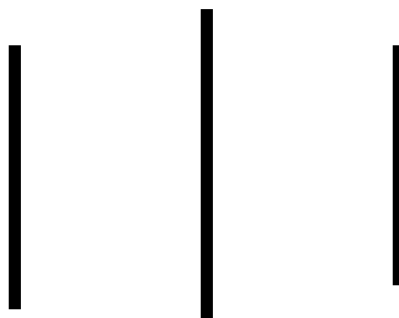


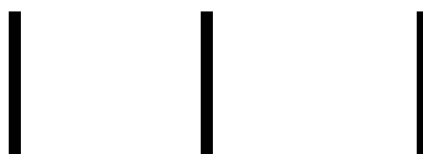
**Ex-BRITISH GURKHAS' ISSUES:
AN ATTITUDINAL STUDY OF NEPAL and UK**

(1990-2006)

THESIS



**SUBMITTED TO THE FACULTY OF
HUMANITIES AND SOCIAL SCIENCE
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE
DEGREE OF MASTER OF THE ARTS
IN POLITICAL SCIENCE**



By

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**CENTRAL DEPARTMENT OF POLITICAL SCIENCE
TRIBHUVAN UNIVERSITY
KIRTIPUR, KATHMANDU
NEPAL
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RECOMMENDATION

This is to certify that Mr. Indra Kumar Sodemba has prepared and completed the thesis entitled "**Ex-British Gurkhas' Issue: An Attitudinal Study of Nepal and UK**" under my guidance and supervision for partial fulfillment of the requirement of Masters Degree in Political Science. This thesis is recommended for its final evaluation and approval.

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ACKNOWLEDGEMENT

This study "Ex-British Gurkhas' Issue: An Attitudinal Study of Nepal and UK" (1990-2006) has been undertaken by me in partial fulfillment of the requirement of the Degree of Masters of Arts in Political Science.

I am grateful to my supervisor Prof Dr Meena Vaidya Malla for inspiring and painstakingly in guiding the thesis writing. Had it not been for her valuable guidance this thesis would not have become a reality.

I would like to thank Prof Mohamad Habibullah, Head of Department of Political Science, Tribhuvan University, Kirtipur, for his continuous inspiration and suggestions for the study.

My sincere thanks go to the resourceful and ever helpful staff of the Central Department of Political Science, Tribhuvan University, Kirtipur. I cannot remain without mentioning name of Mr. Hare Ram Rijal who has been of great help to me. I would also like to thank the staff of Tribhuvan University Central Library, Kirtipur. I would also like to thank to staff of the GAESO who provided me Magazines published by GAESO; ex-British Gurkhas and their families who helped me giving their views about the problems, demands and suggestions.

**Indra Kumar Sodemba
Kathmandu
March 2007**

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CHAPTER I

INTRODUCTION

1. Concept

Normally, a country does not recruit another countries' citizens into its arm force and no one sovereign country let its citizens to be recruited by another countries arm force. But this statement does not apply to Nepal, India and Great Britain as Britain and India have been recruiting Nepali citizens (Gurkhas) into their arm force. Nepal has been providing its citizens to be recruited by India and Great Britain. This was done according to the Tripartite Agreement (TPA), which was signed by Britain, India and Nepal in 1947. This is not the first time Britain had been recruiting Gurkhas into her arm force. However, it had recruited Gurkhas into British Indian Army since 1815.

Nepali citizens who serve in Indian arm force are known as Indian Gorkha, and who serve in British Army are known as British Gurkhas.¹ The thesis, however deals only with the British Gurkhas. Gurkhas became famous for their bravery across the world and have been as named 'bravest of the brave.'²

The thesis aims to assess the problems of Gurkhas and seek answers to some questions as: why British government has been showing interest to recruit Gurkhas into her arm force? Why Nepal government did not give permission and support to the UK for the recruitment of Gurkhas before 1885? What are the demands of the

¹ 'Gorkha' a hilly kingdom of late king Prithivi Narayan Shah lies around 35 kilometers west north of the Kathmandu. King Prithivi Naryan Shah unified to the modern Nepal with the help of Gorkha troops. Since then the troops become famous. In this thesis the term 'Gurkha' is used to denote brave British Gurkhas.

² According to Harka Gurung, Sir Ralph Lilly Tuner, a Sanskrit Scholar serving with 1/3rd Gurkha Rifles during First World War, who described his comrades-in-arms as 'bravest of the brave' (A Comparative And Etymological dictionary of Nepali Language, London, 1931, preface) in 2002. In British Gurkha: From Treaty to Supreme Court. Pp. 85-88.

British Gurkhas? What British and Nepal governments are doing to solve the British Gurkhas' demands?

Gurkha recruitment was born from the Anglo Nepal war, which was fought in the western border of Nepal in 1814-16.³ The war stopped after signing a peace agreement in 1815 by Devid Actorlony from the British side and Amar Sing Thapa from the Nepal side.⁴ The agreement was temporary nature because another treaty signed in Sugauli. Nepal lost her one-third territory in the war, however, Nepalis army fought very courageously and bravely. Devid Actorlony was very impressed and he became the first British officer to recruit the Gurkhas into British Indian Army to save British Empire. One clause of agreement has consented to the Amar Sing Thapa and to the soldiers of his command to join into British Indian army. According to Gurung (2002) British had already formed Gadual and Kumaun resident Gurkha in their army for the first time of the Gurkhas recruitment history, and first named Nasiri and later Srimoor battalion (later 1st and 2nd GR respectively to 1830).⁵ Finally peace treaty was signed on March 7, 1816 by Nepal and Britain at Saugali.⁶ But there is no evidence about recruitment of Gurkhas in the Sugauli treaty.

Britain attempted many times to increase number of Gurkhas from time to time. Before 1857, British India Company Officers did not trusted the Gurkhas thinking that they are religious and social weak as Indian *sepoys* (soldier). In 1857, British India Company faced so called 'mutiny' in India, in that crucial time Gurkhas showed

³ British encounter Gorkhali army had not with the British (Kinlock expedition) was in 1767 at Sindhuli Garhi Dr. Harka Gurung. 2002. In British Gurkha: From Treaty to Supreme Court. Pp. 85-88.

⁴ For more detail see Treaty in Appendix-X.

⁵ But the British encounter Gorkhali army had not with the British (Kinlock expedition) was in 1767 at Sindhuli Garhi Dr. Harka Gurung. 2002. In British Gurkha: From Treaty to Supreme Court. Pp. 85-88.

⁶ Rathaur, Kamal Raj Sing. 1987. *The Gurkhas: A History of the Recruitment in the British Indian Army*. Third edition in 2000. Nirala Publications, 2595, Kucha Chellan, Daryaganj, New Delhi – 110 002, P. 29. For treaty see in Appendix-XI.

their loyalty to the British Officers by helping them to settle peace in Delhi. That was, however, not easy. The rebellion lured the Gurkhas to involve in mutiny assuring them they will return Nepal's territory, which Nepal had lost during the Anglo-Nepal war. But Gurkhas never left the British and showed their loyalty. Finally, the war ended and peace was settled, thus Gurkhas won the heart of the British officers. Besides, the then Prime Minister of Nepal, Janga Bahadur Rana, himself lead Nepali armies and helped the British India Company, seized Azamgarh, Jaunpur, Gorakhpur and Lucknow.⁷ Then Britain, in turn, returned Nepal the four Terai districts: Banke, Bardiya, Kailali and Kanchanpur as a reward. Janga Bahadur, however, did not support the British Government to recruit the Gurkhas. He was afraid that criminals might join the British Indian army and they may be used against Nepal in movement. Bir Shamsheer Janga Bahadur Rana changed the policy in 1885⁸ to help recruitment of Gurkha to get support of the British government. He did this to save his regime, as he was afraid that his opponent might go to India and attack his regime.

Gurkha fought courageously in the World War I and II for the British Empire. At that time many Gurkhas were killed and became handicapped. According to the British Embassy to Nepal, the British Gurkhas were used in the World War I in Burma against the Japanese army (in Asia) and against Italy (in Europe) where 6,168 Gurkhas were killed. Similarly, during World War II 8,816 Gurkhas were killed in Malaysia, Indonesia and Brunei. Similarly, in post World War II, 204 Gurkhas were killed in Malaysia, 59 in Borneo, 3 in Hong Kong, 2 in Falkland Islands and 1 in Bosnia in total 269 Gurkhas lost their lives.⁹ These evidences showed that the Gurkhas have fought for the British in almost every military campaign from 1816 to

⁷ Dr. Harka Gurung. 2002. *British Gurkha: From Treaty to Supreme Court*. Pp. 85-88.

⁸ Rathaur, Kamal Raj Sing. 1987. *The Gurkhas: A History of the Recruitment in the British Indian Army*. Third Edition in 2000. Nirala Publications, 2595, Kucha Chellan, Daryaganj, New Delhi – 110 002, P. 71.

⁹ This figure was submitted to Ministry of Foreign Affairs, Protocol Division, Government of Nepal by British Embassy, Kathmandu in 18th December, 1998 in *British Gurkha From Treaty to The Supreme Court*. 2002, Pp. 240-47.

the present day. Conservative estimates place Gurkha casualty figures at total of 150,000 wounded and 45,000 killed in the two world wars and other conflicts. Till now, more than 6,500 decorations for bravery have been awarded including 13 Victoria Cross awards and 2 George Cross medals.¹⁰

In 1947, India became independent from the British Empire and Gurkha Army became subject to retain for India and Britain. Then Britain, India and Nepal signed Tripartite Agreement on 9th November 1947.¹¹ This was the first treaty relating to the Gurkhas recruitment in the history. India and Britain signed another treaty on 7th November 1947 just before 2 days for the payment of the British Gurkha. This treaty has mentioned for the payment of the Gurkhas. However, then the Nepal government put suggestions to incorporate to the treaty. The main them was that Gurkha troops should treat on the same footing as other units in the parent army so that the stigma of ‘mercenary troops’ may for all time be wiped out.¹² However, since then UK government is paying to the Gurkhas on the basis of that agreement signed by India and UK. GAESO¹³ is arguing that the bilateral treaty is the discriminatory treaty for the Gurkhas. British Gurkhas are not getting equal pay, pension and other facilities. Then GAESO formulated its main four pints demands¹⁴ defining the problems and submitted to the Prime Minister of UK and Nepal in 1996. Currently, there are mainly

¹⁰ *The Gurkhas: The Forgotten Veterans*, Report, December 2005, P. 5. By the GAESO for the International Commission of Inquiry on Discrimination against British Gurkhas. An International Commission of Inquiry was set up at the request of the GAESO, Nepal to independently investigate the reality of the economic and social conditions of Nepali citizens who have and are serving in the Brigade of Gurkhas under the Ministry of defence, UK, and their families. There were eight members of the Inquiry commission, led by barrister Ian Macdonald QC of UK, visited Nepal from 23-30 May 2005 and undertook a wide range of activities under its overall mandate. The other members of the Commission were; Hannah Rought-Brooks and Rebekah Wilson, barristers from the UK; Edith Ballantyne, human rights and peace activist from Switzerland; Dr Roy Laifungbam, indigenous peoples’ rights activist from India; Shirin, rights defender from the USA; Dr Sharon Taylor, an academic from Canada; and Shoko Oshiro, indigenous peoples’ rights activist from Japan.

¹¹ For more detail about TPA see in Appendix-IV.

¹² For more detail see in Appendix-V, VI, VII, VIII & IX.

¹³ Gurkhas Ex-Servicemen’s Organization (GAESO) formed by ex-British Gurkha Armies in 1990 in Nepal mainly to demand for equality with the government of UK and Nepal.

¹⁴ The thesis deals with in detail in Chapter III.

four organizations of ex-British Gurkhas Armies including GAESO, United British Gurkha Ex-Servicemen's Association, Gurkha Welfare Society and Gurkha Bhutpurba Sainik Sangh.¹⁵

GAESO is not only knocking the doors of governments and authorities of UK and Nepal but also taking the legal actions against them for remedies. One ex-British Gurkha Gyan Raj Rai filed a writ petition in the Supreme Court of Nepal challenging the Memorandum of Government of India and His Majest's Government in the United Kingdom (Bilateral Agreement to Retain Gurkha Services in their Respective Army). Similarly, Pahalman Gurung, Hukumsing Pun and Gaurisor Thapa filed another case in 2002 against Ministry of Defence of UK government in UK High Court with the initiation of GAESO demanding compensation for Prisoners of War (POW). The British government denied compensation to the Gurkhas arguing that then Gurkhas were Indian army. Finally, the British government decided to pay compensation of 10,000 pounds each to the Second World War Prisoners (POW).

Gurkhas who had fought and still fighting for the UK, now have been demanding equal pay, pension and other benefits as their British counterparts. About the recruitment of Gurkhas and TPA some political parties and nationalists said that Gurkha recruitment should be disband, and ruling political parties have been stating that Gurkha should get equal pay from the UK. GAESO argues that their demand is for the justice, for the honour of nation and for the British Gurkhas themselves. It has been threatening the British Government that if Britain fails to meet their demands an equal pay, pension and other benefits, they will move to the European Human Rights Court (EHRC) for the justice.

¹⁵ Among them GAESO is big organization and claims it has 26,000 thousand members.

In February 2003, GAESO challenged the terms of their service in the UK High Court. In *Purja and Others Versus Ministry of Defence* challenges under the European Convention On Human Rights (ECHR) were brought by seven (out of total of 26,000) Gurkhas pensioners claiming their pension terms, their pay while on long leave in Nepal and their terms of accompanied service discriminated against Gurkhas on the ground of their nationality country to Article 14 of the (ECHR).¹⁶ Later situation British Prime Minister Tony Blayer announced on September 30, 2005 that retired Gurkhas after July 1st, 1997 are able to apply for UK citizenship.¹⁷ This announcement has led to large migration of ex-British Gurkhas to UK selling all their properties in Nepal. Even though the current track of migration of Gurkhas in the UK is likely to affect Nepalis social and economic condition, government of Nepal has remained silent on this matter.

Gurkhas have been playing an important role as an ambassador of Nepal for the country in the past to present. In this way they are seeking their role within the country in real sense and where and for whom they fought and still fighting honestly they are demanding equal pay, pension and other benefits as their British counterpart. British Gurkhas' these problems are major and serious issues of domestic and national politics as well as foreign relation between Nepal and UK. If both governments neglect these issues creates more problems. Issues are linked with various subjects but this thesis deals with current problems of ex-British Gurkhas that GAESO has been demanding. Therefore, "Ex-British Gurkhas' Issue: An Attitudinal Study of Nepal and UK" title has been chosen for thesis.

¹⁶ *The Gurkhas: The Forgotten Veteran*. Report, December 2005, P. 17.

¹⁷ *Gurkha Sainik Aawaj*, October-November, 2004, P. 5.

1. 2. Objectives of the study

The study aims to analyze, why the ex-British Gurkhas servicemen have been doing movement? Are they really facing discrimination by the UK and Nepal governments? More specifically this study focuses:

- i. To explain and enlighten the history of British Gurkhas recruitment;
- ii. To assess the problem and demands of British Gurkhas;
- iii. To study the attitude of Nepal and UK towards British Gurkhas' issues.

