

HUMAN RIGHTS YEAR BOOK 1993

Highlight of the year - UNTOUCHABLES



HUMAN RIGHTS YEAR BOOK 1993

This report
covers the period
January to December
1993



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HUMAN RIGHTS YEAR BOOK 1993

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NEPAL



- 2.2% of the FY 1993/94 budget was set aside for education, health and drinking water.
 - Adult literacy reached 25.6%
 - Nepali's average life expectancy remained 52.2 years.
- (Human Development Report 1993)*

- There are 25 prisoners of conscience this year.
- (INSEC/PIC Bulletin No.5, 1994)*

No. of offenders (in %)

- | | |
|------------------------------|-------|
| • Killers/Murderers | 32.39 |
| • Drug users/traffickers | 10.30 |
| • Traffickers of Human being | 7.52 |
| • Rapists | 2.75 |
- (Prison Management Department)*

- No. of Jails - 73
- Prison Capacity - 7233
- No. of prisoners - 6363 (1993/94)
- No. of foreign prisoners - 468
- No. of minor prisoners - 69

- No. of lunatics in jails - 82
 - No. of health workers working in jails - 27
 - 1 out of every 2906 of the total population found prisoner.
 - Rs 77,251,000 budget allocated for jail administration
- (Prison Management Department)*

- No. of Suicide Case in 1993 - 530
- (Home Ministry)*

- | | |
|------------------------|------------|
| • Total Population | 18,491,097 |
| • Female Population | 9,270,123 |
| • Male Population | 9,220,974 |
| • Literacy | 40% |
| • Female Literacy | 25% |
| • Male Literacy | 55% |
| • No. of earning women | 40.4% |
- (Central Bureau of Statistics)*

Exchange Rate: US\$1 = NRs 50



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Preface

IT is our great pleasure to bring out "Human Rights Year Book 1993". We express our sincerest gratitude to all who inspired us in this enterprise. It is sad that late Prakash Kaphley, who offered us the concept of Year Book, is no more with us. It was a great challenge for us to materialize his dream into action. With this realization we had managed to publish "Human Rights Year Book 1992" earlier.

We received several suggestions from Nepalese and foreign friends and well-wishers after the publication of "Human Rights Year Book 1992" and we have accepted some of them as our guidelines. In today's world human rights have been a much discussed global issue. In this contemporary world they comprise civic and political rights, economic, social and cultural rights and several other rights within their jurisdiction. In this connection, the Interim Government formed after the People's Movement (1990) in our country signed the UN Declarations on civic, political, economic, social and cultural rights and expressed its commitment to them. In the sphere of human rights, it can be deemed as a positive landmark. Likewise, the government deserves appreciation for signing the UN declaration on children's rights. Recently Parliamentary committee on Human Rights made an observation of the jails in the country. It can also be considered a positive measure after the re-installment of democracy. In addition, the parliamentary bill on compensation can also be taken as a laudable step though it needs to be improved in several respects.

In 1993 Human Rights World Conference was organized in Vienna (the Capital of Austria) by the United Nations. This conference was participated by the Premier of Nepal himself. It suggests that Nepal attaches importance to human rights. Similarly, it is also appreciable that Asia Pacific Regional Conference in Bangkok held as preparation for Vienna Conference was attended by the Home Minister. Just before Vienna Conference, Nepal Police had also conducted a seminar on human rights, though all the established human rights organizations in Nepal which were going to participate in Vienna Conference had suggested Nepal police to hold it after Vienna Conference, as it would be something done in a hurry or just for show. Despite it, this initiative of police may be taken as a positive step in this direction.

In 1993 also the non-government agencies continued with their activities towards the promotion of human rights situation in Nepal. At Vienna Conference the non-government team arrived in an organized way. On behalf of Nepal seven human rights organizations presented a single joint report.

Democracy was reinstalled four years ago for the sake of people's interest. However, it cannot be utilized to the fullest extent unless the basic rights of common people are enjoyed practically. Hence, it is imperative to establish the tradition of enjoying human rights in an unrestricted way in order to consolidate the foundation of democracy. Now the major political forces engaged in the people's movement are in power and opposition. However, both sides have not yet shown expected liberal attitude towards human rights.

The attitude towards inculcating human rights culture is not found to exist in political parties. Under these circumstances, it is natural to find it difficult for the realization of such expectations from administration and quasi-judicial sectors.

The Constitution of the Kingdom of Nepal (1990) has made explicit provisions for human rights, but the proposal for constituting an all-party human rights commission could not get through in the Upper House. In fact, there is an acute need for setting up an official agency to evaluate the human rights situation here. Several citizens lost their lives in rallies, but the government never constituted any commission to investigate firings. For this reason, human rights situation in today's Nepal has not come up to our expectations. This Year Book is attempt to draw every one's attention towards this fact. We have presented facts related to human rights situation in Nepal. We have made an overall evaluation of human rights situation in 1993 on the basis of a survey of all the 75 districts in the country. In addition, we have also discussed some legal provisions in Nepal which contradict with the UN concepts.

The system of untouchability has grossly violated Nepalese people's right of surviving with self-pride. Inflation, poverty or other daily issues are not like the problem of untouchability. There are many individuals who do not take this deep-rooted system as a grave concern. We have decided to present it in details this year. We have been able to present the nature of this topic after its intensive study all over the country. In pursuance with highlighting the real situation and consequence of the problems related to human rights, the issue of untouchability has been presented as "Highlight of the Year". Fourteen members of so-called untouchable castes contributed to the preparation of this appendix, though many of the so-called untouchable volunteers engaged in preparing this book had to alter their surnames during their visits in remote areas. Had they visited these places without altering their surnames, they would undoubtedly have to face a number of complications. Many individuals might have hesitated even to converse with them. This year we have entrusted a youth, who was a victim of human rights violation, to collect relevant data in Sindhuli. This youth, Basu Devkota, had bullet injury in that district on March 5, 1993.

Human Rights should not be viewed within limited circle. The scope of human life is vast. Obviously then, human rights are universal. Accordingly, in "Nepal in Figures", an attempt has been made to find out the remoteness or proximity between national statistical figures and people's economic interest. Besides, another appendix has been included this year - "History of Human Rights Movement upto 1960/61". It cannot be gainsaid that Human Rights movement in Nepal based on modern concept has started only very late. According to the information available so far, Forum for Protection on Human Rights, set up by late Prakash Kaphley and others on July 28, 1992 is the first initiative to adopt the universal declaration for human rights as its guidelines and work for their cause. Though Citizens' Right Committee had already been formed in 1994 BS under the chairmanship of Shukra Raj Shastri, the concept of human rights had not yet evolved in a systematic way. Before Panchayat regime had collapsed, Human Rights movement existed not autonomously but as a part of the political movement. Hence, while discussing human rights movement in this book, movements launched for political rights have also been described in a chronological way. In fact, all these movements were also human rights movements in accordance with the awareness of people during the period.

There occurred a tragic accident at Dasdhunga towards the beginning of this year, but even till its end it remained a mystery. The Year Book also presents an account of this accident. This accident, suspected to be a political murder by the nation's main opposition party,

needs to be investigated from the perspective of human rights. Besides, the government has also announced to carry out the further investigation of this episode.

In reestablishing democracy in the country school teachers have had a significant role, but they are still struggling for the human rights related to their profession. This Year Book also presents a detailed discussion of this topic. The United Nations and International Labour Organization clearly include trade union rights within the jurisdiction of human rights. For this reason, this book throws light on "Nepal Trade Union Movement and Human Rights".

Displacement exists as a formidable issue in Nepal. Following the establishment of democracy no tangible measures have so far been taken in this regard. Issues related directly to 1993 and human rights mentioned last year have been raised again. Appendices have been restricted to 1993.

In our view, human rights should not be considered in isolation. All the rights declared by the United Nations are universal and indivisible. It is the inherent right of human beings to enjoy them in an unrestricted way. From the viewpoint of human rights, a right cannot be taken into account at the cost of another right. Hence, we have made an attempt to prepare the write-up on violation including the broad area of human rights. Appendix 9 is an appraisal of the overall situation of the violations in the sphere of human rights. We hope this Appendix would inform readers about the nature and situation of human rights violations. "The Overall Evaluation of Human Rights Situation" deals with Nepal's human rights situation in 1993.

Despite of our effort not to render this book bulky, it has come out to be a bit thicker. It is mainly due to the fact that in several appendices, it was felt necessary to elaborate historical perspectives of topics and other related factors. Besides, we could not overlook general people's intention to present the events of each district in detail. In fact, we have not produced this book just as a write-up on human rights. In addition, we also intended to find out the nature and causes of human rights violations so that necessary steps may be taken by all sectors for their remediation.

As Nepal is different from other nations in some respects, the nature of human rights violations also have differences. Nepal is a developing nation basically dominated by feudal set-up. Hence, human rights violations are not always caused by the government machinery. They are also due to social tradition, orthodox religious assumptions, casteism, land-holders' pressure, and lack of political awareness. In several places these violations are found to be made rather collectively than individually. Besides, they have also been targeted at specific ethnic groups. These events have also been described in this book.

Despite of the recent instalment of democracy in the country, the political parties which struggled for democracy have been found lacking democratic character and tolerance. It is difficult to improve the situation unless political parties attach importance to human rights. We invited comments from different nationally recognized political parties on Year 1993 and human rights situation in Nepal. Some of these parties, however, did not respond to our request. This year too, Rashtriya Prajatantra Party did not make its opinion available to us.

It is clear that unless awareness about human rights violations is created in the nation including its remote regions at all levels from general mass to the government, they cannot be minimized. We have tried to mention all sorts of human rights violations. No event can be viewed objectively or without causal relation. There are concrete reasons behind it. Its

remediation can be suggested only if these reasons are made known. That's why events related to suicides have been described in this book.

The publication of this book is a collective enterprise of several individuals. More than 100 persons were directly involved in this work. Their names are listed in Appendix 10. We would like to express our sincerest gratitude to them. Besides hundreds of individuals were indirectly involved in preparing this book. We also received cooperation from His Majesty's Government Home Ministry, district offices, police and courts. For this, we owe to all of them.

Several friends have made significant contribution to the publication of this Year Book. It was but for the continuous effort of our colleagues at INSEC that we have been able to bring it out. We appreciate the help made by the specialized contributors to appendices. We apologize for not including some of their write-ups in their existing forms, though they, no doubt, served us as genuine reference materials. In addition, the suggestions given to us by our two advisors - Rishikesh Shaha and Basudev Dhungana, have provided us guidelines. On this auspicious occasion of publishing Year Book '93, we extend our cordial thank to all concerned.

Sincere thanks are also due to Dr Yogendra Prasad Yadav, Mr Khagendra Sangraula and Mr Deepak Raj Kaphley for translating the book into English.

Finally, our sincere thanks go to Norwegian Agency for Development Cooperation (NORAD), for providing financial assistance to undertake this task.

With Thanks !

Sushil Pyakurel
Coordinator

April 11, 1994

Chapters

Chapter 1

Human Rights Movement in Nepal

[We have received a number of requests to present the historical perspective of the human rights movement and the details of the individuals involved therein. The universal declaration of human rights was made on December 10, 1948. This declaration is, in essence, the gist of the struggle by the individuals all over the world for achieving their natural rights in various fields. Likewise, several attempts of this nature were made in Nepal as well. They could not be presented in their entirety. However, this appendix includes events from the end of democracy and the beginning of Panchayat regime till now. Incidents after the end of democracy and the beginning of Panchayat system will be presented in the next issue. - Human Rights Year Book Committee]

THE age-old history of human race also records, apart from other things, the struggle for human emancipation from exploitation, justice against partiality, and equality against inequality. Human beings can never compromise with their right to survival. To survive is their natural right. In order to survive, human beings cannot be deprived of rights like eating, clothing, having a settlement, expressing their ideas freely, literacy, acquisition of knowledge and practice of religion according to their faith. Man is free by nature. Therefore, the chains of dependence or slavery, whatsoever strong they may be, cannot stand the strong efforts and powerful people's force for human emancipation. The struggle for human emancipation remains irresistible.

With the beginning of modern Nepal a strong foundation for centralized feudal regime was

set up. The leadership of Mukhiyas, Subbas, Mijhars, Majhis, Thakalis and others played a significant role in founding, in collaboration with geographical situation, interpersonal interaction among tribal groups, production and distribution system, reciprocal hatred and unreliability and several other factors. In the race organized for selecting the king, Dravya Shah himself became the king through invasion. The Kathmandu valley was already in chaos owing to the conflict among Yaksha Malla's descendants for the sharing of the kingdom as their Birta. Under these circumstances, king Prithvi Narayan Shah from Gorkha, a feudal leader, pushed up the campaign for territorial expansion in a decisive way. However, he passed away before he could materialize his ambition. The remaining things in this campaign were left to be done by his successor. Though the campaign made rapid progress, there was simultaneous growth in the rate of conflict. This situation gave rise to feudal system and struggle for grabbing state power. It eventually resulted in the notorious 'Kote Massacre' in 1846/47.

The Kote Massacre came about as a result of clash of feudal interests and also of the instigation of the foreign power. After several of his patriotic courtiers were killed in this massacre, Jung Bahadur Kunwar appeared publicly as a strong feudal leader. He not only made himself the most powerful prime minister of Nepal but also introduced the unprecedented tradition of another hereditary Ranaism within hereditary monarchy. Jung Bahadur, who was made 'Shri 3' of Kaski and Lamjung, kept this title reserved for his posterity to come as well.

Beginning of Ranaism and the Movement for Democracy and Human Rights: a coincidence

Jung Bahadur knew it too well that the power grabbed through conspiracy and bloodshed could be lost in the same way some time. His younger brother Badri Narsingh and prince Upendra Bikram hatched a secret plot against him, though they could not succeed in it. However, Jung Bahadur was not relieved from apprehension. He exposed the plot made by the soldiers of Gurung Regiment for his assassination in May/June 1857 and managed to cut the conspirator into pieces by Gurung soldiers at Tundikhel. He thus, apprehended not only family conspiracy but also fatal attack from within the army.

Besides the increasing involvement and interference of Kunwar dynasty in Nepalese politics, Jung Bahadur proved himself to belong to the Rana lineage of Chitaud. It became easy for the Ranas to prove their long association with aristocratic ruling dynasty on the basis of their marital relation with Thakuri Shah dynasty and increase in their social prestige. In addition, king Surendra issued a royal proclamation in February/March 1851 to address the minister's brothers and sons (i.e. Rana dynasty) as 'garibparwar' ('The protector of the poor'), hajur, and marji. These feudal activities led to the beginning of a tradition for hereditary right to priesthood and responsible positions in the administrative machinery. The nation was again swept away by the *birta* of the aristocratic family and its inhabitants were reduced to the status of *raiti*. There followed continual process of extreme exploitation through landlords' imposition of supremacy and unpaid labour of people.

In course of social evolution there is unceasing conflict and confrontation among various interest groups. The medieval Nepalese community during Rana period did not remain untouched from this convention of the social evolution. Attempts were no doubt made in a concerted way in course of translating the French Revolution or the Communist manifestos. Nepalese history has plenty of real events representing the pangs of exploitation by the ruling class and the struggle against autocracy.

Joshmani Faith and People's Revolt against Rana Regime

Lakhan Thapa, who was a staunch follower of Gyan Dildas, a saint of Joshmani faith, prepared himself to face a critical situation at a time when Jung Bahadur was still in his hey day. Long before him, Saint Shashidhar had already initiated measures in social reforms. Born at Prasutpuri village of Trishuli in 1847/48, Sashidhar went on pilgrimage to Jagannathpuri at the age of 12 along with old pilgrims. He devoted one year to the study of scriptures there. After his return to his native land, he visited to different villages as a social worker and resolved to wipe out caste system and other evil practices in the Hindu religion. He spent five years at the bank of Vishnumati river and Shivapuri in Kathmandu. Then he moved towards Resunga of Gulmi, which became the centre of propagating his faith. He succeeded in initiating Dhokalsingh Basnet and other high officials into his faith and also in receiving royal support; that's why he could not be victimized by orthodox Hindu pundits.

Lakhan Thapa, a follower of saint Dildas, began to oppose Jung Bahadur under the shield of Mankamanamai. Born at Bungkot Kaune Bhangre of Gorkha, he was an ex-soldier. He probably took it seriously to heart how he suffered at the hands of partiality, unfairness and autocratic feudal system during his tenure. He might have faced several difficulties as a result of social diversity and complication existing at that time. He accepted even a critical situation of risking his life and announced that Mankamana has empowered him to oust Jung Bahadur. The details of this sensitive issue eventually reached Jung Bahadur's ears despite of the problems of road, transport and communication. Both Lakhan Thapa and Saint Gyandildas were taken into custody and arms were also seized. Aj Singh, Achhami Mahar and their seven followers were hanged along with Lakhan Thapa. Brahmins including Kanu Lamsal were exempted from capital punishment. Saint Gyandil was released from captivity after imprisonment for six months. Though Ranoddip Singh among others was initiated into the sect opposing caste system,

Gyandildas's 300 followers supporting social reforms could not escape from Ranas' surveillance. Later Gyandildas had no choice but to flee to Darjeeling in disguise. This unorganized gang formed to create public awareness for promoting religious reforms and social goodwill and opposing Rana regime had to collapse eventually.

Saint Gyandildas was a talented socialist poet. In 1934 he composed Udayalahari consisting of 109 verses. It is an attack on bribery. For instance, let us consider the following lines:

"You may take it as swearing, but it is not.
How could sin affect truthful Brahma?"
"Where the rich dominate the world
How can a bribe-taker legal clerk do justice?"

Baudh King and Gurung Revolt

No sooner had Lakhan Thapa's revolt been suppressed than another rebellion by Gurungs in Lamjung broke out against the Rana regime. Shukdev Gurung, who proclaimed himself as the government and Baudh king and opposed the Ranaism, was immediately taken into custody. He was sentenced to imprisonment charged with an offence against the state and died in the prison March/April 1876 because of inhuman torture. In the same connection, Supati Gurung of Gorkha also proclaimed himself the Baudh king. By the order of Ranoddip Singh, he was also sought for arrest but in vain. Thus the Gurung revolt erupted twice calmed down. These movements started spontaneously as a reaction against depriving the tribals from their tribal rights. Therefore, they could not stand against the organized state power. Like the world history, Nepalese history also has a lot of examples for suppressing such unorganized rebellions and uprisings.

Sequence of Courtiers' conflict and Conspiracies

The ruling class did not allow people's access to national and international situation and restricted state affairs only to a few selected families. Nevertheless, there had been continual killings and attacks among the

different factions of this class. In this context, under Prince Trailokya's initiative and leadership, Jung Bahadur's descendants together with the descendants and relatives of the courtiers killed in the Kote Massacre conspired against Ranoddip Singh, but this plot could not proceed further owing to Trailokya's untimely demise. Later under Prince Narendra Bikram Shah's direction the same group was reactivated, though it was brutally suppressed when the plot was exposed to Dhir Shamsher. This event is historically called the massacre of the year 38. As a result of courtiers' conflict and conspiracies, there ensued a series of events for seven years like Ranoddip Singh's murder, Dev Shamsher's dismissal and expulsion into exile, Juddh Shamsher and Padma Shamsher's absconding, and the splitting up of Rana clan into A, B and C classes. The conflict among these rulers was not like political movement launched to achieve democracy and peoples rights. Nonetheless, the history of democratic movement in Nepal can not overlook its significant role in exposing Rana regime to public eye and overthrowing it eventually.

1853/54 Civil Code and Some Vital Judicial Reforms

This code contributed substantially to integrate the scattered legal provisions like issues, orders, customs, precedence and discretionary power and thus helped to organise judicial administration and establish uniformity in it. For instance, according to a law, a criminal would be put into a bag and drawn into water, but in case he died, the prosecutor would be drawn in the same way. Such a legal provision has obviously sought to check inhuman behaviour like this. Likewise, to break any organ of body under the provision of physical punishment made in the clause of religious right has been restricted. Besides, Brahmans, Rajputs, Jaisis, Chhetris, Sacred thread-wearing castes, Namasingya Matwalis, Masinya Matwalis, European castes and Muslims were required sprinkling of water for purification and the remaining castes were free to practise their religious faiths except slaughtering cows, but infringement of other's religious right was subject to penalty. These instances indicate

that liberal and tolerant policy was adopted towards religion during that period. Legal restrictions were imposed on infringing personal activities other than those of public importance. The civil Code had also provided legal facility to have freedom in practising vocation of only time for livelihood.

What is even more striking is the provision that Upadhyayas, Jaisis, Rajputs, the Newars and men and women from the three cities (Kantipur, Lalitpur and Bhadgaon) were prohibited from tilling using oxen, buffalos and horses and that the person who makes any other person an outcaste would be penalized. These legal provisions sought to alter the social value that the so-called higher castes should not plough. In addition, other important provisions were made to allow people of all castes to sharpen weapons, sew shoes and clothes, dig mines, purify gold and lit funeral pyre. To abolish these professional works in a conservative, caste community was certainly a great achievement. To check the Sati Pratha, a deeply-rooted and widely practised social custom. Since the civil code made the provision that girls under sixteen years of age could not sacrifice themselves as Sati, and if the youngest son and the youngest daughter had not reached the age of 16 and 5 respectively, the Umaraus could not sacrifice themselves when the queens died and the male servants, slaves and female servants could not do the same when the wives of courtiers etc died.

Similarly, provisions were made to stop a woman from going Sati if her husband died during her pregnancy and to go Sati after child birth. They also applied to pregnant women even if they had been pregnant for a month and the women who wanted to go Sati with their sons. Even the women above 16 were to be convinced for not going Sati. Those women who would escaped to burn themselves with their dead husbands were to be dissuaded from doing so by using strict legal provisions enacted to check the Sati Pratha. Later, Bir Shamsheer made it necessary to obtain the approval of the prime minister or his legal officer in his absence to discourage the Sati Pratha. However, it was not feasible to seek

the prime minister's approval nor could the Sati Pratha be banned in a country like Nepal with extremely difficult terrain from the viewpoint of road, transport, communication and contact. Bir Shamsheer's proclamation could not thus be implemented beyond the Kathmandu valley. The Sati Pratha, which remained a slur on Nepalese community, was prohibited through a decree issued by Prime Minister Chandra Shamsheer on July 8, 1920. Forced Sati was legally treated as murder. This legal provision was implemented strictly. As a result, the Sati pratha disappeared from Nepalese community for ever.

During this period human beings were treated as livestock. For instance, if someone could not pay off the loan borrowed from a moneylender he had to work for him as a bonded labourer for a certain period. The descendants of slaves or Kamara-Kanari had to spend their lives as slaves on hereditary basis. Above all, these slaves could also be sold to others at their employers' discretion. There was also a law to force someone to serve as a slave if he had sexual intercourse with a girl of a higher caste. Even those who could not pay off public tax, land revenue, etc. were forced to be slaves. Likewise, prior to Jung Bahadur's regime, an individual accused of public offence was made a slave.

The civil code of 1853/54 had no legal provisions to check the slavery system. It only made provisions to determine the price of a Kanara/Kamari in terms of his/her age. It also prohibited the selling of a child below 11. Legal restriction was imposed on the exchange of Kariyas with livestock. Some reforms were suggested in the slavery system during Dev Shamsheer's regime, though they could not be incorporated and implemented. The population census of 1920/21 also collected information about the Kariyas. The same year a law was enacted to relieve a Kanara/Kamari from slavery if he/she had completed three years of tenure and could pay back the price. Someone who had worked for ten years was relieved of his slavery without paying the price. In this connection, there was made a legal provision according to which no one would be treated as a slave and forced to serve as a slave in the

kingdom of Nepal with effect from April 23, 1925. 59,873 slaves were benefitted from this provision. Thus, a callous era of slavery came to an end legally.

The Civil Code of 1953/54 and the subsequent legal provisions enacted during the Rana regime, no doubt, sought to bring about legal reforms and restrictions against the slavery system and the Sati Pratha. However, they could not enforce basic social reforms, let alone alter the social structure based on Hindu ideology. In addition, some legal provisions still continued. For instance, someone was deprived of property, forced to eat the flesh of a boar and demoted to the rank of Shudra caste. Similarly, a Shudra was forced to eat the flesh of a dog and demoted to the rank of Bhotia caste. Very little attention was paid to break down inhuman practices existing in the community. Penal codes like shaving hair, pinching, demoting caste, forcing someone to take uneatables, performing penance, and expulsion from a village or town continued till 1963/64. Jung Bahadur made himself a high Chhetry through royal stamp and promoted Khasas to Kshetris and offered the title 'Ikkam' to thread - wearing Khasas. For one's luxury and comfort, girls, friends' wives, and concubines were kept and girls' families were promoted to higher caste. If they did not serve their interest, their caste was debased and their social prestige devalued. However, no laws were enacted to restrict these practices. Hindu sectarian practices like untouchability was given even greater legal recognition after 1853/54. There was no change in the situation of the ruling class's power to debase and promote castes. Jung Bahadur's law not to demote the descendents of Brahmins, Kshetris and Rajputs to Kamars and Kumaris further strengthened the prevailing caste system. It is clear that the orthodox Hindu community during the Rana regime provided legal basis for caste hierarchy and discrimination and thus helped to sustain single caste tradition.

Movement against those who held Vani Captive

Modern education in Nepal has not a long history. The curriculum of the western

education has been introduced for even less than five decades. Durbar School was set up about a century and a half ago and Tri-Chandra college came into existence 75 years ago. However, benefits of education remained restricted only to courtiers, the affluent and upper class people. For long loyalty and orthodox practices had been taught through conservative and unscientific system of education. Education was confined to courtiers and flatterers' families alone. Attempts were made to set up a few language schools during Dev Shamsher's regime, but they were foiled owing to family conflict. Tri-Chandra College was established in 1918/19. Following the inauguration of Trichandra college Chandra Shamsher, who compared people to sheep during Jung Bahadur's regime to Bir Shamsher's regime and to lions during his own regime, regretted that he had hit the axe against his own leg. This hearsay is widely used even today. Rana Rulers apprehended that the Nepalese receiving education in India would return to Nepal carrying the flame of democracy in their interaction with Indians fighting for the independence of their nation. That's why Tri-Chandra college was opened with limited purposes. Students at this college were not allowed to study civics till 1950/51 and had to study British India history and economics in lieu of Nepalese economy, history and culture. To make teaching and training less accessible to people, education administration was placed under the control of Rana officers. Dual policy was adopted to watch and control the activities of the existing educational institutions.

Gandhi played a leading role in the independence movement against British colonial rule in India. Inspired by his ideals, Mahavir School was opened in Nepal in 1936/37. The earnest desire of enthusiastic young educationist to open this school as a model institution for cultivating knowledge could not proceed further, let alone be fulfilled. Twenty-eight teachers of Mahavir school (established in 1937/38) including Purna Bahadur, Tanka Vitas, Wakpati Raj, Indra Prasad Pradhan, Siddhi Charan Shrestha, Surya Bahadur Bhardwaj and others were arrested on October 18, 1940. Chiniyaman

died in prison. Purnanarayan and Chandraman were sentenced to 12 years' strict imprisonment. The rest of the persons were charged of penalty worth Rs.10 paisa 4 and prohibited from indulging in such activities in future. Vir Library was kept inaccessible to general public. It was the first attempt to open Trichandra Library in Siraha in 1915/16 with a view to exchanging knowledge and information among individuals by reading the collected books. This library had, however, to be closed down in no later than a year's time. The centre for reading books opened in Palpa in 1926/27 was involved in intellectual activities had also ceased to function by the order of Chandra Shamsher immediately after celebrating its first anniversary. However, Pashupati Pratap Library (1936/37) at Taulihawa and Dhawal Library opened under Prayaglal Shrestha's leadership at Tansen towards 1944-45 remained unnoticed by Rana administration. In 1946/47 Adarsh Vidyamandir Library was established under Munshi Daya Shankar's leadership and with Hrishikeshar Koirala's cooperation. Prem Bahadur Kansakar took the risk of opening Pradipta Library in Kathmandu on December 28, 1946 without the approval of the government. Similarly, Sarvjanik Shiksha Niketan Library was started at Dhankuta in 1947/48. Under Naradmani Thulung's initiatives Shri Ram Library was set up at Bhojpur in 1948/49. The same year Tribhuvan Mohan Library was opened in Dang.

The opening of libraries by youths in various towns gave rise to terror for Rana regime. Before the application signed by a conscious group of 45/46 persons to open a library reached Bhim Shamsher secretly, he became extremely infuriated. These persons (namely Jogbir Singh, Harikrishna Shrestha, Baidunath Prasad Shrestha Lakaul, Laxmi Prasad Devkota, Krishna Prasad Khatiwada, Dharma Raj Thapaliya, Laxmi Ranjan Joshi, Shandar Dev Pant, Krishna Prasad Koirala, Chitradhar Tuladhar, Mahendra Bikram Shah, Chandra Bahadur, Harsha Das Tuladhar, Tulasi Mehar Shrestha, Dharma Bir Singh, Siddhiratna Kansakar, Tilakmani, Lilaraj Tuladhar, Padma Bahadur Shah, Narayan Malla, Ramchandra Adhikari, Khadga Bahadur Nyaupane, Krishna

Dev Bhattarai, Siddhi Charan Shrestha, Prem Bahadur Kansakar, Lila Raj Joshi, Madan Bahadur, Bhairab Prasad Joshi, Thakurnath, Rajaram Sharma, Kedar Nath Sharma, Jhanka Nath Upadhyaya, Keshav Bahadur Chhetry, Narayan Bhakta and Basudev Sharma, etc.) were placed under custody and sued in the court. The Rana regime plotted to give this issue a label of public offence but in vain. Eventually all of them were set free on payment of Rs 100 each as penalty and also with warning.

The movement for freedom of expression and protesting against the conspiracy and evil design to turn the intellectual community into a band of flattering people through imposing ban on intellectual and library publications went on further. The book on agriculture education written by Krishna Lal Adhikari Subba of Kaudel, sought to be distributed through the army created Makai Pavra ('Maize Episode'). In the context of letter movement for expression of idea, the writer Krishnalal Adhikari and his work have their own significant place in Nepalese history. The symbolic expressions like "comparison of Nepalese and British dogs and the description of red-headed and black-headed insects" allegedly referred to Rana regime. Therefore, this issue was treated as an offence against the state. Adhikari's work was interpreted as a severe criticism against domestic and foreign affairs. This book was published with the permission of Gorkha Bhasha Prakashini Samiti, but it was sentenced to rigorous imprisonment. According to the court's verdict, his sentence of imprisonment was extended to nine years. In this issue several persons lost their jobs; seven persons were sentenced to imprisonment varying from seven to fifteen days; and some persons were released on payment of penalty worth Rs. 50. Krishna Lal Adhikari, a 36 year old young man, succumbed to death after four years of imprisonment.

Shambhu Prasad Dhungel's *Chandrodaya* and *Chand Badani* were other works which criticized Shamshers. *Chandrodaya*, a poem, exposed the inhuman activities of the Rana dynasty indirectly. It made Ranas even more

alert and concerned. "The Parrot in Cage", a poem composed in 1917/18, has been controversial about its writer. Pandit Lekhanath Poudyal hardly experienced any injustice at Ranas' hands. He had always enjoyed their confidence and was in their job. Hence, it is reliable and logical to argue that he would not have composed an anti-Rana poem when chandra Shamsheer has been in the heyday of his power. However, this poem elevated Lekhnath to a high status after 1950/51. Yudha Prasad's poem "The Bird in a cage" has been interpreted as a record of the situation faced by the nation and people during Rana regime and also as a clarion call for freedom. Laxmi Nandan Chalise, a student from Tri-Chandra College, was imprisoned for writing a critical comment on Rana regime in his examination answer script. He suffered painful death in the prison.

Baburam Acharya wrote *Shiksha Darpan*. This book, in which Ranas were compared to Japanese Saguns, was banned. Of 1200 printed copies, 1000 were seized, while 200 copies survived as they had been taken away out of the Kathmandu valley.

Dharnidhar, Mahanand Sapkota and Surya Vikram Gyawali continued to write for creating awareness. Laxmi Prasad Devkota went to Varanasi to participate in the political movement. Gopal Prasad Rimal made an appeal for movement through his poems. Siddhi Charan Shrestha and Kedar Man Vyathit pursued their efforts in spite of oppression.

"The Gorkhapatra" launched its publication as a Nepali weekly newspaper on May 16, 1901. It printed national and international news, Prime Minister's speech and other current issues. It was futile to think that the Gorkhapatra, published as a government gazette, should function as an impartial new media. "Gorkha Bharat Jiwan" was the first literary magazine published from India at Moti Ram Bhatta's initiatives. Other magazines "Sudha Sagar" and "Upanyas Tarangini" started their publication from Nepal in 1898/99 and 1900/01, respectively. In 1926/27 "Gorkha Sansar" began to be published from India with

Thakur Chandan Singh as its editor. It mainly aimed at achieving political rights and launching ideological campaign against autocracy. At Singh's initiatives again, "Tarun Gorkha" was published in 1928/29. However, these two magazines could not stand against Chandra Shamsheer's conspiracy. "Sharda" (published from 1935/36) and later magazines like "Udyog" and "Sahitya Short" contributed, more or less, to create awareness and help democratic movement. "Yugvani" magazine came out from Varanasi in January/February 1948 with Laxmi Prasad Devkota, Narayan Prasad Upadhyaya, Bal Chandra Sharma and Krishna Prasad Bhattarai as its joint editors. This magazine proved to be the first of its kind to create political awareness for uprooting Rana regime. "Nepal Pukar", published on November 6, 1948 with Bilal Moktan as its editor, emerged a step further towards preparing Nepalese people for fighting for democratic rights. Its entry into Nepal was, however, banned by Mohan Shamsheer.

Harihar Acharya, a contributor to Dev Shamsheer's educational policy, was forced to remain in exile. Similarly, Jaya Prithivi Bahadur Singh, a humanist interested in education, was also expelled from Nepal. In the meantime, Gorkha Bhasa Prakashini Samiti was formed to censor publications with the increased activities of directly or indirectly for the achievement of democracy and peoples' rights the intellectual community. For some time Bal Krishna Shamsheer also served to supervise the committee. Despite extreme oppression, politicians and intellectuals pursued their activities

Movement for Equality and Reform in Religious Hypocracies

Nepal was unilaterally given the constitutional sanction of a Hindu state. Its purpose was to foster a single religion and a single religious community. However, Nepal never remained a Hindu state in real practice. As a matter of fact, it has been inhabited by Hindus, Buddhists, Muslims, Sikhs, Jains, Wonpos and Jhankris. This fact has also not been denied as the state land. Constitutionally, Nepal has now developed into a nation of people having faith

in the Hindu religion. Jayashriti Malla forcibly hinduised the structure and religion of Nepalese community which existed with people's own faiths. During the Rana regime, Buddhists were expelled from the nation. No sooner had Prithivi Narayan Shah gained victory over the Kathmandu valley than he expelled Christian clergymen from Nepal. It was argued that Christians were expelled for consolidating nationality; in reality, however, it was an act of religious prejudice.

In Nepal Shaiv and Vaishnav prevail as sects within the Hindu religion. Besides, there exists the influences of Santoshi Mata, Bal Yogeshwar, Atmagyan Prachar Sangh, Vindhya Basini Adhyatmik Sangh, Mahesh Yogi, Bhagwan Rajnish, Sai Baba and several other religious teachers, organizations and sects. Buddhism includes Hinayana, Theravadi, Mahayan and Tantric sects. Tantrayana and Bajrayana also prevail in Nepal. There exist Lama religious sect in Gelukpa, Karmaya and Neng in the northern region of the country. Muslim religion includes Siya and Sunni sects. Among the Christians there are Catholics and Protestants.

(a) Arya Samaj

In this country Madhav Raj Joshi formed Arya Samaj in 1896/97 and launched religious movement. Arya Samaj focussed their reforms within the norms of the Hindu religion. However, this sect challenged the monopoly of Karmkandi court priests, royal religious teachers, and scholarly Brahmins. It was, therefore, natural to be severely criticised. Arya Samaj left its gate open to admit all human beings into the Hindu religion irrespective of birth, religion, and nationality. This approach gave a blow to narrow-minded, conservative system. Karmkandi, religious exploitation and hypocrisy. In India Swami Dayanand Saraswati of Arya Samaj converted even Muslims into Hindus. In Nepal Madhav Raj Joshi taught Shudras the recitation of the Vedas, though a complaint was lodged against this act before Ranas. A branch of Arya Samaj was opened in Pokhara as well. Its increasing popularity and reputation affected conservative Karmkandis and priests severely. After Chandra Shamsher was briefed about it, he

apprehended its negative impact on his regime; so it was decided to hold a debate on this issue. In this debate Madhav Raj Joshi advanced scholarly arguments against funeral rites, charity (dan), Karmkand and other types of religious exploitation imposed by priests in Nepalese society. The justification of Idol worship was refuted on logical grounds, which was taken seriously by the group of priests and pundits. Madhav Raj Joshi argued in favour of teaching Shudras the recitation of the Vedas. He was also supported by Guru Dayal Singh, a teacher at Durbar School. The result of this debate, however, turned out to be ironical. It was not a debate of logical and scholarly reasoning but of force, ignorance and irrational thinking. Before Prime Minister Chandra Shamsher himself, he was beaten by Pundits mercilessly and sent to prison. Sundarlal and Lal Bahadur of Keltol, along with several others involved in this so-called crime, were sentenced to imprisonment. Punjabi teacher Guru Dayal Singh was expelled from Nepal. Many others associated with Arya Samaj were penalised to visit Pashupati temple daily and return with tika on their foreheads. In this connection Madhav Raj's sons Amar Raj and Shukra Raj were expelled from Durbar school.

Sthavir Buddhism: an Ostentation

Even though Arya Samaj's reforms were suppressed, the followers of Sthavir sect of Buddhism kept on their activities. This sect spread out gradually with the undertaking of Kanchha Lama, a Tibetan Guru, who visited Kathmandu to pay homage to Swambhu and initiated Dharmaman Saha (from Tyod) into Sthavir Buddhism. He began to preach this sect under the open sky of Swambhu with increasing people's participation. Kanchha Lama preached regularly at Lagan, Putan, Nag Bahal, Bhaktapur and Kirtipur and initiation into Prabajit Bhikshu went on increasing. When five individuals, namely Prajwit Buddhist Bhikshu, Mahapragyan, Mahanand, Mahagyan, Mahavirya and Mahasanti - started begging alms in Kathmandu city, it created a great sensation. These Bhikshus begging at Hymat Tole were placed under custody by police. All of them were forced into exile in July/August 1925.

These oppressive measures during the Rana regime could not, however, deter the disciples of Buddhist Sthavir sect from carrying on their religious activities. Sharmen Karmasheel managed to visit Nepal in disguise in the company of Mahapragya Hindu saint. Shramen Karmasheel has been credited with reestablishing Sthavir Buddhism. It was his preaching that initiated opposition against Karmkand in Nepal. In this connection, Yogvir Kansakar, Siddhiratna Kansakar, Manikman Tuladhar, Dharmaman Tuladhar, Karan Ratna Tuladhar, Yagya Rana Tuladhar, Khadg Raj Tuladhar, Manju Harsha Bajracharya, Mandas Tuladhar, Harsha Das Tuladhar, Chitradhar Tuladhar, and Laxmi Nani Tuladhar were arrested on charges of opposing caste system, non-vegetarian food and alcoholic drinks, criticizing Karmkand, not bowing head to Brahmins, etc. These charge served as additional evidence to sue these persons in court against bringing out a pamphlet printed in Newari language for begging a handful of alms to observe Astami Brata. Bhikshu Pragyanand (Kulaman Singh Tuladhar) and Bhikshu Dhamma Lok (Dashratha Sahu) were sent into exile as a result of their being sued at Prime Minister Bhim Shamsheer's court against their so-called 'hypocritical sect' for not bowing head to Brahmins' feet. The Rana administration found that priests' interests were adversely affected. It was taken as a threat to law and order situation in the country. These pretexts, however, succeeded in leaving an impact on caste-based Nepalese community.

Ekadashi Sabha

No measures were introduced for the regularity and service security of the employees in the country's civil administration except limited number of courtiers. These employees were treated no better than Ranas' personal servants. Their job was scrutinized annually. Flatterers were retained and sincere employees were terminated from their jobs. Jung Bahadur enacted a law to receive Birta land on request to the government provided a new territory was annexed after victory. He enforced a new policy to discriminate Lamjung and Kaski from the rest of Nepal.

There emerged a culture according to which Ranas' administrative machinery and employees thereof were accountable not to the nation but to individuals. During this period, attempts were made to strengthen administration, however, the prevailing situation was found to be detrimental to boosting up employees' morale and performing their duties fearlessly. Charges were commonly fabricated against the employees to harass them, expel them from the nation, sack them and the like. The employees were thus not free from terror and mental torture.

To find out ways for emancipating employees from Ranas' inhuman treatment, Ekadashi Sabha was opened. Its organizers were Krishna Lal Adhikari and Hirshi Bhakta Upadhyaya. This organization was naturally dissolved after Krishna Lal Adhikari was placed under custody on charge of Makai Parb. Hirshi Bhakta also lost his job.

Publicity of Charkha

The movement against British empire was gaining momentum in India with Mahatma Gandhi as its leader. Nepal, its next door neighbour, could not remain untouched from this movement. To arouse the sentiment of patriotism and self-dependence Mahatma Gandhi stressed the need for replacing the use of foreign cloth by domestic one. To achieve this goal he launched Charkha Movement in India, to arouse people's national awareness. Tulsi Mehar also introduced a campaign for encouraging the use of Charkha and Khadi (Handloom) cloth towards 1923/24. This campaign could not however, proceed further as it was alleged to be an act of public offence by Ranas. Tulsi Mehar was accused of being a follower of Arya Samaj and sentenced to imprisonment. Charkha-related activities were completely banned. Bhim Shamsheer accused Tulsi Mehar of committing public offence. Despite of resisting steps to arouse people's awareness, movements went on unceasingly.

Prachand Gorkha

To replace the Rana regime by a legal or constitution-based polity, Prachand Gorkha

was formed with captain Khandman Singh as its leader. Other individuals ousted by the Rana regime, namely Maina Bahadur, Khadag Man Singh Basnet, Uinesh Bikram Shah, Rang Nath Sharma and Laxman Raja, were the members of this organization. They were impatient to bring abrupt change through violence. Of them some had suffered at Ranas' lands and others had been inspired by the independence movement in India. Khadg Man Singh had contact and acquaintance also with Indian rebels Bipin Bihari and Kapildev.

Within a short time Prachand Gorkha managed to get hold of dynamite with Kapildev's collaboration. It hatched up a secret plan to kill all Rana officials when they called on the prime minister at Tihar festival. Those involved in this plot were arrested. When they were interrogated they gave a straight reply. "The Rana regime would come to an end like Czarism in Russia." This reply obviously suggests that they were more or less influenced by Russian Bolshevik Revolution. Though it was a violent movement, it aimed at replacing the existing regime by constitutional political system in the country. However, this bid of the patriotic democratic-minded youths was foiled. All the members of Prachand Gorkha were under arrest. They were kept starving for four days. Upendra Bikram Shah was dispatched away to Palpa in a bamboo cage. The assets belonging to Khandman, Khadagman, Maina Bahadur and Rang Nath Sharma were seized and all these convicts were sentenced to life imprisonment. They were given rotten maize to eat, but they refused to accept it and demanded for rice instead. Prachand Gorkha was the first in jail to raise protest against the government. Khandman Singh and Maina Bahadur passed away during their imprisonment. Later Ranga Nath Sharma was set free. Khadag Man Singh was released only after the democratic movement in 1950/51.

Nepal Civil Rights Committee (Nepal Nagrik Adhikar Samiti)

Nepal Civil Rights Committee was formed at Rajulal Balwar's house in Asan, Kathmandu in 1893/94. Led by Shukra Raj Shasui, Madhav

Raj Joshi's son, this committee comprised twenty-one members including Kedarman Vyathi, Muralidhar Sharma (secretary), Prasad Sharma (Publicity Secretary), Ganga Lal Shrestha and Anand Ram Adi. The newspapers like Amrit Bazaar, Vishwanitra and Janta published the news that Shukra Raj Shastri had contact with and called on Shankar, Mahatma Gandhi and Subhas Chandra Bose. Following this he was sacked from his job at Nepali Bhasa Prakashini Samiti.

Later Shastri was placed under detention under custody. Several attempts to release him from detention failed. Now there remained no option but disobedience. In January/February 1899 he breached his detention by delivering a public speech at Indra Chowk. In this speech he analyzed the political, economic and social situation prevailing in the country, criticized the government and also made a plea for reform. In the same meeting Ganga Lal also appealed people to struggle for their rights. On charge of making this public speech at the first general meeting Shukra Raj Shastri was sentenced for three years imprisonment. Pundit Muralidhar Upadhyaya was also sentenced to imprisonment along with Ganga Lal on charge of preaching the Puranas at Asan, though he was set free after a short time. Ganga Lal Shrestha, who was not matured in age and had a relative to stand bail for him, was also released in a short while. Shukra Raj Shastri was, however, changed in 1940/41 along with the members of Nepal Praja Parishad.

Bloodshed Committee

To boost up the democratic movement in different ways, various classes and communities had been active directly or indirectly. In the meantime, the bloodshed Committee was formed 1936/37. Its aim was to uproot the Rana regime entirely and set up the republic type of polity. It brought out a pamphlet in 1997 with the slogan "Long live Republic of Nepal". From this slogan, it is clear that this organization, with its little publicity and fewer details available about it, appeared to be extremely revolutionary and entrusted with challenging task. It is a matter

of controversy and enquiry whether this organization comprising Royal Commander Chandra Man Sainju, Lieutenant Ram Das, Royal drivers Katak Bahadur Nakarmi and Marich Man Nakarmi as well as Mukhiya Ganesh Raj Shrestha Gorkhali were given armed training. It has been uncertain whether King Tribhuvan, prince and Juddha Samsher's son, Agni Samsher issued the slogan for republic or not and if yes, how it was done.

King Tribhuvan summoned the prime minister to Narayanhitty palace on the pretext that the queen was seriously sick. It was planned to make the prime minister senseless through the smell of some drug, prevail on him to call other Rana officials and murder them all. Instead of Juddha Samsher, however, his son Bahadur Samsher arrived there four hours later and entered Narayanhitty palace looking alert. Then he shook his head and returned without speaking any word. It suggests that Ranas might have had prior information about this plot. It was not impossible as Juddha Samsher's own son was involved in it. No action was taken against the conspirators. This plan thus proved abortive.

All India Gorkha League from the Foreign Soil

After the Gorkha soldiers returned from the front to their own society and country with those they had been to, their level of awareness also improved as a result of their interaction with various societies and individuals. Many a Gorkha soldier preferred to settle down in India and several others returned to their own country. During the same period, social pressure was used against Chandra Shamsher to abolish evils like Kariya Amlekh and Sati Pratha. Those who settled down in India were also active for the interest, promotion and rights of their own community and also for the abolition of their social evils. In this context, Kamis, singing Damais and Sarkis in Nepal were socially discriminated and tortured. Hence, Rana Damai from Darjeeling dispatched a protest letter in 1921/22 to Chandra Shamsher. In this letter, it was argued how Kamis, Damais and Sarkis had to live in a situation no better than a

territory without a king. In the same letter he was also requested to forsake truth, by the same time. All India Gorkha League was formed in Deharadun under the leadership and initiative of ex-armyman Thakur Chandra Singh. This league was initially intended as a non-political organization to serve the interests of the Gorkha soldiers settled in India. At its second annual conference, however, proposals were passed on political reforms and the country's modernization. This made those at the helm of the Rana affairs anxious. They apprehended its negative impact on their relation abroad. As a result, there ensued conspiracy and Thakur Chandan Singh was put into trap by Chandra Shamsher and his activities were foiled. Later Dambar Singh Gurung led the Gorkha League and renewed its activities. It was followed by the formation of Gorkha organization at Kharsang and Kalimpong. Dambar Singh Gurung was selected the president of this organization under the convenorship of Rup Narayan Singh at Kharsang on May 13, 1945.

Nepal Praja Parishad

During this period, Nepalese people used to go to India frequently for commercial transactions and jobs. Besides, Gorkha army had already fought in the two world wars. These interactions and experiences created awareness in them. Hence, the anti-Rana sentiment started burning in their heart. Apart from it, there already existed internal conflict among the Ranas as they used to humiliate their own kith and kin, split them into higher and lower classes and kept them off from the helm of state affairs. In this situation of suffocation and frustration, Tanka Prasad Acharya, Dasharath Chand Thakuri, Dharma Bhakta Mathema, Ram Hari Sharma and Jub Raj Sharma resolved to form political organization for emancipation from the brutal bondage of the Rana regime. It happened in 1935/36. These five persons assembled at Dharma Bhakta's relative's house at Jhoncehe Ombahad on June 4, 1936 and formed a political organization called "Nepal Prajaparisad". With blood from the thumbs of their right hands, they signed the resolution to uproot the Rana regime, restore the king's prerogatives, and establish

democracy and people's rights in the country. To protect this organization from the oppression of the Rana administration and carry out its programmes, secret symbolic names were used, e.g. 'Mukhiya' for the king, 'Jamadar' for the prime minister, 'Prakash' for Tanka Prasad Acharya, 'Sewasingh' and later 'Sushil' for Dashrath Chand, 'Basant' for Jibraj Sharma, 'Hareram' for Rama Hari Sharma and 'Ajak Bahadur' and later 'Arjun Singh' for Dharma Bhakta. Its objectives were the end of the Rana regime, the establishment of constitutional monarchy and the enforcement of fundamental rights. Tanka Prasad Acharya was influenced by the French Revolution, Dashrath Chand by Bolshevik Revolution and Ram Hari Sharma, Jib Raj Sharma and Dharma Bhakta Mathema by British political system. That's why this organization adopted both violent and non-violent strategies to achieve its goals. Later, owing to king Tribhuvan's participation in it, those who were inspired by the French Revolution and Bolshevik Revolution were naturally reduced into minority.

In the beginning the programmes of Praja Parishad were propagated through hand-written pamphlets. Royal Commander Chandra Man Sainju served as a link between Tribhuvan and Praja Parishad. Tribhuvan's involvement went on increasing secretly. In 1938/39 Govind Prasad Upadhyaya joined this organization as a member. For international publicity of Praja Parishad Dashrath Chand establish rapport with Ram Briksha Benipuri, the editor of a socialist magazine was published from Patna. Dashrath Chand's articles on the oppression and atrocity meted out by the Rana regime started coming out under his pseudonym 'Sevak singh'. New members (namely, Mukund Prasad Rimal, Phanindra Raj Hamal, Dhruva Dawadi, Chuda Prasad Upadhyaya, Puskar Nath Upreti, Kesav Karki and Chitra Bahadur K.C.) were also added to Praja Parishad. Tanka Prasad Acharya himself went to India to collect ammunition required for the organization and also to establish rapport with foreign leaders. Praja Parishad concentrated on bringing high army officials into its contact, acquiring arms and ammunition and seeking army's cooperation

for the violent movement by creating rift and division within the army itself. Tanka Prasad Upadhyaya managed to bring to Kathmandu the cyclostyle machine bought by Mahendra Bikram Shah in Calcutta. This machine proved to be a great asset in producing pamphlets for arousing people's awareness of the movement in the offing. Combustible materials like dynamites were also made available for the sake of the movement.

On June 22, 1940 pamphlets were scattered in the main localities of Kathmandu by Ram Hari Sharma, Govind Prasad Upadhyaya and Bal Bahadur Paudel. Pushkar Nath Upreti and Keshav Karki and Mukund Prasad Rimal were entrusted with task for Patan and Bhaktapur, respectively. Ranas were taken aback to see these pamphlets all over Kathmandu. People were satisfied with the hope that the atrocious Rana regime would come to an end. Pamphlets were again distributed on October 15, 1940.

Anti-Rana politics was getting organized in an underground way on the one hand, while, on the other, the government came down on their oppressive activities with a heavy blow on July 26, 1940. The government issued a notice that the person who would help in arresting the members of Praja Parishad would be awarded a prize worth Rs. 5,000. At the same time, Ganga Lal Shrestha, Ganesh Man Singh, Hari Krishna Shrestha and Ramji Joshi joined Praja Parishad as members. Challenging the government's proclamation, it again distributed pamphlets six days later. These pamphlets created a fervour of people's awareness on a wide scale. It was but natural for the Ranas to get discouraged. Hence, they started arresting people arbitrarily. Teachers, newspaper readers, Khadi ('handloom cloth') wearers, persons in clean cloths, Bhajan ('religious song') singers and the like were all alleged to be rebels. Fateh Bahadur Singh, Chandra Man Maskey, Tulsi Mehar, Chitra Dhar, Tirtharaj Suwal and Ram Raj Poudel were arrested. None of them was the member of Praja Parishad. Later when Ramji Joshi, Tek Bahadur Malla and Dwarika Bhakta Mathema divulged the secret, the Rana administration succeeded in arresting all the members of Praja Parishad except its two members on

October 18, 1940. All the persons in custody were admitted in Singh Durbar, chained, handcuffed and nailed and inflicted with all sorts of torture. For their trial a special court was constituted with Shankar Shamsheer as its chairman and Ganga Bahadur Basnet, Sardar Man Bahadur, Major Bal Krishna Shamsheer, Dilli Jung Thapa, Shiva Pratap, Kumar Thapa, Mahendra Bahadur Mahat, Subba Upendra Purush Dhakal, Gambhir Jung Thapa and Gurujy Khagendra Raj Pandey as its members. Amidst inhuman torture, those convicted of usurping power were sentenced with capital punishment by Mahendra Bahadur Mahat in the investigation committee and the special court before the officials. Dashrath Chand (President, Nepal Civil Rights Committee) and Shukra Raj Shastri were deprived of their assets and sentenced with death penalty. Ganga Lal Shrestha was also sentenced with death penalty but with no confiscation of property. Besides, Dharma Bhakta Mathema was also confiscated of his property along with death penalty. Other convicts, namely Tanka Prasad Acharya, Royal Commander Chandra Man Sainju, Govind Prasad Upadhyaya, Pushkar Nath Upreti, Mukund Nath Rimal (not arrested), Chuda Prasad Upadhyaya, Bal Bahadur Pandey, Ganesh Man Singh and Hari Krishna Shrestha, were sentenced to life imprisonment along with the confiscation of their property. Jib Raj Upadhyaya was sentenced to 18 years' imprisonment along with the confiscation of property, Dhruva Dawadi to 12 years and Rajuji Joshi and Phanindra Raj Namal to 6 years' imprisonment. Being not adult, Chitra Bahadur K.C. and Keshav Raj Karki were ordered to cross away Char Bhanjyang and not to return to the Kathmandu valley for ten years. In course of executing the penalty, Tanka Prasad Acharya's and Ram Hari Sharma's hair was shaved around their heads and had to move along Tundikhel carrying young goats on their backs. Dharma Bhakta Mathema was hanged at Siphai on the night of January 27, 1941. Ganga Lal Shrestha and Dasharath Chand were shot dead with a gun at the meeting point of Bhachakhusi and Vishnumati. Of those convicted of imprisonment, Bal Bahadur Pande passed away in jail.

Nepal Prajatantra Sangh (Nepal Democratic Association)

It was thought that with the oppression of Nepal Praja Parishad anti-Rana activities would stop, but it was in vain. It would be a daydreaming to think of success by suppressing the battle for self-pride, justice and independence. It looked like a lull before a storm. In February/March 1942 Nepal Prajatantra Sangh was formed in an underground way under the active participation of Shambhu Ram Shrestha, Surya Bahadur Bhardwaj and Prem Bahadur Kansakar. It aimed at bringing ahead the objectives of Praja Parishad. It was later joined by Pushpa Lal, Ganga Lal Shrestha (later known as 'red communists'), Kamaksha Devi, Raja Ram Karmacharya, Bhairav Gopal Vaidya, Hans Raj, Krishna Raj, Gopal Das Shrestha, Jagat Pratap Jung Shah, Krishna Prasad Mali and Yagya Prasad. In the meantime, Ranas embezzled with the money the British had paid as remuneration to the soldiers returned from the war. In this situation of growing dissatisfaction, the activists of Nepal Prajatantra Sangh circulated pamphlets called upon the soldiers to be up with arms.

Prior to the Formation of Nepali Rashtriya (National) Congress

With the active role of youths like Bishweshwar Prasad Koirala, Krishna Prasad Bhattarai, Surya Prasad Upadhyaya, Dilli Raman Regini, Gopal Prasad Bhattarai and Sunder Raj Chalise a seminar was organized in Varanasi on October 31, 1946. This seminar evaluated the oppression meted out to the activists of Praja Parishad and concluded that it was not feasible to open any political organization within the territory of Nepal. Therefore, it formed 'All India Nepali National Congress' in exile to promote the cause of anti-Rana protest. It was decided to hold a conference on January 15, 1947 to formulate its objectives and detailed programmes.

Nepali Rashtriya Congress

According to the schedule fixed earlier, participants started coming to attend the

conference on January 14, 1947, Ganesh Man Singh also participated in this conference. According to him, the organization had to be named Praja Parishad and he extremely opposed the use of the epithet 'All India'. Eventually, it was decided to name it as "Nepali Rashtriya Congress". The conference also took unanimous decision to elect as its president Tanka Prasad Acharya, who was still in a Nepalese jail. Bishweswar Prasad Koirala was made its acting president. Nepali Rashtriya congress made a resolution to adopt as its policy to establish the political system responsible to people under the constitutional leadership of the king. Bishweshwar Prasad Koirala came to Kathmandu along with some party colleagues in 1948/49 so that the movement might not be slackened after the arrest of Praja Parishad activists. He was, however, arrested during the process of political organization. He was extremely upset with the inhuman treatment inflicted upon prisoners; so he started fasting till death from April/May 1949 and was released from the jail after observing fasting for 29 days.

While Bishweshwar Prasad Koirala had been in jail, Dilli Raman Regmi was selected as the acting president of the party. However, Koirala, who took himself as the president, was expelled from the party on disciplinary ground. Consequently, Nepali Rashtriya Congress split into 'Regmi Group' and 'B.P. Group'. This split was not caused by any ideological difference but by the competition of personal ambition and leadership. *B.P. Group was named 'Nepali Rashtriya Congress', while Regmi Group was called 'Nepal Prajatantra Congress'.*

Women's Movement

Mahila Samiti ('Women's Committee') was formed in 1937/38 with a view to establishing women's social status. Its president was Yog Maya Koirala. Established in Siraha, the vice-president and the secretary of this committee were Mohan Kumari Koirala and Divya Koirala, respectively, while Purna Kumari Adhikari and Dev Kumari Adhikari were its members. Rana Prime Minister's wife was approached to chair this committee. The cloths

worn by women were sent by parcel to show their miserable condition. They asked for improving their social condition but they were oppressed instead. The first movement launched by a group of conscious women went unheeded. Kanya (Girls') school was established by Chandra Kanta Malla in 1952/53. In 1946/47 Adarsh Mahila Sangh (Ideal Women Association) was opened with Revati Devi Bajracharya as its president. In 1947/48 Nepal Mahila Sangh was set up with Mangla Devi Singh as its president.

Nepal Praja Panchayat

On October 14, 1948 Nepal Praja Panchayat was formed Tripurbar Singh, Vijay Bahadur Malla, Gopal Das Shrestha and Gopal Prasad Rimal. By this time political consciousness had already come up very high. The intellectuals were extremely dissatisfied with the atrocities of the Rana regime. Therefore, no one was silent at the prevailing situation. Various political activities were carried out by the individuals having confidence in the untiring battle for achieving democracy. These activities endeavoured to expose the Rana rule in spite of brutal oppression. In this connection, Tripurbar Singh, Gopal Das Shrestha, and Vijay Bahadur Malla were placed under custody.

Formation of Nepali Congress

There prevailed political uncertainty as a result of the split in Nepali Rashtriya Congress. In this context the presidents of both the groups issued statements for unity on March 27, 1950. These statements did create an atmosphere for uniting the groups. As a result, both the parties were forged into 'Nepali Congress' with new nomenclature.

Nepali Congress realized that if decisions were not taken promptly in view of the fast changing political activities within the nation, it might have dire consequences. Hence, it organized Bairaganiya Conference on September 26, 1950 and made resolution to launch armed revolution against the Rana government. In the meanwhile king Tribhuvan left Narayanhiti palace on the pretext of

hunting on November 6, 1950 and took shelter at Indian Embassy. In the context of worsening relation between shahs and Ranas and also of fast changing political situation, the king's step was quite natural. However, such an unexpected step by the king placed not only prime minister Mohan Shamsheer but also the Rana regime at a decisive turn. Attempts were made to bring the king back, threaten him as well as discuss this issue with India at diplomatic level. The Rana regime, however, proved to be helpless. Things like Tribhuvan's dethronement and Prince Gyanendra's ascendancy to the throne happened. Nepalese people did not support those moves.

It was as rare opportunity for the political parties involved in the risky and difficult task of uprooting the Rana regime for ever and also for people waiting anxiously for such a decisive moment. Nepali Congress implemented its previous decision of launching armed revolution through its attack on Birgunj on November 12, 1950 led by Thir Bam Malla. On November 12 Himalayan Airways, which took off from Calcutta, dispersed pamphlets in several parts of the country including Birat Nagar and Dhankuta. These pamphlets made an appeal to people to extend their cooperation to Nepali Congress's battle Against the Rana regime. These pamphlets were also distributed in Kathmandu on (28 gate). Arrests were on increase. Nepalese jails were overcrowded with political prisoners. Ranas made a request to their former mentor Britain to support them, but it declined to do so. The visit of Frank Roberts and Sir Easter Denning from Britain to study the situation prevailing in Nepal was strongly protested. In this respect, Surendra Raj Sharma, Jiban Lal Sanyal, Basudev Dhungana and other students played a significant role. The British delegates took the procession of innumerable people and their slogans as a support to king Tribhuvan. Therefore, Britain did not consider it an appropriate step to support the Rana regime. As a result of abrupt armed attack on Birgunj, the Rana administration could not make any preparation without prior information and naturally fell into the grip of revolutionaries. Bada Hakim ('District Magistrate') Colonel Som Shamsheer

Rana was placed under custody at Raxaul. Tej Bahadur Amatya was appointed the army governor on behalf of the revolutionaries. This victory at Birgunj could not, however, remain stable. Thir Bam Malla was shot dead. The army dispatched from Kathmandu and led by Ekraj Shamsheer also managed to reach Birgunj. As a result, Birgunj was restored back into Ranas' fold.

Birat Nagar front was led by Bishweshwar Prasad Koirala and Subarna Shamsheer Rana. The attack made by this front with the active participation of G.B. Yakhumba, B.B. Rai and C.B. Moktan turned out to be much successful. Nepal Bank, customs office, Tax office, and police station were all under rebels' control. In the meantime, additional armed forces reached there from Dhankuta and the rebels had to recede. Later more soldiers were added to the revolutionary side under the command of G.B. Yakhumba and Purna Singh in order to continue fighting against the government forces. Bada Hakim was under seize and Birat Nagar fell into the fold of freedom fighters. Keshav Prasad Koirala was made its governor. 'Democracy Radio' had its first transmission on 41 band from Birat Nagar.

Though Narad Muni Thulung of Bhojpur was in no way associated with Nepali Congress High Command, he invaded Bhojpur by forming a group of freedom fighters consisting of ex-armymen. The Rana administration surrendered in Bhojpur, Chainpur, Taplejung and Tchrathum also.

Dhankuta: Dhankuta was also came into fold with the joint effort of Vidya Nath Pokharel, Machhendra Bahadur Shrestha and Ram Krishna Shrestha. Vidya Nath Pokharel was appointed its governor. In the meantime, there were lootings and communal tension in Dhankuta.

Bhairahawa Front: The armed attack by Bhairahawa Front was entrusted to Dr. K.I. Singh. His sudden attack on November 14 brought all the government offices in Bhairahawa under the seize of the freedom fighters.

Palpa Front: Rudra Shamsher, an expelled Rana official, was in Palpa. During the movement he extended his support to Nepali Congress. In Pokhara too, his son Dhan Raj Shamsher followed his father's suit. Palpa, a socially significant place, also came into the fold of freedom fighters without any bloodshed.

The Kathmandu Valley: The Samyak Dan, a festival celebrated every twelve years, also fell the same year. On this occasion, the king is placed on the throne along with the Bodhisatta and worshipped. Mohan Shamsher wanted to play a trick of making Gyanendra participate in the festival and thereby to collect people's support. However, this bid was foiled when at the initiatives of youths like Dayavir Singh Kansankar and Dravya Ratna Tuladhar the samyak Dan festival was deferred.

Democratic-minded youths like Himalayeshwanand Vaidya organized a procession in the valley. In the meantime 122 Ranas of B and C classes tendered their resignation from their respective posts. This move was led by Gen. Kiran Shamsher. All these persons organized a rally in protest of the Rana regime and in support of the revolution. When the rally approached Durbar High School from Tin Dhara Pathshala (School) police started to lathi-charge its participants and use tear-gas to disperse them. Nyuchhe Ratna Tuladhar died in this police action. Next day thousands of people participated in his funeral procession. This helped to provoke anti-Rana sentiment. When his funeral pyre was lit at the bank of Vishnumati river police again used lathi-charge and tear-gas. The police were also attacked and the police van was set on fire. The procession attacked on Keshar Shamsher and damaged his vehicle. Curfew was clamped all over the valley on that day. Bhogendra Man Singh attained martyrdom in police firing amidst the crowd of the procession on way to breaking the gate of the jail. Dan Man Shakya lost his life in Kalimati incident. As a result, entire Kathmandu was inflamed with revolution. Basu Pasa, Jivan Lal Satyal, Basu Dev Dhungana, Yog Nath Pyakurel and Damani Raj Tuladhar were arrested. The armed revolution

pushed the Rana regime to the verge of collapse. With Indian government as the mediator, it was agreed to end the revolution on the five-point proposal: (a) to accept king Tribhuvan as the head of the state; (b) To elect a constituent assembly; (c) to constitute a 14-member cabinet representing the Ranas and people's representatives equally; (d) to allow to open political parties; and (e) to proclaim general amnesty to political prisoners. This agreement is called 'Delhi Treaty' in the history of democracy in Nepal. To discuss the issues related to the political agreement made on January 8, 1951, Nepali Congress called its meeting at Gorakhpur on January 12, 1951. Dr K.I. Singh directly opposed the proposal proclaimed by Mohan Shamsher and suggested to continue the armed revolution. However, the majority of Nepali Congress members supported to stop the revolution. Therefore, Nepali Congress announced the end of the revolution on January 14, 1951.

Nepal Communist Party

Following the upheaval created all over the world by the Bolshevik Revolution led by Lenin, it was but natural for educated, conscious youths of Nepal to get interested in its details. This revolution succeeded in snatching political power through implementing Karl Marx's 'dialectical materialism' under the leadership of the proletariat. In Nepal too, there increased interest in this new political system. Jay Prithvi Bahadur Singh, who was forced to remain in exile for opposing his father-in-law Chandra Shamsher's atrocious rule, came into the contact of M.N. Roy, an Indian Marxist. Later he reached Europe to propagate his own and M.N. Roy's humanisation ideology and asked for visa from Soviet Embassy in India in order to meet Lenin. This meeting took place in about 1921. In his autobiography B.P. Koirala has referred to the discussion at his home about Russian Revolution, Lenin, Sanyatsen and Kamal Das. Political rulers and intellectuals of Nepal have been in proximity with Indian political events. In Nepal the Rana regime was drawing towards its climax. Passport was required not only for going abroad but also for entering and going out of

the Kathmandu valley. Besides, printed materials dealing with revolutionary ideas were not allowed in the country. Some people managed to enter India through the Terai to read these materials. It was, however, not feasible for the mountain people owing to lack of transport and topographical diversity. Those who lived in the Kathmandu valley were always under watch. Sarswati weekly, Amrit Bazaar Patrika and Vishwamitra daily published in India could be accessible only with the permission of the Rana administration. It was almost a form of censorship. Even in that situation Bolshevik Revolution was talked about at Dilli Bazaar in 1928. Youths like Laxmi Ranjan Joshi, Tanka Natb Regmi, Tilak Mani and Basant Mani used to read the Hindi translation of Lenin's writings secretly. By this time Ralph Fox's Communism and Gorky's Mother had become popular for revolutionaries. Since then the study of socialism has commenced in Nepal. Tanka Prasad Acharya was sentenced to imprisonment following Praja Parishad Parva (event). He had idea and information about the difference between capitalism and socialism and the need for a socialist party. It is clear from his correspondence. Shambhu Ram Shrestha and Pushpa Lal Shrestha had been influenced by Marxist ideology since 1941/42. In the meantime Prem Bahadur Kansakar, Surya Bahadur Bhardwaj, Pushpa Lal, Shambhu Ram and others formed 'Nepal Prajatantra Sangh'. This organization had its socialistic slogan : 'We own mountains, hills, rivers and land : we have share in everything; why should we be slaves ?' In 1948/49 Marxist Study Group ('Marxwadi Adhyayan Mandal') was formed with Pushpa Lal's initiatives. Since then Marxism had been studied, analyzed and discussed systematically. Immediately following the formation of this group, Nepal Communist Party was established by Pushpa Lal, Nirajan Govind Vaidya, Nar Bahadur Karmacharya, Narayan Dilash Joshi and Moti Devi. There also exists controversy about Moti Devi as a founding member of this party. Its central organization committee was constituted on April 22, 1949. The party's declaration was made on September 14, 1949. Its first conference was held on September 22, 1949. The declaration

of Nepal Communist Party focused on 'absolute citizen's freedom' as a separate point. The party participated in the 1950/51 movement openly. Under its leadership, widespread movements comprising peasants, labourers, students and urban middle-class people were launched.

Post - 1950/51 Movement

King Tribhuvan's proclamation on February 18, 1951 made the commitment that republican constitution drafted by people-elected constituent assembly. However, the hearsay that the king, fire and water cannot be relied upon came true. King Tribhuvan took no measure to implement his proclamation. It was not a normal situation for the functioning of the Rana-Congress coalition ministry constituted after Delhi Treaty. After getting over the revolt by Gorkha Parishad formed by Bharat Shamsheer and Randhir Subba, it was now essentially a problem to safeguard the political achievement of 1950.

First Firing after Democracy: on Young Students

As a reaction against Delhi Treaty and the formation of the coalition ministry, various political organizations continued with their activities after 1950. Nepal Praja Parishad, Nepal Communist Party, All Nepal Students' Federation, Social Reform Association and Progressive Study Circle formed the National Democratic Front and resolved to launch a joint movement. Tanka Prasad Acharya and Shailendra Kumar Upadhyaya were elected the Front's president and general secretary, respectively. On October 19, 1951 Nepal Students' Federation organized a rally in Kathmandu to improve the situation of uncertainty and insecurity rampant all over the kingdom. As a result of police firing on this rally Chiniya Kaji lost his life and Saiuddin was wounded. A group of students' representatives went to Indian Embassy to express their strong protest.

Firings at Biratnagar

Democratic-minded inhabitants and labourers at Biratnagar had a significant role in making

it easier for freedom fighter to achieve victory in the armed revolution. It was, therefore, natural for these labourers to raise their voice for their rights and facilities. Their demands were restricted only to increase their wages and other minor facilities. Keshav Koirala was the governor of Birat Nagar sector. The mill managers paid no heed to their employees' demands. Therefore, the labourers had no option but to protest it. For it the governor ordered police firings against the rally. In this action Man Mohan adhikari, Prachand Man Shrestha, Dehu Shrestha and Daman Raj Tuladhar were arrested.

Police Oppression at Bardiya Rajapur

On of the promises made by Nepali Congress during the armed revolution was 'to give tillers the holding of land'. When the party which focussed on this slogan came to power, it was not unnatural for farmers to seek their right to land. At Rajapur they launched a movement against landlords. This movement was suppressed by widespread police action. Many farmers lost their lives in the firings.

Raksha Dal's Revolt

On the night of January 31, 1952 Kathmandu abruptly turned terror-stricken. There was complete black-out. Later it transpired that Raksha Dal raised arms against Matrika Government. The Dal seized Sanathimi, Gatha Ghar, Swambhu Ammunition store, Muluki Khana at Gaddi Baithak of Hanuman Dhoka, Nepal Bank and other offices under its control. The prison gate was broken and prisoners fled away. Ram Prasad Rai, Tek Bahadur Malla and Agni Prasad Kharel were brought to Singh Durbar. By that time Dr. K.I. Singh had already seized Singh Durbar. He sent a five-point proposal to the king, but before it was accepted or refused, he had already made an escape to Tibet.

Low-Paid Employees' Strike

On Magh Shri Panchami, 1950 All Nepal Low-Paid Employees' Association was formed. It came ahead with its 14 point objectives. All these objectives were

concerned with professional betterment. On May 28, 1951 the association made an appeal to the-then Home Minister Bishweshwar Prasad Koirala to raise the minimum salary to Rs. 80.10. When the demands were not likely to be fulfilled, 17,000 government employees joined the struggle. They decided to continue it till their just demands remained unfulfilled. From January/February 1952 Security act was enforced by the government on account of emergency situation. This action cooled down the employees to some extent. The government remained indifferent to their demands. The employees' movement again started from April/May 1952. Eventually, their demands were fulfilled partially on June 7. This movement received support from various political organizations as well. The government could not dare to support the employees' voices. Their salary was, more or less, increased and they stopped their agitation on June 7.

Professors' Ultimatum

Despite of equal position and responsibility of the college teachers, there existed vast disparity between Indian and Nepalese teachers in terms of salary and allowances. Prior to the establishment of democracy, these teachers did not dare to raise their protest against their unequal and unjust treatment by the government. In 1951/52, however, they gave an ultimatum to the government to bring parity between Indian and Nepalese college teachers in their salary. The government fulfilled this just demand later.

Ban on the Communist Party

Matrika Government imposed a ban on Nepal Communist Party on January 24, 1952 on charge of extending its support to various peasants' movements in the country and K.I. Singh's revolt and also for being bitterly opposed to monarchy and Delhi Treaty. Even in the banned situation, it kept on highlighting peasants' problems under the banner of Kisan Sangathan (peasants' Organization). At the initiatives of the underground Nepal Communist Party, peasants' and students' movements were launched in Humla, Gorkha,

Palpa and other places. When Tanka Prasad Acharya was made the prime minister on April 16, 1956 the ban on Nepal Communist Party was waived off.

Satyagrah by Nepali Congress

With a six-point demand Nepali Congress started Satyagrah ('agitation') from January 10, 1955. This demand included: to establish law and order situation, to guarantee civil rights, to set up an impartial judiciary, to hold general election shortly, to minimize price rise and to protect freedom and national prestige. This satyagrah was also participated by the activists of Nepal Communist Party. After 2-day Satyagrah crown prince Mahendra assured the agitators of taking necessary measures to fulfil the demand.

Peasants' Movement led by Bhim Dutta Pant

The different parts of the nation were seriously famine-stricken. There was a great hue and cry all over the mountains and the Terai. On the eastern side, Nepali Congress exploited this situation by launching 'Refuse to pay land tax' movement. On the western side, Bhim Dutta Pant led poor peasants simultaneously. His movement created a great turmoil towards the remote western part. He seized Belauri and went ahead with the movement in the beginning. Later, however, Bhim Dutta Pant, who was under custody, was shot dead and beheaded by Nepalese soldiers and then his head was publicly demonstrated in Dadelbhura. In this event 50 persons including him were put to death and 250 persons were made captives.

Violating the Supreme Court's Right

Bishweshwar Prasad Koirala admitted a writ petition in the supreme court against the illegal detention by Matrika Government. The court decided B.P.'s detention as illegal and issued order to release him immediately. The government turned a deaf ear to the court's verdict. King Tribhuvan did not want the supreme court to function independently in judicial matters. Therefore, he got the Interim Constitution amended on November 22, 1953

to empower himself with the executive, legislative and judicial rights and make himself the supreme ruler. Thus the power restored to people went back to the royal palace once again. This amendment was the source of challenging democracy and human rights by the palace. During Tanka Prasad Acharya's tenure, however, the Supreme Court Act was passed to restore the court's rights obrogated in 1953/54.

Ban on Printed Media

Under the leadership of Dr. K.I. Singh, the leader of Joint Democratic Party, a ministry was constituted on July 26, 1957, but there were attempts to curtail its rights. 2 weeklies and 5 dailies were banned. A threat was issue to kill those who spoke against the king.

Prajatantrik Morcha's (Democratic Front's) Movement

In apprehension of losing the rights gained through 1950 movement, Nepali Congress organized a democratic meeting. Nepal Communist Party deferred the demand of this meeting. The Democratic Front gave an ultimatum to the king that the election date be fixed within two months; otherwise, the front would launch non-cooperation movement from December 7, 1957. Even though K.I. Singh's ministry was dissolved, the movement did not stop. King Mahendra called a meeting of 11 political parties on November 26, 1957. With the proclamation that the general election be held on February/March 1959, the movement was stopped.

Demand for Hindi as the National Language

There started a movement in the Terai with the demand that Hindi language be given the status of a national language. K.I. Singh's ministry passed a resolution regarding Nepal's language policy that Nepali language should be the medium of instruction.

After the first General Election

The proclamation that people be vested with sovereignty and right to frame their own

constitution turned out to be meaningless. People could not avail the right to frame their own constitution. The king made himself sovereign and proclaimed the constitution of the kingdom of Nepal on February 12, 1959.

After the result of the elections held on February 18, 1959 was announced, Nepali Congress won the majority of the seats in the Parliament and formed its government. The government had a lot of challenging tasks and difficulties before it.

The National Democratic Party comprising Dr. K.I. Singh, Tanka Prasad Acharya and Ranga Nath Sharma issued a statement for launching movement against the elected government. On December 4, 1959 there had been widespread demonstrations against Gandak Treaty signed by Nepal and India, Dalda case and the like. Police firings took place in 1959/60 and speeches and rallies were banned.

There were police firings in connection with the abolition of principalities in Bajhang. Bajhangi prince Ran Jung declined to accept the government's order. Om Jung looted government offices in Bajhang.

In Gorkha people attacked Bada Hakim's office. To control the situation the army's firings left seven persons dead and six persons injured.

There were firings in the struggle between peasants and landlords in Dang.

Amidst these casualties, the king dissolved the elected parliament on December 16, 1960 and suspended all the constitutional rights. Thus, the democracy achieved people's rights in the 1950 movement and again centred round the royal palace and ruler. □

Chapter 2

Political and Constitutional Development in 1993

Chapter 2(a)

Political Development & 1993

THE year 1993 began with the movement launched by the opposition parties against the Prime Minister. Prior to this the speaker of the House of Representatives Daman Nath Dhungana had sent the conflict on Tanakpur issue from Parliament to the court by exercising his privilege. Just around the beginning of the year serious conflict was visible between the Prime Minister and the speaker on the Tanakpur issue.

On December 15, 1992 the supreme court decided that the document signed with India when Prime Minister Girija Koirala was on tour to India, is a treaty. The decision of the court towards the end of the last year brought a bombshell in the national politics.

After the decision of the supreme court, the government wanted to get the Tanakpur Treaty ratified through simple majority in the parliament. The speaker had put forward his opinion on the 4th session in February/March 1993; then by its very nature the Treaty had to be ratified by two-third majority. The conflict between the government and the speaker increased afterwards. Later on the government tried to amend the Treaty Act from the National Assembly according to the stand taken by the government.

Before the decision of the supreme court on Tanakpur issue, the NC supreme leader had also demanded resignation of the Prime Minister. Amidst the tense situation brewing then, Prime Minister said in an interview published in an Indian paper about the possibility of mid-term poll. The environment

afterwards became more confusing. But the thought of mid-term poll was not acceptable to the NC central working committee too. On December 4, 1992 the chairman of the NC reconstituted the working committee. The supporters of Koirala had submitted memo claiming that the formation of the working committee was unconstitutional. The internal conflict of NC remained serious upto the General committee meeting held on February 3, 4, and 5, 1993. Demand for amendment of the constitution of the party was seriously raised.

The demand for resignation of Prime Minister Koirala increased after the decision of the supreme court on the Tanakpur issue. The Bhaktapur District council, in its meeting held from December 31, 1992 to January 2, 1993 by a difference of one vote decided that the Prime Minister should resign.

On January 5, 1993 a special five-member committee was formed under the convenorship of Ram Chandra Poudel, Minister for Agriculture to discuss Tanakpur issue. But it could not bring favorable effects. That committee had called an all-party meeting on January 11. The meeting was boycotted by main opposition Nepal Communist Party (UML), United People's Front and Nepal Workers' Peasants Party.

On January 11 in the review room of national planning commission, an all-party meeting was held with the representation of Basudev Risal and Rambabu Prasain from NC, Dr Prakash Chandra Lohani and Dr Mohamad Mohsin from RPP, Devendra Mishra from

Nepal Sadbhavana Party and Chandra Dev Joshi and Sunil Manandhar from Nepal Communist Party (United). The meeting presided by convener Ramchandra Poudel where all except ruling party demanded an apology from the government for its mistakes. They insisted that without fulfilling the demand the environment for national consensus can not be possible. Representatives of RPP and NSP put their view that PM Girija Prasad Koirala should express apology in the parliament. Nepal Communist Party (United) reiterated their earlier stand demanding the resignation of the Prime Minister. All participants agreed to reach national consensus on the issue. The participants from opposition parties said that the government had to seek opinion from the opposition before the formal agreement.

After boycotting the all-party meeting, a meeting of four left parties held in UML office, decided to launch the second phase of struggle demanding resignation of the Prime Minister. According to the decision, a joint mass meeting was held on January 19, 1993 in Dang, on 25th in Janakpur, and on 3rd February in Tanakpur. Similarly cartoon exhibition was held on January 28 in Bharatpur, 31st in Kathmandu and 4th February in Lalitpur. On February 4, a countrywide protest with black flag was held. On February 11, there was a program to Gherao (blockade) Singhadurbar in Kathmandu and District Administration offices in the districts.

After the publication of names of members of state council on January 1, 1993 the royal palace became centre of criticism. According to the intelligentsia, the appointment grossly ignored the peoples movement and defied the constitution. The list included the names of Ex Prime Minister of Panchayat regime Marich Man Singh and Yogi Nar Hari Nath which called for protest.

A three day seventh national convention of Nepal Communist Party (Marxist) was held in Kathmandu until January 21, 1993. Fifth national convention of Nepal Communist Party(UML) was held from Janary 27 to

February 2, 1993 in Kathmandu. The convention of the main opposition party got place in national politics. The UML convention 450 observers and 796 delegates participated from 75 districts. Delegates came from 17 countries including India, China, Pakistan, Bangladesh, Belgium and Korea. The general Convention re-elected Madan Bhandari as general secretary with overwhelming majority.

On 3rd, 4th and 5th February 1993, the general committee of Nepali congress held meeting in Chitwan. This meeting decided to present the Tanakpur Treaty to the parliament for ratification by simple majority.

On February 25, 1993, election was held for University Teachers Association. Three different groups, viz. congress, communists and those supported by ex-panchas contested the election. Congress supported candidates led by Kapil Shrestha won the election.

On February 25, 1993, election for free students union was held in 69 out of 73 campuses of the kingdom affiliated to the Tribhuvan University. The result of the election went in front of the NC-supported Nepal Student Union (NSU) in 34 campuses and the UML-supported All Nepal National Free Students' Union (ANNFSU) in 30 campuses. Till August/September 1993, from among the TU affiliated campuses, private campuses and Mahendra Sanskrit University campuses 76 from NNFSU and 49 from NSU were elected as presidents of the student unions. The same numbers from each groups were elected as secretaries.

During this period the relation between NC and UML was very tense. In a fighting between the government and the opposition a girl student was killed by police firing in Sindhuli on March 5, 1993.

Based on the evaluation on Baral's report, Laxman Prasad Ghimire, Minister of Water Resources, presented Tanakpur Treaty for ratification by simple majority in the House of Representatives. After the decision of the supreme court, the leftists launched agitation

in the streets demanding ratification of the treaty by a two-third majority in the joint session of the parliament which the government did not listen to. UML leaders who had gone to Delhi with the Tanakpur issue reported, after their comeback, that India is ready to review the Treaty. But the NC and its government did not listen to it. Afterwards on March 8, UML registered proposal of postponement against the proposal of ratification put forward by the government.

The NC general committee meeting in Bharatpur approved the government to go for simple majority in the parliament in the Tanakpur Treaty. But the NC supreme Ganes Man Singh had publicly disagreed with the decision. After presentation of proposal by government for ratification he wrote to the party president Krishna Prasad Bhattarai, his letter which, he said, was written because he couldn't attend the meeting of NC executive committee in Baluwatar. This letter was published by newspapers with significant importance. The letter, full of emotions, was: "Today nation and democracy, both are in danger. Both are looking on us. The existence of one is linked to that of another and we also are joined with it. We can not move away from such responsibility." He further said, "To go for simple majority in Tanakpur issues is equivalent to sign a death warrant" He wrote, "Today the difference between the ruling and opposition party is not big enough to make reconciliation impossible. I feel that the time is not yet gone. Still we can search a formula for national reconciliation. National reconciliation is not only needed in the Tanakpur issue but inevitable for parliamentary system and democratic values. If the party turns blind to see this truth, who is going to open our eyes."

"There is no alternative to national reconciliation. We have to reach national reconciliation at any cost." He further wrote, "My request for the rectification of the wrong policies of our party in the immediate past and wishes to be conscientious and aware to carry the honourable tradition may even turn to be a cry in the wilderness. Because the sense of declining person, institution and society becomes corrupt. A corrupt can not hear, think and identify anything."

When the parliament and street were still heated by Tanakpur issue, RPP staged blockade in front of Singhadurbar on March 12. It submitted a 7-point memo to the government. In the blockade program, about 300 workers including Panchayati Prime Minister Lokendra Bahadur Chand participated.

UML MP and advocate Subash Newang registered a resolution in the National assembly related to National Human Rights Commission on February 14. The proposal demanding "The formation of high level all-party National Commission on Human Rights by including human right activists in order to assess and evaluate the situation and recommend to the government."

While voting on the proposal on March 5, 16 votes were in favour and 27 against the proposal. The proposal on Human Rights Commission rejected in National Council was a topic of discussion among the human rights activists. After the rejection of the proposal Rishikesh Shah issued a statement "The proposal of an MP to set up a Human Rights Commission to investigate the violations has been rejected in harsh. Such rejection is an issue not suitable to the parliament with wise experienced persons". He said "I hope, MPs both from ruling and opposition parties discuss it seriously and a national human rights commission be formed with representatives of political parties or totally without political parties only with professionals and Human Rights Institutions and related persons only by referring to the cases in other countries." Earlier Home Minister Sher Bahadur Deuba while speaking in connection with the resolution had said that there was no need of forming a commission on human rights because Amnesty International and Human Rights Organization were working actively.

While discussing this issue in the National Assembly, Madhav Nepal, the leader of the main opposition, said that there were increased incidences of violation of human rights; so thus there was need of high level Human Rights Commission. He opined that the ruling party should not oppose the resolution simply

because it was tabled by the opposition. To justify that there is no need of such organization Home Minister said that constitution of the commission would not solve the problem. He informed a section related to human rights working in the Home Ministry and committee active in House of Representatives. After rejection of the proposal Forum For Protection of Human Rights issued a statement expressing regret on the rejection.

The closure (Bandh) of Kathmandu valley was held at the call of four left parties UML, People's Front, NLPP and Mashal on May 14, 1993.

The 16th convention of Nepal Journalists' Association began on March 20, 1993. In the convention concluded on the 21st March, Bhattarai faction and UML came together to defeat Koirala supporters in the election.

On March 28, 1993, the National Assembly session passed the Nepal Treaty First Amendment Bill 1993 by voice vote. Earlier Maheswar Prasad Singh, Minister of Justice, Law and Parliamentary Affairs had presented the Nepal Treaty Act, 1990/91 first Amendment Bill for discussion along with report of the special committee. While presenting the Act Minister Singh stated that present amendment of the bill did not have relation with the Timakpur issue. He informed that amendment act was sent to the special committee before 35 days and discussions were held in the seven meetings. He accused that the opposition backed out on the issue already decided. But the MPs from UML and United Front argued that the amendment violated the article 126 of the constitution. They insisted that the proposal not to be discussed. Intense debate was held in the session. While the chairman wanted to go ahead with proceedings, the MPs of UML and Peoples Front had shouted slogan before him "Don't violate constitution, don't bully" After sloganeering for ten minutes, the session was postponed for an hour. The conflict increased after resuming the session. But amidst the controversy the proposal was passed. The amendment proposal was passed on February

21, which was put forward in the session with the special committee report after being discussed in the special committee.

From March 11 to 15, 1993, Nepal Communist Party (United) held its general convention in Rautahat, Gaur. Some 400 delegates from 34 districts participating in the general convention elected Bishnu Bahadur Manandhar as the leader.

On May 16, 1993, in an accident in Das Dhunga the-then secretary general of UML Madan Bhandari and an other UML leader Jiv Raj Ashrit were killed in mysterious circumstances. Das Dhunga turned out to be a national political accident too. The following days were fully tense. Some two dozens of people had been killed by police firings before the agreement was reached between NC and UML on August 17, 1993.

On June 4, 1993, Nepal Sadbhavana Party launched struggle with 6 point demand as per preannounced program. Easy availability of citizenship certificates, constitutional recognition of Hindi Language, 50% reservation to Madhesis in employment in government and semi-government organisations, entry of Madhesis as group in the army, land to the landless, demarcation of electoral constituency based on population, geographical and cultural uniformity were the demands of the party. Sadhbavana Party had launched hunger strike in hill districts from June 21 to 25.

The left movement started from the beginning of Ashadh. On 27th June, RPP also issued a statement and expressed its serious concern over the loss of lives and property in Kathmandu in the beginning of the movement. It also demanded for the formation of judicial enquiry commission under the chairmanship of a supreme court justice in office to have independent enquiry into the Das Dhunga episode.

The left movement continued throughout the month of June/July. There was extremely tense relation between the govt and the left. The statement against the movement started getting

wider coverage in the govt medias. The govt medias started reporting on the damages done by the movement. Other papers gave wide coverage to the news on human rights violation. The MPs were also arrested in the movement.

On July 18, ten MPs of the committee on Foreign and Human Rights issues presented a proposal asking for the deputation of a team to observe and study the situation of the arrested ones and visit the place of their custody. The proposal was not accepted, which was regretted. In a statement MPs Siddhi Lal Singh, Kaman Singh Lama, Lal Babu Pandit, Lila Mani Pokharel, Bishnu Bahadur Raut, Pasupati Shamsheer JBR, Padma Ratna Tuladhar, Hiranya Lal Shrestha, Shiva Raj Gautam and Mani Kumar Limbu said, "The government has ignored and shown disrespect to the proposal and this has caused serious violation of human rights."

Towards the mid-August, the dialogue between the Nepali Congress and UML, on the ten-point demands of the left, got stuck only on the issue of reinstatement of the employees released forcefully by the government. On August 8, the government stressed that taking back of expelled employees would bring chaos in the administrative field. But the opposition was standing by the demand for reappointment of retrenched employees.

An agreement was signed between NC and UML on August 17, 1993. The first sentence of the news written on August 17, published in *The Gorkhapatra* of the 18th August is: "The movement launched for about two months by seven left parties including main opposition party UML has come to an end from today. The negotiators of ruling NC and main opposition UML signed on a nine-point understanding in the presence of their respective leaders at the office of the Prime Minister. NC president Krishna Prasad Bhattarai and Nepal Communist Party (UML) General Secretary Madhav Kumar Nepal spoke of their commitment to the agreement and being firm on implementation." On this occasion PM Girija Prasad Koirala showed

commitment to abide by the agreement without leaving out even the commas and full-stops."

The movement initiated by UML on June 18 demanding a judicial enquiry into Das Dhunga accident was later on joined by other six left parties on June 21. But the United Left Front claimed that they were struggling from earlier to extricate PM Koirala. The Congress-UML accord became unacceptable to the United People's Front, Nepal Labour Peasants Party, Nepal Communist Party (Masal) and Nepal Communist Party (MLM). Besides UML, the then CPN (Amatya) and Nepal Communist League were behind the accord. The left movement was at its climax with the "stop the wheels" demonstration. But the heavy floods and landslides drew the attention of all towards rescue operation against the natural disaster.

The demands presented by seven left parties

1. Another Enquiry Commission on Das Dhunga Accident, with a Supreme Court judge as chairman.
2. Rs. one lac compensation to each family of those citizens killed during the movement.
3. The govt bear all the cost incurred on the treatment of the wounded.
4. Dismiss all the false charges against different political workers during Panchayat and later.
5. Repeal the Education Rules 1992/93 and withdraw actions taken against teachers based on their conscience.
6. Reinstate all the employees who were released on actions taken after Employees struggle 1991/92.
7. Tanakpur Treaty be made in terms favorable to the national interest of Nepal.
8. Treaty Act which has been already passed by National Council be amended to honour the spirit of article 126 of the constitution.
9. Form an all-party price control commission.
10. Prime Minister Koirala resign from office.

The understanding between NC and UML on August 17

1. The actions initiated to institute a high level enquiry commission on the chairmanship of a working Supreme Court judge shall be completed as early as possible and a commission shall be constituted in a manner acceptable to both parties. Viscera shall be sent for examination in highly equipped foreign laboratory and the commission shall have access to reputed international investigators arranged by the HMG.
2. The dialogue committee takes with regret the loss of life and property incurred during the movement. HMG shall release all the detainees, dismiss charges and HMG shall provide immediate treatment to the wounded.
3. The compensation received by the family of the deceased in the movements after the change in political system which was Rs 25,000 (twenty five thousands), seems inadequate and shall be increased. The wounded in such movements shall be given treatment expenses and priority shall be given to arrange the means of maintenance to the disabled.
4. A Task Force shall be formed with 5 members, one from HMG, two each from ruling and opposition parties. This task force shall do the necessary homework in order to dismiss the political cases from the Panchayat days to date and waive off the terms of punishment. Decision to withdraw cases and forgive the punishment shall be based on the recommendation of the task force.
5. Formation of a task force with one representative from Ministry of Education, one each from ruling and opposition parties and one each from teachers' Association and organization. This task force shall work out to amend the Education Rules such that it is conducive to the ideas and feelings of multiparty democratic system and conducive to the academic environment and also to enquire on the professional interest, transfers and other problems faced by teachers to enable solve and review it.

6. To extend the time for the consensus on the matter related to Tanakpur issue.
7. Treaty Act shall be refined, amended and then presented in the House of Representatives.
8. Formation of an all party commission to control price hike and supervise it.
9. Formation of the task force to study various aspects of the employees who were taken action during the employees movement and recommend for their reinstatement. The task force shall have three members under the coordination of a representative of HMG and with one representative each from NC and UML.

After the conclusion of the agreement UML decided to end all the programs launched by seven left parties including UML. On the tenth demand, the General Secretary of UML informed that Congress President assured him of taking necessary steps on the demand after fulfilling required procedures. President Bhattarai said in a press conference about an understanding with the main opposition regarding the government.

On December 15, a delegation led by Nepal Journalists' Association Kathmandu District, submitted a memo to the Prime Minister Koirala to solve the problem faced by the press. Before reaching the Prime Minister to submit the memo, a quiet procession with placards and banners, had gone around the city starting from New Road.

While discussing the memorandum, Prime Minister Koirala had assured to take decision soon on reducing the price of the Newsprint, according to Kathmandu NJA source. According to the agreement reached, says the source, the PM had issued directive to grant fax facilities immediately to the newspapers and telephone and other facilities would be granted gradually. The Prime Minister assured that Professional Journalists Act shall be presented in the coming session of the parliament, immediate decision to be taken on advertisement facilities, necessary action to be taken to grant 5% income tax rebate on the advertisement given by private sector advertisers.

On December 15, the Election Commission fixed the date for the by-election of Constituency No.1 of Kathmandu and Constituency No.1 of Jhapa district. There was sufficient debate in connection with publication of voters' list. A case was filed in the supreme court against the Election Commission in accordance with the rules that there is no provision to issue voters' list for the by-election. The supreme court decided for the publication of the voters' list as a result of which sufficient names were amended and added.

From December 12, 1993 Party President Gajendra Narayan Singh, Durga Prasad Rajbansi, Bhogendra Thakur, Narsing Naryan and Bharat Bimal Yadav from Sadbhavana Party sat on hunger strike for indefinite period at Bhadrakali, Kathmandu. The party had put forward the demands like group entry to Madhesias in Army, recognizing Hindi language, etc. On December 18, party workers had gheraoed (blockaded) district offices in Siraha, Saptari, Jhapa, Morang, Dhanusha, Mahottari, Bara, Kapilvastu, Banke, Sarlahi and Nawalparasi District to lend support to hunger strikers. On the blockade of 19th December, there was lathi charge even in Jhapa, Bara, Nawalparasi, Rupandehi, Kapilvastu and Banke districts. Home Ministry informed that there were 6 Sadbhavana workers and 4 policemen injured. The hunger strike came to an end on 20th December. In an understanding signed by both parties, the government stated that it had become aware of

the demands and problems of the party and understands the sensitiveness of the issue, in the constitutional demands talks to be held between two parties to solve the problems gradually, the dialogue team from both parties to be appointed in the current week and the party to end the hunger strike and other protests at the request of the government.

On December 19, in a statement, four left groups put forward 10 point demands and published their five-day struggle programme. They mentioned that they were "to fight against increasing understanding for power sharing between the NC-UML and against the colonialists and reactionary conspiracies". Protest demonstration was organized on 4th January 1994 in Biratnagar and Siraha, 7th in Kathmandu, Tundikhel, 8th in Narayangadh and Pokhara, 10th on Butwal and Dang and 12th in Nepalgunj and Dhangadhi by Nepal Communist Party (Masal), Nepal Communist Party (MLM), Nepal Worker Peasant Party and United People's Front. The four left parties had opposed the NC-UML agreement of August 17, 1993, and expressed their commitment of continuing struggle until the fulfillment of the 10-point demand.

The agreement of August 17 remained the most quotable event of the year 1993. However, the people outside the government commented that satisfactory implementation of the agreement could not be held throughout the year. □

Chapter 2(b)

Constitutional Development & 1993

CONSTITUTIONAL Development is dictated by historical needs. A constitution gets continuity from the process of continuous development in constitutional customs, behaviours, traditions and judicial decisions. The power of the state and the rights of the subjects were balanced in the constitutional government in ancient Greece and Rome. In the modern world such balance of power has changed only in the form. The constitution is needed to provide legality to the actions of the government and also to ensure its stability. It develops according to the demand of time, aspiration of the country and the people. The first written constitution came after the declaration of independence of America. The constitution was promulgated in order to protect the rights of people with the concept of limited governance in 1789. The US constitution is getting dynamism through 26th amendment to incorporate the changing aspiration of the people and through explanations provided by the courts. In Britain the Constitutional law has got continuity through the Royal proclamations, parliamentary customs, judicial decisions, constitutional traditions and legislations. The constitutions that do not have control mechanism can not be ever lasting. Constitution drafted without concern to constitutionalism can not also be dynamic. In the world today different constitutions have been experimented in the same country. France experimented with 17 types of constitutions after the French Revolution in 1789. There have been changes in the constitutions even in those countries which aspire to establish new values and culture by overthrowing old traditions and systems through revolution, war

and movement. A single constitution has not become long lasting. Nepal too has changed 4 constitutions during the past 40 years. The beginning of constitutional development in Nepal took place in 1947/48 with the promulgation of Constitutional Law of Nepal Government. Though constitution has retained major powers with the Prime Minister, it has also accepted representation system to certain extent, guarantee of fundamental rights, concept of independent judiciary, Auditor general and public service council which make democratic features. The royal proclamation of 1950/51 declared that the country be governed under a constitution made by the popularly elected constitutional body. Nepal Interim Act was arranged for the period until the constitution was made, in order to have a rational law and principles for working during the interim period. Then came the Constitution of the Kingdom of Nepal, 1958/59 in order to give democratic path to the unstable political system and to follow a constitutional path in state functions. This constitution became lifeless from the royal declaration of December 15, 1960. The constitution promulgated in 1962/63 became lifeless and defunct after the people's movement of 1990.

The same constitution can not be applicable for all times in the same situation. The constitution can be recognized as a living document when it can reflect the aspiration of the people. Constitutions failing to incorporate public feelings and not going according to the principles of constitutionalism can not last long. Due to its failure to incorporate people's aspiration, the partyless panchayat constitution

was turned down by people. As an offspring of the people's movement the constitution with features like constitutional monarchy, multiparty democracy, protection of fundamental rights of the citizens, parliamentary form of political structure was achieved.

The constitution of kingdom of Nepal has been promulgated with the preamble that states "And whereas, it is expedient to promulgate and enforce the constitution, made with the widest possible participation of the Nepalese people, to guarantee the basic human rights to every citizen of Nepal; and also to consolidate the Adult Franchise, Constitutional Monarchy and the system of Multi Party Democracy by promoting amongst the people of Nepal the spirit of fraternity and the bond of unity on the basis of liberty and equality; and also to establish an independent and competent system of justice with a view to transferring the concept of Rule of Law into a living reality."

The process of constitutional amendment is rigid as there is the provision of amendment only if it does not go against the provisions made in the preface. Sovereignty of the people, fundamental human rights, adult franchise parliamentary system of government, constitutional monarchy, multiparty system, independent and competent judiciary and rule of law are the unamendable fundamental structure of the constitution.

While reviewing the constitutional development in Nepal during 1993, the fourth and fifth session of the parliament was held this year. The parliament could not solve the issue on Tanakpur Dam, which was decided by the supreme court according to the article 126 of the constitution (Advocate Bal Krishna Neupane VS HMG council of Minister and others). Even today this issue has been pending with the parliament. The parliament could not be successful to solve such an issue of national importance and sensitivity too. The Nepal Treaty (Amendment) Bill, 1990/91 moved in the parliament to assist govt. to solve Tanakpur issue has been approved by the National Council which, however, is not

approved by the House of Representatives and is still under consideration. A bill to amend the Constitution of Kingdom of Nepal, 1990 moved by Nepal Sadbhavana Party to amend some provisions including provision on citizenships faced opposition at the notice of presentation which thus nullified the attempt. During the 4th and 5th sessions, some non-government bills were presented which, however, were rejected to be nullified. Under the rights of criminal justice mentioned in the Constitution of the Kingdom of Nepal, 1990, the liability of compensation for torture could not be fixed to the torturer and so the bill is still under consideration in the parliament. During the fourth and fifth sessions of the parliament, the bills related to salary and facilities got preference over the amendment in laws in congruence to with requirement of human rights.

The constitution has directed government to protect life, property and freedom to ensure system of justice in all spheres of national life including economic and political life and has a duty to establish an order of public welfare based on open society. However, the comments are that such objectives are made ineffective by unhealthy appointment in important administrative positions on contract, failure to check the abuses of power and unacceptable behaviours which are against the expectation of the rule of law. The government is indifferent to fulfilling the obligation arising out of ratification of international agreements and conventions. In 1993, the government issued two ordinances, viz. Vehicle and Transportation Management Acts, 1993, which were of routine type and issuance of ordinance for any such subject goes against the rule of law. But the importance and rationale to issue the ordinance to amend Enquiry Act was defeated for the commission could not be formed accordingly. After the promulgation of the constitution of the kingdom of Nepal 1990, the number of appellate courts used to change but this year such a change was not observed. The supreme court while deciding on constitutional cases gave decision on a provision of Labour Act, 1991/92. The provision which stated that Nepali citizens shall be given priority over foreigners while

taking into employment in factories suggested a system where foreigners can also work unrestricted. This goes against the freedom of occupation, employment available to the citizens and such legal provisions is against the constitution. It can not be said that all things are available simply by becoming liberal and democratic after the change in political or constitutional system. Real achievement of such changes lies in practical application. None can expect full development of political and constitutional system within a limited time after philosophical changes. But it is essential to have open mind to accommodate for the development of healthy and clean constitutional and political tradition. The democratic culture and exercise flourishes only if the people responsible for the governance of state are receptive to the healthy comment and criticism and abide by the rule of the law.

The fundamental rights enshrined in the constitution of the kingdom of Nepal, 1990 have attempted to incorporate within it most of the rights proclaimed under universal Declaration of Human Rights. In principle, it is not enough to have the rule of law, supremacy of constitution, protection of human rights incorporated in the constitution. Such rights should be enforced according to the objectives, standards and spirit of the constitution. Wherever the implementation is weak the rights become ineffective. Majority of Nepalis are not conscious of their rights due to illiteracy and poverty. To make them aware in order to enable them to enjoy rights is the prime duty of the state. Similarly, many constitutional rights are the subject matter of laws for which acts should be made. The constitution under the rights of criminal justice has reserved the right against torture. There are many reported cases of tortures. Each citizen is given right of information but no law could be enacted to give such information. There is also mention of right of privacy, for which the law regarding and controlling such deeds is yet to be enacted. Many laws could not be enacted in order to establish legal order as demanded by new values and standards. More serious is that, after 3 years of the new constitution, Acts and Rules established under the old values and

standards could not be amended to suit the new values and standards. Examples could be Crime Against State and Punishment Act, 1990 and Public Offence and Punishment Act 1970/71. There are many such acts and rules which could not be amended or implemented according to the spirit and standards of the new constitution. The grievances are that human rights committee, under house of representatives could also not be effective. Where the constitution has established multiparty system in its fundamental structure, it is pity to see that the law enabling registration of the parties is yet to come. People have confidence in the constitutional system only if parliament, government and judiciary are equally aware and conscious. Otherwise, the constitution can not grow and become dynamic.

Democratic constitutions accept the principle to have a system to prevent any encroachment on fundamental rights from any organs of the state and in case of encroachment, to secure remedy from the court. According to this concept the nations in the world have made provision of human rights in their constitution. Delivery of rights is not enough. It is important only if some mechanism is developed for its protection. Based on majority votes or supported by power, the govt. may encroach the citizens rights which should be avoided through constitutional guarantee. The constitution provides effective remedy by having an efficient judiciary. The constitution of Nepal has aimed at protection of the fundamental human rights of its citizens and enforce the rule of law, which it strives to achieve with the provision of rights of constitutional remedy available in the supreme court. The independent and efficient judiciary is among the unamendable fundamental features of the constitution. The supreme court is bestowed with the right to test the laws by legislature and executive actions if they are according to the constitution and to declare those laws or actions unacceptable if found against the constitution. The constitution is supreme in the state and any laws or actions against it are void and unacceptable. Based on this concept, the supreme court has decided to preserve the supremacy of the constitution.

The supreme court has declared void the provision of Military Act which brings a civilian too within the scope of military court (Iman Sing Gurung vs HMG, 1992/93). In 1993, the proviso under clause 10(a) of civil code with title -Equity, which declared untouchability was declared void (Man Bahadur Biswakarna vs HMG). Similarly the provision of labour Act which described that preference shall be given to the Nepali citizens to employ in Nepali factories was declared void (Bal Krishna Neupane vs HMG, 1993). Hon'ble Justice Trilok Pratap Rana has decided that Revenue Group (Appointment, Transfer, Promotion and Departmental Actions) Rules 1992/93, is against the article 124 of the constitution. Similarly, the supreme court has issued suitable writs, sanctions or orders to void the acts of encroachment from executive organ. Supreme court has played important role to protect the personal freedom in the case of Tilu Ghale vs Kathmandu district police office and Prabhakar Subedi vs Kathmandu district police office.

The objectives of the constitution can be achieved only if the spirit and feelings of the constitution is implemented in practice. The constitution is a lifeless document which can be made live only through its effective implementation. So everyone from executive,

judiciary, legislative organs and citizens in all strata of society should take the lead to realize the provisions of the constitution. It is not enough to ratify International Contracts and Documents. The government and the parliament should also be conscious to fulfil the post ratification obligations. The judiciary should be alert and save citizens from any infringement upon their rights by the executive organs. In the rule of law the court should not limit itself in its traditional role of explaining laws in case of conflicts. It should work in relation to the important aspects of social life and in matters of public concern. An active role is sought from the court to protect human rights, removal of political ills and promotion of public morality. Judicial alertness is the solution of problem of lawlessness in the country, which also creates new jurisprudence. The responsibility of enacting laws protecting human rights and realizing requirements of the rule of law goes to the legislature. Further, the legislature should be aware and alert to control the government and amend relative laws and lead the government along the judicial path. Similarly, the constitutional law gets dynamism only when political parties which are responsible for implementing it and different government and non-government organizations are also equally active. □

Some Provisions in Nepal Laws in Conflict with the Concept of Human Rights

NEPAL has now a new constitution. Laws in conflict with the constitution shall automatically get repealed according to the provision of the constitution. Nepal has accepted many international declarations and conventions. However in practice, there have been violations of human rights in various forms and in various places. Laws have also been enacted that come in conflict with the constitution. Those laws are against the human rights. A brief description of the provisions of important laws that are against human rights are given below:

1. Hindrances in the area of Women's Rights

The article 2 of UN Declaration of Human Rights, article 3 of International Convention on Civil and Political Rights, and article 3 of International Convention on Economic, Social and Cultural Rights have made provisions that the rights prescribed in these conventions shall be enjoyed by men and women without any discrimination. These rights include the right to acquire, retain and change citizenship thus bringing certainty in the matters of citizenship. In spite of having such provisions, there is gross discrimination against women. To end such discrimination, a convention requiring to end all kinds of discrimination has been approved and made effective. Convention Related to the Political Rights of women has granted women rights to vote and become candidate in the election like men. The article 1 of the convention to end all kinds of discrimination against women has defined "discrimination against women" as

any kind of difference, boycott and control based on difference of sex. Similarly, women, irrespective of their marital status, should not be obstructed to enjoy human rights related to political, economic, social, cultural and civil or others based on equality of men and women. Article 7 contains the provision to end discrimination against women in the national political and public life and article 9 contains the provision of securing citizenship. Marriage of a woman with a foreigner or her marital status neither automatically changes nor ends her nationality. Besides the right has been provided to decide the citizenship of the offsprings. But in Nepal, there are still the laws giving unequal treatment to women, economically and socially. Many Acts have not accepted daughters as the offsprings. Nepal is still having the following laws which give less importance to the women, preventing the sell of properties of women and depriving rights to decide the citizenship of the children.

1. The share of property given for each person - father, mother, wife, sons (Property Partition No.1, Civil Code).
2. Daughter in order to secure a share in property should have reached 35 years.
3. Husband or father should not keep wife and son without giving food and clothing based on their standards (of income and living) (partition of property no. 10 civil code)
4. Any males, while transferring property other than their own, should secure consent from wife, son, widow daughter in law (Partition no. 19).

5. Daughter cannot inherit property of a sonless father unless his grandson (son of his son) is present (Heirless No. 2).
6. All assets and liabilities shall be distributed among wife and sons after the death of father or husband. The property or loans goes to son after the expiry of his mother. (Partition No. 14)
7. Free property of a deceased if without declared heir goes to the daughter only in case the son either staying together or separated and father are not existing (Women's share in property No. 5).
8. Even after separation, a woman can not mobilise more than half of her share in the immovable property at her will (Women's share in property No.2)
9. The right of tenancy in case of tenanted land after the death of tenant goes either to the husband, wife or sons who have been trusted by the landowner (Land Related Act, 1964/65, clause 21)
10. No women shall be admitted or made to work in Royal Nepal Army (Military Act, 1959/60 clause 10)
11. The offspring may receive Nepali citizenship by birth only if the father is a Nepali citizen. (Nepal Citizenship Act, 1963/64 clause 3)
12. Wife can not adopt a child when her husband is still alive but a husband with surviving wife can adopt son or daughter (Adoption No 2, 9(a)).
13. Dolaji (keeping daughter as an inheritor by those who do not have a son), if childless inheritance of property goes according to the provision of law. If Dolaji is with daughter, the law can further allow to inherit according to the Dolaji custom. If such written document is not issued, the daughter is entitled to receive 10 percent of marriage expenses and dowry (Adoption No 6). This provision shows that daughters have not been accepted as inheritors.
14. If a married or a widow woman remarriages by claiming to be unmarried, she shall be imprisoned for one year or fine upto rupees five hundred and the marriage shall also be void (Marriage No 8). But if a married male marriages by telling similar lies, he is entitled to imprisonment from one to two months, and pay a fine of rupees one thousand to two thousands and the marriage

is not even voidable at the option of the wife (Marriage No 10)

2. Obstacle in the rights of life and security:

Four issues have been included under this heading -

(a) Rights to life:

Universal declaration of human rights article 3 has guaranteed the right of life, freedom and security of every individual. The article 6 of the international covenant on civil and political rights has guaranteed rights to life by saying that nobody can be deprived of his living in discriminate manner. When this provision is considered seriously, only in special circumstances that a general thinking admits, then only the right of freedom may be deprived. After the promulgation of the Constitution of Kingdom of Nepal, 1990, no laws shall be enacted to award capital punishment, thus ending the provision of depriving the right to life even from the court of law. But being supported by the following laws, 72 persons have lost their lives during the tenure of the present government. Paper has published that the life of a person who had been going to office has also been lost.

1. Order can be issued to shoot those individuals or groups violating prohibitory orders. Before shooting, the police must have charged baton, used tear gas, used water jet or firing on the air to disperse the individuals or groups. In case such measures could not disperse, the individual or group should be warned in clear and audible words that if not dispersed, bullets shall be fired. But this provision does not prevent shooting at sight on the individual or group violating the prohibitory orders with violent tendencies (Local Administration Act, 1971/72, clause 6 (a) (4).
2. The chief District Officer is given the right to declare areas as riot-stricken (Local Administration Act, 1971/72 clause 6 (b)). Persons engaged in beatings, igniting fire on house or shops, destroying public property or performing other violent and destructive acts can be shot at sight (ibid, clause 6 (b)).
3. Deployment of additional police force in an area which is threatened with disturbance. In

case of such deployment, the expense of the police is to be borne by the local people. (Police Act, clause 29). Rule 44 under the prison rules allowed firing without exercising alternative means. The first two of the above mentioned provisions have given rights to shoot bullets even when the situation is easily controllable. The right to shoot is to control the situation and not to kill people. This means that the bullets should not be of such type which causes incurable wounds. There is no provision to penalise those who order firing even when the situation does not demand and also there is no provision of making investigation on the situation. This has caused gross misuse of the laws. The third provision is related to the security to life. It is the duty of state to provide security to all. But the provision makes the people bear the expenses of police when the citizens are in need of police security.

(b) Safeguard from discriminatory arrests and custody:

The article 9(1) of International Covenant of Civil and Political Rights mentions that nobody will be placed under unreasonable arrest or put in custody. The article 9(5) of the same covenant describes that the person who is wrongfully arrested has a right to get compensation, thus discouraging such arrests. Similarly article 9(3) has ensured that putting persons waiting for hearing into custody should not be a general rule. This provision suggests that the laws should not be made keeping in view that an arrested person waiting for hearing should be compulsorily taken into custody.

The following laws have nullified the provision of the covenant.

- (1) The accused arrested on the charge of Drugs related case, can be put in custody for a maximum of 3 months, not exceeding one month at a time by the judicial authority (Drug control) Act, 1976/77 clause 22(c)).
- (2) Under Some Public (Crime and Punishment) Act an accused can be taken into custody for a maximum of 35 days in connection with the enquiry by the competent judicial authority. However, there should be memo

explaining the reasonable cause for keeping such arrested person into custody. (Some Public (Crime and Punishment) Act, 1963/64 clause 6(1))

- (3) In the case where the plaintiff is government, the accused can be kept in custody, with the permission of the court for a total of 25 days in a single stretch or in three stretches. (Government Case Related Act, 1992/93 clause 15(4))
- (4) The person arrested on the charge of corruption can be kept in custody for three months with the permission of the judge. (Corruption Abolition Act, 1960/61 article 19 (3))
- (5) Foreign Exchange (Regulation) Act, 1962/63, clause 11(f) allows the accused to be kept in custody for a maximum of 30 days, not exceeding 7 days at a time.

The above mentioned legal provisions nullify the provisions of international laws which prohibits taking illegal detention. This implies that a person arrested under the above mentioned circumstances can be detained by the order or approval of the judicial authority. But on hearing if the arrested person was found not the one to be arrested or if the case was instituted where it was not possible to do so, the decision to detain is still legal. There is no provision to demand compensation for such wrongful detention. The constitution, Act Related to Govt. Cases and Police Act have made a provision to produce before the judicial authority within 24 hours of arrest after allowing the time for journey and can be detained further only with the permission of the judge. If such a person is detained for more than permitted period, the detainer can neither be punished nor can the detainee demand compensation under the legal provisions.

(c) The Rights of hearing:

The article 10 of the Universal Declaration of Human Rights and article 14 of International Covenant of Civil and Political Rights have guaranteed independent and public hearing of an accused in a criminal case, by competent, free and independent court or judicial authority. Awarding the power of hearing in criminal cases to civil servant seems to be against these provisions. While giving civil servants the

authority to hear criminal cases, there is possibility that government abuses powers by making the civil servant to fulfil its own interest. A small example would be the misuse of Public Security Act before 1990, to a large extent and the misuse of Some Public Crime and Punishment Act being misused to the some extent after the new constitution. The authority to hear the accusation is given to the Chief District Officer. This brings out the inability of Chief District Officer to display free and independent justice. The CDO can not be the competent authority to deliver justice. The execution of justice in a criminal case demands the person to be well versed in the principles of laws of evidence and that of criminal justice. A person without having such knowledge, if gives decision, there is chance of making an innocent a criminal and a criminal innocent. Thus the following provision of law giving CDO right to administer justice is against the provisions enshrined in the international legal documents.

1. Essential Commodities Protection Act, 1955/56 article 9. Under this act prison term can be upto 2 years (clause 8)
2. Arms and Ammunition Act 1962/63, clause 24. Prison term upto seven years can be given as punishment (the Act says the case shall be looked by the local zonal commissioner which has been transferred to CDO by clause 13 of Local Administration Act.)
3. Black Marketeering and some other Social Crime and Punishment Act, 1975/76 (clause 15). There is provision of life imprisonment (clause 7(1)(a)). The government reserves the right to prescribe the court or authority which has yet to be fixed.
4. Statistics Act, 1958/59 clause 10(1)(a). The upper limit of the punishment could be for five months (clause 9(5)).
5. Food Act, 1966/67 clause 11. There is provision of punishment upto 2 years (clause 5).
6. Granule Items Act, 1976/77 clause 15. Provision of punishment upto 6 months (clause 8).
7. Transmittible Disease Act, clause 4. Provision of punishment upto 6 months (clause 3)
8. Essential Items Control (Rights) Act, 1960/61, clause 7. Provision of punishment

upto 5 years (clause 4)

9. Nepal Standards Act, 1980/81 clause 15. There can be punishment upto 6 months under this Act (clause 13).
10. Land acquisition Act, 1977/78, clause 40. There can be punishment for a maximum of one months (clause 25(3)).
11. Some Public (Crime and Punishment) Act, 1970/71 clause 6. There is provision to keep in custody upto 2 years by making decision to be sanctioned by the appellate court.
12. Railway Act, 1963/64 clause 12. There can be punishment upto 15 days (clause 12)
13. Birth, Death and other Vital Events (Registration) Act 1976/77 clause 15. There can be a punishment of upto 3 months (clause 13)
14. Social custom (Reform) Act, 1976/77 clause 19. There is provision of punishment upto 1 year (clause 4(3))
15. Public Security Act, 1989/90 clause 10. According to this act there is provision of punishment upto 6 months (clause 18).

The following act gives the right to make decision by imprisonment to the civil servants other than CDOs

1. Export Import (control) Act, 1956/57 provides such rights to the custom officer (clause 5 (2)). The upper limit of punishment under this act is 2 years.
2. Alcoholic Products Acts, 1974/75 has designated excise officer as the case deciding authority (clause 14). Under this Act, there is a provision to punish with a prison term of maximum 6 months.
3. Income Tax Act, 1974/75 has provided tax officer with the right to see the cases (clause 64). The act has a provision to give a prison term upto 2 years to be sanctioned from the Revenue Court (clause 60).
4. Forest Act, 1992/93 has given right to the Forest Officer to see the cases (clauses 65). The same clause has given the right to punish upto one year.

(d) The rights against Tortures:

The article 5 of Universal Declaration of Human Rights and article 7 of International Covenant of Civil and Political Rights have guaranteed that nobody is to be tortured, and treated with cruelty

and inhuman behaviour. The covenant has agreed to implement the provisions in order to fight the prevailing tortures, cruelty and inhuman behaviour. Nepal is also a party to this agreement. The article 1 of the covenant defines torture. When a person, in the capacity of being in government office causes physical or mental pain on a person by his own action or at his complaint or concurrence, is called torture. Threatening and behaving roughly is also called torture. Article 2 of the covenant does not justify torture whether it be in a condition of war or threat of war, internal political disturbance or emergency. Even the order of highest level official or government authority does not justify the case of torture. The article 4 prescribes that the act of torture should be treated by all signatories as a crime under criminal laws of the country.

The signatories of the covenants should also be the stalwart of the implementation of human rights. For this the countries should enact laws to discourage torture and other cruel and inhuman behaviour. The torture should be a form of crime and the involved person should be made liable for punishment. The victim should receive compensation in an effective manner through simple process. Nepal has accepted torture as a serious violation of human rights. The Constitution of the Kingdom of Nepal 1990, promulgated after the peoples movement, in article 14(4) describes that nobody is to be given physical or mental torture or behaved in cruel, inhuman way or act disrespectfully. In case of such act the wronged shall receive compensation according to the provision of law. In this way, after the expiry of 3 years of the promulgation of constitution and after 5 sessions of parliament the law against torture has not yet been enacted. This has created doubt about the commitment to the covenant on torture. Torture is not made a criminal offence and the violator is not penalised thus resulting in rampant torture. The additional punishment for those persons in prison who attempt to threaten life of other persons, should be exercised continuously. As against this, the following provisions are made in the Nepalese Laws.

1. Clause 22(2) of the prison Act: There is provision to put the prisoner in handcuffs, fetter or chain for a maximum of one month.

Such power to award such punishment is exercised by the jailor (clause 26 (2)). All the condition for use of such power is prescribed but the jailors seem to have exercised it when the prisoners have demanded their rights.

2. The prisoners sentenced in a criminal case can be put alone in a separate room (Prison Act clause 6(2))
3. Prison Rules, Rule 5. According to this rule the prisoner can be put in Golghar (cell known for stricter living conditions) upto one year. The government can also issue order to put the prisoner in golghar. This provision is highly discriminatory.

3. Obstacles in the path of social security:

Under social security come rights of education, health, employment and freedom from hunger and security during inability, sickness and old age. International covenant for economic, social and cultural rights has stressed that every country should provide such security to its citizens. The state recognize the right to work. These rights include right of opportunity for livelihood (article 6), remuneration to the workers sufficient to assure reasonable standard living to the worker's family (article 7), safety and healthy working conditions (article 7), Rights of social security including insurance (article 9), Rights of sufficient food, clothing and shelter for each citizens to attain a reasonable standard of living (article 11), Right of health (article 12), right of education (article 13). All those rights are interrelated to one another, which are necessary to make human life meaningful. Such concepts have been enshrined in the constitution of Nepal promulgated after the people's movement of 1990. Under the directive principles and policies, article 26, it has been mentioned to ensure the right of job by creating employment, as state policy. But the court can not enforce the provisions mentioned in the state policy. The state as a party has the duty to provide the rights guaranteed under the international covenants to the citizens continuously. Some of the laws implementing the requirements of the covenants had been legislated even before. But those have been made such that it depends on the will of the state and not as the rights of the people. Instead of reforming such laws to enable the people to

enjoy such rights, the laws enacted after the inclusion of the provision of covenants in the constitution, the same trend has been followed, which goes against the spirit of the constitution. Those laws are as follows:

1. Disabled Protection Act, 1982/83: The preface of the act mentions that the objective of the act is to protect the interest of disabled persons by providing them welfare measures like health, education, nursing, training and provide their rights of equality and employment. ('disabled' is defined in the act as a Nepali citizen physically or mentally disabled.. This word means one-eyed, blind, deaf, dumb, partly dumb, limping, crippled, lame, one limbed or mentally retarded person). While on further study of the concerned clauses, providence of education, health, employment, and shelter and other provisions is kept discretionary at the will of the government.
2. Social Security Act, 1992/93: This act has been introduced in order to make weaker and destitute person, group or community able to enjoy living like a human being. This act has included such programs that promote the interest of child, old, destitute, disabled and program for unemployed uneducated to live a respectable life. But here too the government has discretion to launch social welfare program and special programs.

The government, has tried to show its willingness to be dedicated to carry out social welfare measures, but the laws have not been enacted accordingly. The citizens have to look at the government to enjoy such social security measures. In education rules the security that should be available from the place of employment is not available to the teachers. The rules 69 to 83 of the Education Rules contain provisions that relate to social securities like pensions, educational allowance and children allowances, gratuity and the article 84 prescribes

that such provision is not applicable to the teachers of private sector schools thus depriving of such rights in private schools. It is in contrast to the rule 16, which describes functions, duties and rights of management committees under which it describes the establishment of provident fund and welfare fund, security of service, one year probation period for teachers (after which is assumed to be permanent), gratuity is stated to be arranged by the committee. But the provision does not mention what happens if the stipulation is not followed, and so majority of private sector schools have deprived teachers and employees of such provisions.

What is to be done for the safeguard of human Rights?

All the participants in the people's movement of 1990 protested against the anti-human rights laws. The present ruling and opposition political parties were also the advocates of human rights. They talked of abrogating the laws against human rights. The constitution of Nepal has also given due importance to human rights. The constitutional provision is that any laws against the constitution becomes automatically defunct. The people's voice and constitution are in favour of the human rights. This positive situation can be used in abrogating or amending the laws that are in conflict with the human rights. For this the human rights organizations and other stalwarts of human rights should take the necessary steps. Their functions shall be to mobilise political parties, social organizations, MPs of the parliaments and the public creating popular demand to change the laws. If it is not so, there is greater threat of violation of human rights by the state. Besides carrying such persuasive measures inside, there is also the need to solicit support from and mobilise the United Nations and other international organizations engaged in the protection of human rights. □

Chapter 3

Judiciary & Human Rights - 1993

AN independent and capable judiciary is a prime requisite to protect and guarantee rights and freedom of the citizen. In a democratic state judiciary acts as a guardian and protector of fundamental rights and freedom of the people. The Constitution of the Kingdom of Nepal 1990 has established an independent and powerful judiciary. The preamble of the constitution has made a provision of an independent and effective judiciary to enhance the commitment the rule of law and this is an unamendable concept. The supreme court has been entrusted with the important right of making judicial review. Supreme court is bestowed with the extra ordinary jurisdiction to enforce the fundamental rights granted under the constitution, where other remedy is not available and even if the remedy is available it is not adequate or ineffective, enforce other laws, decide on the matters of public rights or concern and issue suitable injunction to enforce the rights and give decision on the conflict of laws. The Supreme Court can issue any writs including habeas corpus, mandamus, certiorari, prohibition, and quo warranto.

The judiciary has increased role and responsibility after the promulgation of the new constitution in 1990. The constitution has given important role and ability to play deciding role in the protection and nurturing of fundamental rights and freedom. But for this constitutional guarantee alone is not sufficient. On the one hand, the judiciary itself should strive to maintain its independent and effectiveness and on the other hand other organs of the state should also be committed

towards it. If the judiciary deviates from fulfilling its obligation seriously and strictly, the concept of rule of law goes defeated and then achieving and protection of human rights is not possible.

In 1993, judiciary seemed to be aware of and concerned about its role. Even today, the judiciary of human rights is likely to take time to properly develop but the role played by judiciary does not suggest dismal situation even today. The supreme court has formulated some important and far reaching principles related to human rights and also has shown adequate alertness and caution to enforce the fundamental rights granted by the constitution. Supreme court has exercised its extra judicial rights to declare ultravires the provisions of related clauses of some acts restricting fundamental rights and has declared them ineffective. It may be relevant to describe important principles and cases related to human rights formulated by or brought into the supreme court.

1 Article 11(1) of the constitution mentions "All citizens are equal before law. No one shall be deprived of equal protection under the law" and Article 11(2) mentions "In application of the common law of the land none of the citizens shall be discriminated based on religion, colour, sex, caste, race, conscience or any of these." These articles have guaranteed the right of equality. This principle has been explained by the supreme court in the case of Sarala Rani Rauniyar Vs. HMG, Minister of Finance (Decision No. 2311, N.L.J.-1993). This case is related to the equality of male and female. In

this case the plaintiff quoted the provision of clause 21 of Income Tax Act which says that the tax shall be assessed in the name of husband for joint income of husband and wife, which thus discriminated between male and female. This discrimination in the clause 21(a) of Income Tax Act, 1974/75 and Finance Act 1989/90 has violated the provision of Article 11(1) and Article 12(2)(e) of the constitution. She had filed petition to declare the provision void. The case was filed according to the article 88 (1) and (2) of the constitution. While noting the argument, the court "in fact the equality is not any absolute concept. Discriminatory laws are these which classify irrationally to deprive the constitutional rights. Equality of law and equal protection under law does not mean that there is no discrimination based on physical, educational qualification, social differences. In the consolidated income of conjugal, there is no discriminatory treatment, in the income of husband of male sex and wife of female sex done by the Income Tax Act. Assessment of income of conjugal is a way different from the assessment of income of male or female before marriage does not mean that such provision has violated the article 11 of the constitution which also is not discrimination against females. The assessment of tax, on the income of couples, in the name of husband is simply a procedure for fixing the tax liability. In this way the procedure of assessing tax in the name of one assessee does not mean the discrimination against the other."

2. The writ petition filed by advocate Purendra Aryal against the Election Commission (Writ No. 2270 NLJ 1993 issue 13 April) is very important from the point of view of constitutional law and fundamental rights. In this case the supreme court has explained article 113 (2) (d) and interrelation with the preamble of the constitution and also clarified the right of information guaranteed under article 16 of the constitution. This case is also related to the freedom of organization guaranteed under the Constitution of the Kingdom of Nepal 1990. Article 112 has prevented to ban the organizations which Election commission denied in the pretext of constitutional

difficulty to register new political organization or party. Such denial was publicly known and the petitioners were denied written answer by the commission thus denying the right of information guaranteed by the article 16 of the constitution. According to the petitioners the provision of article 113 (2) (d) of the constitution which requires 3% votes casted in the election of members on house of representatives has created controversy. This provision applicable to the political parties who have already participated in earlier elections. The evidence that what percentage of votes a new party received can not be produced. Due to denial of the commission to register new political party based on above stated reason, the right to participate in election has been deprived which also affects the fundamental features of multiparty system envisaged by the constitution. So as the constitution does not have provision to ban a new party, the rejection to register those parties coming for registration by fulfilling the provisions of the constitution be issued prohibitory orders to make the decision void and mandamus writ be issued to register such political parties.

In this case the supreme court has explained "the exercise of rights by all citizens to vote in the election for the members of the parliament and local bodies and also to contest in the election by forming political organization or parties or stand as independent candidates are the major features of a democratic and constitutional system. So the election procedure for house of parliament is not a person specific or of concern of specific political organization or party but is an issue of national concern which the petitioners has raised. is also a matter of public interest. In a democratic constitutional system, general public may form political organization or party in order to represent their political and economic interest or may participate in parliamentary election through such organizations or parties. Any prohibition to such rights can not be taken normally. Also a political organization or party represents the welfare of the citizens or may also neglect the public and may be based on negligible population without gaining substantial support

of the people at the national level. Such political organization or party are for name sake only and their numeral addition may not contribute to consolidate the democracy."

Supreme court, outlining the interrelation between the article 113(2) part (d) of the constitution and the preface, said, "the article 113 (2) part (d) of the constitution is not an amended one but is originally placed in the constitution by the constitution makers. It originated with the democratic constitutional system and the preamble of the constitution considers the whole structure of the constitution and the preamble can be assumed to be thoughtful reflection of the provision of the constitution. Prescribing conditions for political organization or parties in the subject of participating in the election of parliament and the prohibition to participate in election are two separate issues. Thus the condition for a political organization to have received certain percentage of votes casted in the election of house of representatives does not contravene to the democratic structure." Additionally, the supreme court has to review the real cases not based on imagination to give verdict on the conflict of the article 113(2) part(d) with the preamble.

In the same cases the supreme court has given very important explanation on the rights of information guaranteed under the article 16 of the constitution. According to the court, a democratic system is an open system and none of the citizens should be in the dark in a subject of public interest. This has been accommodated by the constitution of the country. Whether the government is functioning in the right way? Where the rule of law or social values and standards have been cared? The public should have rights to seek the answers in continuous and uninterrupted manner for the successful implementation of a democratic system.

3 • An interesting writ petition related to article 12(2) (a) and article 16 of the constitution has been received by the supreme court. The article 12(2) (a) has guaranteed "freedom of thought and expression" and article 16 "the right to

information," Narhari Acharya filed a petition against the Ministry of Law and Justice (Writ No. 8, NLJ 050 No. 2 Part 35) demanding that the constitution should be available free of cost according to the article 12(2)(a) and article 16 of the constitution and the responsibility to fulfil this liability goes to Ministry of law and justice. Thus the sale of the copies of th constitution at a high price of Rs 20, he argued, was thus against the constitution. The supreme court while rejecting the views of the petitioner stated "the article 12(2)(a) of the Constitution of the Kingdom of Nepal 1990/91 containing "freedom of thought and expression of the citizens" and article 16 contains "each citizen has the right to demand and receive the information on matters of public interest." The Article 12(2)(a) has mentioned "all citizens shall have freedom of thought and expression" and this article has no relation with the pricing of the copy of the constitution. Thus the sale price does not mean that the rights guaranteed by article 12(2)(a) of constitution have been violated. Now considering article 16 of the constitution the constitution seems to have been published in the Nepal gazette on October 20, 1990. The petitioner has demanded that he has the right to demand and be informed about the 'Constitution of Kingdom of Nepal 1990/91'. As the constitution has already been published in the gazette, the arguement that there is violation of the article 16 is not tenable. Any law of the land has not fixed the price of the constitution. The writ can not decide the price of the constitution by evaluating incurred cost and expenses.

4 • The article 88(5) of the Constitution of Kingdom of Nepal 1990/91 mentions "In case His Majesty the king wishes to take the opinion of the supreme court on the complex matters related to the constitution and interpretation of law, the Supreme court after deliberation should submit the report with its view to the king". Accordingly, His Majesty the king wanted to seek opinion of the the Supreme Court on the matter whether a commission can be formed with the supreme court judge to make a second enquiry on the "Das Dhunga" accident where the general

secretary of CPN, UML (main opposition) Madan Bhandary and Jiva Raj Ashrit of the same party were killed on May 16, 1993. The Supreme court exercised sufficiently. Many advocates expressed their views. The supreme court later on expressed its opinion. (1) The case related to the accident of DasDhunga has remained under the consideration on Chitwan District court which has to decide whether or not the accident resulting in the death of Nepal Communist Party (UML) leader duos is caused by negligent driving by Driver Amar Lama. Deputing the supreme court justice to such an enquiry and setting up such enquiry commission is against the provision of the article 92 of the constitution. His Majesty the King may depute Supreme Court justice and constitute an enquiry commission, on the advice of council of justice, to investigate the matters related to Das Dhunga Accident except the issue mentioned in the clause (1) above. (3) For constituting an enquiry commission as mentioned in the clause (2), law should be enacted with a provision of procedures and rights of the commission.

5 The Supreme Court has declared unconstitutional and void the clarification under Equity of civil code, clause 10, by exercising its special judicial powers given by Article 88(1) of the constitution, in a writ petition filed by Nar Bahadur Biswakarma against HMG, cabinet secretariat and others (writ No 2505 of 1992/93, Decision No 4670 date February 25, 1993) This petition was filed under Article 88(1) of the constitution. According to the petition, Article 11 of the constitution of kingdom of Nepal has guaranteed all citizens the fundamental rights of equality based on social justice. As against this provision, additional issue 2, part 2 of gazette published the so-called Act made by the parliament by adding 10 (a) in the title Equity (adal) of civil code which added clarification that the customary practices exercised in temples and religious places shall not constitute discriminatory treatment. This clarification is in conflict with the article 13 of the constitution. The supreme court while accepting the petition requesting to issue necessary order for implementation and

protection of fundamental rights guaranteed by the constitution has explicitly mentioned one of the features of the Constitution of Kingdom of Nepal 1990/91 is that some of the subjects of national concern which are in common law of land in other countries have been enshrined in our constitution. Among the issues which the constitution has especially become aware is on equality. In spite of enactment of civil code on August 17, 1963 as an reformation in social and religious sector, there was feeling of not having its substantial impact on effective abolition of untouchability and social evils. Thus the constitution has not only prohibited such acts but also made them punishable. While incorporating the 11(4) of the constitution the intention of makers of the constitution is to make the article unqualified whereas the article 11(3) has been qualified. It thus proves that the exceptions incorporated in clause No 10 (a) under the title equity in civil code is against the feelings and spirit of the constitution.

In fact article 11(4) of the constitution has explicitly mentioned "nobody shall be discriminated based on caste, race or tribe and shall not be prohibited to attend public places or to enjoy public things. Any acts contravening this provision shall be punishable under the law." while adding clause 10(a) under the heading Equity of the civil code "In case someone discriminates others displaying untouchability based on caste or prohibits someone from attending public places or enjoying public things such acts are punishable by imprisonment upto on year or a fine upto to Rs 3000 or both." Further a clarification was also added that in practice in temples and religious places from tradition shall not comprise discriminatory behaviour." But the supreme court declared the clarification void and unacceptable for it contravened the articles 11(4) of the constitution.

Supreme court, in the same case, has strongly advocated the supremacy of the constitution and unchangeability of the constitutionally guaranteed fundamental rights. "If the law can impose exception on the provision of the constitution, the fundamental difference between the constitution and law will be lost.

This loss will threaten the supremacy of the constitution. This results in defeating the intention of the constitution to make the articles related to fundamental rights unchangeable in which case constitutional amendment is brought about by an act. This brings chaos in the constitutional rule."

6 Article 14 (5) of the Constitution of the Kingdom of Nepal 1990/91 has guaranteed right to seek advice from legal practitioner of one's choice. It is as accepted right in each democratic country. So if the security and freedom of legal practitioner is not guaranteed, the court can not successfully administer justice. In such a situation the concept of rule of law becomes meaningless and the acceptance of human rights tends to be a minor issue. So the supreme court has explained this concept in a case of Harihar Dahal Vs. Man Bahadur Gurung (NLS 1993 No/April/May, decision no 4684). Thus "the knowledge of the subject related to the cases coming to the court and updated knowledge of related laws is important from the point of view of administration of justice. Those learned lawyers with higher education in law continue to update their knowledge by collect legal information from various sources, in the same manner that a bee collects dew to make it into a honey comb, and input to the delivery of justice. In case the professional lawyers are not allowed to work in a clean, fearless and unrestrictive manner and the court keeps quiet, one can not expect active cooperation from the lawyers. Thus there is no reason why an atmosphere of fear or pressure or manhandling or hooliganism against lawyers, to obstruct them from fulfilling their duty is an illegal act to challenge the supremacy of the court. The duty of the court lies in initiating proceedings against such violators for the contempt of court and thereby ensuring a free and fearless working environment to the lawyers who are supporters and the officers of the court."

In this case advocate Mithilesh Kumar Singh was attacked and manhandled in the premises of the Pokhara District Court.

7 If a decision affects the interest of someone he/she should be given opportunity for clarification according to principle of natural justice. Article 47 (d) mentions that a person to be eligible to become an MP "should not be in salaried position" and in the clarification, the "salaried position" means position drawing salary or economic benefits but does not include those political positions which are filled-in through election or nomination. But the decision of court on the case of Mahendra Bahadur Pande Vs. HMG, cabinet secretariat explaining the position in Tribhuvan University and other teaching institutions to be "salaried position" has triggered controversy. This may be called a narrow explanation. Hon'ble justice Laxman Prasad Aryal has given his opinion which is different from that of majority. The Supreme Court has given its verdict "the policy of legislature to keep the employee of the government controlled, owned or granted institutions away from politics to execute positional responsibility can not be called unreasonable or undesirable. Especially this becomes more thoughtful in case of professional teachers of institutions receiving grants from tge government. In case teachers and professors of such institutions are allowed to be active in political election, study and teaching is definitely hampered. There is need for them of being active in publicity and other election related activity during election and has to act as representative of the area, complying to which is not possible to do justice to the position".

8 Justice Laxman Prasad Aryal in this case, differs in view with that of the majority. He opines "explanation in the constitution should be coordinated one, which means the explanation of one article should be in harmony with the other. One fundamental aspect of the constitution of the kingdom is to expand the scope of freedom of citizens. In the background of the past system where the academicians were tried to keep behind, the laws should be enacted in order to fulfil the objectives of the constitution to expand scope of public participation. So the argument of the government advocate that allowing teachers to be in politics ruins academic sector and the

law has been formulated to make the candidates responsible to the people is not acceptable to me. It is because, compliance to the duty depends on the realization of duty and devotion to the duty. Thus the argument that disqualification achieves compliance is not reasonable. The main problem of under-developed third world population is education. Thus the good governance and development of such countries depend on the mobilization of educated elites. Thus the educated people are generally qualified to be in all sectors of the country and thus it is wise to enact laws and make other provisions to enable them render service in different spheres. Thus in a backward country like Nepal, disqualifying working T.U. Teachers, with autonomous fund in the pretext of receiving grant, from contesting in the election is not desirable."

9 The Supreme Court has played a very reasonable role in the Habeas corpus writ petition relating to Tilu Ghale. The court has displayed seriousness and commitment to enforce the personal freedom of the citizen which is a history in itself. The supreme court has taken some historical steps of far-reaching importance. Let us hope that the supreme court shows the same promptness in protecting the personal freedom of the citizens. In this case the court recorded statement of Rewat Bahadur Thapa, superintendent of police for lying the supreme court by stating an arrested not to have been arrested. The narration of the event is thus "Tilu Ghale 26 years from Gorkha now staying in Lazimpat was forcefully arrested by some 5-6 policemen while she had gone for shopping on the evening of September 22, 1993. She was taken to police office in Human Dhoka. She was not allowed to meet or contact anybody and was also tortured. Her mother with the help of Advocate Prakash Raut filed a petition to the supreme court on the 10th Ashoj praying for the issue of habeas corpus writ. On September 28, after the hearing, the court issued an order to the Hanuman Dhoka police office to be present in the court within 24 hours with the prisoner and written answer. As the 29th September was a government holiday, the next day the police office sent a written reply stating that Hanuman Dhoka police has

not arrested Tilu Ghale. At the same time Tilu Ghale was sent to Bhaktapur DSP office. She could be successful to send this message to her mother. On 3rd October after hearing on the case, the Supreme Court issued order to the DIG ordering to produce Tilu Ghale to the court by searching from any part of the country. On 5th October the police produced Tilu Ghale before the court and stated in the written reply that Tilu ghale was found to be arrested on 3rd October on the charge of selling one gram drug and on the same day was found to have received permission to keep in custody from Kathmandu District court. On hearing the case on 6th October, serious issue surfaced about the date of arrest of Tilu ghale whether it was on 22nd September or 3rd October. To establish the fact, the court ordered for a judicial enquiry. On 11th October, the report of the Judicial Enquiry was presented. Another hearing could take place only on 1st November due to Dashain holidays. After hearing on 3rd October the enquiry commission could not see that Tilu ghale was arrested on 3rd October. So the supreme court ordered to record statement from SP Rewat Bahadur Thapa for proceedings and to issue order to the Kathmandu district court requiring it to release Tilu Ghale on guarantee of attendance as she had a case filed with Kathmandu District court on drug dealings.

Earlier, in a petition for Habeas corpus writ filed by Jamuna Shrestha Mittal against Kathmandu District police office a search team formed by the supreme court searched the Kathmandu district police office where the detainee was claimed to have been kept. The team submitted a report which also stated that more than 15 detainees were kept without any reason, in a place which was not sufficient even to accommodate only 4/5 people. When the court ordered to produce the detainee within 48 hours to the court from any part of the country, the detainee was produced to the court under the pretext that he was found in Bhaktapur. A writ No 2795/1993 was filed by Ram Nath Dhakal on behalf of Prabhakar Subedi. On the 25th June 1993 during the movement, Prabhakar Subedi, a student of Engineering campus certificate level was

manhandled and abducted by police. In the petition with a photo of the police action which is verified by the friends of Prabhakar Subedi, the supreme court has given an order to inform whether Subedi is dead or alive in the record of police Head Quarters within 15 days. This verifies that the right of personal freedom is infringed upon by the police brutality and negligence.

Such events, in addition to showing brutality of police administration, also pose question mark on its credibility. Despite that police administration is a law enforcement agency, the policemen neither show any awareness of human rights nor are sensitive to the issues on human rights. There is, therefore, the need of providing human rights education to police and also take immediate action on the violation of Human Rights. Otherwise, the status of human rights in the country is not going to improve.

10. Article 12 (2) (e) of the constitution of the kingdom of Nepal describes the freedom of citizens to choose any profession, employment, industry or trade. These are important rights in any democratic country which have been guaranteed by our constitution too. In this matter, the supreme court by exercising its extra judicial powers, has declared clause 4 (1) of Labour Act, 1991/92 to be against the article 12(2) (e) of the constitution and thus void. Such order has been issued by the court at the writ petition of Balkrishna Neupane against cabinet secretariat and others (writ no. 2156/92 order September 23, 1993). The part of sentence in clause 4(1) of the Labour Act which mentions "preference shall be given to the Nepali citizens" is declared unconstitutional by the supreme court. Explaining in its verdict the court mentions " all citizens are equal before law according to the article 11(1) of the Constitution of the Kingdom of Nepal 1990/91. None are deprived of getting equal protection from any law. Justice in the context of equality means equal use of law among equals. Equal use of law among unequals or unequal use of law among equals is not just. The constitution of Nepal aims at providing

social, political and economic justice to the citizens to a longer term. The state policy has described to develop basic needs like education, health, housing and employment to attain higher standard of living to the people and to provide opportunity for employment to ensure the right of getting employed to the work force which is main socio-economic force of the country. Labour welfare measures shall also extend to the workers participation in management. The freedom of occupation and employment guaranteed under article 12 (2) part (e) of the constitution allows to enact law to provide conditions or qualifications and based on such laws Nepali citizens can compete only among Nepali citizens. But the aforesaid provision causes competition between Nepali and Non-Nepali citizens thus causing adverse influence on the employment of Nepali citizens. Moreover, foreign citizens come to be permanently employed and allowed permanent settlement. Such compulsion goes against the main objective of the constitution and is against the welfare of the country and its citizens. Thus the provision of the law that gives employment in a way that is against the provision of freedom to get employed and provision that compels Nepali citizens to stand against foreigners is against the legal tradition, principles of justice and against the directive principles and policy of state and is thus against the constitution .

