

A Theoretical Study of Realist and Liberal in Nepal-India Relationship

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Abstract - *The relationship between Nepal and India has several facets, including historical, social, political, and cultural. Open borders and people-to-people familial and cultural exchanges are hallmarks of the friendship and cooperation between the two countries. As a starting point, we examine the problems in the historical narratives that portray Nepal-India ties as founded on mutual respect for each other's sovereignty, which not only risks establishing stereotypes but also leaves it incomplete and misleading. Though some parts of Nepal-India ties extend back to before the contemporary nation-state, any history of these connections which fails to acknowledge India as a hegemon that interferes in Nepal's internal affairs and blocks Nepal's social, economic, and political development is incomplete. From a neocolonial perspective, we show how India has infringed on Nepal's sovereignty and independence in many ways and circumstances. Nepal and India have also exchanged high-level visits. In 2015, Nepal enacted a new constitution and put it into effect. However, India placed a unilateral boycott because it was unhappy with some of the content. It was later normalised between Nepal and India and the Limpiyadhura-Lipulekh boundary dispute resurfaced. The most important question is what has happened to the historical ties that were based upon? This study examines the historical relationship between India and Nepal, as well as the current state of affairs.*

Keywords - *Nepal-India relations; foreign policy; bilateral relations; border dispute, realism; liberalism*

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INTRODUCTION

Nepal and India have a long history of cooperation. Despite the fact that this essay will focus on the Nepal-India relationship following the 12-point understanding, this agreement was a turning moment in Nepal's political history. A new Constitutional Assembly (CA) and a Federal Democratic Republic of Nepal (Nepal) were created as a result (Dahal, 2015). They commit to work toward democracy, peace and prosperity, as well as the abolition of despotic monarchy in this 12-point agreement. The 2006 Nepalese people's mass movement was a success as a result of this realisation. After the first CA was established, the task of drafting the constitution was barely beginning. In 2015, the new constitution was adopted by the second CA. Because it is an independent nation, Nepal drafted and promulgated its own constitution. India, on the other hand, had a stake in the outcome and wanted to see it reflected in the new constitution. Without any prior warning or statement, India shut down its border crossing with Nepal as a result of this situation. The embargo lasted three months for the Nepalese people. Meanwhile, tensions were high between Nepal and India. As a landlocked country, Nepal is entitled to international transit rights. India, on the other hand, violated the transit rights of Nepal, a landlocked country, by imposing an unexpected

blockade. Indian blockades of Nepal have occurred before. India placed a similar boycott on Nepal in the past. India has not been a good neighbour despite the fact that it is a neighbour. Official and informal political visits and conversations between the two countries helped stabilise Indo-Nepal relations later on. The Eminent Person Group (EPG) of four members each from Nepal and India, on the other hand, was constituted to examine all agreements and treaties between the two countries (Ministry of External Affairs, 2014). Despite the fact that EPG has already finished the task at hand, Prime Minister Narendra Modi in India has yet to receive its report. It is hoped that this study would serve as yet another stepping stone for improving relations between Nepal and India. It's still not clear how the Limpi-Lipulekh-Kalapani conflict and its subsequent developments will affect Nepal-India relations, and it's not certain how the matter will be settled either.

NEPAL'S GEOPOLITICAL LOCATION

As a geographically placed country with a total area of 147,516 square kilometres, Nepal has played an important role as a buffer between China and India in Asia (See Figure -1). According to some academics, Nepal has to break out of this "buffer zone" mentality in order to overcome its economic

and political stagnation (K. C. & Bhattra, 2018). To the north, Nepal is bordered by China's Tibet Autonomous Region (TAR) and the Himalayas, which include the legendary Mt. Everest. From the east, west, and south, India completely encircles Nepal. As can be seen on the map below, Nepal is technically a landlocked country, but its 1,753-kilometer border with India makes it a "Indialocked" one (Jha, 2010). Although Sino-Nepal relations are of equal importance to Nepal's foreign policy, Nepal-India relations take precedence due to the country's geopolitical situation. Indian incursions into Nepali territory are an essential part of any discussion of Nepal-India relations. There are more than 60,000 hectares of territory in 21 districts of Nepal that is the subject of 71 territorial disputes, including 26 spots where India has encroached on Nepal's borders (Zehra, 2020). (Paudyal, 2014). Kalapani, Limpiyahura, Lipulek, Susta, Tanakpur, and Mechi are some of the most prominent. Nepal and India are separated by rivers that constantly shift their path. Furthermore, the lack of access to old maps and records necessary for revising the demarcations has made things more difficult to deal with in the long run (Subedi, 1994).

