

CHAPTER- ONE

INTRODUCTION

1.1 Background of the Study

The existence of open borderlands between the two South Asian countries, India and Nepal, has been facilitating all kinds of interactions, between the natives of the border areas in these two countries, since the time immemorial. Being a land locked country, surrounded by India from three sides; south, east and west has also eased the process of socio-economic, cultural and political of interactions.

Before the modern India was established and when Nepal was also being ruled by Rana oligarchy, access to education in Nepal was limited only to the elites. While Nepal did not have many schools and colleges, many Nepalese had to go to India for their schooling, higher education and research. To some extent this phenomenon continues to this date, even though now a day's. Nepal has sufficient number of schools and colleges for its citizens. Seemingly, education in India, instead of that in Nepal, is much modernized in the present situation, thus, many Nepali people have been studying in different schools, colleges and universities.

Such interactions and relations between the people residing across the Indo-Nepal borderlands have thus far proved to be beneficial to both. It has contributed to the promotion of people-to-people relations in the true sense of the term between the two countries, apart from the well-established government-to- government relations. Indeed, it is quite heartening to note that even when the government-to-government relations have been deteriorated at several points of time, the people-to-people relations have remained intact. "In fact, at such crucial and critical junctures, the people-to-people relations have been strengthened" (Jha, 1995, p. 2).

Border security means protecting our borders from the illegal movement of weapons, drugs, contraband and people, while promoting lawful entry and exit, it is essential to the homeland security, economic prosperity and national sovereignty. Border controls are measures taken by a country to monitor or regulate its borders. Borders controls are put in place to control the movement of people, animals and goods into as well as out of a country. Specialized government agencies are usually created to perform border controls. Such agencies may perform various functions such as customs, immigration, security, quarantine, beside other functions.

Geo-strategically located between India and China, Nepal has a very good relationship with both the countries. Nepal's security concern is sensitive to both neighboring countries and vice versa. Historically, Nepal and India have been sharing open border since 1860 AD to recruit the Gorkha regiment, to sell finished goods by India up to Tibet, and to import raw materials from Nepal. But passport and permits were not necessary. It was more open after India's independence in 1947, and after the establishment of democracy in Nepal in 1950. After the construction of Tribhuvan Highway in 1957, linking Kathmandu to Raxaul, India's frontier town, citizens of both countries move across the country without any restrictions.

But, in the contemporary geo-political situation, open border system has created trouble to maintain peace and security, law and order in both India and Nepal, which was clearly visible during the time of Indian blockade and COVID-19 spread from India because of open, free, and porous borderlands. India has deployed more than 45,000 Sashastra Seema Bal, along India Nepal border. Due to security reason India has categorized India-Nepal border (1,808km) in three segments:

1. **Security Sensitive Border** (Kanchanpur to Rupandehi) includes 9 districts and has covered 725 km.

2. **Under Observation Border** (Nawalparasi to Jhapa) includes 4 districts and has covered 780 km.
3. **Normal Border** (Ilam to Taplejung and Dadeldhura to Darchula) includes 4 districts and has covered 303 km.

Although both the countries have good relationship with each other at people-to-people level, there are some degrees of ups and downs and political relationship during the changing of guards in Nepal and India as well. But it would not matter much for both the nations, since transition period doesn't last for long. But, how a ground truth that open border between Nepal and India is being misused by criminals, terrorists, illegal traffickers of arms and ammunitions, could be ignored. Criminal commits crime in one frontier, and they flee across the international border, without any restrictions. Peace and security, law and order have been adversely affected on both the territories by the continuation of porous border system. In one sense open border has made the life of frontier inhabitants easy, but, in other way, people are absconding insecurity. Assessing the open borders from the perspective of security concerns, time has now come to ponder whether it is necessary to introduce alternative provisions for the open border system adopted between Nepal and India for hundreds of years. Because security concern and border management system are inevitably linked with each other.

Meanwhile, referring to the 1950 Peace and Friendship Treaty between the Government of India and the Government of Nepal, Article Seven of the treaty states: "the government of India and Nepal agree to grant on reciprocal basis to the nationals of one country in the territories of the other the same privilege of a similar nature ("Appendix "A") but it is nowhere mentioned that the borderlands between the two countries must be kept open. As the visa provision is not in practice for both the nationals. Indian nationals haven't been following the regulated border system. Unofficially, it is an indication of open border system in an informal way.

Unlike with India, Nepal and China signed a boundary settlement agreement and a separate treaty of peace and friendship Nepal in 1960 and rallied for China's seat in V5 under the Security Council of the United Nations. In 1961, Nepal and China agreed to build an all-weather road connecting the Nepalese capital Kathmandu with *Lhasa* of Tibet. Today, while China has been raising as a global power economically, not only to secure its borders, but also to establish a stable, cordial and friendly relations with its immediate neighbors, Beijing has also respected Nepal's territorial integrity. Unlike with India, where People-to-People relations, at time, have a potential to influence the state-to-state relations, Sino-Nepal borderlands are more secure as it is no porous and open. Visa is required between the two countries.

But, when we talk about Nepal-India open border, all the available facts indicate that border management system is not working effectively to maintain peace and security on the both frontiers. To establish peace and security for the prosperity of both nationals, there should be some reformative measures in Indo-Nepal border management system. In fact, the existing system has somehow created a mess for both the nations, as keeping the border open has made it easy for unwanted elements to run their activities freely. Some incidents of one side, undeniably, effect on the other frontier sooner or later. Security assurance is must for both nationals residing in the Nepal India borderlands, which is attainable through border security, which, simply means, security of the land, security of the people, and in overall, security of national sovereignty. Fencing, building walls between the countries, tight security checking in the border areas, are not only the measures required and enough for border management. Rather, security assurance also must be able to make the borderland communities safer and live with dignity. In today, geopolitical context, well managed border security is the essential because most of the national security threats including terrorists attack, illegal drugs and small arms trafficking are caused by improper

border management. To minimize these all threats too, reformative measures in Indo-Nepal border management system is unavoidable through scientifically managed and well regulated ways.

1.2 Statement of Problem

Various literatures are available on Nepal India open border and cross-border affinities, but there is still a dearth of knowledge production when it comes to assessing Nepal India border from the security perspective. Owing to the same, this dissertation aims to analyze and examine the impact on trans-border crimes, human trafficking, smuggling, serious felonies, drug trafficking, kidnapping, which are the major problems raised in the border area of Nepal, eventually impacting the country's national security. Northern side of Nepal's border is less sensitive because of Himalayan range. The nature itself is controlling the people's movement on that territory but if we talk about the Nepal India open border, there are lots of problems from the security point of view. Both countries have deployed security forces in the border areas, SSB from India side and APF, Nepal from Nepal. Some efforts are made for border security and border management but still these efforts are not sufficient. Considering social, cultural and economic relation between both countries, border security needs to be systematic, tactical and trustworthy.

The political situation, at present, in Nepal is fluid. Nepal has become a very lucrative space where the major powers are playing at two levels. There are some genuine and legitimate concerns from Indian security view point, while on Nepal's part, the latter has to be sensitive in not allowing its land to be used by any anti-Indian forces and provide better confidence to India about her security sensitiveness. Equally, Kathmandu has to be sensitive about not allowing any anti-Tibet or anti-Chinese activities on the Nepalese soil.

China and India's major concern in Nepali is related to security and stability. Any kinds of geopolitical turbulences in Nepal would have spill over impacts on both

the countries. While both countries are competing regional power in Asia and their interest in Nepal is to increase their clout, influences and defend their own spheres of influence. Talking about Nepal India open borderlands, the security threat is mounting extensively. Many researchers have made study on the problem of Nepal India open border but increasing new security challenges on the open border are not still addressed in the new, scientific and tactical way. Thus, this research aims to fulfill that gap.

On the 20th May, 2020, Foreign Minister of Land Management, Cooperation and Poverty Alleviation Padma Kumari Aryal unveiled the new political map of Nepal by including the Kalapani within its territory. The new map showing Kalapani, Limpiyadhura and Lipulekh as Nepali territories was approved by the cabinet of Nepal. It is shown in Byas Rural Municipality in Dadeldhura district of Sudur Paschim Province of Nepal. With the unveiling of the new map, now, the total area of Nepal has been increased from 147,181 sq. km to 147,516 sq. km (335 sq. km increased). The government of Nepal moved to publish a new political map was prompted by India's announcement of a road link via Lipulekh to Kalapani Manasarovar in the Tibetan Autonomous Region on 8th May, 2020 which New Delhi had announced on November 2019, when India released its updated map including a major Nepali claim an area known as Kalapani. On 6th November 2019, Nepal's MoFA (Ministry of Foreign Affairs) released press statement objecting to the inclusion of Kalapani in the India map. Nepal has the historical evidences and valid proof but India has continuously ignored the Nepal's claim. Consequently, it has deteriorated Nepal India relations. Not only are the disputes over Kalapni and Susta, there are many other disputed areas between Nepal and India, which are yet to be resolved.

The border disputes between the two countries have not only triggered a diplomatic row but also at the ground level. "There are 54 issues of encroachment,

disputes, conflicting claims and counter claims across the borderlands existing between the two countries. Susta, Kalapani, Thori, Manebhanjyang, Brahmadev, Mechi River are the major disputed areas in between Nepal and India” (Bhatta, 2016, p. 49). Many efforts have been made to resolve the issues, but all are in vain. Regarding the border security issues, there are assorted problems which have not been even studied and analyzed from the perspective of evidence-based policy making.

1.3 Research Questions

The research questions of this study are as follows:

1. What is the security status of Nepal India open borderlands?
2. What are the prevailing and emerging security challenges to the Nepal India open border?
3. How could the security challenges being faced by Nepal India open border be managed?

1.4 Objectives of the Study

The following are the specific objectives of this research.

1. To identify the security status of Nepal India open border.
2. To investigate the prevailing and emerging security challenges of Nepal India open border.
3. To explore how the security challenges triggered by Nepal India open borderlands to be managed.

1.5 Delimitation of the Study

The study is solely the outcome of researcher’s perceptions, observation, knowledge and understanding on the border security issues since 2016 to 2022. The outcomes of the study will not represent the views of any person’s or organization. Indian border security personnel and the India residents denied to be participated

formally in this research work but the participation of Indian residents and border security personnel was indirect and informal and some data have been included on the condition of anonymity. Both qualitative and quantitative data were collected, studied, examined and critically analyzed. Researcher has selected 40 people as Key Informant Interviews (KII) including border security personnel, border experts, administrators, journalists and local level government representatives especially from the adjoining five district of Nepal with India; Kanchanpur, Kailali, Bardiya, Banke and East Nawalparasi. It was not possible to take sample from all the districts. Hence, researcher took the privilege of self - decision and selected the appropriate informants by applying the purposive to avoid unwanted information.

1.6 Researcher's Participation in Research Methodology

The quality of data is in many ways dependent upon the relationship between the researcher and participants. The closer the researcher gets his/ her participants, the richer and more authentic the data he/ she get. Therefore, researcher has tried to get as close as possible to his KIs. Researcher, himself visited Kanachapur, Kailali, Bardiya, Banke and West Nawalparasi districts and distributed questionnaire by hand to the KIIs and organized FGD with the support of the APF BOPs and Battalions.

Researcher himself stayed one year in the border of Morang district as BOP commander and three months in the border of Banke district where he closely observed and monitored the border security status quo and both existing and rising security issues between Nepal and India. Researcher himself visited the major disputed area Susta, of West Nawalparasi where he interacted with both Nepali and Indian residents regarding the border disputes. The researcher has physically visited most of the sites of Nepal India border himself to collect the actual, truthful and reliable data as far as possible.

1.7 Significance of the Study

Because of the porous nature of the borderlands, along with a lack of effective security management and mechanism, the Nepal India borders have become a playground for anti-national elements, which directly impacts the national security of the country. To address the security dimension of Nepal India borderlands, the people residing in the bordering areas have one idea, while security experts have different understanding, and interestingly the governments have different impression. While maintaining the harmony between the inhabitants in the borderland is unavoidable, there are many traditional and non-traditional border security issues that are not being seriously studied and analyzed. In order to fulfill the same gap, it is really important to conduct a research on border security issues and its management. It could help for the researchers/ academician/ scholars for the further study. Moreover, it may also be a roadmap for the both the governments of Nepal and India or concerned institutions to take the appropriate action or adopt the long run strategies on border security issues and its management.

1.8 Operational Definitions

Border Area: The border area is the area immediately adjacent to the border of a country. In addition to the formal definition, a border area may have a legal definition of delineation both domestically and due to bilateral agreements.

Border Security: Border Security is the measure taken by a country to monitor or regulate its border. Border security is understood as the means of shielding the borders from the illegal supply of weapons, drugs, contraband and movement of the people, while promoting lawful entry and exit, is essential to homeland security, economic prosperity and national sovereignty.

Border Management: Border management is the mechanism to ensure the security of national border and to regulate legitimate movements on borders to meet various needs of the nation by cultural- social- social interaction, both domestically and due to bilateral agreements. Border management encompasses myriads of organizations and activities, such as customs, immigration, security, trade, transport, and sanitary organizations and activities.

Boundary Delimitation: Acting of fixing the boundary or limit of something. Delimitation is to comprise the determination of boundary line by treaty in written or verbal terms. It is the step before boundary demarcation.

Border Demarcation: Demarcation is defined as laying the boundary on the ground which is to apply the final stage and the meaning out of the boundary on the spot. It is referred to demarcation as a more mechanical process than delimitation, which involves setting up beacons or pillars or posts, numbering them, and recording them on maps.

Border Administration: The boundary administration is defined as the last stage of the boundary process. Boundary is the stage that follows treaty between the States, and includes all the activities with regard to the area close to the boundary line and sometimes even the boundary zone matters.

Border Diplomacy: Territorial and border diplomacy is the “small” foreign policy practiced by the local and regional authorities, who thereby become genuine actors in international relations. Border diplomacy refers to the diplomatic approaches to demarcate, manage and resolve the border disputes in a peaceful manner.

Smart border: Smart border is a systematic and swift border management system which allows legitimate flow of people and goods through international borders. The key features of smart border is; S- sustainable, M- measureable, A- accessible, R- replicable and T- technical.

Globalization: Globalization is the word used to describe the increasing interdependence of the world's economies, cultures, and populations, by cross-border trade in goods, services, technology, flows of investment, people, and information. Globalization has prompted three processes simultaneously: firstly, economic liberalization through free trade; secondly, political democratization; thirdly, cultural universalization.

Realism: Realism is a predominant theory in International Relations (IR) that explain the reality of international politics. It emphasizes on the constraints on politics that result from humankind's egoistic nature and the absence of a central authority above the state. The key concepts found in realist theory are anarchy, the balance of power, and the national interest.

Neo- Realism: Neorealism is a theory of international relations that highlights the role of power politics in international relations. The organization of social relations rather than the nature of man are what determine whether there will be conflict or not. Cooperation can never be guaranteed and conflict is always a serious possibility. Neorealism believes that conflict arises because of anarchy.

Geo-politics: Geopolitics focuses on political power linked to geographic space. In particular, territorial waters and land territory in correlation with diplomatic history. Geopolitical examples may include trade agreements, war treaties, border or territorial acknowledgements, climate agreements. Geopolitics means the struggle over the control of geographical entities with an international and global dimension, and the use of such geographical entities for political advantage.

1.9 Organization of the Study

The research has been thus organized as follows:

Chapter One: This chapter has presented the background of the study, statement of the problem, listed out the research questions and objectives. In addition, the chapter

has defined the limitation of the study, researchers' participation in research methodology and operation of definitions.

Chapter Two: This chapter has presented the review of available literature i.e. theoretical and thematic review.

Chapter Three: This chapter has included research methods and research methodology by elaborating on research design, nature and sources of data collection, sampling design, types, Sources and methods of data collection, as well as method and tools of data analysis. Universe of the study, ethical consideration and conceptual framework are also the key components of the chapter.

Chapter Four to Chapter Six: These chapters have critically examined, interpreted and analyzed the data in the forms of thematic and in tabulation and in figure.

Chapter Seven: This chapter has offered summary and conclusion.

CHAPTER- TWO

LITERATURE REVIEW

2.1 Theoretical Review

Apprehending COVID-19 as an exceptional case, the world, at present, is globalized with the help of science and technology. Geography does not alienate or isolate any country and the people. Before the formation of modern states, there was a lack of communication and means of transportation. People would spend life in the certain geography with the limited resources but in today's modern globalized world, with the facilities availed by communication and transportation people can move across the world. Trade in goods and services are the fundamental traits of economic globalization. The necessities of the people are increasing day by day. The people are moving across the world for the search of job, study and any other purposes. Therefore, the world is being closer and the globalization process is going to continue. In the same context, the open Nepal India borderland is also not an exception.

Globalization

Globalization has prompted three processes simultaneously: firstly, economic liberalization through free trade; secondly, political democratization; thirdly, cultural universalization. "For neo-liberals, globalization is about the benevolent spread of liberal economic, political, and cultural processes, institutions, and practices throughout the world" (Weber, 2017, p. 119). Globalization is advantageous as it spreads the economic, political and cultural benefits of liberalism. On the contrary, it has also created a great divide rich and poor as it does not result in an equitable distribution of global wealth. Although no country can be confined within its borders and border walls in the age of globalization. With the construction of border walls, fencing, the trenches and the high security alert, the limited liberalization of any country's policies

can lead it towards isolationism. It prevents the process of globalization. It obstructs the liberalization, free trade, free movement of people, goods and services. Therefore, the concept of borderless world is being raised by some scholars. Globalization, or the increased interconnectedness and interdependence of peoples and countries are generally understood to include two inter-related elements; the opening of international borders to increasingly fast flows of goods, services, finance, people and ideas and the changes in institutions and policies at national and international levels that facilitate or promote such flows. Globalization has the potential for both positive and negative effects on development and health. On the other hand, keeping the border open and porous, as in the context of Nepal India, increases the security challenges including smuggling of goods, small arms, human trafficking etc. Thus, globalization has both merits and demerits when it comes to the issue of border security and border management.

The perspective of keeping open border emphasizes on removing all the fences, demolishing the wall, bury the trenches and make this world borderless. It calls for the establishment of a world government, where all the countries will work through reciprocity and interdependence. There will be no restriction on the movement of the good, services and people across the world, except certain limitation. There will be no discrimination among the people irrespective of countries, and people will be behaved as the human not as the people of foreign countries. The perspective of keeping open border reiterates on evaluating the people as a good human being irrespective of gender, race, ethnicity caste, creed and civilizations.

However, from the perspective of border security perception, as much as the security measures are enhanced, it impacts negatively on the socio-economic and cultural relations among the inhabitants of the bordering countries. Enhancing the security

measures along the border may increase the tension between the countries. Owing to the same, Nepal should manage the porous and open border with India, more tactically, strategically and in a cooperative and constructive manner.

Realism and Neorealism

Realism is a predominant theory in International Relations (IR) that explain the reality of international politics. It emphasizes on the constraints on politics that result from humankind's egoistic nature and the absence of a central authority above the state. The key concepts found in realist theory are anarchy, the balance of power, and the national interest.

Realism believes that conflict between the countries is unavoidable when there is the presence of "Thucydides Trap". World is composed of sovereign states. Hitherto, we don't have a world government, and the absence of world government means international politics is anarchized. Realist and neo-realist agree that the overriding goals of state in this environment of international anarchy are to survive. It is the national power capabilities-military, economy, natural resources, skilled manpower- that help to defend states. Realist Hans J. Morgenthau states that international politics will remain anarchical and conflictual because of the nature of man. But neorealist Kenneth Waltz believes that the organization of social relations rather than the nature of man are what determine whether there will be conflict or not. Waltz argues that in a situation of structural anarchy, the best chance states have for surviving is to maximize their power. Cooperation can never be guaranteed and conflict is always a serious possibility. The structure of anarchy means states must compete for power in order to survive in this self-help system. The security dilemma is an attribute of international anarchy. Because security question can never be finally resolved in a situation of structural anarchy as competition is unavoidable and conflict is likely. In such a situation, realists reiterate on increasing power to ensure survival.

Small powers like Nepal either have to increase its hard power capabilities (military) or enhance soft power capabilities (collation with powerful countries). Proliferating hard power capabilities is not appropriate for small powers like Nepal, because there is no military threat to Nepal by India and China both. Therefore, increasing soft power is the best way to survive or move ahead. Meanwhile, Constructivism argues that identities and interests in international politics are not stable. Relation between Nepal and India is not limited within the socio-cultural and economic relation. The interest of Nepal and India is characterized by continuity and change owing to the time and circumstances. Hence, an appropriate border management is unavoidable. For the small powers like Nepal border security management is not for the aggression but for the defense, protection or safeguarding the border. If border demarcation is not clear sooner or later disputes, conflicts and problems may arise. “The conflict may occur any time if interest of the neighboring countries is not met or fulfilled” (Shrestha, 2017, p. 4).

Border issue is one of the rising issues of Nepal and India. On 2nd, November, 2019, India published its new political map including Jammu and Kashmir and showed the Kalapani and Lipulek the disputed territory as the part of India. Similarly, on 20th May 2020, Nepal also published a new political map claiming Kalapani and Lipulek as its own territory. The new map has added 335 square kilometers of territory within Nepal, taking the total area from 147,181 to 147,516. Sq km. It indicates that Nepal and India have serious border issue. Here, available literatures regarding border security are thoroughly studied and analyzed below.

2.2 Thematic Review

Foreign policy of a country is generally determined by the geographical, cultural, social and economic relation. Sovereignty, political independence and territorial integrity are the hallmark of a modern state. Border is one of the most important

geographical demarcations of each country. Secured border is inevitable for the protection of sovereignty, political independence, territorial integrity and, above all, national security. Each and every state should be able to manage the border properly; otherwise state may face various conventional and non-conventional security threats, along with external and internal security problems. “Geography is the most fundamental factor in the foreign policy of states because it is the most permanent. Ministers come and go, even dictators die, but mountain ranges stand unperturbed” (Kaplan, 2012, p. 29). Geographical border makes the state clear about its Area of Responsibility (AoR). But researcher argues that in this modern era, human being has the power to change geography. They can modify or change the shape and size of the geography as per their needs using the scientific technology and geo-engineering. Still, it is too hard to change the geography for human beings. Thus, it’s a strong, rigid and stable demarcation of every state. Kaplan further states that:

For maps are rebuke to the very notions of the equality and unity of human kind, since they remind us of all the different environments of the earth that make men profoundly unequal and disunited in so many ways, leading to conflict, on which realism almost exclusively dwells. An individual has responsibility only for his loved ones, who will forgive him his mistakes so long as he means well. But a state must protect the well-being of millions of strangers within its borders, who in the event of a failed policy will not be so understanding. Thus, the state must be far wiler than the individual. Realists don’t believe that international institutions by themselves are crucial to peace, because such institutions are merely a reflection of the balance of power of individual member states, which, in the final, determines issue of peace and war (Kaplan, 2012, p. 29).

In this dissertation, the researcher further observes that geography itself is not the cause of peace and war. Geography just gives the picture of the state's culture, history and environmental factors. From the neo-realistic point of view, Kenneth Waltz argues that organization of social relation determines whether the countries will enter into conflict/war or not.

According to the Hobbesian state of nature, classical realist theory says, "Men are equal, they interact in anarchy and they are driven by competition, diffidence and glory" (Donnelly, 2005, p. 32). It is analyzed particularly from the masculine's perspective. Enmity is intensified by the competition diffidence and glory. From the realist point of view, power of a country determines its international diplomatic relation with other countries. Balancing the power is a survival strategy of each country.

According to Donnelly- Realist, with good cause, emphasize that a state, especially a powerful state, bent on violating a moral norm usually can get away with it- and that when it can't, it usually is because the power of others states has been mobilized on behalf of the moral norm. Either with the power of military, geographical, economical or technological, each superior country wants to move on its own line of strategy influencing other weaker states. In such condition, dominant states either seek to join with alliance for the protection or confront with superior for existence. That really creates war because of anarchy.

Geographically located between India and China, Nepal's national power capabilities, when it comes to hard power is definitely less than its two immediate neighbors. But, when it comes to soft power, Nepal doesn't lack behind. As the India-China rivalry heats up, they have been substantially increasing their economic,

military, technologic and geo-spatial clout. Thus, Nepal needs be too meticulous and careful when it comes to its territorial integrity, national unity, national security and political independence. “Power protects states because states with less power might fear those with more power and therefore be less likely to attack them” (Weber, 2017, p.18). For small power like Nepal, soft and hard power needs to be increased to ensure the survival rather than to compete with others. In the same line, the researcher supports the statement of Weber that Nepal as small power is more hurry to solve the problem but big country does not give more priority to the issue. For Nepal, there is always a threat that its territory may be encroached or intervened as powerful country has confidence to deal with the disputes on their favor.

Nepal is a sovereign small power, which is not free from the influences of the two-nuclear-armed immediate neighbors. “To be a sovereign, a state has to have an absolute authority over its territory, and the people, and also be able to exercise its own autonomous and independent external relations and foreign policy with the outside world. Still, there are debates and conflicting views over the kinds of sovereignty” (Weber, 2017, p.16). It is arguable that the countries, which are internationally accepted as independent, autonomous and sovereign, but to what extent? How much? To what degree? There are no means of exact measurement. States that have compromised their sovereignty have to face interference and are mostly influenced by their influential allies.

As a result of the absence of a world government, which, if materialized, may have authority to command and mobilize all sovereign states. “There is no world government, this is why sovereign nation states are beholden to no higher power There just is no higher power than that of a sovereign nation state, because there is no higher power that the state must obey, states are said to have international

independence” (Weber, 2017, p. 16). A sovereign state can make laws, rules and regulations itself in accordance to their convenience. They may have or apply special power for the sake of their state and their people within the territory. No other higher authority or power can prevent their independent and autonomous actions. In this study, the researcher argues that sovereign state is independent but still some degree of interference can be seen between the major/regional power and small power.

From the above mentioned point of view, it is inevitable for the small powerful states to increase their power in order to maintain the balance of power. But, if we assess it from the perspective of Constructivism it is argued that “states do not necessarily have to increase their power to increase their security because every other state poses a threat to them” (Weber, 2017, p.74). Here, the researcher analyzes in the same line that increasing the security upsurges the threat level to the state. It is also emphasized that it is not always secured, when security is enhanced, rather it may invite risk to the state. While observing the foreign policy behaviors of the powerful countries including the United States, China, Russia, and their relations are driven by conflict because of the security dilemma. They are increasing their military power by snow balling their military expenditure. They are competing globally. Therefore, it is proven that increasing the power increases the threat perception and risk level to the each state in the world. Considering these facts, it can be understood that “Nepal has to accept the neo-realist proposition, because the geo-political competition between India and China may be advantageous to us. Nepal is able to formulate appropriate foreign policy that could handle for such competition over Nepal” (K.C., 2018, p. 9). In the same line, this researcher observes that powerful countries might have conflicting interests in the smaller countries, but smaller countries should be able to exercise a balanced foreign policy toward them for the long term benefit and sound relationship.

“The transformation of global production, involving the growth of multinational companies, a 24 hours market and Post- Fordist industries, has rendered the notion of a national economy absolute. On this view, economic change is said to have ushered in new patterns governance, in which the role of the modern, sovereign, territorially bordered state has diminished. It is sometimes argued that the erosion of state borders over recent decades threatens the very idea of the so-called Westphalia territorially international states- system” (Williams, 2009, p.730).

But, here, this researcher argues that after the 9/11 attack on twin towers of world trade center and pentagon on September 2001, borderlands, particularly open and porous gained an international importance.

Regarding border security, some countries have been increasing their security apparatus in the border for more control and surveillance on the one hand, but for the economic liberalization, political democratization and cultural universalization as the pillars of globalization, some countries seem liberal in keeping the borderlands more open, on the other hand. History is an evidence to the fact that the conflict between and among the countries is mostly because of the territorial dispute. India-Bangladesh border conflict in 2001; India- Pakistan standoff in 2001 to 2002; Sudan border conflict in 2012; Afghanistan- Pakistan border skirmish are some of the examples of territorial dispute in the 21st century. In the context of Nepal, Kalapani and Susta are the major territorial disputes with India.

Every country has its own socio-economic, cultural and political identity. Thus, border dispute is deemed as a serious matter. Security sensitiveness is higher in the border due to the risk of the infiltration of the anti-national elements. It is analyzed that Nepal is more sensitive because of the open border with India especially

regarding the Southern, Western and Eastern part of Nepal. Northern part of Nepal is covered by China and this part lies in Himalayan range. Because of adverse climate and geography, peoples' movement is difficult and infiltration of anti-national elements is not easy. Therefore, it is less sensitive.

The open borderlands between Nepal and India have become a threat to the national security. "Until the Nepalese government is able to control the movement of people and goods across the border with India, it cannot establish full control over the Terai" (Gaige, 2009, p. 46). The people to people relation is so close but infiltration of antinational elements can turmoil the situation in a moment. The security sensitiveness is growing day by day in the Terai, therefore, the researcher has felt that heightened security apparatus is prerequisite in Nepal- India borderlands. But this research emphasizes on applying modern vigilance system/ technology that can monitor the open border, and concurrently keeping the sound socio- economic and cultural ties between inhabitants of the borderlands intact. On the other hand, another argument is, "more presence of security forces in the border increase more terrorist activities. This issue shouldn't be seen from the eyes of New Delhi and Kathmandu, rather from the eyes of the people residing in the borderlands, who are dependent for their daily needs, to strengthen the cultural affinities and social activities" (Adhikari, 2018, p. 1). Still there are various arguments on keeping border open or controlled.

The fifth meeting of bilateral Eminent Persons' Group (EPG) which was formed in 2016 in between Nepal and India, they agreed to recommend both the governments on regulating the Nepal- India border for controlling illegal activities on both sides without causing inconvenience to general public and travelers. "Members of the both sides agreed to control the open border and make it free of illegal and criminal activities that the two governments regulate the international border.

According to the officials, while regulating the border, the people living in border area should not be affected and spirit of open border should not be broken. The group also focused for the requirement of valid identity card like passport and citizenship to the Nepalese travellers to India and Indian travelers to Nepal” (Bhattarai, 2017, p. 1). The EPG has also played a significant role for the border management. But, here, the researcher argues whether the recommendations prepared by EPG would be implemented by the both government or not. Albeit it is not obligatory for the both governments for its implementation, both countries need goodwill for implementation. Otherwise it will be confined merely as a good report only on the paper.

With the end of the Second World War, as India became an independent country and China came under the Communist rule, New Delhi consistently aimed to prevent communist influence in the neighboring Himalayan state. Then India sought to make strong frontier on the Himalayan side. To fulfill the same objective, India signed three treaties of peace and friendship with three small neighboring kingdoms Nepal, Bhutan and Sikkim to bring them under its influence.

Assessing the Article VII of India Nepal Peace and Friendship Treaty, it reads as follows- “The governments of India –Nepal agree to grant on a reciprocal basis, to the nationals of one country in the territories 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”. When India strengthens or tightens border security showing security sensitivity, Nepal expects India to be liberal on trade and transit. So, it seems that both countries have their own problem or strategy. So it needs both countries to be liberal in the unparalleled treaties and show their good will. Thus, here, the researcher further suggests that the treaties between

the two countries should be reviewed and revised with the spirit of co-operation and co-ordination, rather with control and intervention. Sweeping the problems under the carpet is not the long lasting way to solve the problem. The letter exchanged with treaty the 1950 treaty has often been cited in one paragraph show that-“Neither government shall tolerate any threat to the security of the other by a foreign aggressor. To deal with any such threat, the two governments shall consult with each other and devise effective counter measures”. The writer argues that the paragraph of the letter is not applied practically. He just gives example that “India did not ask Nepal when it went to war with Pakistan and China. It’s just ridiculous” (Subedi, 1994, p. 79). The researcher debates that this article does not talk about none of the Nepalese or India citizens need to have any ID card or neither any control mechanism for movement across the territories of Nepal and India. They can work anywhere, reside anywhere and they can do business anywhere. In this way, the aspect of security sensitiveness is ignored.

On the northern part of Nepal, high ranges of Himalayas are located. Because of the geopolitical fact former Prime Minister of India, Jawaharlal Nehru stated in 1959 “Nepal’s frontier were India’s frontiers” (Mankekar, 1974, p. 14). The high range Himalayas has become defense for Nepal on the north but also the India has seen the Himalayas as a barrier of Chinese influences as well as their defense too. But late king Mahendra formally objected to Nehru’s statement arguing that how Nepal’s border with China can be India’s frontier. Nehru’s statement indicates at India’s interest to interfere in the sovereignty of Nepal, resulting into distrust between the countries. To develop trust and friendliness, regional power like India need to display its trust and manifest its goodwill to the small powers like Nepal.

In the same line, it has been analyzed “the great geopolitical significance of Nepal- Tibet border lies in the fact that penetration of this border from the north would seriously threaten the security of the Indo- Gangetic plain. It is a vital link in India’s defense perimeter” (Sharma & Nagar, 1986, p. 135). Northern border of Nepal is considered strategically importance for India. India and China has been competing in this region. India has always raised question over Nepal’s proximity with China. It is sensitive because military mobility is easier from north to south than south to north.

In order to protect and promote the national security, every country needs to frame and strengthen their security policies and strategies respectively, to not only for the purpose of survival but also to maintain the balance of power. Nepal has also bought arms and ammunition for the security purpose through India and China. When Nepal bought arms and ammunition through the territory of China, India not only perceptibly displayed its disagreement, but also accused Nepal as the violation of 1950 Peace and Friendship Treaty. Nepal bought the Chinese arms without informing India. It brought them through the Tibet- Kathmandu road so that the 1950 Peace and Friendship Treaty- which binds Nepal to consult India if the arms were to be transited through this country- did not apply. But, here, the researcher argues that it is applied while buying warlike materials through the territory of India but in 1950 Peace and Friendship Treaty, there is no sense of any sentence of restriction to buy arms and ammunition through the territory of other countries besides India. Therefore, Nepal can buy warlike materials through the territory of other countries without consultation with India.

It can be easily understood how Nepal’s foreign policy needs to be able to keep a balance between China and India. Nepal is no more a buffer between China

and India. Rather, it aims to bridge both the countries economically. Nepal's foreign policy maneuverings hover around two contrasting dimensions: either it can serve as a bridge to India and China, as articulated by the former prime ministers including Baburam Bhattarai and Pushpa Kamal Dahal, or Nepal may be proxy battlefield caught between the China's South Asia ambitions and India's persistence in defending its traditional sphere of influence in South Asia. Lord Palmerston has said that great nations have no permanent friends or foes; they only have permanent interests, the current interest of Nepal lies in acting as a bridge between China and India by developing relationships of trust and confidence with both the neighbors and increasing its global foreign policy clout. Both countries have already fought a brief border war in 1962 and have a legacy of border tension. If domestic foreign policy architecture in Nepal is not revised and solely relies on India China hostility, Nepal will have to pay off the battle ground of Indian and Chinese interests. China's foreign policy objectives in Nepal are predominantly strategic. The communist regime always feared that an Indo- US alliance was threatening its presence in Tibet. The presence of Dalai Lama and his followers in India since 1959 gave the Chinese enough pretext to believe this assumption. Moreover, a number of Tibetans also migrated to Nepal and were considered dangerous. Tibetan Khampas rising in Nepal conducted various rebellion activities along the Nepal China border. However, Nepal is committed itself to one China principle and ensured that its territory was not used for anti- Chinese activities. The Khampas were controlled by Nepal Army. "Tibetan refugees in Nepal were denied any right on property and citizenship. Even today, they cannot own property nor are they granted citizenship. It makes clear that knowing reality of big countries; small countries have to develop balance relationship for long term and to be alert for sovereignty integrity and national security" (Adhikari, 2012, p. 83).

Historically, Nepal was identified as a yam between two boulders but this researcher emphasizes that Nepal can play a very important/ vital strategic role between the two giant countries. As Nepal aims to bridge India and China economically, it can receive multiple benefits from the economic rise of both the countries. Thus, Nepal's geo-strategic location has both the opportunities and challenges: bridging them as an economic opportunity while balancing their conflicting security interest in Nepal as a challenge.

Pandey argues with the perspective of Gaige that India Nepal borderlands should remain open, to let the inhabitants of the borderlands fruitfully contribute to brighter socio-cultural and economic dynamism in the days ahead. Despite of the assorted problems of flooding, encroachment, anti-national activities, smuggling, they have been relishing the cross-border relations, affinities, friendship, mutual understanding and co-operation. In order to promote deeper friendship between the people residing in the borderlands, it is important that both the governments of Nepal and India should develop or create a warm and closer understanding for the free movement of the people with their manufactured goods and enhance their socio-cultural relationship. However, "strict vigilance must be kept in the border region by security officials to forestall criminal activities of all kind" (Pandey, 1995, p. 29). On the contrary, the researcher debates that open border cannot be well controlled. Keeping the socio- economic relation in balance, controlled border system needs to be applied with fixed entry and exit points as recommended by EPG, so that, security threat can be nullified. "Unique open border between Nepal and India could have been an inspiration for south Asia without borders or with soft borders, has become the fertile land for smuggling, gun-running, trafficking and spy rings" (Machanda, 2001, p. 49). On the one hand, there is a presence of the security threat triggered by

open border and on the other hand there is an existence of cross-border affinities in the Nepal-India borderlands. He reveals that day to day people of border region go across the border for education, health checkup; visit their kin members and more than that to buy daily goods. In such condition, nearly 35 lakhs people are stateless. They are not taking service from their own country. The perspective of Kathmandu and Delhi is different to those people who live in border region. They are in identity crisis. Thus, it is necessary to develop the plural communities and multiple identities, and it should be regarded as a source not a problem for the people of border region. According to the researcher's experience, it is a herculean task to make the citizens residing in the borderland patriotic. Like Indian government, the Government of Nepal had also implemented Border Area Development Program (BADP). But it needs to be made more effective. Providing the service and facilities to the citizens of border region, the concerned government should make the people faithful. For every nation, bordering people are the guards of the nation without a combat dress.

Unless the proper border management, the border security cannot be effective. Open border of Nepal and India has been providing a safe haven to terrorists, smugglers, illegal traffickers and criminals. Nepal's border has been a center for multiple interests. He further emphasizes that open, unmanaged and poorly demarcated borders are becoming a source of dissatisfaction, insecurity and threat to the sovereignty of a small power. There are three historical reasons to keep the borderlands open and porous: firstly, to recruit young, brave Gorkha soldiers through free movement without any restrictions; secondly, to sell goods to the market of Nepal and Tibet and third reason was to import raw materials for the east India companies. After independence of India and Peace and Friendship Treaty of 1950, India continued the open border policy.

The bordering people are living in harmony. They have very close relationship. Because of open border, they don't feel that they are foreigner rather like family members. But mounting security sensitiveness cannot be ignored. Trans border crimes and terrorists' activities might have been flourishing and have made the Nepal India borderlands a fertile for the illegal activities.

When borders are weak, unregulated and unmanaged, it definitely impacts a country's national security. Small powers should always be aware and vigilant, when it comes to their territorial integrity and concurrently to avoid the intervention of bigger countries. "If a country has ability to defend its territorial integrity; then only it can be sovereign. Nepal India open border is going unsafe day by day; border demarcation task has not been finished since long time whereas Sino-Nepal border demarcation disputes were completed within two and half year" (Bhatta, 2016, pp. 60-64). This study, however, does not analyze the concept of borderless world. In the present context, because of the cultural, political, religious, social and economic relation, world has become a globalized village. People-to people-relations may be disturbed while tightening the border. India- Nepal open border indicates at deep rooted socio- cultural, emotional and economic linkage among the people of the both sides. Northern border of Nepal includes number of passes that are rugged and snow covered yet history bears the fact that these passes had been used by China to invade Nepal during the Tibetan-Nepalese war of 1789-92. Construction of Kathmandu - Kodari road in 1961 and link roads from Sinkiyang- Tibet Highway reaching the borders of Nepal, Bhutan and Sikkim, by China clarifies the fact that Nepal occupies an important strategic position in India's northern security system. India has kept on eye on Nepali's water resources, trade, promotion of private capital investment, development of joint venture etc. Nepal's excessive economic dependence on India has also impacted India Nepal relations.

Problems and issues attached to border demarcation between India and Nepal have existed since British rule. In 1829, an agreement was concluded between India and Nepal and pillars were erected to demarcate the border. But these pillars are either destroyed with an intention to grab land by the people of both sides or by accident, which created demarcation dispute between the two neighbors. Terai region, in fact, is considered as an extension of Indian culture and economy. Ruling elite considers the people of Terai region are more loyal to India. Overall structure of Indian economy has tremendous impact over the Nepali's economy. Any changes in economy in India bring changes in Nepalese economy as well. This influence on economy can be attributed to open border. Nepal India relations are subsumed under the impact of day to day developments. So, neither the politicians nor the academic institutions pay serious attention to it. "Unless environment of mutual trust, economic interdependence and improved governance can be ensured, two governments, poverty, insecurity, insurgency and terrorism will continue to threaten people on both sides of the India- Nepal border. Thus, the only paper agreement or treaty is not sufficient, but action, implementation is equally necessary" (Shukla, 2006, p. 356). Here, the researcher emphasizes that economic dependence is not only the problem between India Nepal relations rather security threat stands as a prominent challenge to both the countries. Because of the open and porous borderland, illegal trafficking of goods are growing in the bordering regions impacting the security sensitivity. But if border is well regulated, managed and controlled, it eventually minimizes security threats.

There are several arguments in line with the perspective of Gaige that the need of open border is becoming more and more important due to the momentum being gathered for regional co-operation in the SAARC countries and also globally. In

Europe and America even in Asia the traditional concept of keeping the border sealed has failed. The wall of Berlin which was made after the 2nd world war to divide East Germany from West Germany collapsed which had its impact globally. It is argued that the 1950 treaty is not unequal. If it is unequal at all, it is unequal for India. The Treaty is unequal since India has not gone in for reciprocity; on the contrary, it has given certain facilities to Nepal on non- reciprocal basis, especially regarding to participate in industrial and economic development.

In the letter exchanged with the treaty (1950) in regard to article 6 of the treaty, it is mentioned that the government of India recognized that it may be necessary for sometimes to come to afford the Nepalese nationals in Nepal protection from unrestricted competition. He further argues that the 1950 treaty is practical as Nepalese are permitted to engage themselves in lucrative jobs and employment opportunities in India. They have been allowed to work in the civil services and military services. They can buy land also in India. However, such facilities are not granted to the Indian citizen in Nepal. Nepal has strict citizenship rule and no Indian citizens are allowed buying land and entering the government and semi government services (except in private business). “The number of the Nepalese in India is at least thirty times more than the number of Indians in Nepal that there is no need to change the provisions of the Treaty” (Jha, 1995, pp. 43-45). The writer presents a liberal perspective. He emphasizes to keep border open that is not against the both countries. But the researcher argues that, if we analyze the present situation of the world, USA declared to build a wall between USA and Mexico. UK left the EU, which is known as Brexit. Security sensitivity has created the situation to opt for controlled borderlands with different measures as necessary. Therefore, keeping the border open is not the solution, rather applying the best control measures to keep the border safe is essential for the days to come.

Smuggling across the India Nepal border has up surged during the past few years. This is, however, expected to be several times higher than the value of contraband seized. Numerous smuggling syndicates are believed to be operating on both the sides of the Indo-Nepal borderlands with some of them having direct links with international smuggling gangs. Most of these syndicates have bases in Kathmandu, Birgunj and Pokhara in Nepal as well as Raxaul, Forbesganj, Jogbani and Naxalbari in India.

As against the strategies and tricks used by smugglers, the enforcement staff responsible for monitoring smuggling activity is ill-equipped. They do not have highly sophisticated weapons and they lack an adequate number of vehicles to patrol, and modern detective equipment, at the open border. Although, the check posts have now been connected with wireless sets, the enforcement staffs continue to break behind the smugglers in possessing adequate facilities. However, India feels that Nepal should focus more on the "security" rather than on the "customs" matter along the Nepal India border.

The feeling seems from concerns in the wake of reports that Pakistan's Intelligence Agency ISI (Inter-Services Intelligence) has made Nepal a base for some of its operations in India. There were also reports that militants from Punjab and Kashmir flee to Nepal as pressure from the security forces mounts there. At an initial stage, the Government of India had warned the Nepali authorities about ISI operations along the Indo-Nepal border but the need was felt to take up the matter at the home secretaries' level due to increased movement of ISI operatives despite repeated warnings. In this connection, Indian Home Secretary N.N. Vohra visited Kathmandu in early 1994 to take up with his Nepal counterpart the issue of joint co-operation to strengthen

border observance since it abundantly cleared that the Government of India did not have enough resources or manpower to check the infiltration of foreign nations or arms into India through Nepal's territory (Goel, 1995, pp.68-69).

The writer focuses on the security dimension of India- Nepal border that has really been a challenge to the both countries. The researcher also believes that to secure the border from the infiltration of antinational elements, both bordering countries are responsible. Enhancement of the security measures to control the criminal activities is prerequisite to the both countries.

The emergence of India as an independent state in the south, and a communist China in the north, Nepal found itself sandwiched between its two giant neighbors. India perceived the Himalayan region as a barrier to its own security, and to save it from foreign intervention regarded the interference into the territory of the autonomous states of the region as its rights. Former Prime Minister Nehru even went to the extent to the saying that as far as the security matters are concerned India's border lie along the Himalayas even in areas where territory of autonomous states intrudes. He declared in 1950: from the time immemorial, the Himalayas have provided them with magnificent frontier. They cannot allow that barrier to be penetrated, because it is also the principle barrier to India. Therefore much they appreciate the independence of Nepal, they cannot allow anything to go wrong in Nepal or permit that barrier to be crossed or weakened because that would be a risk to their own security. " After the diplomatic relation of Nepal with china, most Nepalese thought that china as an alternative to Indian dominance or a balancing factor in their relation to India" (Sakoor, 1989, p. 72). It is true that the small countries look for protection, mutual support and development. Nepal's excessive dependence with India can be the problem if any misunderstanding takes place. Hence, Nepal always wants to make relation balanced and keep a balanced relation with China as well.

India's defense policy in the 21st century faces new challenges at three levels: national, regional and international. Specially increasing acts of terrorism and development of nuclear weapon has offered a new threat to New Delhi. On the other hand, the small countries like Nepal, Bhutan and Bangladesh feel the atmosphere of insecurity, which may oblige the small powers of this region to look for external support to ensure their security, and safeguarding their sovereignty but India has publicly stated that it will not interfere in the domestic affairs of its neighbors.

In case of Nepal, and Bhutan, India is very careful in dealing with the problem of militant and insurgent activities. It is in India's long term internal and external security interests to help curb any kind of insurgency and violent terrorist activities in Nepal and Bhutan, because political destabilization or internal security will have a negative impact on India's internal socio-political cohesion and communal harmony. "India's defense policy needs to be redesigned because of internal and external challenges considering the cross- border terrorism. The intelligence mechanism has to be further improved and strengthened" (Siwach, 2001, p. 40). The recent terrorists attack in India has become the greater challenge to India. Not only the internal security strategy but also the external security strategy is necessary to India. Here, the researcher argues that terrorism is not the problem of India only. Nepal can also be the victim of it because of the porous borderlands. Therefore; the two neighboring countries need to be prepared to face the challenge.

The Indian and Nepalese governments are aware in maintaining sound relationship. But with the integration of Tibet into China, the relationship became geopolitically vulnerable. With the integration of Tibet, direct contact of Chinese to Nepal increased, which New Delhi perceives as a geopolitical threat. "The constant emphasis upon the " five principles" of peaceful co-existence in Sino- Indian

relations merely serves, in part, to cover up some of Indian's justified anxieties which have been caused by Chinese activities in the Himalayan border regions" (Levi, 1957, p. 241). It is seen that Nepal is balancing its relation with both countries because Nepal is geo-strategically important for both nuclear-armed countries.

There is a need of revision of the border treaty maps regularly at least even five years, because Nepal India boundary runs through the inhabited areas as well as along the rivers. Manmade features are naturally appearing on both sides of the border with the possibility of tampering the boundaries and the no man's land, as well as is the case of changes in the natural course of the rivers. This will certainly avoid misunderstanding and dispute that might arise if the status of border is not monitored. "An uncontrolled and open border as started earlier, constitute the border ground for anti-social, criminal and illegal activities. Joint reviews and fruitful dialogues as puts of Nepal-India open border so that-Nepal-India friendship can be further strengthened" (Kansakar, 2001, p. 5). The writer is in the same line with Bhatta and the researcher himself agrees with them. Within the five years, there have been a lot of changes in the bordering regions. If we look back to the past, within a single day pillars are shifted. Therefore, regular monitoring is unavoidable.

After the incident of September 9/11, various kinds of restrictions on the implementation of border policies were imposed. But, such policies, today, don't work when it comes to Nepal-India borderlands. Non state actors, individuals and organizations have significant input on border relations. This research examines the border security issues: how and which non state actors influence the security of state borders and whether countries can make borders more secure. "In the findings proved that non state actors had important role or significant impact on border security. After the analysis of US -Mexico and Germany- Poland open border, it seemed Nepal and India need to be better protected an open border considering available valuable border

security team of both these countries”(Forester, 2014, p. 17). There are some good implications for India and Nepal because of open border prompted by the convenience of the free movement and travel of people, emergency response, and supply of local labor, strengthening familial ties, and simultaneously enhancing economic benefits for the people residing in the bordering areas of the both sides.

