29	Maps based on 1924-27 were cleared by the Nepalese Government, reconfirming the alignment shown in 1879 map.
1955	Police post at Kalapani was established.
17 November 1981	Joint Technical Level Nepal-India Boundary Committee's (JTC) first meeting held in New Delhi.
1988	Nepal and India agreed to put boundary markers according to the border map drawn by British India in 1879.
26 August 1994	JTC held decided to constitute the Joint Working Group (JWG) on the India-Nepal boundary.
22- 25 May 1995	First meeting of Joint Working Group (JWG) on the India-Nepal boundary held at Jhapa in Nepal.
17 to 19 September 2014	For Indo-Nepal Boundary demarcation, the first meeting of Nepal India Boundary Working Group (BWG) was held in Kathmandu.

Developments in Nepal regarding India-Nepal Boundary

On 4 August 1996, Nepal Government acknowledged the concern expressed in the Parliament and by various newspapers over the matter concerning the construction of border pillars and made a statement in its Parliament that India-Nepal boundary had been fixed by the Sugauli Treaty, adding that in 1818, the then British India Government had established the reference pillars on its side but no such pillars were constructed by Nepal on its side.¹ On this day, Nepalese Foreign Minister Prakash Chandra Lohani issued a Press statement mentioning that Nepal and India agreed on demarcation of the Mechi river area in 1988 by boundary markers according to the border map drawn by British India in 1874, agreeing upon as the standard border map by both the countries.²

Bilateral Mechanism

Earlier, the absence of a bilateral mechanism to resolve border disputes impacted bilateral relations. So, JTC, as per Term of Reference, composed of the Surveyor General as co-leader and other officials as members and advisors, and constituted each by Government of Nepal and Government of India, was set up in 1981 to resolve the border dispute and complete the demarcation of the Indo-Nepal border. Thereafter in New Delhi on 17 November 1981, Joint Technical Level Nepal-India Boundary Committee's first meeting was held in New Delhi. The Indian team was led by Lt. Gen. K. L. Khosla, Surveyor General of India. Both sides had initially noted that since the common border was already well-defined and demarcated, as such there was no need for any further demarcation of it.³ The 17th meeting of JTC held at New Delhi, in turn, decided to constitute the JWG on 26 August 1994, which

1 Indo Nepal Boundary of book "Nepal India Relations and Nepal China Relations (1947-2005) by Avtar Singh Bhasin; Volume IV, Section VI on Nepal-India Relations: Indo Nepal Boundary, Documents no. 1187, Pg 2915-2917

2 Ibid, Documents no. 1188, Pg 2917-2919

3 Indo Nepal Boundary of book "Nepal India Relations and Nepal China Relations (1947-2005) by Avtar Singh Bhasin; Volume IV, Section VI on Nepal-India Relations: Indo Nepal Boundary; Documents nos. 1162 and 1163, Pg 2827

was mandated to examine the relevant facts regarding the western sector including the Kalapani issue, and if necessary, suggest measures to resolve the problem.⁴ The first meeting of JWG, held at Jhapa in Nepal from 22- 25 May 1995, carried out field investigation in at various riverine areas, examined field records of all the riverine segments relating the segments on the fixes boundary principles.⁵

Later, on 3-7 July 1997 at Kathmandu, in its third meeting, JWG exchanged of views on demarcation of the boundary alignment in the western sector, including the Kalapani area.⁶ In the fourth meeting of the JWG on 15-16 December 1997 at New Delhi, views were exchanged on the demarcation of the boundary alignment in the Kalapani area, and it was agreed on to continue the discussions.⁷

During the visit of the Prime Minister to Nepal in June 1997, it was decided that the expert level India-Nepal Joint Working Group (JWG), constituted by the Joint Technical Level Boundary Committee (JTC), should meet to examine relevant facts relating to the demarcation of the boundary alignment in the western sector, including the Kalapani area, and to propose, if necessary, further measures in this regard. Three meetings of the JWG had been held since then and the discussions continue at the expert level on this issue.⁸ This exercise was completed for almost 98% of the India-Nepal boundary by May 2013.⁹

