

“KALAPANI: A CHAPTER FROM INDIA-NEPAL BORDER DISPUTE”

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INTRODUCTION

As Nepal unveiled a new map of its territory a Nepali communist politician, Padma Aryal called it 'historically pleasant' occasion. However, this drew sharp criticism from India claiming that the map includes parts of Indian Territory. On being reiterated by the Ministry of external affairs it was found, that the map issued by Nepal is not following the diplomatic decisions made based on the bilateral agreement, historical facts, and shreds of evidence.¹ This battle over the historical accuracy of the geographical territory is one that has been brewing between the two neighbouring countries for the past several decades. India claims the area is part of Uttarakhand's Pithoragarh district, while Nepal claims it to be a part of Dharchula district. Matters came to a boil earlier this year, with India opening an 80-km road linking Uttarakhand with Lipu Lekh, across the disputed piece of land. The location is considered to be of strategic importance to both India and Nepal. The issue, however, is complicated over the historicity of cartographic evidence that both sides claim to be most accurate. Going back to the early 19th century, India was ruled by Britain and Nepal was a conglomeration of small kingdoms. However, the precise location of Kali, the river that marked the western border of Nepal was not fixed and the missing precision transitioned into a dispute concerning itself whether the land consisting Kalapani-Limpiyadhura-Lipulekh is part of present-day India or Nepal. According to Nepalese geographers Mangal Siddhi Manandhar and Hriday Lal Koirala in their work, 'Nepal-India boundary issue: River Kali as international boundary', as the Sugauli Treaty ratified between the two neighbours show no map as such, there is no way one can ascertain the proper location of Kalapani and the river Kali.² The dispute over the location, and consequently that of the territoriality of Kalapani, was first raised by the Nepalese government only in 1998. Even when the Indian military occupied the Kalapani area during the Sino-Indian war of 1962, Nepal did not raise any objection. In a political article by Leo E. Rose the fact that this particular

¹Press Release, Ministry of External Affairs, *Official Spokesperson's response to media queries on the revised map of Nepal released today by Government of Nepal* published by, Government of India https://www.mea.gov.in/response-to-queries.htm?dtl/32697/Official_Spokespersons_response_to_media_queries_on_the_revised_map_of_Nepal_released_today_by_Government_of_Nepal (May 20, 2020)

² Manandhar S. M. and Koirala L. H. *Nepal-India boundary issue: River Kali as international boundary* (June 2001) pg 1

border issue was virtually ignored from 1961-1997 was mentioned. The issue gained prominence due to certain domestic problems in the nation itself.³ Officials in India, claim revenue records dating back to the 1830s show that Kalapani area has traditionally been administered as part of the Pithoragarh district. Moreover, the redrawing of the map covering a small region in the Himalayas stirred simmering tension between India and China with Nepal stuck in between, accusing India of disregarding the country's sovereignty. Although Nepal might benefit from the India-China rivalry, it might get caught in the middle of the two great Asian power game.

HOW DID THE ISSUE ORIGINATE?

Several explanations have been given as to how domestic Nepalese issues are not centre stage whereas several international ones become the major areas of contention.⁴ Although the governmental parties try to mitigate differences in opinion via two-party talks, the opposition parties seem to criticize India's policy, political or economic, towards Nepal.⁵ The 35 sq km bone of contention among the two nations, India and Nepal, has emerged as a controversial issue between the neighbours post the ratification of the 'Makhali treaty'.⁶ The latest diplomatic row with Nepal erupted on May 8, 2020, when New Delhi announced the inauguration of a Himalayan road link that passes through the disputed area of Kalapani. The disputes origin lay in November 2019 with India's new political map showing Kalapani within India. In 1998, a coalition between two Nepalese parties reached an agreement as to what points they would raise regarding the issue. The Sugauli Treaty determined the Western Border between the two neighbours. It has been observed by geographers that the Rajah of Nepal gave up his claim to whatever land lies to the West of river Kali and mentions in the 5th Article of the Treaty how he or anyone else would not interfere with the functioning of that particular land.⁷ Nepal considers east of the river to be its territory based on the Sugauli Treaty which remains the 'mother of all documents.' The unavailability of maps to determine the correct positioning of river Kali has left no option but to go through the maps that were printed from 1816 to 1856. These maps clearly show that a river traversing down from Limpiyadhura is the river Kali and this was agreed by the ratifying groups of the treaty. Maps published till 1850 has been seen to have conformed