In the context of Nepal India border, non-state actors, such as terrorist and organized criminal groups have created possible security threats. Cross border terrorism, illegal arms and ammunition transactions, girls trafficking, weak security operations, theft, robbery, kidnapping have aggravated the security threats. Both countries need high level of preventive measure for border security. Both countries have same issues when it comes to the non-state actors operating illegally in the borderlands. The treaty of peace and friendship established between India and Nepal during the 1950s, which encouraged peace between the two countries and their government. However, both countries experienced Maoist insurgents’ movements, India also faced a terrorist attack in 2008 at two hotels of Mumbai, which showed threat to India’s internal and external border security. India has six neighboring countries besides Nepal. Except Nepal, six neighboring countries; Pakistan, China, Afghanistan, Bhutan, Burma and Bangladesh remained restricted.

Gauging the history, the open border was important to the British administrators of India for two primary purposes.

The first was to maintain unrestricted migration of Nepalese hill people to India and to procure them for recruitment in the Indian army. This type of migration and recruitment had been difficult prior to the treaty. At the time a strong British –Indian military sent the message that the Indian military would benefit from international recruits by keeping an open border, India had the arbitrary to recruit more military personnel and Nepal had access to military

capabilities and training. The second reason for the open border was the importance for the British to have free access of British and Indian manufactured goods into Nepal. An open border would secure the easy access and movement of raw materials throughout the two nations (Kansakar, 2001, p. 24).

The 1816 treaty eliminated a restricted border policy and failed to demarcate the physical borderlands, eventually creating later tension between the governments. If we take example of US and Mexico restricted border, after 9/11, Bush administration tighten border security and developed department of homeland security. The United States made effort to create physical barriers, legal barriers and cultural barriers that caused more tension between Mexico and the US. To the Mexican officials, tightening southern border in response to terrorist attack lacked logical explanation because the 9/11 was seen more as an intelligence failure rather than a border security issues. At the same time, the Bush administration also openly acknowledged that they will never fully secure their border until they create a lawful way for foreign workers to come there and support their economy.

History of European borderlands is interesting. Earlier, Europe had restricted borders at least until 1995, when some European countries implemented the Sengen Agreement consisting 26 countries. The Sengen Agreement essentially removed all internal borders and created a single set of rules for policing European borders. When EU was established in 1951 by six European countries, also emphasized the need of to remove restricted borders but for economic and security reason. The goal of EU and the reasons that Poland and Germany opened their borders are similar to the reasons that Nepal and India have continued to maintain an open border policy. The case of Poland and Germany may be of help in framing security policies to resolve border

security and border management issues between India and Nepal. The case of Poland and Germany is important because of the availability of trade in goods and services, and tourism is also large part of Nepal's economy and is a supporting argument to maintain the open border. Similarly, Germany has experienced many economic benefits since they opened up their borderlands with Poland.

In the same line, Nepal and India have a desire to maintain open border for economic opportunities but are concerned over growing security threats. "Both countries expect that sustaining an open border will increase job opportunities and will allow the countries to work together to combat criminal and terrorist organizations" (Forester, 2014, pp.39-49). This case study analyzes that controlling non-state actors helps secure a border rather than enforcing restricted border policy. A secure border is based on the actions that a state takes to control non state actors and understanding the importance of economic relations. It can only be achieved through collaboration, along with the sharing information and resources. Here, the researcher claims that for Nepal and India, the way we can find is to deploy effectively the joint security forces to control trans-border criminal activities as a border security force that does not violate the policies of an open border.

Adamson, in the same line of Forester has analyzed the impact of non-state actors on the states. If states have formal control over migration process, a number of non-state actors, in particular, organized criminal networks and smugglers place their feet on that state. Since the attack of 11th September, 2001, the bombing in Madrid on 11th, March 2004 and in London on 7th July, 2005, reinforced the existing fears regarding the links between migration and terrorism in Europe. In 1995 bombing in Paris metro system by Algeria's Armed Islamic Group and in 1990s by the Kurdistan Workers Party in various western European states already raised concern regarding

migration and security. “Increasingly, policy makers in the United States, Europe and around the world are making links between migration policy and national security. Much of this discussion has focused on migration flows as a conduit for international terrorism” (Adamson, 2006, p. 176).

Every state has interest in controlling their territorial borders for a variety of reasons, such as maintaining control over their population, limiting access to labor market and public goods, and maintaining internal security. Here, the researcher also analyzes that Nepal is facing the same problem somehow. Uncontrolled migration at the border region of Nepal and India has created the problem to screen the non-state actors, specially terrorists and smugglers. In 2004, United States commenced bio-metric technology to monitor entrance in to under the US- Visit program. In the same way European Union increased surveillance technology to deter illegal border crossing. It is best and apt to adopt such measures when it comes to Nepal Indian borderlands as well.

Some scholars argue that labor migration is important to increase economic gains like what Japan, South Korea and some other countries have done. They analyze that immigration can be utilized as military strength. They might have technical and intelligence expertise. It is argued that migration is not always a challenge to the states, rather creates opportunities too. If states have capacity to design and implement effective policies that harness the power of migration, international migration flows can enhance, rather than detracting from or compromising the state power. The Nepal India border problem can be solved or addressed by the effort of the both countries. Single effort of any country cannot deal the problem. The counter security measures should be implemented in the joint coordination between the two countries. After 1950 Peace and Friendship Treaty, letter exchanged between the two countries, has

mentioned that “Neither government shall tolerate any threat to the security of the other by a foreign aggressor. To deal with any such threat the two governments shall consult with each other and devise effective counter measures” (Baral, 1992, p. 818). If any foreign intervention is felt by any country, that would be consulted between both country. But the researcher argues that India did not consult with Nepal when it waged war with Pakistan. India did not consult with Nepal on Doklam issue.

Therefore, the exchanged letter is just as an issue of debate but practically not applied and implemented. On the other hand, if any issue arises on border that should be dealt by, weak, unregulated and unmanaged borderlands may be the playground for the third country. So, making the borderlands safe and secure means to secure the country and its people and also to prevent the infiltration of the third country to play game against the both countries. When terrorists attack in India on 26 November, 2008, India heightened the security at border region, Nepal also was heightening the security at the border region and the main city area specially Kathmandu. It’s a common issue for both countries. Both the countries are securing the border as per their own constitutional guidelines, rather than devising common security strategies.

Border is not only the outer edge of land or geography instead, international airports and seas as well. There is equal threat through the land, air and water to the country. While evaluating the hijacking of Air India Airlines in 1999 A. D. India official agencies were unhappy that Pakistan’s Inter-Service Intelligence (ISI) was using Nepali land against India. India was pressing Nepal to conduct operation against anti-India activities. But Intelligence of Nepal refuted the accusation. In the meantime, “In December 1999 the hijacking of flight IC- 814 from Kathmandu, through India, to Kandahar came as a bolt from the blue that caught New Delhi flatfooted. The ineptitude of the Kathmandu authorities, compounded by utter lack of security at Tribhuvan International Airport, had made the plane an easy target. Nepal,

because of the security lapses at the airport in Kathmandu came to be viewed as a security threat to India” (Ramachandran, 2003, p. 93). Indian side felt that Nepal is not responding the threats seriously. Absolutely it is agreed that there are security lapses, but more than that there is lack of trust and confidence-building measures between the two countries. Terrorist activities are reported in different parts of the world, but a single effort to eradicate terrorism leads nowhere. Rather unified approach among the countries is prerequisite to fight against terrorism. To resist the infiltration of anti-national element like terrorism, common approach and unified strategies should be adopted. It’s just an example but there are too many other security threats being faced by both the countries that should be neutralized by the common effort and by trusting each other.

Nepal is standing on the north side of India. On the south, there is plain area and open border, therefore security risk is higher to Nepal and India both. It is an easy move to the anti – national element or to infiltrate through the open and plain area. Nepal has felt that the open and porous border as security risk more than what India perceives northern Himalayas as security risk. India has more focused on northern belt of Nepal rather than India Nepal open borderlands. The two giant countries are competing in the areas of economy, military and science and technology. India realizes that Chinese penetration through Himalayan border as security threat to India. India often reiterates that Nepal’s northern security concern is also India’s concern. “Until 1958, India manned the only check posts on Nepal’s border with Tibetan Autonomous Region (TAR) of China. Officially, the Indian’s at the posts were radio-operators and technicians, but in addition to sending coded radio reports for the Nepalese, these technicians also reported directly to the India Embassy in Kathmandu, thus giving India a private intelligence system within Nepal” (Ghori, 1964, p. 374). At that time India was involved in Nepal’s security defense. But, here,

the researcher analyzes that in this 21st century India is gradually losing its control over Nepal and Chinese influence is growing day-by-day. In such a condition, to dwarf the Chinese influence and prevent the penetration of northern border, India is prioritizing the Himalayan border of Nepal as its security concern rather than the open border of Nepal and India.

There are many issues attached with Nepal India border region. Kalapani is one of the hottest issues between the two countries. India claims that Kalapani lies in Pithoragarth district of UttarPradesh. Since 1979, the Indo-Tibetan Border Police have been manning a post for surveillance over the area, which is tri-junction of the international boundaries among Nepal, India and China. The tributaries of the Kali River comprise a number of streams including the Lipu Gad, which submerge in to the main river at the Kalapani temple near the junction. India holds that the Kali-river starts only from the meeting point of the Lipu Gad with stream from Kalapani springs. But Nepal has been continuously staging protest for withdrawal of Indian forces from Kalapani but according to India, such a withdrawal will have an adverse bearing on India's security. "China is eagerly waiting to enter the Indian sub-continent via-Nepal. It would obviously be fatal to the Indian security matrix" (Gupta, 2009, p. 63). India thinks that Nepal has been trying to play with China and India off against each other. Here, the researcher argues that Nepal has suggested that the sensitive western region along the Limpiydhura tri-junction to be discussed trilaterally between Nepal, China and India. But, India does not want China get involved into it. Regarding the disputed land in Susta, it is also one of the hot issues between the two countries. According to the Nepalese media and some experts, local people of Nepal, are frequently disturbed by the other side. Tamang has analyzed about the Susta dispute in the following manner:

Since 24 November, 2007, in Susta alone under the leadership of Indian SSB. Indian citizens have already encroached more than 1500 *Bigahaa* (67,763 square meters) of Nepalese land and still it continues. Nepalese minister for foreign Affairs had inquired Indian Ambassador of the Indian policies about the encroachment and construction of highway at the border area to which there was no clear reply. SSB assisted to the Indian farmers to harvest their crops (Tamang, 2013, p. 140).

But the researcher argues that Indian citizens of Susta and SSB of that area disagree with this statement. They claim that Susta is encroached from Nepal side. Therefore to find out the factual problem of Susta, a depth border security study is necessary. Another border security expert, B. N. Shrestha, further discovered some causes of Susta dispute as:

The main cause of the conflict is the shifting of the course of the river towards the west by cutting along its banks. The second reason was when the boundary survey was done in 1817 at first and 1829 and in 1884-85, and also in 1922 when the topographical survey was done by the Survey of India, no border pillars were erected on the banks of the river. When the demarcation was made by the British Surveyors the border pillars were erected on the Sector F to G from Uria to the Gandak River starting from the east and it was extended along *Someshwor Range, Balmikinagar, Panchanad River to Tribenighat* of the *Narayani* River where the border pillar number 63 was erected near *Tribenighat*. But from *Tribenighat* to *Susta* where the Narayan River forms the borderline along 24 kilometers, no pillar demarcation was made on either side of the river. Demarcation has been done only after the borderline leaves the river on the south of *Susta* and touches the land boundary in the western sector

at *Pakalihawa* south, where Junge pillars were erected by numbering pillar one onwards. This has left room for the dispute along the river areas (Shrestha, 2006, p. 2).

Lack of border pillar close in between the two pillars has created the long lasting problem. River changes its course every year, and every year problems arise. Eventually the people of border region of *Susta* are facing the problem every year. To deal the *Susta* dispute, high level visit occurred and meeting held from both sides in the past, but all in vain. No concrete result came. Here, the researcher argues that this issue is not seen to be solved only from a high level technical team or any expert teams rather, it needs to be addressed through the high-level political discussions to address the problem of dispute for long term. This dispute is seen to be addressed by political leaders along with expert team who can demarcate the river borderline scientifically.

Today, South Asia is facing a complex security environment. Over the past few years, the non- military threats to national security in south Asia have steadily ascending. The non- military issues, or non-conventional security threats, which are arising mainly, include cross- border movements of population, ethno- political ties, socio-economic and communal, religious politics, terrorism with its seminal linkage to money laundering operations and drug/arms smuggling, environmental degradation, spawning its related problems of deforestation and desertification, internal migration, among others. However smaller states are trying to ensure their security in this region. Still, all states of South Asia should come up with a collaborative security strategy. Increasing military power by a single state cannot address the external interference in the region alone.

At present, India is one of the emerging powers in the world. India believes that the presence of external power in the region is not only a threat to its national

security, but also to the South Asia region, which New Delhi perceives as its traditional sphere of influence. The security strategy of India influences the whole region of South Asia either internally or externally. India has been strengthening its hard power and enhancing its soft power in different parts of the world. Here, the researcher argues that upgrading security level/ military strength alone should not be the far-sighted strategy for India. Rather, New Delhi needs to collaborate with small powers of South Asia collectively to resist the external interferences. At the regional level, India should ensure its security through peacemaking rather than employing the confrontational method.

By constructively engaging the south Asian countries in a cooperative manner, India can address the security threats emanating from its immediate surroundings in better and effective way. “China made a geopolitical space in Nepal due to India’s perspective measure. Nepal is holding paramount importance for India for its geostrategic and geopolitical interest. In this background, it is highly recommended that Indian policy should be very cautious, friendly and calibrated vice versa attitude, rather treating the smaller Himalayan nation as equal partner” (Singh, 2015, p.73). Here, the researcher argues that increasing military strength by the state alone is not the long term solution. Rather collaborating with the neighboring countries and enhancing collective security could better help in dealing with the external threats.

Many declare geographical demarcations obsolete under the state- straddling, market binding strategies of neoliberal globalization. Yet September 11 dramatizes the sovereignty of borders in our minds. The terrorists attacked U.S. hegemony to “protect” but actually enclose Islamic culture and religions; likewise the tragedies in New York and Washington D.C. have re inscribed borders in the popular American imagination, now, translated into a war

against terrorism. Assumptions about “national security” and “national wealth” also crumble in light of September 11. How could the world’s richest, most heavily armed state have been so vulnerable? (Agathangelou & Ling, 2004, p. 518).

Terrorism may be visible anywhere because of assorted causes. Even sole Super Power the United States faced such terrible attack. Thus, the researcher argues that not only open land border is the cause of terrorism; rather weak security apparatus in the airports is also one of the major causes. Undeniably, aviation security needs to be strengthened as airport is another international border, where terrorists may build networks and can generate threat to the countries. Considering all the aforementioned facts, border security concept needs to be analyzed by the multiple angles.

2.3 Review Summary

Assessing from the perspective of national security, it can be argued that every country needs to strengthen and techno-craft their security strategy when it comes to open and porous borderlands. If borders remain weak, unregulated and unmanaged, it may trigger threat to national security. Each country has its own security challenges. On the basis of own border security challenges, a country adopts its security measures utilizing available human resources in the field of security, survey and foreign relations. If we see the example of the rest of the countries in the world, a country cannot prevent border security challenges alone. The bordering countries should have a coordinated plan and collaborative action can deal the problem. Nepal India borderland is open since time immemorial. Even during the time of British Colonialism in South Asia, the borderlands were porous. On the Article VII of India Nepal Peace and Friendship Treaty, 1950, it reads, “The governments of India –Nepal agree to grant on a reciprocal basis, to the nationals of one country in the territories 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”. Many researchers have already examined and analyzed that the treaty has really ignored the aspect of security sensitiveness.

The study has already highlighted how different actors and factors that guide the border system and its management as well. Globalization is one of them, which is a spread of neo-liberalism aided by economic, political, and cultural process, institutions and practices throughout the world. Today, no country can remain in isolation confining itself within its borders and border walls. The border walls, fences, trenches etc. lead the country in isolation. In this perspective Nepal India border should remain open and unrestricted. But despite having a close cross-border socio-cultural and economic relations, there are other many security challenges, which cannot be overlooked, and one of the major aims of this study is also to shed light on the same. Hitherto, Nepal and India have faced no military conflict, while non-military conflict is being escalated because of the porous border.

Amidst the absence of an envisioned World Government, conflict is possible any time because of the nature of the international system, human nature of a leadership. Realist scholars including Hans Morgenthau have emphasized that international politics will remain anarchical and conflictual because of the nature of man, but neo realist like Kenneth Waltz emphasizes on the presence of anarchy and security dilemma. Thus, there is always a probability of conflict in or among the countries either on the issue of borders or other. Peace may not sustain always. Therefore, securing the border doesn't only mean controlling the illegal and criminal activities, but also for the defense, protection and safeguarding the territorial integrity.

Researchers, security experts and security analyst have different notions regarding border systems and border security issues. According to the Donnelly, increasing the hard power is not only the way to balance the power but also increasing

the soft power is equally important for the maintenance of a diplomatic relation which is unavoidable for small power countries like Nepal. According to Weber, to be a sovereign- for a state, it is necessary to have an absolute authority over its territory and people and also to have independence internationally. Therefore, to be a sovereign, it is unavoidable for any state to delimitate and demarcate its border first. Then only, government can utilize the territory; mobilize its human resources, rules, regulations and policies.

Every nation has its own unique identity because of border. Security sensitiveness is higher in the border area due to the risk of infiltration of anti-national elements. Many researchers have emphasized that Nepal- India border is porous in the sense of security vulnerabilities and sensitivities. According to Gaige, until the Nepalese government is able to control the movement of people and goods across the border with India, it cannot establish full control over the Terai. It indicates at the security challenges of Nepal India open borderlands.

Pandey puts his opinion that India Nepal border should remain open, to let the both Nepal India border region for brighter socio- cultural dynamism but strict vigilance is necessary in the border region by security officials to forestall criminal's activities of all kind. Jha has also reiterated on the same stating that the concept of keeping the Nepal India borderland sealed has been failed.

Around the world, many countries have adopted open border system including: Russia Belarus, England Ireland, US Canada, India Bhutan and Bolivia, Columbia, Ecuador, Peru with South Africa. But on the other hand, for example because of growing security sensitiveness, the US desires to create a wall against Mexico. Similarly as the UK left from European Union under Brexit, each country has their own security problems. There are different security issues between Nepal

and India, when it comes to open and porous borderlands between the two countries. Thus, it can be concluded that an open border should be monitored, regulated and technically managed for controlling the illegal, criminal activities and also for the defense purpose, in such a way that no inconvenience to the general public is caused.

2.4 Research Gaps

After thorough review of concerned theoretical and empirical literatures, the following gaps found in the literature regarding the security management of Nepal-India are as follows:

- a) Border security issues differ from one country to another. Only the illegal and criminal activities at the border region is discussed in the most of the studies but the rising issues like; Hundi, Terrorism, Islamic fundamentalism, biological warfare etc., because of open border and its impacts on the national security, is not seen as a primary focus and study up to this level.
- b) There are very few researches conducted on the Nepal –India open borderlands. Still, there is a presence of divergence in their arguments. Either open border is suitable or not for small power like Nepal. What kind of open border system should be adopted by Nepal? It is still the subject of discussion. The changing context of open border and its management is often overlooked by the researchers.
- c) People live in border area, are the guards of the plain cloth. Where there is an absence of security forces, the people of bordering area secure the border, watch the border, and at least they inform about the anti-national activities which occur at the border region. No researches found much focused on securing the Nepal- India open border by developing facilities and infrastructures at the bordering regions for the people of borderlands, which is also one of the important areas of study.

- d) Information is the prime important for every action. Unless there is timely and accurate information received, the action plan, directives, rules, regulation for the border security get failed. Anti-national activities using the open border can create conflict any time in between the two countries: Nepal and India. To neutralize the activities, the information system and mechanism should be sound. Regarding Nepal border, there is no such separate intelligence collection mechanism. The NID is busy in the internal affairs. The intelligence branches of other security forces, including Nepal Army, Nepal Police and APF, Nepal are also engaged in managing the chaos of internal political spectrum. In such a situation, a separate border intelligence wing is felt to form so that the timely, accurate and reliable information could be collected. Moreover, prompt action could be launched to stop the illegal, criminal and anti-national activities at the border region. The previous studies on Nepal India borderlands have seem lack to assess study and examine this dimension.
- e) Most of the available literature have emphasized on increasing the deployment of security forces at the border area to secure the border. The use of techno based modern apparatus to observe, regulate, and monitor the border is not more focused. Such technological aspects have not found well studied so far.

CHAPTER-THREE

RESEARCH METHODOLOGIES

Research methodology is simply a group of activities taken in to practice while conducting a research work. It includes manner and technique as well as specifies the steps and chain of activities, states the relationship between them. Suitable research methodologies as per the requirement of the study is being followed.

3.1 Research Design

Methodologically, this study has applied qualitative research design categorized through coding, tabulating and by drawing statistical interferences and analyzed using different tools.

3.2 Nature, Tools and Sources of Data

The data of the study was taken from the primary and secondary sources. The primary data was collected by using survey method. The secondary data was taken by reviewing the related report of policy documents, journals, scholarly articles, books and newspapers from the Social Science BAHA Library of Old Baneshwor, Kathmandu, The Central Library of Tribhuvan University, Library of APF Command and Staff College, Sanogaucharan, Kathmandu as well as other libraries of different colleges. Similarly, the data were collected from the authorized websites of the government and other organizations. Both qualitative and quantitative data were collected by using different tools as structured interview (Appendix - D), unstructured observation, focus group discussion and series of discussion were conducted.

3.3 Philosophical Paradigm

As a major philosophical paradigm; interpretivism paradigm has been adopted. Issues of border region are similar but way of presentation and interpretation of the people resided along the border is different. The research was qualitative and subjective.

3.4 Sampling Technique

As a non-probability sampling method; judgment/purposive sampling techniques have been used. It was not possible to take whole sample from all districts equally. Researcher took the privilege by using purposive sampling technique and selected the certain informants who were directly and indirectly related to the border security and management sector and could provide the factual information.

3.5 Universe of The Study

Altogether researcher has selected 40 people as Key Informants Interview (KII) including border security personnel, border experts, administrators, journalists and local government representatives residing along the border area especially from the adjoining districts with Nepal and India. The selection of individuals for the questioning was made on the basis of information on such persons involved in various aspects of Nepal India border relations. Besides that informal discussions were made to the people who were resided at the Nepal India border region.

3.6 Research Method and Data Analysis

All the collected information has been analyzed and described scientifically and methodologically. After collection, the data was checked thoroughly for consistency and completeness. Data was first processed and checked on the collection, cropped to eliminate any flaw, error, changeability, incompleteness, or inconsistency. Most of the findings of the study have been presented in a qualitative manner. Also the quantitative data are presented in the form of tables and pie-charts by distributing percentage but analyzed in thematic manner.

3.7 Ethical Consideration

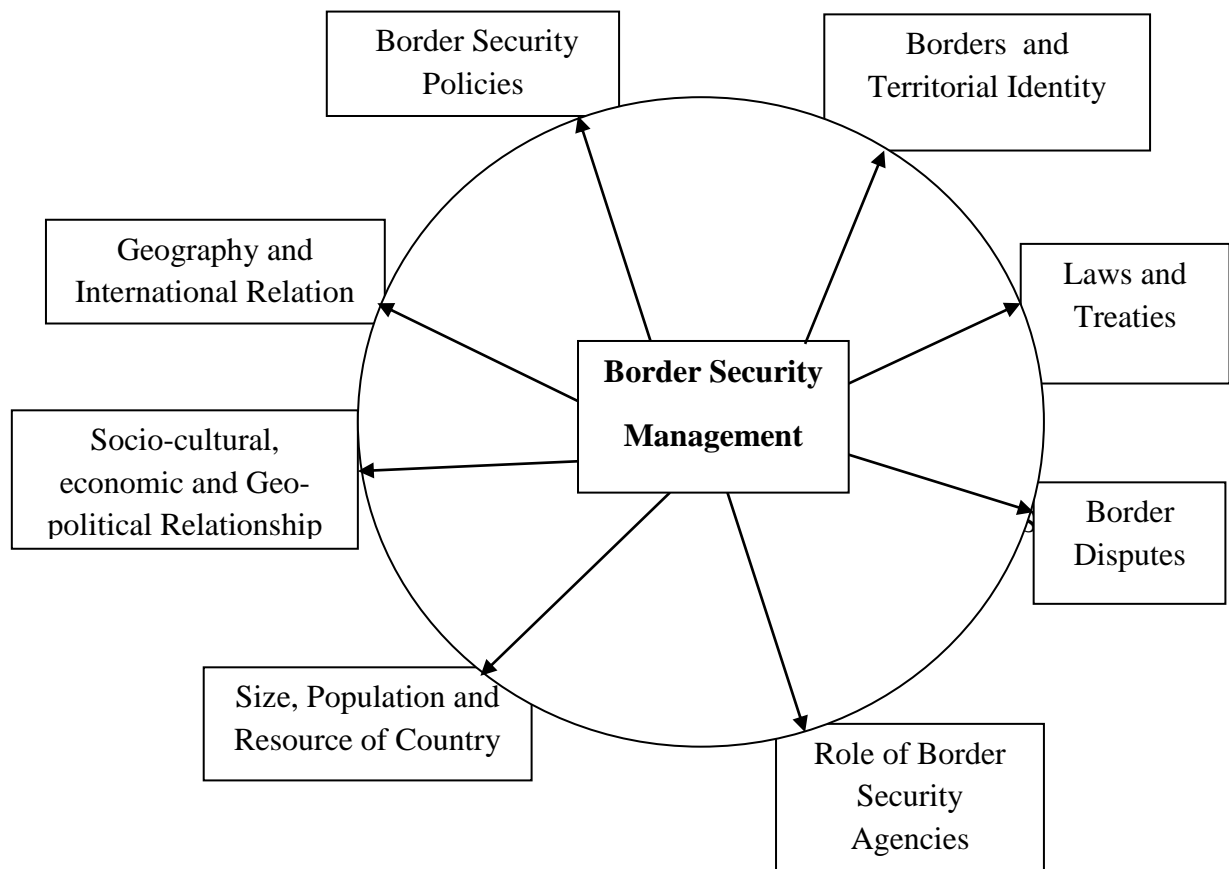
The research has been conducted in a scientific, professional and responsible manner. Throughout the period of the field research, research participants were not subjected to any kinds of harm. Consent was sought from the participants prior to

interviewing him/her. Participants were adequately informed about the objectives and scope of the research. The anonymity and confidentiality of the individuals and organizations participating in the research has been preserved. Law related to patents, copyright, and trademarks has been taken into consideration. Discriminatory, offensive and any kinds of unacceptable language has been avoided. Sources have been strictly acknowledged. Honesty, integrity, carefulness, openness have been displayed throughout the period of scientific enquiry by embracing the principles of non-discrimination and social responsibility.

3.8 Conceptual Framework

Figure 3.1

Conceptual Framework



Self- Prepared

There are so many variables which have interconnected in between each other. The above mentioned variables have made the concept of the border security study very clear and guided the track of research. It has given the visual picture of the whole study which has helped in solving the open border security issues in between Nepal and India. Geographical, cultural, political and economic relations, treaties, territorial disputes which have given the key concepts of the border security study.

CHAPTER- FOUR

NEPAL INDIA BORDER SECURITY STATUS

4.1 Nepal India Relation

The social, cultural, economic and political proximity between Nepal and India is unique. It is said that friends can be changed but not the neighbor. The geography of Nepal and India is similar. General people cannot differentiate the borderline of Nepal and India. The jungle of border area is elongated Nepal to India and vice versa, and the village is elongated from India to Nepal and vice versa and some where No Man's Land is invisible, because of the occupation of the small huts. Usually security forces clear the No Man's Land. But if there is lack of monitoring from a long period of time, again the borderline between Nepal and India is unclear because of the expansion of the huts. Not only is the geographical, but cultural, religious and social relations of the inhabitants of the borderlands is equally closer. People residing in the borderlands cross the border many times daily for their daily basis work; for labor work, for rituals celebrations, to buy the goods, to meet the family member and relatives and many more.

On the other hand, the borderlands between China and Nepal are quite different. Both share the Himalayan ranges. Despite of the geographical difficulties, Nepal and China have also good economic relations. Diplomatically, Nepal has maintained balanced relations with both the neighbors, northern and southern. Thus, from this research it is understood that Nepal is not a buffer between the two countries, rather it has a potential to bridge between the two economic giants through transit diplomacy.

4.1.1 Geographical Context of Nepal India Relation

Nepal's border is connected with India on its east, west and south, while on the north with China. A range of high Himalayas lie on the border between Nepal and

China, elongating from east to west, while the southern border with India is stretched by a plain landmass. Similarly, most parts of the eastern and western borders also have a range of low mountains, hills and hillocks. Nepal and China have a controlled border system, whereas an open border system exists between Nepal and India. Nepal has never had an experience of having closed borders with India. It should be admitted that the existing border management system of Nepal has played a sensitive role in its national security. When peace and security are under threat within the national boundaries, alertness and vigilance has to be maintained across the international borders. If borders are not managed with skill and acumen, the country falls into a quagmire of undesirable activities by native and foreign elements, not only disrupting its developmental activities, but also impacting national security.

International borders are so sensitive that, if it is not managed properly, they soon begin to create disturbances. For example, when Indo-Nepal borders are sealed for a few days during elections on the one side, we can experience the effects, which create a kind of abnormality in the work, livelihood and identity of the borderlands' inhabitants.

Speaking in the context of South Asian nations, Nepal's security system has become crucial for its neighbors, mainly because of its typical geographical location. India, on the other hand, is also a large country, with its huge population and territory. Even Pakistan, a country with a different political system, is not far distant from Nepal. For all these reasons, Nepal's national security and border management, inter-linked as they are, have become a matter of serious concern to our neighbors in particular and the western countries in general, especially in the present context of global and regional security, after the terrorist attack incidents on 11th September 2001 in the USA and on 13th of December of the same year in New Delhi, India.

History is evidence to the fact that the boundary of Nepal was once extended towards Tista River on the East; to Kangara across Sutlej River in the west; to the confluence of Ganga and Jamuna Rivers to the south; and to Shigatshe and Tashilhunpo Gomba (monastery) across the Himalayas in the north. In the course of time, at one time the western border was limited to Sutlej in the west to the mid-plains of the Ganges in the south; and it had touched the present day Bangladesh on the east. But because of time, situation and the activities of the past, the borderline of the Tista and Sutlej constricted to Mechi River on the east to Mahakali River on the west, and to watershed of the Himalayan Range on the north, and to the Siwalik range and the plains of the Terai on the South. The northern borderline of Nepal has been fixed at watershed of the Himalayan Range by the Nepal China Boundary Protocol of 20th January 1963 while the northern border has so many Himalayan peaks, and the borderline passes through the high peaks, mountains, passes, *Deuralis* (terminal points of up mountain), gorges and the pasturelands, the southern borderline runs through fertile plains, jungles and rivers. There is the Mechi River on the east and the watershed of *Singhalila* Range, hills and hillocks stand as the border line, and the *Mahakali* River runs through the whole borderline on the west.

No matter what the historical perspective of the Nepalese frontier was, the Kingdom of Nepal is bounded by a perimeter of 3,222.88 km. (including the disputed areas) of this 1,414.88 km lies on the borderline with China and the remaining 1,808 km. length along with the Indian border. Of the Nepalese border touching India, 1,213 km. consists of land border and the remaining 595 km. is river boundary. There are 60 big and small rivers and rivulets which demarcate the border between Nepal and India among them the most important are the Mechi on the east and Mahakali on the west. The Mechi River forms 80 km. of the borderline, and similarly the Mahakali forms

230 km, Rapti 20 km, Ghongi 15 km, Rapti 6 km and the others form 244 km of the borderline. The perimeter of the greater Nepal extending from Tista on the east to Sutej on the west was 4,079 line kilometers, east-west length as 1,373 kilometers and its area was 204,917 square kilometers. It was even bigger when the country's boundaries had extended from *Tista* on the east to *Kangara* on the West and to the confluence of the river Ganges and Yamuna on the south with the total perimeter stretching to 5,119 line kilometers, east-west length as 1,415 km and the total area as 267,575 square kilometers but the modern Nepal has an encircled boundary line of 3,222.88 kilometers covering an area of 1, 47,516 square kilometers (Shrestha, 2003, p .2).

The total length of Nepal is 885 km. from west to east and a width of 193 km. from north to the south. Total area is 147,516 sq. km. surrounded on the north by the Tibetan Autonomous Region (TAR) of China; on the east by the Indian states Uttaranchal and West Bengal and on the south by Bihar and Uttar Pradesh. Nepal's geography has offered it a geostrategic location as Nepal separates Tibetan Plateau from the Indian plains. There is no natural barrier in the Nepal-India border. Most of the area is covered by agriculture fields, forests and rivers, and streams at certain places. The geography has interlinked two countries with similar agriculture, forest and settlement pattern on both Nepal and India side. Geographically speaking, Nepal India border is very difficult to distinguish.

The open border between the two South Asian States of India and Nepal has been providing all kinds of interactions between the people of the border areas in these two countries. For India, Nepal has become a defense or barrier for external evasion. "The barrier of Himalayas cannot be allowed to be penetrated". Therefore,

Nehru evolved a theory of 'Special Relationship' (Shukla, 2006, p. 357). After the independence of India, which clearly stated that Himalayas as a main defense line of India's northern frontier and regarded Nepal as an essential part of India's security umbrella system.

Nepal and India has shared about 1880 km. borders, while it's 1414 km. with China. Borderline from the India Side, it covers; Uttarakhanda - 263.7 km., Uttar Pradesh – 599.3 km., Bihar – 800.4 km., West Bengal- 105.6 km. and Sikkim- 99 km. Border Area 1880 km. (Nepal India) borderline from the Nepal Side covers; Koshi Province- 427.6 km., Madhes Province – 464 km., Bagmati Province- 88 km., Gandaaki Province- 5.5 km, Lumbini Province- 408.7 km and Sudurpaschim Province- 440.3 km. (APF, Nepal Headquarters).Karnali Province – is alienated with the border of India but touched with China. According to Buddhi Narayan Shrestha, border expert of Nepal, mentions that Nepal and India share 1880 km. borderline but we do not find exactly the data. The data varies among one to another regarding the length of Nepal. Therefore, Nepal- India borderline is necessarily seen to be re-measured. But unless border disputes are solved the total border length is not exact. So that, border dispute should be solved before the re-measurement.

In 2016, researcher was shared by Bihar Police (Sub - Inspector), that one day his senior officer (superintendent of police) arrived and parked alongside the police station and he asked him where the Nepal lies. Then the SI replied "This is Nepal where you are standing and the ground where the vehicle is parked also lies in Nepal sir". The SP felt embarrass, when he got such answer. Therefore, what we understand is, most of the places there is no clear demarcation between Nepal and India so that there is hard to identify most of the place from where Nepal and India's borderline starts.

4.1.2 Socio-Cultural Relation

In the ancient period, when we come to the age of *Mahabharata*, we find some great kingdoms in the Indo- Gangetic plain and some significant ethnic groups including the aborigines occupying the region and they all had joined the great battle of Kurukshetra. It is also said that Kirat King Yalambar had also joined the battle from the side of Kauravs later was beheaded by Krishna. At the time of epics the Kirat were living in the midlands of Himalayas and Shiva was their favorite deity of worship. Arjun came to Himalayas to pressure *pasupatra* (weapons of lord Shiva) to fight against a Kiratarcher. The marriage of Ulupi, a *naga-kanya* with Arjuna disclose the same types of cultural bond of the people of *madhyadesa* with the people of lower Himalayan region. The *ajnata-vasa* (residing secretly without any knowledge to the public) of Pandavas and their stay for some time at Dolkha where the temple of Bhimsena majestically stands today shows that the people of the midlands of Nepal and those of the Gangetic plain were tied in deep socio- cultural bonds in the past. The relation that existed between Mithila and Kausala kingdoms during the Epic period is still existed in practice in the ritual proceeding of the Vivaha- Panchami festivals at Janapur. This festival is always delightfully performed and the large number of the people from the boundary districts of India comes for their pilgrimage at Jankpur. “During the life time of Lord Buddha, the Indo- Nepal border region was within the republican states of Kapilvastu, Koliya, Moryas, Bullis and Vajjis. Because of the birth of lord Buddha at Lumbini the republican states of Shakyas finds wide description in the Buddhist literature and in the accounts of the Chinese pilgrimage” (Pandey, 1995, p.4). When Mauryas came to power, the bonds of friendship between India and Nepal, especially at the border region, became very close.

From the eighth to the twelfth century of the Christian era, there were considerable activities on the social and religious fronts that enhanced deeper understanding between India and Nepal-e.g. visits to Nepal by many saints, scholars and religious teachers, foundation of several new sects of Hinduism and Buddhism and introduction of a large number of festivals in Nepal. This came about mostly owing to the inspiration given by refugees from India who settled in the various regions and valleys of Nepal. “Nepal’s traditions of arts, astrology, medicine, Sanskrit language and literature also have homogeneous relations between India and Nepal in the early medieval period; otherwise there would have been no such uninterrupted flow of people from one side of the border to the other” (Pandey, 1995, p. 64).

They share the same experiences, myths and legends, language and a common Social structure that bind them. Marriage and kinship relations linking the western region border people in Nepal and regarding the eastern border, Nepal has dominant cultural and social linkage. The social and cultural structure extended in to India. On the other hand the close interaction between the Madhesi culture group and their counterpart across the border in Mithila, eastern UP and western UP is indicating a strong belonging in regard to race, language, social and cultural values. “The socio-cultural beliefs, experiences, caste, myths, legends, similar norms and values, joint family system are extended from the India side; UP, Bihar into the Terai region of Nepal. There are numerous religious places of both sides which bring them together in contact as a single community” (Nepali, 1995, p .33). So many interactions and discussions about the Nepal-India border relations between the people of the two sides have proved to be advantageous to both. “The open and unrestricted border has established people-to people relation sounds while the relation between government to government become bitter. The cultural affinity between the people of border area is

so close and the language is similar. For example, the people who live across the border either in Biratnagar of Nepal or Purnea in India have no feeling of the other country. The border people have the many similarities with India border state people on socio-cultural, language, political influences, and economic inter-dependence and in many other aspects. Because of the India origin and similarities Nepal seems them as foreign and the Terai people of Nepal are losing their identity. The people of border area about 30 percent of the population of Nepal are stateless. The challenge of democracy is to foster the development of plural communities and multiple identities. Transitional communities, diaspora networks and multi-ethnic diversities should be regarded as a resource, and not a problem of stateless. “It is necessary to recover relationships so that everyone in Nepal is not as an exploiter and India everyone is not seen as an India-baiter” (Machanda, 2001. p. 47). According to B.P. Koirala, political leader of Nepal, because of geography, social and cultural affinities as well as industry and commerce, it is clear that other relation of Nepal with India must be more practical. But this does not mean that the level of Nepal’s relation with China or another friendly nation is different. It is essential that sensitive issues in foreign policy are not made a subject of controversy in the context of domestic policies. Rather, Nepal must present a national consensus in this regard before the world. “We are not tilting towards India. Rather, we have only underlined the reality of our interdependent relations with that nation” (Baral, 1992, p. 827).

4.1.3 Economic Relations

As roadways and railways are far better on the India side, in comparison to Nepal. Both of these means of transportation has enhanced the people to people relations between the two countries. Availability of hospitals and health centers along the border area of both sides has strengthened the close interdependence between the

people of border area. “Day-to-day needs of the borderlands’ inhabitants including free movement, work, labors, and livelihood have equally developed reciprocal relations between the two countries” (Nepali, 1995, p. 32). Geographically and ethnically speaking Terai region is almost similar to the region across the border in India. Even at the socio-cultural level and economic level, along with the issues attached with climate, soil condition, life style, the borderlands’ inhabitants are indistinguishable. Because of the open border, each day thousands of border inhabitants cross the border to fulfill their basic requirements. People residing on the one side of the border go to the other side of the border in order to buy and sell the goods either in the local market or in the Haat Bazaar.

The infrastructure development activities along the Nepal India borders are poor. India has initiated a program, called The Border Area Development Program (BADP) for the national peace, security and development by constructing infrastructure, health facilities, roads, schools, community halls etc. To develop the border region, the government of Nepal has also initiated Border Area Development program (now it is named as Madhesh Bikas Yojana). But allocated budget is not enough. The nominal budget which is allocated for the border development is also not utilized effectively as well.

On the utilization over water for irrigation and power, Nepal and India have mutual co-operation. The two countries signed Koshi Project on 23 April, 1954; Gandaki Project on 4 December 1959; Trisuli Project on 20 November 2060; Devighat Project in July 1976. They were undertaken by India and small hydro project like Surajpur 1981. Kalariya power house project 1983 is an apt example of Nepal India co-operation project. India has provided economic and technological support, and Indian entrepreneurs have played significance role in strengthening the

Nepalese economy. Manufacturing sector has the largest share of India in joint ventures. Beverage, confectionaries, pharmaceuticals, textile, readymade garments, building materials, paints, cigarette etc. are the main area covered in this sector. “A survey is necessary to develop small industries to improve the income and living standard of the border inhabitants. The proper identification of the potentialities of each border district needs to be undertaken” (Jha, 1995, p.40).The government of India has drawn up the comprehensive program to transform, its meter-gauge system to broad gauge. But Nepal government is too slow regarding this type of program for developing the broad-gauge rail way line in Terai. Adequate development transport and communication sectors could enhance tourism; trade and industry grow in the border area. To improve socio- economic condition of the border inhabitants, duty free border trade facility should be granted. “The government of Nepal and India should think to establish a permanent institution to be called “Nepal India Border Authority” consisting of planners, policy makers, and parliamentarians of the two countries” (Jha, 1995, pp. 51 -52).

Although identified as a landlocked country today, once China’s Trans-Himalayan railways reach Nepal’s border in Rasuwa, Nepal is going to be a land-linked country. Thus, Nepal deserves the special treatment by the international community in order to compensate them for their unfavorable location. “India has proving the land and sea access to Nepal for international trade. By the Treaty of Trade and Commerce of 1950, the Government of India acknowledged in favor of the Government of Nepal full and unrestricted right of transit of all goods and manufactures through the territory of India” (Sarup, 1972, p.289). India has been a key development partner of Nepal. The latter received strong support and solidarity from the people and Government of India in advancing its home-grown peace process

as well as in the process of writing the Constitution through the elected Constituent Assembly. Following the massive earthquakes in Nepal in April and May 2015, India promptly offered helping hands. The Government of India has also been substantially assisting Nepal's reconstruction efforts. The Indian cooperation started in 1952 with the construction of an air-strip at *Gaucharan*. Since then, India has been assisting primarily in the areas of infrastructure development and capacity development of human resources in Nepal. Such assistance received from India has helped supplement the developmental efforts of Nepal. India's economic assistance to Nepal has grown manifold in the past few decades, particularly since the restoration of multiparty democracy in Nepal in 1990.

It is agreed during the State Visit to India of then Prime Minister of Nepal Pushpa Kamal Dahal 'Prachanda' in September 2016, a Nepal India Joint Oversight Mechanism has been constituted co-chaired by the Foreign Secretary of Nepal and the Indian Ambassador to Nepal to review the progress made and resolve issues in the implementation of the projects under India's economic and development cooperation. The Mechanism meets once every two months.

Large and Intermediate Projects undertaken with India's Economic Assistance

B.P. Koirala Institute of Health Sciences, Dharan; Emergency and Trauma Centre at Bir Hospital, Kathmandu; and Manmohan Memorial Polytechnic at Biratnagar are some of the flagship projects completed and operationalized under the Indian assistance. Integrated check-posts have been proposed at four points on Indo-Nepal border namely (i) Raxaul-Birganj, (completed and operationalized from April 2018) (ii) Sunauli-Bhairahawa, (iii) Jogbani-Biratnagar and (iv) Nepalgunj Road-Nepalgunj. The construction of ICP in Biratnagar is ongoing, while procedures are underway for Bhairahawa and Nepalgunj. Likewise, as envisaged by the MoU for the

construction of Terai roads under phase I, the process of implementation has started. A MoU on Development of Railway Infrastructure at five points along the Nepal-India border was signed in 2010. The construction process has been ongoing for Jayanagar-Janakpur-Bardibas-Bijalpura and Jogbani-Biratnagar sectors. For the remaining three links, both sides have started preliminary works. Likewise, MoU on the establishment of Nepal Bharat Maitri Polytechnic at Hetauda in Makawanpur District of Nepal was signed on 16th February, 2010 in New Delhi.

During the International Conference on Nepal's Reconstruction held in Kathmandu in June 2015, the Government of India pledged a fund of US\$ 250 million grant and US\$750 million soft loan. Agreements have already been signed for both grant and loan. List of projects were identified for the utilization of the grant while projects were being finalized for the use of Line of Credit. In addition to two past lines of credit (US\$ 100 million and US\$ 250 million), His Excellency Prime Minister of India, Modi announced during his visit to Nepal in August 2014 another line of credit of US\$ 1 billion to be utilized to finance development projects chosen by Nepal. The Government of Nepal finalized the projects. The modality of contracting these projects is being worked out.

Cooperation on Water Resources

Water resource is considered as the backbone of Nepali economy. The issue of water resources has always been getting due prominence in the agenda of bilateral cooperation between Nepal and India for a long time. With a view to optimizing the benefits and addressing the problems, both Governments have set up three-tier mechanisms called Joint Ministerial Commission for Water Resources (JMCWR), Joint Committee on Water Resources (JCWR) and Joint Standing Technical Committee (JSTC) to implement agreements and treaties and also address water

induced problems of flood and inundation. There is also an additional mechanism – Joint Committee on Inundation and Flood Management (JCIFM) – which deals explicitly with the issues of inundation, embankments and flood forecasting.

An important Power Trade Agreement was signed between the two countries in 2014 paving way for the power developers of the two countries to trade electricity across the border without restrictions. Private/public power developers from India have reached agreements with the Investment Board of Nepal to develop two mega hydropower projects – Upper Karnali and Arun III.

Trade Transit and Investment

The partnership with India in the areas of trade and transit is a matter of paramount importance to Nepal. India is Nepal's largest trading partner. India has provided transit facility to Nepal for the third country trade. Both public and private sectors of India have invested in Nepal. The trade statistics reveals phenomenal increase in the volume of bilateral trade over the years between the two countries. However, Nepal has escalating trade deficit with India. Nepal and India have concluded bilateral Treaty of Transit, Treaty of Trade and the Agreement of Cooperation to Control Unauthorized Trade.

Security Cooperation and Boundary Management

Security related issues are of prime concern to both the countries. To deal jointly with each other's security concerns, the two countries have institutionalized Home Secretary level meetings and established Joint Working Group on Border Management (JWG) and Border District Coordination Committees (BDCCs).

Nepal India Joint Technical Committee formed in 1981 made important accomplishments in scientifically mapping Nepal India boundary. The Boundary Working Group (BWG) established in 2014 has taken over the technical works related

to Nepal India boundary. BWG has already mobilized joint teams in the field for carrying out works relating to construction, repair and restoration of boundary pillars, preparation of inventory of encroachment of No Man's land and cross border occupation, and GPS observation of boundary pillars.

Multilateral and Regional Floor

Both Nepal and India have common approach to regional and multilateral institutions and hence, Non-aligned Movement and other international floor on most of the important international issues. Furthermore, both the countries have been deeply engaged in the regional and sub-regional frameworks of SAARC, BIMSTEC and BBIN for enhancing cooperation for greater economic integration by harnessing collectively the potentials and complementarities available in the region.

4.1.4 Political Relation

Geopolitics and Border security are interrelated with each other. Changing geo-political environment generally impacts the border security, as Nepal lies between India and China has very good relationship with both countries. Still, Nepal's security concern is sensitive to both the neighboring countries. Because of the existence of the open border between Nepal India, citizens of both the countries can move around from one country to another without any restriction.

The open border system between Nepal and India commenced after 1860 AD not only to recruit the Gorkha regiment, but also to sell finished goods by India up to Tibet and to import raw materials from Nepal but passport/permit was necessary. It was made more open after India's independence in 1947, and widely opened after the establishment of democracy in Nepal in 1950 and porous open borders system sustained following the construction of Tribhuvan Highway in 1957, linking Kathmandu to Raxaul, India's frontier town. There is no such treaty, agreement or

memorandum for keeping the border open. Until India's independence, permit system was necessary, but after the independence of India in 1947 and with the establishment of democracy in Nepal in 1950, along with the Peace and Friendship Treaty between Nepal and India, the open border became more porous. Across the border region, there are cultural and religious similarities among the people. They share educational and health facilities. Gauging the history, political leaders of both countries took shelter across the Nepal India border region in the democratic movement of Nepal and also in the Quit India Movement of 1942 in India. Many students from the bordering regions of Nepal who were studying at the many places of India had also participated actively in the Quit India Movement with Indian students. The young students of Nepal and India were engaged to destroy roads, bridges, railways line etc. A number of Indian students and politicians took shelter in Nepal during the movement. In Nepal, at that time, Rana oligarchy was close to the British, and it was obvious that they were also bothered by the movement.

