

**MEMORANDUM TO THE GOVERNMENT OF INDIA, INDIAN POLITICAL
PARTIES, LEADERS, AND CONCERNED AGENCIES
REGARDING THE PRIVILEGED RIGHTS OF THE MADHESHIS OF NEPAL
IN INDIA**

2014 July 21

The Prime Minister of India
South Block, Raisina Hill
New Delhi
India - 110011.

We, on behalf of the Madheshi people residing in India, submit this memorandum to you to draw your attention to the issues of the Madheshis of Nepal, and to appeal for the privileged rights of the Madheshis in India, based on the historical treaties including the 1950 India-Nepal Peace and Friendship Treaty, and the social, cultural, marital and family ties we have across the border for millennia.

BACKGROUND

Madhesh and Its Borders

Madhesh/Tarai is the southern plain land of Nepal, conjoining India in the south, east, and west. Madhesh derives its name from ‘Madhyadesh’ or ‘Majjhimadesh’, meaning the Middle Country.¹ It has Sivaliks or Churiya hills in the north, Mechi River in the east, Sharda (Mahakali) River in the west and the Gangetic plains of India in the south, making up an area of about 23,000 square kilometres. It is conjoined by UP and Bihar in the south, almost for 1400 kilometers², and West Bengal and Uttarakhand on the eastern and western side, respectively, for a distance of few tens of kilometres. There is no natural boundary in the south, and the border is demarcated by a line called ‘*dasgaja*’, with border pillars erected at irregular distances, which at certain places, “even divides the same village.”³ “The boundary between Nepal and India was demarcated only after the Anglo-Nepal War of 1814-16. The country was India-opened even at a time when it was cut off from the rest of world until the end of the Rana regime in 1951.”⁴ “Before the signing of the Sugauli Treaty [in 1815] between Nepal and India and subsequent demarcation of the Nepal-India boundary, there existed free and unrestricted movement of people of Nepal and India across the border.”⁵

¹ Vivaswan Kumar, “Whole Tarai Belongs To Madhesh: Historical Facts,” American Chronicle, March 30, 2009.

² Vidya Bir Singh Kansakar, "Nepal-India Open Border: Prospects, Problems and Challenges," Institute of Foreign Affairs, Kathmandu, Nepal, 2001.

³ Hari Bansh Jha, Nepal’s Border Relations with India and China, Eurasia Border Review, Vol.4, No.1, Spring 2013.

⁴ Ibid.

⁵ Kansakar (2001), op. cit.

Madheshis

Madheshis are the native and indigenous people of Madhesh/Tarai region of Nepal, speaking Maithili, Bhojpuri, Awadhi, Hindi or other related Madhyadeshiya language. The estimated population of Madheshis is 12 million. Madheshis include many indigenous tribes such as Tharus, Rajbanshis and Santhals.

History

Madhesh has been a glorious centre of the Indian Civilisation. Historically, this land has been a part of Videha, Kashi and Kosala kingdoms. Later the Shakya, Lichchavi, Malla and Vajji republics flourished on this land. This land has been the birthplace of Sita, the consort of Lord Rama, and Buddha. In ancient times, this land was ruled by great kings and emperors from Bimbisar, Ajatsatru, Ashoka, and Samudragupta to King Jayabardhan Salhesh (capital at Mahisauth, Siraha, Madhesh, Nepal). During 11-14th century, the Karnat dynasty reigned Madhesh, establishing its capital at Simraungarh (currently in Bara, Madhesh, Nepal). Thereafter, during 16-18th century, the Makwani Sen dynasty ruled Madhesh. With the advent of the Muslim rulers in north India, Sen Kings ruled Madhesh by paying taxes to the Muslim Sultans and Nawabs, as suzerainty states. After Mughals, this territory came under the British. However, through the treaties of 1816 and 1860, the British handed over Madhesh to the King of Nepal.⁶ Through the memorandum of the 8th December 1816, the British Government handed the region between the west of the Koshi River and the east of the Rapti River to Nepal instead of paying two hundred thousands rupees per year as agreed previously on Nepal's request for supporting the living cost of its employees. The region west of the Rapti and the east of the Mahakali (Sharada) came through the treaty of 1860 as a reward to the King of Nepal for his support to the East India Company for suppressing the Sepoy Mutiny of 1857-59 in India, and it is also called Naya Muluk ("New Country"). In this way, about 150-200 years ago, Madhesh was forcefully annexed or gifted to Nepal, without the consent of its people.⁷

The Oneness...

