

3.3 Contradictions between the Locals and the Government for the Use of Natural Resources Available at the Buffer Zone of Chitwan National Park

Background

It has been almost 50 years since Chitwan National Park, the first in the country, was established in September/October 1973. The National Park was established after the enactment of the National Park and Wildlife Conservation Act 1972. Nepal Army has been responsible for the maintenance of internal security of the national park. By exercising the rights vested by section 33 of the National Park and Wildlife Conservation Act 1972, the Government of Nepal (GoN) issued a buffer Zone Management Rule, 1996, on March 11, 1996. This Rule hold provisions for the setting of boundary in the buffer zone, its management, formation of consumer committees, prohibition of activities in the buffer zone, forest development, community development, collection of money and fixing compensation, *inter alia*.

Meanwhile, the government declared the area adjoining Chitwan National Park as a buffer zone to involve the locals in conservation activities and arranged the programs and budgets accordingly. The buffer zone in Chitwan National Park is located in the area of 750 square kilometers. Eighty thousand households of districts adjoining to the park, including Chitwan, Makwanpur, Nawalpur, and Parsa, lie in the buffer zone. It consists of 122 wards of one metropolitan city, eight municipalities, and three Rural Municipalities. Attempts

have been made to manage the activities in the zone through Buffer Zone Management Directive 1996, (amended in 2018).

Buffer zone refers to the areas around the national park and wildlife reserve selected to provide the local people with facilities to consume forest products regularly. It is believed that the land use of that area should be animal friendly, as animals frequently pass through that area. The buffer zone has been operated to make conservation easy and conflict-free by minimizing the conflict between humans and animals for the long-term protection of the national park. Buffer zone started in Nepal after the National Park and Wildlife Conservation Act 1972, amended in 1992. Besides forest area, land of the buffer zone is used for farming and settlements. National Park and Wildlife Conservation Act, 1972 has a legal provision that national parks and wildlife reserves can spend 30 to 50 percent of their income in the management and development of that area. This program seems quite useful to maintain a balanced relationship between nature and human beings. On the other hand, the Local Government Operation Act 2017 has handed over the responsibility of the management of community forest, minimization of human-animal conflict, and protection of biodiversity of the area to local level governments.

With the establishment of the national park, local communities were

deprived of the right to consume forest products. Further, with the growth of the number of wildlife in national parks, they started to harm humans, livestock, and crops, which resulted in human-animal conflict. It has been realized that the problems of the forest products of local people should be addressed outside the parks and reserves, and the livelihood of the people should be improved. To implement this concept, legal provisions were made to fix buffer zones of national parks and wildlife reserves and to conduct environment-friendly programs which would improve the quality of life of the local communities. Buffer Zone Management Rule 1995 came into effect to implement this provision.

With the implementation of the Buffer Zone Management Program, the two-decade-long human-animal conflict has been minimized, loss of human life, livestock, and crops caused by wild animals has significantly decreased, and wildlife victims are given compensation. Under the Buffer Zone Management Program, wire fences, walls, trench lines, solar fencing, etc., have been constructed, and loss and harm from wild animals have been minimized. With the forest management in buffer zones, uncontrolled cattle grazing and cutting trees within the national parks have also naturally decreased.

In Chapter 2 of Buffer Zone Management Rule, 1995, the boundary area of the buffer zone has been fixed as the area to be affected by national parks and reserves, geographical location of national parks and reserves, location of the villages, and settlements within the scope of national parks and reserves, easy and practically accessible area from the perspective of the buffer zone.

Similarly, Chapter 5 of the Rule, includes prohibited activities in buffer zones. The prohibited activities are: taking land under control unlawfully, cutting trees, clearing forest or tilling forest area,

doing anything that harms forest products, setting the forest into the fire, mining river products such as boulders, sand, and minerals that significantly harm the environment, removing such products, using pesticides in water resource such as rivers, streams, lakes, ponds, etc. within the buffer zone, using explosives, poaching, illegal hunting and causing any harm to wild animals.

Objectives of the Study

1. To shed light upon the economic, social, and cultural rights of the people residing in the Buffer Zone of Chitwan National Park,
2. To find remedies for the alertness to be adopted to minimize human-animal conflict in the buffer zone and national park,
3. To make the state more responsible and accountable towards the protection of rights of people in the buffer zone by studying the relationship of national park administration, security personnel, and local communities.

Research Methodology

Both primary and secondary sources of data have been employed in this study. Primary sources of data include:

1. Field observation, survey, visit and monitoring,
2. Target group discussions and interviews conducted with local people, stakeholders and the people's representatives of the region.