1. 3. Statement of the problem

Gurkha recruitment was the result of Anglo-Nepal war, which Nepal and Britain had fought in 1814-1816. In past as British Gurkhas fought several wars for the British Empire and still they are fighting. They have been scarifying their lives for British and India. Today they are fighting with the UK and Nepal governments for equal rights. They have raised four demands: (i) equal pay, pension and other benefits (ii) compensation and reparation for war veterans, widows and redundant (iii) proper education and training for children, and (iv) residential visa and work permit.¹⁸ Because British government has been paying to the British Gurkhas on the basis of Memorandum between India and UK, which was signed on 7th November 1947. The Article 11 of Memorandum mention that “the basic rates of admissible to Gurkha officers and soldiers serving HM Government shall approximate to those laid down in the present Indian Pay Code, at which rates personnel serving at the recruiting depots in Gorakhpur and Ghum shall be paid; and that a special allowance, to compensate for permanent service overseas and high cost of living, shall in addition be admissible

¹⁸ *Gurkha Sainik Awaj*, year 13, Volume 5, Nov-Dec 2004, P. 18. GAESO has been publishing this magazine since its establishment.

to Gurkha officers and soldiers serving HM Government overseas.”¹⁹ Thus Ex-British Gurkhas are not getting equal pay, pension and other benefits as their British counterparts on the same job. Therefore, there are problems between ex-British Gurkha and UK and Nepal governments. So the study aims to analyze some questions like: Why UK and Nepal governments are not eager to solve the problems of Gurkhas even in the 21st century? Do UK and Nepal governments are still on colonial hangover? Post World War II several (about 5,000) Gurkhas were made redundant and sent home bear foot by UK, for this GAESO is demanding compensation and welfare benefits from the UK government. Gurkhas were sent back to Nepal by Britain after the war without pay, pension and compensation; now they are living in poor condition. GAESO has raised compensation and reparation for such war veterans, widows and redundant. Gurkhas soldiers had only three years time to live with their families during their 15 years of service; however, their British counterparts lived with their families for whole service duration. If they had to be separated from their families, they get family separation allowance from the government. Cause of discrimination in pay, pension and other benefits British Gurkhas could not give time to guide their children as they to go for additional job. If they get equal pension as that of their British counterparts, they could manage their household actively and pay attention to their children. In this ground GAESO has raised third demand for proper education and training for their children. Ex-British Gurkhas had spent their youth for the security of UK, however, they did not have work permit and residential visa at UK. Therefore, GAESO has demanded work permit and residential visa in UK any time they wish like. Fiji’s citizens who are treated as British, after their retirement from their service at British Army.

¹⁹ Article 11 of the Memorandum of Government of the Dominion of India and His Majesty’s Government in the United Kingdom, which was signed in November 7th 1947. For more detail see in Appendix-IV of this thesis.

1. 4. Hypothesis

Nepalis join the British-India Army for a better foreign job. Foreign military job is a good many for them than in Nepal. During Rana times, the rulers would force Nepalis to join the British Indian Army by issuing Order. In early times, British Gurkha fought several wars including World War I and II. They had sacrificed their lives for British Empire. However, British government has not been treating Gurkhas equally as British soldiers. World War II veterans are the direct witness who have not got the compensation or pension and have been deprived from the welfare schemes. Similarly, war injuries have not been getting compensation by the welfare scheme. Who lost in the war would have been unknown still. Many ex-British Army Gurkhas and their dependents would have been living in poor condition in the remote rural and urban area of Nepal. After 1947, those who served and are serving have not been treating them equally by UK government. UK and India's Memorandum might have created problems. Ex-British Gurkhas felt discriminated, as they have been deprived of equal payment and other facilities as their British counterparts. Nepal government also has not been supporting them to get equal payment and other facilities. As a result, ex-British Gurkhas have been demanding equal pay and facilities with the UK government. The UK government, however, have been ignoring the Gurkhas' demands.

1. 5. Methodology

The thesis is based on a descriptive and analytical study of the Gurkhas issues. The study is based on published books, reports, magazines and daily newspapers written by both Nepalis and foreign writers. Different websites have been searched for information. For primary opinions, the study has collected interviews from individuals who can give a real picture of their feelings, aspirations, issues, problems and demands with due suggestions.

1. 6. Scope

- i. The study mainly is on Gurkhas' recruitment history, causes of the movement and attitude of Nepal and UK government.
- ii. The study focuses on British Gurkhas' movement specially from 1990 to 2006.

1. 7. Literature review

Books:

i. Warrior Gentlemen: Gurkhas in the Western Imagination:

Lionel Caplan has written in "Warrior Gentlemen: Gurkhas in the Western Imagination" that Gurkhas have also loved and families they are not cruel as publishing propaganda in the wartime. Thus their reciprocal behavior is based on love and affection. Caplan views Gurkhas to be brave, courageous and warrior gentlemen. This book supports the thesis and helps to know about western view on Gurkha too.²⁰

ii. The Gurkhas: The Inside Story of the World's Most Feared Soldiers:

Johan Parker has mentioned in *The Gurkhas: The Inside Story of the World's Most Feared Soldiers*²¹ that ex-British army officers who had led Gurkha Brigade had never been mentioned before. Parker concludes about the future of Gurkhas that Gurkhas are adopting ground force army for the 21st century.

iii. British-Gurkha: From Treaty to The Supreme Court:

In "*British-Gurkha: From Treaty to The Supreme Court*"²² published by British-Gurkha Study and Research Centre, Nepal has included; report submitted to the House of Representative by Foreign Relation and Human Rights committee in

²⁰ Caplan, Lionel. Text, 1995. *Warrior Gentlemen: Gurkhas in the Western Imagination*. Introduction, Himal Books, Kathmandu, Nepal, 2003.

²¹ Parker, John. 1999. *The Gurkhas: The Inside Story of the World's Most Feared Soldiers*. First published in 1999 by Headline Book Publishing, A division of the Hodder Headline Group, 338 Euston Road, London NW1 3BH.

²² British-Gurkha Study and Research Center, Nepal, 2002. *British-Gurkha: From Treaty to The Supreme Court*.

January 13, 1999;²³ Order of the Supreme Court of Nepal by Honorable justices Laxman Prasad Aryal, Kedarnath Upadhaya and Krishna Kumar Barma dated March 21, 2002²⁴ in *certiorari mixed mandamus* (Utpresan Misrit Paramdesh) writ petition filed by Gayan Raj Rai (Warrant Officer Class-2) ex-British Gurkha; interview of Ambassador of India to Nepal the then I.P. Sing relating to British Gurkha Army; compliments submitted to Ministry of Foreign Affairs, Protocol Division, Government of Nepal submitted by British Embassy, Kathmandu in 18 December 1998, questions were asked by Parliamentary Sub-Committee issues surrounding the retired British Gurkhas; and views of several political parties leaders, intellectuals, lawyer and demands of ex-British Gurkhas, activities and some historical facts have been published, which are useful to this thesis.

iv. Gurkha Recruitment: History, Problems and Movement (Gurkha Bharti: Katha, Bayatha ra Andolan):

Dr. Surendra K.C. writes in "*Gurkha Bharti: Katha, Bayatha ra Andolan*"²⁵ that Gurkhas' problems are not only of *matuwalis* (alcohol drinkers) but also all of Nepalis. GAESO members should be united for the movement. Gurkhas are not only facing inequality but their service also seems uncertain. The signed Indian Pay Code Treaty in November 7, 1947 is not enforceable for Nepal. Nepalis had given their sweat and blood for the British Empire but Britain could not honor and value it. Britain did not keep records of Gurkhas about how many Gurkhas had been recruited, died and injured in the war. After the war Britain sent back to the Gurkhas with empty hand. GAESO's movement is not only for equal pay and facilities, but also fight for equal right and prestige. Nepali intellectuals and conscious class are not

²³ In Nepali Bikramsambat year date: 2055/09/29.

²⁴ In Nepali Bikramsambat year date: 2058/12/8.

²⁵ K.C., Dr. Surendra. First edition, 2005. *Gurkha Bharti : Katha, Bayatha ra Andolan*. Sabita Prakashan, Taplejong, Nepal.

introducing British Gurkhas' problem. The book tried to draw attention of the concerned authority to solve the British Gurkha issues.

Report

*"The Gurkhas: The Forgotten Veterans,"*²⁶ report was prepared by an International Commission of Inquiry which was set up at the request of the GAESO, Nepal to independently investigate the reality of the economic and social conditions of Nepali citizens who have and are serving in the Brigade of Gurkhas under the Ministry of Defence, United Kingdom as well as their own families. The report recommended the British Government to review who were retired prior to the 1st July 1997, Gurkha Welfare Trust, pensions, war injuries, widows, redundancy and dismissals and immigrants' problems.

Magazines

i. Gurkha Sainik Aawaj (Voice of Gurkha Army):

GAESO's president, Padam Bahadur Gurung and Secretary Mahendra Lal Rai had written a letter to the Secretary, Ministry of Foreign Affairs, Government of Nepal asking whether Nepal government is satisfied with British Gurkhas' salary and pension, or not? When GAESO's case was running in London High Court, then any question was asked by UK government of British Embassy to Nepal, to know the views of Nepal Government relating to the pension of Gurkhas?²⁷

ii. Gurkha Sainik Aawaj:

GAESO's secretary, Mahendra Lal Rai wrote a letter to the Secretary, Ministry of Foreign Affairs, major political parties, human rights activists and indigenous

²⁶ According to GAESO president Mr. Padam Bahadur Gurung the report has been publicized by Ian Macdonald QC in Room No. 12 of Parliament House of UK on 6 February 2006 (Gurkha Sainik Aawaj, year 14, No. 9, 2006. P. 8). There were 8 members of the Inquiry Commissions lead by barrister Ian Macdonald QC of UK, visited Nepal from 23-30 May 2005 and the other members were; Hannah Rought-Brooks and Rebekah Wilson, barristers from UK; Edith Ballantyne, human rights and peace activist from Switzerland; Dr. Roy Laifungbam, indigenous peoples' rights activist from India; Shirin, rights defender from the USA; Dr. Sharon Taylor, an academic from Canada; and Sholo Oshiro, indigenous peoples' rights activist from Japan.

²⁷ *Gurkha Sainik Aawaj*, September-October, 2004, Pp. 3-4.

nationalities organizations' in Kathmandu to know their views on public announcement made by British Prime Minister in September 30, 2005. This announcement has kept provision that retired after on July 1st 1997 and currently who are in the job can apply for the citizenship of UK. GAESO thinks this announcement is positive, however, it has again created discrimination on Gurkhas demarcating before and after July 1st, 1997.²⁸

iii. Himal: Poor Gurkha

Specific demands of GAESO mainly concern retired Gurkhas, their camping has important implications for serving Gurkhas, and for Nepal's international reputation. All their demands refer to two core principles. First, that Gurkhas clearly be accorded equal status as an integral part of the British Armed Forces (through equal pay, pensions, benefits, etc). Second, that the taint of the mercenary label be removed forever (by making clear the Gurkhas' equal status as an integral part of the army). One might also ask why do the British want to hold on to the Gurkhas now that there are no colonial outposts left to garrison? Tony Gold, a former British army officer says there are two reasons why the Gurkhas continue to be part of the British army: "One is, of course, the long tradition, and all that. The other, more important one is that so long as there is even a single Gurkha soldier in the army, if a situation should arise, more Gurkhas can easily be recruited. It is always reassuring to have a ready supply of soldiers on the standby." Having proclaimed far and wide, for over a hundred years, that Gurkhas are among the best infantry soldiers in the world, how can it be just that they have received less rather than more other British soldiers for their service.²⁹

²⁸ *Gurkha Sainik Aawaj*, October-November, 2004. P. 5.

²⁹ *HIMAL South Asia [English]*, Vol. 10. No. 4. July/August 1997. Kathmandu, Nepal. Pp 14 - 29.

1. 8. Organization of Study

The study is organized in the following five chapters.

- i. Chapter I: This is an introductory chapter and contains concept; objectives of the study; statement of the problem; hypothesis; methodology; scope; and literature review;
- ii. Chapter II: Chapter discusses history of British Gurkhas' recruitment: Anglo-Nepal war (1814-16); position of Gurkhas in British Indian Company, Mutiny (1857) and Bir Shamsheer Rana (1885); and necessity of Tripartite Treaty (TPA) 1947 and Gurkhas;
- iii. Chapter III: Chapter analyzes the issues of Ex-British Gurkhas: Equal pay, pension and other benefits; compensation and reparation for war veterans, widows and redundant; proper education and training for children; and residential visa and work permit;
- iv. Chapter IV: Chapter four looks at the attitude of Nepal and UK government: Recruitment (Treaties); cases filed in Supreme Court of Nepal and UK High Court; and future of the Gurkhas;
- v. Chapter V: Finally conclusion and recommendations are discussed in Chapter five.

CHAPTER II

History of British Gurkha Recruitment

2. 1. Anglo-Nepal War (1814-16)

In the decade of 1806-1815 Gurkhali Empire had expanded in eastern upto Tista and western upto Satlaj and length was near about 1,500 Km.³⁰ With the ascendancy of the East India Company in Bengal after the battle of Plassey in 1757, the British inherited this intercourse in India and Britain's power has been increasing in India. In this situation, these two powers started a war in 1814. First UK declared the war (known as Anglo-Nepal war) against Nepal on November 1st, 1814. Gurkhali Army fought fiercely in Nalapani, Jithuk and Malaun fort. It was not of the first time Gorkhali army had an encounter with the British but the Kinloch expedition (1767) at Sindhuli Garhi.³¹ In that time Britain was lured that Nepal was rich in gold, the East India Company made efforts of furthering the business transactions between the two. Before that, there was no direct relation between Nepal and the East India Company.³² The Anglo-Nepal war ended in March 7, 1816 with the signing of the Sugauli treaty. In that war, Nepal lost one-third its territory. However, Nepali army fought bravely and courageously, which impressed the British army officers.

Between 30,000 and 40,000 troops of the Bengal army were deployed against Nepal in 1814. The Nepalis army was exclusively an infantry force, numbering as estimated

³⁰ Harka Gurung has given chart of expansion of Nepal, to eastward in 1769 Kathmandu Valley, 1773 Wallo and Majh Kirant, 1779 Pallo Kirant and 1783 Sikkim; to westward 1786 Chaubisi, 1789 Baisi, 1790 Kumaun, 1804 Gadwal and 1806 Bahra Thakurai. In *Lahureko Katha*, Published by Himal Kitab, Himal Association, Patandhoka, Lalitpur, Nepal in 2002, Pp. vii-xi.

³¹ Harka Gurung in *British-Gurkha: From Treaty to The Supreme Court* published by British-Gurkha Study and Research Centre, Nepal, 2002, Pp. 85-88.

³² Rathaur, Kamal Raj Sing. 1987. *The Gurkhas: A History of the Recruitment in the British Indian Army*. Third Edition in 2000. Nirala Publications, 2595, Kucha Chellan, Daryaganj, New Delhi – 110 002, P. 22.

12-14,000 men during the war.³³ When colonel Kirkpatrick visited the country in 1792, he had not been much struck with the appearance of the Nepalis army and did not think its men superior to the 'rabble ordinarily dignified with the title of sipahis in the service of the generality of the Hindustan power.'³⁴ Although many writers on the Gurkhas attribute the right of the Company to recruit Nepali to the Treaty of Saugali, there is, infact, no mention of recruitment in the Treaty. This right derived, it would appear, from a convention agreed with the Nepali commander in the western region (Amar Sing Thapa) in May 1815.³⁵ Article 5 of the agreement which was signed by Amar Sing Thapa and Devid Actorlony had mentioned that "all the troops in the service of Nepalis with the exception of those granted to the personal honour of the Kajeess Ummer Sing will be at liberty to enter into the service of the British Government, if it is agreeable to themselves and the British government choose to accept their services, and those who are not employed will be maintained on a specific allowance by the British Government, till peace is concluded between the two states". Since then Gurkha recruitment had been started into British India Army. But Britain was not first Gurkha recruits. The Sikh Maharajah Ranjit Sing is said to have praised their agility in the 1809 war against his Punjab army.³⁶

2. 2. Position of Gurkhas in British India Company, Mutiny (1857) and Bir Shamsheer Rana (1885)

Previous topic mentioned about Anglo-Nepal war and recruitment history of Gurkha. However, Gurkhas were not fully trusted by British officers who think that Gurkhas have religious and social weaknesses.³⁷ When Indian mutiny³⁸ accord in 1857 then

³³ Caplan, Lionel. Text, 1995. *Warrior Gentlemen: Gurkhas in the Western Imagination*. Introduction, Himal Books, Kathmandu, Nepal, 2003. P. 22.

