

India-Nepal Relations: Prisms That Go Beyond Liberal and Realist Theories

Arjun Prasad Pokharel¹, and Dr. A. K. Singh Professor²

Research Scholar, The Glocal University, Saharanpur, Uttar Pradesh, India
Associate Professor, The Glocal University Saharanpur, Uttar Pradesh, India

Correspondence should be addressed to Arjun Prasad Pokharel - pokharelarjunprashad@gmail.com

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ABSTRACT- The Nepal-India relationship has historical, social, political, and cultural facets that are multidimensional. Open borders and deeply rooted people-to-people contacts of kinship and culture distinguish the unique friendship and cooperation between the two nations. Based on secondary data, the purpose of this article is to discuss the major changes in Indo-Nepal relations following an understanding of 12 points. EPG was established with four members from each of Nepal's and India's governments in order to examine previous agreements and treaties. In a similar vein, India and Nepal exchanged high-level visits. In 2015, Nepal adopted a new constitution and published it. However, India unilaterally imposed a blockade because it was dissatisfied with some of its contents. Later, relations between Nepal and India normalized, but Nepal and India still disagree about the Limpiyadhura-Lipulekh border. What has become of the relationships based on past ties? This is the most pressing issue. This paper examines the past and present of India's relations with Nepal.

KEYWORDS- Bilateral Relation, Blockade, High Level Visits, Promulgation.

I. INTRODUCTION

India-Nepal relations date back a long time. Although the Nepal-India relationship following the 12-point understanding will be the subject of discussion in this article, the 12-point understanding marked a turning point in Nepal's political history. According to Dahal (2015), it made room for the Constitutional Assembly (CA) and the Federal Democratic Republic of Nepal. The political parties promise to work toward democracy, peace, prosperity, social advancement, and the end of autocratic monarchy in this 12-point agreement. Nepal successfully held the 2006 people's mass movement as a result of this understanding. The process of creating the constitution began there immediately following the formation of the first CA. 2015 saw the adoption of the new constitution by the Constitution and then the Second CA. Nepal's constitution was drafted on its own as a sovereign nation. However, India desired its interests to be incorporated into the new constitution because it had some vested interests. As a result, India shut down Nepal's border without providing any information or making any announcements. The blockade afflicted the Nepali people for three months. The Nepal-India relationship was extremely tense in the interim. Nepal enjoys international transit rights because it

is a landlocked nation. However, India violated Nepal's transit rights by enforcing an unannounced blockade. This is not the first time that India has blocked Nepal. India had previously blocked Nepal in a manner similar to this. India has not been a good neighbor because it is a neighbor. After a series of official and unofficial political visits and talks from both sides, the Indo-Nepal relationship eventually returned to normal. In contrast, Nepal and India have established an Eminent Person Group (EPG) with four representatives from each nation to examine all bilateral agreements and treaties (Ministry of External Affairs, 2014). The task assigned to EPG has already been finished; However, the report has not yet been delivered to Indian Prime Minister Narendra Modi. It is anticipated that this report will add another brick to the foundation of harmonious relations between Nepal and India. Meanwhile, the latest Limpiyadhura-Lipulekh-Kalapani dispute and subsequent developments have strained relations between Nepal and India once more, and the outcome of the case is still unknown. [1, 3, 5].

II. OBJECTIVE AND METHODOLOGY

After gaining an understanding of 12 points, the purpose of this paper is to discuss the major developments in the Nepal-India relationship. The most pressing issue is what has become of the relationships based on past ties. The nature of this study is analytical and descriptive. Because it primarily focuses on describing the nature of Indo-Nepal relations, the study is descriptive. The paper only uses qualitative secondary data from a variety of secondary sources, including Books, journals, booklets, and online resources from the library. The qualitative data helped with the study's subject analysis.

