

**Nepal**

# **HUMAN RIGHTS YEARBOOK 2013**



**Highlight of the Year**

**Six Years of Comprehensive Peace Agreement**

# Human Rights Yearbook 2013

## (ENGLISH EDITION)

(This Report Covers the Period - January to December 2012)

### **Editor-In-Chief**

Yogish Krishna Kharel

### **Executive Editors**

Prashannata Wasti  
Dipendra Prasad Pant  
Nir Lama

### **Editors**

Madan Paudel  
Bed Prasad Dhakal

### **Sub-editors**

Binod Gautam  
Rajesh Mishra

### **Data Analyst**

Pramin Ghimire  
Anuj KC

### **Graphic Designer**

Gita Mali



*For Human Rights and Social Justice*

**Informal Sector Service Centre (INSEC)**

POBox : 2726, Kathmandu, Nepal

Tel: +977-1-4278770 Fax: +977-1-4270551

E-mail: [insec@insec.org.np](mailto:insec@insec.org.np) Web-site: [www.insec.org.np](http://www.insec.org.np)



All materials published in this book may be used with due acknowledgement.

**First Edition 1000 Copies**

February 18, 2013

© Informal Sector Service Centre (INSEC)

**ISBN:** 978-9937-8583-2-8

**Price**

NRs 600.00

US\$ 30.00 (for South Asia)

US\$ 40.00 (for other countries)

**Printed at**

Dream Graphic Press

Kathmandu

# Contents

Preface

Acknowledgement

Acronyms and Abbreviations

## Chapters

Chapter 1	Situation of Human Rights in 2012: Overall Assessment	1
Chapter 2	Six Years of Comprehensive Peace Agreement	21
Chapter 3	State and Human Rights	
	Chapter 3.1 Judiciary and Human Rights	35
	Chapter 3.2 Executive and Human Rights	61
	Chapter 3.3 Legislature and Human Rights	91
Chapter 4	Situation of HRDs of Nepal in 2012: Analysis	107
Chapter 5	Study Report	
	5.1 Mother Tongue Education in Panchthar District	119
	5.2 Dowry-Induced VAW in Rautahat District	131
	5.3 Situation of Internally Displaced Persons of Kapilbastu District	141
	5.4 Food Crisis in Mugu District	151
	5.5 Chhaupadi Tradition in Achham District	161

## Annexes

Annex 1	Facts on Human Rights Violations and Abuses in 2012	171
	1. Eastern Region	173
	2. Mid Region	243
	3. Western Region	311
	4. Mid Western Region	355
	5. Far Western Region	403
Annex 2	Statistics of Human Rights Violations in 2012	429
Annex 3	Views of Political Parties on Human Rights Situation in 2012	443
Annex 4	Views of Institutions on Human Rights Situation in 2012	451
Annex 5	Name of Contributors in Course of Preparation of Yearbook 2013	465

# District Profiles

## Eastern Region

- 1.1 Jhapa/175
- 1.2 Ilam/179
- 1.3 Panchthar/183
- 1.4 Taplejung/189
- 1.5 Morang/192
- 1.6 Sunsari/198
- 1.7 Dhankuta/203
- 1.8 Tehrathum/207
- 1.9 Bhojpur/210
- 1.10 Sankhuwasabha/215
- 1.11 Saptari/219
- 1.12 Siraha/226
- 1.13 Udaypur/230
- 1.14 Khotang/234
- 1.15 Okhaldhunga/237
- 1.16 Solukhumbu/240

## Mid Region

- 2.1 Dhanusha/245
- 2.2 Mahottari/249
- 2.3 Sarlahi/252
- 2.4 Sindhuli/256
- 2.5 Ramechhap/259
- 2.6 Dolakha/262
- 2.7 Rautahat/265
- 2.8 Bara/269
- 2.9 Parsa/273
- 2.10 Chitwan/275

- 2.11 Makawanpur/281

- 2.12 Lalitpur/285
- 2.13 Kavre/288
- 2.14 Bhaktapur/291
- 2.15 Kathmandu/292
- 2.16 Dhading/298
- 2.17 Sindhupalchok/302
- 2.18 Nuwakot/305
- 2.19 Rasuwa/307

## Western Region

- 3.1 Tanahun/313
- 3.2 Gorkha/315
- 3.3 Lamjung/318
- 3.4 Syangja/320
- 3.5 Kaski/322
- 3.6 Manang/327
- 3.7 Nawalparasi/329
- 3.8 Rupandehi/333
- 3.9 Palpa/336
- 3.10 Kapilbastu/338
- 3.11 Arghakhanchi/342
- 3.12 Gulmi/344
- 3.13 Baglung/346
- 3.14 Parvat/349
- 3.15 Myagdi/351
- 3.16 Mustang/352

## Mid-Western Region

- 4.1 Dang/357
- 4.2 Pyuthan/362
- 4.3 Rolpa/365
- 4.4 Salyan/367
- 4.5 Rukum/370
- 4.6 Banke/372
- 4.7 Bardiya/376
- 4.8 Surkhet/380
- 4.9 Jajarkot/384
- 4.10 Dailekh/386
- 4.11 Dolpa/389
- 4.12 Jumla/391
- 4.13 Kalikot/394
- 4.14 Mugu/397
- 4.15 Humla/400

## Far-Western Region

- 5.1 Kailali/405
- 5.2 Achham/410
- 5.3 Doti/413
- 5.4 Bajura/414
- 5.5 Bajhang/417
- 5.6 Kanchanpur/418
- 5.7 Dadeldhura/422
- 5.8 Baitadi/424
- 5.9 Darchula/427

# **Acknowledgement**

We express our sincere thanks to Royal Norwegian Embassy, EED/BMZ, ICCO and Danida HUGOU for their continued support on bringing out this yearbook. Special thanks goes to all 75 District Representatives and the Regional Offices of INSEC. We are also grateful to many well-wishers and friends for their feedbacks and invaluable suggestions for Human Rights Yearbook. Also, we would like to express our thanks to different political parties, Office of the Prime Minister and Council of Ministers, Ministry of Foreign Affairs, National Human Rights Commission and other agencies for their opinion on human rights situation in 2012.

# Informal Sector Service Centre (INSEC)

Founded in 1988, INSEC is actively involved for human rights and social justice. INSEC runs its regular programs through one regional office in each of five development regions and 14 district offices. For the studying and monitoring of the incidents of human rights violation, it has deployed a district representative each in all 75 districts.

---

INSEC General Assembly  
held on May 6, 2012  
elected a new Executive Board  
for three years

---

## **Chairperson**

Subodh Raj Pyakurel

## **General Secretary**

Lalbabu Yadav

## **Treasurer**

Dr. Madan Prasad Pariyar

## **Members**

Dr. Puspa Karna  
Kundan Aryal  
Tika Ram Bhattarai  
Rakshya Basyal  
Ramesh Paudel  
Hari Phunyal  
Basanti Devi Jha

---

## **Regional Offices :**

### **Eastern Region**

Janapath Tole, Biratnagar  
Ph: 021-471025, Fax: 471127

### **Mid Region**

Pulchowk, Lalitpur  
Ph: 01-278770

### **Western Region**

Janapriya Tole, Pokhara  
Ph: 061-465512

### **Mid Western Region**

National Trading Road, Nepalgunj  
Ph: 081-524504, 522068

### **Far Western Region**

Utter Behadi, Dhangadhi  
Ph: 091-522576, 521446

---

## ***Human Rights Documentation and Dissemination Program***

This Program, involved in monitoring, study, investigation and documentation of incidents of human rights violations and abuses, publicises the report based on field study. Publications, including central and regional level quarterly situation reports, bi-monthly magazines Prachi and Informal and annual publication Nepal Human Rights Yearbook are prepared by this Program. The department also runs a human rights news portal, [www.inseconline.org](http://www.inseconline.org). The Program takes initiative for immediate support to the victims, issues urgent appeals, maintains coordination with the national and international human rights institutions and stakeholders.

## ***Human Rights Education Program***

Through this program, INSEC disseminates human rights education in coordination of local human rights organisations. To create awareness in the rural areas through literacy awareness program, this department conducts human rights trainings, group mobilization, and interaction and discussion with the stakeholders. Books and training materials are also published by this Program.

## ***Human Rights Campaign and Advocacy Program***

The main responsibility of this Program is to exert pressure on the government to formulate policies, rules in compliance with international human rights and humanitarian laws and identify the rights of the marginalised communities. Review of law, human rights treaty monitoring and human rights campaign are also conducted through this Program.

## ***Human Rights Education Radio Program***

The main objective of this Program is to ensure public access to human rights information through Radio Nepal and FM stations. Current relevant human rights issues are disseminated through this Program on weekly basis. Different programs are conducted at local level by establishing coordination with Radio Listeners' Club. Additionally, activities related to raising of awareness of human rights issues among the children and activities related to their personality development are conducted through the child clubs formed in different government schools in the initiation of INSEC.

## ***Management Program***

All the administrative and financial management of INSEC fall under this Program. This Program has been undertaking capacity building programs for the employees under the human resource management. This Program has the responsibility to carry out institutional planning, monitoring and evaluation. Under the activities of information management, it has a library and internet technology sections. Publications like Annual Report and INSEC Aviyan are prepared by this Program.



# **Nepal Human Rights Yearbook: A Dialogue with People**

Depriving people from realizing their liberty, justice and peace denotes imperiled state of human rights. Everyone is born with inherent dignity. The UN, while adopting the Optional Protocol to the International Covenant on Economic Social and Cultural Rights has reiterated its commitment latterly that identity and dignity of an individual are equal and inseparable rights. Only the emancipated civilians can put forth their views effectively and utilize their expertise creatively for the society. We want to see our nation being recognized as a civilized one. The tendency to project the people belonging to other than one's own group and community as a non-entity and resorting to blatant misuse of all available means including military and administrative structure to abase others was defined as Social Fascism by the then USSR leader Leon Trotsky in the 1930s.

Discipline, culture, civilization, humanity family and society tend to make us responsible towards oneself, society and the nation. For granted, the popular will that the public be allowed to feel such an accountability in practice through human rights principles is already well established in Nepal. It has been 21 years since INSEC, as a bellwether human rights organization, began documenting and analyzing the overall human rights situation through human rights principles and Nepal's commitment to the international obligations. Every document related to Nepal's peace process has committed to respect human rights and to address impunity. However, the international human rights organizations and UN reports have concluded that Nepal has been disregarding its obligations towards human rights by disdaining judicial procedures and thereby overtly supporting impunity.

This is an era of international justice system. Nepal is a developing country, which has been passing through a sensitive period. Our commitments to universal norms and values are directly related to our dignity, identity and influence. Our stature would be enhanced if we could translate the progressive interpretation of the promises we made regarding our people's rights, capacity and identity into practice. No one will gain any respect by rebuffing their own people and by trying to disparage them. Nepali people have sought for two things - equal treatment and the long term solution of the existing problems. The youths, who nearly make up 40 per cent of the total population, are well influenced by new knowledge, wisdom and intelligence. Mere explanation of principles would not result in expected outcome whereas Nepali people are in need of the plans and policies that ensure their dignified life and progress. On top of that, the politicians who have compelled 20 per cent of the population to leave the motherland for difficult foreign employment should understand that the rage of those suffering in foreign land might be counter-productive for those who are responsible for ruining the future of Nepali people. All the Nepalis living across the world are in frequent contact with each other and one third of the total population of Nepal is all set to be connected via internet. More than half of the population is connected to each

other through telecommunication, and the number is ever increasing. We do not have to look afar to realize that arms, violence and power cannot sustain one's rule. We witnessed similar event in the recent past.

Chapters 5 to 9 of this Yearbook deal with prominent issues of five development regions. These chapters include studies on education in mother tongue in Panchthar district (Eastern Region), dowry-induced violence against women in Rautahat district (Mid Region), status of IDPs in Kapilbastu district (Western Region), food production and supply in Mugu district (Mid-West Region) and Chhaupadi practice in Achham (Far-Western region).. Chapter 4 deals with the situation of human rights whereas Chapter 2 analyzes six years of Comprehensive Peace Agreement.

Human Rights Yearbook is a compilation of primary information. Many studies and analyses have been generated on the basis of this publication. This year, we have added few more relevant chapters hoping that they will be supportive towards protection and promotion of human rights. This book is the result of grass-root level interaction and the concrete form of their trust in INSEC, so it carries more of information on the primary source than of the intellectual analysis.

Our collective effort is imperative to make those individuals, who are trying to subdue people's voice for human rights by inflicting injustice on the people, realize their mistakes and make them adhere to the rule of law. This only will protect people's rights.

**Subodh Raj Pyakurel**  
Chairperson

# Acronyms and Abbreviations

AHW	: Assistant Health Worker
AIG	: Additional Inspector General
ANM	: Auxiliary Nurse Midwife
ANNFSU	: All Nepal National Free Students Union
ANNISU-R	: All Nepal National Independent Students Union (Revolutionary)
APF	: Armed Police Force
APO	: Area Police Office
ASI	: Assistant Sub-Inspector
BIPPA	: Bilateral Investment Promotion and Protection Agreement
BPKIHS	: BP Koirala Institute of Health Sciences
CA	: Constituent Assembly
CAT	: Convention against Torture and Other Cruel, Inhuman or degrading treatment
CC	: Constitutional Committee
CDO	: Chief District Officer
CEDAW	: Convention on the Elimination of All Forms of Discrimination
CERD	: International Covenant on the Elimination of All Forms of Racial Discrimination
CIAA	: Commission for the Investigation of Abuse of Authority
CID	: Commission of Inquiry on Disappearances
CJ	: Chief Justice
CPA	: Comprehensive Peace Agreement
CPN-M (Matrika)	: Communist Party of Nepal-Maoist (Matrika)
CPN-M	: Communist Party of Nepal-Maoist
CPN-ML	: Communist Party of Nepal (Marxist-Leninist)
CPN-UML	: Communist Party of Nepal (Unified Marxist-Leninist)
CRC	: Convention on the Rights of the Child
CWIN	: Child Workers in Nepal Concern Centre
DAO	: District Administration Office
DDC	: District Development Committee
DEO	: District Education Office
DFO	: District Forest Office
DPM	: Deputy Prime Minister
DPO	: District Police Office
DR	: District Representative
DRS	: Dispute Resolution Sub-committee
DSP	: Deputy Superintendent of Police
EC	: Election Commission
ED	: Explosive Device
FIR	: First Information Report

FLNF	: Federal Limbuwan National Front
FLSC	: Federal Limbuwan State Council
FLSC-Manch	: Manch affiliated Federal Limbuwan State Council
FNCCI	: Federation of Nepal Chambers of Commerce and Industries
FNJ	: Federation of Nepalese Journalists
FPTP	: First Past The Post
FSU	: Free Students Union
HA	: Health Assistant
HLPC	: High Level Probe Commission
HR	: Human Rights
HRCRS	: High-level Recommendation Commission for Restructuring of State
ICC	: International Criminal Court
ICCPR	: International Covenant on Civil and Political Rights
ICESCR	: International Covenant on Economic, Social and Cultural Rights
ICRC	: International Committee of the Red Cross
IDP	: Internally Displaced Person
IED	: Improvised Explosive Device
IGP	: Inspector General of Police
IHL	: International Humanitarian Law
INJSC	: Indigenous Nationalities Joint Struggle Committee
INSEC	: Informal Sector Service Centre
JC	: Judicial Council
JTMMP	: Janatantrik Tarai Mukti Party
KJWP	: Kirant Janwadi Workers Party
MJF (Nepal)	: Madhesi Janadhikar Forum (Nepal)
MJF-(Loktantrik)	: Madhesi Janadhikar Forum (Democratic)
MJF-G	: Madhesi Janadhikar Forum (Ganatantrik)
MoPR	: Ministry of Peace and Reconstruction
MP	: Member of Parliament
NA	: Nepal Army
NBA	: Nepal Bar Association
NC	: Nepali Congress
NEFIN	: Nepal Federation of Indigenous Nationalities
NGO	: Non-Governmental Organization
NHRC	: National Human Rights Commission
NSU	: Nepal Students Union
NWC	: National Women Commission
NWPP	: Nepal Workers and Peasants Party
OHCHR	: Office of the High Commissioner for Human Rights
OPM	: Office of Prime Minister
PHSC	: Parliamentary Hearing Special Committee
PIL	: Public Interest Litigation
PLA	: People's Liberation Army
PM	: Prime Minister
RJM	: Rastriya Jana Morcha
RPP-Nepal	: Rastriya Prajatantra Party (Nepal)

SC	: Supreme Court
SI	: Sub Inspector
SP	: Superintendent of Police
SRC	: State Restructuring Committee
SSB	: Seema Surakshya Bal (Border Security Force)
SSP	: Senior Superintendent of Police
STF	: Special Task Force
TRC	: Truth and Reconciliation Commission
TSC	: Tharuhat State Committee
TSRP	: Tharuhat Swayatta Rajya Parishad
TU	: Tribhuvan University
UCPN-M	: Unified Communist Party of Nepal (Maoist)
UDHR	: Universal Declaration of Human Rights
UML	: Unified Marxist Leninist
UN	: United Nations
UNMIN	: United Nations Mission in Nepal
UPR	: Universal Periodic Review
USAID	: United States Aid for International Development
UTRM	: United Tharu Rastriya Morcha
VAW	: Violence Against Women
VDC	: Village Development Committee
WOREC	: Women Rehabilitation Centre
YAN	: Youth Association Nepal
YCL	: Young Communist League



# Situation of Human Rights in 2012: Overall Assessment

**Chapter**

**1**

## 1. Background

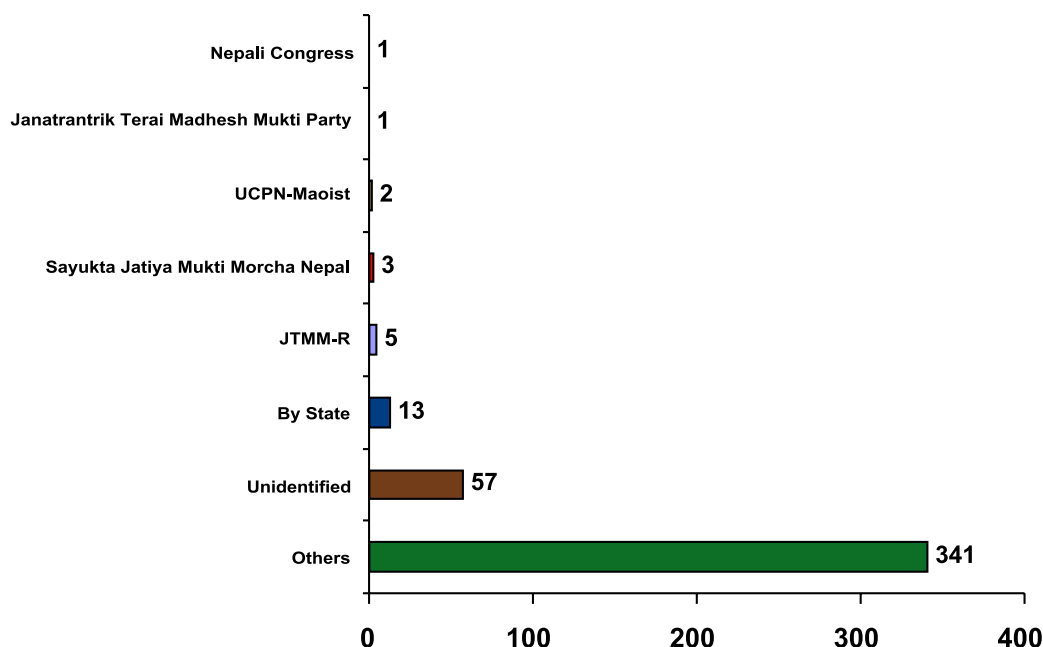
Nepal is already a state party to 24 international human rights instruments as of 2012. These instruments should be taken as a standard while reviewing or analyzing the present situation of human rights in Nepal. Equal importance should be given to the Comprehensive Peace Agreement (CPA), the Interim Constitution of Nepal 2007 and other agreements and understandings because a number of human rights issues are embedded also with the 10-year long armed insurgency and the six-year long peace process.

The decade-long armed conflict which began in 1996 came to a formal conclusion on November 21, 2006 with the signing of the CPA between the then rebel CPN-Maoist and the Government of Nepal. However, the human rights situation of the country did not improve as expected even during six years since the

signing of the CPA. No remarkable headway was made except the integration of the former Maoist combatants into the Nepal Army (NA).

The Government, which is responsible to protect human rights and resolve various other problems of the country, seemed apathetic towards its responsibilities. As a result even the international communities criticized the Government expressing their concerns over the possible crisis Nepal could face in the future due to the apathy. Several decisions made by the Government challenged human rights instead of containing the state of impunity. The government, whose legitimacy was called into question, decided to withdraw sub-judice cases including the criminal ones. However, the judiciary invalidated the decisions. The competence of the Apex Court was questioned as only one-fourth of total number of judges remained in

**Figure 1** No. of People Killed by Type of Perpetrators (2012)

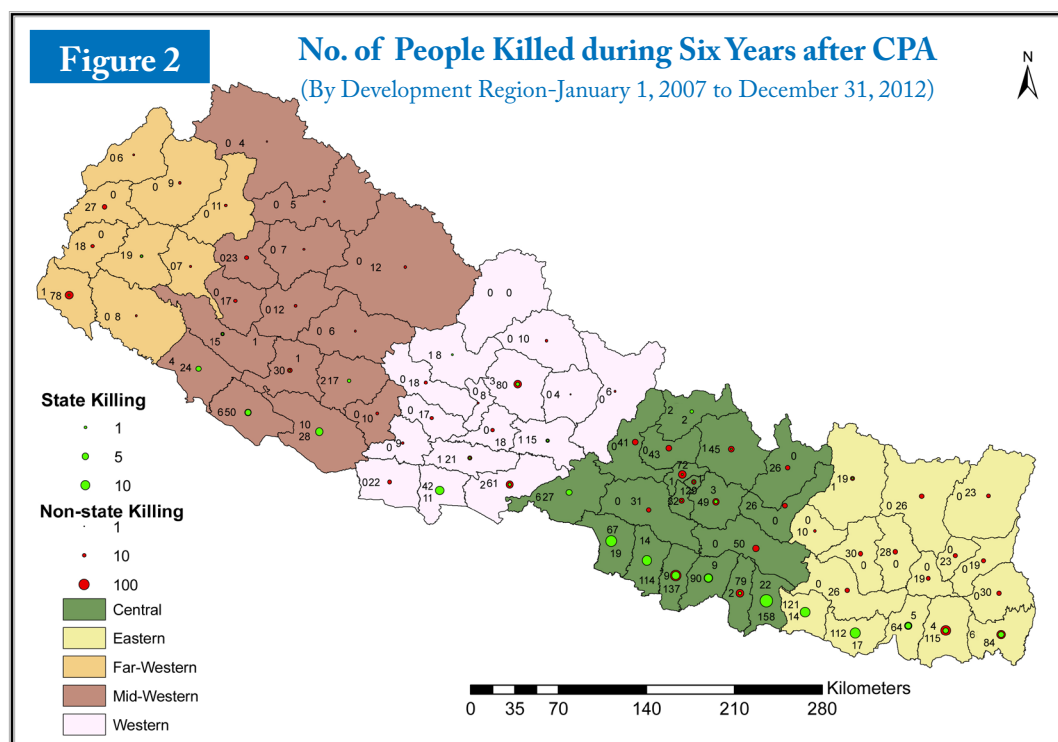


their posts by the end of the reporting year. However, the courts did make several important and remarkable verdicts this year.

Formed with a two-year mandate to write a new constitution, the CA failed to deliver its function whereas its tenure was extended by two more years. The Government dissolved the CA thereby taking the country to a state of uncertainty. The CA, which was functioning simultaneously as the Legislature-Parliament could not formulate the Commissions on transitional justice mechanism, which are provisioned in the CPA and the Interim constitution. Rather, it was embroiled in unnecessary issues most of the time. As there was no elected body in place to form, direct and monitor the government, it started to be feared that the Government could gradually turn into totalitarian and autocratic one, which directly affected human rights

and general life of the country

Women, children and senior citizens became more vulnerable. Human rights defenders were targeted by both the state and the non-state actors this year. So much so that an official publication of a ruling party issued threat through the publication against some of the prominent human rights activists of the country. A judge of the Apex Court was shot dead in Lalitpur in broad daylight but his mysterious murder remained unsolved until the end of the year. This year, there was no remarkable contribution towards protection and promotion of human rights as per the commitments made by the country to the international community and to the treaties to which Nepal is a state party. Similarly, the roles from the national mechanisms to protect and promote human rights were seen as unsatisfactory and ineffective. The



Government did not show any willingness in implementing the NHRC recommendations.

INSEC representatives based in all 75 districts of the country monitored the human rights situation throughout the year. Nepal Human Rights Yearbook, which is published every year depicts country's overall situation of human rights. With the view to contribute towards ensuring victims' justice and punishment to perpetrators, the norms and values of human rights, the national legal provisions and state obligations to the international community are taken into consideration while documenting and analyzing the incidents of human rights violations and abuses. Nepal Human Rights Yearbook 2013 is the continuation of that very tradition.

## 2. Incomplete Peace Process

The conflict victims of the decade-long armed insurgency, in which 13,276 people lost their lives as per INSEC data, have been waiting for justice for the last

six years. The Government seemed to have misinterpreted the concept of victim's justice merely as monetary support. In 2012, the Government conceded that the number of killings during the conflict period it collected was in fact incorrect. The government had revealed on March 19, 2011, based on the taskforce formed to find out the extent of loss in the conflict, that the number of killings in 10 years of armed conflict was 17,265. The Ministry of Peace and Reconstruction instructed the concerned office to amend the data saying 3,900 persons enlisted in the report of the taskforce as dead were alive.

The Truth and Reconciliation Commission and the Commission on Disappearances which were supposed to address the human rights violation and crimes perpetrated by the warring parties during the conflict could not be formed. The commitments expressed through the CPA for the protection and promotion of human rights were not accomplished even after six years of the signing of the CPA.

**Table 1** No. of Victims by Region (2011)

Type of Events	Eastern	Mid	Western	Mid Western	Far Western	Total
Abduction	58	61	9	11	5	144
Arrest & Torture	9	36	7	36	6	94
Beatings	115	68	82	139	53	457
Child Rights	101	121	82	73	36	413
Death in Detention		1			1	2
Death in Jail	4	4		1		9
Economic, Social and Cultural Rights	6		9	11	7	33
Inhuman Behavior	6	4	4	2	3	19
Injured	28	127	36	59	22	272
Killing	91	168	46	53	19	377
Racial Discrimination	12	7	15	19	19	72
Right to Assembly	119	204	13	27	24	387
Threats	33	16	9	31	23	112
Women Rights	130	181	104	187	46	648
<b>Total</b>	<b>712</b>	<b>998</b>	<b>416</b>	<b>649</b>	<b>264</b>	<b>3039</b>

Acting against the commitments, the Government made an attempt to introduce an ordinance on TRC with the view to grant blanket amnesty to all kinds of crimes that occurred during the conflict period.

Though violation of the rights to life by the state seemed to have been decreased since the signing of the CPA, INSEC data reveals that it has been unable to provide security to the civilians. INSEC documentation showed that between 2007 and 2012, 2639 were killed by the non-state actors while 185 were killed by the State. Of those killed by the non-state actors, 28 were killed by the UCPN-M which is the largest party in the CA. It is also one of the signatories to the CPA and which led the Government twice after the CPA.

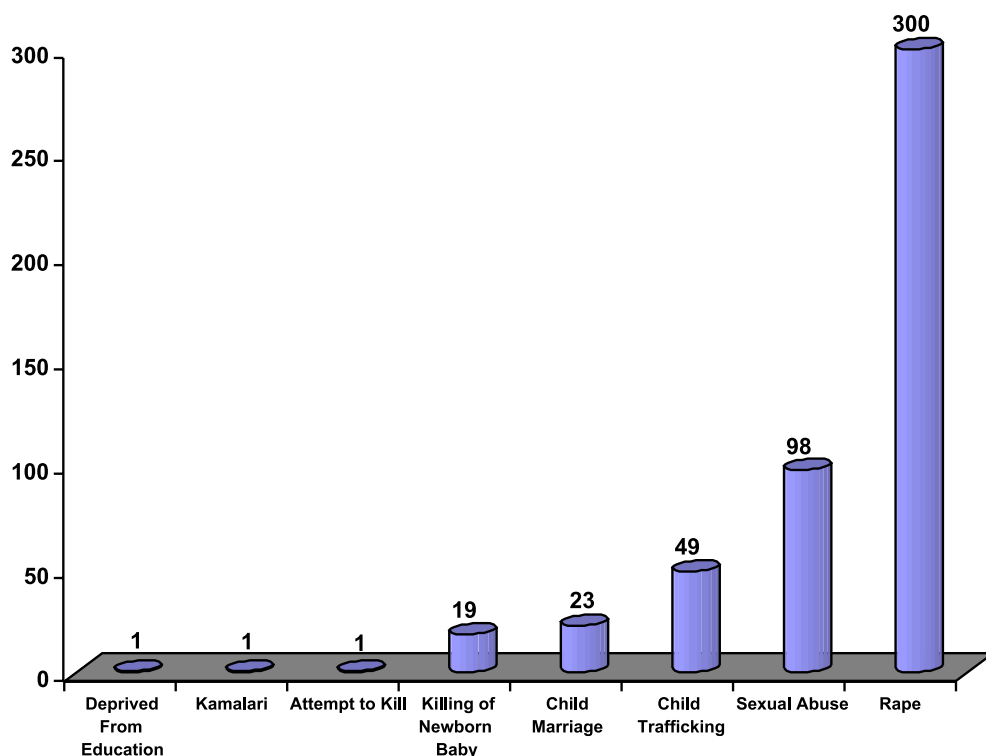
The only one significant aspect ac-

complished this reporting year in connection with the peace process was the integration of the former Maoist combatants. As were the cases last years, the Government remained indifferent to restitute the land and properties seized by the rebels during armed conflict and to provide compensation to the families of the victims. The problem of displaced persons also remained unaddressed.

## 2.1 Integration of Maoist Fighters : An Achievement

The most important and complex issue of the six-year long peace process - the integration and management of the Maoist combatants was accomplished this year. Under the peace process that began with the endorsement of CPA on No-

**Figure 3** No. of Child Victims (2012)





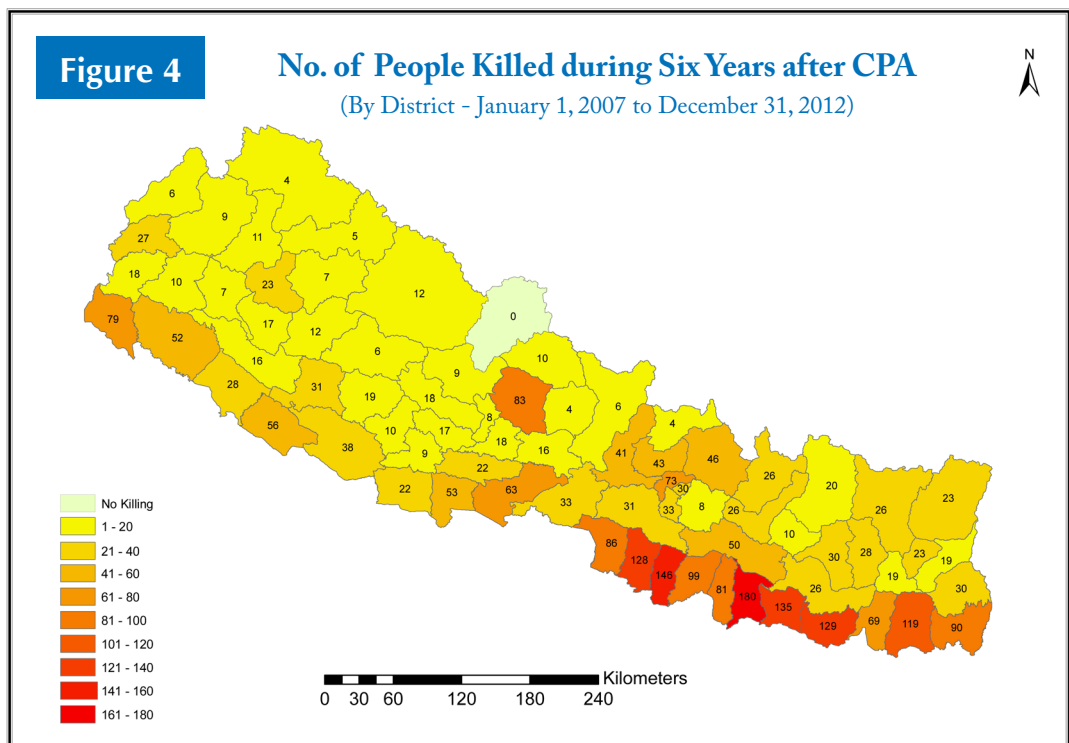
vember 21, 2006, the Interim Constitution was promulgated on January 15, 2007 and a provision in the Constitution stated that the Maoist combatants would be integrated and managed through a special committee.

Scores of rounds of discussions were held regarding the integration of the combatants in the previous years. However, the disagreement over the number of Maoist combatants to be integrated into the NA stretched the initial plan of resolving this issue to nearly six years

Of nearly 32,000 Maoist combatants participating in the verification process of UNMIN, 19,602 were verified. Of the verified Maoist combatants, less than 10 per cent were enthusiastic to be integrated into the NA.

The number of the Maoist fighters verified by UNMIN was 19,602, however,

the figure came down to 17,052 when the Army Integration Special Committee updated their numbers, said Secretariat of the Army Integration Special Committee. Of them, 1,460 opted for integration, 15,585 combatants desired voluntary retirement and six opted for rehabilitation. (*for details see chapter Executive*). Among those who opted for integration, 1,460 of them joined training under the NA on November 25, 2012. Among them, 16 were selected for the rank of Major, 30 for Captain, and 25 for Lieutenant - making a total of 71 officers and the rest were selected for other lower ranks. Following the pass-out from army training, the former Maoist combatants were supposed to be posted to be established Directorate of the NA. Very few combatants chose to be integrated whereas a political agreement, on November 1, 2011, was reached to integrate



a total of 6,500 combatants. The Government provided the amount ranging from Rs 500,000 to 800,000 to each combatant opting for voluntary retirement. Saying that those choosing to retire voluntarily had to contribute up to 40 per cent of the amount to their party, the commanders in the cantonments seized the cheques of the combatants. As a result, the combatants resorted to vandalism and agitation in the cantonments.

## 2.2 Transitional Justice: Government's Apathy to Conflict Victims

The TRC and the Commission on Disappearances, which is envisaged by the CPA, could not be formed this reporting year as well. Though formation of the Commissions was mentioned in the Interim Constitution and political agreements were also reached thereafter for the same several times, these mechanisms

were not materialized. The then government had tabled a Bill on the TRC and the Commission on Disappearances in the Legislature Parliament and attempts were made to forge agreement for the endorsement of the Bills. These were tabled in the Legislature-Parliament three years ago; however, deliberations could not take place on the Bills due to continuous disruption of the Parliament. This year, the organizations working on conflict victims and the concerned international communities expressed their serious discontent when the Bhattarai-led Government presented bills on the TJ Mechanism. After the dissolution of the CA, the Government, despite criticisms from the concerned national and international communities, presented an ordinance to form a single commission by merging the TRC and Commission on Disappearances before the President but it remained pending.

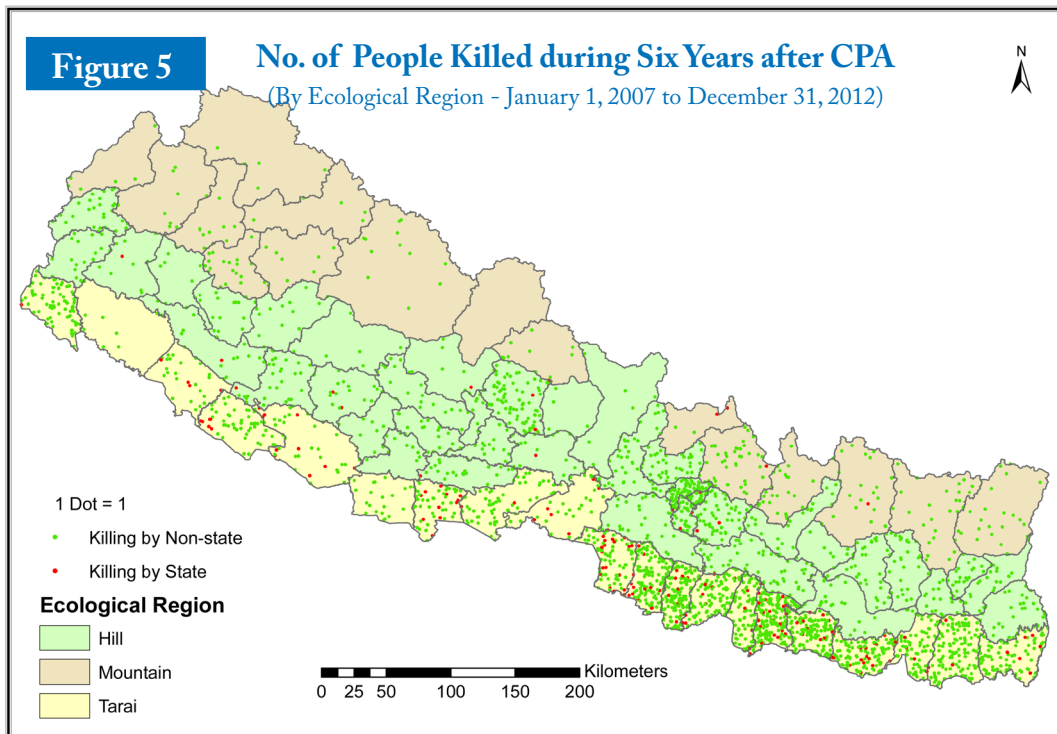
**Table 2** No. of Victims by Region (2012)

Type of Events	Eastern	Mid	Western	Mid Western	Far Western	Total
Abduction	18	48	1	3	1	71
Arrest & Torture	13	19	15	19		66
Beatings	142	118	131	134	59	584
Child Rights	102	208	74	63	45	492
Death in Detention		1				1
Death in Jail	3		1			4
Disappearance		1				1
Economic, Social and Cultural Rights	7	10	4	7		28
Inhuman Behaviour	10	10	9	3	2	34
Injured	34	105	6	14	50	209
Killing	114	202	34	34	39	423
Landless and Squatters Problem	8					8
Racial Discrimination	21	26	12	21	31	111
Right to Assembly	88	126	141	69	18	442
Threats	27	17	14	63	15	136
Women Rights	163	222	113	328	85	911
<b>Total</b>	<b>750</b>	<b>1113</b>	<b>555</b>	<b>758</b>	<b>345</b>	<b>3521</b>

### 2.3 Nepal Conflict Report, 2012 and Universal Jurisdiction

The UN OHCHR made public a report entitled *Nepal Conflict Report-2012* this year. The incidents of human rights violation and abuses that occurred from February 13, 1996 to November 21, 2006 were systematically documented in the report. The report consisting of documentation and analysis of the incidents of violation of Human Rights and International Humanitarian Law that occurred during the conflict in Nepal is an official view of the UN. The report is based on the studies by OHCHR and on the reports of various national and international organizations. Similarly press releases of the security agencies in Nepal, the reports and press release of then CPN-M and the news related to human rights violations, among others have also been used. The incidents of sexual violence and arbitrary arrest,

which are given less priority in connection with transitional justice in Nepal, are systematically documented in the report. Names of the victims are mentioned while perpetrators' names are not disclosed in the report as per the theory of presumption of innocence. There is a minute analysis of the policy of the then Government and Maoists. The report has also given the timeline of conflict besides mentioning the chain of command of both parties in conflict viz. the government and the Maoists. The report has clearly indicated that the investigation which was carried out with the intention of giving amnesty would not be validated by the UN. Extra judicial killing was the policy of the conflicting parties and the Maoists were also involved in the acts of rape and sexual crimes, the report claims. The report regrets the failure on the part of Nepal to bring the perpetrators of war crimes to justice. It has further un-

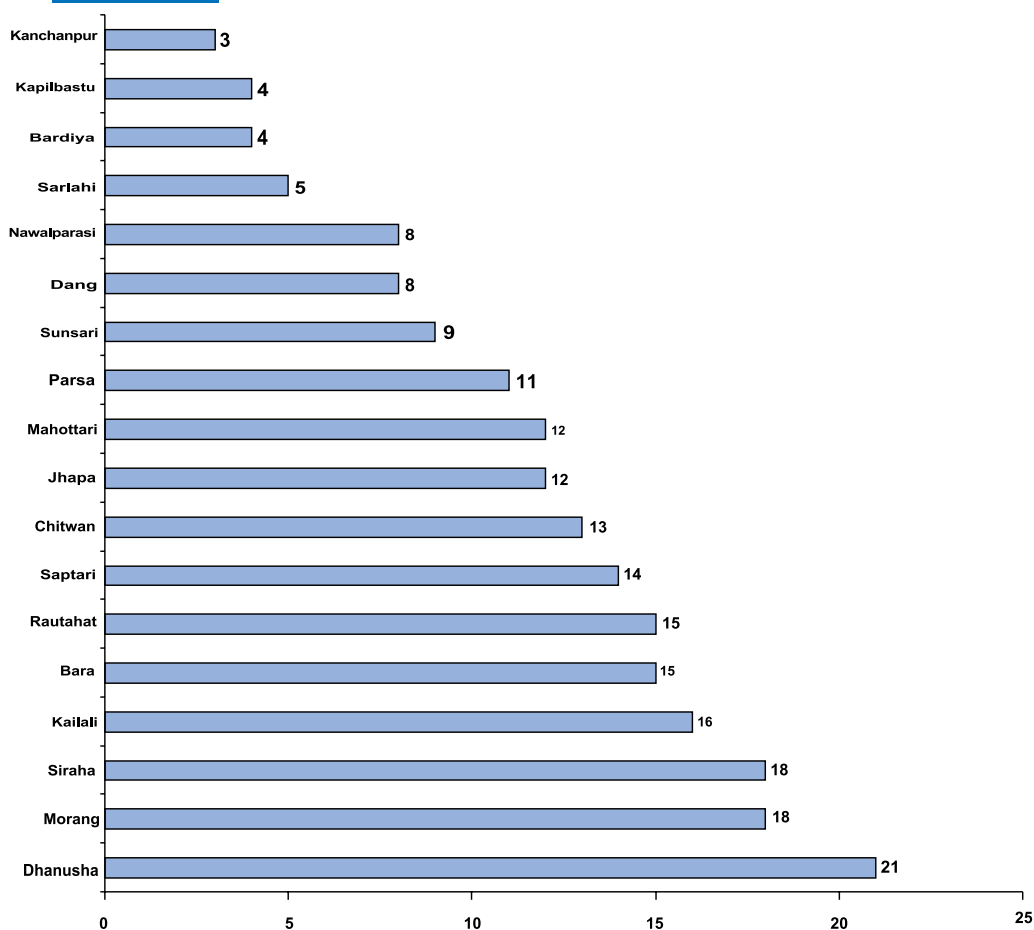


derscored the need for establishing transitional justice mechanisms of international standards. Mentioning in the report that amnesty would weaken the foundation of lasting peace, the report has cautioned that if the incidents of serious violence of human rights were not addressed as per international standards, universal jurisdiction could be attracted. Though the Government led by the UCPN-M rejected the UN OHCHR report outright saying that it was unilaterally released, the Government cannot escape from the responsibility arising the UN – a common obligation of the World.

The report concludes that there was serious violation of international humanitarian law in some 2,000 incidents of killing that took place during armed conflict in Nepal and that that all incidents of killing falls under the war crime. The report further stressed that enforced disappearances had also violated the international law and concluded that war crime was committed in Nepal during armed conflict.

Universal Jurisdiction means that in cases of grave human rights violations including such as war crime, crime against humanity, genocide, enforced disappearance and extra judicial killing which oc-

**Figure 6** No. of People Killed in Tarai (2012)



cur violating international law, irrespective of the place of the incident, there will be right to detain, prosecute and pronounce verdict against the perpetrator, no matter when that person resides. Due to the non formation of the required transitional referral mechanisms from the national mechanisms to prosecute the accused and deliver the justice to the victims the Universal Jurisdiction could be attracted.

There are several instances of taking action against the accused involved in serious incidents of human rights violation through universal jurisdiction. Augusto Pinochet, former dictator of Chile was arrested in London. Ariel Sharon, former Prime Minister of Israel and former US Secretary of State Henry Alfred Kissinger have been canceling their international visits. The state remained apathetic towards using all existing national mechanisms to deal the international crimes as war crime, crime against humanity, genocide, enforced disappearance, torture, violence against women, child soldiers, legal mea-

sures should be adopted, however, the government has not heeded it though these crimes are also criminalized by the law of the land.

## 2.4 Talks That Yielded No Results

During the period between CA election and December 31, 2012, the government held talks with 53 underground groups operating in mountain, hilly and Tarai regions. Of 26 armed groups that were in contact with the government, some surrendered weapons to the Government; some others were in contact with Government while some renounced armed activities and joined Terai-based parties.

Some groups did not come into contact after the first round of talks, informed the Ministry of Peace and Reconstruction, adding that talks could not be held with some of the groups as they put forth demands in the first phase of the negotiation in such a way that those demands were not possible for the Government to fulfill. It is clear that some armed groups

**Table 3** No. of Victims Above 60 Years of Age (2012)

Types of Events	By State			By Non-State			Total
	Female	Male	Total	Female	Male	Total	
Injured				2	9	11	11
Inhuman Behaviour					1	1	1
Economic, Social and Cultural Rights					1	1	1
Abduction				1		1	1
Women Rights				21		21	21
Landless and Squatters Problem	1	2	3				3
Right to Assembly	1	10	11				11
Death in Jail		1	1				1
Racial Discrimination					4	4	4
Arrest & Torture		2	2				2
Beatings	3		3	6	9	15	18
Threats	2	2	4		2	2	6
Killing		1	1	15	25	40	41
<b>Total</b>	<b>7</b>	<b>18</b>	<b>25</b>	<b>45</b>	<b>51</b>	<b>96</b>	<b>121</b>



have utilized talks as an opportunity to expand their organizations and to escape legal proceedings. Six persons were killed by armed groups in 2012. A group that was involved in detonating of bomb in Janakpur also sat for the dialogue with the Government this year. Given that the crimes such as killings and abduction were being carried out by unidentified groups in the country, the involvement of those groups that engaged in dialogue were suspected to have been involved in these crimes.

### 3. Constitutional Crisis

The vacant posts of the constitutional bodies were not filled up while the CA was functioning. The Legislature Parliament dissolved along with the expiry of the CA thereby inviting a constitutional

vacuum. Some provisions of the Interim Constitution were in need of amendments but could not be ammended as the institution authorized to amend the constitution no longer existed. As the nation is facing constitutional crisis, it is, for sure, gradually heading towards anarchy.

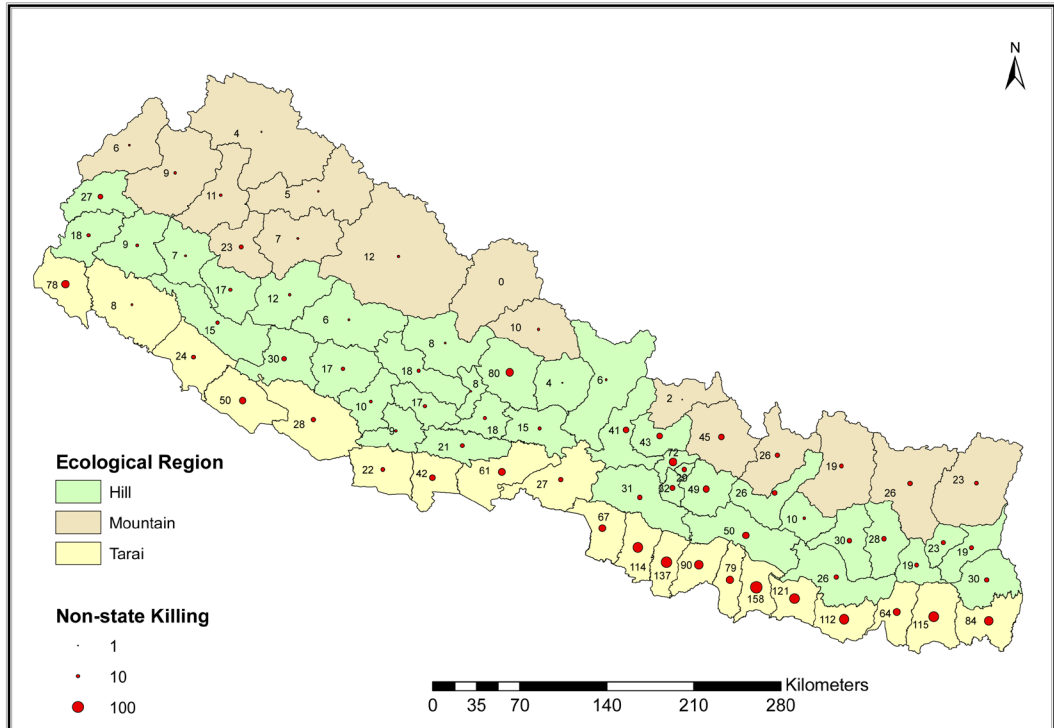
### 3.1 Legitimacy of the Government Under Question

The Interim Constitution had mandated the CA to write a new constitution within two years but the task could not be accomplished even four years after its constitution. The CA, whose tenure was extended successively on the basis of agreements among the parties, was dissolved due to the obstruction of the Supreme Court and inaction of the political parties. A

**Figure 7**

### No. of People Killed during Six Years after CPA

(By Non-state in Ecological Region -January 1, 2007 to December 31, 2012)



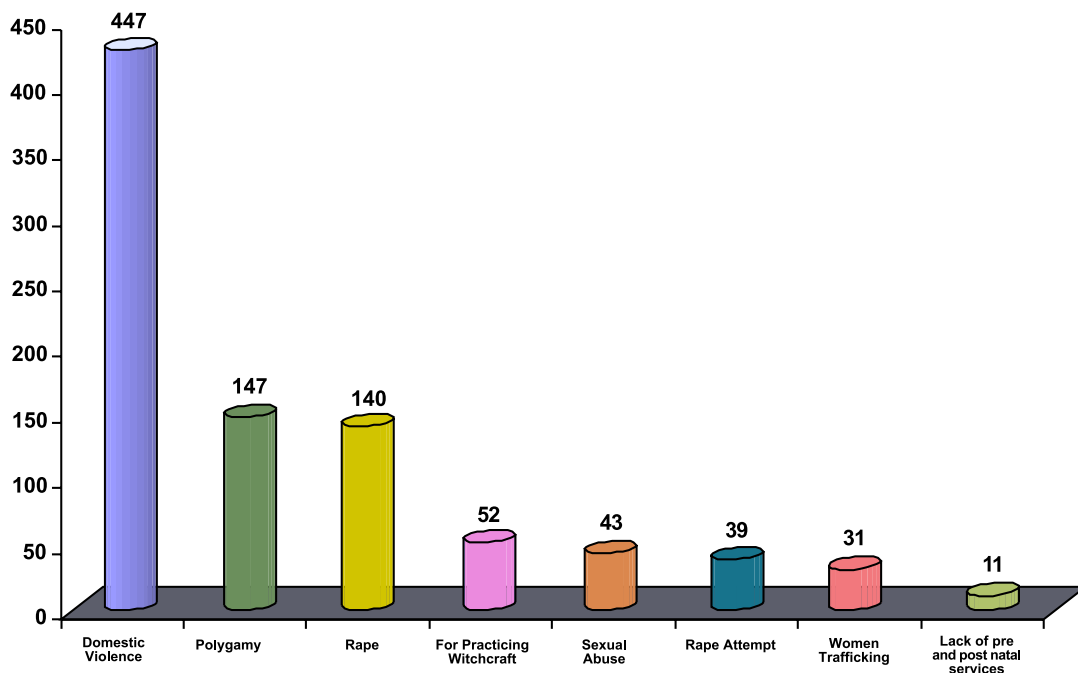
constitutional crisis emerged also because no constitutional provision was in place on what would happen if the CA expired without writing constitution. Amendment of the constitution was necessary to hold elections. Political consensus was the only outlet in this situation; however, political consensus just remained rhetoric, as a result a deepening national crisis ensued.

### 3.2 Constitutional Positions Being Vacant

More constitutional posts became vacant with the simultaneous dissolution of Legislature-Parliament and the CA. Nilkantha Upreti, the acting Chief Commissioner of the Election Commission retired on November 12. The tenure of remaining two EC Commissioners, Dolakh Bahadur Gurung and Ayodhi Prasad Yadav also expired on January 10. Thus, it will

be challenging for the EC to hold elections in the absence of the commissioners. As it requires parliamentary hearing for the appointment of the EC Commissioners, it was not possible to appoint commissioners in absence of the Parliament. As the parliamentary hearing is impossible now, vacant posts are likely to remain as they are. The tenure of seven judges expired this year as parliamentary hearing of temporary judges could not be held in the Apex Court. Though there were piles of cases in the Supreme Court, only seven judges including the Chief Justice were working in the court by the end of this reporting year. The ordinance forwarded to the President's office remained pending. The ordinances introduced by the Government for the appointments in the constitutional posts widened the rift between the parties.

**Figure 8** No. of Victims of VAW (2012)



#### 4. Situation of Human Rights in 2012

Nepal Human Rights Yearbook 2013 has documented the incidents of human rights violations and abuses that took place between January and December, 2012. This Yearbook prepared by incorporating the incidents committed by the state and non-state actors on the basis of reports from all 75 districts. This documentation gives a bleak picture of human rights situation of 2012 and also challenges the State and other stakeholders who keep expressing their pledges to the norms and values of human rights.

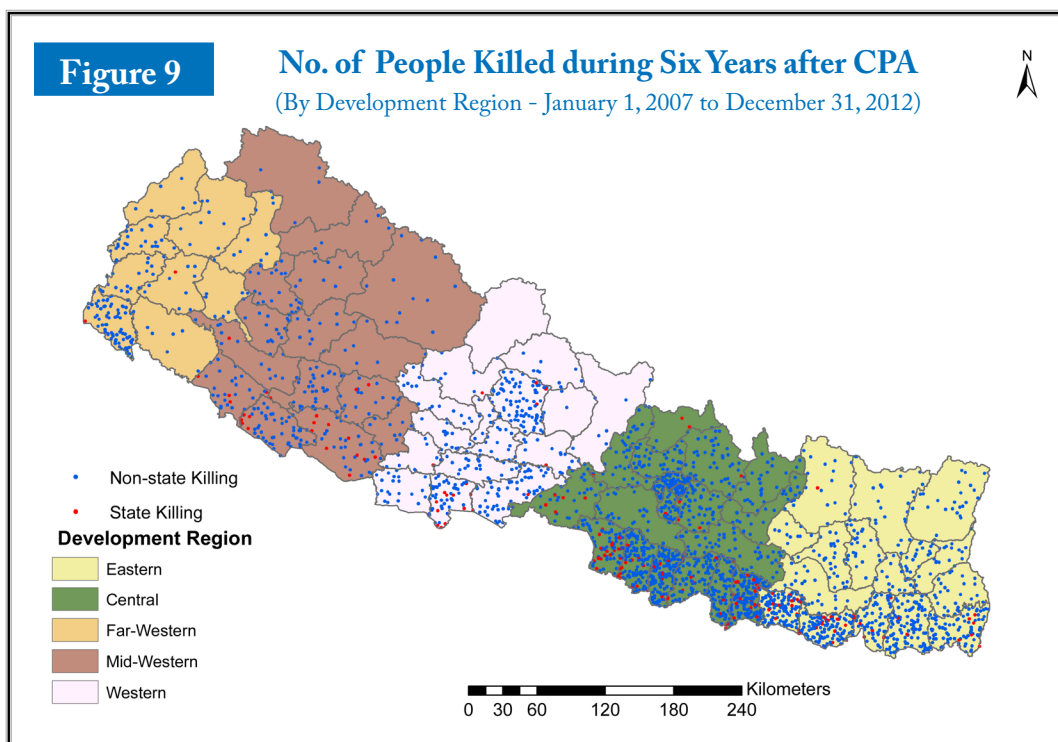
A total of 423 people were killed at the hand of state and non-state actors among them, 13 were killed by the state. The killers of 57 people could not be identified until the end of the year.

#### 4.1 The State & Human Rights

##### A. Promising Capable Judiciary

Some verdicts of the Supreme Court this year proved that even the high ranking officials can be held accountable for their actions. The Supreme Court sent incumbent Minister Jaya Prakash Prasad Gupta, former Ministers Govinda Raj Joshi and Khum Bahadur Khadka to prison on different dates.

In addition, the SC on November 25 issued an interim order against the Government's decision to adjourn the case filed against the UCPN-M spokesperson and former Minister Agni Prasad Sapkota. Last year, human rights activists had filed a writ petition against Sapkota claiming that appointment of Sapkota to Minister was illegal as an FIR filed against him was under consideration at the police's. The



Supreme Court, in its verdict, stated that Sapkota could not be relieved from the post of Minister just on the ground of FIR filed against him, however, it was the Minister to think, on the basis of his morality, to leave or stick to the post when such charge was labeled. Thus, it is the duty of the Government to ensure the implementation of the verdicts of the courts. Does not matter how good a court decision is, non-implementation of the decisions deny justice to victim. It was found that several verdicts made by the courts were not implemented by the Government and its subordinate agencies this year. Such acts are detrimental for democracy and human rights.

### B. Irresponsive Government

The Government, which had the caretaker status, made several decisions which were not in compliance with legal provisions. In some instances, the decisions of the Government were controversial while the Supreme Court voided some of the decisions. Such arbitrary activities of the Government repeated the whole year. Court verdicts were not implemented due to which the court was undermined. Taking advantage of constitutional and political vacuum, attempts were made towards passing ordinances as per their discretion. The Government, made several controversial decisions disregarding the fact that it did not have any mandate to take decisions that have long term effect. The incumbent Ministers landed in controversies one after another. *(for details See Chapter on Executive)*

### C. Dissolution of the CA:

#### A Step towards Representativelessness

Prime Minister Dr Baburam Bhattarai announced dissolution of the CA just 15 minutes before its deadline on May 27,

**Table 4** No. of Victims of Dowry-induced VAW (2012)

Event District	Killing	Domestic Violence	Polygamy	Total
Banke		1		1
Dhanusha	1			1
Humla		1		1
Morang		2		2
Parsa	3			3
Rautahat	1	1		2
Saptari		3		3
Sarlahi		1		1
Sindhuli		1		1
Siraha			1	1
Surkhet		1		1
<b>Total</b>	<b>5</b>	<b>11</b>	<b>1</b>	<b>17</b>

leaving no options ahead. Though the Interim Constitution 2007 mentioned that the tenure of the CA was for two years, it was extended by another two years through political agreements. As the CA could not function as expected though its tenure was extended the fourth time, the Supreme Court, responding to a writ filed against the extension of the CA tenure, capped CA's tenure for the next six months on November 24. Before this, the extended three month of the CA was expiring on August 30 but, the tenure was extended by three months by amending the constitution before November 24. The three-month extension of the CA was expiring on November 30, however, the Supreme Court on November 24 ordered the CA to extend its term only by six month. The Supreme Court had already restricted that, further extension of CA was not possible after May 27 and there were no preparation of promulgating constitution in the given time frame, the CA was dissolved by the Government without leaving any options. Constitutional amendment could have

been an option but PM Bhattarai's unilateral decision to dissolve the CA blocked the process of election as well. Though the opposition parties were equally responsible for the dissolution of the CA, the Government was morally responsible for the situation. People's rights to be governed by the elected representatives were violated after the dissolution of the CA.

## 5. Challenges of Human Rights

### 5.1 Unabated Impunity

Impunity remained a much talked about topic this year as it used to be in past years. The Government made recommendations to withdraw cases involving those accused of criminal activities. Simi-

larly, many of the verdicts of the Supreme Court were disregarded. The state itself was involved in promoting impunity. Attorney General (AG), who is a part of Government, threatened to revive the kangaroo court of conflict period. The AG had given such view while defending the action taken against a Minister for allegedly masterminding the killing of Kashi Tiwari, Chairperson of Vishwa Hindu Mahasangh. The remarks made by the AG against CPA, the Interim Constitution and international instruments of human rights were quite shocking. Such examples demonstrated the government's unwillingness to adhere to the rule of law.

Historically viewing the acts of case withdrawal by the different Governments, 57 cases were withdrawn in the premiership of Girija Prasad Koirala, 349 were withdrawn in the premiership of Pushpa Kamal Dahal, 255 cases were withdrawn when Madhav Kumar Nepal was leading the Government and during the premiership of PM Bhattarai's Government so far some 700 cases have been withdrawn. Though the effects of the withdrawal of cases are not reflected in the society immediately, they affect the society in the future. Compared to previous years, the year 2012 turned violent. There were 8,000 inmates in the jails in 2008. The figure reached 14,000 by the end of 2012, an assumption that the criminal activists are on the rising scale .

### 5.2 Poor Security Situation

With the endorsement of the CPA, people expected an end to the incidents of killings and that they could live in peaceful environment. Contrary to their expectation, people's faith on security mechanisms kept on decreasing due to weak security provision. Rana Bahadur Bam, Judge of the Apex Court was shot dead in the capital city itself. Similarly, three persons were

**Table 5** No. of Victims of Abduction (2012)

District	Female	Male	Total
Rasuwa		1	1
Rautahat	3	3	6
Saptari		9	9
Sarlahi		5	5
Baitadi		1	1
Bara		3	3
Banke		1	1
Bardiya	1	1	2
Makwanpur	1		1
Mahottari		6	6
Jhapa	1		1
Siraha		7	7
Chitwan		1	1
Kaski	1		1
Kathmandu	7	9	16
KavrePalanchowk		1	1
Taplejung		1	1
Dhading	1	2	3
Dhanusha	2	3	5
<b>Total</b>	<b>17</b>	<b>54</b>	<b>71</b>

killed when a bomb planted just 100 meters away from Singh Durbar went off. Bishwa Kranti and most of the cadres of Samyukta Jatiya Mukti Morcha, who owned up the incident, were active as PLA fighters during the armed conflict. Though intensity was not same, all parties were involved in violation of human rights. Such acts are increasing as the tendency of releasing cadres of respective parties is being institutionalized. Not only the political parties but their sister organizations were also involved in violating human rights. A total of 250 persons were victimized by major political parties including by the UCPN-M, NC and CPN- UML and armed groups of Tarai during 2012.

Abduction has been established as alarming crime in the country. According to INSEC documentation, 71 persons were abducted in 2012. Of them, four were abducted by the UCPN-M, five by armed groups of Tarai, 43 persons were abducted by others while unidentified gangs abducted 19 persons this year. 16 persons were abducted in Kathmandu and over five persons were abducted in Saptari, Siraha, Rautahat, Dhanusha, Mahottari and Sarlahi.

### 5.3 HRDs at Risk

Over 264 HRDs were rendered victims of human rights violation in 2012. Human rights activists, journalists, lawyers, health workers and social workers were abducted, arrested, tortured, beaten and killed in many places this year. Journalists were victimized most. A total of 163 journalists were threatened and beaten in different parts of the country.

### 5.4 Increasing Incidents of Violence Against Woman (VAW)

Compared to previous years, more incidents of VAW were recorded in IN-

SEC documentation this year. Father killed daughters, men killed their wives and women from minor girls to elderly women were raped by police. Daughter and daughter-in-laws were subjected to honor killing. Family members were accused for killing Bindu Thakur in Rautahat, Shiwa Hasami in Bardiya and Sangita Yadav in Kapilvastu.

A total of 910 incidents of women rights violations were recorded in INSEC documentation this year. The figure under this category was 648 in 2011. Five women were killed over dowry issue in 2012. In most of the cases, husbands were involved in killing their wives for dowry. In Dhanusha, family members including husband killed a woman and all family members

**Table 6** No. of Victims in Tarai (2012)

Districts	Beatings	Injured	Women Rights
Banke	8	1	9
Bara	1	1	7
Bardiya	12		64
Chitwan	7	10	13
Dang	4	4	3
Dhanusha	11	32	10
Jhapa	2	3	7
Kailali	22	36	21
Kanchanpur	17	12	2
Kapilvastu	10	1	6
Mahottari		6	4
Morang	10	1	24
Nawalparasi	38	3	18
Parsa	1	1	7
Rautahat		18	21
Rupandehi	19		
Saptari	23	1	26
Sarlahi	4	10	10
Siraha	17	3	10
Sunsari	18	3	5
<b>Total</b>	<b>224</b>	<b>146</b>	<b>267</b>

went into hiding following the incident. A total of 52 women were victimized in the name of practicing witchcraft while 140 women were subjected to rape. 82 women were rendered victims of sexual mistreatment, nine women above 60 were rendered victims of sexual violence. Minor girls were also victimized. A total of 398 minor girls became victims of sexual violence, of them, 244 were 12 to 17 years old.

A girl was raped and looted by the staff of the Department of Immigration and police. A 45-year-old woman was mistreated alleging her of practicing witchcraft and was forcibly fed human excreta in Sarlahi. A woman was burnt to death alleging her of practicing witchcraft in Chitwan. A woman was beaten on the allegation of practicing witchcraft in Kathmandu while DIG of Armed Police Force killed his wife in Kathmandu. The Government's tendency to encourage compromise and poor prosecution process made the Government weak in tackling the violence against women.

### 5.5 Rights of Senior Citizens

The Government introduced 50 per cent discount in public fare and same per cent of discount for the treatment of the senior citizens above 60. Section 9 (2) of Senior Citizen Act, 2061, has provided

**Table 7** No. of Victims of Abduction in Tarai (2012)

Districts	Abduction
Banke	1
Bara	3
Bardiya	2
Chitwan	1
Dhanusha	5
Jhapa	1
Mahottari	6
Rautahat	6
Saptari	9
Sarlahi	5
Siraha	7
<b>Total</b>	<b>46</b>

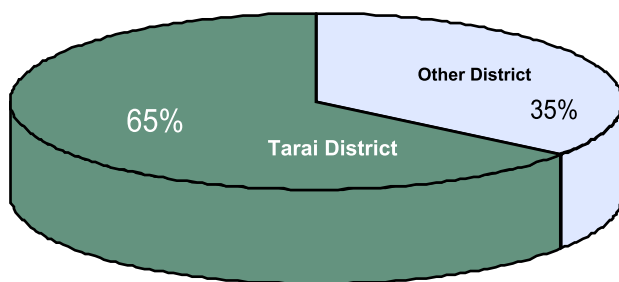
for this, however, its implementation was not encouraging. The Supreme Court, in March 11, ordered the Government to make provision for senior citizens but implementation was rather sluggish. The Government was forced to make provision for the elderly citizens this year after Senior Citizens' Struggle Committee staged a fast-unto-death strike. It is imperative to ensure the rights of senior citizens in the constitution.

By keeping the changing economic scenario of the country into mind, it is necessary to give special care for the security of elderly citizens. As the trend of leaving country for foreign employment and the formation of nuclear families are on the rise, the state and society should give due attention to the security of the elderly citizens. This year a total of 41 persons above 60 years of age were killed. Among them, one man was killed by state, 15 women and 25 men were killed by non-state actors.

### 5.6 Weakening Social Justice

The issues of social justice were not addressed properly even this year. Price hike of the essentials affected livelihood

**Figure 10** No. of Victims of Abduction (2012)

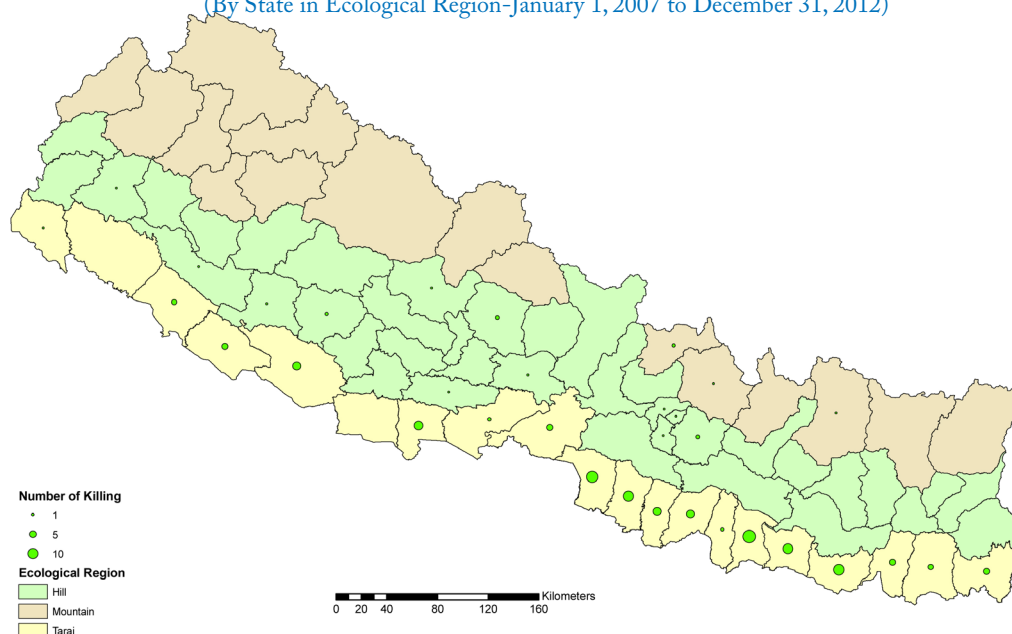




**Figure 11**

## No. of People Killed during Six Years after CPA

(By State in Ecological Region-January 1, 2007 to December 31, 2012)



of the poor families. The incidents of food crisis, the lack and absence of medicines and doctors continued. People died of diarrhea while pregnant women in labor died in several parts of the country. The Government acted cruelly by evicting the settlement on the bank of Bagmati River at Thapathali, Kathmandu by using bulldozer. The huts of the landless squatters were demolished. No policy was introduced to feed the Chepangs of Chitwan. Raute people died by not getting medical treatment.

### Conclusion and Suggestion

During six-year long journey of the peace process, the year 2012 has become gloomier one from the human rights perspective. There is no formal platform to discuss human rights concerns after the dissolution of the CA which was the only democratically elected body. There is no alternative to give outlet to constitutional

crisis except political consensus. Thus, the stakeholders should be aware of that constitutional provision while trying to find a way out for the country as no decision taken without consensus of the parties will last for long.

The act of withdrawing cases by making mockery to the rule of law has been going on unabated for the past few years. There is no respite from criminal activities and impunity in the country. Nepal is being increasingly perceived by the international community as a state incapable of or unwilling to investigate war time violation of human rights and crime against humanity. It should be noted that it is impossible to get impunity in any crime against humanity as civilized countries of the world have been coming together as a large single community on the issue of human rights. Nepal Conflict Report 2012 made public by UN body has depicted new



facts in connection to transitional justice process in Nepal, which the Government should have been able to resolve through TRC and Disappearances commission.

INSEC, last years, made some recommendations on reforming the Acts and Regulations enacted to address VAW few years ago. The incidents of VAW which surfaced frequently this year indicate that the existing laws on VAW are incomplete.

The concern of the nation towards those involved in foreign employment should not be limited to the remittance it receives from them. Those Nepalis working in other countries have been contributing largely to the GDP after the agriculture sector, but they have been deprived of the services of the state and neglected by the Government. Similarly, senior citizens account for 10 per cent of total population in the country. Voices have been raised to address their concerns in the constitution.

The Government tried to curtail the right to information so as to discourage the freedom of press but the court foiled the government's attempt this year. Some orders made by the court has uplifted the prestige of judiciary, however, increasing vacant posts of judges in Supreme Court has been taken as bad omen.

Absence of elected representatives, the enmeshed peace process, impunity, obstruction in the rule of law and the increasing gender based violence portrayed a disappointing situation of human rights in 2012.

### Suggestions

- ❑ Form a new Government on the basis of agreement and fix new date for new polls. For this the incumbent Baburam Bhattarai-led Government should resign
- ❑ Establish TJ mechanism without delay as per the international standards to end impunity. Stop harboring criminal in the name of withdrawing cases
- ❑ The Government should be accountable to implement the verdicts of the court by protecting prestige of independent judiciary. Fill up the vacant posts of the constitutional bodies by abiding the interim provision of democratic system
- ❑ Amend the existing laws on VAW and establish Fast-Track Court to address the issues of women and senior citizens
- ❑ Implement the recommendations made by the NHRC and make it resourceful as well as powerful
- ❑ End politicizing crime and empower police administration resourceful to contain and prevent crimes
- ❑ Ensure the rights of the senior citizens constitutionally
- ❑ Introduce an effective plan of action with the view to protect the Nepalis working in various countries under foreign employment

**Bijay Raj Gautam**  
Executive Director





**Highlight of the Year**

**Chapter**

**Six Years of Comprehensive  
Peace Agreement**

**2**

## 1. Background

The main objective of the Comprehensive Peace Agreement (CPA) signed between the Government of Nepal and the CPN-M on November 21, 2006 was to end a decade long armed conflict. The 12-Point Agreement signed between the Seven-Party coalition and the CPN-M on November 22, 2006 cleared way for the peace process while the CPA established a background to write the Interim Constitution of Nepal 2007. The CPA ensured the Maoists' participation in the reinstated House of Representatives besides guaranteeing their participation in writing the Interim Constitution of Nepal 2007. Immediately following the promulgation of the Constitution, Madhes based parties expressed their disagreement with some of the contents of the Constitution and resorted to Madhes based agitation which established them as a new regional political power.

Saying that the newly promulgated Interim Constitution was not for them, Madhesi people set ablaze copies of the Constitution on January 15, 2007. This act triggered Madhes uprising, which ultimately resulted in amendment in the Constitution besides establishing federalism as one of the aspects of the peace process. Madhes uprising became the cause of split in the then seven-party coalition and it weakened Maoists' strength in the Tarai region. Federalism was one of the catch phrases of the Maoists during war period however; it did not raise federalism as an issue until writing the Interim Constitution. Due to these and similar other reasons the election to the Constituent Assembly (CA) which supposed to be held in line with the provision of the CPA and the Interim Constitution of Nepal 2007 could not be held on the stipulated date. The Madhes based parties emerged as one of the prominent power of the country following the election to the

CA. The CPN-M, NC and CPN-UML emerged as the major parties of the country. As the biggest party the CPN-M led the Government of which the CPN-UML and Madhes based parties became the constituents whereas the NC did not join the Government. Contrary to the CPA, political parties failed to form consensus government. It was right from this point of political development that differences appeared on the political parties of the country. Now political parties attempted to write constitution as per their political and ideological interests which triggered another form of conflict between the parties again.

The CA was constituted through popular votes to write a new constitution however it was controlled by a high level political mechanism. Running a sovereign elected body of the country through an unconstitutional political mechanism was disrespecting popular vote. The CA, later on, faced more disrespectful situation due to the role of *Adibasi janajati* caucus. The CA, which worked also as a legislature parliament, did not succeed in accomplishing the mandated tasks including in addressing the post-conflict issues of the country. The issues related with transitional justice remained as an intellectual practice failing to transform into practice.

The formation of TRC and Commission on Disappearances did not materialize. The provisions on relief to the conflict victims and restitution of the properties captured by the CPN-M during armed conflict remained unimplemented. The army integration process was concluded six years after the signing of the CPA only. However, social management and integration of the former Maoist combatants who chose to voluntarily retire was not addressed properly. With the division of the UCPN-M, it was feared that this issue could turn more complex over time.

Only those issues which were comparatively easy to finalize were settled by the CA during its tenure. The intricacies such as the form, number and centers of federalism, power sharing between center and provinces and the bases of demarcating federation were not finalized. These issues emerged as more problematic ones over time whereas the deadline of the expiration of the CA was approaching, ultimately being the causes of the expiry of the CA. However, it is untrue to conclude that these issues alone were responsible for the expiry of the CA. Conflict within the political parties, the UCPN-M's endeavor to accumulate power and the skepticism expressed by other political parties towards the party and political parties' power obsession were equally responsible for the expiry of the CA.

## **2. Election to CA:**

### **A Historical Achievement**

Election to the CA was demanded in Nepal half a century ago however it materialized on 2064 chaitra 28 only. For the first time in the history of Nepal people had elected their representative to write constitution through their representatives.

The election took place about seven months after the stipulated date. The CPN-M's exit from the Government and the issues such as Madhes uprising delayed the election. Political parties had fixed second date for the CA only after amending the Interim Constitution and reaching an agreement on the proportional system of election and the number of representative in the newly elected body. Some had been viewing that CPN-M's reluctance to go for election was its election strategy only whereas some others were analyzing that the party would not accept election until and unless its respectful position in the CA

election was ensured<sup>1</sup>.

Although, a 601-member CA was elected successfully, the parties having representation in the CA failed to reach consensus, rather differences appeared between political parties even on constitutional writing process. Their differences and disagreements further exposed during Presidential, Vice-presidential and Prime Ministerial elections. The CPN-M which had given up violence through the CPA emerged as the largest party of the CA whereas the NC and CPN-UML became the second and third parties respectively.

The historic and highly awaited first meeting of the CA introduced democratic republican system in the country however; parties did not pay attention towards consolidating the achievement. The CA gradually started to be perceived as a place to define democracy as per the political ideologies.

### **2.1 Directionless CA**

An inclusive CA was formed based on the Interim Constitution of Nepal 2007. Janajati, Dalit, women and Madhes had remarkable representation in the CA for the first time in the history of Nepal. There was remarkable representation of women (197 members) in the legislative body. The CA was expected to write an inclusive constitution. Contrary to the commitment expressed in their election manifestos, political parties did not reach an agreement on the framework of the new constitution neither could they assure that they were working seriously to come up with a new constitution.

The CA got further entangled as the years passed by. It could not perform legislative function efficiently nor could it shoulder its constitution writing responsibility properly. It did not pass transitional justice

1. Nepal Human Rights Yearbook, Informal Sector Service Centre (INSEC). 2012, P 27.

bills neither did it implement the directive of the reinstated parliament issued in relation to accession to the Rome Statute of the International Criminal Court (ICC).

## **2.2 High Level Mechanism Formed, CA Disregarded**

Political parties declared to form a high level task force in order to resolve the remaining disputable issues. The CA rarely held deliberations following the formation of the task force. While the Chair of the Constitutional Committee was making it public that 80 per cent of constitution writing process was complete and that constitution could be written within the extended time if political parties converged on the remaining disputable issues, constitution writing process did not make any headway. The high level mechanism led by UCPN-M Chairperson Prachanda was said to have resolved more than 100 disputable issues related with constitution writing, however, the so called resolved issues remained as they were. The Chair of the Constitutional Committee Nilambar Acharya expressed his dissatisfaction publically over the formation of the high level mechanism, which had bypassed the Constitutional Committee envisaged by the CA. The mechanism held meetings almost daily but could not resolve the knotty issues. Ultimately, the UCPN-M disagreed to extend the term of the mechanism due to differences within the party. Other parties construed the party's move as a matter of distrust towards political pluralism.

## **2.3 Demarcating Federation: A Knotty Issue**

The Interim Constitution of Nepal 2007 established a foundation to oust monarchy but it did not lay down any guideline for demarcating federation. No provisions were in place relating to federalism in the

CPA as well. Saying that the Constitution was against Madhesi people, the MJAF set ablaze the copies of the Constitution on the very day of the promulgation of the Constitution in Kathmandu on January 15, 2000. Police arrested the Chairperson, leaders and cadres of the party involved in burning the constitution. Rallies were held at Lahan in Siraha district in protest of the arrest. Maoist cadres fired at Ramesh Kumar Mahato, a local cadre of the MJAF and he subsequently died on January 19, 2007. Following this incident, the then Government amended the Interim Constitution and incorporated provisions on Federal Democratic Republicanism. However, the formal and informal deliberations that began from this particular point on delineating federations could not reach logical conclusion.

Despite the fact that federalism was accepted by all the stakeholders as a major means to transform the overall situation of the country, political parties did not generate required discussions on the issue. The UCPN-M, which claims itself as an initiator of the concept of federalism in Nepal, too did not focus its political debate on federalism. On the other hand, other political parties also did not try to understand its spirit and therefore they failed to adopt strategies accordingly. As a result, ethnic, regional and linguistic groups emerged in the country. The groups made their issues vibrant initially but could not be influential. While debate on the ethnic identity/ethnicity based state restructuring was going on, issues were raised regarding the identity of those who represent the ethnicity other than the ones after whose identity a particular state is named.

The attempt to form Expert Committee for state restructuring through the CA was obstructed due to organized objection of the Mohan Baidhya faction and janajati members of the CA. The seven-

point agreement reached between political parties on the peace process decided to form an Expert Committee from within the CA. As the Mohan Baidhya faction continued its protest, Janajati groups also joined the former. Casting doubt that the possible recommendations made by the would-be formed Expert Committee could go contrary to State Restructuring Committee of the CA, Janajati Caucus not only registered amendment proposal but also warned of untoward consequence if their demands not addressed. They, however, changed their view later on and started to opine that forming State Restructuring Committee could be a better option. Ultimately, three big parties and the Joint Madhesi Front formed the State Restructuring Commission, which came up with a controversial report. People were not assured that the Commission comprising of the persons chosen on the basis of political quota as its members could come up with a report reflecting popular spirit. The Commission recommended to go for the ethnicity based 14 states but the NC, CPN-UML and some other small political parties rejected the Commission's recommendations. However, Madhesi Front and the UCPN-M advocated for the ethnicity based state restructuring. Hence, the differences seen among political parties on state restructuring became one of the causes of expiration of the CA.

#### 2.4 Dissension of Jananati CA Members

The janajati members of the CA launched a signature campaign before forming a 170-member Caucus which expressed dissension against the decision of the big three parties to form Expert Committee for the restructuring of the state. They even challenged the whip of their respective parties. As the Caucus was all set to vote against the governmental proposal, the Government withdrew the 11<sup>th</sup> amendment

in the Interim Constitution. Some members of the *Janajati* caucus even declared to have given up their party affiliation saying that big parties did not heed their demands. Even the party that was established supposedly to bring the deprived and repressed people together did not remain intact.

Brahmin/Chhetri also started to raise voice demanding they be provided with a separate state. They came up with such a demand especially to check the formation of ethnicity based federalism which would discount their identity. They started to express dissatisfaction claiming that despite their numerical strength in the national population they were classified by the Government as "other". They demanded to be recognized as *Adivasi Janajati*. However, their concern did not become an issue in the national socio-political discourse. Some even viewed that that undermining their voice and concern could result in problems in the future. Just before the expiration of the CA, country faced a number of closure strikes organized for and against federalism. Those called on by the *Janajati/Adivasi* and Brahmin/Chhetri people affected the normal life across the country. The views expressed by the strike organizers during their strikes gave an impression that Nepal now would lose societal and communal harmony.

#### 2.5 Continuity of Political Instability

The Government and United Democratic Madhesi Front concluded an agreement with the view to address the provision of the eight-point agreement reached between them earlier. Accordingly, article 138(1) of the Interim Constitution was amended and provision was added in the Constitution that Nepal would be a Federal Democratic Republic wherein the desire of the indigenous people and the people of backward community including of Madhesi would be addressed ensuring that

provinces would be autonomous and vested with full authority. The boundaries, number, names and structures, as well as full details of the lists, of autonomous provinces and allocation of means, resources and powers were said to be determined by the Constituent Assembly, while maintaining the sovereignty, unity and integrity of Nepal. Similarly, article 144(4) was amended to lay down in the constitution itself that in order to make the Nepal Army inclusive and national in character, the entry of the Mahesi, indigenous peoples, Dalit, women and people in backward area would be ensured by law, on the basis of the principles of equality and inclusion. However, the 7-point agreement signed between Seven Party Coalition and the CPN-M did not mention about federalism. The issue of demarcating federation turned knottier especially following the Fifth Amendment in the Interim Constitution and this very issue was pointed at as the main cause of the unexpected expiration of the CA. Not translating the commitments expressed in various agreements including in the CPA was perceived as the main problem of peace process. Although political parties in the CA were well aware of their main obligation, the six years following the CPA elapsed amidst uncertainty as a result of the new form of conflict that arose between the political parties.

## **2.6 Intra-Party Conflict Affects Peace and Constitution**

Historically, Nepal's democratic process could not be consolidated and institutionalized due to inter and intra-party conflict. Political parties failed to learn lesson from their past mistakes. Division and split got consolidated as a culture in the parties. No party was untouched from division and internal problems. The UCPN-M that emerged as the biggest party in the CA faced division. So much so that at total of

24 political parties representing in the CA initially reached 34 by the time the CA was expired.

Similarly, internal feuds affected almost all the political parties besides affecting the tenure of the PMs. Senior leader of the CPN-UML Madhav Kumar Nepal was appointed as the PM once Prachanda tendered his resignation from the post of Premiership due to tussle with the then Chief of the Army Staff. However, PM Nepal was displaced by Jhalanath Khanal, his own party leader, following continuous non-cooperation from the latter. The parties as mandated to write a new constitution were killed important time in fixing up intra-party differences. Hence, peace and the constitution writing process were negatively affected by intra-party conflicts.

## **2.7 Discourse on the Form of Governance**

As the three major parties in the CA kept on sticking to their initial stand relating to the form of governance, no particular progress took place in this connection. Discussions took place inside and outside the CA especially towards the last years of the CA on the form of governance. Presidential and Prime Ministerial forms were discussed and debated amply. The NC and some other small parties favored Prime Ministerial form of governance and advocated for a Parliamentary system having the executive role of the Prime Minister. The UCPN-M, however, was for the Presidential form of governance. The CPN-UML, on the other hand, put forth its view for Mixed Form. When the Sub-Committee to determine the Form of the State led by UCPN-M Chairperson Prachanda could not resolve the disputes on the form of governance, a task force coordinated by Laxman Lal Karna was formed, which suggested to go for the French Model of power sharing. However, his report did not receive formal-

ity. The Dispute Resolution Sub-Committee under the Constitutional Committee agreed to adopt direct and proportional system of election. It was highly necessary for the political parties to rise above their political interests in the matter of determining the form of the governance but the parties failed to do so.

### **3. Consensus Forged Only for Power**

Rising above the party-politics and writing a new constitution through the CA as mandated was a historical responsibility provided to the political leaders. They, however, were felt to have been unsuccessful to shoulder the given responsibility honestly. They signed any sort of agreement for power and post but did not abide by the agreed matters. Politics is more than struggle for post and power. The issues such as social justice and establishment of welfare state are also embedded with politics. Political leaders of Nepal, however, were unable to acknowledge this reality in practice.

#### **3.1 Seven-Point Agreement Signed Between CPN-UML and UCPN-M**

When Madhav Kumar Nepal resigned, it took seven months for the formation of another government. Although political parties seemed to have acknowledged the indispensability of consensus government, problems arose again and again in electing PM. Jhalanath Khanal, who had been reiterating the necessity of forming consensus government, did not seem positive towards Madhav Kumar led Government. Just before becoming the PM, he signed a seven-point agreement with the UCPN-M secretly, which was opposed by the NC, Madhes based parties and by some of the leaders within the CPN-UML itself.

The third point of the agreement provided that voluntary retirement, rehabilitation and integration would be implemented to take the peace process to its logical conclusion and that on integrating Maoist combatants into security forces, they agreed to form either a separate force of Maoist combatants or a combined force of Maoist combatants and other security forces, giving continuity to the ongoing work on the peace process<sup>2</sup>. Point 6 of the agreement stated that by leading future governments on a rotational basis based on mutual agreement, the long-term partnership and journey between the two parties would be carried forward. The agreement was opposed by the central committee meeting of the NC concluding that the agreement polarized Nepali politics. Jhalanath Khanal, who was elected PM based on the agreement, also could not come up with any remarkable progress on the peace process during his tenure.

#### **3.2 Four-Point Agreement between UCPN-M and Madhes Based Parties**

The demand that Madhesi youths' group entry into the Nepal Army be ensured as per the four-point agreement concluded between the UCPN-M and Madhesi Front emerged as an issue once again. Madhes based parties, earlier, had been raising this issue as a strategy to go for uprising in the Tarai-Madhes. This time, however, the parties exerted pressure on PM Bhattarai and UCPN-M Chair Prachanda and even warned of quitting the Government at any moment if their demands were not addressed. The meeting of the Council of Minister directed the NA to work towards allowing group entry of the Madhesi youths into the latter. However, as the Supreme

2. PM Madhav Kumar Nepal resigned before being replaced by the Chair of the CPN-UML Jhalanath Khanal, who was supported by the UCPN-M. Accordingly a consensus Government led by Jhalanath Khanal was formed on February 3, 2011.



Court decided against the government's direction and the NA was not ready to accept it, Madhesi youths' group entry could not materialize.

### **3.3 Agreement between Big three Parties and Madhesi Front**

The UCPN-M, NC, CPN-UML and Madhesi Front concluded an agreement two weeks before the expiration of the CA. The agreement became a means for the NC and CPN-UML to join Dr. Bhattarai-led government. However, the rest of the points of the agreement remained unaddressed. One of the provisions of the agreement was that PM Bhattarai would resign following the promulgation of a new constitution and then parties would form a consensus government targeting a new election. However, the agreement turned ineffective when PM Bhattarai, without the consent from other political parties, dissolved the CA and declared to go for a new election. Immediately following the incident, the NC and CPN-UML quit the Government by disagreeing with the working style of the PM, according to them, not with his decision to go for a new election. As the opposition parties were accusing the PM Bhattarai of trying to turn autocrat, the PM, however, reiterated his intention not to stick to power even a single minute if consensus was possible. With the view to prolong its tenure, the UCPN-M, named various leaders, one after another, for Prime Minister's post. The NC formally named party President Sushil Koirala as its candidate for the Prime Minister's post. Saying that CPN-UML was not on the Prime Ministerial election run, the party also supported the decision of the NC. President Dr. Ram Baran Yadav also took initiative for the consensus government by successively calling on the political parties to come up with a proposal for the Premier but in vain.

### **3.4 Expiration of the CA**

The term of the CA was extended successively until the Supreme Court ruled the CA to extend its term for the last time and that too for six months only. The decision of the court resulted in ripple effect in Nepali politics. Heated debates ensued between the Judiciary and political parties. Discussions took place on whether the judiciary or the parliament was supreme. The Government attempted to file a petition seeking a review on SC's verdict regarding the extension of the CA term but the CA rejected to register Government's petition.

The public was getting discouraged gradually due to political parties' decision to extend the term of the CA for uncertain period. Claiming that elections have to be held periodically under the parliamentary system, some people started to demand a new election to the CA. Those thinking in this line were with the view that successive extension of the CA could increase autocracy.

Before the extension of the CA, political parties always agreed to speed up constitution writing process. Surprisingly, however, they focused more on power politics following the term extension. The Dispute Resolution Sub-Committee led by UCPN-Maoist Chair Pushpa Kamal Dahal declared to have resolved various disputable issues brought to the Constitutional Committee of the CA. However, other members of the CA representing the UCPN-M immediately defied the decision. Hence, the so called resolved issues remained as they were. The differences of political parties on the issues such as the form of governance, federalism and the election system hindered CA proceedings. The ruling parties kept on sticking to the ethnicity based state restructuring and opposition parties also did not revise their strong position against ethnicity

based restructure, which became one of the causes of unexpected expiry of the CA.

#### **4. Peace Process Disregarded**

Although the CPA and the Interim Constitution of Nepal 2007 cleared way for the restoration of permanent peace in the country, the peace process could not accelerate as expected. Looking at the peace process against the provisions of the CPA, it sounded like the UCPN-M was endeavoring to interpret peace as per its interest and convenience. Parties did not take steps towards forming the Commission on Disappearances and the Truth and Reconciliation (TRC). They pointed each other's role and weakness in this regard and tried to escape responsibility whereas the national and international organizations including the UN and European Union had been expressing their concern against political parties' reluctance to form the transitional justice mechanism. Both sides, through the CPA, were agreed to set up a High-level Truth and Reconciliation Commission as per the mutual consensus in order to probe about those involved in serious violation of human rights and crime against humanity in the course of armed conflict and develop an atmosphere for reconciliation in the society. Similarly, ending impunity, guaranteeing non-repetition of conflict, identifying conflict victims, managing relief package for them and creating an environment of reconciliation were other aspects of the CPA. The TRC was provisioned in the CPA with the view to restore permanent peace and provide justice to the conflict victims. However, conflict victims were waiting for justice by the end of this year.

##### **4.1 Whereabouts of Disappeared Persons**

Political parties expressed their commitment in regards to find out the whereabouts of the persons subjected to

disappearances during armed conflict. As their commitments were not implemented, finding out the whereabouts of the disappeared persons remained neglected whereas this issue was dealt by almost all the agreements reached among the stakeholders. According to the CPA, both sides of the Agreement agreed to make public within 60 days of the signing of the agreement the correct and full names and addresses of the people who 'disappeared' or were killed during the conflict and convey such details to their family members. However, the Government seemed reluctant to address this issue even after the six years of the signing of the CPA.

The incidents of disappearances are more dreadful than other forms of violations. However, political parties seemed to have understood this issue as a political matter only. The families of the disappeared and also the organizations working for the disappeared persons requested the Government time and again to resolve their issues but the Governments formed following the CPA remained insensitive in this matter. A Disappearances (Crime and Punishment) bill was submitted in the Legislature Parliament in line with the provision of the CPA but it could not be passed due to the lack of will power among political parties.

##### **4.2 Truth and Reconciliation Commissions (TRC)**

Point 5.2.5 of the CPA states that both sides agreed to set up with mutual consent a High-level Truth and Reconciliation Commission in order to probe into those involved in serious violation of human rights and crime against humanity in the course of the armed conflict for creating an atmosphere for reconciliation in the society. The TRC was understood as an important provision of the CPA. Basically, the conflict victims were highly optimistic that they

would be ensured justice through the commission, concerned stakeholders, however, did not initiate steps towards establishing the commission. A bill on finding out the truth about the incidents of human rights violations was registered in the Legislature Parliament but it could not be passed due to continuous obstruction in the Parliament.

Following the dissolution of the CA, the Government presented an Ordinance before the President by merging TRC and the Commission on Disappearances. The national stakeholders and the international community disapproved the Government's move and criticized the Ordinance saying that it was inherently flawed and was against the spirit of the CPA. It was criticized for emphasizing amnesty rather than ensuring justice to victims.

#### **4.3 Restitution of Captured Properties**

Restituting the properties captured by the CPN-M during armed conflict and also after the peace process began to the rightful owners remained a challenging task in relation to implementing the CPA. Section 6(1) of the Seven-Point Agreement signed between the NC, CPN-UML, UCPN-M and the Madhesi Front urged the UCPN-M to decide at its organizational level and return the private and public buildings, and land captured by them to the rightful owners within November 23, 2011 but the commitment was also not implemented.

#### **4.4 Rehabilitation of the Former Maoist Combatants**

Debate started within the UCPN-M when the party declared to hand over its combatants to the Government. Dr Bhattarai including some other leaders opposed the decision whereas Mohan Baidhya faction supported it. Surprisingly, however, Dr Bhattarai who opposed the move previously

changed his stand later and advocated for the classification, integration, rehabilitation and voluntary retirement of the combatants. Contrarily, Baidhya faction, which was a staunch supporter of this process earlier, opposed PM Bhattarai's move to integrate combatants later. Chairperson Prachanda swayed between Dr. Bhattarai and Mohan Baidhya. Combatant integration raised disputes in the UCPN-M, which ultimately became one of the causes of split in the UCPN-M.

The integration process of the former Maoist combatants into the NA materialized towards the end of 2012 based on the agreement concluded between three major parties and the Madhes based parties. A total of 6,500 combatants were supposed to be integrated into the NA. Among the 19,000 combatants, half of them chose integration, about 8000 of them desired to retire voluntarily and the rest wanted to be rehabilitated. Mohan Baidhya faction opposed the process expressing its dissatisfaction over the number of combatants to be integrated, handover of key of the weapon containers and the restitution of captured properties to the rightful owners. Differences seen among the CPN-M senior leaders on these issues and the gradual intensification of feud finally resulted in division of the party.

#### **5. Flourishing Impunity**

Guaranteeing human rights and establishing the rule of law is the backbone of permanent peace. However, impunity flourished in Nepal even after the signing of the CPA and hindered the peace process. The CPA has considered killing, abduction and similar activities committed by the conflicting parties as crimes. Law provides that the criminal cases committed before the start of armed conflict and after the signing of the peace agreement have to be taken as politi-

cal incidents and the perpetrators of these incidents should be prosecuted as per the existing law of the country. However, the Council of Minister revoked many criminal incidents committed after the signing of the peace process and demonstrated its tendency to promote impunity.

Enabling the state and maintaining the rule of law is important in the post-conflict society for discouraging impunity. Political parties tended to defend even the cadres who are implicated in crimes, which encouraged the anarchical cadres to continue their misdeeds. Theoretical contradiction in the legal structure and the lack of proper implementation of law promote impunity which ultimately results in problems in protecting human rights<sup>3</sup>. The interference from the political parties against the legal actions initiated by the security bodies against criminals worked as a catalyst to promote immunity in Nepal as well.

### 5.1 Amnesty and Case Withdrawal

Withdrawing the cases of political nature has been practiced in Nepal since 1950<sup>4</sup>. The cases filed against those political cadres who involved in the movements aimed to change regime used to be withdrawn upon the changes in the political system in the country. Following the end of Panchayati Regime, the cases of political nature filed against those who were active against the regime were revoked. As only the political types of cases were withdrawn, this move was not opposed at that time.

According to INSEC data, more than 14 thousand people lost their lives during 10-year long armed conflict. Concerns were raised by the stakeholders during the post-conflict transition in regards to the

violence and the violations of human rights committed during armed conflict. They had been exerting pressure for the guarantee of conflict victims' justice. Constitution underscores the necessity to differentiate between the criminal and political type of cases and then grant amnesty or recommend for the punishment. However, the UCPN-M attempted to withdraw the cases of its cadres without formulating transitional justice related law.

Giving pardon is the easiest means of granting immunity to those convicted by courts. According to the Interim Constitution, President can grant pardon. Article 151 of the Interim Constitution of Nepal has given this authority to the President. However, no clear provision is in place in the Interim Constitution relating to case withdrawal. The CPA has talked about the revocation of cases. As the CPA is included as one of the annexes of the Constitution, the provisions of the CPA are constitutional. According to section 5.2.7 of the CPA both sides of armed conflict guarantee to withdraw accusations, claims, complaints and under-consideration cases leveled against various individuals due to political reasons and immediately make public the state of those imprisoned and immediately release them. Political parties misconstrued the provision and withdrew the cases including those related with theft, killing, abduction, corruption, dacoits and robbery, which are totally non-political cases.

The Interim Constitution has included the CPA and the Agreement on Monitoring of the Management of Arms and Armies concluded between the Government of Nepal and the CPN (Maoist) in Schedule 4 of the Constitution. Section 5.7 of the CPA provides that both sides of

3. See INSEC's monitoring report "Commitment Vs. Reality", page 6 for further details

4. This issue was raised in a paper presented by Advocate Madhab Basnet in a program organized by INSEC in Kathmandu in 2011.

armed conflict guarantee to withdraw accusations, claims, complaints and under-consideration cases leveled against various individuals due to political reasons, immediately make public the state of those imprisoned, and immediately release them. The Supreme Court of Nepal decided in 2065 that the provision, being a provision of a Schedule of the Constitution, may remain as the organ of the Constitution but it is a political document, not the constitutional/legal one.

Almost all the Governments formed following the restoration of democracy endeavored to withdraw cases as per their discretion. The cases such as robbery, theft, abduction and corruption were withdrawn by taking them as political ones. The state-backed culture of impunity tended to weaken the rule of law<sup>5</sup>. Attorney General Mukti Pradhan even opined to withdraw all the cases relates with conflict-era incidents. President Ram Baran Yadav disapproved the recommendation of the Government that sought for pardon to Bal Krishna Dhungel, who earlier, the court had convicted in 2066 B.S for killing Ujjan Kumar Shrestha. Upon denial of amnesty, he had to be arrested by police, surprisingly; however, he was not arrested by the end of the year. Numerically speaking, late Girija Prasad Koirala, Pushpa Kamal Dahal, Madhav Kumar Nepal, as the PMs of the country, withdrew 57, 349 and 255 cases respectively<sup>6</sup>. Similarly, PM Bhattarai withdrew about 700 cases.

## 5.2 UCPN-M Changes its Stand

The UCPN-M, which was a responsible party to the peace process and which emerged as the largest party after the CA election, was obliged to shoulder responsi-

bility to conclude the ongoing peace process in an all-satisfying fashion. However, it did not want to forge congenial relationship with other political parties. It even perceived other political parties as its major enemy and then passed a formal document accordingly. Looking at the reports of the Maoist leaders minutely, it sounds like the UCPN-M has attempted to deceive other political parties, civil society and the citizenry.

Due to the views expressed publicly on various occasions including at its central committee meeting and at the Palungtar Plenum, other political parties started to express distrust towards the UCPN-M. Chairperson Prachanda's report presented at UCPN-M's Palungtar plenum clearly stated that forging consensus with the political parties that represent brokers, bureaucrats and feudal class and then forming consensus government with these parties would finally nurture reformism. Similarly, Mohan Vaidhya's report stated the CPA, on the one hand, was signed by going contrary to the commitment made by the party while commencing armed conflict and, on the other hand, the agreement embraced reformist ideology of peaceful transition by giving up sovereign law of the use of force in revolution. Likewise, Baburam Bhattarai's document advocated that the revolutionary proletariats would return to long-term people's war or national war and would continue revolution by forming an international anti-expansionist and imperialist front and, by using three magic means - party, People's Army and Revolutionary Joint Front<sup>7</sup>.

Their views provided premise for other political parties to conclude that the UCPN-M was not as honest as they

5. *ibid*

6. Nepal Human Rights Yearbook 2012, Informal Sector Service Center (INSEC) page 26

7. Based on the reports presented by the UCPN-M leaders at Palungtar Plenum of the party from November 21-26, 2010 in Gorkha district.

thought in relation to concluding the peace process. Political parties, civil society and the citizenry of Nepal played their role in bringing the UCPN-M to present position and status. The party did emerge as the largest party in the CA due to popular trust. However, it continued to utilize the CA, the Legislature Parliament and the politics of give and take only for its benefit.

### Conclusion

Although the signing of the CPA ended a big rivalry between political parties, political deadlock, struggle for power, uncertain situation of peace and order and the deteriorating human rights situation ensued afterwards. These factors slowed down peace process as well as political development. Between the signing of the CPA and the expiry of the CA, Maoists attempted to maintain 'revolutionary situation' and then introduce a single party ruling system whereas other major parties in the CA struggled to maintain democratic polity.

Until the expiration of the CA, the peace process could not be accelerated due to mutual distrust and fear among political parties. The UCPN-M perceived the continuous deadlock as the strategy to dissolve the CA and the parties other than the UCPN-M cautiously analyzed the successively extended term of the CA as the UCPN-M's plan to impose single-party rule. However, following the expiration of the CA, situation changed totally as a result of which there emerged political and constitutional complexities. Similarly, there appeared vacuum in the constitutional bodies including in the judiciary due to the lack of political consensus. The issues raised by the CPA could not be implemented during

six years after the signing of the CPA. Since the UCPN-M did not abide by the provisions of the CPA, the peace process could not make headway as expected.

The parties that committed through the CPA to make the whereabouts of the persons subjected to enforced disappearances public within 60 days after the signing of the agreement did not demonstrate accountability. The Government remained indifferent despite the exertion of regular pressure from the families of the disappeared. The UCPN-M did not restitute the properties they captured during armed conflict. Although some of the internally displaced persons returned to their original places during this period, they could not resettle well due to the feeling of insecurity. The commitment that the properties, buildings and lands captured by the CPN-M would be restituted to the rightful owners within 30 days following the signing of the CPA remained unimplemented. The UCPN-M directed its cadres to restitute the captured properties but the latter did not follow party's direction. The newly formed CPN-M led by Mohan Baidhya also declared that it would not restitute the captured properties.

Concerned stakeholders did not heed the problems related with the enforced disappearances and the internal displacement whereas ensuring victims' rights by punishing the guilty was the spirit of the CPA. The families of the conflict victims kept on awaiting justice. The insensitivity of the political parties and the Government in regards to their problems posed a serious question besides further encouraging impunity in the country.





3.1 State & Human Rights

Chapter

# Judiciary & Human Rights

3

## Chronology

January 1-December 31, 2012

### January 22

Supreme Court directs Minister for Forests and Soil Conservation Mohammad Wakil Musalman to appear before the court on contempt of court charge

### January 31

The Supreme Court (SC) on Tuesday issued stay order in the name of Nepal government not to implement its decision to classify 140 kinds of information

### February 16

Supreme Court stays the government's decision to provide "citizenship by descent" to all children born before one of their parents acquired Nepali citizenship

The Supreme Court of Nepal on Feb. 5 extended an order to delay implementation of a government effort to deny access to 140 types of information.

### February 21

Minister for Information and Communications Jay Prakash Prasad Gupta convicted over the corruption charges by the Supreme Court and sentenced to prison for one year and a half and charged a fine of Rs 8.4 million

### February 28

Judicial Council decided to study notices issued to it regarding complaints filed against judges.

### February 29

Supreme Court seeks an explanatory note from the joint registrar, who had refused to register the review petition filed separately by the government and the parliament against the apex court verdict that put a six-month term cap on the Constituent Assembly

### March 28

Supreme Court refuses to review its earlier decision to put a cap on the extension of the Constituent Assembly term

### April 18

Supreme Court orders the govern-

ment to ensure that former AIG Keshav Baral, to administer oath of office and secrecy to assume Commission for the Investigation of Abuse of Authority (CIAA) as a commissioner

### May 23

Contempt of court case filed against PM Baburam bhattarai and for registering the bill to extend the CA tenure

### May 24

Supreme Court issues interim order against forwarding process of extension of CA term

UCPN-M criticizes Supreme Court saying it "went beyond its jurisdiction" in issuing the interim order staying the government's move to extend the CA's term

### May 30

SC orders arrests of former minister and NC leader Mohamad Aftab Alam on the charge of burning 23 people, injured in an explosion, alive in a brick kiln

### May 31

Justice Ran Bahadur Bam shot dead  
Prime Minister Baburam Bhattarai tells off court not to interfere in matters of parliament

### July 4

Writ petition filed in Supreme Court against the government's move to hand over the management and up-gradation work of the TIA to an Indian company

### July 25

Special Court convicts former minister and NepJali Congress leader Govinda Raj Joshi on corruption charge and sentences him to one and half years in prison.

### July 26

Writ filed against government decision to provide lifetime facilities to former holders of important offices

### July 31

Stay order against the government decision to provide lifelong government facilities to former VIPs



**August 14**

Supreme Court convicts former minister and Nepali Congress leader Khum Bahadur Khadka of corruption charges

**August 16**

Supreme Court asks government to provide allowance to the disable people

**August 22**

Supreme Court issues show cause notice to the government on not taking action against the perpetrators of Kapilbastu incident

**August 12**

Supreme Court recognizes promotion of AIG Kuber Singh Rana

**August 23**

Supreme Court directed schools not to hike their fees for three years.

Supreme Court stays government decision to transfer Irrigation Secretary Brinda Hada on deputation to the Prime Minister's Office (PMO)

**August 30**

Secretary Binda Hada files contempt of court case against PM Dr Baburam Bhattarai

**September 11**

PM Baburam Bhattarai refutes contempt of court charge saying the transfer of Secretary of Brinda Hada was part of the government's internal administrative decision

**October 3**

RPP leader Rabindranath Sharma posthumously convicted of corruption

**September 5**

Supreme asks the Nepal Army not to recruit any officers in the 15 seats allocated to the Madhesi community under the inclusive category.

**October 4**

Judicial Council endorses criteria for selecting judges in the Appellate and District Courts

Col Raju Basnet, one of the most controversial army officers facing allegations of dozens of cases of human rights violations including enforced disappearances and torture during the time of conflict promoted as Brigadier General

**October 31**

Judicial probe commission formed by the government to look into the murder of Supreme Court Justice Rana Bahadur Bam submits report

**November 4**

The Supreme Court today has issued a stay order on the government's decision to provide Rs 200,000 each to former Maoist combatants adjudged 'disqualified' by the then United Nations Mission in Nepal (UNMIN).

**November 19**

Supreme Court issues injunction on government decision to distribute Rs 200,000 to each disqualified combatants

**November 26**

Supreme Court stays government decision to adjourn case of UCPN-M spokesperson and former minister Agni Prasad Sapkota

**November 29**

Supreme Court Ad Hoc Justice Bharat Raj Upreti Resigns

**December 2**

Interpretation of two justices of the division bench divided over whether or not to extend the tenure of temporary judges or to appoint them for the post of permanent judge without conducting parliamentary hearings in the present context of absence of parliament

**December 31**

Supreme Court stayed the appointment of Digambar Jha as the new chairman of Nepal Telecommunications Authority (NTA). The government had named Jha as the NTA chief on December 4.

## 1. Background

The role of judiciary in the year 2012 remained a mixed one from the perspective of human rights defenders. Some moments given by the judiciary were extremely encouraging while others were disappointing too. This year, the disabled people who were searching for proper standing for their human rights got an acknowledgement from the court and in cases of corruption, the court set up some exalting precedents reinforcing public favor for the judiciary.

Besides Supreme Court, there were also some exciting verdicts coming from Appellate Courts and District Courts. During this period, the long prison sentences awarded by some district judges to the accused for different crimes became talking points for long. Though most of the verdicts might even be reversed if the upper courts are moved, still, the beginning of this practice might help to provide a sense of justice to the victims. Another verdict directly impacting the common people was that of an order given to put on hold the increasing commercialization in the education sector and thus stopping the exploitation of students and guardians.

Due to the absence of parliament and to some extent, the dithering of Judicial Council and controversial recommendation by Bar, the Supreme Court was left with a few numbers of judges by the end of the year. There was no sign on the resolution of problems like slow judicial process and corruption etc. in the court. Different sectors can be held responsible in weakening the Judiciary-the government being the one primarily responsible. Since the government did not show any interest in the execution of the verdicts given

by the court, chances are high that those verdicts would remain the justice in papers only. Similarly, the court's orders prove too weak to penetrate political shield.

The role of judiciary in relation to human rights for 2012 would be discussed in the periphery of these developments.

## 2. Assassination of Justice Bam: Threat to Judiciary

For the first time in the history of modern Nepal, an incumbent judge was assassinated. Rana Bahadur Bam, who was a justice at Supreme Court, though removed of responsibility because of a controversial decision, was shot dead in broad day light in Lalitpur as he was on his way to Supreme Court. His personal security officer and a friend were also injured. There was formation of different judicial committees to probe into the killing. The committee formed with retired Supreme Court Justice Prem Sharma as coordinator submitted the report in October. Responding on the report, the cabinet meeting announced that it was going to implement the recommendations.

