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Who Deserves Our Vote ?

One who steps ahead to abolish Bonded Labour System. Various Human Rights organizations are integrating Human Rights issues with the election campaign.

INSEC has raised the slogan in the election to **press to abolish Bonded Labour system**. It has been working in this area since restoration of democracy in the country. The bonded labour sub-system, within the Kamsaiya system, is a form of slavery which is abundant throughout Bara, Kailali and Kanchanpur in the Western Nepal.

According to the INSEC's study there were 9184, 6964 and 1576 bonded labourers in Kailali, Bardia and Kanchanpur respectively. Hence there were in total of 17828 hapless people misused as bonded labourers.

हाम्रो भोट कसलाई
कमैया प्रथा विरुद्ध



Pre Election

After the restitution of multiparty democracy in Nepal in 1990, the general election held there upon sworn in

Nepali Congress with majority in the parliament. The NC thereby formed a cabinet under the premiership of Girija Prasad Koirala. But as soon as he came into power, he repeatedly started violating the norms of democracy and human rights. Dozens of people were killed by police administration during his three years tenure as they were enjoying the democratic rights of peaceful demonstration. It was not only opposition parties but also the people including NC Supremo Ganesh Man Singh had warned the government from time to time not to violate the norms of democracy and the human rights. But the democratic Prime Minister Koirala always tried to rule the country in an totalitarian manner. His recommendation for mid-term poll after loosing majority in the parliament despite the majority of his party is one of the many reasons of his authoritarianism.

The mid-term poll was not necessary if he would have stepped down. But as he never liked to see another face even from his party in the seat of PM till his life, he

pushed the country into heavy financial burden before time.

However the mid-term poll was declared. The Election Commission started its preparation to conduct the election. It also vowed the election to conduct peacefully, fairly and freely. Therefore it issued Code of Conduct with the agreement among the parties taking part in the elections. But the government started violating the Code of Conduct from the very beginning. The newspapers and the parties started warning the government for its misconduct. The violation of Code of Conduct by ruling party as pointed out by the journalists and the political parties includes monopolising of government media in its favour, threat to the voters, misuse of national resources, promotion and transfer of government employees etc. In this connection some examples of violations of Code of Conduct can be illustrated here.

Prime Minister Koirala misused the helicopter for his election campaign throughout the country which bears fourty thousand rupees per hour from national purse. At the same time he, while addressing the mass meeting in Nepalgunj, threatened the voters

on Rigging

that if NC would fail to gain majority, the nation would fall into anarchy, bloodshed and massacre within three days. The CPN (UML) had filed petition in the Election Commission to forbid the PM to inaugurate the BP Memorial Hospital in Dharan as it influences the voters. But ignoring clause 'b' sub-clause (ii) 1, which restricts such activities, the Election Commission itself proved to be hand in gloves with the government. Election commission became totally helpless. The commission withdrew the polling stations from jails and prisoners are prohibited from voting. The formation of Constituency Delineation Commission on July 19 without prior consultation with Judicial Council is also one example of unconstitutional act.

Still we hope that the Election Commission would not again remain hand in gloves with any political party to conduct the election in free and impartial way. We do hope that all the concerned Commissions, Committees, departments and others, if honest toward country and the people, will maintain the rules and regulations for strengthening democracy in the country.



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The Political Parties On Human Rights

Among 71 political parties so far registered in the Election Commission for the forthcoming mid term election, some have published their election manifesto. Various Human Rights concepts like children Right, Women Right, Press freedom and legal Right are touched by almost all parties. But they lack specific commitment on sole Human Rights issue. Except UML no one has stated programme on promotion and protection of Human Rights. However the election manifesto of each of them has more or less covered the Human Rights Conception in different ways. Some important lines covered by them in the manifesto are given below :

Communist Party of Nepal (UML)

Basis of Progressive Society : Human Rights

The (preamble) of the constitution of Nepal, 1990 itself assures "the protection of fundamental human rights of Nepali people". Being one of the political forces which had launched a successful people's struggle in 1990, it is our duty to bring this assurance (commitment) in practice. Therefore we are duty bound to adopt the following policies with regard to human rights.

1. According to the law the human rights violators will be punished and "the Mallik Commission report and the report of the commission to investigate the political figures disappeared in the custody" will be made open and step will be taken to execute them.
2. A high-level investigation commission will be formed to investigate the human rights violation cases during the period of "people elect government" after the political change of 1990. Steps will be taken to provide, reparation to the affected parties according to the law, punishment will be given to the culprit and a step will also be taken to provide relief and our respects to the families of all martyrs.
3. A National Commission for human rights will be formed under the chairmanship of a retired chief justice or justice of the supreme court representing human rights associations and individuals. The commission will be an authentic and it will evaluate and took after the condition of human rights in the country and it will also give suggestion to the government regarding human rights protection.
4. The persons who have been disappeared in the government custody and outside during Panchayat period and after will be investigated and necessary legal step will be taken against the culprits.
5. The legal provision such as Public Offence and Punishment Act 1990 will be changed on the basis of equality and justice.
6. Necessary step will be taken for providing compensation against failure and free legal services.
7. A suitable law will be promulgated for the emancipation of bonded labours.
8. Help will be taken from concerned non-governmental organizations to carry on or execute the rules and agreements passed by the UNO and signed by Nepal.

Nepali Congress

Nepali Congress, the party of Nepalese people, is struggling to seek equal political rights, social justice and economic prosperity for all Nepalese. It intends to march ahead representing independent existence and progressive attitude of all the Nepalese peasants, workers, industrialists, traders, teachers, students, intellectuals, ex-army personnel, government employees with various religions, castes and races, Communities and cultures dwelling from Himal to Terai i.e. from eastern border of Mechi to western border of Mahakali.

Nepal Sadbhavana Party

The party is committed to fully preserve the Human Rights by annulling those clauses of the constitution which restrict or curb or interfere the fundamental rights granted to the people by the constitution.

Rastriya Prajatantra Party

The Constitutional development or the rights availed by the constitution has not yet been enjoyed. The unclari- ties, lying in the constitution, have to be clarified. It would be frightful if the laws do not coincide with the sentiment of the constitution. Public offence and punishment Act is more complex than before, the amount of bail has been so increased that it is used to frighten. The law has not yet been made which could bind the government to compensate people against its fault. This is only one example as to how the sentiment of the constitution is suppressed.

United People's Front

The slogan regarding Human Rights and democracy forwarded by NC during last three years has turned into the means to oppress the people with otherwise ideology, to create visible, or invisible obstruction in the activities of republicans, to begin bloodshed and massacre of the people coming into the street movement with the demand sustain life. The oppression and terror by police force in Rolpa, Ramechhap, Sindhuli, Sarlahi, Siraha, Baglung, Pyuthan, Jajarkot, Rukum and also in the capital city are the clear examples of it. The past three years of NC government has proved to be notorious by human rights view.



• All the Conventional economic, social, cultural inequalities should be eradicated by and by to let the general people to enjoy full political freedom.

• All the political prisoners including those entrapped in false charges should be released without condition and all the political forces should have the right to function unhindered the political activities according to their conscience in the way having no adverse effect on the people and the country. The prisoners of conscience shall be prohibited to imprison. The prison should be developed into the House of Reformation. □

CHALLENGE ON FREE AND FAIR ELECTION

The General Election of 1991 was held under the interim government and at the moment people were very much interested to participate in the election. But the situation of today is quite different. The Mid-term Poll is going to be held under the unpopular government carrying a dozen of charges.

The incidents of bloodshed and massacre have been increasing as the election date is coming near. The government itself is violating the code of conduct agreed upon by all parties and government. The transfer of government officials, monopolising of government media, misuse of national resources to influence the voters are the facts which are sufficient to prove the violation of the code of conduct by the ruling party. Besides, the distribution of construction materials has been started to influence voters on the eve of election. The Prime Minister himself is assuring the people to supply the materials for irrigation and road construction. In spite of the memorandum submitted by the Election Commission and the National Election observation Committee (NEOC), no attempt has been made to stop such activities. These activities alongwith bloodshed and massacre have raised question on the fairness of election.

Now it is seen that the government is trying to overcome the election-battle by virtue of muscle. Not only the ruling party is contesting the election, but whole government is contesting with opposition. Government machinery is being totally misused.

Prim Minister Koirala is totally isolated from his party. Even the congressmen, who refused to gather within his leadership, are also being victimized.

The Nepali Congress rebel candidate, contesting constituency no. 2 of Lamjung district, Lekh Nath Adhikari was attacked violently on 27 October while he was addressing a mass meeting in Duradanda village. The violent attack has damaged his right eye. It is to be noted that the workers of the ruling party were directly involved in the incident.

Keshab Bahadur Buda, Secretary, salma village Development Committee of Jajarkot District, CPN (UML) and the member of Election Campaign, constituency no 2, has been murdered on 9 Oct while he was on the way to his residence. It is expected that the incident is followed by the political enmity where Hari Bahadur Buda, is directly involved.