The land of Madhesh and its culture has been a part of the Gangetic plains civilisation. Not only the landscape, climate, flora and fauna are same across the "border", but the people, their culture, social structure, castes, life-style, dress, language and food habits, all are one. They have been one, throughout the history. Even when Madhesh was handed over to Nepal by British, "the British regime had to enter into an agreement with the Gurkhas and seek a promise that the latter would not take revenge against the border inhabitants in Nepal [Madheshis] for their reluctance to merge with Nepal. Ever since then the British regime and the Gurkhas did not restrict the movement of people from one

⁶ C. U. Aitchison, A Collection Of Treaties, Engagements And Sanads Relating To India And Neighboring Countries, Vol. 2, Bengal Printing Company Ltd., 1863.

⁷ Kumar (2009), op. cit.

country to the other fearing that any restriction on their movement might trigger a backlash.”⁸ (Also see, British-Nepal Treaty, 8 December 1816–attached)

Acknowledging this historical, social and cultural oneness and inseparability, when India became independent, it accepted a border line and consequently a separate existence of Nepal, only after ensuring that the border would not make any difference to people living on its either side and that they are granted equal rights and treated at par with the native citizens on both sides. To ensure this, India signed the Treaty of Peace and Friendship in 1950, with Nepal. “According to the treaty, Nepalis and Indians can travel and work across the border and are to be treated at par with the native citizens.”⁹ The Articles (VI) and (VII) of the treaty state:

Article VI

“Each Government undertakes, in token of the neighbourly friendship between India and Nepal, to give to the nationals of the other, in its territory, national treatment with regard to participation in industrial and economic development of such territory and to the grant of concessions and contracts relating to such development.”

Article VII

“The Governments of India and Nepal agree to grant, on reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature.”

In this way, the rights of Madheshis/Nepalis were established in India at par with its own citizens, in regards to residence, ownership of property, trade and commerce, movement and so on. They also obtained rights for the “national treatment in industrial and economic development” in India. “The Peace and Friendship Treaty of 1950 between the two countries provide the similar rights to the citizens of the other country in its land as is available to the citizen of that country, except voting rights.”¹⁰ This is also affirmed by the Indian Embassy in Nepal: “India-Nepal Treaty of Peace and Friendship of 1950 is the bedrock of the special relations that exist between India and Nepal. Under the provisions of the treaty, Nepalese citizen have enjoyed unparalleled advantages in India, availing the facilities and opportunities at par with Indian citizens.”¹¹

We strongly believe that had that privileges not been ensured by the treaty, at-least the land of Madheshis would not have been in Nepal today, as other authors agree to the same view too: “...But one has to realise that it was the treaty’s provisions that afforded to keep Nepal and India as separate entities. The motivation was regardless of which side

⁸ Jha (2013), op. cit.

⁹ Raju Bhattarai, "Open Borders, Closed Citizenships", Institute of Social Studies, The Netherlands, 2007.

¹⁰ Ibid.

¹¹ “India-Nepal Relations,” Indian Embassy, Kathmandu, Nepal (accessed 2013 August 11).

one belongs to, there will be no difference, and yet that gist has been forgotten, the issue has been politicised and radicalised, and distance has been implanted.”¹² And due to this politicisation and radicalisation, Madheshis have been suffering the most. Due to their residence adjacent to the border, and their look, culture, language, and social structure all resembling to the people on the other side, they have been victims of this politicisation in severest ways. Inside Nepal, Madheshis could never become a part of the mainstream nationality, and with the ruling class of Nepal often suspecting Madheshis for their allegiance to India, they have become victims of discrimination, subjugation, inhumane treatment, displacement, slavery (bonded labours), and exploitation in Nepal, on their very own land.¹³ They have been deprived of even fundamental rights such as citizenship.¹⁴ For their social and cultural allegiance to the other side of border, the ruling class people of Nepal often attack Madheshis and their historical bond across the border.¹⁵

