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The Treaty of Peace and Friendship Between Government of India and Government of Nepal 31 July 1950.

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Abstract

The Treaty of Peace and Friendship, which was signed on 31 July 1950 by the Government of India and the Government of Nepal, is regarded as one of the key documents that have shaped the diplomatic, strategic, and socio-economic relations between these two South Asian countries. This treaty, created in the early post-colonial period, arose from a complicated interplay of historical events, regional geopolitics, and shared concerns about security and sovereignty. Fundamentally, the treaty aimed to formalize the enduring cultural and civilizational ties between India and Nepal, while also creating a legal and political structure for bilateral collaboration. The treaty's provisions encompassed clauses related to mutual respect, security consultations, the free movement of people and goods, economic cooperation, and reciprocal rights concerning residence and property ownership. Although it was initially embraced as a tool to foster peace and partnership, the treaty has gradually become a topic of contention, especially in Nepal, where there has been a growing discourse questioning its relevance, its impact on sovereignty, and the apparent imbalance it presents in favor of India. The strategic environment surrounding the signing of the treaty, particularly the rise of Communist China and the conclusion of British colonial rule in India, significantly influenced the agreement's terms and tone. For India, Nepal was not only a culturally linked neighbor but also an essential buffer state, with its political orientation being crucial for maintaining regional stability. For Nepal, the treaty offered a means to move away from its isolationist stance under the Rana regime and to start engaging with the wider regional and international community, although this relationship was closely tied to India's security and political interests. In the following decades, Nepal's political evolution—from an absolute monarchy to a

constitutional monarchy and ultimately to a republic—has led to increased domestic examination of the treaty. Democratic movements, civil society, and academic institutions in Nepal have consistently emphasized the necessity to amend or renegotiate the treaty to better embody the principles of sovereign equality and mutual respect in an evolving global and regional context.

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Keywords: *India-Nepal Treaty 1950, Peace and Friendship, Bilateral Relations, South Asian Geopolitics, Open Border Policy, Strategic Partnership, Sovereignty Debate.*

Introduction

The Treaty of Peace and Friendship, which was signed by the Government of India and the Government of Nepal on 31 July 1950, represents a significant milestone in the diplomatic history of South Asia. Developed in the early years after India’s independence, the treaty aimed to create a framework for lasting cooperation, friendship, and mutual respect between the two sovereign nations. The historical backdrop against which the treaty was established was one of considerable change. India achieved independence in 1947, while Nepal, despite being an independent monarchy, faced growing internal and external pressures to reform its political system and modernize its foreign relations. The treaty was conceived as a foundational document designed to not only safeguard the strategic interests of both nations in a region characterized by Cold War uncertainties but also to enhance socio-economic connections that would promote regional stability and peace. The treaty of 1950 was established during a period marked by changing power dynamics in Asia. Following the revolutionary transformation that led to the formation of the People’s Republic of China in 1949, the rise of communism in the region introduced new challenges to established monarchies and colonial remnants. For India, it became strategically essential to foster a peaceful and stable neighborhood. The Himalayas, once viewed as a natural defense, were increasingly inadequate in an era where ideological and military threats could easily traverse borders. Nepal's strategic position rendered it a crucial buffer state between India and China, making it imperative for Indian policymakers to secure

Nepal's political alignment with India. In this context, the Treaty of Peace and Friendship functioned not merely as a bilateral accord but also as a mechanism for India to maintain Nepal within its sphere of influence. The provisions of the treaty concerning open borders and economic rights have significantly impacted the lives of everyday citizens. The legal structure that allows for unrestricted movement between the two countries has promoted substantial economic integration and interpersonal connections; however, it has also sparked discussions in Nepal regarding demographic changes, competition in the labor market, and economic reliance. The security clauses, especially those pertaining to mutual consultation on defense issues, have been interpreted in various ways by both countries, sometimes resulting in diplomatic tensions and nationalist reactions. While India frequently perceives the treaty as a representation of lasting friendship and regional cohesion, many individuals in Nepal have begun to regard it as an outdated agreement that fails to meet

Nepal’s current political and strategic needs. The shifting regional landscape, particularly with the increasing influence of China in Nepal, has further complicated the treaty's implications, intensifying calls for its reassessment and redefinition to align with contemporary circumstances.

