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“Sugauli Treaty 1816”

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Abstract

The Treaty of Suggouli that established the boundary line of Nepal and colonial India was signed on 2 December 1815 and ratified by 4 March 1816 between the east India company and King of Nepal following the Anglo-Nepalese War of 1814-16. The signatory for Nepal was Raj Guru Gajaraj Mishra aided by Chandra shekher Upadhaya the signatory for the Company was Lieutenant Colonel Paris Bradsaw. The treaty called for territorial concessions in which some of the territories controlled by Nepal would be given to British India, the establishment of a British representative in Kathmandu, and allowed Britain to recruit Gurkhas for military services. A treaty is an agreement under international law entered into by actors in international law, namely sovereign states and international organizations. A treaty may also be known as an international agreement, protocol, covenant, convention, pact, or exchange of letters, among other terms. Regardless of terminology, all of these forms of agreements are, under international law, equally considered treaties and are the same. Before this treaty several deployed to French commanders had been trained the Nepali army. In the treaty, the Nepalese controlled territory was lost 25 years including all the territories that the king of Nepal had won in wars in the or so such as Sikkim in the east, Kumaon, Garhwal in the west. Some of the Mithila lands were restored to Nepal in 1861. So the land of Mithila divided in two parts one in Nepal and rest in British India. Some land were restored in 1860 to thank for helping the British to suppress the Indian rebellion of 1857, but the land of Mithila not connect thank for helping to British empire.

Keywords: Established, boundary, territorial, entered, sovering, equally

Introduction

The territories under Nepalese control included whole of Sikkim to the east, Darjeeling to the south-east, Nainital to the south-west and the Kumaon and Garhwali to the west. After the Anglo-Nepal war, a treaty of friendship and peace was signed between East India Company and Nepal government. It has agreed upon on 2 December 1815 by Raj Guru Gajaraj Mishra aided by chandra Sekhar Upadhya on behalf of the Nepal government and Lt. Col. Paris Bradshaw on 4 March 1816 at Makawanpur by chandra Sekhar Upadhaya from Nepal and General David Ochterlony from British company site on dated the 7th of Push 1873 Sambat in Maithili language Nepali day. This day is black day of Maithila and Maithili cultures. Because this day Mithila divide. Raj Darbhanga also support to British empire due to receive joint revenue of Mithila, but received divide Mithila revenue. The terms of the treaty were as follows:-

1. There shall be perpetual peace and friendship between the east India Company and the king of Nepal.
2. The king of Nepal will renounce all claims to the lands which were the subject of discussion between the two states before the war and will acknowledge the right of the company to the sovereignty of those lands.
3. The king of Nepal will cede to the East India company in perpetuity all the under mentioned territories:
 - A) The whole of low lands between the rivers Kali and Rapti
 - B) The whole of low lands between Rapti and Gandaki, except Butwal.
 - C) The whole of low lands between Rapti and Gandaki and Koshi in which the authority of the East India Company has been established.
 - D) The whole of low lands between the rivers Mechi and Test.
 - E) The whole of territories within the hills eastward of the Mechi River. The aforesaid territory shall be evacuated by the Gorkha troops within forty days from this date.

4. With a view to indemnify the chiefs and Bhardars of Nepal, whose interest will suffer by the alienation of the lands ceded by the foregoing Article No. 3, the East India Company agrees to settle pensions to the aggregate amount of two lakhs of rupees per annum on such chiefs as may be decided by the king of Nepal.
5. The king of Nepal renounces for himself, his heirs, and successors, all claim to the countries lying to the West of the River Kali, and engaged never to have any concern with those countries or the inhabitants thereof.
6. The king of Nepal engages never to molest or disturb the king of Sikkim in the possession of his territories. If any difference shall arise between Nepal and Sikkim, it shall be referred to the arbitration of the East India Company.
7. The king of Nepal hereby engages never to take or retain in his service any British subject, nor the subject of any European or American state, without the consent of the British Government.
8. In order to secure and improve the relations of amity and peace hereby established between Nepal and East India Company, it is agreed that accredited Ministers from each shall side at the court of the other.
9. This treaty shall be ratified by the king of Nepal within 15 days from this date, and the ratification shall be delivered to Lt. Col. Bradshaw, who engages to obtain and deliver to the king the ratification of the Governor-General within 20 days, or sooner, if practicable. There shall be perpetual peace and friendship between the East India Company and Nepal.

