



# **DOCUMENTATION OF THE CASE OF VIOLATION OF RIGHTS OF THE CHEPANG INDIGENOUS PEOPLES BY THE CHITWAN NATIONAL PARK AUTHORITIES DURING THE COVID-19 PANDEMIC**

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Rights of the Chepang Indigenous Peoples  
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# Documentation of the Case of Violation of Rights of the Chepang Indigenous Peoples by the Chitwan National Park Authorities during the COVID-19 Pandemic

by  
Dr. Krishna B. Bhattachan

## Introduction

This article attempts to document the case of violation of rights of the Chepang Indigenous Peoples by the of Chitwan National Park authorities during the COVID-19 pandemic. Rather than providing description of the two cases --arson and the killing of Raj Kumar Chepang, --both by the Chitwan National Park authorities, especially, the Nepal Army personnel, the incidents have been analyzed in the context of international standards of human rights that Nepal as a State party has an obligation to meaningfully comply with.

## Background

The first COVID-19 case in Nepal was confirmed on 13 January 2020<sup>1</sup> followed by the second case on 23 March 2020<sup>2</sup>. The Nepal government imposed the first phase of nationwide lockdown

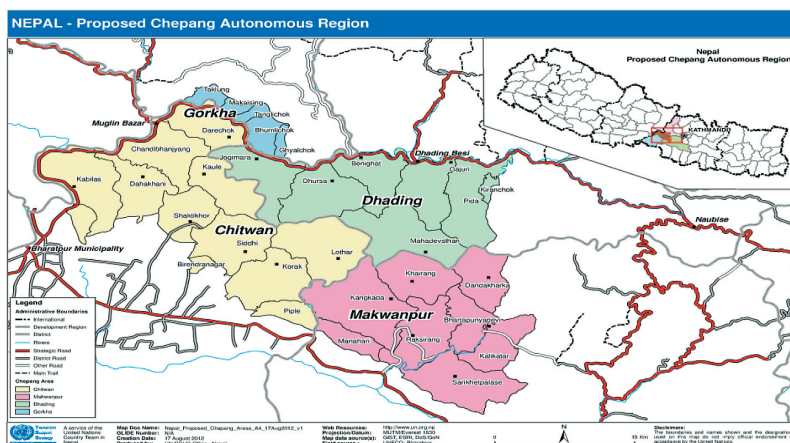
1. Anup Bastola *et al.* The first 2019 novel coronavirus case in Nepal. **The Lancet**. Volume 20 Issue 3, Pages 279-280.  
[https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(20\)30067-0/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(20)30067-0/fulltext)  
[http://www.xinhuanet.com/english/2020-01/25/c\\_138732435.htm](http://www.xinhuanet.com/english/2020-01/25/c_138732435.htm)
2. Arjun Poudel 19-year-old woman who returned from France via Qatar tests positive for Covid-19. 23 March 2020.  
<https://kathmandupost.com/health/2020/03/23/19-year-old-woman-who-returned-from-france-via-qatar-tests-positive-for-covid-19>

from 24 March to 31 March.<sup>3</sup> Though the Communist Party of Nepal (CPN) commands two-thirds majority in the Parliament, Prime Minister K.P. Oli made every effort to misuse the lockdown to impose dictatorship, hide corruption, derail implementation of federalism, curtail freedom of expression, abolish the Guthi customary self-governance system prevalent in the Newa Indigenous Peoples, strengthen Khas Arya racial supremacy and suppress and oppress Madhesi and Indigenous Peoples by playing the nationalism card. Moreover, the KP Oli-led government made precious little efforts to contain the COVID-19 pandemic by giving priority to testing and treatment and providing food to those who lost their jobs and livelihoods. The two incidents involving the Chepang Indigenous Peoples in Chitwan National Park during the lockdown period provides a glimpse into these sad state of affairs.

Chepang Indigenous Peoples are known as "People of Stones"<sup>4</sup>, who live at the "tips of the rock" and who are "cursed to be at tail-end".<sup>5</sup> According to Dor Bahadur Bista<sup>6</sup> they are closer to Rai of eastern Nepal. Chepang Indigenous Peoples are one of the 59 Indigenous Peoples who have been formally recognized by the Government of Nepal through ordinance for establishment of the National Committee for the Upliftment of Indigenous Nationalities in 1996 and through National Foundation for Development of Indigenous Nationalities (NFDIN) Act of 2002. Their ancestral lands lie in what is now known as Chitwan, Makawanpur, Dhading and Gorkha districts (See Map 1).

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3. [Tika R. Pradhan. 23 March 2020. Nepal goes under lockdown for a week starting 6am Tuesday.   
https://kathmandupost.com/national/2020/03/23/nepal-goes-under-lockdown-for-a-week-starting-6am-tuesday](https://kathmandupost.com/national/2020/03/23/nepal-goes-under-lockdown-for-a-week-starting-6am-tuesday)
  4. Rai, N. K. (1985) **People of Stones: The Chepangs of Central Nepal**. Kathmandu: Centre for Nepal and Asian Studies (CNAS). p. 7.
  5. **Chepang Jatiko Chinari ("Introduction to Chepang")** Kathmandu: National Foundation for Development of Indigenous Nationalities (NFDIN) and Laitpur: Nepal Chepang Sangh.
  6. Bista, Dor Bahadur (1987) *People of Nepal*, Kathmandu: Ratna Pustak Bhandar. 5th Edition 2000. First Published 1967., p. 98.

Map 1. Ancestral lands of Chepang Indigenous Peoples



Source: UN RCHCO Nepal. 2012. Chepangs' Struggle for Survival: Views from Makwanpur and Chitwan Districts. FIELD BULLETIN. Issue 47, September 2012. United Nations Resident and Humanitarian Coordinator's Office (UN RCHCO). Issue 47, September 2012. Page 7.