Feku Thakur, a resident who was living some 15 km. south of Janakpur, had made a historic contribution in the India's fight against British colonialism by providing shelter and food to about 300 to 400 freedom fighters from India during the Quit India Movement. Feku Thakur also used to get the newspaper across the border and inform the freedom fighters about the political development and the views of Subhash Chandra Bose, Jayprakash Narayan, and Mahatma Gandhi etc. He also supported financially the Indian freedom fighters. During the Quick India Movement, the people of Saptari district broke the gate of *Hanuman Nagar* jail, where Indian revolutionary socialist leader Jay Prakash Narayan, Ram Manohar Lohiya and others who were imprisoned by the Rana government when they escaped from India into Nepal to seek safety place. But, when the Nepali Congress started armed struggle to

overthrow Rana regime in November 1950, a large number of Indians joined it. “Panishwarnath Renu, a renowned Hindi novelist and short story writer, likewise other prominent persons also helped the movement. Jay Prakash Narayan, Ram Manohar Lohiya are also responsible to establish Nepali Congress. The Nepalese who formed the party were very close to these socialist leaders” (Jha, 1995, p. 60).

During the Madhes Movement, Madhesi based political leaders visited Indian political leader. Former Indian foreign secretary S Jaishankar visited to Nepal before the promulgation of constitution of Nepal in 2015 AD. Former External Minister of India Susma Swaraj also visited Nepal and exchanged here views with Nepali leaders and the then government. It indicates that there is politically a long and historic relation between Nepal and India. When political change occurs in Nepal that becomes the concerns of India, and when it occurs in India, Kathmandu cannot remain free from its influences. Nepal India relations are, in essence, much more than the sum of treaties and agreements concluded between the two countries. The frequent high level visits by the leaders of the two countries at different points of time and the interactions constitute the hallmark of the ties between the two countries. Furthermore, such visits have helped to promote goodwill, trust, understanding and cooperation between the two countries and, have injected fresh momentum to further consolidate age-old and multi-faceted bilateral relations of friendship and cooperation on a more mature and pragmatic footing. There are many recent visits exchange between each other which is detail in Appendix-B.

The exchange of high-level visits by the Prime Ministers of Nepal and India in April and May, 2018 contributed further in taking the bilateral relations to newer heights on the basis of equality, mutual trust, respect and benefit. Apart from taking effective measures for the implementation of all the agreements and understandings

reached in the past, the need for reinvigorating the existing bilateral mechanisms to promote cooperative agenda across diverse spheres has been underscored. Both sides have agreed to advance new partnership in agriculture, expand rail linkages connecting Kathmandu to Raxaul with India's financial support, and develop inland waterways for the movement of cargo providing additional access to sea for Nepal. It has also been agreed to address outstanding matters in a stipulated timeframe, with the objective of advancing cooperation in all areas.

Not only with India, Nepal and China has also the adjacent relationship in the different sphere. Nepal and China share 1414 km. borderline. Nepal and China have a long social, cultural and trading history since around 7th century. The frontier along Nepal's and China's border is mainly dominated by the Himalayas. Climate variation in the border area occurs vertically. The 14,000 feet is the snow line and above the 14,000 feet, covered with snow over the year. With the exception of few valleys, the entire Himalayan region is classified as a waste land, almost without human habitation. In the Himalayan region there are some cross social- cultural relation between the Nepalese and Tibetan people. Mongolian culture is shared by both. Their living style, marriage system, attire, food habits, daily activities are similar on the northern part of Nepal. Unforgettably, there is a close relation between the communist party of Nepal and China. Therefore, political relation has been growing closely in recent decades.

The diplomatic relation between China and Nepal was established in 1955 and especially since the beginning of ambassador exchanges in 1960, the two countries have developed a good relationship. Nepal's relation with china is generally perceived as an act of balancing its relation with India. Late King Birendra spoke, during his China visit in July 1982, about the mutual trust and confidence that exist between

Nepali leaders and people. It has withstood the vagaries of time by having remained steady much like the mountain that unites. In 1979, the two countries signed a new protocol on the border issues demarcating the boundaries thoroughly. The border issue was settled in a spirit of fairness, rationality, mutual understanding and mutual co-operation through friendly consultation” (Wei, 1985, p. 512).

Nepal and China have inked various border treaties to settle the border conflicts. Likewise Khasa Treaty (September 1977) was done to maintain the borderline of previous position. Kerung Treaty (2 June, 1789) was signed to regain Nepal back from the invaded Tibetan land to its former borderline. Treaty of Betrawati (5 October, 1792) was done to prevent malicious dispute with the intension of possessing the territories of the other and the Treaty of Thapathali (24 March, 1856). After the Nepal Tibet Treaty of Peace – 1856, Nepal had no disputes with Tibet. China always perceived Nepal with goodwill. While Diplomatic relations with China was established in 1955, additional agreements were also made on trade and cross- border transit in 1956. Sino- Nepal Treaty of Peace and Friendship was signed in 28 April, 1960. Since then, China has been continuously supporting Nepal on the areas of trade and economy. Border disputes between the two countries were settled down with the principles of equality, mutual benefits, friendship and understanding. Nepal and China boundary treaty was signed on 5 October, 1961, between King Mahendra and Chairman of the People’s Republic of China.

While demarcating boundaries over Sagarmatha, a dispute arose which was later settled with the help of historical facts and evidences indicating that the highest mountain in the world belongs to Nepal side. The fact was accepted by Chinese side and it was settled while the then Chinese premier Chou En Lai made a statement in Kathmandu on 28 April, 2060 that “Sagarmatha belongs to Nepal”. After finalizing

boundary demarcation, Nepal gained 2139 square kilometer and conceded 1836.25 square kilometer. Finally border pillars were established with watershed principle determining the water parting line to connect snow –capped high altitude mountain peaks, passing and crossing through mountain passes and spurs, saddles and cols, rivers and rivulets, pasture land river basin or valleys. “Sino – Nepal border has regulated border system. People from both countries can move until the 30 km depth from the border of both countries without visa. Compulsory ID card was introduced since 1 January, 2006 but this provision has not been successful” (Bhatta, 2016, p. 51).

During the 70s and 80s China Nepal relations arrived into a new phase. First, both countries agreed in 1955 that the Five Principles of Peaceful Co-existence would drive the bilateral relations. Second, in 1979 the both countries signed in a new protocol on the border issue. Third, Late King Birendra in 1975 proposed a “Zone of Peace Proposal,” and in 1981 this crucial objective was also written in Nepal’s constitution. The first country to endorse this proposal was China. Fourth, with the collapse of the Gang of Four and the end of Cultural Revolution in China, it started focusing on the economic development and opened the doors to the outside world for trade and investment. Since 1980s, China strengthened its co-operation with the third world, specially neighboring countries. Fifth, Nepal and China spoke against the USSR and Vietnam after the Soviet military intervention in Afghanistan and Vietnam’s soviet supported invasion of Cambodia. In this way Nepal China developed their friendly and firmed relation (Wei, 1985, p. 512). Nepal and China have a long history of economic relations. Even in the ancient period, Nepal had the trade relation with Tibet. At present, the two countries agreed to implement the Memorandum of Understanding (MoU) on the Belt and Road Initiative to enhance

connectivity in key areas including ports, roads, railways, aviation and communications within the prime framework of Trans-Himalayan Multi-Dimensional Connectivity Network during Nepali Prime Minister K.P. Sharma Oli's visit to China in June 2018. The two countries had signed the MoU on the Belt and Road Initiative (BRI) in May 2017. Another landmark agreement reached between the two sides is the protocol of the Nepal China Transit Transport Agreement (TTA). The two countries concluded the protocol after the TTA was signed in March, 2016, enabling Nepal a vital access to China's sea and land ports for trading with a third country. Land-locked Nepal had been fully dependent on India hitherto.

The Belt and Road Initiative (BRI) is a global development strategy adopted by the Chinese government in 2013 involving infrastructure development and investments in nearly 70 countries and international organizations in Asia, Europe, and Africa to construct a unified large market and make full use of both international and domestic markets, through cultural exchange and integration, to enhance mutual understanding and trust of member nations, ending up in an innovative pattern with capital inflows, talent pool, and technology database. It was announced in 2013, the Belt and Road Initiative (BRI, also known as One Belt, One Road) which aims to strengthen China's connectivity with the world. It combines new and old projects, covers an expansive geographic scope, and includes efforts to strengthen hard infrastructure, soft infrastructure, and cultural ties.

Nepal is also encouraging the China to involve in the economic development sectors of Nepal. Outer ring road of Kathmandu, hydro projects which are the projects of national pride of Nepal are also handed over to China. Between Nepal and China, the economic ties have surged up. Many government officials, security personnel from Nepal Army, Armed Police Force and Nepal Police go to China every year for

the security related training. In the same way, Chinese military personnel have also been visiting Nepal for training. More than that the highest course in the military field in the Nepal, which is Defense Course, is also conducted in China where Nepalese security officers participate. Overall, the relations between Nepal and china are sound in the context of economic relation, socio- cultural, political as well as security relations. Today, when the world has been metamorphosed into a global village and more than 300 intergovernmental organizations are established like SAARC, WTO, IMF, ILO, UNESCO, ASIAN, African Union, SEATO and BRIC etc.

4.2 Security Management

Border security is understood as the means of shielding the borders from the illegal supply of weapons, drugs, contraband and movement of the people, while promoting lawful entry and exit, is essential to homeland security, economic prosperity and national sovereignty. Border control measures are taken by a country to monitor or regulate its borders. Borders controls are put in place to control the movement of people, animals and goods into as well as out of a country. Usually, specialized government agencies are established to operate the task of border controls. Such agencies may perform various functions such as customs, immigration, security, quarantine, besides other functions.

Inadequate border security posts, nominal monitoring and lack of sufficient surveillance devices have made the borderland a good playground for criminals and anti-national elements. “The status of Nepal India border security system is fragile, when it comes to controlling the illegal and criminal activities, not only because of the open and porous nature of the borderlands” (Shrestha, 2021, p. 19). The priority for border management may arise occasionally but when it comes to combating the threat to national security, a serious attention is required. Situated between the two giant countries, in order to protect the territorial integrity, sovereignty and national unity,

small power like Nepal has to be alert and cautious to protect its borderlands. If there is grey line regarding boundary dispute, more problems are faced by the small countries. According to Shrestha, when big and powerful countries generate the problem on the border issue, small countries should exercise a meticulous diplomacy in order to resolve the border problems. Therefore, demarcating the boundary through diplomatic channel is most important otherwise unnecessary conflicts may occur time and again. Demarcation of the border is one issue, and on the other hand, safeguarding the border to keep the people safe and for the protection of territorial integrity, sovereignty and national unity is another outstanding issue. Attempts made, so far, regarding the border management of Nepal and India is not satisfactory, and it needs to be made more effective. The present status of border security management of Nepal and India has been discussed below.

4.2.1 Deployment and role of Security Forces along the Nepal India Border

The prime role to protect the border is of security agencies. Security personnel have been monitoring the border covertly or overtly. Each country and each government assign the task to the security forces for the border protection. It's true that borderlands' inhabitants, local agencies and other organizations also play constructive and supportive role to protect the border. In the context of Nepal, first Nepalese army was deployed for safeguarding the border. Later Armed Police Force, is deployed. Nepal police units are also deployed at the Nepal India bordering regions.

The Constitution of Nepal 2015 has provisioned Directive Principles, Policies and Responsibilities of the State regarding border security and its management. The Article 5 of the Constitution of Nepal 2015 has emphasized on the defending political independence, safeguarding of sovereignty and territorial integrity, nationality, autonomy, self-respect, protection of rights and interests of Nepali people, protection of boundaries, and economic progress and prosperity. Similarly, according to the sub

article 4 of article 50 of the Constitution of Nepal 2015, “The international relations of the State shall be directed towards maintaining international relations based on sovereign equality, protecting sovereignty, independence, territorial integrity and national interest of the country, and promoting national prestige in the international community.” On the article 51, policies regarding national unity and national security are provisioned that calls for making the Nepal Army, Nepal Police, Armed Police Force, Nepal and other security organs strong, capable, professional, inclusive and accountable to people on the basis of national security system. Making security forces strong for the sake of national unity and security is the constitutional provision. If there are any kinds of external intervention, Nepal Army stands at the first line and the Armed Police Force plays the supportive role under the command of Nepal Army. Nepal Army is mobilized under the Nepal Army Act, 2063 and its Regulation 2069, Armed Police Force under the Armed Police Force Act, 2058 and its Regulation, 2072 while Nepal Police by Nepal Police Act, 2012 and its Regulation 2071. In Nepal Army, there are about 91 thousand soldiers, 37 thousands (approximately) in Armed Police Force, Nepal and 69 thousands (approximately) in Nepal Police. Altogether, about 200 thousands security personnel, excluding intelligence department, have been providing their service to Nepal. “A huge amount of resources have been invested for the sake of national security and prosperity of the country” (Paudel & Pahari, 2076, p. 3).

Role of Armed Police Force in Border Security

According to the Armed Police Force Act 2058, article 6, sub article 1 (g), it is mentioned that Armed Police Force will be deployed “To maintain Security in border area of Nepal”. Therefore, Armed Police Force has a major role in safeguarding the Nepal India and Nepal China borderlands.

Evolution of Armed Police Force, Nepal (APF, Nepal)

The APF, Nepal ordinance was issued on 22nd January 2001. On 5th February 2001, the APF Headquarters was established. Then second ordinance was issued on 12th April 2001. Former King Gyanendra Bir Bikram Shah Dev granted Royal Assent to APF on 22nd August 2001. Similarly on 23rd October, 2001, the former King bestowed Armed Police Force with color and emblem of Bagalamukhi Bhagwati. On 26th May 2003, with the cabinet approvals of APF, Nepal regulations with first amendments and on 18th December 2003, former King Gyanendra Bir Bikram Shah Dev inaugurated the new headquarters premises at Halchowk, Kathmandu. Motto of APF is “Peace, Security and Commitment”. The governing body is Ministry of Home Affairs.

The provision regarding the operation of Armed Police Force is mentioned in Armed Police Act 2001. The Armed Police Force shall be administered to control any ongoing or would be armed conflict within the country, to control any ongoing or would be armed rebellion or separatist activities within the country, to control any ongoing or would be terrorist activities within the country, to control any ongoing or would be riot within the country, to assist in rendering relief to natural calamity or epidemic victims, to rescue any citizen or else from hostage captivity or in the event of occurrence of heinous and serious crimes or unrest of grave nature or of anticipation, to guard border of the country, to assist under the Nepalese Army in condition of external invasion, to protect public vital installations, infrastructures and other facilities assigned by the Government of Nepal, to protect the personalities and public vital installations, institutes and other facilities considered to be given protection by the Government of Nepal, to perform tasks assigned as per this act and under its regulations or in accordance to other prevalent laws, to perform other tasks

assigned from time to time by the Government of Nepal and to mobilize in customs, revenue and industrial security (APF, 2020). Armed Police Force Nepal (APF, Nepal) - as a border guarding force, Armed Police Force of Nepal, 224 units is deployed with total strength of plus 10,000. Total Strength of APF is 36,000. India has deployed almost 25 security personnel and Nepal has deployed almost 6 security personnel in one kilometer (Bhatta, 2016, p. 48). But, at present, the numbers of BOPs are increased to 224 until the middle of 2021. The numbers of border out posts are targeted to reach 500 BOPs along the Nepal India border within a couple of years as announced by the Home Ministry of Nepal in 2020.

Role of Nepal Army in Border Security

According to the National Security Policy- 2016, The Nepal Army will carry out the following responsibilities; like “The main task of the Nepal Army will be to defend Nepal's independence, sovereignty and territorial integrity from external infiltration and aggressions and to be ready for defending the border security. The main security role of the Nepal Army will be to face the challenge in case of serious threats to national security” (National Security Policy- 2016, p. 50). If there is peace situation, APF, Nepal will be the frontline in the border but in war situation Nepal Army will be the frontline defense at the border and APF, Nepal will play the supportive role. Nepal Army has the role to supervise the projects and strategic structures to be constructed with foreign assistance at sensitive areas or near international borders regularly and to contribute in maintaining the world peace under the guidance of the United Nations and to assist in the foreign policy of Government of Nepal. The above roles mentioned in National Security Policy- 2016 have clearly pointed out the vital role of Nepal Army in the border security.

Nepal army also has established Border Directorate in the Army Headquarters. Nepal Army has deployed as per the war strategy like 3+1 command as Eastern

Command, Mid Command, Valley Command and Western Command. So that if there is conflict situation the deployment and positioning of troops will be focused on the basis of the borderline. As provisioned in Constitution of Nepal – 2015, Chief of Nepal Army is a member of the National Security council that Nepal Army has the main and pivotal role in the protection of territory, sovereignty and integrity that also shows the key role of Nepal Army in safeguarding the territory. But it is argued that APF, Nepal is also safeguarding the territory of Nepal in the peace situation and also supportive role in conflict situation but not included as a member of the council. APF, Nepal has also the vital role for the defense of the nation, for the protection of national integrity and sovereignty

Role of Nepal Police in Border Security

According to the National Security Policy -16, Nepal Police has the role to maintain a record of the Nepali peoples living abroad and be extra active during the time of adverse situation and to avoid unwarranted activities, to control crimes at border areas and to have coordination with police organizations in the neighboring countries for that purpose and to expand relationships with governmental and non-governmental organizations such as International Criminal Police Organization (INTERPOL) thereby remain active in controlling international criminal and terrorists activities. Nepal Police also has established the Border Police Post to control the illegal and criminal activities in the border region. Therefore Nepal Police has also the role protecting the border in the different ways.

Role of National Investigation Department (NID) in Border Security

As mentioned in National Security Policy- 2016, NID has the role to collect and analyze information on intelligence and counter intelligence inside and outside the country by native or foreign nationals against the country and to inform the concerned agency or official, to collect, analyze and disseminate information on

Nepal's freedom, sovereignty, territorial integrity, independence, dignity, unity, interests and those against social cohesion, to collect and analyze information on the activities to be committed against the Constitution of Nepal, law and the state and the persons and organizations involved in such activities and to report them to the necessary agency and to suggest Government of Nepal in providing information on national security and in counter intelligence, to collect information on violence-oriented activities in religious, communal, ethnic, regional nature and on financial activities.

Similarly, further roles are; to collect and analyze information on activities causing adverse impact on economy including corruption, financial irregularities, revenue leakages, to collect and analyze information on terrorists and international criminal organizations and network of terrorism and the threats that might invite against the country and to formulate a long term plan for development of the department as a reliable and capable organization for collecting and analyzing information necessary for coping up with the challenges likely to be faced by the nation and to implement it in a phase-wise manner. These all above mentioned roles has directly and indirectly interconnected with the border security, integrity and sovereignty of the nation. Therefore all the security agencies have the interconnected and pivotal role for the protection for territorial integrity and sovereignty.

Evolution of Sashastra Seema Bal (SSB) and its Deployment

India has deployed various border guarding forces including –India Tibetan Border Police Force (ITBP), Border Security Force (BSF), Sashastra Seema Bal (SSB) and Assam Rifles (AR). Among them Sashatra Seema Bal (SSB) was established in Indo- Nepal border in 2001. After the Kargil war, all paramilitary

forces were repositioned to achieve optimum efficiency by assigning One Border One Force policy of India. Therefore SSB was declared on 15th January 2001 as a border guarding force. SSB was mandated to be deployed at the Nepal- India border. Later on 12th March, 22,004 SSB was tasked to guard the Indo- Bhutan border. Prior to 2001, the force was known as the Special Service Bureau. From the Nepali side, Nepal Army was deployed in border area for the security of custom offices in 2001. Later, Armed Police Force (APF) was deployed in Indo- Nepal borderlands in 2007. At present, India has deployed 450 BOPs along the Indo- Nepal border with the distance of 4.5 km between two BOPs. India also has planned to raise the strength of the SSB and reduce the distance between units to units. SSB was founded on May 1963. The general nature of SSB is Federal Law Enforcement. Headquarter of SSB is in New Delhi, India. Motto of the force is “Service, Security, and Brotherhood”. Ministry of Home Affairs is the governing body of the force.

Role of Sashastra Seema Bal (SSB)

The role of SSB was different when it was established but now it has various roles and responsibilities which are as follows;) Safeguard the security of assign borders of India and promote sense of security among the people living in the border area. 2) Prevent trans-border crimes, smuggling and any other illegal activities. 3) Prevent unauthorized entry into or exit from the territory of India. 4) Carryout civic action program in the area of responsibility. 5) Perform any other duties assign by the central government. Furthermore, SSB is deployed for law and order, counter insurgency operations and election duty (SSB, 2020). In the current situation, open and porous border system has created assorted problems and troubles in maintaining peace and security, law and order in both India and Nepal. Due to security reason- India has categorized India-Nepal border in three segments. Security sensitive border

(Kanchanpur to Rupandehi) nine districts, under observation border (Nawalparasi to Jhapa) 14 districts, Normal border (Ilam to Taplejung and Dadelhdhura to Darchula) four Districts of Nepal.

Nepal and India are topographically closer. Both the countries have good relationship with each other when it comes to people-to-people relations. However, there are some degrees of ups and downs in political relationship during the changing of guards in Nepal and India as well. But it wouldn't matter much for both the nations, since transition period doesn't last for long. Still, it's really an unhidden reality that open border between Nepal and India is being misused by criminals, terrorists, illegal traffickers of arms and ammunitions. Criminals commit crimes in one frontier and they flee across the international border without any restriction. They hide on the other side of the border. Peace and security, law and order have been adversely affected on both the territories by the continuation of open border system.

On the one hand, open border has made the life of borderlands' inhabitants easier; on the other hand, people are feeling insecurity. In the context of security threats, time has now come to mull over whether it is necessary to make alternative provisions for the open border system adopted between Nepal and India for hundreds of years. Because security concerns and border management system are inter-related with each other.

So far as, Nepal India peace and friendship treaty 1950 is concerned, article seven of the treaty says "the government of India and Nepal agree to grant on reciprocal basis to the nationals of one country in the territories of the other the same privilege of a similar nature". But it is nowhere mentioned that the border between two countries must be opened. On the article no. 3 (1) 2 (b) of immigration act 1992 and immigration regulation of 1975 and new regulation of 1994 even the Indian

nationals have to follow the regulated border system. However, visa provision is not in practice for both the nationals. Unofficially, it is an indication of open border system in an informal way.

In 1955, Nepal established diplomatic relation with the People's Republic of China and exchanged resident ambassadors in 1956, both nations signed a new treaty terminating the treaty of Thapathali of 1856, and Nepal recognized Tibet as an integral part of China after 1949. In 1960, Nepal and China signed a boundary settlement agreement and a separate treaty of peace and friendship. Nepal also supported China's seat in the United Nations Security Council. In 1961, Nepal and China agreed to build an all-weather road connecting the Nepalese capital Kathmandu with Tibet. Today, when China is emerging as a global power, it is not only important to secure its borders but also to seek stable cordial and friendly relations with its immediate neighbors.

All these facts, particularly regarding Nepal India borderland, indicate that border management system is not being effective to maintain peace and security on the both frontiers. To establish peace and security for the prosperity of both nationals, there should have some reformative measures in Nepal India border management system. In fact, the existing system has somehow created a muddle for the people of both nations, while keeping the border open has made it easy for unwanted elements to run their illegal activities freely. Untoward incident on the one side of the border, automatically impacts the other side of the border, sooner or later. Thus, Security assurance is unavoidable to thwart all kinds of unwanted activities impacting the political, economic and people-to-people relations between the two countries.

In fact, border security is the security of the land, security of the people and overall, security of national sovereignty. Big walls between two countries, tight security checking in the border area are not only the measures of border security

management, rather to make the people feel safe and live with dignity is of utmost importance. In modern time, well-managed border security is the most important to prevent the national security threats including terrorists attack, illegal drugs and weapons trafficking that are caused by improper border management. To minimize all such threats and for the protection of territorial integrity, national sovereignty, and political independence, border should be well-regulated and scientifically managed.

Table 4.1

Deployment of APF, Nepal and SSB along the Nepal- India Border Region

Koshi Province

APF, Nepal	SSB	Nepal Police
BrigadeHq- 1	Frontier Hq- 1	Border Police Post- 16
-	Sector Hq- 3	-
Battalion Hq- 4	Battalion Hq- 28	-
-	Company Hq- 29	-
Bop- 25	Bop- 97	-
In total- 30	In total- 158	In total- 16

Source- APF, Nepal and SSB Offices, 2020

In Koshi Province, Brigade Hq- 1, Battalions- 4 and Bops- 25 and in total 30 units of APF, Nepal is established. Similarly, 16 small units (Border Police Post) of Nepal Police are also existed. In the same way from the India side, India government has deployed SSB as a border guarding force. Frontier Hq-1, Sector Hq- 3, Battalion Hq- 28, Company Hq- 29 and Bop 97 and in total 158 units of SSB are established. In overall, SSB units and strength is higher than the APF, Nepal including Nepal Police. India has deployed more security forces along the border region that has made more effective to safeguard the border comparatively to Nepal.

Table 4.2**Deployment of APF, Nepal and SSB along the Nepal India Border Region****Madhesh - Province**

APF, Nepal	SSB	Nepal Police
Brigade- 1	Frontier Hq- 1	Border Police Post- 103
Battalion Hq- 8	Sector Hq- 2	-
Company Hq-	Battalion Hq- 10	-
Bop- 53	Company Hq- 42	-
-	Bop- 66	-
Total Unit-62	Total Unit- 121	Total Unit- 103

Source- APF, Nepal and SSB Offices, 2020

In Madhesh Pradesh, Brigade hq- 1, Battalions- 8 and 53 Bops and in total 62 units of APF, Nepal is established. Similarly, 103 small units (Border Police Post) of Nepal Police are existed. In the same way from the India side, India government has deployed SSB as a border guarding force; Frontier Hq -1, Sector Hq- 2, Battalion Hq- 10, Company Hq- 42 and Bop 66 and in total 121 units of SSB are established. Here units of SSB are higher than the APF, Nepal and also the overall strength of SSB is higher than the APF, Nepal. Higher the units and higher the strength helps regular vigilance at the border by means of vigorous patrolling and intensive checking at the sensitive border points. But les units and less strength create difficulties along the border area to control the cross border crimes and illegal smugglings.

Table 4.3**Deployment of APF, Nepal and SSB along the Nepal- India Border Region****Bagmati- Province**

APF, Nepal	SSB	Nepal Police
Brigade-1	Frontier Hq- 1	Border Police Post- 3
Battalion Hq-1	Sector Hq- 1	-
Company-	Battalion Hq- 3	-
Bop-53	Company Hq- 3	-
-	Bop – 8	-
In total-55	In total- 16	In total- 3

Source- APF, Nepal and SSB Offices, 2020

In the Bagmati Province, Brigade Hq- 1, and Battalion- 1 and Bops- 53 and in total 55 units of APF, Nepal is established. Similarly, three small units of Nepal Police are existed as Border Police Post. In the same way from the India side, Frontier Hq -1, Sector Hq- 1, Battalion Hq- 3, Company Hq-3 and Bops 8 and in total 16 units of SSB are established. Although units are more in the Nepal side but strength of SSB is higher. The balance of units and strength in between both security forces make easier to coordinate and for the effective implementation of border security plan.

Table 4.4

Deployment of APF, Nepal and SSB along the Nepal- India Border Region

Gandaki -Province

APF, Nepal	SSB	Nepal Police
Brigade- 1	Company Hq- 1	-
Company – 1	-	-
Bop- 1	-	-
In Total 3	1	

Source- APF, Nepal and SSB Offices, 2020

In Gandaki Province, Brigade Hq- 1, Company Hq- 1 and Bops- 1 and in total 3 units of APF, Nepal is established. In the same way from the India side, Company Hq-1 unit of SSB is established for safeguarding the borders. The numbers of unit of APF, Nepal is higher than SSB but particularly at the border line approximately equal number of security forces is deployed. Borderline of Gandaki Province of Nepal with India is limited/less in the comparison to other border touched provinces. But the number of units and the strength of security personnel are insufficient.

Table 4.5**Deployment of APF, Nepal and SSB along the Nepal- India Border Region****Lumbini- Province**

APF, Nepal	SSB	Nepal Police
Brigade Hq- 1	Frontier Hq- 1	-
-	Sector Hq- 4	-
Battalion Hq- 6	Battalion Hq- 10	-
-	Company Hq- 25	-
Bop- 28	Bop- 115	-
In total- 35	In total- 155	-

Source- APF, Nepal and SSB Offices, 2020

In Lumbini Province, Brigade Hq- 1, Battalion Hq- 6 and Bops- 10 and in total 17 units of APF, Nepal is established. In the same way from the India side, Frontier Hq -1, Sector Hq- 4, Battalion Hq- 10, Company Hq- 25 and Bop 115 and in total 155 units of SSB are established for safeguarding the borders. Comparatively the units and strength of SSB is higher than the APF, Nepal. SSB has higher security domain at this region because of strength and units. But APF, Nepal has very less units and strength at the border region so that it has difficulties to dominate the AoR. Eventually, the criminals and illegal traffickers get more loop holes to infiltrate from one country to another from this lacking. In the same way there is also the problem in coordination in between APF, Nepal and SSB. APF, Nepal needs to coordinate more units with SSB within its AoR vice versa more units of SSB should coordinate with a single unit of APF, Nepal. Therefore, there is the problem of reciprocal coordination

Table 4.6**Deployment of APF, Nepal and SSB along the Nepal- India Border Region****Sudurpaschim - Province**

APF, Nepal	SSB	Nepal Police
Brigade Hq- 1	Frontier Hq- 1	Border Police Post -8
Battalion Hq- 2	Sector Hq- 3	-
-	Battalion Hq-6	-
Company – 5	Company Hq- 46	-
Bop- 10	Bop – 95	-
In total- 18 units	In total- 151 units	In total- 8 units

Source- APF, Nepal and SSB Offices, 2020

In Sudurpaschim Province, Brigade Hq- 1, Battalion Hq- 2, Company Hq- 5 and Bops- 10 and in total 18 units of APF, Nepal is established. In the same way from the India side, Frontier Hq -1, Sector Hq- 3, Battalion Hq- 6, Company Hq-46 and Bop 95 and in total 151 units of SSB are established for safeguarding the borders. Comparatively in overall SSB units and strength is higher than the APF, Nepal. If we analyze the border security units and strength in between SSB and APF, almost SSB has more strength and units. Because of that the SSB has more capability to control the anti- national elements, illegal activities across the border region. The insufficient strength of APF, Nepal has hampered for the effective implementation of the border security plan.

Regarding the security condition of Nepal India open border, among the 40 KI, the 2.5 percent of KI claim that security condition of Nepal is strong and 27.5 percent claim that the Nepal India border is weak. Similarly, 70 percent KI claim that Nepal India border security needs to be improved/ strengthen (Source: Researcher's

Field Work-2019). Nepal government is enhancing the security measures, adding the bops' at the border, establishing the surveillance devices to keep an eye on the anti-national activities, cross border crimes and illegal trafficking but these efforts are not sufficient. Government's efforts should be enhanced to protect the territory, integrity and sovereignty of Nepal.

Security forces deployment at the border region is not enough from the Nepali side but more than that morale of the border security personnel is seen to be enhanced. The logistics part is weak; there are no incentives for the security personnel that really impact the performance of the border guarding forces, and indirectly weaken the safety of the nation and for the sovereignty of the nation. SSB is deployed from the India side. The number of security personnel of SSB is very high than the APF, Nepal. Nepal police is also deployed at the border region as a Border Police Post. Custom and revenue offices are also set up at the major border points to facilitate the import / export and to control illegal transport. To control the human trafficking other organizations like Maiti Nepal, K.I. Nepal are also set up at the major border points. From the Nepal side, APF, Nepal has deployed different level units to watch /protect the border. Small units of APF, Nepal are bop which is commanded by Inspector / S.I. which have played vital role for safeguarding the border. The higher level than bop is company which is commanded by Deputy Superintendent of APF (DSP) and higher than that is Battalion and higher than that is Brigade and they are commanded by Superintendent of APF and Deputy Inspector General of APF accordingly. Both SSB and APF, Nepal is jointly working for the protection of the border. The joint patrolling and joint check points are conducted to control illegal and criminal activities at the Nepal- India border region. Furthermore, SSB and APF conduct the drug abuse and trafficking awareness program in scheduled time for the people of border region.

In average, SSB units are established 5 km. in distance from one post to another but in Nepal the average distance is 20 km from one post to another. But in the present situation, Nepal government has been increasing the post to decrease the distance between one post to another post so that Nepal India border remains more secure.

APF and SSB hold regular meetings: monthly, tri- monthly and annually at the different levels--top level, battalion level and brigade level. District level meeting is also held that is chaired by chief district officer of Nepal and district magistrate of India along with other security heads of district level. Annually, the heads of SSB and APF have been arranging the meeting in scheduled time.

4.2.2 Use of Monitoring/ Surveillance Technologies

Border security is the prime important for every country. Traditional border surveillance and monitoring mechanism are not sufficient. Border patrol on foot /vehicle, observation post (static) need more security personnel and it's costly too. In this modern age, we need better surveillance and protection system. Manual monitoring of border is highly expensive. Along the Nepal-India border, no sufficient border surveillance devices are used. But endeavors for the same are being made. To monitor the Nepal- India borderlands, C.C. TV cameras are used at the major check points and somewhere metal detectors are also used. Security personnel are using binocular to keep an eye on the peoples' illegal movement. APF has been monitoring all the activities from the headquarters which is captured by C.C. TV cameras. Sniffing dogs are also used to identify illegal drugs, weapons at the border check points, whenever suspicion arises.

As border pillars are digitalized, there is no fear of missing the pillars because GIS system is used to find out the exact location of missing pillars. More than that

SSB and APF have established the help desk .The help desk has made easy to know the unnecessary harassment done to the people while crossing the borders. So that they could immediately address the problems of the people of the both countries. During the festival time, election time, peoples' movement is higher than the other normal period. At that time, the help desks are more active and have yielded good results.

Equally, APF personnel have been using Go- Pro camera to monitor the activities. APF had used Night Vision to keep eye on the movement of the border crossing people, particularly during the time of the widespread of Covid-19 (Corona Virus) triggered by the larger mobility of the people across Nepal-India borderlands. To prevent from the risk of spreading the virus, security forces from both the countries, along the Nepal –India border have been deployed in depth vigilance. There are four Integrated Check Posts proposed between Nepal and India. Locations of ICPs are Raxaul and Jogbani, Sunauli and Rupahidiya. ICPs are aimed to help for the easy and systematic supply of goods between the countries. It has helped to mitigate the leakage of revenue and encouraged to go on formal trade process.

However, from the Indian side, SSB is planning to install the infrared fencing or laser walls soon to control the cross- border criminal activities along Nepal India open border. First phase is planned at the Sunauli border, which is much security sensitive border and is misused for the purposes of smuggling narcotic, fake Indian currency and human trafficking. Sensors are planned to monitor the activities through satellite- based signal command system that will also have night and fog operability tools besides other latest features.

4.3 Role of Revenue and Custom Department of Nepal

As the result of the spread of the process of globalization, there have been a drastic increases in the rate of movement of people and goods, ultimately pushing

governments to restructure their border management system, to address the emerging new issue, so that the people travelling and the movement of goods could be done in more effective and efficient manner. Today, we are living in a modern society, where the scale, scope, and complexity of transformation to this extent, were not experienced before. Also, technology has and will continue to revolutionize the way we live, work and connect with one another facing new challenge. Thus, the new global context is critical for the cross-border movement of people and goods.

The rapid pace of globalization in recent years has reshaped international trade scenario and demands for innovative approaches with new policies and business practices related to movement of goods and people to remain competitive in this new global order. So, governments seeking to encourage the success of their citizen and business should consider some new and innovative measures for their frontiers, to which concept of “SMART Borders” have been suggested. It is a border security and management paradigm that can create safer, more standard and effective demarcations (Singh, 2019, p. 211).

"SMART borders for Seamless Trade, Travel and Transport" is the main theme of the World Custom Day, 2019. With this designated theme, it has been emphasized that customs undeniably play a pivotal role in facilitating trade and travel but, other agencies involved in movement of goods and people across the border are also responsible in this regard. Today's supply chains are incredibly complex, cross functional and even at the global level. Hence, it requires the combined effort and efficiency of a number of government agencies as well as other stakeholders including private parties and individuals. Integrated Check Post is more practiced in the foreign country. The ICP was purposed between Nepal and India in 2005.

Table 4.7**Purposed Integrated Check Post (ICP) in 2005**

S.N.	Name	Border	Location
1.	ICP Birjung (Raxaul)	Nepal India	Madhesh Pradesh (Parsa)- Bihar (East Champaran)
2.	ICP Biratnagar (Jogbani)	Nepal India	Koshi Pradesh (Morang)- Bihar(Arariya)
3.	ICP Bhairahawa (Sunauli)	Nepal India	Lumbini Pradesh (Rupandehi)- Uttara Pradesh (Aharajgunj
4.	ICP Neplagunj (Rupahidiya)	Nepal India	Lumbini Pradesh (Banke)- Uttar Pradesh (Bahraich)

Source- Custom Department of Nepal, Custom Smarika-2018

Among these four ICP, one of them is now in operation. The ICP is established at the Birjung- Raxaul. There are many more facilities like; custom checking room, weight machine, passenger terminal, custom laboratory, CCTV monitoring, inspection shed, custom security post, export and import warehouse, water and electricity facility, intermodal office, animal shed, charging station, cool house, animal plant and food quarantine, isolation bay and footpath, bank, first aid center, cargo terminal house, parking area and yard, immigration, common use area, firefighting system and canteen as well.

Working with other agencies at the borderland, customs play a central role in facilitating trade and travel, simplifying, standardizing and harmonizing border procedures and securing the border. “With the developing difficulties in the global

context, customs can not only complete the desired goal. So, it should take the principle role in coordinating with other border agencies to ease the flow of goods and people across the border” (Pokhrel, 2019, p. 13).

Since every country is facing the problem of illegal activities and illicit businesses at the border regions, it has directly or indirectly affected the internal production, supply management, market price, and revenue collection. Individual becomes rich but not the nation. It really engulfs the nation into the problem.

Department of Custom has prepared and implemented Custom reform and Modernization Strategies and Action Plan (CRMSAP), 2017- 2021 which has some strategies like; Strategy 1: Expedited legitimate Trade Facilitation, Strategy 2: Promoted Integrity and Good Governance, Strategy 3: Enhanced Customs Automation and Data Management, Strategy 4: Strengthened HR Management Capacity, Strategy 5: Developed Infrastructure and Physical Facilities, Strategy 6: Enhanced Passenger Clearance Services, Strategy 7: Fair and Accurate Revenue Collection, Strategy 8: Strengthened Compliance Management/ Voluntary Compliance, Strategy 9: Advanced Risk Management, Strategy 10: Protected Society/ Safety & Security and the last, Strategy 11: Streamlined Co-ordinated Border Management (CBM). To achieve the desired goal Custom Department of Nepal has also prepared the action plan. Strategies show that the open border has many security challenges unless the custom is reformed and modernized. Traditional and complicated custom checking and pass system can divert the people to smuggle the goods that is illegal but that is easy way.

Nepal government has established the Custom Offices at the major border routes. In Nepal the details of total custom offices are mentioned below.

Table 4.8
Custom Offices

Province	Main	Sub	Total
Koshi (ppsd)	5	30	35
Madhesh	8	25	33
Bagmati	3	-	3
Gandaki	2	1	3
Lumbini	6	14	20
Karnali	-	2	2
Sudur Paschim	4	12	15
Total	28	84	111

Source- Custom Department of Nepal, Custom Smarika-2018

There are 28 main customs offices along the Nepal India border but now 27 are in functional and one is closed. Similarly, there are 84 sub- custom offices and now 39 are functional and rest of 45 is closed. In general, sub custom offices are not properly functional. Therefore, not only the main custom offices but also the sub custom offices should be strengthened and make effectively functional.

APF, Nepal has also Revenue and Custom Security Companies and Revenue Leakage Control Companies which are supporting the customs offices and helping to control the revenue leakage. Now there are 11 Revenue and Custom Security Companies of APF, Nepal in the different parts of Nepal. Like; No. 8 Revenue and Custom Security Company, Jhapa, No. 9 Revenue and Custom Security Company, Morang, No. 13 Revenue and Custom Security Company, Mahottari, No. 14 Revenue and Custom Security Company, Parsa, No. 21 Revenue and Custom Security

Company, Rasuwa, No. 22 Revenue and Custom Security Company, Sindhupalchowk, No. 38 Revenue and Custom Security Company, Rupandehi, No. 39 Revenue and Custom Security Company, Kapilvastu, No. 40 Revenue and Custom Security Company, Banke, No. 53 Revenue and Custom Security Company, Kailali and No. 56 Revenue and Custom Security Company, Kanchanpur.

There are also 5 Revenue Leakage Control Companies in the different places of Nepal including; No. 12 Revenue Leakage Control Company, Sunsari, No. 17 Revenue Leakage Control Companies, Bara, No. 27 Revenue Leakage Control Companies, Lalitpur, No. 44 Revenue Leakage Control Companies, Rupandehi and No. 54 Revenue Leakage Control Companies, Banke.

The Revenue and Custom Security Companies are centered to the border areas and conducting patrolling along the Nepal- India border. They are collecting the secret information and transferring the head of custom office. Around the area of responsibility, they are identifying the main illegal entry points and establishing the post as per need. Coordinating with also other organization APF companies are seizing the illegal goods and smugglers to the custom office. Similarly, the companies coordinate with the counterparts and also submit the progress report to the head of custom office daily and monthly. In the same way, Revenue Leakage Control companies are working the under the direction of director of Revenue and Custom Directorate and the head of the underline regional office. The main task of the company is to give information regarding revenue leakage and help the investigation team deployed the regional office of revenue investigation to control and seize the illegal smuggling of goods.

BOP also plays the vital role to control the illegal business across the border. APF has also the Acton Plan to increase the revenue collection and control illegal

smuggling of goods and working as per the plan. APF has been mobilizing effective patrolling and vigorous checking at the probable smuggler routes, identifying the smugglers and trying to bring them in legal boundary. Monitoring on the border routes to control smuggling of small arms, helping quarantine office to control wildlife trafficking as per need, checking the illegal migration from outside the border, identifying the smuggling routes, mapping the location and informing the concerned agencies and establishing the post as per required. Similarly developing reliable source of information and co-coordinating counterparts as per need.

There are many causes of illegal business and illegal supply of goods across the border including poverty, lack of education, unemployment, open border, less activeness of local administration and border guarding force, poor condition of government offices, profession of border region people, quick earning attitude, Indian business policy, role of revenue investigation regional office, less effectiveness of custom revenue patrolling etc. Therefore, some illegal border business control mechanism can be applied effectively. Like, Awareness Program: The message should be transferred to the border people and make them aware that the illegal business destroy the national economy. National production, weaken the competitive market and the most important thing is that always keeps us dependent. Monitoring: The monitoring mechanism is not effective. Manual monitoring is not effective as digital. Therefore all the custom office should be digitalized. The office should be monitored through CCTV and watched from the head office. More than that systematic record keeping system should be applied. Now ICP is one of the best examples for better service, easy and systematic procedure of goods supply. Management of Reward Fund: Revenue leakage is possible at the border point if the officials are not highly motivated. Therefore, reward is one of the best ways to

motivate the official who work at the border point. Incentives: Incentive is another important aspect that makes border official loyal and disciplined. Nepal government is providing certain amount of incentives to the official of custom office but it should also be provided to the border guarding forces so that they become loyal discipline. To control the hole of revenue leakage incentive is also one of the best ways. No doubt custom department of Nepal has good action plan, strategies but implementation is weak. Therefore, plan implementation and effective monitoring system should be the prime concern for the government.

4.4 Border Security Policies; Strategy, Action Plan and Guidelines of Nepal

Government of Nepal has prepared Action Plan, Strategy and Guidelines for the effective border management. Under the Nepal Government Especially Home Ministry has a leading role. Under the line ministry the organizations have also prepared and implemented the border management/ security action plan. Accordance with that they are actively working but lack of resources the implementing part is weak.

Illegal Smuggling of Goods and Crime Control Strategy – 2013

The agencies under Nepal government are trying to control the cross border crimes. The lack of proper coordination and effective monitoring is the root cause of less effective cross border crime control mechanism. Objectives of the strategy are: to control the illegal crossing of goods., to identify the smugglers and bring them in the legal custody, to control the illegal activities and smuggling of small arms to strengthen the co- coordination mechanism among the agencies along the border region, to control the leakage of revenue and crimes and to maintain peace and security at the border region. Similarly, the strategies are; Increase patrolling the border region, make effective for co-ordination and monitoring mechanism, bring in

legal boundary to the smugglers and take action against them, conduct awareness /promotional program, make effective documentation and reporting system, make more effective to the co- ordination with the counterparts. Illegal smuggling is one of the major open border security challenges that this strategy focuses more on the issue. To achieve the objectives and effective implementation of strategies the following committees are formed.

Central Co-ordination Committee

Central co-ordination committee is formed under the chairmanship of sub-secretary of Home Ministry. Under his chairmanship, Sub secretary of Finance Ministry and Commerce and Supply Ministry are members. Similarly, Director General of Revenue Investigation Department, Custom Department, Money Laundering department are members and Deputy Inspector General of Nepal Police , Armed Police Force, Nepal and Investigation Director, National Investigation Department are also the members of the Committee and Under- Secretary of Home Ministry is Member secretary.

District Level Co- Ordination Committee

The District level co- ordination committee is formed in the following way: Chief District Officer is the chairperson, and the member are; Chief Investigation Officer (If NID regional office is at the district),Head, Custom office, Head, Internal Revenue Office, Head, Treasury and Account control office(If there is not Internal Revenue Office), Head, District Police, Head, APF, District level, Head, NID, District level, Head, Commercial Office and Assistant Chief District Officer is Member Secretary of the committee. After the implementation of the strategy Nepal government is expected remarkable achievement on controlling illegal smuggling of goods, small arms and other criminal activities and positive improvement in the revenue collection (MoHA, 2020).

Border Security Management Action Plan-2013

The Action Plan is prepared by the Armed Police Force to achieve the result oriented goal deploying effectively the APF dedicated border security units by controlling cross border illegal activities and keeping the border region peace and secured. The objectives are; 1) to accomplish apparently the given task utilizing the resource and manpower in maximum way to control the criminal activities along the border and for border security. 2) To manage and make fruitful to the security management regarding illegal activities and conduct according to the zero tolerance policy. 3) To develop understandable and perpetual co-operation regarding documentation of the border pillar and border encroachment and border security management. 4) To develop the feeling of peace and security along the border region. 5) To increase the revenue collection controlling effectively the illegal supply of the good across the border. 6) To keep the morale high of the armed police personnel on the occupational working style and professional mentality.

In the Action Plan it is clearly mentioned the role of APF Border Security Department, the duties and responsibilities of the units which are deployed at the border region especially Brigade headquarters and its commander, Border Security Battalions and its commander, proposed Border Security Companies and its commander, Border Out Post and its commander.

Revenue Custom and Industrial Security Guidelines- 2013

On the date of 26th July 2004, Ministry of Council decided to deploy fully the Armed Police Force on the major border points by the date of 16th November 2004. Similarly, it was recommended by the “Security Modernization High Level Task Force- 2008” that it would appropriate to deploy APF for the Industrial Security of

Nepal. On the date of 9th August 2009, Nepal government decided to form a separate Industrial Security Force. For the deployment and coordination the following committee is formed according to the guidelines.

Central Coordination Committee- Secretary, Finance Ministry- is Coordinator and members are; Secretary, Home Ministry, Secretary, Industrial Ministry, Inspector General of APF, Nepal and Sub- secretary, Revenue Management Division, Finance Ministry is Member Secretary.

Department Coordination Committee- Director, Revenue and Custom Department is Coordinator and members are; Under- Director, Custom Department, Deputy Inspector of General, APF, Nepal, Under- Secretary- Police and Border Administration, Under- Secretary, Revenue management Division, Finance Ministry and Director, appointed by the director of Revenue Investigation Department is Member Secretary.

Coordination Committee- Director, Department of Industry is Coordinator and members are; DIG, APF, Nepal, Under- Secretary, Police and Border Administration, Home Ministry, Under- Secretary, Revenue management division, Finance Ministry- member, Representative, Chamber of Commerce and Director, appointed by the director of Industrial Department is Member Secretary.

