

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. Is there information of how many Nepalese are currently residing in India?
2. Is there information on their employment and welfare?
3. Is there information on Nepalese being badly treated?
4. Any other information you might feel relevant.

RESPONSE

An article dated 19 June 2005 in *The Hindu* defines the terms Nepalese and Nepali. The term Nepalese “is basically used to represent people with Nepalese citizenship” while Nepali “is used to denote Nepali speaking Indian nationals.” The Nepalese and Nepalis “look identical; speak almost the same language with some dialectical variations; and bear similar names” (Khawas, Vimal 2005, ‘Nepali vs. Nepalese’, *The Hindu*, 19 June – Attachment 1).

Please note that the terms are often used interchangeably and that the sources quoted below are not always clear as to which group they are reporting on. For these reasons, included are articles which refer to both Nepalese and Nepali.

1. Is there information of how many Nepalese are currently residing in India?

A number of news articles and reports from a range of sources suggest that there is anywhere from 589 050 to 12 million Nepalese currently residing in India:

- “About 1.2 million Nepalis are estimated to live abroad, and that does not include **uncounted millions** in India” (‘As Nepal economy weakens, people export grows’ 2006, *The News International*, 31 January <http://www.jang.com.pk/thenews/jan2006-daily/31-01-2006/business/b25.htm> – Accessed 16 March 2006 – Attachment 2);

- “Because migration to India has a long history and Nepalese and Indians cross the border freely, migration between India and Nepal is largely undocumented. There are an estimated **1.3 to 3 million** Nepalese in India, 2 to 5 times higher than official statistics show” (Thieme, Susan et al 2005, ‘Addressing the Needs of Nepalese Migrant Workers in Nepal and in Delhi, India’, *Mountain Research and Development*, Vol 25, No 2, May, pp.109-114 http://www.geo.unizh.ch/~suthieme/MRD_PAMS.pdf – Accessed 20 March 2006 – Attachment 3);
- “The number of total Nepalese migrants in India is highly debatable. GEFONT (1998) has estimated that there are **2.8 million**. Kaushik (2004) has estimated that the number of is **2.5 million**. Another estimate is **1.3 million** (Seddon et al, 2002) and the lowest is that of the Nepalese government which is **589050** as stated in the census report of 2001 (CBS, 2002: 54). Navaraj Subedi (2000:464), a former member of Nepalese parliament has estimated the number of migrants who have been in India in search of employment to manage their livelihood could be more than **6 million**. Keshav Poudel (2003) has estimated that there are **2.4 million** Nepalese migrant workers” (Neupane, Govinda 2005, *Nepalese Migrants in Delhi*, January, Govinda Neupane website, p.14 <http://www.neupaneg.com/pdf/migrants.pdf> – Accessed 20 March 2006 – Attachment 4);
- “Nepali groups say that there **2.5 to 3.5 million** Nepalis in India” (Jayshi, Damakant 2003, ‘Nepal: Workers in India burdened by alienation, low pay, neglect’, *Inter Press Service*, 17 May – Attachment 5);
- “Nepalese are free to live and work in India without visas or permits, and around **four million** do so” (Rahman, Maseeh 2001, ‘Conversations: India must show genuine respect to Nepal’, *Time Asia*, 11 January – Attachment 6);
- “Possible consequences include further instability in Nepal, an exodus of Nepalis to India (we already have about **five million**)” (Sanghvi, Vir 2005, ‘The Indian OCD’, *Mid Day*, 6 February http://www1.mid-day.com/columns/vir_sanghvi/2005/february/103071.htm – Accessed 16 March 2006 – Attachment 7);
- “The visa-free border has led between **5 and 10 million** Nepalis to relocate there over several decades” (McPhate, Mike 2004, ‘On the edge’, *The Age*, 12 July <http://www.theage.com.au/articles/2004/07/11/1089484240063.html?from=storylhs> – Accessed 16 March 2006 – Attachment 8);
- “**6 million** in neighbouring India” (Perry, Alex 2004, ‘Shock and Vengeance’, *Time*, 13 September <http://www.time.com/time/asia/magazine/article/0,13673,501040913-692959,00.html> – Accessed 16 March 2006 – Attachment 9);
- “There are now **six million** Nepalis in India, mostly in the northeastern states” (‘Nepalese influx into India poses security concerns’ 2005, *Channel NewsAsia*, 3 May – Attachment 10);
- “Not only do we have an open border but also over **seven million** Nepalis are believed to be residing in India” (Bansal, Alok 2006, ‘India and the Crisis in Nepal: The Madhesi Option’, Institute for Defence Studies and Analyses website, 9 February <http://www.idsa-india.org/AbArticle-04.htm> – Accessed 16 March 2006 – Attachment 11);
- “The substantial population of nearly **eight million** Nepali residents in India (primarily in Sikkim, Darjeeling, Siliguri, Shillong, Dehradun, Himachal Pradesh and Gorakpur-Lucknow belts) have established a countrywide organization called the Akhil Bharatiya Nepal Ekta Samaj (ABNES)” (‘Nepal Terrorist Groups – Communist Party of Nepal – Maoist’ 2001, South Asia Terrorism Portal website – Attachment 12);
- “approximately **10 million** Nepalese in India” (Bhat, Anil 2004, ‘ULFA’s reign of terror at vanishing point’, *The Day After*, 1-15 March – Attachment 13);