4 Ibid, Documents no. 1180, Pg 2888-2891, Para 5 (vii)

5 Ibid, Documents no. 1181, Pg 2891

6 Ibid, Documents no. 1190, Pg 2925

7 Ibid, Documents no. 1191, Pg 2928-2929

8 MEA LS Starred Question no.43, dtd. 26-07-2000 regarding INDO-NEPAL DISPUTE OVER KALAPANI ISSUE, <http://loksabhaph-nic-in/Questions/QResult15-asp-x?qref=6836&lsno=13>

9 MHA LS Starred Question no. 579, dtd.07 May 2013 regarding <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2013-pdfs/ls-070513/579.pdf>

Political Implications

On April 9, 1998 in Nepalese Parliament, Home Minister Khum Bahadur Khadka had made a statement, pronouncing that despite being small in size, Nepal was prepared to make any sacrifice for safeguarding its nationality and, if any one tried to snatch even a single inch of its territory forcibly, the Nepalese people would not remain silent. He clarified that the Nepalese government would arrive at a conclusion on the basis of a field survey and old documents regarding the question of Kalapani. Later, CPN-UML and CPN-ML leaders had alleged about encroachment of border areas at various places from Mechi to Mahakali and Nepal's land in Pashupatinagar. CPN-ML alleged that Indian soldiers were still camping in Vyas VDC of Dharchula district.¹⁰

Further, Kalapani border issue was also exploited by Nepal based left wing student organisation All Nepal National Free Students Union (ANNFSU), linked to CPN-UML, who had planned to hold a march from Kathmandu to Kalapani to highlight the border encroachment issues. Trying to defuse the anti-India propaganda, Mr. K.V. Rajan, the Indian Ambassador, met an ANNFSU delegation at the Indian Embassy in Kathmandu, on 3 June 1998, updating them about JWG meetings about ongoing dialogue between the two Governments engaging experts to examine the historical facts regarding the boundary in this sector. He also issued a press release clarifying that there was no presence of Indian Army in Kalapani since 1962, adding that a post of Indo Tibet Border Police (ITBP) continued to be located in an area which had been on the Indian side since 19th Century and acknowledged by successive British Indian and Nepalese Governments. Avtar Singh Bhasin has noted that Nepali media coloured the above remarks of the Indian Ambassador as laying claim on Kalapani. Clarifying the Nepalese position in the light of media criticism of the Government, Mr G.P. Koirala, Nepalese Prime Minister told journalists on June 8 that the territory "is ours" and

¹⁰ Ibid, Documents no. 1193, Pg 2932-2933

that “the controversy surrounding it should be resolved once and for all”. In addition to above, Murari Raj Sharma, the then Nepal’s Foreign Secretary spoke to the Indian Ambassador Mr K V Rajan to lodge the protest alleging a new “no-entry zone” erected by the Indian security personnel inside Nepali territory at Kalapani in order to prevent threats of march by ANNFSU to Kalapani. In addition, CPN-UML organised a 20,000 strong cadre march on 12 June towards Indian Embassy in support of claim to Kalapani. (ANNFSU) marchers were welcomed by their fellow comrades in the Communist Party of Nepal-Marxist Leninist (CPN-ML) with a call to India to vacate the area. Meanwhile, CPN-ML welcomed ANNFSU cadres and both reiterated their call for the immediate withdrawal of Indian troops from Kalapani. On June 29 Nepal’s nine left parties including CPN-ML wrote to UNO office in Kathmandu drawing attention of its Secretary-General on alleged encroachment of Nepalese territories by India, its barricading and prevention of movement of Nepalese citizens in their own territory, thus seriously breaching international norms and a provocation on the part of the Indian government.¹¹

Finally, on the above controversy, Indian Embassy in Nepal issued another Press release on 7 June clarifying about the misunderstanding in some sections of Nepalese press, highlighting the ongoing expert level dialogue between the two governments, engaged in on demarcation of the entire boundary including in the western sector. It added that all the border issues, including at Kalapani, could be amicably resolved to the satisfaction of both the countries on the basis of objective examination of all relevant historical facts and total transparency.¹²