In Chitwan, they live in 20 Village Development Committees, namely Lothar, Kaule, Siddhi, Korak, Piple, Chandibhanjyang, Darechowk, Dahakhani, Ayodhyapuri, Kabilas, Padampur, Birnagar, Lothar, Khairani, Jutpani, Chainpur, Pithuwa, Jagatpur, Patihani and Suknagar, and Bharatpur Municipality.<sup>7</sup>

According to the Census of 2011, the total population of the Chepangs is 68,399, with 29,591 males and 28,746 females<sup>8</sup>, which accounts for 0.3% of Nepal's total population of 26,494,504.<sup>9</sup> The total number of Chepang people who speak their mother tongue stands at 48,476, i.e. 0.18% of the total population of

7. Rai, Uddhav, Chepang, Jitendra and Chepang Dil (2011) op cit. pp. 13-132.
8. Dahal, Dilli Ram (2014) Social Composition of the Population: Caste/Ethnicity and Religion in Nepal. pp. 1- 49. In: CBS (2014) **Population Monograph of Nepal. Volume II. Social Demography**. Kathmandu: Central Bureau of Statistics. p. 41  
<https://mohp.gov.np/downloads/Population%20Monograph%20V02.pdf>
9. Ibid, p. 29

Nepal.<sup>10</sup> Literacy rate stands at 54.51% among males and 42.22% among females.<sup>11</sup> The census showed that, 17,487 Chepang people practiced Christianity and 6,643 were nature worshippers, while 151 did not follow any defined religion.<sup>12</sup>

According to the UN RCHCO, “Originally nomadic, Chepangs used to survive through hunting, fishing and collecting edible roots and shoots from local forests. Most of the land suitable for crop cultivation was consequently occupied by more sedentary communities, and Chepangs were compelled to settle in sloped, arid and stony areas.”<sup>13</sup>

Brian Hodgson wrote in 1833 that Chepangs were “living entirely upon wild fruits and the produce of the chase”.<sup>14</sup>

Dev Kumar Sunuwar writes,

Created as the first Wildlife Conservation in 1973, Chitwan National Park covers over 367 square kilometers and is the traditional land of Tharu, Bote, Darai, Kumal and Majhi Indigenous Peoples, whose livelihood and subsistence depends upon the river and forest. They lived in the area since the[] time immemorial and have rich cultural history tied to the jungle and physical location

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10. Yadav, Yogendra P. (2014) Language Use in Nepal. p. 58-72. In: CBS (2014) **Population monograph of Nepal. Volume II. Social Demography.** Kathmandu: Central Bureau of Statistics. 72, p. 58  
<https://mohp.gov.np/downloads/Population%20Monograph%20V02.pdf>
  11. Dahal, Dilli Ram, op cit., p. 41
  12. Dahal, Dilli Ram, op cit., p. 45
  13. UN RCHCO Nepal. 2012. Chepangs’ Struggle for Survival: Views from Makwanpur and Chitwan Districts. FIELD BULLETIN. Issue 47, September 2012. United Nations Resident and Humanitarian Coordinator’s Office (UN RCHCO). Issue 47, September 2012.  
<https://reliefweb.int/report/nepal/field-bulletin-nr-47-chepangs-struggle-survival-views-makwanpur-and-chitwan-districts>
  14. Bista, Dor Bahadur (1987) Op cit.  
Hodgson, Brian (1883) Origin and lassification of the Military Tribes of Nepal. **Journal of the Asiatic Society of Bengal.** V. II, pp. 217-224.

of Chitwan. In 1975, the Nepali army was deployed to forcibly evicted[] them to create a pristine national park and [it] has since operated with strict orders to control poaching and land encroachment.

Indigenous Peoples alongside Chitwan National Park have been living in intimidation and fear of being labelled as poachers, accused of illegally fishing, trapping and collecting forest products. There is no mechanism in place to file complaints against [the] arbitrary decisions of the warden and illegal actions taken by park authorities including the army.<sup>15</sup>

Nirajan Thapliya, Director of the Amnesty International-Nepal writes,

International human rights law prohibits the eviction of people against their will from the homes or land they occupy, without due process or other legal safeguards. These safeguards include genuine consultation with affected communities to identify all feasible alternatives to eviction, prior and adequate notice, provision of legal remedies, compensation for losses, and adequate alternative housing to those who cannot provide for themselves.

Furthermore, in the case of Indigenous Peoples, Article 10 of the United Nations Declaration on the Rights of Indigenous Peoples states “Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned

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15. Dev Kumar Sunuwar 4 August 2020. Violence against Chepang Peoples in Nepal Sparks Outrage at National Park Authorities and Conservation Movement. **Cultural Survival**. <https://www.culturalsurvival.org/news/violence-against-chepong-peoples-nepal-sparks-outrage-national-park-authorities-and>

and after agreement on just and fair compensation and, where possible, with the option of return.”<sup>16</sup>

Chepang Indigenous Peoples depend on subsistence farming. They do not “own land”, i.e. they have no *Lal Purja* (certificate of land ownership). Nepal’s laws, which fail to meet international standards, currently only protect people living “on land that they own” and fail to ensure adequate safeguards against forced evictions of people who do not have ownership titles.<sup>17</sup>

Dewan Rai write, “Many members of the Chepang community live near and depend heavily on forests for their livelihood. Because of their nomadic past, an estimated 90 percent of Chepangs don’t own land, and support themselves by hunting, fishing, and foraging for wild roots and shoots in and around forests.”<sup>18</sup> Rai further writes, “But Nepal’s national land and forest protection policies have restricted their access to natural resources, criminalizing even their forays into the forest, and making their already fragile livelihood situation even more precarious.”

### **Case No. 1: Burning of Chepang Houses and Eviction by the Chitwan National Park**

Many landless people and those who were displaced by floods and landslides have been living in Kusumkhola, Ward No 9 of Madi Municipality in Chitwan district, since 1992. According to the Indigenous Voice,

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16. 21 July 2020. Nepal: Authorities must stop ruthless evictions of Indigenous peoples. <https://www.amnesty.org/en/latest/news/2020/07/nepal-authorities-must-stop-ruthless-evictions-of-indigenous-peoples/>
  17. Nirajan Thapliya. 21 July 2020. Nepal: Authorities must stop ruthless evictions of Indigenous peoples. <https://www.amnesty.org/en/latest/news/2020/07/nepal-authorities-must-stop-ruthless-evictions-of-indigenous-peoples/>
  18. Dewan Rai. 28 July 2020. How the state continues to dispossess Chepangs. **the record**. <https://www.recordnepal.com/wire/features/how-the-state-continues-to-dispossess-chepangs/>



Madi is in the buffer zone of Chitwan National Park, and there has been long-running tension between the CNP administration and local people. Especially, Indigenous Peoples have been a soft target for the CNP. Recently, Bote people, another marginalized indigenous community, lost their livelihood after the CNP administration stopped them from collecting fish from the local river and rivulets.