While reviewing the above decisions the role played by the supreme court to preserve and promote human rights seems to be important and positive. This year the court has exercised extrajudicial powers to declare the provision of clause 10 under equity of civil code and clause 4(1) of the Labour Act 1991/92 unconstitutional and declared them unacceptable and void. Proviso under clause 10 went against the article 11 of the constitution that guarantees the right of equality. Similarly clause 4(1) of Labour Act was against the article 12(2)(e) that guarantees all citizens freedom of occupation, employment, industry and trade and was void. In both of these cases, the role of played by the supreme court is very important. In these matters the supreme court give reasonable and intelligent explanation of the constitution and

protected constitution from legislative encroachment. Our constitution being written one, the supreme court has to play the role of a guardian. Similarly, the supreme court has explained different articles of the constitution related to the cases brought to its jurisdiction. In the case of Sarala Rani Vs. HMG Ministry of Finance, explanation is given to the right of equality under the constitution. In case of Purendra Aryal Vs. Election commission, right of information guaranteed under article 16 and provisions related to the political parties in article 113 (2) part (d) and interrelation between this clause and the preface have been explained. Further in the case of Harihar Dahal Vs. Man Bahadur Gurung, which is related to the contempt of court the right to seek advice from legal advisors derived from article 14(5) of the constitution is explained. Similarly, the supreme court has come forward with a very potent and historical role to guarantee personal freedom and issue of habeas corpus writ in the case of Tilu Ghale.

In fact the supreme court has also got its limit. It is certain that the role played by the supreme court alone does not suffice to create a situation to honour human rights. It also needs full commitment of other organs of the state

and that of all citizens. It is pity that only very few cases of violation of human and constitutional rights come to the court. Abject poverty, passiveness and illiteracy are the main obstacles. To get rid of such situation, volunteer organizations have to play active role and the judicial consciousness is also required. Delay in delivery of justice, formality involved in courts has been playing significant role to defeat the purpose of justice. In order to reform this there is need to adopt for reaching strategies and actions. Similarly steps should be taken in order to increase effectiveness and efficiency of the functioning of the judiciary. For this competence of legal professionals and work efficiency should be significantly increased. It is because the legal professionals are integral part of judicial system and the upgradation of their qualification shall bring major changes. And also our judiciary should encompass the modern concepts and developments of human rights and move ahead. We, today have to develop a new culture of human rights. Courts naturally have important role which is not sufficient only by itself. All the organs of the state together with joint commitment of all citizens is a must. Without such solid and joint efforts, there can be no substantial progress. □

Chapter 4

Parliament & Human Rights - 1993

THE fourth and the fifth sessions of the parliament were conducted in 1993. Both sessions were very busy with activities. During the sessions, meaningful discussions on national policy, needs and national issues were held. Here is a brief report on the main activities related to fundamental rights and human rights that occurred during the parliamentary sessions.

2. ACTIVITIES

The 4th Session

1. Duration of the sessions: The joint session of the House of Representatives and the National Council started at 3 p. m. Sunday on February 14, 1993. The fourth session of the House of Representatives continued for 53 days. The business days were 31 covering 159 hours. The session of the National Council continued for 53 days. The business days were 25 during which the Council met 50 times covering 97 hours.
2. Discussions on Proposals of Urgent Public Importance:

The following proposals of Urgent Public Importance were presented before the 4th session:-

- a. UML MP honorable Bharat Mohan Adhikari presented a proposal related to the rise of price of consumer goods beyond the purchasing capacity of the general public.
- b. RPP MP honorable Dr. Prakash Chandra Lohani presented a proposal related to electricity crisis affecting the development

of industry and agriculture, and causing inconvenience to customers.

- c. UML MP honorable K.P. Sharma Oli presented a proposal demanding that concrete measures be taken to improve the law and order situation.
- d. UML MP honorable K. P. sharma Oli presented a proposal related to the unnecessary use of force by His Majesty's Government in connection with the peaceful sit in protest organized by four leftist factions on March 5, 1993.
- e. UML MP honorable Dron Prasad Achary a presented a proposal demanding that the refugee problem be settled.

National Council

- a. NC MP honorable Mahendra Kumar Mishra presented a proposal demanding that since Nepalese nationals living in Nepal for years have been deprived of their right of citizenship even under the democratic system attained through hard struggle and martyrdom, a provision be made to give them certificates of citizenship regarding the year 1978 as the base line.
- b. UML MP honorable Asta Laxmi Shakya presented a proposal demanding that necessary arrangement of medical treatment for women returned to Nepal from India with aids be made and measures be taken for the prevention of this fatal disease.
- c. NC MP honorable Prem Raj Angdembe presented a proposal that keeping in view the economic, social and environmental effect of the Bhutanese refugee problem on the public life of eastern Terai effective

measures be taken by His Majesty's Government.

- d. UML MP honorable Suvas Nembang presented the proposal that official medias adopted a biased view regarding the news of valley Bandha called on January 14, 1993, thereby going against citizens' right to information.
- e. NC MP honorable Babu Ram Nakarmi presented a proposal that since the sources of water are on the decline and the amount of carbon-dioxide in the atmosphere is on the increase due to ecological imbalance posing a threat on the existence of humanity in future, a solution to this problem be sought at the national level.
- f. UPF MP honorable Ghanshyam Paudyal presented a proposal demanding that keeping public health in view smoking at public places and inside the means of public transport be prohibited.
- g. UML MP honorable Chandra Raj Dhungel presented a proposal that following the formation of NC government, instead of providing relief to the general public, productivity has declined, employment opportunities have decreased and prices have gone up, resulting in a situation of crisis in the country.

All the above proposals were widely discussed.

Calling Attention

In the National Council, attention was drawn on altogether 19 issues. Of them, the main issues were as follows:-

- a. Text books of the primary level be easily made available.
- b. Various problems faced by Nepalese citizens gone to foreign countries looking for jobs.
- c. Special programmes be conducted for the upliftment of indigenous people like Raute, Chepang etc.
- d. The high rate of interest of agricultural banks has caused trouble to farmers.
- e. Changes should be brought about in the field of education in accordance with the changed democratic context.
- f. Alternative arrangement of settlement be made for households living near the

national parks and wild life conservation areas,

- g. The problem of water being polluted by poison used for killing fish.
5. Statements by Ministers: In both houses of the parliament concerned ministers gave statements on issues as follows:-

House of Representatives

- a. Honorable Minister for Agriculture presented a description of relief to be provided for the people of draught affected areas.
- b. Honorable Minister for Home presented a report on protest demonstrations and throwing of stones and manhandling at various places in Kathmandu, Lalitpur and Bhaktapur occurring in connection with the Valley Bandh launched by leftist factions including the main opposition on March 14, 1993.
- c. Honorable Minister for Construction and Transports gave a statement about the efforts being made by His Majesty's Government to solve the problem related to the transportation strike launched by Nepal Entrepreneurs' Association.
- d. Honorable Minister for Construction and Transports made a statement to inform the house that the problem related to transportation strike was solved by means of negotiations.

National Council

- a. Honorable Minister for Home gave a statement about the incidents occurred throughout the country in connection with the agitation programmes launched by four leftist factions on February 23, 1993.

8. Questions

The following types of questions were asked in the National council:

Written	36
Oral	1141
Shortage of information	1
Total	1178

9. a. Honorable Minister for Home made a response to a note of commitment regarding human rights presented by UML

MP honorable Suvas Nembang. The note was as follows: "The ongoing session of National Council recommends that His Majesty's Government form without delay an all party high level national commission consisting of persons engaged in this field with a view to protect and promote human rights as guaranteed by the popular movement of 1990. The note was rejected.

- b. NC MP honourable Suresh Malla withdrew his note of commitment after six MPs discussed about it. Honorable Minister for Home had made a response to the note. The not said: "The ongoing session of National Council recommends that His Majesty's Government make an arrangement for prohibiting the sale of intoxicating stuffs like liquor and smoking stuffs like cigarettes to children under 16 years of age and also completely prohibit the use of such stuffs in places like children's hospitals, child care centres and schools. In addition to this, the producers of such stuffs be instructed to stick labels written in Nepali to that effect to the containers of these stuffs in order to protect children from imitating bad habits and thereby create a healthy atmosphere so that they can lead a clean moral life."

10. Bills: The fourth session of the National Council passed 13 legislative bills of which there were 8 amendment bills. One of them was:

- a. Drug controlling act (3rd amendment) 1992.

UML MP honorable Lal Babu Pandit presented some bills as non-governmental ones. Since NC MP honorable Chin Kaji Shrestha opposed them, the proposal for asking permission itself was rejected. The bills were as follows:-

- a. Village Development Committee (first amendment) bill 1992.
- b. District Development Committee (first amendment) bill 1992.
- c. Nepal Treaty (first amendment) bill which was under consideration.

The 5th Session

1. Duration of the session: The 5th session started at 2 p.m. Sunday on July 27, 1993 at the parliament building, Singh Darbar and ended on September 16, 1993. The sessions continued for 82 days. The house had business sessions 54 times covering 343 hours and 20 minutes. The National Council session also continued for 82 days. It had 56 business sessions in 50 days covering 157 hours and 35 minutes.
2. Annual Estimate of Revenue and Expenditure: Honorable Minister for Finance in a joint meeting of both house of parliament presented the annual estimate of revenue and expenditure of an amount of Rs. 35,51,39,78,000/- for the fiscal year 1993-94 at 4.30 p.m. on July 11, 1993. Discussions on the proposed budget were held on July 13-14, 1993 and honorable Minister for Fiance answered honorable MPs' queries on July 15, 1993.
3. Proposal of Urgent Public Importance: The following MP's presented proposals of urgent public importance in the 5th session of the parliament:-

House of Representatives

- a. RPP MP honorable Dr. Prakash Chandra Lohani presented a proposal demanding that relief be provided for flood and landslide affected people.
- b. NSP MP honorable Hridayes Tripathi presented a proposal that as there had been irregularities in the selection of teachers, arrangements be made to stop it.
- c. UPF MP honorable Kamal Chaulagain presented a proposal before the Ministry for Home Affairs stating that since there had been an evil practice of imposing lawsuits on false charges by abusing the Public Offence Act such lawsuits be withdrawn and an arrangement be made by which the act could not be abused.
- d. Independent MP honorable Bhim Bahadur Shrestha presented a bill before the Ministry for Agriculture saying that a provision be made so that farmers can get appropriate price for their produces.
- e. RPP MP honorable Pashupati Shamsher JBR presented a proposal before the Ministry for Water Resources demanding

that as there was suspicion that the flood of July 20 and 21 that had claimed a lot of lives and property was the result of not taking timely precaution, a parliamentary investigation commission be formed to investigate into the fact of the matter.

National Council

- a. UML MP honorable Suvas Nembang presented a proposal related to the Ministry for Home Affairs that a commission be formed to investigate into the act of suppression that had occurred in Kathmandu, Lalitpur and Bhaktapur in connection with the Valley Bandha.
- b. UML MP honorable Subhas Nembang presented a proposal related to the Ministry for Information and Communications that mass medias like Nepal Television, Radio Nepal and The Gorkhapatra were being used as government communication medias, although they should have been used in the changed context in accordance with democratic values and norms, while papers of private sector had not still had any support from the government as was desirable.
- c. UML MP honorable Chandra Raj Dhungel presented a proposal related to the Ministry for Finance that the general public were facing a crisis resulting from uncontrolled price rise and since all the development projects had become too costly it had adversely affected the national economy.
- d. NC MP Dr Shankar Prasad Uprety presented a proposal related to the Ministry for Health that measures be taken to make effective the family planning programme throughout the country in order to control the dreadful rate of population growth.
- e. NC MP honorable Vidur Prasad Paudel presented a proposal related to the Ministry for Education, Culture and Social Welfare that plans based on concrete policies be made and implemented for the protection of the sites having the importance of archeological, religious and cultural heritage that are useful and significant for people from within and

without the country.

After all these proposals were discussed, the ministers concerned answered the MPs' queries.

4. Calling Attention: Attention of the ministers concerned was drawn in both houses of the parliament:

House of Representatives

- a. UML MP honorable Majhila Tharu Thanait drew the attention of Minister for Land Reform asking that the right of tenancy be safeguarded.
- b. UML MP honorable Vijaya Subba drew the attention of Minister for Finance asking that since there had been corruption in the procedure to accept tenders, attention be given to it and the loss of national wealth be checked.
- c. UML MP honorable Narendra Basnet drew the attention of Minister for Housing and Physical Planning asking that the planning for housing be implemented in the district headquarters and the peripheral small town areas.
- d. UML MP honorable Bharat Mohan Adhikari drew the attention of Minister for Industry and Labour asking that His Majesty's government's attention be drawn to the hard time befallen on Nepalese nationals who had gone to the foreign lands looking for employment.
- e. UML MP honorable Hiranya Lal Shrestha drew the attention of Minister for Information and Communications asking that the right of working journalists be safeguarded.
- f. UML MP honorable Birodh Khatriwada drew the attention of Minister for Home Affairs saying that the sale and use of intoxicating drugs be controlled.
- g. MP honorable Krishna Bahadur Shahi drawing the attention of Minister for Education, Culture and Social Welfare said that the practice of forced labour existing in the backward countryside be eradicated.
- h. UML MP honorable Khaga Raj Sharma drawing the attention of Minister for Industry and Labour said that the practice

of bonded labour be put to an end and the minimum wage of an agricultural labourer be fixed.

- i. MP honorable Arjun Janga Bahadur Singh drawing the attention of Minister for Housing and Physical Planning asked that provision for a planned settlement be made for those who have become homeless by being affected by natural disaster.
- j. MP honorable Gobinda Bhahadur Shaha drawing the attention of Minister for Social Welfare said that a special programme be planned for improving the quality of life of backward and down-trodden ethnic communities.
- k. Drawing the attention of Minister for Tourism and Civil Aviation NC MP honorable Deep Kumar Upadhyaya said that insurance money be made available for the families of those who had died in an air crash.
- l. Drawing attention of Minister for Housing and Physical Planning UML MP honorable Harkaman Tamang said that land certificates be made available for those farmers who have been using public land for years.
- m. Drawing the attention of Minister for Education UML MP honorable Narayan Rajhansi demanded that concrete programmes be conducted for the protection and development of children.
- n. Drawing the attention of Minister for Local Development UML MP honorable Parsu Ram Meghi Gurung said that special programmes be launched for improving the quality of life of people living near the show-line.

National Council

- a. MP honorable Dr Yugeswar Verma drew the attention of Ministry for Social Welfare to form a free commission for the upliftment of women in order to formulate policy and implement it for their welfare.
- b. UML MP honorable Suvas Nembang drew the attention of Ministry for Law and Justice to make available legal practitioners for those who are helpless.
- c. Drawing the attention of Ministry for Water Resources UML MP honorable

Chandra Raj Dbungel pointed out that at a time when the shortage of electricity has adversely affected the national economy and the public life not a word has been said about Arun-III in the government's Policy and Programme.

- d. Drawing the attention of Ministry for Education, Culture and Social Welfare NC MP honorable Mahendra Kumar Mishra demanded that provision be made for providing education upto the primary level by means of all languages spoken in Nepal including Maithili which is the second most widely spoken language in Nepal after Nepali.
- e. Nominated MP honorable Dr Yugeswar Varma presenting a proposal related to Ministry for Education, Culture and Social Welfare said that concrete policy and plan of action be formulated for the appropriate arrangement of libraries that are useful for the development of the country as a source of information.
- e. UML MP honorable Prem Singh Dhami presenting a proposal related to Ministry for Housing and Physical Planning said that the status of squatters be objectively defined and an appropriate arrangement be made for their livelihood.
- f. UML MP honorable Suvas Nembang in a proposal related to Ministry for Law, Justice and Parliament stated that since everybody engaged in this field is worried to hear that the number of Appeal Courts is going to be reduced, decision in this regard be made only after holding discussions with Bar Association, legal practitioners, judges and people's representatives concerned.
- g. Drawing the attention of Ministry for Agriculture NC MP honorable Mahendra Kumar Mishra demanded that farmers be provided with relief by planning short term and long term programmes to solve various problems appeared in the field of agriculture because of natural disasters.
- h. Drawing the attention of Minister for Justice MP honorable Sushila Sharma proposed that for the self-dependence and livelihood of women who are divorced, the existing legal barriers be removed and such women be given rights equal to men.

5. The following note of commitments were presented in the 5th session:

House of Representatives

The following note of commitment put forward by UPF MP honorable Kaman Singh Lama was accepted with certain modifications:

"This meeting of the House of Representatives recommends His Majesty's Government that in accordance with the constitution and regulations for education, equal opportunities be provided for the research, development and promotion of languages and cultures of all nationalities in Nepal."

6. Boycott of Meeting: The following political parties boycotted meetings during the 5th session:

House of Representative

- a. United People's Front boycotted the meeting of July 9, 1993 for the remaining period of time.
- b. CPN (UML) and United People's Front boycotted the session of July 13 for ten minutes.
- c. Nepal Sadbhavana Party boycotted the meeting of September 3 for the remaining period of time.

National Council

- a. CPN (UML) boycotted the meeting of July 13 for the remaining period of time.
- b. CPN (UML) boycotted the meeting of August 11 for the remaining period of time.
- c. CPN (UML) boycotted the meeting of September 10 for the remaining period of day.
- d. CPN (UML) and Sadbhavana party boycotted the meeting of September 12 for the remaining period of the day.

Statements given by seven ministers on issues of public importance:

House of Representatives

- a. Honorable Minister for Home Affairs gave a statement of public importance about the loss of life and property caused by the dreadful landslide in Ward No. 3 and 4 of

Varuneswar VDC and Ward No.3 of Harkapur VDC in Okhaldhunga district that occurred on August 7, 1993.

- b. Honorable Minister for Home Affairs gave a statement about the loss of life and property caused by rain in various districts of the kingdom on July 17 and 18.
- c. Honorable Minister for Water Resources gave a statement regarding the damage of Bagmati Irrigation Project and Kulekhani Hydro-electric Project caused by flood.
- d. Honorable Minister for Water Resources gave a statement about the damage of Kulekhani Hydro-electric Centre.
- e. Honorable Minister for Water Resources gave a statement about His Majesty's short term and long term programmes related to relief to be provided for flood and landslide-affected farmers and reconstruction of affected areas in various districts of the country.
- f. Honorable Minister for Home Affairs gave a statement about the incident that occurred inside the compound of Area Police Office, Barahathawa on August 23, 1993 where 2 persons were killed and 4 policemen and 3 civilians injured when the police opened fire to control an excited mob engaged in destructive activities, and where 9 persons were arrested following the incident.

National Council

- a. On behalf of right honorable prime minister, honorable Basudev Rishal, leader of the party in power in the National Council, gave a statement about the loss of life and property caused by incessant rain in various parts of the country.
- b. Honorable Minister for Water Resources informed the council about the damage of Bagmati Irrigation Project caused by flood.
- c. Honorable Minister for Home Affairs gave a statement about relief programme launched in the flood-affected areas.
- d. Honorable Minister for Water Resources gave a statement about the damage of Kulekhani Hydro-electric Centre caused by flood.
- e. Honorable Minister for Water Resources informed the council about the damage

- caused by river Koshi.
- f. Honorable Minister for Home informed the council about the incident occurred at Barahathawa, Sarlahi.
 - g. Honorable Minister for Finance gave a statement of public importance about the concession given on land tax for the current year.

Questions: Type of questions asked during the 5th session:-

House of Representative	
Written:	267
Oral:	2222
Shortage of information:	6
Total	464
National Council	
Written:	4
Oral:	453
Shortage of information:	7
Total:	464

9. Bills: In the fifth session of the parliament a total of 28 bills were presented, of which 22 were government bills and 6 non-governmental ones. Of the government bills, the one related to compensation of torture 1993 could not be passed because it was then being discussed in the committee concerned. All the rest were passed.

All the 6 bills presented as non-government bills could not be passed.

In addition to this, in both houses of parliament discussions were held on the following issues: -

On March 16, 1993 leader of the main opposition party Man Mohan Adhikari demanded the formation of an unbiased commission to investigate into the incidents of murder occurred since the government of Nepali Congress was formed.

On March 17, 1993 State Minister for Finance Mahesh Acharya replying to an attention calling proposal presented in the House of Representatives by MP Dilli Bahadur Mahat

that the high rate of interest of Agricultural Development Bank had put farmers into trouble, expressed the view that the main problem was the insufficient availability of credit and its low return but not the rate of interest.

On March 23, 1993 Minister for Housing and Physical Planning replying to a proposal of urgent public importance put forward by UML MP Dron Prasad Acharya demanding that the problem of squatters be solved, said that the problem could not be solved by the government alone, but national consensus was necessary for it.

On April 6, 1993 the proposal presented by MP Bhim Bahadur Shrestha in the House of Representatives demanding that a joint committee of both houses be formed to jointly prepare a report by evaluating the effect of the agreement related to the dam project of Tanakpur, was passed unanimously. Also members were nominated from the House of Representatives for the same.

On April 7, 1993 the proposal presented by MP Bbikhari Mansur in the National Council demanding that a joint committee of both houses be formed to prepare a report by evaluating the effect of the agreement related to the dam project of Tanakpur, was passed. Also members were nominated from the National Council for the same.

On August 6, 1992 a delegation led by speaker Daman Nath Dhungana met with Prime Minister Girija Prasad Koirala in his office located at the parliament building and gave various suggestions about relief to be provided for flood-affected people.

On August 17, 1993 replying to questions raised in course of a discussion the attention calling proposal presented in the House of Representatives by UML MP Khaga Raj Sharma demanding that the practice of bonded labour be put to an end and the minimum rate of wage for agricultural labourers be fixed, Minister for Industry and Labour Ram Krishna Tamrakar expressed the view that although slavery existed in an invisible form due to the

lack of education, consciousness and civic awareness, yet if someone was proved to have kept slaves he would be subject to punishment.

On August 17, 1993 Replying to questions raised in course of a discussion on the attention calling proposal presented in a meeting of the National Council by Prem Singh Dhimi demanding that the status of squatters be concretely defined, Minister for Housing and physical planning Bal Bahadur Rai made it known that His Majesty's government has categorized male or female persons or individuals or families, above 21 years of age, as squatters who do not own any means of livelihood, who have been staying inside the kingdom of Nepal or elsewhere and do not possess any kind of movable or immovable property in the name of their families, or who have been compelled to migrate after having lost all their means of livelihood and house as a result of flood or landslide or of any other natural disaster.

On August 19, 1993 Minister for Home Affairs Sher Bahadur Deupa expressed the view in a meeting of National Council that His Majesty's Government was determined to eliminate the practice of untouchability in real sense of the term.

On August 22, 1993 Prime Minister Girija Prasad Koirala expressing his view in a meeting of the House of Representatives said that 85% of the refugees in the Bhutanese Refugee Camp have evidences of being citizens of Bhutan.

On August 29, 1993, replying to questions raised in course of a discussion on an attention calling proposal put forward in a meeting of the House of Representatives by UML MP Harka Man Tamang demanding that land certificates be distributed to those farmers who have been using public land for years, Minister for Housing and Physical Planning Bal Bahadur Rai made it known that His Majesty's Government has the policy that the land will be registered in the name of the persons concerned after making necessary evaluation of it and making them pay the maximum

revenue, provided that they prove to be squatters.

On August 15, 1993 in response to queries raised in course of a discussion on a proposal of urgent public importance presented in the session of House of Representatives by NC MP Mahendra Kumar Mishra that all political parties, the youth force and social organizations including His Majesty's Government should take the initiative to eliminate evil practices existing in society like dowry and Tilak, Minister for Home Affairs Sher Bahadur Deupa expressed the view that although such evils could not be eliminated by means of enacting laws only, yet His Majesty's Government would make an effort in that direction.

On September 3, in course of replying to various questions raised by parliamentarians in a meeting of the House of Representatives Prime Minister Girija Prasad Koirala made it known that a goal had been set to create one hundred and forty-nine thousand jobs during the 8th plan (1992-1997) in accordance with the investment.

On September 7, in course of replying to a calling attention presented by NC MP Mrs Sushila Sharma in a meeting the House of Representatives that the existing legal obstacles be removed and a legal provision be made in accordance with the equality of rights of women as mentioned in the constitution for the self-dependence and livelihood of divorced women, Minister for Law and Justice Deen Bandhu Aryal expressed the view that the economic policy of the government had not hinder divorced women from earning a living.

On September 9, 1993 chairman of the joint communications committee Lila Koirala informed the meeting of House of Representatives that the meeting of the committee concerned had accepted the written apology made by chief editor of "The Rising Nepal" Dr. Taranath Sharma for one of his articles.

Human Rights related activities of the 4th and 5th sessions of parliament held in 1993 are as follows:

1. Although the parliament had formed Foreign and Human Rights Committee, it did not carry out any activities.
2. Although the parliament did a good job by raising and identifying issues of national importance and issues related to the protection and promotion of human rights, it did not make so many effective efforts to pressurize the government to solve the problems.
3. Some legislative bills passed by the parliament seem contrary to the spirit of the constitution, which might contribute to more violation of human rights. The National Broadcast Act 1993 can easily hamper freedom of expression guaranteed by article (2) 2 of the constitution. The government can restrict the rights provided by the constitution when it feels that they are against the interest of the nation.
4. The parliament did not take the initiative to enact laws necessary for enjoying fundamental rights provided by the constitution of Nepal 1990 more effectively, as it had promised to do so last year.
5. The parliament was not able to pass the legislative bill related to compensation for torture. Due to this failure, hundreds of citizens are compelled to be subject to illegal torture by administrative bodies, particularly by the police. They are, therefore, deprived of their human rights.
6. The Supreme Court nullified article 4 (1) of Labour Act which had allowed foreign nationals to work in Nepal without any restrictions.
7. No laws related to capital punishment were amended.
8. The speaker himself reminded that in the parliament the presence of MPs and ministers was getting thinner.
9. The parliament passed an act related to Royal Nepal Academy, according to

which the prime minister himself will be its chancellor from now on. This act was bitterly criticized on the ground that it had not only brought an academic institution under the bureaucratic control of the party in power but also revived the undemocratic tradition of the autocratic Panchayat system.

To sum up, the two parliamentary sessions of 1993 were not effective to control the government. The parliament did not present any attraction to the general public this year also. Instead of creating a healthy atmosphere to hold discussions on proposals presented in the sessions in a democratic manner, the party in power misused its strength of majority to suppress them. It was felt more strongly that it should be decided how, when and to what extent should party whip be used so that the parliamentarians can act more freely with national interests in mind.

Out of about 9 thousand and 50 questions raised in the sessions only about 5 thousand were answered.

Out of 9 committees under the parliament only one committee - the Public Accounts Committee - submitted its report. However, the suggestions made by the report were not implemented.

The joint committee related to the Tanakpur issue was not able to submit its report. In the sessions, an undesirable atmosphere was created now and then where manhandling and Gherao of the rostrum took place.

The replies given by ministers were merely lip-services.

Complaints were heard this year as well that the parliament did not make ample efforts to be turned into place where public aspirations are freely expressed and not a place to act on the basis of majority and minority. □

Chapter 5

HMG & Human Rights - 1993

THE prime responsibility to protect human rights in any country goes to the government. According to the universal declaration of Human Rights each individual is entitled to enjoy fundamental social, economic and citizen rights and freedom. The government has the responsibility to honour human rights by preventing infringement upon human rights by one upon the rights of other/s, relieving the aggrieved party in case human rights violation has already taken place and initiating proceedings against the violators and honour human rights in national spheres. In case the government, instead of fulfilling its obligation, is involved in cases of violating human rights it adversely affects the nation.

Panchayat government ruling the country from 1960 to 1990 was well known from the point of view of the violation of human rights. One of the main objectives of peoples movement of 1990 was to overthrow Panchayat, which had neglected and grossly violated human rights, to reestablish human rights and ensure their effective implementation. In this background, the Constitution of the Kingdom of Nepal has accepted human rights as the backbone of democracy and formulated political, economic, social, cultural and other rights of the people. The preface of the Constitution highlights on the type of democracy and human rights opted by the people which mentions that the constitution is to guarantee basic human rights to every citizen of Nepal; and also to consolidate the adult franchise, the parliamentary system of government, by promoting amongst the people of Nepal the spirit of fraternity and the bond of unity on the basis of liberty and equality and also to establish an independent and competent system of justice with

a view to transforming the concept of the Rule of Law into a living reality.

But the full compliance to the provisions of the Constitution and effective implementation is yet to be seen.

This year too the government itself emerged to be the violator of human rights and also initiated some acts of violence. It is explicit from the cases of violent shooting incidents in different parts of the country.

With the demand that Tanakpur issue needs national consensus for it has encroached territorial integrity of the country, left opposition parties had staged countrywide sit-in demonstration on March 5, 1993. On that day Sanjhana Dahal, a 15-year old student was killed in a police shooting at the headquarters of Sindhuli district. Basu Devkota, Dhruva Devkota and Kul Prasad Sharma were wounded with bullet. On the same day police charged batons on MPs Staging peaceful sit-in in front of Singhadurbar and also used teargas. In the police action leader of main opposition Man Mohan Adhikari and the-then secretary general of UML Madan Bhandari were manhandled and other seven MPs were injured. MP Krishna Gopal Shrestha, who was seriously injured, had to be admitted to the hospital. Other people were also injured in the incident. This incident supports that right of peaceful demonstration has been violated.

Incidents happened due to government repression on the struggle launched by seven left parties from June 24, 1993, were the main acts of human rights violation. Those events can be taken as straight and open violation of human rights by the

government. In the struggle launched by the Left Parties, bullets were fired on peaceful gathering in normal situation, that too without any prior warning firing was brutally done. The Police targeted the gun to the person looking outside from the window on the third floor of a house. Many killed had bullets hit on their head and abdomen. Such police action had killed 21 innocent persons in Kathmandu valley alone. Bijaya Lama, arrested in Bhaktapur, was tortured brutally while in police custody causing his death is still in custody. In the left struggle, police bullets had killed 2 in Chitwan, 2 in Nawalparasi, and 1 in Rupandehi. In connection with the chakka jam (stop the wheel) program of July 19, 1993, police fired 30 rounds of bullets in Jhapa. The administration fired on peaceful gathering without fulfilling required procedures causing the death of 20-year-old Dilli Gautam on the spot. During the left struggle upto August 17, 1993, there were more than 200 persons injured in police firings throughout the country.

There were widespread arrests of persons this year. Many were arrested even in Kathmandu depriving the right to peaceful gathering and carrying out processions. The case to verify this point is the closure of the main gate of Open Theatre Hall and not allowing people to conduct meetings.

Many people were arrested during the left movement and in the brutal police repression in Rolpa. Those arrested were implicated in false cases and received inhuman tortures in police custody. Death of 3 persons from torture while in police custody is a serious issue of human rights violation.

Despite the constitutional provision that MPs can not be arrested while the parliament is in session, 17 MPs were arrested in connection with the left movement. MP Amik Serchan was beaten by police making him seriously wounded. He had to be treated in hospital for a long time.

Together with the left movement, Prabhakar Subedi from Butwal Municipality, then a student of Engineering Institute, Pulchowk, had disappeared under police action. He was arrested on June 25, 1993 from Ratna Park and was beaten by sticks and hit with boots. Policemen after

seriously wounding him had dragged him away and is still missing. This event has been a case of human rights violation drawing national attention.

There are various cases of violation of the provision that persons can not be arrested without serving warrants. There are very few arrests known by serving the arrest warrant. Above all, the police spoke a lie even at the court of honour. On September 21, 1993, the Kathmandu district police arrested Tilu Ghale while she was walking along the street. Writ petition was filed on behalf of Tilu Ghale and the court ordered police to produce her within 24 hours. On September 30, the police informed the court that she had not been arrested. Later on she was produced in the court on the 5th October pretending that the arrest was made on the 3rd October.

On February 14, 1993, MP Subash Nemwang registered an important resolution in National Assembly about the Human Rights Commission. The proposal contained the formation of a high-level all-party Human Rights Commission with the representation of people working in the field of human rights. This proposed commission would study and evaluate the human rights situation and recommend government for action. This resolution was rejected by voting which was protested by Human Rights organizations and activists.

This Year too the working Journalist Act could not be approved despite the demand for years. The editor and publishers of *Dristi* and *Punarjagaran* were arrested under the State Offence Act (A Panchayati Law) on the charge of defaming Royal Family. This violated the freedom of press.

The Article 11 of the Constitution recognized the equality of all citizens and equal rights of protection under the law. Under this equality before the law it is explicit that none shall be discriminated based on castes and none can be untouchable. There is provision of taking action and punishment against those who practices such untouchability. But in practice the government has contributed to an environment for a widespread discrimination based on untouchability.

The provision of Civil Code relating to untouchability had to be declared unconstitutional within one year of the promulgation of the constitution.

Bonded labourers have been working even for four generations in Kanchanpur, Kailali, Bardiya, Banke, and Dang of the Far Western Region, Nepal. It is estimated that out of the total bonded labourers 98% are homeless, 96% are illiterate, 58% are agricultural labourers and 20% are suffering from various diseases. The provision of school is for namesake only. The Article 20 of the constitution has clearly prevented human trafficking, enslaving, bonded labour and work against will. But the government has not taken any steps to abolish the bonded labour system.

Similarly, there was not any significant work from the government in connection with the year of Indigenous People - 1993 A.D. The Human Rights convention held in Vienna, Austria where Prime Minister Girija Prasad Koirala was present, had expressed concern on the state of indigenous people and pointed out the need for improving their lives.

Nepal has ratified three UN conventions related to slavery and also the convention on Abolition of all kinds of Racial Discrimination. But yet there is no effort from the part of the government to abolish Deuki, Badi, Kamaiya and Jari systems prevailing in the country.

It was natural for women to be optimistic, for the government has ratified the convention on Abolition of all Kinds of Discrimination Against Women after the restoration of democracy. They got equality in law but not in practice. Pasang Lamu Sherpa, the first woman to climb atop the highest peak of the world Mt. Everest, was dishonoured by depriving her of the facilities permissible under the rules.

This year many women and girl children became the victims of rape. It is a pity that even the 4/5 year old girls are raped. A bill put forward by the MP Sahana Pradhan on behalf of the main opposition party demanding stern action against the rapists was rejected in the parliament.

Despite that they go against the constitution, some Acts are still active to enforce black laws of

Panchayat era which is a curse to the democratic environment. Those Acts are Public Offence Act, Crime Against State Act and Local Administration Act. An accused under Public Offence Act can be put in custody for 3 months without any proceedings and this duration can be extended for 3 months at a time. Voice has been raised against the provision but the amendment has not yet been made. In the Crime Against State Act, the provision of death penalty is still alive. The Local Administration Act has given CDO right to shoot bullets. There are cases of misuse of such provision of law.

The government has privatized Bhrikuti Paper mills, Bansbari Leather and Shoes Factory and Harisiddhi Brick and Tile Factory established under Chinese assistance, Nepal Film Corporation, Balaju Cloth Mills, etc. The public enterprises established under the Company Act had to be allowed to decide by themselves. The government made unauthorized interference and sold them against the law which received sufficient protests. Those protesters claim, "If the sale is assumed to be government property, it should be done according to the provisions of Government Property Arrangement Act which requires pricing suggested by the local individuals. The auctioneer had to submit deposit. The government sold these enterprises to the private sector without the backing of the law." Many employees and workers were laid off.

The Labour Act 1993/93 has a provision that Nepali citizens shall be given priority while competing for work. A case was filed in the court against this provision which deprived fundamental rights of Nepalese within Nepal. In a decision of the court on September 22, 1993 the provision was abrogated.

The Election Commission explained the provision of the constitution and laws in a very wrongful way and finalised the voters list for the by-election of the MPs from Kathmandu Constituency No.-1 and Jhapa Constituency No.-1, to be held on February 7, 1994 without the list being published to the public. The main opposition and other opposition parties protested it and a case was filed in the court. The court gave the decision that the final list should be published and only then the Election Commission complied.

The government and the Election Commission had been criticized for trying to prevent several citizens from exercising their rights to vote.

Almost 10 months have already elapsed from the day when Prime Minister Gijra Prasad Koirala said in Vienna - Human Rights Convention about the need to ensure a happy life without fear of torture, forceful interference and deprivation of human rights. Just on the day of his return from Vienna (on June 25, 1993), three citizens had been killed with bullets. The Prime Minister claimed the abolition of death penalty in Nepal. But the provision "Kill by hanging or shooting bullet" in clause 152 of Military Act 1959/60, mention of the crime of enemy demanding death penalty, in the clause 27, the words "death penalty" in clause 13 mentioning crime and punishment under in clause 13 of Crown Inheritance Act, 1987/88 and the provision of death penalty under the clause 2 of Crime Against State and Punishment Act 1989/90 shows the death penalty is still in vogue in the laws. A writ petition has also been filed in the supreme court demanding repeal of such laws.

In the Article 20 (2) in the part 3 of the constitution, it has been clearly mentioned that minors shall not be employed in factories, mines and similar risky jobs. Nepal has also ratified convention on the right of children and also made effective from April 13, 1993, Children Rights Related Act. Government has not cared to make implementation effective. The children constitute 47.5% of workers in the carpet factories.

Foreigners Related Rules 1975/76 Rule 14(3)(4) discriminate between the foreign female married to Nepali male and foreign male married to Nepali female while issuing visa. As such provision contravened to the constitutional Right of equality, the court ordered to remove such discrimination.

This year many people died in plane, bus, truck accidents and the flood and land slides killed 1,500 people. More than 100 thousand people were rendered homeless. Relief could not reach properly. The victims themselves protested against the discrimination and corruption in the relief works where government not only arrested but also killed by firing bullets.

The 5/6 thousands prisoners in 65 prisons are spending miserable lives. There is no initiation to reform jail. Torture in jail is common. Sick prisoners have not received proper medical treatments. Sick and healthy prisoners are kept together. The prisoners are deprived of pure drinking water.

About 100 thousands refugees from Bhutan are taking shelter in Jhapa and Morang districts in eastern Nepal. The presence of the refugees is causing a big problem to Nepal. HMG is unable to solve the problem. The classification of refugees into four groups means that the government has endorsed the concept of Bhutanese Government regarding refugee problems.

This year the supreme leader of NC Ganesh Man Singh was awarded UN Human Rights Award for his contribution to Human Rights in Nepal. HMG has failed to produce many reports to which it is obligated. It is known that report on tortures has been produced and report on Children Rights is under preparation. Such report is neither made public nor received advice from MPs, Human Rights Organizations or other related sectors.

Upto the fifth session of Parliament, the government could give only 5,438 answers to the 9,345 questions asked in the Parliament. Among the 9 permanent committees, only Public Accounts committee chaired by the main opposition has presented three reports. None of the other committees has been able to present reports. The ministry of Housing and Physical planning has totally not responded to the questions and other ministries except finance has not responded even to the half of the questions posed.

According to the agreement between NC and UML concluded on August 17, 1993, a commission acceptable to both the parties had to be formed under the chairmanship of supreme court justice. The supreme court on the 8th September has already advised about the legality of such commission. But the commission has not yet been formed. The public thus are not clear about the cause of death of Madan Bhandari, Secretary general of UML and Jiva Raj Aashrit, chief of organization Dept in a jeep accident. □

Chapter 6

Mass Communication Medias & Human Rights-1993

THE political movement and journalism appears to emerge and develop together in Nepal. A book on "Maize Farming" published in 1921 caused the writer to land in jail. In 1930, a Nepali was fined on the charge of reading a foreign publication. In 1896 *Gorkha Bharat Jeevan* (Life of Bharatiya Gorkhas) was published under the initiation of Moti Ram Bhatta. Later on, journals published from Nepal used to write on political matter either in indirect or indicative way. From 1951 to 1960 press enjoyed unrestricted democratic freedom. With the advent of panchayat system in 1961, press was controlled and its freedom curtailed. After the movement of 1980 press again enjoyed freedom until the referendum. But after the victory of the so-called reformed Panchayat in the referendum, granting registration to the papers was discretionary and the press had to undergo a strict censorship. Those who wrote against the distorted Panchayat system to indicate their revolt, were threatened or intimidated. In spite of all such happenings, the very foundation of institutional and a professional journalism was laid down during this Panchayat period. During this despotic period many Journalists had to be victim of terrorist attacks; they were sentenced to the Jail and suffered at the hands of police and Mandales (Goons protected by the administration). Now the question may come about the situation of public medias that played leading role in each and every movement to reconstitute the human rights and democracy in the country. The Gorkhapatra, Radio Nepal and Nepal Television are still under government ownership and control. The public medias have not earned any credibility

in the public eyes for giving unbiased news and views. People have not found them suited for democratic system as they publish only biased government views.

The widely circulated weeklies have been identified with the existing political parties. Some newspapers were found to have published copy of decision of the cabinet in detailed form even before the news appeared in the government owned Gorkhapatra. Readership of the papers is also divided accordingly.

The ruling Nepali congress and its parliamentary party are divided. UML Party makes the opposition mainstream which also have majority and minority blocks. Similarly, United Front party and National Democratic Party make their own faction. Each of the party and faction has its own affiliated newspapers. The journals are keen to derogate and make fun of the political opponent parties and factions.

Some magazines and Newspapers professionally managed and published in the private sector have also emerged successful. Many magazines appear simply to disappear after a short while. Some papers have appeared to suit the requirements of foreigners and readers of the higher echelons. There are quite a number of publications from non-government organizations too.

The revealing fact is that the public media has remained relatively more sensitive to the human rights issues. From the point of view of Human Rights Journalism "Relief from

Torture" of Centre for Victim of Torture (CVICT) and "Child Concern" of Child Workers in Nepal (CWIN) are prominent ones. These journals, committed to fight against government tortures and to preserve the right of children, have significantly contributed to preserve human rights. "Prachi" a publication regularly coming from last year (INSEC), is a significant contribution towards creating human rights awareness. This journal, published by late Prakash Kaphley in the beginning days of his entry to journalism, is the first of its type and is gaining increased popularity. But "Prachi" has yet to collect materials enabling it to attain its goal.

There is also a "Forum of Human Rights Journalists". The members were expected to cover the news on human rights and take pioneering role to increase human rights awareness among the public. But this forum has not done more than publication of one or two special issues.

This time we are going to bring out the extracts of reporting of weeklies on human rights issues in a chronological order. The contents under the headlines are given to reflect the meaning of the reporting. Somewhere the part of the sentence is quoted as originally published. Despite that we collected human rights reporting from 6 weeklies, we could accommodate space only for four weeklies. Our endeavour shall remain to increase this number in succeeding years

BIMARSHA WEEKLY

(From January 1, 1993 to December 31, 1993)

1. January 1 : Jail visit - Tansen. FOPHUR and INSEC visited Palpa prison and gave suggestions for improvement in the conditions to the responsible authorities.
2. January 1 : No proceedings - Kathmandu. Gopal Prasad Dhakal, a rapist who had raped in the police check post protected by senior police officer. FOPHUR requested PM to prevent the excess mentioning that Dev Man Gurung, Photographer in the case was arrested and put in severe torture.
3. January 8 : Special police terror - Chandragadhi. Special police threatening

and beating the local employees and so creating terror.

4. January 8 : How is the prison? - Surkhet. Nepal Human Rights organization and prisoners Aid Mission Volunteers visited Surkhet prison and reported on the torture, maltreatment and worse conditions.
5. January 22 : Human Rights seminar - Janakpur. Comprehensive reporting on the SAARC Human Rights seminar.
6. January 22 : Worker of people's front Arrested - Janakpur. Police arrested vice chairman of Satwar VDC. Ram Bihari on the charge of firing on his own brother.
7. January 22 : Nepali are being looted - Bhairawa. Nepali coming back from their work in India get looted by the Indian policemen, custom and Road Transport corporation people.
8. January 29 : Girl child raped again - Kathmandu. Mukunda Gurung of Dhobikhola, Kalopul raped 12 years old girl working in his spinning factory.
9. January 29 : Bhutani publicity in the Goebels style : The head cut off from the body of Kaushal Dahal and Balam Gurung who had been killed in Gomta of South Bhutan. The remains of corpse of Harka Bahadur Rai, Sarvang district found. News published with photo of the victims.
10. February 12 : Left sit in front of Singhadurbar - Kathmandu. Sit in (Dharna) in different parts of the country including Singhadurbar. A group of 40/50 people including MP Tula Bahadur Gurung and MP Som Nath Pyasi arrested in the sit in program staged in Pokhara.
11. February 12 : Girl child raped again : Pokhara. A person named Talama Gurung raped a 4 years old girl luring her to give chocolates in the evening on February 5.
12. February 19 : Suspicious murder : Itahari. Suspicious murder of an Indian woman named Priu Chalil. Police kept secret the postmortem report and the name of four arrested persons.
13. February 26 : Human Rights. An article on human rights courtesy IPS and NPI.
14. February 26 : Two cases of murder - Butwal. On February 18 corpse of Gori Budathoki in Butwal and that of an unidentified woman found in Satkar Hotel.

- Krishna Nagar.
15. March 5 : Arrested and Released. Bhaktapur. Chairman, vice-chairman, District Chairman of NWPP arrested on the third phase program launched by Four left parties.
 16. March 5 : Shah to continue in Human Rights - Kathmandu. Reporting on third general meeting of Nepal Human Rights organization held on February 26 and 27.
 17. March 12 : Federation, Okhaldhunga, Okhaldhunga. The Human Rights Federation constituted its district committee under the chairmanship of Tulasi Prasad Koirala.
 18. March 12 : Samjhana killed this way - Sindhuli. News on the death of Samjhana Dahal with her photo and caption "Samjhana Dahal sacrificed for the movement". Also published the confrontation between the police and demonstrators.
 19. March 19 : Students confront on valley - Kathmandu. News on student confrontation and the death of Bharat Devkota. In the confrontation, 19 from NSU and 14 from ANNFSU injured.
 20. March 19 : Passport pledged in order to drink water - Kathmandu. Detail news on the torture of persons who had gone to Malaysia for employment.
 21. March 19 : Amnesty demands - Kathmandu. The general assembly of Amnesty International - 34 passed resolution demanding the release of Burmese leader Ang San Su Qui.
 22. March 26 : They are sold by dishonesty. Article by Kamala Sharup based on the NGO "Sabadhan" analysing on the trafficking and rape of girl child and women.
 23. March 26 : How Kajiman was dead? Hetauda. Reporting on killing of Kajiman Biswakarma of Handi Khola village -5 by the beatings of police in the temporary police post of Basmadi on March 9.
 24. March 26 : Request of FOPHUR - Kathmandu. FOPHUR requested the ruling party to bring back the "proposal of avowal on human rights" presented by MP Subash Nemwang and pass it unopposed."
 25. March 26 : Nepali student helpless in Delhi - Some one hundred students studying in class 11 and 12 of Karna Satsang Kiran Memorial School, Mehrauli, New Delhi were driven out from their hostel on March 11 and took shelter in Royal Nepal Embassy.
 26. April 2 : How the Bhutanese refugees are living? Reporting by Peshal Pokhrel on Bhutanese refugees
 27. April 2 : Signature does not mean protection - Kathmandu. News based on the press release of INHURED, of Chaitra 8.
 28. April 2 : Slogan of dissatisfaction within Amnesty - Kathmandu. The organizational conflict for leadership in the annual general meeting of amnesty international.
 29. April 9 : Trafficked woman in capital - Kathmandu. Mrs. Sumita Joshi sold in Bombay for Rs.30,000 comes to Kathmandu. Description with her photo.
 30. April 9 : The suffering of Dalits (backward castes) : Kathmandu. Nepal Dalit Uthhan Sangh condemned the events of killing of Kajiman Biswakarma in Makwanpur, Handikhola by police and beatings of the mourners who blew sankha (for sacred sound) in Dailekh, Lankuri.
 31. April 16 : Is there cheating in the name of human rights? Critical description based on 22 human rights organizations. Suman Dahal concludes that they are not only for human welfare.
 32. April 16 : What the govt. wants? Kathmandu. News with note on the release of the journalists of Punarjagan and Dristi on the condition of being present on due date.
 33. April 16 : Another political murder - Bhojpur. Biswabandhu Rai, son of Nara Bahadur Rai, chairman of booth committee of NC at Tale Pani village has been killed by being stabbed with knife.
 34. April 23 : What the Nepalese in Malaysia are doing? Kathmandu. More than seven thousand Nepali who had gone for job are in Malaysian prison. Royal Nepal Embassy in Bangkok send the list of agents who send them to Malaysia which the Ministry of Labour has not cared.
 35. May 7 : CDO and police beaten - Janakpur. Durga Prasad Pokharel, CDO

- and Jaya Sinha Thapa, SP were beaten by local people : later on baton charge, firing on the air made, 6 people wounded.
36. May 7 : Amnesty today - Article on the organizational conflict of Amnesty.
 37. May 21 : Demand to stop repression - Kathmandu. FOPHUR has demanded to stop inhuman repression of local prison administration immediately.
 38. May 21 : FOPHUR in Palpa - Tansen. The first district assembly of FOPHUR, Palpa district convened with the demand to abolish, public security Act and public offence Act.
 39. May 28 : Nepali missing in Malaysia : Malaysian police and brokers kidnapped Nepalis who were helpless after their entry to Nepal arranged.
 40. May 28 : The prison waiting for the death - Parasi. The district jail in the verge of collapse threatening the life of many inmates.
 41. May 28 : Again police Terror : Gaur. Dulari Devi Majhi, 31 years and her daughter Anarkali Majhi were killed by sudden firing by police Hawaldar Tahasil Hussian and Assistant Sub - Inspector Saukhi Ram Yadav.
 42. May 28 : Protection rather than Reservation : Human Rights Federation organized a program to mark the 'year of the indigenous people' on 12th. President of the federation Kunwar Kanta stressed need of protection rather than reservation to such people.
 43. June 4 : The girls are trafficked to Hong Kong - Police has arrested a gang of girl traffickers who used to traffic girls from Nepal to prostitution dens in Hong Kong. The police raided Chungking Mansion with the help of Nepali youth Pritam Gurung, working in Hong Kong and Nepali girl Sophi Biswakarma who had been lured to Hong Kong for prostitution.
 44. June 11 : Girija to be criticized even in Vienna - A report of Kedar Subedi which described the PM Koirala shall be criticized by NGO representatives in International Human Rights conference.
 45. June 11 : Police interest on Human Rights - Police has attempted to show its concern on Human Rights by organizing a seminar on "Human Rights and Nepali police "
 46. June 18 : A Tibetan was killed this way. A policeman killed a Tibetan at the spot by firing and 8 wounded seriously, for not receiving illegal advances. Attempt to conceal the police excess. Police cordoned the team of Ministry of Home to safety.
 47. June 18 : Human Rights violated even in Britain - Report of London (IPN/NPI) published.
 48. June 18 : Vienna conference - published coverage on vienna conference.
 49. June 25 : Death or Murder? - Patan. Urmila Basnet, 19 years, of Nakkhutol, suspected to have died due to torture of her husband. Police have been trying to prove the case to be the case of suicide.
 50. July 2 : About those being killed. Report on the killing of people including innocents in Kathmandu and Patan during the Nepal Bandh (strike). Indiscriminate firing to resist the movement.
 51. July 2 : What happen in districts? News on the movement in districts (But there is no mention of the arrests and repression)
 52. July 9 : Human Rights violated in Nepal - Amnesty International published its annual reports in the Vienna conference. This describes the cases of failure of govt in different countries to protect the human rights.
 53. July 9 : The wounded dead - Bhaktapur. Bijaya Lama, 18 years arrested by police on 4th in Surya Binayak area, Bhaktapur died in Bir Hospital on 6th.
 54. July 9 : Police caused the government defame - Kathmandu. The police firing on crowd in Dillibazar without any reason cause 4 wounded and one missing. The statement of President Kunwarkanta, Human Rights Federation.
 55. July 16 : Hrishikesh Shah and Padma Ratna on Amar Lama - Kathmandu. Hrishikesh Shah, Chairman on Nepal Human Rights Organization reacted that Amar Lama is deprived of his human rights. Whereas Padma Ratna Tuladhar of FOPHUR said Amar Lama can not be called a criminal right now.
 56. July 23 : About the movement - Reporting on the murder, arrests, confrontation in different places. During the wheel

- immobilization strike of 17th and 18th nearly half dozens died and many wounded in the confrontation between people and police.
57. July 23 : Chitwan is still disturbed - Chitwan. In the confrontation, a 16 years old Kaushalya Ranamagar died with bullet on her forehead. Police brutal attack on MP Amik Sherchan. Unidentified two corpses found in the west of Narayani bridge. 4 people from the supporters of movement died.
 58. July 23 : Kathmandu. Story of those being cheated - Writeup about the torture faced by Santa Bahadur Shrestha and Khem Prasad Shrestha in Malaysian Prison.
 59. August 6 : Human Rights - 363 violation in 209 days - Kathmandu. News on release of Human Rights Year Book prepared and published by INSEC.
 60. August 13 : Stabbed to death - Patan. A 24 years old Laxmi Bhakta Maharjan stabbed to death on 27th Shrawan while he was riding on motorbike.
 61. August 27 : About Barabathwa incidence - Sarlahi. 30 rounds of blind firing in Barabathwa. Instant death of Kapil Dev Sing, 30 years and Bijaya Mahato, 24 years by the firing. Shiva Prasad Ghimire, Rajkumar Mahato, Bhupendra Thakuri seriously wounded.
 62. August 27 : Girl Trafficker arrested - Kathmandu. Rajjit Lama, who used to traffic Nepali girls to India, has been arrested.
 63. September 17 : Story of a destitute woman: Sabitri Sapkota, a 46 years old widow from Kavre, Sankhu Aklekheta is being beaten, chased and driven out from her village. This act has been done under the guidance of Krishna Hari Bhattarai, with the intention of possessing her share of property.
 64. October 1 : UML racing to release the criminal - Dharan. A news on the taking of girl from Dharan for flesh trade in India where a UML worker Januka Dahal was involved in the trafficking and was arrested.
 66. October 8 : Where the Human Rights Ends? Kathmandu. A counter question posed by PM Koirala in a press conference
 - "Where the human rights ends?" I feel peace in society and security to the people is the human rights".
 67. October 8 : Law for personal protection - Nepal Jurist Society convened a workshop on the "Law of torts"
 68. October 8 : Dacoit, Bomb and Bullets - Kapilbasta. After the dacoity in the evening of 5th October, bomb blast, pelting of stones and logs and confrontation between people and police. Life disturbed and terrorized.
 69. October 8 : High Level Human Rights Commission Demanded - Kathmandu. In a statement issued on 2nd October, Chairman of Amnesty International, Nepal appealed HMG to support the proposal to have High Commissioner on Human Rights.
 70. October 15 : What happened in Rolpa? On 7th October, Police interfered in a gathering of workers of United Peoples Front in Fareti VDC. Arrest without serving warrant and torture.
 71. November 5 : Bullets in Dasain - Parasi. In a confrontation between police and people after the arrest of a Keshab Raj Gurung, a UML worker. The baton charged and three rounds of blank firing.
 72. November 19 : The state of Morang Jail: Biratnagar. Prisoners aid mission visited Biratnagar jail and found 538 prisoners in a prison with the capacity for 350 prisoners.
 73. November 19 : Those gone for job are losing life - Kathmandu. The pain of 22 Nepalese who spend 7 months in "pustan" prison.
 74. November 26 : The decision of a dictator court - Bhutan High Court has awarded life term to Tek Nath Rijal.
 75. December 3 : Amnesty is lighting - Kathmandu. In a press conference held on the occasion of Human Rights Day, Amnesty International announced its 30 day programmes.
 76. December 3 : Attack on Police - Itahari. Policeman Ashok Shah who was going to Bardi Khola Bazar on 22nd November, was attacked by Yubaraj Rai and Dev Chandan with iron rods.
 77. December 3 : Strange King: strange order

- Life term awarded to Tek Nath Rijal, an accused on state offence, on 19th November. On 27th November, the king gave parole being effective "from the day of solution of problem of South Bhutan".
78. December 10 : Journalist on arrest - Biratnagar. Surya Nepal, corresponded of Bimarsha weekly, Biratnagar was arrested by police on 7th night and kept in police custody.
 79. December 10 : Amnesty: Conflict Continue - Kathmandu. Amnesty International dissolved 8 groups on the charge of being indisciplined, unregulated and engaged in undesirable activities.
 80. December 10 : Lahore exploit Lahore (Lahure, one who goes for work outside the country) 250 workers from Brunai Place accused that Nepali workers are being exploited by an organized group from Nepal.
 81. December 17 : Rolpa is turning to be Mashal's Liberated Area - Rolpa under the influence of Comrade Prachanda is likely to a liberated area for Mashal. Incidence of planned murder and terror is exceeding the limit.
 82. December 17 : Commitment to human rights - Kathmandu. Speaking on a talk programme held to mark occasion of World Human Rights Day, Deputy Speaker of House of Representatives Mahanta Thakur said that there is need of collective effort from all class and races of people to get rid of ignorance, backwardness and economic problems.
 83. December 17 : Demand for Human Rights Commission - In a seminar organized to celebrate 45th Human Rights day, Speaker Daman Nath Dhungana advocated the need of a Human Rights Commission in Nepal.
 84. December 24 : Wounded suffered more - Kathmandu. Two congress workers suffered from Mashal terror in Rolpa brought to Kathmandu got admitted to hospital only after two weeks of arrival to Kathmandu.
 85. December 31 : Padma Ratna Report - Kathmandu. Report published of the citizen's enquiry committee.
 86. December 31 : Bharat Gurung Freed - Kathmandu. Bharat Gurung undergoing jail term in Nakkhu jail on the charge of various crimes, freed on parole on the occasion of the birth anniversary of the king.
 87. December 31 : Police found guilty - Biratnagar. A commission deputed by Nepal Press Council to enquire on the case of arrest of the representative of Bimarsha Weekly Surya Nepal found the police to be guilty.
 88. December 31 : Maternal Uncle's incest - Bhairahawa. The sin of maternal uncle was known to the public when he raped his daughter in law in the Samrat Hotel, near the bus stand in Butwal. If the culprit Netra Bahadur Sunar had not been allowed to escape by the police he would have been attacked by the infuriated public.
 89. December 31 : Look to the indigenous people - President of Human Rights Federation regretted for not bringing any programme to improve the condition of indigenous people by government and non government units in the year of indigenous people.

DRISHTI WEEKLY

(January 6, 1993 to December 29, 1993)

1. January 6, 1993 : Sunita returns to her country - Surkhet. Sunita Chaudhary, age 23, was lured to India by Hera Singh. Her return was arranged by All India Nepali Union Society.
2. January 13, 1993 : Special police helped the absconding of criminal - Kathmandu. Ramkrishna Poudel, Nephew of Minister Ramchandra Poudel arrested on the charge of corruption. Dhruva Raj Poudel, another nephew of the same minister and Damodar Dhakal have remained at large.
3. January 13, 1993 : Police helped a cheat - Pokhara. A man with the name Dr.C.B. Rai cheated Rs 45 lakhs worth of property. He was assisted by police to be absconded.
4. January 13, 1993 : Torture in police custody - Kathmandu. A news on FOPHUR for its protest on the torture of

- villager taken into custody while protesting against the police rape in Budanilkantha.
5. January 13, 1993 : SAARC seminar in Janakpur - Janakpur. A news on the seminar to be held in Janakpur on January 21 and 22.
 6. January 20, 1993 : Nepali are refugee in Nepal : Presentation by Binod Dhungel based on the Surya Prasad Bhattarai's field report from Bardiya, Kailali, Kanchanpur districts on Kamaiya system.
 7. January 27, 1993 : Human Rights seminar in Janakpur - Janakpur. A seminar on "Human Rights situation in SAARC countries" concluded. Seminar inaugurated by speaker Daman Nath Dhungana. P.N. Bhagawati and Swami Agnivesh(India), Amir Ul Islam (Bangladesh), Father Timm(Pakistan) and Madan Bhandari and Mahendra Narayan Nidhi(Nepal) addressed.
 8. February 3, 1993 : Foes of communists are friends among themselves. Swami Agnivesh says in an interview "Religious fanaticism and sectoralism destroys human rights.
 9. February 10, 1993 : Brutal Murder - Janakpur. A news released from central office RPP claiming that Kaleswor Kapar Kewat of Bharatpur VDC has been murdered by workers of Nepali congress.
 10. February 10, 1993 : Satyagraha in Dhangadhi - Dhangadhi. Famine victims were rehabilitated by government in 1975/76 but were not given ownership certificate. The victims launched satyagraha as a protest before the Municipality.
 11. February 10, 1993 : Excesses of police Inspector - Achham. Inspector Pitambar Adhikari showered baton upon the students returning from examination in Sodasha Secondary School. Dala Bahadur Soud seriously wounded.
 12. February 17, 1993 : Drunk policemen Terrorized Jhapa : Two dead, 60 injured - Jhapa. A police team from Mecbi Zone police office, headed by Assistant Sub-Inspector Matrika Koirala terrorized people. Confrontation between people and policemen. Mrs Durga Bhandari and Adhikari Mahato dead in truck accident while returning from mass meeting held to protest the police excesses.
 13. February 24 : Policemen's slogan - Kathmandu. Policemen raised slogan against the police Inspector Nir Bahadur Gurung of Bagmati battalion. Inspector Gurung had beaten policemen under the influence of alcohol.
 14. February 24 : Carpet children : Facts can not be concealed by hiding the statistics. An article on child labour by Gauri Pradhan
 15. March 3 : Another story on cheating worth of millions in a welfare state and rule of law - an article by Binod Dhungel. Dealt on unemployment, right of being employed, the no. of manpower export agencies to 28. One of such agency "Pradhan overseas employment centre" cheated 20 millions from some 500 unemployed youths.
 16. March 3 : Small king big regime - Narration of exploitation by Raja of Bajhang. There child marriage and multiple marriage prevails. The "legal council" does not give justice to people other than Thakuris (to which the Raja belongs). Survey Report send by Ranesh.
 17. March 3 : Murder after murder - Sarlahi. Murder of Diwakar Singha followed by another murder to conceal the first crime in Sedhuwa VDC. Police arrested relatives of Diwakar who had come to know about the case.
 18. March 3 : Arrest the MP, cremate the dead body, over - Sindhuuli. News coverage on the murder of Samjhana Dahal on March 5.
 19. March 10 : Tanakpur and state terrorism of 22nd - Kathmandu. Police repression on the movement launched by four left parties. MP Krishna Gopal injured. Peaceful demonstrators in Singhadurbar lathi-charged.
 20. March 10 : Storm in the world of street people - Kathmandu . Street child Gopal Nepali, 12 years claims that he was left in Gorakhpur on the charge of theft. Police beat without any reason.
 21. March 10 : Latest Report of Amnesty International : Naked show by police in

- the rule of Girija - Report on the police brutality and violation of human rights before the murder of Samjhana Dahal - Report by Joshi Alvis.
22. March 10 : Home Minister lies - Janakpur. 384 persons arrested when four left parties blockaded (Gheraoed) CDO office in Janakpur. But home minister denies the report of any arrest.
 23. March 10 : Police lathi-charge : Four injured - Chitwan. Lathi-charge on a group of picketers at the order of CDO on the 5th movement of four left group. Balchandra Pandit, Gopal Kuwar and Ramprasad Shrestha seriously injured and hospitalized. Devi Gyawali injured on head.
 24. March 17 : Nepali crying in Malaysian Jails - Nepali who reached Malaysia in search of job on Jan 6 landed in Jail in DIPO Immigration Macap Um Boo Block.
 25. March 17 : Khukuri (Nepali Knife) does not have eyes to see : who is Bharat Devkota? - Kathmandu. Despite the conflicting arguments the responsibility of murder goes to Home minister Sher Bahadur, and the armoured team of NSU with its vice-chairman Umesh Rayamajhi and Ravi Shrestha - A remark.
 26. March 17 : To Sindhuli close (Bandh) : Sindhuli Madi. The news of general strike in Sindhuli.
 27. March 17 : While Remembering Samjhana - An article on Samjhana Dahal by Ms Nira Acharya depicting relation " Women and Human Rights"
 28. March 17 : Terrorist threat. Nepalgunj : Three persons with loaded guns arrested in Janma police post on March 8.
 29. March 17 : Child labour, Dark life - Four hundred thousand child labour in Delhi.
 30. March 17 : Procession against police post incharge. Janakpur. A protest demonstrations and mass meeting against police repression, terror and hooliganism in Dhanusa on March 14.
 31. March 24 : Why commission delayed? Kathmandu. News related to the death of Bharat Devkota.
 32. March 24 : Samjhana killing - judicial commission demanded - Kathmandu. News based on report of four human rights organizations
 33. March 24 : Palace D.S.P. - Kathmandu. Palace D.S.P. released and made to resign some palace service employees on his own will.
 34. March 31 : Nine injured, eight arrested. Tehrathum. Nine wounded and Eight arrested in a confrontation between people and policemen at Chathar Sukrabare
 35. March 31 : Junkies against forced haircut - Kathmandu. Youths against forced haircut by police
 36. March 31 : Advocate attacked in court - Rajbiraj. Advocate Reshem Lal Mandal was attempted to murder with knife within the premises of Saptari District court
 37. March 31 : Janakpur : Police help criminal escape. Police helped criminal of Gonapara killings in Mahottari district.
 38. March 31 : No democracy in police barrack - News based on corruption and dictator tendency of officers in military-auditors report.
 39. March 31 : Conflict in Amnesty Patan. Conflict between Krishna Pahadi and Shiva Raj Pant, Kamala Pant in the general meeting of Amnesty International held on March 28.
 40. March 31 : Police in congress terror - Bara. News on the murder of Bhikari Mahato.
 41. April 7 : District Assembly boycott - Palpa fully disturbed. Palpa weapons used in student fighting, some serious, students including Sesh Kanta Gautam president of student union in custody.
 42. April 7 : Unforgettable day : April 6, 1990 - Report by Ramesh Khadka on the events on April 8, 1990 and subsequent incidents.
 43. April 7 : Sister-in-law raped - Salyan. Prem Bahadur Oli of Lekh Pokhara W. No. 5 Agri Village, raped his sister-in-law Dhaka Oli.
 44. April 7 : Another death in Bhimad - Tanahun. Tilakaram Subedi, 40 years, found hanged on Chaitra 15 under suspicious circumstances.
 45. April 7 : Shop looted for not being congress - Biratnagar. A hardware shop was looted in Inaruwa of Sunsari district just in front of police post.
 46. April 7 : Love cause the loss of property -

- Siraha. A 25 years old muslim youth Kutush who had been running shop for bangles in Lahan Bazar for 5 years compelled to flee away by leaving his property behind. The cause his love with the Rekha Sarada.
47. April 7 : Hotel labourers arrested - Chitwan. Santakumar Shrestha, owner of Island Resort confined hotel labourers in room without any reason.
 48. April 14 : Press repression to please the palace - Kathmandu. The fourth state people were arrested on the charge of state offence and put in custody in the panchayat style, for informing public on a news reported by foreigner about a person. A case is being framed on the same offence against the journalists of well known papers Dristi and Punarjagaran.
 49. April 14 : 3 years term for arrested journalists. The government is filing the case against journalists of Dristi and Punarjagaran, demanding 3 years prison term and Rs.3000 fine.
 50. April 14 : Murder of African leader Chris - Johnsberg. General secretary of South African Communist Party was murdered last saturday on his own lawn before his daughter.
 51. April 14 : New year begin with arrests of journalists. Writeup of Raghu Pant. The narrow and unclear rooms in Kathmandu police custody which was well known to keep journalists in Panchayat days, could accommodate three journalists after 3 years - A part of the writing.
 52. April 14 : The bullet did not spared even a street children. Kathmandu. The street children found some bullets thrown in the heap of garbages. In an attempt to pierce a whole on the bullet exploded to injure the child.
 53. April 14 : Death after beatings : Sindhupalchowk. Thak Bahadur Aryal of Thakari VDC died while undergoing treatment in Bir Hospital. He had been given drinks and beaten by some local people. He was thrown away after beating presuming that he was dead.
 54. April 14 : 14 years child in jail : Janakpur. 13 people including 14 years old Bijaya shah, Tarapathi village of dhanusha district were arrested on the charges of attempted murder and were sent to Jaleswor Jail.
 55. April 21 : Adolescent Raped. Saptari. A 16 years old Anirika Devi Satar mass raped in Khando Khola on April 18.
 56. April 28 : Fear of Brother-in-Law - Kathmandu. The brother-in-law of the Prime Minister Koirala is general secretary in Pak Foreign ministry and attack on freedom and human rights in Pakistan. Nepal keeps quite.
 57. April 28 : Story of child rape - Ilam. A 7 years girl Sunita Basnet studying in Pragya Sadan Boarding School, KG. class raped.
 58. May 5 : Single grave for mother and son - Rajhiraj. The corpse of a 30 year woman and about 5 year old child found in the field of Kusum Thakur in Maleth VDC - 1, on April 28.
 59. May 5 : Girija Babu, are not you satiated by blood? Panchthar. On April 29 savage murder of the family of Kuber Prasad dulal in Lungrupa, 4 miles away from District Head Quarter.
 60. May 5 : Rape victim Katuwal in Patna - Damak. Man Bahadur Katuwal was raped by three ladies on April 25. He went to Patna for medical treatment.
 61. May 5 : Peace Army but not peace - Reporting on Royal Nepal Army. Where is peace? Army men in custody. Army officers and contractors together, Forest being wiped.
 62. May 5 : International organization appeals for withdrawing the case against the journalists. PEN appealed to withdraw the case against Sambhu Shrestha, Mathbar Sing Basnet and Saradchandra Basti on the ground of protection provided by article 19 of the Universal declaration of Human Rights. Appeal made on April 22.
 63. May 5 : Doubt of child Trafficking. Udayapur. A 13 years old daughter of Bindiya Lal Tharu a peon of Chihan Pokhari High School, has been missing.
 64. May 5 : Reports by journalists - Parsa. Report by journalists on the firing incident of Padmaul village, Nagardaha VDC on March 9.
 65. May 5 : Meeting prisoners not allowed -

- Chandragadhi. The prison section of Jhapa district has not permitted to meet prisoners.
66. May 5 : Police suppress the case of murder : Gulmi. The policemen who sided with the accused Mahesh Bahadur Pradhan, arrested on the charge of murder of Mina Shrestha in Purnaghat, has been a subject of proceedings.
 67. May 12 : Blood shed in Buddhajayanti Day. Janakpur. Firings in Khuta Pipargadhi on Buddha Jayanti day. 18 women seriously wounded. Ramsagar Devi and Kadaiya Majhi had head injury. Five hospitalized. Confrontation of landless and police.
 68. May 19 : An article by Bhikshu Aswoghosha - Human Rights. Different versions - "Nowhere is the violation of human rights more than it is happening in USA and other capitalist countries". A quote from the article.
 69. June 2 : Child absconding, Lathi Charge and firing - Chitwan. People raising voice against Ranger Komalkant, Police of Gaijda Gausti, Tikanli lathi charged and opened fire.
 70. June 9 : Confrontation in Vienna. Human Rights organizations from Nepal protested against the Prime Minister for his claim that human rights situation is consolidated in the country. Confrontation between the govt. and NGOs visible.
 71. June 16 : US threatens Vienna : slogan "Carter go back" Vienna. 1500 participants from different parts of the world had raised slogan against the ex-president of USA Jimmy carter "GO BACK" for 30 minutes.
 72. June 16 : Ramechhap again Terrorised. Ramechhap. A group of 200 NC people led by regional member Devi Bahadur Tamang attacked on leftists on June 5. The police denied even to register the complaint against the attackers.
 73. June 23 : NC worker involved in women Trafficking : Butwal. Hema Raj Bhusal who claims to be an active NC member, lured three women for sale to Punjab.
 74. June 23 : Men being killed, missing and thrown away - Kathmandu. The no of people killed by the government in four days has exceeded two dozens. (During the June 26 to 29 in the days of movement).
 75. June 30 : List of the people killed - Kathmandu. Names of 12 people killed in police action published.
 76. June 30 : Model of Excesses - Kathmandu. A team of 25 policemen arrested four persons from the third floor of a house and carried to Koteswor Police Post, beaten them seriously and forcefully made to sign on false statements.
 77. June 30 : Protest against Govt. from Vienna. National coordination committee representing Nepalese NGOs to the world Human Rights conference raising the issue of rampant firing, demanded for the release of detainees and penalise the criminals. Nepal Human Rights organization, Human Rights Federation, Forum for Protection of Human Rights, Nepal Bar Associations etc protested and criticized the government for brutally firing and killing innocent people.
 78. June 30 : Genocide protested - Lalitpur. Forum for protection of Human Rights Lalitpur, in a press statement, protested government for killing innocent people by bullet firing.
 79. June 30 : She become widow - Kathmandu. Ram Prasad Sapkota, 24 years was hit by police aiming at the back despite that he pleaded to be a employee by showing his ID card. A women (w/o Ram Prasad) become widow within the first year of marriage.
 80. July 7 : Hunger Strikers in Prison - Kathmandu. Students undergoing hunger strike were arrested and put in the custody at Hanuman Dhoka police station.
 81. July 7 : Dristi correspondent attacked - Rajbiraj. Hooligans attacked Lokendra Budathoki, a correspondent of Dristi.
 82. July 7 : Police presents dacoit with a pistol - Janakpur. Sub Inspector Ram Chandra Mahato of Dhanusa gave a Chinese pistol with 16 round bullets which was given to Mahato to arrest the dacoit.
 83. July 7 : Those who sacrificed for the cause of movement. Personal data with photo of those killed by police firing in Kathmandu

and Lalitpur published.

84. July 7 : Govt. violates Human Rights. Lalitpur. Appeal court Bar Association, in its meeting of July 2, has decided that the govt. has violated Human Rights by killing more than two dozens of people by firing.
85. July 14 : Where are the missing people? Kathmandu. Dozens of people arrested in connection with valley bandh are still missing (21 names available to Dristi published)
86. July 14 : Missing - Kathmandu. News with photo of Prabhakar Subedi published. Subedi missing since June 26.
87. July 14 : Disabled too victim of state terrorism. Butwal. Confrontation between government supporters and opponents in a procession coming out in Debdaha, Khairani Bazar. More than six UML supporters arrested tortured. Disabled Balakumar also seriously tortured.
88. July 14 : Human Rights violation should be raised in UN- Kathmandu. News based on the statement of INHURED.
89. July 14 : Prisoners under police inhuman treatment - Kathmandu. Those arrested during Kathmandu Bandh and Nepal Bandh suffering under police custody. Bijaya Lama of Kavre Palanchowk, one of such sufferers died.
90. July 14 : Bar Association regrets - Lalitpur. General Meeting of Nepal Bar Association Lalitpur Unit, held on June 28, has condemned police repression and decided that such acts are against human rights.
91. July 14 : Killings be condemned - Kathmandu. A news based on statement issued by 18 doctors including Dr Mathura Shrestha urging Nepal Medical Association to honour its commitment to protect human rights by opposing such killings.
92. July 21 : How many Kaushilas to be killed? - Kathmandu. A news covering the name of those arrested and killed. One among the killed was Kaushila Rana killed in Cbitwan on 19th July when she had gone to fetch milk with her baby.
93. July 21 : Foreign Affairs and Human Rights committee protests : Foreign Affairs and Human Rights committee of House of Representatives issued a statement protesting govt. for not allowing to study on human rights situation.
94. July 28 : Vehicle strike in Eastern Region on 16th -Damak. Police Inspector surendra Bahadur Singh killed Dilli Gautam by firing bullet on the heart of the victim.
95. July 28 : How the parliament can be respected by dishonouring the parliamentarian? An article by Dr. Hari Bikram Thapa with a caption "MP Bam Dev Gautam was not spared" with a photo.
96. July 28 : Demanded action against murderer - Kathmandu. Nepal Free Transport Workers Association and Nepal Free Painter Labour Union demanded action against the killer of Dilli Gautam who had been killed on shrawan 4 in Damak.
97. August 4 : State Terrorism has not ended. Biratnagar. A news with the description of the cases of violation of human rights in Morang Districts.
98. August 4 : Hunger strike still continue. Kathmandu. Health workers struggling for the right of getting opportunity to study still on hunger strike on the 25th day.
99. August 4 : Death from beating Butwal. 26 year old Prem Bahadur Shrestha died from police beatings.
100. August 25 : Five died in Sarlahi - Barahathawa. Police fired 52 round bullets in Barahathawa four died at the spot and Kiran Shrestha died while on way for treatment.
101. September 1 : Sarlahi to be Somalia - Sarlahi. The field report on firing episode from Barahathawa.
102. September 8 : Women Trafficking - Butwal. Sabita Poudyal, 15 years old taken to Delhi for sale.
103. September 8 : Rolpa terrorized - Rolpa. Description of police and Congress attack, kidnap, arrest and misbehaviour on lefts.
104. September 8 : Our girls are being sold before us. Some important excerpts from the book "Sexual exploitation and Nepali women " prepared by Pelin Odiya. UNICEF.

105. September 8 : 350 women raped during the tenure of Girija - Kathmandu. Women from 3 to 65 years old raped. A bill for the punishment of rapists prepared by MP Sahana Pradhan on behalf of women's pressure group, rejected by the parliament.
106. September 8 : Child raped again - Butwal. A 12 year old girl Gita Sapkota, of Saljhandi VDC - 6, Rupandehi district raped.
107. September 15 : Murder or suicide? A news on the death of a Nepali Bahadur Shrestha, who had gone to Malaysia and then to Thailand in search of job, found dead before Royal Nepal Embassy. News with photo published.
108. September 15 : Father rapes daughter - Nepalgunj : Ismail Siddhiki, 32 years of Nepalgunj - 16 Korenpuruwa raped his own 12 years old daughter.
109. September 15 : Human Rights Activist appeal : Dhankuta. Referring to the arrest of persons in the case of police and Dumb, request of FOPHUR (Dhankuta) to District office to honour human rights granted by the constitution.
110. September 22 : Limit to express hatred too : Chitwan. A 70 years old Khadananda Regmi raped 13 year old girl Paryati Poudel on September 16.
111. September 22 : Again child raped - Tanahu. A 4 years old girl of Khairanitar was raped by Bishnu Bahadur Basnet.
112. September 29 : A youth was swallowed : Kathmandu. An investigative story on how a missing student Prabhakar Subedi was kidnapped.
113. October 6 : Devilish torture in Jail - Ilam. Accused of making an attempt to flee away from jail, four prisoners were kept on handcuffs, fetter for the neck and feet.
114. October 13 : Go to Rolpa to know congress - Rolpa. The people of Gairi Gaun, Jangkot, Bhawang, Kotagaun, Dhawang, Korchawang and Kareshi VDC under the joint assault of police and congress workers.
115. October 13 : Human Rights activists against Russian homicide : Human Rights organizations of Nepal "we condemn the violation of human rights in Russia by the Yeltsin govt. support by power."
116. November 10 : Children missing from Balmandir - Kathmandu. Ramesh Pande and Laxman Pande, sons of Lekhnath Pande of Nuwakot, Thanapati, who were admitted to the Balmandir on 1979/80.
117. November 10 : Indian Police in Saptari - Rajbiraj. Indian police enter Nepal without permit. Death of Kisun Yadav by the bullet fired by Indians including kailash Yadav.
118. November 10 : Another murder in Dolpa - Nepalgunj. Bharat Bahadur Gharti, 45 years, resident of Kohlpur Bharaiya, Banke, was beaten when gone to Rolpa in Dasain festival. He died later when undergoing treatment in Hospital.
119. November 10 : A congress kills another - Jajarkot. Dile Rana, a congress worker had been murdered by Yagyan Bahadur Khatri VDC, chairman by stabbing in the stomach on October 7. Dile Rana had gone to see mela (festival).
120. November 10 : Attack on UML worker - Chitwan. Students Dev Narayan Mahato and Ganga Ram Mahato attacked by Khukuri(knife).
121. November 24 : MP Gautam arrested - Dang. UML MP Siba Raj Gautam was arrested and kept in District police office, Ghorahi.
122. November 24 : When the police himself creates terror - Biratnagar. Radhe Shyam Chaudhary, resident of Biratnagar 6 was beaten to the point of death in the midnight.
123. November 24 : Protest against political murder - Kathmandu. Amnesty International is to accelerate its campaign against the violation of human rights, political murders and cases of disappearance.
124. November 24 : Dead body in Airport - Chitwan. Dead body of Bala Krishna Biswokarma, 78 years was found in the airport on 25th Kartik.
125. November 24 : FOPHUR Demand - Kathmandu. FOPHUR issued a press release demanding the release of Tek Nath Risal, leader of Bhutanese Human Rights movement.
126. December 1 : Appeal to save the life of

- Sikhs - International Youth Sikhs Federation (ISYF) express its serious objection to the handing over of five sikhs arrested in Koteswar, Kathmandu by Nepal police to Indian police without any trial.
127. December 1 : Chitra Kumari did not get justice - Nepalgunj. Chitra Kumari Basnet of Banke, Kohalpur -8, had lodged complain of being raped by Lalit Man Oli. She has complained of injustice for the police did not act on the first information report.
 128. December 8 : Rajbiraj. Bullet fired on an old woman - Rajbiraj. Bullet fired on 55 year old Heera Devi Jha.
 129. December 8 : Surkhet : Violation of human rights by the people in the government - Surkhet. A team arrived here under the leadership of Bhagwat Gyawali, chairman of Human Rights commission, made field observation on any cases of human rights violation by political parties, institutions and organizations.
 130. December 8 : A pathetic story of a young lady in prison : Kathmandu, story of Rana Bhandari, 20 years spending life under torture in Dillibazar prison on the charge of abortion.
 131. December 8 : Students demand Human Rights - Kathmandu. ANNFSU and Bhutanese Student Organization are to organize SAARC level human rights education program in Kathmandu from Dec 10 to 20.
 132. December 15 : Singh - congratulations! - Kathmandu. Congratulation to Ganesh Man Singh who is honoured with Human Rights Award.
 133. December 15 : The right of mass murder. An informative article by Lekhnath Bhandari on the political persons missing since Panchayat days.
 134. December 15 : Courageous speech by CDO - Pokhara. The function organized to celebrate 45th Human Rights Day by FOPHUR, NHRO, Nepal Bar Association District unit and INSEC, Ram Prasad Khatiwada, CDO said " As government bodies violate human rights daily, human rights organizations should be conscious."
 135. December 15 : Dalits (lower caste) could not sell milk - Shyanja. The dalits could not sell milk to the Udiyachaur centre of Dairy Development Corporation. To protest, the dalits of Relakot ward No 2,5 and 6 launched campaign.
 136. December 15 : Prabhakar's case - Kathmandu. The hearing on the habeas corpus writ related to the case of missing Prabhakar Subedi shall be on December 20.
 137. December 22 : Series of murder and rape- Butwal. Report by Tilak Acharya on the cases of murder and rape in Butwal from 1991 to 1993.
 138. December 22 : This devilish Act - Biratnagar. A six year girl, daughter of Dil Bahadur Raut residing by the side of refugee camp of Beldangi, Jhapa, was raped.
 139. December 29 : Tuladhar commission on Das Dhunga - A case of planned murder - Kathmandu. The news on the report of Citizens Enquiry Commission constituted under the co-ordination of Padma Ratna Tuladhar.
 140. December 29 : Military Terrorised - Chitwan. The Military guards of Royal Chitwan National Park have created terror among the people of Madi
 141. December 29 : Student killed - Ramechhap. A student of Prayageswor Secondary School Bhoj Bahadur Karki, who was a supporter of ANNFSU, had been murdered by a group of people including the chairman of NSU, Ramechhap.

JAN SWATANTRATA WEEKLY

(From January 7, 1993 to December 30, 1993)

1. January 7 : Nepal Human Rights organization has informed that 100 militarymen back from peace mission to Yugoslavia were taken from airport to military yard with handcuffs on December 9, 1992 and tortured.
2. January 7 : A.I. Nepal campaign: Kathmandu. A.I. to launch a campaign against violation of Human Rights in Nepal at the call of A.I. London

- Secretariat. But A.I. Nepal and its affiliates shall not participate.
3. January 14 : Employment Refugees: There may be 2000-2500 Nepali in Germany. Among them only 500 may have gone on their own. All through brokers must have been landed in refugee camp. Reporting by Ramesh Dahal from Frankfurt.
 4. January 14 : Murder under the direction of MP: Bhairahawa. Truck with registration No. U.P. 78/1150 coming from Kanpur to Lukhnow had been hijacked in Nepal after killing its driver and helper in place called Unnav on December 30. Involved in the case were Rafi Ahmad, a relation of Sadbhavana MP Mirja Dilsaj Beg and others including Nitamani Poudel, Sailesh Narayan Shrestha, Shyam Kumar Gurung all residents of Kataiya. MP Beg had directed the hijacking and murder.
 5. January 14 : Women traffickers arrested - Chitwan. Chandra Bahadur Gurung and Krishna Bahadur Biswokarma who had been accused of girls trafficking were arrested.
 6. January 21 : Congress on refugees - Kathmandu: The foreign relation committee of Nepali Congress has recommended to internationalization of the Bhutanese refugee problem as the case could not be solved bilaterally.
 7. January 28 : Human Rights Fete in Janakpur - Janakpur. News on the seminar on "Human Rights situation in SAARC countries" held in Janakpur on January 20 and 21.
 8. February 4 : Rana Tharus in the year of Indigenous people - On the occasion of Human Rights Day, an article by Sanjiv Maharjan on the indigenous people of Nepal.
 9. February 11 : Human Rights Education campaign - Kathmandu. Amnesty Nepal has started human rights education and awareness campaign with the slogan "Human rights - A base of human living system".
 10. February 18 : Unemployed Nepali in the jungle of Malaysia - News quoting the reporting of local Puspanjali weekly which has narrated the pathetic and painful life of Nepali in malaysia. Letter been sent by Nagendra Sitaula who is in Malaysian jail.
 11. February 25 : Kamaiya (Bonded Labourers) and Human Rights - Senior Advocate expressed his concern on the exchange of bonded labourers as animals in western Terai. This is against the UN declaration of human rights.
 12. March 4 : Attention drawn on Bhutanese Refugees case - Kathmandu. A joint delegation of Human Rights organizations met the Prime Minister on 15th Falgun and appealed to raise the Bhutanese Refugee issue in the Human Rights Commission meeting to be held in Geneva.
 13. March 4 : concern on institutional slogan on Human Rights - Kathmandu. Concern of institutional slogan expressed in the third general assembly of Nepal Human Rights organization.
 14. March 4 : Human Rights Day and Torture - Nepal before the world. Description of Amnesty Report published in February.
 15. March 4 : Is he killed? Ramechhap. Bhiman Singh who had been beaten by the workers of peoples front on July 9 is still missing.
 16. March 11 : Extreme example of police torture - Biratnagar. The policemen of Betauna police Post arrested Chhimaange Limbu, Karna Bahadur, Ramchandra and other persons, and gave torture at night. The police put water from the nose at the flat position and inserted stick from the anus of Ramchandra.
 17. March 11 : Amnesty demands National Commission - Kathmandu. A.I. kathmandu east group -35 in its general assembly announced to launch a campaign to form an UN commission on human rights for Burma and Bhutan.
 18. March 18 : One killed in Nepal Bandh - News on the death of a student Bharat Devkota in student confrontation.
 19. March 25 : Cruelty of a rapist - Janakpur. On 4th chaitra Chhedi Mandal took a girl child Renu Kumari, 5 years from Gaushala, Mahottari and raped her in his room.
 20. March 25 : Attempt to murder within court premises - Rajbiraj. Advocate Resham Lal mandal was attacked with knife within the

District Court Premises.

21. March 25 : The pain of (another) Bharat Gurung - Chitwan. An active NC worker Bharat Gurung who had fought continuously for democracy now been in critical illness.
22. April 15 : Journalist released on bail - Kathmandu. News on arrest and release of the journalists of Dristi and Punarjagaran.
23. April 15 : Nepal in American Eyes. Human Rights Report published by US foreign ministry mentions that the violation of human rights taking place in Nepal and the human rights organization are also ineffective.
24. April 15 : London stand on amnesty, Nepal controversy - Kathmandu. A.I. secretariat issued a statement enforcing the legality of the general assembly of A.I. Nepal held on March 28.
25. April 15 : Is he murdered? Kakarvitta. Satya Narayan Haluwai, a Bhutanese of Indian origin has been missing since two years. He was arrested from Namlang, a village bordering with Assam 2 years ago.
26. April 29 : A youth raped by three ladies - Damak.
27. April 29 : Journalist Beaten - Dharan. Ghana Shyam Agrawal beat chandra Mani Adhikari, editor of Arati weekly.
28. May 6 : Girl trafficker arrested - Udaypur. Man Bahadur Rai the trafficker, arrested with a girl.
29. May 6 : Murder in Bhutanese Refugee Camp? Damak. Murder of Surya Man Subba in a confrontation in Beldangi Camp.
30. May 13 : Appellate court within the police cordon - Biratnagar. Banbari Lal Urab was put in police custody for 22 days and tortured without permission from the court. After the court issued order for his release DSP, three Asst. Sub inspector, Four Sub inspectors and a dozens of policeman dragged him from the court.
31. May 13 : The A.I. Nepal chapter expresses concern on Vienna conference - Kathmandu.
32. May 13 : A girl manhandled - Chitwan. A girl was manhandled by hooligans and escaped by looting jewelleryes.
33. May 13 : House ransacked - Janakpur. On May 11, the police ransacked, without any notice, the house of Baijanath Shah, member of NC Dhanusha District Committee.
34. May 27 : Government needs dollars not the future of child - A feature article by Sanjiban Maharjan on the health and future of child.
35. May 27 : Amnesty Nepal on Vienna - Kathmandu. A. I. Nepal requested PM to review the situation of human rights.
36. June 3 : Military fired in Chitwan - Chitwan. Firing in the air to disperse the people gathered to protest the unilateral enquiry statement recorded with 14 years son of Dol Bahadur after his arrest.
37. June 3 : Destitute guardians of environment who do not have their future - reporting by Sanjivan Maharjan on the street children.
38. June 10 : Commitment of government towards human rights spoken in vienna conference only a lip service.
39. June 10 : Murder for not bringing dowry? Chitwan. The dead body of Mrs Santa Kumari Poudel of Ganga Nagar, Patibani VDC found by the side of Rapti River on June 2.
40. June 10 : The reason for the ineffectiveness of child related laws is the incompetency of the government. An article by Santos Acharya.
41. June 10 : PM explains human rights - Kathmandu. Inaugural address by Prime Minister on the seminar "Human Rights and Nepali Police".
42. June 17 : The exchange of human beings has been still continuing - An informative article on bonded labour system by Sanjivan Maharjan.
43. June 17 : PM was not spared in Vienna - Kathmandu. NGO participants protested PM in the world Human Rights Conference.
44. June 17 : Mass rally & meeting to protest murder - Protest against the murder of Shakuntala Poudel in Chitwan.
45. June 17 : Model sex play - Janakpur. Girls of 14 and 20 years of age raped in local Raman Lodge.
46. July 1 : These are the deads - Kathmandu. The description of those dead in the

- violent incidents in kathmandu and Lalitpur.
47. July 1 : Daughter-in-law set on fire - Sunsari. Anju Devi Sethia was sprinkled with kerosene and set on fire by people including Chhand Sethiya of Hari Nagar VDC Ward No. 7. She was, however, saved.
 48. July 1 : A model of torture - Kathmandu. Tirtha Subedi, Kalyan Luitel, Dhan Bahadur K.C. and Lal Bahadur Karki were arrested on October 29 at 11'o clock night from their own room in Koteswor. They were carried in Mahendra Police Club and beaten with rubber in the sole and pierced nails with pins.
 49. July 8 : Rup Narayan Shrestha Arrested - Kathmandu. Rup Narayan Shrestha was arrested from the office of ANNFSU, Bagbazar without serving any arrest warrant.
 50. July 8 : Human Rights of democratic government in the eyes of Amnesty -News based on the A.I. annual report on Nepal.
 51. July 8 : How was Nepal Bandh - Kathmandu. News on the effects of Nepal Bandh in kathmandu and other localities. The bandh generally remained peaceful.
 52. July 15 : Black story from Black area - Report of Sanjiv Maharjan on Kamaiyas.
 53. July 22 : Jagat Gauchan arrested and freed - Kathmandu. Three people arrested for going to meet Bharat Gurung with pistol. Jagat Gauchan, one of the arrested was freed on the same day by District administration on bail.
 54. July 22 : Amnesty demands enquiry commission - Kathmandu. A.I. London secretariat issued a statement on the killings of 16 people in the violent firing by policeman. It demanded a commission to enquire on the incidents.
 55. July 22 : Use of antidemocratic act - Kathmandu. The chairman of Human Rights Organization issued a statement regretting for not allowing it to observe the victims of police firing.
 56. July 22 : Again Bonded Labourers - Kathmandu. A news on the discussion program organized by INSEC on the bonded labour system in Terai, Western Nepal.
 57. July 29 : Congress arrested - Dhangadhi. 40 people including the supporters of UML, Joint People's Front and NC arrested from the protest demonstration sponsored by lefts on 3rd.
 58. July 29 : Suspicious death - Dhangadhi. On July 13, J.T.A. Hari Har Ghimire found dead in suspicious condition within the compound of Laxmi Furniture, Mandavi road.
 59. August 5 : Teacher murdered - Morang. Secretary of CPN (UML) Rajghat VDC arrested for the murder of brother-in-law Keshav Pande.
 60. August 19 : Girl trafficker arrested - Chitwan. Ram Sharan Pudasaini and Krishna Pudasaini from Bharatpur Municipality were arrested after Sharada Thapa from Dhading and Sunita Kumari from Parsa lodged complaint to the police after returning from Bombay.
 61. August 19 : Child Labour: another side of the problem. An article by Sanjivan Maharjan on the child labourer of 10 to 14 years of age.
 62. August 26 : Firing on the flood victims - Barahathawa. Reporting of Brij Kumar Yadav and Mahesh Gautam on the Barahathawa Firing incident.
 63. August 26 : Again a child rape - Birgunj. A nine year old girl Sunita Kumari Yubedar was raped by Salim Miyan on 30th Shrawan.
 64. August 26 : Girl trafficker arrested - Dang. Members of a gang of girl traffickers Sunita Rijal and Sukamaya Bista were arrested by District Police Office, Dang.
 65. August 26 : Ranjit Lama on proceedings - Kathmandu. Ranjit Lama from Mahankal VDC, Sindhupalchowk, now residing, in kathmandu Municipality, Chabbil was arrested for trafficking girls to Bombay. It is said that he has already sold some 300 girls.
 66. September 2 : Barahathawa firing regretted - Kathmandu. Puspa Kamal Subedi, secretary of Nepal University Teachers Association, Trichandra Campus Committee regretted for the firing on Barahathwa victims. The victims were fired by police on the peaceful demonstration against the malpractices in

- relief works.
67. September 9 : Voice of Bhutan - Kathmandu. "Forum for Human Rights of Bhutan" has charged Bhutan government of indiscriminate arrests and tortures on the families of freedom activists.
 68. September 16 : UN report on Tibet - UN Human Rights Commission has reported of growing violation of the rights of religion and human rights in Tibet.
 69. September 16 : Bhairawa, Gagangunj. A new prostitution area - Reporting by Santosh acharya on Prostitution.
 70. September 23 : Nepal Bandh - Moral Defeat of govt. In the peaceful protest demonstration, leader of sponsoring parties, MP's and demonstrators were arrested and some of them were arrested under Security Act and public Offence Act.
 71. September 23 : Press freedom deprived - Kathmandu. Nepal Journalist Association condemned the violation of press freedom where Kabir Rana of Deshantar was beaten, Binod Pahadi, NSA member, Rupendehi was arrested and issue of summon for the news published in Mahanagar.
 72. September 23 : The responsibility for Asian Child Labour - Report of I.P.S. and N.P.I.
 73. September 30 : Brute police within the prison - Ilam. News on the torture given to the prisoners on the charge of an attempt to escape.
 74. September 30 : Prison problem - Biratnagar. 501 accused are spending prison term awaiting for judicial decision. The capacity of the prison is 350 persons. After the decision from court the number of inmates shall come down.
 75. September 30 : Those non-citizens in municipality - Report of Sanjiv Maharjan on street children.
 76. October 7 : Amar Lama voices question from jail- claiming that he is illegally imprisoned, Amar Lama asks " what would have happened if Madan Bhandari had driven the vehicle?"
 77. October 7 : Flesh trade in the Kathmandu life style. A report stating the number of people engaged in flesh trade to be 4 to 7 thousands.
 78. October 7 : Nepali helpless in Indian soil - Kathmandu. Nepalese gone to Assam for job being looted by hooligans protected by police.
 79. October 14 : Confrontation in Refugee Camp - Jhapa. Confrontation in Khudunahari refugee camp, 6 policemen injured, refugees arrested.
 80. October 14 : Do Nepali Police trafficked girls? - Kathmandu. A detail report on Tilu Ghale, 26 years who was under police torture at the time when PM was speaking on human rights at the Vienna conference.
 81. October 14 : Human Rights in Dang - Dang. Nepal Human Rights Organization and A.I. Dang group conducted a program on the "Role of Human Rights in Democracy".
 82. October 14 : Human Rights Awareness - Kathmandu. Amnesty International and Nepal Human Rights Organization published the schedule for human rights awareness program to be launched in 14 districts.
 83. October 14 : Hunger striker arrested - Rajbiraj. Local administration arrested 20 workers including Dinesh sing of Nepal Student Union, Saptar.
 84. November 11 : Supreme court issue order to police for recording statement - Kathmandu. Supreme Court has ordered police DSP Rewat Bahadur Thapa to be present before the court in order to record statement.
 85. November 11 : Another underground Party in Bhutan - Biratnagar. "Bhutan State Congress" issued a statement in a press conference to launch peaceful struggle for establishing human rights.
 86. November 25 : : Life Term to Rijal - Kathmandu. On Nov. 16, Bhutanese court gave life term to Teknath Rijal, a human right activities leader. He was found guilty of making conspiracy against the country, King and the people.
 87. November 25 : UN Human Rights Award to Supreme Leader Singh - Kathmandu. UN announced human rights award to Ganesh Man Singh.
 88. December 2 : Human Rights District Committee - Biratnagar. District adhoc

Committee, Human Rights organization formed with advocate Subas Karki as Coordinator.

89. December 2 : Nepali girl in Bombay brothel - Nawalparasi. Prem Bahadur Biswokarma, within three days of marriage, sold his own wife in Bombay Brothel for Indian Rupees 26 thousands.
90. December 9 : Singh to be awarded - Kathmandu. A news report which comment that the government could not boast even when Ganesh Man Singh received the UN human rights award.
91. December 9 : World Human Rights Day - Human Rights in Nepal - Nepal could not have good record on human rights in 1993 - a comment.
92. December 9 : Amnesty conflict resolved - Kathmandu. Nikhil Roy from A.I. described the conflict within A. I. Nepal to be against rules, policy, objective and programs of the A. I. .
93. December 9 : Police Beat Journalist - Biratnagar. Journalist Surya Nepal was beaten mercilessly by Traffic Police without any reason.
94. December 16 : Ganesh Man Singh, country's pride - Kathmandu. Dr. Butros Ghali presented UN human rights award to Ganesh Man Singh in the UN head quarter on world Human Rights Day, 10th December.
95. December 16 : Occasion: Year of indigenous people 1993 - Jhapa. An attractive Programme was held in Birtamod of Jhapa to mark the Human Rights Day on the chairmanship of Durga Chandra Rajbanshi, chairman of Jhapa District Committee on the year of Indigenous people.
96. December 16 : Health worker beaten - Nepalgunj. Assistant Sub inspector Hari Das Shrestha of Regional Police office attacked Assistant Health worker, Om Nepal of Bheri Zonal Hospital.
97. December 23 : Mass meeting calling united action of all Bhutanese - Jhapa. On December 20, mass meeting held at Itta Bhatta Secondary School, Damak, calling for unconditional union of all for democracy and Human Rights.
98. December 30 . Women from Poda class:

street is our world. Some 1800 women from Poda class are in the job of street cleaning in Kathmandu alone. An article by Dipendra Kafle describing their problems.

WEEKLY NEPALI PATRA

(From January 1, 1993 to December 31, 1993)

1. January 1 : Case is deepening - Kathmandu. Amnesty International and other Human Rights Organization have started enquiry on the case of rape of a carpet worker Manikala Rai by Assistant Sub-Inspector Gopal Dhakal.
2. January 8 : Indian Police ransacked UML office - Ilam. Indian police led by Nepali Police searched the Ilam office of UML.
3. January 8 : Wherever you touch the wound pains - An article by Krishna Pahadi saying that "organization Registration Act" is a black legislation.
4. January 8 : Amnesty conference to be held on 1st Falgun.
5. January 8 : A seminar of Amnesty on Human Rights, Gaundakot.
6. January 22 : Kumar Lama was arrested thus - Kathmandu. A news on the arrest of Kumar Lama who was absconding after raping girl child Meena Gurung
7. January 29 : Another Brutal Murder in Pokhara - Pokhara. Om Bahadur Chhetri, 53 years was stabbed with knife on Magh 14.
8. January 29 : Boys Kidnapped - Butwal. Panjabis kidnapped Udayraj, 12 years Triloki Chaurar, 15 years, Darshan Badai - 12 years and Binuwa Badai 10 years.
9. January 29 : Why Yasoda died? Kathmandu. A 15 years old Yasoda Pokhrel (a servant), resident of Kathmandu Municipality-4, Ghattekula is suspected to have been murdered.
10. January 29 : Black Flag protested arrested - Nepalgunj. Hemraj Agrawal under custody.
11. February 5 : Girl Traffickers arrested - Birgunj: Anita Devi Katuwal arrested. She had sold 8 year old subhadra Khanal for 200 Indian rupees.
12. February 5 : Nepali afraid of the Bhutanese refugees - Jhapa. Due to

- increase looting and theft Nepalese are afraid.
13. February 12 : UML MP arrested - Pokhara. MPs Somnath Pyasi and Tul Bahadur Gurung arrested on February 11 when going to blockade CDO office.
 14. February 12 : Child workers in carpet factory - Kathmandu. News based on the source of CWIN.
 15. February 19 : Seminar on children rights in Dharan.
 16. February 19 : Corpse in Pashupati Area - Kathmandu. The corpse of Krishna Bahadur Lama who had left home telling that he was going to Tatopani, found under the bridge in Tilganga.
 17. March 5 : A Militaryman murders - Pokhara. Chakrapani Timilsina murders Durga Bahadur Hamal.
 18. March 5 : Shah re-elected in Nepal Human Rights organization, Kathmandu. The third general meeting of the organization re-elected Hrishikesh Shah as chairman.
 19. March 12 : Samjhana's prince Rs 25 thousands - Sindhuli. News on the death of Samjhana Dahal by firing.
 20. March 12 : Seven peoples' instant death - Birgunj. Ramananda Prasad Yadav killed seven people by firing bullet.
 21. March 12 : Landless being driven - Udayapur.
 22. March 19 : Whose corpse was that? An article on the murder of Bharat saying who was Bharat Devkota? An ANNFSU or NSU supporter?
 23. March 19 : Baglung police does so - Baglung. Police molested on the marriage procession on March 7.
 24. March 19 : Whose corpse is this? Parasi. A corpse with neck cut of a man of around 25/26 years found in the stream of Harpur VDC-4.
 25. March 19 : FOPHUR's letter to Home Minister - Kathmandu. News based on the arrest of Babu Ram Ghimire and Gun Prasad Acharya without serving arrest warrant on the day of 1st Chaitra, the day of valley strike.
 26. March 26 : One murdered in each one and half months - Kathmandu.
 27. April 2 : Firing in Bhaktapur - Bhaktapur. Firing on confrontation between police and demonstrators.
 28. April 2 : Amnesty Nepal to be liquidated - Kathmandu.
 29. April 2 : Sindu CDO's Naked Dance - Chautara. CDO Dhruva Raj Wagle terrorized non-congresses.
 30. April 2 : Suspicious Death - Butwal. Death of helper (of a heavy vehicle) Rajendra Joshi in front of Tinau wood seasoning mills.
 31. April 9 : Beatings and murder in Myagdi - Myagdi. Confrontation between Congress-UML use of khukuri (Nepali knife). 7 UML workers arrested in the incidence taken place in Bin VDC on March 21.
 32. April 16 : Journalists released - Kathmandu. Reporting on the arrests and lateron release of Journalists Sambhu Shrestha, Mathhar Sing Basnet and Sarad Chandra Basti.
 33. April 16 : Teacher Accused of Rape - Birgunj. Teacher Ram Avadh Kushbah arrested without serving any arrest warrant.
 34. April 16 : Baluwatar behind Amnesty conflict - Kathmandu. Reporting on the conflict within Amnesty International, Nepal.
 35. April 16 : Baton charge and arrests in Butwal - Butwal. Baton charge on the anniversary celebration of People Movement Day. 9 Mashal workers arrested.
 36. April 16 : Attempt to free the criminal - Kathmandu. Death of student Poudel who was overrun by truck. Attempt to hide the case by the driver, District Police Office and United Peoples Front.
 37. April 23 : Journalist Beaten - Birgunj. Journalist staging sit-in was beaten by the incharge and other employees of Nepal Transport Corporation.
 38. April 30 : The corpse of two young ladies in Phewatal - Pokhara. The dead body of two ladies from Kathmandu taken out from the lake on 26th and 27th.
 39. April 30 : Four year old child raped - Nepalgunj. A 4 years old girl child was raped by a 16 years old Ram Sing.
 40. April 30 : Girl child raped again - Ilam. A six years old girl child, a student of Pragyan Sadan Boarding School was

- raped by a 18 years old Suman Ranjit.
41. April 30 : Five years old girl child raped - Biratnagar. A 21 years old Mohamad Ummid raped a 5 years old child Rajkumari Sapkota.
 42. May 7 : Girl child raped within the school - Pokhara. Teachers used to rape girl students in the Kumudin Boarding School of Gaira Patan.
 43. May 14 : Another Rape - Parsa. A 9 years old Sita Kumari Majhi was raped by Suka Dev Majhi.
 44. May 14 : Must prevent the violation of Human Rights - Kathmandu. Pre-Vienna Press Conference to clarify the status of Amnesty International.
 45. May 14 : The office chief rapes - Dang. The Chief officer of Tulsipur Municipality raped in his own house on March 8.
 46. May 14 : A model of police excesses - Sunsari. Police shoot at Banbari Lal of Basantapur VDC by mistaking him to be a dacoit. Police treating him on its own supervision but has not allowed his families to meet.
 47. May 28 : Amnesty Nepal full member - Kathmandu. News based on press release of Amnesty Nepal chapter.
 48. May 28 : Tension between police-landless in Butwal.
 49. June 4 : Nobody is safe in the Girija Raj - Rautahat. Two residents of Ourhiya VDC, Masahariya Tole, Duluri Devi Majhi, 30 years and Anawar Majhi, 11 months died of shooting.
 50. June 4 : Administration creates Terrorism - Pokhara. Murder and rape under the patronage of the Administration. Basu Regmi arrested without warrant.
 51. June 11 : UML MP arrested - Chautara. Some including Krishna Raj Shrestha arrested while blockading the Education office.
 52. June 11 : Journalists more insecured - Butwal. Batukrishna of "Astitwo Weekly" attacked by hooligans.
 53. June 11 : Mashal spokesman arrested - Baglung. The spokesman of Mashal, Baglung Bhagirath Bhattarai arrested.
 54. June 11 : Congress workers involved in girls trafficking - Butwal. News story on the sale of Devkala Bhusal, 28 years and Kamala Biswokarma, 16 years by luring to India by Hema Raj Bhusal of Arghakhanchi.
 55. June 25 : Journalist Threatened - Janakpur. Ram Prakash Shah, Editor of Lokpur Weekly threatened with Death.
 56. July 2 : All the concerned party culprit - Kathmandu. Nepal Human Rights Organisation on the loss and damage of life and property in Kathmandu and Patan.
 57. July 23 : What was the crime of those deads? From the day of valley Bandh (Strike) in Ashadh 11 to the wheel stop protest in July 20, 22 killed, 21 missing, 128 wounded by bullets and 6,200 arrested.
 58. July 23 : FOPHUR's charge of violation of constitution - Kathmandu. Chairman Dr Mathura Prasad Shrestha and General Secretary Biswokant Mainali issued statement.
 59. July 23 : Police took away corpse - Butwal. Lathi (Baton) charged and firing on peaceful demonstration during wheel immobilization protest in Khairani causing death of Nara Bahadur Nepali, 150 from Dhungadhi, 150 from Kanchanpur, and 11 from Pokhara arrested.
 60. July 23 : Prisoner tortured - Bara. News on arrest of Salim Miyan Ansari, MP from UML and on torture.
 61. July 30 : Amik Sherchan still serious - Kathmandu. Amik Serchan, MP from United People Front serious from police attack.
 62. July 30 : Suspicious murder in Swayambhu - Kathmandu. On 28th wednesday murder of Sherap Lama and Pema Lama and property worth Rs 300 thousand looted away.
 63. July 30 : Biratnagar terrorized, Nobody safe - Biratnagar. Attempt to murder Ganesh Subedi in front of District Court Ram Dangal was attacked causing bleeding. The attacker not arrested by the police.
 64. July 30 : Protest and Arrest in Siraha - Siraha. Workers of United People's Front and UML arrested.
 65. August 6 : Girl Traffickers Active in Eastern Region - Dharan. Girls between 11 to 14 years are missing. Manju

- Biswakarma who was lost on June 23 and recovered on 23 narrated her statement before the police.
66. August 13 : Patan on movement - Patan. The news on murder of Laxmi Bhakta Maharjan who was riding motorbike.
 67. August 20 : Rapist freed - Gulmi. Gopal Shrestha who had raped 6 years old girl was freed within seven days.
 68. August 27 : Murder in custody - Butwal. Prem Bahadur Shrestha of Butwal was beaten to death in police custody.
 69. August 27 : Mass rape by congress workers - Siraha. Raju Gautam, Ram Narayan Shah, Roshan Shah and Ramesh Aryal of Mirchaiya involved in mass rape.
 70. September 3 : Attack on the spirit of Human Rights - An article on human rights by Krishna Pahadi.
 71. September 3 : It so happens in Pashupati - Kathmandu. On 31st August, a 20 years old girl was raped by a sage called Shiva Giri.
 72. September 3 : Brutal murder in Siraha - the killer missing - Siraha. Dana Devi Mahato killed in Asanpur VDC.
 73. September 10 : Brokers enjoy by letting the people to be in problems. Employment broker Bishnu Rai disappeared by leaving the people he took for employment in Malaysia.
 74. October 1 : Beatings in custody - Dhankuta. Devendra Bista of Jirikhimti was arrested by Dhankuta police without any arrest warrant on September 9 and beaten to break the limbs.
 75. October 8 : Cambodian Human Rights Activists in Nepal - Kathmandu. "EDHUC" chairman Thun Saraya and members Simsok, Farid Samu in Nepal.
 76. October 15 : Firing in Sunsari - Sunsari. On October 12 Police fired on the people of Sahebjung VDC.
 77. October 15 : More killings in Jhapa - Jhapa. Four cases of murder in Jhapa districts within one month.
 78. October 15 : Daughter-in-law murdered? Makwanpur. Laxmi Banjara, 19 years lady of Bundal VDC found dead in suspicious condition.
 79. November 5 : Confrontation between police and some youths in Ilam - Ilam.
- After a drunk policeman beat a youth, there was fight between local youths and police.
80. Noveber 19 : Extreme case of human rights violation - Kathmandu. Niranjana Dhakal, 14 years of Kathmandu Municipality - 34, was put in police custody for 7 days and tortured with electricity. It was done for personal retaliation by police.
 81. November 26 : Amnesty International Nepal on missing prisoners -Kathmandu. News based on the press release of Amnesty Nepal about the launching of week long programme.
 82. December 3 : FOPHUR on Rijal - Kathmandu. Reaction of FOPHUR on the life term awarded to Rijal.
 83. December 3 : Flood victims: Dark future - Chitwan. Flood victims of Piple, Bhandara, Kathar, Khairhani, Kusroj, Barchheuli and Padmapur rendered helpless. No relief.
 84. December 10 : Dowry System: Nepal is ashamed - Kathmandu. Dr Ravishanker Rauniyar of Indrachowk, married Rekha of Haridwar, India. Demanded dowry the refusal of which made them to poison Rekha to death and throw her body in street.
 85. December 10 : Amnesty International Nepal - Programme and conflict - Kathmandu. On the occasion of Human Rights Day, AI Nepal, conducted a discussion programme on "UN and Human Rights Related Organs" and "Role of Human Rights Organizations in the Amnesty Campaign".
 86. December 17 : Singh in UN - Ganesh Man Singh honoured with UN Human Rights award.
 87. December 17 : Child welfare or trafficking? Some people and institutions are active in selling children to foreigners by making them as adopted child.
 88. December 17 : DSP's intention to change wife - DSP Krishna Kumar Tamang, Sindhupalchowk district giving torture to his wife, mother of two children, since three years. The torture is intended to secure her divorce.
 89. December 17 : Concept of Human Rights -

An article on Human Rights by Dola Ram Ghimire, Member, FOPHUR, Rupandehi.

90. December 24 : Status of Human Rights in India - News based on the press release of Amnesty International London.
91. December 24 : 2 Billion people in the world are violating Human Rights - Butwal. The speech of Bishwakanta Mainali, General Secretary, FOPHUR in a seminar.
92. December 31 : Tuladhar Commission Report on the Das Dhunga Accident - Kathmandu. 23 Member citizens enquiry commission formed under the

coordination of Padma Ratna Tuladhar presents its report on November 30.

93. December 31 : Another name added in the list of martyrs - Ramechhap. Central office of ANNFSU (6th) informed that Bhoj Bahadur Karki of Prayageshwar secondary school was beaten and killed by NSU District President and Vice President on December 12.
94. December 31 : Girl child missing? Dharan. Parvati Bangali 15 years, working in the house of Ishwar Agrawal in old market area is missing since December 13 under suspicious conditions. □

Chapter 7

NEPAL IN STATISTICS

Economic Planning : Objectives & Achievements

PLANNING for economic developments was initiated by the Nepal government in 1956/57. In an endeavor to initiate allround development including that in the socio-economic sectors and achieve higher standard of living for people, six five year plans and one Three Year Plan has been launched and completed. The eighth five year plan has been executed since 1992/93. There has been favorable development in the creation of infrastructures (roads, air transport, electricity, etc) and financial and social institutions. The standard of living of Nepalis has, however, not improved. Per capita income was estimated to be 40 US dollars in 1955/56. After some 36/37 years, the per capita could not increase more than four and half fold to be at 170 US\$. This income is quite insufficient to maintain a reasonable living of Nepali people owing to price increase. Nepal could not diversify the productive resources of income generation. The income level of people is thus low. And also due to low income the health condition of people could not improve.

Investment objectives and outlay:

The first five year Plan launched in 1956/57 envisaged to increase the standard of living of the people by increasing national production and employment, create economic infrastructures and collection of statistics. Outlay was estimated to be in the tune of Rs 330 millions (2% of GDP) out of which 65% was actually spent. 29% of the resources for the plan was generated internally and the rest 71% came from external sources (foreign aid, grant and loan).

The year after the first plan period, viz. 1961/62-1962/63 was a plan holiday. This year government concentrated its efforts in implementation of the existing projects, problems surfaced during the plan was identified, collection of statistics was done and study was made to identify the problems of the productive sectors of economy.

The second Three Year Plan (1962/63-1965/66) targeted an outlay of Rs. 600 millions (or 4.1% of GDP) of which majority was spent. A more than three forth of the expenditure was estimated to be borne from foreign resources which however come down to 77% of the actual outlay.

The Third Five Year Plan with expenditure estimated at 5.2% of GDP (or Rs. 1740 millions) had met the 94.2% expenditure target. The plan had estimated equal resources (50% each) from domestic and foreign sources had slightly higher contribution of foreign resources at 53% in the actual spending.

The Fourth Plan (Expenditure estimate Rs 2550 millions), The Fifth Plan (Expenditure Estimate Rs 7545 millions and Sixth Plan (Expenditure Estimate Rs. 2175 millions) had actual expenditure increased by 32%, 18% and 1% respectively. The Seventh Plan (Estimated Expenditures Rs. 29000 millions) had actual outlay exceeded by more than two-third over the estimation. The foreign resource component was 58% in the estimate and 59% in the actual expenditure during, the Fourth Plan. Similarly, the foreign resource component was actually 59% and 67% respectively in the fifth and Six Five Year

Plans. The portion of foreign resources was estimated at 70.6% in The Seventh Plan.

The present Eighth five Year Plan (1992/93-1997/98) estimates Rs. 113.479 billions plan expenditure. A two third of the expenditure is estimated to come from foreign resources and the rest generated internally.

Priority of Investments

Plan priority is fixed by classifying investment areas into sectors and sub-sectors like physical (Transport, communication and electricity), Economic (Agriculture, industry and commerce) and social (Education, Health, and Drinking water) and the investment priority is fixed according to the needs.

Road, Transport and communication received highest priority from the First to Fourth Plan period and agriculture, irrigation and land reform received highest priority from Fifth to Seventh Plan. The Eighth Five Year Plan (1992/93-1997/98) gave highest priority to social services (education, health and drinking water) followed by Agriculture, Irrigation and Land Reform sector.

While comparing the estimated outlay and the real investment, the real expenditure has been below the target in the First Five Year Plan, Second Three Year Plan whereas it has exceeded the target in case of other four Five Year Plans. Among the development infrastructures, physical infrastructures - electricity and Transportation received highest investment (more than one-third) followed by agricultural sector (more than one-fourth). The physical target has been met slightly more than one-third in electricity sub-sector whereas the agricultural sector has not achieved desirable growth.

In development planning, growth target in the agricultural sector was fixed since Third Year Plan. The Third Year Plan period remarked increase in food and cash crop production at a rate more than plan target.

Social Services

Population is not only a consumer but also an active productive resource. The productivity in a country does not only depend on the available resources but also on the human resources (economically active) capable to mobilize other resources. In fact, economic development in a country depends on the healthy, capable and strong manpower. National production increase at the effective mobilization of human resources.

Human development depends on the economic and social structure and efforts initiated to improve it. For manpower development, opportunity for education, health and clean drinking water should be available. The government is involved in the delivery of these services through financial commitment. It has been attempted here to describe about financial commitment in the sectors like education, health and drinking water.

Education: Financial target and achievement

Target in Rs 10 millions

	Target	Achievement
First Plan	1.9	110.5%
Second Plan	4.0	112.5%
Third Plan	13	90.7%
Fourth Plan	12	236.7%
Fifth Plan	67.51	151.4%
Sixth Plan	166	158.2%
Seventh Plan	301.9	201.4%

Source: Different Plans, National Planning Commission.

From the above table it can be seen that in all except the third plan, the actual expenditure has exceeded the targeted amount. In the first Plan the expenditure had exceeded by 10.5% from the target and the same figure is 101.4% for the Seventh Plan.

Education: Expenditure per student

During the first Plan period, the per capita expenditure on primary, lower secondary and higher secondary student was Rs. 30, Rs. 34 and Rs. 42, respectively.

Table-1 shows the student enrollment target and per capita expenditure on student beginning from the Fifth Plan.

The per capita expenditure on primary school student was estimated at Rs. 55 in the Fifth Plan, Rs. 39 in the Sixth Plan and only Rs. 4.60 in the Seventh Plan. The per capita expenditure on lower secondary student and higher secondary student comes out to be Rs. 98 and Rs. 37 respectively during the Fifth Plan period. The estimated per capita outlay for

secondary school students of both levels workout to be Rs. 30. Per capita expenditure for higher education

Table - 1
Student Enrollment and Financial Target

	<u>Fifth Plan</u>	<u>Sixth Plan</u>	<u>Seventh Plan</u>	<u>Eight Plan</u>
1. Primary Education				
Student Enrollment(No.)	302300	1649000	1308000	-
Plan Outlay (Rs. 10 millions)	8.35	32.12	30.24	-
Annual Per capita Expenditure (Rs)	55.2	39.0	4.6	-
2. Lower Secondary				
Student Enrollment Target (No.)	36850	287000	1789000	-
Plan Outlay (Rs. 10 millions)	3.62	-	-	-
Annual Per capita Expenditure (Rs)	98.2	-	-	-
3. Higher Secondary				
Student Enrollment Target (No.)	147400	277000	1812000	-
Plan Outlay (Rs. 10 millions)	2.75	8.45	52.6	-
Annual Per capita Expenditure (Rs)	37.3	30.0	29.2	-
4. Higher Education				
Student Enrollment Target (No.)	262410	74714	412604	1082860
Plan Outlay (Rs. 10 millions)	29.53	74.61	750	594.25
Annual Per capita Expenditure (Rs)	223	1997.2	363.5	1098
1. Plan outlay includes both for secondary and lower secondary education				
2. Includes adult education				
3. The Seventh Plan has provision of secondary education outlay under other educational programs.				

was Rs. 363 in Seventh Plan, Rs. 1977.2 in the Sixth Plan and which comes out to be Rs 1098 in the Eighth Plan.

Table - 2
Statistics on schools, teachers, students

(Rs. in Thousands)

	<u>2018</u>	<u>2021</u>	<u>2029</u>	<u>2031</u>	<u>2047</u>	<u>2048</u>
Primary Education						
Schools	4.001	-	7.634	8.267	17.842	18.681
Teachers	7.331	-	18.25	17.738	71.213	74849
Students	182.533	-	242.611	401.032	2788.644	2926.00
School-Student Ratio	1:25	-	1:13	1:23	1:3	1:39
Teachers-Students Ratio:	1:46	-	1:32	1:48	1:156	1:157
Lower Secondary School						
Schools	-	0.677	1.88	3.964	4.092	
Teachers	-	-	-	6.062	12.399	13.207
Students	-	-	136.01	160.26	344.138	381.00
School-Student Ratio	-	-	1:201	1:29	1:87	1:93
Teachers-Students Ratio	-	-	-	1:26	1:28	1:29
Secondary School						
Schools	0.156	-	0.494	0.475	1.950	2.081
Teachers	1.772	-	26.61	3.422	10.421	11.381
Students	26.844	-	41.049	61.325	364.525	386.00
School-Student Ratio	1:172	-	1:83	1:129	1:187	1:185
Teachers-Students Ratio	1:15	-	1:1548	1:18	1:35	1:34

Table - 3
Population benefitted by drinking water supply

	Urban	%	Rural	%	Total Beneficiary	
					% Population	%
Fourth Plan	-	-	-	-	838200	7.25
Fifth Plan	687000	4.8	861000	6.00	1548000	10.85
Sixth Plan	866000	79.5	2977000	20.0	3843000	24.0
Seventh Plan	268000	15.2	2447000	14.3	2714000	14.4
Upto end of 1991/92	1172000	67	6699000	39	787100	41

Physical Facilities and Number of Students:

Nepal, until 1951, had 321 primary schools, 11 secondary schools and 2 colleges. Number of students enrolled then is mentioned to be 8505. Table-2 describes some educational statistics on school education.

Drinking Water

The Fifth Five Year Plan had envisaged to spend Rs. 24.8 millions to provide pure drinking water to the people. The Sixth plan had plan outlay of Rs. 1000 millions and the Seventh Plan targeted to spend Rs. 985 millions. Sixth Plan had 88.9% expenditure whereas Seventh Plan expenditure exceeded by 84.6% from the target. The target of expenditure earmarked in the Eight Plan Period is Rs. 627 millions in this sector

Drinking water supply was available to 7.25% of population upto the end of Fifth Plan whereas it increased to 14.4 percent upto the end of Seventh Plan Period. According to the economic survey of 1992/93, 67% of urban, 39% of rural and 41% of total population have access to drinking water supply upto the end of fiscal year 1991/92.

Annual Expenditure in Education, Health, Drinking water, Defence and Foreign services.

A regression analysis was done to find out the growth rate of the government expenditure in the areas of education, health, drinking water, defence and foreign services (Expenses on Foreign Ministry, Foreign Embassies and missions and other foreign services). The growth rate found from the analysis has been given in table - 4.

Health:

While analysing the expenditures on health sector in different plan, the first (Plan 64%), Third Plan (75.8%) and Sixth Plan (86.9%) has actual expenditure less than plan target. In other Plans the actual

expenditure has exceeded target outlay.

Table - 4
growth Rate of expenditure from 1974/75 - 1991/92

	Growth Rate (b)	
Education	5.75	$y=a+bx$
Health	1.38	
Drinking water	2.01	
Defence	3.57	
Foreign Services	0.521	

The Seventh Plan had highest actual expenditure over the target. The Eighth Plan has Rs. 5466 millions targeted outlay.

Table - 5
Plan outlay and actual expenditure in Health Sector
Expenditure in millions

	Target	Actual
First Plan	2.5	6.4%
Second Plan	3.7	124.3%
Third Plan	12.0	75.8%
Fourth Plan	15.1	117.2%
Fifth Plan	15.1	117.2%
Sixth Plan	106.0	86.9%
Seventh Plan	133.0	146.5%

Table-6 gives Per capita investment on the health of people. The actual financial outlay of the plan has been less than the expectation of the Plan. Has this commitment and actual outlay really served to the people? The per capita expenditure on health shows that the resources are yet insufficient to cater the needs of the people. For example per capita annual expenditure workout to be Rs. 22 in the Seventh Plan which is estimated to be Rs. 59 in the Eighth Plan Period.

Table - 6
Health: Per capita targeted
and actual expenditures

	<u>Target</u>	<u>Actual</u>
First Plan	3.02	1.93%
Second Plan	3.9	4.8%
Third Plan	12.7	9.7%
Fourth Plan	13.1	15.3%
Fifth Plan	12.0	12.6%
Sixth Plan	70.6	54.9%
Seventh Plan	79.2	107.6%
Eight Plan	296.06	

Health Services Coverage

In 1956/57, the number of doctors and hospital beds were 50 and 649, respectively. The population per doctor and the population per hospital beds comes out to be 165713 and 12767 respectively taken from population census of 1954/55.

Table-7 gives the status of health services starting from the fourth Plan. This table shows the substantial increment in no. of health services hospital and health centers. But still the no of population for each hospital beds is 3808 and 22625 for each health post. A doctor has to provide service to 12333 population.

Health Indicators: A study of health indicators reveal improvement in the standards which is still behind compared to other countries.

The government, keeping in view the pressure on hospitals, had planned to establish regional hospital in all development regions except in central development region in the Seventh Plan.

Accordingly, Pokhara Hospital and Dharan Ghopa hospital had been operated as regional hospitals.

District hospitals were operated in 15 districts

during the seventh plan. This is done according to the policy of providing at least 15 beds hospital in each districts.

According to the Health Policy 1991/92, which promises to establish health centers in each village, 20 primary health centers and 200 health sub-posts had been established at village level. Most of the health facilities in Nepal has been concentrated in Kathmandu and zonal municipal centers. About 90.9% of population of Nepal reside outside the municipal centers (i.e. in Village Development Committees). In all zones except Bagmati zones and districts, there is acute shortages of doctors, specialists, medicines and medical advises resulting in higher crude death rate.

Of the problems of health sectors as identified in the seventh plan the major ones are lack of manpower, inadequate physical facilities and administrative and fiscal problems. The problems pointed out are -

Geographical difficulties in Himal and Hilly sector and more patient in Terai has devoided target people from even primary health facilities

Table - 7
Status of Health Services

Health service	As at end of			
	Fourth Plan	Sixth Plan	Seventh Plan	1992/93
1. Hospital	58	88	111	114
2. Hospital Bed	2018	3522	4572	4848
3. Hospital Bed- Population Ratio	6237	4631	3950	3808
4. Health Centers	35	26	16	18
5. Health Posts	351	794	816	816
6. Health Post Population Ratio	35856	20677	22271	22625
7. Ayurvedic Pharmacy	85	125	153	165
8. Doctor	-	602	951	1497
9. Doctor - Population Ratio	-	27271	16110	12333
10. Nurses	-	-	2980	2999
11. Kavi Raj (Ayurvedic doctor)	-	-	240	240
12. Baidhya (Ayurvedic doctor)	-	-	130	144
13. Health Assistant	-	-	1186	3461
14. Health Worker	-	-	19461	20442
15. Local Health Worker	-	-	3000	4015

- In the health centers, lack of health workers, medicines and equipments has been obstacle to deliver health services.
- Delay in decision due to administrative and fiscal laws and rules, problems of recruitment and transfers, the higher and middle level manpower could not be mobilized properly in the health units.

Conclusion

Despite the reformation and expansion in transportation communication, health, drinking water, literacy and student enrollment in the plans, the total achievement of economy has not been satisfactory. Majority of population could not be economically better off.

On the whole the past efforts can be evaluated thus:

1. The population growth rate in the census of 1961/62, 1971/72 and 1981/82 was 1.65%, 2.07% and 2.66% respectively. But the GDP could not grow substantially in comparison to the population growth. In 26 years from 1964/65 to 1989/90 annual growth rate of GDP remained at 3.4% causing the per capita growth of GDP at 0.8% only. In 1964/65 the per capita income was Rs. 1304 which could be added by Rs. 301 only in 1989/90 at 1974/75 prices. In this period agricultural sector recorded 3.3% and non-agricultural sector 3.8% growth rate at the current prices.

The contribution of agriculture sector could not change significantly. Agriculture sector which occupied 65.1% of GDP recorded a drop of 4% to be at 61% in 1989/90. According to the Economic Survey of 1992/93, the agriculture sector contributed 49% and non-agricultural sector contributed 51% of GDP in 1991/92. Thus the fundamental structure of economy could not change but remained traditional. Population pressure was heavily dependent on agriculture (81% in 1991/92). The agriculture sector productivity went on decreasing.

In 1961/62, food production was 3,152 thousands M.T. which increased at a rate of 2.1% per year to be 5698 thousands M.T. in 1989/90. This rate of growth when compared with population growth makes the real growth rate negative.

The contribution of small, medium and big industries is merely 5% in national GDP. This sector has given employment only to 2% of population. This has caused depletion in the growth rate.

2. The past development efforts could not include the low income population. It failed to bring the grass root people in the mainstream of development. The opportunities was exploited only by those part of population who could receive education and training. As a result the gap in income and wealth distribution widened further. Few become richer while majority remained below the poverty line.
3. In order to increase productive capacity of the economy, more resources should be invested from the increased GDP. This means total domestic savings should increase by reducing consumption. In 1974/75 domestic consumption as part of GDP was 90% which seems to have increased by 3.9% to be at 93.9% in 1989/90. This shows domestic savings as percentage of GDP has decreased from 10% in 1974/75 to 6.1% in 1989/90.
4. According to the statistics available for 1981/82 and fiscal year 1986/87, 9% of households in Nepal claim 47% agriculture land and 10% families earn nearly one fourth of national income. The concentration of income and wealth has been caused by the majority of population being left out from the development mainstream and majority of resources being urban centered and being owned by urban people.
5. The population census of 1991/92 puts the unemployment percentage to be at 8.5%. A survey conducted in 1986/87 by Central Bureau of statistics found that about 46%

of educated with S.L.C. or more education were found to be unemployed. A study of National Planning commission in 1976/77 and household survey Nepal Rastra Bank conducted in 1983/84 has shown disguised unemployment in the agriculture sector to be between 45% to 63%.

6. National Planning commission has assumed living expenditure of Rs. 6 a day (at 1989/90 price) to be the poverty line. Average earnings of rural worker (Rs. 3.4), construction/Transport (Rs. 5.70), production (Rs. 4.60), house-owner (Rs. 5.80) (at 1984/85 price) is below the income required to fulfill minimum needs. Similarly, earnings of urban worker (Rs. 5.10) (at 1984/85 price) seems to be insufficient to meet his/her minimum needs. Similarly apart from daily income of urban professionals/ Technicians, Administrative/Management, Sales and Service Production and house-owners, the income of clerk, agriculture, production, construction and transport workers have daily income insufficient to meet minimum standards of living.
7. According to the survey conducted by Nepal Rastra Bank (in 1984/85), the daily

income of small (Rs 5.9) and marginal farmers (Rs. 4.9), landless farmers (Rs. 5.9) is also insufficient to meet their daily living. The Agricultural census of 1991/92 reveals that 70% of farmers have less than one hector of landholding. This means that majority of farmers (81%) are in the vicious circle of poverty.

As the development initiated has not affected the grassroots people, the GDP could not increase compared to the growth in population. The resources in the economic structure could not grow resulting continued dependence of population in traditional sector i.e. agriculture. The distribution of land and income got concentrated to the rich people. Rich people benefitted from human rights receiving the opportunity for education, health facilities and employment. As the development could not bring majority of marginal and others farmers within the mainstream, the population below the poverty line (in 1990/91) has further widened to (49%) from 42.4% of 1987/88. According to the 1990/91 world Bank Report, 70% of population is living below the poverty line in Nepal. □

Chapter 8

Facts on Human Rights Violation and 1993

Some Notes & Clarifications

1. Only the authentic events are included in this year book.
2. Events occurring during the year 1993 (January 1 - December 31, 1993) are included.
3. Some clarifications may give the impression that they are identifiable to the ruling party or opposition, e.g. Nepal Teachers Association (NTA) and Nepal National Teachers Organisation (NNTO). Of these two organisations the former is alleged to be very close to the ruling party, but it doesn't imply that the latter association have mentioned opposition to mean parallel. Here, in this year look we have preferred not to make any political distinction.
4. Many events could not be included due to the lack of authenticity. The dates of occurrence of many events were not available, yet we have mentioned the events based local people, direct witnesses and the victims themselves.
5. We have published the events with sincere intention to create people's interest in human rights and to enable us to restrain ourselves from repeating such events. We beg pardon if private life and prestige of someone is hurt by the way.
6. We could not obtain the statistics on the victims of social evils like adultery, Devaki, slavery and bonded labour systems. So while describing as such we have based our work on the social acceptance of the impact of such traditions.
7. We reached seventy five districts of the country as a whole; moreover, we could not reach the whole of all the districts. Hence, as far as possible these events are included on the basis of investigations.
8. Many events have also been based on the news published in papers. We shall include the events taking place in 1994 and the developments of the 1994 events in the forthcoming year book.
9. An event that can be placed under two headings may be placed under one heading in order to avoid repetition. For example, if a firing event takes place and leads to torture, then it may be placed under the Torture sub-heading which Firing may remain blank or vice versa.
10. The names of the raped women are not included in this Year Book considering the probable social menace to them.
11. In situation where complaints are not lodged to the relevant authorities, absence of awareness to organise against injustice and absence of fast delivery of justice, we have had to accomplish this task. Due to local dialects and registers, there may be difference in place and name. In such cases, please inform us so that we can make the necessary corrections.
12. Other references of statistics:
 - a. Statistical Year Book 1993, Central Bureau of Statistics;
 - b. Local social organisations, institutions, persons;
 - c. Local legal, quasi-judicial, administrative and security agencies; and
 - d. Human Rights Year Book 1992.





Mechi Zone

- 1.1 Jhapa
- 1.2 Ilam
- 1.3 Panchthar
- 1.4 Taplejung

Koshi Zone

- 1.5 Morang
- 1.6 Sunsari
- 1.7 Dhankuta
- 1.8 Terhathum

1.9 Bojpur

1.10 Sankhuwasabha

Sagarmatha Zone

1.11 Saptari

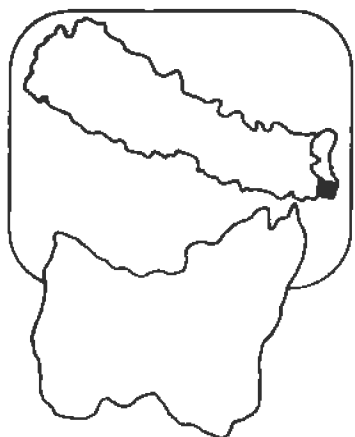
1.12 Siraha

1.13 Udaypur

1.14 Khotang

1.15 Okhaldhunga

1.16 Solukhumbu



1. Eastern

Mechi

1.1 Jhapa

Population : 593,737

Literacy : 56.1%

Women Literacy : 44.4%

Area : 1606 sq.km.

ONE of the districts in Mechi Zone in the Eastern Development Region, Jhapa has an open border with India. Incidents such as theft, dacoity and smuggling are more or less common occurrences here. The problem posed by the presence of Bhutanese refugees has become a matter of national concern.

This year, there have been many incidents in Jhapa resulting in violations of human rights.

1. Right to Life

1.1 Killings/Firings

Dilli Prasad Gautam -29, from Surunga was killed by police firing near Pathibhara Cinema Hall in Damak on July 19, 1993. This happened when the police opened fire upon the agitators gathered in response to the transportation strike called by seven leftist parties including CPN (UML). Report says that Mr. Gautam was hit with a bullet fired by inspector Surendra Bahadur Singh. Altogether 25 bullets were reportedly fired in the incident in which some agitators sustained injuries.

A policeman of Gauriganj Police Post, named Tanka Dangal shot dead sub-inspector of police Gehendra Subedi on February 14, 1993. The culprit then committed suicide. Report says that Gehendra Subedi had forced Tanka Dangal to marry Urmila Chauhan from Korobari VDC, whom the latter had made pregnant.

As a result of an exchange of beating between the owner of a piece of land and a tenant, Suphal Chaudhary from Shivaganj-4 was killed on March 1, 1993.

Naresh Thakur from Garamani-2 killed Toran Barman Bangali from the same neighbourhood striking with a pair of scissors on March 29, 1993. This happened when they had a row after getting drunk.

A Bhutanese refugee Suryaman Subba lost his life on March 31, 1993 when there broke out a quarrel among refugees themselves in a refugee camp located at Beldangi.

Six other persons are reportedly murdered. Besides, a new born baby was found dead by the side of the highway near the Traffic Police Office, Birtamod on March 3, 1993.

1.2 Jail

The local jail built 31 years ago is in a dilapidated condition. About a dozen prisoners are reported to have managed to escape from

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	1
Torture in Custody	-	1
Rape	-	1
Youth Rape	-	1
Suicide	-	1



Damak Shooting Incident : Death due to Police Firing

jail by breaking the window bars. No attention has been given to repair the jail building which has a leaking roof and cracked walls.

The jail that can accommodate upto 175 prisoners consisted of 331 persons at the time when our reporters visited it. Of them, there were 22 women and 4 little children. Only 80 of the prisoners are convicted.

Prisoners are heard to complain that they are not provided with timely medical facilities and reading and entertaining materials whatsoever. When any prisoner after getting sick asks the administration for treatment he/she is advised to drink boiled water.

Report says that innocent persons are kept in prison for years. For example, Krishna Bahadur Nepali from Taplejung district has been imprisoned for 10 years on the allegation of killing a policeman. Ironically, the allegedly killed policeman is living in Dharan after his retirement.

1.3 Arrest/Torture

Thirty persons were arrested in connection with the transportation strike called by seven

leftist parties on July 19-20. Local CDO told our reporters that the detainees were cleared of charges of public offence following the agreement made between the party in power and the main opposition on August 17.

When there was a clash between Bhutanese refugees and the policemen in Goldhap on January 14, the police post was badly damaged. Some persons sustained injuries and some got arrested.

Jeet Bahadur Pulami Magar from Maheshpur - 1 was arrested on the charge of destroying the forest when he was carrying a load of firewood on June 17. A total of 98 persons have been detained on charges of similar nature.

On October 24, 1993, Major of Royal Army of the Barraeks located at Charali, Dham Bahadur Basnet and some soldiers quarrelled with local youths after drinking liquor. Several persons were injured when the two sides exchanged beating. Those sustaining injuries were Neema Sherpa, Biku Sherpa, Dalamu Sherpa and others. Next day, the local public called a transportation strike to protest this indisciplined act of the army.



Inner part of Jhapa jail

The special Police arrested clerk Bhanu Bhakta Bhattarai and assistant clerk Bardi Saha of Area Forest office, Jalthal, on December 29. They were beaten and shut up in the toilet of Chandragadhi guest house. Report says that they were not given anything to eat when they were kept in the stinky toilet.

2. Fundamental Rights

2.1 Freedom of Expression/Association

The people of this district are not found free to enjoy the constitutional rights of expression and association. Opposition activists are said to have been made to suffer by imposing false charges on them. School teachers affiliated with their professional organization, Nepal National Teachers' Organization, are discriminated. It is said that teachers not belonging to the party in power were not satisfied with the results published by Teachers Selection Committee. They went on a hunger strike to protest the biased selection of teachers. Rumour has it that District Education Officer had fled from the district after publishing the results at midnight.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Disputes between activists of various political parties are more or less common occurrences

here. Needless to say, in a situation like this citizens can not enjoy their political rights without obstruction.

2.4 Quick and Fair Trial

Not much complaint was heard about the decisions made by the local court.

This year, the police office forwarded 862 cases to the court. The number of lawsuits filed directly at the local court was 709. Most of the lawsuits were related to the forest. There were 10 cases related to rape and about 200 cases to beating.

Quick and fair justice sounds like a matter of an unbelievable dream. It is hard to believe that the aforementioned Jeet Bahadur Pulami Magar has been cursed to pay an amount of 102 thousand 1 hundred and 80 rupees simply for collecting a bundle of firewood in the forest. The poor victim is now in jail in a state of despair.

3. Landless/Squatters

Landless households are found living in Kakadbhitta, Prithvinagar, Anarmani, Jalthal, Maheshpur and Topgachhi. Although every party promises to solve their problem while campaigning for votes during elections, it forgets them after the elections are over.

4. Women's Rights

The situation of women in general is more or less the same as under the old tyrannical regime.

4.1 Trafficking/Rape

The skill development centre that started sometime ago near Urvashi Cinema Hall in Birtamod is said to have turned into a women trafficking centre. The Muslim trainer there and his Nepali wife sold four women trainees including Manju Khadka in Sitigudi, India, on March 13, 1993. Three of the women, Amrita Rajvanshi, Sarita Rai and Naranaya Khavas, who had been sold were able to escape but the whereabouts of Manju Khadka are not known. The culprits have absconded. Two other cases of women trafficking have also been reported.

As for rape cases, there have been ten according to police record. An eighteen year old girl from Arjundhara -6 was gang-raped by 8 persons on April 25, 1993. Likewise, a seven year child was raped by Samun Ranjitkar. Report says that a 60 year old woman was also raped.

4.2 Jari, Polygamy, Devaki and Badi Systems

These practices were not found to exist here. Polygamy is also rare.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

The so-called untouchables are discriminated here. When the local Viswhakarmas, an untouchable community, started to worship at a local temple of Lord Shiva the so-called touchables locked up the door of the temple. Ironically, the temple had recently been built by the untouchables themselves.

5. Refugee Problems

Now there are 68 thousand Bhutanese refugees in Jhapa alone. It is said that the refugee problem has not only polluted the social atmosphere but also created a serious unemployment problem.

6. Indigenous Rights

Several Communities of indigenous people such as Santhal, Gangai, Rajbanshi, Meche, Koche and Dhimal live in Maheshpur, Kecahna, Pathamari, Panchgachhi and Dhajjan VDCs in the southern part of Jhapa. There also live Rais, Limbus, Magars and Gurungs, all of them of Mangol origin, in VDCs like Prithvinagar, Jalthal, Topgachhi and Satasidham. It is said that minority nationalities like Meche and Koche are perishing.

7. Child Rights

A lot of children are deprived of their right to go to school. Children are also misbehaved in several ways. Eight children of the local refugee camp were badly beaten on order of refugee incharge Sanman Rai on the accusation of stealing money on June 5. Among other things the children were forced to stand on all fours and carry persons on their backs like horses.

Additional Information

A horrible incident of gang-rape by young girls has come to public notice. On April 15, 1993, three girls from rich families gang-raped a boy in Damak. Since he was not able to satisfy all of them, he was scratched and bitten. Ironically, the incident was covered up by local lords.

An Indian national called Ramesh Ray was arrested when he was heading to Bhadrapur from Kakadbhitta with two small bombs. The detainee is said to be a terrorist. □



1. Eastern

Mechi

1.2 Ilam

Population : 229,214

Literacy : 52.3%

Women Literacy : 38.8%

Area : 1703 sq.km.

SITUATED in the eastern hills, Ilam is a beautiful district. Although the citizens here are relatively aware of human rights, several incidents violating human rights have been reported.

1. Right to Life

1.1 Killings/Firings

Four incidents related to murder or suicide occurred this year. Parsu Ram Khanal from Gairi Gaon, Ektappa VDC-8 killed his brother Tara Nath's daughter Vishnumaya of 8 years as a result of a land dispute on February 26, 1993. The culprit is in jail awaiting for trial. Kabita Rai, 17, from Danabari-3 was supposedly killed by her husband Kamal Bahadur Gurung on August 5, 1993. Kamal Bahadur has been detained for trial. Pasang Sherpa, 38, died on August 23 from wounds that he had sustained when he was struck with knives by Nar Bahadur Rai, Kul Bahadur Rai and Kumar Rai from Tinkhutte, Pashupati Nagar-8 and Chhatra Man Rai from Phikkal-4 at a place called Pashupati Nagar at 9 p.m. on July 11.

1.2 Jail

The local jail that can accommodate only 35 persons consists of 81 persons two of whom are women. The prisoners complain that they are not provided with good rice and enough clothing. As for reading materials, they are

provided with the Gorkhapatra, an official vernacular daily, and that too only once in a blue moon.

1.3 Arrest/Torture

A terrific beating occurred in this jail in the morning on September 18, 1993. A human rights activist and journalist Ram Chandra Parajuli, who was an eye witness, reports that some prisoners were beaten with bamboo sticks by police men pouring water over them every now and then in the presence of the-then jailor Nanda Kumar Shrestha and Assistant Sub-inspector of Police Ram Bahadur Ghale. Among those who were thus beaten were Khagendra Darji -40, Chandra Man Rai -28, Kiran Majhi -28, and Santosh Sunuwar -22. They were accused of making an attempt to escapee from jail by digging a tunnel. Khagendra Darji was suspected to be the mastermind behind the scheme. The suspects including Khagendra Darji were taken to the jail guard's room, forced to lie down on their stomachs and then beaten with sticks and kicked with boots. When they were struggling

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	1	-
Torture in Custody	-	2
Rape	-	1
Torture in Jail	-	1
Suicide	-	17



A scene of Ilam jail

and screaming with intolerable pain, they were tied up with ropes and beaten again. People from the immediate neighbourhood gathered there to protest against police atrocity. Report says that two detainees, Krishna Timsina and Ganga Gautam, who were said not to have anything to do with the attempt to escape from jail, were also inflicted with brutal torture. They were victimized because a short while ago they had gone on hunger strike for 11 days putting forward some demands related to reform in the general condition of the jail. Following the pressure by the local public led by human rights activists to stop torture, the police authority was forced to give word that those involved in the crime would be punished. However, no action was taken against anybody.

When he was grazing cattle, Laxman Bantawa, 37, from Banjho VDC-1, was arrested by a group of area forest office guards on patrol on October 3. He was manhandled by them. It is said that the guards were led by assistant Ranger Arjun Prasad Yadav. He is said to have been falsely charged with sawing trees.

Nirmal Lakandri, Vikram Magar, Deelip Basnet, Ashok Basnet and Khiraj Subedi from Asam, India were arrested in the forest in Mainachuli on October 23, 1993. According to the police, these persons were having guerrilla training in the forest to fight against oppression imposed by India on people of Nepalese origin in Asam. Roshan Rijal, an Indian of Nepalese origin and, Madan Ghimire and Bhesha Raj Oli, both Nepalese nationals, were also arrested in connection with the incident. It is said that following their arrests Roshan and Deepak were brutally tortured.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Citizens' Rights to expression and of assembly are abused due to unfair political rivalry and biased attitude. Bam Bahadur Rai, who was defeated in the local election for VDC and his follower Dhan Bahadur Bhattarai struck knives at Khamba Singh and Krishna Bahadur from Ektappa -1 at a wedding on February 8. Krishna Kumari, 33, from Naya Bazar-7 hit Rup Narayan Gurung, 38, from the same

neighbourhood with a sickle. The incident that occurred because of a minor personal dispute related to a ditch was immediately politicized because Rup Narayan and Krishna Kumari are affiliated with Nepali Congress and UML, respectively.

