



Insec Bulletin

INFORMAL SECTOR RESEARCH CENTER, NEPAL



DURGA PATHAK

EDITORIAL

Informal Sector Research Centre (INSEC) is a human rights organisation which seeks to benefit the people going beyond the 'classical' approach of the human rights. The organisations like FOPHUR and HURON monitor the civil and political rights violations. They are doing excellent work. But people also encounter the violations of economic and cultural rights. The remedy to them is not merely giving the statements for economic and cultural rights but identifying their root cause and come to action for the protection and promotion. Instilled with this idea, INSEC has chosen to be concerned with the actions for the disadvantaged communities to materialise the aspirations of social and economic justice. With the view of bringing our actions and approaches to the light, we are publishing the INSEC bulletin. This is our first effort of this kind, and, we believe, it is likely to leave enough rooms for

suggestions. Your invaluable, creative and friendly suggestions would be great contributions.

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CART-PUSHERS IN KATHMANDU

- Krishna P. Upadhyaya¹

Nepal, mainly being mountainous, has narrow Terai region which is only the 'food store' of the country. Obviously, the agricultural field cannot be sufficient to engage the huge number of people. Therefore, the uneducated labour force looks for the other ways of earning bread and butter. The cart-pushers in Kathmandu are from one of the groups of such background.



Rural Poor before becoming Cart-pushers

When interviewed, it was known that they mostly come from the hilly districts of the country like Dhading, Nuwakot, Sindhupalchok and Ramechhap. Most of them have little pieces of land which do not suffice to keep their body and soul together. They leave their homes for Kathmandu so as to contribute to their families. Among such people 18-35 age group is most common. They pour into the city, hire the carts, and begin to lead lives. Most commonly, two persons push one cart. The rent for the carts vary persons to persons. The new comers pay more for the carts than the old cart-pushers.

In the city they hire a room where as many as six persons live, and share the facilities and costs. Instead of cooking themselves, they eat in the local restaurants. Many of them living in new and comparatively free environment than in their villages, pick up the habit of drinking alcohol. Many other let their money go in gambling. Eventhough, they work hard to earn Rs 50 in average, and use Rs 16 for their food, they hardly can save because of above-mentioned habits. They are dirty in their clothing. Their tattered and dirty clothes reflect both poverty and unconsciousness about their health.

Alone in the Crowd

The people from the countryside lack their social life in the city. They wait in a street to be hired, and if they are, they work whole day long. Waiting in a street and pushing the carts they keep busy from dawn to eve. This is the reason why they lack social life and have some sorts of 'alienation'.

Conclusion

Cart-pushers in Kathmandu face a lot of collective problems. They are not organised to effect the collective bargaining. The rent of the carts are not fixed and the owners charge for the carts according to their whims. This calls for making them organised and launching an income generating project so as to make them stand on their own feet.

¹ Mr Krishna P. Upadhyaya is involved in various human rights activities and, at present, he is working as project in-charge in INSEC.

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**HUMAN RIGHTS VIOLATION
AFTER THE PRO-DEMOCRACY MOVEMENT**

- Prakash Kaphley⁸

With the victory of pro-democracy movement Nepali people hoped that there will be no human rights violations and they can enjoy the human rights. But the things did not go according to their aspirations. We should not forget the fact that even after the movement the regressive forces were active, and, that during the thirty year period of undemocratic regime administration, police, and the armies were trained and educated with undemocratic norms and values. This made the autocratic and suppressive tendency sustain. This is the reason of violations of human rights which could be avoided in democratic country. There are representatives of United Left Front, Nepali Congress and the king, only in the cabinet, but the overall administration under them is the same as in the Panchayat period. Therefore, there are still the cases of opening fire on empty handed masses, making false charges against the activists, and torture in side the police custody. As in the Panchayat period, there are not ban on association, speech, and right to expression but the above mentioned violations are still continuing. Requests of the people to suppress dacoits and to maintain law and order are received by the police forces with cold indifference.



After the rise of democracy, Bhandaphor, a book on past activities of royal family members was on sale in the markets of Kathmandu and sold more than 40,000 copies. When it was being sold in Janakpur, the persons selling this book were arrested and tortured continuously for three days. They were released only when pressure from different quarters was exerted in the respective ministry.

Likewise, in the western districts of Baglung and Rukum army opened fire on the people, and without making charges against them, many people were arrested.