11 Indo Nepal Boundary of book “Nepal India Relations and Nepal China Relations (1947-2005) by Avtar Singh Bhasin; Volume IV, Section VI on Nepal-India Relations: Indo Nepal Boundary; Documents no. 1196, Pg 2937-2939

12 Indo Nepal Boundary of book “Nepal India Relations and Nepal China Relations (1947-2005) by Avtar Singh Bhasin; Volume IV, Section VI on Nepal-India Relations: Indo Nepal Boundary; Documents no. 1197, Pg 2939

Soon after above incident, replying to a question in the Rajya Sabha on 11 June 1998 on “Demarcation of Indo-Nepal Border” Smt. Vasundhara Raje, MoS MEA stated that a Joint Technical Level India-Nepal Boundary Committee was constituted in 1981 to oversee and co-ordinate work relating to inspection, verification and restoration of missing/damaged pillars and recording of encroachments. She added that the tasks assigned to the Joint Committee were of an ongoing nature. As per joint decisions taken by the Committee, work on identifying the boundary in riverine segments on fixed boundary principle, renumbering of boundary pillars/ points and preparation of base maps was being undertaken in a sequential manner starting from the eastern side. Progress in field work, plans for which were decided jointly, was reviewed on a periodic basis, and if necessary rescheduled to take into account the difficult terrain, the problems of riverine segments, and local issues which might have arisen. And as per the schedule jointly worked out by both sides, the demarcation work of Indo-Nepal border was expected to be completed by 2001.¹³

Perception of Nepal’s PMO on Kalapani issue was highlighted in its reply (dated 18 June 1998) to letter (dated 9 June, 1998) of the Delegated Legislation and Government Assurances Committee of the National Assembly regarding Mahakali - Kali River boundary between India and Nepal, reiterated that the Kali River was established as the western boundary of Nepal as per the Treaty of Sugauli of 1816. Referring to the three maps published by the Survey of India, the Kali River, which has its source at the Lipulekh Pass, was shown as the boundary in map of 1850. In another map of 1856, the same river was shown as the boundary between the two countries as was already shown in the map of 1850. The PMO claimed that as per those maps, Kalapani came under the territory of Nepal. Subsequently, the third map published by Survey of India in 1879 showed the boundary from the Kali River to

13 Rajya Sabha Question dtd. 11 June 1998, Indo Nepal Boundary of book “Nepal India Relations and Nepal China Relations (1947-2005) by Avtar Singh Bhasin; Volume IV, Section VI on Nepal-India Relations: Indo Nepal Boundary; Documents no. 1198, Pg 2940

the ridge (watershed) on the southern side of the Pankhagad River beyond Kalapani. This third map marked Kalapani on the Indian side. In this letter, it added that when Nepal and China signed boundary agreements in 1961 and 1979, the Lipulekh Pass was treated as the origin of the Kali river as per the 1850 map of the Survey of India in order to determine the trijunction point. It was also observed that there was no justification or basis now for claiming Kalapani as a part of India as the maps published in 1850 and 1856 by the Survey of India show the Kali River originating from the Lipulekh Pass as the boundary between the two countries. It stated that Kalapani was Nepalese territory. Referring to the maps recently published by the Survey of Nepal, it emphasised the boundary between the two countries had been shown along the Kali river originating from the Lipulekh Pass and Kalapani had been shown as a part of the Nepalese territory. Referring to Indo-Tibetan Border Police post in Kalapani area and Indian claim on this area, it pointed out that the two countries were holding bilateral talks to prove their respective claims supported by evidence.¹⁴

This border dispute did attract attention of MPs in both the Houses of Indian Parliament in July 1998 who wanted to know about diplomatic and political steps taken by GOI. In reply to a Lok Sabha Question on “Kala Pani issue” on 7 July 1998, Smt. Vasundhara Raje, MoS MEA said that GOI was aware of 13 June ANNFSU march from Kathmandu to the India - Nepal border facing Kalapani in Pithoragarh district, Nepal’s assurance about ‘marchers’ not to enter Indian territory, receiving of ANNFSU delegation by Indian Ambassador to Nepal on June 3, 1998, and students’ updating about India’s position on the subject, as per available records. MoS MEA added that at Kalapani, ITBP which mans the post there, laid barbed fencing as a temporary and precautionary measure, within Indian territory and along the border, to prevent Nepalese ‘marchers’ from crossing over into Indian