³ Rose E. Leo *Nepal and Bhutan in 1998: Two Himalayan Kingdoms* (Asian Survey Vol. 39, No. 1, A Survey of Asia in 1998) pg 157

⁴ *Supra* 3

⁵ *Ibid* 4

⁶ The Makhali treaty is a treaty signed between India and Nepal in the year of 1996 that concerns sharing of water amongst both the neighbours from the same river. It also aims at developing a well-integrated water system.

⁷ Manandhar, M., & Koirala, H. (1). *Nepal-India Boundary Issue: River Kali as International Boundary*. Tribhuvan University Journal, 23(1), 1-21. <https://doi.org/10.3126/tuj.v23i1.4550> as to be read :- "The Rajah 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 those countries or inhabitants thereof" states the Fifth article of Sugauli treaty explained geographers Mangal Siddhi Manandhar and Hriday Lal Koirala.

to the Sugauli Treaty. The 1850s, however, marked the beginning of manipulation with the help of maps claimed by M. S. Manandhar and H. Koirala in their book.⁸ A map published in 1856 by Surveyor General of India shifted the international border to Lipu Khola from River Kali flowing down Limpiyadhura. It must also be noted that such a move was not done based on an agreement of the then Government of Nepal. Nevertheless, the map did name the river flowing down from Limpiyadhura as 'Kalee.' It is also to be noted that subtle but deliberate attempts to misspell river Kali was prevalent from 1857 to 1881. River Kali was renamed as Kuti Yangti and a small stream coming down from Lipulekh, nameless in previous maps, was named as Kali. Furthermore, a map published under the title 'District Almora'⁹ managed to move the boundary further east beyond Lipu Khola. The map issued in the year of 1879 followed the 'District Almora' map to the T. This has been speculated as a result of strategical motivation. Total control of both sides of the river would give British India an unparalleled view of the Tibetan Plateau. The publication of these maps encouraged all the other maps that followed, first by British India and then by the independent nation, to print the unauthorized version. It also must be mentioned that part of the blame fell on the Government of Nepal as it published a map in 1975 that showed Lipu Khola as the international border. Moreover, the 1979 Nepal-China boundary map also mentioned Lipu Khola as the international border. Delimitation fell short of establishing the 'Tri-junction' point. 1856 Survey of India map showed the positioning of Kalapani on the west of Lipu Khola; whereas the publication of the map 'District Almora' based on the surveys conducted during 1865-69 and 1871-77 claimed it to be on the Eastern side. Kalapani came into prominence with the stationing of the Indian troops. Nepal made it clear that in 1962, after the Sino-Indian War, it allowed the Indian troops to occupy few posts in Nepal solely as a show of goodwill and for defensive purposes. However, Indian troops had retracted from all the stations except one, Kalapani. Nepal laid claim to the areas East of Lipu Gad. This area joins the river Kali that forms the tri-junction with India and China. Various tributaries from the river Kali (including Lipu Gad) merge with the river flowing near Kalapani. The main contention regarding Kalapani is that Lipu Gad is, in fact, river Kali up to its source to the east of the Lipulekh pass.¹⁰ Encroachment by the Indian subcontinent as claimed by Nepal has raised Nepalese nationalistic feelings. Moreover, Indian encroachment and harming of Nepalese sovereignty in Kalapani is increased by the presence of Indo-Tibetan Border Police (ITBP).¹¹ However, Indian sources have claimed that pieces of official evidence show that

⁸ Manandhar S. M. and Koirala L. H. *Nepal-India boundary issue: River Kali as international boundary* (June 2001) pg 3

⁹ *Supra* 8

¹⁰ Gupta K. Alok *Kalapani: A Bone Of Contention Between India and Nepal* (October 2000)