Local Smuggling Control Coordination Committee- Chief Custom Officer is Coordinator and the members are: Head, Internal revenue Office, Head, Revenue investigation regional Office, Company Commander, APF, Nepal, Representative Officer, District Administration Office, Representative Officer, District Police Office, Representative, District Chamber of Commerce and Custom officer, appointed by head of Custom Office is Member Secretary

The above mentioned coordination committees are formed and coordinating on the regular basis for effective implementation of the “Revenue Custom and Industrial Security Guidelines- 2070”. But on the ground the committees are not seen active as expected. Irresponsible remarks on the border issues and blaming one another is seen as one of the serious problem. Reporting of border issues are relayed in time but lack of grave attention of concerned authorities, decision is late. Until then it is too delay where many things are happened against the countries. A single organization is not the responsible related to border problems but the multiple agencies/ organizations which are working at the border region should be responsible and should take responsibility. Each and every organization/agency should be much aware of their duty and responsibility and work together to achieve their common goal.

4.5 Opportunities

In the world there are different kinds of the border management system. Specially three types of border are in practices: open, regulated and closed. Each border system also varies from one country to another on the basis of the priority, sensitivity and situation of the country. There are open border in the world like Nepal and India, Russia and Belarus, UK and Ireland, US and Canada. Having adopted the open border system, still the ways and means to control the border is different which is determined by the regime of the respective countries. There are some arguments regarding the border system of Nepal and India. On the one hand there are discrepancies over open border; while on the other hand, there are benefits/ opportunities of open border that cannot be ignored.

The negative aspects of the current open and unrestricted border system between Nepal and India that has created so many adverse impacts and it has emerged

many problems including trafficking of narcotic drugs, encroachment on the Nepalese culture and traditions, leakage in revenue collection, distribution of fake academic certificates, prevalence of anti-social activities, rape cases, construction of dams and embankment submerging the cross border terrorism, human trafficking illegal smuggling of goods, fake currency, murder, kidnapping, migration are some the major problems that the both countries are facing, despite of an unavoidable fact that open border has created many opportunities and benefits too. During the survey, the researcher asked various questions to the respondents regarding which border management system, they think, would be better for both Nepal and India.

Regarding the Nepal India border management system the 40 percent of KI put their opinions for closed border system that is very least percentage. Similarly 77.5 percent of KI put their opinions for controlled / regulated border system that is the highest percentage and 17.5 percent KI put their opinions for closed border system (Source: Researcher's Field Work, 2019). In general, it is found that the majority of respondents put their view for regulated border system. The border systems like open, regulated and control have their own advantages and in the same way disadvantages as well. It depends on the context of one country to another. Now here researcher tries to find the consequences of border systems of Nepal and India. Adopting all those three border systems what kind of consequences the system brings to Nepal, is analyzed below. On the basis of the research the following result is found.

Among the 40 KI, 50 percent of KI put their view that open border increase the security threats; 30 percent Ki put their view that open border increases dependency; 7.5 percent KI put their view that open border increases both dependency and security threats. Similarly, five percent put their view that it increases security threat as well as increase economic development and harmony, 2.5 percent

put their view that it increase economic development, 2.5 percent on behalf on economic development, increase dependency and security threats and 2.5 percent put their view that it brings economic development and in the same way the system increases the dependency as well. It is concluded that majority (50 percent) of KI put their opinion that open border causes security threats (Source: Researcher's Field Work, 2019). On the other hand, “In absence of extradition treaty open border was exploited as in the past for Pakistani terrorist hideout, Naga Indian separatist and Amit, the Indian underground kidney racketeer to cite a few. The illegal entrants from Bhutan, Tibet and Rohingyas of Myanmar could creep to Nepalese territory with ease that is a misfortune for the country. Logs of illegal sandalwood and quintals of smuggled gold; getting access to Nepal is of much concern, too. Despite these all if Nepal ignores the factual truth what is left doom” (Tamang, 2020, p. 3). Although, from the security point of view, open border increases security threats more than the other aspects.

Among the 40 KI, 32.5 percent of KI put their view that closed border increase the independency that means decreases the dependency, 25 percent analyzes that closed border creates negative impact on socio- cultural and religious relation, 15 percent put their opinion that it increases security threats and 10 percent put their view that closed border obstruct economic development of the country. Meanwhile, 10 percent put their view that closed border system increases independency as well as decreases security threats, 2.5 percent told that closed border causes mainly negative impact on socio- cultural and religious relations as well as that also decreases security threats, in the same way, 2.5 percent respondents suggest that the border system increases independency as well as decrease security threats and also 2.5 percent put their view that it impacts on socio- cultural and religious relations , increases

independency and decreases security threats (Source: Researcher's Field Work, 2019). There are many aspects and consequences of closed border. Nepal is closely tied culturally and socially with India. Free and unrestricted movement of people occurs on the daily basis for their social and cultural activities. On the other hand, people of both countries cross the border many times in a day for their daily labor. Economic dependency is one of the most important facts of Nepal and India. Closed border system really impacts on the several aspect of Nepal-Indian relation in short term; but in the long run, closed border creates the opportunity to the nation to be independent and self-sustained. Overall, closed border system increases the independency and self-reliance, while concurrently decreases the security threats.

Among the 40 KI in total 75 percent put their view that controlled border system decrease the security threat, 17.5 percent choose the controlled border system which creates negative impact on economic, socio-cultural and religious relation. Similarly, 2.5 percent KI put their view that increases the security threats. Rest of the five percent put their view that controlled border system decreases the security threats but impacts on economic, socio-cultural and religious relation (Source: Researcher's Field Work, 2019). Majority of the population put their opinion that controlled/regulated border system decreases the security threat of the nation.

After analyzing the above research data, the best border management system for Nepal and India is regulated border management system. But the existing border system of Nepal and India has tremendous opportunities. Whatever the relation between governments to government is, the relation between people to people of bordering regions is constant. There is harmony, brotherhood and mutual harmony among people. They have nothing to do with border demarcation. The people of border area do not feel uneasy and cautious when they are crossing the border. The

structures of house , the types of forest, the geography, the lifestyle, the language and the clothes they wear looks similar. No distinct physical appearance is seen there. The open border has made a very unique relation among the border people of both countries.

The borderlands between India and Nepal is a mutual security concern to both the countries, while simultaneously developing friendly relations between them. The unrestricted flow of people over the years has resulted in the dissemination of ideas, culture, and settlements of people in each other's territory. Religious places and institutions in both countries have played a very important role in strengthening the social and cultural relations between the two countries. Places like Pashupatinath, Lumbini, Janakpur, and Muktinath in Nepal and Kashi, Gaya, Rajgir, and Haridwar in India are pilgrimaged by people from both countries. One main factor that historically contributed to the strengthening of ties has been matrimonial alliances between the royal dynasties of Nepal and their Indian counterparts, which was pursued as a matter of policy. For example, both the queens of King Tribhuvan belonged to the royal families of India. Crown Princess Himani Rajya Laxmi Devi Shah also belongs to the royal family of Sikar, Rajasthan. Similarly, the first cousin of Mohun Shumsher Rana, former prime minister of Nepal, was married to Dr Karan Singh, son of Maharaja Hari Singh, of Kashmir. Also the widow of Madhav Rao Scindia is from Nepal. These alliances have been of fundamental social, cultural, and political significance. Marriages are not just restricted to the royal houses; common people also marry across the border. Cross-border marital ties confer many advantages, including legal title to property and a greater chance of obtaining dual citizenship.

The open border also has important economic implications for the two countries. One major aspect is the income that accrues to Nepal in the form of

salaries, remittances, and pensions from the Gurkhas recruited into the Indian army. As a part of the tripartite agreement among Nepal, India and the United Kingdom, Nepal allowed the recruitment of Gurkhas in the Indian army, because it faced the burden of rehabilitating 200,000 soldiers discharged from the British Indian army at the end of World War II. The Ranas, who then ruled Nepal, also feared that the well trained but unemployed Gurkhas might pose a threat to their rule. For India, the recruitment of the Gurkhas was a foreign policy tool to garner goodwill among the people of Nepal. The benefits of open border management system of Nepal are mentioned below in point wise.

1. Easy Access: The most positive aspect of open border system is the free movement of the people. People can cross the border without any checking and showing ID card. The people of border area cross several times in day for their household work and labor. Once the technological surveillance commences, it won't be easy to cross the border several times. It will definitely hinder their cross-border mobility.

2. Strengthening Relationship: People to people relation on the both sides has been maintained and strengthened due to free movement of people on either sides of the border. Each and every day they are participating in the cultural, social and religious activities. Therefore, open border has created the environment of strengthening the people to people relation.

3. Rescue Operation: Prompt services have been offered and provided on either side during calamities and disasters. If any disaster occurs on the either side the people of border area cross the border and help the people as their neighbor. Because of the open border privilege, it has been possible.

4. Health Service: People of both sides are checking and treating their health wherever hospital facilities are available nearer to the border either Nepal or India side. When there is an epidemic, health services can be offered from both the sides.

5. Labor Supply: When there is a shortage of local labor in one side it can be supplied instantly from other side.

6. Prompt Supply of Food Grains and Daily Stuff: Unrestricted border has made comfortable for the prompt supply of food grains and daily food stuffs from either side of the territory, where there are shortages. Open border has also economically benefited the inhabitants of both sides of the border from the sell and purchase of livestock products, vegetables and daily kitchen stuff in *Hat Bazars* (open-roof markets) taking place regularly in various days a week in different parts on either side.

Although the research shows that the open border increases the security threat, it has created more discrepancies than the benefits but open borders advocates argue that free migration is one of the best ways to minimize world poverty. Migrants from developing countries can earn higher wages after moving to a more developed country. They send remittances to relatives in their home country; the flow of remittances increases the life style of the country as well as GDP (Gross Domestic Product). At the same time that decreases the burden of unemployment number in the country that government should address. From a human rights perspective, free migration may be seen to complement Article 13 of the Universal Declaration on Human Rights: (1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country.

Shrestha, border expert of Nepal, mentions in his writing that American bioethicist Appel has argued that "treating human beings differently, simply because they were born on the opposite side of a national boundary," is inherently unethical. According to Appel, such "birthrights" are only defensible if they serve "useful and

meaningful social purposes" (such as inheritance rights, which encourage mothers and fathers to work and save for their children), but the "birthright of nationality" does not do so. Economist and writer Legrain argues that the countries of the world need migration to help global trade and reduce the occurrence of regional wars. Open borders cannot be dismissed as a utopian idea, argues Herald Bauder because they do not propose an alternative way to organize human society but rather are a critique of closed or controlled borders. This critique, however, invites the search for practical as well as radical solutions to the problematic consequences of contemporary migration practices, including the deaths of migrants in the Mediterranean Sea, the US-Mexico border, and elsewhere.

Restrictions on mobility can only be justified if it can be shown that those restrictions prevent significant harm. Since research indicates that open borders will be better for both the natives and the migrants, and at the very least have not been shown to cause major harm, those restrictions are unjustified. Immigrants are entrepreneurial with high labor force participation and have specialized skills giving them the opportunity to enter underserved markets and create businesses, increasing the number of jobs available in America. Author Thomas E. Lehman has written articles on the controversial topic of opening America's borders. In his article "The Benefits of Open Immigration" Lehman states that it is often thought that the policy of open immigration would lead to immigrants willing to work for less pay.

According to some estimates, Nepal receives Rs. 100 million annually as foreign exchange from the Indian army. Moreover, those engaged in agricultural pursuits have benefited by the sale and purchase of agricultural products, livestock, and implements from markets located on either side of the border. The rapid urbanization of the Terai region has opened up economic opportunities for the

inhabitants of the border regions, as people from both the countries can cross the border and work in each other's country. Nepal is a landlocked country get indirect access to sea through India. Most of its imports pass through India. India is also Nepal's biggest trading partner. India's share in Nepal's total foreign trade is 64.6 percent, amounting to 102.59 billion Nepalese rupees (NR). Nepal's imports from other countries, which transit through India, are to the tune of NR 42.57 billion. It is in recognition of these factors that India has granted 15 transit routes and 22 trading points for Nepal along their border. India is also interested in accessing Nepal's growing consumer market. Indian merchants and entrepreneurs have invested heavily in Nepal, which offers them cheap labor and tax breaks for setting up joint ventures. There are over 265 approved Indian joint ventures in Nepal accounting for over 35 percent of the Foreign Direct Investment (FDI) inflows. Most of these investments are in the telecom, food-processing, tourism, cosmetics, and pharmaceutical sectors. For instance, Indian telecom companies have recently invested Rs. 100 core in Nepal.

The economic, cultural, religious, social and geographical relation between Nepal and India is very unique. The open border is fostering the relation between the people of Nepal and India on the different aspects. There is no denying the fact that an open border has been a great facilitator of strong and unique bilateral relations

CHAPTER- FIVE

SECURITY CHALLENGES OF NEPAL INDIA OPEN BORDER

The fundamental concept of security is constructed around the concept of national sovereignty from the very start and it has been always state centric, privileging the instruments and agents of the state, and simultaneously carrying forward the principles of state sovereignty as first articulated in the Treaty of Westphalia in 1648. “The UN principles for security were initially focused on ways in which the structures and practices of the modern state might address threats to its sovereignty. These threats encompassed compromises to territorial integrity, issues surrounding political stability, military and defense arrangements, and economic and financial activities” (Gospel, undated, p. 1).

In general, security means the state of being free from danger or threat or the state of being secure, such as freedom from danger, safety, freedom from fear or anxiety, freedom from the prospect of being laid off, job security. Fundamentally speaking, Human security and National Security are interconnected and interwoven. But this research is centered on national security, whose highest order of business is the protection of the nation and its people from internal and external threats by maintaining, upgrading, and strengthening armed forces and safeguarding state secrets.

After the Cold War, the small states of South Asian countries have become the center for external actors, because of ideological collision among the states and lack of regional integrity. “The proliferation of nuclear and small arms, Islamic fundamentalism, armed conflicts, secessionist tendencies and political transformation have become rudiment in the world. And the emergence of brutal terrorist organization, ISIS, which practices new measures to attack and terrorize the people,

has created a situation of vulnerability for the small and developing countries” (Pandit, 2019, p. 4). Border security is such a challenge that every country is facing more or less. The security challenges may differ from one country to another. Some challenges have been existing since long time and some have been arising at present. In the same way, Nepal India open border has also faced assorted security challenges that are discussed below.

5.1 Prevailing Security Challenges

Nepal India borderlands have been open and porous since centuries. The relation between Nepal and India is driven by multiple interests. They have not only a good economic relationship, but also socio- cultural, ethnic, political, and geographical and security relation. Because of these relations, thousands of people cross the border every day without security checking and screening. There are no records of the people crossing the border every day. People cross the border for various reasons. Some people may cross the border with the erroneous interest and some are not. In the present situation, people from any third country may conduct anti-national activities misusing such open and porous border. There are less security vigilance and less cross border monitoring devices. Therefore, the security threats in Nepal India borderlands are growing in a more sensitive manner. The ratio of illegal smuggling, human trafficking, cross border crime murder cases etc. are increasing across the open border. Here, these security challenges are thoroughly studied below.

5.1.1 Human Trafficking

As an organized crime, human trafficking is a matter of global concern. It is considered as the third largest form of organized crime against humanity after drugs and arms trafficking (US Department of State, 2015). “Trafficking in Person’ shall mean the enrollment, transportation, transfer, sheltering or receipt of persons, by

means of warning or use of force or other forms of compulsion, of abduction, of fraud of deception, of the misuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to attain the consent of a person having control over another person, for the purpose of exploitation” (UN trafficking Protocol, 2000 p. 2). South Asia has seen the most vulnerable region for human trafficking because of its huge population, growing urbanization and relatively high poverty rate. As per the estimates of UN, south Asia has the second largest number of internationally trafficked persons in the world where between 150,000-200,000 people are trafficked every year (UNDP, 2007). “According to the World Bank, there are 500 million people under the poverty line in South Asia” (Lepcha, 2017, p.6).

“The 2019 Report on trafficking in persons has stated that approximately 24.9 million people are living under slavery all over the world. The market of trafficking is making an annual profit of about \$ 32 billion, through organizing all the transportation and supply” (Kumar, 2019, p. 5). On 5 August 2019 NHRC Nepal released its annual report on the issue of human trafficking and informed that the total number of Nepalese which trafficked last year from Nepal is about 35,000 and out of total 35,000 estimated trafficked Nepalese victims, 15000 men, 15000 women and 5000 are children. This report shows that 1.5 million Nepali are vulnerable to trafficking.

The Ministry of Home Affairs (MoHA), Ministry of Women and Child Development (MWCD), National Human Right Commission (NHRM) of India, National Commission for Women (NCW), Anti- Human Trafficking Units (AHTU) etc. is some of the institutional frameworks that address the issue of human trafficking in India. Similarly, Nepal has also created several national legal frameworks to deal with human trafficking like Muluki Ain (General Code) 1963, the Bonded Labor

(Prohibition) Act of 2002, and the Human trafficking and Transportation (control) Rules of 2015 etc. Government of Nepal also made improvements in its efforts to prevent human trafficking, however the anti- trafficking structures were not fully effective and trafficking victims did not receive sufficient support from the government. Some of the well-known non- governmental agencies of Nepal including Maiti Nepal, KIN Nepal, Sunita Foundation etc. are working at the grass root level. These organizations are working very effectively and actively. Most of the government agencies are dependent on NGOs data regarding human trafficking.

There is a greater shift in trafficking dynamics in Nepal in the present days. In the past, Nepal was mostly a source country for trafficking of children and women for the purpose of prostitution to India. Now, Nepal has emerged as one of the source-transit-destination country of trafficking. Not only trafficking of women and children are subjected trafficking but increasingly men are also subjected to trafficking for forced labor. Broadly, three types of trafficking has been appeared: cross-border (to India), cross-border (to outside of India and mostly to the Gulf countries) and internal trafficking. Unlike in the past, where more children were reported to have been trafficked for circus performance in India, now more girls are trafficked to Bihar and Utter Pradesh for orchestra dance mostly from the border area and some few from India to Nepal as well. The trafficking of girls/women to South Korea, China and other countries for marriage is also obvious. The trafficking of girls/women for dance, performing erotic performances, involvement in production of pornography in night clubs and other so called entertainment sectors in African countries. Trafficking in Persons (TIP) in Kenya, Tanzania and South Africa is also reported. Further, the trafficking in the name of performing cultural programs, study, family visits, and medical treatment is also the emerging trends/ dynamics of trafficking phenomenon in Nepal.

The Government of Nepal (Work Division) Rules 2012 planned the division of work among the Ministries. Many of the responsibilities of the Ministries/Departments are directly or indirectly related to prevent and combat human trafficking. The activities and programs conducted by different Ministries and Departments have been discussed by referring to the Economic Survey Fiscal Year 2016/17 (MoFA, 2017), annual progress reports of the concerned Ministries and Departments. Although Nepal has applied a federal structure and local governments and provincial governments have already been formed, their actions and programs are yet to be replicated in the national accounting system such as by the Economic Survey of Ministry of Finance, and hence it was not possible to assess any anti-trafficking initiatives being carried out by the local governments and provincial governments of Nepal in the National Report.

Scholarship provisions to the children of disadvantaged families such as Dalit, Janajati and children from Karnali Zone are directly related for the prevention of trafficking of children from the underprivileged communities. A total of Rs. 2.05 billion was distributed as scholarship program in the first eight months of FY 2016/17 to school children of Martyrs, conflict victims, Dalit, marginalized and endangered ethnic people. The aim of the scholarship provision is to magnify equitable access to education. Integrated Services to the Victims of the GBV Including Medical Treatment under the MoHP, One-stop Crisis Management Centers (OCMCs) have been constituted in 29 hospitals across the country aiming to provide the integrated services to the victims of the GBV. The specific mandates of the OCMC are to treat survivors' physical and mental health necessities, provide psycho-social counseling, deliver legal advice and support through district attorneys and legal counselors, arrange for survivors to safe shelter homes, work with the police and district administration offices to provide security to survivors and help rehabilitate survivors by providing further counseling..

Women Empowerment Related Programs – Under the Ministry of MoWCSC, the following programs were conducted in the FY 2016/17. The Government of Nepal has become more aware of the Gender Responsive Budget Principle. The share of the gender responsive budget increased from 11.3 percent to total budget in the FY 2007/08 to 23.1 percent in FY 2016/17. The share of budget indirectly allocated to women sector was 48 percent of total budget. A total of 104 community service centers are in operation in various 17 districts in order to rescue, protect and rehabilitate the women suffered from domestic violence and the Centers operate under the Department of Women and Children (DWC) and District Women and Children Office (DWCO). With the programs being functioned in integrated manner from women institutions aiming children at critical situation and girls outside school, this has helped in empowerment.

To control the human trafficking issue, Poverty Alleviation Related Program - Poverty Alleviation Fund (PAF) has been established under the Prime Minister Office of Nepal. Through the PAF's program, the Government, in FY 2016/17, introduced launching of poor household identification program through the application of proxy means test (PMT) method of poverty measuring indicator.

The most relevant child related programs for prevention and combating of trafficking are the programs related to formation and mobilization of child clubs, operation of child help lines and operation of the Child Care Homes. Child clubs are established on both schools and communities. The formation of child clubs has been increasing over the past few years. More child clubs were added in districts like Dolakha, Kavre, Kaski, Dhading, Ramechhap, Gorkha, Lalitpur, Kathmandu, Sindhuli, Nuwakot, Kanchanpur, Bhaktapur and Chitwan in FY 2016/017 compared to earlier year. Child clubs have become the key agents for the stoppage of child trafficking. They carry out awareness programs on various sectors like; birth registration, school enrollment, reduction in child labor, child participation, and

awareness against child marriage. Bal Balika Khoja Talas Kendra (free call- 104) is located in Kathmandu and was established in 2010 in collaboration with the MoWCSC, Nepal Police and CCWB.

Different NGOs like CWIN Nepal, NESPEC, Diyalo Nepal, and Aawaj have been running Child Help Lines in 11 districts; Kathmandu, Makwanpur, Chitwan, Kaski, Morang, Udayapur, Lamjung, Rupandehi, Banke, Surkhet, Kailali and Sunsari. The Helpline has been conducting emergency rescue, relief, psychological counseling, family reunion, reunification and rehabilitation.

The government of Nepal has been providing child targeted social benefits directly or indirectly in cash or various forms of services. The direct welfares include child nutrition, cash grant, free health services and health insurance, free text book and free education to children, different forms of scholarship to various groups of children. Data shows that under the 'Scholarship and Text book for Education' the total amount of Rs. 431 million was expended in the FY 2016/17 from which 427,420 children from the Dalits and disabled children were benefitted.

Role of APF Nepal and Nepal Police

APF, Nepal is deployed at the Nepal India border region. BOPs are established to vigil the open border. APF, Nepal is working to control human trafficking at the border region coordinating with other agencies like Maiti Nepal, KIN Nepal and also Nepal Police. APF, Nepal has also arrested human traffickers from the different places of Nepal India borderlands. APF, Nepal also rescues the victims and handovers to the respective agencies. In the same way the Nepal Police has also arrested human traffickers and rescued the victims from the different places of Nepal with the support of APF, Nepal coordinating with other agencies.

The Nepal Police is one of the key sources for recording and registering for the human trafficking cases in Nepal. The data have been analyzed below.

Table- 5.1

**The Number of Trafficking Cases Registered in Nepal Police by Provinces, FY
2016/17 and FY 2017/18**

Province	2016/17		2017/18	
	Number	percentage	Number	percentage
Koshi (ppsd)	29	12.8	51	16.7
Madhes	17	7.5	31	7.5
Bagmati	76	33.5	102	33.4
Gandaki	24	10.6	6	2.0
Lumbini	59	26.0	91	29.8
Karnali	3	1.3	6	2.0
Sudur Paschim	19	8.4	26	8.5
Total	227	100.0	305	100.0

National Human Rights Commission (NHRC), National Report, 2018.

According to the Women and Children Service Directorate (WCSD), the Nepal Police registered 227 trafficking cases in the FY 2016/17 and 305 cases were registered in the FY 2017/18. The highest number of trafficking cases were registered in the Bagmati Province (n=76) and lowest in Karnali Province (n= 3) in the FY 2016/17. Likewise, in the FY 2017/18, highest trafficking cases were registered in Bagmati Province (n= 102) and lowest in Karnali and Gandaki (n= 2).

Table 5.2

**Number of Trafficking Cases, Traffickers Arrested and Victims Rescued along
Nepal- India Border, 2012-2017**

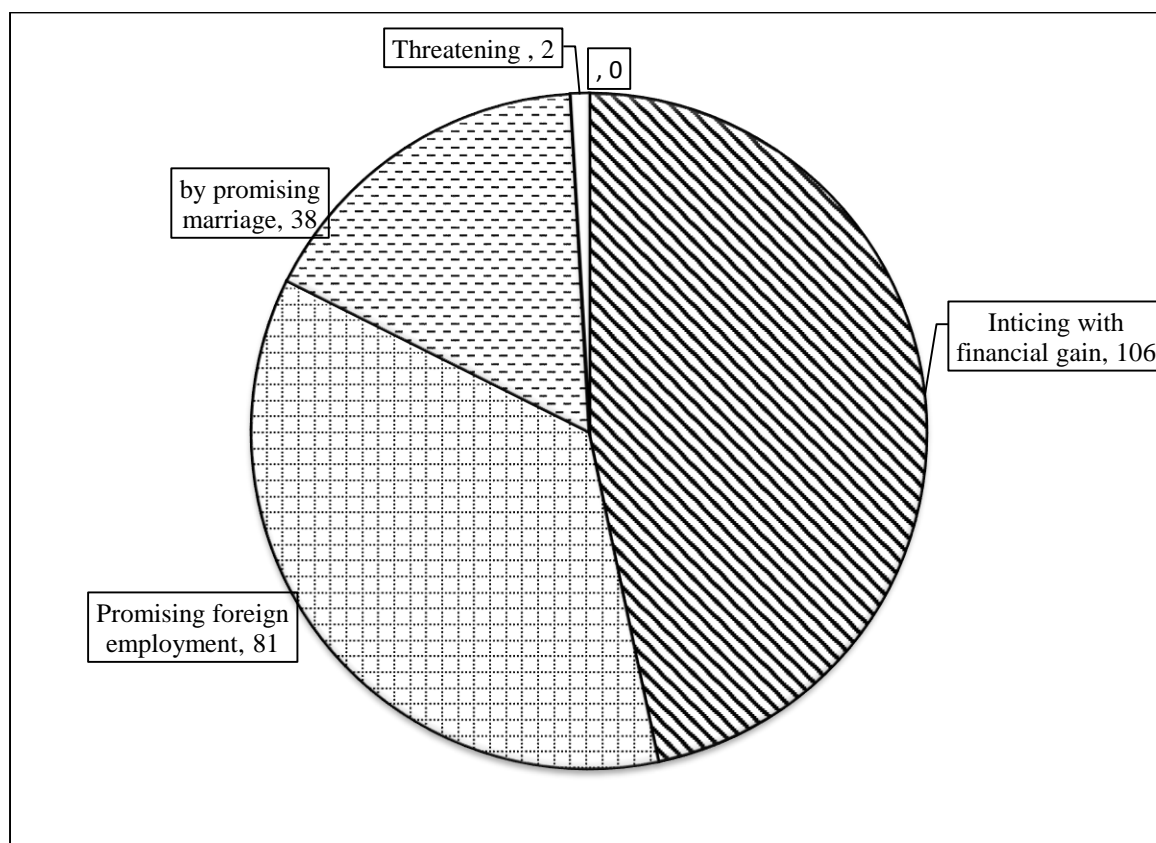
Year	Cases	Traffickers Apprehended	Victims Rescued	Percent Increase with 2012 as Constant= 1.
2012	8	7	72	1.0
2013	14	19	108	1.5
2014	8	8	133	1.8
2015	73	102	336	4.7
2016	76	148	501	7.0
2017	147	154	607	8.4
2018 (Till February)	28	40	94	

National Human Rights Commission (NHRC), National Report, 2018.

Analyzing the table above, we find that the cases have been increasing upward in the 5 years except a year in 2014. Similarly, the cases of traffickers' apprehension also increased except a year in 2014 but the rate of the cases is dramatically high from 2014 onward. The ratio of the rescued victims is also in the upward line. According to the report published by the 2018 National Human Rights Commission on human trafficking; more than 2,800 children are sold across the border every year to work in the entertainment industry. Among them, the children who are enslaved by the circus troupes are sold to middle men or human traffickers by their own parents, who are themselves crushed under poverty”(*The Kathmandu Post*, 2019 Aug 27, p. 2)

Figure 5.1

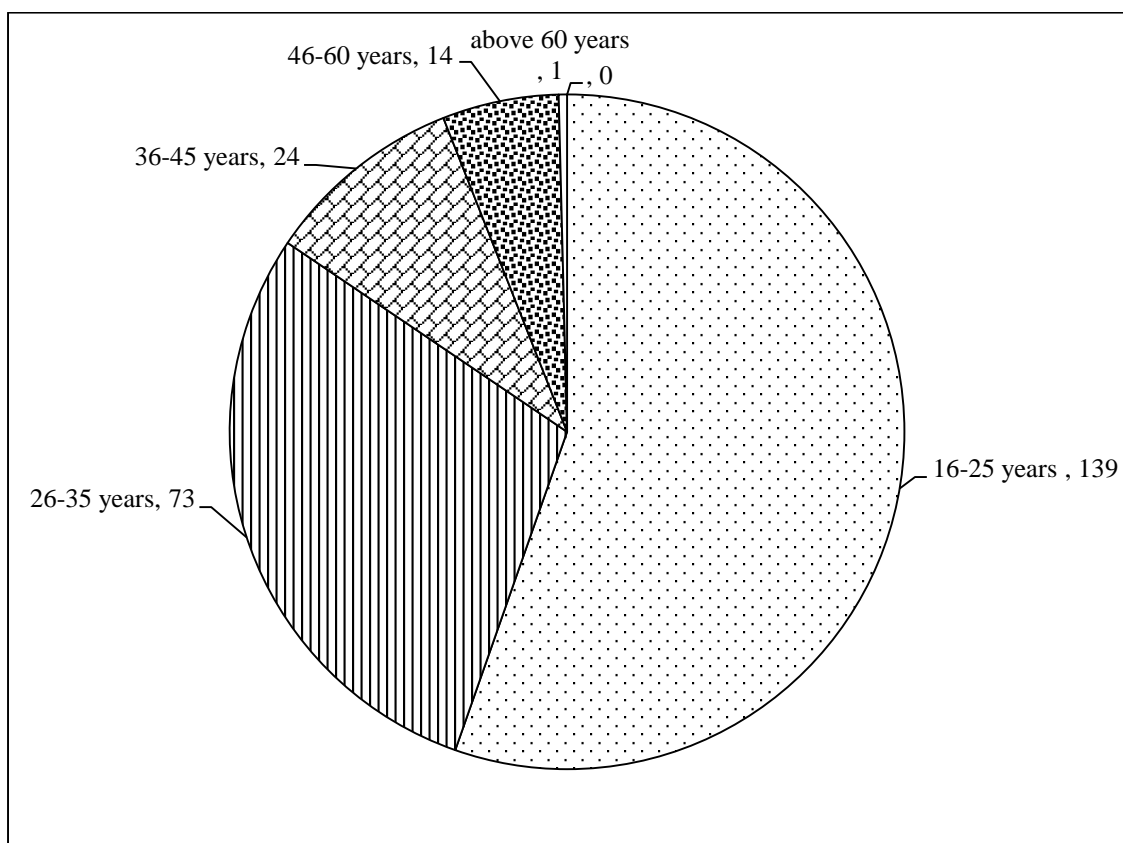
Human Trafficking in FY 2016/2017 Modus Operandi



Taking the record from the CID magazine Annual Publication of Nepal Police, in total 227 cases of human trafficking in the FY 2073/74 are recorded. According to the modus operandi, among the 227 cases, 81 cases are registered as promising foreign employment. Two cases by threatening, 38 cases by promising marriage and 106 cases by enticing with financial gain have been recorded.

Figure 5.2

Age of Victims



CID Magazine, Annual Publication, 2017

On the basis of age victim, above 60 years just 1 case and from 46 to 60 years, 14 cases have been recorded. Similarly, the age group between 36 to 45, 24 cases are registered from the age between 26 to 35, there are 73 cases are registered, from 16 to 25, there is 139 cases and below the age up to 16, and 25 cases of human trafficking are in record. Not only in India but also in China, there are some records of human

trafficking. “On 30 August 2019, four Chinese people were arrested by the Anti-Trafficking Bureau of the Nepal Police for their alleged involvement in trafficking Nepali women to China” (Dhungana, 2019. p. 4).

SSB, Human Trafficking, A Vision Document

Human trafficking is an increasing organized crime, which ensures a high amount of profitability for the traffickers as right from the day a victim is picked up, money starts coming by selling and re-selling before reaching the final destination.

Combating and preventing human trafficking requires holistic approach by all stakeholders and integrated action on prosecution, prevention and protection. The SSB has been assigned mandate to guard the India Nepal and India Bhutan borders and to keep vigil to check all the forms of anti-national-social activities that becomes the lead agency to take on this challenge too. Human Trafficking from across the border, particularly from Nepal has become a growing menace over the years. Cross border trafficking from neighboring countries such as Nepal, Bhutan and Bangladesh has been a matter of great concern for the Government of India.

Trafficking from Nepal:

As far as cross border trafficking from Nepal to India, it has become a big challenge to the governments and the law enforcement agencies and social activists. Although migration does not necessarily lead to trafficking, it can build conditions which make more vulnerable to being trafficked. Under the 1950 Treaty with India, the citizens of both countries are guaranteed equal treatment, including the same privileges in the matter of residence, participation in trade and commerce. This means in practical there is no immigration control for Nepalese travelling or migrating to India, and vice versa, hence no records are maintained.

The most vulnerable groups in Nepal include; migrant workers and their families (mainly women and children), women and children from illiterate

households, bonded and forced laborers such as Haliya and Haruwa, endangered and highly marginalized indigenous groups, rural landless and land poor households, Dalit, religious minorities, people with disability, urban slum dwellers, conflict affected and missing persons' families and people living in the lowest performance districts in term of human development and those residing in a place/area vulnerable to climate change and natural disasters.

Supply Factor:

Poverty- The trafficking of young girls and women from Nepal connected to the low cultural and economic status of Nepali women and girl. According to the UN classification on the status of women in Nepal, the country was shown as a strictly patriarchal society, and in almost all phases of life, women have been commonly subordinate to men in the context of their access to knowledge, economic resources, political power and their personal independence in the process of decision making.

Open border: The open border between Nepal and India was designed to facilitate trade and transit between the two countries but now it merely enables traffickers to easily transport the victims from Nepal to India.

The Demand Factor:

The demand factors are recognized as follows: changes in the informal economies of countries, growing connection of criminal groups and illegal activities in the sector, globalization, migration, and development; better transportation and communication; internet, cell phones, etc., increased the demand for cheap labor and sex with children. Children who are generally obliged to provide their services at quite cheaper wages are always a profitable bargain for traffickers as they are often unaware of their rights or are powerless to seek assistance.

SSB's Efforts in Checking Human Trafficking

SSB has established a number of borders out posts with several check posts on the borders which keep constant vigil on any illegal or trans-border criminal activities. Flow of human trafficking from Nepal to India is high which has created the border as a porous one. To keep a check on this migration/movement has become a great challenge for SSB.

The Force has taken up various preventive and counteractive measures to detain the traffickers, keep a watch on the movement of victims, coordination with other law enforcement agencies and local administration in both the countries and post rescue operations with local NGOs. At the same time several awareness programs have been carried out among local population and seminars/workshops which have been organized even up to the ground level. From SSB's point of view, the gravest challenge which emanates is from the the 'Siliguri Corridor' or 'Chicken neck' in Siliguri Frontier. This part is the tri-junction of Nepal, Bhutan and Bangladesh and is the 'Gateway to the North East of India' and have become the fertile land for human trafficking. Ten border districts such as Darjeeling, Jalpaiguri, Alipurduar, Coochbehar, North 24 Parganas, Nadia and Malda etc are considered to be highly trafficking prone areas in West Bengal. (SSB, Human Trafficking, A vision Document. 2019, pp. 1-40).

The Government of India has taken various actions to Combat Trafficking and Commercial Sexual Exploitation of Women and Children. The specific interventions of the Indian Government in the area of trafficking have involved various departments and agencies, and have dovetailed with other interventions intended to ensure the protection of girl children in the country, including in the areas of labor and education. According to the United Nations Office on Drugs and Crime, the Indian Ministry of Home Affairs has initiated a comprehensive four-year anti trafficking

scheme focusing on two key areas as the development of a cadre of master trainers through training of trainers of the police and the establishment of Anti Human Trafficking Units across the country. There are task forces within local law enforcement agencies, which are composed of specially trained officers responsible for human trafficking investigations. Trafficking in Human Beings or Persons is prohibited under the Constitution of India under Article 23 (1). The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the premier legislation for prevention of trafficking for commercial sexual exploitation. Criminal Law (Amendment) Act 2013 has come into force where in Section 370 of the Indian Penal Code has been substituted with Section 370 and 370A IPC which provide for comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude, or the forced removal of organs.

MAITI Nepal

MAITI Nepal was born out of a crusade to protect Nepali girls and women from the crimes like domestic violence, trafficking for flesh trade, child prostitution, child labor and various forms of exploitation and torture. Maiti's focus has always been on prevention of girl trafficking, a burning issue for Nepal. Trained to develop income-generation skills and provided Maiti's shelter until they are ready to stand on their feet.

Maiti Nepal is just such a refuge for Nepali women who every year find themselves trafficked, exploited or abused or who have their rights denied. Founded in 1993 and headquartered in Kathmandu, this non-profit, secular organization works to protect vulnerable individuals, rescue victims and improve their lives, promote child and women's rights, and ultimately to end trafficking altogether through four

key activity sectors: prevention, advocacy, rescue, and rehabilitation. In its efforts, Maiti Nepal seeks to build awareness and secure the cooperation of school and college students, parliamentarians, law enforcement agencies and organizations in Nepal as well as their counterparts in India.

Maiti Nepal has a vision to make a society free of the sexual and other forms of exploitation of children and women. Similarly it has also a special mission to combat exploitation, violence, and trafficking of children and women through comprehensive prevention and rehabilitation programs promoting education, empowerment, health, and social inclusion. It was registered in 1993, under the article 4 of the Institutional Registration Act of 1977. It is affiliated to Social Welfare Council, Government of Nepal. Regarding infrastructure; three prevention homes, 12 transit homes, two rehabilitation homes, and two hospices, one half way home, three Information and Counseling center are established across the country.

Table 5.3
Annual Statistics

Total Interception	3,202
Migrants informed at the border	152,328
Victim rescued	250
Human trafficking cases initiated	34
Women trained at prevention homes	10
Women trained at rehabilitation home	40+
Missing/ Found	2,389/1,220
Legal support	4,764

Source- Annual Report 2018, Maiti Nepal, Page- 4

The report also shows human trafficking as one of the serious issue that government should take into consideration. Many unreported cases are there regarding human trafficking. NGOs/ INGOs have also been playing pivotal role to prevent the human trafficking along with the government mechanism.

Table 5.4

Statistical Data of Trafficking Survivors

S.N.	Name of City and Country from Where Girls were Rescued	Number of Trafficked Girl Rescued
1.	Delhi, India	27
2.	Mumbai, Maharashtra, India	03
3.	Kerung, China	01
4.	Kurdistan	01
	Total-	32

Source- Annual Report 2018, Maiti Nepal, Page- 3

The Program Areas of Maiti Nepal are; Transit homes, Prevention Home, Rehabilitation Home, Hospice, Community Outreach Programs, and Safe Migration Centre are the program area of Maiti Nepal. Maiti Nepal is operating Information Desk at different area of Nepal; at Tribhuvan International Airport, Kathmandu, department of passport at ministry of foreign affairs; passport section of district administration office Bhairahawa, Rupandehi district, Chandragadhi, Jhapa district, Dhulikhel, Kavrepalanchowk district, Urlabari, Morang district Urlabari, Morang district and Hetauda, Makawanpur district.

Rescued girls are housed in transit homes, located in the border towns of Kakarvitta, Pashupatinagar Biratnagar, Birgunj, Thori, Mahespur, Bhairawaha, Nepalgunj, Dhangadi, Mahendranagar and Guleria where a little vigilance can have significant payoffs.

Transit home provides safe shelter, as well as counseling, medical check-ups, non-formal education classes to rescued girls, trace parents or guardians and arrange reunions, identifies and files criminal cases against traffickers and works with the police to intercept potential victims and apprehend criminals. Rescued girls have formed surveillance teams, which have been instrumental in helping the police, identify criminals and have served as a major deterrent to trafficking. They also raise public awareness and mobilize the concerned citizens to fight against trafficking. Requests for help to locate missing girls, rescue girls from brothels and provide legal advice in cases of domestic violence and polygamy number about six or seven every week in each transit house.

Maiti Nepal is also playing an important role to control the human trafficking along the Nepal- India border. There is regular co- ordination of Maiti Nepal with the Nepal police as well as APF, Nepal at the border region. Anuradha Koirala, the director of the institution is also a renowned person. Her intensive and tireless effort made her CNN hero in 2010.

KIN Nepal

KI (KIN) Nepal is a national level not-profit non-governmental organization (NGO), was established in 2008 in Lalitpur District Administration Office, with the aim to end human trafficking in Nepal by transforming broken individuals and strengthening communities, enhancing and ensuring their human rights, justice and self-dignity. KI Nepal is all set to transform the lives of broken and rescued young women/girls and their communities physically and morally, through rescue and rehabilitation, counseling, capacity building, empowerment and community reintegration. With this strategy, KI Nepal seeks to prioritize its program activities on

Prevention, Protection and Prosecution along with improving coordination, alliance building and advocacy against human trafficking in Nepal. The NGO is also deployed at the border region collaborating with security agencies and other NGOs.

The problem of human trafficking is very complex. Use of high- tech and social media made trafficking so advance, that's why many of the traffickers are also not able to traceable by the different agencies. In Nepal, NGOs and INGOs are increasing but the rate of human trafficking is also increasing. Therefore the coordination between government agencies and NGOs/ INGOs is lacking. INGOs and NGOs are doing more in paper work than result oriented.

Challenges, Barriers and Gaps

A new trend of human trafficking is increasing in Nepal, including fake cross border marriage, attraction towards Bollywood, and fake higher studies agencies etc. Trafficking remains rampant in different districts in Nepal including Nuwakot, Sindhupalchowk, Butwal and Dhading. According to the NGOs, out of 77 districts, more than 25 districts are facing the problem of human trafficking. Therefore, a single institution cannot eradicate or control the human trafficking. The sound network among the agencies which are working for controlling human trafficking should have been established. The integrated plan and joint effort can control the challenge. Still we have many challenges, barrier and gaps. Agencies which are combating against human trafficking need to work jointly at every level. Lack of awareness is another major gap. Victim identification is another challenge. In the same way, insensitiveness in treating 'victim' as 'offender', lack of proper data base of information, lack of training to the police personnel, delay in justice delivery are the challenges , which are really obstructing to combat human trafficking.

5.1.2 Illegal Smuggling of Goods, wildlife, Small Arms, Gold, Narcotic Drugs, Fake Currency etc.

Research conducted by the Department of Custom of Nepal in 2007 shows that average daily two ways flow of the people across India Nepal is 13,283 whereas daily smuggling legal/illegal cost NRs. 44,600,000. It has estimated that annual stolen and smuggled materials cost thirteen billion eighty-one cores rupees (NRs 13,810,000,000). It indicates at the demand side as the supply side of the goods is illegally smuggled through the land route. On the other hand, illegal goods are smuggled in both sides depending on their market and opportunities for vested interests. Organized crime is more organized than the state. Organized crimes strengthen their networks in Indo-Nepal bordering regions for operating drug cultivation and trafficking, gold smuggling, trafficking of counterfeit notes, human trafficking, Convention on International Trade in Endangered Species (CITES) crimes (Wildlife crime), and smuggling of goods by illegal channels.

Table 5.5

Filed Cases of Organized and Economic Crimes in Nepal Police

Fiscal Year	No. of Cases
2014/15	3189
2015/16	3723
2016/17	3593
2017/18	4656

Source: Nepal Police, 2018

The no of cases of organized and economic crimes is in the increasing way. On the FY 2014/15 no. of cases are 3,189. Similarly, next fiscal year, no. of cases are

increased with 534 and reached 3,723. In the FY 2015/16 no of cases are lower than the previous FY with 130 cases. But the next FY the number of cases are increased very high with 1093 and reached 4656 cases. The data shows that the organized and economic crimes are in the increasing way that the root cause is open and porous border of Nepal and India.

Table 5.6
Seized Smuggled Gold in Nepal

Fiscal Year	Seized Gold (kg)
2014/15	111.44
2015/16	68.50
2016/17	91.38
2017/18	178.12

Source: Nepal Police, 2018.

In the FY 2014/15 the seized gold is 111.44 kg by the Nepal Police. Similarly, in the next FY Nepal Police seized 68.50 kg. On the FY 2016/2017, 91.38 kg gold is seized. In the next FY 178.12 kg gold is seized. Smuggling of gold is one of the serious challenges of Nepal. This is just a data of seized gold but unseen gold smuggling is more than that because the network of the gold smuggling can hardly break.

The seized data of smuggling good/ arms/drug n the FY 2017/18, APF, Nepal has seized approximately 25 cores of Nepali Rupees of illegal items from the borderline. Similarly, in the next FY till the month of *Kartik* approx. six cores Nepali Rupees of illegal goods is seized by APF, Nepal from the border region. The table depicts that the open border has made a good environment of smuggling at the Nepal India border region.

Wildlife trade is easiest to track when it is from one country to another because it must be checked, and often recorded at Customs checkpoints. People trade wildlife for cash or exchange it for other useful objects - for example, utensils in exchange for wild animal skins. Driving the trade is the end-consumer who has a need or desire for wildlife products, whether for food, construction or clothing. Illegal wildlife trade produces billions of dollars a year globally. It is the second most lucrative illegal trading industry next to drug trafficking. Despite international and local laws designed to crack down on the trade, live animals and animal parts, often those of endangered or threatened species, are sold in open-air markets throughout many regions of the world. Growing demand, leaky borders and the attraction of big money make it a rewarding business. The animals involved in the trade end up as trophies, or in specialty restaurants. Some are used in traditional Asian medicines. There are, however, conventions set up to prevent further disappearance and abuse. "CITES is an international agreement between Governments; its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival" (Kunwar, 2019, p. 10). Wildlife crime is a big business run by dangerous international networks, wildlife and animal parts are trafficked much like illegal drugs and arms. By its very nature, it is almost impossible to obtain reliable figures for the value of the illegal wildlife trade. Experts at TRAFFIC (Trade Record Analysis of Flora and Fauna in Commerce), analyses that the wildlife trade monitoring network, estimate that it runs into billions of dollars. The world is dealing with an unprecedented spike in illegal wildlife trade, threatening to overturn decades of conservation gains. Some examples of illegal wildlife trade are well known, such as poaching of elephants for ivory and tigers for their skins and bones. However, countless other species are similarly overexploited, from marine turtles to timber trees. Not all wildlife trade is illegal. Wild plants and animals from tens of thousands of species are caught or harvested from the wild and then sold legitimately as food,

pets, ornamental plants, leather, tourist ornaments and medicine. Wildlife trade escalates into a crisis when an increasing proportion is illegal and unsustainable directly threatening the survival of many species in the wild. Stamping out wildlife crime is a priority for WWF because it is the largest direct threat to the future of many of the world's most threatened species.

However, in the recent days, the cases of illegal trade of wildlife and drug trafficking have been increasing in Nepal. So it has been the transit for such kind of illegal trades and trafficking. With a steady rise in the number of drugs abusers in Nepal, the number of people arrested on the charge of smuggling is noticeably increasing of late in the country. Amongst the smugglers, a high number of Indian nationals have been arrested in drug smuggling; whereas other nationals have also been seen involved in the smugglings. Open border of Nepal and India has made Nepal vulnerable to illegal wildlife trade and drug trafficking. In Nepal, illegal hunting and trade of Tiger, Red panda, Pangolins, Leopard, Deer, Elephant, Owl, Himalayan yew (Lauth Salla), Caterpillar fungus (Yarshagumba), Marsh Orchids (PanchAaunle), Red Sanders (Raktachandan), are emerging these days. The trade of Red panda for hides, leopard and deer for skins, pangolins for scales, musk pods, bear bile, tiger bones and skin, birds feathers, otter skin, rhino horns and elephants ivories are sold with a high price. International drug smugglers were found to be using Kathmandu as a transit for smuggling wildlife body parts. Political patronage to the poachers and smugglers has made this issue more complex and challenging for conservationists. "WCN reported that 74 percent of wildlife hunting and trade is found to be involved in Chitwan district followed by Nawalparasi eight percent, Makawanpur eight percent and others 10 percent. National legislation and appropriate penalties for illegal wildlife trade are missing by country" (Kunwar, 2019, p. 38).

Concerning the illegal wildlife hunting and trade is our prime duty to aware the local people, motivate the conservationists; pressurize the government and concerned authorities. Strict law and security system should be maintained in national parks, wildlife reserves, and conservation area. Conservation has also been progressed nowadays by the use of new technologies like poachers Cam, aerial surveillance, drones and even the use of spy dog. Illegal hunting and trade have been a real threat to wildlife. As wildlife and their habitat can't speak, we must all unite together with a common aim to protect them and we will.

