

# Madesh

**From marginalization to vulnerability**



PIPAL  
TREE

*Take a deep look into the rationale of Pipal Tree and Mithila Wildlife Trust's actions. Learn about the history of Madhesh and the source of their vulnerability.*

***Madhesh: From marginalization to vulnerability***

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## Executive Summary

Pipal Tree and Mithila Wildlife Trust works in close cooperation to help vulnerable people from the Madhesh province. This report aims to identify the roots of their vulnerability so as to enable us to create the most efficient and appropriate programs that can help Madheshi people to empower themselves and prosper. Understanding their history and the reasons of the current barriers to social progress that exists in South Nepal is an essential part to tailor our projects and ensure that they will have lasting impacts.

The Madheshi people are living in the Terai region in South Nepal, on the border with India. The region is inhabited by 50.3% of Nepal's total population, of different ethnicities, who speak many different languages but share more social, and cultural similarities with Northern Indians than with Nepalis.

Madhesh only became a Nepali territory at the beginning of the 19th century when it was handed over to the Nepal kingdom by the British.

Since this time, the relationship between Madheshi (plain people) and Pahadi (northern hill people) never truly evolved and is still marked by racism and discrimination. Over the years, the Nepali "colonisation" of Madhesh was characterized by a series of policies that planted the seed of the current dramatic situations. From the removal of their citizenship rights, the massive land-seizing, the economic exploitation of their abundant resources, to the dwindling of their political representation, Madheshis have slowly entered the critical state of vulnerability they are in today.



Given the terrifying amount of barriers to social progress that Madheshi people have to face, it is no surprise that they have become the most vulnerable community of the country. This vulnerability is translated in virtually all spheres of the society, whether it be economical, educational, environmental, or cultural. All those barriers that have consolidated through time have led to a situation of extreme poverty allying low education levels and gender-based discriminations.

If this wasn't enough, they now have to face the consequences of climate change. Drought and scarcity of water are threatening the continuance of traditional agricultural activities, putting the very subsistence of Madheshi at risk.

Our common goal at Pipal Tree and Mithila Wildlife Trust is to empower those people and give them the ability to break the barriers they have been facing for so long. Taking into account their history, as well as their daily needs, we have spent the last decade acting in four areas that we believe to be the most appropriate to lift them out of their vulnerability : Education and community support, Empowerment of girls and women, Tackling local consequence of climate change, and helping Vulnerable and abused children.

**Philip Holmes**  
**Lt Col (retd)**  
**Founder/CEO**

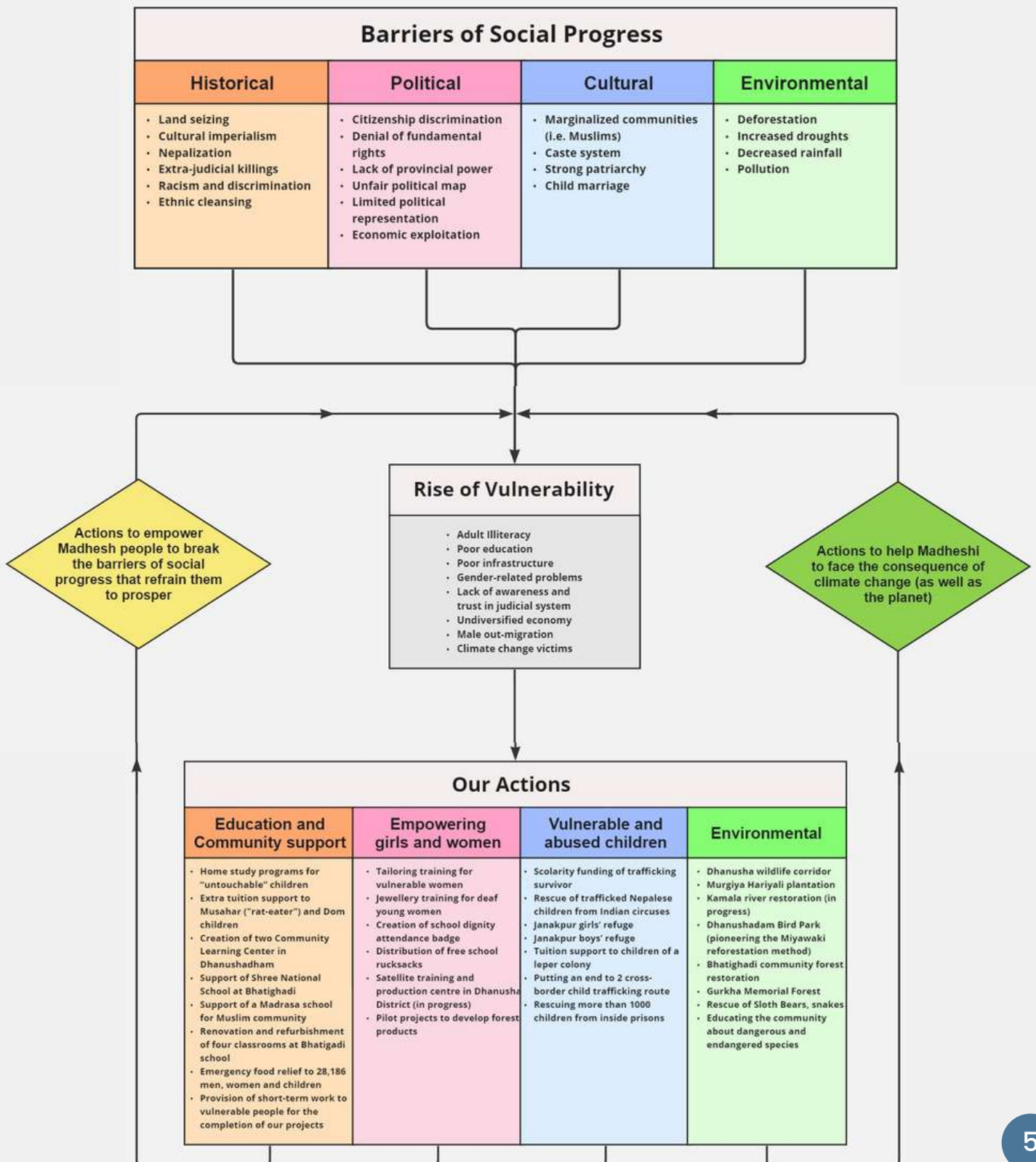




Visual summary

### Tailoring our action to the roots of their vulnerability

Through the understanding of the history of Madheshi and the establishment of all the barriers they face, we are able understand the roots of their vulnerability and to tailor our actions specifically so as to ensure a maximum impact in the community and enabling them to put down all the barriers of social progress that they face.



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## **i** Ethymology

The word madhesh (मधेश) is derived from the Sanskrit madhya desh (मध्य देश), literally the middle country, which refers to "the central region, the country lying between the Himalaya and the Vindhya mountains"



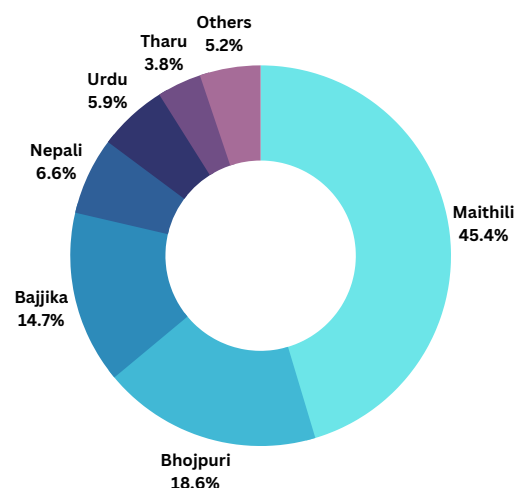
# 1. The Madheshi People

The Madheshi people are living in the Terai region in the south of Nepal which is at the foothill of the Himalayas and on the border to India. In contrast to the high mountain lands inhabited by the hill people of Nepal, this region is characterized by a subtropical climate with plain terrain. The region is inhabited by 50.3% of Nepal’s total population, of different ethnicities, who speak many different languages and share more social, and cultural similarities with Northern Indians rather than with Nepalis.

Historically, the Madheshi community is composed of the primary Hindu caste hierarchy such as Brahmin, Kshatriya, Baisya and Dalits, and indigenous Janjati ethnic groups, as well as other native tribes and Muslims.

Those ethnic groups speak Maithili, Bajjika, Bhojpuri, Awadhi or closely related dialects. They mainly refer to themselves as the Madheshi people and make up the majority of the region’s population. The Terai has been their home long before it became an agricultural center and attracted migrants from the mountain region, the Pahadis, that now make up almost a third of the Madheshi population.

