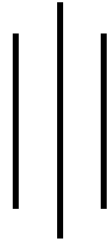


**Priliminary Field Monitoring Report on the  
Arson Attacks on the Chepang Settlement at  
Kusumkhola, Ward No. 9, Madi Municipality,  
Chitwan District**



**2 August 2018**



**फ्रिडम फर अल नेपाल  
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# **Priliminary Field Monitoring Report on the Arson Attacks on the Chepang Settlement at Kusumkhola, Ward No. 9, Madi Municipality, Chitwan District**

## **Date of Incident:**

18 July 2020 since 11 AM to 3 PM

## **Scene of Incident:**

Kusumkhola, Ward No. 9, Madi Municipality, Chitwan District

## **Date of Field Study/Monitoring:**

25-27 July, 2020

## **Field Study/Monitoring Team:**

- Dr. Sundar Thapa President- Freedom for All Nepal (FAN)
- Mr. Khagendra Oli General Secretary-Freedom for All Nepal (FAN)
- Mr. Vishwanath Ojha Central Member-human right concern centar nepal
- Mrs. Shanta Adhikari Vice President-Journalists' Federation, Chitwan
- Dr. Jomesh Od Secretary, Central Committee (FAN)
- Mr. Purna Rasailee IT Chief- Central Office (FAN)
- Mr. Dipak Lamichhane Member-Human Rights Network, Chitwan
- Mr. Vijaya Lama Member- Central Office (FAN)
- Ms. Devisara Badi (Hanna) Member- Central Office (FAN)
- Mr. Sagar Bishwakarma Cameraman- Central Office (FAN)

- Mr. Kusal Gurung

Member-Central Office (FAN)

## **Elected Representatives:**

- Mrs. Renu Dahal Mayor, Bharatpur Bharatpur Metropolitan city, Chitwan
- Mr. Thakur Prasad Dhakal Mayor, Madi Municipality, Chitwan
- Mr. Gangaram Chepang Member, Executive Madi Municipality, Chitwan
- Ms. Purnima Chepang Ward Member, Madi-9, Chitwan

## **Locations of Field Study/Monitoring:**

Kusumkhola, Ward No. 9, Madi Municipality-9, Chepang Settlement, Chitwan

Office of Madi Municipality, Chitwan

District Administration Office, Chitwan

## **Objective of the Study:**

To release a fact-finding inquiry report on the incident of the arson attack on the adobe houses of the exiguous & highly marginalized Chepang settlement as well as the destruction of the ripe crops through the malicious use of the elephants at Kusumkhola Ward No. 9, Madi Municipality Chitwan district based on observation, monitoring and study at field level.

## **Methods of the Study:**

- Observation, monitoring and study at field level
- Meeting and discussions
- Collection of facts & information
- Interactions with the aggrieved party, the National Park authorities, elected representatives, journalists, the Human Rights workers and the Local intellectuals

## Displaced Families:

S.N.	Name of the victim party	Female	Male	Total	Damages incurred	Remarks
1	Kajiman Chepang	4	3	7	Arson attack on the adobe house, destruction of corncrops	1 house remainder
2	Ajit Kumar Chepang	3	3	6	Arson attack on the adobe house, destruction of corncrops	
3	Dhan Bahadur Chepang	2	3	5	Destruction of corncrops & corn lookout (hut)	
4	Bam Bahadur Chepang	3	4	7	„ „	
5	Netra Bahadur Chepang	1	3	4	„ „	
6	Bishnu Hari Chepang	3	3	6	„ „	
7	Jitralal Chepang	1	3	4	„ „	
8	Raj Kumar Chepang	3	3	4	„ „	
9	Dip Kumar Chepang	3	2	5	„ „	
10	Balram Chepang	1	4	5	„ „	
	<b>Total Number</b>	<b>24</b>	<b>31</b>	<b>55</b>		

### Note:

- 1) It is apparent that the elephants were employed to trample underfoot and destroy the corn crops grown in almost 2.4 acres (6 Bighas) of land, including kitchen gardens, by the local residents who have settled therein since 2053 B.S. (1996 A.D.);
- 2) The Monitoring team was told that the arson attack burned up the citizenship certificate and Rs. 10, 000 cash of one of the victims, Mr. Dan Bahadur Chepang; and
- 3) On the scene of the incident, Mr. Kajiman Chepang is found to have owned two adobe houses in which his son, Mr. Dan Bahadur Cheepang, lived according to statements made by other local victims.