On 23 August, on the day of Teej festival, a woman festival, many people were arrested and tortured continuously in the police custody. They were accused of throwing stones at the Queen's car on her visit to Pashupatinath. Many people who were warranted and arrested were not in Kathmandu when the incident took place in the Pashupati temple. The arrested people are the renowned political activists.

The another violation conducted by the army was the opening of fire on the masses in Khalanga, Jumla district. On September 29, they opened fire on the empty handed masses when they protested against the army misbehaviour on the local women.

(Contd on Page 4)

⁸ Mr Prakash Kaphley is human rights activist. Presently he is the General Secretary of Forum for Protection of Human Rights, and Director of INSEC.

INFORMAL SECTOR LABOUR FORCE IN NEPAL

Informal Sector does not particularise the sector in which it falls. The words will carry vague impression, if it is not explained. It may be clear if it is defined as the 'section of our society which is unorganised'. The informal sector is comprised of active, uneducated, and poor work force unprotected by legislation. Out of 6.85 million active workers, 5.86 millions are self-employed. among such self-employed people, porters, cart-pushers, rikswalla vendors and various other unidentified job holders make a considerable percentage. This type of work force is economically, socially, and politically backward, because most of them are below the absolute poverty line. Such people do not form part in priority list in Government plan and programme. This is why government never reaches in this sector. In government records, they all belong to farmers or somewhere else.

The people of this sector suffer unemployment and underemployment, and lack shelter, nutrition, health care facilities, and alike. They work for long hours in an unfavourable conditions. Still they do not earn enough to maintain their lives. Since they are not organised, they cannot bargain collectively to improve their lot. Thus the informal sector people are disadvantaged and poor than the other types of labourers protected by the legislation. Therefore, they deserve to be a very high target group for social action. Social actions for their education, health, housing, skill development, and for their social security in the event of unemployment, sickness, disability, widowhood, old-age or other circumstances beyond their control.

Now the questions arises: who is primarily responsible for the achievement of the objectives of providing social security, and, above all, the social justice? Certainly, it falls within the jurisdiction of a welfare state. Nonetheless, the duties of a conscious citizen is not else. Individual or collective efforts should be made for the upliftment of these people of informal sector.

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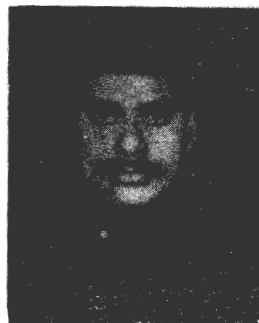
The violations of human rights has not only been committed by the state but also, regretingly, by the political parties. The violent incident in various districts are the outcome of the political clashes. CPN (ML) made allegation saying that Nepali Congress is responsible for the death of their activist. Similarly, Nepali Congress made allegation that in the death of NC activist, CPN (ML) has a big hand. Whatsoever may be the reason of the incident. It is regrettable in this new-born democracy.

Mr Pawan Ojha is a friend of INSEC and this is his contribution as a guest writer.

POWER TO THE PEOPLE

- Sushil Pyakurel*

After Constitution Recommendation Commission (CRC) submitted the draft constitution to the king, the discussions and dispute over the constitution reached to the acme. The demand made by the Nepali Congress to change some articles in the draft and the demand of Communist parties, including CPN(ML), to promulgate as it was, not only made the discussions hot but also affected the communist-congress understandings. King took advantage of it and instructed the cabinet to collect the suggestions from the other parties 'not represented in CRC' meaning the parties of the Panchas; and later to submit again.



The main question of the recent movement was as to decide who, the king or the people, is source of the power. In fact, 1951 dethroning the Ranas and liberating the king from them, the people proved that they, only they, are the source of power.

The understanding of history leads to the conclusion that, in 1951 king was happy to be liberated and be 'king' of the kingdom; on the other hand, he was worried to become 'omnipotent'. Since 1951 the palace started conspiracy. The king, who assured republic constitution, never even announced the formation of constitution assembly but gave constitution with unlimited power to king (article 55). And using this article, later the king imposed the Panchayat system under absolute monarchy. Clearly, king tried to show that the source of power is the king. But the Nepalese people struggled hard against this injustice. At last, on April 19, 1990, the people proved once again that the sovereignty is vested in them.