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The treaty also encompassed provisions for mutual consultation regarding issues of shared interest, especially in the area of defense. In light of the increasing apprehension in India concerning Chinese expansionism and the unpredictability of regional alliances, this clause was deemed essential. It empowered India to collaborate with Nepal on security issues and to provide support in the development and training of the Nepalese armed forces. Conversely, Nepal could depend on India for military and infrastructural assistance, which was particularly important during a period when Nepal was still in the initial phases of modernization. Although these elements of the treaty were perceived as cooperative, they would subsequently become topics of discussion and criticism, particularly in Nepal, where an increasing number of political voices began to regard certain provisions as encroachments on the nation’s sovereignty and autonomy.

1. PRE-1950 INDIA-NEPAL RELATIONS

The provisions of the treaty concerning open borders and economic rights have significantly impacted the lives of everyday citizens. The legal structure that allows for unrestricted movement between the two countries has promoted substantial economic integration and interpersonal connections; however, it has also sparked discussions in Nepal regarding demographic changes, competition in the labor market, and economic reliance. The security clauses, especially those pertaining to mutual consultation on

defense issues, have been interpreted in various ways by both countries, sometimes resulting in diplomatic tensions and nationalist reactions. While India frequently perceives the treaty as a representation of lasting friendship and regional cohesion, many individuals in Nepal have begun to regard it as an outdated agreement that fails to meet Nepal's current political and strategic needs. The shifting regional landscape, particularly with the increasing influence of China in Nepal, has further complicated the treaty's implications, intensifying calls for its reassessment and redefinition to align with contemporary circumstances.

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The Anglo-Nepalese War, which took place from 1814 to 1816, represented a pivotal moment in the bilateral relations between the two nations. Initiated due to territorial conflicts and the strategic aspirations of the British, the war concluded with Nepal's defeat and the subsequent signing of the Treaty of Sugauli in 1816. This treaty led to a considerable reduction in Nepal's territorial boundaries and initiated formal diplomatic relations between the Kingdom of Nepal and British India. Despite the loss of substantial land in both the western and eastern frontiers, the British acknowledged Nepal as an independent and sovereign state. In exchange, Nepal consented to accommodate a British resident in Kathmandu and established formal diplomatic connections with the colonial government. The treaty established a framework for interaction between British India and

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From an economic and military perspective, the period prior to 1950 also experienced notable interdependence. The enlistment of Gurkha soldiers from Nepal into the British Indian Army emerged as a key aspect of this relationship. The Gurkhas' martial reputation and demonstrated loyalty rendered them a significant asset for the British, leading to the institutionalization of military recruitment over time. Numerous Nepalese families achieved employment and social advancement through their service in the British military, a practice that persisted even after India's independence. Furthermore, trade between the two regions thrived, with Nepal exporting agricultural products, forest resources, and livestock to Indian markets, while importing manufactured goods, salt, textiles, and other necessities. The open and predominantly unregulated border facilitated dynamic cross-border exchanges that strengthened socio-economic interdependence.

Socially and culturally, the relationship between India and Nepal was characterized by a distinctive closeness that distinguished it from other international relations in the region. Intermarriages among communities across the border, shared festivals, and linguistic similarities—particularly among the Maithili, Bhojpuri, and Awadhi-speaking groups—formed a complex network of interpersonal relationships. Religious pilgrimages to locations such as Pashupatinath in Nepal and Varanasi in India were prevalent, representing the sacred geography that connected the two civilizations. These connections were so ingrained in the daily lives of individuals that the concept of a rigid border was largely absent from the social consciousness. It was this reality of cultural and human interconnectedness that later influenced many of the provisions included in the 1950 treaty, particularly those related to rights of movement, residence, and trade. Politically, the late colonial era marked the onset of ideological transformations that would ultimately alter the bilateral relationship. As the Indian independence movement gained traction, political

awareness began to emerge in Nepal as well, albeit in more limited forms due to the autocratic nature of the Rana regime. Indian nationalists frequently regarded Nepal with

sympathy, perceiving it as a natural ally and a fellow victim of imperial politics, despite the fact that Nepal was technically never colonized. Numerous Nepalese political exiles and reformists found sanctuary and support in India, particularly in cities like Calcutta, Benaras, and Patna, where they participated in discussions regarding democracy, nationalism, and social reform. This exchange of ideas established the foundation for future political alignments and contributed to the increasing sentiment that India and Nepal shared not only borders and culture but also a political destiny rooted in freedom, democracy, and mutual respect.