III. HIGH-LEVEL VISITS

The exchange of high-level visits is unquestionably beneficial to improving relations between the two nations. After the People's Movement of 2006's success, leaders from Nepal and India regularly exchanged high-level visits and had regular conversations. The President of Nepal, Prime Minister of Nepal, Minister of Foreign Affairs of Nepal, and a number of other ministers paid multiple visits to India, which assisted in maintaining friendly relations with India. In a similar vein, the Indian Prime Minister, President, Foreign Minister, and other Ministers went to Nepal. On the invitation of Indian President Ms. Pratibha Devisingh Patil, the first President of Nepal, Dr. Ram

Baran Yadav visited India in February 2010. This high-level visit helped to strengthen the relationship between Nepal and India (Ministry of Foreign Affairs Nepal, 2019). On December 24-29, 2012, Nepalese President Dr. Ram Baran Yadav returned to India. Similarly, on April 17-21, 2017, Mrs. Bidhya Devi Bhandari, the President of Nepal, paid a state visit to India (Ministry of Foreign Affairs Nepal, 2019). On the other hand, between November 2 and 4, 2016, Indian President Shree Pranab Mukherjee paid a state visit to Nepal. After an 18-year gap, this was the first Indian President's state visit to Nepal (Embassy of India in Kathmandu, 2019). As a result, bilateral presidential visits helped to improve relations between Nepal and India [5]. Nepal and India also hosted visits to the level of prime minister. In May 2014, Mr. Sushil Koirala, the Nepali Prime Minister at the time, traveled to India to witness the swearing-in of Mr. Narendra Modi, the newly elected Prime Minister of India. In a similar vein, from February 19 to 24, 2016, Mr. K.P. Sharma Oli, the Prime Minister of Nepal, made a state visit to India. On April 6-8, 2018, Prime Minister K.P. Sharma Oli made a second state visit to India (Ministry of Foreign Affairs Nepal, 2019). Mr. Pushpa Kamal Dahal, also known as "Prachanda," is the prime minister of Nepal. On September 15-18, 2016, he paid a state visit to India. On October 15-17, 2016, he attended the first BRICS-BIMSTEC leaders' summit in Goa. Mr. K.P. Sharma Oli, the Prime Minister of Nepal, went to India for the third time from 30 to 31 May 2019 to witness the swearing-in of Shri Narendra Modi as Prime Minister (Ministry of Foreign Affairs Nepal, 2019). In 2014, Indian Prime Minister Shri Narendra Modi went to Nepal twice, once for a bilateral visit from August 3 to 4, and once for the 18th SAARC Summit from November 25 to 27. In a similar vein, from May 11 to 12, 2018, Prime Minister Narendra Modi began his two-day trip to Nepal from Janakpur, the center of Madhesh (The Hindustan Times, 2018). The last Indian Prime Minister to visit Nepal was IK Gujral in June 1997, prior to Prime Minister Narendra Modi[4,6].

On January 10, 2019, Minister of Foreign Affairs Pradeep Kumar Gyawali went to New Delhi to attend the fourth Raisina Dialogue (Indian Embassy in Kathmandu, 2019). Sushma Swaraj, India's Minister of External Affairs, invited the then-Deputy Prime Minister and Minister for Foreign Affairs, Mr. Krishna Bahadur Mahara, to visit India in July 2017. In October 2016, Dr. Prakash Sharan Mahat, the minister of foreign affairs at the time, traveled to India with a Nepali delegation to attend the fourth meeting of the Nepal-India Joint Commission. In September of 2016, Dr. Prakash Sharan Mahat, the minister of foreign affairs at the time, went to India. In November of 2015, Mr. Kamal Thapa, who was the Deputy Prime Minister and Minister for Foreign Affairs at the time, visited India. [3,4].

IV. NEW CONSTITUTION MAKING PROCESS

The relationship between Nepal and India was good before the constitution was made. In August of 2014, Indian Prime Minister Narendra Modi went to Nepal. Modi addressed Nepal's Parliament. Together with Rishi Man, he advised CA members to concentrate on the constitution-making process (Ministry of External Affairs, 2014). He

emphasized that the constitution should fulfill the aspirations of people of all religions, languages, cultures, and castes, as well as the interests of those who live in the Himalayas, the Hill, and the Terai. In his speech, he also said that India would not interfere with Nepal's constitution-making process because Nepal is a sovereign country (Ministry of External Affairs, 2014). He added that Pashupatinath, Muktinath, Risimuni, Tapovumi, and the Buddha's birthplace are all located in Nepal. During his visit, the Nepali and Indian governments jointly issued a 35-point statement. However, India's dissatisfaction with some of the constitution's provisions led to an unannounced blockade of Nepal the following year, following the adoption of the new constitution[7].