In another incident that occurred at Amarkalyan Secondary School located at Naya Bazar -1 on June 7, Pemba Sherpa, Tek Bahadur Shaha, Punya Prasad Bhandari, Abhi Narayan Bhandari, Karna Bhandari and Raj Kumar Yalnu, all of them affiliated with Nepal Students' Association, manhandled students associated with ANNFSU when they were on their way home the same day. The incident occurred following an argument between the two associations about the demands related to studies and sports that were put before the school administration by the latter's association. Consequently, Lok Bahadur Rai and Dambar Mahat sustained serious injuries.

Report says that there have been several cases of beatings resulting from personal grudge.



Victim of Torutre : Mr Laxman Bantawa

2.2 Religious Freedom

Christian Missionary is reported to have been active in tempting poor people to convert their religion into christianity. Besides, some Nepalis of Mangol origin who have claimed to be non-Hindus following the restoration of multi party democracy made a call for boycotting Dasain, the greatest traditional festival of Nepal.

2.3 Political Freedom/Free and Fair Election

2.4 Quick and Fair Trial

A total of 306 lawsuits have been registered at the local court this year. And 23 cases related to public offence are reported to have been registered at the local police office, of which 8 cases have been settled.

3. Landless/Squatters

Out of the total population in this district 7% is said to be landless. Report says that the number of landless households is 2888. The largest number of landless households is found in Chulachuli. In an attempt to solve the problem of landless households Machchhindar Kerung commission had given away certificates of land to 929 families and Acharya commission was formed to solve the remaining problem, but the landless people were heard to complain that because they were forced to bribe the former commission with their jewellery and cattle for land certificates the latter commission could not be expected to be any better.

4. Women's Rights

Women are discriminated against men in several ways. They are compelled to stay with their husbands even when they are harassed and beaten. One woman of 24 from Ilam-9 was struck by her husband with a big knife on June 9, 1993. He had also set her clothes on fire. Nevertheless, she was compelled to serve him as a god.

4.1 Trafficking/Rape

Shiva Hajam from Ilam Bazar took 20 year old Shova to Bombay where he sold her to a

brothel for 20 thousand Indian rupees. Fortunately, the victim managed to escape from the brothel, and with the assistance of the police she returned home in 23 days.

Purna Thapa, 21, from Phikkal-8 was driven out of her husband's home when he was away. She has filed a lawsuit at the local court claiming her share of property.

Report says that a six and a half year old girl was raped by a 18 year old student of local Jyoti Sadan Secondary School on April 26.

4.2 Jari, Polygamy, Devaki and Badi System

Although polygamy is widespread in this district, only one case related to it was registered at the police office according to the D.S.P. Besides, the practice of Jari is not an exception here.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

The condition of cow-herders and farmhands kept by local landlords is not very different from that of slaves.

5.2 Other Inhuman Behaviours

Twenty six year old Karna Bahadur Tamang and 19 year old Mana Maya Pakhrin from

Godak -1 got married on August 28 after being engaged for a while. Nyangba Yonjan, a local inhabitant, spread rumour to the effect that they had married within blood relationship. The couple who had become parents of a child were then declared to be outcaste from their community.

6. Indigenous Rights

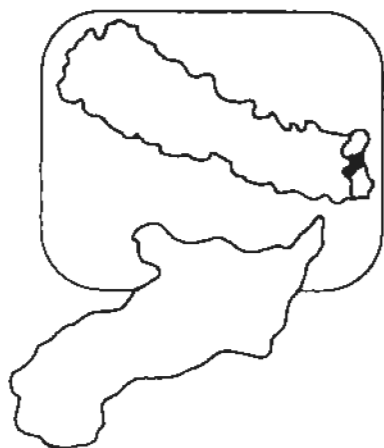
The Mangol National Organization is active in this district. This organization claims a separate state for the people of Mangol Origin. The Mongols affiliated with this organization complain that they are not allowed to carry out their activities openly and freely.

7. Child Rights

A lot of children of school going age are compelled to work at the tea plantation. Besides, they can also be seen engaged in the construction of Mechi Highway.

Additional Information

This year, 17 persons are reported to have committed suicide. □



1. Eastern

Mechi

1.3 Panchthar

Population : 175,206

Literacy : 43.6%

Women Literacy : 26.6%

Area : 1241 sq.km.

ONE of the four districts of Mechi Zone, Panchthar is inhabited by people belonging to various communities, though folklore has it that it was a Limbu state in ancient time. Human rights are reported to have been violated in this district because of incidents occurring out of personal grudge and political revenge.

1. Right to Life

1.1 Killings/Firings

Kuver Prasad Dulal, 36, his wife Dyamanta Dulal, 37, and their daughter Krishna Kumari, 12, two sons, Umesh, 12, and Uddhav, 12, from Timure, Lingrupa-9 were killed by Durga Nembang, 23, Omnath Dulal, 57, Hari Prasad Dahal, 27, Kishana Prasad Dahal, 29, Madhunath Dulal, 38, Yuba Raj Dulal, 20, Krishna Dulal, 28, and Dharma Prasad Dulal, 35, on the night on April 29, 1993. Kuver Prasad Dulal, who was a UML supporter, was taken away from home pretending that there was a meeting at VDC Amale and on the way he was killed with knives. Meanwhile, his wife and a daughter were first gang-raped and then all four including two other children were stifled to death. Report says that the criminals also robbed property following the murders.

Lalit Bahadur Sunuwar from Ranitar-8 was killed by local inhabitants Naindra Rai, Panchavir Kami, Khus Bahadur Gurung and Suvas Rai on October 17. The incident is said

to have occurred after they had got drunk in a public fair. Legal action against Khus Bahadur and Panchavir is in process. The other two suspects have managed to escape action.

Besides, two other persons Kamal Prasad and Gana Pati Khanal, 35, also lost their lives. Report does not confirm whether they had committed suicide or had been killed.

1.2 Jail

The local jail consists of 36 prisoners of whom there are 2 women. Only twenty of them have been convicted. The general condition of the jail is extremely poor.

1.3 Arrest/Torture

Virkha Bahadur Yangyung, 44, from Panchami-2, who had a land dispute with Mrs. Budha Rani Sewa, was arrested on February 19, 1993. Report says that under police custody he was brutally tortured by senior constable of police Padam Bahadur Dhakal and constable Uma Yadav. Consequently, one of his fingers was broken.

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	2	2
Rape	1	1
Suicide	-	-



Barbaric killing of 4 children of a single family : Lungrupa-9, Timbure

Ramchandra Tumbapo, 28, who had not been able to pay the loan received from the chairman of Panchthar District Committee Harishchandra Nembang, was arrested without warrant on March 26 and kept under police custody for one day and one night.

Chandra Bahadur Angdambe, 56, from Lumkabung-9, was arrested on June 4, 1993 on the charge of attacking the policemen who had been there to arrest VDC chairman and vice-chairman Man Prasad Lauti and Chandra Lauti, respectively, under whose leadership a local water supply project had been destroyed. Chandra Bahadur arrested along with the chairman and the vice-chairman was beaten under police custody. Those arrested have been released on bail of 76 thousand rupees.

Likewise, Mani Kumar Rai -43, an inhabitant of Rabi -7, was arrested without warrant on the accusation of theft on July 1, 1993. Report says that he was badly beaten under custody.

2. Fundamental Rights

The police force itself is said to have abused citizens' rights. To take an instance, Umesh

Kumar Nepali, Dhanapati Chapagain, Omnath Dulal, Dabilal Limbu, Kamathandu Lama and others were beaten in jail by Assistant Sub-inspector of District Jail Asal Bahadur Nembang on 6 July 1993.

2.1 Freedom of Expression/Association

Incidents described above are testimony to the fact that these rights have been abused by those in power and positions.

2.2 Religious Freedom

As a result of the dispute regarding whether or not to celebrate Dashain in a traditional manner there occurred a clash in which some people sustained injuries. This happened following the call made by some Mongols to the effect that Dasain be boycotted. In connection with it, supporters of Limbuwan Liberation Front beat Ram Chandra Nembang, 27, from Ijhung-8 for celebrating Dasain. Report says that he was also attacked by local inhabitants Vikram, Nanda Kumar, Deukumar, Akal Bahadur, Prem Prasad and others. It is also learnt that some Christians are engaged in undesirable activities in this district.

2.3 Political Freedom/Free and Fair Election

Citizens are not allowed to act at the dictate of their conscience. District Secretary of Rastriya Prajatantra Party Miss Raj Kumari Thapa from Nagi-3 was manhandled by local inhabitants Buddhi Prasad Kamabang, Chudamani Bharati and others when she was engaged in activities related to women's organization. They had shamelessly asked her who had granted her the right to organize women. In the incident, Bal Kumari Meyangbo, Amrita Kambang and others sustained injuries.

Ironically, the oppressed ones but not the oppressors were taken action against by the local administration, the reason being that the oppressors were Nepali Congress activists.

2.4 Quick and Fair Trial

According to local court, 62 lawsuits related to theft and robbery were filed this year. Besides, the number of cases related to share in property is not small. According to police record, 45 cases of various nature were registered. Thirty four culprits involved in different crimes have been detained while 63 have absconded.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

Only one incident of rape was reported this year. A 28 year old handicapped woman Lakshyamaya Makhim from Limba -7 was raped by 24 year old Asbahadur Chemjong on December 25, 1992.

4.2 Jari, Polygamy, Devaki and Badi System

In this district, polygamy is regarded as part of traditional culture. Forced marriage is one reason by which women's right to selection is violated. Chaudamani Acharya's 18 year old

daughter Renu Maya is reported to have been forcibly married to 60 year old Jaya Bahadur Neupane from Nagin -5. The girl's mother was shocked to hear the incident. Report says that not being able to tolerate the injustice done on her daughter by the local feudal, she committed suicide by hanging.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

The hotels and houses of Arjun Syangbo, Indra Bahadur Tamang and Ashok Tamang located at the Bus Park in Phidhim -1 were searched by a group of policemen led by police Inspector Narayan Shrestha under the instruction of acting C.D.O. Gyan Darsan Udas on suspicion that they dealt in liquor. The victims were heard to complain that the eight policemen involved in the search had robbed their belongings of about 26 thousand 7 hundred and 60 rupees.

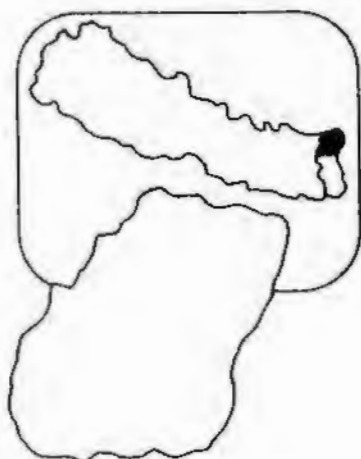
6. Indigenous Rights

7. Child Rights

As elsewhere, the majority of children of school going age are deprived of education. They are compelled to work for their own families or for the rich.

Additional Information

Report says that some paramedics in the local hospital indulge in corruption. To take an instance, when 18 year old Tej Prasad Dhungel went to the hospital to have his tooth treated on April 16, Health Assistant Suresh Singh and health worker Nathuni Raya Shaha made him have an X-Ray taken at a private clinic called 'Krishna X-Ray' on the pretext that the X-Ray machine in the hospital was out of order. They then prescribed him medicine that cost him 5 hundred rupees. □



1. Eastern

Mechi

1.4 Taplejung

Population : 120,053

Literacy : 46.0%

Women Literacy : 30.5%

Area : 3646 sq.km.

Connected with China in the north and India in the east, Taplejung is one of the remote districts in Mechi zone. The Limbus of Mongol Origin are in majority in this district. The northern part of the district is inhabited by Sherpas. Brahmin, Chhetri, Tamang, Newar, Damain, Kami, Sarki, etc are found to have settled almost all over the district. Here, human rights are found to be violated because of political revenge and communal or personal conflicts.

1. Right to Life

1.1 Killings/Firings

Some persons have lost their lives because of conflict arising out of political intolerance or vengeance. Chandra Prasad Talbo and VDC secretary Balbahadur Chongbang were killed in the house of Chatur Man Chongbang located in Nambu -4 on October 24, 1993. Dev Prasad, Lalit Bahadur Chongbang and Man Bahadur Chongbang sustained serious injuries. Report says that of the two that lost their lives one was a UML supporter and the other that of

Nepali Congress. Local political activists of the two parties and the victims' sides jointly informed the police that the incident had occurred because of personal conflict. That is why, no action was taken against anybody.

1.2 Jail

The local jail built about one hundred years ago has a dilapidated building with a half-collapsed kitchen. When our reporters visited the jail on December 31, 1993, it consisted of 25 prisoners one of whom was a woman. Fifteen of the prisoners had been alleged and the rest convicted. Report says that the jail utterly lacks in facilities guaranteed by the constitution. Most of the detainees under police custody are deprived of appropriate legal treatment because they are either unaware of hiring a lawyer to plead in favour of them or they cannot afford it.

1.3 Arrest/Torture

Making arrests and inflicting torture out of political bias is more or less a common occurrence in this district. School teacher Purna Silwal from Phulhari VDC was arrested at the complaint of Badri Chudal. He is said to have been beaten under police custody. When he was taken to the local hospital to have his injuries examined on the order of the judge, the police inspector himself showed up there to pressurize the doctor to give a false report.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	1
Rape	-	1
Rape attempt by CDO	-	1
Suicide	-	1

When teachers opposed the unfair results of teachers' selection that was published by Teachers' Selection Committee on August 19, 1993, Bhim Bahadur Limbu and Indra Phemu from Tapethok were arrested and hit with rifle butts.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Citizens are not allowed to be affiliated with this or that professional or political organization at the dictate of their conscience. A lot of school teachers or civil servants are reported to have been dismissed from jobs simply for being affiliated with their professional organizations.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

In view of the incidents mentioned above, it is needless to say that political rights are restricted in this district.

2.4 Quick and Fair Trial

Because of being unaware of them, citizens have not been able to enjoy their legal rights. The local administration has a biased attitude towards citizens inclined towards the opposition parties. Two school teachers of Khebang, Hema Raj Dahal and Neura Dahal, were charged with public offence following their arrests simply for tying a black band around their wrists in response to the nationwide call made by Nepal National Teachers' Organization.

A total of 315 lawsuits were filed at the local court within one year, of which 181 were civil cases, 13 criminal cases and 22 cases related to public offence. Similarly, 35 cases of various nature were registered at the local police office.

3. Landless/Squatters

Some households have turned into landless ones as a result of the devastating flood and landslide that occurred in 1993.

4. Women's Rights

4.1 Trafficking/Rape

Two incidents related to rape have come to public notice. Thuli, an inhabitant of Dhunge Sanghu -8, who was raped by Peheem Limbu when she was returning home from Khamlalong Bazar on October 17, 1992, delivered a child on August 1 while working in the corn field. As she was scared out of her wits, she killed the new born baby and buried it there because the neighbourhood had heard the rumour that her husband was incapable of getting her pregnant. Now the poor mother is in jail awaiting trial.

In another incident, the then CDO Man Prasad Pradhan attempted to rape Parbau Pokharel, the wife of a junior clerk under the CDO office Gyan Mani Pokharel, when she was working in the kitchen at 8.30am on July 31, 1993. The rapist sustained an injury when he was struck by the woman with a knife. Gyan Mani Pokharel arrived home just at the time when the debauch was making the attempt also hit him with a firewood. The shameless CDO ran to the police office to seek protection there. This unheard of incident created a commotion in the district headquarters. A 15-member action committee was formed with Bimala Subba as chairperson to put pressure on the government to take immediate action against the rapist. A protest demonstration participated in by thousands of people was organized demanding action. The rapist flew to Kathmandu in a helicopter after hiding for three days under police security. Whether he was punished or not is not known.

4.2 Jari, Polygamy, Devaki and Badl System

One incident related to polygamy has come to public notice. Because of the evil practice of polygamy, women are made to suffer a lot.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

The fate of poor persons kept by the rich as their domestic servants is more or less like that of slaves.

5.2 Other Inhuman Behaviours

Report says that the total number of so-called untouchables is 7,100 in this district. They are discriminated in a number of ways. They have not experienced any change for the better even after the restoration of multi-party democracy.

6. Indigenous Rights

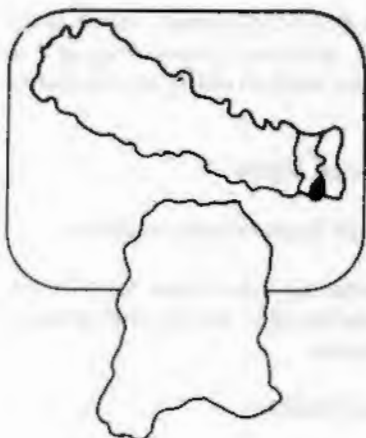
7. Child Rights

Because of poverty and lack of awareness on the part of parents, the overwhelming majority

of school going children are deprived of education and pleasant childhood.

Additional Information

The devastating flood and landslide that occurred on July 18 and 30, 1993 claimed 28 lives in this district alone. Report says that the relief materials available were not fairly distributed among the affected people. Ironically, the rescue team led by C.D.O. Man Prasad Pradhan had a picnic near a landslide-affected spot where the decaying dead bodies were stinking. □



1. Eastern

Koshi

1.5 Morang

Population : 674,823

Literacy : 48.6%

Women Literacy : 35.0%

Area : 1855 sq.km.

SITUATED in Koshi Zone, Morang is a district in the eastern Terai. Biratnagar, the second largest city in Nepal, which lies in this district, is regarded as the main eastern gateway to India. Report says that human rights have been violated in this district for various reasons.

1. Right to Life

1.1 Killings/Firings

This year, five persons are reported to have been killed because of personal conflicts. The victims were Sabina Bhujel, 5, from Biratnagar-5, Dumulal Ural's wife from Mriganliya, Keshav Pandey from Urlabari-2, Bala Bindar Kaur from Punjab, India and Tal Satar from India.

1.2 Jail

The local jail has separate buildings for men and women prisoners. Now the jail consists of 538 prisoners of whom 18 are women. Only 178 of the prisoners are reported to have been convicted. During this year, there were times when upto one thousand and fifteen persons were jailed here. This number was far beyond the accommodating capacity of the jail. The old jail building in which women prisoners are kept is on the verge of collapse. Prisoners are heard to complain that they do not have enough toilets.

1.3 Arrest/Torture

Karna Bahadur, Ramchandra Shah, Bir Bahadur Adhikari, Dil Bahadur Khapangi and one anonymous person were arrested on the accusation of stealing wood on March 18, 1993. When they were brought to the police station some 15 or 20 local dwellers beat them in the presence of the police. It is said that they were brutally tortured by policemen the following night. Ram Chandra was hung upside down and water was poured into his nostrils and a stick thrust into his anus. Although a 10-member civil investigation committee was formed to investigate into the beating, it did not prove to be effective.

In connection with the transportation strike called by seven leftist factions on July 18-19, 1993, Ram Prasad Dangal from Janapath Biratnagar was beaten and injured by policemen and a gang of hooligans at Devkota Chowk, Biratnagar for supporting the call. One of the teeth of the victim was broken. Dangal complains that no action was taken against the culprits, although he had lodged a complaint with the police. Report says that the agitators

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	3	-
Torture in Custody	-	2
Rape	3	1
Suicide	-	50

lathi-charged without warning. Lila Ballab Adhikari was beaten when he dared to complain to the D.S.P. of the police atrocity at Pathari. In the incident, 21 persons sustained injuries.

In connection with this strike, dozens of UML activists were suited under the public offence act, charging them with vandalism. The victims included District Development Committee member Gyanendra Subedi, chairman of Sanischare VDC Mohan Neupane, school teacher Nabin Thapa, Hare Ram Dhimal, Laxman Guragain, Durga Prasad Shrestha and Arjun Rai.

In response to the writ appeal registered at the appeal court demanding habeas corpus by the member of Nepal Journalists Association, Morang and advocate Lila Ballav Adhikari, Karna Prasad Rai and Krishna Dulal, who had been arrested without warrants and charged with public offence, the court decided that their arrests were illegal. Hence they were released.

Reporter of *Vimarsha* weekly and that of Nepal Television Surya Nepal was brutally beaten by policemen of the traffic police office when he was there to collect information about the strike. The charge related to public offence that was imposed on reporter Nepal out of vengeance has not been cleared yet.

When Nepal Sadbhavana Party organized a protest demonstration on December 18, 1993,



An injured in a dispute between NC & CPN(UML)

one hundred and fifty demonstrators were arrested. Such arrests of citizens engaged in peaceful protest were an outright violation of human rights.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Incidents mentioned above show that citizens are not allowed to enjoy the rights guaranteed by the constitution.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

In connection with the transportation strike mentioned above, the party in power took resort to the administrative power to suppress it and the opposition resisted it. Report says that some Nepali Congress activists of Pathari publicly rejoiced to hear that Dilli Gautam was shot dead at Danak in Jhapa in connection with the strike on July 19. Enraged UML activists attacked NC activists entering into their houses. Following the incident, a huge number of UML activists were haphazardly arrested and tortured.

2.4 Quick and Fair Trial

It is learnt that even after the establishment of multi-party democracy, the police force has defied the order of the court. Here is a case in point. On May 23, 1993, a group of policemen of Sunsari Police Post led by S.P. Vijaya Bhatta encircled the Appeal Court in Biratnagar and arrested Banbari Lal Urab. Prior to the incident, Banbari Lal Urab from Basantapur VDC was arrested without warrant and kept under custody for 22 days. The court, in response to the writ appeal put forward by Urab's relatives regarding habeas corpus, issued an order to that effect in the name of District Police Office, Sunsari. As the police office defied the court's order, the court

instructed some of its employees to rescue and bring Urab from the grip of the police. The employees managed to rescue Urab while his wounds were being treated medically under police custody. The court then ordered that Ural be released because the manner in which action was being taken against him was against law. However, he was arrested again then and there by dozens of policemen led by the S.P. of Sunsari Police Office.

Report says that altogether 398 lawsuits of various nature have been filed this year.

3. Landless/Squatters

the commission for settling the problem of landless households has initiated work. According to it, 36204 persons have been identified as landless. Some of them have been given away land certificates.

4. Women's Rights

Women are oppressed in a number of ways. They are not free to choose their life partners and the custom of dowry has become a curse on them. They are used as beasts of burden and are also beaten. As a result, they sometimes commit suicide. Meena Karkin from Biratnagar -1 and Renu Regmi lost their lives in this way.

As the situation is getting intolerable, women have begun to revolt against the oppressive culture. Satya Narayan Chaudhari from Biratnagar -1 wanted to give his daughter Usha Chaudhari in marriage to Bharat Chaudhari from Titaria. But interestingly, the bride amidst the wedding ceremony, chose her beloved Suresh Chaudhari to be her husband.

4.1 Trafficking/Rape

Two incidents of women trafficking and three that of rape have come to public notice. Fourteen year old Subhadra Magar was sold on in Agra, India, by Asha Subba, Gopal Shrestha and others.

In December 1992, Campus Chief Kuleswar Adhikari of Morang Campus raped Bed

Kumari Timilsina, a peon of the campus. Report says that press reporter Ram Rijhan Yadav was manhandled by students affiliated with NSA for covering news about the rape. Durga Devi Karkin and a 5 year child were raped by Shiva Narayan Mandal and Mohamad Umid, respectively. Mohammad Umid, who was caught and handed over to the police by local citizens, was released under the pressure of so-called influential bullies.

4.2 Jari, Polygamy, Devaki and Badi System

Report says that the practice of Jari is growing in the Bhutanese refugee camp.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

Report says that Radheshyam Chaudhari was beaten by a gang including senior constable of police Pancha Mahal when the former denied to donate them money.

In connection with the transportation strike called demanding fair investigation of the incident in which UML leaders Madan Bhandari and Jiva Raj Asrit were killed, there arose an argument between UML and NC activists. As the police force favoured NC activists to break the strike by using force, there began a clash in which 25 NC activists sustained injuries.

6. Indigenous Rights

7. Child Rights

Owing to poverty and lack of awareness, child rights are widely abused, depriving them of their rights to education and a happy childhood.

Additional Information

According to police record, fifty persons committed suicide during the period covered by this report. □



1. Eastern

Koshi

1.6 Sunsari

Population : 463,481

Literacy : 44.5%

Women Literacy : 29.8%

Area : 1257 sq.km.

SUNSARI is one of the districts of Koshi Zone. It is inhabited by ethnic communities of hill origin in the northern part and by those of Terai origin in the southern part. This year, various incidents have occurred out of personal vengeance, personal envy and social prestige, resulting in the violations of human rights.

1. Right to Life

1.1 Killings/Firings

Twenty-two year old Anju Devi Sethiya from Hari Nagara, VDC -7, was burnt to death by her husband Tola Ram and her father-in-law Srichandra Sethiya for not bringing as much dowry as they wanted. This happened on May 30, 1993. It is said that the culprits escaped punishment, bribing the police.

In a clash that occurred between dacoits and policemen on the bank of a river in Bhutaha-9 on April 21, 1993, one dacoit was killed on the spot.

Laxman Viswakarma, 54, from Dharan-17 was

arrested by forest guards when he had been to the forest to collect firewood on July 12, 1993. Report says that he was brutally beaten while under custody. He was found dead hanging from a window rod, with his back resting against the wall and his feet touching the ground. It is feared that he was killed by the police.

When students of Amar Singh Secondary School, Sahebgunj, organized a rally protesting the unfair selection of students for Budha Nilakantha school on October 11, 1993, the policemen used blank fire and arrested 13 persons including guardian Kala Nanda Chaudhary. In the incident, three villagers and two policemen sustained injuries.

Ram Dev Mandal, 17, from Eastern Kushaha was beaten to death by Sita Ram Mehata, deputy mayor Tara Nanda Mehta and Ram Prasad Mehta on suspicion of theft of rice of Lakhan Mehta from Inaruwa -8 in the night on November 9, 1993. The murder was covered up by giving false information to the police that the victim had committed suicide by using poison.

Besides, three other suspicious suicides or murders have also come to public notice.

1.2 Jail

Sunsari district does not have a jail; so detainees from this district are kept in the jail in Biratnagar, a neighbouring district.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	1
Torture in Custody	-	-
Rape	-	3
Suicide	-	-

1.3 Arrest/Torture

On August 12, 1993, Nar Bahadur Ghising was beaten by DDC chairman Ram Bahadur Basnet at about 10pm near the agricultural farm, Tarahara. As the victim's friends or supporters were about to attack Mr. Basnet to take revenge of the incident, 9 of them were arrested by policemen of Itahari police post. Those arrested were kept under custody from one and a half to two months. Later, the appeal court, Biratnagar, decided on September 22, 1993 that they were kept under custody illegally.

A complaint against Januka Devi Dahal from Dharan Municipality-15 was put forward before the Police Office Dharan stating that she had attempted to sell five girls giving them false assurances that she would find them jobs in a carpet factory. As the Area Police Office denied to register the complaint, it was presented to the District Police Office, Inaruwa. Januka Devi was arrested and kept under custody from August 4, 1993 to September 24 of the same year. Kiran Gurung from Jhapa was also arrested along with her. The local court has released them on bail of two thousand rupees each. Janu Viswakarma who had made the complaint, informed the court that she had done so under some other's pressure.

Prakash Rai, Bed Prakash Paudel, Raju Shrestha and other youths who were returning home from a public fair at 10pm were beaten by policemen on patrol without reason.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Press reporter Mani raj Bhattarai was beaten near Mahendra Multi-purpose Campus, Dharan, at day time on July 9, 1993. Similarly, reporter Chandra Mani Adhikari was kidnapped and harassed while reporter Gopal Dewan was threatened regarding a news that he had covered.

Report says that school teachers and government employees are discriminated



Sister Priti Chelil : Murdered

simply for their conviction. Civil servants and teachers inclined towards Nepal Civil Servants Association and Nepal National Teachers' Organization, respectively are made to suffer by threatening them to transfer to difficult areas or dismiss. For example, Trilochan Regmi has been transferred from Solukhumbu to Sunsari and Bhadra Narayan Chaudhary from Sunsari to Solukhumbu.

2.2 Religious Freedom

Only two lawsuits related to religious disputes have been filed at the local court.

When a Muslim got on a vehicle carrying persons of a Hindu funeral party by mistake near the river Saptakoshi on December 30, 1993, there began a sensitive dispute in which the police arrested even the mourners.

This year, some persons of Mangol origin boycotted Dasain, the greatest festival of Nepal, in Dharan.

2.3 Political Freedom/Free and Fair Election

Incidents mentioned above show that citizens have not been allowed to express themselves

or act according to the dictate of their conscience.

2.4 Quick and Fair Trial

Due to poverty, illiteracy and ignorance, the majority of the citizens have not been able to have quick and fair justice. Report says that public offence act has been abused by using it to serve the vested interest of the party in power. This year alone, 90 lawsuits have been filed against 282 persons under public offence act of which only 11 are reported to have been decided. It is said that the police offices hesitate to register cases presented by the opposition.

A total of 2421 cases of various nature have been registered at the local court, of which 185 cases had been forwarded by the police office.

3. Landless/Squatters

There are some scattered communities of landless households. No serious incidents are reported to have occurred in this regard.

4. Women's Rights

4.1 Trafficking/Rape

Manju Viswakarna, 11, and Meena Thapa, 13, from Dharan-16 who had been missing from Bhotepul since July 23, 1993 managed to escape from the grip of a gang of women traffickers. They say that 8 other girls were also taken to India to be sold there by the gang. Nothing authentic was known about them.

Two other women who had been sold out in India have also managed to return home.

Two incidents of rape have come to public notice. One of the victims was a 7 year old girl, while the other who was gang-raped by 5 persons was 16.

4.2 Jari, Polygamy, Devaki and Badi System

Police record shows only two incidents of polygamy. As for dowry, the murder of Anju

Devi Sethiya about which we have already mentioned, speaks itself to what extent women are made to suffer because of it.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

The so-called untouchables inhabited in this district such as Damain, Kami, Sarki, Dum, Chamar, Dusadh, etc are discriminated in various ways. The Chamars are not even allowed to touch public water pumps or wells.

6. Indigenous Rights

It is said that Tharu, Rajbangsi, Satar, Jhangad, Tajpuriya, Gangai, Dhimal, Musahar and Godi communities belong to the indigenous category of people.



12-year-old
Chanar Dev
Yadav is still
missing

7. Child Rights

Children are not only deprived of an opportunity to attain education but they are also forced to work like beasts of burden. Beating them is more or less a common occurrence. Report says that 16-year old Jaya Sundar Yadav was beaten by his owner of Gokarna Carpet Factory.

Additional Information

More incidents of suicide and beating have been reported. Report says that 20 passengers have lost their lives in a road traffic accident. □



1. Eastern

Koshi

1.7 Dhankuta

Population : 146,386

Literacy : 49.0%

Women Literacy : 33.0%

Area : 891 sq.km.

Dhankuta, one of the six districts in Koshi Zone, has contributed a lot to the establishment of multi-party system in the country. Report shows that this district has also witnessed many a violation of human rights.

1. Right to Life

1.1 Killings/Firings

Electrician of a cold storage, Ishwar Giri, 32, was killed with a knife by peon Dillisher Rai at 10 p.m. on January 6, 1993. Alleged Rai has confessed that he had killed Ishwar Giri when he found him sleeping with his wife. He has been sentenced for life.

Two other murder cases have also come to public notice.

1.2 Jail

The local jail consists of 12 prisoners including a woman. The hygienic condition of the jail is very poor because of lack of enough space and water. It is said that reading materials and even personal letters are censored here.

1.3 Arrest/Torture

Some political opponents stopped and began to argue with Lumba Raj Rai, Sher Bahadur Rai, Hom Bahadur Rai, Maula Singh Rai and Sabi

Kumar Rai from Ankhisalla-1 who were returning home from Thalhale bazar on April 14, 1993. Some policemen arrived there while they were being manhandled by their opponents. Surprisingly, the policemen arrested those who had been manhandled without warrants. Report says that they were beaten under custody by assistant sub-inspector Ratna Bahadur Bhujel of Ankhisalla Police Post. Action has been initiated against them under public offence act.

When chairman of Ankhisalla VDC Tilak Prasad Rai and Subhan Sing Rai were returning home from a mass meeting organized to pay tribute to late UML leaders Madan Bhandari and Jiva Raj Ashrit on May 18, 1993, they were arrested by policemen led by assistant sub-inspector Ratna Bahadur Bhujel. They had been handcuffed throughout the night. They were falsely accused of making objectionable statements at the meeting and creating disturbance at the police post. They were released the following day under pressure.

Ganga Ram Wangdi, Niren Tamang and Ananda Tamang from Hile, Dhankuta were

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	1	7
Rape	-	-
Suicide	-	4



Mr Bhawani Prasad Dahal : Injured by knife

arrested without warrants on March 16, 1993. They were kept under custody for seven days inflicting brutal torture. Report says that this was an act of political bias. In another incident of similar nature, Harka Bahadur Limbu, Rabilal Limbu and Gopal Ram Limbu from Hatikharka -6 were arrested on September 30, 1993. They were forced to sign a statement to the effect that they were involved in a murder case. Actually, they were arrested simply because they had requested drunken senior constable of police Khageswar Khati not to beat a dumb person. They were later released on bail.

Devendra Basta, Gadul Rai, Tanka Dahal and many others were also arrested without warrants and inflicted torture. Gadul Rai was beaten on his soles by hanging him upside down. One of his fingers was also cut with a knife.

Soldier Buddhi Bahadur Chyame of the local army barracks beat Sumitra Lama a shopkeeper from Dhankuta-4, on June 19, 1993. Report says that the soldier was drunk at the time when he beat the innocent woman.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Incidents mentioned above speak themselves to what extent these rights have been restricted by local administration and the party in power.

The local administration is said to have threatened civil servants not to be involved in activities related to civil servants' association.

They were also prohibited to hang a sign-board outside the office of the organization. School teachers are also made to suffer the same fate.

2.2 Religious Freedom

Jaya Bahadur Limbu from Katahare VDC created terror among non-Limbu nationals during the festival of Dashain declaring that Kirant Yakthum Chumlung was an organization aimed at fighting against Brahmins and Kshetris.

2.3 Political Freedom/Free and Fair Election

In view of the situation mentioned above, it is needless to say that political freedom is suppressed in this district.

2.4 Quick and Fair Trial

Some persons are heard to complain of some of the decisions made by the local court.

Pancha Maya alias Rahar Maya Rai, 36, from Chunginang-1 was arrested on September 6, 1993 on the accusation of abortion. The police forced her to sign a paper admitting that she had committed the crime. Medical report also confirmed it and so she was jailed. But ironically, she gave birth to a child three months after her arrest. She is now attending the court carrying her now-born baby.

This year, 299 lawsuits have been filed at the local court, of which 53 cases had been forwarded by the local police office.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

Two incidents of attempted rape have come to public notice this year.

4.2 Jari, Polygamy, Devaki and Badi System

Four incidents related to polygamy have been reported.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

Beliefs in caste-system, witch and witch doctor sometimes result in inhuman behaviours.

After having fallen in love with his master Gopal Chapagain's daughter Sunita Kumari Chapagain, 18, from Chungmang-6, Shyam Kumar Rai, 19, made preparations to marry her on November 3, 1993. But the bride's father came to the wedding site with senior constable of police Janga Bahadur Bhujel and had the bridegroom arrested. Report says that the bridegroom was brutally beaten and forced to sign a paper promising that he would stay away from his beloved, while the bride was dragged home by beating all along the way.

6. Indigenous Rights

The Athpahariyas living in this district are indigenous people. They have been living by collecting firewood and earning wages. Their religion and culture are perishing.

7. Child Rights

Children are deprived of their rights even under the new political system. The overwhelming majority of children of school going age are made to work. Eighteen children were found doing physical labour at Dhankuta Bus Park alone. Female children are discriminated against male children. Here is a case in point. Headmaster of lower secondary school at Ghortikharka did not allow a 14 year old girl student of 7th grade Meena



Suicide by Narahari Bhandari of Belhara-

Viswakarma to compete for a scholarship. It is said that the stupid headmaster reduced the grades obtained by Meena from 315 to 288, thereby disqualifying her to compete for the scholarship.

Additional Information

This year, seventeen persons are reported to have lost their lives as a result of road traffic accident, murder or suicide. □



1. Eastern

Koshi

1.8 Terhathum

Population : 102,870

Literacy : 55.4%

Women Literacy : 37.4%

Area : 679 sq.km.

TERHATHUM is one of the remote and backward districts in Koshi Zone. Hytum, the highest waterfall in Nepal, lies in this district. In view of the incidents that occurred here during the period covered by this report, human rights situation cannot be considered to be satisfactory.

1. Right to Life

1.1 Killings/Firings

Two workers of the milk cooling centre located at Chitre, Lalit Chaudhary and Mukhyalal Rajbansi, were found dead in a room in the office on February 6, 1993. Report says that regarding this mysterious incident no investigation has been made. Surprisingly, the postmortem report was also kept secret.

Deuman Rai from Sandu-4, who had left for the cowshed on February 17, 1993, was found dead on the trail. Some persons have been arrested on suspicion of the killing, while some have absconded.

Sriprasad Mishra, an inhabitant of Chuhandanda-9, with the assistance of some

persons killed his wife Goma Devi Mishra by beating on July 27, 1993. It is said that Sriprasad had killed his wife being scared that she would expose his illicit connection with his daughter-in-law. Legal action has been initiated against Sriprasad Mishra, his son Bhanubhakta Mishra and Bhawani Shankar Baskota, an inhabitant of Chuhandanda-6.

1.2 Jail

The local jail has separate buildings for men and women prisoners. Prisoners here are seen engaged in weaving cloth on handlooms for making caps by using their own material.

At the time our reporters visited the jail, it consisted of 24 persons including 5 convicted women. An innocent child was also seen there. Medical facilities and clothing are said to have been provided according to regulations.

1.3 Arrest/Torture

Rudra Rai and Rudra Limbu, who were taking the SLC examination at Sakranki Babar, were arrested on February 7, 1993, on the accusation of creating disturbance by making noise. Report says that prior to their arrests they were moving about cracking jokes without doing harm to anybody. They were kicked and beaten all night in the police post. The next day, they were freed under the pressure of parents, students and people's representatives. Voice was raised condemning

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	2	6
Rape	-	-
Suicide	-	3

police atrocity and demanding action against the policemen involved in the atrocity but no action was taken against them.

Tanka Sedhain, the examination superintendent of the SLC centre, Phakchamara, got his peon and cook Drona Prasad Khatiwada arrested on suspicion that they had stolen an amount of 10 thousand rupees that he had lost. Drona Prasad was forced to lie down all night on the damp floor of the science laboratory where he was beaten. Next day, it was learnt that the money had been kept by headmaster Krishna Prasad Dahal. The local citizens publicly condemned this inhuman act. Ironically, instead of apologizing, headmaster Krishna Prasad filed a lawsuit under public offence act against Dron Prasad Khatiwada, Punya Khatiwada, Pushpalal Khatiwada and Khemkumari Khatiwada. Consequently, Dron Prasad was arrested on February 8, 1993. The innocent victim was forced to pay a fine of 3 hundred rupees.

In February, on the day of Phagupumima (red powder festival), there broke out a quarrel between a butcher and the policemen about the transaction of meat. As the situation grew tense, there occurred a clash between the policemen and the public. The next day, curfew was clamped and Man Bahadur Thakuri was arrested and brutally beaten. After having kept under custody for 23 days, he was released on bail.

Gobinda Ghorsane from Okhre-6 was arrested without warrant at Dharan Bus Park on the accusation of beating policemen at the police post located at Shukrabare. He was handcuffed all the way to the district headquarters. As he was presented before the district police office, handcuffed, he was surprisingly released without interrogation.

When UML activists organized a protest demonstration condemning the attempt on Solma VDC chairman Ambar Gurung's life, policemen haphazardly charged batons upon the demonstrators. DDC member Kali Bahadur Sinjagu and Jhaindra Bhattarai sustained injuries. VDC chairman Puspa Subedi was arrested without warrant.

Following a rumour that there was an illicit connection between boys and girls of the Bhandari families of Solma-4, relatives from the girls' side lodged a complaint with the police demanding action against the boys concerned. Then a group of policemen entered the village and arrested a number of people including old men and women on August 15, 1993. VDC member Tek Bahadur Bimali got everybody released on condition that he would present all of them before the police the following day. Next day, as Tek Bahadur approached the police station along with all those arrested the previous day, senior constable of police Pratam Limbu manhandled him and kept him under custody. He was released in the evening the same day.

Besides, many more unlawful arrests have been reported. Among those arrested without warrants included Chairman and Vice Chairman of Okhre VDC Khagendra Dhakal and Tula Ram Khanal respectively, Dadhi Ram Dhakal and his son Ramesh Dhakal from Okhre-3, Dambar Tumbahamphe, Nava Raj Tumbahamphe, Eka Raj Paudel etc. Report says that almost all of them were arrested out of political bias.

In connection with the Nepal Bandha called by four leftist factions on September 12, 1993, Puspa Giri, Kevi Phulong, Ilm Bdr Thapa and others were arrested without warrants at Myanglung Bazar where they were appealing the public through loudspeakers to cooperate to make the Bandha a success. They were kept under custody all afternoon without being given anything to eat.

Incidents indicate that the local police force is being used as a repressive instrument of the party in power.

2. Fundamental Rights

2.1 Freedom of Expression/Association

School teachers affiliated with their professional association called NNTO are discriminated by those in power. A number of temporary teachers are said to have been dismissed because of acting at the dictate of

their conscience. Civil servants too share the same fate.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

In the light of the incidents mentioned above, it is needless to say that citizens' political rights are violated here. There have also been incidents in which opposition activists have been arrested without reason and false charges have been imposed on them out of political bias.

2.4 Quick and Fair Trial

A total of 345 lawsuits are reported to have been filed at the local court during the period covered by this report. Most of the cases were related to robbery, share of property and land dispute. People do not seem to be satisfied with the decisions made by the civil and the police administration. As for decisions made by the local court, not much complaint has been heard.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

4.2 Jari, Polygamy, Devaki and Badi System

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

Nothing specific has come to public notice in this regard.

5.2 Other Inhuman Behaviours

Caste system, untouchability and other superstitious beliefs are some of the social evils that restrict the rights of citizens.

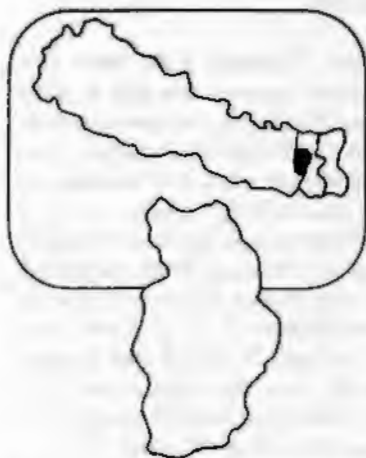
6. Indigenous Rights

7. Child Rights

The majority of children of school going age are forced to work for a living. Female children are discriminated against male children.

Additional Information

Three persons are reported to have committed suicide. □



1. Eastern

Koshi

1.9 Bhojpur

Population : 198,784

Literacy : 41.5%

Women Literacy : 25.9%

Area : 1507 sq.km.

BHOJPUR is one of the hilly districts in Koshi Zone. Incidents like murder and beating have occurred in this district, resulting in violations of human rights.

1. Right to Life

1.1 Killings/Firings

Mani Kumar Rai sustained a serious bullet injury in his right leg when he was fishing in the stream called Tangkhuwa on April 21, 1993. Report says that Bhadra Man Rai had set a trap with a gun loaded with gunpowder. As Mankumar's leg entangled in the rope of the trap, the gun exploded. The owner of the gun and the person who had set the trap were fined Rs 500/- and Rs 1,000/- respectively.

Chhatra Bahadur Rai, 27 years, was beaten to death by Arjun Kumar Rai, 32 years, on December 15, 1992. This untoward incident occurred when Arjun Kumar Rai's wife Kalawati eloped with Chhatra Bahadur who happened to be her nephew. Arjun is now in Bhojpur jail awaiting trial.

Sudhar Alam Rai and Pashupati Rai stabbed Viswa Bandhu Rai, 25 years, from Patlepani-6 to death in the presence of persons gathered in a meeting which was called to settle the dispute that had arisen between them. The bone of contention was that Viswa Bandhu had cut some grass from the land of Sudhar Man and Pashupati Rai on March 2gw 1993. Sudhar

Man has been detained for investigation while Pashupati Rai has been released on bail.

Pashang Piki Sherpa and Bina Rai detained on the accusation of infanticide have been released on bail.

Himendra Bdr Bam Malla, an inhabitant of Taplepani, was killed by unknown persons on April 16, 1993. It is suspected that he might have been killed for political reasons because he was an active supporter of Nepal Students Association.

Seven more persons were killed for various reasons. The unfortunate ones who lost their lives were Krishna Prasad Rai, 78 years, from Sangpang-9, Sukhad Bahadur Rai, Rekh Bdr Karki, 35 years, Kale Sherpa from Bhaisipauwa-7, Raj Dhan Rai from Kot-5, Harka Bahadur Tamang and Ratna Bahadur Basnet, 43 years, from Chhinamakhu-8. Report says that all these were non political killings. They were the results of either greed or sexual dispute or minor personal misunderstandings.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	1
Rape	3	1
Suicide	-	-



Krishna Prasad Bhattarai ; Murdered by Dacoit

1.2 Jail

The local dilapidated jail building has two rooms for men and women prisoners. Prisoners who are mentally sick are also kept together with others. Out of 37 prisoners, 26 have been alleged and the rest convicted. There are 4 women prisoners here.

1.3 Arrest/Torture

Report says that 37 arrests were made this year. Even innocent persons are said to have been arrested on the pretext of investigation. District Chairman of People's Liberation Front was arrested without warrant on December 4, 1993, for no reason whatsoever. He was released the following day. Jhurendra Parajuli and Anrit Bahadur Tamang from Amrekhi-6 were charged with public offence following their arrests on October 11, 1993. Later, they were released on bail. It is said that Ganesh Prasad Parajuli was the creator of this revengeful act. Likewise, Gopal Katuwal from Pangsang-7 was arrested on May 17, 1993 on the accusation of dacoity. He was released on bail after having been kept under police custody for 25 days. Sher Bdr Shrestha and Ram Bdr Shrestha arrested in connection with the same dacoity were tortured in a shamelessly humiliating manner. They were beaten, forced to act like a frog and become like a chair. They were hung upside down and their thighs were pressed down with bamboo poles.



Mr Rajdhan Rai : Died of Khukuri & lathi charge

2. Fundamental Rights

2.1 Freedom of Expression/Association

Needless to say that these rights are repressed to the extent imaginable in this district. Incidents mentioned above speak themselves to justify this statement.

2.2 Religious Freedom

The Hindu untouchables are not allowed to enter into Hindu temples. On the day of Balachaturdashi, an important religious day for the Hindus, that fell on December 13, 1993, the priest of the temple, Shekhar Chapagain and others stopped them from getting into the temple.

2.3 Political Freedom/Free and Fair Election

Except for the incidents mentioned above, the police and the administration have not directly violated political rights of individuals or those of political parties.

2.4 Quick and Fair Trial

Report says that justice is very much influenced by the economic condition, political affiliation, and communal and relation factors of the individuals concerned.

This year, 337 lawsuits have been filed at the local court. Similarly, 158 cases have been registered at the CDO office and 25 at the District Police Office.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

This year, one incident of rape occurred in this district. Lok Bahadur Shrestha, 17 years, from Kot-2 raped an 18 year old youth when she was alone in her house on July 31, 1993. The

culprit was arrested on August 6, 1993. He was jailed for 22 days and then was released on bail on order of the local court.

4.2 Jari, Polygamy, Devadi and Badi System

Six cases of polygamy have come to public notice. Men not only make their first or second wife suffer by marrying another women but also humiliate them by making remarks that they are either ugly or loose in character or incapable of giving birth to a male child.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

Witch doctor Sri Kumar Rai from Dobhan-8 struck another witch doctor Hasta Bdr from the same neighbourhood with a knife on November 28, 1993. He did so on the pretext that Hasta Bahadur had hit him with a divine arrow, thereby putting him in a difficult situation to invoke his divine spirits. The hypocrite culprit has absconded.

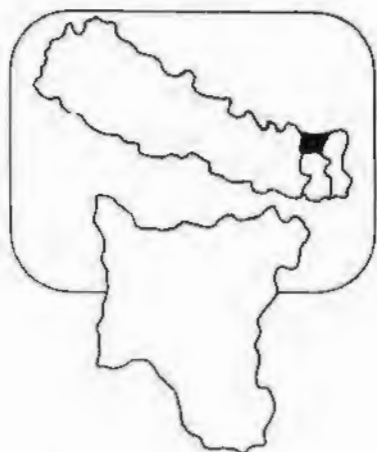
6. Indigenous Rights

7. Child Rights

The majority children of school going age are deprived of their fundamental rights to education and health. Children from poor families are forced to work for local feudals as farmhands or cowherders.

Additional Information

When temporary school teacher Ganesh Prasad Parajuli was dismissed from his post by Mohan Prasad Parajuli, the headmaster of Pitaula lower secondary school, there arose a controversy about it. Consequently, Ganesh was beaten by the headmaster's men. Following the incident, some persons were arrested and later released on bail. □



1. Eastern

Koshi

1.10 Sankhuwasabha

Population : 141,903

Literacy : 48.1%

Women Literacy : 32.1%

Area : 3480 sq.km.

SANKHUWASABHA, a district in the far north of Koshi Zone, lies on the lap of Mt. Makalu. This district has attractive tourist sites such as the lakes like Lalpokhari and Sahhapokhari, glaciers like Arun and Barun and the pass called Kimathanka lying at a great height. Arun Third, the largest hydro-electricity project in Nepal, is going to be constructed here. Human rights are reported to have been violated here mainly because of personal conflict and revenge.

1. Right to Life

1.1 Killings/Firings

Vishnu Maya Rai, wife of Dala Bahadur Rai, from Kharang -2 was killed by a senior constable of police of Khotang Police Post, Dilli Ram Neupane on July 6, 1993. After having sexual intercourse with the policeman near Kharang Bazar, the woman wanted to stay with him as his wife. Finding himself in an odd position, he killed her then and there tying her neck with an umbrella cover. The culprit is now jail awaiting trial.

Dharma Raj Dangi, 23 years, from Chainpur-9 killed 9-year-old Deepak Kumar Dangi born of his

step mother, on July 8, 1993. Report says that he committed the murder in a fit of anger to avenge his step mother's ill-treatment with him. The murderer is now in jail.

This year, 11 lawsuits related to murder were filed at the local court.

1.2 Jail

The local jail that can accommodate only 25 persons consists of 41 prisoners of whom there are 4 women and one dependent child. Prisoners are not provided with enough water so the hygienic condition of the jail is very poor.

1.3 Arrest/Torture

Birkha Bahadur Rai arrested on charges of theft on January 3, 1993, was beaten with a stick in course of interrogation at the courtyard of the District Police Office by inspector Gobinda Budhathoki. Tanka Khadka arrested on the accusation of rape on August 18, 1993, denied the charge before the prosecutor. However, he was forced to confess the charge by means of torture at the Area Police Office, Chainpur, the following night.

Ward member of Ankhibhuit -9 Om Bahadur GC and Raghubir Giri were arrested without warrants when they demanded that Robini Dahal of Sanischare who was arrested on December 18, 1993, on charges of theft be presented at the spot where the process of collecting witnesses in public was going on. They were brutally beaten at the

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	4
Rape	-	2
Suicide	-	-
Murder by Policeman	-	1

Police Post by sub-inspector Prem Bahadur Karki and senior constable Shiva Vikram Dhakal. Report confirms that they were hit with sticks and blows and were also kicked. They were later charged under Public Offence Act.

A teacher of a primary school located at Sisuwa Premchandra Rai by name exposed senior constable Rudra Bharati's corrupt behaviour that he had forced the simple-minded villagers to offer him money, chickens, fish and butter on various excuses. The teacher and another person called Jaya Prasad Dhakal were arrested to avenge the incident and charged that they were involved in the killing of a homeopathic doctor, Punny Khatiwada who was found dead two years ago after having been disappeared for 3 weeks. In course of interrogation, they were hung upside down and beaten at the Area Police Office in Chainpur.

2. Fundamental Rights

2.1 Freedom of Expression/Association

School teachers are victimized simply for their conscience. Ambika Prasad Dahal was demoted and transferred to a remote primary school from a secondary school located at Madi where he had been teaching for 14 years. He was punished simply for being affiliated with NNTO, a professional organization. It is said that teachers supporting the party in power are allowed to carry out political activities while the others are deprived of it.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

2.4 Quick and Fair Trial

It is said that the rich and the tricky ones know how to follow legal procedure or influence legal decisions in various ways. As the court is compelled to rely on documented evidences, it is the well-offs and the smart ones who can win lawsuits. Needless to say that poverty and ignorance are obstacles to quick and fair justice.

3. Landless/Squatters

There are about 10 landless households in almost all the VDCs of this district. Nothing specific has been reported about their plight.

4. Women's Rights

4.1 Trafficking/Rape

Two rape cases have come to public notice. Vishnu Maya Rai, wife of Dal Bahadur Rai, from Kharang, VDC -2, was raped and murdered by senior constable of Kharang Police Post, Dilli Ram Neupane. In another incident, a 15 year old girl from Dobbane VDC -7 was raped by a watch mechanics Tanka Khadka at 11 p.m. on August 14, 1993, when she was returning with her mother from a cinema hall. Now the rapist is in jail awaiting trial.

4.2 Jari, Polygamy, Devaki and Badi System

Among the Bhote communities living in the northern part of the district the practice of having more husbands by women is still prevalent.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

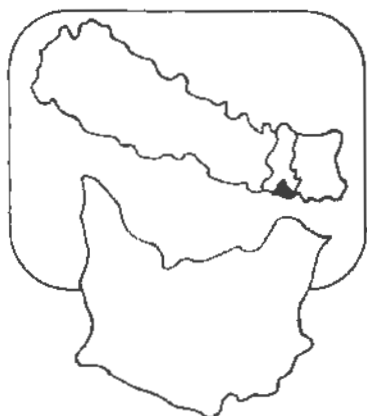
Quarrels and beatings often occur in this district as a result of excessive use of liquor. The so-called untouchables are still discriminated against.

Ambika Prasad Dahal, a teacher, was beaten by Ram Kumar Rai at Okharbote Bazar on August 23, 1993. He also threatened to kill Hari Bairagi. A gang including Parsu Ram Dewan, Bhakta Mani Dewan and Prem Dewan went to the house of Bharat Dahal on June 23 and threatened them creating an atmosphere of terror. Ironically, the Area Police Office, Chainpur, did not accept the victims' complaints.

6. Indigenous Rights

7. Child Rights

The overwhelming majority of children of school going age are deprived of the opportunity to attain education. A great many children from poor families are forced to work as farmhands and herdsmen for the rich families. Their plight is not any better than that of slaves. □



1. Eastern

Sagarmatha

1.11 Saptari

Population : 465,668

Literacy : 34.7%

Women Literacy : 17.7%

Area : 1363 sq.km.

SITUATED in the Terai and having the largest number, viz. 114, of VDCs, Saptari is one of the backward districts in Sagarmatha Zone. Of all the 75 districts in Nepal, it is Saptari where the highest number of lawsuits are registered every year. That is why, the local court has the highest number (upto 7) of positions for judges.

1. Right to Life

1.1 Killings/Firings

Within the period of time covered by this report, three persons were killed and three incidents of firing occurred in this district.

The dead bodies of a pregnant woman and a child of about five years old were found in a small pond in the field of Shyam Kusum Thakur of Mathel -2 on April 28, 1993. This was a suspicious incident because the water in the pond was only one foot deep.

Kusum Lal Saha was shot dead by dacoits in his house at midnight on June 15, 1993.

Suspects Ganesh Chaudhari and Dukhaharan alias Ram Narayan Yadav were arrested the same night.

When a gang of fourteen including Hem Sankar Singh from Madhepura-1 attacked Bhutkun Manual's wife Tetari Devi Mandal and Ram Laxman Mandal on September 2, 1993, Tetari lost her life while being taken to Rajbiraj hospital. Report says that this killing was the result of a land dispute. When the dispute took a serious turn Bhutkun Mandal's nephew Sita Ram Mandal lodged a complaint with the police asking protection. This hurt the ego of Hem Shankar, a local bully, and, therefore, he used his hirelings against the Mandals who belong to a lower caste. Legal action is in process against all fourteen including the gang leader Hem Sankar Singh.

Tunai Das from Joginiya was killed by his second wife Ram Kali Devi with the assistance of Kishori Pandit on September 9, 1993.

Jhaulai Sardar, a prisoner in the local jail, died without appropriate medical treatment on October 20, 1993.

Kishun Dev Yadav, 39 years, and Nunu Lal Kamait, an Indian national, were shot dead by a gang of 12 from India led by Sita Ram Mishra and Kailash Yadav on October 10, 1993. The incident resulted from a dispute related to the no-man's land between Indian and Nepalese border. It so happened that the

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	1	-
Torture in Custody	-	1
Rape	-	2
Torture in Jail	3	2
Suicide	-	-

no-man's land was invaded by Kailas Yadav and Cheta Nath Mahato from Supaul district, Bihar, where they built cottages and planted crops. On September 10, 1993, some buffaloes of Lalapatti village, Nepal, ate the crops. Consequently, one Nepalese and one Indian national lost their lives.

Three other persons are reported to have lost their lives from beating.



Dead bodies of a woman & a child

1.2 Jail

The local jail building built decades ago during the Rana regime is in a dilapidated condition. There have been kept about 100 persons in the seven rooms at the upper storey of the building. The storey has one water tap and one toilet to be used by all the 100 prisoners. Although the drain of the toilet is broken here and there, neither the jail administration nor the government seems to be serious to repair or replace it. One sweeper comes to clean it once in two or three months. Semi Lamsal and Sultan Miya, who are suffering from tuberculosis, and Ananta Lal Dahal and Chaudamani Dahal, who are suffering from epilepsy, are also kept together with other prisoners.

On May 1, 1993, the prisoners got angry to see that seriously ill prisoners, Bhaju Ram Yadav and Amar Narayan Yadav, who were taken out of jail for treatment, were brought back without being taken to the hospital. When the prisoners began to shout slogans against this inhuman act, five of them were nailed. The ones nailed were Kali Bahadur Rai, Vinod Thakuri, Semi Lamsal, Chandra Bahadur Magar and Jaher Nat. On May 4, the CDO, the DSP and the District Chairman came to visit the jail and ordered the jail authorities to

unnailed them. But they denied to be unnailed demanding that the jail guard, the senior and the junior heads chosen by the jailor from among the prisoners be dismissed from their positions.

On May 5, the nailed prisoners were brought out in the open and brutally beaten. Besides, Mabar Narayan Yadav, Sonai Nat, Satya Dev Saha, Ganapat Khanga, Lava Kumar Tamang and Lok Bahadur Karki were also nailed and beaten. In the evening the same day, policemen entered into the jail and beat whoever came across them.

A prisoner Jhulai Sardar, who was charged with rape, died on October 20, 1993 without appropriate medical treatment.

Phulmaya Tamang who was transferred here from Biratnagar, tried to commit suicide by jumping into a well.

Representatives of various human rights organizations, political parties and journalists visited the jail to inspect its general condition. This joint team reported that there had been irregularities regarding the distribution of ration and its quality, medical facilities, etc. In addition to it, in the report they stated that the prisoners were wantonly tortured; they were

jointly cheated by the senior and junior heads of the jail and the shopkeeper there, and the number of prisoners was beyond the accommodating capacity of the building. The team also put forward suggestions for reform. In this regard, a delegation of local distinguished persons led by central member of FOPHUR, Dr. Ashokananda Mishra, presented a memorandum to the minister for home affairs.

At the time our reporters visited the jail, it consisted of 127 prisoners of whom 57 were alleged and the rest convicted. There were 3 women prisoners and 1 dependent child.

1.3 Arrest/Torture

Forty leftist activists were arrested from the neighbourhood called Pokhrel Tole of Rajbiraj municipality on March 5, 1993, when they were heading towards the CDO office to stage a sit in programme there to express protest against the prime minister for misinforming the parliament regarding the Tanakpur project.

When NSA, Saptari, called a transportation strike demanding the cancellation of the Teachers' Selection Committee, twelve

persons were arrested including Dinesh Singh. Likewise, thirteen agitators were arrested in connection with the Gherao organized by four leftist factions at the district headquarters demanding the prime minister's resignation on December 26, 1993.

About 350 supporters of Nepal Sadbhavana Party were arrested on December 17 when it staged a sit-in protest in front of the CDO office.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Journalist Lokendra Budhathoki was attacked by Vinod Dev, Anil Dev, Dhruba Dev and others supposedly for covering a piece of news to the effect that prime minister's press adviser, Jaya Prakash Ananda, had rejoiced at the mysterious murder of prominent UML leaders, Madan Bhandari and Jiv Raj Ashrit. Local journalists and intellectuals organized a silent protest demonstration demanding that legal action be taken against the culprits. But surprisingly, the mischief makers escaped action.



Farmers are in sit-in in front of the District Administration Office

On March 23, 1993, Vinod Prasad Dev, a student of B.L. second year in Rajbiraj Campus, was unanimously expelled for one year for polluting the atmosphere of the campus. Later, the campus authorities and NSU reached an understanding that he would be pardoned if he admitted his mistakes and apologise. Contrary to the understanding, students affiliated with NSU locked up a room in the campus building in which there were five lecturers. They were not even allowed to go to toilet. Later, the teachers and peons who were outside broke the lock to rescue the lecturers. When they were going towards the campus gate, the hooligans manhandled them. Even the campus chief fell victim to their mischief. As a peon, Churan Mandal, tried to protect him, he was beaten to the extent that he fell fainted to the ground. Report says that the local administration gave protection not to the victims but to the hooligans.

The newly formed 3-member primary teachers' selection committee was rejected by all quarters with the complaint that it consisted of incompetent and corrupt persons. Nepal Students Union launched various protest activities like protest demonstration, a 24-hour hunger strike, closing educational institutions and shops, and presenting a memorandum before concerned authorities. The District Development Committee also demanded that the committee be immediately dissolved. Nepal Students Union's protest activities were directed against the prime minister's press adviser, Jaya Prakash Ananda, MP Hari Prasad Roy and Ram Kumar Chaudhari, who were said to have been responsible for the formation of such an incompetent committee.

Eleven teachers and employees of Bal Mandir, Rajbiraj, Village Development and Child Care Centre, Parsahi, were compelled to stage a hunger strike inside the compound of CDO office because they had not been paid their salaries for eighteen months. Likewise, school teachers conducted various protest activities under the leadership of NNTO starting from September 6 to have their professional demands met by the government.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

The party in power seems to be intolerant towards opposition views and activities. What happened in connection with the Nepal Bandha jointly called by leftist factions on August 4, 1993 is a case in point. When UML activists were trying to close a betel shop that had remained open in Hatiya bazar, NC supporters attacked them. Consequently, Tej Prasad Timilsina, Bala Ram Yadav, Chhatra Bahadur Dahal and Kusheswar Saha sustained injuries. Following the incident, protest demonstrations and counter protest demonstrations were organized by the two parties. Report says that UML activists Kisan Roy, Bala Ram Yadav, Chhatra Bahadur Dahal, Tej Prasad Timilsina, Janga Khatwe and many others were injured when stones were thrown at them by unknown persons at Tribhuvan Chowk.

2.4 Quick and Fair Trial

The record of the court shows that a total of 6161 lawsuits were filed until July 15, 1993. Likewise, 39 cases had been registered at the CDO office and 48 cases at the CDO office. Most of the cases were related to share in property, land dispute, dacoity and beating.

3. Landless/Squatters

4. Women's Rights

Phulan Devi Mandal and Ram Lakhan Mandal have been jailed on charges of abortion.

4.1 Trafficking/Rape

An anonymous girl was gang-raped by Santosh Gupta, Hari Narayan, Chandran Shaha, Surya Saha and Rajendra Bhagat at Rayapur on April 28, 1993. A female child was raped in the old building of the local telecommunication office.

4.2 Jari, Polygamy, Devaki and Badi System

Women are made to suffer because of the evil practice of dowry. Shila Mahato, a mother of five children from Vishnupur-8, was

frequently beaten by her husband Satya Narayan Mahato for not being able to bring dowry. When she was fed up with her husband she began to teach in a local school. She was dragged home by her husband. Ironically, the police administration also turned a deaf ear to her complaint.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

The so-called untouchables are not allowed to touch public water taps or wells. Not even a single person from the Mushahar community has received education upto the SLC level. Because of poverty and the feeling of inferiority, not even 2% of children from this community are sent to school.

6. Indigenous Rights

7. Child Rights

A lot of children of school going age are forced to work on farms, in hotels or for the rich families in the neighbourhood. Because of bad security situation and lack of civil sense, female children are sometimes raped and killed.

Additional Information

Report says that when a citizen saw some persons felling trees illegally and requested them to stop doing that he was beaten by a gang of eighteen. Only three of those involved in the beating were arrested. □



1. Eastern

Sagarmatha

1.12 Siraha

Population : 460,746

Literacy : 28.7%

Women Literacy : 13.3%

Area : 1188 sq.km.

SOME incidents related to human rights violations occurred in Siraha within the period of time covered by this report.

1. Right to Life

1.1 Killings/Firings

Ghogan Yadav, 44 years, from Inaruwa-9, was stabbed to death by unknown persons on February 11, 1993. Tetaridevi Yadav, Ramvilash Yadav, Surendra Yadav, Amendra Yadav and Ashokkumar Yadav were arrested for investigation. Report says that they were later released on bail.

Uttam Lal Sahani beat 9-year-old Vinod Kumar Sahu of Inaruwa -9 on August 8, 1993 on the pretext that the boy's goat had eaten her crops. The boy died in a little while. Because the murderer absconded, her husband has been detained instead.

Parvati Devi Sundi from Gotari-8, Shiva Kumar Yadav, 15, from Inruwa-9, Hari Prasad Yadav from VDC-8, Dukhani Mahara, and 13 years, from Vishupur-4 were also killed at different times for reasons either related to property or personal conflicts.

Two women, Sugawati Devi and Danadevi, are reported to have been killed by their husbands. The former was killed by her husband Raj Dev Yadav, a J.T.A., for not bringing as much dowry as he wanted. As for the latter, the

report does not make it clear why she was killed.

When there occurred a clash between activists affiliated with United People's Front and Nepali Congress at Kalyanpur on September 24, 1993, a woman lost her life. All those arrested in connection with the killing were heard complaining of police atrocity over them under custody.

Bankarmanara Chamar of Vishnupu -4 has been arrested on a charge of killing 13 year old Dukhani Mahari from the same neighbourhood by beating.

1.2 Jail

The local jail that can accommodate only 75 persons consists of 148 persons of whom there are 2 women and 1 dependent child. Report says that 65 of the prisoners are convicted. Fifty-nine prisoners were released and 77 jailed within the period of time covered by this report. Physical facilities in this jail are said to be extremely poor.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	1	-
Torture in Custody	-	1
Rape	-	1
Suicide	-	-



*Police brutality in a hunger strike by
Sadbhawana Party*

1.3 Arrest/Torture

Dev Narayan Yadav from Inruwa -3 was arrested without warrant and kept under custody for 5 days.

When Nepal Sadbhawana Party staged a hunger strike at different 10 places in this district on January 5, 1993, 250 activists were arrested, of whom all but eleven were released after a short while.

2. Fundamental Rights

2.1 Freedom of Expression/Association

On October 3, 1993, when District Development Committee Vice-chairman Indrajit Shaha wrote down a note of dissent regarding a decision made by the majority of the committee, District Chairman Chandra Narayan Yadav erased it. The vice chairman complained that it was an outright violation of his human rights.

Gohibar Yadav, a peon at a local school, was dismissed from job on the pretext that he was involved in the argument that occurred during the Red Cross elections on August 5, 1993.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

When there occurred an exchange of firing as a result of a dispute in connection with the Red

Cross elections on August 5, 1993, seven persons sustained injuries. Among those injured included Pandit Yadav, Ram Nath Yadav and Brijamohan Kamati. All the nine persons arrested following the incident including Rajendra Gohiyar were released on bail.

2.4 Quick and Fair Trial

Report says that court decisions are delayed and influenced by power, politics and money. The rich, smart and tricky ones can escape punishment while the poor, simple-minded and innocent ones can be made to suffer.

A total of 123 cases were registered at the District Police Office and 82 lawsuits at the local court. According to police record, 256 suspects have absconded.

3. Landless/Squatters

The so-called untouchables are in majority of such households. Land tenancy is also a serious problem here.

4. Women's Rights

On May 16, 1993, Indhira Chaudhary of Lahan was humiliated and defamed by being forced to wear a garland of shoes and then being taken around the bazaar amidst a noisy procession on accusation of having a loose character.

Adhiki Devi, a widow, from Vidhyanagar-4, was humiliated and persecuted in her husband's family after his death. Although she has won the lawsuit related to share in property, report says that the court decision has not been enforced.

4.1 Trafficking/Rape

A woman, who was on her way home to Siraha from Janakpur, was gang-raped by Raj Kumar Gautam from Mirchaiya -9 and others at about 10 p.m. on July 25, 1993. Rapist Gautam has been jailed while the others have absconded.

4.2 Jarl, Polygamy, Devaki and Badi System

One incident of polygamy has come to public notice.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

The so-called low-caste people are discriminated thereby violating their human rights. These untouchable communities are oppressed and exploited in various ways. The overwhelming majority of these people are illiterate. Their total number is estimated to be 4,453.

6. Indigenous Rights

No effort has been made for the upliftment of these people. The rich and clever ones take advantage of their poverty and ignorance.

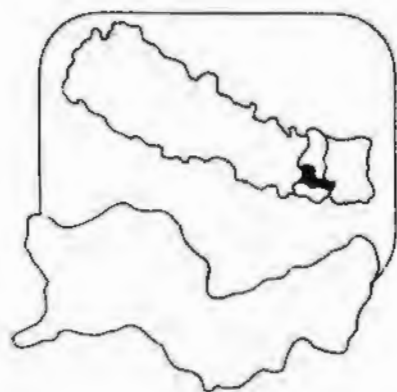
7. Child Rights

Because of the evil practice of dowry, the birth of a female child is regarded as a curse on the family.

Additional Information

There arose a dispute after Ram Ganesh of Lahan -3 married Lobitiya Tatma's married daughter on March 12, 1993. As the newly married pair was taken to the police office, the angry villagers attacked the policemen and damaged the police office. In the incident, some policemen sustained injuries. Report says that seven persons who were arrested were released after investigation.

Documents related to accounts of Lahan Campus were burnt when some persons affiliated with NSU set fire on the campus building. Report says that the accounts of the campus had not been cleared for the last eight years. □



1. Eastern

Sagarmatha

1.13 Udaypur

Population : 221,256

Literacy : 38.0%

Women Literacy : 21.4%

Area : 2063 sq.km.

A lot of incidents causing human rights violations have occurred in Udayapur district of Sagarmatha Zone. These incidents seem to be related to political vengeance, personal conflicts, use of liquor and ditches and public water taps.

1. Right to Life

1.1 Killings/Firings

Forest guards used six blank fires following an argument with the villagers who had gone to the forest to collect firewood on January 25, 1993. Local women organized a protest demonstration condemning the firings.

Babi Dahal, 40 years, from Tapaswari-1 was killed by her husband Narayan Dahal and mother-in-law Madhu Maya on May 31, 1993. She was beaten and then her food was poisoned. The husband has been cleared of the charge while the mother-in-law has been convicted and sentenced for ten years' imprisonment.

Man Bahadur Shrestha from Thoksila-9 and Lalwati Sada Musahar, 21 years, from

Gaighat-3, are also reported to have been killed. The former lost his life following a dispute related to the division of water from a ditch and the latter was killed by a relative of hers, Vinod, because she had become pregnant illegally.

1.2 Jail

The local jail with a capacity of accommodating 50 persons consists of 106 prisoners of whom there are 8 women and 5 dependent children. The jail does not have a separate room for women prisoners. During the period covered by this report 81 men and 11 women were jailed, while 89 men and 3 women were released.

1.3 Arrest/Torture

Khambasher Rai and some others beat VDC vice-chairman Dhanapati Bhattarai at a VDC meeting on June 3, 1993. The local administration accepted to register the complaint against those involved in the beating only after MP Vishnu Bahadur Raot put pressure on it.

Narad Muni, a 5th grade student of Adarsha Secondary School located at Basaha-7, was jailed for 45 days on a charge of stealing a goat. Since he could not afford to pay a fine of Rs. 1005/-, he was compelled to be jailed instead.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	-
Rape	2	2
Suicide	-	-

2. Fundamental Rights

2.1 Freedom of Expression/Association

Shyam Malla and his wife Vindya Thapa, the inhabitants of Gaighat -4, threatened to kill the editor/publisher of *Triyuga*, a half-weekly local newspaper, for publishing a news to the effect that they had something to do with women trafficking. Report says that the paper had covered the news on May 31, 1993.

School teachers affiliated with Nepal National Teachers' Organization are said to have been harassed by the local administration.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

2.4 Quick and Fair Trial

The lethargic working style and biased attitude on the part of civil and police administration is an obstacle to quick and fair justice.

Lila Prasad Niraula, Vijendra Kumar Lal Karna, Subhas Raut, Bimal Regmi and Shailendra Khatiwada were charged with public offence for showing black banners to the prime minister on May 2, 1993. The district administration decided that they would be released provided that they sign a document promising that they would not be engaged in such activities in future. Since they denied to do so they have been jailed until now.

Bhim Bahadur Thapa, a guard of Udayapur Cement Factory, was interrogated with brutal torture following his arrest on a charge of stealing on November 18, 1993. He filed a lawsuit against police officer Yadav Prasad Sharma. The victim complains that the policeman was transferred to some other place to avoid punishment.

3. Landless/Squatters

The landless and squatter households in this district are having a hard time because of unsympathetic attitude on the part of the party in power. A lawsuit related to the 50 bighas of

land of Bokse Danda between the squatters and the Basnet families is in process of decision at the Appeal Court in Rajbiraj. When the local administration destroyed the hovels of landless households on February 26, 1993, they rebuilt them after some time. The District Development Committee had their crops cut with the assistance of local NC leaders on June 21. The squatters organized a protest demonstration in the district headquarters the following day. Amrit Magar and Dil Bahadur Sarki were charged with public offence in connection with that protest. Report says that altogether 170 squatter families have been living at that disputed plot of land.

Similarly, the hovels of 19 squatter families living in Madibas Johra were destroyed. The commission for the Settlement of Squatters distributed land certificates to some families. But it is said that the plots of land given to them is not sufficient to grow as much grain as is needed for the family to survive. More than 12 thousand persons have presented application before the commission, demanding land.

The huts of squatters who had been living in Hadiya -5 for over a decade were destroyed by using elephants.

4. Women's Rights

4.1 Trafficking/Rape

Birendra Tamang, a school teacher, from Tapeswari -1 and Tilak Bahadur Rai from Saune, were arrested on February 4, 1993 on charges of women trafficking. They were released on bail after the concerned women showed up at the police station and told that they had been taken to Kathmandu by the alleged ones at their request. Report says that the complaint made against Birendra Tamang was motivated by political bias.

Two other incident of attempted women trafficking have come to public notice.

A young woman was gang-raped by Ramesh Karki, Hum Bahadur Bhujel, Sekapa Chaudhari, Durga Bahadur Bhujel and an

unidentified person when she was returning home from a weekly market taking place in the district headquarters on November 10, 1993. Another woman of 24 years from Muchurki -7 was also gang-raped on October 10, 1993 by a bus driver of Triyuga Travels, Tanka Bahadur Rai, a cleaner Som Bahadur Rai and a ticket seller Raj Kumar Shrestha. Tanka Bahadur and Som Bahadur have been jailed while Raj Kumar has absconded. Gauri Chaudhary, 14 years, and a 14 year old daughter of a peon have been missing.

4.2 Jari, Polygamy, Devaki and Badi System

Two incidents of polygamy have been reported. Report says that 70 year old Sher Bahadur Basnet married 22 year old Bohara as his second wife on December 7, 1993. The parents gave their daughter in marriage to such an old man because of his wealth.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

Some indisciplined persons committed acts of Vandalism, thereby creating an atmosphere of terror in a public fair that took place in

Bhurasuwa VDC on November 25, 1993. They looted things and set fire to shops. The gang of 15 led by Basanta Karki of Gaighat -4 badly beat VDC ward member Bidur Rahut when he requested them to stop doing that. Report says that the gang had raped a Magar woman the previous day.

5. Refugee Problem

This district has become a place of rest for Tibetan refugees who go to Kathmandu via here. When some Tibetans entered into Nepal illegally on June 15, 1993, the police opened fire, killing one and wounding five.

6. Indigenous Rights

7. Child Rights

Additional Information

Each of the Philippines and Japanese nationals working for the Cement Factory located at Jaljale keep a Nepali girl of 15 or 16 years of age as a domestic servant. They replace the girls every six months. Nobody is allowed to go inside their camp. Rumour has it that these foreign nationals may have illicit connections with these girls. □



1. Eastern

Sagarmatha

1.14 Khotang

Population : 215,965

Literacy : 39.9%

Women Literacy : 23.3%

Area : 1591 sq.km.

KHOTANG is one of the backward hilly districts in Sagarmatha zone. It is still beyond the reach of motorable roads.

1. Right to Life

1.1 Killings/Firings

Singha Bahadur Rai, Chimri Maya Rai and Jagat Bahadur Mahar from Jyamire -5 killed a local dweller, Iswar Man Rai, striking with a khukuri on September 10, 1993. It is said that they had been on bad terms since the local elections. The alleged ones have been jailed.

Lakpa Sherpa of Sungdel -7 hit Daba Sherpa of the same neighbourhood with a fire-wood on October 1993, who died the following day. Report says that the victim had quarrelled with Lokpa's mother the previous day. Legal action has been initiated against the culprit.

1.2 Jail

The local jail can accommodate only 35 persons while it had 43 persons at the time when our reporters visited it. There are five women prisoners. The jail is very poor in terms of physical facilities as well as the hygienic condition. Prisoners here complain that they are often misbehaved by policemen.

1.3 Arrest/Torture

Brisha Bahadur Khatri from Likuwapokhari -8 took some youths to India on April 2, 1993, assuring them that he would find them jobs in

a carpet factory there. But the hypocrite sold them out with the assistance of Teju Singh and Sadhu Singh Chauham from Baranasi, India. The victims were Saroj Koirala, Ramji Khatri, Mohan Kumar Rai, Dinesh Maharji, Man Bahadur Khatri, Krishna Bahadur Khatri, Roshan Khatri and Surya Pokhrel. They were sold for 55 thousand rupees. After having been sold the youths were forced to work in a carpet factory of Sadhu Singh Chauham, where they were treated like slaves. As they found the situation to be intolerable, they escaped from there. The culprit is said to have absconded.

On May 16, 1993, Umanath Bhattarai, an inhabitant of Dumre Dharapani -6, had a quarrel with Pabitra Bhattarai from the same neighbourhood. This happened when Bhattarai saw Parbati cutting grass in his field and snatched and threw away her sickle in a fit of anger. This enraged Parbati who threw stones at Umanath. Next day, when Umanath went to the police office to lodge a complaint against the woman he himself was brutally beaten on a charge of manhandling her. He was also fined Rs. 2500/- before he was released.

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	1	-
Rape	-	-
Death due to Police Torture	-	1
Suicide	-	-



A scene of Khotang jail

Raj Kumar Rai and Neema Sherpa from Waplukha -2 were tied to a pillar of the house of Arjun Khadka and beaten on charges of having guns without licence by a group of eleven policemen led by Asst. sub-inspector, Gopal Karki. Later, they went back after seizing the guns and forcing the two to pay them a bribe of eleven thousand rupees.

Ambar Bahadur Tiwari and Gopal K.C. were tied up and beaten following their arrests on July 3, 1993 on a charge of robbing Babukaji Dahal's house. Rabin K.C. arrested on the same charge was also beaten with a stick. He is suspected to have been killed under custody. Gopal KC's wife Sita K.C., Ambar Bahadur's daughter Dhankumari K.C., Umesh Dahal, Ram Bahadur Dahal, Dal Bahadur Tiwari and some others were also arrested without warrants and tortured under police custody. The police forced some simple-minded women of the village to sign a document stating that they had seen Robin K.C. after he had escaped from police custody. No investigation has been made regarding the disappearance of Robin KC.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Citizens, especially school teachers, are deprived of their right to conscience. They are said to have been made to suffer by transferring them to difficult areas and demoting or even dismissing them from their positions simply because of their conscience. Narayan Prasad Ghimire, a permanent clerk of Deurali Secondary School was dismissed on August 17, 1993 out of political bias.

2.2 Religious Freedom

The local Rais launched a campaign to boycott Dasain, one of the greatest festivals of Nepal. Nevertheless, no untoward incident is reported to have occurred.

2.3 Political Freedom/Free and Fair Election

The rich and powerful ones sometimes file lawsuits on false charges against their political opponents, according to the report.

2.4 Quick and Fair Trial

Most of the lawsuits registered this year are related to insult and beating. Out of the total lawsuits, the number of those related to insult and beating is 121 and 54 respectively. The police have forwarded to the local court 28 cases that are related to robbery or murder. The court has decided 39 lawsuits related to insult, 17 related to beating and 4 related to murder.

3. Landless/Squatters

Report mentions that there are about 300 squatters in this district.

4. Women's Rights

4.1 Trafficking/Rape

4.2 Jari, Polygamy, Devaki and Badi System

Although this district is no exception to the practice of Jari and polygamy, nothing specific has been reported in this regard.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

Caste system, untouchability, belief in witch and witch doctors are some of the factors contributing to violations of human rights.

6. Indigenous Rights

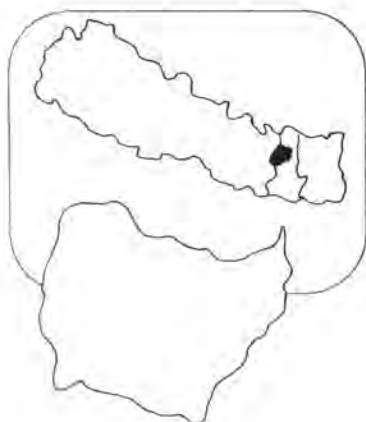
7. Child Rights

The overwhelming majority of children of school going age are forced to be engaged in manual labour from a very young age. Needless to say that such children are shamelessly deprived of their fundamental rights to education and a happy childhood free from exploitation and oppression of any kind.

Additional Information

Man Bahadur from Banspani was beaten to death because of a personal conflict. Action is said to have been initiated against the culprits.

Legal action is being taken against Shashi Kumari Pun from Khanga -5 on charges of obtaining two certificates of citizenship with two different names. □



1. Eastern

Sagarmatha

1.15 Okhaldhunga

Population : 139,457

Literacy : 38.6%

Women Literacy : 22.8%

Area : 1074 sq.km.

A district lying in the Eastern Development Region, Okhaldhunga has played an important role in the struggle waged to restore the present multiparty system, but after its restoration incidents resulting in human rights violations do not seem to be on the decline.

1. Right to Life

1.1 Killings/Firings

An unidentified dead body was found near the house of Jibi Sherpa, an inhabitant of Baruneswar - 9, on April 13, 1993. The police did not seem very keen on making serious investigation about the incident.

Jhula Gurung, 84 years, a practitioner of herbal medicine, gave some medicine to Homanath Dahal and Radha Devi Katuwal for a stomach ache. Homanath died from the effect of the so-called medicine at the health post in Rumjatar. Radha Devi was lucky to escape death by undergoing a long treatment in Kathmandu. Legal action has been initiated against Jhula Gurung.

Khadga Bahadur Khatri and Khadga Bahadur Karki died after drinking the liquor given by Mrs Chandra

Maya Gurung from Gamnangtar -9 on January 8, 1993. The liquor seized from Mrs Gurung's house was not tested but it is said that postmortem had confirmed that they had died as a result of the liquor. The court decided to release alleged Chandra Maya on bail of 25 thousand rupees, but since she could not afford to pay it she was compelled to stay in jail instead.

On July 10, 1993, unmarried Harimaya Rai from Moli -8 killed her new born baby that she had conceived having illicit connection with Kumar Basnet from the same neighbourhood. Now harimaya is in jail awaiting trial.

Haikam Singh from Barnalu -8 beat to death Shukdhan Rai, an inhabitant of the same neighbourhood, on August 14, 1993. Report says that they had quarrelled with each other some days ago about a thorny fence made on the side of a trail that was used to take animals to the grazing area. Alleged Haikam singh has been detained.

Shanta Viswakarma was killed by her husband Neel Bahadur Viswakarma in their house located in Raniban -7 on September 21, 1993. Report says that Neel had struck his wife with a Khukuri in a fit of anger on the pretext that she did not carry out his order immediately. The culprit has been jailed.

1.2 Jail

The local jail consists of 32 persons. They are given clothes to wear only twice a year. Most of the prisoners seem to be sick because of the unhygienic

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	1	-
Torture in Custody	-	-
Rape	-	-
Death of refugee by Police-shot	1	-
Suicide	-	1

condition of the jail. Asked as to why one of the prisoners suffering from hepatitis was not provided with medical treatment the jailor replied that it was due to short of budget.

1.3 Arrest/Torture

In this district, political arrests were not made within the period of time covered by this report.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Report mentions that local inhabitants Bir Bahadur Paudel, Padam Mishra, Lapsang Sherpa, Bishnuhari Abdikari and five other school teachers were deprived of their right to vote during the local elections simply for being affiliated with their professional organization, NNTO. Teachers are also threatened to be transferred or demoted for the same reason. This year, some teachers have been dismissed and others demoted from their positions.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

The local citizens have not had the opportunity to enjoy their political rights as guaranteed by the constitution of Nepal.

Five houses of the inhabitants of Thulachhap VDC were searched by policemen on October 13, 1993. Locks of doors were broken, clothes torn, grains scattered and utensils thrown about on order of VDC chairman, Tika Ram Karki, on the pretext of controlling intoxicating things. When poor people's belongings and property were being destroyed, the policemen stood as mute spectators. It is said that it was an act of political vengeance.

Report says a school teacher of a school in the district headquarters has been implicated in a lawsuit on a false charge out of political bias.

2.4 Quick and Fair Trial

Because of widespread poverty and ignorance, an overwhelming majority of people have not been able to enjoy quick and fair justice.

A total of 237 lawsuits have been registered at the local court this year, of which most of the cases are related to land disputes.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

4.2 Jari, Polygamy, Devaki and Badi System

Three incidents of polygamy have come in public notice. Legal action has been taken against the three men -Surje Bahadur Thapa, Shiva Kumar Khadka and Tika Ram Dhainal - who have married the second time.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

The so-called upper caste communities look down upon the so-called lower caste communities even in an age of science and democracy. This calls for a vigorous human rights awareness campaign.

5. Refugee Problem

The number of Tibetan refugees who enter into this district via Solu is increasing day by day. This can create a serious problem in the days to come.

6. Indigenous Rights

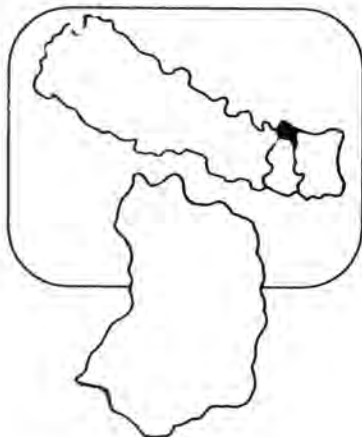
7. Child Rights

The overwhelming majority of children of school going age are deprived of education and a happy childhood. They are forced to be engaged in physical labour at a very young age.

Additional Information

Two persons are reported to have committed suicide. One person was swept away by river and another one was killed by a wild animal.

The landslide of July 6, 1993 that occurred in VDCs Baruneswar, Harkapur and Katunje claimed 30 lives, and 9 persons sustained serious injuries. A large number of cattle were killed and a great amount of crops was damaged. □



1. Eastern

Sagarmatha

1.16 Solukhumbu

Population : 97,200

Literacy : 38.5%

Women Literacy : 21.3%

Area : 3312 sq.km.

SITUATED on the lap of Mt. Everest, the pride of Nepal, Solukhumbu is one of the six districts of Sagarmatha Zone. On the north of this district lies Tibet, China's autonomous region. Pasang Lhamu Sherpa, the first Nepalese woman to reach the top of Mt. Everest, met tragic death this year when she was climbing down to the camp after conquering the highest mountain in the world. Sonam Chhiring Sherpa, a brave climbing partner of Pasang, is still missing.

1. Right to Life

1.1 Killings/Firings

In connection with the dispute related to the forest of Phaplu the police opened fire on October 13, 1993. This happened following a clash between activists of Nepali Congress and Rastriya Prajatantra Party. In the incident, 2 persons sustained major bullet injuries. Report says that some 14 others were also injured. It so happened that a mass meeting of RPP and a convention of Nepal Teachers Association were held the same day in Solu. After the mass

meeting RPP activists went to the teachers' convention to present a protest letter regarding Phaplu forest scandal and the unfair action taken against non-Nepali Congress teachers to minister for forest who was there at the moment. Then a heated argument between activists of NC and RPP was followed by police firing.

Seven local inhabitants including Nirkumar Rai beat Dhan Kumar Rai of Gudel-9 to death on August 1, 1993. This was the result of a dispute regarding the water of a ditch. Legal action is being taken against the alleged ones.

The dead body of Gorakh Sing from Salyan-ru-4 was found hanging under the roof of his house of October 24, 1993. According to the postmortem report, Hem Kumar Rai and Santa Laxmi Rai were arrested on suspicion of murder.

1.2 Jail

The camp built for Tibetan refugees in Salleri has been used as a jail. The jail rooms are dark and dirty. Prisoners were heard to complain that when they raise voice demanding enough water, a better toilet and appropriate clothing, the jail administration stops the supply of water and puts the prisoners into traps to torture them. Forty persons have been jailed in the narrow camp that can accommodate only 25 persons. Out of the 40 prisoners only 6 have been convicted.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	-
Rape	-	-
Torture in Jail	-	1
Suicide	-	1

1.3 Arrest/Torture

Eighteen RPP activists were arrested in connection with the incident of October 13 mentioned above. Report said that 18 persons have absconded after being warranted by the police.

On January 13, 1993, the local court issued an order to the effect that Phinju Sherpa be freed from jail. But he has not been freed on the pretext that he is mentally sick.

Phurawangchhu Sherpa from Gudel-6 beat Pemba Dorje Sherpa, a local inhabitant, following an argument about mutual borrowing. Phurawangchhu has been charged with attempted murder.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Report says that opposition activists are made to suffer by beating, threatening to kill and by imposing false charges. School teachers are made to suffer the most in this respect. Teachers affiliated with NNTD are sometimes dismissed from their permanent positions and transferred to remote and difficult areas. A teacher Kantatal Chaudhary was given a letter of permanency on September 17, 1993, but surprisingly, he was informed on October 18 that his permanency had been cancelled. Trained teachers Bhushan Basnet, Radha Kumari Shrestha and Dolpa Sharma were declared to be failed in the examination given by the local examination commission. One hundred teachers affiliated with NNTD were transferred to remote areas of Sunsari and Ilam districts on September 6, 1993.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

The party in power seems to be badly lacking in political tolerance. This results in dealing with opposition parties and differing views with biased attitude. Report says that 47 lawsuits with false charges have been imposed

on opposition activists within the period of time covered by this report.

2.4 Quick and Fair Trial

Due to the widespread ignorance and poverty, the general public is not able to enjoy quick and fair justice.

A total of 127 civil cases and 104 criminal cases have been registered at the local court within the period covered by this report.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

Two incidents of rape have come to public notice.

A 23-year old woman from Baku-4 was raped by Mingma Sherpa, 21 years, from the same neighbourhood when she had gone to a nearby forest on August 12, 1993. Legal action is initiated against the rapist.

Another woman of 51 years of age was raped by 21-year old Surendra Kumar Rajbhandari from Salleri-7 on November 21, 1993. The court, however, denied to jail him for lack of evidences. It is said that Rajbhandari's enemies might have accused him of it with intent to defame him.

4.2 Jari, Polygamy, Devaki and Badi System

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

The so-called untouchables are exploited and oppressed more than the people belonging to other communities.

6. Indigenous Rights

7. Child Rights

In many areas children cannot get education for lack of schools but in areas where there are schools parents do not seem keen on sending their children there. Needless to say that children are made to do physical labour from a very young age.

Additional Information

Panchi Maya Rai, 22-year-old an eight grade student of Himalaya Secondary School,

committed suicide by jumping into river Dudhkoshi on November 11, 1993. Report says that she killed herself because her uncle's atrocious behaviour with her was unbearable for her.

Some money and furniture were stolen from the local RNAC office on November 17, 1993. Giri Raj Basnet, Girmi Bdr Bajracharya and Dultemba Sherpa were arrested for investigation. They were released on bail later. □



Janakpur Zone

2.1 Dhanusha

2.2 Mahottari

2.3 Sarlahi

2.4 Sindhuli

2.5 Ramechhap

2.6 Dolakha

Narayani Zone

2.7 Rautahat

2.8 Bara

2.9 Parsa

2.10 Chitwan

2.11 Makanpur

Bagmati Zone

2.12 Lalitpur

2.13 Kavre

2.14 Bhaktapur

2.15 Kathmandu

2.16 Dhading

2.17 Sindhupalchowk

2.18 Nuwakot

2.19 Rasuwa



2. Central

Janakpur

2.1 Dhanusha

Population : 543,672

Literacy : 29.9%

Women Literacy : 16.0%

Area : 1180 sq.km.

IN Dhanusha, a district in the Terai, human rights are found to be violated not only by ignorance and poverty but also by the administrative machinery and the local lords.

1. Right to Life

1.1 Killings/Firings

This year some citizens are reported to have been killed as a result of personal conflict or conflict between political parties.

Phules Kapur from Bharatpur-1, an activist of Rastriya Prajatantra Party, was killed on February 2, 1992 by a gang of 12 headed by Laxmi Patel, a Nepali Congress activist. He was killed at 8 o'clock in the evening in his house when he was having his meal. Although Laxmi Patel was arrested following the incident, he was released later maybe under the influence of political pressure. Relatives of the victim registered a lawsuit at the local court against Laxmi Patel, Ashok Patel, Vinod Patel, Mudrika Patel, Ram Jannam Mukhiya Bin, Mahendra Yadav, Makhan Mukhiya Bin, Ram Pd Das, Vikuru Dhobi, Dilip Sharma, Bashu Dev Mukhiya Bin and Satya Narayan Shah on February 16, 1992.

In another incident of the same nature, a gang led by Nepali Congress activist Dev Naryan Mahato killed a 2-year child Chandina Kumari, daughter of Shanti Devi from Parvata Umaprempr-9, on June 5, 1993. The armed

gang also killed two young buffaloes, beat the victim's mother and looted his crops. They then beat the family of Swayambar Dahal. The same day, Swayambar Dahal was arrested by Satrugan Singh, a policeman, on the accusation that he had taken away his pistol and two bullets. Likewise, Shanti Devi was beaten following her arrest on the accusation of killing her own daughter. Ironically, not the culprits but the victimized ones were prosecuted. CPN (UML) activists Swayambar Dahal, Raj Narayan Mandal, Srikiwar Mandal, Satya Narayan Mandal, Vijaya Mandal, Surya Narayan Mandal, Ram Narayan Yadav and Narayan Mandal were prosecuted under public offence act. After 14 days in custody, Swayambar Dahal and the others were released on bail of fourteen thousand rupees and one thousand rupees respectively. Shanti Devi has been released on bail. It is said that all this had started with the incident in which a gang of about a dozen including Dev Narayan Mahato and Satrugan Mahato looted the tea shop of Rasi Lal Mandal on May 29, 1993, on the pretext that the teashop was opened invading public land.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	2
Rape	-	1
Suicide	-	-

Begam Dhobini of Sakhuwa Mahendra Nagar was shot dead by Makbul Kabadi on July 1, 1993. It is said that he had killed her to settle account of the incident in which he was beaten and handed over to the police by Begam Dhobini on the accusation that he had ill-treated and falsely accused her. Now he is in Jaleswar jail.

Vishnu Dev Kewat of Jhatiyahi beat his wife Pavan Devi to death. Of the three arrested in connection with the incident Biltu Mandal and Kisun Dev Mandal have been released on bail while Vishnu Dev Mandal is in Jaleswar jail.

Gangiya Devi Kapur was killed on July 12, 1993, when there broke out a quarrel about planting a tube-well in Pachhaharwa-8. VDC Chairman Ram Dayal Gupta wanted to take out the broken pipe and move it to another place where his supporters lived but ward member Vindasharan Mukhiya objected to it. As both parties of the dispute belonged to Nepali Congress, the culprit managed to escape punishment.

1.2 Jail

The jail of Mahottari district located at Jaleswar has been shared by this district. For not having a jail in the district, the detainees have had additional trouble of being imprisoned at a far away place. In the local court a total of 4608 and 2431 lawsuits were registered in 1992 and '93, respectively. It is a pity that a district that has so many cases does not have a jail.

1.3 Arrest/Torture

Report says that citizens are arrested even from peaceful demonstrations without warrants, inflicted torture and falsely prosecuted. For instance, Swayambar Dahal arrested in connection with the murder case mentioned above was beaten inside the Police Post by in-charge Mohan Bdr Tamang. Shanti Devi arrested in connection with the same incident was forced to confess that she had killed her daughter. Bhola Kabadi and Mahand Kabadi arrested without warrants were severely tortured under police custody at

Janakpur SP Office. They are now in Jaleswar jail.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Altogether 250 agitators including UML activists Madan Mohan Thapa, Chandra Dev Raut, Manoj Sharma, Suraj Tuladhar, a student Shri Prasad Shah and Laxman Singh, an activist of United People's Front, were arrested from a peaceful demonstration organized as Nepal Bandh demanding fair investigation into the Dasdhunga mysterious incident in which popular leaders Mr Madan Bhandari and Mr Jiva Raj Asrit were killed. The list of demands also included issues related to people's livelihood. Some of them were beaten while being arrested.

Likewise, all 460 persons including Sita Nandan Ray, a UML high-ranking leader, who were staging a sit-in protest in front of the CDO office on March 5, 1993 demanding the Prime Minister's resignation, were arrested amidst manhandling. Prabhakar Devkota, a human rights activist, who was there to photograph was also arrested and his camera reel was seized.

2.2 Religious Freedom

Hindu fundamentalist organizations like Bajaranga Dal and Hindu Dal have been secretly formed under the influence of India. Actually, such activities are restricted even in India. The minority Muslim Community in Dhanusha is found to have been terrorized by the activities of these groups.

2.3 Political Freedom/Free and Fair Election

Teachers and government employees in this district are made to suffer out of political discrimination. Especially in VDC's where UML and United People's Front have strongholds financial grants for schools and other development activities are said to have been curtailed or stopped. Complaints were heard that similar curtails have been made by District Development Committee in terms of

drought relief and grants related to flood victims.

2.4 Quick and Fair Trial

Altogether 303 cases have been registered at the local police station and 100 cases at the CDO office. The total lawsuits registered at the local court were 2431, most of which were related to land dispute.

The false charges related to illegal weapons, public offence and attempted murder imposed on 27 persons including Raghu Nandan Shah from Tarapatti Sirsiya on March 10, 1993 is a typical example indicating how citizens are deprived of fair trial.

Fifteen inhabitants including Shyam Kishwar Singh and Rama Nandan Ray Kurni of Aurahi have been prosecuted charging with 6 public offences. Another 14 lawsuits related to public offence have been imposed on UML activists including Vindeswar Shah and other VDC members. This year, 62 UML activists have been imposed with lawsuits related to the various false charges mentioned above. All these cases testify to the fact that citizens are deprived of fair justice.

3. Landless/Squatters

Most of the Musahar, Chamar, Dom, Ghanghar, Batar, Halkhor, Susad and Khatte communities that are regarded as untouchables are landless. They are found in the northern areas of the district, such as Tulasi, Bengadavar, Dhalkebar, Pushpalpur and Godar VDC.

4. Women's Rights

Some women in this district are found to have been beaten, forced to eat shit and also fined for being so-called witches. A complaint was lodged with the police at Dhalkehar against a so-called witch. In another incident another woman was beaten in Lalgadh.

4.1 Trafficking/Rape

This district is no exception to the question of rape and dowry resulting in women's death.

Ramesh Argariya from Bisarbhora-9 burnt his wife Chandra Kanta Argariya to death on March 10, 1993 for not bringing enough dowry. The culprit has absconded. In another such incident, Sita Devi Bhumihar of Thadijhija, a pregnant woman



Chandrakanta : Murdered by own husband

was burnt to death by her husband Sambhu Raut and father-in-law Ramasis Raut. All the culprits arrested in this connection have been freed. As for Sambhu Raut, he has not been arrested yet.

Six persons including Shyam alias Chaitanya Bramachari from Janakpur municipality-4 gang-raped 2 women at Ramayan Lodge on June 19, 1993. Following the incident local women organized a rally to protest the undesirable act in which local leaders of Nepali Congress had attempted to defend the rapists. The case has been decided by the court and the rapist, Chaitanya, is now imprisoned in Jaleswar Jail. Five culprits involved in this rape case have absconded. Local women are reported to have organized a protest demonstration against Pradip Shah of Sakhuwa, Mahendra Nagar-1 who was said to have brutally tortured his wife Punam for not bringing as much dowry as he wanted. The Dowry Elimination Association compelled him to return an amount of 250 thousand rupees that he had received as dowry two years back. Punam is now staying with her parents.

4.2 Jari, Polygamy, Devaki and Badi System

The police have reported that three incidents of polygamy have occurred this year.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

In the countryside, farmhands and herdsmen are treated like slaves by local lords.

5.2 Other Inhuman Behaviors

The so-called untouchables mentioned above have not been able to enjoy the right of equality.

6. Indigenous Rights

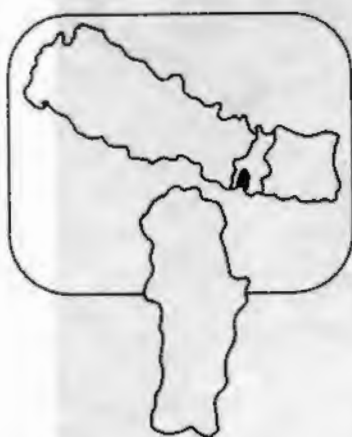
The Jhanjhad and Bantar community in this district are indigenous. It is said that there are 25/30 households in Auraha VDC and 12/13 households in Raghunath Pur of these indigenous people. The quality of their life has not improved over the years.

7. Child Rights

The number of child labourers working in hotels especially in Janakpur, Mahendranagar, Dhalkehar, Lalgaadh, Godar, Khajuri and Sahaula is estimated to be 3 to 4 hundred. They have a very long work day and get hardly 3 or 4 hundred rupees a month. Many of the children in this district are deprived of almost all of their human rights.

Additional Information

It was learnt from the local people that hashish is grown in Umaprempur VDC under the protection of Shyam Sundar Mishra, Ram Sundar Mishra and Mahendra Kumar Mishra, and that of assistant sub-inspector Dhirendra Kumar Singh. According to a complaint sent to various offices concerned by Ram Chandra Das of the same neighbourhood, persons including Dhirendra and Shyam Sundar Mishra receive a bribe of two thousand rupees per kattha for allowing farmers to grow hashish. It is said that they themselves also grow hashish. Report says that hashish is grown in an area covering more than 20 Bighas in Umaprempur-3 and 4. On top of that, report says, a letter written by him to a dacoit called Ganeshi Das shows that the assistant sub-inspector of police, Dhirendra Kumar Singh, has also something to do with dacoits. □



2. Central

Janakpur

2.2 Mahottari

Population : 440,146

Literacy : 25.7%

Women Literacy : 13.7%

Area : 1002 sq.km.

DUE to the low level of social awareness, the people in this district are found to have been deprived of the rights provided by the constitution. Unhealthy political rivalry and personal conflicts are found to be the main causes contributing to human rights violations.

1. Right to Life

1.1 Killings/Firings

Malada Dichhiyadevi Sahani from Jaukh, Sarpallo-5, was killed by Parmeswari Devi Maladin, Hulas Sahani Malaha, Devanandan Sahani Malaha and Kumar Maladin on August 19, 1993. Some of the alleged persons were arrested. Lalendra Yadav, a teacher from Sonma-5, killed his daughter Rita Kumari-8, and son Deepak Kumar Yadav 10. Following the murder he himself committed suicide. It is said that he had reached this dehumanized state as a result of his father's ill-treatment with him and his inability to provide medical treatment for his wife.

1.2 Jail

Although the local jail built 57 years ago can accommodate only 135 persons, usually 200 persons are found to have been shut up here. Now there are 183 prisoners, of whom 94 are alleged. There is one woman prisoner. A leprosy patient has also been imprisoned here. The hygienic condition of the jail is very poor. Although an adult literacy class is conducted here, the prisoners are deprived of an

opportunity to be engaged in productive vocations. The arrangement of medical treatment is nominal. Advocate Madan Thapa says that Jaleswar jail can be compared with hell.

1.3 Arrest/Torture

Ram Sogarath Chaudhary, an inhabitant of Karuna and member of CPN (United), was arrested on May 26, 1993 without warrant in connection with the protest demonstration to be organized by that party on June 4, 1993. He was released a few days later.

UML activists Balkrishna Dhakal, Ganga Tiwari, Tejendra Yadav, Ramdayal Manal and Tulsi were arrested on September 3, 1993 from a protest demonstration organized demanding the Prime Minister's resignation with regard to the Tanakpur dispute.

2. Fundamental Rights

2.1 Freedom of Expression/Association

The above arrests indicate that citizens are not allowed to enjoy these rights without restrictions.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	-
Rape	-	5
Suicide	-	8



One part of the Jaleshwar Jail

2.2 Religious Freedom

Citizens holding different religious beliefs are found to have been living in harmony.

2.3 Political Freedom/Free and Fair Election

Here is one incident that shows extreme political intolerance on the part of the party in power. A UML activist Pulakit Thakur from Sonma VDC was declared to be socially outcaste by some villagers supporting Nepali Congress simply for being affiliated with the main opposition party. Mr Thakur has lodged a protest with the district administrative authorities. He still does not feel safe to stay in the village despite the efforts made by local administration.

2.4 Quick and Fair Trial

Here is a case that shows how citizens are deprived of quick and fair trial because of the lethargic working style and biased attitude of local administration. Makhn Pasawan, a local dweller, was killed by beating three years back. The case that awaited action for 2 years and 4 months under the District Administrative

office has been dismissed in a dramatic way by collecting public witnesses in the absence of the public. A false public witness report was prepared by an Upper House MP of Nepali Congress Mahendra Kumar Mishra and SP Dvendra Mall of Area Police Office. It is said that about 10 or 12 villagers including MP Mishra and Misaruddin were involved in the murder incident.

This year, a total of 874 lawsuits were registered at the local court. Out of the total 1608 lawsuits including the old ones, 785 have been decided this year. The number of cases registered at the Police Office is 52. Most of the cases are related to public offence.

3. Landless/Squatters

Some hovels of squatters can be seen by the side of Chure Hill and on river banks. The so-called untouchable communities such as Dom, Chamar, Halkhor, Musahar, Khattwe and Aghori are leading a miserable life of squatters. Ranibas, Khaermara, Gauridanda etc. are the main areas where squatters settlements can be seen.

4. Women's Rights

4.1 Trafficking/Rape

According to a police source, six rape cases have come to public notice. A six year old female child was raped by Chhedi Mandal Dhanuk from Sitamadi, India, at Gausala Bazar on March 17, 1993. Rameswar Chaudhary of Jaleswar Municipality-4 raped a 7 year old female child of the same neighbourhood on March 15, 1993. Although Chaudhary had confessed his crime before the police, he has been released.

4.2 Jari, Polygamy, Devaki and Badi System

Police record shows two cases related to polygamy and one to abortion.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

5.2 Other Inhuman Behaviors

No reform can be seen in the social condition of the so-called untouchables. They are still deprived of almost all the rights to live as humans.

6. Indigenous Rights

7. Child Rights

There is a great number of children here working as child labourers. Mostly they work either at hotels or in the families of local landlords. They get meagre food and lodging plus hardly 2 or 3 hundred rupees a month.

Additional Information

A plot of public land located at a place called 28 Bigha was encroached upon by NC activists in the name of 'B.P. Rural Settlement'. CDO Durga Prasad Pokhrel and SP Jaya Singh Thapa who went there to settle the dispute were beaten by the enraged public on May 7, 1993.

This year, 8 persons committed suicide. Besides, it is learnt from the police that 8 murder incidents and 7 deaths resulting from road accidents occurred here.

Teachers of Tribhuvan Secondary School, Gaushala, went on strike on August 22, 1993, because they had not received their salary for three months. □



2. Central

Janakpur

2.3 Sarlahi

Population : 492,798

Literacy : 25.8%

Women Literacy : 13.2%

Area : 1259 sq.km.

SARLAHI is a densely populated area in the terai. Flood disaster has been the main problem here this year. Several incidents resulting in the abuse of human rights are reported to have occurred.

1. Right to Life

1.1 Killings/Firings

Vijaya Mahato and Kapil Dev Singh were killed by police firings at Barahathawa, a flood affected area in Sarlahi district, on August 22, 1993. In the incident, Shiva Prasad Ghimire, Raj Kumar Mahato and Bhupendra Jhakari sustained bullet injuries. Eye witnesses were heard to say that the police opened fire without warning. Two corrupt persons, Jagadish and Achchhelal, were the creators of this untoward incident. Report says that when they were found to have misused the food stuff to be distributed among flood victims, Kiran Shrestha, Lochan Nepali and Vijay Shrestha handed them over to the police with evidences. Ironically, not the corrupt ones, but those who demanded action against them were arrested

and brutally tortured. When an enraged crowd gathered to protest police atrocity, the police shot dead two persons mentioned above. The real culprits have not been taken action against. It was police inspector Bal Krishna Chaudhary who had excited the public and it was the DSP who had issued order to open fire. Later, the police charged Pradip Kafle, Tirtha Raj Ghimire, Indu Sharma and Yugal Kishor with public offence. The case was cancelled as per the agreement between UML and the government that took place on August 17, 1993.

Talo Devi and Anautha Mandal from Pripiriya-3 were murdered by Badri Mandal Khattwe, Kashi Ram Yadav and Bhupati Khattwe of the same neighbourhood on June 9, 1993. They had committed this murder to take revenge on Anautha Mandal who had illicit connection with 40 year old Tala Devi Mandal, wife of Chhanu Mandal Khattwe, when he had been to Punjab to work there. Now two of the culprits are in jail while Bhumiapat has been released on bail.

Jaya Narayan Chaudhary, a 12 year old son of Santa Ram Chaudhary from Ishwarpur-8, was murdered in July 1993. Arjun Chaudhary, Tulasi Chaudhary and Amiri Chaudhary who were arrested following the murder have been released on bail as ordered by the court. It is said that they had killed the boy to cover up their illicit connection with Anita Kumari Vishwakarma of the same neighbourhood.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	2
Torture in Custody	-	3
Rape	-	6
Murder by child	-	1
Suicide	-	-



Mr Bijay Kumar Singh, died in Barahathwa shooting incident

Shyam Bahadur Pandit from Shantipur killed his beloved Shanti Karki on April 19, 1993, when he learnt that she was going to be married with another man. Hari Bahadur Lama, 40-year-old from Ishwarpur-4 and his friend Babu Ram Shrestha raped and killed his 10 year old niece Sanu Maya Gole on August 4, 1993. The culprits have been sentenced.

A total of 20 persons are reported to have been killed this year.

1.2 Jail

The local jail has 86 prisoners of whom 51 are alleged. There are also 8 women and 1 small child. In this jail there are detainees whose cases have not been decided even after 9 or 10 years of imprisonment. Two such victims are Nanipat Mahato from Sonma, Mahottari and Bhola Raya Kurmi. They have been waiting for court decisions for 9 and 10 years respectively.

Radio and TV sets have been made available here by private sources. The prisoners are not provided with good rice and proper medical treatment. Some of their demands were met when they went on strike a few months ago.

1.3 Arrest/Torture

In connection with the Barabathawa firing incident mentioned under killing/firing, youths

and students Sankar Adhikari, Raj Shrestha, Deep Bdr Rana, Vijaya Kumar Shah, Diwakar Kadariya, Devendra Nath Sharma, Parvati Rokka, Indu Sharma, Dan Kumari Dhari and others were kept under custody at Malangawa SP office for about a week. Some of these youths were so brutally beaten that they fell fainted.

Mahendra Shah Chaudhary from Shankarpur-3 was arrested from his house by a senior constable of the local police post, Ram Ikawal Mahato. Mr Shah who was arrested without warrant on the pretext that he had given shelter to wood smugglers in the night on December 25, 1993, was severely beaten.

2. Fundamental Rights

2.1 Freedom of Expression/Association

These rights have also been found violated here. Many political activists were arrested from a peaceful rally organized as Nepal Bandh on July 4, 1993 demanding fair investigation concerning the Dasdhunga incident. Among those arrested in Lalbandi were United People's Front's activists Pralhad Budhathoki and Ramesh Budhathoki including some UML activists from Patharkot. Batons were charged upon the flood victims in



Malangawa Jail : In poor condition

Kamaiya where they had organized a transportation strike demanding food. The remains of Kapil Dev Singh, an innocent victim of the Barahathawa firing incident, was not given to the bereaved family to be cremated in accordance with their religious ritual.

2.2 Religious Freedom

No incidents related to religious conflict have been reported this year.

Three years ago, there had been a riot between the Hindus and the Muslims. It had occurred when some Muslims urinated the Hindu flag. Two Muslims-Shekhnur Mahamad and Nur Hasan - lost their lives in the riot. All those detained in connection with the incident have been released on bail but Padma Bahadur Vishwakarma who was unable to afford the bail is still in jail.

2.3 Political Freedom/Free and Fair Election

Among others, teachers have been especially deprived of their right of conscience. They have been transferred, demoted from their

positions and harassed in my ways for political reasons. Five workers including Ramchandra Das have been dismissed from Indushankar Sugar Mill out of political bias.

2.4 Quick and Fair Trial

It is said that the powerful and rich culprits can escape punishment while the poor but innocent persons are made to suffer. This year, 123 lawsuits related to defamation, 20 to killing and 113 to cheating have been registered at the local court. One hundred and seventeen cases including those from this year have been decided. Out of the 20 cases registered at the police office only 13 have been decided.

3. Landless/Squatters

The devastating flood of the river Bagmati on July 20, 1993 has turned many of those who escaped death into squatters. The flood has damaged 23 thousand 4 hundred and 91 bighas of farm-land, and 7,319 houses have been completely destroyed and 10,026 partially damaged. The communities living in southern terai mainly Musahar, Dom, Chamar, Halhor etc. have been leading a life of squatters. The

number of landless people including the flood victims has gone up to 10 thousand. This situation poses a serious question before all those that are concerned about human rights.

4. Women's Rights

4.1 Trafficking/Rape

This year, six women are reported to have been raped, of whom 2 victims were killed. A seven year old child from Kamaiya-1 was raped on November 15, 1993 by a driver called Vijaya Malla. The rapist has absconded. In May 1993, Upendra Mahato, an inhabitant of Hajariya-7, raped a woman from the same neighbourhood. The rapist is now in jail awaiting the decision regarding his term of sentence.

This year, 11 lawsuits related to women's problems in the family and 1 concerning abortion have been filed at the local court.

4.2 Jari, Polygamy, Devaki and Badi System

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

Poor labourers working for the local fendal and landlords are found to be treated as slaves. When men are kept as land tillers, their wives are also compelled to work for the same lords.

5.2 Other Inhuman Behaviours

The so-called untouchables such as Kami, Sarki, Damai, Musahar, Chamar, Doin, Dusad,

Khattwe, Halkhor and Aghori are looked down upon socially and culturally.

6. Indigenous Rights

The indigenous communities of this district are the Tharus and the Danuvars. They have been exploited by the privileged upper classes.

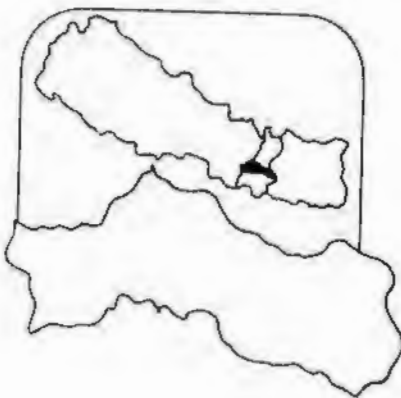
7. Child Rights

In this district, there are more than 300 child labourers working mainly in hotels. Children from poor families are also hired by the rich as farmhands and herdsmen.

Additional Information

A 15 year old boy Aliakhtar Ansari and another 10 year old Hasan Ansari are reported to have killed a 5 year child Sabaruddin Ansari in Samelpur on June 3, 1993. The two young culprits were imprisoned in Malangawa jail from May 1993 to January 1994.

The flood of July 20 claimed 807 lives including those that have been missing. Several roads, bridges, culverts, temples, school buildings and government offices were completely or partially damaged. About 2 hundred thousand citizens in this district have suffered the pain caused by the unheard of flood. □



2. Central

Janakpur

2.4 Sindhuli

Population : 223,900

Literacy : 32.6%

Women Literacy : 17.4%

Area : 2491 sq.km.

A district in the inner terai of Janakpur zone, Sindhuli witnessed several incidents related to abuse of human rights this year as well.

1. Right to Life

1.1 Killings/Firings

A fifteen year old school student, Sanjhana Dahal, was killed by police firing on March 5, 1993 when the police opened fire haphazardly on the agitators gathered in front of the CDO office demanding the Prime Minister's resignation following the Supreme Court decision regarding the Tanakpur dispute. The same day, Basu Devkota, Dhruba Devkota and Kul Prasad Sharma also sustained bullet injuries.

Four human rights organizations - FOPHUR, INSEC, CVICT and INHURED - jointly investigated the incident. According to their investigation report, the police had opened fire when the agitators were running away. It was a

situation that could be easily controlled without firing. Even Puspa Shrestha, a district member of the party in power, says that the unfortunate incident was an excess on the part of the local administration.

There have been four other incidents resulting in killing. Mana Maya Shrestha, 65 years, from Siddheswar-7 was killed with a Khukuri when she was sleeping by her husband in the night. The alleged persons have been arrested. Kangar Thing and his son Gyan Bdr Thing, the inhabitants of Kalpabrikshya-9, were beaten to death by Shakti Moktan, Babu Ram Thing, Pancha Lal Moktan and Buddha Bdr Gore on September 17, 1993. It is said that they lost their lives as a result of a minor dispute arising from cutting down a few bamboos. The culprits have confessed. Meen Kumari Pahadi of Hapei-8 killed her husband Tulsiram Pahadi on August 18, 1993. Report says that when the husband found his wife having illicit connection with Raj Mohan Adhikari from the same neighbourhood, he tried to attack her with a Khukuri in his hand but the wife snatched it and killed her husband instead. Meen Kumar is said to have confessed.

1.2 Jail

In the local jail that can accommodate only 20-25 people sometimes even upto 150 or 200 persons are said to have been kept. Physical facilities are very poor. There is not any arrangement for information and sports

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	1
Torture in Custody	-	4
Rape	-	2
Policeman was died after beating by Chairman of DDC	1	-
Suicide	-	-

materials. It is reported that the detainees and prisoners there can never see the sun and they are compelled to use plastic sheets to protect themselves from rain. Now the jail consists of 61 persons including 3 women and 1 child. Of them, 52 are alleged and the rest 8 convicted. This year, 1 prisoner died in the jail.

1.3 Arrest/Torture

It is reported that persons affiliated with the opposition parties are made to suffer by those affiliated with the party in power by imposing false charges related to murder, smuggling of wood and the like. Inflicting torture on detainees is a common practice here. Following the firing incident of March 5, 1993, many people were arrested and tortured out of political revenge. In this connection, Basu Dev Devkota, 20 years, from Jalakanya VDC who had sustained bullet injuries was arrested from hospital. Likewise, UML woman leader, Goma Devkota, was also beaten. District Coordinator of United People's Front Chitra Narayan Shrestha from Jalkanya-2 was kept under police custody for 3 months. Bruises left by police beating could be seen on him even after seven days.

Vishnu Prasad Gautam, 45 years, a clerk in the local forest office, and Hem Bdr Lama, 36 years, were also arrested without warrants. Gautam was not given anything to eat in custody for two days. The other persons arrested and tortured in several ways following the firing incident were Pitambar Gautam, 21 years, Ganesh Basnet, Vinod Khadka, Chairman of Siddheswar VDC Dirgha Raj Shrestha, Dambar Bahadur Thapa, 25 years, Ganga Prasad Nepal, Punya Hari Ghimire, Shankar Nath Sharma Adhikari and Dhruba Devkota. CDO Ram Ratan Mishra says that ten others were taken action against under public offence act. Shesh Raj Dahal says that the remains of his victimized daughter, Samjhana Dahal, were cremated in an atmosphere of police terror.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Citizens have not been able to enjoy these rights as provided by the constitution. The



Sindhuli shooting incident : Dead body of Samjhana Dahal

firing incident mentioned above is a case in point. Report says that even the legal institution is not free from bias. The local state machinery tries to use school teachers according to its vested interest, thereby violating their right of conscience.

2.2 Religious Freedom

The so-called lower caste Hindu communities are looked down upon by so-called upper caste Hindu communities.

2.3 Political Freedom/Free and Fair Election

Against the background described above, it is needless to mention that there exist obstacles on the way to political freedom of citizens.

2.4 Quick and Fair Trial

The incidents related to firings, arrests without warrants and torture under long custody testify to the fact that citizens are deprived of quick and fair justice. What Vishnu Prakash Bhandari,



Mr Basu Devkota, injured in Sindhuli shooting incident

secretary of Nepal Bar Association, Sindhuli, says in this context deserves attention. He says that the elected government following its assumption of power has deprived the citizens of their rights to lead a peaceful life along with their fundamental rights by openly violating the Universal Declaration of Human Rights. Mohan Krishna Khanal, judge of district court, Sindhuli opines that there have been incidents resulting in human rights violations. Such incidents, according to him, include killing, women trafficking, rape etc.

This year, 109 lawsuits have been filed at the local court, 14 of which were forwarded by local police administration. Two of these 14 cases and 14 other public cases have been decided this year. Report says that according to District Police office, 50 cases were registered under it of which 32 were forwarded to the local court. Altogether 18 persons are reported to have been killed in this district in 1993.

3. Landless/Squatters

People from poor communities following the occupation of their meagre land by the rich and the clever ones are compelled to work for them as farmhands and herdsmen.

4. Women's Rights

4.1 Trafficking/Rape

Women are deprived of their right to have wages equal to men. They have also a hard time owing to the evil practice of dowry. One incident of rape has been reported this year. Rabindra Kumar Budhathoki, 16 years, of Ratamata, Siddheswar-6 raped a 5 year child on July 8, 1993. The rapist had been taken under custody for action. Bhakti Bishwakarma, 17 years, of Tandi-4 was killed out of shame after she was seen having illicit connection

with Khadga Pariyar in a jungle where she had gone to cut grass. The rapist has confessed that she was killed by hanging.

4.2 Jari, Polygamy, Devaki and Badi System

Although practices of Jari and Polygamy are found in this district, they do not usually reach the press.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

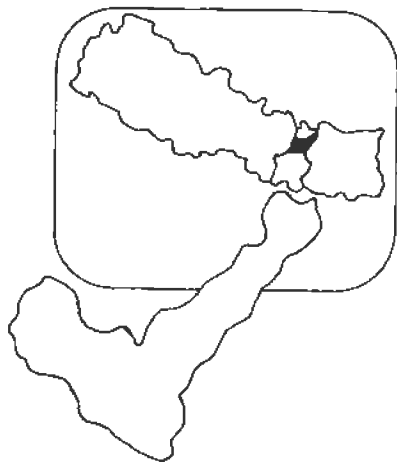
5.2 Other Inhuman Behaviours

A case of infanticide has been reported in this regard. Hari Prasad Baral from Bhadrakali-5 had illicit connection with his daughter-in-law. He killed the baby born of them on September 26, 1993. Now he is in jail awaiting the decision of his term of sentence.

6. Indigenous Rights

7. Child Rights

Owing to poverty and ignorance, a great many children in this district are forced to work for a living. They are thus deprived of all of their fundamental rights. □



2. Central

Janakpur

2.5 Ramechhap

Population : 188,064

Literacy : 29.9%

Women Literacy : 12.7%

Area : 1546 sq.km.

RAMECHHAP is considered to be the most backward district in Janakpur zone. Administrative repression and political revenge appear to be the main causes of violations of human rights here.

1. Right to Life

1.1 Killings/Firings

Two incidents related to killing occurred this year. Bhoj Bdr Karki, 20 years, from Kuwapani, Makdum-1, was beaten to death by Mohan Prasad Chaulagain, Tika Gautam, Indra Ghising, Khadga Bahadur and others from the same neighbourhood on December 12, 1993. The incident occurred when Bhoj Bahadur and the others had gone to visit a public fair at Dhikure Mahadevsthan. Report says that Mr Karki was beaten to death because of political differences. Deepak reported the incident to the concerned administrative body but it is said that the culprits have been able to escape punishment because of political pressure from above.

Dhan Bdr Sunuwar from Bijulikot-6 and Khadga Bdr Sunuwar from Pahare, Sainpur VDC, were found dead on the hillside of Goti, Bijulikot-7 on September 1, 1993. Lok Bdr Khadka, Lal Bdr Sunuwar and Tilak Bdr Tamang have been arrested on the accusation of killing them. The cause of this killing is said to be a land dispute between Lal Bahadur and Khadga Bahadur.

1.2 Jail

The local jail that can accommodate up to 25 persons has 31 prisoners now, of whom there are 5 women. Seven of them have been alleged and 32 convicted. There is also a 5 year child. The prisoners are not provided with enough water, necessary medical and entertainment facilities. The male prisoners are allowed to come out of the jail building for about six hours at day time while the female prisoners are allowed the same only for two hours. Pampha Thapa, a woman prisoner, having completed 60% of her term of sentence was expected to be released on June 29, 1993, but it is said that because of the lethargic working style of the court she is still in jail.

1.3 Arrest/Torture

There have been cases that indicate that citizens are made to suffer out of political bias. Here is case in point. There was a dispute related to share of property between MP Kamal Chaulagain and his uncle, Siddhi Prasad Chaulagain. The former who was

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	1	-
Rape	-	-
Disappearance	-	1
Suicide	-	12

staying in a house legally owned by the latter was requested to quit it by gentle persons of the neighbourhood. As the dispute got serious, a piece of tile aimed at MP Chaulagain hit his aunt, Rewati Maya. On the pretext of that incident, Mr Chaulagain was arrested on May 7, 1993. The account committee was going to meet on May 12, 1993 and MP Chaulagain had received a letter about it from the CDO the same day. However, he was arrested violating his right as an MP that he could not be arrested after he was informed about the meeting or he could be arrested only with the approval of speaker of the house and chairman of the committee he was in. Although action was initiated against him under Public Offence Act, he was released on bail on May 14, 1993 when all the witnesses defended him saying said that he had not beaten anybody. It is worthy to note that 16 lawsuits were filed against Mr Chaulagain this year alone. Ramesh Prasad Chaulagain, district Chairman of Nepal National Teachers' Organization, was also arrested under the same act on May 12, 1993. He was later released on bail. Report says that 468 persons were made to suffer by filing lawsuits against them out of political bias. This year, legal cases have been initiated under public offence act against MP Chaulagain, district Chairman of NNTO, Singh Bdr Tamang, Kale Tamang, Som Prasad Ghimire and 5 others.

2. Fundamental Rights

2.1 Freedom of Expression/Association

The above incidents speak themselves about the general situation of these rights in this district. School teachers are found to have been victimized simply for being affiliated with NNTO. Out of political bias, they can be transferred to remote and difficult areas or demoted from their positions. District Chairman Ramesh Chaulagain, Ram Prasad Gajurel, Sita Ram Bhandari, Devaki Paudel and Tika Das Shrestha include among those teachers discriminated against in this regard.

2.2 Religious Freedom

No untoward incidents arising from religious disharmony have been reported this year.

2.3 Political Freedom/Free and Fair Election

Apart from the bias actions on the part of the party in power, it is reported that development budget has not been allocated to VDC's where the opposition has won the committee seats.

A local activist of Nepali Congress asked for a recommendation of Wangchhu Sherpa, Chairman of Gumdel VDC. Wangchhu was later arrested because the person who was recommended was found dead. Vice Chairman Angdawa Sherpa made the Chairman who was arrested to sign a paper stating that he would be released on condition that he would enter into Nepali Congress. A similar incident occurred at Takpur-7. UML activist Purna Bdr Magar, following his arrest, was forced to sign a paper under pressure that he would enter into the party in power. The same happened with Bhava Nath Gautam, VDC Chairman of Lakhanpur, affiliated with United People's Front. Needless to say that citizens are terrorized in several ways and forced to act against their conscience.

2.4 Quick and Fair Trial

Nobody was heard to complain against decisions made by the court. As for decisions made by the CDO office and the police office, very few people were found to be satisfied with.

This year, 90 cases of various nature were registered at the local court. The false lawsuits imposed on political activists belonging to the opposition have not yet been cancelled or settled.

Six cases related to intended murder have been registered this year.

3. Landless/Squatters

4. Women's Rights

This district is no exception to the question of violations of women's rights. Sunita Chaulagain, 19 years, from Gamsi-3, was kidnapped by Krishna Gautam, Toya Nath Dhungel Hom Nath Tiwari, Prem Prasad

Chaulagain and Taranath Dhungel of Lakhanpur. She was then forcibly married with Toyanath Dhungel. The girl was then brought to Kathmandu pretending to have a court marriage again. Those involved in this incident were Vice-Chairman of Kavre district Kanchha Lama, the girl's uncle Thakur Prasad Chaulagain, Hom Nath Dhungel and Ratna Prasad Gautam. In Kathmandu, the girl was separated from her newly married husband and then taken to Laknow, India, where she was forcibly married with Hrishi Gautam, a local inhabitant. Toya Nath Dhungel who had been Sunita's husband until then was handed over to the police in Baudha Police Post and then he was taken to District Police office in Sindhuli on September 16, 1993. On September 24, 1993, a lawsuit was filed against 10 persons on behalf of Sunita Chaulagain. By order of the court Toyanath is in prison awaiting trial and the others have been released on bail of nine thousand rupees each.

4.1 Trafficking/Rape

4.2 Jari, Polygamy, Devaki and Badi System

Problems related to Jari are mostly settled within the community. The same is with polygamy. That is why, nothing regarding these has come to public notice this year.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

Some women, especially the widowed, poor and helpless ones are accused of being witches and publicly humiliated. The so-called untouchables are also treated the same way. Out of the total population, 7.66% are untouchables, of whom only Kamis (traditional metal workers) comprise 2.93% of the total population.

6. Indigenous Rights

Sunuwar, Majhi, Thami, Hayu, Tamang and Magar are the indigenous communities living

in this district. They comprise 53.8% of the total population. Of them indigenous Tamangs comprise 20.65% and Chepang 0.005% of the total population. There are only 59 Badis here. These indigenous people are oppressed and exploited in several ways; hence they deserve special attention.

7. Child Rights

Almost all the children from indigenous communities are deprived of education. They are made to carry loads, work as farmhands for the local lords or in hotels. A great number of children from this district are found to be working in Kathmandu either at carpet factories or in hotels.

Additional Information

A senior constable of Mahendra Police Club, Kathmandu, Prem Bdr Shrestha, who was in Ramechhap in connection with the assignment of Authority Abuse Control Commission, brutally beat Dhan Kumar Newar and his father from Murmi VDC on August 19, 1993. Ironically, Dan Kumar who went to lodge a complaint with the police was arrested and kept under custody.

On June 5, 1993, a gang of thugs blockaded the entry point to Gogan Pani village, thereby creating terror all over the village. They also destroyed and looted property. Report says that they manhandled a woman and a policeman as well. In the incident, Radha Karki, Badri Dhungel, Chet Bdr Shrestha and others from the neighbourhood called Pakhribas sustained injuries. In a press conference, Kul Bahadur Moktang claimed that activists of Nepali Congress had looted twenty thousand rupees and some jewellery that his wife had. This year, 12 persons committed suicide.

The whereabouts of Bhuvan Lal Thapa Magar who is said to have disappeared since May 23, 1993, are unknown. It is feared that he might have been killed because of political revenge. □



2. Central

Janakpur

2.6 Dolakha

Population : 173,236

Literacy : 34.4%

Women Literacy : 17.3%

Area : 2191 sq.km.

DOLAKHA is situated at the foot of Gaurishankar Himal in the northern part of Janakpur zone. It has a variety of religions, cultures and customs.

1. Right to Life

1.1 Killings/Firings

A few incidents of killings have been reported.

Ratna Kumari from Magpauwa was found hanging under her cowshed on February 7, 1993. Although she was suspected to have been killed, the postmortem report did not testify to it. Kale Mote Sherpa, 40 years, from Jiri-9 died from a wound that he had sustained when there was a clash between two groups at a wedding on April 14, 1993. A 14 year old boy Padma Bahadur of Dudhpokhari-2 was found hanging under his cowshed on April 25, 1993. Gyan Bdr Tamang from the same neighbourhood was arrested on suspicion of killing the boy. He is said to have been brutally tortured for 17 days starting from April 27, 1993. Sarman Tamang who had been working for about 10 years as a cowherder for the

family of Jaya Prakash Dhakal from Barang-6 got lost from a fair on May 31, 1993. His clothes and skeleton were discovered at a place called Bhirmuni on June 10, 1993. Following his disappearance, Bishnu Bdr Thakuri of Bulung-5 said that he had assisted him to run away with a girl. No investigation was carried out into the cause of his death, the reason being that he was a poor man. The remains of Gajendra Bdr Khadka, 52 years, from Laduk-4, who had been missing for about a month were discovered in a rotten condition at Lamosanghu, Jiri, on April 22, 1993. According to an investigation, he was killed by Rupal Tamang and his elder brother Bhupal Tamang. He had a dispute with Rupal Tamang regarding a plot of land. The culprits have been sentenced for life. Similarly, Lok Bdr Pandey, a businessman of Lamabar-9 was stabbed to death on August 9, 1993. Among those arrested in connection with this murder are Ajaya Tamang, Rajesh Tamang, Arjun Shrestha, Bhuvan Magar and Sundar Thapa. Two of the suspects have absconded. The culprits have been awaiting trial. Ratna Bahadur Sen from Chhetrapa-1 was stabbed to death by Padma Bdr and Kamal Bdr Shrestha from the same neighbourhood on October 25, 1993. They had a dispute on land tenancy. In the incident, Tek Bahadur Sen, 70 years, and his 40 year old daughter Mithu also sustained injuries. Dhana Maya Pathak from Lalipang killed her baby born of illegal pregnancy on November 14, 1993. Now she is in prison.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	2	4
Rape	-	2
Suicide	-	-

1.2 Jail

The local jail that can accommodate only about 40 persons has 48 prisoners of whom there are 8 women. The jail is very poor in terms of facilities.

1.3 Arrest/Torture

Arrests are reported to have been made out of political revenge. On the ground of the dispute that had occurred in connection with local elections held in 1991, warrants were issued and arrests made in March 1993 by abusing the public offence act. Gobinda Bdr Rai, a school teacher, was tortured and dismissed from his position.

Nanda Maya Adhikari, 70 years, from Tafe VDC had been demanding action against her daughter's murder. She is reported to have been beaten by the suspect Kuber Pd Kalle before the police when he was being taken to the police office for interrogation on August 15, 1993.

Ratna Bahadur Sunel was killed by a group of persons including Chhetrapa VDC Vice-Chairman Komal Narayan Shrestha, a Nepali Congress activist. The killing is said to have occurred as a result of a dispute related to rice in the field. Six suspects were arrested and action taken against while 9 suspects including Komal Narayan have absconded. The dead body of Kanchhi Bahuni who was a cook under Dolakha Khimri Hydro-electric Project, was discovered on September 2, 1993. Following their arrests Makhan Singh, his wife, Harish Chandra Rai and Sher Bdr Tamang were brutally tortured by the police. Mingawa Sherpa and Shange Sherpa who were arrested in connection with the murder of Datwa Dorje from Kalinchok-8, in October 1993, were brutally tortured for 25 days under police custody in Dolakha District Police Office.

2. Fundamental Rights

2.1 Freedom of Expression/Association

There have been some cases of dispute resulting in violations of citizens' fundamental

rights. On January 8, 1993, Rajendra Gautam, an employee under Cottage Industry and Rural Industrial Development, Dolakha section, was attacked by a gang of hooligans led by Dolakha District Development Committee Chairman, Krishna Prasad Shivakoti. Likewise, some local citizens were beaten at the instigation of Gaurimudi VDC Chairman, Tahal Bdr Tamang on December 31, 1993.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

It is reported that the stronger political parties harass the weaker ones, thereby repressing their right of conscience. School teachers are said to have suffered the most in this respect. Because of political bias on the part of the party in power, teachers holding different principles are threatened of transfer, demotion from their positions and even dismissal. There have also been incidents in which teachers are charged with public offence simply for not working in the interest of those in power.

2.4 Quick and Fair Trial

The general public are heard to complain that it is difficult to get things done under government offices related to administration, forest, land reform, land revenue and survey. Because of political pressure, decisions are delayed and discriminated against.

This year, 445 lawsuits have been filed at the local court. According to CPN (UML) district committee, human rights situation is not satisfactory. Incidents related to crime are found to be on the increase every year since the NC government assumed power.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

A 12 year old child from Gauri village, Malu VDC, was raped by the proprietor of "Durga Momo Hotel" Durga Bdr Shrestha on June 18, 1993. The victim who was driven out of home

after her father brought a step mother, was working in the hotel for some time. Two other girls, one of 13 years and the other of 11, were raped or attempted to rape. In the first case the victim's side hesitated to name the rapist while in the second case the rapist was said to be Krishna Prasad Ghimire, 17 years.

4.2 Jori, Polygamy, Devaki and Badi System

It is said that some men are found to have 4 or 5 wives at the same time. There are also incidents in which men upto the age of seventy years have married with girls of 17 or 18. Report says that Shiva Bhatta Shiwakoti, 60 years, from Sudrawati married a girl of fifteen called Devaka Sedai against her will. In another incident, Shyam Bdr Tamang of Sukathekar-5 married with Gunna Tamangni although he had his first wife with children. The victimised women have filed lawsuits against their husbands at the local court.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

Although there is no slavery in real sense of the term, the toiling farmers and child labourers are not paid fair wages.

5.2 Other Inhuman Behaviours

In this district, land survey is being carried out. It is said that those who cannot bribe the survey team can lose whole or part of their lawful land, while those who can bribe can have even public land registered in their names.

Bal Bdr Khadka, a senior constable of District Police Office, Dolakha, entered into the hotel of Shaitendra Kumar Shrestha of Charikot-1 and ate meat and drank alcohol by serving

himself in the night on September 25, 1993. When the victim's side demanded action against the indisciplined policeman, he was granted pardon by his officers. In another incident, when Ganga Bahadur Karki, a district level leader of United People's Front, went to the District Police Office to demand action against the culprits who had attempted to rape Neel Kumari Raut from Sunkhani-4, he was beaten by inspector Niranjan Prasad Shrestha in the presence of DSP Ganga Bahadur Karki and was also threatened that he could be charged with public offence. Bal Krishna Sharma who went to the police to report about the disappearance of his wife received the same kind of treatment from them.

6. Indigenous Rights

7. Child Rights

Many of the children in this district are found to have been deprived of their human rights. They are made to work for a living. Among poor communities child marriage is a common practice.

Additional Information

Commenting on the human rights situation in this district MP Jithir Tamang says that citizens are not allowed to freely enjoy the rights guaranteed by the constitution. On the other hand, DDC Chairman Rudra Bahadur Khadka and CDO Kamal Prasad Lal Karna are heard to say that human rights situation is quite good. DSP Dhak Bahadur Karki, Chief of District Police Office, thinks that since the policemen are not aware of human rights, they need special training about it. Dr Devi Prasad is of the opinion that human rights violations occur because the actions of political parties are guided by vested interests. □



2. Central

Narayani

2.7 Rautahat

Population : 414,005

Literacy : 23.5%

Women Literacy : 11.8%

Area : 1126 sq.km.

BECAUSE of the open border in the south, incidents related to crime are reported to have occurred in this district now and then. There have been many cases resulting in human rights violations.

1. Right to Life

1.1 Killings/Firings

This year, a few persons have lost their lives from police firing. Dulari Majhi Musahar, 25 years, and her one year old child Anar Majhi Musahar were shot dead in the neighbourhood called Musahar at 9 o'clock in the night on May 22, 1993. They were killed when the incharge of Aurahiya Police Post Saukhilal Yadav and senior constable of police Tasalim Ansari opened fire upon a dancing party. Bihari Majhi, Sukhiya Majhi and Mukha Majhi sustained bullet injuries. Police source says that the police on patrol had opened fire following a clash, whereas according to local people, the police incharge had illicit connection with women from that neighbourhood. Since he was not able to satisfy his sexual desire that night because of the dancing party, he had opened fire out of rage.

Two forest guards, Dronacharya Neupane and Bhoj Prasad Ghimire, were killed by unknown persons in an area called Banabahuari at 7 in the evening on April 19, 1993. A few days before the incident, these guards had arrested a

few wood smugglers but District Forest Office had freed them immediately without any action. It is said that the smugglers might have killed the guards out of revenge.

A teacher from Gaur Municipality is said to have killed his pregnant wife for not bringing as much dowry as he wanted. Likewise, Gobinda Malaha Sahani from Santapur-8 killed his wife Galari Devi Malaha striking with an axe when she had gone to the forest to collect firewood on March 1, 1993. She is said to have been killed on suspicion that she had something to do with another man.

Rup Narayan Baitha alias Biga Baitha Dhobi from Pataura-6 was shot dead by the police on March 28, 1993. According to District Police Office, Rautahat, he was killed when he tried to escape while being taken to the police office. It is said that the victim was arrested following his escape from jail some days ago.

Firing was exchanged between the police and dacoits near the bank of river Gagmati in

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	2
Torture in Custody	3	1
Rape	1	1
Blackening of journalist	1	-
Torture in Jail	-	1
Suicide	-	-

Vasantapur VDC in June 1993, but nobody was reported to have been injured or killed.

1.2 Jail

The local jail that can accommodate upto 75 persons has now 119 prisoners of whom 95 have been alleged and 24 convicted. There are 4 women. Although there is a position for an assistant health worker, it has not been filled. It is said that when the prisoners went on strike sometime ago putting forward a list of demands, the police charged them with batons. Some prisoners sustained injuries from the beating. Administrative and police authorities were heard to say that the police were compelled to charge batons when there was a clash between prisoners.

1.3 Arrest/Torture

Twenty-two persons including its district chairman Shambhu Prasad Jaeswal were arrested without warrants on November 19, 1993, when Nepal Sadbhavana Party had organised a gherao in front of the CDO office. All those arrested were freed the next day. A 13 year school boy from Katahariya village was arrested and beaten by Dil Bahadur, incharge of the local police post, on the accusation of stealing sugarcane. It is said that VDC chairman Jage Lal Mahato was also involved in making the arrest. The boy says that he was released only after he bribed the police with an amount of one thousand and two hundred rupees.

As some policemen in civil guise attempted to arrest some people from Balchandrapur of Imariya VDC without warrants, the public defied. Later, the police, creating an atmosphere of terror, arrested 18 persons including Hem Narayan Chaudhary, Dasharath Jha, Ram Pratap Saha, Mahendra Saha, Surendra Pd Saha and Ramagya Pasawan. It is said that these persons were compelled to admit false charges by inflicting brutal torture.

Bramadev Patel, a political activist from Bhasai village, was arrested in connection with a minor beating incident. He has been charged with robbery.

Some activists were injured by police batons during the transportation strike organized by seven leftist factions on July 19-20, 1993.

2. Fundamental Rights

2.1 Freedom of Expression/Association

The above incidents speak themselves that these rights have been violated by the police themselves.

2.2 Religious Freedom

Religious harmony seems to have prevailed here although 8 persons lost their lives this year when there was a religious riot between Hindus and Muslims in a village called Bhusaha.

2.3 Political Freedom/Free and Fair Election

Citizens are not allowed to act according to their political conviction. Here are two cases in point. On July 22, 1993, Janak Mandal was beaten by Ram Dev Yadav, Nandalal Ray Yadav, Vinod Ray Yadav and others so brutally that one of his legs was broken. It is reported that he was punished in this way simply for not voting for the party in power in the local elections. The concerned authorities are said to have turned a deaf ear to the victim's complaint. In another such incident, Ram Ikawal Giri from Madhopur VDC was attacked by Ram Asis Ray Yadav, Satahi Ray Yadav, Kishori Mahato Koiri, Ram Naresh Yadav and others using guns and spears. The victim sustained a serious injury on the head. Nagendra Ray Yadav, Sita Ram Saha and Ram Prabesh were also injured in the same incident.

2.4 Quick and Fair Trial

Due to ignorance, poverty and political bias, the general public have not been able to enjoy quick and fair justice.

3. Landless/Squatters

The number of the landless and squatters has increased following the devastating flood of July 1993. Many of the households of the

communities such as Musahar, Majhi, Dum, Kichariya and Danuwar are squatters. These squatters live on wild fruits and vegetables most of the year.

4. Women's Rights

4.1 Trafficking/Rape

The District Police Office reports that one woman was raped this year.

4.2 Jari, Polygamy, Devaki and Badi System

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

Musahar and Kachariya, the two minority communities of this district, are found to have been working as household servants for two or three generations. Their social status is not any better than that of slaves.

5.2 Other Inhuman Behaviours

The so-called untouchables are discriminated.

This year, the flood affected people were charged with batons. This happened when they protested the unfair distribution of relief materials when the prime minister was there to visit the flood-affected areas.

6. Indigenous Rights

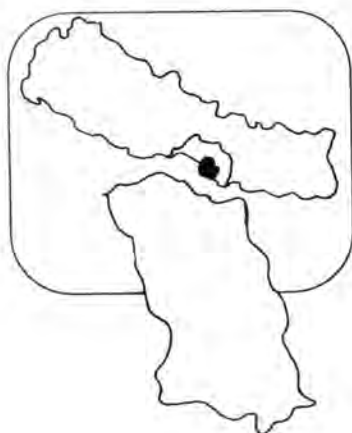
7. Child Rights

The majority of children are deprived of almost all of their rights. It is a matter of shame that from among the 30 households of Musahar not a single child is going to school.

Additional Information

An unidentified woman about the age of 35 was found dead under a mango tree.

A man called Bhoj Prasad Ghimire is said to have been shot dead. □



2. Central

Narayani

2.8 Bara

Population : 415,718

Literacy : 27.9%

Women Literacy : 13.5%

Area : 1190 sq.km.

THIS is a district in the terai mainly inhabited by people migrated from the hills and emigrated from India. Incidents resulting in human rights violations are found to have occurred here now and then.