2. Geopolitical Landscape of South Asia in 1950

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In addition to India and Pakistan, various regions of South Asia were experiencing notable political changes. Sri Lanka, formerly known as Ceylon, achieved independence from Britain in 1948, becoming a dominion within the British Commonwealth. The island nation focused on nation-building while addressing ethnic and linguistic divisions between the Sinhalese majority and the Tamil minority. Burma, now referred to as Myanmar, also gained independence in 1948 and was facing civil war and communist insurgencies, mirroring the broader ideological conflicts of the era. The Himalayan region, historically regarded as a buffer zone between major empires, was witnessing strategic transformations as well. Nepal continued to be a monarchy under the autocratic Rana regime, although there was a growing internal push for democracy, partly inspired by the political shifts occurring in neighboring India. One of the most significant developments in the regional strategic landscape was the Chinese Communist Revolution, which culminated in 1949 with the establishment of the People’s Republic of China under Mao Zedong. China's transition to a communist state reverberated throughout Asia and

significantly impacted the foreign policy strategies of all South Asian nations. For India, the rise of China presented both opportunities and challenges. Although Nehru initially aimed for friendly relations with the new Chinese government, he harbored deep concerns

regarding China's potential to expand its influence across the Himalayas and into areas such as Tibet and Nepal. The annexation of Tibet by China, which commenced in 1950, further intensified India's strategic apprehensions, as it eliminated a traditional buffer between India and China and raised alarms about possible future Chinese military incursions.

3. Text And Structure of the Treaty

The Treaty of Peace and Friendship between the Government of India and the Government of Nepal, signed on 31 July 1950, is a bilateral agreement comprising ten articles that lay the foundation for a special relationship between the two neighboring countries. The language and structure of the treaty are straightforward yet comprehensive, reflecting the political and strategic imperatives of the time while also aiming to institutionalize a framework of mutual cooperation. The document begins with a preamble that clearly outlines the intentions of both governments to strengthen the age- old ties of peace, friendship, and cooperation. It establishes the purpose of the treaty as one of mutual respect for sovereignty, territorial integrity, and the shared commitment to maintain harmonious relations. The structure of the treaty follows the traditional format of international agreements, with each article addressing a specific area of bilateral interaction, ranging from political consultation and economic cooperation to matters related to citizenship, movement, and defense.

One of the most significant features of the treaty is its emphasis on perpetual peace and friendship between the two nations. The initial articles affirm the desire of both parties to preserve and promote mutual understanding and respect. These provisions form the philosophical core of the treaty, affirming that both India and Nepal view their relationship not merely through the lens of statecraft but as a continuation of deep historical and civilizational ties. The legal language used in these sections avoids overtly hierarchical terminology and instead focuses on partnership and cooperation. However, beneath this surface-level equality, the structure of the treaty subtly favors India’s broader strategic objectives, especially in the realms of defense and foreign policy, reflecting the asymmetrical power dynamics that existed between the two states at the time of signing.

A pivotal section of the treaty concerns the free movement of people and goods across the India-Nepal border. Articles 6 and 7 are particularly noteworthy for their progressive and inclusive approach to citizenship and residency rights. These articles allow the nationals of both countries to reside, own property, participate in trade and commerce, and move freely across the border without requiring visas or permits. Such provisions are unique in international treaties, as they essentially create a quasi-citizenship arrangement between the two populations. These articles institutionalize a porous and open border that had historically existed due to cultural, linguistic, and familial ties. While intended to formalize and protect the socio-economic interdependence between the peoples of India and Nepal,

these provisions have also been a source of political debate in later years, particularly in Nepal, where they have occasionally been viewed as encroachments on national sovereignty and economic self-reliance.