Languages in Madhesh Province





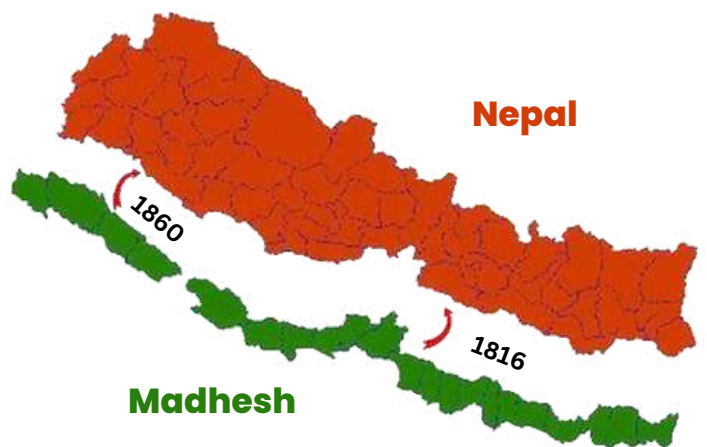


The Madheshi people are disenfranchised by the Constitution of Nepal in their majority, as their participation in decision-making processes is extremely refrained. The Madheshi people are underrepresented in the government, specifically in politics, as a result of restrictive citizenship rights, an unfair political map, and repressive government tactics. Over the years, this entire ecosystem has led to serious humanitarian problems for the Madheshi community. They feel that the entire Madhesh region and its inhabitants do not practically exist in Nepal’s consciousness.

We will explore the history behind the Madheshi people to understand the roots of those problems. It will lead us to understand the current state of vulnerability that most of this community is in. It is only with this knowledge that we can efficiently help vulnerable people from the Madhesh region, and lead them toward a positive transformation.

### 1.1 Annexation of the Terai

The Anglo-Nepal war of 1814-16, in which some Madheshis took the side of British India, was the starting point of the existing discrimination against Madesh. At the end of the war, the eastern part of Madhesh was handed over to Nepal. However, the western part only became part of Nepal in 1860 when the British gifted it to the central government for its support during the Sepoy Rebellion of 1857-59 in India. Thus, Madhesh became the colony of Nepal.





Over the years, the Nepali Colonisation of Madhesh was characterized by a series of policies that planted the seed of the current dramatic situations. Those policies included the abolition of the Madheshi Army, a ban on the entry of Madheshis into Nepal Army, the establishment of Nepali Army barracks and check posts throughout Madhesh, heavy and unfair taxation, seizing of land of indigenous people and distributing it to the ruling class landlords, planned migration of ruling class people from the north, and a visa requirement to enter Kathmandu (until 1958).

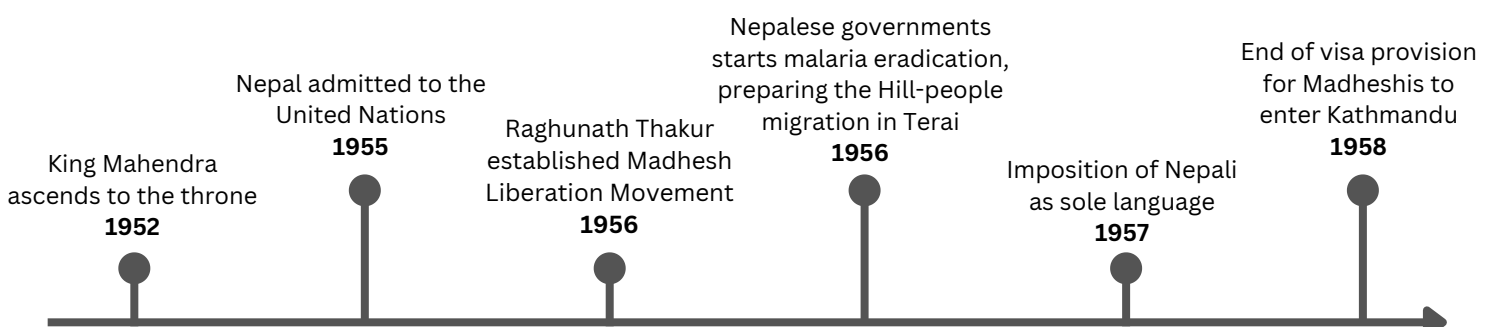
## 1.2 Cultural imperialism

Starting in 1950, the Nepali state actively and aggressively launched several programs to integrate the Terai, culturally, economically and administratively. One of the prominent examples of the state's scheme of national integration and acculturation was the imposition of Nepali language. The Madheshis were the victims of the 'one language, one dress' policy as part of the cultural purification initiated by the ruling class.

The Supreme Court prohibited the use of other local languages in education, administration and broadcasting. It halted all FM broadcasts in other languages. The state took the policy of: "No other languages should be taught even optionally...Other languages will gradually disappear". Moreover, the state enforced the dress of northern people upon the Madheshis.

During this decade-long process of "Nepalization of Terai", the efforts of assimilation went far beyond the imposition of the language and took cultural, demographical (planned migration), and even physical forms.

Even though not directly linked to the state, this situation led to multiple attacks on Madheshis, including burning their villages, shops, and industries. Several violent groups proning ethnic cleansing of Madheshis (i.e. Khukuri Group and CBES) frequently attacked and forced Madheshis to leave their land and go into exile.





According to the Alliance for Independent Madhesh, the central government, administration and police have sometimes been found to be directly involved in supporting these racial riots. Far from being part of the history, this racial atmosphere is still present and led to multiple attacks only few years ago such as the Hrishik Roshan Scandal (2000), Nepalgunj Attack (2006), and Kapilvastu Incidence (2007).

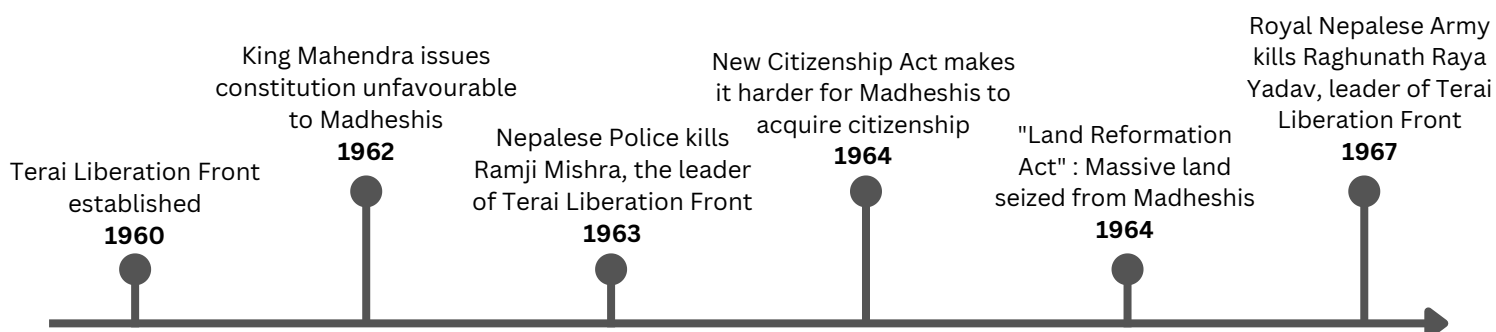
Despite this tragic climate, it is important to note that good signs have been emitted by the government which has brought Nepal closer to a true democracy. The most notable of those being the constitution of 1990, which for the first time in the country's history, recognized Nepal as a pluralistic country that respects different cultural and linguistic groups. A number of constitutionally significant provisions were introduced in the Constitution for the first time such as "maintaining cultural diversity" and the recognition of other national language other than Nepali ("languages of nationalities").

Maithili was even recognized as the official language of the District Development Committee of Saptari. Sadly, the Supreme Court voided this decision.

However, as we will see, the cultural assimilation is only one aspect of the Nepalization of the Madhesh Province. Far more concerning efforts have been made since the 1950's to not only assimilate the people, but to take advantage of their resource-full region.

### 1.3 Organized effort of Nepalization

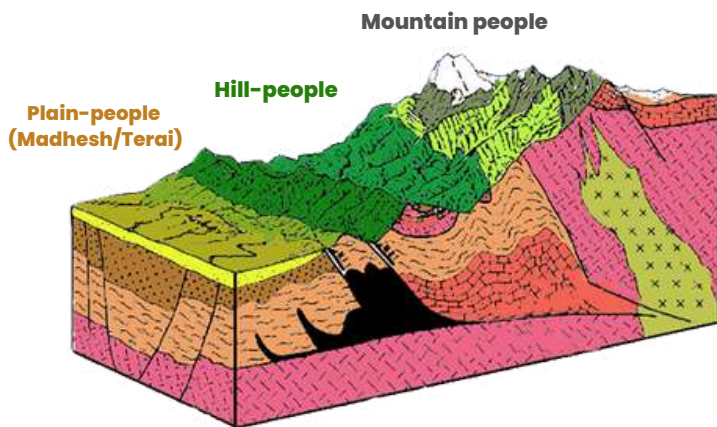
The central government, in order to "conquer" the Madhesh region, made the land less dreading to the ruling class in 1950s by eradicating malaria. The court took away their ancestral land and settled the northern people on it. This led to a major economic exploitation which left the Madheshi people in a very vulnerable state. In some extreme cases, the process even made them "bonded labourers", on their own ancestral land.