Secondary sources of data include:

1. National Park Act, annual report of the national park, seminar reports, published news, articles, and writings on the issues of the buffer zone,
2. Study and research reports prepared by the concerned agencies.

Limitations of the Study

1. This study is centered around the provision and management of the buffer zone of Chitwan National Park and

the impact of the buffer zone on the human rights of indigenous ethnic communities living in the area and dependent on the buffer zone.

2. It is limited to the study of economic, social, and cultural rights,
3. This study report does not reflect the situation of people living in other buffer zones.

Problems and Concerns

There is a conflict between persons, families, communities, countries, and international communities. Conflict often results when there is disparity and misunderstanding between two or more sides in terms of views, objectives, aspirations, needs, priorities, interests, etc. Even if one conflict is resolved, there can be other conflicts about other issues (Chitwan Mirror (Darpan), 525, History, Present, and Vision). Therefore, nowadays, the term 'conflict management' is in practice rather than 'conflict solution.' It is argued that there must be a certain level and quantity of conflict for positive change. Generally, when others' rights are curtailed for one's own benefit, it results in conflict. It can be caused by social, cultural, economic, political, activity, etc. Similarly, prohibiting the dependents from using natural resources from doing so is sure to create conflict.

The Conflict between Humans and Wildlife

The conflict between human beings and wildlife arises due to harm and obstacles from one to the other. People living near the forests used to go to forests without any restriction to collect wood, firewood, grass, graze their cattle, excavate pebbles, boulders, and sand in the past. After establishing the national park and declaring that area as a protected region, local people were prohibited from using natural resources freely, which resulted in conflict between human beings and wildlife. Meanwhile, the number of wildlife increased in the nearby buffer

zone and protected area; encroachment of national parks increased; shortage of fodder to animals due to decrease in pastures, etc. This caused wildlife to enter the villages and destroy crops, vegetables, houses, sheds, and attack human beings and domestic animals. For this reason, the conflict between human beings and wildlife increased.

After the declaration of the national park area as a protected region, it was hard for Bote, Musahar, Majhi, landless people, and families who were dependent on the forest to make their living. Their life became troublesome and pathetic because they were prohibited from fishing and collecting herbs, wild green groceries, etc. Due to their anger against national parks and wildlife, animal poaching has increased, and, as a result, the human-animal conflict has become more challenging. Agriculture products of native people of the buffer zone are destroyed mainly through wild boar, rhinoceros, deer, antelope, etc. Tigers have attacked humans and domestic animals and have caused huge damage. Wild elephants destroy houses, sheds, stores, etc., and sometimes, even harm humans. People living near national parks are well aware and committed to protecting and conserving wildlife, although they bear big risks.

However, the locals have to bear the loss of life and property from the attack of wildlife every year. Before the declaration of the buffer zone, the locals living near the national park used to go to the national park to collect firewood, fodder, and other necessary stuff. At that time, the national park authorities would also stop them from entering there.

During the five months of FY 2021/22, four people were killed in the attack of wildlife in the national park. During the same period, 29 people were injured. According to the information officer, Ganesh Prasad Tiwari, a rhino killed one person; an elephant killed one person; a wild boar killed one person, and a gaur (Gauri Gai) killed one person. During the

same period, four people were injured in the attack of an elephant. Fifteen people were injured in the attack of rhinoceros, three were injured in the attack of tiger, four were injured in the attack of bear, two were injured in the attack of wild boar, one was injured in the attack of mugger crocodile. Among the injured, Tiwari mentions, sixteen people were mildly injured, whereas thirteen people were seriously injured. The national park has paid eight million and seventy-three thousand rupees as compensation for human casualty and damage of houses, sheds, and harvested crops to the victims and their families during the current fiscal year. The national park has distributed sixty-two million, five hundred and forty-four thousand rupees as a relief to the victim families from FY 2018/19 to 2021/22

According to Tiwari, victim families of the four dead people were distributed four million rupees; families of mildly injured were paid three hundred seven thousand rupees, and families of seriously injured were paid one million three hundred sixteen thousand rupees. In the wildlife attack, ten people were killed in FY 2015/17, five persons were killed in FY 2016/17 (2074/75), twelve persons were killed in FY 2017/18, nine persons were killed in FY 2018/19, and twelve persons were killed in FY 2019/20. After the conflict between the national park and local residents started, the concept of buffer zone management committee was developed and up to fifty percent of the income of the national park has been spent in the buffer zone.

Due to the lack of a proper dwelling place for wildlife in the national park, they would come to buffer zones farms and would attack people. The government should start a program with a sustainable work plan to protect local people from the danger of the attack of wildlife. Spending a certain amount of money in the buffer

zone and allocating a budget will not be sufficient. Former chairperson of the buffer zone management committee, Shankar Mahato, mentions that after constructing a high concrete wall in Patihani, people can do farming with certainty and comfort. Such programs can be implemented in other places of the buffer zone.