The treaty also includes provisions regarding economic cooperation and trade. While not highly detailed in economic terms, the treaty affirms the commitment of both countries to strengthen bilateral trade and support each other's economic development. These economic provisions serve as a general framework rather than a detailed trade agreement, allowing for flexibility in future negotiations and cooperation. The treaty's open-ended language reflects the desire of both nations to maintain adaptability in economic relations while emphasizing mutual benefit. In practice, these clauses enabled the development of numerous subsidiary agreements and protocols governing cross-border trade, infrastructure projects, hydropower development, and investment flows. The absence of rigid economic stipulations in the main treaty text underscores the intention to create a foundational agreement that could be built upon through subsequent bilateral arrangements.

The treaty concludes with procedural articles that address ratification, implementation, and the modalities for amendments. There is no fixed duration mentioned in the treaty, which implies that the agreement is meant to last indefinitely unless amended or terminated by mutual consent. This structural feature reflects the treaty's foundational nature in defining the long-term relationship between India and Nepal. The absence of a sunset clause or periodic review mechanism was consistent with the practices of the time but has since become a subject of debate, particularly in Nepal where there have been increasing calls for its revision or re-negotiation in light of evolving geopolitical realities and domestic political developments.

4. Mutual Security and Strategic Interests

The Treaty of Peace and Friendship signed on 31 July 1950 between the Government of India and the Government of Nepal was fundamentally influenced by mutual security concerns and the strategic interests of both countries in the evolving geopolitical climate of post-World War II Asia. This period marked the beginning of a global Cold War, where ideological divisions between the Western capitalist powers and the Eastern communist bloc were hardening. In South Asia, India had just emerged from colonial rule, and its policymakers were acutely aware of the region's vulnerabilities, particularly along the northern frontier. For India, which shared a long and porous border with Nepal extending across the sensitive Himalayan belt, it was imperative to ensure that this region remained friendly, stable, and insulated from foreign—especially communist— intervention. The treaty, therefore, was crafted not only as a symbol of friendship but as a strategic instrument to secure India's northern flank and prevent any geopolitical penetration by hostile or ideologically opposed forces.

The security dimension of the treaty becomes particularly apparent when viewed against the backdrop of China's communist revolution in 1949 and the subsequent concerns about the expansion of Chinese influence in the Himalayan region. Tibet, which had functioned as a traditional buffer between India and China, was on the verge of being annexed by the newly established People's Republic of China. This raised alarm in Indian strategic circles, as the disappearance of Tibet as a semi-autonomous zone threatened to bring China directly into contact with the Indian borderlands. Nepal's geographical position between India and China made it a critical zone of strategic interest. Indian policymakers feared that if Nepal were to fall under foreign, particularly Chinese, influence, it could open a corridor for military or ideological infiltration into Indian territory. As such, the 1950 treaty was designed in part to preclude Nepal from entering into any military or political arrangements with third countries without Indian knowledge or consultation. This intention is subtly but clearly embedded in the provision that both countries would consult each other on matters affecting their mutual security.

From Nepal's perspective, the treaty also addressed pressing security concerns, although within the constraints of the domestic political environment dominated by the Rana oligarchy. The Ranas, who had ruled Nepal for over a century, faced increasing internal dissent and external uncertainty following the withdrawal of British influence from the subcontinent. The treaty offered them a guarantee of support from India, which was emerging as a regional power with significant military and diplomatic clout. By aligning

with India through a formal treaty, the Rana regime sought to ensure its political survival and secure Nepal's territorial integrity at a time when internal revolution and external pressure loomed large. While the treaty may have served the immediate interests of the Ranas, it also laid the groundwork for a more enduring security relationship between India and Nepal—one that would persist beyond the fall of the Rana regime and into Nepal's later experiments with democracy and constitutional monarchy.

One of the most strategically important aspects of the treaty was the informal but effective security umbrella it provided to Nepal. Although the treaty did not establish a formal military alliance or joint defense command, the provision for mutual consultation on security matters implied a de facto understanding that India would assist Nepal in times of military or strategic threat. This understanding was reinforced in subsequent decades through Indian military aid, training programs, and infrastructural development in Nepal's border regions. Indian military missions helped train Nepalese forces, and India also supported the modernization of Nepal's defense establishments. This security cooperation served the dual purpose of enhancing Nepal's internal stability and ensuring that its defense forces remained aligned with Indian strategic doctrine. It also allowed India to keep a watchful eye on activities in the Himalayan region, particularly during times of regional tension, such as the Sino-Indian War of 1962.