In Saptari Jas Bahadur Rai, the worker of NC's rebel candidate Krishna Prasad Aryal contesting constituency no. 1 of this district, has been shot dead by the Gundas in his own residence of Fattepur village on 30 October. He was shot down at midnight when he came out to know the cause of cracker explosion. The members of the deceased claim that the culprits belong to the ruling party who are directed by official candidate of NC, Jaya Prakash Ananda.

The Chairman of the Panchakanya Village Development Committee of Ilam District constituency no. 1, NC supporter Ashok Shrestha has been killed by gun firing on 5 November. The murderer has not yet been identified.

According to Ram Chandra Parajuli, the Correspondent of INSEC Year Book, Central Committee member of RPP, Pasang Goparma has been arrested in this connection including Laxiring Sherpa, Nima Sherpa, Santosh Moktan, Dambar Bahadur Tamang. Tshiring Sherpa, Nima Goparma and Ganesh Rai.

These incident observed near the election day sufficiently indicate that government has not been prepared to conduct election in peaceful and impartial manner. The situation has been aggravated by the involvement of the ruling party who should be making effort to reconcile the conflict between the parties. This Ilam incident has shown that the government is heavily biased against parties to initiate proceedings. These incidents may be the precursor to the greater election riggings. This has posed danger to the conducting of free and impartial election.

Necessary to take an action against Minister Khadka

On November 3, 1994 Narayan Chaudhary was instantly killed in a firing that took place at about 4:00pm in Constituency No. 3 of Dang District. Two other victims died later at Bir Hospital in Kathmandu, where they were brought for urgent treatment. Pushpa Ghimire died on November 5 at about 8:00pm, and Krishna Bahadur Chaudhary died at about 2:00am on November 6.

There are different views in Dang about the Bijauri incident. The NEOC investigation team attempted to obtain information from official and unofficial sources as much as possible.

NEOC Investigation Team

On November 6, 1994, the team led by Dr Rajesh Gautam, executive member of NEOC, left for Dang to investigate the incident. The team included Mr. Kundan Aryal, member of the NEOC national council, and Mr Monte Achenbach, programme officer of the National Democratic Institute. The team was accompanied by NEOC Dang District Committee Chairman Basudev Sharma alongwith Mr B D Ghimire Mr K P Ghimire, Mr Ek Raj Sharma, Mr Kishor Pokhrel, Mr Amar Giri, and Mr Lekhnath Acharya.

Monte Achenbach, an American member of the team, is especially acquainted with Dang. He had served in Manpur, Dang as a Peace Corps volunteer from 1988-1990. He was sent to Dang for this time as part of NEOC's international observer programme.

Background

Sporadical political skirmishes were reported in Dang after the declaration of the mid-term poll. On October at about 8:00pm, 73 political activists, the supporters of rebel candidate of Nepali Congress Kul Bahadur Gharti, were arrested after a confrontation in Tulsipur, Dang with the supporters of official candidate of the Nepali Congress. On the way to election campaign, some NC workers threw stones at their bus near Town Development Committee building



Former MP, Shiva Raj Gautam : Wounded due to firing



Krishna Bahadur Chaudhary : Killed in Dang incident

Dang: Series of Violence

Him Lal Pokharel, resident of Laxmipur village, Constituency No. 2, had been violently attacked at about 7 pm on 26 October by unknown persons when he was on the way to his place after Election Canvassing. Mr Pokharel, defecting Rastriya Prajatantra Party (RPP) had joined Nepali Congress (NC) with some of his colleagues on 24

which encouraged counter attack. A slogan was voiced against Minister for Works & Transport Khum Bahadur Khadka. The police took them to Ghorahi at 2:00am for detention. Four arrested activists, Lila Bahadur Gharti Magar, Jivan Thakali, Sunil Bura, and Sun Prasad Bura, were subjected to a humiliation called "charpata morne", in which the hair is shaved such that only a small protion remains on top. The following day, they were released. During their detention, they were deprived of meeting with a human rights team.

In the meantime, there were other problems with the law and order situation in Dang. On Novembr 1, the police seized a home-made gun, five cartridges, and two khukuris from an Indian licensed jeep at the Didi Hotel in Tulsipur. It had been reported that the jeep was used for campaigning by the Nepali Congress. The Chief District Officer (CDO), Devendra Bahadur Singha, and the Superintendent of Police (SP), Surya Dhoj Khand, claimed that the jeep and its owners fled before it could be seized.

October.

The Patrolling Police, finding Mr Pokharel in his senseless state, admitted him to the Mahendra District Hospital. He was at once taken to Nepalgunj Hospital when deep and big injury was discovered on his head in the local hospital. Still his sense was not normal. He died on the way to lucknow (India) taken for treatment according to the advice of the doctors.

Dambar Bisi has taken part in several UML programmes, including the demonstration on November 3 that ended in violence. As background, he described the period leading up to the event as one of escalating tension. He claimed that on November 2 the Nepali Congress held a programme at Sakram of about 200 local people at which Congress marchers were yelling anti-UML slogans. Angering people of the surrounding village, a group of UML supporters began throwing stones from above at the demonstrators in a ravine below. The Congress demonstrators responded in kind. Later in the day, the UML office in Dudras

was attacked by NC activists, who beat two UML members and damaged office furniture, including a storage cabinet, with Khukuris. On the way from Dudras back to Bijauri, Besi claimed that these same men then attacked the older brother of the UML candidate, Shankar Pokhrel.

Bisi attended a meeting of UML members at 2:00pm on November 3 at the home of Pokhrel. The goal of the meeting was to discuss the events of the previous day and come up with a strategy for dealing with the growing tension. The organizers decided to conduct a peaceful march on the main road to Bijauri, near both a Congress and a UML office, and to put up posters urging calm before the election. They planned then to come back to their office at Dudras.

At the same time, the Congress Party was holding a rally near the same main road at Beljundi, which is between Bijauri and Dudras. The transportation minister and Congress party candidate, Khum Bahadur Khadka, and other party leaders were addressing the crowd. After they spoke, Khadka, Giri and other Congress Party members went to their Bijauri office.

When the UML demonstration of about 2,000 protesters neared the site at Bijauri, they were stopped by a group of about 30 police officers in riot gear, including the DSP. Approximately eight of the police officers held rifles. Besi said that the demonstrators were not carrying anything except a banner at the front of the crowd. The police asked the crowd not to proceed toward the area near the Congress Party office, but UML members told them that as it was a peaceful demonstration they should be allowed to go ahead. The protesters pushed ahead, and Besi said that Congress supporters beyond the row of police officers began to throw stones at the demonstrators. He said the UML supporters responded by

throwing stones themselves. Another UML demonstrator and witness to these events, Chhabhi Lal Chaudhari of Manpur, was injured when a stone hit him in the face.

The police shot tear gas into the crowd, which failed to disperse them. Besi said that the police then fired five to six rounds of blanks into the air, but they did not at any point direct their fire into the crowd (the DSP said that this police force might have fired into the crowd, which seemed contrived to back up Home Ministry reports that police had indeed opened fire, reports that were broadcast on Radio Nepal). Besi said that he saw men hidden on either side of the road (behind a wall on one side and in bushes on the other side), armed with guns (some with rifles and some with "twelvers," homemade handguns loaded with small pellet-like bullets). The men



UML Office in Dudras : Attacked by NC activists

began firing into the crowd. Among them, he saw Khadka and Giri shooting "twelvers," and the police did nothing to stop them. Three people died from bullet wounds, and 20-30 were injured. After the shots, the crowd fled the area. This incident had created an atmosphere of intense fear among UML supporters of more armed attacks by "thugs" brought in to intimidate voters and destabilize the pre-election period.

Other witnesses who confirmed these events, including the sighting of Khadka and Giri shooting into the crowd, are Amar Bahadur Khadka, Tiluk Ram Chaudhari, Hom Bahadur Khatri, Boju Lal Chaudhari, Raju Raawat, and Chhabi Lal Chaudhari, all of Manpur. Chhabi Lal Chaudhari said that he saw five to six men shooting guns from the sides, although he believed there to be more in total. Boju Lal Chaudhari said that he saw a total of about 12-15 men with guns.

According to the NEOC team they could not find local Congress supporters who claimed to have been at this event. One Congress member said that most of the people who were on the Congress side were not local, which seems to confirm UML claims of strangers in the area. Local Congress members told about what they had heard, including claims that the police indeed fired bullets into the crowd after several rounds of blank firing into the air. No one could attest to actually seeing it, however. Names and more complete reports of these testimonies is included in the NEOC report on the incident.

The NEOC team has published its report on November 11. Following are its points in which the team has come to conclusion.

a. Had administration been attentive to carry on its responsibility in time, the firing of 3rd November in Dang could have been evaded. But the role of administra-

tion before and after the incident was neither impartial nor active. No one had been arrested until five days despite the proof registered in the respective police office.