³⁴ Ibid, P. 22.

³⁵ Ibid, P. 27.

³⁶ Ibid, P. 24. For more detail see *convention* in Appendix-x.

³⁷ K.C., Dr. Surendra. First edition, 2005. *Gurkha Bharti : Katha, Bayatha ra Andolan*. Sabita Prakashan, Taplejong, Nepal, P. 64.

Gurkhas showed their loyalty on the British India Company their courage and bravery. In that mutiny not only the Gurkhas but also Junga Bahadur Rana who was the then Prime Minister of Nepal, himself went to India leading Nepali troops to support British government to settle mutiny. British government became very pleased from his help and as a reward returned some territories which it had lost in Anglo-Nepal war to Nepal. Post mutiny Gurkhas recruitment demand became very high for Britain. But Janga Bahadur did not support the Britain. He and his successors even set a policy that nationalism and isolation to British for Nepal.³⁹ But Caplan (1995) evaluates that after 1884 the Nepalese government's increasing dependence on the British arms and luxury goods and Britain's dependence on the Nepalis for Gurkhas led to friendlier relation.⁴⁰

Bir Shamsheer Junga Bahadur Rana became the prime minister of Nepal in 1880 after massacring to the son of Junga Bahadur Rana (his nephew). Then changed the policy to save his regime. Bir Shamsheer was afraid that his opponents would get support from the Britain and then his regime would fail. He supported the Britain by helping recruitment of the Gurkhas into the British India army.

He was supported by the British in return for permitting Gurkha recruitment. In 1885, he sent the following order to all the districts of Nepal. Whereas the British government wishes to obtain subjects of the Nepalese Government as recruits for service in the British Army:

“The Nepalese Government desiring to show its friendship for the British

³⁸ Indian people called Indian freedom movement against Britain to it.

³⁹ Rathaur, Kamal Raj Sing. 1987. *The Gurkhas: A History of the Recruitment in the British Indian Army*. Third Edition in 2000. Nirala Publications, 2595, Kucha Chellan, Daryaganj, New Delhi – 110 002, P. 71.

⁴⁰ Caplan, Lionel. Text, 1995. *Warrior Gentlemen: Gurkhas in the Western Imagination*. Introduction, Himal Books, Kathmandu, Nepal, 2003. P. 29.

Government hereby notifies that if you wish to enlist in the British Army you should present yourselves to the nearest Nepalese Officer, from whom you will learn all particulars as to the terms of pay, service, and pension, etc. There is full permission from my Government to enlist in the British service and there is no restriction whatever about it. The Nepalese Government will be pleased with those who go to enlist. The persons going to enlist should present themselves to the British Recruiting Agents on the frontier.”⁴¹

British were not happy about the wording of this Order and the Prime Minister, in 1888, issued a more enthusiastic order, which the British Resident helped to draft:

“The British Government wishes to have Nepalese recruits for British regiments. British Government is our friend. Therefore we issue this notification, that if you wish to enlist in British regiments we give you full permission to go and take British service. There is no prohibition whatever. We shall not be displeased with those who go to enlist. We shall be much pleased with them. See those who served there and gained Military talents have on their return here been so lucky as to have been raised to Captainships here, and future also deserving people will be given such posts. This order is issued with the view that good many people may go and return after qualifying themselves in Military talents and thus render benefit to their other countrymen and that, they may after doing full service gain pension. Therefore go to the British Recruiting Agents on the frontier.”⁴²

In their eagerness to supply recruits, the Ranas told the British in 1915 to stop sending notices to the families of men who were wounded. The British thereafter sent only death notices.⁴³

D.B. Gurung writes that the Rana Rulers bartered the young-blooded citizens for their own gains and security, and sent them down the rivers to bleed and die on foreign soils. On the other hand, the British reaped the full benefits out of the self-seeking

⁴¹ <http://www.gaes.org.uk/history/MaryDesChene.htm>, South Asia Bulletin, P. 4 of 16, visited on February 12, 2007.

⁴² Ibid

⁴³ Ibid, P. 5.

insecure Ranas by formally recognizing Nepal as a sovereign state in 1923⁴⁴ in exchange of the Gurkha manpower as mercenaries.⁴⁵ Gurung further adds that indeed, it was the British who propagated such myths that a Gurkha, once he unsheathes his signature weapon, the lethal Khukri, will resheath it only after drawing the blood, and preferably only after hacking off the head of an enemy. This reputation as a relentless bloodthirsty warriors, carefully nurtured by the British, has been used propaganda endeavours to wage a psychological war against the enemy from World War I to the Falklands War. Nevertheless, the reality is quite different. Like any other soldiers who went into war, the Gurkha also bled, suffered and feared. They have joined the army not because they are innately blood-thirsty war like creatures, but because they also have dreams and hope to provide a living for their families, or possibly improve their living condition, for most of them came from among poor hill farmers or herders of Nepal.⁴⁶ A British Gurkha Biswas Dip Tigela has proved, publishing an essay “Grihayudhaka Pida (The Pain of Civil War).⁴⁷ Tigela has explained in this essay of his pain.

In 1888, when Nepal Darbar (government) claimed for the expense incurred on the accounts of recruits enlisted in the Gurkha Battalions in India, the British Government proposed a bonus of Rupees 20.00 to Nepal Darbar for every recruit approved through British agency. Later on, it expressed its desire to give a Sinder rifle for every recruit obtained on the year 1888 upto the limit of 500.⁴⁸ It shows that Gurkhas have contributed for the military support of Nepal. On the other hand,

⁴⁴ For more detail about Friendship Treaty between Nepal and UK see in Appendix-XII.

⁴⁵ D.B. Gurung, Gurkha's Discrimination and Dilemma in *Kathmandu Post Daily* (English) news paper, 16th June 2002, On Saturday, P. 4.

⁴⁶ Ibid.

⁴⁷ Biswas Dip Tigela has described what he saw in Afghanistan, East Timor, Macedonia and Iraq. In Tigela, Biswas Dip. 2004. “*Grihayudhaka Pida*” (The Pain of Civil War).

⁴⁸ Rathaur, Kamal Raj Sing. 1987. *The Gurkhas: A History of the Recruitment in the British Indian Army*. Third Edition in 2000. Nirala Publications, 2595, Kucha Chellan, Daryaganj, New Delhi – 110 002, P. 81.

Gurkhas were bartered for money and arms and to save regime of the Rana rulers.

2. 3. Necessity of Tripartite Treaty (TPA) 1947 and Gurkha

Britain had knowledge that India could influence Nepal because of geographical location and cultural relationship. Therefore, UK government more negotiated with Indian government than Nepal. Britain and India noticed drafting the treaties, then Nepal wanted that Gurkhas should not be mercenaries this was the one of main them of the treaty.⁴⁹

When India became independent in 1947, Mohan Shamsheer Rana the then Prime Minister of Nepal, wished to continue the Gurkhas with Britain and India. This was because he wanted to have good relation with both countries to save his regime. Gurkhas also did not react rather they thinking whether to serve with India or UK. The Gurkhas also had not any option, as they could not get military job in Nepal. Gurkhas felt the need of same freedom and democratic value like India. However, Nepal was autocratic country ruled by Rana. Those factors led to the necessary of Tripartite Agreement (TPA). As mention earlier, the TPA is the first treaty relating to the Gurkha recruitment for the foreign countries in India and Britain.

In the agreement, it was agreed that the Gurkha Regiments should not be used against Nepal, other Gurkhas and Hindus of unarmed mobs.⁵⁰ But for the 21st century such TPA need still or need not or should modify reviewing terms and condition of the Gurkhas service in UK, or amending or doing new treaty. There are mainly two notions, first, often raised this treaty should ratify as suitable for both countries, and second, disband Gurkha recruitment. It is clear that now *ad hoc* policy or behaviour cannot go longer.

⁴⁹ For more detail about TPA see in the Appendix-III.

⁵⁰ Rathaur, Kamal Raj Sing. 1987. *The Gurkhas: A History of the Recruitment in the British Indian Army*. Third Edition in 2000. Nirala Publications, 2595, Kucha Chellan, Daryaganj, New Delhi – 110 002, P. 107.

CHAPTER III

Issues of Ex-British Gurkhas

3. 1. Equal Pay, Pension and Other Benefits

Equal pay, pension and other benefits are the major demands of ex-British Gurkhas. This chapter discusses about pay, pension and other benefits differences between Gurkha and British soldiers. GAESO claims that, 500,000 Gurkhas, served for the British Empire. Over 60,000 died only in World War I & II. Many have become beggars and saints for survival in their old ages and thousands lives in slums. Many VCs (Victoria Cross) died without pension and some are still living their desperate lives.⁵¹ Mary Des Chene writes on the topic of “Loyalty Versus Equality” and quotes that *“It’s better to die than to be coward.” “It’s better to be cleaver than dead.” “It’s better to die than to be a coward. For what? For bread? For right? Or for nation?”* These three short slogans mark moments in the long, strange history of imperialism that has joined parts of the globe together in unlikely ways. The first, popularized by British officers of the Gurkhas, is said to be the Gurkhas’ own motto, a concise summation of their bravery and warrior spirit: It’s better to die than to be a coward. The second is a pragmatic revision of the first, coined a decade ago by an ex-Gurkha to describe foreign military service as a form of long-distance wage labour of men doing their best to survive. The third appeared on a bright red banner outside the Kathmandu City Hall during a programme organized by a Gorkha Bhutpurba Sainik Sangh GAESO to promote their campaign for equal treatment for Gurkhas within the British army and redress of past financial and other discrimination.⁵²

GAESO is appealing that *“we are not begging for alms, we are begging for our rights.” “Equal Pay, Equal Pension”* doing same work. Caplan (1995) has

⁵¹ *Gurkha Sainik Awaj*, year 13, Volume 5, Nov-Dec 2004, P. 18.

⁵² *HIMAL South Asia*, July/August 1997, P. 15.

mentioned about the pension history. According to him before 1886, pensions were payable after forty years' service, but this was reduced to twenty-one and more recently to fifteen years for Gurkha in British army. The rewards of staying on were substantial.⁵³

GAESO has put on its website that "Today, even after serving for 15 years in the British army, British Gurkha soldiers are forced to retire early, are sent back to Nepal. They must immediately search for a second job to support their livelihood. They often work as security guards abroad in order to facilitate their economic survival. Compared to the monthly pension of 623 pounds for a British soldiers as well as many other social benefits and a state pension (that in itself equals more than the Gurkha's regular pension), the Gurkhas receive only 91 pounds for the same rank and length of service."⁵⁴ This is the last pension rate for Gurkhas.

⁵³ Caplan, Lionel. Text, 1995. *Warrior Gentlemen: Gurkhas in the Western Imagination*. Introduction, Himal Books, Kathmandu, Nepal, 2003. P. 52.

⁵⁴ <http://www.gaeso.org.uk/history/MaryDesChene.htm>, page 1 of 1. Visited on February 12, 2007.

Following table shows the difference between the pension of Gurkhas and British counterparts.

Rate of service pension for Gurkha and British personnel as at January 2002

Table No. 1.

S.N.	Ranks	British per month	Gurkha per month	Remarks
1.	Corporal Below	£ 445.33	£79.13	
2.	Corporal	£ 562.58	£ 80.62	
3.	Sergeant	£623.08	£ 105.03	
4.	Staff Sergeant	£709.33	£ 114.04	
5.	Warrant Officer 1	£733.25	-	
6.	Warrant Officer 2	-	£123.50	

Source: *British-Gurkha: From Treaty to The Supreme Court. 2002. P. 426.*

This Pension Chart (Table No. 1) shows that there is a vast difference in pension of British Army (below Corporal rank gets £445.33) and Gurkha (below Corporal gets £79.13). The British Army Corporal gets £562.58 and Gurkha Corporal gets only £80.62; British Army Sergeant gets £623.08 and Gurkha Sergeant gets only £105.03; British Army Staff Sergeant gets £709.33 and Gurkha Staff Sergeant gets only £114.04; British Army Warrant Officer 1 gets £733.25 and Gurkha Warrant Officer gets only £123.50 per month.

Rate shown above for British Personnel are after the completion of 22 years service with the Army, 22 years is the minimum service required for British Personnel to qualify for a Service Pension and similarly for the British Gurkhas rate shown above

are after completion of minimum years service with the army. To qualify for service for a minimum of 15 years and maximum as per their rank structure. A total of 26,000 British Army Gurkha pensioners (as at 1 April 1998) will have pensions increase. By rank, these are 23 Gurkha Commissioned Officers, 1,377 Queen's Gurkha Officers, 219 Honorary Gurkha Officers, 19,816 Gurkha Other Ranks and 4,940 Family Pensioners.⁵⁵

According to Lal Bahadur Gurung, ex-British Gurkha, Queen's Gurkhas Officer (QGO) said:

*"We are better off than most, of course, but with inflation and the whole business of returning in Nepal of finding alternative employment abroad is unsettling and expensive. The pensions that we Gurkhas receive in comparison to similar ranks in the rest of the British army are pitifully low. It is explained that away by the lower cost of living in Nepal these days, it is not a sound argument."*⁵⁶

India is the one party of TPA. Ambassador of India answered to a question: "Does your government resent the rising of pensions of British Gurkhas as per the British soldiers? If so, could you state the reason why?" The then Indian Ambassador, I.P. Sing said that this is an issue between UK and Nepal. As far as India is concerned there is no difference with regard to pay of pensions in respect of Indian soldiers and Nepalis serving in the Indian Army.⁵⁷

In January 2005, Geoffrey Hoon, then Secretary of State for the Ministry of Defence,

⁵⁵ British Gurkha: From Treaty to The Supreme Court, 2002. P. 257.

⁵⁶ Parker, John. 1999. *The Gurkhas: The Inside Story of the World's Most Feared Soldiers*. First published in 1999 by Headline Book Publishing, A division of the Hodder Headline Group, 338 Euston Road, London NW1 3BH, P. 237.

⁵⁷ British Gurkha: From Treaty to The Supreme Court, 2002. P. 118.

announced the following review:

“As the House will be aware, our policy is to keep the Brigade of Gurkhas; terms and conditions of service under review. To ensure that they are fair and that any differences from the wider Army are reasonable and justifiable. We are also aware of our historic relationship and understandings with the government of Nepal and India, which have enabled Gurkhas to serve in the British Army since 1947.

Gurkha soldiers have spent an increasing proportion of their time in UK since withdrawal from Hong Kong in 1997, and successive amendments to the conditions under which they serve have recognized their changing role, status and personal aspirations. The most recent of these was their inclusion in the new HM Forces Immigration Rule, which took effect from 25 October 2004. This has potentially far-reaching effects on the way we recruit and manage the Brigade and care for its serving members, families and veterans. In addition, some public criticism and unease, continues about the remaining differences between Gurkhas’ terms and conditions and those of the wider Army. We are, therefore, anxious to ensure that such differences are absolutely justifiable as well as fully understood and accepted by our Gurkha soldiers and want to ensure that the MOD’s position, both legally and morally, is beyond reproach.

I have therefore directed that the Mod should carry out a wide-ranging review of all Gurkha Terms and Conditions of Service. This will be an extensive piece of work and we will endeavour to take account of the views of all those with a legitimate interest. This new review will build

on earlier findings, including work to date on the Review of Gurkha Married Accompanied Service (MAS), but its scope will be much wider and it is aiming to complete in late Autumn 2005.

*I am aware that the outcome of the view of Gurkha MAS Review has been keenly anticipated by the Gurkha themselves and by those concerned about Gurkha welfare. I regret that this work is not yet finally completed but I expect to receive an interim report on the new study, which will enable me to make an announcement on Gurkha MAS, in early Summer 2005.*⁵⁸ However, UK government has not announced about wide ranging review of all Gurkhas Terms and Conditions of Service till now.