14 Indo Nepal Boundary of book “Nepal India Relations and Nepal China Relations (1947-2005) by Avtar Singh Bhasin; Volume IV, Section VI on Nepal-India Relations: Indo Nepal Boundary; Documents no. 1199, Pg 2941

territory.¹⁵ Further replying to a separate Rajya Sabha Question on “Claim made by Nepal in Kalapani” on 16 July 1998, MoS MEA updated that Nepal has claimed a 35 square km of area in Kalapani sector on Indo - Nepal - Tibet border as Lipulekh pass being entry point into China from India on account of a difference in perception of the boundary alignment in the western sector of the India - Nepal border. Elaborating the ongoing bilateral mechanism involving JTC and JWG to resolve border disputes, MoS MEA added that although there was no other such claim made by Nepal in the recent past, cases of local encroachments including Narasahi - Susta in Bihar and the Mechi sector in West Bengal did exist. Such cases are examined by the JTC to coordinate work relating to inspection/ restoration of missing/ damaged boundary pillars and recording of encroachments.¹⁶

In continuity of Nepal PM’s perception of 18 June, the Nepalese side in fifth meeting of JWG on the India-Nepal Boundary, at Kathmandu on July 17 1998, pointing to the three maps of Survey of India of 1850, 1856 and 1879, had sought clarification from the Indian side on the divergent depiction of the River Kali and the boundary in the various versions of the maps. They wanted to know from the Indian side whether any bilateral treaty or boundary agreement superseded the Treaty of Segowlee. The Indian side stated that under Article 5 of the Treaty of Segowlee, the Raja of Nepal had renounced all claims with regard to “countries laying to the west of the River Kali”. In absence of any scientific survey at that time, the Treaty neither contains any definition of the boundary in the area nor any map. After ratification of the Treaty of Segowlee in March 1816, differences including the ownership of four villages were resolved through the “Governor General’s ruling of 1817”, which also clarified that the Kalapani fountain was the source of the River Kali. The first scientific topographical survey of the area during 1873-77 resulted in publishing of the Kumaon and British Garhwal Sheet No. 37 of 1879 depicting correctly the India - Nepal boundary in the area. This map

15 Ibid, Documents no. 1200, Pg 2942

16 Ibid, Documents no. 1201, Pg 2943

incorporated relevant data as well as provisions of the Treaty. Thus, Maps of 1850 and 1856 could not be regarded as authoritative or correct. It added that on request of the then Prime Minister of Nepal, topographical surveys in this area were conducted during 1924-27, under the control of Nepalese Government Supervisors, Lt. Col. Ganesh Bahadur Chhetri and Captain Gang Bahadur Karki. Maps thus prepared in 1928/29 were cleared by the Nepalese Government, with spelling mistakes of some place-names. The maps were printed after the corrections. The boundary alignment depicted in maps of 1928/29 reconfirmed the alignment shown in the map of 1879. Nepal accepted the boundary alignment depicted in map of 1879 which is also indicated in the Nepal - China Boundary Treaty of 1961 and the Nepal - China Boundary Protocol of 1963, positioning the “starting point”/ “western extremity” of the Nepal - China boundary coincided with the tri-junction, as depicted on Survey of India maps. It was further stated that available evidence based on tradition, customs and administrative jurisdiction including revenue records dating back to 1820s, census and electoral data and other evidence. Existence of a police post at Kalapani since 1955 confirmed that the area in question had been under the jurisdiction of the then Kumaon Province and now Pithoragarh District of India since the Treaty of Segowlee.¹⁷

While politicising the border issue, UML leader K.P. Sharma Oli had presented an Adjournment Motion in the Nepalese Parliament on 10 August 1998 on government failure to prevent encroachments along the India - Nepal Border alleging encroachment of the Border of Nepal in many places including Pashupatinagar of Ilam district, presence of Indian army in Kalapani territory which lies in Darchula district of Mahakali Zone. He also held the leaders of Nepali Congress Government responsible for ignoring this issue relating to national sovereignty and integrity. He demanded withdrawal of Indian armed forces from Kalapani.¹⁸ On 11 August, while