Indigenous Peoples' rights activists say the CNP has always targeted indigenous communities living around the protected area because they are voiceless and helpless. Jagat Baram, Chairperson of Nepal Federation of Indigenous Nationalities (NEFIN) has condemned the CNP's attack on Chepang people.<sup>19</sup>

Dewan Rai writes, "The Chepangs have called the area around Chitwan National Park home for a long time. Ward 9 of Madi Municipality, near the national park, for example, houses 340 Chepang families."<sup>20</sup> In the last two years, Madi Municipality has resettled most of the 160 "squatters" settled in Kusumkhola to other locations. The Municipality was planning to resettle the remaining 10 households. The Indigenous Voices reports has quoted a local journalist Govinda Neupane saying, "Chepang people had been allowed by the local government to build their huts in Kusum Khola area of Madi Municipality. They had come there after their houses were destroyed by flood and landslide". However, the Park officials claim that these lands were being encroached by the "settlers", "Settlements in Kusumkhola and some areas of Bandarjhula have been built by encroaching the park's territory. We are reclaiming them," said Rupakheti."<sup>21</sup>

19. Indigenous Voice. 20 July 2020. Indigenous Chepang people's houses burnt down in Chitwan. <https://www.indigenousvoice.com/en/indigenous-chepang-peoples-houses-burnt-down-in-chitwan.html>

20. Dewan Rai. op. cit.

21. Chitwan park authority accused of burning huts of landless squatters in Madi <https://www.indigenousvoice.com/en/indigenous-chepang-peoples-houses-burnt-down-in-chitwan.html>

Picture 1: A Chepang man sitting at the site of his burnt house



Source: Himalkhabar <https://www.himalkhabar.com/news/116279>

Picture 1: A Chepang woman standing at the site of her burnt house



Source: Himalkhabar <https://www.himalkhabar.com/news/116279>

“A Chepang family stands amid the remains of their house after it was burnt down by officials of Chitwan National Park, Nepal, during the monsoon.” - Survival



*The Kathmandu Post* reported an incident of gross violation of human rights of the Chepangs as local news of the Bagmati Province, in which Ramesh Kumar Paudel, Chitwan correspondent for the Kantipur Publications, writes,

Dan Bahadur Praja Chepang, a resident at a squatter settlement in Kusumkhola in Madi, was on his way back home from Kirtanpur around 5 in the evening on Saturday. As he approached the settlement, he saw around 20 people riding on seven elephants enter the settlement, which was an unusual sight for him. “As I got closer I saw houses on fire. They had torched my house and my uncle’s and vandalised other houses too,” said the 20-year-old Dan Bahadur.

Dan Bahadur claims the people who torched and vandalised his settlement are employees of Chitwan National Park.

The park employees reached the Kusumkhola settlement of the landless people on Saturday and asked the 10 squatter households to evict the area within a week, according to some locals, The [] park administration, however, has refuted the allegation of vandalism and arson in the settlement.<sup>22</sup>

Ramu Sapkota and Rabi Adhikari reported in the HimalKhabar magazine,

The park has destroyed the settlement without giving any prior notice, says Kajiman Praja who has been displaced from there. "As houses were gutted suddenly, we could not take our clothing and utensils from our home."<sup>23</sup>

Rabin Sharma reported on OnlineKhabar,

After this unforeseen event, the Chepang families have been taking shelter in a nearby school hostel. They still fear if other members of their community living around the Chitwan National Park could also suffer the same fate. A similar incident was reported a month ago with Tharus living on the edge of Bardiya National Park.

This type of violence can lead to physiological and mental problems as most of them are surviving with the global Covid-19 pandemic in this rainy season when a house is critical to keep oneself safe. Building new houses without having any support from the local government is tough for them, and they are always overlooked by the central government.<sup>24</sup>

22. Ramesh Kumar Paudel. 20 July 2020. Chitwan park authority accused of burning huts of landless squatters in Madi  
<https://kathmandupost.com/province-no-3/2020/07/20/chitwan-park-authority-accused-of-burning-huts-of-landless-squatters-in-madi>

23. <https://www.himalkhabar.com/news/116279> Its original text in Khas Nepali language. Translation mine.

24. **Chepangs in crisis: CNP's eviction is latest in already long series of their trouble.**

Meenakshi Ganguly, South Asia Director of the Human Rights Watch, in her dispatch published by the Human Rights Watch website, reported,

A group of lawyers have gone to Nepal's Supreme Court seeking to prevent the eviction of landless families, unless the government ensures their constitutional right to housing by providing an adequate alternative location. The petition also calls for accountability for officials found guilty of abuses.<sup>25</sup>

The government's apathy towards the plights of Indigenous Peoples was apparent when the Minister for Forests and Environment misled the Parliamentarians by denying burning of Chepang houses by the park authorities. The **Aawaaj News** reported,

Minister of Forest and Environment Shakti Bahadur Basnet has reiterated that the houses belonging to Chepang community that were burned by Chitwan National Park authorities were merely cow sheds and not homes.

Minister Basnet has drawn flak for saying that the huts were not actually houses because they did not have kitchens.

Speaking at the Parliament's Agriculture, Cooperatives and Natural Resources Committee meeting on Wednesday, Minister Basnet said, "Homes, be it big or small, have kitchens. But if a building structure doesn't have a functioning kitchen, it cannot be called a home regardless of its size."

On July 26 during a meeting of the Law, Justice and Human

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<https://english.onlinekhabar.com/chepangs-in-crisis-cnps-eviction-is-latest-in-already-long-series-of-their-trouble.html>

25. Nepal Park Guards Accused of Persecuting Indigenous People



Rights Committee of the House of Representatives, Minister Basnet had claimed that the Park authorities had only burned cow sheds and not homes of Chepangs.

He has been slammed from various side for his “insensitive” remark.

