



## Research Article

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# New Dynamics in India-Nepal Relations

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**Abstract:** As historically close neighbors, India and Nepal have excellent and distinctive bilateral ties. Both countries adhere to unique relations of friendship and cooperation characterized by open border system and deep-rooted people-to-people interactions of kinship and culture. Notwithstanding unique, intimate and multidimensional relations, ever since 1950, there have been many setbacks in Indo-Nepal relations because of security sensitivities, expectations and complexities on both sides. The article seeks to delineate the relations between the two countries in historical and contemporary contexts. It analyses the issues of conflicts leading to new dynamics in Indo-Nepal relations. Furthermore, this article concludes with some suggestions to improve India-Nepal bilateral ties.

**Keywords:** India-Nepal Relations, Recent Developments, Treaty of Peace and Friendship, Conflictual Issues, New Dynamics

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## INTRODUCTION

Nature has placed both nations India and Nepal as parts of a single geographical region. Nepal is one of the geographically close neighbors of India. It has a significant geo-strategic, economic and political importance for India (Gupta, 2009, p. 57). The two South Asian nations India and Nepal share an open-border. Nepal shares an open-border of 1,850 km with five Indian States like Uttar Pradesh, Uttarakhand, West Bengal, Bihar and Sikkim and 1,415 km with Tibet (Sahu, 2015, p.197). The open border system symbolizes deep-rooted socio-cultural, emotional, and economic linkages among the people of two countries (Shukla, 2006. p.356). Nepal is a Himalayan territory and a small landlocked country between two giant countries India and China. Nepal's southern, eastern, and western borders are surrounded by India and its northern side by the Xizang Autonomous Region of the People's Republic of China (Tibet). Comprising 147,181 square kilometers (Singh, 2024, p. 96, Chauhan, 2020, p.2).

The geo-strategic location of Nepal makes it an important factor in India's foreign policy on the one hand; the landlocked position of Nepal on the other hand makes it dependent on India for its transactions with several other nations. Nepal acts a strategic buffer state for India, defending its northern frontiers. However, due to the emergence of China in the Himalayan region, major changes took place in Indo-Nepal relations. China has always been eager to establish a strategic relationship with Nepal after the annexation of Tibet in 1950 (Saroha, 2021, p.135). Similarly Nepal's strategic importance for China significantly increased after annexation of Tibet (Adhikari ,2012, p. 90). There are also other factors for

Nepal's strategic importance for China like accessible point from Nepal to China, Tibetan refugees in Nepal and potential threat and interest concerning Belt and Road Initiative (BRI) (Aryal, 2022, p.300). Culturally India and Nepal have close linkages. The civil relations between two countries are termed as 'Roti-Beti Ka Rishta (Relationship of food and marriage). Both nations India and Nepal share similar cultural heritage grounded in Hinduism and Buddhism cementing their civilization ethos. Thus these two South Asian neighbors India and Nepal have deep-rooted historical, cultural and civilization ties.

However notwithstanding the age old historical, cultural, social, ethical linkages, open border system, vital trade and transit links and bedrock of special relations in the form of the India-Nepal Treaty of Peace and Friendship, ever since 1950, Indo-Nepal relations have had a chequered history. In such a background, it is therefore imperative to understand the history of relations between India and Nepal.

## INDO-NEPAL RELATIONS THROUGH THE LENS OF HISTORY

Indo-Nepal relations have a long history. Being the world's closest neighbors, India and Nepal have been sharing civilizational linkages since the time immemorial bound together in a complex web of historical, social, cultural, economic, religious and political engagements. Their age-old relations are evidenced mainly from the connections with Janakpur (the birthplace of Mata Sita), Tanahun (the birthplace of Maharshi Vyasa), Lumbini (the birthplace of the Buddha), the Himalayas and the Ganges, Pashupatinath temple and *Char Dham Yatra* to

Jagannath Puri, Rameswaram, Dwarka and Badrinath. These religious sites and sacred pilgrimages are revered by the people of both countries. (Sahu, 2015, p.198, Saroha, 2021, p.127).

During the era of British rule India had cordial and special relations with the Himalayan Kingdoms. India's northern frontiers along the Himalayas were fully secured by a string of buffer states like Sikkim, Tibet, Bhutan and Nepal. China the sleeping giant which was on the other side of the mountains did not pose any threat to British India. The political relations between Nepal and British India had been regularized by the Sugauli Treaty of 1816 (Sing, 2024, p.97). Even today, the provisions of the Sugauli Treaty continue to impact the political as well as cultural dynamics between India and Nepal, particularly in border conflicts and diplomatic relations. In 1923 British government signed a treaty with Rana government, recognizing independence and sovereignty of Nepal (Shukla, 2006, p. 357). This treaty is officially known as the Treaty of Peace and Friendship. It is a significant treaty that established bilateral relations between the two nations. Most importantly the treaty of 1923 laid the foundation for modern day Indo-Nepal relations.