There were media reports prior to the submission of the report quoting the members that the motive of killing was not personal and was carried out to create terror among anyone working to ensure rule of law and justice in the country including judges, lawyers, police, journalists and human rights defenders<sup>1</sup>. But, the actual report did not identify the killers and just recommended for better security provisions for the judges and recommended for continued search for the culprits. The media reports through their formal and informal sources led to believe that Justice

1. The assassin creed, Editorial, Nepali Times <http://nepalitimes.com/issue/2012/06/15/Editorial/19383>

Bam's killers may just get away<sup>2</sup>, like some of the high profile cases in the past.

Security issue of the justices also came up when the powerful NC leaders were convicted. The cadres of these politicians blamed the Court and showed hostility due to the decisions made against the politicians. There was a need of special security for the two judges Kalyan Shrestha and Baidhanath Upadhyaya who convicted Khum Bahadur Khadka of corruption. Even in the past, there have been situations where the politicians of some main parties have spewed strong words against the Court when the verdict was not in their favor. This year too, the tendency continued.

### 3. Judiciary and Executive

Supreme Court issued interim orders dozens of 49 government decisions last fiscal year. As it did not confirm to legal provisions, even the human rights activists were forced to protest against these decisions. Most of the decisions on the writ petitions were against the government decisions rendering the government decision ineffective. Commenting on this matter, some of the experts from the legal sector said that the court was indicating that the government was not earnest about the rights of the people while some others expressed that the government was trying to challenge the judiciary by arriving at these unacceptable decisions<sup>3</sup>. According to the Supreme Court record, there have been 23 writ petitions against government before May 27 and within one and half month, another 15 such writ petitions

were registered. The government has lost in most of such writ petitions.

As there are chances of decisions made by the government not being in favor of the country and as there is no legislature, the judiciary is the body that can stop the possible tyranny perpetrated by the government and this has been revealed while the court, investigating the government decision to hand over the responsibility of the development of Tribhuvan International Airport to a Indian Company.<sup>4</sup>

In the writ against government of Nepal for giving the management of the airport to Indian Company IL and FS, the court asked for the documents from which it was learnt that the Indian Company had expressed interest on taking the management of 15 other airports and it was proved that the DPR had already been prepared when the government had said that it had just been limited to discussion. Thus, it becomes clear that the government lies to the public, thus, reinforcing the need of independent judiciary to maintain check and balance for the sake of democracy.

### 4. Dispute on Supreme Court's place in the Constitution

During the discussions regarding the provision of constitution before the expiration of CA term on May 27, the dispute on whether to establish a different constitutional court or to put a special bench under Supreme Court to deal with constitutional issues remained highly contested. Chief Justice and most of the judges of Supreme Court were expressly

2. Justice Bam murder a threat to judiciary, says probe report, <http://www.thehimalayantimes.com/fullNews.php?headline=Justice+Bam+murder+a+threat+to+judiciary%2526sbquo%253B+says+probe+report&NewsID=350169>

3. SC stays several govt. decisions, <http://www.ekantipur.com/2012/08/28/top-story/sc-stays-several-govt-decisions/359391.html>

4. Bhatatiya Companye Thap 15 Company Mageko Khulasa, <http://www.ekantipur.com/nep/2069/3/29/full-story/351078.html>

against the idea of Constitutional Court. In the process of discussion on the issue, since the political parties could not come into consensus on this subject, a meeting was held on March 28 to collect the views on the judiciary system of future Nepal where stressing that the Constitutional Court will undermine Supreme Court, they suggested amendment to the provision.

During the discussion on this subject, some had the opinion that the establishment of constitutional court will create dispute about the rights because of the similarity in the disposition. As many of the court verdicts went against government decisions, it might be suggested that the verdict provided by the Constitutional Court regarding these decisions could have been different to the verdicts given by the Supreme Court. However, a consensus was established to have a provision of Constitutional Court for five years and it is hoped that it would be helpful once the country adopts federal system.

## 5. The Judicial Activism of Lower Judicial Bodies

At the beginning of this year, the district courts took activism to the core in deciding punishment mentioned in the law for some of the critical offences. Makwanpur District Court was probably the first one to use the idea that different punishment should be awarded along with extra punishment for different types of offences committed in the same incident. On, July 3, Seteman Bal, 38, of Chhatiwan VDC-9 in Makwanpur was convicted of instigating other persons to rape and kill his wife and got 44 years of prison sen-

tence including 12 years for conspiracy of homicide, 20 years for murder, seven years for rape and five years for gang rape. Another man was sentenced to 35 years in prison, of which 20 years was for getting his wife killed and 15 years for conspiring to kill her.

On the same day, in another verdict of Makwanpur District Court, Raj Kumar Sonar, 26, of Birgunj Sub-Metropolis was convicted of taking two teenage sisters of Hetuanda Municipality-6 to Delhi in India and selling them in a brothel, was convicted and sentenced to 20 years on charge of Human Trafficking and another 14 years for selling the girls himself in the brothel of India.

For the first time in Nepal, Makwanpur District Court, applied Continuous Hearing system for serious criminal activities like human trafficking, rape, fraud, theft, arson, domestic violence and drug trafficking and applied Differentiated Case Management (DCM)<sup>5</sup> for cases like alimony, transaction, duress, divorce and establishing relationship. Similarly in the case of alimony, this court followed the notion of immediate execution of decisions adhering to the principle that a victim's right to life should be upheld.

Other district courts also seem to have used the concept of additional punishment for critical cases. On July 11, 2012, deciding on a case of human trafficking, the Sindhupalchok District Court awarded imprisonment of 170 years. Bajir Singh Tamang, 37, from Shikharpur VDC-9 was sentenced for 170 years under the section 15 (5) of Human Trafficking and Transportation (Control) Act 2007 against the human trafficking and selling

5. Under this system, a court distinguishes among individual cases in terms of the amount of attention they need from judges and lawyers and the pace at which they can reasonably proceed to conclusion.

by alluring six kids to Agra in India for sale on different dates. In Kapilbastu, a youth was sentenced to imprisonment of 108 years along with the confiscation of his share of property for killing five people.

It can be assumed that the punishment in those cases might be slashed off if upper courts are moved, still we can say that like in other countries, Nepal should have the provision of sentencing strict punishment as judge's discretionary right and the use of this right as in above mentioned cases is the beginning of that initiation. Sanjay Dwibedi of Nepalgunj who could not get back his 15-year-old son Kapil alive even after paying the ransom, expressed satisfaction on the court verdict of 78 years of imprisonment to the accused which reveals that this practice must be normalized and made common. Justice becomes meaningful only when the verdict pronounced by the court gives the victim and the families of victim a sense of justice. Due to the legal loopholes, if the punishment given is just for the namesake, it will leave people with a bitter taste.

Though the lower courts have taken a few steps in this regard, the court doesn't seem to have done sufficiently on its own rational thinking for the benefit of the citizens. The court should've been able to take action on disputes, misconducts and corrupt practices in the country that has been exposed through various media but it is observed that court analyses these subjects only when it is brought to its threshold through some writ petitions. If the judges who use their intellect and serve *suo moto* notice to concerned authorities, a glimmer of hope on countering immoral, illegal and unconstitutional activities performed by the government or other sectors.

## 6. Judiciary and Issue of Budget

The government has pledged financial independence for the judiciary which is essential to ensure the functional effectiveness of the judiciary. Every year when the preparation for budget begins, the Chief Justices request for the increment in the budget of judiciary. Even this year, after the death of Justice Bam, Chief Justice Regmi asked for increment in the budget in order to execute plan build quarters for the judges and recruit more employees and their capacity enhancement, to operate evening bench in Kathmandu District Court where the case load is huge, etc.

For fiscal year 2011/12, Supreme Court got Rs 207,344,000 while its expenditure was Rs 305,656,509, Appellate Courts got Rs 15,818,900 while its expenditure was Rs 15,894,711 and District Courts got Rs 1,054,445,136 while their expenditure was Rs 114,946,398. Similarly, for other judicial bodies, the total budget was Rs 59,200,802 while its expenditure was Rs 93,775,770 and for Judicial Council, the allocated budget was Rs 22,111,364 and the expenditure was Rs 21,849,820.

## 7. Analysis of the Some Court Decisions of 2012

The court orders and verdicts in many instances confirmed to the human rights philosophy to be adhered to but a few of the decisions were not enthusiastic for the human rights community. Below are some of noticeable decisions of 2012:

### 7.1 On responsibility of the Subordinate Offices of Government of Nepal

The full bench of Supreme Court set an example that the people working for army which is under the subordination of

Nepal Government will not be treated as fugitive or out of reach for investigation while deciding on the case and it also issued mandamus order on investigation against a Major of Nepal Army, second class warrant officer and other officers on a charge of murder.<sup>6</sup> Sita Kaini of Ghan-sikuwa VDC-1 in Tanahun District went to the District Police Office to register an FIR holding some army personnel responsible for abduction and murder of her husband Shyam Sundar Kaini alias Bharat Kaini. When no action was taken against them, she moved to Appellate Court. In its verdict, the Appellate Court said that the mandamus need not be issued as the police had written to army requesting the whereabouts of the accused Major and others and thus working in the case. When she moved Supreme Court, it said that as the names of the accused were already indicated, the investigation should've already been undertaken. The Court also instructed Nepal Army to be responsible to ensure that the Institution and the accused soldiers cooperate in police investigation.

Supreme Court's decision that the inability of police to investigate or take action against those supposedly powerful people or there with affiliation to certain institutions will encourage impunity, was a hope that legal procedure on such wartime cases will gather momentum. This kind of verdict is also issued by several District and Appellate Court. During the insurgency period, a 20-year-old Maoist cadre Abhilashi Devkota of Bankatawa VDC-4 in Banke was killed in security captivity. Deciding on the case, filed on the Appellate Court on December 26 directed

### Status of Case in the Fiscal Year 2011/2012

There was less numbers of cases registered as writ petitions related to the protection of fundamental and legal rights and review than expected. There were 104 cases filed under PIL when 93 cases were expected.

Regarding the finalization of cases, it was expected that 8,568 cases would be decided but only 6,317 were only actually concluded. In the writ petition on fundamental and legal rights, the number of cases decided was 521 less than expected, in civil and criminal cases 1,439 and under review application, 308 lesser case were decided. The Supreme Court has decided 23.4 cases per day in the fiscal year.

*Source: Annual Report of Supreme Court (Fiscal Year 2068/69)*

District Police Office and Kohalpur Area Police Office to forward legal proceedings with investigation into his death, at a time when the two offices were saying that the TRC, which will be formed some day in the future, would take up the case.<sup>7</sup> To get an impression that no matter how important and powerful a perpetrator is, they cannot get away from the investigation, is not only for the human rights community but also encouraging for the common people.

### 7.2 The Opinion of the Court Regarding Case Withdrawal

When the case against the accused of the murder of Budhiram Mahato of Nawalparasi District was being with-

6. Nepal Kanoon Patrika, August/September 2012, Decision no. 8837, Sita Kaini vs. District Police Office, Tanahu

7. Sena Birudhhako Jahera Darta Garna Adalatko Adesh, <http://inseconline.org/index.php?type=news&lang=np&cid=39097>

drawn, the son of the deceased moved Supreme Court with a writ petition asking for certiorari. The Supreme Court also agreed with the claim issuing certiorari on the decision of withdrawing murder cases in the pretext of it being a political one. The court explained that cases cannot be withdrawn if the crime is heinous and brutal, against humanity, related to drugs or human trafficking, against children, related to arms and ammunition, against the right to life, crimes by professionals and organized crime<sup>8</sup>.

In the same line, the withdrawal of the cases will not be applicable if the government justifies the withdrawal on the basis of the person in consideration being a political activist.

Through the verdict on this case, the court reminded that if the government decides without considering the gravity of the background for the critical cases, then the far reaching effect like negative impact on the society, possible increase in the criminal tendency will bring forth bad results and if the government continues to withdraw cases in this fashion, the life of the citizens will be further threatened. However, the court has interpreted that if the government follows the provisions of Government Cases Act, 1992<sup>9</sup> and provides justification according to the limited standard and evidence to withdraw the case, then this kind of decision will be acceptable.

In another case, similar to this one, Supreme Court decided that Dis-

trict Court should be the one deciding on this subject. Sukdev Ray of Bara, whose two sons were killed<sup>10</sup> in a shooting, registered a writ petition asking for the certiorari against the decision of withdrawing of the case against the accused killers of his sons by PM Madhav Nepal's Government on June 17, 2010. On April 17, 2012, the division bench of Kalyan Shrestha and Gyanendra Bahadur Karki said that the case should not be withdrawn, while passing the onus to the District Court to decide whether a case under consideration can be withdrawn. It further said District Court was capable of deciding on the merits of the case and of deciding if and when someone's right is violated.

One the basis of this decision, Bara District Court decided on July 30 that this case could not be withdrawn. It is a good thing that it has allowed its subordinates to decide on the matter. Still, the district court is also equally capable, there is a need of higher authority to take care of regular shortcomings of the government. At a time, when the decision of Supreme Court is difficult to implement, Supreme Court for important matters might create unnecessary pressure on the District Court.

### 7.3 Regarding Women's Rights

The Court has been interpreting the legal provisions in the past which have supported to reduce discrimination against women while some have been bit disappointing. The court interpretation for

8. Nepal Kanoon Patrika, September/October 2012, Decision no. 8827, Sita Kaini vs District Police Office, Tanahun

9. As per 29 (1) of the Government Cases Act 1992, in the cases where the Government of Nepal has to be a plaintiff or where the Government of Nepal has filed a case or where the Government of Nepal is defendant pursuant to the prevailing laws, if there is an order of the Government of Nepal, the Government Attorney, with the consent of other parties, may make a deed of reconciliation or with the consent of the court, may withdraw the criminal case in which the Government of Nepal is plaintiff.

10. Maobadi Karyaktrasahit Teenjanako Hatya, <http://inseconline.org/index.php?type=news&lang=np&id=26844>

allowing the citizenship certificate in the name of mother last year was such a big positive difference. The CEDAW Committee, monitoring situation of discrimination against women in state parties, in its concluding comment on joint fourth and fifth report of Nepal in 2011, made recommendation to the government to draft law, ensure complete implementation of existing laws and monitoring of the implementation of rules outlawing harmful practices as dowry, child marriage, polygamy, witch charge, jhuma, deuki and dhan khane. The recommendations also include upholding rights of Kumari and elimination of traditions as chhaupadi. This year too, some of the decisions were positive, while other was disappointing.

### 7.3.1 On Stopping Dowry Violence

A writ petition was filed in Supreme Court to categorize crime like dowry as a dangerous crime and to formulate a law that gives enough punishment for this crime. The Supreme Court decided to change law after studying the effect and relevant changes involving people of different spheres, formulating and applying strategies and programs, managing separate structures for effective application and implementation and monitoring of the program with trained manpower and sufficient budget, launching a campaign against dowry system to control violence generating from dowry system and for this, using national as well as local media and ordering the government to start these works immediately.<sup>11</sup>

Social Practices (Reform) Act 1976

(5), has a provision to put control on the dowry system, section 5 (2) allows dowry of maximum Rs 10,000 if they willingly do so in adherence to their customs and traditions. The writ petition claimed that such provision was a validation for the dowry system and this is against the constitution and CEDAW Convention and asked for necessary orders.

Supreme Court laid out that the Social Practices (Reform) Act 1976 was brought to bring positive changes in the social behavior and that the purpose of section 5 of this Act is not to validate the dowry system but was actually a measure taken to control it. The court has accepted that the provisions like Rs 10,000 and inviting no more than 51 guests in wedding party were completely disregarded; the court should have totally banned dowry system, even the permitted Rs 10,000 as dowry. Allowing this much of dowry by invoking tradition will only add legal loophole and put the women in harm's way.

### 7.3.2 Testimony at Court Insufficient for Final Decision

Deciding in a case of rape, Supreme Court decided that the testimony given at the court cannot be a base to decide on someone<sup>12</sup>. The Supreme Court decided that as the accused can take the advantage of the financial or social situation of the victim and can influence the testimony through threat or monetary means, the court should investigate further if the accused tries to claim registration by the plaintiff was a delayed one. Further, it was decided that the FIR of the incident,

11. Nepal Kanoon Patrika, December 2012/January 2013, Decision no. 8883, Adv. Jyoti Lamsal Paudel vs Office of the Prime Minister and Council of Ministers

12. Nepal Kanoon Patrika, November/December 2012, Decision no. 8878, Government of Nepal vs Chanra Prasad Tiwari alias Chandra Bahadur Tiwari



the statement given by the victim and the document of the people for recognizance and medical report should be considered the basis for making decision.

The Court explained that the prime witnesses of the rape cases are the victims themselves and so they should be regarded as direct and living proof. The pledge of innocence, hostile statement at the court by complainant and victim should not be considered as only proof to adjudge a charge. If so, it will allow the possibility of change in the statement but there is an equal need for court to find out whether or not people are tortured to extract confession as is said to be a common practice in Nepal<sup>13</sup>.

### 7.3.3 Regarding Marital Rape

A woman from Makwanpur filed a law suit against her husband Ram Bahadur accusing him of trying to have sexual relation with her in inebriated condition when she was not feeling well. The court decided to release Ram Bahadur on bail bond of Rs 4,000. He was sent to jail since he could not pay the bail money.

In Nepal's legal System, the sexual relation established without consent of a woman is regarded as rape which also includes spousal rape. In the society where women are generally treated as someone with duty to do household chores, fulfill sexual needs and produce children and who has legal status similar to that of a

minor, the criminalization of marital rape was quite exemplary. But, the law has held offender liable to punishment, they can get away very easily because of negligible sentence. This, in turn, puts women in peril of being subjected to domestic violence because the perpetrator would be back in three months at the latest<sup>14</sup>. So, the court is not able to control any bad practices even when it wants to because of minimal sentences. Self-initiation on part of the court to tackle the issue might be an answer to temper frustration in this regard.

### 7.4 Voiding Government decision to Recognize Authority of People's Government

A writ petition was submitted in the Supreme Court against government decisions to recognize the decisions made by 'people's government'. In the writ petition, it was mentioned that the decision was legalizing properties<sup>15</sup> confiscated illegally, invoking the rights which it did not possess.

The Maoists had captured the property of citizens and had sold and distributed them to their own cadres and supporters. The original owners remained silent out of fear during the insurgency but following the CPA they wanted their properties back. But the Maoists declared that the properties would not be returned and that the victims must be compensated by the state, to which the government

13. Torture Briefing, Prevention Of Torture In Nepal, <http://www.advocacyforum.org/downloads/pdf/publications/torture/torture-briefing-january-to-june-2012.pdf>

14. General Code, Chapter-14 On Rape No. 3: Notwithstanding anything contained in this Number, the husband who commits a rape with his wife shall be liable to imprisonment for a term ranging from Three months to Six months.

15. As per the decision of the Council of Ministers, the document provided by 'people's government' should be produced at the Land Revenue Office within 35 days to get the legal ownership of the property. However, Land Revenue Act, 1977, any name registered at the office would be legal owner of the property. Until the name was not registered in the Office, even if the transaction included money, the ownership would not transfer automatically.

consented and made that public. But the Supreme Court stayed its execution questioning its legality.

An interim order was issued regarding the legality of the decision taking into consideration the effect of the use of prevailing law. On January 12, 2012, the Council of Ministers decided to recognize the land transaction, partition and deed of legacy carried out during the insurgency by the Maoists' people's government. The Supreme Court said that there was no mention of legal authority in this decision. The government decided to take back this decision because of the court verdict and strong criticism from the opposition.

### **7.5 Decision Against Corruption and For Good Governance**

This year the Supreme Court raised people's expectations regarding corruption. These kinds of cases were heard by the panel of criminal cases which included Chief Justice, Justices Sushila Karki, Gyanendra Bahadur Karki, Baidhyanath Upadhyaya and Tarka Raj Bhatta. The Court source informed that on Sundays and Mondays, they dealt only the cases of corruption while in other days. It is sad to see that deserving punishment meted out to powerful and the corrupt would become a matter of public rejoice.

Deciding on the CIAA appeal on the corruption cases earlier dismissed in the Special Court citing expiration of time limitation to file a case, Supreme Court re-examined them and the accused, the former ministers and high post officers were

convicted or their cases sent back to Special Court. The former ministers and high post officers including former ministers Jay Prakash Gupta<sup>16</sup>, Govinda Raj Joshi and Khum Bahadur Khadka were convicted and were sentenced to jailed. Regarding the case of former Home Secretary Padam Pokharel, earlier decision of the Special Court was quashed to restart the investigation in the Special Court again. The Supreme Court said that at a time where they should be examining the evidences of the crime, the decision of not even enter into the case citing delayed filing of the case was not feasible. Gupta became the first sitting minister to be convicted of corruption and jail and the court also questioned the decision of the Special Court judges and asked Judicial Council for an inquiry into their decisions<sup>17</sup>.

The Special Court also pointed out that there was weakness in the investigation of CIAA in the case of Sudan scam. Even though the Home Ministry and Ruben Chaudhary, a Bangladeshi citizen who also has family relation with a Nepali politician, were thought to have some connection on this case, CIAA did not go after them but rather investigated the low ranking police officers which the Special Court indicated as its weakness. Stating that the country's constitutional anti-graft body, CIAA as being weak, the court indirectly admonished it.

### **7.6. Decisions Related to Media and Rights of the Journalists**

Considered as the fourth state of

16. Nepal Kanoon Patrika, August/September 2012, Decision no. 8832, Government of Nepal vs. Khum Bahadur Khadka

17. The special court report has acquitted defendant Jay Prakash Gupta based on the calculation of his income and expenditure but it shows that his economic status is normal showing his properties less than 5 per cent of his income and expenditure. The report has not analyzed minute details of the economic status after he assumed public post. <http://www.supremecourt.gov.np/publication/materials/113206.pdf>

the country, the press has had some favorable decisions from the court. The press and judiciary can work together for the protection of and support to of each other. In 2012, the press seemed positive towards judiciary and judiciary also had some good decisions for the journalists.

### **7.6.1 Stay order on government's new classification of information**

Government of Nepal increased the types of information that could be withheld from five<sup>18</sup> to 140 Right to Information in which the Court issued an injunction on the writ petition filed against the decision. Court said that only the provisions mentioned in the Act were sufficient to be kept as secret and if the decision made by the government is implemented, it will be a hindrance to the constitutional right to information. On this petition, the court earlier had issued an interim order against implementing the new categorization of the information.

### **7.6.2 Ban in financial exploitation of journalists**

The Supreme Court issued an interim order on the writ petitioned for the minimum pay to the working journalists. In its verdict, the Supreme Court decided that the minimum pay should be in accordance with the recommendations made by Minimum Wage Fixation Committee formed by the Government last year. Ac-

cording to the committee, only 46% of the working journalists were getting the minimum wage.

### **7.6.3 Decision on the exploitation of labor of the journalists**

The Labor Court of Kathmandu gave a decision in favor of journalist Ram Prasad Dahal who was fired from Rajdhani Daily. The chief of media house publishing Rajdhani Daily, Mahendra Sherchan was sentenced to jail and also fined for not implementing the court order to compensate Dahal<sup>19</sup> who was fired March 2, 2005 for not writing in support of the then royal government.

The court also reminded that along with the positive attitude of the court towards the fourth state, the people related to this sector and the journalists must maintain professional ethics. The action initiated by Press Council Nepal against Deepak Pathak of Margadarshan Monthly for breaching code of conduct was held lawful by the Supreme Court. When the Council decided to stop government grant citing some unethical practices by Pathak, he went on a rampage at the Council on September 10, 2011 resulting in police arrest. When Pathak appealed against the arrest and also the Council decision, he was admonished saying the government authority could withhold public fund to anyone involved in unethical behavior.

18. Section 3 (1) of Right to Information Act 2007 says that every citizen shall, subject to this Act have the right to information. Section 3 (2) says that every citizen shall have access to the information held in the public Bodies while the proviso in (3) says (a) which seriously jeopardizes the sovereignty, integrity, national security, public peace, stability and international relations of Nepal. (b) which directly affects the investigation, inquiry and prosecution of a crime. (c) Which seriously affects on the protection of economic, trade or monetary interest or intellectual property or banking or trade privacy. (d) Which directly jeopardizes the harmonious relationship subsisted among various cast or communities. 4 (e) which interferes on individual privacy and security of body, life, property or health of a person.

19. Nepal Labor Court Verdict Favours Sacked Journalist, <http://asiapacific.ifj.org/en/articles/nepal-labour-court-verdict-favours-sacked-journalist>

### **7.7 Demand for Annulment of Some Provisions of NHRC Act**

Expressing concern over Human Rights Commission Act 2012,'s some provisions as being in violation of human rights of the victims, some human rights lawyers and activists filed a writ petition to annul those provisions. They claimed that the Act's provision that requires all cases to be filed within six months clashes with the provision of section 2 of ICCPR 1966 regarding the citizen and political rights. It is widely recognized that it takes time before victims of human rights abuses are psychologically capable of moving forward to file complaints and provide accounts of abuse. There was no such provision of limited time in previous Act. There was no decision on the writ petition until the end of the year.

### **7.8 No Possibility of Double Merit**

There are different types of cases filed in the court related to inclusion. In a case, the court decided that if a person doesn't have qualification, experience, impartiality, honesty, bravery and expertise required to performing a job then that person will not be given double merit to be appointed to the post in the name of inclusion. The court decided that since the motive and significance of the constitution was not to appoint unqualified person in the name of inclusion, it is not feasible to have separate criteria or bases from one group people to another in order to be appointed to the posts of constitutional body<sup>20</sup>.

The Supreme Court also passed an interim order on September 5 to stop

recruitment process in the Nepal Army after a writ petition was filed claiming that there was no inclusion of Madhesi community in the Nepal Army. The petition sought cancellation of the admission process as no one from the Madhesi community had passed the exam for the post of Lieutenant. The Army had opened the posts for all after no one from Madhesi candidate could pass the written exams on 15 seats allocated for the community. The petitioner Rakesh Yadav of Siraha, who was also a Madhesi candidate himself, claimed that since the seats were already allocated, only the Madhesi should be filled in those seats. The court decided that the recruitment procedure can move forward but the 15 seats would remain reserved and there should be another round of exam to recruit them.

The voice for democratization of Nepal Army was raised after the restoration of democracy following a decade of insurgency. There have been criticisms that only specific groups wielded power, that the army was for specific groups and only few can pass through the established while others can't even have a peek. This means that it will be good thing to see the reflection of the state's demography in the important organization of the country. The integration of former Maoist combatants in the army and its acceptance by the political parties while making the criteria flexible by the Nepal Army is a good decision for the peace process. However, rather than taking this as an precedent, it would be better to adopt the notion of affirmative action to ensure inclusive structure of Nepal Army.

20. Nepal Kanoon Patrika, November/December 2012, Decision no. 8872, Adv. Jagadev Chaudhary vs. Constitutional Council, Kathmandu

## **7.10. Regarding the Rights of Marginalized Communities**

### **7.10.1 Government asked to provide stipend to disabled people**

Even though Nepal has acceded to the UN Convention on Rights of the People with Disability, there hasn't been any concrete activity to show respect towards them, so, the Supreme Court on July 19, 2012 directed government to provide them with a monthly allowance.<sup>21</sup> As per the Court order, the people with disability will get Rs 3,000 to Rs 5,000 on monthly basis, houses for people with disability, execution of new or amended laws and also to categorize people with disability into mental and physical disability.

Building houses for people with disability according to the need of too frail people and running them properly and providing allowance to the unemployed or to the ones who cannot work is very important. But to have enough disabled homes, we need physical structures, its management, each government and public offices, and public transportation and wheel chair for the road and separate track which was requested by the writ applicant but the Court reminded that the fulfillment of all these will not be possible at once because of the financial condition of the state.

After the implementation of this decision, the work carried out by the state for their social security can be regarded as appreciable. Until now, the Supreme Court has issued 13 directives on health, education, employment and social secu-

rity of people with disability. So, discussing about disability during the work of OPM, Ministry of Woman, Children and Social Welfare, Ministry of Finance, Ministry of Labor and Employment, Ministry of Education and Ministry of Local Development would be crucial.<sup>22</sup> But giving option of gradual realization would not become a binding obligation for the state.

### **7.10.2 Regarding Sexual Minority**

When Rajani Shahi of Kathmandu decided to divorce her husband in order to live with her partner Prem Kumari Nepali of Kavre, she was taken to Maiti Nepal shelter after her family claimed that she mentally unstable. Her partner Prem Kumari filed a writ petition claiming Rajani was held in captivity in the initiation of Maiti Nepal and Nepal Woman Commission due to the pressure of her family. Deciding on the issue, Supreme Court said that any adult had a right to live in whatever way they wanted. Since there is nothing mentioned specifically about homosexuality in Nepal, the court's interpretation of 2007<sup>23</sup> should be taken as a law which ensured equal rights to third gender people.

## **7.11 Court verdicts Against Impunity**

### **7.11.1 Government attempt to protect UCPN-M leader Agni Sapkota**

The Supreme Court issued an interim order on November 25, 2012 for the case of the UCPN-M's spokesman and former minister Agni Prasad Sapkota that

21. Nepal Kanoon Patrika, August/September 2012, Decision no. 8833, Surdarshan Subedi vs. Council of Ministers

22. Lamichhane, Jagannath. They better Listen. <http://ekantipur.com/2012/08/24/oped/they-better-listen/359209.html>

23. Nepal Human Rights Yearbook 2009. Judiciary and Human Rights, pg. 68

was postponed by cabinet.<sup>24</sup> This case is another example of the Governmental decisions giving way to impunity as they are in violation of court orders. Last year, the human rights activists had issued a writ petition to indict him as a perpetrator and to order for his discharge of the post as he was under police investigation. On this, the Supreme Court said that just because the person was indicted as a perpetrator, it did not make him unsuitable for the post but the decision of whether to stay in the post or not depended on the morality of the person. Along with that, the police officials were told to expedite investigation. The case was still pending in the Supreme Court. When the cabinet decided to postpone hearing on his case where he is accused of being involved abduction and killing of Arjun Lama of Kavre, a petition was filed against the decision by Lama's widow. By defying court order, the government has not only insulted the orders of judiciary but also influenced the due legal process.

#### **7.11.2 Order to arrest ex-minister for murder**

Supreme Court issued an order to Rautahat Police to arrest ex-minister and NC leader Mohamad Aftab Alam on the allegation of burning 23 people, who had been injured in the bomb blast during the CA election campaign, alive. This order was given in response to the writ petition filed by Soksana Khati, mother of one of the victims Kausi Aftar Miyan of Rajpur VDC-4, Ruthahat. Khati was also murdered by unidentified person after she filed the writ petition. Alam's hand was suspected in her murder but the police said

#### **Supreme Court's Directives Order on People with Disability**

1. For the purpose of section 3 of the Protection and Welfare of the Disabled Persons Act 1982 the physical, mental and intellectually challenged people are to be enumerated to decide their status and to categorize them according to the principles of accepted medical science and international standard.
2. Construction and management of homes for people with disability. For this, from next fiscal year there should be planned construction and management of at least one home each year for people with disability, in proportion to the number of disabled people in each district.
3. Implementing the law and order regarding shelter, education, health, training, and other facilities of the people with disabilities
4. Appointing one investigating officer each at the secretariat of the OPM and the Women, Children and Social Welfare Ministry for proper follow-up of the governmental as well as non-governmental activities conducted for the welfare and protection of the disabled and also deciding their work, responsibility and rights in the Protection and Welfare of the Disabled Persons Act 1982.
5. According to the proviso of Article 13 (3) of Interim Constitution of Nepal 2007 and Part 4 including state's responsibility and policy, the disabled have to be put in the special system and program and should be implemented similarly.
6. There has to be a provision of help and coordination in the actions of the governmental as well as nongovernmental sectors working for the rights and welfare of the people with disability
7. There has to be timely amendment and revision in the Protection and Welfare of the Disabled Persons Act 1982 and its regulation 1995 or drafting of new act or amending existing act and similar to it an integrated regulation after taking the necessary consultation and advice of intellectuals in this field since Nepal has already acceded to UN Convention on the Rights of the People with Disability 2006.

24. Sarbochha Adhaldatdware Sapkotabirudhha Mudda Chalauna Adesh, <http://www.inseconline.org/index.php?type=news&lang=np&cid=38875>

they could not collect enough evidence against him. The Supreme Court acting on the writ petition issued an order to arrest Alam along with four other people saying that the available evidences were enough to merit his arrest but the order was gathering dust until the end of the year.

### **7.11.3 UCPN-M leader petitions to stop withdrawal of case**

The UCPN-M leader, Shalikram Jamarkattel filed a writ petition in Supreme Court against government decision to withdraw the case against UCPN-M cadre who had attacked him in 2011 on which the government issued a stay order. The government has filed an appeal at the court to void this interim order prompting Jamarkattel to move the apex court. At a time when even a powerful leader of ruling party is moving court seeking justice, the level of influence on cases of common people is easily discernible.

### **7.11.4 Promotion of AIG Kuber Singh Rana validated**

After Bhattarai Government chose Kuber Singh Rana as the Inspector General of Police, the human rights community, opposing this promotion as he had been named responsible for arrest and killing of five youths in Dhanusha, filed a petition seeking stay order.<sup>25</sup> The court rejected the petition against Rana but asked government to ensure formulation of new law to investigate on whether or not the person to be appointed had violated human rights so as to support vetting process and work using a standard for that and also to compulsorily consult Public Service Commission before promoting someone.

The government has continued to appoint and promote people who have violated or are accused of violating human rights. Taking help of Public Service Commission might stop the rounds for the important post and the most eligible person will get the post. Disappointment rendered by promotion of Toran Singh and Raju Basnet of notorious Bhairabnath Battalion, Dhanusha's then district police chief Kuber Singh Rana and Maoists' Agni Prasad Sapkota and Surya Man Dong might be allayed if the decision of the court is brought to action. In the absence of the parliament, there is no way we can think that the government would be giving priority in making laws or even an ordinance.

### **7.12 Show Cause Notice in Kapilbastu Incident**

Deciding on a writ petition on Kapilbastu incident which asked for action against indicted people, Supreme Court issued a show cause order. A commission was formed on the leadership of Appellate Court's judge Lokendra Malik to investigate the violence erupted after the killing of Moid Khan in 2007. Millions worth property was damaged and 14 people lost their lives. Even after spending 15 m for the commission, the government did not make the report public. The people were denied justice as they could not know the truth of the incident having great impact on their lives. They had to wait for the Information Commission's instruction when the Right to Information Act was invoked. Stating that the decision had rectified wrong, Kapilbastu Incident Struggle Committee renamed September

25. Rana Sai, <http://ekantipur.com/nep/2069/4/29/full-story/352824.html>

15 as Memorial Day from 2012 after the court order.<sup>26</sup>

### 7.13 Directive order of Supreme Court for Local Election

The Supreme Court issued a directive order for the government to conduct local elections. The joint bench of the Supreme Court gave this order to manage necessary activities and hold local elections. The local bodies have remained without people's representative for over a decade. Deciding on writ petition, the Supreme Court said that implementation of section 139 (1) of the Constitution was curtailed, development works and government services through the representatives affected, citizens not able to exercise their right to select the representatives, negative impact on democracy and self-governance and problem in the implementation of laws of Local Self-governance Act, 1999 were cited in the decision by the court.

The court also recalled that even the decision to draw government attention to the fact that people were not able to enjoy their rights according to section 139 of having representative they have elected themselves dated November 25, 2009. In the section 139 (3), there is a provision regarding the formation of body related to local self-governance rule, its structure and regional area and organization process. To elect the representative for the local body, presently there is a need to revise existing law or to enact new law. But, since this kind of law has not been made, the court decided that it is not possible to issue a mandamus to declare the date of the election.

### 8. Condition for Implementation of Court Decisions

There are concerns regarding the implementation of the court's decision. It has been heard many times that even though people get justice in letter, they still struggle even until their death to enjoy that justice. The previous chief justices had requested for separate security guards to implement the decision. This is given special importance in the second strategic planning of the Supreme Court too. In order to give pressure on this matter, the Chief Justice, Khilraj Regmi also formed a Supreme Court Decision Implementation Directorate.

In the introduction of this Directorate, it is mentioned that if the decision is not implemented on time, it will affect public trust on the judiciary. Since the party is more engaged the civil cases, the implementation of the verdict given by the court is not that disappointing. But since the initiation of the state should be more proactive in criminal cases, and since there is no initiation of the state as expected or required, the decisions are not being implemented effectively.<sup>27</sup>

There was collection of 8.82 per cent of a total of Rs 8,862,096,668 of fine imposed on convicts by the court recovered in 2011/12. Similarly, there was collection of 21.09 per cent of 118771 years five months 26 days of prison sentences from the convicts. Out of 13,774 application filed on fiscal year 2011.12 seeking implementation of the court verdicts, 8,339 were executed.

District courts are the ones to

26. Smaran Diwaska Rupma Kapilbastu Ghatanako Panchau Barshiki, <http://inseconline.org/index.php?type=news&lang=np&id=38465>

27. Supreme Court Verdict Implementation Directorate: An Introduction, [http://supremecourt.gov.np/jed/docs/jed\\_intro.pdf](http://supremecourt.gov.np/jed/docs/jed_intro.pdf)



implement the decision of the Supreme Court. But the millions of rupees in fine on different cases at different levels of Court still remained arrears. Court officials say that the reason for this was the non-cooperation from the concerned and difficulty in implementation of the decision in the criminal cases due to security problems. It seems like the decisions on the criminal cases can be implemented only if the police or administration are held responsible for execution of the orders. Discounting in the fine or the punishment if the decision is not implemented for long period of time will not increase the status of the investigation and doesn't encourage people to abide by the order.<sup>28</sup>

Supreme Court issued a directive on April 17 to the government that they cannot withdraw critical cases even if they are political. Similarly, to withdraw the criminal cases, it was instructed to amend the work process and guidelines of 1998. Along with that, the cases related to sedition, war crime, and grave violation of human rights should not, at any cost, be withdrawn. Even then, the government continued to withdraw the cases that the grave violation in contempt of the court. During this period, though the Office of Attorney General said that there should be amendment regarding this Act, it has not yet been accepted by the cabinet.<sup>29</sup>

Even when the court ordered not to bring into effect the promotion of Colonel Raju Basnet of Nepal Army as Brigadier General they disregarded the decision of the court and said that since he had already worn the badge he would continue the responsibility of the new post.<sup>30</sup>

Past examples have not been encouraging in this regard. The CA member, Bal Krishna Dhungel was convicted as a murderer of Ujjan Shrestha of Okhaldhunga and sentenced by the Supreme Court but he was spending time at CA rather than in the prison. Even when he shared same podium with police personnel, he remained 'fugitive'. Even when the logic of the police that Dhungel cannot be arrested was dismissed by the court, he was still roaming free.

It is not enough for the decision to be in favor of public, it should be implemented in the spirit. No matter what decision the court makes, the execution is to be done by the government and its units. If the decision made by the court is not respected fully then there is no meaning in the claim of the judiciary as being an independent body. In context of Nepal, though the government claims that the judiciary is a free body and though the court gives impartial decisions, there is no hope for implementation of the same.

## 9. Judicial Council and Its Activities

For the first time in the history, the judiciary called for applications for the judges of district as well as Appellate Court by establishing a qualification. The Judicial Council believed that some of the set criteria can be implemented in selection of the judges of the Supreme Court too. Even though the intention of the judiciary was good enough, over 1,000 applications filed for the district judge does not meet the expectation. The applicant seems more interested in taking the post as a job rather than being keen in the judicial sector itself.

28. <http://www.supremecourt.gov.np/download/baglung.pdf>

29. <http://ekantipur.com/2012/06/29/editors-pick/govt-plans-to-withdraw-criminal-cases-again/356309.html>

30. Adalatko Adesh Bhayepani Raju Basnet Baduea Bhayeko Padmai, Nepal Samacharpatra, October 18, 2012

<b>Worked Load in Judiciary in the Last Five Years</b>									
<b>Fiscal Year</b>	<b>Supreme Court</b>			<b>Appellate Court</b>			<b>District Court</b>		
	<b>Filed</b>	<b>Decided</b>	<b>Pending</b>	<b>Total</b>	<b>Redeemed</b>	<b>Left</b>	<b>Total</b>	<b>Redeemed</b>	<b>Left</b>
2007/08	18564	5608	12953	18342	8620	9722	63721	29404	34317
2008/09	17961	6985	10288	20288	9867	10241	75048	38317	36731
2009/10	17354	7765	9589	24024	15273	8751	82631	46271	36374
2010/11	17892	7470	10422	24626	15648	7978	87795	489772	38818
2011/12	19053	6339	12714	27961	1681	11100	96424	56074	40350

*Source: Annual Report of Supreme Court 2011/12*

The media reported that the Judicial Council Bill had some controversial provisions some of them not in favor of career oriented people of judicial service. Regarding the retirement of ad hoc judges, the judiciary said that Judicial Council itself was in confusion. The temporary judges who were appointed on December 6, 2010 were to have been retired on December 6, 2012 only, but were told that since they had taken an oath on December 8, 2012 they would retire on the same date.

The Judicial Council was also blamed for not taking action against almost one dozen present and previous judges who were punished by the court and some others against whom the complaints were filed at Judicial Council. For this matter the judiciary promised to investigate the judges against whom had some complaints reported.<sup>31</sup> In the Judicial Council, it was said that there are 200 complaints against 60 judges. After this announcement, as per Supreme Court direction, the previous judges Bhupdhwoj Adhikari, Komalnath Sharma with Choleन्द्रa Shamsheer and more likely to be investigated for dismissing charges of corruption against Jay Prakash Prasad Gupta but there were no action taken except for the announcement.

## 10. Works for Reform of Judiciary

There is a provision of sending advices, problems, and complaints to the private secretariat of Chief Justice through toll free telephone number or email. In the year 2011/2012, there were 349 complaints and last year's two complaints made the total of 351 complaints and charges among which 260 were related to personal problems or irrelevant and only 91 were related to the court or legal sector. Necessary action has been taken for those cases. There were 156 of it in written forms among which 112 are adjourned and 44 are under consideration. Similarly, the Supreme Court informed that 29 emails received were addressed too.<sup>32</sup>

The Supreme Court has devised main activities of the strategic ideas for the fiscal year 2012/13. In this, the court has decided to organize special campaign in the courts where there are more cases like in the District Court of Morang, Sunsari, Saptari, Siraha, Mahottari, Dhanusha, Parsa, Rautahat, Lalitpur, Kathmandu, Banke and to make the guidelines for special program in the Appellate Court of Patan and implement these plans. The court has also decided to implement the report on study of special campaign for the redemption of the cases that have crossed

31. Pradhan Nyayadish Nai Phaisala Karyanwayanma Udasin, <http://www.souryadaily.com/2012/09/36637.html>

32. Supreme Court Annual Report (2011/12), pg 37

### **Status of writs in different level of court**

The Act to Amend Some Nepali Acts on Judicial Administration 2010 has delegated the jurisdiction of habeas corpus writ and injunction petitions, according to which in this fiscal year, all district courts had a total of 843 petitions out of which 580 were decided and 263 cases were transferred to fiscal year 2012/13.

The Appellate Courts had a total of 4,152 petitions out of which 3,155 petitions were decided and 997 cases were transferred to fiscal year 2012/13.

The Supreme Court had a total of 3,859 writ petitions out of which 1,323 petitions were decided and 2,536 cases were transferred to fiscal year 2012/13.

two years, starting an evening bench in Kathmandu District Court. It has also included the study of possibility of increasing office hour of the court by making the time flexible while considering geography and workload.<sup>33</sup> If such plans are executed keeping pace with changing time and work load, then they will be beneficial to the public and uphold the people's right to prompt justice.

### **11. Volatile Political Situation and Judiciary**

The writ petitions against extension of CA term were registered at different points of time in the Supreme Court. The single bench of Chief Justice issued an interim order on the writ petition registered against the decision of extending CA deadline for three more months. The

Supreme Court decided that the deadline would not be extended after May 27 and that if the constitution is not promulgated within that time, they can either opt for another CA elections or referendum.

After the dismissal of the governmental appeal for the review of the decision, the deadline was fixed at May 27, 2012. The decision came just two days before the deadline and there was no consent on the form of federalism. The decision was welcomed by the public while some politicians<sup>34</sup> claimed that the Supreme Court had gone out of its jurisdiction by giving decisions in the political cases.

There are people who blamed the Supreme Court for the dissolution of CA and its aftermath.<sup>35</sup> Since there is no parliament in the country, many important drafts are stacked up in the parliament and no personnel could be appointed in the court and other constitutional bodies. The Chief Justice informed that the principle of necessity cannot be invoked repeatedly for years as it would be a misuse of the principle and thus decided that there would be no such extension beyond May 27, 2012.<sup>36</sup>

The deadline of CA which would have expired on November 30, 2011 was extended for the last time for six months and the constitution should have to be promulgated by May 27, 2012. But those six months were spent by the political parties wrangling for power rather than discussing the points of contention. Later, both PM Dr Baburam Bhattarai and CA Speaker Subas Nembang registered ap-

33. Supreme Court Annual Strategic Planning (2012/13)

34. Dispute between Maoists and Supreme Court leaves Nepal without Constitution, <http://www.asianews.it/news-en/Dispute-between-Maoists-and-Supreme-Court-leaves-Nepal-without-Constitution-24849.html>

35. Supreme Necessity, Editorial. Kantipur. <http://ekantipur.com/2012/12/04/editorial/supreme-necessity/363586.html>

36. Yesto Awastha Aula Bhanne Socheko Thiena: Pradhan Nyayadhish Khilraj Regmi, <http://www.ekantipur.com/nep/2069/2/22/full-story/348932.html>

plications separately for review of the decision on December 27, 2011 which was dismissed by co-registrar. Media reported Chief Justice Regmi as saying in a program on December 25, 2011 said that the decision of not extending CA deadline cannot be reviewed. But the Supreme Court corrected the media reports on December 26, 2011 by releasing a statement. The statement explained that he had actually said that the court orders should be binding and added that the statement was taken out of context.

Along with the claim that Supreme Court's joint-registrar had no right to dismiss the review petition and the dismissal itself was illegal, another application registered in the Supreme Court. The court explained that the review can be ordered only if new evidence emerges which can affect the final decision of the court or it can be proved for proper legal steps were not adhered during the hearing.

The government decision of extending CA deadline for another three months was objected and a writ petition was issued in Supreme Court asking for certiorari on which the Supreme Court said that on the decision made before six months the deadline would itself end on May 27 so according to the Article 157 there can be people's opinion within that period or according to the Article 63 there can be another election of CA or the order of any other suitable management as per the constitution. An interim order was issued to not implement the decision of extending the deadline since it is already flawed. The PM was also changed of contempt of court for ignoring court's decision on May 27, 2012 being the last day of this CA.

## **12. Regarding the Appointment of the Judges**

The Interim Constitution provisions appointment of Chief Justice with 14 permanent judges and eight ad hoc judges as per the necessity, the five ad hoc judges retired at once when their tenure was not extended. The impending situation of retirement of temporary SC justices and near empty situation in supreme court was making rounds as early as January. Even then, the attention of the government, the Judicial Council and the Chief justice could not be drawn on time. The Judicial Council was busy drafting new Act while the Chief Justice was seen running from pillars to poles quite late. The ordinance, which would have allowed for reappointment of Supreme Court judges and fill vacant positions of other constitutional bodies, prepared at the 11<sup>th</sup> hour was sidelined by the President saying such decisions of national importance needed political consensus. In the writ petition for the appointment of the judges, there was difference of opinion between the two justices of the division bench which would then be referred to full court which effectively killed any chances of extension of tenure of ad hoc justices.

The Judicial Council gathered its momentum to appoint judges for the District as well as Appellate Court towards the end of the year. The Judicial Council made the provision of 48 per cent reservation in the exam for district judges and revision of the ordinance of the second amendment of Judicial Council Bill. It has been said that 20 judges were going to be appointed in the Appellate Court including the Chief Judges and 25 judges

### **Legal Assistance/Representation Provided by Court in 2011/12**

According to Article 24 (10) of Interim Constitution of Nepal 2007, any indigent person shall have the right to free legal aid in accordance with law. In most of the cases, party appoints its legal advisor. According to the principle of rule of law, everybody should get equal legal representation, in the condition where some incapable party cannot appoint a lawyer or cannot protect its rights because of the financial or social constraints, a salaried lawyer is appointed by the Supreme Court since 1959. At present there are two salaried lawyers in the Supreme Court and one each in the District and Appellate courts. In the fiscal year 2068/2069, there was free legal aid for 2,294 cases provided including 322 in the Supreme Court, 330 cases in the Appellate Court and 1,642 cases in the District Court. There is a provision of recommendation of Legal Support Committee for free legal aid if people do not have enough yearly income as per Legal Support Act, 20 and is incapable to protect their legal rights. There has been a formation of a District Legal Support Committee under the leadership of Minister of Law and Justice with Central Legal Support Committee and joint attorney or district attorney for this provision.

*Source: Annual Report of Supreme Court  
(Fiscal Year 2011/12)*

in the District Court.<sup>37</sup> But there could be no meeting of Judicial Council since there was a protocol problem. In the Ju-

dicial Council, Chief Justice is regarded as the chairman while Prime Minister is a member in capacity of Minister of Law. The Chief Justice was blamed for not being able to play crucial role in settling the problem on time, which the Chief Justice strongly refuted.<sup>38</sup>

The Nepal Bar Association also had an element of hand in delaying the process of appointment of judges.<sup>39</sup> Bar took stand that anyone reaching the age as prescribed by the constitution should be eligible for the post of supreme court justices garnering some controversies over some of the selected names recommended after a long delay, due to their engagement in profession, issues of inclusion and seniority issues.

Supreme Court of Nepal is infamous for its delay in justice delivery was rendered hapless by the year's end. The Judicial Council had dismissed Chitradev Joshi, district judge for Syangja, who was reinstated by the Supreme Court after five years and nine months. During the direct rule of king in 2005, Joshi had stressed the need to abide by the constitution and law on which a letter seeking clarification was sought and was eventually served dismissal notice. Since it takes months for a case to be heard and even if it goes for hearing other cases except for the writ and Habeas Corpus keep getting postponed<sup>40</sup> so the less number of judges means longer time and costlier justice for the public.

### **13. Corruption in Judiciary**

Annual report of Transparency International has ranked Nepal in the 139<sup>th</sup>

37. JC set to appoint judges, <http://www.ekantipur.com/2012/09/04/top-story/jc-set-to-appoint-judges/359723.html>

38. Supreme Court Bulletin, November/December, pg. 38

39. Sarbochchama Afna Adha Nyayadhish Niyukta Garna Barko Mag, <http://archives.nagariknews.com/2011/archive/38838-2012-04-03-03-46-07.html>

40. Pradhan Nyayadhish Bhanchhan- Adhyadeshbata Bhayepani Nyayadhish Niyukti, <http://nagariknews.com/politics/party-politics/46090-2012-09-11-03-47-12.html>

position among 174 countries. The report mentions that judiciary is also a body where corruption is quite rampant. Even the Chief Justice has conceded that there is extensive corruption in judiciary. Every Chief Justice, after assuming the post, declares that eradicating corruption from judiciary would be their one of the priorities.

One instance of corruption in courts became public when an inmate of Gorkha prison filed an application seeking refund of his money which was taken from him by a lawyer to bribe a judge to ensure his release.<sup>41</sup> The Office of the Auditor General fired its attorney Rajendra Bahadur Basnet for taking bribes. It has been claimed that the middlemen in the courts charge money in the name of providing it to the judges, thus, adding bad impression of judiciary among the public.

Before retiring, Special Court Judge Gauri Bahadur Karki, who gained a lot of praise for taking bold decisions in corruption cases, pointed out that the corruption laws in Nepal are weak and that they should be amended to stay relevant.<sup>42</sup>

#### 14. Overall Evaluation of Judiciary

There are statements by the President or others stressing on the need to obey the decisions of the court but it is continuously being targeted in relation to its verdicts. The statements that the Supreme Court infringed the area of executive and that it has weakened its jurisdiction by entertaining all kinds of writ petition was made public. The writ petitions

seemed more like a tool to use against any of the government decision rather than for the protection of the rights of the people. There are similar writ petitions against the government of Bhattarai. The writs filed against the government included on the decision of removing king Tribhuvan's statue from Shahidgate, against price hike of electricity, against bandhs, against governmental appointments, against road expansion among several others.

A prominent Indian judge, PN Bhagwati said that the PIL should be for providing justice to the voiceless people<sup>43</sup>. In context of Nepal, this means that the people don't have any idea to stop state arbitrariness and PIL seems a good resort. But if no standard is devised to decide the merits of any of PIL, then it can be a way to crowd pleasing and popularity tool, but it will only waste time and resources of the court.

Media reported that government was seeking resources to form a women's court last year to look after the violence against women<sup>44</sup> but it has still not been formed. The slothful legal process discourages people to go to court seeking justice. There is a lot of importance for the victims and the witnesses in the criminal cases, people are not interested in giving testimony in the court. From police, government attorneys, law practitioners to employees at offices and court, everyone make fuss about recording testimony because of lack of monetary gain<sup>45</sup>. This will make it easier for the person who tries to settle the

41. <http://ekantipur.com/nep/2069/8/15/full-story/358239.html>

42. [http://www.myrepublica.com/portal/index.php?action=news\\_details&news\\_id=46411](http://www.myrepublica.com/portal/index.php?action=news_details&news_id=46411)

43. Distributing trends in judicial activism, <http://www.thehindu.com/opinion/lead/article3731471.ece?homepage=true>

44. Govt. seeks resources for fast-track court, <http://www.thehimalayantimes.com/fullTODays.php?headline=Govt+seeks++resources+for+++fast-track+court+&NewsID=299233>

45. [http://www.nayapatrika.com/index.php?option=com\\_content&view=article&id=7609:2012-12-04-02-18-01&catid=45:2011-07-04-06-06-05&Itemid=60](http://www.nayapatrika.com/index.php?option=com_content&view=article&id=7609:2012-12-04-02-18-01&catid=45:2011-07-04-06-06-05&Itemid=60)

case out of court the instead and will also weaken the case.

There are ample instances where the cases of domestic violence are registered as cases for partition of property. As the Act related to domestic violence encourages compromise and the accused doesn't need to be imprisoned, the women themselves don't have a sense of security and help so the domestic violence cases are treated as the property cases or concluded in mediation. It is because of this reason that only seven cases were filed under domestic violence in the Banke District Court.

### **Conclusion**

The success of a democratic country can be measured by the position and work quality of a crucial organ of the state- the judiciary. The reasonable position and execution of work of judiciary is important to attain balance of power and authority like in a welfare state. A country becomes democratic and welfare state in the true sense when the basic values and beliefs are established there. The protection and promotion of human rights is one such foundation. The work done for or against this by every state body determines the success of the state.

The role of judiciary was relatively positive in Nepal. Even after many hin-

drances, the Supreme Court and the other subordinate courts made decisions that helped in protecting the human rights. The killing of incumbent judge of Supreme Court demonstrated how perilous situation to the Judiciary was facing and there is every chance of it being left to hard choices. The court itself had to deal with own internal and external problems. Due to personal ego and inaction, the country remained without any constitution and also the constitutional positions empty. When the positions could not be filled the year the right of people to get prompt justice fast could not be ensured.

People have high hopes of Judiciary in this transitional period. Despite its imperfection they have held judiciary in high regard but absolute trust over judiciary might lead to abuse of that trust.

The court cannot accomplish its responsibility without the help and presence of other bodies of the state. If the orders and verdicts of the court are not executed in spirit, it will not only be undermining the judicial authority but also would not corroborate the state claim of it being democratic and judicial, and keen to protect and promote human rights. In Nepal, there is a glimpse of previous circumstances which cannot be taken as hopeful situation.







Source: baburambhattarai.com.np

## 3.2 State & Human Rights

# Executive & Human Rights

Chapter

3



## **Chronology**

January 1- December 31, 2012

### **March 5**

Approves the National Plan of Action on Trafficking of Persons especially on Women and Children 2068

### **March 23**

Decides to approve and implement the five-point agreement signed between Kirant Janabadi Workers' party and the negotiation committee of the Government

### **April 9**

Approves a mechanism on ending discrimination against the persons with disability and on their development and rights

### **May 3**

Extends the term of the Special Committee for Supervision, Rehabilitation and Integration of former Maoist Combatants for up to May 27, 2012

### **July 5**

Decides to provide NPR one million to the dependent family of Sete Damai, who was murdered in Dailekh district.

### **August 1**

Forms a committee comprising of the Minister for Culture, Tourism and Civil Aviation and the Minister for Land Reform and Management under the coordination of the Minister for Home Affairs to fix new election date. The decision came after the written answer of the Election Commission that a new election to the CA was not possible on November 22, 2012.

### **August 27**

Decides to extend the term of the Judicial Probe Commission formed on the murder of Justice Rana Bahadur Bam

Decides to present the ordinance on the TRC and Disappearances to the

President

Decides to extend the term of the Relief and Rehabilitation Unit and the Citizens Relief Compensation and Economic Assistance Procedure under the Ministry of Peace and Reconstruction

### **September 10**

Decides to manage amount for those former Maoist combatants who would not be integrated into the NA

### **September 13**

Promotes Kuber Singh Rana to the post of IGP

Decides to provide concession to the students from low-income families

### **September 27**

The Far Western Region Development Commission (Formation) Order discussed and amended by incorporating the issues raised during the discussion before approval. Decides to publish the Order in Nepal Gazette effective from the day of approval.

### **October 11**

Appoints officials for the Far-Western Region Development Commission

Approves the mandate and term extension of the Special Task Force formed to collect data of the persons, families and structures affected by the conflict

### **November 1**

Decides to send representative to participate in the third session of the Review Group of the United Nations Convention against Corruption

Decides to make public only the recommendation part of the report of the Judicial Probe Commission formed by the Government to investigate the murder of the Justice of the Supreme Court Rana Bahadur Bam and sends the rest of the other section of the report to the Ministry of Home affairs for the implementation.

## 1. Background

The Government has the responsibility to protect and promote human rights. It is responsible to fulfill the obligations arising from the international conventions and treaties. Similarly, It is the protector and promoter of human rights. Hence, it is indispensable to take the performance of the Government into consideration while analyzing human rights situation of the country. This chapter has attempted to analyze the performance of Nepal's Executive through the prism of human rights.

Despite objections and criticisms from within his own party and from the opposition parties, Dr. Baburam Bhattarai-led Government, as the longest ruling Government among the four Governments formed following the formation of the CA, continued to rule this reporting year as well. A total of 12 parties were the constituents of the Government whereas a total of 20 parties, among 33 parties of the then CA, supported it. It even took a form of consensus Government when the NC and CPN-UML joined it towards the mid- period of this reporting year. Since the NC and CPN-UML left the Government disagreeing strongly against its decision to extend the CA, consensus based equation of the Government did not last long. The Government faced moral and constitutional crisis once the CA expired without writing a new constitution. It was further criticized as it failed to hold the new election declared by itself.

Dr. Baburam Bhattarai was popular and overrated before the formation of the Government however his popularity plummeted by end of the year. Expressing strong dissatisfaction over the modality and working style of the Government, his war-time colleagues who had been pursuing the same ideology, principles and philosophy, formed a different party.

The Government, immediately following its formation declared peace, constitution, good governance and prosperity as its prime agendas. However, except perceptible progress on peace, the Government could not make any headway on the rest of the issues. The integration and management of the former Maoist combatants into the NA was an important accomplishment. The expiration of the CA without writing a new constitution created further complexity at a time when post-conflict transition was already a problem in the country. New problems emerged due to the Government's reluctance to establish the TJ mechanisms.

The UN released *Nepal conflict Report 2012* this year, which triggered a new discourse on grave human rights violations committed during armed conflict. However, the Government rejected the report outright. Although the Government reiterated good governance since its inception, it could not minimize and combat corruption. For the first time in the political history of Nepal, an incumbent Minister, was imprisoned on charge of corruption. The leaders from the PM's party themselves viewed that there was an extensive irregularity in the course of distributing the amounts allocated to the conflict victims and to the former Maoist combatants. As was the case last year, impunity continued unabated. The Government acted against the rule of law as a mockery to the rulings of the Supreme Court. The rule of law deteriorated due to the lack of accountability. A wrong practice of withdrawing criminal cases by interpreting them to have been political nature consolidated. Newer facets of crime against women surfaced. Women died of delivery complexities and many others died of diarrhea. Food scarcity in the remote hill districts affected the public and deadly cold in the Tarai claimed many

lives.

The Government could not bring full budget due to its inability to forge consensus with the opposition parties which badly hampered the development process. Prolonging the term of the Government was prioritized by setting aside so many other national agendas and concerns. The head of the state concentrated more on pleasing the ruling coalition rather than solving the problems of the country.

## 2. The Arithmetic Power Sharing

Dr. Baburam Bhattarai signed a four-point agreement with the Madhesi front and ultimately formed coalition Government whereas he had been reiterating that he would not become a PM through the majoritarian process. He set aside the established norms and values of human rights and withdrew criminal cases of those individuals whose cases were under consideration in the courts. The cases related with criminal incidents committed during the Maoist insurgency, Madhes uprising and the movements launched by Janajati, Tharu, and backward communities were withdrawn. The rationale behind forming the historically oversized cabinet was to balance power sharing among the coalition parties. The Madhav Nepal-led government, which was formed with the support from more number of parties than the number of parties supporting Bhattarai, was not as oversized as Bhattarai-led Government.

In the meantime, on May 5, the first consensus Government, as provided in article 38(1)<sup>1</sup> of the Interim Constitution 2007 and 12-point agreement, was formed when the NC joined the Government under the leadership of party Secretary

General Mr. Krishna Sitaula. The UML also joined the same Government under the leadership of party General Secretary General Mr. Ishwor Pokhrel on May 16. They joined the Government after the three major parties and the Madhesi Front signed a five-point agreement on May 3. Disagreeing with the Government's proposal to extend the CA term, the NC and UML left the Government after 18 and 8 days in rule respectively. The Bhattarai Government maintained majority status even after the exit of the NC and CPN-UML. The CA dissolved dramatically but the parties could not come up with any resolution regarding the constitutional and political vacuum appeared thereafter. The opposition parties demanded for the formation of a new consensus Government but PM Bhattarai did not heed their proposals whereas, rhetorically, he was for a consensus Government. He did not tender his resignation though the country was heading towards an unpleasant political crisis. The country was facing constitutional complexities and political consensus was the only alternative to resolve the knotty issue however parties could not reach resolution due to PM Bhattarai's obsession to power.

## 3. The Dissolution of the CA

PM Bhattarai, without any alternative to the CA, declared, on May 27, the expiration of the CA just 15 minutes before its automatic expiration. The Interim Constitution 2007 provides that the term of the CA would be of two years. However, its term was extended through constitutional amendment on the basis of political consensus four times by a total of two more years. The Supreme Court giving decision

1. The Council of Ministers shall be formed under the chairpersonship of the Prime Minister, on the basis of political understanding.

<b>Table 1: Number of Combatants from Various Cantonments Integrated into the NA</b>							
<b>Cantonments</b>	<b>UNMIN Record</b>	<b>Special Committee Update</b>	<b>Integration</b>			<b>Voluntary Retirement</b>	<b>Rehabilitation</b>
			<b>Others</b>	<b>Officers</b>	<b>Total</b>		
Illam	1933	1517	112	13	126	1391	–
Sindhuli	1656	1296	183	12	195	1098	3
Chitwan	3912	3347	203	14	217	3130	–
Nawalparasi	3074	2622	255	15	272	2350	–
Rolpa	2430	2181	192	2	194	1987	–
Surkhet	3109	2958	231	7	238	2720	–
Kailali	3335	3131	210	8	218	2909	3
Kathmandu	153	0	0	0	0	0	–
<b>Total</b>	<b>19602</b>	<b>17052</b>	<b>1386</b>	<b>71</b>	<b>1460</b>	<b>15585</b>	<b>6</b>

*Source: Army Integration Special Committee*

over the writ filed against the extension of the CA term had directed not to extend the CA term by more than six months. Earlier, the Constitution was amended on August 30, 2012 to extend another term by three months. The Supreme Court ruled the CA on November 26, 2011 to extend its term for the last time and that too for six months only whereas its term was due to expire on November 30, 2011. A bench of the Supreme Court including Chief Justice Khilaraj Regmi, passed an order in name the Chairman of the Constituent Assembly, the Prime Minister and Office of Council of Ministers that extension of the CA, ending on May 27, would be the last one<sup>2</sup>.

The Government should have worked out in time for an alternative solution. Amending the Constitution at a time when the Legislature Parliament was functioning could be an alternative but the Government decided to go for a new election and dissolved the CA. Although all the parties in the CA are responsible for

the unexpected dissolution of the CA, the Government, on the moral grounds, was more responsible for what happened.

During its four-year term, the CA killed most of its time in changing its schedule and amending regulations. Twenty six meetings were organized to amend the regulations and change the CA schedule. Besides that, meetings were organized to discuss the vacant posts of the CA members, to reshuffle the committees in the CA and to endorse the absence of the members among others. Out of 77 deliberations of the CA held on constitution writing, the CA members took part only in 60 meetings. Twenty nine CA meetings took place for five minutes, 18 lasted for 10-15 minutes, 28 for more than 15 minutes and less than one hour, and 55 over five hours. The meeting held to discuss the report of State Restructuring Committee on January 29, 2010 was the longest meeting of the CA that lasted for 8 hours and 15 minutes. The schedules endorsed on November 16, 2008 and the one endorsed

2. The order said that if the CA failed to write constitution within the given time, its term would end, and there should either be fresh elections for a new CA, or referendum or any other 'appropriate arrangements' according to the constitution.

on December 6, 2011 were changed 11 times and 6 times respectively. In the second year of the CA, 72 (the highest number) meetings were held, in the third year 8 (the lowest) meetings, in the first year 29 and in the fourth year 13 meetings were held. The CA expired due to inflexibility of the political parties and to the lack of initiation of the Government towards sustaining it.

#### **4. The Question of Government's Legitimacy**

The discourse on the legitimacy of Bhattarai-led Government started after the dissolution of the CA. Arguments, on the basis of Interim Constitution article 38 (2) that the PM appointed as a member of the Legislature-Parliament if ceases to be the member of the legislature should be automatically relieved of his/her, were put forward against the PM Bhattarai. The leaders of opposition parties blamed that UCPN-M dissolved the CA strategically to capture the state power and that the party did not wish to promulgate a new constitution whereas most of the disputable issues were settled through consensus<sup>3</sup>. Law experts blamed that declaring the CA, which was automatically expiring after some minutes, to have been dissolved and then declaring to go for a new election was the evidence of inefficiency, worthlessness, dishonesty and irresponsibility on the part of the Government<sup>4</sup>.

The Government's decision to go for a new election without any alternative to the potential complexities that could emerge following the dissolution of the CA had an ulterior motive to extend the

term of the Government. As the Interim Constitution has not envisaged the dissolution of the CA prior to the promulgation of a new constitution, crisis emerged in the country. In the meantime, the President declared on May 29 that Bhattarai Government would work as a caretaker one. He argued that the PM was no longer a CA member following the expiry of the CA. Surprisingly, however, the PM desired to continue his rule.

#### **5. The Integration and Management of Maoist Combatants**

One of the most important and complex aspects of six-year long peace process, i.e. the integration and management of former Maoist combatants completed this reporting year. The Interim Constitution provides for the integration and management of the Maoist combatants through the formation of a Special Committee. Political parties agreed that the Council of Ministers that would be formed following the CA election would form a Special Committee to integrate the former Maoist combatants and their integration process would be complete within six months. The first Government following the CA poll was formed on August 2008 but the parties did not agree on the number of the combatants to be integrated into various bodies as a result it took six years to complete the integration process.

The United Nations Mission in Nepal (UNMIN) had verified a total of 19,602 combatants out of almost 32,000 attendants. Towards the end of the integration process, not even 10 per cent of the verified combatants chose to be for

3. Pariyar, Govinda. *Maobadi Rajaniti Sattakabja*. Nagarik Daily. May 23, 2012, p. 1

4. Dahal, Binita. *Chunab Ghosane Sambhaidhanik Sankat*. Nagarik Daily. May 23, 2012, p.1

integrated<sup>5</sup>. The Army Integration Special Committee Secretariat reported that only 17,052 combatants were found while updating the data following UNMIN verification. Out of them 1,460 opted for integration, 15,585 chose to be voluntarily retired and only six of them wanted rehabilitation (*see the table no....*). Among those who opted for integration, 1,460 of them joined training under the NA on November 25, 2012. Among them, 16 were selected for the rank of Major, 30 for Captain, and 25 for Lieutenant - making a total of 71 officers and the rest were selected for other lower ranks. After completing the NA's army training, former Maoist combatants were supposed to be posted to newly established Directorate<sup>6</sup>. Very few combatants chose to be integrated whereas a political agreement, on November 1, 2011, was reached to integrate 6,500 combatants.

The Government provided the amount ranging from NPR five hundred thousand to eight hundred thousand to each combatant opting for voluntary retirement. The commanders of the cantonments seized the cheques of the voluntarily retired combatants saying that the latter had to contribute up to 40 per cent of the amount to their party. As a result, the combatants resorted to vandalism and agitation in the cantonments<sup>7</sup>.

## 6. Uncertain New Election

The Government created a constitutional vacuum by dissolving the CA on May 27, 2012. In the meantime, it did not conduct the poll scheduled to be held on November 22, 2012 neither did it ten-

dered its resignation to exhibit democratic practice. It allocated NPR ten billion for a new election. However, it could not fix date for the election until the end of this year. No preparations were taking place till the end of this reporting year for the election. The Government was reluctant to fill up the vacant posts of the Election Commission and to resolve the legal complexities appeared following the dissolution of the CA. Political parties should have decided before December 30 the issues such as the legal procedure and election system, the determination of election constituencies, voters' eligibility, the appointment in the constitutional bodies and parliamentary hearing.

Government's desire to remain in power overshadowed these issues. Increasing polarization of political parties and the Government's obsession to power showed that a new election would not be possible in June, 2013. If the election cannot be held in May/June 2013, it cannot be held before December 2013 either<sup>8</sup>. The Election Commission has clarified that it cannot hold election in May/June 2013 unless amendments are made in the acts and regulations before the end of December 2012<sup>9</sup>. The Interim Constitution 2007 has clearly stated that one should be at least 18 years old before mid-December, 2006 to be eligible to vote in the CA election. The Constitution has no provisions regarding parliamentary election whereas local election is possible as provided in the Local Election Act (Election Procedure Act) 2048. According to the Electoral Roll Act 2006, those who have completed the age of 18 years on or before the last

5. Adhikari, Saroj Raj. *Samayojan Prakriyaka Adhadasak*. Kantipur, September 28, 2012

6. Bhat, Bhoj Raj. *Nepal Saptahik*. December 2, 2012

7. Goud, Bechu. *Kamandarle Chek Khosepachi Jhadap*. Kantipur Daily, February 5, 2013

8. Bohora, Rameshor. *BaisakhmaChunab*. Himal Khabar Patrika, December 1-15, 2012

9. Rai, Ganesh. *MangshirmaKanunNaaye Baisakhma Chunab Hudaina: Ayog*. Kantipur Daily. December 6, 2012.

day of the month of 13 April of the year immediately preceding the year in which Electoral Rolls are collected are eligible to vote. Thus, only the readiness of the commission was not sufficient for the election rather there required amendment to the constitution and the election related acts and regulations for which the commission had been drawing attention of the Government.

The Government just attempted to extend its time in rule. Sometimes it talked about the formation of a new Government under the leadership of a neutral person and at other time, it put forth NC leader as a possible candidate for the PM. It even talked of the restoration of the CA as an alternative to resolve the political crisis. The Government floated the names of the former Chief Justices of the Supreme Court which disregarded the constitutional provisions. Article 106 (2) of the Interim Constitution states that no person who had once held the office of Chief Justice or a Judge of the Supreme Court should be eligible for the appointment to any Government office other than the office as referred to in Sub-clause (a) of Clause (1) of Article 131 nor shall such person be entitled to practice law before any office or court.” By “Article 131” it refers to the NHRC. Hence it is unconstitutional to appoint the Justice and Chief Justice to the posts of any government bodies other than the NHRC. The Government put forth such a view due to its ignorance on the Constitutional provision. In most of the countries of the world, the permanent judges of the Supreme Court do not bear office in any other state bodies<sup>10</sup>.

Based on the rhetoric of the Government, it is predictable that a new election will remain uncertain next year too. Analysts claim that a new election may be unfavorable for the UCPN-M as the party has recently faced split and a big section of the party leaders and cadres have already formed another party. Therefore, the Government has tried its best to extend its tenure under various pretexts. No discussions was initiated on whether the new election would be to the CA or parliament. The posts of commissioners were remaining vacant in the Election Commission and no laws related with election were passed. Hence it was highly unlikely that new election could be possible in the near future.

In this way, it seemed as if the Government was willing to extend its tenure unconstitutionally and create a situation for its own benefit rather than conducting election.

## 7. Corruption and Irregularity

A series of corruption cases became public this year too despite dozens of positive verdicts of the Supreme Court on corruption. For the first time in modern Nepalese history, the Supreme Court decided against an incumbent Minister on charge of corruption and sentenced imprisonment (*see Judiciary chapter in this book*). The Government could not decrease corruption though it had been hyping good governance as its core concern at the time of its formation. Transparency International has listed Nepal as one of the most corrupt countries with 139<sup>th</sup> position out of 174 countries in the world. News on irregular-

10. PurbanayadhishPradhannantrihunanapaune. Online khabar. [www.onlinekhabar.com/2013/02/37856](http://www.onlinekhabar.com/2013/02/37856),

<b>Table 2: Amount Misused under Different Titles</b>			
	<b>Number of Combatants</b>	<b>Rate( NPR)</b>	<b>Total Amount</b>
Contributon	17,068	1000 (65 months)	1 Billion 109 million 400 thousand
Absent Combatants	2,585	8000 (60 months)	1 1 Billion 240 million
Infrastructure Development			400 Million

Source: *Nagarik Daily*, 24 April, 2012

ity and corruption in the government bodies were reported throughout this year<sup>11</sup>.

Nepal ranked in lower position in terms of Prosperity Index than in the previous year. Legatum Institute ranked Nepal in 108<sup>th</sup> position out of 142 countries in its 2012 Report. Economy, education, good governance, health, individual freedom, security, etc. were the indices for this type of ranking and this year Nepal's rank came down by 15 compared to last year's report. Two years ago, Nepal was ranked in 91<sup>st</sup> position and in 2009 it was ranked in 88<sup>th</sup> position<sup>12</sup>.

National coffer was also misused in *Clean Kathmandu: Our Kathmandu Campaign* and *Prime Minister with the People* campaigns. The campaigns which were initiated by the PM himself were criticized linking with irregularities embedded with them. It was reported that gloves worth Rs 5 and the masks worth Rs. 4 were purchased for NPR 30 and NPR 12 respectively<sup>13</sup>.

PM Bhattarai deposed the Minister for Labor and Transportation Ms. Sarita Giri on charge of corruption. Mohan Baidhya-led CPN-Maoist, which is a breakaway faction of the UCPN-Maoist,

knocked the door of the Commission for the Investigation of Abuse of Authority (CIAA) accusing the PM's party of embezzling over 3 billion rupees allocated to the former Maoist combatants for their salary, allowances and for the construction of the cantonments<sup>14</sup>. On the other hand, the Government formed a probe panel of its own party to investigate into the embezzlement of the state funds allocated for the Maoists combatants.

Besides irregularities in the state funds, a number of other news regarding misuse of authority and unlawful transfer of the officials were made public throughout the year. The Supreme Court passed its decisions against some of these irregularities. The Court had to rule against more than three dozen of the Government decisions this year. Similarly, the Council of Ministers formed a probe committee to investigate into the defective transfer of three thousand bureaucrats in February 2012.

The Election Commission expressed its serious concern over the Government's decision to transfer the high level officials of Nepal Police which was against the election code of conduct and

11. *Khaddyama Karib Ek Karod Aniyamitata*. Kantipur Daily. December 19, 2012. *Kirtima Pani Kirtiman*, Kantipur Daily, December 30, 2012, *Samajik Surakhcha Bhatta Hinamina*, Kantipur, September 20, 2012. *Saptarima Pani 30 Karod Aniyamitata*, Kantipur, April 26, 2012. *Bhrastacharma Dubyo Mangalsen*, Kantipur, December 23, 2012. *Upattayakakai JiBiSama Karodau Beruju*, Kantipur, April 26, 2012. *Ghusadda Magdai Grihama Jhadap*, *Nagarik Daily*, April 9, 2012. *Apangako Namama Mahalut*. Himal Khabarpatrika. September 17-October 1, 2012.

12. <http://www.mysansar.com/2012/10/2436>

13. Subedi, Arjun. *Sarsaphai Abhiyanma Brahmalut*. *Nagarik Daily*. April 9, 2012, p. 1.

14. Bhandari, Kiran. *Akhtiyar Guhardai Baidya Pakchya*. *Nagarik Daily*. April 24, 2012, p.1.



consequently the Government was compelled to cancel the transfers. Similarly, the Supreme Court checked the Government's decision to promote five SSPs of Nepal Police on December 20, 2012 citing that the promotion had disregarded seniority<sup>15</sup>. The Government had to roll back its decision to allocate twenty million rupees to the UCPN-M Chairperson Prachanda's son for Mt Everest expedition following extensive public criticism. These activities revealed that the Government boosted up corruption and the illegal activities rather than controlling them.

Table 2 shows how 2.75 billion rupees was misused.

## 8. Transitional Justice Mechanism

Section 5.2.5 of the CPA provides that both sides agree to constitute a high-level Truth and Reconciliation Commission through a mutual agreement in order to investigate truth about those who violated human rights and those who were involved in crimes against humanity in course of the war and to create an environment for reconciliations in the society. Similarly, section 5.2.3 of the CPA provides that both sides agree to make public the information about the real name, surname and address of the people who were disappeared by both sides and who were killed during the war and to inform also the family about it within 60 days from the date on which the CPA was signed.

The Interim Constitution and subsequent political agreements envisaged to form the TRC and the Commission of Inquiry on Disappearance to dig up truth on the basis of their recommendations but no such commissions were formed by this reporting year. The Government

that preceded Bhattarai Government had forwarded the bill on the TRC and the Disappearances Commission to the parliament however, the organizations working on conflict victims and the concerned international communities expressed their serious discontent. The bills were registered in the Legislature Parliament three years earlier but the discussion could not take place on them due to frequent obstruction Parliament.

After the dissolution of the CA, the Government, despite criticisms from concerned national and international communities, forwarded an ordinance to form a single commission by merging the TRC and Commission on Disappearances. The ordinance forwarded to the President remained pending. International communities raised questions against the ordinance saying that it was not on a par with the international standard. On April 17, 2012, the NHRC wrote a letter to the PM expressing concern that the former was not informed about the bills on the TRC and the Disappearance Commission. The NHRC had advised the Government to make the draft bills public to inform about it to the stakeholders of the peace process such as human right activists, civil society, conflict victims, journalists, and to initiate discussions among them in order to receive feedback. The Commission also expressed its concern that intensive discussions did not take place on the report drafted four years ago however, it was not informed about the present ordinance on TRC forwarded by the incumbent Government<sup>16</sup>.

The restitution of property, which was one of the important points of the CPA, could not be materialized this re-

15. <http://www.onlinekhabar.com/2012/12/23996>

16. A letter forwarded by NHRC to the Prime Minister dated on April 17, 2012.

porting year. The Maoists leaders announced that they would return the seized property but news about the party's sister-wings seizing land was made public again and again by media<sup>17</sup>. The victims handed over a memorandum to INSEC seeking help in pressurizing the Maoist leadership to restitute the captured properties to the rightful owners. The memorandum handed over by a team comprising of Chairperson of the National Society of Conflict-victims Mr. Kul Bahadur Gurung and Mr. Binay Dhwoj Chand stated that seized properties were not returned<sup>18</sup>. The property returned by the UCPN-M was immediately seized again by CPN-M (*see. District-based data of seized property*). It was reported that two thousand hectares of land was seized in Kailali district alone<sup>19</sup>. According to Peace Ministry, the rebels had seized and destroyed properties of six thousands and fifty families.

As the Government failed to establish the TJ mechanisms to address the human rights violations committed in the past, even the international communities criticized Nepal. It is evident from the case of Nepal Police Chief Kuber Singh Rana who was denied visa to the UK alleging his involvement in human right violation<sup>20</sup>.

## 9. Nepal Conflict Report 2012

The UN released Nepal Conflict Report 2012 simultaneously from the United Nations Office of the High Commissioner for Human Rights (UN-OHCHR) and UN Office in Kathmandu in October 2012. The report has system-

atically documented the events on serious human right violations and abuses committed during Nepal's armed conflict that began on February 13, 1996 and ended on November 21, 2006. The report comprises of 11 chapters and 233 pages. It was prepared based on more than thirty thousand documents and has reported that nine thousand incidents related to violations of international human rights law and humanitarian law occurred during Nepal's armed conflict. It has established a new and very important fact in Nepal's decade-long conflict. The incidents are classified into seven categories such as extrajudicial killings, enforced disappearances, torture, arbitrary arrest, sexual violence etc. It has also made a number of recommendations to the concerned authorities based on the analysis of the events that attract international human rights, law, humanitarian law, and national laws. The report, which states that international law has been violated in two thousand incidents out of 12 thousand 6 hundred killing related cases, has included 40 emblematic cases.<sup>21</sup>

The facts included in the report are formal statements of the UN. This report is based on the analysis of the data obtained from its own research, from the reports of the NHRC, INSEC, Advocacy Forum, the statements and reports of the security forces, Maoists and also from the human rights news published in various newspapers and magazines. This report has systematically documented the incidents related to sexual violence and arbitrary arrest which were paid no special attention in the discourse of transitional justice

17. [www.ekantipur.com/np/2067/2/1/full-news/311599](http://www.ekantipur.com/np/2067/2/1/full-news/311599)

18. A memorandum handed over to the Chairperson of INSEC by National Society of Conflict-victims.

19. *Dui Hajar Bigha Jagga Maobadi Kabjama*. Nagarik Daily.

[www.nagariknews.com/society/nation/43142-2012-07-08-03041-22.html](http://www.nagariknews.com/society/nation/43142-2012-07-08-03041-22.html)

20. <http://www.ekantipur.com/the-kathmandu-post/2012/11/07/top-story/uk-denies-visa-to-igp/241506.html>

21. <http://nepalconflictreport.ohchr.org/>

mechanism of Nepal. The names of the perpetrators have been withheld considering the presumption of innocence. There is policy analysis of then-Maoist and the government at a micro level; it has also mentioned chronological development of the conflict and the chain of command of both parties. It has also been suggested that the UN shall not validate the investigations and the research findings that were intended to grant amnesty to the perpetrators<sup>22</sup>. This report states that extrajudicial killings seemed to be the strategy of the warring sides and, rape and sexual violence were committed by the Maoists too.

It has focused on the fact that granting blanket amnesty would further weaken the foundation as failing to bring the perpetrators involved in war crime to justice under the civilian court. Therefore it has laid emphasis on the necessity of forming the transitional justice mechanism on a par with the international standards. Mainly, this report emphasizes the possibility of attraction of the universal jurisdiction if the incidents of serious human rights violation are not addressed on the basis of international legal standards. By rejecting this report, the UCPN-M led Government clearly expressed its disregard to human rights<sup>23</sup>. The Government exhibited no worries about the accountability and liability following the release of the report UNO, one of the internationally recognized organizations.

## 10. Case Withdrawal and Impunity

By following the trend of the previous Governments, Bhattarai Government also withdrew criminal cases despite the

fact that court had ruled the Government, by trying its best to protect the value of rule of law, not to withdraw the cases that are under consideration in the court. Most of the cases withdrawn politically were associated with the incidents that took place during armed conflict or Madhes movement. Section 29(1) of the Government Cases Act (1992) states, 'In the cases where the Government of Nepal has to be a plaintiff or where the Government of Nepal has filed a case or where the Government of Nepal is defendant pursuant to the prevailing laws, if there is an order of the Government of Nepal, the Government Attorney, with the consent of other parties, may make a deed of reconciliation or with the consent of the court, may withdraw the criminal case in which the Government of Nepal is plaintiff'.

Similarly, article 151 of the Interim Constitution of Nepal 2007 has provided that the President may, on the recommendation of the Council of Ministers, grant pardons and suspend, commute or remit any sentence passed by any court, special court, and military court or by any other judicial quasi-judicial or administrative authority or body. But the Government decided to withdraw the cases irrespective of these provisions. The meeting of the Council of Ministers held on February 27, 2012 decided to withdraw 34 cases of serious criminal incidents such as murder, attempt to murder, abduction and burglary, among others<sup>24</sup>. In the same way, the meeting of the Council of Ministers held on December 4, decided to withdraw 219 cases of the UCPN-M cadres. The majority of the withdrawn cases were from

22. Bandi, Govinda and, Hari Phunyal. *Pratibedanko Bato*. Himal Khabarpatrika. November 16-December 1, 2012

23. Bohora, Rameshwor. *Antarastiya Kathgharama Dwandaka Jyadati*. November 16-December 1, 2012

24. *Jaghannaya Aparadhmai Mafi*. Nagarik Daily. Dahal, Bineta, *Adalatle Chanbin Garnasakchha*. Nagarik Daily. March 15, 2012, p.1

Gorkha, home district of PM Bhattarai. INSEC had drawn attention of the stakeholders in its statement saying that such decisions reflected Government's disregard to the rule of law<sup>25</sup>. Earlier, on September 26, 2012, the Government decided to withdraw the murder and ammunitions related case of Uday Narayan Agadiya (Yadav) of Siraha district. He was alleged to have murdered former parliamentarian Krishna Charan Shrestha and Nawaraj Bishta, an engineer of the Road Division and to have looted weapons after attacking Laganigoth Police station. However, the Government withdrew his case interpreting the case as a political one. INSEC condemned the Government's move to withdraw such cases<sup>26</sup>.

Also, it was exposed through media that preparation was underway to withdraw cases of Keshav Nepal and Krishna Rana Magar against whom the Supreme Court had sentenced life-imprisonment along with the confiscation of their entire property. The accused duos were seeking for exoneration and were living scot free under the protection of political parties even after 10 years of Supreme Court's decision<sup>27</sup>.

Contrary to the rule of law, the Government promoted security officers implicated in violation of human rights. The promotion of Colonel Raju Basnet, accused of subjecting a total of 49 persons from the Bhairavnath Battalion of the NA to enforced disappearance, to the rank of Brigadier General and the promotion of AIGP Kuber Singh Rana, who was accused of human rights violations, to the post of IGP were condemned internationally. The UN expressed its serious concern

over these promotions saying that their promotion, which took place at a time when the UNOHCHR and NHRC had been urging the Government not to promote, disregarded accountability and promoted impunity.<sup>28</sup>.

## 11. Constitutional Bodies Go Vacant Gradually

The four-point agreement signed between the Bhattarai Government and the Medhesi Front for the formation of coalition Government provided that they would fulfill the vacant constitutional posts within 15 days in order to ensure good governance. However, no substantial progress was made in this regard even after 15 months since the signing of the agreement. The Government did not pay due attention towards the crisis that could emerge in the country due to near-to-vacant constitutional bodies. Appointing members of constitutional bodies turned more complex following the dissolution of CA. With the dissolution of the CA, the Government declared a new election without taking the vacant posts in the EC into consideration. Constitutionally, parliamentary hearing has to be held before appointing members of the constitutional bodies. In absence of the Legislature Parliament, problems arose regarding the process of such appointment. Since its commissioners were not appointed for long, the CIAA started to be run by its staffs alone. Only 6 justices were there in the Supreme Court by the end of this reporting year, whereas the Court is composed of 23 justices.

As the Interim Constitution seems incompetent to resolve the crises appeared

25. INSEC statement, December 4, 2012

26. INSEC statement, September 27, 2012

27. Dahal, Binita. *Jyan Muddhako Doshi Mafi Prayasma*. Nagarik Daily. August 25, 2012

28. *Rana Ra Basnetko Badhuwama Rastrasanghko Apatti*. Nagarik Daily. July 22, 2012

in the constitutional bodies, political consensus is necessary to amend it. In the meantime, the Government presented an ordinance to the President to remove the provisions of Constitutional Council and parliamentary hearing but the President did not endorse the ordinance by the end of this reporting year. The crisis as such would not have taken place had the PM taken the issue seriously without delay. The problem appeared in the constitutional bodies is against the democratic political system. Some people interpret this situation as one of the strategies of the PM to capture state power<sup>29</sup>.

## 12. Food Scarcity

The right to food means to get required hygienic and nutritious food. According to WHO, each individual has to eat food three times every 24 hours. Similarly, according to FAO, those who consume less than 1800 calories per day are categorized as hungry. WFP has revealed that more than 3 hundred thousand people face food scarcity in Nepal. It further mentions that one in every seven persons of the world goes to bed hungry every day. The right to food has been enshrined as a fundamental right in the Interim Constitution of Nepal and the International Covenant on Economic, Social, and Cultural Rights 1966 to which Nepal is a state party. But the Government has not been able to fulfill the obligations arising from these provisions.

The Supreme Court has reminded that ensuring availability of sufficient food and its distribution and preventing the possible situation of starvation is not only for the security of life and property of peo-

ple but also for the enjoyment of the right to food are the fundamental responsibility of the Government<sup>30</sup>. But food scarcity in various districts did not abate this year as well. (see. *district-wise economic, social and cultural rights*)

Though the Ministry of Agriculture announced that there was sufficient food stock for the FY 2011/12, it was not realized in practice. The Government record shows that the number of districts witnessing food crisis diminished to 27 in the fiscal year 2011/12 from 33 in the fiscal year 2010/11. Food crisis is no longer a problem in the districts such as Panchthar, Udayapur, Sunsari, Sindhuli, Makawanpur, and Sarlahi. On the other hand, the report of the International Food Policy Research Institute listed Nepal into the category of the countries under starvation. Similarly, the report of Global Food Security Index 2012 ranked Nepal in the 79<sup>th</sup> position among 105 countries of the world. This is not a satisfactory situation. Efficiency, accessibility, quality standard, and security were taken as the criteria for food security in this report.<sup>31</sup>

The Chepangs of Chitwan, Rautes of Salyan, and residents of remote districts of Karnali Zone were hard hit by food crisis. Twenty eight out of 65 packets of white rice distributed among the Chepangs by PM while visiting Chepang area in Chitwan district were rotten. However, there was tug of war among the locals to get the rice. The PM, while in the Chepang village, overtly viewed that Chepangs ethnic groups needed a separate state. However, back in Kathmandu, he did not initiate any discussions with the concerned persons and organizations

29. Rawal, Ram Bahadur. *Pradhanmantirko Niyat*. Nepal Saptahik. July 22, 2012, p.1

30. Nepal Kanun Patrika. April 2011

31. <http://foodsecurityindex.eiu.com/country/details/#Nepa>

working in the related field for their enhanced livelihood<sup>32</sup>.

Although the Government claimed that there was sufficient food stock, scarcity continued. The local production lasts before three months in the districts such as Dolpa, Humla, Mugu, Bajura, among others. Only 37 districts out of 75 are self-reliant in terms of local production. It is not very easy to avail food to those districts under severe food scarcity though there is surplus food production in the Tarai region, which has been exported to India and Bangladesh instead of sending it to remote hill districts of the country. Agriculture accounts for 34 per cent of the GDP but not more than 5 per cent of the total budget has been allocated to the sector. Experts opine that at least 40 per cent of the budget allocated to agriculture sector has to be allocated for the research and dissemination of the information on agriculture but Nepal Agriculture Research Council (NARC) has obtained just 10 per cent of the budget. More than half of the allocated amount has been spent for administrative expenditures. People with low income have been losing their access to food due to soaring food price. The food price hike ratio was 7.7 per cent last year but this year it has soared to 11.9 per cent. The monitoring body could not strengthen its mechanism to control and monitor food quality standard and price. (For details see *Food Crisis in Mugu District in this book*).

### 13. Aggravating Relationship between PM and President

This year, almost four dozens of ordinances remained pending with the

President. The Government forwarded the ordinances without reaching political agreement so almost all of them were not endorsed by the President. PM's aggressions against the President exposed through media. "What is the President trying to do? He has not endorsed ordinances," the PM expressed his strong discontent talking to his close journalists on August 4, 2012.<sup>33</sup> Their relation froze when the President sent him a thank-you letter, on May 29, 2012 declaring that the PM was in a caretaker status.

The PM became further suspicious when the President on November 18, 2012 called upon the political leaders to form consensus government. He also warned them that he would initiate formal procedures if no consensus was made within November 22, 2012. In this connection, on November 24, 2012, the President, in line with article 38 (1) of the Interim Constitution 2007, threw a 7-day deadline for the parties to reach consensus. The Government condemned the President's move. Constitutionally, one must be a member of parliament to be the PM of Nepal. At a time when the Legislature Parliament did not exist, the Government viewed, the President should have responded regarding the legal foundation of the Prime Minister.<sup>34</sup> The President expressed his discontent towards the PM on various issues such as the latter's resignation, inability to find way out while the CA was functioning, disregard to the court order while declaring a new election and the inefficiency to form national consensus Government. Similarly the President was unhappy with the PM for forwarding a Bill to extend the CA term by going

32. Basnet, Bal Krishna. *Khadhya Adhikar: Manabadhikar*. Prachi Sachetana Dwaimasik. October 2012, p.79

33. Rawal, Ram Bahadur. *Sankhako Sambandha*. Nepal Saptahik. August 19, 2012, p.25

34. Adhikari, Bal Krishna. *Sahamatiya Sarkarko Abhwan*. Nagarik Daily. November 24, 2012, p.1

against the court order, for disregarding Election Commission's letter, disrespecting the commission's concern on election related Ordinance and also for forwarding the bills which were not discussed and passed by the Legislature Parliament.

Likewise, the PM expressed his discontents against the President on various issues. The PM alleged and criticized the President that the latter declared him a caretaker PM, that he did not endorse the ordinances presented before the President, that he backed the opposition parties in the name of consensus, that he hindered in bringing full budget and that he appealed for a new candidate for the PM as the then King Gyanendra did in the past.<sup>35</sup> Thus the aggravation between the President and the PM became an obstacle for solving the crisis faced by the country.

#### **14. State Restructuring**

The nine-member State Restructuring Commission formed under the coordination of Dr. Madan Pariyar last year submitted its report on January 31, 2012. The members of the Commission were divided into various issues. The commission recommended 11 and 6 provinces. Six members of the commission including the coordinator agreed on 11 states and the dissenting 3 members agreed on 6 provinces. However, it was decided that the names of the provinces would be as decided by the locals. The provinces proposed by the majority faction were Limbuwan, Kirat-Tamsaling, Newa, Tamuwan, Narayani, Magarat, Karnali-Khaptad, Mithilla-Bhojpura-Koch-Madhesh, Lumbini wad-Tharuwan and one non-territorial Dalit state. As there lacked consensus among its members about the report, it was impossible to be politically accepted. The report

was interpreted subjectively. As the communities such as Sherpa, which came into the discourse before, were not recognized by this report they condemned it. State restructuring became one of the debatable issues of new constitution writing process.

The question of state restructuring became further contentious as the independent commission also could not solve it. Discussion on this report began only on March 26, 2012 in the CA. The NC and UML opposed the idea of demarcating state on the basis of ethnicity but Janajati lawmakers of the parties opposed the decisions made by the leadership. Conflicting opinions came out from the leaders. In the meantime, on May 15, 2012, the parties agreed on restructuring the state into 11 provinces. The Madhes-based parties obstructed the CA deliberations in protest of the agreement. Finally, the CA dissolved on May 27, 2012.

#### **15. Violence against Women Persists**

More serious violations against women came out this year. The incidents such as rape of granddaughter by grandfather and of a daughter by father, gang raping a girl by taking her away from her boyfriend, police DIG murdering his wife and so on were documented by INSEC this year. A woman was burnt alive on charge of practicing so called witchcraft; another woman was mercilessly tortured to damage of her eyes. During the period of 16-day campaign on violence against women, 16 women were killed. A total of 3 thousand 7 hundred and 49 complaints related to violence against women were filed in various Government bodies during the 16 days. Among them, 171 complaints were filed at the NHRC, 3,343 at police headquarters and 236 complaints

---

35. *ibid*, p.22

were registered at Kathmandu District Court. Among these, the highest number of complaints (2348), were related to domestic violence<sup>36</sup>. The incidents of death at Chhaupadi hut and trafficking of daughter by father were also recorded this reporting year. Many committed suicide due to domestic violence. As a result of increased awareness, an increased number of complaints related to child marriage and polygamy were registered at police offices. Despite the fact that the laws against domestic violence are in place, their effective implementation remained a problem.

Around the end of this year, nationwide protests took place following a rape incident. A woman hailing from Bhojpur district was looted by the immigration officials and raped by police personnel. The peaceful sit-ins and the pressure rallies organized as 'occupy Baluwatar' in front of the PM's residence since December 27, 2012 continued till the end of this year. The incidents of murder, rape and torture did not stop. The Government failed to maintain law and order situation; to assure peace and security; to implement the rule of law and to increase public awareness. It was not serious towards controlling the problems such as inefficiency of the security forces, defective investigation, and political protection to the criminals. The right activists blamed that concerned bodies were apathetic in registering and investigating the incidents of domestic violence. The Government decided to provide NPR 150 thousand as the compensation to the woman who was looted at immigration and raped by police personnel but this decision of the Government was condemned by women activists saying that it rated the

price of women's dignity and disrespected women at the same time. The meeting under the chairmanship of the PM on December 30, 2012 formed an eight-member probe committee to investigate into the increasing incidents of violence against women. Nepali women working in various gulf countries continued to face various forms of violence.

## 16. Poor Security Situation

Security situation of the country deteriorated this year. The Supreme Court justice Rana Bahadur Bam was shot dead in broad day light. Three civilians lost their lives in a bomb blast just 100 meter away from Singh Durbar (the main administrative building of the nation)<sup>37</sup>. Crimes increased in Tarai. Four persons died and thirty one injured when a bomb exploded at a peaceful sit-in protest of the people demanding *Mithila state*<sup>38</sup>. Crime increased throughout the country including in the capital. In most of the robberies, murders and crimes, small weapons were used. A series of abduction and ransom related cases took place. The process of issuing threat and demanding donations for various purposes by the sister organizations of the political parties continued. The cadres of the ruling party involved in extortion.

The Government negotiated with 53 underground groups between CA election and the end of 2012. Out of 26 such groups in touch with the Government since then, some submitted the arms; some went out of contact, and some of them joined the Tarai-based parties by giving up the criminal activities. The Ministry for Peace and Reconstruction stated that

36. Ghimire, Kalpana. *Badhyo Himsa*. Kantipur Daily. December 28, 2012

37. [www.ekantipur.com/nep/2069/3/13](http://www.ekantipur.com/nep/2069/3/13)

38. INSEC statement. April 30, 2012



some of the armed groups were contactless after the first round of negotiation. It also clarified that the first round of the talk between the Ministry and the groups failed because of the ambitious demands of the groups<sup>39</sup>. It was clear that some of the groups took dialogue as an opportunity to escape punishment and some other as a process of getting organized.

It was exposed that Maoist cadres were involved in some of the criminal cases. Kamal Khatiwada, Chuda Moktan, and Rajman Tamang, who were involved in a series of bomb blasts in the capital, were the Maoist activists. They were arrested on charge of placing socket bombs in public buses at Gorkarna, Chabahil, Kapan and Lagankhel of the Kathmandu valley. The police stated that Kamal Khatiwada (Manish) was an active member of ANNFSU(R), Rajman Tamang (Mukti) was the chief of *Janasarkar (People's Government)* of the Maoists in the past and Chuda was also the Maoist activist previously. Rajman, while talking to the journalists, said that they planted the bombs to pressurize for peace and constitution writing process. They even claimed that they were active members of the Maoist party. Police had found bombs in the public buses at aforementioned places. In those spots, the pamphlets written 'Nepal Communist Party People's War Group' were found<sup>40</sup>. The UCPN-M was found protecting its cadres.

## 17. Social Justice Overshadowed

No significant progress in social justice was made this year. People died of diarrhea and delivery cases in absence of general medicines. The poor died due to

freezing cold in the Tarai. The problems of squatters, *haliya*, *kamaiya* (bonded labor) were not addressed effectively.

### 17.1 Use of Force against Squatters

Dr. Baburam Bhattarai had submitted a 40-point demand to then Prime Minister Sher Bahadur Deuba in 1996 before Bhattarai's party CPN-M embraced armed conflict. One of the most focused issues on that demand list was the case of homeless people. But during the premiership of Bhattarai, security forces were mobilized to repress the homeless people living in Kathmandu. The Government forcefully destroyed the residents of the squatters using bulldozer on the bank of Bagmati River, at Thapathali, Kathmandu without any alternative provided to them. When the homeless-squatters resorted to retaliation in protest of the move early morning on April 29, 2012, security forces dispersed the mass using tear gas and batons. The members from both the clashing sides sustained injuries. Thirty eight of homeless squatters were arrested. Within the period of four hours, 251 huts were destroyed as a result some of them could not take their belongings out. Three thousand security personnel from Nepal Police and Armed Police Force were deployed.

The Government should not have used force against those squatters without an alternative management of their problems. The squatters experienced further miseries due to the Government's action taken towards the beginning of the monsoon season. Because of the suppression of the security forces, some women had miscarriage<sup>41</sup>. When the Government began to construct huts with the view to

39. Sarkarlai 151 *Than Hatiyar*. Himalaya times. January 29, 2013

40. Dhungana, K.P. *Radhdhanima Bamrakhne Maobadi*. Nagarik Daily. April 8, 2013

41. Adhikari, Girija and Tika Bista. *Sukumbasi Bastima Dojar*. Surya Dainik, May 9, 2012

accommodate the homeless squatters at Sundarighat of Lalitpur district, the locals opposed the Government's plan. They formed a struggle committee to protest against the Government. They even declared closure strikes against the Government for using force against their peaceful protest. Before this, the decision of the Government to resettle the squatters removed from Thapathali at the premises of Himal Cement Factory at Chobhar was also opposed by the locals<sup>42</sup>.

Meanwhile the CPN-M led by Mohan Baidya forwarded a 70-point demand to the Government by adding 30 points to the previous 40-point demand forwarded by Bhattarai-led team decades ago. Section 31 of the 40-point agreement had mentioned that homeless people would be provided with appropriate settlement, and without alternative settlement none of them should be displaced. But PM Bhattarai couldn't resolve the issue.

## 17.2 Price Hike

The Government mechanism could not control and monitor soaring price hike and black marketing. The price of the petroleum products was hiked three times this year which hammered the poor. The NRB's projection of price hike was 7.5 per cent. It claimed that the price of vegetables, daily commodities and clothes faced the highest per cent of hike. Syndicate in the transportation sector and black marketing by traders, among others, backed price hike. The inefficient monitoring mechanism of the Government supported the traders in hiking the prices. In July this year, the price inflation of food and drinks remained 12.2 percent. The non-commodity and service sector price infla-

tion increased by 11.6 percent whereas the price hike of food and drinks was 9.9% and non-commodity price was 5.8%<sup>43</sup>.

Half a dozen of the laws that are in place for the protection and regulation of Consumer rights were not implemented effectively. The Government could have implemented Competition Promotion and Market Protection Act 2006, Consumer Protection Act 1997, Consumer Protection Regulation, 1999, Black Marketing and Some other Social Crimes and Punishment Act, 1975, Export and Import Control Act, 2056, Export and Import Control Regulation, 2007 and similar other acts for regulating and monitoring market. Section 36 of the 40-point demand paper submitted by Bhattarai-led team at that time demanded that workers' wage be increased on a par with the price hike. The then Government could not fulfill their demands, the Maoists then resorted to armed conflict. During the conflict, more than 13 thousand people died and the physical infrastructure worth Rs. 27 billion was destroyed. The present Government under the leadership of the same party could not fulfill the demands put forth by it before waging armed conflict.

## 17.3 Health Services

The public lost their lives due to the lack of basic health services this year as well. People died of diarrhea and due to the lack of safe delivery services. News about health workers' absence and the lack of medicines in various health centers were reported. Even the health posts in Kathmandu valley lacked rehydration sachets and zinc capsules<sup>44</sup>. Some of the hospitals in the western part of the country witnessed shortage of saline solution.

41. *Sundarighatma Dhamadham Tahara Bandai*. Kantipur Daily, July 5, 2012

43. *Ek Barsama Mulyebriahi Hwattai Badhyo*. Nagarik Daily, October 1, 2012

44. Dahal, Dipak. *Kathmandukai Swastha Kendrama Chhaina Jiwanjal*. Nagarik Daily. June 7, 2012, p. 1

One of the positive moves of the Government in this sector was that it upgraded the status of 522 sub-health posts across the country.

#### 17.4 Severe Scarcity of Chemical Fertilizer

Severe scarcity of fertilizer took place throughout the year. PM Bhattarai, responding to the demand for the smooth supply of sufficient fertilizer for the peasants viewed irresponsibly that he had no factory to produce fertilizer. People could not plant crops due to the shortage. Peasants returned home empty-handed after queuing whole day for fertilizer and some farmers even expressed their grievances that subsidized fertilizer was being sold by cooperatives. It is estimated that there will be 30, 70 and 40 per cent reduction in the production of vegetables, sugarcane, and maize respectively due to scarcity of fertilizer<sup>45</sup>.

Smugglers and black marketers deceived peasants. The state mechanism just remained a spectator. As the Government neither imported fertilizer nor allowed the farmers to buy fertilizer from India, they turned aggressive. They even complained that they did not get fertilizer from the Agriculture Inputs Supply Company. Whereas they had come to Kathmandu from remote districts seeking for fertilizer<sup>46</sup>. Tellingly, Bhattarai, some 17 years ago, had raised the supply of chemical fertilizer as one of his demands.

Point 33 of the 40-point demand mentioned 'fertiliser and seeds should be easily available and at a cheap rate. Farmers should be provided with appropriate

prices and markets for their production. But PM Bhattarai could not make substantial progress to fulfil that demand.

#### 18. Ministers Land in Controversy

Various ministers of Bhattarai-led Government landed in controversy this year as well. Previous year, Defense Minister had to resign from his post following public pressure against his controversial statement in relation to nationality. Two of the incumbent Ministers, Jaya Prakash Gupta and Sarita Giri, were relieved off their office in accusation of corruption. The Supreme Court held the Minister for Information and Communication J.P Gupta guilty of corruption and slapped jail term and the Minister for Labor and Transportation Sarita Giri was sacked by the PM for her alleged involvement in corruption. Another minister was convicted of murder case of Kashinath Tiwari of Birgunj and was relieved off his office. PM himself was criticized for controversial speech. Bhattarai's expression such as 'Nepal's possibility of merge and submerge' and 'remote control somewhere else' were criticized saying that such the expression was anti-nationalistic, which the elected PM of a sovereign state should not have made<sup>47</sup>.

Similarly, news came out via public media about Home Minister Bijay Kumar Gachhyadar's involvement in harboring Ganesh Lama, the gangster of organized crime. Health Minister Saroj Yadav, under the influence of alcohol, misbehaved the officials at Bir Hospital at night. He publicly self-reproached his misconduct and the officials at the Hospital were also made

45. Bista, Dipendra. *Dhan Ropnebel Malkohahakar*. Kantipur Daily. June 21, 2012.

46. Pokhrel, Bishnu. *Malko Hahakar*. Nagarik Daily. June 26, 2012

47. <http://www.nepaljournal.com/2012/08/26/5617/>

do so, which demoralized them<sup>48</sup>. Forest Minister Muhammad Wakil Musalman landed into controversy in connection with the appointment and transfer of the personnel under the Nature Conservation Fund and also under other corporations. He did not stop such arbitrary appointment even though the Supreme Court decided against his appointment<sup>49</sup>.

The Minister for Agriculture and Cooperatives Nanda Kumar Datta was sacked as recommended by his party - Madhesi Janadhikar Forum (C). Minister for Irrigation, Mahendra Yadav bitterly scolded and misbehaved Secretary Brinda Hada of the same Ministry. Minister for Tourism and Civil Aviation Lokendra Bista was detained at an airport in the United Arab Emirates and interrogated for four hours by the immigration officials for not carrying a valid visa with him. PM did not initiate steps to penalize such types of illegal and irresponsible activities of his ministers.

## 19. PM's Propaganda

PM turned propagandist rather than result oriented. He chose to use Mustang Max, a comparatively low price vehicle, in order to economize. Surprisingly, however, he formed a jumbo Council of Ministers and personal secretariat. He monitored hotels and restaurants, interacted with the people via social media such as Facebook and twitter. These initiations remained just propagandas. The public took and interpreted his views expressed through these means very lightly.

### 19.1 Ineffective *Hello Sarkar*

The ambitious *Hello sarkar* program of the Government was very popular in the beginning and its worth decreased gradually. Initially, the number provided to the public i.e 1111 under the *Hello Sarkar*, became busy round the clock as people were enthusiastic. More than three hundred complaints used to be registered via phone every day but this trend gradually decreased mainly because registered complained were not addressed properly. It could neither last for long nor proved to be useful. In total, more than eighteen thousand complaints were registered but most of them remained unheard and un-addressed<sup>50</sup>. According to *Hello Sarkar* Campaign, even 50% of the complaints were not addressed. The officials at *hello sarkar* stated that some of the calls inquired about PM's resignation, some girls called and just kidded and expressed love proposals and some of the callers scolded using obscene words<sup>51</sup>. The office of the Prime Minister and the Council of Ministers reported that in Nov/Dec a total of 768 complaints were registered but only 31 of them were addressed. It also reported that majority of the complaints were concerned with unavailability of daily goods, ineffectiveness of the public service, rampant corruption and increasing price hike and irregularity in public transportation. Complaints could be forwarded through a toll free phone no. 1111; fax- 1100, email- 1111@opcm.gov.np and sms to 1100. The complainers could also be present in person at the office to make complaints<sup>52</sup>.

48. Aryal, C.P. *Bibadma Mantrihar*. Yubmanch Monthly. June, 2012.

49. Miya, Abdulla. *Bibadma Banmantri*. Kantipur Daily. January 14, 2012.

50. *Hello Sarkar Samyantra Prabhavbihin*. [http://www.bbc.co.uk/nepali/news/2012/10/121023\\_hello\\_sarkar.shtml](http://www.bbc.co.uk/nepali/news/2012/10/121023_hello_sarkar.shtml)

51. Adha Gunasa Pani Bhayanan Sunuwai. [http://www.sansarnews.com/index.php?option=com\\_content&view=article&id=957:2012-11-07-04-53-33&catid=8&Itemid=102](http://www.sansarnews.com/index.php?option=com_content&view=article&id=957:2012-11-07-04-53-33&catid=8&Itemid=102)

52. *Hello Sarkar* Prapta 768 Ujuri Madhya 31 Matra Sambodhan. <http://www.nagariknews.com/politics/party-politics/51691-2013-01-07-14-29-56.html>

*Hello Sarkar* was established on November 2 in accordance with section 31 of Good Governance (Management and Operation) Act, 2008 and its regulation 2009, (20) to hear complaints and suggestions, improve administrative mechanisms by learning about policies, functions, peace and security from all the ministries and governing bodies.

