



Australian Government
Refugee Review Tribunal

Country Advice

Nepal

Nepal – NPL38806 – Biratnagar – Madhesi
Janadhikar Forum – MJF
20 June 2011
14 June 2011

1. Please outline the demography of Biratnagar (Pahade, Madhesi and others).

According to the 2001 census, the total population of Biratnagar was 166,674. The 2011 projected population of Biratnagar was recorded as 271,354.¹

Limited information was found on the ethnic demography of Biratnagar. A 2008 report by Padeco, a Japanese based international development consulting company, states that the majority of the population of Biratnagar are of Hill and Tarai origin. The report states that other ethnicities are also found in Biratnagar as it is the “market city” for Eastern Nepal. The report states that:

By caste/ethnicity, Biratnagar municipality has mixed populations; almost 42% of the populations are the Hill- origin people and the rest are the people of Tarai origin. As this is the market city for the people of Eastern Nepal, good percentage of business people such as the Baniya, Halwai, Teli (Saha), Marwari and others are also found. A good percentage of Hill (6.9%) and Tarai indigenous people (11.8%) are living within the municipality area. About 37% of the indigenous people are poor (Poverty profile and Map 2009). In addition, a good percentage of the vulnerable population such as Hill (1.0 %) and Tarai Dalits (4.5%) are also found in Biratnagar municipality. The major findings of this survey are:

- (i) 11% of total households are headed by female.
- (ii) About 37% of people are indigenous and 62% of them have migrated from another city.²

The report also includes the following further statistical information on the composition of the Hill and Tarai caste/ethnic groups in Biratnagar³:

¹ ‘NEPAL: Preparing the Secondary Towns Integrated Urban Environmental Improvement Project’ 2008, Asian Development Bank website, November, pp.11 - 12
<http://www.adb.org/Documents/Reports/Consultant/NEP/36188/36188-01-nep-tacr-15.pdf> - Accessed 15 June 2011 - Attachment 1; ‘Earthquake Vulnerability Profile and Preparedness Plan Biratnagar Sub-Metropolitan City’ 2010, Earthquake Risk Reduction and Recovery Preparedness Programme for Nepal website, January, p.13
http://errrp.org.np/document/study_report/Biratnagar%20Vulnerability%20Profile.pdf - Accessed 15 June 2011 - Attachment 2; ‘Biratnagar Sub- Metropolitan City: Poverty Profile and Map’ 2005, Municipal Association of Nepal website, November [http://www.muaneopal.org.np/poverty%20strategy/final%20report\(BRT\).pdf](http://www.muaneopal.org.np/poverty%20strategy/final%20report(BRT).pdf) - Accessed 15 June 2011 - Attachment 3

² ‘NEPAL: Preparing the Secondary Towns Integrated Urban Environmental Improvement Project’ 2008, Asian Development Bank website, November, pp.11 - 12
<http://www.adb.org/Documents/Reports/Consultant/NEP/36188/36188-01-nep-tacr-15.pdf> - Accessed 15 June 2011 - Attachment 1

³ ‘NEPAL: Preparing the Secondary Towns Integrated Urban Environmental Improvement Project’ 2008, Asian Development Bank website, November, pp.11 - 12
<http://www.adb.org/Documents/Reports/Consultant/NEP/36188/36188-01-nep-tacr-15.pdf> - Accessed 15 June 2011 - Attachment 1

Table 6: Major ethnic/caste groups in Biratnagar municipality

Caste/ethnicity	Population	%
Hill caste/ethnicity		
Hill Brahmin	37,493	
Chhetrti	18,068	
Newar (Indigenous/Janajati	9,594	(5.3%)
Rai (→)	2,821	(1.6%)
Kami, Damai, Sarki (Dalit-vulnerble pop.): total	1,708	(1.0%)
Other –caste/ethnicity(total)	5,847	
Total –Hill caste/ethnicity	75,531	41.9
Tarai caste/ethnicity		
Tharu(Indigenous/Janajati	4,994	(2.8%)
Rajbansi(indigenous/Janajati)	5,028	(2.8%)
Dhanuk(→)	6,587	(3.7%)
Muslim	16,490	(9.2%)
Baniya	2,503	
Yadav	7,320	
Kewat	7,078	
Malaha (indigenous)	4,460	(2.5%)
Marwari	5,737	
Teli	5,493	
Halwai	3,330	
Kayastha	3,618	
Dushad/Paswan.(Dalit-vulnerable po.)	2,635	(1.5%)
Other Tarai Dalit (total)	5,288	(3.0%)
Other Tarai caste/ethnicity(total)	24,046	
Total Tarai caste/ethnicity	104,607	58.1
Total Population	180,138	100