The treaty's implications extended into broader strategic calculations regarding border management and intelligence sharing. Given the absence of a physical barrier along large stretches of the India-Nepal border, cooperation in monitoring and controlling cross- border activities became an essential part of mutual security. The treaty created a framework within which both governments could share information about potential threats, be they military, insurgent, or ideological. During the Cold War, the fear of communist subversion led to heightened intelligence cooperation, especially as Nepal began experiencing leftist political movements and growing Chinese influence through trade missions, cultural exchanges, and diplomatic overtures. India, concerned about the possibility of Nepal becoming a channel for foreign agents or a haven for anti-Indian activities, used the treaty provisions to justify its active involvement in Nepal's security policies. At the same time, Nepal sought to balance this involvement with its own desire for autonomy, creating a dynamic and at times tense security relationship between the two states.

5. Mutual Security and Strategic Interests

The Treaty of Peace and Friendship between the Government of India and the Government of Nepal, signed on 31 July 1950, encapsulates a unique bilateral understanding that was as much about emotional and cultural affinity as it was about hard strategic and security concerns. At its core, the treaty emerged from a time when the international order was realigning, and newly independent nations were seeking to carve out safe, sovereign spaces in an increasingly polarized world. In this context, mutual security and strategic interests became a dominant thread within the fabric of Indo-Nepal relations, not through explicit military pacts or defense alliances, but rather through nuanced provisions that allowed for mutual consultation, shared intelligence, and a common approach to external threats. The treaty served to institutionalize an arrangement whereby both countries would support each other in maintaining national and regional stability, particularly in the sensitive Himalayan frontier, where the fluidity of terrain and population movement posed complex challenges to conventional notions of national security.

At the time of the treaty's inception, the geopolitical atmosphere was rapidly shifting, particularly with the establishment of the People's Republic of China in 1949 and its subsequent assertion of control over Tibet. This development significantly altered the strategic calculations of India, which now viewed the northern Himalayas not as a natural defense line, but as a vulnerable flank open to potential influence or even military intrusion. With Tibet's traditional autonomy being dismantled and its buffer role eroded, the strategic significance of Nepal increased manifold. India sought to prevent any power vacuum that could invite foreign intrusion into Nepal's political or military structures, and it was this overarching concern that prompted a clause in the treaty requiring mutual consultation on matters affecting both nations' security. For India, this provision functioned as a diplomatic safeguard to ensure that Nepal did not enter into any arrangement with third-party powers,

particularly those that could challenge India's regional hegemony or facilitate the encirclement of India's northern borderlands.

Nepal, for its part, also stood to gain from a security partnership with a much larger and better-equipped neighbor. Although never colonized, Nepal's military capacity at the time of the treaty was modest, and its internal stability was threatened by the brewing political dissatisfaction against the Rana regime. The treaty gave Nepal an implicit assurance of India's support in safeguarding its sovereignty and territorial integrity. Moreover, in a world where newly independent states were navigating fragile transitions, the security

umbrella extended by India offered Nepal a strategic lifeline that could protect it from both external encroachment and internal collapse. The Rana rulers, facing potential domestic revolution and without the backing of their traditional patron—the British— recognized the importance of aligning with India to preserve their authority. The treaty thus operated as a mutually beneficial arrangement, even if asymmetrical in terms of power, giving India a protective belt in the north and granting Nepal a measure of external assurance in a turbulent regional environment.

The dimension of mutual security also extended beyond traditional threats and incorporated the socio-political and economic stability of the border areas. The Indo- Nepal border, being one of the most open in the world, created both opportunities and risks. The treaty's provisions allowing for the free movement of people, trade, and residency were not only about economic integration but also about maintaining harmony and control in these ethnically and culturally mixed regions. The ability to manage and monitor cross-border interactions became an implicit part of the security cooperation between the two countries. From India's perspective, unregulated movement could provide channels for subversive activity, arms trafficking, or ideological infiltration, particularly during the height of the Cold War when the specter of communist expansionism was seen as a tangible threat. By keeping Nepal closely aligned through this treaty framework, India aimed to mitigate these risks and maintain a soft border that was economically porous but strategically secure.