1. Right to Life

1.1 Killings/Firings

Some innocent persons were injured by firing resulting from a dispute between two policemen. Ex-senior constable of police Krishna Pd Acharya living in front of the Police Post, Nijgadh, drove the incharge of the police station Yam Bdr KC out of his house suspecting that the latter had something to do with his wife, Nirmala Acharya. Kumar Acharya, son of Krishna Prasad, who had exposed the illicit connection mentioned above, was arrested in connection with an incident of theft on January 2, 1993. Local people gathered in front of the police post to protest torture that was being inflicted on Kumar. The CDO having arrived with police force issued order to open fire in which Babu Singh Thakuri, 17 years, Ramesh Neupane, 25

years, Yadav Upreti, 26 years, Chunu Shrestha, 16 years, Shyam Kumar Dahal, 29 years, Shiva Ale, 14 years, Babu Singh Thakuri, Yadav Upreti, Ramesh Neupane etc. sustained injuries. Bhola Nath Chaulagain, 66 years was injured with a stone thrown by a policeman.

In connection with the protest demonstration organized by seven leftist factions on July 19, 1993, one person was injured in Simara as a result of police firing. The same day, police opened fire in Nijgadh as well.

The headless body of a local inhabitant, Misri Koili, was found in a rice field on June 17, 1993. Parmeswar Sahani, Bhagira Saha and Bavikhan Mahato Koiri have been arrested in connection with the murder. It is said that the woman might have been killed with intent to grab her property.

Ram Babu Saha Rauniyar from Banauli-1 beat Ram Babu Saha Rauniyar from the same neighbourhood to death in the night on October 21, 1993, when the latter was sleeping. It is said that he was killed to revenge the murder of Ram Babu's son. The culprit is in jail awaiting trial.

A woman called Phadiya Tharu was burnt to death by her son. Similarly, Shesh Bhikhari Miya from the village called Hari Dhur beat his wife to death on October 21, 1993. It is said that Prabhu Mahato from Dharma Nagar killed his elder sister, Shanti. Rabindra

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	1	-
Torture in Custody	2	2
Rape	2	3
Suicide	-	-

Chaudhary from Visunpurawa was stabbed to death when he was returning home from market.

1.2 Jail

Bara district does not have a jail. Persons arrested for trial and those whose term of sentence has been decided are forwarded to the jail in Birgunj.

1.3 Arrest/Torture

Although police authorities here claim that detainees are not inflicted torture, some cases of torture under custody have come to our notice. Asman Giri from Bhitakaiya village following his arrest on the accusation of robbery was hung with his hands and legs tied up and a handkerchief pushed into his mouth. He is said to have been terribly beaten then. Likewise, Shekh Mahamud from Kalaiya-6, who was arrested on the same accusation was also tortured.

UML MP Salimniyan Ansari was arrested without any reason.

2. Fundamental Rights

2.1 Freedom of Expression/Association

It is reported that school teachers and factory workers are often dismissed from their jobs or harassed by transferring them to inconvenient areas simply because of their political conscience. False charges are also imposed on them.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Report says that in some areas of Bara district political parties having stronger influence do not let others to freely propagate their views.

2.4 Quick and Fair Trial

Owing to poverty and ignorance, the general public does not seem in a position to enjoy fair justice. Out of the 82 cases registered at the local court this year 22 have been decided.

3. Landless/Squatters

The squatter households living in hovels built on the sides of the highway have a hard time during storms and the monsoon. Those who build hovels invading the forest are sometimes driven away by the local administration, destroying their meagre belongings. No attempt has been made by the government to solve their problem and protect their right to live as humans.

4. Women's Rights

4.1 Trafficking/Rape

Three rape cases have been reported this year. A 10 year child from Tharutole, Ratanpuri-I was raped by Birendra Kumar Tharu from the same neighbourhood on June 9, 1993. A 16 year old girl from Pipara-4 was raped by Akul, 20 years on March 10, 1993 when she was grazing goats in the rice field. Action has been initiated against the culprit. In another incident, Suresh Mahara (Chamar) raped a 4 year child of Audhapur on January 13, 1993. The culprit has been detained.

4.2 Jari, Polygamy, Devaki and Badi System

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

Untouchability is found to have been a serious problem here. The so-called untouchables are deprived of their right of equality. There are instances that some people are not given certificates of citizenship simply because they have dark skin.

6. Indigenous Rights

7. Child Rights

The majority of children of school going age is deprived of education. Some children are found to have gone to other districts to find work in hotels there.

Additional Information

UML activist Krishna Dahal is reported to have been missing. The local inhabitants suspect that he might have been killed by his political opponents.

Mandira, daughter of Devi Upreti from Nijgadh-5, was married to Dhan Lal Mainali-50 years, whose first wife had died after having four children. Mandira committed suicide when she learnt that she could not have children because her husband had undergone vasectomy.

The dead body of Bharat Raj Pathak of Hanimangunj was found in his own house.

Whether it was murder or suicide is not known yet.

Misri, a gang leader of dacoits, was killed by his men when he was not willing to share with them the property that they had robbed. Three persons have been arrested in connection with this incident.

Two persons were killed and 493 families left to be badly affected by the flood of July 29-31, 1993. Sixty three houses were damaged. Appropriate arrangement has not been made for the settlement of those affected and left to be homeless. □



2. Central

Narayani

2.9 Parsa

Population : 372,524

Literacy : 32.3%

Women Literacy : 17.5%

Area : 1353 sq.km.

PARSA district is regarded as Nepal's main gateway to India. Being a district of the border region with the open gateway, theft, dacoity, murder, rape and beating are common occurrences in this district. All these incidents coupled with political revenge, lethargic working style of the court and problems related to citizenship result in the widespread violations of human rights.

1. Right to Life

1.1 Killings/Firings

In connection with a dispute related to land between Nagardaha-8 VDC chairman Tarachandra Saha (Nepali Congress) and Ramananda Yadav (UML) 8 persons were killed by bullets fired by the latter. The victims were Kapildev Raut, Bhola Raut, Mahesh Raut, Islam Miya, Ram Ayodhy Saha, Daroga Miya, Anawat Thakur Lohar and Sudama Saha. Following the incident, Ramanda was arrested from his house by the police led by the CDO, SP and Police Inspector. Asst. Sub-inspector Om Prasad Bhusal fired Ramananda in his stomach with a pistol discovered in his house. Being enthused the men of Tarachanda created an atmosphere of terror. Later, when wounded Ramanda was being taken to the Police Office on a truck, Tarachanda's younger brother Chinia alias Ramchandra killed him hitting with a hammer right before the nose of the police. The excited mob looted and destroyed property entering into the houses of

Juar Raut, Kamal Raut, Harihar Raut, Chetu, Badri and Ramanda. This too happened in the presence of the police. It is said that the instigators in this untoward incident were NC MP Ramchandra Kushabaha, Bhagirath Prasad Kumal, Gopal Saha, Jagar Nath Saha, Lahad Miya and others.

A few months later, Jagadish Chauhan and his followers from the VDC Jagarnathpur-7 fired at 12 political opponents from the same neighbourhood to revenge the incidents that had occurred during the last elections. This happened on August 20, 1993. Here also, the bone of contention was the 8 Bigaha of land belonging to Ram-Janaki temple. The land had been used by Prabhunath Chaudhari and Viswanath Thakur for decades. When Jaganish Chauhan went to the field with his hirelings to cut the rice that was not ready to be harvested, there was a commotion. Jagadish Chaudhan, Lal Bahadur Chauhan, Surendra Chaudhari, Ram Ayodhya and others opened fire injuring 12 persons including Tawahir Thakur, Shivanath Chauhan, Nuralim Miyan and Phari Miyan.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	1	2
Torture in Custody	2	2
Rape	-	1
Suicide	-	1

In another dispute related to land, Motarmahato Koiri from Shivatole, Visrampur-1 injured Charandev hitting him with a stick on May 16, 1993. Charandev's mother Kabutari Devi, who was also injured in that incident, died the following day. Motarmahato Koiri has absconded. Ram Dayal Mahato has been arrested although his relatives are heard to complain that he was not involved in the incident.

Kalidevi Patahi of Birgunj was beaten to death on May 12, 1993 by people staying in her house on rent accusing her of being a witch. One woman has been arrested.

On May 2, 1993, a woman from Chapakaiya was burnt to death by her husband.

1.2 Jail

The jail located at Birgunj is used as a zonal jail. The jail building built 97 years ago is in a dilapidated condition. Though it can accommodate 1500 persons, now it consists of only 123 persons including 17 women and 4 children. During the dictatorial Panchayat regime many political leaders including the present minister for home had experienced suffocation in this jail, but now they do not seem to be so keen on bringing about reforms. The prisoners themselves have arranged a colour TV set here. The jail primary school shows an enrolment of 107 persons but only 7 persons were seen attending the class at the time our reporters visited it.



Gopal Giri, journalist, injured with beatings

The jail is said to have been allocated an amount of two hundred thousand rupees per year for medical treatment. However, three persons - Indra Prasad Uprety from Jhapa, Bigu Miya from Motihari, India, and Jit Bahadur Limbu from Dhankuta - died this year without enough medical treatment, as the prisoner say. Prisoners with infectious diseases are kept together with others. It is reported that detainees are tortured by shutting them up in the solitary cell.

Report says that detainees who lodged a protest against corruption in the jail were brutally beaten with firewood by the head prisoner Harsha Bdr Pun and his assistants at the instigation of the then jailor Viswa Nath Uprety and Sub-inspector Dil Bahadur KC on February 23, 1993. Narayan Bahadur KC and Bagad Mahato sustained serious injuries. The latter had to undergo treatment for 10 days at the local hospital.

The jail has witnessed a case of extreme cruelty. A 75 year old man from Bagahi-9 is sentenced for 10 years in connection with an incident of robbery that had occurred 40 years ago. It is said that JTA Chandrashekhar of a village called Alau has made him suffer in this way out of revenge reviving the incident that had happened so long ago. JTA Chandrashekhar had a dispute with the victim's sons regarding fertilizer.

1.3 Arrest/Torture

The above incidents speak themselves that this district has witnessed a number of incidents related to crime and torture. About 30-50 persons were arrested and inflicted torture in connection with the firing incident of Padmaul that took place on February 27, 1993. Those arrested were tied up with ropes and brutally beaten. Jagaru Yadav was tortured for 7 days in a row. Among those victimised were VDC Chairman of Padmaul Tarachanda Saha Teli, Munilal Saha and Shivapujan Raut Ariha.

Kesh Bahadur Karki who managed to escape from jail had been charged with killing on November 19, 1993. Although it is suspected that jailor Deependra Kafle himself was involved in this incident, a peon of the jail Ramsarup Saha has been made to suffer on suspicion that he had assisted the culprit.

Sudarshan Raj Pandey, editor of *Uttan Weekly*, was beaten by Shambhu Prasad Chauhan and others in the evening at 7 on May 2, 1993, when he was returning home from work. Mr Pandey is reported to have said that he was beaten because he had published a piece of news about the activities of Nepal Students' Association, an NC sister organisation, and also had covered the news that the local mayor had taken commission as bribe for his daughter's wedding.

Police Inspector Dilip Basnet of District Police Office, Parsa, threatened the public attending a local fair to shoot with his revolver on August 12, 1993. As journalist Narayan Parajuli, Nepal Drug Association's Vice-chairman Shailendra Bdr Amatya and Raju Amatya protested, they were attacked and injured. Police Administration did not take any action against the indisciplined inspector.

2. Fundamental Rights

2.1 Freedom of Expression/Association

A gherao (blockade) was organized under the leadership of Chairman of Nepal Journalists' Association, Parsa, and Chairman of Municipality-12 Gopal Giri on April 21, 1993, demanding that the pollution created by gypsum and charcoal that were loaded and unloaded inside the compound of Nepal Transportation Corporation be controlled. The agitators were beaten with iron rods by employees of the corporation Dhaniklal Thakur, Madan Raut Kurmi, Kishori Giri and others at the instigation of the manager of the corporation. Gopal Giri, correspondent of Kantipur Girish Giri, and Sudarshan Pandey, editor of *Uttan*, sustained injuries.

When some workers of Arati Soap Factory staged a sit-in protest putting forward a list of

demands, they were charged with batons. In another incident, journalist Shiva Tiwari who was collecting information in connection with the transportation strike organized on July 19-20, 1993 was arrested and kicked with his boots on by Police Inspector of District Police office, Parsa. Likewise, Dinesh Rai, reporter of *Chhulphal Weekly*, was manhandled by another Police Inspector Narayan Singh Khadka on July 19, 1993.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Citizens' Right to conscience has been found to be restricted in various ways. The police arrested local leftist activists to repress the transportation strike organized by seven leftist factions on July 19-20, 1993. Among those arrested early in the morning on July 19 were Chiranjivi Acharya, Balgopal Thapa, Udaya Silwal, Hari Adhikari, Ramashreram, Guru Lamichhane, Juned Ansari and Hari Vaidhya. They were released on July 21.

More than a hundred activists of Rastriya Prajatantra Party were arrested amidst manhandling when the party had staged a gherao (blockade) outside the CDO office, Parsa, on October 10, 1993. Among those arrested included the party leaders Chandra Dev Chaudhary, Mohan Lal Chaudhary, Vimal Shreevastav, Rajiv Parajuli and Ram Bdr Thapa.

2.4 Quick and Fair Trial

Jagat Lama, a worker of Himanchal Cabin, hit and injured his proprietor Om Raj Karnikar's daughter and niece on April 9, 1993. Sixteen year old Shanje Sherpa from Darjeeling who was working for the same cabin, was arrested on the accusation that he had kept secret the whereabouts of the culprit. He was badly beaten and kept hungry for 3 days under custody. Now he is in jail.

Ram Chandra Saha Teli of Badanihar sustained injuries when dacoits broke into his house and fired on September 15, 1993. The victim says that Inardev Ojhaiya Tharu,

Andamamuni Raut Kurmi and Heman Chaudhary were among the dacoits. The police is said to have rejected the victim's complaint.

3. Landless/Squatters

Because of the people migrated from the hills of Nepal and the Indian emigrants, these problems are serious in this district. The actual number of such households is not known.

4. Women's Rights

Women in this district are made to suffer not only from evil customs like dowry but also from police repression. Following the murder incident at Padmaul on March 9, the police stationed there for public security harassed and manhandled women. Those ill-treated by policemen, were Munin Lal Saha Dhanawa Devi Ahirin, Sunarpatiya, Tetari, Returiya Ahirin, etc.

4.1 Trafficking/Rape

An incident of attempted rape has been reported. Shekh Alimiyan, 25-year-old, attempted to rape a 9 year old child from Chhapakaiya on August 14, 1993. The police are said to have hesitated to register the complaint put forward by the victim's side. Prostitution is said to be widespread here.

4.2 Jari, Polygamy, Devaki and Badi System

Although polygamy is not uncommon in this district, incidents related to it seldom reach the press because of cultural pressure.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

Many other incidents causing human rights violations have come to public notice. Nine people were injured in an incident occurring as a result of the dispute between Rastriya

Prajantra Party and Nepali Congress concerning a drinking water project in Manihari VDC.

Dipendra Shaha Kanu and Birendra Shaha Kanu were arrested without warrants on the accusation of attacking the police. Assistant Health Worker Mahendra Prasad was transferred to two places within three days suspecting that he was involved with the Padmauli murder incident from the side of deceased Ramananda Yadav. Jalim Miyan from Jagarnathpur has been charged with public offence by District Development Officer Rameshkanta Sharma Paudel following an argument between them concerning draught relief material on June 17, 1993.

6. Indigenous Rights

The culture of the indigenous communities in this district seems to be dying out because of population pressure from all quarters. It deserves special attention.

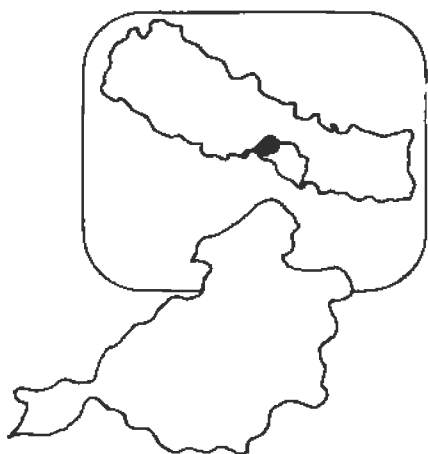
7. Child Rights

The majority of children in this district, instead of going to school, are forced to work on the farms of the rich, in hotels or factories. Following the incident of killing in Padmaul, Ranji Yadav, Umesh Yadav, Dharendra Yadav, Bharat Yadav and others, all of them children, were thrashed down, tied up and kicked by the police.

Binod Saha, 12 years, of Sisiriya has been missing since August 17, 1993. He is said to have been taken to Champaran, India, by Dindayal Saha Tuhar of the same neighbourhood, and probably sold out somewhere there.

Additional Information

The dead body of Hemasingh Sikkha, 25-year-old, was found hanging under the ceiling of his room in Birgunj-14 on November 27, 1993. □



2. Central

Narayani

2.10 Chitwan

Population : 354,488

Literacy : 52.9%

Women Literacy : 40.7%

Area : 2218 sq.km.

CHITWAN, a district in Narayani zone, witnessed a lot of incidents of violations of human rights resulting from unhealthy political rivalry and administrative repression this year.

1. Right to Life

1.1 Killings/Firings

A number of people are reported to have lost their lives due to political repression and dowry. On top of that, two top leaders of contemporary Nepalese politics met unnatural death in this district.

MP Madan Bhandari, the-then general secretary of CPN (UML) and Jiva Raj Asrit, organization chief of the same party, were killed on May 16, 1993 when the jeep they were riding met a mysterious accident at Dasdhunga, a section of Prithvi Highway between Chitwan and Mugling. Jeep driver Amar Lama dramatically escaped death. Evidences related to the accident indicate that it was not a natural accident.

Two innocent citizens, Kaushila Rana, 25-year-old, and Buddhiman Shrestha, 25 years, were killed by police firing on July 19, 1993 when seven leftist parties had called a transportation strike. MP Amik Sherchan of United People's Front was brutally beaten by the police. It all started following the arrival of local CDO, District Development Committee

Chairman and the Mayor at Pulchowk where MP Sherchan was delivering a speech. UML MP Jagrit Prasad Bhetwal was also manhandled and beaten by policemen. Among those sustaining major bullet injuries were Gopal Panthi, Vishnu Pandey, Jivan Shrestha, Keshav Raj Rimal and Ram Kumar Manandhar. And those sustaining minor injuries from bullets were Ram Bdr Shrestha, Mangal Ram Darai, Krishna Pathak, Manjil Piya, Krishna Neupane, Umakanta Adhikari, Karna Bdr BK, Hari Pandey, Kumar Thapa, Balibhadra Kandel, Tika Ram Rijal, Buddhi Prasad Lamichhane, Krishna Prasad Sharma and Buddhiman Gurung. Likewise, those injured by bullets or batons were Bhimsen Thapa, Badri Bdr Shrestha, Madan Shrestha, Uma Thapa, Keshav Duwal, Vikas Duwal, Ran Prasad Sapkota, Purna Bdr Gautam, Phir Lal Chaudhary, Raj Kumar Sedhain, Yadav Pokhrel, Ram Kumari Rai, DB Shiwakoty, Dron Bdr Shiwakoti, Bhim Rai, Ramu, Thakur Prasad Dbakal, Madhav Pokhrel, Lal Bdr BK, Vishnu Dawadi, Gyan Bdr Darai and others. The condition of some of those injured still seems to be critical for lack of appropriate and timely medical treatment.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	2
Torture in Custody	-	3
Rape	1	5
Suicide	-	-



Budhi Man Shrestha : Died due to police firing in Chakka Jam programme

Shakuntala Paudel, 18-year-old, from Ganganagar, Patiyani-8, was murdered by her husband Babu Ram Paudel, father and mother-in-laws Khaga Raj Paudel and Mrs Tulsi Paudel on June 1, 1993 for not bringing as much dowry as they wanted.

Bal Krishna BK, who was grazing cows in Bharatpur airfield, was badly beaten by five drunken policemen, Manohar Lal Makal, Tej Bdr Devkota, Bhakta Bahadur Kunwar, Tarapti Sapkota and Ram Prasad Subedi. Laxmi Bhatta, Shashikala Pandey and Shankar Thapa, who were also grazing cattle there, were also beaten and humiliated by being forced to sit down and stand up for 25 times. The next day, Balkrishna BK, 70-year-old, was found dead. Postmortem showed that he had died from beating while the police and the local administration are reported not to have made a serious investigation into the incident.

1.2 Jail

The local jail that can accommodate only 75 persons consisted of 132 persons at the time when our reporters visited it. For lack of a kitchen the detainees are compelled to cook their food under the eaves near a dirty drainage

that is completely exposed. Four children are cursed to be in the jail for no fault of theirs.

1.3 Arrest/Torture

Police atrocity mentioned above testifies the fact that repression is rampant in Chitwan. In the incident mentioned above the DSP himself had issued order to attack MP Sherchan. He escaped death only by rare chance. He was beaten with batons and rifle butts and kicked with boots. One of his teeth and arm were broken. He also sustained a serious injury in the eye. Likewise, MP Bhetuwal was also beaten with police batons. Following the incident, instead of being taken to the hospital, they were arrested and kept in the police office in an atmosphere of terror.

Among those arrested without warrants following the atrocious beating were Yadu Pokhrel, Ram Kumari Rai, Vishnu Dawadi, Deepak Timilsina, Shere Saha, Jog Bdr Kunal, Thakur Pd Dhakal, Ishwar Shrestha, Madhav Pokhrel, Purna Bdr Ranamagar, Rabindra Sing, Vasanta Kumar Baral, Shankar Raj Aryal, Kumar Paudel, Ankar Pd Joshi, Madan Kandel, Vasudev Silwal, Raviman Varma, Rajendra Aryal, Gobinda Tiwari,



Dead body of Balkrishna B.K. : An example of Police Brutality

Prakash Raj Joshi, Vishnu GC and Prakash Pariyar. The administration even attempted to impose false charges on some of those that were arrested.

When there occurred a clash between students affiliated with NSU and with ANNFSU in Bharatpur Campus, Yadunath Pokhrel and Som Bdr Kandel, both of them affiliated with ANNFSU, were badly wounded. It is said that no action was taken against those that were guilty.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Political bias, especially on the part of the party in power, is prevalent. School teachers are made to suffer most in this respect. A lot of teachers are reported to have been transferred to difficult areas, demoted from their positions and harassed in many other ways.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Needless to say, citizens' rights to conscience and to assembly are repressed. In this regard,

the incident that occurred on July 19, 1993 speaks itself.

2.4 Quick and Fair Trial

Due to poverty and ignorance, the majority of people in this district are far from being able to enjoy their rights. This year, 321 lawsuits are reported to have been registered at the local court.

3. Landless/Squatters

The flood of July 1993 has increased the number of landless households. Some landless families are found living near the forest in Bharatpur-10. They are heard to complain that they have been compelled to pay rent for the hovels that they have built on public land.

4. Women's Rights

4.1 Trafficking/Rape

Report says that women trafficking has been practiced by some individuals as an earning business. In the local jail there are 13 persons who have been charged with women trafficking. Five women are reported to have



MP Amik Sherchan : Injured in police-lathi-charge

been sold in India this year. They were sold for 30 thousand rupees each.

Three rape cases have come to public notice. Among those raped the youngest was 4 years old and the oldest 13 years.

4.2 Jari, Polygamy, Devaki and Badi System

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

The milk produced by Chandra Bdr Vishwakarma, a so-called untouchable, from

hivanagar-2 was rejected by Keshav Raj Acharya, Chairman of Model Milk Development Private Ltd. This was an outright violation of the rights of so-called untouchable communities.

6. Indigenous Rights

7. Child Rights

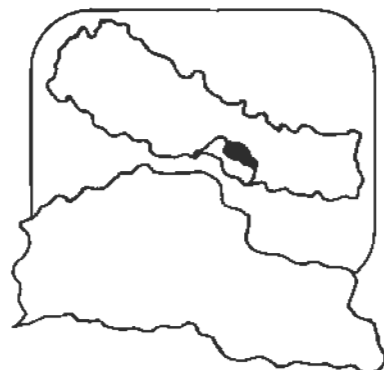
Most of the children of school going age are found to be deprived of their right to education.

Additional Information

The devastating flood of July 19-20, 1993 claimed 22 lives. Two thousand and two hundred houses were completely destroyed and 613 were partly damaged. The number of persons badly affected by the flood is estimated to be 34,943. The flood-affected people complain that relief materials were not fairly distributed.

Twenty nine individuals have been detained on the accusation of stealing various things from the national park located in this district. Some of them are said to be innocent.

District Forest Officer, Padma Raj Nepal and ranger, Ramananda Prasad Kumai were beaten by some army men. No action was taken against those that have violated the rights of others to live with dignity. □



2. Central

Narayani

2.11 Makawanpur

Population : 314,599

Literacy : 38.3%

Women Literacy : 24.5%

Area : 2426 sq.km.

SOME incidents resulting in violations of human rights are reported from Makawanpur this year.

1. Right to Life

1.1 Killings/Firings

As a result of a dispute and exchange of beating among activists of Rastriya Prajatantra Party in Rai VDC on October 24, 1993, Man Bdr Shrestha, 55 years, died two days later. Laxmi Banjara, 24 years, from Bungdal Saraswati Khola, Ambhanjyang-1 was killed by her husband, Yadunath. The culprit has confessed his crime before the court. Likewise, it is known that Dev Bahadur Ghale of Phakel-1 killed his wife on April 7, 1993.

An innocent person called Kajiman Vishwakarma, 42 years, was killed by two policemen. The incident happened like this. On March 9, 1992, Kajiman was beaten by Ganesh Bahadur Thapa and Bal Bahadur KC, policemen of Nivarpani Police Post when he was not ready to give them the chicken that he was carrying home to feed his recently delivered wife. He died in the police post. Following a strong public protest an all-party meeting was held that decided to pay ten thousand rupees to the bereaved family, make an arrangement for the education of late Kajiman's children and take action against the murderers. However, report says that action has not been initiated against the culprits. It is

also reported that Ram Bahadur Thapa about 40-45 years of age, an inhabitant of Rai VDC, was killed as a result of a political dispute on March 4, 1993.

Netra Kumari Tiwari, 23 years, of Sarashwatikhola, Hetauda-2, is suspected to have been killed by her husband Chet Bahadur on November 18, 1993. Report says that Chet Bahadur, a gambler, often quarrelled with his wife for money and had also attempted to take her to Bombay where his younger sister had been a prostitute. The culprit has been detained.

1.2 Jail

The local jail has 73 prisoners of whom there are one woman and three children. Out of the prisoners, 57 have been alleged and 15 convicted. Prisoners are heard to complain that they are tortured using handcuffs and nails. The jail building that can accommodate not more than 35 persons is in a dilapidated condition. The main guard in the jail has reported that as water gets inside the rooms

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	1	2
Rape	-	9
Death after Police-torture	-	1
Suicide	-	-

during monsoon the prisoners have a hard time. In this jail facilities are very poor from every respect.

1.3 Arrest/Torture

The murder of Kajiman Bishwakarma mentioned above tells a lot about the security situation in this district. Report says that individuals are arrested out of political revenge without warrants. They are inflicted torture to extract confession, thereby compelling them to act against their conscience.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Citizens cannot express themselves free from fear. Police force is used even against peaceful protest demonstrations.

2.2 Religious Freedom

The local people are heard complaining that poor people are tempted to convert their religion against their conscience.

Bir Bahadur Vishwakarma of Nabalpur complains that being a so-called untouchable he has not been able to find a Brahmin priest to perform religious rituals in accordance with Hindu custom.

2.3 Political Freedom/Free and Fair Election

Needless to say that citizens have not been able to enjoy their political rights because of lack of awareness and administrative interference.

2.4 Quick and Fair Trial

A lot of complaints were heard that persons are proved to be guilty or innocent on political grounds. Justice seems to be strongly influenced by political power. Even the CDO admits that political pressure has played an important role in many cases registered under his office. Also the process of deciding cases is very slow. Out of the 467 cases registered from July to December, 1992, only 150 have been decided.



Laxmi Banjari with her husband : Atlast! killed by her own husband

District judge Shanta Ram Subedi is of the opinion that human rights are not protected despite so many protest demonstrations against human rights violations. District Police Office has said that the majority of cases registered under it are related to traffic accident, natural disaster and public offence.

3. Landless/Squatters

This problem seems to be on the increase especially near the forest areas. The pace of destruction of forest has also increased.

4. Women's Rights

4.1 Trafficking/Rape

This year, 9 rape cases have been registered at the local police office. There have also been a few attempted rape cases. Report says that a woman from Manahara Simpani was attempted to be raped when she had gone to a local factory for an interview. Likewise, Sita Kumari Majhi of Murali was also attempted to be raped. Krishna Prasad Humagain of Hetauda-11 has been arrested on the allegation of selling his wife to a whore-house in India for 25 thousand rupees.

4.2 Jari, Polygamy, Devaki and Badi System

Only one case related to polygamy has come to public notice this year. Because of cultural pressure such incidents cannot reach the press.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

Industrial and agricultural labourers are not paid equal wages. Women are paid less than men for doing the same amount of work. A report says that the house of Sanukaji Shrestha from municipality-10 has been torn down by the municipality, defying the order of restriction issued by the Appeal Court.

6. Indigenous Rights

Chepang (Prajā) and Pahari are the indigenous communities living in this district. The Chepangs live on wild fruits and vegetables most of the year. Though the District Development Committee has conducted a programme called "Prajā Development Programme", it has not brought about much improvement in the quality of their lives. Such people are found living in Khairang, Danda Kharka, Kakada, Paksirang, Marta, Sarikhet, Manahari and Kalitar VDCs.

7. Child Rights

As elsewhere, a lot of children, especially those from indigenous communities are still

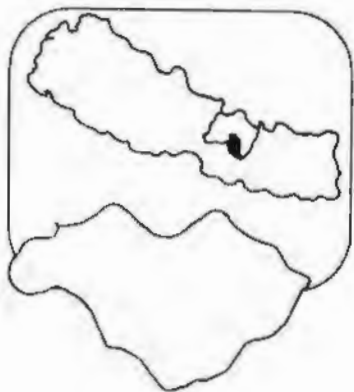
deprived of almost all of their rights. They are forced to work in hotels, lodges, tea shops, factories and in the families of the rich. They are also exploited by the practice of child marriage.

Additional Information

The local inhabitants complain that prostitution is on the increase especially along the highway and inside Hetauda Municipality area.

CDO Vaija Nath Adhikari says that in the process of taking action against human rights violators much pressure from the left and the party in power has been felt.

The local people are heard to complain that the soldiers of Chanmen Barracks stationed at Vajravarahi VDC once beat and harassed youths and women. When trying to lodge a complaint against them the colonel is said to have turned a deaf ear to those that had suffered. □



2. Central

Bagmati

2.12 Lalitpur

Population : 257,086

Literacy : 62.2%

Women Literacy : 47.8%

Area : 385 sq.km.

ONE of the three districts in the valley of Kathmandu the capital, Lalitpur has among others the famous temples of great religious and artistic importance like Krishna Mandir and Patan Durbar. On June 26-27, 1993, Lalitpur witnessed unheard of violations of human rights.

1. Right to Life

1.1 Killings/Firings

Three persons were killed by police firing that occurred on June 26, 1993 in connection with a protest demonstration organized by leftist parties. The police opened fire at 8.15 in the morning following a clash with demonstrators. Reeta Shilakar, 24-year-old, who was sitting by the window on the second floor of her house was shot dead. Likewise, Krishna Narayan Manandhar, 35 years, who was on his way to his wife's parents was also shot dead. Raj Man Shakya of Bakumbahal died immediately after he was taken to Patan hospital for treatment. Among those who sustained bullet injuries were Saraswati Maharjan, 20 years, Suresh Maharjan, 18,



Rita Silakar : Died due to police-firing

Shyam Maharjan, 18 years, Surendra Bejankar, 19 years, Ram Maharjan, 30 years and Mahesh Shrestha, 22 years. Almost all of them had sustained bullet injuries above their knees.

Ram Prasad Sapkota from Kavre was shot dead in the evening at 7.30 by the

bridge near Kupandol when he was going to do his duty as a night guard under Public Health Division, Teku. He was on his way to office completely unaware that curfew was clamped. He was killed despite his attempt to produce his identity card.

In connection with Nepal Bandh called by four leftist factions on March 15, 1993, there arose an argument among students in the Engineering Campus, Patan as to whether or not to stop classes. Consequently, Bharat Babu Devkota, a student of Law Campus, who was there to organize support for the strike sustained a serious injury on the head. He died in Bir Hospital the following morning. Report says that had he been provided with quick treatment he would have escaped death.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	2	4
Torture in Custody	-	1
Rape	-	6
Strike in Jail	-	1
Suicide	-	-

Urmila Basnet who was lately married with Suraj Basnet of Nakkha tole, was killed because of dowry. Laxmi Bhakta Maharjan was attacked by unknown persons when he was driving a motor-bike at Sunakothi on August 11, 1993. He died the same day. Many more deaths resulting from murder or suicide have been registered at the Police Station, Lalitpur.

1.2 Jail

The dilapidated local jail built about 55 years ago during the Rana regime has 148 prisoners. The jail does not have political prisoners because only individuals involved with murder or other non-political cases are kept here. The prisoners are found to have suffered from lack of enough drinking water, reading and entertaining materials, medical facilities, etc. Although the prisoners once went on a hunger strike putting forward a list of demands and rejecting the poor quality ration provided with, their grievances were totally ignored by the jail administration.

1.3 Arrest/Torture

Arrests are reported to have been made out of political bias or revenge. Madhusudhan Paudel, Gokarna Gyanwali, vinod Dhungel and Ram Chandra, all of them affiliated with ANNFSU, were arrested on July 4 due to political revenge, as the report says.

Saban Tamrakar arrested while reading newspapers in a library at 9.30 pm on June 27, 1993, was beaten all the way to the police station. He was tortured to make him confess that he had hit vehicles with stones. Eye witnesses report that bruises resulting from beating could be seen all over his body even much later.

In connection with the protest demonstration organized on June 28, Indra Lal Shrestha, Dil Bahadur Shrestha, Astaman Maharjan, Devendra Lal Shrestha, Kanchha Maharjan and 70 others, all of them activists of United People's Front, were arrested in Jawalakhel. Likewise, 2 MPs, Lila Mani Pokhrel and Khadga Bdr Budha, and Devendra Lal

Shrestha, Astaman Maharjan, Gobinda Maharjan, Ram Lal Maharjan, Deependra Shrestha, Gauri Shrestha and Purna Bdr Shrestha, all of them belonging to UPF, were arrested in connection with the Nepal Bandh called on September 21, 1993. Others arrested from Pulchowk were Tulsi Dangol, Astaman Maharjan, Bhakta Bdr Pal, Hariram Maharjan, Santa Maharjan, Nanda Gopal Maharjan, Ganeshman Maharjan, Keshav Raj Aryal, Mohan Lal Shrestha, Jitgohinda Maharjan, Shiva Maharjan, another Astaman Maharjan, Rabi Maharjan, Vishnudas Maharjan, Dillikumar Kapali, Kanchha Maharjan and Tej Bahadur Shrestha. Still others arrested in connection with the same were Ganesh Pokhrel, Bishesh Gurung, Vir Bdr Pandey, Ramesh Khanal and Ratna Bdr Shahi, all of them affiliated with CPN (Masal). Asked whether any of those arrested was tortured a senior police officer said that they had a hard time for not having instruments that help to make detainees confess without inflicting torture.

2. Fundamental Rights

2.1 Freedom of Expression/Association

The above mentioned arrests and killings speak themselves about the general situation concerning these rights.

2.2 Religious Freedom

People holding different religious faiths are reported to have been living in harmony.

2.3 Political Freedom/Free and Fair Election

Needless to say that political freedom is suppressed by police interference. Incidents already mentioned are testimony to this fact.

2.4 Quick and Fair Trial

Not much complaint is heard about decisions made by the local court. As for the decisions made by local administration, it is said that political pressure sometimes plays a deciding role.

This year, a total of 237 cases have been registered under the District Police Office. Of the cases registered at the local court, those related to land dispute are the most. Likewise, altogether 67 cases have been registered under the CDO office.

3. Landless/Squatters

A lot of landless and squatter families have migrated in this district from different parts of the country. Report says that they have done so in course of moving from place to place in search of work in order to survive.

4. Women's Rights

4.1 Trafficking/Rape

More than six incidents related to women trafficking or rape are reported. A 13 year child of Kathmandu Municipality-5 was raped by Mukunda Gurung near Kalopul on December 27, 1993. Ram Bdr Chhetry from Baseri-5, Netra Pd Ruwali from Dhading, Krishna Bdr Thapa Chhetry and Ram Bdr Thapa from Ruwali-2 were arrested on March 29, 1993 when they were found making an attempt to take Aitamaya, 20 years, and Gyanimaya Dhani, 17 years, from Sindhupalchowk to India with intent to sell them there. Likewise, on April 27, Ramesh Dev Rai alias RD from Bhojpur, Jivan Gole Karki and his sister from Lwang Ghalel-8, and Sita Rai from Maitidevi, Kathmandu, were arrested with evidences that they had sold Nangasil Tamangni, wife of Ram Bahadur from Kavrepalanchowk, Indra Bhattarai and Sahili Tamang in India. Dilli Prasad Koirala from Morang Kairon-3 was also arrested on July 22 on the accusation that he had sold Kamala Subedi, 22 years, of Inadol in India.

There have been three incidents of rape. A 3 year old child from Lubhu-8, a 4 year child

from Ekanta Kuna and an 18 year old girl from Garmukha were raped by Krishna Bdr Khatri, Suresh Chaudhary, 18 years, and Tirtha Maharjan, 17 years respectively. Action was taken against all of the trouble makers.

4.2 Jari, Polygamy, Devaki and Badi System

Three cases related to polygamy were registered under District Police Office.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

The evil of untouchability seems to be deep-rooted especially in the rural areas of this district. But nobody is reported to have been publicly ill-treated for being an untouchable.

6. Indigenous Rights

7. Child Rights

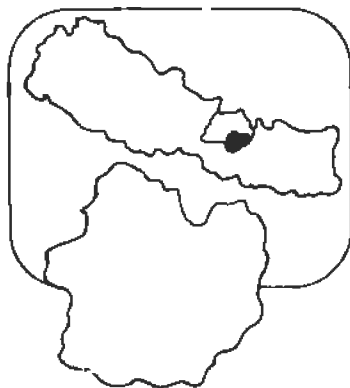
Exploitation of child labour is prevalent in the local garment and carpet factories.

Additional Information

The marble industry located in this district poses a serious danger to ecological balance. The environment is said to have been terribly polluted by it, thereby creating health hazard.

More incidents related to attempted murder have come to public notice.

Batukrishna Karki, managing editor of *Astiswo* weekly, was beaten by some unknown hooligans on May 15, 1993. □



2. Central

Bagmati

2.13 Kavre

Population : 324,329

Literacy : 39.2%

Women Literacy : 23.4%

Area : 1396 sq.km.

ONE of the eight districts in Bagmati zone, Kavre has the famous temple of Bhagawati. Rape, women trafficking, beating, murder, administrative interference and disputes between political parties have been the main causes violating human rights here this year.

1. Right to Life

1.1 Killings/Firings

Sixty incidents resulting in death have been found registered at the District Police Office, Dhulikhel, of which there have been 26 suicides, 4 murders, 10 deaths from traffic accident, 1 abortion etc.

1.2 Jail

The local jail has a dilapidated building built during the Rana regime to be used as a horse stable. The jail consists of 86 persons of whom 27 are lunatics. Of the prisoners, 26 are alleged and only 2 convicted. The lunatics are kept together with the others, thereby creating an atmosphere of constant fear. For lack of a separate building, the jail guards are also compelled to stay with the prisoners. The hygienic condition of the jail is very poor. This year, a mentally disturbed prisoner committed suicide by hanging himself. As mentally disturbed persons including chronic drug addicts are kept here, the jail needs to be turned into a health care centre. The CDO of

Kavre says that although some of the leaders of the party in power and the opposition had undergone atrocious torture in this jail, they do not seem to be keen on bringing about here.

1.3 Arrest/Torture

Report says that there have been a lot of illegal arrests resulting in human rights violations. According to Nepal Bar Association, Kavre section, Sura Sing Lama, Gyan Bahadur Muktan and Kajiman Muktan, all of them from Bankhu -3, were arrested at midnight without warrants. Likewise, advocate Sheshav Prasad Gautam, vice chairman of Bar Association under the District court, was arrested on September 21, 1993 without warrant.

Ram Kumar Shrestha, health worker of Sher Memorial Hospital, Banepa -1, was manhandled by a policeman inside the hospital compound on July 11 and arrested the next day. He was beaten by policemen on the accusation that he was not quick in treating a

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	-	2
Rape	2	5
Degrading treatment	-	1
Suicide	-	15

person who had come to the hospital with minor injuries. But the fact was that at the moment he was treating those who were in a more serious condition. He was released on July 15 as a result of a strong protest lodged by other health workers. The health post of Taldhunga VDC was set to fire following a quarrel between health workers and students. The bone of contention was that Padma Bahadur Thing, a 10th grade student of Jana Vikas Secondary school, was not given medicine despite his repeated request, while the same medicine was said to have been sold in the local market. VDC chairman Hari Bahadur Bal, Resh Bahadur Bal, peon of Agriculture Service Centre Kamal Bahadur Bal, Akkal Bahadur Bal and health worker Ram Kumar Yadav beat the students named Padma, Dhruva Thapa and Desh Bahadur Yaiba. One of Desh Bahadur's teeth was broken by beating. It is said that the health workers poured kerosene into the refrigerator and set it to fire in order to create confusion and thereby escape punishment. Although the students were proved to be innocent according to the public witness report, some of them along with their guardians were charged with public offence and tortured under police custody. Those charged under public offence act are Prem Prakash Lama, Yuba Raj Lama, Desh Bahadur Yaiba, Dhruva Thapa, Padma Bahadur Thing, Padma Bahadur Yaiba, Netra Bahadur Yaiba, Khadga Timsina, Raj Kumar Nepali and Durga Bhujel. Of them, Prem Prakash Lama, Yuba Raj Lama, Desh Bahadur yaiba and Dhruva Thapa were tortured under custody for four days in a row. The local people are heard to complain that though the case had reached the special police and a factual report had been received from it, action was not taken against those that were found guilty. The cause of it is said to be the pressure from Minister for Health.



Dhulikhel Jail : Mentally imbalanced prisoners with other prisoners

2. Fundamental Rights

2.1 Freedom of Expression/Association

There have been some incidents related to political bias and personal conflicts that have deprived citizens of these rights.

2.2 Religious Freedom

Report says that at some places in this district poor people have been tempted to convert their religions into christianity against their conscience.

2.3 Political Freedom/Free and Fair Election

The activists of the party in power are said to have inclined to make opposition activists suffer by imposing false charges under public offence act. According to District Police Office, Kavre, 36 cases related to politics and 1 to illegal weapons have been registered this year.

Headmaster of Suryodaya Secondary School, Salamsing Lama and Dambar Bahadur Lama, both members of Nepal Teachers' Association, attacked and injured Ram Bahadur Lama, a 10th grade student of Saraswati Secondary School of the same VDC, simply because the victim was affiliated with a left-inclined

students association. Ram Bahadur sustained serious injuries on his head and in one of his legs. Consequently, he had to be carried to school to take the selection test. The culprits who were arrested were later released on bail of two thousand rupees.

2.4 Quick and Fair Trial

All the plaintiffs and counter - plaintiffs related to the 9 lawsuits that have been registered under the local court complained that the process of decision was slow and expensive. This year, 544 lawsuits have been registered at the local court. Some of them are related to rape and stealing of idols. Likewise, the police office registered 59 cases at the court.

3. Landless/Squatters

The Settlement Survey 1992 shows that 2672 persons belonging to 661 families are landless in this district.

4. Women's Rights

This year, 7 incidents related to polygamy, 2 to women trafficking, 3 to abortion and 4 to rape have come to public notice. Men from the age of 16 to 70 including policemen are said to have been involved in these cases.

Report says that a woman from Sarsukharka VDC was declared to be socially outcaste accusing her of being a witch.

4.1 Trafficking/Rape

four incidents of actual and one of attempted rape are reported this year. The youngest of the victims was 5 years old and the oldest 24 years. One of the rapists was a policeman and one was the incharge of a health post. According to the report, a policeman raped a 24 year old woman from Balthali -9 on November 22, 1993. Likewise, the incharge of local health post called Yadav attempted to rape a 10 year old child on August 23. It is said that the culprit escaped punishment using the influence of his relationship with the Health Minister.

In another incident, Pradip Adhikari, 35, raped a 20 year old woman Radhika Sapkota and then attempted to take her to India where he intended to sell her.

4.2 Jari, Polygamy, Devaki and Badi System

One incident of Polygamy has come to public notice in which Mahendra Yadav, a teacher of mathematics in Chandeswari Secondary School, Nala, married Punyprabha Naraula as his second wife after she got pregnant by him.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

Children and their parents working in factories, hotels and lodges are leading a life as low as that of slaves.

5.2 Other Inhuman Behaviours

On December 3, 1993, Padma Bahadur Waiba, a teacher of local Janapriya Secondary School, was beaten by the VDC chairman's son Sher Bahadur, 28, with the assistance of a gang of hooligans. The culprits are said to have escaped punishment because of their affiliation with the party in power. Untouchability is another inhuman aspect of social relationship in this district.

6. Indigenous Rights

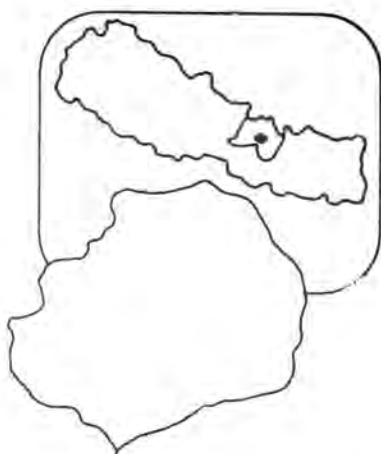
Pahari, Hayu and Danuwar are indigenous people living in this district. NO efforts are reported to have been made for the upliftment of these backward communities.

7. Child Rights

About 60% children from the backward communities and other poor families are deprived of their right to education

Additional Information

This year, 19 persons were killed by flood. □



2. Central

Bagmati

2.14 Bhaktapur

Population : 172,952

Literacy : 58.5%

Women Literacy : 42.4%

Area : 119 sq.km.

ONE of the three old cities of Kathmandu valley, Bhaktapur is a centre of attraction from historical, religious, cultural as well as political point of views.

1. Right to Life

In this district, citizens' rights are reported to have been violated mainly due to personal conflicts, political disputes and communal discrimination.

1.1 Killings/Firings

Vijaya Lama, 18-year-old, was killed by police beating on July 6, 1993 following his arrest in connection with Nepal Bandh called on July 4, 1993.

Roj Bahadur Tamang of Changu shut up his wife, kanchhi Tamang, in his house in an attempt to kill her by setting fire to her body. Three neighbouring houses were burnt as a result of the incident.

1.2 Jail

This district does not have a jail. It is said that detainees are tortured under police custody.

1.3 Arrest/Torture

Dev Prasad Bhail, Harisundar Prajapati, Ramgopal Duwal, Rajendra Dumar-23, Suka Ram Khyaju-27, Punda Ram Konda -24, Surendra Man Basichhyak-26, Ratnabhakta Qwang, all of them wounded during the popular movement 1990, are not still relieved of physical pain and mental agony due to the lack of appropriate medical treatment.

In connection with the protest demonstrations organized following the suspicious death of CPN (UML) General Secretary, Madan Bhandari and chief of organization department, Jiv Raj Astrit in the jeep accident at Dasdhunga, activists of various leftist political parties were haphazardly arrested and tortured by the police. Vijaya Lama -18 was killed by police beating. Of those arrested in connection with the protest demonstration organized on September 21, 1993 were Mayor of Bhaktapur Municipality Gyan Bahadur Nyainchya, District Development Committee chairman Shyam Krishna Koju, member Kedar Adhikari, Gobinda Duwal and 15 others.

Nine drivers were arrested on the accusation of vandalizing the police post in Jagati in connection with the transportation strike called

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	6
Rape	1	2
Death due to Police Torture	-	1
Suicide	-	4



Mr Bijay Lama, second from left in standig position : Died due to police torture

by Transport Intreprenuer's Association. Two of them were inflicted torture under police custody for 13 days, after action was initiated against them under public offence act.

Seven leftist activists were arrested in connection with the Nepal Bandh called on September 21, 1993. Similarly, Dev Sundar Gho and Gauri Bhakta Gho, both from Bode, Bhaktapur, were arrested at Vaneswar on July 19, when various leftist parties had organized a protest demonstration. Prakash Bahi and others were arrested from a similar demonstration organized on June 26, 1993.

A constable, a senior constable of police, and a teacher called Mitha Ram had a row while drinking liquor on November 17, 1993. All three were detained for a week, of whom Mitha Ram Nepal was badly beaten.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Here are a couple of incidents that show how these rights are violated in this district. UML

District Committee vice chairman, Kedar Adhikari was arrested on February 21, 1993, when a *gherao* was organized in front of the water supply office in Bhaktapur, protesting the statement made by the party in power that Nepal's rivers were commonly owned by India too.

Rajendra Man Shrestha, Narayan Bhakta Bati and Ram Sharan Dhimal were arrested when there was a Gherao protest in front of the Electricity Authority Office, Bhaktapur, on February 26, 1993. Likewise, when a black out protest was called by UML on June 26, Prakash Bogaty was arrested and tortured by not allowing his relatives to visit him.

Labourers working in the carpet factories in Bhaktapur were not allowed to go out of the factories on July 19, 1993, when a transportation strike was called by leftist parties.

2.2 Religious Freedom

There arose an argument between local inhabitants on July 27, 1993 when a religious

talk programme was organized in the house of Jagannath Dhakal from Chitpol-7. The argument that had started because of high sound of a loudspeaker turned into a fight in which an Indian religious teacher, Sadananda, and eleven of his followers sustained injuries, and the glasses of two Indian vehicles were broken. Six persons were arrested and later the Indian Guru was paid a compensation of 42 thousand and 5 hundred rupees that was collected from among the poor people.

2.3 Political Freedom/Free and Fair Election

Wherever they have a stronghold, the three political parties - Nepali Congress, UML and Nepal Workers-Peasants Party - are said to have been intolerant of views different from theirs. Also, the incidents mentioned above are evidences that political freedom is not freely allowed in this district.

2.4 Quick and Fair Trial

Report says that 547 lawsuits have been registered at the local court this year, of which more than 50% cases are related to land dispute. Out of the 75 cases registered at the District Police Office, Bhaktapur, 18 have been forwarded to the CDO office and 20 to the local court. Two influential opposition parties of this district - UML and NWPP - complain that the general public is deprived of quick and fair justice.

3. Landless/Squatters

4. Women's Rights

Women especially in the countryside of this district are found to be leading a hard life for lack of awareness. Here are some incidents that show how women are repressed. A mother of six children from sipadol-5, who was on good terms with her husband, was beaten by persons belonging to the Thapa Trust Group on the accusation of having something to do with another man. On top of that, she was declared to be an outcaste from the trust of which her family was a member. Likewise, Ratnamaya Twachana-60, from Katunje-2, was beaten by her nephew Bikulal Twachana on

October 19, 1993, accusing her of being a bitch.

4.1 Trafficking/Rape

Some incidents related to child rape occurred in this district this year as well. On May 16, 1993, some armymen of Devidatta Gan stationed in the forest called Surya Vinayak attempted to rape a 13 year child from Gandu - 5. Report says that despite of complaint, the culprits were not taken action against. One more rape case has come to our notice.

Four women traffickers, Vinal Pariyar, Shyam Pariyar, Chandra Bahadur Basnet, Dhan Bahadur Chaulagain and Krishna Pariyar have been detained on the charge of selling four women in India.

4.2 Jari, Polygamy, Devaki and Badi System

Five incidents of polygamy have been reported. All of those men who have married the second or even the third time have children from their first or second wives. Ram Krishna Paudel, 31, a fifth level employee under Nepal Bank Ltd, has married Manju, 23, as his second wife. His first wife was heard to complain that he had not given her her share of property as decided by the court.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

Some unknown persons manhandled Kabibar Rana, a journalist, who was collecting information in connection with Nepal Bandh.

There are 316 so-called untouchable families in this district. They have been humiliated and discriminated against in many respects. Chandra Bahadur Vishwakarma, 36, from Thimi complains that people from the untouchable community are not allowed to have tea in the local tea shops. Even when they are allowed, they are required to clean glasses they drink tea out of.

6. Indigenous Rights

7. Child Rights

A lot of child labourers can be seen working in the local factories. Besides, they are also compelled to work in hotels, lodges and tea shops. Almost all those engaged in selling things to tourists are also children. Needless to say that children's right to education and entertainment have been grossly violated.

Additional Information

Report says that 20 persons have committed suicide this year. In one of these cases, Sanuma Shrestha, 23, from Balkot had tried to kill even her two children by feeding insecticides. Luckily, the children escaped death while the mother died in hospital.

Two persons are reported to have been killed by being run over by police vehicles. □



2. Central

Bagmati

2.15 Kathmandu

Population : 675,341

Literacy : 69.6%

Women Literacy : 56.6%

Area : 395 sq.km.

KATHMANDU, the capital of Nepal, witnessed the most violations of human rights in 1993. Among other incidents related to repression, even members of parliament were arrested when the parliamentary session was going on

1. Right to Life

1.1 Killings/Firings

Several persons have been reportedly killed in police firing. In addition, 52 cases related to murder have been registered at the court by the police office.

In course of the movement launched by 7 leftist factions including CPN(UML) on June 24, 1993, demanding the formation of a fair investigation commission regarding Dasdhunga incident, in which two UML leaders were killed along with other demands, several persons were killed amidst peaceful protest demonstrations. Mahesh Manandhar, 30, Rajesh Vajracharya-20, Ratna Sagar Napit,

Manoj Gautam-22, Mohit Krishna Baiju-16, and Bharat Tuladhar were killed in police firings in Kathmandu municipality on June 26, 1993.

In connection with the movement, Asim Rai was killed by police beating on June 25. According to the press, Sudama Thapa was also killed at Ganesthan. Prabhaker Subedi, a student of Engineering Campus, Pulchowk, has been missing since June 25. Eye witnesses say that he was fatally beaten and dragged along by policemen at Ratna Park. During the movement, the dead body of a woman was found in Teku. She was found to have sustained a bullet injury in her shoulder. It was suspected that she was killed after having been raped.

During the movement, more than one hundred persons sustained bullet injuries. They included Neerendra Ratna Shakya, Shekhar Raj Paudel, Saroj Mahat, Man Bahadur Tamang, Tek Bahadur Lama, Ram Krishna Shahi, Hom Prasad Subedi, Raju Mahat, Kiran Shakya and Sagar Tamang. This was the first incident in which Kathmandu had witnessed so many people killed or wounded in firings following the 1990 popular movement.

Some other persons are reported to have lost their lives due to causes other than police firings. Those reportedly murdered were Sherap Lama, 68, and his wife Pema Lama from Swayambhu, Radha Basnet, 28, from

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	9	9
Torture in Custody	3	5
Rape	13	17
Rape in Custody	1	-
Death due to Police Torture	-	1
Suicide	-	14



Krishna Manandhar : Died in police firing

Champadevi-9, Raj Kumar Subedi and Pradip Subedi from Boharatar near Balaju, Prakash Bdr K.C. from Sinamangal, Vijaya Lal Rajvansi and Gomatri Rajvangsi, Prakash Bdr K.C., 23, from Bhimsen Gola, Raju Khawas, 23, from Sinamangal and Gulsan Kumar Aroda from Punjab, India. Likewise, some unidentified persons were also found dead.

1.2 Jail

There exist four jails in Kathmandu - Central Jail, Bhadra Bandi Griha, Women's Jail and Charkhal Jail. Report says that when our reporters visited the jails there were 658 persons in Central Jail, 366 in Bhadra Bandi Griha, 66 in Women's Jail and 66 in Charkhal Jail. All the jails have dilapidated buildings on the verge of collapse. The Central jail has a solitary confinement where a prisoner called Chitra Bahadur Tamang has been shut up since last year. According to the jail authorities, he has been tortured in this way because he had escaped from Nakhu Jail when he was kept among the other prisoners.

Women's Jail is the worst in every respect. It has neither a school nor a library, nor any means of entertainment. The mentally sick prisoners are in a dreadful plight. Report says that one women prisoner committed suicide and one died of illness in 1993.

The condition of these jails has not seen any improvement even after the restoration of multi-party system.

1.3 Arrest/Torture

Making arrests without warrants is found to have been a common practice even in Kathmandu. When four leftist factions staged a sit-in programme in front of Electricity Authority Office, Kathmandu, on March 1, 1993, protesting the recent rise in electricity

charge, MP Krishna Gopal Shrestha was arrested and MPs Laxmi Shakya, Mitha Ram Sharma Bajgain and others were manhandled by the police. Likewise, when leftist leaders, MPs and activists staged a sit-in programme in front of the main gate of Singhadurbar on March 4, in connection with



Mahesh Manandhar : Died in police firing

the Tanakpur issue, several rounds of tear gas were fired and among others leader of main opposition party Mr. Man Mohan Adhikari was also manhandled. MP. Krishna Gopal Shrestha and Deepak Rai sustained injuries. Likewise, a policeman also sustained an injury in the face.



A wounded person also arrested : Example of Police Brutality

On March 14, 1993, when leftist parties called a valley Bandh, several persons including Babu Ram Ghimire and Guna Prasad Acharya were arrested and badly beaten. In course of the movement launched by leftist parties including UML in June, Tirtha Subedi, Vishnu Luintel, Kalyan Luintel, Abi Raj Gurung, Niranjana Shrestha, Sujana Shrestha, Krishna Kumar Dahal, Mohan Prasad Bajgain and a lot of carpet workers were beaten following their arrests without warrants.

On June 4, UML organized a protest demonstration condemning the suspicious incident that had occurred at Dasdhunga. Stones were exchanged between the police and the demonstrators. In the incident, some window-glasses of American library and a T.V. camera of Nepal Television were broken. Cameraman Baijanath Ghimire was slightly beaten. MP. Krishna Gopal's arm was broken by police baton and Bhawani Khanal, Lekhanath Lohani, Purusottam K.C., Dilli Gajurel, Agni Kharel and others sustained injuries.

Among those arrested or injured in connection with the protest demonstrations organized by leftist parties on June 25, July 3, 19 and 21, and September 19 and 21 were UML leaders Amrit Bohara, Hema Raj Rai, Bamdev

Gautam, Rajendra Shrestha and Iswar Pokhrel, and UML activists Yukta Bhetwal, Yam Kandel, Suresh Bhatta and Nirmal Phunyal; Yogesh Bhattarai, Bhimbahadur Tamang and many others; a 14 year student Ujwal Shaha and many others; Golchhe Sarki, Tanka Rai and other 14 MPs, and Asha Sherpa and more than 100 other citizens especially garment and carpet workers. Needless to say that the number of those arrested without warrants was beyond estimation. Firings occurred in almost all of these incidents and using tear gas and batons haphazardly upon demonstrators was a regular practice. The police injured hundreds of agitators by using force.

When the arrests of MPs that were made on July 19 were being discussed in the upper house on July 21, UML MP Golchhe Sarki manhandled minister Ramchandra Paudel, who was then assuming the responsibilities of Minister for Home in the latter's absence from office. Later, when asked by journalists as to why he had beaten the honourable minister Mr. Sarki said that he had done so because the minister had ridiculed him by making a dirty gesture with his hands. Many More incidents of torture and murder have been reported.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Citizens' right to assembly was violated by the administration by locking up the main entrance into Tundikhel, the public meeting spot, on June 25 when the leftist parties were scheduled to hold a mass meeting there.

Shambhu Shrestha and Mathabar Singh Basnet, publishers of *Dristi* Weekly and *Punarjagaran* weekly, respectively, were arrested and prosecuted under public offence act on April 7, thereby encroaching upon the freedom of press. Krishna Pokhrel, Roshan Bhattarai and Shishir Paudyal, reporters of *Deshantar* and *Pristhabhumi* weeklies, and *Mahanagar* daily, were beaten by unknown persons out of revenge. Mr. Paudyal's camera was also broken. Similarly, Mathavar Singh Basnet, Publisher of *Punarjagaran* weekly, was attacked and injured by unidentified persons on September 12. Journalist Kiran Subba was also beaten by some unknown hooligans. Kabivar Rana of *Desbantar* weekly was also attacked on a Nepal Bandha day. Journalist Kejin Rai was detained for an hour when he entered inside the area of Pashupatinath to

cover the news of Teeka, a religious public festival of Hindu women.

A lawsuit was filed against Prakashman Singh, Puskar Lal Shrestha and Kapil Kaphley of *Mahanagar* daily in connection with a news related to Nepal Water Supply Corporation. Likewise, a few persons belonging to Casino Nepal attacked Kamana Press protesting the publication of a report related to them.

Raghu Mainali, a reporter of *Kantipur* daily, was dismissed from job against the Press Act.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Incidents mentioned above speak themselves about the general situation of political freedom in Kathmandu.

2.4 Quick and Fair Trial

The public are heard to complain that the process of legal decision is very slow. Also, Justice is getting more expensive.

This year, 3017 lawsuits have been filed under the District Court, Kathmandu, of which 1754



Use of teargas by police at demonstrators near Bishal Bazar

are related to land dispute. The police office has registered 171 cases at the local court, of which there are 2 political cases. According to the record at the police office, 284 cases related to public offence have been registered this year.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

Fourteen rape cases are registered at the local court by the police. Among the unfortunate females that were raped, the youngest was 7 years old and the oldest 23 years. Two women were reportedly gang-raped.

Ranjit Lama Tamang from Kathmandu municipality-7 has been arrested on the accusation that he had compelled Geeta Danuwar from Sindhupalchok to be engaged in prostitution. Altogether 7 women are reported to have been trafficked and sold in India. Report says that several rapists and women traffickers have been initiated actions.

4.2 Jari, Polygamy, Devaki and Badi System

Three cases related to polygamy have come to public notice.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

When Sanu Babu Bisunke and Chandra Mijar, both so-called untouchables from Danchhi-9, had tea at a tea stall owned by Uttam Sapkota from the same neighbourhood on October 16, the shop owner forced them to clean the glasses in which they had tea. The humiliating incident was followed by a dispute between them, in which Chandra Mijar, Sukadev Mijar, Ramsaran Mijar and Ajaya Mijar, all of them so-called untouchables, were beaten by Bhimsen Ghorsaine, Kumar Ghorsaine and



Burnt to death, corpse of an unknown women at Teku

Uddav Khatri. Ironically, the victims were forcibly taken to the police post where they got beaten again by the police.

6. Indigenous Rights

7. Child Rights

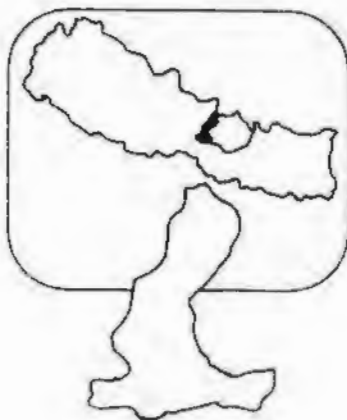
A lot of children are found engaged in carpet and garment industries, hotels and families of the rich. They are paid nominally. The number of street beggars is growing very fast. Sometimes they are heard to have been beaten by policemen.

Additional Information

Fifteen persons are reported to have committed suicide. There have also been some murder cases resulting from personal conflicts. Two helpless persons called Laxman Pandey and Ramesh Pandey, who had been staying in Nepal Bar Mandir for the last sixteen years, are reported to have been missing.

Seven persons including Kechu Raja and N. Narayan, supposedly affiliated with Tamil Tigers, were handed over to the government of India following their arrest at the local Grand Hotel on March 24, 1993.

Shiva Datta Dhakal, a teacher in Juddhodaya Secondary School, was beaten by accountant Bharat Ghimire when the former asked the latter about his monthly salary of March this year. □



2. Central

Bagmati

2.16 Dhading

Population : 278,068

Literacy : 32.0%

Women Literacy : 18.4%

Area : 1926 sq.km.

ONE of the seven districts in Bagmati zone, Dhading is geographically connected with Kathmandu. Some incidents resulting in violations of human rights have come to public notice in 1993.

1. Right to Life

1.1 Killings/Firings

Ram Hari Lamsal, an inhabitant of Murali Bhanjyang, killed his wife Megh Kumari with an axe on October 19, 1993. He has confessed before the court that he had killed his wife on suspicion that she had something to do with another man. Besides, there have been some incidents of suicide.

1.2 Jail

The local jail had 26 prisoners at the time our reporters visited it. Of them, there were 2 women. Report says that only ten of the detainees have been convicted. The prisoners are shut up inside the jail building from 5pm to 6am during which they are compelled to excrete and urinate inside their bed rooms. The

two women prisoners that are here complain that they are not allowed to go about the jail building or sit in the sunshine. Asked why they had been made to suffer in this way the jailor said that, since the jail did not have a separate compound for women, they were kept inside all the time to avoid unnecessary trouble. The jail does not have any arrangement of reading and entertaining materials, nor does it have a minimum provision of light for the night. The prisoners have been deprived of almost all their rights to live as humans. Most of the cases are related to murder, polygamy, traffic accident and beating.

1.3 Arrest/Torture

Not many political arrests have been reported from this district. The arrests that have been made are related to mutual conflict, murder, gambling, use of intoxication, beating and traffic accidents. Out of the culprits involved in the eight incidents related to the above that have occurred from August 23 to December 18, action has been initiated against the few that have been arrested. Ramesh Dhatarai and Hari Ghimire, UML activists from Dhanusha, had been detained for some hours in connection with the transportation strike called by leftist parties on July 19-20, 1993.

2. Fundamental Rights

People living in the remote areas of this district are not aware of their fundamental

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	3	-
Rape	-	-
Suicide	-	-

rights. Lila Kumar Bhandari alias Sainli from Belkhu Panchsayatar, Bairani-7, complains that VDC chairman Lol Bahadur Karki has denied to give her a letter of recommendation for citizenship.

2.1 Freedom of Expression/Association

Complaints are heard that citizens are not allowed to express themselves and to be affiliated with political parties that they like without fear or interruption. The party in power is said to have repressed opposition views and activities.

Two groups of students affiliated with Nepal Students' Union, a sister organization of the party in power, had an argument as to whether or not to conduct district the convention called in Dhading Bensi in which all of the delegates were not present. Some of those involved in the incident have been prosecuted under public offence act.

School teachers are said to have been harassed by the administration simply for being affiliated with their professional organization.

2.2 Religious Freedom

The growing influence of Christian missionary among poor people in the northern part of the district is said to have posed a danger of creating disharmony among the local communities.

2.3 Political Freedom/Free and Fair Election

2.4 Quick and Fair Trial

The general public are heard to express dissatisfaction at some of the decisions made by the local court. One case in point is that a plot of land in Bhumesthan VDC that had been a public property for a very long time has been registered under certain individuals' names as per the decision of the court. It is also said that political pressure on the part of the party in power plays a role in deciding cases for or against the individuals concerned. The lethargic working style of the police administration has also created obstruction in

providing quick justice. For example, an organization called CSAHD that had applied for registration on April 5 was registered only on September 3.

Of the 43 lawsuits registered under the local court this year, 53 had been forwarded by the police. The District Judge is said to have told our reporters that 78% of the cases have been settled. According to him, the cases are normally settled in five months.

3. Landless/Squatters

The communities of Praja living in Goganpani, Thankre, Kiranchok Manadevsthan, Pinda, Jogimara and Dhusa are extremely poor. Since they do not have land of their own, they live on wild fruits most of the time.

About 60 families affected by the flood this year have virtually become homeless.

4. Women's Rights

The majority of women in this district are deprived of their right of equality in every field of life.

4.1 Trafficking/Rape

Although this district is much talked about regarding women trafficking, nothing to that effect has been reported. However, it is said that the girls from poor families who come to Kathmandu looking for work are tempted to go to India where they find themselves to have been sold.

4.2 Jari, Polygamy, Devaki and Badi System

Polygamy is deep-rooted in the local culture and incidents related to child marriage and Jari are also not uncommon in this district.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

The so-called untouchable communities such as Kami, Damai and Sarki are discriminated socially and culturally.

5.2 Other Inhuman Behaviours

6. Indigenous Rights

The Praja (Chepang) community is regarded as one of the main indigenous communities of Nepal. These people are found leading a primitive kind of life in 4 to 5 VDS in the southern part of this district. They have been deprived of all the rights provided by the constitution of Nepal. Owing to poverty and ignorance, their traditions and culture are being encroached upon in many respects.

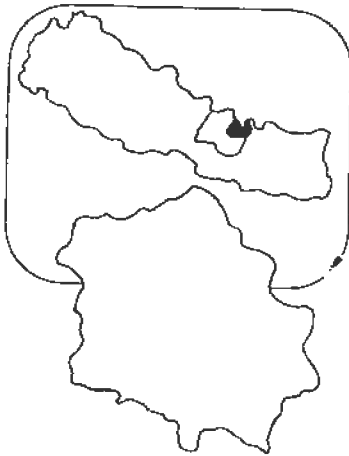
7. Child Rights

Most of the children in this district are found to have been engaged in various kinds of

labour, the reason being poverty and ignorance. Needless to say that these children are deprived of their right to education.

Additional Information

The party in power is said to have interfered with the affairs of local administration. Such interference is strongly felt especially in the field of education and health. District Hospital, Dhading, selected some candidates to fill in the vacant positions. The positions were publicly advertised and the candidates were given tests as per regulations. Ironically, the results were cancelled and the vacancies were filled in as ordered by the minister concerned. □



2. Central

Bagmati

2.17 Sindhupalchowk

Population : 261,025

Literacy : 29.2%

Women Literacy : 14.7%

Area : 2542 sq.km.

SINDHUPALCHOWK is geographically connected with China in the north. The Tamang ethnic community is in overwhelming majority here. Superstition is found to be prevalent because of illiteracy and poverty. Violations of civil rights resulting from women trafficking, murder, rape and illegal trade are reported to be widespread.

1. Right to Life

This year, 3 men and 19 women are reported to have been disappeared. Besides, one hundred and one persons charged with various allegations have fled from the district.

1.1 Killings/Firings

Although nobody is reported to have been wounded or killed by police firing, a few citizens have lost their lives as a result of personal enmity, revenge and conspiracy. According to an information obtained from the local police office, five incidents of attempted murder and eight of real murder occurred in 1993. Besides, three unidentified dead bodies were also discovered.

Chirke Tamang from Ichowk -8 was killed by Nasir Tamang on October 23, 1993. Maya Giri from Sanga Chowk -2 was killed by her nephew from the same neighbourhood on November 19, 1993. Ekbahadur Aryal of Jhakni -2 who was pushed down a steep rock after having been beaten by Harka Bahadur

Tamang and Man Bahadur Tamang from the same neighbourhood on April 8, 1993, died in hospital. Kajilal Shrestha, Krishna Maya Shrestha, Sunkoshi Lama, Umesh Kumar Pandit and Radha Dahal from Mankha were also killed. Radha Dahal from Jyamire was beaten to death by her husband Juk Bahadur Khadka. Report says that he killed her in a fit of anger because she had not prepared meal for lack of rice. The local inhabitants say that prior to that incident Juk Bahadur Khadka, Dambar Basnet, Dhruha Khadka and Kamal had thrown a woman into Andheri Khola after having kidnapped and gang-raped her.

1.2 Jail

Fifty six persons are reported to have been imprisoned in the local jail which can actually accommodate 35 persons only. Of the prisoners, 18 have been alleged. There are 3 women and 2 children. Forty persons are reported to have been imprisoned this year alone. The hygienic condition of the jail is extremely poor. The jail has provided neither any means of entertainment and information nor has an appropriate arrangement of timely

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	-	1
Rape	2	3
Suicide	-	10

medical treatment. Bhakta Bahadur, 45, a leprosy patient, has not been provided any treatment. According to the jail regulations, such sick persons cannot be taken elsewhere for treatment unless they are convicted and there is no budget to provide treatment in the jail itself.

1.3 Arrest/Torture

Suvash Karmacharya, Som Sapkota and Kulchandra Dhital from Chautara were arrested without warrants on May 31, 1993 on the accusation of manhandling a district education supervisor. After having been kept under custody for 25 days they were charged with public offence. Report says that the DES was beaten by teachers because he had supposedly selected teachers on an unfair basis. Those arrested have been released on bail.

Suvarna Lal Shrestha from Chautara was arrested without warrant when he had an argument with Sudarshan Acharya. Mr. Shrestha complains that he was brutally tortured by having his hair shaved in a humiliating way and making him lie down in the hot sunshine.

Padma Bahadur and the ex-headmaster Neel Mani were on bad terms as a result of the controversy regarding where the local school had to be located. Padma Bahadur lodged a complaint with the police that headmaster Neel Mani and two other teachers from the same school had robbed his house on 13 June 1993. They were also accused of seating idols of religious importance. Neel Mani was inflicted torture to the extent that one of the nails of his toe was pulled out.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Citizens are not found to be free to express themselves, be affiliated with the party they like or to assemble to express their grievances in a collective manner. Teachers are especially made to suffer in this regard. They are transferred to remote and difficult places, dismissed from jobs or harassed in many other

ways simply for holding views as dictated by their conscience. Nawa Raj Parajuli, Vindu Prasad Dhakal, Rajendra Bhattarai, Vindur Acharya, Trachandra Neupane and many other school teachers were transferred to difficult areas because of their affiliation with Nepal National Teachers Organizations. Jeewan Yonjan and Hemanga Moktan are said to have been harassed simply because they had expressed dissatisfaction with their headmaster for not depositing their provident fund for two years.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Local bullies, especially in the countryside, tend to impose their arbitrary views on the general public, thereby suppressing citizens freedom of conscience. It is said that citizens are beaten or even made socially outcaste when they dare express their views. Bigwigs affiliated with the party in power are said to be the main violators of other's political rights.

2.4 Quick and Fair Trial

Justice is very much influenced by political power and money; hence poor people are deprived of quick and fair justice. In the year 1993, a total of 330 lawsuits were registered at the local court, of which 137 were civil cases and 193 criminal ones. Of them, 24 civil cases and 45 criminal ones are reported to have been decided. Most of the cases forwarded to the court by the police office were related to public offence. Altogether 125 cases were registered at the local police office, which include cases related to women trafficking, rape, polygamy, child marriage and abortion.

3. Landless/Squatters

There are a few landless households on the bank of the river Indrawati. Their plight is miserable.

4. Women's Rights

The females in this district are suffering not only from rape and trafficking but also from child marriage and polygamy.

4.1 Trafficking/Rape

Sindhupalchowk is very much talked about regarding women trafficking. Young women from families having a hand-to-mouth existence are taken out of the district having them tempted with good jobs and a happy life. They are then sold to whorehouses in India. In the year 1993, 13 incidents related to women trafficking and 1 incident related to rape, polygamy, child marriage and abortion each have been reported.

Simala Tamang and Ranjit Tamang, who had been running a brothel in Bombay, India, were arrested in Kathmandu on September 6, 1993. When Geeta Danuwar who had disappeared from Melamchi some nine or ten years ago returned home suffering from aids, she lodged a complaint with the police against Ranjit Lama and his aunt Simala Tamang accusing them of selling her in India. She also informed the police about their whereabouts. Consequently, Simala Tamang was arrested in Baneshwar, Kathmandu, in a rich family on June 4, 1993. Report says that Simala Tamang and Ranjit have the biggest brothels in Bombay consisting of more than 5 hundred prostitutes each, the highest number of them being from Nuwakot, Sindhupalchowk, Kavre, Dolakha, Rasuwa and Dhading. Ironically, many persons involved in women trafficking have affiliated with the party in power. Jyam Bahadur has been arrested on the basis of the information given to the police by Juthe Tamang. It is said that Sonam Lama and Purna Tamang have something to do with the disappearance of Juthe Tamang because it was Juthe who had exposed their involvement in women trafficking. The suspects have not been searched and arrested may be because they have some connection with the party in power.

Man Bahadur Tamang from Thakni -9 was arrested in Kathmandu where he had arrived with two women from Nuwakot on his way to India. Likewise, Mandorje Tamang who had sold a 13 year old Pingmai Tamang in India was caught and handed over to the police by Jyam Bahadur, Juthe and Asa Ram. This shows that one gang of women traffickers is acting against the other.

Member of Nepal Tamang Ghedung, an ethnic organization, working in Calcutta, rescued Son Maya Tamang who was going to be sold by her elder brother from Mankha -5.

Two female children of 11 and 12 years are reported to have been raped. In connection with the first incident, Lalit Bahadur Khadka - 50, from Yamuna Danda has been arrested while the other rapist Machhindra Shrestha is said to have escaped punishment.

4.2 Jarl, Polygamy, Devaki and Badi System

Some men are found to have five wives at the same time. Forced marriage is a kind of custom here. Young women are dragged away against their will. Report says that a gang consisting of Lundup Tamang, Murali, Kainla and others are involved in the rape incidents and manhandling in the area called Karthali.

Report says that unmarried Anita Shrestha delivered a child as a result of UML MP Krishna Raj Shrestha's secret connection with her. The District court has made a decision to the effect that MP Shrestha is the husband of Anita and the father of the child. As a husband and a father Mr. Shrestha is obliged to give both of them their lawful property rights.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

Some persons are found to have been working for decades for local feudals and rich persons for nominal wages.

5.2 Other Inhuman Behaviours

Detainees are said to have been kept under custody for more than 25 days against law, thereby depriving them of their right to quick justice.

6. Indigenous Rights

There is a small community of Thami, an indigenous tribe. Nothing specific has been reported about their condition.

7. Child Rights

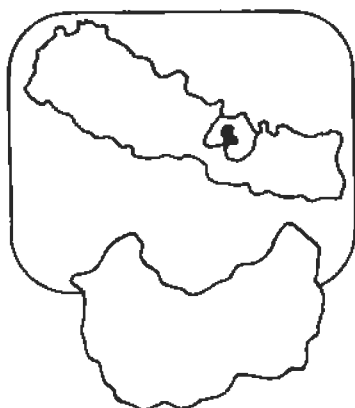
Most of the children of school going age are deprived of an opportunity to acquire education.

Additional Information

It is heard that non-Nepali nationals are given certificates of citizenship. Kabita Amatya from Kalinpong, India, is a case in point.

Ten persons are reported to have committed suicide in 1993.

Karpo Tamang from Ghumthang was beaten by former Panch Nangbare Tamang, Pote Tamang, Tenjing Tamang, Sarki Tamang and others. This happened after the oppressors were compelled to remove the water mill from the land of Karpo's father-in-law Phurba Tamang. Ironically, the police rejected to register Karpo's complaint against those who had beaten him. □



2. Central

Bagmati

2.18 Nuwakot

Population : 245,260

Literacy : 31.4%

Women Literacy : 17.8%

Area : 1121 sq.km.

ALTHOUGH geographically connected with Kathmandu, the capital, most of the areas of Nuwakot are backward in education and awareness. No indication of change has appeared in the quality of life of the Tamang community living in the northern part of the district. Even though there are two hydro-electric projects in the district, most of the villages are still deprived of electricity. This district is notorious for women trafficking.

1. Right to Life

1.1 Killings/Firings

Some citizens have lost their lives as a result of personal conflict and malice. Jit Bahadur Tamang -23, from Khadgabhanjyang -1 was killed by Bate Tamang, Bir Bahadur Tamang and Sukaram Tamang from Gorsyang -8 on January 14, 1993. He was struck to death with khukuris. Likewise, Ram Bahadur Tamang from Phulsi -7, Ramechhap was killed by Tej Narayan Shrestha from Jalankhu -7 on November 16, 1993. Legal action has been initiated against Tej Narayan Shrestha. Apart from these incidents, 4 persons have lost their lives in traffic accidents and 26 persons have committed suicide.

1.2 Jail

The dilapidated jail building built about four decades ago has two storeys. The upper storey

is used by the policemen and the employees, and the lower storey is used by prisoners, men and women both. Women prisoners do not have a separate toilet. The toilet is right before the kitchen. For lack of water the prisoners can not get a chance to take a bath for months. Although the male and female wards can accommodate only 25 and 4 persons respectively, the jailor himself admits that sometimes there can be 40 to 45 prisoners. The highest number may go up to 60.

At the time our reporters visited the jail, it had 20 prisoners, 18 men and 2 women. Of them, 14 prisoners were alleged and the rest convicted. The prisoners are reported to have boycotted their ration demanding clothes suitable to the weather on May 28, 1993. Admitting that the plight of the jail is dreadful CDO Atma Ram Pandey says that there is no budget even for constructing a toilet. He further opines that compared to the space available the number of prisoners is rather high.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	1	1
Rape	-	-
Rape by Military	1	-
Prisoner died due to lack of proper medical treatment	1	-
Suicide	-	8

1.3 Arrest/Torture

The police attempted to arrest a UML activist Bharat Dhungana and a UPF activist Toyanath Thapaliya in the morning on June 19, 1993, the day when Nepal Bandha was called by leftist parties. As the agitators resisted, the policemen were compelled to let them alone.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Citizens are not allowed to be affiliated with their professional organizations free from fear. More than 25 teachers affiliated with Nepal National Teachers' Organization were transferred to remote and difficult areas. This is an example of harassment.

2.2 Religious Freedom

The poor people in some areas are tempted to convert their religion into christianity against their conscience. This has also created an atmosphere of religious conflict in some areas. In a conflict that occurred in Bungtang out of religious reason Harka Bahadur Tamang and Phurva Tamang sustained minor injuries.

2.3 Political Freedom/Free and Fair Election

Almost all the political parties seem lacking in political culture. They are inclined towards taking undue advantage of the ordinary people's low level of consciousness. They do not even hesitate to threaten or tempt citizens in order to win elections.

When seven leftist parties called a Nepal Bandha on June 19, 1993, the party in power pressurized the local administration to interfere it. The activists of Nepali Congress who moved about standing on top of trucks put pressure on drivers to drive their buses. The police threw stones at the agitators, thereby creating an atmosphere of



Front part of Nuwakot Jail

tension. A great many leftist activists sustained injuries by police beating. Those injured were Ram Raja Bhandari, Navaraj Adhikari, Thainla Lama and many others.

2.4 Quick and Fair Trial

Nothing specific has been reported in this regard.

3. Landless/Squatters

There are some landless households inside Vidur Municipality area. A total of 70 such households exist here. They have not had certificates of ownership of the land in which they have built their hovels. The majority of these landless people are the so-called untouchables.

There are 17 families of Tibetan refugees who had fled from their country in 1961. Although they were granted the right to vote in 1989, they are heard to complain that they have not had the right to obtain citizenship yet.

4. Women's Rights

4.1 Trafficking/Rape

The VDC located in the eastern part of this district such as Ghyangphedi, Shikharbesi, Gaonkharka and Betini are notorious for women trafficking. Surprisingly, the number of women who willingly take to prostitution is not small.

Ten females had been reportedly taken to India where they had been sold to the brothels in 1993. Of them, the youngest was ten years and the oldest twenty-five years old.

A 27 year old woman from Thansingh-9 was gang-raped by Prem Bahadur Tamang, Akale Tamang and a Kainla Tamang, when she was going to her parents. Report says that the culprits have not been arrested.



Squatters' area in Bidur Municipality

4.2 Jari, Polygamy, Devaki and Badi System

The Practice of Jari is widespread among the Tamang community in this district. Although the amount of Jari money is democratically decided by the two parties concerned, sometimes the village bigwigs interfere and fix the amount arbitrarily.

Only one incident of polygamy has come to public notice this year, in which Gobinda Bahadur Pandey from Bhattatar -3 married a girl named Kswari as his second wife on March 16, 1993.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

As elsewhere, the rich families keep poor persons as household servants, who are treated as badly as slaves.

5.2 Other Inhuman Behaviours

There is a large number of so-called untouchables who are exploited and discriminated against in a number of ways.

6. Indigenous Rights

A small indigenous community of Kumal (Rai) is found living in Bidur Municipality and the surrounding villages. Owing to their low level of consciousness, they are oppressed and exploited in several ways.

7. Child Rights

A large number of children of school going age are made to work either in tea shops and restaurants or on farms, thereby depriving them of their right to education.

Additional Information

Report says that District Education Supervisor's office selects teachers not on merit basis but on the basis of their political affiliation. Madhu Thapa of Roll No. 358 who had failed the written test given for permanency was declared to have passed by Shyam Bahadur Khadka's Roll No. 338, who had passed the test. In this connection, Nepal National Teachers' Organization registered a complaint at the Special Police Department and filed a writ at the Supreme Court against the Selection Committee and District Education Officer Arjun Prasad Lamichhane. Report says that the supreme court has issued a show cause notice in this regard.

It is said that 10 thousand cubic feet of wood has been misused. Sixty thousand cubic feet of the total wood that was recommended to be made available for people affected by natural disaster was sold and the money obtained from it was divided among Ramji Sitaula, Harilal Shrestha, Rajendra Giri, Vishnu Acharya, Dron Prasad Sitaula and others. A complaint was lodged against these persons for legal action. Ironically, rumour has it that there has been a strong pressure from somewhere above to clear these persons of the allegation. □



2. Central

Bagmati

2.19 Rasuwa

Population : 36,744

Literacy : 22.9%

Women Literacy : 11.3%

Area : 1544 sq.km.

LOCATED at the foot of Ganesh Himal and Langtang Himal, Rasuwa district is backward in social and political awareness, though it is geographically close to Kathmandu, the capital. It is one of the remote districts in Bagmati Zone. Dhunche, the district headquarters, is gradually turning into a tourist spot. Gosaikunda, a famous religious site, lies in this district. The general public do not seem to be aware of their human rights.

1. Right to Life

1.1 Killings/Firings

Kanchha Tamang from Thulogaon -8 attempted to kill an armyman Pratap Lama from the same neighbourhood striking him with a khukuri on 23 June 1993. The culprit was arrested for legal action.

1.2 Jail

Out of the 11 prisoners in the local jail now 10 have been convicted and 2 alleged. Nurpu Lopchan, 45, who was transferred to central jail, Kathmandu, for the treatment of tuberculosis died while undergoing treatment.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	-
Rape	-	-
Rape by Health Professional	1	-
Suicide	-	4

This jail can accommodate 36 prisoners. It has two toilets, one outside the jail building and the other inside it. The supply of water is also relatively good. However, the jail lacks in reading and entertaining materials, neither has it provided the prisoners with any kind of vocational education or training.

1.3 Arrest/Torture

Birendra Kumar Dangol-22 from Laharepauwa-1 was arrested under public offence act on June 28, 1993. He was accused of creating disturbance inside the CDO office compound. After having been kept in jail for six days he was released on bail of 28 thousand rupees. Dangol himself told our reporter that he was not inflicted any torture.

2. Fundamental Rights

2.1 Freedom of Expression/Association

School teachers are said to have been deprived of their right to conscience. There have been incidents in which teachers have been dismissed from their jobs simply for being affiliated with their professional organization. The dismissal of Sanjan Shrestha and Gyanendra Prasad Acharya is a case in point.

2.2 Religious Freedom

People following Hinduism and Buddhism are found living in an atmosphere of religious tolerance and harmony.

2.3 Political Freedom/Free and Fair Election

2.4 Quick and Fair Trial

The judge of the local court has been absent from office since November 1993 because he has been sent to District Court, Morang, on official business. As a result, all the lawsuits under the court are pending. Needless to say that citizens are deprived of their right of quick justice.

Out of the 4 lawsuits related to public offence filed at the court this year only one has been settled. Report says that one lawsuit related to drugs has been registered under the local court.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

One incident of attempted rape has come to public notice. Two soldiers of the Dhunche barracks, Ganga Bahadur Thapa Manar -28, and Dham Bahadur Lama -25, attempted to rape Singi Tamang's wife from Thulosityapru in a forest between Chandhari and Laurihinayak, when she was going to the fair of Gosaikunda with her husband around 6 p.m. on July 23, 1993. As Singi Tamang tried to separate them, he was badly beaten. Report says that both of the soldiers were drunk. Later, Dhanbadur Lama was imprisoned for 45 days and then dismissed from job. Likewise, Ganga Bahadur was imprisoned for 18 months.

4.2 Jari, Polygamy, Devaki and Badi System

The custom of Jari is in practice in some of the northern VDCs including Gadang. The amount of Jari money can be 5 thousand rupees if a girl likes a boy and goes with him, whereas it can be 10 thousand rupees if a boy likes a girl and marries her. Polygamy is also prevalent here. Thirty nine year old Devendra Bahadur K.C. from Dhunche-5 is reported to have married Manju Lamsal as his third wife.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

Kami, Damain and Sarki, the so-called untouchables, are socially oppressed and discriminated against in various ways.

5.3 Refugee Problem

A small community of Tibetan refugees is living in Shyapru VDC. They make their living by weaving bags, sweaters and carpets.

6. Indigenous Rights

7. Child Rights

The overwhelming majority of children from this district are deprived of an opportunity to get education.

Additional Information

Primary school teacher Iswari Prasad Pokhrel, Yukren Tamang, 60, and his wife Maisang Tamangni, and Gyanjo Tamangni are reported to have committed suicide. Besides, natural disaster has claimed a few lives. There have also been some incidents of beating. Among other such incidents, the clerk of Area Forest Office, Kalikasthan, Mr. Sanu Prasad Ghimire was beaten by 23 year old Jhanka Prasad Neupane from Dhaibung-5 on March 23, 1993.



Dead body of 60-year-old Ghukren Tamang



Gandaki Zone

- 3.1 Tanahu
- 3.2 Gorakha
- 3.3 Lamjung
- 3.4 Syangja
- 3.5 Kaski
- 3.6 Manang

Lumbini Zone

- 3.7 Nawalparasi
- 3.8 Rupandehi

3.9 Palpa

3.10 Kapilvastu

3.11 Arghakhanchi

3.12 Gulmi

Dhawalagiri Zone

3.13 Baglung

3.14 Parvat

3.15 Myagdi

3.16 Mustang



3. Western

Gandaki

3.1 Tanahu

Population : 268,073

Literacy : 50.0%

Women Literacy : 35.8%

Area : 1546 sq.km.

TANAHU, a district in Gandaki zone, is endowed with natural beauty. A section of the population in this district is educated and more or less aware of human rights.

1. Right to Life

1.1 Killings/Firings

No incidents of firing or killing have come to public notice this year.

1.2 Jail

In the -D class jail located at Byas municipality there are 33 prisoners including a child, of whom 20 have been alleged and 12 convicted. Prisoners are not reported to have been inflicted torture and medical facilities are not so poor. The prisoners there complain of inadequate clothing. For not having beds they are forced to sleep on the damp floor. They are not provided even with adequate cooking utensils.

1.3 Arrest/Torture

There is a practice of arresting people without presenting warrants. If the alleged detainee does not belong to any political party and has no relatives to influence the police authorities, legal action may be delayed. In such cases the detainee is kept under custody upto 25 days.

This year, a female detainee arrested on the charge of selling flesh was tortured by policemen. This is a case of outright violation of the woman's right. The victim was later released being proved to be innocent. Another instance of such violation of human right is the case of Rabi Raj Bhattarai, Chairman of Bandipur VDC, who was arrested following a clash between the invigilators and the examinees during the SLC examination in Bandipur in February 1992, in which the police had used force against the examinees. Mr Bhattarai who was accused of instigating the students, was humiliated and beaten. He was charged with public offence, but for lack of evidences he was given clearance later.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Here is an example in which these rights have been grossly violated. On February 7, 1992, activists of CPN (UML) and the United People's Front organized a peaceful demonstration in connection with the Tanakpur dispute. The police force led by DSP Vijaya

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	-	1
Rape	-	-
Suicide	-	-

Gurung arrested 30 agitators including UML District Committee Chairman, Dadhi Raj Subedi, Tuka Raj Sigdyaal, Rabi Narayan Khanal and Shankar Narayan Khanal without warrants. Likewise, during the agitation organized demanding the formation of a unanimous commission to investigate into the Das Dhunga mysterious incident in which UML Senior Leaders Mr Madan Bhandari and Mr Jiv Raj Asrit were killed, the agitators were brutally suppressed and illegally arrested at places such as Dule Gaunda, Bhimad, Khairenitar etc. Among those many that were arrested without warrants included Birendra Shrestha and advocate Viswa Bahadur Adhikari.

2.2 Religious Freedom

As the so-called untouchables are not allowed to enter into certain temples, their religious right has still been violated in a humiliating manner.

2.3 Political Freedom/Free and Fair Election

The party in power seems to be engaged in revengeful activities against the opposition on the ground of differences of opinion. Many such biased actions are reported to have been imposed against teachers and government employees on the accusation of simply being involved in Nepal National Teachers' Organization and Nepal Civil Servants Organization. The victims concerned are threatened of dismissal, transfer to difficult areas and demotion, and in many cases such threats have been put into action.

2.4 Quick and Fair Trial

Although people seem to have no complaints against the local district court, the district administrative office and the district police office do not seem to be aware of providing quick and fair justice. The district administration and the district police office are said to be inclined to impose false public offenses on political opponents out of grudge. Such a case can be mentioned here. When the students of Chandra Jyoti Secondary School in Chiring went on strike demanding subject-

wise teachers, Til Singh Damai, a student, Krishna Prasad Acharya, a teacher and Rudra Mohan Adhikari, VDC Chairman were falsely prosecuted on the charge of instigating students to be engaged in destructive activities at school. This was a revengeful act, pure and simple. On top of that, on September 17, 1993 the Chief District Officer ordered a bail of Rs. 28,000/- per detainee. Since they were not able to present the bail as ordered, they were sent to the jail. Later, on November 12, 1993, when the appeal court, Pokhara, issued an order to the effect that the CDO was not authorised to impose a bail, the detainees could be released on a bail of only Rs 5,000/- each.

3. Landless/Squatters

In this district, this problem does not seem to be so serious. The only problem that had cropped up in this regard was that some disguised swindlers had tried to settle down in Bhimad, Ward No.1, where they destroyed part of the forest here and there.

4. Women's Rights

A 29 year old woman called Rohi Maya Thakuri of Bhirkot was driven out of house by her husband Gyan Bahadur accusing her of having illicit connection with her younger brother. Rohi Maya whose left half of the body was literally paralysed, registered an appeal at the CDO Office claiming livelihood. Her husband agreed to sign a document stating that he would guarantee her a livelihood. But after he returned home, he denied to keep his promise. Consequently, Rohi Maya was compelled to go to knock on the door of the court.

4.1 Trafficking/Rape

As elsewhere in Nepal, violation of women's sexual rights has become a more or less common occurrence in this district as well. The following few cases testify to this horrible fact. Bishnu Maya Acharya, an inhabitant of Dule Gaunda, being terribly ignored by her husband, was staying with her parents near Khairenitar. Bhim Kala Paudel, a close friend of hers staying at the same neighbourhood,

tempted her to get married to which she consented. She was brought to Pokhara first, and then on to India with the false assurance that she could get married and also have a nice job there. Bishnu Maya succeeded to return to Nepal after ten years. She then registered a lawsuit against Bhim Kala paudel on the allegation of women trafficking. This is indeed a brutal case of one woman exploiting another woman.

During this year, there have been three attempted or actual rape cases. On August 18, 1993, Yam Bdr Gurung of Barbhanjyang village attempted to rape a 4 year old child of the same neighbourhood when she was playing. The alleged one has confessed before the court. Similarly, on August 27, 1993, Bishnu Bdr Basnet-17, of Udendhunga, Khairenitar, was about to rape a 4 year child of the same locality, but, as the frightened child screamed terribly, he left her alone. Alleged Bishnu Bahadur has been kept in prison for trial by the district court since August 16, 1993. Phul Maya, wife of Bal Bahadur Pariyar, the dweller of Kyabin, was tempted and taken to India by a local culprit, Bir Bahadur. Bal Bahadur who was in India at that time got wind of it and began to search her. The culprit who was scared out of his wits brought Phul Maya back to Nepal and then fled, leaving the poor victim without her jewellery. Phul Maya's whereabouts is yet unknown.

4.2 Jari, Polygamy, Devaki and Badi System

The former two are non-existent in this district. As for the latter two, no incidents related to them have occurred this year.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

Non-existent at a serious level.

5.2 Other Inhuman Behaviours

Some cases of discrimination and of dehumanized mentality are notable here.

On January 18, 1992, an inter-caste marriage between Radhika Pariyar, a so-called

untouchable girl, and Achyut Acharya, a so-called touchable Brahmin boy, was legally organized. But unfortunately, this strikingly progressive step was made fun of, and Achyut Acharya was ridiculed, humiliated and driven out not only of his home but also from



*Mr Mohani Khatri :
Injured with beatings*

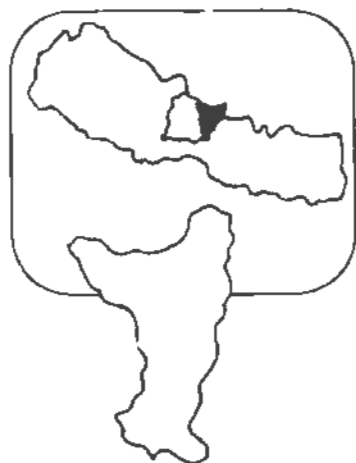
the community, declaring him an outcaste just for marrying a girl of low social standing. This is indeed a challenge to and a mockery of the constitution, which cannot and should not be tolerated by any civilized individual as well as a society.

On August 30, 1993, Dambar Bahadur Ale and his wife Gopali Ale, struck a Khukuri (Nepalese knife) in the chest and back of Mohanji Khatri, an inhabitant of the same neighbourhood-Bhanumati village - and also broke his arm, out of personal malice. Right after the incident Mohanji ran to the police office to report of it, but, because the police office denied to register the case, he was sadly compelled to turn to the court. Likewise, on September 24, 1993, Man Bdr Thapa, a citizen of the village called Bhirnad, fatally stabbed a knife in the chest of Bir Bdr Nepali of the same place. But surprisingly, no legal action was taken against Man Bahadur. These two cases are ample to show how irresponsible the police authorities are to maintaining public security and safeguarding human rights.

6. Indigenous Rights

7. Child Rights

The majority children of this district are still deprived of the right to education. The practice of child labour is widespread. □



3. Western

Gandaki

3.2 Gorakha

Population : 252,524

Literacy : 43.3%

Women Literacy : 30.9%

Area : 3610 sq.km.

GORAKHA is the district where the brave soldier-king and unifier of Nepal, Prithivi Narayan Shah came from. Although this district has a tremendous historical significance, it does not present a very enthusiastic picture of human rights this year.

1. Right to Life

1.1 Killings/Firings

No incidents of firing and killing in terms of political repression and revenge occurred in this district this year. However, incidents of firing and killing out of personal malice have been reported. The following are some instances.

On August 3, 1993, Ishwar Bdr Kumal, a dweller of Taranagar, fatally struck a Khukuri at Yam Bdr Prajapati of the same neighbourhood for not paying back his one thousand and six hundred rupees. Now the murderer is in prison, awaiting for trial. Likewise, on August 11 the same year, Hrishu Ram Devkota of Taranagar struck his wife,

Shanta Devkota, with a knife, thereby killing her. He has confessed before the court. The reason he gave for the killing was that he was engaged with another girl and his wife had got wind of it. On August 11, 1993, Tek Bahadur Gurung of Aru Arwang killed his 5 year old niece with a khukuri when she was asleep. The culprit was imprisoned, where he committed suicide sometime later. On November 29, 1993, a local hooligan called Prem Kumar Shrestha shot dead 26 year old Kamala Shrestha. The culprit who was said to have been connected with the party in power was assisted to escape arrest by Ganesh Bahadur and others. Ganesh Bahadur was later arrested along with a gun. These tragic incidents are outright violations of human rights of those victimized and call for publicizing human rights more effectively in order to root out the criminal mentality growing fast in our society.

1.2 Jail

The dilapidated jail building has been shared by both male and female prisoners. Of the 23 prisoners, there is one woman but none of them are political prisoners. The prisoners are said not to have been seriously tortured except that a prisoner Akalman Sunuwar by name has been reportedly chained on both legs. Mr Sunuwar who has been undergoing life sentence for killing a 4 year old female child is mentally imbalanced. His human rights has been violated by not providing with appropriate medical treatment.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	1	2
Rape	-	2
Death due to Police Torture	1	-
Suicide	-	-



A scene of Gorakha Jail

1.3 Arrest/Torture

On October 16, 1993, Chin Kaji Baniya, a local inhabitant, presented first information report to the police office accusing Buddhi Singh Baranu and Kajiman Baranu of theft. Buddhi Singh was arrested without warrant and kept under custody upto 39 days for investigation. Kajiman Baranu arrested on the same charge was so severely tortured that one of his ear-drums was broken. His human right has been violated first by being beaten and second by not providing with medical treatment.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Although individuals and political parties having differing views have been allowed to express and spread their respective views in a peaceful manner and no mass meetings and protest demonstrations are reported to have been intervened this year, individuals having views different from those of the party in power have been reportedly harassed. It has been more so especially in the field of education. Teachers affiliated with Nepal National Teachers' Organization are said to have been threatened of transfer to difficult

and remote areas, of dismissal and demotion. Krishna Man Singh, a teacher, has been transferred to two schools within one year on the accusation that he was affiliated with United People's Front.

2.2 Religious Freedom

A major discrimination in this field is that the so-called untouchables are not allowed to enter into the temple of Kali inside the Gorakhnath Palace compound.

2.3 Political Freedom/Free and Fair Election

Although the general public here are free to hold and publicize views, be affiliated with this or that political party and use their right to vote according to the dictate of their conscience, political parties tend to harass, humiliate and even threaten individuals with differing views in areas where they have a stronghold.

2.4 Quick and Fair Trial

Owing to ignorance and poverty, the general public have not been able to enjoy the right to quick and fair justice. This year, 101 civil cases and 93 criminal ones were registered at the local court. Of them, 2 are political cases, 6

murder cases, 2 public offence case and 2 related to rape.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

No incidents of women trafficking were heard of in this district this year.

4.2 Jari, Polygamy, Devaki and Badi System

Shyam Gautam, an employee of Gorakhkali Rubber Factory, married Sita as his second wife on February 5, 1992. The first wife registered a lawsuit at the local court claiming her right to livelihood and it was decided in favour of her. However, Shyam Gautam has not been imprisoned and fined as per the court's decision, which shows the slackness of the court in enforcing human rights.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

Although people belonging to the poverty-stricken group work as wage labourers, there are no slaves here in real sense of the term.

5.2 Other Inhuman Behaviours

A traditional inhuman practice exists in this district, which is that among the Lama community it has been the custom that the second son and the second daughter are to be

offered to the Lama teacher at the monastery. A public awareness campaign needs to be launched to do away with such evil practices.

6. Indigenous Rights

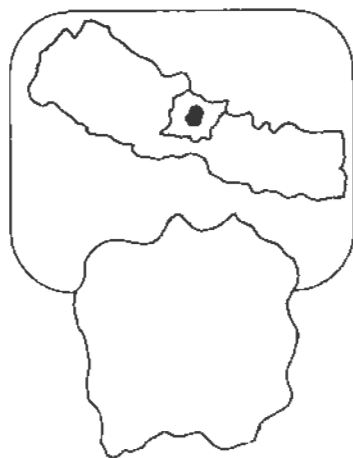
7. Child Rights

The majority children in this district are deprived of access to education. In remote areas where there are no schools, there is no question of sending children to school, while where there are schools many of the parents do not seem interested to send their children there due to poverty and ignorance. Besides, child labour is a common practice here as elsewhere. Thus children are utterly deprived of the rights to learn, to play and to enjoy their childhood.

Additional Information

Gopi Raj Bhandari who had raised Rs.15/- from each household of Deurali VDC saying that he was the assistant overseer of Electricity Authority Office and he would supply electricity, was arrested on November 11, 1993. Action has been initiated against him.

A group of about 300 persons including Ekadev Pandey looted 32 muris of rice and 100 loads of straw from the rice field of five persons including Jagan Nath Pandey of Nanjung-8 at 7 in the evening on November 12, 1993. This happened as a result of a dispute of share of property between the Pandey. The looters are being taken action against. □



3. Western

Gandaki

3.3 Lamjung

Population : 153,697

Literacy : 46.8%

Women Literacy : 33.8%

Area : 1692 sq.km.

LAMJUNG, a district in the western hills, is backward not only from economic and social point of views but it is also poor in political culture. This is what the overall human rights situation in this district reveals.

1. Right to Life

1.1 Killings/Firings

Although incidents of killing by bullet have not been reported this year, a shocking incident in which Bodhi Kushi Ghale, 26, killed her newly born baby boy on October 16, 1993, has come to public notice.

1.2 Jail

Now there are 19 prisoners in the local jail, a woman included. For lack of beds, the prisoners are compelled to sleep on the damp floor, which has adversely affected their health. The only vocation of cloth-weaving and rope-making the prisoners are engaged in at present is going to be stopped on the excuse that there is no legal provision for it. This is an instance of violation of prisoners' right to work. The jail utterly lacks in reading and entertaining materials and even personal letters are reportedly censored. Ram Prasad Pokharel, a detainee, complains of not being allowed to hire a lawyer to plead his case.

1.3 Arrest/Torture

Tej Bahadur Bhandari, a member of Nepal National Teachers' Organization, is said to

have been arrested twice without warrants this year out of political prejudice. Bhesh Bdr Silwal, following his arrest on June 30, 1993, was severely beaten on the way to the police office and under custody as well. The victim was accused of encouraging his married sister to elope, but no evidences have yet been discovered to support it.

Pati Ram Tamang was arrested without warrant on the allegation that he had kept his father's gun after the latter's death without having its license transferred in his name. Under custody, he was badly beaten and made to clean utensils in a humiliating manner. His human right was violated first by beating him and second, by not providing with medical treatment.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Some teachers have been found victimized on the ground of their affiliation with NNTO. As elsewhere, to threaten them of transfer to difficult and remote areas, of dismissal and

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	-	3
Rape	1	-
Suicide	-	-

demotion is a common practice in this district as well. Even competent teachers have not been able to be permanent owing to bias attitude on the part of the administration.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

For lack of political tolerance, opinions different from those of the party in power or of that in a predominant position in the area, are often suppressed.

2.4 Quick and Fair Trial

There has been a case that reveals the fact that justice can be politically influenced. The supreme court had decided to sentence Buddhi Bdr Silwal, Purna Giri, Parhati Giri and Bal Krishna Giri for 20 years on the charge of a murder that occurred in February 1982. Of them, only Buddhi Bdr Silwal was dramatically released on February 18, 1992.

3. Landless/Squatters

In this district, according to 1991 census, six thousand and ninety seven families were found to be homeless, the majority of whom were squatters. Following the restoration of the present multi-party system, these people have occupied public land near Sundar Bazaar, building miserable hovels there. Also there have been incidents of destroying the hovels and spoiling the meagre belongings of such people by local administration. This is an outright violation of their right to live.

4. Women's Rights

The situation of women's rights does not appear to be any better. Here is a terrible case in point. On October 10, 1993, Budh Maya Wagle, 26, delivered a child. Right after her delivery, she was accused of having illicit connection with some other man and driven out of the house.

4.1 Trafficking/Rape

Compared to those of last year's cases, women trafficking appears to be declined. As for rape

cases, there have been some, but out of cultural pressure such incidents are often found to be kept secret.

4.2 Jari, Polygamy, Devaki and Badi System

Practices of jari and Polygamy can be seen here. Men tend to marry the second time out of economic greed, thereby violating women's rights.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

5.2 Other Inhuman Behaviours

In this district, cases related to prostitution and dowry are said to be on the increase. The practice of bonded labour also exists here. Besides, discrimination between higher and lower castes as well as between the rich and the poor can be strongly felt.

6. Indigenous Rights

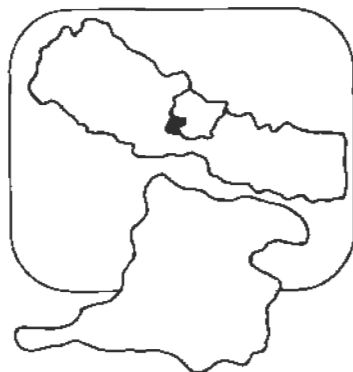
Here, the majority of the population is that of indigenous community that includes the traditional tailors, cobblers, smiths and potters. As these vocational skills are becoming obsolete with the advancement of new technology, these people are having a hard time earning their livelihood. Besides, they are also looked down upon and exploited by the so-called upper caste community.

7. Child Rights

Because of ignorance and poverty, the majority children of school going age are made to work to earn a living, thereby violating their rights to education play and enjoying their childhood.

Additional Information

An advertisement was published in May 1993 to fill in the position of an office assistant of Nepal Red Cross Society, Lamjung. Written and oral tests were also conducted in June and July 1993 respectively. However, the result has not been published yet. It is said that there is a compulsion to pass an incompetent candidate under political pressure - hence the delay. □



3. Western

Gandaki

3.4 Syangja

Population : 293,526

Literacy : 51.1%

Women Literacy : 38.2%

Area : 1164 sq.km.

A district in Gandaki Zone, Syangja does not seem to be an exception to the question of violation of human rights this year. There are many ways in which human rights have been violated here.

1. Right to Life

1.1 Killings/Firings

Luckily, killings by police firing have not been reported this year.

1.2 Jail

The local jail seems to be over-crowded, difficult even to breathe at ease. Besides, the prisoners there complain of not having enough drinking water and medical facilities. A report says, as the policemen even on duty used intoxicants, two prisoners - Bal Bahadur GC and Dil Bahadur Sen - were successful to flee from jail on August 18, 1993. It is said that the prisoners are deprived of their regular rights provided by law of the land on the pretext that they had assisted the jail breakers. Also, they are not allowed to continue their regular vocation of making baskets, weaving caps etc following the aforesaid jail-break. Mahamad Miya and Chudamani Kafle are still in jail just for not being able to pay a bail of one thousand and five hundred, and seven rupees respectively.

1.3 Arrest/Torture

Incidents revealing political prejudice and revenge on the part of the party in power have come to public notice. Here is a case in point. On July 4, 1993, some unknown persons at the instigation of VDC Chairman and Vice-Chairman, so says the report, began to throw stones upon the protest demonstration jointly organized by seven leftist groups in Waling bazaar. Later, the majority of the demonstrators were prosecuted on the charge of public offence. On top of that, twenty others were arrested at the complaint of the chairman. Besides, among those eighteen prosecuted in connection with Nepal Bandh of July 4 includes Mana Kaji Shrestha, organizer of Regional Action Committee (UML). There have been several such cases in this district this year in which citizens' rights to association and peaceful protest demonstration have been violated. Among those trying to close shops in Syangja Bazaar in connection with the Nepal Bandh called by 4 leftist factions on September 21, 1993, the police arrested 28 persons without warrants. Krishna Bdr KC, following his release from Palpa Jail,

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	1	-
Rape	-	-
Suicide	-	-

was rearrested without warrant on April 23, 1993 on the pretext that he was Ram Bdr Tiwari who had escaped from Damauli Jail.

2. Fundamental Rights

2.1 Freedom of Expression/Association

People holding views different from those of the party in power are reported to have been harassed and made to suffer. Here is an example to show how this happens. On October 10, 1993, Indra Bdr Thapa, Tika Bdr Thapa and Gam Bdr Thapa were beaten by persons connected with the ruling party. This was said to be a case of political revenge. One of the victims, Gum Bahadur, is still missing. In connection with this incident, not the culprits but the victims have been made to suffer under public offence.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

As mentioned above, those in power try to humiliate, defame and suppress citizens on the ground of political differences. As in other districts, among those that are made to suffer the most are school teachers.

2.4 Quick and Fair Trial

A good many lawsuits are said to be pending. Under the local court, the total number of lawsuits is 235 at the moment. Because of the lethargic working style of the court, public confidence is dying down. It is not difficult to find instances in which prisoners are not freed even after they have completed the term of sentence. The case of Ram Bdr whose term of sentence is said to have been completed last October and who is still in jail, is a terrifying example.

3. Landless/Squatters

4. Women's Rights

Among other things, women are reported to have been beaten, harassed and humiliated by their husbands at night after drinking liquor.

4.1 Trafficking/Rape

4.2 Jari, Polygamy, Devaki and Badi System

The practice of Jari is reported to have been widespread. Likewise, polygamy also is not on the decline.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

5.2 Other Inhuman Behaviours

This year such a disgraceful incident related to caste-discrimination happened in this district that anyone having a sense of human dignity should feel ashamed. Bhagawati Milk Producer rejected to purchase the milk brought by 50 households of the same community, who happened to belong to the so-called untouchable group. Instead of supporting the rights of these humiliated ones the local administration turned a deaf ear to their grievances. This disgraceful practice demands that the so-called untouchables need to get organized and fight for their human rights.

6. Indigenous Rights

7. Child Rights

As elsewhere, many children in this district are deprived of their legitimate rights to access to education and a happy childhood.

Additional Information

Two persons have been reported to be killed as a result of personal conflict. □



3. Western

Gandaki

3.5 Kaski

Population : 292,945

Literacy : 56.8%

Women Literacy : 44.2%

Area : 2017 sq.km.

KASKI, a district in Gandaki Zone, is well known as one of the most beautiful places and hence as an attractive centre for tourism in Nepal. This district is much talked of not only from the point of view of its natural beauty but also from the incidents of violation of human rights.

1. Right to Life

1.1 Killings/Firings

Although firing and killing using the armed force did not occur in this district this year, there have been several murder cases committed for some other reasons. When some vandals set the house of Dil Bdr BK to fire, his wife, Hiramati, was burnt alive and a lot of property was destroyed on December 4, 1993. The police authorities did not show much concern to investigate the incident and punish the culprits. The loss of his wife and property has driven Dil Bdr BK to a state of despair.

Shanti Devi Tiwari of Majhthan killed her new born illegitimate baby. Om Bdr Chhetry, a 53 year old ex-soldier, was killed near the pension camp, Pokhara. The murderers have absconded. These are some of the major incidents in which the citizens' right to live or right to security have been violated.

1.2 Jail

The local jail is over-crowded. There is not enough space for each prisoner even to lie down at ease. The prisoners are heard to complain of not having been provided with the minimum facilities guaranteed by law. They are said to have been ill-treated by jail authorities.

1.3 Arrest/Torture

Arresting political activists and inflicting torture on them have become common occurrences in this district. Agitators were widely arrested without warrants in connection with the general transportation strike jointly organized by seven leftist groups on July 19-20, 1993. In this connection, 150 agitators including MP Tul Bdr Gurung, college teachers Devendra Adhikari and Bhawani Pandey were arrested without warrants. The house of Ram Raj Regmi, a school teacher in Pokhara, was searched. He escaped arrest but Badri Sharma, Indra Bdr Thapa and Nawa Raj KC who were staying in his house on rent were arrested. Ishwar Paudel, Komal Bhujel, Gokarna Pandit and Dilip Kumar Shrestha, the activists of United People's Front, were arrested without warrants in connection with the Nepal Bandh programme organized on September 21, 1993. They were accused of vandalism. These are some of the instances in which political activists' right to information and association have been violated. Such cases of violation of human rights actually ridicule the rule of law.

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	1	-
Rape	-	5
Suicide	-	25

2. Fundamental Rights

2.1 Freedom of Expression/Association

People are found to be arrested simply for supporting strikes or other political activities organized by opposition parties. These are the cases that show that freedom of expression and of association have not been safeguarded. Teachers and government employees are found to be victimized on the ground of differences of opinion.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

The practice of arresting political activists from peaceful protest demonstration reveals the fact that the party in power is poor in political culture and lacks in tolerance of differences of opinion. Opposition activists are also found to be threatened and prosecuted on false charges, and tempted and pressurized to change their political ideology. This is an outright violation of freedom of conscience.

2.4 Quick and Fair Trial

Because of ignorance and poverty, the majority of the population still seems to be deprived of quick and fair justice. Also, in many case, they are compelled to admit false charges by means of force.

3. Landless/Squatters

4. Women's Rights

Being economically dependent and culturally unaware, women are not able to enjoy rights equal to men. They are treated as playthings by their husbands. The case of Tulsi Devi Pandey is a typical example. After having three children she was ill-treated by her husband, Ganesh DK. Her daughter died of cholera while being taken to hospital. Her husband, a policeman, filed a lawsuit against her accusing her of killing the daughter. In this way, she was made to suffer for no fault of hers.

4.1 Trafficking/Rape

This district is no exception regarding the incidents of women trafficking, but, because of cultural

pressure, the victims do not often dare make them public. Gyanu Maya KC and Hari Maya Thapa, using intoxicant in her food, took Madhumalati Basnet, 28, of Pokhara to Bombay to sell her there for prostitution. She was lucky enough to escape from the culprits' clutches. With regard to violation of women's rights, two actual and two attempted rape cases have also been reported. Maya of Dhading and Vishnu Maya of Pokhara were raped by Kanchha Lama and Amar Bahadur respectively on January 28, 1993. Likewise Bina of Pokhara was raped by Om Gurung of the same neighbourhood on May 25, 1993. John Ahmed of Kashmir, India, attempted to rape a two year child, Shitala of Pokhara, on September 13, 1993. Bahadur Gurung also attempted to rape a child on September 22, 1993.

4.2 Jari, Polygamy, Devaki and Badi System

Polygamy is found to be practised in this district, violating the rights of women provided by the constitution. Four cases of second marriage by men have been reported this year.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

5.2 Other Inhuman Behaviours

Untouchability, a problem created by the Hindu caste system, has still been a problem for communities belonging to lower castes. Their human rights are violated by not allowing them to enter into Hindu temples and forbidding them to get water from public water taps.

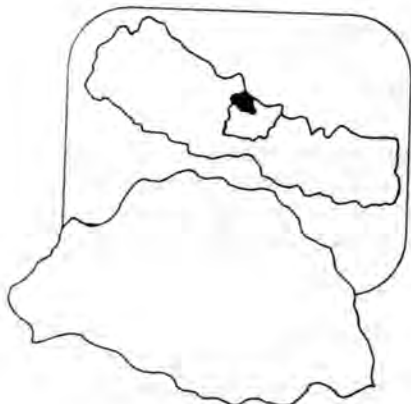
6. Indigenous Rights

7. Child Rights

Children from poor families are made to work at home or in hotels, thereby violating their rights to education, play and leading a happy childhood.

Additional Information

Twenty four persons are reported to have committed suicide this year. □



3. Western

Gandaki

3.6 Manang

Population : 5,363

Literacy : 42.9%

Women Literacy : 29.9%

Area : 2246 sq.km.

A district in the most outlying area and having the smallest population, Manang did not experience serious incidents violating human rights this year.

1. Right to Life

1.1 Killings/Firings

1.2 Jail

This district does not have a jail building. A rented house has been used as a jail for the last 12 years. This temporary jail is reported to have been empty this year.

1.3 Arrest/Torture

This year, nobody was found to be arrested for political reason. In an incident the police themselves were found to be involved in violating citizens' human rights. On November 15, 1993, when a group of people was going from door to door singing the songs of Tihar, a Hindu festival, 3 drunken persons among whom was Ganga Giri, a policeman, manhandled the singers. As the group took its way to avoid untoward incidents, Ganga Giri chased them and attacked Ram Bdr Gurung with a Khukuri, injuring him seriously. Two persons were reportedly arrested this year. One was Mangal Bdr Ghale arrested in connection with a theft case and the other was Ngima Lama arrested on the accusation of rape. No one was reportedly tortured.

2. Fundamental Rights

2.1 Freedom of Expression/Association

No incidents restricting freedom of expression and of association on the part of local administration have been reported.

2.2 Religious Freedom

The local people are found living with religious harmony.

2.3 Political Freedom/Free and Fair Election

The citizens are reported to have been allowed to act freely according to their political convictions.

2.4 Quick and Fair Trial

The local people are found complaining of not having quick and fair justice, the reason being that the present judge of the district court is incompetent and incapable of deciding the cases promptly and fairly.

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	-	-
Rape	-	1
Suicide	-	-

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

Only one rape case has been reported this year.

4.2 Jari, Polygamy, Devaki and Badi System

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

5.2 Other Inhuman Behaviours

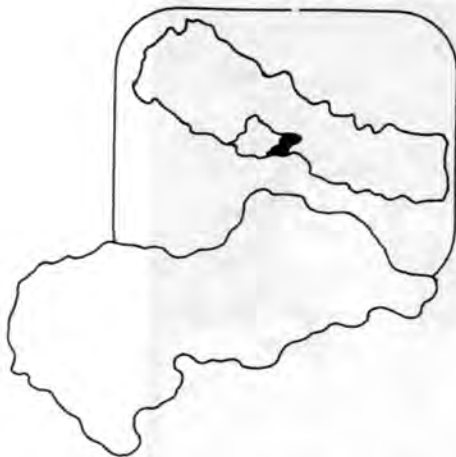
6. Indigenous Rights

7. Child Rights

The few schools that the district has can not be reached by all children living far away. Many of the parents are not keen on sending their children to schools even where they can be reached.

Additional Information

There have been two incidents of beating resulting from personal grudge and a sense of revenge. ☐



3. Western

Lumbini

3.7 Nawalparasi

Population : 436,217

Literacy : 39.0%

Women Literacy : 25.0%

Area : 2162 sq.km.

NAWALPARASI, a small district in the terai, geographically connected with India, has its own significance from economic and cultural point of views. Evidences support that this district has also witnessed widespread violations of human rights.

1. Right to Life

1.1 Killings/Firings

Although not many killings from police firing have been reported from this district this year, many incidents resulting in murder have come to public notice. On July 19, 1993, UML activist Bir Bdr Pariyar, 32, was killed by police firing near Danda in connection with the transportation strike organized by seven leftist groups. On the same day, a group of policemen led by CDO Vijaya Raj Bhattarai opened fire upon the peaceful demonstration, thereby killing Yam Bdr Karki, 17, of CPN (Masal) and injuring more than 30 agitators including Dal Bdr Pulami and Bhim Raj Aryal. Sixty agitators were arrested following the firing. The ones arrested including Durga Bhandari were brutally beaten. On top of that, the police force entered into villages and looted and destroyed the poor villagers' belongings. This and such other incidents stand testimony to the fact that the main violator of human rights has been the arbitrary administration even after the restoration of the present political system.

There have also been some murder cases committed out of greed, personal revenge and political intolerance.

1.2 Jail

The building being used as a jail used to be a horse stable. It is so old that it can collapse during any monsoon. Seventy persons are kept in a narrow hall that can accommodate only 30 persons. For lack of space, prisoners take turn to go to bed at night. From hygienic point of view, it is some of the worst jails in the country.

1.3 Arrest/Torture

Violating the rights to expression and association, individuals belonging to opposition parties are arrested without warrants and are often tortured. On July 19, 1993, sixty agitators were arrested in Danda in connection with the transportation strike jointly organized by seven leftist groups. All those arrested without warrants were brutally tortured. The police force, instead of being a motivator in maintaining law and order, has

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	5	4
Rape	-	1
Suicide	-	-



Yam Bahadur Karki : Killed in Danda shooting incident

often engaged itself in activities creating anarchy and disorder. Here is a case in point.

On October 24, 1993, a policeman patrolling on a motor-bike hit some children of Pabitra Basti. The local inhabitants got angry and an argument started. Later, the two arguing parties reconciled and the dispute ended. But the next day, Keshav Gurung who had played a role in settling the dispute, was arrested on order of Sub-inspector Man Bahadur Basnet. As the local people were imploring the policemen not to beat the arrested one, the atmosphere got tense. Meanwhile, the policemen opened fire, creating terror. Later, when Chhetra Bahadur, Bhim Bdr Thapa, Ram Chandra Ghimire and others entered the police office intending to settle the dispute and free Man Bahadur, they were arrested, beaten and prosecuted on false charges. They were not given any food to eat while in custody.



Bir Bahadur Pariyar : Killed in Police-firing

On December 19, 1993, the policemen charged batons upon activists of Nepal Sadbhavana Party, who were staging a peaceful sit-in protest in front of the CDO office to have their demands met. Durga Chaudhari, Mahat Pd Yadav and Omprakash Chaudhari were seriously injured. The next day, 33 persons



Nawalparasi Jail : In poor condition

including MP Triyogi Narayan Chaudhary were taken under custody for 6 hours in connection with the same incident.

2. Fundamental Rights

2.1 Freedom of Expression/Association

As described above, resorting to force to restrict freedom of expression and of association seems to be a common occurrence in this district.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

In this district, the stronger political parties seem to be inclined to suppress the less stronger ones. Here is a case in point. Some activists of Rastriya Prajatantra Party beat Ram Bdr Thapa Magar very severely out of political revenge.

2.4 Quick and Fair Trial

The local people are reported to have complained of not being able to enjoy quick and fair justice. Because of the lethargic working style of the court, people do not have much confidence in it.

3. Landless/Squatters

In this district, the number of landless and squatter households is very high. Although these people are leading a terribly difficult life, no effective step has been taken by the government to respect their right to live.

4. Women's Rights

4.1 Trafficking/Rape

Women trafficking and rape are not so uncommon occurrences here. This year, half a

dozen of women trafficking incidents and one rape case have been reported.

4.2 Jari, Polygamy, Devaki and Badi System

One case of polygamy has been reported this year. Under this case, Narayan Neupane, an assistant sub-inspector of the local police office, is reported to have brought home a second wife called Gita Neupane. Later, he drove Gita out of his house.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

In this district many poverty-stricken people are found working for the local landlords as slaves. The real number of such people has not been reported.

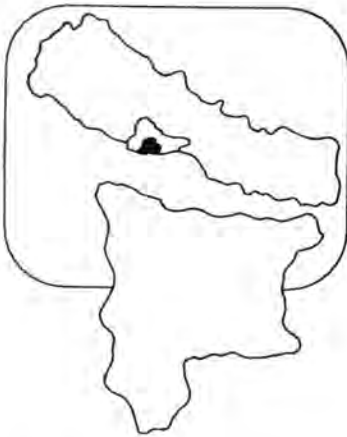
5.2 Other Inhuman Behaviours

Lalit Dhobi, a poor man of 52 years, was brutally beaten by landlord Ramchandra Maurya from Gami-1 on August 20, 1993 for giving witness in a lawsuit against him. Three of his ribs were broken. Ironically, the District Police office is reported to have defended the landlord.

6. Indigenous Rights

7. Child Rights

As in other districts, the majority children of school going age are made to work for a living, violating their rights to education, play and enjoying a happy childhood. □



3. Western

Lumbini

3.8 Rupandehi

Population : 522,150

Literacy : 39.8%

Women Literacy : 26.1%

Area : 1360 sq.km.

A district geographically connected with Uttar Pradesh of India, Rupandehi often gets terrorized by dacoits both from inside and outside. The open border serves as a shield for dacoits who can freely move back and forth. Needless to say that incidents related to robbery, murder and manhandling are more or less common occurrences in this district.

1. Right to Life

1.1 Killings/Firings

As in the neighbouring district, Nawalparasi, killing by police firing occurred in this district as well. This happened on July 19, 1993 when a transportation strike was called by seven leftist groups to pressurize the government to meet their demands related to social security, price hike, Das Dhunga murder incident and so on. As leftist activists were requesting the owners of vehicles to cooperate with them, the police force approached at Devagaha VDC. When an argument between the agitators and the policemen was going on, firing occurred

all of a sudden on order of inspector of police, Jivan Kumar Thapa. Twenty three year old Nar Bdr Nepali was shot dead on the spot and Pralhad, 13, and Prem Bdr Chhantyal, 30, were seriously wounded. On July 20, a headless body was discovered at Butawal, which could not be identified. Prem Shrestha from Rautahat who was working as a labourer at Butawal was beaten to death on July 19, 1993 by local policemen on the pretext that he was drunk. Three other persons are reported to have been killed. The report does not mention whether they were political or personal killings. Besides, Ramsurat Kewot of Jhumka was shot dead by some unknown persons. In this district, 4 dacoits are reported to have been killed by policemen amidst a clash.

1.2 Jail

The local jail is reported to be over-crowded. There are now 163 prisoners of whom 100 are alleged and the rest convicted. There is not enough space even for cooking. Prisoners do not seem to have been allowed to be engaged in vocations viable inside the prison bar.

1.3 Arrest/Torture

In connection with the above mentioned transportation strike, some agitators were arrested without presenting warrants. Among those arrested included Surendra Pokharel and Bal Kumar Shrestha. It is learnt that the practice of prosecuting political activists

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	2	-
Torture in Custody	-	3
Rape	5	4
Death due to Police Torture	-	1
Suicide	-	58

affiliated with opposition parties on false charges still exists in this district. Not only political activists but also human rights activists are found to have been terrorized by supporters of the party in power. Binod Pahadi, a human rights activist, was beaten when he was supervising the overall situation of the general strike and taking photographs. Likewise, Purusottam Kandel, Bala Ram Marasini and Rambabu Bhattarai were also ill-treated. During the same strike, Tej Prasad Kandel, Chairman of local FOPHUR committee, Hrishu Bhushal, Navin KC, Bala Ram Marasini and 51 others were arrested without warrants. Some of those arrested have been prosecuted under public offence act.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Reports say that people engaged in peaceful agitation are fired, arrested, beaten and even prosecuted on false charges. The majority of the people have not been able to enjoy these rights and improve the quality of their life because of poverty and ignorance.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Opposition activists are found to have been taken action against by local administration out of prejudice and revenge. Teachers, who have been excessively harassed, are a case in point.

2.4 Quick and Fair Trial

Very few people seem to have confidence in the local court. They think that only those who are well off can buy justice.

3. Landless/Squatters

About 3 thousand landless families exist in Devdaha and Rudrapur VDC. Besides, there are landless people in many other parts of this district. Out of the Indian Nepalis driven from Meghalaya, India, 40 families are living in Lumbini. The local bullies are said to have

extracted money from these landless people tempting them to provide certificates of the plots of land they have been using. These bullies also tend to usurp the land being used by these helpless people with the assistance of local administration.

4. Women's Rights

4.1 Trafficking/Rape

Three incidents related to women trafficking and four to individual or gang rape have been reported this year.

4.2 Jari, Polygamy, Devaki and Badi System

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

5.2 Other Inhuman Behaviours

People belonging to so-called untouchable groups are reported to have been discriminated against by not only the so-called touchables but also by the local administration, thereby depriving them of their social and cultural rights.

6. Indigenous Rights

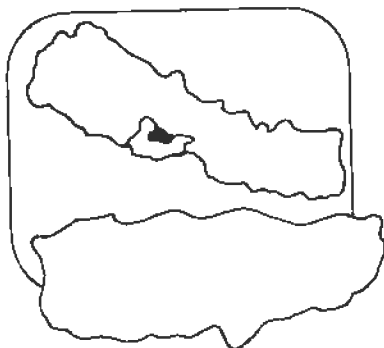
7. Child Rights

Because of ignorance and poverty, many of the children of school going age are deprived of their rights to education, play and a happy childhood. They are forced to work for a living.

Additional Information

On July 17, 1993, MP Santa Prasad Chaudhary manhandled local development officer Prakash Bdr Malla in course of a meeting of DDC staff. This happened when there was an argument about the old planning.

Three murder or suicidal cases have been reported. Besides, there have also been incidents related to beating and kidnapping. □



3. Western

Lumbini

3.9 Palpa

Population : 236,313

Literacy : 48.0%

Women Literacy : 34.7%

Area : 1373 sq.km.

PALPA is a district of Lumbini Zone. Although this district adorned with the beauty of nature, is considered to be one of the politically conscious areas of Nepal, it is not reported to be free from incidents violating human rights.

1. Right to Life

1.1 Killings/Firings

Firing has not been reported to have occurred in Palpa this year, but there have been many incidents of killing out of personal malice. Hum Bdr Darmali alias Somare from Dohhan-2 killed Hastabir Darmali out of greed in February 1993. Khim Bdr Rana struck his wife Gopi Kumari with a Khukuri, with intent to kill her on May 1, 1993. Local inhabitants Bhesmaya, Lal Kumari, Kamala and Gham Bdr Majhi also got injuries while trying to save Gopi Kumari. Later, Khim Bdr attempted to kill himself. The police, after having provided medical treatment, has kept the culprit behind the bars.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	1
Rape	1	1
Suicide	-	2

1.2 Jail

The condition of local jail is much better than those of many other districts in many respects. It has 16 separate rooms apart from the jail office building. It has a lower secondary school for prisoners and it also conducts a programme related to domestic skill training and sewing. Among the 186 persons being kept in jail 141 are men, 33 women and 12 children. The prisoners here complain of not having adequate legal facilities as provided by law.

1.3 Arrest/Torture

There have been many cases of arrests and a few of torture this year. On April 1993, Shesh Kanta Gautam, Chairman of local free students' Union, was arrested following a clash between students of Nepal Students' Union and All Nepal National Free Students' Association. Mr Gautam along with other students was arrested without warrant. On July 4, 1993, in connection with the Nepal Bandh called by seven leftist groups, leftist agitators and Nepali Congress activists exchanged stones. In this incident, a 60 year woman, Sukundari Shrestha, sustained an injury on the head. In another clash of the same nature, Shesh Kanta Gautam, Ram Prasad Bhattarai and Man Bdr Karki were injured. On July 19, 1993, district coordinator of United People's Front, Gobardhan Gauli, and Madhukar Shrestha were arrested without warrants in

connection with the transportation strike. They were reported to have been inflicted minor torture having shut up in a dark room with damp floor. During the same programme, Krishna Prasad Basyal of Pokharathok, who was heading for Tansen to buy medicine, was so severely beaten by policemen that both of his arms were broken and his head injured. On September 1993, at a football match in Tansen, policemen led by Inspector Rajan Thapa charged batons, injuring five persons. In the incident, Rajendra Man Singh's leg was broken by police beating.



Palpa Jail

2. Fundamental Rights

2.1 Freedom of Expression/Association

Individuals are reported to have been enjoying freedom of expression without any direct restriction. As for the right to association, the above mentioned untoward incidents present a realistic picture.

2.2 Religious Freedom

The Hindus are in majority here. No incidents of religious dispute are reported.

2.3 Political Freedom/Free and Fair Election

Political intolerance is rampant in this district. Parties having stronger influence are found to be reluctant to accept the existence of opinions different from theirs. Consequently, untoward incidents occur now and then. Teachers are made to suffer most as elsewhere.

Gobardhan Gauli, a teacher in Padma Secondary School, was driven out of his profession just because of his political conviction. Teachers are hired or fired on political basis. Needless to say that individuals are discriminated against on the basis of what political views they belong to.

2.4 Quick and Fair Trial

Those who are able to reach the court are not found to have complaints against the decisions

made by the court. But the fact remains that the court is out of reach for the majority living in poverty and ignorance.

3. Landless/Squatters

There are some households of landless people who have taken shelter in Ward No.7 and 10 of Tansen Municipality. They are found to have been suffering the same fate as the landless people elsewhere.

4. Women's Rights

4.1 Trafficking/Rape

This year, only one rape case has been reported from this district. The alleged rapists are in prison awaiting trial.

4.2 Jari, Polygamy, Devaki and Badi System

Two incidents of polygamy have been reported. The victimised women have reached the court claiming punishment to and livelihood from their respective husbands.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

The so-called untouchables are still deprived of their right of equality with people belonging to the so-called upper castes.

5.2 Other Inhuman Behaviours

6. Indigenous Rights

The communities of Magar, Kumal, Darai, Bote etc. who happen to be indigenous, have not been provided equal rights as other communities.

7. Child Rights

The majority children of school going age are made to work for a living, thereby violating their human rights to have education and the opportunity to enjoy a happy childhood.

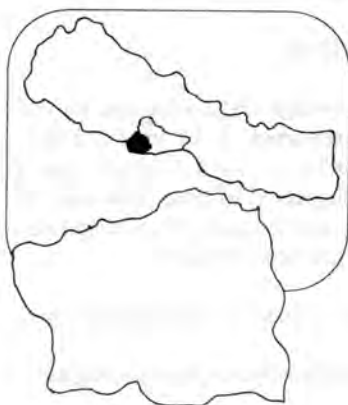
Additional Information

On April 1, 1993, students affiliated with NSU claimed that Shobha Sundar Neupane studying in the local Tribhuvan Campus had been shut up in a room by the Free Students' Union chairman Shesh Kanta Gautam, vice-chairman Gobinda Gautam and secretary Thakur Gaire. As the situation grew tense, Shesh Kanta Gautam and the others were arrested. The police say that Shobhasundar was not shut up as claimed.

A 30 year old woman Thamsira Thapa is reported to have committed suicide. □



*Mr Krishna Prasad Basyal :
Wounded with Police-beatings in
Chakka Jam Programme*



3. Western

Lumbini

3.10 Kapilvastu

Population : 371,778

Literacy : 23.3%

Women Literacy : 26.0%

Area : 1738 sq.km.

KAPILVASTU wherein lies the birthplace of Lord Buddha, is a famous historical and religious place. Because of the open border with India, dacoits are free to move back and forth, creating an atmosphere of terror, thereby violating human rights.

1. Right to Life

1.1 Killings/Firings

This year, three persons have been murdered and two injured by unidentified persons, supposedly dacoits.

1.2 Jail

Compared with jails in most other districts the condition of the local jail is not that poor except that its hygienic condition has not yet been improved. The jail having the capacity of accommodating 100 persons consists of 87 individuals including a child. The prisoners are said not to have been provided with appropriate medical facilities.

1.3 Arrest/Torture

Political intolerance seems to be rampant here. When Nepal Sadbhavana Party launched a hunger strike putting forward 10 demands, the police arrested many of the strikers without warrants. Functionaries of the local forest protection office are reported to have suffered

the local inhabitants who go to the forest to collect firewood. In such an incident on May 11, 1991, many people were said to have been injured by forest guards. Following the incident, Tika Ram Gosain, Chum Lal Pokharel and seven others were arrested and tortured. From this district, this year, a case has been reported in which journalists' right to flow information was violated. Following the publication of a news related to them in Dainik Lumbini, a local newspaper, on June 25, 1993, Prem Singh, Suraj Verma and others attempted to beat its editor. They came across Devendra Kewot, a distributor of the paper, and beat him severely, seizing all the papers he was carrying along.

2. Fundamental Rights

2.1 Freedom of Expression/Association

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Incidents involving political revenge have been reported from this district.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	1	1
Rape	-	3
Suicide	-	-



*Gori Budhathoki : Killed in
Satkar Guest House*

2.4 Quick and Fair Trial

Because of poverty and ignorance, the majority people of this district are far from being able to reach the court in time of need. Unless the poor are provided with economic rights, talk of human rights does not seem to mean anything for them. It was learnt that 183 lawsuits were registered in the local court this year. Out of the 60 incidents registered in the local police office 36 are reported to have been forwarded to the local court.

3. Landless/Squatters

Fourteen families of Indian Nepalese driven out of Meghalaya, India, are reported to have taken shelter temporarily in Hathausa VDC. Being landless, their fate is uncertain. Likewise, there are some landless people in the villages called Patana and Pathardeiya.

4. Women's Rights

4.1 Trafficking/Rape

One incident of woman trafficking and two of rape have been reported. A 14 year old girl, Balamati Kaharin, is said to have been missing. She is suspected to have been sold by Prema Kaharin and Pampi Dhobin against whom no action has been initiated.

4.2 Jari, Polygamy, Devaki and Badi System

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

In this district, out of the total population nearly 7% are bonded labours. They have been leading a life as disgraceful as that of a slave. Their masters provide them nothing but meagre food.

5.2 Other Inhuman Behaviours

6. Indigenous Rights

7. Child Rights

As elsewhere, the majority children in this district instead of having been given an opportunity to go to school are made to work for a living, the reason being ignorance and poverty. A great many children from this district are also compelled to go to India to work there as hotel boys.

Additional Information

When Sita Ram Yadav from Krishna Nagar-5 was counting money in his shop, five Indian dacoits grabbed 60 thousand rupees, showing pistols.

This year, 15 suicides and 2 cases of polygamy have been reported. □



3. Western

Lumbini

3.11 Arghakhanchi

Population : 180,884

Literacy : 43.0%

Women Literacy : 29.5%

Area : 1193 sq.km.

ALTHOUGH considered to be politically conscious, Arghakhanchi is still backward economically. As before, there have been many incidents involving violations of human rights this year as well.

1. Right to Life

1.1 Killings/Firings

This year, no political activist has been reported to have been killed by police firing. But there have been many murders committed out of personal greed or malice. Pharsu Ram Gaure, a local inhabitant, killed his wife, Laxmi Gaure, on February 7, 1993. The culprit has confessed that he had killed his wife suspecting her of having something to do with another man.

On May 12, 1993, Tara Subedi, 21, killed her new born baby that she had conceived illegally. Madhav Bhusal is said to have got her pregnant, tempting that he would marry her. Amar Bahadur Regmi of Khanchukot-1 killed Ganesh Bdr Gurung when they were drinking alcohol together on October 17, 1993. Such murders can be counted many more.

1.2 Jail

This district does not have a jail so the alleged persons are sent to the jail in the neighbouring district, Gulmi.

1.3 Arrest/Torture

This year, a terrible case of torture has been reported from this district. Gopal Darji, a local untouchable, following his arrest on the accusation of theft on February 20, 1993, was chained on both legs. He was hung upside down and the hair on his head was brutally pulled out. He was so cruelly beaten on his soles that he fell fainted. When human rights activists went to visit him in the District Police office on March 2, they found him struggling for life in a miserable plight. He is said to have told that he was victimized out of political bias.

Eight students and teachers of a secondary school, Pharsawa, have been prosecuted on false charges of political bias. Many more such cases have been reported in which innocent people have been victimized by the local administration either with intent to squeeze money out of them or to take revenge on them with political bias.

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	1	4
Rape	2	-
Suicide	-	1

2. Fundamental Rights

2.1 Freedom of Expression/Association

Many incidents related to political intolerance have been reported from this district as well. The dispute and exchange of beating occurring at Bhagavati Secondary school is a case in point. On September 21, 1993, when the students and teachers disagreed to close the school in support of Nepal Bandh called by leftist parties, the teachers there were beaten by the agitators. In another incident, some hooligans teased and humiliated a group of women who were singing revolutionary songs celebrating the festival of Tij, a day when women have been traditionally allowed to express themselves, criticizing anyone or anything. When an advocate, Khem Raj Khanal, requested the hooligans to behave themselves, he was badly beaten. Surprisingly, the police administration hesitated to take action against those ruffians, maybe because they were supporters of the party in power.

On September 30, 1993, when some clients were eating at Gauchan Hotel of Thada-2 at 10 in the night, Dam Bahadur, a policeman of the local police post who was on duty, entered carrying a rifle with bayonet fixed to the muzzle and took Surendra Belbase, Kapil Dev Singh and Purushottam Belbase to the Police Post hitting them with the rifle butt. Then Sub-inspector Amar Bahadur immediately forwarded them to the health post to have checked whether they had taken alcohol. They were made to sleep the whole night on the damp floor.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

2.4 Quick and Fair Trial

The poor and ignorant section of the population in this district has not been able to enjoy quick and fair justice. This year, 226 lawsuits were reported to have been registered in the local court. Out of the 42 cases registered in the District Police Office this year, action was taken only against 19.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

Two cases of attempted woman trafficking have come to public notice this year. On March 15, 1993, Sabitri Rayamajhi and Devakala Acharya were taken to India by Hem Raj Bhujel with intent to sell them there. By coincidence, members of Nepalese Society for Unity in India came across the women and took them under their protection. The culprit is said to have absconded.

4.2 Jari, Polygamy, Devaki and Badi System

Only one case of polygamy has been reported from this district this year.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

5.2 Other Inhuman Behaviours

Two women from Thulo Pokhara, Nirmala Thapa, 37, and Parvati Adhikari, 65, are reported to have been accused of being witches. The stupid accusers threw stones at these poor women's houses and humiliated them in a shamelessly dehumanizing manner on September 21, 1993.

6. Indigenous Rights

7. Child Rights

Many of the children of school going age are made to work in the field or graze cattle. Poor parents cannot afford to send their children to school. Needless to say that children's rights to have education and to enjoy a happy childhood are grossly violated here as elsewhere in the country.

Additional Information

On April 30, 1993, Durga Bhusal and Saraswati Khanal lost their lives by being pressed beneath a mound inside a soil digging tunnel in Narapani-6. Three children sustained injuries in the accident.

Once case of suicide and one of drowning are also reported. □

3. Western



Lumbini

3.12 Gulmi

Population : 266,331

Literacy : 46.7%

Women Literacy : 39.0%

Area : 1149 sq.km.

IN Gulmi district of Lumbini zone, human rights have been found to be violated especially because of unfair political rivalry and personal conflicts.

1. Right to Life

1.1 Killings/Firings

Firing occurred this year in Bami Bazaar following a conflict among students. But fortunately, no one was killed. Some incidents related to murder committed because of personal prestige, greed and prejudice have been reported from this district. When a local inhabitant, Bhim Bdr Thegale, got Lachhima Kami, an untouchable woman, pregnant, he was afraid of losing face before the public. He, therefore, killed the poor pregnant woman on July 15, 1993, and hung her down the ceiling to show that she had committed suicide.

Similarly, Sita Devi Adhikari of Hunga killed her 14 year old son, Netra Bdr Adhikari and her 7 year old daughter, Saraswati Adhikari, on October 8, 1993. When confessing she told the court that she had killed her children to offer them to God. This was a terrific case in which two human being's right to live was violated in the name of God.

1.2 Jail

The dilapidated local jail has a leaky roof. The local administration does not seem keen on

repairing the jail building which is literally on the verge of collapse. This is an evidence to show that the prisoners' right to safety has been utterly disregarded. The jail lacks vocation for prisoners. The prisoners' demands that a barber, a sweeper and a television set be provided for them have also been ignored.

1.3 Arrest/Torture

Many political activists were arrested, tortured and prosecuted following the protest demonstration organized by leftist parties in June 1993. Police force charged batons upon the peaceful torch demonstration organized by leftists on July 18, 1993 in Tamghas. In the incident, Machhindra Shakyas' arm was broken while Kusum Malla, chairman of Naya Gaun VDC, sustained an injury on the head. Lawsuits were filed against Mahendra Rana, a UML activist and three others following their arrests. Likewise, in connection with the same protest demonstration, UML activists Kiswar Acharya, Ganga Bdr Nepali, Agni Dhar Lohani and Narayan Pokhrel were beaten and threatened to be killed by the policemen. Krishna Bdr Mithun arrested on the accusation

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	2	4
Rape	-	2
Suicide	-	-

of rape on September 9, 1993, is reported to have been beaten under custody by senior constable, Mukti Prasad. When a clash broke out between students of NSU and ANNFSU on September 14, 1993, individuals including those not involved in the clash were arrested and prosecuted under public offence act. Among those victimized with false charges include CPN (UML) activist Raj Kumar Shrestha and CPN (Masal) activist Mohan Shrestha. Incidents of repression by police force violating the human rights of those victimized have been numerous in this district this year.

2. Fundamental Rights

2.1 Freedom of Expression/Association

As mentioned above, the police force in this district appears to be very repressive. Batons are charged even upon protest demonstrations that are peacefully organized. Government employees and school teachers are discriminated against on the ground of their political conviction or affiliation. This year, 62 teachers were asked for clarifications for supporting the agitational activities organized by leftist parties. Besides, two teachers of Bami Taksar Secondary School were transferred to remote and difficult areas.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Individuals are reported to have been arrested, tortured and prosecuted simply for being communists. Political tolerance seems to be non-existent on the part of local administration. The case of Mahendra Rana who was arrested and persecuted on false charges, is a typical example. There is another case of outright repression and revenge. On July 15, 1993, five NC supporters including Ananda Shrestha attacked and injured 3 UML activists, when the latter were having snacks at Hotel Amar in Nayan Bazar. Ironically, the victims but not the hooligans were accused of hooliganism and taken action against.