Those indigenous Madheshis worked essentially as slaves, under their masters, and the slavery passed from generation to generation. They are called Kamaiyas and Kamlaris. They do not only have to do menial work since the early age of four or five, but they are also often victims of sexual exploitation from their masters.

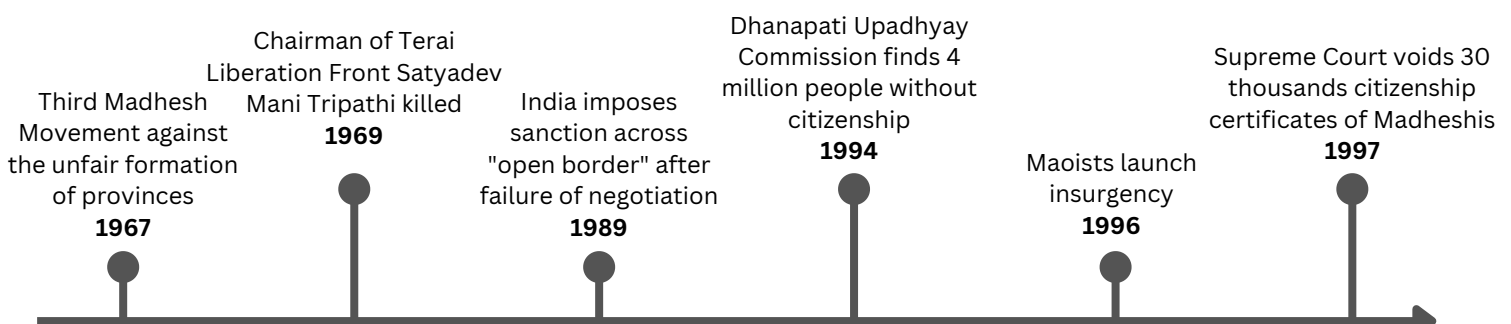
Indeed, the control over local forests, the land and water of the region has been given to the people from the north. This large scale appropriation of the Madhesh region, left the Masdheshi people in a really precarious situation of vulnerability. Another consequence is that the inclusion of hill people in Terai districts greatly watered down their political weight and reduced the chances of plain people to play decisive role in the political arena and the governance system in their own area.



The North-South (hill people) migration in Terai was the result of pronounced efforts of King Mahendra who distributed Land and forest disproportionately in favour of the hill people. Consequently, the hill people established settlements and farming areas along East-West (Mahendra) Highway with better economic opportunities, abundant land and forest resources.

The 'Muluki Ain' (The Law of the Land) was promulgated in 1964 and ensured a superior status of the northern people and made Madheshis as second-class citizens or as we saw, slaves in some cases. There were separate laws and provisions for Madheshis. They were fined or punished heavily for the same crime compared to the ruling class people. They were also pressured to pay high taxes without receiving any benefits in return.

Over the years, many Madheshi people and their leaders had to fight to get recognized and get close to equality.





The imposition of taxes forced a lot of Madheshi to migrate out of their native land, many choosing to settle in Indian side as they found very hard to cope with the huge injustices. Likewise, Madhesis were deserted in each governance structure and also had to pay several redundant taxes such as marriage taxes, taxes on death etc. In those period. The Fauzdar (tax collector) was deployed to collect such taxes, which were earlier paid by landlords in kind. During that period, the colonial government imposed a tax burden on the Madheshis in favor of the hill people who were working under the rulers. Both the Madheshi and their land were in a state of economic exploitation.

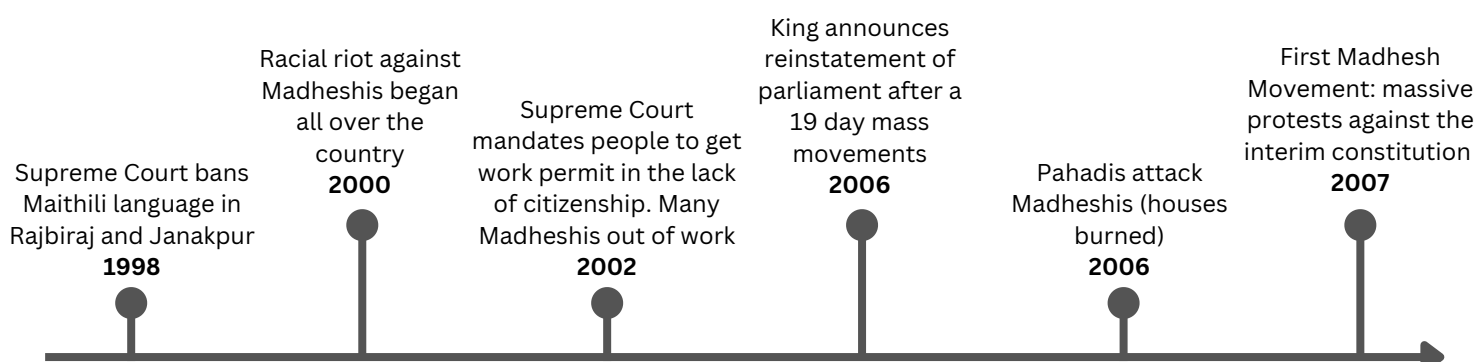
This planned migration drastically changed the dynamic of the region. According to 1952/54 population census, only about 6% of the population in Madhesh districts was of hill origin and the rest 94% population was composed of Madheshis of Hindu caste hierarchy, indigenous Janjati groups, Muslims and other tribes.

The population dynamics significantly changed in 1981, with an increase in the percentage of hill people from about 6% in 1952 to 36% in 2001. The hill population increased many fold from merely 142,000 in 1952 to 4.1 million in 2001 while the Madheshi population increased just over two fold from 2.5 million to 5.3 million over the last 50 years.

### 1.4 Repression of people's voices

Beyond the struggle for equal participation in Nepali politics, the government of Nepal has been consistently engaged in a campaign to restrict the basis on which the members of the Madheshi community are allowed to participate in politics and make their voices heard. The repression of Madheshi's activism has even took violent turns, inspiring fear in the community.

In 2010, United Nations published a report on extra-judicial killings of at least 57 persons in the region.





Similarly, THRD published a report of 1131 cases of jailing in 8 districts of Terai during a four year period, many among them claimed to be fake and misuse of the Arms and Ammunition Act to eliminate Madheshi activists and human-rights defender in Terai. The government shut down UNMIN and UN OHCHR offices in the region, and with the lack of human rights monitors, extrajudicial cases have risen.

In 2015, the United Democratic Madheshi Front, comprising various 13 Madhesh-centric political parties, has been protesting demanding changes in federal boundaries and representations in parliament and public offices. To secure their rights, representation, and autonomy in national administrative and political structure, the Madheshis imposed an economic blockade for almost six months during what as been called the Madhesh Movement (or Madhesh Andolan).

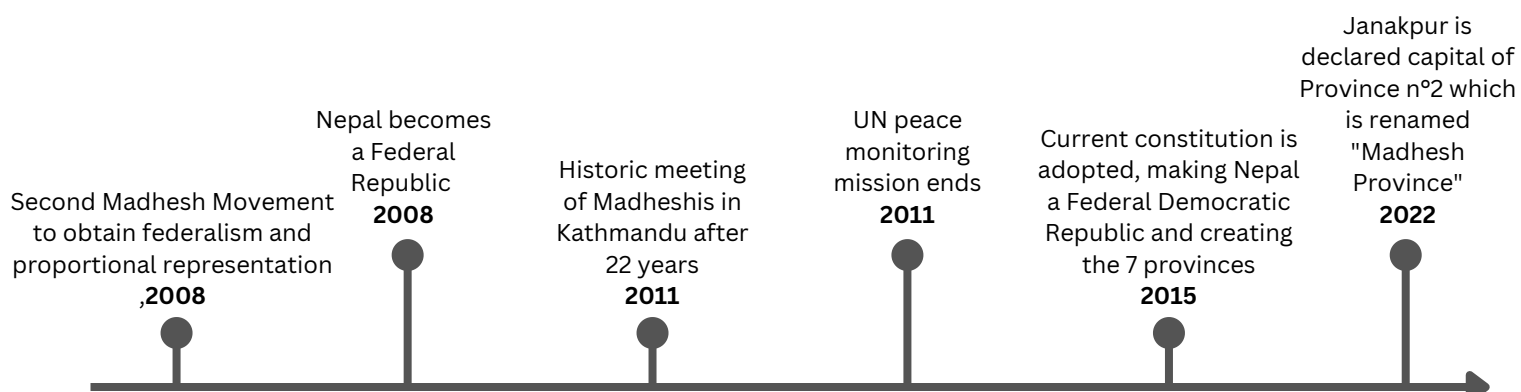
In the process, 48 persons have been killed and more than a thousand have been injured.