## 19.2 One Night Stay with People

PM's plan to witness and listen to the real problems of the people through *One Night Stay with People* campaign was criticized widely citing that it was very expensive and pretentious. It was perceived as a strategy of the PM to stay at party cadres' homes and spend millions of rupees from state coffer. It reminded of the felicitation of royal rulers on behalf of civilians in the past. This visit did not result in any outcome except spending state coffers.

PM, on the one hand, committed to economize and, on the other hand, he spent a lot of state fund visiting many places accompanying a jumbo team of Government officials and security forces. PM's such picnic-styled visit was quite personal. The cost per visit was at least one million and was paid from the state fund. One of the locals at the Mushar community in Mahottari district had to borrow six thousand rupees to feed the people who visited his locality along with the PM. The locals had to bother for managing generators and mosquito net besides preparing delicious food for his visit. Prime Minister's *home stay* was just like then king Gyanendra's visit wherein streets and public places were face-lifted overnight. A radio program titled 'PM with People' was also popular in the beginning but gradually the number of callers diminished, ul-

timately turning totally ineffective. He was busy in such propagandist program whereas constitutional and political crises were deepening in the country. His own party cadres did not participate in his '*Clean Kathmandu-Our Kathmandu*' volunteering. There seemed not any spontaneous participation of general public except the school students, security forces and government officials.

## 20. Government and Supreme Court

The Government took advantage of the situation of constitutional vacuum and political instability by making decisions on various issues. The Supreme Court however, issued stay orders and directives against the decisions citing that those decisions were contrary to the constitution and law. The SC issued stay order against the decision of the Government to provide state facilities including a vehicle worth up to NPR 5 million to the ex-VIPs of Nepal. The Government reacted strongly in return against the decisions of the court accusing it of trying to pass decisions on political issues. More than 40 decisions were stayed by the SC. The decisions such as extension of CA term, BIPPA with India, legitimization of the decision of so called People's Court made during armed conflict by the CPN-M, inclusiveness of the NA, removal of Tribhuvan's statue from Sahid Gate, withdrawal of the murder case of Maoist lawmaker Balkrishna Dhungel, presentation of full budget, and withdrawal of many other criminal cases were stayed by the Court. The SC also stayed the decisions to include those not having citizenship identity card to voter's list and distribution of citizenship by birth and the decision to classify information<sup>53</sup>. During

53. Gautam, Bimal. *Sarkari Nirnayema Sarbochhako Tagaro*. [http://www.bbc.co.uk/nepali/news/2012/08/120802\\_govtdecision\\_vs\\_sc.shtml](http://www.bbc.co.uk/nepali/news/2012/08/120802_govtdecision_vs_sc.shtml)

the first year of the Government, a total of 230 cases were registered against the Government but 90% of them were judged unconstitutional. The SC summoned the PM on contempt of court. It was for the first time in the history of Nepal that an incumbent PM appeared before the Court to furnish his reply. A writ petition against him was registered at the Court within 24 hours after he took oath of office<sup>54</sup>.

It is Government's responsibility to enforce the verdict of the court but this practice always remained overshadowed historically. Because of the lack of enforcement of the verdicts of the Supreme Court, Appellate Courts and District Courts, the Government could not forfeit more than NPR 8 billion. According to the SC, a total of 5 thousand 4 hundred and 42 cases decided by three tiers of court of Nepal remained unimplemented by the end of the reporting year.

No judicial police unit is in place for the enforcement of court verdicts in Nepal. The SC's proposal to form such a force to enforce and protect could not be formed this reporting year too due to unresolved dispute between the Ministry of Home Affairs and Judiciary as to who would control the force<sup>55</sup>. The inattention towards the implementation of the court decision undermined the rule of law.

## 21. The Slogan of Economic Prosperity

When PM Bhattarai was sworn in, the country was running under the budget brought by erstwhile Finance Minister Bharat Mohan Adhikari. Believing that bringing newer budget would affect the ongoing economic plans and activities, PM Bhattarai continued with the same budget.

PM Bhattarai, who had been laying emphasis on 'a double-digit economic growth' and rapid pace of development ever since he became Finance Minister in 2008, unveiled his plan five months after assuming office. Making his plan public, he viewed, 'People have very high expectations from this Government in the field of economic prosperity and good governance and the government is working hard to materialize those'. He declared to prioritize the development activities and then implement the prosperity plan as directed by the periodic plans, annual budget and policies. The plan even mentioned about the programs to be launched instantly and fixed time schedule, however, its implementation remained a hollow promise. This plan had targeted to create 650 thousand employment opportunities for the unemployed youths within six months. The number of youths leaving for foreign employment increased due to the lack of employment opportunities.

According to the Ministry for Labor and Employment, till mid November 2012, the number of people leaving for foreign employment legally was 259,093. The Ministry further reported that during this reporting period around 1400 to 1700 Nepalese left country for the foreign employment<sup>56</sup>.

## 21. Budget in Controversy

The budgets following the CA election were delayed every year. FY 2012/13, there emerged controversies on whether or not the Government had the right to bring budget. It was probably for the first time in the history of Nepal that there was not any legal base to bring the

54. 230 Writs against PM. Global Nepal News. <http://globalnepalnews.co.uk/articles.php?cid=6492>

55. *ibid*

56. Pandit, Sagar. *Chhabislakh Nepali Kamdar Bidesma*. NayaPatrika. December 14, 2012.

budget. The Legislature Parliament was expired along with the dissolution of the CA and the Government was in a caretaking position. Earlier, the Government used to bring only one-third budget through ordinance, which had to be approved by the Legislature Parliament within six months. Government's attempt to bring full-budget failed due to obstacles from the opposition parties, which, by considering that a budget is political as well as financial program were against the full budget. The private sector was in dilemma. It persuaded the concerned stakeholders to view budget solely as an economic program. The members of Federation of Nepalese Chambers of Commerce and Industry (FNCCI) repeatedly held talks with the leaders of various political parties, economists and with the Government with the aim to forge agreement on bringing a full budget but in vain.

As the Government could not bring a full budget, one third of the total budget was presented through ordinance to meet the expenditure of the country for four months.

### **23. Attempt to Curb the Right to Information**

The Government attempted to curb the right to information. The Right to Information Act has provided that only five types of information should not be disseminated. However, the Government decided not to disseminate a total of 140 types of information. Giving decision over a writ filed against the decision, the Supreme Court annulled the Government

decision clarifying that only those types of information which are mentioned in the concerned act should be kept secret. It also stated that hindering the right to information was contrary to the constitutional rights (*See the chapter Judiciary in this book*). The Government directed the concerned authority to take action against news anchors of FM radio<sup>57</sup>. Legally, no other government bodies except Press Council are entrusted the right to issue correspondence with the view to take action against the published and aired materials and programs. The move of the Government reminded of the Panchayati regime. The Government even issued warning over the so called anti-government news published in the Gorkhapatra daily. PM Bhattarai even put forth his view that the existing media was superfluous for a small country like Nepal<sup>58</sup>. His expression came as a reaction against the news published by media about him. The Government, which bears with it the responsibility to protect the professional and physical security of the journalists, stood as a mute spectator even while the journalists were being beaten up severely. According to Monitoring Unit of the FNJ, journalists from across the country were beaten while collecting news about the agitation and strikes organized by regional and ethnic groups. Saying that they were directed by the upper body to do so, the police debarred journalists in Dhankuta district on January 30, 2012 from collecting news about a program in which PM Bhattarai was present. The police cordoned them off for three hours<sup>59</sup>.

57. Saying that a program titled "Janachaso" of Image FM was not fair, the Ministry of Information and Communication directed to take action against the program anchor. The direction was issued through a correspondence of the Ministry of Information and Communication as directed by PM Bhattarai. Dipak Mani Dhital, Acting General Manager of Nepal Television, was demoted for broadcasting live the mass meeting of 27 opposition parties in KhulaManch on June 8.

58. Rawal, Ram Bahadur. *Preslai Niyantran*. Nepal Saptahik, July 22, 2012 p. 31.

59. *Prahari Gherabandi Biruddha Patrakar Andolit*. Nagarik Daily, January 30, 2013

## 24. Pain in Prisons

As it did last years, INSEC monitored all the prisons of the country this year and came to a conclusion that the Government was not sensitive towards improving the situation of prisons. The physical aspect of the prisons was found dissatisfactory. Similarly, prison buildings were in a dilapidated condition and there lacked the necessary facilities such as water, latrines etc. As the number of prisoners were more than the prisons could accommodate, many of the jails were found crowded. (*See Jail and Detainees under District Details*). Many of the prisons were found not providing with opportunities for skill works. Contrary to the concept that jails have to be developed into reform centers, the prisons seemed like a place to inflict torture. Due to weak security arrangement in the prisons, jailbirds not only clashed against each other inside the jail buildings but also dug tunnel and escaped from. (*See Sunsari District in this book*). The NHRC wrote to the Government urging it to improve the situation of jails across the country. It expressed its concerns stating that prison buildings were vulnerable from the point of view of earthquake, fire and security and that the life of the prisoners inside the buildings was at risk. The Commission also pointed at the mismanagement and its subsequent impact on the women and children in the jails especially on the education and bringing up of the children remaining inside<sup>60</sup>. The Government prepared an amendment draft of Prison Act 2020. It constructed a new OPD building of the Central Jail Hospital. Similarly, the Government constructed temporary huts inside the jails in

Myagdi, Tanahun, Kapilvastu, Rupandehi, Sunsari and Surkhet districts.

## 25. Weak Regulation of Foreign Employment

At a time when other sectors such as agriculture, industry and business are facing problems, remittance has played role to sustain Nepal's economy. Remittance accounts for 23 per cent of the Gross Domestic Product of the country which is second after the contribution of agriculture<sup>61</sup>. Among more than 100 countries that are open for the foreign employment, Malaysia, Qatar, Saudi Arabia, United Arab Emirates, Kuwait, Oman, Baharain, South Korea and Israel are the major destinations for those Nepalis seeking for foreign employment. Although other sectors of the economy are ailing, Nepal has maintained the required foreign currency through the remittance. Economists estimate that about NPR four hundred billion is remitted to Nepal every year, which is almost equal to the national budget of the country. Remittance has raised Nepali people's life standard by directly impacting on their education, health and development.

In the FY 2069/70 alone, a total of three hundred eighty four thousand Nepalese left for different countries in the course of foreign employment, among them, 95 per cent of them were male and 5 per cent were female. Based on this data, a total of 1 thousand and 43 persons leave for foreign employment daily on average. According to Census 2011, a total of 1 million 917 thousand and 9 nine (1 million 620 thousand and 37 male and 254 thousand 6 hundred and 66 female) are

60. Karagarko Awastha Sudharna Ayogko Patrachar.<http://www.onlinekhabar.com/2012/12/18412/>

61. [http://www.ekantipur.com/kantipur/news/news-detail.php?news\\_id=259189](http://www.ekantipur.com/kantipur/news/news-detail.php?news_id=259189)



living in different countries of the world. Since, many Nepalis have gone to different countries through illegal routes; the number could be more than that.

The Government was not serious towards regulating the foreign employment properly as a result employment is getting risky and sometimes fatally risky for the Nepali youths. On average, 3 corpses of Nepali workers are sent back to Nepal from various countries. As the Government does not record the deaths of those Nepalis who die in foreign country after reaching there illegally, the data might be bigger than this. A total of 3 hundred and 24 dead bodies of Nepalis were sent back to Nepal from various countries during 6 months of the current fiscal year, this data, however, is exclusive of the deaths of those who went to foreign countries without obtaining approval from the Department of Foreign Employment.

The Government has not tried to analyze the implications of the risky foreign employment. Foreign employment has caused various problems in socio-economic life. It has directly affected the gender relation as well as the agriculture sector. In the meantime, worries are expressed again and again that remittance has not been utilized properly at the familial and governmental level in Nepal. The third Living Standard Survey has shown that the total population involving in agriculture has lowered to 76 per cent from 80 per cent. As the youths are attracted to foreign employment, cultivable lands have remained uncultivated<sup>62</sup>. The immediate advantages of remittance cannot be denied. However, its implications have to be appraised keeping the future of Nepali economy and its independence into

consideration.

The Government has the obligation to regulate foreign employment. Regrettably, however, the Department of Foreign Employment itself was implicated in irregularities this reporting year. Especially various forms of violence against women in the foreign employment were reported frequently this year but the Government did not initiate effective steps at diplomatic level. Rather, it made a ridiculous decision prohibiting women under 30 from going foreign employment. The decision sounded as though women above 30 do not face violence while in foreign country. Similarly, manpower companies cheating foreign employment seekers were reported by media throughout the year. However, the Government did not play regulatory and interventionist role in this connection.

## **26. Human Rights Mechanisms**

The relationship between the Government and various commissions such as the NHRC, National Women Commission was not congenial especially in terms of cooperation of the Government towards them. The subheadings below have attempted to analyze their relationship briefly.

### **26.1 National Human Rights Commission**

The NHRC complained this reporting year as well that the Government disregarded its recommendations. It made a total of 104 recommendations either to prosecute or to take departmental action or for providing relief. However, the Government did not heed the recommendations. The Commission concluded that the

---

62. Maharjan, Balkrishna. *Remityansma Nirbhar Arthathantra*. Sourya Daily

state of impunity and transition, the lack of expected cooperation from the Government and the tendency not to implement the recommendations of the Commission were some of the challenges faced by the Commission. Only 8.8 per cent of the recommended cases were fully implemented, 35.8 per cent cases were partially implemented and the rest i.e. 55.4 per cent of the recommended cases were not implemented<sup>63</sup>. The Government, in a report published by it on the occasion of completion of one year following its formation, stated that works were underway as to effectively implementing a total of 607 recommendations related with human rights violation, that a total of 139 recommendations were implemented and that a total of NPR 90 million was provided to the victims as per the recommendations of the Commission.

## 26.2 National Women Commission

The National Women Commission stated that in absence of the Legislature Parliament, the directive order issued by the Supreme Court to amend the laws related with women could not be amended. Similarly, a bill on accusation of so called witchcraft (offence and punishment) too could not be passed. The Commission viewed that women and children were at risk the most due to political instability. According to the data provided by the Commission to INSEC, a total of 172 applications related with domestic violence and 84 applications on violence against women were registered by the Commission this reporting year. Also based on the information published in various newspapers the Commission has also recorded a number of cases related with sexual vio-

lence, human trafficking, domestic violence and other social evils.

## 26.3 The Right of the Child

Although the situation of child rights seemed to have been improved in terms of various indices, it was not satisfactory. The Government passed National Child Policy 2069 and the standard on running and managing boarding child homes. Child marriage, sexual abuse and child labor continued unabated. The UN Committee on the Rights of the Child expressed its concern over the increasing sexual abuse against children of Nepal. Commenting on Nepal's laws and action plans on the Child; the UN expressed its dissatisfaction. The increasing incidents of child abuse and the sexual exploitation by foreign sex exploiters, the sexual exploitation against street children and the children of homeless squatters were raised as the main concern. It also suggested the Government to seriously examine the illegal child homes established with ill-intention of sex abuse, child trafficking and also to look into the problems arising from child adoption. Similarly, the Government was suggested to initiate concrete steps against the harmful practices such as Deuki, Jhuma, Kamlari tradition and child marriage.<sup>64</sup> INSEC record has also revealed that children in Nepal are undergoing difficult life due to child sex abuse and child labor. (*See District Details under Child Rights in this book*)

## 27. Attempts Made Regarding Human Rights and Social Justice

The Government took some positive steps towards human rights and social justice. It concluded the army integration

63. Aryal Om Prakash. NyayikPrakritikaSakshyamtatathaSipharisharu. Chapter 3, page 15

64. Badhdo Bal Youn Shoshan PratiS yumkta Rastra Sangh Gambhir. Rajdhani Daily. June 16, 2012, p. 2

process, an important aspect of the peace process. However, the Government stated that it was unable to effectively implement the programs on social security as it could not introduce a new program due to opposition parties' noncooperation in passing full budget. The Government passed a national strategy and action plan on implementing the UN Convention against Corruption and the national strategy and action plan on ending gender violence and on the gender affairs. Kusunda, Bankaria, Raute, Hayou, Raji, Kisan, Lepcha, Meche, Kushbadiya – the endangered tribes and ethnic groups, were declared to be provided with NPR 1000 monthly to be effective from January, 2012. Similarly, labors and students were supposed to be provided with ration cards. However, the effectiveness of these programs was yet to be assessed.

## Conclusion

The Government, which reiterated peace, constitution, good governance and prosperity as its catch phrases, was able to accomplish only one important job this reporting year. The integration of the former Maoist combatants into the NA in line with the provision of the CPA was remarkable. Other rhetoric of the Government could not be materialized. The constitution writing process got abortive with the unexpected expiration of the CA.

The Government made controversial decisions against which the Supreme Court had to issue stay orders. This reality was indicative of the fact that the Government was not committed to the rule of law. The Government continued to rule in a caretaker status for six months. It could not hold election on the declared date. The PM acknowledged its incapacity and stuck to power whereas constitutional and po-

litical crises were deepening in the country. He seemed reluctant to clear way for the national unity Government.

Likewise, TJ mechanisms were not established and the rule of law gradually weakened being compounded with corruption, the violence against women and Government's interference with impunity. Concluding that Nepal was disregarding TJ mechanism, the UN released "Nepal Conflict Report", which drew attention of the world about human rights situation of conflict-era Nepal. The NHRC drew attention of the Government for not implementing its recommendations. The commission such as the National Women Commission and Dalit Commission did not receive required resources from the Government.

Price hike and black marketing continued unabated. So much so that Government hiked the price of petroleum five times a year. The situation of social justice situation remained unimproved. The situation of peace and law and, order the country did not improve. The death of three individuals in explosions in Kathmandu reflected the bad situation of law and order in the country. The Supreme Court Justice was shot dead in Kathmandu itself however; the Government was unable to track his killers. The Government was evaluated to have turned weaker gradually.

Constitutional bodies such as the Office of the Auditor General, the Commission for the Investigation of Abuse of Authority, Election Commission and Public Service Commission remained without chiefs and members for long. The Government did not heed this matter. The relationship between the head of Government and the head of the State turned cold as the desire of the former to rule the country through ordinance was stayed by

the President. PM Bhattarai was criticized for speaking against the Judiciary and the President. PM's disrespect to the rule of law and disbelief towards the theory of the separation of power were manifested. The Supreme Court summoned PM Bhattarai to appear before the Court on contempt of court. Hence, it was understood that the organs of the state were not positive to the head of the executive.

PM Bhattarai was criticized for not fulfilling the demands presented by him some 17 years ago to the then Government just before launching armed conflict against the Government. His modus operandi made his own cadres and colleagues fed up as a result some of the leaders of his party formed a separate party led by Mohan Baidhya, which added 30 points to the 40 point-demands presented by Baburam Bhattarai in the past and now presented before PM Bhattarai.

The Government did not contribute to institutionalize the achievements obtained through the historical movement. To sum up, the Government did not succeed in concluding the peace process in 2012.

### Recommendations

- Pay serious attention to the political and constitutional vacuum appeared

in the country due to the absence of elected bodies and then resolve the political and constitutional complexities based on political consensus before fixing date for a new election. The incumbent Government has to resign for the purpose

- Form TJ mechanisms as soon as possible in line with the provision of the CPA and as per the international standard by keeping the increasing anarchy resulted from the lack of the said mechanisms and the possible damaging international image of the country into consideration
- Make decision as soon as possible on the basis of political consensus and fill up the posts that are remaining vacant in the Judiciary including in the constitutional bodies
- As the Government is responsible to implement the decisions and recommendations made by courts and the NHRC, implement their decisions and recommendations seriously
- Respect the theory of the separation of power in order to institutionalize democratic system and order to adopt the policy of non-interference towards the jurisdiction of the autonomous bodies.





3.3 State & Human Rights

Chapter

Legislature &  
Human Rights

3

## Chronology

January 1-December 31, 2012

### January 4

Minister for Environment Hemraj Tated introduces “Nepal Health Service (Fourth Amendment) Bill, 2012”

Minister for General Administration Ram Kumar Yadab introduces “Civil Service (Third Amendment) Bill, 2012”

“National Human Rights Commission Bill, 2012” unanimously passed

### January 6

“Intergovernmental Agreement on Trans-Asian Railway Network” unanimously passed

“Statute of the International Atomic Energy” passed by majority vote

“Civil Service (Third Amendment) Bill, 2012” unanimously endorsed

First amendment of new calendar of Constituent Assembly

### January 8

“Nepal Health Service (Fourth Amendment) Bill, 2012” unanimously approved

### January 17

CA members of NC and UML obstruct House business demanding the government decision to legalize conflict-era land transactions sanctioned by the Maoists ‘people’s government’ be withdrawn

### January 20

CA chairperson Subash Nembang draws attention of the government seeking its response regarding the government decision to legalize conflict-era land transaction after CA members of NC, UML, RPP, RJM, RPP-N, RJP obstruct House business

### January 22, 26, 27, 29, February 1, 5

CA members of NC, UML, RPP, RJM, RPP-Nepal, RJP, CPN-ML obstruct House business seeking government’s statement over absence of government representatives in the House, remarks of the PM that

Nepal might be merged with any country, labeling of ‘People’s Enemy’ to CA members by UCPN-M mouthpiece and the government’s decision to legalize conflict-era land transaction

### January 31

Commission on Restructuring of State submits two reports to the government

### February 2

Second amendment of new calendar of Constituent Assembly

### February 9

PM Bhattarai, while addressing the House, informs that the government decision to legalize conflict-era land transaction will be withdrawn, and clarifies that he only meant that Nepal would get submerged economically with neighboring economic powers if the country does not make economic developments

### February 13

“Report on the Nepal’s foreign policy in the changed context, 2012” prepared by the Committee for International Relations and Human Rights presented in the House

“Report on the torture inflicted to Kabita Thapa of Butwal-13 by local Janajagan Mothers’ Group and her subsequent Suicide, 2012” and “Report on structure and procedure to form women district coordination committee, 2012” prepared by the Women, Children and Social Welfare Committee presented in the House

“SAARC Convention on Cooperation on Environment” unanimously endorsed

Third amendment of new calendar of Constituent Assembly

### February 17

CA members of UML obstruct House business demanding that the government form Fair Judicial Investigation Commission on the incident of Siraha

## February 21

Deputy PM Bijay Kumar Gachhadar informs the House that police had arrested those involved in incidents that occurred at various parts of Siraha and adds that the government will provide compensation to the victim on the basis of the recommendation provided by the investigation commission which will be formed by the government

Minister for Law and Justice Brijesh Kumar Gupta introduces “Bill relating to contempt of Court, 2011” and “Bill relating to amendment and annulment of some Nepali law, 2012”

## March 25

Report of Commission on Restructuring of State presented in CA

## May 3

UCPN-M, NC and UML reach 5-point understanding, agree to promulgate the constitution before May 27 by reaching consensus on contentious issues of constitution drafting and resolving remaining issues through transformed parliament

## May 17

Brihat Madhesi Morcha obstructs House business protesting against the May 3 understanding among the main political parties

## May 18

House business resumes after PM Baburam Bhattarai, while addressing the House, tells that the 5-point understanding is preliminary and that discussions will be held while moving ahead

Minister without portfolio Posta Bahadur Bogati introduces the Interim Constitution (12th amendment) bill

## May 19

The Interim Constitution (12th amendment) bill passed by majority vote

## May 22

The Interim Constitution (13th amendment) bill registered at the secretariat of Legislative-Parliament

## May 23

Three separate writ petitions filed in the SC challenging the government’s proposal to extend the CA term by passing the Interim Constitution (13th amendment) bill

## May 24

SC asks the government and Speaker to not extend the term of CA

## May 27

CA Dissolves without promulgating constitution

PM addresses the nation at midnight and declares fresh CA elections to be held on November 22

## May 29

Saying that the membership of the PM also expired along with the dissolution of the CA, President Ram Baran Yadav asks the Bhattarai-led government to look into the day-to-day affairs of the country until the formation of another cabinet

## June 5

Writ petition filed in SC demanding annulment of the PM’s announcement of fresh elections

## June 7

Writ petition filed in SC demanding the CA be reinstated for a day

## July 16

SC issues show cause notice in the name of government and Legislative-Parliament responding to the writ filed by NSP (Anandidevi) chairperson Sarita Giri who demanded reinstatement of the CA.

## 1. Background

One of the main branches of the state, legislature has the responsibility to make laws. Responsibility of making domestic laws in par with international standards according to the treaties, agreements ratified by the State also rests with the parliament. It also makes the executive branch accountable towards implementing existing laws. The parliament makes laws through processes which include introducing bills, discussing them in statute committee, passing the bills. Officials of commissions provisioned in the constitution, including the National Human Rights Commission, have to undergo parliamentary hearing in order to make them accountable towards the people. Committee for International Affairs and Human Rights of the legislature parliament presents its report in the parliament regarding protection, promotion of human rights and the progress towards their effective implementation. It also deals with human rights issues, including whether the government has brought the violators of human rights to justice, process of withdrawal of cases, treatment of prison inmates. Likewise, the parliamentarians and parliamentary committees draw the attention of the government towards issues relating to the people and also issue directives. The Constituent Assembly entrusted with the historic responsibility of drafting a constitution made various laws in its role as legislature-parliament. Concerns were expressed regarding issues of human rights in the parliament during these four years while various committees of the parliament provided recommendations and issued directives to various government bodies.

The historic CA with inclusive and proportionate representation of people dissolved without promulgating constitution in 2012. The CA, in its tenure of regular two years and another two years of repeated extension, failed to promulgate constitution in its stipulated date on May 27. It was expect-

ed that questions would be raised regarding legitimacy of the government following dissolution of the CA which also served as the legislature-parliament. Additionally, the country witnessed severe constitutional crisis. Prime Minister (PM) Baburam Bhattarai announced for fresh CA elections to be held on November 22 while addressing the nation at midnight on May 27. As the Interim Constitution did not have any provisions for holding the CA elections twice, the legitimacy of the elections declared by the PM was also questioned. President Ram Baran Yadav declared the Bhattarai-led government as caretaker saying that the membership of the PM also expired along with the dissolution of the CA on May 27 according to Article 38 (7) of the Interim Constitution. President Yadav also asked the Bhattarai-led government to look into the day-to-day affairs of the country until the formation of another cabinet in accordance with the Article 38 (9) of the Interim Constitution.

The tradition of reaching various understandings but not implementing them was observed this year too. Understandings were reached in various contentious issues of constitution drafting among the political parties. However, federalism was the most contentious issue. As a result, the PM stirred further debate by announcing fresh elections after dissolving the elected CA. Major political parties reached 5-point agreement on May 3 in which the UCPN-M, NC and UML agreed on promulgating the constitution on May 27 by reaching consensus on most of the contentious issues and resolving the other contentious issues through the transformed parliament. But, the CA was dissolved in an unexpected manner as the parties backtracked from the tradition of forming consensus at the last hour. The main political parties engaged in struggle for power when they should have focused in drafting new constitution. NC and UML demanded resignation of PM



Bhattarai one week before the expiry of the CA.

PM Bhattarai could not hold fresh CA elections he called for. The parties could not agree on a common candidate despite repeated calls for the formation of a consensus government since November 23. The CA dissolved after concrete development was not achieved in the first half of this year while the parties did not show initiatives for formation of consensus government in the next six months. The government was bent on taking arbitrary decisions as it was not accountable to any institutions due to lack of legislature-parliament.

Bills, treaties, agreements and activities relating to human rights conducted by the legislature-parliament this year have been discussed in this chapter. Additionally, the reasons for the dissolution of the CA formed four years ago by the CA elections have been analyzed and recommendations have been provided for the way out of the current constitutional crisis.

## **2. Progress in Constitution Drafting**

Political parties reached agreements on forms of governance, judicial system, electoral system, issue of citizenship on which they failed to make a consensus last year. However, disputes remain among the parties over number of provinces regarding the issue of state structuring.

### **2.1 Agreement on Contentious Issues of Constitution Drafting**

Four main political parties agreed to keep mixed model of governance in the new constitution. According to the agreement, the president would be directly elected by the people while the PM would be selected by the parliament. The parties had agreed on the mixed model similar to the French model of governance as proposed by the Dispute Resolution Sub-committee. Three main political parties also agreed to resolve the contentious issues, including name and

boundary of the province through transformed parliament and promulgate the constitution before May 27. The CA chairperson had brought forward this alternative in case the contentious issues were not resolved. Establishment of constitutional Federal Commission to resolve the disputes on federalism was also agreed upon. The parties agreed to form 11 provinces and decided to determine their name and boundary later. However, Samyukta Loktantrik Madhesi Morcha of the ruling coalition and Adivasi Janajati groups criticized the agreement demanding identity-based federalism. Majority of the CA members (320) presented a written stance for its disapproval. UCPN-M backtracked from this agreement after a campaign was started by the CA members to disobey decision of top leaders and the party. Though it was not possible to promulgate the constitution by bringing all sides to consensus, maximum sides should have been accommodated. The major parties failed to exploit the only legitimate spot – CA in this regard.

The parties agreed that name and number of the provinces would be proposed by the federal commission and the transformed parliament would decide upon it. The Commission for Restructuring of State formed last year failed to submit a unanimous report as the members were appointed politically. Similarly, the parties also agreed on the number of members of parliament. As per the agreement, 171 members would be elected to the House of Representatives through direct election (FPTP), 240 members through proportional election system, five members from each province to National Assembly and 10 famous personalities having expertise in special sectors nominated by the President upon recommendation of the cabinet. Though this number is less than the number of CA members, the number is relatively large in the context of Nepal.

The parties kept on repeating a need

for consensus though the date to promulgate constitution was about to expire. However, they could not translate this into practice. The parties began to reach consensus on contentious issues just when two weeks were remaining. Though the parties were keen to strike deals at the last hour, drafting of the constitution could not be achieved as per the provisions of the Interim Constitution. The parties engaged in meetings to promulgate the constitution by a short process as there was not enough time to pass all articles, sub articles through discussion. Though the process was shortened by amending the constitution, CA rules could not be amended as House sitting could not take place. A consensus could not be reached even at the last hour over 117 contentious issues, including restructuring of state.

## 2.2 Report of Recommendation Commission for Restructuring of State

The parties showed concern in establishing a High-level Recommendation Commission for Restructuring of State (HRCRS) as provisioned in the constitution only during the latest extension of the CA. Had discussions been held in this issue since the beginning, it would not have been a thorny issue. The government established a HRCRS following agreement among the top leaders of four main parties on November 22. The HRCRS submitted two separate reports with majority of them proposing for 11 province model with one non- territorial state while the second report suggesting for six provinces. The reports were presented in the CA on March 25. (*See chapter executive*) The reports drew criticism for stressing only on ethnicity and neglecting territory and capability while determining the basis of boundary of province.

## 3. Dissolution of CA: Events

The parties showed keenness in constitution writing only before the expiration

of the CA. At a time when the government should have been engaged in leading intense discussions for constitution drafting, it made a failed attempt to extend the CA term. Various factors were responsible for the dissolution of the CA

### 3.1 CA Before Dissolution

Serious discussions were not held even when the term of the CA was about to expire. The parties had not discussed even on minimum procedures like preparing integrated draft, theoretical discussion, collecting views of people, drafting bills, clause by clause discussion and procedures for passing bill. Efforts to resolve the contentious issues, including state restructuring, forms of governance by putting them to vote was limited only to making questionnaire. Important time was wasted also because of the Aadibasi Janajati members' (Caucas) stance of single identity and ruling Madhesi Morcha's stance of not keeping more than two provinces in Tarai Madhes. Backtracking from the May 15 agreement on 11 provinces, the UCPN-M lobbied for single identity based federalism. This started the debate again. UML-NC charged UCPN-M as anti-constitutionalist and UCPN-M charged UCPN-NC as anti-federalist. UCPN-M's obstinacy in rooting for identity based federalism was also an obstruction to consensus. PM's political advisor Devendra Paudel had given a statement two weeks before the expiration on the CA that it should remain in any form even if the constitution was not promulgated in May 27. However, the PM on May 27 unilaterally announced for new CA elections. It was not unusual that the political parties, except the PM's party – UCPN-M was suspicious of the announcement.

### 3.2 SC's Interim Order not to Extend the CA Term

The Supreme Court (SC) on November 25, 2011 gave a verdict that the CA

would be dissolved if the constitution was not promulgated on May 27, 2012. The SC administration rejected the appeal made by the government and the legislature-parliament to review the SC verdict on December 27. There was no alternative to promulgate the constitution before May 27 following the SC verdict. Going against the SC verdict, the government unilaterally registered the constitution amendment bill proposing for 3-month extension of the CA at the secretariat of the legislature-parliament on May 22. NC-UML and even Baidhya faction of UCPN-M opposed the amendment bill brought by the PM, saying that there was less time and the CA might be dissolved if consensus was not reached. Three separate writ petitions were filed at the SC on May 23 challenging the government's proposal to extend the CA term. Responding to the writ, a single bench of Chief Justice Khilraj Regmi stayed the government's move on May 24. A special bench comprising Regmi had given three options – election for next CA, referendum and other alternatives – in case the constitution was not promulgated in stipulated time.

### 3.3 Dissolution of CA

The CA elected for two years prepared preliminary reports with concepts through thematic committees. There was little progress in resolving the contentious issues in the reports in the extended period. The Dispute Resolution Sub-committee (DRS) comprising of main political parties and led by UCPN-M chairperson Pushpa Kamal Dahal also could not make consensus over the contentious issues, including state restructuring. The CA dissolved also because past agreements between the parties were not implemented. The tendency of the political parties not to hold serious discussion before final hour also led to this situation. The agreements reached in the DRS

could not be endorsed in the Constitutional Committee (CC). Similarly, opinions were divided even in the issues endorsed by the thematic committees. Though the CA had the final right to decide on all issues of constitution drafting, it became unexpected prey to political interventions. There was no connection with the people when there should have been regular dialogue and help sought from people in the course of drafting constitution or there was no practice of taking opinion of people and expressing them over decisions of the CA.<sup>1</sup> The stance of Samyukta Loktantrik Madhesi Morcha (SLMM) over the 14-province or 10-province model proposed by the HRCSSR and Committee on State Restructuring (CSR) also was a factor in the parties not reaching consensus. The parties did not concentrate on constitution writing as the power-centered politics prevailed. The CA was failed by the political parties who with different ideologies could not sort out the common principle based on which they would write the constitution. Four governments led by UCPN-M chairman Pushpa Kamal Dahal, UML leader Madhav Kumar Nepal, UML chairperson Jhalanath Khanal and UCPN-M vice-president Baburam Bhattarai were formed during the four years of CA. As change of government was a key issue in almost all extensions of CA term, it was clear that the parties were not serious in constitution drafting.

There were 13 House sittings of the CA in its fourth year. First sitting of the CA on May 28, 2008 had declared the country republic while its last sitting (122) amended the CA rule on May 1, 2012. The CA sitting adjourned until May 3 was adjourned for 21 times and it could not sit until May 27 when it was dissolved. None of the top leaders except CA vice-chairperson Purna Kumari Subedi arrived at the CA building. The CA memberships of UCPN-M chair-

1. Malla, Sapana Pradhan. "Antyahain Sambidhansabha". *Kantipur Dainik* May 24, 2012 : p 5

person Pushpa Kamal Dahal, UML chairperson Jhala Nath Khanal, Bijay Gachhadar and other top leaders were almost revoked after they did not attend the CA sitting for regular 10 times.<sup>2</sup>

#### 4. Reasons for CA Dissolution

The parties failed to deliver constitution even after fourth extension. The high-level task force comprised of top leaders, repeated amendments to the CA calendar and insufficient pressure from the CA chairperson were the main reasons for CA dissolution.

##### 4.1 Dispute Resolution Sub-committee (DRS)

The DRS comprised of top leaders of main parties did not put enough efforts to find consensus on contentious issues. The DRS formed a 7 member task force to promulgate the constitution by a short procedure when only two weeks were remaining. The task force was assigned to prepare the comprehensive model of the proposal to be included in the constitution on the basis of the agreement reached in political level. It was said that writing of the integrated draft of the constitution would begin after the Constitutional Committee unanimously endorses this model. The task force under the DRS prepared draft of the power of the PM and the president as per the mixed form of governance. The task force led by chairperson of DRS and UCPN-M Pushpa Kamal Dahal engaged in disputes, let alone taking lead role.

##### 4.2 Repeated Amendments to CA Calendar

The CA calendar was amended repeatedly. The 82-week CA calendar endorsed by the CA on November 16, 2008 passed through repeated amendments as

#### Extensions of CA Term

May 28, 2010:	1 year
May 28, 2011:	3 months
August 29, 2011:	3 months
November 29, 2011:	6 months

progress was not achieved according to the calendar. New calendar was prepared on December 6, 2012 after the parties failed to reach consensus in constitution drafting despite more than 12 amendments to the calendar. Repeated amendments were made even on this calendar. The duration and date was also not mentioned in the amended calendar. This sent a message that the CA members were not keen to draft constitution by fixing the date.

##### 4.3 Role of CA Chairperson

CA chairperson Subas Nembang was also criticized for CA dissolution. Had he made it stricter for top leaders who hardly participated in CA sitting, promulgation of constitution would have been possible. He did not put in enough efforts to end the contentious issues through CA. Nembang repeatedly reminded the Brihat Madhesi Morcha that the issues related to constitution drafting would be discussed in the CA, not in the legislature-parliament when they obstructed the sitting objecting to the 11-province model agreed by the main political parties. He had warned that constitution could not be promulgated before May 27 as the obstruction by Morcha had affected the constitution amendment process. He had urged the top leaders to utilize the remaining time after the SC issued the verdict not to extend the CA term. The parties did not take his warning seriously. He even pressured the leaders to reach consensus by cancelling his foreign visit at the last hour. His efforts before the CA dissolution were

2. Pant, Sushil. "Kam bhayeko cha" <http://nepalibimal.com/article/report/%E0%A4%95%E0%A4%BE%E0%A4%AE-%E0%A4%AD%E0%A4%8F%E0%A4%95%E0%A5%8B-%E0%A4%9B,18> accessed on December 18, 2012

appreciable but constitution could have been possibly drafted had he shown some urgency from the beginning.

#### 4.4 Reinstatement or Elections

There were regular discussions on whether to reinstate the CA or go for fresh CA elections after the dissolution of the CA. PM Baburam Bhattarai could not hold elections though, on the night of the CA dissolution, he announced for CA elections to be held on November 22. The old CA lost all its credibility, legitimacy and legality on that day. The CA thus cannot be revived. Even if it is, and the revived CA promulgates a constitution, such a document will not be accepted. This was an issue that should have been settled through political consensus. But the PM declared new elections without first establishing such consensus. Our constitution does not permit such unilateral decisions at the time of transition.<sup>3</sup> Discussing on CA reinstatement is tantamount to rejecting elections. Extending the CA term would have been against the SC verdict while reinstating CA is against the will of the people. But, the parties should make a deal on issues, including whether to hold elections for CA or parliament and number of MPs before going for elections. The Interim Constitution has provided that only those Nepali citizen 8 who has attained the age of 18 years by December 15, 2006 shall be entitled to vote in CA elections.

#### 5. Effects of Absence of Legislature-Parliament

Necessary efforts were not taken by the government to end the absence of parliament. The PM and his party UCPN-M, taking advantage of such situation, took decisions as per their interests. Officials could not be appointed in different government

institutions as parliamentary hearing could not take place. This had serious effects in the work of executive and judiciary. Since the constitutional posts would continue to remain vacant from the beginning months of next year, chances of severe blows to good governance increased.

#### 5.1 Arbitrariness of Government

According to the balance of power theory, the constitutional body parliament controls the arbitrariness of the government. The government moved towards autocracy in the absence of parliament. Providing amnesty to those involved in serious crimes by the cabinet decision, the government advanced towards institutionalizing impunity. PM Bhattarai was compelled to suspend murder accused Minister Prabhu Sah and Minister Sharad Singh Bhandari for his controversial remark on national sovereignty last year. But, he easily took the decisions to withdraw cases without any obstruction in the absence of parliament. However, the judiciary tried to control the government's arbitrary decisions. The SC warned the government towards its decision to withdraw cases against cadres of ruling coalition in the name of being political in nature. (*See chapter judiciary*) PM Bhattarai forwarded the ordinance of establishment of transitional justice mechanisms to the president with a view to grant amnesty even in serious violations of human rights. Those benefitting from withdrawal of cases were cadres of Madhesi parties of the ruling coalition.

#### 5.2 Vacuum in Constitutional Posts

Vacuum in the constitutional posts increased after the dissolution of CA which was also acting in the capacity of legislature-parliament. Acting chief commissioner of the Election Commission (EC) Neel

3. Republica. "Only parliamentary polls will help find solutions" [http://myrepublica.com/portal/index.php?action=news\\_details&news\\_id=42048](http://myrepublica.com/portal/index.php?action=news_details&news_id=42048) accessed on December 5, 2012

Kantha Upreti retired on the basis of seniority on November 12. It is certain that holding elections would be challenging for EC as the term of the other two remaining commissioners Dolakh Bahadur Gurung and Ayodhi Prasad Yadav would also expire on January 10. Appointing officials in the EC is not an option as there is no existence of the parliament. They have to undergo parliamentary hearing as provided in the Interim Constitution. Since the constitution cannot be amended in the present situation, those who have attained the age of 18 years after December 15, 2006 might be deprived from voting in the elections. Officials cannot be appointed in the Commission for Investigation of Abuse of Authority (CIAA) due to lack of Parliamentary Hearing Special Committee (PHSC). The CIAA is without commissioners since three years. Since officials were not appointed even when the legislature-parliament existed and the PHSC does not exist following dissolution of CA, vacuum in the constitutional bodies will increase. Seven justices of the SC retired from their post this year as parliamentary hearing could not take place. At the end of the year, seven justices, including the CJ, remained in the SC. The constitutional council which makes recommendations for appointment in the constitutional bodies lacked the speaker and leader of opposition party. Ordinances proposed in such situation brought more division among the parties. The CIAA and Office of Auditor General is without commissioners from six years while it has been four years that the Public Service Commission is without a chief.

## 6. CA members in Controversy

The CA members were in the lime-light for the wrong reasons like previous years. CA member from NSP (Anandidevi) Shyam Sundar Gupta was arrested from Bhairahawa on charge of being involved in the abduction of businessman Pawan

Sanghai on January 14. Police claimed that Gupta was involved in the incident from planning the abduction to taking ransom. UCPN-M CA member Bal Krishna Dhungel, who has been convicted of murder by the SC, attended house sittings freely. The then Minister for Information and Communications Jay Prakash Prasad Gupta, who was elected to the CA from MJF (Ganatantrik), was sent to jail by the SC for corruption.

CA members Naradmuni Rana, Gayatri Sah, BP Yadav, Shiva Pujan Ray were released on bail last year for forgery of diplomatic passports. CA members Kiran Kumari Yadav and Prem Bahadur Pulami were involved in using students to attend their SLC exams. CA member Dol Bahadur Kari was also among those arrested last year. He was arrested while taking bribe claiming that he would in the appointment of police inspector. UCPN-M Lokendra Bishta had entered CA building carrying weapon.

The CA members were also engaged in violent activities. CA members Bishwendra Paswan vandalized a chair in the meeting of CA whereas Sanjay Sah broke a mike. UCPN-M CA members Suryaman Dong and Ramkaji Maharjan vandalized the briefcase with budget papers while the then Finance Minister Surendra Pandey was on his way for budget speech. Such activities of the CA members sent negative message about the legislature-parliament. The parliamentarians are entrusted with the responsibility of making the fundamental law and legislations in accordance with the human rights principles. However, the CA members were criticized for their irresponsible behaviors.

## 7. House Obstruction

Eighteen sittings of legislature-parliament were held this year. There were 15 House sittings when the 10<sup>th</sup> session of the legislature-parliament ended this year on February 21. The session called to cut down

the procedure to promulgate constitution held three sittings. The legislature-parliament held 373 sittings in its four years.<sup>4</sup> The CA members also obstructed House business for many times this year too. CA members of NC and UML obstructed House business more than seven times this year saying that the government decision to legalize conflict-era land transactions sanctioned by the Maoists 'people's government' was against the Interim Constitution, peace accord and existing laws. The unilateral decision of the UCPN-M led government affected constitution drafting and peace process. The CA members also obstructed House business demanding government's official view over issues, including non-implementation of the 7-point agreement of October 1, 2011, petroleum price hike, labeling of CA members of opposition parties and some human rights activists as 'people's enemy' by Maoists mouthpiece 'Lalrakshak'. The role of members of opposition party is to make the ruling party accountable in the parliament by allowing the House proceedings. However, they showed irresponsible behavior by obstructing the House business. Members of the cabinet remained absent in most of the House sittings. This demonstrated that the government was not accountable towards the legislative-parliament and the people. The attempt to hold House sitting called for finding consensus regarding issues of constitution on May 20 was affected by the bandh called by Indigenous Nationalities Joint Struggle Committee demanding federalism with ethnic identity. The sitting of CA and legislative-parliament was cancelled after CA members could not attend the meeting. Though the legislative-parliament amended the Interim Constitution cutting down the procedure of promulgating constitution, the CA could not amend its rule. Brihat Madhesi Morcha obstructed the House business

on May 17 when the House was called to amend the procedure of promulgating the constitution. NC-UML had also expressed that the House sitting should be immediately called to amend the Article 70 of the Interim Constitution in order to shorten this process. The Morcha obstructed House sitting protesting against the agreement between the main political parties on issues, including restructuring of the state, form of governance. The obstruction affected the proceedings over the bill brought to amend Article 70 of the Interim Constitution. The Morcha obstructed House over issues that were to be decided by the CA.

## 8. Report of Parliamentary Committees

Study reports prepared by various committees were presented in the legislature-parliament during its existence in the first six months of this year. "Report on the Nepal's foreign policy in the changed context, 2012" prepared by the Committee for International Relations and Human Rights, "Report on the torture inflicted to Kabita Thapa of Butwal-13 by local Janajagan Mothers' Group and her subsequent Suicide, 2012" and "Report on structure and procedure to form women district coordination committee, 2012" prepared by the Women, Children and Social Welfare Committee were presented in the legislature-parliament. Committee on Finance and Labor Relations presented a study report on Jute Factory (Sunsari and Morang), Surya Nepal (Morang) and Medicine Factory (Sunsari). A report on brutal murder of Dhegani Devi Mahato of Chitwan on witchcraft allegation was also presented in the legislature-parliament. The parliamentary committees actively investigated the incidents of violence against women and presented the report. This showed that the legislature-parliament was sensitive towards human rights. The State Affair Committee

4. *ibid* 2

asked the Ministry of Local Administration to provide the list of line agencies and ministries which do not comply with laws, rules while transferring employees within a week. Committee for International Relations and Human Rights did not prepare reports on protection, promotion and respect of human rights, and whether the government was able to bring the violators of human rights to justice.

### **9.1 Endorsement of Treaty/Agreement**

Many treaties, agreements were endorsed when the legislative-parliament was in place in the first six months. “Inter-governmental Agreement on Trans-Asian Railway Network” was unanimously passed by the legislative-parliament on January 6. “Statute of the International Atomic Energy” was passed by majority vote. “SAARC Convention on Cooperation on Environment”, Regional Cooperative Agreement for Research, Development and Training Related to Nuclear Science and Technology” were unanimously endorsed. Bills related to contempt of court and amendment and annulment of some Nepali laws were also introduced in the legislature-parliament.

Procedures like introducing bills, clause by clause discussion, discussion in the statute committee were stopped after the CA, which also functioned as the parliament, dissolved. Many bills, agreements could not be introduced in the legislature-parliament after the quorum of CA members remained unfulfilled. Consensus could not be reached among the political parties regarding the bill on establishment of Commission of Inquiry on Disappearance (CID) and Truth and Reconciliation Commission (TRC). The Comprehensive Peace Agreement (CPA) and Interim Constitution have envisioned these commissions. The parties could not reach to a consensus to establish these transitional justice mechanisms before the dissolution of CA.

A bill was introduced in the legislative-parliament for the 12<sup>th</sup> amendment to the Interim Constitution. The House sitting on May 22 amended the provision of Article 70 which required the CA to vote on the Preamble and each article of the bill relating to the constitution. The amendment made the procedure to pass the bill relating to the constitution short and easy. But, the parties were not sincere in preparing draft of the constitution even after the amendment. The CA was dissolved at a time when the House was not sitting.

### **9.2 Approval of “National Human Rights Commission Bill, 2012”**

The legislative-parliament unanimously passed the “National Human Rights Commission Bill, 2012” on January 4. Human rights community criticized the Act saying that it would not allow the commission to be independent and autonomous. As per the provision of the act, complaints regarding the incidents of human rights violation or its abetment shall have to be lodged at the Commission within six months from the date on which the incident took place or within six months from the date on which a person, under control of someone else, got released and became public. It is widely recognized that it takes time before victims of human rights abuses are psychologically capable of moving forward to file complaints and provide accounts of abuse. As such, these violations should not be subjected to a strict statute of limitations. In a country such as Nepal, where transportation infrastructure is weak and villages are in remote locations, the new provision appears unsympathetic about the distance the victims must travel and costs they must incur to file a case, and further presumes that the new Act’s provision will be known to those who live in the far-flung corners of Nepal. In contrast, some countries, including Ethiopia, have incorporated into their constitutions a provision stating that violations



of international law such as torture and enforced disappearances will not be bound by a statute of limitations.<sup>5</sup> Though the act was implemented, a writ petition was filed with a demand that the act should be annulled as some of its provisions ran contrary to the constitution, Paris Principles and international laws and standards. (*See chapter judiciary*) According to another provision, if the Attorney General decides that a case cannot be initiated as per prevailing laws against a person who has violated human rights, the Office of the Attorney General shall have to inform the Commission thereof. In a country like Nepal where politicization of crime runs deep, it is not doubtful that the legal advisor of the government, Attorney General will make prosecution in cases where the government side is the perpetrator. Impunity will be institutionalized when such criminals run free. The act provides for the NHRC to seek approval from the Finance Ministry with regards to agreements it makes with national and international organizations for exchange cooperation. Such provision hands over the financial control of the NHRC to the government. The provision relating to reconciliation states that no reconciliation shall take place in cases which are considered as serious violation of human rights and humanitarian law under the international laws or regarding the matters in which reconciliation cannot take place in accordance with the prevailing laws. This sent a strong message of commitment that amnesty should not be provided in grave human rights violations.

### 9.3 Ordinances forwarded to the President

Though the caretaker government shall not make policies, rules and laws which have long-term effect, Bhattarai-led government forwarded ordinances, includ-

ing one on the establishment of transitional justice mechanisms. The president did not approve the CA elections Act and ordinance on amendment to some Nepal Act regarding elections forwarded by PM Bhattarai. Making most of the situation when the leader of opposition party, speaker and parliament was not in place, PM Bhattarai even tried to bring ordinances with a view to unilaterally appoint officials in constitutional bodies and ambassadors.

The president approved ordinances on budget and anti-money laundering. Similarly, the president also approved budget ordinance for remaining eight months of this year. The ordinance approved by the president needs to be passed by the parliament. Since there is no parliament and there is no possibility of elections taking place sooner, it will be challenging for the government to give legitimacy to these ordinances. It was said that the PM forwarded ordinances to make things difficult for the president. The government had forwarded ordinances on Mutual Legal Assistance and Extradition Treaty, Organized Crime, Health Services Act, Education Service Act, Civil Service Act, Establishment of CID and TRC. It was necessary to bring the ordinance on CID and TRC but the other ordinances had less importance in the current transitional phase.

The Council of Ministers led by PM Baburam Bhattarai forwarded an ordinance on August 28 seeking presidential approval for the establishment of CID and TRC. The ordinance drew criticism from national and international human rights community for merging the two commissions. The merging of the commissions were viewed as a step to grant amnesty to the perpetrators of serious human rights violations committed during the armed conflict. Separate bills regarding formation of these commissions were waiting for consensus in the statute committee

5. Abrahams, Pema. "New Act a Blow to Human Rights" <http://asiafoundation.org/in-asia/2012/03/14/new-act-a-blow-to-human-rights-in-nepal/> accessed on December 7, 2012

of the legislature-parliament. The government's unilateral decision to merge the commissions is against the Comprehensive Peace Agreement (CPA), Interim Constitution and SC verdict. The ordinance was criticized also because its provisions were not on par with international standards for establishing such mechanisms. The provision for reconciliation in the ordinance mentions that the Commission can reconcile the victim and the perpetrator if either of them apply for reconciliation. However, the clause saying that it would not be considered that Commission is barred from reconciling even if there is no such application apparently stresses on forced reconciliation. Therefore, the provision ensuring that the perpetrators of serious human rights violation cannot get away in the name of reconciliation should be kept. Amnesty provision of the ordinance says that the Commission could recommend for amnesty of the perpetrator with sufficient base and reasons if its investigation finds that the perpetrator can be pardoned. There must be a provision ensuring that the Commission would recommend for amnesty of the perpetrators of the conflict-era acts of rape and other sexual assaults, killing in captivity, enforced disappearance or violation of child rights and that any amnesty is granted only with the permission of the victims.<sup>6</sup> This move of the government will only prolong the transition. The repeated efforts of the UPCN-Maoists to establish the commission without consulting the stakeholders has raised suspicions that the party is keen on legitimizing amnesty in the name of reconciliation. Although reconciliation is an important part of the transitional justice mechanism, it cannot be achieved through coercion which the bill intends to do.<sup>7</sup> Granting of amnes-

ties for certain crimes, particularly genocide, crimes against humanity and war crimes, contravene principles under international law. Not only do amnesties contravene international human rights law by upholding impunity, they also weaken the foundation for a genuine and lasting peace.<sup>8</sup>

## Conclusion

Role of legislative-parliament was not effective in drawing the attention of executive branch towards the protection and promotion of human rights this year. Passing the NHRC Act, 2012 was the only highlight in the six months when the legislative-parliament was in place. It was not active in issuing warning, directives on human rights issues to various institutions under the executive branch. The process of making the government accountable towards issues of public concern, including human rights was also hindered following the dissolution of CA. The course of making laws, amending prevailing laws, acts in accordance with the international human rights treaties also stopped. The government unilaterally brought ordinances taking advantage of the absence of legislative branch.

The achievements made in constitution drafting and billions of rupees spent in four years proved meaningless following the dissolution of CA. The tendency to reach consensus at the last moment also led to the dissolution of the CA.

The trend of UCPN-M of backtracking from the previous agreements also affected the constitution drafting. UCPN-M had agreed on the proposal of 11-province with the NC and UML. Following dissents from Brihat Madhesi Morcha and indigenous communities, the UCPN-M backtracked from the previous agreement and proposed single identity based 10-prov-

6. Human Rights Treaty Monitoring Coordination Committee. *Press Release* September 6, 2012

7. Pant, Dipendra Prasad and Nir Lama. "TJ Ordinance and Its Implications" *INFORMAL* July-December, 2012: 6-15

8. OHCHR. *Nepal Conflict Report*. Geneva: OHCHR, 2012.

ince model.

As the CA failed to deliver new constitution, a situation developed where the achievements of 2006 people's movement and federal democratic republic might not be institutionalized. Rounds of meeting in the residence of top leaders, hotels, resorts did not yield consensus. The parties spent most of their times in blaming each other. The parties did not even show responsibility of informing people about the progress in constitution drafting and the reason for extension of the CA. The CA members also spent most of their times in traveling abroad and attending programs, seminars. They were not present in the House sittings. Even when the CA was on the brink of its expiration, the parties were engaged in their interest for power and political stance.

The government brought the unilateral proposal to extend the CA term when the constitution could have been promulgated on May 27 by reaching consensus with the other parties on deciding the contentious issues of constitution drafting through the transformed parliament. The intention of UCPN-M seemed doubtful as the government registered a proposal to extend the CA term when the procedures to promulgate the constitution had been shortened and the SC had already given its verdict that the term of the CA could not be further extended. The thematic committees of the CA had also submitted their report. The government also did not make use of the situation by reaching consensus with parties on holding elections and making constitutional amendments before May 27.

Amending the constitution is imperative to guarantee the voting rights of those who have attained the age of 18 years after 2007, when the Interim Constitution was promulgated. It is evident that people are depressed since the constitution was not promulgated even in four years due to the

irresponsible nature of the leaders. However, there is no alternative to elections in democracy

To declare elections without political consensus is against the spirit of the constitution. NC-UML left the consensus government due to the decision of the UCPN-M to extend the CA term. Roles of CA members were reduced only to supporting the decisions of their leaders. Hence, their role was rendered ineffective. The CA members, who chanted slogans in the CA building on the last day to promulgate constitution, did not exert pressure upon their leaders before. The democratic process of making the government accountable, issuing directives on issues of public concern halted after the CA's dissolution. The UCPN-M stance on taking the peace process and constitution making simultaneously also contributed to the dissolution of the CA. The army integration process initially expected to be completed in six months took six years. The CA dissolved because top leaders of main parties held it hostage by indecision. Democracy cannot remain stable for a long time in the fluid political situation. In such situation of legislative vacuum, the country might be pushed towards autocracy or anarchy. Consensus among the political parties will only institutionalize the achievements of democracy. Formation of consensus government and fresh elections following amendment of laws and constitution is the only way out of this complex situation. People's concern will find space only in the parliament formed after the election and this parliament will regularly alert the government towards issues of human rights. It will be appropriate for the parties to go for elections only after ensuring the people that constitution will be promulgated by the next CA. The best alternative is to head for fresh elections after forming a consensus government.



Analysis  
**Situation of HRDs in  
Nepal 2012**

**Chapter**

**4**

*“To deprive any individual from human rights is to challenge his/her humanity.”*

- Nelson Mandela

## 1. Introduction

Nepali society used to be regulated by customs and religious texts. People who were in power and those persons who were assigned to interpret religious texts used to interpret the texts for their benefit only. Due to this, discriminatory laws came into practice. At that time, the concept that all human beings are equal did not exist. Prior to 1951, autocratic Ranacracy ruled Nepal<sup>1</sup>. Anit-Rana political movement started to raise voice to restore the rights of people started to be heard towards the end of Ranacracy. Thus, beginning of human rights movement is embedded with political movement in Nepal. Historically, as no Human Rights Defenders were recorded to have existed prior to the period, HRDs are believed to have been active since then.

Nepal signed the Universal Declaration of Human Rights (UDHR) in 1948 making the State morally obligated<sup>2</sup>. It became an official member of United Nations in 1956. On the other hand, Nepal promulgated various constitutions and domestic laws to address the emerging human rights issues of the country. Nepal Government Act, 1948, Interim Constitution of Nepal, 1951, Constitution of the Kingdom of Nepal, 1951, Constitution of the Kingdom of Nepal, 1963, Constitution of the Kingdom of Nepal, 1991 and Interim Constitution of Nepal, 2007 were some

of them. These constitutions made the country obligated to fulfill people's rights.

Human rights have no specific and certain history; however, there has been a voice from an individual or group of people who always have devoted themselves for the protection and promotion of human rights. Though voice was raised for the protection of right, even the international community could not recognize and define persons working for the protection and promotion of human rights. This is the era that aims to protect the fundamental rights of everyone by incorporating the principle of humanity with the help of international conventions and domestication of such convention and principles. Even though many people devoted their life to work for human rights constantly, it took many years for International Community to formally recognize the defenders of human rights<sup>3</sup>.

On the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights in 1998, and after thirteen years of negotiations, the United Nations adopted the declaration on the rights and responsibility of individuals, group and organs of society to promote and protect universally recognized human rights and fundamental freedoms, commonly known as the Declaration on Human Rights Defenders.<sup>4</sup> The Declaration gathers together rights and responsibilities from the existing international charters to focus attention on the rights of human rights defenders (also will be referred to as HRDs in this chapter.)

1. SushilPyakurel, the role of Human Rights Commission to protect the rights, one decade, Lokatantrik Swatantrata Manavadhikar Sanstha, p 3

2. ibid

3. Jennifer M. Gleason and Elizabeth Mitchell, "Symposium: The Confluence of Human Rights and The Environment: Will the Confluence between Human Rights and the Environment continue to flow? Threats to the Rights of Environmental Defenders to Collaborate and Speak Out," 11 Or. Rev. Int'l L. 267 \* 268

4. Adopted by the General Assembly Resolution A/RES/53/144 8 March 1999

**Table 1** Victimized HRDs by Profession

Types of Events	Health Worker	Human Rights Activist	Journalist	Law Professional	Medical Professional	Social Worker	Teacher	Total
Abduction			1				2	3
Arrest & Torture			1					1
Beatings	4	6	53	1	1	11	26	102
Economic, Social and Cultural Rights	1		4					5
Inhuman Behavior							4	4
Injured			2	1		4	3	10
Killing	1		2	1		4	3	11
Racial Discrimination						4	1	5
Right to Assembly		6	2	4		26	30	68
Threats	1	2	43	1		1	7	55
<b>Total</b>	<b>7</b>	<b>14</b>	<b>108</b>	<b>8</b>	<b>1</b>	<b>50</b>	<b>76</b>	<b>264</b>

There is no precise definition of HRDs. Article 1 of the Declaration on Human Rights Defenders states “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”. The United Nations High Commissioner for Human Rights, interpreting this provision, has noted certain tools that facilitate the task of identifying who can be considered a human right defender.<sup>5</sup>

In the context of Nepal, the signing of the CPA and the human rights commitments made in the Agreement raised hopes that improvements in the human rights situation made immediately after the ceasefire would built upon. Regrettably, however, the initial gains have not been secure and respect for, it is gradually disregarded by the government. Although human rights defenders, journalists, politi-

cal parties and other sectors of civil society have been able to carry out their activities more openly than before the CPA, they have been facing increasing risks and constraints over the past years.<sup>6</sup> The life of the HRDs are at continuous risk, making their lives vulnerable from the state actors as well as non-state actors ranging from armed group, various organizations, sometimes even unidentified groups. The nation’s weak capacity to provide security and the terror from the various actors have increased.

In absence of precise definition of Human Rights Defenders, it can be defined that any one, irrespective of their caste, sex, religion, a person involved in the work of promoting and protecting rights is defender. In this report people working as health workers, teachers, journalists, law professionals, medical professionals, human rights activist, are taken as human rights defenders. In the report, the ob-

5. United Nations Office of the High Commissioner for Human Rights, Protecting the Right to Defend Human Rights and Fundamental Freedoms, Fact Sheet No 29, UN Publication Geneva, 2004.

6. <http://nepal.ohchr.org/en/resources/Documents/English/reports/HCR/CPA%20Report.pdf> accessed on 12th of November 2012

struction and difficulties faced by human rights defenders during 2012 is included.

## **2. Laws Related to HRDs in Nepal**

Though separate laws are not in place for human rights defenders, there are legal provisions in connection with protecting rights of HRDs. The Interim Constitution of Nepal, 2007 though it does not mention who the HRDs are, has provided rights in Articles 12 (1) (3), 13(1), 15(1), 18(1), 20(1) (3), 27, 30(1) (2) and 32. Similar rights are mentioned in part 4 under the Responsibility, Directive Principles and Policies of the State in Article 33 (c) of the Constitution. The National Human Rights Commission Act, 2012, Civil Rights Act, 1956, Section 3, 6(1) (2) (4), and Section 3 of the Government Cases Act, 1993 encourage HRDs to fulfill their roles. In the same way, the preamble<sup>7</sup>, section 22, 24(2), 25 and 26 of Nepal Bar Council Act, 2050; preamble<sup>8</sup> and Section 3 of Social Welfare Act, 1993, section 3(1) and 8 (1) of Legal Aid Act, 1998, the preamble and section 3 of Trade Union Act, 2003 and section 5 (1), (2) of Human Trafficking and Transportation (Control) Act, 1951 include provisions related to HRDs.

### **a. Human Rights Defenders Directives, 2012**

The only explicit document related to HRDs is Human Rights Defenders Di-

rectives, 2012. It came into force on January 21, 2012 to strengthen and systematize HRDs' role for the protection and promotion of human rights.<sup>9</sup> The Directives defines HRDs as those persons who are wholly or partially, individually or in group wise or institutionally working for protection, promotion, respect and fulfillment of human rights.<sup>10</sup> The main objective of the Directives is promotion, protection, respect and fulfillment of human rights and to monitor State's responsibility from the perspective of adequacy, affectivity and standards and to make HRDs role strong, accountable and transparent.<sup>11</sup> The Directive mentions about duties of the HRDs in Section 4. The duties are advocacy, dialogue, lobbying and campaigning, consultation, awareness and sensitization, publication, monitoring and observation, documentation, public hearing, reports making and reviewing existing laws, rules and policies. Section 7 contains code of conduct for HRDs. Section 9 mentions formation of a monitoring committee constituting representatives of civil societies, Nepal Bar Association, doctors, government officials, media and other human rights organizations to check discipline and work of HRDs. Section 10 includes the responsibility of the State for the protection of defenders. Likewise, Section 11 mentions the role of the NHRC to strengthen the role of defenders and to make them accountable and transparent.

7. Whereas, it is expedient to provide for more accountable service to the society upon establishing and managing for Nepal Bar Council and securing the interest of the Legal Practitioners

8. Preamble: Whereas, it is expedient to the all-around development of Nepalese people and Nepalese society, in order to relate social welfare activities and various social welfare oriented activities to tie up with reconstruction activities, in order to provide humanistic livelihood to the weak and helpless individual, class and community and make them enable; in order to provide status and respect to the welfare oriented institutions and individuals and in order to develop a co-ordination between social welfare oriented institutions and organizations.

9. See Preamble, Human Rights Defender Directive, 2069.

10. Section 2 (f), Human Rights Defender Directive, 2069.

11. Section 2.1, Human Rights Defender Directive, 2069.

**Table 2** HRDs by Type of Victimization

Types of Events	Eastern Region	Mid Region	Western Region	Mid Western Region	Far Western	Total
Abduction	2			1		3
Arrest & Torture				1		1
Beatings	23	32	19	17	11	102
Economic, Social and Cultural Rights		4	1			5
Inhuman Behavior	2	1	1			4
Injured		5		1	4	10
Killing	2	7	1	1		11
Racial Discrimination	2	2	1			5
Right to Assembly	19	28	8	7	6	68
Threats	19	6	3	15	12	55
<b>Total</b>	<b>69</b>	<b>85</b>	<b>34</b>	<b>43</b>	<b>33</b>	<b>264</b>

Hence, Human Rights Directives, 2012 has not only made provision for the protection of HRDs but has also entrusted responsibility of the State and NHRC to strengthen HRDs' role. Moreover, it has made provision that the NHRC will inspect HRDs' activities. As the Directives have been formulated recently, implementation will determine its effect in society in the days to come.

### b. Judicial Initiatives in Regards to HRDs in Nepal

The Supreme Court took initiation in regards to HRDs.<sup>12</sup> Dayaram Pariyar, a personnel of the NHRC was shot dead by State. His family filed a case in the court demanding action be taken against the accused and justice be delivered to them by formulating proper law. The SC, in this case, had issued mandamus order to car-

ry out further investigation in the case as soon as possible with due consideration to the legal provisions enshrined in the Government Cases Act, 1992 and Police Act 1956. The court while giving order in the case identified human right defenders as watchdog for human rights violation and stressed the need for protecting HRDs. The SC issued an order in favor of HRDs for the protection of their rights and security in 2008.

### 3. International Legal Framework for Protection of HRDs

Articles 1, 5, 6, 7, 8, 9, 10, 12 and 13 of the Declaration of Human Rights Defenders<sup>13</sup> have provisions for the protection and security of HRDs. The UDHR, 1948<sup>14</sup> recognizes the inherent dignity, equal and inalienable rights of all members of human family as foundation of

12. Advocate RatnaBahadurBagchandra v Government of Nepal, 2006, Writ no: 3378, Decision date: 2007/06/8, Advocate Jyoti Lamsal on behalf of Women Rehabilitation Centre v Government of Nepal, Writ no: WO-0187

13. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY[on the report of the Third Committee (A/53/625/Add.2)]

14. Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948



freedom, justice and peace in the world.<sup>15</sup> The provisions mentioned in Article 6, 9 and 19 of International Covenant on Civil and Political Rights, 1966 and Article 1 of Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment<sup>16</sup> can be considered as the provisions for the rights of HRDs.

#### 4. Legal Framework in other Countries Related with HRDs

Various countries have been using HRDs guidelines in regional instruments realizing the importance of protecting HRDs' rights, and with the view to uplift the work the HRDs are doing. For instance, the African Commission on Human and Peoples' Rights adopted a resolution on the protection of Human Rights Defenders in Africa 2004<sup>17</sup>. In the same way, the US by recognizing 1999 resolution adopted by General Assembly of the Organization of American States declaring the intention to implement the UN Declaration on Human Rights Defenders.<sup>18</sup> Furthermore, the Declaration of the Council of Europe on Human Rights Defenders, issued in 2008, reflects the European Union's commitment to defenders and builds on the European Convention on Human Rights<sup>19</sup>. The acceptance to provide rights to HRDs and respect their rights by many countries highlights the

importance of HRDs' rights. Thus, Nepal should make efforts to draft regional instrument in connection to the rights of HRDs.

#### 5. Statistical Analysis of Human Rights Violations of HRDs (January-December, 2012)

The scope of HRDs is wide. Those persons who are committed to the protection of human rights, are called HRDs. In this chapter, the persons like health workers, human rights activists, journalists, law professionals, medical professionals, social workers and teachers are taken as HRDs.

Health workers and medical professionals are concerned with protecting lives of others, in the same way human rights activists and social workers aim at making the state obligated to ensure rights to end discriminatory provisions, journalists and teachers make sure in case of violation it comes to information of everyone. Thus, these are the HRDs who devote their lives for the protection of human rights.

Irrespective of their continuous efforts to ensure others' rights, HRDs' lives are at risk. They have been victimized in various incidents like abduction, arrest, torture, beating, inhuman behavior, threat, and racial discrimination deprivation of the right to assembly, among others. In

15. See preamble of UDHR

16. Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, *entry into force* 26 June 1987.

17. African Comm'n on Human and Peoples' Rights [ACHPR], *Resolution on the Protection of Human Rights Defenders in Africa*, ACHPR/Res. 69 (XXXV) (June 4, 2004), *available at* [http://www.achpr.org/english/\\_info/hrd\\_res\\_appoin\\_3.html](http://www.achpr.org/english/_info/hrd_res_appoin_3.html) accessed on May /23 /12

18. General Assembly of the Organization of American States [OAS], *Human Rights Defenders in the Americas, Support for the Individuals, Groups, and Organizations of Civil Society Working to Promote and Protect Human Rights in the Americas*, AG/RES. 1671 (XXIX-O/99) (June 7, 1999)

19. Comm. of Ministers of the Council of Eur. [CMCE], *Declaration of the Committee of Ministers on Council of Europe Action to Improve the Protection of Human Rights Defenders and Promote their Activities* (Feb. 6, 2008), *available at* <https://wcd.coe.int/ViewDoc.jsp?id=1245887&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75> accessed on May /23 /12 accessed on December 23

**Table 3** Victimized HRDs by Profession

Occupation	Eastern Region	Mid Region	Western Region	Mid Western Region	Far Western	Total
Health Worker	2	2	2		1	7
Human Rights Activist	3	7	3		1	14
Journalist	21	30	17	29	11	108
Law Professional		8				8
Medical Professional	1					1
Social Worker	7	22	7	1	13	50
Teacher	35	16	5	13	7	76
<b>Total</b>	<b>69</b>	<b>85</b>	<b>34</b>	<b>43</b>	<b>33</b>	<b>264</b>

some instances, they become the victims of economic, social and cultural rights while sometimes, they are attacked and killed.

A total of 264 violations of the rights of the HRDs were recorded in IN-SEC documentation in the year 2012. The data shows that journalists are mostly victimized. There were 108 incidents in which journalists were victimized. 50 social workers, 15 human rights activists and eight legal eagles were victimized.

The number of incidents of beating was the highest this year. 102 HRDs were deprived of their right to assembly, 55 right activists were issued threat, 10 were injured, five were deprived of entertaining ESCR three HRDs were abducted while and one was arrested and tortured.

UCPN-M affiliated magazine Lal-rakshyak, (Volume IV, Issue 5, Edition for 28 January-27 February 2012) cover article published in its issue issued threat to civil society leaders. The threat was given to Chairperson of Informal Sector Service Centre (INSEC), Subodh Raj Pyakurel, former Assistant Secretary General of the UN Kul Chandra Gautam and journalist Kanak Mani Dixit terming them “people’s enemy”. Pyakurel, Gautam and Dixit, demanding security wrote a letter

to PM Baburam Bhattarai on February 5. Saying that If they were attacked, the top leaders of UCPN-M would be responsible for it. The letter also demanded action be taken against the magazine and its editor who published the cover photo and related article. CPN-UML, NC had condemned the act of issuing threat on February 6. National and international organizations including OHCHR, FORUM-ASIA, and Accountability Watch Committee had condemned the act of issuing threat to civil society members.

Rana Bahadur Bam, 64, of Kathmandu Metropolis-14 and Justice at Apex Court was shot dead by an unidentified gang at UN Park on the bank of Bagmati River at 11:55 am on May 31. Bam who was injured sustaining bullet died while undergoing treatment in Norvic Hospital at Thapathali on the same day. (See district details of Kathmandu in this book for details). Bam was killed by non-state actors. It was interpreted that Bam was killed so as to terrify the courts. (*See Chapter Judiciary of this book for details*)

This year, journalists, doctors and teachers were threatened by bandh enforcers. They were beaten and even their vehicles were also vandalized.

Dr Manish BK, 38, a doctor at Crimson Hospital, of Butwal Municipality-8 was beaten by NEFIN cadres on charge of defying bandh on May 20. They vandalized BK's motorbike plated Lu 5 PA 3225. However, those involved in the incident were not arrested by the police.

Teachers, who were demanding career development and their rights, were victimized by the state. They were obstructed while they were heading to submit their demands to the concerned authority. Such incidents were recorded by INSEC.

Shanti Dhakal, 42, Parvati Giri, 52, Birendranagar Municipality-9, and Ram Prasad Lamsal, 56 of Jarbuta VDC-1 of Surkhet district, all of them teacher by profession were beaten up and inhumanely treated while they were on their way to District Education Office to submit memorandum on February 26. Police kicked them and charged Batons. Dhakal who was critically injured was taken to Kathmandu after her treatment was not possible in the district.

## 6. Victimization of HRDs by Development Regions

In Eastern Region, seven types of 69 incidents were recorded in INSEC documentation. Among them, 23 were related to beating two were related with abduction, two incidents of inhuman behavior, two incidents of killing, two incidents of racial discrimination, 19 incidents of right to assembly and 19 incidents were related to threat.

In Far Western Region, four types of 33 incidents were recorded this year. Of them, 11 were related to beatings, four incidents of injury, six incidents of Right to Assembly and 12 incidents of threat.

**Table 4 Victimized HRDs by Sex**

Regions	Female	Male	Total
Eastern Region	4	65	69
Mid Region	8	77	85
Western Region	4	30	34
Mid Western Region	5	38	43
Far Western	2	31	33
<b>Total</b>	<b>23</b>	<b>241</b>	<b>264</b>

Mid Region has recorded eight types of 85 incidents which is the largest number of incidents that targeted human right activists this reporting year, making the region the most vulnerable from the point of view risk of the HRDs. 32 incidents of beatings, 28 incidents of violation of the right to assembly, four incidents related with the economic social and cultural rights, one incident of inhuman behavior, five incidents of injury, seven incidents of killings, two incidents of racial discrimination, and six incidents of threat were registered.

Mid-Western region recorded seven types of 43 incidents. One incident each of abduction, arrest and torture, 17 incidents of beatings, one incident of injury, one incident of killing, seven incidents of right to assembly and 15 incidents of threat were recorded.

Journalist Lok Gurung, 19, staying at Butwal Municipality-5 was arrested by Subas Gaire, Inspector at Ward Police Office, Butwal and he was beaten and mistreated in the police office on February 14. The journalist was beaten as police constable Jitendra Thapa fell off a rickshaw and journalist Gurung was nearby the rickshaw. Gurung was arrested and beaten blaming that Thapa fell off the rickshaw as Gurung's bike hit the rickshaw.

Bhupendra Singh, 30, of Hirmin-

**Table 5** Victimized HRDs by Type of Victimization and Sex

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction					3	3
Arrest & Torture		1	1			
Beatings		26	26	9	67	76
Economic, Social and Cultural Rights					5	5
Inhuman Behaviour				1	3	4
Injured				2	8	10
Killing				1	10	11
Racial Discrimination				2	3	5
Right to Assembly	6	62	68			
Threats		6	6	2	47	49
<b>Total</b>	<b>6</b>	<b>95</b>	<b>101</b>	<b>17</b>	<b>146</b>	<b>163</b>

iya VDC-7, also a teacher of Hanuman Lower Secondary School at Piprahwa in Banke district was abducted by the cadres of Madhesi Tigers on April 19. The victim was released after his family provided ransom on April 24. Police had made public the names of seven persons alleging that they were involved in the incident; Banke DSP Uday Tamang said investigation of the incident was underway.

From Western Region, INSEC documentation recorded seven types of 34 incidents. Of them, 19 incidents were related to beatings, one incident of ESCR, one incident of inhuman behavior, one incident of killing, seven incidents of right to assembly, and 15 incidents of threat.

## 7. Victimization of HRDs by Development Region

According to the INSEC statistics, in Eastern Region, 35 teachers, 21 journalists, seven social workers, three human rights activists, two health workers and one medical professional were victimized.

In the same way, in Far Western

Region, 13 social workers, 11 journalists, seven teachers, one health worker and one human rights activist were victimized.

In Mid -Region, 30 journalists, 22 social workers, 16 teachers, seven human rights activists, and two health workers were victimized.

In Mid-Western Region 29 journalists, 13 teachers, and one social worker were victimized. In Western Region 17 journalists, seven social worker, five teachers, three human rights activists and two health workers were victimized.

Mid Region has largest number of victimization where out of 85 victims, 77 are male. In Eastern Region, among 69 victims, 65 are male. Of 44 victims in Mid-western Region, 38 are male and six female. Similarly, of 34 victims in Western Region, 30 are male. Among 33 victims in Far-West, two are female.

Compared to the State party, human rights activists were more victimized by the non- state party this year. The non-state parties are ANNFSU, ANNISU-R, Business sector, private service providers,

**Table 6** No. of Victimized HRDs in the Last Five

Types of Events	2007	2008	2009	2010	2011	2012	Total
Killings	5	5	1	7	2	11	31
Beatings	12	62	44	53	76	102	349
Abduction	31	19	4	9	4	3	70
Threat	31	39	29	53	67	55	274
Arrest	118	26	17	26		1	188
Inhuman Behavior		12	36	21	4	4	77
Displacement	12	5	6				23
Disappearance		2	2				4
<b>Total</b>	<b>209</b>	<b>170</b>	<b>139</b>	<b>169</b>	<b>153</b>	<b>176</b>	<b>1016</b>

civilian, CPN(UML), CPN(Unified), Him-mal Terai Tigres Group, Janatantrik Terai Madehsi Mukti Party, JTMM-J, JTMM-R, Kirat Janawadi Workers Party, FLSC, UCPN-M, Maoists (Matrika), NC, NE-FIN, Rastiya Jana Mukti Party, RPP, Students' Wing, Nepal Tarun Dal, Teachers, Unidentified Group, YCL, Youth Force, among others. In regards to the state actor, they are Armed Police, Nepal Police and Nepal Army.

Among 264 incidents, of victimization there was involvement of non-state party in 163 incidents while the state party was involved in 101 incidents. Non-state actors were involved in three incidents of abduction, 76 incidents of beatings, 5 incidents of Economic Social Cultural Rights, four incidents of inhuman behavior, 10 incidents of injury, 11 incidents of killing, five incidents of racial discrimination and 49 incidents of threat. Similarly, the State actor was involved in 16 incidents of beatings, one incident of arrest and torture, 68 incidents of right to assembly, and six incidents of threat.

Nabin Joshi, of Bhimdutta Municipality-4 and Chairperson of Kan-chanpur district chapter of All Nepal Public Health Workers Association was

threatened by UCPN-M cadres including ANNISU-R central member Prem Chand, 27, of Bhimdutta Municipality- 19, Radha Krishna Joshi, YCL central member Janak Dhami, Bhim Bhatta, Kabiraj Dhami, among others, on January 5, 2012. The victim was allegedly beaten at Chaman Chowk of Bhimdutta Municipality-4 while he was watching a program organized by ex-Maoist fighters. The victim filed a complaint at District Police Office on January 6.

Dinesh Gautam, correspondent of Nagarik Daily, staying at Nepalgunj Municipality-1 was threatened by Raju Nepali, colonel at Imamnagar barrack of the NA over the issue of a news story published in the paper on April 17. News story entitled 'seven locals were beaten by colonel' was published in the paper on the same day. Colonel Nepali had threatened Gautam saying that the former's promotion would be halted due to the news. A court of inquiry was formed by the NA on April 19. The inquiry team expressed sorrow over the incident meeting the victim on the same day. The inquiry did not make its report public by the end of the year.

Domestic laws and the International instruments on human rights have

tried to ensure dignified life<sup>20</sup> and right to life<sup>21</sup>. Despite the fact that these provisions are in place, HRDs have been constantly victimized. As per INSEC's data base, maximum number of HRDs were victimized in the year 2007 followed by year 2008, 2012, 2010, 2011 and 2009. A total of 11 HRDs were killed this reporting year.

Similarly, the maximum number of incidents of beatings of the HRDs was reported this reporting year compared to the figure in the past year. Unlike in 2008 and 2009, there were no incidents of displacement of HRDs this year. The incidents of abduction have been decreased. Also, the instances of mistreating HRDs is decreased this year.

Apart from above mentioned incidents, the instances of violation of the ESCR of the HRDs, the right to assembly, among others, were also recorded by INSEC.

## Conclusion

Both male and female HRDs are involved in the noble cause of protecting and promoting people's rights. Though both sexes are involved, the work of the HRDs is challenging. Comparatively, the number of male HRDs is more than that

of the female in term of victimization in 2012.

The government has to respect the guidelines of HRDs. As a member of the UN, it has moral responsibility to implement the guidelines therefore the government has to respect the guidelines of HRDs. Nepal is a state party to various international instruments including the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Convention against Torture (CAT).

Nepal should formulate certain laws on the HRDs. As per the universally accepted principles, free and fearless environment should be created for the HRDs to carry out their duties. Free journalism and the right to assembly have been accepted by various conventions and laws. Thus, obstruction should not be created while HRDs are carrying out their duties. If there is any kind of violence against HRDs, it is the duty of the state to give effective solution. Data and statistics show that the state, which is responsible for protecting the rights of HRDs, is involved in violating their rights. It is shameful. In the same way the involvement of the non-state actors in victimizing the HRDs has been observed, raising question in the security mechanism of the state.



20 The Interim Constitution of Nepal, Article 12

21. Universal Declaration of Human Rights 1948, Article 4

Study Report

**5.1 Mother Tongue  
Education in  
Panchthar District**

**Chapter**

**5**

## 1. Background

Right to education is the heart of economic, social and cultural rights. It is considered as a means to achieve and consume any kind of rights.<sup>1</sup> The use of mother-tongue is a crucial means for minority groups to express their cultural identities. The use of mother-tongue in education, both as the language of instruction and as an academic discipline, is a basic right which serves to protect and promote this aim.<sup>2</sup>

The Interim Constitution of Nepal, 2007 has ensured the right to acquire education in mother tongue under fundamental rights.<sup>3</sup> Education Act has provision of imparting education in mother tongue.<sup>4</sup> However, such rights and provisions have not come into practice as desired. As a result, people of minority groups are not able to exercise the right properly.

Educationists opine that children can perform better if education is imparted to them through multi language program in pre-primary and primary level. When children continue to develop their abilities in two or more languages throughout their primary school years, they gain a deeper understanding of language and how to use it effectively. They have more practice in processing language, especially when they develop literacy in both, and they are able to compare and contrast the ways in which their two languages organize reality.<sup>5</sup>

As UNESCO claimed in 1953, "it is axiomatic that the best medium for

teaching a child is his mother-tongue".<sup>6</sup> The right to education is enshrined in Article 26 of the Universal Declaration of Human Rights (UDHR) which states that everyone has the right to education. Parents have a prior right to choose the kind of education that shall be given to their children. The right to education is also enshrined in Articles 10, 13, and 14 of the International Covenant on Economic, Social and Cultural Rights. Article 13 mentions that States parties to ICESCR recognize the rights of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.

The Constitution of the Kingdom of Nepal, 1991 provisioned education in mother tongue.<sup>7</sup> Similarly, Primary Education Curriculum, 1994, in its provision, states that every child can select mother tongue education as optional subject in pre-primary level. Thus, it paved the way for acquiring education in mother tongue for the first time in school education in Nepal. The Curriculum Development Centre has so far developed curricula and textbooks in 19 of the 125 languages listed in Nepal.<sup>8</sup>

Though there are various national and international provisions, imparting education in mother tongue is confined as optional subject in primary level in Nepal. In such context, this study provides infor-

1. Pyakurel, Sushil/ Aryal, Kundan. Human Rights and Press, Page 65

2. [http://kurdistancommentary.files.wordpress.com/2011/07/khrp\\_mother-tongue-education-in-kurdish-regions.pdf](http://kurdistancommentary.files.wordpress.com/2011/07/khrp_mother-tongue-education-in-kurdish-regions.pdf), July 2011, last accessed on January 26, 2013

3. Article 17(1) of Interim Constitution, 2007

4. Clause 7 (1) of Education Act, 1971 (Fifth Amendment, 2049)

5. Professor Jim Cummins: Bilingual Children's Mother Tongue: Why Is It Important for Education?: Page 3

6. UNESCO, The use of vernacular languages in education (1953), page 6

7. Article 18 (2) of Constitution of Nepal, 1991

8. <http://www.thehimalayantimes.com/fullNews.php?headline=Education+in+mother+tongue+still+a+challenge&NewsID=321582>



mation about status of education in mother tongue in Panchthar, a district in the eastern Nepal and provides some suggestions and recommendations on this issue. The views and information were collected from the stakeholders in Panchthar district only.

## 2. Objectives

- To take stock of situation of education in mother tongue in Panchthar district
- To collect views of various stakeholders including political parties, ethnic groups, government authorities, teachers, students, and parents regarding various aspects of education in mother tongue, including its urgency, scope and challenges

## 3. Rationale of Study

There are several domestic as well as international laws dealing with children's rights to acquire education in equal and independent manner. Nepal has ratified different international treaties, conventions and protocols related to child rights. Nepal has also enacted laws related to children<sup>9</sup> and it is a state party to the Convention on the Rights of the Child<sup>10</sup>.

Education should be managed as a means for fulfilling the right to work of any individual and uplifting standard of lives. However, the right of minority groups to acquire education should not be violated in the name of equal education. Article 27 of ICCPR states that an individual will not be deprived of enjoying his/her culture or use of languages. Committee on Economic, Social and Cultural Rights has recommended the State party to give special attention to education of children of migrant workers, physically and men-

tally challenged persons.<sup>11</sup>

The Interim Constitution has provisioned the right to education in mother tongue in Article 17 and the Education Act has made provision for it. It is imperative to know about the attempts devised by the State to impart education in mother tongue, whether the attempts are sufficient or not and the problems experienced in imparting education in mother tongue. Thus, this study was conducted in Panchthar district to get answers of these queries and concerns regarding education in mother tongue in Panchthar. It attempts to take views of stakeholders regarding progresses achieved in education in mother tongue. Further, this study gives information about current status of education in mother tongue in Panchthar. It is hoped that this study will facilitate the concerned stakeholders to hold discussion on imparting effective education in mother tongue.

## 4. Methodology

Information and data for this study were collected by visiting various stakeholders, including educationists, students, teachers, guardians, representatives of government offices, political parties, ethnic groups and organizations in Panchthar. Questionnaire was developed to take views from some of the stakeholders. Books, magazines, newspapers and reference materials related to education in mother tongue were studied from different sources while preparing this study.

## 5. Ethnic Politics and Education in Mother Tongue Languages

Politics, directly and indirectly, affects every sector of society. Similarly, it

9. Children's Act, 1992

10. United Nations Convention on the Rights of the Child, 1989

11. Human Rights and Press, Page 65

is natural to have influence of politics in language, culture and education sector. Though it is said that education sector should be detached from politics, education policies and systems change as per political changes in the country. However, it's natural that every community favors its language, identity and culture.

People of Limbu community of the eastern region raised their voices for protection of their language after late king Prithivi Narayan Shah unified modern Nepal in 1774. Several attempts were made to uplift Limbu language and culture since then. A delegation of Pallo Kirant Limbuwan Group had met with late King Mahendra Shah in 1957. It had asked the king to make provision for imparting education in mother tongue. Nepal Limbuwan Mukti Morcha was formed in 1989 in the leadership of Bir Nembang with the demand of Limbu language, culture and autonomy.<sup>12</sup> With the restoration of democracy in 1990, various organizations were formed for protection and promotion of mother tongue. Federal Limbuwan State Council (FLSC) was formed as a political party after People's Movement in April 2006. Several ethnic organizations are active in Panchthar these days. These organizations and parties are raising their political and lingual issues simultaneously.

The stakeholders express different views over ethnic politics and education in mother tongue. UML Panchthar vice chairperson, Raj Kumar Bhandari opined that there is no relation between ethnic politics and education in mother tongue. He was of the view that education in mother tongue is the outcome of gradual process. Bhawani Prasad Khatriwada, Nepali Congress district committee member

has the same opinion. According to him, though ethnic politics started in 2006 BS, it does not have strong relation with education in mother tongue.

Sagar Kerung, district secretary of Limbuwan Rajya Parisad, said that his organization has made several attempts to protect in mother tongue. He said, one of the major concerns of his organization is education in mother tongue. There are several progresses achieved in connection with education in mother tongue in Panchthar, according to him.

Kamal Raj Nembang, district secretary of FLSC said, issue of education in mother tongue is being raised effectively in the district after ethnic politics became active in the district. He said education in various languages, including Limbu and Rai is being imparted in most of the schools in the district. Limbuwan Students' Council, the student wing of FLSC is leading the issue related to education in mother tongue, he said, adding that his organization was struggling to establish equal respect to all mother tongue.

## 6. Curriculum and Textbooks

The Curriculum Development Centre (CDC), Sanathimi, Bhaktapur has developed curriculum on mother tongue. The textbooks published by CDC under the Ministry of Education and Sports have been used by the schools which are imparting education in mother tongue in Panchthar. Schools, teachers and guardians said the available books on mother tongue are not sufficient. Books on mother tongue are insufficient, said Indrakala Rai, head teacher of Sumnima Lower Secondary School in Phidim VDC. Her school has been imparting education in Rai Bantawa

12. Subba, Dilendra, Limbuwan: Kranti and Bikash

language for the past three years. Except the textbooks, teaching materials and reference books in Rai Bantawa language are lacking, she said.

Reference materials such as dictionary and grammar books have not been published in mother tongue. Similarly, Braille scripts for visually impaired students are not published. Hari Chandra Lawati, curriculum expert said, although curriculum has been developed in mother tongue, it is not effective. According to him, the curriculum in mother tongue is a copy of other languages. The issues such as language, culture and history of a certain language speaking community is included in the existing curriculum, however, other issues related to science and technology can also be included in the curriculum to make it more effective and practical in the 21st century. He suggests for making the curriculum of mother tongue original rather than copying from other languages. Rup Narayan Jabegu, chairperson of district chapter of Nepal Teacher Union Panchthar has similar views. He said the curriculum of mother tongue language is simple but not effective. Bishnu Prasad Ghimire, head teacher of Pragatishil Primary School, of Ranitar VDC-3, said curriculum should be developed as per the local realities and surroundings of the area where the curriculum is implemented. No curriculum can be successful and so will happen to the textbooks if they are not developed and prepared as per the ground realities and environment of the place where they are implemented, he adds.

No authority has so far showed interest to take information whether the textbooks in mother tongue have reached and distributed to the target students in Panchthar district. No monitoring has

been carried out in connection with distribution of textbooks of mother tongue in the district.

## **6. Availability of Skilled Human Resources**

Availability of skilled manpower to teach mother tongue was found rare in Panchthar district. The government authority has not heeded to it as well. DEO has not given attention to manage skilled teachers for mother tongue education. Those schools which have been imparting education in mother tongue are not able to manage separate teachers to teach mother tongue in schools. Teachers teaching other subjects are taking classes of mother tongue. Teachers, who have neither got orientation nor training for mother tongue, have been teaching in mother tongue.

Teachers have been managed locally to teach the mother tongue in some schools. District level educationists opined that teacher quota should be allocated for mother tongue in the schools having such classes in mother tongue. Kirant Yakthung Chumlung informed that it has been trying to appoint quota teachers to teach mother tongue. Budha Raj Ingwa, district chairperson of Kirant Yakthung Chumlung said teachers, who start voluntarily teaching in mother tongue, gradually become inactive as they are not additionally paid for teaching in mother tongue. According to Dilendra Subba, chairperson of Limbu Literature Development Association (LiLDA) the government should formulate sustainable policy for education in mother tongue and allocate budget and manpower accordingly.

As the policy of imparting education in mother tongue has been implanted, the government should allocate teacher

quota and budget, said Birkha Bahadur Waiba, district chairperson of NEFIN. He said that the teacher of mother tongue have been managed locally. Rinji Sherpa, chairperson of district chapter of Nepal Sherpa Association said it is difficult to find skilled manpower to teach Sherpa language in the district. Seven persons have been sent to Darjeeling in India with the view to learn protecting language, script, tradition and culture of Sherpa. Teaching of Sherpa language is also going on traditionally in monastery, he added.

Sabitri Devi Gurung, district secretary of Tamu Hyula Chhong Dhi, said training of Gurung language has been imparted to some teachers. She said large majority of Tamang population resides in Ranitar, Oyam and Chyanthapu VDCs; however, imparting education in Gurung language has not started in the district. Sher Bahadur Sunuwar, an advisory committee member of district chapter of Sunuwar Samaj said that the State has not given priority to solve the problems caused by lack of skilled manpower in imparting education in mother tongue. It will be difficult to manage teachers for mother tongue by the community itself, he said.

Rajendra Rai, chairperson of district coordination council of Nepal Indigenous Nationalities Students' Federation, said scarcity of skilled teachers is a challenge to impart education in mother tongue. He was of the view that the government should manage teachers for mother tongue education. Man Bahadur Bhujel, chairperson of Nepal Bhujel Association has similar views. He said there is scarcity of skilled teachers to teach Bhujel language. Rup Narayan Jabegu, chairperson of district chapter of Nepal Teacher Union agrees with the views of Bhujel. Bhim Tumbapo, chairperson of district chapter of Educa-

tion Journalists Network stressed the need for allocating teacher quota for mother tongue and imparting training to them time and again.

## 7. Government's Efforts

In the course of this study, it was found that the government has not developed basic foundation for education in mother tongue in Panchthar district. Even the primary steps of appointing teachers in quota—for mother tongue has not been fulfilled by the government. Education in only four languages—Rai, Limbu, Tamang and Sherpa—has been imparted up to primary level in the district during the academic session 1956/57. Limbu language is also taught in two higher secondary schools in the district for the past two years. It was found that education in mother tongue began as per the demand of the community but there is no support from the government authority. Thus, education in mother tongue is not sustainable. There are instances that some schools, which were running classes in mother tongue, in an academic session, could not continue as teachers being ready to teach in mother tongue were not available. Bishnu Prasad Ghimire, head teacher of Pragatishil Primary School, of Ranitar VDC-3, said classes were run in Limbu language in Vidyajarn Secondary School in Ranitar VDC in the academic session 2009/10, however, the classes could not be run in next academic session for two reasons. Firstly, students from other communities than Limbu were also studying in the school. Secondly, teachers ready to teach Limbu language were not available.

An orientation on other tongue education was given to teachers teaching mother tongue language in 2011. But, no proper training has been imparted to

teachers who are teaching mother tongue languages, said Narayan Niraula, school supervisor at Panchthar DEO. The DEO has not monitored the schools which run classes in mother tongue. Abhikeshar Bharati, Nepali subject teacher at Ganesh Higher Secondary School said classes in Limbu language have been running in the school for the past nine years, however, no authority has, so far, come to monitor the classes in mother tongue. A committee was formed with involvement of teachers, students and School Management Committee in 2012 BS and it will monitor status of education in mother tongue in the schools. He shared that the students of Brahman and Chhetri communities are scoring higher marks compared to those of ethnic community in the schools during the exams.

Except developing curriculum and textbooks, no government effort is seen in Panchthar for education in mother tongue. Only textbooks are published. No reference materials and teaching materials in mother tongue are published and produced by government authority. Some reference materials in Limbu language are published by Limbu Literature Development Association (LiLDA), Kathmandu. The reference materials are Limbu Alphabet Book, Mangenna and Big Book, among others.

If lack of sufficient teaching materials, monitoring and the negligence of concerned government authority continues, imparting education in mother tongue will not help to obtain much progress, concluded stakeholders.

## 8. Status of Implementation

A total of 10 indigenous communities—Rai, Limbu, Sherpa, Tamang, Magar,

Bhujel, Majhi, Dewan (Yakha), Sunuwar and Gurung—are living in Panchthar district.<sup>13</sup> However, education is being imparted in mother tongue of a few of these ethnic communities.

It was found that education was imparted in four languages—Rai, Limbu, Tamang and Sherpa in the academic session 2010 in the district. The numbers of schools where these languages are taught vary with ethnic organizations and government authorities.

Education has been imparted in Bantawa Rai language in 18 schools in the district, said Sagun Susara, district chairperson of Kirant Rai Yayokhkha. Jarisinge Primary School of Ektin VDC-7, Jalkanya Primary School of Memeng VDC-4, Sinhabahini Secondary School of Sidin VDC-2, Sumnima Lower Secondary School in Phidim and schools based in Ranitar, Lungrupa, Rabi, Chyangthapu, Oyam VDCs among others are imparting education in Bantawa Rai language in the district.

Education up to primary level has been imparted in Tamang Language in to 11 schools, according to Nepal Tamang Ghedung district working committee, schools based in various VDCs in the VDCs of Limba, Amarpur, Bharapa, Mauwa, Ranitar are imparting education in Tamang language.

According to Kirant Yakthung Chumlung, education has been imparted in Limbu language in 200 schools in various VDCs including Yangnam, Chokmagu, Nahamidanda, Bharapa, Panchami in primary level in the district.

According to Nepal Sherpa Association, education up to grade II has been imparted in Sakranti Primary School in

13. Something, Ram Prakash: Panchthar Ka Adhibasi Janajatiharu

Nanggin VDC-8 for the past six years. In the same locality, with the support of DEO, education up to grade II is being imparted in Dingma Chhayangchhuk Chholing Monastery for the past two years and it is an informal model of teaching in Sherpa language, informed Nepal Sherpa Association.

According to Panchthar DEO, education has been imparted officially in 10 primary schools in Bantawa Rai language, a school in Tamang language and 118 schools in Limbu language. The DEO does not have any record of schools imparting education in Sherpa language in the district.

Sagar Kerung, the district secretary of Limbuwan Rajya Parisad, said that education has been imparted in grade XI and XII in Limbu language in two higher secondary schools in the district for the past two years. The schools are Satya Hangma Higher Secondary School, Ingbung and Prithvi Higher Secondary School, Yashok. Exam of Limbu language is being conducted in the schools under Sikkim University of India, Kerung informed.

The government has not allocated teachers to teach mother tongue in schools. The teachers, who are managed locally, are teaching mother tongue. However, they have not received any training from the government authority. Teachers appointed in other quota are teaching the mother tongue. Government has not made any investment in imparting education in mother tongue except developing curriculum and producing limited textbooks. Lack of mother tongue teaching teachers, unavailability of such teachers to teach in mother language, community's inability to manage mother tongue teachers has made teaching in mother tongue language ineffective.

## 9. Usefulness of Education in Mother Tongue

District level stakeholders said that education in mother tongue has both pros and cons. Laxmi Baral, teacher at Panchthar Multiple Campus said that language is an asset. As language of a community is a means to have identity of the very community, if education is imparted in mother tongue, it will protect languages of those communities, Baral opined, adding that it is necessary to impart education in mother tongue in order to protect culture. Outcome will be adverse if education in mother tongue language was imposed in any society, he adds.

Bhawani Prasad Khatiwada, Nepali Congress district committee member said it is good to impart education in any mother tongue language to protect the respective language. Imparting education in mother tongue language helps to protect culture of respecting other language-speaking community, he adds. Imparting education in mother tongue language plays vital role in protecting language, said Lila Kumari Rai, who has been teaching Rai Bantawa language in Sumnima Lower Secondary School.

There is the need of education in mother tongue language for cultural identity, said Dilendra Subba, Chairperson of Limbu Literature Development Association (LiLDA), adding that education in mother tongue language helps to acquire knowledge of traditional philosophy and to protect culture, norms and values of respective language.

There is an assumption that learning process will be easy and fast if education is imparted in mother tongue and the idea of teaching in mother tongue began with same assumption, said Panch-

thar District Education Officer, Govinda Prasad Sharma.

If the State and the community work actively, there are various benefits of education in mother tongue, said Dr. Devi Chhetri Dulal while Yudhisthir Raj Amgain, central member of Higher Secondary Teacher Association said that if education is acquired in mother tongue, it will help to transform assumption and ideas learned in mother tongue to other languages.

As for area of improvement in mother tongue education, stakeholders have diverse views. LiLDA chairperson Dilendra Subba said that there is not much achievements at hand in mother tongue than perceived. Some people said that it's useless to acquire education in mother tongue in the age of globalization, he said, adding that the society's existing perspective on mother tongue education should be changed to have better improvement in the area of mother tongue education. Some people opine that in the time of acquiring education in English language, it would be a waste of time to learn in mother tongue, Subba said. Narayan Niraula, school supervisor at Panchthar DEO said that his office had urged people of Limbu community to operate informal class of Limbu language in 2011 but nobody was ready to take the class. Bishnu Prasad Ghimire, head teacher of Pragatishil Primary School, of Ranitar VDC-3, said there would be no significant achievement by imparting education in mother tongue.

## Conclusion

Though there is existence of 10 ethnic communities in Panchthar district, it was found that education in mother tongue has been imparted in very few languages. Education in mother tongue is not well man-

aged in the district. The government authority does not have actual data about the numbers of schools imparting education in mother tongue. Similarly, the numbers of students and the languages being taught in the district is not well maintained. The available data related to mother tongue education is not uniform. The data with government offices and that of ethnic organizations is different.

The government authority has only developed curriculum and produced limited textbooks for education in mother tongue, except this, the government has not done anything for education in mother tongue. No quota is allocated for teachers teaching mother tongue in schools. It's difficult to get trained and skillful teachers for mother tongue. In some instances, schools that run classes in mother tongue in a particular academic year could not continue following year as teachers were not available. Even in the schools, which are running classes in mother tongue language, the classes are not effective as teachers have neither training nor incentive. There is government apathy towards education in mother tongue. It seems that the government does not have any clear policy for education in mother tongue language; rather it has been carried forward with the initiatives of community in various schools. Thus, stability of education in mother languages can be at crisis at any time.

It's difficult to find skilled manpower to teach mother tongue language in the schools. The government has not taken any initiatives for capacity building of teachers who are teaching in mother tongue. Neither training nor orientation is given to teachers; rather they are persuaded to teach with the skill they have developed on their own. Some teachers, teaching in mother tongue, do not have full knowledge

of the languages they are teaching. Thus, it will not give good results. Only the teachers qualified, skilled and trained can teach in mother tongue properly and their students' progress accordingly. If these issues are not accounted in the concept of mother tongue, it may have negative consequences. All involved parties should remain cautious about it.

Every program can run smoothly when it is monitored regularly. However, no authority has monitored the status of education in mother tongue in Panchthar so far. The DEO has not monitored status of education in mother tongue in the district. Only a school has formed a committee to monitor mother tongue education in the school in 2012. This shows that the concerned authorities are not keen to improve education in mother tongue.

Stakeholders said that the textbooks of mother tongue education are not developed as per the local realities of the district. Skilled teachers are not available while some schools were forced to discontinue the education in mother tongue in absence of required manpower. Thus, there is an urgent need to build basic foundation for education in mother tongue.

Needless to say, imparting education in mother tongue helps to preserve respective language and cultures. It also helps for recognition of the language speaking communities. District based educationists opined that scope of mother tongue should be ascertained to attract respective language community to acquire education in mother tongue. The way Nepalis learn languages like English, Hebrew and Chinese for the purpose of jobs and business, an environment should be created in connection with mother tongue in similar way. For this, there should be future of any

individual acquiring education in mother tongue. It is found that there is no clear policy of the government regarding education in mother tongue.

### **Suggestion**

There is a need for drafting clear policy in connection with education in mother tongue. Educationists working in the sector of mother tongue education should be consulted and included while formulating policies and plans related to mother tongue education. The government should build necessary foundation and make provision of monitoring mother tongue education regularly. The curriculum of the mother education should be original reflecting the local realities as per the need of the time while textbooks and teaching materials should be produced adjusting with local environment and practices. Similarly, the script, dictionary and language books of mother tongue should be developed to make education more effective. Developing Braille script for visually impaired student is imperative.

Teachers should be appointed in quota to teach in mother tongue, their capacities be enhanced through regular orientations and trainings. Education in mother tongue should be imparted as per the demand of the communities. It is necessary that the government played a vital role to impart basic education in mother tongue.

### **References**

- Dr. Chapagain, Narendra, Samchhip-ta Nepali Shabdabhandar, 2010
- INSEC, Human Rights: Big Six Treaties, 2004
- Kurunbang, Subba Dilendra, Limbuwan: Kranti and Bikash, 2008



Pyakurel, Sushil & Aryal, Kundan:  
Human Rights and Press, 2002

Something, Ram Prakash: Panchthar  
Ka Adhibasi Janajatiharu, 2009

Kandel, Puskar, Multilingual Educa-  
tion in Nepal, 2010

Lopchan, Lok Bahadur, working pa-  
per on mother tongue education, (un-  
published)

Education Act, 1971, (Amendment,  
2009)

National Curriculum Framework for  
School Education in Nepal: Curricu-  
lum Development Centre, 2006

Interim Constitution of Nepal, 2007

Constitution of Nepal, 1991

Universal Declaration of Human  
Rights, 1948

Children's Act, 1992

Textbooks of various mother tongue

Various papers and magazines



Study Report

**5.2 Dowry-Induced  
VAW in Rautahat District**

**Chapter**

**5**

## 1. Background

Generally, dowry refers to cash or goods given by bride's family to the bride in marriage. Number 4 under Chapter 14 of Muluki Ain( General Code) 2020) has defined that the movable and immovable property of a woman received from her parents' family, her mother's parents' family and the property that she has increased from it shall be her dowry.

In Nepali society, it is observed that dowry system started with a tradition wherein the family of the bride used to give cash or goods to the bride and bridegroom in marriage as a symbol of love. This tradition, which was started by the family of the bride by voluntarily providing cash or goods to the bride and bridegroom, was gradually established as tradition under which bridegrooms started to demand for property from the family of bride before, during or after marriage. Historically, king's families used to have larger amount of money therefore they could give expensive jewelry to their daughters in marriage. The royal families also used to provide domestic help to their newly married daughters after their marriage. This tradition gradually rooted in the families from well-to-do to the families having economically poor status.

Dowry system is more common in the Terai districts compared to hilly districts in Nepal. The form of domestic violence caused by dowry and its statistics is larger. According to the statistics at IN-SEC, 13 women were killed in 2011 due to dowry issue, among them eight killings occurred in Rautahat district alone. Similarly, five women were killed due to dowry in 2010 and one woman was killed in 2009 while one woman was killed in the name of dowry in 2012.

Keeping this reality into consider-

ation, this study was conducted in Rautahat district by taking the increasing incidents of dowry-induced domestic violence in Rautahat district into consideration.

## 2. Objectives of Study

- To identify the status of dowry-induced VAW in Rautahat district between 2008 and 2012 and to assess victims' access to justice
- To assess the efforts made by the concerned stakeholders to minimize the incidents related to dowry-induced VAW in Rautahat
- To analyze the effect of dowry in the district

## 3. Rationale of Study

Article 16 of the UDHR has enshrined equal rights of man and woman. CEDAW (1979) has also ensured rights of women. These international instruments are ratified by Nepal

The Declaration on the Elimination of Violence against Women 1993 has clearly defined violence against women. Article 2 of the Declaration deals with the Economic, Social and Cultural rights of women and with their security. Similarly, the World Conference on Women, Beijing (1995) focused on improving the condition of the women who are lagging behind.

Article 13(2) of the Interim Constitution of Nepal 2007 provides that no discrimination should be made against any citizen in the application of general laws on grounds of religion, color, sex, caste, tribe, origin, language or ideological conviction. Similar provision has been made in article 20 (3) of the Interim constitution, 2007. Clause 5 (2) of Social Practices (Reform) Act 2033 states that a set of ornaments wearing in body, whosoever intends

to give *Daijo* as per own's rites, rituals and pleasure, may be entitled to give *Daijo* up to Ten Thousand Rupees ,in maximum to the bride.

Though dowry has been restricted by law, it is increasing. All groups, castes and communities are affected by dowry system one way or another. Those responsible for enforcing law have also been practicing this system. It is a matter of shame and ills of society to have increasing incidents of WAW, domestic violence and killing of women in the name of dowry at a time when all citizens are equal constitutionally and women can legally enjoy their paternal property on a par with their brother.

Tarai region is more affected by dowry practice than other regions of the country. Rautahat has low literacy rate. According to the Census 2011, the total population of Rautahat district is 686,722, of them 305,179 are male and 33, 5643 are female. The district has the lowest literacy rate in Nepal i.e 41.7 per cent. Male literacy rate is 61.5 per cent while female literacy rate is 38.5 per cent whereas the women literacy rate in the country is 57.4 per cent.

Domestic violence has its stronghold where there is low literacy rate, existence of ignorance, poverty and ill-practices. Thus, Rautahat was selected as a representative district of Terai to study dowry- induced VAW. It is hoped that this study will be helpful in drawing attention of the concerned stakeholders on the issues specified by the study of this study.

#### 4. Methodology

Representatives of victims' families, government offices, political parties, security personnel and human rights activists of the district were interviewed based on

the objectives of this study. Similarly, available literatures were reviewed along with the review of legal provisions on dowry practice.

#### 5. Limitations of Study

This study is based on dowry-induced VAW. As the area of the study was Rautahat district, all information, statistics and instances were taken from Rautahat. This study only focuses on dowry-induced VAW only.