2.4 Quick and Fair Trial

The general public do not seem to have much confidence in the court. They think that it is

money that can buy justice. That is why, they stay away from the court and therefore they are deprived of justice.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

One attempted and two actual rape cases have been reported from this district this year.

4.2 Jari, Polygamy, Devaki and Badi System

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

In this district, slavery does not exist in real sense of the term. However, those who are well-off tend to hire poor labourers to plough their land for the whole year, who are more or less treated like slaves.

5.2 Other Inhuman Behaviours

The untouchables in this district are treated in a humiliating and dehumanizing manner by the so-called touchables.

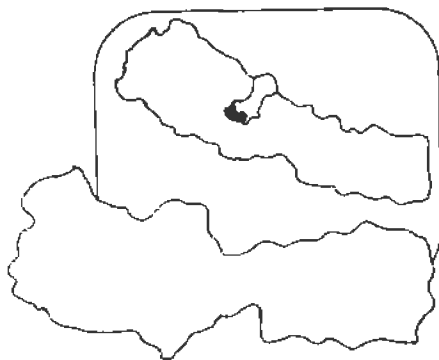
6. Indigenous Rights

7. Child Rights

The majority children of this district are found to have been deprived of their right to education.

Additional Information

Yuddha Dhoj GC from Tamghas and Dhan Bdr Thapa from Sirseni were badly beaten by Ananda Shrestha, Nava Raj Shrestha, Kailash Banjaj, Bhim Prasad Shrestha and others out of political revenge. The victims complain that the culprits were left unpunished. Likewise, Nava Raj Shrestha, Ananda Shrestha and others who beat Khim Bdr Rana, a student affiliated with ANNFSU, escaped punishment. □



3. Western

Dhawalagiri

3.13 Baglung

Population : 232,486

Literacy : 40.5%

Women Literacy : 27.1%

Area : 1784 sq.km.

EXCEPT for Baglung Bazaar, the district headquarters, most of the areas of this district are inaccessible by roads. A large section of the population seems to be unaware of its rights provided by the constitution, the reason being ignorance, poverty and exploitation. Consequently, this district has witnessed many incidents in which human rights have been violated this year.

1. Right to Life

1.1 Killings/Firings

This year, nobody has been reported to be killed by police firing but murder cases committed for other reasons are many. Three murder cases have come to public notice. The unfortunate victims were Tirtha Lal Sapkota, secretary of the forest committee, a 50 year old unmarried woman Mangsira Budha and a constable of police. Tirtha Lal is said to have been murdered by persons against whom he had registered complaints of clearing the forest. Mangsira Budha was killed by Nar Bahadur with intent to rob her jewellery, while the constable of police who was accused of rape was killed by inflicting torture under custody.

1.2 Jail

The local prison having the capacity of accommodating 25 persons contains 35 prisoners of whom 30 are men and 5 women.

Most of the prisoners are found to have been accused of theft, beating and murder. On September 1993, the prisoners staged a strike demanding facilities as provided by law.

1.3 Arrest/Torture

On May 27, 1993, Bhagirath Bhattarai, a teacher affiliated with NNTA was arrested without warrant. As he was being taken to the police office hand-cuffed, the villagers protested this inhuman behaviour and so he was set free. He was rearrested later on the accusation of assisting a culprit to abscond and was prosecuted under public offence act.

2. Fundamental Rights

2.1 Freedom of Expression/Association

The local people have not been able to enjoy their rights to expression and association without administrative interruption. Students are reported to have been victimized by local administration by making arrests and imposing false charges.

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	1	1
Rape	-	-
Death after Police-torture	-	1
Murder of Police-personnel	1	-
Suicide	-	-

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Bias actions are reported to have been taken against teachers and government employees. Individuals who are not willing to be affiliated with the party in power are harassed, the report says. That is why, the local people hesitate to express their political beliefs.

2.4 Quick and Fair Trial

The court is getting more and more expensive for poor people. On top of that, those who are poor are out of reach of the court. Now there are 233 cases registered at the local court. Out of the total complaints registered at the police office, 50 cases were related to public offence.

3. Landless/Squatters

Although there are some landless households in this district, their problem does not seem to be so serious.

4. Women's Rights

Women from the untouchable groups are deprived of the right to equality. Here is a case in point. Kamala Sarkini, an untouchable, fell in love with a boy, Top Bahadur who went to the same school. She got pregnant by him but was not allowed to enter into the house of her lover. Because of social pressure, Top Bdr rejected to give her share of property as

provided by law. Poor Kamala is now in a state of despair.

4.1 Trafficking/Rape

4.2 Jari, Polygamy, Devaki and Badi System

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

5.2 Other Inhuman Behaviours

Untouchability is found to a serious problem in this district. Even at the age of science and democracy the so-called untouchables are being treated as second rate human beings.

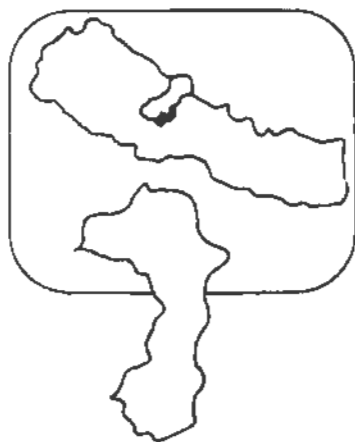
6. Indigenous Rights

7. Child Rights

Children in this district are made to do hard work. The majority of them cannot go to school owing to ignorance and poverty. Besides, female children are discriminated against male children.

Additional Information

Khoj Raj Khanal, manager of Nepal Bank Ltd, Harichaur Sub-branch, died falling down a steep cliff on April 4, 1993. Whether the incident was a suicide or a murder is not known. □



3. Western

Dhawalagiri

3.14 Parbat

Population : 143,547

Literacy : 51.7%

Women Literacy : 38.0%

Area : 49.4 sq.km.

ONE of the smallest hilly districts in Nepal, Parbat appears to be neither politically so conscious nor free from violations of human rights.

1. Right to Life

1.1 Killings/Firings

Two incidents of murder have been reported from this district. The ones murdered were Kamal Bdr KC and Dumra Prasad Jaisi. Kamal Bdr KC from Pipaltar-8 was killed by his drinking companions Krishna Prasad Shrestha, Dattu Gharti, Gobinda Prasad Shrestha and Arjundas Bairagi on May 10, 1993, following an emotional argument between them. On April 13, 1993, Dumra Prasad Jaisi was killed by Deu Rupa Paudel and her son and daughter from Kurma village. The culprits are being taken action against. These are cases of individual violations of human rights resulting from malice and a sense of revenge.

1.2 Jail

The 22 prisoners kept in the local jail are not provided with means of sports, entertainment and reading. The reason the jailor gave was short of budget. The jail now contains 12 alleged and 11 convicted persons of whom 25 are men and 1 woman. There is also an unfortunate child living with its mother.

1.3 Arrest/Torture

Sunil Gurung, Amrit Gurung, Raju Gurung and Himat Gurung have been arrested and prosecuted under public offence act on the charge of throwing stones at a bus and manhandling the driver as well as the passengers on January 20, 1993. Report says that Lok Bdr Regmi of Nanglibang after having been arrested on June 19, 1993, on the accusation of killing Dhundi Raj Pandey was brutally tortured. He was forced to undress himself and was badly beaten on the stomach and even on the most sensitive parts of his body. Rajendra Acharya arrested on June 22 on the same accusation was tortured in the same manner. Likewise, Deupa Paudel and her husband after having been arrested on the accusation of killing Dumra Prasad were tortured to the same extent. On October 19, 1993, VDC Chairman Kula Prasad Paraju went to the police office to complain that persons including Vijaya Bdr Kunwar who had robbed his belongings be taken action against. Ironically, he himself was taken under custody. Having heard of it, Laxman Puri, activist of CPN (Masal), approached the police station to

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	3
Rape	-	-
Suicide	-	-



Jail visiting by INSEC on the occasion of the 44th Human Rights Day

inquire into the matter. He was also arrested then and there and prosecuted on false charges. He is reported to have been released later on a bail of five hundred rupees. These cases testify to the fact that police atrocity is rampant in this district.

2. Fundamental Rights

2.1 Freedom of Expression/Association

On the ground of differences of opinion, individuals in this district are found to have been harassed, arrested and even prosecuted. Needless to say that rights to expression and association have been repressed here.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Individuals complain of having been arrested, tortured and jailed out of revenge on the ground of differences of opinion. This district utterly lacks in political tolerance especially on the part of the party in power. School teachers are also victimised in this regard.

2.4 Quick and Fair Trial

The local people were heard complaining of some of the court decisions. It is also said that court decisions are influenced politically, thereby depriving citizens of fair justice.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

Two cases of rape and one of abortion have been reported. Two persons of Arthar Danda Kharka raped a woman of the same village on November 18, 1993. The victim has lodged a complaint against the culprits but action has not yet been taken. In another incident, Ram Bdr Nepali from Pasarang-2 raped a woman called Seti when she was on the way to her parent's place. Later, the culprit forced her to abort by eating honey. The culprit is said to have escaped legal action.

4.2 Jari, Polygamy, Devaki and Badi System

This year, two cases of polygamy and one of child marriage have come to public notice.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

5.2 Other Inhuman Behaviours

As the people in this district still believe in superstitions like witch doctor and witch, there sometimes occur incidents in which women are accused of being witches and harassed publicly. On October 14, ten local hooligans forced Jamuna Kumari Timilsina from Deupur-9 to go around the local town, half-naked and with soot smeared on her face, simply for giving witness in a lawsuit against these culprits. When she was being harassed in public, the policemen simply watched it as mute spectators.

6. Indigenous Rights

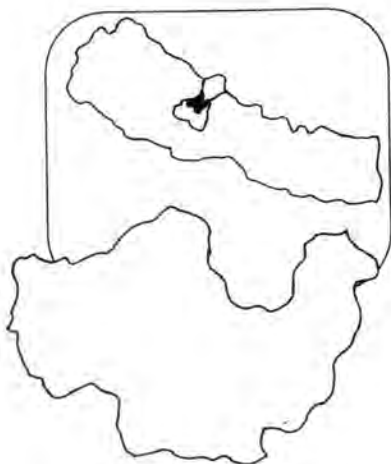
7. Child Rights

As elsewhere, many of the children in this district are deprived of their right to education. They are made to do hard work as grown-ups. Beating children is said to be a common occurrence here.

Additional Information

Sita Ram Viswakarma was killed by being run over by a truck of No.1646 on February 14, 1993 in the place called Maulekhola.

Report says that neither the District Administration Office and District Police Office nor political parties such as Nepali Congress, UML and RPP showed any willingness to cooperate with our volunteers in collecting information concerning human rights activities. □



3. Western

Dhawalagiri

3.15 Myagdi

Population : 100,552

Literacy : 39.5%

Women Literacy : 26.0%

Area : 2297 sq.km.

MYAGDI, a remote hilly district in the Western Development Region, is not found free from human rights violations.

1. Right to Life

1.1 Killings/Firings

Although no reports of police firing have reached us this year, there have been incidents resulting in murder for other reasons. Out of the three murder cases that have been reported, a pregnant woman Man Kumari from Aman-5 was beaten to death by her husband and father-in-law suspecting that she had conceived from another man. The two others murdered this year were Leth Bdr Adhikari of Majh Phant and Nar Bdr Rana of Aman. The latter died on December 27, 1993 as a result of beating by his wife Dhansara Rana, a rare case in which a husband was beaten to death by his wife.

1.2 Jail

The local jail is not any better than a dark, narrow tunnel without windows. The prisoners

have a hard time to go to toilet. There are 13 prisoners altogether out of whom 11 are alleged and 2 convicted. The prisoners complain that not any other reading material except the Gorkhapatra, an official vernacular daily, has been provided in the jail.

1.3 Arrest/Torture

In this district, individuals have been arrested and tortured on various accusations. On April 1993, Phulmaya Junjali, Bharat Thapa and others affiliated with Nepali Congress walked about in the village with Kerosene tins and matches in hands, saying that they would set UML activists' houses to fire. Later, they filed lawsuits against Ganga Prasad Serpuja, Dhundi Prasad and others who had tried to stop them from setting their houses to fire. Yogendra Ahdikar, an inhabitant of Arthunge-2, was arrested on October 1, 1993 on the accusation of killing his own wife. He is said to have committed suicide on December 2 while in jail.

2. Fundamental Rights

2.1 Freedom of Expression/Association

The local people are heard complaining that individuals affiliated with or having sympathies for political parties other than the party in power are arrested and prosecuted on false charges.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	1	-
Rape	1	-
Suicide by Prisoner	-	1
Suicide	-	-

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

As mentioned above, citizens have not been able to enjoy their political rights according to the dictate of their conscience. Teachers are said to have suffered the most in this regard.

2.4 Quick and Fair Trial

The general public in Myagdi does not seem to have been able to enjoy quick and fair trial because of poverty and ignorance. How can one expect quick and fair trial in a place where individuals are jailed on false accusations? This is what the local people think of justice.

3. Landless/Squatters

There are some squatter households in Jyamarukot of this district. No efforts are seen to have been made to guarantee these people the right to live as humans with dignity.

4. Women's Rights

4.1 Trafficking/Rape

A 15 year old boy from Basuwakhola was reported to have attempted to rape a 4 year old child in July. The rapist has been arrested and prosecuted.

4.2 Jari, Polygamy, Devaki and Badi System

If a married woman takes another husband before having been divorced, there is a

practice that the new husband is forced to pay her former husband ten to fifteen thousand rupees as Jari. Cases related to Jari are often settled in the village. This year, incidents related to polygamy have not been reported.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

5.2 Other Inhuman Behaviours

Two inhabitants of VDC-3, Bal Bdr Gautam and Hem Bdr KC, in a drunken temper set the house of Bali Ram Paudel to fire on March 19, 1993. The alleged ones have been released on bail.

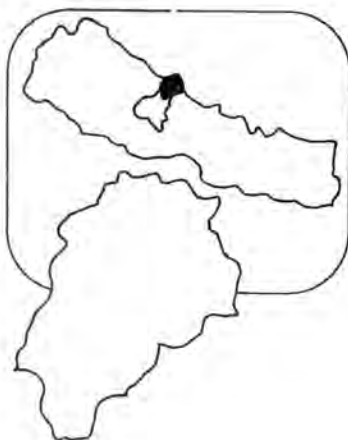
6. Indigenous Rights

7. Child Rights

Children from poor families cannot have the opportunity to go to school. They are made to work as hard as the grown-ups for a living.

Additional Information

In April 1993, Bharat Thapa and Purna Bdr KC affiliated with NC beat UML activists Nara Prasad Pun and other members of his family. The victimized persons are heard complaining of action not being taken against the culprits. □



3. Western

Dhawalagiri

3.16 Mustang

Population : 14,292

Literacy : 48.4%

Women Literacy : 34.7%

Area : 3573 sq.km.

LOCATED in the mountainous area and geographically connected with Tibet, China's autonomous region, this district offers various attractions to tourists. People from the local administration and those affiliated with the party in power express satisfaction regarding the human rights situation in this district whereas the general public and those in the opposition contradict with them.

1. Right to Life

1.1 Killings/Firings

No firing and killing occurred in this district this year.

1.2 Jail

A rented building located at Marpha has been used as a jail. This year, only one convicted prisoner has been reported to be in jail. The jail looks more like a place under police custody than a real jail. On the jail windows ragged jute bags can be seen hanging that have been used to block the air.

Dipak Bohara, the only prisoner there, complains of having been nailed almost all the time. He is allowed to come out twice a day for a very short time. That is the time when he uses the toilet, washes his hands and face and has his meal. Asked as to why he was nailed almost all the time the jailor said that he was compelled to do so because of the poor condition of the jail building.

1.3 Arrest/Torture

On September 2, 1993, During a volleyball competition the referee was attacked for not passing fair judgement. In the incident, three persons were arrested because they were said to have manhandled the policemen who were there to maintain security. Of those arrested, a person called Tharchen Gurung was brutally tortured under custody out of revenge.

2. Fundamental Rights

The general public seem to be unaware of their fundamental rights. They have more confidence in their tribal head than in their political representatives and the local administration.

2.1 Freedom of Expression/Association

Incidents of human rights violations are reported to have been a lot in this district this year. Some teachers were transferred to difficult areas and others demoted from their

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	1
Rape	-	-
Suicide	-	-

positions just for being affiliated with NNTO, the organization representing the vast majority of school teachers all over the country. Two of the teachers victimized in this way are Chudamadi Shanna and acting headmaster of Janahit Secondary school of Jomsom, Ram Bdr BC. Local activists of the party in power are said to have played a role behind these unfair actions.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

The traditional king of Mustang is said to have an absolute dominance over the affairs of the district. Whatever he says goes. So, the people seem not to have been allowed freedom of conscience.

2.4 Quick and Fair Trial

There has not been a judge in the district court for the last two years. That is why, the 11 lawsuits registered in the court are pending. The local dwellers, therefore, appear to be enraged with the inaction of the court.

3. Landless/Squatters

4. Women's Rights

Women are socially repressed and economically exploited. They are found to have been leading a much more difficult life than men.

4.1 Trafficking/Rape

4.2 Jari, Polygamy, Devaki and Badi System

Two cases of polygamy have been reported. Also, a lawsuit related to the same was

registered at the local court. In many VDC's of this district there is a practice of having more than one husband by women. The practice of offering the second daughter to the monastery still continues.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

The poor are given loans in time of dire need and in return, they are forced to work as slaves for the lenders.

5.2 Other Inhuman Behaviours

The so-called untouchables are ill-treated in a number of ways.

6. Indigenous Rights

7. Child Rights

Almost all the children of school going age are deprived of education. On the one hand, the district is lacking in schools, and on the other hand, parents are not aware of the importance of education even where there are schools.

Additional Information

On September 27, 1993, Vinod Gyawali, Chief District Officer of Myagdi, was on his way back with his family after visiting the temple of Muktinath. As he arrived at a place called Muse of Lete VDC, he noticed that some local inhabitants were quarrelling with porters. When he tried to settle the dispute, he was beaten by Shailendra Jwarchan, Yam Bdr Khadka and others. His peon Hari Bdr Thapa was also beaten. The two culprits arrested following the incident were released on a bail of 7 thousand rupees. □



Rapti Zone

4.1 Dang

4.2 Pyuthan

4.3 Rolpa

4.4 Salyan

4.5 Rukum

Bheri Zone

4.6 Banke

4.7 Bardiya

4.8 Surkhet

4.9 Jajarkot

4.10 Dailekh

Karnali Zone

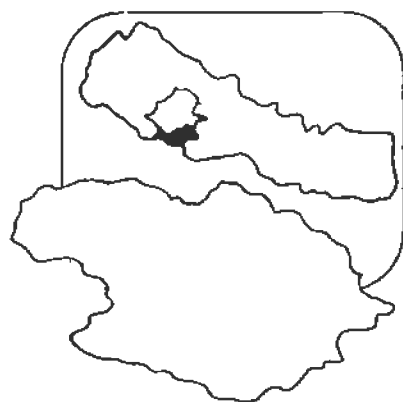
4.11 Dolpa

4.12 Jumla

4.13 Kaliko

4.14 Mugu

4.15 Humla



4. Mid-Western

Rapti

4.1 Dang

Population : 354,413

Literacy : 39.7%

Women Literacy : 24.2%

Area : 2955 sq.km.

ONE of the 15 districts of Rapti Zone, Dang is situated in the Inner Terai. It also covers a small area of Terai as well. It has one campus, 30 secondary schools, 63 lower secondary schools, 231 primary schools and 1 Sanskrit university.

Incidents occurred within the period of time covered by this report show that human rights situation has not changed for the better here.

1. Right to Life

Gandu Chaudhary, 50 years, committed suicide on November 10, 1993 when poverty was intolerable for him.

1.1 Killing/Firing

The Police opened fire upon demonstrators when seven leftist factions jointly called a transportation strike on July 19, 1993 demanding among other things the formation of a unanimous commission to investigate into the Dasdhunga murder incident and the prime minister's resignation. The situation was tense from early morning with two sides trying their best to stop or to continue transportation services. When DDC member Ram Mani Nepal was hit with a stone thrown by DDC deputy chairman Mahadev Shaha, the agitators got excited and began to throw stones in turn. The agitators were then tear-gassed and lathi-charged. Srimani Acharya sustained an injury from a rubber bullet fired by the police.

Bigyan Pokhre, Bhim Bahadur Magar, Sunila Rana, Damodar Gharti, Rabi Budha, Prem Bahadur Thapa, Mahat Chaudhary and Jaman Thakali sustained injuries from police batons. The police resorted to batons at 10 A.M. near the bus park. Then four agitators were arrested. About 50 agitators including Yuba Raj Gyawali were beaten by about 100 NC activists including Bir keshari, who had come there in a bus of Prakash Travels at 1 P.M. UML central member, Yuba Raj Gyawali, sustained an injury. Prior to that, 18 shells of tear gas were fired on order of Inspector Jit Bahadur basnet. Lal Bahadur Chaudhary, 42 years, Kalidhar Chaudhary and Chamu Chaudhary were injured. MP Mahesh Chaudhary was arrested in the afternoon from his house. As a result of tear gas and batons used by the policemen in Tulsipur one of Srimani Acharya's teeth were broken.

Abiran Bitatu killed Prem Bahadur's wife Juthisara Magarni of Haisipur-4 striking with an axe on November 12, 1993. She was killed with intent to rob her Jewellery. The culprit has been detained.

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	-	1
Rape	1	2
Rape by Administrator	-	1
Suicide	-	1

Similarly, Moti Budhathoki and his sister Ramkali Roka of Salyan village -8 were killed by unknown persons on December 15, 1993.

1.2 Jail

This district has two jails, one in Tulsipur and the other in Ghorahi. At the time our reporters visited the jails, they consisted of 95 prisoners of whom there were 7 women. Also, there were 5 dependent children. Within the period covered by this report 42 men and 7 women were jailed. The prisoners are given from one hundred grams to six hundred grams of rice depending on their age and six rupees per day. Dependent children are given only one rupee and fifty paisa per day.

An adult education class has been conducted in the jail.

1.3 Arrest/Torture

The political activists arrested from peaceful pretest demonstration were subjected to torture.

In connection with the transportation strike mentioned above eight farmers were also brought under arrest. They included Khushi Ram Chaudhary, Jaranan Thakali and Pahal Chaudhary. Besides, among those arrested were Laxman Pokhrel, a student, activists of United People's Front Buddhi Prakash Adhikari and Tara Adhikari, Madan Pandey of CPN Masal, student Ashok Pandey, CPN (UML) central member Yuba Raj Gyawali and local activist Surya Raj Gautam. Tara Adhikari, Mangal Chaudhary, Damodar Subedi and Madhusudan Baidhya were also arrested in connection with the same. Hari Rajauriya, Lanendra Dhimal, Hari Bhandari and others led by Yagya Bahadur Budhathoki had assisted the police to arrest agitators amidst manhandling. This gang had beaten Lal Bahadur Chaudhary, 42 years, Kaladhar Chaudhary and Chamu Chaudhari.

UML MP Mahesh Chaudhary who was in his house in a sick condition was arrested without presenting a warrant. This was an outright violation of the provision made by the

constitution that no MP can be arrested without an order from honourable speaker of the house during the time when the parliamentary session is going on.

In Lamahi, the police lathi-charged and arrested Megh Bahadur B.C., Udayananda Khanal, Buddhi Ram Khadka, Nir Bahadur K.C., Mahesh Rijal, Prem Nath and Karna.

In Hapur, MP Shiva Raj Gautam fell Victim to the attack of a gang including Bharat Neupane and Lal Bahadur Neupane. The general public made a counter attack in an attempt to protect Mr Gautam in which Bharat Neupane was injured. Mr Gautam arrested without warrant was kept under custody for 15 days without allowing anybody to visit him.

2. Fundamental Rights

2.1 Freedom of Expression/Association

In view of the above incidents, it is needless to say any more regarding the situation of these rights in this district.

2.2 Religious Freedom

The local Tharu community has a religious tradition of planting spears in the ground in their holy place - Dehuran Kunti. Some local bullies lodged a complaint with the police saying that the Tharus had kept illegal weapons. In response to the complaint five houses were searched, the spears were seized and 4 persons including Lal Bahadur Chaudhary, 40 years, were arrested on November 25, 1993. This incident was an outright violation of the Tharu's religious freedom.

2.3 Political Freedom/Free and Fair Election

As regards the general situation of political freedom in this district, incidents described above speak themselves.

2.4 Quick and Fair Trial

Altogether 397 lawsuits had been registered at the local court. Report states that 72 cases

were forwarded to the court by the District Police Office.

3. Landless/Squatters

About two thousand squatter households exist in this district. Of them, only 3 hundred households have applied for land certificates to the office of Commission for Solving Squatter Problems located at Ghorahi.

4. Women's Rights

4.1 Trafficking/Rape

Three incidents of rape and two of women trafficking have come to public notice.

It is said that a 50 year old official of Tulsipur Municipality, Bala Dev Sharma, raped a peon of his office on March 8, 1993. Ironically, instead of taking action against the rapist, the office administration dismissed the poor victim, the Tharu girl, from job. It is learnt that 17-year old Gopale Badi from Tulsipur -7 has been detained on a charge of raping a 7-year old child. Tulsu Ram Dangol attempted to rape a Tharu girl - Kausalya - in the night on Sept. 28, 1993 in the hostel of Janata University.

Report says that Suni Rijal and her husband Suraj Rijal from Lalbhathiya and Sukamaya Bista, the owner of a hotel in Bhalubang, failed in their attempt to sell Shanta Vishwakarma, 16 years, and Meena Nepali, 19 years, to take them to India.

4.2 Jari, Polygamy, Devaki and Badi System

Surya Nepal, an inhabitant of Trubhuvan Municipality-8, married Anakaly Chaudhary as his second wife on April 13, 1993.

About 46 women between the age of 10 to 30 of Badi community are said to have been engaged in prostitution.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

The system of bonded labour still exists here. Citizens from poor families are kept by the rich as household servants to be used as farmhands or cowherders.

5.2 Other Inhuman Behaviors

Report says that Ramchandra Chaurasiya misbehaved a woman supervisor working under the District Road Office.

6. Indigenous Rights

The Badis in this district are indigenous people. They are oppressed and exploited in several ways.

7. Child Rights

There is a great number of child labourers in this district. They are seen working in hotels or in the families of local landlords or feudals. They are normally paid only one hundred and fifty rupees a month.

Additional Information

A 22 year old student, Raju Chaudhary, from Tulsipur Municipality -2 committed suicide by hanging because of his failure in the examination. □



4. Mid-Western

Rapti

4.2 Pyuthan

Population : 175,469

Literacy : 32.5%

Women Literacy : 16.9%

Area : 1309 sq.km.

COMPARED with other districts in the western part of Nepal Pyuthan is a bit more accessible. The famous lake called Swargadwari and Swargadwari Ashram (a sacred shelter) lie in this district.

1. Right to Life

Citizen's right to live with due human dignity and pride has been abused by incidents arising out of political revenge, personal envy poverty and unhealthy competitions of various kinds.

1.1 Killing/Firing

Phusre Damin and one other person from Poja-8 killed Kese Damin by pushing him down a cliff when they got badly drunk on September 11, 1993. Likewise, Krishna Basnet, a contractor engaged in the construction of Bhalubang Road in Tiram VDC, killed his wife Urmila Basnet by beating after getting drunk on March 28, 1993. These two culprits have been detained for legal actions.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	1	2
Rape	-	1
Suicide	-	4

1.2 Jail

A dilapidated building that was built during the Rana regime to be used as a horse stable has been used as a jail here. Now it consists of 23 prisoners, though it can accommodate only about 15 persons. The jail lacks in appropriate arrangement of toilets and drinking water. Report says that 16 prisoners have become sick due to cold. Prisoners were heard to complain that the jail administration took away the wooden beds that they had bought with their own money. The number of beds taken away was 8.

The prisoners here went on strike for 5 days starting from May 2 putting forward a set of demands such as a better arrangement of toilets and drinking water and a provision of income generating vocation etc. Consequently, one more water tap and one handloom were provided.

1.3 Arrest/Torture

Lok Bahadur Basnet, a spokesman of Squatter Service Society, was detained for 5 months and fined five thousand rupees on a charge of public offence. He had been absconded since he sustained a bullet injury at Sunbal, Nabalparasi, in connection with the transportation strike on February 3, 1993. He was not given any opportunity for legal treatment.

When the treasure of Swargadwari Ashram was robbed two priests Jaya Prasad Acharya and Toynath Paudel, and Bhakta Bahadur Roka, Hom

Bahadur Thapa, Kabi Ram Oli and Tam Bahadur Oli arrested on suspicion of robbery on June 29, 1993 were subjected to brutal torture. While forcing them to confess the crime the police beat them on the soles of their feet, ripped their skin and poured chilli powder over it and again beat them brutally tying up their arms and legs. As the case reached the court, all of them were cleared of the allegation.

Leftist youths made preparations for staging a cultural programme inside the compound of Ganga Secondary School located in Lung-6 where NC had organized a mass meeting in the afternoon the same day or the 29th of March. As the cultural programme started, NC supporter youths began to ridicule the opposition making dirty remarks. When Keshav Sharma, Himlal K.C. and Radha K.C. requested them to behave themselves they were beaten with bamboo poles used as supports of the stage. Stones were thrown at the house of Headmaster Tika Ram Rijal. The ruffians not only broke the doors and furniture of the school, but also they beat students sleeping in the hostel. UML district secretary, Bir Bahadur Singh, VDC member Padma Rijal and Hari Bahadur K.C. who had been there to try to settle the dispute were beaten by Phan Bahadur K.C., Pom Bahadur K.C. and others of Nepal Students Union in the presence of the police. Hari Bahadur K.C. fell fainted. The local hospital referred him to a hospital in Kathmandu. Ram Bir K.C. arrested in connection with the incident was kept under custody for five days.

On November 15, 1993 there occurred a minor quarrel between two Deusi teams (teams singing the songs of Tihar, a beautiful festival of lights), one supporting NC and the other supporting Masal. Tanka Bahadur, a NC supporter lodged a complaint with the police accusing five of his opponents of public offence simply to avenge the incident mentioned above. Hari Bahadur G.C. who was not in the district when the incident occurred was arrested without warrant on November 17, 1993. Local inhabitants remark jokingly that the police were unable to make a difference between K.C. and G.C. - hence, they arrested Mr. G.C. by mistake.



Pyuthan jail : In poor condition

In Dharampani -8, Dharmman, a local inhabitant, was eating beaten rice that he had bought from a small shop there on November 2, 1993. Drunken Bishnu Prasad Paudel began to quarrel with Dharmman on the pretext that the latter did not give him as much beaten rice as he wanted. They also exchanged dirty remarks. Later, Bishnu Prasad registered a complaint at the police office against Dharmaman, VDC chairman Keshar Bahadur Adhikari, Dal Bahadur, Meen Bahadur, Yuba Raj and Jivan Lal stating that he was beaten by them in a public place. Dal Bahadur and Meen Bahadur were inflicted torture following their arrests. Report says that they were released in three days.

District Chairman of Bar Association, Rameshwar Subedi opines that police torture has been the main cause of human rights violations.

2. Fundamental Rights

2.1 Freedom of Expression/Association

VDC chairman Devi Ram Pun, a supporter of Nepali Congress, tried to snatch a loud speaker from a mass meeting organized by CPN (UML) at Phopli on December 5, 1993. UML activists opposed this intolerant act of the chairman. To avenge the incident, fifteen persons including Shesh Raj and Durga Prasad threw stones at a meeting of UML activists held to review the mass meeting in the evening the same day. These ruffians were caught and handed to the police.

They confessed before the police that they had made the attacks because Devi Ram had promised to find jobs for them provided that they beat UML activists, Dal Bahadur and Hari Bahadur K.C.. But ironically, the police filed a lawsuit against Dal Bahadur on the allegation of affront.

When a generator and a deck were being carried to Okharkot to display a video cassette regarding Dasdhunga incident the police interfered. When the party concerned applied to the local administration asking permission to display the same, the authorities said that it could not be displayed before it was censored, though it was already displayed at Bijwar and Tarebang of the same district.

It is said that school teachers are not given the right to choose one of the two professional organizations - NNTO or NTU. Eighty-three teachers inclined towards NNTO were transferred to remote and difficult areas.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

2.4 Quick and Fair Trial

Altogether 176 lawsuits had been filed at the local court within period of time covered by this report. Of them, there were 105 civil cases and 71 criminal ones. Report says that 81 of them have been decided. Because of the lethargic working style of the court, decisions are delayed. On top of that, power and politics play an important role in influencing decisions.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

Nothing specific has come to public notice regarding women trafficking. As for rape, there have occurred some incidents.

Shese Gharti raped a neighboring woman on May 20, 1993. He tried to kill another neighbour who had exposed this incident before the villagers. The rapist has been detained for legal action.

In another incident, three ruffians including Kesh Bahadur Rai broke into the house of Jit Bahadur Nepali of Bijbar -4 in an attempt to rape a woman there on September 27, 1993. But, as the people inside the house screamed, the ruffians fled leaving their slippers behind.

4.2 Jari, Polygamy, Devaki and Badi System

Report says that this district is not an exception to the question of polygamy. To take an example, Chitra Bahadur Bista from Maranthana -7 married a 16-year-old girl named Radha Puri from the same neighbourhood as his second wife on January 29, 1993.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

The plight of poor persons kept by the rich as domestic servants to be used as farmhands or herdsmen is more or less like those of slaves.

5.2 Other Inhuman Behaviors

Because of caste system, an evil of Hindu region, the so-called untouchables such as Kamú, Damai, Sarki and Gaine are discriminated against. Although they observe Hindu religion, they are not allowed to enter into Hindu temples. Anyone from the so-called upper caste who marries a man or woman belonging to the lower caste is declared to be an outcast. Even the local administration seems to be inclined towards protecting this inhuman custom.

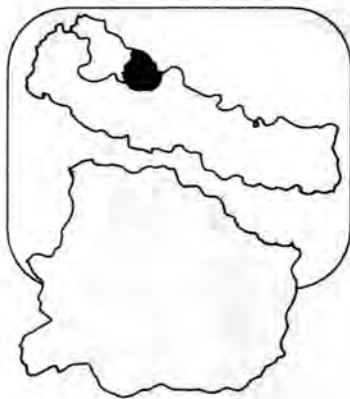
6. Indigenous Rights

7. Child Rights

Due to poverty and lack of awareness, the majority of children are deprived of their fundamental rights to education and a happy childhood. Needless to say that children are forced to be engaged in physical labour from a very young age. Children are paid nominal wages for doing more or less the same amount of work as the grown ups.

Additional Information

Three persons are reported to have committed suicide. □



4. Mid-Western

Rapti

4.3 Rolpa

Population : 179,621

Literacy : 27.5%

Women Literacy : 10.1%

Area : 1879 sq.km.

SITUATED in the Mahabharat range, Rolpa is one of the remote and backward districts of Rapti zone. This district is mainly inhabited by Magars. Human Rights are found to have been violated here for lack of political tolerance, personal conflicts etc. The local administration and the police did not allow our reporters to visit the jail.

1. Right to Life

1.1 Killing/Firing

There have been a number of incidents of human rights violations caused by the state machinery using force. Seven persons are reported to have been killed and 12 others were attempted to be killed. According to District Police Office, 10 persons met accidental death within the period of time covered by this report.

Golphe Pun Magar, 59, from Gajul -8 beat his wife, Bersa Pun, to death after getting drunk on February 13, 1993. He has been sentenced for a term of ten years.

Bhim Bahadur Oli, 14, from Pakhapani 7, was killed as a result of a dispute related to a ditch. Bir Bahadur Khatri, Balu Khatri, Sundar Oli, Nar Bahadur Oli, Naval Singh Oli, Krishna Khatri and Hari Prasad Oli were arrested with evidences of murder on February 24, 1993.

VDC member Mansingh Dangi of Talabang -2 arrested on July 14 on the allegation of setting

fire was inflicted torture by policemen under the instruction of incharge of the Police Post, Ratna Bahadur Hamal. He was caught by NC activists, Neem Bahadur Dangi, Krishna Bahadur Dangi and the police.

Bharat Bahadur Sunar was killed by Khar Singh Sunar on August 17, 1993 as a result of personal conflict. The culprit has confessed his crime.

Amar Singh Jhankri from Gauri Gaun -9 was beaten to death by a group people on September 16, 1993 to avenge the incident in which he had assisted the police to arrest Khim Bahadur, a student affiliated with ANNFSU. A complaint was lodged with the police against Chop Bahadur Dangi, Harka Man Jhankri, Purna Bahadur Jhankri, Man Bahadur and Ash Bahadur, of whom Harka Man Jhankri and Purna Bahadur Jhankri escaped arrest. Those arrested have confessed that they had killed Amar Singh because he, being a NC supporter, had acted against united People's Front. It is said that Ammar Singh

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	2	13
Rape	1	10
Replacement Prisoner	-	1
Thrown after beating by CDO	-	1
Suicide	-	18

had others, after kidnapping Harka Man on August 16, 1993, had forced him to dip his fingers into blood and promise that he would join Nepali Congress.

On October 27, 1993, Hom Bahadur Dangi, Began Rana, Nokhe Oli, Lila Oli, Home and others killed Purkhe kami in a place called Sanaijalpa and threw his dead body down a cliff. Although the victim's mother, Birasu Kamini, lodged a complaint with the police, the alleged persons were neither arrested for investigation nor postmortem was carried out on the body of Purkhe. The culprits are said to have threatened the relatives of the victim that if they did not cover up the cause of the murder, they would also be killed. This was what the victim's sister, Shobha Kamini, told our reporters.

Tek Bahadur Nepali, Jeet Man Nepali and others set the house of Suklal Nepali from Khungri -4 to fire when everybody in the family was sleeping in the night on November 6, 1993. Suklal was burnt to death. The alleged persons were not detained though Dhan Kumari had lodged a complaint with the police naming the persons involved in the crime.

Man Singh Dangi, 34, from Talbang -3, was arrested on December 26, 1993. He was inflicted torture by policemen Bal Bahadur Rawal and Sesam Bahadur Pun under the instruction of the incharge of the Police Post located at Gharti Gaon. He was forced to promise dipping his fingers into blood that he would renounce CPN (UML).

1.2 Jail

The local jail built six years ago has a leaky roof. At the time our reporters collected information, there consisted 53 prisoners in this jail. There were 3 women and 1 dependent child. The prisoners are locked up inside the jail building from 7 pm to 5 am. They are compelled to excrete and urinate in buckets in their bed room during that time, though there are 3 toilets outside the building. Reading materials are censored. When Gore Sunar and



A scene of Rolpa jail

one other prisoner escaped from jail on August 16, 1993 some prisoners were handcuffed and nailed for 25 days. Since then, no one has been allowed to move about the jail building. Report says that sometimes the prisoners' personal belongings are confiscated by the policemen when they enter into the jail building with an excuse of inspecting the rooms. Bal Bahadur Budha says that more than 5 kg. of wool was confiscated from him.

The jailor did not give our reporters the report prepared by the prisoners on the general situation of human rights in the jail, which they had forwarded through him. The COD does not allow representatives of human rights organizations and political parties to inspect the jail. To take an example, convenor of UPF Dr. Babu Ram Bhattarai was not allowed to visit the jail.

Persons belonging to any party in the district were found to share the same view that human rights situation in the jail is very deplorable. The then COD Rais Khan was said to have boasted showing a book containing outdated acts that using handcuffs was his lawful authority.

1.3 Arrest/Torture

Rolpa witnessed a reign of terror during last year. Many a village was terrified to see the way arrests were made and torture inflicted.

Ghanashyam Acharya, 22, was arrested without warrant when he was attending a talk programme organized to commemorate late Puspa Lal, one of the founding members of CPN, on July 22, 1993. He was charged with breaking the shop of Tilak K.C. at Musikot on July 4 in connection with the Nepal Bandha. He was forced to stand on his head and brutally beaten, thereby compelling to sign a document stating that the shop was broken by agitators. He was later released on bail of rupees 29 thousand and 2 thousand. He was heard to say that he was tortured because he had rejected Tilak K.C.'s request to join Nepali Congress.

VDC chairman Bhim Bahadur Budha who was charged with public offence in course of a dispute related to land survey that had arisen in Bhabang -9 presented himself before the administrative authorities on July 12, 1993. Report says the COD himself beat him asking where he had disappeared at the time when he was searched by the police. Similarly, VDC vice chairman Tilak Ram Budha was arrested and tortured out of political revenge.

Rudra Bahadur Dangi, a teacher from Gairi Gaon -5, and students affiliated with ANNFSU were attacked and arrested with their hands tied up on their backs by persons supporting the party in power on August, 21.

Headmaster of Jansewa Secondary School located at Rangsi, Padam Pun arrested on September 9, 1993 on allegation of corruption was manhandled by the COD himself. He was then beaten by policemen on order of the COD. Later, he was released on bail of rupees 59 thousand rupees.

Tirthaman Pun from Jangkot arrested on September 12, 1993 on an allegation of teaching Judo and Karate to communists was beaten under police custody for seven days in a row. He was forced to act like a chicken and

was hung upside down. Finally, he was released only when he vowed to join Nepali Congress.

DDC member Shahi Ram Dangi, a NC supporter, was beaten by three persons in the jungle of Baigad when he was on his way home from Libang. Both of his arms were broken. Out of the five persons arrested for investigation in connection with this incident, Nenda Mahara and Bhim Bahadur Mahara were forced to confess the crime by means of physical torture. Likewise, a NC activist from Madichaur, Hari Bahadur Rana, was beaten to the extent that one of his arms was broken. It is said that the persons alleged are UPF activists.

In Libang of Rolpa district regarded as a stronghold of United People's Front an armed force of 80 men including 6 inspectors and two District Police Officers, Hum Bahadur Thapa and Man Bahadur Khadka, launched a suppression campaign. Mukta Bahadur Gharti and Nar Bahadur Roka of Sulichaur were fatally beaten. Houses of Top Bahadur Dangi, Bhup Bahadur Dangi and others were raided. Women were misbehaved, chickens and goats were slaughtered and eaten, and citizens were widely charged with false allegations. According to UPF convenor, Dr. Babu Ram Bhattarai, the vigilantes armed with Khukuri and pistols attacked local inhabitants under the protection of the police force on October 6-7, 1993. In course of the attack they arrested Bir Bahadur Dangi, Amarraj Budha, Tulsiram Budha and Mandhwoj Budha. Amarraj was injured with a Khukuri. Bir Bahadur's 75-year old mother was also injured. The villagers were heard to say that Nepali Congress activists had come there wearing police uniforms. To take an example, as they said, Chandra Bahadur Thapa and Amar Bahadur from Nuwangaon were there in the guise of an asst. Sub-inspector and a senior constable of police respectively.

When Bhim Bahadur Bantha was forcibly being taken to Libang making him carry a cauldron with intent to charge him with theft by a gang including Sher Bahadur Roka on December 2, 1993, some persons interfered

and freed him from their clutch. Sher Bahadur sustained injuries in the incident. Kopila, a primary school teacher, was arrested on a charge of being involved in the clash, while the victims said that supporters of UPF including Uttam Roka were the persons involved.

Mukta Bahadur Gharti from Sulichaur complains that five persons including COD Abdul Rais Khan and Surendra Hamal forced him to get in a police van on December 25, and as he lost consciousness from beating he was thrown out in the jungle of Bhalukhola. It is said that the local court did not accept his complaint against the COD.

Condemning police suppression, UPF convenor Dr. Babu Ram Bhattarai had demanded among other things the dismissal of COD Khan, dismissal of all false lawsuits and formation of a fair investigation committee.

A teacher Rudra Bahadur Joshi and his wife, the inhabitants of Gairigaon -5, were attacked by Kunal Budha, Ammar Gharti, Baljeet and others entering into the couple's room. They both sustained injuries. The victims say that this was an act of political vengeance.

Report says that Hari Prasad, who is said to be innocent, has been charged with murder. It so happened that when the police could not arrest a certain Hari Prasad, whom they were searching they arrested another person by that name victimized him instead.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Supporters of the party in power created disturbance in a mass meeting organized by Rastriya Prajatantra Party on January 28, 1993, with the excuse that while delivering a speech the spokesman of RPP, Kamal Thapa, had used some derogatory terms. The same happened with the mass meeting organized by seven leftist factions in Libang on July 4. Report says that some ruffians had thrown stones upon the mass meeting. Likewise, activists of UPF created disturbance in a cultural

programme organized at Maula on September 24. In the incident, one of the legs of Khadga Bahadur Budha was fractured. Viswachandra and Govinda Sharma, a policeman, were beaten.

Two UPF workers of Jangkot-8 Ram Bahadur Shrestha and Kirti khatri - were forced to resign from their positions in the party by a NC supporter, Nokh Bahadur Dangi on September 16, 1993.

NNTO organized a protest demonstration opposing undesirable acts in the field of education such as transfer of teachers to remote areas, unfair selection of teachers etc. On the pretext of the same the District Education office wanted clarifications from Madan Kumar Sharma and Sarbajit Oli.

Vishnu Prasad Pokhrel, a school teacher, was given an order to leave the district by the COD. Madhu Sudhan Pokhrel was dismissed from job and ten teachers were compelled to submit clarifications.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Incidents mentioned above speak themselves regarding the situation of this right.

2.4 Quick and Fair Trial

A total of 397 lawsuits were registered in the year 1993. Report says that most of the cases registered at the court were related to divorce. There were 32 cases related to public offence and 4 to weapons.

For lack of human rights awareness among administrative functionaries the general public has been deprived of quick and fair justice.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

Ten incidents of rape have come to the notice of the police in 1993.

4.2 Jari, Polygamy, Devaki and Badi System

Nine cases of polygamy have come to public notice. The highest amount of Jari money was ten thousand rupees in 1993. Two lawsuits related to polygamy were filed at the court. There have been instances in which some men have 4 wives at the same time.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

Citizens from the communities are kept by the rich as domestic servants to be used as farmhands or herdsmen.

5.2 Other Inhuman Behaviors

6. Indigenous Rights

The Badi community leading a wandering life is regarded as untouchable.

7. Child Rights

An overwhelming majority of children of school going age are forced to be engaged in physical labour.

Additional Information

Thirty-one permanent or temporary employees working under government offices or projects were taken action against in 1993. Eleven of them were dismissed from jobs while the others were either demoted or transferred or their grades stopped.

According to police record, 18 persons committed suicide in the year 1993.

More incidents of beating or murder have come to our notice. ☐



4. Mid-Western

Rapti

4.4 Salyan

Population : 181,785

Literacy : 29.6%

Women Literacy : 12.4%

Area : 1462 sq.km.

A hilly district in Rapti Zone, Salyan is still inaccessible by road. Due to backwardness, poverty and ignorance, the general public is deprived of its fundamental rights. This situation calls for a vigorous human rights campaign.

1. Right to Life

1.1 Killing/Firing

Some persons are reported to have been dead out of personal conflicts and envy.

On February 19, 1993, Chiranjibi Pun from Chhaya Chhetra-1 killed his wife Gopi Pun striking with an axe on suspicion that she had something to do with another man. Then he set his house on fire after bringing his children outside. And then he presented himself before the police to inform of the incident.

Top Bahadur Dangi from Tharmare-8 has absconded after killing 11-year old Mohan Lal Dangi on April 10, 1993.

Harsha Bahadur Rana, 25, from Laxmipur was beaten to death by Lok Bahadur Khadka and Bal Krishna on the accusation that he had stolen some money from Bal Krishna's pocket and had talked sitting close to his laughter. This killing occurred on July 30, 1993. The culprits have been detained.

Nabir Gharti from Rampur -8 was killed in the house of Shiva Khasu by Dile Gharti, Ganga Ram, Shiva, Bala Ram and others, when they had a quarrel after getting drunk. They first exchanged dirty remarks and then beat him to death. Likewise, Bhesha Raj KC and Bala Raj Yogi beat a hotel keeper, Gaja Raj Bhandari, to death after drinking liquor on September 18, 1993.

Two other persons are reported to have been killed because of personal conflict or grudge.

1.2 Jail

The local dilapidated jail that can accommodate 20 persons consisted 30 prisoners at the time when our reporters visited it. All the prisoners are kept in one large hall because the jail does not have rooms. Light is provided only for 3 hours in the evening, the prisoners went on strike in June 1993, putting forward a set of demands related to the improvement of the general conditional of the jail. Consequently, they were provided with the Gorkhapatra, an official vernacular daily.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	1	-
Rape	2	6
Strike in Prison	-	1
Suicide	-	-

1.3 Arrest/Torture

Ghanashyam Bhandari, Govinda and Lal Bahadur were arrested after Purna Bahadur Bhandari from Lekhpokhara registered a lawsuit against them on April 14, 1993, accusing them that they had set his house on fire.

Kamal K.C. was arrested without warrant on a charge of beating following a minor argument that had occurred in Phalabang in connection with Deusi (a group song of Tihar). Some ruffians from Tharmare including Ananta Bahadur Chanda beat Buddhi Ram Gharti, a farmer of Pipalneta, on November 30, 1993.

Tilak Ram was arrested at the complaint of Rudra Bir Damai and Dhamali of Jhippe-8. he was released on bail of 33 thousand rupees 21 days after his arrest.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Citizens are found to be scared to express themselves due to administrative interference. The supposedly victimized were heard complaining that anyone supporting the party in power is allowed to do anything he likes. A lot of youths are deprived of the opportunity to have jobs according to their ability. Even peaceful protest demonstrations and mass meetings are interfered by those in power, thereby creating an atmosphere of tension and clash.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

There is a common saying in this district that the multi-party system serves the interests of those that are powerful in terms of money and approach. The smart and tricky ones can escape punishment while the simple-minded ones are victimised. To cite an example, in a murder case Nokhi Khatrini was forced to confess by using torture while the culprits - Dil Bahadur Gharti, Ganga Ram Gharti, Dile Khasu, Shiva Ram Khasu and Bal Bahadur Pun - were left alone.

2.4 Quick and Fair Trial

The victims complain that in some incidents the authorities concerned did not take legal action against those whose involvement in criminal incidents was established by evidences. This, they say, happened because of political bias. For example, Krishna Bahadur Yogi who had robbed things worth 6 thousand rupees from the shop of Opendra Raj Oli escaped punishment.

Altogether 276 lawsuits were registered at the district court within the period covered by this report. They include 23 criminal cases forwarded by the police. Most of the other cases are related to land dispute and share in property. The number of cases related to murder and abortion are 14 and 1 respectively.

Poor people do not seem to have much confidence in the court because they think it is money and influence that plays a role in legal decisions.

3. Landless/Squatters

The landless people of this district have a hard time to earn their living. They either work for the rich as domestic servants or go to India to find jobs as domestic guards. Some squatter households exists in Kalimati, Rampur Kalche and Chhayachhetra of this district.

4. Women's Rights

For lack of education and awareness, women silently accept all kinds of oppressions and humiliations as the result of their fate or Karma. Rape, Polygamy, Jari, dowry and prostitution are some of the factors abusing women's rights.

4.1 Trafficking/Rape

Report says that six incidents of rape have come to public notice. There must have been many more rape cases, but they are covered up due to cultural pressure and other reasons. According to police record, four rape cases were forwarded to the local court for legal action.

4.2 Jari, Polygamy, Devaki and Badi System

The practice of Jari is prevalent in this district. The amount of Jari money can be upto 30 thousand rupees. There is a large number of Badi families here. Women from these families engage in prostitution by tradition.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

Person from poverty-stricken families are kept by the rich as domestic servants whose plight is more or less like that of slaves except that they are not literally sold.

5.2 Other Inhuman Behaviors

Discrimination arising from casteism, excessive use of liquor, high rate of interest and exploitation and oppression of the poor by local feudals are some of the inhuman behaviours seen in this district. Besides, the police force sometimes seems to be a nuisance to society. Here is an example to show how policemen behave with the general public. Nine policemen including the incharge of the

Police Post located at Tharmare had to pay a bill of nine hundred rupees to Bhim Bahadur, a poor hotel keeper. When he went to the police post to request for payment, he was arrested and kept under custody.

6. Indigenous Rights

There are some Raute families who are in the primitive stage of development. Nothing has been done for their upliftment.

7. Child Rights

As in the neighbouring districts, the overwhelming majority of children of school going age are deprived of an opportunity to education.

Additional Information

A strange incident of extreme political intolerance has come to public notice in this district. Bela Ram Bohara, an inhabitant of Jimali -8, forced his brother-in-law Kabi Raj Budhathoki to return a cow that he was given as a religious gift. □



4. Mid-Western

Rapti

4.5 Rukum

Population : 155,554

Literacy : 28.7%

Women Literacy : 11.3%

Area : 2877 sq.km.

ONE of the remote hilly districts of Nepal, Rukum does not present a bright picture regarding human rights situation. The local lords still take advantage of the poverty-stricken and ignorant general public here. Besides, people express dissatisfaction about the performance of local administration.

1. Right to Life

1.1 Killing/Firing

Although nobody was reportedly killed by police firing, some citizens have lost their lives out of conflict or envy.

Rath Kani, an inhabitant of Taksera-1, killed his wife Jeet Maya hitting with a firewood when they had gone to a forest called Lungchham to collect firewood on august 12, 1993. She was killed on suspicion that she had something to do with another man.

On October 15, 1993, three unknown persons brutally beat Naina Sing Dainin, a member of Rukum DDC, representing Nepali Congress. A piece of cloth was pushed into his mouth before he was beaten. The trouble-makers, after striking him with a Khukuri, threw him in a low-lying bush and, thinking he was dead, fled from there. Luckily, some villagers finding him unconscious in the bush took him to the hospital as quickly as they could. The culprits have not been identified.

Dhan Raj Budha and others beat Mohan Bahadur Pun to death in his house on November 6, 1993. Shyam Bahadur Pun beaten along with Mohan sustained serious injuries. The two who had gone into hiding after being charged with public offence had returned home that day. Report says that the culprits have absconded. As regards the incident, CDO Shaligram Sapkota says that Mohan Bahadur lost his life following a quarrel with others that occurred after they got drunk at Tihar, the festival of lights. Contradicting the CDO, UML District Secretary Hasta Bahadur K.C. says that it was a murder motivated by political vengeance. Mrs Dhani Budha a relative of the alleged one has been detained.

1.2 Jail

The local jail has two small buildings like private houses surrounded by a wall, five feet tall. It consists of 37 prisoners of whom 18 persons have been convicted. The space of the narrow jail rooms hardly sufficient for so many persons to breathe at ease. Thirteen

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	1	-
Rape	-	-
Replacement Prisoner	1	-
Suicide	-	-

prisoners were heard to complain that they have not been provided clothing, although they have completed the term required for it. Report says that because the prisoners are nailed all the time, they find it difficult to move even inside the surrounding wall. Three of the prisoners are of 68, 74 and 79 years of age. Guman Singh Budha, the oldest one, is having the most hard time imaginable.

In terms of facilities, it is one of the poorest jails in the country.

1.3 Arrest/Torture

After Hira Bahadur Budha's younger brother attacked an activist of United People's Front saying that they wanted to drive leftists out of the village nine supporters of the party went to him and requested him to stop his brother from doing that. But Hari Bahadur sided with his ruffian brother. Then the situation grew tense to the extent that the two sides exchanged stones on August 20, 1993. A cow frightened to see the excited mob fell down a cliff. Hari Bahadur lodged a complaint with the police against 21 UPF activists charging them with killing the cow. Five of them including Shyam Prasad Budha were arrested.

Here is an incident to show how inconsiderate the policemen in this district are in their dealing with the general public. When an untouchable girl of a village called Sarkana got pregnant by a youth belonging to a higher caste, her parents trying to conceal the incident gave her in marriage to a boy somewhere in Dang. The police in response to a complaint about the same arrested Kale Sunar, father of the aforesaid girl on November 11, 1993. When Sher Bahadur K.C. and Yagyaswar Sharma went to the police post to inquire into the matter, a policeman said, "Our senior constable is sleeping. Please go inside and talk to himself." As they went inside and tried to ask head constable, Pom Bahadur Pun, about it, he slapped one of them roaring why they had awoken him from sleep. Later, they both were arrested on charges of public offence. Since they could not pay the bail, they have been jailed instead.

As regards human rights situation in the district, the CDO says that there have not been any act on the part of local administration and the police resulting in violations of human rights, while police officer, Ram Chandra Khanal, opines that because the questions of security and human rights are interrelated the police need to be imparted human rights education. District judge Kashinath Pokhrel believes that detainees are forced to confess by using torture to some extent under police custody.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Report says that the district has witnessed acts of interference by police even with peaceful protest demonstrations. Besides, the opposition is not allowed to organize torch demonstrations.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

The police interfered with the protest demonstration organized by four leftist factions on September 20, 1993. Also one arrest was made in that connection.

2.4 Quick and Fair Trial

A total of 314 lawsuits were registered at the local court within the period covered by this report. Of them, there were 169 criminal cases, 145 civil cases and 16 cases forwarded by the police.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

Two incidents of rape have come to public notice. Karna Bahadur Budha, an inhabitant of Shyalpakha, raped a 6 year old child on April 13, 1993. Legal action is being taken against the rapist. In another incident, an unnamed woman was gang-raped by five persons at a

place called Masta Bandali on May 10, 1993. Two of the rapists have absconded while the other three have been released on bail.

4.2 Jari, Polygamy, Devaki and Badi System

Two incidents of polygamy have come to our notice.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

Persons from poverty-stricken families are kept by the rich as domestic servants to be used as farmhands or herdsmen. Also children are used by them to do household chores.

5.2 Other Inhuman Behaviors

There is a small number of so-called untouchables in this district . They are discriminated against in a number of ways.

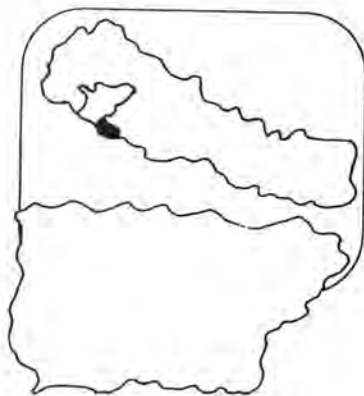
6. Indigenous Rights

7. Child Rights

As elsewhere, the majority children of school going age are made to work, thereby violating their human rights.

Additional Information

An area called Chaurjahari was affected by the earthquake occurring on October 20, 1993. Relief materials were distributed among those affected. □



4. Mid-Western

Bheri

4.6 Banke

Population : 285,604

Literacy : 34.3%

Women Literacy : 21.6%

Area : 2337 sq.km.

ONE of the five districts of Bheri Zone, Banke is accessible by road and air. Nepalgunj, a large city and one of the importance gateways to India, lies in this district.

1. Right to Life

1.1 Killing/Firing

Samsad Khan of Basudev pur was stabbed to death by unknown persons when he was sleeping in his thrashing ground of rice on April 22, 1993. Four persons have confessed their crime in this regard.

Jamil Ahamad Ansari from Jayaspur -1 was shot dead supposedly by some policemen on September 20, 1993. This happened at about 3am when he was sleeping in his house. Report says that following the murder the police threatened the victim's brother VDC chairman Kalim Ansari that the would kill him if he didn't say that his brother was killed in a clash. Two of the five citizens arrested for

investigation in connection with the murder have been released.

Bharat Bahadur Gharti, an inhabitant of Ghartigaon, Rolpa, died as a result of beating on October 24, 1993. He was beaten by his uncles Karna Bahadur and Balbir Gharti who have been detained for legal action.

The naked body of Jeetendra Bohara, an inhabitant of Nepalgunj municipality, was found in a lake beside the temple of Vageswari. Prior to this incident, five naked bodies were also found at the same place. It is feared that these deaths might have been the result of drug addiction.

1.2 Jail

The jail located at Nepalgunj is also a regional jail of the mid-western development region. The dilapidated jail buildings are on the verge of collapse.

The two jail buildings have twenty rooms in total. At the time our reporters visited the jail it consisted of 160 prisoners. The prisoners are compelled to use one and the same room as a bed room, a kitchen and a toilet. Prisoners suffering from tuberculosis and leprosy and kept together with other prisoners. Report says that there is not even a single prisoner in the jail who was not beaten following his/her arrest. No matter whether they were innocent or guilty, they were forced to confess the crime

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	4
Rape	1	4
Replacement Prisoner	-	1
Strike in Prison	-	1
Suicide	-	5

they were alleged of by means of physical torture.

The general condition of the jail in terms of physical facilities is extremely poor. That is why, the prisoners here had gone on strike putting forward a list a demands on March 15, 1993.

Out of the prisoners, only 60 have been convicted. There are 10 women prisoners and 1 dependent child.

1.3 Arrest/Torture

Jayandra, Ram Thapa and Kesbav Bhattarai were arrested without warrants by sub-inspector Motiprasad Bhandari on order of the COD on April 30, 1993. They were accused of selling lottery tickets illegally. Binod Khetan arrested on a charge of criticizing the police on July 10, 1993, was brutally beaten under custody. Report says that the COD office denied to register his complaint against police atrocity. The local section of the Chamber of Commerce issued a statement deploring the biased attitude of local administration. Prem Prasad, a rikshaw driver, was arrested and beaten by the traffic police on the pretext that he had denied to let a policeman ride his rikshaw free of charge.

The police tear-gassed and lathi-charged upon peaceful protest demonstrations organized in connection with Nepal Bandh called by leftist factions on July 19-20, 1993. Five persons sustained injuries and altogether 54 persons were arrested from the demonstrations. Press reporters Harun and Laxman Gyawali were also arrested while collecting information about the Nepal Bandha. One of Harun's arms was fractured. Of those arrested, Vishnu Bahadur Singh, Lal Bahadur Thapa, Hari Subedi and Ramesh Malla were kept under custody having charged with public offence. Likewise, the police arrested Hemraj Regmi, Surya Parajuli, Hari Parajuli and Romharsha Dhital. In Kohalpur, three persons sustained injuries from lathi-charge. Report says that the police had used tear-gass and batons when the demonstrators tried to free those who were arrested.

Following the number of Jamil Ahamad Ansari in Jayaspur on July 19, the police arrested Hasim Ansari, Jakir Ansari, Isarail Ansari, Subhan Ansari and Dhannu Ghosi without warrants on a charge of gambling.

On August 13, 1993, when some women were singing and dancing at a place called Naubasta-6, four drunken policemen of Area Police Office came there and began to tease the women. When Nar Bahadur Sahi, a school teacher, requested them to behave themselves, they got excited and tried to grab the women while cursing the teacher. The situation grew tense leading to a clash between the two sides. On the pretext of that incident, some persons were charged with public offence.

On August 23, the policeman of Jamunaha Post seized a personal letter from Pun Sarki, 20, from Rukun district, when he was heading to Rupaidiha, riding a rikshaw. A sentence of the letter read, "The thing is available in our place. We can make it available if you want." The police brutally tortured him for seventeen days in a row to force him reveal the secret of the letter. They tied both his arms and legs and beat on his soles, hanging him under the ceiling. Not being able to squeeze any secret out of him the police got tired of themselves and let him go.

A member of Forum for Human Rights Awareness Banke, Ruptal Singh Tharu and Atmaram Tharu were arrested without warrants at the complaint of Bala Ram on November 23, 1993. Report says that they were arrested for giving witness against Sevakram Khadka regarding a case related to wood.

Assistant sub-inspector Haridas Shrestha beat an assistant health worker of Zonal Hospital, Bheri, for not giving medicine from the hospital free of charge on December 13, 1993. Dr. B.K. Khetan of the same hospital was also beaten by policemen.

On December 19, the police used tear gas and batons upon supporters of Nepal Sadbhavana Party, who were trying to stage a sit in protest in front of the COD office in support of the

hunger strike of the party leaders in Kathmandu. In the incident, Barsati Raut, Girija Pathak, Rajesh Varma, Indrajit sustained serious injuries. Twenty-five persons were arrested.

Tej Ram Agrawal was arrested and tortured on the allegation that he had displayed a black flag outside his house during the prime minister's visit.

Cases of many more arrests and torture have been reported. In one incident, a drunken accountant of the army barracks beat Kishwar Budhathoki, a rikshaw driver, near Charbahini in the afternoon on August 7, 1993.

2. Fundamental Rights

2.1 Freedom of Expression/Association

The above incidents speak themselves about the general situation of these rights.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Report says that some citizens were heard to complain that influential persons sometimes put pressure on them to join the party they are affiliated with.

2.4 Quick and Fair Trial

It is learnt that persons are kept under custody for weeks or more without presenting warrants or making inquiries.

A total of 2629 lawsuits were registered under the district court in 1993. Of them, 1389 cases are reported to have been decided by the end of the year.

Report says that Pirvax Sai has been wrongly sentenced for twenty years in place of some Pri Ali Pirvax alias Kurkur sai.

3. Landless/Squatters

There are about twenty thousand squatters in this district, of whom about 50% are people of

Indian origin. No effective efforts have been made by the government to solve the problems of these squatter households.

4. Women's Rights

4.1 Trafficking/Rape

Being a district situated on the border region women trafficking poses a serious problem here. As for rape, four cases have come to public notice in which the youngest victim was a child, six years old.

4.2 Jari, Polygamy, Devaki and Badi System

According to the information received there have been four incidents of polygamy during the period covered by this report.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

5.2 Other Inhuman Behaviors

The so-called untouchables are ill-treated by the so-called touchables.

6. Indigenous Rights

The indigenous Tharu community has been exploited by local feudals and landlords. It is the Tharus who are forced to become bonded labourers.

7. Child Rights

The overwhelming majority of children are deprived of their rights to education and a happy childhood.

Additional Information

MP Krishna Pariyar was caught red-handed by two youths when he was trying to rape a woman. They were able to identify him by his identity card as an MP that he had left on the spot. □



4. Mid-Western

Bheri

4.7 Bardiya

Population : 285,604

Literacy : 34.3%

Women Literacy : 21.6%

Area : 2337 sq.km.

BARDIYA, one of the five districts of Bheri Zone, lies in the Terai, the land of which is rich in fertility. Because of having an open border with India, this district has witnessed a lot of incidents resulting in human rights violations.

1. Right to Life

1.1 Killing/Firing

In connection with the Nepal Bandha called by leftist parties on July 4, 1993, the police charged batons upon the agitators following an argument related to an Indian vehicle, injuring fifteen persons including Durga Pariyar.

Some individuals are reported to have lost their lives due to personal conflicts. Dilli Ram Lamsal was killed in the house of Mahendra Rupakheta at night on July 12, 1992. His dead body was found in the corn field. Surprisingly, the police did not carry out a serious investigation into the cause of his death. Report says that Badri Sigdel alleged of his murder was not staying with him in the night he was killed.

Loharman Tharu was beaten to death by some nine persons including Padma Raj Biskar when he asked for the prize he had won in a lottery in a village called Kohihi Gaon. Legal action is being taken against the culprits.

1.2 Jail

Since there is only one jail compound for men and women prisoners, they are not allowed to move about together. The local jail consists of 88

prisoners including 5 women, of whom 52 prisoners have been convicted.

1.3 Arrest/Torture

On March 12, 1993, Bala Ram Kafle, Lok Narayan, Maya, Bhagavati, Januka, Neelam, Krishna Adhikari and Singh Bahadur requested a local liquor producer Chandrawati Acharya and her customer Laxmi Prasad Khanal not to sell and consume it. Later, Chandrawati registered a complaint against all those engaged in the activities of social reform alleging them of attempting to rape her. The COD ignoring their good intention of social reform, forced them to pay 5 hundred rupees each as bail.

Mustak Gujar and Buddhiman Shrestha from Khairahapur -8 wounded Purna Bahadur using a knife when he was sleeping in his house on June 18, 1993. The trouble makers have been detained for legal action.

Tek Bahadur Bista, Hasta Bahadur, a NC activist, Dhedu Tharu and Laxman Giri, a leftist activist,

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	-
Rape	-	2
Death due to beating by government official	-	1
Suicide	-	-

sustained injuries when there occurred a clash between NC and UML supporters in connection with the Nepal Bandha called by leftist factions on July 19-20, 1993. This happened in Neulapur. Mohan Thapa, a policeman, also sustained an injury in the incident. Following the incident five persons were charged with public offence. In accordance with the agreement made between NC and UML on August 17, 1993, the charges were withdrawn.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Report says that both the local administration and political parties have hindered citizens to some extent in the use of these rights.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Citizens are found more or less free in their choice of political ideals or political parties. However, the local administration is reported to have interfered with protest demonstrations even when they were organized peacefully. Eight persons including Umananda Khanal were arrested on July 3 in connection with the movement launched by seven leftist factions. Likewise, 25 persons including Devendra Mishra and Gohinda Tharu were arrested in December when local activists of the party tried to stage a sit in protest in front of the COD office in support of a hunger strike initiated by the party.

2.4 Quick and Fair Trial

A total of 1022 cases have been registered under the local court during the period covered by this report. Report says that the local administration sometimes appears to be an obstruction on the way to quick and fair justice. Madan Kumar khatiwada charged with public offence had been released on bail on order of the supreme court. He was, however, arrested without warrant on order of local COD Laxmi prasad Bhattarai on July 4.

3. Landless/Squatters

The member of landless households registered under the commission formed last year is 18400.

Four thousand and two hundred of these households have been distributed public land to be settled on.

4. Women's Rights

4.1 Trafficking/Rape

Three cases of women trafficking and three of rape have come to public notice. The youngest of the rape victims was a 10 year old daughter of Dil Bahadur Bike. She was raped by Krishna Damai from Rajapur-5.

4.2 Jari, Polygamy, Devaki and Badi System

Polygamy is still practiced in this district. To take an example, Yam Prasad Paudel from Jamuni -2 married a girl as his second wife on October 1993, though his first wife with two children was staying with him as a good housewife.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

The Kamaiyas of this district are found to have been leading a life as hard as that of slaves.

5.2 Other Inhuman Behaviors

6. Indigenous Rights

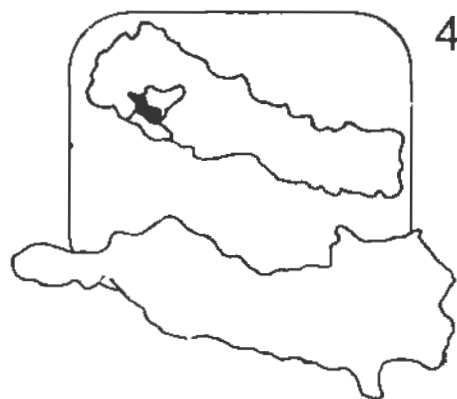
The indigenous Tharu communities are deprived of their right to lead a dignified life. Their plight has not been improved even after the dawn of multi-party democracy.

7. Child Rights

Some children are reported to have been kidnapped. To cite an example, Chhenga Yadav's daughter was kidnapped from Chaudharipur on April 9, 1993. she was later rescued from a bus heading to Nepalgunj. The kidnapper, an Indian national named Chetaram alias Badalu, has been detained for legal action.

Additional Information

Two villages of Bardiya - Patkhar and Daulatpur - have been declared as areas where liquor is prohibited. □



4. Mid-Western

Bheri

4.8 Surkhet

Population : 225,768

Literacy : 42.4%

Women Literacy : 25.4%

Area : 2451 sq.km.

SITUATED in the Western Development Region, Surkhet is one of the relatively accessible districts in the region. It consists of one municipality and 52 VDCs.

1. Right to Life

1.1 Killing/Firing

Three persons are reported to have been killed as a result of personal conflict or vengeance. Some others sustained injuries out of the same reasons.

Ranjana Devi, an inhabitant of Virendra Municipality-4, was killed striking with a sickle by Mahendra Bdr Khadka on June 14, 1993. This happened at night when she was sleeping by the side of her husband, Chandra Bdr Khadka. The whereabouts of the culprit who was arrested and transferred to Nepalgunj is not known.

On June 14, 1993, Yaya Bdr B.C. and Laxman BC killed Purna Bdr Shahi from Birendra Nagar out of vengeance. They then raped the wife of the victim, Sushila Wantara. The culprits have been detained for legal action.

1.2 Jail

The local jail consisted of 33 prisoners at the time our reporters visited it, of whom 14 prisoners have been convicted. There are four women and two innocent children here. The

jail is not provided with any means of information or entertainment.

1.3 Arrest/Torture

In connection with the peaceful protest demonstration organized by four leftist factions on March 5, 1993 the police used tear gas and batons upon the agitators. Also, they used blank fire. Four persons including the mayor of Birendranagar Municipality Yanlal Kandel and Suresh Bhatta were arrested. Likewise, six persons including Kedar Kandel were arrested at Hatiya early in the morning on April 6 when CPN (Masal) had called a Nepal Bandha. Nobody was allowed to visit them, neither were they given anything to eat the whole day under custody. Twenty-one persons including Mayor Yanlal Kandel and deputy mayor Shiva Upadhyaya arrested without warrants from a peaceful protest demonstration organized by seven leftist factions on July 19 were released the following day at 5pm. In connection with the arrests made to disturb the mass meeting scheduled to be held at the Bus Park Dila Ram Giri, secretary of Human Rights Society, Surkhet, was also arrested.

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	2	-
Rape	-	2
Suicide	-	6

Hem Prakash Bhushal, Balkrishna Bhandari and Ilari Shrestha have been charged with public offence following their arrests made on the pretext that they had participated in the peaceful protest demonstration organized demanding the prime minister's resignation, showing him black flags, when he was in Surkhet to inaugurate a radio station. The charges should have been withdrawn as per the agreement reached between the government and the main opposition on September 17, but the victims complain that it has not been done so.

2. Fundamental Rights

Citizens' right to job opportunity is said to have been abused by those in power and positions. Here is case in point. District Education Officer of Surkhet, Nayan Singh Dhumi, called Geeta Adhikari, a local citizen, to get a letter of employment for a position of a school teacher, but as Geet presented herself before him after depositing in the bank the amount of money required for the same, she was denied the job.

2.1 Freedom of Expression/Association

In addition to the incidents mentioned above, the local administration tried to disturb the mass meeting organized to celebrate May Day last year on the pretext that the Bus Park where the meeting was scheduled to be held was a prohibited area. The CDO was forced to give in before public pressure. Report says that later the District Administration Office demanded a clarification from the mayor regarding it.

Human Rights Supervision Committee and Amnesty International, Surkhet, had demanded immediate release of those arrested on July 19-20 claiming that their fundamental rights had been violated.

Some school teachers staged a hunger strike from August 13 to August 22 protesting that the Teachers Selection Committee had made the selection on the basis of their ideologies.

According to Bhanubhakta Bharati, the chairman of Nepal Human Rights

Organization, Surkhet, fifty-two persons were arrested in the year 1993. He further says that legal procedures were completely ignored while making the arrests.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Incidents cited above speak themselves about the situation of political freedom in this district.

2.4 Quick and Fair Trial

A total of 364 lawsuits have been registered under the concerned bodies of this district in the year 1993. Report says that the local police administration forwarded 75 cases to the local court for legal action. The number of cases related to public offence registered under the District Administration Office was 15.

This district has an Appeal Court functioning at the regional level. Altogether 122 lawsuits had been registered under it by June 1993. These included one case of rape, one of divorce, two of intended rape, two of polygamy, one of abortion, nine of attempted murder, five of murder and three of women trafficking.

3. Landless/Squatters

There are scattered squatter households in this district. Their real number is not known. Report says that there are about 100 such households in Ghat Ghaon, 500 inside the municipality, 1 hundred in Koldanda, 1 hundred in Madanichaur, 50 in Tosra and 30 in Kalyan. This is just a rough estimation.

4. Women's Rights

The overwhelming majority of women are completely unaware of their rights. Report says that they are dumbfounded to hear that they deserve equal rights as men. In the western part of Surkhet, there still exists the custom that women are kept in a solitary hut for five days following every menstruation. The stupid belief is that if such women are kept at home, the gods will flee from there.

4.1 Trafficking/Rape

As mentioned under Quick and Fair Trial, two cases of rape have come to public notice in 1993. In one of the cases, an 18 year old girl who was on the way to her parents' place was raped by Purna Bdr Budha and Ganesh Bdr Budha on June 4, 1993. The rapists happened to be their distant relatives. Report says that Meen Bdr Bantara, who had approached the spot searching his wife, was murdered by the rapists. The culprits have been detained for legal action.



Squatters' place

4.2 Jari, Polygamy, Devaki and Badi System

Khadananda, an inhabitant of Vidyaphur, married two girls, Lila Subedi and Nandi Rajali Magar, amidst the same religious ceremony, a rare case in which two girls had sacrificed their rights voluntarily.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

Persons from poverty-stricken families are kept by the rich as domestic servants to be used as herdsmen or farmhands. Such people lead a wretched existence like that of slaves.

5.2 Other Inhuman Behaviours

Bhadra Bdr Khadka and Kabi Ram Thapa with the assistance of a forest guard tied up Birman Damain, an inhabitant of Harsha Deurali, on the pretext that he had accused a local woman of being a witch on August 2, 1993.

6. Indigenous Rights

Among indigenous people living in this district the Botes and the Rajis are the most Backward and the most exploited ones.

Some Badi women are found engaged in prostitution. Nothing has been done for the upliftment of the indigenous people here.

7. Child Rights

As in the neighbouring districts, the overwhelming majority of children of school going age are forced to do physical labour, thereby abusing their rights to education and a happy childhood.

Additional Information

Kabi Ram Puri, an examinee, beat an invigilator, Amar Basnet, for not being allowed to copy answers in the SLC examination.

Six persons are reported to have committed suicide. □



4. Mid-Western

Bheri

4.9 Jajarkot

Population : 113,958

Literacy : 23.5%

Women Literacy : 9.0%

Area : 2230 sq.km.

JAJARKOT is one of the remote hilly districts of Bheri Zone. Even after the restoration of multi party system, politics has been dominated by administrative force and money as in the autocratic Panchayat regime.

Shahi charged with murder is reported to have been suffering seriously from stomach trouble and swelling. In view of physical facilities, it is one of the poorest jails in the country.

1. Right to Life

1.1 Killing/Firing

According to District Administrative Office and District Police Office, seven cases related to killing have been registered for legal action within the period covered by this report. Of them, 3 cases have been forwarded to the local court.

1.2 Jail

The local jail consists of seven prisoners of whom 2 prisoners have been convicted. There is also one woman prisoner there. The jail does not have any facility of light. The prisoners are handcuffed and nailed day and night. Khadki

1.3 Arrest/Torture

UML activists are said to have been victimised by police atrocity on the pretext of creating disturbance in a meeting of Jugathapa Chaur VDC on August 6, 1993. Seven persons including Bijuli Bdr Shahi, Tek Bdr Shahi, Bhawani Prasad Shahi, Bhim Bdr Nepali and Abhiman Shahi have been charged with public offence. In connection with the incident, Man Bdr Budhi arrested while sleeping was brutally beaten. Local inhabitants complain that witnesses regarding the cases were collected in isolation from a handful persons supporting the party in power. Voices were raised before the commission concerned and in the parliament demanding that these cases be withdrawn. In connection with the incident, policemen Sher Bdr Shahi, Tanka KC and Arjun Khadka beat Rupak Karki, 14, and Rajiv Karki on October 18, 1993. Likewise, Deep Narayan Karki was beaten at Matela Pul on September 30. Prior to that, in a public fair held on August 27 at Panchkariya, Police Inspector Mayakumar Malla and his men used blank fires after getting drunk to terrorise the citizens.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	2	1
Rape	2	4
Suicide	-	-

2. Fundamental Rights

2.1 Freedom of Expression/Association

Incidents mentioned above speak themselves about the general situation of these rights. Charging citizens with public offence simply for expressing their views in the VDC meeting was an act of outright violation of freedom of expression.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

2.4 Quick and Fair Trial

A total of 118 lawsuits were registered at the local court in 1993. Local citizens are heard to complain that court decisions were delayed due to the absence of District Judge from office for a long time.

Report says that citizens are deprived of legal advices for lack of private legal practitioners in the district.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

Four cases of rape have been registered under the local court. As for women trafficking, nothing specific has come to public notice.

4.2 Jari, Polygamy, Devaki and Badi System

The practice of Jari and polygamy is widespread in this district. Disputes related to these are normally settled by gentle persons of the community. Report says that the amount of Jari money can be upto 25 thousand rupees.

The Badis lead a wandering life. A great number of Badi women are reported to have engaged in prostitution for survival.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

Persons from poverty-stricken households are kept by local feudals as domestic servants to be used as farmhands or herdsmen.

5.2 Other Inhuman Behaviours

The local lords cheat simple-minded persons by preparing false documents of debt.

6. Indigenous Rights

7. Child Rights

Nothing specific has come to notice in this regard. □



4. Mid-Western

Bheri

4.10 Dailekh

Population : 187,400

Literacy : 29.5%

Women Literacy : 11.1%

Area : 1502 sq.km.

DAILEKH is one of the most remote and inaccessible districts of Bheri Zone. Report says that among other things human rights are found to be violated by unfair and biased decisions made by the local administration and the Forest Preservation Special Court, according to the inhabitants of the district.

1. Right to Life

1.1 Killing/Firing

Some persons are reported to have been killed because of personal conflict, envy and fear.

Jamansing Majhi, Dhan Bdr Majhi and Lal Bdr Thapa killed Karna Bdr Majhi, an inhabitant of Rakam village, and threw his dead body into the river Karnali on November 12, 1993. The culprits have been detained for legal action. Krishna Bdr from Bidabasini-7 killed his wife Mankumari on March 18. Likewise, Kailo Sarki, Padma Bdr Shahi and Singha Bdr Shahi, and Prithvi Bdr Khadka killed Ratne Sarki, Dhan Bahadur and

Deuchhane respectively at different times in 1993.

On October 3, 1993, Mrs Man Maya Gurung from Baraha-1 killed her newly born baby that she had conceived by illicit connection. The court has decided her a sentence of ten years' imprisonment on a charge of infanticide.

1.2 Jail

At present, the local jail with a dilapidated building does not consist of political prisoners. There are 23 prisoner here, of whom there are 3 women. There is not any arrangement of light for the night. The prisoners are provided with neither adult literacy classes nor any other means of information or entertainment. Those who are literate can have an opportunity to read the Gorkhapatra, an official vernacular daily, once in a blue moon. Tirtha Bdr, one of the prisoners here, has been handcuffed and nailed all the time on the accusation that he had made an attempt to commit suicide and had also pinched a 6 year old female child in the jail. There is not a separate building for the guards of the jail.

1.3 Arrest/Torture

Dorje Tamang arrested on a charge of stealing an idol of Buddha was tortured under police custody. Report says that in course of torture four of the nails of his toes were pulled out.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	10
Rape	-	2
Suicide	-	-

2. Fundamental Rights

2.1 Freedom of Expression/Association

Report says that citizens are arrested and kept under custody without presenting warrants. School teachers are interfered by the administration in their choice of professional organizations. Twelve trained teachers teaching in various schools for the last fifteen years were forced to take retirement. Besides, seventy others were also forced to accept the same fate. Report says that this was a biased action on the part of the government. Forty-six of these teachers were reinstated following a strong protest by them.



*Mr Torthi Tamang:
Wounded by Police-
torture*

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

2.4 Quick and Fair Trial

The District Police Office forwarded 16 cases to the local court and 9 to the District Administration Office out of the 47 cases registered under it. A total of 148 cases were registered at the local court, of which 18 cases were related to murder.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

There have been two rape cases in this district in 1993, in which a 10 year old girl child was raped by Dhan Bdr Gurung, an inhabitant of Vasanta Mala-5, on August 30, and an unnamed woman was gang-raped by Rame Sarki, Chandra Bdr Sarki and Jhupre Sarki, all from Narayan-5.

4.2 Jari, Polygamy, Devaki and Badi System

The cases of polygamy have come to public notice within the period of time covered by this report. As a result of the practice of child marriage and polygamy, fourteen lawsuits demanding divorce were registered at the local court this year.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

The so-called untouchables are humiliated in public by the so-called touchables. To take an example, Krishna Soni, a so-called untouchable from Saraswati-6, was forced to pay the charge including that of a place in which he had eaten beaten rice and yogurt at the hotel of Jeet Narayan Shrestha on December 13, 1993. Likewise, Tilak Bikal from Kasikand-4 was not allowed to take water out of a bucket at the District Health Office on December 20, 1993.

Members of a funeral procession of an untouchable were beaten by a gang led by Thir Bdr Thapa, Lil Bdr Thapa, Ratna Bdr Budha and Ganga Bdr Budha on the pretext that they had blown a horn on February 2, 1993. The District Administration dismissed the complaint of those beaten by suggesting that they should not try to imitate the custom of those belonging to higher castes.

There have been many more cases like these.

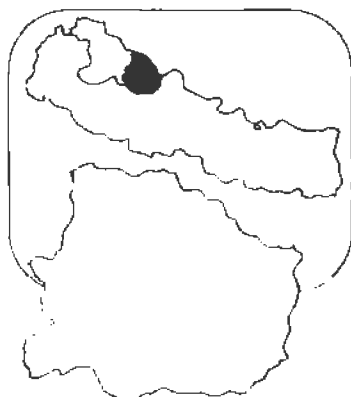
6. Indigenous Rights

7. Child Rights

The overwhelming majority of children of school going age are deprived of their right to education.

Additional Information

Keshe Rokaya of Kalika-5 set the house of Amrita Magami from the same neighbourhood on fire. Report does not specify the cause of it. □



4. Mid-Western

Karnali

4.11 Dolpa

Population : 25,013

Literacy : 23.2%

Women Literacy : 8.4%

Area : 7889 sq.km.

DOLPA is a remote and backward district situated in Karnali Zone. For lack of transport and communication facilities incidents occurring here violating human rights seldom reach the press media.

1. Right to Life

1.1 Killing/Firing

Tamba Lama, 15, was supposedly killed by Rapke Gurung.

1.2 Jail

The local jail consists of four prisoners. Report says that the prisoners sometimes have a hard time because they are not given their regular ration and clothing on a regular basis. The jail is extremely poor in terms of physical facilities.

1.3 Arrest/Torture

Report says that the police here arrest citizens without warrants. Vijaya Hirachan, Tak Bdr Jhaunkri, Sher Bdr Runa, Ram Thakali,

Gokarna Dangi and Rama Shahi were arrested without warrants on suspicion of stealing an idol from a monastery called Yarchu. The police are said to be in the habit of beating alleged persons to make them confess crimes they may not have committed. This year, ten persons sustained injuries from beating occurring out of personal conflict. Fourteen persons supposedly involved in such incidents were arrested, and four persons are said to have absconded.

2. Fundamental Rights

2.1 Freedom of Expression/Association

These rights of citizens are sometimes abused by those families in the district that are well-off.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Citizens are not free to choose any political party they like free from fear of the local administration or that of local lords.

2.4 Quick and Fair Trial

A total of 44 lawsuits were registered under the local court in the year 1993. It is said that the two parties, NC and RPP, try to influence the court decisions.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	1
Rape	-	-
Suicide	-	-

Lack of private legal practitioners, low level of awareness regarding civil rights and duties, and the lethargic working style of the administrative bodies as well as that of the court are factors contributing to delayed and unfair decisions.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

The inhabitants of the northern part of the district have a strange practice of forcing the bridegroom to pay as much money as they can. There is a kind of competition among men to marry a particular woman. Whoever can afford the most becomes eligible to marry the woman in question.

4.2 Jari, Polygamy, Devaki and Badi System

The practice of Jari is deep-rooted in the culture of this district. The amount of Jari money can be upto 30 thousand rupees. In Dolpa, the more wives a man has the more prestigious he is regarded. DDC Chairman Om Bdr Budhu has recently married a 19 year old girl as his third wife. Rudra Bdr Dangi and Moti Prasad Pahari have four wives each. Having two wives is something normal here. The custom of keeping women as Jhumas at the monasteries still exists. The Jhumas are compelled to stay unmarried all their life and the Lamas are free to use them in whatever way they like.

In Six Himalayan village situated in the northern part of this district there is a practice

of one woman having more than one husbands. Here, it's not the man that marries a woman, but the other way round. The eldest of the sisters marries the eldest of the brothers in a family and the rest of the brothers become her husbands automatically. Any child born of the woman having more than one husband becomes a common offspring to all of her husbands.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

Slavery exists among the Buddhists in the northern part of the district. This disgraceful situation calls for a vigorous human rights campaign.

5.2 Other Inhuman Behaviours

The untouchables in this district are treated like second grade citizens.

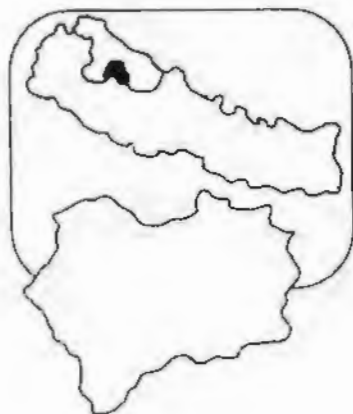
6. Indigenous Rights

7. Child Rights

In this district, child labour is used beyond imagination.

Additional Information

Two government employees a policeman Rajdhani Budha and a land surveyor under the Survey Office Bharat Bdr Gautam died of altitude sickness. □



4. Mid-Western

Karnali

4.12 Jumla

Population : 75,964

Literacy : 25.2%

Women Literacy : 8.4%

Area : 2531 sq.km.

JUMLA district lying in the Himalayan area is the headquarters of Karnali Zone. For lack of enough arable land some people from this district go to different places of the country or to India looking for work.

1. Right to Life

Privation and misery sometimes lead people to extreme dehumanization. Here is a dreadful case in point. There broke out a quarrel between Pune Budha and Sobha Budha when Pune could not provide enough food for his newly delivered wife, Sobha, Pune, in a fit of anger, killed his wife and the baby on June 13, 1993. Report says that Pune is leading a wretched existence at Jumla jail with his two year old male child. Due to extreme regret and agony, he has lost mental balance.

1.1 Killing/Firing

Ratna Lal and others at the instigation of Jaya Hari Acharya killed Ram Saran Upadhyaya in a jungle called Ghatikhola on December 6, 1993. Report says that prior to his murder, Ram Sran had requested a local police post



Ramsaran Upadhyay:
Dead

and the District Police Office asking protection against a conspiracy that he said was being hatched to kill him, according to his son Chhetra Prasad.

Three persons including Gorakh Bdr Rawal are said to have killed Indira Bdr Rawal, an inhabitant of Mahat Gaon-3, on July 22, 1993. But alleged Gorakh Bahadur says that Ram Saran had died from beating. It is said he was caught and handed to senior constable of police Kali Bahadur after he became violent getting drunk.

1.2 Jail

The local jail located on the bank of river Tila consists of 23 persons of whom there are one woman and two dependent children of hers. The prisoners are allowed to visit their relatives twice a week. The prisoners here are not provided with additional facilities like prisoners of other remote areas in the country.

1.3 Arrest/Torture

Seventeen persons were arrested following the murder of Ramsharan Upadhyaya. Report says that seven of them have been released on bail

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	1	2
Rape	-	2
Suicide	-	4

of seven thousand and five hundred rupees each. It is said that political pressure or pressure from local bullies and the clever ones makes a great difference in legal decisions.

Ganga Bdr Shahi, a teacher at Kalika Secondary School, arrested without warrant on April 11, 1993 was kept under custody for 18 days. It is said that he was arrested following an argument with District Education Officer Dev Narayan Yadav regarding his transfer. Under custody he was humiliated by being forced to clean the courtyard of the jail. After 18 days in custody, he was presented a warrant charging him of beating and later was released on bail of 28 thousand rupees. Likewise, Ganga Bdr Shahi charged with public offence following an argument with a ranger was released on bail of 28 thousand rupees.

Bhim Bdr Khadka and his wife Bimala Khadka were brutally beaten by Inspector of Police Ran Bdr Khadka out of vengeance.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Any citizen who dares speak himself or raise voice against irregularities or injustice is made to suffer by those in power or positions. School teacher Ganga Bdr Shahi is a case in point.

Bin Bdr Gautam, the headmaster of Chandra Nath Secondary School, Khalanga, was attacked by Iswari Dutta Neupane and Tej Bdr, when he was sleeping in the hostel on November 25, 1993. The local administration is said to have ignored his complaint seeking justice.

2.2 Religious Freedom



A scene of Jumla jail

2.3 Political Freedom/Free and Fair Election

2.4 Quick and Fair Trial

It is learnt that political parties try to influence court decisions. In regard to it, DC Chairman Lalitjung Shahi, a local leader of the party in power, says that no party is an exception to it, while UML District Secretary opines that it is mainly the party in power that tries to put pressure in the process of court decisions. That is why, citizens have misgivings about court decisions. Report says that detainees under police custody are not allowed to see even their relatives.

During the period of time covered by this report, the number of cases registered under the police office, the District Administration Office and the District Court was 17, 20 and 249 respectively.

3. Landless/Squatters

Individuals from poverty-stricken households are compelled to work for the rich as domestic servants. Apart from this, report does not mention anything specific about the condition of landless people or squatters.

4. Women's Rights



*Teacher Bin Bahadur Gautam wounded
due to beating by another teacher*

4.1 Trafficking/Rape

Two rape cases have come to our notice, in which one of the females raped was an eight year old child.

4.2 Jari, Polygamy, Devaki and Badi System

The practice of polygamy and Jari widely exist in this district. However, cases related to these rarely reach the court.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

The so-called untouchables are forced to clean glasses they drink tea out of in the tea shops. Besides, while eating they are prohibited to sit together with persons belonging to the so-called upper castes.

6. Indigenous Rights

7. Child Rights

Children are made to work from a very early age. They can be seen carrying loads, collecting fire wood in the jungles, cleaning glasses at hotels or working in the fields. Child marriage is a normal practice here.

Additional Information

Four individuals are reported to have committed suicide. □



4. Mid-Western

Karnali

4.13 Kalikot

Population : 88,805

Literacy : 19.4%

Women Literacy : 5.1%

Area : 1741 sq.km.

ONE of the five districts of Karnali Zone, Kalikot is still deprived of all modern facilities. It has neither a hospital nor a college.

1. Right to Life

1.1 Killing/Firing

No incident of firing except for the one that occurred in Melmudi village on September 19, 1993 has come to public notice. In the Melmudi incident, 6 year old Tul Prasad Upadhyaya was killed by a bullet fired from a gun being carried by 13 year old Basanta Bahadur.

1.2 Jail

The local jail having three buildings - two for male and one for female prisoners - consists of 3 prisoners of whom two have been convicted. As there is no separate building for them, the jail guards are compelled to spend the night among prisoners. The jail does not have an appropriate arrangement of toilets, neither does it have the provision for timely medical treatment.

1.3 Arrest/Torture

Thirteen students of Nanda Devi Secondary school located at Kotwada were arrested on May 31, 1993 following their demand of transfer of a teacher Ramesh Kumar who, as

they complained, was incompetent in his subject. Those arrested were inflicted torture under custody. According to one of the victimized students Gobinda Bahadur Batala, Inspector of Police Balkrishna Thapa himself was involved in the torture. Report says that all those arrested were forced to undress themselves and then cold water was poured over them. They were kicked and beaten with sticks and water was poured into their nostrils. Having charged with public offence, they were released later on bail of 28 thousand 2 hundred and 50 rupees each.

Chairman of Bharta VDC Nanda Bdr Shahi was arrested on August 20, 1993 following his critical remarks on repressive attitude of the local CDO and the police that he had made while addressing a mass meeting the day before. He was brutally beaten for two days, forcing him stand on his head. Besides, chilly powder was dropped on the genital areas of Nanda Bahadur and his brother Naina Bdr Shahi. Later, he was released on bail of 56 thousand and 5 hundred rupees. Likewise, Bhadra Bir Bohara, an inhabitant of Ranchuli, was brutally beaten by the police following his

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	-	7
Rape	-	-
Suicide	-	-

arrest on suspicion of killing a clerk of a local Health Post. Report says that the clerk had actually died from a fall after getting drunk. Bhadra Bdr Had sustained a long and deep injury on his head by police beating.

Nyanu Malla from Danham, VDC arrested by mistake in place of Nyan Malla on July 30. was also inflicted torture.



A scene of Kalikot, Khandachakra jail

Chairman of Bar Association Kalikot, Tularam Bista says that police atrocity has been the main factor violating human rights. To justify his statement he further says that in response to an enquiry as to why they beat citizens arrested, the then Police Officer Balakrishna had responded saying, "As we are a martial force, even if the prime minister is brought under custody, he will inevitably be kicked twice."

Ironically, CDO Vinod Prasad Sharma says, "I am not informed about torture under custody. I have seen that citizens have enjoyed human rights to the full extent possible." While DSP Chandra Shekhar Wachhar makes a dubious statement that it cannot be said



VDC Chairman, Nanda Bahadur Shahi : Victim of torture

whether or not torture is inflicted during interrogation.

2. Fundamental Rights

2.1 Freedom of Expression/Association

It is learnt that school teachers are not allowed to freely choose one of the professional organizations. A school teacher Meen Bdr Raut who had been teaching in a lower secondary school located at Odanku-9 for the last 23 years was replaced by Dal Krishna Singh, a newly appointed person from Surkhet. Report says that Meen Bdr Raut was transferred to Surkhet just because he was affiliated with NNTO while Mr Singh was inclined towards Nepal Teachers' Association. Eighty permanent teachers including Sarpa Raj Singh, a supporter of NNTO, have been transferred to remote areas.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

2.4 Quick and Fair Trial

A total of 97 lawsuits were filed at the local court in 1993. The arbitrary attitude of the police seems to be a barrier to quick and fair justice.

3. Landless/Squatters

4. Women's Rights

The overwhelming majority of women in this district are completely unaware of their rights. This situation calls for a vigorous human rights campaign.

4.1 Trafficking/Rape

4.2 Jari, Polygamy, Devaki and Badi System

Five cases related to Jari have been registered at the local court. Likewise, five cases of polygamy have been registered under the police office.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

Citizens inclined towards the opposition parties are harassed in various ways. When school teachers and others expressed the complaint that the Teachers Selection

Committee had passed some incompetent persons by receiving bribe from them, District Education Officer Bedananda Jha with the assistance of local administration tried to impose on them charges of public offence.

6. Indigenous Rights

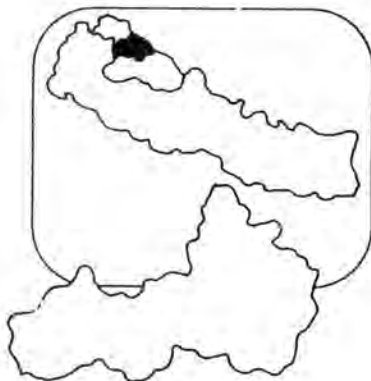
The Magars living in Varta VDC seem like indigenous people. Report says that their rights have not been encroached upon by other people.

7. Child Rights

A great number of children from this district die of malnutrition, pneumonia, tuberculosis and sometimes encephalitis. Those who survive are forced to be engaged in physical labour from a very young age, thereby depriving them of their rights to education.

Additional Information

Kalikot district has been declared to be a district free from liquor. The sale and use of it have been prohibited. □



4. Mid-Western

Karnali

4.14 Mugu

Population : 36,364

Literacy : 21.7%

Women Literacy : 5.1%

Area : 3535 sq.km.

MUGU is regarded as the most remote and backward district of Karnali Zone. This district suffers almost always from famine. It is inhabited by about 705 families. An insignificant number of persons in this district are aware of human rights, despite the restoration of multiparty democracy in the country.

1. Right to Life

Tanka Bdr Malla, 47, an inhabitant of Peena-9, disappeared at a time when he was wounded. The police say that he has not died, but his whereabouts is not known.

1.1 Killing/Firing

Nobody is reported to have been killed by police firing. Gyan Bdr Shahi and Prem Bdr Shahi arrested on charges of attempted murder are in jail awaiting trial.

1.2 Jail

The building of the local jail has two dark rooms only. It now consists of three prisoners

of whom two persons have been alleged of murder and the other one that of rape.

1.3 Arrest/Torture

Gyan Bdr Shahi who has been awaiting trial complains that the police had beaten him twice on his soles and shins of his leg. A school teacher Ranga Bdr Malla was also tortured following his arrest.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Although all political parties in this district are free to enjoy these rights, school teachers are said to have been deprived of them. Teachers affiliated with their professional organization - NNTTO - have been harassed by being transferred to remote areas or to accept membership of Nepal Teachers Association, an association openly supporting the party in power. Such pressures are said to have been created under the influence of Assistant Minister for Education who is from this district.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Nothing specific has come to our notice in this regard.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	2
Rape	-	-
Suicide	-	-

2.4 Quick and Fair Trial

Deprivation of quick and fair justice is a major problem of this district. There is not even a single private lawyer in this district. Almost all the cases in Mugu are decided by local lords under the traditional practice called Horse and Sheep system. And some cases are settled by witch doctors. The Horse and Sheep system is a feudal practice under which the local lords are mounted on horses and served with Sheep meat. Whatever they say goes.

A total of 97 lawsuits were filed under the local court during the time covered by this report. Of these, only 31 cases have been decided. As the district judge has been absent from office since October 16, 1993, all the cases are pending. The three persons awaiting for trial in jail have been deprived of their right of quick justice.

3. Landless/Squatters

The number of households having less than one hector of land is more than 605. Locally produced food stuff is not enough to feed the district even for six months. An average of 25 quintals of food stuff needs to be supplied from the Terai every year. Except for the handful of local feudals, almost all the people in the district are compelled to lead a wretched existence like that of landless people. In winter, a great number of people go to India to work there for a living.

4. Women's Rights

4.1 Trafficking/Rape

Women in this district are leading a life as low as that of beasts of burden. Incidents of rape

occur in every village almost every month. Such incidents are sources of income for the local lords who act as so-called judges. It is learnt that one and the same daughter is given in marriage to various persons by the father to obtain money from the bridegrooms.

4.2 Jari, Polygamy, Devaki and Badi System

Men who are successful in courting other's wives are regarded as prestigious. That is why, the practice of Jari is widespread here. The amount of Jari money can go up to 70 thousand rupees. Like Jari, forced marriage and child marriage are also some of the serious problems facing the people in this district. Polygamy is normal among all the communities in this district.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

The so-called untouchables such as Kami, Damai and Sarki are deprived of all the rights of citizens guaranteed by the constitution. Report says that these untouchables comprise 16% of the total population of the district.

6. Indigenous Rights

7. Child Rights

Child labour and child marriage are factors leading to outright violation of children's rights. Needless to say that over 90% children of this district are deprived of the light of education. □



4. Mid-Western

Karnali

4.15 Humla

Population : 34,383

Literacy : 19.5%

Women Literacy : 4.5%

Area : 5655 sq.km.

HUMLA lying in the north-western border region of Nepal is a remote Himalayan district inaccessible by road. The overwhelming majority of inhabitants of this district having a traditional life-style based on exploitation and superstitions are easily cheated by local lords, government employees and the police administration.

1. Right to Life

1.1 Killing/Firing

Nobody is reported to have been killed by the use of administrative force or in incidents occurring out of personal conflict or envy. Nevertheless, a lawsuit has been filed at the local court on October 30, 1993, demanding legal action against eight persons supposedly involved in the murder of Bire Bista, an inhabitant of Srinagar-4, who was killed about three years ago. The alleged persons - Lok Bdr Bista, 50, Kato Rokaya, 50, Mrs Lal Dara Bista, 63, Mrs Prasi Bista, 42, Chhatra Rokaya, 32, Mune Bista, 21, Gwame Rokaya, 50, and Mangale Rokaya, 40 - had been absconded until this report was prepared.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	-
Rape	-	-
Suicide	-	-

1.2 Jail

The local jail built at Simikot has become a place of torture for prisoners. Located at an altitude of 9 thousand an 5 hundred feet, it is so cold that the prisoners here fall ill from diseases like swelling of the body and aching of the joints. The jail does not have any provision for medical treatment. Now the jail consists of 8 prisoners. They are charged with crimes such as theft, rape, murder etc. Four of the prisoners have been convicted.

For lack of a toilet, the prisoners are compelled to excrete and urinate using big pots in their rooms.

As there is not any separate room for women prisoners, there arises a problem when a woman is jailed.

The CDO of Humla District Mr Mohan Singh Khatri admits that the general condition of the local jail is very poor.

The facilities provided for the prisoners are so meagre that they are forced to lead a hellish existence there.

1.3 Arrest/Torture

2. Fundamental Rights

2.1 Freedom of Expression/Association

According to representatives of political parties such as Nepali Congress, CPN (UML),

People's United Front and Rastriya Prajatantra Party, human rights were not violated by the police and the administration during the time covered by this report.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

2.4 Quick and Fair Trial

Report says that a total of 21 lawsuits were filed at the local court between January 93 and January 94. Out of the 74 cases including those filed before 1993, the court decided only 11 cases in the whole year. The remaining cases are pending because the judge of this district, Mr Gopal Prasad Guragain, has been sent to Dhanusha on official business since last year.

CDO Mohan Singh Khatri informed our reporters that local inhabitants had organized a Gherao (Blockade) outside the local administrative office demanding that the judge be present in his office at the court.

Rajendra Karki, a prisoner in the local jail, is reported to have staged a hunger strike for three days demanding that his case be decided without delay.

3. Landless/Squatters

The plight of the overwhelming majority of inhabitants in this district is not any better than that of landless people in other districts of the country because they can feed themselves with the crops they grow only for 3 or 4 months a year.

4. Women's Rights

4.1 Trafficking/Rape

4.2 Jari, Polygamy, Devaki and Badi System

Practices of polygamy, Jari and child marriage are as common as normal in this district. Besides, in the northern part, there is a practice of women having more than one husband. The local inhabitants accept all these practices as integral parts of their culture.

Inter-caste marriages are strictly prohibited here. Interestingly, women among the Lama communities can deliver children out of marriage. Hence, so says the report, among other things women are exploited sexually as well.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

Men from the well-off families and the clever ones become witch doctors. They regard themselves as representatives of God and exploit and oppress the general public by taking advantage of their superstitious beliefs. The only cherished dream of the general public is to please God. So whatever the witch doctor asks them to bring to offer God on various occasions, they try to bring it even at the cost of their land.

The practice of Jari is also common here. Women are sometimes accused of being witches. When this is done out of revenge or envy, the accused ones are harassed and humiliated in public.

6. Indigenous Rights

7. Child Rights

Children born of mothers out of marriage are often helpless with no one to support them.

Additional Information

Last year, two children were reported to have lost their lives in accidents.

The local police have arrested Khilal Hamal, an inhabitant of Chhipra, on a charge of dealing in drugs. Likewise, an accountant of Regional Police Office, Dhangadi, Karna Raj Giri who had absconded to avoid a legal action under Public Offence Act has been arrested by the Police Post located at Maula, Kawadi. □



Far-Western Region

Seti Zone

- 5.1 Kailali
- 5.2 Achham
- 5.3 Doti
- 5.4 Bajura
- 5.5 Bajhang

Mahakali Zone

- 5.6 Kanchanpur
- 5.7 Dadeldhura
- 5.8 Baitadi
- 5.9 Darchula



5. Far-Western

Seti

5.1 Kailali

Population : 417,881

Literacy : 30.0%

Women Literacy : 14.9%

Area : 3235 sq.km.

KAILALI, a district in Seti Zone, has the community of Tharus in majority. This district can be reached by the East West High Way. Apart from other reasons, human rights have been found violated by administrative force this year as well.

1. Right to Life

1.1 Killings/Firings

Nobody was reported to be killed by police firing this year. However, some persons have lost their lives because of personal conflict and revenge. Because of a dispute related to land, Gopal Chaudhary was killed by Ghutka Chaudhary. Gopal died in zonal Hospital of Seti on October 25, 1993 as a result of beating that had occurred two days ago. But ironically, Ghutka Chaudhary's six brothers along with two other villagers have been arrested and prosecuted while the real culprit has escaped punishment. Bahadur Rana was caught and killed by being fallen in a trap set to catch a man eating tiger. Jogi Bishwakarma arrested on the accusation of theft died in jail on June 25, 1993 following the brutal torture inflicted on him in the army barracks. Likewise, a lunatic prisoner called Nar bahadur Rawal, 48, killed another prisoner Bhagi Ram Tharu, 47, in jail. Hanuman Chaudhary killed his father Ram Narayan Chaudhary on October 18, when they had a quarrel after getting drunk about their share of property.

1.2 Jail

The local jail that can accommodate only 75 persons has now 137 prisoners altogether. Of them, only 76 have been convicted. There are also 5 women prisoners of whom one is a lunatic. The male and female prisoners are not allowed to get together. The jail has an arrangement for teaching household vocations. A literacy class has also been conducted.

1.3 Arrest/Torture

Twenty-four persons of the landless community of Jhagaddi were arrested by forest guards headed by the District Forest Officer on November 20, 1993. Those arrested were shut up in a small room in the Police Office, Sukkhad. They were given only beaten rice and salt to eat. Meanwhile, 10 of them fled and the remaining 14 were released having fined Rs. 200/- each and forced to sign a statement of confession. Later, it is said, the ranger forced each landless households to pay an extra fine of five rupees.

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	1	2
Rape	-	7
Stripping of women in public	-	1
Death due to military torture	-	1
Suicide	-	1



Maisara Raja : Beaten by Police

In connection with the land dispute under the resettlement programme Tek bahadur Mallia was arrested without warrant on December 13, 1993. When asked on December 16 Inspector of police, Krishna Prasad Mainali hesitated to tell his whereabouts first but later accepted that he was arrested and released immediately. Surprisingly, our reporter learnt that the following day Tek bahadur was handed a warrant under Public Security Act. he was released the next day after everybody gave witness in defence of him. Fifty-four persons including Gokarna Bhatta who was working in his office were arrested from a peaceful protest rally organized by United People's Front on September 21, 1993, thereby violating citizens' right to assembly. Besides, the report says, arrests and releases are politically influenced. One such case is that Rajendra Bahadur who had beaten the family members of Amar Singh Rajana was released by the pressure of the ranger.

2. Fundamental Rights

Persons affiliated with the party in power are reported to have violated the fundamental rights of others. In such a case, some local youths planted saplings inside the rice crops of Amar Bahadur Chand in the name of B.P. Memorial Sapling Plantation.

2.1 Freedom of Expression/Association

Citizens are found to have been beaten, thereby violating their rights. Here is a case in point. Vikram Chaudhary was beaten by his master simply for participating in a programme concerning the liberation of bonded labour organized by INSEC. Likewise, police force forcibly dispersed the people gathered in a rally organized by seven leftist factions. On top of that, 72 persons including Gaura Prasai, a woman activist,

were arrested.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Contradictory views have been heard regarding the situation of political freedom in the district. Maheswar Pathak, Gokarna Bhatta and Shyam Bahadur Shrestha opine that political human rights are violated especially by the local administration and persons affiliated with the party in power, while Teka Raj Ojha says that the overall human rights situation is good.

2.4 Quick and Fair Trial

Owing to poverty, the general public find it too expensive to go to the court to seek justice in time of need. Also, they do not dare to complain before the court to have their injuries sustained during police custody checked. Because of the lethargic working style of the court, ordinary people do not have much confidence in it. This year, 136 cases were reported to have been registered at the court. unless the court develops a quick style of work, the general public will not be able to benefit from it. The ordinary people are heard complaining that they cannot get fair justice in cases to be decided by the CDO office. Political and economic influence also play a role here .

3. Landless/Squatters

There are some squatter households in this district. Unlike elsewhere, they have not invaded the jungle. Nevertheless, they are made to suffer by concerned administration accusing them of felling tress and occupying public land. On October 17, Tika Ram Nepali and Netra Bahadur Thapa who had been living in Rajipur since 1997 were arrested on the accusation of clearing the jungle. After 13 days, they were released on bail.

4. Women's Rights

4.1 Trafficking/Rape

Twenty-one women from 13 to 32 years of age have been reported to have disappeared this year. People believe that they must have been sold in India. Likewise, seven rape cases are reported. The youngest victim was a girl seven years of age. Some of these unfortunate ones were gang-raped.

4.2 Jari, Polygamy, Devaki and Badi System

The practice of polygamy is deep-rooted in the local custom. Among the Tharus, a younger brother accepts his sister-in-law as his wife after the death of his elder brother. There are 12 to 15 households of Badi living in Mudha. People from the neighbourhood say that some Badinis are engaged in flesh trade in the hotels that are on the main road.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

The Kamaiyas in this districts who work as bonded labour are leading a life like that of semi-serfs. Here is an example that shows how obstinate and inconsiderate the local lords are. A local lord, Bhim Bahadur, having received Rs. 15,000/- from a French journalist, Patrik Piward on July 17, agreed to liberate his bonded labour, Asa Ram Chaudhary, but actually he did not. Mr. Chaudhary was freed only when Human Rights Awareness and Social Development Centre put pressure on the obstinate lord.

5.2 Other Inhuman Behaviours

Superstitions beliefs, especially the belief in witches, is found to be deep-rooted in the local culture. Here is a terrible example of it. In October 1993, a witch doctor called Pradeshi Chaudhary beat 17 persons, male and female both, from 17 to 75 years of age, accusing them of being witches. Having them undressed he also forced them to eat shit. They were forced to sign a document admitting that they were witches. They were tortured and humiliated in public in several ways.

6. Indigenous Rights

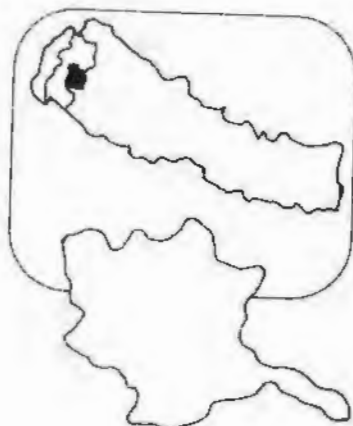
7. Child Rights

Children are deprived of their rights because of the Kamaiya system. Children are also found to be sold to rich households. They are not able to enjoy any of the rights granted to children of other communities. The children here are forced to do hard labour.

Additional Information

Indisciplined activities on the part of policeman have caused more human rights violations. Sub inspector of police, Lalit Bahadur Bam and police in-charge, Pandey arrested and brutally tortured a woman teacher of a local boarding school on March 18 on the pretext that one student's tooth had been broken when a teacher beat him while he was asleep. The local people say that once the local DSP and Public Contact officer got drunk in a hotel and fought with each other. When Gopi Hamal tried to separate them, he was also beaten. Needless to say that such police officers are a nuisance to society .

Three cases of attempted suicide have been reported. Those who attempted to commit it together using insecticides were Harini Chaudhary, 18, Laxmi Chaudhary and Kalawati Chaudhary. Report says that they did so because they did not like their husbands. Of the three, Harini Chaudhary died in the health post the same day when she had made the attempt on June 11, 1993, while the other two returned home after having medical treatment. □



5. Far-Western

Seti

5.2 Achham

Population : 198,188

Literacy : 23.4%

Women Literacy : 5.4%

Area : 1680 sq.km.

ACHHAM, a remote district in Seti zone, is still suffering from the burden of poverty, illiteracy and superstition. A great number of people are compelled to go to India earn a living. Taking advantage of the people's backward condition the local bullies and the local state machinery are found to have been violating their human rights.

1. Right to Life

Kalu Devkota of Kuika village is reported to have disappeared on June 3, 1993. Vishma Timalaina who was arrested on the accusation of being involved in the incident managed to free himself from the grip of the policeman. The local people were heard to complain that the police administration did not make necessary effort to search the culprit and punish the policemen involved in the incident while the police authorities say that the policemen concerned have been taken action against.

1.1 Killings/Firings

Police firing did not occur this year. No report has been received as to how many citizens

were killed because of personal conflict. However, an innocent woman is reported to have been victimized out of revenge. The baby of a newly delivered mother, Raimati of Dholibada, died without having enough breast-milk. She was accused of killing her baby intentionally. The poor victim is now in jail.

1.2 Jail

The local jail can accommodate only 25 persons. It has a separate room for women prisoners. Now there are 15 prisoners in the jail, of whom 11 have been convicted. There is only one woman prisoner. The hygienic condition of the jail is very poor due to the inavailability of enough water. No means of information and entertainment have been provided for the prisoners. The jail has not witnessed any improvement since the restoration of the existing multi-party system.

1.3 Arrest/Torture

Several incidents of arrest and torture have been reported this year. In connection with the two mass meetings organized on July 21-23, in memory of Puspa Lal Shrestha, one of the founding members of the Communist Party of Nepal, an argument arose between two rival groups creating an atmosphere of tension. Meanwhile, the police force charged batons upon the conflicting groups, injuring 21 persons including Akkal Bahadur Bista, Ram Bahadur Bista, Nar Bahadur Bhat, Krishna

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	2
Rape	-	1
Suicide	-	-

Bahadur Bhandari, Jhanka Bahadur Rawal, Jhapar Dhami, Jahar Singh Bohara, Dilli Singh Dhami, Bal Bahadur Saudari, Kripa Bahadur, Nanda Singh Kadayat, Bhim Bahadur Damai, Lal Bahadur Shahi, Mohan Bista and Gambhir Rawal. A seventy year old man sitting in his store was also beaten. Krishna Prasad Bhattarai, Shankar Bahadur Rawal and Nar



Lathi charge by police on Left activists in Mangalsen, Achham

Bhat were arrested and brutally tortured. Report says that Nar Bhat who was innocent was beaten even after he became unconscious.

In another incident on May 4, when there was an argument between students affiliated with ANNFSU and NSU, youths belonging to the former association beat Ram Bahadur Rawal and Purna Bahadur belonging to the latter. The conflict was reconciliated by making the accused ones pay Rs. 1000/- to Purna Bahadur for medical treatment. It was said that the other victim, Ram Bahadur, was not given his share from this amount. On July 7, a six year old son of Dammar Kadayat died in Mallekh Health Post while undergoing treatment. In connection with this incident a lawsuit has been filed against Mohammad Mustan, the health assistant in-charge, accusing him of killing the child.

2. Fundamental Rights

2.1 Freedom of Expression/Association

There have often been conflicts between activists of political parties for lack of intolerance. School teachers are reported to have been deprived of their right to be affiliated with any of the two professional organizations they like.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Incidents mentioned above testify to the fact that citizens are not allowed to enjoy their political rights without fear and interruption.

2.4 Quick and Fair Trial

Nothing specific has been reported in this regard.

3. Landless/Squatters

4. Women's Rights

4.1 Trafficking/Rape

This year also there have been some incidents related to attempted women trafficking and attempted as well as actual rape. Hansakala Bohara was gang-raped by five culprits. Manasara of Kuika was attempted to be trafficked to India by five culprits. Women in this district are found having a hard time because of the local custom of forced marriage after having been kidnapped.

4.2 Jari, Polygamy, Devaki and Badi System

No factual report has been received regarding these practices.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

In this regard, some cases have been reported in which poor citizens are forced to work for the local lords as domestic servants getting nothing but meagre food and clothing.

5.2 Other Inhuman Behaviours

Two categories of untouchables are found in this district in which Kami, Sunar, Kadara, Bhul, Sarki and Tamata belong to the upper category and Damai, Dholi, Das, Auji and Pariyar to the lower category. These people have been discriminated against in a number of ways, thereby disregarding their right to equality.

6. Indigenous Rights

The Rautes, people in the primitive stage of development, seen in this district this year have moved somewhere else. Therefore, nothing was learnt about their plight.

7. Child Rights

The majority of children of school going age are found to have been engaged in household chores, cattle grazing and farm work, the reason being poverty and ignorance.

Additional Information

Jogi Singh Kadara who owns a wooden factory has been prosecuted under the forest act. He says that he has been victimized out of revenge. □



5. Far-Western

Seti

5.3 Doti

Population : 167,168

Literacy : 28.3%

Women Literacy : 9.8%

Area : 2025 sq.km.

Doti, a hilly district lying in the middle of Seti zone, seems to be backward in political awareness. Untouchability, the practices of polygamy and Jari, and unfair political rivalry are seen to be factors leading to human rights violations here.

1. Right to Life

1.1 Killings/Firings

Although incidents of killing by police firing have not occurred, there have been some murders and suicides occurring for other reasons. Lal Bahadur Bam was beaten to death by Pratap Lohar, Gauri Bam and Rudrabir Bam following a dispute while drinking alcohol on June 17, 1993 at Ganesh Bakanda. Pratap Lohar and Rudra Bir Bam have absconded while Gauri Lal Bam has been arrested. Padma Singh Thapa, an inhabitant of Bharikot, was killed by Gore Saud on November 26, 1993. Later, Gore Saud not only confessed but also handed over to the police authorities an amount of two thousand rupees, a transistor, a watch and a jacket that he had seized from the victim.

1.2 Jail

The dilapidated local jail building seems to be on the verge of collapse. Now the jail consists of 33 persons of whom there are two women and two dependent children. The jail has three toilets and one water tap. The government has

not made any arrangement of reading materials or that of a transistor. No one is allowed to visit the jail without the chief District Officer's permission. The hygienic condition of the jail is very poor.

1.3 Arrest/Torture

2. Fundamental Rights

2.1 Freedom of Expression/Association

Citizens are not allowed to express their views freely. Also, their right to assembly seems to be restricted. A case in point is that when the Prime Minister visited Dipayal this year, the opposition and the general public were not allowed to stage a protest demonstration.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Unfair political rivalry seems to have created unhealthy political atmosphere, thereby making the general public indifferent to and confused about their political rights.

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	4	-
Rape	-	-
Suicide	-	1

2.4 Quick and Fair Trial

The general public do not seem keen on going to the local administrative office or to the court seeking justice in time of need, because they do not have much confidence in them. Nevertheless, 63 lawsuits have been registered at the local court this year. Most of these cases are related to land. Of the 10 cases registered at the local police station 6 have been forwarded to the court and the rest are under investigation. Some of the detainees are said to have complained that they were made to confess crimes under police custody by using force and creating an atmosphere of terror.

3. Landless/Squatters

There are some landless people who are reported to have been compelled to work for the rich people as tillers or herdsmen.

4. Women's Rights

4.1 Trafficking/Rape

Nar Bahadur Karki, a policeman working under Doti jail, is reported to have attempted to rape 3 women - Sarala Devi, Parvati and Jhakari-of Dipayal Bazgaun and Lekthata on November 16, 1993. Although the police chief had given assurance that the policeman concerned would be punished, no action has been initiated yet.

4.2 Jari, Polygamy, Devaki and Badi System

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

The poor citizens kept by the local lords in their households are treated more or less like slaves.

5.2 Other Inhuman Behaviours

There are a number of incidents that show to what extent the so-called untouchables are

humiliated and discriminated against. A teacher, Dharma Singh Bikal, an inhabitant of Jikhatar, was beaten just because he had played a drum in a wedding on June 4, 1993. Ratna Sikarmi was prohibited to fill water from a water tap and Gopal Sarki was fined five hundred rupees on the accusation that he had desecrated a hotel of Talara. Indra Bahadur Rawal and Laxmi Nepal, both of them police persons working under the police station in Doti, were harassed just for having an inter-caste marriage.

6. Indigenous Rights

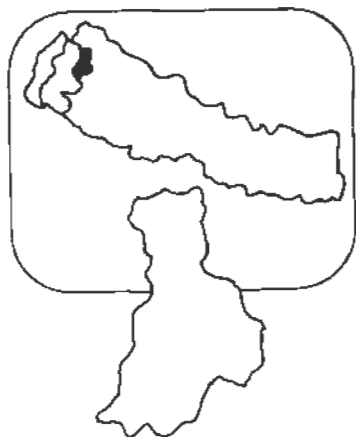
A small Badi community is found living here. Some women from these community are reported to have been engaged in prostitution to make a living.

7. Child Rights

Most of the children of school going age are compelled to work, thereby violating their rights to education and a happy childhood.

Additional Information

This year, 10 persons at Basudevi, 5 at Khirsan and 2 at Varpata are reported to have sustained injuries fighting among themselves after having got drunk. Jaya Bir Rawal, a watchman of the Technical School, Dipayal, committed suicide jumping into a river in May 1993. It is said that he was accused of stealing chilly from a kitchen garden. Nanda Ram Bhat, an inhabitant of Sundar Gaun, was killed by unknown persons on November 1, 1993. Ananda Raj Adhikari, an employee of Regional Water Supply Project located at Dipayal Municipality, was found dead in the store room on September 7, 1993. □



5. Far-Western

Seti

5.4 Bajura

Population : 92,010

Literacy : 24.9%

Women Literacy : 7.6%

Area : 2188 sq.km.

OWING to backwardness and superstitious values and beliefs, untouchability is prevalent in Bajura, one of the five districts in Seti zone. The majority people here are unaware of their civil rights. Therefore, not much attention is found to have been given to human rights violations.

1. Right to Life

1.1 Killings/Firings

The police force is not reported to have opened fire or killed any citizen since December 1992. However, some citizens have lost their lives falling down the steep rocks or being swept away by rivers. This year, 11 cases concerning accidental death or murder were registered in the local District Police Office. Of them, five were related to accidental death, two to suicide by drowning in water, three to abortion and killing, and one case was unidentified. Besides, two persons died falling down the steep rocks and seven were swept away by rivers.

1.2 Jail

In the local jail there were 15 prisoners towards the end of this year, 14 men and 1 woman. Of them, 10 persons were convicted and 5 alleged. Prakash Thapa who is mentally sick has been kept in prison in the absence of someone who can take care of him. The normal prisoners are compelled to stay

together with the abnormal ones in a state of constant fear. The hygienic condition of the jail is extremely poor. No opportunity of work is provided for the prisoners.

1.3 Arrest/Torture

No cases of physical torture have been reported this year. School teachers who were not satisfied with the results of the Teachers' Selection Committee expressed their anger by smearing soot on the face of a secondary school headmaster, Yadav Prasad Joshi and forced him to wear a garland of shoes. These angry teachers complained that teachers were selected not on merit basis but on the basis of their political affiliation. They opine that out of the 106 teachers that were selected 85 were selected simply for being supporters of Nepal Teachers' Association, an association openly inclined towards the party in power. In connection with the incident mentioned above, Prakash Shaha, Umakanta Regmi, Tilak Jaisi and Madan Bahadur Bhat were arrested. While they were being taken action against under public offence act, Nepali Congress, the party in power, and CPN (UML), the main

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	1	-
Rape	-	-
Suicide	-	2

opposition, reached an agreement and all those detained were released on bail.

2. Fundamental Rights

2.1 Freedom of Expression/Association

The general public here are not able to seek and enjoy their rights as guaranteed by law of the land, the reason being poverty, ignorance and fear.

2.2 Religious Freedom

The Hindus and the Muslims (about 30 families) are reported to have been living in religious harmony.

2.3 Political Freedom/Free and Fair Election

Political intolerance especially on the part of the party in power has restricted political freedom of those in opposition. The problem facing school teachers as described above is a case in point.

2.4 Quick and Fair Trial

In this district, it was reported that the local lords make the ordinary citizens fight with each other to fulfil their vested interests. 125 civil cases, 5 cases related to public offence and 7 government cases have been registered at the local court this year. The District Court has decided 18 cases in the year 1993. Of them, there were 12 civil cases, 2 cases related to public offence and 5 government cases.

3. Landless/Squatters

Land is being surveyed for the first time in this district so the actual figure of landless and squatter households was not available. Since most of the land lies in the Himalayan region, this district does not have enough arable land to grow crops enough to feed the population.

4. Women's Rights

4.1 Trafficking/Rape

No cases of women trafficking or rape were reported to the local administration or the court this year.

4.2 Jari, Polygamy, Devaki and Badi System

As in the other districts of far west of Nepal, Jari is found to have been practised as a business in this district as well. The practice of polygamy also is not an exception here. There is a scattered Badi community here but all Badinis are not found to have been engaged in prostitution to earn a living. Three cases of polygamy have come to public notice.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

5.2 Other Inhuman Behaviours

Disputes related to the grazing areas, ditches and mutual jealousy have been reported to be a great many this year. Also, untouchability, belief in witches and witch doctors are still prevailing. The local lords are still in a position to force people to pay so-called taxes and fees of various kinds related to land. Although the practice of Jari is illegal, it has not been eliminated. The maximum amount of Jari can be upto 70 thousand rupees. Untouchability is also prevalent. In case a person belonging to a so-called upper caste touches one belonging to the so-called untouchable caste, he or she is purified by sprinkling holy water over the body. This situation calls for a vigorous campaign of human rights awareness.

6. Indigenous Rights

The few Badis living in this district are not said to have been discriminated against.

7. Child Rights

Due to the lack of awareness related to child rights, children are not only deprived of their right to education but also are made to do hard work and are often beaten.

Additional Information

There is an evil tendency in this district that incidents related to day-to-day conflicts among people are deliberately politicized. □



5. Far-Western

Seti

5.5 Bajhang

Population : 139,092

Literacy : 27.3%

Women Literacy : 6.9%

Area : 3422 sq.km.

BAJHANG, a remote district accessible only by air, is found to have been suffering from poverty, ignorance and various kinds of superstitions. So it is but natural for human rights to be violated by local administration and local lords.

1. Right to Life

1.1 Killings/Firings

This year, nobody was reported to have been killed by using administrative force.

1.2 Jail

There are 13 prisoners in the local jail this year. The prisoners seem not to be allowed to enjoy many of their human rights. They are not provided with any means of entertainment or reading materials. Dharma Raj Khadkaa, a detainee, complains that he is not provided with any means of entertainment or reading materials. Kharma Raj Khadkaa, another detainee, complains that he is not allowed even to consult lawyers. Although he has been charged with murder, he says that the real culprit, Dham Bahadur Khadka, has absconded. The prisoners are given the job of making paper but they complain that they are not paid fair wages. They are said to have been cheated two thousand rupees by a policeman named Chakra Bahadur.

1.3 Arrest/Torture

Hari Lal Khadka and Tilak Khadka after having been arrested on July 23, 1993 in connection with the lawsuit related to murder filed by Purna Bahadur Khadka was kept under custody for 12 days. It is reported that in certain cases the concerned authorities are found not to be keen on taking action against the accused ones because of the pressure of those in power. A case, for instance, is that Bhuvan Chanda Pandit was beaten by Ram Bahadur Mahat inside the court compound but no action was taken against the latter.

2. Fundamental Rights

2.1 Freedom of Expression/Association

There have been incidents that show that citizens are not allowed to enjoy their right to assembly. On July 4, 1993, when a Nepal Bandh was called by leftist parties, Bhanu Bhakta Joshi of Kotdeval was chased and beaten by the police on the pretext that there had been an argument for and against closing the market. Lal Bahadur Sing, Krishna

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	-	-
Rape	-	1
Suicide	-	2



Bajhang District Jail

Bahadur, a 10 year child Mohan Bahadur, Dabal Bahadur Barn, an activist of Nepali Congress and three others sustained injurious while being chased under the pressure of police batons.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Political intolerance was found at places where the party in power has a stronghold.

2.4 Quick and Fair Trial

This year, 12 cases were handed over to the court by the Police Office following the completion of investigation. Two hundred and ninety-four lawsuits were filed at the court between July and October. Out of the total cases, 75 were criminal and 219 civil ones. Twelve criminal cases and 24 civil ones are reported to have been decided. The general public are heard to say that the process of deciding cases is too slow and therefore, disappointing.

3. Landless/Squatters

No Serious problem has come to public notice in this regard. There are landless people who work as household labourers for the local landlords.

4. Women's Rights

This district does not have any women's association under any political party. Women in this district are found to have been strictly confined to household chores. Here is a terrible case that shows how brutally women are treated. A woman of Khiratadi called Raj Mati had labour pain in February this year when a religious ceremony was going on in her family. To avoid impurity, a local

doctor, Lok Raj Joshi, injected her a medicine that was expected to delay the delivery. The poor woman delivered two hours after she was injected. The baby died after 9 hours and the new mother died after six days.

4.1 Trafficking/Rape

Police record has provided evidences related to women trafficking but the number is not so high. A 19 year old woman of Luyata Basti Birjamati by name had fallen in love with Lok ganga. But her father got her married with Sher Bahadur by force bribing the bridegroom with an amount of three thousand and five hundred rupees. When Padma Bhul had a love marriage with Meen Bahadur Singh's younger sister, he was driven out of the village and the pregnant girl was also murdered. On July 12, 1993, Bhisma Hamal, Kale Hamal, Bhuntu Hamal and others attempted to gang-rape 35 year old Jala Upadhyaya when she was coming back home from market with her father-in-law. This happened in the evening on July 12, 199 at Subeda-2. Biswa Kumari Singh, an unmarried woman of Mal Bisauna-9, delivered twins on November 20, 1993. The infants died immediately after they were born. The mother was arrested on the accusation of infanticide. She has confessed before the police that Bhagat Saha, a teacher, had got her pregnant.



Badi Community of Bajhang : Dancing

4.2 Jari, Polygamy, Devaki and Badi System

Child marriage and polygamy are found to be common practices here. Jari is an evil deep-rooted in the local culture. This year, Chet Raj Bajal, the District Chairman, married and brought home a second wife from India. Women suffering from polygamy by their husbands tend to elope. Women especially from the Badi community are reported to have been engaged in flesh trade.

5. Other Issues Related to Human Rights

5.1 Rights Against Slavery

Although slavery in real sense of the term is not found here, the well-offs keep the poor citizens as domestic servants to till their land.

5.2 Other Inhuman Behaviours

The problems related to untouchability are found to be serious here.

6. Indigenous Rights

The indigenous communities in this district keep moving here and there as beggars. Only a

few of their families have houses and a little land.

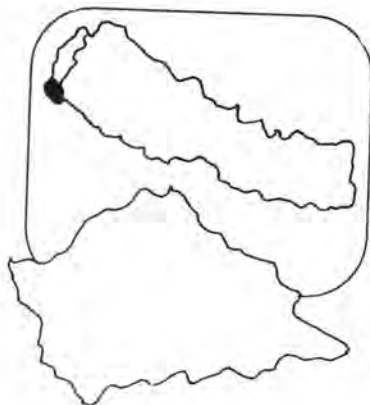
7. Child Rights

Awareness regarding child rights is almost non-existent. Children are made to work hard, thereby depriving them of their right to education.

Additional Information

We are informed that in the local court there are also cases concerning unfair measurement of private land. Besides, citizens are made to suffer on false charges. Padma Viswakarma of Daulichaur was charged with killing his wife who had actually died from a fall. Likewise, Dharma Raj Khadka, a teacher in jail, has been charged with killing Meen Bahadur who had also died from a fall. He complains that he was falsely accused by former Pancha, Nara Raj Joshi.

Mrs Gola Thapa of Patadeval-2 committed suicide on June 28, 1993. It is said that her husband had illicit connection with his sister-in-law. The suspect has absconded. □



5. Far-Western

Mahakali

5.6 Kanchanpur

Population : 257,906

Literacy : 40.5%

Women Literacy : 22.8%

Area : 1610 sq.km.

KANCHANPUR, a district in Mahakali zone, is geographically connected with India. Mahendra Nagar, the main transit point in the west, and Tanakpur dam area which has been much talked of lie in Kanchanpur. The main factors contributing to human rights abuses are found to be poverty, ignorance, bonded labour and flesh trade.

1. Right to Life

1.1 Killings/Firings

Firing occurred in Jimuwa, an area on Nepal-India border, on September 14, 1993. It is said that Arjun Nath, Chandra Singh Bhandari, Narendra Avasthi, Man Singh Pudke Joshi and eight others of Jimuwa were grazing cattle there. The Indian border security guards tried to arrest them but when they ran away in an attempt to escape arrest, the guards opened fire. It was learnt that the local people of Nepal and India living this side and the other side of the border frequently argue about the 1895 acres of Nepal's land invaded by India. The local people complain that the administration is silent about the land invaded.

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	2	2
Rape	-	1
Firing by Indian Police	-	1
Suicide	-	-

A few persons have lost their lives as a result of personal conflict and some others have committed suicide. An women, Gayatri Chaudhary, who was working for the family of Kali Bahadur Basnet of Bhasi, Mahendra Nagar-4, died in the local hospital on september 14, 1993. She is suspected to have been killed to cover up her pregnancy.

1.2 Jail

The local jail is overcrowded with 113 prisoners, of whom, 57 have been convicted. In terms of physical facilities, this jail is not so poor. An adult class has been conducted and prisoners Sher Bahadur and Laxmi Ram complain that they were forced to stand by the jail door for 3 days in a row, following a quarrel between them. And Birbal Rana, vishma Damai and Dambar Bohara complain that the court did not pay any attention to their appeals. Three mentally sick prisoners are also kept here, creating a sense of insecurity among others.

1.3 Arrest/Torture

Hundreds of citizens including MP Prem Singh Dhami and UML activists Bhoj Raj Joshi, Urba Datta Panta, Rajendra Rawal, Narayan Ghimire, vikram shahi, Prem Bahadur Thapa -14, Rajendra Shahi and Bhakta Bahadur were arrested without warrants in connection with the Nepal Bandh called on July 20-21, 1993. Narayan Ghimire

sustained an injury by police torture. Six of them were charged with public offence. Shiva Balak Chaudhary and Lalam Chaudhary of Piladi-3, who were engaged in a campaign to stop the production and sale of liquor were arrested and brutally tortured by Gopal Singh of Beldangi Police Post in the night on November 2, 1993. It is said that Shiva Balak was tortured to revenge the incident in which he and other youths had expressed protest when they had found the policemen carrying wood offered by the liquor producers as bribe.

Dhana Singh Rawat of Phataiya, Laxmipur-6, once said, "Is it proper for a policeman to play cards in public?" In response to that he was arrested and beaten by Man Singh Bohara of the local Police Post on April 27, 1993. Then he was charged with public offence. Although the local public gave witness in defence of him, he was released only on a bail of ten thousand rupees.

2. Fundamental Rights

2.1 Freedom of Expression/Association

The local administration is reported to have interfered with Nepal Bandh called by the left opposition on July 4-5, 1993.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

2.4 Quick and Fair Trial

This year, 665 lawsuits were filed in the local court. Of them, 137 cases have been decided and the rest are in the process of decision. Mr. Bhoj Raj Joshi, central vice chairman of Bar association says, "Public offence act is being abused in this district to demoralize political activists." As an example he points out the lawsuits imposed on Meen Bahadur Hamal, Tirtha Bahadur, Prithvi Bahadur and Man Bahadur BC, the inhabitants of Beldangi.

3. Landless/Squatters

Although the landless people here were assured to be provided with appropriate areas

to settle down, their miserable hovels are often destroyed by the local administration without offering them any other alternative. The hovel of a seventy year old man, Parama Nanda Bhatta, of Majgaun was torn down on September 26, 1993. Five families staying in Kalika Butabari were also driven out of their hovels.

4. Women's Rights

4.1 Trafficking/Rape

A nine year old daughter of Karbir Singh Dhami of Beldandi was kidnapped when she had gone to the forest to collect firewood on January 8, 1992. The police administration was not so keen on searching her to start with. The little girl is suspected to have been taken to Bombay and sold there. When Lok Bahadur Thapa of Beldandi Khaerghat had a love marriage with Ram Gala, the bride's father Turu Khatri claimed twenty thousand rupees as the price of his daughter. Since the bridegroom's side did not pay the amount claimed, Turi Khatri has filed two lawsuits against his son-in-law in the courts of Kanchanpur and Bajhang.

Narayan Bhandari, Vasudev and others gang-raped a woman in Mukunda, Sripur-2, when there was a public fair on May 27, 1993. Ironically, the culprits were pardoned by the local police administration. Another woman was attempted to be raped by Narayan Bhandari and two others of Dodhara Chandani on February 4, 1993. The culprits are reported not to have been taken action against. Bhairab Shrestha, an inspector of Kanchanpur Police Post, attempted to rape a local woman on 25 April 1993. In this case also the culprit escaped action. Bal Bahadur Kunwar and 3 others gang-raped two women of Sripur on May 15, 1993. It seems there, is no end to rape cases in this district.

4.2 Jari, Polygamy, Devaki and Badl System

5. Other Issues Related to Human Rights

The practice of bonded labour is found to be deep-rooted here. Here is a case that indicates

the seriousness of this problem. Bechan Chaudhary, a bonded labour working for the family of Kalyan Bahadur Singh, an inhabitant of Sangkarpur-8, was not able to free himself even when he was in a position to pay the amount of eleven thousand rupees that he owed to his master. In this district, bonded labourers are estimated to be more than 25 thousand, of whom, according to an INSEC survey, about 75% want to be free from this slavery.

5.1 Rights against Slavery

5.2 Other Inhuman Behaviours

A woman from Bilaspur-2 was kidnapped by two Indian nationals, Bakshi Sing and Gurujit Singh, on May 12, 1993. The victim was later freed by policemen.

6. Indigenous Rights

Tharus, the indigenous community here, are discriminated against. Owing to the lack of awareness, they are not able to enjoy their human rights.

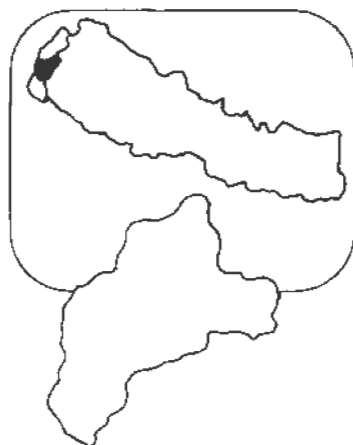
7. Child Rights

Most of the children of school going age are forced to work for a living. The practice of child marriage is also prevalent. Children are sometimes found to be bought or sold. Hirmal Abasthi of Sundarpur is reported to have sold a 11 year old boy Sher Singh Bohara of the same neighbourhood for 6 thousand and 1 hundred cash and one tola of gold in India.

Additional Information

The hard and continuous rain that fell on September 11 and 12, caused a lot of loss of life and property in many areas. Two daughters of Ram Datta Bhatta were swept away by flood. Altogether 438 houses were damaged.

This year, Jaya Dev Bhatta, Madan Raj Joshi, Bala Dev Pandey, Datta Raj Ghatta, Lal Sarki, Hairanu Chaudhary, Gaj Bahadur, Kalyan Singh and Kanaiya Rana were arrested and prosecuted on charges of invading the forest. □



5. Far-Western

Mahakali

5.7 Dadeldhura

Population : 104,647

Literacy : 36.1%

Women Literacy : 12.8%

Area : 1538 sq.km.

A hilly district in Mahakali zone, Dadeldhura is geographically connected with the Terai. Although located in the far west of the country, it is now accessible by road transport. It has some ancient forts of historical importance. Peasant leader Bhim Datta Patta, a staunch nationalist, rebelled here, who was later beheaded by Indian army.

1. Right to Life

1.1 Killings/Firings

No incidents of killing resulting from police firing have been reported to have occurred this year. However, some citizens have lost their lives as a result of internal conflicts and revenge. When Bahadur Sambad and his younger brother Tek Bahadur Sambad had a quarrel about their share of property, the former killed the latter hitting him with a stone on July 8, 1993. Similarly, Ram Bahadur Bohara of Jagbudha killed his uncle Jaya Dev Bohara, his aunt and his sister as a result of a dispute concerning their share of property.

1.2 Jail

Altogether 21 persons were found imprisoned in the local jail, 2 of them women. The number of persons sent to jail this year was 18. Most of them were found to have been charged with murder.

1.3 Arrest/Torture

Nobody is reported to have been arrested or tortured in connection with political agitation this year. However, some individuals were arrested in connection with other incidents. Suresh Kathayat, Rajendra Karki and Lokendra Bahadur Rawal arrested on the accusation of theft are reported to have been terribly tortured under custody. Following their confession, two of them were released on bail of sixty-seven thousand rupees each while Lokendra Rawal who was not able to pay the bail was sent to prison. This is a case that shows that one has to have money to buy justice.

A former Pancha Dan Bahadur Kathayat and Jit Bahadur of Alital after having got drunk created disturbance in a local hospital. The next day, Mr Kathayat had a diarrhoea. Later, he filed lawsuits against 5 youths of the village and 8 students on the accusation of public offence at the instigation of Assistant Sub-Inspector of Police Indra Dev Bogati, who happened to be a friend of Dan Bahadur's son. Also, the students were accused of looting

Nature of Incident	Incident No.	
	1992	1993
Death due to Police Firing	-	-
Torture in Custody	1	1
Rape	-	-
Suicide	-	-



Male prisoners of Dadeldhura Jail

three thousand rupees. The police arrested 14 others from the same village on the same accusations on September 17, 1993. On top of that, Dan Bahadur forced the in-charge of the local health post to write a report stating that he had a diarrhoea and a headache as a result of being beaten by students at the hostel. Later, kathayat died in kathmandu on November 13, 1993 while undergoing treatment. Among those arrested include a 12 year old student, Padma Raj Joshi. Thirteen of the detainees are reported to have been released on bail of one hundred and thirty thousand rupees.

2. Fundamental Rights

2.1 Freedom of Expression/Association

Some youths were heard complaining that their right to be affiliated with this or that politics has been restricted. Some teachers were reported to have been transferred to difficult places on the ground of political bias. Laxmi Datta Joshi and Bhagi Rath Paneru are two of such teachers.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

Citizens are heard to complain that they are not allowed to freely choose the political party

they like. If the ordinary people do not support the local lords, they can be suited against.

2.4 Quick and Fair Trial

Ordinary people hesitate to go to the court to seek justice even when their rights are violated because, on the one hand, for lack of awareness they do not have much confidence in the court and, on the other hand, they cannot afford the required expenses. Nevertheless, altogether 18 lawsuits had been registered at the local court this year. These lawsuits include cases related to abortion, divorce, prostitution and women trafficking.

3. Landless/Squatters

The backward Raute community is a landless community in this district. People from other communities are also found to be landless. About 30 such households have come to our notice.

4. Women's Rights

4.1 Trafficking/Rape

Three cases of abortion have been reported. The practice of dowry in various forms exists in this district. One case of debauchery and one of rape have been reported. It is said that

Man Singh Karki attempted to rape a dumb girl on May 5, 1993. The culprit is said to be a policeman.

4.2 Jari, Polygamy, Devaki and Badi System

The practice of jari is found to be widespread. It is said that the amount of Jari can be from eight to forty thousand rupees. Some men are found to have married the fifth time at the age of 65. This year, 38, men are reported to have practised polygamy.

The practice of Devaki is prevalent as a custom here. Deukis or women offered to the temple engage in prostitution. Some of the Deukis choose men as husbands and start a family life. There are 37 families of Badi community in this district.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

In this district, the rich keep poor labourers at home to work as tillers or herdsman more or less as slaves.

5.2 Other Inhuman Behaviours

There are 3,239 households of so-called untouchables who are discriminated against in various ways.

6. Indigenous Rights

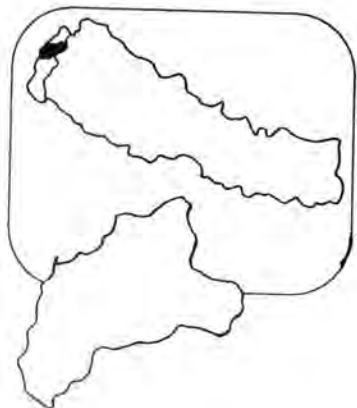
About 100 Raute families live here. Previously, they did not settle at one place but now they are found to have settled. Some years back, each of these families were given a small plot of land to grow crops. Most of this land of theirs was either bought at a nominal price or captured by local lords. They are now leading an extremely hard life.

7. Child Rights

Many of the children of school going age are not sent to school. Among children at school there are hardly 3 girls out of a hundred students.