Gurkha service has been seen not simply as a way of alleviating hardship, but as a means to maintain a favorable economic position⁵⁹ because all hill residents who join Gurkhas' problems are not only of *matuwalis* (alcohol drinkers) but also all of Nepalis. Gurkhas are not only facing inequality but their service also seems uncertain. Nepalis had given their sweat and blood for British Empire but Britain could not honor and value it. Britain did not keep records of Gurkhas about how many Gurkhas had been recruited, died and injured in the war. After the war Britain sent back the Gurkhas with empty hand. GAESO's movement is not only for payment and facilities, but also they are fighting for equal right and prestige.

Recently, on March 8, 2007, the UK government only announced that Gurkhas retired after July 1st 1997 get equal pension as their British counterpart. However,

⁵⁸ *The Gurkhas: The Forgotten Veterans*, December 2005. By Ian Macdonald QC, Hannah Rought-Brooks and Rebekah Wilson. Pp. 16-17.

⁵⁹ Caplan, Lionel. Text, 1995. *Warrior Gentlemen: Gurkhas in the Western Imagination*. Introduction, Himal Books, Kathmandu, Nepal, 2003. P. 53.

GAESO's President Padam Bahadur Gurung and Gurkha Bhutpurba Singh's (Gurkha Ex-Servicemen's Organization) President Deepak Gurung have reacted that: "Retired Gurkhas after July 1st 1997 are get equal pension only duration of July 1st 1997 to till their retired date. They do not get equal pension after retired date. UK's recent announcement is the confusing step to the Gurkhas,"⁶⁰ According to GAESO's President Padam Bahadur Gurung movement would go on more.⁶¹ The UK government's announcement on March 8th, 2007 has not solved the problems, rather, made confusing and excited to the ex-British Gurkhas.

3. 2. Compensation and Reparation for War Veterans, Widows and Redundant

Compensation for war veterans, widows and redundant payment are the second major demands of GAESO and also for all ex-Gurkhas. This topic analyzes as why they are demanding such compensation and payment from UK government. In past several Gurkhas were killed, missed, injured; and after the end of war Gurkhas were sent back to their home. Over 60,000 died in World War I & II. Many families are still waiting for the whereabouts of their loved ones. UK government is not informing them to avoid compensation claim. Widows and families of former Japanese Prisoners of War (POW) who died before November 2000 are also denied of 10,000 pounds *ex-gratia* compensation. Many have become beggars and saints for survival in their old ages and thousand live in slums. There are over 2,000 ex-Gurkhas and POWs living in Burma even today who were abandoned after World War II. They receive nothing.⁶² Around 10,000 had been made redundant with no pension, compensation or welfare. The British Government has not been addressing certain issues like to provide compensation to the families of deceased and provide clear information to the families of missing during the war. The families are yet not

⁶⁰ Himal Khabarpatrika, 15-29 March 2007. Kathmandu. Pp. 24-25.

⁶¹ On Katipur Television news desk (live) at 8.00 P.M. On Thursday, 8th March 2007.

⁶² Gurkha Sainik Awaj, year 13, Volume 5, Nov-Dec 2004, P. 18.

informed about the status of their family member who went to fight for British. Their widows are still living in poor condition looking their husband's photographs. Those injured in the war did not get any compensation and quality medical help by British government. They are living in pathetic condition. Those who fought in Malaya jungle with communist gorillas were sent back to in Nepal under the redundancy scheme by the UK government after the conflict ended. They have no pension and did not get any compensation from the UK government. They spent their golden youth age for UK government but they were sent back with poverty, injury, humiliation and so on. Now such victims and their families have been demanding compensation and redundant payment from the British government.

Not only, ex-British Gurkhas, even several authors and the British Officers have been supporting Gurkhas by saying they are not deceivers but loyal and trust worthy. For example Parker (1999) has mentioned in his book: "They were all, in their way, innocents, particular poignancy, virgin on the criminal, which surrounded the transportation of these young warriors in their terms of thousands half across the world to do battle in a – place and war for which they were at the time totally unsuited, completely unprepared, badly equipped, wearing the wrong clothes and with arms that were barely adequate to fight rebels on the North-West Frontiers in nineteenth-century India, let alone the guns and gas of the German war machine in the world's first mechanical war."⁶³ However, such Gurkhas are still not getting equal pay, pension and other benefits.

Similarly, the World War II veterans, who were Prisoners Of War (POW), had not got compensation from the British government. Only after they filed the case in the UK High court, they got compensation form the UK government. Earlier the UK

⁶³ Parker, John. 1999. *The Gurkhas: The Inside Story of the World's Most Feared Soldiers*. First published in 1999 by Headline Book Publishing, A division of the Hodder Headline Group, 338 Euston Road, London NW1 3BH, Pp. 77-78.

government had denied compensation arguing that then those Gurkhas were Indian Army (for more detail discussed next chapter).

Who were dismissed in Hawaii by UK, have not got justice. In Hawaii unfair Dismissible (1986) 120 Gurkha soldiers were dismissed. Inter-offensive remarks made by their Company Commander Major Corin Pearce “there is no question that today such dismissals would be viewed as unfair, procedurally offending any basic notion of natural justice. The Gurkhas in that battalion have clearly suffered as a result of their unfair treatment. It is recommended that the UK government should consider adequate recompense, monetary or other. Therefore, International Commission of Inquiry report recommended the UK government that government should consider these men’s grievances in the current review, not to do so is arbitrary and will be a missed opportunity to remedy the injustice felt by that battalion.”⁶⁴ The 'opt' and the Hawaii incident —as non-discursive modes of defiance—suggest that the Gurkhas themselves experience and understand their military worlds somewhat differently than their British chroniclers (and the Nepalis intellectuals) often assert on their behalf.⁶⁵

British Gurkhas soldiers have only three years time to live with their wives during 15 years of service and they even did not get family separation allowance. When they did not stay with their family but British soldiers can live with their family for their whole service time, and if they did not stay with their family they get family separation allowance. The report recommended that the British government include widows of Gurkhas in the current review (ensuring that they don’t ignore the impact on women of their husbands service in the British Army). The British Government has national and international, legal and moral obligations to prevent discrimination

⁶⁴ Report, *The Gurkhas: The Forgotten Veterans*. December 2005. P. 68.

⁶⁵ Caplan, Lionel. Text, 1995. *Warrior Gentlemen: Gurkhas in the Western Imagination*. Introduction, Himal Books, Kathmandu, Nepal, 2003. P. 164.

against women. The British Government must ensure that any previous Terms and conditions of service, which discriminated against, women (treated them less favourably than their British counterparts) are remedied. The commission recommended that the government consider adequate compensation for suffering as a result of previous discriminatory terms and conditions of service of their deceased husbands.⁶⁶ Except POW, who, were sent back under the redundancy scheme, widows, injured, have not yet got the compensation as they have demanded as their British counterpart..

3. 3. Proper Education and Training for Children

British Gurkhas have now become conscious about future of their family. Such idea is reflected from their third point demand. GAESO's third point demand is a privilege of education and training for British Gurkhas' children. Their children's education and training facilities are related with their service, the government of UK should be responsible. GAESO have been arguing that they got only three years to live with their family and children in their regiment during their 15 years service. About 40,000 Gurkha wives have been deprived of their family lives for over 12 years. Over 150,000 Gurkha children suffer from drug addiction and lack of proper education. Many high school and college drop-outs work in Hong Kong or UK as migrant workers.⁶⁷ Their children can get only chance to have better education only during that period. After three years their children are sent back in Nepal. The incomplete education of their children does not allow them to continue their education in Nepal because of their wrong timing to join schools in Nepal. According to the Tikendra Dal Dewan (President of British Gurkha Welfare Society) "British Gurkhas do not get pension equally as their British counterpart, so they have to look for second job to

⁶⁶ Report, *The Gurkhas: The Forgotten Veterans*. December 2005. Pp. 47-52.

⁶⁷ *Gurkha Sainik Awaj*, year 13, Volume 5, Nov-Dec 2004, P. 18.

feed their children. This prohibits their children from proper care and guidance from them. It has caused about fifty percent of their children have negative impact. Their children deserve better life than that.⁶⁸ GAESO's another logic is that British Gurkha served for the British government, they gave their life, blood and sweat, so their children should get facility to go in UK for better education and training. They have given example of other commonwealth nations' citizens like Fiji, who are serving in British Army and are getting all the facilities.⁶⁹

Today British Gurkhas have got a chance to go UK and work and even apply for citizenship. However, their children above 18 years of age are not allowed UK visa. According to UK government the children above 18 years of age are independent like that of UK. However, Nepali society's structure is different than UK. Where children above 18 years old also stay with parents. These kinds of social and family recognition have created problems to get visa in present situation. This needs to change now. Gurkha's children even though they are over 18 years should be considered for UK visa by the UK government. British Gurkha battalions were stationed in Hong Kong before 1st July 1997. Gurkhas retired before July 1st, 1997 and not stayed in UK for three years are deprived to go UK by this discrimination their children are also deprived to go UK for education and training.

3. 4. Residential visa and work permit

The next demand of GAESO is residential visa and work permit. Ex-Gurkhas gave their blood and sweat for the UK but after retirement from the military job they are living illegally in UK except some who are in the process of receiving residential status as a result of Gurkha camping.⁷⁰ GAESO have not asked for citizenship for Gurkhas but UK announced that after 1st July 1997 retired, currently who are in the

⁶⁸ On Kantipur Television, Fire Side Programme, in 25 December 2006, Time: 9.00-9.30 P.M., On Monday.

⁶⁹ Appendix I of the thesis.

⁷⁰ *Gurkha Sainik Awaj*, year 13, Volume 5, Nov-Dec 2004, P. 18.

military job and who stayed in UK for 3 years could apply for residential visa and they could even apply for British citizenship if they wish. This announcement brought surprise among the British Gurkha who welcomed but strongly criticized Britain for deviding Gurkhas by demarcating the deadline of before and after 1st July 1997. According to the GAESO this announcement has discriminated the Gurkhas who were retired before July of 1947. GAESO argues that all the Gurkhas are same who did same military job and served for Britain.

According to Damber Kumar Sambahangphe (ex-British Gurkha), UK has discriminated Gurkhas in payment, pension and other facilities. British soldiers get family separation allowance but Gurkhas do not get such separation allowance. He is getting 100 pounds as a pension (retired in Corporal rank) but British ex-serviceman who did the similar job for 22 years get 700 pounds per month as a pension. In addition, the British ex-servicemen also get elderly allowance after 65 years in UK. Gurkhas below corporal ranks, however, are retired after 15 years of service. Even though UK said that recruited Gurkhas after 1997 will treat equally which has not been done till now. Gurkhas are also facing discrimination as they are given long storage food. Several of Damber Kumar's friends worked in UK more then three years during their 15 years service time. However, their service record has not been kept in Pokhara at the British Army Camp. The record has still remained in Scotland. Fortunately, he got his record from Scotland but his friends are still become unable to get their records. Without their record they are not eligible to apply for visa to migrate to UK. Another discrimination is that all the British Gurkhas do job under the Crown that is called 'Crown Service' but under the crown service only few Gurkhas get chance to go UK during their 15 years of service time. Therefore ILE provision is also discriminatory for the Gurkhas."⁷¹

⁷¹ See in Appendix I of the thesis.

On September 30, 2005, the British Prime Minister made a formal announcement that Gurkhas retired after 1st July 1997 and currently who are in the job can apply for citizenship of UK. This announcement is the policy of UK government. UK government wants to keep pound with Gurkhas in UK giving citizenship to the Gurkhas. Knowing this type of British policy GAESO informed to the government of Nepal about the announcement and seek its view. Nepal government, however, has not publicized its view in such major issue till submission date of this thesis.

CHAPTER IV

Attitude of Nepal and UK Governments

4. 1. Recruitment (Treaties)

British Gurkhas recruitment history has begun since 1815. But Prithivi Narayan Shah, Bhimsen Thapa and Junga Bahadur Rana did not support Britain for the recruitment of Gurkha rather decreed restriction to go recruitment. Nepal government had signed Sugauli Treaty in 1816 unwillingly, because then Nepal Government had no option, except signing in the treaty. This shows that Nepali rulers did not support the British government for the recruitment of Gurkha. However, when Birshmsher Janga Bahadur Rana became Prime Minister of Nepal changed the policy of Nepal government supporting the British-India government. Gurkhas who were serving in British Indian Army, were not trusted by British officers. Even fifteen years after the end of the Anglo-Nepal war, Hodgson⁷² suspected that the Nepalis might turn against the British again, and it seemed to him wise to employ Gurkhas in the Indian army.⁷³ Their attitude to the enlistment of Gurkhas was one of consistent hostility, so much so that the British had to carry on the recruitment.⁷⁴ But while the government was set

⁷² Hodgson, who was for a time Assistant Resident and later Resident in Kathmandu during the third and fourth decades of the nineteenth century, then proposed that the Company recruit Nepalis directly into the Company's service as individuals on the grounds that 'they are by far best soldiers in India [with] unadulterated military habits.' Caplan, Lionel. Text, 1995. *Warrior Gentlemen: Gurkhas in the Western Imagination*. Introduction, Himal Books, Kathmandu, Nepal, 2003. Pp. 27-28. Hodgson name is familiar between Nepali historians, researchers and intellectuals; he has kept many Nepali historical documents in London Museum collecting from Nepal, when he was in Nepal.

⁷³ Ibid, P. 28.

⁷⁴ Ibid, P. 28.

against recruitment, it was not thinking of its economic benefits in the hills, and its 'safety-valve' effect through exporting energies, which might have been turned against the government, especially in the aftermath of the Anglo-Nepal war when Gurkhali expansion was halted. After 1884, the Nepal government's increasing dependence on the British for arms and Britain's dependence on the Nepalis for Gurkhas led to friendlier relations.⁷⁵ Needless to say, it was the more disadvantaged members of these communities who most felt the burden of exploitation and took flight in search of a better life.⁷⁶ The Gurkhas are largely from Mongolian stock, and because they adopt their tribal names as their surnames confusion resigned when they joined the British army.⁷⁷ It is against such a background of impoverishment, land shortages, political marginalisation and official harassment that we can better understand the attractions of enlistment in the (British) Indian army.⁷⁸ To those young men for whom life remain harsh and hard, joining the British army may be viewed as their greatest possible achievement, that they may be able to make something of themselves see the world, earn enough to buy a house in a place where there may be electricity and running water.⁷⁹

The Treaty of Friendship replaced the Treaty of Sugauli. To the backdrop of India's emerging independence movement, the Treaty underscored Great Britain's eagerness to recognize Nepal as a full sovereign country. After long discussions and deliberation, the deputies of the Governments signed a treaty on 21st December 1923

⁷⁵ Ibid, P. 29.

⁷⁶ Ibid, P. 44.

⁷⁷ Parker, John. 1999. *The Gurkhas: The Inside Story of the World's Most Feared Soldiers*. First published in 1999 by Headline Book Publishing, A division of the Hodder Headline Group, 338 Euston Road, London NW1 3BH, P. 15.

⁷⁸ Caplan, Lionel. Text, 1995. *Warrior Gentlemen: Gurkhas in the Western Imagination*. Introduction, Himal Books, Kathmandu, Nepal, 2003. P. 29.

⁷⁹ Parker, John. 1999. *The Gurkhas: The Inside Story of the World's Most Feared Soldiers*. First published in 1999 by Headline Book Publishing, A division of the Hodder Headline Group, 338 Euston Road, London NW1 3BH, P. 15.

commonly called the ‘Nepal Britain Friendship Treaty.’⁸⁰ This treaty was result of World War I, in that war Nepal government supported the Britain. However, the Nepal Britain Friendship Treaty also did not mention about Gurkha recruitment. But Gurkhas were recruited by Britain according to the orders of Nepal government. While India became independent then UK wanted to retain the Gurkhas to rule its remaining colonies. After TPA the UK government used as much as to the Gurkhas but attitude relating to equal treatment on Gurkhas remained same. Nepal government is also not supporting to the Gurkhas effectively to solve their problems.