In the aftermath of the World War II and the emergence of the Cold War, India gained her independence. The departure of British Government from India in 1947 and communist takeover in China in 1949 created a new geo-political environment for both India and the Himalayan Kingdoms (Suhrwardy, 1996, p. 35). In fact, the emergence of the People's Republic of China after annexing Tibet in 1950s affected the balance of power in the entire Himalayan region. Thus it created a daunting challenge before the foreign policy makers of India to evolve good relations with China. At the same time in order to prevent the communist influence over the neighboring Himalayan kingdoms, India sought to strengthen its "Himalayan Frontier Policy". For this India concluded three treaties of peace and friendship with three small Himalayan kingdoms like Nepal, Bhutan and Sikkim in 1950, 1949 and 1950 respectively in order to bring them under its influence (Subedi, 1994, p.274). In fact these treaties of peace and friendship have played significant roles in shaping the diplomatic, political, economic and strategic relationships between India and these neighboring kingdoms.

However, the communist revolution in China in 1949 under the leadership of Mao Zedong and more specifically, the Chinese annexation of Tibet in 1950 changed the geo-strategic relations in the Himalayan region. It can be presumed here that there was convergence of strategic interests between India and Nepal as if the two nations had a common destiny vis-à-vis China's presence in Tibet. In this context, it became evident when Prime Minister Nehru said the Union Parliament in 1950 that since the Himalayas have "provided us with a magnificent frontier ...we cannot

allow that barrier to be penetrated for it is also the principal barrier to India. Therefore, much as we appreciate the independence of Nepal, we cannot allow anything to go wrong in Nepal or permit that barrier to be crossed or weakened because that would also be a risk to our security" (Baral, 1992, p.817, Saroha, 2021, p.127). Thus, Nehru considered Himalaya as a main defense line of northern frontier of India and regarded Nepal as an essential part of security system of India. Therefore, India signed the Treaty of Peace and Friendship in 1950. In fact, the India and Nepal Treaty of Peace and Friendship of 1950 is said to be the bedrock of their special relations that exist between two countries.

Article 1 of the Treaty of Peace and Friendship declares that "there shall be ever lasting peace and friendship between the Government of India and Government of Nepal. Both Governments agree mutually to acknowledge and respect the complete sovereignty, territorial integrity and independence of each other". The 1950 treaty also sets some mutual obligations when Article 2 states that the "two Governments hereby undertake to inform each other any serious friction or misunderstanding with any neighboring state likely to cause any breach in the friendly relations subsisting between the two Governments" (Baral, 1992, p.817).

The strategic dimensions also found a conspicuous mention in the treaty when Article 5 states that "the Governments of Nepal shall be free to import, from or through the territory of India, arms, ammunition or warlike material and equipment necessary for the security of Nepal. The procedure for giving effect to this arrangement shall be worked out by the two Governments acting in consultation" (Saroha, 2021, p.128).

With respect to the issue of nationals of both countries in the territory of the other, Article 6 states that "each Government undertakes, in token of neighborly friendship between India and Nepal, to give to the nationals of the other, in its territory, national treatment with regard to participation in industrial and economic development of such territory and to the grant of concessions and constraints relating to such development". Similarly Article 7 lists the reciprocal privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature to be granted to the nationals of one country in the territory of other (Baral, 1992, p. 818).

In 1965, the Government of India and the Government of Nepal signed an agreement concerning arms assistance. The agreement was concluded in the aftermath of the Sino-Indian War of 1962. Under the agreement India undertook to "supply arms, ammunition and equipment for the entire Nepalese Army and to "replace the existing Nepalese stock by modern weapons

as soon as possible and also to provide the maintenance of and replacement for the equipment to be supplied by them". American and British assistance would be sought only when India could not supply the necessary arms, ammunition or warlike material and equipment. However in such a case, Nepal could import necessary equipments from those states for its security but only in coordination and consultation with India. Thus the agreement restricted the freedom of Nepal from acquiring arms from United States and United Kingdom (Baral, 1992, p.818, Subedi, 1994, p.276). Moreover, the Arms Assistance Agreement of 1965 was annulled by Nepal in 1969, according to the then Prime Minister of Nepal K. N. Bista and in this regard India had no objection too. (Subedi, 1994, pp. 277-283).