People Killed in an Attack of Elephants

Two elephants named Dhruve and Ronaldo that appeared in the national park took the lives of many people. There are many cases of human casualty by wildlife in national park areas. But within the area of Chitwan National Park, forty-one people, including security personnel, have been killed in the attack of these two elephants. The primary reasons for these casualties are the increased human mobility in the park area, having elephant breeding centers in the area, lack of awareness in people, etc. Therefore, Dhruve and Ronaldo have claimed the lives of forty-one people in the last twelve/fifteen years.¹

The Incident of Kusum Khola

A group of officials and soldiers deputed from the national park had committed arson to the ancestral family house of Kajiman and house of Deep Bahadur of Kusum Khola, Madi Municipality ward number 9. Besides, they had used elephants to destroy the other eight homes and warned to vacate the whole village within a week. About two hundred households had been living in Kusum Khola for two decades, and they were later moved to Rai Danda of Ward Number 9 and Parui of Ward Number 7. But due to the obstacles created by the national park, those displaced families from Kusum Khola have not been properly managed.

The budget allocated for Chepangs to build new houses has been frozen due

1. <https://halokhabar.com/news-details/9994/2022-01-18>

to the obstacles of the national park in advancing the plan. The municipality had started to build ninety houses in its initial phase with the financial support of the provincial government, municipality, and donors to manage the displaced from Kusum Khola and living there. But the national park did not allow the construction of buildings. The park stopped the construction of fifty houses at Parui Khola while erecting the poles. Despite the obstruction of the national park, sixty houses have been constructed. The municipality has displaced Chepangs living in Kusum Khola in the national park area and has resettled them in another land of the national park. They fear that they may have to be displaced from there too. They complain: “How many times should we be displaced?”

The residents of Kusum Khola have started to migrate to Indra Basti of Madi ward number 8, and near former Jeevanpur by constructing temporary shades, and so far, ninety-three households of Kusum Khola have shifted there. The locality where they have moved to is prone to land erosion by Ghaghar Khola. There is no provision of embankment on the stream, neither is there the supply of pure drinking water nor safe habitation.

There are seven hundred households living in almost one thousand bigaha (around 677 hectare) of the land of Bandarjhula that lies in the buffer zone of the national park. Landless people, due to natural calamities, have been living there by encroaching public land. The District Forest Office had tried to remove them from there. The national park had not been able to clear that area after it came under the national park's buffer zone in 1996. That area was inhabited from around 1991. The daily life of the landless families living near Balmiki hermitage has been troublesome. The eight landless households have been living there since 1963 with the hope of getting land. Although the geography of Balmiki Hermitage is adjoined to Chitwan National Park,

Chitwan district, one can go there by boat on Narayani River at Triveni Dham of Binayee Tribeni Rural Municipality in Eastern Nawalparasi (Nawalpur).

This area, inhabited by Chepangs for more than thirty years, lies in the buffer zone, and the local authority has given them household certificates assuming that it is legal to live in the buffer zone. Article 37 of the Constitution of Nepal, and Section 3 and 7 of the Right to Housing Act 2018 have guaranteed the right to housing. Yet, the Chepang community has been facing discrimination, inequality, exclusion, and injustice, and they have been made endangered by the state by usurping their land and resources.

Chitwan National Park was established by displacing indigenous ethnic groups like Tharu, Kumal, Bote, Majhi, Chepang, etc. Human rights laws have ensured the rights of indigenous people to get the land that is acquired without their consent, to get land in return of land and to receive reasonable compensation if the land cannot be returned due to unforeseen circumstances.

National Park and Wildlife Conservation Act 1972 has provisioned that, thirty to fifty percent of the income of national parks can be given to the buffer zone consumer committee. As per this provision, more than sixty million rupees go to the twenty-two buffer zone consumer committees of Chitwan National Park. Out of the total amount of money, the consumer committee can spend thirty percent on conservation programs and community development, twenty percent on income generation and skill development programs, and ten percent each on conservation education and administration expenses. However, it can also be spent on the management of landless people.

Recently, the tension between Madi Municipality and national park on using resources has surfaced. The total area of two hundred and eighteen square kilometers of Madi Municipality lies in the buffer zone. All three levels of govern-

ment are influential in the buffer zone. However, there is a clash in the scope of their authority area, and there is no legal basis to coordinate and discuss on this issue. All three levels of government do not seem to regard and accept each other. Conclusion: there is a lack of a common forum to initiate the solution of these problems, collectively.

