

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES
[ISSN 2581-5369]

Volume 9 | Issue 3
2026

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Navigating the Complex Terrain: An Analysis of India-Nepal Relations amidst Border Disputes

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ABSTRACT

"Peace, plenty and contentment reign throughout our borders, and our beloved country presents a sublime moral spectacle to the world." — James K. Polk This paper examines the complex relationship between India and Nepal, two neighbouring nations bound by deep historical, cultural, and economic ties yet increasingly strained by unresolved border disputes, particularly over the Kalapani, Limpiyadhura, and Lipulekh region. The territorial disagreement concerns an area of approximately 372 square kilometres at the India-Nepal-China trijunction in Uttarakhand, where Nepal contends that India's claim violates Article 1 of the 1950 Treaty of Peace and Friendship, which obliges both states to respect each other's sovereignty. Through a doctrinal and qualitative analysis of treaties, cartographic records, diplomatic exchanges, and policy responses, the paper traces the historical origins of the dispute to the 1816 Treaty of Sugauli and the contested source of the Kali River; evaluates the role of domestic political factors and external strategic influences, and assesses the implications of the standoff for regional stability in South Asia. The paper argues for a pragmatic, dialogue-centric and incremental approach to dispute resolution, emphasising the need for sustained bilateral engagement, regional cooperation, and strategic foresight amidst emerging South Asian geopolitical challenges.

Keywords: India-Nepal relations, *Uti possidetis juris*, Territorial dispute, Bilateral relations, Sovereignty.

I. RESEARCH OBJECTIVES

This paper pursues the following objectives: first, to examine the historical and contemporary dynamics of India-Nepal relations, with a focus on the impact of border disputes on bilateral ties; second, to examine the historical and contemporary issues surrounding the India-Nepal border disputes, with particular attention to the Kalapani region and its implications for bilateral relations; third, to assess the role of domestic political factors, strategic interests, and external influences in shaping the trajectory of India-Nepal relations amidst the border standoff; and

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fourth, to evaluate the implications of the India-Nepal border disputes for regional stability in South Asia, and to discuss the role of international mediation and diplomatic efforts in resolving the crisis and in promoting a more stable and cooperative relationship between the two nations.

II. RESEARCH METHODOLOGY

This paper employs a qualitative research approach, utilising the doctrinal method to analyse the complex dynamics of India-Nepal relations amidst ongoing border disputes. The study draws upon a comprehensive review of academic literature, historical records, and primary sources, supplemented by perspectives drawn from diplomats, policymakers, and subject experts from both countries. Content analysis of official statements, agreements, and media reports was also conducted to provide context and to triangulate the findings.

III. RESEARCH OUTCOME

The findings of this study underscore the deep historical, political, and diplomatic ties between India and Nepal, while also highlighting the enduring challenges posed by unresolved border issues. The research reveals how the Kalapani dispute, in particular, has strained relations in recent years, with both sides maintaining entrenched positions and accusing the other of territorial encroachment. The study nonetheless identifies opportunities for cooperation across a range of issues. Ultimately, it concludes that a pragmatic, incremental approach to dispute resolution, combined with sustained engagement on areas of shared interest, offers the best prospect for navigating the complex terrain of India-Nepal relations and for preserving peace and stability in the region.

IV. INTRODUCTION

India and Nepal share strong bilateral ties. The relationship between these two South Asian neighbours, although it dates back to ancient times, was formalised for the first time in 1950 through the Treaty of Peace and Friendship,¹ which officially facilitated the free movement of people across the border and allowed Nepalese and Indian citizens to reside, own property, and

¹ Treaty of Peace and Friendship Between the Government of India and the Government of Nepal, India-Nepal, July 31, 1950, 94 U.N.T.S. 3. The treaty was signed in Kathmandu on 31 July 1950 by the last Rana Prime Minister of Nepal, Mohan Shumsher Jang Bahadur Rana, and the Indian ambassador to Nepal, Chandreshwar Narayan Singh, and came into force the same day pursuant to Article 9. Article 1 provides that there shall be everlasting peace and friendship between the two Governments, which mutually agree to acknowledge and respect each other's complete sovereignty, territorial integrity, and independence; Article 7 grants, on a reciprocal basis, to the nationals of one country in the territory of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement, and other privileges of a similar nature.

engage in economic activities in either country without discrimination.² The Treaty of Peace and Friendship was followed by a Treaty of Trade and Transit in 1954.