Along with the strategic dimension of India-Nepal relations, the economic ties between two countries have also become equally important. The history of Nepalese trade and commerce reveals that India has been the old trade partner since a long time ago. However a structured as well as formal economic relationship between India and Nepal can be traced back to the signing of the Treaty of Trade and Commerce in 1950 (Baral, 1992, p.819, Singh and Mamta, 2011, pp. 273-274).

Article 1 of the Treaty of Trade and Commerce of 1950 makes the provisions of full and unrestricted right of commercial transit of all goods and manufactures through the territory and posts of India. Article 5 of the treaty is so significant, as it states that the Government of Nepal agree to levy at rates not lower than those for the time being in India, customs duties on imports from, and exports to countries outside India. The Government of Nepal also agree to levy on goods produced or manufactured in Nepal, which are exported to India, export duty at rates sufficient to prevent their sale in India at prices more favorable than those of goods produced or manufactures in India which are subject to central excise duty. Even some of provisions of the treaty continue to dominate the current trade system between two the countries.

The issues of trade and transit always determine the relations between the two countries. India has intermixed the two issues of trade and transit where as Nepal has demanded separate treaties of trade and transit (Shukla, 2006, p.356). Nepal's same demand has been fulfilled during the Janata Party Government in 1978 (Baral, 1992, p. 820). In 1990 Indo-Nepal relationship saw serious impediment due to the expiry of trade and transit treaties. However after the advent of multiparty democratic government in Nepal in 1990 the economic relations between the two countries have grown manifold. In 1991 India has signed two treaties of trade and transit with Nepal. In 1992 Indian Prime Minister P.V. Narasimha Rao visited to Nepal for the promotion of industrialization of Nepal (Shukla, 2006, p.367). The 2009 revised trade treaty has further enhanced the

bilateral trade between the two countries. Furthermore, India and Nepal have been deeply engaged in the regional and sub-regional fora such as the South Asian Association for Regional Cooperation (SAARC), the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) and the Bangladesh, Bhutan, India, Nepal (BBIN) to enhance cooperation for better economic integration in the region.

Nepal is India's priority partner so far as it's 'Neighborhood First Policy' is concerned. Currently India is the largest trade partner of Nepal and the largest source of total foreign investments. The firms of India are among the largest investors in Nepal, thus accounting for 33.5% of the total FDI stock in Nepal, worth nearly USD 670 million. From 28<sup>th</sup> position in 2014, now Nepal has become India's 17<sup>th</sup> largest export destination.

Apart from securing their respective strategic as well as economic interests in the South Asian region, both India and Nepal have also entered into cooperation through river water development. Both India and Nepal have a long history of water relationship. In Nepal there are more than 6000 rivers originating from the Himalayan region which finally join the Ganges in India, amounting 46 per cent of its flow (Saroja, 2021, p.130). In fact these rivers constitute the major sources of irrigation and hydro power for both countries. Since many years the water issues have been politicized to the loss of both countries. However, since the beginning of the 20<sup>th</sup> century both India and Nepal have tried to resolve their water conflicts through several treaties and agreements on major rivers like Kosi, Gandaki and Mahakali. In 1990 the foreign minister of India V.P. Singh visited to Nepal for cooperation in the management of river water.

In this regard, the important treaties or agreements for the utilization and control of transboundary water are such as the Sarada Agreement, 1920, the Kosi Agreement, 1954 (revised in 1966), the Gandak Agreement, 1959 (revised in 1964), Tanakpur MoU, 1991 and the Mahakali Treaty, 1996. Mahakali treaty is a part of Pancheshwar Multi-purpose Project. In 2008 a three-tier bilateral mechanism has been formed which has been working well for discussing the issues of cooperation in water resources, inundation, flood management and hydro power between both India and Nepal (Singh, 2024, p. 97). In fact the energy sector of Nepal has been boosted by India thus becoming the sole buyer of its hydropower (Saroja, 2021, p. 131). In 2023, the green energy worth INR. 9.6 billion was sold to India which is likely to increase to INR. 15.6 billion in 2024. Likewise India and Nepal would resolve their cost and benefits related issues of the 6,480 MW Pancheshwar Multi-purpose Project of 1996 on the river Mahakali (Jha, 2024).

## ISSUES OF CONFLICTS & NEW DYNAMICS

Indo-Nepal bilateral relations have been complex and contentious in nature due to historical, cultural, social, economic, territorial and political factors. In fact these factors are responsible for closeness and cooperation as well as tensions between the two South Asian neighbors India and Nepal. Moreover, the same factors give rise to several issues of conflicts that have shaped the new dynamics of India- Nepal relations. The conflictual issues need deeper analysis.