The Environment Minister also urged Parliamentarians to not believe in the photos published in traditional as well as social media that showed the burnt-out Chepang settlement.<sup>26</sup>

Later, on 29 July, 2020, the minister backtracked a bit, as reported by Thahakhabar, an online news portal, in a meeting of a Parliamentary committee on Agriculture, Cooperatives and Natural Resources, by saying that it was a human error.<sup>27</sup>

Paudel has quoted a local government official who said,

“This is not the right time for the park authority to evict the squatters,” said Shiva Hari Subedi, chief of Ward No 9. “The ward office and the municipality have been searching for a suitable location to relocate the squatters but these things take time,” he said. “The national park did not take action against the squatters in the dry season but chose to give them one-week eviction notice at a time when the local communities, including the squatters, are trying to survive the pandemic and the disaster the rains bring,” he said.”<sup>28</sup>

The park officials, however, lied, as reported by Paudel,

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26. **Not homes but cow sheds of Chepangs were burned, claims Environment Minister Basnet.** <https://aawaajnews.com/social/not-homes-but-cow-sheds-of-chepangs-were-burned-claims-environment-minister-basnet/>

27. <http://thahanews.com/news/104065/>

28. Ramesh Kumar Paudel. Op Cit.

"Some park employees and Nepal Army personnel had gone to the settlement to ask the villagers to evacuate the area. But they did not torch the huts as claimed by the locals. I was informed that some barns were dismantled," said Narayan Rupakheti, the chief conservation officer at the CNP. .... "They told me the park employees torched two houses even without letting them salvage their documents and belongings."<sup>29</sup>

Picture 3: Newly built hut for shelter after the destruction



Source: <https://nayapatrikadaily.com/news-details/53611/2020-10-2>

This unfortunate incident of rights violation is a textbook example, as reported in the Indigenous Voice, of how authorities displace Indigenous Peoples from their homeland. The Chitwan National Park (CNP) has demolished the houses of poor Chepang families saying they had encroached upon the government land. The CNP authorities set fire to Chepang

29. Ramesh Kumar Paudel. Op Cit.

people's thatched houses. They also used a horde of elephants to chase them away.<sup>30</sup>

On 16 November 2020, Dipendra Adhikari reported in *Nayappatrika* daily that Chepangs lost their houses by fire lit and elephant used by the Nepal Army personnel, did not get compensation, and ten families were taking shelter in huts built around their destroyed houses.<sup>31</sup> Adhikari has quoted an army officer of the park claiming that they had not obstructed the victims from staying there complying with the interim order issued on 30 July 2020 by the single bench of Justice Tanka Bahadur Muktan of the Supreme Court of Nepal.

### Response from Human Rights Organizations

National and international human rights organizations have deplored the incident and demanded justice for the victims.

According to Dewan Rai,

News of the destruction of Chepang homes was first reported on July 20 in the national media, but there was no response from Nepal's human rights organizations. On the same day, the Nepal Federation of Indigenous Nationalities (NEFIN) had expressed strong objections to the incident and appealed to the National Human Rights Commission (NHRC) to take up the case.

But it was Amnesty International Nepal who first condemned the Kusum Khola incident, even before Raj Kumar's death had grabbed the headlines. "Forcing anyone from their homes is an act of cruelty. To do so with the use of arson and charging elephants, risking lives and destroying the few possessions of an already marginalised community, is unconscionable and a

30. Indigenous Voice. 20 July 2020. <https://www.indigenousvoice.com/en/indigenous-chepang-peoples-houses-burnt-down-in-chitwan.html>

31. <https://nayapatrikadaily.com/news-details/53611/2020-10-23>



human rights violation,” reads a statement issued by Nirajan Thapaliya, Director of Amnesty International Nepal on July 21.<sup>32</sup>

The KhabarHub reported,

The National Human Rights Commission (NHRC) has urged for due compensation to the Chepang people whose houses were destroyed in Chitwan recently, forcing them to be displaced.

Prodding for the probe into the incident, the human rights watchdog issued a statement on Friday. It has appealed to the government to provide them shelter at the earliest and ensure their right to accommodation.

The statement issued by Commission’s Secretary Bed Prasad Bhattarai demanded action against the culprit and compensation to the families of Raj Kumar Chepang who died later.<sup>33</sup>

Nirajan Thapaliya Amnesty International<sup>34</sup> writes,

Nepal’s authorities must immediately halt the forced eviction of the Chepang Indigenous peoples from their settlements and ensure those responsible for the destruction of ten homes are held accountable, Amnesty International said today.

On 18 July 2020, the authorities at Chitwan National Park, a UNESCO World Heritage site, set two houses ablaze and destroyed eight others with the use of elephants.

32. Dewan Rai. op. cit.

33. **NHRC urges protection of highly marginalized Chepang.**  
<https://english.khabarhub.com/2020/25/114741/>

34. Nirajan Thapliya. 21 July 2020. Nepal: Authorities must stop ruthless evictions of Indigenous peoples.  
<https://www.amnesty.org/en/latest/news/2020/07/nepal-authorities-must-stop-ruthless-evictions-of-indigenous-peoples/>

The attacks were carried out without any prior warning. The Chepang families, belonging to one of Nepal's most marginalized Indigenous communities, lost not just their homes but also their money, identity documents and other possessions.

"Forcing anyone from their homes is an act of cruelty. To do so with the use of arson and charging elephants, risking lives and destroying the few possessions of an already marginalized community, is unconscionable and a human rights violation," said Nirajan Thapaliya, Director of Amnesty International Nepal.

"The Chepang community must be protected. Any further attempts to force them out of their homes must be stopped. The people who have been forcibly evicted must be given effective remedy including adequate alternative housing and compensation. Furthermore, the perpetrators responsible for these forced evictions should be held accountable for their actions."

One of the victims of the attack told Amnesty International that the park authorities first began approaching their homes by grazing elephants on the land used by the Chepang community for farming, damaging their crops. They then set two of the houses on fire and unleashed elephants to charge at and destroy eight other houses. According to information obtained by Amnesty International, the park authorities acted without even informing local government officials.

The members of the Chepang community who lost their homes are now in temporary accommodation in a school hostel nearby, and fear that other members of their community in Chitwan National Park could also suffer the same fate.

This is the second such attack that Nepal's Indigenous peoples have faced in two months. In June, the authorities at the Bardiya National Park attempted to forcibly evict members of the landless Tharu community from their settlements there.

“No one should be subjected to forced evictions. It is appalling that during a pandemic and ongoing rainy season, when having a home is critical to keeping oneself safe, Nepal's authorities have chosen to dispossess some of the most marginalized people and make them homeless.” said Nirajan Thapaliya.

“Nepal's authorities should be focusing their energies on addressing the human rights of all including Indigenous peoples at this time, including their rights to adequate housing and access to livelihoods.”

On July 22, only after news of Raj Kumar's death had made headlines, did the NHRC issue a statement urging the government to protect the Chepang people's rights to life and property. The Advocacy Forum, the Terai Human Rights Defenders (THRD) Alliance, and the Informal Sector Service Centre (INSEC) also issued a joint-statement demanding an investigation into the case and calling for action against those involved in rights violation.