In November 2019, the Ministry of Home Affairs of India released a new edition of the Indian political map showing the disputed Kalapani region in the Greater Himalayas as lying within India's borders.³ The map portrayed the area as part of the Pithoragarh district in the state of Uttarakhand. Nepal immediately objected to the map, as it identifies the region as an unsettled territory of the Darchula district in the country's Sudurpashchim province.⁴

In November 2019, the Ministry of External Affairs of Nepal, under the leadership of Foreign Minister Pradeep Kumar Gyawali, also issued a statement to the media declaring that the Government of Nepal was committed to protecting the country's external borders and was determined, as a matter of principled position, that such border disputes with neighbouring countries should be resolved through diplomatic channels after assessing the relevant historical documents, facts, and evidence.⁵

In response, India maintained that the map was accurate.⁶ The new map, and the consequent objection from Nepal, brought the unresolved border disputes between the two countries to the fore. These disagreements involve not only Kalapani but also areas such as Lipulekh, Limpiyadhura, and Susta.

The Kalapani area is of strategic significance in South Asian diplomacy, as it serves as a trijunction between India, China, and Nepal. Given that Nepal is a buffer state between two countries, each with great-power aspirations in the region, the Kalapani dispute carries important ramifications for the relations among all three. Central to the disagreement over Kalapani is the origin of the River Kali, on which there are varied views regarding the river and its source. Buddhi Narayan Shrestha, former Director General of Nepal's Land Survey department, categorised those engaged in the debate into two broad groups.

The first group, he observed, comprises the scholars and researchers, together with the government machinery, whom he referred to as the elite community of Nepal. They take the

² India-Nepal Treaty of Peace and Friendship, *supra* note 1, 94 U.N.T.S. at 3.

³ *India Has Encroached Upon Two Percent Nepali Territory, Says Government Spokesperson*, Republica (Nov. 7, 2019), <https://myrepublica.nagariknetwork.com/news/india-has-encroached-upon-two-percent-nepali-territory-says-government-spokesperson>.

⁴ Amit Ranjan, *India-Nepal Row over the Updated Map of India*, ISAS Working Paper No. 321, INST. OF S. ASIAN STUD., NAT'L UNIV. OF SING. (Dec. 7, 2019), <https://www.isas.nus.edu.sg/wp-content/uploads/2019/12/Working-paper-India-Nepal-Border-Amit-Ranjan-061219-JV-HS.pdf>.

⁵ Geeta Mohan, *Kalapani an Integral Part: Nepal Objects Inclusion of Unresolved Territory as Part of India in New Maps*, India Today (Nov. 7, 2019), <https://www.indiatoday.in/india/story/nepal-objects-kalapani-inclusion-new-india-map-jammu-and-kashmir-article-370-1616458-2019-11-07>.

⁶ Ranjan, *supra* note 4.

view that the river flowing to the west of Kalapani is the main River Kali, originating either at Limpiyadhura or at the nearby Lipulekh pass, both of which lie within Nepalese territory, thus justifying the area as an inherent part of Nepal. The second group comprises the Nepal-India Technical Level Joint Boundary Working Group and officials of the Embassy of India in Nepal.⁷

India, for its part, argues that the River Kali originates from a smaller rivulet named Pankhagad, lying on the southern portion of Kalapani, and that the subsequent ridge on the eastern part of this area is the true border, thereby making the territory part of India.⁸ The River Kali has yet to be demarcated. Moreover, while it is known as the Kali in its upper reaches, the middle portion is called the Mahakali and the lower portion the Sarjoo or Gogra; this further aggravates the confusion about where it belongs.⁹

Most maps drawn by Nepal show the River Kali originating about sixteen kilometres northwest of Kalapani at Limpiyadhura, in the Zaskar range of the Himalayas. A map drawn in 1827 has often been regarded as authentic, as noted by Shrestha, since it carries the inscription, "Published According to Act of Parliament by James Horsburgh, Hydrographer to the East India Company, 1 Feb. 1827." Another map, first released in 1830 and updated in 1846, titled "Western Provinces of Hindoostan,"¹⁰ demarcated the river from Limpiyadhura. Most maps created during the periods 1846 to 1860 and 1860 to 1880 maintained the original geographical position of the River Kali and Kalapani. The difference in the latter phase lies in the name of the river: the Kali was then called the Kuti, and later the Kuti Yangti.

Nonetheless, most of these maps were created by Nepal and are therefore viewed by India with scepticism. Maps after 1880 began to depict a separate River Kali originating from the Lipulekh Pass, distinct from the Kuti; Nepal lost some 310 square kilometres of land in the process, and it did indeed protest against what it termed cartographic aggression.¹¹

The debates gained renewed life in the 1990s, after Nepal restored its democracy. Much earlier, India had deployed security forces in this region during the Sino-Indian War of 1962. Kalapani was regarded as a safe zone for the stationing of Indian troops, as its high altitude of 20,276 feet provided an effective defence¹² against the Chinese. At that time, China too recognised Kalapani

⁷ BUDDHI NARAYAN SHRESTHA, *BORDER MANAGEMENT OF NEPAL* 126 (1st ed., Bhumichitra Co. P. Ltd. 2003).