### **Political Map Disputes**

After the Anglo-Nepal War of 1814-16, the India-Nepal boundary was demarcated and delimited (Shukla, 2006, p.359). Particularly the Sugauli Treaty of 1816 concluded between the East India Company and Nepal properly demarcated the Indo- Nepal border. In 1829 also both India and Nepal concluded an agreement to erect pillars for border demarcation. Still there have been problems and issues of border demarcation between India and Nepal since British colonization. Recently the political map disputes have stalled the Indo-Nepal relations. Maps of both countries claim Kalapani , Limpyadhura and Lipulekh as their territories . In 2019 India revoked the special status granted to Jammu and Kashmir under Article 370 of the Constitution of India, thus making it a 'Union Territory'. Aftermath the revocation of Article 370 Indian Government released its revised map, provoking Nepalese sentiments because the newly updated map incorporates the disputed territories of Kalapani and Lipulekh among others between India and Nepal. In response Nepal Government also published its revised new map in June 2020 claiming the entire Kalapani, Limpyadhura and Lipulekh within its territory. But India immediately annulled the claim over the region made by Nepal (Aryal, 2022, p.295).

### **Security Threat**

There is no doubt that the open border system between India and Nepal has facilitated immense opportunities for the movement of the people from both sides. But at the same time it is argued that due to open border system, there have been serious and adverse impacts which pose security concerns to India in the form of growing crimes, arms smuggling, narcotics trafficking, cross-border terrorism and illegal migration which pose security concerns to India. Now questions arise that whether the open border system is responsible for such growing crimes and smuggling between the two countries or there are some other reasons such as the failure of intelligence and security agencies to suppress these elements. If it is not so, then how the Tribhuvan International Airport in Kathamandu , Nepal has emerged as a hub of gold smuggling in spite of the presence of all the security agencies over there . Such kind of practices are only possible when there exist nexus between the smugglers and the high-profile people in the respective countries (Jha, 2024). In fact, the Indo-Nepal border is not entirely open. The Border Security Force (BSF) in India and Armed Police Force (APF) in Nepal

have been appointed for the protection of their respective region.

### **Chinese Intrusion into Relationship**

Nepal-China relations have a long history since 1950. In recent years, Nepal has been moving away from the influence of India and more approaching to China. This happens because China has initiated its Belt and Road Initiatives (BRI) in the Himalayan region and recently Chinese investments have flooded Nepal regularly. The significant investments of China in Nepal are such as the 2431 km Lanzhou- Shigatse, Shigatse-Kerung (564 km) and Kerung- Rasawagadhi train services as well as many hydropower projects like Budhigandaki and West Seti Projects. During 2015-17, the People's Republic of China became the number one foreign direct investor in Nepal. At present China is the second largest trade partner of Nepal after India. Likewise, military cooperation between Nepal and China is also finding momentum. Nepal remains an important section of the South Asian Policy of China. Nepal has also become a strategic country for China from its security angle as many Tibetan refugees live in Nepal (Aryal, 2022: 290-291). In 2016, Nepal signed the Trade and Transit Treaty with China. During 2017 and 2018 Nepal engaged in the joint military exercises with China (Gupta, 2023). The closeness of Nepal's relationship with China through its Belt Road Initiatives (BRI) has put the security of India in jeopardy. Thus; China's intrusion into the Indo-Nepal relationship has posed a serious threat to Nepal's role as a buffer state between India and China. Moreover, the geo-political hostility of the region compels Nepal to establish diplomatic relations with the "two giants of Asia" China and India. In this regard once the founder of the Kingdom of Nepal, King Prithvi Narayan Shah described Nepal's location is like a "yam between two boulders" and King Mahendra thought this concept of yam could be a blessing in disguise and he began taking advantage of position of Nepal in the Himalayan region by playing one neighbor against another for the interests of his own country (Upreti, 2016, p.107).

### **Agnipath Scheme & Gorkha Recruitment Dilemma**

The Agnipath Scheme was launched by the Government of India in June 2022 to recruit Agniveers for a short-term (a period of four years). The prime aim of the short-term recruitment of the scheme is to make the armed forces younger and keep them always fit and ready for war at all times. It is a defense reform undertaken by the Indian Military. However the Agnipath scheme has already faced criticisms from various quarters not only from the opposition parties in India but also from the Government of Nepal. Since the inception of the new scheme, it has become a dilemma for Nepal as to whether or not to allow its nationals to join the Indian Military as provisioned by the Tripartite Memorandum of Agreement of 1947 between three countries India, Nepal and the United Kingdom. Particularly the short duration service of the Agniveer

Scheme has met with opposition from the potential Gorkha recruits and the Government of Nepal. The Gorkha recruitment is an important matter for Nepal from an economic perspective. Because the earnings of the Nepalese servicemen and the pension payments of around 127,000 Gorkha retirees bring over 60 billion rupees into the state annually .it helps foreign currency earnings for Nepal too . In this way, the Agnipath Scheme and the dilemma of the Government of Nepal over the scheme have created such a situation that the economy of Nepal and the security of India are at stake (Adhikari, 2024, pp.81-84). Moreover, the Gorkha recruitment issue in the Agnipath Scheme has emerged not merely as a military concern but also as a socio-political one in Nepal.