Issues of Madheshis in Nepal Concerning India

Today the condition of Madheshis in Nepal has degenerated to the state that they fear from crossing the border even to meet their relatives on the other side. They dread of the security forces’ misbehaviour, harassment and torture.¹⁶ Nepal police, on many occasions, torture Madheshis in border areas, beat them entering into their houses and misbehave with women. Madheshis dread of visiting their in-laws in India even with a towel or any gift for they are harassed at the border. “Even though there is no need to pay customs on goods taken from India to Nepal, when they are for personal need, providing and taking bribes is part of day-to-day life in the border area.”¹⁷ An artificial scarcity of Indian currency in the border areas has been created, and as a result Madheshis find it very difficult to travel to the other side.¹⁸ They are unable to pay school fees and train fare, or buy even a small gift while visiting their relatives in India. Indian goods are heavily and unfairly taxed.¹⁹ Sometimes, the Indian vehicles are banned on Nepalese land, and similarly the Indian cinema, cable channels and newspapers get frequently banned too.²⁰ Hindi, the lingua-franca of Madheshis, is not recognised in Nepal and often

¹² Bhattarai (2007), op. cit.

¹³ F. H. Gaige, *Regionalism and National Unity in Nepal*, University of California Press, 1975; "Nepal Human Development Report 2009: State Transformation and Human Development," UNDP Nepal, 2009 (available online).

¹⁴ "Millions of Nepal's children risk statelessness: U.N.," Reuters, 2011 August 23.

¹⁵ "Indefinite Curfew Imposed After Riots in Nepal," OhmyNews, 2006 December 27. "Regional riots in Nepal border town despite curfew," One India (Reuters), 2006 December 26; "Indian Film Star Sparks Riots in Nepal," ABC News, 2000 December 27.

¹⁶ "Stories of harassment, violence and discrimination: migrant experiences between India, Nepal and Bangladesh," Overseas Development Institute (ODI), January 2012.

¹⁷ Benjamin Hans, *Nepal's Border to India*, 2009.

¹⁸ "IC shortage hits traders, public," The Kathmandu Post, 2013 March 29.

¹⁹ Department of Customs, *Customs Tariff 2011 - 2012*, Government of Nepal Ministry of Finance, 2012.

²⁰ "Breakaway Maoist faction in Nepal bans Indian vehicles, films, music," Hindustan Times, 2012 September 26. "Chandni Chowk to China' fumbles in Nepal, protests over Buddha remark", IANS, 2009 January 21.

becomes a matter of controversy²¹, despite the fact that up to a few decades ago, Hindi was the primary language of teaching and instruction. The traditional dress of Madheshis, *dhoti, kurta* and *lungi*, often brings despise and assault from the ruling class people.²² Occasionally, and sometimes well-planned, riots burst out in Nepal victimising Madheshis and Indians alike.²³ Indians' and Madheshis' houses, shops and business are often attacked, vandalised and set on fire. People are discouraged to keep cultural, religious and family ties across borders, and for this, the relatives of Madheshis from India and other Indians are harassed in Nepal, and sometimes they even become victims of sexual assault and rape. For example, in 2010, when an Indian bride visited Janakpur's Janaki Temple, the holy Hindu pilgrimage site, to take customarily blessing after marriage, she was raped by Nepal police on the railway station.²⁴ Similarly, during Dashahara and other festivals, Indians are discouraged by similar activities not to let them participate in fairs and cultural and religious activities on the Nepalese side. These acts are orchestrated to break the bonds between the two sides. Nepali politicians, targeting Madheshis' ties across the border, are calling for "provision of getting citizenship stricter" to "encourage marriage within the country" and consequently discouraging marriage across the border.²⁵ The Madheshis are being discouraged for marrying in India by bringing tough citizenship acts, such as not providing citizenship to Indian (foreign) nationals married to Nepalese citizens, until 15 years of residency is completed, thus depriving them from the rights to land, property and job during this period.²⁶ Similarly, there have been provisions that "a child would be granted Nepali citizenship if *both* mother and father prove they are Nepali citizens"²⁷ and thus discouraging marriages with Indians. Such unfair citizenship provisions are "causing much consternation and almost guaranteeing that approximately 2.1 million persons out of an estimated population of nearly 30 million will remain stateless."²⁸ Isn't it the responsibility of India to ensure that the Indian-origin people and the Madheshis get their due rights and fair treatment, and that they feel safe in Nepal?