Politically significant is India's quiet as it continues to expand on the disputed territories. According to a number of experts on Nepal-India relations, the Koshi and Gandak water agreements agreed by the two nations were not in the best interests of Nepal (Jha, 2010; Subedi, 1994). That India aims to seize Nepal's natural resources, particularly its water supply, is evident from this statement. A successful paradigm of water resource sharing between India and Nepal has not been developed by India.



Figure 1: Geographical Location of Nepal

When the missing pillars were rebuilt in Jhapa District, a big plot of land belonging to the Nepalese side was taken over by India, despite the Nepalese side's use of the property. While many of the original pillars that marked the Nepal-India border under British colonial rule in India have either been destroyed or replaced with the purpose of annexing Nepali land, many of the original ones remain. Indians have encroached on Nepali territory at every level, even the most basic, by clearing forests there. Nepali territory has been encroached upon by India at ShreeantuGuphapatal in Ilam's eastern district, according to eyewitness testimony. Conflict and bloodshed have resulted as a result of the incursion. Media reports about

encroachment on the Nepali-Indian border have been widely circulated; nevertheless, no further efforts have been made to settle the situation. Land encroachment, on the other hand, is on the rise.

NEPAL-INDIA BILATERAL RELATIONS

When the British colonised India, many features of Nepal-India relations were formed on a foundation founded on British colonial power, even though Nepal was never colonised. JawaharLal Nehru, quoting Thapliyal (1998), said that the Himalayas have been a wonderful boundary for us since the beginning of time. As far as I can tell, they haven't deteriorated much since they first appeared. We cannot allow the barrier to be breached because it is the primary obstacle to India. In spite of our strong support for Nepal's independence, we cannot allow that barrier to be breached or reduced, as that would jeopardise our own security.

New beginnings in Nepal-India ties were supposed to begin after India's independence from the British colony in 1947, based on the concepts of equal, independent, sovereign and mutually beneficial relations (Adhikari, 2018). These values have rarely been honoured by India, which has a persistent desire to exert its control over Nepal. By interfering in Nepal's political, diplomatic, and even military issues, it preserves its hegemony. No one is trying to minimise the special ties between India and the United States rooted in history, culture, custom, and religion by pointing out the Indian hegemonic intrusions (Shah, 2017; Tripathi, 2019; Upreti, 2016). Numerous high-level visits have taken place, as have bilateral institutional talks and engagements, including Nepal-India Joint Commission Meetings. These types of exchanges have aided in building goodwill, confidence, and collaboration between countries. Development support from India has included creating infrastructures at the grassroots level in the fields of education, health, water resources, and security for the people of Nepal. Recently, India has helped Nepal create integrated border checkpoints along the Nepal-India border, such as those at Jogbani-Biratnagar, Sunauli-Bhairahawa, Raxaul-Birganj, and Nepalganj Road-Nepalgunj, for example. Because these rivers may provide both countries with significant amounts of irrigation and power, water is an important issue in bilateral ties. Since 1971, India and Nepal have had a Power Exchange Agreement to use each other's transmission facilities to meet their respective countries' power needs.