- b. The report of the doctor reveals only one person seriously injured by bullet on that very day. But at the same time it tells that the loss of life by pellet has been witnessed. The wound by pellet on the body of injured people could have discovered clearly.
- c. The responsible leaders of Nepali Congress (NC) and Communist Party of Nepal (United Marxist-Leninist) were present during the incident. Therefore the situation could have been under control if they had initiated.
- d. Some of the spectators depicted, "Minister Khum Bahadur Khadka himself had fired the bullet". Minister Khadka however admitted that he was in the house of his father-in-law which is 50 metres far from the place where the incident had occurred. This is sufficient to prove his presence during the incident. Thus it is essential to send the concerned people alongwith Minister Khadka to the police custody for further investigation as three people have already died in his presence due to bullet and pellet firing.
- e. The injured persons were seen neglected by the medical officers even in zonal hospital at Nepalgunj. Later they were taken to Kathmandu by sky-van with no proper care. The medical officers of Kathmandu admitted that they were neglected by the doctors in Nepalgunj. It was experienced that the doctor were also influenced by negative pressure of the administration in the course of treatment.
- f. It is a must to form an independent legal commission for the impartial investigation of the incident. □

The Murder of Ramvrikshya Yadav, A Political Personality

Ramvrikshya Yadav, central member of United People's Front, Nepal was murdered hitting with bullets and spades in the afternoon at 5.30 on August 18, 1994 in area No. 2, Dhanusha District. Ramvrikshya was a popular political personality in that area. The local people were enraged by this act of murder. Following it, bullets were fired in the air by policemen inside the compound of temporary police post, Baramjhiya. According to local inhabitants, Gajendra Prasad Singh fired splinters under police protection. Since the persons involved in the murder of Ramvrikshya are affiliated with the politics of his opponents, it is obvious that his murder was undoubtedly motivated by political interest.

1. About the Human Rights Team

Representatives of five human rights organizations in the country arrived in Janakpur on August 26, Friday to collect real information about the murder incident occurred at Baramajhiya of Dhanusha District on August 2, 1994. Led by the central member of Forum for the Protection of Human Rights (FOPHUR) Mr Badri Prasad Khatiwada, the team included Mr Tulsi Bhatta, central member of Human Rights Organization Nepal, Mr Kundan Aryal of Informal Sector Service Centre (INSEC) - Human Rights Year Book, Mr Chandra Mani Adhikari of INHURED International and Chetman Budhathapa of Child Workers in Nepal Concerned Centre. Also included in the team were two local journalists, Nawaraj Basnet and Arjun Chhetry.

On August 26, the team met with local political personalities and collected preliminary information. On August 27, it went to Baramjhiya. In Baramjhiya, it met with the victim's relatives, local activists of opposition parties as well as the policemen. The next day, it visited the offices of the District Police and the Chief District Officer located at Janakpur where it collected information from DSP Muktinath Majhi and CDO Taka Ram Aryal. It also made contacts with various political parties such as United People's

Front, Nepali Congress, CPN (UML) etc. and tried to collect factual information.

2. Background of the Incident

It was learnt that Baramjhiya VDC located in area No. 1 of Dhanusha District has long



Late Ram Brikshya Yadav

been known as a communist stronghold. It was found that United People's Front Nepal has a fairly strong influence in and around the area of Baramjhiya. It was said that during the Panchayat regime the plan of major operation had failed due to the resistance put up by the people. Hence, this area had become a constant headache for the administration under the Panchayat regime.

3. An Account of the Incident

On July 19, Ramvrikshya Yadav had been to Janakpur to lead the torch protest march organized by the party that he was affiliated with. On August 17, he was on his way home by bus after the completion of Nepal Bandha in Janakpur. He got off at Birendra Bazar where he made a trunk-call to the central office of his party in Kathmandu. Then he got on another bus and got off at Barmajhiya VDC-1 by the side of Kamala dam. He had a cup of tea there. After a while he headed to the south along the side of dam. As soon as he had gone a little further he was hit with bullets and spades. Bullets were fired upon him from about a hundred and fifty meters away from the tea shop. Following the firing, the attackers threw him into the water and then absconded. This happened at about 5.30 pm.

The local dwellers, leaders of various political parties as well as the police administration were found to be of the same opinion about these informations regarding this incident.

Ramvrikshya who was thrown into the water was later carried to a village doctor called Sakal Dev, but he died in a short while. He was hit with a bullet on his shoulder and he had also deep wounds on his head and in the neck.

4. Statements From Eye-witnesses

4.1 Sumindardevi Yadav

Sumindardevi, a local woman, says that she was cutting grass at a distance of about 35

meters in the east at the time Ramvrikshya was attacked. This is what she says, "A few persons including Ramkrishna Yadav were seen moving around here from about 4 pm."

She further says, "Master Saheb (teacher) and Dev Narayan alias Mukti were heading for home. Ram Krishna, Brinjaya Singh, the son of Gajendra Singh, Bhulla alias Hari Prasad Yadav, Bachcha Singh alias Digvijaya Singh and Ganga Prasad Yadav were also moving to the same direction talking to Master Saheb. As they moved a little further, Brinjaya suddenly opened fire from a very short distance. And then Ganga Prasad hit Master Saheb with a spade. Ram Krishna struck him with a whip made of electric wire. Mukti tried to protect Master Saheb, but as they were about to hit him, he fled."

Gulo Devi who was cutting grass with Sumindar Devi, completely agrees to what the latter has said. Ten-year-old Deepak Yadav who was then grazing a buffalo riding on her back tells of having seen the same. According to these eye-witnesses, there were five attackers on this side of the dam and ten others on the other side. After throwing Master Saheb into the water some of them fled crossing the dam and some ran away to the east.

4.2 Dev Narayan Mahato

Dev Narayan Mahato, a student studying at graduation level in Janakpur, is considered to be the most reliable person to witness the attack on Master Saheb. He says, "Master Saheb and I were going home together. Sobhit Yadav and Daya Ram, both affiliated with our party-United People Front - were also there. A short while ago, we had had tea in a tea shop in the west of the road above the dam. Gajendra Singh's sons had had tea in the eastern side."

He further says, "We were moving ahead. the attackers were also moving along.

Ganga Prasad Yadav was carrying a spade pretending to irrigate the field. Gajendra Singh was sitting at the edge of the dam in the eastern side. As we moved a little further, he commanded to hit, and in an instant Master Saheb was struck with a spade. Meanwhile, Brinjaya and Ramkrishna opened fire. A bullet fired by Ramkrishna hit Master Saheb on the shoulder. I heard about 3 rounds of bullets to be fired.

"The attackers I saw were Rajlal Yadav, Ramkrishna Yadav, Gajendra Singh, Garbhu Yadav, Rajdev Yadav, Ram Ayodhi, Hari Yadav, Lalan alias Sirinjaya Singh, Phulbabu alias Puranjaya Singh, Brinjaya etc."

5. Statements From Various Political Personalities

5.1 Jagannath Tamang

Elected to the District Development Committee as a UPF candidate from area No. 7 of the district, Jagannath Tamang describes the incident as follows: "It is obvious that this is a planned incident." He further says, "Ramvrikshya Master Saheb left Janakpur for home by bus at 1.30 pm on August 18, after leading the torch protest march that was organized the previous evening. He got off the bus at Birendra Bazar where he made a trunk-call to Kathmandu. And then he left for home by bus of Vijaya transport company. He intended to stop off at his house located at Baramjhiya on his way to Sabela."

"He got off by the dam. Akabar alias Nasim Saña made Master Saheb an offer of a cup of tea there. Then Mahesh Chaudhari had a chat with him for half an hour to buy time. Meanwhile, the attackers were moving here and there. Master Saheb left after having tea there. Mukti alias Devnarayan Mahato was with him and Sobhit Yadav and Daya Ram Yadav were nearby. After moving a little further Master Saheb said to Mukti, "This concrete pipe is a bit small, so cannot we

use a bigger one instead?" He was referring to a pipe linking the dam with the rice field. At the same time, Brinjaya, the son of Gajendra Singh said, "Ramvrikshya will die today." He then opened fire aiming at Master Saheb and Ganga Prasad hit him with a spade. Gajendra Singh was sitting a little away from where he had commanded to hit Master Saheb. Two bullets must have been fired there, one by Ramkrisun and the other by Ramkrishna Yadav. Following the firing, Master Saheb was attacked with Khukuris, Sickles etc.. Bachcha Singh had also a pistol in his hand. And Garbhu Yadav had one too."

This is how DDC member, Mr Tamang further describes the incident, "A shell of a bullet was found there. A youth called Srinarayan handed it over to the inspector of police, Kumar Basnet. Following the incident, Brinjaya and Rambabu Yadav fled through Lakawa Tole - Nayan Tole riding on a motor-bike driven by Bachcha Singh."