17 Indo Nepal Boundary of book “Nepal India Relations and Nepal China Relations (1947-2005) by Avtar Singh Bhasin; Volume IV, Section VI on Nepal-India Relations: Indo Nepal Boundary; Documents no. 1202, Pg 2944-2945

18 Ibid, Documents no. 1203, Pg 2947

defending government's position on this issue and claiming Kalapani for Nepal, Nepalese Prime Minister Girija Prasad Koirala opined that security post of foreign country had to be immediately removed from that place. He claimed that this controversy had existed since the Panchayat time and all the previous governments including CPN (UML) as well as his government have sought the solution to the problem of Kalapani. It was pointed out that according to the Nepali Government records the Indo-Tibetan Border Police had been occupying the 35-sq. km area near the Nepal-India-China trijunction since 1962 but as per Indian records since 1955. He felt that this problem cannot be solved without the cooperation and understanding of the friendly nation India. He added that the Kalapani issue and the western border of Nepal had already been brought and discussed during: the State visit of the then Indian President K.R. Narayanan to Nepal; subsequently Indian Prime Minister during the 10th SAARC Summit in Colombo; various meetings at political level as well as Foreign Secretary level; and the visit of then Indian PM, Inder Kumar Gujral. He also requested all the Nepalese political parties to cooperate and help the current Government to gain by solving the Kalapani through diplomatic channels.¹⁹ Subsequently, the Speaker also turned down the adjournment motion to discuss the presence of Indian armed forces in 'Tulsi Nuyangma' of Kalapani region of Darchula district and removing the Indian troops as Koirala government had been trying their level best to solve the problem.²⁰

Meanwhile, on 26 July 1999 in reply to a Nepalese Parliament question of Bharat Mohan Adhikari, Chief Whip of the CPN-UML on the Kalapani issue and government's measures to vacate the Indian troops thereat, Nepalese Foreign Minister Ram Saran Mahat had repeated that the government was making all diplomatic and political efforts to resolve the Kalapani issue with

19 Ibid; Documents no. 1204, Pg 2948-2949

20 Indo Nepal Boundary of book "Nepal India Relations and Nepal China Relations (1947-2005) by Avtar Singh Bhasin; Volume IV, Section VI on Nepal-India Relations: Indo Nepal Boundary, Documents no. 1205, Pg 2949-2950

India on the basis of goodwill.²¹

Simultaneously on the same day, resonance of the Kalapani issue was also felt in the Lok Sabha. EAM Jaswant Singh provided details on 'Indo-Nepal dispute over Kalapani issue' which were sought by Yogi Aditya Nath in a Lok Sabha question, including: whether certain vested interests were out to create rift between the two countries over this issue; and efforts being made to resolve the dispute amicably. The minister had mentioned 'about a difference in perception between India and Nepal over correct source of this River. Both sides accept the 1816 Sugauli Treaty, according to which the Kali River forms the India-Nepal border in that region. Government of India is aware that attempts could be made to exploit such perceived differences between two friendly neighbours.' He also gave details about the expert level India - Nepal Joint Working Group (JWG), constituted by the Joint Technical Level Boundary Committee (JTC). He added that so far three meetings of the JWG had been held since then and the discussions continue at the expert level on this issue. Yogi Aditya Nath mentioned that discontent was simmering about Kalapani in Nepal and some mischievous elements were trying to create wedge between India and Nepal on the issue of Kalapani. He further asked about the intention of Nepal in making this area of strategic importance as disputed area. EAM had clarified 'India has never any intention or desire to occupy even an inch of land of other country. Relations between India and Nepal are such that India can never think of occupying Nepalese territory. There are number of rivers which passes through both sides of Indo-Nepalese border.... as you know, several rivers pass through Uttar Pradesh and Bihar and it is difficult to demarcate these rivers. India's viewpoint and thinking regarding Kalapani is absolutely clear. I think it will not be wise to create a dispute on such matter.'²²