Relation of Community and Security Personnel

The tension of the locals with the administration of the national park and the Army reduced after the buffer zone program brought the local community, Nepal Army, and national park administration together in conservation activities. The locals did not have a good relationship with security personnel because the latter would scold and beat the former. However, the locals say that they have not had a bitter relationship with the security personnel in recent years. Since the security personnel and the locals did not communicate in the past, they had an enmity and distance with each other. Recently, they have started working collaboratively and have begun to support each other. Twenty-two consumer committees have been formed in the buffer zone to involve local communities in conservation activities directly. The consumer committees spend the allocated budget and funds on different activities with priority such as community development, irrigation, conservation and income generation, pasture management, etc. In this fiscal year, the committees have received a budget of one hundred thirty million rupees. The locals collaborate on conservation activities, and the national park administration also addresses their problems. The security personnel immediately reach out to help the locals when wildlife causes threat and harm to the locals near the park.

National Park and Indigenous Ethnic Groups

According to the biodiversity ex-

perts, the economic life of indigenous ethnic groups entirely rely on natural resources. There is always an interdependent relationship between culture and nature. But with the impact of a capitalist economy such as privatization, globalization and open market along with exploitation of natural resources, the overall environment of the region and lifestyle of the indigenous ethnic groups have rapidly declined together.

In Nepal, the region where indigenous ethnic groups reside, is rich in natural resources and biodiversity. Chepang, Tharu, Darai, Majhi, Bote, Tamang etc. are the native residents of Chitwan National Park. International laws on conservation of natural resources and biodiversity have provisions for the distribution of fifty percent of the benefits acquired from the use of biodiversity and natural resources available in the residential area of indigenous ethnic groups.

Chepang, Majhi, Bote, Darai, Tharu, Tamang, and other needy and helpless indigenous ethnic groups, who trespass the area of the national park to collect dried and rotten firewood, to search for wild fruits and edible roots, to pick green leaves, and sprouts, to set the trap and, to fish just because of having no other alternative means of subsistence, are not only charged a high penalty but are also killed at times with the bullets of the Army and security personnel of the park. During the rainy season, security personnel of the national park set fire and destroyed the residence of Chepangs living in Kusum Khola of Madi Municipality-9 on July 18, 2020, without prior warnings. One Chepang man living in Rapti Municipality-2 lost his life by being mercilessly beaten by the security personnel of the national park while he was searching for snails on the bank of Rapti river on July 16, 2020.

The government has enacted different laws and rules relating to forest-protected areas after establishing the national park by prohibiting the activities of the indigenous ethnic communities,

who were entirely dependent on the natural resources of Chitwan National Park located in Bagmati Province. It has created additional problems and challenges. Member of Constituent Assembly and former chairperson of Chepang Organization, Govinda Ram Chepang, mentions that the national park has discriminated against Chepang, Tharu, Kumal, Bote, Majhi, and other indigenous ethnic communities living near the national park. On the other hand, due to the lack of access to forest and water resources, the conflict between Chepang and other communities living in the protected area and buffer zone has surfaced.

International Practices

ILO Convention on the Rights of Indigenous Tribal Peoples 16 states that indigenous ethnic peoples should not be displaced from their ancestral land and residence in the pretext of development and physical construction. It is mentioned that if they need to be displaced, the state shall duly notify them and obtain their consent by providing them a reasonable compensation. Chitwan National Park has displaced the whole village of Chepangs living in Padampur for many generations without their consent and reasonable compensation. In that incident, the state did not seem to be sensitive about its impact on their economic life, language, culture, and ethnic identity. Security personnel of the national park set fire and destroyed the residence of Chepangs living in Kusum Khola of Madi Municipality-9 on July 18, 2020 (without prior notice). However, the State didn't seem sensitive towards this incident as well.

Need of New Law for the Solution to the Problems

Chepang, Bote, Majhi, Kumal, Tharu, and other marginalized communities have been living near forest and river banks for many generations. Indigenous

ethnic communities are mainly dependent on forest, water, and land. But after the government introduced the system of biodiversity protection, their condition, settlement, and livelihood has come under threat because the conflict between Chepang and other communities living in the protected area has emerged in the buffer zone. The conflict has resulted at different times due to the lack of access to forest and water resources. Different laws and rules relating to forest protected areas developed by the government after establishing the national park by prohibiting the lifestyle of the indigenous ethnic communities, who were fully dependent on the natural resources of Chitwan National Park, have created additional problems and challenges. It is a fact that the protected area is the ancestral residence of these indigenous ethnic groups. But since they are prohibited from that area by the national park and protected area, more significant problems, and challenges have been created in their residence, identity, and lifestyle.