4. 2. Cases Filed in Supreme Court of Nepal and UK High Court:

Ex-British Gurkhas mainly GAESO organized several conferences, demonstrated rallies carrying banners, placards in Kathmandu, and Gurkhas’ populous cities Dharan in the East and Pokhara in the Western part of Nepal and even in London. They have been organizing national and international level convention, press released, met to the political parties’ leaders and ministers and Prime Minister and Members of Parliament (MPs). Ex-British Gurkhas have been blaming to the Nepal government officials that most of the Gurkhas are from the indigenous community and the government does not understand their problems.⁸¹

Ex-British Gurkhas have been also fighting legal battle, by this they got more energy and knowledge, knocking the door of Supreme Court of Nepal and UK High Court to get justice. Although they did not win all cases. Following some series of cases give more clear picture attitude of UK and Nepal government and courts of both countries. A ex-British Gurkha Gyan Raj Rai (Warrant Officer Class –2) filed a writ petition in the Supreme Court of Nepal in July 4, 2000⁸² demanding *certiorari mixed mandamus* (Uttpresan Misrit Paramadesh) order making opponent to the Council of Minister;

⁸⁰ Report, *The Gurkhas: The forgotten Veterans*, 2005. P. 14.

⁸¹ Appendix-I.

⁸² In Bikramsambat date: 2057/03/20.

Ministry of Foreign Affairs; Foreign Affairs and Human Rights Committee of House of Representative; and Ministry of Law and Justice, Government of Nepal.

Then Supreme Court issued 'show cause order' to the opponents by Honorable Justice Mr. Gopal Prasad Khatri, from the single Bench, Supreme Court of Nepal August 2nd, 2000.⁸³ All the opponents submitted their written reply in the Supreme Court. In this writ petition petitioner has claimed that British Gurkhas serving into the British army on the basis of Tripartite Agreement, 1947, in which Nepal, India and UK have signed. But British government have been paying to the Gurkhas on the basis of Indian Pay Code because Britain and India had signed in the Memorandum on 7 November 1947 two days before signing in the Tripartite Agreement. Nepal has not signed in that treaty and Nepal is not the party of the Memorandum. Therefore, that Memorandum should be repeal since 7th November 1947 issuing order by the Supreme Court of Nepal.

From the Minister of Council the then Chief Secretary Tirtha Man Sakya submitted written reply through Attorney General that it is clear that in which country British Gurkha do job they get pay and pension and other facilities as concerned country's national get, and Nepal government is also trying through diplomatic channel. But there is no time limitation and clause in the treaties about repeal and amendment provision. To such types of treaty are amended, repeal of review is possible only by mutual understanding of the concerned countries. Therefore, generally one sovereign country's Court order cannot prevail another sovereign country's territory, in this way Supreme Court Order would not be reliable and it is matter of foreign diplomacy of Nepal and will not be judicial judgment so petitioners writ petition should be cancelled.⁸⁴

⁸³ In Bikramsambat date: 2957/04/18.

⁸⁴ *British Gurkha: From Treaty to The Supreme Court*, 2002. Pp. 171-72.

Similarly, from the Ministry of Foreign Affairs, Secretary Narayan Shamsher Thapa submitted written reply through Attorney General that Nepal government has been negotiating with British government for pay, pension and facilities and according to Vienna Convention of the Law of the Treaties' Article 31 (2) as: The context for the purpose of the interpretation of a treaty shall comprise, in addition to the text, including its preamble and annexes. Therefore, Memorandum of government of the dominion of India and His Majesty's government of the United Kingdom. Which was signed in 7 November 1947 is also part of treaty so writ petition should be cancelled.⁸⁵

From the Ministry of Law and Justice Secretary Udaya Nepali Shrestha submitted written reply through Attorney General that generally one sovereign country's court order can not prevail in another sovereign country in this way order of Supreme Court of Nepal would not be reliable and it is matter of foreign diplomacy of Nepal will not be judicial judgment so petitioner's writ petition should be canceled.⁸⁶

Finally Special Bench of the Supreme Court of Nepal consisting Honorable Judges Mr. Laxman Prasad Aryal, Kedar Nath Upadhaya and Krishna Kumar Barma canceled unanimously in March 21st, 2002⁸⁷ the writ petition on the ground that one sovereign country's order of the court will not possible to prevail in another sovereign country, second main reasoning was foreign relation with the foreign country is the subject of executive jurisdiction not judicial jurisdiction.

November 2002: Gurkha POWs Challenge in UK High Court:

Case was filed by Pahal Man Gurung, Hukumsing Pun and Gaurisor Thapa versus Ministry of Defence, 2002. The first major challenge was brought by Gurkhas who were in Japanese prisoner of war camps had been excluded from the compensation

⁸⁵ Ibid, Pp. 171-77.

⁸⁶ Ibid, Pp. 178-81.

⁸⁷ In Bikramsambat date: 2058/12/08.

scheme available to their British counterparts. The GAESO challenged the Government's refusal to pay Gurkha pensioners of war the *ex gratia* payment that all British POWs were entitled to. In the judicial review brought on behalf of the Gurkhas, McCombe J allowed the claim saying it "appears to me (with genuine respect for the aims of the scheme) to be irrational and inconsistent with the principle of equality that is the cornerstone of our law." He further comment that the Government's decision that Gurkha POWs should be exempt required some rethinking. The Government did reconsider their decision and as a result every surviving Gurkha who was held prisoner by the Japanese is entitled to a £10,000 payment.⁸⁸ After this verdict of the court POWs got compensation from UK.

February 2003: GAESO Challenge the Terms of their Service in the UK High Court:

The next major legal challenge was the terms and conditions of the service. In *Purja and others versus Ministry of Defence*, challenges under the European Convention on Human Rights (ECHR) were bought by seven (out of total 26,000) Gurkha pensioners who claimed that their pension term, their pay while on long leave in Nepal and their nationality country to Article 14 of ECHR⁸⁹ (it is argued that pensions and pay are property for the purpose of the Act). Although Sullivan J rejected the claims in relation to pensions and accompanied service he made it clear that Government would have to consider reforms:

"The defendant will have to consider whether it is sensible to review the justification for the 25 percent limit in the light of this judgment. If it decides not to do so, and a claim is made by a serving Gurkha whose

⁸⁸ Report, *The Gurkhas: The Forgotten Veterans*, December 2005, P. 17.

⁸⁹ Human Rights Act 1998, Article 14: "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

family life is being disrupted by the 25 percent limit, then it may well find that the court will require significantly more by way of detailed justification for the policy that has sufficed in the particular circumstances of the present case.”⁹⁰

October 2003: Purja and others in the Court of Appeal

The unsuccessful applicants in the case of Purja and others appealed from Sullivan J's decision of February 2003 but the Court of Appeal dismissed the appeal stating that Gurkha and British soldiers were not in analogous position in relation to pay and pension. But in relation to provision for married accompanied service, it was observed by Simon Brown LJ:

“Their grievances is rather a free-standing one: not that they are discriminated against on the ground of their nationality but rather that they should in all fairness be provided with more married accommodation than at present.”

Rix LJ (disinting) observed:

“It is not self evident to me how prolonged absence of the Gurkha soldier from his family maintains his linkage with Nepal, but that no doubt is a topic for discussion.” Although the claims were not successful the case again highlighted the need for the government to take action.⁹¹

While these cases were running in the UK High Court then question was raised whether Nepal government is satisfy about pay and pension or not. Then GAESO's president, Padam Gurung and Secretary Mahendra Lal Rai had written a letter to know the views of government, to the Secretary of Ministry of Foreign Affairs asking information whether Nepal government is satisfied with British Gurkhas' salary and

⁹⁰ Report, The Gurkhas: The Forgotten Veterans, December 2005, Pp. 17-18.

⁹¹ Ibid, P. 18.

pension? When GAESO's case was running in London High Court had any kind of information been asked to Nepal government by British government or Embassy?⁹² But Ministry of Foreign Affairs has not given any answer to the GAESO. On the other hand GAESO is giving ultimatum to the UK Government that if UK government failed to review all kinds of discrimination against Gurkha GAESO will file the case in the European Court for the justice.

4. 3. Future of the Gurkhas

The then President of US Clinton and Prime Minister of UK Tony Blair expressed their condolences paying tribute to the work of NATO combat engineers engaged in the highly dangerous work of clearing unexploded bombs and mines in Kosovo:

*'Brave men who were well aware of the damages of dealing with explosives but were prepared to risk their lives to make life safer for others.'*⁹³

In that accident there were two British armies were dead, one was British Officer Lieutenant Gareth Evans (25) and other was British Gurkha Sergeant Balaram Rai (35).

Gurkhas recruiting selection process is also very tough in British army. The following are minimum physical standards for Gurkha recruits:

- i) 13 heaves to the bar, compared with 2-8, depending on choice of arm for British soldiers;
- ii) 25 sit-ups in 1 minute and continue until unable to complete any more; one Gurkha completed 420. The British requirement is 25 in 1 minute;
- iii) run 1 ½ miles (2.4 kilometers) in 14 minutes, followed immediately by a further

⁹² *Gurkha Sainik Aawaj*, September-October, 2004. Pp. 3-4.

⁹³ *Ibid*, P. 253.

1 ½ miles (2.4 kilometers) in under 10 minutes. No equivalent test elsewhere in the British army;

iv) run up and down an 1800-foot (549 meter) steep hill carrying 75 pounds (34kilograms) on the back, 1 ½ miles (2.4 kilometers) in distance in under 35 minutes. No British equivalent.⁹⁴

According to Parker (1999) if applied with such precision and determination in the recruitment of soldiers throughout the rest of the British army, would undoubtedly cut recruitment levels even more than they are already. It shows that Gurkhas face tough competition should face to join into the British Gurkha army.

If Gurkhas had not shown their effectiveness in modern high-tech war, Britain would have already sent back Gurkhas to Nepal. They have fought major wars and are also fighting. GAESO's President Padam Bahadur Gurung says that Gurkhas have got military job showing their bravery, courage, gentleness and honesty in the battlefield; and doing good job not the cause of love and affection of any. UK cannot cut off Gurkha recruitment showing the cause of GAESO's and all ex-British Gurkhas movement because British Gurkhas know that UK has no option to get like such brave and loyal Gurkhas from any other world for the ground force. Equal treat to the Gurkhas from UK rather becomes stronger ties between UK government and Gurkhas and Nepal government.

Gurkhas' good reputations have played a very important role in wars. In that sense their reputation is their future but they have to prove it from time to time. Since Gurkhas partition in UK and India, Gurkha battalions were involved in military operations as part of the Indian army against Pakistan in 1947, 1965 and 1971 and China in 1962. They also took part in operation against the Tamils in Sri Lanka

⁹⁴ Ibid, P. 22.

during 1987 uprising, although their deployment, as with the British regiments, in governed by the 1947 tripartite agreement.⁹⁵ It is not bad thought that they can win battles by reputation rather than by killing people their reputation has always ruin before them-but the Gurkhas have always delivered. They have always shown they have the mettle, the skills and above all the courage to fight to the last. This is the key to their future; the Gurkhas have always been able to prove that they are a unique force otherwise they would have been dead.⁹⁶ David Morgan, proud of his battalion's contribution to the British victory, went on record with a rejoinder that may well have been aimed at people in high places at the MOD: 'It must never be forgotten that the much-feared fighters from Nepal played a critical and decisive part in the final downfall of the Argentineans. It was the Gurkas' reputation that helped win the Falkland and thus brought about a conclusive victory despite the problems of distance, weather and a harsh, forbidding terrain'.⁹⁷

According to Parker (1999) Gurkhas were cheap to run, cost-effective and caused little trouble-all the kind of words that modern military managers like to hear⁹⁸ but now ex-Gurkhas are demanding equal pay and facilities. If British Government only looks for cheap soldiers Gurkhas in future would not be durable and Britain also should be ready to give up the Gurkhas. Activists say that the British are hiding behind an outdated deal, and even Nepali politicians in 1998 were calling for a renegotiating the terms.⁹⁹

Since 1816 Gurkhas have been achieving victory in every battlefield and conflicts; mutiny in India and World War I and World War II in Malaya, Indonesia, Brunei,

⁹⁵ Parker, John. 1999. *The Gurkhas: The Inside Story of the World's Most Feared Soldiers*. First published in 1999 by Headline Book Publishing, A division of the Hodder Headline Group, 338 Euston Road, London NW1 3BH, P. 176.

⁹⁶ Ibid, P. 223.

⁹⁷ Ibid, P. 224.

⁹⁸ Ibid, P. 242.

⁹⁹ Ibid, P. 246.

Falklands, Iraq, East Timor, Afghanistan and in Macedonia British Gurkha have shown their professional qualities under the Crown of UK. Till now 13 Gurkhas have got Victoria Cross (VC)¹⁰⁰ medals among them the two got it in World War I, 10 in World War II and 1 post World War II they were 6 Magars, 4 Gurungs, 1 Lama, 1 Rai and 1 Limbu.¹⁰¹ Gurkhas are still receiving medals as British government has awarded 'Military Cross' (MC) medal to Kajiman Limbu, 2RGR No. 21168291 (in October 2003) who saved a wounded officer's life and fought courageously until supporting group reached in the battle field near Kabul, Afghanistan. Kajiman is the latest MC holder Gurkha.¹⁰²

British Officers invariably sought to join the Gurkha regiments because of their reputation as fighting units and the probability that by being among them they would at least see some decent action. For some it was the continuation of family ties-sons and grandsons of former officers in the Gurkha Rifles. As with the Gurkhas themselves, family connections have always been important but did not necessarily provide the aspiring Gurkha officers with an easy route into the regiments.”¹⁰³ Tony Gold, a former British army officer says there are two reasons why the Gurkhas continue to be part of the British army. One is the long tradition and the other one is that so long as there is even a single Gurkha soldier in the army, if a situation should arise, more Gurkhas can easily be recruited. It is always reassuring to have a ready supply of soldiers on the standby.¹⁰⁴

¹⁰⁰ See Appendix –II in the thesis.

¹⁰¹ Harka Gurung, in *Lahureko Katha (Story of Lahure)*, 2002, Pp. vii-ix, Published by Himal Kitab, Himal Association, Patandhoka, Lalitpur, Nepal.

¹⁰² K.C., Dr. Surendra. First edition, 2005. *Gurkha Bharti : Katha, Bayatha ra Andolan*. Sabita Prakashan, Taplejong, Nepal, Pp. 191-92.

¹⁰³ Parker, John. 1999. *The Gurkhas: The Inside Story of the World's Most Feared Soldiers*. First published in 1999 by Headline Book Publishing, A division of the Hodder Headline Group, 338 Euston Road, London NW1 3BH, P. 106.

¹⁰⁴ *HIMAL South Asia [English]*, Vol. 10. No. 4. July/August 1997. Kathmandu, Nepal. Pp 14 - 29.

CHAPTER V

Conclusion and Recommendations

5. 1. Conclusion

The UK government has been recruiting the Gurkhas since in 1815. Since then British Gurkhas have been fighting in several wars for the UK. Gurkhas were used by UK in World War I and II; and after TPA (1947) Southeast Asian countries: Malaysia, Indonesia, Brunei, Folk Land, Iraq, East Timor and Kosovo. Currently Gurkhas are used in Afghanistan. Thousands of Gurkhas were killed, missed and injured; after end of Malaya war several Gurkhas were sent back to Nepal by Britain under the redundancy scheme. Widows, sons and daughters and dependents of these who are killed in war are not getting equal compensation, pension and other facilities as that of their British counterparts. Some are getting nominal and some are deprived of other facilities like proper medical treatment and proper education and training for their children. In return Gurkhas are only demanding equal pay, pension and other benefits like that of their British counterparts. Those injured in the war also did not get compensation and proper medical facilities. Similarly, these sent back after the ended of war they did not get any compensation, pension and other facilities.