Source: Akikrit Nagar Profile B.S 2064(Integrated Town Profile, 2007), Biratnagar Municipality

A 2005 ‘poverty profile’ report, prepared by the Biratnagar sub-metropolitan city, states that 17% of the population of Biratnagar is Dalit. The report also states that Biratnagar is 86 % Hindu, 12% Muslim and has a “nominal” number of Buddhists. The report contains the following demographic information for Biratnagar:

According to 2001 census data, there are 33,678 households and a population of 166,674 persons of which, 87,664 (52.6%) are males and 79,010 (47.4%) females. From the area and population figures, the population density of BSMC comes to 2792 persons per square kilometer.

...In Biratnagar Sub-Metropolitan City, existence of Dalit is in remarkable number accounting 17%. Similarly we can find 36% of Janajati and rest of the percentage by other casts. From the distribution of population forward about 63 % of the people are in Dalit and Janajati caste.

...In this area Hindu people are in majority and they have about 86% in total population. Similarly there is also the remarkable percentage of Islam having 12% in the total population. The percentage of Buddhist is nominal in number. Hence there are the majority of Hindu and Islam people in this area.⁴

A 2009 report by the Asian Coalition for Housing Rights states that poor migrants from Nepal and India are “flooding into” Biratnagar looking for employment opportunities. Most of these migrants reportedly live in slum and squatter settlements with poor living conditions.⁵

No reference was found in relation to the size of the Pahade or Madhesi ethnic groups in Birtanagar. Biratanagar is located in the Tarai region. In July 2007 a UN High Commissioner for Refugees (UNHCR) reported that “The majority of Tarai-dwellers (63 percent) are from the Madhesi social group, which is made up of a variety of communities in the Tarai (or Madhes) region, while 36 percent are people originating from the hills, known as Pahadis.”⁶

2. Please update the security situation in Biratnagar (especially MJF activities, whether they target Pahade individuals, and sports or youth clubs).

No reports were found for the period of 2010 to 2011 regarding the Madhesi Janadhikar Forum’s (MJF) involvement in violence in Biratnagar including the targeting of individuals or clubs.

No specific information was found regarding the general security situation in Biratnagar. Recent reports indicate that during 2011 the Youth Association Nepal (YAN), the youth wing of the Communist Party of Nepal – United Marxist Lenin (CPN- UML), seriously assaulted a journalist in Biratnagar and also engaged in the violent enforcing of a strike. In May 2011, Maoists also enforced a strike in Biratnagar. The following reports were found regarding security incidents in Biratnagar during 2011:

- On 16 June 2011, *The Himalaya Times* reported that YAN cadre forcefully shut down shops and business in Biratnagar following the arrest of its central chairman, Mahesh Basnet.⁷ A report published by the *Nepal Republic Media* states that Youth Association cadre attacked a school bus during the protest seriously injuring a ten year old student. YAN cadres also reportedly vandalised a petrol tanker.⁸ Mahesh Basnet is reported to have been arrested for protecting, Parshuram Basnet, an accused attacker on journalist Khilanath Dhakal.⁹

⁴ ‘Biratnagar Sub- Metropolitan City: Poverty Profile and Map’ 2005, Municipal Association of Nepal website, November [http://www.muannepal.org.np/poverty%20strategy/final%20report\(BRT\).pdf](http://www.muannepal.org.np/poverty%20strategy/final%20report(BRT).pdf) - Accessed 15 June 2011 - Attachment 3

⁵ Asian Coalition for Housing Rights 2009, *Nepal: ACCA Yearly Report*, December <http://www.achr.net/ACCA/ACCA%20Downloads/AACA%20Country%20Downloads%20Year%201/Neps!%20Firt%20Year%20Report%20Dec%202009%20PART%202.pdf> - Accessed 15 June 2011 - Attachment 4

⁶ UN High Commissioner for Refugees 2007, *UNHCR’s Position on the International Protection Needs of Asylum-Seekers from Nepal*, UNHCR Refworld website, 26 July <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=46af032d2> – Accessed 18 April 2008 – Attachment 5