- “more than **10 million** Nepalis live in India, taking advantage of the Indo-Nepal treaty of 1950 that allows them to freely reside, own property, find employment and carry on business in this country” (Devraj, Ranjit 2005, ‘Nepali Maoists’ Deal with Parties May Doom Monarchy’, *IPS Asia-Pacific*, 16 March <http://www.ipsnewsasia.net/writingpeace/features/nepal.html> – Accessed 16 March 2006 – Attachment 14); and
- “Researchers in Columbia University estimated in 1994 that as many as **six million** Nepalis lived in India. Now it is believed to be almost **double that**” (Guruswamy, Mohan 2005, ‘Muddle in Nepal’, *The Tribune*, 19 February <http://www.tribuneindia.com/2005/20050219/edit.htm> – Accessed 16 March 2006 – Attachment 15).

2. Is there information on their employment and welfare?

3. Is there information on Nepalese being badly treated?

The information provided in response to these questions has been organised under the following four headings:

- Professions;
- Earnings and Expenditure
- Identification; and
- Problems

Professions

Sources cited below suggest that the majority of Nepalese workers in India are manual labourers.

A January 2005 report by Govinda Neupane, one of the founding members of the Communist Party of Nepal (Marxist-Leninist), provides extensive information on Nepalese migrants in Delhi. In 2004 Neupane conducted field research in India, interviewing 402 migrants and organising 87 participatory appraisal discussions. For further information on methodology please refer to Annex 2A. The report is included as Attachment 4 (Neupane, Govinda 2005, *Nepalese Migrants in Delhi*, January, Govinda Neupane website <http://www.neupaneg.com/pdf/migrants.pdf> – Accessed 20 March 2006 – Attachment 4).

The report provides the following information on the professions of Nepalese migrants in Delhi. The report notes that while the majority of Nepalese migrant workers are manual labourers, there are also skilled workers. The report also notes that “nationality stereotypes seen in the form of inequalities in access to opportunities in Nepal” are also present in India:

Professions	Khasa	Mangol Kirat	Madhesi	Dalit	Newar	Total	%
Factory workers (including cottage industries)	26	33	14	18	2	93	23
Guards	17	19	3	12		51	13
Dishwashers (Restaurant)	18	16	2	8	1	45	11
Daily labor	11	9	9	5		34	8
Domestic Help	17	11		1		29	7
Driver	11	13	4			28	7
Workshop help/Cleaners	11	10	2	2		25	6

Office/shop attendants	10	7	1	3	2	23	6
Skilled Workers ¹			11	2		13	3
Cook/Attendants (Restaurant)	7	5				12	3
Skilled job holders ²	7	2		1		10	3
Unemployed at the time of interview	5	4		2		11	3
Others ³	14	9	2	3		28	7
Total	154	138	48	57	5	402	100

1. These workers include plumbers, house wiring technicians and house wall painters.
 2. These jobs include Computer Operators, Office/Marketing Assistants and Accountants
 3. 'Others' includes but not limited to seven priests (all Khasa) and nine small entrepreneurs/traders (6 khasas and 3 Mangol Kirats).
- Source: Field Research, January – December 2004*

Some of the researchers have concluded that most of the Nepalese migrant workers are “young boys in restaurants and dhabas, illiterate factory workers domestic help, drivers, guards and nurse maids.” (Seddon et al, in Gorkhapatra, 2004). The basic conclusion may be closer to reality, but the overall picture is somewhat different. Although the majority works as manual laborers, there are skilled workers too.

...Although, highest number of migrants works in the factories, but many among them are not permanent workers. Those who work in small-scale industries have no coverage of social security benefits. The term ‘factory work’ includes the jobs performed in a factory related to lifting weight, arranging the raw materials for manufacturing finished goods, operating machines, assembling parts, packing, keeping equipment and machineries clean and ready, transporting finished goods. Therefore, the workers, who are employed by any organized enterprise and involved in such jobs, are grouped as factory workers.

The security guards follow the factory workers in percentage regarding their presence. About the guards from Bajura who work, mostly in and around Nandanagari in Delhi, Brusle (2004: 80-81) has stated that majority of them are between 20 and 50 years of age. Many among them work as guards. They work in the night and wash cars in the morning to supplement their income. The same is true for the guards working all over Delhi except for them who work in organized sector enterprises such as industries, hospitals, educational institutions and government agencies. The guards working in organized sectors mentioned above are in a better position as they have the social security coverage.

Contrary to popular belief that every migrant is a manual labor, there are skilled workers too. The skilled workers and the auxiliary professionals mostly work in the organized sectors. The plumbers, painters, electricians and even computer operators and accountants are available. The drivers are another comparatively high earning lot and are many in numbers too.

Besides, a small number works as temple priests. The best estimate about the number of such priests in Delhi is 150. In the above table, seven priests are included as “Others”. They get accommodation inside the temple premises and earn handsomely in the form of “daksina” and “dan” (donations in the form of cash and kind).