#### 6. Dowry System and Problem

It has not only worsened the conjugal life of newly married couple but also given rise to domestic violence. There is tradition that birth of son gives happiness to family while of a daughter becomes a matter of sorrow. As birth of daughter is considered as curse, girls are discriminated before as well as after the birth of a female child. The tendency to kill female fetus is increasing to the extent of creating gender imbalance. This is likely to create problem in the society in the long term.

The daughters of poor families have been discriminated in the society. Dowry system is practiced by rich families than by the poor. There is a tradition—the more educated a son becomes and holds respected job, the more dowry he will be given in marriage. As dowry has taken a form of competition in different families, it has been a matter of pride in the society.

There are many examples in which newly married couple's conjugal lives have been ruined due to dowry related problems. Dowry has become a cause of divorce and domestic violence. It has become a cause of killings, tortures and women are subjected to discrimination. Likewise, it is one of causes of polygamy. Due to Dowry, poor families are not encouraged to edu-

cate their girl children. They believe that large amount of money is required to educate daughters and larger amount is necessary to marry away an educated.

## 7. Dowry and Domestic Violence

Beating, abduction, threat, fraud, coercion, verbal abuse, setting fire, damage of property, sexual violence, rape after marriage, dowry related violence, piercing of vagina are generally perceived as domestic violence. Also all kinds of similar acts based on sexes against women by family members and a related person is called domestic violence.<sup>1</sup>

“Domestic Violence” means any form of physical, mental, sexual and economic harm perpetrated by person to a person with whom he/she has a family relationship and this word also includes any acts of reprimand or emotional harm.<sup>2</sup>

According to the data recorded at Office of the PM and Council of Ministers, 35 per cent of women are facing some kind of violence while 61 per cent of women do not have knowledge of the legal provisions related to domestic violence. Poverty, illiteracy, tension, conflict, inequality in income, excessive consumption of alcohol adds fuel to domestic violence. Of these several causes, dowry is one of them. There are several instances of violence caused by dowry in every society.

Does not matter whether it is given voluntarily or under compulsion, dowry is discrimination against women in a patriarchy system. Dowry has become a system of liability to the family of the bride and a means of assets to the family of bride-

groom in marriage. Similarly, the value of women's labor is minimized under dowry system while the value of marriage is highlighted. Briefly, dowry indicates lower standard of women.

The practice of giving dowry voluntarily is prevalent in all countries of the world. However, it is in practice in the south Asian countries including Bangladesh, Pakistan, Nepal and Sri Lanka with the view to have financial gain from marriage. According to the National Crime Record Bureau of India, over 8000 women were killed and over 90,000 were attacked due to dowry in India in 2010.<sup>3</sup>

As the Tarai region borders India and as Nepal has traditional and cultural ties with the Indian people, dowry tradition is practiced in the Tarai region more than in other parts of the country. Many women rendered victims of violence while some were killed as they could not provide cash or goods as per the demand of husbands in Tarai.<sup>4</sup>

Dowry based violence is not confined to Madhes. However, the figure of violence against women caused by dowry is less in hilly areas.<sup>5</sup>

## 8. Current Status of Dowry System

The incidents of VAW and domestic violence have been increasing in several parts of the country. Dowry has become one of the causes behind domestic violence. Married women are forced to live hellish life because of dowry. Nubile girls are forced to be dealt as commodity even in the 21st century. Though four decades have elapsed since the enactment of the law

1. Dr. Arajoo Deuba, *Domestic violence & Human Rights*, -ed.), Hiramani Ghimire, CAMAD, A Journal of Administration, Management & Development, vol. 2 No. 1, April 1999, pp 1-2.

2. Clause 2 (A) of Domestic Violence (Offence and Punishment) Act, 2066

3. <http://pib.nic.in/newsite/PrintRelease.aspx?relid=78178>

4. <http://www.himalkhabar.com/news.php?id=220>

5. [www.hinduismtoday.com/modules/smartsection.item.php?itemid=4226](http://www.hinduismtoday.com/modules/smartsection.item.php?itemid=4226)

related to dowry, it has not been implemented effectively so far. Even the leaders of political parties, administrators and members of society connected with dowry system. Even those, who are involved in imparting training on social reforms and women rights, are involved in demanding and giving dowry. Giving larger amount of dowry and organizing bigger feasts in marriage has been considered as a way to maintain or promote social status. Hence, there is difference between rhetoric and reality of the stakeholders when it comes to giving dowry in marriage.

Dowry system is deeply rooted in Madhesi community in Terai. The bridegroom's side relates a girl and the notion of marriage with money. Marriage is decided only after finalizing bargain of monetary aspect. Though Number 5 of Women's Share of Property of Muluki Ain 2020 has provisioned that women have full right over dowry, the reality speaks otherwise. Women are denied to use the amount, goods or jewelries received from her parents as an exclusive right. Husband and his family members have the prior right to use the goods and properties received from her parental family. Boy's side also provides expensive jewelry and clothes to the girl's side in marriage, however, the girl's side never demands them. Marriage can be possible even on condition that the bride's side provide dowry in the form of money or goods after marriage. However, the newly married bride becomes victim if her maternal family could not fulfill as promised. There are many instances in which women have been killed as their parents could not provide the promised dowry.

## 9. Existing Laws and Their Effectiveness

Though the Social Practices (Reform) Act 2033 restricted dowry for the

first time, the legal provision has not been implemented. Neither the legal provision is amended nor annulled. No other legal provisions are enacted in connection with dowry so far. However, various Acts, Rules and Regulations related to the rights of the women have ensured the dignified life of women in Nepal. Domestic Violence (Offence and Punishment) Act, 2066 has addressed the issue related to violence caused by dowry. The Interim Constitution of Nepal, 2007 states that nobody will be discriminated. Thus, violence caused by dowry is a social crime.

Many instances have shown that domestic violence is less experienced in those communities where dowry tradition is not practiced intensively. Since the families victimized by dowry are generally poor, they are compelled to bear dowry-induced violence meek and mild. The first place to initiate legal process is the police. When a victim files complaint at police's, the further legal process and responsibility fall on police. However, many instances have shown that most of the cases which are reported to the police are found to be settled in agreement with the victims and accused.

The victims of domestic violence generally do not make public the incidents fearing that they could be ashamed of the incidents. In rural places, such incidents are not reported to the police due to lack of awareness while the well-to-do families do not report such incidents because of prestige issue. Also women do not make public such incidents fearing that they will be insecure. Secondly, the police also discourage the victims asking the victims to settle. Even in the cases of complaints field at the police, most of the cases were found to have been settled in agreement. If a victim files a case in the court, there lacks victim side to give account of the incident.

The victims do not get justice due to political intervention in the case.

### **10. Attempt to Change Dowry Related Laws**

Jyoti Lamsal, Sanu Laxmi Gasi, Gyani Maharjan and Rachana Shrestha, advocates of the Consortium for Women Rights, challenging that the provision of giving dowry maximum of NPR 10,000 mentioned in Muluki Ain is a serious VAW, had filed a writ petition in the Supreme Court.<sup>6</sup> In clause 5 (2) of Social Practices (Reform) Act 2033, it has been mentioned that dowry up to NPR 10,000 can be given as per tradition. Saying the provision was against Article 20(3) of the Interim Constitution 2007, the writ had demanded to remove the term 'dowry' and replace it with 'private property'. It had also demanded to treat the crime related to dowry as serious crime and implement it accordingly. Responding the writ, the Supreme Court ordered contemporary changes in the Act.

### **11. Stakeholders' Views Regarding Dowry**

Debaki Nepal, district Chairperson of Women Security Pressure Group stressed the need for launching awareness program and effective law for the elimination of dowry system. Ram Saran Gautam, ASI at Chandranigahpur Community Police Post said that greed of money played role in flourishing the system. Rupa Labung, Inspector of Women and Children Centre at District Police Office stressed the need for change in culture for minimizing dowry system. She was for opting inter-caste marriage and diversity in settlement to minimize dowry system.

UCPN-M leader Birdhoj Waiba said the government should take necessary steps to minimize the dowry system in the society. Ananta Koirala, Vice Chairperson of the NC said that Dowry system has gradually become a means of violence as it is used as a source of gaining benefit. Ajaya Kumar Gupta, District Chairperson of Madhesi Janaadhiakar Forum (Loktantarik) said, "Though the incidents of dowry are decreasing compared to the past years, marriage seems to be impossible without dowry" Sriman Narayan Mishra, leader of Sadbhawana Party, stressed the need for ensuring reservation for women in jobs and introducing packages for the education of illiterate women to minimize dowry system in the society.

### **9. Data on Dowry-Induced Violence**

From 2008 to 2012, a total of 15 women were killed in Rautahat due to dowry induced violence. A woman was killed in 2009, five in 2010, eight in 2011 and one in 2012. Similarly, two women were injured in 2008, and one was injured 2012. One woman was disappeared in 2010.

As the account of the incidents were changed due to nexus between the victims and accused family, the accused of the incident of killing of women due to dowry were found to be released on general dates from the court. In two cases of beatings, both were settled in agreement between the accused and the victim in Rautahat in 2008. Of the incidents of dowry related killing, the family of Sangita Devi Sah, 18 of Gaur Municipality-1 and Sila Devi Raut, 21 of Jokaha VDC-7, the family of Sila Devi Raut did not file any complaint at police's. As the victim family did not file

6. <http://www.nepaldubai.com/read.php?ZEc5d2FXTTlhRIZoWkd4cGjVtVnpKbUZOYOROCfpEmHhPREI6Tke9PQ=>

any complaint, no action was taken against the accused, said Sukhari Sah, ASI at Rautahat District Police Office. As the paternal family of the victim lived in India, the family may not lodge a complaint in Nepal, stakeholders said.

Babita Devi Mahato, 20 of Inarwa VDC-5 was killed being attacked with a sharp weapon by family members including her husband alleging of bringing less amount of dowry. She was buried in a field nearby her house. She had been inflicted torture with various allegations for 18 months before being killed. She had filed complaints at the police time and again but police sent her back by making them reach agreement with the family members each time. Of the accused, father-in-law got clean chit from the district court while husband was absconding by the end of 2012.

In most of the dowry-induced killings, though the cases were filed at police, the victims did not get justice. This happens as the accused and the victims forge agreement, said stakeholders. In murder cases, the police file case in the court, however, the victim family does not get justice as the appellant and victim families change their accounts in the court frequently, said police.

It was found that women of 18-27 age groups were found to have been killed allegedly for not bringing demanded dowry.

It was found that dowry was provided by the family of the bride before and after marriage. Several women were killed after marriage as they did not bring the promised amount. It was also found that the political parties did not help actively in the legal process related with dowry in the district. Attempts used to be made to settle such cases in the village itself.

The system of wearing veil by women also created problem in the society in Terai. According to this system, a woman is confined in domestic chores. In this system, a woman is restricted to pronounce her husband's name, she is not allowed to complain against the torture inflicted against her and she is required to worship husband as god.

Women are forced to endure pain and suffering due to lack of awareness, education and the knowledge on legal system. As the women do not dare to escape the ill practices and tradition prevailing in society, the incidents of dowry-induced VAW is increasing. It was found that the state mechanism and organizations working in the sector of women rights had not been launching effective campaigns against the dowry system in Rautahat district.

A total of 18 murder complaints related to VAW were filed at Women and Children Service Centre at the District Police Office, Rautahat from July 17, 2010 to December 31, 2012.

A total of 132 complaints related to beatings polygamy, expelling from home, scolding, among others, were filed in the Center, of them 122 were settled by forging agreement between the accused and the victims. Nine cases of polygamy were settled in the same way.

## Conclusion

Many women were killed and many others were beaten in the name of dowry system in Rautahat district. Though it seems that the women from Madhesi community are victimized by dowry, it has not spared women from all strata of the society.

Dowry system is the main reason behind increasing incidents of domestic violence as well as VAW in Rautahat. As the give-and-take under dowry is taken as



a culture, a few complaints were found to have filed the concerned authorities. Similarly, very few incidents of domestic violence were found to have been made public in the society. Even if the incidents are made public, they are made settle through agreement. Even the complaints registered at police's were found to have been settled without following the legal procedure.

Dowry has not only escalated VAW and domestic violence but it has also given rise to social crime. It is responsible for increasing discrimination between sons and daughters. Daughters are considered as second class citizens due to dowry.

The victims are not informed about the legal provision due to the lack of awareness. Though the campaigns of civil society organizations are positive to combat VAW, they are not sufficient and effective. The political parties have not organized programs to launch any campaign against dowry system in the society.

Data in the district shows that there is no respite to the incidents of violence caused by dowry in the society. Dowry has not only victimized the victim only, it has affected the entire family of the victim and the society. Dowry has its stronghold even among the well-to-do and educated families.

There is a need to launch a wider social campaign to minimize the dowry

system and establish the act of demanding for dowry as a social crime. The Social Practices (Reform) Act 2033 has the provision of NPR 25,000 fine and 15 days of imprisonment or both in case of dowry, however, the provision is less than the degree of seriousness of the crime. It is illogical to fine NPR. 25,000 as very large amount of money are used as dowry.

### **Suggestions:**

- As the existing laws are not effective, draft new laws on dowry.
- As the law defining dowry and the law on restricting dowry have contradicted, amend the laws to make them consistent
- Define dowry as a social offense and launch awareness against it
- Include social organizations, political parties, local clubs, Ama Samuha (Mothers' Group) and religious priests in order to launch campaign against dowry.
- Incorporate contents related to dowry and VAW into school curriculum
- Discourage the trend of settling the incidents of violence caused by dowry through agreement
- Formulate domestic laws of international standards based on the international covenants and conventions to which Nepal is a state party



Study Report

**5.3 Situation of  
Internally Displaced Persons  
of Kapilbastu District**

**Chapter**

**5**

## 1. Background

The people are compelled to leave or flee their in situ habitats due to various reasons. Natural disaster, armed and racial conflicts, violence and many other human-induced circumstances displace them internally. The persons displaced in this way are called Internally Displaced Persons (IDPs).

The Guiding Principles on Internal Displacement (Introduction) has described IDPs as: “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.” The involuntary nature of their departure and the fact that they remain in their own country are the two main elements determining who is an internally displaced person.

Remaining within the Guiding Principles on Internal Displacement, this study was conducted on the situation of internal displacement that took place in Kapilbastu district during Nepal’s 10-year armed conflict and following the signing of peace accord.

In the course of armed conflict, many non-Maoist people were displaced from Kapilbastu district due to the conflict and to the organized retaliation groups. This is the district which faced displacement even after the signing of the CPA.

## 2. Significance of the Study

This study is believed to be helpful for the government and other concerned authorities to address the issues related with the displaced persons such as im-

mediate relief, the status of their cases in the court. Also this will contribute to seek long term solution of the internally displaced persons and adopt precautionary steps in preventing the circumstances that cause internal displacement.

## 3. Methodology

The areas having current shelter of the IDPs were visited and interactions were held with them, and brief interactions and interviews with the concerned authorities, political leaders and human rights activists were also carried out. Similarly, information on the status of the IDPs’ case registration in the DAO, the District Court and also on the situation of case withdrawal were obtained from the concerned authorities. Literature review was another method utilized while conducting this study.

## 4. Limitations of the Study

The Maoists-waged armed conflict and the incidents of violence that took place thereafter were the causes of internal displacement. By taking Nepal’s armed conflict into consideration, this study has focused on the situation of the IDPs in Kapilbastu district. Basically, this study is on the internal displacement that took place following the violence due to retaliation. Similarly, the displacement that ensued following the violent incident of September 16, 2007 has also been taken into consideration.

## 5. IDPs in Kapilbastu District

The incidents like attack on police post, murder, abduction, looting, extortion and beatings occurred during the armed conflict waged by the CPN-M. The party had resorted to armed violence after presenting a 40-point demand letter to the

then PM. The activities such as disappearance, arbitrary arrest, murder, abduction, torture and arbitrary killings were committed by the Maoists. Similarly, government security forces also took action against Maoists' activities as a result more than 13,000 people were killed and 934<sup>1</sup> were subjected to enforced disappearances. Almost one thousand individuals were displaced. Similarly, a number of people were injured but no official data are available about them as yet.

The leaders and cadres of the political parties, social workers, teachers, local landlords and people's representatives were displaced from Kapilbastu district. Similarly, in many places, pro-Maoist people were compelled to be displaced from their in situ habitat due to the harassment of the security forces. The locals had no option but to leave their places. Accordingly, they either left for the cities or for other safe places. As the conflict escalated, armed retaliation committees were formed by the then government to fight against the Maoists. Many people got displaced due to the incidents of vengeance. The murder of Mohid Khan, a local Muslim politician, in 2007 triggered a severe violence in the district, displaced a number of people besides introducing a serious form of communal violence. The problem turned knottier when the cases of those implicated in the violence were withdrawn.

## 6. Causes of Displacement

Several causes were responsible for the displacement, which have been discussed below briefly.

### 6.1 Maoists-Waged Armed Conflict

The then rebellion Maoists had been strategically using and organizing the Dalit, Squatters, Haruwa/Charuwa and peasants in their war. The landlords were compelled to be displaced. Those having relatives or properties in India left for there. The number of IDPs went on increasing in the district due to the violent activities of Maoists. The pressure created and the threats issued by the Maoists against the local level business entrepreneurs and middle class people demanding large amounts of money and extortion became the main cause of displacement.

When the CPN-M escalated the acts such as killing non-Maoist party cadres and capturing their properties, the number of IDPs also increased. The party started to demand for fixed amount of donation from the middle-class business persons, intensified its extortion spree and also started to demand more amount of money than the business persons' capacitated to pay. The business persons would be subjected to abduction in case they failed to pay the demanded amount. The people in the district therefore were compelled to flee their in situ habitats in search of safe places<sup>2</sup>.

### 6.2 Retaliation Group

Retaliation groups were actively mobilized in the District against the Maoists after the then king Gyanendra assumed power on February 1, 2005. Due to the retaliatory action of the groups dozens of people were killed in Kapilbastu and Nawalparasi while a number of them were displaced. Villages were set ablaze.

1. Conflict Victims' Profile, [http://www.insec.org.np/victim/candidate\\_display\\_user.php?display=home](http://www.insec.org.np/victim/candidate_display_user.php?display=home)
2. Sasstra Dwanda Ra Aantarik Bisthanpan, Nepal Manabadhikar Barsha Pustak. INSEC, 2004. P 99.

To take revenge against the Maoists, a campaign called *Rastrabadi Milan Kendra* was established. The retaliation group that started its retaliation from the Ganeshpur VDC of the District affected 46 VDCs of the district. Prior to the provocation of the violence, the then Minister for Home Affairs, Dan Bahadur Shahi, Minister for Labor Ram Narayan Singh and Minister for Education Radha Krishna Mainali had reached the VDC and delivered provocative speech urging the locals to fight against the Maoists<sup>3</sup>.

The locals were terrorized by the retaliation groups which, numbering thousands, took to the street every day. Within the span of 5-6 days, the retaliation groups killed 35 people and more than 700 houses were looted, vandalized and set ablaze in which the security personnel were also involved. The retaliation committee committed inhumane and serious crimes such as killing, burning alive, abducting and beatings. Terrorized, the pro-Maoist people left their residents for hilly districts and the river banks of Chure region.

Meanwhile, the Maoist rebels too resorted to retaliation and killed villagers, looted and destroyed their houses in explosion as a result more than one thousand people from southern part of the District fled their original places for India. During this period, the Maoists accelerated killings and abduction. More than 25 people were killed by the Maoist rebel during this period which is well documented by INSEC<sup>4</sup>. In this way, Nepali people were victimized by the Maoists, retaliation groups and also by the state.

The incident spread as sensational

news world-wide. INSEC including other human rights organizations working actively on human rights monitored the development of the incident and urged the concerned parties to normalize the situation.

A number of persons fled to India every day. The Indian government managed tent and food for more than 5,000 people. INSEC and other human rights organizations of the district took initiation to bring back the displaced people from India. The displaced people felt relative peace and relief and started to return to Nepal from India after the government established army camps around Lawani, Hathihiwa, and Batuniya and Ganeshpur areas.

Ganeshpur, Krishna Nagar, Ram Nagar, Sirsihawa, Bhagawanpur, Khurhuriya, Bhalwadi, Hadaina, Udayapur, Maharajganj, Bakramapur, Ajigara, Bhilmi, Abhrab, Pakadi Nandanagar were the most affected VDCs. The people from retaliation group were active in those areas with different names especially after 2006/07. Accordingly, they were actively involved in retaliation by naming the group as "Village Peace Committee".

The persons involved in the retaliation groups and hailing from the VDCs such as Gugaulia, Khurhuriy were issuing threats, including death threats, against the locals. Radheshyam Yadav, who was one of the members of the retaliation group at that time, stated that during former king Gyanendra's regime, the Army provided the local youths with weapons along with training on handling them. According to him, the then CDO of the district Mad-

3. Gahirido Rastriya Sankat. Nepal Manabadhikar Barsha Pustak, INSEC, 2004 p. 40

4. Nepal Manabadhikar Barsha Pustak. INSEC, 2006. Jilagam Bibaran. Kapilbastu, p. 441

hav Raj Sharma, SP Bir Sharan Thapa and Armed Police SSP Bhishma Kanta Aryal had distributed weapons to the youths. He added, “While at Bardghat, the Indians, who were involved in retaliation groups, opposed the idea of providing weapons only to the Nepali members of the group, therefore all of them were taken to Khairatawa and provided with weapons<sup>5</sup>”.

The retaliation groups were formed as directed by the government. Local police, administration and the army personnel were directly or indirectly involved in the incident. The state-sponsored violence as such was neither investigated nor those accused of involving in the crime were prosecuted. The government did not come up with any relief package targeting the victims neither were the weapons returned.

## **7. Displacement after Mohid Khan Murder Incident**

### **7.1 The Incident Details**

Mohid Khan, 60, a leader of Lok Tantrik Madhesi Morcha and hailing from Kudurbetawa, Birpur VDC-4 was shot dead by an unidentified group on September 16, 2007. The violence that started after the killing of Khan reached an extreme. More than 14 people lost their life and 20 were critically injured. The hotel, shops and more than 700 houses were burnt and vandalized. About 160 vehicles were set ablaze and vandalized. Thousands of people affected by the incident were displaced<sup>6</sup>. The incident turned into a serious violence, ultimately disturbing the social and communal harmony. The terror increased day by day giving an impression that humanity was lost during the inci-

dent.

The report prepared by the Human Rights Treaty Monitoring Coordination Committee (HRTMCC) after commissioning a fact-finding mission between 19- 21, 2007 stated, “More than 500 houses in the district were vandalized, looted and set ablaze. About 500 people were displaced and the climate of fear in the district was on the rise over days”. The report demanded the government ensure security of people and their properties. Similarly the Committee urged the government to instantly form a special task force and deploy it in the district in order to maintain social harmony. The committee also demanded the concerned stakeholders play effective role in reinstating the displaced, the concerned authorities make public the real damage incurred during the incident and the probe commission formed by the government start its works without delay<sup>7</sup>.

Until the sixth day of the incident, government bodies were unable to reach the violence affected areas. Since the state could not intervene the situation, the retaliatory attacks continued. The displaced and the victims could not be rescued or relieved and the situation was so severe that it was getting difficult to receive information and news about the true reality of the region.

The people from the local communities attacked against each other's properties. Due to the indifference and negligence on the part of the government, social harmony was unprecedentedly challenged. Attacks did not stop despite the fact that a curfew was imposed by the local administration on September 15, 2004.

5. see the article titled “Bandukko Phanda”. Himal Khabar Patrika for more detail. <http://nepalihimal.com/news.php?id=3791>

6. Nepal Manabdhikar Barsha Pustak 2008. INSEC, P 414

7. Kapilbastu Jillako Sthal Adhyan. <http://www.insec.org.np/pics/1242718828.pdf>

People from all the community were feeling insecure and the agitated victims were expressing their dissatisfaction aggressively against the roles of human rights activists and journalists. The CDO, the police and the army were not able to counter the communal violence that suddenly erupted in the district. Human rights activists immediately informed the police personnel on the first day of the violence about the grim situation after the villagers approached the activists demanding for security. But the police administration did not take any initiation, which resulted in further loss of life and properties<sup>8</sup>.

### **7.2 Relief Provided to the Victims**

Among 5039 people from 868 families of the district (data collected by the Special Task Force to collect data of the persons, families and structures affected by the conflict) 364 people got the displacement allowances - 4001 each in FY 2010/11.

### **7.3 Current Situation of the IDPs**

This study showed that some of the IDPs, who were displaced due to the violence that triggered in the District on September 16, 2007 and continued up to 21 of the same month, returned to their original places and rehabilitated themselves whereas around 1500 people were still living displaced life. Currently, 702 people from 164 families from Shankarpurtal of Patthardehiya, 125 people from 23 family of Changghat, Mahendrakot VDC and 184 people of 17 families from Madhuwan, Motipur VDC are still with displaced status. More than one hundred people were found working at their relatives' or doing business in a displaced situation. Similarly, more than 500 people of Madhesi origin

from Birpur, Shivapur, and Khuhuriya VDC were displaced to the places such as Naugadh, Badhani and Basi, India.

Despite the effort from the government to rehabilitate the displaced people back in their original places, the IDPs are not willing to return. As they are still feeling insecure to return to their in situ habitats, the IDPs have been demanding that they be rehabilitated in other places. Giri Prasad Shrees, an IDP living in Changhat of Mahendrakot VDC said, "If the government realizes that we are their people then they need to provide us a safe and secure place, if not, don't move us from the place where we have been living after being displaced". The state has neither ensured peace nor security nor has it provided compensation to the victims. Those who were responsible for their displacement have been living scot free.

### **7.4 The Report of Investigation Commission Remains Unimplemented**

The government formed a Three-Member High Level Investigation Commission led by Lokendra Mallik on September 20, 2007 to investigate into the Kapilbastu Incident. However, the government did not make the commission's report public. The struggle committee of the victims of the Kapilbastu incident, as helped by various human rights organizations, filed an application at the Information Commission on April 17, 2012 demanding the Commission's report be made public. Afterwards, the Commission released the report partially. Disagreeing with the report, the victims lodged a petition at the Supreme Court against the government. The petition demanded proper investigation of the incident, pun-

8. *ibid*

ishment to the guilty and compensation to the victim. Apart from this, the commission demanded that the deceased be declared a martyr along with providing his family with NPR one million as compensation. However, Mukti Kaphle, Secretary of the Struggle Committee informed that the case was remaining undecided.

### **7.5 Withdrawal of Cases and Legal Action**

Many persons were arrested on charge of their involvement in the incident. A total of 15 cases were registered against 286 people on charge of murder, arson, beatings attempted murder and embezzlement. Among those who were prosecuted, 24 persons had been released as per the court order.

The process of registering cases, prosecuting the accused and arresting the guilty was too slow during that period. The police faced hardship in investigating into the process due to mounting pressure from various political groups suggesting withdrawal of the cases. A total of 13 criminal cases related with the incidents that took place in Kapilbastu, Rupandehi and Dang were withdrawn by the government<sup>9</sup>.

### **8. Status of Displaced People**

Many IDPs of Kapilbastu have returned to their original places after the conflict while a number of them are still living displaced life due to the fact that they have been charged with various criminal cases. The cadres of the political parties, the former elected representatives and the landlords have already returned to their places. Among the IDPs displaced during armed conflict, some of them have been living even in India. They return to

Nepal in crop harvesting seasons. They normally are with dual citizenship, so they live wherever they feel safe. Similarly, a number of them have been living in different places of Nepal such as Kathmandu and Pokhara. Especially the people from the Maoist affected VDCs such as Shivpur, Birpur, Pateriya, Nanda Nagar have either sold their properties or have given their land to others under sharecropping or have kept the land uncultivated.

According to Mukti Kaphle, Secretary of the struggle committee, more than 1300 families were still living a displaced life in various places. He said that some of them were living with their relatives in Arghakanchi district and some others were displaced in India. The coordinator of Kapilbastu Incident Victims' Struggle Committee, Tika Kunwar said, "As the IDPs keep on changing their living places, it is hard to collect data on them". This reality has deprived them of the relief provided by the government.

### **9. National Policy Implementation Status**

According to the National Policies on Internally Displaced Persons 2007, a district program coordination committee has to be formed to work for the IDPs however; the committee as such was not active in the district. The committee had provided NPR 4001 to each displaced person in 2008 however, some of their issues such as food, shelter, education, health and employment were not paid attention. CDO Krishna Chandra Ghimire said that the committee was not active latterly. He admitted that not a single meeting was held by the committee ever since he was transferred to the district.



## **10. Opinion of Civil Society on the Displaced**

Om Prakash Aryal, Coordinator of Advocacy Forum Nepal and Civil Network for Peace said, “Many political leaders, the elected representatives, landlords and the ordinary citizens were displaced from Kapilbastu due to terror, threat and extortion during the armed conflict; however after the CPA, almost all of them have been rehabilitated,”. He further added that many of the displaced persons were living in India due to the fact that they possessed properties both in Nepal and India, and that they enjoyed dual citizenship.

Most of the people who were displaced due to the retaliation in 2004 returned however those who got displaced in 2007 were, according to the local civil society members, remaining still displaced. They have been living in the Shankarpur Taal and Mahendrakot VDCs, according to Aryal. The armed Conflict-induced IDPs were almost nil in the district. The Chair of Madhes Human Rights Home, Rabindra Nath Thakur stated that a few people whose cases were under consideration left for India but ordinary persons were not displaced during armed conflict.

## **11. Opinion of Political Parties Regarding Displacement.**

Does not matter whether the violence was caused due to armed conflict or to retaliation committee or to the violence triggered following the murder of Mohid Khan, all the incidents of violence were political in nature. So naturally, the political parties should have been concerned towards IDPs’ problems but the contrary seemed to be true.

The Maoist District-in-charge, Chandra Bahadur Chand claimed that all the displaced people returned to their

original places after the Maoists opted for peaceful politics. According to him, those who were yet to return were the ones who possessed properties both in Nepal and India. “The extortion, child conscription, abduction and the disappearances spree of the then rebel Maoists were the causes of displacement. Many civilians, landlords and political leaders were compelled to leave their original places seeking for safe places” the CPN-UML District Committee Secretary Baburam Khanal said. He further informed that most of the displaced were reinstated especially after the signing of the CPA. “About 1000 people who were displaced in August 2007 are yet to return” he added.

However, Suresh Sharma, District Secretary of the NC viewed that no conflict-induced displacement took place in the district. According to him, except for those implicated in various crimes or for those who were involved in the armed group, the cadres of political parties were not displaced.

## **Conclusion**

Most of the IDPs of Kapilbastu district have returned to their in situ habitat after the Maoist armed conflict ended. Some of the IDPs are involved in business and employment there where they have been living after their displacement. More than 1500 people displaced especially after the violence of 2007 in Kapilbastu district were found to have been living squatter-like life on the banks of rivers and nearby jungle areas. During this period, more than 3000 people are living in the capital city and in the emerging towns. They are involved in employment, business and labor works. Among them, some want to return to their in situ habitat whereas some of them want to continue to, provid-

ed the government comes up with alternative shelter arrangement, live there where they have been living since their displacement.

### **Suggestions**

- Arrange appropriate and alternative shelters for those who have been living on the river banks after being displaced
- Carry out administrative works such as vital registration including collection of voters' list from their current place of residence
- Collect data on the IDPs and issue identity card for them
- Ensure their basic needs such as food, shelter, health and education
- Ensure them prior rights in relation to employment, earning opportunity and self-employment
- Make public the full report of the Mallik Commission and implement it



Study Report  
**5.4 Food Crisis  
in Mugu District**

**Chapter**

**5**

## 1. Introduction

Every year, Nepali media disseminate news covering food crisis in various districts of the country. Most of the news on food crisis come from Karnali Zone - one of the 14 Zones of Nepal located in the western part of Nepal. News on depleting food stock in the depots, the story of acute food shortage and the consequent impact on the locals are not uncommon. The Government shows concerns if only human rights organizations and international donor organizations attract their attention towards the problems. The Supreme Court of Nepal has already ruled the Government to ensure the availability of required staple food. The decision of the Court implies that people are compelled to seek recourse from the court to get their right to food.

An individual is entitled with the right to food. This means s/he has the right to get proper, nutritious and fresh food as per their requirement. Ensuring sufficient nutritious food and the easy availability and access to it is a fundamental aspect of the right to food, which ultimately is embedded with the right to life. Theoretically, this right falls under the Economic, Social and Cultural rights.

According to Article 25 of the Universal Declaration of Human Rights, everyone has the right to health and well-being of himself and his families including to food. Article 11 of International Covenant on Economic, Social and Cultural Rights prescribes that States Parties to the Covenant, recognizing the fundamental right of everyone to be free from hunger, should take, individually and through international co-operation, the measures, including specific programs, which are needed to improve methods of production, conservation and distribution

of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources.

Similarly, article 12 of Convention on the Elimination of All Forms of Discriminations against Women urges the States Parties to ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation. Article 27(3) of Convention on the Rights of the Child has also discussed the nutrition required to a child. The right to food sovereignty, for the first time in the constitutional history of Nepal, has been enshrined in the Interim Constitution. Likewise, under the Right Relating to Employment and Social Security (article 18) the Constitution provides that every citizen shall have the right to food sovereignty as provided in law. Although the right to food is acknowledged as human rights, food crisis in Nepal is on the rise. The decision of the Supreme Court has related the right to food with the right to dignified life clarifying that it is an obligation of the state to protect people from possible starvation.

Following the World Food Summit held in Italy in 1966, FAO accepted the right to food as one of the fundamental human rights. Leaders from around the globe, while declaring the UN Millennium Development Goals in 2000 in Rome and also during 2002 World Food Conference, committed to decrease starvation globally by 50 per cent by 2015.

According to WHO, an individual has to get food to eat three times every 24

hours. According to FAO those people who eat food having less than 1,800 calories per day are termed as starving or that condition is called starvation. In Nepal, 41 per cent of people do not get 2,144 calories. World Food Program has stated that more than 3 million Nepalis face food crisis. Worldwide, one out of every seven persons has to go to bed hungry. Similarly, one in four of the world's children are stunted and the world has faced problem more due to food scarcity and starvation than due to the diseases such as AIDS, Malaria and tuberculosis. Most of the people facing such problems live in the developing countries<sup>1</sup>.

Some remote villages of the districts under the Far-Western Region and the districts under Karnali Zone of Mid-Western Region are severely affected by food crisis. However, people in the areas have become more conscious on the problem over years. People from Mugu, a district under the Mid-Western region, put forth their demand before the Chief District Officer demanding the district be declared a Food Crisis Zone. Their demand was meant to attract governmental attention towards the acute food shortage they had been facing for years. INSEC has been drawing attention of the concerned stakeholders on the acute food crisis faced by various districts in the country. Mugu district holds the lowest rank in terms of HDI of Nepal. Keeping this reality into consideration, this study was carried out by INSEC on food crisis in Mugu district.

## 2. Importance of the Study

Article 18(3) of the Interim Constitution of Nepal 2007 provides the right to food sovereignty as one of

the fundamental rights. Nepal is a state party to the International Covenant on Economic, Social and Cultural rights. The Covenant has accepted the right to food as a fundamental right. Therefore, fulfilling the obligation arising from being a state party is a duty of Nepal. Considering the Nepal Treaty Act 1990, the provisions of the international covenants or conventions apply on an equal footing with the domestic law of Nepal. Respecting various international conventions, Nepal has enshrined the right to food as one of the fundamental rights. Similarly, Nepal has also participated in various international conferences organized on the right to food and has expressed its commitment on many occasions to respect the right to food.

While talking about the right to food in the Nepali context, various fundamental rights provided in part 3; the Obligations, Directive Principles and Policies of the State under Part 4 and article 37 of the Interim Constitution have to be taken into consideration. Likewise, various international treaties on human rights and the international declarations on the right to food should also be taken into account. As article 12(1) of the Constitution has accepted the right to live with dignity as a fundamental right, it is deducible that the right to food is one of the fundamental rights of each citizen. It is also provided that no person should be deprived of his or her personal liberty save in accordance with law. In absence of the right to freedom, the right to live a dignified life remains incomplete and meaningless. This study has attempted to analyze as to how the minimum standard of food security has been adopted in Mugu district. Therefore, this study is believed to be help-

ful from the point of view of resolving the related problems in the district.

### 3. Objectives of the Study

1. To find out the situation of food grain production in Mugu district
2. To analyze the effectiveness of food distribution in the district
3. To assess the role played by the state in ensuring locals' access to food in the district

### 4. Methodology

The authorities of the Nepal Food Corporation branch located at district headquarters of Mugu and other depots located at various parts of the district were interviewed while conducting this study. Similarly, discussions were held with the authorities related with food grain production and distribution and also with the local stakeholders. Similarly, literatures available on food shortage/crisis in Nepal were reviewed.

### 5. Limitations of the Study

This study was primarily based on the situation of Mugu district. Generalizing it with the overall situation of the country, therefore, will be irrelevant. Descriptions of the districts other than Mugu district were based on the secondary sources.

### 6. Situation of Food and Government Policy

According to the 2012 Report of the International Food Policy Research Institute, Nepal ranks in 79<sup>th</sup> position in terms of hunger index<sup>2</sup>. It has, however, improved its rank by six per cent during the last decade. Nepal's northern neighbor

China has made headway in relation to food crisis while India, Nepal's Southern neighbor, is still backward in this aspect. Looking at the food problem of Nepal based on the Institute's report, Nepal's hunger situation is serious. Similarly, the Global Food Security Index 2012 has shown that Nepal, among 105 countries of the world, ranks in 79<sup>th</sup> position. The report is published based on affordability, availability, quality and safety of food. FAO states that more than 1 billion people worldwide are facing food crisis. Among them 1.6 million live in Nepal itself.

According to Government data, half of the children under 5 are stunted and 38 per cent of the total children are underweight in Nepal. Similarly, 50 per cent of the children from the Mid-Western and Far-Western regions are underweight. According to the Ministry of Agriculture, more than enough food grain was produced in the FY 2011/2012. Estimating that Nepal's population is twenty seven million, the Ministry has

**Table 1: Situation of Food Stock and Scarcity During Last Ten Years by Fiscal Year**

Fiscal Year	Quantity (In Ton)	Stock/Scarcity
2002/03	75,600	Stock
2003/04	213,000	Stock
2004/05	163,000	Stock
2005/06	21,500	Scarcity
2006/07	80,000	Scarcity
2007/08	22,367	Scarcity
2008/09	132,900	Scarcity
2009/10	330,000	Scarcity
2010/11	900,000	Scarcity

*Source: Ministry of Agriculture*

2. <http://www.ifpri.org/book-8018/ourwork/researcharea/global-hunger-index>

projected that Nepal requires 6 hundred 3 thousand 7 hundred tons of food. It was projected based on the data of FAO that a Nepali consumes 190 Kgs of food a year. According to the Ministry, a total of 33 districts faced food crisis in the FY 2010/2011 but the number of district facing the crisis lowered to 27 as the districts such as Panchthar, Udayapur, Sunsari, Sindhuli, Mawanpur and Sarlahi got rid of food problem<sup>3</sup>.

## 7. Food Scarcity in Mugu District

Among 75 districts of Nepal, Mugu district is ranked in the lowest position of the HDI. According to the Census 2011, the total population of the district is 55,286 (28,025 male and 27,200 female). The district has 24 VDCs. The situation of food crop production in the district is tabulated below:

<b>Table 2: Mugu District: Cultivable Area Vs. Production</b>		
<b>Staple Food</b>	<b>Cultivated Area (In Hectares)</b>	<b>Production (Metric Ton)</b>
Paddy	1,265	2,531
Corn	607	607
Wheat	4,325	7,785
Barley	1,837	1,837
Oil Seeds	31	20
Potato	605	6,135
Pulses	7	6
<b>Total</b>	<b>8,677</b>	<b>18,921</b>

Source: Village Development Committee & Demographic Profile of Nepal, 2013

Out of 310,310 hectares of total area of this district, 19,340 hectares is cultivable. However, currently, 18,441

hectares of the land is cultivated. The district yields 11,560 metric tons of produce yearly, which lasts for 3 to 6 months for the people in the district. According to District Agriculture Office, the district requires 800 metric tons of staple food for a year. It still follows traditional cultivation practice and generally millet, wheat, barley, paddy, buckwheat, corn and beans are produced. The Government started to allot low-price food grains in some of the districts of Nepal including in the districts under Karnali region since the 1970s and the practice is going on. It spends more than NPR five hundred million for ferrying food items in the Karnali region alone.

Recently, the Government has put forth its program to provide identity cards to the poor. Those earning less than NPR 52 daily have been determined as the poor<sup>4</sup>. Taking the soaring price hike into consideration, this standard cannot be considered appropriate. Comparatively, the price of foodstuffs in the district is too high. For example sugar costs NPR 300 a kg, wheat flour almost 200 a kg and cooking oil about 300 a liter, which is extremely high. Similarly, the district has faced irregularities in the distribution of social security allowances provided to elderly people, single women, children and the disabled.

## 8. Right to Food and Mugu District

Mid-Western Region is backward in terms of food, health and education, among others. Karnali Zone under the Region is too backward and Mugu, a district under the Zone is the most backward district in terms of government service, opportunities, participation, and development. From the point of view of life expectancy too the district is backward.

3. <http://www.ekantipur.com/nep/2069/2/17/full-story/348646.html>

4. BBC Sajha Sawal Karyakram, September 30, 2012

Women's life expectancy is too low. Data have revealed that children from the district are stunted and underweight. Food scarcity is the main problem of the district. Although national road network has touched the district, smooth and managed transportation system is still a problem. Air transportation is not regular. As the local produce does not last even for half a year and supplying food there with the help of mules is too expensive, it is really difficult of supply staples in the district. The people in Mugu, who already have low income, do not get chance to buy food stuffs due to scarcity even when they are capable to afford. They are accustomed to eating rice mostly, as a result, other local products such as millet, buck wheat, barley, wheat etc are not considered by them as their major staple food. As the state is not concerned towards formulating policy for the lasting solution of the problem, the situation of food scarcity is getting more serious over years. Therefore, it is high time the concerned stakeholders reconsider the system of supplying food via helicopter. Providing food at fancy rate is not a medium of ensuring people's right to food. Government has to be more serious regarding this.

## 9. Required Quantity of Food

Considering the total population of the district (55,311) and the required quantity of food (209 Kgs per capita), a total of 25,000 quintals of food is required for the district. Since local produce lasts only for 3 to 6 months, according to the data from the District Agriculture Office, the district requires additional 800 metric tons of food. All the food staples produced in the district can feed only 70 per cent of population of the district.

## 10. Situation of Food Supply

Food Corporation allotted a total of 15 thousand quintals of rice for Mugugamgadi depot and other three depots located at the rural parts of the district for the FY 2011/2012. As, later, 2,782 quintals of rice was curtailed, food scarcity started in the district since May of the fiscal year. Although the Government came up with a policy of providing subsidy in food distribution, scarcity continued when the Ministry of Finance did not issue required budget in time. Therefore, the people in the district were compelled to live on the food grains brought from lower parts of Jumla, Bajura and Humla the neighboring districts.

Keeping the required quantity of food into consideration, District Food Committee demanded 37 thousand quintals of food for the FY 2011/2012 but the Government approved 15,550 quintals only. As, the Ministry of Finance provided subsidy for 13,350 quintals only, food scarcity emerged. It is noteworthy here that the Government approved 22,984 quintals of food last year, yet the district faced food crisis. According to the Office, District Food Corporation had only 596 quintals stock and a total of 1,948 quintals of food was on way to the district via surface transportation, therefore it decided not to distribute the stock for the time being. Hira Bahadur Singh, Chief of Food Corporation in Mugu stated that the stock could be distributed, as recommended by the Chief District Officer, only to the families of the dead and to those in situation of natural disaster and emergency.

The distribution centers of Nepal Food Corporation located at rural areas such as Shreekot, Sorukot and Pulu were not provided with the allocated quantity 966 quintals. The Corporation informed



that a total of 1948 quintals of food supposed to reach the district headquarters via surface transportation could not reach the district by June. The corporation, while having sufficient food with it, used to distribute 15 kgs of food per person twice a month whereas an individual working for the Government and non-government organizations, if s/he was a local, would get 15 kgs a month and the one from outside the district would get from 15 to 23 kgs. However, the corporation distributed food to the families of the dead, the victims of natural disaster and those undergoing emergency situations, were provided food by the Corporation.

### **11. Location of Food Depots in the District**

District Office of Food Corporation is located at the district headquarters. Similarly, other food depots are located in Karkibada, Shreenagar, Pina, Roba, Ruga, Rara, Magri, Pulu, Kimri, Dolphu, Bhiee Narthub, Jima, Kalai, Photu, Sorukot, Seri, Shreekot, Khamale, Gamtha Sukadhik, Hyanglu areas for various VDCs of the district. Since the District Office of Food Corporation did not supply the allocated quantity of food to these depots, people faced acute food shortage in the district.

### **12. Availability of Food in Depots**

Food Corporation allotted a total of 15 thousand quintals of rice for Mugugamgadi and other three depots based in the rural parts of the district. As, later, 2,782 quintals of rice was curtailed, food scarcity started in the district since May of the fiscal year. Although the Government put forth its policy of providing subsidy in food distribution, scarcity continued primarily because the Ministry of Finance did not issue required budget

in time.

White rice that the Corporation sells for NPR 40 per kg in the district is ferried from Surkhet via helicopter. It costs NPR 21,785 to transport a quintal of white rice. Similarly, it costs NPR 9,465 via airplane and NPR 2595 via surface transport the same amount of food. Only one third of the total allocated quantity of food was supplied in the district in the FY 2011/2012.

### **13. Stakeholders' View on the Right to Food**

Mugu district requires a total of 25,000 quintals of food. Chief of Food Corporation in Mugu stated that people had to pay NPR 40 for a kg of white rice. Supplying food via air route was too expensive. Jaya Bahadur Hiton, Assistant Chief District Officer viewed that inattention of the concerned central level bodies of the Government attribute to food crisis in the district. According to him, District Administration and Food Committee of the district informed about the increasing food crisis of the district to the Ministry of Supply time and again but the authority did not listen to the problem.

### **14. Future Plan and Programs of District Agricultural Office**

Although various Government and non-government organizations have been working in the district with the aim to promote local production and distribution of food, no perceptible progress has been experienced. Ramji Devkota, Chief of District Agriculture Office, stated to have arranged trainings targeting the stakeholders at the district, Service Centre and field levels. According to Devkota, District Agriculture Office has been working in coordination with the district based or-

ganizations on food security. Its work has laid emphasis on the production of seasonal and off seasonal vegetables and fruits including potato, apple and protection of the typical species of crops of the district that are on the verge of extinction. As the crops typical of the district are gradually decreasing, it is deducible that the efforts of the District Agriculture Office have not yielded expected result.

### **15. Attempts to Raise Awareness**

As the people in the district are accustomed to white rice for the last four decades, they have tended to disregard local produce. Hence, it is highly required to sensitize people on the nutritional and economic importance of consuming local produce.

A number of Government and non-government organizations have been working in the district for addressing the locals' over-dependence on ferried food. Although the stakeholders in the district expressed dissatisfaction over the effectiveness of their works, the organizations that have been working in the district for the production and promotion of local food is praiseworthy. They have certainly initiated good efforts by taking the problem of the district into consideration. Some of the awareness raising pamphlets and information placed inside and around Food Corporation and other local depots of the district exemplify that Government authorities are concerned towards encouraging local people for the promotion of local food crops.

### **Conclusion**

Nepal used to export food stuffs until 5 decades before. Over time, it has been gradually turning dependent on sta-

ple food. Absence of hybrid seeds, manure, irrigation facility and modern technology has partially attributed to the current food problem in the district. Lack of professional crop production, apathy of new generation towards agriculture, attraction of youths towards foreign labor market and similar other situations have played role directly and indirectly against food sovereignty and security. Although it is stated that Nepal's poverty level is below 25 per cent, a big section of people are not getting access to food. The Interim Constitution of Nepal has enshrined the right to food security as one of the fundamental rights; however, no policy on food security is formulated thus far. Similarly, short and long-term programs on food security are not in place in the country.

The state is obliged to ensure the right to food, which is acknowledged as a fundamental right. Even the Supreme Court of Nepal has already ruled the Government on this issue. Therefore, it is necessary for the Government to take steps in minimizing the food problems by considering and respecting international laws, the provisions of various international treaties and also the provision of the Interim Constitution of Nepal.

Basically three major aspects – disproportionate relationship between the cultivable land and the total population in the district, the negative perception of the locals towards typical local products and the lack of proper road network are embedded with the food problems of Mugu district. Disregarding these pertinent issues and heavily depending on the white rice provided by donor organizations and ferried by helicopters could make the existing situation more severe and uncontrollable in the future.

## 17. Recommendations

- Identify the most vulnerable districts in terms of food problem before formulating long-term strategy on the problem and then launch special programs targeting those districts including Mugu
- As the support provided by donor agencies and the efforts made by the Government thus far in relation to food problem of the district are only the short-term solution, the Government should ensure long-term programs with the view to permanently resolve food scarcity of the district
- Identify the crops and seeds that suits the geography of the district and encourage scientific production system
- Rather than providing with ferried food, ensure subsidy in such a way that it promotes production of crops locally
- Increase awareness among the locals on the nutritional and economic importance of locally produced staple food
- End unhealthy bid contracts on the transportation of food and discourage the role of middle-men in this process
- Launch employment oriented programs in agriculture in order to attract the youths in the sector and to discourage their tendency to leave the District seeking for alternative works



Study Report

**5.5 Chhaupadi Tradition  
in Achham District**

**Chapter**

**5**

## 1. Introduction

Generally, women in Nepal are not touched during their menstrual and post-partum periods. They stay isolated during the periods. This practice is prevalent especially among women from Hindu communities. Women from urban and developed settings and educated communities take menstrual and post-partum periods as health and sanitary issue and practice accordingly. However, separate menstrual huts and rooms are made in the case of rural women. They, as proscribed by the tradition, do not touch temples, taps, schools and fruit trees during their menstrual periods. Touching foodstuffs and cooking food is considered unholy. Girls undergoing menarche are kept secluded and away from their home from seven to eleven days wherein seeing the son and their brothers is prohibited. Since watching the sun is prohibited, they are kept in dark rooms.

Menstrual period, however, is practiced differently in some of the Mid-Western and Far-Western districts. Unlike in other regions, women of these regions spend five days in separate menstrual huts or in cattle-sheds. However, girls spend from seven to eleven days during their menarche. This practice is called *Chhui* in Dadeldhura, Baitadi and Darchula districts; *Chhaupadi* in Achham and *Chhoukulla* or *Chhoukudi* in Bajhang district.

According to INSEC's record, a total of seven women died while observing *Chhaupadi* practice between May 15, 2009 and December 31, 2012 in Achham district. Latterly, Sharmila Bhul, 15, died in a menstrual shed on December 18, 2012. Taking these realities as a discriminatory practice against women, INSEC conducted this study.

## 2. Significance of the Study

The Universal Declaration of Human Rights 1948 has laid emphasis to ensure that all human beings are born free and equal in dignity and right, everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. All member states of the UN are obliged to observe the human rights issues enshrined in this Declaration. Similarly, articles 2 and 3 of International Covenant on Civil and Political Rights have recognized to ensure the rights enshrined in the Covenant without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status and has urged the state parties to undertake actions to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant.

Likewise, article 12 and 13 of International Covenant on Economic, Social and Cultural Rights provides that States Parties to the Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and education. Besides, these articles also talk of the steps to be taken by the States Parties to the present Covenant to achieve the full realization of these rights. Convention on the Elimination of All Forms of Discrimination against Women 1979 is an important international law relating to the eradication of sex based discriminations. This Convention has also enshrined various provisions for women's human rights besides stating the obligation of the state parties at the same time.

Article 13 of the Interim Constitution of Nepal 2007 has ensured equality between men and women. The constitution has also ensured the rights to health and education as fundamental rights. Similarly, article 20(1) of the Constitution provides that no one shall be discriminated in any form merely for being a woman.

These national and international laws are in place for eliminating any forms of discriminations against women. Nepal has already ratified these Covenant and Conventions. Convention on the Elimination of All Forms of Discrimination against Women has urged all the state parties to take appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. *Chhaupadi* practice is also a form of discrimination against women. As it is likely to encourage discrimination and is dangerous to women, this practice has challenged the fundamental human rights of women. Therefore, this study is believed to provide information on the current situation of *Chhaupadi* practice in Achham district and to add to the attempts made towards eradicating this practice.

### 3. Objectives of this Study

- A. To identify the situation of *Chhaupadi* practice and its effects on women in Achham district.
- B. To identify the views of the local people, Government authorities, political parties and locals on the act, regulations and directives formulated by the government for the eradication of *Chhaupadi* practice.

- C. To find out the type of campaigns launched by the Government bodies and non-Government organizations to end this practice in the district and, to assess the impacts of these campaigns.

### 4. Methods of Study

This study is basically based on the information obtained from the respondents from Mangalsen VDC-2 and Janalibandali VDC-6 of Achham district and on the qualitative data received from the heads of various government bodies and non-government organizations, the leaders of the political parties, human rights activists and other concerned stakeholders of the district.

In the course of this study, key informant interviews, discussions and interactions were adopted and in-depth interviews with the concerned representatives of the government bodies and non-government organizations working against the *Chhaupadi* practice were held. Also, discussions were held with the leaders of various political parties, government bodies, local people, women rights activists, teachers, local intellectuals and even with witchdoctors on the *Chhaupadi* Practice Eradication Guideline 2008 issued by the Government. Direct discussions were held with a total of 42 individuals (eight teachers, six locals, eight local leading women, five rights activists, seven government officers, two health workers, five leaders of various political parties and one witchdoctor) in the course of this study.

### 5. Limitations of the Study

Due to lack of time and resources, this study, in terms of geographical coverage, is limited within the headquarters of Achham district and the villages around it. Also, quantitative data has not been used in this study.

## 6. Forms of Discrimination under *Chhaupadi*

Chhaupadi tradition is embedded with various forms of discrimination against women. Based on the qualitative data obtained from the respondents and also on the secondary sources, attempts were made to analyze the possible forms of discriminations. Three forms of discriminations as below were perceived during the study.

### 6.1 Discrimination within Family

Women face a number of discriminations within domesticities while observing *Chhaupadi*. They are not allowed to enter into the kitchens, worshipping rooms and other rooms in general. Similarly, milking cows and buffaloes, and eating dairy products are prohibited during their menstruation period. They are denied access to taps and wells as a result of which they cannot fetch water. Despite the fact that women in the district are victimized by this practice, they were found with the view that this practice should be continued. During this study, elderly women expressed to have perceived this tradition as a bad practice. However, they were of the opinion at the same time that this practice be given continuity by new generations. Contrary to the views of the elderly women, a total of ten girls pursuing their secondary level education stated to have opposed this practice in their villages. However, according to them, they were compelled to live in the menstrual sheds due to familial pressure. Nine of them even revealed that both senior male and female members of their families generally tended to exert such pressures. Jagu Bishta from Mangalsen said, “We are not interested to go to menstrual sheds to observe *Chhaupadi*. As we get thoroughly wet during rainy seasons while staying in the *Chhaupadi*

*padi* sheds, we have to move to others’ sheds seeking for dry space to sleep. We want to stay at our home during the menstrual periods too but our elderly guardians do not allow us to do so. We are also not allowed to take nutritious food items during menstruation period. Whenever we insist to remain at home instead of going to *Chhaupadi* huts, our guardians scold us.” Her expression represents the compulsion of girls and women of the district.

### 6.2 Prohibition on Religio-Cultural Activities

Women undergoing menstruation have to go to *Chhaupadi Taps* – separate wells, streams or channels/canals located nearby their areas – to bathe and wash their clothes. They are deprived from participating in religious ceremonies and occasions. Afraid of getting harmed by their clan deities, women remain in isolated huts or cattle sheds up to five days, take holy bath and then enter their houses on the sixth day of menstruation after purifying themselves by drinking cow urine. However, girls under menarche enter into their houses on the eleventh day of menstruation.

### 6.3 Superstitions Connected with this Practice

Since *Chhaupadi* practice is deeply-rooted as a tradition, religio-cultural norms are embedded with this practice. Women are deprived from religious and cultural activities while observing *Chhaupadi*. They are restricted to worship in the temples during their periods. They are not allowed walking around the areas having temples. The failure to adhere to such restrictions is believed to reduce their life span, harm cattle and damage crops. Some even believe that fruits fall off the trees unripe in case a woman observing *Chhaupadi*

## Sharmila's Death Awakens Ridikot

Ridikot lies between Sanphebagar-Mangalsen road segment and it borders Bayalpata, old headquarters of Achham, and Sanphebagar, a major business center of the district. Chhaupadi is prevalent in this region too. Misconception that daughters are obligation and liability and therefore they should not be kept at home during their mensuration periods has continued unabated in this region. Keeping them at home is believed to invite something untoward in the family. This belief is deeply rooted among the people from ward no. 3 of Ridikot VDC as well.

Yagya Raj Bhul from Ridikot VDC-3 is one of them. He used to think that he would fall sick if his daughter did not go to Chhaupadi shed during her mensuration periods. Therefore, Yagya



Raj and his wife arranged a separate space for their daughter Sharmila Bhul, 15, in a house-turned shed located nearby their house. Sharmila lived in that very shed three times during her mensuration in the past. Sharmila, a 9 grade student from Mahendra Higher Secondary School, lived in that very shed to observe her fourth mensuration period on December 16, 2012. She used to take hot water bath every day before going

to school. However, since tap water was not supplied till late morning, she could not take bath therefore she did not go to school on December 18. She intimated her mother in the afternoon that she was suffering from headache. However, she continued her study till 9 PM following supper. Surprisingly, however, she did not get up next morning until 7 AM. Her father reached the shed to find out



why she did not get up. When Yagya Raj broke into the shed, he found Sharmila dead.

The news about her death in a Chhaupadi shed spread nationally. Her death woke up the governmental and non-governmental organizations once again to rethink about Chhaupadi practice. Some aggressive women even demolished the Chhaupadi sheds located in Ward Nos. 1, 2 and 3 of Ridikot VDC. They also concluded to declare their Wards Chhaupadi practice free area. Ridikot has been mourning the untimely death of Sharmila since then besides being shaken up. Many villagers have reached conclusion now that this practice is not good in any way. They have started to express hatred against Chhaupadi practice since the incident.



*padi* touches fruit trees. Similarly, walking along the temple areas is believed to make the deity angry, therefore, according to them, bad omen falls upon their family members. Women are not allowed attending religious carnivals. Moreover, it is believed that cattle get harmed or fall from precipice or are killed by wild animals in case women take dairy products during their periods. It is also believed that husbands should not set out on a long journey while their wives are undergoing menstrual period. Since *Chhaupadi* has continued to be practiced as an order of the God, the belief that discontinuing this practice invites bad omen is in practice unabated. Jogi Luhar of Mangalsen VDC, who is a witchdoctor by profession, even stated that houses catch fire in the village and wild animals harm cattle due to *Chhuyo*. The incredible perspectives as such are likely to add to superstitious beliefs.

These perspectives are found not only among uneducated people but also among educated individuals including teachers. A teacher from Bogati village even expressed his opinion that he would fall sick if his wife did not go to *Chhaupadi* shed during her period. He added unhesitatingly that his three goats died when he drank a cup of tea prepared by a woman undergoing her period. The goats died due to *Chhuyo*, he quoted a witchdoctor as saying.

#### **6.4 Situation and Problems of *Chhaupadi* Practice**

During their periods, women live in small huts constructed nearby their main houses. Thatched with dry grass and made of mud and stone, these huts are called *Chhaupadi* sheds which, generally, are without doors. Old sheds even do not have the windows. Normally, these sheds are dirty. However, women lay straw on

the floor before laying thin mattresses over the straw and sleep on them. Since clothes do not dry up in a single day due to excessive cold in these areas, they do not use thick mattress.

Reformed *Chhaupadi* sheds were found in some of the villages around Mangalsen during this study. They were made of mud and stone and were with proper doors and windows. Some tin-roofed sheds also were found during study visits. The fact that *Chhaupadi* sheds are not safe and secure has been backed by the *Chhaupadi* related deaths of and violence against girls and women.

Inspector Uddab Singh Bhat from the DPO in Achham claims that *Chhaupadi* practice is one of the causes of increasing violence against women in the district. Giving three examples of *Chhaupadi* related death incidents; he shared his experience that women have to undergo so many risks and hazards while living in the *Chhaupadi* sheds. While monitoring the areas such as Mangalsen and Janalibandali of the district and also other areas around the district headquarters, women talked about their isolated living arrangement. According to them, particular corners inside their house are fixed for them to live.

“Given the prevalence of belief among the people that women should not take nutritious food items during menstrual period, women’s health has been negatively affected in the district”, Jhanak Dhungana, Acting Chief of District Public Health Office shared his experience. “Women have to be provided with additional nutritious foods during menstrual bleeding. However, they are denied some of the regular food items. Although the tendency to observe this practice is changing for good, we have not experienced total change in practice. *Chhaupadi* has affected adolescent girls’ study also. Due to

the unavailability of proper latrine, to lack of water and the consequent problem in changing their menstrual pads, girls are reluctant to attend school during their periods”, he further elaborated the *Chhaupadi* induced problems.

### 6.5 Attempts towards Reformation

Taking *Chhaupadi* tradition as an evil practice, the Supreme Court of Nepal ruled the Government of Nepal on May 2, 2005 to declare it an evil practice, to find out the effects of this practice on women and children, to identify the ways to resolve this problem, to mobilize local Government bodies in order to raise awareness against this practice and to formulate guidelines that aim at ending discriminations against women. It took for the Government almost two years to prepare the said guideline and to promulgate it. Based on the decision of the Supreme Court, the then Government declared *Chhaupadi* an evil practice on May 9, 2006. Almost one year after the declaration, the Ministry of Women, Children and Social Welfare promulgated a guideline on eradicating *Chhaupadi* practice.

While visiting the district in connection with this study, local government authorities were found not concerned towards implementing the guideline promulgated by the government. The guideline has called for the formation of committees at the district, municipal and VDC level for addressing *Chhaupadi* practice. Similarly, local bodies (DDCs and VDCs) are given authority to include budgets in their annual budget for the eradication of this practice. However, these provisions were found unimplemented.

Krishna Giri, Acting Chief District Officer, accepted that the committees supposed to be formed were not formed. However, he expressed his commitment

to take initiative in this connection. His commitment to take initiation towards forming such committees (not the commitment to form the committees) is indicative of the fact that forming such committees as per the guideline is not on the agenda of the local Government bodies. He, however, underscored the need of sensitizing women themselves for the cause. Local Development Officer (LDO), who claimed to have been transferred to Achham recently, expressed his view that he was not well-informed about the guidelines and laws on the eradication of *Chhaupadi* practice prevalent in the district.

Some organizations including Women Development are running programs in the district solely on *Chhaupadi* practice as a result of which some of the women from the program implemented VDCs and villages were found to have started living in their main houses during their periods. Some others expressed their view that they were provided with nutritious foods during mensuration. Indira Ojha, Women Development Officer, laid emphasis on the necessity of collective efforts and campaigns for the eradication of *Chhaupadi* practice

### 6.6 *Chhaupadi* Problem not on the Agenda of Political Parties

Although political leaders in the district pointed at the necessity of sensitizing locals and spreading awareness among them in eradicating *Chhaupadi* tradition, no parties in the district were found to have included special programs on this problem, neither were there any training for their cadres against it. The expression of the party leaders sounded like the problem is none of their business. However, they did not fail to opine that responsible persons of the society such as leaders,

teachers, and health workers, among others, have to launch programs to minimize this problem. Political leaders in the district, be that Pushpa Bahadur Shah of the Nepali Congress, Akkal Bahadur Rawal of the UCPN-M, Govinda Kunwar of the CPN-UML or Jhankar Saud of the CPN-Maoist; were found against this practice.

UCPN-Maoist leader Rawal even shared his experience that his party had launched campaigns against *Chhhaupadi* in the district and menstrual sheds were demolished under those campaigns. He stated that with the signing of the CPA, the tendency among the villagers to reconstruct such menstrual sheds is increasing. Bindu Rawal, a member of Inter-Party Women's Network, however, spoke contrary. According to her, this practice is abating gradually and scenario is not as critical as it used to be. Asked by the study team about their parties' attention towards eradicating *Chhhaupadi* practice, no women cadres of the political parties asserted that their parties had paid proper attention in this regards. A total of 10 women cadres of various political parties were asked question on this issue.

### 6.7 Indication of Change

Women from Ward Nos. 1, 2 and 3 of Ridikot VDC felt unhappy and turned aggressive simultaneously on December 20, 2012. On the one hand, death of a 5-year-old girl from Ward No. 3 upset them and, on the other hand, they aggressively pulled down the menstrual sheds of their area. Their desire to get rid of *Chhhaupadi* tradition was reflected in their aggression. Following this move, women in these wards have been changed in terms of observing *Chhhaupadi*.

Bhana Bishta from Mangalsen VDC-2 is the first woman in the village to stay home even during menstruation

periods. She unhesitatingly milks cows and buffaloes during the period. Similarly, Mina Damai from Janalibandali VDC- 6 no longer spends nights in cold menstrual huts. She recollects now how her children used to suffer from pneumonia due to cold. Others do not know about her menstruation period now-a-days. Mensuration has become entirely her private affair. Moreover, other women in her village also do not observe *Chhhaupadi* these days. She played a leading role in this matter. She expressed her happiness that people are gradually changed in regards to perceiving *Chhhaupadi* related superstitions. The belief that living at home during menstruation period could harm cattle and negatively affect familial well-being does not hold water to them now-a-days. Various national and international organizations have played their role for this change.

The office of Women and Children, Achham, was found to have launched project on *Chhhaupadi* alleviation with the financial support from Save the Children. This project has been launched in various 19 VDCs of the district. Interactions between daughters-in-law and in-laws and, training and workshops to adolescent girls are conducted under this project. With the view to avoid menstruation induced disturbance on adolescent girls' study, this project has even established Reproductive Health Fund, which provides them monetary support in case of menstrual problems. This fund is used to buy required menstrual pads as well.

Similarly, *Sama Bikas Nepal* was found to have launched a one-year project in five VDCs of the district with the view to eradicate *Chhhaupadi* tradition. Bhagyashwor VDC was declared by this organization *Chhhaupadi* tradition free VDC. A total of 235 women from Payal, 32 from Matamandau, 24 from Bhageshwor, 16

from Nandegada and 16 women from Budhakot VDCs who quitted *Chhaupadi* tradition were feted by the organization. Pashupati Kunwar, Chairperson of the organization viewed that *Chhaupadi* tradition could be minimized if the concerned organizations and bodies worked collaboratively for the cause. Although the activities of the NGOs have been playing roles to minimize *Chhaupadi* practice, their role is not sufficient. The state itself should come up with short and long-term plans regarding the problem.

### Conclusion and Recommendations

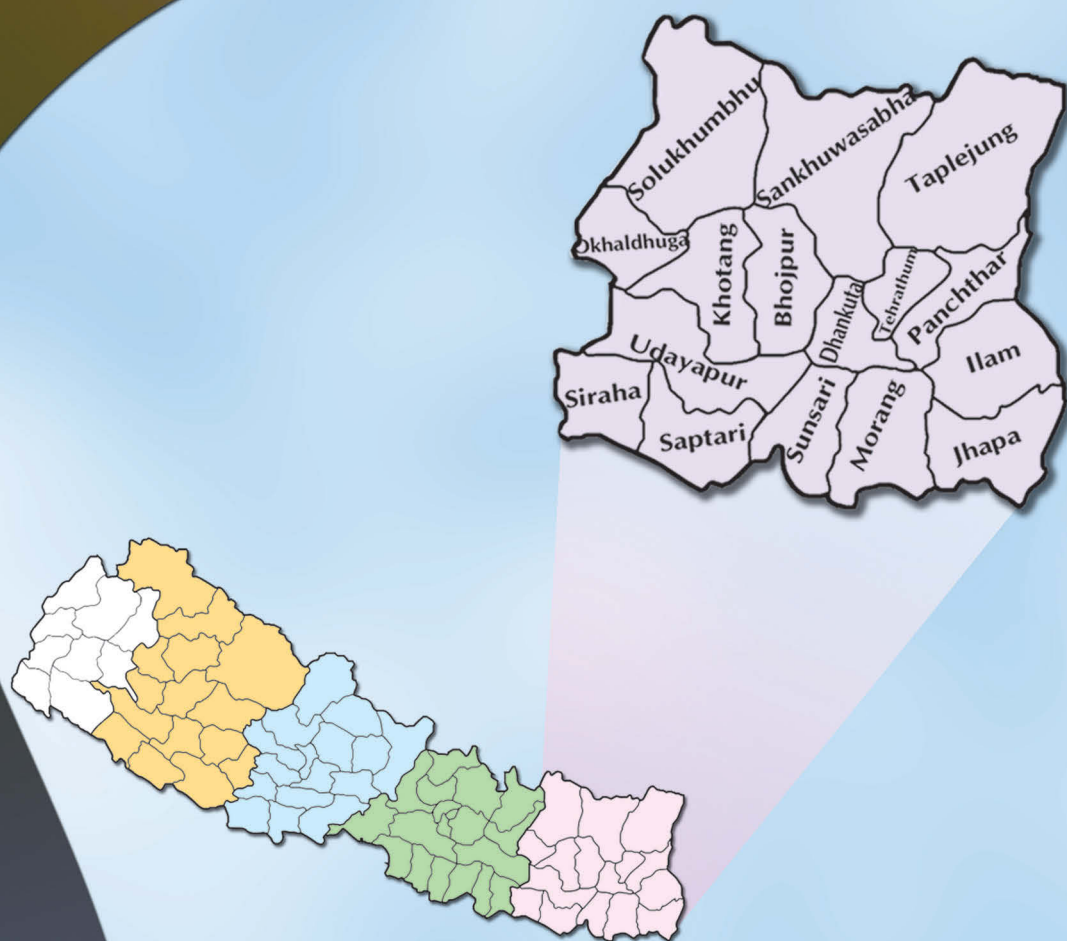
Due to superstition, women in Achham district are compelled to accept *Chhaupadi* practice, which is detrimental for their dignity and health. This practice is discriminatory as well. Therefore, it is indispensable to formulate short and long-term policies for which state has to play significant role. Non-cooperation from the local government bodies tends to make government's efforts ineffective. Also, religion-culturally embedded superstitions and beliefs cannot be eradicated at once; it is important to take these aspects into consideration. Hence, programs that sensitize concerned stakeholders against *Chhaupadi* practice have to be in place.

Those VDCs which are declared "*Chhaupadi* practice free" have to be allocated additional 10 per cent budget. This will ensure that women and children of these VDCs get additional budget to launch and continue campaigns against the practice. Further incentives such as school dress and stationery have to be introduced for those adolescent girls who quit *Chhaupadi* practice. Furthermore, local Government bodies have to come up with short-term plans such as monthly al-

lowance by targeting those who quit this practice. Political parties too can play significant role in regards to eliminating and minimizing this practice. As they have good access down to small unit of the society, awareness raising campaigns led by political parties can be highly fruitful in this connection. Similarly, teachers can play effective role in spreading awareness and implementing programs against *Chhaupadi*. However, local Government and administration has to play coordinating role in eliminating *Chhaupadi* practice.

### References

- Convention on the Elimination of All Forms of Discrimination against Women, 1979  
<http://www.lawcommission.gov.np/en/documents/prevaling-laws/prevaling-treaties/Prevailing-Laws/prevaling-treaties/English/>
- <http://myperiodblog.wordpress.com/2010/11/17/history-of-menstruation-part-1/>
- <http://www.un.org.np>
- International Covenant on Civil and Political Rights, 1966. <http://www.lawcommission.gov.np/en/documents/prevaling-laws/prevaling-treaties/Prevailing-Laws/prevaling-treaties/English/orderby,2/page,2/>
- International Covenant on Economic, Social and Cultural Rights, 1966. <http://www.lawcommission.gov.np/en/documents/prevaling-laws/prevaling-treaties/Prevailing-Laws/prevaling-treaties/English/orderby,2/page,2/>
- The Interim Constitution of Nepal 2007. <http://www.lawcommission.gov.np/en/prevaling-laws/constitution/func-startdown/163/>



# 1. EASTERN REGION

- |               |                    |
|---------------|--------------------|
| 1.1 Jhapa     | 1.9 Bhojpur        |
| 1.2 Ilam      | 1.10 Sankhuwasabha |
| 1.3 Panchthar | 1.11 Saptari       |
| 1.4 Taplejung | 1.12 Siraha        |
| 1.5 Morang    | 1.13 Udayapur      |
| 1.6 Sunsari   | 1.14 Khotang       |
| 1.7 Dhankuta  | 1.15 Okhaldhunga   |
| 1.8 Tehrathum | 1.16 Solukhumbu    |

## 1.1 Jhapa



Headquarters :	Chandragadhi
Area in Sq. Km :	1,606.00
No. of Households :	183,552
No. of Population :	812,650
Male :	385,096
Female :	427,554
No. of PwD :	15,376
No. of VDC(s)/Municipality(ies) :	47/3
Male Literacy :	294,306
Female Literacy :	277,356
Religion Hindu (%) :	79.88
Buddhism (%) :	4.84
Islam (%) :	3.2
Kirat (%) :	8.32
Christianity (%) :	1.94
Prakriti (%) :	1.44
Undefined (%) :	0.03
Human Development Index :	4.40

### CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

#### By Others

Journalist Yadav Paudel, 38, of Sijuwa VDC-9 of Morang district and staying at Birtamod of Anarmani VDC-3 in Jhapa died when he was allegedly pushed down the third floor of Purbanchal Sekuwa Corner at Naya Bus Park on April 3. Yubraj Giri, 39 of Anarmani VDC-3, Somnath Dhakal, 39, proprietor of Purbanchal Sekuwa Corner, his wife Manju Dhakal, 25,

and Madan Rai, 31, of Pauwasartap VDC and staying at Anarmani VDC-3 were accused of killing Paudel. Police arrested Giri, Dhakal and his wife on the same day. Madan Rai surrendered at Kakarvitta Area Police Office on April 18. He was released on bail of Rs 27,000 while Yubraj, Som Nath and Manju were sent to custody for further investigation following an order from the District Court on May 9. The government provided Rs 1m to the family of the deceased journalist.

### INJURED IN SHOOTING/ EXPLOSION

#### By State

Sarita Subba, 35, of Mechinagar Municipality-11 was injured when police constables of Kakarvitta Area Police Office Manoj Chaudhary, 29, and Pradip Chaudhary, 24, shot at her in connection with a dispute involving the police constables entering to the house of a local woman at 10 pm on May 29. Dipak Batar, 11, of same locality was also injured in the firing. The victim was treated at Bhadrapur based Om Sai Pathivara Hospital and discharged on June 7. SP at Jhapa District Police Office, Tarini Prasad Lamsal said that the accused were suspended on May 30.

### JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to hold 225 inmates at a time. A total of 605 including 330 convicted and 275 detained inmates were held there at the end of the year. There are nine dependents in the jail. Among them, four are male and five are female. Jailer Khagendra Giri said there is a need of a vehicle in the jail. According to him, there is no adequate budget for water and electricity bill in the jail. Supervisor Amit Rai said overcrowding had made life in the jail difficult.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction				1		1
Arrest & Torture		1	1			
Beatings					2	2
Child Rights				7	1	8
Injured	1	1	2	1		1
Killing				6	6	12
Landless and Squatters Problem	3	5	8			
Right to Assembly		12	12			
Women Rights				7		7
<b>Total</b>	<b>4</b>	<b>19</b>	<b>23</b>	<b>22</b>	<b>9</b>	<b>31</b>

### **RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)**

Cadres of YAN, Raju Karki, Dipendra Dahal, Hari Ojha, Bishnu Thapa, Roshan Agrawal, Bhupal Siwakoti, Chetan Paudel, Milan Rai and Pukar Karki were injured when police rained batons on them on August 6. Police charged baton as they were staging a demonstration at Kakarvitta. The victims did not file a complaint.

Dipen Rai, 18, of Sanischare VDC-7 was beaten by Ram Kumar Sherpa, ASI of Sanischare Area Police Office on the allegation of collecting donation from the locals on July 20. Sherpa also arrested the victim same day. Rai, who was detained at Birtamod Area Police Office, was released in the presence of his father Dhaneshwor Rai on July 22. The victim filed a case in the District Court with the help of district chapter of Advocacy Forum on August 26. The case was not decided at the end of the year.

Chandra Mani Guragain, editor of Biratnagar based monthly paper *Samajbadi* and Jyoti Sharma, Damak correspondent of Himshikar TV were mistreated by the cadres of NEFIN on the allegation of plying motorbikes during the strike called by the organization at Damak Chok on May 21. The agitators also vandalized

Guragain's bike.

Cadres of NEFIN vandalized two vehicles that were carrying the copies of *Kantipur* daily and Annapurna Post from Biratnagar to Kakarvitta near the Bridge of Kamal River in Topgachhi VDC-8 on May 21. The NEFIN cadres vandalized the vehicles alleging that they were plied defying the bandh called by the organization.

Tikaram Neti, correspondent of News 24 Television, was inhumanly treated by NEFIN cadres alleging that he plied motorbike and took photo during the bandh called by the organization at Maidhar of Satashidham VDC-8 on May 21.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

#### **July 17, 2011- July 15, 2012**

The District Court with three judges decided 905 criminal cases and 385 remained pending, 473 civil cases were decided and 876 cases remained pending.

#### **July 16, 2012-December 31, 2012**

The District Court with three judges decided 204 criminal cases and 487 remained pending. 107 civil cases were decided and 588 cases remained pending. Five criminal cases and 11 civil cases older than two years remained pending.

### **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 760 cases between July 17, 2011 and July 15, 2012, out of which 263 cases were won and 131 cases were lost. The Office, with two government attorney, informed that 422 cases remained pending.

Among the filed 48 murder cases, 25 cases were won and nine lost. Out of 67 rape cases, 31 cases were won and 17 lost. Out of 20 cases of abduction, four were won and 11 lost. Out of a total of 25 trafficking

cases, 11 were won and four lost. Out of a total of 25 polygamy cases, eight were won and five lost.

## **CHILD RIGHTS**

### **Situation of Education**

Of 16,547 children of school going age, 7,530 boys and 9,017 girls were enrolled in schools of primary and secondary level. Among them, 503 girls and 597 boys were dalits. 796 female and 1,681 male teachers are at primary level government and community schools. 106 female and 519 male teachers are at lower-secondary level in government and community schools. 318 female and 431 male teachers are at secondary level in government and community schools.

6,812 boys and 6,507 girls are attending Early Child Development Center in the district among of which 211 boys and 306 girls are dalits.

### **Killing**

Police arrested a 17-year-old boy of Haldibari VDC-1 at Birtamod on February 5 alleging that he killed Sabitra Rajbanshi 13, of same locality after rape on February 2. It was alleged that the boy raped the girl, who had gone to collect firewood and killed her after rape nearby her house. The accused was remanded in District Prison following an order from District Court on March 6.

### **Rape, Attempt to Rape, Sexual Abuse**

Two 17-year-old girls were gang raped allegedly by four persons including Arjun Murmu, 25, Sunil Murmu, 25, Bhairab Murmu and Bharat Murmu of Dangibari VDC-1 on the bank of a river located in Dangibari VDC-7 on April 25. The Birtamod Area Police Office arrested Arjun and Sunil on May 13 while Bhairab and Bharat absconded. The police also arrested Suresh Mahali 20, Ramesh Mahali, 21, Mangal Singh Beshra, 23 and Sonaram Murmu of same place alleging that they had

helped the four persons in the gang rape on the same day. Arjun and Sunil Murmu were remanded in custody following an order from the District Court on June 1. Ramesh, Suresh and Mangal Singh were released after submitting bail of Rs 27,000 each following an order from the District Court on June 4 while Sonaram was released after submitting bail of Rs 27, 000 on July 4. Bhairab Murmu and Bharat Murmu remained at large at the end of the year.

Family members of an girl 11-year-old with mental disability filed a complaint against Bhuwani Kumar Singh Rai 34, of Mangalbare VDC-3 of Ilam and staying at Garamani VDC-2 nearby the victim's house accusing him of raping her. Filing a complaint at police station on October 21, they accused him of raping the girl. Police arrested the accused on the same day. The accused was remanded in custody following an order from the District Court on November 8.

Family of a 12-year-old girl, alleging that Bhim Rajbanshi, 21 of Chakchaki VDC-4 made an attempt to rape the victim at her house on June 10, filed a complaint to police on June 16. Police arrested the accused on the same day and he was remanded in custody following an order from the District Court on July 12. The case was not decided by the end of the year.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

Family members of a 20-year-old woman, alleging that Rabi Singh, 25, hailing from Haridwar of India and staying at Buttabari of Anarmani VDC-1 raped the victim at her house on April 23, filed a complaint at Birtamod Area Police Office on April 24. Police arrested the accused on the same day and he was remanded into custody following an order from the court on May 18. The case was not decided by the end of the year.



Family of a 40-year-old woman, alleging that she was raped by Ganga Ram Rai, 58, of Goldhap VDC-3 at her house on June 21, filed a complaint at Birtamod Area Police Office on June 22. The accused was arrested on the same day and he was remanded in custody following an order from the District Court on July 12.

Family of an 18-year-old woman, alleging that Santosh Upreti, 21, of Surunga VDC-7 raped the victim in field nearby the house of the victim on December 14, filed a complaint at police on December 15. Babindra Nembang, SI at Surunga Police Station said search for the accused was underway by the end of the year.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Hem Kumari Shrestha 31, of Panchgachhi VDC-7, who was injured in an attack, died in the course of treatment in Biratnagar based Neuro Hospital on June 29. Raj Kumar Shrestha, brother-in-law of the deceased said that the deceased had filed a case in the District Court demanding partition of property against her husband Sher Bahadur Shrestha. His brother Dilli and Raj Kumar himself had attacked her with spade to her head and different parts of body while she was in field on June 28. Postmortem of the body was conducted at Magalbare Primary Health Centre in Morang on June 29. Police arrested Raj Kumar, Dilli and his wife Nirmala Shrestha and they were remanded into custody following order from the court on July 23. Sher Bahadur had second marriage with a woman last year and the deceased was abused since then. She had filed a case against the family members in the court demanding partition of property. The family members repeatedly threatened the victim to withdraw the case. INSEC, FNJ and district level human rights network investigated the case and concluded the

family members had planned her murder. The investigating organizations asked the government for proper care of children of the victim and stern action against the accused.

Sancha Laxmi Limbu, 35, of Saranmati VDC-5 was attacked by husband Sukharaj Limbu, 38, with khukuri to her head on October 31. Victim died while undergoing treatment at Lifeline Hospital in Damak same day. The accused had killed his wife alleging her of having extra-marital relation. Police arrested the accused in Surugna VDC-5 and was remanded to custody following an order from the District Court on November 26.

Shuva Laxmi Nepali, 55, of Satasidham VDC-1 died when husband allegedly attacked her with an axe on December 15. Postmortem of the body was conducted at Mechi Zonal Hospital on December 16. Police said that search for the accused was still underway by the end of the year.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Landless Squatters**

Ram Lal Hasda, 60, Sumi Murmu 29, Gopal Khadka, Kholawati Rajbanshi, 84, Jadulal Rajbanshi, 65, Sushila Hasada, 39, Samir Soren, 26, and Bijay Rajbanshi staying in the huts inside Manakamana Community Forest in Rajgarh VDC-5 were injured, 146 huts destructed and set on fire on May 5. SI Bijaya Kumar Yogi and Constables Chawan Rai and Nabin Bisunkhe were also injured in incident. A joint team of Forest Office Jalthal, Rajgarh Area Police Office and Kumarkhod based Armed Police demolished and burnt the huts alleging that the huts were constructed encroaching the forest land. Police had fired 11 rounds in air to bring the situation under control. The injured were treated at local health post.

## **Destruction of Infrastructure, Property By Locals**

Cadres of Kochila Tharuhat Sangarsa Samiti, Pramod Rajbanshi, Suren Rajbanshi, Dil Kumar Rajbanshi and Baltu Rajbanshi were hurt when cadres of Kochila Tharuhat Joint Struggle Committee who had called for bandh and locals who protested the bandh clashed in Garamani Bazaar on May 21. Locals had vandalized motorbikes with number plates Me 2 Pa 2363, Me 2 Pa 2940 and Me 1 Pa 7622 which were used by the cadres of the Committee. The injured were treated in Bhadrapur on the same day. The injured did not file any complaint.

## **By Others**

Cadres of NEFIN vandalized the office of Mechinagar Municipality on May 20 on the allegation of opening office during bandh. NEFIN cadres who arrived in some 50 motorbikes had smashed windowpanes and furniture in the office.

## **Bandh/Strike**

Former PLA fighters, Purbi Tharuwan Kochila Rajyaparisad, NEFIN, student wings affiliated to various political parties, Rastriya Janamorcha, Rastriya Janamukti Party, Khas Chhetri Ekta Samaj, Brahman Samaj, Nepal Dasanami Samaj, Janayuddha Rakshya Front, Sanghiya Loktantrik Party, Sanghiya Limbuwan Rajyaparisad, Sanghiya Loktantrik Rastriya Party, transport entrepreneurs, CPN-M among others called for bandh in the district for 31 days. Normal life was affected due to the bandhs in the district.

## **HEALTH SERVICE SITUATION**

There is a government hospital, six health posts and 38 sub-health posts in Jhapa district. Out of 24 available positions of doctors, 10 are working and 14 remain vacant. Out of 25 available positions of staff nurse, 21 are working and

four remain vacant. Out of 12 available positions of Lab Assistants, nine is working and 3 remain vacant. Out of 77 available positions of AHW, 69 are working and eight remain vacant. Out of 39 available positions of AMW, 34 are working and 5 remain vacant. One quota each of Vaccine Supervisor and TB/Leprosy Supervisor was occupied. Out of nine available positions of Health Assistants, eight are working and one remained vacant.



## **1.2 Ilam**



<b>Headquarters :</b>	<b>Ilam</b>
<b>Area in Sq. Km :</b>	<b>1,703</b>
<b>No. of Households :</b>	<b>64,502</b>
<b>No. of Population :</b>	<b>2,90,254</b>
<b>Male :</b>	<b>1,41,126</b>
<b>Female :</b>	<b>1,49,128</b>
<b>No. of PwD :</b>	<b>7,636</b>
<b>No. of VDC(s)/Municipality(ies) :</b>	<b>48/1</b>
<b>Male Literacy :</b>	<b>113,048</b>
<b>Female Literacy :</b>	<b>103,498</b>
<b>Religion Hindu (%) :</b>	<b>44.49</b>
<b>Buddhism (%) :</b>	<b>15.29</b>
<b>Islam (%) :</b>	<b>0.08</b>
<b>Kirat (%) :</b>	<b>35.61</b>
<b>Christianity (%) :</b>	<b>2.5</b>
<b>Prakriti (%) :</b>	<b>1.34</b>
<b>Jain (%) :</b>	<b>0.02</b>
<b>Shikha (%) :</b>	<b>.001</b>
<b>Undefined (%) :</b>	<b>0.668</b>
<b>Human Development Index :</b>	<b>4.50</b>

## **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

Construction of District jail which was destroyed during the conflict has not been completed by the end of the year. The convicted and detainees of the district are being sent to the jails in Jhapa, Panchthar and Sunsari.

### **THREATS/BEATINGS**

#### **By ANNISU-R and NSU**

Teacher of Mahendra Ratna Campus in Ilam, Kumar Subedi, 29, was beaten by the students affiliated to ANNISU-R and NSU in the campus office on February 16. He was beaten when students were having discussion with him. Nepal Progressive Teachers' Association issuing a press release on the same day demanded action against the accused. However, no action was taken against the accused at the end of the year.

#### **By Others**

Nepali Congress ward No 8 committee president, Sandip Budhathoki, 31, of Ilam Municipality-8 was injured when Roshan Adhikari, 35, of Ilam Municipality-7 beat him up on July 25. Budhathoki who sustained injuries to head was treated at Biratnagar based Neuro Hospital. Khagendra Dewan, NC district secretary, issuing a statement on July 26, demanded action against the accused. No action was taken against the accused at the end of the year.

Kami Sherpa, 55, of Pyang VDC-8 was beaten by a group involving Naresh Thebe of Pyang VDC-2 while a discussion was underway regarding contract of a health post building in the VDC on March 16. The victim said that he was beaten as he expressed different opinion than others for the construction of the building. The victim was treated at local health post and police

arrested the accused and he was released after he had submitted bail of Rs 3,000 on March 20, Ilam District Police Office said.

### **RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)**

Subash Nembang, chairperson of the dissolved CA and UML leader was barred from his entry to Banjho VDC by Limbuwan Volunteers, sister wing of FLSC when the former was heading to attend convention of UML Banjho VDC being organized at Bhalutar of Banjho VDC-8 on November 19. Nembang was forced to return after Limbuwan Volunteers prevented him and the convention of UML was postponed. Raju Rai, district command in-charge of Limbuwan Volunteers issuing a press release same day stated that Nembang was prevented as he was against Limbuwan and was responsible for the dissolution of the CA. The district chapter of UML issuing a statement condemned the incident and demanded action against those involved in the incident.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

#### **July 17, 2011- July 15, 2012**

The District Court decided 125 criminal cases and 74 remained pending, 116 civil cases were decided and 63 cases remained under review.

#### **July 16, 2012-December 31, 2012**

The District Court decided 37 criminal cases and 105 remained pending. 22 civil cases were decided and 75 cases remained pending.

### **APPELLATE COURT**

#### **July 17, 2011- July 15, 2012**

The Ilam Appellate Court decided 272 criminal cases and 171 remained

pending, 124 civil cases were decided and 48 cases remained under review.

### July 16, 2012-December 31, 2012

The Ilam Appellate Court decided 67 criminal cases and 324 remained pending. Similarly, a total of 43 civil cases were decided and 125 cases remained pending.

### The Office of the District Government Attorney

The Office of the District Government Attorney filed 224 cases between July 17, 2011 and July 15, 2012, out of which 102 cases were won and nine cases were lost. The Office, with one government attorney, informed that 89 cases filed by July 15, 2012 remained pending.

Out of 18 murder cases filed, nine cases were won, one lost and eight remained pending. One abduction case was won. Two cases filed on untouchability charge were lost.

The Office of the District Government Attorney filed 141 cases between July 16, 2012 and December 31, 2012, out of which 62 cases were won. The Office, with one government attorney, informed that 89 cases filed by July 15, 2012 remained pending.

## CHILD RIGHTS

### Situation of Education

Of 59,138 children of school going age, 27,615 boys and 31,523 girls got enrolled in schools at primary and secondary level. Among them, 2,318 were girls and 2,166 boys were dalits. 504 female and 893 male teachers are at primary level government and community schools. 22 female and 233 male teachers are at lower-secondary level in government and community schools. Four female and 173 male teachers are at secondary level in government and community schools.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	2	2		5	5
Child Rights			3		3
Inhuman Behavior			1	1	2
Injured				1	1
Killing			2	2	4
Racial Discrimination			1		1
Right to Assembly				1	1
Threats				2	2
Women Rights			6		6
<b>Total</b>	<b>2</b>	<b>2</b>	<b>13</b>	<b>12</b>	<b>25</b>

2,392 boys and 2,418 girls are attending Early Child Development Center in the district among which 205 boys and 248 girls are dalits.

### Killing by Family Member

An 8 year-old Anjila Sherpa, of Mangalbare VDC-6 who was critically injured in beating of stepmother Manmati Sherpa on December 5 died the next day. The stepmother had severely beaten up the deceased with a bamboo stick blaming that she did not obey the former. Police arrested father of the deceased Ningma Sherpa and stepmother on December 6.

### Rape, Attempt to Rape, Sexual Abuse

Police arrested Tuphan Rai, 19, of Phakhphok VDC-6 on the charge of raping a 14 year-old girl on May 28. Family members of the victim blamed that the accused had raped the victim while she was returning home from the district headquarters on May 27. The victim was found unconscious nearby her house. Locals had took control over the accused and handed him to Ranke police. The victim was treated at Ilam District Hospital. The accused was remanded in the custody following an order from the District Court on May 23.

Police arrested Arjun Lamgade, 18, of Sangrumba VDC-1 on the allegation of raping a 14-year-old girl on October 14. Locals said that the accused had raped

the victim on October 12. Health of the victim was checked up at District Hospital. The accused was remanded in custody following an order from the district court on November 8.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

Family of a 34-year-old woman, alleging that two soldiers of Nepal Army Tek Bahadur Bishwakarma and Karna Tamang had raped her on January 24, filed a complaint at District Police Office on January 26. The victim was treated at District Hospital on January 25. The soldiers had allegedly raped the victim while she was staying with her sister-in-law. Nepal Army handed over the accused soldiers to Ilam District Police Office on January 31. The accused were remanded in custody following an order from the District Court on March 2.

Khagendra Basnet, 23, of Shantipur VDC-7 was arrested by police on March 1 on charge of raping a 45-year-old woman on February 27. Health of the victim was checked in local sub-health post. Accused Basnet was remanded in custody following an order from the District Court on March 20.

Buddhi Raj Sambahamphe, 35, chairperson of Bhanu Lower Secondary School in Chulachuli VDC-7 was arrested by police on November 24 alleging that he had raped a 25-year-old woman on November 20. Locals had filed a complaint at Chulachuli Police Station on November 13. The accused was remanded in custody following an order from District Court on December 11.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Dhan Bahadur Lepcha, 41, of Kolbung VDC-3 was arrested by police

on the allegation of killing his wife Phul Maya Lepcha, 39, on February 29. Dead body of Phul Maya was found on February 25. Locals said that the accused had killed his wife alleging that she had extra-marital relation with third persons. He was remanded in custody following an order from District Court on March 20.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Rom Bhattarai of Sulubung VDC-3 created obstruction for cremation of deceased Bir Bahadur Gahatraj on the bank of Maikhola on May 13. Bir Bahadur was the father of Krishana Gahatraj, 35, of Sulubung VDC-3. The family members of Gahatraj said that Bhattarai obstructed the cremation process saying that it would pollute the environment. The victim's family members informed that Bhattarai tried to prevent walking on the road and did not allow them to have lunch after cremation in public place. They filed a complaint at the VDC office against Bhattarai. An all-party meeting was organized to discuss the issue on June 19 and was resolved after the accused apologized and agreement was made to construct a ghat on the river bank.

### **Destruction of Infrastructure, Property By CPN-M**

Cadres of CPN-M set fire to the factory of Ganesh Himal Tea Estate located at Shreeantu VDC-4 on October 16. Police arrested CPN-M district joint secretary Narendra Jabegu, 35, on November 5 and district member Pawan Shankar alias Nisan, 28, on November 6 on the allegation of their involvement in the incident. They were accused of damaging processed tea ready for packing and looting cash and mobile phone sets. The arson damaged 2500 kgs of tea incurring the loss of Rs 2.4m. Jabegu admitted that he was involved in the incident as per the planning of the party.

Jabegu and Nisan were remanded in custody following an order from the District Court on November 29.

### Bandh/Strike

The district remained closed for 42 days due to bandhs of various political parties, ethnic groups and organizations. The district remained partially closed for 17 days. The former PLA fighters closed the district for nine days, the transport entrepreneurs for five days, Bramhan Samaj four days, FLSC for three days, Tarun Dal for two days, NEFIN for two days while NC, Khas Chhetri Ekta Samaj, Rastriya Janamorchha, Janayuddha Rakshya Front, Rastriya Janamukti Party, Unified Limbuwan Autonomous State Council, RPP-N, CPN-M among others had closed the district for one day each during the year 2012.

### HEALTH SERVICE SITUATION

There is a government hospital, 12 health posts and 32 sub-health posts in Ilam district. Out of six available positions of doctors, none was working and all remained vacant. Out of eight available positions of staff nurse, six are working and two remained vacant. Out of seven available positions of Lab Assistants, all were working. Out of 60 available positions of AHW, 48 are working and 12 remained vacant. Out of 25 available positions of AMW, 19 are working and 6 remained vacant. One quota each of Vaccine Supervisor and TB/Leprosy Supervisor was occupied. Out of 19 available positions of Health Assistants, 13 are working and six remained vacant.



## 1.3 Panchthar



Headquarters :	Phidim
Area in Sq. Km :	1,241
No. of Households :	41,196
No. of Population :	1,91,817
Male :	90,186
Female :	1,01,631
No. of PwD :	5,049
No. of VDC(s)/Municipality(ies) :	41/0
Male Literacy :	68,057
Female Literacy :	64,155
Religion Hindu (%) :	34.31
Buddhism (%) :	11.67
Islam (%) :	0.03
Kirat (%) :	52.03
Christianity (%) :	1.58
Prakriti (%) :	0.13
Bon (%) :	0.02
Undefined (%) :	0.163
Human Development Index :	4.66

### CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

#### By NC

UCPN-M Area no. 4 Committee member, Gajendra Jabegu, 30, of Yangnam VDC-6 was badly injured in a physical assault by the NC affiliated youths at Ranke Bazaar while he was returning home on July 17. The victim died while undergoing treatment at Lifeguard Hospital in Biratnagar. UCPN-M had called district bandh for three days starting from July 22

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	3	3			
Beatings	2	2	4	3	7
Child Rights			6	1	7
Injured			3	3	6
Killing			4	3	7
Racial Discrimination			4	3	7
Threats				4	4
Women Rights			24		24
<b>Total</b>	<b>5</b>	<b>5</b>	<b>45</b>	<b>17</b>	<b>62</b>

demanding that victim be listed as martyr and compensation for family. Jagebu's family members filed complaint against 13 local persons at District Police Office on July 22. Police arrested Lekhnath Jabegu, 29, of Yangnam VDC-4, Jaya Prakash Jabegu, 26, Suren Mahara, 19, Milan Jabegu, 20, of same VDC-5, Bikendra Jabegu, 21, Raju Jabegu, 21, Tikaram Jabegu, 19, of same VDC-6, Jiwan Jumar Mabo, 19, Kailash Jabegu, 19, Hansha Jabegu, 34, Shanti Ram Jabegu, 20 and Santosh Jabegu 31 on different dates. Nine accused were remanded in custody on August 17 while Milan Jabegu, 20, of same VDC-5, Bikendra Jabegu, 21, and Santosh Jabegu, 31, of same VDC-6 were released on general date. Ganjendra Jabegu, 32, of same VDC-4 remained absconding. Rajendra Timilsina, NC district vice-president issuing a press release on July 23 stated that his cadres were not involved in the incident.

## JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 25 inmates at a time. A total of 146, including 102 convicted and 44 detained inmates were held there at the end of the year. There is one dependent girl. A 2-year-old girl was staying with mother Pabitra Sherpa in the jail. The District Prison was constructed 39 years ago.

Minor maintenance of the jail is going on regularly. Jailer Surendra Dahal

informed that as delayed reconstruction of Ilam jail, destroyed during Maoists attack in conflict period, had added significant number of inmates in the jail. Water and other facilities are lacking and the problems have been communicated to the concerned department, said the jail administration.

Sujan Thapa Magar, 26, of Itahari Municipality-1, an inmate of jail staged sit-in in the main gate of the jail from January 10 to 12 with various demands. Jas Bahadur Nemwang, 30, of Phaktep VDC-2 and Durga Rai, 24, of Phidim VDC-8 also joined in the sit-in. The sit-in was staged demanding that the jail acted unjustifiably by not recommending the concerned bodies to waive off remaining jail term to those inmates who had served half of the jail term and accusing jailer Renu Prasad Ojha of taking bribe from inmates. They called off the sit-in after assistant CDO Laxmi Prasad Kharel formed a five-member of investigation committee to investigate the incidents as per the demand of the agitating inmates on January 12.

Saying that the probe committee did not submit its report on time, Sujan Thapa, 26, of Itahari Municipality-1, Dilip Khatri 22, of Budhabare VDC -4, Jhapa, Yubraj Gurung, 28, of Banjo VDC-7, Ilam, Harka Rai of Amchowk VDC-6 of same district and Jas Bahadur Nembang, 30, of Phaktep VDC-7, Sukra Biswokarma 28, of Pauwasatarap VDC-1, Gambir Magar 25, of Rabi VDC-5, Durga Prasad Gadtaula, 54, of Aansharan VDC-3, Bhim Tamang, 23, of Baharap VDC-8, Prakasha Pariyar, 25, of Chowkmagu VDC-3, Arjun Shrestha, of Phidim VDC-1 and Man Kumar Rai, 28, of Lungrupa VDC-5 again staged sit-in on January 31. The sit-in ended after additional 15 days date was given to investigation committee for investigation on February 1. Investigation Committee submitted its report to CDO on February 13 but it was not implemented, said inmates.

## THREATS/BEATINGS

### By State

Vice-principal of Sukratara Boarding School, Chakra Prasad Baskota, 28, of Phidim VDC-2 was beaten by senior Head Constable Raj Kumar Biswakarma and six other police personnel, of Himshikar Battalion Company, Phidim on August 1. The victim was taken to Neuro Hospital, Biratnagar for treatment. Locals demanded with District Administration Office to take action against accused on September 3. CDO Koshari Niraula informed that the event occurred due to the mistakes and he assured that he would take action against guilty. He apologized with the locals for the incident. Locals had taken control over the accused and handed to the police. Action was taken against the accused, APF DSP Bidur Gurung said.

### By YAN

YCL district member and coordinator of Yangnam VDC, Gajendra Jabegu, 30, of Yangnam VDC-6 was attacked with khukuri by Youth Association Nepal's cadres Machindra Jabegu, 23, of same place along with other cadres while the victim was returning home after attending the YCL program on February 5. The victim was treated at District Hospital. YCL district committee issued a press release on February 7 demanding action against the accused. He filed a complaint against Machindra Jabegu, 23, of Yangnam VDC-6, Kailash Jabegu, 17, Jiwan Jabegu, 18, Suman Lowa, 18, and Tika Jabegu, 16 at District Administration Office on February 2. The accused were released after depositing fine of Rs 500 each and Rs 13,130 as compensation on March 2.

### By Others

Secretary of Area no. 9 committee member of UCPN-M and also coordinator of Local Peace Committee in Mauwa

VDC, Devendra Khatri, 43, of Mauwa VDC-1 was threatened by NC Secretary, Tanka Khadka and SI Kul Bahadur Karki, in-charge of Mauwa Police Post on February 3. The victim urged human rights activists to help him in safeguarding his life on February 5. The victim was threatened by Khadka for speaking against cutting the supplies of drinking waterpipe. The victim had filed a complaint against accused on the same day. SI Karki threatened the victim saying the latter had informed an incident in which Karki had beat up a driver on January 14 to human rights activists. Inspector Yam Bahadur Paudel said that action will be taken against the accused. The victim did not file any complaint. No action was taken against the accused until the end of the year.

## ARBITRARY ARREST

Suman Rai, 20, of Oyam VDC-1, Dambar Karki, 21, and Ramu Rai, 20, were beaten as directed by SI Lekhanra Bahadur Basnet for fighting at Chyanthapu Police Post on October 8. Police beat the victims to their hip, chest and back with the butt of guns. The victims, who had bruises from beating for a month, underwent treatment on their own. SI Basnet collected Rs 40,000 as compensation to the victims. They were arrested by the police for beating Jwala Imbung of Nagi VDC-1 and Prakash Neupane of Oyam VDC-7 and they were tortured in the police custody. They informed about the incident to journalists and human rights activists in District Police Office on November 6. No action was taken against the accused at the end of the year.

## RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

The assembly organized by Rastriya Prajatantra Party, demanding free



religious Hindu State and promulgation of constitution with national integrity, was attacked by the cadres of Limbuwan State committee on May 18. President of democratic youth organization and RPP district member Madan Pokharel of Phidim VDC-4 were injured on the attack. Both sides reached agreement on May 25.

### **Bandh/Strike**

Panchthar district was closed for 35 days by 14 different parties, of which former PLA fighters closed district for six days, Limbuwan Mukti Morcha for a day, United Students Struggle Committee for one day, Khas Chhetri Ekta Samaj for two days, Brahman Samaj for six days, Rastiya Janamorcha for two days, RPP-N for a day, Adibasi Janajati Sangarsa Samiti for three days, FLSC for three days, CPN-M for four days, transportation entrepreneurs for two days, Limbuwan State Council for one day and YAN had called bandh for one day.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

#### **July 17, 2011- July 15, 2012**

The District Court with one judge decided 191 criminal cases and 81 remained pending. Similarly, a total of 137 civil cases were decided and 56 cases remained pending.

#### **July 16, 2012-December 31, 2012**

The District Court with one judge decided 58 criminal cases and 102 remained pending. 34 civil cases were decided and 65 cases remained pending.

### **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 157 cases between July 17, 2011 and July 15, 2012, out of which 83 cases were won and 24 cases were lost. The Office, with one government attorney, informed that 48 cases filed until

July 16, 2012 remained pending.

Among the filed 13 murder cases, six cases were won and one lost. Out of six rape cases, two cases were won and four lost. Out of four cases of abduction, two were won and one was lost. Out of a total of six trafficking cases, two were won and two lost. Out of eight polygamy cases, four were won and one was lost.

The Office of the District Government Attorney filed 93 cases between July 17, 2012 and December 31, 2012, out of which 14 cases were won. The Office, with one government attorney, informed that 60 cases filed until July 15, 2012 remained pending.

### **CHILD RIGHTS**

#### **Situation of Education**

Of 67,339 children of school going age, 31,643 boys and 35,696 girls were enrolled in schools of primary and secondary level. Among them, 2,228 girls and 2,323 boys were dalits. 1,278 teachers are at primary level government and community schools. 351 teachers are at lower-secondary level in government and community schools. 222 teachers are at secondary level in government and community schools.

3,505 boys and 3463 girls are attending Early Child Development Center in the district among which 261 boys and 222 girls are dalits.

District Education Office did not have an updated data related to education.

### **Beating**

Eight-year-old Sajan Begha, first grader at Majhitar Lower Secondary School, in Panchami VDC-9 was beaten for coming home lately by his uncle Raj Kumar Begha and Maya Devi Begha of same place on September 13. Many bruises were visible on the victim's body. Police arrested Maya Devi on September 16 and released her on September 17. Similarly,

Raj Kumar was arrested on October 2 and released on October 3. Police released the accused on the condition of not beating the victim again. The victim was staying at the house of the accused after his mother eloped and father Sukraraj Begha went in foreign employment.

### **Rape, Attempt to Rape, Sexual Abuse**

Jiwan Sambahamphe, 18, and Milan Sambahamphe, 18, of Ranigaun VDC-8 was arrested on November 5 for attempting to rape a 17-year-old and another 14-year-old girl in a jungle on the same day. Police filed a case in District Court on November 6. The accused were remanded to custody on November 29.

Family members of a 15-year-old girl, alleging that Ganga Prasad Angdangbe, 21, of Nahamidanga VDC-8 made an attempt to rape her on February 28, filed a complaint at District Police Office on March 6. Police arrested the accused on March 8 and he was remanded in custody following an order from district court on March 30. The case was not decided by the end of the year.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

Police arrested Tara Edingo, 30, of Phidim Bazaar on the allegation of attempting to rape on January 6. Police arrested Ganesh Biswakarma, 32, of Phidim VDC-1 on January 7. The accused was released after paying Rs 20,000 to victim by District Police office on January 8.

Police arrested Surendra Basnet, 30, of Phidim VDC-1, Dipesh Magar, 18, of same place, Subash Khabas, 15, Shiva Magar, 17, David Lawar, 16, Salin Thamsuhang and Dipesh Shrestha of Phidim VDC-1 on June 6 alleging that they gang raped a 30-year-old woman on June 5. The victim was treated at District Hospital, Panchthar. Subash Khawas, Shiva

Magar, David Lawar, Dipesh Shrestha were released while Surendra Basnet and Salin Thamsuhang were remanded to custody on July 1.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Kamala Tamang, 28, of Ranitar VDC-5 was stabbed by her husband Man Bahadur Tamang, 38, in the course of domestic dispute on August 31. The victim died while undergoing treatment at BPKIHS on September 1. Police arrested the accused on the same day. Perpetrator was remanded in the custody on September 26.

Rama Devi Ale Magar, 34, of Siwa VDC-6, was killed by her brother-in-law Jahar Man Ale Magar, 50, of same place, Subharaj Nembang, 18, Basanta Tamang, 41, of Imbung VDC-9 and his wife Sanchamaya Tamang, 36 on March 2. The dead body was found 60 meters away from home on March 3. Post-mortem of the body was conducted at District Hospital on March 3. Nar Bahadur Ranamagar, father of victim filed a complaint at District Police Station on March 3. Police arrested the accused on March 7. Jahar Man, Basanta and Shamburaj were remanded in custody while Sanchamaya was released on general date on April 2.

### **Beating**

Ranjana Laksam Limbu, 20, of Tharpu VDC-5 was beaten by Gajswar Laksam, 21, on July 1. The victim filed for divorce along with partition of property at district court on July 3. The accused promised that he will not repeat such act in front of different parties and was released on July 9. But again, victim was beaten by him on July 19. Ranjana has been living with her cousin at Phidim VDC-1 following the incident. The case filed by the victim in the court was not decided at the end of the year.

Asa Lawati, 28, of Yasok VDC-

7 was beaten and injured by her husband Harka Bahadur Lawati, 36, on July 6. Victim who had marks of beating on her chest, arms and hands was treated at District Hospital. She filed a complaint at District Police Office on July 10. She has been living at her Maternal home in Jhapa while the accused remained at large at the end of year.

### **Polygamy**

Kavita Yonghang, 29, of Phidim VDC-1 filed a case of polygamy against husband Tankahang Yonghang, 30, and Samjana Dhamala, 25, at District Police Office on December 11. Police arrested the accused on the same day. Tankahang had married Samjhana, of Ranitar VDC-2 though he had two sons from first wife. She started living at maternal home after her husband had second marriage.

Sangita Sherma Limbu, 26, of Chilingden VDC-8, saying that her husband married a woman, filed a complaint against husband Aaiendra Sherma, 26 at police station on October 7. Police arrested the accused on the same day. The accused had second marriage with a girl on September 1. He was released after submitting Rs 52,000 on bail following an order from the District Court on October 15.

Chandra Kala Gautam, 37, of Ranigaun VDC-4, saying that her husband married with another girl, filed a complaint at District Police Office against her husband Chitra Lal Gautam, 38, and second wife Chandra Kala Karki on September 12. Police arrested the accused duo on September 15 and they were released after depositing Rs 55,000 as bail on September 26.

### **ALL KINDS OF RACIAL DISCRIMINATION**

Lokendra Singu, 26, of Panchami VDC-6 and his wife Sangita, 22, were

allegedly prevented to perform final rites of deceased father by his brothers for inter-caste marriage. The victim filed a complaint against his brothers Khagendra Singu, Jas Bahadur Singu, Dipendra Singu and Amrit Singu at District Police Office on September 18. Police filed a case of racial discrimination and untouchability against the accused in the court. The accused were released after submitting Rs 52,000 on bail following an order of District Court on September 27.