21 Ibid, Documents no. 1207, Pg 2959-2960

22 Ibid, Documents no. 1209, Pg 2965-2966

Later, Nepalese Foreign Ministry issued a Press Release regarding Kalapani on May 10, 2005 regarding citing the issue of Kalapani in the border protocol between the governments of India and China during the visit of Wen Jiabao, Prime Minister of China to India in April 2005. The Government of the People's Republic of China had informed the Ministry of Foreign Affairs (MOFA) that "there is no concern belonging to Kalapani" among the documents signed between China and India during visit of Chinese Premier Wen Jiabao to India. The information provided by the Embassy of the People's Republic of China in Kathmandu has further said, "Chinese side always holds the view that the problem of Kalapani between Nepal and India should be resolved through friendly bilateral consultation" and "the Chinese side fully understands the concerns of the Nepalese side and respects the sovereignty and territorial integrity of Nepal". It added further clarify that the matters relating to demarcation of boundary between Nepal and India, including the issue of Kalapani, was being looked into by a Joint Technical Committee between the two countries and will be resolved bilaterally between Nepal and India in the spirit of bilateral understanding and cooperation. Therefore, the MOFA urged all to refrain from making any comments on the matter in any manner that may affect Nepal's friendly relations with its neighbours.²³

As such, Survey of India has the responsibility for Demarcation of the External Boundaries of the Republic of India; their depiction on maps published in the country and also to advise the demarcation of inter-state boundaries. For demarcation of External Boundaries joint Survey team of both countries should agree. For Indo-Nepal Boundary demarcation the first meeting of Nepal India Boundary Working Group (BWG) was held in Kathmandu on 17 to 19 September, 2014. Both sides recalled the decision of the 30th meeting of the JTC to recommend the respective governments to set up a permanent mechanism headed by the Director General of the

23 Indo Nepal Boundary of book "Nepal India Relations and Nepal China Relations (1947-2005) by Avtar Singh Bhasin; Volume IV, Section VI on Nepal-India Relations: Indo Nepal Boundary, Ibid; Documents no. 1226, Pg 3028

Survey Department of Nepal and the Surveyor General of India which will consist of the representatives of the Ministry of Foreign Affairs/External Affairs of both sides and other related agencies as per functional needs of the activities at hand. The BWG's mandate includes construction, restoration and repair of boundary pillars, as well as works related to the clearance of No Man's Land and GPS observation of boundary pillars. The first meeting of Nepal-India Boundary Survey Officials Committee (SOC) was held in Dehra Dun, India, on December 30-31, 2014 to finalise work programme of field survey team, Composition, Location of Camp offices, GPS observation and technical specification for field work.²⁴

The 4th meeting of Survey Officials' Committee (SOC) was held in Kathmandu from 20 to 22 June 2016. Later, the 3rd Nepal-India Boundary Working Group (BWG) meeting which was to be held in August 2017 in India, was pre-poned to 23 to 25 June 2016 at Kathmandu, reviewed the reports of above SOC meetings, Joint Field Survey Teams (FST) and the ongoing boundary works at Nepal-India border, and prioritised the completion of the pending tasks. In this meeting, internationally practised positioning system using Nepal-India Boundary Global Navigation Satellite System (NIB GNSS) was accepted for Nepal-India boundary pillars.²⁵

Subsequently, the fourth meeting of BWG, held on 30 August 2017 at Dehradun, reviewed the progress made in the past three years. BWG had decided to expedite the remaining works by deploying an additional joint field team and complete the boundary field works in the next five years i.e., by the year 2022.²⁶

24 Department of Science & Technology, Government of India, Annual Report 2014-15, Department of Science & Technology, Ministry of Science & Technology, New Delhi, International boundary Surveys, Pg 98, https://dst.gov.in/sites/default/files/DST-2014-15-english-with-cover_0.pdf

25 MOFA Press Release on Third Boundary Working Group Meeting, 26 June 2022, <https://mofa.gov.np/press-release-2-2/>

26 'Meeting of Boundary Working Group', Press Release dtd, 30 August 2017, Embassy of Nepal, New Delhi, <https://in.nepalembassy.gov.np/meeting-boundary-working-group/>