...There are a few Nepalese migrant owned and run small business activities. Some of the small business entrepreneurs such as petty traders, restaurant owners, taxi owners-operators and shopkeepers are present. Their enterprises include security agencies, noodle making cottage industry, some restaurants or dhawas, provisional stores, self-operated taxis and hawking. Some of the stories are highly encouraging. The owners of a security agency and a cottage industry are quite successful. There are others too. Out of nine persons interviewed who are in business activities, three are Mangol Kirats and six Khasas. The information is

interesting that no Dalit or Madhesi run any independent business activity. The priests who have better reputation as holy-men and earn better, traditionally, are all Brahmins (Khasas). Similarly, nearly all skilled jobholders such as Accountants, Computer Operators and Marketing Assistants are Khasas. Hence, the nationality stereotypes seen in the form of inequalities in access to opportunities in Nepal have its presence here too (Neupane, Govinda 2005, *Nepalese Migrants in Delhi*, January, Govinda Neupane website, pp.16-18 <http://www.neupane.com/pdf/migrants.pdf> – Accessed 20 March 2006 – Attachment 4).

Hari Roka is a political analyst from Nepal and a PhD student at the Jawaharlal Nehru University. Roka received a Sarai/Centre for the Study of Developing Societies (CSDS) Short Term Independent Fellowship for the year 2002-2003. Roka's research proposal for *The Condition of Nepali Migrants in Delhi* and two postings can be found on the Sarai website. A number of news articles suggest that the research has been completed and a report written. No report was found amongst the sources consulted. A copy of the report was requested via email from Sarai, the South Asia Study Centre and Hari Roka.

According to Hari Roka there are two types of migration from Nepal to India, long term and seasonal. Long term migrants are employed in the public sector, state police, Indian Army and as security guards. Seasonal migrants are employed on construction sites and in agriculture. According to one estimate from 1997, there were 250,000 Nepalese workers in the India public sector; however, this is only a "conservative estimate". The proposal goes on to say that due to globalisation and the subsequent divestment of public enterprises it is no longer easy for Nepalese to gain employment at public sector enterprises. Roka notes that as the insurgency spread in Nepal the reasons for migration are now safety, earning a livelihood and saving for an uncertain future. Therefore hundreds of thousands of Nepalese come searching for any job and end up working as janitors, security guards and domestic workers or undertaking work which is difficult, dirty and dangerous. Roka also notes that tough internal and external competition is making it difficult for the Nepalese in India:

Most of the jobs in which Nepali migrants are employed fall in to the categories much cited by migrants themselves of three 'D's (difficulties, dirty and dangerous). There is considerable anecdotal evidence of workers being repatriated without compensation after suffering from ill health or accidents, or after simply being dismissed. But the information of their losses would not reach in proper place in proper time, because nobodies are responsible for any kind of casualties (Roka, Hari 2003, Email to Sarai List 'Research Proposal', 20 January, Sarai website <http://mail.sarai.net/pipermail/reader-list/2003-June/005799.html> – Accessed 21 March 2006 – Attachment 16).

In Attachment 17, Roka speaks with Nepalese boys working as waiters or cleaners in *dhabas* or small restaurants in Delhi. Roka reports that most of the Nepalese working in *dhabas* are between 12 and 48 years of age. Roka notes that the 12 to 18 years of age group joined the *dhaba* in 2002 whilst the middle and older age group came here in 1998 and earlier. Roka reports that there are no fixed working hours and the workers usually have a break between 3-4.30pm and sleep between midnight and 6am. Those who work in the Bus Park or Railway *dhabas* sleep only three to four hours a night. The workers get one day off a month for cleaning themselves and their clothes. Roka notes the positions are not permanent and that boys are recruited with the guarantee and recommendation of older workers. Workers told Roka that there is no competition and it is easy to get a job. Although teenagers complained that "when new arrivals appeared for job then there is less chance of growth of salary" (Roka, Hari 2003, Email to Sarai list 'Teenagers are in hurry to go back home', 2 March, Sarai

website <http://mail.sarai.net/pipermail/reader-list/2003-March/002331.html> – Accessed 22 March 2006 – Attachment 17).

In Attachment 18, Roka speaks with ten watchmen in Delhi. The group estimates that there are around twenty thousand Nepalese working as watchmen or gate keepers in Delhi with a small number organised in the All Nepali Ekata Samaj (affiliated with the Nepalese Communist Party Ekata Kendra) and Nepal Bharat Pravashi Sangh (affiliated with the Nepalese Communist Party United Marxist Leninist). The group reports that the positions are not permanent. They also complain that the work is difficult and the salary insufficient. When workers leave, they are replaced by friends or relatives. The watchmen work within an assigned area and are responsible for any kind of trouble including robberies. Roka reports on the shooting of Ranjan Bahadur Nepali whilst on duty. Ranjan spent his savings of Rs8000 on treatment with the employer paying Rs1000. Nepali Ekata Samaj subscriptions paid the balance of his hospital bill which was over Rs40 000. Ranjan is now living with his brother, recovering so he can return to work as a watchman:

The society did not care him. When his nearest friends went to the office and asked for some co-operation to the society but executive of the society denied to help saying, “it was Bahadur’s (usually Nepali people are called ‘Bahadur’ by Indian Merchants and officials) duty, he fulfilled, for taking risk we are paying money as salary on monthly basis, the extra money is not possible to give. If he will return back from the hospital then we can offer again at that job only”. After huge cry, then society gave them only one thousand rupees (Roka, Hari 2003, Email to Sarai list ‘They protect society; but who protect them?’, 9 June, Sarai website <http://mail.sarai.net/pipermail/reader-list/2003-June/005799.html> – Accessed 21 March 2006 – Attachment 18).