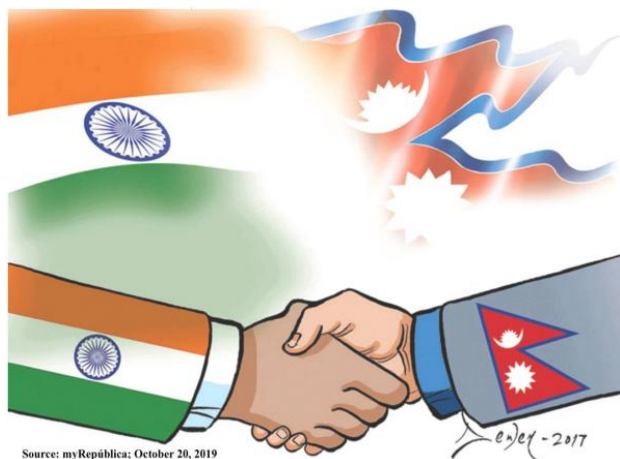


Figure 2: Depiction of Nepal-India Bilateral Relations

Another key area of collaboration between the two countries is defence. For the purpose of addressing each other's security concerns, both countries have institutionalised and established Joint Working Groups on Border Management (JWG) and Border District Coordination Committees (MOFA. n. d.). When the Boundary Working Group (BWG) was formed in 2014, it was tasked with overseeing the technical aspects of Nepal-India border work such as building, maintaining, and repairing boundary pillars and keeping watch for illegal encroachments into no man's land. Trade, transportation and investment between the two countries is of paramount importance to both countries. Historically, India is Nepal's main trading partner and bilateral trade has grown significantly over the past few decades. More than 552 large, medium, and small-scale projects have been completed in Nepal with Indian help since 1951 at a total cost of 77 billion Nepali rupiahs. The South Asia's first cross-border petroleum products pipeline, from Motihari in India to Amlekhgunj in Nepal, was launched by the prime ministers of Nepal and India on September 10, 2019, via video conference.



Figure 3: Narendra Modi's Tweet on Inauguration of Motihari – Amlekhgunj Pipeline (Special Correspondence, The Hindu, September 10, 2019)

Nepal and India's Peace and Friendship Treaty of 1950 is the most commonly cited example of an unequal agreement formed between the two countries

that exclusively serves Indian interests and aspirations. Because of such problematic and one-sided accords, India has an influencing position in Nepal's politics, economy, culture, security, media and technology. A thorough understanding of Nepal-India relations is also necessitated by the historical setting, long open border, socio-cultural homogeneity, and significant economic and demographic exchanges between the two nations. As in 1989-1990, when India punished Nepal for purchasing weapons from China in 1989, Nepal's younger generation saw a devastating and traumatic incident in Nepal-India ties with India's more than two-month-long blockade in 2015. Medical supplies, fuel, and other necessities were cut off to Nepal as part of an unofficial economic embargo enforced by India. Constituent Assembly members overwhelmingly approved a new constitution in Nepal's south in September 2015, while some socio-political groups disputed the new constitution's provisions. The new constitution was ultimately approved by a landslide (90% of CA members). Because India was opposed to Nepal's new constitution, it aided the disgruntled groups in the south. India's Foreign Secretary S. Jaishankar visited Nepal to exert pressure on the Nepali political leadership and prevent the promulgation of the new constitution as the Madesh-centric parties were exercising their muscles in protest. Before it was put into effect, this was when the Constituent Assembly was about to do so (Ghimire, 2015). Ironically, India, which prides itself on being the world's greatest democracy, refused to acknowledge the mandate of the Nepali people and imposed the blockade as a response. One could argue that India's hegemonic attitude is to blame for this kind of direct meddling in the internal affairs of a sovereign country like Nepal. India wanted Nepal to change the new constitution en masse, so it imposed the economic embargo. Even in the past, when Nepal chose to buy armaments from China in 1989, India used a similar technique by barring 13 of the 15 border crossing points with Nepal to increase its pressure (Garver, 1991; Nayak, 2016). Due to its hegemonic position, India's relationship with Nepal is neither paternalistic nor subordinate.

BEYOND THE REALIST AND LIBERAL PRISMS

It might be claimed that neither the realism nor the liberal theoretical approaches to Nepal-India relations can adequately represent their complicated dynamics. India's foreign policy with Nepal is divided between realism and liberalism, which leads to conflicts in its actions and rhetoric. As a result, people are organised into states, with each state acting as an individual ovum to further its own national interests in the world. According to the realist assumption, the state is the most important actor in international politics, and international relations are based on interstate interactions. According to realists, states are merely actors in international politics who pursue their own interests

and power at all costs. Because "morality can only be relative, not universal," this perspective does not see any room for abstract moral discourse in the relations between states. The liberal approach to international relations, on the other hand, emphasises principles and collaboration, as well as what is known as the notion of the harmony of interests, which was first proposed by Carr (1971).