The duration of the movement started on February 18, 1990 coming to the street is not only 50 days. Because, day abolish of the Panchayat and introduction of the multiparty system, after the king met the leaders of the movement, cannot be taken as the termination of the movement. The shrinking of the period of the movement, thus will be the acceptance of king's omnipotence. The mandate of the movement was 'power to the people'. this could be reflected only when the people were represented (though not by popular election but representing the aspirations of the movement) in the government, therefore people were still in the streets for ten more day till the downfall of Lokendra Government on April 19. Interim coalition government formed under the premier Bhattarai had proved that the king was not the source of power. Therefore, looking at the fact that the power to the people proved to be vested in, on the formation of the Bhattarai cabinet, the duration of the movements thus becomes 60 days.

Whether or not political parties perceived that way, but certainly, palace understood it, and was looking for another opportunity to prove that 'power' was vested in the king. On 11 May, without consultation with the cabinet, which has

* Mr Sushil Pyakurel has been involving in human rights activities both before and after the pro-democracy movement. He is the member of FOPHUR central committee, and coordinator of INSEC.

unprecedented support of the people, the formation of the CRC was announced. People again came to the street to protest, and struggled to show the fact that they were the source of power and the constitution. The king was compelled to form another CRC with the consultation with the cabinet on May 16, 1990. This event was another proof of being sovereignty in the people.

This event might have embarrassed the king, therefore the palace was looking for some other opportunity that could prove that the power is vested in him. The draft prepared by CRC, the representatives of the democratic forces and, also of the palace, was tried to prove useless and the palace tried to show that it can be given according to his will. Some political forces, especially, the Nepali Congress did not perceive the conspiracy hatched behind curtains (this columnist cannot say that it has pretended). When the palace was successful to show that draft prepared by CRC was not received, even by the agitators, in a sound manner, the government which before fought for the democratic procedure in the formation of CRC, now seemed to be ready to reendorse the draft. The palace produced another draft and tried in vain to prove once again to have sovereign power in it.

Now, after long and widely expected constitution prepared by CRC and endorsed twice, by the cabinet has been promulgated. This constitution vested power in the people. But people wondered when some other speech instead of preamble was recited mentioning that the promulgation of the constitution has been done using the sovereign power vested in the King. Therefore, the people are closely observing how the 'power to people' will be in actual practice.

BITTER FACT

Bombay, India, has one of the biggest red light districts in the world. It is said that 100,000 to 300,000 prostitutes work there. They are called 'cage girls' and are literally slaves without freedom of movement. Among them, some estimate about half are Nepalese girls. According to a woman journalist working for the abused women in this area, it periodically occurred that if the women refused to take customers 'Madame' would severely and brutally beat and punish them to death. A VD doctor in that area told me, "two or three days ago a 13 year old Nepalese girl was brought to my clinic. She served 2,000 customers last year. About 80% of the women suffer from VD and 10 from tuberculosis".

They were brought to Bombay all the way from mountain villages in Nepal by agents, without any payment to the parents, just deceiving them with false promises of nice marriages or good jobs in India. In the case of Thailand, poor peasant parents do receive some money, 5,000 to 10,000 baht for the sale of their daughters, but in the case of Nepal, parents aren't even paid, in other words, they are kidnapped.

In Kathmandu, the capital of Nepal, I heard trafficking in women had become such an important social issue that the Nepalese government had to intervene. According to the Nepalese Ministry of Welfare, about 3,000 were sent to India in 1975, but the number has increased every year. It is estimated now to be as many as 50,000. It is very easy to take girls out of Nepal, because their village life is so poor and oppressive. It is natural that they dream of escaping from despair and hardship. In Nepal, the average life span of women is only over forty -- shorter than men and 90 percent of the women are illiterate.

Those lucky girls who could escape from the hell of Bombay were accommodated in a newly established women's welfare home in the suburb of Kathmandu.

[Courtesy: in God's Image, June 1990].

CONDITIONS OF CART-PUSHERS

- Miss Kabita Aryal¹

In a developing country like ours, where technology is still a far cry, the human force is deployed more than scientific devices for the transportation of goods. The human forces like porters and cart-pushers still are busy in our capital city. They earn their living working hard. Though they are self dependent, they are unconscious in the matters of health care, education and the social responsibility. In the democratic environment of the country, the workers have achieved the right to association. They have rights to protest against the economical exploitation, or political suppression. But they did not have any union to work for their economic and political rights. This is due to the lack of awareness.