The Modi government had some suggestions for the new Nepali constitution. Nepal was to follow India's suggestion. Nepal could not accept it. Because Nepal is a sovereign and independent nation, it did not follow the Indian suggestion. No other nation has the right to offer feedback or suggestions for the new constitution that CA will draft. According to Dahal (2015), the CA is a representation of Nepal's sovereign people's power. Therefore, in 2015, the political party leaders independently decided to announce Nepal's constitution. Indian Prime Minister Modi had sent a diplomat to Nepal as a special envoy for the same purpose two days prior to the promulgation of the Nepali Constitution, but Nepal did not follow it [8].

Then, in September 2015, Indian Foreign Secretary S. Jayshankar traveled to Nepal as the Indian Prime Minister's special envoy to persuade Nepalese leaders to delay the constitution's promulgation, just two days before the sovereign Constituent Assembly (CA) was to do so. Because they were unable to postpone the schedule that was approved by the CA, Nepalese leaders defied it. 2015 Tiwari) On September 20, 2015, the Second Constituent Assembly of Nepal enacted a Constitution in the face of protests from Madhes-based parties and other groups. According to Embassy of India Kathmandu (2015), the Indian government is deeply concerned about the ongoing protests and has urged the Nepali government to work toward resolving all issues through credible political dialogue. China and other nations who are friendly to Nepal welcomed the new constitution's adoption in September 2015. However, India didn't like it. India merely noted Nepal's new constitution's publication. Similar efforts were made by Indian Prime Minister Narendra Modi to garner international support, and during his visit to the United Kingdom, he addressed Nepal's constitution in a joint statement. However, he did not receive the expected support. In order to exert pressure on Nepal, India decided to impose a trade embargo. India complied with the demand of political parties based in Madhesh. Parties based in Madhesh desired "One Madhesh, One Pradesh" as well as the allocation of 100 of the 165 seats to the Madhesh Pradesh[9].

As a result, the major parties based in Madhesh did not sign the constitution, which had significant flaws. The new constitution calls for a parliament with 165 members. However, the constituencies were constructed in such a way that the inhabitants of hill and mountain regions receive 100 seats, despite the fact that their proportion of Nepal's total population is less than 50%. However, despite having more than half of the country's population, only 65

seats have been allocated to the Terai region. Jha, 2015) India wished to exert absolute control over Nepali affairs. The Madhesh Movement of Nepal is a political movement for equal rights, dignity, and identity for Madhesi and Tharu that was started by a number of political parties, particularly those based in Madhesh. The Madhes movement primarily called for the creation of two separate autonomous states in the Terai: one from Jhapa to Parasi and one from Chitwan to Kanchanpur. As a result, the Madhesh movement was supported by the Indian government, which blocked Nepal without making any official announcements. India never acknowledged that it erected a blockade against Nepal, but the facts readily demonstrate this [3,10].

According to Dahal (2019), the Indian Prime Minister played two roles in Nepal's constitution-making process. On the one hand, when he was speaking to CA members in the parliament, he asked them to focus on "Rishi Man" during the process of making the constitution. On the other hand, when the constitution was finally put into effect, rather than applauding it, he unofficially impose a blockade on Nepal as a protest against the new constitution.

V. BLOCKADE IN NEPAL

In 2015, Nepal announced Nepal's new CA-made constitution (Dahal, 2015). The Indian Prime Minister sent his special envoy to Nepal two days before the new constitution was to be released to persuade Nepal to postpone the constitution's publication date by a few more days. He also asked Nepal to respond to the Madhes-based political parties' demand through dialogue. Nepal's new constitution was announced by the sovereign nation. The CA is a symbol of the people's sovereign power. The facts show that the new constitution has not been supported by 100% of CA members anywhere in the world. For instance, the new constitution of India was enacted in 1950 with barely two thirds of its CA members' support, whereas the constitution of the United States was ratified by two thirds of its states only two years after it was announced. The United States Constitution was written in 1787, but it was put into effect in 1789 after being approved by two-thirds of the states. In Nepal, very nearly 90% CA individuals endorsed in the Constitution of Nepal, 2015 (Dahal, 2015). Political parties based in Madhesh called for the Terai to have two independent states: one called Mithila state from Jhapa to Parasi, with Janakpur as its capital; the other called Buddha state from Chitwan to Kanchanpur, with Lumbini as its capital and 83 parliamentary seats in Terai. Similarly, seats in administrative, security, judicial, and diplomatic services were reserved for the Madhesi and Tharu based on population (Jha, 2015). [6,9,10].