²¹ "Nepal Vice President gets death threats over Hindi," Zee New, August 29, 2009. "Nepal: Supreme Court Rules Vice President's Oath in Hindi Unconstitutional," Library of Congress, 2009 July 30; Alaka Atreya Chudal, "Vice President Jha's Oath in Hindi: Response to Hindi in Nepal," 2009.

²² "Facing protests, Nepal VP discards dhoti-kurta for nat'l dress," Outlook India, Jul 26, 2008.

²³ "Two Nepali students killed during anti-Hrithik demonstrations," rediff.com, 2000 December 26; "Anti-India wave sweeps across Nepal," rediff.com, 2000 December 29. "Nepal media group declares war on India," Times of India, 2010 August 29; "Schools closed in Nepal to protest against Indian textbooks," Zee News, 2013 February 10; "Rethinking anti-Indianism in Nepal," Republica, 2010 April 25.

²⁴ IANS, "Violence breaks out in Nepal after cop rapes Indian woman", 2010 March 22; Times of India, "After girl's 'gangrape', Bihar couple goes missing in Nepal", 2010 Mar 31..

²⁵ "Nepal for encouraging marriage within country," The Himalayan Times, 2012-03-21.

²⁶ "However, if a foreign man married to Nepali women wishes to apply for naturalized citizenship, he must live in Nepal for 15 years before he is allowed to apply for citizenship. Also, the children from such couple are entitled to naturalized citizenship only, since the foreigner father has to wait 15 years to obtain citizenship." In "Citizenship provisions remain contested when Nepal writes its new constitution," International Institute for Democracy and Electoral Assistance, 2011-09-05.

²⁷ "The absence of either parent would be enough to disqualify the child. It also means that children with one Nepali and one foreign parent would be ineligible for citizenship if the foreign parent cannot (due to conflicting provisions) or does not wish to take on Nepali citizenship." In George Varughese and Pema Abrahams, "Stateless in new Nepal," Nepali Times, Issue 608, June 2012.

²⁸ George Varughese and Pema Abrahams, "Stateless in new Nepal," Nepali Times, Issue 608, June 2012.

Issues of Madheshis of Nepal in India

“In theory, Nepalis in India have the same rights as Indian citizens, with the exception of voting rights, yet they are often denied their basic legal rights and are vulnerable to labor rights violations and various forms of exploitation.”²⁹ Rather than getting the rights at par with Indian citizens, Madheshis cannot even obtain a mobile SIM card based on their identity cards or Nepalese citizenship certificates. In border-side markets, where they have businesses, they cannot open a bank account, and it is a far cry to get loans and other facilities from Indian banks.³⁰ They do not have access to commercial banking.³¹ Nepalis or Madheshis can often open bank accounts in the US and Europe, based on their Nepali passports, but the same is not true in India where they are supposed to get rights at-par with the Indian citizens. Madheshis are not entitled to facilities like bonus, provident fund, health facilities, leaves, accident compensation etc. per se in India. “The Nepalese migrants are not entitled to obtain ‘Ration Card’. This is another violation of Peace and Friendship Treaty.”³² Their identity or birth date as verified by Nepal Government's issued documents such as village development committee's letters are not accepted, sometimes leading to jail for employing or working as an underage. In the lack of proper identity cards, Madheshis also become victims of underpayment as migrant workers³³ and they are denied services from police, landlords, and administration. Madheshis are often denied access to jobs at reputed institutions and governmental offices in India. They are also prohibited from entering into the Indian Army, despite it has Gorkha Regiment for Nepalis.

“The custom authority and police at the border trouble these people in different ways so that they can collect bribe.”³⁴ Madheshis suffer from harassment and torture from India border security forces too. Also, India, allegedly to please the ruling class people of Nepal to get their favour and get various treaties signed, arrests Madheshi political leaders and activists residing in India and handovers to Nepal, and the Nepali security forces usually manhandle them, sometimes even killing them extra-judicially.³⁵

Evidences suggest that India has not been very considerate of Madheshis in regards to trade and transit, either. India allows exports of whatever the ruling class people of Nepal may need, but prohibits exports of the essentials of Madheshi commoners and farmers,

²⁹ Raju Bhattarai, "Open Borders, Closed Citiznships", Institute of Social Studies, The Netherlands, 2007.