A blog dated 3 September 2005 by Sonia Faleiro reports that Nepalese in Mumbai work in every capacity in the film industry. Sonia Faleiro lists her occupation as a journalist in Mumbai but please note that it is a blog:

Cinematographer Binod Pradhan gained fame with Mission Kashmir; Manisha Koirala is a former super star actress, and Udit Narayan Jha composes music for Hindi films. Following in their footsteps is Manjil Tulasi, 22, who came to Mumbai from Nepal’s Syangja district 14 months ago. He’s worked as an assistant director on the Star One serial Guns and Roses and just completed the pilot of a TV documentary Mumbai Mein Nepali Tara, which profiles Bollywood’s Nepali heroes. “There are Nepalis working in every capacity in the film industry,” says Tulasi. “From the tea boy to the director, almost 50 percent of Balaji Telefilms comprises Nepalis” (Faleiro, Sonia 2005, ‘Myth of the Melting Pot’, Sonia Faleiro Blog, 3 September <http://soniafaleiro.blogspot.com/2005/09/myth-of-melting-pot.html> – Accessed 21 March 2006 – Attachment 19).

An article dated 18 June 2005 in *Kantipur* reports that former Maoist rebels and former security personnel from Nepal now work together at the coal mines in Meghalaya. The article notes that approximately 70 000 Nepalese are employed in the local mines (Bhattarai, Benupraj 2005, ‘Once foes, now co-workers’, *Kantipur*, 18 June <http://www.kantipuronline.com/kolnews.php?&nid=43302> – Accessed 21 March 2006 – Attachment 20).

An article dated 14 May 2005 in *Kantipur* reports that an estimated 30 000 Nepalese work for the Public Works Department (PWD), which is responsible for building roads and bridges (Phuyal, Surendra 2005, ‘Nepali workers face discrimination in India’, *Kantipur*, 14 May

<http://www.kantipuronline.com/kolnews.php?&nid=40034> – Accessed 21 March 2006 – Attachment 21).

An article dated 17 May 2003 by *The Inter Press Service* reports that most Nepalese in India works as “porters, cooks, waiters, dishwashers, guards, drivers, factory workers, farm laborers” (Jayshi, Damakant 2003, ‘Nepal: Workers in India burdened by alienation, low pay, neglect’, *Inter Press Service*, 17 May – Attachment 5).

Earnings and Expenditure

The January 2005 report by Govinda Neupane provides the following information on the average earnings and expenditure of Nepalese migrants in Delhi:

Professions	Monthly Earning Per person	No of Respondents	Total annual for all respondents		
			Earning	Expenses	Savings
Dishwashers ¹	900	12	129600	36000	93600
Cook/Attendant ²	2000	7	168000	84000	84000
Skilled Workers	35000	5	210000	105000	105000
Factory workers	2500	25	750000	350000	400000
Driver	4800	9	518400	221400	297000
Domestic Help ³	700	7	58800	16800	42000
Daily labor	3000	4	144000	84000	60000
Skilled job holders	5300	2	72000	35200	36800
Guard/Guards	2500	12	360000	187200	172800
Total		87	2665200	1239600	1525600
Per person average		87	30634	14248	17536

Foot notes:

1. The employers of the dhawas/restaurants provide food and accommodation.
2. The employers provide food to these cooks/attendants in their dhawas/restaurant
3. The employers provided food and accommodation.

Source: *Field Research, January – December 2004*

The highest earning groups among the migrants are the auxiliary professionals such as computer operators, accountants and marketing assistants. They are followed by the drivers. Their number is quite significant. Junior technicians and skilled workers like electrician, plumber and house wall painters are other better earning groups. Although, the temple priests are a high earning group, their number is limited and they are reluctant to talk about their earnings. In terms of cash in hand, the factory workers sound earning not that great, but who are permanent workers get social security benefits such as provident fund, gratuity, insurance etc. Therefore, they also are not that bad. In addition, they get subsidized lunch in most of the factories. The guards enjoy some sort of respect when they work as security guard in a neighborhood. If they work in organized sectors, they also get social security benefits. Their average earning too is comparatively on better side. The most oppressed groups, both, in terms of work conditions and earnings are the domestic help and dishwashers. These two groups work for long hours (about 16 hours everyday) without any weekend break and earn on an average not more than Indian Rs 1.70 per hour of work excluding the food and accommodation. They, more particularly, the domestic helps also face physical violence and abuse.

...The migrants' expenditure items include room rent, food, clothing, medicine, travel and entertainment. They spend about 20% on room rent, 35% on food, 20% on clothing, medicals

and other small expenses if they stay alone. A small room of 10x12 feet costs Rs 600 to 1200 depending on the area the room is located. One person has to spend about Rs 1000 per month for food. (Please see- Annex – 2.D). In this way, they can just save on average Rs 7500 per annum (25% of the income). However, most of the time three to four persons stay together and minimize the cost. In such situation, the saving might go up by more than double. The average saving has been found Rs 17536 (57% of the income). Experiences and common sense have taught them to share rooms and to cook together. Therefore, nearly all migrants have been found staying together as a group of three or four. There are demerits too. These demerits include loss of privacy, peace, silence and good rest. Moreover, they also fell pray to the temptation to agreeing with one or the other roommate's desire and succumb to pressure or persuasion to go for enjoying liquor (in some cases every evening and in most of the cases at least once or twice a week), play cards or watch movies for long hours irrespective of them being tired. There is a big gap between saving and remittance, and partly that has been spent on such expenses, which they do not like to talk. Anyway, seeing their large number, of course, the Nepalese workers remit considerable amount back home (Neupane, Govinda 2005, *Nepalese Migrants in Delhi*, January, Govinda Neupane website, pp.22-23 <http://www.neupane.com/pdf/migrants.pdf> – Accessed 20 March 2006 – Attachment 4).