Political realism and neocolonialism have to be brought into the discussion to better understand the bilateral relationship. Realism, according to certain political scientists and theorists, includes approaches that provide greater autonomy to separate political ideas. According to the writers, economic, legal, military, and moral principles all threaten the political domain's ability to exercise its sovereignty. "Appropriate criteria of evaluation come from within politics rather than from external moral standards," says Galston (2010) in his book *Political Realism*. As a result of these ideological foundations, a realist must take into account the institutions that mediate and contain conflict. Realism sees political struggle as constant and inescapable, while moralists are overly optimistic about obtaining either normative or practical compromise, according to Galston (2010).

However, a closer look into Nepal-India relations suggests that the realists' view is debatable. In light of the Indian predominance in Nepal's internal political affairs, unequal treaties, territorial encroachment, and military (such as the Border Security Force) activity along the border, this suggests a new kind of colonialism known as neocolonialism. India, which was formerly a colony, currently fills this duty. According to historical evidence, India was generally unimpressed by Nepal's attempts to move closer to China. It is discernible that India is trying to impose its say in Nepal. Referring to India's diplomatic policies towards Nepal, Pande (2011) states,

"Indian leaders and strategists treat Nepal as falling under India's sphere of influence—India's backyard—and are suspicious of any warming of ties between China and Nepal. Nepal is India's sole buffer with China, especially after Tibet was absorbed by China during the 1950s."

India can be said to have a direct influence on the internal and external policies of Nepal because of its economic leverage. Because Nepal is located in the "India-Locked" region of the world, it must rely on India for foreign trade. After the Commerce and Commerce Treaty of 1950 was repealed by the Nepal-India Treaty of Trade and Transit in 1960, Nepal-India trade and transit became regulated. Later, separate trade and transit treaties were signed. Periodic revisions to these agreements have been made. The transit pact was last renewed in January 5, 2013 for a period of seven years. Also in 2004, an agreement for Nepal's transit trade on rail services allowed commodities to be transported from and to third-country countries as well as from India utilising Indian railway containers. Bangladesh, India, and Nepal have signed a trilateral

transit agreement that governs overland trade between Nepal and Bangladesh through India. However, there are a number of challenges relating to transportation of transit goods to/from Indian ports emerging out of limits in the existing treaty. These problems are mainly due to India's excessive regulation in terms of documentation requirements, transshipment procedures, sensitive commodities, arbitrary bank guarantees, and weak transit infrastructure. Trade and transit treaties are a contentious issue in India and Nepal, with the former wanting a single agreement to cover both, while the latter wants two separate pacts to cover both. As Shakoor (1989) argues, a single treaty encompassing both commerce and transit can "jeopardise Nepal's freedom of foreign trade and render it submissive to Indian wishes". In this way, India's imperial rule over Nepal is amply demonstrated.

Antonio Gramsci (1891-1937) created the term 'hegemony' to refer to a specific social connection within a country, i.e. between different socioeconomic classes in society. The Gramscian term of hegemony is important to study how a so-called powerful country, such as India, exercises its dominion over other smaller countries, like Nepal, in its national and institutional sovereignty. "There is no final and absolute power anywhere else," writes Shah (2018), referring to the political community's sovereign right as the "ultimate and absolute authority." Specifically, the hegemony mentioned here is better explained elsewhere. "The leadership by a single stronger partner of several less powerful but nonetheless autonomous partners, undertaken for the mutual benefit of all parties concerned," is how Warner (2006) defines it. From a global perspective, Wallerstein (1983) conceptualises the term "hegemony." As long as a state has military, economic, political and cultural might that is greater than that of its neighbours, it creates and maintains the norms of the capitalist world, he says. International interactions, both political and economic, are governed by a set of rules and agreements that Goldstein (1988) calls hegemony.