⁷ DAO extends Biratnagar restriction by 3 hours’ 2011, *Himalayan Times*, 16 June – Attachment 6

⁸ ‘Student injured as Youth Association cadres attack school bus’ 2011, *Republica*, 16 June - Attachment 7

⁹ ‘Youth Force cadres stage protests, clash with police’ 2011, *Republica*, 16 June - Attachment 8)

- On 5 June 2011, Khilanath Dhakal, a journalist was attacked in Biratnagar by a group of youths allegedly affiliated to YAN. The Office of the High Commissioner for Human Rights in Nepal (OHCHR-Nepal) reported that “the assault appears to be directly triggered by a report filed by the journalist regarding an attack by Youth Force cadres in Biratnagar on 1 June.” The OHCHR-Nepal reported that they are “seriously concerned over reports of attack and intimidation faced by journalists in the eastern Terai districts of Nepal.”¹⁰
- On 24 May 2011, The Informal Sector Service Centre reported that “in Biratnagar, Maoist cadres vandalized a vehicle in Biratnagar. They forcefully shut down schools while enforcing bandh in various parts of Biratnagar.” The strike was part of a nationwide strike called for by the CPN-M (Matrika)'s National Joint Struggle Committee.¹¹
- On 17 May 2011, *Nepal Republic Media* reported that a strike was called in eastern Nepal by Nepali Jan Pragatishil Manch, “a little known organization”. The report states that the strike “crippled normal life in Biratnagar”, among other places, and that “public vehicles, factories and educational institutions were brought to a complete standstill.” According to the report “locals did not dare to defy the strike.” The report also states that “this is the fourth consecutive strike in eastern Nepal.”¹²
- On 13 May 2011, *The Kathmandu Post* reported that “an unidentified group abducted UCPN (Maoist) activist Rajendra Dahal from Jai Nepal chowk in Biratnagar.”¹³
- On 31 March 2011, *Nepal Republic Media* reported on a spate of bomb attacks targeting passenger buses in Eastern Tarai. The report states that “a pressure cooker bomb found Tuesday at a busy area in Biratnagar, a city generally considered safe.” The report notes that “police say plainclothesmen have been mobilized in Biratnagar, Itahari, Inaruwa, Rajbiraj, Lahan, Siraha and Janakpur, as the cities are believed to have been targeted by armed groups.”¹⁴
- On 15 March 2011, *The Kathmandu Post* reported that on a clamp down on the smuggling of arms by a regional police office in Biratnagar:

In view of the worsening security situation, the Eastern Regional Police Office, Biratnagar, has stepped up work to stop rampant weapons smuggling in the area for the past few months. Security sources claimed police seized 35 contraband weapons and held 58 people in the eastern region within the past three-and-half-months.

"Our success is greater than our expectation. It certainly takes time to stop the weapons menace totally as it has existed long due to the open border," said Deputy Inspector General of Police Binod Singh.

¹⁰ Office of the High Commissioner for Human Rights in Nepal 2011, ‘UN Human Rights Office in Nepal condemns attack on journalists’, 9 June

http://nepal.ohchr.org/en/resources/Documents/English/pressreleases/Year%202011/June/2011_06_09_PR_OHCHR_condemns_attack_on_journalists_E.pdf - Accessed 17 June 2011 - Attachment 9; Informal Sector Service Centre

2011, ‘AWC Seeks Action Against Guilty of Attacking Biratnagar Journalist’ 10 June

<http://www.inseconline.org/index.php?type=news&id=8408&lang=en> - Accessed 17 June 2011 - Attachment 10;

‘DAO extends Biratnagar restriction by 3 hours’ 2011, Himalayan Times, 16 June - Attachment 6

¹¹ ‘CPN-M Called Bandh Affects Normal Life’ 2011, Informal Sector Service Centre, 24 May

<http://www.inseconline.org/index.php?type=news&id=8279&lang=en> - Accessed 17 June 2011 - Attachment 11

¹² ‘Strike cripples life in eastern Nepal’ 2011, *Republica*, 17 May - Attachment 12

¹³ ‘Maoist activist abducted’ 2011, *The Kathmandu Post*, 13 May - Attachment 13

¹⁴ ‘Police beefs up security’ 2011, *Republica*, 31 March - Attachment 14

Police sources said deserters from the armed Tarai groups are the main suppliers of weapons. They supply weapons ranging from home-made pistols to sophisticated pistols at prices ranging from Rs 2,000 to 45,000 for one.¹⁵

Biratnagar is located in Morang District, Koshi state in the South Eastern Terai region of Nepal.¹⁶ Maps, published on the United Nations Nepal Information Platform website, indicate that Morang district is one of the worst affected areas in terms of reported security incidents. A map illustrating the location of security incidents in Nepal during May 2011 reveals that Morang District had among the highest number of reported security breaches.¹⁷ A map of security incidents during 2010 provides similar results.¹⁸ Security incidents include reports of abductions, killings, improvised explosive devices and criminal acts.