While national rights organisations defended the delay in their condemnation on the pretext that they had to first gather enough information to issue their statements, Nepal's civil society merely vented its ire through social media, without formally condemning the incident.

The India Greens Party (IGP) “condemned the Nepal Government for burning down the indigenous Chepang people's houses in the Chitwan National Park (CNP) in the

country and displacing these people from there.”<sup>35</sup>

### **Case no. 2: Killing of Raj Kumar Chepang and torture meted out to other Chepangs**

On July 16, Raj Kumar Chepang, 24, of Rapti Municipality-2 had gone to collect Ghongi (snails) in the nearby Jyudi River inside the Chitwan National Park with his six friends, including two women. They were detained by the Nepal Army patrol inside the park and were released on the same day. Raj Kumar died on July 22 from what was believed to be the injuries inflicted by the army personnel after he was caught inside the park.<sup>36</sup>

Raj Kumar’s father, Bishnulal, filed a complaint at the District Police Office on Friday, claiming that his son was tortured by the Army patrol, which led to his death. He has demanded an impartial investigation into the incident and punishment to the guilty.

“We arrest around 400 people from the park in a month. But we do not beat any of them,” said Shrestha. “We did not hit the youths on July 16 as well.”

Meanwhile, the relatives of Raj Kumar have refused to receive his body until their demands are met. Santa Lal Praja Chepang, who sat in for talks from Raj Kumar’s side at the District Administration Office, said, “We have demanded compensation for Raj Kumar’s family and provision of education for his child.”

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35. press statement by India Green Party. <https://indiagreensparty.org/2020/07/28/igp-condemns-nepal-govt-for-burning-down-indigenous-chepang-peoples-houses-in-cnp/>

36. Ramesh Kumar Paudel. 24 July 2020. Nepal Army personnel blamed for death of Chepang youth. **The Kathmandu Post**. <https://kathmandupost.com/province-no-3/2020/07/24/kin-of-chepang-youth-who-died-after-being-thrashed-by-nepal-army-personnel-seek-impartial-investigation-into-the-incident>

Raj Kumar is survived by his parents, wife and a one-and-a-half-year-old daughter.

### **Progress made after the Incident<sup>37</sup>**

The deceased victim's father, Bishnu Lal Chepang, filed a FIR (First Information Report) on July 24 at the District Police Office demanding justice. His claim was that his son was tortured to death by Chiran Kumar Budha, a sergeant of Liglig Post, Batuk Dal Battalion of Nepal Army, in the Chitwan National Park. On July 26, Bharatpur Hospital sent the body to the Tribhuvan University Teaching Hospital in Kathmandu for autopsy. The Nepal Army released a press statement on 24 July 2020 and stated that it had “already initiated an internal investigation into the case and would cooperate with authorities investigating the case.”

On July 26, National Human Rights Commission (NHRC) Chair Anup Raj Sharma, responding to a memorandum submitted by the Nepal Federation of Indigenous Nationalities (NEFIN), which is an umbrella organization of 59 Indigenous Peoples including Chepang, said that "the human rights body is 'concerned' about the injustice meted out to poor indigenous people" and "NHRC secretary Bed Prakash Bhattarai informed NEFIN that they have launched an investigation into the Chitwan incidents", reported Kumar Yatru-Tamang in the Indigenous Voice.<sup>38</sup>

On July 31, the Chitwan District Administration Office offered compensation of 1 million rupees, including Rs. 700,000 by the park authorities and Rs. 300,000 by the Rapti Municipal Office. After the agreement the deceased's family accepted to cremate the body. Dev Sunuwar writes,

37. <https://www.devkumarsunuwar.com.np/waiting-for-justice-the-case-of-raj-kumar-chepang>

38. No country for indigenous Chepang people. <https://www.indigenousvoice.com/en/no-country-for-indigenous-chepang-people.html>

Raj Kumar, who was killed by the Nepal Army personnel (Top), His house (Bottom left, and his wife holding his photo (Bottom Right)



Source: Picture at the top, Survival  
<https://www.survivalinternational.org/news/12434#:~:text=A%20Chepang%20indigenous%20man%20in,snails%20in%20Chitwan%20National%20Park.&text=Raj%20Kumar%20Chepang%2C%2024%2C%20died,the%20National%20Park%20without%20permission>

Pictures at the bottom, Indigenous Voice <https://www.culturalsurvival.org/news/waiting-justice-nepal-case-raj-kumar-chepong>

“Initially reluctant, Bishnu Lal agreed to the deal offered and received his son’s dead body, as he was assured in public by local representatives, park officials, and the officials of Batuk Dal Battalion of Nepal Army that

they would take action against the guilty,” Gobinda Ram Chepang, former Constituent Assembly Member one of the representatives from the victim's side said. “The arrest made of Budha, the accused, and an initial court order to keep him in custody until the trial is giving hope of justice for the bereaved Chepang family.”

The park authorities provided Rs. 100,000 and the Rapti Municipality office offered Rs. 300,000 in compensation to the victim's family, although Nepal Police had made no arrest till 20 September 2020. It was only when Bishnu Lal filed a second case on September 10 that the accused army sergeant was arrested. Dev Sunuwar writes, “Human rights activists have conducted independent studies and the National Human Rights Commission has taken up the case of Raj Kumar.”

The National Human Rights Commission of Nepal has taken serious exception to the alleged involvement of Chitwan National Park in the burning of houses of the people from the Chepang community on July 18 and for the death of another person after he was “beaten and tortured” by Nepal Army personnel deployed for security in Chitwan National Park.<sup>39</sup>

### **What Rights of Chepang Indigenous Peoples have been violated?**

Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP) had released a press statement on 21 July 2020 against the violations of human rights of the Chepang Indigenous Peoples by the Chitwan National Park.<sup>40</sup> LAHURNIP has taken serious exception to the incident of arson which rendered 52 Chepangs, including an infant and 17 children, homeless and helpless. It denounced the inhuman,

39. **National Human Rights Commission of Nepal has taken serious exception to killing of youth** <https://southasiamonitor.org/nepal/national-human-rights-commission-takes-serious-exception-killing-youth>

40. <https://www.lahurnip.org/press-release/50>

cruel and deplorable act of burning people's home, citizenship certificates, foods, clothing, money and goods by entering their houses with arms without any prior notice. It has pointed out violation of human rights by the government:

### **Violation of Constitutional Rights**

The government has violated the following fundamental rights and duties of the State and other rights guaranteed by the Constitution of Nepal, 2015<sup>41</sup>

#### *Right to Live with Dignity*

The Constitution of Nepal, 2015, has guaranteed right to live with dignity as one of the fundamental rights. Article 16 of the constitution, i.e. Right to live with dignity, states: (1) “Every person shall have the right to live with dignity” and (2) “No law shall be made providing for the death penalty to anyone.”<sup>42</sup>

Furthermore, “Although Directive Principles, Policies and Obligations of the State are not enforceable and cannot be challenged in the court for its non-implementation, Article 51 (j) of the constitution states, “to make the indigenous nationalities participate in decisions concerning that community by making special provisions for opportunities and benefits in order to ensure the right of these nationalities to live with dignity, along with their identity, and protect and promote traditional knowledge, skill, culture, social tradition and experience of the indigenous nationalities and local communities.”