"Ramvrikshya Master Saheb died when he was being treated by Dr. Sakal Dev. Then the people surrounded the house of Gajendra Singh, which was at the opposite side. About 3 or 4 thousand people gathering there were claiming that Gajendra Singh was the murderer. They wanted to bring Gajendra Singh out of the house he was hiding in. the policemen were protecting him. Meanwhile, Gajendra began to open fire. He was firing splinters upon the people. The police were firing in the air. It is noteworthy that the police check-post has been stationed in the house of Gajendra."

Mr Tamang further says, "Gajendra, Bisan Gaderi and Purunjaya were hiding inside the police check-post. On that day, that is, on August 18, Bachcha Singh had been to the Police Post, located at Sabela on a motor-bike once in the morning and once right before the incident happened. According to Ram Bihari Raya, chairman of Sattokhar VDC, when Bachcha Singh went

to the police post for the second time the sub-inspector had said to him, "If the thing is not brought by this evening, my policemen will not let me breathe at ease."

5.2 Devnarayan Yadav

Devnarayan Yadav, ward member of Baramjhiya VDC ward No. 4, says that when he first heard of the incident he could not believe that Ramvrikshya Master Saheb was murdered. He further says, "Later, I saw Gajendra coming from the north and enter into the check-post. No one had any grudge against Master Saheb. Although he was a great leader of the communists, he was on good terms with everybody."

5.3 Samir Ghimire

Samir Ghimire, a district level leader of Nepali Congress says, "After all, this is a very sad incident. Fair investigation must be made into it. Sometimes certain persons physically destroy their opponents thinking that only thus can their path be cleared."

Rambali Mahato, chairman of Sattokhar VDC unit of Nepali Congress, opines, "Ramvrikshya's background must also be reviewed. He received the same treatment as he had done to others. This Girija Government has completely failed in the question of maintaining peace and security. I suggest that the government should undertake an army operation here like that in Panjab and Kashmir. Ramvrikshya died and then two Nepali congress people have been disappeared. Jagannath Tamang has kidnapped our people. Pradip Thakur who was going to be killed by Matrika Yadav of UPF that very day, has taken shelter in our place."

5.4 Manoj Khadka

"This is a political murder committed in a planned way. Action must be taken against the murderers. Such political killings under-

mine our parliamentary democracy", says Manoj Khadka, the office secretary of Dhanusha district of CPN (UML). His reaction to the incident is like this, "Ramvrikshya was a political personality but he did not have personal enmity with any one. That is why, careful investigation must be made into those who have been involved in his murder. The administration has shown a bias attitude towards the victimized side. Investigation does not seem to be carried out actively.

"It is learnt that repeated attempts had been made to kill Ramvrikshya for the last two years. Something to this effect was heard now and then. Even when he was away from the district for a couple of days, they used to spread rumour that Ramvrikshya had died," this is how Mr Khadka concludes his statement.

6. About the Alleged Ones

6.1 Gajendra Prasad Singh

Gajendra Prasad Singh who has been taken under police custody was said to be a man of Hem Bahadur Malla during the Panchayat regime. He is now the chairman of a village unit of Nepali Congress. However, the local inhabitants take him to be an Indian. He is said to have obtained the certificate of Nepalese citizenship not long ago.

Rich peasant Gajendra and his sons are not on good terms with the villagers. The temporary police post has been stationed in his house for the last two years.

6.2 Bachcha Singh

Known as an Indian national Bachcha Singh had been staying at an apartment in Janakpur for about two months. He happens to be the younger brother of Gajendra Singh. Talking to the human rights team Deputy Superintendent of Police,

Muktinath Majhi said, "Bachcha Singh is a man of criminal mentality. Now he has absconded but we have brought his jeep under control." Bachcha Singh is known as a criminal in India too. The apartment rented by Bachcha Singh for two months lies very close to the residence of chairman of DDC, Dhanusha inside the same compound. Singh's jeep used to be parked inside the chairman's compound. His real name is Dig Vijaya Singh.

6.3 Ganga Prasad Yadav

Ganga Prasad Yadav whose job was to irrigate the field with the water of the dam is said to be an Indian national. He had got the job at the recommendation of political personalities affiliated with Nepali Congress. Eye-witnesses state that Ramvrikshya had sustained a deep injury in his neck from the spade struck by Ganga Prasad who has absconded.

7. Working Style of the Administration

"The police did not have any hint of it before August 18, when Ramvrikshya was killed," says the police administration.

Following the death of Ramvrikshya, the public tried to bring Gajendra and his sons under their control. In connection to it, the police fired 25 rounds of bullets. But the police did not extract written statements from them.

Bullets were fired by a five member team of policemen led by assistant sub-inspector, Vishnu Gautam. Ironically, Vishnu Gautam was opposing to firing whereas a policeman, Ramawatar Mandal, kept firing with extreme excitement. He was also provoking the others to follow suit.

A police force led by DSP Bhaktinath Majhi and inspector of police, Kumar Basnet, arrived at Baramjhiya in the night on August 18. But preliminary investigation

was not initiated. The group of policemen sent from the headquarters took Gajendra, Bikhani Gaderi, Purunjaya Kumar Singh, Ramsuphal Pandit Kumhal and Kamaldev Yadav under its protection. As the victimized side presented a first hand information report naming 17 persons including them as the alleged ones on August 22, warrants were presented before them.

The human rights team visited the police administration ten days after the incident. But surprisingly, statements were not collected even from eye-witnesses until then. Not even the preliminary steps necessary for the investigation were taken.

The team of police involved in the firing had been transferred as early as August 18. A 20 - member police team led by inspector Ramchandra arrived at Baramjhiya in the night on August 19. However, the team has not initiated interrogation or investigation whatsoever.

The victimized side had lodged a complaint with the district police against Sobhit Yadav, Dayaram Yadav and Devnarayan Mahato on August 22, claiming that it was an eye-witness of the killing. The other alleged ones named in the complaint were Gajendra Singh, Purunjaya Singh, sirinjaya Singh, Brinjaya Singh, Bikhani Gaderi, Ram Suphal, Kamaldev Yadav, Ganga Prasad Yadav, Ramkisun alias Ramkrishna, Hari Prasad Yadav, Garbhu Yadav and 4 others. The administration has not yet initiated investigation.

8. Statements From Police Administration

8.1 Bhaktinath Majhi

DSP Bhaktinath Majhi says, "The police did not have any idea about who was killed or what had happened until the police post was surrounded.

"The people of the victim's side have not

lodged any complaint with us. If they had, we would have initiated investigation," this is what Mr. Majhi says further.

"There is no conversy that this is a political murder. we have been informed that Bachcha Singh was there. We have collected verbal information from the owner of the tea shop and Dr. Sakal Dev, but not from any others."

The DSP goes on saying, "The police fired 10-15 rounds of bullets in the air to protect Gajendra Singh's daughter-in-laws when the excited mob began to manhandle them. There, some seven or eight persons were found having injuries like those sustained from splinters but the statement made by the villagers that they were injured with splinters fired by Gajendra Singh is not true. Bits of stones might have splintered away from stones being struck at by bullets fired by our policemen, resulting in those injuries."

But, contrary to the statement made by the DSP, the police authority says that no bullets were found there.

8.2 Tikaram Aryal

According to the CDO of Dhanusha, Taka Ram Aryal, the majority of criminals in the district are affiliated with one or the other party. He says, "I came to know about the incident when Matrika Yadav make me a phone call at 8 pm. on August 2. We are trying wholeheartedly to detect the criminals. Since it is a case related murder, it is not related with my office. However, such incidents must be investigated in order to maintain law and order in the district, so I am trying my best.

9. A Short Biography of Ramvrikshya

Ramvrikshya was born in a poor peasant family in Baramjhiya, Dhanusha district, in 1947. The son of Mrs Samptti Devi Yadav and late Ramlakh Yadav, Ramvrikshya had

attained formal education upto I.A. level. He was the headmaster of many primary schools in Dhanusha from 1968 to 1978. He professed and practised simple living and high thinking.

Late Yadav's political life began from 1969-70. In 1992, he was imprisoned for 6 or 7 months on charges of robing wheat covering an area of 6-7 Bighas of a local feudal named Badri Koirala. Known as a man of struggle, Mr Yadav had gone on hunger strikes in prison once for 8 days and the other time for 22 days.

He joined CPN (Fourth Congress) after he came into contact with Hrishi Devkota Ajad and Jaya Govinda Shaha in 1973-74. He was imprisoned again in 1978 and released on 1980 when the king granted a general amnesty. Then he became a fulltime worker of the party and engaged in underground activities. In 1972 the local feudals had captured him and one of his legs was broken. Following his release from jail in 1990 after the local elections, late Yadav had been elected an alternative central member of CPN (Unity Centre). Later, he became central member of United People's Front, Nepal.