In Attachment 17, Roka speaks with Nepalese boys working as waiters or cleaners in *dhabas* in Delhi. Roka reports that a small boy earns Rs700 to Rs1200 per month plus food and shelter. The owner increases their salary after six months to one year and some time later or with experience they gain promotion from vessel to washer to waiter. The highest salary is Rs4000 per month. Teenage workers complained that new arrivals meant less chance of a pay rise (Roka, Hari 2003, Email to Sarai list 'Teenagers are in hurry to go back home', 2 March, Sarai website <http://mail.sarai.net/pipermail/reader-list/2003-March/002331.html> – Accessed 22 March 2006 – Attachment 17).

In Attachment 18, Roka speaks with ten watchmen in Delhi. Roka reports that average earnings are Rs2500 per month with experienced old men earning up to Rs4500 per month. Roka notes that they earn a little bit more in the morning cleaning vehicles or in the afternoon working at *dhabas*. The workers may also get a little extra at the end of the month but it is not fixed and depends on the owner. Roka reports that like *dhaba* boys four to five watchmen share rented rooms which are usually "dark, narrow, suffocative and lacking fresh air" (Roka, Hari 2003, Email to Sarai list 'They protect society; but who protect them?', 9 June, Sarai website <http://mail.sarai.net/pipermail/reader-list/2003-June/005799.html> – Accessed 21 March 200 – Attachment 18).

An article dated 28 January 2004 in *The Kathmandu Post* reports that employers should pay employees at least Rs2500 per month as minimum wages "but in practice, many labourers effectively get nothing" (Timsina, Nitya Nanda & Bhattarai, Devendra 2004, 'Migrant Nepali workers are marked in Delhi', *Kathmandu Post*, 28 January – Attachment 22).

Identification

Sources cited below suggest that Nepalese in India are being asked to prove their identification in order to cross the border, remain in India, gain or retain employment, rent a room and stay in hotels.

An article posted on Nepalnews.com website on 1 November 2005 reports that citizens of India and Nepal will have to register their names and confirm their identity with a passport, certificate of citizenship, certificate of property ownership, ID card issued by local bodies or

student ID when crossing at the Nepalgunj-Rupaidiha transit point in a pilot project aimed at checking the movement of “unwarranted elements across the border.” The article notes that the new provisions are likely to cause trouble for thousands of Nepalese who “don’t have an ID but travel to India every year in search of work” (‘Nepal, India begin enforcing border registration 1 November’, *BBC Monitoring Asia Pacific*, source: Nepalnews.com, 1 November – Attachment 23).

According to Govinda Neupane Nepalese migrants find it difficult to rent a room without identification. He also notes that identification has become necessary for those who work within a house:

Even renting a room in many localities has been difficult if the migrants have no identity cards or documents or prove that he or she works somewhere. For the daily waged workers, particularly who work inside the house, like the plumbers, house-wiring technicians etc, they identification has become necessary. Some of them have brought some sort of identification letter from the village development committees. A Madhesi youth from Dhanusha, who works as a plumber, showed a letter from his “village development committee” that provides his identification details. This type of letter, at least, gives some comfort to the employer (Neupane, Govinda 2005, *Nepalese Migrants in Delhi*, January, Govinda Neupane website, pp.29-30 <http://www.neupaneg.com/pdf/migrants.pdf> – Accessed 20 March 2006 – Attachment 4).

An article dated 8 February 2004 in *Kantipur* reports that police in New Delhi have started asking Nepalese for character certificates and identity papers:

Police have asked house owners to watch Nepalese and hand over their identification to security administration citing peace and security could be affected by thousands of Nepalese low-paid workers.

Visitors to the Royal Nepalese Embassy in New Delhi have increased after administration demanded character certificates from official agencies. Many hotels have refused to admit Nepalese without identification papers from the district administration, government ministries or the embassy. Police have started asking for passports or citizenship certificates even from people travelling overland.

[Passage omitted: Nepalese find it increasingly difficult to find jobs without a certificate that clears them of involvement in terrorist activities] (‘Indian police asks Nepalese to produce identity cards in New Delhi’ 2004, *BBC Monitoring South Asia*, source: *Kantipur*, 8 February – Attachment 24).

An article dated 28 January 2004 in *The Kathmandu Post* reports that police in New Delhi have started collecting personal details of Nepalese visitors and have made identification certificates compulsory for Nepalese in order to stay in hotels and apply for jobs. The article notes that identification certificates have also been made compulsory for domestic helpers (Timsina, Nitya Nanda & Bhattarai, Devendra 2004, ‘Migrant Nepali workers are marked in Delhi’, *Kathmandu Post*, 28 January – Attachment 22).