Flag of the Republic of Madhesh  
(independence movement)



*Meaning : Protected by our sacrifice (red) from all sides, in our evergreen and fertile Madhesh (green) flourish peace (white disk) and prosperity (lotus).*

However, the public protest largely failed as core demands of the Madheshi people were hardly addressed. During the past five years, and particularly in the period between 2016 and 2018, the movement was placed under significant pressure by the central government. Notably, leaders of the non-violent struggle for self-determination were arbitrarily arrested and detained several times and were placed under 24-hour surveillance during this period. These leaders have often been detained for months, either without charge or on charges of high crimes, such as treason, merely for holding peaceful rallies in public spaces, chanting slogans such as “we need freedom!”, or writing books on the Madheshi people and their desire for self-determination.





## Province Geography

Area: 9,661 km<sup>2</sup> (6.5% of Nepal)  
Population: 6,126,288 (rank first)  
Capital city: Janakpur  
Land: Agriculture (61%), Forest (26%),  
River (6%), Grassland (4%), Housing (3%)  
Altitude: < 600m



## 2. Barriers of Social Progress

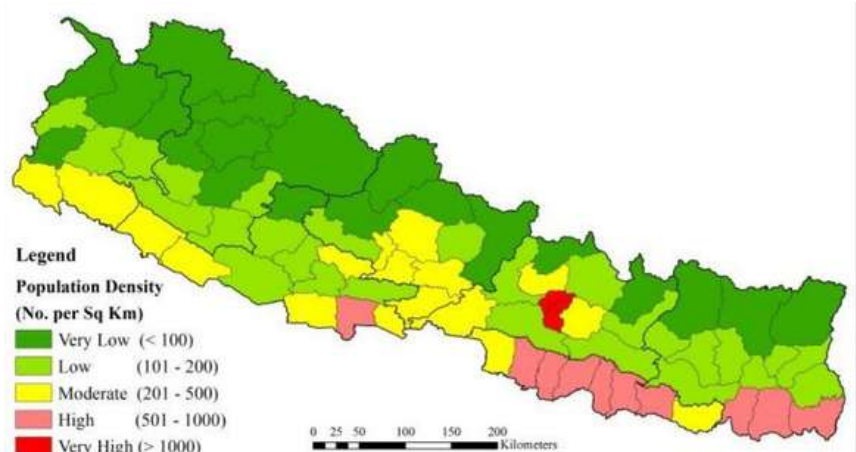
### 2.1 Subjugation from the central government

#### 2.1.1 Citizenship and discriminating laws

Madheshi people have been exploited, colonized and deprived of their land. As we saw, few efforts were made in the 1990's to recognize that Nepal is composed of multiple culture, but it didn't mean that the central government was ready to give the non-hill people the same place as Pahadi (hill-people) in the Nepali society.

The Terai being the most populous region of the country, it was seen as a threat to their power to give them an equal voice. Multiple policies were put in motion to water down their ability to participate in the country's political life.

In this regard, the most impactful action was the removal of their citizenship. Citizenship is ought to be document which provides a citizen for right to equality. Likewise, if one doesn't have citizenship, he would be automatically abstained from getting all the rights and amenities that is provided to citizens. However, the Citizenship Act 1962, Clause (a) of Article 8, Section 2 of the 1962 Constitution made a provision whereby two years of residence for a person of 'Nepali origin' and minimum twelve years of residence for a person







of 'non-Nepali origin' apart from oral and written skills in Nepali language were mandatory to acquire a citizenship certificate, but unfortunately, the Citizenship Act 1962 presented the term 'Nepali origin' in a very vague fashion which allowed the central government to prejudicially provide citizenship to one particular section while refusing it to Madheshis at the same time. Being denied of their citizenship made it impossible for them to acquire land ownership and land registration deed (lalpurja) and therefore made them landless. It also restrained them to obtain a birth certificate as it was not issued without the citizenship certificate of their parents. Similarly, they couldn't obtain a passport. It also restrained their capacity to participate in the country's life. This process had the effect of disenfranchising large segments of the Madheshi population, depriving them of their rights to public participation and greatly watering down the voting weight of the Madheshi. Indeed the Madhesh Province report 2.6 million voters out of a 5-6 million total population, and as we know from the North-South migration, most of the 2.6 million voters are in fact hill-people who migrated to the Terai.

According to a report of the High-level Citizenship Commission formed under the chairmanship of CPN-UML leader Dhanpati Upadhyay in 1995, there

were about 3.4 million people without citizenship certificate and the overwhelming part of them were from Madhesh. While being unable to obtain accurate data of the current situation it is believed that they are now more than 5 million.

### 2.1.1 Insufficient provincial power

Federalism is new to Nepal and implementing it is a great challenge. Some province-level representatives say there is no need for local levels to exist since there is a federal government superior to them. Likewise, some local-level representatives think the same about province governments. Their logic of not acknowledging the existence and requirement of another administration, however, appears to be self-destructing.

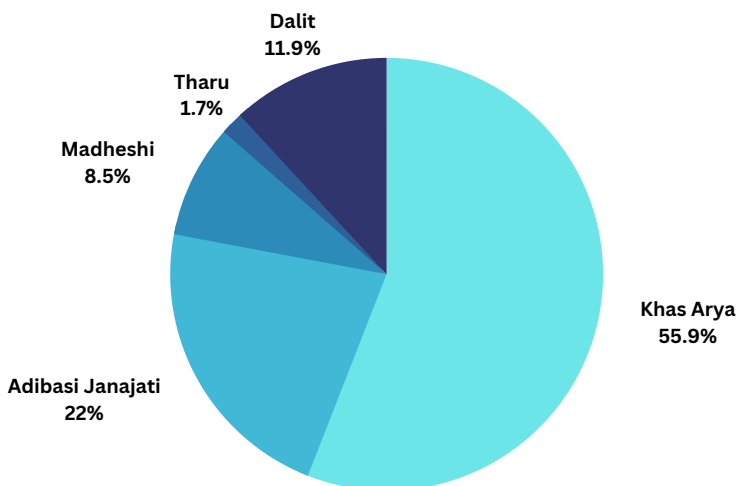
Though the country claims to have adopted a federal democratic republican constitution, no adequate power has been delivered to the provincial and local governments. Both the provincial governments and the local bodies are bound to remain dependent upon the mercy of the Central government in the allocation of resources for development and also the supply of civil servants to them. In appearance, the political structure is designed as federal, but in a true sense, the country remains almost as centralized today as it was before.



### 2.1.1 Limited political representation

Madheshi's are highly under-represented in the Nepali political structures. While Madheshi people (not confined to Madhesh Province) make up nearly 50% of the population of Nepal, recent estimates place the number of Madheshi representatives in Parliament at less than 17% and this figure goes down to 8% in the National Assembly. Two factors cause this. First, the limitations on citizenship rights in Nepal result in a lower proportion of the Madheshi population being able to vote, reducing their weight in the proportional representation part of the election process.

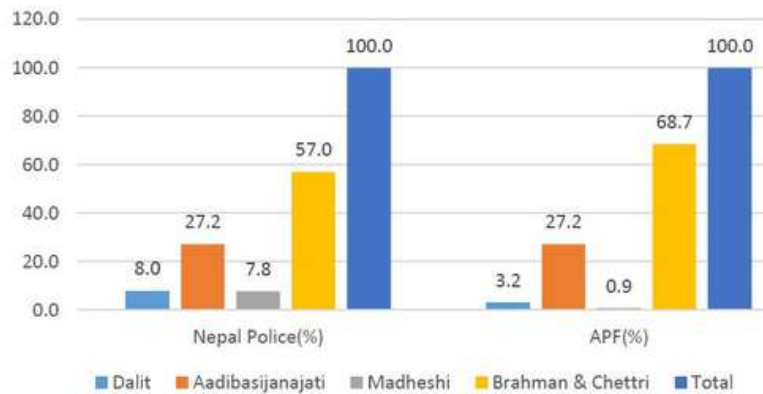
Ethnic distribution in National Assembly



Secondly, the political map of Nepal is drawn up in such a way as to waterdown the Madheshi vote. Indeed, in the federal structure, the Madhesh-Terai region has been divided into pieces.

Except for what is now called the "Madhesh province", the rest of the region was assimilated with the other hill-based provinces.

Ethnic representation in Nepal Police & Army



Madheshi leaders, including Mahanth Thakur and Rajendra Mahato, still think that the Madhesh region, on the whole, is not confined to the only eight districts of the new province. The entire region from east to west in the Terai region carries common culture and identity under the broader framework of the country. In the past, the Government of Nepal had agreed with the Madheshi leaders that the Madhesh region will be granted "Ek Madhesh, Ek Pradesh" ("One Madhesh, One Province") with the right to autonomy, but later on, the agreement was not implemented. Splitting the Madheshi into multiple provinces greatly reduced their voting weights.

Aside from the citizenship issue and the unfair political map, other elements in the new constitution have also been designed to limit the political power of Madheshis.



In Article 21 of the Interim Constitution, it was mentioned that various groups would have “the right to participate in state structures on the basis of principles of proportional inclusion”. In the new Constitution (Article 42), the word “proportional” has been dropped which is mainly prejudicial to the Madheshi people. Indeed, if representation was proportional, Madheshi would have had a tremendous voting weight. Moreover, Madheshi are not allowed to rise into core functions of the state. Indeed, Article 283 of the Constitution states that only citizens by descent will be entitled to hold the posts of President, Vice-President, Prime Minister, Chief Justice, Speaker of Parliament, Chairperson of National Assembly, Head of Province, Chief Minister, Speaker of Provincial Assembly and Chief of Security Bodies. This clause is very discriminatory knowing that the very few Madheshi who have the chance to enjoy citizenship have for the most part, obtained it through birth or naturalization.