³⁰ “to start a bank account, one needs some kind of identity proof and resident proof like ration card, voting identity card or driving license etc. and a guarantor. The migrants of this class cannot provide all these documents. Hence they are unable to start and use a bank account.” Bhattarai (2007), op. cit.

³¹ Susan Thieme, "Social Networks and Migration: Far West Nepalese Labour Migrants in Delhi," LIT Verlag Münster, 2006.

³² Bhattarai (2007), op. cit.

³³ Govinda Neupane, "Nepalese Migrants in Delhi", 2005.

³⁴ Bhattarai (2007), op. cit.

³⁵ Investigating Allegations of Extra-Judicial Killings in the Terai," United Nations Office of the High Commissioner for Human Rights (OHCHR), Nepal, 2010: "OHCHR received information that Mahato had been arrested by Indian police on 18 July at 4pm from Jainagar in Madhubani District of Bihar in India, and was handed over to Nepal Police of Siraha District. He was later found dead. The source raised concern that Mahato might have been killed by the police."

such as seeds, fertilizers and sugar. The border security forces do not hesitate to fire bullets for bringing even half a sack of fertilizers or paddy seeds from India.³⁶ Yet India exports rice to Nepal to the greatest harm of Madheshi farmers, plunging them often into debt and forcing closures of hundreds of local small rice mills.³⁷ Such inconsiderate is the trade treaty that it bans even the export of baby milk and sterilized liquid milk, causing a great deal of trouble to babies frequently crossing the border, to visit their maternal grand parent or other relative's house.

An Inseparable Bond and Looking Forward

Throughout the history, Madhesh has been an inseparable part of the Indian Civilisation, and even today Madheshis are proud of it. Madheshis have always supported India, both during her prosperity and troubles. While the Nepali ruling class was suppressing the freedom movement in India by sending its troops to help British who killed, tortured and raped innumerable Indian freedom fighters and innocent people, and set several cities and towns on fire,³⁸ Madheshis supported Indians in their freedom movement. Madhesh nurtured the freedom movement of India by training 'Azad Dasta' and by providing shelter to many Indian leaders and freedom fighters. When the Nepali government jailed several of Indian leaders including Jay Prakash Narayan and Ram Manohar Lohia in Hanuman Nagar in Nepal, it was the Madheshis who bravely attacked on the jail and freed them, risking their own lives, for which the Nepal Government jailed 127 Madheshis, some of whom died in the prison.

It is the ruling class people of Nepal who have been standing against India, leading to the 1989 blockade, hijacking of the Indian Airlines plane from Kathmandu in 1999,³⁹ numerous anti-Indian riots in Nepal including the Hrithik Roshan riot in 2000,⁴⁰ and running fake Indian currency rackets under the police protection,⁴¹ yet it is the Madheshis who have been, if not victimised, ignored by India, whereas they should have privileged rights in India, compared to other Nepalis because of their proximity, marital and family relations, social and cultural affinities, and historical ties. Madheshis have suffered and made sacrifices for India for long, from the freedom movement of India to the anti-Indian riots in Nepal, and from the inundating and flooding of their villages and crops from Indian dams⁴² to desertification and erosion of their land through deforestation and

³⁶ "Villager hurt in SSB firing," Times of India, 2012 June 22. "11 arrested for smuggling chemical fertilizers from India, Nepalnews, 2012 June 6; "No end in sight to fertilizer crisis," Republica, 2012 July 5.

³⁷ "Import of Indian rice puts Nepalese rice industry at risk," The Himalayan Times, 2013 January 24.

³⁸ The Great Mutiny and the Gurkha, <http://weaponsandwarfare.com/?p=3420>

³⁹ "IC-814 hijack suspect worked closely with Dawood," Zee News, 2012 September 15.

⁴⁰ "Two Nepali students killed during anti-Hrithik demonstrations," rediff.com, 2000 December 26; "Anti-India wave sweeps across Nepal," rediff.com, 2000 December 29.

⁴¹ "Politicians and police are involved. Otherwise how can so much fake currency be smuggled?" Nepali Times, 2008 October 31.