The king of Nepal renounces for himself, his heirs and successors, all claim to the territories lying to the West of the River Kali, and engaged never to have any concern with the appointed rulers of those territories or the inhabitants thereof. While the English were still expanding their clones in India, Nepal was being united. The unification was naturally against their interest. Immediately after victory won over Kathmandu and Patan, king Prithvi Narayan Shah had driven out all the Capuchin risk for themselves. The defeated baize and chaise kings, taking shelter in India, spared no pains to instigate the English to go in a war with Nepal and defeat it so that they could regain their lost territories. The English authorities sent their trade delegates to Nepal time to time to solve their political and commercial interests. The teams of delegates, headed by James Long, Fox Craft, Kerkpatrick, Maulavi Abdul Kadar Khan, W.O. Knox, etc. had come to Nepal for the purpose, but in vain. Bhimsen Thapa was deadly against English. He had bitter experience of the activities done by English people in India when he had been to India to give company to Rana Bahadur Shah. Bhimsen Thapa wanted to drive the English people away not only from India. But as much from Asia so during the days of his term of office, he was trying to form a union of Asian states, including Maratha and Punjab with due understanding established with them. He had also tried to bring Tibet and Burma on his side. He also gave much attention to the military strengthening of Nepal. So Bhimsen Thapa's activities were highly opposed to the interest of the English.

The forests of Nepal were abundant in various wood species. The East India Company wanted to establish shipping industries in India through the use of wood brought from this forest. The East India Company wanted to expand

its trade from India to Tibet through Nepal. But the government of Nepal was not favoring the entry of foreign traders into Nepal for various reasons. Since the English people were from the cold country it was difficult for them to run the administration from their station in India, which is a tropical country. So they were in search of cold places like Nepal. Besides, the crossroad position of Nepal between India and Tibet also tempted them to go in war with Nepal. The dispute over the issue of Butwal and Syuraj was the immediate cause of the Anglo-Nepal war. Since early days, the king of Palpa had been occupying those territories in the Terai (Mithila) region. On the condition of paying revenue to Nawad Bajir of Abadh. The Nepalese force had taken one Butwal and Syuraj along with Palpa at the time of unification operations. In the meantime the English Governor, Marquis of Hastings gave a threatening letter to the government of Nepal for the immediate return of Butwal and Syuraj to them. But Bhimsen Thapa, stubborn in nature was not coward. Administrator to yield to the threat of the government General. The English battalion enters the territory of Nepal 8 days earlier than the formal declaration to the war was made. Darbhanga Raj fully support to east India Company in this battle. Sugaouli Treaty is known as an unequal treaty. Because any treaty is meant to give both the sides more or less equal or equitable benefits even if one side get a little more benefit and the other a little less. But Nepal suffered only losses because of the treaty while the British India gained a huge territorial advantage. The British got the facilities of corridor in the east and in the west, also it got all the benefits and facilities. No provision of facility and concession was made for Nepal. The territory of Nepal that had been unified and expanded to Teesta in the east, Kangara fort in the west and nearly to the confluence of Ganga and Yamuna River in the south, was curbed on all the three sides. So far as the international treaty is concerned, any treaty should be done on the basis of equality, mutual goodwill and understanding, but the British forced Nepal into the treaty under compulsion and duress. Treaties can be loosely compared to contracts both are examples of willing parties assuming obligation among themselves, and any party that fails to live up to their obligations can be held liable under international law. Therefore experts. On international treaty view that Nepal may not be force to recognize the Sugaouli treaty's a sound treaty. Sugaouli treaty was not signed willingly by Nepal king. The British east India Company prepared the draft of the treaty with the signature of lieutenant Colonel Paris Bradshaw on December 2, 1815. It was sent to Nepal with a 15 day ultimatum for counter signature and asked to return it to them. Nepal did not like the terms and conditions of the treaty, so it did not sign within that period. The British the rumour spread that they were launching attack on the capital, Kathmandu, and even carried out troop movement to show Nepal that it was serious. When Nepal thought that the attack on the capital was inevitable it was forced to accept the treaty. As it was a treaty imposed on Nepal, the King and high ranking officials did not want tossing it. But as Nepal was under duress to accept its terms, Chandra Shekhar Upadhaya, who had accompanied Pandit Gajaraj Mishra to the British camp at Sugaouli, put his signature on March 4, 1816 and gave it to them. As Nepal had signed the treaty under coercion after 93 days against the 15-day ultimatum, the treaty came into effect from that day.