A huge number of people had gathered in the programme organized to perform his last rites on August 20, at Baramjhiya.

Late Yadav has survived his mother-Sampatti Devi, wife-Ram Kumari Yadav, Son-Shekhar and four daughters.

10. Conclusion

This murder does not seem to be the result of an attack made by someone in a fit of emotions or that of excitement. Hence, it is obvious that the incident was pre-planned.

- The fact that nothing was taken away from Ramvrikshya or he did not have any valuable thing with him at the

moment he was killed confirms that he was not killed with intent to rob valuables.

- Evidences show that he was attacked having recognized who he was. This too shows that the incident was pre-planned.
- Ramvrikshya was a very popular leader in that area. His displacement might prove to be more convenient to his political opponents in elections in the days to come. Hence, the suspicions raised by the local public regarding his murder cannot be completely denied. The local public are pointing their fingers to Gajendra Singh and some leaders of the party he belongs to.
- On the basis of the above conclusion, and keeping in mind the fact that Ramvrikshya was a popular communist leader and the alleged persons being affiliated with a political party, it is confirmed that the murder was undoubtedly a political one.
- There is a lot of talk in the district that Gajendra Singh had been to Kathmandu a few days prior to Ramvrikshya's murder at the signal of a well-known political personality in the district. It is also learnt that the day Ramvrikshya was murdered he had been followed by two motor-bikes from Janakpur. As regards the murder, such suspicious are many. Hence, all these things must be minutely investigated.
- Ramvrikshya's murder has been looked at as an additional instance of insecurity for political workers of Nepal. It is absolutely necessary to detect the criminals and inflict due punishment on them so that such incidents will not be allowed to happen in future. Therefore, a fair and unanimous judicial commission should be formed without delay to investigate into the murder of Ramvrikshya Yadav.

August 31, 1994

NSEC, NHURED, CWIN, FOPHUR, HURON

INFORMAL SECTOR SERVICES CENTRE (INSEC)

Press Statement

Prime Minister Girija Prasad Koirala recommended the King to dissolve the parliament followed by the discontentment of the members of parliament on the policy and programme of the government led by him.

The decisions of the King to dissolve the parliament, despite the request of the Chairman of the majority winning party alongwith the President of the opposition party not to dissolve the parliament during the period when the session was in progress and to entrust the responsibility to conduct the forthcoming election Nov 15 to the confidence loser, have drawn our attention.

In our opinion the Mid-term poll was not essential now considering above mentioned facts. However the largest political party should have been called for forming government, the responsibility entrusted to confidence loser was not appropriate. The decision has not only fostered economic deterioration but has also questioned the dignity of the parliament and the political parties. It has created doubt on the fairness and freeness of the forthcoming election. The INSEC, as a responsible Human Rights organization, strongly opposes such decisions for they produce negative effect on the protection and institutional development of human rights and democracy in the country.

July 12, 1994

(Sushil Pyakurel)
Chairman

Government's version on forced labour is totally false

Government of Nepal has submitted the initial report under article 40 of the covenant - International Covenant on Civil and Political Rights on 30 March 1994. The report has told - "No slavery, slave trade or institutions or practices similar to slavery are found in Nepal. Nepalese law has prohibited forced labour or servitude. Trafficking human beings, slavery, serfdom or forced labour in any form are prohibited by article 20 of the constitution. Every citizen is provided with the right against any form of exploitation. However, compulsory service prescribed by law for public purposes is an exception to this provision".

Of course, our constitution has strictly prohibited any kind of slavery. But the reality reveals otherwise situation. It was about 69 years back that the then Prime Minister Chandra Shamsher Jung Bahadur Rana(JBR) had publicly announced, through a fifty seven page long decree written both in Nepali and English, the abolition of slavery from Nepal. It was read before thousands of Nepalese; and three foreigners. In this proclamation the premier highlighted the importance of Sanatan Dharma (Unorthodox Hinduism), drawbacks of Slavery and rationale for taking the reformatory moves. He firmly declared that none would be allowed to keep any slave from the first day of the new year according to Nepali Calendar.

By the time the then premier declared the abolition of slavery (total population of Nepal was while honouring 5,563,788), out

of which 51,419 were slaves and 15,719 slave owners (but historians dispute on number). The proclamation of the Prime Minister 4,640 slaves were voluntarily freed by their masters. About 110 slaves were able to pay the price of their freedom by themselves. For the abolition of slavery from the country, Chandra Shamsher JBR had allocated seven percent (i.e Rs 1,400,000) from the annual national budget. At the time of his declaration he emphatically announced, "Our people and the country have earned enhanced fame in the world. But in this civilized world, the existence of slavery system has eclipsed our name and fame."

In 1982 BS (Nepali Era), the Rana government amended section 1 of civil code 1910 BS related to human-trafficking and mentioned slavery to be a big crime against own fellow beings. In this section it was clearly written that the sacred objectives of abolishing slavery had to be realized. For this, civil code 1982 firmly incorporated the abolition of slavery from Nepal effective from Monday, Vaishakh 1, 1982 BS. Later the first national census was taken for the identification of the real slaves who later on were declared free. So, afterwards slaves and their off springs, legally, were no more slaves. They couldn't be sold or bought at any price. No one could take hold of them. If one was accused of slave trafficking, he was subject to sentence. The sentence of the court could be for seven years' and the convict had the received money forfeited by the court. If he repeated such social crime, he was made liable to further prosecution. Thus it's obvious that civil code 1982 BS was a

great attempt to abolish slavery from Nepal. For the rehabilitation of the abolished slaves, the dense forest at Bhikshakhori was reclaimed which now is famous for its name "Amalekhgunj" means home place of free people. Those freed slaves were called Shiva Bhaktas (the devotees of Hindus' revered God 'Shiva'). Owing to transportation and other difficulties all the slaves then free couldn't come to Amalekhgunj. A few settled down in their own villages from their own earnings. But many were in trouble. A book on Nepal written by Shardar Bhim Bahadur Pandey describes " Shortly after being free, Shiva Bhaktas left their master's houses. The only option for them to rear their children and support their families was to pledge themselves for money. Some shiva Bhaktas turned to be bonded labourers from the very next day of being free."

Even after the abolition of slavery, the bonded labour system remained in existence in Nepalese agricultural and commercial activities. This very system was indirectly nurtured and supported by feudal systems like Rajauta, Zamindar and other feudal practices. Even the Land Reformation Act 2021 remained ineffective to terminate the causes of such ill system.

The bonded labour sub-system within the *kamaiya* system is only a form of slavery which is abundant throughout Bardia, Kailali and Kanchanpur in the western Nepal. Informal Sector Service Centre (INSEC) carried an indepth research to find out the nature and exact number of bonded labourers in those mentioned districts. According to the study there were 9184, 6964 and 1576 bonded workers in Kailali, Bardia and Kanchanpur respectively. Hence there were in total of 17,828 hapless people misused as bonded labourers. INSEC published a report on 'Bonded Labour System in Nepal' in 1992 (2049 BS) based on the interviews collected from the bonded labourers.

Indeed 'Kamaiya' is a synonym to the person who is obliged to work in an agricultural field under an employer, usually a landowner. In a cursory view it seems that Kamaiyas are forced to do promised work once a year only. But in reality it isn't so. They have a verbal contract with employers under certain conditions. Usually the conditions are quite unfavorable for them and their families. They can't renew the terms of agreement entered with their masters. They have to keep on working throughout the year. In fact they are always at the mercy of the employers. They aren't free to choose their masters. Members of family of Kamaiyas have to work for the same master without additional payment. They can not sever the agreement made earlier even if they are unfairly treated by their masters. Due to their poverty, they are compelled to bear all sorts of barbaric and inhuman actions committed by their masters. Kamaiya System in no way is better than or different from bonded labour system.

Existence of *kamaiya* system shows that human trade is still in practice in the western part of Nepal. A person has to pay significant amount of money to the former master to take possession to Kamaiya. It is the Sounki (fund borrowed by kamaiya) which is traded rather than the borrower itself. But in practice buying of a person is not much different from lending a fund and enslaving the fund borrower. Thus kamaiya system has all the features of human trade. There are visibly two types of kamaiyas:

1. Kamaiyas with 'Sounki'.
2. Kamaiyas without 'Sounki'.

Prima facie all Kamaiyas aren't bonded labourers, but the system is the base of the bonded labour system. Most of Kamaiyas with Sounki are, indeed bonded, labourers. There is a direct and close link of Sounki fund with the loss of freedom. Kamaiyas who do not have 'Sounki' have got more freedom to choose their masters. Since a

kamaiya has to feed his family, he is compelled to borrow 'sounki' fund. A kamaiya slowly heads to the bonded system.