Small arms are mainly smuggled into Nepal through the southern border, while people continue to possess homemade arms, especially *Katuwa*, *Bharuwa Banduk* and Socket bomb in the remote areas of the country. The porous Nepal India border has provided a safe passage for illegal arms traders. However, Small Arms Survey in 2013 stated that there were around 440,000 private firearms in Nepal, of which 330,000 were unregistered craft weapons. Only one-eighth of the total firearms, or 55,000, are believed to be legally registered. Globally, some 300,000 to half a million people are killed by small arms each year. It means someone is killed by a gun in every minute. The increasing accessibility of small arms has been supposed a key factor in hindering transformation and progress. Studies worldwide have shown that illicit small arms not only fuel insecurity but also destabilize peace initiatives and obstruct development activities. They are also a significant factor in fostering a culture of violence. Maoists insurgency relied on small arms – particularly handguns, 303 rifles captured from the state forces, and a small number of AK-47s; crude weapons such as bladed weapons, stones, sticks, axes: and homemade explosives as tools of warfare. Violent and criminal activities had been continued to involve the

same means used during the insurgency. These show that weapons used in violent events and crimes in post-conflict Nepal were not particularly sophisticated. “Neither the Nepal Police nor the Ministry of Home Affairs has exact data on the number of illegal small arms brought into the country or those manufactured in makeshift factories on a daily basis. As government institutions are poorly equipped, they do not have mechanisms for the accurate tracking of legally-owned weapons, let alone illegal ones” (Bogati, 2019, p. 45).

The cost is directly affected by their availability and the distance to production sites. It also differs depending on the model and the quality from 2,000 NRs—the cost of an old rudimentary handcrafted pistol—to approximately 60,000 NRs, the cost of a factory or counterfeit weapon. The cost of ammunition varies from 60 to 200 NRs (Nepal Peace building Initiative, 2014). Brokers operate between India and Nepal, and prices vary depending on how far a weapon has travelled and through the number of middle-men. Ultimately, the cost of illegal small arms and ammunition depends largely on demand factors, and whether conditions necessitate the purchase of an illegal firearm. Acquiring a firearm legally and obtaining a license can be time consuming and costly. As a result, users may choose to bypass the legal process of procuring a firearm. Furthermore, the cost of factory made weapons—both legal and illegal—is significantly high. Given their cost and difficulty of registration, there appears to be a widespread demand for the cheaper craft handguns or *Katuwas* and improved rifles. Normally the users of illicit small arms and ammunition are by the young people, age of 16- 30. There are three types of users: criminals; armed groups; and license-holders whose licenses had expired.

Criminals: Criminals create the largest group of users of illicit weapons. Economic reasons and or political rivalries motivate most of the crime-related activities.

Criminals use weapons for financially motivated crimes including abduction,

victimization, threat and extortion. Wildlife crime such as poaching is also a problematic in some jungle areas in the Terai region. Criminal or criminal gangs are supposed to be the largest users of illicit small arms, and are in all kinds of criminal activities, ranging from theft to extortion and contract killings.

Armed Groups: There is much argument about the number of armed groups activities and about their organizations and objectives; in particular whether they are primarily criminal or political in nature (Bogati, Carapic and Muggah, 2013).

However, armed groups do not have sophisticated weapons at their disposal. Since the end of the conflict, the police have strengthened their presence and armed groups appear to have chosen improvised explosive devices (IEDs), which are often detonated in public areas to create fear and insecurity. During the peace talks, dozens of armed groups submitted their arms and ammunition to the District Administrative Office (DAO) or to the Nepal Police. The types of weapons surrendered confirm the fact that they do not have access to modern weapons and operate mainly with traditional knives, guns (Katuwas), pistols and bladed weapons. Still, it is widely believed that many armed groups have not surrendered all of their weapons, and likely hold on to their more sophisticated firearms so that they could be active once again.

Expired License-holders: The least common type of user was license-holders whose licenses had expired. Some license holders formally surrendered their weapons during the MoHA (Ministry of Home Affairs)-led nationwide collection program. According to the data of MoHA around 35,000 individuals hold licensed firearms in Nepal – mostly in the Kathmandu Valley and districts in the Terai. However, authorities have unsuccessful to maintain records of such firearms. Furthermore, in many of the districts where these records existed, they were lost during the Maoist insurgency. According to the 1962 Arms and Ammunition Act, a license-holder is required to renew his/her license annually, and failure to do so results in the firearm becoming illegal. The Act also states that carrying illegal small arms and/or ammunition is

considered a punishable offence with imprisonment from —three years to five years or with fine from sixty thousands rupees up to one hundred thousand rupees, or both.

License-holders can renew their licenses from the DAO (District Administration Office) across the country. Since the end of 2012, the MoHA of Nepal has started recording data of licensed firearms use in a more systematic way. Political parties and civil society organizations argued that small arms, including licensed ones, were used for threats and violence in the 2008 Constituent Assembly. “As a result, and with a view toward conducting the elections peacefully, the MoHA issued a public notice requesting the public to temporarily hand over licensed weapons to the DAO before elections in 2013” (Bogati, 2019, p. 46).

Table 5.7

**Seized Illegal Goods, Forest Products, Gold and Fake Currency by APF, Nepal
(Fiscal Year- 2019/20)**

Month						
	Goods (NRS)	Vehicle (NRS)	Forest Products (NRS)	Fake Currency (NRS)	Gold/Silver (NRS)	Total
Srawan	23,410,641/-	13,344,001/-	572,610/-	2,493,735/-	2,722,769/-	42,543,756/-
Bhadra	39,386,618/-	27,178,730/-	1,382,770/-	1,612,835/-	145,983/-	69,706,936/-
Ashwin	36,499,841/-	16,896,600/-	549,768/-	4,164,540/-	1,530,195/-	59,640,944/-
Kartik	36,047,442/-	29,635,070/-	749,105/-	2,355,513/-	892,600/-	69,679,730/-
Mangsir	34,044,982/-	31,298,500/-	1,050,940/-	422,720/-	1,419,819/-	68,236,961/-
Paush	34,846,943/-	17,900,955/-	639,930/-	3,640,864/-	418,405/-	57,448,097/-
Magh	29,637,922/-	23,347,600/-	398,150/-	3,148,433/-	120,742/-	56,652,847/-
Falgun	33,647,334/-	24,879,000/-	383,575/-	13,404,674/-	276,278/-	72,590,761/-
Chaitra	12,295,545/-	13,818,500/-	1,365,200/-	1,266,900/-	0	28,746,145/-
Total	267,522,723/-	184,480,456/-	5726848/-	31,243,314/-	7,526,691/-	525,246,177/-

Source- APF, Nepal Headquarters

The above table shows that APF- Nepal has seized 52 cores 52 lakhs 46 thousands 1 hundred and 77 Nepalese Rupees of illegal goods, forest products, gold and fake currency during the Srawan to Chaitra of Fiscal Year 2018/019. India Nepal border is largely unmarked and highly leaky, the people who live in these parts desperately poor and due to this Cross-border smuggling, naturally, is rampant. Everyday people simply cycle across the border with illegal goods, most of them essential supplies. Fake Indian currency notes are making its way across the border from Nepal to India. Birgunj, the biggest town in Nepal's Terai region is now a transit point for almost all the fake currency entering India. Indian and Nepalese law enforcement officials have confirmed that several hundred cores of fake currency pass through this border every year.

Criminal gangs have been ferrying counterfeit Indian currency, printed in Pakistan, Bangladesh, and lately in Thailand, the Rs 500 and Rs 1,000 notes are flown into Kathmandu airport by couriers, transported overland to Birgunj and then taken across the border by smugglers to distributors on the other side under the pretext of ferrying essential survival supplies. Indian officials believed that the racket is organized by Pakistani intelligence and has links to the Dubai-based underworld don, Dawood Ibrahim and his associates in Nepal. They say the intention is to fund terror and to subvert the Indian economy, and use Kathmandu airport and the Indo-Nepal border because it is so easy to smuggle contraband through them. India officials believe Nepal is the main transit point for most of the counterfeit currency entering India. They estimate that NRs. 1 billion worth of fake Indian notes are injected into the Indian money circulation every month via Nepal.

Table 5.8**Comparative Details of Collected Revenue on FY 2016/ 17 to 2018/ 19**

FY	Expected goal (NRS)	Achieved goal(NRS)	Plus/Minus (Percentage)
2016/17	2,11,05,24,07,409/-	2,20,43,70,74,078	4.44
2017/18	2,30,61,90,20,895/-	2,30,90,34,45,493	0.12
2018/19	3,18,07,94,34,250/-	3,62,88,96,74,247	14.5

Source-APF, Nepal Headquarters

The above table shows comparative details of the expected and achieved goal. In the FY 2016/17, the 4.44 percent revenue is plus as the expected collection. Similarly, 0.12 percent revenue is plus in the FY 2017/18. In the fiscal year 2018/19 the 14.5 percentage of revenue is plus as the expected goal. In general, it shows that every year the achieved goal is higher than the expected goal. Revenue collection is in progressive way.

Table 5.9**Details of Seized Smuggling Goods on FY 2016/17 to 2018/19**

FY	Seized Goods (Rs.)	In Words	Remarks
2016/17	21,59,57,984	Twenty one cores fifty nine lakhs fifty seven thousands nine hundred and eighty four.	
2017/18	14,42,40,920	Fourteen cores forty two lakhs forty thousand nine hundred and twenty.	
2018/19	40,14,16,836	Forty cores fourteen lakhs sixteen thousands eight hundred and thirty six.	

Source- APF, Nepal Headquarters

The above table depicts that in the FY 2016/17 more than twenty one core of smuggling goods are seized and in the FY 2017/18, fourteen core plus of smuggling of goods are seized. In this FY goods are seized very low comparatively with the previous FY. But in the FY 2018/19 there is more than forty cores of smuggling goods are seized. This is comparatively very higher than the previous FY. The fluctuations come in this regard; there may be good security strategy or may be weak strategy in any FY, there may be illegal relation with the border officials and sometimes there may not be other appropriate environment for the smugglers. The supply and demand context plays a vital role in cross-border criminal activities. Organized criminals have been misusing Nepal as a bridge between India and China for their illegal activities.

5.1.3 Murder, Kidnapping, Theft, Robbery and Extortion

Increasing rise of armed groups has a direct implication on the illegal trade of small arms facilitated by the porous border. Thus significant rise of armed violence has been observed in Terai and Eastern hills in specific. After signing the peace agreement between the major political parties in 2006, increase in numbers of armed related violence and criminal activities in Nepal are mostly influenced by finance. Young people in the Terai region are being attracted to take arms to collect money. Perpetuators are attracting school and college young people only for money and physical goods like motorbikes, mobile using and other luxury things Carrying pistols and shot guns have become a fashion in the Terai districts. According to the government recorded data, there was a 163 percent increase in violent incidents (murder, attempted murder & rape) in the period 2006-2010; and according to the Informal Sector Service Centers (INSEC) surveillance system on Small Arms & other Portable Lethal Weapons (SAPLW), which documented a rise in armed

violence from 2010- 2011, from 485 incidents and 670 casualties to 702 incidents and 907 casualties took place (INSEC, 2012). The development of this situation can largely be attributed to the effect of a decade long insurgency and the mushrooming of armed outfits during the post- twelve point peace agreement and most importantly because of the unregulated border. Due to the uncontrolled movement along the border, the children of the rich people, businessmen, industrialists, politicians are kidnapped and cross the border and ask for huge ransom in return for the safe release. Many criminal groups which are operating in Uttar Pradesh and Bihar of India uses Nepal as a sanctuary from where they mastermind crimes such kidnappings, extortions, etc. According to the Nepal police an increasing number of Indian criminals are being arrested across the country, mainly in border areas. The arrests range from cases of theft, robbery and smuggling to heinous crimes such as murder and kidnapping. Majority of these arrestees were nabbed in from Terai districts. Central Investigation Bureau carried out a successful investigation into the murder of former lawmaker Sadrul Miya Haque in Rautahat, which confirmed the involvement of Indian criminals behind this murder. It says open Indo-Nepal border is to be blamed for the increasing number of crimes committed by Indian criminals as it is easier for them to enter Nepal and escape after committing crimes. Besides that, other reasons could possibly be the easy availability of hired criminals in India. On 7th May 2013, members of Bihar, India's famous, Shooter Todwa gang were arrested from Bouddha, Kathmandu. In the same month most wanted criminal of India, who was charged of multiple murders, Babloo Dubey alias Mithilesh Dubey was arrested from Kathmandu. On July 2012, Bijay Gupta, a hardware businessman in Balaju, Kathmandu, who had also a fake Nepali citizenship, hired

three sharp shooters from Bihar, India to rob a jewelry shop. During the Maoist insurgency, the Nepalese Maoist leaders and cadres resided in bordering states of India during the period of insurgency best utilizing the open border. Let's see the major incidents of Nepal by the criminals utilizing the porous border of Nepal and India.

Parliamentarian Mirza Dilsabeg, high profile of Muslim leader was killed on 29 June 1998 in Kathmandu. The shooter crossed over the open border of Nepal India and flew to third country. Mirza dilsabeg was allegedly killed by Chhota Rajan's hit men in Kathmandu.

Media entrepreneur and also General Secretary of Islamic Association Nepal, Jamim Shah was shot dead on 7 February 2010 by suspected Underworld Chhota Rajan Group. According to the police, the assailants first fired a bullet at his long-time driver Mathura Malakar's thigh in pointblank range to paralyze him before aiming the gun at Shah. "Two motorcycle-borne shooters donning black jackets fired shots at us; I cannot recall what happened after that," said the driver. Jamim Shah died after being shot in the heart of the capital today. Two masked gunmen on a motorcycle fired at him in the busy street of Lajimpat, Kathmandu while he was heading towards his home in Panipokhari. Shah, who had sustained injuries in his head and chest, was rushed to nearby TU Teaching Hospital in Maharajgunj where he was declared dead at 3:45 pm. Forty-seven-year-old Shah was also the managing director of Space Time Nepali daily and Today English daily which ceased publication in 2006 following an attack in its office by an angry mob which went on the rampage in the Valley over the killing of 12 Nepalese in Iraq. Some Indian media reports (as of now) have claimed that Shah was suspected as having associations with underworld don Dawood Ibrahim who is wanted in India, and Pakistani intelligence agency ISI. A section of Indian media that is better known for jumping the gun in matters related to regional security

and politics have alleged that Shah's media outlets were routinely used for anti-India propaganda. The former Nepal Police DSP Jagdish Chand, who was arrested for his alleged involvement of the murder of media entrepreneur Jamim Shah.

General Secretary of Nepali Islamic Federation Faizan Ahmed was murdered on 26 September 2011 in Kathmandu. It was raining since the early morning of 26, September, 2011 when Faizan Ahmad stepped outside Jame Mosque in Ghantaghar after his afternoon prayers. As Faizan, who was once the Islamic Association general secretary stepped on the road beside Tri-Chandra College, two people wearing raincoats approached him, drew out their pistols and shot him in the head, neck and chest. Doctors pronounced him dead in Bir Hospital hours later. According to the police Mohammad Fahad, who was arrested on January 1st, following the shooting of Aftab Alam Ansari at Jitpur Bhawanipur Village Development Committee Ward no.3 in Bara, is the same person who shot Faizan. In 2011, Fahad entered Nepal via the Sunauli border with plans for the murder that were set after deliberation of over for two months. In a statement recorded by the police, Fahad said he was given blood money by Babloo Sriwastav. Sriwastav, who is said to be the notorious Dawood Ibrahim's henchman and has been imprisoned in Lucknow for life on the charges of an earlier murder. Two of the shooters left Kathmandu immediately after the Jorpati incident and subsequently fled to India.

On 10 March 2011, Central jail yard shooting of Yunus Ansari and the shooting of Pakistan Embassy official. Yunus Ansari, son of former controversial minister Salim Miyan Ansari who was arrested last year, was shot inside Kathmandu's Central Jail around 11.30 a.m., at a time the jail was crawling with policemen, informers and people visiting prisoners. The gunman, who was caught by the prison guards, has been identified as Jagjit Singh, with his home address as 47, Kanpur Road in Lucknow, the capital of India's Uttar Pradesh state.

All these shooters fled through the border crossing of India Nepal porous international border. All groups had used this open border to enter and flee from Nepal. Extortion is also one of the serious problems along the border region. The people who have big companies, factories, department stores and especially business persons at the Nepal- India border region are suffered of extortion and targeted by the Hit –men. It's easy to cross the border for the Hit- men easily. The persons are not much safer at the border city area because any time they can be victimized. Therefore the persons do not take risk and are ready to bargain and give money to them for the protection of their life and their property. The growing issues of murder, kidnaping, theft, extortion have made a serious attention to the government of both countries.

5.1.4 Illegal Migration

Borders are important sites for the performance of both security and citizenship. They are the line that symbolizes the distinction between the homeland and the outside world. Borders also mark where the citizens of the state belong and those on the outside do not. “The borders also become last defense to protect the privilege and perceived hegemony of the state’s population. Most of the new barriers laid at the borders are erected to fight against illegal migrations, even if this dimension is often mixed with other concerns such as a terrorism and security” (Jones, 2011, p. 213).

Migration is one of the prominent factors. Movement of the people for various grounds across cultural, linguistic and ethnic regions has been going on since time immemorial. There is no any place or country in the world that has not seen flow of migration. Migration is taking place either inward or outward, large scale or small scale and permanent or temporary. International migration has moved to the top of the international security agenda. Increasingly policy makers in the United States, Europe and around the world are making links between migration policy and national security.

Adamson mentions the issue in his article that “porous borders in weak states can allow politically organized non-state actors access to temporary and population groups that can be used for political mobilization, which in turn can lead to the emergence of refugee warrior communities. For example, the mobilization activities of the Palestine Liberation Organization in refugee camps in Lebanon in the 1970s, the role played by refugee camps in Pakistan as sites of mobilization for Taliban – related groups in the 1980s, and the emergence of the Rwanda Patriotic Front in Ugandan refugee camps in the 1990s. Refugee flows can act as conduits that regionalize and internationalize internal conflicts; the Great Lakes region of Africa provides just one example of the disastrous consequences that such dynamic can have on weak states” (Adamson, 2006, p. 65). Some scholars argue that in an increasing global economy, states will inevitably see labor migration as a means of maximizing economic gain. Immigration flows are highly correlated with economic growth. The postwar economic boom in Germany and other western European countries would not have been possible without the influx of migrant labor from Mediterranean countries in the 1960s. In the 1990s, migration flows and an increase in the foreign-born labor force were largely responsible for surprisingly growth in the US economy. Adamson further mentions about migration and human mobility influence three core areas. They are economic, military and diplomatic.

Economic- If states have the capacity to design and implement effective policies regarding migration can be beneficial to foster the economic growth of the nation. If it is not managed in an organized way can be headache for the country.

Military- Immigration can also contribute the states military power providing technical and intelligence expertise. For example scientists played vital role in in developing the US nuclear programs in the 1930s. Albert Einstein Edward Teller and

other scientists who fled National Socialism in Europe contributed their expertise to work in developing the first Atom Bomb. On the other hand, immigration also can work as reinforced to the terrorists but not all migrants have link with terrorist groups. According to the Rohan Gunarathas' claim that all major terrorist attacks conducted in the last decade (before 2006) in North America and Western Europe, with the exception of Oklahoma City, had utilized migrants. But here in this research it is more focused on illegal migrants rather than the legal one. Here, how illegal migration influences, the economy and increase security threat to the states, is analyzed.

Diplomatic- Migrants can also enhance the state ability in diplomacy. Small states in the international system can involve their Diasporas in diplomacy by growing on emigrants and their descendants within a target country and by sponsoring lobbying and public relation activities.

Indian people also migrated to Terai region of Nepal as workers. In Terai region there are factories and industries. Some people come for seasonal work but some settle their house in Nepal. In the industrial sector that is dominant by Indians because Terai people of Nepal and the Indians next to the border have common ethnic characters and life style but hill people cannot work effectively because of the ecological adaptation. During the Rana Regime, the thick forest in the certain parts of the Terai was cleared and the people from the hills and across the border were encouraged to migrate over there. Yet people afraid to migrate because of the risk of Malaria endemic on that area. More than 200 people were reported of malaria case every year. Later it was controlled. People were encouraged to migrate to the Terai region. Later the population pressure forced the Terai people shift to India. Mostly, the Tharu and Satars were made landless and they had no option and left for India.

The 1950 Peace and Friendship Treaty between Nepal and India has provided equal opportunity/ right for the both citizens. They have got the same privilege which one country citizens get. The treaty has given legality for free movement across the Nepal India border. Between 1860s and 1961, the Nepalese government encouraged to settle the hill people to Terai for the economic development of the Terai. But hill people responded in small numbers. They were afraid to shift for Terai because of the threat of Malaria and hot place. They had the problem of adaptation as well. Therefore government let citizens to migrate from India to develop the economy of Terai belt of Nepal.

According to the Gaige, in his book, *Regionalism and National Unity in Nepal*, there are three types of migration from hill to Terai of Nepal: permanent, semi-permanent and seasonal. Still the people of Nepal- India border region, migrate either side of the country in the same way. The people of border region have most the kinship relation along with the economic relation. They have very close relation among each other. They celebrate most of the cultural program together either India or Nepal side. People participate equally in the marriage ceremony, birthday program, religious festival, concert, etc. They live in the one country at night but at the day time they go for work in another country. They have no such feeling of either country. The border demarcation causes no effect to them.

Over 361 million populations across the border in the neighboring country India has created fear over overwhelming migration towards small country Nepal. Also Nepalese citizens are settled in India that undefined settlement can cause serious civil unrest in Nepal and India as well. Population density is higher in Indian districts than in the bordering areas of Nepal. Thus, inhabitants are naturally tempted to migrate to area having less population density and more facilities. By taking

advantage of open and uncontrolled border, the Indian citizens who have similar faces like that of Nepalese have been found entering the border of Nepal. Several Medias claimed that such people have made successful efforts to get Nepalese citizenship certificates from the back door.

Bhutanese Refugee

Nepal has been providing asylum on humanitarian grounds to persons who seek refuge since time immemorial. This practice has been based on humanitarian grounds and treading on Nepal's traditions of its adherence to human rights. However, despite these strong humanitarian and Human Rights traditions, Nepal still lacks a solid protection mechanism such as refugee policy and legal framework. Refugees and asylums seekers who flee their country of origin or permanent residence because of threat to their life, liberty need to be provided protection according to the universally accepted human rights norms and principles. Nepal is not a signatory to the UN Refugee Convention, and treats asylum seekers other than the Bhutanese and Tibetan populations as illegal immigrants who may be detained at any time. It is a state party to the International Covenant on Civil and Political Rights, and to its First and Second Optional Protocols. Nepal was host to nearly 131,000 refugees at the end of 2001, the majority of whom were Bhutanese and Tibetan. Section 9 of the Immigration Act of 1992 empowers immigration officers within the Ministry of Home Affairs to investigate infractions of immigration regulations and to detain, fine, and deport persons charged with their violation. Although Nepal's government has no official refugee policy, it cooperates with UNHCR to assist refugees from Bhutan and Tibet. Bhutanese refugees are subject to a Joint Verification agreement entered into between Bhutan and Nepal in late 2000. Under the agreement, Bhutanese refugees are verified in order to determine their nationality status at UNHCR camps in Nepal, with a view to ultimate repatriation to Bhutan (UNHCR, 2017).

In the early 1990s, around 106,000 Bhutanese refugees settled in the eastern part of Nepal. Bhutanese citizens departed from Bhutan during the protest against Bhutanese state monarchy by some of the lhotshampas demanding democracy and a different state. Numerous domestic and international agencies, especially the UNHCR played a pivotal role in protecting the rights of Bhutanese refugees in Nepal. Several rounds talks held between Nepal and Bhutan in order to find a solution to the problem, including the repatriation of the refugee to Bhutan. But not much progress was made for resolving the dispute and the future of the refugees remained grim because of the general reluctance in Bhutan to allow them to return. To resettle them many countries offered to take them. U.S. offered sixty thousands and began to receive them since 2008. Similarly, Australia, Canada, Norway, Netherlands, Denmark, New Zealand also offered to take the Bhutanese refugees and started to take them. Till November, 2015, it was announced that 100,000 refugees were resettled abroad among them 85 percent refugees were resettled in US and rest of in other countries.

Rohingya Refugee

Political and religious oppression is cruel. The persecution of the majority of the Buddhists in Myanmar created crisis for ethnic Rohingya Muslims and their bizarre is worth mentioning example at present. Thousands of fleeing scene of Rohingya for protection to Bangladesh, Nepal and some neighboring countries made headlines in the world media. This tragedy became horrible after the emergence of anti-Muslim riot in western Rakhine state in Myanmar. Many have lost their lives while crossing the Naff River through rickety boats. It was reported that more than three hundred thousands of Rohingya Muslims escaped from Myanmar and scattered mostly in Bangladesh and a small portion arrived in Nepal as well and have settled in

Kapan, Kathmandu. Similarly, 200 homes and building were destroyed by the fire according to the Human Right Watch. The Rohingya Muslims are an ethnic minority in the Buddhist- majority country. Since 1982, the government has refused to recognize the Rohingya as its citizens, viewing them as illegal immigrants from neighboring Bangladesh. Aung San Suu Kyi (Nobel Peace Prize winner and the then advisor of Myanmar government) was criticized for this political upheaval though she defended that there is no military subjugation against the minority Rohingya as seen in social media. The world was not ready to accept Suki's opinion. Yasin Hamdin and Amir Hussain were stranded in Nepal with no jobs and prior assistance. Their diaspora experience makes everyone sentimental. For them, and Zafir Miya, Nepal is safer heaven than Myanmar, but their story doesn't end here only. The journey of life is long and they still have to face many ups and downs.

Nepal is best known for its hospitality and religious tolerance. The tender heart and willing acceptance to the sufferers is Nepali trade mark. Every Nepali feels proud of having Sagarmatha and Gautam Buddha in their heart and memories as their national glory. Nepali nationalism does not stick only in the bravery of *Bir Gorkhali*, but also in tenderness, sovereignty, respect, forgiveness, and after all great heart. Before 1990, the Nepalese monarchy also suffered from a perpetual fear of the dissemination of democratic ideas from India. The country's political parties, especially the Nepali Congress had close links with their Indian counterparts, and on many occasions India had covertly supported the cause of democracy. These fears forced successive governments in Kathmandu to put checks on Indian migrants in the form of stringent rules regarding work-permits and citizenship. In the 1980s, a task force was even set up – the National Commission on Population under Dr. Harka Gurung – to study the effects of migration. The report, which was submitted in 1983,

observed that the open border between India and Nepal has been one of the main contributory factors to the increasing magnitude of international migration. Illegal trade associated with free movement of people across the border has been a matter of grave concern for both countries. It is, therefore, necessary to regulate the movement of people along the border between India and Nepal. The government should not hesitate identifying the runaway refugees and initiate the process sending them back to their nations. Otherwise, who knows, it might be the chronic illness for Nepal and Nepali in the long run.

Tibetan Refugees

Nepal has been home to around 38, 490 Tibetan and Bhutanese refugees, who fled from their respective countries (UNHCR, 2017). Recently around 300 Rohingya refugees are living in the Kapan area, and are believed to be more than the actual number. Many of them are believed to be scattered around the Nepal for living. “Only 147 Rohingya refugees are registered in the UNHCR (Morch, 2017). In the cases of Bhutanese and Rohingya refugees, they have passed through India and came to Nepal. The open border between Nepal and India has been the major reasons for such refugee influx in Nepal” (Bashyal, 2019, p.17). Though there is no fresh confirmed data on the exact number of Tibetan refugees in Nepal, an estimated 20,000 Tibetan refugees in Nepal arrived between 1959 and 1989. At the end of 1989, Nepal stopped registering Tibetan refugees. “As per the census carried out in 1993 on Tibetan refugees, 12,540 refugees remain in 21 various refugee camps in Nepal” (www.moha.gov.np) located at Katmandu’s Bouddha, Swyambhu, Pharping and Jorpati or in Pokhara, Baglung, and other places. After 1993, no any confirmed data on Tibetan refugees is prepared but the government sources estimate that the present population of Tibetan refugees in Nepal may be 22,000-25,000.

The flow of Tibetan refugees through the Himalayan border into Nepal commenced, when the Dalai Lama XIV left Lhasa for asylum in India in 1959. The influx of the Tibetan refugees in Nepal continued for some more years and even at present. According to information received from different reliable sources, their total number is estimated to have reached 20,000 (Refugees in Nepal: A Short Glimpse, 2010). “However, the 1993 record has confirmed only 12,540 Tibetan refugees in the country who got Refugee Card (RC) where second or perhaps third generations of them are already there. These refugees were scattered over 21 different districts of the country” (Bashyal, 2019, p.18). Legally resident Tibetans cannot travel to certain “restricted” regions of Nepal, typically those near the border with China. Seldom can they travel internationally. Those who travel to restricted areas without an RC risk arrest and even deportation. To travel internationally, Tibetan residents must apply for a refugee travel document, a complex, expensive, and frequently inefficient procedure that makes foreign travel prohibitive for most.

Overall, refugee problem is growing in Nepal especially because of open border. In the name of refugees, anti-national element may enter into Nepal unless the open border is well managed and regulated. Refugees who are living in Nepal may get involved in illegal and criminal activities. Many refugees have been arrested on the case of murder, theft and other activities. Unless the refugees are settled, the refugees may create unnecessary problems to the nation. From the humanitarian perspective, Nepal is providing refuge but it can trigger long term problems. Repatriation to their own country is necessary because resettlement in Nepal is not the ultimate solution. Thus, its best to resolve the refugee problem by exercising effective diplomatic efforts with respective countries and send them back is the best solution for Nepal.

5.1.5 Border Disputes / Encroachment

Disappearance of international boundary lines, narrowing of the no-man's land and encroachment of the land along the border are the upshots of the open, porous, unmanaged and unregulated borderlands. It is one thing that there is no demarcation of the boundary line, but it is entirely another thing that the already demarcated boundary line with the boundary pillar is found vanished all of a sudden. The open border system allows the people on the both sides to move freely and fearlessly across the border, and misusing this advantage. Nepal shares border 1880 km with India.

There are many international border principles, including: Watershed Principle, to take the Natural Object Principle, Mid- Stream Principle, Actual Habitation Principle, and Give and Take Principle. To settle the dispute Nepal has taken multiple steps that Nepal has demarcated the boundary with the help of old maps, if maps are not found the old documents are taken as reference, if those maps and documents are not available it is trying establish the traditional boundary line with India. Now Nepal is establishing mid-point pillar if there is long distance in between the one pillar to another. Clearance of no mans' land, maintenance of old, wrecked pillars, relocate and reestablish the missing pillars, constructing the reference pillar, preparedness of strip maps and many more work are in progress in between Nepal and India.

From 1926 to 1927, India took topographical survey of whole Nepal, which demarcated low altitude in mountain areas. The Indian Territory across India-Nepal boundary was left blank so the present encroachment and border dispute is the root cause. "There are 27 districts of Nepal which shares with India. There are 54 places (71 places in some documents) of encroachment, dispute, claim and counter claim across the border with India in 21 districts of Nepal which Susta, Kalapani, Thori,

Manebhanjyang, Brahmadev, Pyaratal, Sandakpur, Chyanthapu, Kabeli-Kabru, Mechi Khabar are the major disputed areas”(Bhatta, 2016, p.49). Among them Susta and Kalapani disputes are discussed below.

Kalapani Dispute

Kalapani is a territorially disputed area between India and Nepal. It is situated on the way to *Kailash Manasarovar* route, at an altitude of 3600 meters. It is said that the Great Sage Vyasa meditated at this place, giving the region its name - Vyas Valley. A pool by the temple of the Goddess *Kali* is considered by some to be the source of the *Kali* River. A verdant valley covered with Pine, Bhojpatra and Juniper trees, it offers stunning views of some of the lesser known peaks like Om Parvat in the Central Himalayas. *Lipulekh* Pass leading into Tibet is 17 kilometers from *Kalapani*. Although claimed by Nepal as part of *Darchula* District, *Kalapani* is controlled by India's Indo-Tibetan border security forces since the 1962 border war with China. Nepal claims that the river to the west of *Kalapani* is main *Kali*, hence it belongs to Nepal. But India claims that ridgeline to the east of *Kalapani* is the border, hence the *Kalapani* area belongs to India. The *Kalapani* area borders the Nepalese zone of *Mahakali* and the Indian state of *Uttarakhand*.

The Sugauli Treaty signed by Nepal and British India in 1816 locates the *Kali* River as Nepal's western boundary with India and makes no mention of ridgelines. Subsequent maps drawn by the British surveyors show the source of the boundary river at different places. This discrepancy in locating the source of the river led to boundary disputes between India and Nepal, with each country producing maps supporting their own claims. The *Kalapani* River runs through an area that includes a disputed area of about 400 km² around the source of the river although the exact size of the disputed area varies from source to source. *Kalapani* has been controlled by India's Indo-Tibetan Border Police (ITBP) forces since the Sino-Indian War with China in 1962.

The fact revived when Narayan Wagle, media worker, gave a field report from *Kalapani*. Nepali citizens got information when the Kantipur News published analyzing such news “Army Camp at *Kalapani*”, “*Kalapani* Encroachment, and Nepal-India –China tri-junction line in dispute” on the different dates; 15th, 16th and 17th October 1996 AD. Aftermath of China-India war in 1962, the Indian Army searched the strategic ground and found *Kalapani* as a suitable point for defense. At the initial stage there were few Indian armies but later India strengthened adding additional forces; Indo Tibetan Border Police force (ITBP). In the Sugauli Treaty, *Kali* River is demarcated as Nepal’s eastern region but Nepal did not pay much attention to the eastern region of Nepal; *Kuti, Navi, Gunji, Kalapani, Lipulek, Navidang, Tulsimurang* because of remote area. Scared Indian forces made strong fort at *Kalapni*. Later they made bunkers and administration houses as well. To make safe from freezing arms and ammunition, Indian forces started heating system inside the store room. The Nepali citizens had no information that *Kalapani* was encroached by Indian soldier unless ITBP started to check the Nepalese pilgrims to go to *Manasarovar* and *Taklakot* of China. When the Indian forces stopped movement of the people of upper *Kawa Chharung* through the way of *Kalapni*; the news spread at *Kanchanpur, Dhangadhi* and *Nepalgunj* as well. Later a temple was made in the south east of *Kalapani*. Small rivulets collected in front of the temple and made a pond from where rivulet/stream guided to the *Kalapani* near the *Lipulek*. After that the people were tracked to walk through the way of *Tinker Bhanjyang*, south of the temple to reach *Taklakot*. Later the issue spread all over the country and also in the international arena. Narayan Wagle published news on the topic of “*Bharat le Mahakalima Simankan Garna Manena*” (India denied to demarcate at Mahakali) on 20th January

1977 B.S. from Dehradun when he reached there to collect news at 19th India Nepal joint technical border committee. After that the cotemporary parliamentary body started to inquire of the encroachment of *Kalapani*. Indian ambassador of Nepal K.V. Rajan claimed the *Kalapani* falls under India after a daily news published on the topic of “*Kalapani Bibad*”. In the reaction the contemporary Prime Minister Girija Prasad Koirala took the stand that *Kalapani* falls under Nepal. Later other newspapers also were published regarding *Kalapani* encroachment then the issue arouse up more .

The Indian Ministry of Home affairs released Indian political map on 3rd November, 2019 including *Kalapani* area. Nepal has long been claiming that *Kalapani*, *LipuLekh* and *Limpiyadhura* are very much part of its territory. The survey department has prepared a map of Nepal that includes *Kalapani*, *Lipulekh* and *Limpiyadhura* as a part of Nepal. When China and India reached an agreement on building bi- lateral trade corridors through *Lipulekh* via the Indian state of *Uttarakhanda* in 2015 Nepal had taken up the issue with both countries. In 2014, Nepal India third joint commission meeting held and both sides had agreed to assign the task of resolving the boundary dispute in *Kalapani* and *Susta* to the foreign secretariat of Nepal and India but no major development was seen so far. During the fifth meeting of the Nepal India joint commission in Kathmandu on 21st and 22nd August, 2014, the foreign ministers of both countries had directed the foreign- level mechanism to prioritize work on the outstanding boundary issues with technical input from the Boundary Working Group.

Nepal India Joint Technical Level Boundary Committee was formed on 25th February, 1981 to relocate the missing pillars, reconstruction of the damaged and dilapidated pillars, clear ten-yard width no-man’s land and preparation of strip-maps of both the sides of borderline. In total 31 times meeting were held till 1st January

2008. One hundred and eighty two sets of maps are prepared but the other maps of disputed area are not prepared and signed. The *Kalapani* issue is frequently rising time and again. When China and India signed for trade route in 2015, there was also a protest against the decision in Nepal. Similarly Indian home Ministry released the political map placing *Kalapani*, a Nepali territory in 2019, inside the Indian borders after creating Jammu and Kashmir and *Ladakh* as its union territories, the Ministry of Foreign Affairs of Nepal issued a press statement, objecting to the Indian move and asserting that *Kalapani* is an integral part of Nepal and also protest occurred on the street of Nepal. Instead of seeking a diplomatic solution, India unveiled the controversial map and, recently, inaugurated the road constructed in the disputed region. India's Defense Minister Rajnath Singh announced the inauguration of the link road in 2020, "to be used by Indian pilgrims" to go to *Mansarovar* of Tibet via the *Lipulekh Pass*. New Delhi rejected Kathmandu's protest against the construction of a road to *Lipulekh* on the border with China, saying the region is "completely within the territory of India" and both sides can resolve boundary issues through diplomatic dialogue.

The issue of *Kalapani* emerged as an issue of national concern after Member of Parliament, late Prem Singh Dhama, raised his voice against the encroachment of the Nepali land by India in the Nepali parliament in the early 1990s. "Why doesn't *Kalapani* hurt Kathmandu?" he had asked. Later in 2055 BS (late 1990s), the All Nepal National Free Students' Union, the student wing of the then CPN (UML) had organized a 'march-past' up to *Kalapani*. Dhama, meanwhile, died in a jeep accident. Since then, the *Kalapani* issue remained at the backburner. And now the dispute of *Kalapani* is also remained. No such diplomatic dialogue is made between the countries. The evidences are not matched to claim the territory and no any effective

attempt is seen to resolve the dispute. The dispute may create a huge and serious issue in the future if it is not timely addressed. After India released its map in November, 2019, Nepal raised the issue and also released the map of Nepal including the territory it claims *Kaalapani*, *Lipulekh* and *Limpiyadhura*. After the release of the map of Nepal the environment is created for the bilateral dialogue to resolve the issue.

Susta Dispute

Not only with Nepal, but India have many border disputes with other neighboring countries. “India’s neighborhood is in turmoil. Several of India’s neighbors are undergoing political and economic instability. India also has continuing border disputes with several of its neighbors” (Arora, 2018, p.17). India has border disputes with China, Bangladesh, Bhutan, Myanmar, Sri Lanka, Maldives and Pakistan also. For Nepal, *Kalapani* and *Susta* are the major disputes with India.

Susta is located at ward no. 5 of *Susta Rural Municipality* which is 58 km south from the district headquarters, *Parasi*. *Susta* is situated at west *Nawalparasi* of *Lumbini* Province and eastern side of *Narayani* River. The *Susta* came within the territory of Nepal when the British returned the Terai region from Koshi to the Rapti River on 11 December 1816 instead of paying Rs, 200,000/- annually as per the article 4 of Sugali Treaty to the East India Company. Erecting border pillars along the *Susta* area in 1829 and in 1883- 84- 85 the border map was also prepared but 24 km borderline from *Trivenighat* to *Paklihawa* was not demarcated by pillars but was agreed the borderline as the mid-line of *Koshi* River. The map shows the borderline of *Susta*, demarcated from the *Trivenighat* along the mid- current of *Narayani* River. When the borderline passes along the river on the south of *Susta*, the borderline leaves the riverine sector and catches the land boundary and the border pillars are constructed towards the west and bend towards *Sagarnidhi* village (Shrestha, 2003, p.

160). *Susta* has occupied the area of 40,980 hector. The encroached area is 14,000 hectors. The area of 19,980 hector is claimed and counter claimed by both nations and the rest of 7,000 hector area is covered as residence. The total population is 3,200 and 265 households are resided there according to the census of 2011 conducted by the Nepal government. The disputed land is covered by the SSB with four posts with C arc. SSB established the bops in 2004. Similarly, APF, Nepal also established a bop on 24, October, 2005. However there exists Indian encroachment. There were flood hazards during the monsoon period of 1845, 1954, 1972, 1980 and 1989, and the River *Narayani* changed its course in each and every heavy flood, leaving the Nepalese land on the east of the river (Bist, 2020, p. 20). So far as the *Susta* disputed area is concerned, it must be followed the original course of the River *Narayani* flown during the time of Sugauli Treaty, 1816-17. The original river course must be delineated and demarcated accordingly.

There are different views on changing river course. The expertise has arguments on the changing the river course; if the change of the river course is rapid – by avulsion – the boundary does not change. But if the river changes course gradually – that is, by accretion – the boundary changes accordingly. Since the Gandak's course changed by accretion, the India Nepal boundary must reflect the river's current course. So, the village, *Susta* falls under the India territory. Bur another argument is; as per the international case law, the original course of the river would be taken as the boundary, that is, the center of the old river channel will be the reference point for the boundary. The new course will not be taken into account.

Research shows that Himalayan Rivers keep changing their course now and then. Rivers dissolves the old land and create new one. The new land then starts to occupy by the people. The changing course of the *Narayani* River has created the main dispute between Nepal and India. Every time the *Narayani* River has separated

Nepal and India cutting its bank towards the west of the Nepalese territory. That gradually is shifting Nepalese territory inside India. India has been claiming that the new course of river as the boundary and left land behind is its own. India is claiming the Susta a part of west Champaran district. But Nepal is taking stand that changing course of river should not be assumed the boundary line rather should be maintained at the place where the river used to flow when the treaty was signed between Nepalese and British governments or should follow the fixed boundary principle which was determined by Nepal India Technical Committee held in 1 to 3, January, 1988 A.D.

In 1981, a Joint Technical Level Nepal India Boundary Committee was set up which surveyed and delineated 98 percent of Nepal India border but 2 percent part is not still delineated including *Susta*. Boundary Working Group of Nepal and India surveyed the border but could not make any breakthrough. Border District Coordination Committee Meetings are held on the regular basis. But all these mechanism are failed to solve the disputes.

5.2 Emerging Security Challenges

Safeguarding of territorial integrity, protection and promotion of national unity, social and cultural solidarity, tolerance and good faith is prerequisite in the context of multi-ethnic, multicultural, multi-lingual, multi-religious features and geographical diversity of Nepal. Border security is not only limited to the security of the territory. It's also about protection of culture, religion, language and ultimately protection of the nationalism. Border security is the one, which makes the people feel safe, secure, assertive and confident. Peace and development is possible where there is the safe environment. The movement of goods and people from different territories can impact states culturally, economically, politically and geopolitically. These types of impact can often have ripple effects, resulting in a need to tighten security along the borderlands.

The 1950 Treaty of Peace and Friendship inked between India and Nepal during the 1950s encouraged peace between the two countries and their governments. The treaty also promoted an open border in order to enhance the free movement of people and materials. Relatively, recent organized terrorist events, however, have posed security threats to both the friendly neighbors. Both India and Nepal have experienced Maoist insurgent movements, which, along with religious extremism, have become increasingly violent. No doubt that the problems of organized crime, drug abuse and trafficking have posed serious threats to modern society. “Geopolitics of Nepal which significantly provide the opportunities for the cross border crime enhancing the internal and external security threat to the country. It accounts various interest groups, overtly and covertly involved in the country, who have their vested interests play their role provide opportunities for the organized criminal groups” (K.C, 2018, p.1). Many cross border crimes are recorded between Nepal and India. Sharp shooters cross to Nepal border and act heinous crime and flee easily to India because of porous border.

Undeniably, there are many border security challenges in every country. The countries which have strong high wall, good fences, and modern monitoring devices also have problems. The country which has open border may face many security challenges. Likewise there are many existing security challenges and new rising challenges in Nepal and India because of open and unrestricted border. In the present context, open borderlands have triggered various security challenges to both the countries that are discussed below.

5.2.1 Terrorism

The word terrorism was first used during the French Revolution and the Jacobin Reign of Terror. It is an act of violence to create public fear through the

suffering of the victims in the furtherance of a political or social agenda. The US Department of Defense defines that the unlawful use of force or violence against individuals or property to coerce or intimidate governments or societies often to achieve a political, religious or ideological objectives. Terrorism is a curse on mankind . It has grown in form and size along with the evolution of society and common person can be a target anytime anywhere. International terrorism assumed a new dimension with a terrorist assault on the world trade centre and the pentagon on 11th September, 2001, the biggest single terrorist strike in the history of casualties and the maximum economic damage. Thousands of people were killed and 20 billion dollars' infrastructures were destroyed. The report by the United States describing lapses in security at Tribhuvan International Airport and trying to claim that Nepal is a staging point for foreign terrorists has, once again, buttressed India's continuing deployment of its security personnel at the country's only in international airport. "The airport security controls are weak, inadequate and rudimentary" says the report , released by the US Department of State on 1st November, 2019.

Security issues have arisen since 24th December, 1999 after the Indian airlines flight to Delhi was hijacked by Harkat –Ul- Mujahideen, a Pakistan based terror group. "The new US state department report says that Nepal has become also a play ground for the Indian terrorist group. Furthermore, it is mentioned that Islamic Mujahideen (MJ) has also expanded its area of operations to Nepal, which is now the biggest hub for IM operations" (Ghimire, 2019, p.6).

The state department definition, which is included in the terrorism report annually, defines terrorism in terms of politically motivated attacks on non-combatant targets. The open border has made it easy for the terrorists to run their activities. One they carry out terrorist act they enter into the other country easily and take safe shelter. No such evidence has been collected so far that any armed groups

having close connection with the terrorist. The Maoist insurgency in Nepal until the recent past that used arson, bombing, assassination, kidnapping and the lot to further their political aims. Some 15,000 people were killed, more than this number injured, and an estimated 100,000 to 150,000 people were internally displaced as a result of the conflict. Although the revolution was contained within the geographical limits of Nepal, at one time, they were labeled as terrorists by the Nepalese, Indian, US, EU and many other governments. During this Maoist insurgency top Maoist leaders and many others had taken many Indian cities as their safe shelter and used border area for doing so.

Another issue for the Indian side was the Maoist objective of forming a so-called red corridor from Nepal to Tamil Nadu. On the other hand, India has been blaming Nepal time and again for not adopting strict measures to stop the free movement of ISI agents from Nepalese soil which she claims ultimately these anti-Indian elements enters to India through the fragile security management of the border. On 24th December 1999, an Indian Airlines, IC 814 which was carrying and travelling from Tribhuvan International Airport, Kathmandu, Nepal to Gandhi International Airport, Delhi, India was hijacked by Harkat-ul-Mujahideen, a Pakistan-based group . “DHD-J commander in chief Niranjan Hojai was arrested from Baudha, Kathmanu. He had been residing there since long time back with his Nepalese wife and owned a home in the name of his wife. Lashkar-e-Taiba bomb-maker Abdul Karim Tunda and Yasin Bhatkal, a founder of the terrorist outfit Indian Mujahideen, were arrested on Indo-Nepal border” (The Economic Times, 2013).

The aforementioned activities have made Kathmandu to realize that something ill motive organization had been utilizing Nepal – India open border for their vested political interest. A team of Nepalese experts recently studied the situation of crime in

the border areas, following which a Cross-Border Crime Control Action Plan 2013 was prepared and enforced. The study revealed that nexuses exist among underground armed outfits of Nepal, India and the international criminal groups. According to the action plan the records of criminal groups active in the border area will be maintained by stepping up coordination among all security bodies.

The SAARC was formed in 1985 by India, Sri Lanka, Maldives, Bhutan, Bangladesh, Nepal and Pakistan, as its seven members. Role of South Asian Association for Regional Cooperation (SAARC) to Combat Terrorism is significant. The 13th SAARC Summit in Dhaka in November 2005 approved Afghanistan's request for membership. The topic of combating terrorism has been on the active agenda in the SAARC summit since its inception. The two days meeting of the Foreign ministers of SAARC at Dhaka in the second week of August in 1986 condemned terrorism and called for taking concrete steps to fight it. But the summit of the SAARC which was concluded on 19th November, 1986 in New Delhi failed to define terrorism.

The member States of the SAARC adopted SAARC Regional Convention on Suppression of Terrorism. Article III of the convention provides that the provisions of all extradition treaties and arrangements applicable between contracting States are hereby amended as between contracting States to the extent that they are incompatible with this convention. Article IV, however gives very wide power and discretion to the contracting States with regard to extradition. It provides that contracting States shall not be obliged to extradite, if it appears to the requested State that by reason of the trivial nature of the case or by the reason of the request for the surrender or return of a fugitive offender not being made in good faith or in the interests of the justice or any other reason it is unjust or inexpedient 124 remarked. The law of extradition has obstructed international reaction against terrorism though all States agree that

terrorism should be effectively suppressed. With a view to give effect to SAARC Regional Convention on Suppression of Terrorism, on 26th April, 1996, the Parliament enacted the SAARC convention (Suppression of Terrorism), 1993. Reference may also be made to the Delhi declaration adopted by the Eight summit of SAARC held at New Delhi on 2-4 May, 1995.