Validity of the treaty Article 9 of the treaty says that the

treaty shall be approved by the king of Nepal, but records of the treaty being approved by King Girwana Yuddha Bijkrans Sambat Shah have not been conclusively traced. The British had feared that Nepal might not implement the treaty signed on March 4, 1816 by Upadhya. Therefore, Governor general David Octerloni, on behalf of the British Government, ratified the treaty the same day and the counterpart treaty was handed over to Upadhya. In this way, the treaty, which was signed by Chandrasekhar Upadhaya for Nepal and by Parish Bradshaw for the company Government, was approved only by Governor General Octerloni. As the treaty was not approved by the king of Nepal, there can be question and curiosity on the legality of the treaty. Some have argued that the treaty was signed between Nepal and the British and thus lacks the force to be implemented between Nepal and independent India. However, the Republic of Nepal has assumed the duties and responsibilities of essentially all other treaties signed by the predecessor Kingdom of Nepal, including membership in the United Nations and other comparable relationships. But there exists no treaty or any other legal and formal conclusion that this Sugaouli Treaty will be followed by these two independent nations Nepal and British India. Since the 17th century, there has been British rule in India. It was known as British East India Company. The colony had been ever expanding. Since their rule established in India, the British East India Company. The colony had been ever expanding. Since their rule established in India, the British wanted to capture Nepal and expand their colonial territory. They always favored the rulers in Nepal who wanted to please them and didn't seem to cause and resistance to their plan of colonization.

As per their long-cherished plan, they fought against Nepal from 1814-16 AD. The treaty has laden responsibilities only on Nepal. Which are burdened on Nepal, Article 2, The Rajah of Nepal renounces all claims to the lands which were the subject of discussion between the two states before the war; and acknowledges the right of the Honorable Company to the sovereignty of those lands; Article 3, The Rajah of Nepal hereby cedes to the Honourable the East India Company in perpetuity, via-The whole of the low lands between the Rivers Kali to Mitchee including the fort and lands of agree and the Pass of Nagarcote leading from Morung into the hills, together with the territory lying between that pass and Agree. The aforesaid territory shall be evacuated by the Gurkha troops within forty days from this date. Article 5 the Rajah of Nepal renounces for himself, his heirs, and successors, all claim to or connection with the countries lying to the west of the River Kali and engages never to have any concern with those countries or the inhabitants thereof. Article 6 The Rajah of Nepal engages never to molest or disturb the Rajah of Sikkim the possession of his territories; but agrees, if any differences shall arise between the State of Nepal and the Rajah of Sikkim, or the subjects of either, that such differences shall be referred to the arbitration of the British Government by whose award the Rajah of Nepal engages To abide(i) Article 7 The Raja of Nepal hereby engages never to take or retain in his service any British subject, nor the subject of any European and American state, without the consent of the British Government. This way the treaty has virtually no liability on the both sides. Any treaty nor Melly demands more or less equal liability and accountability on the both side. The British had doubts that the treaty would be

implemented fully Under Article 4 of the Treaty the British would provide Rs. 200,000 every year to Nepal to please Nepalese officials and to calm down the Gorkha forces from waging another war. Being skeptic that the Gorkhali might not give up the Mechi-Teesta area, which was out of bound of the war, Article 3(5) of the Treaty provisioned that the Gorkhali forces shall vacate from the area within 40 days.

To prevent the Gorkhali forces from making claims for the hill area east of Mechi, the British started erecting border pillars just five months. After the Sugaouli Treaty is not forever, Although Article 3 of the treaty states that the King of Nepal shall relinquish the Terai region from Kali to Koshi in perpetuity. But it is interesting to note that this did not Happens everlastingly. Because Nepal restored the plains from Koshi to Rapti after nine months of the treaty. After returning the area, the British stopped paying an amount of Rupees Two Lakhs as mentioned in the treaty. May be, the British thought that the money was worth more than the area which was malaria-infested and covered with forests. Another point, the land was returned so as not to pay the money any more after becoming sure and certain that Nepal will not wage another war. Additionally, Nepal got back the Terai (Mithila) area from Rapti to Kali after 44 Years of the sugaouli Treaty. The British gave back this districts area Banke, Bardia, Kailali, and Kanchanpur and it is known as new territory. It was regained as Jung Bahadur went to India and quelled the Sepoy Mutiny, as requested by East India Company. Has the Sugaouli Treaty was done on a permanent basis, Nepal would not have received back those lands at different times. This proves that Sugaouli treaty was not done to last forever.