## **Background**

Squatters belonging to the exiguous and highly marginalized Chepang community are found to have settled at Kusumkhola, ward no. 9, Madi Municipality, Chitwan district since 1996 (2053 B.S.). 180 out of 190 households are spotted to have transferred therefrom to Pyauli, Raidanda, Schooldanda & Kharikuna of ward no. 9 and Paroee of ward no. 7. It has been observed that the obstruction of the National Park authorities to carrying on building physical structures at Raidanda has made it difficult to establish the settlement to transfer 55 people of remaining 10 households. It goes without saying that it is, on part of the Park authorities, an egregiously inhuman and condemnable act to evict without prior notice and render these inhabitants homeless in times of the Covid-19 pandemic, rain, inundation and landslides.

## **Description of the Incident**

It is seen that almost 55 citizens of 10 households have lost contact with the media outlets and the District Administration thanks to the incessant rain, inundation & landslides over past 3 days in a row. The inundation in the Handikhola River has completely broken the links between the Chepang settlement and Madi. In the broad daylight between 11 AM and 3 PM inclusive, the Park authorities carried out arson attacks and burned down the two adobe houses of Mr. Kajiman Chepang and Mr. Ajit Kumar Chepang out of the 10 houses belonging to the exiguous and highly marginalized Chepang community, and also employed 7 elephants to trample underfoot, dismantle and demolish the huts, sheds and lookouts intended to guard the corncrop. It has been observed that the Park authorities caused a herd of the 7 elephants to destroy the 2.4 acres (6 Bighas) of land that grew vegetables and corncrops and earned the livelihoods for the Chepang community who cherished farming and traditional lifestyles. This incident appears to have led to the displacement and extreme food insecurity for the 55 persons of the 10 households as a result of the complete destruction of the crops.

A representational team consisting of members of civil society, including the Mayor of Bharatpur Metropolitan city, Mrs. Renu Dahal and her team, the Mayor of Madi Municipality, Mr. Thakur Prasad Dhakal and his team, Mr. Vishwonath Ojha & Dipak Lamichhane, Chitwan-based human rights workers, Mrs. Shanta Adhikari, the Vice President of Journalist Federation Chitwan, Ms. Sachina Paudel, a Public Health officer at Chitwan Metropolitan City and Mr. Govinda Neupane,

a Madi-based local journalist in coordination with Freedom for All Nepal (FAAN) and its 9-member team from Kathmandu, led by its President Dr. Sundar Thapa followed by General Secretary Mr. Khagendra Oli monitored the scene of the incident on 26 July 2020 (11 Shrawan 2077 B.S.). This monitoring involved observing the scene and nature of the incident and hearing the complaints of the victims.

It is clear from the victims' complaints that the Park authorities' excesses constitute a blatant violation of the right to dignified life. The victims reported that the Park authorities continue to remain oblivious of the genuine problems of the exiguous and highly marginalized Chepang community and landless citizens, irrespective of the fact that the local government is concerned over and sensible to these problems. A string of incidents bears a testimony to a dispute between the local government and the Park authorities. The fact that the Park authorities obstructed and stopped building the houses to set up the 10 households at Raidanada, as a representative example, is a strong evidence of the dispute between them. The Park authorities are particularly discovered to have grossly breached the arrangements stipulated under sub-section (2) of the section 5 of National Parks and Wildlife Reserve Conservation Act 1973 (2029 B.S.). What this arrangement has laid out clearly enough is that unless otherwise stated under the subsection (1), in the Parks or Reserves prescribed under the nature of the National Parks and Reserves without causing adverse effect on the environment, forest or wildlife, the local people are allowed to fish, collect wild roots & vegetables that have traditionally been collected, use facilitated path, local pasture, drinking water, irrigation and embankment that have traditionally been used.

It is found that restrictions have been imposed on the traditional means of subsistence that the Chepang community has traditionally secured. It is inexpedient to size up the situation in biased manner. It is the duty of the Park authorities to conserve wildlife and curb any human transgression around it, but the way the problems were handled under given time, circumstance & process is inexpedient: these victims should have been transferred with safety and dignity.

In the interaction programs organized by the FAAN, the comments submitted by victim party, representatives from Parks Administration, journalists, locally elected representatives, local human rights workers, stakeholders and other eminent persons in respect of the incident have been mentioned briefly hereunder:

**Mr. Shree Prasad Dawadi, Social activist, Madi, Chitwan:**

The state has granted the citizen the right to live freely and have a roof over his head. The act of launching arson attacks and destroying the houses of the Chepang Community and almost ripe crops through the use of a herd of elephants is a gross human rights violation. The Park authorities are spreading lies and rumors to cover up their follies. To put it bluntly, the Park authorities seem to have given primacy to the rights of the wildlife over the human rights.