⁸ Toya Nath Baral, *Border Disputes and Its Impact on Bilateral Relation: A Case of Nepal-India International Border Management*, 1 J. APF COMMAND & STAFF COLL. 28, 32 (2018).

⁹ Shrestha, *supra* note 7, at 124.

¹⁰ *Id.* at 127.

¹¹ *Id.* at 127.

¹² LOK RAJ BARAL & UDDAB P. PYAKUREL, *NEPAL-INDIA OPEN BORDERS: PROBLEMS AND PROSPECTS* 45 (Vij Books India Pvt. Ltd. 2015).

as Indian territory. Nepal, however, had conducted elections in the area in 1959 and had collected land revenue from its residents until 1961.¹³

Successive governments of India and Nepal have held repeated discussions on Kalapani. In the new millennium, the interaction between Prime Minister G.P. Koirala of Nepal and India's Prime Minister Atal Bihari Vajpayee is noteworthy. In July 2000, Prime Minister Koirala visited India and discussed cooperation with his counterpart. Both sides agreed to conduct a field survey to affirm the demarcation of Kalapani, setting a target of completion for 2002. The then Joint Boundary Committee had also agreed to provide reports with newly created strip maps. Even as the Ministry of External Affairs of India rejected proposals to withdraw the country's troops from the region, a steadfast policy was adopted to resolve the matter.¹⁴

V. BORDER DISPUTES AND RECENT DEVELOPMENTS

As a country with a Neighbourhood First policy,¹⁵ India has always been cautious about predictions of an erosion in relations between India and Nepal, who since time immemorial have shared a relationship colloquially known as that of Roti and Beti.¹⁶ The territorial disputes between India and Nepal include Kalapani, covering 400 square kilometres at the India-Nepal-China trijunction in Western Nepal, and Susta, covering 140 square kilometres in Southern Nepal. Nepal claims that the river to the west of Kalapani is the main Kali River, and that the area should therefore belong to Nepal. India, however, claims that the river to the west of Kalapani is not the main Kali River,¹⁷ and that the border there should accordingly be based on the ridge lines of the mountains, with Om Parvat lying to the east of the river.¹⁸ The river borders the Nepalese province of Sudurpashchim and the Indian state of Uttarakhand.

The Treaty of Sugauli, signed by Nepal and British India on 4 March 1816, locates the Kali River as Nepal's western boundary with India. Subsequent maps drawn by British surveyors

¹³ Hari Bansh Jha, *Addressing the Kalapani Issue Between Nepal and India*, OBSERVER RESEARCH FOUND., Expert Speak (Dec. 20, 2019), <https://www.orfonline.org/expert-speak/addressing-the-kalapani-issue-between-nepal-and-india-59377/>.

¹⁴ Baral & Pyakurel, *supra* note 12, at 45-46.

¹⁵ Gardiner Harris, *Nepal Enthralled by Visit of India's Prime Minister, Who Hits "the Right Notes"*, N.Y. TIMES (June 7, 2014), <https://www.nytimes.com/2014/06/07/world/asia/nepal-enthralled-by-visit-of-indias-prime-minister-who-hits-the-right-notes.html>.

¹⁶ Siddhant Sibbal, *Nepal's Ruling Party Leader Calls "Roti Beti Ka Rishta" with India Old Rhetoric*, ZEE NEWS (June 23, 2020), <https://zeenews.india.com/world/nepals-ruling-party-leader-calls-roti-beti-ka-rishta-with-india-old-rhetoric-2291405.html>.

¹⁷ Nidhi Jamwal, *As a River Changed Its Course, a Village on the India-Nepal Border Became Disputed Territory*, SCROLL.IN (Mar. 19, 2017), <https://scroll.in/article/831576/as-a-river-changed-its-course-a-village-on-the-india-nepal-border-became-disputed-territory>.