The situation of Government Initiation to Solve the Problems in Buffer Zone

The budget allocated for the buffer zone is spent on five different areas. Thirty percent of the budget is spent on community development, thirty percent on conservation activities, twenty percent on income generation and skill development, ten percent on conservation education, and ten percent on administrative expenses of buffer zone consumer committees. If wildlife kills the locals, the victim families get one million rupees as compensation, and injured persons get treatment costs. There is a forty-five percent population of Tharus living near Meghauli. They need fish in every festival, cultural activity, and ritual. But they cannot do fishing even in streams in buffer zones, let alone in the national park. Prakash Dhungana, Chairperson of Buffer Zone Management

Committee, mentions that it is necessary to increase the compensation amount and make compensation processes easier.

Every member of the Bote community living on the bank of Rapti river in Patihani, ward number twelve and thirteen of Bharatpur Metropolitan City, demands that there should not be any intervention from the government's side in their traditional profession of fishing in streams and rivers. The creek where their ancestral parents used to fish now belongs to Chitwan National Park. Those who bear the license provided by the national park can only do fishing in a fixed area. Approximately sixty-eight households are living in Bote Tole of ward number twenty-two of Bharatpur city. Bishnu Raj Atreya mentioned that this is the municipality's largest Bote village/settlement. On the bank of Rapti river in Patihani, there are approximately one hundred households of the minority indigenous Bote community. Chairperson of Nepal Bote Society, Chitwan, Indira Bote complains that the national park has prohibited them from fishing, although it is their traditional profession. Those who bear the license provided by the national park can only do fishing under specific terms, conditions, and duration. Therefore, no members of the Bote community can go fishing.

Punishment to the Security Personnel of the National Park in Accusation of Murder of a Person

In the incident of the death of Raj Kumar Chepang, aged twenty-four and resident of Rapti Municipality, ward number 2, Chiran Kumar Budha was convicted of nine months of imprisonment by Chitwan District Court on July 16, 2021. The bench of the judge Gayatri Regmi gave the verdict that Budha can be partially charged in that incident, and he should be convicted for nine months of imprisonment, charged with the fine of nine thousand rupees and provide com-

penensation of two hundred thousand to the victim's family. The Registrar of Chitwan District Court informed that the charge sheet was filed on the charge of intentional homicide, however, the court gave a verdict saying that it was an accidental homicide. The security personnel of the national park had taken Chepang along with seven other locals into control when they trespassed the region of a national park in the buffer zone to collect snails and *niguro*, a species of fern eaten as curry, and had tortured them brutally. Raj Kumar Chepang lost his life on July 23, 2021 due to the brutal beatings and torture of Budha, who was deputed for the security of Chitwan National Park.

Father of the deceased, Bishnu Lal Chepang, filed his complaint against the sergeant clerk of Nepal Army in the District Police Office on September 10, 2020. Before that, the District Police Office had registered the complaint filed by the victim's family on July 26. The police had forwarded the lawsuit after the father of the deceased had filed the complaint by ascertaining the name of Chiran Kumar Budha. The police had arrested the accused Budha on September 28. They claimed that Raj Kumar Chepang had died due to brutal punishment, beatings, and torture of security personnel of the national park. Chitwan National Park had provided compensation of one million rupees, and Rapti Municipality had provided three hundred thousand rupees to the victim's family. Vice-Chairperson of Rapti Municipality, Iman Singh Lama, has built a house at his own cost for the needy family. INSEC, Advocacy Forum and other human rights organizations had conducted a field study of that incident. They had published a report by drawing the government's attention with recommendations to punish the culprit involved in the incident, provide compensation to the victim's family, and make necessary arrangements so that such incidents do not repeat in the future.

Recommendations

1. Make a wire fence with RCC around the national park to stop wildlife from entering the villages,
2. Make proper management of drinking water and pasture abundant for wildlife,
3. Conduct awareness programs to the locals about biodiversity protection and tourism development,
4. Prepare, implement and monitor conservation and development plans in collaboration with the national park, security bodies, and the locals,
5. Make arrangements of sufficient compensation to wildlife victims,
6. Stop poaching, wildlife trafficking, unauthentic trespassing into the forest, exploitation of natural resources, encroachment of the forest of the national park and community forest, by increasing patrolling and adding security posts in the necessary places,
7. Place hoarding boards mentioning the codes of conduct in the protected area.
8. Make timely amendment of National Park and Buffer Zone, Act, laws, and rules,
9. Create employment opportunities for the local communities,
10. Make necessary arrangements for the insurance of cattles.

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