Though this declaration the Heads of the State or Government showed the serious concern on the spread of terrorism in and outside the region and reiterated their unequivocal condemnation of all acts, methods and practices of terrorism as criminal. They deplored all such acts for their impact on life, poverty, socio-economic development and political stability as well as on regional and international peace and cooperation. They once again underlined that highest priority should be according to the enactment of enabling legislation at the national level to give effect to the SAARC Regional Convention on Suppression of Terrorism.

The 11th SAARC summit held at Kathmandu declared emphasized the need for international cooperation to combat terrorism. It asserted that terrorism violates fundamental values of the UN and the SAARC Charter and constitutes one of the most serious threats to international peace and security in the 21st century.

The 15th SAARC Summit in Colombo throws some light on the issues and challenges facing the forum and put some suggestions in front to improve the operating of the SAARC in order to restrain terrorism. Violence has always been on the top of the agenda of SAARC summits. A declaration was made in 1987 at the Kathmandu summit due to the increase in sectarian violence in Sri Lanka and the rise of militancy in J&K. The myriad problems of SAARC 126 countries cannot be solved through a one-off resolution on terrorism. Security, prosperity and economic integration can only be achieved by the strength of equality, unity, fraternity and soft borders.

Due to these conflicting forces, SAARC has been unsuccessful to achieve its objectives of integrating the region as an economic, social, cultural and scientific entity. This is highly evident when it comes to the free movement of peoples across the region. There are visa restrictions, mostly for visitors traveling from Sri Lanka, Pakistan and Bangladesh to India. It is been generally noticed by the Heads of State or Government that terrorism violates the fundamental values of the SAARC Charter and the UN, and constitutes one of the most critical threats to international peace and security. The Heads of State or Government expressed their satisfaction at the ratification of the Additional Protocol to the SAARC Convention on Suppression of Terrorism by all Member States and called for putting in place effective mechanisms for its implementation. They intensely condemned terrorist ferocity in all its forms and manifestations, agreed that terrorism is a challenge to all States and a threat to all of humanity, and cannot be justified on any grounds. They highlighted that there should be no double standards in the fight against terrorism.

5.2.2 Hundi

Hundi is a financial instrument that developed in Medieval India for the use in trade and credit transactions. Hundi is an informal system of money transfer from India and the Middle East. Hundi is used as a form of remittance instrument to transfer money from place to place, as a form of credit instrument to borrow money and as a bill of exchange in trade transactions. The Reserve Bank of India describes the Hundi as an unconditional order in writing made by a person directing another to pay a certain sum of money to a person named in the order.

Hundi has a very long history in India. Written records show their use at least as far back as the sixteenth century. The merchant Banarasi Das, born 1586, received

a Hundi for 200 rupees from his father to enable him to borrow money to start trading. During the colonial era, the British government regarded the Hundi system as indigenous or traditional, but not informal. They were reluctant to interfere with it as it formed such an important part of the Indian economy and they also wished to tax the transactions taking place within the system. Official Hundi forms were produced incorporating revenue stamps bearing the image of British monarchs, including Queen Victoria, and disputes between merchants often entered the court system, so in no way was the system an underground one even though it did not take place through normal banking channels. Hundi is a type of informal remittance transfer channel. Mostly South Asian migrant workers use this channel to send money home which is illegal in Nepal. Nepal Rastra Bank does not recognize Hundi as a remittance transfer channel. However, Hundi is still in practice in Korea-Nepal remittance corridor. In many countries, including Australia; alternative remittance services (ARS) are legal and widely advertised. In jurisdictions such as India, they are illegal for a number of reasons, including the prevention of currency speculation, the prevention of capital flight and their role in domestic terrorism. According to the Nepal Police, major businessmen were very confidentially adopting Hundi as the best method to legalize their black money which they first send abroad in the name of buying or importing various goods. Generally, in Hundi transfer money is paid in the destination country while doing transaction in Hundi method, money is paid in the destination country in some cases money is physically moving in to the same country from where money would send.

Hundi is still widely practiced in Nepal but in confidential way. In the Indian towns along the open border, Nepali currency is widely used and shopkeepers readily

accept Nepali money as legal tender. This money, however, needs to return to Nepal. As Nepali currency is not exchangeable in India, it has to be brought back to Nepal physically. Money Laundering Investigation Department of Nepal also has a good international coordination mechanism, enabling it to look into the matter properly. The Financial Action Task Force sets standards against money laundering and terrorism financing. Agencies like the Financial Intelligence Unit share intelligence on suspicious financial transactions with law enforcement agencies such as the anti-money laundering department. Around 35 percent (NRs. 200 billion) of remittance sent by Nepali migrant workers comes into Nepal through Hundi system. According to the Migration and Remittance Report unveiled by Nepal Rastra Bank (NRB) at 2018, NRs. 783.6 billion comes to Nepal in remittance from 189 countries annually, of which NRs 200 billion comes through Hundi system, which is illegal according to Nepal's law. According to the report, the only 65 percent of the remittance comes through banking channels while the rest (35 percent) comes through Hundi system. Nepal migrant workers send their earning to their families and relatives six times a year, said the report. Despite efforts, the government has failed in its attempt to ban illegal Hundi system.

Nepal India open border has made easy to the Hundi traders. Without legal way the Indian and Nepalese currency are carried on the daily basis either side. Hundi really is an emerging economic security threat in Nepal that has directly been weakening the banking system and affecting Nepal's economy due to the open border.

5.2.3 Islamic Fundamentalism

According to 2011 Nepal census, there are approximately 1,162,370 Muslim people residing in Nepal. Almost all of them live in the Terai region. District with large Muslim concentration are Rautahat (19.7 Percent), Banke (19.0 percent), Kapilvastu (18.2 percent), Parsa (14.5 percent), Mahottari (13.3 percent), Bara (13.0

percent), Sunsari (11.5 percent) and 1.25 percent in Kathmandu. Regarding the state of Muslim minorities, especially during the *Rana* rule (from 1849 to 1950), the Muslim in Nepal had a very less place in legal status. In the 1853 legal code, Christian and Muslim were listed with untouchable castes. The Muslim had a very inferior status in the society. At that time Muslim students were also not allowing to admit and attend the Nepalese school. It was only in 1940's that the *Rana* rule allowed the Muslims to attend schools and colleges.

After the *Rana* regime, the *Panchaayat* constitution of 1962, although contained special clauses which prohibited all discriminations on the basis of religion or caste. These changes, however, did not basically alter the situation of the Muslim as Nepal remained a 'Hindu State'. At the *Panchayat* era, the Muslims had a negligible participation. The active involvement of the Muslim people in the political process became evident from the first General Election itself in post 1990 Nepal when 31 Muslim candidates from the Terai region contested. Among them five contests got elected and they were also assign on the important position. The sudden rise in case of communal tension after the establishment of multiparty democracy strengthens the common belief that the Nepali state would not be favorably disposed towards the Muslim once they start demanding equal opportunities on account being equal citizens in a democratic society. There are many communal clashes especially Hindu – Muslim, recorded in the past. The first major recorded communal incident occurred in Bharwarpur village in Mahottari district, central Terai of Nepal in 1958-59, where the majority community set fire and looted against the Muslim. Later, compensation was given to the Muslim for the renovation of the mosque. Another major case of Hindu- Muslim conflict took place in Rautahat and Bara district in 1971 was 'Cow

Incident'. The conflict was flared off by the rumor of killing a cow, sacred animal of the Hindu where 51 lives were lost and property worth 6.4 million rupees was destroyed.

The well reported another communal case happened in Tulsipur, Dang in 1992 where a small fight over using mike by the Muslims for their daily Namaz in a mosque adjacent to some Hindu celebrations led to the desecration of the mosque. However the incident took the serious turn. In December 1994 and 1995 two communal clashes occurred within the 10 months of period in Nepalgunj. In 2004, Nepalese attacked the mosque and Muslim- owned business and homes to protest the killing of 12 workers by terrorists in Iraq. The terrorist group, Ansar-al Sunna said that they killed the men because they were supporting American forces in Iraq. Similarly, in 2017, the communal clashes followed the death of Hindu man in Bidhyanagar, Kapilvastu. Hundreds of Hindu people fled from the village to the safe area because of the threat of the Muslims attack and also went to hide to avoid police arrest for the sectarian violence. Likewise, these types of communal violence have been occurring in Nepal time and again.

There are two aspects that Hindu- Muslim communal clashes would occur. One thing is Muslim minority was kept always in low profile and had been considered as inferior status. Religious freedom is granted equally to the all religious devotee. There are fundamentalists in both religions. On the other hand, second aspect is the Muslims are carried in the politics basically for the electoral consideration. Therefore, still they are not getting access to the mainstream of the national policy. "The state's active role in the welfare of the Muslims can also keep the forces of Islamic fundamentalism at bay. For, in the absence of discontent feeling among the members

of the communities, there would be little support for neo-fundamentalist school of Islam as it has the risk of becoming a suspect in the eyes of the government and its majority population” (Dastider, 1998, p.41).

Islamic Fundamentalist and the separatists are active in the Indo-Nepal border areas. “The Muslim minority of Nepal especially of the Terai Region focuses a dilemma. The Muslims no longer wish to accept their inferior status in society. But as soon as they articulate their identity, they invite on themselves the attention and hostility of Hindu Fundamentalism” (Dastider, 2010, p. 766). They have their vested-political interests. Several fundamentalists and separatists, Yasin Bhatkal, Tunda, Niranjana Hojai, etc., active against India were arrested in Nepal. India is also expressing concern over the growth of religious fundamentalism in area along the India-Nepal border time and again. New Delhi has been raising the issue of spurt in activities of fundamentalist elements along the border of Nepal India. India as well as Nepal agencies have reported both respective governments that many religious institutions have come up just across the border.

There is a major terror attack somewhere in the world, almost every year, sometimes every month and sometimes every week. There are acts of terror, brutal blots on humanity. “It’s a fact that most times in acts of terror today the culprit is Muslim. Today any act of violence gets quickly associated with Islam until proven otherwise” (Nepal, 2016, p.1). According to the *Times of India* on 12th February 2006, India is claiming that Nepal is a hot bed for Islamic fundamentalism as the 73 identified madrassas are giving them shelter and helping them financially. According to the SSB report managers of the madrassas Ulemahad very close links with the Pakistan embassy in Kathmandu and got financial assistance through Islamic development Bank (Jeddah) and Habib Bank of Pakistan. It is also mentioned that how Habib bank has expanded its network in the border areas, including Biratnagar

and Krishnanagar of Nepal. The report of SSB has also identified some districts of Nepal are very vulnerable like; Bardiya, Kapailvastu, Nawaalparasi, Bara, Saptari and Parsa in Nepal and Siddharthaanagar, Maharajgunj, Arariya, Madhuwani, Krishnagar in India are also vulnerable districts where fundamentalists operating from madrassas across the border have found their sympathizer.

According to the *Asra News* dated 04/07/2017, mentioned that the opening of an Islamic Cultural Center in the Nepal town of Birgunj on the border with India, angered the India. They blamed that it is seen as a gesture of defiance against the Indian government which fears the spread of Islamic values and practices within its borders but Mr. Hussain, a Nepali Muslim leader denied that the Islamic cultural center's opening was a gesture of defiance. He put his point of view that many militants and terrorists group are defaming their faith in its name. He further added that any violence in the name of Islam must be discouraged.

However, all the Muslims living in Nepal are not radical. They believe in peace, brotherhood and co-existence too. Yes, they more believe on god, they pay more time praying to the god, they give credit to the god for their success but it does not mean that they are violent. Although, one thing is similar to the all religions that is sacrifice for truth. Sacrifice for truth is not the violent act. But on the name of truth unnecessary/unknowingly sacrifice is radical, on the name of religion sacrificing the life is radical, on the name of religion confronting with other is radical and on the name of religion creating terror is radical. Therefore, religion is not itself radical the people who follow the religion makes it radical. All the reports show that in Nepal India border the Muslim population is growing. Growing the Muslim population along the border region is not the terror but the radical Muslim or Muslim fundamentalists can create terror in the future. It is mostly seen that what the Muslim

leader says the followers they obey the order blindly without judging either it is right or wrong rather than the leader of other religion. If any religious leader is radical the conflict may happen if there is misunderstanding between or among the different religious people or the community.

One thing is most important that the education system in Madrassa is not bringing the Muslim community in the mainstream of the nation. The syllabus of the Madrassa School differs from other general schools. Their education is not valued equal to the education of other schools. Therefore, it is seen that the books, the syllabus should be revised accordance with ministry of education which is applied in the other general school and their academic certificate should be valued as other school's academic certificate. Education of the children makes them either they become fundamentalist or not, radical or not. On the other hand the newly emerged Muslims elites are expected to play a crucial role in their identity formation of the Muslim religious minority in a multi- ethnic of Nepal. The few incident that communal conflicts in the post 1990 in Nepal indicate that communal polarization are more sharp in those of the Terai, where both Hindu and Muslim fundamentalists are in competitive strength. In such situation government should react cautiously.

5.2.4 Pandemic

The world is fighting against unstoppable COVID -19 pandemic. Millions of people are being infected and hundreds of thousands have been killed by this lethal virus. Until the end of 2020, there was no medicine or vaccine available. Nepal also suffered from this pandemic, and considerable numbers of people were infected by the virus here too. People were living in the state of terror and it has tumbledown entire economy as well. Nepal's two giant neighbors, India and China also suffered

from this pandemic. China, the originate place of virus quickly brought it under control, up to great extent, whereas India is still experiencing severe attack of virus, infecting thousands of people and death of thousands. There are Himalayas and controlled border between Nepal and China and possibilities of spreading disease from China to Nepal is minimal. However, Nepal and India have open border and during normal times, hundreds of thousand people from each other countries cross the open border daily. Around a million of Nepalese and Indians work in each other countries.

During the COVID-19 pandemic, before and after lockdown of international border, hundreds of thousand people crossed the international border chaotically. Majority of them had gone to many districts and villages in Nepal and only small numbers were kept in COVID-19 quarantine stations. After the government of Nepal initiated COVID-19 lab tests on some of those arrived people, it was found a considerable number of people were infected by the COVID-19.

As a landlocked and highly dependent nation, Nepal's position has always been fragile and almost all its national affairs have been severely affected as result of open border. From problems of human trafficking, refugees' problem to security, economic dependency, citizenship and employment, open border has been an immense blight for Nepal. As per Nepalese concerns, the central government of India also opined that open border could be more problematic as fake currency, criminal activities; anti-social elements get shelter in each other's country, which is going to be a big problem not only to Nepal but also to India In future. The open border with India is also one of the causes for this demographic imbalance in Nepal.

The global pandemic completely changed the global migration scenario, eventually impacting the flow of remittance back home. As result of such situation,

and even after slowdown of pandemic, it was difficult for Indian workers to find job in Nepal and vice versa and people's movement for employment in each other country would was minimal. The Armed Police Force, (APF), Nepal was responsible for implementing pandemic-related border closures, enforcing the ban on non-essential travel, and the movement of goods. These drastic actions have been brought to border management issues to the fore, reminding the globalized world of the continued significance of borders. Sealing of borders thanks to the pandemic, an opportunity to clarify the roles and responsibilities of agencies and stakeholders related to border management in Nepal has arisen. In addition to trade, there is frequent movement of people across the border on a daily basis because of established social and familial ties on both sides. An estimated 279,000 Nepali seasonal migrant laborers work in India and regularly cross the border to and from work. Similarly, many Indian migrant laborers work seasonally in Nepal. The pandemic-related border closure caused major disruption, with several thousands of workers stranded along both sides of the border on their way home. The openness of the Nepal-India border has long been exploited for terrorism, smuggling, narcotics and human trafficking, and other illegitimate purposes. Nepal has periodically faced questions about lax border controls and lenient immigration systems. Custom services are not integrated with immigration and critical databases linking passengers and goods entering Nepal is yet to be introduced. The US Department of State's Country Report on Terrorism 2018 highlighted the lack of efficient security controls as a result of which Nepal has been, and could continue to be, used as a transit or staging point for international terrorists.

As the new cases of COVID-19 were reported in Nepal in the April of 2021, it suggested that the border with India is being breached despite the lockdown. The

porous borderlands also enable the spread of rumors and conspiracy theories. As borders represent national identity, information on them must be kept in the public domain to prevent such misinterpretation. Border-related issues can often succumb to a false sense of populist jingoism, playing into the hands of troublemakers and agenda seekers. This is particularly important for the Nepal-India border, where not only the state-to-state relations, but also the people-to-people ties, are deeply affected. Thus, a clear and commonly understood notion of the border that resonates across the state and people alike is extremely crucial, especially during crises, where the lack of such an understanding could have serious negative impact on Nepal India relations and border diplomacy. As such, Nepali border management policy makers have encountered a dilemma. On one hand, they must be sensitive in accommodating the borderland communities, in a strategy that preserves the legitimate flows of people and goods. On the other hand, border management strategies should counter and preempt security threats. This 'border paradox' requires borders to serve the purpose of walls and also present themselves as gates.

The most important policy consideration regarding border management in Nepal is the priority given to it in the country's National Security Policy which was revised in 2019. Shared cultures of communities and trade practices have often contradicted modern boundaries as human action cannot fully be constrained by boundary lines. For instance, government officials rely on digitized maps to determine the border, which is not available to the borderland population and therefore not abided by them. As such, the digitized version of the border and its actual treatment are contradictory, rendering purely statist border management impractical and unrealistic. During the lockdown, the APF- Nepal along the border was responsible

for quarantine facilities, health desks, immediate response teams, check points, pickets, patrolling by foot and vehicles, in close coordination with local governments, district administration, and police. Having said that ad hoc measures in deployment of additional security personnel amid COVID-19 in Nepal along its borders and otherwise, continued to take place.

APF, Nepal does not have a sole responsibility. While a single agency can be given the overall responsibility of border management, it is often the case that other government agencies will also need to be involved, depending on functional expertise and requirements. Establishing coordination mechanism and integrating systems beforehand will enable smooth functioning during crises. In managing the border, the desirable outcome is public safety and security. This however, does not mean it is solely the responsibility of security and law enforcement agencies. Border security and management entails a shared jurisdiction between security and law enforcement agencies as well as customs and immigration departments, who must also share the same vision of the border, enabling coordination with security agencies and in line with the reality of borderland communities. As countries continued to look inwards, implementing lockdowns and sealing borders, the pandemic reminded us of the existential significance of borders and their management. For Nepal, border management and disputes have been a persistent cause for concern and COVID-19 has signaled the need to revisit border strategies and decisions.

5.2.5 Biological Warfare

On the other hand, biological weapons are the most dangerous weapon ever produced. Germs do not respect borders, so biological threats either man made or natural can rapidly have global influences. Only a few countries are suspected to have biological weapons. Rapid advances in biotechnology mean that most countries with

pharmaceuticals and medical industries pose the knowledge and tools to develop biological weapons. The risk of improper lab safety increases threat of accidents that are beyond the control of public health system. Biological weapons use microorganisms or natural toxins to produce disease in humans, animals or plants. To act as a weapon, pathogens need a means for transmission. Delivery by bombs or missiles is possible but not necessary. For example, a country or a terrorist group might contaminate food and water supply or use insects, exposed individuals or aerosols to spread a pathogen. Diseases like Ebola have proven highly infectious, lethal and a challenge to contemporary medicine and recently COVID-19 has taken thousands of lives of the people and affected millions of the people in the world.

In the world, only 16 countries plus Taiwan currently suspected of having biological weapons programs; Canada, China, Cuba, France, Germany, Iran, Iraq, Israel, Japan, Libya, North Korea, Russia, South Africa, Syria, the United Kingdom and the United States. There is widespread consensus against the possession and use of biological weapons. Most countries are party to the Biological and Toxin Weapon Convention, but there is no way to know whether countries are complying with their commitments (Nuclear Threat Initiative, 2015).

Terrorist groups have already tried to use biological weapons. The Japanese Cult Aum Shinrikyo; a terrorist group unsuccessfully tried to use Botulinum toxin and anthrax in the mid-1990s. In the days after the September 11 attacks in the United States, a series of anthrax-laced letters sent to several news agencies and two U.S. Senators killed and sickened 17 others. Terrorists are drawn to biological weapons for their relative low cost, simple delivery and psychological impact. Biological warfare is the intentional use of micro-organisms, and toxins, generally of microbial, plant or animal origin to produce disease and death in humans, livestock and crops. “The attraction of bioweapons in war, and for use in terroristic attacks is attributed to easy access to a wide range of disease-producing biological agents, to their low production

costs, to their non-detection by routine security systems, and to their easy transportation from one place to another” (Inglesby, Toole, & Henderson, 2000, pp. 926-929).

The outbreak of Ebola in 2014, the West Africa showed how vulnerable is the infectious disease, how quickly it spreads, and how weak public health systems are in some of the poorest countries in the world. Now COVID-19 has created the same threat to the people of the entire planet. Now it can be seen that the open border has transported the disease easily. Many open border countries turned their border in to close or controlled border. For instance, Schengen countries especially (Italy, Spain and France) free border turned in to controlled border regime due to Corona Virus. But if there are no sufficient infrastructures along the border region and well pre-plan, then the open border like Nepal and India cannot be controlled at the time of emergency. It needs for immediate assessment to adopt home work to adopt regulated border just after the end of lockdown. There are not fix entry and exit points along the border area. Security forces solely could not control and regulate it because of inadequate security personnel and lack of effective infrastructure. There was an infiltration from many areas that triggered the spread of corona virus spread in Nepal and in some extent in India as well. In the same way using the open border accordingly if any element carries the bio- weapon through the Nepal’s territory to use for the rivalry country that can create mega disaster to the country.

Moreover, criminal investigation should be revised time and again on a regular basis as it’s a dynamic process. With the development in society and advancement in technology, the use of advanced technology in committing different forms of crime also has changed as a regular process. In this regard, the field of crime investigation is

becoming more challenging because of the increase in crime pattern of criminals and the speedy expansion of criminal networks. In analyzing crime cases over the past few years, crime has increased numerically and various complications have been added to the investigation of crime.

In a changing perspective, some of the weaknesses and disruptions in the Investigation System have affected the investigating capabilities. Facing the challenges and complexities seen in the field of crime prevention and investigation, it has been much more important to build a powerful means of conserving and utilizing police professionalism, excellence and energy. In line with the prevailing belief, the nature and methods of crime investigation should be refined, modified and made dynamic along with the changing perspective. The existing investigative forms, mechanisms and systems of the Nepal Police should also be modified in accordance with the rules of change. New thinking and style in Crime Investigation can only be established by exploring and utilizing the vast potential for professional excellence. Even in the policies and programs of the Government of Nepal, strengthening the security mechanism to control crime, anarchy and impunity is clearly mentioned, making the security personnel accountable, fair, professional and efficient.

CIB of Nepal Police Kathmandu on 19 March, 2020, arrested an Indian resident, age of 35, on illegal International SMS SIM Box fraud (SMS Bye pass) on 17 February, 2020, at Kathmandu who was also conducting VOIP call bypass, carrying all the equipment from the India. This is an apt example of how many criminals cross the Nepal-India borderlands and enter Nepal and start their criminal activities and India vice versa.

CHAPTER- SIX

BORDER SECURITY MEASURES TO COPE UP SECURITY CHALLENGES

6.1 Border Management Modalities

A border is a real or artificial line that separates geographic areas. Borders are political boundaries they separate countries, states, provinces, counties, cities and towns. A border outlines the areas that particular governing body controls the governments of a region can only create and in force laws within its border. “to draw a border is to establish an identity, and to establish an identity, is to draw a border” (Kesby, 2007, p.109).

Borders are geographic boundaries of political entities or legal jurisdictions, such as government, sovereign states, federated states and other sub national entities. In the past, many borders were not clearly defined lines but were natural zones called marchlands. This has been reflected in recent times with the neutral zones that were set up along part of Saudi Arabia's borders with Kuwait and Iraq.

6.1.1 Boundary, Frontier and Borderland

Generally, boundary is deemed as a line that defines the outermost territorial limit of state sovereignty. It is correctly specified on maps and marked on the grounds with pillars. But quite often boundary is disputed. Usually, boundary is guarded by armed forces. Nations are also distinguished from their neighbors by political and other forms of boundaries like social, cultural, economic or environmental. Thus, boundary means a real or imagined line that marks the limits or edges of something and separates it from other things or places. Similarly, the word frontier implies historically that which is in the front. It is not an abstract term or line but a designated line in an area. The edge of the land where people like and have built towns beyond

which the country is wild and unknown, especially in the western US in the 19th century. Normally the frontier is an area where effective state control starts fading. The original meaning of frontiers has now expanded to include not only the front, not the end but the beginning of the state. In the same way, borderlands mean, an area of land close to a border between two countries. Borderlands are spaces where the everyday realities of boundaries are played out. They are the proximate spaces of flows across the dividing line. They are spaces where cultural identity sheltered by the boundary, becomes blurred, mixed, creolized.

6.1.2 Classification of Borderlands

Generally, Borders are classified in two categories. They are natural border and artificial border. Mountains, rivers, ocean, lake, bay, forests are natural borders whereas, cultural and geometrical are artificial borders.

1) Natural Borderlands

- a) Mountains:** Mountains are the natural border like in Nepal shares with China and, Bhutan shares with India and Chin. On the one hand the mountain border has military advantages from security perspective. During the war, it's easy to be defended from enemy and hard to be attacked by the enemy but on the other hand country also faces economic disadvantages because of mountainous geography
- b) River:** The possible border line in the rivers may set at the middle, the channel, a bank and arbitrary lines between turning points. Like Niagara River border (Canada-USA), Rhine border (France- Germany) is the examples of river border.
- c) Oceans/ Sea:** Seas also have a significant importance and are suitable for water transportation. International border can be easily established between the territorial and international seas.

- d) **Lakes:** larger lakes creates natural border. For example, Tanganyika with DR Congo and Zambia on its west shore and Tanganyika and Burundi on the east.
- e) **Bay/Strait:** In Bays and Straits, borders may be navigable channel, medians, or arbitrary lines.
- f) **Forest:** Denser Jungle or forest can create strong natural borders. One example- natural forest border-Amazon rainforest separating Brazil and Bolivia from Peru, Columbia, Venezuela and Guyana.

2) **Artificial Borderlands**

If no significant natural border is available or the natural screen is not suitable to serve as a border, artificial border is set up. Generally, artificial borders include three categories: a) artificial barriers b) geometric border and c) cultural border.

- a) **Artificial Barriers:** Stone tablets and walls are most commonly constructed on the one or both sides of the adjacent territorial rules to identify their political divisions. Great Wall of China is an example.
- b) **Geometrical Border:** Some political borders can be classified according to their geometrical features. The most commonly used geometrical approach is latitude/ longitude. Geometric boundaries are formed by areas or lines regardless of the physical and cultural features of the area, such as in Africa and Middle East.
- c) **Cultural Border:** A cultural border is defined as one that separates two or more different cultures, religions, language, technology and fashion like; Saharan Africa (including Egypt and Morocco) and Sub-Saharan Africa (including Sudan an Congo)

In past two decades, there has been a renaissance in the study of borders, partially from the creation of a counter narrative to notions of a borderless world that

have been advanced as a part of globalization theory. Border is secured during peacetime and defended during the wartime. Border security is a peacetime apparatus for the physical security of the boundary line, borders and border population. By preventing trans-border crimes and other dangerous activities of opposing border guarding forces or civilian population, it instills a sense of security amongst own people on the border. By no implication, border security is to be viewed as a single agency's work. It is a collective effort of the border guarding forces, the people residing in the bordering regions, local government, provincial government and central Government, local police as well as district and province state administration.

Nevertheless, the term 'Border Management is wider than border guarding or securing the borders. It denotes controlling the administrative affairs of the border including ensuring the sanctity of the borders. Border management also embraces border security. Border security and border management are interdependent and reinforce each other. However, the most important player in border management is the people residing in the bordering areas. It is the residents of these areas, who will be the beneficiaries if borders are well-regulated and managed. At the same time, it would virtually be impossible for any of the agencies involved in border management to successfully implement their agenda without the active participation of the borderlands' inhabitants.

In political geography, there is no agreed definition of the term Border Management. Till recently management of land borders implied, perhaps to most of us, a need to ensure their sanctity against military aggression and early settlement of our border issues, which again for a common man meant territorial issues. It is only recently that our concepts and attitudes towards the management of our borders in general and land borders, in particular, have undergone a radical change. It is

impossible to prescribe in detail how boundaries must be managed, but it is possible to identify some emerging principles of good management. Boundary demarcation is not the end of the process, however, but the beginning and subsequent quality of boundary management can fundamentally affect relations between states and the welfare of borderland peoples on either side. The objectives of boundary management strategy will be determined initially by national foreign policy objectives. The boundary may even be used as an instrument of foreign policy, particularly if relations between neighbors are poor.

The fundamental aims of good boundary management are designed to achieve (a) International Peace, (b) Local and National Security, (c) Borderland Prosperity and (d) Effective Local government. Further goes on to state that the boundary management begins with a clear legal framework which describes the alignment clearly. According to Shri Prakash Singh, former Director General, Border Security Force, India, 'Border Management is a fluid concept in the sense that the level of security arrangement along a particular border would depend upon the political the economic linkages, the ethno religious ties between people across the borders and configuration of the border itself'. However, generally speaking, the border management implies a comprehensive package including: Guarding the borders in time of peace, defending the borders in time of war, insuring that there are no unauthorized trans-border movements, taking steps against smugglings of arms, explosives, narcotics and any other kind of contraband items, using sophisticated technological devices to supplement the human effort, coordinating the intelligence inputs from various agencies and promoting the welfare of the border population.

The aforementioned discussion on Border Management is particularly relevant for the agencies guarding the borders. The explanation becomes complete if we

include the aspect of crisis management on the borders. It can be achieved by the interaction of the counterpart border guarding forces with each other at the appropriate level. This local interaction is very important for keeping peace on the borders and solution of local level problems of the border population like retrieval of inadvertently strayed persons and retrieval of strayed cattle etc. The United Nations Trade Facilitation Networks recommends an integrated approach to border management which it defines as the organization and supervision of border agency activities to meet the common challenge of facilitating the movement of legitimate people and goods while maintaining secure borders and meeting national legal requirements.

The Integrated Border Management (IBM) can be divided into two parts (a) domestic integration between government agencies within one country or customs union and (b) international integration between neighboring countries. Although the suggestion of IBM is from the specific point of view of facilitating trade and movement of people, the same principals can be applied in other border management activities and a synergy created amongst all the stakeholders for the welfare of border population and also for maintaining peace and harmony with a counterpart. Border management entails the effective control and regulation of the movement of people and goods. The processes facilitated at the borders accord legitimacy to travel and trade while preventing illegal movements. As mentioned earlier, border management entails two simultaneous and parallel processes: porousness of borders for facilitation of trade and movement of people while at the same time preventing borders effectively for all illegal activities (Arora, 2018, p.39).

The fundamental objective of Nepal's foreign policy is to enhance the dignity of the nation by safeguarding sovereignty, territorial integrity, independence, and

promoting economic wellbeing and prosperity of Nepal. It is also aimed at contributing to global peace, harmony and security. Nepal's foreign policy is guided by the following basic principles: Mutual respect for each other's territorial integrity and sovereignty, non-interference in each other's internal affairs, respect for mutual equality; non-aggression and the peaceful settlement of disputes, cooperation for mutual benefit abiding faith in the Charter of the United Nations, value of world peace and nationality, sovereignty, territorial integrity and national security. An independent nation has its defined and demarcated boundaries, a permanent population, owns strong and independent government and is also capable of conducting international relations beyond its borders. A country cannot be regarded as independent in the absence of these conditions. Of all essential elements that make a nation sovereign.

It is said that borders are neither natural nor fixed phenomena; they come and go in response to political and economic transformation. Still, there are generally, three types of border management system prevalent in the world: open border, regulated border and closed border.

Open Border: An open border system is that system where there is free movement of people and trade in goods and services between different jurisdictions with limited or no restriction. Generally, border can be open either due to lack of monitoring mechanism or agreement of both countries or parties. The people of one country can travel another country without restriction. The porous and open borderlands between India and Nepal is an apt example.

Regulated Border: It is the system where a visitor should show the necessary documents to cross the border. A visitor should show passport, ID card and like any

other documents as required. In this system people can immigrate or emigrate only on the regulated/ controlled basis. Examples include Nepal and China borderlands, India and Bangladesh borderlands, among others.

Closed Border: In this system cross- border movement is banned, no matter how valid and reliable documents the visitors have. Such borders normally have border walls and fences like South Korea and North Korea. Only in exceptional cases, there is provision of border crossing.

So far, there are 93 international borders in the world. There is open border among the European countries; US- Canada border is also open but record is maintained. Similarly, England and Ireland need ID card to cross the border. Syria, Greece, Iran, and Bulgaria have wall with Turkey. Bolivia, Columbia, Ecuador and Peru have open border with South America (AP 1 TV, July, 2020). With limited resources it is not possible to have a constant security presence at every point along the border and intelligent criminal are constantly seeking ways to circumvent security measures. It depends that how to effectively lay out the available resources at both the strategic and tactical levels to maximize border security. Here, some borders systems/ practices are mentioned below.

Canada- US Border- The 8,891 km, the Canada –US border is the largest undefended border in the world. Before the attack of September 11, 2001, economically Canada- US trade relationship was vital but after the September 11 attack, both Canadian and American policy makers increased the security concerns at the border with significance flow of both goods, services and people. Both countries changed their border management policies. All persons crossing the border are required to report to the customs agency of the country in which they have entered. Where necessary, fences or vehicle blockades are used. Where there are no border

security staffs, there are hidden sensors. Border security forces routinely set up checkpoint. Now identification is necessary to enter by air, land or sea. The United States Customs and Border Protection Agency and the United States Border patrol under the Department of Homeland Security (DHS) are tasked with securing the US borders against illegal entry of people and goods. The US has used technology and highly trained personnel to secure the U.S. borders from illegal intrusion. This includes the detection and apprehension of illegal trafficking of human, drugs, weapon, contraband and the prevention of terrorist activities.

Bangladesh- India Border- Bangladesh – India is having the world’s third largest border lines after the United States- Canada and the Russia- Kazakhstan border.

“Bangladesh shares 4096 km. long border with India. India and Bangladesh have a lot in common with each other in terms of culture, society and economy” (Anonymous, 2022, p.68). India started wire fence not for a military obstacles rather a measure of border management to prevent illegal movements and smuggling. The border is used as a route of smuggling livestock, food items, medicine and drug from India to Bangladesh. Furthermore, illegal migrants from Bangladesh cross the border to India. Between India and Bangladesh, fencing is on progress since 1986 to control the cross border criminal and illegal activities under the Comprehensive Integrated Border Management System. First, it was single layer of wire but later India initiated to deploy the smart fences, advanced surveillance gadgets and anti-infiltration alarm system which have been speeded up.

Bangladesh- India border is seen as one of the most conflict and killing prone borders in the world mostly due to informal Cross Border Trade (CBT), testifies weak border management. There had been extensive informal or unauthorized trade through the India- Bangladesh land border since Bangladesh emancipation in 1971. There was

external trading as “bootleg” smuggling because of the involvement of several individual transporting a small variety of product on their heads or by cycle, rickshaw. Another point as technical smuggling; large scale of business via officials’ customs channels. This also entails criminal actions such as under- invoicing, deception, fabrication, misconception, misclassification, and bribery of customs and other authorities.

The border between Nepal and India and the Bangladesh- India is similar in more cases. As the Susta issue between Nepal and India is all about changing of river courses as in Bangladesh- India border middle point of the water channel in the river demarcates the border , any changes in the river course creates a lot of disputes/ disagreements. Regarding smuggling some of the most commonly smuggled goods from Bangladesh are fertilizer, gasoline and edible oil, electronic and computer items, gold brass, touch stone, foreign cash, fish, food items and so on. Every year, more than 1.7 million illegal smuggled cattle enter Bangladesh and they are more than 50 percent is for meat.

Israel Border- Israel’s borders with Egypt and Jordan have been formally recognized and confirmed as a part of the Peace Treaties with the countries. Israel’s borders with Syria, Lebanon and the Palestine Territories are still disputed. The Israel –Gaza security barrier was constructed by Israel in 1994 for the first time. Israel’s west bank barrier is a separation barrier in the West Bank or along the Green Line. Israel calls it as a security barrier to combat terrorism but Palestine considers that it is a racial segregation or apartheid wall.

US-Mexico Border- US- Mexico border wall is built mainly to control the illegal migration and arms trafficking to the United States from Mexico. It is the busiest border in the world. There are 50 border crossing sites. Terrain is rugged and difficult.

There are more than 20 thousand border patrol agents, they only have effective control less than 700 miles with an ability to actually prevent or stop illegal entries along only 129 miles. There are 700,000 to 850,000 new unauthorized migrants arriving annually by modes of entry. An estimated 6.2 million (56%) of all unauthorized migrants are from Mexico. US-Mexico smart border Agreement was signed in 2002 focusing on the safe and secure flow of people and goods and major improvements in border infrastructure. Till, 17 December 2019, in total, 93 miles of barriers were built. The wall will be 1994 miles (3145 km). Mexico has limited fencing along the southern border with Guatemala. Physical barrier started between Mexico and US in 1990 when George H. W. Bush was president of US.

Russian and Belarus Border- The two countries share 1,239 km. borderline. The two countries shares open border. They allow their citizens to cross the border without any kinds of restrictions and without any checking at the border points. But the border is closed for third country citizens. The border formally exists but is not subject to customs checks or duty due to the Union State treaty and the Russian Union.

South Korea and North Korea Border- There is no permission to cross the border for the citizens of both the countries. The border between North Korea and South Korea is called Demilitarized Zone (DMZ). The original demarcation line between South Korea and North Korea existed after World War II. DMZ is 250 km. long and 4 km. wider. According to the North Korea, in between 1977 and 1979, the South Korea and United States authorities constructed a concrete wall along the DMZ. Electric fences are also used in the Korea DMZ as a means to seal off North Korea from South Korea.

UK and Ireland- Both countries shares 4991 km. borderlines. This is also open border. There is no any provision to show ID card between the two countries. The

people of both countries can cross without restriction but carriers by air and sea require identification and photograph. After July, 2008 border has been lightly controlled. The border is marked only by a small number of “Welcome to North Ireland” road signs on the UK side.

Henceforth, in general, there are three modalities of border management system prevalent in the world but there are also the differences between the open, regulated and close border countries. Some certain rules and regulation may differ in the same type of border management practices according to the priority of the country.

In the Nepal India context, British East India Company mainly kept the border open because of three reasons. First reason is to maintain unrestricted movement of the people to recruit them in the British army. Another reason is to continue supply of raw material like wood, herbs, animals skin etc. from Nepal to India and the third one is to get access to Tibet for trade and also for the strategic reason. Text of the Tripartite Agreement between the government of United Kingdom and the government of Dominion of India and the Government of Nepal is shown in Appendix- C.

Open borderlands between India and Nepal have facilitated to the cultural, social and religious relation especially among the borderlands’ inhabitants. But, at the same time, the open border has also triggered security threats to the both nations. Generally, scholars share similar perception regarding Nepal- India border management system but their focus is different. One group sees the advantages from the existing border system another group sees the disadvantages emanating from the porous, unregulated and unmanaged border system. It is not mentioned in any agreement and treaty when and how the border opened between Nepal and India.

After the Anglo-Nepal War of 1814, AD, the signing peace treaty between Nepal and British East India Company on December, 1816, the border demarcation was determined. Before the treaty, there was free movement but restrictions were imposed on purchasing the land and settle down in the both sides of Terai. Despite of the numerous advantageous of the open border, the security threat impelled by the porous and unregulated borderlands cannot be ignored, as it is a threat to the both nations and eventually, it may create a conflict in the future. Because, it's not easy to monitor and regulate the free movement of goods, services and people owing to the lack of adequate security apparatus. But in the present context, both countries are making endeavors to enhancing the security arrangement to secure the open border that we will study in the following chapter.

Safeguarded, protected and developed borderlands resemble the symbol of national development, power and security. Every country gives significant importance to the border. The border security undeniably seeks cooperation between the bordering countries, due to increase in the number of intrusions, illegal migrations and terrorist threats. A cautious surveillance is required at the borders. "Most of the countries are using wire to protect the border area but wired installation is not easy to maintain because of topography and extreme weather condition. Technologies like a laser wall, thermal sensors, tunnel detector sensors and Unmanned Ariel Vehicles are already deployed by the many countries" (Ukani, 2016, p.vii). But for the border security, what security measures are to be deployed? It depends upon what kinds of challenges the countries have been facing. The deployments of security measures are different and specific as per the countries' necessities.

Border management and border security are inseparable as they are interdependent and mutually re-enforcing. In Nepal, MoHA, MoD, MoFA, Nepal

Army, Nepal Police, National Investigation department and other concerned organizations are involved directly and indirectly for the border management and especially Armed Police Force border on the security. However, the most important player in border management is the people residing in the bordering areas. It is the residents of these areas who will be the beneficiaries if borders are adequately managed. At the same time, it would virtually be impossible for any of the agencies involved in border management to successfully implement their agenda without the active participation of the border population.

In 1648, the concept of borders emerged in the modern period with the signing of the Treaties of Westphalia. “The formation of boundaries gave rise to the need to secure or defend them. It is difficult to trace the history of the formation of boundaries on the earth. Throughout the history, large and small states have constructed walls and fortifications in their frontier areas” (Arora, 2018, p.3). But Nepal- India border management system is open since centuries. Gradually, security forces are deployed on the both side of the border. Video monitoring devices like CCTV/ go-pro cameras are also set up on some specific places. Joint patrolling, joint checking between the two forces along the bordering area has been continuing. During the election time border is totally closed. But on the normal situation it seems open and minimum security forces are deployed and just cross checking is done as per need. In the normal situation, anyone can cross the border without checking either being the presence of security forces. Security forces just take action when they get suspicious information or if the person who is crossing the border is suspicious. Otherwise there is no restriction for the peoples’ movement and mobility. Lack of insufficient troops with resources and modern border monitoring devices has made the Nepal –India border region more vulnerable. Nepal –India open border is very crucial. There are many cases of illegal and criminal activities occurred previously footing the territory.

6.2 Strengthening and Increasing Number of Security Personnel

Researchers accept the reality that there are not sufficient security deployment along the Nepal India border from Nepal side as per required so that security challenges are still present. But that is not only the thing to consider rather needs to study many aspects/ dimensions. Comparatively strength of APF Nepal is not equal to SSB. SSB has deployed more border guarding posts minimizing the gaps of around 5 km between the posts. But from Nepal side there is around 18 km. gaps in between the posts. APF Nepal has deployed around more than six thousand security personnel (now around 10 thousands) while SSB has deployed around fifty thousand along the 1880 km borderline between Nepal and India.

On the Indian side, SSB has deployed in total five units of Frontier Headquarters, 13 units of Sector Headquarters, 57 units of Battalion Headquarters, 146 units of Company Headquarters and 381 units of Border Out post. Similarly, From Nepali side APF Nepal has deployed in total 6 units of Brigadier Headquarters, 22 units of Battalion Headquarters, 5 units of Company Headquarters and 214 units of Border Out Post along the Nepal- India border region. In total 1880 km. of open and porous border between Nepal and India is really sensitive in regard with security perspective. Deployment of security personnel from Nepal side is very less and not tactical enough. Security post is not physically covering all the border area although they have got responsibility of 1880 km. borderline with India. Still security forces of Nepal are monitoring and keeping surveillance along the bordering area determinedly. There are 8553 pillars between Nepal India borders. But still 1700 pillars are missing. They need to be re-erected.

Even though security forces are deployed, border demarcation is not clear. Border disputes are recurrent. Misunderstanding between two security forces can create a big problem in the future. People to people relation may deviate. Therefore,

border demarcation is the prime important issue to be solved in time. The confrontation between Nepalese people and SSB at Kanchanpur district on 9th March, 2017, resulted death of a Nepalese resident. Govinda Gautam, was killed after being shot by Indian SSB. Similarly, on 25th May 2010, a Nepalese resident was shot by India SSB in the Nepalese territory who was died at the hospital later on. There are many cases like Indian security force and Nepalese people of bordering area. Dominant culture and hegemonic attitude of security forces carrying frequently conflict with the Nepalese people of bordering region but people to people relation between Nepal and India is sound because of cross-border family affinities, cultural, religious and economic relations.

During the Maoist insurgency small arms were carried through the Nepal India open borders. APF, Nepal was not deployed at the border at the pick hour of conflict. The border was less monitored before deploying APF, Nepal. At that time the small arms were mostly used by the underground /criminal armed group that eventually brought the problem also after the 12-point peace agreement.

The government has initiated various policies and strategies to restrain the illegitimate use of firearms in Nepal. The Arms and Ammunition Act of 1962 regulates small arms in Nepal. The Act was amended in 2007 delegating more power to the Chief District Officer. The government of Nepal took two-prolonged strategies in dealing with armed groups. First in 2009, MoHA implemented a Special Security Plan to curtail the criminal activities of the more than 109 armed groups in the country (Ministry of Home Affairs, 2009). Simultaneously, Ministry of Peace and Reconstruction focused on engaging with politically-motivated groups through a series of peace talks. Despite frequent changes in government coalitions and ministerial representation, the government continued to pursue peace talks with the

armed groups. Further, in 2011, the MoHA started a Small Arms Management Work Plan, with a view to ban the production, transportation, sale, and distribution of small arms in the country. However, the plan has not been made public and its impact is unclear. Similarly, in 2013, the government issued a notice calling for people with illegal arms to return them voluntarily, resulting in the collection of 6,745 firearms. The Nepal Police and the Armed Police Force has been continuing joint operations in the Terai to limit the transmission of illicit small arms. The lack of youth employment opportunities is the major driver for their involvement in armed/criminal activities. Studies have shown a proportional relation between unemployed youth and crime. With Nepal Government statistics revealing youth unemployment to be as high as 40 percent, the political instability, weakened institutions and slow economic growth, potentially increases the prospects for youth to be more involved in, and affected by, armed violence. The government has launched relevant plans and policies to encourage the engagement of youth to promote peace and development.

Another part of the security forces is modern arms and gadget. The security personnel who have been deployed at the border region have lack of these equipment's which directly is affecting the morale. The smart dress up and light weapons really gives the good impression to the counterpart force. It offers high morale to the force, of which Nepal is still deprived off. Therefore, to keep the force smart and with high morale, the uniform and weapons should be upgraded. On the other hand, logistic part is not satisfactory. The barrack, drinking water, light, internet, store room and other facilities are not up to the standard. Despite facing various problems security forces are effectively monitoring the Nepal India borderlands.

Most importantly, all the security personnel who are deployed at the border region need updated trainings. Special training regarding border security is most essential. On the other hand, legal authority should be very clear for the border

guarding forces. India has adopted 'One Border One Force Policy'. BSF, SSB ITBP, Assam Rifles and also other forces of India have their own certain responsibility. That is really effective strategy. But in Nepal, duplication in responsibility is seen at the border region. APF, Nepal is mandated for the border security but also there are some Border Police Posts of Nepal Police at the border area. Nepal Police is also necessary at the border region to deal with the legal procedure, but naming the border police post is creating confusion that eventually leaves the room for the lack of coordination, cooperation between the APF-Nepal and Nepal Police.

Without a sound civil- military relations, the expected goal cannot be achieved. At the border region if the people do not support the security forces they cannot get the information and apply strategy well. For instance, Nepal India open border security personnel alone cannot collect the real and timely information. If the bordering people are not satisfied with the security forces, if the people are misbehaved by the security personnel, if the people of border region are tortured by the security personnel, they do not help and they do not support. Their information can be wrong or misleading to the security forces. They act as they are supporting because they are forced to do that. Therefore, the relation between the people of bordering region and border security personnel should be very close and sound. They have to make a good friendship and develop a sound relationship with the people residing in Nepal-India borderlands. Helping them in the difficult situation, conducting awareness program, participating on the local meeting with the public and supporting them for their peaceful and safer environment can be the better way to build the sound relation between the people and security forces along the border area. The atmosphere of anger, bitterness, suspicion, distrust between civilian and security

forces develop the suspicion and uncertainty, eventually impacting territorial integrity and national security. It can also break the relationship between government and borderlands' inhabitants.

On the other hand, the security forces that is under pressure, work spending hours upon hours in their lonely bunkers against anti-national activities during the unfavorable situation. The morale and motivation of those guarding the borders has to be ensured in terms of welfare, incentives and promotions. These men, no doubt, work under the most trying conditions. In an inhospitable terrain, remain away from their families throughout the year and are under constant mental stress. The border security personnel patrol mostly on foot; no any All Time Terrain Vehicle (ATV) and off terrain bikes are provided for better performance. "If these men are not motivated, no amount of instructions and measures towards border management will yield the desired results and simultaneously, there is need to give clear instructions to the armed forces to respect the human rights of the ordinary people also" (Shivani, 2013, p. 148). Awareness among people of border region Nepal is one of the most important parts. Any information related with any suspected person is to be disclosed to the border guarding forces. This is a fundamental duty to co-operate fully with the cops who are struggling day and night to safeguard our borders, so that everyone could sleep in their homes peacefully. Public should help by informing of suspicious incidents. Our political parties should stop their dog fights and taking political advantage of this situation and should sit together and make some stringent laws to curb the illegal and terrorist activities along the Nepal India border region.