¹⁸ Alok Kumar Gupta, *The Context of New-Nepal: Challenges and Opportunities for India*, 22 INDIAN J. ASIAN AFFS. 57, 57-73 (2009) (originally published as *Kalapani: A Bone of Contention Between India and Nepal*, Inst. of Peace & Conflict Stud., 2000), <https://www.jstor.org/stable/41950496>.

show the source of the boundary river at different places.¹⁹ This discrepancy in locating the source of the river led to boundary disputes between India and Nepal, with each country producing maps supporting its own claims.²⁰ The Indian government, however, has argued from 1962 onward that the border should be based on the ridge lines of the mountain Om Parvat. The Kali River runs through an area that includes a disputed region of about 400 square kilometres around the source of the river, although the exact size of the disputed area varies from source to source.²¹

The dispute intensified in 1997, as the Nepali parliament considered a treaty on the hydro-electric development of the river. India and Nepal differ as to which stream constitutes the source of the river. Nepal has reportedly tabled an 1856 map from the British India Office to support its position.²² Kalapani has been controlled by India's Indo-Tibetan border security forces since the Sino-Indian War of 1962.²³ In 2015, the Nepalese parliament objected to an agreement between India and China to trade through the Lipulekh Pass, a mountainous pass in the disputed Kalapani area, stating that the agreement violated Nepal's sovereign rights over the territory.²⁴ Nepal has called for the withdrawal of the Indian border forces from the Kalapani area.²⁵

As a first step towards demarcating the Indo-Nepal border, survey teams from both countries located and identified missing pillars along the border, and an agreement was reached to construct new pillars in some places.²⁶ According to Nepalese government estimates, of the 8,000 boundary pillars along the border, 1,240 pillars are missing, 2,500 require restoration, and a further 400 need to be constructed. The survey teams conducted their surveys of the boundary pillars on the basis of the strip maps prepared by the Joint Technical Level Nepal-India Boundary Committee (JTLNIBC).²⁷

The JTLNIBC was set up in 1981 to demarcate the India-Nepal border. After years of surveying, deliberation, and extensions, the committee had delineated 98 per cent of the India-Nepal

¹⁹ *Inside the 200-Year-Old India-Nepal Border Dispute That Still Remains Unsolved*, Brut India, <https://www.brut.media/in/articles/inside-the-200-year-old-india-nepal-border-dispute-that-still-remains-unsolved>.

²⁰ *Id.*

²¹ *Id.*

²² Dhananjay Tripathi, *Indo-Nepal Relations*, 9 INT'L J. ADV. RES. ARTS SCI. ENG'G & MGMT. 1 (2022), https://ijarasem.com/admin/img/20_dhananjay_NEW.pdf.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ Saroj Kumar Aryal & Manish Jung Pulami, *Finding an End to Border Disputes: The India-Nepal Imperative*, OBSERVER RESEARCH FOUND. (Apr. 18, 2023), <https://www.orfonline.org/research/finding-an-end-to-border-disputes-the-india-nepal-imperative>.

²⁷ *Id.*

boundary, excluding Kalapani and Susta, across 182 strip maps, which were finally submitted in 2007 for ratification by both countries. Unfortunately, neither country ratified the maps. Nepal maintained that it could not ratify the maps without the resolution of the outstanding boundary disputes, namely Kalapani and Susta. India, on the other hand, awaited Nepal's ratification while simultaneously urging it to endorse the maps as a confidence-building measure towards resolving the Kalapani and Susta disputes. In the absence of ratification, the process of completely demarcating the India-Nepal boundary could not be undertaken.²⁸

Disregarding the historical facts and evidence, and notably the ongoing bilateral talks relating to the Kalapani issue, the Nepal government led by K.P. Sharma Oli released a new emblem of Nepal following the second amendment of the Constitution of Nepal on 13 June 2020. Earlier, on 20 May 2020, on the recommendation of the Council of Ministers of Nepal, the lower house of Nepal's Parliament had approved a new map of Nepal showing Kalapani and Lipulekh as part of Nepalese territory. These territories have been claimed by India as its own. These actions of Nepal would inevitably complicate the ongoing bilateral talks that had long sought to resolve the border issues.²⁹

In the post-2020 period, the dispute has remained unresolved and has periodically resurfaced on account of infrastructure development and connectivity initiatives in the Lipulekh sector.³⁰ India has continued road construction, border infrastructure development, and pilgrimage facilitation through the region, while Nepal has consistently objected, arguing that it has been excluded from decisions affecting a disputed trijunction area involving India, Nepal, and China. These developments have reinforced the strategic sensitivity of Kalapani-Lipulekh, linking territorial claims with security and mobility considerations.³¹

Alongside Kalapani, the Susta dispute along the Gandak River persists as a secondary but enduring issue. Unlike Kalapani, Susta is primarily shaped by riverine geomorphological change, with the shifting course of the Gandak leading to competing claims over land parcels. Both sides attribute territorial loss or encroachment to natural river migration, resulting in persistent boundary ambiguity.³²

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Explained: The India-Nepal Dispute Over Lipulekh Pass*, India's World (May 6, 2026), <https://indiasworld.in/explained-the-india-nepal-dispute-over-lipulekh-pass/>.