⁴² "Indian dams inundate over 1,500 hectare Nepali soil," Republica Daily, 2013 August 09; "6 Saptari VDCs fear inundation by Indian dam," 2013 March 19; "Koshi High Dam: A grand design for disaster," The Weekly Mirror; Buddhi Narayan Shrestha, "Dams in India-Nepal Border," Bhumichitra, Kathmandu, Nepal, 2008.

mining of sand, stones, and aggregates for export to India⁴³. Even today, Madheshis are together in ups and downs of their brothers and sisters on the other side of the border. In any calamity—during flood, fire or cold waves, it is the Madheshis who come first for the rescue of the Indian victims in the border area. A recent example is the Koshi flood. When millions of Indians were affected by the flood, it was the Madheshis who first came to rescue them, prior to arrival of any governmental and non-governmental assistance.⁴⁴ Yet with recent political developments and radicalisation of nationalities, that cordial ancient bond has been placed on altar, and therefore, it has become necessary for both sides to reassert that everlasting relationship, and for the same, we are requesting the Government of India and all concerned agencies to consider the followings.

⁴³ "Help save the Chure Hills," Nepali Times, 2012 Nov 23; "Ban on sand, stone export flayed," Kantipur, 2010 October 13

⁴⁴ "10,000 Indian flood victims have entered Nepal for relief: Report," Times of India, 2008 August 25. "NEPAL: Thousands of Indians seek refuge from floods," IRIN, 15 September 2008.

DEMANDS

1. **Commitment to the 1950 Treaty of Peace and Friendship:** The Government of India should reassert its commitment to the 1950 Treaty of Peace and Friendship signed between the Government of India and the Government of Nepal, and acknowledge the underlying gist behind the treaty that “regardless of which side one belongs to, there will be no difference”. As a reminder:
 - a. The Article VI of the treaty states: “Each government undertakes, in token of the neighbourly friendship between India and Nepal, to give to the nationals of the other, in its territory, national treatment with regard to participation in industrial and economic development of such territory and to the grant of concessions and contracts relating to such development.”
 - b. The Article VII of the treaty states: “The Governments of India and Nepal agree to grant, on reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature.”

2. **Open-border:** Recognising the millennia old family and marital ties across the border, and the unfortunate separation of the Madheshis and their land as a recent political rearrangement, the Government of India should continue its open-border across Madhesh/Nepal and permit unhindered movement of people and goods across the border without harassment and torture.
 - a. The Government of India should allow unrestricted movement of daily use goods, and household and personal use items across the border.
 - b. The Government of India should allow free movement of vehicles bearing Nepali plates, at least in bordering states, without any custom or transit fee, and should request the Government of Nepal to reciprocate in a similar manner.

3. **Identity Cards and Birth Certificates:** Recognising the fact that one of the most common causes of abuse and denial of service and rights of Nepalis/Madheshis in India is associated with identity cards and birth certificates, the Government of India should recognise identity cards and birth certificates issued by Nepalese Authorities, which may include citizenship cards and letters from Village Development Committees (VDCs) and District Administration Offices (DAOs). As millions of Madheshis in Nepal are still not enlisted in the voter-list, or are still deprived of citizenship certificates, the use of letters from the government offices including VDCs and DAOs has been unavoidable, both inside and outside the country. The Government of India should also issue a public order and conduct awareness campaigns to request Indian government offices, hotels, banks, house owners, companies, factories etc. to recognise such identity cards from Nepalese nationals.

In case the above stated provisions seem unsatisfactory or difficult to implement,

the Government of India should distribute its own special identity cards to Madheshis, *similar* to the **Persons of Indian Origin Card (PIO Card)**, as they frequently need to travel, reside, study and do business in India. It should be noted that, despite being qualified otherwise, many Madheshis (e.g. India-born naturalised citizens of Nepal and his/her spouse) are deprived from getting the PIO Card, just for being Nepalese citizens.⁴⁵

4. **Basic Facilities for Residence and Business:** Respecting the Article VII of the 1950 Treaty of Peace and Friendship, the Government of India should grant access to the followings to Madheshis, based on their existing Identity Cards.
 - a. Commercial banking.
 - b. Telecommunication and utility services (e.g. Obtaining SIM cards and telecom services based on the existing identity cards of Madheshis).
 - c. Driving license.
 - d. Study, house, car and small business loans.
 - e. Ownership of land, house, vehicles, and business.
 - f. Insurance and health services.
 - g. Schooling.