### **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

#### **Destruction of Infrastructure, Property By NC**

Main supply pipes of two drinking water projects supplying water to Mauwa VDC-4 and 5 were cut by NC cadres on January 28. NC had cut the pipes as ward no 4 and 5 of the VDC were stronghold of UML and UCPN-M. The main pipes of Gadpani and Aaiselupani water supply located at ward no 3 of the VDC was cut, leaving some 100 households of ward no 4 and 5 of VDC parched. The locals were forced to fetch drinking water from a river located some two hours of walk from the village. Supply of drinking water was resumed in the two wards following an all-party meeting held on February 4. Devendra Khatri, coordinator of Local Peace Committee, Mauwa Police Post, local leaders and intellectuals were present in the negotiation. A group led by Tanka Khadka, NC Mauwa VDC had cut the pipes. NC had alleged that there was financial irregularity in the drinking water projects.

#### **HEALTH SERVICE SITUATION**

There is a government hospital, 15 health posts and 25 sub-health posts in Panchthar district. Out of five available positions of doctors, two are working and three remained vacant. Out of six available

positions of staff nurse, five are working and one remained vacant. Out of three available positions of Lab Assistants, two were working, one remained vacant. Out of 104 available positions of AHW, 86 are working and 18 remained vacant. Out of 45 available positions of AMW, 37 are working and eight remained vacant. One quota each of Vaccine Supervisor and TB/ Leprosy Supervisor was occupied. Out of 25 available positions of Health Assistants, 17 are working and eight remained vacant.



## 1.4 Taplejung



<b>Headquarters :</b>	Phunling
<b>Area in Sq. Km :</b>	3,646
<b>No. of Households :</b>	26,509
<b>No. of Population :</b>	127,461
<b>Male :</b>	60,552
<b>Female :</b>	66,909
<b>No. of PwD :</b>	3,730
<b>No. of VDC(s)/Municipality(ies) :</b>	50/0
<b>Male Literacy :</b>	44,414
<b>Female Literacy :</b>	40,423
<b>Religion Hindu (%) :</b>	35.9
<b>Buddhism (%) :</b>	20.52
<b>Kirat (%) :</b>	41.37
<b>Christianity (%) :</b>	1.47
<b>Prakriti (%) :</b>	0.02
<b>Bon (%) :</b>	0.48
<b>Undefined (%) :</b>	0.24
<b>Human Development Index :</b>	4.80

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to hold 25 inmates at a time. A total of 95, including 60 convicted and 35 detained inmates were held there at the end of the year.

As inmates exceeding the capacity of the jail are staying, they are facing various problems. There is lack of drinking water and sleeping space for the inmates. As there is no separate space to keep women, the administration has to transfer them to jail in other districts, said Jailor Bal Krishna Guragain. Inmates need sufficient quality of drinking water which is lacking in the jail, leader of the inmates, Bhakta Bahadur Khadka. The inmates could not read newspapers on time, said Neupane.

Jail inmates in the District Jail, on February 8, staged a demonstration in the prison on February 9. They claimed that DSP Kedar Dhakal tortured Govinda Tamang, 35, a detainee, by kicking and beating him taking him out of the prison. The victim had lent Rs 4,500 to police constables Karna BK and Ram Narayan Chaudhary, deployed for the security of the jail. He was tortured as he asked BK and Chaudhary to return the money. DSP Dhakal said that there was minor beating of Tamang as he used Police Constables in the jail to purchase alcohol.

## THREATS/BEATINGS By UCPN-M

Gopal Neupane, 25, of Phungling VDC-1 was injured when a group of five persons, including UCPN-M cadre Om Gautam of ward no 2 of same VDC beat him up over a dispute of locals nearby Deulinge Secondary School on May 23. The victim was treated at Biratnagar based Neuro Hospital. Neupane was beaten due to political biasness, said UML district

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction				1	1
Arrest & Torture	1	1			
Beatings	3	3	1	2	3
Injured	1	1		2	2
Killing			1	2	3
Racial Discrimination			1		1
Threats				3	3
Women Rights			1		1
<b>Total</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>10</b>	<b>14</b>

office secretary Bal Bahadur Samsohang. Police arrested Gautam and detained him for seven days. UCPN-M district office secretary Sagarmani Gautam claimed that attempts were made to drag his party cadre into legal problem. The case ended in compromise after the accused provided Rs 150,000 for treatment of the victim.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011- July 15, 2012**

The District Court with one judge decided 128 criminal cases and 81 remained pending, 88 civil cases were decided and 79 cases remained pending.

### **July 16, 2012-December 31, 2012**

The District Court with one judge decided 23 criminal cases and 111 remained pending. 16 civil cases were decided and 110 cases remained pending.

## **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 144 cases between July 17, 2011 and July 16, 2012, out of which 63 cases were won and 24 cases were lost. The Office, with one government attorney, informed that 55 cases remained pending.

The Office of the District Government Attorney filed 26 cases

between July 16, 2012 and December 31, 2012, out of which one case was won. The Office, with one government attorney, informed that 55 cases filed until July 15, 2012 remained pending.

Among the filed 16 murder cases, 11 cases were won and four lost. Out of eight rape cases, four cases were won and four lost. Out of three polygamy cases, two were won and one lost.

## **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT**

Bijaya Limbu of Sanwa VDC-2 was tortured allegedly by a group of 15 persons including police constables of District Police Office Surya Limbu and Surendra Dahal on February 16. Bijay's father Tek Bahadur Sanwa, 60, filed a complaint at District Administration Office demanding action against the guilty and providing compensation on February 23. Bijay was treated in Kathmandu based Gangalal National Heart Centre. Saying that over Rs 100,000 was incurred for his son's treatment and he need to remain under medication for more days, Mira Sanwa, wife of the victim filed a complaint at National Human Rights Commission. Justice was not been delivered to the family of the victim at the end of the year. There was serious effect to the heart of the victim due to the torture, states the medical report.

## **CHILD RIGHTS**

### **Situation of Education**

Of 54,840 children of school going age, 26,191 boys and 28,649 girls were enrolled in schools of primary and secondary level. Among them, 3,368 were girls and 2,929 boys were dalits. 401 female and 534 male teachers are at primary level government and community schools. Nine

female and 192 male teachers were at lower-secondary level in government and community schools. Five female and 113 male teachers were at secondary level in government and community schools.

2,496 boys and 2,717 girls were attending Early Child Development Center in the district among which 361 boys and 421 girls were dalits.

District Education Office did not have an updated data related to education.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Killing by Others**

Amrita Limbu, 46, of Change VDC-8, who was injured in an attack by her husband Nar Bahadur Sanwa, 51, on March 31 died while undergoing treatment. Nar Bahadur had attacked the victim with a spear over a minor family dispute. Injured Amrita died while she was being treated in Dharan based BPKIHS on April 1. Police arrested the accused on April 2 and was remanded in the custody of District Police Office following an order from the court on April 22. The case remained undecided at the end of the year.

### **Mistreatment**

A 30-year-old woman, alleging that Kamal Bhattarai of Ambegudin VDC-6 mistreated her in her house on February 28, filed a complaint at District Administration Office on the same day. The accused had come to house of the victim to attend puja and made the attempt in her house. The accused ran away from room when the victim cried for help. The accused remained at large at the end of the year, acting CDO Tanka Sitaula said.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Taplejung Bazaar Khas Chhetri Ekta Samaj, demanding the government to enlist Chhetri as indigenous community, closed the market for three days starting from May 10. Sanghiya Limbuwan Rajyaparisad closed Taplejung Bazaar with various demands on May 21. Students of Patibhara Campus in Phunling VDC-4 demanding various subjects in the campus closed the campus for 10 days starting from September 2. Cadres affiliated to Sanghiya Limbuwan Rajya Parishad vandalized District Education Office for defying bandh called by the organization on May 21. They also torched a bike plated Ba 29 Pa 7227 at New Road in Phunling VDC-4 on the same day.

## **HEALTH SERVICE SITUATION**

There is a government hospital, eight health posts and 42 sub-health posts in Taplejung district. Out of four available positions of doctors, one was working and three remained vacant. Out of five available positions of staff nurse, three are working and two remained vacant. Out of three available positions of Lab Assistants, all were working. Out of 57 available positions of AHW, 39 are working and 18 remained vacant. Out of 16 available positions of AMW, 11 are working and five remain vacant. One quota each of Vaccine Supervisor and TB/Leprosy Supervisor was occupied. Out of 13 available positions of Health Assistants, seven are working and 6 remained vacant.



## 1.5 Morang



Headquarters :	Biratnagar
Area in Sq. Km :	1,855
No. of Households :	213,997
No. of Population :	965,370
Male :	466,712
Female :	498,658
No. of PwD :	8,389
No. of VDC(s)/Municipality(ies) :	65/1
Male Literacy :	341,584
Female Literacy :	297,623
Religion Hindu (%) :	80.27
Buddhism (%) :	4.13
Islam (%) :	4.74
kirat (%) :	6.55
Christianity (%) :	1.64
Prakriti (%) :	2.25
Jain (%) :	0.1
Shikha (%) :	0.002
Bon (%) :	0.01
Bahai (%) :	0.02
Undefined (%) :	0.28
Human Development Index :	4.52

### CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

#### By Others

Police arrested Kiran Singh Basnet, 40, chairperson of Biratnagar based Nepal Bazaar on October 8 on the allegation of killing Urmila Rajbanshi, 27, of Biratnagar Sub-Metropolis-4, a domestic help at his house on the same day. The victim was

found dead at Basnet's house at Biratnagar Sub-Metropolis-4 on October 8. Raj Kumar Rajbanshi, husband of the deceased said that Urmila had left house to celebrate Jijiya festival in her maternal house in Jhorahat in the morning on October 7. The victim family claimed in a complaint filed at police that Urmila was killed on October 7. Postmortem of the deceased was conducted at Koshi Zonal Hospital and Dharan based BPKIHS. Raj Kumar filed a complaint at District Police Office on October 9. Police arrested Kiran, his relative Dhiraj Basnet and his wife Indira Basnet on the same day. Of the arrestees, Kiran was remanded in the custody of Morang Jail by District Court order on November 5 while Dhiraj and Indira were released after habeas corpus writ filed at Appellate Court on October 11. NEFIN Morang, Rajbanshi Ekta Samaj and UCPN-M staged demonstration and staged sit-ins in front of District Police Office and District Court demanding action against the guilty. While Khas Chhetri Ekta Samaj staged demonstration in the favor of accused Basnet in Biratnagar.

### JAIL AND DETAINEES

The 'B' grade District Jail has the capacity to hold 300 inmates at a time. A total of 641 including 407 convicted and 234 detained inmates were held there at the end of the year. There are six dependents in the jail. Among them, two are male and four are female. The District Prison was constructed three years ago. According to jailer Rajan Regmi, there is lack of building for security personnel and sufficient space for the inmates. There is the lack of medicine, sleeping space, taps and electricity facilities in the jail said, Supervisor Birendra Kumar Mehata. The Prison Management Department provides Rs 500,000 for the treatment of inmates each year but the amount used up within six months every year, said Jailer Regmi.

Ranjit Rai, 35, of Barahachhetra VDC-1 of Sunsari, prisoner in Morang prison died while undergoing treatment at Koshi Zonal Hospital in Biratnagar on April 10. Postmortem of the body was conducted at the same hospital. Radha Rai, wife of the victim blamed that a group of detainees had beaten up Ranjit as per the direction of Supervisor Birendra Kumar Mehata. Nephew of the deceased Bisal Tamang said that Ranjit was beaten due to old enmity. The victim was previously detained in Sunsari's Jhumka-based prison and Mehata had beaten up the victim while he was also there. Following the incident, Mehata and the victim were transferred to Morang jail. The victim was imprisoned in rape case for the past three years. Sunil Niraula of the Morang Jail said that the victim died of disease. However, Supervisor Mehata denied his involvement in the incident.

Kajiman Shrestha, 55, Panchami VDC-9 of Udaypur district, a detainee at Biratnagar jail died due to the lack of treatment in Koshi Zonal Hospital on August 24. The victim, who was suffering from asthma for long time, was admitted at hospital in critical condition. He was serving the jail term since October 13, 2006 in the case of human trafficking.

## THREATS/BEATINGS

### By Unified Madhesi Morcha

KN Thakur, 40, production manager of Baba Jute Mill located in Katahari VDC and Binod Yadav, 42, administration head of Prabin Paper Factory were beaten by Unified Madhesi Front (UMF) cadres on May 15. They were beaten for defying bandh called by UMF. The agitators vandalized Baba Jute Mill and Babi Biscuit Factory. The UMF had called bandh

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Beatings	1	5	6		4	4
Child Rights				25	2	27
Death in Jail		2	2			
Economic, Social Rights and Cultural Rights					1	1
Inhuman Behavior					1	1
Injured					1	1
Killing				5	13	18
Threats				1		1
Women Rights				24		24
<b>Total</b>	<b>1</b>	<b>7</b>	<b>8</b>	<b>55</b>	<b>22</b>	<b>77</b>

demanding ethnic identity and right to self-determination.

## RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

### July 17, 2011- July 15, 2012

The District Court with four judges decided 1,237 criminal cases and 608 remained pending. 1,076 civil cases were decided and 799 cases remained pending.

### July 16, 2012-December 31, 2012

The District Court with four judges decided 102 criminal cases and 336 remained pending. 75 civil cases were decided and 388 cases remained pending. Four criminal cases and 16 civil cases older than two years remained pending.

## The Office of the District Government Attorney

The Office of the District Government Attorney filed 1,368 cases between July 17, 2011 and July 15, 2012, out of which 596 cases were won and 141 cases were lost. The Office, with two government attorneys, informed that 525 cases filed until July 15, 2012 remained pending.

Among the filed 69 murder cases, 21 cases were won and 11 lost. Out of 79 rape cases, 31 cases were won and six lost. Out of 38 cases of abduction, seven were won and



five lost. Out of a total of eight trafficking cases, one was won and one lost. Out of 26 polygamy cases, 10 were won and five lost. Out of four child marriage cases, one was won.

The Office of the District Government Attorney filed 937 cases between July 16, 2012 and December 31, 2012, out of which 27 cases were won. The Office, with two government attorneys, informed that 525 cases filed until July 17, 2012 remained pending.

### **APPELLATE COURT**

#### **July 17, 2011- July 15, 2012**

The Biratnagar Appellate Court with seven judges decided 498 criminal cases and 332 remained pending. 545 civil cases were decided and 257 cases remained pending.

#### **July 16, 2012 -December 31, 2012**

The Biratnagar Appellate Court with seven judges decided 221 criminal cases and 141 remained pending. 163 civil cases were decided and 356 cases remained pending. Three criminal cases and one civil case older than two years remained pending.

### **The Appellate of the District Government Attorney**

The Office of the Appellate District Government Attorney filed 769 cases between July 17, 2011 and July 16, 2012, out of which 99 cases were won and 156 cases were lost. The Office, with three government attorneys, informed that 514 cases filed until July 15, 2012 remained pending.

Among the filed 84 murder cases, 10 cases were won and 21 lost. Out of 96 rape cases, 14 cases were won and 22 lost. Out of 14 cases of abduction, one was won and four lost. Out of a total of 20 trafficking cases, two were won and three lost. Out of 12 polygamy cases, five lost. Out of Child

Marriage cases, two were lost.

The Office of the Appellate Government Attorney filed 6,001 cases between July 16, 2012 and December 31, 2012, out of which 411 cases were won. The Office, with three government attorneys, informed that 514 cases filed until July 16, 2012 remained pending.

### **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT**

Manoj Khanal, 30, of Bayarban VDC-8 was beaten by police on the direction of Chandra Bahadur Karki, ASI at Magalbare Temporary Police Station on July 17. He was kicked by the police. The victim was treated at local health center. He could not walk for months after the incident. The victim was tortured by police saying that he refused to admit that he set fire to the house of his neighbor Tun Bahadur Biswakarma. As he denied setting fire to Biswakarma's house, he was freed on July 19. He said that he did not file complaint to any authority because of the fear of police. Though Keshav Bhattarai, in-charge of Ramailo Police Station stated that action would be taken against ASI Karki, no action was taken at the end of the year.

### **CHILD RIGHTS**

#### **Situation of Education**

Of 166,676 children of school going age, 78,073 boys and 88,603 girls were enrolled in schools of primary and secondary level. Among them, 18,805 girls and 18,157 boys were dalits. 868 female and 1,290 male teachers are at primary level government and community schools. 197 female and 30 male teachers are at lower-secondary level in government and community schools. 35 female and 370 male teachers are at secondary level in government and community schools.

District Education Office did not have an updated data related to education.

### **Child Marriage**

Police arrested Prem Chandra Mahato, 20, and his father Mahendra Mahato, of Nocha VDC-7 on January 5 alleging that Prem married with a 14-year-old girl on January 1. Father of the minor girl had filed complaint at the District Police Office on the same day. The accused were released by depositing Rs 50,000 on bail following an order from the District Court on January 25.

### **Rape, Attempt to Rape, Sexual Abuse**

Police arrested Birendra Chaudhary, 18, of Indrapur VDC-6 on February 20 alleging that he raped a 14-year-old girl while she was sleeping in her house on February 19. Health checkup of the victim was conducted at Koshi Zonal Hospital on February 20. CWIN Nepal had helped in legal procedure and treatment of the victim. The accused was remanded in custody following an order from District Court on March 16.

Bishal Rai, 25, of Biratnagar Sub-Metropolis-7 who was also a bus driver, was arrested on charge of raping a 14-year-old girl on September 11. The victim's family members filed a complaint at District Police Office on September 11 alleging that the accused had raped the girl on September 10. Victim's health was checked at Koshi Zonal Hospital. The accused was remanded in custody by District Court on October 9.

Police, on the allegation of raping a 13-year-old girl on April 26, arrested Surya Tamang 41, of Pathari VDC-1 on the same day. Victim's health was checked at Dharan based BPKIHS. The accused was remanded in custody following an order from the District Court on May 18.

### **Girl Trafficking**

Samar Bahadur BK, 37, of Kerabari

VDC-8, staying in Arunachal Pradesh of India was arrested by police on February 3 for allegedly trying to traffick a 13-year-old girl of same place on January 27. The victim filed a complaint against the accused at Area Police Office, Kerabari on February 3. District Court ordered to submit Rs 50,000 as bail, however, he could not pay the amount. He was remanded in custody at the end of the year.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

A 40-year-old single woman, alleging that Saj Kumar Mandal, 55, of Govindapur VDC-5 raped her on January 25, filed a complaint at Rangeli Area Police Office on January 31. Health checkup of the victim was conducted at Rangeli Hospital. The accused remained at large at the end of the year.

A 19-year-old woman, alleging that Ram Bahadur Khadka, 45, of Bhadrapur Municipality in Jhapa and staff of Pashupati Soap and Industries in Biratnagar raped her on April 29, filed a complaint at District Police Office on May 2. Health checkup of the woman was conducted at Koshi Zonal Hospital on April 30. The victim was a grade XII student and staying at a hotel in Biratnagar to attend final exams. Police arrested the accused and he was remanded in custody by District Court on May 23.

Police arrested Ambar Bahadur Karki, 54, of Letang VDC-4 on December 21 alleging that he raped a 51-year-old woman with mental disability on December 20. Victim's health was checked at Dharan-based BPKIHS. The accused had allegedly raped the victim at her house, Shiba Kumar Shrestha Inspector at District Police Office said.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Jasmiya Limbu, 32, of Rajghat



VDC-9 was killed by her husband Dambar Bahadur Limbu, 35, by attacking her with a sharp weapon on January 13 following an issue related to money transaction. Postmortem of the body was carried out at Primary Health Post in Magalbare. Police arrested the accused on the same day and he was remanded in the custody on February 6.

Asha BK, 27, of Kusaha VDC-4 of Sunsari and temporarily staying at Sundarpur VDC-3 was killed by husband Naresh Mijar, 35, on April 10. Before killing the victim with a sharp weapon, she got out the house in an attempt to avoid beating but her husband got hold of her and stabbed her. The victim who was critically injured succumbed on the way to Dharan on the same day. Police arrested the accused on April 13. He was remanded in custody following an order from District Court on May 2.

Police arrested Ramesh Mandal, 25, of Pokhariya VDC-6 on March 6 on the allegation of killing his wife Sunita Mandal, 20, on March 4 while Ramesh's brother Bijay Mandal, 38, was arrested on same allegation on April 10. Of the accused, Ramesh was remanded in custody on March 18 while Bijay was remanded on April 11. The accused had allegedly killed the victim, took her body to Nocha VDC-4 and hanged it by a tree.

### **Expelled From House**

Kiran Sah, 22, of Urlabari VDC-4 was beaten and expelled from house for not bringing dowry by her husband Prakash Shah, 25, on March 15. The victim filed a complaint at Urlabari Area Police Office on March 16 and the accused was arrested on the same day. The accused was released after he agreed to provide Rs 100,000 to Kiran and live separately in another rented room on March 17.

Kishor Rajbanshi, 26, of Sijuwa VDC-2, expelled his wife Sanjita Rajbanshi,

25, her from home on September 2 saying she did not bring dowry from her maternal home at Darbasa VDC-1. The victim filed a case in the District Court on October 7. Sanjita asked for divorce with husband and partition of property with mother-in-law Jasdevi and brother-in-law Mukesh. The case remained under consideration in court at the end of the year. Kishor and Sanjita got married on June 24.

### **Beating**

Pabitra Gurung, 20, of Belbari VDC-2 was critically injured when husband Dhiraj Gurung, 25, attacked her in inebriated condition with a sharp weapon on June 3. The victim, who sustained head injuries, was treated in BPKIHS Dharan. Police arrested accused on June 3 and was remanded in custody by District Court on June 24.

### **Women Trafficking**

Police arrested Naresh Sampati Shrestha, of Biratnagar Sub-Metropolis-13 who is also a cadre of CPN-ML on May 10 alleging that he attempted to traffick a 22-year-old woman on April 22 with a promise of foreign employment. Police rescued the victim from Kakarvitta in Jhapa. The accused was remanded in custody as per the District Court order on May 24.

Police with the help of Tiny Hand Nepal rescued an 18-year-old woman hailing from Phoklang VDC-3 in Terhathum district from Rani Customs in Biratnagar on July 23. The woman was suspected of being trafficked to India. Police arrested Ranjit Rajbanshi, 24, of Katahari VDC-5 same day on suspicion of his involvement of trafficking the woman to India while another suspect Rajesh Chaudhary of same place remained at large at the end of the year. Ranjit was remanded to custody by District Court on August 21.

Sushmita Biswakarma 18, of

Jajarkot district, Bishnu Maya Pariyar, 31, of Dalgaun VDC-1 of Bhojpur district, Parbati Chaudhary, of Karaiya VDC-8, Susma Darjee, 17, of Jukena VDC-5 of Kapilvastu district, were enticed by Baburam Khadka, of Urlabari VDC-6 in the name of foreign employment and were held hostage for a month. Police freed the victims on September 25. Police filed kidnapping and hostage case against the accused and his wife Renuka Khadka. The accused remained absconded at the end of the year.

### **Polygamy**

Kamala Biswokarma, 34, of Hansposa VDC-5 and temporarily staying at Dulari VDC-1 saying that her husband Raj Kumar BK married with Alis Sunar, 18, of Sindupalchowk district on November 5 filed a complaint at Belbari Area Police Office on December 9. Police arrested the accused on December 10.

### **Mistreatment**

Pahad Chand Rajbanshi 60, and Ansadevi Rajbanshi, 54 of Darbesa VDC-8 were beaten and expelled from village on September 29 on the allegation of practicing witchcraft. Shiva Narayan Rajbanshi, Shrawan Rajbanshi, Jital Rajbanshi, Hari Prasad Rajbanshi, Champa Devi Rajbanshi, Sudhini Devi Rajbanshi, Urmiladevi Rajbanshi, Ravi Lal Rajbanshi beat up the victims and expelled from the village. Victims filed a complaint at Rangeli Area Police Station on September 30. Police arrested the accused on October 2. Police said that Bhui Chand Rajbanshi, 30, a neighbor of the victims, had backache and died on August 29. The accused blamed Bhui died because of their chants. The accused forcefully fed human excreta, made to sign an agreement paper to submit Rs 25,000 and expelled them from the village. The accused were released on bail of Rs

2,000 each following an order from the District Police Office on October 14.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **By UCPN-M**

One bigha and 13 katthas of land belonging to Sunil Dev of Kathari VDC-9, was captured by a group led by UCPN-M CA member Babu Nandan Paswan, of Tankisinawari VDC on February 11. Paswan said that landless squatters would stay in the seized land. Victim did not file a complaint. UCPN-M also captured the land previously and UCPN-M cadres had constructed hut but police had destroyed them.

NEFIN and Bhrihat Madhesi Morcha called for bandh with the demand of ethnic identity and right to self-determination on May 21. The cadres had smashed the windowpanes of Birat Laxmi Bank and vandalized Khadka Cosmetic at Pupalal Chowk in Tankisinawari VDC-1. The victims did not file complaint after the agitators agreed to compensate for the damages caused in the vandalism.

## **HEALTH SERVICE SITUATION**

There are two government hospitals, 22 health posts and 37 sub-health posts in Morang district. Out of seven available positions of doctors, four were working and three remained vacant. Out of seven available positions of staff nurse, four are working and three remained vacant. Out of 10 available positions of Lab Assistants, nine were working and one remained vacant. Out of 152 available positions of AHW, 148 are working and four remained vacant. Out of 87 available positions of AMW, all are working. Two seats each of Vaccine Supervisor and TB/Leprosy Supervisor were occupied. Out of 31 available positions of Health Assistants, 19 are working and 12 remained vacant.



## 1.6 Sunsari



<b>Headquarters :</b>	<b>Inaruwa</b>
<b>Area in Sq. Km :</b>	<b>1,257</b>
<b>No. of Households :</b>	<b>162,407</b>
<b>No. of Population :</b>	<b>763,487</b>
<b>Male :</b>	<b>371,229</b>
<b>Female :</b>	<b>392,258</b>
<b>No. of PwD :</b>	<b>10,409</b>
<b>No. of VDC(s)/Municipality(ies) :</b>	<b>49/3</b>
<b>Male Literacy :</b>	<b>265,461</b>
<b>Female Literacy :</b>	<b>224,529</b>
<b>Religion Hindu (%) :</b>	<b>73.28</b>
<b>Buddhism (%) :</b>	<b>4.12</b>
<b>Islam (%) :</b>	<b>11.54</b>
<b>Kirat (%) :</b>	<b>6.88</b>
<b>Christianity (%) :</b>	<b>1.49</b>
<b>Prakriti (%) :</b>	<b>1.94</b>
<b>Jain (%) :</b>	<b>0.05</b>
<b>Shikha (%) :</b>	<b>0.003</b>
<b>Undefined (%) :</b>	<b>0.398</b>
<b>Human Development Index :</b>	<b>4.70</b>

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING**

#### **By UCPN-M**

Rameshwor Chaudhary, 28, of Baklauri VDC-4 was injured when UCPN-M district committee member, Anjani Rajdhani, 26, a resident of ward no. 6 of same VDC 26 shot the former at his chest over a personal dispute in a shop located at Shisuwa Chok on May 26. He succumbed on the way to Biratnagar-based Neuro Hospital where postmortem

of the dead body was conducted. Police recovered a bullet of 7.65 mm pistol from the incident site. The accused absconded in a motorbike of the deceased plated Ko 7 Pa 6948, Khusilal Rajdhani, a local said. The motorbike was found in Madhesa VDC-9, Pakali Area Police Office said. The accused remained at large at the end of the year.

### **JAIL AND DETAINEES**

#### **Regional Jail**

The regional prison in Sunsari district has the capacity to hold 500 inmates at a time. A total of 556 inmates including 340 convicted and 216 detained inmates were held there at the end of the year. The Regional Prison was constructed three years ago.

There are 39 rooms in the prison with various facilities including drinking water, newspapers and television sets. Service of AHW and AMW is also available in the jail, the jail administration said.

Prem Rai, 60, of Diktel VDC-7 and staying in Nerpa VDC-6 of Khotang, a detainee at the Regional Prison died while undergoing treatment in Dharan-based BP Koirala Institute of Health Sciences on September 9.

Dawa Chyaba, 35, of Kimathanga VDC-4 in Sankhuwasabha district, convicted for smuggling of wildlife from Ilam Forest Office fell sick. He was taken to Biratnagar based Koshi Zonal Hospital for treatment and he died in the course of treatment on August 14.

A dozen inmates including nationals from Bangladesh, India and Nepal managed to jailbreak on November 8 by digging out a 90-feet long tunnel. Leader of the prisoners, Ali Asaraf Ansari, a national of Bangladesh who was serving jail term for forgery of citizenship certificate, Indians including most wanted Indian criminal Dharendra Yadav aka Mukhiya, Rabin

Yadav, Binayak Yadav, Bambam Yadav, Subash Yadav, Saraf Raj Alam, Mamtaj Miya, Jamir Miya, Pharuk Rayabhat, Ramesh Sada Musahar and Dinesh Jha fled the jail. The incumbent team of 46 police personnel in the jail led by Inspector Ishwar Kumar Basnet was recalled to the District Police Office on same day and was replaced by a team led by Inspector Sailesh Thapa, Sunsari District Police Office said.

Types of Events	By State		By Non-State			
	Male	Total	Female	Male	N/A	Total
Arrest & Torture	1	1				
Beatings	1	1	9	8		17
Child Rights			6			6
Economic, Social Rights and Cultural Rights					1	1
Injured				3		3
Killing			3	6		9
Right to Assembly	17	17				
Threats	1	1		2		2
Women Rights			5			5
<b>Total</b>	<b>20</b>	<b>20</b>	<b>23</b>	<b>19</b>	<b>1</b>	<b>43</b>

## THREATS/BEATINGS

### By State

An audio clip purportedly linked to Sunsari SI Manoj Kumar Paudel, 45, saying that he had hatched a plan to kill journalist Awadhes Kumar Jha, 35, of Babangamakatti VDC-3 of Saptari district and staying in Inaruwa Municipality-7 was made public on July 23. Journalist Jha, citing the sense of threat, filed a complaint at DAO and DPO, demanding action against SI Paudel on the same day. In the audio, SI Paudel is heard as directing police personnel to break Jha's hands and legs. If they failed to do so, SI Paudel would himself shoot the journalist dead. District chapter of FNJ demanded SI's suspension and investigation into the incident. Sunsari police said that action was taken against Paudel.

### By Unidentified Group

Bhuwan Ghimire, 30, a teacher of Mahendra Higher Secondary School in Duhabi VDC-5 was beaten by a masked group of four persons on September 10. The victim said that he was beaten by the group manufacturing weapons on the way while he was returning home after having food from a hotel. The victim filed a complaint at Duhabi Area Police Office on September 12. Police did not arrest anyone until the end of the year.

### By Others

A group of laborers of Reliance Spinning Mill of Khanar VDC-4 protesting news published in Itahari-based News Dotcom weekly on July 9 mistreated editor of the weekly Somnath Banstola. They also vandalized the newspaper office. Some 100 workers of the mill, saying that a news story stating that women labors of the mill are involved in sex trade in the night published in the paper was baseless, had gone to submit a memorandum to the paper office and they mistreated journalist Banstola, police said. The labors could opt for legal action if they were dissatisfied with the news published in the paper but resorted to vandalism and mistreatment, victim Bastola said. The incident was settled after Banstola and the laborers agreed to treat each other positively.

## RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

### By State

Some 300 teachers including Nepal Teacher Union district chairperson, Govinda Mishra, 45, of Itahari Municipality-5, teacher Gopal Parajuli, 44, of Itahari Municipality-8, and Shambu Yadav, 39, of Prakashpur VDC-7 demanding temporary teachers to made permanent by fulfilling

necessary procedures tried to picket District Education Office on February 27. But Police charged baton on the agitating teachers leaving several of them injured. Temporary teachers Jaya Prasad Bhattarai, 58, of Inaruwa Municipality-9, Krishnaraj Koirala, 40, Ramananda Mandal, 30, of Inaruwa Municipality-8, Bodh Narayan Mehata, 56, Surendra Urab, 40, Gajendra Lamichane, 50 of Dharan Municipality, 12, Kehsav Timisina, 40, of Dumraha VDC-2, Manoj Mandal, Birendra Mandal among others were injured. Some injured were treated at Neuro Hospital Biratnagar. On the side of police, Constables Babulal Khan, Suresh Kumar Majhi, Dilli Bhujel and Raj Kumar BK had sustained minor injuries in the incident, SP at Sunsari District Police Office Saurav Rana said.

### **Bandh**

Bandhs called by various parties, groups and organizations with various demands affected normal life in the district for several days. Brahman Samaj called for a bandh demanding that Brahmans should also be enlisted as indigenous community. Tharu Joint Struggle Committee had called for two-day bandhs starting from May 5 demanding that Kochila State should be formed by incorporating the geography from Jhapa to Siraha. Eastern Tharuwan Kochila Struggle Committee called for bandh on May 6 demanding Kochila state with combination of six districts. United Muslim Struggle Alliance called for a bandh on May 10 demanding that rights of Muslims should be incorporated in the new constitution. Brihad Madhesi Morcha had also called for bandhs on May 15 demanding that country should not be divided in the name of federalism.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

**July 17, 2011- July 15, 2012**

The District Court with three

judges decided 1025 criminal cases and 785 remained pending. 991 civil cases were decided and 1,132 cases remained pending.

### **July 16, 2012-December 31, 2012**

The District Court with three judges decided 14 criminal cases and 114 remained pending. 75 civil cases were decided and 435 cases remained pending. 17 criminal cases and 68 civil cases older than two years remained pending.

### **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 1,186 cases between July 17, 2011 and July 15, 2012, out of which 445 cases were won and 79 cases were lost. The Office, with two government attorneys, informed that 662 cases filed until July 15, 2012 remained pending.

Among the filed 50 murder cases, 20 cases were won and seven lost. Out of 71 rape cases, 24 cases were won and 15 lost. Out of 12 trafficking cases, 12 were won. Among the filed 12 polygamy cases, eight cases were won and four lost.

The Office of the District Government Attorney filed 917 cases between July 16, 2012 and December 31, 2012, out of which 406 cases were won. The Office, with two government attorneys, informed that 511 cases filed until December 31, 2012 remained pending.

### **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT**

Mani Kumar Limbu, 18, of Panchkanya VDC-5 was arrested on April 6 for being involved in a bomb blast at Panchakanya forest on April 3. Victim said that he was inflicted physical and mental torture by SI Bhim Dahal in the custody of Dharan Area Police Office. He said that his hands were tied in the custody, beaten and forced to sign a document stating that he

was involved in planting the bomb. Locals of Panchakanya and Krantikari Limbu Yuba Sangathan submitted a memorandum at District Administration Office stating that action should be taken against police personnel for torturing innocent Limbu. The memorandum had demanded that Dharan DSP Rajendra Bista should apologize in public with the victim and departmental action should be taken against him. The victim said that no action was taken against the accused at the end of the year.

## **CHILD RIGHTS**

### **Situation of Education**

Of 269,445 children of school going age, 51,971 boys and 58,489 girls got enrolled in schools of primary and secondary level. Among them, 11,876 were girls and 11,406 boys were dalits. 1,712 teachers are at primary level in government and community schools. 559 teachers are at lower-secondary level in government and community schools. 394 teachers are at secondary level in government and community schools.

6,801 boys and 7,326 girls are attending Early Child Development Center in the district. District Education Office did not have an updated data related to education.

### **Rape, Attempt to Rape, Sexual Abuse**

Sunil Urab, 20, of Mahendranagar VDC-8 was arrested on January 23 on charge of raping a 7-year-old girl in a field on the same day. The victim was treated at BPKIHS. The accused was remanded in custody following an order from the District Court on February 13. The case was not decided at the end of the year.

Raj Limbu, 32, of Dharan Municipality-8 was arrested for allegedly raping a 14-year old girl of Udaypur on August 10. The accused held her hostage prior to the offence. Police arrested the

accused after the victim ran away from the accused's house same day. The victim had arrived in Sunsari in search of a job. The accused met her at Bhandabari on August 11. During the meeting, he promised to find a job for her and made her stay at his house. The accused surrendered to the police confessing that he kept the girl at his home for a month and sexually exploited her. The girl was treated at BPKIHS. The accused was remanded in custody following an order from the District Court on September 4.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

A 30-year-old woman was lured and raped on May 5 in a local private school by Mohamed Majahir Miya, 28, of Laukathati Thana, Madhuwani District of India. The victim's family lodged a complaint against the accused at Harinagar Area Police Office. The police arrested the accused on the same day. The victim got health checkup at District Hospital, Inaruwa. Miya was sent to regional prison, Jhumka, by the District Court of May 31.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Dayawati Chaudhary, 30, of Madhesa VDC-4 was killed by husband Indra Lal Sardar, 34 by locking door of house and slitting her throat with a sharp weapon on January 14. The accused said that he had killed wife out of rage as she had an extra-marital affair while had gone for foreign employment. Police arrested the accused and he was remanded in custody following an order from the District Court on February 10.

### **Beating**

Sunita Roka, 32, of Damak Municipality-5 and staying in a rented room in Itahari Municipality-5 was injured when her father-in-law Chhatra Bahadur



Roka, 60, stabbed her during a family dispute on December 5. Inspector Shyam Saru Magar said that the victim was treated at BPKIHS, Dharan. Immediately after the event, the accused had consumed poison and died in the course of treatment in BPKIHS on December 10.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Destruction of Infrastructure, Property By YAN**

UML affiliated YAN cadres vandalized a vehicle of Sunsari District Development Committee number plate Ba 1 Jha 8989 at Balgram Chowk in Itahari Municipality-5 on August 8 on the allegation of defying the bandh it had called. Sagar Thapa, police inspector at Itahari Area Police Office said that Dipendra Thapa and Arun Gurung were arrested for their involvement in the vandalism and were released on the same day.

### **By CPN-M**

The cadres of CPN-M vandalized a van with number plate Ko 1 Cha 6192 heading to Biratnagar from Itahari on the allegation of defying bandh called by the party at Duhabi of Koshi Highway on September 14. Van driver Pradip Shrestha of Itahari Municipality-5 was also injured when the agitators pelted stones targeting the vehicle. Injured Shrestha was treated at Biratnagar-based at Neuro Hospital.

### **By ANNISU-R of Baidhya Faction**

Students of ANNISU-R vandalized and torched a bus belonging to Delhi Public School located in Dharan Municipality-18

on July 24. They vandalized the bus plated Ko 1 Kha 3204 which was carrying students from Itahari, Biratnagar and Tarhara near Seuti Bridge in the border of Dharan Municipality and Hasposha VDC. Some five ANNISU-R cadres arrived in, sprinkled kerosene in the bus and torched it, said the bus driver Rem Lal Urab. The bus was completely gutted in the fire. A fire engine from Dharan arriving after 30 minutes managed to take control of the fire. The agitators had also vandalized another bus of the school with the number plate Ko 1 Kha 450. Over 65 students were travelling in two buses. Prahlad Raut of Kochila State coordinator of ANNISU-R said that the buses were torched as warning for teaching different curriculum from that prescribed by the Government of Nepal. The curriculum of the school is against nationality, he claimed. None of the accused were arrested at the end of the year.

## **HEALTH SERVICE SITUATION**

There is a government hospital, seven health posts and 40 sub-health posts in Sunsari district. Out of 10 available positions of doctors, two were working and eight remained vacant. Out of nine available positions of staff nurse, six were working and three remained vacant. Out of eight available positions of Lab Assistants, the quota was occupied. Out of 18 available positions of AHW, the quota was occupied. Out of 29 available positions of AMW, the quota was occupied. One quota each of Vaccine Supervisor and TB/ Leprosy Supervisor was occupied. Out of 15 available positions of Health Assistants, it was occupied.



## 1.7 Dhankuta



Headquarters :	Dhankuta
Area in Sq. Km :	891
No. of Households :	37,637
No. of Population :	163,412
Male :	76,515
Female :	86,897
No. of PwD :	4,881
No. of VDC(s)/Municipality(ies) :	35/1
Male Literacy :	58,271
Female Literacy :	55,439
Religion Hindu (%) :	49.17
Buddhism (%) :	12.59
Islam (%) :	0.1
Kirat (%) :	34.94
Christianity (%) :	1.78
Prakriti (%) :	0.12
Jain (%) :	0.01
Shikha (%) :	0.001
Undefined (%) :	0.291
Human Development Index :	4.34

### CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

#### JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 25 inmates at a time. A total of 54, including 44 convicted and 10 detained inmates were held there at the end of the year.

Supervisor Dipak Tamang said that inmates had problem to sleep due to overcrowded space. Facilities such as

education and medical treatment are available in the jail, said accountant Ranjit Shah. He said jailer Narendra Acharya was transferred six month ago, however, no one was appointed as a jailer until the end of the year.

### THREATS/BEATINGS

#### By State

A 15-year-old boy of Bayarban VDC-3 of Morang district and staying in a rented room at Dipa Chok of Dhankuta Municipality-6 was arrested by police from a shop on November 18 for questioning. Victim's father filed a complaint at Biratnagar-based regional office of NHRC saying that police arrested his son without any reason and tortured him during the detention. Police freed the minor in the presence of guardians on November 19. Victim, who had sustained injuries to his feet and knees due to the beating by police in the detention, was treated at District Hospital. The minor was arrested only for interrogation as information was received that he had been threatening people over mobile phone, however, no torture was inflicted on him, said DSP Bishnu Bahadur Karki. If the boy was tortured and the victim filed an FIR, action will be taken against the police personnel involved in such act, said SP Surya Prasad Upadhyaya.

#### By UML

Dev Bahadur Khadka, 43, the head teacher of Chuliwan Primary School at Chamjibung of Dhankuta Municipality-8 was threatened over mobile by Rajendra Rai, 44, UML district chairperson on May 3. Rai had threatened the victim saying that the latter had talked negatively about the party. Meanwhile, the district chapter of Nepal National Guardians' Association and All Nepal Teachers' Association issued a press release condemning the incident on May 7. UML chairperson Rai said that he

Types of Events	By State			By Non-State		
	Male	N/A	Total	Female	Male	Total
Arrest & Torture	1		1			
Beatings					5	5
Child Rights				4		4
Injured					1	1
Killing				2	2	4
Right to Assembly	1	35	36			
Threats					3	3
Women Rights				7		7
<b>Total</b>	<b>2</b>	<b>35</b>	<b>37</b>	<b>13</b>	<b>11</b>	<b>24</b>

had not threatened the victim rather he had suggested the victim not to badmouth party in public place as he was blaming UML over the issue of teacher transfer in the District Education Office on May 3. The victim did not file a complaint.

### By NC

Journalist Ramesh Chandra Adhikari, 38, of Dhankuta Municipality-4 was threatened by NC district working committee member Bishnu Paudel saying that the former had aired baseless news on FM radio on May 17. Paudel, again on May 19, threatened the victim telling him against making the threat bigger. On May 19 Adhikari submitted an application to district chapter of FNJ demanding freedom of opinion. The application stated that Paudel had threatened the victim over news related to the bandh called by NC on May 16. Accused said that he had not threatened Adhikari but phoned him informing that bandh was not called off as contrary to the news broadcast. Both sides were called to discuss and solve the problem; however, no side attended the meeting.

### RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

Journalists wearing black bands in their hands at the inaugural venue of Dhankuta Festival and Purbanchal

Industrial Fair protesting the government's attempt to withheld 140 types of information were picketed by police for three hours on January 29. Prime Minister Dr Baburam Bhattarai was inaugurating the festival. APF and Nepal Police personnel prevented journalists including FNJ central member Siddha Raj Rai, former central vice chairperson Sanjay Santoshi Rai among others objecting with their black arm band, said FNJ district chairperson Mohan Bantawa. District chapter of Human Rights Network, FNJ, Press Chautari, Press Union, and Revolutionary Journalists' Association, among others condemned the incident in a press release on the same day. On February 1, festival organizers apologized to journalists as the news of the inauguration of the festival was not covered. Journalists demanded for transfer of CDO for ordering security personnel to picket them in the inaugural function. FNJ district chairperson Bantawa said that CDO apologized to them on February 13.

### RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

#### July 17, 2011- July 15, 2012

The District Court with one judge decided 57 criminal cases and 23 remained pending. 20 civil cases were decided and 41 cases remained pending

#### July 16, 2012-December 31, 2012

The District Court with one judge decided 17 criminal cases and 23 remained pending. Four civil cases were decided and 24 cases remained pending.

### APPELLATE COURT

#### July 17, 2011- July 16, 2012

The Appellate Court with three judges decided 139 criminal cases and 28 remained pending. 76 civil cases were decided and 33 cases remained pending.



## **July 16, 2012 -December 31, 2012**

The Appellate Court with three judges decided 25 criminal cases and 85 remained pending. 10 civil cases were decided and 54 cases remained pending.

### **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 87 cases between July 17, 2011 and July 15, 2012, out of which 53 cases were won and 12 were lost. The Office, with one government attorney, informed that 22 cases filed until July 15, 2012 remained pending.

Among the filed 13 murder cases, seven cases were won and six lost. Out of seven rape cases, three cases were won and two lost. One case of abduction was lost. Out of two polygamy cases, one was won and other was lost.

The Office of the District Government Attorney filed 43 cases between July 16, 2012 and December 31, 2012, out of which 10 cases were won. The Office, with one of government attorney, informed that 22 cases filed until December 2012 remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 53,025 children of school going age, 25,739 boys and 27,286 girls enrolled in schools of primary and secondary level. Among them, 2,292 girls and 2,264 boys were dalits. 374 female and 658 male teachers were at primary level government and community schools. 41 female and 249 male teachers were at lower-secondary level in government and community schools. 31 female and 187 male teachers were at secondary level in government and community schools.

2,158 boys and 2,221 girls were attending Early Child Development Center in the district among which 260 boys and 250 girls were dalits.

District Education Office did not have an updated data related to education.

### **Killing after Rape**

Mandira Katwal, 11, of Marekatahare VDC-4 and staying at her sister's house in Parewadin VDC-7, was killed after rape on November 28. Locals informed the police after they found the body in jungle on November 29. Postmortem of the body was conducted at District Hospital on November 30 and uncle of the deceased, Yetna Bahadur Katwal, 50, filed a complaint at District Police Office on the same day. Police arrested Pahalman Ghimire, 65, Yogenra Ghimire, 20, and Laxmi Ghimire, 40, of Parwedon VDC-7 on December 5. The court had extended time for investigation of the accused on December 14.

### **Rape, Attempt to Rape, Sexual Abuse**

An 8-year-old girl, alleging that Raj Kumar Limbu, 19, of Maunabudhuk VDC-7 raped her nearby her house on May 5, filed a complaint at District Police Office on May 22. The victim's family said that she delayed making the incident public because Limbu had issued a death threat. She was treated at Nobel Medical College in Biratnagar because she was profusely bleeding on May 7. The victim filed a case at District Court on May 23, but, the accused remained at large by the end of the year.

Amar Wagle, 51, of Dhankuta Municipality-2 was arrested by police for allegedly raping an 8-year-old girl time and again on July 1. Victim's mother filed a complaint at District Police Office on the same day. Locals informed police after they came to know that the accused used to give her sweets before proceeding to the act. District Court sentenced Wagle to 14 years in imprisonment on December 12.

Police arrested Ram Kumar Rai, 21, of Dhankuta Municipality-7 on July 12 for allegedly making an attempt to rape

a 15-year-old girl on July 11. The accused had called the girl to meet him at his house and made an attempt to rape her. Locals had informed police after the victim cried out and approached neighbors for help after the accused made a rape attempt. Victim's father filed a complaint at District Police Office on July 13 and a case was registered at District Court on July 15. The accused was remanded in custody following an order from the District Court on August 8.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Killing after Rape**

A 67-year-old woman was gang raped by Nitesh Bishwakarma, 23, of Bhedetar VDC-4, Sher Bahadur Tamang and Gagan Tamang, 18, of Bodhe VDC-2 on August 21. The accused, under the influence of alcohol, had raped her and killed her by attacking her with firewood to her and a sharp weapon to her chin. The woman was staying at home alone when the incident happened. Locals informed the incident to the police on August 22. Postmortem of the body was conducted at District Hospital on August 23. Victim's daughter filed a complaint at District Police Office on August 22. Police arrested the accused from Belbari of Morang on August 29. The accused were remanded in custody on September 23 and they were imprisoned for life following an order from the District Court on December 19.

### **Rape, Attempt to Rape, Sexual Abuse**

The police arrested Suraj Rai, 28, living in a rented room of Kumar Tamang of Hile in Dhankuta on July 14 on charge of raping 21-year-old woman on July 13. The victim lodged a complaint against the accused with the help of women rights activists' organization of the district on July 15. The victim was treated at District Hospital. A case of rape was filed at District Court. Sabitra, a mediator and Suraj, the

accused was released on bail amount of Rs 20,000 and 45,000 each by the court order of August 8.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Destruction of Infrastructure, Property**

#### **By ANNISU-R**

ANNISU-R students affiliated to CPN-M torched the chair of Dr Gopal Bahadur Bhattarai, chief of Dhankuta Multiple Campus alleging that he ignored 35-point demands submitted by the organization on August 30. The demands include making the campus an autonomous body, making scholarship transparent and renovating physical structures of the campus. ANNISU-R coordinator Milan Bastola said that the chair of the campus chief was torched as the campus chief tried to disrupt the meeting of ANNISU-R unit committee organized in the college on August 29.

#### **By YAN**

YAN cadres, on the allegation of misusing state fund, vandalized and torched a vehicle used by former Minister of State for Finance Hari Raj Khewra on September 5. They had torched the vehicle plated Ba 1 Ja 8821 which was parked at Chuwabot of Dhankuta Municipality-7. Arjun Kumar Rai, UML leader said that the vehicle was torched as the government vehicle was used for personal purpose. The victim did not file a complaint.

### **Bandh/Strike**

The district remained closed for 30 days during the year 2012. Various political parties, ethnic groups, students' organizations, transport entrepreneurs among others had called for the bandhs.

## **HEALTH SERVICE SITUATION**

There is a government hospital, 19 health posts and 16 sub-health posts

in Dhankuta district. Out of five available positions of doctors, four are working and one remained vacant. Out of six available positions of staff nurse, one is working and five remained vacant. Out of five available positions of Lab Assistant one is working and four remained vacant. Out of 78 available positions of AHW, 65 are working and 13 remained vacant. Out of 53 available positions of Auxiliary Mid-Wife, 43 are working and 10 remained vacant. One quota each of Vaccine Supervisor and TB/ Leprosy Supervisor were occupied. Out of 24 available positions of Health Assistants, 13 are working and 11 remained vacant.



## 1.8 Tehrathum



<b>Headquarters :</b>	Myaglung
<b>Area in Sq. Km :</b>	679
<b>No. of Households :</b>	22,094
<b>No. of Population :</b>	101,577
<b>Male :</b>	47,151
<b>Female :</b>	54,426
<b>No. of PwD :</b>	2,626
<b>No. of VDC(s)/Municipality(ies) :</b>	32/0
<b>Male Literacy :</b>	36,469
<b>Female Literacy :</b>	34,523
<b>Religion Hindu (%) :</b>	52.17
<b>Buddhism (%) :</b>	12.53
<b>Islam (%) :</b>	0.03
<b>Kirat (%) :</b>	33.93
<b>Christianity (%) :</b>	1.02
<b>Prakriti (%) :</b>	0.15
<b>Undefined (%) :</b>	0.161
<b>Human Development Index :</b>	4.60

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 35 inmates at a time. A total of 45 including 36 convicted and 45 detained inmates were held there at the end of the year. The district jail building was constructed in 1974.

There are different rooms for male and female under the same roof in the jail. Facilities of water, electricity and toilets are available but there is no bathroom in the jail. Inmates are forced to sleep on the floor due to the lack of space. Jail building is in dilapidated condition. Sports materials such as volleyball, chess and carom-board were provided to the inmates, said jailer Lekhnath Khatiwada. Television facility is available for male inmates only.

Inmates, blaming that there were financial irregularities in the jail, staged an agitation in the jail for five days starting from August 20. They chanted slogans and staged sit-in at the jail premises. The inmates called off their protest program on August 24 after CDO Kishor Kumar Chaudhary assured that he would make public the facts related to the alleged financial irregularities in the jail by forming a probe committee under the chairmanship of assistant CDO.

## THREATS/BEATINGS

### By State

NSU district committee member, Suman Basnet, 24, and his elder brother Sujan Kumar Basnet, 27, of Myaglung VDC-2 were injured when they were beaten by police on February 9. Head Constable Tirtha Bahadur Shrestha of Kapilbastu District Police Office, a resident of Piple VDC and Constable Kumar Biswakarma had beat up the victims saying that the latter boarded into a bus which was hired by accused without their permission. The

victims were taken to BPKIHS as their treatment was not possible at District Hospital on February 14. Police arrested the accused but no action was taken against them.

#### By UCPN-M

Utti Chandra Yadav, 38, of Chandranigahpur VDC-3 of Rautahat and currently teaching at Mahendra Higher Secondary School in Khamlalung VDC-1 was beaten by UCPN-M cadres on March 12 for allegedly conducting exam in the school dishonestly. UCPN-M cadres Sanjay Pahim Limbu, 32, Milan Pahim Limbu, 39, and Raju Pahim Limbu, 23, had beaten him. Victim filed an application at DEO demanding his transfer citing that there was no atmosphere to teach in the school after the incident, however, his demand was not addressed. He did not file a complaint.

#### By YCL

Bipana Basnet, 16, of Jaljale VDC-3, was injured when she was beaten by YCL cadres Ghanshyam Ghimire, 26, Bidur Basnet, 30, and Purnya Bahadur Limbu, 23, over dispute on March 27. The accused had gone to purchase goods in the girl's shop. They scolded victim's father Gajendra Basnet while purchasing goods and the victim intervened when they beat up her father. In the course of beating father, they also beat up the minor girl. The victim's family took her to Poklabang Health Post for treatment. As her treatment was not possible there, she was taken to District Hospital on March 28. She was treated for three days in the District Hospital. Police arrested the accused on March 28. The accused were released after they agreed to bear treatment expenses of the victim on April 2.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	4	4			
Beatings	3	3	2	7	9
Child Rights			2		2
Inhuman Behavior			1		1
Killing			3		3
Racial Discrimination			1	1	2
Right to Assembly	4	4			
Threats				1	1
Women Rights			9		9
<b>Total</b>	<b>11</b>	<b>11</b>	<b>18</b>	<b>9</b>	<b>27</b>

#### RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

##### By NEFIN

Manoj Limbu, 28, a journalist, of Solma VDC-5 and staying at Myanglung VDC-1 in a rented room was prevented to collect news during the second day of bandh called by NEFIN on May 23. The agitators prevented collecting news and restricted his movement saying that he had plied his motorbike defying the bandh.

#### RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

##### July 17, 2011- July 15, 2012

The District Court with one judge decided 39 criminal cases and 10 remained pending, 55 civil cases were decided and 20 cases remained pending.

##### July 16, 2012-December 31, 2012

The District Court with one judge decided 31 criminal cases and eight remained pending. 41 civil cases were decided and 19 cases remained pending.

#### The Office of the District Government Attorney

The Office of the District Government Attorney filed 17 cases between July 17, 2011 and July 15, 2012,

out of which nine cases were won and two were lost. The Office, with one government attorney, informed that five cases filed until July 15, 2012 remained pending.

Among the filed three murder cases, three cases were won and one was lost.

The Office of the District Government Attorney filed 11 cases between July 16, 2012 and December 31, 2012, out of which three cases were won. The Office, with one government attorney, informed that eight cases filed until July 17, 2012 remained pending.

## **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT**

Ramesh Niraula, 21, of Jaljale VDC-7 was arrested on charge of stealing a mobile phone in Myanglung Bazaar on May 15. Police kicked him with boot to his chest and stomach. Police also charged iron rod to his head. Victim had reached Myanglung Bazaar to attend the final exam of grade XII on April 27. Victim was treated at District Hospital on May 18. Police said that the beating was not serious, it was minor one. Police freed victim on May 31.

## **CHILD RIGHTS**

### **Situation of Education**

Of 40,000 children of school going age, 19,000 boys and 21,000 girls enrolled in schools of primary and secondary level. Among them, 4,000 were girls and 4,500 boys were dalits.

There were 153 primary school, 43 lower-secondary schools and 42 Higher Secondary Schools. There were 1 government campus and 3 private campuses. At all education institution total no. of students were 40 thousand.

There were 16 days Banda throughout the year and education was hampered. At public school, different issues such as management committee dispute and

teacher selection hampered the education and was forcedly closed.

## **Rape, Attempt to Rape, Sexual Abuse**

Family of a 15-year-old girl filed a complaint at District Police Office on November 2 alleging Kishor Kumar Bardewa Damai, 19, of Jirikhimti VDC-9 raped the girl. The girl said that the accused offered to accompany her to Tinjure jungle located in Sunnam VDC-9 and raped her on October 31. The victim was treated at BPKIHS on November 1 and police arrested the accused on the same day. The accused was remanded in custody following an order from the District Court on November 12.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN DOMESTIC VIOLENCE**

### **Killing by Family Members**

Muna Devi Niraula, 29, of Piple VDC-2 was critically injured when husband Tanka Prasad Niraula, 32, attacked her with an axe on throat and head on July 27. As the victim's treatment was not possible at District Hospital, she was taken to Biratnagar-based Lifeguard Hospital. She died while undergoing treatment on July 28. The accused was remanded in custody following an order from District Court on August 14.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

7,537 elderly people in the district are getting security allowances from the local authority. 1,241 single women and 150 disabled people are also getting the social security allowances from the district authorities.

## **Destruction of Infrastructure, Property By FLSC**

Manoj Khadka, 40, of Myanglung



VDC-6, also proprietor of Bitar Wood Factory and Lekhu Acharya, 35, were threatened of physical assault by some 10 FLSC cadres on May 23. His wood factory was also vandalized for opening during the bandh. FLSC cadres had arrived in the factory on May 10 demanding Rs 25,000 as donation but the factory management said that it could not provide the money. FLSC cadres' act of vandalism incurred factory a loss of nearly Rs 100,000. The factory lies some two km from the district headquarters.

### HEALTH SERVICE SITUATION

There is a government hospital, 15 health posts and 20 sub-health posts in Terhathum district. All four available positions of doctors are working. Out of four available positions of staff nurse, two are working and two remained vacant. Out of one available position of Lab Assistant, it was occupied. Out of 50 available positions of AHW, 47 are working and three remained vacant. Out of 38 available positions of AMW, all are working. One quota each of Vaccine Supervisor and TB/Leprosy Supervisor was occupied. Out of 23 available positions of HA, 14 are working and 9 remained vacant.



## 1.9 Bhojpur



<b>Headquarters :</b>	<b>Bhojpur</b>
<b>Area in Sq. Km :</b>	<b>1,507</b>
<b>No. of Households :</b>	<b>39,419</b>
<b>No. of Population :</b>	<b>182,459</b>
<b>Male :</b>	<b>86,053</b>
<b>Female :</b>	<b>96,406</b>
<b>No. of PwD :</b>	<b>4,618</b>
<b>No. of VDC(s)/Municipality(ies) :</b>	<b>62/1</b>
<b>Male Literacy :</b>	<b>62,924</b>
<b>Female Literacy :</b>	<b>56,000</b>
<b>Religion Hindu (%) :</b>	<b>53.33</b>
<b>Buddhism (%) :</b>	<b>14.17</b>
<b>Islam (%) :</b>	<b>0.01</b>
<b>Kirat (%) :</b>	<b>31.51</b>
<b>Christianity (%) :</b>	<b>0.54</b>
<b>Prakriti (%) :</b>	<b>0.18</b>
<b>Shikha (%) :</b>	<b>0.001</b>
<b>Undefined (%) :</b>	<b>0.246</b>
<b>Human Development Index :</b>	<b>4.63</b>

### CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

#### By Unidentified Group

Pasang Lamu Sherpa, 35, of Khatarmcha VDC-1, her 3-year-old son Tenji Sherpa, and her neighbor's son 9-year-old Ang Chhiring Sherpa were killed by unidentified group on March 19. Ang Chhiring is son of Lakpa Sherpa. They were killed by domestic weapon like axe while they were asleep at Pasang's home. The locals, getting suspicious after the door

did not open for long, found them dead on March 20. The bodies were found on the ground-floor. Postmortem of dead bodies was conducted at District Hospital on March 21. Police said that the accused were not identified until the end of the year.

## INJURED IN SHOOTING/ EXPLOSION

### By Others

Lok Bahadur Gurung, 48, of Chinamukhu VDC-9 was severely injured when a bullet fired by an unidentified person hit him in thigh. He was hit with a homemade pistol on September 8. He was walking in jungle near his home when the incident occurred. Gurung did not file any complaint saying that he could not identify the accused. He was treated at District Hospital Bhojpur. The accused were not identified until the end of the year, said SI Laxmi Kumar Thapa.

## JAIL AND DETAINEES

The 'B' grade District Prison has the capacity to hold 25 inmates at a time. A total of 97 including 72 convicted and 25 detained inmates were held there at the end of the year.

The jail is overcrowded as it is holding four times its actual capacity. The inmates are facing various problems. Male inmates are forced to sleep on floors and kitchen due to lack of space in the jail. The jail has a post of AHW which was vacant until the end of the year. The Jailor Pradip Sapkota said that the government seemed disinterested to fulfill the post. Inmates are being taken to hospital while they fall sick, said jailer Sapkota.

### By CPN-M (Matrika)

The cadres of CPN-M (Matrika) warned that it would launch a campaign to take action against corrupt, goon and black marketers because the state had failed to

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	1	1			
Beatings	5	5	1	1	2
Child Rights			8		8
Economic, Social Rights and Cultural Rights				2	2
Injured				1	1
Killing			1	6	7
Women Rights			4		4
<b>Total</b>	<b>6</b>	<b>6</b>	<b>14</b>	<b>10</b>	<b>24</b>

take any action against them. The party's central committee member and People's Security Force chairperson Sanyog issued a statement on January 27 saying that his party would take the law into its law for the state had failed to take action against corrupt people.

## THREATS/BEATINGS

### By State

Makar Bahadur Tamang of Khatamma VDC-6 was taken into control by the police of Dovane on June 18 in a family dispute. Police torture in the custody left him with broken hand. Tamang was taken to Khatamma Health Post with the help of locals for treatment and further to District Hospital in Khandbari of Sankhuwasabha. The victim was held after a complaint against him by neighbor Phurwa Tamang. The locals said that the police in command of Constable Rajesh Majhi beat Tamang in front of the villagers. The police charged him with boots, according to a witness Sukra Tamang, adding they were warned against making the incident public. The police denied the torture accusation. DSP Yub Narayan Baidhya promised to take action if the charge was proved.

## RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2011- July 15, 2012

The District Court with one judge decided 56 criminal cases and 47 remained

pending, 28 civil cases were decided and 34 cases remained pending.

#### **July 16, 2012-December 31, 2012**

The District Court with one judge decided 44 criminal cases and 39 remained pending, 21 civil cases were decided and 28 cases remained pending. Three criminal cases and one civil case older than two years remained pending.

#### **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 45 cases between July 17, 2011 and July 15, 2012, out of which 36 cases were won and seven cases were lost. The Office, with one government attorney, informed that 42 cases filed until July 15, 2012 remained pending.

Among the five filed murder cases, four cases were won and one lost. All of three rape cases and one polygamy case were won.

#### **Denial to Register Complaint**

Dawado Shrepa, of Khatarmcha VDC-1, saying that two local persons were involved in the killing of her daughter and grandson, had gone to file an FIR in district police office on April 25, however, police refused to register her FIR. The police told her that registering the FIR when the investigation of the incident was already underway, Sherpa said. She claimed that the FIR was refused because the police were influenced by the killers. Dowado's daughter Pasang Lamu Sherpa, 35 of, her 3-year-old son Tenji, and her neighbor's 9-year-old Ang Chhiring were killed by unidentified group on March 19. As search for those involved in the killing was underway, the FIR was not accepted for it might affect investigation, DSP Yun Narayan Baidya said. Police had not arrested anyone until the end of the year.

#### **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT**

Lakpa Sherpa, 40, of Khatarmcha VDC-1, was arrested twice and tortured alleging that he was involved in killing three people, including his own son on April 10. Police arrested Sherpa second time saying that he was involved in killing Pasang Lamu Sherpa, 35, of Khatarmcha VDC-1, her 3-year-old son Tenji Sherpa, and his own son 9-year-old Ang Chhiring Sherpa on March 19. Police had arrested him on March 21 for the first time and had released him on the same day. During second arrest, police beat him in the detention leaving bruises on his thigh, hands, legs and other parts of body. Maden Kirati, UCPN-M district member said that police had threatened the victim not to say anything about the torture to anybody. Sherpa did not file a complaint. DSP Yub Narayan Baidya said as incident was under investigation, all things related to the incident cannot be revealed. He also denied inflicting any torture to Lakpa Sherpa.

Makar Bahadur Tamang, of Khatamba VDC-6 was arrested by Dovane Police Post over a minor dispute and was left with a broken hand on June 19. A team led by Head Constable Rajan Majhi arrested and tortured him. As Tamang's treatment was not possible in Khatamba Health Post, he was taken to Khandbari of Sankhuwasabha for treatment with the help of locals. Locals had collected Rs 2,800 and took him to Khandbari. Khandbari Hospital referred to take him to a well-equipped hospital, which he could not afford. There was a minor dispute in family of Makar but his neighbor Phurwa Tamang called police. Police arrived and tortured Makar in his house, said his neighbor Sukra Bahadur Tamang. Police had threatened the victim to imprison him if he informed about the torture to anybody. Police also

took Rs 1,500 from him. Police beat up Indra Maya Tamang, Makar's wife who had come to intervene while police was beating her husband. DSP Yub Narayan Vaidya said that Dovane Police Post did not inflict torture to anybody. He assured taking action if anybody was found guilty.

## **CHILD RIGHTS**

### **Situation of Education**

Of 60,317 children of school going age, 29,614 boys and 30,357 girls were enrolled in schools of primary and secondary level. Among them, 2,107 were girls and 1,999 boys were dalits. 346 female and 716 male teachers are at primary level government and community schools. 18 female and 193 male teachers are at lower-secondary level in government and community schools. Three female and 151 male teachers are at secondary level in government and community schools. 2,915 boys and 2,607 girls are attending Early Child Development Center in the district among which 3,832 boys and 4,085 girls are dalits.

### **Rape, Attempt to Rape, Sexual Abuse**

Police arrested Umesh Prasad Timsina, 35, of Pyauli VDC-7 on July 5 after an FIR was lodged at District Police Office alleging that he raped a 16-year-old girl on July 3. The victim was treated at local health post. The accused was remanded to custody following an order from District Court on August 22.

Police arrested Ananda Rai, 18, of Patlepani VDC-3 on November 14 on the allegation of raping a 5-year-old girl on November 13. The victim's family said that the accused had raped the victim when she was alone at home. The victim was severely injured after rape. The victim was admitted at Bhojpur Hospital on November 15. She received further treatment at BPKIHS. An organization called Solti United Bhojpur contributed Rs 10,000, District Police

Office Rs 2,000, Women and Children Office Rs 2,000 and Bhojpur Hospital 2,000 to the victim. The accused was remanded in custody following an order from the District Court on December 5.

Govinda Darjee, 45, of Patlepani VDC-3 was arrested on November 2 for allegedly raping a 10-year-old girl on November 1. Police said that the accused had raped her while she had gone to collect grass in the field. The victim's medical checkup was conducted at Bhojpur District Hospital. The accused was remanded in custody following an order from the District Court on December 5.

Raj Kumar Khadka, 28, of Shyamsila VDC-5 was arrested on March 25 by police after an FIR was lodged at District Police Office on March 24 alleging that the accused raped a 14-year-old girl by calling her at his house on March 22. She was taken to Bhojpur Hospital for checkup. The accused was remanded to custody following an order from District Court on April 18. District Court on August 15 sentenced the accused to seven years in imprisonment and fined Rs 50,000.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

The family of a 38-year-old woman filed an FIR at District Police against Satya Narayan Thakur, 41, of Bhediya VDC-3, Siraha alleging him of raping her on May 15. He was working as daily labor on Hilebhanjyang road section. Police arrested accused on the same day and medical checkup of the woman was conducted at District Hospital on June 2. The accused was remanded in custody following an order from District Court on June 5.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Food Crisis**

The locals of northern and southern



region of the districts are deprived of food due to lack of re-establishment of Food Depot of Nepal Food Corporation in Ranubas and Mulpani VDC. More than 35 VDCs are affected due to the food crisis. The locals' demand for the depots remained unheeded. The Maoist had looted the food depot in 2001 during the armed conflict. The locals are compelled to pay businessmen Rs 90 for a kilogram of rice when they could get the same amount of rice for Rs 35. More than 20 VDCs of the southern part of the district were compelled to procure rice in Udaypur, Dhankuta and Sunsari in higher rates. The process to re-establish the depots are underway according to Ganga Prasad Shah, chief of Nepal Food Corporation, Bhojpur.

### **Bandh/Strike**

Different political parties, ethnic groups and organizations closed the district for 17 days with various demands. The KJWP had called for eastern region bandh on February 11 and February 13. Khas Chhetri Ekta Samaj had called bandh for two days starting from February 23. Brahman Samaj closed eastern region on March 2 and it affected normal life in the district. NEFIN had called for bandh from May 20 and it lasted for three days. Save Bhojpur Struggle Committee also called bandh from May 19 to 26.

### **Destruction of Infrastructure, Property By UCPN-M**

UCPN-M captured paddy produced in some 40 ropanis of land belonging to four persons in Dalgaun VDC-1 on December 4. Three persons led by UCPN-M district conference organizing committee member Gopal Timalsena aka Sisir Sharma seized the paddy produced in the field of Chudaraj Subedi, Purushottam Subedi, Shyam Subedi and Krishna Subedi on December 4. The UCPN-M cadres also announced the

seizure of the land and houses of the victims. UCPN-M district conference organizing committee member Rajesh Khatiwada said that the land was seized as the land owners did not come to revoke the land which was seized during the conflict. As the victims did not file any complaint about the seizure of land, no action was taken against the accused, DSP at District Police Office, Yub Narayan Baidya said.

Cadres of UCPN-M looted salary of teachers of Panchkanya Secondary School of Wasitharpu VDC-5 in Sailam forest on October 15. A gang of seven persons led by UCPN-M Kirant State Committee member Nakul Rai aka Basanta, 28, had looted salary on gunpoint. Dashain allowance Rs 408,889 was looted from the teachers. The victims filed a complaint at District Police Office on October 18. Police arrested UCPN-M cadre Santosh Rai aka Binam, 21 of Sangrumba VDC-2 of Ilam in Panchthar. Saying that seven UCPN-M cadres including Rai were involved in looting teachers' salary, police filed a case at District Court and it ordered to remand them in custody on December 4. Search for absconding other accused including UCPN-M cadres including Umesh Rai aka Gajam, 21, of Yu VDC-4, Nakul Rai aka Basanta, 28, of Okhe VDC-4, Jay Kumar Rai aka Sanjog, 27, of Basikhor VDC-5 was underway. Tikaram Pradhan, UCPN-M district conference organizing committee member said that there was no involvement of the party in the looting of the teachers' salary. He said that those involved in the looting are not in the contact with his party.

### **HEALTH SERVICE SITUATION**

There is a government hospital, 16 health posts and 44 sub-health posts in Bhojpur district. Out of five available positions of doctors, two are working and three remain vacant. Out of seven available positions of staff nurse, four are

working and three remain vacant. Out of four available positions of Lab Assistants one is working and three remain vacant. Out of 128 available positions of Assistant Health Worker, 89 are working and 49 remain vacant. Out of 86 available positions of AMW, 43 are working and 43 remain vacant. One quota each of Vaccine Supervisor, TB/Leprosy Supervisor is occupied. Out of four available positions of Health Assistants, one is working and three remain vacant.



## 1.10 Sankhuwasabha



<b>Headquarters :</b>	Khandbari
<b>Area in Sq. Km :</b>	3,480
<b>No. of Households :</b>	34,624
<b>No. of Population :</b>	158,742
<b>Male :</b>	75,225
<b>Female :</b>	83,518
<b>No. of PwD :</b>	4,054
<b>No. of VDC(s)/Municipality(ies) :</b>	33/1
<b>Male Literacy :</b>	54,233
<b>Female Literacy :</b>	49,347
<b>Religion Hindu (%) :</b>	42.73
<b>Buddhism (%) :</b>	15.28
<b>Islam (%) :</b>	0.03
<b>Kirat (%) :</b>	28.75
<b>Christianity (%) :</b>	1.47
<b>Prakriti (%) :</b>	0.11
<b>Jain (%) :</b>	0.04
<b>Undefined (%) :</b>	0.254
<b>Human Development Index :</b>	4.58

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 25 inmates at a time. A total of 84, including 63 convicted and 21 detained inmates were held there at the end of the year. Prison building was constructed 26 years ago.

The inmates are staying in the old dilapidated building at the end of the year. A four-roomed building is under construction, said jailer Dambar Katwal. Facilities such newspapers, television and telephone services are provided to the inmates, the jail administration informed.

## THREATS/BEATINGS By UCPN-M

Surya Bahadur Tamang, 21, of Syabun VDC-3 was abducted by UCPN-M cadres Dhiraj Rai, 22, Jagat Rai, 29, Krishna Rai, 38, Karna Rai, 42, Ganga Tamang, 49, of Jaljala VDC-1, Chandra Bahadur Neupane, 50, of Jaljala VDC-5 and Nima Sherpa, 60, of Jaljala VDC-2 on November 9. Tamang was heading to a nearby jungle to collect grass when Dhiraj, Krishna and Jagat called him, showed Khukuri and overpower him from where he managed to escape. Saying that UCPN-M cadres followed him to his home and threatened, Tamang in his FIR on November 17 demanded action against them. He claimed that 12 UCPN-M district leaders including Ganga Tamang, Karna Rai and Chandra Bahadur Neupane were trying to kill him. Tamang said that he went into hiding in Chainpur for few days following the incident. Jaljala Police Post negotiated with the both parties on November 23 ending the issue in compromise. UCPN-M district member Rajendra Thapa claimed local youths were involved in the incident adding Tamang tried to stop UCPN-M from capturing cardamom field of Ramshwor Shrestha.

Types of Events	By Non-State		
	Female	Male	Total
Beatings		1	1
Child Rights	10		10
Economic, Social Rights and Cultural Rights		2	2
Injured		10	10
Killing	2	2	4
Threats		1	1
Women Rights	7		7
<b>Total</b>	<b>19</b>	<b>16</b>	<b>35</b>

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011- July 15, 2012**

The District Court with one judge decided 113 criminal cases and 53 remained pending, 137 civil cases were decided and 62 cases remained pending.

### **July 16, 2012-December 31, 2012**

The District Court with one judge decided 27 criminal cases and 60 remained pending. 27 civil cases were decided and 89 cases remained pending.

## **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 88 cases between July 17, 2011 and July 15, 2012, out of which 46 cases were won and six cases were lost. The Office, with one government attorney, informed that 36 cases filed until July 16, 2012 remained pending.

Among the filed 10 murder cases, seven cases were won and three lost. Out of 15 rape cases, four cases were won and two lost. Both of the trafficking cases remain pending. Out of five polygamy cases, three cases were won and two were pending.

The Office of the District Government Attorney filed 59 cases between July 16, 2012 and December 31, 2012, out of which 13 cases were won and one case was lost. The Office, with one

government attorney, informed that 45 cases filed until July 15, 2012 remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 49,442 children of school going age, 24,350 boys and 25,092 girls enrolled in schools of primary and secondary level. Among them, 2,277 girls and 2,152 boys were dalits. 1,080 teachers were at primary level in government and community schools. 264 teachers were at lower-secondary level in government and community schools. 211 male teachers were at secondary level in government and community schools.

3,107 boys and 2,755 girls were attending Early Child Development Center in the district among which 274 boys and 272 girls are dalits.

District Education Office did not have an updated data related to education.

## **Rape, Attempt to Rape, Sexual Abuse**

A complaint was filed at Chainpur Area Police Office against Ganesh Bahadur Adhikari, 30, of Kharang VDC-2 on February 1 on charge of raping a 13-year-old girl by taking her 200 meters far from home on January 31. The girl's health was checked at District Hospital on the same day. ASI Machhindra Bhandari said victim's T-Shirt and Adhikari's hat was recovered from the site. The Chainpur Police filed a case in the District Court on February 1. Adhikari remained at large by the end of the year.

Mohan Jimi, 43, of Tamaphok VDC-6 was arrested by Chainpur Area Police Office on February 25 for allegedly raping a 14-year-old girl on February 24. Police filed a rape case against the accused in the District Court on February 29. The accused was remanded in custody following an order from the District Court on March 11.

Police arrested Amrit Rai, Constable at Tamku Area Police Post on March 28 for allegedly raping a 17-year-old girl on the same day. The victim was raped while she had gone to attend her final exam in Tamku exam center. Following the incident, the victim could not attend her final exams. The accused was remanded in custody by the District Court on April 18.

Police arrested Kamal Gurung, 29, of Matsyapokhari VDC-6 on April 6 for allegedly raping a with physical and mental disability 13-year-old girl. The victim was raped while she had gone out to feed the cow. Police filed a rape case against accused in the District Court on April 11. The accused was remanded in custody following an order from District Court on April 19.

A 15-year-old girl was gang raped in a hotel in Khandbari allegedly by Bhupal Man Karki, 19, of Makalu VDC-3 and Chyanduk Bhote, 27, of Hatiya VDC-8 on July 2. She filed a complaint at District Police Office on July 3 and police arrested the accused on the same day. The accused were remanded in custody following an order from the District Court on July 22.

### **Child Marriage**

Raju Lama, 28, of Kathari VDC-3 of Udaypur district married a 13-year-old girl on June 11. The girl's said Lama, who is a bus helper, forcefully took her to Dharan on June 7. The girl's mother filed a complaint at Chainpur Area Police Office on June 12. Police arrested the accused on June 17 and filed a case in the court on June 18. The accused was remanded in custody following an order from District Court on July 5.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

A 40-year-old woman, alleging that Tul Bahadur Gurung, 53, of Matsyapokhari

VDC-4 raped her on August 16, filed a complaint at police on August 17. Police arrested the accused on August 29. Police filed a case of rape against the accused on August 30. Court ordered pronounced a verdict of five years of imprisonment along with Rs. 50,000 as fine in the name of the accused on December 11.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Ananda Kumari Rai, 35, of Diding VDC-9 was killed by her husband Man Kumar Rai and his second wife Yamuna Rai on February 14. Paternal family of the deceased said that the victim died as after she was beaten and thrown down from a hill. SI Shyam Raut of District Police Office said that after second marriage, Ananda Kumari used to have spats with her husband. An FIR was lodged by victim's daughter Anu Rai, 7, and her sisters Susma Rai and Namrata Rai. Police arrested the accused on February 15 and filed a murder case against them on February 16. The accused were remanded in custody following an order from District Court on March 6.

Sukh Maya Rai, 28, of Num VDC-7 was killed by husband Dil Bahadur Rai, 44, on October 20. The incident came to light after the brother of the accused Yurraj Rai filed an appeal on October 22 claiming that his brother had killed Sukh Maya. Police filed murder case against the accused at District Court on October 30. The accused remained at larger until the end of the year.

### **Polygamy**

Kedar Panta, 27, of Dhupu VDC-3 married for second time with Tanka Kumari Adhikari of same place on November 30. Police arrested him on charge of polygamy on December 12. First wife Saru Karki, 22, filed a complaint at District Police Office on December 11. Police filed a polygamy



case against the accused on December 13. He was released by paying Rs. 25,000 bail on December 27.

Kaluman Tamang, 40, husband of Nir Maya Tamang, 44, of Barhabise VDC-1, father of one son and two daughters had married another woman Sagun Maya Tamang, 28, of Belbari VDC-8 of Morang district on February 5. First wife Nir Maya filed a complaint against Kaluman and Sagun Maya on December 16. They were arrested on the same day.

### **Mistreatment**

The Chainpur Area Police Office arrested Purna Bahadur Gurung, 20, of Maming VDC-7 on July 6 for allegedly molesting a 29-year-old woman in Maming Bazaar on July 5. Police filed a case of public offense against him on the same day. The District Court fined Rs 10,000 on July 22, but he could not manage the sum. The accused remained in custody until the end of the year.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **By CPN-M (Matrika)**

Matrika led CPN-M announced the seizure of a house belonging to Naradmani Dahal, of Madirambeni VDC-1 on May 10. The party seized the house saying that UCPN-M had seized the house during the conflict and sold it. As the house which was seized by UCPN-M during the conflict was sold at Rs 450,000 to Matrika Subedi of Madirambeni VDC-1, the house was seized again by his party, said CPN-M district secretary Chhatra Mani Adhikari. The house was under the seizure of the party by the end of the year.

Matrika led CPN-M announced the seizure of 50 ropanis of land belonging to Parshu Ram Thapa, of Sitalpati VDC-1 on May 25. A group of 20 persons led by Janasurakshya Bal district in-charge, Aakash had sized the land and erected party flags. As Thapa had registered the land belonging to a local Mahabir Baniya forcefully, the land was seized, said CPN-M district secretary Chhatra Mani Adhikari. The land was under the seizure of the party by the end of the year.

### **HEALTH SERVICE SITUATION**

There is a government hospital, 16 health posts and 20 sub-health posts in Sankhuwabha district. Out of five available positions of doctors, one is working and four remained vacant. Out of six available positions of staff nurse, two are working and four remained vacant. One available position of Lab Assistant was occupied. Out of 77 available positions of AHWs, 47 were working and 30 remained vacant. Out of 47 available positions of Auxiliary Mid-Wife, Out of 22 available positions of Health Assistants, 11 are working and 11 remained vacant.

### **FOLLOW-UP**

#### **By Khumbuwan Mukti Morcha**

The police arrested Dipesh Roka, 20, and Hem Bahadur Neupane, 29, of the same VDC on January 14, on charge of their involvement in the explosion at Madi Hotel of Chainpur VDC-4 on December 26. The accused were the cadres of Khumbuwan Mukti Morcha. The accused were released on bail amount of Rs 40,000 on February 4.



## 1.11 Saptari



Headquarters :	Rajbiraj
Area in Sq. Km :	1,363
No. of Households :	121,098
No. of Population :	639,284
Male :	313,846
Female :	325,438
No. of PwD :	8,044
No. of VDC(s)/Municipality(ies) :	114/1
Male Literacy :	196,705
Female Literacy :	134,449
Religion Hindu (%) :	85.73
Buddhism (%) :	4.68
Islam (%) :	8.92
Kirat (%) :	0.06
Christianity (%) :	0.05
Prakriti (%) :	0.01
Jain (%) :	0.03
Undefined (%) :	0.521
Human Development Index :	5.28

### CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

#### By Unidentified Group

Ramesh Chaudhary, 30, of Nengada VDC-6 was stabbed to death by a group of unidentified people on January 5. His dead body was recovered from a farm of same VDC-8 on January 6. A postmortem of the deceased was held in Rajbiraj Hospital on the same day. The accused of the incident is yet to be known, the police said.

Dambar Prasad Bhattarai, 36,

and his wife Kaushilya Bhattarai, 31, of Jandaul VDC-8 were hacked to death by an unidentified group on December 31. According to SP Sanjaya Singh of District Police Office, the victim's dead body was found in their bedroom on January 1. Dipesh Bhattarai, the victim's eldest son said that the victims were killed by a group of about eight men by beating and strangulating with towel during the night. The victim's dead body was handed to their family members following postmortem held in Rajbiraj Hospital on the same day.

#### By Others

NC cadre, Indra Narayan Yadav, 50, of Saraswar VDC-6 was shot dead by Tarakant Yadav, 61, of Gaura Tole in Saraswar VDC-5 in the night on July 12. A clash had occurred between the two sides regarding the VDC budget and users committee and also previous dispute. The postmortem of the body was conducted at Ram Udgar Smarak Hospital in Lahan Municipality-3, Siraha on July 13. Police arrested accused Tarakant and his son MJF Nepal regional member Dipendra Kumar Yadav, 36 on July 13. One 12 bore gun, 15 rounds of bullet and two bullet castings were recovered from their house. Both were remanded in custody on August 15. Rajendra Prasad Yadav, 51, of Saraswar VDC-5 was sent to Jail on remand on October 2 for giving command to shot at Indra Narayan. Except for Tarakant and Rajendra, other nine accused were released on date.

### JAIL AND DETAINEES

The 'D' grade District Jail has the capacity for 125 inmates. However, a total of 199 inmates, including 94 convicted and 105 detainees were residing in the jail. Out of them, a total of 196 are males and three are females. The inmates have the problem for sleeping during night because

Types of Events	By State				By Non-State		
	Female	Male	N/A	Total	Female	Male	Total
Abduction						9	9
Beatings	5	7		12		11	11
Child Rights					5		5
Inhuman Behavior					1	1	2
Injured						1	1
Killing					5	9	14
Racial Discrimination					2		2
Right to Assembly	4	3	7	14			
Threats		1		1			
Women Rights					26		26
<b>Total</b>	<b>9</b>	<b>11</b>	<b>7</b>	<b>27</b>	<b>39</b>	<b>31</b>	<b>70</b>

of overcrowding. There is not enough land for the construction of the jail building due to the encroachment of the Jail's land. Due to long periods of judicial custody of the inmates, some for five years, the jail has become crowded. The inmates have the facilities of sports materials, newspapers etc., Jailor Bhagawat Yadav said, adding a new building is required to accommodate the inmates properly.

Umesh Yadav of Sakarpur VDC-8, Ansarul Minya of Kalyanpur VDC-2, Satyanarayan Mandal, 39, of Lohajara VDC-4, Prashant Khang of Pipra VDC-6 and Dambar Sharma, 27, of Bakdhuwa VDC-1 were severely injured on September 5 when a clash occurred between two groups of inmates inside the jail. According to the injured, the clash ensued following tussles during the discussion of food and shop management for the inmates. The injured were treated at Sagarmatha Zonal Hospital, Rajbiraj and Neuro Hospital, Biratnagar. According to the jail accountant, a total of Rs 4.3m was spent for their treatment. The jail administration transferred some inmates to Area Police Office Rupanee when another clash occurred between the inmates on September 11.

## DISAPPEARANCE/ ABDUCTION

### By Unidentified Group

UML regional member, Jayalal Yadav, 57, of Deuri VDC-3 was abducted on January 27 from his home at around 8 pm. According to the victim's family members, a group of five unidentified people came with weapons had abducted Yadav. However, he fled from his captors on March 28.

## THREATS/BEATINGS

### By State

The huts constructed by Dalit people of Shambhunath VDC-7 and 8 were set ablaze by a group of police personnel on June 12. The police baton charged the dalits on charge of obstructing clearance of the huts when they protested. Sebaki Devi Sardar, 25, Chandradevi Sardar, 35, Gulabidevi Sardar, 40, of Shambhunath VDC-7 and Malatidevi Sardar, 42, were injured in the incident. Gulabidevi received injuries to head and legs. CDO Hariraj Pant said that the police had to use force when the people did not follow the order of District Administration Office. He said that his Office had ordered them not to construct huts by encroaching government's land.

Reporter of Nagarik daily Jitendra Kumar Yadav, 27, of Rajbiraj Municipality-8 was verbally abused in District Development Office's premises by a group of police led by inspector at District Police Office Nandalal Sah on October 7. The police had also snatched his camera during the incident. Sah was abused by the police while taking photos of the protest organized by 12 political parties. The

political parties had organized the protest to padlock the District Development Committee. The police returned his camera on the same day on the initiation of FNJ.

### **RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)**

Eight people who were protesting in Rupani Chok of Rayapur VDC demanding their Muslim community's identity in new constitution were injured due to the police's baton charge on April 20. The central members of Tarai Madhesh Loktantrik Party Mahendra Yadav, Mohambad Yadab Rain, Yunush Minya, Anawar Minya of Raypur VDC, Rahamul Minya, Asin Minya, Rojit Minya of Maleth VDC, Ajim Minya of Pansera VDC and Juber Ansari of Rajbiraj Municipality were injured during the incident. In the same incident, police arrested the then state minister Anish Ansari, central member of Yakun Rain, UML district committee member Mohambad Islam Minya, NSU cadre Irshad Ansari, UCPN-M leader Kalamuddin among 34 people were arrested and released after two hours by the police.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

#### **July 17, 2011- July 15, 2012**

The District Court with five judges decided 748 criminal cases and 789 remained pending. A total of 1,940 civil cases were decided and 2,194 cases remained pending. A total of 92 criminal cases and 277 civil cases older than two years remained pending.

#### **July 16, 2012-December 31, 2012**

The District Court with five judges decided 246 criminal cases and 802

remained pending. Similarly, 682 civil cases were decided and 2,044 cases remained pending. A total of 114 criminal cases and 269 civil cases older than two years remained pending.

### **APPELLATE COURT**

#### **July 17, 2011- July 15, 2012**

The Appellate Court with seven judges decided 374 criminal cases and 501 remained pending. Similarly, a total of 551 civil cases were decided and 619 cases remained pending. A total of 10 criminal cases and 14 civil cases older than two years remained pending.

#### **July 16, 2012 -December 31, 2012**

The Appellate Court with seven judges decided 67 criminal cases and 693 remained pending. Similarly, a total of 100 civil cases were decided and 935 cases remained pending. A total of 20 criminal cases and 16 civil cases older than two years remained pending.

### **The Office of the District Government Attorney**

Between July 17, 2011 and July 15, 2012, the Office of the District Government Attorney, which has two attorneys, filed 15 murder cases of cases, 13 were rape cases, 11 abduction cases, one was racial discrimination and two cases were of ill treatment on charge of practicing witchcraft. All cases remained pending at the end of the year.

Between July 17, 2011 and July 15, 2012, the Office of the District Government Attorney, which has two attorneys, informed that 12 cases filed were until July 15, 2011 remained pending. Out of them, five were murder cases, three cases were of abduction and one case was witchcraft.

## **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT**

ANNFSU central committee members, Akhilesh Kumar Jha, 32, of Rajbiraj Municipality-2 and Durgananda Thakur, 27, of Raypur VDC-8 were severely beaten by the police in custody on October 14 on charge of waving black flags to the PM. A team of policemen of SI Kulananda Chaudhary of Police Base Camp Lohajara, ASI Rabindra Chaudhary, Police Base Camp Patthargada, Head Constable Suresh Prasad Yadav and Constable Ram Pukar Yadav of District Police Office beat them leaving them with bruises and wounds all over the body. They were treated at BPKIHS in Dharan. As a part of departmental action, promotion of Head Constable Suresh and Constable Ram Pukar was stopped for two years while warning was delivered to SI Kulananda and ASI Rabindra.

## **CHILD RIGHTS**

### **Situation of Education**

Among the children of school going age, a total of 77,897 boys and 79,808 girls enrolled in schools of primary and secondary level. Among them, a total of 24,260 were girls and 23,911 boys were dalits. There are a total of 1809 teachers are at work. Out of them, a total of 268 and 234 are secondary level.

A total of 7,806 boys and 7,725 girls are attending in Early Child Development Center in the district. Among them 2,079 boys and 2,112 girls are dalits. The district's female literacy rate is 42.566 percent whereas male literacy rate is 66.968 percent. District Education Office did not have an updated data related to education.

### **Closure of Schools**

Madarasa Rahamaniya Darul Koran School of Maleth VDC-9 remained closed from April 27 to August 31 due to the

tussle between the head teacher Maulana Abdul Rahaman Kasmi and the chairperson of school management committee Mohambad Inush. The school resumed its regular activities from August 29 when an agreement reached between both sides to create the school's account on both people's names. The long time bandhs disrupted the educational activities of 155 students of the same school.

Disrupting the educational activities of the school, Sanghiya Sadbhawana Party organized a party orientation meeting in Lower Secondary School, Thanagachhi of Rajbiraj Municipality-7 on September 24 and September 25. A total of 191 students were deprived of education due to the programme which was organized in the presence of the chairperson of the same party for two day programme.

### **Rape, Attempt to Rape, Sexual Abuse**

The family members of a 12-year-old girl filed a complaint against Anil Kumar Mandal of Chhinnamasta VDC-2 and currently teacher of Chhinnamasta Boarding School at District Police Office on May 10 on charge of raping her on April 14. The teacher had asked to go to home to their students and had raped the victims who had gone to take tuition. She was treated at Unique Hospital of Rayapur VDC on April 14. The hospital also reported about the victim's rape. The accused against whom an order was issued to present himself in the District Court on June 19 was remanded in custody on August 6.

An 8-year-old girl was raped by a 14-year-old boy on June 3 near her home. The victim's health checkup was held in Sagarmatha Zonal Hospital at Rajbiraj on June 4. The victim lodged a complaint against the accused on the same day. Based on the complaint, he was arrested by police on the same day. He was remanded on



custody as per the order of the District Court on June 28.

### **Girl Trafficking**

A 14-year-old girl of Kushaha VDC-4 was lured and trafficked to Simara of Bara district by Bimal Kishor Gupta, 25, of Paterwa VDC-8 and residing in the victim's house on December 23. The police rescued the victim from Simara on December 31 and handed her over to her family members on January 1, 2013. The police lodged the case under human trafficking at District Court on January 1, 2013. Police said investigation of the incident was going on.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

An 18-year-old woman filed a complaint against Mohambad Isarai Khalipha Minya of Bakadhuwa VDC-6 on April 5 on charge of raping her. He was arrested on the same day. The victim's health checkup was held in Sagarmatha Zonal Hospital on the same day. The accused was remanded in custody following the District Court's order on April 27. The District Court decided five year's jail sentence and fined Rs 15,000 on November 5.

A 27-year-old woman filed a complaint against Ganesh Mandal, 24, and Jeet Mandal, 26, of Simraha Singyaun VDC-7 on August 8 accusing them of raping her. They were arrested on the same day. The police lodged the case under rape on September 5. The victim's health checkup was held in Sagarmatha Zonal Hospital on August 12. District Court issued a arrest warrant against the accused on September 11. However, they remained absconded until the end of the year.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Sunita Paswan, 28, of Badagama

VDC-2 was killed by her husband Mahendra Paswan, 30, on April 7 accusing her of infidelity. Mahendra confessed to his crime at Area Police Office on April 8. Dinesh Paswan, the deceased's father lodged a complaint against the accused at Area Police Office on the same day. The accused was sentenced to life imprisonment by District Court on September 27.

Pabitra Devi Mahato, 35, of Rupnagar VDC-8 was found dead at her home on October 15. The neighbors suspected the husband Lelai Mahato could have been the killers as he was absconding from the day of the incident. They added that Lelai used to beat her in drunken state. Police said the bruises all over her body inflicted by bamboo stick raised possibility of murder. The postmortem of the body was conducted at Sagarmatha Zonal Hospital on October 15. Lelai's brother Gopal Mahato and mother Jahadi Koiri accepted the body for final rites.

### **Expelled from Home**

Parbati Devi Yadav, 21, of Itahari Bishnupur VDC-4 was evicted from home by her husband Kapileshwar on June 7. The victim who was staying at her maternal home in Itahari Bishnupur VDC-7 lodged a complaint at District Administration Office on December 16 demanding citizenship, management of food, cloths etc. According to the victim, her husband began torturing her following one month into her marriage. Kapileshwar had second marriage on April 25. Women and Children Cell of District Police Office was trying to reconcile both.

### **Beating**

Laxmi Mandal, 21, of Launiya VDC-5 was beaten up by her husband Shreeram Mandal on September 9 demanding dowries. The victim was treated at Sagarmatha Zonal Hospital on August 20. The victim had signed in white paper

on June 19 when Shreeram, who frequently beat her up, promised not to repeat such incident in future. However, the victim said that the accused began to beat her up demanding motorcycle and furniture from the victim's maternal home. The victim lodged a complaint at Women and Children cell of District Police Office on September 10. The victim was treated at Sagarmatha Zonal Hospital on September 14. Laxmi had lodged a complaint demanding inherited properties of the perpetrator on October 8. She was staying at her maternal home in Rajbiraj Municipality-9.

### **Polygamy**

Babita Kumari Yadav, 28, of Goithi VDC-9 lodged a complaint against her husband Barun Yadav aka Mahendra, 35, for getting second marriage with Pramila Kumari Koirala, 27, of Hansposa VDC-2 on May 14. Pramila was released on August 28 and Barun on September 16 after depositing Rs 15,000 on bail.

Shilu Jha Mishra of Mainakaderi VDC-3 filed a complaint against her husband Pranit Mishra on August 29 for getting second marriage with Bani Mishra. The District Police Office registered the case on October 8. Shilu, diabetes patient, did not have any child. She was staying at her maternal home in Rajbiraj Municipality-2.

### **Mistreatment**

Sujan Devi Yadav, 35, of Barahi Birpur VDC-5 was beaten up by her brother-in-law Badri Narayan Yadav on February 24. The victim was treated at Rajbiraj Hospital. According to Badri, he did so when the shamans- Samjhadevi Ram and her husband Ramdev Ram-accused her of practicing witchcraft. The victim's husband Dharma Narayan Yadav said that the shamman couple and the victim's brother-in-law evicted her from her home by hauling out of the home. An

agreement was reached between both sides on February 26.

## **ALL KINDS OF RACIAL DISCRIMINATION**

Shiva Shankar Das, 21, of Pansera VDC-3 was found injured and unconscious on January 30. He died on February 1 while undergoing treatment at BPKIHS in Dharan. Raj Kumar Das Tatma, 65, the father of the deceased claimed that Jitendra Chaudhary of Pansera VDC-4 and others had forced him to consume poison after calling him fraudulently to their house. Tatma said Chaudhary was angry with Das for having an affair with his daughter. A fact finding mission of DNF conducted from February 28 to March 3 concluded that Das was killed for his relation with a 'so called' higher class. Women Children and Social Welfare Committee of Legislature Parliament, led by CA member Binod Pahadi to study the problem of untouchability and recommend resolution said that it was murder prompted by caste discrimination. After the police refused to register the FIR, the complaint was sent through post office and the police had to registered it on March 18 after getting it on March 14. Tatma filed a case of murder against Chaudhary at District Court on July 29 asking to find evidence. Single bench of Judge Mohan Raj Bhattarai released the accused on general date on July 30. Tatma went to Appellate Court on August 22 claiming the District Court had wrongly released the accused.

Shyamadevi Rajak, 35, of Chhinnamasta VDC-6 was beaten up by Basanta Thakur aka Hasanta, 45, and Sonu Thakur, 21, and Sunil Thakur, 28, on May 31 on charge of touching public tube well. The victim lodged a complaint on June 6 at District Police Office. Accused Basanta and Sonu were arrested by police on the same day and were released after depositing Rs

5,000 on bail. However, another accused Sunil had absconded since the incident.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Destruction of Infrastructure, Property By Unidentified Group**

UML party office in Rajbiraj Municipality-5 was set ablaze by an unidentified group on May 21 while there were no people in the office. A door of the party office was destroyed due to the incident. The neighbors controlled the fire and no further damage was occurred. Issuing a press statement UML demanded severe action against the accused on May 22. The accused were yet to be ascertained by the police until the end of the year.

### **Right to Work in Proper Environment**

Sub-head of the District Post Office Pandab Thakur and post-man Ram Prasad Ihar were beaten up by the cadres of Madheshi Janaadhikar Forum (Loktantrik) on March 4. According to Thakur, they were beaten up on charge of not providing donation to their cadres for the programme, which was being held on March 5. The program was chaired by DPM and party chairperson Bijay Kumar Gachhadar. Nepal Government Employee Association district chairperson Subbalal Mandal demanded severe action against the accused. Three cadres who were arrested by police on the same day were released immediately.

## **HEALTH SERVICE SITUATION**

Shivaram Mandal, 60, of Rampur Jamuwa VDC-30 died due to the lack of Anti Snake Venom on August 1. The victim was brought to the well-equipped hospitals of Sunsari, Itahari, Dharan, Morang and Biratnagar for treatment on the same day. However, he died after he did not get the anti-venom vaccine at any of the hospital on time. Sagarmatha Zonal Hospital had issued a press statement on August 1 to inform about the lack of the vaccine when the Department of Health could not provide vaccines as per its demand. Due to the lack of the vaccine, the patients with snake bites were deprived of health services until August 9. The hospital began administering anti-venom after 100 vials of vaccines were brought from Eastern Regional Medical Store.

There is a government hospital, 17 health posts and 95 sub-health posts in Saptari district. Out of 19 available positions of doctors, 12 were working and seven remained vacant. Out of 23 available positions of staff nurse, 18 are working and five remained vacant. Out of 10 available positions of Lab Assistants, eight were working and two remained vacant. Out of 145 available positions of AHW, 161 were working. Out of 42 available positions of AMW, 34 were working and eight remained vacant. One quota each of vaccine supervisor and TB/Leprosy Supervisor was occupied. Out of 23 available positions of HA, 20 were working and three remained vacant.





## 1.12 Siraha



<b>Headquarters :</b>	Siraha
<b>Area in Sq. Km :</b>	1,188
<b>No. of Households :</b>	117,962
<b>No. of Population :</b>	637,328
<b>Male :</b>	310,101
<b>Female :</b>	327,227
<b>No. of PwD :</b>	6,665
<b>No. of VDC(s)/Municipality(ies) :</b>	106/2
<b>Male Literacy :</b>	177,708
<b>Female Literacy :</b>	123,100
<b>Religion Hindu (%) :</b>	90.19
<b>Buddhism (%) :</b>	1.73
<b>Islam (%) :</b>	7.46
<b>Kirat (%) :</b>	0.07
<b>Christianity (%) :</b>	0.06
<b>Prakriti (%) :</b>	0.12
<b>Shikha (%) :</b>	0.001
<b>Undefined (%) :</b>	0.364
<b>Human Development Index :</b>	5.40

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING**

#### **By State**

Ramswarup Paswan, 62, of Hanumannagar VDC-7 sustained serious head injury on January 23 while participating in the sit-in organized by UML in front of District Administration Office. Paswan had returned home following the treatment at Siraha Hospital and died on February 6 while going to the same hospital for follow up. UML cadres

staged protest several times demanding to declare him a martyr, to form a high-level judicial investigation committee and to take action against the accused.

When the government promised to form high-level judicial investigation committee and provided Rs 1m to the victim's family members, UML district Chairperson Lilanath Shrestha announced end of the protest. NHRC and other human rights organizations also conducted fact-finding mission on the incident. Some 40 UML cadres were also injured in the same incident. Although the high-level judicial committee submitted a report to the government, no action was taken against the accused involved in the incident. According Shrestha, the government did not provide Rs 1m to the victim's family at the end of the year.

#### **Clash**

Sanjay Sah, 18, and Ramod Singh, 22, of Lalpur VDC-4 were killed in the firing by the APF team in a jungle bordering Siraha and Udaypur in Chandroudypur VDC-1 on March 21. The deceased were members of a group of abductors intercepted by the APF team from Golbazaar Area Police Office leading to exchange of fire. The APF team had arrived there after a tip off that the gang had kept local businessman of Golbazaar in Asanpur VDC, Bijay Sah after abducting him on March 17 and were demanding Rs 1.5m as ransom. Sah said the abductors had inflicting physical and mental torture on him.

### **INJURED IN SHOOTING/ EXPLOSION**

#### **By Unidentified Group**

District chairperson of MJF (Loktantrik), Ram Charitra Sah, of Asanpur VDC was shot injured by an unidentified group on January 25 while he was sleeping in a woman's home of ward

no. 6 at same VDC. The bullet had entered through the ventilation of the home. Sah was treated at BPKIHS, Dharan. According to police, the cause of the incident was yet to be ascertained.

## JAIL AND DETAINEES

The 'D' grade District Jail has the capacity for 150 inmates. However, a total of 158 inmates including 40 convicted and 118 detainees are residing inside the jail. There are two dependents including one boy and one girl in the jail.

The jail is in dilapidated condition. According to female inmates, they have two separate blocks for male and female inmates, they are having difficulty because the visitor's room was same. The jailor Babita Mahato said seven tube wells were provided to the inmates for water supply and the jail provides bed cloths every two years. Although there is the facility of newspaper, it is not regular. The jail provides 700 grams rice and Rs 45 per day to the inmates. Every Dashain, the inmates are provided extra Rs 300 as a festival allowance. There is a quota for the doctor but no doctors were at work at the end of the year. The jail is facing the problem to transport the inmates to and from District Hospital for health checkup due to the lack of official vehicle.

## DISAPPEARANCE/ABDUCTION

### By Unidentified Group

Ramkaran Das, 45, of Kusaha Laxminiya VDC-4 was abducted by a group of about six unidentified people on January 20 as he was heading home from district headquarter. Technical assistant at Kusaha Laxminiya VDC, Das was abducted by the group of people from Kataniya of Tenuwapatti VDC arriving in a motorcycle with the number plate Sa 2 Pa 2486. Deep Das who was abducted along with

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction					7	7
Arrest & Torture		1	1			
Beatings	1	7	8	3	6	9
Child Rights				4	1	5
Inhuman Behaviour				1	3	4
Injured					3	3
Killing		4	4	5	9	14
Racial Discrimination				1	1	2
Right to Assembly	1	3	4			
Threats					1	1
Women Rights				10		10
<b>Total</b>	<b>2</b>	<b>15</b>	<b>17</b>	<b>24</b>	<b>31</b>	<b>55</b>

Ramkaran was released by the same group with his legs and hands tied. According to Ramkaran's family members, he was released on January 23 near the border of Nepal and India after a ransom was provided to the abductees. However, they did not disclose the amount of ransom. SP Rajesh Kumar Lal Karna at District Police Office said that investigation of the incident was underway but the perpetrators were yet to be booked at the end of the year.

Radheshyam Yadav, 24, of Mahadeva Portaha VDC-8 was abducted by an unidentified group on June 6. According to the victim's family members, Yadav was released from India after 40 days in captivity after depositing Rs 950,000 as ransom. Yadav who worked in Asian Life Insurance Company was abducted at around 5 pm while heading home from a barbershop near the bazaar. According to the victim, he was kept in Jayanagar, India. His family members said that they did not file any complaint because of the threat from the abductees.

## THREATS/BEATINGS

### By State

INSEC district representative and FNJ district member Gurusaran Sada and reporter of News24 television Ganesh Sah were beaten and verbally abused by police

on May 30 on charge of monitoring and taking report of the clash occurred between police and local people in Bastipur VDC. Sada was treated at Bhumija Hospital on the same day and referred to Ear Treatment Centre, Siraha for further treatment. The victim received injury to left ear in the incident. Issuing a press statement, different human rights organizations including INSEC condemned the incident. SP at District Police Office, Rajesh Kumar Lal Karna committed to bear victim's treatment cost and promised not to repeat such actions in future by going in the victim's home. NHRC also conducted fact-finding of the incident on June 4. NHRC Janakpur said that they were preparing the report.

#### **By CPN-M**

Head teacher of Janata Higher Secondary School of Chandralalpur VDC-1 and Yogendra Prasad Yadav, 56, of Malhaniya Gamhairya VDC-5 was beaten up by a group of CPN-M (Matrika group) cadres led by Ram Kumar Mahato including some parents in his chamber on January 31. The local people said that they beat him up when he did not care about their concerns. The local people had gone to discuss about the recruitment of teachers and the school management committee.

#### **RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)**

Rajda Khatun, 32, of Lahan Municipality-5 was injured in police baton charge on October 18 when she was involved in picketing and padlocking of Lahan Municipality Office called by NC cadres. She was treated at Nobel Hospital, Biratnagar. Khatun said they proceeded to lock out after the administration did not heed their repeated demand for financial transparency and to reduce sharp rise in

integrated property tax. Police had charged the NC cadres after they pelted stones at police inflicting head injuries to ASI Niraj Khadka and taken to Lahan Hospital.

#### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

##### **July 17, 2011- July 15, 2012**

The District Court with three judges decided 349 criminal cases and 489 remained pending. Similarly, a total of 1,255 civil cases were decided and 1,771 cases remained pending.

##### **July 16, 2012-December 31, 2012**

The District Court with three judges decided 111 criminal cases and 125 remained pending. Similarly, a total of 552 civil cases were decided and 164 cases remained pending. A total of 69 criminal cases and 331 civil cases older than two years remained pending.

#### **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 49 cases between July 17, 2011 and July 15, 2012, out of which 36 cases were won and 13 cases were lost. Two cases remained pending. The Office, with two of government attorneys, informed that 134 cases filed until July 16, 2012 remained pending.

Among the filed 24 murder cases, 15 cases were won and nine lost. Out of six rape cases, four cases were won and two lost. Out of five cases of abduction, four were won and one case lost. Out of a total of four trafficking cases, two were won and two lost.

The Office of the District Government Attorney filed 89 cases between July 17, 2012 and December 31, 2012, out of which 25 cases were won. The Office, with two of government attorney, informed that 134 cases filed until July 16, 2011 remained pending.

## **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT**

Harish Chandra Mahato, 46, of Ayodhyanager VDC-6 was arrested by a team of armed police force at Armed Police Force base camp on January 14 without arrest warrant. The police severely tortured the victim by binding his hands and eyes near the Gagan Khola of same place. According to the victim, he was placed in a ditch by police at gunpoint and made to accept the killing of Sandip Yadav and show the place of Yadav's burial. When the victim expressed his ignorance about the incident, he was brought to Golbazaar Area Police Office, Golbazzar. The victim said that he was then brought to Area Police Office, Mirchaiya on the same night and to the District Police Office on the following day. The victim was made public on January 15 following the initiation of right activists. He was released on January 19 from District Court's order on the same day.

## **CHILD RIGHTS**

### **Situation of Education**

Of 134,602 children of school going age, 64,650 boys and 69,952 girls were enrolled in schools of primary and secondary level. Among them, 20,416 girls and 20,975 boys were dalits. A total of 1,703 teachers are at work in primary level government and community schools. Similarly, a total of 312 teachers and a total of 279 teachers were at work in Lower Secondary and Secondary level in government and community schools respectively. District Education Office did not have an updated data related to education.

### **Rape, Attempt to Rape, Sexual Abuse**

Police arrested Ghuran Yadav, 38, of Govindapur VDC-2 and currently staying at Lahan Municipality-3 on charge of raping a 17-year-old girl on August 30.