¹¹ Indo-Tibetan Border Police is one of India's premier police patrol organizations. It was raised in the wake of the Sino-India war of 1962

Kalapani has always been managed as a part of Pithoragarh district. Moreover, state police established in this area in 1956 has operated till 1979. India, citing the Fifth Article of the Sugauli Treaty, has denounced Nepal's claims over the disputed area. A map belonging to 1879 published the Kalapani region as part of the Indian subcontinent. The map sketched by the British in the year 1850 and 1856 has been discarded by India as a whole. The maps of 1879 and 1928-29 are regarded to be the original and correct ones. The differences in the maps each country possesses and the sketchy history amounted to the disputes the neighbours face to this day. The situation is further exacerbated by the shifting position of the Kali (now Mahakali) river.

CONTEMPORARY SCENARIO

The decision to form a joint committee with regards to this matter was suggested by both the Governments. A Joint Technical Level Boundary Committee (JTLBC)¹² was assigned the task to meet twice a year to discuss the issue and come up with whatever solutions deemed necessary so that it does not escalate into something serious. However, nothing concrete has come out of the deliberations so far. Scholars have opined that although it might be feasible to shift the Indian posting from a technical point of view; strategically and politically such a move is neither desirable nor plausible. The reverses India suffered on Nepal's part during its conflict with China in 1962 has always kept the nation apprehensive about its neighbour's moves. Such a dimension further gained credit with Nepal's border agreement with China where it suggested that the issue of the Tri-junction would be discussed trilaterally between the three nations, namely, China, Nepal, and India. Nevertheless, Delhi and Kathmandu fear that this dispute might affect travel and safe movement of pilgrims and smooth continuation of commerce along the strategically important area and entry point into Tibet from Almora, Lipulekh Pass. It was agreed by PM Koirala and PM Vajpayee that demarcation boundaries would be completed latest by 2001-2002 and creation of the final map would be done by 2003. The joint committee also agreed that if such a step was not completed by the assigned time, pieces of evidence including reports would be submitted to both the governments for consideration regarding the matter. Concerns for India's security have been voiced by New Delhi if such a step is taken. The recent developments have marked a vast array of protests from both the nations. Days later of the inauguration of the road by India in Kalapani, Nepal came out with a new map showing Lipulekh, Kalapani under its periphery. With Kathmandu under protests, PM Oli's government requested high-level meetings to resolve the dispute where India was not forthcoming thereby the two neighbours entering into

¹² The Joint Technical Level Boundary Committee (JTLBC) was established to reset the India-Nepal boundary in 1981

a new paradigm of war that took the help of maps. However, as long as goodwill and statecraft are controlling these matters, no issue between the two neighbours is impossible to be solved. The way forward for both the nations has been explained to formally approve the dispute and to properly demarcate the border of the nation as stated by ex-Ambassador Jayant Prasad.¹³

CONCLUSION

The prominence towards solving the India-Nepal border issue has been given to dialogues. Arranging of Foreign Secretary-Level Dialogue without any delay or hindrance from the Corona Pandemic has been a necessity. PM Modi himself believes a toothache untreated may lead to paralyzing the whole body. If India can resolve its border dispute with Bangladesh, doing the same with Nepal can come easily and amicably. Within all the District Almora, Lipulekh, and Pithoragarh dispute there has remained an inevitable bond between the two countries and their citizens with many Nepali citizens working for Indian Security forces. The border dispute in the Kalapani area comes in with the geopolitical context with China looking to increase its investment in Nepal. New Delhi's increase in pressure of Kathmandu might get it to scale back ties with Beijing. Thereby, backfiring and leading to a slump in goodwill in India-Nepal relation. However, the age-old cultural and linguistic ties that India and Nepal share can never be broken. Nepal is our most trusted neighbour therefore we can afford to be magnanimous.

¹³Jayant Prasad, *Lower the temperature, diffuse the issue*, The Hindu (May 2020) May 23, 2020, <https://www.thehindu.com/opinion/lead/lower-the-temperature-defuse-the-issue/article31653570.ece>