India's ideological or institutional influence in Nepal is widely perceived to have a hegemonic aspiration. Hegemonic India uses its economic and military might to maintain political domination over Nepal, a neocolonial strategy. To ensure that their empire's interests were met, colonialists built a certain type of state system in their colonies during the colonial era. As a result, the notion that Nepal has its own political system, economy, and control over its natural resources is challenged.

New Constitution Making Process

A good relationship existed between Nepal and India prior to the constitution-making process. Prime Minister Narendra Modi of India paid a visit to Nepal in August of that same year. Modi delivered a speech to the Nepalese Parliament. With Rishi Man, he urged CA members to focus on the constitution-

making process (Ministry of External Affairs, 2014). The interests of people living in the Himalayas, the Hill, and the Terai should be taken into consideration, as should the hopes of people from various religions, languages, cultures, and castes. Additionally, he said in his speech that because Nepal is a sovereign nation, India would not meddle in its constitution-making process (Ministry of External Affairs, 2014). Pashupatinath, Muktinath, Risimuni, Tapovumi, and the birthplace of Buddha are all located in Nepal. The Nepalese and Indian governments published a 35-point joint declaration during his visit. However, the next year, India put a blockade on Nepal without announcing it because it was unhappy with certain of the constitution's provisions. The Modi government had some ideas for Nepal's new constitution, which it hopes would be adopted. To India's satisfaction, Nepal agreed to adopt its advice. In Nepal, this was not permitted. India's request was rejected by Nepal because it is a sovereign and independent country. CA has the only authority to create a new constitution, and no other country has a role to play in the process. Because it was built by the people of Nepal, CA is a symbol of the country's autonomous authority (Dahal, 2015). As a result, the leaders of Nepal's political parties have resolved to make public the country's new constitution in 2015. Nepal did not follow Indian Prime Minister Modi's lead and dispatched a diplomat to Nepal as a special envoy two days before the Constitution of Nepal was ratified.

Then, in September 2015, just two days before the sovereign Constituent Assembly (CA) was to promulgate the new constitution, Indian Foreign Secretary S. Jayshankar visited Nepal as a special envoy of the Indian PM to coerce Nepalese leaders to postpone the promulgation of the constitution. Nepalese leaders defied it as they were not in a position to postpone the schedule endorsed by the CA.

As a response to a wave of protests from Madhes-based parties and others, Nepal's Second Constituent Assembly adopted a new constitution on September 20, 2015. Concerned about the protests that have been going on, the Indian government has called on the Nepali government to engage in serious political conversation in order to find a lasting solution (Embassy of India Kathmandu, 2015). China and other friendly countries around the world praised Nepal's new constitution after it was promulgated in September 2015. However, India was not amenable to it. The new Nepalese constitution was only noted by India. In a joint statement with British Prime Minister David Cameron, Indian Prime Minister Narendra Modi discussed Nepal's constitution during a visit to the United Kingdom. Even yet, he didn't get the backing he was hoping for. In order to exert pressure on Nepal, India imposed a trade embargo on the country. Madhes-based political parties were supported by India.

Nepal's issues were seen as a matter for India's consideration. For equal rights, dignity and identity of Madhesi and Tharu, the Madhesh Movement of Nepal

was launched by several political parties centred in Madhesh. The TeraiMadhes movement sought two independent states: one from Jhapa to Parasi, the other from Chitwan to Kanchanpur. This is why Indian officials supported and enforced an embargo on Nepal without making any public declaration. A blockade on Nepal was never recognised by India, although the evidence is clear. A dual role for Indian Prime Minister Manmohan Singh in Nepal's drafting of its new constitution (Dahal, 2019). During a speech to CA members in parliament, he advised them to focus on 'Rishi Man' in the process of creating a constitution. After Nepal's new constitution was ratified, he put a blockade on the country as an expression of his dissatisfaction rather than welcoming it.