An article dated 17 October 2003 in *The Annapurna Post* reports that hundreds of Nepalese employees laid off due to suspicion of being Maoists must produce papers verifying their innocence in order to get their jobs back:

Deepak Thapa from Gulmi says that Nepalis working in various companies were asked to bring documents from police authorities confirming their status. Those employed as factory workers and household servants bear the brunt of this new directive from the Indian government that authorises the investigation of “suspicious” Nepalis (‘Nepalese lose employment’ 2003, *Nepali Times*, source: *Annapurna Post*, 11 October <http://www.nepalitimes.com/issue/166/FromtheNepaliPress/4897> – Accessed 17 March 2006 – Attachment 25).

An article dated 13-19 December 2002 in *The Nepali Times* reports that Nepalese “leaving their villages need letters from the authorities to prove to Nepali and Indian police that they are not Maoists”:

But since most VDCs [Village Development Committees] and police posts don’t exist, refugees have to travel to the district headquarters of Dailekh, Jajarkot, Rukum, Rolpa and Surkhet to queue up for their papers.

Tilak Oli is a labour broker in Nepalganj who tries to connect Nepali workers with Indian employers. Indian contractors hired a group of 66 of his workers who said they had to pay a bribe of Rs 1,800 to the local authorities at Chhinchu VDC in Surkhet district. When contacted, VDC secretary of Chhinchu, Guman Singh Neupane, said his office did not charge any fees for issuing clearance papers. Our investigation showed that lower level staff at the local police post had indeed raised money from the 66 villagers to provide them the letter of safe passage (Thapa, Karuna 2002, ‘The Exodus’, *Nepali Times*, 13-19 December – Attachment 26).

An article dated 20 April 2002 in *The Kathmandu Post* reports that Indian police forced around 40 Nepalese labourers to return back to Nepal after failing to produce valid documents of personal identity:

Due to widespread terrorism in both the countries, possessing an identity card has become a must for securing a job,” said Bahadur Sada, who has returned from India to acquire an identity card, at Basbitti VDC-3 of the district.

According to the labourers, the Indian police do not consider Nepalese citizenship certificate as a valid document of personal identity and only consider the one that is provided by personnel at the Indian border, on the recommendation of concerned District Development Committee (DDC) or VDC authorities identifying the labourer and the area he comes from.

Recently the pre-designed recommendation letter are being sold in local shops in Rajbiraj, the headquarters of Saptari (‘Indian police send back 40 Nepali workers’ 2002, *The Kathmandu Post*, 20 April – Attachment 27).

Problems

Sources cited below suggest that Nepalese in India face a myriad of problems including discrimination, non-payment of wages, police harassment, theft of money and lack of support by Indian and Nepalese authorities and police.

According to Govinda Neupane’s research, Nepalese migrants in India face the following problems. For further details please refer directly to pages 28 through 32 of his January 2005 report:

- The Nepalese are responsible for their own safety, security and interests. There is no official body to take care of their interests (p.28);

- A number of political factors, such as the 1989 economic blockade and the hijacking of an Indian Airlines plane from Kathmandu in 1999, in conjunction with thefts and murders allegedly committed by Nepalese nationals are the cause of a change in attitude of employers. Employers “have developed prejudices and misconceptions towards migrant workers” making it harder for migrants to gain as well as retain employment (pp.29-30);
- Nepalese migrant workers are worried about job security due to their tarnished image, competition from Bihar and Uttar Pradesh and the emergence of agencies (p.30);
- Non-payment of wages which can be accompanied by accusations of theft and beatings (p.30);
- Gaining employment can be difficult and therefore, “when they get a job, there are compulsions to agree with the conditions put forward by the employers irrespective of their nature and anti-labor provisions”(pp.30-31);
- Physical violence from employers or fellow workers and the risk of accidents at work (p.31);
- Illness “due to lack of health awareness and unavailability of basic facilities. They have to eat unhygienic food and many among them stay in dirty squatters” (p.31);
- Theft of money by fellow migrants or colleagues in India as well as theft of money and goods by bus staff, rickshaw-pullers, coolies, touts and government officials while traveling home (p.32) (Neupane, Govinda 2005, *Nepalese Migrants in Delhi*, January, Govinda Neupane website, pp.28-32 <http://www.neupaneg.com/pdf/migrants.pdf> – Accessed 20 March 2006 – Attachment 4).

A blog article dated 3 September 2005 by Sonia Faleiro reports that Nepalese in Mumbai face discrimination. Sonia Faleiro lists her occupation as a journalist in Mumbai but please note that it is a blog:

Driven from across the border and largely undocumented, Nepalis are a large presence in Mumbai with one or two lakh living in suburban Borivali and Churchgate. Many are recent political migrants fleeing unrest. Nepalis, particularly those with physically distinct features, are victimised based on anti migrant, racist rhetoric much of which has its roots in colonial caricature. Sushma Joshi, op-ed writer for the newly established ekantipuronline, was in Mumbai to chronicle the Nepali community after their flight from fear. She writes: “Success is contingent upon fighting the discrimination that Nepalis face in Mumbai. The stereotype of the “Bahadurs” who work as security guards is hard to escape. Some people change their caste to escape discrimination once they arrive in Mumbai.”