Sounki is a loan borrowed by kamaiya from landowners. According to the study done by INSEC around 30% Kamaiyas have taken Sounki to earn their livelihood. But how innocent and straight forward they are! Most of them know almost nothing whether they are under the burden of arrears or not. If by chance they come to know, the real amount of arrears still remains concealed to them. No one can speak of truth too. It is a difficult task for anyone to make them realize that even after many years of their work, their borrowed fund is not diminished. Instead, the imposition of interest on borrowed money i.e. Sounki is making their sum increase year by year. A person who can realize the fact, either doesn't dare to speak of it or thinks needless to speak of it. INSEC's study reveals that Sounki arrears goes as high as Rs.80,000. Likewise some are working as bonded labourers for four successive generations. Approximately 96 percent of Kamaiyas are illiterate, 98 percent are from the Tharu community, the indigenous people of Nepal. These facts verify that Kamaiya system is the reflection and the base of the bonded labour system prevailing in Nepal.



बन्धु श्रम प्रणाली : प्रजासत्ताक नेपालको लागि शर्म
Bonded Labour System : A Shame in Democratic Nepal

Because of the lack of essential and effective law, the bonded labour system is still in existence even though the constitution of the Kingdom of Nepal 1990 has implicit-

ly ratified convention regarding the abolition of slavery, slave-trade or other institutions and similar practices. Moreover, the constitution is in support of preserving common norms of democracy and democratic society. Only the provision of 'Act' against the bonded labour system can not be as effective as changing social and economic standards of society. However the Act can relieve the problems of bonded labourers to some extent and Nepalese can be legally get rid of black spot in the human civilization regarding human abuses. Then thousands of Nepalese can exercise democratic rights being free from inhuman and barbaric practices. Therefore, an act for the abolition of bonded labour system is the need of today.

Informal Sector service Centre (INSEC) took the initiative to draft an Act for the abolition of Kamaiya system in tune with the genuine efforts made in or without parliament. First of all, INSEC forwarded a draft to the parliament to be accepted as a parliamentary bill in 2049 BS. Later on there was a discussion on it among members of parliament, lawyers, journalists and other scholars. Incorporating suggestions and views expressed during the discussions, the second draft was put forward for further discussions. Furthermore INSEC conducted few seminars in Kailali, Kanchanpur and Bardia in Shrawan and Bhadra in 2050 BS to collect suggestions and comments from concerned people. INSEC organized a discussion program on its office premises to give the final touch to the draft. This discussion had participation from the members of the parliament, journalists, lawyers and human rights activists. Hence the final draft of the act for the abolition of the bonded labour system was minutely improved which still may demand further improvement. Parliament has got equal rights to reshape it in order to fulfill its objectives of abolishing the kamaiya system. When the parliament passes the bill (i.e. the draft), it will certainly help abolish this system. □

Some Serious Issues on Arun III

As a matter of fact, there is no doubt that Nepal's development relies on hydroelectricity. So we must construct as much power projects as we can. But the process of identifying, implementing, evaluating and monitoring these projects should be so well developed that every step of these activities should go smoothly and fairly. For such a serious sector from which Nepal can generate huge amount of revenue for the development of other core sectors, national consensus is required. Projects like Arun III are not the petty things to be decided solely by the Government but needs series of discussions in the Parliament, in different mass media, among different expert levels and in the local level. So, a long term national strategy for the development of power sector which is acceptable to all the concerned should be developed even if it takes considerable amount of time and resources. Otherwise, a poor country like ours will never be able to undertake any developmental activity due to the lack of coordination among different quarters.

In a country like Nepal where the annual budget is about US Dollar 800 million which includes all the development expenditures for the year, there has been no proper discussion in the Parliament before the final decision about Arun III (US\$ 764 million). If the country is committed now to this project, this commitment needs to be fulfilled by any party which forms the government in future and the country can not escape from the adverse effect. So a national debate is necessary about Arun III and it is imperative for all to work for a national

consensus. So all the agreements and accords to be concluded regarding Arun III should be postponed for the time being and there must be a wide national debate on it.

In spite of many arguments of safety against geological risks like Glacier Lake Outburst Flood (GLOF) and earthquakes (the Himalayan range is considered to be an earthquake zone and due to the existence of young mountains in this region, there is a great risk of geological imbalance during earthquake) the project authority and experts are not satisfied with it and they say that the studies and research done so far are incomplete and unsound. No project can be fully free of risks and there is always a room for additional study and research. From the technical point of view there can only be assumptions about GLOF and the floods caused by the stoppage of river as a result of landslide. Such a risk can be avoided if a regular study is made about the level of water in such glacial lakes and arrangements made for the flow of water at an appropriate time. The country lacks the capacity for all such works at present.

The very high unit cost of construction and the corresponding high tariff that consumers of the energy from Arun III will have to pay remain a serious concern. Lack of study of the alternatives during the eight years of preparation of this project continues to be the point for major criticism. The least Cost Expansion Generation Plan exercise that has been used to justify the project to date has been admitted by the World

Bank not to show conclusively the superiority of the Plan A option (the Arun project as currently designed) over Plan B (which proposes to have the number of small and medium hydropower schemes) to supply the national grid. The cost of the Plan B projects compared with the Plan A option are extremely preliminary.

In the interests of generating energy for Nepal at least cost, it is imperative that the study of the alternatives be taken to at least the feasibility level to allow a proper comparison with the Arun project.

The addition of 402 MW of electricity by a singular project like Arun III will increase the total generation capacity of the country from 250 MW at present to about 700 MW by 2005. In future all the aspects of national life, development works, industries, transport, commerce, health, education and administration as well as the individual and domestic life of many Nepalese will be dependent on the supply of electricity. In this situation, the electricity supply system of the country will be highly dependent on Arun III. If there are any big problems in this project or if the electricity could not be supplied due to any petty reason, it will be difficult for the country to tide over the subsequent bad effects. The big question is whether the country can tide over a particular risk and its results at a particular time and situation. It is reasonable in view of the risk bearing capacity of the country to broaden the basis of its electricity supply system, i.e. the national capacity should be increased by the construction of many medium sized hydroelectric projects in different parts of the country. In such a way the element of risk will be small and divisible. Arun III should be constructed at a more appropriate time by the gradual development of the risk bearing capacity of the country rather than by a sudden leap forward.

The Arun Valley is a remote area of vast

biological diversity and ecological fragility. This valley comprises all parts of Sankhuwasabha district, many parts of Bhojpur district, a large part of Dhankuta district, and is considered to be rich in natural resources. The bio-diversity in its northern parts as a result of variation in altitude and its micro-climatic zones and its still intact forest in the valley which has a huge storage of wildlife and rare medicinal plants needs to be protected. These things cannot be protected by just giving directives to the contractors who are to do the construction work of the project. The Valley is inhabited by about 450,000 people, comprising 10 ethnic groups. These people will be extremely vulnerable during road and project construction. About 1,760 families will be affected by the loss of their homes, lands and livelihoods. Other families will be adversely affected by the large influx of workers and the pressure put on local food, forest and water resources. It is estimated that subsistence farmers adversely affected by the road will lose 20 percent of their income. So a proper way of mobilizing the resources in a sustainable way should be developed with the participation of the local people. A basic frame work can be created within a few years by conducting programmes for environmental protection and the use of resources. Without a sound basis for environmental protection mechanism, the construction of Arun III project can create long term and permanent negative effect on the environment but it is simply a window dressing to say that attention shall be given to such things during the period of the construction of the project.

The Arun III project, along with the upper and lower Arun project will cause irreversible, long term cumulative impacts to the environment and the people. Many of these cumulative impacts have not yet been assessed.

Courtesy: The Milestone, Sept/Oct 1994

NEOC set-up to observe election

National Election Observation Committee (NEOC) had been constituted under the convenorship of Mr Sushil Pyakurel on August 4, 1994. It was formed with a view to monitor and observe the forthcoming General Election. Later the NEOC executive committee was formed under the Co-chairmanship of Mr Virendra Keshari Pokharel and Mr Bishwakant Mainali. The Committee has been formed under the joint initiative of Human Rights organizations viz. INSEC, INHURED, CWIN, HURON, FOPHUR and CVICT.

The first General election in Nepal under multi-party system was held in 1960. But the second general election under multi-party could not be held for another 30 years because of counter revolution of 1962. After the successful pro-democracy movement in 1990, the first general election was held in 1991. Political turmoil resulted in the dissolution of the Lower House leading to mid-term polls scheduled to be held on November 15.

The election observation was commenced in an organised way since the election conducted on the basis of adult franchise during the last phase of partyless panchayat system in 1986. In early April 1986, on the active involvement of late Prakash Kaphley, the then General Secretary, Forum for Protection of Human Rights and Sushil Pyakurel, General Secretary of the then Forum for Democracy and National Unity, a meeting of some advocates, university teachers, journalists and intellectuals was arranged. It was formed under the chairmanship of Mr Basudev Prasad Dhungana. The meeting accordingly formed an election observation committee consisting of 15 members. Although it was the beginning it well performed its responsibility.