**Mrs. Shanta Adhikari, Vice President, Journalists Federation, Chitwan Branch:**



The Park authorities are found to have abused the authority of the National Parks & Wildlife Conservation Act, 1973 (2029 B.S). In the context of the world confronting the Covid-19 pandemic, it is a mockery of the government guidelines for the prevention of Covid-19 to displace 50/60 Chepang settlers and force them to round up at one place. This outrageous act is strongly condemned. This incident is a blatant violation of the human rights and I strongly condemn the inhuman treatment to the women on the day of the incident. Strong actions should be taken against the offenders.

**Mr. Bishnuhari Praja (Chepang), the victim of the Kusumkhola Incident:**

In the morning on 18 July 2020 (3 Shrawan 2077 B.S.), I and my friends collected wood and grass and returned home. We were very tired and hungry. At around 10/11 AM, we saw Park personnel on the 7 elephants trampling underfoot and destroying the corncrops in our fields. We pained to sow the cornseeds with great difficulty in April/May (Baisakh) and the corncobs were almost ripe. My spirits sank and we freaked out at the sight of the destruction of the almost ripe crops. We went closer to them, tried to talk to them and made a request, but they turned their deaf ears to us. Instead, they threatened us to dismantle and put fire on these houses if we did not keep quiet. We did not believe that they would destroy the whole crops grown in the 2.4. acres (6 Bighas) of land in 5 hours. We hoped that they would stop and spare our houses at least in this difficult time, but they carried on and first put fire on Ajit Kumar Chepang's house before our eyes. Then they put fire on Kajiman's house and got the elephants to trample underfoot and dismantle the rest of the houses. Dan Bahadur Chepang had saved up Nepali Rs. 10, 000 cash (approximately USD 84) on his basic supplies to immigrate for work which, together with his citizenship certificate, burned up. In no time did our Kusumkhola settlement lie in shambles before my eyes. Today you Human Rights workers have come and this has offered a glimmer of hope for us. Look for a solution to this problem for us once and for all. Help us get small houses and the land to till and bring strong action against the Park personnel who burnt up our properties.

**Mr. Vishwanath Ojha, Human Rights Worker, Chitwan:**

It is an extremely problematic move. It is an inhuman act to make 7 elephants trample underfoot and dismantle the houses and render the citizens homeless, despite the fact that the options are open in the laws in force. There is nothing greater than humanity in the world. Not allowing to salvage essential possessions out of the houses being trampled underfoot and dismantled is an abominable deed that has brought crying shame to all those working in the fields of human rights. It is an inexcusable offense and the culprit must be brought to justice. It is obvious that the dispute between the Park authorities and local government has surfaced because the Park authorities continue to put in place the traditional, so to speak, superannuated law, which is National Parks & Wildlife Conservation Act, 1973 (2029 B.S). There could be a long term solution to this problem if the present day government brought into effect a superseding, people-friendly statute through the amendment of this impractical, outmoded Act.

**Mr. Lokendra Khanal, Assistant Warden, Chitwan National Park:**

The rumors that are flying about the Kusumkhola incident are baseless. It is true that sheds were burnt down. Those were not the houses but sheds and they were clearly not inhabited. It is not true that citizenship certificate and cash money burnt up. We are here to protect the wildlife and the government has deployed us for the same. We have not done anything outside the scope of the guidelines of the government. Our office issued a press release and took its position on 20 July 2020 (5 Shrawan 2077B.S.).

**Mr. Narayan Prasad Bhattarai, Chief District Officer, Chitwan:**

I would like to express deep sadness about the incident at Kusumkhola. Although I have not been to the scene of the incident, a representational team consisting of human rights workers, elected representatives and journalists has returned from it. I am sure you have come back with facts and information. I would like to say in my capacity as the Chief District Officer that there will be an impartial and independent investigation into your field study and a legal action will be taken against the culprit. I express my commitment to doing my best to address the challenges and problems of human rights in Chitwan.

**Mr. Thakur Prasad Dhakal, Mayor, Madi Municipality Chitwan:**

The landless Chepang community has settled and earned their livelihoods in areas of Kusumkhola for around 30 years. If you look at the nature of the arson attacks by the Parks authorities, apparently it is an act done with a big, premeditated plan. The inhabitants of the area have lost contact with us for 3 days due to the incessant rain, inundation and landslides. What the Parks authorities did in this crisis situation has made a mockery of the whole human civilization. They are our citizens and we must respect their right to dignified and independent life. It is an inexcusable offense on part of the Park authorities and I strongly condemn the positions they have taken on this issue through a press release.