The strategic implications of the treaty also manifested in military cooperation and capacity building. Although the treaty does not explicitly mandate joint defense obligations, in practice, it led to a robust and ongoing military partnership. India provided training, equipment, and logistical support to Nepalese armed forces, and a tradition of cooperation was cultivated between the two militaries. The Indian Army's long-standing relationship with the Gurkha regiments further strengthened this bond, creating networks of loyalty, professionalism, and interoperability that transcended mere diplomatic formalities. During subsequent decades, especially during regional crises such as the 1962 Sino-Indian War, these military linkages took on added significance. Although Nepal remained officially neutral during the conflict, the strategic cooperation fostered by the 1950 treaty allowed India to maintain a degree of situational awareness and logistical advantage in the broader

Himalayan region. Nepal's own security was, in turn, indirectly safeguarded by the strategic depth provided by India's military posture along their shared frontier.

6. Impact on Migration and Residency Rights

The Treaty of Peace and Friendship between the Government of India and the Government of Nepal, signed on 31 July 1950, had a profound and lasting impact on migration and residency rights between the two countries. Among its most distinctive and far-reaching provisions are those found in Articles 6 and 7, which grant citizens of both nations the right to reside, own property, engage in trade, and move freely across each other's territories. These clauses reflect not only the historical closeness and cultural interconnectedness of the Indian and Nepalese peoples but also a deliberate political choice to institutionalize a form of open-border policy that was unique in international relations. The impact of these provisions has unfolded over decades, creating a bilateral social fabric that transcends traditional national boundaries and influencing the economic, political, and demographic landscapes of both countries in significant ways.

The migration patterns between India and Nepal that were formalized through the treaty have deep historical roots. Long before the formal demarcation of modern nation-states, people from the hills of Nepal regularly migrated to the plains of northern India in search of employment, education, religious pilgrimage, and trade. Similarly, Indian traders, monks, and laborers had long been active in various parts of Nepal, particularly in the southern Terai region. By including explicit provisions for mutual residency and economic rights, the treaty gave legal form to these longstanding practices and helped to normalize the continuous and large-scale movement of people across the border. This movement has never been one-sided; while a significant number of Nepalese have historically moved to India in search of work and better living conditions, many Indians, especially from the bordering states of Bihar, Uttar Pradesh, and West Bengal, have migrated into Nepal to engage in commerce and other economic activities, particularly in urban centers and market towns.

The most visible impact of the treaty on migration is observed in the millions of Nepalese citizens who live and work in India across a range of sectors. From domestic labor and construction to the hospitality industry and government services, Nepalese workers have become an integral part of the Indian economy. A particularly prominent example is the service of Nepalese citizens in the Indian Army and other paramilitary forces. This arrangement, which predates the treaty but was reinforced by it, has created generations of Nepalese families with deep social and economic ties to India. The remittances sent back by these migrants have contributed significantly to Nepal's economy, supporting households, funding education, and even shaping patterns of consumption and investment.

Over time, the open-border arrangement has allowed for an organic integration of Nepalese labor into the Indian economy, with relatively few legal or bureaucratic obstacles, a rarity in international labor relations.

On the Indian side, many Indian citizens have taken advantage of the treaty's residency rights to settle and do business in Nepal. The Terai region, with its fertile land and access to trade routes, has historically attracted Indian traders, entrepreneurs, and service providers. Indian businesses have been involved in industries such as transport, retail, pharmaceuticals, education, and real estate in Nepal. The presence of Indian nationals in Nepalese towns and their visible economic success has sometimes been a source of tension, particularly in the context of rising Nepalese nationalism and concerns about economic sovereignty. These tensions have occasionally translated into political debates about the influence of Indian citizens in Nepalese society and calls for tighter regulations, but the provisions of the treaty have provided a legal framework that protects these residency and property rights, thereby limiting the scope for restrictive policies without bilateral renegotiation.

Culturally and socially, the open-border arrangement has fostered a level of integration that blurs the lines of national identity, particularly in border regions. Intermarriage between Indian and Nepalese citizens is common, creating families that span the international divide and reinforcing bonds that are difficult to categorize purely in terms of nationality. Shared languages, religions, festivals, and customs further contribute to a sense of familiarity and coexistence that is rarely found in other international border zones. Educational exchange is another consequence of the treaty's provisions, as Nepalese students have long availed themselves of opportunities in Indian schools and universities, with many going on to work or settle in India permanently. The reverse has also occurred, albeit on a smaller scale, with Indian students studying in Nepal, especially in fields such as medicine and the humanities.