The forthcoming election has become a subject of profound interest for the national as well as the international community. Friends of Nepal who selflessly supported the pro-democratic movement, may have been closely watching the election as the well wishers of successful democracy in Nepal whereas the Nepalese have shown profound interest in it as an opportunity for electing parties or individuals of their will by means of free and fair election. To ensure the free will of the peo-



Late Prakash Kaphley : Pioneer of Election Observation in Nepal

ple, various Non Governmental Organizations and individuals concerned with promotion of democracy and Human Rights have taken initiative to this end. As such, six prominent Human Rights Organizations of Nepal have constituted National Election Observation Committee (NEOC) 1994 incorporating in it the members of other interested NGOs and renowned individuals from different walks of life. It can be recalled that a similar committee initiated by our inspiring friend Late Prakash Kaphley invited 64 international participants to observe General Election of 1991.

NEOC-1994 will conduct its programmes to create an appropriate atmosphere to people's participation in the upcoming elections, to maintain non-partisan stance, to seek support from the various interested organizations and to create people's participation to ensure free and fair elections.

It has formed national and international teams to observe the mid-term polls. NEOC will conduct the programme to identify rigging-pattern and rigging-prone areas and report to the concerned agencies like Elections Commission, security personnel and deploy special observation teams in such areas. □

SOUTH ASIA: HUMAN RIGHTS SITUATION REPORT

BANGLADESH : CAMPUS VIOLENCE

Only two weeks after a "peace accord" between leading student bodies at Dhaka University, an hour-long gun battle ensued at 1:30 P.M. between two factions. About a hundred rounds of gun shots were fired but no one was injured. The police fired at least 20 tear gas shells to disperse the unruly crowds.

On Sept. 1 further shooting(100 rounds) broke out and one MA final student was killed by a tear gas shell and another shot in the leg. The Vice Chancellor courageously sent letters to the leaders of the political parties to appeal for help in stopping the campus violence. He said that only "the sincerity of the political parties" could help uproot terrorism. He told newsmen on Sept.5 that he may resign if his current efforts to curb violence fail.

On Sept.22 another student of the Demography Department was killed in an exchange of gunfire between two groups of students. Just a week before, the VC had held a meeting with leading political parties and student leaders, who promised to take action against terrorists.

On Sept. 12 the Dhaka Medical College was closed indefinitely after violent clashes in which six students were injured by bullets. The same day the

Islamic University of Kushtia was closed down in apprehension of campus violence.

Thousands of Chittagong University students who were riding on Sept.17 on a CU-bound train which derailed went on a rampage and set on fire the junction railway station. Later they attacked the central railway office. Damage of Tk 25 lakh resulted ; 20 were injured, mostly railway officials. On Sept.25 the Bangladesh Railway demanded compensation from CU for the damage caused to its property through the violence. The General Manager of the Eastern Zone, BR, put the damage at Tk 20 lakh, excluding damage to locomotives.

(Courtesy HOTLINE)

INDIA : VIOLENCE AGAINST GIRLS

Lakshmi who lives in Jothimanickam, India already had one daughter, so when she gave birth to a second girl, she killed her. For the three days of her second child's short life, Lakshmi refused to nurse her. to silence the infant's famished cries, the impoverished village woman squeezed the milky sap from an oleander shrub, mixed it with castor oil, and forced the poisonous potion down the newborn's throat. The baby died soon afterwards. Female neighbours buried her in a small hole near Lakshmi's square-

thatched hut of sunbaked mud. They sympathized with Lakshmi, because in the same circumstances, some would have done what she did. For despite the risk of execution by hanging and about 16 months of a much-vaunted government scheme to assist families with daughters, in some hamlets of the south Indian state of Tamil Nadu, murdering girls is still sometimes believed to be a wiser course than raising them. "A daughter is always liabilities. How can I bring up a second?" Lakshmi, 28, answered firmly when asked by a visitor how she would have taken her own child's life eight years ago. "Instead of her suffering the way I do, I thought it was better to get rid of her."

The basis of the stubbornly persistent institution of female infanticide in this rice and sugar-cane country are numerous and deep: pervasive and grinding poverty, an age old bias against women and the traditions of some Hindu sub-castes. "It is a centuries-old practice - women are perceived as a net loss to family wealth," said the chief government official in the district center of Madurai and himself the father of a daughter. To prevent that loss, some Tamil villagers, often the mother's mother-in-law, will kill a newborn baby girl.

The act is extreme, but these mostly impoverished people are far from being the only Indians who do not want daughters. More affluent city residents resort to a more clinical procedure the abortion of a fetus if an ultrasound test shows it to be female. A recent medical college study showed that in Jaipur, capital of the western state of Rajasthan, pre-natal sex determination tests resulted in an estimated 3,500 abortions of

female fetuses annually. Not surprising, then, that the Indian population is becoming decidedly more male. From 972 females for every 1,000 males in 1901, the most recent census showed the gender imbalance has moved to 929 females per 1,000 males. In the poor hamlets of the Usilampatti area of Tamil Nadu, 196 girls died under suspicious powdered fertilizer. Others were smothered with a wet towel, strangled or allowed to starve to death. Families who selectively kill their daughters face legal risks that usually mean nothing in reality. In Madras, Tamil Nadu's capital, top social welfare officials know of only 11 prosecutions for infanticide launched in October 1992. Many births take place in isolated villages, with only female friends and the mid-wife present. If a child dies, the women can always blame natural causes. Other infants are abandoned and become wards of the state until adoptive families can be found.

Tamil Nadu leaders are handing out a tempting financial incentive to couples with one or two daughters and no sons. If one parent is sterilized, the government will give the family US\$ 160 per child. The money will be paid in installments as the girl goes through school. She will also get a small gold ring and, on her 20th birthday, a lump sum of US\$ 650 to serve as her dowry.

Source: Hong Kong Standard

SRILANKA : Detainees

There are still 2900 detainees in detention camps, centres and prisons as well as another 1000 in army camps according to government statistics. The

Minister for Justice has now appointed a Committee headed by Mr. Soza, Chairman of the Human Rights Task Force including Messrs. Siva Selliah, retired judge of the Appeal Court, Ainsley Samarajeewa, human rights lawyer and coordinator of the MIRJE legal aid programme and two others, Messrs. A.R.C. Perera and Kolitha Dharmawardena.

to look into the cases of these detainees. Their task is to look into the available evidence and/or charges against detainees and recommend their release in case of insufficient evidence or where the offenses are trivial.

They have been given a time limit of three months to complete their task. It is expected that by the end of this period most of the detainees, except those against whom will lie grave charges, will be released.

Meanwhile, in its annual report, the Human Rights Task Force reveals that at the end of August 1994, 3,980 detainees are being held at police and military camps throughout the country. Of them 2,291 are being held at police stations, 1,043 in Army camps and 646 in other centres.

Disappearance of 31 School boys in Embilipitiya :

Parents of 31 school boys, reported missing in Embilipitiya since August 1989, have written to the Minister of Higher Education Richard Pathirana requesting him to take action to arrest the persons responsible. The letter reminds the Minister that upto now they have written 618 letters to respon-

sible government officials during the last four years requesting some action, to no avail.

The government has now initiated the process of framing charges against 13 suspects believed to be responsible for this disappearances. On 20th September, the Attorney-General directed the CID to apprehend and produce nine suspects before the Embilipitiya Magistrate. On the 23rd, five suspects - Dayananda Galappatti, former Principal of Embilipitiya Madya Maha Vidyalaya, Major Jaliya Epa, Major G. Ginige, Captain Vajira Chamarasinghe, soldier Jakson Kumarasinghe of Sevana Army camp, Embilipitiya were produced before the Embilipitiya Magistrate by the CID and were remanded till 7th October. Four other army persons are still to be apprehended; army authorities have reported that they are at the front and will be brought back in a few days.


The annual report of the Human Rights Task Force released last month states that 'it investigated into the disappearances of 32 school boys. The HRTF recorded a number of statements including the statements of two parents who had been taken into custody along with the school boys. They are eye witnesses to the arrest and detention. The government has taken refuge behind the 16 habeas corpus applications filed by the parents. These habeas corpus applications have been or will be aborted by the plea that school boys were not taken. The State is under a duty to put the case before the courts without any further delay if it is to maintain its credibility.'

(Courtesy: INFORM)



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Your single vote
could decide
the future of
Nepal and
Nepalese. Thus
remember fol-
lowing points
before voting:

- o The candidate, intending to buy votes, is naturally bad. We have right to cast the vote in favour of any body of our choice.
- o Do not exchange vote for money nor cast by fear. Why to feel frightened when the voting is secret.
- o The buyer and the rigger turns into master/monster after victory. The handsome candidate, if wins, cooperates us.