Following the Madhesh movement, Terai-based parties mostly won the local elections with the promises of changing their lives and be able to stand up to the central government to make actual changes in the people’s interests. But unable to perform as expected, the parties now suffer from an erosion of public trust. Indeed few

years after the elections, the people of the Madhesh province feel let down and have started to lose faith in the home-grown parties, as they have failed to perform and deliver. The parties representing the Terai have always blamed the centre for not taking their issues seriously, and for a sluggish development of the region.

Mahadev Saha, who has a PhD in Political History of Nepal and is currently the Head of Softech College based in Lahan, says that the people had participated in the Madhesh Movements with certain aspirations, but that they’re frustrated over how things have turned out. “There were some legitimate interests of the Madhesh that have not been provided in the Constitution. The desires of Madheshis have not been addressed in any way,” he says. Saha adds that Terai-based parties had an opportunity to prove themselves, but they squandered it, and the corruption and red tape at the Singha Darbar have trickled down to the provincial governments.

While the hill-based parties (notably CPN-UML) were long seen as an anti-Madhesh force, the failure of the home-grown parties to deliver, put them in a much better position to access provincial power. “The sentiment of Madhesh uprising and its spirit were fresh in the minds of the people during the last elections. But this has faded



now which will pose a challenge for the Janata Samajbadi Party,” said Saha. With the Maoist Centre and the CPN UML increasing their shares, we can only doubt that the Madheshi and their aspirations will be well represented in the future.

## **2.1 Inner social injustice**

### **2.1.1 Gender inequality**

The Madheshi women are underprivileged, under represented and exploited in all spheres of society. Socio-cultural, political, economic and educational factors have forced them to live subjugation by men. The absence of a definition of discrimination against women from the Constitution has made Nepalese women especially Dalit, Madhesi, indigenous women from religious minorities suffers intersectional and multiple forms of discrimination. Women’s rights in Nepal have been seen as a sociological issue that we need to pay attention. More than a mere legal issue, the widespread social and cultural acceptance of patriarchy followed by the subjugation of women is rampant and serves as the major cause of violence against women.

Women from the Madheshi communities are disproportionately affected by violence.

The most common form of violence for these women is sexual assault, often perpetrated by family members, neighbors, or friends. Sexual and physical assaults are accompanied by social stigmatization and shame. Women who report being raped face a multitude of barriers in accessing justice; many go to panchayat courts instead of police, which makes it extremely difficult for them to reach a successful resolution. The Women Development Office (WDO) in Kapilvastu reported that 35% of the victims of violence in their district did not have birth registration, 35% did not have marriage registration and 40% did not have citizenship card. Their survey reported that nearly 70% of the women said they could not register their marriage because of lack of cooperation from husbands. These statistics show that the poor and marginalized women are among the most affected.

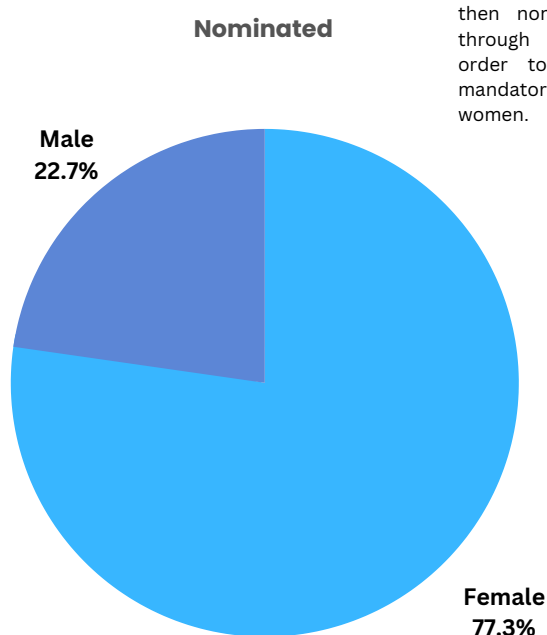
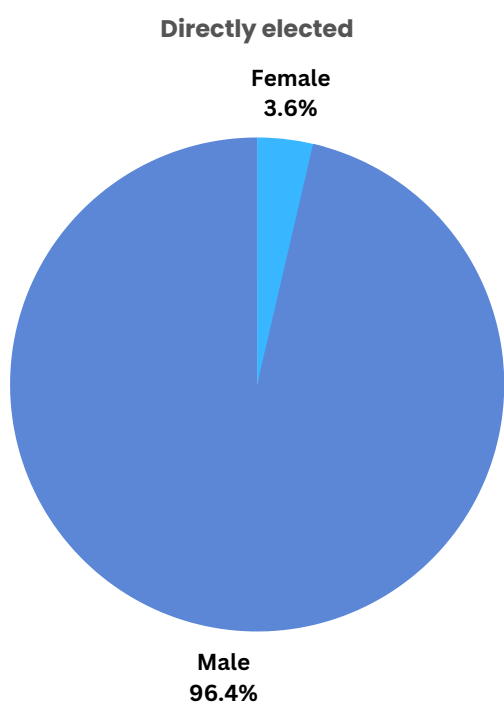
The findings reveal that despite the reinforcement of laws and policies to encourage reporting, there is not much change in legislation on the ground. The mere presence of such policies does not mean women’s access to justice will be affected. Protection programmes are well-designed but do not include provision for shelter for Madheshi women victims. A lack of appropriate services has led to an increase in the cost of legal appointments and medical



treatment, which mostly affects economically weaker households. In addition, it also renders them unable to make use of their rights provided through the law (such as protection from harassment or physical assault). In such cases, they have no other option than to handle the problem within home with help of women leaders within their own communities. Similarly, in the northern part of Nawalparasi district, women who primarily speak the Magar language face additional difficulties due to language barriers. The majority of the police and government officials rarely represent local community or understand the ethnic language. Aside from intra-province issues, women are highly under-represented in the political sphere. While already being

the case at the national level, with only 3.6% of directly elected women in the House of Representatives, this inadequate representation of women is amplified at the local level where very few female representatives exist in Madheshi provincial level. Women are also experiencing new kind of gendered vulnerability. This includes the growing “male out-migration”. In this more and more common scenario, women are increasingly tasked with the household, the farm, as well as the children, and they generally face economic insecurity and increased work burdens, as well as difficulty to access to credit and state subsidies. However, some women have also become empowered in the process, taking up enterprise opportunities and active roles in their community.

### Gender distribution in House of Representatives



Note: Parties tend to choose Male candidates for the elections and then nominate women through lists (PR) in order to achieve the mandatory 33% of women.



## 2.2.2 Marginalized communities

The Constitution Article 38(4) states the right to participate for all in public affairs with special attention on women and the marginalized community. The rights related to social justice is spelled out in Article 42, which says, (i) The socially backward women, Dalit, indigenous people, indigenous nationalities, Madhesi, Tharu, minorities, persons with disabilities, marginalized communities, Muslims, backward classes, gender, and sexual minorities, youths, farmers, laborers, oppressed or citizens of backward regions and indigent Khas Aryashall have the right to participate in the State bodies based on inclusive principle.

Despite the constitutional arrangements with commitments to socialism based on civil liberties, fundamental rights, human rights, adult franchise, periodic elections, full freedom of the press, and independent, impartial, and competent judiciary and concept of the rule of law, Nazeen and Thapa (2019) study report alarming incidents related to clamping down on the media and specific rightsbased groups which is against the freedom of fundamental right as bestowed by the constitution. Likewise, FORUM-ASIA (2018) reports censorship and attacks against journalists.

Access to security and justice for the Muslim communities seemed more difficult in comparison to other poor and marginalized populations - language being a crucial barrier. They said that the Urdu language (commonly spoken in Muslim community) is rarely understood by the state officials. Furthermore, they continue to face hurdles for easier access to the country's security and justice mechanisms. They held the perception that the police and the judiciary treat those who have access to power (mostly political) and resources better, particularly when reporting a crime or dispute. With very limited exposure to the police and the courts; most interviewed during the assessment had never interacted with them. This is compounded by a profound lack of basic knowledge or understanding of how the justice and security sectors work. This prevalent lack of awareness has led to low confidence levels and even fear vis-à-vis accessing security and justice.

## 2.2.3 Caste system

The Muluki Ain of 1854, the legal code introduced by the first Rana prime minister, Jang Bahadur Rana was commissioned after his European tour and enacted in 1854. It was rooted in traditional Hindu Law and codified social practices for several centuries in Nepal.



It was an attempt to include the entire Hindu as well as non-Hindu population of Nepal of that time into a single hierarchic civic code from the perspective of the Khas ruler while seeking to promote social harmony and declared all persons theoretically equal in the eyes of the law, thus ending legal discrimination based on caste, creed, and sex. The Government of Nepal legally abolished the caste-system and criminalized any caste-based discrimination, including "untouchability", in 1963.