Thousands of people cross the Nepal India open border every day. Very few female security personnel, in SSB and in APF- Nepal are at the Nepal India bordering regions which are not sufficient. The criminals and illegal traffickers may use the female as traffickers. Along the border region both side of security personnel are

deployed in the multiple duties. On the other hand, some Nepali and Indian border security personnel are carried for riot control to the city area when needed, and are kept very few security personnel at the border and when there is more security concern at the border region those security personnel are again deployed at the border region.

Therefore, the both countries are taking the border issue not seriously. Rolling stone gathers no moss, in the same way if the border security personnel are deployed for different purposes that cannot be effective. The major concern for the government is the border guarding force should be utilized only for border security. So that desired goal could be achieved. “In the past few years security forces of Nepal are well aware of importance of this aspect and working on it” (Upreti, 2019, p.3).

6.3 Establishment of Fix Entry and Exit Points

Whenever a country tries to manage the border security problems alone, it cannot achieve success. Both countries should initiate the integrated security measures. The open border is creating the similar problems to the both countries. So, the integrated action plan should be integrated to deal the problems. There are many security measures suggested to control the security issues aroused by the open border. The table below shows the ways to minimize the border security challenges.

Table 6.1

Way to Minimize the Border Security Challenges

S.N.	Topic	Key informants (Percentage)
1.	Fixed entry and exit points and use of modern surveillance devices	42.5
2.	Increasing the security deployment	37.5
3.	Fortifying the open border fencing and building the wall	10
4.	Implementing ID card checking system	7.5
5.	Deploying Nepalese Army	2.5
6.	Any other	-

Source: Researcher's Field Work, 2019

Among the 40 KIs, 42.5 percent of KIs suggest to adopt fixed entry and exit points and use of modern surveillance devices along the Nepal India open border to minimize the border security challenges. Similarly, 37.5 percent KIs suggest increasing the security deployment along the border area can control the border security challenges. Ten percent (10 percent) KIs suggest fortifying the open border fencing and building the wall is the best way to minimize the challenges. Seven point five percent (7.5 percent) KIs suggest implementing ID card checking system and two point five percent (2.5 percent) KIs suggest deploying Nepalese Army as well.

Deploying more security personnel, fencing the frontier is not enough to control the border security challenges more than that fixing entry and exit points in the certain location and using modern surveillance devices can be the best way to minimize the border security challenges. Only one security measure is not enough to secure the border therefore there should be many security measures to be implemented to control the security challenges. They focus on the increasing security forces to minimize the gap between the border out post, fencing the frontier, fixing the entry and exit points, applying ID card system are the first and the major important steps to take ahead.

There are not limited entry and exit points between Nepal and India. Open border has created many loop holes for the illegal traffickers and criminals. Increasing the security personnel is not only the way rather using modern monitoring/ surveillance devices can work effectively to reduce the security challenges. Fixing the entry and exit points limit the infiltration. Using new monitoring devices like Close Circuit Television, Explosive Detector, Unmanned Ariel Vehicle, biometric gate, sensor wall, binocular , x-ray machine/ metal detector, use of sniffer dogs, tunnel detection machine , visible light camera, small dark aircraft, satellite system, spy camera, night vision etc. are mainly practiced in the world to minimize the security challenges along the border .

6.4 Fencing the Frontier, Using Surveillance Technologies and Building the Border Wall

States have been building walls since the tenth millennium B.C. Ancient time walls were built for defensive purpose but nowadays the border walls are built to prevent immigration, illegal and criminal activities and terrorism as well. But there is a common connection, which is the idea of keeping outsiders out. The first walls were city walls and they originated with the very first cities, like Jericho, the city of the Bible, which was first constructed sometime in the tenth millennium B.C., as many as 12,000 years ago. It was a walled city and, subsequently, nearly all cities in the ancient world were walled. The first border walls were not found until the late 2000s B.C., in Mesopotamia. There were two different lifestyles developing: a lifestyle of the people we call wallers, who are workers who build things and identify themselves by their civilian occupations. They sought to secure themselves by building structures that would protect them even when they were sleeping at night. Outside the walls, you have a very different sort of society, people inured to the dangers of living in an un-walled world. Non-wallers were peoples we generally refer to historically as barbarians, like the Huns, the Goths, or the Mongo. They were viewed with fear by the wall-builders. And that's what inspired the construction of the early walls.

The ancient human need for security is one of the fundamentals of life and has to be achieved before we can achieve other things. It was walls that gave people the security to sit and think. It's hard to imagine a novel being written in a world in which every man is a warrior. Until a society achieves security, it can't think about anything except the dangers all around it. As a consequence its culture will be limited.

The Great Wall of China can't be seen from space that's a common misconception. And it is actually fairly recent. The stretches of brick walls that most

tourists see weren't built until the 16th century A.D. But the Chinese had a history of wall building that goes back much longer than that, to the Bronze Age. The first true wall, though, was constructed in the late third century B.C. by the first Emperor of China. This is the birth of the Chinese state and the birth of the long wall, and the two events occur simultaneously and are very much connected. In English, we would say they were trying to keep out the Huns. Chinese sources would say the Hsiung-nu. They also built walls in southern China against various other peoples, like the Miao, from Vietnam. The great wall is a historical northern borders of China to protect and consolidate territories of Chinese states and empires against various nomadic groups of the steppe and their polities. Several walls were being built from as early as the 7th century BC by ancient Chinese states; selective stretches were later joined together by Qin Shi Huang (220–206 BC), the first emperor of China. Little of the Qin wall remains. Later on, many successive dynasties have built and maintained multiple stretches of border walls. The most well-known sections of the wall were built by the Ming dynasty (1368–1644).

Apart from defense, other purposes of the Great Wall have included border controls, allowing the imposition of duties on goods transported along the Silk Road, regulation or encouragement of trade and the control of immigration and emigration. Furthermore, the defensive characteristics of the Great Wall were enhanced by the construction of watch towers, troop barracks, garrison stations, signaling capabilities through the means of smoke or fire, and the fact that the path of the Great Wall also served as a transportation corridor.

The frontier walls built by different dynasties have multiple courses. Collectively, they stretch from Liaodong in the east to Lop Lake in the west, from the present-day Sino–Russian border in the north to Taohe River in the south; along an arc that roughly delineates the edge of Mongolian steppe. A comprehensive

archaeological survey, using advanced technologies, has concluded that the walls built by the Ming dynasty measure 8,850 km (5,500 mi). This is made up of 6,259 km (3,889 mi) sections of actual wall, 359 km (223 mi) of trenches and 2,232 km (1,387 mi) of natural defensive barriers such as hills and rivers. Another archaeological survey found that the entire wall with all of its branches measures out to be 21,196 km (13,171 mi). Today, the defensive system of the Great Wall is generally recognized as one of the most impressive architectural feats in history.

The Berlin Wall was a guarded concrete barrier that physically and ideologically divided Berlin from 1961 to 1989. Construction of the Wall was commenced by the German Democratic Republic (GDR, East Germany) on 13th August 1961. The Wall cut off West Berlin from surrounding East Germany, including East Berlin. The barrier included guard towers placed along large concrete walls, accompanied by a wide area (later known as the "death strip") that contained anti-vehicle trenches, beds of nails, and other defenses. The Eastern Bloc portrayed the Wall as protecting its population from fascist elements conspiring to prevent the "will of the people" from building a socialist state in East Germany.

GDR authorities officially referred to the Berlin Wall as the Anti-Fascist Protection Rampart (German: *Antifaschistischer Schutzwall*). The West Berlin city government sometimes referred to it as the "Wall of Shame", a term coined by Mayor Willy Brandt in reference to the Wall's restriction on freedom of movement. Along with the separate and much longer Inner German border (IGB), which demarcated the border between East and West Germany, it came to physically symbolize the "Iron Curtain" that separated Western Europe and the eastern Bloc during the Cold War.

Before the Wall's erection, 3.5 million East Germans circumvented eastern bloc immigration restriction and defected from the GDR, many by crossing over the border from East Berlin into West Berlin; from there they could then travel to West

Germany and to other Western European countries. Between 1961 and 1989, the Wall prevented almost all such emigration. During this period, over 100,000 people attempted to escape, and over 5,000 people succeeded in escaping over the Wall, with an estimated death toll ranging from 136 to more than 200 in and around Berlin.

In 1989, a series of revolution in nearby Eastern Bloc countries in Poland and Hungary in particular- caused a chain reaction in East Germany that ultimately resulted in the demise of the Wall. After several weeks of civil unrest, the East German government announced on 9th November, 1989 that all GDR citizens could visit West Germany and West Berlin. Crowds of East Germans crossed and climbed onto the Wall, joined by West Germans on the other side in a celebratory atmosphere. Over the next few weeks, euphoric people and souvenir hunters chipped away parts of the Wall. The Brandenburg Gate, a few meters from the Berlin Wall, was opened on 22nd December 1989. The demolition of the Wall officially began on 13th June, 1990 and was completed in November 1991. The "fall of the Berlin Wall" paved the way for German reunification, which formally took place on 3rd October, 1990. The major international border walls in the world.

Israel

Israel wall was constructed along Gaza strip. It was built to stop flow of African Migrants from place like Eritrea and Sudan. The construction began in 2010 and finished in 2013, costing USD 400 million with the 150 mile length. According to statistics published by Israel's ministry of the interior, 170000 migrants entered the state illegal in 2011 but in 2013 the number fell to a mere 43. It is seen that there is clear co- relation between construction wall and decreasing of immigration. On the other hand, in Israel migrants decreased not only the wall but two laws passed targeting immigrants like; "i) Prohibit immigrants from transferring money out of the country. ii) Forcing employers to deposit 20 percent of an immigrant employee's

salary in to a bank account which can only be withdrawn upon exit of the country.

That resulted immigrants harder to send money to their country back. Therefore, the laws had great contribution to reduce immigrants in to Israel” (Flores, 2017, p. 12).

Egypt

Egypt has erupted a massive steel barricade with Gaza which was bomb proof made by super strength steel that cannot be cut and melt. Egyptian government created underground wall to block the tunnel made by Hamas. Palestine dug deeper and deeper the tunnel that collapsed killing migrants. The steel wall or barricade also discouraged the migrants but increased the risk of immigrant’s lives.

Spain

Spain has built 7 miles steel structure that blocks immigration from Morocco. In 2014, around 2100 immigrants successfully crossed border from Morocco to Spain. After the construction of the border wall in 2015, the number reduced approximately 100. That really discouraged people to cross the border.

US-Mexico Wall

US – Mexico wall shares the border 1954 miles (3145 km.). G.B. Bush, former president of US started to build wall between US and Mexico. Now Trump administration supposed to stretch the United States’ border with Mexico would be the largest infrastructure project estimated to cost USD 18 to 40 billion. But as David Frye reveals in his new book, *Walls: A History of Civilization in Blood and Brick*, the idea of constructing barriers to keep others out or in the case of the Berlin Wall, to keep people in, is as ancient as human civilization. Only the people being shut out have changed. Trump’s proposed wall on the southern border of the U.S. would stop the flow of immigration from Central and South America. Another motive is to stem the flow of drugs from across the border.

Regardless the wall alone would not be effective solution; effective legislation whatever that may entail, must accompany it. “The potential loss of life due to more dangerous migration routes must also not be ignored. Government should try legislative solutions before building the wall” (Flores, 2017, pp. 10-12). There are many modern technologies for border control like; sensors on wall, optical fiber monitoring device, Helios are a mix of fiber- optic cables, lasers and detectors. If anything moves over the buried cables, it creates distortion in the laser pulses travelling through them. “Securing the border with the barrier of fencing would be the best alternative if visa or documentation is not desirable. Raising obstruction on the border would not stop friendship but feeling of occasional irritation” (Tamang, 2076, p.3).

If we talk about fencing and building the wall between Nepal and India, the main purpose is to control illegal and criminal activities as well as illegal immigration. One thing is very clear that Nepal may feel safe from external intervention. Wall may work as defense for Nepal. But India doesn't take the wall as defense. Threat of India is from China. Therefore, the Himalayan region of Nepal is working as defense to India. India assumes that penetrating the Himalayan region of Nepal can create threat to India.

People of Nepal have experienced historically from closed to wide open border management system with India since ancient period. Now there is open border system.

The terrorists, rebels and criminals have misused present porous border.

Meanwhile, India – Nepal border is going to be insecure due to threats.

Therefore, enforcement of ID card system and fencing the frontier should be

the measures to make the border restricted for the terrorists, checked for criminals controlled for smugglers, stopped for narcotics holders and obstructed for girl trafficking. But it must be regulated for the genuine passengers of Nepal and India; and managed for export and import of merchandise legally, so that people of both the frontiers may feel their life and property safe and secure (Shivani, 2013, p. 19).

On the other hand, fencing the frontier can create another problem that is fragmentation of wildlife habitats. “Daily access to food and water can be disrupted by walls and wildlife population need to migrate freely to find viable habitat as climate condition change” (Beckrich, 2017, p.12). Border walls going up in other parts of the world are having similar effects. A study in Slovenia found that the over 100 miles of fence built along the border with Croatia has fragmented habitat for large carnivores, such as wolves, bears and lynx, which rely on intact territories. The fences represent a major threat to wildlife because they can cause mortality, obstruct access to seasonally important resources, and reduce effective population size.

Fencing the border of Nepal-India open border is not easy. The forest, the land is extended in the similar way across the border. The animals cross the border every day. Some animals habituated in Nepal and go to India for food. In the same way, some animals have habitat in India and come to Nepal for food every day. Therefore, fencing the frontier and erecting the wall can directly affect wildlife. Therefore, before fencing the frontier and building the wall, Nepal and India should be well prepared and do depth homework.

On the other hand, border needs constant surveillance. Human monitoring along the border may not accurate. Through the manual surveillance, modern technology in border patrol is necessary. These technologies include specially sensors like; seismic/vibration, magnetic, infrared and thermal sensor to detect ground

movement. India normally using, on the other border, like; handheld thermal imagers, battlefield surveillance radars, direction finders, unattended ground sensor, flood lighting, spynel thermal imaging system, and high powered telescope.

Wireless Sensor Network (WSN) is a collection of tiny, resource constrained device is capable of monitoring physical and environmental conditions such as temperature, humidity, light etc. “The devices are equipped with specialized sensors, a processor board transceiver and a battery unit. WSN can be used in many sectors like; area monitoring, environmental sensing, individual monitoring, and military application as well” (Ukani, 2016, p.9). WSN has proved its worth in all aspects of military operations like distribution of commands, logistic information and battlefield monitoring. Using sensor network in this field of application over the technologies prove to be effective. Enemy attacks can damage or destroy few nodes but the failure of few nodes does not affect the overall functioning of the networks. A variety of sensors like presence sensor, chemical, biological and nuclear activity detector, ranging sensor, imaging sensor, seismic sensor, etc. are being used in certain WSN deployments. The sensor can help in supporting perimeter protection, enemy tracking and target classification, early attack detection, gunshot location etc.

This GIS mapping marks the beginning of a long-term assessment and to regulate border security across the border areas ssssof Nepal. It involves a framework for enacting the border security objectives highlighted throughout the border demarcation and in relation to overall security and sovereignty. The main objective is to prepare a dynamic, inclusive action plan on border security that will act as a reference, guide, and tool for implementation by security actors, relative to maintaining a comprehensive border security plan. Prior to this, comprehensive GIS has not been undertaken and formatted in QGIS or ArcGIS.

6.5 Development of Border Area

The researcher has found that Border Development as one of the important issue during his research and field visit. Nepal government has allocated a certain amount of money for the border development as Border Area Development Program (BADP). The allocated budget was not sufficient for the development of the border. On the other hand, allocated budget is not properly utilized rather misused. Under the annual development program there are two projects clearly mentioned for the development of the border area of Nepal in the fiscal year 2019/020. First one is Terai /Madhesh Road Infrastructure Special Program that undergoing construction targeting the 52 km. culvert. AnDother one is “Terai– Madhesh Prosperity Program” which includes eight area of development including road, community hall, community infrastructure, agriculture, water and sanitation, energy, disaster management along with 400 projects. The budget was allocated 16,002 (in Lakhs). The program is implemented to improve the life style of the people living in the Terai region under the low level income. But It does not only focus on the development of the border rather overall development of the Terai region.

It has been discovered that the border people are feeling the indifference to them by the government. They compare the development of the border of India side and to Nepal. They think how India is giving the importance for the development of the border region comparatively to Nepal. Mainly the India has constructed the road network widely. The roads along the border region of India are directly connected to the state capital where the people of bordering region of India get all facilities, including hospital facilities, education facilities and more than that the job opportunity. Better road connection good opportunity to the bordering people in terms

of work and livelihood. On the other hand, the infrastructure development is another important matter. It is also equally important to ensure political satisfaction of the borderlands' inhabitants, provision of adequate security, closing the cultural and communication gaps between the border people and the national mainstream and developing friendly relations with their border people. Above all, people should be informed about the security issues in order to mobilize their support to defense preparations and government policies.

Following the Focus Group Discussion (FGD), at Susta village, West Nawalparasi and Kailali district of Nepal, the researcher identified that the bordering people of Nepal especially of Terai region go to India for treatment and education. Somehow the Indian citizens also come to Nepal for treatment, if hospital facilities of India are far from the border region. One example of Susta village published by *Susta Sandesh News* that the students of Susta, West Nawalparasi of Nepal go to India for the education of secondary level and are forced to become Indian citizen to get higher education.

There are 265 houses in Susta and there is just only one school named Janata Dalit Basic Community School, where teaching is conducted only up to 7 classes. In the school there are 301 students. After the 7th class they have just two options either goes to Paklihawa, Nepal, crossing the Narayani River daily on boat taking the high risk or go to Bhediaryi, Bihar, India. Therefore, they feel easy to go India for the higher education. "They are forced to mention their birthplace in India unless they are not allowed to admit" said a student, Ananda Kewat, resident of Susta. He further said that after reading in India the certificate has no value in Nepal therefore he left his study. Member of Save the Susta Campaign, Rabindra Kumar Baniya, a local resident and journalist said "after considering the problem they hired a vehicle which they used

to carry children to school of Nepal via Indian Territory either being a long way. But frequent checking and obstruction of SSB of India delayed the students to reach school in time. Therefore, the Susta residents are worried about the issue” (Thapa and Bhandari, 2019, p.1).

They have been encountering so many problems including citizenship problem, land certificate problem, water, electricity, road facility, as well as hospital facility. It has been observed that government and non –government organizations are afraid to invest openly for the development of Susta village because of disputed land. Many non- government organizations plan to invest for the development of Susta but their projects are interrupted by the Indian security forces. Their investment goes in vain. On the other hand, Nepal government cannot assure them for the protection/ security of the projects. It is certain that unless the border dispute of Susta is solved, the people of Susta village face such problems.

Border development is directly related to the hopes, aspirations and feeling of the borderlands’ inhabitants. The border development in India affects bordering people of Nepal. In the same way, border development of Nepal affects the bordering people of India. They take the privilege of the development from the both sides. They have equal rights and opportunity to use the service or facilities of both sides, but they always compare the infrastructural development and growth-laden prosperity of both side. If border development is ignored by the government, the people of border people start to feel social-economic and political injustice. In that case, people with criminal minds may take different steps against the nation, when they feel that government is indifferent to their hopes and aspirations. So far, no such a long term plan is formulated by the government. Unemployment ratio is higher in the bordering areas. Therefore, bringing the unemployed people in the border area in the mainstream of the border development program is the major step that the government should take.

Still, Nepal government has taken a certain level of effort to develop the border area but that is not sufficient. One important thing the researcher observed is that the people of the bordering regions of Nepal are less aware of government programs. If we talk about Indian government action plan to development is really one step ahead. Border Area Development Program (BADP), Department of Border Management (2018) was introduced in Seventh Five Year Plan (1985-90) in States bordering Pakistan with RS. 200 core allocation. The program was further revamped in the Eighth Five Year Plan and extended to the States having international border not only with their western neighbor but with Bangladesh (1993-94) on the eastern front. During the Ninth Five Year Plan, the program was further extended to the States, which have a common border with Myanmar, China, Bhutan and Nepal. India is investing mostly on infrastructure of border region. Link roads, bridges, culverts, footpaths, helipads in hilly and inaccessible areas having no road connectivity, safe drinking water supply are the major sector investment. Thus, Nepal should start investing mostly on infrastructural development of bordering region, including roads, transportation, connectivity, among others.

Similarly, Under the Border Infrastructure Investment Plan (2015), the U.S. and Canada agreed to pursue a major new infrastructure initiative to make the border more efficient, safe, and secure as part of the Beyond Border 45 Action Plan -2011. This initiative has two key elements. First, Canada and the U.S. committed to making significant investments in physical infrastructure at key crossings to relieve congestion and speed the movement of traffic across the border. The second key element of the border infrastructure initiative involves enhancing capacity to coordinate border infrastructure investments at the bi-national level. This enhanced capacity achieved through the establishment of a bi-national five-year Border

Infrastructure Investment Plan (BIIP) that is to be renewed annually. Coordinated Border Infrastructure Program: U.S. (Federal Highway Administration, (2018), The National Corridor Planning and Development Program (NCPD program) and the Coordinated Border Infrastructure Program (CBI program) are discretionary grant programs funded by a single funding source. These programs provide funding for planning, project development, construction and operation of projects that serve border regions near Mexico and Canada and high priority corridors throughout the United States.

Border 2020: U.S.-Mexico Environmental Program (U.S.-Mexico Border 2020 Program (2018) –U.S.-Mexico border region is one of the most dynamic in the world. To address environmental and health problems in the border region, the Governments of Mexico and the United States signed the Agreement on Cooperation for the Protection and Improvement of the Environment in the Border Area (the La Paz Agreement), in the city of La Paz, Baja California Sur, Mexico, in 1983. This Agreement is the foundational basis for cooperation in the border region between the U.S. EPA and Mexico's SEMARNAT, which serve as National Coordinators for activities undertaken in accordance with the Agreement.

The Cross-Border Cooperation Program: Poland - Belarus - Ukraine 2014-2020 (Cross-Border Cooperation Program: Poland- Belarus-Ukraine). The cross-border cooperation between Poland, Belarus and Ukraine, initially for the period 2007-2013, will be continued in the period 2014-2020 under the new European Neighborhood Instrument within the CBC Program Poland - Belarus - Ukraine 2014-2020. The core objective of the program is to support for cross-border development processes. Every country is trying to systematize the border. They are giving more

priority to the border area especially for the security concern. Therefore, also it is suggested that Nepal should take the concrete action in time for development of the border to improve the life style of the border people and to secure the border region.

Mostly Nepalese people living at the border region, watch the Indian television, which Indian government has provided free of cost. They do not pay the money for the Nepalese channel. They are less concerned about the announcement of the government of Nepal for the different packages to them. They rather watch the news of India. They set their mind only looking at the development of Indian government and Indian border. Therefore, to make them aware the development action taken by government of Nepal should be widely informed, noticed and broadcasted. Lacking of the dissemination of the information to the border people regarding border development is also a major concern of the Nepalese government.

Cross-border crime and illegal activities are the serious problems of the 21st century that Indo-Nepal border areas have confronted continuously. Though Nepal and India practiced open border with free flow of citizens, youths' involvement in Nepal India cross-border crime is not limited to its 'open' status. Youths seem most vulnerable to the cross-border illegal and criminal activities. They mostly belong to backward communities and are most vulnerable to such crimes. Interestingly, their involvement and detainees also have a close association with learning crime and labeling youths as criminals. Meanwhile, cross-border smuggling becomes a way of life for some border people and youths can get better chance to learn such crimes. On the one hand, their society accepts such activities; on the other hand, encourage learning such illegal activities for their livelihood means. Youths are learning such activities within their societies. Similarly, youths are learning gun culture, which is widely under the practice in Indo-Nepal border areas. Youths in Terai learn the gun culture, which has its historical root, to uplift power and prestige.

Police have detained scores of youths and adolescents involved in gun-related activities. Even school boys have been identified for possessing guns. The criminal justice system represents the interests of influential social groups in Terai regions that they misused the law to achieve their vested-interest. Consequently, innocent youths prey to the interest groups that underprivileged community, as well as age groups are tagged as criminals. Police actions and criminal justice activities reflect the biases of state mechanism. In general, injustice is primarily towards youths from marginalized caste/ ethnicity, class, regions, etc. Youths in India Nepal cross-border crime are likely to fall to prey to the criminal justice approach in an attempt of curbing crime. Their marginalization is a disadvantage which has victimized them by the police prejudices. Youths from lower working class family are tortured to confess the crime. It shows that the state mechanism played a negative role in a maneuver of tagging underprivileged community, especially young and adolescents. Moreover, their offenses seem exaggerated to achieve the vested interest of certain influential leaders and government staffs.

Therefore, the government should create sports and other recreational facilities for youth, so that they can focus on healthy ways of spending free time. As the rising cases of crime are also related to drugs, where lack of money is forcing youths to commit crimes, the new government should create job opportunities for the youth. Because investing on the development of Nepal-India borderlands decreases poverty, unemployment and decreases the bad crimes. Researcher found after the long observation is the development of the border really unites the people, enhance the feeling of nationality, develop the integrity as well as secure the border. When there is patriotism along the bordering people, definitely they become the border pillar of the nation and works as plain clothes border guard. An inch of border encroachment is

usually known prior by the border people before the security forces. They are all known from where and who is conducting illegal activities as well as anti-national activities. The prime information is the important thing to take the quick, fruitful and result oriented action for the government agencies which are deploying at the border region.

6.6 Discouragement of Corruption

Although globalization has led the economy to increase the cross border business, in many countries, customs and border security agencies are perceived as the most corrupt institutions. The member of such institutions has more access and opportunities to get involved in corruption. Border related corruption activities may be directly linked to organized crimes groups. "Corruption is the roadblock to national development and national prosperity. Before examining corruption, in brief it is to be noted that good governance is perhaps the single most important factor in eradication of poverty and promoting development efficiency and effectiveness" (Rafique, 2013, p. 266).

Thus, transparency in administration is an essential factor for good governance. Contrary to this abuse of authority in discrete manner at all levels and corruption at higher echelons endangers democracy. Corruption is often described as a cancer without cure. The area and reach of corruption is so big that it is very difficult to define. To put it again, corruption is simply defined as the misuse of public office or authority for private game. Any kind of act that is anticipated to influence the public authority or office for private benefits is regarded as an act of corruption. Really the most powerful enemy of development is corruption. A corrupt system is the enemy of equally freedom and democracy; and it affects socio-economic structure. After the end of colonial rule and world war 2nd, enormous economic activity was the order of the days.

Nepal border corruption has a nexus among political leaders, businessmen, and bureaucracy as well as security personnel. The most important role is of politician. Politician should be accountable for poor performance and there should be a recall system. It is an easy of accumulating wealth. Many access exit as a corruption. Bureaucratic motive, materialistic attitude, lack of appropriate rules, accountability, transparency, law, punishment of corrupts, short supply of goods and services, changed value system and choked public opinion have accelerated corruption. It only breeds diseased economic system and endangers democracy and affects human rights. Rampant corruption, which is the root cause of a number of problems and bottlenecks which India is facing, is also responsible for increasing terrorist activities. How a person does enter a secured area with arms and ammunition, either out of ignorance and lack of responsibility or due to corruption and greed at grass root level.

The strategy to combat terrorism should include all these issues. It is not a standalone problem but a summation of diverse political, social and economic factors. Clamp down heavily on Hawala trade. It is money that comes from this route that ends up in RDX and ammonium nitrate. Increase the pay package and pension for the police force and the army substantially so that they do not have to look at the necessity (bribe) to make two ends meet. Discourage corruption at all levels. When there is evidence of corruption in spite of these measures, deal with it very harshly. It is to be noted that it is in the carrion of corruption that the worms of terrorism squirm and grow.

In Nepal according to the Prevention of Corruption Act, 2002, Chapter – two provisions relating to offences of corruption and punishment on the following way. Article 5- punishment for taking gift, present, award or donation: (1)

whoever, being a public servant, accepts, without a prior approval Government of Nepal or a public institution, any type of donation, gifts, presents, awards or any type of benefit him/herself or through any member of his/her family or other person, so as to causing an impact in any way on any of his/her works which is supposed to be carried out by him/her according to the office he/she assumes; or any public servant who borrows from a person related to a work which he/she has to carry out according to the office he assumes, shall be liable to a punishment of imprisonment from three to six months depending on the degree of the offence and the amount shall be confiscated.(2) Whoever, being a public servant, has received any present or gift in exchange of a gift or present brought from the amount of a fund belonging to Government of Nepal or a public institution, such gift or present shall be immediately submitted to his/her office. If not submitted, it shall be deemed to have committed the offence referred to in Sub-section (1) and such gift or present shall be confiscated having him/her punished accordingly.

Article 6- Punishment for Taking Commission: In case any type of commission, remuneration, brokerage fee, benefit or advantage is liable to be paid while performing duties by a public servant or while purchasing or hiring or taking or giving on a lease any commodity or service necessary for Government of Nepal or a public institution or while awarding or accepting a contract by Government of Nepal or a public institution or while selling or hiring or taking or giving on a lease any commodity or service produced by Government of Nepal or a public institution, such commission, remuneration, brokerage fee, benefit or advantage shall be submitted to the concerned office within seven days from the date of receipt. In case not submitted as such, such public servant shall be deemed to have committed the offence referred to in Section 3 and the amount shall be confiscated having him/her punished accordingly.

Article 7- Punishment to Public Servants for Leaking Revenue: whoever being a public servant under the duty of collecting revenues, causes revenue leakage or help or abets any person for its leakage having been involved him/herself in any of the following manners, shall be deemed to have committed the offence referred to in section 3 with regard to the amount of revenue so leaked and he/she shall be liable to the same punishment of imprisonment, and double of the amount of revenue leaked shall be fined: (a) To assist any person in the act of leaking revenue in any manner whatsoever, having accepted any cash or kind, fee, prize or donation nor any type of other benefit or forbear to collect revenue or to assist or cause to assist to collect less revenue having caused loss to Government to Nepal or a public institution by taking or not taking any type of gain from any person, (b) To assess or assist to assess less revenue or to assess revenue to the effect of not charging revenue at all by not going through the documents or not investigating such documents or by not collecting necessary evidence while assessing revenue as required by the existing law, (c) To embezzle the revenue collected by not depositing it in accordance with the prevailing laws, (d) To release or assist to release goods, by making difference in the invoice, quality or quantity of such goods, and without collecting the prescribed revenue while assessing the revenue or carrying out valuation of such goods. There are strong rules are made but implementation part is seen weak. Although criminal organizations also bribe border agents to overlook and even participate in certain illicit actions, such as human smuggling or drug tracking. To control the border corruption there are some effective methods mentioned below.

Some Methods to combat border Corruption in Nepal; law procedure and administration should be strengthened, artificial shortages and sacrifices which

facilitate illegal gratification must be controlled, vigilance activities should be increased in the form of surprise checks and other methods of supervision, incentives to security personnel as per given other government member agencies, logistic management to the border security forces, implement Zero tolerance Policy, develop separate intelligence will which just monitor the border activities of Nepal, rotation in the certain limited time duration of security personnel and other staffs who are working for the cross border task. As per Indian SSB has applied the strategies that develop the awareness to the people of border region against corruption. Local government role is prime important so it should be more conscious and take effective action against the corruption.

6.7 Development of Effective Monitoring Mechanism

Although Nepal is deprived of special technologiccal border monitoring mechanism, security bodies and other governmental organization working under Nepal government are actively engaged in monitoring the border region. Still, reforms are prerequisite. However, Armed Police Border Security Department has made monitoring and supervision mechanism.

Central Monitoring

APF Nepal is deployed at the Nepal India open border. To control or take action against security personal who display misconduct, APF has formed the central monitoring mechanism. On the team there are following members: Senior Superintendant or Superintendant of APF, Border Security Departmnet is Chairperson and the members are Deputy superintendant or Inspector of APF, Border Security Department, Senior Officer, representative of Operational Department, Senior Officer, representative of vocational and quality determination directorate and Senior Officer, representative of legal and monitoring section, APF Hq- Member.

Regional Monitoring

Similarly, this monitoring team monitors the regional level activities specially good and bad conduct of the APF personnel. Following members are on the team: Superintendent or Deputy superintendent, concerned APF Brigade HQ is Chairperson and Members are Inspector, concerned Border Section of Brigade HQ, Senior Officer and representative from any border security offices.

Local Monitoring

On the same way, this monitoring team monitors the district level activities specially good and bad conduct of the APF personnel. There are following members on the team, Superintendent of APF, Border Security Office is Chairperson and members are Deputy superintendent of APF, Border Security Office and Inspector of APF, Border Security Office. In this way APF, Nepal has developed the monitoring mechanism for the border and the member security personnel.

Government of Nepal, Ministry of Finance Department of Customs Reform and Modernization Strategies and Action Plan (CRMSAP) 2013 to 2017 March, The Department of Custom (DOC) will pursue monitoring mechanisms as below.

Linkage with Revenue Information System of the Ministry of Finance

Monitoring of the CRMSAP strategies will be linked with Revenue Target and Information System (RTIS) of the Ministry of Finance i.e. Revenue Policy and RTIS to monitor (i) budget allocations to core programs and policies (ii) process/ activity indicators of policies and programs; and (iii) targets for core policies and programs within Customs sector. Where appropriate, this will be carried out through field surveys and use of Customs Management Information System tools to support input, output and outcome monitoring.

Monitoring Tools

For CRMSAP strategies and actions, the DOC will institute the usage of the monitoring tools. These tools include; Framework monitoring indicators, monitoring plan, monitoring & inspection manual, software packages, baseline studies and meetings convened to monitor the Customs sector.

Monitoring Thematic Concerns

Baseline surveys will be conducted to establish baseline indicators for monitoring and evaluation purpose. The DOC will verify the information, prepare and submit progress reports in the prescribed reporting formats. The works undertaken will be monitored through regular reporting and reviews. The DOC will monitor whether the policies, guidelines and manuals are followed -through random monitoring and inspection, reports of Customs Offices and reports of Technical Assistance providing agencies.

Review

On the document, the trimester and annual review will be done by DOC. Mid-term evaluation / assessment shall be done in the second half of 2015. The mid-term evaluation shall be done by an external national consultant. The DOC shall take a decision on selection of consultant for mid-term evaluation and terms of reference of the consultant and remuneration. The mid-term review consultant shall submit report to the Director General, DOC.

It is mentioned that the evaluation / assessment of the CRMSAP will be done in the first half of the year 2017. The evaluation shall be done by an external national consultant. The DOC shall take a decision on selection of consultant for final evaluation and terms of reference of the consultant and remuneration. The consultant shall submit report to the Director General, DOC.

6.8 Border Intelligence Wing/ Bureau

Border Intelligence is tasked with providing the leadership of the competent agency responsible for border protection with situational intelligence in border areas. The exchange of intelligence at national, regional and international levels is a critical mechanism employed by Customs authorities to create conditions for more efficient enforcement actions and controls and to secure the optimum use of available resources. The best intelligence agencies in the world are; ISI of Pakistan, CIA of USA, RAW of India , MOSSAD of Israel, MSS of China, FSB of Russia etc.

Bring open and unrestricted, Nepal- India borderlands are very sensitive. Crossing the Nepal India border is very easy and perform the criminal and illegal activities. In the bordering regions there are APF, Nepal, Nepal Police and Local Government as well. Specially National Investigation Department (NID) has the key role and responsibility regarding the information collection system. In Nepal there is not separate intelligence wing for the Nepal- India border and Nepal China Border. APF, Nepal and Nepal Police is also collecting the information and in the same way local Government is as well. But researcher found that there is lack of information dissemination system. Without timely and accurate information, desired goal can not be achieved.

Thus, a separate intelligence wing/ bureau is necessary for the Nepal-India border region and also in the same way Nepal China border region. In Nepal, National Investigation Department (NID) is the main intelligence agency of Nepal. The major functions of the agency are to collect information about country's public security , economic crimes , domestic and cross border terrorism , money laundering, human trafficking and narcotics. It was formed in 1962. NID does not relate to the Crime Investigation Bureau , a branch of Nepal Police , Directorate of Military Intelligence,

a branch of Nepal Army and APF Intelligence Bureau, a branch of APF Nepal. It is independent intelligence agency of nepal government. It works under the of office of Prime Minister and council of ministers.

Similarly, there are several intelligence agencies in India, including Research and Analysis Wing, Investigation Bureau, Defence Intelligence Bereau, Directorate of Naval Intelligence, Directorate of air Intelligence Bureau, Directorate of Revenue Intelligence , Narcotic Control Bureau etc. But the best known intelligence agency is Research and Analysis Wing (RAW) for the external intelligence agency and Intelligence Bureau (IB) the domestic intelllignce bureau. RAW is foreign intelligence agency. It was established in 1968 following the intelligence faillure of the Sino- India war, which persuaded India government to create a specialized , independent agency. RAW obtain information critical to India strategic interest both by overt and covert.

The primary functions of RAW are to gather foreign intelligcnce, counter terrorism, counter proleferetion, advising India policy makers and advancing Indian foreign strategicinterest. RAW has invisible influences in Nepal. The book 'Inside Nepal' published by New Light On Line written by Amar Bhusan, Ex. Special director of RAW, reveals that RAWthrew out Monarchy in Nepal. Similarly, the book 'Battles of the New Republic ; Acontemporary history of Nepal', published by Aleph Book Company, written by Prasanta Jha reveals that a contemporary history of Nepal tells the story of the country's transition from war to peace , monarchy to republic,a hindu kingdom to a secular state. This writings makes clear how India RAW plays a critical role in Kathmandu politics. Similarly, the book 'Machination of RAW in Nepal'by ShastaDutta Pant reveals that Kalbhusan Yadav, a RAW agent who was arrested on 3rd March, 2016 in Pakistan, has disclosed that he had been playing game in

separating Nepal's territory. But if we see the Intelligence agencies of Nepal, they are not seen as effective as RAW. National Investigation Department of Nepal has a pivotal role to collect the information equally external and internal affairs but it is seen more focused in the internal affairs.

Indian Airlines Flight 814, commonly known as IC 814, was an Indian airlines Airbus A300 en route from Tribhuvan International airport in Kathmandu, Nepal to Indira Gandhi International Airport in Delhi to India on 24 December 1999 was hijacked by a terrorist group leading by Harkat- ul- Mujahideen. Nepali intelligence failed at that time. Similarly, There are many incidents occurred in Nepal across the border but Nepals' intelligence has missed that informations. Clearly, there is need to review the effectiveness of our set up for the collection of technical signal and human intelligence. The training and equipment provided to our security forces also requires a careful review.

The overall history of Nepal information collection mechanism is not seen more effective. Therefore, it is felt that a separate border intelligence wing is to form for the effective border security and bi-lateral relation between the countries. During the research, the researcher found the following result to form the Border Intelligence Wing/ Bureau in Nepal.

During the research, researcher found that the KI put their opinion that a border intelligence wing is to be formed. In total 80 percentage of KI put their view to establish separate border intelligence bureau and just 17.5 percent put their neutral opinion (Source: Researcher's Field Work, 2019). National Investigation Department (NID) is not enough for the border information. Role and responsibility of border intelligence is important for the national unity and to protect the sovereignty. The

information collection mechanism regarding border security is not seen effective in Nepal. The NID and the other departmental intelligence wing of Nepal is not enough to collect depth information regarding border security. There are many issues on the Nepal- India border and some how Nepal- China border. Special intelligence wing collects the information as per national need. Infiltration of anti-national elements, cross border crimes, illegal activities, communal conflict, anti national feeling etc may occur at the border region. Therefore to control or to settle down the such issues the special border intelligence bureau is necessary which collects in time information and true information and helps the concerned government to make action plan, strategies and policies.

Border intelligence wing is necessary but one question arise that the wing should be separate or under any particular organization. But some KIs put their views that the border intelligence bureau should under the any organization otherwise it can be autocratic and information may leak. On the other hand, some respondents put their view that border intelligence bureau should remain separate because if it is under command, the wing cannot work freely and there is some chances of misleading or manipulated. During the research the researcher found the following result.

During the research, the researcher found that the 80 percent KI put their opinion that the border intelligence bureau should under the border guarding force which in the context of Nepal, is the Armed Police Force. The majority of KI said that mobilizing one force in the border and collecting information by another is not effective. Nepal Police is also deployed at the border area but very few area. Nepal Police is also playing a good role in the border area. The 2.5 percent KI put their view that it should under the Nepal Police. Similarly, 12.5 percent KI put their view that the

bureau should be under the National Investigation Department and 5 percent KI said that the intelligence bureau should be under the Prime Minister's Office (Source: Researcher's Field Work, 2019). No opinion came for the separate wing. It is found that majority of the KI liked to put the intelligence wing under the APF, Nepal.

6.9 Need of Border Protocol

There are some efforts that have been made on border security management at the policy level including Illegal Smuggling of Goods and Crime Control Strategy – 2013 by the Home Ministry of Nepal, Border Security Management Action Plan- 2013 by the Armed Police Force Headquarters to control the cross border crimes and maintain peace and order along the border region. Both parties of the Nepal-India border have still not finished the border demarcation. Still three percent demarcation is left because of claim and counter claim of the territory.

Generally border protocol is the last stage of border management. First the political decision on allocation of territory, the second stage is the boundary delimitation and the third stage is boundary demarcation and the fourth is administration of boundary which includes agreement, treaty and border protocol. But Nepal-India border management is not moving forward smoothly. Both countries are halt in the border demarcation process which is almost finished. Border protocol is the next step. Unless the border demarcation is finished there are no possibilities of border protocol. Without border protocol the border regulation and management is not effective. Eventually, the small country always becomes the victim and the powerful country takes benefit of doubt that ultimately ruins the border diplomacy.

CHAPTER -SEVEN

SUMMARY AND CONCLUSION

7.1 Summary

History is evident to the fact that conflicts over territory and borders continue as long as states believe that their security is being threatened or while they are being deprived of what they originally owned. While the European Union and the Schengen agreement do provide full evidence of decline of the importance of borders in Europe, the same kind of agreement or success is seen to happen in the Asian continent. In Asia, issues of territory and borders are intimately related with issues of national pride and sovereignty.

Particularly, in South Asia, the countries have attempted to make artificial borders where natural borders have failed to deliver the required goals. Cross border illegal migration, terrorism and wars over territory have reinforced the importance of borders in this part of the world. In Europe and in North America, borders are important but several institutional arrangements have been made through which technology, trade, people to people contact and migration have been facilitated. But in Asia, where the levels of development are low, regional insecurities are high, historical enmity continue to plague the psychology of the people, states will continue to remain robust and will zealously guard every inch of their territory. Disputes over demarcation of borders and their legality have been a major concern to neighboring countries especially when traditional and non-traditional security issues dominate the region.

The Nepal India borders have gravely impacted upon the security of the country has posed a challenge to management of borders. Nepal- India border inhabitants have common history of growth, culture, language and rich heritage.

Nepal and India has a long and traditional relation. It has naturally promoted social and cultural relationship among the general people of both the nations, through matrimonial relation as well. The unrestricted flow of people over the years has resulted in the dissemination of ideas, culture, and settlements of people in each other's territory thereby strengthening the bilateral social and cultural relations. The open border between India and Nepal not only have brought out the mutual security concerns but also fostered close socio-economic relations between the two countries. Similarly, the open border has favorable impact on two economies. An open border has also allowed many Nepalese citizens to find employment in India and Indians to open business ventures in Nepal. Similarly, political relation has also the pivotal role. The politicians, activists, students and intellectuals have given the support in the several political movements in the history of India as well as in Nepal.

There are many arguments among the intellectuals on Nepal India open border system. It is mostly suggested to keep the Nepal India border in regulated system rather open and closed. There are both merits and demerits in the every border management system. Both countries Nepal and India are facing similar border security challenges but sometimes, Nepal India border issues also create misunderstanding between two countries. Therefore, to solve the border security issues, researcher felt to study the border security issues between Nepal India and formulated some research questions.

A good research question is essential to give the way of research paper. To be very clear and focused, a single issue was focused. The research was basically focused on security dimension. The research questions of the study were set as; 1. What the present security status of Nepal India open border is. 2. What the present and emerging security challenges of Nepal India open border management are. 3.

How the security challenges of Nepal India open border could be managed. And to deal with these research questions and to fulfill the goal the objectives of the study were set. The objectives were; 1. To examine the present security status of Nepal India open border. 2. To analyze the present and emerging security challenges of Nepal India open border management. 3. To explore the ways to manage Security Challenges of Nepal India open border.

As research methodology, qualitative research design is done. Data are collected from both primary and secondary sources. The primary data is collected by using survey method. The secondary data is taken from various policy documents, journals, scholarly articles, books and newspapers. Similarly, the data were collected from the authorized/ reliable websites of the government and other organizations. Researcher has used different tools and instruments for data collection; questionnaire, interview, observation, focus group discussion and series of discussion are conducted with people living in the Nepal India border area. The interviews were conducted formal and informal manner with diplomats, scholars, subject experts, businessmen, politicians, social worker, security analysts and also the interview were taken from the residents who were living at the border region since long time. During the lockdown of COVID-19, zoom webinar was best used as the information collection. For the questionnaire, both open and close ended questions were asked. Quantitative data are presented in the form of tables, pie-charts by distributing percentage and analyzed.

After the study of the issues of Nepal India border security management, major findings are mentioned here. First, it is found that India has deployed more strength of security forces than Nepal for safeguarding the border. Comparatively security arrangement is more strong and effective at the border region of India than the security arrangement of Nepal. In Koshi Province; on the one side, the units of

APF, Nepal are 30 but the units of SSB are 158 on the other. Similarly, in the borderline of Madhesh Pradesh; APF, Nepal has 62 units and SSB has 121 units deployed at the border region. In the Bagmati Province, units of APF, Nepal are 55 and 16 units of SSB are deployed on the other side. Here, in this region comparatively the deployment of APF, Nepal units are higher than the SSB units. In the borderline of the Gandaki Pradesh; APF, Nepal has 3 units and SSB has single unit. APF, Nepal deployment is comparatively more here. In the Lumbini Province; APF, Nepal has 35 units but SSB has 155 units. In the Sudurpaschim Province, 18 units of APF, Nepal is deployed and the SSB has deployed 151 units. Karnali Province does not have the border touched district with the India. In overall, the units as well as the strength of security forces by India is higher than Nepal.

After the survey, it is found that the security condition of Nepal- India open border is seen to improve on the basis of strength of security forces, applied technology, and prevalent policies. Among the 40 KIs 2.5 percent expressed their views that Nepal India border security condition is strong, 27.5 percent put their views that that is weak and 70 percent put their views that it needs improvement.

Similarly, regarding border management system, 77.5 percent KIs put their opinions on the behalf of regulated border management system, 5 percent preferred closed system and 17.5 percent as open border system. Majority of the population preferred Nepal India border as well regulated. Similarly, 50 percent KIs put their opinion that the consequences of open border system increases security threat, similarly, increases dependency 30 percent, increases the economic development and harmony 2.5 percent and rest 17.5 percent put mixed views. It is concluded that the open border increases security threat more than other issues. Regarding the consequences of closed border management system, 32.5 percent put their views that

closed border system increases independency, 25 percent on negative impact on socio- economic, cultural and religious relation, 15 percent increases security threat, 10 percent obstruct economic development and rest have mix views. It is concluded that closed border system increases independency means enhance the capability of self-sustain. Similarly, 75 percent KIs expressed their views that regulated border management system decreases the security threat, 17.5 percent on negative impact on economic socio- cultural and religious relation and rest have mix views.

Similarly, according to the number of trafficking cases registered in FY 2016/17 and FY 2017/18, the higher rate is in the Bagmati Province and the lowest is in the Karnali Province in the FY 2016/2017 and in the FY 2017/18 the highest trafficking cases were registered in the Bagmati Province and the lowest in Karnali Province and Gandaki Province.

The data in different FY shows that the economic and organized crimes are in the increasing way that the root causes is open and porous border. Smuggling of gold is another serious challenge caused by Nepal India open border. Data shows fluctuation in smuggling of gold but unseen gold smuggling is more than the data received because it can hardly break the network. Supply and demand play the vital role in the cross-border criminal and illegal activities.

Similarly, to minimize the border security challenges, it is found that 42.5 percent KIs suggested to establish fix entry and exit points at the certain border points and to set up of the modern surveillance devices. For Nepal, 37.5 percent KIs put their views to increase the security deployment as well. Few percent also has suggested fortifying the border, implementing ID card checking system and deploying Nepalese Army as well.

It is observed that if there is well border development, the border security challenges decreases it self. If the border development is ignored by the government the people of border people start to feel the social and political injustice that weakens the sovereignty of the nation. It is found that border development is one of the important steps to minimize the security challenges.