INSEC, Kalandi, Syuchatar, Tel: 270770

Voters awareness programme through posters

These are the slogans mentioned in the given poster. This is one among various posters on voters awareness programme regarding Nov. 15 general election. Different posters have been published on joint efforts of various HR organizations including Insec.

The Posters, describing constitutional rights and condemning rigging, were distributed all over the country.

Annual Network meeting

Among the INSEC activists 6 each from eastern, central and far western regions and 5 from each western and mid west-ern regions were participant of 2 days meeting. Insec chairman Sushil Pyakurel spoke on "Contemporary HR movements and our challenge". Dr Bhogendra Sharma and Shiva Hari Dahal were other speakers during opening day.

Mr Pramod Kafley, Mr Kundan Aryal, and Mr Sunil Pokhrel shed light on 'Insec movement' 'Role of publication on HR education' and use of Local Resource respectively on second day. Issue of Voters awareness programme regarding Nov. 15 election was dis-cussed during the meeting.

Human Rights Teachers Trainings

The Human Rights Teachers Training was concluded in all five regions of the

country. The two days training programme was organised in Biratnagar (Eastern region), Kathmandu (Central region), Pokhara (Western region), Nepalgunj (Mid Western region), Dhangadhi (Far Western region) on 5th, 7th, 12th, 29th and 18th of September.

Similarly, trainings on Human Rights fact findings and documentations for the year book informers were concluded in all 5 regions.

- a. Training in Eastern region
Place: Biratnagar
Date: July 11-12, 1994
Participants: 13
- b. Training in Central region
Place: Lalitpur
Date: July 13-14, 1994
Participants: 18
- c. Training in Western region
Place: Pokhara
Date: August 1-2, 1994
Participants: 19
- d. Training in Mid Western region
Place: Salyan, Khalanga
Date: August 23-24, 1994
Participants: 7
- e. Training in Far-western region
Place: Dhangadhi
Date: July 17-18, 1994
Participants: 11

Year Book representatives from central office visited some of the districts and the process is going on. Human Rights awareness centre, a local Human Rights organization in Salyan, hosted an evaluation workshop on Human Rights Year Book 1993 on July 25, 1994. The work-

shop was inaugurated by District Judge. The CDO (Chief District Officer) was also speaker of the ceremony.

The evaluation programme of Human Rights Year Book—1993 was held in Kalikot, Jumla, Mugu, Humla, Dolpa of Karnali Pradesh — mid western remote region, on 16th, 19th, 24th, 27th and 30th September, 1994 respectively. INSEC board member Mr Badri Prasad Khatiwada, Mr Kundan Aryal, INSEC Publication Department and Mid-western regional coordinator Mr Raj Narayan Nepali were present in the programmes. Chief District Officer, District Judge, Police Officer and Political Activists were also present on the occasion. □

No person shall be discriminated on the basis of caste as untouchable or be denied access to any public place or be deprived from the use of public utilities. Any Act in violation of this provision shall be punishable by law.

Constitution of the Kingdom of Nepal 1990, Part III, Article 11 (4)

Prakash Memorial Day Observed

'The Human Rights we talk about are not merely rights to freedom of press and association; they are the universal Human Rights declared by the United Nations, including right to health care, right to education, right to social justice and right to development with a vision that the people are the masters of their nations' wealth and resources.'

— *Prakash Kaphley*

The 'Prakash Kaphley Memorial Day' was observed with several programmes on human rights in the country on July 31, 1994. The programmes included human rights exhibition, talk programme and tree plantation was observed in several districts. A tree plantation was observed at the proposed Human Rights Park in Mulpani VDC, Kathmandu. The programme for the memorial day was jointly organised by CVICT, CWIN, FOPHUR, HURON, INSEC, INHURED and WATCH.

Mr Prakash Kaphley, a renowned human rights activist of Nepal who was both the General Secretary of FOPHUR and Director of INSEC, was killed in an air crash two years before. He was returning to Nepal by the Airline after participating in the meeting of South Asian Task Force on



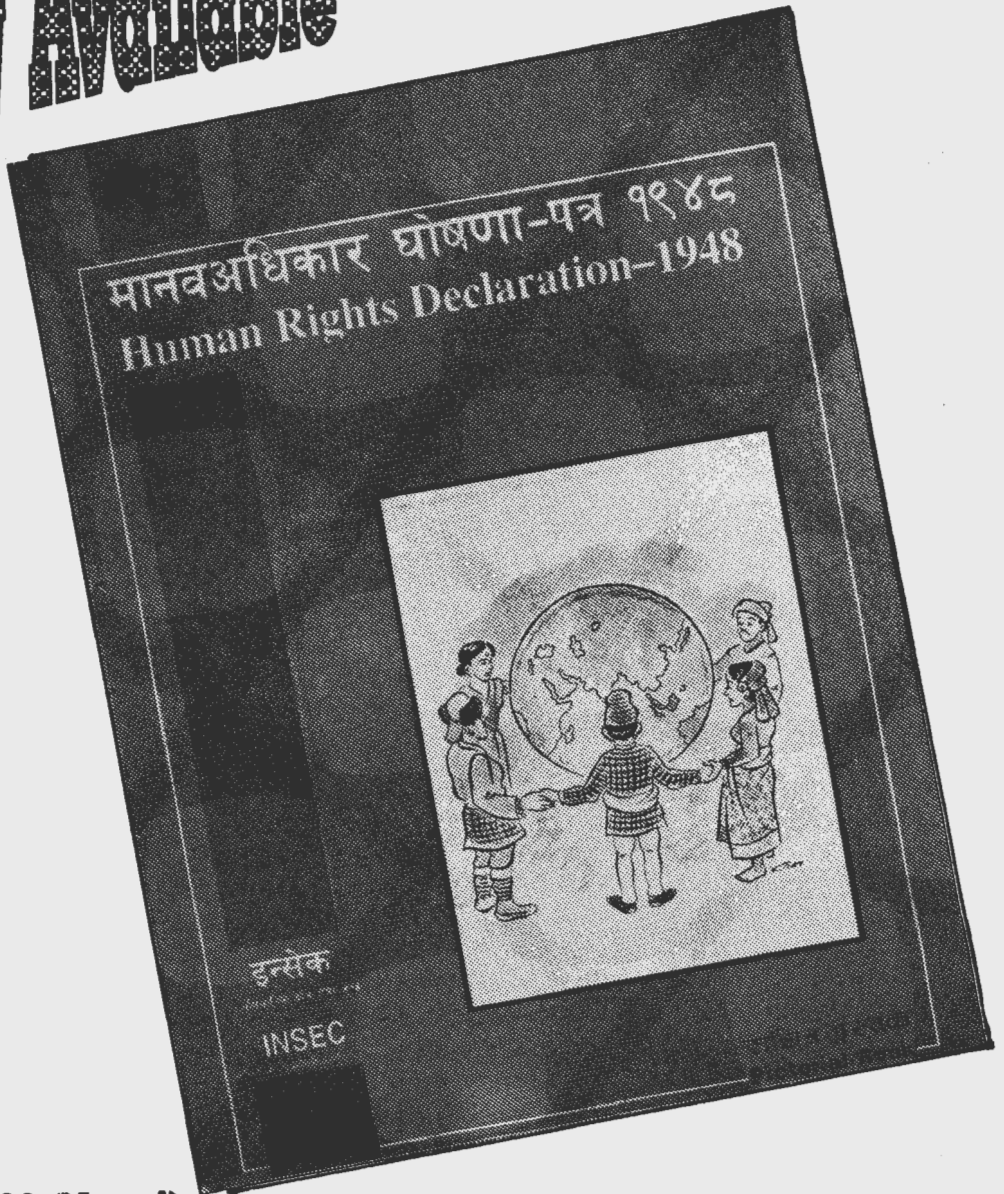
Judiciary for Human Rights (formed under the chairmanship of Justice P. N. Bhagawati) held in Sri Lanka. Of 113 passengers and crew members on board the aircraft, there were 28 Nepalese. His death was a great loss to the human rights movement in Nepal.

Late Kaphley was the pioneer of the Human Rights and Social Awareness Raising Programme. This

important programme, first initiated in Nepal by the INSEC, later proliferated all over the South Asian region. Late Kaphley had been active in this field till the last moment of his life. He had been the mastermind and Secretary of the National Election Observation Committee constituted at the behest of the FOPHUR to hold the first general elections impartially and peacefully. □

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मोट खसानु अदि रामोरंग रोचौ

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Think seriously before voting.

INSEC, INHURED, RAN, CWIN, CVICT



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अरुलाई बेचनु
आपनो अधिकार
अरुलाई सुम्पनु हो।

हामी 'सार्वभौमसत्ता'
सम्पन्न नागरिक,
हाम्रो मोट
अमूल्य छ।



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The selling of
vote means
the losing of
rights.

We the
sovereign
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vote is pre-
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