Thus, the National Park authorities have clearly violated these rights of the Chepang Indigenous Peoples.<sup>43</sup>

41. [https://www.mohp.gov.np/downloads/Constitution%20of%20Nepal%202072\\_full\\_english.pdf](https://www.mohp.gov.np/downloads/Constitution%20of%20Nepal%202072_full_english.pdf)

42. [https://www.mohp.gov.np/downloads/Constitution%20of%20Nepal%202072\\_full\\_english.pdf](https://www.mohp.gov.np/downloads/Constitution%20of%20Nepal%202072_full_english.pdf)

43. <https://www.lahurnip.org/press-release/50>



### *Right relating to food*

The Constitution of Nepal, 2015, has guaranteed the right relating to food as one of the fundamental rights. Article 36 of the constitution, i.e. Right relating to food states, "(1) Every citizen shall have the right relating to food", "(2) Every citizen shall have the right to be safe from the state of being in danger of life from the scarcity of food", and (3) "Every citizen shall have the right to food sovereignty in accordance with law."<sup>44</sup>

### *Right to housing*

The Constitution of Nepal, 2015, has guaranteed the right to housing as one of the fundamental rights. Article 37 of the constitution, i.e. Right to housing states, "(1) Every citizen shall have the right to an appropriate housing", and "(2) No citizen shall be evicted from the residence owned by him or her nor shall his or her residence be infringed except in accordance with law."

### *Special, Protected or Autonomous Region*

Article 56 (5) of the Constitution of Nepal, 2015 states, "Any Special, Protected or Autonomous Region can be set up by the Federal law for social, cultural protection or economic development." This provision is part of the recommendations made by the Constituent Assembly. The recommendations made by the State Restructuring and Power Distribution Committee, and the State Restructuring Commission of the first Constituent Assembly, and owned by the second Constituent Assembly had recommended formation of autonomous, special and protected regions and Chepang autonomous region for Chepang Indigenous Peoples (See Map 1). Recently the Supreme Court of Nepal has issued a directive order to the government to bring laws for implementation of this provision of the constitution. Though the directive order was issued in

44. [https://www.mohip.gov.np/downloads/Constitution%20of%20Nepal%202072\\_full\\_english.pdf](https://www.mohip.gov.np/downloads/Constitution%20of%20Nepal%202072_full_english.pdf)

response to a writ petition filed by Baram Indigenous Peoples, the court's decision is applicable to all Indigenous Peoples, including Chepang. About the court's decision, Krishna B. Bhattachan writes,

... the Supreme Court of Nepal issued a Directive Order on 31 December 2018 that laws should be passed to establish the Baram Special, Protected or Autonomous region as stated in the constitution (*BhuwanBaram& Tek Bahadur Baramvs Prime Minister of Nepal* WN 074-WO-0239). Baram are one of the 59 Indigenous Peoples formally recognised by the government and they are a highly marginalised group. The Supreme Court has clearly stated that the culture and social structure of the Baram cannot be protected without establishing the Baram Special or Protected area. Inspired by this directive order, the Majhis, Baram, Newa, Magar, Kiratis and Santhals are all raising the issue of Protected, Special and Autonomous Areas with the support of the Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP). A Writ Petition was filed (076-WO-0259) in this regard by Sadaar Sing Limbu *et al* against the Prime Minister of Nepal. The Supreme Court issued Show Cause Order and the case is ongoing. Article 56 (5) has a provision that "any Special, Protected or Autonomous Region can be established under the Federal law for social, cultural protection or economic development"<sup>45</sup> but this has never been implemented by the government.<sup>46</sup>

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45. Constitution of Nepal. Available at: [http://constitutionnet.org/sites/default/files/nepal\\_constitution\\_-\\_official\\_translation\\_eng\\_mljpa.pdf](http://constitutionnet.org/sites/default/files/nepal_constitution_-_official_translation_eng_mljpa.pdf)

46. Nepal, Pp. 153-161, In: **The Indigenous World 2020**. Copenhagen: International Work Group for Indigenous Affairs (IWGIA). Pages 156-157. [http://iwgia.org/images/yearbook/2020/IWGIA\\_The\\_Indigenous\\_World\\_2020.pdf](http://iwgia.org/images/yearbook/2020/IWGIA_The_Indigenous_World_2020.pdf)

## Violations of Human Rights

Nepal is a party to a number of international laws, including the Convention on Elimination of Racial Discrimination (CERD), ILO Convention No. 169, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Outcome Document of the World Conference of Indigenous Peoples, 2014. The two incidents are indeed a violation of the following human rights of the Chepangs by the Government of Nepal:

*Right not to be subjected to forcible removal and forced assimilation*

The following Articles of UNDRIP (Box 1) ensure Chepang Indigenous Peoples' right not to be subjected to forced assimilation to Khas Nepali society and culture, or destruction of their culture.

Both incidents described above and other past and present state policies, laws and practices have been violating these rights of Chepangs and other Indigenous Peoples. UNDRIP Articles 8, 10 and 21 ensure Chepang and other Indigenous Peoples' right not to be subjected to forced assimilation or destruction of their culture.

Box. 1. Violation of right not to be subjected to forcible removal and forced assimilation

UNDRIP

### Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:

- (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
- (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
- (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
- (d) Any form of forced assimilation or integration;
- (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

#### **Article 10**

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

#### *Violation of right to return to Chepangs' traditional lands*

These and other victims who have been displaced multiple times, including these recent incidents, Chepang and other Indigenous Peoples who have been displaced by the government have the right to return to their ancestral lands. Article 16 of the ILO Convention No. 169 has clearly ensured this right (Box 2).