Additional Information

Laxman Singh Joshi and Gautam Datta Joshi, both employees of Electricity Authority, Dadeldhura, were accused of putting sugar in the oil-tank of a generator. Action against them is in the process though they have been released having made to deposit an amount of 2 hundred 11 thousand and 8 hundred rupees and 2 thousand and 8 hundred rupees respectively. □



5. Far-Western

Mahakali

5.8 Baitadi

Population : 200,716

Literacy : 35.3%

Women Literacy : 13.4%

Area : 1519 sq.km.

BAITADI is a backward district in Mahakali zone. For lack of enough arable land and irrigation, the local inhabitants are compelled to go elsewhere, especially to India, looking for jobs. The district does not have any public campuses but as for private campuses, it has two. Public awareness concerning human rights is very poor. Human rights are found to have been abused here by the state, the society and individuals.

1. Right to Life

1.1 Killings/Firings

There have been incidents of murder resulting from personal revenge and malice. According to the information received from the district, six lawsuits related to murder have been registered this year. Miss Kamallesh Manaral from Pithauragadh, India, was found dead in the forest called Aula, Dasarath Chanda -3, on November 18, 1993. The dead body of Nar Bir Singh Gochala of Chaurbham -1 was found on a nearby steep rock on July 13, 1993. Kal Bir

Ram Lohar, an inhabitant of Bakunna, Gurukholo -9, was reported to have been killed by his wife Laxmi with the assistance of Dhami Koli.

1.2 Jail

In the local jail with the capacity of accommodating 25 persons, there are 38 detainees, 17 alleged and the rest convicted. There are not any women or children in the jail. As elsewhere, the hygienic condition of the jail is reported to have been very poor. Without the use of insecticides, the detainees suffer from bugs and fleas. The jail building has a damp floor and a leaky roof. No prisoner was granted pardon of a quarter of sentence this year.

1.3 Arrest/Torture

Some persons were arrested in connection with the protest rally organized by seven leftist factions on July 3, 1993. The ones arrested without warrants included Ganga Paudel, Devdatta Bhatta and Man Bahadur Gurung, of whom Mr. Gurung was said to have been tortured. On the same day, a peaceful protest demonstration heading to Shahilek from Gothalapani was baton-charged by policemen.

Rangi Koli, a women charged with murder, says that she had confessed a crime she had not committed just because she was afraid she would be killed by torture. She further says

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	3	3
Rape	-	3
Rape by Police-gang	-	1
Suicide	-	7

that during interrogation the policemen beat her with sticks, kicked her with their boots on, dropped chilly powder into her pierced her finger tips with sharp pins and even broke her arm.

Seven persons including Jaya Dev Avasti arrested for investigation in connection with the murder of kamalapati Abasti were said to have been tortured. Jaya Dev and Mani Ram Kunwar told our reporter that even the court clerk did not take heed of their complaint concerning torture. Bhavan Singh Kunwar, another alleged one, said that he was falsely accused by his political opponents.

2. Fundamental Rights

It is reported that Public Offence Act is being abused in the district as a legal instrument of taking revenge against the opposition.

2.1 Freedom of Expression/Association

Citizens are found to have been discriminated against on the ground of their political beliefs. Teachers and government employees have suffered much in this respect.

2.2 Religious Freedom

The untouchables are prohibited to go inside Hindu temples.

2.3 Political Freedom/Free and Fair Election

2.4 Quick and Fair Trial

Due to poverty and ignorance, the general public do not seem to be much interested to go to the court to seek justice. Also, the lethargic working style of the court is found to be an obstacle in providing quick justice. Altogether 127 lawsuits had been registered at the court this year. These include also cases related to polygamy, divorce, rape and cancellation of land survey. Om Prakash Subedi, district judge, is reported to have said that if the detainees complain of police torture, medical tests are carried out by the court.

3. Landless/Squatters

The few landless people here earn their living by working for the rich as farmhands or herdsmen.

4. Women's Rights

Women do not have the right to choose their life partners and inter-caste marriages are not recognized by so-called upper caste communities. This year, some untouchable women after having sexual relationship with upper caste men appealed to the court to get married with them. Cases concerning the relationship between Krishna Lohar and Manorath Joshi, and between Kuira Lohar and Bir Bahadur Thagunna are in the legal process of decision.

There is a custom of keeping women in a separate house for five days following every menstruation. When they deliver, they are kept in cowsheds.

4.1 Trafficking/Rape

Four cases related to women trafficking have been reported. Thanewar Bhatta, an inhabitant of Dasharath Chanda village, bought two little girls of 6 and 8 years of age from Melauli village to offer them to the temple of Tripura sundari, according to religious custom. Likewise, Narendra Abasthi of Shankar Pur bought a girl of eleven to offer to the temple of Sigas. Three other cases of selling girls have been reported. Dhana Devi of Sarmoli was attempted to be sold by her uncle for 12 thousand rupees, and 11 year old kasturi and another 7 year old child were sold by Gagan Singh Bista of Malauli and Daval Singh of the same place respectively.



*Surendra Pandey :
The Rapist*

Although incidents related to rape occur here, they are often kept secret. It was said that rape cases can occur within families, in government offices, at schools or along trails. From ordinary citizens to police officers are found to have been involved in rape. Two rape cases have come to public notice in which a woman from Malauli Keshpur was gang-raped inside the Police Post, Tallisorad Kanda, on May 5, 1993, and another woman called Yasoda was raped by Surendra Pandey of Chillepani on December 15, 1993. The woman gang-raped by policemen has lost her mental balance.

4.2 Jari, Polygamy, Devaki and Badi System

Women are sometimes said to have been forced to elope even by their husbands to get Jari money. It is reported that sometimes women over 40 years of age having 4 or 5 children are also forced to elope. Report says that the amount of Jari money went upto 72 thousand rupees this year. With regard to Jari, a dreadful incident occurred this year. Dhaval Singh Bista from Malauli sold his elder sister's daughter to pay a fine for stealing another's wife.

Tara Ram Lahar from Maulani-5 had a second marriage on October 12, 1993. He then beat and drove his first wife out his house. The poor woman who was pregnant did not even dare lodge a complaint at the court. In addition to the cases mentioned under Trafficking, a seven year old girl called Raj Kumari from Dasharath Chanda Village was bought to be offered to a temple. Dhabal Bista, Bahadur Singh and Tainata were also involved in this incident. Gauri Devi has registered a lawsuit in the local court against all of them. This is said to be the first lawsuit ever of this nature in this district.

Along with girls, boys are also offered to the temple, who are then called Deuka. The children of Deuka and Deuki are also offered to the temple, some Deukis are compelled to be engaged in prostitution for a living.

Deukis are found in 32 villages of this district, the greatest number being in Maulali. They are offered in 25 temples here. Now their number is estimated to be five hundred.

Hira Devi Panta of Nagarjun is said to have registered a complaint demanding divorce.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

Haliya System resembling Kamaiya System is found here.

5.2 Other Inhuman Behaviours

The so-called untouchables are prohibited to get water from sources used by so-called touchables. Also, they are not allowed to go inside temples. They are also found to be sexually exploited by the touchables. A case related to it has been registered at the court this year.

Asked as to why the family names of untouchables, that have been a cause of humiliation, were mentioned in their certificates of citizenship CDO Madhav Prasad Panthi said that it was because of the provision made under the Citizenship Act.

6. Indigenous Rights

7. Child Rights

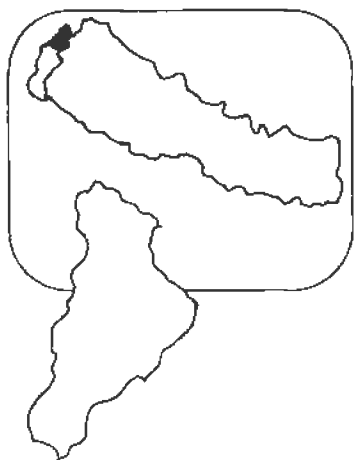
Most of the children are found to be engaged in household chores or looking after cattle. Most of them are married before they are 15 years of age.

Additional Information

The chief of Food Corporation lodged a complaint at the CDO office against Indra Bahadur Bam, an employee of the same office, stating that the latter had embezzled an amount of Rs. 725,749. No action is reported to have been taken.

A report says that Dev Datta Avasthi has driven the poor out of their houses and the policemen are said to have harassed women in public fairs or markets.

This year, 7 persons committed suicide. It is said that some of them killed themselves when the pain of sickness was unbearable and some going bankrupt in business. □



5. Far-Western

Mahakali

5.9 Darchula

Population : 101,683

Literacy : 40.9%

Women Literacy : 17.6%

Area : 2322 sq.km.

DARCHULA located on the northern border area of Mahakali zone is a remote district. Owing to poverty and lack of information, human rights situation is found to be poor here.

1. Right to Life

1.1 Killings/Firings

1.2 Jail

The local jail consists of 21 prisoners of whom three have been alleged. The prisoners complain that they are not provided with enough clothing suitable to the weather, timely medical treatment and means of entertainment and information. It is said that those who dare talk about regulations are hand-cuffed.

1.3 Arrest/Torture

On June 27, 1993, contractor Lalit Bohara beat Mohan Bahadur Niraula and his younger brother on the pretext that they had walked along the unprepared road at Ghat Bazar. The next day, he registered a complaint against them under Public Offence Act at the CDO office. The poor victims were released later on bail of Rs. 15110/- and the case is still awaiting decision.

Nare Kotari from Shreeri lodged a complaint with the police against Jagat Kotari of the

same neighbourhood accusing him of attempted murder. Witnesses say that they simply had had a minor argument. The police arrested, without warrants, not only Jagat Kotari but also Bisan Kotari who had just witnessed them argue with each other.

Harish Chandra Hamal, a member of District Development Office, beat the DDC chairman Ram Datta Joshi at a meeting accusing him of corruption in connection with the construction of Gokuleswar Jharkanda Road. The latter sustained an injury above his eye. Mr Joshi filed a lawsuit against Mr. Hamal under Public Offence Act. The latter who got arrested was later released on bail of fifteen thousand rupees. He has registered a lawsuit at the court against Mr. Joshi accusing him of reproach and attempted murder.

Naina Singh Bohara from Shankarpur was arrested by the police entering into his house through the roof. After his arrest, he was beaten with his arms and legs tied up. He was accused of hiding the pipes that he had supposedly cut off.

<u>Nature of Incident</u>	<u>Incident No.</u>	
	<u>1992</u>	<u>1993</u>
Death due to Police Firing	-	-
Torture in Custody	1	-
Rape	3	1
Suicide	-	-

2. Fundamental Rights

2.1 Freedom of Expression/Association

The general public were not found in a position to express themselves without hesitation or fear. They were heard to say that those who spoke their minds could be falsely charged and made to suffer by local lords.

2.2 Religious Freedom

2.3 Political Freedom/Free and Fair Election

2.4 Quick and Fair Trial

No report has been received in this regard this year.

3. Landless/Squatters

4. Women's Rights

Women in this district are still completely deprived of their right to access to education so they are not aware of their human rights.

4.1 Trafficking/Rape

One case related to woman trafficking and one to rape have been reported this year. Bir Bahadur Thagunna, a local inhabitant, said that Saruli, a girl from the village called Sundarnunda, was taken to India and was sold there by Ram Singh of the same village on 31 July 1993. An eleven year old girl was raped by Jaya Dev Bohara of Rata Chanpala.

4.2 Jari, Polygamy, Devaki and Badi System

All these evil practices are found in this district. The practice of Devaki is more common in a place called Malikarjun and that of Jari in a village called Huli.

Ganesh Singh Thagunna from Swar after having failed in an attempt to sell his wife

Ujeli Devi instigated her to elope saying that if she did elope he could get 10 to 15 thousand rupees as Jari money. Since she did not listen to him he snatched all her jewellery and drove her away. The unfortunate women, unable to seek legal treatment, has taken shelter in her parent's place in Sipti.

Although his first wife, mother of a 3 year old child, was staying with him, Chandra Singh Dhami, an inhabitant of Chhapari, married Parbati as his second wife. When asked by the police following his arrest as to why he married the second time he replied that he had just stored his property.

5. Other Issues Related to Human Rights

5.1 Rights against Slavery

Those who are very poor work as farmhands for the local lords.

5.2 Other Inhuman Behaviours

Ratna Singh Ari from Khalanga-30 misbehaved Kalawati Ari, when he was blind drunk.

6. Indigenous Rights

7. Child Rights

Almost all the children in this district are deprived of their right to education.

Additional Information

Some evil practices prevailing here are that a daughter is given in marriage only after receiving a certain amount of money from the bridegroom's side. If a daughter gets married without her father's consent, she is treated as an untouchable and after her menstruation has stopped she is treated as an outcaste. ☐

Chapter 9

Human Rights Violations : Summary of Concern

A. BACKGROUND

The systematic handling of information (documentation, analysis and dissemination of the data), especially for our purpose the data of human rights violations, provides us the basis to see the development, both the positive and negative aspects, in the field of human rights movement. This visual form of the situation also provides the basis, both to governmental and non-governmental sectors and to chalk out the action plans for the protection and promotion of human rights from all levels — local, national to international.

It was our great interest to include a Chapter of statistical analysis of human rights violations in the Year Book - 1992. However, due to various constraints and difficulties, it could not be materialised.

In spite of different obstacles, we have been able to present the statistical analyses / presentation of human rights violations in Nepal during 1993. One of the main concerns that we feel necessity of this kind of analyses is that it would help the readers who would like to have a quick reference on the present situation of human rights in Nepal.

While doing so we have selected a short list of rights to be monitored. As Jack Donnelly says, "In selecting rights to be monitored we must confront, and overcome, the fact that authoritative international human rights standards, as expressed in the Universal Declaration of Human Rights (1948) and the International Human Rights Covenants (1966), contain upwards 150 or 160 particular rights...

Therefore it is necessary to reduce the list of rights to be monitored to be of more reasonable proportions... In reducing the list of rights, however, we must not violate the fundamental idea that internationally recognised human rights are 'interdependent and indivisible'".

We thus are pulled in two directions. The interdependence and indivisibility of human rights points to a "maximum" list of rights to be monitored. But considerations of practicality and resources point to a 'minimum'. What is required is a short list that is nonetheless relatively comprehensive.

We believe in the universality, interdependence and indivisibility of human rights. If we tried to ignore one of the components, our movement of human rights remains incomplete. We cannot imagine fulfilment of basic rights in the absence of others.

B. GENERAL STATISTICS OF NEPAL

Area : 147,181 sq. km.

Population : 18,491,097 (1991)^a

Per capita GDP in dollars (1987) : 180^b

Literacy rate of the adult population (1985) : 40%^a
(Men: 55%, Women: 25%)

Infant mortality rate per 1,000 live births (1989) : 102^a

Life expectancy at birth (years) (1991, estimate) : 54^a

Calories per day and per person (1984-1986) : 2050^b

Population per Hospital Bed (1991/92) : 3,894^a

Population per Doctor (1991/92) : 12,611^a

Population per Doctor in Rural Area (1991/92) : 92,000^c

Total external debt (millions of Nrs)^d

1989	:	17,223
1990	:	23,205
1991	:	27,698
1992	:	34,555
1993	:	39,780

[US\$ 1.00 = Nrs 49.00]

Sources:

- a. CDS/Nepal
- b. Asia Week
- c. Spotlight Magazine/Nepal
- d. Quarterly Economic Bulletin, Vol. XXVII, NRB/Nepal

[The data presented on the following texts are based on the observation and monitor made by the volunteers of INSEC's Year Book Project. In some of the cases, we have taken references from different sources like report of fact-finding mission organised by human rights organisations].

C. SURVIVAL RIGHTS

At minimum, people must be alive. The rights to life, food and health care are the principal internationally recognised human rights that seek to guarantee survival.

1. Right to Life

The right to life protects individuals against arbitrary deprivations from their life. The principal referent of the right to life is the state. But the state must not only protect individual life against its own agents, it has an obligation to protect individuals against private or groups that pose a threat to life, and more broadly threaten bodily harm.

During the year 1993, a number of incidents have been observed that deprived the life of people. The incident that took the life or threatened the right to life has been briefly discussed in the following paragraphs.

1.1 Killing by Torture

This year 9 incidents of torture, which took lives of 9 people, have been reported. Except one, all the victims were local people mostly involved in agriculture. Most of the victims were arrested and detained on the false charges of either public crime, murder, theft or without any reason. So far the perpetrators are concerned, police force are responsible for 7 cases, military men are responsible for one and forest security personnel are responsible for one.

Mr Kajman Kami, a resident of Makawanpur district, was bringing chickens for his delivery wife. On the checkpoint the three policemen asked Mr Kami to handover the chicken to them. He refused. They beat him and took him into custody. There again he was beaten and later taken to the hospital. He died on way to hospital.

Mr Laxman B. Bishwakarma, 58, was arrested on charge of illegal cutting of fire woods and detained in the custody of forest preservation. He was found hanging on the ventilation of the jail with the strings of blankets. But he carries signs of beating and his knees were touching the ground.

One particular day, quarrel took place between NC and CPN (UML) workers. Later, Ramananda P. Yadava, 39, (worker of CPN (UML)) was arrested by the police. He was shot on the stomach in a police firing. The police put him on their van and headed to police station. On way to police station, NC workers stopped the van and beat him to death in front of the police.

1.2 Extrajudicial Killing

There have been several reports of death due to indiscriminate shooting by police. In most of the cases, the police has opened fire in the name of either controlling over crowd or to save the public properties from being destroyed. In some cases the police has taken an excuse of opening fire that people tried to snatch their weapons.

The death of about 25 people has been documented under extra judicial killing. Most of the victims were shot dead during the protest demonstration called by opposition left parties, including CPN (UML), to press the government to fulfil different demands in June-July, 1993 (See Chapter 5).

The victims are common people on different profession. They were not directly concerned with the protest programs. Among the victims very few are political workers. Almost all the victims were either pedestrians or on the street on their own business. It is worthwhile to mention a case of Ms Rita Silakar of Patan who was shot dead while peeping through window of a fourth storey house. Even the child below 16 years had been the victims of indiscriminate shooting.

Moreover, police have resorted to firing leaving the people dead for simple dispute or, for example, on the pretext of security reasons.

In bullet incident of Rautahat, Asst Sub-Inspector and Hawaldar opened fire indiscriminately on local people leaving 2 persons dead (mother and daughter) and three others injured. They were in a cultural program. Among them, one was a child of just one year. The police blamed that they attempted to snatch the rifle of policemen.

1.3 Disappearance

Disappearance remain a continuing problem in countries of South Asia. But the scale, incident cause and consequences of disappearances vary greatly not only intra-countries but within countries as well.

In the context of Nepal in 1993, three cases of disappearance have come to public. They are as follows:

Mr Prabhakar Subedi, 20, a student has disappeared since June 25, 1993. People had last seen him while he was being arrested and dragged by police. During the days of the movement (June-July 1993) called by opposition left parties, a photograph of a person being dragged by the police appeared

in a magazine. The brother of Mr Prabhakar confidently claims that the picture is of his brother. Regarding the issue, a case was filed in the Supreme Court. The Supreme Court has issued a show-cause notice ordering the police to find out the whereabouts of Prabhakar's and to identify the person was being dragged by the police.

Mr Bishnu Nath Timilsina, 40, a resident of Achham district, was arrested on charge of woman-trafficking on August 18, 1993. He was detained six days in the custody and then sent to District Police Office. On the way, he has disappeared. Administration is not taking any action. According to the information received, he was tortured in the custody. He was a supporter of CPN (UML).

Mr Rabin KC, 14, a resident of Khotang, was arrested on the charge of thieving with eight other persons on July 3, 1993. It is reported that he isn't back home yet. There is no news of he being in jail or released.

1.4 Possible Political Killing

Nepal had never experienced the assignation of political leaders in the past like it experienced in the year 1993. Mr Madan Bhandari, General Secretary, Communist Party of Nepal (UML), and Mr Jeev Raj Asrit, Standing Committee Member of the Party, passed away in a jeep accident. There were three committees — initiated separately by the party, government and human rights organisations — to investigate into the incident. The reports of the committees are of different nature and controversial in some points. After going through all the three reports, it can be said that the accident was pre-planned one. (See Annex-2)

Besides, there are several cases of political violence. Most of the incidents have occurred due to political rivalry. Most of the victims are from opposition parties, especially CPN (UML). However, in some of these incidents, no initiation has been taken to punish the culprits.

2. Right to Food

The right to food provides a very different sort of guarantee for life. Even if one is protected against physical attack one's life may be extremely precarious. The right to food guarantees access to the means of subsistence, to the minimum nutritional resources needed to keep alive.

The living standard of Nepalese people is very low. More than 42 percent of people are below poverty line.

During the last few years, we have seen a large number of people committing suicide. They may have committed suicide for different reasons. Though we do not have in-depth research, we have received some report of people committing suicide since they could not feed their family and themselves.

3. Right to Health Care

The right to health care rests on a slightly more expansive notion of survival. Beyond the brutish existence guaranteed by the rights to life and food alone, one needs at least certain minimal sorts of health care. Together the effective implementation of these three rights should guarantee individual survival.

We do not have any proper mechanism to monitor the right to health care. However, we can have general knowledge, while looking over the data provided by CBS-Nepal, on the status of health of Nepalese people.

While talking about the right to health care, we should look over the capacity of people, earning capacity (per capita income \$180) and their access to health care centres. The health problem in rural areas is very acute. Generally the people of rural area cannot afford to buy medicine and pay the fee of health care personnel, which is very high while compared to urban areas. An example of an incident, among many, is cited below only to show the gravity of the situation.

On April 6, 1993, Mr Tej P Dhungel, 18, of Panchthar district, went to Hospital for

treatment of his fractured hand. The assistant health worker asked Nrs 1,000 as the expenses of treatment. He could not pay the amount and no treatment of his fractured hand was done.

D. MEMBERSHIP RIGHTS

To lead a life of dignity, however, a life worthy of a human being, it is not enough merely to be alive. One also needs to be part of society. To paraphrase Aristotle, a man outside of society is either a beast or a god. A truly human life requires membership in both private and public social orders.

Family rights protect a minimum sphere a private social organisation. The right to non-discrimination protects individuals against attack on the basis of both certain 'natural' characteristics, such as race or sex, as well as certain 'acquired' characteristics. Together they give expression to the underlying idea that a life of dignity is not possible unless one is recognised as an equal member of society.

4. Right of the Child

A large number of children in South Asian countries, including Nepal, share common pains and problems. Illiteracy, ignorance, malnutrition and child labour exploitation are dreaded diseases that are hampering not only the growth of children, but also endangering future generations.

Child labour, street children, child abuse and neglect, the sale and trafficking of children for the flesh trade, and child bondage have become common in Nepal. Child labour exists on a very large scale as a reflection of existing socio-economic realities. The problem of street children is escalating due to family breakdown, poverty and rapid urbanisation. The sale or trafficking of young girls to the brothels in India has become an intolerable human tragedy.

The most alarming pattern of violation of children's rights in Nepal is the sale and trafficking. Similarly, the existence of bonded

child labourers in agricultural and commercial sectors is another shameful example of the violation of the rights of the child.

According to a report published by CWIN in 1991, the existence of child labour in agriculture and household work is 86%, service 6%, cottage industry and business 3%, Factory 2.4%, Construction 0.6% and others 2%.

5. Non-discrimination

Though the Constitution of Nepal as well as existing law prohibit any kind of discrimination from mankind to mankind on the basis of race, caste, religion or sex in principle; however, the practice like bonded labour (slavery system), untouchable, etc. still exist in reality.

5.1 Slavery

The abolition of slavery in Nepal was declared in 1924. Abolition attained legal sanction with the government's enactment of a law in 1948. All the constitutions of Nepal have since imposed restrictions on exploitative practices such as slavery and trafficking. In spite of these measures, exploitation is persisting in various forms. Based on the research-report of INSEC, the Kamaiya system, prevalent in the Terai of Western Nepal, it can be defined as one of the contemporary forms of slavery.

To investigate the nature, magnitude and number of Kamaiyas (bonded labourers), the INSEC conducted an in-depth research in 1992, in three districts in the far west of Nepal, Kailali, Kanchanpur and Bardiya. Over 17,000 households were interviewed in the course of the study. It is estimated there are more than 25,000 families of the Tharu community who are serving their masters as bonded labour.

5.2 Caste System

The culture of Nepalese society is dominated by the elite, especially by the Brahmins and Chhatriyas, who consist a large portion of the total population. The class of the people on the basis of social system is divided into four

categories: Brahmins, Chhatriya, Baisya and Sudra. The Brahmins are considered as the superior class in the society. The people of other classes have to respect this class, according to the traditional practice. The class of the Sudra is the untouchable community of Nepalese society. The upper class people disrespect this class. The people of untouchable community are treated as the sub-human being or non-being. They are aloof from the main stream of the society and are exploited by the upper class people. Furthermore, for an instance, if a person of so-called lower class or untouchable community enters the house of upper class, the family of upper class persons will be boycotted from the society, he/she will not be allowed to enter the society after then. Moreover, these untouchable communities are denied access to public places like temple, tube-well, etc.

The Sudra caste also consists of different sub-castes. It varies according to the geographical regions. The sub-castes are scattered all over the country in a small number. Yet, there is no in-depth research document regarding caste system. (See Annex-1)

6. Women's Human Rights

The status of women in Nepal while concerned to social justice, non-discrimination is extremely ignored in all sectors: education, health, equal right to nationality and property and political participation.

Despite constitutional guarantee of the right to equality before law, there are some provision in law which discriminate human being on the basis of gender. Rampant rape-crimes and other social and domestic violence against women still occur and are on the rise.

6.1 Rape

An intentional rape of women has been increasing for the last few years. We have documented 127 rape-events where 189 of women have been victimised. Similarly, we have documented 25 event of sexual harassment against women which has victimised 44 women.

It is a panic to mention that most of the rape victims are minors below 16 years, ranging from 3 years. The victims are either agricultural labours, domestic servants, housewives, labours in industry, etc.

The rape crime is committed mainly by an elite class of the society. Similarly, the culprits are from different background like employer, teacher, political worker, even sometime own father or relative of the victims.

Moreover, the police personnel are involved in rape cases and sexual harassment. We have received 5 cases of rape by police, either in custody or outside. Similarly, military personnel have been found involved in sexual harassment.

On August 11, 1993, Ms Saru Devi, 19, a resident of Melauli VDC, Baitadi district, ran away from where she was selling her goods to avoid arrest. However, police arrested her. During detention period, she was raped by police personnel. After the incident, she has become mentally imbalanced.

The situation of the victims becomes more serious if they get pregnant. Either they have to leave their native village or have to face humiliation and discrimination. In some cases they are forced to practice abortion. If they do so, they will face another problem. Abortion is illegal by law. In the rural areas, to take revenge, the cases are filed against abortion in police station. As a result, the rape-victim will be arrested and tried.

If the rape and pregnancy is within relatives, the situation becomes worse. A case was filed by a women in Parbat district. Her husband was out of the village. During that period her father-in-law forced her on sexual relation with him. When husband was back he divorced the wife. Then she petitioned to the court to identify her relation with father-in-law and give the name to the relationship. The court gave its verdict against it. Because in the law sexual relationship within the relation is an offence.

6.2 Social Ill-practices / Discrimination

There are a number of social ill-practices that exploit women. These social practice are directly contradictory against the international norms and principle of human rights. These system exploit the women in one way or another. They are, mainly, Jari, Kumari, Dewaki, Jhuma and Badini. The tradition of socio-cultural exploitation of young girls such as Dewaki, Badini and Jhuma system in which young girls are offered to the god is also an example of exploitation. For the purpose of offering girls to the god, they are either sold or offered by their own parents. In 1993, four cases were reported to us.

The incident of Kailali district has challenged the virginity of the women. In September 1993 a group of 17 women were forced to move around the bazaar necked by the villagers. They were charged of being Boksi (witch).

6.3 Daijo (Dowry)

Dowry is an inhuman social practice in which the family of a bride is compelled to donate to the bridegroom a large amount of property for the care of their daughter. After the marriage the family of the bridegroom goes on demanding more. If the women or her parents could not satisfy them, their daughter will be at the stake of being killed or tortured by her in-laws.

This problem was not serious in the past. But it is increasing. During 1993, we received 7 cases of women being killed due to their inability to fulfil the demand for dowry.

6.4 Trafficking

It is estimated that more than 500,000 Nepalese women, mostly between the age of 8 and 25, are in the brothels of metropolitan cities of India. They are lured to India (in few cases to Hong Kong and other parts of the world), under false illusion are tricked and kidnapped by organised criminal gangs. If they return to Nepal most of them are infected with HIV positive and other sexually transmitted diseases.

6.5 Forced / Unequal Marriage

According to the statistic, a large number of girls are married before the age of 16 year. Similarly, the forced marriage is common. There are many such cases but only 6 cases are reported to us. In Panchathar a marriage of a girl was fixed against her will. The bride was much older than groom. Although she protested the engagement but was put "Sindur" (formal declaration of the relation) forcefully. Her mother couldn't tolerate this, and committed suicide.

E. PROTECTION (LEGAL) RIGHTS

Beyond being alive and part of society, a life of dignity requires special protection against the modern state, the most potent and pervasive threat to human rights and dignity in the contemporary world. One might imagine forms of social organisation in which such protection were superfluous. In at least some archaic or traditional societies a life of dignity was indeed realisable without any such protection. In the contemporary world of modern state, however, such protection is essential.

In spite of the constitutional safeguard of the right of people not to be arrested and detained arbitrarily and prohibition of torture during detention period, a large number of incidents violating these rights has been received and documented.

8. Torture and Inhuman Treatment

The right to protection against torture involves protection against the grossest forms of physical and psychological assault on the integrity of the person. Torture is a practice that is impermissible and must be outlawed. The other protection right regulate, however, the process by which law is applied rather than restrict the substance of the law.

Article 14(4) of the Constitution of Nepal states that: "No person detained during investigation or for trial or for inquiry or other reasons shall be subjected to physical or mental torture nor shall be given any cruel,

inhuman or degrading treatment. Any person suffering from such kinds of maltreatment is entitled to compensation as specified by law". Though the constitution provides for compensation to victims of torture, there is no law providing procedural guarantees of compensation. The practice of torture and other forms of mistreatment are widely in existence and on the rise.

In 1993, 125 events of torture took place in police, military and forest security detention. In those events 225 persons were victimised. Similarly, people had been found ill-treated (like manhandling, beating with lathi or boot by police) while being arrested. Such victims numbered 1,357 in 65 different events. The figure mentioned below does not include the ill-treatment by police while arresting people.

The victims are of different characteristics and occupation. The below mentioned table will make clear of their status.

DISTRIBUTION OF TORTURE-VICTIM BY OCCUPATION

OCCUPATION	NO. OF EVENT	NO. OF VICTIM
BUSINESS PROFESSIONAL	3	3
EDITOR / JOURNALIST	5	7
GUARD / PEON	1	1
HEALTH PROFESSIONAL	2	2
HOUSEKEEPERS	1	1
LABOUR / UNION WORKER	7	7
MEMBER OF PARLIAMENT	13	13
MUSIC PLAYER	2	2
POLITICAL WORKER	12	19
STUDENT	7	7
AGRICULTURAL	45	67
TEACHER	4	6
UN KNOWN	32	113

8.1 Torture Methods

Torture has become a normal practice for police to extract the confession or to force to confess the guilt. Police has used different means, both physical and psychological,

methods to torture the detainees. Some of the common methods of torture that has been reported in 1993 are as follows:

- a. Electric shock
- b. Pouring water into nose
- c. Head flouted on water
- d. Peeper dust inserted into nose and sensitive parts
- e. Inserting stick into anus
- f. Inserting stick on sensitive women's part
- g. Pulling Nose
- h. Inserting pin into finger (of hand and leg)
- i. Pulling moustache
- j. Hair cutting with particular style
- k. Forced to stay like chicken
- l. Beating with boot and stick
- m. Legs tied on chair and beaten with stick
- n. Forced to sleep on wet ground
- o. Forced to clean snow
- p. Cleaning toilet
- q. Washing clothes
- r. Deprivation of water and food
- s. Threaten women detainees to sell in brothels
- t. Sexual harassment
- u. Scolding
- v. Threat to detainees or their family member

On September 22, 1993 Tilu Ghale was arrested without having an arrest warrant from Lazimpat. She was arrested on the charge of possessing few grams of drugs. And was brought to Hanuman Dhoka for interrogation. She was tortured and was not allowed to meet her family members. Her mother filed a Habeas Corpus in Supreme court. The court demanded clarification from the police. They lied that the victim was arrested only on Oct. 3. Later Tilu told to the press that the police threatened her she would be sold to brothel if she didn't give money to them.

On July 19, 1993 Members of Parliaments Mr Jugrit P. Bhetwal of CPN (UML) and Mr Anik Sherchan of UPF were severely tortured by police during their arrest. Mr Sherchan was also tortured in the custody. After the release, Mr Sherchan was brought to Kathmandu and admitted at Teaching Hospital for treatment.

8.2 Victims Characteristic

Most of the victims who are found tortured during the detention are of different character. They include women, children, political party workers, prisoners, and so on. Torture of prisoners has been reported in some of the jails only. However, all rest of the cases of torture have taken place in detention.

9. Arbitrary Arrest and Detention

Protection against arbitrary arrest and detention provides a wider guarantee of personal integrity, namely, an assurance that so long as one respects that law one may go about one's life free from the threat of incarceration. Contrary to the Constitutional guarantee of the rights, in many occasions and times the record of incidents violating the rights against arbitrary arrest and detention has been documented. The arrest is done during protest programme, the government always propagate that the demonstrators were arrested to save public property being destroyed. However, according to the report of Observation Committee formed by different human rights organisations, the victims of arbitrary arrest and detention have no involvement on such activities.

The arbitrary arrest and illegal detention in mass scale have been observed during the peaceful protest programme organised by opposition parties. Sometime it is very difficult to keep the record of arbitrary arrests which usually exceeds thousands in number. However, we have tried to present the number of such arrest and detention. The number are based on the verbal information given by police officer.

During the year, 243 events has been reported in which 4,640 persons were arrested and detained. Almost all the detainees arrested during the demonstration programme organised by opposition parties in June-July 1993 were released after an agreement between the government and CPN (UML), the main opposition party in the parliament. However, there are few cases where the victims have been imprisoned.

During the movement of June-July 1993, a total number of 17 Members of Parliament were arrested and released shortly.

According to the report, the arrest warrant is given after few days in detention. In some cases, the victim receive the charge or warrant only after 2 to 3 weeks. It is also reported that the detainees are forced to sign a statement. Except the incident concerned with demonstration, rest of the victims have been arrested on the false charges of either theft, murder, rape or similar type of crimes. This usually happen if the supporter of the ruling party complain to the concerned authority to take political revenge.

In the context of Nepal, mainly the police force, CDO and forest security personnel have the authority to issue warrant paper and arrest people.

9.1 Political Prisoners

According to the report of jail-visit by the volunteers of the Year Book, there are a large number of prisoners who claim themselves political prisoners since Panchayat regime. Even after restoration of democracy, a number of people have been imprisoned on false charges. An NGO working for the cause of political prisoners claims that there are 25 political prisoners all over the country. However, the number of political prisoners may be large if all the cases of prisoners are investigated properly and impartially.

10. Independent Judiciary

The right to an independent judiciary provides a political institution to assure that the legal system is not used by the state to pursue its own interests contrary to the legitimate interests of its citizens.

During Panchayat regime, judiciary used to function to serve the interest of the ruling class and was not impartial. After the restoration of democracy, no incidents violating human rights by judiciary have been found.

However, since the judicial power is given to administrative bodies (like CDO, forest

office), a large number of incidents violating human rights have been reported. The administrative decision is found to be serving the interest of the ruling class. For example, the decision of administrative officer on the criminal incidents is found influenced in many instances by the ruling party.

F. EMPOWERMENT RIGHTS

We also need rights that empower individuals and groups to act to protect their rights and interests and to exercise some influence over the social structures within which they lead their lives. Empowerment rights seek to establish the opportunities and the conditions necessary for personal autonomy and efficacy, for personal self-determination. These rights might also be called participation rights, for they provide the opportunities for individuals and groups to participate actively in shaping society, rather than exist merely as passive objects acted upon by other social forces and institutions.

11. Education

Education may open up a world of ideas. Education is the basis to build up personal strength and capacity. The right to education is fundamental and a precondition for effective participation in any society.

It may be difficult to monitor the right to education, however, it should be discussed the barrier that deprives individuals from the right of free access to education.

Of course the primary education upto the grade 7 is free. But it does not mean that the poor family may not be able to send their schools due to financial constraint to buy text books and other necessary goods.

On December 5, 1993 a heart-touching suicide-incident took place in Dhankuta district. Mr Khadgajang Poudel, 14, a student of class 5, committed suicide while he could not tolerate the scolding by his family. His fault was that he bought text book by the amount which was given to him to buy food for the family.

The below mentioned chart will be a clear picture to analyze the education facilities of the Nepalese people and the level of education:

12. Freedom of Expression

The right to freedom of expression, and most broadly, the right to a free press, to speech through the modern media, allows one to express one's own ideas publicly, to advocate them, and seek to have them put into practice.

The constitution has guaranteed the right to freedom of expression, except a case that nothing shall be published against the monarchy and any news threatening sovereignty of the country.

It will be worthwhile to mention that all the electronic mass media (Radio and Television) are controlled by the government. Moreover, the National News Agency, and the dailies *The Rising Nepal* (English) and *The Gorkhapatra* are absolutely controlled by the government. This practice has deprived the people of their rights to seek accurate and credible information. Regarding a news published in their vernacular weeklies about the monarchy, 3 editors were arrested and tried under treason act.

Mr Mathvar Singh Basnet, Chief Editor of Punarjagaran Weekly, Mr Sharad Chandra Wasti, Executive Editor of Punarjagaran Weekly and Mr Shambhu Shrestha, publisher of Dristi Weekly, were arrested on the charge of treason in connection with a news published in their weeklies. The news was about royal family. They were released after few days in detention.

Similarly, the journalists used to receive death threats by unidentified persons. 18 such cases during the year has been documented, where the journalists have been arrested, detained and tortured. Among these incident, one incident that took place in Kathmandu is noteworthy.

On November 26, 1993, a gang who claimed themselves the workers of Casino (Hotel

Soltee) came to the office of Kamana Group of Publication. They destroyed the property of the Group and threatened the editor Mr Dharmanand Adhikari to death. This incident was reported to police and even the Home Minister was informed. But, no action has been taken yet.

Not only the journalists, but also the human rights activists have been threatened to death. Mr Bikram Choudhary, a human rights activist affiliated to INSEC, who is working among bonded labourers, was beaten by the landlord.

13. Free Association / Free Assembly

Freedom of association allows one not merely to express ideas and beliefs, but to join and act in concert with others of similar persuasion. This is not only valuable in itself but also essential to effective political action to see one's ideas implemented politically, to shape society and politics in accord with one's ideas and values.

The police intervention in different peaceful protest demonstrations organised by the opposition parties in different times has violated people's right to freedom of peaceful assembly. The government always expresses same ready-made answer that police force was forced to disperse the demonstration to control violent situation. This type of government's statement used to come during the programme called by opposition parties. Moreover, during the movement of June-July, the government imposed curfew in different parts of the country. Only in Kathmandu, curfew was imposed continuously for 5 days from 07:00 pm to 04:00 am. Moreover, police opened fire indiscriminately on the demonstrators leaving more than 259 persons injured. The victim of lathi-charge and tear-gas are countless.

Similarly, people's right to free association has been violated in many occasions. The victims are from the Trade Union and Nepal National Teachers Organisation (NNTO), whom people considered to be inclined to left parties. Due to their involvement to NNTO, many teachers have been either transferred to remote areas

from the place where they were teaching, demotion, stopping promotion and grade or termination of from job. Similarly, the labour associated with GEFONT, Though there is no proper documentation of incidents, we have received 21 cases where 306 professionals have been victimised. They are simply charged of either their involvement with left politics or action has been taken against them on the basis of complain of rival organisations.

14. Political Participation

The precise meaning of free political participation and in particular the problem of specifying the limits of free, fair and genuine electoral participation has been, and in at least some countries remains, a matter of intense controversy. Nonetheless, without it empowerment is incomplete, and all other rights are at risk.

After the restoration of democracy in 1990, people have participated in the general elections of 1991 based on the multiparty system, by-election for 2 constituencies and local elections held in 1992. The general election of 1991 was free, fair and peaceful. However, the by-election of 1993 for 2 constituencies and local elections of 1992 could not be held in such a manner. The general election was observed by international observers. The international election team from 22 different countries has stated that: "It is the belief of the International Observer Delegation that the elections were generally conducted in a fair, free and open manner enabling the full expression of the will of the people".

During the by-election and local elections, violent situation was observed in many places. Similarly, booth were captured and in many places both elections were upheld. Nine persons lost their lives on polling day and other nine were killed before the local election, whereas there was no killing on polling day during general election of 1991.

The "rays" of democracy have not reached to the grass-root people. The Nepalese society is still dominated by feudalism. The condition of

the rural people is the same. They are unable to distinguish between the autocratic and democratic government.

In some places, violent conflict has occurred due to difference on political ideology. Even people, those having different vision than ruling class, have been killed. In such a case, the semi-judicial authorities are found to be partial.

Suppression of political dissidents has become a common phenomenon. Police brutality is on the rise. There are number of cases of illegal raid of house of political workers by police and NC workers. For instance, about 100 houses in Ramechhap district were raided by NC workers. Similarly, about 5 cases of house-raids by police without prior information has been reported.

G. GOVERNMENT ACCOUNTABILITY

Primarily, the government is responsible for the protection and promotion of human rights. The protection and promotion of human rights also depends on the intention of government to fulfil its commitment.

The Articles 1, 2, 3, 4, 5, 9, 10, 12, 16, 17, 18, 19, 20, 21(2), 22, 23, 24, 25, and 27(1) of Universal Declaration of Human Rights are flouted by the present functioning style of the government and prevailing ill-practice in the society. Similarly, the policies of the government has made mockery of Nepal's ratification of 14 different UN instruments, including the Convention on Torture, Convention on the Rights of the Child.

Tolerance is the main basis for democracy, for which both people and government are responsible. The government should be still more responsible. However, the way the Home Minister has defended police atrocities and brutalities in different parts of the country is not a good sign for human rights. Rules and regulations alone are no guarantee to the fostering of human rights; it also requires their adequate implementation.

In 1985, during autocratic Panchayat regime led by absolute monarchy, Mr Laxmi Pandey, a student by profession and a political worker, was shot to death by police in Surunga, east Nepal, which created disturbed atmosphere. The-then Home Minister interpreted it in the House in such a way as to do away with Communists and Nepali Congress activists. From 1961 onwards, one can read in the government newspapers that someone was killed for security reasons as he tried to snatch away a policeman's gun. It was the strategy practised usually to shoot Communists and Nepali Congress activists. In the present situation, too, the statement given by the Home Minister in the Parliament is not different from the one given by the Panchayat Home Minister in Laxmi Pandey's murder case, except in names of the person involved and the place of occurrence.

The government has not formed any judicial enquiry into the incidents violating human rights. The extent of human rights violation in 1993 has already been discussed above. There are large number of extrajudicial killing the report of torture in the custody.

It would be worthwhile to cite some of the statements made by the Home Minister in the parliament.

Replying to the question raised by the MPs, the Home Minister said, "Police had to charge batons and fire tear-gas shells as per necessity with a view to preventing the public property from being damaged and maintaining law and order", informing that "seven died and some other injured with the bullets fired by the police with a view of controlling vandalism and arson during the incident that took place on June 25-27, 1993". As regards to the incident that took place in Patan, the Home Minister said as the situation was very tense with demonstrators pelting brickbats at the police from the early morning conjuring up the "Gherao" (surrounding) of June 29, 1993, the security personnel got panicked and fired out of fear that they themselves will be killed. Replying to the queries raised regarding the arrest of MPs, Home Minister said, "A few groups of people were arrested by the police to prevent the possibility of vandalism and violence taking place during the Chakka Jam programme called

by the leftists on July 19 and 20, 1993. A few MPs who were not recognised were also arrested along with the groups".

However, the observation report prepared by human rights NGOs is different. While talking about the damage of public properties, it is to be noted that, if the police can open fire due to psychological terror while surrounded by people, as the Home Minister informed the parliament, it is but natural that the people surrounded by armed police may have also thrown stones at police for self-defence. Moreover, the people have reacted after police opened fire on demonstrations without any pre-warning.

In many cases the government has clearly violated constitutional provisions as well as special rights of the MPs. The MPs were manhandled and arrested while parliamentary session was going on. The Speaker on the House was not informed of the arrest of MPs, though it was necessary. The MPs say that they had shown their identity card. But the police did not care it. It is an irony that the Home Minister informed the parliament, "Police could not recognise the MPs".

The intention and attitude of the government become clear when the proposal of Human Rights Commission was rejected in the parliament. The meeting of National Council (Upper House) held on March 5, 1993, rejected a motion presented by one of the Members of Parliament for the establishment of a high level, all-party national commission comprised of persons concerned with the protection and promotion of human rights. Sixteen votes were cast in favour and 17 against the motion. Moreover, the Home Minister said in the parliament that it was not necessary to form any Commission as human rights organisations are active in the country.

Nepal has signed 14 different UN instruments, including the two Covenants, Torture Convention, Convention on the Right of the Child. Till now the government has not initiated any effective measures for implementation. Moreover, the government has not prepared any national reports and submitted to the different treaty monitoring bodies of the United Nations, which it is obliged to. □

Chapter 10

Procedure & Problems

HUMAN Rights Year Book 1992 came out on July 31, 1992. It was received with appreciation by all it. We also had letters pointing out the weaknesses of this work. In preparing it, we faced problems in collecting events, exploring facts about them and presenting the results of the findings without any alternation. We were also not clear about eliciting information from quasi-judicial agencies, local administration, police, judicial courts, etc. Bar associations, human rights organizations and political parties at the local level could brief us only on the happenings they were directly involved in. Our volunteers were also sent to districts only after the end of the year. It was difficult to gather details about the past events and establish direct contact with the affected. A single individual was entrusted with completing their tasks in 2/3 districts. The report was delayed last year also owing to snow covering quite a few districts for ten months of a year. As the Year Book committee could not elaborately discuss the preparation of appendices and indices, consensus was found lacking on several issues. Besides, we had the unfulfilled objectives like identifying the areas of human rights violations, propagating human rights violations and increasing people's awareness for checking them. It is with this end in view that we have completed the Year Book 1993.

Procedure

- Earlier than mid-1993 we selected titles for events and prepared guidelines for them. An orientation programme was organized in Kathmandu to impart training to the

persons associated with INSEC campaign and the proposal volunteers who could serve for year book in future. They were asked to send in their district reports promptly on their return.

- This year there have been included a few additional topics, e.g. some legal provisions in Nepal interfering with the concept of human rights, mass communication media and human rights, Nepal in figures, the highlight of this year, the landmark of the year, school teachers in Nepal and human rights, trade union and human rights, the issue of overall situation of human rights in 1993 under Appendix 9, giving comparative statistics of 1992 and 1993 in every districts. This year additional information has been included in some appendices on request.
- On the basis of the reports available. INSEC regional coordinators were asked to coordinate functions like filling out gaps in the reports, visiting different districts and seeking necessary cooperation.
- News items published in printed media were organized district-wise under different headings and basis and fed into computer in regular basis.
- This year volunteers were sent along with guidelines, newspaper cuttings related to the districts concerned, a copy of INSEC's booklet and other necessary documents.
- This programme was publicized in newspapers. His Majesty's Government

Ministry of Home and Supreme Court dispatched their circulations to their respective district offices for extending necessary cooperation. By Mid-November the team of the executive members had completed their visits to the Mid-Western Region, the difficult mountain districts of the Remote Western Region and the districts of the Western Region.

- Whenever there took place incidents crucial from the view-point of human rights, volunteers were sent promptly to prepare reports on the basis of on-the-spot observation. This process continued round the year.
- This year we had a fruitful discussion with the Home Secretary. At his request we made the copies of the Year Book 1992 available and the Ministry of Home mailed them to all the 75 Chief District Officers. Hence, we shall also request His Majesty's Government for comments on the Year Book 1993 next year.
- We have received cooperation in preparing this book from all sectors, barring a few instances of delay in receiving information and help and prohibiting volunteer from observing jail condition at places. Even in districts where collection of information was hampered last year, the volunteers completed their job in time. In some districts capable and reputed persons were entrusted with this task, though reports were sent rather late, as they were busy with other works.
- Writing appendices and indexes were entrusted only after working out our expectation and priority. For it there was a written negotiation. The committee carried out an elaborate discussion on the materials available. Ample materials and more than one specialists were consulted for a single topic.
- An editorial board was constituted to edit the reports made available till February 15 and prepare district-wise reports on the basis of reliability by comparing the

information available at INSEC with that received from the fields. After editing them, they were re-pasted and given final shape by the Executive Committee.

- Even volunteer except one was entrusted with a single district.
- For the highlight of this year, was formed a separate group. Both types of cooperation, institutional as well as individual, were fought from those who suffered ethnic oppression. In this connection, chronological evidences were collected and an extensive study was carried out by the study group.
- District reports were submitted to the regional offices if feasible and were accepted after their investigation. In the western Region, a deadline was fixed for the submission of reports which were examined and accepted by a central team.
- The regional coordinators visited their districts from time to time, identified problems and tried to sort them out. They also looked after volunteers' financial accounts.
- To reader the Year Book interesting for all and to contextualize the materials, contextual and historical background was included this year also. Those who intend to study district-wise human rights violations will also have to study the events in all the districts. For those who are interested only in gist, it was decided to present the summary in Chapters 9 and 11.

Problems

- The tradition of paying respect to human rights has not yet been promoted much in quasi-judicial agencies. The circulation issued by Ministry of Home for extending necessary cooperation in the Year Book was received just as a 'formal requirement' by many local administrators. The administrative officers in some districts were, however, found responsive and open to it. This time too, no details could be

made available about quite a few jails. The physical condition existing in police custody could also not be observed.

- Political parties, Human rights-related organizations, bar associations, trade union and others could provide details only about the incidents in their respective fields, and even those without the dates of their occurrence.
- All the records were maintained in terms of the Vikram era; hence, we had difficulty in converting them into the Christian era.
- Many a volunteer did not complete their job by the stipulated time. Some of them had accepted the responsibility, but did not comply with it. As a result, we had to look for alternative arrangement in the final stage.
- The write-ups of a few appendices were also delayed by their writers. Our comments had to be re-written to comply with interest some of the materials had to be written 2/3 times.
- We had to face problems also because of the physical facilities like computer and the skilled manpower.
- In January/February 1990, Nepali Congress and Joint Left Front launched a joint movement with the call: "Nepalese people are deprived of the human rights declared by generally acceptable United Nations." The movement was a success only because it complied with this call. Today people have started talking about human rights in Nepalese society. However, even the political parties which led the people's movement have not taken the human rights seriously. The Human Rights Year Book has been intended not only to apprise people of the human rights situation in the country but also to present their views on the concept of human rights - a topic of general interest. The political parties, inextricably related to human rights, have been found indifferent to our request. Last year we managed with great difficulty, to collect the views of the different political

parties on human rights situation in 1992. This time it was still more difficult to accomplish the same task. Even those views made available fall below our expectations in more cases. Our aim was not only to present in the Year Book but also to present it as an open place to incorporate the comments of all concerned. We have been disappointed in this venture, however.

- We had mentioned it last year also: The Year Book Committee has formulated necessary guidelines to describe the human rights situation impartially in accordance with the United Nations' Declaration. In Principle too, perfection cannot be guaranteed anywhere. Nevertheless, we have adopted objective approach in the best possible way. Rumour can be created in the lack of the flow of information. This year also we had to face the threat of this value. There was no flow of information on specific issues from the government/non government agencies and ruling/opposition political parties. Despite it, we managed to delve deep into the reality, though we do not claim to have achieved complete success. If there has been any mistake, it is due to the negligence of the importance of information flow on the part of the side concerned.
- We cannot, however, claim that there have been made no mistakes from the side of the Year Book in the course of collecting facts about human rights. In several districts necessary rapport could not have been established with the district administration. We further admit the weaknesses due to our volunteers or anyone concerned. It is, however, difficult to overcome these weakness so long as administration or political parties show indifference to human rights. These two factors are intimately related.
- On the auspicious occasion of reinstalling democracy on April 8, 1994, we aimed at bringing out this Year Book. We, however, regret that we could not succeed in our aim because of the problems mentioned above. □

Chapter 11

Findings & Recommendations

FINDINGS

- As in the last year, the government has frequently reiterated its commitment to human rights. Despite it, its profession and performance were not found to match. Several cases were found to have been politicized. As the accused were also associated with some political parties they were not detained in spite of the court's order. They were also found to have been acquitted from charges by the court and cases were withdrawn against the criminals. Actions were taken. In pursuance with the spirit and objective of the people's movement. Instead, the government's interest in human rights was found to have declined this year in comparison to the last year.
- The jurisdiction of judiciary was found to have been violated by the Parliament and the government this year too. The annulment of the provision inserted in Article 2.3.10 of the Civil Code by the judiciary may be taken as a support to the fact mentioned above. Similarly, the bill related to the Labour Act was passed by the Parliament but declared null and void by the judiciary.
- Human rights were found to have been violated mostly by criminal minded individuals. Besides, the government and political activists were also found to have been involved in violating human rights to a large extent.
- Because of the government's style of functioning. Complaints went unhealed.

Even Nepali Congress Supremo Ganeshman Singh pointed out that the government adopted the policy of repressing the opposition in Tanakpur issue. In an interview with Deshantar Weekly dated March 13, 1994, Singh said, "Our MPs are musclemen. Only 93 (MPs) are in the opposition, but 112 (MPs) are supporters. The bill has to be passed even by beating; they need to be beaten to such an extent that they cannot move on to the road. It was decided to pass the bill by raising hands. I said that the moment a large number of persons are killed or beaten inside the Parliament itself the nation will be inflamed and it cannot said who will be burnt and turned into ashes in it. I wrote a letter anticipating some impact. Though I was also invited to attend the meeting of the Parliamentary Board, it would have been like 'shedding tears by a buffalo before a butcher'; hence, I have written a letter."

- Nepal has already signed UN proposed 14 treaties. Nevertheless, there still exist a number of legal provisions in Nepal in contradiction with the concept of human rights. No information has been given whether the government submitted the necessary reports or not, let alone have consultation with human rights related organisations in this regard.
- Despite human rights agencies' repeated appeal, the government and its mass communication media have not yet made any contribution to the publicity of human rights. Human rights education has not

been incorporated into curricula and textbooks. The public mass communication media presented human rights incidents in such a way as to suit the government's interest. Prejudices were also observed in non-government media. Nonetheless, private communication media have contributed, more or less, to the promotion of human rights awareness.

- As in previous years, this year too, political parties have extensively misused administrative machinery or used it in their interest. As a result, administrative employees were not found sincere about people's cause. Many administrators were observed to have shown their loyalty to the ruling party even at the cost of violating existing laws and regulations.
- The judiciary also carried out its legal proceedings by opposing the stand taken by the government and the parliament, but slackness in imparting justice could not be lessened even this year. Court proceedings were found inert in several remote districts because of the absence of court employees. The court detainees were found to have spent as much time in jail during investigation on their sentence to imprisonment after the court verdict.
- No step was taken about the individuals detained during the Panchayat regime and remained lost. In addition, the government gave no details about the persons arrested by police this year, namely, Rabin K.C. (Khotang), Vishnu Timilsina (Achham) and Prabhakar Subedi (Kathmandu). Similarly, no information was made available about Bhuwan Lal Thapa (Sindhupalchowk) and Juthe Tamang (Ramechhap), kidnapped this year and in 1992, respectively.
- In November-December this year a parliamentary team visited a few district headquarters to appraise itself with the situation of the district jails and police custody. But it was never made public what the members of parliament had observed in these places. With the

restoration democracy. The tradition of understanding the problems of jails has been well established. Human Rights activists have been frequently visiting the jails. Nonetheless, the authorities concerned are not found interested in solving the problems. In this regard, they have also put their limitations. The allocation of budget for maintaining jails and courts has been decreasing every year. At the jail in Humla the administrative office was found situated inside the jail walls. On the ground of having same names, one person has been sentenced to imprisonment, at Rolpa, Rukum, Jhapa and Parsa jails each. Three incidents of torture inflicted by jailors or jail administration were brought to knowledge this year.

- In July this year the nation had to face unprecedented damage because of flood. There arose several conflicts during the relief to flood victims. It was sad that at Barabathawa (Sarlahi), when people demanded for action against the person involved in misusing the relief fund, they were made victims of police firings and two of them died on the spot. This incident indicates the attitude of Nepal police towards arbitrary firings. In other places also, human rights were violated through corruption.
- Even after the restoration of democracy, the benefits of Nepal's developmental process have not reached the people at the grass-root level.
- Even today untouchability exists in its extreme form in Nepal. Owing to this social evil, the right of about 50 percent of Nepal's population to live with dignity has been violated.
- The national consensus has already reached to carry out an indepth investigation into Dasdhunga issue. Nonetheless, a commission headed by an official judge as per the negotiation has not been constituted even by the end of the year.

- School teachers in Nepal were victimized by administrative prejudice this year also. The teachers who were not associated with the politics of the ruling party were discouraged in various ways. There were found controversy about the appointment of teachers. More than 60 district education officers stuck the appointment-test results on the board and absconded in night.
- Basic rights were violated also in the sphere of trade unions. The issue related to the Labour Act have been raised by the ruling side itself.
- Displacement is another important issue. After the restoration of democracy, the government does not appear to come ahead to solve the displacement issue like landless one.
- No important measures were adopted this year regarding children's rights. Even today there are several child labourers in factories who have raised their age.
- There were several instances of police oppression this year as well. Action was taken against the policemen who beat an individual to death because of a hen at Makwanpur. This incident officially proves police excesses.
- The pressure of refugees is increasing in Nepal also. No solid decision was taken in respect of repatriating Bhutanese refugees. The problems raised by Tibetan refugees have cropped up from time to time. Details were published at times about refugees from other countries.
- There came up several grievances from the sector of women's rights. The government was found indifferent to the proposals presented in the parliament for women's protection.
- World day for indigenous people was also celebrated this year. However, the controversy regarding their definition remained unresolved till the end of the year.

Recommendations

To improve the human rights situation and inculcate human rights culture in the country. Year Book 1992 had provided recommendations to all the concerned. And the issues or the attention paid to real facts in 1993 is clear before you. It cannot, however, be denied that there have been some accomplishments in the sphere of human rights. The compensation bill has been passed this year, though it has a number of pit falls. Such an enactment can be deemed a positive step. The proposal for constituting a human right commission could not be passed by the government side, however, this has been a year of hope and despair from the viewpoint of human rights. In this context, some recommendation have been presented this year also.

To the Government

- There have police firings and killings in several parts of the country. Individuals also died under police custody. In this connection, we would like to repeat the suggestion given by agencies like Amnesty International and assert, "There should be judicial enquiry into potential illegal killings."
- The lack of awareness about human rights and of rapport among police, administration and common man has also been realized extremely. Hence, the government should not treat activities like promoting human rights awareness as unproductions. Instead, human rights education should be incorporated in both formal and informal education.
- The refusal of a proposal by Rashtriya Sabha does not mean the end of the justification for an all-party national human rights commission comprising human rights supporters and organisations. It is, therefore, imperative to constitute such an organisation.
- It is important on the part of the government to make public which of its reports related to various UN treaties have been submitted or not submitted.

- It is desirable to improve the government communication media in consonance with human rights and democratic values.

To the Parliament

- There are several instances of the judiciary declaring null and void the bills passed in the parliament. Therefore, it is necessary to have all-party deliberation before passing a bill.
- The parliament is certainly taking more interest in human rights. It is, however, necessary to take practical measures instead of just taking in this regard. The MPs declared to visit all jails and police custodies, but they could not reach all the places. They did not even make public what they had observed. Hence, the parliament should pay attention to it.

To Political Parties

- Political parties should give up their attitude to treat human rights only as the topic of their speech. The appendices and indices in this book have thrown light on the various aspects of human rights at the national level. Appendix 8 deals with the nature and background of the district-wise incidents. We want the political parties to rise above their party-centred conflict and discuss these issues at the grassroots level. The Year Book Committee is committed to its cooperation to the ageing for drawing the attention of quasi-judicial sector towards checking the repetition of such incidents.

To Non-government Social Organisation

- It would be nice if all the concerned paid attention to the issues identified by the Year Book. Several problems have been exposed by this book. If the non-government organisations took measures in their respective fields the situation could be better in some way or other.
- Human rights agencies and their activists have not reached the grassroots level. The way in which people look at them as the representatives of foreign elements has relatively lessened now. There is need for further progress in this direction.

To Mass Media

- The mass communication media in the private sector deserve appreciation for contributing to human rights, but it is still necessary to get rid of prejudices.

To Regional and International NGOs

- The democratic government in Nepal has been found indifferent to human rights. It has been observed not be interested in the UN Declaration at times. In this context, regional and international NGOs need to pay attention to the government's style of functioning, especially whether it has submitted its reports to the United Nations or not. It is important to create awareness of human rights at the grassroots level and organise people for human rights section. □

Appendices

Appendix 1

HIGHLIGHT OF THE YEAR

Untouchables in Nepal

What is caste-based untouchability?

In India, Nepal and some of their neighbouring countries division of castes and untouchability have been existing for centuries and are still influencing society. Such a system did not prevail in any other countries of the world nor is it existing now. The people living in countries like India and Nepal where this system is prevalent have to experience much social discrimination, hatred and humiliation for thousands of years. Hence, this social practice has been a slur on human race in these countries.

There did not exist division of castes in the beginning. This fact becomes clear from the intensive analysis of classical scriptures and historical evidence. In Indian subcontinent the original community had no "caste system" (including division of castes and untouchability). Even in this part this system cropped up only later. In this regard, the Mahabharat, the famous Hindu scripture, states:

"The aboriginal inhabitants were equal in caste and hereditary rank; i.e. there were no disparity and discrimination among people."
(Shantiparva, 107/30)

There was no caste system in early community. It came into existence only later. It has been mentioned in *Balmiki Ramayan*:

"Treta Yug (era) followed Satya Yug and strong Kshetriyas started performing penance there like Brahmins. Then Manu and other sages, seeing no difference between Brahmins

and Kshetriyas, set up a community made of four classes."

(Uttarkand 74/11-15)

In the Vedic period, Aryans were not classified into Brahmins, Kshetriyas and Vaisyas. These classes appeared in the first phase of the Rigveda. In its later phase Shudras were created, but they are not found ignored.

The caste system first started in South India, as mentioned the *Ling Purana*:

(Purvardha 89/95)

Earlier than the Hindu religion, there existed the Vedic faith. From the songs or hymns recited by Aryans in the Vedic community, it is clear that the people of the-then community were equal and there did not exist caste discrimination.

(Rigveda, 10/191/3-4)

Caste is not an inborn feature. In early times it was determined by the nature of work one did. Toward the end of the tenth Mandala of the Rigveda four castes are clearly mentioned:

"The huge person had his mouth, hands, thigh and legs and Brahmin, Kshetriya, Vaisya and Shudra, respectively."

(Rigveda, 10/90/12)

The hymns in the tenth Mandala are supposed to be composed during 1500-1000 BC. They suggest that in some of the Vedic people there started the division of the society into four classes on the basis of four types of labour envisaged in about 1200 BC. These classes were as follows:

1. Brahmin, engaged in mental activities like worshipping, knowledge, education, etc. (Mental and religious field).
2. Kshatriya, engaged in army, ruling and agriculture (Political field).
3. Vaishya, engaged in husbandry, agriculture and business (Economic field).
4. Shudra, engaged in hard labour, artisan works and services (Labour field).

In addition to these four classes in the *Rigveda*, there is no mention of other castes and the system of untouchability which appeared during the post-Vedic period.

The word "Varna" (class) originally means colour, but later it lost its original meaning and came to denote division of labour. According to Hindu ideology, "Varna" and "Jati" (caste) have now become synonymous. Aryans and non-Aryans are found to have been distinguished in the *Rigveda*, where non-Aryans are referred to as "Das" or "Dasyu" (servant). It suggests that during the ancient period the word "Varna" was used to distinguish Aryans and non-Aryans. The community in the Indian subcontinent was a conglomeration of Aryan, Mongolian, Dravidian and Shithian ancestries. Jati and Varna are like neighbours facing each other. First of all, Brahmins were changed into a caste. Hence, Jati can also be treated as Varna. Initially, the four classes mentioned above were found only with a few Vedic people, but the single individual could perform various works in different turns. After acquiring the eligibility required for a work, Vaishyas and Shudras could perform the works due to higher classes receive respect. In this respect, the Mahabharat states:

"A person born even in Shudra class can become a Vaishya, Kshatriya and Brahmin if he acquires virtue and ability in consonance with a class."

(Vanparva, 211/11-12)

In the early times men and women of all the four classes were considered eligible for reciting the Vedas and performing "Yagya", as mentioned in the Brahma Puran:

"Even Shudra who has studied the Vedas and other scriptures and has well-cultured behaviour can ascend to Brahmin and other superior classes. If the behaviour is undesirable, Brahmins can also be denoted to the status of Shudras."

(Brahma Puran, 223/53-54)

This situation has been described by Lord Krishna in the Bhagavat Geeta as follows:

"I have created four classes on the basis of man's quality and action."

It is on this rule that the ancient scriptures abound in examples of Shudras or persons born in lower and condemned families being promoted as respectable sages, Brahmins, etc. According to *Bajrasoochi Upanishad*, of the sages reputed in the Puranas, Parasara, Bashishta, Viswamitra, Bhardwaj and Narada were born from murderer, prostitute, Kshetri, Shudra and servant mothers, respectively, and yet they ascended to higher class. Matanga was a murderer but attained the status of a sage through the practice of penance.

In the beginning, caste system did appear equally in all sections of Aryan race settled in the Indian subcontinent. Videha, Shakya, Koliya, Lichchhavi, Malla and other Aryan Communities were all considered Kshetriya alone and there is no mention of other four classes.

According to Dr Bhimrao Ambedkar, there are two causes for the origin of Shudras. First, it is the result of the conflict between the king and Brahmins. Secondly, it is also the outcome of the struggle between Buddhists and Brahmins in which after the non-Aryans (opposed to Aryans) were overcome by Aryans, the former were called "Shudras", as mentioned in the *Rigveda*. There is no mention of Shudra except in "Purush Sookta" of the *Rigveda* which has been appended only later. When the Vedic people started to assign Shudras the status of servants, Aryans began to give up Shudra's profession. Later non-Aryan poor labourers and war captives are found to have been converted into Shudras or slaves.

The professions adopted by Shudras gradually declined into the level of slavery and non-Aryan war captives were accommodated into it. Consequently, Shudras ceased to take to the professions adopted by Brahmins, Kshetriyas and others. In addition, Shudras' jobs related to iron, leather, clay, cleaning roads and sewerage, butchering, waiting at funeral places and the like were also looked up with hatred and neglected. Gradually, Shudras were victimized by class exploitation and injustice. Restrictions were imposed to prohibit them from relinquishing their jobs and taking to the professions of other classes. If someone had violated them, he/she would have been strictly punished.

In *Manusmriti* (10/43-45), all the castes except the four classes are grouped under Shudra by Manu.

The System of Untouchability : Genesis

The *Rigveda* makes a mention of *Charmamna* (i.e. "Chanar" = Cobbler) and the *Vajasnemi Samhita* uses terms like "Chandal" and "Paulakas", while the *Dhobini Smriti* refers to "rajak" and the *Chhandogya Upanishad* to "Chandal". There is, however, no mention anywhere that the people of this class were untouchable. In the *Smriti* scriptures there can be found reference to the situation of untouchability. People from high and ruling class gradually went on oppressing Shudras to show their superiority and establish their domination in the society. Later, the Shudras whom they disliked or compelled to do detestable works were further pushed down to inferior level, expelled as social outcasts and treated as untouchable. As a result, there appeared two types of Shudras.

1. touchable Shudras settled at their masters' homes working for them, and
2. untouchable Shudras living as social outcaste.

The following hymn of the *Vishnu Puran* deals with this situation:

"The grain and other items touched by the Shudras who dedicate their life, property and wives to the service of Brahmins are

edible but not by other Shudras can be eaten."

The children born from Shudra fathers and Brahmin, Kshetriya and Vaishya mothers were judged as lower castes like Ayogava, Kshatra and Chandal, expelled from society and considered untouchable.

The *Vyas Smriti* places the following castes and professional persons into the category of untouchables.

"Businessmen, Kirant, Kayastha, Mali, bamboo workers, Berat, Kanjar (eating dogs), Chandal, Das, Mettar (sweeper), Kolak and all beef-eating castes are low born. The sin of speaking with them is purified by bathing. The sin of seeing them can be purified by looking at the sun." (1/11-12)

According to it, Vaishyas and Kirantas (Mongoloid race) are also placed under untouchable class. However, they are not to be treated like untouchables neither in the early period nor later.

The *Smriti* also mentions that the child born from the parents of the same "Gotra" (root) or having blood relation is also socially expelled and denounced as Chandal untouchable. A sinner or evil-doer was also treated as a social outcast and untouchable. According to the *Manusmriti*, Buddhists, Pashupats, Jains, Lokayats, Kapils or Sankhya followers, irreligious Brahmins, Shaivas and atheists were also counted as untouchables in the *Brahma Puran*.

If a person remains in a specific condition, he/she is treated as an untouchable. For instance, impurity due to the death of a person in the family, women who have delivered a child or have monthly course or those who have touched them and did not purify themselves by bathing are also untouchables. All non-Hindus are also considered untouchables.

Of all the untouchable castes, Chandal has the most pitiable condition, Besides being

considered untouchables even air in their touch was defiled, (Jatak 3). According to *Apstanva Dharmasootra*, Chandals are untouchable and should not be seen or looked at. The *Manusmriti* contains rules for Chandals and Mehtars (Podas and Chamars) according to which they should settle down outside a town or village, use only clay pots, burn corpses at the funeral place, kill the persons sentenced with death punishment, use their beds and ornaments and do other detestable things (10/51-56).

A glance at the world history reveals that caste system based on birth and profession also existed in Greece, Persia, Rome, China, Japan and other countries. However, there had been no caste discrimination and untouchability as found in our community. Even now non-whites, esp. Negroes, are often looked upon with dislike and hatred in Europe and America, but this attitude has not come down to the level of untouchability.

Indian subcontinent has been settled by various castes and tribes from the world. This mixed settlement gave rise to undesirable situations like caste discrimination and untouchability, which went on taking an extremely complicated form later. This social evil has been surviving even in the same form even in this age of science, democracy and socialism. It has split people believing in caste-dominated vedic or Hindu religion into different sects and created harassment to them. Non-Aryans, who are not Hindus and do not believe in caste system, are regarded lower in social hierarchy, insulted and subjugated to be its innocent victims. These are people from various Mongoloid or Austric tribes, viz. Rai, Limbu, Sattar, etc. In Ggurun community there is discrimination between 'char jate' and 'Sorha jate'. Magars, Rais, Tharus and several Terai tribesmen have been forced to be Hindu converts, though there does not exist such caste-based discrimination and untouchability within their own tribes. They, however, practise untouchability against the untouchables created by Brahminism in spite of the fact that they feel the bitter experience of such a caste discrimination. These tribes in Nepal are called Kshetriyas, Vaishyas, Shudras

and untouchables at different places. Why do such a flexibility and uncertainty exist? What is the reality?

During the formation of Brahministic literature there evolved the concept of determining caste on the basis of not profession but birth. With the evolution of civilization and culture, there originated division of labour. Later, there appeared different castes as a result of the evolution of labour, art and skill. Prior to the origin of untouchability, the discrimination between the Hindus and the untouchables was related to that of the defeated and victors. Those who were defeated were pronounced untouchables in course of time. This fact is supported by the post-vedic works *Smriti Sanghitas*. With the increasing victory of strong force over tenderness patriarchal society established control over women. It thrust them into helpless and neglected situation. The three superior castes jointly deprived women and Shudras of the Vedic rights. Gradually there evolved the concept of sub-castes. As a result, there also appeared diversity within the interaction of the same community. It gave rise to the role of ruling class in the community. As a result indifference prevailed in the attitude towards judging social character. Brahmin community turned towards monopoly and became extremely egoistic by erecting sentimental barrier in caste and kitchen. Besides, child marriage, old marriage, polygamy and unmatched marriage were encouraged rather than resisted. Sub-castes like Jaisi, Ghale, Bhat, Sanyasi, Thakuri, Hamal, Bhuihar, Nagarkoti, Golak, Kundak and Pratilom went on increasing in number. These perversions were at their height. Consequently, existing social traditions were adversely affected and narrow-minded attitudes like penalizing for bearing children against the prescribed norms. Inhuman attitudes like hating children of mixed birth, treating them as sinners and untouchables and expelling them from the community gradually became widespread. The source of such perversions started to treat the defeated as their slaves and social outcasts, expel them from the community and humiliate them.

Trade and industry also are not the causes of untouchability. Brahmins behaved with the defeated in the same way as they hated the Buddhists and had enmity with them. Similarly, in the Aryan-Dravidian War, Victorious Aryans made the Dravidians their slaves. Prior to it, the Dravidians had made victory over the tribal people and treated them as slaves and untouchables. This caste system is not the concrete form of modern genealogy. According to the existing caste system, Muslims and people from other religions as well are treated like the untouchables. The caste system in Hindu community is thus an offshoot of religion.

Class System and Untouchability

Buddha started revolution against caste system in the sixth century B.C. besides, Shakyas called themselves Kshetriyas. These facts suggest that caste system had already existed in western Nepal Terai during that period. Bagmati Valley and other mountain regions were then dominated by the Kirants. Hence, they had no caste system. However, it gradually began to be practised in these parts with the coming of Shakyas, Malls and Lichhvis. In the fifth century A.D. the caste system went on spreading out with the expansion of Lichhvis' territory.

Of all the Lichhvi kings, Brisha Dev alone was a Buddhist, while others adopted the Vedic region and class system. King Mandev (464-505 AD) built Changu Narayan temple. It is evident from it and also from many of his inscriptions that he followed caste system. His grandson Basanta Dev's (506-532 AD) inscription at Thankot refers to "welfare of the peasants by all eighteen castes including Brahmins at Jaypallika village". This suggests that there existed four classes and eighteen castes. Similarly, the inscription (607 AD) at Tistung by Amshuvarma (588-621 AD) speaks about "not allowing to violate Aryan code of conduct, i.e. the caste system".

During the medieval period, Malla kings of the Kathmandu Valley built hundreds of Hindu temples. Jayasthiti Malla (1360-95 AD) constituted the caste system extensively. There

prevailed a registration system of castes in the eastern Terai from 1097 to 1325 AD. Ram Shah (1605-36), the Gorkha king, organized society on the basis of caste system. The caste system also remained on increase in Karnali region towards 1338 AD. These facts show that the caste system prevailing in the various parts of today's Nepal spread out fast during the medieval period. Jayasthiti Malla and Ram Shah implemented strict social regulations based on Hindu scriptures and *Manu Smriti*. According to these regulations, low-caste people were openly discriminated and deprived of rights to live as a common man. They were discriminated even in respect of clothing, food and housing, compared to high-caste people. Cloths were worn according to one's caste. Low-caste people were prohibited from constructing pucca buildings and allowed to settle far away from towns or at the banks of rivers. These regulations framed by Jayasthiti Malla continued in the same form till the enactment of the civil code during king Surendra's regime.

The creation of sub-castes in Nepal is unique. For instance, the child born of a high-caste father and a low-caste mother was a case of promotion. There were unwritten practices like not defiling and sprinkling water which still exists. Children born from wandering sanyasi fathers and intercaste marital relation also belong to the same category.

Promotion is followed by demotion. The civil code (1853/54) legalized Nepalese community into two castes 'the caste whose water is allowed to remain pure' and 'the caste whose water is defiled'. The second caste needed sprinkling of water at some places, while it did not require it at other places.

During the Rana regime the chiefs of the three castes were entrusted with sorting out issues related to their own castes. The heads of Kamis (Iron-smiths) and Sarkis (Cobblers) were called 'Mijhars'. Similarly the head of "Damai" (tailor) was called "Nagarchi" while other castes of the first category had their own heads. This system was developed with the purpose that the community members might not have to go to offices or courts to settle

trivial legal matters. Mijhars and Nagarchis, however, added to the injustice and exploitation meted out to their respective communities. They were obviously influenced by their masters' nature. Like their masters, they never hesitated to do injustice against their communities. No appeal was heard against them.

From the medieval period onward, people demoted in their castes had their dwindling social status owing to caste system and their defeat. As a result, there ensued perversions in their eating, living and movement. They began to deteriorate in their manners, sanitation and self-respect. The people who considered themselves superior in caste exploited it as a cause of oppressing them. Thus, inhuman and anti-social ban was imposed on entering temples, receiving education, listening to high-caste people's teachings, worshipping, planting *Bar* or *Pipal* trees, digging ponds or making any other things to perpetuate prestige, rejoicing fairs and festivals like others and other social practices. Generally speaking, these practices were found to be more stringent than those of social outcasts. As a result, low-caste people had to face brutal tortures. For instance, they had to lead the life of untouchables. They could not look at high-born women lest they would be expelled from the country. If they ran into persons of higher caste they would have to go down the way. They had to pay obeisance (*JADAU*) whosoever they might be. They would be put to death if they went against their oppression. If someone from higher caste married a woman from lower caste, he was not eligible for 'jarikhat'. It was necessary to request for sprinkling water if they touched thread-wearing or non-thread-wearing persons. Two way conversation with upper castes was banned for them. These discriminatory provisions of the civil code were based on Hindu scriptures like *Puraskar Grihyasutra*, *Gautam Sutra*, *Manusmriti*, and *Shukra Niti*. When these people were neglected in this way, there did not arise any question of their participation in economic, social, cultural and administrative spheres. Hence, they were forced to survive on low-paid manual works like playing indigenous musical instruments,

sawing wood, doing leather works, practising music, art and dance, cutting stone, breaking boulders, pottery, earning wages as labourers, cleaning latrine, washing, and skinning dead animals. These helpless people were thus inflicted with tortures till 1950. They were treated not as human beings and their outcry went unheard.

The present caste system is also said to consist of four classes and thirty-six castes; however, it is just a rough estimate usually made in the mountains and hills. The Newari community and the Terai community are composed of more than thirty-six castes.

During the Panchayat regime Nepal was referred to as a 'Hindu State' as well. The Constitution of the Kingdom of Nepal (1990) has also retained it. In Nepal, the only Hindu state in the world, thousands of people treated as untouchables have been undergoing bitter experience legally for centuries. History is replete with evidences that because of the legal system based on the Hindu religion lower-caste victims were given more inhuman and stringent penalty than higher-caste ones in similar crimes during Lichhvi, Malla, Shaha and Rana periods (except during kirant period). For instance, there was a legal provision during Malla period to cut Shudra's penis, force him to eat it and get him butchered by chandals ('murderers') on charge of having sexual intercourse with a Brahmin woman. Similarly, during Rajendra Shaha's regime, there existed a law decreed on (1893 ASHADH SUDI 7 ROSE 4 BS), according to which "if a person from Shudra caste like Damai, Sunar(Kami), Sarki, Dalami, Majhi, Danuwar, Murmi, Dhote, Chepang, and Kumal had sexual intercourse with his brother's wife deliberately, he must be put to death." Prior to the implementation of the new civil code of 1963/64, this legal provision continued. Moreover, according to it, higher caste individuals were given lesser penalty if they were charged with having sexual intercourse with lower caste women, but if lower-caste persons had sexual intercourse with higher caste women, they were sentenced to fourteen - year imprisonment. The civil code of 1963/64 has, no doubt, tried to establish legal

equality between so-called high-caste and low-caste people in principal (according to recent amendment in the civil code) and untouchability is now liable to penalty. However, this community has not yet enjoyed equal accessibility to law. These unequal and inhuman practices will be discussed in detail later.

Who are untouchables?

(a) The communities engaged in making ornaments, weapons, pottery and other labour skills.

Those who consider themselves superior among the castes/tribes whose water is defiled are called by different names: Kamis (Iron-smiths), Sunars (Gold-smiths), Lohars (Iron smiths), Vishwakarmas (V.K.), Sobh, Snehi Nepali, etc. They have been named after the professions they are found to be engaged in. For instance, one who is engaged in works related to gold is a Sonar; one who constructs a house or makes pots is an Od; the person who makes things out of copper is a Tamta; one who is engaged in iron-related works is a Lohar, one who is engaged in making utensils from wood is a Chunara; one who constructs good from bamboo is called a Parki; cloth weaver a Koli and Bhool for the person engaged in leather work.

During the Rana regime the person deputed to deal with the issues related to this community was referred to as 'Mijhar'. Some people are found to take this title as their surname or subcaste. In the western part, goldsmiths are called 'Mijhar'. This community has been found to be distributed all over Nepal. It has the following subcategories:

Agri, Acharya, Aafladhoti, Wokheda, Wod/Wor, Kadara (Kandara), Karada, Kasara, Kallohar, Kalikote, Kaliraj (Shahoo), Kumaki, Kaini, Koirala, Koli, Khadkathoki, Khapangi, Khati, Gajmer, Gajurel, Gadai, Gadaili, Gahate (Gahatraj), Giri, Gotame, Gowa, Ghatani, Ghamal, Gharti Ghimire, Ghamghotie, Ghimire (*Sijapati and Ghimire also called "Shobh"*), Ghotane, Chandara/Chandaro, Chilime, Tiwari, Chunara, Chhistal, Jandkami,

Tamata (Tamrakar), Thagunna, Thatera, Tiruwa, Dayal/Diyali, Dalami, Darnal, Dudraj (Dudhraj), Dural, Deupate, Dewal, Dhamala, Dhanik (Dhanuk), Nagarkoti (*Kabhre and Sindhupanchowk's Rasailis are using nowadays*), Niraula, Nepal, Panthi, Palla (Ya), Parajuli, Pahari, Padhyawati, Pagri, Parki, Pulami, Pokharel, Portel, Poudel, Baraili/Barali/Baral, Bunchebhale, Banskota, Bipali, Bhatta, Bhattarai, Bhusal, Bhool, Mahilipar, Mar (Mahar), Mijhar, Rasaili, Rahpal, Rajlohar, Ramdam/Ramdarmoo, Rijal, Risal (Raisalis are using), Ruchal, Raikal, Lakandri, Latopi, Labad, Lamgade (It has three sub-category - Lamakarmi, Lanichhane and Poudeli), Lohani, Lohar, Lwagun/Luhagun, Shahsankar, Shahoo, Sheral, Sadasankar/Sattasankar, Sapkota, Sani, Sundhuwa, Sunchyuri/Sunchiuri, Singaure, Sijapati, Sirpali (Shripali), Suni, Setipar, Seti Mahara, Setisural, Sonam, Himchyuri etc.

(b) The community Engaged in Sewing Cloth and Playing Local Musical Instruments

The persons engaged in sewing cloth are called 'suchikar' or 'Sujikar'. Those who play musical instruments like 'damau' (*damaha*), drum, *hudko*, and *devbaja* are referred to as *damai* (*damahi*), *dholi*, *hudke*, and *nagarchi*, respectively. It was natural to call them by these names in accordance with the types of musical instruments they used to play. The persons employed in sewing are now called *darji*, tailor, master, or tailor-master. The term *darji* was restricted to Muslim sewers. Recently, however, it is used for all who are engaged in sewing cloth as well as playing musical instruments. Similarly, *damahi* has also undergone extension of its meaning. Initially it referred only to those who played a particular type of musical instrument, called 'damaha' but it is now used for the entire caste. It should, in fact, not to be used for the entire or separate caste. Subcastes tally mostly with Aryan castes. Pariyar, Nepali, Darji and other similar surnames have come in vogue recently. In western Nepal, *Damai* came to be used only lately. As *damai* is called derogatorily in the east, so is *dholi* in the west.



Badi's dwelling

This community is distributed all over Nepal. It has the following subcategories:

Asasai, Aauji, Kandel, Katuwal, Karkidholi (Khulal, Mudula, Lama, Sutar), Kalakhathi, Koirala, Khatiwada, Guinde, Gautam (Gotame), Ghatani, Ghale, Chahar, Chuhan, Chhinal, Jairu, Thagunna, Thatat, Daunde, Dholi (also used by those who forgot their sub-caste), Dhyaki, Tiwari/Tikhatri, Thapa, Damal, Damai Pariyar, Damai Parel, Das, Deukar, Dewal, Nagwag, Nagwan, Nagarchi, Negi, Nepal, Naubag, Pariyar (Achhane, Chudal), Panchkoti/Panchakoti, Bahak, Pokharel, Bardewa, Bagchan, Bagdas, Budhapothi, Boodhaprihi, Baiju, Bhandari, Bhitrikoti, Bhusal, Magar, Mahate, Mahara, Male, Ranpal, Ranpahleni, Ratna/Ratne, Ratnapariyar, Rana, Raigun, Raika, Ryainjhyain, Lamghate, Luintel, Shinal, Shilal, Shiwa/Siwa (Kukhure, Gotame, Bhede), Samudrasai, Sunai, Sunam, Sunam, Sunchyuri/Sunchiuri, Sudas, Sasmundra, Shahassamudra, Sooji, Hingnang, Hudke etc.

(c) The Community in Leather Profession

This community is known as Sarki, Charkar and Mijhar in Nepal. Less populated in the eastern part of Nepal, it is mainly distributed in the Kathmandu valley and the remote western region. There are two levels of Sarkis in western Nepal - with caste and without caste, which is called Bhool. This community

treats itself equal to Kami (Vishwakarma) in social rank. It has the following subcategories:

Achchhami/Achhami, Uparkoti, Upreti, Kamar, Koirala, Khatiwada, Giri, Gaire, Gairepipan, Gothe, Ghimire, Chamar, Chudal, Chuhan, Chhatkuli, Thagunna, Chhamarki, Thakursya, Thararai, Dale, Tolangi, Thapaliya, Thak, Daulakoti/Dyaulakoti, Dabe, Dahal, Dulal, Dhamel, Naghali, Pahleni (Panyeli), Purkoti, Batsyal/Basel, Bamrel, Bayalkoti, Bastakoti, Bisunkhe, Bogati, Bhanyal, Bhul/Bheyani, Bhurtel, Mangrati/Magarati (Aaththane, Kala, Khilinge, Doodh, Dhur, Barhathane), Majboti, Malbule, Malbok, Mudel, Ramtel, Ruchal, Roila, Rokka, Lamjel, Lamsal, Shahi, Shrimati/Sirimal, Sarmaute, Siraute, Surkheni, Suyeni, Sejwal, Hitang etc.

(d) The community of Singing Gypsies

There is a community of people who wander about all parts of Nepal singing songs of historical bravery and gallantry. Known as *Gaine* or *Gandharwa*, these people are also looked upon as untouchables. They also call themselves by the surname 'Nepali'. Though they keep on wandering about different places like gypsies, they are found to be mainly settled down in some districts of the Western and mid-western regions, namely, Jumla, Kaski (Batulechaur), Syangja, Gorkha, Tanahun, Palpa, Gulmi, Bhairahawa, Surkhet, Dailekh, Jajarkot, Rukum, Pyuthan, Dang and Salyan.



A dancing Badi young girl from Doti

They are also found in the Kathmandu valley and Bhojpur in the eastern region. Only a limited number of their surnames sound original. Most of them are like those of Brahmins, Kshetris, and Kamis, while a few of them have been named after particular places. These surnames are as follows:

Adhikari, Kami, Kala Kaushik, Kala Poudel, Kalichan, Gosai, Jogi, Thakuri, Turki, Bahun, Budhathoki, Baikar/Wagyakar, Baistha (Bistha), Bogate, Bhusal, Bhusalparbate, Maheshwar, Meghnath, Bishwakarma, Bishnupad, Samudri, Sai, Sursaman, Setaparbate, Setichan, Hukchingrana etc.

(e) Badi Community

The Badi community, sparsely populated in Bhojpur, Tehrathum and other districts of the Eastern Region, are engaged in works like skinning dead animals, playing musical instruments like Madal, Dholak, etc. and putting skin on Madal. The women of this community are not found involved in prostitution. This community is densely populated in western Nepal, esp. at Tulsipur, Dang and Nepalgunj. It is mostly settled in Banke, Dang, Kailali, and Surkhet districts. The women of this community here are found to be mostly involved in prostitution.

In the mid-western region Badis make pots like *Sulpa* (pipe), *Chilim* (fire containing part of hubble-bubble) and utensils for cooking and keeping water. Traditionally they used to dance, beg alms and wander from one place to another, but now they have taken to other types of professions. Badis, sparsely settled in Doti, Bajhang, Salyan, Pyuthan, Kalikot, Dailekh, Rukum and other districts, are not found dealing in prostitution. According to a recent survey by INSEC, the population of Badis is estimated to be approximately 2,00,000. However, it is clear that their population may exceed it on the basis of the report that their settlement is also found in districts other than those mentioned above.

Badis settled at Tulsipur, Dang and Nepalgunj openly practise prostitution, which they have adopted as their main profession. Badi males

try to compete one another in looking for customers for the females of their community. So-called high-caste persons sleep in bed with Badi women, but they do not spare this community from sprinkling water to purify themselves. So far no initiative at the public level has been taken to provide Badi community an alternative to their prostitution and to help it acquire dignity in society. In this connection, Social Awareness for Education (SAFE) has launched its programmes in the name of promotion and dignity of the local Badi community in this locality. There are about forty-two pucca buildings owned by Badis at Gagangunj, Ward No. 9 of Nepalgunj Municipality, which is denounced as 'the red light area'. Badi young girls are sold and sent to different parts of India from Gagangunj, the main centre of prostitution. There has been developing a wrong tendency to look upon the entire Badi community with hatred owing to a few Badi women's indulgence in an undignified profession.

Badis settled in Bhojpur and other neighbouring areas of eastern Nepal are considered equal to Kamis in social rank. Both of these communities here also have intermarriage.

The categorization of Badis resembles with that of Kamis, Damais, and Sarkis. It suggests that a section of Shudras forced to become untouchable in course of time and engaged in dancing, singing and other sorts of recreation have eventually become Badis. When it was possible to acquire citizenship on mentioning their traditional surname, they were compelled to call themselves Badis. The word 'Badi' means *Vadyabadak* ('one who plays musical instruments'). Obviously then, this community has been engaged in playing musical instruments. Therefore, Badi was not a caste but a profession. However, recently this word has been unfortunately associated with an undignified profession and it has now been identified as a distinct caste.

(f) Kumal Community

A community of people engaged in manufacturing clay pottery is known as

Kumal (Kumhar). Kumals are distributed all over Nepal, but they have been found touchable at some places and untouchable at other. There are found ten subcastes of Kumals in eastern Nepal. They equate themselves to Newars in social rank. In this part their water is accepted by other castes. The Kumals settled in Achham district of Seti zone treat themselves equal to Kshatriyas. They also have marital relation with Kshatriyas here. But the Kumals at Dipayal Silgadhi in the same zone are found to be untouchable. Likewise, the kumals of Mahakali zone are also untouchable.

**(g) The community involved in Laundry
Profession: Dhobis**

Though Dhobis ('washermen') in the mountains consider themselves superior to the untouchables, the so-called high-caste people treat them as untouchables. There are two categories of Dhobis in the Terai - Raj Dhobi and Dhobi. Raj Dhobi's water is acceptable while Dhobi's water is unacceptable. In the Kathmandu Valley also, Dhobis are considered untouchable.

**(h) The Untouchables in the Terai
(Madhesh)**

The untouchables in the Terai are found to be involved in various professions, they include Aghori, Karori (Yadav's sub-category untouchables), Kichchak, Kisan, Koche, Khatwa, Gandharwa (Muslim), Chauna/Mochi/Harijan, Chidimar, Gudihara, Jhangad (Uraun/Uram), Jhangar (Kachhuwa, Kharawa, Bakala, Bujira, Bekh, Lakada), Doon/Dom/Dhangar, Tatara, Tanti, Toori, Dusadh, Dhuniyan (Muslim), Dhobi, Nai, Pannariya, Paswan, Pasi, Bantar, Bhilla, Bhuiya, Mirshakar, Munda, Mushar (Sada), Rachwar, Sharbhangar, Shai (Muslim), Satar, Santal (Satar), Halkhor etc.

**(i) The Untouchables within the Newar
Community**

By 'Newari community' we mean the speech community in which Newari language is used as the mother tongue. Newar is, however, obviously a distinct caste. The core area of

Newars is the Kathmandu valley. They have also settled down in different urban areas of Nepal. They use Newari language though with dialectal variations. Newars have also been found in rural areas, but they have lost Newari language. The Newari community is divided into Hindus and Buddhists. On the basis of their social customs and code, it is rather difficult to distinguish Hindus and Buddhists.

The caste system appears to have been first conceived in Nepal towards the beginning of Lichhivi period. Originated as Vaishnavism, this concept began to assimilate with Shyvanism (including natural religion), Shaivism and Buddhism. In both Hindu and Buddhist Newar communities, the caste system has been found to exist. It reveals that the caste system is extremely complicated in this community. In the Kathmandu Valley Jayasthiti Malla established the caste system on the basis of Manusmriti. Accordingly, it was required to adopt professions, wear cloths and ornaments and construct houses in accordance with the social status of different castes. Violating these rules was liable to certain punishment. Despite the fact that castes were based on various professions, there evolved untouchability later. The state of caste discrimination and untouchability appears to be slightly different from that of Khas and Maithil communities. For instance, in Khas and Maithil communities, the untouchables are treated equally, while in Newar community they are discriminated differently; e.g. *Kasais* ('butchers') are allowed to step up to the second storey of the houses and Chyames to the first storey, Harhars are entirely prohibited from entering the house. Generally, the untouchables are not allowed to go to the upper storey of the house. Butchers' milk and meat are acceptable, but eating their boiled rice is unacceptable. Eating dhobis and Napits' (barbers') boiled rice may be unacceptable.

Prior to the implementation of the civil code (1854), some Shudras in Newari community were considered untouchable. Of them some needed the sprinkling of water while others did not. Dhobi, Kasai, Kusule and Kuloo castes belong to the first category, and Pode and Chyame castes to the second.

Traditionally, butchers are called *Kasais* (*Khadkis*). They play a musical instrument, called *Naykhin*, in funeral procession as well as at the different festivals in the Kathmandu valley. During the Rana regime Lakhe dance and Kasais' Paltan performed at Gaijatra and Indrajatra were extremely popular. Even in Royal Army's music band, those who played *Badshahi* musical instrument included Kasais as well. Now, their professions have undergone expansion with the changing situation. They have not only confined themselves to the sale of meat and vegetables but also gradually taken to many other professions. As they have been long engaged in trade and business, their economic condition can be considered better than that of other untouchables.

Kusules have been playing *Punchabaja* since the ancient times as a good sign at temples and on auspicious occasions like marriage and *brathandh* ('thread-wearing ceremony'). Their presence is deemed necessary on an auspicious occasion. They have also been engaged in tailoring. Besides, they have also been making musical instruments like Madal and Khinma. They have been found much skilled at playing and selling Tal Bajas (type of drums).

Podes and Chyames are found settled in Kathmandu, Bhaktapur and Lalitpur. The locality they live in is called Poda Tole (settlement). They introduce themselves as 'Deulas'. They have been traditionally involved in cleaning garbage. Nowadays they are also known as 'sweepers'. In more polite terms they are called 'cleaning labourers'.

The community engaged in shaving hair and cutting nails are called Napit ('Barbers'). Similarly, the persons whose profession is laundry are called 'Dhobis' ('washermen'). In Kathmandu they are mainly settled at Dhobichaur and Dhobidhara. In Lalitpur their main settlement is at Dhobighat. Recently, large laundries are run by others while Dhobis own small laundries only.

The lowest of the Newar untouchables are Harhures ('baseless'). Their ancestry is unknown. They live on begging. Their

population has been found marginal. They are often seen begging on occasions like Gathemangal. In Khas community settled outside the Kathmandu valley, Kasai, Napit, Kapali and other Newar untouchable castes are treated as touchable.

The Situation of Caste-based Untouchability in Nepal

There are three major communities in Nepal's caste-oriented society -Khas, Newar and Maithil. Besides, there is a separate community consisting of Mongoloid tribes. There is found uniformity in the social structure of Khas, Newar and Maithil communities. That is to say, they all have four classes: Brahmin, Kshetri, Vaishya and Shudra. There also exists a distinction between Nepali origin and Indian origin in them, which may also be referred to as Bhumiputra community and Yayavar community, respectively. There also exist Hindu, Buddhist, Muslim and Christian religious communities in Nepal. Of these communities, Khas, Newar and Maithil have been undergoing increasing complexity of caste discrimination and oppression. The issue in the present Nepalese society lies in the classification of Brahmins, Kshetris and Vaishyas into sub-castes, defiling castes and narrowing.

From another perspective, Nepalese society is clearly split into touchables and untouchables, have no marital relation with them, and do not allow them to enter their house. In the western part of Nepal, they also practise sprinkling water (act of purification). The low-caste people are deprived of utilizing most of the temples, funeral places, drinking water taps and wells, restaurants, shops and other public places. The tribes of the Mongoloid community, though not within Hindu caste system, also practise untouchability with low-caste people.

The practice of untouchability penetrated down to the untouchables. As a result, it went to the extent of making discrimination between touchable and untouchable castes within the untouchable community itself. For instance, Kami and Sarki communities regard other

communities like Damai as untouchable, while there does exist inequality even between Kams and Sarkis. Damais treat communities like Ganes untouchable. Recently it has been found in vogue in some parts of the Remote Western Region that persons within the same untouchable community have been treated untouchable owing to their miserable economic condition. No doubt there has been launched a campaign at the organizational level by oppressed castes to oppose discrimination. However, open entry into a house and marital relation are still far from being materialized. In the hilly areas of western part of Nepal certain untouchables have their own restaurants and now all untouchable communities enter there.

People from superior castes use the non-honorific form of 'you' ('tan') for lower caste people. Conversely, lower caste people have to use the honorific form of 'you' ('tapain') to higher caste people irrespective of their age. In addition, they also need to address Brahmins as 'Baje' (Grand-father), Kshetris and Magars as 'Mukhiyas' (Head-men) and Rais and Limbus as 'Subha' (Officer) and other honorific forms.

With the advent of democracy in 1950, social discriminations started breaking down not because of any legal provisions but because of the high caste people's own initiatives. However, even this change could not abolish untouchability. Though public places were opened to low caste people in some places, the situation remained unchanged to a large extent. There has been made a legal sanction in the civil code against untouchability; however, it has turned out to be meaningless since its violation is not liable to any specific penalty. According to Act 11(4) of the new constitution of Nepal (1990), however, untouchability has been made punishable. The civil code has also been amended accordingly. Despite these constitutional and legal provisions, untouchability has been still found in practice. So-called higher caste people do not allow low-caste people to have an access to temples and other public places. (See the description of events for its details).

The situation of caste-based untouchability existing in the country has been presented as follows on region-wise basis:

The Remote Western Region

Untouchability exists in its extreme form especially in the hills and mountains. The so-called untouchable castes have been prohibited from their entrance into temples and other public places. For instance, the untouchables are not allowed to enter the fair held annually at Dehimandau in Baitadi district and open stalls. Three years ago they filed a petition to the Chief District Officer for their entrance, but so far no action has been taken in this regard. Similarly, the untouchables are prohibited from entering Jagannath temple at Khalanga, Baitadi. They have to sit outside restaurants and wash eating utensils. At many places there also exists the practice of sprinkling water for purification. Milk and milk products are not given to the untouchables to drink and eat, but ghee (a milk product) is not defiled even if it is touched by them. Untouchable boys and girls are discriminated even at public schools. They have to use separate pots for drinking water. They have also to sit separately in the class as ink is defiled with their touch. For instance, at Shiva Primary School, Dugra, Tripura Sundari-4 (Baitadi district), the untouchables bought an aluminium bucket and a water pot ("Lota") and handed them over to the school for their children, but they have been used by the touchables and instead, the untouchables have been provided with an old bucket. Shankar Ram Mahar, who studied from classes VIII to X at Daneshwar Secondary School, Barakot (Baitadi), mentioned that he had never drunk water at the school during this period. At the same place, the untouchables have to stand outside restaurants for eating and wash plates twice. There are separate taps - the lower one for low castes and the upper one for high castes.

In this region, there is a tradition for the untouchables to insert "Ram" in the middle of their names, like Brahmins and Kshetriyas, who write "Prasad" and "Bahadur"/"Dhwaj", respectively. For identification, they must use

surnames indicating their untouchable status (e.g. Sunar, Lohar, Kami, Dhobi, Darji, Doom, Badi, etc.) in their citizenship certificates, land ownership certificates and appointment letters, e.g. Nari Ram Lohar, Pratap Ram Lohar, etc. While enrolling themselves at a school at Barakot-6, Ram Singh Lawad and Bhaskar Dev Lawad had to modify their names as Ramu Ram and Bhaskar Ram, respectively.

Likewise, Gopal Raj Poudel, a resident at Khalanga, wanted to get the citizen certificate issued for his son with the surname "Poudel", however, Chief District Officer Madhav Raj Sharma declined to issue the certificate with this surname. The CDO argued that if "Poudel" was used the person concerned might be mistaken as a higher caste member, get married to a higher caste girl and create complication.

In Baitadi, Doti, Bajhang and Bajura districts, Kumals (pot-makers), are treated as the worst of the untouchables. In Achham district, however, Kumals are considered on par with Kshetris. In the remaining districts, they are not untouchable.

In urban areas, separate restaurants are opened for the untouchables. At several places it has been made obligatory for restaurants to hang boards to show whether they are meant for untouchable or touchable. "Bishwakarma Hotels" opened at Khalanga of Baitadi and Dipayal of Doti can be taken as a model of this type. Initially only Bishwakarmas had entrance into these restaurants, but, with the growing unity and integration among the untouchables of various castes, all of them are equally welcomed there.

The untouchability within untouchable communities themselves is also getting minimized with the campaign of growing



Vishwakarma Baba installed in place of Shiva

equality among the untouchables. Consequently, untouchable castes have started organizing common feasts, though untouchability in old generation and household still persists and inter-marriage is still not permitted. However, the practice of sprinkling water for purification among the untouchables has now disappeared.

The untouchables employed at lower ranks in Royal Nepal Army are not allowed to enter the barrack compound, let alone live there. They have to live outside and perform their duties. The untouchables employed in police service in limited way have also to experience discrimination on the ground of untouchability. There have also been found instances like Dharendra Bahadur Rasaili, who went from Bajhang to Dipayal but declared ineligible for a police post on ground of belonging to an untouchable caste.

In this region water taps distributed at public level are not made available in untouchable settlements. At Banderbhindi village in Hemantawada Ward No.5 (Bajhang), the route of drinking water pipe for the use of higher caste people was changed because through the untouchable settlement water would be defiled. As a result, about thirty families of the untouchables were deprived of using drinking

water from the tap. The number of the untouchables is rather limited in teaching profession. They, however, have to experience humiliation. Similarly, the number of school-going children is very marginal in this community as they are also subjected to humiliation. The untouchables are deemed total misfit to the post of peon everywhere.

In a few village of this region, e.g., Rodideval Village Development Committee (Baitadi), the affluent people get drunk and go to the reputed singers in Damai community and enjoy dancing and singing by women and young girls. The grown-up women who are good at dancing are replaced by young girls even if they do not know at all how to dance.

The untouchables are prohibited from their entrance into temples. At Nagarjun Village Development Committee (Baitadi) "Prasad" (Articles of food offered to God or Goddess) of Satya Narayan Pooja (the worship of Lord Vishnu) is not offered to this community. The idol at Jagannath temple located at Khalanga-1 was discovered by Bhool caste, but recently these people have been disallowed to enter the temple. Instead, a separate idol has been installed for them at a different place. The public road is blocked for the untouchables during fairs.

At Pitulek and Dhanilek of Chainpur village Development Committee in Bajhang district, low-caste people are not allowed to step on high-caste people's wet courtyard and touch the walls of their houses. If they do so unknowingly, they are penalized. Besides, low-caste people cannot go to Dhanilek from Shrawan Aausi till Panchami after Purnima ("Full Moon"). At the same place if a dog touches a low-caste person it is purified by sprinkling water. At Rithapada-4 Sarkis have to shave their head on the death of local Thalu Thapas. Aujis of Kotdeval and Dholis of Hemantawada are bound to play musical instruments on the death and birth in high-caste community. This tradition is also found to exist partially in the eastern region of Nepal.

The events described below suggest the gravity of the problem related to untouchability:

- When Laxmi Ram Bhool and Kalkute Lohar applied to Rashtriya Banijya Bank, Khalanga, for loans to raise buffalos, the bank manager (namely, Ganesh Dutta Lekhak) refused to do so on the plea that their milk would not sell in the market.

- At Channadara Damais started playing Damau on an auspicious occasion, but they were scolded by high-caste people. They told them that they did it for their (high-caste people's) pleasure and were finally relieved.

- Gajendra Rasaili approached Prayag Raj Upadhyaya of Baitadi Land Revenue Office for certifying the true copies of his certificates in 1993, but Mr Upadhyaya asked him to put them down, as he was observing the death of his relatives and could not touch him.

- High-caste people consider it a great crime if in excitement they are using low caste's name. For instance, Padma Bahadur Chand, from Melauli-3 (Baitadi), had to pay a fine of Rs 5,000 as decided by the community on charge of calling Man Singh Gharti a "dum" in a quarrel.

- Recently the high-caste people at Majhi village scolded Birkesh Damai for carrying his son Khushi Ran's bride in a palanquin, forced the bride to come out of the palanquin and fined them Rs 500.

- Fifteen days before going to the sacred place, named Sumatal at Gairi Gaon (Bajhang), one must not touch low-caste people. If touched, they are penalized. This place, prohibited for low-caste people, is however, open for Christians and Muslims.

- In mountains and hills, low-caste people cannot enter shops of all types. They have to buy things standing at a distance outside the shops.

- The untouchables have to walk from a distance at Joginithana located in the middle of the road at Bagbazaar in Dadeldhura town.

- Famous Shaileshwari temple at Silgadhi (Dol) is not open for low-caste people. They

have to pay homage to and worship the goddess standing outside the temple compound.

- The untouchables in Bajhang district have their own deities, e.g. Langa (Lango), Batawala (Banthpalo) Masane, etc. These deities are not acceptable to people from other castes. The untouchables are not allowed to blow conch-shells when someone dies. Instead, they blow a copper pipe or a stem of papaya.

- The untouchables are allowed to attend meetings organized in an open field, but not inside a temple area. If they are allowed to address a meeting, they can use a mike brought outside the temple area.

- Recently the untouchables have built a temple at Sukhasal, Mahendra Nagar-5 and wanted to instal the idol of Lord Shiva Narayan inside. But when high-caste people including the Chief District Officer and the Mayor knew about it, they checked it on the plea that the untouchables should not worship Lord Shiva Narayan. Later, they extended some financial support to instal the idol of Vishwakarma and also forced them call it "Vishwakarma temple". At present people from the touchable castes do not visit this temple.

- Laxmi Sunar and Padma Bishwakarma can be cited as examples to illustrate how high-caste people exploit low-caste women to satiate their sexual desire and leave them debased. Hrishikesh Raj Jaisi, from Parasan-8 in Kanchanpur district, persuaded Laxmi Sunar to escape away from home with him. The boy's relatives discovered him and convinced him that his marriage with a low-caste woman would defile his religion and caste. They eventually succeeded in separating the boy from the girl and took him to India to hide him. Now Laxmi Sunar has been left nowhere. Similarly, Krishna Bahadur Bohra from Baise Bichawa-6 in the same district persuaded Padma Bishwakarma to abscond with him to India. The boy's relatives threatened the girl and entrusted her to a Bishwakarma boy at Chitwan. This boy took the girl back to Bohra,

but the latter's mother beat her and expelled her out of the house insultingly. The girl had finally no choice but to take shelter at her parental house. In the court Padma registered a petition that she wanted to live with the boy. This case is still held in pending.

- Kishori Damai, a 20-year-old daughter of Gaur Damai from Khalanga-2 (Dadeldhura) was loved by 27-year-old Ansingh Dhami and made his wife. She had already given birth to a child. Despite this fact, she was kidnapped under the pressure of the local orthodox society and has not yet been identified.

- There have been observed several instances of discriminating untouchable prisoners within jails by jail employees and other prisoners. This discrimination has been found to be relatively less at Mahendra Nagar jail. This jail has the existing capacity to accommodate 75 prisoners, but now it has been overcrowded with 122 male and 1 female prisoners. Of them there are 18 untouchables prisoners of Nepal and India belonging to castes like Kami, Damai and Sarki. The untouchables have been provided with a separate kitchen, but they eat in the same kitchen without any discrimination.

- During the land survey carried out in Bajhang district in 1992-93, land was not registered to the local Sarkis who had been utilizing it for generations. Instead, it was registered to local head-men illegally.

Haliya (Ploughmen's) System

It is a well-known fact that in Banke, Bardia and some other Terai districts, Tharus are forced to serve as bonded labourers. This custom of bonded labour originated in the hills of this development region. This Haliya system was introduced into the Terai by feudal head-men when they migrated from the hills to the Terai. They grabbed land from Tharus and made them bonded labourers. This fact indicates that bonded labour is widely prevalent in the hills and mountains. It exists in Baitadi, Dadeldhura and Bajhang districts. It is said that Brahmins and Kshetris from the hills should not plough field. Here ploughmen

are usually Lohars, Sarkis and Damais. Poor low-caste people in this part have to borrow loans from high-caste ones. In case they fail to pay off the interest they have to work as Haliyas. Interest is paid from their wages. In addition, they are also paid some remuneration in kind. Money-lenders do not accept the payment of their loans and Haliyas are bound to plough. If they decline to do so they are threatened that they will be disturbed by evil spirits. Thus, they are forced to continue their work. The members of Haliyas' families have also to work at their masters'. It is also found that quite a few simple-minded people have to work without wages. Haliyas plant crops all through the year, but they receive just a little amount in return-about six pathli (a Nepalese measurement) rice and one doko (a type of basket) Maize. Those people who work on daily wages are given morning breakfast, lunch and four Mana (2 kgs) paddy. Planters are paid one Pathli of paddy. Poor people borrow loans to meet expenses for arranging their children's marriage or other purposes on the condition that they would plough and do other works for their masters. There also exists a practice of ploughing to pay just the loan interests. In such a case, it is not possible to pay off the principal amount due to loan. As a result, borrowers have to spend their entire life as bonded labourers. About 95% of low-caste people have been experiencing this condition. Fed up with this system, Anram Tanta, an old man from Tripura Sundari (Baitadi district) expresses his bitter experience as "Do all sorts of work except ploughing".

This system has also been found existing in Gorkha of the Western Region. In fact, it has been observed in vogue in every part of the country in one form or another. In the western Nepal, it exists in the form of bonded labour - an atrocious practice leading to the violation of human rights on the part of low-caste people who are economically deprived. In this part even those low-caste people who are economically better have been subjugated to ploughing for high-caste people. They cannot even argue with Brahmins and Thakuris

Doli (Palanquin) System

Doli ('palanquin') is usually carried by Lohars and Sarkis in Darchula, Bajhang, Bajura, Doti, Achham and other hill and mountain districts of the Remote Western Region. In this region it has been widespread practice to carry Thalu brides and bridegrooms in palanquins. The palanquin carriers are paid a limited amount of wages. If they refuse to do so, they are rebuked and threatened and debarred from visiting fairs and using water. They are even beaten and forced to carry palanquins. In ignorance they think that if they do not carry palanquins their gods will be displeased with them and they will have to suffer. Even to reach places which are accessible on horseback, the so-called superiors travel in palanquins for the sake of their pride and ostentation.

Jari (Adultery) System

The practice of marrying someone else's wife is called Jari system. The amount of punishment paid for such an act is called Jari. This system, no doubt, exists all over the country. However, in remote western places, it has developed in a rather different fashion and has posed itself as a serious issue. In Brahmin and Kshetri communities, this problem has been found exceptional, while, in low castes, it has been a widespread phenomenon.

Dhan Khane/Chhangra (Dowry) System

Traditionally, low-caste people used to demand wealth from bridegrooms' parents all over the country while giving their daughters to them in marriage. Now this custom has been continued only by a few people in other parts of the country. In the Remote Western Region, however, it is still widespread. To demand wealth from bridegrooms' parents to meet marriage expenses or otherwise is the consequence of miserable financial situation.

Mid-Western Region

The sense of untouchability has been found less in the urban areas of the Terai districts. For instance, a Bishwakarma, an untouchable,

has openly run a restaurant at Lamai, Deukhuri. In the hills and mountains, however, untouchability has been found prevailing. Though less in urban areas, untouchability is observed by Brahmins and Thakuris and the untouchables are given to eat outside the house. Low-caste people are not allowed to enter Bageshwari temple at Nepalgunj in spite of being an urban area.

In Rukum district, untouchable castes practise 'bratbandh' ('thread wearing'). Brahmins go to their houses, perform this religious ceremony and accept offerings. Some parts of Rukum district have relatively less untouchability than other districts and in some parts it does not exist at all. Thawang, a village in Rolpa district, is inhabited by people of about all castes. They are found to be independent in activities within families and marriage, but they are equally treated in social activities like feast, marriage party, funeral procession, fair, festival, meeting and religious, cultural function. In this village, no one is discriminated as high and low, touchables and untouchables.

In Bardiya as well, a Terai district, untouchable teachers and students are discriminated. They feel humiliated when they have to sit at a different place even while taking tea, as reported by Ram Bahadur Nepali, a teacher at Nepal Rashtriya Primary School, Deudakala Machhagad. When a low-caste person happens to marry a high-caste girl, high-caste people conspire for their separation and harass him. In such a case, he has to escape from the district. Even in the Terai children of untouchable castes have very low enrolment at schools. Its main reason is their parents' miserable financial condition. Children also have to work for their maintenance. Even the children whose parents' financial condition is better are not found inclined towards going to school because of humiliation they have to feel.

In the mountains like Jajarkot district Thakuris and Brahmins do not allow the untouchables to touch public drinking water taps and wells. At Khalanga as well, caste-based discrimination is found at the extreme. In this region,

Kamaiya and Haliya systems (bonded labour) are practised to a great extent. The bonded labour system is widespread in districts like Banke, Bardiya and Surkhet. The Tharu community alone is not the victim of kamaiya system. Untouchable castes are also chained to Kamaiya and Haliya systems. In the hills and mountain, the untouchables have become destitute with the blows of the Haliya system in one way or another.

The untouchables of this region are prohibited from selling and distributing milk. That's why they are not sanctioned loans at the government level to buy buffaloes. Even for breeding goats they are given loans only at a few places. At several places the untouchables are not offered 'prasad' and 'panchamrit' (a mixture of five sacred ambrosia). Milk and curd are also not served to them.

As in other places, in this region too, citizenship certificates are not issued to low-caste people if they mention the type of their hereditary identity. They must mention Lohar, Kami, Sunar, Damai, Nepali, Doom and other caste-names. This restriction also applies to educational certificate and land-holding certificate. Recently Hari Nepali, who was deemed eligible for joining British Army, was expelled owing to his caste status. In connection with issuing citizenship certificate, Netra Bahadur Karki, Chief District Officer of Jajarkot district, seems to be liberal-minded. The untouchables are issued citizenship certificates just by mentioning their hereditary surnames.

It is for their caste status that the untouchables cannot get even the job of peon.

The Mid-Western Region is the core area for Badis. Their number is large at Rajpur, Banmusri, Taratal, Tulsipur, and Gagangunj. In this region several Badi communities are involved in prostitution. As a result, the number of children whose fathers are unidentified has been increasing and when they are grown-up they will naturally accept prostitution as their profession. There are also found Badinis who have given up prostitution and lead a married life. They mentioned that

they had taken to prostitution out of compulsion. They do not want to push their children born out of prostitution into the same profession.

Badinis who relinquished prostitution are now maintaining their lives by engaging themselves in other skilled or non-skilled works. They have also started educating their children. Badis settled in Rukum, Jajarkot, Salyan, Pyuthan, Rolpa and other districts manufacture clay pots for sale, perform dancing and singing, and beg alms and very few of them are engaged in prostitution.

The untouchables of this region are extremely affected by polygamy, Jari (adultery) and Doli (Palanquin) systems. Biradevi Sunar, a 40-year-old mother of seven children from Dahchaur, Barjiwang-2 (Pyuthan), was deserted by her husband, who married another woman and started living separately. Examples like this support the extreme suffering of untouchable women who have to undergo in their lives.

There have been two extreme ways in which low-caste people are harassed by-high-caste ones. They are implicated into cases related to raping and killing a cow and sentencing them to heavy punishment. Many of the untouchables have been sentenced to imprisonment in rape and cow-slaughter cases or have to attend to legal cases against them in courts. In a personal interview with the untouchables of this region, it was revealed that they were implicated in such cases for no reason at all.

In the hills and mountains, the untouchables have been prohibited from blowing a conch-shell. In the month of Fagun last year the conch-shell was blown in funeral procession carrying the corpse of late Dansara kamini, a resident of Lakuri Village Development Committee (Dailekh). The local high-caste people, however, told them that they had no right to blow a conch and then beat them.

Morawang Village Development Committee in Rukum district offers a strange and shameful situation of untouchability. There takes place a

fair on Maghe Sankranti (the first day of a Nepali month). Towards the end of the fair the local high-caste men and women gather on a flat raised ground, beat drums turning towards the settlement of the untouchables, show the male's secret part and sing "Eat it! Hell with you!" and dance jumpingly. They say it is performed to appease gods. The untouchables are prohibited from going there during that time. If they go there or oppose this restriction, they are fined 10 *pol*s (391 gms) of *tamo* (copper).

The low-caste inhabitants of this locality have filed a petition to the Chief District Officer against this evil practice, but so far it has been evaded. It has been reported that the village Development Committee concerned has been issued a notice in this connection, but the social evil is still in vogue.

In different parts of this region the untouchables have rather little representation from various political parties at local level. In addition, even the marginal number of representatives is not treated like high-caste ones. The political parties with emphasis on caste equality have not undertaken any important measure in this regard. Instead, during the Dasai festival this year, political activists including those of Nepal Communist Party (Masal) accused District Education Officer of Pyuthan Mr Bal Bahadur Pariyar of unfairness in teachers' selection, insulted him as "You Damai (an untouchable) are not fit for this position. Go to play Damaha (drum) and sew cloths!" and finally made him quit the district.

Dilli Raj Ghimire, a 36-year-old Brahmin from Loharpani-9 (Dang Deukhuri), gave the false assurance to 26-year-old Tobi Bishwakarma from the same place that he would take her to India even though she belonged to a low caste. He had sexual relation with her and had a child (Birodh Ghimire), but he declined to accept him as his son. Now Tobi Bishwakarma is knocking at the court's door for justice so that her son can be entitled to receive his share of his father's assets. It is to be noted that Tobi gave birth to this child recently, i.e. December 24, 1993.

30-year-old Man Bahadur Damai from Lamahi town, Chailaha-2 (Dang) had love marriage with 24-year-old Aiti Kshetrini in 1993. The girl's parents placed Man Bahadur under police custody and he was extremely tortured there. The girl did not want to be separated from the boy, as she said she was pregnant and yet she had no choice of her own. As in other places, in this region too, inter-caste love marriage is foiled on the ground of caste.

In districts like Humla and Jumla, untouchability was found to exist within the same Bhote community. Within it there is a class of labourers, called *Kamaro*; who have been demoted to the level of the untouchables.

Western Region

In this region the northern part including Mustang district is mostly inhabited by Mongoloid people. Here low-caste people consist of Kamis, Damis and Sarkis. These people living in places higher than Jomsong have adapted themselves to the language and culture of the Mongoloid race. They are relatively less in population. The mongoloid (Bhote) community settled along the bordering area of Tibet refers to low-caste people as "Gharas" and treat them as untouchable. Gharas cannot enter restaurants, houses, Buddhist monasteries and temples; so they have to live separately. These innocent, simple-minded Gharas have to wash pots at restaurants after eating.

The example described below reveals that the social life is guided in Mustang by caste discrimination. When King Birendra paid a visit to Mustang in 1974/75 it was Man Bahadur Bishwakarma, a teacher assisting Mustang Prince, who escorted him skilfully. Hence, His Majesty's Government of Nepal appointed him the personal secretary to Mustang prince as a mark of respect to his efficiency. Other communal courtiers of the prince conspired against him and got another person appointed in his place.

Caste discrimination is found in its extreme form in districts like Myagdi and Baglung. Low-caste inhabitants here cannot get their

citizenship certificates by mentioning their hereditary surnames. They are considered untouchable and prohibited from entering temples and religious shrines.

Arghakhanchi, Gulmi and Palpa districts have also been experiencing the same form of caste discrimination. It also exists, though to a limited extent, in Gorkha town area. Simple minded low-caste people are discriminated at restaurants and shops. They are not allowed to use public drinking-water taps and wells. The following recent event can be cited as an example. Dhan Kumari Gaire, who went to bring water from a public tap at Khoplang Village Development Committee, was stopped by Hira Lal Basnet. Even then she tried to fill her pot with water, but she was injured by a sickle. This case is proceeding in a legal court.

It has been evidenced that low-caste people are prohibited from their entrance into temples and religious shrine in Gorkha. It shows the violation of low-caste people's human rights at the government level.

On February 3, 1993 Society for the Liberation of Oppressed Castes (SLOC) Nepal (District Committee, Gorkha) organized a meeting to enable low-caste people to worship at Gorakh Nath Temple inside Gorkha Palace. But it was banned at the government level. The mob tried to enter the temple forcefully, but it was stopped by police threat to shoot. Eventually these low-caste people had to withdraw themselves without worshipping. When asked "Why can we not enter the temple? Give us a written reply", Ganesh Bikram Shah, Chief of Gorkha Memorial Preservation and Palace Care office, gave them a written restriction.

Untouchability is found prevailing in Syangja, Rupandehi and Nawalparasi districts also. In Palpa district there persists discrimination among low-caste people, but in Syangja district it has mitigated to a large extent. In this district, the discrimination made by high-caste people against low-caste one has come out as a topic of discussion at the national level. At Bhagwati Milk Collection Centre set up by Dairy Development Corporation at Udiyachaur of Pelakot Village Development Committee,



Eight-year-old Sagun Pariyar wounded from defiling water

low-caste people had not been permitted to sell their milk for the last eight years. On November 6, 1993, however, the low-caste people used pressure on the centre to buy their milk and mix it. This event gave rise to conflict and there was a fight between the low-caste and high-caste people. Later, under the pressure of Brahmins, Dairy

Development Corporation closed down the milk collection centre. In this issue, the local administration also extended its support to the high-caste people. Then local oppressed peasants formed an action committee to fight this issue. On February 13 thousands of people organized a protest rally at Syangja bazaar at the behest of the action committee. They demanded for reopening the milk collection centre and taking action against those indulging in discrimination.

Low-caste teachers and employees working at several schools in this region are humiliated and even sacked on caste ground. The authorities concerned have, however, shown no interest in it. In this region there are instances of inter-caste marriage, but low-caste people are harassed in this regard. For instance, Riuri Damini, an untouchable woman from Bhirkot-2 (Tanahu district), was made pregnant by Hari Bahadur Rana of the same village. But she was paid some amount and left in charge of a Kami boy. Hari Bahadur was also debarred from using water and Brahmins did not accept to perform "Nwaran" rite for his son born from his first wife. On the other side, a Kami boy was also debarred from using water for marrying a Damai woman. Eventually, Riuri was compelled to spend her life with another man. Besides, Trok Maya Pariyar from Bhamu-3 (Tanahu) gave birth to a

son from Nand Kumar Shrestha of the same village. When it was disclosed Nand Kumar Shrestha absconded. The community expelled Nand Kumar from his caste on the one hand, while, on the other, Trok Maya died from illness. It was bad luck for the baby. Nand Kumar has now opened a restaurant at Mugling and lives with his first wife and children. In the same Village Development Committee, Achyut Raj Aryal dared to have love marriage with Radhika Pariyar and is now leading a life of a social outcast.

On November 29, 1993, Ashok Bishwakarma and Lila Bishwakarma decided to enter into love marriage, but when they went to Bindhyabasini temple for the purpose, the priest refused to perform marriage rite on caste basis.

The love marriage between Top Bahadur Shrestha and Kamala Nepali from Amchaur Village Development Committee (Baglung) was, however, found to be acceptable to the local community. Similarly, Ranger, Indra Lal Acharya gladly welcomed her daughter's marriage with Babu Ran Bishwakarma from Arghakhanchi in July/August 1993.

There have been frequent conflicts for prohibiting the untouchable from their entrance into temples in Nawalparasi district. The sense of untouchability still prevails in this district. For instance, Sagun Pariyar, an eight-year-old daughter of Indra Bahadur Pariyar from Naya Bellani-8, was alleged by a Magar woman to have touched her. In excitement, the latter dropped her water pot on the former's head. Sagun was brought to Dir Hospital in serious condition. Only after a long treatment she was taken back home.

At Butwal Municipality-5, Bimala Bishwakarma, a 65-year old woman, was alleged to have touched water and poured with water. She was beaten so much that she was left in serious condition.

Central Region

This region, where the nation's capital is also located, is relatively much advanced in

political, economic, religious, intellectual, cultural and other fields. This, it lags behind in social aspect. The Kathmandu valley is replete with temples, shrines, and monasteries, and is far ahead from religious view point. It is, at the same time, gripped with caste discrimination and untouchability created by religion-based caste system. Inside the valley itself, several religious shrines, taps, wells, funeral and other public places are not open to the untouchables. Caste discrimination has ceased to exist at the hotels and restaurants in the capital city, but it is still continuing at Indrayani, Alapot, Bhadrabas, Moolpani, Danchhi, Sankhu and other sub-urban localities of the city. In these places low-caste people have to eat outside restaurants and clean pots. In rural areas even wooden frame ("pira") is not offered to the untouchables because it is thought that it will be defiled. They have to sit separately for eating at high-caste people's home; cow-dung is placed beside them to clean the place; and the utensils used for eating have to be cleaned.

These practices are also prevalent in the suburban areas of Lalitpur and Bhaktapur cities. In all the three cities in the Kathmandu Valley houses are not available to the untouchables on rent. Hence, they have to conceal their castes in order to get rented rooms or houses. If their castes happen to be disclosed they have no choice but to quit the house. At several places in the valley, Podes (sweepers) are forced to accept alms to appease evil spirits at Gathe Mangal. In the north-eastern part of the central region, high-caste people buy an untouchable person, paint his face in black, red and yellow colours and also with ash and put on him white and black cloths to appease evil spirits.

As in other development regions, in this region too, it has been found rather difficult to sustain inter-caste marriage. In such a situation, the couple have to escape to other places or have to be separated. There have been frequent incidents of false assurance given to low-caste girls in the beginning but later deserting them. For instance, Kainlo Upreti, from Dumre Pani of Bhumaltar-7 (Kavre district) tempted Kanchhi Damini, a widow, to have sexual relation and she also gave birth to a male child.

Later Upreti did not accept the child as his son. Kanchhi Damini brought up the child, named Sangram Upreti. Now Sangram Upreti is trying to establish relation with his father.

Rewati Raman Dhakal from Deopur-1 (Kavre) had illicit sexual relation with Buddha Laxmi Bishwakarna of the same village. She gave birth to a child. The child has been named Ram Prasad Dhakal, but the secretary of the Village Development Committee has not accepted to register his birth. On the other hand, high-caste people have instigated Rewati Raman against accepting the child. However, at the initiative of the Society for the Liberation of Oppressed Caste, (SLOC) Nepal district committee, Kavre, attempts are being made for the registration of the child's birth.

There have also been cases of expulsion from the community when some conscious high-caste youths ate together at the untouchables'.

As in other places, the untouchables here are prohibited from entering most of the temples and public places in this region also. On November 27, 1993, a Sarki's son from Panchkhal-3 (Kavre) carried a load of another's paddy into a mill, but he was asked by Khel Bahadur Dulal why he entered inside the mill, and he was also beaten. A Brahmin shopkeeper from Banepa Municipality-10 humiliated Kanchan Pariyar on December 29, 1993 and expelled him out of the shop.

Low-caste people have not been allowed to enter restaurants and temples in districts like Kavre, Dolkha, Sindhupalchowk and Ramechhap. In most districts of this region, low-caste people can not receive citizenship certificate only by mentioning their hereditary surnames.

In Ramechhap district the untouchables are liable to punishment if they don't walk from a distance of the path trod by Brahmins. They are required to construct separate wells for drinking water. They are not allowed to sell their milk at most of the collection centres located in the hills. This situation has cropped up as a result of the discretion used by high-caste people and the Dairy Development Corporation employees.

In Sindhupalchowk district low-caste people are not allowed to use drinking water from public wells. For instance, Laxmi, Jhanka Bahadur Bishwakarma's 3-year old daughter, reached near a well while playing. She was beaten by Parvati Bhattarai, but it was protested by her parents. The next day the child's corpse was found floating in the same well. Local people gave a unanimous report that the child's death was a case of accident. This event is still shrouded in mystery. A few days later Nar Bahadur Bishwakarma was beaten for using drinking water from the same well. Parvati Bhattarai's husband Krishna Prasad Bhattarai shouted, "One has already lost one's life; do others also intend to die?" This threat has made the earlier event more suspicious.

The Terai districts of this region, namely, Chitwan, Bara, Parsa, Sarlahi, Mahottari and Dhanusha are inhabited by the Maithil untouchables. Untouchability is found relatively less practised in this part than in the hills and mountains, but discrimination is still existing at psychological level. Professional communities like Chamar, Doom, Mushar, Dusadh and Dhobi have to lead a humiliating and neglected life. Dooms cannot enter restaurants and are discriminated at public schools. Untouchability has been found prevailing more in rural areas than in urban ones.

In this region, it has been observed that low-caste children are not treated on par with high-caste ones, especially by school teachers and fellow students. As a result, the percentage of their drop-outs is rather high. Even those who continue their education do not make expected progress in their studies owing to the feeling of inferiority complex developed in them because of ill-treatment. Low-caste people, even if qualified and efficient, are debarred from getting job on caste ground. A few of them who are employed have to face humiliation. For the post of a peon in particular, they are deemed ineligible because they cannot serve drinking water and tea to employees.

Even in Terai urban area like Chitwan, the employees of the Dairy Development

Corporation did not allow Chandra Bahadur Bishwakarma, a low-caste person, to collect milk at the dairy centre on September 26, 1993. To fight this issue the district committee of the SLOC Nepal launched an agitation and the local administration tried to settle it. Low-caste people in the Terai do not receive loans from Agriculture Development Bank to purchase buffalos. They cannot sell their milk openly in markets.

During last Dasai Ram Bahadur Pariyar, a 34-year-old man at Jyoti Nagar (Chitwan) was returning home from his shop late in night. When he reached the courtyard of Gulmi Jethi's house, she made her husband's brother beat him on the pretext that he had come there to steal. He was entrusted to police in a very critical condition. When he was being taken to hospital by police he died. At present late Ram Bahadur's relatives are trying to seek justice, but all possible efforts are being made to conceal the crime.

There have been frequent cases like beating and manhandling innocent low-caste people nowadays. For instance, on November 11, 1993, 78-year-old Bal Krishna Bishwakarma was beaten to death by police at Chitwan on charge of grazing his buffalos in the airfield ground. In protest there were extreme public resentment and demand for taking action against the culprits. However, the authorities concerned have been trying to protect policemen Mukta Bahadur Karna and Tej Narayan Devkota.

Eastern Region

Prima facie the caste discrimination appears to be relatively less in the Eastern Region than in Western Nepal. A close look, however, reveals that untouchability continues to exist in this part too. Terai districts and some districts in the hills and mountain like Ilam and Taplejung are found to be more open and liberal in this respect. Untouchability exists at Fidin Bazaar also in Panchthar district. It is practised much in this district, which is dominated by Kshetri and Brahmin population. In Limbu settlements, untouchables are not allowed to enter a house but they are not much



Shiva temple at Beltar, Udaypur: Untouchables' entry prohibited

discriminated. Some Lunbus like Angadambe and Nembang are, however, much orthodox like Kshetris and Brahmins. In Dasai, untouchables have to clean Mukhiyas' (Headmen's) houses and courtyards. Damais have to play musical instruments during *Prasad* at *Phoolpati* and at funeral processions.

As in the hills and mountain, in the Terai too, untouchables cannot sell milk and curd openly. However, they receive loans for purchasing buffalos.

The untouchables of Terai origin including Doms and Mehtars ("Sweepers") are treated inhumanly. Even at towns like Bhadrapur, Biratnagar, Rajbiraj and Janakpur they cannot enter restaurants, while the untouchables of the hills are allowed to eat inside them.

In this region too, untouchables, have to face difficulty in receiving citizenship certificates. Earlier they had to mention their castes in these certificates. Recently they are issued on the basis of their fathers' certificates. That's why they cannot mention their surnames different from their castes.

The untouchables are prohibited from entering temples in this region also. This restriction was waived off in

1972/73 at Siddhakali temple, Bhojpur, but following the modification of the civil code since 1990 added in Article 10 (ka) as an explanation the untouchables have not been allowed to enter this temple. Likewise, Siddheshwar, Pakhuwa and Dingla temples are not open to them. With the restoration of democracy, the Shiva temple constructed under the chairmanship of Buddhi Bahadur Shankar at Prithvi Nagar Village Development Committee (Jhapa) has been called the place for Kamis to worship and has not been visited by high-caste people. Similarly, they have also stopped drinking water from the well constructed there. At Jorpokhari Shiva temple situated in Subhang Village Development



A Chamar woman from Saptari

Committee of Panchthar district, untouchables had been offering water, but they stopped it later. Recently they tried to revive their earlier practice but could not succeed. When 45 untouchables including Devi Nepali and Gopi Kalikote wanted to offer water forcibly, high-caste people threatened them to break their legs. This incident has given rise to the tension between touchables and untouchables.

High-caste people often give slogans against untouchability, but they do not want to translate them into action. This fact can be supported by an incident which took place at Dharan in 1992. At Chakraghatti in Dharan, several tea-stalls and restaurants are not open for untouchables.

Untouchable settlements are given pejorative names and no development activities are carried out there. For instance, there is a settlement of untouchables within the market area at Arjundhara-2 of Jhapa district. "Kami Tole" called by high-caste people has been renamed as "Ekant Tole" by the local inhabitants. Electricity has not yet been supplied to this settlement, while it has been for twenty years that the village has been utilizing this facility. Roads have not been constructed and there is no management of drinking water.

Many of the untouchables in this region have taken to Christianity in order to emancipate themselves from caste discrimination and the system of untouchability. But even these converted people are not treated as equals by high-caste Christians. Vaishnavas are the most orthodox of all religious communities. An extreme example of those Vaishnavas in the Eastern Region is this: Devaki Nandan Koirala who is regarded as the teacher of Vaishnavas at Khudunabari-2 (Jhapa), and his disciples arrange a separate place for untouchables to sit at Puran and other religious programmes and when they leave the place it is purified with cowdung plaster.

Udaypur is also found similar in untouchability. Here low-caste people's milk does not sell. If someone's caste is disclosed, he cannot enter a restaurant. Low-caste people

can take water from the public tap located at Beltar Bazaar only after it is vacated by high-caste people. Here also untouchable people cannot enter temples and religious shrines.

To many restaurants in Khotang district untouchables are not allowed entry. Similarly, they cannot enter temples in Terai districts like Morang, Saptari, Dhanusha and Siraha. Doms in particular are more victimized by untouchability. They are ignorant and illiterate and have their settlement in the midst of dirt.

Attitude of Religious Communities, Government and Political Parties Towards Caste-based Untouchability

During Prithvi Narayan's campaign for the unification of Nepal, Kalu Sarki, Mani Ram Gaine and Bise Nagarchi played a significant role. Despite this fact, no attempt has been made to mitigate caste discrimination and the system of untouchability. Several Saints of Josmani like Shashidar (1747-1849) and Gyandil Das (1835-1897) went ahead with the campaign against casteism and Karmakand. Ran Bahadur Shah (1777-1806) was initiated into Josmani sect by Sashidhar, opposed casteism and organized a feast participated by all castes. Activities like this were opposed by his courtiers, priests and orthodox individuals. They were, however, not pursued by the later kings. They could have helped to establish caste equality and integrate all castes into a single national force. The civil code 1853/54 was the first attempt to legalize untouchability and caste system. This code was formulated and enforced by Jung Bahadur Rana during King Surendra's regime. This legal provision added to untouchables' misery and suffering. Saint Gyan Dildas launched protest against this law in the nation and abroad. In Sikkim this superstition was ridiculed as a mockery by searching castes in Nepalese society through light in 1868/69. Several individuals and thinkers endeavoured to abolish caste system and untouchability during the Rana regime, but they failed in their attempt because of autocratic rule.

Jaya Prithvi Bahadur Singh (1963-1997), a humanitarian King, realized the need for

collective feeling. For him, the relation among human beings based on wisdom and morality can help attain genuine unity and fraternity. That's why he carried out social reforms. Despite the prince of Bajhang, he accomplished unforgettable works for the nation, people, universal fraternity and global peace. King Jaya Prithvi was committed to pure humanitarian values and views transcending the vanity of casteism, religion and power and sympathised deeply with oppressed people by carrying out welfare activities. For instance, low-caste people like Kalu Bhool (Sarki) and Rabidase (Damai) were sent outside for orientation in high-skilled works. Because of the influence of King Jaya Prithvi's equalitarian and liberal thinking and actions, his father-in-law Chandra Shamsheer also raised the voice in his court: "Untouchables are also human beings; they should also enjoy equal rights". But because of the indifference of his courtiers in this respect or for some other reasons, his ideas did not materialize.

Discrimination with respect to caste, colour, and class was strangling human race and turned out to be a slur on humanity. At this juncture the United Nations published the Human Rights Declaration in 1948. According to Article 2 of this Declaration, "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty". Following the 1950 Movement King Tribhuvan made the following announcement on March 3, 1951: "No discrimination shall be made in the appointment of soldiers in Nepalese army on the basis of caste, religion and language. Individuals of all castes, religions and languages are equally eligible for joining army." In the press report released on February 23, 1951, King Tribhuvan expressed

his attitude towards caste discrimination as follows:

"Whether to abolish caste discrimination and untouchability or not cannot be decided by one or two individuals in a democratic state. It should be decided by all people's consensus. Hence, this issue does not arise unless the legislative assembly is formed."

With worldwide "Openness" wave, the social practices enshrined in the civil code (1853/54) were relaxed to some extent at people's initiatives. At the government level, however, no measures were taken to abolish caste discrimination and untouchability. Besides, no important steps were taken by political parties at that time in this direction.

During the Panchayat regime King Mahendra enforced the Civil Code on August 17, 1963. It announces the elimination of caste system in principal for the first time, but it remains silent about penalty due to its violation. It was, therefore, natural to find no difference in reality. This civil code has, however, historical importance for replacing the one (1853/54) comprising unjust legal provisions. Hira Lal Bishwakarma, who happened to become a minister during the partyless Panchayat regime in spite of belonging to a low-caste, also supported *status quo* instead of supporting for the implementation of the aforesaid Act. During the same regime, low-caste representatives like Dhan Man Singh Pariyar, Har Kumar Singh, T. R. Bishwakarma and Tek Bahadur Bishwakarma, who were nominated to Rashtriya Panchayat (National Legislative Assembly), did not make any contribution in this regard. It is, however, to be noted that millions of rupees were received as foreign aid during this period to promote socially and economically backward communities in Nepal, but no measures were taken in this field. Nepal has signed the UN treaties, negotiations and understanding, but it has not introduced any tangible measures for the abolition of caste discrimination and oppression.

The 1990 People's Movement restored multi-party democracy in the nation, but there was no representation from low castes in the

Constitution Recommendation Commission formed to draft the constitution. This commission consisting of representatives of the King, Nepali Congress and Communists prepared the draft of the constitution with the provision for three seats in the parliament reserved for the oppressed, but it was deleted from the constitution. Instead, it has given Nepal the status of "a Hindu State" and encouraged casteism.

According to Article 11(4) of the Constitution of the Kingdom of Nepal 1990, "No person shall be discriminated as untouchable or debarred from attending public places or using things of public utility on the basis of caste. Such an act shall be punishable by law." Despite it has been added as a legal provision to practise discrimination which has been existing traditionally.

To annul this provision Man Bahadur Bishwakarma and Manohar Lal Bamrel filed their petitions at the Supreme Court on June 6, 1992 (Writ No. 2505) and July 23, 1992 (Writ No. 2105), respectively. According to the verdict of the special session consisting of Justice Trilok Pratap Rana, Justice Laxman Prasad Aryal and Justice Kedar Nath Upadhyaya on Thursday February 25, 1993, the explanation under the column 10 (ka) in the civil code was declared null and void and annulled. It was decided that no one shall discriminate any one at any temple or public place on the basis of caste.

The ruling and opposition political parties have, no doubt, given slogans, especially during elections, for the social and economic upliftment of the oppressed. However, they are not found interested in this issue in practice. In this connection, the role of human rights organizations in Nepal has been relatively positive as a pressure group for abolishing caste discrimination and establishing human rights. It is regrettable that the state has shown no concern for the participation of untouchables in the government, government / semi-government agencies and policy formulation sector and also for the reservation of this class in social, economic and educational fields.

No social organizations have been found to play active role in uprooting untouchability. Instead, social reformers and intellectuals have made (though limited) positive contributions on individual basis. Former Prime Minister Late Bishweshwar Prasad Koirala also was opposed to casteism and untouchability. Similarly, Mahanand Sapkota also helped to promote their cause. He assisted Jawahar Rokka at Chainpur in receiving education. Pandit Chhabhi Lal Pokharel extended his cooperation to Hira Lal Bishwakarma, T. R. Bishwakarma and Uma Lal Bishwakarma in receiving education at Dharam.

Indra Prasad Prasain and Narad Muni Thulung worked for the entry of untouchables into public places at Ilam and Bhojpur, respectively. In 1952 the Bada Hakim (district officer) of Dhankuta, Rang Nath Upreti helped Jawahar Rokka in receiving free education. At Chainpur Sher Bahadur Shrestha helped in educating untouchables. Devi Prasad Upreti (1811-1992), who mostly lived in Jhapa and Atharai, employed a Bishwakarma as his cook and challenged the concept of untouchability. Kali Bhakta Pant of Syangja made a significant contribution by criticizing untouchability through his talented writings. Earlier than (1943/44), Bhakta Bahadur Shakya of Chainpur (Sankhuwa Sabha district) was engaged in protesting untouchability in Newar community. After 1950, Maheshwar Menyangbo married an untouchable woman and contributed to the abolition of caste discrimination. Since 1952 Ambika Sanwa (now a member of Parliament) has been making laudable attempts in fighting against untouchability and practising this principle in his life.

Untouchables' Initiatives for Caste Liberation in Nepal

Prior to 1950, Nepalese history made no mention of any liberation movement against untouchability launched by the oppressed in an organized way at the national level. At social level, Kale Damai (Kali Bahadur Sundas) of Ilam, Gopal Lamjel (1861-1949) of Tehrathum, Bhagat Sarbjit Bishwakarma (1893-1955) of Baglung, Rip Lal

Bishwakarma (1914) of Palpa and other individuals like Hikmat Singh Bishwakarma, Ganga Bahadur Pariyar, Manbir Bishwakarma and Gothi Basel (1900-1953) are found to have interest in abolishing untouchability and bringing in social reforms. To raise voice for liberation from Ranas' autocratic rule was a direct invitation to death. In such a situation, the oppressed had no choice for self-protection but to tolerate fortune and lead painful life. The 1950 movement offered an opportunity of speaking, Writing, reading and political freedom to people and opened gates to judiciary and administrative offices. However, the society was still trailing on the track of legal restriction imposed by Jayasthiti Malla and Jung Bahadur Rana as caste oppression for generations. There had been mushroom growth of political parties, but they were more involved in grabbing power and earning than emancipating and promoting caste groups. As a result, there were no change and development in accordance with people's expectations. It, however, made clear that it was not possible to have an access to the national level in the lack of education and organizational unity. without mobilizing power at the national level various aspects of caste life cannot be activated in planned way. This is what has been realized by the oppressed communities.

To make the rights and self-respect of the oppressed class dynamic, the organizations for the oppressed were set up with the initiatives of a few individuals in Baglung, Sunsari and Kathmandu in 1947/48. These organizations were rather limited in their jurisdiction, but they can be taken as tokens for creating historical background. "Vishwa Sarbajan Sangh" was formed in Baglung in 1947/48 by sarbjit Bishwakarma, "Ninna Samaj Sudhar Sangh" was established at Dharan, Sunsari in 1947/48 by Jadubir Bishwakarma, Hiralal Bishwakarma, Uma Lal Bishwakarma, and T.R. Bishwakarma; and "Tailors' Union" was constituted in Kathmandu in the same year with Saharsh Nath Kapali as its convenor. In 1951/52 "Samaj Sudhar Sangh" replaced "Jat Tod Sangh" under the convenorship of Saharsh Nath Kapali. At its initiative an attempt was made to enter pashupati Nath Temple in

1954/55, Siddhi Bahadur Khadgi was selected the convenor of Pashupati Sangharsh Samiti. Thousands of untouchables participated in this rally organized under the leadership of Saharsh Nath Kapali and Ganesh Yogi. At the behest of the-then Home Minister Tanka Prasad Acharya the administration deployed police force to use Lathi-charge against the agitators. In this rally participated mostly by women, 750 persons were taken into police custody. After this agitation, the government removed the plate bearing "No Admission for Untouchables" from Pashupati Nath Temple for the first time.

Later, to evaluate the practicability of the civil code 1963, Siddha Kali Temple at Bhojpur was entered under the leadership of Padam Sundas and Lal Kumari Bishwakarma. It was a two-day programme (October 16-17, 1972) to allow untouchables to enter temples. Those who were involved in organizing this programme included Narad Muni Thulung and Niranjan Bhakta Shrestha, Bada Hakim (District officer), while high-caste people, police administration, priests and Pandas were all opposed to it. The programme following entry to the temple on October 15, 1993, however, it could not succeed next day.

With a view to helping untouchable women, "Pariganit Nari Sangh" was set up in Kathmandu in 1955 with Mithai Devi Bishwakarma as its chairperson. "Samaj Sudhar Sangh" once again transformed itself into "Nepal Rashtriya Pariganit Sangh" in 1957/58 with Saharsh Nath Kapali as its chairman again. Its general secretary was Rip Lal Bishwakarma, T.R. Bishwakarma and Hira Lal Bishwakarma were also associated with it. Mithai Devi Bishwakarma's pariganit Nari Sangh also merged into it in 1958/59. This organization was formally registered in 1962/63. In 1967/68 "Nepal Rashtriya Dalit Jan Bikas Parishad" was set up under the chairmanship of Saharsh Nath Kapali. Hira Lal Bishwakarma was made its general secretary. It held its first national convention in Kathmandu on June 11, 1972. This convention was a new event in the history of the oppressed. After the convention Mohan Kapali was made its president and T.R. Bishwakarma its general secretary. Hira Lal Bishwakarma,

Jawahar Kapali, Bichhe Verma Kapali and others were also made its members. Several branches of this association were opened all over the country. They helped to organize untouchables to some extent. When it was registered at Social Service Coordination Council in 1977/78, the word 'dalit' was deleted and the association was renamed as "Nepal Rashtriya Jan Bikas Parishad".