Ex-British Gurkhas are dissatisfied because British Government had not treated them equal as their British counterpart. In this situation, after peoples' movement II (1990) some ex-British Army Gurkhas organized GAESO in Kathmandu, then defined main problems of ex-British Gurkhas and formulated four point demands. The first of GAESO is *equal pay, pension and other benefits* till yet this demand has been reviewing by British government. GAESO is hoping that British government will fully review Gurkhas' terms and conditions on the basis of equality, and if failed to do so they will file another case against UK government in European Court to fulfill their demands.

Second demand is *compensation and reparation for war veterans, widows and redundants*, World War veterans who were Prisoners of War (POW) and were denied compensation by the British government arguing that they were then Indian Army. Some POW filed the case in the UK High Court demanding compensation against Ministry of Defence, UK with support of GAESO. Finally, UK government compelled to give compensation to the POWs, each 10,000 pounds. But widows, redundant and injured dismissals demands have not been fulfilled till now. Third demand is *proper education and training for children*. British Prime Minister in September 30, 2005 announced that retired after on July 1st 1997 and currently who are in the job can apply for the citizenship of UK. This provision has allowed the Gurkhas children to go UK for better education. But UK government is only giving visas to under 18 years of age, whereas above 18 are not getting visas. Fourth demand is *residential visa and work permit in UK*. GAESO had demanded residential visa and work permit in UK but Prime Minister's announcement has provided chance to apply for UK citizenship to the Gurkhas who have been retired after 1st July 1997. GAESO feels that they have again been discriminated as Gurkhas who were retired before 1st July 1997 or sent back under the redundancy scheme been deprived of UK visa. Having proclaimed far and wide, for over a hundred years, that Gurkhas are among the best infantry soldiers in the world, how can it be just that they have received less than that of other British soldiers at the same service.¹⁰⁵

Gurkhas have been supporting the country (Nepal) in many ways, they are earning foreign currency and they are doing ambassadorial work between Nepal and UK. Currently, are helping peace process assisting UN Monitor in Nepal. With the new UK policy Gurkhas are migrating to UK often selling their property. Their migration

¹⁰⁵ *HIMAL South Asia [English]*, Vol. 10. No. 4. July/August 1997. Kathmandu, Nepal. Pp 14 - 29.

will certainly affect the economy and society of Nepal. However, Nepal government has still been silent on this issue.

Gurkhas are feeling that they are not getting support from Nepal government to fulfill their demand from the UK government. They also feel that Government is not serious about their demands. GAESO's movement is not only for payment and facilities, but also they are fighting for equal right and prestige.

Recently, on March 8th, 2007, the UK government has announced that retired after July 1st, 1997 Gurkhas get equal pension. However, ex-British Gurkhas and their organizations' are not satisfy on this announcement. According to GAESO retired Gurkhas after July 1st, 1997 only get equal pension July 1st, 1997 to during the date of retirement. They do not get equal

If UK and Nepal government do not take seriously and do not step forward effectively on the basis of equality on ex-British Gurkhas' demands, both the governments should face more criticisms and shame within domestic as well as in the international arenas. This will effects to the prestige of country and its citizens in future.

5. 2. Recommendations

1. UK government should give equal pay, pension and other benefits; compensation and reparation for war veterans, widows and redundant; proper education and training for children and residential visa and work permit to the ex-British army Gurkhas as their British counterparts by reviewing terms and conditions or amending the TPA or drafting new treaty. Certainly, which helps for more ties than before between UK and ex-British Army Gurkhas and Nepal.
2. Nepal government also should not keep on old policy, if British Gurkhas got equal pay, pension and other benefits as British, that will affects the social, economic and political sectors of Nepal and diminish Nepali nationalism, and should take seriously the demands of ex-British Gurkhas' and step forward effectively through proper diplomatic channel with the UK government to solve problems.
3. UK and Nepal both governments are responsible problems of Gurkhas, and today their movement is more broadening, therefore, should take initiative not delaying.

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Web Site:

www.gaeso.org.uk

APPENDIX-I

EX-BRITISH GURKHAS' & THEIR FAMILIES' PERSONAL STATEMENT ABOUT THEIR DEMANDS

These interviews were taken with ex-British Gurkhas and their families, to know their views relating to their demands. Total interviewees numbers were ten. Interviewees' statements have been documented of their own words as follow:

1. Name: Prem Bahadur Gurung.

Age: 55

Address: Solukhumbu District, Mugli Village Development Committee, Ward No. 2 Maidale. Currently Kathmandu Metropolitan, Ward No. 7, Maijubahal, Kathmandu.

Period of Service: 15 years (1970-1985), Regiment: 10 GR, No. 21159921, Rank: Corporal

Running: House care

Problems: "UK has not given us equal pay, pension and other facilities. Retired British soldiers get pension 500 pounds per month but we Gurkhas get 91 pounds. While gun and work was same."

Demands: "Gurkhas should get equal payment and facilities as British soldiers get."

Suggestions: "Gurkhas fought for Britain and also for human beings in the world. Therefore, Gurkhas should have right to live in both countries UK and Nepal. Nepal and UK government should manage our demands."

2. Name: Durga Prasad Gurung.

Age: 47

Address: Solukhumbu District, Mugli Village Development Committee, Ward No. 2 Maidale. Currently Kathmandu Metropolitan, Ward No. 7, Maijubahal, Kathmandu.

Period of Service: 15 years (1980-1995), Regiment: 7 GR, No. 21163947, Rank: Rifle Man (RFM)

Running: Business

Problems: "UK has discriminated us in payment, pension and other facilities."

Demands: "We should have equal pay, pension and facilities as our British counterparts. Our children should have right to go in UK and commonwealth countries for education and trainings as British soldiers."

Suggestions: "UK government should give equal payment, pension and other facilities as British soldiers. Nepal government also should help us in this regard."

3. Name: Damber Kumar Sambahangphe.

Age: 45

Address: Tehrathum District, Jirikhimti Village Development Committee, Ward No. 8 Surke. Currently Lalitpur Sub-Metropolitan, Ward No. 15, Khumaltar, Kathmandu.

Period of Service: 12 years (1981-1994). Regiment: 7 GR, No. 21164813, Rank: Corporal

Running: House care

Problems: "UK has discriminated us in pay, pension and other facilities. British soldiers get family separation allowance but we Gurkhas do not get. Now I am getting 100 pounds pension but British ex-serviceman who have done 22 years service gets pension 700 pounds per month. Besides, British ex-servicemen get elderly allowance after 65 years in UK. Gurkhas below corporal ranks are retired compulsory after 15 years. I retired from British army doing 12 years service under the scheme of UK government. We are not given chance to do job more than 15 years British Army. But British soldiers are retired after 22 years service. UK is saying to treat Gurkhas recruited after 1997. But this commitment has not been implemented yet. Long storage food is given to us. It is also a kind of discrimination. The UK government is denying to provide visas for our children above 18 years. Those who are below than 18 years of age are only provided visas if they are continuing their study. Several my friends did job in UK more then 3 years during their 15 years service time. However, service record is not kept in Pokhara Camp. That record has remained in Scotland. Fortunately I got my record from Scotland but my friends have become unable to get the records. Thus they are deprived to apply for visa to go to UK. Other discrimination is that all the British Gurkhas do job under the Crown that is called Crown Service but under the Crown service few Gurkhas get chance to go to UK during 15 years service time. Therefore, Indefinite Leave to Enter the UK (ILE) provision is also discriminatory for the Gurkhas."

Demands: "We all Gurkhas are same. Therefore UK should not treat differently marginalizing before and after July 1st 1997. We should get equal pay, pension and facilities as British soldiers. Our children should get chance to read and have job in UK and common wealth countries. We are Nepali, we did service for UK in our youth age so we are asking work permit not citizenship with UK."

Suggestions: "UK government should not discriminate us in terms of payment, pension and facilities comparing to British soldiers. Ex-Gurkhas who are living in Nepal should get pension in pound strolling not converting in Indian Currency (IC). Nepal government should give dual citizenship to the Gurkhas negotiating with UK government."

4. Name: Jas Bahadur Gurung.

Age: 48

Address: Okhaldhunga District, Bigutar Village Development Committee, Ward No. 6. Currently Kathmandu Metropolitan, Ward No. 7, Maijubahal, Kathmandu.

Period of Service: 15 (1975-1990) years. Regiment: QGS (Queen's Gurkhas Signal), No. 21161488, Rank: CPL

Running: House care

Problems: "UK has discriminated us in pay, pension and other facilities. British Government did not give chance to the Gurkhas to stay in UK for three years, very few Gurkhas got chance to stay in UK during their 15 years service. Now I knew that who stayed three years in UK only would be eligible to apply for visa."

Demands: "We should get equal pay, pension and facilities. Gurkhas and their children should have chance to go to commonwealth countries for education as British soldiers children."

Suggestions: "We Gurkhas are Nepali citizens. We served for UK. We should get work permit rather than citizenship in UK. Nepal and UK's both government should manage it. GAESO first of all fought for the ex-Gurkhas' problems and below 10 years service holder ex-British Gurkhas got some pension. War prisoners of World War II got compensation from UK government. But now there are other organizations also to raise the voice of ex-British Gurkhas. In my opinion all the ex-Gurkhas should be united to settle our demand."

5. Name: Ram Devi Gurung (Jas Bahadur Gurung' wife).

Age: 45

Address: Okhaldhunga District, Bigutar Village Development Committee, Ward No. 6. Currently Kathmandu Metropolitan, Ward No. 7, Maijubahal, Kathmandu.

Period of Service: Her husband's duration of service year, regiment, number and rank. 15 years (1975-1990), Regiment: QGS (Queens Gurkha Signal), Number: 21161488, Rank: CPL

Running: Housewife

Problems: "Below Sergeant rank British Gurkhas are retired after 15 years service. In that period Gurkhas get facility to keep his wife in his regiment for 3 years. However in real sense Gurkhas are sent to different parts of the world then their wives stay alone most of the time in the regiment's quarter. But British soldiers' wives go along with their husband wherever they go if they have no chance to go along with their husband they get family allowance. If British soldiers do not accompany by their wives with them, they get family separation allowance. They get facility to keep their families with them for their whole service. British soldiers' residence quarters are well facilitated than Gurkhas' residence quarters. Those who get chance to stay in UK their children cannot complete even primary education and they come back in Nepal. Our children can study neither in UK nor in Nepal."

Demands: "We want all the discriminations to be ended. Our children should get chance to read in UK showing their father's British Army service document because their fathers have served for UK."

Suggestions: "UK government should treat equal to the all Gurkhas."

6. Name: Chatra Bahadur Limbu.

Age: 46

Address: Tehrathum District, Mayanglung Village Development Committee, Ward No. 2. Currently Kathmandu Metropolitan, Ward No. 4, Sukedhara Dhumbarai, Kathmandu.

Period of Service: 15 years (1978-1993), Regiment: 2nd GR, No. 21162222, Rank: Corporal, Band

Running: House care.

Problems: "UK has discriminated us in pay, pension and other facilities. Currently, I have got ILE (Indefinite Leave to Enter the UK) visa from the Embassy of UK to Kathmandu because I have stayed in UK more than three years. UK is giving visas into two grounds first, before July 1st 1997 retired Gurkhas can get visit visa and, second who have stayed in UK minimum for 3 years or more they get ILE visa by Embassy of UK to Nepal. Most of the Gurkhas could not get chance to stay in UK for three years. UK has discriminated us demarcating before and after July 1st 1997. We are the same Gurkhas. We have served for UK under the British Crown. So this time factor provisions have been discriminated us."

Demands: "We should get equal pay, pension and facilities as British soldiers from UK. UK should not discriminate us as we being Nepali. I have participated in Gurkha Welfare Trust fund raising show at I Love Wait Island in UK, for three days without food."

Suggestions: "Nepal and UK both governments mutually and very seriously should solve the problems of ex-British Gurkhas."

7. Name: Deb Bahadur Pun.

Age: 51

Address: Zone Lumbini, Gulmi District, Gwagha Village Development Committee, Ward No. 1. Currently Kathmandu Metropolitan, Ward No. 7, Maijubahal, Kathmandu.

Period of Service: 15 years (1973-1987). Regiment: 1/2 GR, No. 21160644, Rank: Corporal (CPL)

Running: House care

Problems: "UK has discriminated us in payment, pension and facilities. For example we all Gurkhas served for UK under the Crown of UK. When we were recruited we sent to Honk Kong. When we landed in Hong Kong then our passports were not given to us. British Officers were afraid we might go other countries using our passport. Even after retirement from the job UK did not give our passport. We were unknown about our passports. If we had got passport then we would know more. Then most of us were simple from the remote hill. The UK has discriminated us demarcating before and after July 1st 1997. All the Gurkhas who retired after July 1st 1997, went to stay in the UK. They have got facility to stay in UK after retirement from the job. The UK government has kept provision that Gurkhas who have stayed in UK more than three years, can get ILE visa for UK but who have not stayed in UK or less than three years, they have to manage sponsored from UK resident and they become eligible to get only visit visa for UK from Embassy of UK to Nepal. Those who have stayed more than three years, they get ILR (Indefinite Live to Remain in UK) visa from the Embassy of UK to Nepal. Next discrimination is that Gurkhas get three years family facility during their 15 years service but British get family facility for their whole service time."

Demands: "UK government says that British Gurkhas are Nepali citizens. So after retirement they go to Nepal. Since Nepal's living cost is less than UK they are paid low. But British armies who are staying in Nepal, are receiving as equal as British scale even though their living cost in Nepal is low. In this reason we also should get equal pay, pension and other facilities. Gurkhas and their children should get chance to go to commonwealth countries for education as British. After retirement UK does not care us. When I stayed in UK during my service time I got 500 pounds salary per month and used to pay 155 pounds income tax to the UK Government but I could not get any receipt and facility from UK government."

Suggestions: "Nepal government should take interest to solve the problems of Gurkhas. But the government is turning deaf ears to our problems because there is no representation from our communities. However, they should be interested to solve the problems of Gurkhas."

8. Name: Mrs Manakumari Pun. (Deb Bahadur Pun's wife).

Age: 47

Address: Zone Lumbini, Gulmi District, Gwagha Village Development Committee, Ward No. 1. Currently Kathmandu Metropolitan, Ward No. 7, Maijubahal, Kathmandu.

Period of Service: Her husband's service year, regiment, number and rank. 15 years (1973-1987), Regiment: 1/2 GR, No. 21160644, Rank: Corporal (CPL).

Running: Housewife.

Running: House care

Problems: "UK government has discriminated us in payment, pension and facilities."

Demands: "We should get equal pay, pension and separation allowance from the UK government."

Suggestions: "UK government must give us equal payment, pension and facilities as British soldiers. Nepal government also should help us in this regard. Gurkhas should be treated as humanitarian ground."

9. Name: Lal Bahadur Sunuwar.

Age: 46

Address: Okhaldhunga District, Khijifalante Village Development Committee, Ward No. 1. Currently Kathmandu Metropolitan, Ward No. 7, Maijubahal, Kathmandu.

Period of Service: 15 years (1979-1992), Regiment: 7 GR, No. 21162680, Rank: RFM

Running: House care

Problems: "UK is not giving us equal pay, pension and facilities as British soldiers."

Demands: "We should get equal pay, pension and facilities. Ex-British Gurkhas and our children should get chance to go UK as well as in commonwealth countries for education as British."