³¹ *Id.*

³² Col. D.M. Govil, *Nepal Border Dispute*, CTR. FOR JOINT WARFARE STUD. (July 11, 2022), <https://cenjows.in/wp-content/uploads/2025/12/Nepal-Border-Dispute-by-Col-DM-Govil-on-11-Jul-2022.pdf>.

Domestically within Nepal, the border issue has increasingly acquired nationalist and political salience. This was reflected in 2026, when public remarks by Prime Minister Balen Shah before Parliament suggested reciprocal encroachment narratives between India and Nepal and referenced broader historical stakeholders in resolving the dispute.³³ The remarks triggered significant political controversy within Nepal and were subsequently clarified by the Ministry of Foreign Affairs, which reinterpreted them as references to localised cross-border occupation rather than as formal territorial claims.³⁴

Despite intermittent diplomatic engagement, including reaffirmations that the dispute should be resolved through bilateral dialogue, no substantive progress has been achieved. The impasse persists owing to fundamentally divergent interpretations of the Treaty of Sugauli, conflicting claims regarding the origin and course of the Kali River, and the increasing entanglement of territorial claims with domestic political identity in Nepal and with strategic and security considerations in India.³⁵

VI. THE TREATY OF SUGAULI OF 1816

The Treaty of Sugauli was signed between the East India Company and the King of Nepal following the latter's defeat in the Anglo-Nepalese War of 1814 to 1816.³⁶ Article 5 of this Treaty records that the Raja of Nepal renounced all claims with regard to the countries lying to the west of the River Kali.³⁷ The India-Nepal boundary is based on the Treaty of Sugauli.

Years	Brief of the Events
1814	Governor-General Lord Hastings had sent the East India Company combat ants to attack Nepal.
1814-15	The Anglo-Nepalese War took place between the East India Company combatants and the Rajah of Nepal, resulting in the defeat of the King.
2 December 1815	The 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.

³³ *PM Balen Shah's "Nepal Encroached India Too" Remark Triggers Row at Home*, NDTV World (June 1, 2026), <https://www.ndtv.com/world-news/pm-balen-shahs-nepal-encroached-india-too-remark-triggers-row-at-home-11574423>.

³⁴ *Id.*

³⁵ *Nepal Has Also Encroached on Indian Territory: How PM Balen Shah's Remarks Sparked a Political Storm*, Times of India (TOI+), <https://timesofindia.indiatimes.com/toi-plus/international/nepal-has-also-encroached-on-indian-territory-how-pm-balen-shahs-remarks-sparked-a-political-storm/articleshow/131465242.cms>.

³⁶ Stephen Groves, *India and Nepal Tackle Border Disputes*, The Diplomat (Sept. 22, 2014), <https://thediplomat.com/2014/09/india-and-nepal-tackle-border-disputes/>.

³⁷ Avtar Singh Bhasin, *NEPAL-INDIA AND NEPAL-CHINA RELATIONS (1947-2005): DOCUMENTS*, vol. 4, § VI, Nepal-India Relations: Indo-Nepal Boundary, doc. no. 1187, at 2915-17 (Geetika Publishers 2005).

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 the 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.
2014–2017	BWG and related technical teams conducted field-level verification of boundary pillars and updated records; emphasis placed on pillar restoration, identification of missing pillars, and preparation of strip maps for demarcation.
2007–2018 (implementation phase continuing)	Joint Technical Level Nepal–India Boundary Committee (JTLNIBC) completed 98% boundary demarcation through 182 strip maps; however, formal ratification remained pending due to unresolved disputes over Kalapani and Susta.
2019 (political escalation phase begins)	Nepal began to intensify political articulation of Kalapani dispute following India's infrastructure development in the Lipulekh sector; boundary issue increasingly moved from technical forums to political discourse.
May 2020	India inaugurated the Dharchula–Lipulekh road; Nepal formally objected, alleging territorial infringement in Kalapani–Limpiyadhura region.
May 2020	Nepal released a revised political map incorporating Kalapani, Lipulekh, and Limpiyadhura within its territory.
June 2020	Nepal's Parliament approved a constitutional amendment incorporating the revised map into the national emblem, giving constitutional status to the territorial claim. India rejected the move as unilateral and not based on historical or treaty evidence.
2021–2023	Continued diplomatic exchanges and technical discussions; no substantive breakthrough achieved. Both sides reiterated commitment to bilateral dialogue while maintaining opposing interpretations of the Sugauli Treaty and river origin.
2024–2025	Periodic tensions resurfaced due to infrastructure development and mobility/pilgrimage access through Lipulekh; Nepal reiterated objections while India maintained status quo position and administrative control.
2026	Political controversy in Nepal revived public debate on border demarcation following parliamentary remarks on reciprocal "encroachment" narratives; Nepal clarified that statements referred to localized cross-border occupation rather than formal territorial concession.