VI. EMINENT PERSON GROUP (EPG)

Being the closest neighboring countries of South Asia, Nepal and India have historical, cultural, ethnical and socially deep-rooted relations. In history there were different modes and situations between the bilateral relations of the two countries. Nepal and India made various agreements and treaties. India is a bigger and more powerful nation than Nepal. Also, the area of India is much larger than that of Nepal, population of India is far bigger than that of Nepal. Even India is politically stronger than

Nepal. But being two sovereign and independent nations, they have equal status in the world. However, India wants to dominate and control Nepal. It wants to be like a big brother. This is not acceptable for Nepal nor for any other independent nation of the world. Both countries have to abide by the international rules and regulations[5,7].

The two Prime Ministers agreed to review, adjust and update the Treaty of Peace and Friendship of 1950 and other bilateral agreements. They welcomed the decision of the Joint Commission to direct the Foreign Secretaries of the two countries to meet and discuss a specific proposal to revise the Treaty of Peace and Friendship of 1950, which the Government of Nepal agreed to provide at the earliest. Both sides agreed that the revised Treaty should better reflect the current realities and aim to further consolidate and expand the multifaceted and deep-rooted relationships in a forward- looking manner. (Embassy of India in Kathmandu, 2014)Both Nepal and India are the members of UNO, members of non-alignment movement, and founder members of SAARC. They have equal right to vote in the UNO. Thus, Nepal and India are similar and sovereign nations of the world. In the past, Nepal signed several unfair treaties with India. Now Nepal wants to review them all. It demands a fair deal between the two nations. All the discriminatory treaties and agreements are no more acceptable for Nepal. So, both countries agreed to form an EPG for the review and recommendation about the past agreements and treaties between Nepal and India. In 2014, both the Government of Nepal and the Government of India made EPG. There are eight members, four members each from Nepal and India[1,9].

VII. RESULTS AND DISCUSSION

In Delhi, India's capital, the seven parliamentarian parties and CPN (UML) reached an agreement on 12 points. The people's movement, the end of the monarchy, the establishment of a federal republic, and a new Nepali constitution were all made possible by this 12-point agreement. As a result, the 12 points agreement is a significant political development in Nepal's political past. India might have anticipated more influence in Nepal's political affairs given this understanding in India. However, this expectation is detrimental to a modern democratic nation. After the 12-point agreement, this is why the relationship between Nepal and India is more tumultuous. The 12 points understanding is without a doubt a significant turning point in Nepal's political history. After that, Nepal became a federal democratic republic and began a new era. It was given a new status as a republican nation. Nepal-India relations experienced additional ups and downs during this time. When Indian Prime Minister Narendra Modi addressed Nepal's CA (then Parliament) and instructed members to concentrate on the constitution-making process with "Rishi Man," the relationship between Nepal and India was exuberant. The people of Nepal admired his speech to the parliament.

Table 1: High Level Visits

SN	Positions	Name of the Delegate	Nation	Date
1	President	Dr Ram Baran Yadav	Nepal	Feb. 2010
2		Dr Ram BaranYadav	Nepal	24-29 Dec, 2012
3		Bidya DeviBhandari	Nepal	17-21 April,2017
4		Pranab Mukherjee	India	2-4 Nov,2016
5	Prime Minister	K.P. Sharma Oli	Nepal	19-24 Feb.2016
6		K.P. Sharma Oli	Nepal	6-8 April,2016
7		K.P. Sharma	Nepal	30-31 May,2019
8		Puspakamal Dahal	Nepal	15-16 Sep.2016
9		Narendra Modi	India	3-4 Aug.2014
10		Narendra Modi	India	9 May, 2018