The social structure of the caste-origin Madhesi Hindu groups is complex, reflecting four varna groups with distinct hierarchical structure within them. In 2001, the CBS recorded 43 caste-origin Hindu groups in the Madhesh. Caste prejudice is far less prevalent in cities nowadays, although nothing has changed in rural regions. As a result of occupational changes, increased education, their own efforts to emulate the upper castes and consolidation of political power, urban Dalits in the Terai have moved up in status.

#### 2.2.4 Lack of awareness and trust in the judicial system

Public awareness of security and justice issues, actors, and laws and regulations, especially among poor and marginalized populations, is low.

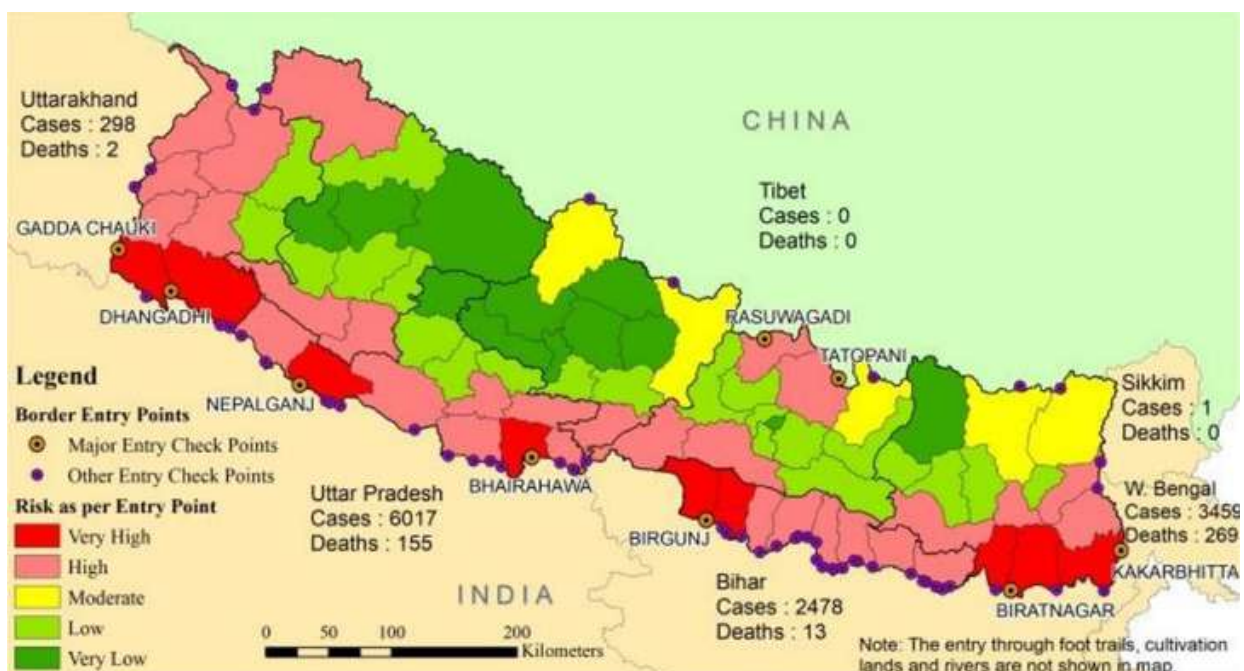
This is compounded by a profound lack of basic knowledge or understanding of how the justice and security sectors operate. This widespread lack of awareness has led to low confidence and even fear of accessing security and justice mechanisms for specific needs. The lack of trust in state actors has often led them to resort to financial compensation. This situation is particularly pronounced in remote areas and among women. The lack of knowledge perpetuates a cycle in which communities either do not trust or do not turn to state mechanisms, nor does the state adequately reach out to them.

Their lack of awareness of access to justice and security is exacerbated by widespread corruption in Madhesh province. For years, the poor and marginalized have lived in the belief that justice can be bought in Nepal. Nepal's judiciary is widely perceived to be both slow and ineffective and prone to coercion and corruption, resulting in perverse sentences in cases involving the powerful. They believe that the judiciary has little or no desire to settle cases involving citizens who lack connections and money. According to official sources, up to 40% of district court decisions are not implemented. In addition, Masdhash province reports the highest number of corruption cases in the country.



The Bardibas-based Office of the Commission for Investigation of Abuse of Authority (CIAA) has submitted its 32nd annual report to Madhesh Province Chief Harishanker Mishra. According to the report, the province recorded the highest number of complaints (24.25 percent) among all provinces. Last year, 915 complaints were registered, most of which, 339, came from Dhanusha district. Out of a total of 1,196 pending cases from the previous fiscal year and 915 new cases in the past fiscal year, 1,096 cases were settled during this period, according to the report. Corruption, coupled with extreme poverty and proximity to the border, creates an environment where insecurity prevails. In this context, it is not surprising that traditional mechanisms of security and justice are preferred. Traditions such as the

Panchayati system involve the settlement of matters, from local disputes to criminal cases, at the discretion of local elites. Unfortunately, the system mostly favors the powerful and functions outside the legal system. It has been shown that women in particular are the ones who suffer from this system. The non-legal body known as the Panchayati tradition remains one of the most influential actors obstructing public security and access to justice. It is reportedly involved in settling cases ranging from local disputes to criminal cases. It is widely considered to be the appropriate platforms for resolving conflicts at the local level because it involves political leaders, village development committee (VDC) secretaries, and other elites. It is seen as a local approach to conflict resolution that







preserves confidentiality, is cost-effective (especially for poor people), and leads to good relations between communities and elites. However, the structure is based on the belief that a few elites without women can deliver justice to the poor and marginalized population. It is a parallel and uncontrolled justice system without legal jurisdiction that undermines the basic principles of the rule of law and justice. This tradition results in victims being further victimized by decisions imposed by male privileged elites. Cases are often silenced through financial compensation to the victims, most of whom are poor, to prevent them from approaching or learning about formal security and justice institutions. Similarly, local middlemen known as Bichauliya are hired by communities and government officials to help people with so-called access to security and justice. These middlemen, in most cases, use bribery or fear tactics to get results. By acting as a bridge between service providers and the public, they also contribute to the public's negative image of the police and justice system. Although the Bichauliyas are not legally recognized, they have unlimited access to power, resources, and decision makers. They are known as successful dealmakers. However, these deals are made either through financial arrangements or promises of hidden incentives. This creates an additional financial burden on the poor and

marginalized population. It has been noted that these middlemen often play a dual role, portraying themselves as helping victims while taking their cut from perpetrators. In effect, they act as brokers who establish connections and make deals to fulfill the goals and objectives of the state institution. The Bichauliyas, albeit covertly, have penetrated so deeply into the culture of government business that it seems almost impossible not to use their services. This mechanism constantly impedes the population's smooth access to security and justice. They contribute to deepening the distance between the marginalized population and the police. They reinforce the public's belief that the police and justice sector actors are unreachable.

This state of vulnerability in marginalized communities is compounded by the lack of capacity and resources among security and justice actors (and institutions) in Nepal. Not only does the lack of personnel and equipment prevent justice and security actors from performing their duties effectively and efficiently, but their lack of community relations knowledge and skills continue to affect people's trust in these institutions, especially among poor and marginalized groups. Because of these deficiencies, disrespectful behavior, intimidation, and insensitivity continue to occur.



## Economy

GDP: \$5.37 billion (14% of Nepal)  
GDP per capita: \$876  
HDI: 0.42 (very low)  
Main source: Agriculture (40%)



### 3. Rise of Vulnerability

Given the overwhelming number of obstacles to social progress faced by the Madheshi, it is not surprising that they are the most vulnerable community in the country. This vulnerability is evident in virtually every aspect of society, be it economic, educational, environmental, or cultural. Understanding this vulnerability and its causes is critical, because only then can we develop the most effective projects to lift them out of their current situation. In the following sections, we will describe the current conditions that we believe are the direct result of the barriers and marginalization processes that the central government has erected over the last century.