Table: Key events relating to the Treaty of Sugauli and the India–Nepal boundary.

VII. THE NEPAL-INDIA JOINT TECHNICAL LEVEL BOUNDARY COMMITTEE

The Government of Nepal recognised that the condition of its southern territory, and of portions of its eastern and western segments, was poor and might create problems in the future. Taking these facts into account, Nepal engaged diplomatically with India to formulate a Nepal-India Joint Border Inspection Mechanism to keep the boundary clear and intact.³⁸ The exchange of diplomatic notes took almost a decade. After lengthy consultation and a series of joint meetings, it was finally agreed on 25 February 1981 to work jointly to clear and maintain the boundary line between the two countries. As a result, the Nepal-India Joint Technical Level Boundary Committee (JTBC) was constituted in November 1981, and it worked for 26 years before being dissolved in January 2008. The JTBC was mandated to maintain the boundary pillars along the Nepal-India boundary line, including to re-establish and reconstruct boundary pillars found to be lost; to record encroachment along the boundary, namely the Dasgaja, and to require that the boundary be managed and kept clear; and to prepare a modality for periodic inspection to keep the boundary intact.

The JTBC used boundary maps prepared in different periods in accordance with the Treaty of Sugauli, which were accepted by both sides. The Nepal-India boundary is found to be 1,880 kilometres long, of which 1,240 kilometres is land boundary and 640 kilometres is river and rivulet boundary, that is, fluid boundary. Some sixty boundary rivers and rivulets have been counted along the Nepal-India boundary. The Mahakali River, which forms the western boundary, is about 200 kilometres long, and the Mechi River, which forms the eastern boundary, is about 80 kilometres long. A 20-kilometre stretch of the Nepal-India boundary runs along the Gandak River at Narsahi-Susta. The remaining 57 rivers and rivulets account for some 340 kilometres along the Nepal-India boundary.

The Governments of Nepal and India decided to implement the fixed boundary principle in 2045 B.S., and the JTBC began working accordingly on the riverine segments, preparing strip maps and delineating the boundary line on those strip maps in accordance with the boundary base maps accepted by both sides. In 1992, the JTBC was given the following additional mandates: to prepare boundary strip maps at a scale of 1:15,000 covering 500 metres on either side of the boundary line and to mark the boundary line on those strip maps; to show the physical boundary line on the ground on the basis of the boundary base map and to transfer it onto the strip map thus prepared; to construct additional boundary pillars so that they are inter-visible

³⁸ Maritime boundary disputes have also been central to international adjudication during this period. While some of the issues discussed here may also be of relevance to maritime boundary disputes, a direct analysis of such cases falls beyond the scope of this paper.

from one to another and aligned in a straight line between the pillars; to construct additional boundary pillars in the riverine segments in accordance with the fixed boundary principle; and to number all boundary pillars in sequence and to establish a common coordinate system.

The JTBC resolved all minor disputes during its field work and prepared strip maps of the Nepal-India boundary, transferring the boundary line on the basis of the boundary base map prepared after the Treaty of Sugauli. The major disputes over the Narsahi-Susta and Kalapani segments remain unresolved, however, even after many intensive attempts by the JTBC. Various minor issues were resolved, subsidiary and additional pillars were erected, and strip maps of the resolved areas were prepared, but the joint committee could not settle the major issues concerning the disputed portions of Susta and Kalapani. In fact, the JTBC worked for 26 years and completed 98 per cent of the boundary work. The unresolved portion of the border consists of the Kalapani-Limpiyadhura encroachment, extending over 17 kilometres, and Narsahi-Susta, extending over 20 kilometres, together amounting to two per cent of the total length. There are cross-occupations that need to be identified, with amicable solutions to be sought by both countries.

VIII. GUIDING PRINCIPLES AND INTERNATIONAL NORMS

Land boundary disputes have occupied a central place in international adjudication for more than a century.³⁹ During most of this time, the resolution of such disputes was governed exclusively by the principle of the stability and continuity of boundaries.⁴⁰

This principle entailed that, once a boundary had been determined, whether by existing states or their predecessors, it was almost impossible to challenge or revise without the consent of all the bordering states.⁴¹ Under this approach, international judges and arbitrators upheld boundary treaties regardless of apparent defects in the original commitment or other fundamental challenges to their validity.⁴² Moreover, even though most of these treaties had been concluded between former colonial powers with little knowledge of, or concern for, local

³⁹ Pushpita Das, *Settling Border Disputes with Nepal and Bangladesh*, MP-IDSA Comments (Oct. 10, 2014), https://idsa.in/idsacomments/SettlingborderdisputeswithNepalandBangladesh_pdas_101014.