#### *Violation of rights to collective ownership of Chepangs' lands, territories and resources*

According to the UN RCHCO, "Furthermore, the Private Forest Nationalization Act 1957 included all forest land that had

**Box 2. ILO Convention No, 169 on right to return to ancestral lands**

**Article 16**

1. Subject to the following paragraphs of this article, the peoples concerned shall not be removed from the lands which they occupy.
2. Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.
3. Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist.
4. When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees.
5. Persons thus relocated shall be fully compensated for any resulting loss or injury.

previously been used under customary systems of rights and usage under the category of 'government ownership'. There was no compensation for highly marginalized indigenous groups such as the Chepangs who had traditionally managed and used these forests. Non-recognition and the lack of legal protection of customary land rights have slowly eroded their access to areas they traditionally used for their livelihoods."<sup>47</sup> Subsequently, the Forest Act, 2049 (1993)<sup>48</sup> took away the rights of Chepangs to their land, territories and resources. Section 23 of the Act states,

If His Majesty's Government considers that any part of a National Forest is of special environmental, scientific or cultural importance or of any other special importance, it may declare such part of the National Forest as a Protected Forest" and "After the declaration of any part of a National Forest as a Protected Forest by His Majesty's Government pursuant to sub-section (1), it shall have to publish a notification in the Nepal Gazette".

The Chitwan National Park Act originates from the National Park and Wildlife Conservation Act, 2029<sup>49</sup> and the preamble of this Act of 2029 gives mandate to National Parks and Conservation

Areas, including the Chitwan National Park regulated by the Chitwan Rastriya Nuknja Niayamabali, 2030 ("Chitwan

47. UN RCHCO Nepal. 2012. Chepangs' Struggle for Survival: Views from Makwanpur and Chitwan Districts. FIELD BULLETIN. Issue 47, September 2012. United Nations Resident and Humanitarian Coordinator's Office (UN RCHCO). Issue 47, September 2012.

48. [file:///C:/Users/DELL/Downloads/Forest%20Act\\_Eng.pdf](file:///C:/Users/DELL/Downloads/Forest%20Act_Eng.pdf)

49. [http://www.dnppwc.gov.np/media/rules/Law\\_book\\_collection\\_2073\\_1.pdf](http://www.dnppwc.gov.np/media/rules/Law_book_collection_2073_1.pdf)  
<http://www.dnppwc.gov.np/media/rules/%E0%A4%B8%E0%A4%B0%E0%A4%95%E0%A4%B7%E0%A4%A4%E0%A4%95%E0%A4%B7%E0%A4%A4%E0%A4%B0%E0%A4%95%E0%A4%90%E0%A4%A8%E0%A4%A8%E0%A4%AF%E0%A4%AE%E0%A4%B8%E0%A4%97%E0%A4%B2%E0%A5%A8%E0%A5%A6%E0%A5%AD%E0%A5%AA.pdf>

National Park Regulation”) for (a) management of national parks, (b) conservation of wildlife and their habitat, (c) regulation of hunting, and (d) conservation, promotion, development, and appropriate arrangements for and the use of places which are of special importance from the point of view of natural beauty, and (e) maintaining good manners and welfare of the general public. The Madhyabarti Chetra Byabasthapan Niyamabali, 2052 (“Buffer Zone Regulation”) has been used to take away the rights of Indigenous Peoples, including Chepangs to their lands, territories and resources. Thee all acts and regulations violate human rights of Chepang Indigenous Peoples granted by Articles 25 and 26 and Articles 14, 15 and 17 of ILO Convention No. 169 (Box 3).

**Box. 3. Violation of rights to collective ownership of Chepangs' lands, territories and resources**

UNDRIP

**Article 25**

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

**Article 26**

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition

shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

### **ILO Convention No. 169**

#### **Article 14**

1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.

#### **Article 15**

1. The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.

#### **Article 17**

1. Procedures established by the peoples concerned for the transmission of land rights among members of these peoples shall be respected.
2. The peoples concerned shall be consulted whenever consideration is being given to their capacity to alienate their lands or otherwise transmit their rights outside their own community.
3. Persons not belonging to these peoples shall be prevented from taking advantage of their customs or of lack of understanding of the laws on the part of their members to secure the ownership, possession or use of land belonging to them.



*The national park has never obtained Chepangs' and other Indigenous Peoples' Free, Prior and Informed Consent (FPIC)*

Article 19 states that States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

CERD General Recommendation No. 23<sup>50</sup> especially calls upon States parties to recognize and protect the rights of Indigenous Peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories. Only when this is for factual reasons not possible, the right to restitution should be substituted by the right to just, fair and prompt compensation.

*Violation of right to self-determined development*

LAHURNIP noted that such incidents violated the right against racial discrimination against Indigenous Peoples (Article 1 of the CERD), and Ethno-genocide (Article 8) of the United Nations Declaration on the rights of Indigenous Peoples (UNDRIP), right to get back lands taken without obtaining free, prior and informed consent (FPIC) of Indigenous Peoples (CERD Recommendation No. 23, Article 28 of UNDRIP, Article 7 of ILO Convention no. 169) (Box 4).

*Racial discrimination against Chepang Indigenous Peoples*

The Chitwan National Park, including the Nepal Army deployed in the park, has a history of racial discrimination

50. General Recommendation No. 23: Indigenous Peoples: . 18.08.1997. <https://www.uio.no/studier/emner/jus/jus/JUS5710/h13/undervisningsmateriale/general%2Brecommendation%2Bno23.pdf>

Box 4. ILO Convention No. 169, Article 7,

1. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.
2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement.
3. Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.
4. Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit.

against Indigenous Peoples, including Chepang, According to Article 1 of the Convention on Racial Discrimination (CERD), "the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or

effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." The Chepang Indigenous Peoples were targeted by the Chitwan National Park authorities, including the Nepal Army. The authorities burned down their houses, evicted them from the land they had been occupying, and tortured and killed one of their members. This is a sheer case of racial discrimination against Chepang Indigenous Peoples and a blatant violation of their human rights.