There are many policies, guidelines to discourage the corruption at the border region but implementation part is seen weak. Therefore, corruption is not well control at the border region. After the research, it is also found that there is lack of accurate and timely information of the cross border illegal, criminal and anti-national activities. Therefore, 82.5 percent respondents suggested forming a separate intelligence agency so that the lawful and prompt action can be carried out. On the other hand, the good intelligence can help to make policies and guidelines on the basis of current situation and circumstances.

Nepal and India has still the issue of border delimitation and demarcation. Therefore, there is not still made any draft of border guidelines/ protocols. Some action plans and strategies are made and implemented but there is not a common protocol regarding border security management. So, there is also lack of common understanding among the security forces and the bordering people regarding Nepal India open border.

7.2 Conclusion

Research Question-1/ Objective-1

Over all, there are opportunities, on the one hand and threats on the other hand. Economic interdependency, trade, socio-cultural relations are opportunities while the border disputes of open borderlands between the two immediate neighbors

have equally created security threats to the both countries. The open border management system is largely responsible for the illegal and criminal activities such as robbery, murder, kidnapping, smuggling of goods, arms, ammunition, human trafficking, trafficking of narcotic drugs, and smuggling of counterfeit currency as well as illegal migration on both sides of the border.

While it is true that the open border has facilitated terrorist and criminal activities that are adversely impacting national security, it is equally important to recognize that an open border has also helped India and Nepal to develop and deepen socio-cultural and economic relations. The most sensitive issues these days are the free movement of the terrorists and transportation of illegal arms and ammunitions across the open border. This is quite harmful for both the countries.

An uncontrolled, unrestricted and open border constitutes the breeding ground for terrorism, criminal, illegal and anti-social activities. Open border of Nepal can also be a playground for terrorism. After the long and intensive study, researcher has dealt with the research question: what is the present security status of Nepal-India open border is and the objective is to examine the present security status of Nepal India open border. Border security related issues are prime concern to the both countries; Nepal and India. Nepal- India border security system is fragile since a long period of times. There is no enough security deployment at the border region. Border control mechanism like monitoring and surveillance technologies are used are not enough eventually posing the threat to the national security. The border issues arise occasionally but not are not given serious attention from both sides.

Security bodies have the prime role to guard the border especially the border security organizations. APF, Nepal and SSB are deployed at the Nepal and India border region respectively. To safeguard the border, APF, Nepal has limited strength

and which at least is performing its duty well at the border region. Recently Nepal government has started to increase the border out posts targeting to reach the 500 BOPs that is a good step. While the posts are increased but strength has been remained same. Nepal should give priority to increase the strength continuously and seriously. Border security issues are not only the responsibility of any single organization rather it is the responsibility of all the organizations that are directly and indirectly working to safeguarding the border. The people of border and the local institutions have also the pivotal role to safeguard the border.

Government of Nepal has also prepared the Action Plan, strategies and guidelines including Illegal Smuggling of Goods and Crime Control Strategy- 2013, Border Security Management Action Plan- 2013 and Revenue Custom and Industrial Security Guidelines- 2013, for the effective border management which Ministry of Home Affairs has a leading role. Under MoHA, the APF, Nepal has also prepared the border management/ security plan. The APF, Nepal is working under the plan. Regarding resource to safeguard the border, that is also insufficient. Traditional border surveillance and mechanism is not more effective these days. Border patrol on foot is not only the way to guard the territory.

In this modern era, it is necessary to enhance the border surveillance and monitoring system. CCTV is used in certain border points, high post are constructed at some few places to watch movement of the people through binocular but it is not adequate and no other modern technologies are used to monitor the border from the Nepali side. But SSB has made plan to install the infrared fencing or laser walls (satellite- based signal command system) soon to control the cross- border criminal and illegal activities along Nepal India border. First phase is planned at Sunauli border, which is sensitive and porous in the relation to smuggling of narcotic, fake Indian currency and human trafficking.

Owing to the spread of globalization, people's movement and mobility is increasing from one country to another. The government of Nepal is also seeking to encourage and motivate the borderlands' inhabitants in development projects, innovative measures for frontiers, to which concept of Smart Borders have been suggested. However, unless there is the facilitation of trade and transport, the illegal way of trade and transport continues. Therefore, custom facilitation of trade and transit is emphasized. There were proposed four Integrated Check Post (ICP) in 2005, among them an ICP, established in Birgunj- Raxaul, is in operational. Department of Custom has also prepared and implemented Custom Reform and Modernization Strategies and Action Plan (CRMSAP), 2017- 2021. There are 28 main customs and 84 sub- customs offices. Main customs are in operational but most of the sub customs offices are almost closed. Nominal or sometimes zero revenue is collected at the offices.

Nepal's bordering regions with India largely remain underdeveloped. Border Area Development Plan (BADP) is initiated by the Nepal government but the efforts is not enough to develop infrastructures facilities along border areas such as road networks, telecommunications, health, education etc. Another research question was about the present and emerging security challenges of Nepal India open border management and the objective was to analyze the present and emerging security challenges of Nepal India open border management.

At present, border security challenges are increasing along Nepal India open borderlands. In this situation, Nepal and India should address the issue in a new way and in an integrated manner. The presence of or a nexus between international terrorist groups and Nepalese armed groups has not been well identified yet but the threat always remains at the highest level, due to the open and porous border. In the

same way, New Delhi is also very much concerned about its misuse by the anti-Indian elements to endanger her national security. Various hard-core criminals chased by the security forces of India enter into Nepal through the porous and open border and setup mafia gangs and criminal syndicates in order to carry out smuggling of drugs, fake currency, gold, arms, ammunition and explosives. Misuse of the borderlands by the unlawful elements, as well as remaining points of disagreement along the open border have strained the bilateral relationship too. Therefore, both countries have no option other than to regulate and control the border.

As Nepal India border is open since the centuries, there are no records of people crossing the border every day. Equally, there are inadequate vigilances at the border crossing points. Nepal India border is growing more and more sensitive day by day from the security perspective.

Research Question-2/ Objective-2

In the context of human trafficking, South Asia is a vulnerable region. Nepal is also one of the sensitive regions. In 2019, NHRC released its annual report on the issue of human trafficking from Nepal is about 35000 persons. This report shows that 1.5 million Nepali are vulnerable to trafficking. Nepal is not only the source of human trafficking but also seen as transit country of trafficking in the present time.

According to the CID magazine Annual Publication of Nepal Police, in total 227 cases of human trafficking is registered in the FY 2016/017. Therefore, human trafficking is also one of the serious challenges of Nepal India open border.

Along the Nepal India border, organized criminal groups have strengthened their network for operating drug cultivation and trafficking, gold smuggling, trafficking of counterfeit notes, human trafficking, CITES crimes and smuggling goods by illegal channel. According to the reports of Nepal police, the organized and

economic crimes in FY is 2017/018 is 4656 and seized smuggled gold in Nepal is 178.12 kg. Similarly, seizure of goods, weapons and illegal drugs in the borderline by APF, Nepal is 250,000,000 NRS in the same fiscal year. Wildlife crime is another big business run by dangerous international networks. Illegal wildlife trade produces billions of dollars a year globally. Trade of tiger, red panda, pangolins, leopard, deer, elephant ivory, owl etc. is mainly trafficked from Nepal to other countries. Regarding small arms especially *Katuwa*, *Bharuwa Banduk* and socket bomb are smuggled through southern border of Nepal.

According to the records of the Nepal Police, an increasing number of Indian criminals are being arrested across the country, mainly in bordering areas. In the various murder cases; murder of former lawmaker Sardul Miya Haque. He was murdered by the Indian criminal Todwa gang, which is a famous shooter of Bihar. He was arrested in Kathmandu. Also, Babloo Dubey, a most wanted criminal of India was arrested in Kathmandu. Similarly, Parliament Mirza Dilsabeg, a Muslim leader was killed in Kathmandu. The murderer fled through open border of Nepal and India. Jamim Shaha, former General Secretary of Islamic Association Nepal was shot dead in Kathmandu in 2010 by suspected underworld Chhota Rajan. Similarly, due to the uncontrolled movement along the border, the children of the rich people, businessmen, industrialists, and politician are mostly kidnapped and cross the border and ask for ransom in safe return. On the other hand, extortion is one of the serious problems at the bordering regions. The person possessing factories, departmental stores and any other big businesses and investments have been the victims of extortion and targeted by hit-men. The hit –men can flee easily through the open border. Therefore, they do not take risk and get ready to bargain. These are the challenges seen at the Nepal India open border.

Increasingly, policy makers in the United States, Europe and around the world are making links between migration policy and national security. Regarding Nepal and India, Indian people generally migrated to the Terai region of Nepal work in the factories and industries. Also Nepalese people have migrated to India in search of jobs and opportunities. The Peace and Friendship Treaty between of 1950 between Nepal and India, has given legality for free movement across the Nepal India border. Migration can be of help for economic development, and also to up surge the diplomatic relations and can be of help for military intelligence. But undefined settlement, unrecorded movement of people can create serious unrest in Nepal as well as in India. Bhutanese refugees, Rohingya refugees and Tibetan refugees sometimes create problem in Nepal but has not still created serious challenges but it can trigger a situation of turmoil anytime. This is also one of the challenges seen in Nepal.

Nepal shares 27 districts with India. There are 54 places of encroachment, dispute, claims and counter claims. Because of open border, encroachment, claims and counter claims have occasionally taken the relations between the two countries into low ebb. Setting up small huts/shops along the border and harvesting on the no man's land is common and such illegal activities have always been a matter of headache between the two. Knowingly or unknowingly, the people residing in bordering areas are encroaching the border of either side. There is no regular vigilance at the border area. Security forces remove the huts in one day but the next day they again start to encroach. Similarly, there are also the major border disputes between Nepal and India. Kalapani and Susta disputes are frequently discussed but they have not been resolved it. Unless the open and porous borderlands are effectively and scientifically managed and regulated, the border disputes will always remain as a threat to the national security of both the countries

There are several emerging security challenges in Nepal India open border. US State Department Report on November, 2019, shows that Nepal's airport security is weak, inadequate and rudimentary. The report shows that Nepal is also the playground for Indian terrorist group. On the other hand, the land border is more vulnerable. Terrorist groups can easily infiltrate the border and run the operation. For example; Lashkar –e Taiba bomb maker Abdul Karim Tunda and Yasin Bhaktal were arrested on Nepal India borderlands. These events show that terrorism is also one of the serious challenges of Nepal and India because of the existing open and porous borderlands.

Hundi does take place not only in open border system but also in closed and regulated border structures, although in many countries Hundi is still legal and advertised. Also in Kathmandu, Nepal Rastra Bank does not recognize Hundi as a remittance transfer channel. According to the Nepal Police, a major business is very confidentiality adopting Hundi as the best method to legalize their black money which they firsts end abroad in the name of buying and importing goods. Hundi is still practiced in Nepal but in confidential way. Money laundering department of Nepal also has a good international co-ordination mechanism, enabling to look the matter properly. The record shows that 35 percent (200 billion) of remittance sent by Nepali migrant workers come to Nepal through Hundi system. Nepal India open borderlands have made easy to the Hundi Traders. Hundi is another challenge, which has directly weakened the banking system and affected Nepal's economy due to open border.

The Muslim minority of Nepal, especially those residing in Terai belt, no longer wishes to be accepted as inferior in the society. It has been discovered that Islamic Fundamentalism and separatist activities are active in Nepal India border region. India is expressing concern over the growing religious fundamentalism along

the area of Nepal India border. India is also claiming that Nepal is a hot bed for Islamic Fundamentalism. According to the SSB report, Bardiya, Kapilvastu, Nawalparasi, Bara, Saptari and Parsa of Nepal and Sidhharthanagar, Maharajgunj, Arariya, Madhuwani and Krishnanagar of India are identified as the vulnerable districts, where fundamentalists operating from Madrassa across the borders have found their sympathizer. Opening of Islamic Cultural Centre in Biragunj, a border town with India, has also angered India because of growing influence of Islamic activities. It is also mentioned that Islamic Development Bank and Habib Bank of Pakistan has expanded its network in the bordering areas, including Biratnagar and Krishnanagar of Nepal. Newly emerged Muslim elites are expected to play a crucial role in their identity formation of the Muslim religious minority in the multi- ethnic state of Nepal. Few incidents including communal conflicts in the post 1990 in Nepal indicate that communal polarization are more sharp in the Terai where both Hindu and Muslim fundamentalists are in competitive strength that has also created a security threat to both, Nepal and India.

During the COVID-19 pandemic, before and after the lockdown of international border, hundreds of thousand people crossed the international border, in an uncontrolled manner. An estimated 279,000 Nepali seasonal migrant laborers working in India regularly crossed the border to and from work. Similarly, many Indian migrant laborers work seasonally in Nepal. Now we can see how open border has transported the global pandemic easily in Nepal. Many open border countries closed or controlled border, particularly, Schengen countries' especially (Italy, Spain and France) free border turned into controlled border regime due to Corona Virus. But if there are no sufficient infrastructures along the border region and well pre-plan, then the open border like Nepal and India cannot control movement of the people, who are suspected having virus at the time of emergency.

On the other hand, biological weapons are the most dangerous weapon ever produced. Germs do not respect borders, so biological threats either manmade or natural can rapidly have global influences. Security forces solely could not control fully, because of insufficient security personnel and lack of basic living infrastructure. On the one hand, threat has increased more of such pandemic, because of the open border and on the other hand misuse of virus or use of bio-weapons is equally a threat to such open border countries.

The third research question was how the security challenges of Nepal India open border could be managed and the objective was to explore the ways to manage security challenges of Nepal India open border. There are many ways to manage the security challenges emanating from the open borderlands between the two countries. The problem of border management is not just about securing the border but taking initiatives without causing harm to the economic interest of the people, who are dependent on mutual trade and various other forms of cross-border affinities and interdependence. Only the closure of the border may not solve the problem, but a strong government and cross- border cooperation and collaboration can prevent the unlawful activities which possess the security threat to both the countries. Some major ways to manage the security challenges of Nepal India open border is mentioned below.

Research Question-3/ Objective-3

Nepal has to categorize the security sensitive are of the border as India has done, including Security Sensitive Border, Under Observation Border and Normal Border. There is also a need to increase the posts and security personnel gradually as per the need and priority. Therefore, on the basis of security sensitivity, the security forces and other monitoring mechanism can be emphasized.

Special training is necessary for the border security personnel in the present security context, especially about national and international laws and practices, present border security challenges and its prevention measures, national and international existing co-ordination mechanism, method and modalities, implementation of previous treaties, agreements between the border guarding forces of both countries. Therefore, they can better understand and handle the situation and there will be less chance of misunderstanding, distrust and conflict along the bordering regions.

Morale of the border guarding forces also depends upon how they are equipped with modern apparatuses, including the full gear, the weapons, handcuffs and other gadgets also. Smart gadgets enhance the morale and confidence of the security forces. Additional budget should be allocated to equip the force with modern equipment and accessories.

There is no special information collection system and mechanism regarding the security of border of Nepal. NID is seen busy collecting the information internally. Other intelligence wings are there in Nepal within the government organizations but they are also engaged internally. Therefore, a special and separate border intelligence wing should be formed and work effectively.

Mostly, the terrorists, rebels and criminals have misused present porous border from the very long time and, at present, Nepal India borderlands are likely to create instability in the domestic politics as well as can severe the bilateral relationship. Well monitoring / recording or sensor devices should be set up against the wall or fences. Screening and checking devices including Vehicle Tracking Machine, Vehicle Bottom Scanning Machine, Baggage Scanning Machine etc. should be provided to improve, strengthen and enhance the morale and working standard of the forces and set up better surveillance system.

Keeping the people of bordering regions secure, encourage them to support the border guarding forces and recruiting them is more effective in the forces, because they are better known about the terrain, language and life style of the border people. Awareness campaigns on drug trafficking, human trafficking, small arms trafficking should be launched to make them aware against the illegal and criminal activities along the Nepal India borderlands and also make them dutiful for the sake of national sovereignty. At the few places, the bordering people are safeguarding the territory, fighting against the encroachment and resisting the forceful activities of the either side. But sufficient awareness program are not still launched to make all the people of the border region to aware, alert and to develop the feeling of patriotism.

Borderline encroachment has been a persistent problem in Nepal India relations. Once security forces clear the No Man's Land again after few days later encroachment starts. Regular vigilance is not possible. No man's Land is occupied by the people of both sides, Nepal and India. Later, it can be a matter of conflict between border guarding forces and encroachers. On the other hand, from the security perspective, it obstructs the line of vision that it makes difficult to vigil the bordering areas and the other side of the border.

Development of open markets near the bordering areas facilitate the people to people relations, where they can buy and sell legalize goods. To buy something the people of bordering areas should walk very long distance from the border to reach the market in the Nepali side. Therefore, people of bordering areas usually go to Indian market near from the border area, where they buy cheap goods comparatively available in Nepal and also the travel time is saved. Open market near the borderlands really decreases the trend of smugglings of goods; on the other hand, it increases the revenue of the country.

Citizenship, identity card or passport must be carried by all, who travels from one country to other. Identity Card System can help controlling the illegal movement of the people. Once if it is applied, people cannot cross the border for unnecessary works and illegal activities. Criminal activities itself decreases because very thing is recorded. On the other hand, special arrangement must be made for the inhabitants living in, for example, 5 km. (certain distance from the border) of either side of the borderlands to cross the border many times a day, without feeling insecure. Therefore, enforcement of ID card system could be an appropriate measure to make the border restricted to the terrorists, petty criminals, smugglers, drug traffickers and the human traffickers and so on.

Border area development is very important to win the heart of the inhabitants of the borderlands and develop the feeling of patriotism and national unity. India has been leaving no stone unturned to improve the education facility, health facility, and other essential facilities of its citizens residing in the borderlands. But, on the Nepali side, the government needs to be able to upgrade its border infrastructure projects. First Border Area Development Program (BADP) of Nepal was somehow a good initiation. Now, government of Nepal has allocated a certain amount of money for the *Madhesh Bikash Yojanaa* which is one of the good steps. Still, allocation of the budget for the effective border development is inadequate. It should be increased. On the other hand, the most important aspect from security perspective is the construction of roads and connectivity along the border areas between Nepal and India. It is one of the feasible solutions to the existing border security problem and an alternative way in order to protect the borderline, to check the intrusion of unwanted elements within the country. It helps security forces to patrol border area vigorously, which will be advantageous to solve the existing border security problems.

Bilateral mechanism is somehow made but continuity is not maintained.

Conducting the regular bilateral meeting brings the regular information and creates the brotherhood/ friendly environment to put their disagreement on the table. It makes easy to avoid misunderstanding and reduce the tension of border disputes. Different level of bilateral mechanism should be set up as military level, diplomatic level and political level. There are too many misunderstanding and lapses between the countries. Diplomatic policies should be always progressive and basic values and norms should be constant. Nepal government should form a high level special body comprising various specialists to suggest the government, in order to deal with various border security problems such as border encroachment, informal trade, human trafficking, illegal arms transaction, drug trafficking etc.

Eminent Persons' Group (EPG) between Nepal and India was formed for the long-term solution for resolving disputes and misunderstandings in the bilateral relations between Nepal and India. The two years' tenure of the EPG has been completed in July 2018; it held nine meetings in Nepal and India on an alternate basis. There were four members from each country in the EPG, total of eight from the various disciplines. The EPG prepared a report based on its discussion which is recommendatory for both governments and implementation would depend on the respective countries. The experts' views in the report are expected to provide guideline for sound bilateral relation between Nepal and India, develop the cultural, social, political relations and help to erase misunderstanding and in correcting the unequal bilateral treaties. The understanding of both governments is necessary for implement the recommendations. Both governments should take the report as an opportunity to strengthen the long and sound bilateral relations between the two countries.

Since the EPG is formed out of bilateral initiative, both governments should accept the report that has been prepared by experts from both the countries. As per mandated by the ToR, the Indian Prime Minister should receive the report and both governments should issue a joint statement to confirm their acceptance. The final step would be for the governments to work towards the implementation of the recommendations.

Both countries treat cross border crime as a heinous crime. Cross border illegal and criminal activities have been a threat to the nation and also as an attack on the sovereignty. Immediate action should be taken for the strong punishment without any excuse. Hence mutual legal action against the cross border unlawful elements must be taken immediately.

Corruption has fostered along the bordering regions. The officials, who are working at border points, are mostly corrupted on the both sides. Reason of less revenue collection is shown as the open border, where illegal smuggling occurs. Various policies should be reviewed and corruption control mechanism should be effectively applied and implemented, otherwise smuggling of goods between Nepal and India will never be controlled.

Coordination committee at the local level between the people of both side of Nepal and India should be established. Sometimes mistrust and different kinds of misunderstandings occur at the people to people fronts at the both bordering areas. Sometimes, civil-military misunderstanding is also created. Therefore, formulating such coordination mechanism can resolve the local level misunderstandings, mistrusts and suspicions at the local level.

There should be an appropriate border guidelines designed for the both border. The aim is to ensure co-operation between various stakeholders over cross border

crimes, exchange of related information and intelligence at all levels. If we talk about the border system of Nepal and India there is no clear understanding between security agencies and other people also. They are guided by the conventional practices without border protocols. They have a minimum understanding about the border rules and regulation between the security forces and in between the inhabitants' borderlands. Common understanding regarding border rules and regulation, at least, is necessary between the border guarding agencies. Now the situation has been changed. S.D., Muni, an Indian intellect, during the webinar conducted by Nepal Institute of International Cooperation and Engagement on 6th June, 2020 said that "bride and bread relations is not appropriate in the present, modern Nepal. Many political changes have occurred in Nepal. From monarchy, Nepal has become secular, federal democratic and republic. Nepal is independent and sovereign country. Therefore the relation between Nepal and India should go in a new way. The bilateral treaties and agreements which are unequal between Nepal and India should be revised in a diplomatic way and also need to revise foreign policy as a friendly manner rather not as a big brother and younger brother.

Owing to the nature of modern security threats, it has become more complex to control only through regular policing. The rise of law enforcement agencies like APF, Nepal has been more effective in curbing the contemporary security challenges. Thus, the international trends are being empowered armed police, paramilitary and auxiliary type law enforcement agencies with relevant training programs, weapons and logistics so that they can better contribute to the internal security of the nation. Similarly, the state's intelligence agencies are being equally enhanced even more to collect security information to counter threats. Their role consists of active participation for collecting information regarding the various security issues that directly and indirectly pose threats to the internal and external security of the nation.

More endeavors are required on these issues to enhance reputation and performance of security sector. Transparent, fair and timely promotion, rewards, trainings and capacity building are core for modernization and strengthening the security organizations. On the other hand owing heart and mind of ordinary people is the most important aspect of enhancing the civilian-security relation and for that easy access of ordinary people to security services is the prime condition. It enhances public ownership of security organizations, reduce the misunderstanding and gap between civilian and security forces, and develop confidence, trust and mutual respect which is the core of success of security organizations. Hence, one of the important works of security organizations is to enhance relations with general public.

Perception of Nepali citizens' regarding open border varies with the community ranging from those who live nearby the border area, living in the hills or mountains and varied interest of political parties. There is a closer people to people relation between the two countries more than the other level of relation. The border demarcation issues and the problem of border management could be resolved from the level of the general people to the levels of intellectuals, diplomats and politicians. A good understanding is prerequisite to resolve the problem and issues, segment by segment grasping the difficulties of other side. But, the most important thing is the dedication and willingness to resolve the issues, since border business is a matter of equal participation from both the parties. Nothing can be happened, if only one nation is willing, eager and hurried. It needs the equal spirit from both the sides. Next, it must have time bound program and monitoring of work from upper level is also important. Effective instruction from higher level to the lower and grass-root level field teams must flow in due time. Particular problem of particular segment of the border must be resolved in such a fashion that it is resolved forever, and no question will be raised in future.

Deploying the security forces along the border is not enough more than that the cooperation mechanism between the counterparts is equally important. The different level of military coordination mechanism should be developed on the regular basis as Indian and Chinese military did at the Line of Actual Control in Ladakh's Galwan Valley after the clash started from 4th, May 2020. Though there is a mechanism between APF- Nepal and SSB but there is the need to make it more effective. On the other hand, different diplomatic and political level dialogue mechanism should be developed too. On the other hand, it is also necessary to form and promote co-operation and co-ordination mechanism between civil society of the border region of Nepal and India.

Today, open and porous border system has created a kind of an anxiety to maintain peace, security, law and order in the borderlands of both the countries, India and Nepal. Eventually, development of the border control mechanism is required. Strengthening security through effective law enforcement, installing screening and detection devices at the check points, and enhancing intelligence networks can reduce the security challenges between the open and porous border of Nepal and India. Boundary plays a great role. The landmass within that boundary gives existence to a nation's identity. For an independent nation, failure to protect its boundary is equal to failure in protecting its national security. When borders are not regulated, monitored and protected, the country plunges into a mess of conflicts, crises and sufferings that, in the long run, would lead to no less than a cataclysm.

Area for Further Research

The research opined that there are several possible research areas in this domain. People of border region are the guards of plain cloth therefore new researcher can investigate why and how government should closely be inter-connected with the

people of border region. Though, future researcher can seek how the power (in the sense military, geographical, technological, resourcefulness, etc.) of any country determines the relationship in the various aspects with other countries is another aspect of research. Similarly, other area of research is how the international laws, protocols, border security and management policies can be applied in the present context of the Nepal- India relation is another specific concern of research. How the pandemic like COVID- 19 and such other issues can affect to the whole nation because of open and unmanaged border like Nepal and India is an another outstanding issue for new researchers. US State Department Report on November, 2019, shows that Nepal's airport security is weak, inadequate and rudimentary. The report shows that Nepal is also the playground for Indian terrorist group. On the other hand, the land border is more vulnerable. Then, researcher can examine how Nepal is vulnerable of terrorists' activities. Similarly, a comparative border management research of Nepal with other similar neighboring countries would also as potential areas of future research.

APPENDICES

APPENDIX- A

(Refer to page 3, para 2)

TREATY OF PEACE AND FRIENDSHIP, KATHMANDU, JULY 31, 1950

THE government of India and the Government of Nepal, recognizing the ancient ties which have happily existed between the two countries for centuries; Desiring still further to strengthen and develop these ties and to perpetuate peace between the two countries; Have resolved therefore to enter into a Treaty of Peace and Friendship with each other and have, for this purpose, appointed as their plenipotentiaries the following persons, namely,

The Government of India:

His Excellency Shri Chandreshwar Prasad Narain Singh, Ambassador of India in Nepal.

The Government of Nepal:

Maharaja Mohun Shamsher Jang Bahadur Rana, Prime Minister and Supreme Commander-in Chief of Nepal, who, having examined each other's credentials and found them good and in due form have agreed as follows:

Article I

There shall be everlasting peace and friendship between the Government of India and the Government of Nepal. The two Governments agree mutually to acknowledge and respect the complete sovereignty, territorial integrity and independence of each other.

Article II

The two Governments hereby undertake to inform each other of any serious friction or misunderstanding with any neighboring state likely to cause any breach in the friendly relations subsisting between the two Governments.

Article III

In order to establish and maintain the relations referred to in Article I the two Governments agree to continue diplomatic relations with each other by means of representatives with such staff as is necessary for the due performance of their functions. The representatives and such of their staff as may be agreed upon shall enjoy such diplomatic privileges and immunities as are customarily granted by international law on a reciprocal basis: Provided that in no case shall these be less than those granted to persons of a similar status of any other State having diplomatic relations with either Government.

Article IV

The two Governments agree to appoint Consuls-General, Consuls, Vice-Consuls and other consular agents, who shall reside in towns, ports and other places in each other's territory as may be agreed to.

Consuls-General, Consuls, Vice-Consuls and consular agents shall be provided with exequaturs or other valid authorization of their appointment. Such exequatur or authorization is liable to be withdrawn by the country which issued it, if considered necessary. The reasons for the withdrawal shall be indicated wherever possible. The persons mentioned above shall enjoy on a reciprocal basis all the rights, privileges, exemptions and immunities that are accorded to persons of corresponding status of any other State.

Article V

The Government of Nepal shall be free to import, from or through the territory of India, arms, ammunition or warlike material and equipment necessary for the security of Nepal. The procedure for giving effect to this arrangement shall be worked out by the two Governments acting in consultation.

Article VI

Each Government undertakes, in token of the neighborly friendship between India and Nepal, to give to the nationals of the other, in its territory, national treatment with regard to participation in industrial and economic development of such territory and to the grant of concessions and contracts relating to such development.

Article VII

The Governments of India and Nepal agree to grant, on a reciprocal basis, to the nationals of one country in the territories 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.

Article VIII

So far as matters dealt with herein are concerned, this Treaty cancels all previous treaties, agreements and arrangements entered into on behalf of India between the British Government and the Government of Nepal.

Article IX

This treaty shall come into force from the date of signature by both Governments.

Article X

This Treaty shall remain in force until it is terminated by either party by giving one year's notice. (At a Press Conference in New Delhi on 3rd December 1959 Prime Minister Mr. Jawaharlal Nehru disclosed that letters were exchanged along with the signing of the Treaty which have been kept secret – Editor) (Foreign Policy of India, Text of Documents; Lok Sabha Secretariat, New Delhi: 1966: 56-58)

Letter exchanged with the Treaty

KATHMANDU

Dated the 31st July 1950

EXCELLENCY,

APPENDIX - B

KEY INFORMANTS INTERVIEW (KII) QUESTIONS

(Refer to page 50, para 3)

The Information Given by You will be Confidential

Date:

Study on Nepal India Open Border Security Management

The main aim to take interview is for the PhD research. This research is very important and fruit full to find out the Nepal India open border security challenges and to explore the ways to manage the prevailing and emerging challenges. You are the concerned person who is directly or indirectly related in the Nepal- India border security issues and its management. Therefore, you are selected as Key Informant. I will be very grateful for your genuine and valuable answer.

Name :-

Age :-

Address:-

Office Name:-

Rank /Post:-

Contact No. :-

- 1) How long have you been working in the unit as border security officer? (for border security officers only)
- 2) How long have you been working on the border security management field? (for civil service officers)
- 3) How do you evaluate the Nepal India border security status?
 - a. Strong
 - b. Weak
 - c. Needs Improvement
 - d. If any other
- 4) Which border system that you think should be remained in Nepal India border?
 - a. Open
 - b. Regulated
 - c. Closed
- 5) What are the major consequences of Nepal India open border?
 - a. Increases Economic Development and Harmony
 - b. Obstructs the Self-economic Development

- c. Increases dependency
 - d. Increases security threats
 - e. Other (If any)
- 6) What could be the major consequences if Nepal practices closed border system with India?
 - a. Obstructs Economic Development
 - b. Puts negative impact on socio- cultural and religious relations
 - c. Increases independency
 - d. Increases security threats
 - e. Other (If any)
 - 7) What could be the major consequences if Nepal practices the regulated border system with India?
 - a. Decreases security Threats
 - b. Increases Security Threats
 - c. Puts negative impact on economic , socio- cultural and religious relation
 - d. Other (if any)
 - 8) How do you co-ordinate with the counterparts if there is any cross border issue?
 - 9) What are the existing national policies to address the border security issues? And how effective they are? (for civilian authorities only)
 - 10) What are the bilateral mechanism between Nepal and India? (For civilian authorities only)
 - 11) Is security personnel sufficient for guarding the Nepal- India border? (For security officer only)
 - 12) What technologies are used for border surveillance? (For security officer only)
 - 13) In your opinion, what are the prevailing border security challenges of Nepal India Open Border?
 - 14) What are the emerging border security challenges of Nepal India open border?
 - 15) What security measures can be better to apply to strengthen the Nepal- India open border?
 - 16) Is cross border information collection mechanism effective in Nepal?
 - 17) If Nepal India open border is closed or regulated, does it affect the religious, social and cultural relation of people living in the border areas? If yes how does it affect? Please give your opinion. (Local authorities)
 - 18) If you have any suggestions?

APPENDIX - C

(Refer to page 68, para 2)

Exchange of Visits after 2010 between Nepal and India from Nepal:

- Ram Baran Yadav, as the first President of Nepal, paid a State visit to India in February 2010 at the invitation of Ms. Pratibha Devisingh Patil, the then President of India.
- The then Prime Minister of Nepal Mr. Sushil Koirala visited India to attend the swearing-in ceremony of the Prime Minister elect Shri Narendra Modi in May 2014.
- The then Deputy Prime Minister and Minister for Foreign Affairs Mr. Kamal Thapa visited India in November 2015.
- At the invitation of His Excellency Shri Narendra Modi, Prime Minister of India, The Rt. Hon'ble K P Sharma Oli, Prime Minister of Nepal, paid a State Visit to India on 6-8 April 2018. Earlier also, he had paid a State Visit to India in February 2016.
- The then Prime Minister of Nepal, Mr Pushpa Kamal Dahal 'Prachanda' paid a State Visit to India in September 2016 and also visited India in October 2016 to participate in the BRICS-BIMSTEC Outreach Summit in Goa, India.
- At the cordial invitation of the then President of India Shri Pranab Mukherjee, The Rt. Hon'ble Bidya Devi Bhandari, and President of Nepal paid a State Visit to India in April 2017.
- At the invitation of the Prime Minister of India, His Excellency Shri Narendra Modi, the then Prime Minister of Nepal Mr. Sher Bahadur Deuba paid a State Visit to India in August 2017.

- The then Deputy Prime Minister and Minister for Foreign Affairs Mr. Krishna Bahadur Mahara visited India in July 2017 at the invitation of Her Excellency Smt Sushma Swaraj, Minister of External Affairs of India.
- Then Minister for Foreign Affairs Dr. Prakash Sharan Mahat visited India in September 2016.
- Then Minister for Foreign Affairs Dr. Prakash Sharan Mahat visited India in October 2016 leading a Nepali delegation to participate in the 4th meeting of Nepal-India Joint Commission

From India:

- At the invitation of the then Foreign Minister Mr. Mahendra Bahadur Pandey, the External Affairs Minister of India Smt Sushma Swaraj paid an official visit to Nepal in July 2014 to participate in the third meeting of the Nepal-India Joint Commission
- At the invitation of then Prime Minister Mr. Sushil Koirala, the Prime Minister of India His Excellency Shri Narendra Modi paid an official visit to Nepal in August 2014.
- His Excellency Prime Minister Modi also visited Nepal in November 2014 to participate in the 18th SAARC Summit.
- Her Excellency Sushma Swaraj visited Nepal in June 2015 to participate in the International Conference on Nepal's Reconstruction and in August 2017 to participate in the 15th BIMSTEC Ministerial Meeting.
- The President of India Shri Pranab Mukherjee paid a State Visit to Nepal in November 2016.
 - At the invitation of the Prime Minister of Nepal, The Rt. Hon'ble K P Sharma Oli, the Prime Minister of India His Excellency Shri Narendra Modi paid a State Visit to Nepal from 11 to 12 May 2018.

APPENDIX - D

(Refer to page 198, para 2)

**TEXT OF THE TRIPARTITE AGREEMENT BETWEEN THE
GOVERNMENT OF THE UNITED KINGDOM, THE GOVERNMENT OF
DOMINION OF INDIA AND THE GOVERNMENT OF NEPAL**

Memorandum of Agreement At a meeting held at Kathmandu on 1st May 1947 between representatives of His Majesty's Government in the United Kingdom, the Government of India and Government of Nepal, His Highness the Prime Minister and Supreme Commander-in-Chief of Nepal stated that he welcomed the proposals to maintain the Gurkha connection with the armies of the United Kingdom and India on the following basis "If the terms and conditions at the final stage do not prove detrimental to the interest or dignity of the Nepalese Government, my Government will be happy to maintain connections with both armies, provided men of the Gurkha regiments are willing so to serve (if they will not be looked upon as distinctly mercenary)."

1. Discussions have taken place in Delhi between representatives of His Majesty's Government in the United Kingdom and of the Government of the Dominion of India and the points of agreement are embodied in the Memorandum dated 7th November 1947 a copy of which forms Annexure I of this document. Necessary financial adjustments between the two Governments are still under consideration.
2. Further discussions between the representatives of the three Governments have taken place at Kathmandu during which the Government of Nepal have put forward certain pertinent observation on the memorandum of agreement referred to in the proceeding paragraphs which are set out in Annexure II. In

regard to these points, the representatives of His Majesty's Government in the United Kingdom and of the Government of the Dominion of India have replied as follows:

- 2.1 Location of the Recruiting Depots The use of the existing depots at Gorakhpur and Ghum has been sought by His Majesty's Government in the United Kingdom for a temporary period only pending establishment of their own depots in Nepal. The wishes of the Government of Nepal have been noted and arrangements for the establishment in India of the Recruiting Depots required to meet the needs of the Gurkha units of the British Army will be settled between the United Kingdom and Indian Governments.
- 2.2 Desire of the Government of Nepal that the total number of Gurkha Units to be employed in the Armies of the United Kingdom and of India shall be limited and brought down to the peace-time strength of 20 Battalions out of which Battalions will be allotted to the British Army. The representatives of Her Majesty's Government in the United Kingdom and of the Government of Dominion of India have taken note of the wishes of the Government of Nepal. The representative of Her Majesty's Government in the United Kingdom has explained that the long term planning of the British Post-War Army has proceeded on the assumption that the Government of Nepal would be prepared to furnish sufficient men to establish the equivalent of an Infantry Division in South-East Asia and he has received an assurance from the Government of Nepal that final decision on the question of recruitment of Gurkhas in excess of 8 Battalions at peace-time strength shall be left open until Her

Majesty's Government in the United Kingdom have had an opportunity of considering the view of the existing political situation in India.

- 2.3. Arrangement for the import of foreign currency belonging to the Gurkha units of the 8 Battalions serving overseas. It is noted that the Government of the Dominion of India has agreed to afford all normal facilities in regard to the import of foreign currency belonging to these men(Annexure I, Item 10). A reply to the specific points raised in this connection will be sent to the Government of Nepal in due course.
3. The Government of Nepal being generally satisfied in regard to the terms and taking note of the agreement dated 7th November 1947 reached between Her Majesty's Government in the United Kingdom and of the Government of Dominion of India hereby signify their agreement to the employment of Gurkha troops in the armies of the United Kingdom and of India.
4. In addition to the observations referred to above the Government of Nepal have put forward certain suggestions connected with the employment of Gurkhas in the armies of the United Kingdom and of India. These suggestions are contained in Annexure II of this document and the views of the two Governments thereon will be communicated to the Government of Nepal in due course.
5. Note has been taken of the desire of Her Majesty's Government in United Kingdom that prompt action be taken to ascertain the wishes of the personnel of the 8 Battalions concerned as to whether they desire to be transferred for service under the United Kingdom Government. With this objective in view a questionnaire and a memorandum embodying terms and conditions of service have been prepared by the representatives of Her Majesty's Government in the

United Kingdom. These documents are acceptable to the Governments of India and Nepal. They will be issued to the personnel of the 8 units concerned as soon as possible. In accordance with the wishes of the Government of Nepal as well as those of the Government of India it is agreed that their representatives will be present with the 8 units while the referendum is being taken.

6. The representatives of the three governments desire to place on record that their deliberations have been conducted in an atmosphere of cordiality and goodwill and are confident that the friendly relations which have existed in the past will be further cemented as a result of the arrangements which have been agreed for the continued employment of Gurkha soldiers in the armies of the United Kingdom and of India.

7. Signed in Triplicate at Kathmandu this 9th day of November 1947.

Sd/-For the Government of the United Kingdom

Sd/-For the Government of Dominion of India

Sd/-Padma Shamshere Jung B.R.For the Government of Nepal

REFERENCES

- Adamson, F. B. (2006). Crossing Borders: International Migration and National Security. *International Security*, 31, pp. 65-176.
- Adhikari, C. (2018, July 19). Seemaamaa Parichayapatra. *Kantipur National Daily*, p.2.
- Adhikari, M. (2012). Between Dragon and the Elephant: Nepal's Neutrality Conundrum. *Indian Journal of Asian Affairs*, 25, pp.83-97.
- Agathangelou, A. M., & Ling, L.H.M. (2004) . Power, Borders, Security, Wealth: Lessons of Violence and Desire from September 11. *International Studies Quarterly*, 48, pp. 517-538.
- Arora, R. K. (2018). *Security Scenario on India-Pak Border: A study of crime Infested Regions of Western Border*. Faculty of Management Studies Wisdom Banasthali Bidhyapith, India.
- Baral, L. R. (1992). India-Nepal Relations: Continuity and Change. *Asian Survey*, 32, pp. 815-829.
- Bashyal, U. (2019). *Refugee Problem in Nepal*. A research paper submitted to National Armed Police Academy (Unpublished research paper). Matatirtha, Kathamndu.
- Beckrich, A. (2017). The Green Room: How Border Walls Affect Wildlife. *Science for All*, 84, pp.12-21
- Bhatta, P. C. (2016). *Border Security Management of Nepal*. Tribhuvan University, Kathmandu.
- Bhattarai, K. (2017). EPG to suggest Border Regulation Measures. Kathmandu. *The Kathmandu Post*, p. 1.

- Bist, A. (2020). *History of Demarcation of Present Border of Nepal*. Kathmandu: A research paper submitted to National Armed Police Force Academy (Unpublished research paper). Mathtirtha. Kathmandu.
- Bogati, S. (2018). Challenges in Controlling Proliferation of Small Arms in Nepal. Kathmandu. *Yearly Journal of APF Command and Staff College*, 2, pp.45-51.
- Dastider, M.(1998). *Minorities in Nepal: A Study of the Muslim Community*. Doctoral Diss. Jawaharlal Nehru University, New delhi.
- Dastider, M. (2010). Muslims of Nepal's Terai. *Economic and Political Weekly*, 35, pp.10-17.
- Dhungana, S. (2019, August, 31). Four Chinese nationals among 10 arrested on human trafficking charge from airport. *The Kathmandu Post*, P.6.
- Donnelly, J. (2005). *Realism*. New York: Palgrave Macmillan.
- Flores, E. (2017). Wall of Separation: An Analysis of three successful border walls. *Harvard International Review*, 38, pp. 10-12.
- Forester, A. B.H. (2014). *Non State Actors and the Open Border Policy: The Border Security Case Study of Nepal and India*. California: Naval Post Graduate School Monterey.
- Gaige, F. H. (2009). *Regionalism and National Unity in Nepal*. Lalitpur: Himal Books.
- Ghimire, B. (2019, November, 8). US department report pokes holes in security at Nepal's only international airport. *The Kathmandu Post*, P. 6.
- Ghori, K. K. (1964). Nepal and its Neighbors. *Pakistan Institute of International affairs*, 17, pp.368-384.
- Goel, D. (1995). *Cross- Border Crime in the Nepal –India Border Region*. Kathmandu: Centre for Economic and Technical Studies.

- Gospel, J. S. (Undated). *Human Security as a Factor in India's National Security Policy Making Study*. University of Madras: Department of Defence and Strategic Studies.
- Gupta, A. K. (2009). The Context of New Nepal: Challenges and Opportunities for India. *Indian Journal of Asian Affairs*, 22, pp.63-67.
- Inglesby, V. Thomas, T., Toole, H., & Donald, A.(2000). Preventing the use of Biological Weapons: Improving Response Should Prevention Fail. *Clinical Infectious Disease*, 30, pp. 926-943.
- Jha, H. B.(1995). *Economic Relations Among Nepal- India Border Inhabitants*. Kathmandu: Centre for Economic and Technical Studies.
- Jha, P. (1995). *Political Relation among the People of Border area of India and Nepal: Retrospect and Prospect*. Kathmandu: Center For Economy and Technical Studies.
- Jones, R. (2011). Border security 9/11 and the enclosure of Civilization. *The Geographical Journal*, 177, pp.213-217.
- Kansakar, V. B. (2001). *Nepal-India open Border: prospect, problems and challenges*. Kathmandu: Central Department Geography, TU.
- Kaplan, R. D. (2012). *The Revenge of Geography: What the Map Tells us about Coming Conflicts and the Battle Against Fate*. New York: Random House.
- K.C., Khadga. (2018). Nepal India Strategic Relation in the 21st Century. *Nepal and The Great Power*, 1, pp. 1-8.
- K.C., D. K. (2019). Cross-Border Crime and Its Security Concerns in Nepal. *Yearly Journal of APF Command and Staff College*, 3, pp. 21-31.
- Kesby, A. (2007). The Shifting and Multiple Border and International Law. *Oxford Journal of Legal Studies*, 27, pp. 101-119.

- Kumar, A. (2019). *Human Trafficking between India and Nepal with Reference to the Role of Non- Governmental Organisations*. Doctoral Diss. Hindu University, Banaras.
- Kunwar, R. B. (2019). *Nepal: The Hub of Illegal Trade of Wildlife and Drugs Smuggling* (Unpublished research paper) submitted to National Armed Police Academy, Kathmandu.
- Lepcha, R. (2017). *Cross border Human Trafficking between India and Nepal legal dimensions*. Doctoral Diss. Sikkim University, Sikkim.
- Levi, W. (1952). Government and Politics in Nepal. *Far Easter Survey*, 21, pp. 185-191.
- Machanda, R. (2001). Whose Nepal- Whose India: of diasporas and transitional identities. *India International Centre Quarterly*, 28, pp. 47- 56.
- Mankekar, D. R. (1974). Defence Security of South Asia. *International Journal of Politics*, 4, p.11-25.
- Nepal, D. (2016). Muslim Fundamentalism. *My Repuliica*, July 18, p.7.
- Nepali, G.S. (1995). India Border Social Relation. *The world Today*, 66, pp.32-33.
- Pandey, R. N. (1995). *Historycal Perspectives of Nepal India Border Relations*. Kathmandu: Centre for Economic and Technical Studies (CETS).
- Pandit, S. (2019). Shifting Security Paradigm in Contemporary Era: Role of Law Enforcement Agencies. *Yearly Journal of APF Command and Staff College*, 3, pp.80-88.
- Paudel, N. R., & Pahari, S. (2019). Prosperity of Nepal Vs Security Forces of Nepal: Virgin Field of the Study. *Yearly APF Command and Staff College*, 3. pp.14-20.

- Rafique, M. (2013). *Corruption and its combating strategies Focus on Indian scene*.
Tamil Nadu: Global University.
- Ramchandaran, S. (2003). Nepal as Seen from India. *India International Centre Quartely*, 30, pp.81-98.
- Sarup, A. (1972). Transit Trade of Land-Locked Nepal. *The International and Comparative Law Quarterly*, 21, pp. 287-306.
- Shakoor, F. (1989). Indo - Nepal Dispute. *Pakistan Institute of International Affairs*, 42, pp.68-80.
- Sharma, G. Lt.Col. (Retd.), & Nagar, K. S.(Ed). (1986). *India's Northern Security (Including China, Nepal and Bhutan)*, 7 vols. New Delhi: Reliance Publishing House.
- Shivani, R. (2013). *Cross Border Terrorism in India a study with references to international regime*. Doctoral Diss. Gurunanak Dev University, Hyderabad.
- Shrestha, B. N. (2021). Diplomacy in the Perspective of Boundaries. *Journal of Foreign Affairs*,1, p.27-32.
- Shrestha, B. N. (2003). *Border Management of Nepal*. Kathamandu, Nepal.
Bhumichitra Co.Pvt. Ltd.
- Shrestha, B. N. (2017). Open Boader and India's security Concern: *Telegraph Nepal*, 1, pp.4-7.
- Shukla, D. (2006). India-Nepal Relations: Problem and Prospect. *The India Journal of Political Science*, 67, pp. 355- 374.
- Singh, B. (2015). India's Neighborhood policy: Geopolitical Fault line of its Nepal Policy in the Post- 2015 Constitution. *Journal of International and Area Studies*, 23, pp.59-75.
- Siwach, R.S. (2001). India's defence Policy in the 21st Century. *Indian Journal of Asian Affair*, 14, pp.33-44.

- Subedi, S. P. (1994). India-Nepal Security Relations and the 1950 Treaty: Time for New Perspectives. *Asian Survey*, 34, pp.273-284.
- Tamang, K. K. (2013). *Practices of Good Governance and Corruption Control along Nepal- India Administration*. Doctoral Diss. Singhania University, Jhunjhunu.
- Tamang, K. K. (2020). Standardization of Border Security Aspects of Nepal. *Ujagar, Triannual Newsletter of Neeti Anusandhan Pratisthan*, 1, pp. 3-6.
- Thapalia, S. (2015). *Changing Trends in Nepal Relations* (Unpublished Master Dissertation). Tribhuvan University, Kathmamndu.
- Thapa, S., & Bhandari, N. (2019). Children of Susta are forced to write address of India for education. *Susta Sandesh Weekly*, June 2, p.1.
- Ukani, V. (2016). *Border Man an Enemy Efficient Framework for Border Surveillance using Wireless Multimedia Sensor Network*, Nirma University, Ahmedabad.
- Upreti, B. R. (2019). Security for Enhancing Peace and Stability in Changing Context of Nepal. *Yearly Journal of APF Command and Staff College*, 3, pp.1-13.
- Weber, C. (2017). *International Relations Theory; A Critical Introduction*. New York: Routledge.
- Wei, W. H. (1985). Sino –Nepal Relation in the 1980s. *Asian Survey*, 25, pp. 512-520.
- Williams, N. V. (2009). The generalized bio-political border? Re-conceptualising the limits of sovereign power. *Review of International Studies*, 35, pp. 729-729.