As a mayor of the local government, I must say that the Chepang community owning concrete buildings except a few exceptions is not in my knowledge. Let the Park authorities know that lookouts and adobe huts are the buildings of Chepang people. May the Kathmandu (the central government) dare to see these huts and lookouts as their buildings! Definitely your field study report will be independent, impartial and publicly available. What's more, I hope you convey to the central government the message around the genuine problems confronting Madi.

**Ms. Renu Dahal, Mayor, Bharatpur Metropolis, Chitwan & Central Member of NCP:**

The incident in which the Park authorities launched arson attacks on the houses of the Chepang community and destroyed the almost ripe crops by using the elephants is a gross violation of human rights. It has made fun of the fundamental rights granted by the Constitution of Nepal. Actions will

definitely be taken against the culprit, but it has hurt the self-respect of the exiguous and highly marginalized Chepang community. The Parks authorities and the state have to award damages to this injury. The problem of the exiguous and highly marginalized Chepang community and landless community is not new. This enduring problem has further posed an existential threat to the Chepang community. It is not that the state has not tried to bring this community into the mainstream of the state by introducing various policy programs in an attempt to put an end to this problem. The 'People's Housing' program that has been subvented by the Parliamentary Constituency Development Funds since last two years has garnered a cumulative sum of Rs. 1,000,000 and is in operation. Sensible to the unsafe settlement of the Chepang community as well as their lifestyles, this program is in place under the direction of the NCP President Puspa Kamal Dahal (Prachanda), the former Prime Minister and the Member of Parliament from this constituency. Likewise, as many as 300 houses have been built by 'Safe Housing' program under Ministry of Urban Development. 112 out of these houses have been intended for the Chepang community. In addition, a Terai-Madhesh related program under the Local Development Ministry is in progress. This will help mainstream the communities away from an access to the development. The Kusumkhola incident has shocked us all. Similarly, the Raj Kumar Praja murder case in East Chitwan has made mockery of the rule of law. It is a violation of an individual's right to a dignified life. The victims should be compensated and legal actions must be taken against the culprit.

**Hon'ble Shakti Bahadur Basnet, Minister, Forest & Environment Protection, Nepal Government:**

I am shocked at the incident in the Chepang settlement at Kusumkhola Ward No. 9, Chitwan Madi. If you look at the nature of the incident, it is not right from any perspective. Rule of law is for us all. Thematic and practical knowledge on the implementation of the Acts and Regulations is an extremely important subject for those authorities at the implementation level. The Ministry has constituted an inquiry committee under the leadership of Joint Secretary as soon as the incident came under the spotlight. The inquiry committee will independently investigate the incident. In this respect, the Parliamentary Committee on Human Rights and Legal Affairs summoned me, where I said that I had formed a joint secretary level Inquiry Committee. I had informed the committee of the type of the information that the Ministry received through its channels. I stated that the Ministry would take the position only after the report was submitted by the Inquiry Committee, but my statements were distorted and sensationalized. I am more shocked by this. A few days later, the Inquiry Committee prepared a preliminary report. Meanwhile, it was mere coincidence that the Parliamentary Committee on Natural Resources summoned me at the meeting. In the meeting of the committee the report prepared by our Inquiry Committee has been submitted. On the basis of the report amidst the context of Land Reform & Management Commission formed by the government, mid moonson, inundation, landslides and the Covid-19 pandemic, it was not an appropriate act to adopt the manner by which the physical structures under construction for the landless and highly marginalized citizens were dismantled and demolished. This is a condemnable act. I have said the same at the meeting of Parliamentary Committee on Natural Resources. Based

on this, the warden and assistant warden have been called back to the Ministry. I would like to thank your field study team. The team of human rights workers have conducted a field study and come back. Definitely, this team has monitored the incident on impartial, independent and realistic basis. I hope that your report on the incident will further contribute to the inquiry and plan of action.

I reiterate that I have not taken the position that hurts the self-respect of the victims of the incident. It is the folly of the implementing agency. It is the duty of the state to make proper arrangements for the settlement of the victims. The state is always committed to carrying out its duties.