Meanwhile, the Indian areas covering Limpiyadhura, Kalapani and Lipu Lekh were allegedly claimed by Nepal governments led by Sushil Koirala and subsequently politicised by KP Sharma Oli. As we are aware that Joint Statement between the India and China during Prime Minister's visit to China issued on 15 May 2015 had mentioned that China and India agreed to hold negotiation on augmenting the list of traded commodities, and expand border trade building bilateral trade corridors through three locations including via Lipu Lekh Pass in the Indian state of Uttarakhand in 2015.²⁷ Then the Government of Nepal had expressed its disagreement in 2015 through separate diplomatic notes addressed to the governments of both India and China when the two sides agreed to include Lipu Lekh Pass as a bilateral trade route without Nepal's consent.²⁸

The sixth meeting of Nepal-India Boundary Working Group (BWG) was held in Dehradun, India from 28 to 30 August 2019. The meeting reviewed implementation of the agreed minutes of the fifth meeting held in Kathmandu on 19-21 September 2018. The meeting also discussed review and approval of the recommendations of 9th and 10th Survey Officials' Committee and finalization of Plan, Schedule, and Technical Specifications for undergoing large scale mapping using UAV and clearance from their respective Governments for Pilot Project.²⁹

Subsequent to the abovementioned last BWG meeting, following noticeable developments have taken place which needs to be taken care of politically and diplomatically and India is committed to carefully balance its interests and influence in Nepal:

27 Joint Statement between the India and China during Prime Minister's visit to China, MEA Press Releasedtd. 15 May 2015, https://www.mea.gov.in/bilateral-documents.htm?dtl/25240/Joint_Statement_between_the_India_and_China_during_Prime_Ministers_visit_to_China

28 MOFA Press Release on Lipu Lekh, dtd. 09 May 2020, <https://mofa.gov.np/press-release-regarding-lipu-lekh/>

29 MoFA BULLETIN Current Affairs 2019, August - September 2019 | Vol 4, Issue 2, Pg 5, <https://mofa.gov.np/wp-content/uploads/2020/01/MoFa-Bulletion-Vol4-Issue2.pdf>

For facilitating Kailash-Manasarovar Yatra and border area connectivity, Rajnath Singh, Defence Minister, had inaugurated the road link from Dharchula (Uttarakhand) to Lipu Lekh (China Border) on 08 May 2020.³⁰ Reacting to this event next day, the Government of Nepal, expressed with regret about the ‘inauguration’ by India of ‘Link Road’ connecting to Lipu Lekh (Nepal), which, as per Nepali claim, passes through Nepali territory. Further, the Government of Nepal has consistently maintained that as per the Sugauli Treaty (1816), all the territories east of Kali (Mahakali) River, including Limpiadhura, Kalapani and Lipu Lekh, belong to Nepal. This was reiterated by the Government of Nepal several times in the past and most recently through a diplomatic note addressed to the Government of India dated 20 November 2019 in response to the new political map issued by the latter.³¹ It may be recalled that on the basis of the Jammu and Kashmir Reorganization Act, 2019 and Jammu and Kashmir Reorganization (Removal of Difficulties) Second Order, 2019, the Survey General of India had prepared the political map of India by depicting the new Union Territories of Jammu & Kashmir and Ladakh, as created on 31 October 2019, along with the map of India.³²

Without naming China, the Army Chief General MM Naravane on 15 May 2020 suggested that there was no ‘contradiction’ on a road India had constructed to the Lipulekh pass on border with China and Nepal might have protested over it at the ‘behest of someone else’.³³ Gen Naravane was

30 Raksha Mantri Shri Rajnath Singh inaugurates 80 km long road curtailing Kailash-Manasarovar pilgrimage time, MOD Press Release dtd. 08 May 2020, <https://pib.gov.in/PressReleasePage.aspx?PRID=1622091>

31 MFA Press Release on Lipu Lekh, dtd. 09 May 2020, <https://mofa.gov.np/press-release-regarding-lipu-lekh/>

32 Maps of newly formed Union Territories of Jammu Kashmir and Ladakh, with the map of India, PIB Press Release, dtd. 02 November 2019, <https://pib.gov.in/PressReleaseDetailm.aspx?PRID=1590112>