British had felt that they had done injustice to Nepal by forcing the Sugaouli Treaty. East India Company was aware that Nepali are not satisfied with the treaty. They have something in their heart that they have done some kind of injustice to the Gorkha army. To console the Gorkha army, they provided two Laks of rupees annually as compensation. It could be grasped a sense as the Article 4 of the Treaty says with a view to indemnity the chiefs and Bharadars of the State of Nepal, whose interest will suffer by the alienation of the lands ceded, the British Government agrees to settle pensions to the aggregate amount two Laksh of rupees per annum on such chiefs as may be selected by the Raja of Nepal. Secondly, the British returned the Tarai land from River Koshi to Rapti on 11 December 1816 at first and second time from Rapti to Kali on 1 November 1860, realizing that Nepal had suffered and was not pleased with the treaty. But they stopped to provide the money after they returned back the east Tarai plain land.

There were territorial disputes immediately after the treaty was signed, as it was because Nepal was not happy with the Sugaouli treaty. After Nepal lost the plains from Koshi to Kali, there were immediate disputes regarding the northern Boundary line of the plains. For example, whether the top Range or the southern foot or northern foot-hill of the chure Rango would be taken as boundary line. In this regard, disputes had erupted in the area from Bunduwa Range of Dang to arranalal and Taal Bagoda in 1817, within one year of the signing of the treaty Similarl, there was dispute in ownership of Antu Danda of Ilam in 1825. There was also dispute on the origin of the Mechi River. There was dispute till 1838 whether the river originated from north-east or the one coming from north-west was the source of the Mechi River in 1840, there were claims and counterclaims on the

ownership of several villages and settlements of the Ramnagar area. There was also 'mine-and-yours' controversy regarding the border areas adjoining with Tirhut and saran districts of India. As the treaty was not clear about the boundary delimitation, its effects have persisted even to the present time. Actually the treaty failed to mention clearly in so many sections where the borderline would actually pass through. There have been problems in demarcating the boundary line and in erecting border pillars at several places. Now the areas of such disputed places have been estimated around 60666 hectares. In way of the areas there are still claims, counterclaims discussions, controversies and arguments from both sides. The result is the even today there are accusations of encroachment and disputes at 54 places of the Nepa-India border line. The prominent areas have been identified as Kalpani, Limpiyadhura, Susta, Mechi area, Tanakpur, Sandakpur, Pashupaatinagar, Hile Thori etc. Nepal had to bear losses because of its weakness of administration and management. Nepal's biggest weaknesses were its failure to discuss and deliberate in detail the important condition of the treaty before counter-signing it. Nepal had to lose the hill area of Mechi Teesta portion, which was out of bound of the war. It is because of its administrative weakness in putting forth its case and argument to the East India Company, before it was taken away and given to Sikkim. The Rana rulers could not take initiative on returning the land taken away from Nepal when India gained independence from Britain in 1947. If the Rana had asked the British might have returned those land of Greater Nepal in a single world. There was every possibility of the British rulers in returning Nepal its legacy. One example could be cited that the British divided a single country and created India and Pakistan, including east and west Pakistan's; which do not have common border. But the Ranas might have their own interests. That time the Ranas were already facing difficulties in ruling the country. There were oppositions to their regime. The wave of India's independence movement had also started blowing towards Nepal. The Rana thought when they were facing difficulty in managing the territory of their country they already had, adding up new areas would further shorten their regime. Even after the Treaty of Peace and Friendship was signed between Nepal and India on July 31, 1950, the Rana did not dare to take initiative to restore the areas of Greater Nepal that was lost to the British. Article 8 of the treaty has clearly mentioned that so far as matters dealt with herein are concerned, the Treaty cancels all previous treaties, agreements, and engagements entered into on behalf of India between the British Government and the Government of Nepal. Still Nepalese rulers that time could not raise voices that Sugauli Treaty was thus annulled and Nepal should get back its lost territories. Similarly, Article 8 of a separate treaty signed between Nepal and Britain on October 30, 1950 states that all treaties, engagements and agreements between the Government of the United Kingdom and the Government of Nepal concluded prior to 21st December 1923 and the Treaty signed at Kathmandu on that date shall cease to have effect from the date on which the present treaty comes into force in so far as their application between the United Kingdom and Nepal is concerned. Nepalese administrators then could not show the courage to claim the territories seized from Nepal, with the argument that the new treaty had annulled the Sugauli Treaty. The 104-years Rana oligarchy must have come to an end