⁴¹ The principle of the stability and continuity of boundaries, and the central role that it played in traditional boundary-dispute settlement, are discussed in several studies. See, e.g., A.O. CUKWURAH, *THE SETTLEMENT OF BOUNDARY DISPUTES IN INTERNATIONAL LAW* (1967); Kaiyan Homi Kaikobad, *Some Observations on the Doctrine of Continuity and Finality of Boundaries*, 54 BRIT. Y.B. INT'L L. 119 (1984); Itamar Bernstein, *Delimitation of International Boundaries: A Study of Modern Practice and Procedures from the Viewpoint of International Law* (1974) (unpublished Ph.D. dissertation, Univ. of Geneva) (on file with author).

⁴² Kaikobad, *supra* note 39, at 119.

geographic and demographic conditions, any request for even a minor adaptation of the boundary based on such factors was dismissed outright.⁴³ The principle of the stability and continuity of boundaries also manifested itself in the strict application of the *uti possidetis* doctrine, which entailed that, in the case of the dissolution of a single colonial empire, or of a federal republic, into several independent states, the internal administrative boundaries of the former were maintained as the international boundaries of the latter.⁴⁴ The main purpose of this rigorous adherence to historical boundaries was to reduce territorial conflicts between neighbouring states.⁴⁵

The prevailing assumption was that any change in the territorial status quo might have a broader destabilising effect on other countries. In recent years, however, the principle of the stability and continuity of boundaries has suffered some erosion. Rather than simply sanctifying historical lines, international adjudicators have, in several cases, acknowledged the need to take other considerations into account when determining the location of international boundaries.

These considerations have included securing access for borderland populations to water resources, preserving nomadic lifestyles, enhancing the self-determination of minority groups, bolstering peace efforts, and protecting cultural heritage sites.⁴⁶ In some cases, adjudicators explicitly acknowledged the need to modify the historical boundaries in order to promote such human-oriented considerations.⁴⁷ In others, they refrained from directly challenging the principle of stability, instead using these considerations as an interpretive tool that purportedly assisted them in determining the location of the historical boundary.⁴⁸ Either way, given the long-standing dominance and deep hold of the stability principle, this development appears to represent a paradigm shift in the adjudication of international boundary disputes.

⁴³ *Temple of Preah Vihear (Cambodia v. Thailand)*, Judgment, 1962 I.C.J. 6, ¶ 34 (June 15).

⁴⁴ *Temple of Preah Vihear (Cambodia v. Thailand)*, Judgment, 1962 I.C.J. 6, 15 (June 15).

⁴⁵ Steven R. Ratner, *Drawing a Better Line: Uti Possidetis and the Borders of New States*, 90 AM. J. INT'L L. 590, 590 (1996).

⁴⁶ *Kaikobad*, *supra* note 39, at 119 (noting that "[i]n most cases, boundary changes imply the diminution and enhancement of territory for the States on either side of it, with all the attendant escalations in friction and tension between them"); Ratner, *supra* note 43, at 591 (asserting that reliance on historical boundaries reduces the prospects of armed conflict by providing a clear outcome).

⁴⁷ *Frontier Dispute (Burkina Faso/Niger)*, Judgment, 2013 I.C.J. 44 (Apr. 16) (water resources); *id.* (separate opinion of Cançado Trindade, J.) (nomadic populations); *Delimiting Abyei Area (Gov't of Sudan/Sudan People's Liberation Movement/Army)*, Final Award, 48 I.L.M. 1245 (July 22, 2009) (self-determination of peoples and enhancement of peace efforts); *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand)*, Judgment, 2013 I.C.J. 281 (Nov. 11) (cultural heritage sites).

⁴⁸ *Frontier Dispute (Burkina Faso/Niger)*, 2013 I.C.J. 97 (separate opinion of Cançado Trindade, J.); *Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand)*, 2013 I.C.J. 322, ¶¶ 31-33, 65 (separate opinion of Cançado Trindade, J.).

IX. RECOMMENDATIONS

Nepal has, over the years, witnessed chronic political instability, including a ten-year violent insurgency that damaged its development and economy. There is an anti-India sentiment among certain ethnic groups in Nepal, which emanates from the perception that India interferes excessively in Nepal and tinkers with its political sovereignty. The establishment of diplomatic relations between Nepal and China, and China's growing influence in Nepal, have resulted in a decline in India's traditional leverage in Nepal.⁴⁹

A committee similar to the Nepal-India Joint Technical Level Boundary Committee (JTBC), which was constituted in 1981 and dissolved in 2008, needs to be reconstituted.⁵⁰ A committee, headed by a diplomat from each of India and Nepal, should be formed to resolve the border issues between the two countries.