7. Sovereignty Concerns In Nepal

The issue of sovereignty has long been a sensitive and contentious theme in Nepal's political discourse, especially in the context of the 1950 Treaty of Peace and Friendship with India. Although the treaty was signed with the stated intention of promoting bilateral friendship, cooperation, and mutual security, over time it came to be viewed by many Nepalese intellectuals, political leaders, and sections of civil society as a symbol of asymmetry and external dominance. The treaty, particularly its provisions relating to

security consultation, residency, property ownership, and unrestricted movement, has been perceived by its critics as limiting Nepal's capacity to exercise full sovereign authority over its domestic affairs and foreign policy. This perception is not merely a technical or legal matter; it is deeply intertwined with historical memory, national identity, and Nepal's

enduring quest to assert itself as an independent and self-determined nation in the face of regional power imbalances.

The origins of the treaty were rooted in a very specific historical and geopolitical moment. The collapse of British colonial rule in India, the rise of Communist China, and the decline of the Rana oligarchy in Nepal created a complex regional environment where India, as the newly independent regional power, sought to ensure that neighboring states remained politically aligned and strategically stable. While Nepal had never been colonized, it had long functioned under a semi-isolated monarchy, heavily influenced by British interests through a system of controlled diplomacy and military dependence. With the exit of the British, Nepal faced both an internal political crisis and an external strategic vacuum. The Ranas, who signed the treaty with India, did so under pressure from both domestic forces demanding democratic reform and from Indian officials who sought to formalize Nepal's alignment with India's security concerns. Many in Nepal view this context as having compromised the country's bargaining position, leading to a treaty that disproportionately served India's interests while curtailing Nepal's sovereign discretion.

One of the most debated aspects of the treaty is Article 2, which obliges both nations to consult each other on matters of mutual interest, particularly those affecting security. While the article does not mandate joint decision-making or enforce external control over internal policies, it has been interpreted by many in Nepal as an implicit constraint on Nepal's freedom to pursue an independent foreign policy. Over the decades, this article has been cited by Indian officials in their criticism of Nepal's engagements with other regional powers, particularly China. In various political episodes, such as Nepal's growing participation in Chinese-funded infrastructure projects or its support for regional forums not involving India, accusations have surfaced that Nepal is violating the spirit of the treaty. From a Nepalese perspective, this interpretation effectively translates into a form of foreign oversight, undermining Nepal's right to chart its own diplomatic course. The resentment arising from such perceptions has been instrumental in fueling demands for a review or abrogation of the treaty in Nepal's political discourse.

The concerns about sovereignty are further heightened by Articles 6 and 7 of the treaty, which allow for reciprocal rights of residence, property ownership, and economic activity for the citizens of both countries. While these articles were originally framed to reflect the historical and cultural closeness of the two populations, critics in Nepal argue that they have led to demographic, economic, and social imbalances. The open border and legal parity afforded to Indian nationals are often viewed as having created an uneven playing field in certain sectors of the Nepalese economy, especially in border towns and urban centers where Indian business interests have flourished. Political movements within Nepal, particularly those rooted in nationalist ideologies, have accused the treaty of enabling a silent form of economic colonization, where Indian citizens are perceived to be enjoying disproportionate advantages without being subject to the same legal and regulatory scrutiny

as Nepalese citizens. Such sentiments have occasionally given rise to anti-Indian rhetoric and demands for stricter immigration controls, despite the treaty's current legal standing.

Sovereignty concerns have also been shaped by the historical trajectory of Nepal's political development, especially in the post-monarchical era. With the abolition of the monarchy and the establishment of a democratic republic in 2008, Nepal began a new chapter in its constitutional and political life. This period witnessed a rise in national consciousness and a reassertion of independence in foreign policy and governance. The demand to revisit the 1950 treaty became part of a broader movement to "decolonize" Nepal's political institutions and redefine its regional identity. Political parties across the spectrum, from Maoists to mainstream democrats, began incorporating the treaty review into their manifestos, using it as a symbol of the country's need to shed historical dependencies and craft a foreign policy that reflected contemporary geopolitical realities rather than Cold War-era calculations. This shift in public sentiment was amplified by successive incidents of border disputes, diplomatic disagreements, and economic tensions that further exacerbated the perception of Indian interference in Nepal's sovereign affairs.