### RECENT DEVELOPMENTS IN INDO-NEPAL RELATIONS

In the recent years, India-Nepal diplomatic relations have witnessed significant progress, thus strengthening the friendship and cooperation between the two countries. There have been 17 exchanges of state visits since 2014. Since May, 2014 the Prime Minister of India Shri Narendra Modi has visited to Nepal five times and the Prime Ministers of Nepal have visited to India ten times. The Prime Minister Modi's recent visit to Nepal was to Lumbini (the birth place of the Buddha) on 16<sup>th</sup> May 2022, on the eve of Buddha Purnima. The Prime Minister of Nepal Mr. Puspa Kamal Dahal (Prachanda) recently visited to India twice from 31<sup>st</sup> May to 3<sup>rd</sup> June, 2024 (a stand-alone official visit) and from 9<sup>th</sup> to 10<sup>th</sup> June, 2024 (swearing -in ceremony of Modi 3.0 as the PM). Apart from PMs Visits from each side, the foreign ministers of both countries also meet frequently in various fora to promote cooperation on diverse spheres.

The frequent high level visits and exchanges between the two countries have heightened Indo-Nepal friendship and cooperation largely. The major outcomes of the recent visits of the PMs of both countries include the landmarks like: Connectivity initiatives such as progress in the Integrated Check Posts at Nepalgunj , Bhairahawa and Dodhra- chandi ; Inauguration of a freight train service between two countries and expansion on Kurtha- Bijalpura and Raxual Kathmandu railway line with India' financial support ; Momentum on the Motihari-Amelekhgunj pipeline phase and construction of a new petroleum pipeline from Siliguri to Jhapa and Amelekhgun to Chitwan; Agreements on new hydropower projects including the 480 MW Phukot Karnali , 669 MW Lower Arun ; Momentum on the trilateral power transaction between the three countries India , Nepal and Bangladesh ; New partnership in agriculture and Inland waterways for the movement of cargo providing additional access to sea for Nepal.

Before to conclude following suggestions have been made for improving and strengthening the India-Nepal relations in future.

- India should have a clear, consistent, transparent and more cooperative approach towards its age-old Himalayan neighbor Nepal.
- India and Nepal should work together towards a mutually beneficial power trade agreement that will align with their energy needs.
- The boundary disputes between two countries should be resolved through constructive dialogues at the diplomatic channels like that between India and Bangladesh.
- Both countries require continuous dialogue, mutual understanding and respect for each other's sovereignty and multidimensional interests.
- Effective diplomacy should be established for the maintenance of stable and cooperative relationship between two neighbors.
- India should try to focus and preserve its soft power in Nepal.
- India should proactively counter the growing sphere of China's influence in Nepal by strengthening its economic cooperation and investment for infrastructure projects.
- Finally, both India and Nepal should focus on their long-term interests and benefits.

### CONCLUSION

The above discussion manifests how despite age-old civilizational linkages of the shared past, India and Nepal have a very complex nature of relationship. While India expects Nepal to act a strategic buffer state defending its northern frontiers, Nepal, being a landlocked country, expects India to be liberal for its transactions with other countries. Hence, the government in New Delhi and the government in Kathmandu should have understanding and goodwill to make all the bilateral treaties and agreements work in the larger interests of both countries. However, China's expansionism in the Himalayan region through its Belt and Road Initiatives (BRI) and its huge investments with Nepal has enhanced the strategic importance of Nepal for India, thus heightening Chinese threat. In addition, the main aim of the Treaty of Peace and Friendship concluded between India and Nepal in 1950 was to make bedrock of special bilateral cooperation between the two countries, but resistance to this treaty by Nepalese and their desires to revise or revoke it have been made ever since its inception. The Nepalese oppose the treaty describing it unequal and one-sided treaty which endangers the sovereignty of Nepal. Now the time has come to review, adjust and update the 1950 treaty to reflect the current realities, thus strengthening the bilateral relations between the two countries.

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