The victim's friends had informed the police when she began to shout. The victim said that Yadav attempted to rape her during the load shedding's period at around 10 pm. The accused was released as per the order of District Administration Office after depositing Rs 28,000 on September 11.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

Birendra Sah and Surendra Sah of Musaharniya of Dhangadhi VDC were accused of raping a 22-year-old woman with mental disability on December 31. Team from Dhangadhi Area Police Office said that the accused fled when they arrived at the village. The family said the incident occurred when she had gone to graze goats. Ward Police Office's Inspector Dhakendra Khatiwada said that the woman was taken to Sagarmatha Zonal Hospital in Rajbiraj for medical checkup. No one was arrested until the end of the year.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Sanechari Khatun, 28, of Taregana Govindapur VDC-7 was beaten up by her husband Sahamad Miya on December 1. Seriously wounded Khatun died in Ganesh Clinic, Lahan on December 2 while undergoing treatment. The victim was beaten up when a dispute erupted on domestic expenditure ensued between the couple. The Ward Police Office said that it had arrested Ganesh Sah who was involved in the victim's treatment and her husband. According to police, the investigation of the incident is underway. The victim's dead body was handed over to her family members following a post mortem at Lahan Hospital on December 3. Ward Police Office said that Ganesh was arrested on the basis of the deceased's complaint. Miya was remanded in custody on December 26 and Sah was

released after depositing Rs 30,000 as per the District Court's order, said Inspector Dhakendra Khatiwada.

### Polygamy

Rampyari Ram of Lahan Municipality-1 lodged a complaint at District Police Office, Lahan on June 30 for getting second marriage with Punam Ram, 21, of Amaha VDC. According to victim, she was beaten up by her husband when she condemned his second marriage. According to police, the investigation of the incident was underway and the accused was arrested on the basis of the victim's complaint.

Soni Sahani, 25, of Lahan Municipality-4 lodged a complaint against her husband Dev Narayan Sahani, 31, at Ward Police Office, Lahan on December 20 for getting second marriage with Aasa Mandal of same place on December 1. According to victim, she was beaten up by her husband when she condemned his second marriage. As per the victim's complaint, the accused Devnarayan and Aasa were arrested and investigation of the incident was underway, police said.

### HEALTH SERVICE SITUATION

There are two government hospitals, 20 health posts and 84 sub-health posts in Siraha district. Out of seven available positions of doctors, one was working and six remained vacant. Out of eight available positions of staff nurse, four were working and four remained vacant. All of seven available positions of Lab Assistants were occupied. Out of 184 available positions of AHW, 67 were working and 117 remained vacant. Out of 85 available positions of AMW, 67 were working and 18 remained vacant. One quota each of vaccine supervisor and TB/Leprosy Supervisor was occupied. Out of 27 available positions of HA, one was working and 26 remained vacant.



## 1.13 Udaypur



Headquarters :	Gaighat
Area in Sq. Km :	2,063
No. of Households :	66,557
No. of Population :	317,532
Male :	149,712
Female :	167,820
No. of PwD :	7,781
No. of VDC(s)/Municipality(ies) :	44/1
Male Literacy :	106,591
Female Literacy :	97,535
Religion Hindu (%) :	72.57
Buddhism (%) :	12.12
Islam (%) :	0.68
kirat (%) :	9.89
Christianity (%) :	2.39
Prakriti (%) :	2.11
Bon (%) :	0.01
Undefined (%) :	0.238
Human Development Index :	4.77

### CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'E' grade District Jail has the capacity for 50 inmates. However, there were a total of 215 inmates including 67 convicts and 148 detainees. There was no dependent children in the jail. The District Jail was constructed in 1982.

### THREATS/BEATINGS

#### By State

Owner of a mini-truck with number plate, Ba 2 Kha 5686, Chet Narayan Dhakal

and and contractor Nir Bahadur Shrestha were beaten up by a police team on plain cloth and APF on August 24 at around 10 pm. According to the chairperson of OM Haleshi Truck Entrepreneurs Association, Krishna Thapa, Shrestha and Dhakal were beaten up by the police without any provocation while they were going to sleep inside the truck. Protesting against the incident, the truck entrepreneurs had obstructed the vehicles plying on Katari Highway. An agreement was reached between both sides when the police promised not to repeat such incident in future. The protest concluded from 11 am of the same day. The victims did not lodge any complaint.

Former member of Constituent Assembly, Laxmi Pariyar, 36, of Triyuga Municipality-1 was beaten up by APF Constable Ramesh Kumar Tamang, 26 and Suresh Tamang of Triyuga Municipality-8 on April 8 while he was travelling on a bus from Kathmandu to Gaighat. Demanding action against the accused, the victim's younger brother Deepak Pariyar lodged a complaint at District Administration Office on April 28. Based on the complaint, District Administration Office issued an arrest warrant against the accused. The accused Ramesh was released after depositing Rs 10,000 at District Administration Office on July 10. However, Suresh remained absconding at the end of the year.

### **RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election) Bandh**

Demanding be incorporated their demands in new constitution NEFIN, Adibashi Janajati Sambanway Samiti,

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Beatings	4	2	6			
Child Rights				6	1	7
Death in Jail		1	1			
Economic, Social Rights and Cultural Rights					1	1
Injured					1	1
Killing				1	1	2
Women Rights				14		14
<b>Total</b>	<b>4</b>	<b>3</b>	<b>7</b>	<b>21</b>	<b>4</b>	<b>25</b>

Bramhan, Khas Chhetry, Dashnami and Dalit, Tharuhat Struggle Committee called several bandhs in this year. The district remained fully closed for 14 days and partially for 18 days during this year. The district faced a total of 32 bandhs in this year. Out of them, Khas Chhetry Ekata Samaj called for bandh on seven days, Tharuhat Struggle Committee called for six days, Adibashi Janajati Samnwayan Committee called for nine days. The normal life had crippled and the educational institutions, factories, transportations, etc. remained closed due to the bandhs. A clash occurred between the police and obstructers in Gaighat during the bandh called by NEFIN on April 24. Eastern Coordinator of Nepal Tamang Ghedung Sangh, Mohan Gole received minor injury during the clash. He was treated at local clinic on the same day. In the same incident, district chairperson of NEFIN Subash Kirati and other members Man Bahadur Danuwar and Angle Rai were arrested on the same day and released after 11 hours.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

**July 17, 2011- July 15, 2012**

The District Court with one judge decided 112 criminal cases and 213 remained pending. 78 civil cases were decided and 212 cases remained pending.

### **July 16, 2012-December 31, 2012**

The District Court with one judge decided 19 criminal cases and 76 remained pending. 16 civil cases were decided and 67 cases remained pending. One criminal case is older than two years remained pending.

#### **The Office of the District Government Attorney**

The Office of the District Government Attorney, with two attorneys, filed 155 cases between July 17, 2011 and July 15, 2012, out of which 47 cases were won and 39 cases were lost. There were 83 cases until the end of the year. 19 cases were filed between July 16 and December 31, 2012. There were 21 cases pending until July 15, 2012.

Among the filed 14 murder cases, six cases were won and seven were lost. Out of five rape cases, two were lost. All of three cases of abduction were dismissed. Out of a total of seven trafficking cases, three were won and four lost. One case of caste discrimination was won and two of eight polygamy cases were won and one was lost.

#### **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT**

Binda Lama, 45, Narbada Raut, 59, and Urmila Pariyar 35, of Triyuga Municipality-11 were beaten up by police on January 29 while the police were clearing the road obstructed by the protesters. The police had beaten them up on the suspicion of sheltering protestors at their home. The victims were treated at a nursing home for five days. A clash had occurred between the police and the local people when the local people had a scuffle with the tax contractor's staff on the issue of excise duties. In the same event, a team of police led by Inspector at District Police Office, Khagendra Khadka and APF beat up the victims inside their homes.

### **CHILD RIGHTS**

#### **Situation of Education**

Of 100,317 children of school going age, 44,709 boys and 49,270 girls enrolled in schools of primary and secondary level. Among them, 4,835 were girls were dalits. A total of 1,360 teachers are at primary level government and community schools, 424 at lower secondary level are at lower-secondary level in government and community schools and 275 teachers are at secondary level in government and community schools.

A total of 8,198 including 3,866 boys and 4,058 girls are attending 395 Early Child Development Center in the district.

District Education Office did not have an updated data related to education.

#### **Rape, Attempt to Rape, Sexual Abuse**

The family members of a 5-year-old girl lodged a complaint in District Police Office against Jiwan Prasad Dahal, 19, of Chilaune VDC-3 on February 22 on charge of raping her in a farm. Police arrested the accused on February 28. The victim's health checkup was held at District Hospital, Udaypur. The police filed a case at District Court through the District Government's Attorney on March 23. The accused was remanded in custody for investigation as per the order of District Court on March 25. The case remained undecided at the end of the year.

The family members of a 9-year-old girl lodged a complaint on October 10 against Santosh Pariyar, 21, of Hadiya VDC-2 for raping her at her home. According to the victim's family members, the accused raped her by threatening her. Her health checkup was held at District Hospital. According to the police, the accused remained absconding until the end of the year.

#### **Girl Trafficking**

Family members of a 15-year-old girl handed over Jitendra Kumar Shah to



the police on December 10 on charge of trafficking her. The police handed the girl to her family members. The family members lodged a complaint at District Police Office on December 11. Based on the complaint, Shah was arrested on the same day. He was remanded to custody as per the order of District Court on January 8.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

The family members of a 48-year old woman lodged a complaint against Raju Rai, 25, of Rampur Thoksila VDC-2 at Area Police Office, Rampur on May 21 on charge of raping her. The victim's health checkup was held in Primary Health Centre, Rampur on May 29. The victim is now staying with her family members. The accused was remanded in custody as per the order of District Court on June 11.

A 25-year-old woman lodged a complaint against Dev Bahadur Sunuwar, 32, of Sorung Chhabishe VDC-2 at District Police Office on December 3. The accused was remanded in custody and investigation of the incident was underway. The victim was staying with her family members.

## **DOMESTIC VIOLENCE**

### **Killing**

Nir Bahadur, the father of Devi Magar Rai, 31, of Bhima in Handiya VDC-2 filed an FIR at Baltar Area Police Office on August 23 accusing her family of killing her. The postmortem of the body was conducted at District Hospital, Gaighat on August 22. The father claimed that she was killed following domestic dispute. Police arrested Narayanbhakta Rai on August 23. He was remanded in prison on September 13 and was released on bail after depositing Rs 500,000.

### **Polygamy**

Kiran Kumari Raut, 24, Triyuga

Municipality-6 lodged a complaint on May 12 against her husband Shibajee Basnet, 24, of same municipality for getting second marriage with Rita Bhattacharai, 18 of same Municipality-9. The accused was arrested by police on the same day and lodged complaint at District Court through Government District Attorney on May 13. The remanded accused was released on June 7 by depositing Rs 55,000 on bail.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Destruction of Infrastructure, Property By Locals**

The family members of a student, who was killed in the school's premises when the wall collapsed on February 21 at Udayasi Higher Secondary School of Triyuga Municipality-11 vandalized and set ablaze the school's buildings. The police claimed that the property worth Rs 5,000,000 was destroyed due to the incident. The computer, school documents and furniture were destroyed due to the blaze. The police had reached at the spot three hours after the incident.

## **HEALTH SERVICE SITUATION**

There are two government hospitals, 15 health posts and 35 sub-health posts in Udaypur district. Out of eight available positions of doctors, six were working and two remained vacant. All 11 available positions of staff nurse were occupied. All three available positions of Lab Assistants were occupied. Out of 96 available positions of Assistant Health Workers, 79 were working and 17 remained vacant. Out of 52 available positions of AMW, 50 were working and two remained vacant. One quota each of vaccine supervisor and TB/Leprosy Supervisor was occupied. Out of 14 available positions of HA, all 17 were working.





## 1.14 Khotang



Headquarters :	Diktel
Area in Sq. Km :	1,591
No. of Households :	42,664
No. of Population :	206,312
Male :	97,092
Female :	109,220
No. of PwD :	1,158
No. of VDC(s)/Municipality(ies) :	76/0
Male Literacy :	70,358
Female Literacy :	63,783
Religion Hindu (%) :	58.78
Buddhism (%) :	7.33
Islam (%) :	0.02
Kirat (%) :	31.38
Christianity (%) :	2.09
Prakriti (%) :	0.06
Bahai (%) :	0.01
Undefined (%) :	0.32
Human Development Index :	4.83

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'E' grade District Jail has the capacity for 99 inmates including 33 female and 66 male. A total of 18 inmates are being detained in the jail. The District Jail was constructed in 2012. There is no jailer in the jail.

### **THREATS/BEATINGS**

#### **By State**

Youba Raj Basnet, 27, of Diktel VDC-1 was beaten up by DSP Bhim

Bahadur Dahal on September 21. Dahal had beaten him up in Banjohari of Kharmi VDC for not bringing horse for him in the spot where he called. Peon of the District Police Office, Basnet had gone to receive Dahal from Diktel Bazaar on the same day. Based on the police's special campaign, DSP Dahal had gone to north side of the district after receiving information of extortion by Khumbuwan Central Member Bishwas Limbu. The injured victim was treated at District Hospital, Diktel.

#### **By Khumbuwan National Morcha**

A teacher of Chandra Primary School, Siddaman Rai, 44, of Sundel VDC-3 was beaten up by a group of Khumbuwan National Mukti Morcha's cadres on January 9. He was beaten up following tussle with the victim's wife. The victim was treated at Teaching Hospital, Kathmandu as the District Hospital referred him to Kathmandu for further treatment. He was referred to Kathmandu as bleeding continued from his nose and mouth. When the victim's family informed about the incident to the police, the district chairperson of Khumbuwan National Mukti Morcha's Purna Kumar Khumbu along with police had gone to the spot. Though the police arrested Rabin Khumbu for his involvement in the incident, he was released without any action. The victim had changed his statement when the police and Khumbuwan cadres pressured and promised to provide Rs 100,000 to settle the case.

INSEC district representative of Khotang, Saindra Rai was threatened by the cadres of Khumbuwan Rastriya Mukti Morcha on January 10 on charge of providing information about them to police. Purna Kumar Khumbu of Diktel VDC-3 had threatened the victim in his office for providing information about the incident of Siddaman Rai of Sungel VDC-3. Rai was beaten up by the same party's cadres on January 9. The Khumbuwan Party

cadres apologized with the victims in the premises of District Administration Office on January 18. The party had promised not to repeat such incidents on January 19 when the CDO Shibaram Gelal called Khumbuwan Rastriya Mukti Morcha's chairperson in District Administration Office.

### By YAN

UCPN-M in-charge of Bijayakharka VDC, Banibilash Dhungana was beaten up by a group of Youth Association Nepal's cadres led by its village chairperson Sundar Rai on March 6. Dhungana was treated at District Hospital, Diktel for fracture in his left hand. Although Suresh Pukuri, 16, Deepak Mangrati, 18 and Krishna Bahadur Ramtel, 18, Bijayakharka VDC-5 were arrested on charge of involving in the incident they were released following the agreement between both sides.

## RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

### July 16, 2011- July 15, 2012

The District Court with one judge decided 71 criminal cases and 37 remained pending. 28 civil cases were decided and 31 cases remained pending.

### July 17, 2012-December 31, 2012

The District Court with one judge decided 46 criminal cases and 25 remained pending. 20 civil cases were decided and 28 cases remained pending.

### The Office of the District Government Attorney

The Office of the District Government Attorney filed 40 cases between July 17, 2011 and July 15, 2012, out of which 21 cases were won and four cases were lost. The Office, with two government attorneys, informed that 15 cases filed until July 15, 2012 remained pending.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	1	1	2	7	9
Child Rights			2		2
Killing			1	1	2
Racial Discrimination			2	1	3
Threats				4	4
Women Rights			8		8
<b>Total</b>	<b>1</b>	<b>1</b>	<b>15</b>	<b>13</b>	<b>28</b>

Among the filed six murder cases, five cases were won. Out of three rape cases, one was won. One polygamy case was successful.

The Office of the District Government Attorney filed 29 cases between July 15, 2012 and December 31, 2012, out of which one was won. The Office, with two government attorneys, informed that 15 cases filed until July 15, 2012.

## CHILD RIGHTS

### Situation of Education

Of 77,726 children of school going age, 36,227 boys and 41,419 girls enrolled in schools of primary and secondary level. Among them, 5,383 were girls and 4,794 boys were dalits. 438 female and 1,028 male teachers are at primary level government and community schools. 43 female and 317 male teachers are at lower-secondary level in government and community schools. 13 female and 256 male teachers are at secondary level in government and community schools. 3,395 boys and 3,138 girls are attending Early Child Development Center in the district.

District Education Office did not have an updated data related to education.

## ALL KINDS OF DISCRIMINATION AGAINST WOMEN

### Rape, Attempt to Rape, Sexual Abuse

Police arrested Toyenath Koirala, 29, on October 17 on charge of raping a 60-year-old woman on October 2. According to the victim, she was raped at

her home as she was sleeping in the night. She was treated at Local Health Post. Although the District Court issued arrest warrant against him on November 25, he was not arrested at the end of the year.

## **DOMESTIC VIOLENCE**

Gyan Kumari Rai, 50, of Dorpa VDC-8 was attacked with Khukuri by her son-in-law Ram Krishna Rai, 36, of Chiuridanda VDC-4 on March 12 while the victim was staying at her home. The victim who received serious injury to her head and neck was airlifted to Kathmandu for treatment when the District Hospital could not handle the case. Although the victim family lodged a complaint at District Police Office on March 16, the accused remained absconding at the end of the year.

### **Killing by Family Members**

Nirmaya Rai, 66, of Nunthala VDC-3 was killed by her own son Tarjan Rai, 33 on January 24. Drunken Rai had attacked his mother with a bamboo stick following domestic dispute. The accused was arrested on January 25 when his neighbors informed about the incident to the police. The district court decided to sentence the culprit for 10 years.

### **Polygamy**

Police arrested Deepak Nepali and Puja Pariyar, 30, of Lafyang VDC-4 on July 2 for getting second marriage. Police arrested them on the basis of a complaint lodged by Nepali's first wife Shova Pariyar on June 29. Despite having three children from first wife, Deepak got second marriage with Puja of Dharan Municipality. They were released on bail after depositing Rs 32,000 following District Court's order. However, the case remained undecided until the end of the year.

### **Mistreatment**

Sita Rai of Sapteshwar VDC-9

was threatened to be killed by Padamsari Rai, 49, of Sapteshwar VDC-9 on March 9 on charge of practicing witchcraft. The victim had lodged a complaint at District Administration Office and National Human Rights Commission on March 12 when the accused hurled stones at her home. The District Court ordered to provide NRs 5,000 as a fine on June 20.

## **ALL KINDS OF RACIAL DISCRIMINATION**

Kabita Roka, 18, of Chhorambu VDC-7 was thrown out the room by her landlord Yuvraj Basnet, 45, of Diktel VDC-1 on May 5. Basnet had first agreed to give the room at his home to Roka, who had come to Diktel for her studies. When he learnt after nine days that she was a dalit, he forcefully threw her out. She filed a complaint at District Administration Office on May 7 with the help of Nepal National Dalit Society. Basnet apologized to her at the District Police Office but did not allow her to return to the room.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Bandh**

The district remained closed for seven days due to the bandhs called by different groups. The local people's life crippled due to the bandh. Panchdobato Bazaar remained closed on March 9 due to bandh called by Youth Association Nepal; the district remained closed due to the bandh called by Rastriya Prajatantra Party on May 18. Similarly, normal life was affected due to the bandh called by NEFIN from May 20 to 10 and CPN-M on September 14.

## **HEALTH SERVICE SITUATION**

There is a government hospital, 15 health posts and 58 sub-health posts in Khotang district. Out of five available positions of doctors, three were working and

two remained vacant. Out of six available positions of staff nurse, one was working and five remained vacant. Out of three available positions of Lab Assistants, one was working and two remained vacant. Out of 144 available positions of Assistant Health Workers, 94 were working and 50 remained vacant. Out of 87 available positions of AMW, 58 were working and 29 remained vacant. One quota each of vaccine supervisor is vacant and TB/ Leprosy Supervisor was occupied. Out of 19 and one for available positions of Health Assistants, 13 were working and six remained vacant.



## 1.15 Okhaldhunga



<b>Headquarters :</b>	<b>Okhaldhunga</b>
<b>Area in Sq. Km :</b>	<b>1,074</b>
<b>No. of Households :</b>	<b>32,502</b>
<b>No. of Population :</b>	<b>147,984</b>
<b>Male :</b>	<b>68,687</b>
<b>Female :</b>	<b>79,297</b>
<b>No. of PwD :</b>	<b>3,490</b>
<b>No. of VDC(s)/Municipality(ies) :</b>	<b>56/0</b>
<b>Male Literacy :</b>	<b>47,534</b>
<b>Female Literacy :</b>	<b>42,556</b>
<b>Religion Hindu (%) :</b>	<b>70.76</b>
<b>Buddhism (%) :</b>	<b>17.69</b>
<b>Islam (%) :</b>	<b>0.02</b>
<b>Kirat (%) :</b>	<b>10.24</b>
<b>Christianity (%) :</b>	<b>0.92</b>
<b>Prakriti (%) :</b>	<b>0.06</b>
<b>Jain (%) :</b>	<b>0.01</b>
<b>Undefined (%) :</b>	<b>0.301</b>
<b>Human Development Index :</b>	<b>4.56</b>

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The District Jail which is yet to be graded has the capacity for 25 inmates. However, a total of 41 inmates, including 32 detainees and nine convicts were residing inside the jail at the end of the year. There were two dependents including a girl and a boy in the jail.

The inmates claimed that they were facing various problems such as shortage of sleeping space, water supply etc. due to the overcrowding. The jail building is in dilapidated condition. There are separate buildings for male and female inmates, a kitchen, and two toilets in the jail. The inmates have the facility of television and newspaper. According to the jail administration, although there is a posting for Assistant Health Worker for the inmates, it remained vacant until the end of the year.

## THREATS/BEATINGS By UCPN-M

Teacher at Leti Secondary School in Pokali VDC-2, Jay Kant Yadav, of Aurahi VDC-7 of Siraha district was threatened and tortured to resign from his post on February 15. He was threatened by UCPN-M district member and School Management Committee chairperson, Keshav Hari Dhungel and The Committee member Ramesh Ghimire on charge of having a relationship with a girl student. Yadav filed a complaint against them at District Administration Office and District Education Office on February 17. He was transferred to Champadevi Lower Secondary School in Katunje since mid-March, District Education Officer Khadga Bahadur Kumal said. No complaint was filed against the UCPN-M cadres.

Types of Events	By Non-State		
	Female	Male	Total
Beatings	3	6	9
Child Rights	2		2
Killing		1	1
Racial Discrimination	1	2	3
Threats		3	3
Women Rights	7		7
<b>Total</b>	<b>13</b>	<b>12</b>	<b>25</b>

### By NC

UML cadre, Devmani Rai, 43, of Unbu VDC-1 was beaten up by a group of NC cadres led by Man Bahadur Rai and Baliraj Rai on February 18 for not doing good work in the village. The victim, who received serious injury to both eyes and back, was treated at Okhaldhunga District Hospital. Although Rai lodged a complaint at District Police Office on February 19, no action was taken against the accused.

### RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

#### July 17, 2011- July 15, 2012

The District Court with one judge decided 189 criminal cases and 75 remained pending. Similarly, a total of 188 civil cases were decided and 78 cases remained pending.

#### July 16, 2011-December 31, 2012

The District Court with one judge decided 19 criminal cases and 97 remained pending. Similarly, 16 civil cases were decided and 109 cases remained pending. A total of four criminal cases and 17 civil cases older than two years remained pending.

### The Office of the District Government Attorney

The Office of the District Government Attorney filed 44 cases between July 17, 2011 and July 15, 2012, out of which 22 cases were won and eight cases

were lost. The Office, with one government attorney, informed that two cases filed until July 15, 2012 remained pending.

Among the filed five murder cases, two cases remained pending in this period. Similarly, among the filed five criminal cases, four cases were won and one remained lost. Out of six rape cases, four cases were won and two lost.

The Office of the District Government Attorney filed nine cases between July 16, 2012 and December 31, 2012, all of that remained under consideration. The Office, with one government attorney, informed that two cases filed until July 15, 2011 remained pending.

### TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Ammare Tamang, 18, Maniraj Tamang, 21, Nir Bahadur Tamang, 50, and Mangale Tamang, 50, of Pokhare VDC-9 were tortured by a team of police men led by Head Constable, Lokraj Kafle by holding him in police custody on July 8 on charge of manhandling policemen. The victims, who received injuries to head, face and nose, were treated at Shrestha Medical Hall on July 9. According to a witness, Buddha Bir Chaudhary, the police had beaten them up when Sankar Chaudhary attempted to manhandle the police men. He said that a minor scuffle ensued between the police and the locals while the victims were watching a tractor in the village. However, according to him, they were innocent. An agreement was reached between both sides when the police led by Head Constable Buddha Karki promised to transfer the accused from the same police office to other places on July 10. Inspector at District Police Office said that the dispute was settled at local level as it was a minor issue.

## **CHILD RIGHTS**

### **Situation of Education**

Of 66,839 children of school going age, 22,204 boys and 24,315 girls enrolled in schools of primary and secondary level. Among them, 2,909 girls and 2,824 boys were dalits, District Education Office said. A total of 233 female and 600 male teachers were at primary level government and community schools. A total of 18 female and 253 male teachers were at lower-secondary level in government and community schools. Similarly, one female and 87 male teachers work at secondary level in government and community schools at the end of the year.

A total of 1,338 boys and 1,412 girls are attending Early Child Development Center in the district. District Education Office did not have an updated data related to education.

### **Rape, Attempt to Rape, Sexual Abuse**

A 13-year-old girl lodged a complaint at District Police Office against Bhupal Kumar Darji, 25, of Phulbari VDC-5 on September 4 on charge of raping her at around 9 pm on August 27. According to the victim, she escaped from scene on September 4 by making noise and fleeing. The accused was remanded in custody on September 24 as per the District Court's order. However, the case remained undecided until the end of the year.

Police arrested Rudra Bahadur Sarki, 22, of Palapu VDC-6 on October 12 for raping a 10-year-old girl at around 9 pm on October 11, when there were no people at home. The victim's health checkup was held in Area Health Centre, Okhaldhunga on October 13. The police lodged the case at District Court under rape. The accused was remanded in custody for investigation on November 2. However, the case remained undecided at the end of the year.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

Police arrested Ganeshman Rai, 27, of Sisneri VDC-8 at Area Police Office on May 26 on charge of raping a 54-year-old woman on May 25. The police lodged the case under rape charge. The victim's health checkup was held in District Hospital, Rumjatar on May 25. The accused was remanded in custody as per the District Court's order on June 2. However, the case remained undecided at the end of the year.

A 21-year-old woman lodged a complaint on May 16 at District Police Office against Bikash Rai, 23, of Bhadaure VDC-2 on charge of raping her near home on August 19. The police arrested the accused on May 20 and lodged complaint under rape on May 21. The accused was remanded in custody on June 2. However, the case remained undecided until the end of the year.

## **DOMESTIC VIOLENCE**

### **Beating**

Sarita Karki, 28, of Baruneshwar VDC-6 was beaten up and expelled from home by her husband Binoj Karki, 36, and her mother-in-law Goma Karki on March 23. The victim lodged a complaint against her husband and his second wife Kumari Karki at District Police Office on March 25. Police arrested both on March 26. According to DSP at District Police Office Sudam Kumar Sijapati, the accused was sent to District Police Office on March 27. The District Police Office lodged a complaint at District Court under polygamy charge against the accused on March 29. The case was under consideration until the end of the year.

## **HEALTH SERVICE SITUATION**

There is a government hospital, 16 health posts and 38 sub-health posts in Okhaldhunga district. All three available

positions were occupied. Out of seven available positions of staff nurse, two were working and five remained vacant. One position available of Lab Assistant was occupied. Out of 103 available positions of AHW, 58 were working and 45 remained vacant. Out of 66 available positions of AMW, 48 were working and 18 remained vacant. One quota each of vaccine supervisor and TB/Leprosy Supervisor was occupied. Out of 19 available positions of HA, nine were working and 10 remained vacant.



## 1.16 Solukhumbu



Headquarters	: Salleri
Area in Sq. Km	: 3,312
No. of Households	: 23,785
No. of Population	: 105,886
Male	: 51,200
Female	: 54,686
No. of PwD	: 2,609
No. of VDC(s)/Municipality(ies)	: 34/0
Male Literacy	: 35,445
Female Literacy	: 29,197
Religion Hindu (%)	: 40.21
Buddhism (%)	: 27.15
Islam (%)	: 0.01
Kirat (%)	: 30.16
Christianity (%)	: 2.21
Prakriti (%)	: 0.06
Undefined (%)	: 0.186
Human Development Index	: 4.45

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'D' grade District Prison has the capacity for 35 inmates. However, a total of 49 inmates, including 40 convicted and nine detainees are residing inside the jail at the end of the year. There is a dependent minor child in the jail. The jail was constructed in 2004 and was used 2006.

The inmates have the facility of Television and radio. According to Jailor Nirman Pakhrin, the inmates have the facility of medicine and the health checkup. The inmates are provided cloths two times in a year and quilts, mattresses once every three years. The women inmates are generating income by weaving dhaka cloths.

## RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

**July 17, 2011- July 15, 2012**

The District Court with one judge decided 74 criminal cases and 15 remained pending. Similarly, a total of 34 civil cases were decided and nine cases remained pending.

**July 16, 2012-December 31, 2012**

The District Court with one judge decided six criminal cases and 28 remained pending. Similarly, one civil case was decided and 14 cases remained pending.

## The Office of the District Government Attorney

The Office of the District Government Attorney filed 46 cases between July 17, 2011 and July 15, 2012, out of which 19 cases were won and 16 cases were lost. The Office, with one government attorney, informed that 11 cases filed until July 16, 2011 remained pending.

Among the nine filed murder cases, three cases were won and three lost. Out of six rape cases, four cases were won and one



Types of Events	By Non-State		
	Female	Male	Total
Beatings		1	1
Child Rights	6		6
Killing	1	5	6
Women Rights	3		3
<b>Total</b>	<b>10</b>	<b>6</b>	<b>16</b>

was lost. Single case of trafficking was lost.

The Office of the District Government Attorney filed 29 cases between July 16, 2012 and December 31, 2012, out of which five cases were won. The Office, with one government attorney, informed that 17 cases filed until July 16, 2011 remained pending.

## CHILD RIGHTS

### Situation of Education

Of 350,011 children of school, going age, 16,906 boys and 18,105 girls got enrolled in schools of primary and secondary level. Among them, 1,864 girls and 2013 boys were dalits. A total of 773 teachers are at primary level government and community schools. Similarly, 130 teachers are at work in lower-secondary level in government and community schools and a total of 103 teachers are at secondary level in government and community schools.

A total of 2,447 boys and 2,419 girls are attending in Early Child Development Center in the district.

District Education Office did not have an updated data related to education.

### Right to Education

Teachers of Basakhali Secondary School shut down the school on February 15. Demanding the truth of the incident of beating of the head teacher of same school, the teachers had shut down the school. The teachers had also demanded severe action against the accused, dismissal

of school management committee, creating of the peaceful environment in the school through press statement. The head teacher was beaten up by the locals, including the chairperson of the school management committee on February 10. The educational activities of the school was disrupted due to the bandh in the school.

### Rape, Attempt to Rape, Sexual Abuse

A-13-year old girl was raped allegedly by Tikaram Basnet of Sotang VDC-23 at her home on June 5. According to the victim, the accused frequently raped her for a year threatening to kill her if she told about the incident to others. The victim, with the help of her family members, lodged a complaint at Sotang Area Police Office. Based on the complaint, police arrested the accused on June 8. The police said that the doctor report also confirmed the girl's claim. Police lodged the case at District Court on June 23. The accused was sentenced to 22 years in jail as per the District Court's order.

A-11-year old girl was raped allegedly by Dechhetar Sherpa, 19, Danteggi Sherpa, 18, and Dakipa Sherpa, 11, of Chheskam VDC-2 on August 25 at a cowshed. The victim who was staying with her 6-year-old brother was threatened and raped. Based on the complaint lodged by the victim's family members, the accused were arrested by police on September 5. The police lodged the case at District Court on September 21. Among the accused, Dachhetar was released on date, Danteggi was remanded in custody whereas Dakipa remained absconding at the end of the year.

## ALL KINDS OF DISCRIMINATION AGAINST WOMEN

### Rape, Attempt to Rape, Sexual Abuse

A 27-year-old woman was raped by Kami Sherpa, 22, of Tinla VDC-2 on February 7. The victim family members



lodged a complaint at District Police Office. However, the accused remained absconding until the end of the year.

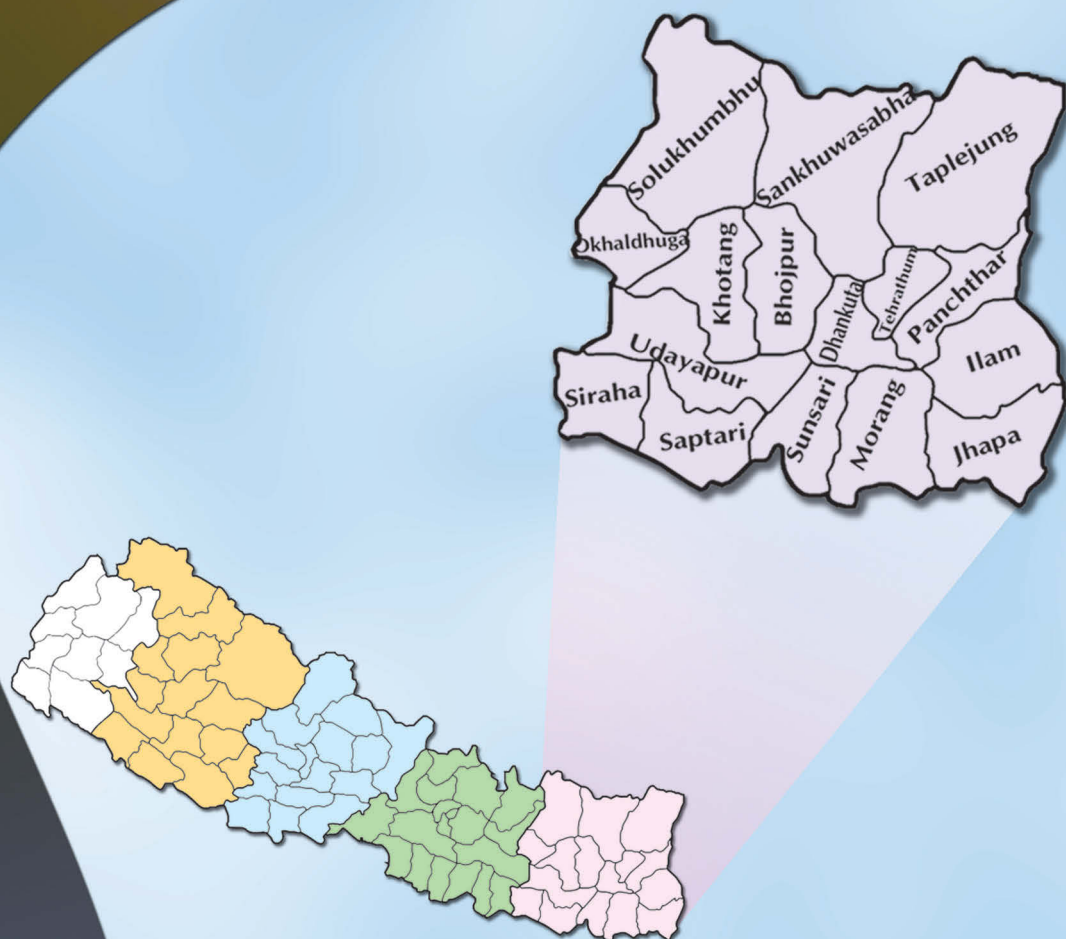
### **DOMESTIC VIOLENCE**

Nirmala Nepali, 22, of Salleri VDC, Khoriya was beaten to death by her inebriated husband Khadga Bahadur Nepali, 30, on a family dispute on April 25. The complaint against the accused was registered at the police post. The District Court of Solukhumbu sentenced him a life imprisonment on May 12.

### **HEALTH SERVICE SITUATION**

There is a government hospital, 14 health posts and 18 sub-health posts in Solukhumbu district. Out of five available positions of doctors, two were working and three remained vacant. All eight positions available for staff nurse were occupied. All four Lab Assistants positions were full. Out of 70 available positions of AHW, 38 were working and 32 remained vacant. Out of 53 available positions of AMW, 10 were working and 43 remained vacant. One quota of vaccine supervisor was occupied. Out of 19 available positions of HA, six were working and 13 remained vacant.





## 2. MID REGION

- |               |                    |
|---------------|--------------------|
| 2.1 Dhanusha  | 2.11 Makawanpur    |
| 2.2 Mahottari | 2.12 Lalitpur      |
| 2.3 Sarlahi   | 2.13 Kavre         |
| 2.4 Sindhuli  | 2.14 Bhaktapur     |
| 2.5 Ramechhap | 2.15 Kathmandu     |
| 2.6 Dolakha   | 2.16 Dhading       |
| 2.7 Rautahat  | 2.17 Sindhupalchok |
| 2.8 Bara      | 2.18 Nuwakot       |
| 2.9 Parsa     | 2.19 Rasuwa        |
| 2.10 Chitwan  |                    |

## 2.1 Dhanusha



Headquarters :	Janakpur
Area in Sq. Km :	1,180
No. of Households :	138,249
No. of Population :	754,777
Male :	378,538
Female :	376,239
No. of PwD :	8,412
No. of VDC(s)/Municipality(ies) :	101/1
Male Literacy :	217,223
Female Literacy :	148,260
Religion Hindu (%) :	89.35
Buddhism (%) :	1.49
Islam (%) :	8.36
Kirat (%) :	0.02
Christianity (%) :	0.09
Prakriti (%) :	0.08
Shikha (%) :	0.62
Undefined (%) :	0.001
Human Development Index :	5.46

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING**

#### **By Unidentified Group**

Rina Kumari Yadav, 30, of Laxmiya VDC-1 in Siraha district was found murdered on April 21. She was strangled to death by an unidentified group and was dumped in Kamala River on Balha Saghara VDC-9, District Police Office informed. Police added that they could not ascertain the motive of her murder. Her family filed an FIR demanding action against the

perpetrators but there was no arrest until the end of the year.

### **CROSS FIRE**

Hareshiva Yadav, 32, of Tarapatti Sirsiya VDC-1 died in a cross firing between police and armed group on June 20 on the street of Duhabi VDC-5. The victim's family accused the police administration of murdering Yadav after arresting him at Chatauni in India. Yadav was killed in a cross fire between armed group and patrol team of local police office, Aurahi led by SI Ayodhya Saran Yadav, said DSP Tek Bahadur Gurung. The postmortem of the body was performed and then handed over to Sanjogiya Devi Yadav, mother of the deceased, on June 21. According to the police, deceased Yadav was involved with the underground group, Janatantrik Tarai Mukti Morcha (Samajbadi). He shot dead Suresh Yadav, 49, the Director of Nepal Railway and Shyam Yadav of Tarapatti Sirsiya VDC-2 on May 29 and injured Rajendra Prasad Yadav, Sri Prasad Yadav and Suresh Yadav.

### **INJURED IN SHOOTING/ EXPLOSION**

#### **By JTMM-Region**

The bomb explosion by an unidentified group of people left five dead and 35 injured in Ramananda Chok in Janakpur Municipality on April 30 morning. The bomb went off around 10 am during the peaceful protest held for the demand of separate Mithila State, by the "Mithila State Struggle Committee". Janatantrik Tarai Mukti Morcha (JTMM) told the media persons that it carried out the explosion. At least one person died on the spot whereas three others died while undergoing treatment at Janakpur Regional Hospital. The person dying on the spot was identified as Bimal Saran Kurmi, 40, of Janakpur Municipality-8.

Types of Events	By State				By Non-State		
	Female	Male	N/A	Total	Female	Male	Total
Abduction					2	3	5
Arrest & Torture		2		2			
Beatings	1	4		5	3	3	6
Child Rights					5		5
Economic, Social Rights and Cultural Rights	1			1			
Inhuman Behavior						2	2
Injured						32	32
Killing		1		1	6	14	20
Right to Assembly		2	10	12			
Threats						1	1
Women Rights					10		10
<b>Total</b>	<b>2</b>	<b>9</b>	<b>10</b>	<b>21</b>	<b>26</b>	<b>55</b>	<b>81</b>

Similarly Ranju Jha, 40, a Maithili artist, of Mahottari District, Bathnaha VDC-9 and living in Janakpur Municipality-8, Jhagaru Das, 49, and Suresh Upadhyaya, 44, of the same Municipality died on the way to the hospital. A seriously injured Dipendra Das, 28, of Bengashipur VDC-6 died while undergoing treatment at Teaching Hospital in Kathmandu on May 3.

The people injured in the incident were Mithila State Struggle Committee coordinator, Parmeshor, 56, of Baghchauda VDC-9, President of Ramanand Youth Club, Nabin Mishra, 40, of Janakpur Municipality-8, Ashok Datt of Janakpur Municipality-10, Manamohan Shah, 35, of Janakpur Municipality-2, Rajesh Kumar Singh, 30, of Janakpur Municipality-8, Dilip Thapa, 27, of Janakpur Municipality-1, Ram Babu Jha, 25, of Janakpur Municipality-8, Prafulla Raj Ghimire, 31, of Janakpur Municipality-11, Amalesh Shah, 30, of Janakpur Municipality-1, Jaya Shankar Thakur, 20, of Janakpur Municipality-1, Danbir Jha, 51, of Lohana VDC-1, Sanjeev mahara, 11, of Dhanusha Makhnaha VDC-7, Basudev Mahara, 35, of Mahottari Khaibanni VDC-7, Jamun Thakur, 33, of Janakpur Municipality-8, Mukesh Kumar Yadav, 30, of Mahottari Rajaul, Surendra Yadav, 25, of Janakpur Municipality-13,

Suresh Thakur, 27, of Janakpur Municipality-8, Dharendra Mohan Jha, 45, of Kanakpur Municipality-9, Samjhana Barma, 32, of Janakpur VDC-4, Arun Shah, 31, of Siraha District Bhagwapur.

Other injured included Amar Mandal, 30, of Janakpur Municipality-2, Satrughna Yadav, 30, of Dhanushadham VDC-8, Krishna Bahadur Rai, 22, of Janakpur Municipality-2, Ojir Sekh, 27, of Janakpur Municipality-1, Sanjaya Pajiyar, 25, of Janakpur Municipality-1, Rajesh Kumar Mahara, 14, of Jamuniya VDC-2, Ramesh Thakur, 40, of Janakpur Municipality-8, Roshan Jha, 32, of Janakpur Municipality-1, Pramod Raut, 28, of Janakpur Municipality-1, Kantipur journalist Shyam Sundar Shahi, 38, of Janakpur Municipality-1 and Digamber Pathak, 38, of Janakpur Municipality-8.

Among the injured, some were treated at Janakpur regional hospital whereas 18 others were treated at Teaching Hospital in Kathmandu. The bomb was detonated through the remote control while the protestors were in a peaceful sit-in. Jaya Prakash Chaudhary alias Shivam, 21, of Bishariya VDC-8 in Saptari had detonated the bomb. Similarly, people allegedly involved in the management, smuggling and making of the bombs were Suresh Kumar

Karna alias Prakash, 33, of Sapahi VDC-1, Dipendra Jha alias Chottu, 27, of Madai in Mahottari District, Mukesh Kumar Karna, 28, of Bhutahi Paterwa and currently living in Janakpur Municipality-14.

Of the group of four, Jitendra Karna was at large until the end of the year. Chaudhary was arrested by the police on April 30 for his alleged involvement in the incident. The responsibility for the incident was claimed by Rajan Mukti alias Ranjit Jha of JTMM whereas the mastermind for the explosion was Santosh Chaudhary of Madhesh Student Liberation Front. While making the initial report public, DIG Upendra Kanta Aryal of Crime Investigation Bureau said that the bomb was targeted for Chief of Sita Palace Hotel, Jeevnath Chaudhary while adding the police was investigating the case. Home Ministry sent a three-member investigation team in command of DSP Bhupendra Khatri to Janakpur

## **THREATS/BEATINGS**

### **By State**

Ram Babu Mahato, 58, and his son Mohan Mahato, 34, and Jitendra Mahato were charged with batons and injured by SI Amar Biswokarma, 30, of Armed Police Force on June 1. According to the accused, they were beaten in order to take control of the dispute in the village. The victims got the treatment at Janakpur Regional Hospital. A complaint was lodged at District Police Office with the help of INSEC's District Representative on June 17. An agreement was reached after police assured departmental punishment to the accused, according to DSP Durga Datta Panta.

## **RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)**

The locals of Tarapatti Sirsiya VDC-

1 picketed the temporary police beat on August 13 demanding for its removal from the village. The police beat was established after the killing of Janakpur Railway's MD Suresh Yadav on May 31 for the security of bereaved family. The locals protested their presence saying that the policemen led by Head Constable Ramananda Katel entered the house in the night time on the pretext of searching for the killers and harassing women. They said the nephews and other relatives of Suresh Yadav would also enter the house and mistreat women and even threaten them. The police beat was removed from the village on August 13.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011- July 15, 2012**

The District Court with four judges decided 587 criminal cases and 508 remained pending. 20,134 civil cases were decided and 1,454 remained pending.

### **July 16, 2012- December 31, 2012**

The District Court with four judges decided 144 criminal cases and 643 remained pending. 623 civil cases were decided and 1,642 remained pending. There are 54 criminal and 149 civil cases, older than two years.

## **APPELLATE COURT**

### **July 17, 2011- July 15, 2012**

The Appellate Court with eight judges decided 449 criminal cases and 318 remained pending. 602 civil cases were decided and 483 remained pending.

### **July 16, 2012- December 31, 2012**

The Appellate Court with seven judges decided 123 criminal cases and 70 cases remained pending. 82 civil cases were decided and 140 remained pending.

## **The Office of the District Government Attorney**

**July 17, 2011- July 15, 2012**

The Office of the District Government Attorney filed 376 cases, out of which 231 were won and 48 were lost. There are two cases pending. The office, with two government attorneys, informed that 626 cases were pending until the end of this year.

Among the filed 47 murder cases, 12 were won and three were lost. Three cases of rape were won and one was lost. Among the 23 abduction cases, two were won and five were lost. Eight cases of polygamy were won and two were lost.

The Office of District Government Attorney filed 145 cases between July 16 and December 31, 2012 out of which 20 cases were successful. The Office, with two government attorneys, had 626 cases filed until July 15, 2012 remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 11,792 children of school going age 54,049 boys and 55,543 girls got enrolled in the school at primary and secondary level. 405 female and 901 male teachers are at primary level, government and community schools. Similarly, 10 female and 227 male teachers are at lower secondary level. 13 male and 261 females are at secondary level. The District Education Office did not have an updated data related to education.

### **Rape, Attempt to Rape, Sexual Abuse**

Kulmani Thapa alias Ram Kumar, 26, of Tulsi VDC-3 allegedly raped a 5-year-old girl on October 16. The girl got health checkup at Janakpur Regional Hospital on October 17. Police arrested the accused on October 16 after the victim's family lodged a complaint against him on

the same day. According to the girl's father, she was raped when she was alone at her home. The accused was arrested and the investigation was going on until the end of the year.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

A 20-years-old girl was raped by Saddam Rain, 25, of Binhi VDC-2 on September 9 near a pond, according to the victim. The victim's family lodged a complaint against the accused at the District Police Office on September 11. The victim got the health checkup at Janakpur Regional Hospital in September 10. The accused was remand in custody by a court order of October 8.

## **DOMESTIC VIOLENCE**

Punita Devi Das, 24, of Bengashipur VDC-8 was seriously injured by her husband Bijaya Das, 25, on August 9 by closing the door and attacking her with a sharp weapon. She sustained a serious head injury. She was referred to Silgudhi, India, after she could not be treated at Janakpur Regional Hospital. She was returned back to Janakpur after the family could not bear the cost. Punita, after sustaining a head injury, was rescued by her neighbor during the incident. The perpetrator was at large.

### **Killing by Family Members**

Saraswoti Devi Chaudhari, 19, of Dhalkebar VDC-7 was killed on September 8 by her husband Amaresh Chaudhary, 22, father-in-law Ram Bilash Chaudhary, 56, and mother-in-law Geeta Devi Chaudhary, 40, by using a sharp weapon. The police was not able to arrest the accused until the end of the year even though the complaint was lodged by victim's party on September 10.

## Polygamy

Shiva Shankar Chaudhary, 47, of Janakpur Municipality-9 married Bhoj Kumari Pokharel, 22, of Dhanushdham VDC-1 on June 29. His first wife, Anamika Upreti, 33, lodged a complaint at District Police Office on June 29. The accused was at large until the end of the year.

## Mistreatment

Gulab Devi Das, 50, of Haspur Kathpulla VDC-2, her husband Gudar Das, 60, and son Jiten Das, 23, were accused of being witch and beaten seriously and injured by Suv Narayan Das, 45, his son Biswanath Das, 24, Mohilal Kapar, 45, of Malhaniya VDC-3, and his son Rabindra Kapar, 20, on July 1. The injured received treatment at Public Nursing Home in Janakpur. The victims were accused of practicing witchcraft and killing Suv Narayan's grandson. The victims sustained head, chest, and leg injuries. They lodged a complaint against the perpetrators at police station on July 8 but all the accused remained at large until the end of the year.

## HEALTH SERVICE SITUATION

There is one government hospital, 17 health posts and 80 sub-health posts. The positions of three out of five doctors allotted by government and four out of five positions of staff nurses were vacant. All 124 positions of AHWs were full, 15 out of 112 remained empty and six of 22 positions of HA were empty.



## 2.2 Mahottari



Headquarters	: Jaleswar
Area in Sq. Km	: 1,002
No. of Households	: 111,316
No. of Population	: 627,580
Male	: 311,016
Female	: 316,564
No. of PwD	: 10,166
No. of VDC(s)/Municipality(ies)	: 76/1
Male Literacy	: 162,390
Female Literacy	: 109,782
Religion Hindu (%)	: 84.24
Buddhism (%)	: 2.02
Islam (%)	: 13.34
Kirat (%)	: 0.01
Christianity (%)	: 0.14
Prakriti (%)	: 0.01
Undefined (%)	: 0.242
Human Development Index	: 5.64

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE

### KILLING

#### By Unidentified Group

Sanjay Kumar Sah, 27, of Sundarpur VDC-1 was shot dead by an unidentified group of people in Dasgaja area, the border of Raghunathpur VDC-1 on April 22. The file, after the investigation of the incident by the police, was presented to the court but the case was pending until the end of this year.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction					6	6
Child Rights				7		7
Disappearance		1	1			
Injured				6		6
Killing				7	5	12
Right to Assembly	1	3	4			
Threats					1	1
Women Rights				4		4
<b>Total</b>	<b>1</b>	<b>4</b>	<b>5</b>	<b>24</b>	<b>12</b>	<b>36</b>

## **INJURED IN SHOOTING/ EXPLOSION**

### **By Abandoned Bomb**

Suraj Kala Mahara, 11, Renu Kumari Mahara, 12, Sundar Kumari Mahara, 10, Puja Kumari Mahara, 12, and Sangeeta Kumari Mahara, 10, were injured by the explosion of an unattended bomb in the paddy field of Lal Babu Mahara on February 25. The injured got the treatment at Hope Hospital in Bardibas.

## **JAIL AND DETAINEES**

The 'B' graded District Prison has a capacity to hold 135 inmates at a time. A total of 381, including 132 convicted and 249 detained inmates were held there at the end of the year. Among them, 37 are female and 344 are male inmates. There are eight minor dependents in the jail. Five inmates are male and three are female. There are only two female toilets in the prison and they are in poor condition. The inmates complained problem of toilets in the prison. There is a facility of five television sets in male ward and two in female ward. The building of the prison is in a very poor condition. There are three times more inmates than its capacity.

## **DISAPPEARANCE/ABDUCTION**

### **By State**

Ajit Lal Karna, 25, of Jaleshwar Municipality-5 was arrested at his house on May 6 and disappeared by the police. The

victim's family lodged a habeas corpus writ at the Supreme Court in the third week of May. The disappearance of Ajit was made public after police denied his arrest. A BBS student Ajit was arrested by the Crime Investigation Bureau on April 30 at Ramananda Chok, Janakpur in suspicion of his involvement in the explosion. According to the neighbors, Ajit was arrested from Ramananda Chok by the police team commanded by DSP Bhupendra Karki. Ajit was unwell and was sleeping at home at the time of his arrest, they said. The same team came to his home on April 31 after his arrest and prepared a report stating that they had recovered explosive materials at his home. On the same day, his home was locked by the police and was opened later following pressure from NHRC Janakpur regional coordinator Buddha Narayan Shahani on April 31.

### **By JTMM (Prithvi Group)**

Roshan Kumar Yadav, 22, and Mahesh Kumar Yadav, 23, of Balwa VDC-4 were abducted near the Brhamar Bridge by Janatantri Tarai Mukti Morcha (Prithvi Samuha) on February 10 while coming back from Janakpur. They were rescued from Belathana Kanha Village in India on February 13.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011- July 15, 2012**

The District court with three judges decided 288 criminal cases 378 remained pending. 1,316 civil cases were decided and 1,091 remained pending.

### **July 16, 2012- December 31, 2012**

The District Court with three judges decided 116 criminal cases and 390 remained pending. 375 civil cases were



decided and 1,304 remained pending. There are 42 criminal and 96 civil cases older than two years.

### **The Office of the District Government Attorney.**

The Office of the District Government Attorney filed 55 cases between July 17, 2011 to July 16, 2012 out of which six were won and four were lost. There are 23 cases older than two years. The office, informed that 78 cases remained pending until the end of this year.

Total of 29 murder cases were registered. Among the 10 rape cases three were won and one was lost. There were 10 abduction cases out of which one was won and two were lost. The totals of 289 cases were yet to be decided.

## **CHILD RIGHTS**

### **Situation of Education**

Of 160,011 children of school going age, 80,197 boys and 79,814 girls were enrolled in schools of primary and secondary level. Among them, 25,621 girls and 25,852 were Dalits. 513 female and 1,495 male teachers are at primary level, government and community school. 26 female and 260 male teachers are at lower secondary level. There are 10 female and 265 males in secondary level. The District Education Office did not have an updated data related to education.

### **Rape, Attempt to Rape, Sexual Abuse**

Deepak BK, 18, and Ganesh Khadka allegedly raped an 8-year-old girl on May 25. Based on the victim's father's complaint lodged at the police office, accused BK was arrested by the police on June 2 whereas the other accused Khadka was at large until the end of the year.

A 13-year-old girl was raped allegedly by Jeevan BK, 21, at her own house on August 18. The victim's party lodged a complaint against the accused at

the Bardibas Area Police Office on August 30. The police said as the incident was reported very late, it would be difficult to get evidence against BK. Her medical checkup was conducted at Bardibas Hospital. The accused was at large until the end of the year.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

An 18-years-old girl was raped allegedly by Hasrat rain, 26, Dil Mahammad Rain, 24, and Daud Rain, 25, of Khuttapipradi VDC-5 on July 13. The victim lodged a complaint against the accused at the District Police Office on July 30. The accused were at large and the investigation was underway until the end of the year.

### **Polygamy**

Sushil Shrestha, alias Shiva Raj, 32, of Gaushala VDC-2 and husband of Sarita Shrestha, got married with Lok Kumari Magar, 34, of Ram Nagar VDC-3 on May 13. The victim lodged a complaint against her husband on charge of polygamy at Gaushala Area Police Office on August 1. The case was pending in the District Office because the accused were at large at the end of the year.

## **ALL KINDS OF RACIAL DISCRIMINATION**

### **Killing by Family Member**

Pinki Kumari Mandal, 16, of Dhamaura VDC-3 was strangled to death by her uncle Ram Bir Mandal, 37, Shiva Ji Mandal, 34, Ram Dinesh Shah, 32, and Ram Briksya Thakur, 41, on June 4 accusing a man from different caste. She was murdered and burnt by her uncle with the help of other people when her mother and father were away. Police said that it was difficult to take the case forward as there was no postmortem report and the

accused were absconding. Ramprit was arrested among the accused on September 18 and later released after posting a bail of Rs 5,000.

## HEALTH SERVICE SITUATION

There are two government hospitals, 10 health posts and 62 sub-health posts. The positions of five out of nine doctors allotted by government and five out of 13 staff nurses vacant. All 86 positions of AHWs, four of 21 AMW are empty. Five out of 17 positions of HA were empty.



## 2.3 Sarlahi



Headquarters :	Malangawa
Area in Sq. Km :	1,259
No. of Households :	132,844
No. of Population :	769,729
Male :	389,756
Female :	379,973
No. of PwD :	9,585
No. of VDC(s)/Municipality(ies) :	99/1
Male Literacy :	202,311
Female Literacy :	133,070
Religion Hindu (%) :	85.56
Buddhism (%) :	5.72
Islam (%) :	7.88
Kirat (%) :	0.04
Christianity (%) :	0.23
Prakriti (%) :	0.25
Undefined (%) :	0.307
Human Development Index :	5.79

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

### By State

Ijhar Pamariya, 50, of Laxmipurkodraha VDC-4 died on September 9 after the police charged him with batons, boot and butt of a gun. He was assaulted by the police while the locals including Pamariya were protesting against power cut by stopping vehicles at Laxmipur Chok near Malangwa-Nawalpur section of the road. The locals of the Laxmipurkodraha came to protest on the street after the electric transformer which was taken to Haripur for the repair was kept by the locals of Haripur. The local people of Laxmipurkodraha were facing difficulties due to lack of electricity. The incident happened while the armed police force, travelling to Malangwa from Nawalpur tried to remove the protestors. After the incident, the local set alight the police vehicle Ba 1 Jha 7445 which was carrying inmates towards Malangwa. Police fired 25 rounds of bullets and few shells of teargas to control the protestors. UML leaders Jamruddin Mansoor, Rajendra Mahato Koiri, Kailash Mahato and many others were injured in the incident. The injured got treatment at Haripur health post. The family of the deceased put the dead body on the road and demanded for the compensation, free education for the children of the deceased, punishment for the guilty police and martyr status. The local administration provided Rs 25,000 for the final rites of the deceased.

## INJURED IN SHOOTING/ EXPLOSION

### By Abandoned Bomb

Sanjeev Kumar Rai, 14, of Hempur VDC-1 was injured in an explosion of pressure cooker bomb in Fish Market in Barthawa VDC-4 on January 2. The bomb

exploded when he was about to open an abandoned nylon bag in the market. He sustained injuries to his face, legs, chest and hands. The injured received treatment at Barthawa Health Post. The police recovered leaflets of Nepal Defense Army claiming its responsibility for the incident.

### By Own Bomb

Ram Biraj Yadav, 22, of Gadahiya VDC-1 was seriously injured on July 3, when a bomb he was carrying went off. Yadav sustained a serious injury to his left leg in the explosion. Injured Yadav received a primary treatment at District Hospital in Malangwa and then taken to Kathmandu for further treatment on July 4. The bomb went off while he was carrying it on a cycle and going towards the headquarters in Malangwa from his house. The bomb exploded when he reached Musaili VDC-2. He was seriously injured after the pressure cooker bomb that he was carrying went off. Lalan Yadav of Madhopur, Rautahat, who was travelling with him during the accident, was at large. He was charged under the arms and ammunition act and the legal proceeding was underway, according to the police.

### JAIL AND DETAINEES

The 'C' graded District Prison has the capacity to hold 100 inmates at a time. A total of 167, including 62 convicted and 105 detained inmates were held there at the end of the year. There are no female and minor inmates. The prison was established in 1941. The inmates have access to television, radio, and newspapers. The female cell which was destroyed by the Maoist during the armed conflict was under construction until the end of the year. The new building is being made with the financial support of Peace and Reconstruction ministry, Jailer Anil Acharya said.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction				5	5
Beatings				4	4
Child Rights			11		11
Injured			1	9	10
Killing	1	1	2	2	4
Racial Discrimination			1		1
Women Rights			10		10
<b>Total</b>	<b>1</b>	<b>1</b>	<b>25</b>	<b>20</b>	<b>45</b>

### THREATS/BEATINGS

#### By UCPN-M

Bikram Mahato, 34, of Janakinagar VDC-3 was beaten by the district committee sub-in charge of UCPN-M, Kedar Khatri regarding the political dispute on August 30. The victim was dragged to the street from his house and was beaten up. The accused was arrested by the police on the same day and later released after he offered apology.

### RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

#### July 17, 2011- July 15, 2012

District Court with three judges decided 448 criminal cases and 464 remained pending. 1,100 civil cases were decided and 1,118 remained pending.

#### July 16, 2012- December 31, 2012

District Court with three judges decided 48 criminal cases and 131 remained pending. 114 civil cases were decided and 410 remained pending. There are 23 criminal and 70 civil cases older than two years.

### The Office of the District Government Attorney

The Office of the District Government Attorney filed 217 cases between July 17, 2011 to July 15, 2012, out of which 36 cases were won and 181 cases were lost. The Office with one government

attorney, informed that 117 cases filed during the year remained pending.

All six cases of murder were lost. One case of women trafficking was lost, so was five cases of abduction. All five cases of polygamy were lost.

All of the 80 cases between July 16, 2012 and December 31, 2012 filed by the Office of District Government Attorney remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 206,996 children of school going age, 107,527 boys and 99,469 girls were attended schools of primary and secondary level. Among them, 18,394 girls and 17,592 boys were Dalit. 236 female and 959 male teachers are at primary level, government and community schools. Similarly, 10 female and 277 male teachers are at lower secondary level. Two female and 172 male teachers are at secondary level.

### **Rape, Attempt to Rape, Sexual Abuse**

A 15-year-old girl was raped allegedly by Sachindra Yadav, 19, and Subodh Mandal, 18, of Sangrampur VDC-9 while coming back to the house. The police arrested the accused on December 5. Both accused were under investigation, according to the police. The girl received medical treatment at District Hospital.

### **Closure of School**

At least 20 people were injured in a clash during the election of school management committee of Bal Govinda Janata High School in Pipariya on October 7. The situation became tensed after the dispute between Binod Sah and Dipendra Singh ensued while counting the Ballot papers. Five policemen and 18 civilians were injured when the police charged the batons to take the control of the situation. The police took control of ballot box. The teachers were beaten accusing them of

handing over the ballot box to the police. The injured teachers lodged an FIR against the accused at District Police Office. The school was closed for six days affecting the studies.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Killing after Rape**

Sunita Paswan Chaudhary, 27, was gang raped and murdered on July 30. She had gone missing since July 30 and was found dead near a sugarcane field in Ghurkauli VDC-5 on August 3 with her face burned with acid. Police inquired few youths from Ghurkauli and Hariban VDC in connection with the incident with the help of numbers in the deceased's mobile phone. Keshav Gole, 35, of Hariban VDC-6 and Umesh Sah, 19, of Ghurkauli VDC-6 were arrested on August 18 on charge of their involvement in the incident. The District Court ordered to release Gole on bail amount of Rs 5,000 while Sah was remanded in jail until the end of the year.

### **Rape, Attempt to Rape, Sexual Abuse**

A 30-year-old woman was raped in a sugarcane bush allegedly by Binod Kumar Yadav, 35, of Parsa VDC-9 on August 30. The victim lodged an FIR against the accused at the police station. The police arrested the accused on September 6. He was remanded in custody by the court on September 9.

## **DOMESTIC VIOLENCE**

### **Killing by Family Member**

Ram Kisun Mahato, 27, of Pattharkot VDC-7 was arrested by the police on December 29 on charge of murdering his wife, Mamata Devi Mahato, 17, on December 30. The victim's family lodged a complaint at the police office on December 30 against the accused. The accused was in custody until the end of this year.

### **Polygamy**

Rabi Khadka, 28, of Hajariya VDC-9 was arrested by the police in Ramnagar Municipality-2 of Chitwan on September 2 on charge of polygamy. He got married to Sushila Sapkota, 20, on February 28. The victim, Pramila Baniya, 20, lodged a complaint at the police office on July 11. Both the accused were released on bail amount of Rs 35,000 and Rs 15,000 by a court order on June 21.

### **Mistreatment**

Lochana Devi Mahato, 45, of Ghurkauli VDC-7 was beaten and fed human excreta on charge of being witch on February 15. The accused were Rajwati Devi, 60, her son Prakash Mahato, 17, Raj Dev Bhandari Mahato, Bilita Devi Mahato, Ram Narayan Mahato, Ramahis Lal Mahato, Shiva Kumar Mahato, Chandra Kala Devi Mahato, Hira Devi Mahato, Shiva Kumari Devi Mahato and Prakash Mahato of the same VDC. Rajwati Devi and Prakash Mahato were arrested by the police on charge of their involvement in the incident. According to the victim, she was accused of practicing witchcraft and killing Kapileshwar's 10-year-old son. She got treatment at Namuna Hospital in Hariaun and lodged an FIR against 12 people at Haripur Area Police Office on February 15. The District Court on March 14 released Rajwati on bail deposit of Rs 15,000 and Prakash was released on bail amount Rs 10,000. The other accused were at large until the end of the year.

### **HEALTH SERVICE SITUATION**

Sarlahi District has one hospital, 16 health posts and 78 sub-health posts. There are nine posts for the doctors, eight are occupied and one is vacant. Among the 10 posts for the staff nurse, one is working and nine remained vacant. Eight post of the lab assistant remain full. Among 217 assistant Health workers, 211 are working whereas six remained vacant. There are 119 posts for the AMWs whereas 88 are working and 31 remained vacant. One post for the TB/Leprosy was full. Among 24 health assistant, 18 were fulfilled and six remained vacant. Two posts of vaccine supervisor were fulfilled.

### **FOLLOW-UP**

The police arrested chief of Tarai Cobra, Rajeshor Singh, 55, alias Nagraj of Dumariya VDC-7 on December 4 on charge of murdering Yadu Siwakoti of Makwanpur District seven years ago. Siwakoti was abducted and shot dead by the group six years ago in Mirjapur VDC. Tarai Cobra had taken the responsibility of killing at that time. Siwakoti's father had lodged an FIR against the accused last year. After the investigation, it was confirmed that Nagraj was involved in the killing, SP Ram Prasad Shrestha said. The Court ordered him for the bail amount of Rs 100,000 on January 1. The accused was in prison until the end of the year after he could not pay the bail amount.



## 2.4 Sindhuli



Headquarters :	Sindhuli
Area in Sq. Km :	2,491
No. of Households :	57,581
No. of Population :	296,192
Male :	142,123
Female :	154,064
No. of PwD :	9,585
No. of VDC(s)/Municipality(ies) :	53/1
Male Literacy :	92,321
Female Literacy :	76,581
Religion Hindu (%) :	64.47
Buddhism (%) :	30.43
Islam (%) :	0.06
Kirat (%) :	0.35
Christianity (%) :	0.98
Prakriti (%) :	3.29
Undefined (%) :	0.426
Human Development Index :	5.14

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'E' graded District Prison has the capacity to hold 25 inmates at a time. A total of 93, including 63 convicted and 30 detained inmates were held at the end of the year. Among them 83 are male and 10 are female inmates. The building of the prison is in a very poor state. The roof of the building is leaking and it is over crowded. The inmates are facing a problem in drinking water, sleeping space and toilets. 44 inmates

were kept in a room having a capacity of only 25 inmates. The inmates are involved in making handcraft such as baskets, watch-frames, chairs etc. The products have a good market, according to the inmates. The inmates are getting services as per the rules and there is a problem of health service for the inmates due to the lack of budget, according to the jailer Tara Prasad Paudel. The inmates protested demanding for the service of doctors in the jail.

### **THREATS/BEATINGS**

#### **By State**

Kalpana Basnet, 21, of Ratanchura VDC-7 was beaten by the security personnel employed for the security of the SLC examination on March 21. The girl was appearing in the examination as a helper for her brother Giri Raj Basnet, in the Kaushika Higher School Center, after he broke his hand. After the beatings, Giriraj could not appear in the examination. She sustained bruises all over her body because of the beatings. ANNISUR, NSU condemned the incident and demanded for her free treatment and punishment to the guilty. The victim was treated at Sindhuli District Hospital, according to Tika Jung Thapa, ANNISU district chairperson.

#### **By UCPN-M**

The central committee member of Nepal Tarun Dal, Nawaraj Shrestha of Kamala Mai Municipality-4, Congress District committee member, Kancha Man Bal, Congress village committee member, Dilip Adhikari, Ganesh Thapa and Nima Tamang of Tarun Dal were attacked and injured by the cadres of UCPN-M in the morning of October 11 at Mathauli of Kalpabrikchya VDC. The dispute arose between the both parties regarding the opening of Bus Counter in Kalpabrikchya VDC on October 10.

## By NC

The cadres of NC attacked the Maoist cadres on Sindhulimadi on October 11 in retaliation of their attack. The cadres attacked and vandalized the vehicle of Rajan Dahal of Maoist and severely beaten his driver Nawa Raj Devkota, 26, of Kamalamai VDC-4 and Binaya Lama, district committee member of Maoist. The district headquarters was in tension after the attack. The cadres of NC closed the shops and market after the incident. The situation was taken into control by the police. The injured were taken to the hospital after the attack. Both the parties lodged the complaint at the District Police Office; however the legal process did not proceed.

## RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

### July 17, 2011- July 15, 2012

The District Court with one judge decided 92 cases and 31 remained pending. 68 civil cases were decided and 47 remained pending.

### July 16, 2012 – December 31, 2012

The District Court with one judge decided 29 cases and 55 remained pending. 31 civil cases were decided and 53 remained pending. There are no cases older than two years according to the district court.

## The Office of the District Government Attorney

The Office of the District Government Attorney filed 88 cases between July 17, 2011 to July 15, 2012 out of which 23 cases were won and seven were lost. The Office of the Government Attorney informed that 58 cases remained pending until the end of this year.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		3	3			
Beatings	2		2	1	7	8
Child Rights				8		8
Economic, Social Rights and Cultural Rights				1		1
Inhuman Behaviour				1	1	2
Killing				4	11	15
Racial Discrimination				1	1	2
Women Rights				28		28
Total	2	3	5	44	20	64

Among the filed 18 murder cases, six were won and two were lost. Out of five rape cases, one was won. Two cases were won regarding three women trafficking cases. One case was won regarding arms and ammunition charge. 35 cases were won which was filed between July 16, 2012 and December 31, 2012. A total of 33 cases were pending until the end of this year, according to the District Government Attorney.

## CHILD RIGHTS

### Situation of Education

Of 101,966 children of school going age, 49,648 boys and 52,318 girls were enrolled in schools of primary and secondary level. Among them, 7,325 boys and 6,896 girls were Dalit. 148 female and 764 male teachers were at primary level, government and community schools. Four females and 141 male teachers were at secondary level. Similarly, 684 in primary, 171 in lower secondary and 122 were at secondary level, according to the District Education Office.

### Rape, Attempt to Rape, Sexual Abuse

Man Bahadur Tamang, 64, of Kakurthakur VDC-8 was arrested by the police on August 24 on charge of raping 9-year-old girl. The girl, whose family earns their living as laborer, was raped while she was alone at home, Inspector Dilip Jha said.

The girl kept the incident secret because of the threats from accused. The incident became public after she told her friends. The family could not come to the headquarters to report the incident because of financial constraint. The victim got the health checkup at Katari Hospital in Udaypur district on August 11. The girl's father lodged a complaint against the accused on August 14 at District Police Office in Sindhuli. District Court remanded her in custody on August 27.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN DOMESTIC VIOLENCE**

### **Killing by Family Members**

Jag Maya Bishwakarma, 50, of Balajor VDC-2 was murdered by her husband Lalit Bahadur Biswokarma, 50, on the night of April 22, by hitting her with sharp weapons over a family dispute. He committed suicide after killing his wife, according to the police.

Lal Kanchha Bal, 45, of Kalpabrikchya VDC-1 was arrested by the police on May 25 on charge of beating and killing his wife Ganga Devi Bal, 49, on May 21. The postmortem of the body was performed at Sindhuli District Hospital on May 22. District Court remanded him in custody on June 20.

Shyam Kumari Danuwar Adhikari, 30, of Harsahi VDC-9 was murdered by her brother-in-law Rabi Lal Adhikari on December 20 by hitting her with a weapon over a land dispute. The accused was arrested by the police on the same day. The postmortem of the victim's body was performed at District Hospital in Sindhuli on December 21. The accused was at District Prison until the end of the year.

### **Beating**

Man Kumari Shrestha, 75, of Kamalamai Municipality-4 was beaten by

her own son Bhim Narayan Shrestha, 33, in inebriated condition on September 6 over a family dispute. Man Kumari sustained a head injury. She was taken to Kathmandu for the treatment after she could not be treated at District Hospital. Accused Bhim Narayan is a Tamsaling State Committee member of CPN-Maoist. A complaint was lodged against him by victim's son Ganga Narayan Shrestha on September 9. The accused was released on bail amount of Rs 5,000 on September 25.

### **Women Trafficking**

Bharat Bishwakarma alias Bharat Khanal, 31, of Doldhunga in Latikoili VDC-1 in Surkhet District and Sushila Moktan, 19, of Bhadrakali VDC-4 were arrested at Sindhuli Bus Park on April 12 on charge of trafficking a 21-year-old woman of Mahadevsthan VDC-4 who was living with her uncle. Accused Bishwakarma changed his name and lured the woman for marriage and also for foreign employment. The accused tried to impress the woman by gifting her different food items. The victim reported to the police that she became suspicious after Bishwakarma changed his plan and took her to Kathmandu in the pretext of going to Sindhuli. Police arrested them at Sindhuli Bus Park after she contacted them. The accused were remanded in custody by the District Court on May 14.

### **Polygamy**

Chandra Kala Shrestha lodged a complaint at District Police Office, Sindhuli on May 17 against her husband Tirtha Lal Shrestha, 29, of Netrakali VDC-6 on charge of marrying Sapana Thing of Kavre District on April 8. According to Chandra Kala, the accused was physically and mentally abusing her since February. She added that she was even accused of being a witch. She was forced to sign the divorce



paper in the VDC office and on the same day he married Sapana and expelled her out of home. Chandrakala lodged a complaint against him under polygamy charge and the case was ongoing. The husband remained absconded until the end of the year.

Mira Shrestha, the first wife of Niranjana Shrestha, 31, of Purano Jhangajholi VDC-5 lodged a complaint at District Police Office against him for polygamy on August 3. Niranjana married Manita Majhi, 18, of Bhirpani VDC-7, Ramechhap as his second wife on August 3. The accused was at large until the end of the year.

### **Mistreatment**

A 45-year-old woman was mistreated by the hotel manager of Manakamana Hotel, Hari Ram Raut, 31, of Kamalamai Municipality-6 on March 13. The accused was arrested by the police on the same day. The woman was mistreated while she was in the hotel. The accused was later released on bail amount of Rs 2,000 after 16 days.

### **ALL KINDS OF RACIAL DISCRIMINATION**

Tika Ram Pahadi, 22, alias Druba and Gyan Kumari Pariyar, 18, of Lampantar VDC-3 were beaten and expelled from their house by the mother Chana Maya Pahadi on February 23, disapproving their inter-caste marriage. The victim lodged an application at the District Police Office on February 27 against the accused, asking for security and allowance provided by the state for the inter-caste marriage. The District Administration Office refused allowances to the inter-caste couple because Gyan Kumari was underage. The District Administration Office said that the processing of the application was underway.

### **HEALTH SERVICE SITUATION**

There is one government hospital, 17 health posts and 35 sub-health posts. Five out of six doctors allotted by government were empty while five out of seven positions of staff nurse were full. Positions of 37 out of 78 AHWs and 11 out of 23 positions were empty.



## **2.5 Ramechhap**



<b>Headquarters :</b>	Manthali
<b>Area in S q. Km :</b>	1,547
<b>No. of Households :</b>	43,910
<b>No. of Population :</b>	202,646
<b>Male :</b>	93,386
<b>Female :</b>	109,260
<b>No. of PwD :</b>	4,418
<b>No. of VDC(s)/Municipality(ies) :</b>	55/0
<b>Male Literacy :</b>	65,285
<b>Female Literacy :</b>	57,746
<b>Religion Hindu (%) :</b>	71.93
<b>Buddhism (%) :</b>	24.67
<b>Islam (%) :</b>	0.02
<b>Kirat (%) :</b>	0.02
<b>Christianity (%) :</b>	1.57
<b>Prakriti (%) :</b>	1.44
<b>Shikha (%) :</b>	0.03
<b>Undefined (%) :</b>	0.319
<b>Human Development Index :</b>	4.61

## **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'C' graded District Prison has the capacity to hold 50 inmates. A total of 254 including 217 convicted and 37 detained inmates were held there at the end of this year. Among them, 12 convicted female and 250 convicted male inmates were kept in the Prison. Two female and 35 male detainees were also held. The jail building was constructed in 1969.

### **Clash**

Three inmates of the Ramechhap Prison were wounded in a clash ensued between two groups of the inmates on October 26. The scuffle erupted when the role-call of the inmates began at 9 pm instead of regular 10 pm. A gang of 13 inmates transferred from Nakkhu Jail in Lalitpur on September 13 and the older inmates led by Pappu Yadav had a fight. The injured were identified as Hiralal Pakhrin, Somnath Gole and Sher Bahadur Gole. The injured were hit with fuel wood by the group led by Pappu Yadav. They were taken to Ramechhap Hospital for the treatment of their head injuries. Following the information of the clash, CDO, District Police Chief and District NIB chief arrived at the scene to take stock of the situation.

## **THREATS/BEATINGS**

### **By NC**

Namadi VDC secretary, Madhav Prasad Ghimire, 38, was injured when beaten by Nepali Congress cadre Kajibahadur Khadka alias Dinesh, 27, of Khimti Bazar in Namadi VDC-5 on February 15 while returning from the district headquarters. Ghimire was beaten while he was having a tea near the Sanghutar at Khimti Bazar on the way to the review of VDC program in Namadi. He sustained an injury to his face, nose and

eyes. He was accused of mishandlings of money, allocated for the sports program in VDC for the fiscal year 2009/10. Ghimire was treated in Manthali. The accused ran away in a motorbike after the incident, the locals reported. The accused was arrested by the police and made public on March 1.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011- July 15, 2012**

The District court with one judge decided 102 criminal cases and 31 remained pending. 129 civil cases were decided and 44 remained pending.

### **July 16, 2012- December 31, 2012**

The District court judge decided 13 cases and 41 remained pending. 30 civil cases were decided and 50 remained pending. There are no cases older than two years.

## **The Office of the District Government Attorney**

The district government attorney decided 22 cases during this period. Out of which, 11 cases were won.

The district government attorney filed 13 cases between July 16, 2012 and December 31, 2012 out of which one case was won and 12 remained pending. Among the filed cases, two cases of murder, three cases of theft, three cases of polygamy and three cases of public crime were registered.

## **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT**

Sonam Sherpa, 14, of Rasnal VDC-2, studying in standard VI was beaten and tortured by the police of Betali Police post on March 1, the boy's family claimed. According to his father, his son Phurwa was beaten by the police on charge of hitting stone in the hoarding board. The victim

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		4	4			
Beatings					4	4
Child Rights				4		4
Economic, Social and Cultural Rights		1	1	2		2
Killing				1	2	3
Racial Discrimination				1	1	2
Threats	2	2	4			
Women Rights				4		4
<b>Total</b>	<b>2</b>	<b>7</b>	<b>9</b>	<b>12</b>	<b>7</b>	<b>19</b>

sustained a bruises and injured leg due to the torture. The case was not registered by the victim.

## CHILD RIGHTS

### Situation of Education

Of 71,843 children of school going age, 37,323 boys and 34,520 girls enrolled in schools of primary and secondary level. Among them, 3,421 boys and 3,179 girls were Dalit. 309 female and 944 male teachers were at primary and community level. 49 female and 296 male were at lower secondary level. Similarly, 18 female and 207 male teachers were at secondary level. There are 56 male teachers at higher level.

There were 3,854 boys and 3,883 girls in Child Development Centers. Among them, 453 were boys 457 were Dali Girls.

### Killing

The dead body of 14-year-old Suntali Tamang was found in Likhu Khola of Saipu VDC-1 on February 2. She disappeared the other day while she was coming back to house from the Sirsire market. Her family informed Area Police Office of Dhobi about the incident. Nature of the body showed the possibility of rape before murder, the girl's mother Dilli Maya Tamang said. Postmortem of body was conducted at the District headquarter, Manthali and handed over to the family.

The investigation into the incident was underway until the end of the year.

### Rape, Attempt to Rape, Sexual Abuse

A complaint was lodged against Baidhya Singh, 36, and his son Rahul Singh, 16, at District Police Office, Ramechhap on September 12 by the victim's family accusing them of sexually abusing a 9-year-old girl and her 8-year-old brother. The accused were released on date by the police. The case was registered at District Police Office by the victims' family and the case was pending until the end of the year.

## ALL KINDS OF DISCRIMINATION AGAINST WOMEN

### Women Trafficking

A complaint was filed against Chet Kumari Rokka, 65, Khaniyapani VDC-9 at police post of Lubhu on August 21 accusing her of working as a middleperson on trafficking two sisters, aged 13 and 14, of. The woman was handed over to District Police Office for the investigation on August 22. Both girls were lured for the job in a hotel by the accused. The case is under investigation, DSP Sanjeev Sharma said.

## ALL KINDS OF RACIAL DISCRIMINATION

Alaichi Nepali, 35, of Nagdaha VDC-9 was beaten by Sukre Narayan Shrestha of the same place on September

25 on charge of entering into his hotel. She was assaulted on charge of entering the hotel 'despite being a Dalit'. The victim lodged a complaint to the police station but no action was taken.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Tara Magar, 27, of Bhatauli VDC-9 was threatened to be ostracized by her conjugal relative, Bhakta Bahadur Magar on May 14 on charge of following Christian Religion.

## HEALTH SERVICE SITUATION

The locals of the district were deprived of health services due to the closure of sub-health posts of Khanda Devi VDC from August 11 to August 23. According to Sire Lal Tamang, president of health post management committee, the assistant health worker was outside the district for the training. The locals protested and locked out the health post. The locked out health post was finally opened on August 23 in the concerned authority's initiation. An agreement was reached to not close the health post again.

There is a government hospital, three primary health posts, 17 health posts and 35 sub-health posts in the district. There were five doctors working though the available positions of doctors is four while one of five staff nurse position was vacant. Out of 101 available positions of Assistant Health Worker, 68 were working and 33 remained vacant. Out of 66 available positions of Auxiliary Mid-Wife, 11 remained vacant.



## 2.6 Dolakha



Headquarters : Charikot

Area in Sq. Km : 2,191

No. of Households : 45,688

No. of Population : 186,557

Male : 87,003

Female : 99,554

No. of PwD : 5,587

Male Literacy : 60,618

Female Literacy : 52,599

Religion Hindu (%) : 67.8

Buddhism (%) : 22.3

Islam (%) : 0.02

Kirat (%) : 0.02

Christianity (%) : 1.63

Prakriti (%) : 8.07

Undefined (%) : 0.146

Human Development Index : 4.08

## CIVIL AND POLITICAL RIGHTS

### RIGHT TO DIGNIFIED LIFE

#### JAIL AND DETAINEES

The 'D' graded District Prison has the capacity to hold 25 inmates at a time. A total of 41, including 29 convicted and 12 detained inmates were held there at the end of this year. There are no minor dependents in the prison.

The building of the prison is in a very bad state. The male inmates were transferred to female cell and a tender has been called for the construction of the new building. The inmates were given 700 gms of rice and Rs 45 as daily allowance. There are few

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	5	5			
Beatings	5	5		1	1
Child Rights			4		4
Injured				1	1
Killing			2	1	3
Women Rights			8		8
<b>Total</b>	<b>10</b>	<b>10</b>	<b>14</b>	<b>3</b>	<b>17</b>

facilities of newspapers and indoor sports for the inmates.

## RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

### July 17, 2011- July 15, 2012

The District Court with two judges decided 169 criminal cases and 153 remained pending. 165 civil cases were decided and 174 remained pending.

### July 16, 2012- December 31, 2012

The District court with two judges decided 64 criminal cases and 174 remained pending. 42 civil cases were decided and 178 remained pending. There are no cases older than two years.

## The Office of the District Government Attorney

The Office of the District Government Attorney filed 69 cases between July 16, 2012 to December 31, 2012, out of which 48 were won and five were lost. The Office with one government attorney informed that 134 cases filed until July 15, remained pending.

Among the filed 13 murder cases, six cases were won and seven were lost. Similarly, five rape cases were won and two remained pending. One abduction case was won. Among the four cases of polygamy, one was won and three remained pending. There were no cases registered regarding women trafficking and children.

## TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Dhana Bahadur Basnet, 52, Lal Bahadur Basnet, 58, Indra Bahadur Basnet, 40, and Tej Bahadur Basnet of Rasnalu VDC-1 of Ramechhap, were tortured at Area Police Office, Jiri on January 19. The victims were called at the APO to discuss over a dispute between the parties at a wedding. The victims were charged with baton, boot and were punched by the police in the village and further tortured at the police post. They sustained back, leg and nose injuries. The victims came to the headquarters on January 23 seeking justice after they were released by the police. A discussion was held in District Police Office between both parties in presence of INSEC and Advocacy Forum. The victim lodged a complaint against the accused Inspector of Jiri, with the help of Advocacy Forum at District Court of Dolakha on February 7. The District Court rejected the complaint on December 12, stating that there are not enough defendants.

## CHILD RIGHTS

### Situation of Education

Of 54,094 children of school going age 49,976 boys and girls enrolled in school of primary and secondary level. There are no data for Dalit students. 215 female and 778 male teachers were at primary level, government and community schools. 12 female and 134 male teachers were at lower secondary level, two female and 129 male teachers were at secondary level.

### Rape, Attempt to Rape, Sexual Abuse

Kuber Pokhrel, 22, of Malu VDC-9 was arrested by the police on September 9 on charge of raping a 9-year-old girl on August 15 while she was sleeping. The victim lodged a complaint at the Kirnatar Police Station on September 9. The victim

got health checkup at Primary Health Post in Charikot. The accused was remanded in custody by the court order on September 18.

### **Child Trafficking**

The complaint against Radika Thapa, 45, was lodged at District Police Office on July 29 by the victim's family accusing her of selling a 14-year-old girl to Prakash Sapkota, 23, of Pawati VDC-8 on February 7. The accused Prakash was remanded in custody by a court order of July 29 whereas Radhika was at large.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

Lal Bahadur Thami, 25, of Suspachyamawati VDC-9 was accused of attempting to rape a 26-year-old pregnant woman on June 1. The victim party lodged a complaint at the District Police Office on June 2. She got the health checkup at Primary Health Post in Charikot. The accused was at large until the end of the year.

## **DOMESTIC VIOLENCE**

### **Killing by Family Member**

Pramila Shrestha, 18, of Katakuti VDC-8 was allegedly set on fire by her mother in law Geeta Shrestha, 55, on May 3. The accused poured kerosene over her body and set her on fire, leaving her severely burnt. Shrestha died on May 10 while undergoing treatment at Bir Hospital, Kathmandu. Geeta claimed that her daughter-in-law

had attempted suicide. She was remanded in custody by the court order on June 25.

### **Beating**

Suntali Nepali, 34, of Jafe VDC-6 was attacked with stone by her inebriated husband Arjun Nepali, 35, in a domestic dispute. She was attacked by her husband while preparing food in the kitchen. The injured received primary treatment in Charikot and was taken to Bir Hospital for further treatment. Arjun was arrested by the police on November 4 and was remanded in custody by a court order on November 27.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **By NEFIN**

The motor bike (Ba19 Pa 5468) belonging to journalist Deepak Basnet, president of Kalinchok FM was vandalized on May 21 by NEFIN cadres. The victim was coming back from work after preparing news for Kalinchok FM. The vehicle was vandalized even though "PRESS" was written in the bike.

## **HEALTH SERVICE SITUATION**

There is one government hospital, two primary health posts, 19 health posts and 33 sub-health posts. All three doctors allotted by government were working while five out of seven staff nurses were not. Out of 103 positions of AHW, 45 remained empty and 18 out of 66 positions of AMW were empty.



## 2.7 Rautahat



Headquarters :	Gaur
Area in Sq. Km :	1,126
No. of Households :	106,668
No. of Population :	686,722
Male :	351,079
Female :	335,643
No. of PwD :	8,698
Male Literacy :	169,209
Female Literacy :	105,502
Religion Hindu (%) :	77.77
Buddhism (%) :	1.85
Islam (%) :	19.7
Kirat (%) :	0.1
Christianity (%) :	0.15
Prakriti (%) :	0.16
Jain (%) :	0.01
Undefined (%) :	0.258
Human Development Index :	6.44

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING**

#### **By State**

Ramodh Sah Jaiswal, 35, of Mahamadpur VDC-7 was killed on July 5 morning by a bullet fired by police. Other eight people were injured in the shooting. Similarly, six policemen were injured when the locals' attacked him with baton and stone. Dinesh Yadav, 25, of Mahamadpur VDC-7 and Birodhi Rai Yadav, 27, of Pothiyai VDC-9 were seriously injured

in the incident. Dinesh sustained injuries to his chest whereas Birodhi got injuries on his leg. The injured got the treatment at TU Teaching Hospital in Kathmandu. Paspatarai Yadav, Binod Rai Yadav, Rajesh Yadav, Bholi Sah, Birbhuwan Sah and Niwas Rai Yadav of Mahadmadpur VDC-6 were injured in the incident. They got the treatment at local Garuda Hospital. Police Inspector Ram Narayan Majhi of Local Police Office, Suman Lamichhane, 35, Dinanath Sah, 28, Kameshwar Patel, 27, Ram Dular Yadav, 31, and Baliram Giri, 24, were injured when the locals' attacked with baton and stone. Among them, Police Constable Giri's right hand was broken. The dispute between locals and police started when one person died and two were injured in a road accident on July 1. The locals claimed that the police held wrong motorbike responsible for the accident. During the dispute, police fired 29 rounds of teargas and 22 rounds of blank fire to control locals who were on protest calling for bandh, Police Inspector Majhi said. The locals accused police for shooting Ramodhi dead and injuring Dinesh. The police said they were compelled to retaliate locals' firing.

### **INJURED IN SHOOTING/ EXPLOSION**

#### **By Janatantrik Tarai Madhes Mukti Party**

Army Hawaldar Hom Bahadur Raut of Amar Battalion of Rautahat was injured on January 21 while disposing a bomb. The victim was injured while disposing an unattended time bomb placed in the shop of businessman Pramod at Saramjuwa VDC-8. The victim sustained leg injury. He was treated at local clinic. Avaya Singh of Madhes Mukti Party took the responsibility of the bomb over telephone talking to the local media persons.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction			3	3	6
Child Rights			12		12
Injured	8	8	1	9	10
Killing	1	1	7	7	14
Women Rights			21		21
<b>Total</b>	<b>9</b>	<b>9</b>	<b>44</b>	<b>19</b>	<b>63</b>

## JAIL AND DETAINEES

The 'C' graded District prison has the capacity to hold 95 inmates at a time. A total of 126 including 47 convicted and 87 detained inmates were held there at the end of the year. There is one minor dependent in the jail. The prison building was constructed in 1939.

The prison has three buildings in which there are female and male cells. The prison lacks enough space because of overcrowding. There are few facilities of sports for the inmates. There are two toilets for male inmates and two for female inmates. There are 27 posts for the security personnel in the prison in command of one SI.

## DISAPPEARANCE/ABDUCTION

### By Unidentified Group

Dhana Bahadur Shrestha, 36, of Kanakpur VDC-6 was abducted by an unidentified group on May 5 near Dhanasar jungle on border with Bara District while coming back to his home from Kathmandu. The abduction was confirmed after the abductors made a call to the victim's wife and asked for 1m as a ransom. The police was able to release the victim from Tekantole of Chandranigahapur VDC-1 on May 8 while the abductors were transferring the victim to Chure hills in Makwanpur. But, police could not arrest the abductors as they managed to flee. The accused involved in the abduction were being searched until the end of the year.

## RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

### July 17, 2011- July 15, 2012

District Court with three judges decided 479 criminal cases and 459 remained pending. 1,429 civil cases were decided and 1,266 remained pending.

### July 16, 2012- December 31, 2012

District Court with one judge decided 180 criminal cases and 522 remained pending. There are 75 cases remained pending including five criminal, 64 civil cases.

## The Office of the District Government Attorney

During the year, the office of the attorney decided 192 cases and 446 remained pending out of 618 cases.

## CHILD RIGHTS

### Situation of Education

Most of the students of the schools of Rautahat District were deprived of education because the free course books provided by the government had not arrived. The district education office directed all the schools to provide the photo and data of the students. The students were in problem after the schools did not provided the information. The District education office demanded for the photo after getting the complaint that fake students were getting the money equivalent to the book. Many students in the District complained of not getting the book.

Of school going age, 66,629 girls and 55024 boys were enrolled in schools of primary and secondary level. Similarly 35,922 boys and 23648 girls are at lower secondary level. There are 16640 girls and 19223 boys from Dalit community. Similarly there are 1051 teachers at primary level, 174 at lower secondary level and 190 in secondary level. The district education



office of Rautahat did not have an updated data related to education.

### **Killing**

Nitesh Kumar Yadav, 3, son of Ganesh Rai Yadav and Rekhiya Devi Yadav of District Manpur VDC-9, Sarlahi was murdered by Mahadevi Yadav, 25, and Chabi Lal Yadav, 42, of Samanpur VDC-8 on the night of May 19 by slitting his throat. The incident came to light after the head of the boy was found in the bank of Bagmati River of Samanpur VDC-8 and his body was found buried in the prayer room at Mahadevi's home on May 22. After the police inquiry, the accused gave a statement that they sacrificed the boy while practicing to become witch-doctor. It was revealed that Mahadevi murdered Nitesh Kumar in order to learn witch-craft from Chabilal. Mahadevi was arrested by the police and was remanded in custody on June 15 by the court. The other accused Chabilal was at large until the end of the year.

Kushmi Khatun, 30, of Kanakpur VDC-2 was arrested on September 23 by police on charge of killing her 2-year-old daughter Jamuni Khatun. Investigation revealed that the girl found in the canal culvert was the daughter of Sekh Zakir Hussain alias Sekh Zokhan and Kushmi Khatun of Kanakpur VDC-2. The couple wanted to get divorce and they took the girl as an obstacle. They killed her in the night of September 22 and dumped her body in the culvert, Inspector Lalan Prasad Kurmi of Garuda Area Police Office informed. Kushmi Khatun was remanded in custody whereas Sekh Zakir Hussain was at large until the end of the year.

### **Abduction**

Sunil Kumar Baitha, 13, of Samanpur VDC-9 was abducted by Rajendra Baitha, 28, of the same VDC on October 3. The father of the victim,

Acchelal Baitha, lodged a complaint at District Police Office on December 21. The victim was lured and was disappeared by the accused. The accused was arrested until the end of the year. The whereabouts of Sunil Kumar was unknown.

### **Girl Trafficking**

A 14-year-old girl Sunsari District, Dharan Municipality-15, and two other children were rescued by the Chandranigahapur Area Police Office on January 28. The children were lured for the work in a circus and being trafficked by a man, who could not be identified because he fled the scene after encountering police. The rescued girls were handed over to their family after a meeting of right activists including INSEC representative on January 29.

### **Killing after Rape**

Sita Kumari Majhi Musahar, 5, was raped and killed allegedly by Prabhu Majhi Musahar, 20, of Bagahi VDC-9 on March 8. An FIR was registered against him by the girl's father at Garuda Area Police Office on March 13. The dead body of the girl was recovered in a pond of Bagahi VDC-8 on March 11. The girl went missing since on March 8. The police said that the girl was raped and then strangled to death. The police arrested the accused on March 13. The accused was remanded in custody by the court order of April.

### **Rape, Attempt to Rape, Sexual Abuse**

A 9-year-old girl was raped allegedly on June 29 by Jeevan Bahadur Bista, 18, of Dumriya VDC-2 near the jungle of Chandranigahapur VDC-1 by luring her. The accused was immediately arrested after the girl disclosed the incident to her father. The victim got health checkup in Chandranigahapur Hospital which confirmed the incident. The accused was

remanded in custody by the court order of July 27.

### **Child Marriage**

Father of a 13-year-old girl filed a complaint at District Police Office on July 29 saying his daughter was married to Pramod Shah Kanu, 21, of Patura VDC-8 on July 19. The girl was lured into the marriage, the father claimed. The mediator for the marriage, Shambhu Sah Kanu, 51, and Krishna Sah Kanu, 25, was arrested by the police and were released on bail amount on date.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Beating**

Urmila Devi Mukhiya Bin, 35, of Bisunpurwa VDC-4 lodged a complaint at District Police Office on April 26 against Jaya Lal Mukhiya Bin, 39, of Bisunpurwa VDC-7, Sunar Mukhiya Bin, 56, Ramak Lever Mukhiya Bin, 27, Ramsimhasan Mukhiya Bin, 48, Nandram Binod Mukhiya Bin, 45, Nanda Raj Mukhiya Bin, 50, Ramdeni Mukhiya Bin, 56 and Anil Mukhiya Bin, 25, of the same VDC accusing them of beating her and forcing her to abort her baby. She was beaten by the relatives in a domestic dispute. The medical report from District Hospital, Gaur confirmed her miscarriage, however, the police was not able to arrest any of the accused. The accused were at large until the end of the year. The victim got the treatment in District Hospital, Gaur.

A 40-year-old pregnant Akalimaya Khatun of Pothiyayi VDC-1 lodged a complaint at District Police Office on April 12 against Nek Mohammed Miya Darji, 60, Manjur Miya Darji, 40, Bajir Miya Darji, 35 and Abdul Miya Darji, 25 accusing of physically assaulting and causing her miscarriage. She was beaten by the accused with fist and was kicked which led to her

miscarriage. She was eight-week pregnant. The victim got treatment in Gaur. The police arrested accused on May 11 charging of them for attempt to murder.

### **Killing after Rape**

The police arrested Bhagawan Das Tatma, 27, of Gaur Municipality-7 on charge of killing Usha Devi Sah, 30, after raping her on August 26. The police found the body of Usha Devi on August 27 and confirmed that the body was disposed near the bush after rape. The victim was on the way to buy some stationary for her children in Gaur. The victim's husband filed an FIR against the accused at District Police Office on September 2. The police presented the accused to District Court, Rautahat which remanded him in custody on September 27.

### **Rape, Attempt to Rape, Sexual Abuse**

The complaint against Indra Dev Sahani, 49, was lodged at the District Police Office of Chandranigahapur on November 25 accusing him of raping 22-year-old women of the same VDC on November 23. The victim was lured for the treatment and was raped. The accused was arrested on November 25 based on the complaint filed by the victim. The accused was released on bail amount on December 18.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

The family of Rinku Devi Thakur, 18, of Laxmipur VDC-8 fled after burning her body who died suspiciously on December 6. The victim was married to Chandrashekar Thakur on November 28. The victim's family lodged FIR against father in law, Mohan Thakur, 48, mother in law Sama devi Thakur, 46 and the victim's husband Chandrasekhar Thakur, 24 at district police office accusing them of murdering his daughter over dowry dispute. The accused were at large till the end of this year.

## Women Trafficking

A complaint was lodged against Sekh Kalam, 40, of Rajpur Farhadawa VDC-8 at the District Police office, by the victim's sister Rautahat on charge of trafficking Samirun Khatun, 24, of the same VDC India on February 10. The case was under investigation, according to the police. The accused was at large until the end of this year.

## Polygamy

Lilanath Pudasaini, 28, of Chandranigahapur VDC had second marriage with Maiya Basnet, 24, on June 12. The first wife of the accused, Sabita Pudasaini, 25, lodged a complaint against her husband at Chandranigahapur Area Police Office on July 15, accusing him of polygamy. The accused has two children. The victim said that the accused inflicted a mental and physical torture on her and even expelled her from the house. The accused was at large until the end of the year, Police Inspector Sekh Adalat said.

Police arrested Pawan Kumar Gupta, 20, of Garuda VDC-3 and Puja Kumari Gupta, 18, of Malangwa Municipality-8 in Sarlahi District on August 26 on charge of polygamy. Pawan Kumar had already married with Shovit Kumari Gupta, 20, on June 24. The victim's brother Hemanta Kumar Gupta filed an FIR against him at District Police Office on August 2 after finding that he married Puja Kumari. The police arrested Pawan Kumar and Puja Kumari on charge of polygamy. Both of them were released on bail amount of Rs 50,000 by the District Court order on September 11.

## HEALTH SERVICE SITUATION

Out of 10 posts of doctors, five were working and five remained vacant. Four staff nurses are working in the post of 12 and eight remained vacant. There are

seven lab assistant and 196 assistant health workers. Among 108 posts for the auxiliary nurses, 54 are working and 54 remained vacant. Similarly, 21 health assistants and one TB/Leprosy supervisor is working.



## 2.8 Bara



Headquarters :	Kalaiya
Area in Sq. Km :	1,190
No. of Households :	108,635
No. of Population :	687,708
Male :	3,51,244
Female :	336,464
No. of PwD :	11,649
Male Literacy :	204,718
Female Literacy :	130,178
Religion Hindu (%) :	81.73
Buddhism (%) :	4.53
Islam (%) :	13.04
Kirat (%) :	0.19
Christianity (%) :	0.24
Prakriti (%) :	0.08
Shikha (%) :	0.001
Undefined (%) :	0.191
Human Development Index :	6.33

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

### By Unidentified Group

Ajay Chaudhary, 20, of Kolhabi VDC-9 was killed by an unidentified group

Types of Events	By Non-State		
	Female	Male	Total
Abduction		3	3
Beatings		1	1
Child Rights	6		6
Economic, Social Rights and Cultural Rights		1	1
Inhuman Behaviour		1	1
Injured	1		1
Killing	7	8	15
Racial Discrimination	1	2	3
Threats		1	1
Women Rights	7		7
<b>Total</b>	<b>22</b>	<b>17</b>	<b>39</b>

of people on June 7 near the border of Kolhabi VDC-4. He died when acid was thrown on his face. He was killed while returning home after doing labor work at Kolhabi Bazar. The investigation was underway and nobody had been arrested, police said.

Dead body of Sarita Devi Chaurasiya, 32, of Chatawa VDC-3 was found on September 10 near a mango garden. Her body was thrown there after murder. Her throat was slit by sharp weapons. Police said that Sarita left the house on September 3 saying that she was going to a program. The husband of the deceased, Prabhu Chaurasiya refused to comment about the incident. Police was investigating about the call details of her mobile phone found at the incident site. Postmortem of the body was performed on September 11 at Kalaiya Hospital and then handed over to the family. The victim's house is two km east from the incident site. The deceased was affiliated with paralegal committee at the local level.

## **INJURED IN SHOOTING/ EXPLOSION**

### **By Unidentified Group**

A lawyer, Birendra Chaudhary, 45, of Kalaiya Municipality-5 was shot at by an unidentified group in the night of January

18. The group made him open the door in the night and then shot at him. He managed to dodge the attack and shout for help. Prabhu Mandal, 30, of Kalaiya Municipality-1 was arrested by the police on charge of attack on February 19. The accused was remanded in custody by a court order of February 22. He was in custody until the end of this year.

## **DISAPPEARANCE/ABDUCTION**

### **By Unidentified Group**

Indra Lal Chaulagain, 55, of Nijgadh VDC-8 and Bhim Lal Shreatha, 52, were abducted by an unidentified group on October 11. The search for them was underway until the end of the year. The abducted were involved in Chure Bhawar Ekta Party.

## **THREATS/BEATINGS**

### **By Unidentified Group**

Press Chautari district President, Subash Prasad Sah, 25, of Kalaiya Municipality- 6 and Radio Nepal reporter was attacked and beaten by an unidentified group of six people. The victim got treatment at Sub-regional Hospital of Birgunj. Safik Mansoor alias Mister and Izhar Mansoor of Kalaiya Municipality-3 were charged for the attack. Izhar was arrested by the police while others remain absconding until the end of the year.

### **By CPN-M (Matrika)**

Chief of Land Revenue Office, Jayakanta Jha, 45, hailing from Rautahat District was mistreated by the cadres of Maoist on July 1. They applied soot on his face accusing him of being involved in corruption. The police arrested Umesh Yadav, 42, of Kalaiya Municipality-3 and Santosh and a case under public offence was filed against them. The District Administration Office released the accused on bail amount of Rs 10,000 each on July 19.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011- July 15, 2012**

The District Court with three judges decided 449 criminal cases and 346 remained pending. 1,122 civil cases were decided and 1,016 remained pending.

### **July 16, 2012-December 31, 2012**

The District court with three judges decided 93 criminal cases and 440 remained pending. 330 civil cases were decided 1,198 remained pending. There are nine criminal and seven civil cases older than two years.

## **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 309 cases between July 17, 2011 and July 15, 2012, out of which 179 were won and 66 were lost. The Office, with two government attorneys, informed that 200 cases filed until July 15, 2012 remained pending.

Among the filed 46 murder cases, 13 were won and 16 were lost. Four cases of rape were won and three remained unsuccessful. Among the three cases of women trafficking, one case was won and three were lost. Three cases of polygamy were won out of six cases. There are no cases of caste discrimination and child marriage. Among seven cases of abduction, three cases were won and two were lost.

The Office of the District Government Attorney filed 114 cases between July 16, 2012 and December 31, 2012, out of which nine cases were won. The office, with one government attorney, informed that 105 cases filed until July 15, 2012 remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 193,382 children of school going age, 99,672 boys and 93,710 attended

schools of primary and secondary level. Among them, 31,886 girls and 34,383 boys were Dalit. 321 female and 1,354 male teachers are at primary level government and community school. 22 female and 309 male are at lower secondary level. Similarly, 22 female and 309 male teachers are at secondary level.

## **Killing by Family Member**

Anjali Kumari, 1, of Kudawa VDC-3 was murdered and buried by her father Mohan Sah Kanu, 22, on July 31. The police found the body of the girl on August 1 who was strangled to death and buried near the canal. Absconding Kanu was arrested by the police after 5 months on December 3. The accused confessed to the killing saying he killed during a fit of rage. He was remanded in custody by Court on December 2.

## **Rape, Attempt to Rape, Sexual Abuse**

Pramod Saha Kalwar, 22, of Karchowa VDC allegedly raped a 17-year-old girl on May 20 after taking her near the field beside her home. The victim's family lodged a complaint at District Police Office demanding severe punishment. The accused was arrested on June 17 and was remanded in Birgunj Prison.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Killing by Family Member**

Mina Devi Sah, 28, of Dahiyar VDC-1 was attacked with a sharp weapon by her husband Sona Lal Shah Kalwar on January 27. She was seriously injured in the attack and was treated at Narayani Sub-regional Hospital, Birgunj. The police arrested the accused on February 12. The accused was sent to the prison by the court order of March 11.

The dead body of Bindu Thakur, 18, of Prastoka VDC-5 was found in a burnt condition in a bamboo bush on December

25. The police recovered her clothes from the incident site. Most of her body parts were burnt beyond recognition. The body was sent to Kaliya Hospital for postmortem and then handed over to family for her final rites. The police arrested victim's father, Rama Thakur, 50, in suspicion of his involvement in the murder. The case was under investigation according to police investigation officer Ramnath Ghimire.

### **Mistreatment**

Asha Devi Yadav, 35, of Beldari VDC-6 was beaten and mistreated by her neighbors on November 9 on charge of being witch. She was fed human excreta by Laxmi Yadav, Ramesh Yadav and Mangni Yadav among others. The victim, who was injured in the beating, was treated at Kalaiya Hospital. A mother of two sons and two daughters and with a weak financial background, she was widowed 13 years ago. She was beaten up on charge of casting spells on Mangni's 3-year-old granddaughter Nanki and Laxmi's 4-year-old son. The incident was reported to the police but the police said they could not arrest anyone.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Destruction of Infrastructure, Property By CPN-M (Matrika)**

CPN-Maoist (Matrika) cadres announced the seizure of land owned by NC cadres Bishnu Dahal, 65, of Kalaiya Municipality-5 on January 26. Party Secretary Sahim Hawari led the team which redistributed land to 100 local Dalits who were landless.

### **HEALTH SERVICE SITUATION**

The district has one hospital, 40 health posts and 54 sub-health posts. Eight doctors are working in 19 posts available and one remained vacant. There are 15 staff

nurse, seven are working and eight remained vacant. Among the 8 posts of lab assistant, seven are working and one remained vacant. There are 244 posts for Assistant health Workers out of which 164 are working and 80 remained vacant. There are 154 auxiliary Nurses working and 90 are working and 64 are vacant. Similarly, there is post for the vaccine supervisor and no one is available. Altogether, there are 17 health assistant working out of 54 posts available and 37 remained vacant.

### **FOLLOW-UP**

Among five of alleged killers of journalist Birendra Sah, affiliated to UCPN-M, three are still at large even after five years of the incident. The police authorities claim that the investigation is still underway. The accused Lal Bahadur Chaudhary of Inarwarsira VDC-7, Hare Ram Patel of Telkunwa VDC-4 and Narendra Faujdar alias Kundan of Gadhal VDC-5 were arrested by the police. Their cases remain pending. The other accused, Manger Giri of Inarwarsira VDC-9 and Ram Equal Sehani of Khopawa VDC-8 are serving life imprisonment. Journalist Sah was abducted from Pipara Bazar and was murdered on October 5, 2007. His body was recovered from Tangiya colony, Charkose Jungle of Dumarwana VDC-9 on November 8, after 35 days of abduction. Sah is survived by wife, Umarawati Devi, 36, son Bibek and daughter Bidhyalaxmi. The wife of the deceased journalist is satisfied with the court decision, however, she demanded punishment of the other three accused too. She said, "I haven't got complete justice yet, I can only have a peace of mind when the other three accused also go to Prison". Sah was involved in Avenues Television, Nepal FM, Himal Fortnightly magazine and as district representative for the media.

## 2.9 Parsa



<b>Headquarters</b>	: Birgunj
<b>Area in Sq. Km</b>	: 1,353
<b>No. of Households</b>	: 95,536
<b>No. of Population</b>	: 601,017
<b>Male</b>	: 312,358
<b>Female</b>	: 288,659
<b>No. of PwD</b>	: 6,215
<b>No. of VDC(s)/Municipality(ies)</b>	: 82/1
<b>Male Literacy</b>	: 194,000
<b>Female Literacy</b>	: 119,450
<b>Religion Hindu</b>	: 83.1
<b>Buddhism (%)</b>	: 1.68
<b>Islam (%)</b>	: 14.48
<b>Kirat (%)</b>	: 0.43
<b>Christianity (%)</b>	: 0.13
<b>Prakriti (%)</b>	: 0.02
<b>Shikha (%)</b>	: 0.022
<b>Undefined (%)</b>	: 0.147
<b>Human Development Index</b>	: 6.29

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING**

#### **By Unidentified Group**

Ram Shankar Mandal, 38, of Lalparsa VDC-1 affiliated to MJF and central committee secretary of MJF's Industry Workers' Organization was shot injured on August 24 by an unidentified group near the gate of Agriculture Tools Corporation in Birgunj. Mandal died on the way to the Narayani Regional Hospital.