5. **Ration Cards and Welfare Compensations:** Due to the close marital and family ties across the border, and the historical, social and cultural affinities sustaining for millennia, the condition of one side cannot be seen isolated from the other. This can be clearly observed during the time of flood, fire, or famines, when the border ceases to exist and people from both sides come together to help each-other. Therefore it is assertive that any relief and rescue measures and welfare compensations are granted to all people of the region, including Madheshis. On this ground, the Government of India should extend its relief and rescue measures, distribution of ration cards to poor, low-income housing facilities and other welfare compensations to Madheshis too.

6. **Scholarship Quota:** The educational scholarships should be provided to Madheshis on a *separate quota* scheme by the Government of India.

7. **Access to Jobs:** The Government of India should give access to jobs to Madheshis in India, in all sectors excluding defence and intelligence services. The Government of India should also conduct awareness campaigns for not denying Madheshis from holding jobs in India, on the ground of their nationality.

8. **Entry of Madheshis into the Indian Army:** The Government of India should end its discriminatory provision for the entry of Nepalese in Indian Army and should grant the entry of Madheshis of Nepal into the Indian Army as well, either in the conventional manner, or as a separate battalion.

⁴⁵ <http://www.visa.blsindia-usa.com/pio.php>

9. **Concessions for Madheshi Farmers:** The Government of India should allow free market access to Madheshi farmers. They should be allowed to bring necessary agricultural equipments, fertilizers, seeds and pesticides from India duty-free.
10. **Ownership and Transfer of Properties:** The Government of India should allow ownership, inheritance and transfer of properties in India, to Madheshis.
11. **Availability of Indian Currencies:** Madheshis need to travel or transact across the border on a daily basis. This is being largely hindered by artificially creating the scarcity of Indian currencies in Madhesh. The Government of India should take initiatives to ensure easy and sufficient availability of Indian currencies to Madheshis.
12. **Ensuring the Rights of Madheshis in Nepal:** The treaty between the British Government and the King of Nepal signed on December 8, 1816, through which the land of Madhesh/Terai belonging to the East-India Company was handed over and annexed to Nepal, states: "The Rajah of Nipal agrees to refrain from prosecuting any inhabitants of the Terai, after its revertance to his rule, on account of having favoured the cause of the British Government during the war, and should any of those persons, excepting the cultivators of the soil, be desirous of quitting their estates, and of retiring within the Company's territories, he shall not be liable to hindrance." (See, the attached treaty document) With the independence of India, and the British gone, it is a responsibility of the Government of India to ensure that the people of Terai (Madheshis) are not discriminated, punished and tortured, based on their historical position. On the same ground, it is also a responsibility of the Government of India to ensure that the Madheshis of Nepal are treated as equal citizens of the country, and have all fundamental rights in Nepal. However, it has been widely established in literature including that from the United Nations agencies,⁴⁶ that many Madheshis in Nepal have been deprived of their rights to citizenship, rights to vote, rights to access to land, property and jobs, and many other fundamental rights. The Government of India should, therefore, take initiatives to ensure the rights of the Madheshis in Nepal too.
13. **Dams and Flood:** Every year, thousands of villages in Madhesh are flooded allegedly due to the constructions of dams along the border or poor maintenance of barrages and embankments remaining under the Indian control.⁴⁷ Therefore, the

⁴⁶ S. G. Shah, Social Inclusion of Madheshi Community in Nation Building," Civil Society Forum Workshop, Social Inclusion Research Fund, February 2006 (available online); F. H. Gaige, Regionalism and National Unity in Nepal, University of California Press, 1975; "Nepal Human Development Report 2009: State Transformation and Human Development," UNDP Nepal, 2009 (available online).