## **Conclusion**

The settlement of the squatters in and around Chitwan National Parks contravenes National Parks & Wildlife Conservation Act, 1973 (2029 B.S.). The settlers therein must be aware of this matter. It is a duty of the Park and local authorities, including conscious citizens thereof, to educate and sensitize the people on laws in force. It is a prime responsibility of the state to make proper arrangements for establishing the settlements for the inhabitants living therein. It is necessary the state be always sensible to the livelihood of its citizens. Many settlements of the squatters are mismanaged in the Chitwan National Park and its surrounding areas. The people of the Chepang community have led a trying and painful life in Chitwan National Parks for around 30 years. The Kusumkhola incident that occurred on 18 July 2020 (3 Shrawan 2077 B.S.) is most shocking and heartrending. The Act is totally repugnant to the constitutional civil rights, the clause 37 and subclause (1,2) of clause 42 of the Nepali constitution, article 17 of the International Covenants on Civil and Political Rights, 1966 and articles 11 and 25 of the International Covenants on Economic, Social and Cultural Rights, 1966. The study vividly demonstrates that the action taken by the Park authorities on behalf of the state is a gross violation of human rights. It has been suggested that the state establish the settlements for the families of the victims and protect their rights to dignified life and shelter. The state is advised to investigate the follies of the Park

authorities, take a departmental action against them, dispense justice to the victims, award damages for the loss of their properties, and guarantee the respect for rule of law.

## **Recommendations**

- It is necessary that the National Parks & Wildlife Conservation Act, 1973 (2029 B.S.) be tailored to the today's needs;
- In case the local government remains in dispute and misunderstanding with the Park authorities, it is expedient for the Central government and Forest Ministry to conduct an investigation into the matter to reach a long term settlement and avoid further exacerbation of the situation;
- It is a must for the concerned authority to take cognizant of how the lifestyles and livelihoods of the citizens around the "buffer zone" could be well managed as prescribed under subsection (a) of section 3 of National Parks and Wildlife Conservation Act, 2029 (1973);
- As Nepal Government is a party to various international conventions relating to forest, environment and wildlife, it should be sensible to the needs of the people living in the vicinity of the national parks as evident in the fact that they most heavily subsist on wild roots, yam, and ferns;
- The scathing comments on the actions of the Park authorities passed by the local government, civil society members, journalists and human rights workers constantly monitoring and evaluating their activities unequivocally emphasize that the Park authorities have committed a felony, so it is necessary that the offenders be brought to justice and the Park authorities be serious and sensible at their demeanor;
- Approximately 30 panic-stricken children are discovered to have suffered emotional traumas subsequent to the incident, so they desperately need proper counseling;
- The local victims reported that a terror-stricken woman, Charimaya Chepang, 34, who suffered sustained emotional traumas and occasional fainting spells following the incident. On a closer inspection of her health and activities, it was blatantly obvious that she was mentally disturbed. The state, therefore, should make proper arrangements for her to receive urgent medical attention.

**Thank you.**

(Some important images during the field study are enclosed hereafter)

## Some Images of Field Study



Banana plants trampled by elephants



Ajit Kumar Chepang in front of his burnt



Ajit Kumar Chepang looks at his house burning



Salvaging possessions while the house burns



A sight of a Chepang baby during the inspection



Mrs. Renu Dahal, Mayor, Bharatpur Metropolis, speaks to the victims





Elected representatives & Human Rights workers hear the complaints of the victims



Human Rights workers accompanied by FAN President during the inquiry with the victims



A collective photo session of elected representatives & Human Rights workers during the inspection of the scene of the incident



Women & children traumatized by the incident



Elected representatives & Human Rights workers distribute relief supplies to the victims



The house of Kajiman Chepang after the incident



Local victims during the distribution of relief supplies



Elected representatives & Human Rights workers including the victims after the distribution of relief supplies



President Dr. Sundar Thapa offers consolation to the victims



A local journalist, Mr. Govinda Neupane inquires



Journalists & Human Rights workers with terror-stricken and mentally ill Charimaya Chepang



Victim Charimaya Chepang



Victims speak at an interaction program with the stakeholders



FAN General Secretary, Mr. Khagendra Oli interacts with the Mayor of Madi, Mr. Thakur Prasad Dhakal



FAN & Rights workers team with Mr. Narayan Prasad Bhattarai, Chief District Officer, Chitwan





FAN & Rights workers team at a collective photo session after a meet with Mr. Narayan Prasad Bhattarai, Chief District Officer, Chitwan



FAN team discusses with the Minister for Forest & Environment Conservation



FAN & Rights workers team at a collective photo session after discussion with the Minister for Forest & Environment Conservation