because history had cursed them. Although the Ranas did not want to get back the lost territories to continue remaining in power, their regime ended on February 18, 1951, after three-and a-half months of the signing of 1950 Treaty. If they had really been tried and had succeeded in getting back the lost territory, they would have remained illustrious in the history of Nepal even if their rule ended. The other side of the coin is that their regime might have been extended if they had succeeded in getting back the lost territories from East India Company. Even when no treaty or agreement has been signed between Nepal and Republic of India that would establish present India's dominion on the Nepalese territories ceded to the British government under Sugauli treaty, Nepal has not been able to show the courage in claiming its rights on those areas of Greater Nepal because of weaknesses in its administration.

The Sugauli Treaty was being partially amended and corrected two times since it was signed in 1816. Besides, Nepal had even got the chance to completely annul the treaty in 1950. But the Rana rulers could not take advantage of the situation. It may be because of the fact that they are not dedicated further for the nation. Writ petition at the Supreme Court to establish Nepal's territorial rights on the territories lost in the Sugauli treaty. Section 8 of the Nepal-India Peace and Friendship Treaty-1950 between Nepal and India has annulled the Sugauli Treaty. People like advocate Rami Bista and nationalists like Yogi Narhari Nath and Phanindra Nepal, who are deeply concerned about the prosperity of the country filed writ petitions on November 4, 1996 and April 21, 1999 respectively at the Supreme Court and pleaded in favor of reinstating Nepal's rights, thus to reestablish the rights by examining the legality of the Sugauli Treaty and to quash it to the limit that are contrary to the constitution. At the same time they advocated to maintain the territorial integrity of the kingdom of Nepal and to establish the right of use and possession of the Nepalese people by declaring Sugauli treaty as invalidated. They pleaded further for the resolution of the constitutional question on the issue of public concern and the right of the Nepalese people; and to attain complete justice. The Rajdhani Daily on June 27, 2003 reported that the Supreme Court on June 26, 2003 quashed the writ saying there was no enough evidence to substantiate the claims for Greater Nepal. In a similar reporting on the same date, Nepal Samacharpatra, another Daily, reported that the Supreme Court had quashed the writ reasoning that the writs on Greater Nepal had failed to clarify what kind of right of information was infringed. But the Supreme Court ordered the government to take seriously the issues of the alterations of the border between Nepal and India by causing deficits to Nepal and to manage the border issue without causing any harm to the territorial integrity of the country. The Supreme Court in its decision had maintained that the government, under Article 4 and Article 126 clause C must remain aware and vigilant on the Country's territorial integrity.

Now remains the question is when Nepal will be able to stand on firm legs. The answer would be Nepalese will become self-reliant, if there are enough employment opportunities inside the country, if there is industrial development and if there is maximum utilization of the natural resources. But the development of industries, development of infrastructure and production of the necessary goods within the country depend on politics and political activities. Therefore, political stability is imperative

for the development of the country. If everything within the country is favorable and the Nepalese society becomes fully Self-reliant, we can cremate the Sugaouli Treaty by restoring the remaining territory of the Greater Nepal that was earned by our ancestors. In this contest it could be cited an example: Britain had taken over Hong Kong Low loon in 1842 under a treaty saying it would be forever. But it was forced to return back the territory to china after 155 years. Similarly, Macao, which was captured 400 years ago by Portugal, was returned to China on Dec. 20, 1999. Now the dialogue is going on for the unification of Taiwan to china. The dialogue has progressed ahead because of its possibility. This is due to the fact that China is becoming a prosperous country. It is going to capture most of the goods and merchandise market of the world. At the same time, it is marching ahead in the political field as well. In such a situation, who can say that the remaining part of Greater Nepal, which was split way only 189 years ago on March 4, 1816 could not returned! Who can disagree that the Sugaouli Treaty cannot be nullified? But for that, the only thing that remains is that Nepal should be economically and socially developed and the Nepalese should be prosperous. If China had not progressed and prospered economically, socially and politically, it might not have gotten Hong Kong and Macao back.