Complicating matters further is the asymmetry in size, power, and global influence between India and Nepal. While the treaty is formally bilateral and based on the principle of reciprocity, the actual dynamics of enforcement and influence have often tilted in India's favor. India's larger economy, expansive military, and dominant geopolitical posture in South Asia allow it to wield influence that goes beyond formal treaty obligations. For many in Nepal, this imbalance makes the equal rights framework of the treaty illusory. While Nepalese citizens living in India have largely integrated into the socio-economic fabric without major conflict, Indian nationals in Nepal are often viewed through a lens of suspicion, especially when they are perceived to exert political or economic influence. This asymmetry is not just about policy or legal provisions; it is about the lived experiences of power imbalance and the psychological weight of being a smaller neighbor to a regional giant.

Conclusion

The Treaty of Peace and Friendship signed between the Government of India and the Government of Nepal on 31 July 1950 remains one of the most significant diplomatic instruments in South Asia, defining the nature of bilateral relations between two historically and culturally interconnected nations. Its provisions, rooted in the political and strategic climate of the mid-20th century, were intended to foster close cooperation, open borders, and mutual trust at a time when both countries faced complex internal and external challenges. India, newly independent and concerned about regional security, particularly in the face of rising communist influence in China, sought to establish strategic buffers through friendly ties with neighboring countries. Nepal, emerging from centuries of oligarchic rule and semi-isolation under the Rana regime, looked toward India for political support and security assurance. Within this framework, the treaty was designed as a cornerstone of regional stability, reflecting shared interests and a vision of peaceful coexistence.

Over the decades, the treaty's role has evolved alongside the political transformations within both countries. In India, the rise of regional influence and an increasingly assertive foreign policy have contributed to changing expectations about its role in the subcontinent. In Nepal, the transformation from monarchy to republic and from authoritarianism to democracy has fundamentally shifted the way state sovereignty and national identity are conceptualized. These changes have inevitably impacted the interpretation and implementation of the treaty, often bringing it under the lens of criticism and reevaluation. The clauses that were once seen as instruments of cooperation are now, in some circles, viewed as remnants of a bygone era that do not adequately reflect the current aspirations or political maturity of the Nepalese state. Particularly in Nepal, there has been an increasing perception that the treaty symbolizes an unequal relationship, one in which India holds greater influence over Nepal's domestic and foreign policy choices. This sentiment, reinforced by incidents such as trade blockades, political interventions, and border disputes, has amplified public discourse around the need for either a fundamental revision of the treaty or its replacement with a new agreement based on principles of absolute equality and mutual respect.

Nonetheless, the treaty continues to provide a unique legal and institutional framework that facilitates the free movement of people and goods, unparalleled in most other international relationships. The rights it confers upon citizens of both countries—especially regarding residency, property ownership, and employment—have helped foster a deep level of socio-economic integration that is rare in global diplomacy. Families, businesses, cultural practices, and religious institutions have flourished in this cross- border environment, producing not just economic benefits but also a sense of shared heritage and mutual interdependence. These human dimensions of the treaty are often underappreciated in political debates but remain central to the lived experiences of millions of Indian and Nepalese citizens. They form a durable foundation for bilateral

cooperation that has weathered many political storms and continue to offer potential for deeper partnership, if nurtured with sensitivity and fairness.

The geopolitical context in which the treaty was originally conceived has drastically shifted. The emergence of China as a dominant power in the region, the evolving strategic interests of India, and Nepal's efforts to assert a more balanced and independent foreign policy have collectively altered the diplomatic landscape of South Asia. In this new environment, the relevance of the 1950 treaty is being questioned not only in terms of its content but also in terms of its capacity to serve as a modern framework for bilateral engagement. Advocates of treaty revision argue that the current geopolitical complexities demand a new understanding between India and Nepal—one that respects sovereignty while fostering cooperation, and that provides for periodic review to adapt to changing circumstances. Such a shift would not necessarily undermine the foundational principles of the treaty but could serve to update and revitalize them in a way that aligns with contemporary political and strategic realities.

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