However, this only lasts a short time. India was not pleased when Nepal set a date for the adoption of a new constitution the following year. India requested that the constitution's promulgation date be postponed and that its vested interests be addressed. A nation's constitution-making process is internal, and the advice of a foreign nation should not be followed. As a result, Nepal, as a sovereign nation, adopted its constitution at its own initiative, disregarding India's wishes. This was not a good move for India. Nepal was therefore blocked by India. Nepal-India relations were at their lowest point at this time. Later efforts were made to normalize relations between Nepal and India. Additionally, the Nepal-India relationship was favorable once more. However, once Kalapani was added to India's map and the Indian Defense Minister opened the Kalapani-to-Mansarobar route, relations between Nepal and India became once more sour. The Limpiadhura-Lipulekh-Kalapani region of Nepal is clearly recognized by the Sugauli Treaty of 1816 and other evidence. It's a mistake made by the Indian government, and India always wants to put Nepal in the shadow of itself (Shrestha, Nepal India Relation, 2015), which is never good for Nepal. As a result, Nepal published a brand-new map of Nepal that designates Limpiadhura, Lipulekh, and Kalapani as its territory. It will not be accepted by India. Nepal, on the other hand, is a neighbor, so the only option it has is to resolve all issues between India and Nepal through diplomatic channels and dialogue. Nepal is experiencing an increase in anti-Indian sentiment, which is detrimental to both India and Nepal.

After the 12 points agreement, there have been frequent ups and downs in the Nepal-India relationship. Now, Nepal's current government wants to talk to the Indian government, but the Indian government doesn't seem ready to talk about this important issue. India and Nepal face a variety of issues. Nepal is able to review all previous treaties and agreements and proposes to replace them by new treaties and agreements. In the past, all treaties and agreements were in favour of India. Basically, the Peace and Friendship Treaty of 1950 is not in favour of Nepal. It is an unequal treaty. It provides more privilege to India and nothing to Nepal. It is a root cause for conflict between Nepal and India.

As close neighbors, India and Nepal share a unique relationship of friendship and cooperation characterized by open borders and deep-rooted people-to-people contacts of kinship and culture. There has been a long tradition of free

movement of people across the borders (Shrestha, 2015). Nepal and Indian Prime Minister were ready for the review of all treaties and agreements between the two countries and made the EPG on 4 August, 2014 - when Indian PM Narendra Modi visited Nepal for the first time. It was announced in the joint statement of both governments. Four members in the EPG from Nepal side include Bhesh Bahadur Thapa (Nepal Co-ordinator), Nilamber Acharya, Suryanath Upadhyaya and Rajan Bhattarai. Similarly, Indian side includes Bhagat Singh Koshyari (Indian Co-ordinator), BC Upreti, Jayant Prasad and Mahendra Prasad Lama in the EPG (Ministry of External Affairs, 2014). EPG held its first meeting on 4 June, 2016 in Nepal. The final ninth meeting of EPG was held on 30 June 2018 in Kathmandu. It has studied and reviewed all the treaties and agreements between Nepal and India thoroughly and prepared the final report. EPG has submitted the report to the government of Nepal. The Nepal government readily accepted the report. However, the government of India has not received the report yet. Indian PM Narendra Modi has not provided a time to look into it.

VIII. CONCLUSION

Since the earliest times, Nepal-India relations have embodied historical, social, ethical, and cultural values. Modern-day India and Nepal began their relationship with the Indo-Nepal Treaty of Peace and Friendship of 1950, which established security ties and established a special relationship between the two nations. The treaty also established rules for bilateral trade and trade that transits Indian territory. Given that Nepal and India are neighbors and share a common culture and civilization, modern relations between the two countries must be friendly and cordial. Despite the helpful linguistic, marital, religious, and cultural ties that exist between Nepalese and Indians on a personal level, political issues and border disputes have strained relations between the two countries over the past few years, and anti-Indian sentiment is growing among Nepal's government and people. A boundary settlement has not yet been approved by either government due to border disputes between the two nations.

Both Nepal and India are sovereign, independent, and equal nations. However, India's desire to exert influence over Nepal is unacceptable to Nepal. South Asia's largest and most powerful nation is India. In South Asia, its position is crucial. Nepal-India relations have been too tumultuous despite the 12 points of agreement. The Limpiadhura-Lipulekh-Kalapani issue, the Nepal-India relationship's constitution-making process and India's interest in it, the blockade, and the exchange of high-level visits have all been significant. Additionally, Nepal and India ought to respect each other's sovereignty and agree that all unresolved issues between the two nations ought to be resolved diplomatically. Furthermore, India ought to have a big heart to resolve all unresolved issues.

The solid foundation upon which bilateral relations can continue to develop must be an obligation to the principles of peaceful coexistence, sovereign equality, and comprehension of one another's aspirations and sensibilities. Nepal and India have no choice but to maintain good relations with one another.

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