During the referendum in 1979, "Samaj Sudhar Sangh" was set up with the initiative of Shanker Bishwakarma, Padma Lal Bishwakarma, Chitra Shikaru, Man Bahadur Bishwakarma and others. Its main objective was caste liberation through the instalment of multi party system. It published newspapers and magazines and tried to create awareness among people. When referendum result went in favour of the partyless system, this organization ceased to function.

Nepal Rashtriya Jan Bikash Parishad was registered in 1979/80, but there arose conflict in its leadership. As a result, there came up another organization with the same name under the leadership of Mohan Lal Kapali. Jawahar Rokka formed "Pachhaute Jati Sudhar Sangh" in Morang in 1980/81. In 1981/82 "Nepal Atipichhadiyeko Jan Bikas Parishad" was constituted in Kathmandu under the chairmanship of Narayan Prasad Kapali. This organization had adverse effect on the unity of Rashtriya Dalit Jan Bikas Parishad. As competition for establishing organization and becoming leaders, "Nepal Rashtriya Samaj Kalyan Sangh" was formed with Siddhi Bahadur Khadgi and Pratap Ram Lohar as its president and general secretary, respectively. Nepal Rashtriya Jan Bikas Parishad including Hira Lal Bishwakarma merged into it. In 1987/88 "Jati Bibhed Unmoolan Manch" was set up in Kathmandu under the chairmanship of Megh Bahadur Bishwakarma. Under the guise of launching some revolutionary measures, this organization collected a large amount of money and later disappeared. Nepal Rashtriya Dalit Jan Bikas Parishad, however, continued its functioning under the leadership of T. R. Bishwakarma.

There were formed quite a few organizations in connection with caste liberation. They did not,

however, raise voice against the oppression of caste groups. Instead, they mainly addressed themselves to leadership competition and serving personal interest by making organizations loyal to government machinery. For this reason, these organizations made little appeal to so-called untouchables. It was thought that caste discrimination would go on widening so long as the Panchayat regime prolonged. It was, therefore, decided to replace the existing polity by multi-party system in order to get rid of caste oppression. Keeping it in view, in 1988 "Utpidit Jatiya Uthan Manch" (Uplifting Forum for Oppressed Castes) was formed in Kathmandu with Golchhe Sarki as its president. This organization received support from oppressed caste groups from all over the nation in course of expanding its organization in an underground way. It participated in the anti-Panchayat movement gaining momentum. In the 1990 movement UFOC was the first and only organization of oppressed groups which placed its demands ahead and participated in the movement. After the people's movement this organization proceeded ahead with its demands for caste liberation and open programmes. It submitted its recommendation to the Constitution Recommendation Commission. After the constitution was enforced, it organized a massive general meeting at the open theatre on November 23, 1992 to voice its concern about the government's indifference to its major demands. On December 18, 1992 it organized its first national convention at which Golchhe Sarki was again selected its leader. Other organizations like Rupandehi Dalit Mukti Morcha (1990) Jhapa, Dalit Mukti Morcha Rupandehi (1989) and Chhuwachhut Mukti Sangathan Kathmandu (1990) merged into this forum. During the integration of the organization, "Jatiya Samta Samaj" dissociated itself from Mohan Bikram Singh's communist party and merged Nepal Rashtriya Dalit Jan Bikas Parishad led by late T.R. Bishwakarma, which was later reconstituted with Mithai Devi Bishwakarma as its coordinator. On March 20, 1993, Utpidit Jatiya Uthan Manch (UFOC) and Nepal Rashtriya Dalit Jan Bikas Parishad were collapsed into a single organization, called "Nepal Utpidit Dalit Jatiya Mukti Samaj" [Society for the Liberation of Oppressed Castes, Nepal (SLOC, Nepal)] with Padma Lal Bishwakarma as its president. In the

Appendix 2

MAIN EVENT OF THE YEAR

Das Dhunga Accident

ON December 30, 1993 a new report with details on Das Dhunga Accident was published. A citizens' enquiry committee was formed to enquire about the suspicious death of two prominent communist leaders in the Das Dhunga accident some seven months earlier. On the third day of the accident, a gathering of professionals and academicians in Kathmandu had formed the Committee. But before the publication of the report of this committee two reports had already been published. In a struggle demanding for a judicial enquiry on the Das Dhunga accident 20 person were killed in police firings during the two months of agitations according to Amnesty International. A person was dead from police torture while in custody. Similarly a student, who had been

missing since the struggle days, is still unknown. In this background people had intense concern on the report to be published by the citizens' Enquiry Committee formed under the chairmanship of MP Padma Ratna Tuladhar.

Tuladhar report once again assured "The Jeep Accident in Trishuli River that took place on May 16, 1993 is a conspiracy". In the Das Dhunga accident Madan Bhandari, the-then general secretary of the UML and Jiva Raj Ashrit, Chief of Organization Dept., had been killed. Immediately following the accident, an environment of confidence - no confidence was sprouted. Such environment is still continuing on the cause of accident. The opposition did not immediately trusted the





government. The government too did not hear to opposition before the damage was done. The suspense caused by Das Dhunga Accident has still remained a mystery.

While reviewing the situations, there are various evidences to suggest the Das Dhunga accident to be a case of political conspiracy. On the agreement between the NC government and the main opposition CPN (UML) at the mediation of NC, entered on August 17, 1993 it has been explicitly mentioned "For the judicial enquiry of the Das Dhunga Accident, the initiation already taken to form a high level commission at the chairmanship of working supreme court justice shall be completed at the earliest and commission shall be formed agreeable to both parties. Viscera shall be sent to technically well equipped foreign test laboratory for examination, and this commission be arranged by HMG to have access to reputed international criminal investigators." This agreement also suggest that the accident can not simply be a chance accident.

On July 3, 1993 the Prime Minister requested the King to seek advice from the supreme court on the matter whether another enquiry commission can be formed with a working supreme court judge to enquire into the Das

Dhunga Accident. Two days later, the king forwarded to the supreme court seeking necessary advice in this regard. On September 8, the supreme court advised that such enquiry commission can be constituted.

Terror of 16th May

The-then general secretary of CPN (UML) had flown to Pokhara by Air on May 15, 1993. The same day, Jiva Raj Ashrit, member of Party permanent committee and chief of organization dept. reached Pokhara on Mitsubishi Pajero Jeep with registration No B.A.Cha 8793. The jeep was owned by CPN (UML) itself and the driver was Amar Lama, an ordinary member of the Party.

Both the UML leaders had reached Pokhara to attend the Pokhara District Convention to be held on 16th May. The next day they had to reach Chitwan to address a gathering of female workers. Many say - they had plan to go Chitwan only on 17th May. But they started from Pokhara on 16th May on the same Pajero Jeep. At that time, besides two leaders and the driver there was an outside person Rishi Kattel, a UML worker. But Kattel got off in Anbu Khairani, Tanahun at around 5 o'clock (evening).



Many people had seen Jeep with big party flag running with high speed. It was drizzling then. Someone are found who had seen the jeep in Mugling. They claim that the Jeep was taken slightly inside Mugling and taken back to Narayanghat which is yet to be verified. But it is clear that the Jeep was stopped at a place one and quarter Kilometer from Mugling. It is said that Amar Lama, the Driver disappeared for some time saying that he had to relieve. It is said that Madan took tea there. Amar also had taken tea.

At around half past five, the Jeep dropped into river Trishuli. No significant injuries happened to the Driver. He proceeded to Narayanghat taking a lift in a Van with registration No. B.A.Ja 2604. But other people on the road knew of the accident. Belongings of Madan Bhandari had been traced scattered around. Amar Lama, after reaching Narayanghat informed local UML workers and also informed UML central committee Kathmandu himself.

The Search Campaign

Within one hour of the accident many persons had already gathered at Das Dhunga. Police Team also arrived by quarter to seven. Immediately military rescue team also arrived.

It was at around 10 o'clock the position of the Jeep was located. The jeep was taken out from the water at about 8 o'clock next morning. Only the dead-body of Jiva Raj Ashrit was found in the back seat with neck pressed between the roof and the headrest. Ashrit's chin had been totally damaged and foot stretched to the front seat.

Then the search started for the body of Madan Bhandari. None succeeded that day. The next day while the search had been continuing by boats and choppers, his dead-body was found at half past eight. It was found in Gunjanagar, 32 km far from the accident spot. His dead-body was hooked by the side of the river. The body was lying in shallow water. A full sleeve shirt was on his body, socks were on the foot but pant was missing. Wrist watch was also missing. Left eye, hands, elbow and both knees had been wounded. The corpse was found lying flat on the face.

The postmortem of both the leaders done in Bharatpur hospital, Chitwan, guessed that the death of both had occurred outside the water. Bhandari's body had no serious wounds. But his body was unnaturally black. So a different board of doctors in Kathmandu was constituted in order to re-examine Bhandari's body. The board studied the report of Viscera

test done by Royal Nepal Academy of Science and Technology and accident site, and had made factual study and submitted its opinion. According to the opinion Bhandari had bruises in different parts of the body. His brain had blood clot and left kidney was damaged with blood clot. There were bruises in the upper part of his stomach. According to the doctors, his death could be the cause of all those wounds or by combined cause. The examining board gave suggestion to get the Viscera examined from foreign laboratory because only organo phosphorus chemicals / alcohols can be examined in the country.

New Cycle of Events

The unexpected accident of Das Dhunga made everyone sorry. At the time of his death, Bhandari was the centre of National Politics. So the question mark on the cause of his death was not unnatural. Immediately after his death papers used to write "The death of Nepali Communist leader immediately after the death of South African Communist leader Chris Hani can not merely be an accident." That time youths specially become infuriated. But their infury could not do any damage. For two days after the accident the highway passing through Das Dhunga was almost closed. Perhaps due to the grief none complained.

Common people, political and academic personalities had started showing doubt on the cause of accident immediately after it happened. So the government, on 4th Jestha, announced to form a commission to make enquiry into the accident. The government constituted an one-man commission with ex-justice Prachanda Raj Anil. Many people opposed the one-man commission. But UML did not make any formal demand to include other members in the commission. UML too constituted its own enquiry committee under the Chairmanship of its Standing Committee member, K. P. Oli, keeping the names of other members anonymous.

Different commissions different conclusions

There were three separate commissions on the Das Dhunga Accident. The government had

constituted one-man Anil Commission on the next day of the accident after which UML constituted Oli commission. Then on the 19th May, a gathering of people of different occupations and sectors, at the initiation of the Monthly magazine "Mulyankan" had constituted "Citizen's Enquiry Commission".

(a) Anil Commission Report

On June 17, 1993, Prachanda Raj Anil of the government enquiry commission published statement on the enquiry in a press conference. The statement was "In the above chapters report on fact and analysis is presented. Based on the collected facts and evidences, it is to be deliberated if this accident is caused by any other force or person's conspiracy. Late Madan Kumar Bhandari and Late Jiva Raj Ashrit are found to have gone inside the water along with the jeep. Tests on their Viscera have rejected the assumption of poisoning. The bruises, say the experts, have been caused by the vehicle accident. While observing the jeep, the bottom part of the seat where Late Madan Bhandari had occupied and the lower part of head rest have blood stains. Chaff and sand could not be considered as a part of conspiracy. The evidence that motorbike followed the jeep could not be corroborated. Involvement of two foreigners in Pokhara in hatching conspiracy could not be justified by any evidences. So this commission rejects the case of conspiracy."

"Similarly while considering that Amar Lama deliberately made the jeep drop down to the river, Amar Lama had no evidence of such enmity, jealousy, hatred, etc that causes him to kill Late Madan Kumar Bhandari and Late Jiv Raj Ashrit. Amar Lama was also not found to have high political ambition. Amar Lama seems dedicated to the party. In such situation it can not be said the death is due to mens rea. Thus the commission rejects the report that it is a case of deliberate killing."

The commission said "The inspection and observation of accident site, technical examination of the jeep, the nature of the road at the accident site, and no outside obstruction do not suggest that the accident is a deliberate one."

"The jeep turns to the slope while driver takes steering to the right. The jeep is known to be swirling along the street. The jeep could have been dropped towards the slope or on the drainage. But the driver seems to have continued to speed uniformly and caused the jeep to take the right side of the stream which shows the driver has done negligence. While calculating the speed of the jeep based on the width of the road, the time taken by the jeep to go from one end of the road to the other works out to be 65 seconds. Similarly, the time required for the jeep to drop from the end of the road down to water is calculated to take maximum of 15 seconds. The driver should have driven the jeep carrying two national leaders Late Madan Kumar Bhandari and Late Jiv Raj Ashrit, within a controllable speed. Driver Amar Lama is not found to take necessary precaution and has not shown carefulness. So in the opinion of this commission, the jeep met the accident and dropped down into the stream by the negligent act of the Driver Amar Lama resulting in the tragic death of Late Madan Kumar Bhandari and Late Jiv Raj Ashrit. The commission presented the following points saying it to be "conclusion on facts".

1. The Jeep taking Amar Lama from the accident site to Narayanghat UML office is with regd No. B.A.Cha 2604.
2. Late Madan Bhandari dropped down into the stream along with the jeep.
3. To cover his negligence Amar Lama had told lies.

Immediately after the publication of Anil Commission report, comment poured in from all sides. The comments were generally of attacking nature. The questions as mentioned below were raised against the commission which are still unanswered.

1. How the report rectified its own earlier saying that Madan's death is mysterious.
2. What could be the real cause of the accident, what is the state of jeep found under examination? Why these issues are not described in the report.

3. Jeep was in the first gear. Is it possible that the vehicle can have speed of 60 kph? What is the reason to tell lie?
4. What could be the explanation for the relation of the survival of the driver and dropping down of the jeep?
5. How the body of Madan Bhandari come out from the crushed jeep? What could be the reason for not having deep injury except in one place?
6. Is there no need of fearless reasoning and questioning on the pre-accident context?
7. Does not the commission have anything to say for the corpse found 32 km away with extra-ordinary colour?
8. What is the reason of being doubtless by not considering the chaff and sand present in the accident site.
9. Is it reasonable to disregard the missing of the pant that Madan wore with belt?
10. Does the report contain the logic to clarify the locked jeep and key at the pocket of the driver?
11. They are not only political persons but also, the doctors, psychologists and drivers who can not accept the essence of the report not even in subjective grounds. Does not this mean that the technical part of the report is presented is insufficient and misdirected?

When the one man commission of Prachanda Raj Anil presented its report within one month, political persons and institutions started attacking the report. Political parties except the ruling party came to the street deciding that the report is a document prepared under the direction of the government. The next day of the presentation of the report CPN (UML) staged a protest rally and set the report on fire in a mass meeting held at Sahid Manch. UML circulated the slogan "Anil report is a lie, Das Dhunga accident is a case of murder" country wide.

But the government supported the commission. While on return from Vienna after participating in Human Rights conference, PM Girija Prasad Koirala endorsed the works of the commission at the airport on June 26, 1993. The PM coming back from two weeks sojourn abroad said "Even though I have not yet read the report. But nobody should reject the report just because it is not favorable to the party." On June 28, 1993, the bench of justice Phanindra Dutta Sharma issued order to keep Amar Lama in custody for enquiry. Justice Sharma had issued order according to procedural law clause 118 sub clause 2 based on the statement made by Amar Lama, which showed that he had not made even minor effort to save Bhandari and Ashrit before the accident. Driver Lama was kept in custody of District Police office and after completion of investigation was produced in the court. Then upto July 19-20, the protest against the Anil's report had continued all around the country.

Oli Commission Report

On June 24, 1993 CPN (UML) made Oli commission report public in a press conference organized in the party central committee office Bagh Bazar.

The commission made the following conclusions:

1. The road at the accident site is broad, straight and with a very normal slope, mountain wall after a wide empty space, the vehicle was on the left extreme, accelerator was free and the left right swirling suggests that the jeep was not out of control and in such situation the jeep falls down the road to the river. The jeep after first rebound rolled over to the river.
3. The condition of the vehicle is good in every respect and the incident does not seem to be the cause of an accident.
4. Driver Amar Lama seems to be under full control of the jeep evidenced by his ability to save the hut on the right and wall on the left. The driver has not made any effort to use

brakes in order to turn to the right stream, without any effort to turn to the left and without speaking single word to caution the comrades he himself become prepared to jump off the jeep. Driver Lama then took the jeep at the edge of the road and put the transmission gear in neutral before throwing himself out from the vehicle. This shows that Amar Lama has acted knowingly expecting the result to happen in a planned manner.

5. Amar Lama went down to the stream after the jeep and started washing the blood on his face, wash muds from his clothes, throw water on his body rather than making effort to rescue. He has not stayed even 15 minutes in the accident site. As against the natural expectation that he should engage himself in the rescue sending others to the concerned for reporting, he himself went to Narayangadh to send wrong information. This proves that the driver Amar Lama is a part of planned conspiracy.

6. The result achieved now could be achieved only if the jeep is taken down to the stream with the reference to the heap of sand and chaff placed in the accident site. No evidence is found to suggest that this sand and chaff are placed in normal manner. The commission thus takes those heaps as the signals for transforming conspiracy into action.

7. The psychiatrists reported that Amar Lama did not tell even a single word to the late Comrades when the jeep was falling, he confused the party and transmitted wrong news, and he even told that he had not any regard to the party. He was thus seen selfish and was not repenting for the events that had happened.

8. The death of Jiva Raj Ashrit is proved to have occurred in jeep before plunging into water. As far as comrade Madan Bhandari's death is concerned, only after the clarification of some aspects, it can be said where his final exit took place.

9. The death of comrade Madan Bhandari is proved to have been outside water. But the postmortem report suggests the possibility of

his death either due to the blow received from the accident or from other injuries.

10. The black spots found in the seat and head rest on the seat where Madan was seated and the black spots found in the clothes of Amar Lama do not have chemical examination done. Its examination has been acutely necessary.

11. The late Comrades might have been served with poison which has not yet been tested which should be subjected to test in high technological laboratory. To solve it, the Viscera now kept with Laboratory of RONAST be sent to the technically equipped laboratory in Scotland.

12. If the high technology test does not reveal poisoning, the commission has reached the conclusion that, it can be so by serving a poison not detectable by its very nature.

13. The planned and calculated conspiracy observed in the Das Dhunga Accident and post accident protection and support received by Amar Lama suggests that there has been serious and high level conspiracy behind the accident.

14. It is not possible that Amar Lama alone did the heinous murder. Facts suggests of high level conspiracy. The responsibility to findout the fact and bring the conspirators to the court goes to the government. However, the government to-date has not made any attempt to fulfill its responsibility.

15. Lastly, after the Das Dhunga Tragedy, the government has made more publicity to the rescue efforts but shown passiveness and negligence in practice. The government mechanism has been indifferent and passive towards bringing out the conspirators to the court. This shows that the government actions are towards covering up the proceedings and the conspiracy and thus encouraging the conspirators.

Tuladhar Commission Report

The report published on December 30 describes "From the available facts we came to the conclusion that the incident is not a case of ordinary vehicle accident, it is also not extra ordinary accident and also not a case resulted from negligence of the driver". If so is it a case of planned murder? Raising this question the report mentions "To suggest the case of planned murder, even if the circumstances at the site of accident are not present, the driver must have driven the vehicle with the intention of causing the accident. The cause of having such intention could be for economic benefit, political interest, personal conflict or other reasons and such actions should be reflected/verified by the action/behavior prior to or after the accident".

Remarking that the jeep at the time of accident was technically sound, was in a speed within control, driver was conscious, the road was 19 ft 7 inch broad and straight, the report describes "the vehicle could have been stopped on either side of the road, the vehicle could have been stopped in the 16 ft long pebbles covered on the right side towards the river. There was not any obstruction in front or in the back of the vehicle. The road was then empty. It had been drizzling then. A vehicle may over-turn and twist only if the brakes are applied in a vehicle running at a very high speed on wet surface. While considering such opinion of driving expert, the situation does not suggest that the brakes had been applied.

The report does not see any ordinary or special circumstances to cause the accident. "We have analysed the mental and physical condition of the driver and found him fit which thus can not be the cause of accident." "Driver Lama has given a statement that while reaching Das Dhunga, the jeep started twisting left and right, tried to control, could not control and lastly it pulled to the right and dropped down. The driver Lama himself has accepted before the committee that he jumped off the jeep before the jeep fell down to the river.

The question comes, if the left or right movement had signaled the danger, the driver

could have down the gear or applied wheel gear to bring the jeep under control, when all the parts were in good condition. He could have stopped the vehicle by applying brakes as he had ample driving space in front of the vehicle. Why he could not make any such attempt? If the claim that the vehicle was at uncontrollable speed is true, how can he jump off the vehicle safely by opening the window? How he did not attempt to pass over the message of danger to the party leaders? "The commission has asked many such questions.

The commission mentions, "when there is danger threatening life, the foremost response of a man goes to save his own life. This is human psychology. While deriving logic on this aspect, Lama had various other alternatives to save his life like taking the jeep to plunge on the left wall, to bring down the gear, apply four wheel gear, apply brakes to stop in the empty space on the right side, plunge on the wall, also the vehicle to move ahead by controlling the steering. Then the logic that the driver was compelled to jump off to save his life is not acceptable." "Without any circumstances for an accident, and inspite of having different alternatives available to stop the vehicle, by allowing the vehicle carrying important party leaders to let it go down to the river and the driver landing safely on the road suggests an intentional murder." the commission has clearly indicated.

Das Dhunga is such a place where the call for help from the road would gather hundreds of people in a 10 or 15 minutes. As Madan Bhandari was a widely known personality, a message of his accident would have motivated many rescuers. The first 10/15 minutes of the accident was extremely important and decisive for the rescue and saving. But the driver Lama does not seem to have done anything for the rescue of the important leaders in the decisive period."

While re-enforcing its own assumption, Tuladhar commission has said "After the vehicle plunges into the river, the driver goes down. Down in the river, according to the driver and Ratna Lal Shrestha, husband of Maya Shrestha, hand and head of Madan

Bhandari were visible. The driver, despite the face that he knew the leader is in water and Lama was competent to swim, did not make any attempt to rescue. According to Lama he did not go into the water because he was warned by Ratna Lal Shrestha not to go into the water scaring of death. It may be possible but he could have come up to the road and stopped passerby for help. He could have saved the leaders by mobilising others. According to the statement of Ratna Lal Shrestha and Shyam Ranjkar (Driver of the van) Amar Lama came to the road but did not ask anyone for help. According to the police Krishna Bahadur of Ramnagar police post, he did not request for rescue of the leaders there too. According to the statement of Sub Inspector Prem Bahadur Budathoki of Narayangadh Area police office, Lama only reported of the incidence and did not make any request of rescue.

Tuladhar commission mentioned Amar Lama was not eager and ready to save the leader duos Bhandari and Ashrit. On the one hand Amar Lama says he used to receive very kind treatment and ownness from Madan Bhandari, on the other Amar Lama's neglect on the accident of such beloved leader are mutually conflicting aspects. The commission believes the abnormal behaviour of Amar Lama also suggests the Dash Dhunga accident intentional.

Some question raised are "why he (Amar) drank the dirty water and sprinkled over his body? why he was inclined more to inform police and party office? Why he was motivated to give the wrong statement that he swam across safety? Why he took caution and carefulness to defend legally like a professional criminal?". The commission has presented the logic based on those natural question that the tragedy is not accidental but intentional."

If the accident was unintentional, after knowing the death of leaders and that he could not do anything to rescue, a rational man will have feelings of grief and repentance. Absence of grief on the death of the leader and inability to save the leaders despite the possibility of doing something, the lack of repentance is a

inhuman and doubtful case. Amar Lama was not seen to have grief and repentance after the death of Madan Bhandari and Jiv Raj Ashrit. The statement made by Dr Prakash Rayamajhi and Dr Bijaya Man Kayastha of Bharatpur Hospital reveals about such post accident feelings of the driver. Even after he was brought to Bir Hospital such feelings was not observed as revealed by the statement of Yadu Nath who guarded Amar Lama in Bir Hospital. The citizen enquiry commission query in DSP office also could not find such human feelings in Amar Lama".

Amar Lama said that he was preparing to jump off the jeep beforehand when Oli commission pressurized to speak the truth based on different proofs. Otherwise he had been taking a stand that he was dropped down together with vehicle. Why he told such lies? why he wanted to hide his jumping off the jeep? Why told the truth only when evidences pressured? with such questions the report mentions " His jump at the edge of the road is attached with his mens-rea and this also justifies the intentional nature of the accident."

The jeep was safe at the police cordon after taking out from the water and the mechanical report was prepared on May 19. There is possibility that the main gear and four wheel gear could have been moved by the people present in the accident site. The citizen's Enquiry Commission found that the gears could have been changed from the real position. So the mechanical report at the time of the accident found the main gear and four wheel gear in a position which can not cause accident. From this point of view, it is found unreasonable to conclusively decide on the position of main gear and four wheel gear based on mechanical report."

"But yet other evidences in the accident site corroborate the position of main gear and four wheel gear as mentioned by the mechanical report."

"It is said that the jeep was in the 4th gear when it fell down from the edge of the road to the river. If the main gear is on the gear as told by driver Lama, the vehicle should be at a speed of 50/60 km per hour. At the speed, the

jeep should fly little more to get struck on the ground little further and escape of driver Lama by opening the door would have not been possible. Even if jumped it would cause serious injury. A safe jumping could be done on gear number one only, the vehicle experts say. But the mark of the jeep is continuous from the edge of the road. There is no trace of jeep being flown to get struck little further. There is no traces of glass scattered. The evidence suggests that the wheels have rolled over well until got struck in an obstacle little below. The statement of Navin Adhikari DSP of Bharatpur DSP Office and that of driver Amar Lama support this. According to the statement of Khadga Oli, the driver had accepted before Khadga Oli that the jeep was at a speed of 5/10 km when fell down from the road. This shows that the jeep went down not in a speed corresponding to gear no. 4 but slowly towards the river. Such slow speed can be created with gear no. 1 or with four wheel gear in neutral position. Vehicular experts say that when the four wheel gear is in neutral, other gear become defunct and the vehicle slowly goes down the slope without obstruction. If the vehicle is in 1st gear, there is possibility that it stops when it is obstructed. The evidences of the accident site suggests that the jeep was not in high speed when dropped down from the road. The jeep was not in gear no.4 and which contradicts the earlier statement of Amar Lama. The vehicle had dropped down in 1st gear or four wheel gear in neutral position. It is thus seen that the position of the main and the neutral gear as mentioned in the report of mechanical examination is correct and driver Amar Lama is found guilty in this respect."

"When the vehicle becomes topsy-turvy and the driver jumps off the vehicle, the conscious passenger should strike to save their lives. They should, in such circumstances, try to open the door of their sides. Madan Bhandari who was on the front seat should have attempted to open the door specially because the jeep was moving on wheel until it got struck at an obstacle below. But none of doors except that of the driver was found open. All the other doors were locked. Moreover Jeva Raj Ashrit was found dead supported on the

backseat and with legs stretched. This indicates that Madan Bhandari and Ashrit were then either dead or in unconscious state. According to Dr Bharat Pradhan, the report given by Eldermosten Forensic Lab, London by examining blood shows the possibility of causing unconscious or death by using a type of anaesthetic poison. According to the postmortem report of Madan and Ashrit, water is not found in their lungs. From this it indicates that their death or unconscious state had reached before sinking into water." The evidences of the accident site, mechanical report, forensic blood test from London, Post Mortem Report, absence of water absorbed by lungs are the evidences to support the doubt. The report raises these issues and the speed of vehicle 5/10 km as accepted by the driver Lama.

The report justifies the fact that there was slight rain and said, "That time no adverse weather like storm, strong wind and thunders was noted. Statement of Shyam Ranjitkar and Prem Narayan Juharchan of Simaltal shows that strong wind blew around 15.30 afternoon. But the coming out of Ratnalal from his hut immediately after the accident and Babu Lal Shrestha working across the Narayani River and driver Amar Lama sprinkling water over his body shows that there was no storm and heavy downpour. Thus there is no basis to accept that adverse weather made the accident."

"While dealing with the possibility of driving by a raw hand, there were only three persons in the jeep. As the dead body of Jiva Raj Ashrit was on the backseat while taken out from river which shows he had not driven the jeep. According to Amar Lama, Bhandari had asked him on the cause for uncontrolled movement of jeep which shows the driver was Amar Lama. Driver Lama was a raw and inexperienced is not tenable as he was a taxi-driver in kathmandu and he had taken the steering of the vehicle of CPN (UML) for the past one and half years. Thus the logic that an inexperienced driver was the cause of the accident is not acceptable."

While dealing with the issue of high speed "Driver Lama usually used to drive at high speed as verified by the statements of C.P. Mainali and Bachaspati Devkota. Shyam Ranjitkar gives the statement that the jeep carrying red flag while passing from simaltal was on over speed. Thus the issue if the accident could be the cause of high speed need to be considered"

The nature of the place from where the vehicle was dropped down shows that the jeep had not jumped but rolled over. DSP Navin Adhikary said that he had seen the marks of tyres in the slope down from the road. If the jeep was on high speed such marks were not to be made rather it would fly smashing its glasses when got struck on the ground.

"Driver Lama has stated that he stretched his hands to reach the lock of the window and after opening the door he was dropped to the land. It would be difficult to jump out from a high speed vehicle and even if jumped could cause injury to driver Lama". The doctors of the Bharatpur Hospital have stated that Amar Lama carried minor injuries in the face and hands."

"The width of the black top on the road measures 19 ft 7 inches. There is another 16 ft empty space towards the side of the river. There is a 6 ft 3 inch long drainage towards the mountain wall. The road at the accident spot is sufficiently wide where the driver could have totally turned the jeep if desired. There was not immediate turning, the level was smooth and the condition of black top was good, thus the condition of road to be the cause of accident is not acceptable."

From all the evidence and information, the event can not be accidental. " Thus the Das Dhunga jeep accident is not the result of causes mechanical failure, adverse weather condition, condition of the driver which is found in normal cases of accidents."

The moving of the jeep with the curves and the three heaps of sands placed in the left side of the road at a distance of 60 ft and 112 ft has a meaning and relevance to the accident. The

jeep started taking curves from the first heap of sand and turned towards the right from the last heap and passed by a heap of chaff placed on the right side of road to drop down from the road. A natural question comes, are not the heaps of sands deposited in order to plan the turning and drop the jeep causing the accident from the calculated place? The cause of accident could not be the curving of the jeep but the curving is created to cause the accident, such logic is sufficiently corroborated by other evidences in the accident spot. Because such result can be achieved only if the jeep comes forward in curves and turns towards the right."

The report describes "The time taken by the vehicle to reach Das Dhunga from Aanbu Khairani is abnormal. The jeep, according to Rishi Kattel left Aanbu Khairani by 16.30. Buddhi Maya, and the owner of Sunkoshi Restaurant states that they had spent there only 10 minutes. The vehicle of Shyam Ranjitkar started from Sinaltal at around 17.30 and the time of reaching Ram Nagar Police Post, after picking up driver Lama after the accident, was around 18.05. This shows that the jeep must have already fallen to the right by 17.30. About the speed Rishi Kattel says at least 40 to 65 km per hour and also the driver himself accepts. Shyam Ranjitkar says "the jeep was on high speed. "While estimating the time the jeep might have taken not more than 30-35 minutes to cover a distance of 30-35 km from Aanbu Khairani to Das Dhunga. Considering 10 minutes spent in Sunkoshi Restaurant the time taken is about 50 minutes. This is abnormal time period to cover the distance."

"The blood of Madan Bhandari and Ashrit, according to the report of Eldermosten Forensic Lab, contained anaesthetic poison, informs Dr Bharat Pradhan, the lungs of corpses had not absorbed water and abnormal time taken from Aanbu Khairani to Das Dhunga in thus relevant and related."

According to the statement of Buddhi Maya Lama, Madan Bhandari and Ashrit were alive and conscious upto the Sunkoshi Restaurant. It is possible that poisoning could probably have

been used in the way between Das Dhunga and Sunkoshi Restaurant. Probably to use the poison, the time taken in between was abnormally long.

Tuladhar commission, presenting its conclusion, has described:

From the available evidences, information and notices, this Citizens' Enquiry concludes that

- Das Dhunga incident is not a case of normal or abnormal type of accident.
- It is not an act of the Driver's negligence.
- Das Dhunga incident and the death of Madan and Ashrit is an act of planned murder.

Describing that the commission could not make more enquiries due to limitation of resources but has presented some unanswered questions.

"In spite of our effort we could not make more investigation and some questions are still unanswered. They are

1. In addition to Amar Lama, Who are the other conspirators in this murder case?
2. Who were those foreigners who claimed themselves to be French communists and with whom driver Lama had met in Pokhara?
3. The jeep had been rented to the foreign institution and Amar Lama himself was then the driver. Driver Lama might have developed relation with the foreigners from this link. In spite of such possibility detailed investigation could not be made. Whether or not the foreign institutions are related to this episode?
4. More detailed information is not available on the disappearance of driver Lama from the conference Venue in Pokhara from time to time in suspicious manner. Also detail is not known about his contacts apart from the daily jobs assigned by the party.

5. Driver Shankar Prasain of Bus No. GA Kha 319 informed that after the Lama's departure from Aanbu Khairani at 16.30, four tall motorbikes had followed the jeep. And after the accident the commission was informed, they had again reappeared in Das Dhunga and Ram Nagar. Who were on the motorbikes? whether they have any relation with this accident.
6. The report of forensic test made by Eldernosten Forensic Lab shows that the blood of both Madan and Ashrit contained sufficient amount of anaesthetic poison. How such poison could reach the blood?
7. After the fall of the jeep, it is said to have stopped for a while in a rock. A boulder hit the jeep and made it fall further. How the boulder fell after the jeep?
8. How did the body of Madan Bhandari came out from the jeep? why is one of his hands raised? why is left eye missing? why are there not many bruises on his body? why was his corpse found 32 km away in Gunganagar? why was the colour of his body black? How did his pant with belt disappear?
9. The government does not seem to take it as the event of national importance seriously. The government could not control the vehicle and the accident area in order to preserve the evidences. Amar Lama, the driver, was not investigated by using modern scientific techniques by criminal investigation experts. When driver Lama confessed that he had jumped from above, the joint surveillance of the party and the govt were unilaterally withdrawn and was placed under unilateral watching by the government alone. Lama was unduly kept in the hospital and allowed people to see randomly. Why has the government done so?

The report of the Mechanical check of the vehicle :

On May 19, 1993, the jeep after accident had mechanical check done by Amar Bahadur Poudel, Bharatpur W.No2, Hari sing Gurung, Lanjung Kuleswar-4 and the then Manager of Mitsubishi Company, Kathmandu, Uddhav K.C. Member, central committee of Free Transport Labour Organization and policeman Krishna Prasad Subedi. The joint statement of the team found the following state of the vehicle

1. Brake Foot in good condition
2. Clutch in good condition
3. Brake pipe of all four wheels in good condition
4. Accelerator in good condition
5. Brake oil in right condition
6. All the four wheels and air in right condition
7. Steering and tierods also in good condition
8. Key missing but switch on and steering locked
9. Main gear in one, transmission gear in neutral, parking brake not in good condition, hand brake not present.
10. Drivers gate open other doors locked.

About Madan Bhandari and Jiva Raj Ashrit

Madan Bhandari was born at Dhunge Sanghu of Teplejung district on June 27, 1952. Jiva Raj Ashrit was born at Chandrakot, Harewa VDC-9 of Gulmi district on August 2, 1944. At the time of death, both of them were in prominent positions in UML.

An exceptional student in school and colleges, Bhandari had also a very dynamic political life. Madan Bhandari, who got elected to the position of party general secretary on August/September 1989, displayed his political acumen in a very short period of time.

Jiva Raj Ashrit took membership in the communist party towards 1964/65. Madan Bhandari secured communist party membership in 1971/72. They both were on

cultural front of NCP Puspatal group. In 1977/78 they both made a revolt on the group. Their group after the revolt started to be called Liberation Front. Later on they joined the then All Nepal Revolutionary Coordination Committee (Marxist-Leninist). When the group together with other merged into a All Nepal Revolutionary committee (ML) in 1978/79, the then CPN (ML) was born. Both of them were the founders of CPN (ML). Jiva Raj Ashrit was founder politburo member and Madan Bhandari was founder central committee member.

Then they both were together in the ups and downs of the political journey. Madan Kumar Bhandari, Acharya (Post-graduate) from Banaras Hindu University, India and Jiva Raj Ashrit, a graduate from Tribhuvan University, were close by in political ideology. They both provided leadership to the Movement of 1990 by remaining underground. CPN(UML) was born on January 1991 when CPN (UML) and

CPN (Marxist) merged together. Madan Bhandari got elected as general secretary and Jiva Raj Ashrit as a central committee member of UML.

The fifth NCP(UML) convention held on January 27 - February 2, 1993 ratified the multiparty people's democracy (Bahudaliya Janabad) propounded by Bhandari got approval by overwhelming majority. He had received 541 votes whereas the votes received by opponent's lines got 101, 44 and 0 votes in the convention. After the approval of his line, he naturally was elected general secretary. Bhandari was not only popular amongst his party mates but also very popular amongst the masses. He won election from two places within the Kathmandu district, in the last general election. He was a very effective orator of Nepal, whereas Ashrit, Bhandari's close friend, was known to be an effective organizer within the party. □

Appendix 3

Nepalese School Teachers & Human Rights

SCHOOL teachers in Nepal have launched commendable struggle for the cause of their professional welfare. They have struggled for gaining status equal to that of government employees. The opportunity for education in Nepal, as in many other countries, was in the form of movement. The leaders have taken the right of education as a part of struggle. Probably due to this reason, the rulers have tried to deprive the teachers of facilities and rights.

Even the preachers of the ancient period, owing to their values and religious beliefs, never compromised against humanity. Today teachers are playing meaningful role in the national life. Teaching profession includes a sizable portion of educated manpower. There are a total of 99,127 persons in this profession. Many important personalities have come out from this profession. Many persons presently, in the government were once school teachers. The present minister of tourism Ram Hari Joshi was Unit Chairman in Sarlahi District until 1985-86. Another Minister Govinda Raj Joshi was also a teacher. Many MPs from the ruling and opposition parties belonged to teaching profession.

In the Nepalese context, politics and teaching professional are closely related. Many people seek advice from local teachers before they cast ballot. But the teaching has not yet been established as a permanent profession. Those who say teachers should not be involved in politics are doing politics themselves. The present government is instructing teachers to keep away from politics. But the government knows the effectiveness of teachers in politics.

Indeed the government suggests teachers to support politics favourable to them.

While struggling for their own rights, teachers have also contributed to the nation. Teachers of Mahavir School, run in Khimlha Tole, Kathmandu during 1937/38 to 1940/41; were basically professional revolutionaries. Enthusiastic youths like Phatte Bahadur, Chiniya Man, Rameswor, Andandman had set up the school since May/June 1937. Purna Bahadur, Tanka Bilas Bajracharya, Gangalal, Bakpati Raj, Indra Prasad Pradhan, Siddhi Charan Shrestha, Surya Bahadur, etc were the teachers. At that time many educational institutions were being established in India under the inspiration of Mahatma Gandhi Mahavir School was established under the same influence. But the-then ruling Ranas could not bear it. 28 teachers of the school were arrested on October, 1940 (Kartik 2, 1997 BS) of the arrested persons Siddhi Charan Shrestha was sentenced to 12 years imprisonment, Purna Narayan and Chandra Man Maskey to 18 years and Chiniya Man and his elder brother Phatte Bahadur were sentenced for life. Later on Chiniya Man died in Jail. All other teachers were fined Rs 10.04 each.

A part of Mahavir School was first run in Chandeswari, Banepa and later on in Wokutole. The teachers were Ganesh Bahadur, Arun Bahadur Shrestha, Indra Man Pati (Indra Mani Manav), etc. Mahavir school has greater role in the struggle against dynastic Rana rule. Dharma Bhakta Mathema inaugurated the school in Banepa. Sukra Raj Sastri also taught for some time at the school. The school in

Banepa was also banned together with the Mahavir school in Kathmandu.

Despite the ban, a wave to open schools came in the three towns in the Kathmandu valley and nearby Kavre during 1945-46. Santi Nikunj School was formally established in 1945/46, first after the closure of Mahavir school. Earlier a school was in operation in the house of Diwakar Bhaju, Nhaikantala for one year and a half. Similarly, another school was informally in operation in Naghal. Santi Nikunja was established merging those two schools. At that time there was only Juddhodaya after Durbar school, a fully government school. With the establishment of Santi Nikunj many schools sprouted. Those schools were meant to help the struggle for freedom. The teachers then accepted the jail terms and tortures happily. The government was then compelled to recognize the schools. Towards the Ashadh 1947/48 the-then Department of Education started recognizing the schools. But the government wanted to control those schools. Immediately after approval, the government designated a headmaster for each school.

The First Movement of Teachers

A major problem appeared when the government-nominated headmasters were sent to schools. The people themselves had voluntarily collected resources for the school. Majority of teachers were volunteers. People wanted to control the school by themselves. They were unable to pay for the government-nominated headmasters. They felt that the government, instead of providing support, was imposing restriction on the schools initiated and nurtured by them.

The Santi Nikunja School did the pioneering job to concretely bring out dissatisfaction of people and teachers. On July 5-6, 1947, the teachers of newly opened public schools got assembled on the lawn at Maru Tole. The gathering, after deliberation, decided to reject the headmasters. That gathering had a representation of 17 schools from Kathmandu, Lalitpur and Bhaktapur. The meeting also

constituted a committee to launch struggle, under the Chairmanship of Bhuvan Lal Pradhan.

In the last of Ashadh in the same year a delegation led by Bhuvan Lal Pradhan with Renu Lal Siya, Lava Bahadur Pradhan, Nutan Thapaliya and Aditya Prasad Puri as members demanded the withdrawal of the headmasters with the then Director General of Public Instruction Major General Mrigendra Shamsheer. The delegation also demanded the right to appoint headmasters be given to schools as in the case of Padmodaya School where the headmaster was selected from the applicants. But Mrigendra Shamsheer told replied fulfilling such demands was beyond his rights.

Towards 7th/8th August the delegation went to the Rana Prime Minister Padma Shamsheer with the demands. After some discussion the prime Minister granted permission to the schools to take decision on acceptance or rejection of the headmasters. He also permitted schools to publish monthly journal. But he was not favourable to give rights to organize a union of public schools. The first & movement of teachers ended there. This struggle was important for weakening the positions of Ranas. This struggle added the fears to Ranas who were terrified by the Satyagraha of April/May, 1947 and "Jayatu Sanskritam" movement launched two months later. Bhuvan Lal Pradhan has described the teachers' movement in his book entitled "Nepalko Janakranti" and concluded. "Easy permission to open school today is the result of the struggle launched then".

The struggle of teachers not only harmed Ranas but also Panchayat. In the later days of Panchayat teachers played a major role. The professional struggle was substantially converted into a struggle against Panchayat. The prominent role of teachers is a natural expectation for low literate countries like Nepal. Today teachers are in the lead in rural society. They were in front line in the struggle to overthrow Panchayat. In the mass movement of 1990, teachers played a significant role. They were mobilised in the

mass movement launched for democracy and Human Rights.

Nepal National Teacher's organization called for teachers to be involved and contribute to the people's movement initiated from February 18, at the call of United Left Front and Nepali Congress. The organization submitted a protest letter against the-then prime Minister and also publicized the movement in international field. A token strike was held on March 21, 1990 at the call of the organization. The call of the organization was not relatively successful, hence the need of the united action surfaced. On the 31st March, Nepal National Teachers Organization and democratic teachers' Association formed a joint struggle committee. At the joint convenorship of Devi Prasad Ojha and Devendra Prasad Upadhyay there were various struggle programmes launched by the joint struggle committee. The teachers also published pamphlets against Panchayat.

Present Problems of Teachers

In the mid-January 1993, the government introduced reforms in Education Rules. Teachers feel the rules are against their professional interest. They claim the rules do not care for the facilities of teachers. The Nepal National Teachers' organization in a press release published on January 13, 1993 said, "The rules do not provide security and incentives to the profession. The rules instead of inspiring teachers to be experts, qualified and hard-workers have created compulsion for teachers to be loyal and sycophant to District Education Officers."

In the opinion of the teaching professionals the rules have done nothing good except discouraging the teachers. According to the provision of the rules, Primary School Management Committee consists of 7 members; of them 2 are to be nominated by District Education Office. Similarly, the District Education Officer nominates 5 out of 9 members in the Lower Secondary and Higher Secondary School Management Committees.

The organization comments on the provision of the rules, "School Management Committee

is entrusted with the responsibility to reform economic condition, physical facilities and education and also has to provide teachers and other staff members salary according to the approved pay scale. But the power to appoint teachers is only with the District Education Officer."

The government's donation to the schools has been reduced from 72% to 65% after the enforcement of the rules. Educationists opine that such reduction makes mockery of the NC manifesto of giving free education gradually to secondary level. Teachers claim that this amendment is not better than the eighth amendment of 1971 so far as the career development and promotion of teachers is concerned. A problem has come after head masters are treated as gazetted second class officers. The rules do not specify the qualification and service period for the headmasters. Hence those headmasters appointed during Panchayat regime were based on flattery.

The rules have not done justice by reducing the retirement age from 65 years to 58 years, which is reduction of 7 years. The logic that the retirement age of civil servants is also 58 years is not tenable because teachers do not receive equal treatment in terms of gratuity, medical allowances payment and promotion. The dissatisfied teachers do not see any improvement on the earlier rules. "Absence of medical facilities, gratuity and retention of panchayat system in promotion show that the rules do not accommodate for the change".

The rules have classified schools in three categories: a, b and c, for providing allowances to headmasters. The teachers affiliated to the Nepal National Teachers' organization claim that this provision is humiliating to the teachers, students and guardians too. Nepal Teachers' Association has expressed the following views on the Education Rules - "The rules have outlined the areas for reform in the field of education. But many provisions go against the historical conception of the teachers. Provisions to deprive teachers of inalienable rights to be in politics, unlimited power given to District

Education Officer, decrease in real donation to schools, bringing unlimited privatization in education, deprivation of the rights of trade union - all unacceptable concepts are accommodated in the rules."

"On the other hand three year education leave, pension and gratuity are scientifically prescribed, tenure of headmasters fixed, provision of promotion of teachers are better side of the rules. But the main challenge lies in unbiased and effective implementation of those provisions."

On April 4, 1993 Central Working Committee of the Organization of Private and Boarding schools filed a writ petition against the "Education Rules-1992/93". The writ petition was against HMG, cabinet secretariat, Ministry of Law, Justice and Parliamentary Affairs and Ministry of Education, Culture and Social Welfare.

Nepal Teachers' Association in a press release of January 13, 1993 remarked "... the rules have been formulated without consultation with the Association which is against the understanding reached with this organization which requires the representation of this organization while making education policy. The teachers should have the right to enjoy constitutionally guaranteed rights according to the nature of the profession. The deprivation of academic freedom makes the undemocratic rules."

Even with the dawn of democracy the Nepal National Teachers' Organization is facing problem of recognition and obstruction towards enjoying democratic freedom. Although government could not ban the organization in the changed environment but has not hesitated to discourage the supporters of the organization. The academic circles strongly feel that the government is biased against teachers just because of their conscience. This is a big controversy prevailing in the field of education. This controversy was initiated when NC sponsored the Nepal Teachers Association towards the mid-May, 1993, making the association affiliated to the Trade Union Congress. But the

teachers affiliated to the organization claim that the ultimate reason is something else. Teachers, who were earlier divided, were united by the spirit of the people's movement. Teachers united during the emergency were divided again for the sake of organization. District level conferences were held in order to revive the organization. So the democratic teachers also organized into Nepal Teachers' Association. The Association issuing statement after two days of the publication of the "Education Rules-1992/93" had extended critical support to the rules.

The formal decision to form Nepal Teachers' Association took place on May 13, 1990. The decision was made by 40-50 teachers from different districts in a meeting held in Tri-Chandra Campus, Kathmandu. The meeting selected Devendra Prasad Upadhyay as Chairman and Shankar Pradhan as General Secretary of the ad hoc committee of the association.

The meeting of the ad hoc committee was called at half past five in the same evening. The committee set the seven point outline of policy and programmes.

1. To circulate letter to form district ad hoc committee in all the 75 districts and convene district convention at the earliest;
2. To work to call national convention by the forthcoming Feb/May 1991 and form a permanent committee;
3. To submit suggestions to the interim government to solve the problems in the related field;
4. To keep friendly relations with the parallel professional organizations and have working union for common cause and adopt a policy of coordinated moves;
5. To preserve the professional interest and ensure security of teachers and also to work to uplift educational standard by providing dignity, honour and academic freedom to teachers;

6. To educate students to make them powerful force to enjoy human rights and protect democracy;
7. To develop friendly relation with the foreign teachers' associations and other professional bodies and also to try to secure membership of World Teachers' Federation.

Now school teachers are worried because those teachers affiliated to the NC are privileged to receive facilities. But those with opposing views receive unfavourable treatment. Majority of teachers have such grievances. Substantially school teachers in Nepal are not apolitical species. The government knows well about it. The government wants to allow the teachers to do politics in its favour only. Teachers are prepared to do politics without disturbing their professional roles. But the government is not prepared to accept even silent support to its opposition. The conflict between teachers and the government just begins there.

Some cases are found where the government encouraged teachers to join Teachers' Association. Specially those teachers from remote areas who are supportive of the Association are privileged to receive higher facilities.

According to the teachers supporting Nepal National Teachers' Organization, after the local election of 1992, Regional Directorate, District Education Office and sometimes school management committee launched a campaign to initiate proceedings of political revenge in many districts. In order to take revenge inter-district transfer, transfer to inconvenient places, demotion, release from job, report to District Education Office, explanation, reporting to CDO, and warning were exercised to punish many teachers. Some teachers were implicated in false cases and also put into custody. Jai Kumar Rai was a member of Central Committee of the Organization. He was transferred to another district. Similarly, Gopal Bhattarai was Chairman of District Committee and was demoted and transferred. Madan Chemjong of

Panchthar district was put in police custody for 22 days and later on sacked from the service. During that period, 29 teachers of Terhathum district were served 24 hours transfer and many were accused under National Offence Act. There are many events in different parts of the country. Teachers supporting the organization were suppressed in Sindhuli and Pyuthan districts.

Nepal National Teachers' Organization, in a memorandum submitted to the Education Minister has written, "In different districts the teachers have been transferred at the recommendation of MPs, in a very unfair and biased way without any clear policy or base for the transfer. Transfer of 52 teachers in between a single academic session is highly regrettable. Dismissal, demotion, and demanding explanation are done in a very biased way throughout the country.

The organization has produced some 127 cases of biased proceedings against teachers till the mid-April, 1993. The organization claims the policy of keeping teachers away from politics contravenes to the Article 9 of 151st convention of ILO.

History of Teachers' Movement: an Overview

Teachers have been trying to be organized to protect their professional interest. The movement could not succeed until the mass movement of 1979/80. In March/April 1951, Nepal High School Teacher's organization was formed under the convenorship of Ramji Prasad Sharma, a teacher of Juddhodaya Public School. A meeting of teachers was held in the same school. High School Teachers of Kathmandu valley were accommodated in the organization. The members of the organization were Harihar Risal, Ananda Prasad Dhungana, Bijayanand Joshi, Shyam Krishna Gautam etc. The second and third Chairmen of the organization were Shyam Krishna Gautam, and Anand Prasad Dhungana. Under the banner of the same organization, teachers in Nepal launched struggle in 1956 and 1957. With the sabotage of democracy in 1960/61, the teachers' organization was also disintegrated. But the effort was made to

and the government on 15 issues. The demand for provident fund, pension, making permanent and permission of teachers organization was granted. A coordination committee of Sushil Chandra Amatya, Shyam Krishna Khammu, and Khagendra Sangraula was formed on the 8th September in order to work for the formation of a national teachers' organization. A gathering of teachers was held in Hetauda under the initiation of the coordination committee on the 24th and 25th of September. The gathering formed Nepal Teachers' Organization ad hoc committee. Badri Prasad Khatiwada was the coordinator and members included Khagendra Sangraula, Shyam Krishna Khammu, Sushil Chandra Amatya, and Sushil Pyakurel. The gathering also formed a subcommittee to convene the first teachers' convention and drafting committee to draft the constitution of the organization. Teachers from 29 districts were represented in the gathering.

On the 12th, 13th and 14th, December of the same year, the first national Teachers' convention was organized under the active initiation of Badri Prasad Khatiwada, the then Headmaster of Bhutan Devi High School, Sushil Pyakurel, teacher, Sushil Chandra Amatya of Lalitpur, and Rajendra Pande of Dhading. The convention was held in Bhatun Devi High School.

Ramji Prasad Sharma, the-then teacher of Juddhodaya High School, inaugurated the convention. The convention had representation of 160 representatives from 54 districts. Bijay Nepal, Mukti Nath Khanal and Ramhari Dahal were in the board to conduct the convention. The convention elected unopposed Badri Prasad Khatiwada as Chairman and Shyam Krishna Khammu as General Secretary. Khagendra Sangraula, Govinda Adhikari, Chudamani Sharma, and Ganesh Pandit were elected unopposed as Vice-chairmen of the first executive body and secretary and treasurer were Pitamber Poudel and Chandra Man Bajracharya, respectively. Devi Prasad Ojha, Badri Prasad Oli, Ramdev Sinha, Gore Bahadur Khapangi, Narayan Prasad Baskota, Narayan Hari Upadhyaya, Mukti Khanal, Yashpal Shakya, Dinanath Sharma, Narayan

Talol, Maheswor Pathak and Dentijung Shah were elected as members.

Teachers have initiated to have professional union even in other parts of the country. Teachers of Bhojpur felt the need of a teachers' organization. However, it could be realized only in September/October, 1979. On September 22, a gathering was held in Arun Higher Secondary School, Dingla. The gathering chaired by Teacher Tulsi Ram Upadhyaya, formed a "Free Teachers' Organization - Bhojpur", approved five proposals and set down 22 objectives. This organization also contributed to the formation of Nepal National Teachers' Organization in a convention held in Hetauda.

The-then government did not accept the existence of the teachers organization. Affiliated teachers were suppressed. From March 5, 1980, teachers struggle started with the main slogan demanding recognition of the organization. Unabated by the suppression the struggle with nine point demand continued for 38 days. But an infighting surfaced in the organization itself. NC supported teachers were not in favour of carrying the struggle further. They were in favour of using whole force to make multiparty system victorious in the referendum. However, they could not succeed and they withdrew from the struggle calling the organization to be a political front of communists. A clear political division was observed then within the organization. The-then government had been terrified by the teachers' struggle taking place near the referendum which is justified by heavy charge upon teachers.

Surya Bahadur Thapa, the-then primeminister, charged teachers while addressing a gathering in Kushma on April 7, 1980. "Teachers have been paid by the people, it is immoral and unjust to accept salary for the period under strike and to accept fees from students" In the next day in Beshisahar, Lamjung he said, "Spoiling the future of students for the sake of self-interest is nothing but a misdeed. The government has taken sufficient steps in order to fulfil the demands of teachers." But the-then government had not taken any steps. Later on

the 11th April the-then government agreed to approve the constitution of the teachers organization. Teachers supporting the organization celebrate April 11 as "Teachers Day" to mark the occasion. Teachers had achieved remarkable success. This was the first time the government accepted the constitution made by any organization. Teachers were satisfied and withdrew from agitation only after the then chairman of the organization issued statement on radio about the end of the struggle.

The government was compelled to accept the organization. The government was then receiving criticism and attacks from different classes and people. It had accepted simply to check the upcoming of people's movement. The government's intention became clear when the teachers were arrested immediately after the agreement. After declaring victorious in the referendum on May 2, 1980, Panchayat govt. initiated another cycle of repression in educational area too. Many teachers including chairman Badri Prasad Khatriwada were arrested. Teachers favouring professional organization were maltreated. The organization again called nationwide agitation from April 16, 1981. The agitation lasted for 104 days. An agreement was reached with the govt. only on July 28. But again the government violated the agreement. It is also opined that dishonesty of some teachers is responsible to the end of the struggle. The main demands of the struggle were to honour the agreement between the govt and the organization, consider the proposals of the first convention and release of chairman Badri Prasad Khatriwada, who had been in jail for about one year. Mr Khatriwada was released only on July/August 1981 after 15 months in prison. He had been arrested immediately after the referendum held in May/June, 1980. Teachers had demanded the withdrawal of all the charges levelled against him. Some controversy had also surfaced in the first convention. Basanta Bahadur Manandhar, who led the Kathmandu District Organization, boycotted the convention. Devendra Prasad Upadhyay speaking in the convention representing the NC fold of teachers criticized the organization's leadership. He charged that

the position of the organization was adverse and needed amendment in the constitution and criticized the dictatorial functioning of the leadership. However, he was interrupted while expressing his views.

The repression cycle started again after the end of the agitation. There was strict control on the activities of the organization. Police started interfering with the programmes of the organization.

In 1980/81 firings took place in Dingla, Bhojpur. Two students died and teachers were specially active in protesting the shooting.

In March/April 1984, Nepal National Teachers' Organization convened its second convention successfully despite the suppression and police interference. The organization entered into new phase with the success of the convention. In order to balance the power, Janak Nath Pyakurel of democratic affiliation was made Chairman. General Secretary was Devi Prasad Ojha from the communist. Due to police interference, the inauguration of the convention could not be held in the premises of Juddhodaya Higher Secondary School. Instead, it was convened in the office of the organization located in Bus Park area. Some active members of the organization had wittily avoided split in the organization.

Before the election of the new executive committee by the convention, there were two rounds of discussions before the NC leader duos Krishna Prasad Bhattarai and Basu Risal and Sushil Chandra Amartya, Sushil Pyakurel, and Khagendra Sangraula. From the very beginning the organization retained close link with the government and had made its activities transparent. But the-then government was biased against the organization. The government sometimes behaved as if it had given full freedom. The teachers also used to do organizational work without any fear. An expanded meeting was held in Janakpur on the 11th and 12th, 1982 in order to consolidate the organization and evaluate the teachers' agitation. The meeting was inaugurated by the-then Assistant Agriculture Minister

Raghavendra Pratap Shah. Sometimes government officials used to participate in such programme but the organization was generally discarded by the govt. The govt. used to come over the organization when situation was favourable. During the Panchayat regime, the organization was partially underground.

The later days were complicated ones for the organization. The teachers were centred to get professional facilities and protect their interest and existence of the organization. Till then the "divide and rule" policy of the government could not work. After the second convention, the government had been partly successful. The fighting spirit of the organization gained success.

The teachers' struggle started with 27 point demand on May 9, 1981 ended on July 28 of the same year. The demands included the abrogation of Amended Education Act, nullification of the actions taken against the teachers, release of arrested teachers and observance of the agreement between the govt. and the organization.

The government again chose to be dishonest. Starting from December 1, 1984, national-wide teachers non-cooperation movement was launched. The seed for the movement was shown by the government while it did not pronounce even a single word while increasing the salary of govt. employees.

This time the movement became widespread compared to the previous ones. On December 16, 1984, nation-wide mass strike was quite successful. The teachers launched "Go to Kadunandu" towards the end of Falgun. Some 20,000 teachers gathered in Kathmandu. This movement, in one way, was the expression of revolt against Panchayat suffocation. People of different strata and classes supported teachers directly or indirectly. The organization put forward a 4-point demand. The movement ultimately assisted the political struggle too. The fourth convention Nepal Communist Party (ML) held from August 25 to 30, 1989 remarked "The teachers have to pay heavy price for professional interest and rights. But

the price paid has not gone waste. Increased teachers awareness, formation of professional organization, compelling government to provide professional facilities, preparing dedicated workers to protect professional interest, protesting anti-people education policy, establishing and developing international linkages and upgradation of the dignity of teachers are important achievements. This has also assisted people's movement."

The democratic teachers did not share the same concern for organization as communists. They realised that teachers' struggle contributed to the "People's movement". Democratic teachers were in minority within the organization. Those teachers coming openly as supporters of NC were now aware of these facts. At last, they formed a parallel teachers' association.

NC shares the blame for the least attraction of democratic teachers in the organization. On April 3, 1980 while campaigning for multiparty in the referendum, late B.P. Koirala said in a mass meeting in Siddhartha Nagar "When the Panchayat is counting the last days, there is no rationale for strike by teachers pressing for unnecessary demands". Two days later in a mass meeting at Rajbiraj, he further said "The present teachers' movement has supported reactionaries and undemocratic forces. The present cabinet wishes that such strikes disturbed the referendum." Immediately no one reacted against the statement. But after a few months, B.P. Khatiwada reacted from the Birgunj Jail. Democratic teachers might have shied away from organization activities, probably due to the call of their leaders.

There was talk of interference of UML in the fifth National Convention of organization held in the last Mangsir. Executives elected from ballots were called traitors.

From the beginning teachers opposing Panchayat were united to struggle together. The "Divide and rule" principle was applied by government after 1981/82. The government rooted the idea of subject-wise teacher's

organization. The nation-wide strike of December 16, 1984 at the call of the organization was highly successful. "Go to Kathmandu" campaign launched in the Falgun was also equally successful. "Nepal Bandh" programme held on May 19, 1985 at the call of teachers was also successful. Afterwards, administrative repression, differences within the organization and a prolonged agitation lessened teachers enthusiasm to be involved in the struggle. The movement came to an end with the "Bomb Episode" of 20th June. The organization entered another phase of crisis.

Many members of executives were in jail and the movement could not take motion. The-then chairman was dead. Many teachers opted to Panchayat politics according to the policy of Nepal Communist Party (ML) to use the Rastriya Panchayat election. In the meantime the government started conspiracy to dismantle the organization.

From August/September 1985 the government-sponsored "academic club" started functioning to counter the organization. Majority of the teachers rejected the step. The government in 1986/87 asked the organization to nominate representatives in a committee formed to draft the organizational set-up and the constitution under the chairmanship of a member of Rastriya Panchayat. Many view this step as implementation of the accord between organization and the government.

The difference between the organization then became serious. The executive committee of the organization wanted to send 5 delegates to the committee including General Secretary Devi Prasad Ojha then in jail. But the acting chairman Bimal Koirala turned down the decision. He decided to withhold the District Convention going to be held on December 20, 1986. The acting president opined that such conventions should not take place when the dialogue was going on with the government. The government invited the organization for drafting on December 11, 1986. Some teachers say the organization formally sent acting President Bimal Koirala, Vice-Presidents duos Kameswor Singha and Kali Prasad Pokharel, Secretary Ghanashyam Poudel and Member Mohan Narayan Shrestha.

The government agreed to permit organizations separately for Primary School teachers and Secondary School teachers. Towards the February-April 1987, Nepal National Secondary Teachers' Association and Nepal National Teachers' Association were observed. Majority of teachers did not accept such division. The expanded meeting of the organization held on the 28th and 29th January, 1987 also decided against such division. But the five delegates Bimal Koirala, Kameswor Singha, Ghanashyam Poudel, Kali Prasad Rijal and Mohan Narayan Shrestha endorsed the proposal of the government. Some teachers supported the decision. "The Committee formed Nepal National Secondary Teachers' Association and Nepal National Primary Teachers' Association. Teachers were formally divided. Some teachers of the organization switched to the new association whereas some remained with the earlier organization." Active executive members then dropped from 23 to 12-13. Efforts of the organization to pursue withdrawal of its members from new association was not successful. In April/May 1987, the organization decided to expel all the five members. The organization appealed to discard two associations. There seemed to be conflict between teachers on the historical issue. But everyone agreed that the struggle of teachers after this split was reduced.

The police has intervened in the Third National Convention held on June 25, 26 and 27, 1987. Many participants were arrested. Foreign invitees were compelled to go back without attending the convention. But the convention was convened. After a long debate new leadership was selected. But soon after, four executives including General Secretary Yuva Raj Sharma issued a statement supporting "Two Associations" policy of government. After an inquiry the organization took action on the four executives. They were expelled from the organization. Just then general secretary Devi Prasad Ojha was released after 26 months in prison. Founder Sushil Chandra Amatya was also released on December 1987, after eighteen months and a half in prison.

The fifth extended meeting of the Central Committee of the organization was held on 8th and 9th July, 1988. The organization started functioning normally. Towards April/May, 1988, formal talks were held between the director of Labour Standard Department, ILO and delegates of the organization in Kathmandu. The case filed by the organization on May 28 and 29, 1987 through International Teachers' Organization, in ILO gave a verdict against the government. In 1987-88, formal talks were held between the organization and the then general secretary of International Teachers' Organization Normal Gobel. International contact of the organization substantially increased afterwards.

Panchayati government had always negative views on the organization. During struggle to protect professional interest some teachers had to sacrifice their lives too. Min Bahadur Chand, Baitadi in 1980/81, Tanka Bhusal, Arghakhanchi in 1981/82, Abhikeshor Bharati, Jhapa in 1981/82, Govinda Dahal, Sankhuwasabha and Ramdev Pandit, Dhanusha both in 1985/86 and Suresh Serbuja Magar, Myagdi in 1986/87 gained martyrhood while struggling for the cause of teacher's professional interest. Maheswor Chaulagain, Primary school teacher of Sankhuwasabha and Dilip Chaudhary teaching in Nuwakot have been missing in between 1979 and 1990 and have not yet been traced. In the initial day of 1990 people's movement, Krishna Prasad Poudel, a teacher of Theraphirdi, Tanahu had been murdered by the beatings of Mandale (Panchayati goondas) and the police. While in the same movement, Lal Bahadur Bam, a teacher of Kathmandu, was killed by the beating of policemen on the 2nd April. Iswori Dutta Sharma, a teacher of Hidne Kanda, Doti, who was pursuing B.Ed. in Kathmandu was also killed on June 19, 1990 by the beatings of policemen on March 23, 1990. One estimate puts that some 200 teachers were dismissed from service during this period. Some seven hundreds were arrested; of them 200 were jailed ranging from 15 days to 26 months.

Question yet Unanswered

Nepal National Teachers' organization convened its 5th national convention in Kathmandu from December 7 to 10, 1993 in Kathmandu. First day program was to honour the old teachers associated with the teacher's movement. But Badri Prasad Khatiwada, one of the three members to be honoured (other two were Ramji Prasad Sharma and Khagendra Sangraula) did not accept the honour awarded from the hands of the Education Minister. The founder chairman Khatiwada was transferred to remote Rasuwa with an intention to cause inconvenience to him, in 1985/86. He tendered a conditional resignation stating that his resignation be accepted if he was not transferred back to the original place. His file did not move even after the end of Panchayat System. He said in the honour ceremony "I have not discarded the honour given to me by the organization. But I am not for accepting any honour from the hands of a minister pursuing wrong education policy." This incident was a protest against the present education policy. In fact, the government itself has not any point to disagree that the education policy is not suitable. But the teachers in Nepal are divided after the dawn of democracy. Executives of both teacher's organizations realise the inability of teachers to be united in the matter of common professional interest.

The agreement of August 17, 1993 between Nepal Communist Party (UML) and Nepali Congress, after the left movement, also verifies the same point. A working committee was formed, according to the agreement, to review the Education Rules 1992/93 and draft suitable policy. Education Minister, Bed Nidhi Nirala, Vice-Chairman of Nepal National Teachers' Organization, Devendra Raj Upadhyaya, Chairman Nepal Teacher's Association, Tara Nath Ranabhat, representative of NC and Devi Prasad Ojha, representative of UML are in the working committee. Consensus has been developed on curtailing the excess rights of the District Education Officer, representation of MP in District Education Committee, nomination in district committee to be replaced by elected

representatives. But no action has been taken in this direction so far.

There is still a situation of conflict between teachers and the government. Khima Nanda Panthi, representative of Lumbini Zone, informed the Fifth National Convention of NNTO, about the transfer of 25 teachers to another district and 123 teachers to inconvenient places in Lumbini Zone. He further said that 77 teachers of Lumbini were accused of murder case and three were accused of public offence. Salary of many teachers was frozen. In the convention, teachers from other parts of the country also informed of similar problems.

Some teachers claimed that teachers released from service as retaliation during Panchayat regime have not reinstated yet. Those teachers who were reinstated are not given grade increment of the released period. They have not received the salary and allowances.

Majority of teachers claim that the teachers' selection committee has been congressized after the publication of Education Rules 1992/93. There has been gross manipulation of result in the tests conducted to select teachers by the committees. The selection does not seem to be based on the criteria like experience, qualification and work performance. The version of teachers affiliated to the organization is - "The criteria for promotion are not transparent. There is no certainty about performance would earn and marks for eligibility for promotion. The criteria for promotion are rather loyalty to the ruling party and not the professional competence."

The Minister for Education, Culture and Social Welfare, Govinda Raj Joshi, said before a huge gathering "Academic Freedom" and "Politics by Teacher" are the issues still open to debate. But the government at the same time expects teachers to be away from politics.

After the dawn of democracy, Nepali teachers had to launch struggle to draw the government's attention to their problems. On June 13, 1990, Chairman Devi Prasad Ojha and General Secretary Agni Prasad Sapkota

put forward a 5-point demand through a statement, on behalf of NNTO. The statement contained "We have put forward some demands and problems in the education sector to the honourable Education Minister from time to time. We had discussions and dialogues with him from time to time. But we are not convinced that the government is making an effort to do any concrete things in this regard." The statement further said, "The demands put forward by us are those which the government by itself should share in the changed context and are also solvable. We humbly offer ourselves to the dialogue and discussions with the govt. and request to search for the solutions. In case the government neglects our humble request, central committee chairman Devi Prasad Ojha, Vice-Chairman Bam Dev Gautam and Ranchandra Sharma shall start hunger strike until death starting from June 21, 1990". The statement put forward the following demands -

- Reinstatement of those released from service in the course of teachers movement and organization development and those transferred to inconvenient places. Dropping the proceedings against those implicated in cases against Panchayat rule.
- Stop releasing under-SLC teachers with long experience.
- Provide security to the teachers working in private and boarding schools, increase salary and other facilities, provide reasonable grade, provident fund, gratuity and pension.
- Increase the salary of school teachers and employees on par with other employees. While increasing salary the gap in salary for higher secondary, lower secondary and primary teachers be reduced. A policy be worked out not to give additional burden to the guardians.

An agreement could be possible within three days. A positive understanding about the five demands was signed on June 24, 1990 between the-then chairman and additional secretary in the Ministry of Education Dr. Ishwor Prasad Upadhyaya.

Similarly, after the three-day long peace persuasion of the Nepal Teachers' Association the government was willing to make an agreement with the association. The Ministry of Education wrote a formal letter on June 28, 1990 to the association and called for dialogue on July 1 at 11 o'clock in the morning. After dialogue for two days mutual understanding was reached on the 16-point demand on the 2nd July.

On June 27, 1990, with the presence of Minister of Education and Culture, dialogue was held on the demands of Nepal Teachers' Association ad hoc committee between the representative of Ministry for Education and Culture and the ad hoc committee. The ad hoc committee was represented by its chairman Devendra Prasad Upadhyaya, Vice-Chairman duos Subha Ram Mishra and Mitha Ram Dukhi, General Secretary Shankar Prasad Pradhan and Secretary Hari Binod Adhikari. The agreement reached is mentioned below.

1. The Ministry agrees that School Management Committee shall be changed and formed in a different way and to change or reform different clauses of Eighth amendment of Education Rules. In the meantime it is noted that the ministry is collecting suggestion for the reform of Education Policy, Rules, Curriculum and Textbooks. After the collection of the suggestions, a suitable and effective management committee with the representation from teachers shall be constituted. This may, however, take time. Thus the ministry agrees to form the temporary management committee with the inclusion of teacher representatives.
2. It has already been decided to retain the under-SLC teachers. Such teachers shall be given opportunity to upgrade qualification.
3. As the demand on salary is concerned the ministry agrees that teachers shall get the salary and allowances given to the technical employees of HMG. The increase should be borne by budgetary

allocation which the ministry agrees and request shall be sent to Ministry of Finance with recommendation. The development taken place shall be informed within one month.

4. A study team shall be constituted in order to study the requirements of school administrative staff in proportion to the number of students and to ensure professional security to the jobs of teachers.
5. The ministry agrees to arrange the position of headmaster in primary schools. A request shall be sent to the Ministry of Finance to arrange reasonable stationery expenses and peons.
6. Schools of different levels shall gradually receive upto 100 percent govt donation and arrangement to give free education upto higher secondary level shall be done as mentioned in clause 4 above.
7. Reinstatement of teachers released or transferred after 1960/61 for political retaliation shall take place after collecting such information and will be done so within three months with the assistance of the association.
8. Ministry agrees to include experienced teachers to develop and reform curricula and textbooks.
9. Ministry agrees to arrange related trainings and higher education to the professional development of the teachers.
10. A study shall be undertaken and a clear policy shall be formulated in order to ensure the facilities of private and boarding schools that their facilities are not less than that of the general schools. A study committee including the representation of the association shall be formed within one month.
11. Ministry agrees that temporary teachers working for more than a full academic session shall be made permanent, after

fulfilling the requirements, till the first half of the next academic session.

12. As the demand related to student capacity is concerned, the primary schools are already assigned not more than 40 students in a class. A similar provision shall be made for higher level schools while formulating new policy.

For the effective implementation of the understanding and to get the salary fixed, the association staged a "Satyagrah" in the lawn of the Ministry of Education on August 14, 15 and 17, 1990. Almost similar demand was put forward by the organization through its movement. The government made similar agreements with both the representative groups.

But here too the talk of teachers being cheated started coming. Agreement was not honoured.

Again the NNTO submitted a memo to Ministry of Education with 20 point demands. It fixed December 25, as the deadline to have dialogue on the demands. As the government steps were not intimated, again the struggle started from December 26. The government tried different ways to stop the struggle. The struggle stopped on the 5th January, 1991 when the organization and the ministry reached a 20-point understanding.

To summarize, the teachers have been undergoing through the cycle of agreement—struggle—agreement. Such cycle is being repeated even today. It is a question still unanswered "How long does the government of Nepal want to play hide and seek game with teachers?" Nepalese teachers are still waiting for the implementation of the agreement of August 17, 1993. □

Appendix 4

Trade Union Movement in Nepal & Human Rights

1. Background

Labour has played a vital role in fulfilling the needs of human beings but the evaluation of the worth of labour has had certain weakness since the beginning of human society. This weakness has created various concepts among people on the worth of labour. This difference has created class and class struggle. Production, distribution or exchange of required goods contributed to the development of organized trade, business and industrialization. Those people started forming into groups in order to fight for the cause of their own group interests.

The group of people started to be based on labour rather than on commodity exchange or capital. Instead of providing human dignity to the workers, the owners of the means of production started exploiting labour. The standard of living of the workers deteriorated instead of improving. The working people also started to be organized. In the factory and at national and international levels thus giving birth to the Trade Union Movement.

2. What is Trade Union?

Trade Union is an organization of workers formed to make collective bargaining with the owners. It is a group to protect and promote the interest of workers. It is a group of persons within an economic level or occupational area committed to the principles. Trade Union is in fact, for collective bargaining to launch struggle and a means to reduce labour exploitation and thereby to contribute to the industrial peace. We know from the historical

fact that in this modern world the working class had to struggle for hundred years to attain legal recognition of the Trade Unions.

3. History of World Trade Union Movement

Liberal industrialists like Robert Owen of Britain and Denial Le Grand of France, humanitarian thinkers like Marx and Engels, dedicated workers like Albert Parsons, Adolf Fischer gave new direction and strength to nurture the growth of trade union movement. Robert Owen (1771-1858), most eminent personality of his time in Europe, got a rule passed from the parliament. The rule made provision to provide school for child workers, increase wages to provide better living to the workers, payment of wages even when the factory is in closure and fixed working hours. Owen put forward his ideas in the Ex La Chapel conference (1814 AD) and organized the first Labour Conference in 1833 AD. Probably, the Trade Union Movement and formation of Trade Unions started then onwards. Owen had to face serious confrontation with the capitalists but his deeds influenced and encouraged the soft chartist leaders like William Lovet and Forqus Oakner. Chartist movement is the signature campaign of London Workers' Association formed in 1836 AD, launched from 1839 to 1848 demanding the fulfilment of six-point demand. The demands were to grant voting rights to all adult citizens, working hours fixed to 8 hours a day, end "Unemployment rate" and "work house", prohibit child labour, increase wages including that of agricultural labourer, and the land be owned by the government. The demands were not heard by the parliament

when presented with signatures of 12 million people. Again in 1942, 3.3 million people signed and presented the demands which also were ignored. Once again the demands were taken to the parliament with signatures of 5.7 millions workers and other public. The British government, instead of fulfilling the demand, repressed the movement by deploying the army. There was confrontation between the army and the workers in many places, leaving many people dead. Just then Second Republic was established in France, there too the demands of workers were ignored. Amidst the tension of struggle, Marx and Engels prepared famous document, the workers' manifesto. The manifesto which has already been translated into 173 languages is famous as "Communist Manifesto".

Under the influence of the manifesto, struggle for the Third Republic accelerated and for the first time, the state-government of workers was formed in Paris. The government formed in March 28, 1971 was called Paris Commune. It freed all the political prisoners. People militia was substituted for regular army. It nationalized the property of church and the church was separated from the government. The statue of Napoléon was felled down. The rule was made to ban workers to work at night, grant equal wages for equal work, free education, independent judiciary, adult suffrage and responsibility of elected representatives to the voters and provision to call back the elected representatives. But the aristocrats then did not allow the government to last. Thiar with help of German Army attacked Paris where 35 thousands were killed, 50 thousands were arrested and many were in exile. However, the workers' movement continued and also spread from Europe to America.

In 1886, Chicago mutiny took place. The federation of American and Canadian Trade Unions were behind the scene. The joint convention of Canadian and American workers held in 1884 declared that the working hours should be eight hours to be effective from May, 1986. It also appealed to the workers' Trade Unions to be prepared for the movement keeping in view the possibility

of rejection of the demands. From the beginning of 1886, workers' dissatisfaction intensified. The government publicized against the declaration and got prepared for the repression. But the workers fearlessly came to the street. The government fired on workers in order to suppress them. 14 workers died at the spot and 400 were wounded. Majority of those arrested were hanged. There was worldwide despise for the barbarian act of American government. In 1893 it was decided to celebrate the 1st May of each year as workers' day. When the workers began to come out for the struggle, at last on June 1993, the American government released all the arrested workers, withdrew cases against them and accepted eight hours working day conceding that the government had "murdered the justice". In August 1897, a gathering of workers of 14 different countries was held in Jurich which raised the voice to protect the interest of workers. It pointed out the need of an international office to look after the interest of workers.

French industrialist Danial Le Grand (1873-1858) contributed to the Trade Union Movement by advocating the need of legal provision to improve condition of workers. He stressed the need of international labour code after studying the condition of labour in different countries. He advocated the need of fixing working hours, granting weekly leave, preventing night duty, occupational hazards, and child labour. He believed the prosperity of a nation was related to the physical condition and morality of the workers. He, lateron, appealed European states to enact Labour Laws from 1840 to 1853. In 1901, International Association for Labour Legislation, IALL was formed. This was the first International office voicing on behalf of the workers. After the First World War in Paris Peace Conference, a tripartite nine-point "Labour Charter" was put forward which later on became the directive principles of ILO. In this way the historical and bold workers' movement, like Chartist Movement of Britain, Paris Commune of France and Chicago Mutiny of America gave humanitarian touch and provided impetus to the trade union movement. Communist manifesto brought

renaissance in Europe, America and Asia. Learning from the struggle of workers, the farmers also became aware. Workers' movement intensified in Russia. In 1905, about 3 million workers came to join the struggle. Czars then terrified and enacted "factory laws". Taking the movement further the workers captured the St. Petesburg in 1914. Beginning from 1917, workers launched struggle demanding their representation in the government. The czarist government ordered the demonstrators to report to their work. But the workers denied. Farmers were also poised to struggle in support of the workers. Russian workers captured capital on March. There was revolt throughout the country. The czarist government fell down and a capitalist government was formed under the leadership of Kerensky. Workers then had no representation in the government. As a result the struggle continued. Socialist People Workers' Party led by Lenin provided leadership for the struggle. At last in 1917 workers captured the state sovereignty in the famous October revolution. The Paris peace conference held in 1919, after the first world war, accepted to promote welfare of labour at the state level and a commission was formed for drafting international labour legislation.

4. International labour organization (ILO) and Human Rights

Under the tripartite arbitration between workers, employees and government the acceptance of freedom of worker's organization, collective bargaining, opportunity for training and development, guarantee for health and security and equality between male and female workers, gave trade union movement an international shape. In 1919 the ILO was formed by accepting nine point principles mentioned under the labour charter. According to the charter, 1. workers are not commodities for an exchange; 2. they should have right to organize; 3. wages should be sufficient to make reasonable living; 4. working hours of 8 hours daily or 48 hours weekly should be accepted; 5. there should be at least one day holiday a week; 6. child labour should be prohibited; 7. equal pay should be paid for equal work; 8. no discrimination

should be made between foreign and local labour; and 9. legal guarantee should be provided for workers welfare. As the notion of human rights grew stronger, it also started raising voice for worker's welfare. The article 23 of UN Declaration on Human Rights mentions clearly about workers' right. Fixation of working hours, prohibition of child workers, payment of equal wage for equal work, and provision of social and job security were henceforth to be accepted by the concerned nations. This made the relation between human rights and trade union more closer.

Today not only the UN but also many national governments have legally accepted the trade union movement. The ILO has advocated for an acceptable mode of evaluation of labour ban on sale and purchase of labour, no forced labour, workers' participation in management, freedom of organization, opportunity for collective bargaining and has declared that the right available to the citizens shall also be available to workers. The rights of trade union is available only to the party supporting the government in countries like South Korea, Thailand, Indonesia and Burma. Last year alone, seven thousand workers in South Korea were under government repression; of them many were in jail. In India, Srilanka, Australia and Nepal workers are struggling to protect the right of Trade Union. In these countries one hundred thousand workers were displaced from their jobs. Today international investment is increasing but the wages of the workers have not increased which has resulted in extracting unlimited gain by giving limited concessions. The trade union movement has been continued for the protection of human rights and the world organization is paying attention to this area.

5. Background of Trade Union Movement in Nepal

Workers, in common parlance, are those people who work for others for the payment of wages or monthly salary. But in particular, workers are those working for organized productive or construction sector selling their labour to earn their living. Many wage earners like coolies, farm labourers, though workers

are not professionally engaged in organized production sector. Those working in factory are called industrial workers who by the very nature are regular and professional. Thus the trade union movement or workers movement, an offspring of the problems and pain of the workers, is basically of industrial and professional origin. In Nepal, the number of unorganized and farm labour is high and their involvement in labour movement is not significant. They, however, are found to have been struggling for pressing for higher wages from time to time.

It is only after a decade of establishment of modern sector industries and factories (beginning from 1947 AD), that the workers' movement seems to have started. The industries established during the depression years of the Second World War days provided opportunity to link Nepali workers to the world trade union movement. As the Nepalis were deprived of fundamental rights during the Rana Regime, so were workers deprived of their human rights. Nepali society was being awakened by the movement in India and China for independence and freedom, so were Nepali workers awakened by the world trade union movement.

6. History of Nepali trade union movement

History of trade union movement in Nepal starts with the first industrial labour movement launched in Biratnagar Jute Mills. The movement launched during the Rana Regime, besides raising the issue of workers' welfare also raised the voice of human rights. So the leaders too were influenced by the contemporary political thinking. The movement moved forward with a common understanding between the communist influenced All Nepal Trade Union congress and Indian socialist party influenced Mazdoor Sabha. They both had understanding that the workers' organization's name and other functions too should not be based on the ideological differences, there should be united effort to fight against Rana Regime and establishment of human rights. The Ranas arrested the leaders of the movement including B.P. Koirala, Monmohan Adhikari, Girija

Prasad Koirala, and Nainlal Bohra. In 1950, the Rana regime was overthrown and Nepali Congress came to power in the interim government after Delhi Agreement. The workers criticized the Delhi agreement and did not support it. Many people stood against the Delhi agreement. The government, in order to retain its influence, imposed indirect check on All Nepal Trade Union Congress and formed a union called Mazdoor Sabha in Biratnagar. There too, the revolution launched the strike again demanding the enactment of laws for the welfare of the workers. The defeated faction set up another Biratnagar Mill workers' Association and started attacking leaders of Mazdoor Sabha, under the support of the government. By 1951, the communist party was banned. A joint democratic front was formed by combining different political parties and trade unions where a main faction was Nepal Trade Union Congress. Later on, all other unions except All Nepal Trade Union congress disappeared, and the congress alone remained active. Prominent leaders included Panchananda Das (who had shown historical daring to convert tractor into tank in the Revolution of 1951), Man Mohan Adhikari, Nara Bahadur, Dinesh Dubey, Bansi Lal Das, D.B. Rai, Nain Lal Bohra, Ayodhya Sing, and Mahesh Prasad Upadhyaya, who led the workers' movement in Biratnagar in 1951. Nine people were killed and 51 wounded in the struggle. A struggle launched by the workers in Birgunj demanding wage increase was repressed by the government leaving 5 dead and 125 wounded. But the workers' movement did not stop. Nepal Trade Union secured membership in Federation of World Trade Unions in 1953, thus integrating the Nepal trade union movement with the dynamics of world trade union movement.

7. Trade Union Activities Banned

The advent of Panchayat system in 1960 obstructed the progress in trade union movement. The freedom of organization was curtailed, and the ideas and conscience could not be expressed openly. The party politics became underground and the trade union movement got confined to underground activities only. The Panchayat Regime

imposed restriction on the functioning of organization associated with the ideas and conscience. In order to confuse the outside world Nepal workers organization, one of the class organization was formed from the yesmen of the govt. The organization could neither contribute to the trade union movement nor to the human rights. But the organization conspired against those who demanded human rights and trade union. The dissatisfaction was then brewing from inside. Workers were forming professional unity. The trade union movement after the national movement of 1979 moved forward with an accelerated pace. There were different professional trade unions and they together converged into a general federation of Nepalese Trade Unions (GEFONT) on July 20, 1989. It claimed to be the inheritor of All Nepal Trade Union Congress. This union, basically motivated with revolutionary ideas came forward as a common platform of workers. The division in the left democratic front also influenced the workers' union. But the trade union movement fundamentally limited to two divisions.

Trade union movement, still in the Panchayat era, came forward with different professional demands and also demand and slogan for human rights. Before the dawn of democracy in 1990, the aspiration of the people used to be reflected in professional struggles. Whether it be a struggle by students, teachers, workers or farmers, it included demands related to human rights, and political, economic demands and put forward their own demands. The workers of factories, transport, industries, hotel and tea estates launched many struggles. These struggles demanding increase in wages and facilities, freedom of organization, and reinstatement resulted in the expulsion of 855 workers, two had been killed; four given jail sentence and many were wounded.

8. Re-emergence of free Trade Union

The establishment of the party system provided new hope for Nepali Workers. They expected that the change would bring change in laws and behaviour in line with fundamental principles of ILO, Universal Declaration of

Human Rights and the long-term demands of the Nepali workers. Contrary to the expectation, the new system also could not deliver workers' rights. During the two years of 1991-92 there were 36 struggles of the workers. They include the political struggles to demand for the restoration of democracy, the wheel freeze struggle to protest the killings by the despotic government and demands of professional interest like economic demands, security and facility increase and reformation in management. Many trade unions emerged in the changed multiparty system. The GEFONT, which had been organizing clandestinely during panchayat regime and partly openly after 1979 movement, consolidated its position in a national convention. On the other hand, the proponents of the Mazdoor Sabha, reorganized themselves into Nepal Trade Union Congress. Even after the restoration of democracy, trade union had to go on strikes, lockouts and blockade (ghcrao), after the tripartite solution could not be reached to resolve the disputes. In this process 435 workers sat in for hunger strike, 145 workers were expelled; of them only 22 were reinstated. These statistics show that the human rights related to trade union are yet to be realized. In spite of all this many demands of workers were fulfilled during the interim period. The freedom for organization was guaranteed. There has been reformation in the enjoyment of human rights but still many Nepalese are deprived of their right to secure job. The workers charge that in spite of ratification of universal declaration of human rights, the government has been stingy to grant protection to the workers, capitalists are exempted to employ foreign workers, the provisions already incorporated in laws are not allowed to come in practice and there is failure to implement them properly. The supreme court recently, declared the provision of labour Act 1991, which annulled the provision: "preference shall be given to the Nepali", as it was against the constitution. This decision safeguarded the constitutional provision and also has protected Nepali workers from the competition of foreign workers. This also has carried the feelings of the workers.

Of the trade unions emerged in Nepal, only two are found to be influential. Nepal Trade Union Congress, an affiliate of ruling Nepali Congress and Trade Union Federation (GEFONT), affiliated to UML, main opposition party. The organization of employees of civil service and public enterprises are also divided into two mainstreams - democratic and leftist. Nepal Trade Union Congress has claimed that it has affiliation from civil servants, school and university teachers. GEFONT has affiliation of production-oriented workers and majority of factory workers are affiliated to this organization.

9. Development of workers related legislation and Human Rights

The first company act was enforced in 1936 during Rana Regime in order to promote industries. This provided liberal environment for capitalists. As a result many industries were set up in the private sector. The number of industries started increasing during the revolution of 1951. Workers became more aware of their own social and economic rights. They raised the question of their professional interest. They supported the communist party during the general election of 2015. Until then, there was no any law/provision to balance the relation between entrepreneurs and workers, to solve the disputes between them and to guarantee the facility and security of the workers. In this situation in 1959 the "Nepal Factory and Factory Workers Act" was enacted for the first time. Based on the act Rules related to the workers were enforced in 1962. In 1973 Bonus Act and subsequent Bonus Rules in 1982 were enacted. These acts and rules stipulated for fixation of salary, provision of leave, provident fund, housing and canteen, permanent tenure of jobs after 240 days of work, and provision of bonus and compensation. But majority of workers could not receive those stipulated facilities. Panchayat deprived them even of the right of organizing into trade union. There were many cases of expulsion of workers as against the provision of law. The tendency to keep workers temporary and deprive them of the rights they were entitled prevailed. After

reorganization in 1979, the trade unions demanded "to abrogate the black laws - issue progressive Labour Act" from the Panchayat days. The workers organized massive protest for the enactment of suitable labour laws and with other professional demands even after the peoples' movement of 1990. In spite of such demand the interim govt and later democratically elected government did not proceed to have the labour Act. On the other hand the "Nepal factory and Factory Workers Related Act" enacted in 1959 which underwent many amendments during the Panchayat days, was not only irrelevant in the changed multiparty system but also an weapon of capitalist to attack workers. Realising such needs, MP, house of representative, Mukanda Neupane, who was then Director General of GEFONT, registered three bills related to the workers in the parliament. The bills were - Nepal Trade union Bill - 1991/92, Nepal Industrial Relations Bill - 1991/92 and Labour Bill 1991/92. The government did not consider it to be constructive co-operation of the opposition. The bills were presented to the parliament on September 20, 1991 after which the parliament divided into two parts with opposition MPs in favour and govt. MPs against the bills. When the debate was held on the subject that labour-related Acts are not needed despite that there was distinct need of such a bill. All the opposition MPs boycotted the parliament to show their support to the bill. This was the first time that a bill for workers had been presented in the parliament by a workers' union and also act of unison of the all the opposition parties to boycott the parliament.

In the second session of the parliament, GEFONT re-registered the bills prepared by it. It complicated the government and the government tabled a "Labour Related Bill - 1991/92" by consolidating labour Bills and Industrial Relation Bills together into one. The bill with many provisions going against the interest of workers was discussed, debated and interacted. Subsequently Labour Act - 1991 and Labour Rules - 1992 and Trade Union Act, 1992 and Trade Union Rules 1993 were enacted. The labour Act 1991, and subsequent regulations made provisions of classification

of workers, issue of appointment letters, ownership change not to affect the status of workers, retrenchment of workers requiring approval, compulsory retirement age fixed at 55 years with a five year grace. The factories were liable to arrange safety in the workplace. The leave given to fulfil the death rituals was added. The requirement of rest room and canteen is to be arranged in a workplace where 50 or more workers work which was compulsory for a place with 100 or more workers earlier. Workers were classified into categories like Tea, construction, Transport, and Hotel-based sector. There is provision of labour relation committee. There is provision of reporting to the labour office. Labour related conflict is divided into collective and personal conflict. In case of collective conflict, the workers are given right to go on strike but they have to wait for 66 days and get approval of 60 percent of workers in a secret ballot before going for the strike. On the other hand the management can announce a lockout with a seven days' notice, or a three days' notice if felt disturbance thus trying to devoid the workers exercising their rights. The worst is the right given to management to "release workers if the worker displays bad conduct." Since due to lack of acceptable definition of "bad conduct" the law has given mandate to the management to make discretionary use of this provision.

In spite of all this, the Trade Union Act - 1992 and its subsequent Regulations have made a new beginning in this area. It has guaranteed right of workers to be organized and put forward their demand through such organization as envisaged under the principles of ILO. It has separated administrative employees. The act has made provision to form trade unions in a factory with a minimum of 10 workers; a trade union without participation of 25% of workers is disqualified for registration; a worker is not permitted to have membership in two unions, ten trade union associations can form a federation; the member trade union can have membership only in one federation; and unification of two or more unions can change the name. Further, provision is made to allow inclusion of members who are committed to work for the

welfare of the workers from outside the workers. Such members can be 10% in trade union and 25% in federation. There is a provision that creates doubt which gives the concerned office the right to issue directives to the unions in case of the actions taken by the unions against the peace order and economic interest of the country. There are also some provisions creating confusion among the workers. Whether self-employed workers, who are in sufficient number in our country, can form trade union or not? The act is silent. The deprivation of trade union associations to participate in collective bargaining has deprived lower unit with the bargaining power. The intention of this provision seems to keep the association far from politics and be committed to professional interest, social reform and economic advantage. These acts have guaranteed the right of social security, organisational freedom, collective bargaining, strike and protest to a certain level.

Now the salary of the workers are fixed according to the classification unskilled, semi-skilled, skilled and highly skilled worker. But the salary structure does not seem to be applied in practice. The laws prescribed the rights of getting wage, leave, medical facilities, work in safe environment and safety while working, compensation, bonus, gratuity and provident fund but are rarely implemented in practice. The child labour is prohibited but more than one-fourth of the work force are minors. Many industrialists have become miserly paying less wages to the women. There is provision of right to go on strike but the cases of expulsion of workers for going on strike and closure of factory is frequently seen. The workers are divided into two groups supporters of the government and opposition. The reconciliatory tripartite mechanism between workers, industrialist and the government "Labour Advisory Committee" is yet to be constituted. So even today the main demands of the workers are to make the temporary workers permanent, constitution of labour court, 40 hours of work a week as prescribed by ILO, provision of welfare fund, provision of health and child care, and workers participation in management. The Nepal Trade Union Congress is also silent about the human

rights related to the trade unions or many are not clear in that respect. The leading trade union movement, Nepal Trade Union Federation - GEFONT in its first national conference, has put forward immediate demands like constitution of a wage board immediately with the representatives of trade unions in order to fix the wages and other facilities and separate boards be constituted according to the nature of industry (e.g. industrial, hotel, trekking, garments, carpets, cleaning, transportation, tea, construction sectors, etc), making workers who have worked for more than 180 days permanent, constitution of "National Labour Advisory Committee" with representation from trade unions and federations and fixation of leaves through the committee, welfare fund and housing for the social welfare of workers, classification of positions and explicit system of evaluation and promotion according the transparent criteria and workers participation in management. These are the issues related to the human rights. It is rather the rights actually enjoyed by workers that guarantee the human rights and not merely the presence of trade unions.

10. Nepali workers in 1993

The situation of human rights in workers-related sector has remained unsatisfactory as verified by the workers' demands too. According to the industrial statistics of 1993/93, there are 223463 workers working in 4271 industries. These workers are affiliated basically to either of the two trade unions. It is mentioned that there are 10/12 trade unions around the govt. supported Trade Union Congress and main opposition UML-supported GEFONT. The government report indicates that there is no improvement in feelings of give-and-take between the management and workers through the trade unions. The workers from Biratnagar and Birgunj are relatively inclined to collectively present demand before the management whereas in other places the tendency is generally to present demands and grievances on individual basis. But the trade union organizations claim the govt. statistics are false. They say majority of demands and solutions come through the trade unions and

the collective spirit has also substantially increased, they claim.

(a) The govt. statistics puts 46 enterprises on strikes and 69 lockouts whereas Nepal Trade Union Congress says 12 strikes. But the GEFONT informs various measures like strikes, lockouts, gherao and go-slow persuasive measures in the struggle. GEFONT informed the Nepal Free Garment Workers Union with office in its premise solved 175 cases of conflicts, out of which 152 were related to personal complaints, 75 cases of illegal expulsion demanding reinstatement and 40 reimbursement of wage deduction. GEFONT informs, in far western region, 20 strikes, 20 worker arrests, one beaten, one had maimed in Butwal, 1 strike, 1 lockout, 7 major industrial labour conflicts in Sarlahi; 1 strike, 5 workers expelled, in Parsa; 15 worker arrests, in Bara; 1 strike, in Sunsari; 7 labour conflict, 1 strike, in Biratnagar; 5 strikes and many labour conflicts.

(b) In 1993, the number of workers retrenched from industries was 409 and 1451 placed in reserve from the enterprises that were privatized and change in ownership took place. However, the government did not provide the statistics of Harisiddhi Brick Factory and Bansbari Leather Factory. Among the non-government sector GEFONT verbally informed more than 1000 and Nepal Trade Union Congress 100 workers were retrenched.

There were minimum cases of appeal by retrenched workers in the labour office and court of law. According to the available information 7 workers were laid off from Pepsicola, Plastic Industries - Balaju, Laxmi Textile, Kiran Shoes and Ganesh Textile appealed in the appellate court and two workers from Surya Tobacco and Hotel Soaltee took their cases to the supreme court.

(d) In the case where the labour office or department had ordered for reinstatement, many industrialists have not complied but

appealed to the court. The labour office had issued order to reinstate worker Hema Raj Shrestha. The management did not reinstate the worker; instead it appealed to the appeal court for review.

- (e) The government reports that two persons died in industrial accident where as non-government sources put the number of industrial accidents to be 10. In the protest movement demanding resignation of the prime minister (wheel freeze of July 19 and 20), Dilli Prasad Gautam (Jhapa), Sagar Ratna, Mahesh Manandhar, Raj Man Shakya, Ashok Karmacharya (Kathmandu), and Bijaya Lama (Bhaktapur) were killed by police firing and torture. Sonam Sherpa and Dawa Sherpa died in an accident during Sagarmatha expedition. The government was not concerned about their rescue and not even their corpse were traced out. In other cases of accidents, one worker had his hands and another's leg maimed, he has received compensation. The cases of collective bargaining was 35 and a person related to trade union claims, such process has promoted workers' right and also created the sense of responsibility among workers.
- (f) The work permit system introduced in order to safeguard the interest of Nepali workers this year was implemented only for third country workers except India. The number of work permits thus issued at present is 149.
- (g) Even after the coming of Labour Act and Labour Rules 1993, Nepali workers have not felt that their rights have been guaranteed. There have been manipulations like operating industry under different names in the same compound, and with the same main gate and same board, different records for the same products under the same management, dividing the units of workers to show lower number and prevention to organize trade unions are reported. Such industries have tried to avoid permanent workers and have not paid even the

minimum wages. This has deprived the human rights of the workers and at the same time violated the convention already ratified by the government.

- (h) Uptill now the relation between workers, owners and the government in an industrial sector has not clearly emerged and the solution of problems is not done under the tripartite principles. The situation is that an industrialist can lockout in three days of notice whereas workers have to wait until 66 days to press for their demand. The workers sources said the system of making to work on contract and commission is still in vogue. This is also the reason why the workers are deprived of their professional interests, reasonable wages and human dignity.
- (i) The arrests, beatings, taking into custody and implicating on false charges against the workers have not yet been stopped. Hundreds of workers were arrested in the demonstration demanding the resignation of the Prime Minister. Even today many workers are still in custody or prison. They have been accused of murder, breaking, public offence and others. According to the Prisoners of Conscience Information Centre, this year 29 male and two female workers were taken into custody. Even those participating in May day celebration were also arrested and taken into custody. While celebrating 104th May Day in Nepalgunj, three workers were arrested. Four were arrested without reason when writing on walls. Ram Bahadur Chapagain, a worker from Baglung, had been accused of murder and put into custody. Those accused had been released on bails ranging from Rs. 2000 to 28000.
- (j) In 1993, the most important movement for the interest of workers and also event drawing international concern was 222 day-long struggle in Union Carbide Co., Balaju. The workers who were brought into the proceedings were reinstated after the problem was solved through negotiation. Similarly, Bansbari Shoes

Factory in Kathmandu, and different industries in Hetuada, Nepalgunj, Biratnagar, Birgunj, Bhaktapur, Jhapa, Pokhara, Janakpur, Bara, Sindhupalchowk, Chitwan, Sarlahi had also worker strikes. In many enterprises, the problems were solved through negotiation and the demands of the workers were also fulfilled.

11. Commitment to the Human Rights-Partial

Nepal has ratified four treaties under ILO in addition to the ratification of 14 UN conventions on economic, social and cultural conventions. Among those ratified are convention on one Weekly Rest Day in Industrial Services, Equal Wage for Equal workers for the Men and Women, Treaty Related to Discrimination in Employment and Occupation, and Fixation of Minimum Wages in Developing Countries. However, the facts suggest that government and non-government sectors have not behaved or worked according to the words and spirit of those treaties. There

are many related conventions still to be ratified by Nepali government. Among those conventions/Treaties related to the interest of workers are Treaty on Tripartite Consultation, Treaty on Compulsory Work, Treaty on Supervision of Wages in Industries and Trade, Treaty on Organizational Freedom and the Right to be Organized, Treaty on Providing Wages, Treaty on Migration for Work, Treaty on Implementation of Collective Bargaining, Treaty on Employment Policy and Age, Treaty on Migratory workers, Treaty on Termination of Employment. Thus the government should be committed to implement the ratified treaties and should also pay attention to ratify these remainings. The parties concerned with trade union movement should also strive to make provisions of the convention well-published and make workers aware of the human rights education. It can be said that commitment to human rights both from government and non-government sectors has so far been partial. So the task of providing guarantee to the human rights of workers through trade union movement is also partially attained. □

Appendix 5

Displacement Problems in Nepal : Some Examples

NEPAL is a country with rich natural resources and diversity where the altitude ranging from 200 feet to 29 thousand feet inclose valleys, mountains, Himal and Terai. The fertile plain areas yielding three crops a year and round the year snowclad mountains are the centres of attractions. Nepal with terai, mountain and Himalayan Range has an area of 147,181 square km where more than 60% is mountainous. 18.5 millions people inhabit in Nepal.

Terai, between 60 metres to 300 meters height, is the most densely populated area of Nepal. The mountain range starts from 300 metres whereas Himali Region starts from 3000 metres. The climatic condition of Nepal depends upon the topographical structure of the terai, mountain and Himalayan regions. Higher fertility in terai is resulted from plain area and favourable climatic conditions. The mountain region, from the point of view of inhabitation, is still not suitable. The slope and difficulty of sustainability in the difficult terrain and remoteness has made inhabitation in mountain area extremely difficult.

Big mountains, geographical difficulties for sustainability of life, development activities and natural geo-structure are always the subject of discussion and controversy, which are also known as the causes for making living difficult. Thus the migration, displacement and other natural processes can not be looked apart from the special geographical structure. Thus the process of displacement and migration should be looked in a way different from that in other countries.

There are basically three causes for the compulsion of people to leave their places of residence and inheritance. Thus it can be said that there are three processes of displacement in Nepal.

1. Natural forces and disaster

Nepal is said to be a country of young mountains from the geological point of view. Nepalese hills and mountain are the latest creation of the nature. The internal disturbances become more active in such places and the action of air, storm, fire, water equally influences the outer surface. Majority of territory is mountainous and is inhabited by a relatively denser population after Terai and a small human action influences natural balance and natural action influences human beings to a greater extent. The causes of landslide in the sloppy terrain are not only forest destruction and population pressure. They are also the part of natural process. The population pressure, forest destruction and other human action can only aggravate such natural disasters.

According to the study of ICIMOD, 50% (and somewhere 70%) of the causes of environmental degradation in the Himalayan Region are beyond the human control. Such environmental degradation naturally influences the habitat and together with it human activities accelerates the process of destruction.

In Nepal 21 percent of total area is brought under cultivation. Out of 30,52,700 hectares of agriculture land 600 thousand hectare land is in the hills and mountain. Out of total

population of the country, about 50% inhabit in the mountain region. So the produce from the mountain agriculture can not sustain the population. On the other hand the demand for agricultural land has been increasing every year due to increased population. Thus the human pressure is unexpectedly increasing for the available resources. For livelihood of increased population, cultivation in the slopes of more than 45 degree incline, destruction of forest to increase the food production have caused flood and landslides.

Due to very fragile mountains, Nepal annually has about 12 thousands landslides. According to the report of environment council, the flood and landslides caused annually destroy 8600 houses and influence 42,500 people. The river after the exit from Chure hills create big destruction in the Terai. The flood and landslides destroy 12 to 25 thousand cultivable land each year.

Although high sounding talks have been heard in Nepal on natural disaster and environmental destruction, the case of sufferers is almost never talked. When the people of affected houses and cultivable land migrate or start reclaiming the same place, they really have very difficult life. A regular natural cycle in Nepal has affected many people. For example, in the majority of mid-mountain area, heavy downpour is observed in each 10 years cycle. This year (July/August 1993) alone, heavy down pour and subsequent flood and landslides destroyed 38 thousand houses in the middle region. This also destroyed 200 thousand hectares of cultivable land and influenced more than 86 thousand families (about 430 thousand persons) (Source: report of Environment Protection Council).

Besides flood and landslides, other disasters like earthquakes, drought and famine also strike from time to time. Maybe due to it being regular event or by negligence, there has been no attempt to alleviate the natural disaster neither the infrastructures have been arranged to pre-inform about the disaster and secure. Disaster relief works are seen to have been carried for 2/4 days of the flood, landslides, earthquakes and fire. There has been no

planned rehabilitation and alleviation of the problems faced by the displaced persons.

2. Socio-Economic Process and Displacement

The prevailing social and economic causes have also resulted in hundreds of displaced persons annually. The internal migration is in the form of displacement and the process of migration has created displaced groups of people.

It is a well-known and proven fact that the agricultural land can not provide livelihood to the chunk of population inhabiting in the region. Forest destruction, unscientific methods of cultivation and soil erosion caused by natural action and also lack of sustainable means of living, have accelerated the cause of migration from mountains to terai for the last two decades. The people now residing in the mountains are middle class people. Those people after coming to terai, can neither maintain their original standard of living nor can work as labourers. The migration by people with reasonably well standard in mountain is also taking place to terai. As a result the middle class people have been compelled and left to stay in the sloppy land.

While assessing the need of land for a family made up of 5/6 individuals as per the present agricultural pattern, a minimum 1.25 hectare of agricultural land, 3.5 hectare for cattle, 0.3 to 0.6 hectares for fire woods, 0.4 hectares for timber making a requirement of 6 hectares is required for a family. The agricultural land available in mountains estimated by Environment Protection Council is sufficient merely to 100 thousand families. The human pressure in mountains has caused destruction of 53% forests and the migration has been the prescription to extricate from such complexities of the mountains. As a result, migration, is to get relief from land degradation, search for the better means of livelihood and for an easier life.

The pressure caused by migrants has, on the one hand, destroyed the forests in Terai and on the other increased the number of landless people who left behind their property at throw

away price. How many people can Terai accommodate? How many can make livelihood in the terai land? What is the sustainable size of population in terai? These have not yet become the topics of study.

Increase of socio-economic migrants has resulted in two types of displaced people in terai. Those selling all their belonging with lower price in mountains and who ultimately lost everything before settling in their house who can also be called landless. In the second category come those people who migrate due to demonstration effect of the early migrants to be displaced indigenous people. People in this category also include those indigenous people who can not stand the policy, rules of the government and social customs and values.

2.1 Displacement Process and Landless Problem

The word "Landless" is controversial in Nepal. The reason is due to absence of clear-cut definition of "Landless". The problem of landless people for the first time is perhaps associated with the abolition of slavery. Every system, every governments after then have assured to solve the landless problem, implemented some programs, and attempted to solve the program. But after the change of each system, government and program implementation, the problems of landless people have still been increasing. The reason behind the increase of the problem are economic, social, political and natural causes. But the questions like what is the number of landless people and families, where they are, has not yet been established and so become controversial as the definition of landless is.

All accepted fact is that the landless people stay in their squats around the terai forest and unregistered lands. Those, not having land registered in their names claim themselves to be landless. An acceptable and clear definition of landless has complicated the landless problem.

National Planning Commission while drafting the third Five Year Plan had formulated plan

for a planned resettlement. After the establishment of a Resettlement Company in 1964/65, golden chance come to the people willing to migrate to Terai. Later on regional resettlement offices undertook the work initiated by the Resettlement Company. Further Forest Area Strengthening High Level Commissions were formed to solve the problems of settlers in Forest Area. But yet the problem of landless is alive.

According to the government statistics, after the opening of Resettlement Company, 18,566 families were resettled uptill June/July 1988. Similarly from July/August 1970 to June/July 1988, regional resettlement offices arranged the resettlement of 76,739 families. The resettlement company, regional resettlement offices Forest Strengthening Commissions reclaimed 116,748 hectre forests and resettled 100,658 families upto June/July 1988.

Even after resettling 600 thousands people in the reclaimed forest area, more than that number of landless is still in Terai. On 1990/91, a working group on forest related problems constituted by the then interim government had made solid recommendations to solve the landless problems and had also quantified the number of landless in each districts. The number of landless residing in the forest area, according to the report, is thus.

Landless Settlement in Forest area in 1990/91 Families

1.	Jhapa	500
2.	Morang	450
3.	Sunsari	500
4.	Udaypur	5000
5.	Siraha	500
6.	Dhanusha	800
7.	Mahottari	625
8.	Sindhuli	500
9.	Bara	2000
10.	Makawanpur	3000
11.	Chitwan	550
12.	Nawalparasi	8100
13.	Rupandehi	9500
14.	Kapilvastu	400
15.	Dang	2300
16.	Banke	1500
17.	Bardiya	8000

18. Kailali	700
19. Kanchanpur	4000

(Courtesy: Report of the commission, average families mentioned, the number of landless counted are only those in forest area, so it does not represent all the landless in the country.)

The above statistics would justify how strong the landless problem is, but the chronic landless problems like Chulachuli (Morang) problem, Koshi Flood victim problem (Chakarghatti, Sunsari) are existing almost in each district. The commission in the past has records of distributing land ownership certificates where the land is not actually available, not giving according to the statement in the registration, distributing land discriminately 5 Kathas to some one and 1 bigha to others, giving land to some and denying to the others in the same situation. The problem was more aggravated when the landless problem was misused for notes (money) and votes by the political leaders.

After indepth enquiry of landless problem, Forest Study Working Group (under the chairmanship of Drona Prasad Acharya), had recommended for solution of landless problem in a way different from traditional measures. The group had recommended for payment of cash as substitute for land, desolution of resettlement department, local resettlement offices and Nepal Rural Housing Development Company, giving housing land to the landless outside the forest area and involve them in cottage industry. Check the transfer of ownership of the land distributed to the landless, give skill development trainings to enable to switch over to other occupation from agriculture and to resettle in their own district as far as possible. The most important recommendation was to issue green certificate instead of red for the ownership of the land. The recommendation made by the working group is still locked in the rack of Ministry of Forest.

When the landless problem is gradually increasing in the country, the unused land acquired to run development projects, unused,

unregistered, land left by rivers, excess of land ceased under land reform in 1964/65 which is yet to be distributed. The land registered in the name of industry and firms make thousands Bighas of land has been misused. If such lands are located and landless are settled much of the problem would be solved.

As a last resort, to solve landless problem, there is no other way than reducing the size of land holdings. The population of Nepal from 1964/65 when land reform was done has jumped in these 30 years and also changes has taken place in land utility and farming systems. So there should be progressive step in order to reduce the land ceiling. Land alone can not be the source of employment. The landless problem can not be solved permanently, until there is change in National thinking that every problems can be solved by land distribution.

2.2 Displacement of the indigenous people by the displaced

The pressure of migrants from mountains, the pressure of people who have received substitute land and many policies, rules are causing the indigenous people of the terai heading towards a crisis. Tharus who are indigenous inhabitants of terai are being displaced by the people migrating from mountains, rehabilitation of flood victims and other displacements and bonded labour system, viz. Kamaiya by increasing the population where Tharus inhabit. Bardiya district is a burning example in this regard.

The flood victims of Chitwan originated by the Narayani River, migrated to possess substitute land from Rara National Reserve Area and from Babai valley in Bardiya itself are migrants, are now the residents in Bardiya district. Tharus who were the owners of the land are slowly compelled to loose their land due to their naiveness, illiteracy, easily gullible nature, and cunning people who take advantage of such situation.

The Tharus who were displaced from their land due to social, economic and political reasons were left with only option to be

Kamaiya to make their livelihood. Those borrowing from landowners at high interest and ploughing for their masters all the year round without any payment, made attempt to be organized. In the beginning of 1990, the Kamaiyas settled down in Kanara near Taratal, Bardiya district which brought out the issues of displaced persons. Those Tharus numbering to about 5,000 families, who once were owners of fertile lands of Dang, Banke and Bardiya sprouted in Kanara. A study on the causes of their displacement is related to the social and economic structure.

Other indigenous people of the Terai are compelled to suffer similar situation like that of Tharus of Bardiya whether it be Meche, Rajbansi, Satar of Jhapa and Morang, Danuwar of Kamalakhong, or Majhis of the Kankai and Kaligandaki. All these indigenous races are on the verge of displacement owing to changing social and economic structure. The land possession of Satar, Meche and Rajbansi of Jhapa district is gradually decreasing. Their traditional occupation (alcohol manufacturing, collection of woods for sale) is becoming highly competitive and prohibited too. The Majhis making living by fishing on Kankai, Danuwar of Kamalakhong and Botes of Kaligandaki, are deprived of their means of livelihood they used to make from their fishing skills. Nobody is paying proper attention to such indigenous people who do not have lands to farm and adequate skills, are in very difficult position to sustain living and deprived of their living. This year, the year for indigenous people was celebrated. Talks were made on the subject of welfare of indigenous people. But the year ended even without deciding on the issue that who are to be called "Indigenous People". Identity of indigenous people and definition acceptable to all could not be found. The influence on the basis of survival of indigenous people, their displacement and prevention of such displacement probably in the shade.

Nepal is a country of different races and religions. The way of living of people of different classes and creeds is equally influenced by the physical resources, cultural customs, diversity and philosophy. Some races

are self-sufficient in traditional skills and profession and some professions are exclusively run by specific races. This aspect becomes more explicit in the case of indigenous and backward communities. But their traditional occupation, skills and resources are being threatened directly or indirectly. This does not only destroy their skill, the community making livelihood out of the skill and profession and ultimately their displacement creates crisis to their existence. So this area needs sufficient study and research at the same time taking caution to take care of their sensitivity while making policy. This is verified by the critical situation caused by displacement to the Meches, Satars, Majhis and Botes. Changing socio-economic values and standards, pressure of migration, straightness of majority of indigenous people and cunningness of other group to reap benefit from the situation are found to be the direct causes of displacement of indigenous people.

3. Distortion in Development and Army of the Displaced

The planned development of Nepal was initiated in 1956/57 with the launching of the first five year plan. The effort to develop infrastructures (roads, pathways, bridges, and irrigation) was important in itself but has also forced the government's intervention in the carrying out small traditional projects which used to be prepared by using local skills and labour of the people.

When the government nationalized forest in 1956/57, it then started the process of deforestation. Thousands of Bighas of land was destroyed. The policy of government to allow resettlement by destroying the forests of the terai complicated the sustainable means of indigenous people and also made the landless problem almost unsolvable. Forests were destroyed and rocks were broken in order to construct roads. The roads constructed at the advice of the foreigners, without caring the geological structure accelerated soil erosion and landslides. All these things disturbed the traditional means of living.

The development was done in the name of people but the people did not know where their voice was heard and implemented. As a result development started to be established as a process where government does and people watch. Construction of roads, irrigation canals,

dams to generate electricity and transmission of electricity cause reckless destruction of natural resources in a pace more than is sustainable. There also started the acquiring of land in the name of development and paying compensation. These people living with limited and fixed consumption of natural

The Village of Displaced Persons that has not Changed in 15 Years

AFTER the establishment Rara National Park in 1977/78, National Park Department in 1978/79 decided to displace local people to other places. The decision to evacuate the residents of Rara village was perhaps made through planned and continuous process. But the decision was harshly implemented causing many displaced people still hurt.

The displacement process was planned because the people were asked to choose the land of their preference. Some leaders of the villages choose to settle in Satpatiya forest of Motipur VDC, Bardiya District. The responsibility to resettle them was given to Resettlement Company. They were issued the order to leave Rara on November/December 1978 only 15 days before the date fixed for evacuation.

It is either 140 families (according to the authorized information of Rara National Park) or 250 families according to the saying of the displaced people who were asked by the king before their evacuation whether they prefer cash compensation or substitute land? When all chose substitute they were told to give one and half Bighas of land. But the villagers who were accustomed to different measure of land - Matomuri were confused. Lastly, it was decided to give them land from one and half to three Bighas, house for house and 300 cubic ft of timber. Immediately after the decision order was issued on November/December 1978 to evacuate their houses.

The villagers, cordoned by military security, were not in position to lift all their belongings nor were they able to sell their goods at a reasonable price. Even without allowing them

sufficient time to see off their relatives and neighbours, they were led to proceed with Rs 100 as travel expenses.

On 1978/79 they left their villages crying. When 64-year-old Tula Ram Budha (Chhetri) recalls the pain he had incurred that time his eyes are wet and his voice becomes heavy. He says "None bursts into tears without being heart from inside. There were many goods in the corners of the houses. Could not see house properly, could not leave clean house and could not eat during the travel. There was uncertainty about the place and shelter." When he recalled those situation he felt better to die. He can not tell anymore, his voice does not come out and is soaked with grief.

Then Resettlement Company had not started reclaiming the satpatiya forest of Motipur, Bardiya. They settled down in the bottom of trees. There was neither health post nor school. There was no road connection to reach their place and also no police check post. They had to cross the river twice and walk for four hours to reach Khajura, which was thus inaccessible during the rainy season. "For us who have come from a remote place, that place was extremely remote," narrates Nir Bikram Shah, who was one of the displaced persons.

Those people coming from a height of 10 thousand feet in Mugu, a cold climates were now in hot climate in the Terai. Without health facilities and they themselves becoming unconscious to the cleanliness, the flour given to them increased their disease. Due to the hot climate, 18 people including small children breathed their last in the forest of Satpatiya. No one was spared by sickness. Olds like Juthe

resources got immediate compensation "as fruit of development". But those who could not manage the compensation exhausted the resources at hand. The development externally imposed, exploiting natural resources and damaging geo-structure to maximum extent created heaps of developmental distortions. As

a result of such distortion today big battalions of displaced people have been created.

3.1 Cycle of Destruction

On a cursory review, construction of roads, dams to generate electricity, extension of

Budha, Rup Chandra Budha, Karnashila Budha, Kalchu Rokaya and new born babies expired in the jungle of Bardiya before they completed one year in the jungle.

They became terrified with the life in the forest and they themselves decided to quit that place. In the year 1979/80 they came to Chisapani of Banke squatting there. They were ignored for one year because they had left their allocated place at their own will. At last the Resettlement Company provided them 4 Kathas of land for housing on 1981/82. They were deprived of food and shelter for one year. The males went Chhinchu to work in the Surkhet Road Construction Project and females saved their lives by begging and earning wages.

The Chisapani VDC - 4, 5, 6, 7, 8 and 9 of Banke district can be called the settlement of displaced persons displaced from Rara VDC. They consist of Thakuris, Budhas, Chhetris, Rawals, Rokayas, Damains, Kamis and Sharkis from Chhapruk and Ward Nos. 1 to 6 of Rara VDC. They were given housing plots in 1981 and limited land for farming and no drinking water. Wells made by erecting wooden logs is the source of their drinking water. No one can grow food sufficient for living from the allotted land. At the time of supplying irrigation they dream of water in the Rara Lake.

Majority of the children undergoing displacement could not attain schools for two years. Those who had been in foreign land during the evacuation did not receive the compensation or substitute (The economy of people in many villages of Karnali district is based on the earnings they bring from India where they go each year after Dashain festival). Many family heads could not receive the substitute (an example is the then Pradhan Pancha Lalit Jung Shah). Among those, 26 families received ownership certificates from

Forest Strengthening Commission. Some persons including Yange Budha, and Prithvi Bahadur Budha are still in unregistered land.

Although they have been possessing the land, they have yet to receive ownership certificate. Upto 1985/86, all of them had not received the land. At that time they were to be given Rs 3 each day or milk, flour (Maida) and soyabean as the substitute. However, they received the facility only for 18 months. The government neither built their houses nor gave 300 cft timber as promised. Although they have received land ownership certificate from the Forest Strengthening Commission the copy is yet to reach land revenue office. They can not pledge the land to secure loans and also can not sell. They can not use logs left to them by the Resettlement Company. Deu Ram Budha, 41-year-old coming from Chhapruk says "The property inherited from father is exhausted by giving to the doctor who is running a private clinic. The government has not asked for revenue because the ownership certificate has not reached the Land Revenue Office. If the revenue accumulates we are again to be displaced from here."

For those compelled to leave Rara have their heart still in their birth place. They wear warm clothes in spite of the heat of the Terai. Their living in the house is also as usual as was in Rara. They have not yet changed their cleaning habits. Rolling the raw thread while they walk, a speciality among the Mugalis, is still alive with senior men. But the necklace and the bangles which the females traditionally used to wear in Mugu have already been sold to make their living.

Those displaced from Rara Reserves 15 years back are placed in the boundary of Bardiya National Reserve. So they have also still been suffering from the problem of wild animals. □

electric transmission lines, construction of irrigation canals, and establishment of National Reserves seem to make positive rather than negative impact. Everyone expects so and execution of such project is based upon people's aspirations. On an indepth analysis the projects implemented have created worse than better impacts. The reality is that nobody has paid attention to analyzing the ill effects of the executed projects.

The government pays compensation to those evacuated by it while constructing roads, dams for electricity and establishment of national parks, according to the market price and as per compensation Act. But the compensation is not the solution for a displaced person. Such displaced persons take years or even generations to adjust in the new place and get organized socially, culturally and economically. During displacements people become ill for the reason of climatic changes, nervousness and other emotional feelings. Students are disturbed. Employment and style of living are disturbed and take years to get adjusted to the new situations. Moreover, those who are forcefully evacuated have more of such feelings. The traditions, customs, religious and cultural activities of the original place get disturbed badly.

Besides the direct problems of displaced persons, different problems from the distorted development are faced by the local people. The adjoining fields and houses are affected by the roads constructed in the evacuated land. The example that the roads affecting the standard of living of local families can be observed in the roads constructed in hill areas. The effect of the Kulekhani Hydel Project and Bagmati Irrigation Project could be gauged from the devastation done to the people below the project site during the destruction in Sarlahi in inundation this year.

This destruction cycle not only affects the adjoining areas of dam and road but victims can also be the people in places quite far. As a result the distorted development causes floods and landslides initiating a continuous cycle of displaced people. This cycle of destruction to a

large extent is responsible to increase the problem of landless people in Nepal.

3.2 Deserted Houses Within the Greenery of Parks

Since 1971/72 National reserves and parks have been established in Nepal in order to protect rare animals and plants on the verge of extinction from the world. Some 22 thousand people were displaced for the establishment of the first national reserve. There were 9/10 villages now included in the Chitwan National Park. Villages then called Jabka, Bhimle, Jagadhari, Pannapanmi, Amrite, Kachhuwani, Dumariya, Sukhivat, Khoriya Muhan have now been converted into green reserves.

Bardiya National Park is a big national park established to protect the forest and wildlife of area between Terai and Chure Mahabharat range. The Babai valley that falls under the park was a fertile land. 1572 families residing in the area were displaced while expanding the park. The remains of houses still can be seen as a proof of village in Babai valley. Among 16 hundred displaced families some 250 were forcibly evacuated. Those displaced were allowed to settle in Taratal of Bardiya district in the land given as substitute. Even when the migration was in a nearby place, many people could not manage properly and turned to be like landless.

While establishing Suklaphanta wildlife reserve in Kanchanpur district 1011 families residing over there were displaced. Among the displaced, two hundred families received substitute land as compensation. The rest 800 families have become landless losing what they had. The expansion of Suklaphant reserve is still being done and many villagers are in the process of being displaced. Even without settling the earlier families, displacement of new one is creating bitter relation between the reserve and the local people.

The families displaced while establishing Rara National Park in Mugu got shelter after 10 years and after 15 years, but they are still suffering (see the box). Whether it be for Langtang or Sagarmatha National Reserve,

thousands of people are deprived of their shelter. While construction of dams for Indra Sarovar in Kulekhani, many villages were evacuated and were also compensated. But the compensated families have not yet been able to settle down. It is their routine to wander in different parts of Makawanpur as homeless. Many displaced are becoming labourers to earn their living. Presently, a debate on national level is going on, but how many people of Arun valley shall be displaced by the project is not yet made public.

3. The Issue of Cost Benefit and the Right of Local People

Even though there is not any study made on the distortion caused together with the planned development efforts, it may be reasonable to review the cost benefit aspect of each project. There is no dispute that the development works should be carried on, but such development should assess what the local people have received and what others received from the project.

The Constitution of Kingdom of Nepal 1990 has delivered the right of the local people for when the development work is being run, to seek their rights on local natural resources. When right to use water for electricity generation and consume electricity is protected, taking away of right of using water traditionally consumed does not make justice. The people of Kulekhani have no less right to use the Kulekhani water than the right of 10 percent of population of Nepal to consume electricity.

Big development projects were launched in the past, but the policy makers never tried to introduce the concept of analyzing the cost-benefit of the project to the local people. There has not yet been any changes in the process. The people residing in Babai valley and the villages under Suklaphant were enacted and reserves were established. The same land is being given to erect hotel. Is it a justice to allow business to operate by displacing the local inhabitants? The displaced people themselves have the right to be resettled instead of others. But the right of the displaced

people has always been ignored by the government and business interest is gaining the priority.

Development projects and displacement have remained as two sides of the same coin. It is argued in favour of development project that the minority should forego their interest for the sake of interest of majority. This logic is tenable at the facial look but it does not justify to accept the distortion caused by such projects. The fact is that displacement is not compulsive outcome of development projects, but is the result of fault in the concept of development project. Unless the interest of local people is cared by preserving their right over local resources and assets, by a development project, the displacement and destruction shall continue. The debate should be held on "development is for whom?" To clarify this need we may refer to the erection of national reserves by displacing thousands of people. The reserves guarded by the army has access to the poachers. Enmity exists between the local inhabitants and the national reserves. Encroachment in the protected forest is also continuing and the government now has started realizing that the protection of the parks is not possible without the cooperation of local people. On the contrary, the Annapurna Reserve, which has been protected by the people, has not faced such conflict.

Obviously, a sustainable development demands well-informed local people about their relation with and benefit from the project. If the benefit accrued from the reserves goes to government and businessmen and the loss and troubles are to be borne by local people, the reserves becomes an evil target of the local people. When local people are not involved in the development projects, the problem of displacement already surfaces, and the future of the development project is always a question mark.

3.4 Development and Social Justice

The setting up of development project and the welfare of local people are a question related to the economic, social, political and cultural rights and justice of the local people accepted

by the world community. Nepal has ratified various conventions, agreements and protocols related to the economic, social and cultural rights of the people. Abolition of social discrimination, regional development, discrimination against women, and welfare of children have bearing on the concept of development. The concept of development is not a static concept in itself. The definition of development has been changing with time.

In the present context, development connotes the increase in standard of surviving, living and increased in physical and mental standards and availability of minimum standards without adverse effect on the environment and local resources. But the development so far done did not provide the minimum standard of living but ignored the social, economic and cultural rights of the people. Development has

assaulted the feelings and spirit of convention on economic, social and cultural rights of the people, convention against social discrimination which Nepal has already ratified. The planned initiative for development, instead of providing natural justice, has rather contributed to social discrimination. The development has shaken the bases of income of those races and groups of people who were well-to-do in economic, social and cultural standards making them like refugees.

The refugees of development victims created by the development process in Nepal are the model of imposed development distortion. Such distortions can be terminated by selecting small projects and local people's participation in formulation of plans and honouring their rights of making decisions. □

Appendix 6

Some Topics Directly Related to Human Rights & 1993

Appendix 6.1

Rights of the Child

INTRODUCTION

The movement for the rights of the child has been developed as the major part of the human rights in the country. The rights of the children, particularly the issues relating to the children living at the most difficult circumstances, have been raised and advocated in an organised basis for nearly about one decade. The inception of the rights of the child movement in Nepal was inspired by the then human rights movement and the consequence of the draft Convention on the Rights of the Child. As the result of the restoration of the Multi-party democracy, the movement had gained the momentum. The then Interim government ratified the UN Convention on the Rights of the Child along with the number of the international human rights instruments and becomes the one of the first twenty states' parties. The movement on the Rights of the Child had been popularised mainly after the adoption of the Constitution of the Kingdom of Nepal, General Election, Adoption of Children's Act 1992 and Labour Act 1992.

If we talk about the basic status of the rights of the children, the children of Nepal are protected by the Constitution and Laws. The National Planning Commission has designed necessary plans of action for the sake of the overall development of children in Nepal. At the same time, it has shaped out some programmes for the benefit of the children living and working in the most difficult circumstances. With cooperation of UNICEF, HMG has brought a broader programme for children at risk in its Child Development Planning for 1990s. It has ratified dozens of

international human rights instruments including CRC for protecting and promoting the rights of children at risk. It is also bounded to help protect the children at risk by the COLOMBO RESOLUTIONS. More than a dozen bi-lateral, multi-lateral UN Agencies and International NGOs including the a number of the Save the Children Organisations and about 100 local NGOs are working in the country in order to translate the government commitments for implementing the CRC into action. However, the children in need are still in deprivation and the voices of these voiceless children are still unheard. There is a general feeling among the people that although something has been moving ahead in this regard, the process of empowering people in need is too slow.

Despite these inspiring things, the status of the rights of the children in Nepal could not be further enhanced and developed in an action basis, and ultimately, a majority of children remained under the same condition full of unrest, anxiety and unpleasant. From the government part, nothing concrete initiative has been taken into action in order to implement the UN Convention on the Rights of the Child. And, in reality, violations of the rights of the child have become nothing more than an every day reality in the country.

PATTERNS OF THE VIOLATION OF THE ROC

Despite lot of commitments on the CRC, violation on the rights of the children have become a common phenomenon in our country. The violation of the rights of the



A child in Nepalgunj jail without a charge

children can be observed in the following forms:

1. Violation of the Children's Act 1992

Despite the enforcement of the children's act 1992, the violations of the children's rights continue in our country. Besides the children's act 1992 itself is very ineffective in the absence of necessary bi-laws. In practice, none of the articles and clauses of the children's act 1992 has been implemented nor the perpetrators of the rights of the child are taken action. The children's act 1992 was unanimously adopted by the parliaments and put into enforcement in the month of May 1993, but this is far behind the implementation. The government has not yet brought any information when it will be introducing the bi-laws?

2. Violation of the CRC

As the result of the ratification of the UN Convention on the Rights of the Child, every state party is to submit its initial report on the implementation of the CRC within the first two years. The due date of Nepal for submitting the report to the UN COMMITTEE ON THE RIGHTS OF THE CHILD was

formally over on October 13, 1992. By the end of the December 1993, the government had not submitted any report nor had given any reason for this. Therefore, Nepal has been listed up among those states parties that have not fulfilled its initial obligation and the government has been repeatedly asked for the reason by the concerned committee.

The children's act 1992 is the comprehensive laws that protect and promote the basic rights of the Nepali children, however, there is number of such articles and clauses that are not only compatible to the CRC, but also violates the basic rights of the children.

3. Sexual Harassment and Sexual Abuse

Sexual harassment and street teasing are the common and wide spread problem every where in our society. There is perhaps no such woman in the country who is not suffered of this problem.

Sexual harassment in the form of street teasing, eve teasing, obscene remarks, body touching and humiliation are most common in the society. There is, perhaps, no such place in the country where women are not suffered of this kind of problem. It is not only the street, but every where, no matter whether it is office or factory, school or college, hospital or service centre, the sexual harassment is most common.

According to the CWIN survey -research on carpet industry in 1992, sexual harassment of the women were found in the following position; i.e. 29% is suffered of obscene remarks followed by 44% body touching and 27% eve teasing. Similarly, according to the survey of SAATHI, a new Nepali NGOs of privilege women for underprivileged, about 49% men are involved in street teasing of women in Nepal. The survey was undertaken



12-year-old Jagat Bahadur : Wounded by Police-firing in Capital

by SAATHI in 1993. The same survey report has revealed the fact that 69% of women are suffered of sexual harassment, 17% are abused in their residential areas, and 60% outside.

4. Rape and Killing

There are a lot of such rape cases in our society. The local feudal and landlords often commit rape and sexually harass and exploit the rural girls in their locality which do not make news in the national media and are taken for granted. Women are regarded as the second grade citizen in the society. The so-called well off and the upper class people in the village often harass and exploit sexually the lower class and economically backward girls. Once raped, the girl loses all her social and moral prestige in the society and are hated by all. This is what our society is. Thus, these raped girls have no place in the society and no option for their survival. Thus they are with no alternatives other than going for prostitution.

Murder or killing of women in Nepal is also slowly on the rise. There are two common evident causes of this notorious crime in general. Firstly, tendencies of criminal

violence against women are their deep root and form shape in the society; and further more, women themselves are becoming conscious, though very slowly, of their person. Some rapists kill their victims after raping for fear of being prosecuted and punished. Because abortion is illegal in the country, some women are killed when aborting a matured pregnancy or when they are poisoned in the pretext of abortion. Some women succumb to death due to inhuman torture, cruel beating and under feeding by their own husbands and in-laws for not bringing in enough dowry. Some women are even beaten to death for not bearing a 'son'. Such crimes are given the gloss of accidents or suicides in collusion with those in the authority and the case is thus left to be lost.

There is no exact figures about how many children were killed in the cold blood in the year of 1993, however, hundreds of children were either killed, murdered or imposed violence against children in Nepal. According to the CWIN report, some children were killed during the street violence and political manifestations.

5. Child Labour and Bonded Child labour

Child Labour exploitation is the most common form of the violation of the rights of the child. Despite the legal prohibition, child labour exists in every corner of the society. According to the CWIN statistics, there are more than 65 different areas where children of young age work as the labourer. Child labours are found every where from agriculture to industry, plantation, domestic service, constructions, mines, brick kiln, stone quarry and so on.

In 1993, as a part of the enforcement of the Children's act 1992 and Labour Act 1992, the concerned authority of the government took action against 23 carpet factories for employing children. The factories were fined and their name has been published in the newspapers. However, law could not be effective in bringing down the level of child labour exploitation and child labour is continuously being existed.

Bonded child labour has been found out not only in the agricultural sectors but also in other areas like, carpet factories, domestic service, tea garden, brick kiln factories etc. Child bonded labour in agriculture sector is still existed in the form of Kamaiya-system, however in other sectors, children are found in debt bondage for the amount ranging in-between Rs.100 to 15,000.

6. Trafficking and Sexual Abuse

Trafficking in women is one of the serious social problems in Nepal. The country has become so notorious in this regard that it is being known as a 'woman exporting country' outside the world. Most victims of the trafficking are the young rural women. They are approached by the local brokers under various disguises. They are serenaded, flattered and allured, attracted and given a brother's love, a relative's care, a neighbour's concern or nice testament. They are promised a good job or a good husband or both and are assured of a happy life in the cities and therefore, they deceived and fall into trap of the fake marriage. The innocent and simple

rural girls who have to endure untold hardship in their villages for a bare living are entangled into the traffickers' designs and abscond with the culprits in the mirage of a happy life in the cities they have never known before. They are then sold for a price mostly in different parts of India. Brothel becomes their new home and prostitution their job. Some wretched women are forced to take up this hateful 'profession' due to extreme poverty and due to lack of other suitable means to keep herself alive and to bring up her kids.

The number of prostitutes in Nepal is not exactly known. But it is reported that there are about 200,000 Nepalese women as prostitutes in different cities of India, with more than 30,000 children below 16 year.

7. Torture of Prostitutes

Most of the prostitutes who are sold out in foreign brothels experienced a horrible story of inhuman treatment and torture. Once they land into the brothel house, they are forced to surrender before the customers under threat and torture. If they refuse to bed with the customers, they are given different types of torture and ultimately prostitutes are forced to accept them.

During the CWIN survey in Bombay, Calcutta and Delhi, most of the prostitutes told that they had undergone through different types of torture as mentioned below:

- a. Physical assault
- b. Keep starvation
- c. Keep into isolation
- d. Beating with iron rod and batons
- e. Forced to drink and smoke drugs
- f. Rape
- g. Forced to abortion
- h. Mental torture
- i. Burn down by cigarette bolts

8. Jailed Children, arrested and detained Children

Every year, hundreds of children are put into the jail mainly for two reasons. First, children are put inside the jail together with their parents, if there is nobody to take care of them.

Secondly, they are arrested and detained for their offence and delinquencies. There is in average one hundred children through out the country who are detained because they are living together with their parents. Whereas, the children who are detained for their offence and delinquencies are comparatively very high and are treated as the adult criminals.

Detaining children for their delinquencies is quite in our society, however they are treated according to the law. In the children's act 1992, there are provisions of juvenile court, child care homes or correction homes, but none of the children detained was carried through the special children's court. Despite the provisions for the protection of children from delinquency and detention, the violation of the children's act 1992 is very common.

In 1993, nearly 500 children were arrested or detained and among them almost about 150 were the street children. Most of them were accused for thieving, pick pocketing and other violence. Similarly, more than 200 hundred street children were arrested during the political manifestations and strike on the street of Kathmandu. Although many of them were arrested for few days, they had to undergo through the police torture inside the custody centres.

9. Discrimination of children of the so-called Low caste people

The social out caste children are the victims of different forms of social and economic discrimination. The constitution of Nepal 1990 and Civil code 1966 have abolished the existence of any form of discrimination against any section, group and community. The ineffectiveness of the enforcement of law is responsible for increasing trend of the discrimination in the society.

Children in Nepal who belong to the low-caste communities are being discriminated in every rather social opportunity. It is because of the lack of "special reservations," the participation of children in education, social opportunities, training is very low, thus, they become an easy source of the child labour

exploitation. Despite the freedom granted by the laws, they are still very much controlled and can not move freely as they wish.

Because their parents are economically poor and socially boycotted, children of these communities are forced to live a miserable and marginalised life. They are still not accepted as an equal member of the society. It is mainly because of fundamentalism and conservatism, people and children belonging to these communities are still fighting against the social discrimination in the society.

MAJOR EVENTS IN 1993

Child Act 2048 (1992) prevents the employment of children below the age of 14 in form. As an example of the "effective implementation of Law," the government of Nepal took action against 23 carpet factories for illegal employment of child labour, and later declined to follow-up the cases. This action prompted the hanging of "Child labour Free" board in many factory gates and the children became adults overnight. The government also brought its own statistics regarding the number of children involved in the carpet industry. Its claim — only 0.76% child labour in the carpet industries — clashed sharply with CWIN's finding. According to CWIN's estimation, based on its research-survey, at least 50% of total carpet force consist of child labour. With a call 'defend the Rights of child carpet workers', CWIN launched an international campaign - 1993 for which a number of activities were organised.

Since 1989, the 18th of September is being commemorated as the "South Asian Solidarity Day Against Child Servitude" every year in various programmes in several South Asian countries as well as in Germany, USA and UK.

In Nepal, several Human Rights organisations and social NGOs: CWIN, CVICT, INSEC, INIURED, WATCH, etc. organised various programmes in Kathmandu this year. With the active participation of child workers and the representatives of several organisations, the Organising Committee held a street demonstration and publication exhibition.

Thirty-five districts of Nepal have been affected by the floods, of which seven districts - Sindhuli, Kavre, Makawanpur, Sarlahi, Chitwan, Rautahat, and Dhading have been badly damaged. Sarlahi, Makawanpur and Rautahat have been the worst hit. This is recorded as the first biggest flood devastation in Nepal in the last 58 years. The official flood death toll is nearly 1,000 with an equal number missing, while unofficial sources have estimated that over 5,000 have been killed and more than a million have been affected. Twelve key bridges on highways have been washed away and half a million hectare of farmland has been swept away in the five days (July 17- 21) of non-stop rain, marooning hundreds of thousands of people as well. The flood damages, including serious damage to the country's key electricity plant, the Kulekhani hydro-electric project, has been officially estimated to amount to "not less than Rs. 10 billion". Kathmandu, the capital city, has been cut off the rest of the country for more than 16 days, which has hampered the supply of petroleum products and everyday consumer goods, thus causing an artificial scarcity and big price hike in the city. The densely populated and fertile area of Sarlahi in the eastern terai was the worst hit, with 35 villages washed away and about 300,000 people affected.

Twelve year old Mohan Magar had no escape route when the flash flood hit his village. He was instantly swept away by the flood that raged through his village of Karmaiya in Sarlahi. After a frightening 3 km, he managed to grab hold of a floating log. His village, along with 35 other villages of Sarlahi, had been swept away by the menacing flood on that fateful evening of July 20. He remembers seeing his cattle being swept by the flood. He never found his family - his father, mother, grandmother, sisters and brothers. "My mother was blind and my granny's vision was also weak. They must have suffered the most. The current took my father while trying to rescue my sisters," says Mohan tearfully.

Mohan, a carpet worker in Balaju, Kathmandu had gone to Sarlahi to see his ailing mother. Now he is all alone in the world. His life now is a big question mark. So is the life of Nasey Magar, also 12. He and his father are the only survivors in their family of seven. Shanta Maya has only her new-born baby. Not only her house, but her whole village was swept away and she lost everything she had, including a son and daughter, whose bodies have not yet been retrieved. She herself had remained submerged in water for half an hour before giving birth to a baby who has now fallen victims to diarrhea, flu and malnutrition.

Even though the government has set up many relief camps in the different areas, significant relief efforts still remain to be carried out. Now, after less than two weeks of the relief operation, the government has already declared the end of the first phase and beginning of the second phase, long-term support action. But unofficial sources say that the government has underestimated the gravity of the situation and given an over estimation of their relief work, and newspaper headlines accuse the government machinery of not being competent enough to have really reached the needy with relief aid.

Recognising the reality of the immeasurable human sufferings and devastation, a number of NGOs has formed a joint front, the NGOs FOR DISASTER RELIEF, for joint relief action. The front coordination committee includes phect-NEPAL, CWIN, CVICT, INSEC and WATCH. The front has already sent a team comprising medical personnel and other volunteers to Sarlahi and Makawanpur to be followed by other relief teams to other areas according to priorities and need in the future. In its first press release, NGOs FOR DISASTER RELIEF has urged all NGOs, INGOs, donor agencies, volunteer organisations and individuals to participate in the relief action, and to provide all kinds of support. □

Appendix 6.2

Police Torture & its Prevention

"Nobody shall be tortured nor behaved in cruel and inhuman manner"

THIS provision incorporated in the article 5 of Universal Declaration of Human Rights, 1948 has been ratified by most of the nations of the world. They also have banned any tortures and pains inflicted upon by the people (who are usually organized and powerful). The UN adopted the "Convention for the Prevention of Torture and other Cruel, Inhuman and Dishonourable Behaviour or Punishment" in order to implement the human concern expressed in the declaration of human rights. Torture was defined by the convention as an dishonourable behaviour on a person threatening, misbehaving and inflicting physical or mental torture or pain in course of securing information, confession or any discriminatory act or such act done at the concurrence or order of the person who is acting in the capacity of government official.

Nepal adopted the provision of the convention on May 14, 1991 and made effective from June 13, 1991. The government has thus opted to take responsibility to prevent the citizens from tortures and create legal, judicial, administrative and other measures in order to create an environment to prevent such tortures.

After the interim government had ratified the convention against torture, the Constitution of the Kingdom of Nepal 1990, promulgated in 1990 has enshrined in it the right against torture. The Article 14 sub-article 4 has prevented torture, inhuman behaviour or disgrace towards an arrested person. In case a

person is beaten or tortured against the spirit and feelings of the constitution, there is provision of securing compensation.

After the ratification of the convention against torture and after making torture punishable demanding compensation, the human rights organization and parliamentarians were pressuring for enactment of laws on compensation. The Home Minister Sher Bahadur Deuba soon after becoming minister had given words in seminars, meeting and discussions that the government shall soon present a bill on compensation. The Bill could be presented only in the Fifth session of the parliament. Still the compensation act is yet to be discussed in the parliament.

Torture means, to the public, beatings, threatening and organised torture by police. The police has always used power as a weapon to maintain peace and order and to enforce law. Due to use of force and torture in the implementation of law, the torture has been frequently talked. Basically torture is illegal and the awareness of it being a crime is not perceived by the society and the police. As a result, many policemen unknowingly and many intentionally have used torture as a means of securing confession by the accused.

What are the means of tortures in Nepal? What are the ways? What is the perception of police regarding torture? Answers for these questions should be searched in order to prevent torture. An evaluation of torture as found through discussion with and expression of district police incharges, Inspectors, DSP, SP and supervisors is made here as an assessment into reality.

Torture: From the Words of Policemen

A widely used means of torture in police custody is beating in the sole. Bamboo poles and tyres are used to beat on the soles and the victim is made to run, jump after being beaten. Chilly smoke is created to cause irritation and suffocation to the victim. Another form of torture is to plunge the head in a water filled bucket in order to cause respiratory suffocation. Beating by stick in different parts of body, depriving from drinking water and eating food and preventing to go for excretion, making to stand still for 24 hours or more, using electric socks in different parts of the body, making the arrested person to stand on electrified water are painful ways of inflicting pain to a person in custody.

Illegal detention, depriving arrested person from food and water, dipping into cold water, confining alone in dark room and giving electric shocks in bare body are other modes of tortures practised.

Besides these methods of torture noted from the narration of policemen, there are cases of death while being tortured by the police. There are mainly three reasons of death while in custody. 1) Brutal beatings, 2) Serious health condition of arrested person before his/her arrest, and 3) Torture given while in custody. Many policemen told that they were informed of such death but none had to face any of such death cases.

Police say, there are various causes for the torture while in the custody. Limited manpower, lack of modern techniques of investigation, lack of training and appropriate instruction, nature of crime and the attitude of the person inflicting torture are the causes for torture.

The intensity of torture is more with the persons arrested in the cases under the Criminal Investigation Department, complicated cases, those not accepting their crime despite the evidences corroborates, those who do not give information when police knows there is enough information known to the arrested person, in those cases where

police itself is the victim, due to pressure on police to torture, and those persons registered for committing theft repeatedly. The transfer and promotion of a policeman, his feelings and cultural values, trainings also influences for the status and extent of torture.

"Principally torture is a method of investigating fact. But there have been misuse of torture in a large scale. The police forcefully makes any person to accept and sign the confession and presents the same as evidence to the court. Many innocents have been imprisoned this way" many policemen accept.