The Hospital source said that Mandal had a bullet shot on his right chest. Eyewitnesses reported that two people coming in a motorbike with an Indian number plate had shot at him.

### **INJURED IN SHOOTING/ EXPLOSION**

#### **By Unidentified Group**

Sipahi Ansari of Kauwa Ban Kataiya VDC-3 was injured on an explosion detonated by an unidentified group on May 6. The bomb reportedly targeted the assembly of Rastriya Jana Prajatantrik Party. Police identified the bomb as a sutali bomb. The injured treated at a local health post. The sound of an explosion was heard while Govinda Paudel, secretary of the party was addressing the assembly. The assembly was postponed after the explosion.

### **JAIL AND DETAINEES**

The 'A' graded District Prison has the capacity to hold 700 inmates at a time. A total of 1,884 including 870 convicted and 614 detained were held at the end of the year. Among them, 11 boys and 12 girls are also living with their parents as dependents. The prison building was constructed before 1950.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

#### **July 17, 2011-July 15, 2012**

The District Court with four judges decided 816 criminal cases and 633 remained pending. 755 civil cases were decided and 1,466 remained pending.

#### **July 16, 2012-December 31, 2012**

The District court with four judges decided 160 criminal case and 876 remained pending. 364 civil cases were decided and 1,525 remained pending.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Beatings		1	1			
Child Rights				5		5
Injured					1	1
Killing				5	6	11
Right to Assembly	1	4	5			
Women Rights				7		7
Total	1	5	6	17	7	24

### **The Office of the District Government Attorney**

The Office of the Government Attorney Filed 464 cases between July 17, 2011 and July 15, 2012, out of which 260 cases were won and 78 were lost. The Office, with two government attorneys, informed that 422 cases were pending during the end of this year.

Among the filed 40 murdered cases nine were won and 12 were lost. Among, nine cases of polygamy, two were won and three were lost. Similarly, among the four cases of polygamy, one was won and rest remained pending. Seven cases out of 545 were won between July 16, 2012 and December 31, 2012.

## **CHILD RIGHTS**

### **Situation of Education**

Of 164,345 children of school going age, 80,166 boys and 83,136 girls got enrolled in schools of primary and secondary level. Among them, 19,869 girls and 40,389 boys were Dalit. 297 male teachers and 1,612 female teachers were at primary level government and community schools. 19 female and 318 male teachers were at lower secondary level. Similarly, 21 female and 209 male teachers are at secondary level.

### **Rape, Attempt to Rape, Sexual Abuse**

A 12-year-old girl was raped by Safuddin Miya, 25, of Sonbarsa VDC-7 near the jungle in Sonbarsa VDC on March 10. The girl was raped when she went to

the jungle to fetch some fuel woods, SI Rabindra KC said. The victim lodged an FIR against the accused at District Police Office on March 10. The accused was at large until the end of the year.

A 13-year-old girl was raped by Santa Bahadur Thapa, 52, of Thori VDC-1 under the protect of the treatment of her ailment near the isolated place, according to the local police of Thori. The victim was with a witch doctor for the treatment of her epilepsy. Later the family members came to know about the incident and lodged a complaint at District Police Office on October 17. The police arrested the accused. He was remanded in custody by a court order of November 12.

### **Mistreatment**

A 15-year-old girl was molested by her math teacher, Chandreswar Raura, 33, of Rastriya Secondary School of Harpur VDC-9 in a tuition class on May 20. A meeting held by parents and teacher decided to suspend the teacher from the school on May 23, Principal Prabhu Sah said. The accused died by electrocution on July 29.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **DOMESTIC VIOLENCE**

#### **Killing by Family Members**

Umita Devi, 28, of Shibarwa VDC-1 was murdered by her husband Prabachan Raut Kurmi on March 3 by hitting her with a wood, Pokhariya Area Police Office informed. The accused fled the scene with his second wife and three children, immediately after the incident, according to the police. The dispute with Umita ensued after Prabachan married another woman. The police suspected that the accused might have killed Umita with the help of his second wife. The accused was at large until the end of the year.



Ayesha Khatun, 26, of Birgunj Municipality-17 was murdered allegedly by her husband Jamaruddin Ansari, 29, and his family members on February 17 on charge of not bringing sufficient dowries. The victim's mother lodged an FIR against Jamaruddin and Sunwari Khatun, 32, at District Police Office on April 11. The accused were arrested and remanded in custody.

### Dowry Death

An FIR was lodged against seven people by the victim's family accusing them of murdering Untima Mahato, 28, of Jagannath VDC-8 on August 23. It was learnt that the family members used to inflict mental and physical torture on Mahato. The victim's family claimed that she was killed for dowry issues. All the accused were at large, until the end of the year, Inspector Dwarika Ghimire said.

### Women Trafficking

A case against Chameli Biswokarma, 27, of Khadkapur Kolkata in India and Sunita Tamang, 36, of Bauddha Kathmandu was registered at District Court on February 16 on charge of trafficking women. Two women were being trafficked to India with promise of job, Sangeeta Puri, chief of Maiti Nepal Birgunj said. The victims were 19-year-old. Both of them were rescued and handed over to the family.

### Polygamy

Sikandar Ansari, 25, got married with Saabja Khatun on June 3 despite already having a living wife. The complaint was lodged against the accused by his first wife Gulshan Khatun at District Police Office on July 26 on charge of polygamy. The accused remained at large until the end of the year.


### HEALTH SERVICE SITUATION

The district has one hospital, nine

health posts and 72 sub-health posts. Out of five posts for the doctors, two are working. There are five staff nurses working out of nine posts. Five lab assistants were active out of six posts. There are 92 AHWs in the District, out of 115 posts and 16 out of 42 posts for AMW were working. There are 1 TB/Leprosy supervisor and two vaccine supervisors. Similarly out of 34 posts for the HA, 14 were working and 20 remained vacant.



## 2.10 Chitwan



<b>Headquarters :</b>	Bharatpur
<b>Area in Sq. Km :</b>	2,218
<b>No. of Households :</b>	132,462
<b>No. of Population :</b>	579,984
<b>Male :</b>	279,087
<b>Female :</b>	300,897
<b>No. of PwD :</b>	12,937
<b>No. of VDC(s)/Municipality(ies) :</b>	38/1
<b>Male Literacy :</b>	220,228
<b>Female Literacy :</b>	203,877
<b>Religion Hindu (%) :</b>	81.4
<b>Buddhism (%) :</b>	13.02
<b>Islam (%) :</b>	1.16
<b>Kirat (%) :</b>	0.04
<b>Christianity (%) :</b>	3.39
<b>Prakriti (%) :</b>	0.65
<b>Bon (%) :</b>	0.01
<b>Shikha (%) :</b>	0.001
<b>Undefined (%) :</b>	0.326
<b>Human Development Index :</b>	4.38

## **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING**

### **By State**

Resham Chepang, 40, of Piple VDC-2 was shot dead by a team of Nepal Army in Lothar area of Chitwan National Park on February 6. Chepang was shot dead near the National Park area in Rapti and Lothar River bank when a group of five people were smuggling wood from the National Park, army said. The army team tried to stop them but the group attacked them with stone and tried to flee the scene. Army opened the fire killing Chepang on the spot, Jhamak Karki, the Chief Officer of Chitwan National Park said. Chepang's family accused the army of murder saying they could have overpowered and arrested him instead of firing at him. Ram Krishna Chepang, 45, of Piple VDC-2 was arrested by the police while other three were at large. Ram Krishna was released on bail amount of Rs 28,250 on April 1, Lal Bahadur Bhandari, assistant officer of National Park said. Several human rights organizations, including INSEC conducted fact finding and made the report public. The district administration office provided Rs 150,000 as a relief to the victim's family.

Rabin Gurung, 18, of Chandi Bhanjyang VDC-9 was killed in the police beatings at Panchkilo on February 19. Seriously injured Rabin died on the way to the hospital. The victim's family accused police of murder, but police claimed that he was killed in a mishap while trying to stop him from extorting money in Shivaratri festival. SP Srihari Adhikari, Constables Dan Bahadur Shahi, Ganesh Sonar, Ramsharan Silwal, Rohini Dhakal and Ajay Chhettri involved in the incident were suspended. The victim's family agreed to accept the body after the government agreed to pay Rs 1 m as relief. Ramesh Gurung, father of the deceased said they

have not got any relief. The victim's family presented a memorandum to the CDO on March 15 complaining that the agreement was not implemented by the government.

Patari Darai, 33, of Jagatpur VDC-1 living in Mangalpur VDC-1 was killed in the police beating on July 22 while walking on the street. Darai was working as a helper at Tul Bahadur Darai's home of the same VDC for one month. He was stopped and beaten by the police patrol without any reason and seriously injured while returning home after seeing off one of his friend working as a tractor driver in the same house, said Tul Bahadur Darai. He further said that Patari and Gaida went to drop their friend to his house as it was late in the night and after sometime they heard Patari screaming for help saying police were beating him. When he went back, he found his friend unconscious. The victim was taken to the hospital in a police van. Patari died on July 23 at Bharatpur Medical College while undergoing treatment. The victim's family claimed that he died due to the beatings by the police but the police denied it saying he got injured while running away after seeing a police van. The victim's family staged a sit-in protest in front of the police station demanding for the punishment of the guilty and for the compensation. The family performed the final rites of the deceased Darai after an agreement for the compensation of Rs 500,000.

## **INJURED IN SHOOTING/ EXPLOSION**

### **By CPN-M**

UCPN-M cadres Surya Tamang, 19, of Bhandara VDC-1 and chairperson of District Sports Council, Gurung of Bharatpur Municipality-12 were shot injured during a clash with CPN-M cadres on June 30. The clash ensued when both parties organized separate orientation program in the same office. Tamang and Gurung sustained leg

injuries in the incident. They were treated at Bharatpur Medical College Teaching Hospital. According to Uttam Gurung, the UCPN-M cadres had shot at them and they were merely retaliating the attack. Although the police claimed that investigation of the incident was underway, no one was arrested until the end of the year.

## JAIL AND DETAINEES

The 'D' grade District Jail has the capacity for 120 inmates. However, a total of 428 including 214 detainees and 214 convicts are residing in the jail.

A 'E' grade block in the District Jail was constructed in the jail this year. A total of 110 male inmates are residing in the jail. According to head of the Jail Kamal Prasad Kafle, the male inmates have the facilities of drinking, two tube wells, 15 taps and two toilets. Similarly, the female inmates have the facility of two toilets, and drinking water, television, play ground and a library for the inmates. Kafle stated that although there was some improvement than in recent years, overcrowded jail still posed challenges.

## THREATS/BEATINGS

### By UCPN-M

UML Gardi village committee chairperson, Narayan Prasad Adhikari, 35, of Gardi VDC-2 was assaulted by UCPN-M cadres on September 19. Adhikari was ambushed at Kuntipur of the same VDC as he was returning home from a football match on Gardi. He said that the assaulters ran away when the locals arrived hearing his cry for help. He sustained head and leg injuries and bruises all over the body. UCPN-M Chitwan issued a statement refuting the accusation saying the party's Gardi VDC secretary Abinash Timilsina was unnecessarily linked to the incident. Adhikari filed a complaint at District Police Office on September 20 but police could not arrest anyone until the end of the year.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction				1	1
Beatings			1	6	7
Child Rights			24	2	26
Death in Detention	1	1			
Injured			2	8	10
Killing	3	3	4	6	10
Women Rights			13		13
<b>Total</b>	<b>4</b>	<b>4</b>	<b>44</b>	<b>23</b>	<b>67</b>

### By Unidentified Group

UML district working committee member, Chakra Ruchal, 50, of Bharatpur Municipality-4 and NC cadre Raghu Timilsina, 47, of Bharatpur Municipality-4 were beaten and injured by an unidentified group of people on March 15 while returning after the meeting regarding the formation of Forest Users' Committee. Ruchal sustained spinal injuries and returned home after 11 days of treatment at Bharatpur Hospital whereas Timilsina returned home on the same day. The victim's family lodged an FIR against Deepak Lama's group for the incident on District Police Office on March 16. Police was not able to arrest anyone until the end of the year.

## RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

### July 17, 2011- July 15, 2012

The District Court with two judges decided 859 criminal cases and 325 remained pending. Similarly, 512 civil cases were decided and 438 cases remained pending.

### July 16, 2011-December 31, 2012

The District Court with two judges decided 316 criminal cases and 405 remained pending. Similarly, 216 civil cases were decided and 422 cases remained pending. According to the District Court, no criminal and civil cases older than two years remained pending.

## **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 811 cases between July 17, 2011 and July 15, 2012, out of which, 319 cases were won and 72 cases were lost. The Office, with one government attorney, informed that 419 cases filed until July 15, 2011 remained pending.

Among 22 filed murder cases, seven cases were won and four lost. Out of four attempted rape cases, one case was won and three lost. One case of trafficking was lost. Out of 11 cases of abduction, four cases were won and six cases were lost.

The Office of the District Government Attorney filed 640 cases between July 16, 2012 and December 31, 2012, out of which, 11 cases were won. The Office, with one government attorney, informed that 625 cases filed until July 15, 2011 remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

A total of 82,008 boys and 80,726 girls were enrolled in schools of primary and secondary level. District Education Office said 3 percent of children of school going age do not attend school. A total of 1,675 teachers were in relief quota, 215 women in female project quota in the district. A total of 1,890 quotas are allocated for the teachers in the district. A total of 405 quota is allocated for lower secondary school and 133 teachers are at relief quota. There is a total of 383 quota including 309 for secondary level, 74 in relief quota. A total of 2,811 teachers are at work from primary to secondary level.

A total of 10,885 boys and 8,979 girls are attending in 48 Early Child Development Centers in the district among which 1,284 are dalits. District Education Office did not have an updated data related to education.

## **Rape, Attempt to Rape, Sexual Abuse**

The mother of a 4-year-old girl lodged a complaint against Gyan Bahadur Kumal at District Police Office on February 16 on charge of raping the girl at his home on February 20. The accused was arrested by police on the same day. According to police, the victim was treated at government hospital in Bharatpur on the same day. The District Court ordered five year's imprisonment to the accused on September 27.

A seven-year old girl was raped by Shekhar Khatri, 35, aka Juthe on November 24 near the victim's home. The victim's family members lodged a complaint against the accused at the District Police Office on November 24. However, the accused remained absconding at the end of the year.

## **Abduction**

Three-day-old son of Sarita Rai, of Dhikuwa VDC-7, Khotang and currently staying at Barhaghare of Bharatpur Municipality-4 was abducted from the bed at maternity ward of Bharatpur Hospital at around 3 pm on January 18, when she had gone to toilet. She suspected one woman who identified herself as Puja of Rajahar in Nawalparasi, about 25 years of age could have stolen the baby. Police detained around 10 women on the basis of the description of the looks but the offender could not be arrested. District Police Office formed an investigation team led by Inspector Kumar Thapa but there was no success until the end of the year, DSP Rabi Paudel said. Father of the baby claimed that he could get back his baby if the administration is keen enough.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Killed Accusation of Witch**

Dhegani Mahato, 40, of Bagauda VDC-2 was accused of being witch and severely beaten by a neighbor Bikram Mahato and his family on February 17

and later killed her by setting her on fire. Dhegani was cleaning the cowshed near Bikram's house early in the morning when the family members started beating her and threw petrol on her body and set her ablaze. She was accused of practicing witchcraft by a shaman Jugeshwar Mahato, locals said. The victim's father-in-law said that they were beating Dhegani while he was going to the toilet. He further said that when he went to the incident site, they threatened to kill him. The victim's father-in-law Jhari Mahato lodged an FIR against Bikram Mahato alias Bikana, Bikramiya Mahato, Laxmi Mahato, Sanju Mahato, Krishna Kumari Mahato, Bikram Mahato, Manju Mahato, witch doctor Jogeshwar Mahato, Saraswoti Mahato, Laxmi Mahato and Pashupatiya Mahato including 11 others at the District Police Office on March 15. Police arrested Bikram Mahato, his wife Bikramiya Mahato, daughters Laxmi, Sanju, Krishna, Manju and witch doctor Jogeshwar Mahato on the same day. Among them, Laxmi, Sanju, Manju, Krishna, and Jugeshwar were released on March 19. Police also held Bikram's 10-year-old granddaughter. All of them were taken to the District Court on March 15. By court order Jogeshwar Mahato, Bikram Mahato, Bikrimaya, Laxmi, Sanju, Manju, Krishna Kumari Mahato and son-in-law Bikram Mahato were taken into custody. Laxmi Mahato, 23, Pashupatiya Mahato and Saraswati Mahato were released on date. Government of Nepal decided to give relief of Rs 1 m to the family and free education to the victim's children.

### **Rape, Attempt to Rape, Sexual Abuse**

A 25-year-old woman was raped by Baburam KC of Manari VDC-2, Nawalparasi on April 3 near the victim's home. Demanding action against the accused the victim's mother lodged a complaint at District Police Office on April 4. The accused was arrested by police on

the same day. The District Court on July 15 ordered two and six month's jail sentence against the accused.

A-45-year-old woman accused a soldier posted at Chitwan National Park, Chitra Bahadur Pradhan of trying to rape her on May 12 while she was cutting grass in the community forest near the Park. She was asked by the accused for a sexual favor which she refused prompting Pradhan to beat her up. The family took her to Bharatpur Medical College Hospital for treatment on May 13. She received further treatment at Narayani Community Hospital with financial support from the Army and was taken to Bharatpur Hospital on May 26 with the help of INSEC and local people as her knee injury worsened. The treatment cost was born by Nandabax Battalion, Captain Hari KC Khadka said. Army said that departmental action was against the accused.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Sarita Pariyar, 20, of Gardi VDC-1 was beaten to death by her husband Narayan Pariyar, 22, on August 18. Seriously injured victim breathed her last while undergoing treatment at Bharatpur Medical College Teaching Hospital on the same day. Based on the complaint lodged by the victim's maternal side, the accused was arrested by police on August 20. According to DSP at District Police Office Rabi Paudel, the accused admitted in police office that he had committed the incident in inebriated condition. The accused was remanded in custody as per the District Court's order.

Bishnu Raut, 45, of Gitanagar VDC-2 was hacked to death by her husband Govinda Bahadur Karki aka Prem Bahadur Raut, 60, on November 16. The victim's relatives lodged a complaint against the accused at the District Police Office on November 17. According to police, an

investigation of the incident was underway. The accused remained absconding since the incident.

### **Polygamy**

Bishal BK who got married with Sangita BK, 19, of Jagatpur VDC-9 on April 26 got second marriage with Ganga BK, 21, of same VDC on June 20. Bishal, Sangita and Ganga were working at a chicken farm of same VDC. Among them, Bishal and Ganga were arrested by police on June 8 following the complaint lodged by the victim. Bishal was remanded in custody and Ganga was released on bail as per the District Court's order on July 1. The District Court ordered one year's jail sentence and Rs 5,000 fine against him on November 26.

### **Mistreatment**

A 57-year old woman of Dibyanagar VDC-3 was mistreated by Bina Mahato, 20, of same place, Raju Tamang, 20, of Ayodhyapuri VDC-9, Lal Bahadur BK, 47, of Parbatipur VDC-9 on September 29 on charge of practicing witchcraft. Demanding action against the accused, the victim lodged a complaint District Police Office on September 31. Lal Bahadur and Raju were arrested on the same day and they were released on October 4 by depositing NRs 2,000 as per the District Court's order.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Dhan Bahadur Pariyar, 50, of Ayodhyapur VDC-7 committed suicide on October 23 when he could not afford to buy meat for Dashain festival because of his financial condition. Dhan Bahadur, who sustained his family making Madal, stone grinders and mortars, had returned to home empty handed from the village when he could not borrow some meat. Pariyar's wife said that he promised to bring some

meat the next day to celebrate the festival. However, his wife found him hanging in the kitchen. According to the locals, he committed suicide as he was unable to bring meat at home for his 12 children.

### **Destruction of Infrastructure**

The students at Aasha Hospital Nursing College vandalized the college, located in Bharatpur Municipality-10 on March 16 for not implementing the previous agreement recognized by CTEVT. The canteen, emergency, physiotherapy rooms were damaged in the incident. According to the board member of the college, Narayan Singh, about 60-70 students had entered forcefully in the college at around 11 pm and vandalized the college. He further said that many outsiders were also involved in the incident.

### **By UCPN-M**

Nepal Polytechnic Institute of Bharatpur Municipality-11 was vandalized by a group of about 12 UCPN-M cadres on July 2 for defying bandh. According to the college administration, ANNISUR cadres Durlav Shahi and Gopal Shrestha of Bharatpur Municipality-10 among other students had vandalized the college. The accused had entered the college wielding rods, hammer and other weapons. The computers, printers, CCTV, EPBX system and glasses of the windows were damaged in the incident. The group also manhandled administration officer at the college, Shiva Prasad Subedi. Based on the complaint lodged by the college administration at the District Police Office, police arrested Durlav among others. According to Inspector at District Police Office, they were released following interrogation.

## **HEALTH SERVICE SITUATION**

The District has one government hospital, 16 health posts and 20 sub-health

posts. Among the four posts of doctors three were working and one was vacant. All four staff nurses and eight lab assistants are working. There 89 out of 100 posts of AHW and 55 of 60 posts for the auxiliary nurses were occupied. Similarly, 14 out of 22 HA and one each of vaccine supervisor and TB/Leprosy supervisor is working.



## 2.11 Makawanpur



<b>Headquarters :</b>	<b>Hetauda</b>
<b>Area in Sq. Km :</b>	<b>2,426</b>
<b>No. of Households :</b>	<b>86,127</b>
<b>No. of Population :</b>	<b>420,477</b>
<b>Male :</b>	<b>206,684</b>
<b>Female :</b>	<b>213,793</b>
<b>No. of PwD :</b>	<b>8,467</b>
<b>No. of VDC(s)/Municipality(ies) :</b>	<b>43/1</b>
<b>Male Literacy :</b>	<b>146,222</b>
<b>Female Literacy :</b>	<b>123,202</b>
<b>Religion Hindu (%) :</b>	<b>48.26</b>
<b>Buddhism (%) :</b>	<b>45.57</b>
<b>Islam (%) :</b>	<b>0.42</b>
<b>Kirat (%) :</b>	<b>0.05</b>
<b>Christianity (%) :</b>	<b>4.84</b>
<b>Prakriti (%) :</b>	<b>0.66</b>
<b>Bon (%) :</b>	<b>0.01</b>
<b>Undefined (%) :</b>	<b>0.192</b>
<b>Human Development Index :</b>	<b>4.88</b>

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'D' grade district jail that lies at Bhimphedi has the capacity for 1200 inmates. A total of 504 inmates, including 205 convicted and 299 inmates are residing in the jail. There are no women and children.

The jail building is in dilapidated condition and the jail's environment is not suitable for female inmates. Therefore, the male inmates were transferred to the regional jail on August 30 which was constructed in Bhimphedi for female inmates. The jail administration has begun to construct a jail building for male inmates. According to jailor Chiranjivi Thapa, the jail capacity will be of 1200 inmates. Now, a total of 504 inmates have been kept in the jail. The female inmates were sent to Birgunj.

According to Karki, the inmates have the facilities of TV, toilets, electricity, library newspaper and other sports materials such as Chess, Ludo and Carom board. The inmates were generating income by making bamboo tools in the jail. With the aim to accomplish the construction of jail building in five years, the jail administration began to build the jail building three years ago. According to the jailor, a school building for the inmates is lacking in the jail. He added that due to the overcrowding, the inmates are facing the problem of sleeping in the jail.

The 'B' grade district jail has the capacity for 250 inmates. However, a total of 504 inmates including 205 convicted and 299 detained inmates are residing in the jail. The government has prepared to build the jail building for 1200 inmates in this year. However, its prepeartion was still underway.

Types of Events	By State			By Non-State		
	Male	N/A	Total	Female	Male	Total
Abduction				1		1
Child Rights				17		17
Inhuman Behavior					1	1
Killing				5		5
Right to Assembly	1	9	10			
Women Rights				9		9
<b>Total</b>	<b>1</b>	<b>9</b>	<b>10</b>	<b>32</b>	<b>1</b>	<b>33</b>

## RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

### July 17, 2011- July 15, 2012

The District Court with one judge decided 610 criminal cases and 143 cases remained pending. Similarly, a total of 122 civil cases were decided and 152 cases remained pending.

### July 16, 2011-December 31, 2012

The District Court with one judge decided 122 criminal cases and 231 cases remained pending. Similarly, a total 80 civil cases were decided and 122 cases remained pending. There were no cases older than two years remained pending in the District Court.

## APPELLATE COURT

### July 17, 2012- July 15, 2012

There were a total of 350 cases filed in Appellate Court. A total of 2,125 cases were lodged during this fiscal year in this court. Similarly, 2,125 cases were lodged in previous fiscal year. The register at Appellate Court Devendra Paudel said that of the filed cases 63.41 per cent cases were decided until now. Although, there are nine quotas for the justice in Appellate Court, a total of seven justices were at work. It was a good achievement that only 2,260 cases remained pending despite having just seven justices, said Paudel.

Out of the filed 1,214 civil cases, 265 cases were decided and 949 cases remained pending. Similarly, out of the

filed 216 criminal cases, 70 cases were decided and 146 cases remained pending. There were no cases older than two years pending in the Appellate court.

## The Office of the District Government Attorney

The Office of the District Government Attorney filed 260 cases between July 17, 2011 and July 15, 2012, out of which 120 cases were won and 27 cases were lost. A total of 11 cases remained pending in the court. The Office, with two of government attorneys, informed that 113 cases filed until July 15, 2011 remained pending.

Among the filed five murder cases, three cases were won and one lost. Out of 17 rape cases, 12 cases were won and one lost. Out of seven cases of trafficking, five cases were won and two cases were lost. Out of two cases of abduction, one case was won and one lost. One case of polygamy was won. One case related to untouchability was won.

The Office of the District Government Attorney filed 196 cases between July 16, 2012 and December 31, 2012, out of which 98 cases were decided. Of which 75 cases were won. The Office of Government Attorney informed that 113 cases filed until July 15, 2012 remained pending.

## CHILD RIGHTS

### Situation of Education

Of 77,247 children of school going age, 73,257 students go to school. Out of them, 36,325 boys and 36,922 girls enrolled in schools of primary and secondary level. Among them, 3,323 girls and 2,995 boys were dalits. A total of 743 female and 1,134 male teachers were at work in primary government and community schools.



Similarly, a total of 165 female and 30 male teachers were at work in lower secondary community and government schools. A total of 60 female and 231 male teachers are at work in government and community secondary schools.

A total of 9,091 boys and 8,817 girls were attending in Early Child Development Center in the district.

### **Killing**

Amrita Paudyal, 13, of Ambhanjyang VDC-7 was murdered by Tul Bahadur Shyantana, 20, and Deepak BK, 19, of the same VDC on February 21. Her body was thrown from the cliff. Both accused were arrested by the police on February 26. The District Court ordered life imprisonment to the accused on June 29.

### **Killed by Family Member**

Laxmi Rumba, 12, Sunita Rumba, 10, and Anita Rumba, 9, of Phaparbari VDC-5 were murdered by their father Bhakta Bahadur Rumba, 35, February 16. They were hit with stone as they were asleep at night. Police arrested Bhakta Bahadur on the same day. The District Court on October 2 ordered him life imprisonment on March 19.

### **Rape, Attempt to Rape, Sexual Abuse**

Ajay Moktan, 25, allegedly raped a 15-year-old girl on March 8. The victim's family members lodged a complaint at the Police Office of Hetauda Municipality-11 on the same day. Based on the complaint lodged by the victim's family members, the accused was arrested by police on the same day. He was remanded in custody on May 14 as per the District Court's order.

A 13-year-old girl was raped in a jungle on October 14 allegedly by Dol Bahadur Rai, 71, of the same VDC after luring her with chocolate. The perpetrator was taken into control by the villagers on

October 15 and handed over to the police. District Court ordered to remand the accused in jail.

Sobhit Lamsal, 28, of Hetauda Municipality-9 was arrested by police on January 9 on charge of raping a 12-year-old girl on the same day. The victim's health checkup was held on January 12. The District Court judge Tek Narayan Kunwar ordered a 10-year's jail sentence to him on October 16.

### **Girl Trafficking**

Two girls, aged 17 and 15, were trafficked by Raj Kumar Sonar, 25, of Birgunj Sub-Metropolis-5 on February 18 alluring them with a job in India. Maiti Nepal, an NGO that works against women trafficking, rescued the victims on February 21. The accused was arrested by police on the same day. The District Court ordered 35-years imprisonment against the accused on June 19.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

A 36-year-old woman was raped allegedly by Nawaraj Basnet, 25, of Harnamadi VDC-4 on January 17. The accused was arrested by police on the same day. He was remanded in custody as per the District Court's order on February 6. The case remained undecided at the end of the year.

Police arrested Rajib Shrestha of Hetauda Municipality-11 on July 9 on charge of attempting to rape a 25-year-old woman. The accused was remanded in custody as per the District Court's order on August 4.

## **DOMESTIC VIOLENCE**

A total of 25 incidents of domestic violence were filed at District Police Office from April 13 to November 16. According

to police, most of the incidents of domestic violence were settled at police cell. The police said that such incidents included beatings and expulsion from home by family member.

### **Killing by Family Members**

Bibimaya Moktan, 47, of Gagane VDC-5 was killed by her husband Prem Bahadur Moktan, 35, on December 10. The accused had killed the victim by attacking her with a fuel wood and thrown her from the cliff after death. The accused was arrested by police on December 14.

### **Expelled from Home**

Saraswati Lama, 29, of Padampokhari VDC-9 was expelled from home by her co-wife Sanhili Lama, 31, and son on March 12 on suspicion of having extra marital affairs. The victim was staying at her maternal home. She did not lodge any complaint.

### **Mistreatment**

Kul Bahadur Syanbo, 50, and Rammaya Syanbo, 47, of Dadakharka VDC-8 were beaten up by Khadka Moktan, 35, Raj Kumar Moktan, Kanchhi Maya Moktan, Jeet Bahadur Moktan and his wife on August 13 on charge of practicing witchcraft. Due to the incident, the victims left the village on August 17 and were living at Churiyamai VDC. They lodged a complaint at District Police Office on December 14. Kanchhimaya was arrested by police on December 26.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Problem of Landless Squatters**

About 361 people became landless due to the natural calamities in the district. The government survey states that about 94 percent land is in a perilous condition. Due to the flood, about 300 people are displaced every year. Due to the flood in 2001 and 2002, about 5,000 people were displaced from their homes. They are yet to be rehabilitated. Three people were swept away by the flood. Although the a commission formed by the government to address the squatters' issues promised to provide identity cards to the squatters, the cards are yet to be provided to them.

### **By UCPN-M combatants**

The retired UCPN-M combatants set ablaze a bus with the number plate of Ba1 Ka 4273 which belong to the Uniliver Limited in Basamadi VDC-5 on January 5.

## **HEALTH SERVICE SITUATION**

The District has one hospital, 26 health posts and 14 sub-health posts. Among the 11 posts of doctors, four were working and seven remained vacant. Eight staff nurses are working and six remained vacant. There are four lab assistants while two remain empty and 51 out of 44 AHW remain empty. Among 52 posts for AMW, 51 are working. Similarly, 15 out of 23 HA and one each of vaccine supervisor and TB/ Leprosy supervisor is working.



## 2.12 Lalitpur



<b>Headquarters :</b>	Lalitpur
<b>Area in Sq. Km :</b>	385
<b>No. of Households :</b>	109,797
<b>No. of Population :</b>	468,132
<b>Male :</b>	238,082
<b>Female :</b>	230,050
<b>No. of PwD :</b>	4934
<b>No. of VDC(s)/Municipality(ies) :</b>	41/1
<b>Male Literacy :</b>	203,801
<b>Female Literacy :</b>	165,810
<b>Religion Hindu (%) :</b>	73.53
<b>Buddhism (%) :</b>	19.27
<b>Islam (%) :</b>	0.66
<b>Kirat (%) :</b>	1.24
<b>Christianity (%) :</b>	5.02
<b>Prakriti (%) :</b>	0.05
<b>Bon (%) :</b>	0.02
<b>Jain (%) :</b>	0.01
<b>Shikha (%) :</b>	0.016
<b>Bahai (%) :</b>	0.175
<b>Undefined (%) :</b>	0.191
<b>Human Development Index :</b>	4.26

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING**

#### **By Unidentified Group**

Supreme Court Judge, Rana Bahadur Bam, 64, of Kalanki, Kathmandu Metropolis-14 was shot dead on May 31 at around 11 am by an unidentified group on UN Park area near Bagmati Riverbank in Lalitpur. The seriously injured Justice Bam died in the afternoon while undergoing

treatment at Norvic Hospital in Thapathali, Kathmandu. Two unidentified people arriving in a motorbike opened fire at Bam, his body guard Mahesh Giri and friend Ram Giri of Dahachok. Injured Ram and Mahesh got the treatment in Norvic Hospital. Driver Ashta Lama was arrested by the police on the same day on suspicion of his involvement in the incident. Police formed the investigation committee in command of AIG Kuber Singh Rana, however, no arrest had been made. The cabinet meeting held on June 15 decided to form an investigation committee with former judge Prem Prasad Sharma as the coordinator and Minister for Justice Prem Raj Karki and DIG Naresh Gurung as other members. The cabinet decided to announce the judge as a martyr and give 1 m to the family. Similarly, the meeting decided to pay the treatment amount to the injured.

### **JAIL AND DETAINEES**

The 'C' graded District Prison has the capacity to hold 175 inmates at a time. A total of 243 inmates, including 105 convicts and 138 detainees were held there at the end of the year. Among them, 21 are the foreigners. There are no minor dependents in the prison.

There are two blocks in the prison. In CRC block, there are 115 convicted and 131 detained inmates. In this block, there are 18 foreign inmates, informed Jailer Shiva Chandra Dhital. According to him, the building of the prison is in very poor state. There are facilities of toilet, drinking water, newspapers, radio and television. There is one post for the doctor in the prison.

### **THREATS/BEATINGS**

#### **By NSU**

Kundan Raj Kafle, 31, of Dolakha District, living in Kathmandu and central committee member of NSU was attacked

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings			5	22	27
Child Rights			6		6
Inhuman Behavior				1	1
Injured				2	2
Killing			1	1	2
Right to Assembly	8	8			
Women Rights			5		5
<b>Total</b>	<b>8</b>	<b>8</b>	<b>17</b>	<b>26</b>	<b>43</b>

and injured by the NSU cadres of other party in Advanced Engineering College at Kupandole, Lalitpur on December 26. The victim sustained an eye injury in the attack. Kagle supporters vandalized chairs and tables of the college after the incident. The dispute arose regarding election of the unit committee. The accused were at large according to the police.

#### **RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)**

On the first day of three-day nationwide strike announced by Indigenous Nationalities Joint Struggle Committee (INJSC) on May 20, NHRC officer Jeevan Neupane was injured after he was hit with the iron rod on his head during the monitoring in Bholdhoka Chagall in Lalitpur. Another NHRC Officer Sri Ram Adhikari was mistreated by the protestors and his motorbike (BA 11 PA 8258) was vandalized. The protestors vandalized the motorbike (BA 20 PA 3899) belonging to Himalayan Television in Gwarko and mistreated YT Ghimire, according to journalist Shambhu Pokhrel. The protestors vandalized the motor (BA 7 CHA 1600) belonging to Nepal1 Television. Journalist Kabita Adhikari and Mangal Lama were injured in their beatings.

During the strike, journalist Ashok Dulal of Abhiyan Dainik was seriously

injured after he was hit with an iron rod. He sustained a serious head injury. The injured got treatment in B&B hospital. Journalist Nawaraj Shrestha of News 24 was misbehaved by the protestors and his camera was looted. Nirmal Oli of same TV channel was also mistreated and the car (BA 7 CHA 4151) was vandalized. The scooter (BA 34 PA 4638) of journalist Pawan Barsa Shah of Karobar Daily was vandalized in Baghbazar. At least eight people were injured in a clash between the strikers and the locals in Imadol, Lalitpur during the strike called by INJSC on May 21. The injured were treated at KIST Medical College Teaching Hospital and Global Hospital. During the clash, Aadi Lama, Dinesh Maharjan, Roshan Maharjan, Ganesh Shrestha and Abhiyan Lama got injured. Police charged batons and fired teargas to control the protestor.

#### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT July 17, 2011- July 15, 2012**

The District Court with three judges decided 615 criminal cases and 173 remained pending. 989 civil cases were decided and 225 remained pending.

The Appellate Court with 18 judges decided 2,377 criminal cases and 4,936 remained pending.

The Office of the District government with two attorneys filed 611 cases between July 17, 2011 to July 15, 2012. 395 cases were decided and 216 remained pending.

#### **CHILD RIGHTS**

##### **Situation of Education**

Of 1,044,49 children of school going age, 73,652 boys and 70,397 girls were enrolled in school of primary and secondary level. 1,009 teachers are at primary level, government and community schools. 301 teachers are at lower secondary

level. Similarly, 256 teachers are at secondary level. Lalitpur District Education Office did not have an updated data related to education.

### **Rape, Attempt to Rape, Sexual Abuse**

The relatives of a 14-year-old girl of Taplejung District lodged a complaint against Aitraj Tamang alias Anil, 27, of Lalitpur Sub-Metropolis at the Metropolitan Police Office on June 7 accusing him of raping her repeatedly. The police arrested the accused on June 11. The accused was remanded in custody by the court order on July 4.

A complaint against Indian national, Mumtaz Ansari was registered at police office by Punya Prasad Acharya, accusing him of raping a 7-year-old on September 13. The accused was arrested on September 15 and was remanded in custody by a court order on October 8.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

A complaint was lodged against Laxman Magrati, 49, at District Police Office by the victim's relative, Dal Bahadur Magrati accusing Laxman of raping a 41-year-old woman on February 22. The accused was arrested by the police on March 29. The accused was sent to jail after he could not pay the bail amount. The accused remained in custody until the end of this year.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Kanchi Mijar, 40, of Pragati Tole, Dhapakhel VDC-5 was murdered by her husband Gore Mijar, 49, on November 3 by hitting her with a hammer. The deceased was the second wife of the accused. He killed her accusing her of having an extra marital affair. The police arrested the accused on November 4. He was remanded in custody by the court order on November 29.

### **Polygamy**

Chettraj Kunwar, 32, of Sunsari district, living in Imadole of Lalitpur District, got married with Pabitra Thapa Magar of the same VDC on May 17. His first wife Kopila Khadka lodged a complaint against him at police office on May 18. District Court released Pabitra on date and Chetraj on bail amount of Rs 45,000.

## **HEALTH SERVICE SITUATION**

There are four government and 14 private hospitals, 16 health posts and 22 sub-health posts in the district. All six available positions of doctors and four posts of staff nurse are occupied. All of three available positions of Lab Assistant are occupied. All 57 posts of AMW, one quota each of vaccine supervisor and TB/Leprosy Supervisor were occupied. Out of 21 available positions of Health Assistants, 14 are working and seven remained vacant.



## 2.13 Kavre



Headquarters :	Dhulikhel
Area in Sq. Km :	1,396
No. of Households :	80,720
No. of Population :	381,937
Male :	182,936
Female :	199,001
No. of PwD :	6,670
No. of VDC(s)/Municipality(ies) :	87/3
Male Literacy :	138,584
Female Literacy :	118,130
Religion Hindu (%) :	62.57
Buddhism (%) :	34.62
Islam (%) :	0.08
Kirat (%) :	0.02
Christianity (%) :	1.78
Prakriti (%) :	0.6
Shikha (%) :	0.001
Undefined (%) :	0.322
Human Development Index :	4.73

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'D' graded District Prison has the capacity to hold 61 inmates at a time. A total of 166, including 80 convicted and 86 detained inmates were held there at the end of this year. There is no separate female ward. Two inmates died in the prison during the year. The prison is divided into three sections and the middle section has inmates with mental disorder. The toilets and building

of the prison need improvement. There are altogether 166 inmates in the prison. The prison administration is compelled to keep three times more inmates due to the lack of the space, according to Matrika Prasad Dahal, Chief of the jail.

### **Death in Jail**

Kumar Nepali alias Shre Nepal, 20, of Rasuwa District was beaten to death by Hari Prasad Sapkota on December 26 inside the jail. The accused, who was mentally ill, murdered him using a bamboo. The accused was sent to Dhulikhel prison for treatment. The investigation was still going on at end of the year, police said. The accused was serving life imprisonment.

### **THREATS/BEATINGS**

#### **By State**

Nabin Ghising, 26, and Netra Bahadur Ghising, 45, of Milche VDC-1 organized a press conference in Banepa on December 8 claiming they were beaten up by three policemen, including Head Constable Phurwa Thing at Taldhunga Police Station on November 29. They said that they were at the station to take the money from Phul Maya Tamang. Phul Maya, the wife of their nephew Mohan who worked in Dubai, had run away with another man. The duo were called at the police station to give back Mohan's Rs 95,000. Accused policeman Phurwa, a relative of Phul Maya, along with his colleagues, beat them up with pipe and stick and kicked them until they lost consciousness and were released in the morning. They sustained injuries on the face for which they received treatment at TU Teaching Hospital, Kathmandu. The Ghising's filed a complaint at NHRC on November 5. When the incident became public through media, District Police Office called them to Dhulikhel for investigation.

## RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

### July 17, 2011-July 15, 2012

The District Court with two judges decided 446 criminal cases and 295 remained pending. 474 civil cases were decided and 252 remained pending.

### July 16, 2012-December 31, 2012

The District Court with two judges decided 43 criminal cases and 432 remained pending. 42 civil cases out of 406 were decided and 364 remained pending. There are 10 criminal cases and 17 civil cases older than two years.

## The Office of the District Government Attorney

The Office of the District Government Attorney filed 264 cases between July 17, 2011 to July 15, 2012, out of which, 105 cases were won and 29 were lost. The Office, with one government attorney, informed that 146 cases filed until July 15, 2012 remained pending.

Among four filed cases of abduction, four remained pending. Out of 11 cases of attempted rape, three were won and eight remained pending. Among the 28 murder cases, two were won, eight were lost and 18 remained pending. The Office informed that there are 59 cases registered during the year and all of them remained pending.

## CHILD RIGHTS

### Situation of Education

Of 190,840 children of school going age, 64,821 boys and 126,019 girls were enrolled in schools of primary and secondary level. Among them, 5,382 boys and 4,590 girls were Dalits. 1,537 female and 2,002 male teachers were at primary level, government and community schools. 345 female and 793 male teachers were at lower secondary level. Similarly, in secondary level, there were 104 female and 870 male teachers.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction				1	1
Beatings	2	2		8	8
Child Rights			9		9
Inhuman Behavior				2	2
Injured				4	4
Killing			2	8	10
Racial Discrimination			1		1
Threats			2		2
Women Rights			10		10
<b>Total</b>	<b>2</b>	<b>2</b>	<b>24</b>	<b>23</b>	<b>47</b>

## Rape, Attempt to Rape, Sexual Abuse

The family of a 14-year-old girl lodged a complaint against her teacher Raju Sedain of Kharelthok VDC-2 at District Police Office accusing him of raping her on January 5. The accused allegedly raped the girl luring her with a promise of buying food near the Kaskote River. He repeatedly raped the girl again on the same day in Mahadev Temple near the school. The girl said that the accused raped her many times in the past. When the girl's family learned about it, Sedain offered the girl's father Rs 15,000 to keep quiet. The incident became public after the accused started threatening the father instead of giving him the promised money. The girl was sent to Thapathali Hospital in Kathmandu for health checkup. The accused was at large until the end of the year.

Chandra Bahadur Pahari alias Lato was accused of raping a 5-year-old girl, playing in the garden, on August 24 near the paddy field. The accused was arrested by the police on the same day and sent to custody at District Police Office, Dhulikhel. The girl underwent medical treatment at Maternity Hospital, Kathmandu. INSEC provided Rs 3,000 as financial support for her treatment.

## **Child Trafficking**

Krishna Shrestha alias Gaurav, 24, of Panauti Municipality-10 was arrested by the police on charge of trafficking a 15-year-old girl on October 31, luring her with offer of job in India. Police started searching for the girl after her mother complaint at the police office in Rupin about her disappearance. The accused was arrested by the police on November 3. The accused was remand in custody by the court order on November 27. The accused was at District Prison since November 29 until the end of the year.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

A 67-year-old woman was sexually assaulted by Ajay Lama, 35, of Shyampaty Simalchaur VDC-3 on April 22 near Arubotbari while victim was cutting grass. Police arrested the accused on the same day after the victim made a complaint against him, accusing him of attempting to rape her in inebriated state. The victim was treated at Thapathali Hospital in Kathmandu. The Office of District Government Attorney presented the case to the court on May 14. The District court sentenced him for two years by the decision of May 14.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

The family of Sita Thapa, 22, of Darmibot in Kushadevi VDC-4 filed an FIR against her husband Roshan Thapa at District Police Office on June 12 accusing him of killing her. The deceased has one daughter. Police arrested Roshan Thapa, Hem Bahadur Thapa alias Raj Kumar and Rama Thapa on August 23 following the FIR. Sita's decomposed body was found near the jungle by the police. The postmortem of the body was performed and

was handed over to the family for the final rites.

### **Attempt to Murder**

The police arrested Kedar Prasad Sapkota, 50, of Ryale VDC-2 on April 23 on charge of attempted murder of his wife, Kanchi, 37 and daughter Arati, 5, by attacking them with knife in an inebriated state. The accused tried to set them on fire. The accused was taken into control by the locals and handed over to the police. He was later taken to the hospital by his relative Bishnu Prasad Sapkota, 58, for the treatment of his mental illness on April 25

### **Polygamy**

A complaint against polygamy was lodged at the police office by Anju Shrestha, 28, against her husband Purna Narayan Shrestha on April 11. The accused married, Sita Shrestha, 36, of Banke. The police arrested both the accused on May 15 and was released on bail amount of Rs 25,000.

## **HEALTH SERVICE SITUATION**

There is a government hospital, 17 health posts and 72 sub-health posts in the district. Out of 5 available positions of doctors, one is working and 4 remained vacant. Out of 6 available positions of staff nurse, 2 are working and 4 remain vacant. Out of 1 available positions of Lab Assistant, it was occupied. Out of 77 available positions of Assistant Health Workers, 47 are working and 30 remained vacant. Out of 47 available positions of Auxiliary Mid-Wife, 32 are working and 15 remained vacant. Out of 1 quota of Vaccine Supervisor, it was occupied. Out of 1 quota of TB/Leprosy Supervisor, it was occupied. Out of 22 available positions of Health Assistants, 11 are working and 11 remained vacant.





## 2.14 Bhaktapur



Headquarters :	Bhaktapur
Area in Sq. Km :	119
No. of Households :	68,636
No. of Population :	304,651
Male :	154,884
Female :	149,767
No. of PwD :	3,204
No. of VDC(s)/Municipality(ies) :	16/3
Male Literacy :	132,616
Female Literacy :	104,937
Religion Hindu (%) :	87.85
Buddhism (%) :	9.18
Islam (%) :	0.49
Kirat (%) :	0.38
Christianity (%) :	1.97
Prakriti (%) :	0.02
Shikha (%) :	0.002
Undefined (%) :	0.097
Human Development Index :	4.44

### CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

#### By Unidentified Group

President of Human rights and Peace Society Bhaktapur, Sujana Paudel, 28, of Pokhara Metropolitan City-16, Kaski and living at Kaushaltar in Bhaktapur district and Bidya Laxmi Shakhkarmi, 23, of Bhaktapur Municipality-5 was murdered on July 30 by an unidentified group of people

by using a sharp weapon near the street at Chundevi of Tathali VDC-8. Paudel was the principal of Neolojon Academy School in Kamal Binayak whereas Bidyalaxmi was an accountant of the school. A motorbike with the number plate Ba 25 Pa 518 used by Paudel was found near the incident site. The police was not able to arrest anyone until the end of the year.

### RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

#### July 17, 2011- July 15, 2012

The District Court with two judges decided 415 criminal cases and 232 remained pending. 746 civil cases were decided and 594 remained pending.

Of 354 cases filed at District Court with two judges between July 15, 2012 and December 31, 2012, 131 criminal cases were decided and 223 remained pending. 278 civil cases were decided and 635 remained pending. There are no cases older than two years.

### The Offices of the District Government Attorney

The Offices of the District Government Attorney filed 468 cases between July 17, 2011 and July 15, 2012 out of which, 214 were won and 16 were lost. The Office with two Government Attorneys informed that 325 cases filed until the end of this period remained pending.

### CHILD RIGHTS

#### Situation of Education

A total 52,529 children of school going age enrolled in schools of primary and secondary level. Among them 2,343 were Dalit students. 348 female and 524 male teachers were at primary level, government and community school. 52 female and 154 male teachers were at lower secondary level. Similarly, 22 male and 155 female were at secondary level.

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	2		2
Killing	3	4	7
Women Rights	1		1
<b>Total</b>	<b>6</b>	<b>4</b>	<b>10</b>

### Child Reform Center

Children Reform Center was established and is in operation in Bhaktapur District since 1995. The center has the capacity of 85. Until the end of this year, there are 46 convicted and 50 detained children. Among them, 92 are male and four are female.

### Rape, Attempt to Rape, Sexual Abuse

A 15-year-old girl was raped allegedly by Krishna Prasad, 22, of Madyapur Thimi Municipality-13 on July 22. The accused was arrested by the police on July 22 and was remanded in custody by the court order of August 15.

## ALL KINDS OF DISCRIMINATION AGAINST WOMEN

### Rape, Attempt to Rape, Sexual Abuse

A 37-year-old woman was raped by Bikram Tamang alias Babu, 36, Nasika VDC-8 of Kavre, on August 20. Police arrested the accused on the same day based on the complaint lodged by the victim. The accused was remanded in custody by the court order on September 11. The case was still pending until the end of the year

## DOMESTIC VIOLENCE

### Killing by Family Members

Shova Devi Deula, 40, of Bhaktapur Municipality-11 was shot dead by her husband Rajesh Deula on the night of August 26. Deula shot his wife and surrendered himself to the Metropolitan Police of Hanumandhoka on August 27. The accused confessed to the police that he murdered his wife because she was having an extra-marital affair. The accused was


remanded in custody by the court order on September 19.

## HEALTH SERVICE SITUATION

There is a government hospital, 11 health posts and eight sub-health posts in the district. Out of two available positions of doctors, one was occupied, both staff nurse positions were occupied and three lab technicians were also occupied. Out of 48 available positions of AHW, 53 are working and 31 available positions of AMW, 35 are working.



## 2.15 Kathmandu



**Headquarters :** Kathmandu

**Area in Sq. Km :** 395

**No. of Households :** 436,344

**No. of Population :** 1,744,240

**Male :** 913,001

**Female :** 831,239

**No. of PwD :** 17,122

**No. of VDC(s)/Municipality(ies) :** 57/2

**Male Literacy :** 798,175

**Female Literacy :** 635,630

**Religion Hindu (%) :** 80.01

**Buddhism (%) :** 15.39

**Islam (%) :** 1.25

**Kirat (%) :** 0.77

**Christianity (%) :** 2.33

**Prakriti (%) :** 0.05

**Bon (%) :** 0.01

**Jain (%) :** 0.05

**Shikha (%) :** 0.004

**Undefined (%) :** 0.33

**Human Development Index :** 400.00

## **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING**

### **By Samyukta Jatiya Morcha**

Krishna Bahadur Tamang, 34, of Judikhel in Baireni VDC-1, Man Bahadur Tamang, 70, of Sagini in Baireni VDC-6 and Bir Bahadur Tamang, 72, of Pida VDC-8 Dhading, and living in Ratanpur VDC-6 of Bara died on an explosion on February 27 in front of the main gate of Nepal Oil Corporation. Som Bahadur Tamang, 25, of Ratanpur VDC of Bara District was seriously injured on the same incident. Other injured Bishnu Phulara, 32, of Dhangadi Municipality-1 of Kailali District living in Purano Baneshwar, Kathmandu, Man Bahadur Kunwar, 40, of Lokanthali in Bhaktapur, Bhim Bahadur Kunwar, 20, of Mastamandu VDC-2, Raghunath Khadka, 45, of Tathali in Bhaktapur, Lal Bahadur Tamang, 65, of Baireni VDC-1 of Dhading District and Basu Shrestha, 20, of Lalitpur District Luvu VDC-1 got the treatment in Bir Hospital, Kathmandu. Samyukta Jatiya Mukti Morcha's Devraj Lama aka Bishwakranti, 35, of Hile Bazar in Dhankuta took the responsibility of the explosion through the telephone. The Home Ministry formed a 4-member investigation committee in command of DSP Upendra Kanta Aryal. The committee identified Bhim Bahadur Tamang, Neema Tamang, Buddhi Bahadur Gole, Prem Tamang, Suresh Lama and Sagar Lama as being involved in the incident. The arrested were remanded in custody by court on March 30. Devraj Lama was arrested in Khotang June 27 and was handed over to the Kathmandu police. Kathmandu District Court remanded him in prison on June 29.

### **JAIL AND DETAINEES**

The 'A' grade central jail has the capacity for 1200 inmates. However, 2,328 inmates including 1,121 male and 1,207 female inmates are residing in the jail. Out

of them, 11 inmates are dependents.

Similarly, the 'B' grade Charkhal jail of Dillibazaar has the capacity for 150 inmates. However, a total of 587 including 279 convicted and 308 detained inmates are residing in this jail.

According to Inspector at the jail Rabiraj Thapaliya, the jail building is in dilapidated condition as it has more inmates than it can accommodate. The security personnel are also facing the problem to provide security to the inmates as many high buildings are constructed near the jail.

## **THREATS/BEATINGS**

### **By NC**

NC Chairperson Sushil Koirala, 73, was attacked by his own party's cadre Prabesh Basnet, 30, of Kathmandu Metropolis-7 on September 29 during a program. The NC cadres Shyam Sangat and Narmada Pokharel sustained injuries in the same incident and were treated at Om Hospital, Chabahil. The irate cadres handed over Basnet to Metropolitan Police Circle, Baudhha when he attacked Koirala as the organizers were honoring Koirala. Basnet was expelled for two years from status of party's general member. Following the incident, Basnet told media persons that he had attacked Koirala when the announcer did not provide chance for senior leaders to speak first on the stage. He was released on October 15 after depositing Rs 20,000 in District Administration Office.

### **By Others**

Chairperson of UCPN-M, Pushpa Kamal Dahal aka Prachanda, 58, was slapped by the same party cadre Padam Kunwar, 23, of Rajkut VDC-2, Baglung during a reception ceremony organized by the same party on November 16. Dahal's glass had broken in the same incident. The UCPN-M cadres had beaten up the accused and handed over to the police on the same day. District Administration Office lodged a

Types of Events	By State				By Non-State		
	Female	Male	N/A	Total	Female	Male	Total
Abduction					7	9	16
Arrest & Torture		3		3			
Beatings	2	1		3	3	14	17
Child Rights					56	3	59
Injured		1		1	2	12	14
Killing					22	18	40
Right to Assembly	7	45	35	87			
Threats						1	1
Women Rights					34		34
<b>Total</b>	<b>9</b>	<b>50</b>	<b>35</b>	<b>94</b>	<b>124</b>	<b>57</b>	<b>181</b>

public case against the accused on the same day. The District Administration Office had demanded Rs 28,000 for his release on December 10. He was released on December 11 when Prachanda submitted the amount at District Administration Office through his personal secretary Shiva Khakurel on December 11.

#### By Shiva Sena-Nepal

The Sundhara-based Office of Nagarik Daily was vandalized by a group who came in chanting the slogan in favor of Shiva Sena Nepal on November 22. The groups attacked the office asking who reported about the properties of the then king Birendra Sah. The group manhandled the editor-in-chief of the daily, Kishor Nepal, journalist Sudarshan Sapkota, Swarup Acharya, Sabina Maharjan, Shyam Bahadur Phuyal, and Rajendra Gyawali among others on the same day. Police arrested 15 people on suspicion of their involvement in the incident whereas two were released on the same day. The police filed a case under Public Offence Act at District Administration Office on November 21. However, they were released on December 4 after depositing Rs 10,000 each.

#### By Others

Chitra Bahadur KC, 73, President of Rastriya Janamorcha Nepal and CA

member received death threat by JTMM-J commander Sudeep Yadav on May 3 asking him to immediately stop the protest against Federalism. He was repeatedly receiving threats from the same person with different mobile numbers. He complained about the threats to the Prime Minister Baburam Bhattarai and informed CA Speaker Subaash Chandra Newang. According to KC, he also lodged a complaint at NHRC about the incident.

### RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

#### July 17, 2011- July 15, 2012

The District Court with 14 judges decided 4,354 criminal cases and 2,832 remained pending. Similarly, 2,894 civil cases were decided and 3,540 cases remained pending. A total of 117 criminal cases and 183 civil cases older than two years remained pending.

#### July 16, 2012-December 31, 2012

The District Court with 14 judges decided 1,857 criminal cases and 3,196 cases remained pending. Similarly, a total of 1,144 civil cases were decided and 3,515 cases remained pending. A total of 108 criminal cases and 115 civil cases older than two years remained pending.

### The Office of the District Government Attorney

The Office of the District Government Attorney filed 6,451 cases between July 17, 2011 and July 15, 2012, out of which 3,610 cases were won and 898 cases were lost. One case remained pending. The Office, with nine of government attorney, informed that 1,942 cases filed until July 15, 2012 remained pending.

Among the filed 108 murder cases,

13 cases were won and 40 lost. Out of 126 rape cases, 24 cases were won and 28 lost. Out of 50 cases of trafficking, 13 cases were won and 12 were lost. Of the 106 cases of abduction, 28 cases were won and 32 cases were lost. Similarly, of the 48 polygamy cases, 21 cases were won and 10 cases were lost. Out of three cases of untouchability, one case was won.

## **CHILD RIGHTS**

### **Situation of Education**

Of 367,891 children of school going age, 190,886 boys and 176,950 girls enrolled in schools of primary and secondary level. Among them, 12,539 girls and 579 boys were dalits. A total of 1,566 permanent and 493 temporary teachers were at work in primary government and community level. A total of 644 permanent and 151 temporary teachers were at work in lower secondary government and community schools. Similarly, a total of 644 female and 151 temporary teachers were at primary level government and community schools.

There were a total of 67 Community based Early Child Development Centers in the district. Similarly, a total of 901 Early Child Development Centers were at the community and institutional community schools. 88 teachers were at work in ECDCs of primary schools, 54 in lower secondary schools' ECDC, 111 teachers in ECDCs of secondary level schools and 43 in ECDCs of higher secondary schools. A total of 1,177 teachers are work in ECDCs of primary to higher secondary level community based schools.

### **Rape, Attempt to Rape, Sexual Abuse**

The family members of a 6-year-old girl lodged a complaint against Dambar Bahadur Magar, 74, of Gathi VDC-9, Sindhupalchok district at Metropolitan Police Circle, Baneshwar on March 17 on charge of raping her on the same day. The accused was arrested by police on April 8.

Police handed over the victim to her family members following health checkup held at TU Teaching Hospital, Maharajgunj on the same day. The accused was remanded in police custody as per the District Court's order on May 2.

Mother of a 4-year old girl lodged a complaint against a 14-year-old boy of Shikharbeshi VDC-2 and currently living in Kathmandu metropolis-16 at Metropolitan Police Circle, Balaju, accusing him of raping her on March 25. Police arrested the accused on the same day. He was remanded in custody as per the District Court's order on April 19.

The family members of a 16-year-old girl lodged a complaint against Srijan Sen aka Metal at Metropolitan Police Circle, Baneshwar on May 1 on charge of raping her on the same day. The accused was arrested by police on the same day. The victim's health checkup was held at TU Teaching Hospital, Maharajgunj. He was remanded in custody as per the District Court's order on May 25.

A 15-year-old girl lodged a complaint against Prem Magar of Koteshwar in Kathmandu Metropolis-35, and Ganesh Bahadur Shrestha of Sapi in Kavre, accusing him of raping her. Based on the complaint, the accused were arrested by police on the same day. The victim's health checkup was held at TU Teaching Hospital, Maharajgunj. They were remanded in custody as per the District Court's order on November 28.

The family members of a 6-year-old girl lodged a complaint against Kedar Mahato, 35, of Gamahariya VDC-8 at Metropolitan Police Circle, Baneshwar on June 15 on charge of raping her. The accused was arrested on the same day and remanded in custody following the District Court's order on July 9. The victim's health checkup was held at TU Teaching Hospital, Maharajgunj.

### **Girl Trafficking**

Nirmala Tamang, 27, and Sita Tamang, 30, of Goldhunga VDC-1 were arrested by police at Metropolitan Police Circle, Balaju on June 7 on charge of trafficking a 17-year-old girl to India on the pretext of getting her married on February 17. The accused were remanded in custody as per the District Court's order on July 2.

### **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

#### **Rape, Attempt to Rape, Sexual Abuse**

The family members of an 18-year old woman lodged a complaint against Sandip Nepali, 28, of Phasku VDC-8, Dolakha and currently living in Kathmandu Metropolis-15 at Metropolitan Police Circle, Balaju on charge of raping her at home. Police arrested the accused on the same day. He was remanded in custody as per the District Court order on February 29. The victim's health checkup was held at Maternity Hospital at Thapathali.

An 18-year-old woman was raped by Rajib Shrestha, 21, of Chaughada VDC-5, Nuwakot and currently living in Kathmandu Goldhunga-2 on September 17 while she was on the way to home at Balaju. The victim's elder sister lodged a complaint against the accused at Metropolitan Police Circle on the same day. He was remanded in custody as per the District Court order on October 12.

A 23-year-old woman who was returning home from Saudi Arabia lodged a complaint against the immigration officers and police on November 19. She was robbed by the immigration officers and raped by the policeman Parshuram Basnet of Rawadol VDC-2, Okhaddhunga on the same day. The non-gazetted staff, Somnath Khanal at Department of immigration had robbed her 9,300 Saudi Riyal along with other goods. The agent sent her to Saudi Arabia on forged passport. She was robbed and

raped in a guesthouse at Gongabu Bus Park. Following the incident, the accused sent the victim home by bus. The Government formed an investigation team led by Secretary at Ministry of Home Affairs, Nabin Ghimire and Joint-Secretary Bhola Prasad Siwakoti to investigate the incident. The accused policeman was remanded in central jail, Sundhara as per the District Court's order on December 24. Police said at the end of the year that the investigation of other accused involved in the incident was underway. The Government decided to provide her Rs 150,000 as relief.

### **DOMESTIC VIOLENCE**

#### **Killing by Family Members**

Gita Dhakal, 40, of Budhanilakantha in Kathmandu was hacked to death by her husband Armed Police Force DIG Ranjan Koirala on January 11. Koirala was arrested by Metropolitan Police Range on January 22 while he was returning Kathmandu after dumping the body at the bank of Metrang River at Palung, Makawanpur. Koirala had taken the body to Palung after killing her at her residence and set the body on fire. The District Court remanded him in custody on February 26. Another co-accused of the incident Tara Regmi, Koirala's girlfriend was released on February 5 after depositing Rs 100,000 on bail.

Khuru Tamang, 24, of Daraunepokhari in Kavre district and currently living at Jorpati VDC-1 was killed by her husband Buddha Titung, 25, by setting her ablaze on May 27. A postmortem of the dead body was held in TU Teaching Hospital, Maharajgunj. The victim's family members lodged a complaint against the accused at Metropolitan Police Range, Hanumandhoka on the same day. Based on the complaint, he was arrested by police on May 27 and remanded in custody as per the District Court order on June 25.

Gangamaya Balami, 55, of Thankot

VDC-9 was killed by her son Maneshwar Balam, 30, on August 12. Seriously wounded Balam died on the way to hospital for treatment. The victim's elder son lodged a complaint at Metropolitan Police Range against the accused on the same day. Based on the complaint, police arrested the accused and was remanded in custody as per the District Court's order on September 2.

Sabitra Gurung, 19, of Mahankal VDC-6 was hacked to death with Khukuri by her husband Dipendra Shrestha on January 16. The accused was arrested by police on February 10 and remanded in custody for investigation.

### **Mistreatment**

Sunita Pudasaini of Gothatar VDC and Khom Kumari Dahal, 44, of Phaparbari VDC-7, Makawanpur district were injured when their relatives attacked them with sharp weapons on March 22 on charge of practicing witchcraft. Khom Kumari and Sunita are cousins in relation. Sunita received injuries in head, body and eyes due to the incident. Sunita was treated at Tilganga Eye Hospital and was referred to Medical College Sinamangal for further treatment. Another victim, Khom Kumari was treated at Kathmandu Medical College, Sinamangal on March 23. Khom Kumari has three sons and one daughter whereas Sunita has two daughters. Sunita's husband had died 10 years ago whereas Khom Kumari's husband has been living in Makawanpur. They were beaten up by the younger sister of Khom Kumari, Tara Dahal, brother-in-law Gyanendera Dahal and younger brother Dilip Timilsina. According to the accused, they had attacked the accused when the victims' uncle and shaman Bhawani Shankar Gautam accused them of practicing witchcraft. The neighbors had called police following the incident. The accused were arrested by police and sent to Metropolitan Police Range, Hanumandhoka on March 23. The

accused were remanded in custody as per the District Court's order on April 19.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Destruction of Infrastructure, Property By State**

A clash ensued between police and squatters living in the banks of Bagmati River in Thapathali in the morning of May 8 as the administration was evicting them from the encroached land. Nima Tenjing Sherpa, 40, and Pancha Maya Tamang, 34, were injured during the clash. Sherpa sustained an injury to his head. He got the treatment at Bir Hospital. Police arrested 35 squatters and took them to the No.2 Police post in Maharajgunj and released on the same day. The clash between police and squatters began early in the morning when hundreds of police were deployed to demolish the houses and huts. Police used eight shells of teargas in order to control the crowd. The squatters were living in the area disregarding the governments notice to vacate the land. The government cleared the land using dozers. There were more than 300 huts and houses in the area. Some of them were even concrete storied buildings. Initially government distributed three months' rent amount of Rs 15,000 to the 180 families to leave the place. Despite taking the amount, they refused to vacate the land prompting stern action, police said.

### **HEALTH SERVICE SITUATION**

The district has 10 hospital, 15 health posts and 43 sub-health posts. All the government positions of the health workers are occupied except for eight positions of HA and one health worker. There are 12 positions for doctors, 15 for staff nurses, nine for lab assistants, 100 for AHWs, 58 for AMW, 23 for HA, two for vaccine supervisor and one for TB/Leprosy supervisor.



## 2.16 Dhading



<b>Headquarters :</b>	<b>Dhadingbesi</b>
<b>Area in Sq. Km :</b>	<b>1,926</b>
<b>No. of Households :</b>	<b>73,851</b>
<b>No. of Population :</b>	<b>336,067</b>
<b>Male :</b>	<b>157,834</b>
<b>Female :</b>	<b>178,233</b>
<b>No. of PwD :</b>	<b>7,823</b>
<b>No. of VDC(s)/Municipality(ies) :</b>	<b>50/0</b>
<b>Male Literacy :</b>	<b>105,005</b>
<b>Female Literacy :</b>	<b>95,077</b>
<b>Religion Hindu (%) :</b>	<b>72.42</b>
<b>Buddhism (%) :</b>	<b>20.57</b>
<b>Islam (%) :</b>	<b>0.31</b>
<b>Kirat (%) :</b>	<b>0.01</b>
<b>Christianity (%) :</b>	<b>6.32</b>
<b>Prakriti (%) :</b>	<b>0.24</b>
<b>Bahai(%) :</b>	<b>0.01</b>
<b>Undefined (%) :</b>	<b>0.119</b>
<b>Human Development Index :</b>	<b>4.55</b>

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING**

#### **By UCPN-M**

YCL Darkha Treasurer, Bhisn Simkhada, 27, was murdered with a sharp weapon by UCPN-M cadres on December 3. The murder was an act of revenge for the murder of Bijaya Tamang, district committee member of Maoist. Bhisn's bloodstained body was found in Ratamate Jungle of Darkha VDC-1 with hands tied, DSP Bikash Raj Khanal said. An FIR was lodged at the District Police Office by

the victim's mother on December 2. The police arrested Man Bahadur Tamang, 20, Sanjesh Tamang, 16, Shambhu Tamang, 16, and Buddhi Man Gurung, 18, on charge of their involvement in the killings.

#### **By Unidentified Group**

Bijaya Tamang, a district committee member of UCPN-M and a district committee member of YCL was murdered on December 3 by an unidentified group by using a sharp weapon. A group of seven people, attacked Tamang with a weapon and shot few rounds of bullet. Tamang died 150 meters away from Satar Jungle. Amar Lama, 25, and Ashok Tamang of Darkha VDC-7, and Kiran Simkhada of Gumdi VDC-8 was arrested by the police on December 3 in suspicion of their involvement in the killings. UCPN-M announced the strike in protest of the killings. Congress, UML and Maoist released a separate press statement and condemned the killings.

### **JAIL AND DETAINEES**

The 'C' graded District Prison has the capacity to hold 30 inmates at a time. The total of 117, including 70 convicted and 47 detained inmates were held there at the end of the year. Among them, 10 convicted and 11 detained female inmates were held. The building of the prison is very old. Due to the over capacity of the prison, the inmates were compelled to sleep in the tent. The prison has only three toilets and the inmates are facing a problem because of that. Most of the inmates suffered skin diseases, they said.

### **DISAPPEARANCE/ABDUCTION**

#### **By UCPN-M**

UML village committee member, Man Bahadur Galan alias Bishnu, 38, and Buddha Ram Thing, 50, of Kiranchok VDC-4 were attacked and abducted on the night of February 4 by the a group



of UCPN-M led by district committee member Surya Tamang. Galan was able to flee from the abductors on February 5 and came into contact with the family members. UML cadres Chin Bahadur Gole, 70, and Sun Bahadur Galan, 65, of Kiranchok VDC-4 were injured in attack by the same group. UML politburo member Rajendra Prasad Pandey went to the village of pro-Maoist trade union leader and CA member Shalikram Jammakattel as a chief guest for a conference. After the program, UCPN-M cadres attacked the cadres who were coming back after the conference. UCPN-M announced in one program that they would bar Rajendra Pandey's entry to the village.

## **THREATS/BEATINGS**

### **By UCPN-M**

UCPN-M district secretariat member, Tara Bhandari, 38, of Gajuri VDC-1 was beaten and injured by Dhruba Subedi, 40, area in-charge of UCPN-M on charge of accusing the leaders of corruption in the party. Bhandari told a Kathmandu-based newspaper about corruption and extortion carried out by the party. Bhandari was beaten while he was driving a motorbike in Gajuri VDC-1. He received treatment at Gajuri Hospital. Bhandari lodged a complaint but Gajuri Area Police Office's Binod Ghimire said they could not forward the legal action against the accused.

### **By NC**

Panchakanya Secondary School teacher and District member of UCPN-M, Hari Bahadur Gurung of Sankosh VDC-8 was attacked by NC cadres on July 2. He was attacked by NC cadres arriving in a motorbike while there was an examination going on in the school. He was attacked with sharp weapon and helmet. The injured received treatment at Janamaitri Hospital in

Kathmandu after getting first aid at District Hospital.

### **By Others**

UCPN-M district secretariat member and CA member, Bir Bahadur Tamang was attacked and threatened for his life by an armed group on January 28. The victim lodged a complaint against the accused at District police office on January 29.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011-July 15, 2012**

The District Court with one judge decided 223 criminal cases and 90 remained pending. 132 civil cases were decided and 89 remained pending. Until the end of the year, 132 cases were decided and 89 remained pending.

### **July 16, 2012- December 31, 2012**

The District Court with one judge decided 15 cases and 80 remained pending. Two civil cases were decided and 31 remained pending. There are six criminal and three civil cases older than two years.

## **The Office of the District Government Attorney**

The Office of the District government attorney filed 347 cases between July 17, 2011 and July 15, 2012 out of which, 128 were won and 32 were lost. The Office, with two of the government attorney, informed that 205 cases filed until July 15, 2012 remained pending.

Among the 25 murder cases seven were won and nine were lost. Five cases of rape were won among 17 and four were lost. Among six cases of polygamy, two were won and two were lost.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Abduction			1	2	3
Arrest & Torture	1	1			
Beatings	6	6		4	4
Child Rights			10		10
Economic, Social Rights and Cultural Rights				4	4
Injured			1	1	2
Killing			2	6	8
Racial Discrimination			9	6	15
Threats				1	1
Women Rights			25		25
<b>Total</b>	<b>7</b>	<b>7</b>	<b>48</b>	<b>24</b>	<b>72</b>

### **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT**

A press conference was organized by Nepal Students Union accusing the police administration of torturing its cadre, Bhoj Bahadur Thapa, 25, of Nilkantha VDC-4 on September 14. The victim was arrested by the police on charge of beating a driver on September 6. Nepal Student Union condemned the torture given to the victim while he was in custody. DSP Khanal apologized about the incident and further said that such incident would never be repeated again. The victim was released by the court order of September 21.

### **CHILD RIGHTS**

#### **Situation of Education**

Of 101,324 children of school going age, 49,052 boys and 52,572 girls enrolled in school of primary and secondary level. Among them, 7,253 girls and 6,495 boys were Dalits. 2,660 female and 1,312 male teachers were at primary level, government and community schools. Similarly, 514 female and 1,492 male teachers were at secondary level. The District Education Office did not have an updated data related to the education.

### **Rape, Attempt to Rape, Sexual Abuse**

A 6-year-old girl was raped by a 14-year-old boy on March 23. The boy raped her luring her with an offer of a toy. The victim's family lodged a complaint against the accused at the District Police Office on the same day. The seriously injured girl got treatment at Patan Hospital. The police arrested the accused on March 30 and he was remanded in custody by the court order of April 17.

A 10-year-old girl was raped allegedly by Badri Pariyar, 34, of Kiranchok VDC-3 on May 4, while coming back from the Mill near the bank of river. The victim's family lodged a complaint on the same day against the accused on May 5. She received treatment at Primary Health Centre in Gajuri. The accused was in prison by the court order of May 30 until the end of the year.

### **Child Marriage**

A 14-year-old girl of Pithuwa VDC-9 was lured for work and married to Sudeep Kumal, 20, of Maidi VDC-9 on November 22. The victim lodged a complaint at District Police Office against the people involved in the marriage. Among them, Tilak Bahadur and Min Bahadur were arrested by the police on November 24. The accused were remanded in custody by the court order of December 16.

### **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

#### **Rape, Attempt to Rape, Sexual Abuse**

A 45-year-old woman with disability was raped at her own house allegedly by Ram Bahadur Sunar, 38, of Goganpani VDC on June 30. The accused fled the scene after the family members and neighbors screamed for help. The victim's family lodged a complaint against the accused at District Police Office on July 3.

The accused was arrested by the police on July 30 and was remanded in custody by a court order on August 3.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Pampha Upadyaya, 32, of Birta, Agnichok VDC-5 was strangled to death by her husband Hom Prasad Upadyaya following a family dispute on December 9. The accused was arrested by the police on December 10. He was charged with murder and the case was still pending until the end of this year.

### **Beating**

Sita Bhujel, 25, of Murali Bhanjyang VDC-5 was tethered and beaten by her mother in-law on charge of being lunatic. The victim was treated at District Hospital. The victim lodged a complaint at District Police Office on June 3. The police arrested the accused mother-in-law and released her on June 16 on bail amount of Rs 25,000.

Sita Dhamala, 18, of Sangkosh VDC-6 was beaten by Rabin Dhamala, 18, and Bhagwati Dhamala, 28, on April 28, on charge of living in maternal home. The injured victim was treated at District Hospital. The accused was not charged, however the complaint was registered against them.

Shanti Nepali, 53, of Muralibhanjyang VDC-1 was beaten by her husband Krishna Bahadur Nepali, 56, on December 27 on charge of not living in the house. The victim suffered broken hand injury due to the beatings. She was undergoing treatment at District Hospital until the end of the year.

### **Polygamy**

Purnima Kumal, 20, of Nilkantha VDC-5 was expelled from house by her

husband Som Lal Kumal, 21, after marrying a second woman. The victim was beaten and expelled from the house. The victim lodged a complaint on December 1 on charge of polygamy. The accused was arrested by the police and he was police custody until the end of this year.

### **Mistreatment**

Saili Gurung, 73, of Kampur VDC-8 was accused of being witch and beaten by Minumaya Gurung, 40, of the same VDC on September 17. She was mistreated and beaten several times in the past on charge of making people ill by practicing witchcraft. The victim lodged a complaint against the accused at District Police Office, Gajuri on September 18. The accused was not arrested by the police until the end of the year.

## **ALL KINDS OF RACIAL DISCRIMINATION**

Laxmi BK, 15, of Dhola VDC-8 was beaten by Kanchhi Shrestha, 65, on charge of touching water on May 29. BK received treatment at District Hospital. She lodged a complaint at District Police Office against Shrestha but there was no action taken by the police until the end of the year.

## **HEALTH SERVICE SITUATION**

The District has one hospital, 25 health posts and 24 sub-health posts. Among five posts of the doctors of government quota, three were working and two remained vacant. Five staff nurses were working while place remain vacant. There were four Lab Assistant working for the post of seven. For the post of 106 AHW, 66 are working and 40 remained vacant. Similarly, 47 AMW were working out of 82 posts and 35 remained vacant. There were 15 HA active in a district out of 30 posts and 15 remained vacant.



## 2.17 Sindhupalchowk



<b>Headquarters :</b>	<b>Chautara</b>
<b>Area in Sq. Km :</b>	<b>2,542</b>
<b>No. of Households :</b>	<b>66,688</b>
<b>No. of Population :</b>	<b>287,798</b>
<b>Male :</b>	<b>138,351</b>
<b>Female :</b>	<b>149,447</b>
<b>No. of PwD :</b>	<b>6,608</b>
<b>No. of VDC(s)/Municipality(ies) :</b>	<b>79/0</b>
<b>Male Literacy :</b>	<b>89,684</b>
<b>Female Literacy :</b>	<b>75,420</b>
<b>Religion Hindu (%) :</b>	<b>57.77</b>
<b>Buddhism (%) :</b>	<b>40.01</b>
<b>Islam (%) :</b>	<b>0.13</b>
<b>Kirat (%) :</b>	<b>0.15</b>
<b>Christianity (%) :</b>	<b>1.61</b>
<b>Prakriti (%) :</b>	<b>1.01</b>
<b>Undefined (%) :</b>	<b>0.317</b>
<b>Human Development Index :</b>	<b>4.69</b>

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING**

#### **By State**

Bibek Shrestha, 42, of Hagam VDC-2 was shot dead by the patrolling police team led by SI Rajan Karki near the Phulpingkatti VDC-1 on September 15. The victim was shot dead on charge of smuggling Red Sandle Wood. The dead body of the victim was cremated by the relatives after the postmortem on September 16. The police said that they

opened firing is retaliation of the attack by the smuggler.

### **INJURED IN SHOOTING/ EXPLOSION**

#### **By Firing and Explosive Devices**

Dinesh Shrestha, 36, of Chautara VDC-4 was injured when Ram raja Khatri, 40, a constable and bodyguard of the CDO, in inebriated condition fired a bullet on April 9. Shrestha, working as a driver in District Drinking Water Office, was injured at a riverside Resort in Sukute. The victim got the treatment at Dhulikhel Hospital. Accused Khatri was arrested by the police on the same day. By the single court in session of the district judge Ananta Raj Dumre, the accused was remand in custody on May 9. The court sentenced Shrestha for two years on July 31.

### **JAIL AND DETAINEES**

The 'D' graded District Female Prison has the capacity to hold seven female inmates. It was established in 2011 while male prison was under construction until the end of the year. A total of 98 including 37 convicted and 61 detained inmates were held there at the end of the year. But there were no female inmates kept in the cell. Male inmates were kept in the female cell. The over crowding of the prison is the main problem the inmates are facing. There are few facilities of newspapers and local magazines for the inmates.

### **THREATS/BEATINGS**

#### **By UCPN-M**

District Treasurer of Press Chautari, Dinesh Thapa of Thumpakhar VDC-8 was threatened by Norsang Lama of Kakani, Palchok VDC-8 on December 8, on charge of publishing news against him. Thapa lodged a complaint against Lama at District Police Office; however no action was taken

against him. The accused is District level leader of UCPN-M.

### **By NC**

The district committee member of UCPN-M, Lal Kanchha Tamang, 45, was attacked with knife and injured by NC cadres led by Lopsang Sherpa, 30, on March 15. Tamang was participating in a program of public hearing organized by BhoteKoshi Project in Gati VDC-9 when he was attacked. Tamang received primary treatment primarily at Bharabise Health Centre and was referred to Kathmandu. The victim lodged a complaint on the same day at District Police Office. The UCPN-M released a press statement on March 15 condemning the incident.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

#### **July 17, 2011-July 15, 2012**

Out of 67 criminal cases, 34 were decided and 33 remained pending. Out of 90 civil cases, 21 were decided and 69 remained pending.

#### **July 16, 2012- December 31, 2012**

The District Court with one judge decided 15 criminal cases and 91 remained pending. 12 civil cases were decided and 59 remained pending. There are two criminal and two civil cases older than two years.

### **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 93 cases between July 17, 2011 and July 15, 2012 out of which 39 were won and seven were lost. The Office, with two government attorneys, informed that 50 cases filed until the end of this year remained pending.

The Office of District Government Attorney filed 38 cases between July 16, 2012 and December 31, 2012. The Office

did not have the data of how many cases were decided or pending.

### **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT**

Bibek Lama, 20, of Talamarang VDC-3 was tortured and injured by Inspector Kumar Pandit Chhettri, on April 15 while in custody. The victim got treatment in Nawalpur Health Post and further referred to Chautara Hospital. The victim lodged a complaint on April 17 at District Administration Office. The victim was arrested without any arrest warrant. The victim sustained bruises on his body. No action was taken on his complaint.

### **CHILD RIGHTS**

#### **Situation of Education**

Of 144,658 children of school going age, 48,459 boys and 45,030 girls were enrolled in schools of primary and secondary level. Among them, 4,754 boys and 5,244 girls were Dalits. There are 617 female and 1,088 male teachers at primary level government and community schools. 269 female and 150 male are at lower secondary level. 226 female and 116 male are at secondary level. There are 418 children in Early Child Development Centre. The District Education Office did not have an updated data related to the education.

### **Rape, Attempt to Rape, Sexual Abuse**

The police arrested Tapse Thakur, 46, of Bakaiya VDC-4 working in a furniture factory, on charge of raping a 17-year-old girl with disability at her own house on April 11. According to the victims' family, Thakur entered into the house when the victim was alone at home. The family found her in a pool of blood. The accused was arrested by the police on April 15. The accused remained in custody in remand until the end of the year.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	1	1			
Beatings				2	2
Child Rights			9		9
Injured	1	1		1	1
Killing	1	1	4	3	7
Racial Discrimination				1	1
Threats			1	4	5
Women Rights			20		20
<b>Total</b>	<b>3</b>	<b>3</b>	<b>34</b>	<b>11</b>	<b>45</b>

A 9-year-old girl was raped allegedly by Ganesh Dulal, 52, on July 26 while she was at her own house. Dulal was arrested by the police on August 3. The girl got a health checkup at Chautara Hospital on August 2. She was lured to the nearby jungle with a promise of chocolate. The victim's family lodged a complaint against him on August 2 at District Police Office. The accused was arrested by the police on the same day, Inspector Sujun Kumar Rajbhandari said. The accused was remanded in custody by District Court on August 29.

### **Girl Trafficking**

A 14-year-old girl was lured for the work and was being trafficked to India by Anuja Gurung, 24, of Chilankha VDC-7 in Dolakha District on April 28. The girl was held in Kathmandu for one month. The girl was able to come into contact with her family from the place on May 28. She lodged a complaint at the Police Office and the accused was arrested on July 12. By the Court order of July 12, the accused was sentenced to 10 years in jail.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

Police arrested Sajan Shrestha, 33, of Jalbire VDC-4 on charge of raping a 45-year-old single woman on April 3. According to the victim, Shrestha came to her house on the night of April 2 in an

inebriated state and raped her. Shrestha was arrested after the victim lodged a complaint against the accused on April 3 at local police office. Police said that the accused admitted sexually abusing her even in the past. The accused was in police custody whereas the victim remained at Women Rehabilitation Centre in Chautara.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Sharmila Bhattacharai, 22, a nursing mother was strangled to death by her husband Sudeep Bhattacharai, 34, of Sipapokhari VDC-7 on March 17. She was killed after a family dispute. The postmortem of the body was performed at Primary Health Centre in Melamchi. The accused was arrested by the police on March 18. The accused was sentenced for 20 years in prison by District Court on August 20.

### **Beating**

Bhim Maya Tamang, 24, of Chautara VDC-9, working in Mankha VDC-6 as a laborer was beaten and expelled from the house by her husband Yang Singh Tamang on November 19. The accused married another woman two months ago, Bhim Maya informed. She lodged a complaint against her husband at the District Police Office on November 20; however, the police did not take any legal action against the accused until the end of the year.

### **Polygamy**

Santosh Giri, 23, of Thulosirubari VDC-3 got married to Sanu Giri, 20, of Keurini in Duwachaur VDC on April 3. The first wife Shanta lodged a complaint against him on charge of polygamy at the police post in Sangachok on April 7. Based on the complaint made by the victim, the

police arrested both of them on April 7 at their house. The accused were released on date on the court order.

## ALL KINDS OF RACIAL DISCRIMINATION

Gyanendra Raut of Karthali VDC-8 was ostracized by the villagers for attending a feast organized by non-Dalit community. The feast was organized by the “Dalit Rights Concerned Centre” on July 28 at Karthali VDC-8 in order to resolve the dispute between Dalits and non-Dalits after he attended a wedding party of a dalit man. Gyanendra Raut attended the feast representing UML. Accusing him of attending the feast, non-Dalit community ostracized him. The priest refused to go to the Raut’s house to perform ritual for his deceased grandfather on August 5.

## HEALTH SERVICE SITUATION

The District has one hospital, 10 health posts, 65 sub-health posts and three primary health centers. There are six posts for the doctors, one doctor is working and five posts remained vacant. Out of seven posts for the staff nurse, five of them were working and two remained vacant. One lab assistant is working out of four posts and three remained vacant. There are 59 AHW out of 83 posts, 24 remained vacant. 16 auxiliary nurses out of 20 posts are working and four posts remained vacant. There is one vaccine supervisor and one TB/Leprosy supervisor. There were six health assistant and 42 health workers out of 16 and 79 posts. One post of HA and 37 for health workers remained vacant. There are seven doctors are working on the basis contract with Ministry of Education.



## 2.18 Nuwakot



<b>Headquarters :</b>	<b>Bidur</b>
<b>Area in Sq. Km :</b>	<b>1,121</b>
<b>No. of Households :</b>	<b>59,215</b>
<b>No. of Population :</b>	<b>277,471</b>
	<b>Male : 132,787</b>
	<b>Female : 144,684</b>
<b>No. of PwD :</b>	<b>4,690</b>
<b>No. of VDC(s)/Municipality(ies) :</b>	<b>61/1</b>
	<b>Male Literacy : 87,237</b>
	<b>Female Literacy : 74,813</b>
<b>Religion Hindu (%) :</b>	<b>87.85</b>
<b>Buddhism (%) :</b>	<b>9.18</b>
<b>Islam (%) :</b>	<b>0.49</b>
<b>Kirat (%) :</b>	<b>0.38</b>
<b>Christianity (%) :</b>	<b>1.97</b>
<b>Prakriti (%) :</b>	<b>0.02</b>
<b>Shikha (%) :</b>	<b>0.002</b>
<b>Undefined (%) :</b>	<b>0.097</b>
<b>Human Development Index :</b>	<b>4.44</b>

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The ‘E’ graded District Prison has the capacity to hold 85 inmates at a time. A total of 154, including 103 convicted and 51 detained inmates were held there at the end of the year. Among them, 70 are male and 15 are women inmates. There are two minor dependents in the jail. There are six rooms for the male inmates and two rooms for the female. The inmates were given some vocational trainings like candle makings,

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	6		6
Inhuman Behavior		1	1
Killing	4	5	9
Racial Discrimination		1	1
Women Rights	2		2
<b>Total</b>	<b>12</b>	<b>7</b>	<b>19</b>

sewing etc., Jailer Khagendra Kesari Ghimire informed. There are some facilities of television, newspapers and radio for the inmates. There are insufficient toilets in the jail due to the over crowding of inmates beyond capacity.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

**July 17, 2011- July 15, 2012**

District Court with one judge decided 221 criminal cases and 94 remained pending. 203 civil cases were decided and 130 remained pending.

**July 16, 2012- December 31, 2012**

District Court with one judge decided 31 criminal cases and 114 remained pending. 50 civil cases were decided and 111 remained pending. There are no cases older than two years, according to the District Court.

## **The Office of the District Government Attorney**

Office of the District Government Attorney filed 133 cases between July 17, 2011- July 15, 2012 out of which 61 cases were won and 24 were lost. The Office, with two government attorneys, informed that 48 cases filed until the end of this year remained pending.

Among the 24 filed murder case, seven cases were won and six were lost. Five cases of rape were won. Among the 22 cases of women trafficking, two were won.

The Office of the district government attorney filed 26 cases between July 17, 2012 and December 31, 2012 out of which, 7 cases were won. The Office, with two government attorneys, informed that 145 cases filed until July 15, 2012 remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 80,589 children of school going age, 38,299 boys and 42,290 girls were admitted in schools of primary and secondary Level. Among them, 1,215 girls and 1,344 boys were Dalits. 411 female and 1,078 male teachers were at primary level government and community schools. Similarly 65 female and 291 male teachers are at lower secondary level. The District Education Office did not have an updated data related to education.

### **Killing by Family Members**

A 28-months-old girl, Asmita Tamang of Kumari VDC-6 was murdered by her father Purna Bahadur Tamang, 35, by hitting her with a lathi on November 2. The victim's family lodged an FIR against the accused at District Police Office on November 3 and the accused was remanded in custody by the court order on December 9. The accused was in custody till the end of this year.

### **Rape, Attempt to Rape, Sexual Abuse**

A 13-year-old girl and a 14-year-old girl were rape attempted by a 17-year-old boy of Duipipal VDC-3 on March 30. The victim's family lodged an FIR against the accused at the District Police Office on April 1 and he was arrested on the same day by the police. District Court sentenced him to 2 years in prison.



## ALL KINDS OF DISCRIMINATION AGAINST WOMEN

### Rape, Attempt to Rape, Sexual Abuse

A 38-year-old woman was raped near the jungle by Lekh Raj Magar, 28, of Mahakali VDC-5 and working as a social worker in Share and Care Nepal on February 6. The victim lodged a complaint against the accused at District Police Office on February 10. The accused was arrested by the police and sentenced to two years in prison by the court on September 11.

### Women Trafficking

The complaint was lodged by the victim's brother against Manoj Pariyar of Urleni VDC-9, Rabi Nepali of Shikhar VDC-3 and Basanta Pariyar of the same VDC at the District Police Office on March 25, on charge of trafficking 27-year-old women and her two minor children in Kolkata, India. Two of the accused were arrested on the same day by the police and were remanded in custody by a court order of October 27.

## HEALTH SERVICE SITUATION

There is one government hospital, 11 health posts and 53 sub-health posts in the District. Out of six posts for the doctors, five posts have been fulfilled and one remained vacant. Out of seven available posts for the staff nurse, five were occupied while all of six posts for lab assistant were occupied. Out of 72 posts for the AHWs, 69 have been fulfilled and three remained vacant. 15 positions of AMWs have been occupied. There are 17 Health Assistants and 119 Rural Health workers. Twelve of 17 Health Assistants are working while 92 of the rural health workers are working and 27 posts remained vacant.



## 2.19 Rasuwa



Headquarters :	Dhunchhe
Area in Sq. Km :	1,544
No. of Households :	9,778
No. of Population :	43,300
Male :	21,475
Female :	21825
No. of PwD :	1,016
No. of VDC(s)/Municipality(ies) :	18/0
Male Literacy :	12,492
Female Literacy :	9,861
Religion Hindu (%) :	25.38
Buddhism (%) :	69.95
Islam (%) :	0.02
Kirat (%) :	0.01
Christianity (%) :	4.3
Prakriti (%) :	0.07
Undefined (%) :	0.261
Human Development Index :	4.42

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'E' graded District Prison has the capacity to hold 25 inmates at a time. A total of 42, including 35 convicted and seven detained inmates were held there at the end of the year. There are no minor dependents in the prison. The District Prison is in a very poor state and few work of renovation has been done till the end of this year. The inmates were given 700gms of rice and Rs 45 on a daily basis. The inmates were given facilities of TV, radio and newspapers. The

Types of Events	By Non-State		
	Female	Male	Total
Abduction		1	1
Beatings	1	4	5
Child Rights	2		2
Injured		1	1
Threats		1	1
Women Rights	4		4
<b>Total</b>	<b>7</b>	<b>7</b>	<b>14</b>

inmates were given a training of handicraft; however the problem of marketing is the main problem according to inmate, Pemba Tamang. There are six rooms in the prison. Two rooms were occupied by the security personnel and in the rest of the rooms all the inmates were kept. The lack of space is the main problem for the inmates.

## **DISAPPEARANCE/ABDUCTION**

### **By UCPN-M**

The district secretary of UCPN-M, Madav Lamichanne of Dhaibung VDC-7 was threatened of death by Prem Tamang of the same party and CA member on March 18. The press release issued by the party on March 20 said that the accused had threatened various leaders and district committee members from time to time. But the accused denied the allegation.

## **RIGHT TO PROMPT AND FAIR TRIAL**

### **DISTRICT COURT**

#### **July 17, 2011- July 15, 2012**

The District Court with one judge decided two criminal cases and three remained pending. Among eight civil cases, eight remained pending.

#### **July 16, 2012- December 31, 2012**

District Court with one judge decided four criminal cases and four remained pending. Four civil cases were decided and 14 remained pending. Two

criminal and one civil case older than two years remained pending.

## **The Office of the District Government Attorney**

The Office of the District Government Attorney filed six cases between July 16, 2011 and July 15, 2012, out of which, four cases were won and two were lost. Two rape cases were pending in the court, according to the government attorney.

The Office of the District Government Attorney filed 14 cases between July 16, 2012 and December 31, 2012. Among them, two cases of rape, one case of murder, one case of polygamy, one case of small arms and weapon are included.

## **CHILD RIGHTS**

### **Situation of Education**

Of 14,672 children of school going age, 13,808 students were admitted in schools of primary and secondary level. Among them, 286 girls and 222 boys are Dalit. 77 female and 279 male teachers were at primary level, government and community schools. In lower secondary level, there were three female and 50 male teachers. There are 69 child development centers in the district. The District Education Office did not have an updated data related to education.

### **Rape, Attempt to Rape, Sexual Abuse**

A 17-year-old girl was raped allegedly by Kishore Thapa, 33, of Laharepauwa VDC-5 and Mahendra Tamang, 21, of Manakamana VDC-9 on December 26 near a field in the village. Based on the complaint filed by the victim's family, both accused were arrested by the police of Dandagaun and sent to District Police Office. The investigation was underway until the end of the year.

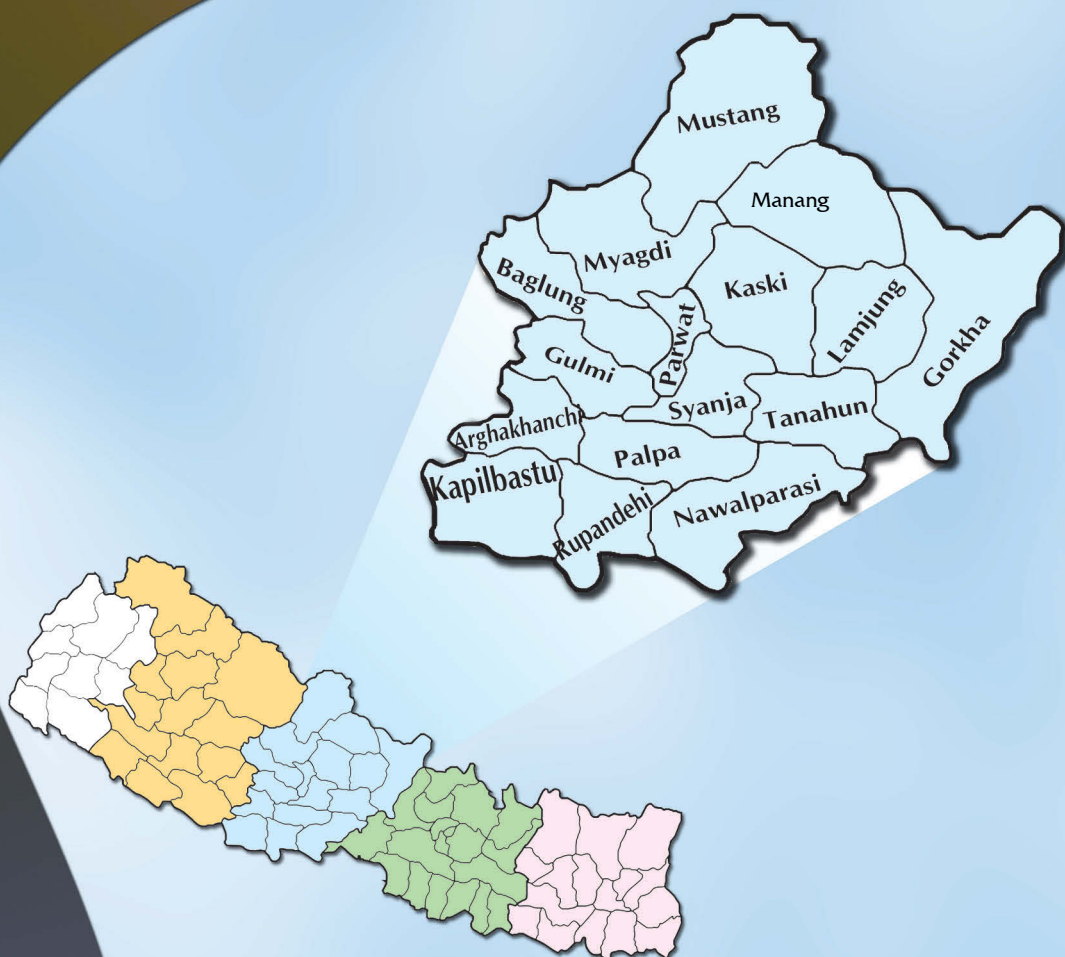
## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

More than 60 women and elderly people of Dhaibung VDC complained of not getting social security allowances during the fiscal year 2010/11. The complaint was lodged at District Administration Office and Commission of Investigation on Abuse of Authority (CIAA) on April 18. They received allowances after an investigation into the claim.

## **HEALTH SERVICE SITUATION**

The Nuwakot District has one hospital, 11 health posts and six sub-health posts. There are two posts for the doctors and one is working and one remained vacant. Out of three posts for the staff nurse, one is working and two remained vacant. Out of three lab assistant posts, one is working and two remained vacant. Similarly, there are 22 posts for the AHW out of which 12 are working and 10 remained vacant. Out of 14 posts for the AMW, three are working and 10 remained vacant. Four HA were working out of 11 posts and seven remained vacant.





### 3. WESTERN REGION

- |     |             |      |              |
|-----|-------------|------|--------------|
| 3.1 | Tanahun     | 3.9  | Palpa        |
| 3.2 | Gorkha      | 3.10 | Kapilbastu   |
| 3.3 | Lamjung     | 3.11 | Arghakhanchi |
| 3.4 | Syangja     | 3.12 | Gulmi        |
| 3.5 | Kaski       | 3.13 | Baglung      |
| 3.6 | Manang      | 3.14 | Parvat       |
| 3.7 | Nawalparasi | 3.15 | Myagdi       |
| 3.8 | Rupandehi   | 3.16 | Mustang      |

## 3.1 Tanahun



<b>Headquarters :</b>	<b>Damauli</b>
<b>Area in Sq. Km :</b>	<b>1,546</b>
<b>No. of Households :</b>	<b>78,309</b>
<b>No. of Population :</b>	<b>323,288</b>
<b>Male :</b>	<b>143,410</b>
<b>Female :</b>	<b>179,878</b>
<b>No. of PwD :</b>	<b>6,668</b>
<b>No. of VDC(s)/Municipality(ies) :</b>	<b>46/1</b>
<b>Male Literacy :</b>	<b>110,702</b>
<b>Female Literacy :</b>	<b>116,139</b>
<b>Religion Hindu (%) :</b>	<b>86.51</b>
<b>Buddhism (%) :</b>	<b>9.44</b>
<b>Islam (%) :</b>	<b>1.29</b>
<b>Kirat (%) :</b>	<b>1.01</b>
<b>Christianity (%) :</b>	<b>1.69</b>
<b>Prakriti (%) :</b>	<b>1.16</b>
<b>Bon (%) :</b>	<b>0.49</b>
<b>Undefined (%) :</b>	<b>0.408</b>
<b>Human Development Index :</b>	<b>4.13</b>

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'D' graded District Prison has a capacity of 25 inmates. A total of 112 inmates including 41 convicted and 71 detained inmates were held there at the end of the year. The prison is of overcapacity and there is a problem for the inmates to sleep. The building is not in that bad condition, but the inmates are facing a problem of toilet. There is a lack of drinking water too. The inmates are getting few facilities of study, treatment, sports etc. Jailer Tirtha

Khanal said that due to lack of space, inmates are facing a problem and it has been informed to the concerned authority.

### **THREATS/BEATINGS**

#### **By Unidentified Group**

Journalist Krishna Chandra Neupane, of Byas Municipality-10 was beaten by an unidentified group of people on April 9. Neupane was attacked by an unidentified group of people near the District Livestock Services Office, while going to the office. The accused also looted his mobile and money. A complaint was lodged against the accused at the District Police Office which said they could not identify the perpetrators.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

#### **July 17, 2011- July15, 2012**

The District Court with one judge decided 274 criminal cases and 128 remained pending. 179 civil cases were decided and 216 remained pending.

#### **July 16, 2012- December 31, 2012**

The District Court with one judge decided 71 criminal cases and 231 remained pending. 53 civil cases were decided and 253 remained pending. There are six criminal and eight civil cases older than two years.

### **The Office of the District Government Attorney**

The Office of the District Government Office filed 140 cases between July 17, 2011 and July15, 2012, out of which 47 cases were won and one was lost. The Office, with two government attorneys, informed that 92 cases filed during the year remained pending.

Among 10 criminal cases, nine cases were won and one remained pending. One case of rape was won and five were lost. Three cases of abduction were won.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Beatings	1		1	2	6	8
Child Rights				4	1	5
Killing				3		3
Racial Discrimination				1	1	2
Right to Assembly	3	12	15			
Women Rights				5		5
<b>Total</b>	<b>4</b>	<b>12</b>	<b>16</b>	<b>15</b>	<b>8</b>	<b>23</b>

Similarly, two cases of caste discrimination were won.

## CHILD RIGHTS

### Situation of Education

Of 11,005 children of school going age, 5,252 girls and 5,753 boys enrolled in school of primary and secondary level. There are 54,974 students in primary level. There are 1,873 teachers at primary, government and community schools. There are 334 students development center in the district.

### Beating

A 12-year-old girl, Susmita Gaha Magar lodged a complaint against her father and mother at District' Children Welfare Committee on May 19 for not giving her food and also torturing her. The girl was rescued on the same day by the committee and placed in a shelter. The girl's parents were asked to pay Rs 300,000 to her. They could not as the girl's father was abroad for work. The incident was settled after it was agreed that the money would be paid to the girl once the father returns.

### Rape, Attempt to Rape, Sexual Abuse

A 9-year-old girl was raped by Bijay Shrestha, 21, of Purkot VDC-5 on August 29. The victim's family lodged a complaint at Area Police Office in Purkot on September 1. The victim received health checkup at Damauli Hospital on September 1. The accused was remanded in custody by a court order of September 18.

The family of a 6-year-old girl lodged an FIR against Yam Bahadur Khawas, 25, at Area Police Office on September 29 accusing him of attempting to rape the girl on September 25. The accused was arrested by the police on October 8. He was remanded in custody by the court on October 16. The girl was treated at Damauli Hospital on September 29.

## ALL KINDS OF DISCRIMINATION AGAINST WOMEN

### Rape, Attempt to Rape, Sexual Abuse

An FIR against Rajin Shrestha was lodged at District Police Office on October 18 by the victim's family accusing him of raping a 20-year-old woman on October 11. The victim got the health checkup at Damauli Hospital on the same day. The accused was arrested by the police on November 3. Shrestha was remand in custody by the court order of November 20.

A 40-year-old, mentally disabled woman of Byas Municipality-2, Damauli was gang raped by Dal Bahadur Rana and Rana Bahadur Rana Magar on May 24. The victim's family lodged a complaint against the accused at Belchautara Area Police Office. The police arrested the accused on the same day. The victim was treated at Damauli Hospital. The accused was remanded in District Prison by the court order of June 18.

A 45-year-old woman filed an FIR against Aita Bahadur Nepali, 35, of Bhanu VDC-2 on May 25 on charge of raping her at her home on May 20. She was treated at Damauli Hospital on the same day. District Police Office said that the accused remained absconding until the end of the year.

## DOMESTIC VIOLENCE

### Killing by Family Member

Diwas Dhakal, husband of Anjana Dhakal, 21, of Byas Municipality-2 was

arrested by the police on suspicion of her murder on December 3. Anjana's father lodged an FIR against the accused at District Police Office on December 7. Kalpana was found lying unconscious on her bed on December 2. The victim's family accused Diwas of murdering her in dowry-related dispute. The case was not decided until the end of this year.

Yama Maya Bhujel, 35, of Dhorfirdi VDC-1 was beaten to death by her husband Mohan Bahadur Bhujel, 40, in inebriated state on June 22. The accused was arrested by the police on July 1. Bhujel confessed to his crime at the police station. He was remanded in prison by the court order of July 19.

### HEALTH SERVICE SITUATION

The district has two hospitals, 12 health posts and 31 sub-health posts. There were seven posts for the doctors and five were working whereas two remained vacant. Out of seven posts of staff nurse, seven are working. Three lab assistants were working while one post was vacant. There were 45 AHWs working and eight remained vacant. Out of 22 posts for the auxiliary nurse, 22 are working and 1 post remained vacant. One post for the T.B./Leprosy supervisor was occupied. There are 235 vaccine centres in the district. Similarly, there are 170 village clinics and 10 Ayurveda clinics.



## 3.2 Gorkha



<b>Headquarters :</b>	<b>Gorkha</b>
<b>Area in Sq. Km :</b>	<b>3,610</b>
<b>No. of Households :</b>	<b>66,506</b>
<b>No. of Population :</b>	<b>271,061</b>
<b>Male :</b>	<b>121,041</b>
<b>Female :</b>	<b>150,020</b>
<b>No. of PwD :</b>	<b>12,937</b>
<b>No. of VDC(s)/Municipality(ies) :</b>	<b>66/1</b>
<b>Male Literacy :</b>	<b>84,676</b>
<b>Female Literacy :</b>	<b>85,741</b>
<b>Religion Hindu (%) :</b>	<b>75.19</b>
<b>Buddhism (%) :</b>	<b>19.1</b>
<b>Islam (%) :</b>	<b>1.13</b>
<b>Kirat (%) :</b>	<b>0.01</b>
<b>Christianity (%) :</b>	<b>3.27</b>
<b>Prakriti (%) :</b>	<b>0.61</b>
<b>Bon (%) :</b>	<b>0.63</b>
<b>Bahai (%) :</b>	<b>0.01</b>
<b>Shikha (%) :</b>	<b>0.001</b>
<b>Undefined (%) :</b>	<b>0.105</b>
<b>Human Development Index :</b>	<b>4.07</b>

### CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 55 inmates including 35 male and 20 female. A total of 80 convicted and 38 detained inmates were held there at the end of the year. The building was constructed in 1997 but is dilapidated and ceiling leaks when it rains. The inmates face problem of toilet and drinking water.



They are forced to sleep even in the kitchen. It has the facility of television, radio and newspapers and sports materials.

## **THREATS/BEATINGS**

### **By UCPN-M**

NSU cadre Bishnu Prasad Adhikari of Hanshapur VDC-5 was beaten up by the cadres of UCPN-M at Bhachchek Bazaar of Hansapur VDC on December 21. Adhikari was returning home from a program organized to protest the assault on an NC cadre a day earlier. Adhikari received treatment at Bhachchek health post. Police said they were investigating about the case.

### **By NC**

UCPN-M district committee member, Gopal Baraili, 40, of Masel VDC-7 was injured in an attack by NC cadres on June 7. The NC cadres stopped the bus he was aboard and beat him on charge of physically assaulting NC cadres at Bindrawati Higher Secondary School. UCPN-M Area committee member Ashok Wasti of Masel VDC-4 was injured in attack by NC cadres on June 8. He was treated at Gorkha Hospital and filed an FIR at District Police Office on June 9. The NC cadres were released on bail.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011- July 15, 2012**

The District Court with one judge decided 123 criminal cases and 74 remained pending. 73 civil cases were decided and 65 cases remained pending.

### **July 16, 2012- December 31, 2012**

The District Court with one judge decided 32 criminal cases and 68 remained pending. 12 civil cases were decided and 67 cases remained pending.

## **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 128 cases between July 17, 2011 and July 15, 2012, out of which 26 cases were won and three cases were lost. The Office, with one government attorney, informed that 99 cases filed by July 15, 2012 remained pending.

Out of 10 murder cases filed, eight cases were won and one was lost and one remained open. One case filed under women trafficking case was lost while two out of two polygamy cases were won.

## **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT**

Thane Sarki, 58, of Thumi VDC-6 was killed by his brother, Hira Sarki, 41, of the same place accusing him by being a witch on March 13. Hira hit Thane with an axe while he was sleeping at around 11 pm because he was feeling unwell. The accused was arrested on the same day by police. The case was registered under homicide and was remanded in custody.

## **CHILD RIGHTS**

### **Situation of Education**

Of 65,213 children of school going age, 23,384 girls and 41,829 boys were enrolled in schools of primary and secondary level. 547 female and 255 male teachers were at primary level government and community school. 57 female and 344 male teachers were at lower-secondary level in government and community schools. 13 female and 508 male teachers were at secondary level in government and community schools.

### **Rape, Attempt to Rape, Sexual Abuse**

A 17-year-old girl was allegedly raped by Rabin Rana, 22, of Gorkha Municipality-4 on January 18 when she was



Types of Events	By State			By Non-State		
	Male	N/A	Total	Female	Male	Total
Beatings				2	6	8
Child Rights				2		2
Inhuman Behavior					1	1
Killing				2	3	5
Right to Assembly	1	15	16			
Women Rights				7		7
<b>Total</b>	<b>1</b>	<b>15</b>	<b>16</b>	<b>13</b>	<b>10</b>	<b>23</b>

alone at home. A complaint filed against him by her family on January 19 led to his arrested on the same day. The victim was taken to District Hospital for health checkup. District Court remanded him in custody on February 9.