Social anthropologist Rahul Srivastava says, “The city is teeming with racism. Mumbai may be cosmopolitan, but it’s also insular and segregated. It’s particularly hard for poorer migrants to make space for themselves. They don’t want to segregate themselves from the larger community; this city forces them to be segregated” (Faleiro, Sonia 2005, ‘Myth of the Melting Pot’, Sonia Faleiro Blog, 3 September <http://soniafaleiro.blogspot.com/2005/09/myth-of-melting-pot.html> – Accessed 21 March 2006 – Attachment 19).

An article dated 25 July 2005 by Refugees International reports that Nepalese in India “are often denied their basic legal rights and are vulnerable to labor rights violations and various forms of exploitation”:

According to the chowkidars [watchmen], they have no legal rights. If they are abused at work and complain to law enforcement officials, their complaints are not taken seriously. In case of robbery, for example, even if they have worked in a neighborhood for many years, the

police assume that they are accomplices and the Nepalis are increasingly finding themselves being blamed for crimes. While the Nepalis in the formal sector in India enjoy the same legal rights as Indians by joining labor unions, the formal sector only includes 8% of the workforce, and the majority of Nepalis fall outside this sector. The lack of membership in any organized labor group hits women the hardest, and those working as domestic servants remain particularly vulnerable (Shukla, Kavita and Brown, Michelle 2005, 'India: Nepali migrants in need of protection', Refugees International website, 25 July – Attachment 28).

An article dated 14 May 2005 in *Kantipur* reports that there “is widespread discrimination against Nepali migrant workers in Himachal”:

A burning example of this: while their Indian counterparts, including a few of Nepali origin, have been registered as regular workers, tens of thousands like Gosai and Bishung are yet unregistered and continue to work on a daily-wage basis.

While the regular workers net Rs 7,000 in Indian currency – plus other benefits – every month, not-yet-regulars make do with just Rs 1,900 a month.

...Rakesh Sinha, state secretary of Communist Party of India (CPI) told the Post: “Construction of the myriad hydroelectric projects, highways and bridges here would be impossible without Nepali workers they are still being discriminated against. It has to stop.”

Ironically, it hasn't stopped. Umpteen appeals made by individuals and organizations – including the Royal Nepalese Embassy in Delhi – have fallen on deaf ears.

...For its part, ABNES [Akhil Bharat Nepali Ekta Samaj] has already lodged a case at the Supreme Court, where the case is backlogged, pending hearing (Phuyal, Surendra 2005, 'Nepali workers face discrimination in India', *Kantipur*, 14 May <http://www.kantipuronline.com/kolnews.php?&nid=40034> – Accessed 21 March 2006 – Attachment 21).

An article posted on the Web Chautari website, a Nepali web portal, on 5 May 2005 reports that a Nepalese watchmen in Delhi was killed whilst on duty. The report continues stating that the incident was not reported by the Indian media and that the police were also indifferent to the incident ('Nepali Watchmen Martyred on duty' 2005, Web Chautari website, 5 May http://www.webchautari.com/news/news_item.asp?NewsID=202 – Accessed 21 March 2006 – Attachment 29).

An article dated 23 January 2005 in *Kantipur* reports that the Federation of Khasi-Jaintia and Garo People (FKGJP) from Meghalaya and Assam are “increasingly harassing” Nepalese entering India as seasonal labourers:

In fact, the recent spate of attacks on Nepalis are not unique and exclusive, the rebels have been fanning anti-Nepal sentiments for a long time in the absence of serious initiative from both the Indian and Nepali governments. The recent spate of violence started from September 1, 2004. When the whole Nepal was mourning the killings of 12 Nepalis in Iraq, the FKGJP captured 31 Nepalis (including six women) who were bound for the coal mines of Lad Rymbai in Jaintia hills in the Meghalaya state of India. Later on, after physical and mental torture, the rebels handed over the abducted to the police for extradition. On December 21, the Khasi rebels attacked and tortured another group of Nepalis, and soon another unidentified group extorted several Nepalis and looted their goods. The most recent incident was the torturing and beating of 74 Nepalis by Khasi rebels. In the recent attack, a few of them lost their eyes, and one is seriously injured. There have been several incidents of attacks

on Nepalis in Meghalaya and Assam, which have gone unreported. Many poor and intimidated people do not report the incidents and bear the pain silently ('Nepalis plight' 2005, *Kantipur*, 23 January <http://www.kantipuronline.com/kolnews.php?&nid=29767> – Accessed 21 March 2006 – Attachment 30).

An article dated 28 July 2004 in *Rajdhani* reports that the Immigrant Nepali Organisation (India) and the All India Nepali Independent Student Union (India) claim that “Nepalese working in India have been suffering injustices and they have not received sufficient support from governments or civil societies, media workers and other relevant bodies of either country. They also claim that they have taken their simple and more serious complaints to the Nepalese embassy in India but they cases have not been heard” ('India-based Nepalis urge government support over “injustices”’ 2004, *BBC Monitoring*, source: *Rajdhani*, 28 July – Attachment 31).

An article dated 30 March 2004 in *Samacharpatra* reports that a group of Nepalese labourers were robbed of hundreds of thousands of rupees and put in prison for six months on charges of being Maoists:

Hundred[s] of other youths returning home are also cheated. Some of the youths told Nepal Samacharpatra that the Indian robbers had taken their money accusing them of being Nepalese Maoists on their way back home ('India: Nepalese villagers fleeing Maoist violence said harassed in India' 2003, *BBC Monitoring*, source: *Samacharpatra*, 30 March – Attachment 32).

