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Similar to the previous years, people in terai faced severe cold wave this winter also, and dozens of people succumbed to death in several districts from Jhapa to Kanchanpur. Mostly, the children and aged people faced health problems including pneumonia and cold allergy. Attention of Human Rights and Democratic Forum (FOHRID) has been seriously drawn towards the fact that the central to local level agencies of the state have not done the needful to prevent and control this hazard aggravated by poverty.

The Interim Constitution of Nepal, 2007 has guaranteed economic, social and cultural rights including right to dignified life, equality and right against discrimination, health and social security for the people. There are constitutional obligations of the state to implement special measures for protection, development and empowerment of the economically and socially backward community. The state has

to play role of guardian for the vulnerable community including children, women, aged and people with disability. Moreover, Nepal is already party to dozens of international human rights treaties including International Covenant on Economic, Social and Cultural Rights, 1966. According to this covenant, the state has obligation to provide survival kit for those people who cannot arrange means and resources for their livelihood. This obligation has been incorporated as minimum core obligation of the state. A civilized and democratic state cannot ignore this obligation. The Article 33 (m) of the Interim Constitution has entrusted the state "to implement effectively international treaties and agreements to which the state is a party."

Chapter on Pauper of the Muluki Ain, 2020 has stated that in the case of a person, who does not have any property and relative and who is not capable of being engaged in an employment, the Chief District Officer shall, on the recommendation of the Village Development Committee or Municipality concerned, arrange for nurturing and care. Such provisions are incorporated in the nos. 4, 5, 6, 8 and

9 of this Chapter. Apart from this, some specific laws have also incorporated such provisions in favour

of the poor and needy people. For instance, Children's Act, 2048, Section 34, Senior Citizen Act, 2063, Section 16 and Protection and Welfare of Disabled Persons Act, 2039, Section 10. However, these provisions have remained just as waste paper in the absence of effective implementation. It is regrettable that the citizens living in extreme poverty are not able to benefit from such laws. Effective implementation of such positive provisions in favour of poor and incapable persons could avoid death of innocent people due to cold wave. The state should take responsibility of such situation and focus its efforts to avoid loss of life of citizens in the future due to the situation caused by extreme poverty and other vulnerability.

In this backdrop, FOHRID urge the government of Nepal to take following measures immediately for

protection of health and life of the poor and vulnerable people in the terai:

1. Provide necessary food, cloths, fuel and temporary habilitation to protect the affected citizens from the impact of cold wave in coordination with private sector, NGOs, CBOs through local agencies and district administration office.

2. To formulate necessary action plan to avoid repetition of this problem every year and implement it before next winter.

3. To provide proper compensation to the dependents of victims who lost their lives as the state failed to fulfill the role of guardian.

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