33 Nepal protest over road to Lipulekh along LAC at "behest of someone else": Army Chief Gen Naravane, The Economics Times dtd. 15 May 2020, <https://economic-times.indiatimes.com/news/defence/nepal-protest-over-road-to-lipulekh-along-lac-at-behest-of-someone-else-army-chief-gen-naravane/articleshow/75763105.cms?-from=mdr>

responding to a question on the road during a talk organised by a think tank through a webinar.

Responding to media queries on the passing of Constitutional Amendment Bill revising the Coat of Arms of Nepal by the House of Representatives of Nepal, on 13 June 2020 MEA Official Spokesperson Mr. Anurag Srivastava said, "We have noted that the House of Representatives of Nepal has passed a constitution amendment bill for changing the map of Nepal to include parts of Indian territory. We have already made our position clear on this matter." India called Nepal's actions as an attempt at 'artificial enlargement of claims' which is not based on historical fact or evidence and is not tenable and called Nepal's attention to the two countries' current understanding to "hold talks on outstanding boundary issues."³⁴

Border management had also figured as one of the several areas which was discussed in the sixth meeting of the India-Nepal Joint Commission was co-chaired by the External Affairs Minister Dr. S. Jaishankar and the Minister of Foreign Affairs of Nepal Pradeep Kumar Gyawali in New Delhi on 15 January 2021. The two delegations included Foreign Secretaries of both sides.³⁵

Lastly, in their summit meeting on 2 April 2022, Nepal PM Sher Bahadur Deuba raised the border issues between India and Nepal with PM Narendra Modi and urged India to resolve the disputes through established bilateral mechanisms. Indian Foreign secretary referring to a "brief discussion" on the issues said that there was a "general understanding" and they needed

34 Official Spokesperson's response to media queries on the passing of Constitutional Amendment Bill revising the Coat of Arms of Nepal by the House of Representatives of Nepal, MEA Press Release dtd. 13 June 2020, https://mea.gov.in/response-to-queries.htm?dtl/32757/Official_Spokespersons_response_to_media_queries_on_the_passing_of_Constitutional_Amendment_Bill_revising_the_Coat_of_Arms_of_Nepal_by_the_House_of_Re

35 Sixth India-Nepal Joint Commission Meeting, MEA Press Release dtd. 15 January 2021, https://mea.gov.in/press-releases.htm?dtl/33391/Sixth_IndiaNepal_Joint_Commission_Meeting

to be addressed in a responsible manner through dialogue and without any effort to politicise it.³⁶

Concluding Observations

India and Nepal, the two friendly neighbours have continued to make serious efforts to resolve the Kalapani border dispute. There is, however, a difference in perception between India and Nepal on the boundary alignment in the western sector of the India-Nepal border, where the Kalapani area is located. While both sides accept the 1815 Sugauli Treaty, according to which the Kali River forms the India-Nepal border in that region, the difference in perception is over the correct source of this river. The Government of India is aware that attempts would be made to exploit such perceived differences between two friendly neighbours.³⁷

Kalapani is a territory under Uttarakhand state and has been an Indian territory since Sugauli treaty of 1816. Nepal cannot escape from the ground realities. Indian stand on the India-Nepal boundary is ‘well known, consistent and unambiguous.’ India emphasises on the established bilateral mechanisms to resolve outstanding ‘mutually agreed boundary issues’ in the spirit of our close and friendly bilateral relations.’

Beside Nepal being the only Hindu nation on the canvas covering the multi-religious world, the people-to-people historic relations between India and Nepal need more nurturing by India in view of contemporary political implications and public diplomacy on such a delicate issue of national security.

36 <https://timesofindia.indiatimes.com/india/nepalese-pm-raises-border-issue-with-modi-agrees-not-to-politicise-it-mea/articleshow/90616440.cms>

37 MHA LS Starred Question no. 579, dtd.07 May 2013 regarding <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2013-pdfs/ls-070513/579.pdf>

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