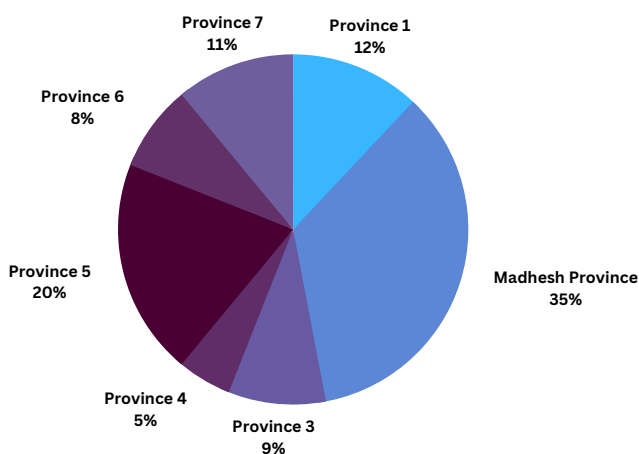
Just a few decades ago, poverty in Nepal was not even measured. It was common to interpret poverty only thematically. Later, when the Central

Bureau of Statistics began to conduct surveys of living standards, the debate about what constitutes a poverty line began to intensify. In Nepal, the first poverty statistics were produced by the National Planning Commission in 1977. But even now, one has to rely on the census conducted ten years ago to understand the poor, social, economic and political status of these three spheres - commune, provincial and federal. Some non-governmental organizations and various donors have collected data as part of their projects, but such studies cannot be generalized. The fact is that local governments do not prioritize research and studies. Similarly, it is difficult to find provincial government studies on poverty. Despite the lack of accurate data, it is undeniable that poverty is highest in Madhesh. According to the 2020 report of the Madhesh Provincial Political Commission, the poverty rate

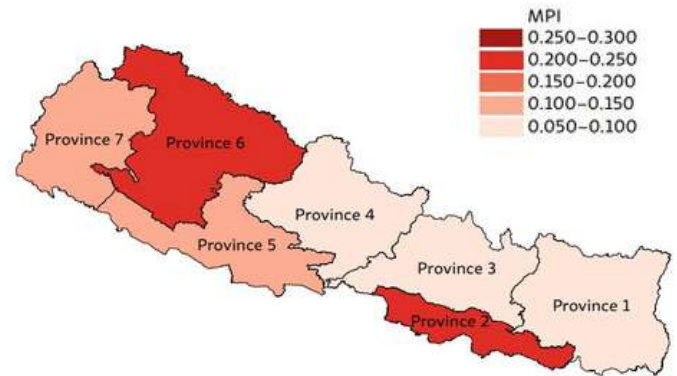


is very high and the Human Development Index (HDI) has decreased significantly in the province. Problems in providing food, shelter and clothing, as well as the inability to get treatment for diseases, were recorded in the multidimensional poverty index (MPI), which is estimated at 47.9 percent, which seems unrealistic compared to the national figure of 28.6 percent. According to the Commission, the overall human development index in Nepal is 0.490, but in the province it is 0.42 percent. More than just numbers, this means that Madhesh lacks basic infrastructure such as irrigation facilities, hospitals, and colleges, and that malnutrition affects a large portion of Madhesh's population.

Distribution of MPI Poor by Province

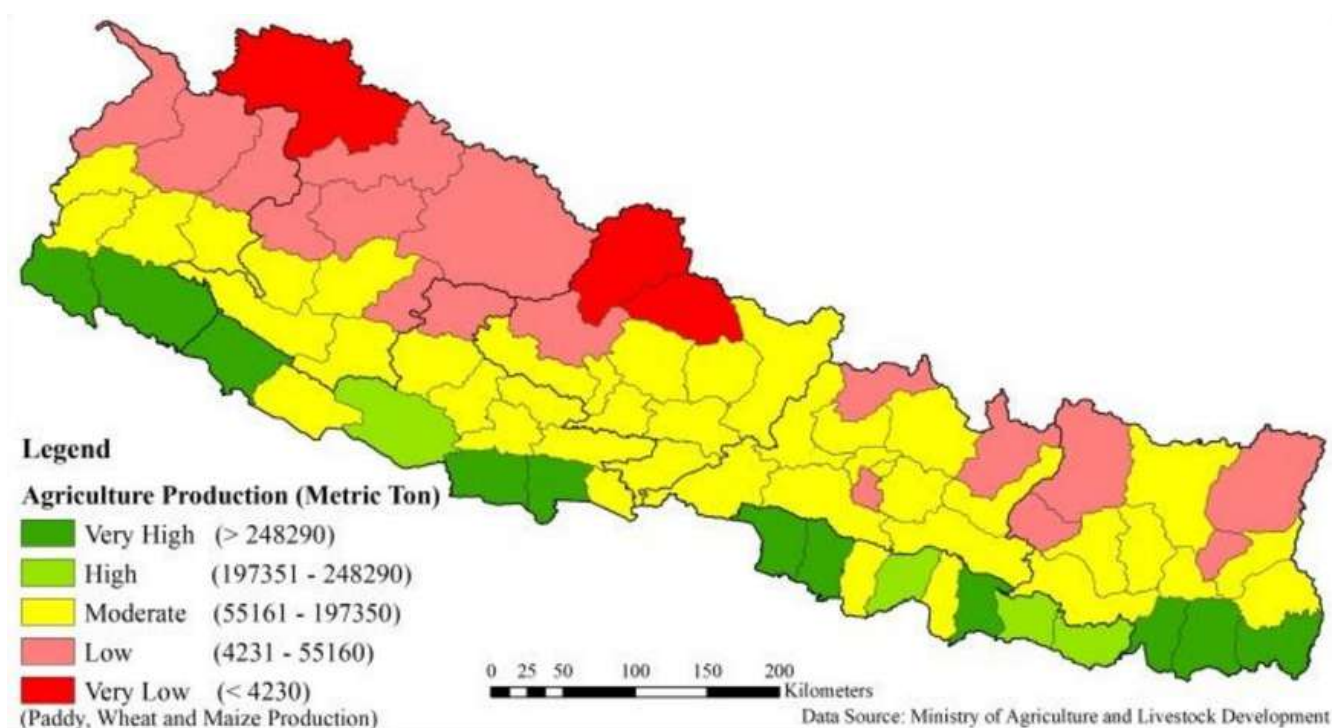


of poverty alleviation have actually helped change the lives of the local poor.



This extreme poverty is also noticeable in terms of GDP. According to the National Economic Survey 2019/20, Madhesh province contributes 14% to the national GDP while hosting more than 20% of the country's population. Agriculture and forestry are the mainstay of the economy in the province, feeding three-quarters of the population and generating 39.94% of the province's GDP. In fact, Madhesh is known as the "grain factory" or "fertile land" of the country. Of the country's total rice production, Madhesh province accounts for nearly 25%. The province also produces 29% of wheat, 65% of sugarcane, and 30% of corn. Madhesh is essentially an agrarian economy and was once one of the top five rice exporters in the world. However, due to the government's ban on fertiliser and seed imports from nearby India, lack of irrigation systems, and government indifference to the problems of Madhesh farmers, the

Without up-to-date poverty data, governments have failed to provide assistance to the truly poor. This lack of data is a critical problem in Madhesh province, as it is impossible to determine whether the vast amounts of money spent in the name



traditional agricultural base is dwindling and society is becoming more dependent on foreign remittances.

In the field of education, the situation in Madhesh province is not rosy. This situation is dramatic in that it does not provide the new Madheshi generations with the strength and knowledge to overcome their vulnerability. Due to poor infrastructure, inadequate budgets and resources, much of the province's population is illiterate. A decade ago, the government launched the "Literacy Campaign for Nepal," but to date 16 districts have not reached "full literacy" status. A district is considered "literate" when 95% of its residents between the ages of 15 and 60 can read and write. Of the 16 Nepali districts that have not

achieved this qualification, almost all are in the Terai region (including the 8 districts of Madhesh province). The adult literacy rate is a direct result of the poor education system, which has the worst results nationwide. However, when looking at adult literacy rates, enrollment rates, and elementary school completion rates, it is clear that there are wide disparities between communities within the Madheshi region. Indeed, these rates are highly dependent on caste. While the enrollment rate of Madheshi Brahmin children is 79% (higher than the national average of 71%), the enrollment rate of Madheshi Dalit children is extremely low, with less than 50% of children enrolled and less than one in ten children completing elementary school. Although



vulnerability should be considered a general problem in the region, we should be careful not to generalize it to the entire community. Similarly, education should be viewed through the prism of gender. Barriers to girls' access to education are significantly higher in the Terai than in any other region of the country. Girls from poor backgrounds are more likely to be

denied access to education than boys. With an alarming child marriage rate of 46%, girls are also more likely to drop out of school. With a student-teacher ratio of 53 in Madhesh province compared to 18 in Kathmandu Valley, the situation is exacerbated by the apparent inability of teachers to provide individualized help and guidance to students.

### Intra-disparity in education

Madhshi Caste/Ethnic Group	Adult Literacy Rate (%)	Net Enrollment Rate (%)	Basic Schooling Completion Rate (%)	Education Domain Index
Tarai Brahman/Chhetri	80.0	79.1	45.0	0.6805
Tarai Dalit	23.1	49.4	9.5	0.2733
Tarai Janajati	54.1	70.8	16.6	0.4716
Other Tarai Castes	45.0	64.1	20.7	0.4326
Muslim	35.4	47.1	10.9	0.3113
Nepal	59.6	71.1	21.9	0.5086

### Disparity in student-teacher ratio

Eco-belts	Primary	Lower Secondary	Basic	Secondary
Mountain	17	50	31	35
Hill	26	53	31	34
Kathmandu Valley	18	28	21	21
<b>Terai</b>	<b>53</b>	<b>82</b>	<b>58</b>	<b>50</b>
Total Average	35	60	40	39



Being highly dependent on agriculture, the Madheshi are increasingly suffering from climate change and deforestation. Until the 1950s, the region was largely forested, but with the increase in human population, deforestation in the Chure forest is increasing at an unprecedented rate. Much of the forest lies outside of protected areas. Forests and grasslands are heavily converted, fragmented, and degraded, and many species and ecological communities are already severely threatened. In addition, terrible environmental damage has been done in recent years, including by reckless "developers," illegal loggers have devastated forests, and a sand mining mafia has destroyed river systems. The loss of forests also affects ecosystem function and ecological services that support human communities and national economic investments in agriculture and infrastructure.

