

# 3.1 Economic, Social and Cultural Rights of the Locals of Sri Lanka Island

### Background

Sri Lanka Island is located at the borderline of Sunsari and Udaypur district, where the economic, social, and cultural rights of the locals are restricted in various ways. Sri Lanka Island expanding to Ward number 6 and 9 of Barahakshetra Municipality, Sunsari, is situated between the eastern and western sub-streams of the Saptakoshi river since 1963. One can reach Sri Lanka Island by crossing the mainstream from the eastern embankment Prakashpur of Saptakoshi and moving ahead about three kilometers towards the west. It is extended widely up to the distant range from the visible horizon where the concerns of economic, social, and cultural rights of the locals are far from state's reach. The population of Sri Lanka Island, counting more than 12 thousand, have not felt the presence of the state to its access.

Sri Lanka Island covering about half of the total area of Ward number 6 and 9 of Barahakshetra Municipality, is situated in a distinct geographical peculiarity after restructuring of the state. When this area was divided into Ward number 6 and 9 of Barahakshetra Municipality, the local people had to travel by boat for several hours to reach Barahakshetra Municipality Office and obtain the basic services from the state. The situation of the inhabitants of this place regarding the issue of economic, social, and cultural rights like right to education,

food, housing, drinking water, sanitation, employment, social security is very critical. This article is oriented to explore the issue of whether the local people of Sri Lanka Island have been able to duly enjoy the right to self-determination, right to equality, right to gender equality, right to employment, right to live in clean environment during the working hours, right to social security along with social insurance, right to livelihood, food, clothing, housing, education and other concerns of economic, social and cultural rights.

Sri Lanka Island, which is situated on the riverbank of the country's biggest river, Saptakoshi and within the periphery of the buffer zone of the country's smallest reserve, the Koshi Tappu Wildlife Reserve, can be regarded as a remote area. Koshi Tappu Wildlife Reserve, established in 1975 and enlisted as a wetland in 1987, is recognized as a buffer zone. Since Sri Lanka Island is attached to the Koshi Tappu Wildlife Reserve, covering an area of 175 square kilometers, the local people have to face troubles caused by the buffer zone rather than enjoying facilities. This article includes the issues relating to the human rights of more than 12 thousand people of Sri Lanka Island who are facing trouble in their access to the Ward Offices of Ward No. 6 and 9 of Barahakshetra Municipality, and the inconveniences faced by the communities in terms of enjoyment of the economic, social and cultural rights (right to education,

health, food, housing, employment, and social security).

### **Objectives of Study**

- ▶ To identify the problem of faced by the locals residing in Sri Lanka Island.
- ▶ To analyze the dispute between Sri Lanka Island and buffer zone along with the implementation status of the commitments.
- ▶ To identify Sri Lanka Island's existing problems and offer necessary recommendations to the Local, Provincial and Federal Governments.

### **Methodology of the Study**

Both primary and secondary sources of data have been used in the course of this research. The primary source includes the study of the situation of Sri Lanka Island from 1963 to the present eroded by the Saptakoshi river, interviews with the local people residing in the borderline of Udaypur and Sunsari districts, different organizations and associations, government agencies, teachers, and health workers, local representatives, representatives of political parties and those of NGOs, focus group discussion, interview with the experts and public opinion. The secondary source includes articles on disputes and the commitments on Sri Lanka Island and the buffer zone, various documents, online media, study reports, Acts and laws of the country, and international provisions. Efforts have been made to analyze the Economic, Social, and Cultural rights and the situation of locals residing in Sri Lanka Island through dialogue, discussion, interview with the stakeholders, verification of checklist, and the study of Municipality Profile published by the Barahakshetra Municipality.

### **Limitation of the Study**

- ▶ This research is limited to the study of the situation of Sri Lanka Island within Sunsari District.

- ▶ The research is oriented to study the implementation status of commitments made by the state after the declaration of the buffer zone and Sri Lanka Island.
- ▶ The study explores the issues of whether the Economic, Social, and Cultural rights of the locals residing in Sri Lanka Island, including their right to education, health, food, housing, employment, and social security, are guaranteed or not.

### **Significance of the Study**

Sri Lanka Island covers about half of the total area of Ward number 6 and 9 of Barahakshetra Municipality, where the indigenous Chandrabamshi of the Madhesi community consisting of different ethnic groups like Mehata, Yadav, Sah, etc. and Chhetri, Bramhin, Magar, Rai, and Limbu of Pahade community are living together. Belaka Municipality of Udaypur District surrounds the western part of the town. This town, surrounded by the Saptakoshi river, is very far from the reach of the government. The voters of the Island have to visit Brahakshetra, to the east of Saptakoshi, to enjoy their voting rights at the time of election. The inhabitants of Sri Lanka Island complain that the Barahakshetra Municipality has not treated them as its own municipal citizens. Since the Ward Offices of Ward number 6 and 9 are located across the Koshi river, the inhabitants of Sri Lanka Island are compelled to visit the respective Ward Office for registration of their personal events either by full-day boating or via Belakha Municipality of Udaypur District.

The locals are deprived of their constitutionally guaranteed fundamental rights, including right to education, health, food, housing, employment, and social security. This study is significant to identify the problems and give suggestions to the concerned authorities, which would help guarantee the human rights of

the inhabitants of Sri Lanka Island by implementing the legal provisions regarding the operation of development activities and making the fundamental rights easy accessible. The study also has its significance to reveal the existing problems of Sri Lanka Island and draw the attention of the Provincial and Local Governments to combat the same.