In relation to MJF activity in the general Terai (Tarai) region, on 11 May 2011, *The Kathmandu Post* reported that MJF activists burned copies of the Kantipur daily in various Tarai districts. The activists were reportedly “protesting a news report carried by the daily on the alleged misuse of diplomatic passports by the party’s lawmakers.”¹⁹

The US Department of State report on human rights practices in Nepal for 2010 indicates security concerns in the Terai region of Nepal including violence by ethnic groups and Maoists. The report states that:

Members of the Maoists, the Maoist-affiliated YCL, and other ethnically based splinter groups in the Terai frequently committed acts of violence, extortion, and intimidation throughout the year.

...Police were unable fully to promote law and order. Members of the Maoists, the Maoist-affiliated YCL, and other ethnically based splinter groups in the Terai frequently committed acts of violence, extortion, and intimidation throughout the year.

...The Maoists also influenced media outlets through their powerful trade unions. In the Terai and the eastern hills, armed groups coerced journalists, resulting in self-censorship and fear for personal safety. Armed groups and political parties burned copies of newspapers that they found objectionable.

...Numerous armed groups in Terai and three armed ethnic groups in the hills--the Kirati Janawadi Workers' Party, the Unified Limbuwan State Council, and Khambuwan--extorted money from journalists, according to the FNJ, although victims did not report these cases due to concerns for their personal safety.

...Ethnic groups in the Terai called most bandhs

...Unrest in the Terai region led to more displacement during the year.²⁰

¹⁵ ‘Arms flow unstemmed in eastern Tarai region’ 2011, *The Kathmandu Post* 15 March - Attachment 15

¹⁶ ‘Biratnagar’ (undated), The Kingdom of Nepal website <http://www.thekingdomofnepal.com/biratnagar/> - Accessed 20 June 2011 - Attachment 16

¹⁷ United Nations Nepal Information Platform 2011, Nepal- Reports of Security Incidents: 1-31 May 2011, 17 June http://www.un.org.np/sites/default/files/2011-06-17-RCHCO-Security-incidents-May_A4_18062011-V1.pdf - Accessed 20 June 2011 - Attachment 17

¹⁸ United Nations Nepal Information Platform 2011, Nepal- Reports of Security Incidents: 1 January – 31 December 2010, 13 January http://www.un.org.np/sites/default/files/maps/2011-01-14-security_incidents_jan_dec_2010.pdf - Accessed 20 June 2011 - Attachment 18

¹⁹ ‘MJF-N activists torch Kantipur copies’ 2011, *The Kathmandu Post*, 10 May <http://www.ekantipur.com/the-kathmandu-post/2011/05/10/nation/mjf-n-activists-torch-kantipur-copies/221566.html> - Accessed 20 June 2011 - Attachment 19

²⁰ US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Nepal*, 8 April - Attachment 20

A report dated 4 April 2011 by the South Asia Terrorism Portal also reports on violence in the Terai region. The report states that “30 radical groups – who seek an independent Terai – continue to engage in an armed campaign.” The report states that”

The prominent groups engaged in such activities include the Terai Tigers, Madhes Terai Force, Janatantrik Terai Mukti Mahasangram, and Terai Tufan Yuva Group, among others. These groups issue threats to the general public, industrialists, businessmen and employees, both of the Government and the private sector. In the wake of repeated threats by underground outfits, secretaries of all 84 Village Development Committees (VDCs) in the Rautahat District had resigned en masse on July 6, 2010. On March 21, 2011, secretaries of all the VDCs in Sunsari District resigned, citing extortion and rising security threats as the reason. The VDC secretaries were receiving death threats from several underground groups.²¹

3. Are there reports on the extent of MJF violence in Kathmandu (especially against individuals)?

No reports were found regarding MJF violence in Kathmandu during the period of 2010 to 2011