In addition, the direct and indirect impacts of climate change have serious implications for biophysical and social systems, including the health, well-being, and sustainability of Madheshi communities. These impacts are particularly severe for vulnerable groups. While climate change is a global phenomenon, the impacts are felt most acutely at the local level. There is a growing urgency for communities to be able to respond to climate change. In the Madhesh region, drought and

water scarcity threaten the continuation of traditional agricultural activities and jeopardise the livelihood of the Madheshi themselves. Their livelihoods are threatened by rapidly changing weather patterns, and their lives are at risk from natural disasters such as flooding. In a region where water scarcity has been a rarity, the possibility of increasingly frequent droughts could cause many people to migrate to escape hunger. Ravi Ale, a farmer, for example, says he has been farming the family's two acres since he was old enough to help his father. But after a meagre harvest this year, and with his cash running low, he and five of his friends from the village will leave for India next month to look for work.

***"Water scarcity and drought were something alien to us a few years ago but they have become a new normal now." said a Madheshi farmer.***

The exclusion of the Madheshi community from the national mainstream as well as the creation of many development barriers has made them extremely vulnerable. Their marginalization has been a negative factor for the sound economic development of the country.



## Education

Student-teacher ratio: 53  
Adult (+15) literacy rate: 58%  
Out-of-school children: 153, 819 (50% of Madhesh children)  
Out-of-school children (total in Nepal): 313, 289 (50% are in Madhesh Province)  
Child marriage rate: 46%





## 4. Our Actions

Pipal Tree and Mithila Wildlife Trust works in close cooperation to help vulnerable people from the Madhesh province. This report aimed to identify the roots of their vulnerability, making you understand the *why* and *how* of our charity projects.

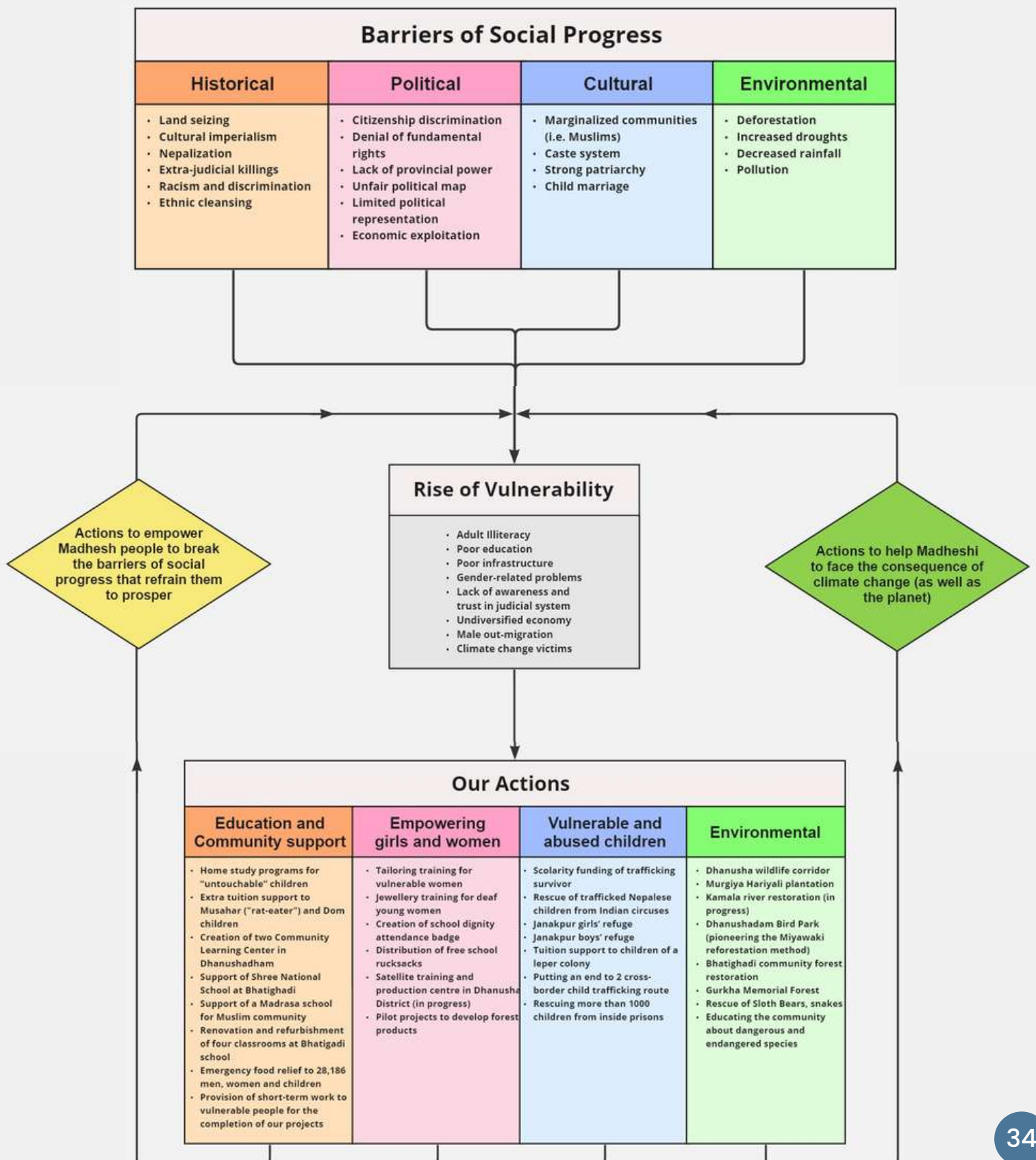
Our common goal is to empower those people and give them the ability to break the barriers they have been facing for so long. Taking into account their history, as well as their daily needs, we have spent the last decade acting in four areas that we believe to be the most appropriate to lift them out of their vulnerability : Education and community support, Empowering girls and women, Tackling local consequence of climate change, and helping Abused and vulnerable children.

Nepal is very much in the frontline of the crisis, with its Himalayan glaciers melting at 30 metres per year and increasingly erratic weather patterns that are having a severe impact on agriculture and the rural economy, while causing both floods and drought as natural disasters. We are responding by supporting rural and urban reforestation programmes that help redress the balance while providing employment to vulnerable people, including through ecotourism and the sustainable use of forest products. Many of these people are from the so-called “untouchable” community. And we link this work to the education of children, developing youth climate activists



## Tailoring our action to the roots of their vulnerability

Through the understanding of the history of Madheshi and the establishment of all the barriers they face, we are able understand the roots of their vulnerability and to tailor our actions specifically so as to ensure a maximum impact in the community and enabling them to put down all the barriers of social progress that they face.





## ***Education and community support***



**2**

**Community Learning  
Center**

Creation of CLC welcoming hundreds  
of vulnerable children



**1000+**

**Children at school**

Between the CLCs and other school  
projects, we've put more than 1000  
kids to school



**500+**

**Short term jobs**

Provision of short term jobs to  
vulnerable people during projects



**28,186**

**Food relief beneficiary**

Delivery of emergency food relief for  
vulnerable families during COVID 19





## *Empowering girls and women*



**2**

### **Women training center**

Creation of two training center to empower vulnerable Madhesh women



**40+**

### **Funded training**

Tailoring and jewelry training of 6 months for vulnerable young women



**1017**

### **Dignity pads**

Distribution of pads containing 5 reusable sanitary package for women vulnerable to child births



**15+**

### **Formation of women to become trainers**

Advanced training to vulnerable women to help them become trainer





## ***Vulnerable and abused children***



**1000+**

**Rescued children**

Rescued children from inside prison and cross-border trafficking route



**2**

**Children refuge**

Creation of two children refuge for vulnerable and abused boys and girls



**100+**

**Scholarship Funding**

Funding of tuition or scholarship of vulnerable children in Madhesh



**2**

**Halted trafficking route**

Putting an end to two children cross-border trafficking route between India and Nepal







## *The environment and climate change*



**3368+**

**Animals rescued**

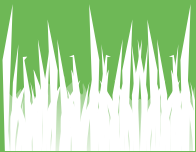
Reptile, Amphibian, Avian, Ungulate  
and Mammal throughout the province



**75,700**

**Saplings planted**

Reforestation projects, restoration  
of community forests



**50+**

**Hectars of Reforestation**

Using pioneering "Myawaki"  
reforestation method



**462+**

**Conservation Education  
Program**

Organized awareness-raising  
activities in the province





PIPAL  
TREE