An article dated 16 December 2003 in *The Himalayan Times* reports that Nepalese in India are finding it difficult to get jobs “due to fear of them being Maoists.” The article also notes that the large number of Nepalese seeking work in India and damage to their reputation has also contributed to the difficulty in finding work (Dhami, Ravi 2003, 'Nepalis find it hard to get jobs in India', *The Himalayan Times*, 16 December – Attachment 33).

An article dated 17 May 2003 by *The Inter Press Service* reports that Nepalese in India often “live without lack of water and toilet facilities, ethnic abuse in the local community and police discrimination.” The Nepalese Ambassador to India while aware of the problems is unable to assist due to lack of resources and lack of records of the number and location of workers (Jayshi, Damakant 2003, 'Nepal: Workers in India burdened by alienation, low pay, neglect', *Inter Press Service*, 17 May – Attachment 5).

An article dated 6 March 2003 in *The Kathmandu Post* reports that the search for employment by Nepalese in India “is getting difficult as incidence of discrimination rise.” The article notes that the Nepalese allege that police are the biggest offenders:

The biggest offenders, these Nepalis allege, are the policemen, especially of the lower rank, whether it be in Delhi, Lucknow or Gorakhpur. The last named city is fast acquiring the name of “gang land” as far as Nepalis are concerned.

The police in Delhi hardly register a case lodged by a Nepali unless intervened by the Nepali Embassy through India's Ministry of External Affairs. Sometimes, the Nepali organisations active here have to step in to at least get the case of looting, beating and harassment registered.

...Nepali citizens in Okhla industrial area say they live in fear. Dil Bahadur Jhendi of Heklang VDC in Palpa, staying in industrial phase-2, says that Nepalis are continually

harassed by the police. “If any Nepali goes to the police to file a case against his employee or against his neighbours, the police refuse to do their duty.”

Dan Bahadur Chhetri of Majhuwa Besi in Bhojpur district has been threatened with dire consequences by the manager and guard of Controls and Switchgear Company Ltd of Noida where he works. The police, he alleges, have done nothing. He approached the Nepali Embassy seeking intervention. The Embassy wrote to the Ministry of External Affairs, apprising it about the matter.

But a diplomat in the Embassy said that the process is cumbersome. The MEA writes to the Home Ministry and in turn the latter refers the case to the local thana (police station). It's almost a back to square one scenario. He also said that the police do not act in most cases if a Nepali seeks justice.

...Nepal's ambassador to India Dr Bhekh Bahadur Thapa told The Kathmandu Post that the Embassy does try to draw the attention of MEA whenever such cases are brought to its notice and also keeps a tab on the matter. “But the problem arises when the complainants themselves disappear after petitioning us” Jayshi, Damakant 2003, ‘Tales of discrimination abound among Nepali migrants in Delhi’, *The Kathmandu Post*, 6 March <http://www.nepalnews.com.np/contents/englishdaily/ktmpost/2003/mar/mar07/index.htm> – Accessed 21 March 2006 – Attachment 34).

An article dated 9 December 2002 in *The Himalayan Times* reports that “Nepalis going to the Indian states of Assam, Meghalaya and Tripura are still harassed by the Indian police at the entry points by asking them to produce a pass or a permit, though this is against the agreement signed by the governments of Nepal and India. ...Many Nepalis unaware of the new provision at times had to pay certain amount as fine to the India police” (‘Nepalis face harassment in India’ 2002, *Himalayan Times*, 9 December <http://www.thehimalayantimes.com/National.asp?name=National&dtSiteDate=20041104> – Accessed 17 March 2006 – Attachment 35).

An article in dated 17 August 2002 in *Samacharpatra* reports that Nepalese migrant workers in India are subject to harassment by Maoist activists and Indian security force:

Immediately after the visit to India of Prime Minister Sher Bahadur Deuba, Hirachan's lodge, patronised by a large number of people from Nepal, was raided twice in the middle of the night. Many Nepali residents like Hirachan told *Samacharpatra* that the Maoists had created an environment in which normal people trying to make a living were constantly under the suspicion of Indian security forces. While Nepalis living in India for a long period have experienced relatively fewer problems, Nepalis entering India recently in order to escape the murder and violence in Nepal, are getting caught between the security forces and the Maoists. Many have been leaving the bordering Indian states and going inland. As the Maoists wreak havoc in Nepal and then seek refuge in India, the Indian public is beginning to suspect any Nepali of being a Maoist. Children of resident Nepalis being enrolled in schools in India are often looked on with suspicion by the school administration (‘Nepalis in India’ 2002, *Nepali Times*, source: *Samacharpatra*, 23-29 August <http://www.nepalitimes.com/issue/108/FromtheNepaliPress/6039> – Accessed 21 March 2006 – Attachment 36).

4. Any other information you might feel relevant.

According to Refugees International, India does not recognise Nepalese asylum seekers as refugees:

Nepalis who have fled to India in search of asylum do not come under the mandate of the Office of the UN High Commissioner for Refugees (UNHCR) because the Government of India insists that the 1950 Indo-Nepal treaty accords Nepali residents in India the same rights as Indians, and therefore they do not qualify as refugees (Shukla, Kavita and Brown, Michelle 2005, 'India: Nepali migrants in need of protection', Refugees International website, 25 July – Attachment 28).

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