Suggestions: "UK government must give us equal pay, pension and facilities as British soldiers because we have done same work for UK. UK should treat to the Gurkhas in humanitarian ground. Nepal government also should help us to solve our problems."

10. Name: Indra Kumari Sunuwar (Lal Bahadur Sunuwar's wife)

Age: 45

Address: Okhaldhunga District, Khijifalante Village Development Committee, Ward No. 1. Currently Kathmandu Metropolitan, Ward No. 7, Maijubahal, Kathmandu.

Period of Service: Her husband's service years, regiment, number and rank. 15 years (1979-1992). Regiment: 7 GR, No. 21162680, Her husband's Rank is RFN (Rifleman).

Running: House care

Problems: "Now I am living on my husband's earnings. My husband is not getting equal pension as British soldiers so I am facing hardship. I am not allowed to live in my youth age with my husband when he was in the service only for three years allowed to me to live during 15 years service time."

Demands: "My husband should get family separation allowance form the UK government as British soldiers because I was not fully allowed to live with my husband."

Suggestions: "UK government should give pension and other facilities to us as British soldiers get. Nepal government also should help us to solve our problems."

Findings From The Interviews

A. Problems:

All the interviewees have said that they are discriminated by UK government in payment, pension and other benefits. Currently, ex-British Gurkha retired soldiers in 15 years get 91 pounds pension per month but British soldier retired in 22 years gets pension 700 pounds per month. Payment is also not same. British Gurkhas' wives were allowed to stay only 3 years with their husband during 15 years service but British soldiers' wives were allowed to live with their husband for their whole (22 years) service time. If British soldier does not accompany with his wife gets family separation allowance from the government. Although British Gurkhas served in British Army, their children are not getting chance to read in UK. British Gurkhas have not got chance to work in the UK after retirement from the military service.

B. Demands:

British Gurkhas want equal pay, pension and other benefits with UK as British soldiers. Gurkhas' families also demanded for family separation allowance; compensation, residential visa and work permit, and proper education and trainings of their children from UK government. British Gurkhas should not be discriminated demarcating before and after July 1st 1997 by UK. Gurkhas who returned under the redundancy scheme by the UK, they should get pension. Who killed in the war their widows should get pension.

C. Suggestions:

UK government should treat equally to all the Gurkhas giving equal pay, pension and other facilities on the basis of humanitarian ground, not keeping in mind they are the alien or foreign citizen. Nepal government should step forward effectively through proper diplomatic channel to solve the problems with British government.

APPENDIX-II

THE VICTORIA CROSS (VC) HOLDER GURKHAS

S.N .	Rank	Name	Regiment	Place of Action	Country	Date of Action	Gazetted in London Gazette	War	Remarks
1.	Rifleman	Kulbir Thapa Magar	2/3rd G.R.	Fauquissart	France	25/09/1915	18/11/1995	World War I	Died in 1956
2.	Rifleman	Karma Bahadur Rana Magar	2/3rd G.R.	El.Kefr.	Palestine	10/04/1918	21/06/1918	World War I	Died in 1973
3.	Subadar	Lal Bahadur Thapamagar	1/2 nd G.R.	Ress-es-Zouani	Tunisia	5-6/04/1943	15/06/1943	World War II	Died in 1968
4.	Havildar	Gaje Ghale	2/5 G.R. (F.F.)	Chin Hills.	Burma	27/05/1943	30/09/1943	World War II	Died in 2000
5.	Rifleman	Ganju Lama	1/7 G.R.	Ninthoukhong	Burma	12/06/1944	07/09/1944	World War II	Died in 2000
6.	Rifleman	Tul Bahadur Pun Magar	3/6 G.R.	Mogaung	Burma	23/06/1944	09/11/1944	World War II	
7.	Naik	Agam Sing Rai	2/5 G.R. (F.F.)	Bishenpur	Burma	26/06/1944	05/10/1944	World War II	Died in 2000
8.	Subadar	Netra Bahadur Thapa Magar	2/5 G.R. (F.F.)	Bishenpur	Burma	26/06/1944	12/10/1944	World War II	Posthumous Award
9.	Rifleman	Sher Bahadur Thapa	1/9 G.R.	San Marino	Italy	18-19/09/1944	28/12/1944	World War II	Posthumous Award
10.	Rifleman	Thaman Gurung	1/5 G.R. (F.F.)	Monte San Bartolo	Italy	10/01/1944	22/02/1945	World War II	Posthumous Award
11.	Rifleman	Bhanubhakta Gurung	3/2 G.R.	Tamandu	Burma	05/03/1945	05/06/1945	World War II	
12.	Rifleman	Lachiman Gurung	4/8 G.R.	Taungdaw	Burma	12-13/05/1945	27/07/1945	World War II	
13.	L/Corporal	Ram Bahadur Limbu	2/10 G.R.	Bau	Borneo	21/11/1965	22/04/1966	Post World War II	

Source: *Racial Discrimination and Human Rights Violations By The United Kingdom Against British Gurkha Army and their Families*. Activities of the GAESO International Committee for Justice during the 57th Session of the UN Commission on Human Rights. April 4-12, 2001, Palais des Nations, Geneva, Switzerland.

APPENDIX-III

TRIPARTITE AGREEMENTS AFTER PARTITION TO RETAIN GURKHA SERVICES IN BRITISH & INDIAN ARMY -1947 MEMORANDUM OF AGREEMENT

Article I

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 would welcome 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).

Article II

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.

Article III

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 observations on the memorandum of agreement referred to in the preceding paragraph 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:-

a. Location of the Recruiting Depots:

These 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 depots in Nepal. The wishes of the Government of Nepal have been noted and arrangements for the establishment in India or 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.

b. 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 8 battalions will be allowed to the British Army.

The representatives of His 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 His 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 a final secession on the question of recruitment of Gurkha in excess of 8 battalions at peace-time strength shall be left open until His Majesty's Government in the United Kingdom have had an opportunity of considering the views of the Government of Nepal.

As regards the reduction of the Gurkha units in the Indian army the Government of Nepal have informed the representative of the Government of the Dominion of India that the reduction should not be carried out immediately in view of the existing political situation in India.

- c. Arrangements for the import of the 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 point raised in this connection will be sent to the Government of Nepal in due course.

Article IV

The Government of Nepal being generally satisfied in regard to the terms and conditions of employment of Gurkha troops and taking note of the agreement dated 7th November, 1947 reached between His 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.

Article V

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 III of this document and the views of the two Governments thereon will be communicated to the Government of Nepal in due course.

Article VI

Note has been taken of the desire of His Majesty's Government in United Kingdom that prompt action be taken to ascertain in wishes of the personnel of the 8 Gurkha battalions concerned as whether they desire to be transferred for service under the United Kingdom Government. With this object in view a questionnaire and Memorandum embodying terms and conditions of service have been prepared by the representatives of His 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.

Article VII

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.

Article VIII

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

ACB Symon (sgd.)
(For the Government of the United Kingdom)

Kanwar Daya Sing Bedi (Lt-Col.)
(For the Government of the
Dominion of India)

Padma Shamsheer JBR (sgd.)
(For the Government of Nepal)

Source: K.C., Dr. Surendra. First edition, 2005. *Gurkha Bharti : Katha, Bayatha ra Andolan*. Sabita Prakashan, Taplejung, Nepal. Pp. 559-563.

APPENDIX-IV

MEMORANDUM OF GOVERNMENT OF THE DOMINION OF INDIA AND HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM

(Bilateral Agreement to Retain Gurkha Services in their Respective Army)

1. That all volunteers from regular battalions of each of the Second, Sixth, Seventh and Tenth Gurkha Rifles, together with personnel of their Regimental Centres, shall be transferred to His Majesty British Army, subjects to the negotiation of terms and conditions with the Government of Nepal.
2. That the personnel arms and equipment of those units if required by HM Government will be issued on payment, and removed overseas with the units.
3. That HM Government may for the present continue to use the existing recruiting depots at Gorakhpur and Ghum, and that the British and Gurkha military personnel serving in them may wear uniform.
4. That the plans of HM Government for recruiting in Nepal up to a possible strength of a Division (say 25,000 men), shall not in any way interfere with recruitment to the Gurkha units in the Indian army.
5. That Gurkha officers, recruits, soldiers, ex-soldiers and pensioners of Gurkha units serving HM Government, and their dependants, shall be permitted to travel freely between Nepal and an Indian port of their lawful occasions, provided mufti is worn in transit through India; the stipulation regarding dress shall not apply to the four regiments named 2nd GR (the Sirmoor Rifles); 6th GR; 7th GR & 10th GR.
6. That the normal road and rail transport facilities in India shall be available, at the public rates prevailing from time to time, to all British officers serving with Gurkhas, officers and their families and the necessary maintenance stores and baggage of such personnel in the service of HM Government; and that such staging facilities as may be required shall be provided at the expense of HM Government.
7. The India's postal, money-order and telegraphic services to and from Nepal shall be available to HM Government, at normal rates prescribed from time to time.
8. That the Government of India shall make available annually to HM Government, for the use of Gurkha soldiers, the following quantities of foodstuffs:

Atta	2,200 tons
Ghee	750 tons
Dhal	1,200 tons
Condiment	150 tons
Condiment Power	150 tons

Provided HM Government arrange to supply the Government of India with 2,200 tons of wheat in replacement of the atta supplied to them.

9. That the Government of India shall make available to HM Government such Indian currencies as may be necessary for purposes connected with their employment of Gurkha soldiers, provided that the sterling equivalent thereof shall be credited to the Government of India Sterling Account One.
10. That Gurkha officers, soldiers, ex-soldiers, pensioners and their dependents shall have the right to send or take Indian money back to Nepal subject only to such Indian currency regulations of general application as may be in force from time to time; foreign currency imported into India shall be subject to the general Indian currency regulations obtaining from time to time.
11. That the basic rates of pay admissible to Gurkha officers and soldiers serving HM Government shall approximate to those laid down in the present Indian pay code, at which rates personnel serving at the recruiting depots in Gorakhpur and Ghum shall be paid: and that a special allowance, to compensate for permanent service overseas and high cost of living, shall in addition be admissible to Gurkha officers and soldiers serving HM Government overseas.
12. After the 8 battalions have been asked to opt for service under HM Government, Government of India will try to make up the deficiency caused by those who do not wish to serve with HM Government, by asking other soldiers who have completed their existing engagement who do not wish to continue to serve in Indian army units. If the required number can not thus be made good the deficiency will be made up by HM Government by direct recruitment.

For His Majesty's Government in the UK
(ACB Symon)

For the Government of the
Dominion of India
(Lt-Col. Kanwar Dayansing Bedi)

Kathmandu: 7 November, 1947

Source: K.C., Dr. Surendra. First edition, 2005. *Gurkha Bharti : Katha, Bayatha ra Andolan*. Sabita Prakashan, Taplejong, Nepal. Pp. 564-566.

APPENDIX-V

RANA GOVERNMENT'S REACTION TO 'POINTS OF AGREEMENT' BETWEEN GOVERNMENT OF INDIA AND HMG IN THE UNITED KINGDOM TO RETAIN GURKHA TROOPS

1. (Para 3): It appears that the arrangement of having recruiting Depots of Gorakhpur and Ghum for the British Gurkha Regiments has as an after-thought been made of a temporary character. Nepal government feels that it would definitely be more convenient to all three parties, if the recruiting is carried on for both Indian and British armies at the present depots or any other places in India.
2. (Para 4): In view of our long-standing friendship the Government of Nepal had agreed to raise the strength of the Gurkha Regiments during the period of the last war. But she feels that the continuatiuon of this emergency measure will be too much of a drain on the manpower of the country. So she desires that the total be limited and brought down to the peacetime strength of 20 battalions to be divided between the Indian and British Armies, as already arranged.
3. (Para 9): Nepal Government desires that the foreign currency brought by the personnel of the Gurkha Regiments serving abroad be credited in to the Nepal Government account in any bank (to be settled afterwards); the Government of Nepal providing Indian Currency thereof at the prevailing market rate.

Source: K.C., Dr. Surendra. First edition, 2005. *Gurkha Bharti : Katha, Bayatha ra Andolan*. Sabita Prakashan, Taplejong, Nepal. P. 567.

APPINDIX-VI

ANNEXURE –III

(RELATED TO THE TRIPARTIES AND BILETRAL AGREEMENTS)

1. In all matters of promotion, welfare and other facilities the Gurkha troops should be treated on the same footing as the other units in the parent army so that the stigma of ‘mercenary troops’ may for all time be wiped out. These troops should be treated as a link between two friendly countries.
2. The Gurkha troops should be given every facility so that it might be officered by their own men and they should be eligible to commissioned ranks with no restrictions whatsoever to the highest level to which qualified officers may be promoted.
3. The Gurkha troops should not be used against Hindu or any other unarmed mobs.
4. To avoid any clash between the Gurkhas themselves, Gurkha troops should not be used if any contingency of their having to serve in opposite camps arises.
5. To enable us supply better quality men, we request that our following military needs may be met:-
 - (a) A well-equipped arms and ammunition factory producing all modern small arms and ammunitions.
 - (b) A few army transport planes.
 - (c) Our requirements of Army Stores and civil supplies could be discussed later on.
6. To establish better liaison between Nepal and the troops, liaison officers would be appointed by the Nepalese Government and would form part of the unit of the Gurkha troops.
7. It is very desirable that the moral of the recruits as well as the armed forces, should remain unimpaired. Therefore all activities prejudicial to the interest and security of nay party should be prevented in the territories of the other parties.
8. The Government of Nepal reserves the right to withdraw all Gurkha troops in case Nepal is involved in any war.
9. All facilities for the training of the Nepalese officers in the military academies of India and Britain should be provided as and when the Nepal Government wants.
10. As Khukri is the religious and national emblem of the Gurkhas forming also a part of the uniform of the Gurkha army, the carrying of Khukri by Gurkhas of all categories must not be banned in territories where the Gurkhas reside.
11. When Gurkhas troops go on active service, intimation might be given to the Government of Nepal.

12. The above-mentioned points are to be incorporated in a treaty and or agreement to be signed between the parties in due course.

Source: K.C., Dr. Surendra. First edition, 2005. *Gurkha Bharti : Katha, Bayatha ra Andolan*. Sabita Prakashan, Taplejong, Nepal. Pp. 567-569.

APPENDIX-VII

Footnotes to Annexure III (Nepalese Suggestions)

Section H

- (I) In his letter to the Maharaja of Nepal dated 7th November (1947), the terms of which were acknowledged and confirmed by the Maharaja on the 9th November Mr. Symon made clear that “Subject to the Limitations of finance and supply, welfare facilities would be provided for Gurkha troops on similar lines to those provided to British (United Kingdom) troops.” In a Tripartite meeting at Kathmandu on the 7th November Mr. Symon emphasized that the United Kingdom Government in no way regarded Gurkha troops as mercenaries and that they would form an integral and distinguished part of the British Army.

Source: *British-Gurkha: From Treaty to The Supreme Court*. Published by British-Gurkha Study and Research Center, Nepal, in 2002. P. 191.