There are various factors to influence whether or not to give torture. Social status and possession of the accused, knowledge and capacity of the investigator, personality of accused and investigator and the nature of crime are the deciding factors. The policeman usually remains alert before inflicting torture. The police wants to see that the beatings does not cause injury, outsiders do not know about the torture that makes hue and cry. While inflicting torture the age, heart condition and sickness of the person is taken care so that there should not be accidental death.

The police itself decides what type and to which extent the person should be tortured. Special term is used by police for inflicting continuous and serious torturing. This special term used by police for such torture is "Third Degree".

Almost all the policemen are aware that torture is not legally 'good'. But an interview with 25 police officers from Kakarbhitta (east) to Nepalgunj (west) reveal that almost all were in consensus that torturing can not be stopped. An officer from Police Training Centre says "In case torture is not used to a certain extent, the criminals may multiply in society. Due to less use of torture, the goondaism (hooliganism) has increased in society".

The policemen are neither taught nor the law permits them to cause torture. The methods of torture depends upon the investigator and his/her order. "We are not taught about how to torture. Only the scientific method of

investigation is taught. But in practice we forego the scientific method of enquiry for the lack of suitable equipments and start torturing" opines a police officer.

Suitable room for enquiry and investigation, modern equipments and suitable manpower to handle it, lie detector in the laboratory, continuous power supply would improve the condition paving the way for not using torture.

In spite of having such reality, very few people who had their cases to court, were found not to have been tortured in one form or other. A retired government advocate who had already fought the case of a death in custody, identifies three types of tortures reaching to the court.

1. Those claiming to have been tortured but no bodily injury visible. If injury is visible, he is sent to the hospital for medical examination.
2. Those claiming that they were not physically tortured but were threatened to made them sign in a statement against their will.
3. Those causing minor injury by themselves to draw the attention of the judge with the intention of receiving his favour.

It is clear that the concept of torture has not changed yet. Torture has been in practice as an impeccable means to find the fact and secure confession in almost every custody.

Parallel Custodies

When the question of torture comes, it may mean the torture caused in police custody. Police have custody in order to maintain peace and order and to enforce laws. Similarly district forest offices have confined people for weeks in many districts. Forest office custody where rangers keep people in custody by exercising the right conferred on them by the Forest Act, 1991/92 is not as systematic as that of police custody. They are not clear about who is to be responsible to guard the custody. The Forest Act, 1991/92, though has given the right to forest officer to search without warrant, arrest or order to take into custody but

nowhere it is mentioned that the confinement can be made in forest offices. As a result, there is a question of legality of confinement under the forest offices.

It is not concealed from anyone that torture in these custody is of savage type. Laxman Bishwakarma who had been taken into custody by areas forest office under Sunsari District Forest Office, died while in custody. Who is responsible to the death occurred in August/September, 1993? Nobody has so far claimed responsibility for the death. Bishwakarma had felt insecure and got threatening with death leading to his suicide.

The primitive weapons of torture used in district police office and elsewhere like thread, stick and fist has also been used in almost all forest office custodies. The concerned human rights organizations have not paid proper attention to the provision of Forest Act, 1991/92 that come in conflict with the spirit and feelings of the constitution and on the torture houses created in forest offices.

Many questions have sprouted when a common man gone in the forest to fetch woods is arrested, forest guards torture against the provision of article 14 sub-article 4 of the constitution, behaving in inhuman way and even causing the death of person in custody and the society keeps quiet. While compiling the list of torture victims in forest offices their number is comparable to that of victims in police custody.

Torturing in Nepal: Practices

Torture inflicted are of two types - 1. Mental and 2. Physical. Beatings, suffocation by causing respiratory blockade and bodily injury and deformation are the modes of physical torture. The mental torture is more in practice. Majority of people have not paid attention of the mental influence created by the fear, threatening, intimidation or terrorising. Whether it be a case of mental or physical torture, it affect the mental state seriously. The torturers are also aware of the ill effects of the torture.

The form of torture and mode of torturing prevailing are described under different points below -

1. **Planned Beatings:** Planned beatings is known as PHALANGE in international terms. Calculative beatings on the sole by using sticks, tyres and other equipments, slapping in both the ears together, beatings in stomach, knee and other joints come under the planned beatings.
2. **Sexual Torture:** Most common type of sexual torture is rape. Insertion of stick in the private (sensitive) part, tying of rope in penis, giving electric shocks in private parts, beatings in boobs and other private parts etc. are still practised in Nepal.
3. **Using Electric Shocks:** This is highly painful and frequently used form of torture in urban areas. Electric shocks is caused in sensitive parts. Electric shocks given in ears, tongues, tip of the fingers, private parts are unbearable incidents still in practice even after the democracy.
4. **Creating Suffocation:** Suffocation is created when the face of the victim is dipped into water filled bucket. The sadist torturer see the restlessness of the suffocated victim and is taken out in the threshold of death. Sometimes the victim meets death. This type of torture is practised in almost every custody.
5. **Inflicting Burns:** While recording statements, burns is caused on the body of the accused by using lighted cigarettes, heated iron rods or burning firewood. This type of torture is also practised in Nepal.
6. **Hanging:** Such torture is caused by hanging the accused on one or both limbs. While so hanging the victim gets severe pain in hands, legs and joints. The victim is beaten while hanging. Torturing by hanging upside down was frequent in Panchayat days. Such torture is still in practised.
7. **Use of Drugs:** Compelling to take specific drugs and receiving injection come under

this heading. Even by giving ordinary medicine, the victim thinks it to be dangerous drug. It is not yet public if this type of torture is practised in Nepal.

8. **Grievous Hurt:** Practice of hurting to cause damage to bodily parts is prevalent in Nepal. Plucking bunch of hairs, haphazard cutting or shaving of hairs, pinching nose or ear, pulling tongue, injuring or pulling male organ, twisting ears, pulling out of hairs from sensitive parts and pulling out of nails are understood to be severe types of tortures.
9. **Tooth Related Tortures:** Breaking or displacing of teeth through beatings, plucking out healthy teeth and using tooth related equipments to cause pain come under this heading.
10. **Miscellaneous:** In addition to the above mentioned mode of torture, other types are also practised in Nepal. To put in turing (a means to immobilise body), make to continuously sit, stand or stay still in a single position and take adverse posture, use of fetter for neck, use of the nettle plant, making the victim to dig a pit for his own burial, making to lay bare on ice, using wooden fetter (Thingura), hanging upside down and giving smoke with or without chilly have already been practised in Nepal.

Those who have not suffered have difficulty in realizing the sufferings of those tortured. The bodily torture creates fear and terror. The mental pain thus inflicted affects the whole personality of the victim. Many, in Nepal, are not aware of the modes and forms of mental torture. And also the torturers are also not evaluating the repercussion of the heinous act. The following methods of mental tortures are prevalent in Nepal -

1. **Solitary confinement:** Those arrested are placed in sound proof and light proof solitary room without an access to outsiders. The victim then begins to forget date and become tired due to the solitude. The victim falls into despair. He becomes

shattered and dismayed from his very internal self.

2. **Threatening:** Threatening of continued confining or death, threatening to torture the accused person's friends or relatives or others come under this category. By doing so the victim develops the feeling that others are getting into trouble from his/her own cause and gradually tends to feel oneself culprit although for his no fault.
3. **Torturing just in front:** Making a person to observe torturing of other person or endeared ones is an inexplicable pain. Being a helpless spectator when someone is being beaten in front is a pathetic situation to everyone. The victims may develop a feeling that it is better to die rather than be alive to watch such scene.
4. **Disgrace and Sexual Torture:** Disgracing a person is severe attack on his personality compelling to work against own will and morality or being compelled to use dirty words against relatives and loved ones, disgracing by making to catch private parts and coerce to show the genitals or make to touch or eat the excretion or other unimaginable works come in this category.

Besides the above ones, other many methods are widely used. Describing the Nepali form of torture are - Threatening to kill when taken to a stream, making ready to bury in a pit, leaving the snake in the room with the accused, pointing the guns being ready to shoot, taking the accused alone to stream or temple and asking his/her last will.

Effects of Tortures

Torture have both physical and mental effects. It definitely weakens body and also influences personality and the style of thinking, living and others. Bodily deformation, injuries, and wounds are the external effects but the mental effects last longer for years. Mental effects are worse than the physical effects. Mental effects are more serious and last longer. The effects of physical and mental tortures are described below -

Physical Effects

- Physical pain due to wounds, cuts or deformations, inability to walk, limping, non performance of limbs and pain even if medically treated.
- Those persons receiving electric shocks get tooth felled, hearing loss, neurological disorder, pain in ear.
- Those tortured to make suffocation suffer with diseases like T.B. pneumonia.
- Those tortured with sexual methods get irregular monthly cycle, pain in productive parts, having dreadful dreams and getting terrified.
- Pain in the teeth and gums
- Wounds in places of burns, pain in veins and deformed parts.

The mental torture creates severe affects as compared to physical effects. In many cases, effects of mental tortures remain even after giving treatment. Mental torture creates following types of effects -

- The victim feels that he is destroyed forever.
- The victim loses concentration and remembers of the torture he had received.
- The victim can not accomplish job with concentration.
- New talks, voices develops internal echo within his mind.
- The victim feels always tired in despair and feels lonely.
- Is always worried and never gets good sleep.
- Sleep is frequently disturbed, dreams of dreadful things and of the torture received comes.
- Gets continuous headache and does not feel better even with medicines.
- Feel difficulty in developing physical or sexual relations.

These are the ordinary types of effects caused by mental torture. For the victims of sexual and other serious tortures, abnormal mental problems crop up. Due to such abnormality, suicide and inflicting pain on self are possible after effects.

1993: Year of Hope and Despair

The year 1993 can be said to be year full of events from the point of view of enforcement of torture and its prevention. Activities against torture and the use of torture were almost observed to have marched together.

In the third year under the constitution that have guaranteed fundamental rights, and after the institution of democracy, three people have died in the custody.

1. Bijaya Lama: Bijaya Lama, 18 years of age working in a carpet factory in Bhaktapur come from Kavre. On July 2, 1993, he was arrested from Bhaktapur in connection with the Nepal Bandh launched by left parties. Arrested Bijaya Lama was found in Bir Hospital stained with blood. He died in Hospital where the police did not allow anyone to reach him. Those who had seen him say that he was seriously tortured resulting in his death.

2. Laxman Bishwakarma: A 54 years old Laxman Bishwakarma was arrested from the forest under Bishnu Paduka VDC on July 12, 1993. He was found dead in the morning of July 17, 1993. His dead body was still in the custody of area forest office, Dharan. He was given physical torture in the beginning but later on threatened, his relatives informed. He hanged himself from the rope made by tearing the blanket used for covering his body. The guards are not kept in the custody of forest offices. The arrested people are kept like goats. Bishwakarma died because of locking from outside while he was in.

3. Prem Shrestha: A 26 years old Prem Shrestha from Chndranigapur VDC, Rautahat District was arrested from Butwal at 9 o'clock morning on July 30, 1993. he was arrested without any reason while in healthy condition but died immediately after his release. He was tortured throughout the day of his arrest and became seriously ill and injured from the torture. However taken to Butwal hospital on the 2nd August. Although nothing was mentioned in the hospital record, but those who had seen him say shrestha's face and

limbs were severely swelled. He made final exit the same day he was taken to hospital. Postmortem was not done for this case. Many say the deceased was brutally tortured by police inspector Bijaya Bhatta in the name of investigation. Paper has accused the involvement of Dr Lokendra Bhatta for the hiding of the case. But the involvement Dr Bhatta is still unclear. Uptill now there have been no enquiry of the abnormal death in custody and the culprit also could not be punished. Different cases of tortures was covered by papers throughout the year. They covered wide range of cases of torturing.

- On April 15, 1993, Kathmandu Post had published news with photo on Balkumari Sword festival where tongue is drilled. Based on the legend where the brother Nil Barahi had appeared with tongue drilled one of the person pierces his tongue with a spike and is taken around the village to celebrate the Jatra (festival).

- On May 19, 1993, Distri weekly published the news on beating of an office peon by CDO khagendra Dev Joshi of Dhankuta in his own office.

- On July 14, 1993, Dristi weekly published the news on torture where Bijaya Lama was dead and Sanjaya Bajracharya, Prakash Mahajan etc were seriously beaten resulting in their physical deformation.

- On August 24, 1993, the Yug Sambad weekly published report on the release of some policemen from service during the days of the movement. Some 80/90 policemen protesting the release were tortured in police training centre continuously for ten days.

- Many papers published the news on the incidence of Barathatha taken place on August 23, 1993. Desantar, Janaswatantrata, Kantipur published news on the incidence which caused debate in the parliament too.

Barathatha incident was thus - Two local businessmen were taken to Barathatha police by accusing them of doing corruption in relief works. The police arrested Kiran Shrestha,

Shankar Rokka and Lochan (Luchan) Nepali who were there to drag the accused businessmen to take them from bus to police post. Inspector Balakrishna Chaudhary arrested them in insulting way and tortured in custody. The local people surrounded (Gheraoed) the police post to protest the arrest. Those tortured were taken in hospital but which also resulted in bigger mass to surround (gheraoed) the police post. Police fired to diffuse the mass where Kaplu Sing and Bijaya Mahato were dead. The police had fired 65 rounds of bullet without any preemptive measures like using tear gas and lathi (baton) charge.

- On its issue published on September 21, 1993, Dristi Weekly published about the inhuman torture given to the inmates from Ilam Prison. Four prisoners (Khagendra Darji called Ram Bahadur, Chandra Man Rai, Kiran Majhi and Santos Sunuwar), who had attempted to escape by breaking the jail were tortured by the prison guards. Inmates Krishna Timsina and Ganga Gautam who, though, unrelated to the escape case had raised the issue of prisoner's rights, were beaten in inhuman way on August 18, 1993.

In addition to the above mentioned materials published other concerns on tortures were also published. News on torture had been published in Mahanagar daily, Prakash, Chhalphal, Suruchi, Matribhumi, Gorkhapatra and other publications.

This year two reporting on torture are of special importance. One of the news is from Dhankuta and another from Nepalgunj. In both these events the victim and the related persons had protested.

1. Dhankuta - While protesting against the police torture upon its arrested workers UML had called for a protest demonstration in Hile Bazar on August 17, 1993. The meeting organized to protest for not allowing the relatives to meet the arrested persons and for forcefully recording statement by beating was the first of its kind in Nepal. This was the first mass meeting against torture which has been publicly known.

2. Nepalgunj - Om Prakash Agrawal, a businessman was arrested in a case of dispute with his neighbour, sat on hunger strike to protest against the police torture received by him. He was in serious condition due to the torture in the custody and was taken to emergency section of Bheri Hospital.

These two demonstrations against torture taken place in Dhankuta, eastern Nepal and Nepalgunj, mid-western Nepal reflects increased awareness against torture. This also indicates that people themselves protest any action or forces that goes against the spirit and feelings of the constitution. Such activity which may be minor but symbolic discourages those torturers and encourages the people to take joint action against the torture. Ilam District Bar Association had filed a case against the torture in Ilam district symbolising increased concern against torture.

Compensation Bill - The Constitution of the Kingdom of Nepal, 1990 in article 14 (4) has stated that person arrested for investigation shall not be behaved in inhuman manner and shall not be tortured, in case it so happens the person shall be compensated. However, the relevant act was not made. This year Compensation Bill has been tabled in the parliament. In spite of having various shortcomings and weaknesses, the tabulation of the bill is a major achievement in the activities against torture.

Prevention of Tortures

- Higher level government institutions and authorities should protest against torture. The employees related to the implementation of law should be told and assured that any sort of torture is not acceptable and bearable to the government.

- No one knows what happens to an arrested person if not allowed to meet any outsiders. If it is to save a person in custody from torture and misbehaviour, the government should guarantee the safety of the arrested person. The arrested person should be produced in the court in time as stipulated by the law. The government should guarantee the frequent

access of the person in custody to the legal aid, own persons and medical people.

- Arrested persons are still taken to unknown places and tortured and misbehaved. Some of the arrested persons are also found missing. Thus the government should prohibit secret custody and guarantee to let their own persons and legal practitioners be informed.

- The government should make regular review on any cases of tortures under procedures related to the arrest and recording statement. The person in custody should have right to lodge complaint for medical and other facilities. In case any question comes about the violation of the rights of the person in custody, the government should be responsible by clarifying the case. There should be two separate units to keep in custody and to record statements. This system should also assure arrested person against torture.

- All the complaints against tortures and reports should be investigated in free and independent manner. The government should make the study report public. The person

initiating complaint and the witnesses should be allowed to be fearless and secured.

- The government should honour the principle that confession or other statement recorded under coercion is unacceptable for the judicial purpose. This will discourage the culture of using torture for recording statements.

- The law of the land should declare any kinds of torture to be illegal and should be treated as a crime. Even in case of emergency, torture should not be brought in practice.

- Employees and other authorities responsible to record statements or behave the arrested person should be trained and made it clear that torture is illegal and a criminal act. Training may help to reject any order to torture and not act in a manner violating the provision of the law.

- The victim of torture or his/her dependents should be entitled to get compensation. The victims should receive medical treatment and then should be properly rehabilitated. □

Appendix 6.3

Refugees Problem in Nepal

A LONG with the evolution of human community there was felt on exigency of laws and rules to regulate the community in a natural way. At the outset religion and culture taught people to live within the limits of morality. However, in this context several persons were deprived from natural justice. It was natural that with the gradual evolution of human civilization people began to be aware of social justice, rule of law and human rights. For their attainment existing social system was modified to accommodate the concept of justice and human rights based on modern scientific method. Today's polity is an attempt to adopt this modern value as a purposeful means.

The modern task assigned to the political system to implement the concepts of disciplined community, easily accessible justice to all and human rights gave birth to two classes - rulers and the ruled. The existing conflict between these two classes has of the been focusing the need for equality, justice and human rights in society.

Equality and human rights have come us as the root cause of the conflict between rules and the ruled in several countries. The struggle for achieving people's just and divine rights has attained victory in many places, while in others autocratic rules have crushed people's movement for their right cause brutally and mercilessly and forced hundreds of people into exile. In addition, people have also to experience the bitter situation of displacement from their nations created by devastating wars as a result of foolish rulers. There are

approximately 18.2 millions of people who have been forced to become refugees and like miserable lives. According to the report published by U.N. Refugees Commission towards the end of 1993, there is one refugee in every 130 persons and 10 thousand persons are forced to become refugees every day. They are war, political, religions and other refugees.

The last two decades have experienced a large increase in the number of refugees. Prior to 1970 their number was less than 250 thousands, but now in the early 1990s it has gone up to 18.2 millions.

The refugees' problem is a serious and common global issue. It has affected, more or less, all the nations in the world. According to the statistical details available, more than two dozen nations have been facing the dire consequences of this problem. According to the UN high-level commission on refugees, India, Nepal Sri Lanka Bangladesh in South Asia are adversely affected by the refugees' problem. In this region there are over 500 thousand refugees living a hard life.

According to the official figures made available by Ministry of Home, HMG/N, there are only 100 thousand refugees in Nepal at present. These figures also include 85 thousand Bhutanese and 15 thousand Tibetan refugees. These refugees live in 22 districts in Nepal. As per Ministry of Home, these districts are Jhapa, Morang, Darchula, Humla, Jumla, Dolpa, Baglung, Manang, Mustang, Gorkha, Tanahu, Rasuwa, Kaski, Dolakha, Sindhupalchowk, Solukhumbu, Sankhuwasabha, Taplejung, Ilam, Bhutanese

refugees in the two districts of the Terai - Jhapa and Morang, while the remaining 20 districts have sheltered Tibetan refugees.

According to the official report, the refugees in Nepal are from only from two countries - Bhutan and Tibet, China's autonomous region. This situation is, however, different in reality. For some years Nepal has been experiencing the increasing pressure displaced persons from countries like Bangladesh, India, Pakistan, Afghanistan and Arabian countries in West Asia. Recently, with the collapse of the USSR and the following internal conflict and civil war, Russians have been observed in Nepal in a limited number.

1. BHUTANESE REFUGEES

According to the report made available to the Operation and Implement Management Unit at Chandragadhi, Jhapa by HMG/N, 281 Bhutanese refugees entered Nepal at Kakarbhitta entry point in the east in December, 1993. According to the same unit, the number of bhutanese refugees reached 85,043 by the end of 1993. It is a matter of serious concern that the trend of Bhutanese refugees entering Nepal is a large number continued even after three years.

To resolve this issue the Ministers from Nepal and Bhutan held discussions in October, 1993, but this meeting turned out to be a blow. It classified the refugees into four categories. One of them was labelled as "criminal refugees". Since this classification, there has always been raised a question: Does the definition of refugee include criminals as well? Or are refugees criminals? In brief, the October meeting was intended to focus on criminals and insult refugees.

The Bhutanese, who uphold the ideals of human rights, equality and democracy, have been forced to live as refugees for the Bhutanese rulers atrocity. They can, by no means, be accused of crime. Nepal has provided them shelter; it does not mean supporting crime. It is regrettable that the October talk has turned out to be a challenging issue for refugees at the global level.

Because of long diplomatic inertia the refugees' problem is getting more and more complicated. No progress has been made in the direction of sorting it out owing to the inefficiency on the part of the participants from both sides. It has given rise to a host of crises at the national and local levels in Nepal. Despite the official figures which put the number of Bhutanese refugees as 85 thousands, their real number is estimated to be 100 thousands.

Entry into Nepal

With the aggravating atrocity of the Wangchuk Government in Bhutan, Nepali-speaking Bhutanese were treated as cattle. Bhutan is in fact, a multi-ethnic and multilingual nation. However, the Wangchuk Government tried to impose Dukpa culture in the name of Bhutanization. As a result of this unrestricted desire, Nepali-speaking citizens were getting deprived even from natural justice. The forced imposition of ethnic unity on the diverse cultures, traditions and values existing in Bhutan resulted in revolt and disintegration. The relation between the government and people became tense. The government adopted the policy of suppressing this dissatisfaction and revolt by using force. consequently, Nepali-speaking Bhutanese had no choice but to take shelter in Nepal from October/November 1990.

Bhutanese refugees entered Nepal through Kakarbhitta in the east. With the assistance of the local inhabitants at the bank of Kankai river in Jhapa district, they settled in camps there. The official records about the refugees were, however, kept by Kakarbhitta Police Station only from December 13, 1990, when 32 refugees including nine members of the family of Devraj Rai from Golphur in Samsi district were registered. By 1993 their number has reached 85 thousands. They are settled in 8 refugee camps and receive assistance from the U.N. Commission on refugees.

(a) Location of Refugee Camps

To Bhutanese refugees are settled in 8 camps situated in Jhapa and Morang, the two eastern Terai districts of Nepal.

Bhutanese Refugees in Different Camps

SN Camps	No. of Families	Males	Females	Total
1. Beldangi 1	2539	7416	7127	14543
2. Beldangi 2	3360	9463	9218	18681
3. Beldangi 2(expansion)	1742	4949	4703	9652
4. Timai	1385	4172	3957	8129
5. Goldhap	1357	4075	3808	7883
6. Khudunabari(north)	1295	3569	3422	6991
7. Khudunabari(South)	426	1171	1136	2307
8. Shanishchare	2815	8501	8108	16609
9. Out side of the camp				
(No. of the refugees receiving ration from the camp)	79	145	103	248
Total	14998	43461	41582	85043

Area covered by camp

SN Camp	Area(in hector)
1. Khudunabari(both)	60
2. Timai	12.5
3. Shanishchare	43.5
4. Goldhap	14
5. Beldangi 1	28
6. Beldangi 2	37.8
7. Beldangi expansion	30.6
Total Area	226.4

(b) Population-wise Characteristics of the Refugees

Approximately 85 thousand Bhutanese refugees are settled in 15 thousand huts constructed at 8 camps. Of them 51.01 percent are males and 48.99 percent females. About 80 percent of them suffer from some sort of disease. Children below 5 have to lose their hobby of playing in dust.

According to a survey carried recently by the Health Service Resource Centre, children below 5 constitutes 14 percent of the total refugees, i.e. 12 thousands. The number of refugees in 5-15 age group is 31 percent. The highest number of refugees belong to 15-45 productive age group, i.e. 43 percent; they have to live in distress and depression. The number of refugees above this age group is 12 per cent. Three 103 year-old refugees, namely, Nilkant Adhikari, Dhanmaya Nepal and Bhim

Bahadur Basnet, died last year. Thus, even the extremely old invalids who can walk with sticks have been forced to lead a painful life of refugees.

Skilled Munpower

According to the statistics estimated by the office of Bhutan Human Rights Association set up at Birtamod to systematize the details related to refugees, 28 per cent of them are literate, and remaining 72 per cent do not know even basic reading and writing skills. The number of persons skilled in sewing, weaving, manufacturing clay pots and other domestic professions is marginal. To be specific, only 2 per cent of the total refugees can take skilled professions.

Settlement period of Refugees at Camps

Majority of the refugees have been settled at camps from the last one year. On average 60 percentage of the refugees entered Nepal only during the last year. This increase has added up several serious problems at camps. In the first year there were only 10 per cent of the total number of refugees at present, whereas there works an increase of approximately 30 per cent in the second year.

(c) Geographical Effect

These refugees sheltered in the Terai climatic condition were brought up in the various geographical settings of Bhutan. Only 20 per cent of them can acclimatize with the Terai, while 76 and 4 per cents are estimated to have been brought up in the hills and the mountain, respectively. As a result, majority of the refugees find it extremely difficult to adopt themselves with the Terai atmosphere and way of living.

Most of them, brought up in hills and mountain, have not developed resisting capacity against Malaria and other diseases prevalent in the Terai region. Thus, they have to suffer from various diseases owing to change in physical condition. Above all, malnutrition and lack of sanitation at the campus are of serious concern for all.

(d) Social Setting

These refugees, with diverse cultures, religions, social norms and geographical conditions, have been subjugated to live in entirely different setting in the camps. Political prisoners have been tortured physically as well as mentally as a result of the government's inhuman oppression.

Prima facie these refugees appear to be the victims of organized and common torture. About 80 per cent of them have already undergone the tragic shock of death casualties. Besides, during the period of the last three years, about one thousand and two hundred refugees had led their lives in famine and scarcity. About 100 females have been raped by Bhutanese army men and some of them have given birth to children. However, a closer look into the refugee camps reveals that there have been developed mutual conflict prejudice and harassment among the refugee organisers, instead of mutual cooperation and sympathy. These issues have made them insecure and pessimistic about their lives. Several times voices have been raised in the camps against the conflict and prejudiced behaviour among the refugee organisers.

Inter-family conflict is another complicated issue inside the camps. Trivial matters like fuel-wood and theft have turned out to be the main reasons for quarrel. At times communal feeling is also found to aggravate conflicts.

The refugees are being pushed into abnormal condition owing to their physical torture, bitter experience in jails, family alienation, rape and the like. To get over this situation they need to be rehabilitated not only physically but also mentally. However, no one has so far paid attention in this direction.

(e) Supporting Organisations

In the beginning local inhabitants extended support to the Bhutanese refugees. A few months later the UN High Commission for Refugees provided shelter, food and cloth to them. Even now the UN HCR has been engaged in this activity. In addition,

international agencies like Lutheran, CIVICT, OXFAM, Save the Children, Caritas Nepal, Nepal Redcross Society, World Food Programme and others are extending assistance directly or indirectly. Local Social organisations and Nepalese non-government agencies have been involved in it from the very beginning.

For providing food to the refugees, every one of them is served these items daily: rice 430 gms, pulse 60 gms, edible oil 25 gms, sugar 20 gms, salt 5 gms. Besides, he/she is also provided fresh vegetable 300 gms, potato 300 gms, onion 60 gms, garlic 10 gms, turmeric 10 gms, and chilly 10 gms per week.

The distribution of cloths varies in terms of age. These cloths include trousers, shirts, pants, kurta, mosquito nets, sarees, blouses, petticoat, etc. At Goldhap and Beldangi, wood is used for fuel, while at Pathari Camp Kerosene oil has recently started to be distributed for this purpose. Cooking utensils, mosquito nets, beds, etc. are provided on sharing basis.

(f) Effect on the Local Eco-system

The interdependence and inter-collaborative relation among natural products like living creatures, vegetarian, germs and atmosphere help to maintain a type of ecosystem. Nature can adopt the gradual change to a natural process. The natural ecosystem of Jhapa and Morang has been burdened accidentally with the presence of Bhutanese refugees. As a result, the local ecosystem cannot operate in an easy and natural way. In this region every natural asset including human beings has to face several fresh challenges and handicaps, social, economic, political and natural sectors have been adversely affected not only at local level but also the national level.

(g) Social Perversions

There is nothing peculiar about social crime for the average refugees who have been deprived of even divine rights. Thus, they have been forced to be immoral because of scarcity and crisis. Besides, the local youths who lack

self-discipline are found to be prone to unsocial activities prohibited by the community. Several local social norms have been upset by the refugees' presence. These aberrations may have been long-term negative impact on the social set-up of Jhapa and Morang districts.

Prostitution

The Bhutanese refugees are held accountable to aggravating prostitution in this area. It has become a compulsion for the Bhutanese women raped by Bhutanese army men to attach higher priority to the maintenance of their lives than to social fear and harassment. As a result, it is not only a camp but also a chief town of Jhapa district, which has become notorious for prostitution. The managers of a few local hotels and lodges provide incentive to this profession. The prostitution initiated by refugee women has now turned into child prostitution at Birtamod. Girl students in classes 8 to 10 are being forced to involve themselves into this profession through allurement, threat or deceit. This situation has created worries to local parents. It is said that Pathibhara, Sayapatri, Kanchanjha and Shikhar hotels and lodges at Birtamod function as centres of this unsocial activity not only during days but also during nights. The hotel and lodge managers have fixed the rate of amount for males and females staying there for prostitution in terms of hours. They charge Rs. 150 for renting a room for an hour in day time. Likewise, Damak, another town in Jhapa, has been notorious for this profession.

The prostitution started by Bhutanese refugees has now turned into a serious and unsurmountable issue for Jhapaite. The search for girls from neighbouring villages in this connection has adversely affected them. Thus, the absolute value to consider prostitution a crime is now in peril.

There has been heard a rumour that the influential individuals inside the refugee camps and also the persons associated with donor agencies exploit refugee girls sexually. There are openly seen young girls in fashionable dress and alcoholic drinks even

inside the camps. The young boys from the neighbourhood are found playing carom boards and cards or roaming about.

Illegal Activities

Owing to mental disorder several refugees have been found addicted to alcoholics and drugs and also involved in their transaction. The local administration has arrested some refugees several times in this allegation for interrogation. They export drugs to India through the route of Kakarbhita. Because of the open border between Nepal and India, this trade has been fostering. Local unemployed youths are also involved in it. This is a trend towards the wastage of youth power in Jhapa. The individuals addicted once to drugs become socially misfit. Such persons will certainly give rise to social chaos and other perversions. This deviation is, therefore, a matter of serious concern not only for the local inhabitants of Jhapa and Morang but for the nation at large.

Danger of Epidemics

The refugee pressure created abruptly has extremely upset the ecological balance in Jhapa and Morang districts. The extensive population density owing to refugees' unorganized settlement in Rato area has aggravated human pollution inside the camps. The camps stink with rotten materials, human excretion and urine. As a result, there prevails a situation conducive to infectious diseases. According to the Blood Collection Unit under the Malaria Eradication Programme at Kakarbhita, 10 percent of Bhutanese refugees in Nepal suffer from malarial disease. Thus, the disease already eradicated from all over Nepal is likely to spread out again in these districts, which can pose a serious challenge even at the national level. Environmental diseases like amoebiasis, cold, cough, cholera and typhoid can threaten the life of people living not only in the vicinity but also in entire Jhapa and Morang districts. It may invite a heavy human loss through epidemics.

Miserable Life

The markets in Jhapa and Morang districts have to face more demand than supply of food

grains because of providing additional grains for more than 100 thousand refugees. Last year, the 75 thousand quintals of rice earmarked for supplying to drought-hit eastern hill districts had to be made available to Bhutanese refugees through the Food Grain Cooperation at Biratnagar. With their entry, prices of all commodities of daily use hiked up abruptly, while the refugees inside the camps provided with free ration began to work at lower remuneration for their additional income. As a result, the local inhabitants already affected by price hike had to lose job opportunities rather than increase their earnings. This added to the scarcity and misery of the local inhabitants. Social crimes like theft, looting, and disturbance have led to insecurity on the part of local people. As no identity cards have been issued to the refugees, they can move outside the camps in an unrestricted way. Several incidents have been reported about local inhabitants being threatened by a few licentious, undisciplined refugees.

This issue has created another serious concern. A sizable number of Bhutanese refugees have got Nepalese citizen certificates issued in their names. According to a survey made by Ministry of Home, 5 thousands of them have acquired Nepalese citizenship. Education inside the camps is carried out not only through Nepali medium, but also through the materials like "Our nation is Nepal. We are Nepalese." Obviously then, the refugee children receiving such an education would certainly create another complication in future.

Autocratic leadership and oppression are found in the camps. At 8am on May 22, 1993, the camp leaders forced 7/8 children of 10-13 age group to undress themselves at Beldangi-1 Camp. The police deputed near the camp came to know about this incident only too late. The autocratic rulers of different ranks inside the camps resemble with those appointed by the Bhutanese government. Nepalese police do not enter the camps unless there is a serious case. These self-proclaimed officers in the camps to inflict the above-mentioned torture included:
Security Department Chief - Dhiran Pradhan
Legal Department Chief - Khadag Bahadur Magar

It appears from this situation that the oppression and exploitation which forced them to flee away as refugees here are practised in the camps by them in the same style. Their culture and thought are replete with inhumanity and cruelty.

When asked to these leaders why they do not create awareness about family planning among refugees, they retorted, "It's purely a personal matter. How can we tell it to them?"

Perhaps in a very few places of the world, refugees have freedom of movement and are allowed to carry out activities like the country's citizens. The Bhutanese refugees are taking undue advantage of this situation.

At 7/8 pm on April 10, 1993, 7/8 refugees beat a fellow-refugee, named Surya Man Subba. One of them went ahead to protect and entrust him to police. Surya Man was lost on 11th. Besides, 30/35 refugees were also lost. On April 15, Surya Man's dead body was recovered from the ground under a tree. His hands were fastened at the back; his nose and tongue were cut; and his eyes were smashed. In this brutal crime 9 refugees have been imprisoned now, while 13 of them convicts have absconded.

Scarcity of water

As reported by the Operation And Implement Management Unit, Bhutanese refugees require about 2 million 125 thousand litres of water for their consumption. To fulfil this additional demand pipes have been bored at the camps. As a result, local inhabitants have complained that the wells and tube-wells in the neighbouring villages have dried up. In addition, the daily consumption of such a quantity of underground water has decreased water level and made arable land dry. The rivulets and streams in the vicinity of the camps have also dried up and the rivers which provide water for drinking cattle and irrigating land have become polluted. The eastern side of Pathari Camp is a clear evidence to this fact.

Deforestation

All the refugee camps are located in the forest area. The construction of huts for the

settlement of the refugees has caused deforestation. According to a report on Bhutanese refugees prepared by Nepal Environment Journalists' Group, every refugee uses 5 kg. fuel-wood per day on average. Though kerosene oil has been provided to refugees for some time, it has been found to be used marginally. Thus, more than 75 thousand kg fuel-wood is consumed daily by about 15 thousand families. As a result, local forest is being fastly depleted. Besides, refugees are also involved in the theft of timber. Apart from such cases settled at the local level, more than 8 refugees were charged of this theft by the District Forest office, Jhapa, in 1993. To earn their livelihood, refugees are also found collecting fuel-wood and selling it. All these factors have given rise to fast deforestation in the Terai.

Most of the refugees consume only the materials essential for survival. Hence, it is high time for HMG/N to hold fruitful talks with the Bhutanese counterpart to resolve this crisis. It is extremely regrettable that the ministerial level talks between the two countries held in October, 1993 could not proceed beyond formalities.

2. TIBETAN REFUGEES

Tibetan refugees are the oldest refugees settled in Nepal. They have been here since 1959. With their parallel government of Tibet formed by their religious teacher Dalai Lama at the Dharmashala in India, it has its official representative in Kathmandu. Setting up "Gandel Khangser" as the Tibetan Refugees' Welfare Office at Lazimpat, Kathmandu, the official representative has been in charge of refugee related activities.

According to the government's estimation, 25 thousand Tibetan refugees are settled in 15 camps, but the Tibetan Refugees' Welfare Office has placed this figure higher, i.e. approximately 30 thousands. They are found to be settled mainly in Kathmandu and Pokhara in an organised way and also in districts like Rasuwa, Nuwakot, Sindhupalchowk and Solukhumbu. The Tibetan refugees in Nuwakot district are

worried because the government has planned to construct a jail at the site of their settlement. Most of the Tibetan refugees have an attitude not to leave Nepal and acquire its citizenship. Several of them have already acquired Nepalese citizenship. Besides, Ministry of Home has mentioned officially that 20/25 Tibetans infiltrate into Nepal on average every month. A large number of Tibetans are supposed to be in the mountain districts of Nepal stretching from Mechi in the east to Karnali zone in the Mid-western Region - the adjoining area with Tibet. According to the District Police Officer, Humla, 100 Tibetan refugees who had crossed into Nepal this year were entrusted to Tibetan police. This year a Tibetan was killed in a confrontation between Tibetans and Nepalese security forces when the Tibetans were crossing Nepal-China border in Udayapur district.

Tibetan refugees' process of entering Nepal first started through Kodari Highway - the road linking Nepal with Tibet, is still continuing. Owing to chaos and instability in Tibetan the number of the Tibetans entering Nepal reached 20 thousands. At this time there was not a single international social organizations to look after the problem of refugees in Nepal. But as this issue had drawn the world's attention, Redcross International Committee I.C.R.C., Swiss Redcross and U.N. High Commission for Refugees were engaged in looking after the refugees in Nepal.

The second and third generations of the Tibetan refugees who entered Nepal at the first time are found in Nepal. Thamel, Swayambhu, Baudha and Jawalakhel in the Kathmandu Valley are the major centres of Tibetan trade and settlement. Now the number of Tibetan refugees living abroad has been estimated to exceed 125 thousands. Apart from Nepal, they have taken shelter in India, Bhutan, Canada, America, France, Britain, Japan, Australia, Italy, Germany and other countries. For them Nepal is the main gateway to go to other countries. Most of them do not hold visas. Many Tibetan refugees manage to enter India secretly via Nepal. They find it easy because of the open Nepal-India border. The Tibetans who enter Nepal secretly are entrusted to the

Department of Immigration by Nepal police. The Department of Immigration, the representative of the U.N. Refugee High Commission and Dalai Lama's official representative undertake to make enquiry about these Tibetans. According to the U.N.H.C.R., They were sent back to Tibet, kept at camps or allowed to go to other countries, depending on the findings of the enquiry.

Several of the Tibetans entering Nepal at the first time have acquired Nepalese citizenship, while some of them are trying for it. Tibetans settled in Kathmandu have mainly taken to carpet industry. Carpet industry in Nepal has, in fact, started making industrial production only after the Tibetans' arrival. At present 80 per cent of the carpet industry belong to them. "Jawalakhel Handicraft", run professionally by the Tibetans, is perhaps the first carpet industry in Nepal.

Apart from carpet industry, the Tibetans settled in Nepal are engaged in other professions as well. Inside the Kathmandu Valley they have been running more than 20 schools and a dozen of hotels and lodges. Besides, they have also been involved in tourism sector through setting up travel agencies. The Tibetan Buddhists settled here also collect money in the name religious organizations like Buddhist Religion Cooperation Committee and keep themselves politically active. They celebrate the Tibet National Uprising Day on March 10 every year. On this occasion they distribute pamphlets carrying "Free Tibet" all over Kathmandu. They also come out publicly in procession with banners written with "Free Tibet". This activity is likely to dampen the relation existing between china and Nepal.

It is difficult to ascertain their present number in Nepal and also their annual entry into Nepal. This number has been found fluctuating with the changing situation in Tibetan who have entered Nepal recently, because their dress, language and way of living resemble with those Nepalese living in the mountain. HMG/N finds it difficult to identify the number of Tibetans engaged in various professions, let one ascertain those who have entered illegally.

3. REFUGEES FROM OTHER COUNTRIES

There are found foreigners in Nepal who have not been officially established as refugees but live as immigrants. Kashmiris from India occupied Kashmir form a large chunk of these immigrants, whereas there are also sizable number of such people from India, Burma, Bangladesh, Pakistan, Sri Lanka, and Arabian countries of West Asia.

Kashmiri Refugees

Thamel, the tourist spot in Kathmandu, serves as the main settlement for Kashmiri immigrants. Several Kashmiris fled away from their native place because of the political disturbance created by Indo-Pakistan border conflict and the struggle launched by Jammu-Kashmir Liberation Front. As Indo-Nepal Border is open, Nepal has served as the shelter for these Kashmiris. Owing to prevailing chaos in Jammu and Kashmir, the number of Kashmiri immigrants is on increase in Nepal.

It has recently been estimated that Kathmandu and Pokhara have accommodated about 3500 Kashmiris. According to *Deshantar Weekly* (dated September 26, 1993), there are more than 4 thousand Kashmiris in Nepal. Most of these immigrants have been found dealing in closed trade. Local businessmen have reported that there are more than 1 thousand shops opened by Kashmiris at Thamel, King's way, Jamal, Thakurpatti, Lazimpat and other localities of Kathmandu city. Besides, the local businessmen are worried about the instalment of shops by Kashmiris the lakeside.

It is difficult to say whether the Kashmiris displaced from their country carry out activities in pursuance with Nepalese laws. More than half of their shops deal in leather materials. They are found selling the bead made of elephant tusks, ready-made materials of snake's skin and fur leather coats made of tiger and leopard skin at Starred hotels. That's why Kathmandu has become notorious as the centre of illegal trade in animals' skin.

In addition, Kashmiris are also found engaged in other professions like running restaurants

and hotels, handicrafts, tailoring and weaving. They have been running more than 12 garment factories at places like Maitidevi, Thamel, Kalimati, Lazimpat and Swayambhu. Some Kashmiris also deal in ready-made garments. Manufacturing paper-mass is their another profession. This paper-mass is a packet with attractive drawings. Tourists buy it for keeping valuable jewels and other items. Along with the import and export of the paper-mass, Kashmiris are also involved in drug trafficking.

Nepalese traders at the major tourist localities of Kathmandu like King's Way, Thamel and Lazimpat are found worried as they are unable to compete with Kashmiris in business dealings. Most of the Stalls owned by Kashmiris are not officially registered and they do not pay taxes. As a result, they can sell things at lower prices and yet earn profit. Their main sources of income are leather materials and drugs. With their heavy turnover from selling paper-mass, Kashmiri traders are gradually replacing their Nepalese counterparts in this sector.

The Nepalese law requires Rs 50 thousand as a deposit to run a shop, but only 50 Kashmiri shops are registered at the Tax office.

It is sometimes heard that most of the Kashmiris who fled away to Nepal are associated with the Jammu-Kashmir Liberation Front. According to a newspaper weekly, one of the Front's leaders visited Nepal in August/September 1993. It also reported that a large amount of money collected by Kashmiris as "reserved fund" for voluntary service was handed over to him for political cooperation. Now they have set up an organization and Abdul Rasid Ahmad is reported to be its leader.

Punjabi Refugees

Punjabis, who have been supporting Khalistan Movement, appear to be increasing in number as refugees from India. Their number cannot be ascertained precisely since they are not settled in an organised way. They are found to be settled in sizable number in Kathmandu, Birgunj, Nepalgunj, Dhungadhi and other urban places.

Bangladeshi Refugees

Nepal also had to face the problem created by the immigrants who had entered this country earlier than Kashmiris. The obvious reason why Nepal is the shelter for foreign immigrants is the open border between Nepal and India. Hence, it needs to be closed in an organized way as soon as possible. The process of illegal infiltration by people from a third country started with the liberation war between the-then East Pakistan (now Bangladesh) and Pakistan in 1972. As consequence of this war, a portion of the refugees who had fled to India from East Pakistan took shelter in Nepal. Nepal faced this problem easily. Though like other refugees, their condition was also miserable, they were temporarily looked after by Nepal Redcross Society and the International Committee of Redcross ICRC. After Bangladesh achieved independence, Redcross helped these refugees to return back to their native land. Some of these Bengali refugees, however, acquired Nepalese citizenship and have settled in Nepal since then.

Nepali-speaking Burmese entered Nepal in sizable number at different times. Several Indians were also forced to take refuge in Nepal because of 20-year long linguistic and ethnic movement in Meghalaya and Assam and also of Khalistan Movement. No measures were, however, taken to settle these refugees in a separate and specific place. As a result, a large number of them have acquired Nepalese citizenship and are now settled in Jhapa, Morang and Sunsari districts of Nepal.

Towards 1979 Afghani and Iraqi citizens are also found to enter Nepal. Nepal Redcross Society investigated them provided some of them with necessary travel documents and sent them back. Similarly, there are also Russian and Tamil immigrants settled in Nepal because of disorder created by the disintegration of the erstwhile Soviet Union and civil war in Sri Lanka. Russian watches, cameras and other materials are found to be sold in a large number at Newroad, Basantapur, Rama Park, and Open Theatre in Kathmandu. Thus, the refugees who have entered Nepal directly or indirectly have posed a serious problem. □

Appendix 6.4

Nepalese Women & Human Rights

[In Human Rights Year Book 1992 we had presented some facts about this topic under Appendix-7. Since then we have received several requests to shed light in detail on evil practices oppressing women, various movements launched by women for social change, constitutional as well as legal developments for promoting women's interests, and the present status of women engaged in different professions. Hence, we are presenting here some more information, in brief. - Committee for Human Rights Year Book]

NEPALESE women, who are one half of the family and social bodies, mistresses of half of the country, co-partners and co-travellers of men in the creation of life and the progress of society, have not yet been able to break through the barriers of the middle age confinements and overcome the male domination. Their insignificant role in making national policies, bearing important responsibilities and participating in political as well as other affairs of state clarifies their state of identification and social status. The status of a few women from well-off families and from cities may be relatively better, but the overwhelming majority of women from the countryside are still living under the burden of superstitions and backward ideas. As a result, they have been exploited and oppressed in several ways.

Social and Cultural Exploitation of Women: Some Evil Practices

Selling Daughters: This practice exists in some backward areas especially in the far

western and western development regions. It is widespread in some hilly districts across river Karnali where unmarried daughters are sold in the name of marriage. The price of daughters of bonded labourers is often grabbed by their masters. Daughters are exchanged in marriage and unmarried girls are bought to mitigate economic burden. This practice is called "replacement", or in Terai the "Golai" System.

Child Marriage: In many places the practice of giving daughters in marriage before they reach the age of puberty is still prevalent. Girl children are also given in marriage to adults and older men. This practice had started in the name of enhancing religious virtues and protecting girls from the attack of heretics. The civil code issued by Junga Bahadur, the first Rana prime minister, restricted to give in marriage a girl-child of less than 30 months. In 1862/63, this limitation extended to 5 years of age. Seventy years after that this limitation was extended to the age of 12. In 1954/55, this limitation was further extended to the age of 14, and the civil code of 1963/64 fixed 16 years as the marriageable age of a girl. However, in many districts there is still a practice that parents promise with each other that their children will join in marriage after they are born.

Ihi: *Ihi* which is prevalent in the Newar community is also called *Bel Bibaha* or marriage with the fruit of eagle marmelos. *Bel* is regarded as Suvama Kumar or the symbol of Lord Bishnu. A girl is supposed to be fit for man only after she is enjoyed by fire, sun and air. If a girl dies before *Ihi* her death rites continue for 4 days, whereas it continues for

12 days if she dies after it. In the past, kings, petty kings, big bullies and the feudals enjoyed honeymoon with any newly married bride (of others) because they regarded themselves as incarnations of God.

Baha: *Baha* or *Gupha* (Cave) is a practice in which a girl is kept in a place out of the reach of sunlight for 11 days before she attains puberty. During this period she can eat only after offering food to a cotton-doll made by herself and placed in the room where she is kept. After the completion of Baha she is brought out with heavy make up and formalities. This practice is a symbolical workshop of masculinity. There is a superstitious belief that if a man sees a woman at her menstruation period his life span may be cut short or it can be an ominous sign to him. So during this time a woman is treated like an untouchable. This practice psychologically gives rise to a feeling of inferiority and guilt in them to accept the humiliation of the male.

Kanyadan: This custom was established as a belief that it would be a holy deed to give daughters in marriage as a charity like money, land, gold and cow. In the very sacred place of the marriage ceremony itself the bride is humiliated by making her eat the left-outs of the bridegroom and also making her bowing to his feet and also drinking the so-called holy water that has washed up his feet. At the bridegroom's home too many such rituals of humiliation are made essential for her.

Polygamy: In polygamy both systems of marriage - formal (arranged) and informal (love marriage or self initiated marriage) are in vogue. The arranged marriage also is allowed both in equal or unequal castes. The self-initiated marriage can be classified in three - *Jari* (taking away someone's wife), widow marriage and marriage in lower castes. Some social and economic factors like respect in society, means of luxury and entertainment, hiring of women by the landlords and the local chiefs as the safe and cheap lookers-after of their lands are the reasons why the system of polygamy became prevalent in Nepal. The Ranas of Nepal used to bring home the daughters of various families as virgin girls,

maidens, assistants, and kept-wives etc. for their sexual lust and in return promoted the standard of their parent's economic conditions as well as the caste status. In case of denial they were out caste.

Tradition of multi-husband: - As an influence of the Tibetan culture in many himalayan districts of Nepal like Mugu, Humla, Jumla, Manang, Mustang, Dolpa and others there is a system of maintaining many husbands by one wife. The acceptance as husbands of the brothers from the same parents by a single wife however seems to be the remains of a matriarchal society, even then, in the name of religions and culture, it has been an exploitation of the women, and not their elevation at all.

Dowry system: Though this deteriorated system is an Indian influence, the life style of the Nepali in the plains has not been spared to be affected through the Indian border, marriage-ties and other contacts. Gradually, it is on the spread in Kathmandu valley, other cities and towns. A girl cannot get married unless the demands of the bridegroom in terms of money, metals and other gadgets are not fulfilled. If at all marriage took place in dissatisfaction, then the news of mental and physical torture do follow lateron.

Jari: *Jari* can be defined as an act of a women's settlement with a new husband, either forcefully or on her own. The legal provisions that empowers the ex-husband to obtain some money as his marriage expense, does not necessarily favour the woman kind. During the Rana regime the ex-husband could behead the *Jar* (the new husband) by law.

Adoption of the wife of elder brother (Bhauju): The compulsory adoption of *Bhauju* as wife after the death of the elder brother is customary among the indigenous peoples like the Sherpas of the Himalayan regions and the Dhimal, Danuwar, Meche, Koche and others of the plains. The difference of age between them does not pose any hindrance. The economic factor plays an important role in it. This type of family settlement in the unequal age group, however,

can not be justified in the light of the both emotional as well as physical points of view.

Sisi Tayagu: In the Newar community there was a custom that a newly married bride had to go to the local chieftain's along with some wine. In this tradition there is the concept of sex.

Lama Chumma and Jhimu Mugal: In Mugu (one of the western Himalayan districts of Nepal) among some communities influenced by the Tibetan culture as culturally openly allowed, the Lama Chumma (the priest) always goes amorously rampant with all others' wives, the Jhimu (the wife of the Lama or the Prophet) has to remain almost bereft of his husband and bearing any children. This type of privilege goes so far that if a husband comes across the sexual act of the Lama with his wife he has to endure it as a respect to his prophet's desire and wait till he finishes.

Ani: All parents must send either a daughter or a son to the tibetan monastery to be taught and trained as the Monk, Nun or "Ani" and spend his/her prime of life in vain and later on only to repent in painful helplessness of a retired forlorn destitute. Even during their stay inside the monastery they are extremely exploited in many ways. After retirement they are too old to get married.

Badi-Badini: The out caste professional musicians who used to sing and dance in the courtyards of the land lords, feudals and the petty courtiers for their livelihood had to compulsorily change themselves, in course of time, into the professional prostitutes. This community of Badi-Badini who still have their widely spread existence in the western regions of Nepal, are the examples of the exploitations exercised by the privileged culture.

Deuki (Dewaki) (of the God or Goddess): Spread widely in the Western region of Nepal Deuki tradition is another example of torture inflicted upon women in the name of religion. When people become heirless, suffer from diseases, are beaten by the enemies or desire for better fortune then they make some vows of offerings on the temple. As a fulfilment of

such promises they bestow a virgin girl on the altar. Such girls are no more than 7-8 years of age. Only late in life do they understand that they have already been given to a certain deity. Throughout life they are prevented from getting married so they are compelled to turn to prostitution as a means of livelihood.

Virgin Goddess: In the name of culture the tradition of worshipping a virgin as goddess from the Shakya clan is in continuation for centuries. After the first menstruation she is retired from her holy shrine and sent back her own worldly home. Since the high time of learning the three R's and the tricks of trade for livelihood is spent idly as a goddess and as a symbol of abstract power, the future of their practical life is bleak. The belief that the husband of such a virgin cannot live long is a constant anxiety and fear in such married couple. Due to the fact that the ex-virgins have not been able to strike a course of livelihood, their economic security also is uncertain.

Witch: Those Nepali women are called witches who are hateful, ugly, irritating, widow and weak in social as well as economic conditions. It is believed that such "witches" pollute the milk, yogurt, sell-bread (a bread like a ring) or the health and diet of the children if they happened to look at them or eat those food. So the people of the community become alert about them and they are hated and driven away or outcaste by the community. This kind of insulting humiliating and torturous treatment to women is still inexistence in the Nepali society. Such downtrodden women can not resist or oppose them. They have no husbands and children. Thus they are destitute socially as well as economically, which, in return, render them helpless and in some instances even murder and death.

Haritale: In some communities of the Himalayan regions some weak and wretched women are harassed as the dealer of Harital. The treatment of Harital is an act in which such women are forced by the host to poison the rich guests to death so that the fortune of the rich guests is shifted to the host family. Such women are exposed and treated as the witches in the communities.

Negligence of maternity stage: There is a taboo in the remote Nepali villages in general in which the women of the maternity stage are treated as unholy and untouchable. This is still much more extreme in the western regions of Nepal where such women are placed far away from home in a cow-shed amidst all kinds of unhygienic situation, and thus they are neglected and harassed mentally as well as physically.

Outcaste from Kitchen: In some tribes of Nepal across the Karnali river there is a custom by which a married woman is not allowed in the kitchen. Any elderly women, whose menstruation is now stopped by age, is outcaste and demoted as Khaseni.

Wife as a present: In some Himalayan communities who are under the influence of the Tibetan culture there is a tradition of sending the wife or the daughter to sleep at night with the guest. It is more prominent among the Sherpas especially when a formal friend - Mita (a formal ritualistic system of making friendly ties between two persons of similar sex male or female) comes to see his co-partner the Mita, then the host must send his wife to the guest's bed for the night, and vice-versa during such exchanges of visits. Among the Buddhists of the Himalayan ranges it is so practised as a faith in the Buddhist gospel of charity of all kinds to please the needy. But to this day, it has been made profane as a sheer sexual interest.

Staying Chhotti: The women, in the Karnali area, suffer from the "Chhotti sports". Based on a long religious tradition it is a free musical night organised by the local youths and maidens for an open entertainment including sex. But in this activity the young girls are actually harassed with the forced sexual exploitation by the undesired partners. A local proverb goes like this: "the daughter of her parents' home is for the youths" This act of open sexual harassment must be endured by the young girls with all kinds of blasphemy.

Pregnancy and Abortion as a blame: Even the expectant mothers are not treated well in many Nepalese communities. Without any

sympathy even in the special situation they are bid to work hard, climb hills and trees, carry heavy loads with meagre food and rest. But when there are some dissatisfactions then their pregnancies and unexpected abortions due to exertion are taken up suspiciously even up to the excess of legal cases.

The Historical Movements for Women Equality

History is silent about the past people-based women voices except those of the royal women of the Lichhivi, Malla and the Shah dynasties. Such voices of awareness were not possible from those women who were bound by the complex knot of religion, culture and under-education. It was a big thing for the queen Chandra Prabha to appoint Bhanu Aryal as the tutor for Prithvi Narayan Shah, but it had nothing to do with the common mass. The first example of woman education in Nepal can be traced back to Padma Kumari, who remained virgin throughout her life and who was the younger sister of Prithvi Narayan Shah. She was taught alphabets and basic arithmetic by one Sharanga Dhar Sharma from Gorkha who is historically mentioned to have presented her a book named "Bhaswoti". The historical mention that Lalit Tripura Sundari, the queen of Rana Bahadur Shah had translated the Shanti Parba of the Maha Bharat into Nepali is self evident that she was an educated woman. The management of education for their children initiated by the wife of Kaji Bansha Raj Pandey and the 6th wife of Janga Bahadur Rana shows that they were aware of the importance of education. As a composer of religious poems Bhakta Kumari, the wife of Jagat Junga is mentioned as an educated woman of Nepal though she belonged to the royal family.

It can not be told for sure whether or not, as a member of the backward tribes like the Gaine (professional singers), Mrs Hira Gaine (a singer race by profession), was educated, but it is said that she had composed poem(s) in admiration of Mathbar Singh and sung them. Durga Devi Acharya who wrote "Female Education" some time during 1897, can be called the first lady who made the clarion call

for the female education though her points of view had some dogmatic bias. Afterwards there appeared a few names like Lavanya Mayi Devi, Sukushi Devi, Anusuya, but it is not certain if they were some pane-names or real. Similarly the names like Loka Priya Devi, Kumari Vidyavati are mentionable in this field.

No study has so far been done about the wife of a certain Gajadhar Soti who by challenging the dominating attitude of the male inspired the first Nepali poet Bhanu Bhakta Acharya to write his "Badhu Shikchhya" (Education for the Daughter-in-law). While speaking down upon the "Wife" of Gajadhar Soti as "misfortune" Bhanu Bhakta has given many suggestions to the women in his "Badhu Shikchhya". However, it has not yet been evaluated to what extent did "Soti's wife" offend the sense of pride of the male that the poet happened to prevent the women from laughing. On the one hand, there was no male in her house that night, and on the other the character of Bhanu Bhakta might not have been convincing which is why she might have not given him a shelter. The poetic lines of his own composition like:

"Let me bid a beautiful maiden dance
before me,

Let me drag down the Lord Indra here
and make a paradise!"

clarify his attitude towards women.

The names of Prem Rajeswori, Goma, Savitri Sundas, Dev Kumari Thapa, Krishna Manjari and the progressive writer Sanumati Rai are taken up as the women who gave creative expressions of the beatings, sufferings and melodies from their pens even before 1950 AD. Dev Kumari Thapa has contributed quite a lot to this field by editing the first child-magazine. Ambalika Devi became the first women novelist by writing a novel. Similarly. Shasbikala Sharma built up women awareness by editing a periodical magazine "Swasni Manchhe" (wife). Kamakchhya Devi, Bindu Koirala, Padma Malla, Laxmi Rana, Sumitra Andenbe, Indira Panta and others played an important role in the field of journalism. "Prativa" (Genius) and "Ama" (mother) were published in the editorship of Kunta Devi and Ambika Sijapati respectively. Kunta Sharma

played a significant role to accelerate the leftist movement by editing "Sankalpa" (commitment) regularly from Dharan. Sarita Dhakal is regarded as the first lady to enter into the field of progressive literary criticism.

Rising from a state of nihilism Parijat became committed to the Marxist aesthetics and she holds the foremost position in the literary field. Prema Shah, Kundan Sharma, Banira Giri, Bhuban Dhungana, Shushila Bhatta and others also have their respective roles in the literary field. In addition, Bhuban Koirala, Benju Sharma, Manju Kanchuli, Anita Tuladhar, Toya Gurung, Durga Ghimire, Durga Pokhrel, Betti Devi Bajracharya, Kalpana Pradhan, Rama Sharma, Greta Rana, Bhagirathi Shrestha and others are some of the well established women literary figures.

In the political field as well the women, as the conductor of consciousness, have not lagged behind to raise the mountains of struggle. During the very Rana regime that too before the political incident of Prachanda Gorkha the women made an institutionalised attempt to inform the ruling class about their condition. This incident clarified that the women had already begun to be aware of their own actual state of affairs. To organise the "Mahila Samity" (Women's Committee) in 1917/18 in the convenorship of Yoga Maya Koirala was a reflection that they were quite conscious. In that committee Dihya Koirala, Mohan Kumari Koirala, Purna Kumari Adhikari and Dev Kumari Adhikari were secretary, assistant secretary and members respectively. Since the committee was organised to maintain the social dignity of women, the organisers managed to request the wife of the premier Chandra Shamsher to chair this movement. But the rulers became very suspicious about it and did not accept the offer. In the process of the movement, sometime later, the committee sent a "parcel of ragged clothes" put on by the farmer and other women from Siraha to show the real picture of their condition. In addition, the committee also made a request, based on that parcel, to the rulers stating that the economic and the social reformations of the women had become imperative. But the Ranas crossed it with all cruelty. The related workers

of that committee had to go abroad under compulsion. Thus the first movement of the Nepali Women became unsuccessful.

Moving forward through the Prachanda Gorkha, bloodshed committee, and Praja Parishad the political movement of Nepal was quite memorably contributed by the women also. Rewanta Devi Acharya and Sita Devi Nepal popularised themselves as the struggling women characters by efficiently taking risks in many dangerous tasks like sending letters out of the jail and collecting the photos of the prisoners in torture of the Praja Parishad incident to pass and spread information about them to the world outside. Revanta Devi also in collaboration with Kamalata Pradhan established "Adarsha Mahila Sangh" (Ideal Women Association) in 1946/47. Its main objective was to eradicate the child marriage. In a secret plan of carrying weapons from the Terai to Kathmandu to do away with all the ruling Ranas in a single stroke the role of Shusila Chalise to assist Ganesh Man Singh and Sundar Raj Chalise is prominent.

The role of Moti Devi Shrestha is as well fortunate and memorable enough to have the opportunity of participating in the Nepal Communist Movement from its very outset.

Nepal Mahila Sangh (The Nepal Women Association) was established in 1947/48 in the leadership of Mangala Devi Singh, but it remained banned for thirty two years. In the context of women movement in the Nepali Society her name is in the front. The names like Kokila Vaidya, Nani Chhori, Snehalata, Durga Dahal, Harsha Kumari Thapaliya, Yoga Maya Devi, Chanchala Manandhar, Ram Maya Kunjkar, Kanakalata Nakarini, Maya Devi Shaha, Sweta Prabha, Devi Shamsheer, Rama Uprety, Kamakchhya Devi, Maya Devi and Rajani Champa and a few others come in this list. Sadhana Adhikari and Sahana Pradhan had to suffer torture of the jail because they had launched the civil rights movement in 1947/48 Sadhana Adhikari was fortunate enough to obtain the opportunity of being elected as one of the first members of Kathmandu Municipality even during the Rana regime. The Hareram Movement accelerated

its campaign for education, employment, health including the right to be appointed in the police service also. The credit of establishing the Progressive Study Mandal (group) in Banaras goes to Sail Upadhyaya but later on she remained only in the back. At the Gauchar incident of 1950, Siddhi Laxmi Karanjit and Shanta Shrestha had played quite a struggling role. Kamini Giri had to remain painfully imprison for one year as she had been active in the labourers' movement of 1947/48. Danti Bhoteni of Solukhumbu was murdered along with all her family members by the Rana regime for her demand of Justice. Dwarika Devi Thakurani became the first woman minister in the first democratic government of Nepal. The role of Tulsa Sharma played in the movement to buildup awareness of the women is equally important. In 1950 Vidya Devi Devkota stood for the women cause on behalf of the Akhil Nepal Mahila Sangh (All Nepal Women's Organisation) from Gorkha. As a rebel against the Ranas she was expelled from Kathmandu valley and so later on she was nominated in the Advisory council. But her role during the Panchayat system was not fruitful for the women. Chandra Kanta Malla since 1945/46 continuously contributed quite a lot for the spread of education. Mrs Mangala Devi Singh, Mrs Punya Prabha Devi Dhungana, Maya Devi Shah and Pratiba Jha to be the members of the Advisory council of 1954/55 was the result of their struggle. Though Sushila Thapa had become a member of Advisory council in 1956/57 yet with the advent of Panchayat system she became a veteran supporter of the latter. Bimala Maske worked as a teacher right from 1949/50 and later on become the member of Rajya Sabha (National Council). Angur Baba Joshi, Kamal Shah, Saraswati Rai, Dip Kumari Shrestha and others are quite familiar names in the context of women movement.

In the chairmanship of Rohini Shah an organisation named Birangana (Brave Women) Dal (Party) was opened during 1951/52. Having led an organisation called "Women Volunteers' Services" Kamal Rana became active in women's movement during 1951/52. During the general election of 1958/59 though many women were active on behalf of the

"Joint Women's Committee" but only Dwarika Devi Thakurani, Punya Prabha Devi Dhungana and Sushila Thapa could manage to be the candidates. In Bhojpur Yogmaya Neupane had organised a Revolutionary Party against the Ranas, but due to the crushing measures of the Ranas some 64 women became martyrs by drowning themselves in the river Arun. After the military takeover of 1960/61, the group of women was not small who continuously went on struggling for the sake of democracy, women rights and their welfare. To lead the procession in protest of the military action of 1960/61 were from the old generation Fulmaya Tamang from Dhading and from Kathmandu valley Mangala Devi Singh, Sailaja Acharya, Sahana Pradhan, Lila Koirala who were followed later on from the new generation by Gaura Prasai, Shanta Manavi, Sushila Karki, Sama Sahi, Sushila Sharma, Kamala Panta, Sushila Khadka, Dina Upadhyaya, Jyoti Bhandari, Seeta Khadka, Shilu Pyasi Karmacharya, Shova Kunbar, Sushila Shrestha, Sulochana Manandhar, Sanu Mishra and many others in the pay. Similarly Asta Laxmi Sakya, Uma Adhikari, Mira Pandey, Goma Devkota, Vidya Bhandari, Hisila Yami, Pampha Bhusal, Kavita Bhattarai, Krishna Amatya, Kiran Panthi have been active all the time. On the following day of the start of the movement of 1990 against the cruel oppression of the Panchayat System the three women Sonavati Yadav, Bhuvanewari Yadav, Janaki Devi Yadav from Jadu Kuhama of Janakpur achieved their self martyrdom. The same was followed by Gyani Shova Bajracharya in Patan. Even after the declaration of multiparty system in 1990, Baishakha 10 Rekha Risal was killed by the police at Indrachowk.

During the Panchayat regime the women organisations that were in existence were the backfeeders of the system which is why there was no possibility of accelerating the movement of women emancipation from exploitation and torture. Trafficking of the girls reached its culmination during the height of Panchayat regime. The blame was transferred to some of the women leaders who supported the system. In the International Women's Year some points about the women

rights and welfare were included in the Law of the land (Civil Code).

After the popular movement and democracy of 1990 many important issues were raised for the welfare of women. The "women's Pressure Group" is organised in the joint initiative of both the progressive and the democratic women with a view to challenging the inhuman acts done against women. Though the society is sensitive enough against the savagery like rape cases, yet the women themselves must be active against them. During the Panchayat regime the fatal aggressions against the women and the rape cases did not so much come out to the public. This does not mean that the regime respected the dignity of women. Though vehemently opposed and cried down by the people the barbarous Pokhara incident of rape and murder of Namita-Sunita was suspected to the highly privileged family. The incident was taken up by the people that the then government did not initiate any enquiry to find out the criminals and punish them accordingly. Many events were hidden by the tyranny of the regime.

In 1991/92 and 1992/93 the rape cases done upon the infants of 3, 4 and 6 years of age created a new sensession in the Nepalese society as it was a serious challenge against the human civilisation and reason.

The home-administration section, which is responsible for peace and security, became controversial or the target of people's tempo when in September 15, 1989 at night one 55 year old assistant sub-inspector of police Bishnu Bahadur Subba committed a rape upon an eleven year old girl in a certain lodge at Biratnagar. Similarly, an SP, in July/August 1992, made an attempt to commit a rape upon a lady living in the Fishtail Hotel at Pokhara but the staff of the Hotel made it unsuccessful.

In the month of November/December the same year at Budhanilkantha area police sub-station (Chauki) the incharge, assistant sub-inspector Gopal Pd Dhakal committed a rape upon a labour-girl. It proved what a Nepali proverb states: "He who is the protector is himself the destroyer". An extremely ill-treatment done

against Laxmi Karki by the police in custody during the people's movement of 1983/84 is a direct example of the coward mentality of the Nepali police who behave excessively in a barbarous manner under various pretensions against the women in custody.

The women reacted violently against the various incidents of the last 3 years. The then Home Minister had replied the women delegation with a gospel that they should keep their nails long and always carry chilly-dust along with them.

In the 5th session of the parliament the opposition party had presented a proposal against the rape but it could not get through there. In the last year session the member of parliament from United Marxist Leninist (UML) Mrs Sahana Pradhan put forward a proposal of "commitment" driving attention towards the rape crimes of the infant-girls and suggesting for legal provisions against such crimes, but the government did not pay serious attention to it. By now it is not new that in the red-light areas of India many Nepali girls are spending their hellish life. All have realised that a very strict law must be enacted, however, it has not been put into practice.

The law about children enacted in 1991/92 has given some legal provisions for their security. This law has made an attempt to control the Dewaki system of the western Nepal by denying to bestow girls upon the deities, to sell them, to encourage the Pundas, the priests, the tantrist healers (Dhami), and the local chieftains in such acts. There is also a legal amendment that a Nepali girl married to a foreigner can be a Nepali citizen if she desires so.

Some constitutional provisions for the women rights and welfare

While peeping into the history of legal development of Nepal one can not leave out the Muluki Ain (Civil Code) of 1853/54. The "Parliament Kachahari" (Parliament Board) set up in 1851/52 at Basantapur could not work at all as it was internally opposed as an allegation that it was an imitation of the foreign system.

After his return from England Janga Bahadur felt a necessity of constitution and law to carry on the administration. Consequently, in 1853/54, The Muluki Ain (Civil Code) was constituted. It was none of a constitution as such, but for the first time in the country it was a written body of laws with which administration would run well, and the punishment could be executed as well and thus the judicial system would become uniform and stable.

In that Civil Code there were many provisions for women. In the clause "Substitute Imprisonment" it was provided that in some types of punishment some one could stay instead of a woman. It also provided for the "share of the widow in her husband's property, dowry as personal property of the daughter-in-law, other concerns about husband and wife, separate prison for the women, minor employment in the prison" etc. As the killing of women was considered equal to the killing of cow and teacher, so there was no capital punishment for the women. Though the Sati system could not be eradicated completely, yet it exempted the widow below 16 years even if she is above 16 years of age then her son must be no less than 16 years and daughter at least 5 years of age. The wife of a second husband, attendant girl, maid-servant and pregnant widow also were exempted from going Sati. A mother also could not go Sati for her son. If a widow runs away from the funeral pier, for any reason, then she could not be caught and burnt forcefully as usual.

There are many sub-clauses about sex and marriage in the Civil Code. In marriage activities stealing of the girl, giving the same girl to different persons, giving her to a diseased person, rejecting the confirmed girl, proved immoral before marriage, intention of rape, physical aggression for rape, to ambush for such aggression, sleeping with one's thigh placed upon the partner's and so on are included. Similarly laws were framed about blood relation, raping of the girl below 11 years of age, stealing away someone's wife (Jari) and the like. This law also fixed the age of a girl to be 5 for marriage. Unlike today, in those days the social, economical and political

rights of equality could not, at all, be expected. In short, it cannot be denied that the Civil Code with its provisions of written system of punishment cultivated a soft and elastic attitude towards women.

After Janga Bahadur, Dev Shamser had planned to frame a new constitution in the line of Japanese Michiko constitution. But his expulsion ended everything in smoke. During the Rana regime there was no possibility of such things as fundamental rights, democratic government, sovereign legislature and independent judiciary. It is, therefore, of no use to talk about women rights and welfare in the light of the democratic norms when all of the Nepalese were tyrannized and exploited.

Due to the rising tide of the people's opposition against the Ranas, the activities of the political organisations, the international situation and others, the Prime Minister Padma Shamser was compelled to declare the constitutional law of 1947/48. Free Primary Education and the opening of the Padma Kanya Bidyashram (School) for the women for the first time in Nepal are said to be some of the salient features of the constitution. In this constitution there were mentions about the fundamental rights including the right to vote, but it did not provide anything for the women. But what a strange thing did follow was that the provider of such a constitution Padma Shamser himself had to manage an escape and that the constitution had to remain fruitless.

Before three years of the declaration of the constitution of 1947/48 the Rana regime came to an end and interim administrative constitution of 1950 was implemented. That constitution was brought into force until the election of the constitutional council. The interim constitution for the first time gave room to the directive principles of state policy which explicitly addressed the problems of the women with a state commitment of their reformation as well as the commitment of indiscrimination of the citizens on the ground of religion, race, sex and so on. Between 1950 and 1958 the women advanced quite a lot of their cause of women rights and welfare in an institutionalised way. By the participation in

the Advisory Council as well as in the International Conferences the women achieved their recognition not only in principle but actually in practice. The start of adult-women education and more mentionable was the establishment of the Kanya (Girl's) college for their higher education. With the implementations of the interim constitution of 1950 an air was created in which the women could carry on their activities quite freely in accordance with the democratic norms.

In 1954/55 "Women Security Law" and Marriage Law, were enacted. The Law of Civil Rights provided for the indiscrimination of men and women in every sphere of life including the public services.

In 1958/59 the Constitution of Nepal was declared according to which, for the first time in the country the general election was held. In that constitution the provision of sexual indiscrimination and civil rights were quite normal. Apart from them no additional provisions were made for women. But it was a great prestige for the women to be elected as a vice-chairperson of the General Body (Maha Sabha) of the parliament and get opportunities to have their say in the legislative affairs.

In 1960/61 the king did away with the democratic system and imposed his dictatorship alongwith the declaration of the constitution of Nepal 1961/62. In that constitution, which banned all the political rights of organisation, though there were some mentions of fundamental rights, but they were virtually non-active. In such state of affairs the state-guided women's organisation, with its pretensions to advocate the women's cause, virtually oriented itself as a licensed supporter of the regal regime.

The civil code implemented since August 17, 1963 made a legal end of the sexual and racial discriminations. Even then this code had not been able to provide for the complete rights of the women. So it had to undergo the sixth amendment in 1975/76 in its 12 clauses which dealt with the relationship between husband and wife, the share of women in the property and about marriage activities. All these clauses

were about the rights and welfare of the women.

In the background of the constitution of 1990. The history of women's sacrifice and martyrdom is inseparably connected. All through the thirty years of tyranny the women kept themselves was variously active directly or indirectly, underground or open for the sake of reestablishing democracy. During the people's movement the participation and martyrdom of the women remained unforgettable but no women were given representation in the commission for framing the constitution. This Constitution of the Kingdom of Nepal 1990, which is supposed to be the most democratic as compared to the Nepalese previous ones, has distinctly provided for some constitutional rooms for the women. To build up the political awareness and establish the women leadership minimum three seats have been reserved for women in the National Council. With a view to developing the women leadership as well as to increase their political participation, the constitution has also given its directives to all the political parties to give at least 5 percent of their total candidature to women. Besides, one of the salient features of this constitution is to provide for women to adopt a policy for their education, health and employment. But it has been taken up as a strange state of affairs that the political parties have as a formality kept themselves limited only to the 5 percent for the women candidates. Consequently, in the last election out of the eighty-one total women candidates from various parties only seven became successful. So it is very much disturbing to see such a poor representation of the women in the Parliament.

The Existing Situation of the Nepali Women's Participation in Various Professions

This is not unfair to say that it is beyond imagination to think of women as engaged in earning activities and financially self-dependent. It is not unnatural either that the women society which is in the least even in literacy, is far backward in higher education. As for literacy, the percentage of literate women above 6 years was only 3.6 in 1971/72.

as against 13.9 of the male. It is given out that this rate was 12.1 in 1981/82 and 24.7 according to the census of 1991/92. In the same two data the percentage of male literacy was 24.0 and 54.1 respectively. Though there seems to be quite a big number of women employed in the official sector as assistant nurse, mid-wife, steno-typist, personal assistant, and in the private sector as receptionist, sale's girls, but this situation is not promising. The women of the nurse and the typist profession as humiliated. The personal assistants and the receptionists also are not safe from character assassination. The women are in their minimum in polices and they too are not well looked upon. There are no women in the military field. The plight of the thousands of women and children employed in the domestic sector is extremely deplorable. They are bitterly exploited. The maximum participation of women in the agricultural field is one of the regular features of Nepal, but there too the women are far from financial security. The wage system is lesser to women than men. The Nepal Tea Corporation which is in the complete ownership of the government gives lesser wages for the women than the men as a declared policy. Thus the female kind get lesser wages than the male even in the government sector. In the village areas such situations like domestic works in the fields, grass for the tamed animals and clearing their sheds, washing ups of the household cutting of fire-woods and so on are still existing where very few examples of male participation are available. It has been somewhat usual for the male that they whileaway thirtines in tea-stalls, in the local squares or the platforms, gambling places and the inns.

In the prestigious professional sectors of the country the presence of women is extremely low. In the cities the involvement of women in teaching up to the secondary level is satisfactory to some extent, at the same in very poor in villages. Though the attraction of women for professions in higher education is increasing, even then their participation is very low as well. There are some women doctors and engineers, gazetted police officers and in the riskily aviation services, but there too the

number is quite low. There is not a single women scientist awarded by the Science Academy. There is a single name of a women literary figure so far, as is awarded by the Madan Memorial Award. In the judicial field, which is a suitable and prestigious profession for women, the presence of them is only the minimum. According to the statistics of the last March/April, 1992, there are 3.3 percent senior advocates, 4.19 percent advocates and 2.6 percent prosecutors from the fair sex in Nepal. The judiciary was reorganised according to the Constitution of Nepal 1990. Out of the total employment of 102 district judges there was only one female, very few women judges in the courts of appeal and zero in the supreme court. These data show the participation of the female kind in this field.

The official sources of data confirm that there are only 23 percent women workers in the industrial sector as against the 77 percent male workers in the same. The participation of women as workers in the various industrial activities is as the following: in food materials there are 2 thousand 2 hundred and 57, in drinks, cigarettes and the like there are 5 hundred and fifty four, twenty two thousands and 84 in textile and garments four hundred and 36 in wood-works, paper and press, one thousand and 69 in plastic, chemicals and drugs, 10 thousand, 1 hundred and 30 in industrial goods made of unphysical metals, one hundred and 6 in those of physical ones, 24 in the distribution of electric machines and 69 in some others. The total of this description comes to 36 thousands 7 hundreds and 29 as against 1 lakh, 22 thousands 8 hundred and 81 male participation as per the data of 1990/91. As for the percentage of the regional employment status participation of the female in comparison with the male is 45 percent in agriculture, 15.1 percent in intellectual representation and other profession, 9.3 percent in administration, 10 percent in secretarial services, 22.6 percent in business, 25 percent in services, 18.7 percent in manual labours.

Similarly deplorable is the condition of the women in the gazetted level of the governmental administration which is in the

light of profession, the most influential one in the country. It is shown that out of the total 5 thousands, three hundreds and 85 posts of the gazetted officers there are only two hundreds and 97 (5.5%) women, in sub-assistant secretary out of 8 hundreds and 81 they are only 55 (6.2%), among the 1 thousand, one hundred and 94 assistant secretaries the female are only 89 (7.4%), out of 3 hundreds joint secretaries the presence of women are only 97 (6.3%), out of 32 additional secretaries they are only 2 (6.2%) and no woman is so far serving in the capacity of a fulfilled secretary.

In the mass communication field in the Gorkhapatra Corporation out of 86 male in the sixth and 7th grade there are 16 female (15.7%), in the assistant level where the number of male is 325 the female are only 71 (18%) and in the lower level in the face of 176 male the female are only 12 (6.4%). In this corporation when there are 39 men in the 8th grade, there the woman is non-existent. In the Rastriya Samachar Samiti in the 7th, 6th, assistant as well as lower levels the participatory percentage of women is 5.3 and 1.5 respectively. The statistics show that in this corporation there is not a single woman in the 8th grade, where as in the 7th and 6th grade there are 8 female out of 43 male, in the assistant level out of 256 male the female are only 18 and in lower levels there are 34 women amidst the crowd of 368 men. In Nepal Television there is no presence of fair sex in the 8th grade either. In the 7th and 6th grade there are 13 women as against 38, and in the assistant level they are 24 in number as against 81 of the opposite sex. Comparatively speaking, there are more women in the 7th and 6th grade in NTV than in Gorkhapatra and the RSS.

In the local Access Development Committees and the District Development Committees, which are supposed to be the foundation of the present multiparty democratic system, backbone of decentralisation and base area of the people's participation, the situation of the women's participation is very poor. The total presence of women in the chair of the Access Development Committees is 9, 16 in the Vice-

chairperson, and one hundred and 38 as members, whereas the number of the male is three thousands 9 hundreds and 82 (99.7%), three thousands 9 hundreds and 75 (99.57%) and thirty five thousands, 6 hundreds 73 (99.4%) in those public posts respectively. But in the politically conscious city areas where it is also supposed that the rate of women education is higher, there the women participation in the public posts is only one in comparison with the strength of the male as many as hundreds and 19 (99.4%). There is not a single woman as a mayor and vice-mayor. Similarly, out of the 9 hundreds and 18 (99.4%) male members of the District Access Committees the presence of women is only 3 in number. In all the 75 districts all the chairpersons are the male except only one vice-chairperson. In the same manner, in the central committee of Nepali Congress in which there are 27 members the women are only 3, and in the 35 member central committee of the Nepal Communist Party United Marxist Leninist the female members are only 2.

The female number is only 8 out of 197 male members (96.5%) the total capacity of 205 of

the supreme legislative - House of Representative in which serious discussions are held and actions are oriented about the country's policy, law and people's rights. There are 3 women members in the National Council out of the total 60. In the Planning Commission there is not a single woman as member. The present democratic government of Nepal, which advocates for the equality of the both sexes as merely a cheap flattery, has not a single female minister. If one looks at the percentage of the presence of women at the local political forums he will find that it has been worse than the condition of women in the access panchayats during the Panchayat regime.

Now it cannot be denied that even the maximum things for the women's rights their prosperity and the equal rights given to the turn out to be limited only the written form due to the fact that the Nepalese culture itself is a hindrance to their freedom. It is therefore the complete transformation of Nepalese society is imperative to achieve the equal status of the Nepalese female with that of the male. □

Appendix 6.5

Indigeneous People & Human Rights

1. All men are equal. A man should not be discriminated to be superior or inferior because of natural differences. Racial discrimination is a inhuman tradition. The physical and mental development of human beings is the product of the influence of environment. The society can not breed goodwill, cooperation and coexistence untill a man realises this truth in the course of development of society. As a result good behaviour was discarded in favour of power. A man could not treat other human beings as his equal and live in coexistence. With the slogan "The braves consume earth" a group fought with the others and a race battled to extricate other races and accordingly the class in society advanced. Multiracial states were born. Racial and religious states sprouted. Privileges in favour of some groups were announced. Men were divided with different racial identity, adopted their own means of production, technology system and procedure giving birth to their own language, custom, culture and literature. The society polished the differences created by the nature yielding to racialism, colour and class differences. The religion propped up the racial discrimination and the human disintegration was on the extreme. The world society has evolved for thousands of years. Yet the racial division among human beings has remained. This discriminatory mentality has resulted in exploitation of a human being by another of its own specie. It is the need of the day to treat all human beings as equal by ending all kinds of painful exploitation.

2. Exploitation can be in many forms. They are based on religious beliefs, sexual

differences, racial differences and economic class. Exploitation has changed according to the country and situation. The racial division is not only resulted from the notion of "higher specie" but is also based on backward consciousness entwined in the lack of economic, social and scientific prosperity. Nepali society too is also marching with the similar world trends. Whether it be willingly or unwillingly, the state has presented itself as multiracial country despite that the sectoral religious concept is being present together. The rulers of Nepal did not attempt to create Nepali race by ending all kinds of racial exploitation despite that the rulers with dictatorship under integrated feudalist structure advancing concept of Nepal to be a "garden for all races". The hindrances for the emergence of a common Nepali race include the minimal level of economic development, absence of planed educational, social and economic development programmes targeted to end discrimination based on race, sex, colour and class. When the old feudal system made transition to capitalism the prevailing human discrimination and behaviour is slowly changing and a tendency has evolved to coverup the inhuman behaviours. Nepal experienced establishment, operation and promotion of modern industry, transportation, communication and education for many decades, but a chunk of population has still not been influenced by these modern human thinking and scientific developments. Nepalese are still demanding racial privileges rather than demanding equality. Granting race specific privileges is to assist inhuman action which the stalwarts of human democracy should avoid. Thus to end class discrimination

is to end race/group specific privileges and to contribute to build interracial unity.

3. Nepal is called "Sangrila" and is also called "a garden for all races" whether a person is from Himalayan, Mountain or Terai region or is a Hill or Terai inhabitant, he is essence from Nepal and in essence is a Nepali. In fact the structure of Nepali society is extreme. Economic prosperity and development is on the extreme. Geophysical structure is in extreme. It is a big challenge before us to make equal among these extremes. In different periods of history of Nepal the migrant Kirants came from the North, and Aryans came from South and West. In a way similar to the blending of Tibetan-Burmese and Indo-european language to emerge into Nepali language, the indigenous people mixed with migrant population and so Nepali races emerged. The Ranas and Shah who claim to be Rajputs were indeed, has and Magars who mixed up with Mongol races to be in the present state of today. The Newars also developed from the inter-racial mixups. It is evidenced by the unique blend of culture including that of Buddhists, Hindu and others.

Due to its own peculiarities it is even difficult to separate clans among Nepalese families. Very few races have preserved their own economic life, social custom and cultural identity separate from other races in the same place. A new future has been provide by the present stage of social development. The clan family system of the uncivilized age is not practised today. There is no any specific locality specific to a particular race perused by increased population presence. From the point of view of human development we may conclude that there are not any "uncivilized races". However there are some indigenous people still backward in modern economic, social and cultural developments.

Any racial slogan has lost its human face in this present world where the people of the world are integrating and uniting by crossing the national barriers. Modern cities are multi-racial. Industrial labours are multi-racial. The structure and content of scientific education is universal not race specific. Human feelings is

getting freed from racial attachments. Interracial mixup increases as and when society develops, prospers and becomes uniform. In course of racial mixups Brahmins are likely to decrease with the increase of Kshetriyas, abolition of untouchability of Sudras (untouchables) and decrease in religious superstitions and fanaticism. This shall result in new racial interrelationship not only among Magars, Tamangs and Limbus of Hills but also among the "higher races" of Terai and the untouchables. But the state should protect and encourage interracial marriages by adopting a policy of racial equality.

4. The proven history of beginning of human development in Nepal is still a matter of research. Who were the indigenous people of Nepal and in what state their descendants are now? Who are migratory races and when they were settled here? How the races were mixed to emerge to a new race? How the separate identity of the races has now been preserved? Without making search and seeking answers to such question one can not pin point and specify about ancient races. It is not reasonable to declare a specific race/group as to be indigenous without further search.

There has been mistaken publicity about racial structure and human development of different races in Nepal. It is degradation of Magar, Newar, Tamang, Limbu and Gurungs to be called indigenous people as they have already developed to a fulfilled human races. Because similar type of sub-races make into races which is valid among the above mentioned races too. It is another mistake to term indigenous people for those divided according to the profession they adopt. Thus while analyzing the reality of Nepalese society it should not be based on emotion but on the reality of racial structure.

5. Words are framed to connote specific meaning. The word "Indigenous People" should also mean a realistic concept. This implies those human beings who are not yet fully developed as race, their origin and development still primitive, are inhabiting from immemorial past but victimised by

modern civilization and people and those never coming to share power in government. It is mistake to use the word indigenous people to the ancient people. This word has been widely published and used after the UN announced this year 1993 as the "year of indigenous people".

The concept of indigenous people in Nepal seems to be unclear. ILO, an organ of UN, in 1957 put forward the definition of indigenous people to be those tribals or clans who were inhabiting when the colony was established or when the present government was established. It was further refined in 1977 to mean "those tribes or clans of ancient people who have not participated in the governance". Sometimes the word was used to mean "those under-developed human beings making collective use of the land" and "those who claim themselves to be indigenous people".

In Australia, New Zealand and America, the migrants from Europe had displaced the local inhabitants thus victimizing the local indigenous people. Initially it had caused cultural awakening which later on took the political character. The slogan which capitalism initially had embraced but later on discarded the indigenous people picked up the slogan demanding separate state for them. In response to such racial demands the working group of UN in 1982 brought out the rights of indigenous people like "rights of self determination and autonomy, rights of retaining their identity, rights of cultural development rights of use of mother language and right of demarcation and use of traditional land". Based on such political concepts the year 1993 was announced as the "International Year of Indigenous people". Here too those people having special relation with land, victimised by invading rulers or those with specially identifiable culture, language, custom, religious concept but yet not represented in government were considered to be indigenous people. But the territorial integrity of the state where they reside was accepted which made the demand for separate state by those who want to participate in government and development unreasonable. However there were different views on how to

solve their problems. Some suggested that they should let live in their own condition whereas other suggested that they should be given special facilities to enable them to join the main stream of development at par with other people. Apart from the protection and integration a third concept came out which explained to be the right of self-determination. The rights of self determination is found to have been taken as a concession to establish separate state in contravention to the national unity and territorial integrity.

Based on the definition of the UN, advocates of racial concepts have vowed to separate the present territory and form a federation. This proposition came forward without caring the reality of situation in Nepal. Those people have referred to the event in a historical past to make the present distorted and the future disintegrated. The concept of "indigenous people" of UN is not completely relevant to Nepal. This country never came under colonialists. There are people who mean the right of self-determination to be free and get rid from being victimized from invading state. This is not relevant because the struggle of indigenous people is basically for cultural identity. Nepal is known for multi-ethnic existence and mixed and integrated culture of indigenous and migrant people is coming down from immemorial past. As against this, some foreign politicians of the west have tried to use the right of indigenous people to disintegrate the country. Nepali are thus suspicious. When everyone is legally guaranteed to be equal, a claim of racial customs and privileges does not make one advocate of social and cultural equality which also is against the modern thinking. The various ethnic people and tribals are indeed not "indigenous people". Some tribals are in similar condition which demand ending of exploitation by "civilized" or "developed" groups. But the people of the same ethnic group have also been exploited by the people of same group. The "indigenous people" with meanings like the words Tribals, Natives, Aborigines, Ethnic groups, Nomads has not been well intentioned or relevant to Nepal. Some have commented it "a creation of westerners for intervention" and "a move to

prevent people to be united". Some have opined "the concept of indigenous people is very unclear in Nepali context" whereas some have concluded "problem of aborigines or tribals is the problem of poverty". It is thus imperative not only to the human rights activists but also to the political and educational workers to develop suitable policy, programme and work style on the area of indigenous people in order to ensure their identity and prosperity.

6. Some suggests indigenous people in Nepal to be those who had been inhabiting before the unification of the country under the leadership of Prithvi Narayan Shah. On the other extreme some advocate the Nepali Ethnic People have been a mix of various races and tribals and so there are not any indigenous people at all. Some opined the first ruler to be "indigenous". However, these people seem to mean indigenous to the ancient people which is not compatible to the internationally accepted concept. In Nepal too, the ancient people should not mean "indigenous people". The aborigines and migrants have started their history together. Those people who are nomads, semi-nomads, are in the early stage of agricultural and livestock practices having separate identity and aborigines backward in social developments are called indigenous people. It is not clear if the Brahmins as practising priests in Kathmandu valley, some 1500 years ago, were aborigines or migrants. In cause of advancement of civilization, people of same race or tribe scattered around and developed in their own way, become like separate tribals and some very backward too. Rautes in Khas races, Duras in Gurungs, Gopalis in Newars, Chhantyal in Magars, Thami, Hayu, Dhimal in Kirants can be cited as examples. Tharus, the aborigines of Terai have developed to races from tribals. However, they have been invaded from the people of the North and South making many of them to be bonded labourers. All Tharus are equal from heritage and clan relation but very much different from economic conditions. After mixing up of migratory and aboriginal Tharus, they have divided into groups according to economic condition with well off and destitute. The

hapless Tharus have been exploited by the people of their own ethnic group. Further they have also been exploited by the migratory well-off people from the hills. It is thus needed to relieve the sufferings of the victims by emancipation and guaranteeing their equality.

According to the information available so far, Nepal is inhabited by 167 kinds of people divided into races, tribals, aborigines. Indigenous people may be called to those who developed a race from tribals, developed as tribal from the mix of a clan with another and those in the lower strata of development in a family or clan. It may be just to provide special privilege for development to those who can not lead freely to safeguard their collective interest.

In modern Nepal there are some ethnic groups of people who can not look after their own interest or are in the primary stage of human civilization, have been victimised by migrants people, having been distinct cultural identity and have not participation in the government affairs. Such peoples are Tharus in the tribals and Chepang, Raute, Kusunda, Thami, Hayu, Pahari, Dhimal, Jhangud etc from aborigines.

Tharu: In community classification Tharus come under Maithili community, and are basically of Nepali origin. As Terai is stretched along east-west, there is a tradition to call western and eastern Tharus. Their original place is assumed to be Dang valley from where they have spread to other places. When a part of Western Nepal was conceded under Sugauli Treaty, some of the Tharu areas was merged into India. The Tharus there still possess their ownness towards Nepal. Kusumian, Budhaniya, Dashawari, Khathariya Tharus are assumed to be of Dangali origin whereas Rana Tharus are migrants. Khasiya, Magariya, Aririya Tharus owe their existence to the mixing of Tharus with Brahmins, Kshetriya, Magars, Kumal. This mixing of interracial and intertribal blood made the Tharus to gain racial character. This tribal group making about one million population of the country have become Kamaiyas as bonded labours and become like a commodity traded by the wealthy people. Most of the Kamaiyas

are landless and also illiterate. They have been embedded in social ill traditions and are not aware of the concept of human rights and development. For their upliftment, there should be immediate ban on Kamaiya system and they should be rehabilitated by providing them shelter, employment and scientific education. Further they should have participation in the government which can be ensured by formulating suitable policies and programmes.

Chepang: Chepangs who claim themselves to be the descendants of Lava, son of Ramchandra (God) inhabit mainly in Dhading, Chitwan and Makwanpur districts. There is difference of opinion about the place of their origin. Some say they have come from Sunthali, Dolkha and some say they have migrated from Morahang via Rangchurang (North of Manahari, Chitwan District). Chepang population is estimated to be more than 31 thousands. They are slowly passing through the stage of agriculture and livestock farming. Some programmes have been launched for their development. But they have been converted to "Praja" (subject of feudal ruler) by disturbing their original identity.

Dhimai: Dhimai, a tribe of Kiranti origin inhabit in Morang and some villages of Jhapa district. With a population of about 16 thousands, their occupation is agriculture. Most of them are landless and poor. Some of them are sufficiently wealthy and educated ones have also been in service sector.

Thami: Thami are also of Kiranti origin. They have been scattered around some villages of Dolkha, Sindhupalchowk, Ramechhap, Okhaldhunga and Morang district. They have permanent residence and are based on agriculture. Those being educated have also been in service. Thami eat meat of monkeys.

Hayu: They are found in Ramechhap, Dolkha, Kavre, Makwanpur and Sindhupalchowk. Some hundreds of them are in Ramechhap. All are poor and make their livelihood by earning wages.

Pahari: They number to around 200 families

spreading to Kavre, Lalitpur, and Sindhuli. Their language is closer to that of Newars. They don't wear Phuli (an ornament worn in nostril by women) and are untouchables. Besides being in farming they go for fishing. They are slowly avoiding to call themselves Pahari.

Jhangad: Jhangad who are estimated to count about 15,175 are found in Morang, Jhapa and Sunsari. They do the farming in their own land. Earlier they used to love hunting and presently are drink living. They like dancing and singing. Bantars who are closer to Jhangads also inhabit in this area.

Raute: Raute who number around two thousands are found in mid western and far-western region. Some of them are spending nomadic life and have yet to begin farming. Some others have permanent residence and also entered farming. Rautes staying in jungles now and then appear in local Hat Bazaars. Rautes are also found in Pithauragadh of India. They carve wooden items and exchange it with food.

Kusunda: They are now spending nomadic life. Their number is yet to be searched. They are found in Gorkha, Lamjung and Tanahu. Some of them are in Nawalparasi and are mixing with "Giris". They are also said to be descendants of Kush (son of God Rama).

In addition to the above mentioned tribals, Gopali within Newar race, Dura within Gurungs, Chhantyal within Magars, Darai within Khas and other tribals including Raji, Bayasi, Mahaut, Gangai and Panals are also in the earlier stage of development. According to government statistics, the Raji tribals number to 2959 and make their living by farming, hunting, fishing and they have also learned to make permanent settlement. Byasis number to 1314 and Darais 6520 and study has yet to be made about other tribals. The saying "Single leader of Bote, Majhi, Raji" shows the commonness of these species. Similarly Mahauts are compared to Kichak (a character of Mahabharat epic) by someone. Their nomadic life has almost ended and they reside in Mangtanwapur of Banke district, Gangai are

of Kirant origin but are said to be the migrants from India. Panals inhabit in Pani village of Bajura and are said to be nomadic descendants of Khas race.

Certainly, attention should be paid towards the development of backward classes of people. But a serious question comes how to ensure security and promote the welfare of people who are nomadic and are dependant on forest and rivers. Should they be left to enjoy their own way of living or bring them to the pace of development of society? In case they are to be developed, their identity is likely to be lost by mixing with other groups. We should accept that development would threaten the identity of indigenous people. Indeed development should prevent the adverse effect on the identity of human beings and that of natural means of human dependence. In a country like Nepal, the resource used in one place affects the other. Thus the negative effects of development can not be limited to a race or place. Proper attention should be paid as the effect of development reaches to wider section of population. There is need of execution of programs for the welfare of such people.

Indigenous people are the most backward among the backward class from the point of view of socio-economic development. They should be protected and facilitated to enable

them firm standing in this age of societal competition. An environment should be created to enable them utilise their skills and ability and assist for its full mobilization. The creative sectors like education, culture, arts and literature should also be directed to pay due respect and create goodwill of the backward tribes and indigenous people.

Different languages and various races get refined by mixing up or combination of one to another. Human beings get enriched by sharing beautiful, good and creative items and natural resources. In case he fails to share or shows greed, he has suffered from various adversities. Thus a country to emerge as a nation in true sense is not only the cooperation, equality and prosperity of its citizens but also their consensus in making a strong nation. The ruler may be stronger through guns and money but a strong nation needs to have goodwill among its subjects and reconciliatory culture to build a strong nation. In order to solicit such views from different races, tribes and indigenous people, identity of each of those groups should be respected. Everyone of them should be allowed to participate in the national development. Those who can not advance in the competitive fray should, at least, be paid attention to make them capable enough to be in competition. □

Appendix 7

Views of Political Parties Regarding Human Rights Situation in 1993

NEPALI CONGRESS

Institutions related to human rights as well as interested individuals must have been evaluating how far human rights have been actually implemented in Nepal during last year. It should also be evaluated by knowledgeable and responsible persons as well as institutions of the country.

The overall development of individual is the need of the day. To meet this end, certain conditions such as freedom of ideas, freedom from oppression and freedom of conscience must be fulfilled. Only then, it is believed, can an individual's personality be fully developed. In view of it, during last year the Nepalese people have been able to enjoy the freedom of ideas and that of conscience to the maximum through various means. In this regard, the decisions made by the court are known to all. The country did not have to endure any considerable incident of oppression. Actions have been taken in terms of the few incidents of oppression occurred as a result of the activities of persons involved in the concerned bodies in course of maintaining law and order.

For lack of enough resources and means Nepal has not been able to prepare necessary prerequisites for providing enough fooding and clothing for the increasing population. It is worthy of consideration how far it is possible for a hungry person to attain his/her overall development. Therefore, the Nepalese people will be able to enjoy human rights to the full

extent possible only if all of us Nepalese people upon whom sovereignty resides get united and engage in activities to uplift the people of the country from the marshes of poverty, disease and hunger.

Kaushal Raj Regmi
Secretary

CPN (UML)

Human Rights have been seriously violated by the state machinery.

The Nepalese people have been struggling for freedom and justice for a long time. The nationwide movement of 1990 was an important sequence of this struggle. This movement had charted a clear-cut orientation regarding the responsibilities of the state and those the government for the protection and promotion of people's rights. The constitution and laws of the land as well as the functioning of the state should have been in accordance with that spirit. The country's human rights situation should be evaluated keeping in mind what sort of activities have been carried out by the state and the government in this direction or what kind of atmosphere has been created for the protection of public interest and public rights.

1. International Context and Nepal

Nepal has endorsed the norms and principles regarding human rights that have been

established internationally. Some of them have also been reflected in the constitution of Nepal 1990. These norms and principles accepted in principle and reflected in the laws should have been translated into practice. The various forms of human rights classified as political, economic, social and cultural rights are equally important for our society. Human rights cannot be respected and protected in any country of the world, ignoring the poor and helpless people. It is seen that some countries have got into serious troubles because of one-sided interpretation and understanding of human rights. Therefore, to respect the norms and values of human rights as endorsed under the UN system in their entirety is a must for Nepal.

2. Questions Related to the Constitution

Some obstacles existing on the way to citizens' right to equality and those existing on the way to the full realisation of the dignity and respect of people's sovereign power are the same as they were last year even after the completion of the fifth session of parliament.

The discriminatory provisions existing in the constitution contrary to the multi-national, multi-lingual and multi-religious realities of Nepal have still been maintained. In the act related to letter of permission for work, amendment was made against the spirit and provision of the constitution, and attempt was also made to amend the Treaty Act. Attempt has also been made to pollute the free and fair election system by appointing the chief election commissioner as an ambassador, disrespecting the constitutional provision that the chiefs of constitutional bodies like the supreme court, election commission etc. cannot be reappointed in positions of benefit.

3. Questions Related to Law

Indifference of the government to enact appropriate laws for the implementation of constitutional provisions related to human rights still continues. Moreover, there have been activities against the demands of organisations and individuals concerned about human rights. The government side

contributed to the failure of a bill presented in the session demanding that the act related to rape be amended and provision be made for severe action against rapists. Instead of making a provision for giving compensation to torture victims and appropriate punishment to persons who inflict torture, an incomplete bill was presented and that too was aborted.

1. It is a matter of regret that acts that were against the letters and spirit of the present constitution were to be automatically repealed within one year after the constitution was promulgated, are still kept intact against the constitutional provision, and not only did the government side not present any bill to amend such acts despite repeated voices raised by various human rights organisations including our party but also the bills put forward on our part was aborted without any discussion.
2. The discriminatory acts against women have been kept intact and despite the constitutional provision no special acts have been made for the development and protection of women.
3. International Indigenous year has been bid adieu simply by paying lip service to it. Despite constitutional provision, no special acts have been made for the development and protection of indigenous and backward communities. Not even attempts have been made regarding it.
4. No acts have been made in the interest of bonded labourers.
5. No acts have been made to protect people's right to information. The bill presented in the initial session of parliament was aborted disregarding the people's right, and no attempt was made to enact an act in the spirit of the constitution.
6. During the Panchayat system the congress and the communists were of one opinion that cases under Public Offence and Security Act should be decided by the

court and not by the CDO. In the past, the Panchayat system had repressed the congress and the communists by means of this act. Now NC is repressing opposition parties by means of the same act. An amendment resolution put forward by our party was dismissed by using of the might of majority.

7. Following the political change in the country the government has signed more than 14 treaties related to international human rights, but it has not still made any acts accordingly.

8. The proposal presented in the parliament by our party that a fully authorised all party National Human Rights Commission be formed was dismissed without discussion.

4. Political Tendency Against Human Rights

The constitution and the laws should have been established an enforced in favour of people's rights, while the government is working to the contrary. Such behaviour of the government has also been reflected in its external policies. The policy of congressising government medias and the administration continues. The tendency to keep confidential the treaties and agreements related to the future of the nation and the people still remains. The government manifested this anti-popular tendency before the international arena by issuing a statement in support of the military attack on the Russian Parliament building under the instruction of the Russian government, where hundreds of persons were killed.

5. Major Incidents of Human Rights Violation

- a. The fifth national congress of our party was held in the beginning of 1993. The government was intolerant even towards the publicity activities related to the national congress. Activists engaged in publicity were arrested, and posters and banners displayed in public places were removed and torn by using the police.

While the congress was going on, the government had tried to create disturbance by having had the flags of our party fluttering on the walls of the Academy building removed dramatically.

- b. The police used batons haphazardly upon parliamentarians before Singhadurbar on February 5, 1993, injuring six including MP Krishna Gopal Shrestha. The same day, Samjhana Dahal, a school student, was shot dead when the police opened fire upon a peaceful mass protest demonstration in Sindhuli.
- c. In Dasdbunga (Chitwan), Mr Madan Kumar Bhandari the then General Secretary of our Party and Jiva Raj Ashrit, Chief of Party Organisation, were killed in a jeep accident in a conspiratorial manner on May 16, 1993. The biased and indifferent attitude shown by the government regarding the investigation into the murder was not in accordance with the spirit of democracy and human rights. When voices were vigorously raised all over the country demanding a fair investigation into the incident, the NC government tried to repress them by means of police force. Twenty-one persons were killed in this connection. Besides, dozens of persons were injured and hundreds arrested. The police force was used to charge batons even upon MPs walking along with peaceful protest demonstrations. The party in power organised "resistant groups" and demonstrations. Government employees were forced to be directly involved in such activities. Several lawsuits with fictitious charges were imposed on persons engaged in peaceful activities for fair investigation of the murder incident of Dasdbunga. More than 500 false lawsuits under Public Offence Act were arbitrarily imposed on more than 3 hundred citizens throughout the country.
- d. MP Mr Amik Sherchan was brutally beaten by the police and men of the party in power in August. Mr Prabhakar Subedi arrested in July has been missing. Dilli

Gautam was killed by police firing on July 4, in Dhanak, Jhapa Kajiman was beaten to death by policemen in Makawanpur for not giving them a chicken. In September, a woman called Tilu Ghale was arrested without reason and the police had tried to present a false description of the case even before the court. Dulari Majhi, aged 25, and her child were shot dead by policemen in Rautahat. All these incidents shed enough light on activities of human rights violation by the state machinery in 1993.

- e. The nature of political suppression campaign launched by the government in Rolpa reminds us of the "Operations" launched under the autocratic Panchayat System. The reign of terror there had frightened the general public out of their wits.
- f. In addition to these, there have been a lot of incidents in different parts of the country, in which individuals sympathetic to the opposition parties had been terrorized by the police and the local administration, false charges imposed and public resources and means misused in the interest of the party in power. Law and order situation has deteriorated to the extent that no citizen can enjoy his/her human rights without interruption or fear. The economic and social rights of citizens have been restricted due to the unchecked rise in prices, growing unemployment and ever spreading social absurdities. In view of this situation, a great many activities of the government have been negative in terms of human rights in 1993.

Hence, human rights have been seriously violated by the state machinery.

Ishwar Pokharel
Secretary
Central Office

UNITED PEOPLE'S FRONT

First of all, we would like to thank INSEC which is going to publish "Human Rights Year Book 1993" in an attempt to depict the existing human rights situation in Nepal.

Actually, since the parliamentary capitalist system cannot solve the basic problems of the general public including human rights because of its inherent characteristics, we have been engaged in a political movement to bring about a radical change in the existing system and establish a socialist system (through a new democratic system in the Nepalese context) in order to solve all the problems of the general public. As we understand it, the situation of "democracy" and "human rights" is extremely poor in the Nepalese context even from the point of view of the "values" and "norms" of parliamentary capitalist system. Human Rights Year Book 1992 published by INSEC amply testifies to the fact that the present Nepali Congress government which professes to be the most democratic has been the greatest violator of human rights.

The NC government has surpassed all the dictatorial and despotic regimes of the world in using the language of bullets and repression upon peaceful protest demonstrations and mass meetings. This fact has been established by the incidents of police firing and murder occurred in places including Chitwan and Jhapa in connection with the peaceful protest demonstrations organised by seven political parties including United People's Front in July 1993 when a transportation strike had been called. Likewise, the attack made on MP Amik Sherchan with the intention of killing him and the arrest of more than two dozen MPs clearly reveal the actual human rights situation.

Thousands of persons have been imposed lawsuits on false charges like public offence and murder simply for holding views different from those of the party in power or for voting for the opposition parties. A reign of terror has been imposed on Rolpa under military suppression to terrorize the general public just for supporting United People's Front. The police and the army led by Nepali Congress have raided people's houses. Supporters of UPF have been humiliated, beaten, arrested and tortured. They have been forced to dip their hands into blood and promise to join Nepali Congress. Cattle have been untied and driven to the crop fields, goats, buffaloes and chickens are slaughtered and eaten, food grain

has been scattered, cash, jewellery and other valuable objects have been robbed and women have been ill-treated. Consequently, the people of many villages have been forced to take shelter in forests. As almost all the men have fled from villages, women have taken to ploughing their land. About six thousand people have been falsely charged with public offence, murder etc. The alleged ones have been forced to present in cash or kind worth about six hundred thousand rupees as bail. On the whole, the government has created an atmosphere of while terror there. The same kind of situation is prevailing in districts including Rukum, Ramechhap, Gorkha, Sindhuli and Humla.

The people's right to information has been violated by making secret treaties with foreign powers regarding national wealth and resources. Likewise, secret treaties have also been made on matters related to national defence.

In a situation like this, the statement made by the government that human rights situation in Nepal is "the best" and the one made by some foreigners in a projected manner that human rights situation in Nepal is "positive" and "good" are nothing but a matter of regret.

At a time like this, the efforts being made by INSEC to bring before the public the incidents of human rights violation all over the country deserve appreciation. We would like to extend our best wishes for the success of this endeavour.

Pampha Bhusal

NEPAL SADBHAVANA PARTY

Since the party assuming power following the political change has been inclined towards despotism and acting against human rights, human rights situation in the country is not satisfactory. It is said that the state power is the main violator of human rights. That is why, it is possible that those in power violate human rights the most. For those who have been deprived of human rights and who have been oppressed, the only way out is to struggle.

In this context, the fact that our party is determined to fight for appropriate civil and fundamental rights and equitable representation of the neglected Hindi-speaking Terai people comprising 50% of the total population and the majority nationalities of the hills is known to all.

The constitution of Nepal 1990 has made dubious the natural human rights of people to obtain identity cards of citizenship. It is clearly stated under sub articles "a" and "b" of article 8 in the second chapter entitled "Citizenship" of this constitution that only persons who prove to be citizens of Nepal in accordance with article 7 of the constitution of Nepal 1972 and those who have obtained citizenship in accordance with article 3 of the Citizenship Act of Nepal 1973 will be regarded as the citizens of Nepal. Has not this procedure immortalized the regressive Panchayat constitution? There cannot be differences of opinion that though the problem of identity cards of citizenship is a nationwide problem, the majority Terai people have been the most oppressed in this regard. Therefore, this problem cannot be solved unless an amendment is made in the constitution so that all the Nepalese people can be able to attain identity cards of citizenship through an easy procedure. Our party is of the view that this constitutional crisis has been created under the state power controlled by a particular class of rulers.

This issue has become more sensitive at this time when the government is positive about introducing voters' identity cards which is directly linked with the issue of identity cards of citizenship. It has become more so because out of the twelve and a half million of voters only about eight million have been given identity cards of citizenship, according to ministry for Home Affairs, while the rest four or five million voters have not been given them by creating one problem or the other. Therefore, if the government is keen on introducing voters' identity cards on the basis of identity cards of citizenship, it should, first of all, be determined to resolve the problem of citizenship. Otherwise, the question of voters' identity cards will be of minor importance and

the major problem will remain unresolved. Consequently, the government will have to be responsible for its reckless act of ignoring human rights of those not having identity cards of citizenship.

It is obvious that the government has misused the "Public Offence and Punishment Act" on the pretext of maintaining law and order by arresting political activists and even members of glorious parliament, the supreme and sovereign institution of the nation. Examples of arrests made under this act can be counted to be thousands.

To be obstinate in governing the country alone without including in it a particular community having the noble spirit of building the nation and safeguarding it is an outright violation of human rights in today's civilized world.

Prime Minister Girija Koirala has repeatedly said that Nepal is a democratic country and, therefore, she morally supports the struggles for democracy and human rights waged anywhere in the world. In this context, he supports the demand of the Nepali-speaking Bhutanese in the name of democratic movement, whereas he does not speak a word in support of the democratic struggle of Burma. The biggest irony is that he does not show any interest in solving the problems of the Terai people or Madhesis who, like the Bhutanese, have been struggling inside the country demanding rights as the Nepali-speaking citizens in terms of language, costumes, citizenship and equal share in power as well as services in proportion to population. Nothing can be a greater violation of human rights than this indifference. Various absurdities may appear in the country if such discrimination, exploitation and communal contradictions remain unsolved. There cannot be differences of opinion that if the prevailing situation continues, it will be more difficult to bring the people all over the country into the mainstream of the nation.

Finally, we would like to urge human rights organisations that if they organise creative programmes for the liberation of the ignored, the humiliated, the exploited, the oppressed

and downtrodden communities of the nation, and for justice, equality and progress for all, and that if they make the international community well informed about the human rights situation in Nepal, their duties will be fulfilled better.

Up with the motherland!

Triyugi Narayan Chaudhary
Vice-Chairman

NEPAL WORKER-PEASANT PARTY

The two main issues in the popular movement of 1990 were the restoration of democracy and human rights. Last year, we had expressed the view that the overall situation of human rights had not been satisfactory even during the period of the democratic government instituted after the historic popular movement and had expressed the hope that it would improve in the year to come. But the government lacks in will power to improve human rights situation.

Since the interim period, our country has endorsed 14 international treaties and covenants related to human rights, but the government has not shown any intention this year as well to gradually translate them into reality. On the contrary, complaints have been heard that the government has harassed various NGOs related to human rights.

Likewise, the intention of the government is best revealed by the facts that it did not put into practice the report of Mallik Commission about which the general public were very confident and enthusiastic, and it has not still presented an annual report on the human rights situation of the country to the UN human rights committee as expected, though Nepal has signed the Optional Protocol on Civil & Political Rights.

It is a great weakness from the point of view of human rights that old acts that contradict with the constitution have been put into practice as usual during the three years of this government. Also, the new acts are not free from flaws.

The court is like a hospital where human rights are treated legally. But the lawsuit related to the murder of Mr Baidya, a police inspector, who was killed in Baglung, Dhaulagiri zone 25 months ago, has not been decided until today. This reminds us of the judicial motto that delay to justice is deny to justice.

While speaking of human rights, the problem of Bhutanese refugees comes up automatically. The efforts made by the government to solve this problem have proved to be a failure. Due to the procrastination of the Bhutanese government the prime minister's "silent diplomacy", "internationalisation" and "classification of Bhutanese refugees" have led him to nowhere.

The year 1993 has also witnessed that the government is not sensitive about the right to information. This year, the government seemed to be reluctant to provide complete information about Arun-III Hydroelectric Project as in the case of Tanakpur Project.

Inheriting the so-called partyless character of the former system, political parties including Nepal Worker-Peasant Party have been denied by the government the status of a national party even in a multi-party democracy on the ground that these parties had not attained 3% votes. This reveals the biased attitude of the government. Therefore, our party has been fighting to bring about changes regarding the provisions of 3% votes and the registration of new parties. It is also concerned that the possibility of two-party dictatorship which is being felt in the country is posing a more

serious danger on democracy and human rights.

People all over the country are compelled to endure insecurity, price rise and congressisation. Child labour and exploitation of women still continue. Lawsuits with false charges have been imposed on workers of NWPP in districts like Kalikot, Dailekh, Jumla, Mugu and Banke.

Likewise, human rights situation has been further deteriorated by the acts of the main opposition like making agreements with and surrendering before the party in power. Because of the agreement made between UML and NC on August 17, fair investigations could not be carried out into the killings resulted from police firing in Kathmandu in connection with the movement launched demanding fair investigation into the Dasbhunga murder incident. In this way, the human rights situation in Nepal did not appear to be satisfactory in 1993 as well.

Prem Suwal
Secretary
Central Committee

[CPN (Masal), Rastriya Prajatantra Party and CPN (United) had also been requested through separate letters dated January 13, 1994 to make available their official views regarding Human Rights Situation in Nepal during 1993. But despite repeated contacts we were not fortunate enough to receive views from these parties.]

Appendix 8

Letters & Documents



सर्वोच्च अदालत

(प्रशासनिक प्रशासनिक शाखा)
काठमाडौं

(कृपया पठाउनुमा हाल पत्र
संख्या, मिति र कागजात विवरण
उल्लेख गर्नुहोस्।)

राजशाहपथ, काठमाडौं।

संख्या: ०५०/५९ च.नं. १६४८

तारिख: २०५०/६/१६

संख्या: १-२

श्री. जिल्ला अदालत,

सबै ।

अनौपचारिक क्षेत्र सेवा केन्द्र (इन्सेक) बाट १९९३ को मानव अधिकार वर्ष पुस्तक प्रकाशनका लागि मानव अधिकार संग सम्बद्ध मुद्दा मामिलाहरू ल्यायतका आवश्यक तथ्यांकहरू समावेश गर्न सम्बन्धित जिल्ला अदालत तथा पुनरावेदन अदालतलाई सहयोग को निम्ति पत्राचार गरी दिन अनुरोध गरी लेखेको मिति २०५०/६/१६ को पत्र सम्पत्तीय प्रधान न्यायाधीशज्यू सभमा पेश हुँदा सबै अदालतहरूलाई अदालतको कार्यमा बाधा नपर्ने गरी सहयोग गर्न लेखी पठाउने मनी आदेश भएकोले आदेशानुसार सहयोगको लागि अनुरोध छ । ✓

[Signature]
2050/6/16

Supreme Court
(Administration Section)

District Courts (All),

In reference to the request letter (dated 2050/6/19) submitted by Informal Sector Service Centre (INSEC) to write to district courts and appellant court for cooperation in making available necessary details pertaining to human rights related legal cases for inclusion in the publication of Human Rights Year Book 1993, Honourable Chief Justice has ordered to write to all the courts for extending cooperation provided that it does not create any objection in the court proceedings.



(हृदयदा रत्राजयः। द्वापल वल
भक्त्या, मिलि व क्षुधया निजल
उल्लेख अल्लुना ।)

गानशाहपय, काठमाडौं ।

(प्रशंसनः शास्त्रा)

18 अक्टूबर - 040148 च.नं. 4 5 0 6

बालन वन वृक्ष र मिठि ...

मिति . . .

६। अथ यः-

श्री पुनरावेदन अदास्त,

सर्व

अनौपचारिक चोत्र सेवा केन्द्र (इन्सेक) बाट १९९३ को मानव अधिकार वर्षा पुस्तक प्रकाशनका लागि मानव अधिकार संग सम्बद्ध मुद्दा मामिलाहरू लगायतका आवश्यक तथ्यांकहरू समावेश गर्न सम्बन्धित जिल्ला अदालत तथा पुनरावेदन अदालतलाई सहयोग को निमित्त पत्राचार गरि पिन अनुरोध गरि लेखको मिति २०४०।१।१९ को पत्र सम्पन्ननीय प्रधान न्यायाधीशज्यू समक्ष पेश हुँदा सबै अदालतहरूलाई अदालतको कार्यमा बाधा नपर्ने गरि सहयोग गर्न लेखी पठाउने"भनी आदेश पस्कोले आदेशानुसार सहयोगको लागि अनुरोध क ।

Pravin Kumbhar
2020/4/26.

Supreme Court
(Administration Section)

Appellant Courts (All)

In reference to the request letter (dated 2050/6/19) submitted by Informal Sector Service Centre (INSEC) to write to district courts and appellant court for cooperation in making available necessary details pertaining to human rights related legal cases for inclusion in the publication of Human Rights Year Book 1993, Honourable Chief Justice has ordered to write to all the courts for extending cooperation provided that it does not create any objection in the court proceedings.

श्री. ए. सी. तारागार
मानव अधिकार
(जिला प्रशासन कार्यालय)

पत्र संख्या :- ज.प्र. प्र. २०५०/२६

च. नं. :- १०८७

तस्मात्कार

दिनांक :- ०५०१/२६

विषय :- मानव अधिकार, वर्षा पुस्तक १९८३ को लागि आवश्यक सत्यापन
गतिविधि सम्बन्धमा ।

श्री जिला प्रशासन कार्यालय,

सबै ।

श्री कारागार व्यवस्था विभाग

को भव । ।

श्री प्रहरी प्रधान कार्यालय,

नक्साल ।

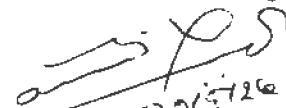
उपर्युक्त सम्बन्धमा भर्खर त यस अनापेक्षाक पत्र सेवा केन्द्र (ईन्फो) ले गत वर्ष १९८३ को मानवअधिकार वर्षा पुस्तकको प्रकाशना क्रमा यहाँको त्रिकाय तर्फबाट भएको सत्यापनको निमित्त धन्यवाद ज्ञापन गर्नु । यस वर्ष पनि वर्षा पुस्तक समिति सन् १९८३, को वर्षा पुस्तक निर्माण कार्यमा जुटि सकेको छ । तसर्थ गृह मन्त्रालयको त्रिकायले जिला प्रशासन तथा प्रहरी ठाउँ वर्षा पुस्तक स्वीकृति वा कार्यतालिकाको सत्यापन गतिविधि निर्देशन जारी गरी दत्त हुन अनुरोध गरिएको छ । वर्षा पुस्तक तयारपारी लागि विभिन्न पत्रबाट जस्तै जेलबाट पनि तथ्यहरू संकलन गर्नु पर्ने भएताले ती त्रिकायलेमा समेत आवश्यक सत्यापन ठाउँ पत्रबाट गतिविधि हुन अनुरोध छ भने अनापेक्षाक पत्र सेवा केन्द्र (ईन्फो) को दिनांक २०५०/६/२६ को पत्रबाट लेखी आएको हुँदा तत् सम्बन्धमा त्यस कार्यालयबाट आवश्यक सत्यापन पुन्या-ईन्फो दत्त हुन आदेशानुसार अनुरोध छ ।

वोधार्थ :-

श्री सुशील प्याकुले

अनापेक्षाक पत्र सेवा केन्द्र (ईन्फो)

काठमाडौं ।


०२/०५/८३
शाखा अधिकृत

His Majesty's Government
Ministry of Home
(District Administration Section)

Singh Durbar
050/6/26

Letter No.: DA 3/050/51
Do No: 1087

Ref: Regarding extending necessary cooperation for Human Rights Year Book 1993

District Administration Offices (All)
Jail Management Department
Min Bhavan
Police Headquarters
Naxal

In connection with the aforesaid reference, first I express thanks to all for the cooperation extended from your offices in course of publishing Human Rights Year Book 1992 by Informal Sector Service Centre (INSEC). The Year Book Committee is now engaged in preparing Year Book 1993. Therefore, the units of Home Ministry, district administration and police are requested to direct for extending help to Year Book volunteers or workers. Like other units, it is also necessary to collect details from jails. Therefore, in reference to the letter (dated 2050/6/26) submitted by Informal Sector Service Centre (INSEC), the offices concerned are requested by the order to extend necessary cooperation.

Section Officer

CC. to
Shri Sushil Pyakurel
Informal Sector Service Centre (INSEC)
Kathmandu.



पत्र संख्या - ५१७५६२५/१९९३
संख्याको मिति - ५५४

श्री ५ श्री सरकार

गृह मन्त्रालय

कारागार व्यवस्थापन विभाग

संलग्नक, सचिवालय
संख्याको मिति - ३३५/१९९३/२ ...

विषय:-

मानव अधिकार वर्ष १९९३ को लागि आवश्यक जानकारी गरी दिने
व्यवस्थापना ।

श्री जिला प्रशासन कार्यालय,
ललितपुर ।

जसरी विषयमा गृह मन्त्रालय, जिला प्रशासन शाखाको व.नं. १०८७ मिति ०५/११/९३ को पत्र प्राप्त भएको छ । यसको परिपत्रक वन १९९३ को वर्ष पुस्तक निर्माण कार्यको
क्रममा बाह्य सहयोगी वा नागरिकहरूको कारागारहरूको व्युत्पन्न जानकारी प्राप्त
सम्बन्धीत कारागार शाखाहरूबाट आवश्यक जानकारी उपलब्ध गराई दिनु हुन आदेशित गरीएको
बुझाई गरिएको छ ।

गोपनीय:-

श्री गृह मन्त्रालय, जिला प्रशासन शाखा ।

श्री कारागार शाखा, ललितपुर ।

श्री सुशील प्याकुल, ☒

संयोजकताको लागि सेवा केन्द्र (संकेत) काठमाडौं ।

His Majesty's Government
Ministry of Home
Jail Management Department

Ref: Regarding extending necessary cooperation for Human Rights Year Book 1993

District Administration Office,
Lalitpur

In reference to the letter (Dispatch No. 1087 dated 05/06/26) issued by District Administration Section, Ministry of Home regarding the aforesaid matter, it is requested by the order to extend necessary cooperation from the jail sections concerned to the volunteers or workers in collecting information about jails for preparing Year Book 1993 by the year book committee.

Signature

CC. to
Ministry of Home, District Administration Section
Jail Section, Lalitpur

Shri Sushil Pyakurel,
Information Sector Service Centre (INSEC),
Kathmandu

मानवअधिकार वर्ष-पुस्तक १९९३

HUMAN RIGHTS YEAR BOOK 1993

मिति: २०५०/१५/२९

श्रीमान

विषय :- मानवअधिकारको स्थिति बारे आधिकारिक धारणा उपलब्ध गराइबिन हुन ।

श्रीमान,

अनीपचारिक क्षेत्र सेवा केन्द्र (इन्सेक) ले वर्ष १९९२ देखि मानवअधिकार वर्ष पुस्तक प्रकाशनको प्रारम्भ गरेको कुरा यहाँलाई अवगत नै छ । गत वर्ष यहाँ र यहाँको पार्टीद्वारा भएको सहयोगका कारण नै १९९२ को वर्ष पुस्तक त्यस रूपमा प्रकाशित हुन सक्यो ।

यस वर्ष पनि हामी मानवअधिकार वर्ष पुस्तक १९९३ प्रकाशनको तयारीमा जुटिरहेका छौं । सन् १९९३ मा यस देशमा मानवअधिकारको स्थिति समगम्य कस्तो रह्यो, मानवअधिकार उल्लंघनका घटनाहरू के कस्ता रहे भन्ने बारेमा केन्द्रीत भएर तथ्य सामग्रीहरू प्रकाशन गर्ने हाम्रो उद्देश्य रहेको छ । यस सम्बन्धमा यो वर्ष १९९३ अर्थात् २०४९ पुष १७ गते देखि २०५० पुष १६ गतेसम्ममा मूलुकको मानवअधिकार स्थिति बारे यहाँको पार्टीको कस्तो मूल्याङ्कन रहेको छ । यस पुस्तकमा समावेश गर्ने गरी यहाँको पार्टीको आधिकारिक धारणा उपलब्ध गराई वर्ष पुस्तक प्रकाशनमा सहयोग पुऱ्याइदिनु हुन हार्दिक अनुरोध गर्दछौं ।

पुनःचः हामीले वर्ष पुस्तक आगामी वैत्र २७ गतेका दिन प्रकाशित गरि सक्ने योजना बनाएका छौं । तसर्थ यहाँको शिघ्र सहयोगको अपेक्षा गरेका छौं ।

सहयोगका निम्ति धन्यवाद ।

(कन्दन अर्याल)

वर्ष पुस्तकका तर्फबाट

कार्यकारीजी
डा. राजेश पौडेल
भुक्तेश रात्रि प्युमुरेस
प्रबन्धन कृपा जोषा
निवहरी दाहाल

सहस्रकार
कुशीकोटा बाह्र
बापुदेव प्रसाद इशान

संयोजक
श्रीमान प्युमुरेस



अनीपचारिक क्षेत्र सेवा केन्द्र (इन्सेक) पौडेल २०२६ काठमाडौं, नेपाल फोन २७०७७० वर्ष-पुस्तक: २०१४८७

HUMAN RIGHTS YEAR BOOK 1993

2050/9/29

.....
.....

Ref: Regarding the official comment on human rights situation.

Dear Sir/Madam,

You know it well that Informal Sector Service Centre (INSEC) has started publishing "Human Rights Year Book" since 1992. Last year we could manage to bring out the Year Book 1992 only with your as well as your party's cooperation.

This year too, we are preparing "Human Rights Year Book 1993". Our aim is to publish facts and materials mainly focussed on the overall human rights situation in the country this year and their violations. In this connection, we intend to know how your party evaluates human rights situation in Nepal in 1993. We request you sincerely to make us available your party's official opinion in such a way as to be included in this book.

Postscript: We have planned to bring out the year book on April 9; so we expect your prompt cooperation.

Thanks for cooperation.

(Kundan Aryal)
on behalf of Year Book

मानवअधिकार वर्ष पुस्तक १९९३ को अनुरोध

विगत वर्ष जस्तै यत् वर्ष पनि हामी पुस्तकको मानवअधिकारको वार्षिक स्थिति बारे प्रकाश पार्ने "मानवअधिकार वर्ष पुस्तक १९९३" प्रकाशित गर्ने गइरहेका छौं। यतः १९९३ (०४९ पौष देखि ०६० पौष) भरी यत् क्षेत्रमा बएका प्रगति र घटेका घटनाहरूको तथ्य-तथ्याङ्क संकलन गर्ने देश व्यापी रूपमा स्वयम् सेवाहरू जाउँदै हुनु हुन्छ। हाम्रो स्वयम् सेवाहरू हरेक जिल्लामा न्यायिक, प्रशासनिक, राजनीतिक, मानवअधिकारसँग सम्बन्धित संघ संस्था, सुरक्षा सम्बन्धी निकाय र जेलहरूमा सम्पर्क राख्न जान्ने छन्। स्वयम्सेवाहरू तथा हामीलाई आवश्यक तथ्याङ्क, वार्षिक घटना विवरण र तत्सम्बन्धी सूचनाहरू उपलब्ध गराई यत् कार्यमा साथ-सहयोग पुऱ्याइ दिन हुन विनम्र अनुरोध गर्दछौं।

पुनरुच्च - मानवअधिकार वर्ष पुस्तक १९९२ विमोचन विधि उपलब्ध छ।

मानवअधिकार वर्ष पुस्तक १९९३

मानवअधिकार क्षेत्र सेवा केन्द्र (हम्रो)

पोस्ट बक्स नं. २७२६, काठमाण्डौ

फोन २७२५६७, २७०७७०

उपरोक्त व्यहोराको विज्ञापन सुरुचि साप्ताहिक, छलफल साप्ताहिक, प्रकाश साप्ताहिक, युगसम्वाद साप्ताहिक, द इन्डिपेन्डेन्ट, दृष्टि साप्ताहिक, स्वतन्त्रता साप्ताहिक, विमर्श साप्ताहिक, प्रजातन्त्र साप्ताहिक, जनमञ्च साप्ताहिक, पुष्पभूमि साप्ताहिक र समकालिन साप्ताहिकमा ०५० पसिरेर पहिलो हप्तादेखि ०५० पुस दोस्रो हप्तासम्म निर्धारित रूपमा प्रकाशित गरिएको थियो।

An Appeal of The Human Rights Year Book 1993

As in the last year, we are publishing "Human Rights Year Book 1993" to throw light on the real status of human rights in Nepal. The Year Book volunteers are setting out nationwide for the collection of facts and figures concerning events and progresses in this field in the year 1993. Our volunteers will contact with judicial, administrative and security agencies and with political and human rights organisations and jails. We appeal to assist us by providing to us necessary statistics, realistic description of events and information pertaining to them.

PS: Human Rights Year Book 1992 is available for sale.

Human Rights Year Book 1993
Information Sector Service Centre (INSEC)
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The above ad was published from the last week of November 1993 to last week of December 1993 regularly in *Suruchi Weekly*, *Chhalphal Weekly*, *Prakash Weekly*, *Yugsambad Weekly*, *The Independent*, *Dristi Weekly*, *Swatantrata Weekly*, *Vimarsha Weekly*, *Prajatantra Weekly*, *Janamanch Weekly*, *Pristhabhumi Weekly* and *Samakalin Weekly*.

Appendix 9

Action - Reaction

ACCORDING to Chandra Narayan Yadav, President of Siraha District Development Committee, the details about him published in "Year Book '92" are false. In addition to writing a long letter addressed to the "Year Book", he has also made available to us the letters written to the District Administration Office and District Police Office concerned by the policemen involved in firings and also the letter written to the court by the District Administration office.

According to the details about this episode, Tarkeshwar Yadav, an independent candidate at Sukhchaina Village Development Committee in this district, was wounded in police firings. According to police sources, thirty rounds of bullets were fired there. One of these bullets struck Tarkeshwar Yadav. Firings took place at the Chief District Officer's verbal order.

We regret at the harm done to Mr Yadav by our publication.



"Especially in rural areas there does not exist a conducive situation to understand and explain the concept of human rights because of traditional thinking and existing feudal outlook." This sentence has been cited from

HUMAN RIGHTS YEAR BOOK



1992

the letter sent by French Ambassador to Nepal, Daniel Dupont.



In their letters, Italian Ambassador to Nepal Sergio Grimaldi and Ambassador of Federal Republic of Germany to Nepal Dr Scholtyssek have also lauded the year book. Similarly, Save the Children USA (Nepal Branch), Indian Embassy, OMCT Fascimale (Geneva), former Supreme Court Judge of India V.R. Krishna Iyer, Bangladesh

Human Rights Council, Human Rights Foundation and DANIDA's Nepal Planning Chief have also praised the year book and sent in their suggestions.

Recently Philip Thangal, Manipur, India, now a prisoner at Syangja jail, has sent a letter addressed to the year book.

The Human Rights Year Book/Nepal 1992, released recently by the Informal Sector Services Centre (INSEC), recorded 363 cases of human rights violations that took place in 209 days of 1992. According to the publication, the first of its kind in Nepal, 22 persons were killed and more than 196 were injured because of police atrocities last year. The death toll includes a score of children and a Tibetan (Chinese) national too. The INSEC publication suggests the government form a



The programme organized for releasing Human Rights Year Book 1992, July 31, 1993

National Commission on Human Rights to look after issues concerning human rights violations.

The Independent,
August 11, 1993

INSEC has made a laudable attempt in this book, which begins with the general geographical introduction of Nepal and then presents an account of striking events related to human rights during 1992. It is also appreciable that this book is the maiden attempt in the entire history of Nepal.

Sudhan Paudel, Chhalphal weekly,
August 10, 1993

This bulky publication including events related to human rights in the country during 1992 is a significant beginning in the sphere of human rights.

Swatantrata weekly,
August 13, 1993

... Therefore, in a transitional democratic phase like ours, such reports may lack in information if they deal with political and civil rights, women's rights, political assassination, jail improvement, Kamaiya system, landless people, religious freedom, refugees' problem, and social evils at the same place instead of issues related to economic and social rights. Hence it would be more effective if international human rights organizations like Amnesty and Asia Watch publish the year

book with focus on specific issues (e.g. arrests and murder).

Krishna Kandel
Nepal Times Daily,
August 13, 1993

... However, the book has not accepted that human rights violations have been committed only by the government side. Obviously, it has not politicised the human rights issue but looked at it from objective human point of view. It has analyzed realistically our

social structure, level of our awareness, narrow-mindedness in political parties, ego, lure for power and lip service to human rights as sources of human rights violations.

Sudarshan Devkota Kantipur daily,
August 28, 1993

Had they been more informative, some of the text could have been omitted. On the whole this book, the first of its kind, is great in depicting the Nepali human rights situation.

The Independent,
September 8, 1993

This conclusion in the book is highly significant. Though people in power have often expressed their commitment to human rights, it has turned out to be a lip service. They have been found to be rather helpful to police administration than responsible to people. As a result, people are found to receive torture and low-level treatment from the state. Rural and poor people are remote from the administration.

Samkalin Tisri Duniya,
August-November, 1993

"Year Book 1992" has also been discussed in detail in daily and weeklies like *Swatantrata*, *Yug Sambad*, *Prakash*, *Pristhabhoomi*, *The Rising Nepal*, and *Sandhu*. In these newspapers there are several comments on and suggestions for the book. □

Appendix 10

Name of Contributors in Course of Preparation of Year Book

10.1 List of Contributors in Chapters & Annexes

1. Mr Kashi Raj Dahal
2. Mr Kundan Aryal
3. Mr Gopal Guragai
4. Mr Govinda Bartaman
5. Mr Gauri Pradhan
6. Mr Thakur Dhakal
7. Dr Dilli Raj Khanal
8. Mr Dinesh Tripathi
9. Mr Purna Prakash Nepali (Yatri)
10. Mr Bal Krishna Upadhyaya
11. Mr Bhim Rawal
12. Mr Raghu Mainali
13. Mr Ranchandra Gautam
14. Mr Bishnu Prabhat
15. Mr Shardul Bhattarai
16. Mr Shiva Dhakal
17. Mr Hari Krishna Karki

10.2 District Report Writing & Polishing

1. Mr Bishnu Prabhat
2. Mr Shardul Bhattarai
3. Mr Lekh Nath Bhandari

10.3 Name of District Volunteers

1. Eastern
 - 1.1 Jhapa - Mr Madhav Bidrohi
 - 1.2 Ilam - Mr Devi Baskota
 - 1.3 Panchthar - Mr Chandra Pd Pokharel
 - 1.4 Taplejung - Mr Dilli Kharel
 - 1.5 Morang - Mr Ramrijhan Yadav
 - 1.6 Sunsari - Mr Yagya Pd Sharma

- 1.7 Dhankuta - Mr Hari Adhikari
- 1.8 Terhathum - Mr Tika Parajuli
- 1.9 Bhojpur - Mr Rudra Nepal
- 1.10 Sankhuwasabha - Mr Tanka Niraula
- 1.11 Saptari - Mr Prabhakar Devkota
- 1.12 Siraha - Mr Chandreshwar Pd Yadav
- 1.13 Udaypur - Mr Durga Thapa
- 1.14 Khotang - Mr Pratiman Rai
- 1.15 Okhaldhunga - Mr Lila Nath Dahal
- 1.16 Solukhumbu - Mr Keshab Panta

2. Central
 - 2.1 Dhanusha - Mr Nava Raj Basnet
 - 2.2 Mahottari - Mr Dinesh Paudyal
 - 2.3 Sarlahi - Mr Nava Raj Basnet
 - 2.4 Sindhuli - Mr Basu Devkota
 - 2.5 Ramechhap - Mr Pashupati Chaulagai
 - 2.6 Dolakha - Mr Saroj Upreti
 - 2.7 Rautahat - Mr Hari Pokhrel
 - 2.8 Bara - Mr Krishna Lama
 - 2.9 Parsa - Mr Gaya Pd Yadav
 - 2.10 Chitwan - Mr Jyoti Adhikari
 - 2.11 Makawanpur - Mr Bharat Dulal
 - 2.12 Lalitpur - Mr Rajendra Gautam
 - 2.13 Kavre - Mr Kedar Koirala
 - 2.14 Bhaktapur - Mr Akur Neupane
 - 2.15 Kathmandu - Mr Raghu Nath Adhikari
 - 2.16 Dhading - Mr Netra Paudyal
 - 2.17 Sindhupalchowk - Mr Suresh Kasaju
 - 2.18 Nuwakot - Mr Mukunda Nepal
 - 2.19 Rasuwa - Mr Ashok Kumar Ghimire

3. Western
 - 3.1 Tanahu - Ms Shanti Devi Khanal
 - 3.2 Gorakha - Mr Kamar Singh Basnet
 - 3.3 Lamjung - Mr Balkrishna Basnet

- 3.4 Syangja - Mr Durga Narayan Dhakal
 3.5 Kaski - Mr Kul Raj Ghimire
 3.6 Manang - Mr Jivan Katuwal
 3.7 Nawalparasi - Mr Baburan Paudyal
 3.8 Rupandehi - Mr Dal Bdr Acharya
 3.9 Palpa - Mr Karna Bdr Daniya
 3.10 Kapilvastu - Mr Yuva Raj Kaphley
 3.11 Arghakhanchi - Mr Moti Lal Khanal
 3.12 Gulmi - Mr Gopal Khanal
 3.13 Baglung - Mr Hari Pd Sharma
 3.14 Parvat - Shiva Raj Pande
 3.15 Myagdi - Mr Bhupendra Thapa
 3.16 Mustang - Mr Janakalyan Parajuli

4. Mid-Western

- 4.1 Dang - Mr Gajendra Singh Khalka
 4.2 Pyuthan - Mr Bikran Gautam
 4.3 Rolpa - Mr Krishna Gautam
 4.4 Salyan - Mr Bharat Mani Dhakal
 4.5 Rukum - Mr Ayodhya Pd Adhikari
 4.6 Banke - Mr Megh Mani Subedi
 4.7 Bardiya - Mr Ram Chandra Thapa
 4.8 Surkhet - Mr Deepak Gautam
 4.9 Jagarkot - Mr Rabi Shah
 4.10 Dailekh - Mr Prem Bdr Dishwakarma
 4.11 Dolpa - Mr Babu Ram Adhikari
 4.12 Jumla - Mr Yam Bdr Dishwakarma
 4.13 Kalikot - Mr Nara Bdr Singh
 4.14 Mugu - Mr Gopal Guragai
 4.15 Humla - Mr Raghu Mainali

5. Far-Western

- 5.1 Kailash - Mr Ramesh Daniya
 5.2 Achham - Mr Dukram Kunwar
 5.3 Doti - Mr Harka Bdr Singh
 5.4 Bajura - Mr Jivendra Sinkhada
 5.5 Bajhang - Mr Lok Bdr Baral
 5.6 Kanchanpur - Mr Ghananda Lekhak
 5.7 Dadeldhura - Mr Kamal Singh Thagunna
 5.8 Baitadi - Mr Kedar Nath Bhatta
 5.9 Darchuta - Mr Narendra Khanal

10.4 Preparatory team of "Highlight of the Year - Unoutouchables in Nepal"

1. Mr Padma Lal B.K. - Compiler/Editor
 2. Mr Moda Nath Prashrit - Special Contributor
 3. Mr Bhakta Khapangi - Editor Assistance
 4. Mr Ravi Man Lamjel - Editor Assistance
 5. Mr Padma Sundas - Eastern
 6. Mr Upendra Rahi - Eastern-Terai
 7. Mr Bhakta Baraili - Central
 8. Mr Shree Pd Paswan - Central-Terai
 9. Mr Ramsharan Darnal - Kailash Valley
 10. Mr Chhabil Lal B.K. - Western
 11. Mr Jitendra Man Nepali - Mid-Western-Terai
 12. Mr Krishna Ram Sunar - Mid-Western-Terai
 13. Mr Puran Singh Dayal - Far-Western
 14. Mr Ganesh Bishwakarma - Far-Western-Terai

10.5 INSEC Regional Coordinators

1. Mr Kul Raj Ghimire
 2. Mr Kedar Neupane
 3. Mr Mana Krishna Adhikari
 4. Mr Raj Narayan Nepali
 5. Mr Dasharath Budhathoki

10.6 Photo Source

1. Year Book's own collection
 2. Mr Joshi Yelvij
 3. Mr Santosh Pokhrel
 4. Mr Chhitij Arun Shrestha

10.7 Lay-out

1. Mr Jivan Rajopadhyaya
 2. Mr Manohar Damrel
 3. Mr Sundar Shrestha

10.8 Assistant of day/night shift for Year Book Preparatory Team

1. Mr Shyam Maharjan
 2. Mr Bijay Pande

Appendix 11

Glossary & Abbreviation

ADHIKAR	: Rights
ADHIYA	: Land leased to farmers on 50% share basis
ANAS	: Measuring Unit equivalent to 342.25 sq.ft.
ANNFSU	: All Nepal National Free Students' Union
ASTAMI	: Eighth day of a fortnight of a Lunar month
BADI	: People Belonging to a Certain Community (Male)
BADINIS	: People Belonging to a Certain Community (Female)
BANDII/BANDHIA	: Closure, strike
BIGHA	: A land measurement
BOKSI	: Witch
BS	: Bikram Sambat
CDO(s)	: Chief District Officer(s)
CHAKKA JAM	: Wheel Stop Procession
CPN	: Communist Party of Nepal
CVICT	: Centre for the Victims of Torture
CWIN	: Child Worker in Nepal Concerned Centre
DACOITS	: Robbers
DASAIN	: A Hindu Festival
DASHAMI	: Tenth day of a fortnight of a Lunar month
DDC	: District Development Committee
DEVAKI	: A Girl dedicated to God
DHAMI-DHANKRI	: Witch Doctor
DOLAJI	: Keeping daughter as an inheritor by those who do not have a son
DSP	: Deputy Superintendent Police
EKADASHI	: First day of a fortnight of a Lunar month
FOPHUR	: Forum for Protection of Human Rights
GDP	: Gross Domestic Product
GOONDAS	: Hooligans
HALIYAS	: Plough-man System
HAVALDAR	: A Post in the Police Service
INSEC	: Informal Sector Service Centre
JARI	: A kind of social system which exploits women
KAMAIYA	: Bonded Labour

KATHIAS	: Land measurement unit
KHUKURI	: A large Knife like Nepali weapon
LATHI	: A long baton carried by riot-police
MASHAL	: Torch
MP(s)	: Member(s) of Parliament
NAGRIK	: Civil
NDP	: National Democratic Party
NGO	: Non-Governmental Organisation
NNTO	: Nepal National Teachers Organisation
NSP	: Nepal Sadbhavana Party
NSU	: Nepal Students Union
NTA	: Nepal Teachers Association
NWPP	: Nepal Workers-Peasants Party
PANCHAYAT	: An autocratic regime that lasted 1960-1990 in Nepal
PRATHA	: System, Practice
RAITI	: People Ruled by Dictator, Subjects
RASHTRIYA	: National
RONAST	: Royal Nepal Academy of Science & Technology
ROPANIS	: Land Measuring Unit
Rs	: Rupees
SAGARMATHA	: Mt. Everest
SLC	: School Leaving Certificate
SP	: Superintendent of Police
UML	: United Marxist-Leninist
UNTOUCHABILITY	: Discriminatory Social System
UPF	: United Peoples Front
VDC	: Village Development Committee

Appendix 12

Human Rights Violation Calendar - 1993

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Day uncertain	Total number of events	No. of days of violation
January			1			1		1				1	1	3	1		2			2		1	2		2		1	4	1			1	25	16
February	1	3	2	1	1		3	3	1	1	1		2	2	1	1	1	2	1	3	1		2	1		2						6	41	22
March	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	2	58	25
April	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30		1	67	27
May	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	3	62	31
June	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30		5	90	27
July	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	4	135	30
August	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	3	81	30
September	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30		9	95	29
October	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	4	75	30
November	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30		7	71	29
December	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	6	44	21

Figures within this sign indicate the number of major events of human rights violations and not the number of victims

	Total No. of days	Days of Violation	No. of Violation
1992	366	209	363
1993	365	117	1033

(The uncertain days of an event has been maintained as the day of violation by adding 1 (one) day to the uncertain day)

Uncertain day & month

Total No. of events throughout this year

844
+ 189
= 1033



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