Therefore, if Nepal and the Nepalese also become strong enough economically and socially, no one can say that the remaining Articles of the Sugaouli Treaty cannot be revoked. In history, a decade or two is a short period of time. If the present generation cannot do it, the next generation will come forward. The prosperous new generation will retrieve and establish the rights and claims of their fathers and forefathers. Those rights and claims will nullify the remaining Articles and clauses of the Sugaouli Treaty. D. Ochterlony, Agent, Governor-General Memorandum for the approval and acceptance of the Raja of Nepal, presented on 8 December 1816 to the amity and confidence subsisting with the Raja of Nepal, the British Government proposes to suppress as much as possible, the execution of certain Articles in the Treaty of Sugaouli, which bear hard upon the Raja. With a view to gratify the Rajah in a pointed which he has much at heart, the British Government is willing to return the territories to Terai ceded to it by the Raja in the treaty, to writ the whole Terai land lying between the Rives Kushwaha and Gundak, such as appertained to the Raja before the late disagreement; excepting the disputed lands in the Jila of Tirhut and Saran and excepting such portion to territory as may occur on both sides for the purpose of settling a frontier upon investigation by the respective commissioners and exception such land as may have been given in possession to any on by the British government upon as certainment of his rights subsequent to the cession of Terai to the government.

In case the Rajah is desirous of retaining the lands of such ascertained proprietors, they may be exchanged for others, and let it be clearly understood that, notwithstanding the considerable extent of the lands in the Jilla of Tirhut, which have for a long time been a subject of dispute, the settlement made in the year 1812 of Christ, corresponding with year 1869 of Bikram Sambat, shall be taken, and everything else relinquished, that is to say, that is to say, that the settlement and negotiations, such as occurred at that period, shall in the present case hold good and be establish. The British Government is willing likewise to return the territories of

Terai lying between the Rivers Gandak and Rapti, that is to say, from the River Gandak to the western limits of the District of Gorakhpur. To gather with Butwal and Sheeraj such as appertained to Nepal previous to the disagreements, complete, with the exception of the disputed places in the Terai, and such quantity of ground as may be considered mutually to be requisite for the new boundary. As it is impossible to establish desirable limits between the two States without survey, it will be expedient that commissioners be appointed on both sides for the purpose of arranging in concert a well-defined boundary on the basis of the preceding terms, and of establishing a straight line of frontier, with a view to the distinct separation of the respective territories of the British Government to the south and of Nepal to the north; and in case any indentations occur to destroy the even tenor to the line, the Commissioner should it occur that the proprietors of lands so interfering on principles of clear reciprocity and should it occur that the proprietors of lands situated on the mutual frontier, as it may be rectified, whether holding of the British Government of the Raja of Nepal, should be placed in the condition of subjects to both governments, with a view to prevent continual dispute and discussion between the two Governments, the respective Commissioners should effect in mutual concurrence and co-operation the exchange of couch lands, so as to render them subject to one dominion alone.

In the event of the Rajah's approving the foregoing terms, the proposed arrangement for the survey and establishment of boundary marks shall be carried into execution, and after the determination in concert, of the boundary line, sunned conformable to the foregoing stipulations, drawn out and sealed by the two States, shall be delivered and accepted on both sides. Edward Garder Resident substance of a Letter under the seal of the Raja of Nepal, received on 11 December 1816. I have comprehended the document under date 8 December 1816, or 4th of Push, 1873 Sambat, which you transmitted relative to the restoration, with a view to my friendship and satisfaction, of the Terai between the Rivers Kushwaha and Rapti to the southern boundary complete, such as appertained to estate previous to the war. It mentioned that in the event of my accepting the terms contained in that document, the southern boundary of the Terai should be established as it was held by this Government.

I have accordingly agreed to the terms laid down by you, and here with enclose an instrument of agreement which may be satisfactory to you. More over. It was written in the document transmitted by you that it should be restored, should, in the opinion of the Commissioners on both sides, occur for the purpose of settling a boundary; and excepting the lands which, after the cessions of the Mithila to the Honourable Company, may have been transferred by it to the ascertained proprietors. My friend, all these matters rest with you, and since it was also written that a view was had to my friendship and satisfactions with respect to certain Articles of the Treaty of Sugaouli, which bore hard upon me, and which could be remitted, I am well assured that you have at heart the removal of whatever may tend to my distress, and that you will act in a manner corresponding to the advantage of this State and the increase of the friendly relations subsiding between the two Governments.