⁴⁷ "India blamed for dam burst," The Rising Nepal, 2009 August 21; "Indian dams inundate over 1,500 hectare Nepali soil," Republica, 2013 August 9; "Nepal road inundated due to Indian embankment," Republica, 2012 October 6; "India, Nepal bicker over cause of flood," Taipei Times, 2007 August 7; "Monsoon floods devastate South Asia," New Scientist, 10 August 2007: "The Nepalese foreign ministry charges that dams built by India all along the border, often illegally, are preventing rivers draining from Nepal and causing hundreds of the country's villages to disappear under water. The dams are on tributaries

Government of India should take proper initiatives to reduce the prospect of flood in Madhesh/Terai.

14. **Peaceful Border:** Both Nepalese and Indian governments have significantly increased the presence of their security forces in border areas in recent years, essentially bringing a feeling of militarisation of the region.⁴⁸ Occasional skirmishes and clashes among the security personnel and locals,⁴⁹ and politicisation of the issues have affected peace, security and lives of the people of the region. The Government of India should resolve any border issues or conflicts in a peaceful manner, considering the peace and harmony of people across the border.

15. **Quota on Development Aids and Assistance to Nepal:** The Government of India should give a fair share of its development aids and assistances to Madhesh/Terai, where more than half of the population⁵⁰ of Nepal live. It has been reported that the regional discrimination, by Nepal Government, has ensued in the distribution of aids and assistance, resulting in a major fraction of the assistance going to the northern area of the ruling class people, and only a little fraction coming to Madhesh/Terai.⁵¹

We are very hopeful that the Government of India and concerned parties and agencies shall investigate the matter and take the right initiatives to address the issues mentioned in the memorandum. We are looking forward to hearing from you. Thank you very much.

Sincerely,

Dr. C. K. Raut, PhD (Cambridge)
President, Non-Resident Madheshis Association

of the river Ganges that flow out of the Himalayas. The Indian state of Bihar has been protected at the expense of Terai, Nepal claims."

⁴⁸ Buddhi N Shrestha, "Security Concern and Border Management of Nepal," 19 October 2011: "India has deployed 45,000 Special Services Bureau (SSB) para-military forces along Indo-Nepal border. They have a plan to rise to 70,000. [Nepal has deployed] 4,740 APF [armed police force] for security and revenue purposes in 20 Tarai districts."; "India will deploy additional troops in Nepal border," Spotlight, 2012 June 22; "India to deploy additional troops along Nepal, Bhutan borders", The Indian Express, 2012 June 28: "India has 450 BoPs along the Indo-Nepal border and the distance between two BoPs is 4.5 km. According to the security strengthening plan for the Nepal border, over the next five years, 89 new BoPs will be created and the aim is to reduce the inter-BoP distance to 3.47 km. "

⁴⁹ "SSB men 'torture' Nepali youth to death," Nepalnews.com, 04 October 2009; "SSB excesses continue in Pashupatinagar as locals start to fear for their lives" nepalnews.com, 31 January 2010; "Torture Compensation Case filed against [Nepal] Police," Advocacy Forum, 24 August 2011.

⁵⁰ Census Report 2011, Central Bureau of Statistics, Nepal.

⁵¹ One economist told this author that only 1/7 of the Indian assistance goes to Madhesh/Terai. The exact figure, though, needs to be researched.

About Non-Resident Madheshis Association:

The Non-Resident Madheshis Association (NRM-A) is a non-profit organisation incorporated in the Commonwealth of Massachusetts, USA. It is a global umbrella organisation of the Madheshis living abroad, to promote the welfare of all Madheshis. The Non-Resident Madheshis Association has its representatives in America, Australia, Africa and the Middle East, East and Central Asia, Europe, India and Nepal. It has been representing Madheshis worldwide, including at the United Nations meetings at New York Headquarter.

ENCLOSURES:

1. Madhesh/Tarai Profile
2. Copies of Treaties
 - 1950 Peace and Friendship Treaty
 - 1860 British-Nepal Treaty
 - 1816 British-Nepal Treaty

COPIES TO:

1. The Ministry of External Affairs, Government of India
2. Press Trust of India
3. Political Parties of India
4. The Embassy of India, Kathmandu, Nepal

RESPOND TO:

Dr. C. K. Raut, PhD (Cambridge)
ckraut@cantab.net
Tel: +977-9817727359 (Nepal), +91-8800289890 (India)

Sujit Kumar Thakur
sujit.aimsa@gmail.com
Mobile: +91-9560424891 (India)