BLOCKADE IN NEPAL

In 2015, Nepal announced a new CA-drafted constitution (Dahal, 2015). After India's Prime Minister sent his special envoy to Nepal two days prior to Nepal's announcement of its new constitution, the country asked Nepal to meet the demands of the Madhes-based political parties through negotiation in order to delay the promulgation date of the constitution. The new constitution was announced by the sovereign state of Nepal. The CA is a symbol of the people's power. Nowhere in the world has the new CA constitution been supported by a majority of its members. As an example, India's new constitution was ratified in 1950 with only two-thirds of its CA members' approval, while the United States' constitution was ratified two years later after its announcement. The Constitution of the United States was ratified in 1787, but only two-thirds of the states ratified it before it was put into effect in 1789. Nearly all of Nepal's Constitutional Assembly (CA) members signed the document in 2015. (Dahal, 2015). Two autonomous nations, one from Jhapa to Parasi and the other from Chitwan to Kanchanpur, were proposed by Madhesh-based political parties in the Terai region: one called Mithila, with Janakpur as its headquarters, and the other called Buddha, with Lumbini as its capital. Additionally, the reserve of seats in administrative, security, judiciary, and diplomatic service for the Madhesi and Tharu on the basis of their numbers in the population.

EMINENT PERSON GROUP (EPG)

Nepal and India share historical, cultural, ethnic, and social ties due to their proximity as South Asian neighbours. The bilateral relationship between the two countries has changed throughout time. Agreements and treaties were signed between Nepal and India. Compared to Nepal, India is a much larger and more powerful country. Because India's landmass and population are so much larger than Nepal's, it is also significantly more populous. Even India possesses more political clout than Nepal does. Both nations enjoy equal standing in the international community, however, as sovereign and

independent states. India, on the other hand, sees Nepal as a threat to its rule. It aspires to be a big brother figure. Neither Nepal nor any sovereign nation in the world can accept this. It is imperative that both countries comply by the same set of international standards. A number of bilateral accords, including the 1950 Treaty of Peace and Friendship, were agreed to be reviewed, adjusted, and updated by the two Prime Ministers. A specific proposal to modify the Treaty of Peace and Friendship in 1950, which the Government of Nepal pledged to offer at the earliest, was welcomed by the Joint Commission's decision. They agreed that the amended Treaty should better represent contemporary realities and aim to further strengthen and grow the many and deep-rooted partnerships in a forward-looking way. UNO members, members of the non-alignment movement, and the founders of SAARC are both Nepal and India. Voting rights are equal in the UNO. As a result, Nepal and India are sovereign countries in the world. Nepal has signed a number of discriminatory treaties with India throughout the years. Nepal now intends to examine each one in detail. As a result, Nepal will no longer recognise any treaties or agreements that discriminate against it. Nepal and India agreed to form an EPG for the purpose of recommending changes to their prior agreements and treaties. As of 2014, both Nepal's and India's governments had adopted the EPG. There are eight people in total, four from Nepal and four from India.

CONCLUSION

Relations between Nepal and India have a long history spanning over the fields of history, society, ethics, and culture. The 1950 Indo-Nepal Treaty of Peace and Friendship defined security connections between the two countries, and an agreement managing both bilateral trade and trade crossing Indian Territory signalled a particular relationship between India and Nepal in the modern time. Both the realist and liberal approaches to Nepal-India relations are incomplete. Only by using a neocolonial theoretical framework can we see the Indian hegemony from a previously unseen angle. This shows how India has violated Nepal's sovereignty and independence and how the relationship between Nepal and India is entangled in the sands of Indian hegemony. Indeed, there are several distinctive characteristics to Nepal-India ties that extend beyond the realm of state-sovereignty interactions. It's possible to see how these people are connected to one another. Furthermore, the two countries and their peoples have had a long history of social, religious, and cultural links. There is, however, a contradiction in the relationship between Nepal and India. Even though India was intended to exorcise the colonial legacy following its independence from British colonisation in 1947, it kept the pre-independence policy in its foreign policy approach toward Nepal. India's hegemonic influence in Nepal has frequently stifled Nepal's progress, according to the realpolitik. Changes in the political and social landscapes of India's immediate surroundings must influence the country's foreign policy. It must be able to adapt to

these changes. India's approach of looking primarily through the lens of its own security has remained unchanged despite the many changes in Nepal's internal affairs. To take advantage of the uniqueness of the relationships, this should change in a positive direction. 'No textbook on international relations offers a precise equivalent to the structure of ties which exist between our two independent nations,' said Morarji Desai, who was visiting Nepal.

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