Familiar with these problems, INSEC has chosen the cart-pushers as its one of the action targets. Recently, classes to overcome the problems in their health care and ignorance are being run by INSEC. They merely know Nepali alphabet and simple sentences, they never had access to education because education is free only to primary level. They cannot afford to pay fees for further education. They seemed to have great desire to go to the school, and some of them say that they are eager to learn English which, according to them, helps a lot to deal with tourists.

Ram Bahadur Tamang, a cart-pusher, says, "Better to learn English, if I am to drive an autorikshaw". Many express the same view. Another cartpusher Buddha Bahadur says, "My parents has not had any education, I had to follow them, if I learn to read and write I can guide my children. So I must learn". Thus we can see they have desire to learn. They take six classes a week, and every Friday health discussion. But they frequently, are absent in the classes because they sometimes go far taking their carts and load. But they never miss the medical check-ups, organised by INSEC.

They come from countryside and are innocent and cooperative. Most of them are from Tamang tribe.

Cart-pushers are also a part of our society, it is our duty to uplift their conditions contributing through whichever way possible. This will be our contribution to our society.

¹ Ms Kabita Aryal is working in INSEC and teaches the cart-pushers.

INSEC ACTIVITIES

As mentioned before, INSEC has been established for the betterment of the unorganised and disadvantaged work force which numbers 156,126 (according to the government sources). It has, from the very beginning of its existence, worked to create the awareness among the above-said masses, educate them and facilitate them with the medical assistance, publish materials on Human Rights and help them to be in the main stream of democratic culture. Glimpses of our activities have been give below:

Literacy, Hygiene and Health Education: INSEC has started literacy, hygiene and health classes for the cart-pushers in Kathmandu since July 1, 1990. The first group has already completed their course, and there is another group continuing their study.

Medical Check-up: INSEC organises free medical check-up for the cart-pushers and porters once in a month. The people having this opportunity of free treatment are mostly the cart-pushers who attend the literacy and hygiene classes run by INSEC.

Publication: With the view of developing the understanding of Human Rights, INSEC has published many books on human rights. The Nepali version of 'ABC of Human Rights' (an UN publication), Bhutan, a book on human rights situation in Bhutan, and 'How to celebrate May Day' are our well received books. These were all published after the restoration of democracy.

Awareness programme: After the restoration of democracy in Nepal, INSEC has seized every opportunity to freely launch programmes among the people. Now we have only six months left for the general election, and in this juncture, INSEC is trying to create awareness among the people about the election. The political parties have started approaching the voters. Each and every party is trying to prove themselves 'people oriented' and trying to attract the voters for their own candidates. The voters of our country, where only near about 33% of the population is literate, are not conscious enough to analyse the programmes of the political parties. Having been suppressed by tyrannical Panchayat regime for 30 years, and due to lack of the democratic practices, it is hard for the people to utilise their voting rights. With the objective of making scattered and (politically) unorganised people aware so as to enable them to use their vote properly and thus save our nascent democracy, INSEC is conducting special programme in 20 district of Nepal. This awareness programme, comprising five phases, however, cover the whole country apart from 20 chosen districts. The phases of the programmes are as follows:

Phase 1: In this phase, the experts visited the South Asian countries, collected materials on the electoral laws of the respective countries, and discussed with the experts in the countries about their positive and negative aspects. Thereafter, a paper (suggesting about the electoral laws and measures to be taken for free, fair, and peaceful elections) have been prepared.

Phase 2: The second phase is the seminar which will be organised in Kathmandu where lawyers, university teachers, political parties and election commission and other intellectuals will be represented. Experts and scholars in election problems of South Asian countries will also attend the seminar.

Phase 3: The third phase constitutes the publication materials to make people conscious about the election. The publications will carry out the ideas generated by the seminar in phase 3. The publications includes pamphlets, booklets, and posters.

Phase 4: In this phase there will be group meetings and media awareness programmes. The people of whole country will be educated through radio, TV and the press. The educational materials will be prepared by a group of three scholars. Apart from the media awareness programme, group meeting will be conducted in 20 districts. A team of three persons will be sent to each districts. They will conduct group meetings throughout the district dividing the districts in small areas.

Phase 5: The final phase is the evaluation of this programme. It is in this phase, a report will be prepared.
(Administrative Section, INSEC).