India should also seek to convey to Nepal's leadership the congenial and friendly environment that the six to eight million Nepali citizens living in India enjoy. Any thoughtless erosion of this centuries-old togetherness may therefore prove difficult for both countries.⁵¹

Both nations should remain prepared to seek the assistance of the United Nations Organisation. If the problem cannot be resolved bilaterally, recourse may need to be had to the International Court of Justice.^{52,53}

The Gujral Doctrine^{54,55} of 1997, which sought to improve relations with India's neighbours without insisting on reciprocity, makes clear that India's security cannot be compromised. Any such compromise would also adversely affect India's security concerns in the subcontinent as a whole. A review or revision of the 1950 treaty may therefore be undertaken to update and streamline its provisions and to accommodate Nepal's concerns.⁵⁶

⁴⁹ *Frontier Dispute (Burkina Faso/Niger)*, 2013 I.C.J. 44, ¶ 101 (interpreting a 1927 boundary-delineation order in a manner that facilitates equal access to water resources); *Delimiting Abyei Area (Gov't of Sudan/Sudan People's Liberation Movement/Army)*, Final Award, 48 I.L.M. 1245 (July 22, 2009) (interpreting a boundary agreement in a manner that promotes peace and national self-determination).

⁵⁰ *India-Nepal Relations*, Drishti IAS (Aug. 8, 2022), <https://www.drishtiiias.com/to-the-points/Paper2/india-nepal-relations>.

⁵¹ Ankur Sharma, *Why Does a Border Dispute Exacerbate? Analyzing the India-Nepalese Escalation Over Kalapani Through Securitization Theory*, 40 J. BORDERLANDS STUD. 881, 881-900 (2024), <https://doi.org/10.1080/08865655.2024.2394040>.

⁵² *India-Nepal Border Dispute*, *supra* note 33.

⁵³ Rabi Shrestha, Mukesh Thapa, Bipod Tamang & Narayan Thapa, *Nepal-India Border Issues* (Kathmandu Univ. working paper), https://www.academia.edu/49316582/Nepal_India_Border_Issues.

⁵⁴ Alberto Alvarez-Jiménez, *Boundary Agreements in the International Court of Justice's Case Law, 2000-2010*, 23 EUR. J. INT'L L. 495, 495-515 (2012), <https://doi.org/10.1093/ejil/chs015>.

⁵⁵ *What is the Gujral Doctrine?*, MP-IDSA, Ask an Expert, <https://idsa.in/askanexpert/GujralDoctrine> (last visited June 3, 2026).

⁵⁶ The Gujral Doctrine is a set of five principles guiding India's relations with its immediate neighbours, notably Pakistan, as articulated by I.K. Gujral. The term was later coined by journalist Bhabani Sen Gupta in his article,

X. CONCLUDING OBSERVATIONS

India and Nepal, 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 regarding the boundary alignment in the western sector of the India-Nepal border, where the Kalapani area is located. While both sides accept the 1816 Treaty of Sugauli, according to which the Kali River forms the India-Nepal border in that region, the difference in perception concerns the correct source of this river. The Government of India is aware that attempts may be made to exploit such perceived differences between two friendly neighbours.⁵⁷

Kalapani is a territory under Uttarakhand state and has been Indian territory since the Treaty of Sugauli. Nepal cannot escape from the ground realities. The Indian position on the India-Nepal boundary is well known, consistent, and unambiguous.⁵⁸ India emphasises the established bilateral mechanisms to resolve outstanding, mutually agreed boundary issues in the spirit of the close and friendly bilateral relations between the two countries.⁵⁹

Beyond Nepal's distinctive position within a multi-religious world, the people-to-people historic relations between India and Nepal call for greater nurturing by India, in view of contemporary political implications and the role of public diplomacy on such a delicate issue of national security.

Bhabani Sen Gupta, *India in the Twenty-First Century*, 73 INT'L AFFS. 297, 297-314 (1997), <https://doi.org/10.2307/2623830>.

⁵⁷ Nayanima Basu, *Nepal Wants India to Revise the 1950 Friendship Treaty to Reflect New Changes and Realities*, The Print (Jan. 16, 2021), <https://theprint.in/diplomacy/nepal-wants-india-to-revise-the-1950-friendship-treaty-to-reflect-new-changes-and-realities/586741/>.

⁵⁸ *India's Stance on Nepal Boundary Unambiguous*, The Himalayan Times (Jan. 15, 2022), <https://thehimalayantimes.com/nepal/indias-stance-on-nepal-boundary-unambiguous>.

⁵⁹ MINISTRY OF HOME AFFAIRS, GOV'T OF INDIA, Lok Sabha Starred Question No. 579 (May 7, 2013), <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2013-pdfs/ls-070513/579.pdf>.