### Problems

- ▶ Since the Island is located at the bank of Saptakoshi river and the respective Ward Offices are located across the Koshi river, the locals face inconvenience in traveling to obtaining government services.
- ▶ Since the inhabitants of Sri Lanka Island are required to cross the Saptakoshi river by boat even in the monsoon, they have to put their lives at risk.
- ▶ Crops grown by the locals are unsafe due to the wild animals of Koshi Tappu Wildlife Reserve, and their right to food is on stake.
- ▶ Since the temporary Health Post lacks the minimum physical resources, the right to health of people has not been duly addressed.
- ▶ Since most of the senior citizens have not acquired their citizenship certificate, they are deprived of the social security allowance.
- ▶ There is a shortage of resources to meet the basic needs, including water supply.
- ▶ Since the area of Sri Lanka Island lacks the presence of Local Government and security forces, the citizens have not felt the presence of the government at all.

### Problem and its Consequence

The Koshi Treaty was signed on April 24, 1954, by the then Planning, Development, and Land Reform Minister, General Mahabir Shumser J.B.R. on behalf of Nepal and Minister for Planning Gujarilal Nanda on behalf of India dur-

ing the tenure of the then Prime minister Matrika Prasad Koirala. When the Koshi river diverted its flow direction eroding to the east by leaving the bottom of the hill of Udaypur district from 1962, the local people being settled in the land with an area of 8 thousand 6 hundred *big-has* at Ward number 4 and 5 of the then Prakashpur Village Panchayat were adversely affected. India did not implement her commitment made in the Treaty, and the local people of Ward number 6 and 9 of Barahakshetra Municipality at present (the inhabitants of Sri Lanka Island) were deprived of their Economic, Social, and Cultural rights, including right to education, health, food, housing, employment, and social security.

India had made a commitment to address the fundamental rights of the citizens residing within the areas up to three kilometers towards the north and three kilometers towards the south from the Koshi barrage, but the Indian government did not implement the commitment. When the flow of water increased in 1983, the then government had made an effort to resettle the affected five thousand families presently residing in Sri Lanka Island led by *Pradhanpancha* of Prakashpur Village Panchayat Padam Khadka to Kanepokhari of Morang District (presently Kanepokhari Rural Municipality) and Jalthal of Jhapa District (presently Haldibari Rural Municipality), but it was not implemented.

### Buffer Zone where Land Revenue is Levied as Registered Land from the Locals

The government declared the Koshi Tappu Wildlife Reserve extended to the area of 175 square kilometers as Buffer Zone in 2004. Buffer Zone refers to a specified area around the National Park or Reserve that provides local people with the facilities of regular use of the wild products. It is the provision that since the wildlife tends to frequently move into

such areas, the land-use of such sites must be wildlife-friendly. Such provision was commenced in Nepal in 1993 after the amendment of the National Park and Wildlife Protection Act, 1973. In addition to the forest area, land-use of the buffer zone has been designated for agricultural and residence purpose. For the management of such an area, the National Park and Wildlife Protection Act, 1973 has provisioned that the concerned National Park or Reserve is entitled to expend up to 30 to 50 percent of the income earned by the Park or Reserve. But the inhabitants presently residing in Sri Lanka Island could not yet enjoy such 30 to 50 percent income from the Buffer Zone, although they are regularly paying the land revenue of their registered land being included in the Buffer Zone of the Koshi Tappu Wildlife Reserve from 1983 to the present. This resulted in a failure to address the Economic, Social, and Cultural rights of the inhabitants presently residing in Sri Lanka Island. The landowner is still paying the land revenue of his land despite the Koshi river flowing in his registered land from 1983 - says a local resident Prakash Chandrabamshi. When the Koshi river entered into the registered land from 1983, the government provisioned to provide land as a compensation on the condition that the landowner shall have to produce an evidence of payment of land revenue; but he has not yet obtained the compensation although he has continued to pay the land revenues, says Binod Mandal residing in Sri Lanka Island. Most of the inhabitants of Sri Lanka Island, namely Jabaharlal Sah, Ramlal Yadav, Bishnu Urdu, Jyoti Chandrabamshi, are such persons who are paying the land revenue of their registered land where the Koshi river is flowing.

### **The Constitution of Nepal and the Economic, Social, and Cultural Rights**

The Constitution of Nepal has ensured the human rights accepted by the civilized society as fundamental rights.

The fundamental rights have been enshrined under Article 16 to Article 47 in Part 3 of the Constitution. Among the rights guaranteed in the Constitution, the fundamental rights of Economic and Social in nature have been made more comprehensive. The fundamental rights of Economic and Social in nature like the right to equality, right to property, education, health, food and social justice are provisioned under Article 18, 25, 31, 33, 35,36 ad 42 of the constitution respectively.

### **Conclusion of Study**

- ▶ The Federal, Provincial and Local Government have failed to ensure the constitutionally guaranteed fundamental rights to the local people residing in Sri Lanka Island.
- ▶ The state has failed to ensure rights to education, right to health, food and housing to the inhabitants of Sri Lanka Island.

### **Recommendations**

- ▶ The Federal, Provincial and Local Governments should emphasize on the implementation of the fundamental rights.
- ▶ The issue of the right to education, health, food, and housing of the inhabitants of Sri Lanka Island should be addressed immediately.
- ▶ The Government of Nepal should take diplomatic initiation and hold a discussion with the Government of India regarding the implementation of the Koshi Treaty.
- ▶ The state should formulate policy and plan for a long-term and sustainable solution to the problem.
- ▶ State shall be pressurized to permanently solve the problems face by the deprived inhabitants of Sri Lanka Island in consonance with the constitutionally guaranteed fundamental rights, Universal Declaration of Human Rights, and the Treaties and Protocols signed by Nepal.

- ▶ The state should execute policy measures like budget, social security, and affirmative actions and bring the inhabitants of Sri Lanka Island to the mainstream of the state.

### References

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