Moreover I have to acknowledge the receipt of the orders under the red seal of this state, addressed to the officers of

Terai between the Rivers Gandak and Rapti, for the surrender of that Terai, and their retiring from thence, which was given to you at Thankote, according to your request, and which you have now returned for my satisfaction.

Substance of a Document under the Red Seal, received from the Durbar, on 11 December 1816 With regard to friendship and amity, the Government of Nepal agrees to the tenor to the document under date 8 December 1816 or 4th Pous 1873 Sambat which was received by the Durbar from the Honourable Edward Gardner on the part of the Honourable Company, respecting the repentance of the Mithila between the Rivers Kushwaha and Rapti to the former southern boundary, such as appertained to Nepal previous to war, with exception to the disputed lands.

A subsequent agreement was made in December 1816 according to which Nepal got all the low lands Mithila from Mechi, in the east, to Mahakali, in the west. Therefore, the indemnity of two lakhs of rupees ceased to continue. A land survey was also proposed to fix the boundary between the two States. The war went on for nearly 2 years. Nepali warriors fought bravely and resisted the English attack in many places. Still overall events of the war went to Nepal. Bhimsen Thapa had expected help from Punjab, Gwalior, and Maratha but in vain. So Nepal was compelled to sign a surrender treaty i.e. the Sugaouli Treaty under humiliating circumstance on 2 December 1815 AD. The treaty was handed over to the East India Company with King's approval only on 4 March 1816 AD.

The Anglo-Nepal war or the treaty, in particular, had the following consequences. Nepal was obliged to surrender 1/3rd of the total land to the company. Nepal lost the cold area like Kumaon, Gadhwal, Nainital, and Darjeeling. The Indian ambassadors to Nepal interfered in the internal affairs of Nepal in the face of opposition made from time to time by the Governor Generals. Politics of conspiracy in the palace played their roles. Nepalese entry into the British army was on the rise.

The following conclusions could be drawn from the above fact, As Nepalese people have been taking from its onset that Sugaoule Traty was an unequal treaty and thus there is no need to let such an unequal treaty to remain in existence any longer, A s the Treaty of Peace and Friendship between Nepal and India signed on July 31, 1950 and the Treaty between Nepal and the United Kingdom on October 30, 1950 had annulled and invalidated all previous treaties and agreements, thus Nepal should have territorial rights over the areas of Greater Nepal, lost in the Sugaouli Treaty. After India gained independence from the British rule, there is no treaty, agreement and understanding regarding domination of the territory of Greater Nepal by the Republic of India. Thus the land captured by British from Nepal should no longer remain under present India's dominion. India has only been using the territory, which was cut-off from Greater Nepal, but it has no substantive proof of ownership. All nationalist citizens and the Nepalese people firmly believe that the Supreme Court will leave no stone unturned to reestablish the right and dominion of Nepal and the Nepalese on the territories which were cut-off from the Greater Nepal during the Sugaule Treaty, if the writ petioles submit historical documents and maps that are available in the Library of Congress-USA, British Library-London, National Library of Beijing China and some other leading libraries of the world. It has been proved by the activities of the British during the British India period that period that

Sugaouli Treaty was not everlasting.

If the treaty was unchangeable the provisions in the Nepalese monarch hereby cedes in perpetuity he whole of the low lands between the Rivers Kali and Tista, would have remained unchanged. But as the British they retracted from these Articles and returned the Nepalese land at more than one time. This shows that other Articles of the treaty and the treaty as a whole could be annulled one day, if Nepal is Powerful and strong enough. Nepalese must realize that Sugaouli treaty is there until Nepal boosts its self-confidence and act accordingly in this regard. For this we must be able to stand firmly on our feet. We must improve our social status and economic condition to stand on our own feet. Our per capita GDP must increase with our own effort. The Nepalese society can progress, if its economic condition improves. When there is economic and social progress. Nepalese could increase their capacity to think logically and rationally. If there is social awareness in the Nepalese society, it will naturally increase the feeling of love for one's country and patriotism. After fulfilling as these items, one day Nepal will be able to annul the Sugaouli Treaty of 1816 which was signed under duress.

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