### *Recurring Violations by the Chitwan National Park Authorities*

Studies have revealed that rights violations, including serious ones by the Chitwan National Park continues. In a recent research on **Review of Laws and Policies Related to and Situation of Violations of Indigenous Women's Rights by National Parks, Wildlife and Hunting Reserves** carried out by Krishna. Bhattachan for the National Indigenous Women's Federation (NIWF) and N-Peace-UNDP in 2020, Bhattachan summarizes previous violations stated in the **Fact Finding Mission Report prepared by LAHURNIP and NIWF** thus:

Literature, such as "*Samrakchhit Chetra ka Dwanda*, ("Conflict of Conservation Areas") *Chitwan Rastriya Nikunja Prabhawit samudayaharuko Adhyan*" by Chhabilal Neupane and Chitra Bahadur Majhi in 2016, and a Case Study on affected IPs by the Chitwan National Park (CNP). Trilateral dialogue and study report on the development and its impact on the ancestral land of the Indigenous Peoples by Mahendra Dura<sup>51</sup> in 2011 clearly shows gross violations of human rights of Indigenous Peoples by the national park officials. The most recent key findings of a Fact Finding Mission of LAHURNIP and NIWF (2020)<sup>52</sup> were

51. Trilateral dialogue and study report on the development and its impact on the ancestral land of the Indigenous Peoples by Mahendra Dura (Edited by Jagat Lama. (LAHURNIP in association with NFDIN, ILO, IWGIA and Action Aid) in 2011.
52. **Fact Finding Mission Report. Violation of Indigenous Peoples'**

killings, death after alleged torture in Chitwan National Park (CNP), mistreatment and sexual abuse, arbitrary, detention and sexual abuse, harassment such as seizing of goods, involuntary work, verbal abuse/slandering, and physical abuse and torture.

The report's findings also include the problem of statelessness and violation of the right to citizenship, violation of land rights and displacement from conservation areas, loss of traditional livelihoods, fishing and boating rights and ecological crises, and rights to ferrying points. Also, the reports show violations of rights relating to timber and non-timber forest products (NTFPs), agriculture, animal husbandry and grazing practices, and threats posed by wild animals to people. The mission has found violation of cultural rights, especially loss of cultural identity, sacred spaces and nature, community empowerment and representation, conflicts and racism, and question on poaching cases. (LAHURNIP and NIWF 2020).

Such violations of human rights are corroborated by international newspapers. According to BuzzFeed News of 4 March 2019, "Chitwan's forest rangers work alongside over 1,000 soldiers from the park's army battalion. Nepalese law gives them special power to investigate wildlife-related crimes, make arrests without a warrant, and retain immunity in cases where an officer has "no alternative" but to shoot the offender, even if the suspect dies. Chitwan's chief warden serves as a quasi-judge who for years had the ability to dole out 15-year prison terms himself (a recent constitutional amendment transfers all criminal cases that require sentences longer than a year to district courts)."<sup>53</sup> BuzzFeed News further reports, "Indigenous groups living near Chitwan have long

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**Human Rights in Chitwan National Park of Nepal.** Submitted by Lawyers' Association for Human Rights of Nepalese IPs (LAHURNIP) and National Indigenous Women Federation (NIWF) to Independent panel of experts-WWF Independent Review in February 2020.

53. <https://www.buzzfeednews.com/article/tomwarren/wwf-world-wide-fund-nature-parks-torture-de>

detailed a host of abuses by these forces. Villagers have reported beatings, torture, sexual assaults, and killings by the park's guards. They've accused park officials of confiscating their firewood and vegetables, and forcing them into unpaid labor."<sup>54</sup>

## Conclusion

The two incidents of violation of human rights of Chepangs described in this paper are not isolated or random cases facing Chepangs and other Indigenous Peoples in national parks and protected areas, including Chitwan National Park. These are part of the systemic racial discrimination against Indigenous Peoples, including Chepangs leading first to cultural genocide and finally genocide of Indigenous Peoples. These incidents used to happen in the past, are happening at present and will continue in future if domination of Khas Arya should continue unabated and the business of human rights violations and impunity should continue as usual.

It is an irony that Chepangs used to enjoy their customary collective way of life, including shifting cultivation, during autocratic regimes, such the Rana regime, but they are fully deprived of not only their collective rights but also individual rights as guaranteed by international human rights conventions or covenants and declarations that Nepal is a party to. As long as the constitution, laws and regulations, policies, plans and programs are not re-written or revised fully in line with UNDRIP and ILO Convention No. 169, violations, denial, abuse, interference and neglect of fundamental freedom and human rights of Chepangs and other Indigenous Peoples of Nepal would continue unabated. To begin with, Nepal, as a State party to Convention on Elimination of All Forms of Discrimination against Women (CEDAW), should implement by November 2022, the following recommendations made by

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54. <https://www.buzzfeednews.com/article/tomwarren/wwf-world-wide-fund-nature-parks-torture-death>

the Committee on Elimination of Discrimination Against Women (CEDAW) on 14 November 2018:

- (a) **Amend the constitution to explicitly recognize the rights of indigenous women, in particular their right to self-determination, in line with the United Nations Declaration on the Rights of Indigenous Peoples;**<sup>55</sup>

Existing Acts (“laws”) are Acts (“acting in a drama”); hence there is a need to Act (“go into action” by Indigenous Peoples’ movement in alliance with other rights based movements, including the movements of Madhesi, Dalits, and Muslims, human rights institutions and defenders, including the National Human Rights Commission, and international development partners, including the UN Agencies, and bilateral and multilateral development partners to stop further violations of fundamental freedom and human rights of Indigenous Peoples in Nepal.

These cases indeed indicate risk of climate action when it relates to land, territories and resources of IPs. Although Nepal's Indigenous Peoples like Chepangs leave almost no footprint of global warming and climate change, they are the ones who face the first and worst effects. Chepangs are losing their food security not only because of their loss of ownership and control over their lands, territories and resources, but many of them are taking refuge on the banks of rivers and in national parks, and are further victimized by floods and white terror inflicted by the park officials.

Justice to Chepangs and other Indigenous Peoples, who are facing such and other gross violation of human rights and blatant racial discrimination, lies not on individual

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55. CEDAW/C/NPL/CO/6 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NPL/CO/6&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NPL/CO/6&Lang=En)

compensation in terms of money, food, shelter and job, but by returning their collective ownership of their ancestral lands, territories and resources stolen by the State and grabbed by people belonging to the dominant caste group, and formally recognizing their other collective rights, including collective self-governance system including slash and burn farming in line with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention No. 169. The sooner it happens the better it would be for the Chepangs, and also to other Indigenous Peoples at large.





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