Attachments

1. ‘NEPAL: Preparing the Secondary Towns Integrated Urban Environmental Improvement Project’ 2008, Asian Development Bank website, November
<http://www.adb.org/Documents/Reports/Consultant/NEP/36188/36188-01-nep-tacr-15.pdf> - Accessed 15 June 2011.
2. ‘Earthquake Vulnerability Profile and Preparedness Plan Biratnagar Sub-Metropolitan City’ 2010, Earthquake Risk Reduction and Recovery Preparedness Programme for Nepal website, January
http://errrp.org.np/document/study_report/Biratnagar%20Vulnerability%20Profile.pdf - Accessed 15 June 2011.
3. ‘Biratnagar Sub- Metropolitan City: Poverty Profile and Map’ 2005, Municipal Association of Nepal website, November
[http://www.muannepal.org.np/poverty%20strategy/final%20report\(BRT\).pdf](http://www.muannepal.org.np/poverty%20strategy/final%20report(BRT).pdf) - Accessed 15 June 2011.
4. Asian Coalition for Housing Rights 2009, *Nepal: ACCA Yearly Report*, December
<http://www.achr.net/ACCA/ACCA%20Downloads/AACA%20Country%20Downloads%20Year%201/Nepal%20First%20Year%20Report%20Dec%202009%20PART%202.pdf> - Accessed 15 June 2011.
5. UN High Commissioner for Refugees 2007, *UNHCR’s Position on the International Protection Needs of Asylum-Seekers from Nepal*, UNHCR Refworld website, 26 July
<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=46af032d2> – Accessed 18 April 2008.
6. DAO extends Biratnagar restriction by 3 hours’ 2011, Himalayan Times, 16 June. (FACTIVA)
7. ‘Student injured as Youth Association cadres attack school bus’ 2011, *Republica*, 16 June. (FACTIVA)

²¹ Singh, A.K., 2011, ‘Nepal: Terai Simmering – Analysis’, *Eurasia Review*, 4 April
<http://www.eurasiareview.com/nepal-terai-simmering-analysis-04042011/> - Accessed 20 June 2011 - Attachment 21

8. 'Youth Force cadres stage protests, clash with police' 2011, *Republica*, 16 June. (FACTIVA)
9. Office of the High Commissioner for Human Rights in Nepal 2011, 'UN Human Rights Office in Nepal condemns attack on journalists', 9 June
http://nepal.ohchr.org/en/resources/Documents/English/pressreleases/Year%202011/June/2011_06_09_PR_OHCHR_condemns_attack_on_journalists_E.pdf - Accessed 17 June 2011.
10. Informal Sector Service Centre 2011, 'AWC Seeks Action Against Guilty of Attacking Biratnagar Journo' 10 June
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11. 'CPN-M Called Bandh Affects Normal Life' 2011, Informal Sector Service Centre, 24 May
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12. 'Strike cripples life in eastern Nepal' 2011, *Republica*, 17 May. (FACTIVA)
13. 'Maoist activist abducted' 2011, *The Kathmandu Post*, 13 May. (FACTIVA)
14. 'Police beefs up security' 2011, *Republica*, 31 March. (FACTIVA)
15. 'Arms flow unstemmed in eastern Tarai region' 2011, *The Kathmandu Post* 15 March. (FACTIVA)
16. 'Biratnagar' (undated), The Kingdom of Nepal website
<http://www.thekingdomofnepal.com/biratnagar/> - Accessed 20 June 2011.
17. United Nations Nepal Information Platform 2011, Nepal- Reports of Security Incidents: 1-31 May 2011, 17 June http://www.un.org.np/sites/default/files/2011-06-17-RCHCO-Security-incidents-May_A4_18062011-V1.pdf - Accessed 20 June 2011.
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http://www.un.org.np/sites/default/files/maps/2011-01-14-security_incidents_jan_dec_2010.pdf - Accessed 20 June 2011.
19. 'MJF-N activists torch Kantipur copies' 2011, *The Kathmandu Post*, 10 May
<http://www.ekantipur.com/the-kathmandu-post/2011/05/10/nation/mjf-n-activists-torch-kantipur-copies/221566.html> - Accessed 20 June 2011.)
20. US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Nepal*, 8 April.
21. Singh, A.K., 2011, 'Nepal: Terai Simmering – Analysis', *Eurasia Review*, 4 April
<http://www.eurasiareview.com/nepal-terai-simmering-analysis-04042011/> - Accessed 20 June 2011.