APPENDIX-VIII
STATEMENT BY THE MINISTER OF DEFENCE IN THE HOUSE
OF COMMONS
ON MONDAY, 1 DECEMBER 1947

1. 'I am glad to be able to inform the House that discussions about the future employment of Gurkha troops between representatives of the Government of Nepal, His majesty's Government in the United Kingdom and the Government of India which have been proceeding at Kathmandu in an atmosphere of cordiality and goodwill have resulted in the signature there on 9 November of a tripartite memorandum of agreement and accompanying documents.
2. The arrangements made in the documents signed by the heads of the three delegations include a number of detailed points in regard to which agreement on the main items having been reached in principle, further negotiations will be required to effect a final settlement. Moreover, a referendum in accordance with arrangements agreed between the three Governments is about to be held to ascertain the wishes of the men of eight regular battalions of the Gurkha Rifles and their regimental centers to whom transfer to service with the British Army is being offered.
3. In these circumstances the three Governments are agreed that, pending the conclusion of a definite settlement covering not only the points already agreed at Kahtmandu but also the detailed matters remaining for negotiation hereafter, publication of the text of the documents would be premature and might be misleading.
4. It has accordingly been decided to announce the main points on which the three Governments are agreed as follows:-
 - (a) Arrangements have been made for the continued employment of Gurkha Officers and soldiers in the armies of the United Kingdom and of India.
 - (b) The Government of Nepal have agreed that His Majesty's Government in the United Kingdom may employ Gurkha Officers and soldiers up to the number required to maintain 8 battalions or their equivalent at peace time strength, on mutually satisfactory terms and conditions of service. The two Governments will consult together on the questions of recruiting Gurkha troops in excess of this strength.
 - (c) It has been agreed to transfer to service with the British Army all volunteers from the regular battalions of the 2nd; 6th; 7th and 10th Gurkha Rifles together with personnel from their regimental centers who opt for such service in the referendum about to be held. The Government of India will endeavour to make good, Gurkha soldiers from other regiments who have completed their engagement and do not wish to complete their service in the Indian Army, any deficiency caused by those who decline the option.
 - (d) The Government of India have agreed to the use by the British Arm Authorities of the existing recruiting Depots at Gorakpur and Ghum for a temporary period pending the establishment elsewhere in India in Nepal of permanent recruiting depots required for

Gurkha units of the British Army.

- (e) The Government of India have agreed to make available on mutually satisfactory terms for purpose connected with the employment of Gurkha Troops.
 - (i) The necessary transit facilities for the conveyance by road and rail of personnel and stores between Nepal and an Indian port.
 - (ii) The use of the Indian postal money order and telegraphic services.
 - (iii) Specified quantities of certain special foodstuffs required for rations.
 - (iv) The necessary currency for pay, etc.
 - (v) Facilities for transmitting Indian currency to Nepal.
 - (vi) The Government of United Kingdom have agreed to use the corresponding Indian pay codes and rates of pay as the basis of the scale to be applied to Gurkha Officers and soldiers and to give an appropriate additional allowance during service abroad.
- 5. I feel sure that the House will share the Government's view that these arrangements are very satisfactory and will wish me to convey to His Highness the Maharaja and the Nepal Government and to Pandit Jawaharlal Nehru and the Indian Government. His Majesty's Government cordial appreciation of the friendly and co-operative spirit in which our wishes have been met. We are confident that with equal goodwill the further negotiations will also be successful. For our part we are determined to operate the agreement in a spirit of understanding and mutual trust; we have no doubt that as between friends its provisions will be loyally observed and can be smoothly carried into effect.

Source: *British-Gurkha: From Treaty to The Supreme Court.* "Published by British-Gurkha Study and Research Center, Nepal, in 2002. Pp. 192-194.

APPENDIX-IX

STATEMENT BY PUNDIT JAWAHARLAL NEHRU TO THE CONSTITUENT ASSEMBLY ON 10 DECEMBER 1947

1. I would like to inform the House that the discussions recently held at Kathmandu between representatives of the Government of India, the Government of Nepal, and His Majesty's Government in the United Kingdom, on the subject of the future employment of Gurkha troops under the Government of India and HMG (UK), have been satisfactorily concluded and a tripartite memorandum of agreement was signed on 9 November.
2. The documents signed by the heads of the three delegations include a number of detailed points on which further negotiations will be required to effect a final settlement, but the main principles have been agreed upon. The texts of the documents will not be published until these details have been settled. The main points on which the three Governments have agreed as are follows:-
 - (a) Arrangements have been made for the continued employment of Gurkha Officers and men in the Indian Army. The Government of Nepal have also agreed that His Majesty's Government in the United Kingdom may employ Gurkha Officers and soldiers up to the number required to maintain 8 battalions or their equivalent at peace time strength, on mutually satisfactory terms and conditions of service.
 - (b) It has been agreed to transfer to service with the British Army all volunteers from the regular battalions of the 2nd, 6th, 7th, and 10th Gurkha Rifles together with personnel from their regimental centers who opt for such service in the referendum about to be held. The Gurkha personnel of the units transferred but who do not opt for service with HMG will remain in the Indian Army.
 - (c) Representatives of the Government of Nepal and of the Government of India will be present with the 8 units earmarked for HMG while the referendum referred to above is being taken.
 - (d) The Government of Nepal have agreed that Indian officers will in future serve in Gurkha units. Nepalese subjects with suitable qualifications will be eligible for Commissions in the Indian Army.
3. The Government of India have agreed that Gurkha soldiers from regiments in the Indian Army, who have completed their engagements and do not wish to continue in the Indian army, may join the units earmarked for HMG in order to make good any deficiency that may occur in these units by Gurkha soldiers declining to serve under HMG.
4. It has been agreed that the Government of Nepal and HMG will consult together on the

question of recruiting Gurkha troops in excess of 8 battalions, but that such additional recruitment will not in any way interfere with recruitment to the Gurkha units in the Indian Army.

5. In connection with the employment of Gurkhas by HMG, the Government of India have agreed to grant to HMG certain necessary facilities such as the use, as a temporary measure, of the existing recruiting depots at Gorakhpur and Ghum and the provision on mutually satisfactory terms of transit facilities, postal and telegraphic facilities, Indian currency and remittance facilities.
6. The Government of the United Kingdom have agreed to use the corresponding Indian pay codes and rates of pay as the basis of the scale to be applied to Gurkha officers and soldiers and to give an appropriate additional allowance during service abroad.

The arrangements which I have described fully meet the requirements of the Government of India. The willingness of the Government of Nepal to allow us to retain in service in the Indian Army the full strength of Gurkha units which we desired is another indication of the close relationship that exists between Nepal and India. The negotiations proceeded in an atmosphere of cordiality and goodwill and I should like to express our appreciation of the cooperative spirit of the Government of Nepal and of HMG in the course of these discussions, and our special gratitude to His Highness the Maharaja of Nepal.

Source: *British-Gurkha: From Treaty to The Supreme Court*. Published by British-Gurkha Study and Research Center, Nepal, in 2002. Pp. 195-197.

APPENDIX-X

CONVENTION OR AGREEMENT ENTERED INTO BETWEEN KAJEE UMMER SING THAPPA, AND MAJOR-GENERAL OCHTERLONY, ON THE 15TH MAY 1815

In consideration of the high rank and character of Kajee Ummer Sing Thappa, and of the skill, bravery, and fidelity with which he has defended the country committed to his charge, it is agreed:

1. That Kajee Ummer Sing Thappa, with the troops now in Raujgurh, shall march out and retain their arms and accoutrements, the colours of their respective corps, two guns and all private property, which shall be duly respected and preserved, and every attention and delicacy observed in respect to the Zenana of the Kajee, and every person under his authority.
2. In consideration, also, of the gallant conduct of Kajee Runjore Sin Thappa, it is agreed that he shall likewise march out of the fort Jeytuck with two hundred men, who are to retain their arms, colours, and one gun, with the Bharadara (chief officers) and their followers, about three hundred more in number, unarmed, with his own and their private property, which shall be respected, and the sanctity of the Zenana preserved.
3. Kajee Ummer Sing Thappa and Kajee Runjore Sing Thappa, with their property and followers, are at liberty to proceed by the route of Thaneisur, Hurdwar and Nujeebabad, to join the troops eastward of the river Surjoo, or by which ever route they determine to proceed to that destination. Conveyance shall be provided for the transportation of their property to the confines of the Nepaul territory.
4. Kajee Ummer Sing Thappa and Kajee Runjore Sing Thappa, shall be at liberty to meet wherever they please.
5. All the troops in the service of Nepaul, with the exception of those granted to the personal honour of the Kajeas, Ummer Sing and Runjore Sing, will be at liberty to enter into the service of the British Government, if it is agreeable to themselves and the British Government choose to accept their services, and those who are not employed will be maintained on a specific allowance by the British Government, till peace is concluded between the two States.
6. Kajee Ummer Sing Thappa, on his part, agrees to leave the fort of Malown, whenever bearers and other conveyance are prepared for his private property.
7. Kajee Ummer Sing Thappa also agrees to send immediate orders for the evacuation and delivery, to persons properly authorized, of the forts Bhylee (Irkee), Subbaatoo, Mornee, Jeytuck, Juggutgurh, Rowaheen, and all other forts and fortresses now held by the Nepaul troops between the Jumna and Sutleje rivers. The garrisons of all which forts, strong holds, and shall

enjoy their private property unmolested, and the arms and warlike stores in each shall be left in deposit, for the future decision of the Right Honorable the Governor General; with exception to such among them as are related to Kajee Ummer Sing Thappa by kindred, about eighty-three men, who shall be at liberty to retain their arms and accoutrements.

8. Kajee Ummer Sing Thappa also agrees to send immediate orders to Kajee Bukhtour Sing for the evacuation of the territory of Ghurwall, to deliver over the forts, and in that district to the officers of the British Government, and to proceed to Nepaul by the Kamaon route, with their garrisons, all public and property including warlike stores, accompanied by a chuprassie with a pass, on the part of the British Government.

Separate Article- Kajee Ummer Sing Thappa wishes it to be understood, that he shall give immediate orders for the instant surrender of the distant forts, in the hope that it may lead to an early renewal of the relations of amity which have subsisted between the two states for these sixty years, and by the advice of Bum Sah and the Bharadars of Kamaon.

Source: Rathaur, Kamal Raj Sing. 2000. *The Gurkhas: A History of the Recruitment in the British Indian Army*. Third Edition in 2000. Nirala Publications, 2595, Kuncha Chellan, Daryaganj, New Delhi – 110 002. Pp. 111-113.

APPENDIX-XI

TREATIES BETWEEN NEPAL AND BRITISH INDIA

TREATY OF SUGAULI 1816

Article 1

There shall be perpetual peace and friendship between East India Company and the Rajah of Nepal.

Article 2

The Rajah of Nepal renounces all claims to the lands which were the subject of discussion between the two states before the war; and acknowledges the right of the Company to the sovereignty of those lands.

Article 3

The Rajah of Nepal hereby cedes to the East India Company in perpetuity all the undermentioned territories, viz.-

1. The whole of the low lands between the rivers Kali and Rapti.
2. The whole of the low lands (with the exception of Butwal Khas) lying between the Rapti and Gandak.
3. The whole of the low lands between Gandak and Coosha, in which the authority of the British Govt has been introduced, or is in actual course of introduction.
4. All the low lands between the rivers Mechi and Teesta.
5. All the territories within the hills eastward of the river Mechi including the fort and lands of Nagree and the pass of Nagarcote leading from Morang into the hills, together with the territory lying between that pass and the Nagree. The aforesaid territory shall be evacuated by the Gurkha troops within forty days from this date.

Article 4

With a view to indemnify the Chiefs and the Bardars of the state of Nepal, whose interest will suffer by the alienation of the lands ceded by the foregoing article, the British govt agrees to settle pensions to the aggregate amount of two lakhs of rupees per annum on such Chiefs as may be selected by the Rajah of Nepal, and in the proportions which the Rajah may fix. As soon as the selection is made, Snads shall be granted under the seal and signature of the Governor General for the pensions respectively.

Article 5

The Rajah of Nepal renounces for himself, his heirs, and successors, all claim to or connection with the countries lying to the west of the river Kali, and engages never to have any concern with those countries or the inhabitants thereof.

Article 6

The Rajah of Nepal engages never to molest or disturb the Rajah of Sikkim in the possession of

his territories; but agrees, if any, differences shall arise between the state of Nepal and the Rajah of Sikkim, or the subjects of either, that such differences shall be referred to the arbitration of the British government, by whose award the Rajah of Nepal engages to abide.

Article 7

The Rajah of Nepal hereby engages never to take or retain in his service any British subject, nor the subject of any European and American State, without the consent of the British government.

Article 8

In order to secure and improve the relations of amity and peace hereby established between the two states, it is agreed that accredited Ministers from each shall reside at the Court of the other.

Article 9

This treaty, consisting of nine articles, shall be ratified by the Rajah of Nepal within fifteen days from this date and the ratification shall be delivered to Lt.Col., Bradshaw who engages to obtain and deliver to the Rajah the ratification of the Governor General within twenty days, or sooner, if practicable.

Source: Prof. Bishwa Prahdan, 1996. In Book, *Behaviour of Nepalese Foreign Policy*, Published by Mrs. Durga Devi Pradhan, Museum Road, Chhauni, Kathmandu. First edition.

APPENDIX-XII

TREATY OF FRIENDSHIP BETWEEN GREAT BRITAIN AND NEPAL SIGNED AT KATHMENDU, 21ST DECEMBER 1923

Article I

There shall be perpetual peace and friendship between the Governments of Great Britain and Nepal, and the two Governments agree mutually to acknowledge and respect each other's independence, both internal and external.

Article II

All previous treaties, agreements and engagements, since and including the Treaty of Segowlie of 1815, which have been concluded between the two Governments are hereby confirmed, except so far as they may be altered by the present Treaty.

Article III

As the preservation of peace and friendly relations with the neighbouring States whose territories adjoin their common frontiers is to the mutual interests of both the High Contracting Parties, they hereby agree to inform each other of any serious friction or misunderstanding with those States likely to rupture such friendly relations, and each to exert its good offices as far as may be possible to remove such friction and misunderstanding.

Article IV

Each of the High Contracting Parties will use all such measures as it may deem practicable to prevent its territories being used for purposes inimical to the security of the other.

Article V

In view of the longstanding friendship that has subsisted between the British Government and the Government of Nepal and for the sake of cordial neighbourly relations between them, the British Government agrees that the Nepal government shall be free to import from or through British India into Nepal whatever arms, ammunition, machinery, warlike material or stores may be required or desired for the strength and welfare of Nepal, and that this arrangement shall hold good for all time as long as the British Government is satisfied that the intentions of the Nepal Government are friendly and that there is no immediate danger to India from such importations. The Nepal Government, on the other hand, agrees that there shall be no export of such arms, ammunition, etc., across the frontier of Nepal either by the Nepal Government or by private individuals.

If, however, any Convention for the regulation of the Arms Traffic, to which the British Government may be a party, shall come into force, the right of importation of arms and ammunition by the Nepal Government shall be subject to the proviso that the Nepal Government shall first become a party to that Convention, and that such importation shall only be made in accordance with the provisions of that Convention.

Article VI

No Customs duty shall be levied at British Indian ports on goods imported on behalf of the Nepal Government for immediate transport to that country provided that a certificate from such authority as may from time to time be determined by the two Governments shall be presented at the time of importation to the Chief Customs Officer at the port of import setting forth that the goods are the property of the Nepal Government, are not for the purpose of any State monopoly or State trade, and are being sent to Nepal under orders of the Nepal Government.

The British Government also agrees to the grant in respect of all trade goods, imported at British Indian ports for immediate transmission to Kathmandu without breaking bulk route, of a rebate of the full duty paid, provided that in accordance with arrangements already agreed to between the two Governments, such goods may break bulk for repacking at the port of entry under Customs supervision in accordance with such rules as may from time to time be laid down in this behalf. The rebate may be claimed on the authority of a certificate signed by the said authority that the goods have arrived at Kathmandu with the Customs seals unbroken and otherwise untampered with.

Article VIII

This Treaty signed on the part of the British Government by Lieutenant-Colonel W.F.T. O'Connor, C.L.E., C.V.O., British Envoy at the court of Nepal, and on the part of the Nepal Government by Maharaja Sir Chandra Shumshere Jung Bahadur ratified and the ratification shall be exchanged at Kathmandu as soon as practicable.

Source: Prof. Bishwa Prahdan, 1996. In Book, *Behaviour of Nepalese Foreign Policy*, Published by Mrs. Durga Devi Pradhan, Museum Road, Chhauni, Kathmandu. First edition.

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