## ALL KINDS OF DISCRIMINATION AGAINST WOMEN

### Rape, Attempt to Rape, Sexual Abuse

A 24-year-old woman was raped while she was returning from the jungle on February 17. Arjun Gurung, 49, of Palkhu in Takukot VDC-4 was accused of the crime. The victim filed an FIR against him at District Police Office on February 19 leading to his arrest the same day. The District Court remanded him in custody on March 19.

## DOMESTIC VIOLENCE

### Killing by Family Members

Maina Karki, 50, of Angetanika in Aappipal VDC-5 was killed her husband Kul Bahadur Karki, 51, on March 14. She was struck with a stick on the head of him while sleeping. The relatives of victim filed an FIR against the accused on

March 16 at the District Police Office. The accused was arrested on the same day by the police and investigation was going on until the end of the year.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS Destruction of Infrastructure, Property

Cadres of ANNISU-R Baidya faction set fire on Saraswati Higher Secondary School at Ahale of Gorkha Municipality-7. They sprinkled patrol in the school office and set it on fire for charging admission fee. The school said property worth Rs 75,000 was damaged and filed a complaint against ANNISU-R treasurer Amrit Wagle. They were in jail at the end of the year.

## HEALTH SERVICE SITUATION

There are two hospitals, 19 health posts and 44 sub-health posts in Gorkha District. Out of 19 posts for the doctors, nine of them are working and 10 remained vacant. There are two staff nurses working out of 11 posts. Out of five lab assistant posts, two are working and three remained vacant. Similarly, out of 132 posts for the AHW, 92 of them are working and 40 posts remained vacant. There are 63 AMWs active in the district, out of 82 posts and 19 remained vacant. There is one vaccine supervisor and one TB/Leprosy supervisor. Out of 29 posts for the health assistant, seven of them are working and 22 remained vacant.



### 3.3 Lamjung



Headquarters :	Basisahar
Area in Sq. Km :	1,692
No. of Households :	42,079
No. of Population :	167,724
Male :	75,913
Female :	91,811
No. of PwD :	4,745
No. of VDC(s)/Municipality(ies) :	61/0
Male Literacy :	55,994
Female Literacy :	57,048
Religion Hindu (%) :	63.98
Buddhism (%) :	17.04
Islam (%) :	0.56
Kirat (%) :	0.01
Christianity (%) :	1.79
Prakriti (%) :	0.04
Bon (%) :	0.04
Undefined (%) :	0.435
Human Development Index :	3.99

#### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'D' graded District Prison has the capacity to hold 25 inmates at a time. A total of 64 including 30 convicted and 34 detained inmates were held there at the end of the year. One boy and one girl dependents also resided there. The prison is overcrowded.

#### **THREATS/BEATINGS**

By NC

UML cadre, Raju Pariyar, 40, of

Sundar Bazar VDC-4 and cadres of UML was beaten by the cadres of Tarun Dal on February 9 accusing him of supporting UML. Pariyar received the treatment at the community hospital in Sundar Bazar. He did not complaint about the incident anywhere.

#### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

**July 17, 2011- July15, 2012**

The District court with one judge decided 92 criminal cases and 23 remained pending. 55 civil cases were decided and 24 remained pending.

**July 16, 2012-December 31, 2012**

District Court with one judge decided 46 criminal cases and 51 remained pending. 17 civil cases were decided and 59 remained pending. There are no cases older than two years.

#### **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 68 cases between July 17, 2011 and July 15, 2012, out of which 34 cases were won and 34 were lost. The Office, with one government attorney, informed that 47 cases filed until July 15, 2012 remained pending.

Among the seven filed murder cases, two cases were won and two last and three remained pending. Among two rape cases, one was won and one was lost. Two cases of polygamy were won, two were lost and one remained pending.

#### **CHILD RIGHTS**

##### **Situation of Education**

Of 61,028 children of school going age, 29,443 boys and 31,585 girls enrolled in schools of primary and secondary level. Among them, 6,680 girls and 5,542 boys were Dalit. 346 female and 957 male teachers were at primary level, government

Types of Events	By Non-State		
	Female	Male	Total
Beatings		5	5
Child Rights	2		2
Inhuman Behavior		1	1
Killing	1		1
Threats		1	1
Women Rights	2		2
<b>Total</b>	<b>5</b>	<b>7</b>	<b>12</b>

and community schools. 14 female and 343 male teachers were at lower secondary level. Four female and 188 male teachers were at secondary level. The District Education Office did not have an updated data related to education.

### **Rape, Attempt to Rape, Sexual Abuse**

A 15-year-old girl was allegedly raped by Min Bahadur Gurung, 64, of Gaunsahar VDC-9 on April 23. Her family lodged a complaint at District Police Office on April 27. The police arrested the accused on the same day. The victim was treated at District Community Hospital on April 28. The accused was remanded in custody by the court order of May 18. He was sentenced to three months in prison and released on bail amount of Rs 5,000 by the court.

### **Child Marriage**

A 13-year-old girl of Taghrantaksar VDC-9, was lured into marriage with Niraj Singh Thakuri, 18, of Pathaya VDC-5 of Kapilvastu District, by Sunita Malla of

Taghrantaksar VDC-9. Based on the victim family's complaint, the police arrested Sunita and Niraj in Kapilvastu on charge of child trafficking and child marriage from on November 20. The accused were released on bail of Rs 30,000 by a court order of December 15.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Destruction of Infrastructure, Property**

The bus (Ga 1 Kha 1961) heading towards Besisahar was vandalized by the cadres of ANNFSU and Nepal Students Union during the mass strike on September 12. The windows were completely smashed by the protestors. Motorbikes (Ga 3 Pa 8506 and Ga 5 Pa 7990) were also vandalized by the protestors.

### **HEALTH SERVICE SITUATION**

The district has one hospital, two primary health posts, 13 health posts and 45 sub-health posts. One doctor is working while another remained vacant. There are two posts of staff nurses and both remained vacant. Both lab assistant posts occupied. There are 53 AHWs out of 67 posts. 18 AMW are working while six were vacant. Similarly, one vaccine supervisor, one TB/ Leprosy supervisor were working. Out of 17 HA, 11 were working, one each of accountant and assistant vaccine supervisor were at work.



## 3.4 Syanja



<b>Headquarters :</b>	<b>Putalibazar</b>
<b>Area in Sq. Km :</b>	<b>1,164</b>
<b>No. of Households :</b>	<b>68,881</b>
<b>No. of Population :</b>	<b>289,148</b>
<b>Male :</b>	<b>125,833</b>
<b>Female :</b>	<b>163,315</b>
<b>No. of PwD :</b>	<b>4,451</b>
<b>No. of VDC(s)/Municipality(ies) :</b>	<b>60/2</b>
<b>Male Literacy :</b>	<b>99,358</b>
<b>Female Literacy :</b>	<b>107,999</b>
<b>Religion Hindu (%) :</b>	<b>90.21</b>
<b>Buddhism (%) :</b>	<b>7.44</b>
<b>Islam (%) :</b>	<b>0.68</b>
<b>Kirat (%) :</b>	<b>0.01</b>
<b>Christianity (%) :</b>	<b>0.1</b>
<b>Prakriti (%) :</b>	<b>0.01</b>
<b>Bon (%) :</b>	<b>1.29</b>
<b>Undefined (%) :</b>	<b>0.159</b>
<b>Human Development Index :</b>	<b>4.20</b>

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'E' grade District Prison has the capacity to hold 35 inmates at a time with 25 male and 10 female inmates. A total of 71 male inmates including 35 convicted and 36 detained. There are 13 female convicts and two detainees at the end of the year. The prison building was constructed in 1980.

One of the inmates, Durga Prasad Chapagain, 62, said that they are forced to sleep in tents due to lack of beds.

He complained that they did not have television, drinking water, and even bucket and dustbin. There were few newspaper subscriptions but one television set provided by INSEC was out of order, prisoners' leader Tukman Hamal said.

Female ward supervisor Raj Kumari BK said that except for drinking water, they were quite fine. Another inmate Shova Rai stressed on the need for vocational training for inmates. Deputy CDO Shishir Paudel said that all the prisons in the country had inmates beyond their capacity adding only some renovation would make the expansion of the Prison possible.

Jailor Mina Dhakal said only if the main entrance of the prison was constructed, some more prisoners could easily be accommodated. The visitors can meet inmates only on Sundays and Thursdays in the jail.

### **THREATS/BEATINGS**

**By ANNFSU**

Kisan Gurung, 23, of Nepal Students Union unit chairman and cadres of NSU, Arjun Aryal, 26, Anil Pariyar, 18, and Bikram Gurung, 17, of Waling Municipality-8 were injured in a clash between NSU and ANNFSU at Waling Multiple Campus on September 29. The victims were treated in local health post. The cadres of Nepal Students Union locked out the campus from September 30 demanding resignation of campus chief and NSU secretary Mohan Gurung. They further demanded investigation and punishment for those involved in the attack. A complaint was lodged against NSU secretary Gurung at the police post, however, the dispute was settled after he resigned from the job.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

**July 17, 2011- July 15, 2012**

The District Court with one judge decided 67 criminal cases and 74 remained

pending. 55 civil cases were decided and 84 cases remained pending. There were no criminal or civil cases older than two years.

### **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 77 cases between July 17, 2011 and July 15, 2012, out of which 43 cases were won and 18 cases were lost. The Office, with two government attorneys, informed that 16 cases filed until July 15, 2012 remained pending.

Among the filed 12 murder cases, five cases were won and three lost. Out of three rape cases, two cases were won and one lost. One each of trafficking and polygamy case was lost.

The Office of the District Government Attorney filed 25 cases between July 16, 2012 and December 31, 2012, out of which 13 cases were won. The Office, with two government attorneys, informed that 10 cases filed until July 15, 2012 remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

A total of 40,252 boys and 41,444 girls enrolled in schools of primary and secondary level. Among them, 8,489 girls and 7,931 boys were dalits. 1,609 female and 3,343 male teachers are at primary level government and community schools. 239 female and 753 male teachers are at lower-secondary level in government and community schools. 44 female and 669 male teachers are at secondary level in government and community schools.

6,636 boys and 5,910 girls were attending Early Child Development Center in the district among which 1,264 boys and 1,309 girls were dalits. District Education Office did not have an updated data related to education.

Types of Events	By Non-State		
	Female	Male	Total
Beatings		2	2
Child Rights	3		3
Killing		1	1
Women Rights	5		5
<b>Total</b>	<b>8</b>	<b>3</b>	<b>11</b>

### **Rape, Attempt to Rape, Sexual Abuse**

The family members of two girls filed an FIR against Keshav Godar, 23, and Prakash Ranabhat of Pauwegaude VDC-1 accusing them of raping them on July 6. It is learnt that they were raped in a hotel room at Pragatinagar in Putalibazaar Municipality-1. The police team on patrol arrested them after getting information from the locals. The accused were remanded in custody on July 7 and medical checkup of the girls was conducted at Syangja District Hospital on July 8 and advanced checkup was conducted in Kathmandu on October 11. Police said both reports substantiated the claim of rape.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Polygamy**

Shyam Maya Gurung, 24, of Jagatbhanjyang VDC-2 filed a complaint at Ward Police Office, Waling on May 20 accusing her husband Narendra Gurung, 27, of second marriage with Sangrila Gurung, 20, of Pelkachaur VDC-3 on May 6. She also claimed that her husband was neglecting her and her children. Police arrested Narendra and Sangrila on May 20. Narendra was released on June 1 on bail amount of Rs 52,000 while Sangrila was released on date.

## **HEALTH SERVICE SITUATION**

The district has one hospital, 18 health posts and 47 sub-health posts. There are five posts for the doctors, out of which three are working and two remained vacant. All five posts for the staff nurse

were fulfilled. Out of five posts for the lab assistant, four of them are working. There are 62 AHW in a district out of which 11 remained vacant. Out of 19 auxiliary nurses 19 posts have been fulfilled and one remained vacant. There is one post each for vaccine supervisor and TB/Leprosy supervisor, occupied. Similarly, out of 16 posts for HA, 10 of them are working and six remained vacant.



## 3.5 Kaski



Headquarters :	Pokhara
Area in Sq. Km :	2,017
No. of Households :	125,673
No. of Population :	492,098
Male :	236,385
Female :	255,713
No. of PwD :	9,219
No. of VDC(s)/Municipality(ies) :	43/2
Male Literacy :	198,199
Female Literacy :	183,618
Religion Hindu (%) :	82.33
Buddhism (%) :	13.47
Islam (%) :	0.9
Kirat (%) :	0.09
Christianity (%) :	2.14
Prakriti (%) :	0.13
Bon (%) :	0.59
Bahai (%) :	0.01
Shikha (%) :	0.002
Undefined (%) :	0.34
Human Development Index :	3.92

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE INJURED IN SHOOTING/ EXPLOSION

### By Explosive Device

Ram Sunar, 25, of Oraste VDC-4 in Syanja District but recently staying Sabhagirha Kristal Light Home of Sub-Metropolis-8 in Pokhara was injured and killed in explosion of a grenade at store room of his shop on January 25. The bomb went off when he was checking an unfamiliar object. The victim died while undergoing treatment at Charak Hospital in Pokhara Sub-Metropolis-9. Police found another No. 36 grenade on the site. Police investigation showed that the explosive device came from APF as they generally use it. The investigation was going on at the end of the year.

## JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to hold 60 inmates at a time. A total of 358 including 189 convicted and 169 detained inmates were held there at the end of the year. There are one girl and one boy dependants in the jail.

The overcrowding has forced the inmates to sleep on the passage, Jailor Sunil Adhikari said adding though new building was ready, the inmates could not be transferred in absence of compound wall. The prison administration has to buy drinking water. The inmates have maintained gardens to grow mushrooms and other vegetables. They also had operated a furniture factory but was removed after security concerns led the Prison Management Department to ask for its closure.

### Clash in Jail

Twelve persons were injured in a clash that occurred in the District Prison on November 23. Among the injured,



Surya Bahadur Bhujel, 35, alias Babu Thapa of Lahachok VDC-2 and Sunil Ranabhat, 30, of Kalanki in Kathmandu Metropolis-14 were treated at Western Regional Hospital. They have sustained head and leg injuries. Other injured in the clash were identified as Kuber Pun, 25, of Surkhet, Radindra Kunwar, Prabin Gurung, Prakash Gurung, Man Bahadur Gurung of Pokhara Sub-metropolis, Prem Tamang of Lwaghalel VDC-6, Swagat Ranabhat of Lekhnath Municipality-6, Harka Singh of Kalika VDC-9, Niroj Khatri of Kathmandu, Sunil Gurung of Panchamul VDC-5 in Syangja, Minnath Chhetri of Durga Bhawani VDC-3 in Baitadi. They have returned to the prison after treatment at Western Regional Hospital. An investigation committee led by assistant CDO Antar Bahadur Silwal comprising of jailor Sunil Adhikari and DPO's Inspector Rabindra Paudel was formed. The committee concluded that the clash occurred due to dispute over financial transaction, recommended for the transfer of the involved inmates. A total of 29 inmates were transferred to prisons in Rautahat, Palpa, Kathmandu, Myagdi, Parbat and Birgunj Prisons, Adhikari informed.

## THREATS/BEATINGS

### By State

Journalist Hari Bahadur Bhujel alias Bibhas, 23, of Siddha VDC-7 and working at Gandaki Machapuchchhrey Media House was beaten and humiliated by Ward Police Office with lathi on March 31 for taking photograph of police use of force against the locals protesting a road accident. The accident had occurred at Nadhipur Pokhara Sub-Metropolis-3. Bhujel was treated at Charak Hospital. Different

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction				1		1
Arrest & Torture		1	1			
Beatings		2	2		23	23
Child Rights				8		8
Economic, Social Rights and Cultural Rights					1	1
Inhuman Behavior					1	1
Injured				1		1
Killing				2	1	3
Right to Assembly	7	34	41			
Threats					1	1
Women Rights				19		19
<b>Total</b>	<b>7</b>	<b>37</b>	<b>44</b>	<b>31</b>	<b>27</b>	<b>58</b>

organisations condemned the assault issuing a statement on April 1. No action was taken against the involved police.

### By CPN-Maoist

Pro-UCPN-M All Nepal Transport Workers Union district chairperson, Rim Basyal, 42, of Salyankot VDC-3, Dhading was injured in beating by the laborers affiliated to pro-CPN-Maoist trade union on March 16. He was assaulted for being active in the process of registration of Pokhara Bus Entrepreneurs Committee' parallel Kaski Transporter Committee. Basyal was attacked as he was leaving YCL camp in Pokhara Sub-Metropolis-9 after a trade union meeting. He accused ANTUF' Tamuwan State coordinator Khagendra Kafle, and cadres Lekh Bahadur Gurung, Min Shrestha of being involved in the attack. He received treatment at Phewacity Hospital in Nagdhunga of Pokhara Sub-Metropolis. The incident was settled in compromise on March 18.

### By YAN

Raju Bayalkoti, 34, Jyammu VDC-7 in Dhading and Lekh Bahadur Gurung, 28, of of Bandipur VDC of Tanahun were injured when stones were thrown at them during a four-hour bandh called for

demanding resignation of PM Bhattarai on August 23. The bandh was called by pro-UML youth organization YAN. The injured were treated at Metrociti Hospital of Sirjana Chok. They said they were assaulted when they tried to stop the protestors from inflicting damage on a school bus.

### **By NEFIN**

Assistant Officer of Area Forest Office, Madhav Baral, 50, of Maswar in Pokhara Sub-Metropolis-7 was beaten up by the cadres of NEFIN on May 22. He was assaulted at Sirjana Chok when he commented that action should be taken against those wielding batons in 'peace' rally. He was treated at Metrociti Hospital. Police arrested Indra Bahadur Thapa, 24, and Santa Bahadur Gurung, 26, and released them few hours later. The protestors also vandalized few scooters and beaten up Binod Gurung, 24, and Suhil Gurung, 15.

### **ARBITRARY ARREST**

Gun Bahadur Ale, 24, of Jhumsa in Dovan VDC-4, Palpa and currently working as a welder in Pokhara was held in police custody from December 5 to 9. Ale was arrested by Bagar Ward Police Office on the request of a truck owner whose truck was hijacked by Ale's elder brother Toya Bahadur to Dhangadhi and who ran away with the truck owner's money. Ale complained that police kept him in custody for days though he had no idea about his brother. Inspector Bhuwan Tiwari of Ward Police Office accepted detaining Ale on the truck owner's request.

### **RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)**

Police arrested the personnel of Janandolan Martyrs' Family and Injured

Coordination Committee at the gate of the airport in Pokhara Sub-Metropolis-7. They were holding protest to obstruct the entry of UML's CA members including Chairperson Jhalanath Khanal until the Constitution is delivered. The arrested included Committee chairperson Dhakaram Poudel, 37, deputy Bishnu Kumari Bhattarai, 42, secretary Shekhar Gautam, joint-secretary Narayan Subedi and members Shankar Prasad Poudel, 55, and Uma Devi Banstola, 53. They were released three hours later in the aegis of INSEC Western Regional Coordinator Shiva Khakurel.

Police arrested Sarafat Ali, 45, Salauddin Ali, 35, Sakurddin Ali, Ashiq Ali, 35, and Akbar Ali, 37, of Miyanpatan in Pokhara Sub-Metropolis-13 at Chauthe of Pokhara on April 17. They were demanding for guarantee of their rights in the new constitution. All of them were released on later on the evening.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

#### **July 17, 2011- July 15, 2012**

The District Court with three judges decided 917 criminal cases and 352 remained pending. 451 civil cases were decided and 330 cases remained pending.

#### **July 16, 2012-December 31, 2013**

The District Court with three judges decided 320 criminal cases and 450 remained pending. 148 civil cases were decided and 400 cases remained pending. There is no pending criminal and civil case older than two years.

### **APPELLATE COURT**

#### **July 17, 2011- July 15, 2012**

The Appellate Court with five judges decided 300 criminal cases and 190 remained pending. 156 civil cases were decided and 208 cases remained pending.



## **July 16, 2012 -December 31, 2012**

The Appellate Court with four judges decided 92 criminal cases and 200 remained pending. 358 civil cases were decided and 265 cases remained pending.

The District Government Attorney's Office decided 1,259 cases between July 17, 2011 and July 15, 2012, out of which 328 cases were won and 54 cases were lost. The Office, informed that 837 cases filed until July 15, 2012 remained pending.

Among the filed 21 murder cases, seven cases were won and three lost. Out of 37 rape cases, five cases were won and four lost. Out of nine cases of abduction, eight were won and one lost. Out of a total of four trafficking cases, one was won.

The Office of the District Government Attorney filed 310 cases between July 16, 2012 and December 31, 2012, out of which 201 cases were won.

The Office of the Appellate Government Attorney with four attorneys had 63 cases pending.

Among the filed 40 murder cases, two cases were won and 11 lost. Out of 14 rape cases, one was won and five lost. Out of a total of three trafficking cases, two were won.

## **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT By ANNFSU**

Higher Secondary Education Board Pokhara chief, Bijendra Kumar Rai, 52, of Ratanchhap VDC-9, Khotang was treated in degrading way by the students of ANNFSU affiliated students on July 29. The students led by ANNFSU district chairperson Arjun Adhikari and his deputy Shekhar Gautam, smeared his face with soot on charge of embezzling scholarship fund. Rai claimed he had distributed the money as per the HSEB directives. The students also vandalized the office vehicle with the

number plate BA 5 Cha 9992 on July 30 on charge of breaking the padlock. When Rai went to the District Administration Office to report the incident, CDO Chetnath Bhattarai requested him to compromise saying he would not be able to register a complaint against Students' unions. INSEC, Human rights network issued a statement on August 1 urging for peaceful resolution of the issue.

## **CHILD RIGHTS**

### **Situation of Education**

Of 118,902 children of school going age, 60,610 boys and 58,292 girls were enrolled in schools of primary and secondary level. Among them, 12,143 were girls and 11,603 boys were dalits. 1,026 female and 1,187 male teachers were at primary level government and community schools. 143 female and 471 male teachers were at lower-secondary level in government and community schools. 48 female and 468 male teachers were at secondary level in government and community schools.

8,026 boys and 7,074 girls were attending Early Child Development Center in the district among which 1,806 boys and 1,793 girls were dalits.

District Education Office did not have an updated data related to education.

### **Rape, Attempt to Rape, Sexual abuse**

A 12-year-old girl of Tanahu and currently living in Pokhara was raped by her step-father when her mother was out of home. The victim's mother lodged an FIR against him at District Police Office on February 10. The accused was arrested when he came to Western Regional Hospital after being called for a meeting by his wife on February 25. He was remanded in jail on March 13 on the order of District Court.

Family of a 16-year-old girl of Lekhnath Municipality-11 and currently living in Pokhara filed a complaint at

District Police Office on November 3 accusing former CA member Safiq Miyan of repeatedly raping her after threaten. Police filed the case under rape saying Miyan was absconding. The girl was working as domestic help at his home for one year.

### **Girl Trafficking**

The family members of a 15-year-old girl of Malepatan in Pokhara Sub-Metropolis-5 filed a complaint against Aita Kumari Chhinal alias Sima Thapa, 35, of the same place on January 12 accusing her of trafficking the girl to India in the pretext of. The girl was rescued by Maiti Nepal on January 16. Thapa was arrested by the police on January 18 and remanded in custody on February 23.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN DOMESTIC VIOLENCE**

### **Killing by Family Member**

Muna Timilsena, 35, of Sarangkot VDC-5 and currently living in Miruwa in Pokhara Sub-Metropolis-2 was hacked to death by her husband on November 15. She was killed by her husband Rudra Prasad Timalsena, 40, following some domestic dispute. Police arrested Rudra on the day of the murder. District Court remanded him in custody on December 10.

### **Polygamy**

Narayan Parasad Sapkota, 43, of Mudikuwa VDC-8 in Parvat District got married to Uma Giri, 27, of Siwalay VDC-4 as his second wife on January 3. A case of polygamy was registered against him by his first wife Jaya Sapkota Koirala on January 12. Narayan was arrested by police on February 8 and was released on bail of Rs 50,000 in order of District Court but Uma remained at large until the end of the year.

Rajaram Thapaliya, 32, of Aginnchoke VDC-6 in Dhading District married Kalpana Pathak, 28, Duleguanda VDC-2 in Tanahun District, on January 13. His first wife, Bishnu Maya Thapaliya, 31, filed a complaint against him at the District Police Office on January 15 on charge of polygamy. The perpetrator was arrested by police on January 16. District Court released him on the bail of Rs 20,000 but Kalpana was absconding until the end of the year.

Krishna Pariyar, 23, of Ramgha VDC-5 in Lamjung District and currently based in Pokhara Sub-Metropolis-1 married Gita Pariyar, 20, of the same place as his second wife on February 8. A polygamy case was registered at the District Police Office after the complaint filed against him by the first wife, Juna Pariyar on February 10. The perpetrator was arrested on March 12 and investigation was going on until the end of the year.

Bishwaraj Acharya, 35, of Kanhu VDC-1 and living in Matepani of Pokhara Sub-Metropolis-12 had second marriage with Anita Acharya, 27, of Lamachaur in Pokhara Sub-Metropolis-16 on July 5. His first wife Indira Acharya, 34, filed an FIR at District Police Office on July 6. Police arrested Anita on July 11 and released her on July 31 on bail of Rs 10,000. Police said that the husband Bishwaraj remained absconding until the end of the year.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Destruction of Infrastructure, Property**

NSU unit of Janapriya Campus at Simlchure of Pokhara Sub-Metropolis-8 destroyed and set ablaze the furniture in the Campus Chief Office on January 18 demanding his resignation. The group also destroyed the windows, door and chairs as well as set ablaze a printer of the account

section in the campus. According to the chairperson of NSU, unit Mahendra Bahadur Bhattra, "The Campus Chief was staying out of contact and ignoring his responsibility towards the campus". Nepal Public Campus Teachers Association and ANNFSU issued statements condemning the incident.

The doctors of Manupal Teaching Hospital shut down the hospital from on July 29 to August 10 demanding hike in salary. The doctors agitated protesting the difference in the salary between Indian and Nepali doctors. The strike ended when a meeting of hospital administration, agitating doctors and political party leaders decided to increase the salary by 15 per cent. There are 38 Nepali doctors working in the hospital.

### HEALTH SERVICE SITUATION

There are 14 hospitals, 14 health posts and 40 sub-health posts in the district. All three posts of doctors are occupied. All three and six posts for staff nurses and lab assistants respectively are fulfilled. Out of 57 posts for the AHW, 52 were working and five remained vacant. There were 19 AMW working out of 25 posts and six remained vacant. There is one person working for each of post of vaccine and 1 T.B/Leprosy supervisors. Similarly out of 22 posts for HA, 15 are working and seven remained vacant. There are 25 health workers out of 43.



## 3.6 Manang



<b>Headquarters :</b>	Chame
<b>Area in Sq. Km :</b>	2,246
<b>No. of Households :</b>	1,480
<b>No. of Population :</b>	6,538
<b>Male :</b>	3,661
<b>Female :</b>	2,877
<b>No. of PwD :</b>	204
<b>No. of VDC(s)/Municipality(ies) :</b>	13/0
<b>Male Literacy :</b>	2,911
<b>Female Literacy :</b>	1,741
<b>Religion Hindu (%) :</b>	39.19
<b>Buddhism (%) :</b>	55.15
<b>Islam (%) :</b>	0.06
<b>Kirat (%) :</b>	0.02
<b>Christianity (%) :</b>	1.42
<b>Prakriti (%) :</b>	0.21
<b>Bon (%) :</b>	0.47
<b>Shikha (%) :</b>	0.03
<b>Undefined (%) :</b>	34.41
<b>Human Development Index :</b>	4.41

### CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

There is no jail in the district so that the District Education Office building was being used instead. The District Prison which is yet to be graded has the capacity to hold 11 inmates at a time. A total of 11 inmates were detained there at the end of the year. All of them are male. The facilities for

the detainees were very poor in condition but according to Jailor Bheshraj Archarya, inmates have access to playground, health treatment, newspapers and television.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

**July 17, 2011- July 15, 2012**

The District Court with one judge decided all three cases filed.

## **The Office of the District Government Attorney**

**July 17, 2011-July 15, 2012**

The Office of the District Government Attorney filed two cases in District Court. Among them, two cases were won and one case was taken to Appellate Court. There was one government attorney.

## **CHILD RIGHTS**

### **Situation of Education**

Of 847 children of school going age, 393 boys and 494 girls enrolled in schools of primary and secondary level. Among them, 35 girls and 25 boys were dalits. Of 134 teachers, 49 female and 85 male teachers were at primary level government and community schools. Of 40 teachers, six female and 34 male teachers were at lower-secondary level government and community schools. 21 male teachers were at secondary level government and community schools.

31 boys and 92 girls were attending Early Child Development Center in the district among which nine boys and six girls are Dalits. District Education Office did not have an updated data related to education.

This district has many hotels because the district located inside the Annapurna trekking route. The hoteliers say that employ the children who mostly come from impoverished family come looking for work. The girls were also working in such hotels in the areas of Manang in Annapurna

trekking route. Many of the girls come from Gorkha and Rukum and some of them are runaways. The schools were shut on February 26 and 27 when the teachers had agitation.

A total of 200 children of Chyame VDC and Tachai VDC received free health checkup this year. The educational materials were distributed by Women and Children Office to 75 children of Chyame VDC.

## **Jhuma Custom**

Traditionally, the second daughter of a family was to be Jhuma. However, over time, becoming a Jhuma has been a matter of choice rather than obligation. With the passage of time, Jhumas are not forbidden to marry; however, they have to apologize for their marriage to the Lamas of the Monasteries in accordance with their tradition.

## **Mukhiya (Village Head) Custom**

The Mukhiya custom is a long-held practice in this district. However, with the introduction of democracy, this tradition was slowly being displaced by elected people's representatives. The process to choose a Mukhiya is consensus based. Given the present situation that there are not people's representatives in the district, almost all the administrative and developmental activities are carried out by Mukhiyas. Ngima Gurung of Ngawal village stated that the administration under the Mukhiya custom is speedy, efficient, transparent and convenient.

## **HEALTH SERVICE SITUATION**

There is one hospital, 10 health posts and three sub-health posts in Gorkha District. There are three doctors working while the districts have two posts. There are two staff nurses posts of which one is vacant. One post of lab assistant is vacant. Similarly, out of 10 posts for the AHW,

four are working and of four AMWs, three were working. One each of vaccine supervisor and TB/Leprosy supervisor is occupied. Out of 12 posts for the HA, five are working.



## 3.7 Nawalparasi



Headquarters :	Parasi
Area in Sq. Km :	2,162
No. of Households :	128,793
No. of Population :	643,508
Male :	303,675
Female :	339,675
No. of PwD :	10,873
No. of VDC(s)/Municipality(ies) :	73/1
Male Literacy :	225,119
Female Literacy :	202,926
Religion Hindu (%) :	88.18
Buddhism (%) :	3.06
Islam (%) :	3.75
Kirat (%) :	0.06
Christianity (%) :	1.74
Prakriti (%) :	0.06
Bon (%) :	0.07
Undefined (%) :	0.138
Human Development Index :	5.00

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

### By State

Dhan Bahadur Thanet, 48, of Kumarwanti VDC-7 at Gochada was injured in police shooting on May 9. He died on June 5 while undergoing treatment at TU Teaching Hospital in Kathmandu. Tharu Struggle Committee had called the district bandh protesting the vandalism and arson on Tharu Museum by the cadres of Brahman- Chhetri Samaj at Danda of Agyauli VDC-9 on May 8. The clash ensued after the agitators vandalized a meat shop at a time when talk between the agitators and representatives of security agencies was underway at Kawasoti Area Police Office. Police charged batons and fired teargas shells after the protestors pelted stones and charged batons at the police. The injured in the incident have been identified as Bishal Chuadhary 23, of Agyauli VDC-3, Dhan Bahadur Thanet, Tara Bahadur Thanet, 22, at the same VDC, Toke Bahadur Thanet of Agyauli VDC-4, Mahendar Aalay Magar, 22, of Kumarwanti VDC-7 were injured in police shooting and treated in Chitwan and Kathmandu some others were injured in lathi charge. Police Inspector Umesh Lamsal and SI Devraj Sharma were also injured in the clash. All the injured underwent treatment at Kali Gandaki Hospital and a local pharmacy.

## JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold 35 inmates at a time. A total of 87 including 44 convicted male and 43 detained inmates were held there at the end of the year. Among them, three female each are convicts and detainees. They weave bamboo stools for extra income. They have access to toilets and newspapers. Though the scheduled days for visitors are Sunday and Wednesday, the ones coming from long

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		11	11			
Beatings	2	30	32	1	5	6
Child Rights				7		7
Inhuman Behavior					4	4
Injured		3	3			
Killing		1	1	5	2	7
Racial Discrimination				1	1	2
Right to Assembly	1	47	48			
Threats					10	10
Women Rights				18		18
<b>Total</b>	<b>3</b>	<b>92</b>	<b>95</b>	<b>32</b>	<b>22</b>	<b>54</b>

distance can meet inmates any day. The new building is under construction but at rather slow pace.

## THREATS/BEATINGS

### By State

Prem Lal Chaudhary, 14, of Panchnagar VDC-9, Bhim Narayan Chaudhary, 15, Yuv Raj Chaudhary, 13, Rabi Chaudhary, Balkrishna Chaudhary, Sushila Chaudhary and Gayatri Yadav among many others were injured in the baton charge by the police during the strike and bandh organized by Tharu Revolutionary Committee and Indigenous Minority Community people from May 15 to May 19. The injured got the treatment at local medical and District Hospital.

### By Tharu Revolutionary Committee

Hari Sharma of Ramgram Municipality-3 and member of FNJ was beaten by the cadres of Tharuhat Revolutionary Committee while reporting on the strike. They vandalized his motorbike (Lu 4Pa 2655). The victim got the treatment at Parasi Hospital.

Ram Krishna Dawadi, 37, of Gunjanagar VDC-2 was attacked with baton, rod and injured by the cadres of

Tharuhat Revolutionary Committee on the night of May 17 in Tilakpur VDC-1, while going to Chitwan from Butwal. The next day, the villagers found him in an injured state and took him to the Polyclinic hospital. The cadres looted his money, was beaten and left unconscious.

Inspector Dilli Narayan Pandey of Area Police Office, Gaidakot

and SI Kishan Prasad Khanal, 42, of the same police office was attacked with iron rod, batons and left seriously injured by the cadres of Tharuhat Revolutionary Committee near Argyauli VDC-9 on May 10. The injured were taken to Birendra Police Hospital in Kathmandu after they could not be treated at local hospital. Pandey sustained head injury and had 22 stitches. He also had four broken ribs. Khanal returned to his work after having three months of treatment.

## ARBITRARY ARREST

Tej Bahadur Garbuja, 33, of Chisapani, Makar VDC-9 was arbitrarily arrested by the police who presented himself at office on August 27, regarding the domestic violence case lodged by his wife Tika Kumari. He was illegally detained until August 30 without being taken to the court. The INSEC's district representative Narayan Parajuli and lawyer, Chuda Bahadur Thapa inquired about the incident with SP Gyan Bikram Shah on August 30 about the arrest. SP Shah apologized and released the victim on the same day confirming that such mistake will not repeat in future again.

## **RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)**

A clash ensued in the course of Tarai bandh called by Tharu Joint Struggle Committee in ward no 1, 5 and 6 of Tilakpur VDC along the East-West Highway. Five agitators and five police personnel were injured when agitators and police clashed. The injured were identified as Dammar Chaudhary, 15, Bhim Narayan Chaudhary, 15, Prem Narayan Chaudhary, 14, Yuvraj Chaudhary, 13, of Panchanagar VDC-9 and Sushila Chaudhary, 13, of Ramnagar VDC-1. APF border security office inspector, Khadak Bahadur Khatri, Nepal Police Head Constable, Tek Bahadur Chhetri, Constables Sujan Kharel and Ramu Lamichhane were injured when the agitators clashed with police as the police personnel tried to clear highway obstructed by the agitators. Lamichhane, who was critically injured in the clash, was taken to Bhairahawa Medical College for treatment while others were treated at District Hospital.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011- July 15, 2012**

The District Court with three judges decided 864 criminal cases and 489 remained pending. 726 civil cases were decided and 547 cases remained pending.

### **July 16, 2012-December 31, 2012**

The District Court with three judges decided 353 criminal cases and 115 remained pending. 328 civil cases were decided and 379 cases remained pending. There are 150 cases older than one year.

## **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 308 cases

between July 17, 2011 and July 15, 2012, out of which 242 cases were won and 20 cases were lost.

Among the filed 36 murder cases, 25 rape cases, 10 cases of abduction, and 13 trafficking cases were filed between July 17, 2011 and July 15, 2012.

## **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT**

Thamman Bahadur Chaudhary, 26, of Dumkibas VDC-1, Thag Bahadur Gurung, Narayan Kamu Magar among 12 others were arrested by the police in command of SI Krishna Kumar Pokharel of Balhani Police post on November 1 on charge of trying to instigate a clash. The arrested people were tortured by depriving them of water, food at night and abuse was meted out on them. The victims got bruises all over the body. Among them, Thamman Chaudhary and Thag Gurung got the treatment at District Hospital, Parasi. The accused did not file any complaint.

Rukmangat Lamsal, 39, and Umakanta Paudel, 35, of Panchnagar VDC-2 were arrested by the police on May 30 on charge of setting ablaze a truck during the strike and Nepal bandh announced by Brahman Chhettri Dashnami Samaj on May 11, 12 and 13. Lamsal and Paudel were arrested and charged with baton. They were released after eight hours in detention. They sustained leg injuring and bruises on their body. Both claimed that they were arrested and tortured on a false allegation while on a morning walk. They got the treatment on the same day.

## **CHILD RIGHTS**

### **Situation of Education**

Of 149,742 children of school going age, 75,171 boys and 74,571 girls enrolled in schools of primary and secondary level. Among them, 12,442 girls and 12,110 boys were dalits. 1,974 teachers are at primary

level government and community schools. 546 male teachers are at lower-secondary level in government and community schools. 395 are at secondary level in government and community schools. 7,547 boys and 6,647 girls are attending 577 Early Child Development Centers in the district among which 1,260 boys and 1,325 girls are dalits.

### **Rape, Attempt to Rape, Sexual Abuse**

A 7-year old girl lodged a complaint against Bikram Yadav, 18, of Ramgram Municipality-1 at District Police Office on June 27 on charge of raping her on the same day. The accused was remanded in custody as per the District Court's order on August 22.

### **Girls Trafficking**

The family members of a 14-year-old girl lodged a complaint against Makbul Bhat, 20, of Sukroli VDC-3 on May 24 claiming to trafficking her in the pretext of he was marriage on April 18. The accused was remanded in custody as per the District Court's order on June 15. The co-accused of the incident Jayaphullah Husain of the same VDC-4 was also remanded in custody on the same day. The case remained pending at the end of the year.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

A 22-year-old woman was allegedly raped by Bishnu Sarki, 29, of Gaindakot VDC-2 and Armed Police Constable Ramesh Mali, 29, of Batara VDC-8 from Bara district on September 28 while the victim was bathing at Narayani River. The victim lodged a complaint at Area Police Office, Gaidakot on the same day. The accused were remanded in custody as per the District Court's order on October 14. The victim's health checkup was held in Bharapur Hospital on September 29. The

case remained undecided at the end of the year.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Devi Kumal, 28, of Shitalnagar in Gaindakot VDC-7 was killed after rape by her nephew Suresh Kumal, 23, on October 24 at around 3 pm. The accused said that he strangled his grandmother who witnessed Devij's rape and than killed Devi to hide the truth. The victims' family members lodged a complaint at Area Police Office on October 25 against the accused. Absconding Kumal was arrested by police on October 28 and presented at District Court on November 20. He was remanded in custody as per the District Court's order on November 21. The postmortem of both women was held in Dumkauli Health Post on October 24.

### **Women Trafficking**

Arati Rajbhar, 21, of Pratappur VDC-1 was trafficked by Raj Kumari Musahar and her husband Salim Ansari, 25, of Jamuniya VDC-4 on December 12 sold for Indian Currency 20,000. The victim returned home on August 20 and lodged a complaint against the accused at Area Police Office on August 30. Based on the complaint, Raj Kumari was arrested by police on August 31 and remanded in custody as per the District Court's order on October 14. However, Salim remained absconding at the end of the year.

### **Polygamy**

Bhagwanti Devi Chaudhary, 29, of Naduwa in Sukrauli VDC-9 filed a complaint at District Police Office on August 28 against her husband Prabhakh Chaudhary of getting married to Rupa Chaudhary on July 9 and deserting her and her 7-year-old daughter stranded. Police arrested both accused on September 17.



Prabhakh was released on bail of Rs 14,500 and Rupa on Rs 5,000.

### Dowry Death

Parental relatives of Mina Acharya, 28, of Jamuwa in Gaindakot VDC-1 claimed that she was beaten to death by her husband Hrishi Acharya, 29, father-in-law Durga Prasad Acharya, mother-in-law Saraswati Acharya and sister-in-law Saraswati Acharya on June 7. They filed a complaint at Area Police Office but the police did not take the claim seriously, Mina's sister-in-law on maternal side Jamuna Paudel said. District Police Office claimed their investigation showed that she had committed suicide.

### ALL KINDS OF RACIAL DISCRIMINATION

Kopila Sunar, 23, of Basantpur in Tamasariya VDC-1 was verbally abused by Radha Devi Gautam, 36, of the same place on March 28 for touching water. Sunar filed a complaint against Gautam at Chormara Temporary Police Post on April 3. She filed another complaint at Kawasoti Area Police Office on June 22 as she remained absconding after first complaint. Police filed a case under Caste Discrimination Act on June 28. Gautam was released on October 31 after Rs 15,000 bail.

### ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The cadres of Brahman, Chhetri, Thakuri Joint Struggle Committee vandalized the Tharu Museum at Danda in Argyauli VDC-9 on May 8. The incident occurred when they were stopped by the cadres of Tharu Joint Struggle Committee for defying bandh the later called. The accused were heading for Butwal to participate in an assembly organized by Brahman Chhetri Thakuri Samaj. There were few vehicles also damaged and window glasses shattered along with 43 cycles.

### HEALTH SERVICE SITUATION

The district has one hospital, five health posts and 53 sub-health posts. There are 10 doctors working of 11 posts. Seven staff nurses were working while there positions were empty and 11 out of 12 lab assistants were working. There are 77 AHWs in the district out of 90 positions and 22 AMWs working while 10 positions remain vacant. Similarly there was one each position of TB/Leprosy and vaccine supervisor and both were occupied. Out of 26 positions of HA, 19 were working.



## 3.8 Rupandehi



Headquarters :	Butwal
Area in Sq. Km :	1,360
No. of Households :	1,63,916
No. of Population :	880,196
Male :	432,193
Female :	448,003
No. of PwD :	9,890
No. of VDC(s)/Municipality(ies) :	69/2
Male Literacy :	318,202
Female Literacy :	258,697
Religion Hindu (%) :	86.24
Buddhism (%) :	4.61
Islam (%) :	8.23
Kirat (%) :	0.03
Christianity (%) :	0.66
Prakriti (%) :	0.02
Bon (%) :	0.08
Undefined (%) :	0.13
Human Development Index :	5.37



## **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'C' graded District Prison has the capacity to hold 100 inmates at a time. A total of 376 including 187 convicted and 189 detained inmates were held there at the end of this year. The prison building was constructed in 1934. The prison is overcrowded and the inmates were facing a problem such as shortage toilet and bathroom. The initiation to repair the building has been taken but nothing has been done until the end of this year. The facilities of telephone, health checkups, television and newspapers are provided for the inmates.

### **THREATS/BEATINGS**

#### **By State**

Civil campaign coordinator, Padam Bahadur Karki, 42, of Butwal Municipality-6 was beaten by the policeman, Keshav KC, 28, on August 22. He was accused of not stopping the motorbike when asked to. The victim lodged a complaint on the same day at Butwal Area Police Office. The DSP interrogated the accused about the incident but did not charge him. The victim, who was beaten without any reason, appealed human right activists to take initiation for justice for him.

#### **By Others**

The cadres of Tharuhat Revolutionary Committee attempted to set ablaze Prem Prasad Sharma, 55, of Butwal Municipality-6 in Padsari VDC on May 24. The cadres accused him of operating a truck during the strike and tried to set fire on truck with number plate Lu 1 Kha 5338. The victim was locked inside the truck and caught fire leaving with burns on throat, chest and leg. He got treatment at Universal Medical College Teaching Hospital in

Bhairahawa. No one was arrested by the police in connection to the incident.

Bishnu Dhakal, 18, and Geeta Thapa, 17, studying in Sungava Public Higher Secondary School in Parhora VDC were injured in the stone attack by NEFIN cadres on May 21, while coming back home from the school. The bus, carrying the students, was attacked with stone by the cadres, accusing them of defying bandh. The injured were treated at local health clinic. The victim did not lodge any complaint about the incident.

### **RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)**

Swatik Shrestha, 24, of Butwal Municipality-13 and Amrita Pandey, 30, of Milanchok was beaten and mistreated by the cadres of Tharuhat Revolutionary Committee on May 21 during the strike. Their motorbike and camera were vandalized by the protestors. Both victims were journalists. No action was taken against the accused.

Krishna Nepal, 46, of Madhbaliya VDC-5 and chief of Radio Lumbini was beaten and heckled by the cadres of NEFIN on May 22. His motorbike was vandalized by the protestors.

INSEC District Representative and journalist Amrit Giri, 30, of Parroha VDC-1 was beaten and heckled on May 22 by the cadres of NEFIN in Butwal Municipality-15. The motorbike with the number plate LU 4 Pa 6659 belonging to Giri was vandalized by the cadres, accusing him of disobeying bandh and strike. The complaint was lodged at District Police Office but no one was arrested. The incident was condemned by FNJ, NHRC, Accountability Watch Committee-Lumbini and Advocacy Forum among

others through press releases. The police could not arrest the accused and the victim did not get any compensation.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011- July15, 2012**

District Court with four judges decided 903 criminal cases and 356 remained pending. 1,067 civil cases were decided and 618 remained pending.

### **July 16, 2012 - December 31, 2012**

District Court with four judges decided 258 criminal cases and 490 remained pending. 194 civil cases were decided and 823 cases remained pending. There are four criminal and 13 civil cases older than two years.

## **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 668 cases during the year, out of which 450 were won and 137 were lost. The Office with two government attorneys informed that 354 cases filed until July15, 2012 remained pending.

Among the filed 33 murder cases, four were won and 18 were lost. Among the 14 cases of rape, four were lost and four were won. One case of women trafficking was won and two were lost. Among the 16 cases of abduction, one was won and three were lost. District government attorney informed that total of 634 cases remained pending until the end of this year.

## **APPELLATE COURT**

### **July 17, 2011-July15, 2012**

Appellate Court with six judges decided 166 criminal cases and 338 remained pending. 187 civil cases were decided and 345 remained pending.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture	1		1			
Beatings		6	6	1	12	13
Child Rights				14		14
Total	1	6	7	15	12	27

### **July 16, 2012- December 31, 2012**

Appellate Court with six judges decided 49 criminal cases and 106 remained pending. 100 civil cases were decided and 314 remained pending. There are no cases older than two years. There are 813 cases pending in the Office until the end of this year. There are 72 writ petitions out of which 51 were decided and 21 remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 209,609 children of school going age, 140,444 girls and 150,165 boys enrolled in schools of primary and secondary level. Among them, 15,999 girls and 16,180 boys were dalits. 2,408 female and 2,343 male teachers are at primary level, government and community schools. 465 female and 1,241 male teachers are at lower secondary level. Similarly 206 male and 1,202 female teachers are at secondary level.

### **Rape, Attempt to Rape, Sexual Abuse**

A 9-year-old girl of, Khairan, Devdaha VDC-2 was raped by Nakul Pokharel, 48, of same VDC on September 13. The victim's family lodged a complaint against the accused at Area Police Office on the same day. The police arrested the accused on the same day and remanded in custody by the court order of October 11.

A complaint against Santosh Pariyar of Butwal Municipality-7 was lodged at Butwal Area Police Office, by the victim on July 12 accusing him of raping a 14-year-old girl on July 11. The accused was arrested on the same day by the police and released

on June 16, after four months in custody, by the court order of the same day.

The girls of Abinash Orphanage Home, aged between 11 to 16, lodged a complaint at Area Police Office against the manager of the Orphanage Ashish Thapa, 29, of Siddharthanagar Municipality-4, Bhairahawa on June 4, accusing him of sexual abuses and rape attempts against seven girls of the orphanage. Thapa was arrested by the police on June 13 in Bhairahawa. The victims got health checkup at Lumbini Regional Hospital, Butwal. The accused was remand in custody by the court order of July 6.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### Destruction of Infrastructure, Property

The vehicle with the number plate with the Na 2 Cha 1102 of Gotkhatra Daily and Annapurna Post with the number Ga 1 Cha 4215, heading towards Bhairahawa was vandalized by the cadres of Tharuhat Revolutionary committee on May 24. The people involved were arrested by the police and released later.

## HEALTH SERVICE SITUATION

The district of Rupendehi has two hospitals, eight health posts and 63 sub-health posts. Nine doctors out of nine posts are working. Out of 10 posts for the staff nurses, seven are working and three remained vacant. Out of eight posts for the lab assistant, seven are working and one remained vacant. There are 87 AHW are working in the posts for 90. 28 posts of AMW have been fulfilled. Similarly, there are one vaccine and one TB/Leprosy supervisors. 16 posts for HA have been fulfilled.



## 3.9 Palpa



Headquarters :	Tansen
Area in Sq. Km :	1,373
No. of Households :	59,291
No. of Population :	261,180
Male :	115,840
Female :	145,340
No. of PwD :	6,537
No. of VDC(s)/Municipality(ies) :	65/1
Male Literacy :	90,281
Female Literacy :	96,397
Religion Hindu (%) :	90.52
Buddhism (%) :	7.82
Islam (%) :	0.47
Christianity (%) :	0.88
Prakriti (%) :	0.17
Undefined (%) :	0.146
Human Development Index :	4.41

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to hold 175 inmates at a time. A total of 325 including 271 convicted and 54 detained inmates were held there at the end of the year. There are five dependents including one girl and boys. The inmates at the prison complained about low quantity of the ration. Jailer Rajendra Raj Adhikari said that though new building for the prison had been constructed, the inmates could not be transferred it is security-wise unviable. The current District Prison

building was constructed in 1927 and is in such a dilapidated condition that the wooden beams of the ceilings have been reinforced by additional poles, the inmates informed. There are only two water taps in the prison. Jailor Adhikari said that CDO Hari Prasad Mainali initiated a project making the water from nearby natural spring to be added in reservoir in the prison in the rainy season but during winters, even that option was not available.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

**July 17, 2011- July 15, 2012**

The District Court with one judge decided 108 criminal cases and 46 cases remained pending. 57 civil cases were decided and 33 cases remained pending

**July 16, 2012-December 31, 2012**

The District Court with one judge decided two criminal cases and 103 remained pending. Two civil cases were decided and 54 cases remained pending. There are no criminal cases and civil cases older than two years pending in this court.

## **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 111 cases between July 17, 2011 and July 15, 2012, out of which 72 cases were won and five cases were lost. The Office had 34 cases filed until July 15, 2011 pending.

The Office of the District Government Attorney filed 32 cases between July 16, 2012 and December 31, 2012, out of which 31 cases were pending.

Among the filed nine murder cases, three cases were won and three lost. Out of nine rape cases, four cases were won and one lost. Out of two trafficking cases, one was won and one was under consideration.

Types of Events	By Non-State		
	Female	Male	Total
Beatings		2	2
Child Rights	8		8
Inhuman Behavior		1	1
Injured	1		1
Killing	2	1	3
Women Rights	17		17
<b>Total</b>	<b>28</b>	<b>4</b>	<b>32</b>

## **CHILD RIGHTS**

### **Situation of Education**

Of 82,585 children of school going age, 40,825 boys and 41,760 girls got enrolled in schools of primary and secondary level. Among them, 5,900 girls and 5,343 boys were dalits. 573 female and 1,231 male teachers are at primary level government and community schools. 90 female and 390 male teachers are at lower-secondary level in government and community schools. 37 female and 357 male teachers are at secondary level in government and community schools.

5,625 boys and 5,178 girls are attending Early Child Development Center in the district among which 833 boys and 736 girls are dalits.

District Education Office did not have an updated data related to education.

### **Rape, Attempt to Rape, Sexual Abuse**

The family of a 14-year-old girl filed a complaint at District Police Office on August 21 accusing Suman Bahadur Kumal, 24, of Chirtung VDC-7 of raping the girl on July 18. He was remanded in custody by the court order of August 27. The case was not decided until the end of the year.

The mother of a 14-year-old girl filed an FIR at District Police Office on February 27 accusing Devi Prasad Bhattarai, 25, of Tansen Municipality-14 raping her on February 26. The girl was taken to District Hospital, Tansen for checkup. District Court sent Bhattarai to

six years in prison and fined Rs 50,000 as compensation to the victim. Bhattarai was at District Prison serving the jail term.

The mother of a 15-year-old girl filed a complaint against Deepak Thapa, 24, of Kuwakot VDC-3 in Syangja and currently living at Bejad Bazaar in Rampur at Rampur Area Police Office on January 27 accusing him of raping her. Thapa was arrested on the same day and the medical checkup of the girl was conducted at District Hospital. Thapa was sent to District Police Office on February 28. District Court adjourned the case on April 3 and freeze of his share of ancestral property.

### Girl Trafficking

The mother of a 16-year-old filed a complaint against Mithu Pariyar, 32, of Rampur VDC-4 on charge of taking her daughter to Mumbai in the pretext of work on January 4. The girl was rescued at Aryabhanjyang Police Station during the checkup in the bus and arrested the accused on the same day. Pariyar was remanded in prison by the court on January 14. The case was not decided until the end of the year.

### HEALTH SERVICE SITUATION

The District has two hospitals, 22 health posts and 40 sub-health posts. There are four posts for the doctors and two are working and two remained vacant. Out of 10 posts for the staff nurse, six are working and two remained vacant. Out of eight lab assistant posts, six are working and two remained vacant. Similarly, there are 132 posts for the AHW out of which 106 are working and 26 remained vacant. Out of 89 posts for the AMW, 69 are working and 10 remained vacant. Out of 26 HA posts, 12 were occupied while 16 were empty.



## 3.10 Kapilbastu



Headquarters :	Taulihawa
Area in Sq. Km :	1,738
No. of Households :	91,321
No. of Population :	571,936
Male :	285,599
Female :	286,337
No. of PwD :	7,333
No. of VDC(s)/Municipality(ies) :	77/1
Male Literacy :	173,551
Female Literacy :	124,113
Religion Hindu (%) :	80.62
Buddhism (%) :	0.87
Islam (%) :	18.16
Christianity (%) :	1.42
Prakriti (%) :	0.02
Shikha (%) :	0.004
Undefined (%) :	0.13
Human Development Index :	6.26

### CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

#### By State

Rickshaw puller Magare Murau, 25, of Shiwanagar VDC-7 who was beaten up by police at Armed Police Boarder Security Office on April 6 died on April 9. The victim was beaten on charge of transporting alcohol in the rickshaw. The victim who received serious injury in chest and head was referred to Butwal Hospital by Shivaraj Hospital, Bahadurganj on April 7. The Butwal Hospital also sent the victim to Teaching Hospital, Kathmandu when the



CT scan report showed blood clot in brain. Demanding action against the perpetrator and Rs 1m as relief, the victim's family obstructed the Chandrouta Road on April 9. A four-point agreement was reached between the victim's family and APF when APF SP Police at Armed Police Boarder Security Office accepted the mistake. The armed police had agreed to take necessary action against the guilty, to provide Rs 1m and to provide Rs 150,000 to the victim family for final rites. However, the victim's family had received only Rs 450,000.

## INJURED IN SHOOTING/ EXPLOSION

### By Abandoned Bomb

Urmila Oli, 73, of Bhalaward VDC-7 was injured due to the abandoned bomb on April 29. Her left hand was broken and she sustained shrapnel injury when she handled the bomb found near toilet. She was admitted to Zonal Hospital Butwal for treatment and referred to TU Teaching Hospital in Kathmandu for further treatment, Inspector at Pipara Area Police Office, Bam Dev Gautam said. The motive of placing the bomb was not known until the end of the year

## JAIL AND DETAINEES

The 'D' grade District Jail has the capacity for 85 inmates. However, a total of 191 inmates including 105 convicted and 86 detained were residing in the jail. There was also one male dependant. The jail building is in dilapidated condition. The inmates complained that due to the overcrowding they were facing lack of sleeping space, drinking water, toilets etc. The inmates have the facilities of radio, playing materials, library. Although a jail building was constructed for political and women inmates, the contractor is yet to hand it over to the government due to technical problem.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	2	2			
Beatings	3	3	1	6	7
Child Rights			5		5
Death in Jail	1	1			
Economic, Social Rights and Cultural Rights	2	2		1	1
Injured			1		1
Killing	1	1	2	1	3
Racial Discrimination			1	1	2
Right to Assembly	3	3			
Threats				2	2
Women Rights			6		6
<b>Total</b>	<b>12</b>	<b>12</b>	<b>16</b>	<b>11</b>	<b>27</b>

Ajay Kahar, 45, of Kapibastu Municipality-3 who was serving jail term died on March 27 while undergoing treatment at Bhairahawa Medical College. Kahar was serving jail term since March 12 under charge of drug trafficking. The Prison Administration said that Kahar was suffering from Jaundice. According to the victim's relatives, Kahar died because the jail administration was not interested in taking him to the hospital for treatment.

## THREATS/BEATINGS

### By State

Ram Kumar Tiwari, 45, and Prithibipal Loniya of Patthardehiya VDC-9 were beaten up by Police Head Constable at Jagadishpur VDC Yog Bilash Paudel in inebriated condition on March 31 while they were performing Puja in the temple. Paudel had also vandalized the temple in the same incident. The accused apologized with the victim and had provided Rs 1,500 as compensation.

## RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

UML cadre, Sankar Pandey, 40, NC cadre Dolak Ghimire, 42 and human rights

defender, Umanath Paudel, 40, of Banganga VDC-1 were injured on November 11 in a clash occurred between UCPN- M cadres and the opposition party cadres while the later waved black flag to the PM Baburam Bhattarai. The opposition party cadres had shown black flag to the PM while he was going to Mustafa Darjee's home as per the programme to spend a day in conflict victim's home.

### **RIGHT TO PROMPT AND FAIR TRIAL July 17, 2011- July 15, 2012**

The District Court with three judges decided 334 criminal cases and 252 remained pending. Similarly, a total of 688 civil cases were decided and 637 cases remained pending.

### **July 16, 2012-December 31, 2012**

The District Court with three judges decided 23 criminal cases and 131 remained pending. Similarly, a total of 30 civil cases were decided and 298 cases remained pending. Hence, out of the 36 habeas corpus writ, 25 cases were decided and eight remained pending.

The Office of the District Government Attorney filed 471 cases between July 17, 2011 and July 15, 2012, out of which 279 cases were won and 24 cases were lost. A total of 166 cases were pending. There were two government attorneys working in the Office.

Among the filed 29 murder cases, 13 cases were won and five lost. Out of 15 rape cases, two cases were won and 13 remained pending. Out of six cases of trafficking, four cases were won and two cases remained pending. Out of three cases of abduction, two were won and one lost. Out of a total of five cases of polygamy, one case was won and four cases remained pending.

The Office of the District Government Attorney filed 263 cases between July 16, 2012 and December 31,

2012, out of which 28 cases were won and one case was lost. The Office, with two government attorney, informed that 234 cases filed until July 16, 2011 remained pending.

### **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT**

Padam BK, 18, of Niglihawa VDC-2 was beaten up by police in Kopawa police station on May 21. According to him, he had some difficulties to walk, sit and sleep due to the beating. The victim received injuries in different parts of the body including knee, hand and neck. Police had arrested him on charge of stealing and committing sexual violence.

Krishna Prasad Pokahrel, 50, of Dhikura VDC-2 working as chief of District Forest Office in Kapilvastu was mistreated and taken into control for seven hours by Hridaya Narayan Chaudhary, Habidulla Teli and hundreds of other local villagers on September 19. The victim was later rescued by the Armed Police Force. The accused were not charged until the end of the year.

### **CHILD RIGHTS**

#### **Situation of Education**

Of 149,380 children of school going age, 76,417 boys and 70,417 girls were enrolled in schools at primary and secondary level. Among them, 13,943 girls and 12,794 boys were dalits. A total of 379 female and 1,044 male teachers are at primary level government and community schools. A total of 18 female and 241 male teachers are at lower-secondary level in government and community schools. Similarly, eight female and 227 male teachers are at secondary level in government and community schools. There are 422 primary, 135 lower secondary, 65 secondary and 34 higher secondary schools in the district.



A total of 9,412 boys and 8233 girls are attending in Early Child Development Center in the district among which 1,745 boys and 1,622 girls are dalits. District Education Office did not have an updated data related to education.

Due to the bandh called by various ethnic groups to enshrine their demands in new constitution, all schools of the district remained closed for 27 days from May 9. The schools resumed their daily activities from May 29.

### **Rape, Attempt to Rape, Sexual Abuse**

The family members of an 11-year-old girl lodged a complaint at Area Police Office, Krishnanagar against Rajeswari Mishra, 70, on December 3 on charge of raping her on December 2. According to the victim, Mishra had raped her near her home enticing her with money, when there were no people at home. Police arrested the accused on the same day and remanded him in custody for investigation.

Family members of a 15-year-old girl lodged a complaint against Sibbadh Miya, 45, of same VDC-2 at District Police Office on March 14 on charge of attempting to rape her. The accused had sexually abused the victim after gagging her mouth. The victim's neighbors arrived at the place when she shouted for help. However, the police pressured the victims' family to reconcile when the accused provided Rs 5,000. The girl's father lodged a complaint on the same day against the accused demanding re-arrest of the accused following the initiation of different human rights organizations. According to Madhuri Shrestha, a human rights activist in the district, the police lodged the complaint when the human rights activists pressured the police to file the case. The accused was remanded in custody as per the District Court's order on April 6.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

Mubarak Ali Musalman aka Jallu of Bogati VDC-8, Rupandehi against whom the District Court had issued arrest warrant for raping a 25-year-old woman was arrested by Majagawa Area Police Office on July 20. The accused, absconding following the incident, was arrested after four months. He was remanded in custody as per the District Court's order on July 22.

## **DOMESTIC VIOLENCE**

### **Killing by Family Member**

Ram Dev Bahadi aka Bhagedi, 38 and his mother Chandradevi Badhai were arrested by police on March 27 on charge of killing their wife and daughter-in-law, Junamaya Badhai, 30, of Chunai VDC-3 by setting her on fire after pouring kerosene. Junamaya who was expelled from her house following a minor dispute with her husband was found dead by the villagers in a mango orchard about 1.5 km from the village at around 7 pm of the same day. The victim's funeral was held on the same day following postmortem at Shivaraj Hospital on February 26. As per the District Court's order, the accused were remanded in custody for investigation on March 25.

### **Beatings**

A 28-years-old Sarjahan Musalman was beaten by her husband Islam Musalman, 30, and the family members and banished from the house. The victim lodged a complaint against the accused at District Administration Office on December 26. She was compelled to live in a neighbor's house. The police did not process the legal action until the end of this year.

## **ALL KINDS OF RACIAL DISCRIMINATION**

The District Court through the single bench of Justice Ram Krishna Khanal

ordered to remand Hariram Yadav, 50, Kharedu Yadav, 37, and Bhagirathi Yadav, 34, of Hathihawa VDC-1 on September 26 on charge of abduction and killing of Sewak Barai, 29, and Sangita Yadav, 20. Ram Sewak Yadav and Sangita had court marriage at District Court Nawalparasi on March 29. However, they were held and handed over to their respective guardians after Sangita's family lodged a complaint on April 11. She was sent to her aunt's home in Mishraulan, India when she repeatedly tried to go to Sewak. According to the police, Sangita's father had paid INR 40,000 for Barai's death. He was shot dead in Siddharthanagar district in India after abducting him from Hathihawa VDC-4 on May 2. Sangita was also killed on June 2 after she learnt about the nature of Barai's death and threatened to inform police about it. Her father paid INR 20,000 for her murder.

The accused including Sangita's father, elder brothers and brother-in-law were arrested when Jhawar Budhai, Sewak's father lodged a complaint on July 4 against them at the District Police Office. The accused were arrested by police and remanded in custody on July 8. The District Court remanded them in custody on September 10. The accused filed a habeas corpus writ petition at Butwal Appellate Court claiming illegal detention. They were released on general date by the Appellate Court on October 23. Three other accused of Indian nationality and Writer Kumar Yadav, the head teacher of Sherchan Lower Secondary School in Hathihawa VDC remained absconding until the end of the year.

### HEALTH SERVICE SITUATION

There are three government hospitals, two primary health posts, 19 health posts and eight 55 sub-health posts in the district. Out of 11 available positions

of doctors, seven were occupied, of 14 staff nurse positions, four were occupied and six of seven lab technicians were also occupied. All 18 of AMW were occupied and 99 of AHW were occupied.



## 3.11 Arghakhanchi



Headquarters :	Sandhikhark
Area in Sq. Km :	1,193
No. of Households :	46,835
No. of Population :	197,632
Male :	86,266
Female :	111,366
No. of PwD :	5,165
No. of VDC(s)/Municipality(ies) :	42/0
Male Literacy :	63,167
Female Literacy :	69,040
Religion Hindu (%) :	97.03
Buddhism (%) :	4.39
Islam (%) :	2.06
Kirat (%) :	0.01
Christianity (%) :	0.26
Undefined (%) :	0.1
Human Development Index :	4.22

### CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2011- July 15, 2012

District Court decided 76 criminal cases and 30 remained pending. 47 civil

Types of Events	By Non-State		
	Female	Male	Total
Beatings		4	4
Child Rights	6		6
Women Rights	13		13
<b>Total</b>	<b>19</b>	<b>4</b>	<b>23</b>

cases were decided and 34 remained pending. Until the end of this year there are out of 45 cases 19 were decided and 23 remained pending. There are no cases older than two years.

### **The Office of the District Government Attorney**

The District government attorney filed nine cases between July 17, 2011- July 16, 2012, out of which one case was won and one case was lost and seven remained pending. During the period, 17 cases were registered out of which one was won and 16 remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 60,771 children of school going age 29,652 boys and 31,119 girls enrolled in schools of primary and secondary level. Among them, 7,817 girls 7,158 boys were from Dalit community. 513 female and 878 male teachers are at primary level, government and community schools. 25 female and 301 male teachers are at lower secondary level. Similarly 11 female and 257 male teachers are at Secondary level. There are 381 Early Children Development Centers.

### **Rape, Attempted Rape and Sexual Abuse**

A complaint against Shalik Ram Thapa, 19, of Jukena VDC-7 was lodged at the Local police office on December 12, on charge of raping a 7-year-old girl of the same VDC on December 6. The victim was lured and raped by the accused while coming back from the school, according to

the victim's family. The victim got health checkup at District Hospital on December 13. The accused was still at large until the end of the year.

### **Child Marriage**

The complaint was lodged against the Jeevan Nepali, 19, of Khilji VDC-7 by the family of Kalpana Khanal, 14, on November 9 at the police office accusing him of marrying Kalpana without reaching a marital age. The couple claimed they were in love and they married on their will. The agreement was reached in presence of police to let them marry when the girl reaches the marital age. Now, the girl is living with her family.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

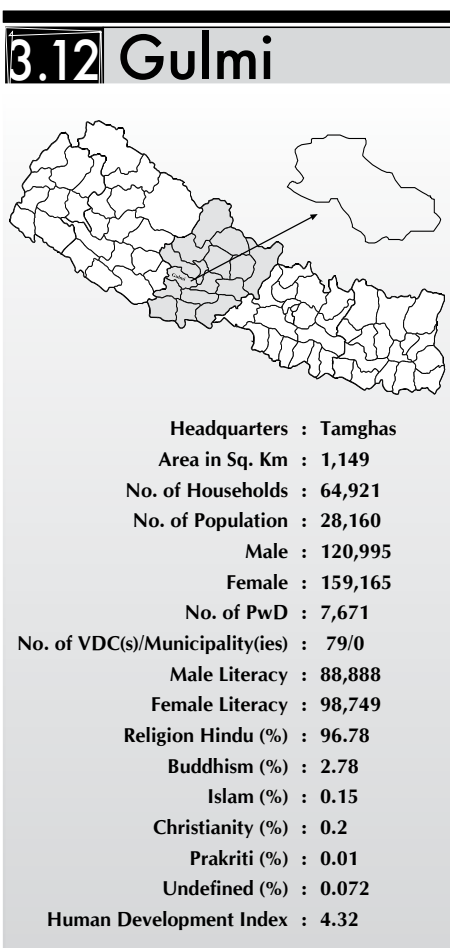
A 19-year-old women of Kerunga VDC-8 was rescued by an organization Sana Hatharu from Brhamhatole of Rupendehi District from trafficking. Indra Bahadur Sunar, 22, of Dubichaur VDC did a fake marriage with her and was taking her to India for trafficking. The victim was rescued and handed over to the police. The accused was arrested by the police. The victim lodged a complaint against Sunar and mediator Shyam Lal Pandey. The VDC secretary Pandey was arrested on the same day. He was released on date and Sunar was remanded in custody by the court order of April 20.

### **Polygamy**

The complaint was lodged against Rajendra Septe Magar, 30, by his wife Sunita Sapte Magar, 27, of Sandhikharka VDC-2 on February 1 on charge of polygamy. The accused married with Renu Kumari, 25, of Barda Ghat VDC. The accused was sentenced for one year and charged a penalty of Rs 5,000 by the court on May 25.

## HEALTH SERVICE SITUATION

The District has one hospital, two primary health Centre and 22 sub-health posts. There are five posts for the doctors and three of them are working and two remained vacant. Out of six posts for the staff nurses, four of them are working and two remained vacant. Three lab assistant are active out of five posts. Out of 84 posts for the assistant health workers, 67 are working and 17 remained vacant. Similarly, out of 56 posts for the auxiliary nurses 45 are working and nine remained vacant. There are one vaccine assistant and one TB/Leprosy assistant working. There are 13 health assistant active in a district, out of 22 posts whereas nine remained vacant.



## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

### By Others

Community Radio Sky reporter, Chandan Nepali, 30, of Marbhung VDC-1 was found dead on September 11. Nepali had left home for market for the vegetables on September 9. He was found dead after three days in the bank of Bhyagute Khola of Marbhung VDC. The dead body was handed over to the family after the postmortem at Tamghas Hospital on September 11. The postmortem result showed that the death was due to the injury. The incident was under the investigation until the end of this year.

Jail and Detainees

## JAIL AND DETAINEES

The 'E' graded District Prison has the capacity to hold 25 inmates at a time. A total of 62 including 49 convicted and 13 detained inmates were held at the end of this year. The building of the prison was in a very bad condition. The prison was overcrowded. There was a facility of radio, television, and newspapers for the inmates. The inmates did not get the cloth allowances until the end of the year due to the lack of budget, according to jailer, Gopal Prasad Pandey.

## DISAPPEARANCE/ABDUCTION

### By State

Tara Bahadur Basnet, 20, of Tamghas VDC-4 was severely beaten by the Inspector Hem Bahadur KC of District Police Office on August 19. He was accused of helping an accused to escape from the hotel. Basnet was kept in custody and was tortured without letting his family to meet him. The victim sustained head and leg injuries. The victim was treated at District Hospital. Tamghas market was closed for three hours protesting the arrest. The

complaint was lodged against the Inspector at the District Police Office. The incident reached to an agreement after the Inspector agreed to pay the treatment cost and offered apology.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011-July 15, 2012**

Out of 186 criminal cases, 153 were decided and 34 remained pending. 191 civil cases were decided and 57 remained pending.

### **July 16, 2012- December 31, 2012**

Out of 46 criminal cases in the district, five were decided and 41 remained pending. 19 Civil cases were decided and 40 remained pending.

## **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 101 cases between July 17, 2011 and July 15, 2012, out of which 61 were won and nine remained pending. The Office, with one attorney, informed that 30 cases remained pending until the end of the year.

Among the nine filed murder cases, six were won and three remained pending. Out of six rape cases, one was won, two were lost and three remained pending.

The District Government Attorney filed 52 cases from July 16, 2012 to December 31, 2012, out of which 15 cases were won. The office with one government attorney informed that 37 cases were filed until the end of the year remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 85,019 children of school going age, 40,304 girls and 42,442 boys

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	1	1	3	2	5
Child Rights			7		7
Inhuman Behavior				1	1
Killing			3	2	5
Racial Discrimination			1	2	3
Women Rights			12		12
<b>Total</b>	<b>1</b>	<b>1</b>	<b>26</b>	<b>7</b>	<b>33</b>

were enrolled in schools of primary and secondary level. Among them 10,432 girls and 9,948 boys were dalits. 446 female and 997 male were at primary level, government and community schools. In lower secondary level there are 11 female and 271 female. Similarly, five female and 252 male were at secondary level. The District Education Office did not have an updated data related to education.

## **Rape, Attempt to Rape, Sexual Abuse**

A 15-year-old girl of Dhamir VDC-2 was allegedly raped by Um Bahadur Nepali, 23, on December 13. The relatives of the victim lodged a complaint against Nepali at Ishma Police Post on December 14. The accused was arrested by the police on the same day and was remanded in custody by the court order of December 19. The victim got treatment at Tamghas Hospital on December 15.

## **Child Marriage**

A 13-year-old girl of Arkhale VDC-5 was married to Parsuram Pokharel, 28, on October 28. The father of the victim lodged a complaint against the accused at the police office on November 23 on charge of child marriage. The police arrested the mediators Rashau Panthi and Ganga Pantha on the same day. The accused were released on bail by the court order of December 5. The other accused Parshuram Pokharel was at large till the end of the year.

## ALL KINDS OF DISCRIMINATION AGAINST WOMEN

### Rape, Attempt to Rape, Sexual Abuse

A physically disabled, 35-year-old woman was allegedly raped by Rajendra Thapa, 38, of Bhadkuwa VDC-8 on October 23. A complaint was lodged against the accused at Ridhi Area Police Office on October 26. The victim got medical treatment at Tamghas Hospital on the same day. The accused was arrested by the police and was released on bail by the court order of November 8.

### DOMESTIC VIOLENCE

Mamta Thapa, 23, of Jaljale, Musikot VDC-2 lodged a complaint against her husband at the District Police Office on May 31, accusing her of giving her mental and physical torture and throwing her out from the house. The case has not been decided until the end of this year.

Harikala Kumal, 30, of Darlamchaur VDC-9 was strangled to death by her husband Chandra Bahadur Kumal on September 11 in a family dispute. The absconded accused was later arrested by the police. The postmortem of the body was performed at Tamghas Hospital and was handed over to the family. The Court remanded him in custody.

### Polygamy

Bhim Bahadur Gharti, 23, of Thanpati VDC-6 was married with Lila Somai of Palpa on November 3. The first wife Mina Gharti, 22, lodged a complaint against him at the District Police Office on charge of polygamy on January 16. The accused was arrested by the police at his house on January 17. Both the accused were penalized Rs 20,000 and one year of imprisonment by the court order on April 17.

## HEALTH SERVICE SITUATION

There is one hospital in the district with capacity of 15 beds. There are four primary health centers, 12 health posts and 64 sub-health posts under the District Health Office. Out of seven posts for the doctors, six of them were working and one remained vacant. Three staff nurses were working while and five remained vacant. There are 86 posts for the AHW, out of which 85 are working. Out of 26 posts for the AMW, 25 are working and one remained vacant. There is one vaccine supervisor and one TB/Leprosy assistant.



### 3.13 Baglung



Headquarters	: Kalika (Baglung)
Area in Sq. Km	: 1,784
No. of Households	: 61,522
No. of Population	: 268,613
Male	: 117,997
Female	: 150,616
No. of PwD	: 6,179
No. of VDC(s)/Municipality(ies)	: 59/1
Male Literacy	: 86,299
Female Literacy	: 93,180
Religion Hindu (%)	: 89.27
Buddhism (%)	: 8.74
Islam (%)	: 0.27
Christianity (%)	: 0.63
Prakriti (%)	: 0.67
Bon (%)	: 0.03
Undefined (%)	: 0.392
Human Development Index	: 4.37

## **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'D' grade District Jail has the capacity for 25 inmates. However, a total of 74 inmates including 33 convicted and 41 detained are residing in the jail. Of them, seven inmates are female. The inmates are facing the problems of sleeping, lodging and food due to overcrowding in the jail.

Demanding the facilities of drinking water, management of lodge, release of the inmates who have served 50 percent jail terms and management of food on time, the inmates protested from November 9 to November 12 in jail. The inmates withdrew their protest when the local administration promised to send their demands to center, as they could not address them at local level. However, the prisoners' leader Sas Bahadur BK said that they withdrew the protest when the jail administration promised to address their demands at local level. According to jailor Tikaram Sapkota, the jail administration has sent their demands to central level. The jail administration has managed tent for inmates to sleep in.

## **THREATS/BEATINGS**

### **By State**

Programme coordinator of Radio Kohalpur, Kapil Neupane, 25, of Kohalpur VDC-3, Banke was beaten up by a police team led by in-charge at Jhiwakhola Police Office Rajendra Bhatta on December 19 on charge of misbehaving with the police. Paudel had gone to the village to make a documentary of Early Child Development Center. Various organizations of district condemned the incident. Although the District Police Office registered the complaint at the District Police Office on December 14, no action was taken against the accused at the end of the year.

## **RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)**

ANNISU-R cadre Padam Khatri, NSU cadre Harihar Sharma, NSC Chairperson Narayan Paudel, ANNISU-R Rim Roka, NSU cadres Joklal Budha, Purna Acharya, Balkrishna Sharma, Hemraj Sharma, Basanta Sharma were injured when police baton charged at them on November 28. They had participated in the protest to greet PM Baburam Bhattarai with black flag. Out of the injured, Padam was treated in Pokhara while others were treated at Dhaulagiri Zonal Hospital.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011- July 15, 2012**

The District Court with one judge decided 177 criminal cases and 68 remained pending. Similarly, 139 civil cases were decided and 76 cases remained pending.

### **July 16, 2012-December 31, 2012**

The District Court with one judge decided 64 criminal cases and 68 remained pending. Similarly, 32 civil cases were decided and 78 cases remained pending. A total of 12 criminal cases and seven civil cases older than two years remained pending.

## **APPELLATE COURT**

### **July 16, 2012- July 15, 2012**

The Appellate Court with four judges decided 93 criminal cases and 31 remained pending. Similarly, eight civil cases were decided and 29 cases remained pending.

### **July 16, 2012 -December 31, 2012**

The Appellate Court with four judges decided 41 criminal cases and 51 remained pending. Similarly, eight civil



Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	1	1	1	1	2
Child Rights			1		1
Killing				1	1
Racial Discrimination			1		1
Right to Assembly	12	12			
Women Rights			2		2
<b>Total</b>	<b>13</b>	<b>13</b>	<b>5</b>	<b>2</b>	<b>7</b>

cases were decided and 29 cases remained pending.

### **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 261 cases between July 17, 2011 and July 15, 2012, out of which 47 cases were won and 17 cases were lost. The Office of Government District Attorney informed that 197 cases filed until July 15, 2012 remained pending.

The Office of the District Government Attorney filed 122 cases between July 16, 2012 and December 31, 2012, out of which 95 cases were won. The Office of Government District Attorney informed that 195 cases filed until July 15, 2012 remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 93,427 children of school going age, 45,275 boys and 48,152 girls enrolled in schools of primary and secondary level. Among them, 14,119 girls and 13,495 boys were dalits. A total of 651 female and 1,062 male teachers were at primary level government and community schools. Similarly, a total of 80 female and 360 male teachers were at lower secondary level in government and community schools. A total of 23 female and 347 male teachers were at secondary level in government and community schools.

A total of 4,696 boys and 4,587 girls were attending Early Child Development Center in the district among which 1,532 boys and 1,350 girls are dalits.

### **Killing by Family Member**

Kul Bahadur Gharti, 16, of Bungadobhan VDC-4 was beaten to death by his own father in inebriated condition on November 4 at around 8.30 pm following domestic disputes. The victim's father attacked him with a sharp weapon. The accused was arrested by police on November 6. He was remanded in custody as per the District Court's order on November 30.

### **Beating**

A team of UML cadres in Baglung handed over Mani BK, 13, of Bobang VDC-8 to District Children Welfare Committee on November 3 after her father severely beat her up. The Child Welfare Committee sent the victim in Kathmandu. The accused was remanded in custody on January 11 as per the District Court's order. He was released on December 11 depositing Rs 20,000.

### **Rape, Attempt to Rape, Sexual Abuse**

A 15-year-old girl lodged a complaint against Surya Bahadur Sonar, 20, of Baglung Municipality-1 at District Police Office on November 24 on charge of raping her. The accused was arrested by police on December 7. He was remanded in custody as per the District Court's order on December 3.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

Police arrested Ishwar Gauchan, 22, Ishwar Gauchan, 17, Suman Gharti of Tara



VDC-1 Dipak Budhathoki, 18, Thamman Gharti, 19, of same VDC-5 Omkar Budhathoki of Tara VDC-5 on September 15 on charge of raping an 18-year-old. They were remanded in custody on October 11. The victim was treated at Dhaulagiri Zonal Hospital on September 20.


A 22-year-old woman lodged a complaint against Prakash BK of Kadebas VDC-5 at Area Police Office, Galkot on January 15 on charge of raping her on January 13. The accused was arrested by police on January 28 and was remanded in custody as per the District Court's order on February 9. The victim was treated at Dhaulagiri Zonal Hospital on January 30.

### HEALTH SERVICE SITUATION

There is one hospital, 12 health posts and 49 sub-health posts in the district. Out of 16 posts for the doctors, 14 were empty. Out of 19 postings for staff nurses, 10 were working while 102 out of 115 AHWs were working. Out of 75 posts for the AMW, 68 are working and seven remained vacant. There is one vaccine supervisor position empty but TB/Leprosy supervisor working.



## 3.14 Parvat



<b>Headquarters :</b>	Kusma
<b>Area in Sq. Km :</b>	494
<b>No. of Households :</b>	35,719
<b>No. of Population :</b>	146,590
<b>Male :</b>	65,301
<b>Female :</b>	81,289
<b>No. of PwD :</b>	3,653
<b>No. of VDC(s)/Municipality(ies) :</b>	55/0
<b>Male Literacy :</b>	50,009
<b>Female Literacy :</b>	51,280
<b>Religion Hindu (%) :</b>	89.48
<b>Buddhism (%) :</b>	9.32
<b>Islam (%) :</b>	0.43
<b>Christianity (%) :</b>	0.45
<b>Prakriti (%) :</b>	0.02
<b>Bon (%) :</b>	0.19
<b>Shikha (%) :</b>	0.001
<b>Undefined (%) :</b>	0.093
<b>Human Development Index :</b>	4.10

### **CIVIL AND POLITICAL RIGHTS** **RIGHT TO DIGNIFIED LIFE** **JAIL AND DETAINEES**

The 'D' graded District Prison has the capacity to hold 25 inmates at a time. A total of 60 including 48 convicted and 12 detained inmates are held there at the end of the year. Among them one is female inmate. The prison is overcrowded and there is a problem of sleeping space, toilets and bathroom. The roof is in a bad condition and inmates are compelled to sleep in a tent even in winter. The inmates are demanding

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Child Rights			4		4
Racial Discrimination				1	1
Right to Assembly	6	6			
Women Rights			4		4
<b>Total</b>	<b>6</b>	<b>6</b>	<b>8</b>	<b>1</b>	<b>9</b>

better prison condition, according to jailer Daya Ram Sharma.

### **RIGHT TO PROMPT AND FAIR TRIAL July 17, 2011 to July 15, 2012**

The District court with one judge decided 79 criminal cases and 24 remained pending. 70 civil cases were decided and 32 remained pending.

### **July 16, 2012-December 31, 2012**

The District court with one judge decided 28 criminal cases and 35 remained pending. 19 civil cases were decided and 46 remained pending.

Similarly, the Office of the District Government Attorney filed 23 cases between July 17, 2011 and July 15, 2012.

## **CHILD RIGHTS**

### **Situation of Education**

Of 41,082 children of school going age, 20,366 boys and 20,716 girls enrolled in schools of primary and secondary level. Among them, 6,422 boys and 6,184 girls were dalits. 430 female and 859 male teachers were at primary level government and community schools. Similarly, 45 female and 312 male teachers were at lower secondary level. 13 female and 282 male teachers were at secondary level. Similarly there were five female and 23 male dalit teachers. There were 3,378 Early Children Development Centers in the districts. District Education Office did not have an updated data related to education.

## **Rape, Attempt to Rape, Sexual Abuse**

A complaint against Dal Bahadur Darji was lodged at District Police Office by the victim's family accusing him of raping a 14-year-old girl on May 18. The accused was at large until the end of the year.

### **Child trafficking**

Police arrested Ashish Ansari, 24, of Pitthuwagudhi VDC-8 on charge of abducting a 13-year-old girl on July 30. The victim's family lodged a complaint against an accused on charge of women trafficking on July 31. The accused was remanded in custody by a court order of August 30.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Mistreatment**

Dalli Kumari Kunwar, 63, of Bajung VDC-8 was accused of being witch and mistreated by Ram Kumar Paudel, 48, on May 25. The victim lodged a complaint at District Administration Office for the security on May 26. The accused was summoned in the District Administration Office, however, the case was pending until the end of the year.

## **HEALTH SERVICE SITUATION**

There is one hospital in the district. There are two primary health centers, two health posts and 42 sub-health posts under District Health Office. Out of four posts for the doctors, two are working and two remained vacant. Four staff nurses are working out of five posts and one remained vacant. There is one lab assistant working out of two posts and one remained vacant. Out of 104 posts for AHWs, 88 have been fulfilled and 16 remained vacant. There are 55 AMW working, out of 69 posts whereas 16 posts remained vacant.

## 3.15 Myagdi



Headquarters :	Beni
Area in Sq. Km :	2,297
No. of Households :	27,762
No. of Population :	113,641
Male :	51,395
Female :	62,246
No. of PwD :	6,122
No. of VDC(s)/Municipality(ies) :	41/0
Male Literacy :	37,737
Female Literacy :	37,793
Religion Hindu (%) :	87.16
Buddhism (%) :	10.33
Islam (%) :	0.16
Kirat (%) :	0.02
Christianity (%) :	1.33
Prakriti (%) :	0.78
Bon (%) :	0.02
Undefined (%) :	0.209
Human Development Index :	4.09

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'E' graded District Prison has the capacity to hold 32 inmates at a time. A total of 55 including 46 convicted and nine detained inmates were held until the end of this year. The prison is overcrowded and the inmates were facing a problem of clean drinking water, toilets. The inmates were also facing a problem of fleas and other insects. There were facility of sports, TV, and newspapers for the inmates.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

**July 17, 2011-July 15, 2012**

The District Court with one judge decided 14 criminal cases and 36 remained pending. Out of 99 civil cases, 64 were decided and 35 remained pending.

**July 16, 2012- December 31, 2012**

The District Court with one judge decided 31 criminal cases and 45 remained pending. 25 civil cases were decided 48 remained pending. There are no cases older than two years.

### **The Office of the District Government Attorney**

The Office of the Government Attorney filed 76 cases between July 17, 2011 and July 15, 2012, out of which 25 were won and 10 were lost. The office with one government attorney informed that 47 cases filed until the end of the year remained pending.

Among the filed five murder cases, three were won and two were lost. There were no cases of rape, polygamy or women trafficking.

There were 57 cases were pending during July 16, 2012- December 31, 2012.

### **CHILD RIGHTS**

#### **Situation of Education**

Of 16,035 children of school going age, 14,861 students enrolled in schools of primary and secondary level. Among them, 5,465 girls and 5,700 boys were dalits. 215 female and 482 male teachers were at primary, secondary and community schools. Similarly, one female and 115 male were at secondary level.

#### **Rape, Attempt to Rape, Sexual Abuse**

A 14-year-old girl was raped by Anil Kisan, 23, of Kahu VDC-5 near the jungle on December 11. The victim's family lodged

Types of Events	By Non-State		
	Female	Male	Total
Child Rights	1		1
Racial Discrimination		1	1
Women Rights	3		3
<b>Total</b>	<b>4</b>	<b>1</b>	<b>5</b>

an FIR against the accused at District Police Office on December 13. The accused was arrested on the same day. The case was under investigation until the end of the year.

### HEALTH SERVICE SITUATION

The District has one hospital, 13 health posts and 27 sub-health posts. There are three posts for the doctors out of which three are working. Out of four posts for the staff nurses, three are working and one remained vacant. One lab assistant was working out of two posts. There were 45 AHW positions, out of which 48 posts and three remained vacant. Similarly, one vaccine supervisor and one TB/Leprosy supervisor was working. There are 14 posts for the HA and six of the posts have been fulfilled and eight remained vacant.



## 3.16 Mustang



<b>Headquarters :</b>	Jomsom
<b>Area in Sq. Km :</b>	3,573
<b>No. of Households :</b>	3,354
<b>No. of Population :</b>	13,452
<b>Male :</b>	7,093
<b>Female :</b>	6,359
<b>No. of PwD :</b>	204
<b>No. of VDC(s)/Municipality(ies) :</b>	16/0
<b>Male Literacy :</b>	5,173
<b>Female Literacy :</b>	3,466
<b>Religion Hindu (%) :</b>	37.47
<b>Buddhism (%) :</b>	60.18
<b>Islam (%) :</b>	0.02
<b>Kirat (%) :</b>	0.14
<b>Christianity (%) :</b>	1.13
<b>Prakriti (%) :</b>	0.04
<b>Jain (%) :</b>	0.01
<b>Bon (%) :</b>	0.73
<b>Undefined (%) :</b>	0.29
<b>Human Development Index :</b>	4.01

### CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'E' grade District Prison has the capacity to hold eight inmates at a time. A total of six detained inmates were held there at the end of the year. All of them are male. The building was constructed in 1972. There is no compound wall so that the inmates were not allowed out in the premises. Though, the structure of the building does not allow for the construction of the toilet

inside, the administration was planning to construct one.

Inmates suggested that the jail building and toilets should be repaired and its capacity be further extended. The state of the building was very poor, facilities poorly provided. According to the jailor Sujan Shrestha, there is no more room to accommodate new inmates. The inmates requested for the increase in food and cloth ration and transfer to their home districts. They complained that it was difficult in winters because they could not even go in the sun during the days, SI Tek Bahadur Gharti Chhetri said.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

**July 17, 2011- July 15, 2012**

The District Court with one judge decided four criminal cases and five remained pending. Among two civil cases, two cases remained pending.

**July 16, 2012 -December 31, 2012**

The District Court with one judge decided four criminal cases and four remained pending. One civil case was decided and one case remained pending.

## **The Office of the District Government Attorney**

The Office of the District Government Attorney filed seven cases between July 17, 2011 and July 15, 2012, out of which six cases were won and one case was lost.

The Office of the District Government Attorney filed four cases between July 16 and December 31, 2012. Among them, four cases were won. The Office, with one government attorney, informed that four cases were filed until July 15, 2012.

Types of Events	By Non-State	
	Female	Total
Child Rights	1	1
<b>Total</b>	<b>1</b>	<b>1</b>

## **MUKHIYA CUSTOM**

Mukhiya custom is a long practice in this district. Mukhiyas take law making into their own hands. However, most of the locals in the district express their satisfaction with the custom. Civil society member Chandra Bahadur Thakali and a local Ratne BK stated that the administration under the Mukhiya custom is speedy, efficient, transparent and convenient. They also expressed that the process to choose the Mukhiya is consensus based. All members of the village have a right to be a Mukhiya. In some villages it was also deemed that Mukhiyas are selected on a rotation basis. Some of the Mukhiyas are also women.

The custom was really helpful for development projects in the VDC, Kagbeni VDC secretary Yagya Parsad Sharma Guatam and Hikmat Bahadur Thakali of Jhong VDC said. One cannot defy the decisions of the Mukhiya and women and Dalits cannot attend the village meetings. There should be legal training to the Mukhiyas and local Mediators, opined District Court judge Birendra Kumar Karna while LDO Dilliram Sigdel said that DDC was ready to help them.

## **CHILD RIGHTS**

### **Situation of Education**

Of 2,945 were children of school going age, 1,435 boys and 1,510 girls enrolled in schools of primary and secondary level. Among them, 270 girls and 332 boys were dalits. 75 female and 143 male teachers are at primary level government and community schools. Five female and 47 male teachers are at lower-secondary level in government

and community schools. One female and 41 male teachers are at secondary level in government and community schools.

214 boys and 235 girls are attending 46 Early Child Development Centers in the district among which 55 boys and 53 girls are dalits.

The cultural and traditional activities heavily influences the children in this district. The district has polyandrous marriage custom so sometimes it is difficult for children to obtain citizenship certificate and during other legal processes. Similarly, children of unwed mothers also face legal hassles like difficulty in obtaining citizenship certificate, deprivation of ancestral properties, education, health and security.

District Education Office did not have an updated data related to education.

### **Rape, Attempt to Rape, Sexual Abuse**

An 8-year-old girl was allegedly raped by Jag Bahadur Tilija Magar, 38, of Lulaga VDC-4 in Myagdi District and working in Marfa VDC-9 on April 27. The relative of the victims filed a complaint against the perpetrator on May 2 at District Police Office. At the same day, the victim's health checkup was conducted at District Hospital. District Court sent Magar to prison for 15 years on August 31.

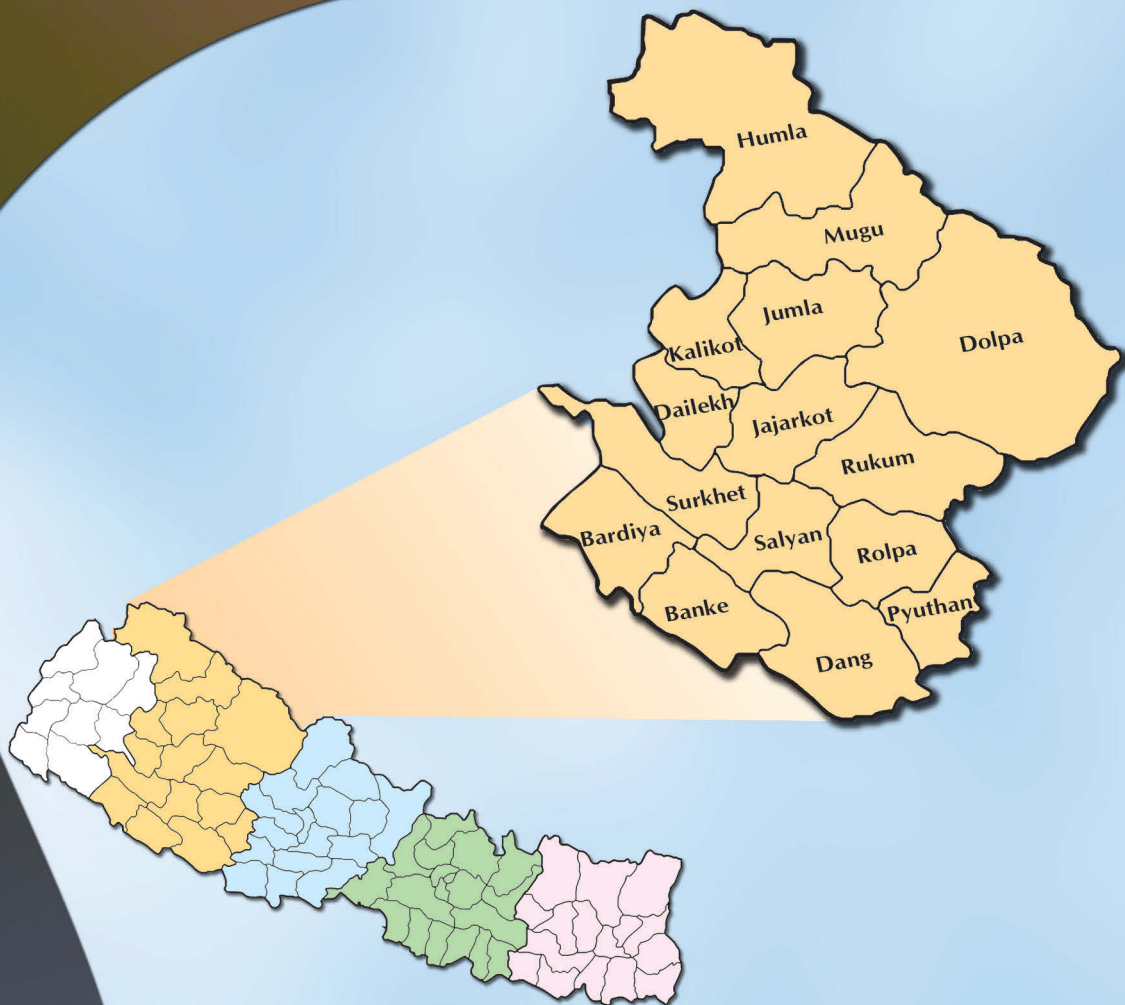


### **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

The traditional system very much excises in this district for example the second daughter should be forced to become "Jhuma" but nowadays "Jhuma" custom is weakening. Their was no prohibition to for Jhuma get married but if she does, the head of gumba called lama or guru will apologize according to the rules customs of the gumba. the jhuma must do the activities of the gumba and also get involvement in every prayer, stay as a lama, reported Aani Chyanwan. The custom is relaxed now because the family has two children only and there might be no second daughter is so that the second daughter.

### **HEALTH SERVICE SITUATION**

The district has one hospital, nine health posts and seven sub-health posts. One doctor is working while two other posts remained vacant. There are two posts of staff nurses vacant and one remained occupied. Of three posts of lab assistant, one is occupied. There are 10 AHWs out of 19 posts. Seven AMWs are working while seven posts were vacant. Similarly, post of one vaccine supervisor is empty while one TB/Leprosy supervisor was working. Out of 22 HA, 11 were working.



## 4. MID WESTERN REGION

- |     |         |      |          |
|-----|---------|------|----------|
| 4.1 | Dang    | 4.9  | Jajarkot |
| 4.2 | Pyuthan | 4.10 | Dailekh  |
| 4.3 | Rolpa   | 4.11 | Dolpa    |
| 4.4 | Salyan  | 4.12 | Jumla    |
| 4.5 | Rukum   | 4.13 | Kalikot  |
| 4.6 | Banke   | 4.14 | Mugu     |
| 4.7 | Bardiya | 4.15 | Humla    |
| 4.8 | Surkhet |      |          |



## 4.1 Dang



<b>Headquarters :</b>	Ghorahi
<b>Area in Sq. Km :</b>	2,955
<b>No. of Households :</b>	116,415
<b>No. of Population :</b>	552,583
<b>Male :</b>	261,059
<b>Female :</b>	291,524
<b>No. of PwD :</b>	12,881
<b>No. of VDC(s)/Municipality(ies) :</b>	38/2
<b>Male Literacy :</b>	188,933
<b>Female Literacy :</b>	171,954
<b>Religion Hindu (%) :</b>	96.46
<b>Buddhism (%) :</b>	1.16
<b>Islam (%) :</b>	0.87
<b>Christianity (%) :</b>	1.34
<b>Prakriti (%) :</b>	0.07
<b>Bon (%) :</b>	0.01
<b>Undefined (%) :</b>	0.079
<b>Human Development Index :</b>	4.75

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING**

#### **By Unidentified Group**

NC cadre, Him Bahadur Basnet, 88, of Kharibot Jyamire in Hapur VDC-9 was killed by an unidentified group of people on September 22 by slitting his throat with a sharp weapon. According to the police report, a group of 3-4 people came with a weapon at around mid- night and murdered him. Police confiscated a knife and a towel from the incident site. The postmortem of the body was performed at Rapti Sub-Regional Hospital in Ghorahi

on September 23. NC Dang Constituency no. 3 released a press statement on September 23 condemning the incident and demanding extreme penalty for the guilty. Police arrested Bhim Bahadur Rokka, 21, of Hikmatpur Hapur VDC-6, Suk Lal BK, 20, of Narayan VDC-2 and Chudamani Gharti, 20, of Bijauri VDC-1 on suspicion of their involvement in the incident on October 11. The accused are remanded in custody by District Court on October 18. The body of the deceased was cremated on the bank of Daribot River on September 24.

### **INJURED IN SHOOTING/ EXPLOSION**

#### **By MJF**

Narayan Thapa, 18, of Ganga Paraspur VDC-8, Barsat Yogi, 19 and Buddhi Ram Chaudhary, 18, of the same VDC were shot on October 21 during the dispute between the youths of Nepali Congress and Madhesi Janadhikar Forum at a fair of Chille in Gadhwara VDC-5. Chaudhary sustained a head injury whereas Yogi and Thapa had leg and abdomen injury. The injured got treatment at Rapti Sub-regional Hospital in Ghorahi and were taken to Nepalgunj for further treatment. Police said that the firing took place after the minor dispute between Khum Bahadur Kunwar and Suresh Yogi of Gadhwara VDC-2 while coming back from the fair, regarding the election of "Chure Region Saving and Credit Co-operatives" held on October 7. NC Dang accused that the bullet was fired by the group of Birendra Chaudhary, chief of Madhesi Janadhikar Forum central committee office as most of the injured were NC cadres. The MJF claimed that the absconding accused were the cadres of their party but the incident was not because of party policy. Charges against the accused were registered, however, the accused were at large until the end of the year.



Types of Events	By Non-State		
	Female	Male	Total
Beatings	2	2	4
Child Rights	2		2
Injured		4	4
Killing	5	3	8
Racial Discrimination	1		1
Threats		2	2
Women Rights	3		3
<b>Total</b>	<b>13</b>	<b>11</b>	<b>24</b>

## JAIL AND DETAINEES

### Tulsipur Prison

The 'D' grade District Prison of Tulsipur has a capacity to hold 100 inmates. A total of 123 inmates including convicted and detained inmates were held at the end of the year. There are three minor dependents one boy and two girls in the jail. The prison building was constructed in 1978. In order to upgrade the standard of the prison, the construction of the three buildings were underway. The prison consists of facilities such as drinking water, newspapers and other recreations.

### Ghorahi Prison

The 'E' graded District Prison has a capacity of 50 inmates. A total of 140, including convicted and detained inmates were there at the end of the year. The prison building was constructed in 2005. The prison consists of volleyball court, tennis table board and other basic facilities along with newspapers, information and recreation.

## THREATS/BEATINGS

### By State

Ranchu Ram Chaudhary, 26, of Tharu Journalist Association, Dang and living in Ghorahi Municipality-3 was injured by Khopi Ram Dangi, 32, of Nepal Army who attacked him with Khukuri on October 25, according to Tharu Journalist Association, Dang. Inebriated Dangi abused the victim's father while working in the

field. The victim was attacked with Khukuri after he tried to defend the accused. The victim sustained a head injury leaving him with debilitating right hand and legs. The victim got treatment in Nepalgunj. The victim lodged a complaint on October 28. Police claimed that the incident is under investigation however the accused was still at large.

### By Others

VDC secretary Khimendra Singh Khadka of Dhikpur VDC was threatened for his life by Ram Krishna Shah, secretary of VDC Electricity Users Committee on August 26. Shah went to Khadka's office and abused him verbally and threatened him for life after he was accused of embezzling Rs 301,555 which was allocated for electricity extension in Bakulai, Aspari, Karmatuwa and Bhagwanpur of Dhikpur VDC. Center for Protection of Rights of the VDC Secretaries, Dang released press statement on September 4 demanding action against Shah. Accused Shah rejected the accusation through a press release. Khadka did not report the incident anywhere.

## RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

Amar Chitij Bhandari the representative of Radio Nepal, Dang, was abused by protestors for defying bandh announced by former Maoist combatants on October 2 and 3. The bandh was called demanding for payments equal to the amount provided to those choosing voluntary retirement. The journalist who was on the way to collect the news was misbehaved by the protestors and his motorbike with a number plate Ra 1 Pa 5221 vandalized. The victim sustained a leg injury due to the attack. FNJ, Press Union and many other media condemned about

the incident through press releases on October 2.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011- July 15, 2012**

The District Court with one judge decided 481 criminal cases and 182 cases remained pending. 161 civil cases were decided and 267 cases remained pending.

### **July 16, 2012- December 31, 2012**

Among the criminal cases, 181 cases were decided whereas 253 cases were pending out of 434 cases at this district court which consists only one judge. Regarding civil cases, out of 428 cases, 161 were decided where as 267 cases were still pending.

There were 107 cases registered in the Office of District Government Attorney Lawyer in one year. 33 of those cases were successful whereas 55 were lost. There are three cases under consideration. According to the Office which has two lawyers, 16 cases remain pending.

Among the registered cases of murder, 30 cases out of 41 were successful and two lost. Out of 35 rape cases 14 cases were successful whereas 16 were unsuccessful. Two out of three cases regarding women trafficking were successful and one was unsuccessful. Four cases regarding abduction out of 19 were successful whereas 12 were lost. Five cases against polygamy out of nine were successful whereas two were lost. There are 27 cases registered in the Office during the year among them one was successful.

## **APPELLATE COURT**

### **July 17, 2011- July 15, 2012**

Appellate Court, Tulsipur which consists of three judges had 273 criminal cases decided whereas 122 cases were still pending. Out of 244 civil cases, 135 cases

were decided whereas 109 cases were pending. There are three civil cases pending for more than two years.

### **July 16, 2012-December 31, 2012**

60 cases out of 261 regarding criminal cases were decided whereas 201 cases were still pending. 61 civil cases out of 216 were decided whereas 155 still pending.

## **CHILD RIGHTS**

### **Situation of Education**

Out of 137,949 age group of school going children in the district, 65,565 male students and 72,384 female students got the admission from primary to higher level in the school. There are altogether 1,695 male and female teachers in the primary level of government and community schools. There are 412 male and female teachers working in lower secondary level. According to District Education Office Dang, there are 276 teachers in secondary level. In 486 Early Child Development Centre, there are altogether 10,548 students. Among them 4,560 are male students and 5,988 are female students.

### **Killing**

A 23-day-old baby was strangled to death by her mother of Tika Pun, 18, of Tulsipur Municipality-8 on the night of May 23. The police said that she murdered the baby as her husband was refusing to accept the baby girl as his own. The accused was arrested by the police on May 24. She is remanded in custody with a court order of June 8.

The decaying body of Anish Bali, 5, of Ambapur in Phulbari VDC-2 was recovered by the police on November 28. He went missing on November 15. The police arrested and made public, Jibesh Pariyar, 41, his son Jagadish Pariyar, 11, and Balika Pariyar, 28, of the same VDC on December 7 on charge of being involved in

the murder. Yubaraj Nepali, 12, another son of accused Balika is still at large. According to the police, deceased Anil Wali went to his neighbor to show his father's mobile and he was pushed into the ditch by Jagadish and Yubaraj after he refused to give the mobile to them. Anil fell unconscious and the accused strangled him to death. Then the body was wrapped in a plastic bag and dumped in the jungle. Police said that further investigation was underway about the incident.

### **Rape, Attempt to Rape, Sexual Abuse**

A 13-year-old girl was gang raped near the Bus Park in Tulsipur Municipality-5 on March 20. Police arrested youths, five aged between 15-17 on March 20 on charge of being involved in the incident. According to the police, a man named Tiger accused in the incident was at large at the end of the year. The arrestees were made public by the District Police Office on March 21 at a press conference. Police said that the accused were caught red-handed at around 10 pm. The accused were remanded in custody by the Court on April 11.

### **Closure of Schools**

The schools in district remained closed and the studies affected because of the bandh announced by the former Maoist combatants on January 5. About 130,000 students of 500 schools were affected due to the bandh.

Studies of about 130,000 students were affected due to the bandh called by Democratic Education Forum and Nepal Teachers Association on February 26 with 47-point-demand including permanent placement of the teachers and salary. The schools opened on May 2.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Killing**

Bhume Kandel, 42, of Amuwa in Baghmare VDC-2 was killed by an unidentified group of people on January 26 by using a sharp weapon. The body of the victim was recovered in a jungle by the family members at night after she did not returned home for a long time. The police recovered her slippers 100 meters away from the incident site. The purpose of the murder and the identities of the murderer were still unidentified. The postmortem of the body was performed at Rapti Regional Hospital, Tulsipur. No one was arrested until the end of the year.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Bin Kala Pun, 90, was beaten to death by her son Purna Bahadur Pun, 49, on February 21 night. Inebriated Pun, murdered his mother during a family dispute, police said. Police arrested Pun on February 22. The postmortem of the body was performed at Rapti Sub-regional Hospital in Dang. The accused was remanded in custody by District Court on March 11.

Pradeshni Chaudhary, 18, of Ghorahi Municipality-11 was beaten to death by her husband Prem Lal Chaudhary, 35, on May 12. Police said that the accused killed his wife in inebriated state. After the murder, the accused came in contact with police post in Hentapur in Bijauri VDC-4 on May 13 at around 8 am. He was remanded in custody by District Court on June 1.

Puspa Gharti, 30, and her nine-month old son Khum Bahadur Gharti were beaten to death by her husband Im Bahadur Gharti, 30, of Bayale, Pawannagar VDC-2 on November 18. Inebriated Im Bahadur attacked his wife and son with sharp

weapon during a domestic dispute. Son Khum Bahadur died on the spot whereas the wife passed away while undergoing treatment at Rapti Sub-regional Hospital in Tulsipur. Police arrested Im Bahadur on November 19 and was remanded in custody by the District Court on December 4.

### **Expelled from House**

Pabitra Wali, 30, of Rampur VDC-9 was beaten and forced out of house by her husband Gokarna Wali on February 21. She said that she had been mentally tortured by her husband for a long time. Pabitra is living in a rented room in Ghorahi after taking shelter at WOREC for some time. She registered a complaint against her husband on December 5 with the help of WOREC Nepal. There has been no action from the court until the end of this year.

Kabita Nepali, 18, of Manpur VDC-9 Bel Jhundi was left stranded by her husband Ayyas Oli on June 11. Ayyas and Kabita had an inter-caste lone marriage on June 1st. After getting marriage neither the family nor the husband came to her contact. The victim lodged a complaint at Dang police office. The accused was still at large. Kabita was living with her parents in Kapan.

Jomati Chaudhary, 40, of Kurhariya, Daruwa VDC-6 was forced out from her house on October 25 by her husband and family accusing her of being infertile. The family used to taunt her regularly for her childlessness. She said that she was severely tortured in 1993 by her father-in-law causing miscarriage and since then, she had other three miscarriages. Jomati was victimized again when her husband got married to another woman on March 5 citing her childlessness. She filed a case at District Court on June 27. The case was not decided by the Court until the end of the year.

### **Beatings**

Anita Nepali, 28, of Balim, Laxmipur VDC-6 was brutally beaten by her husband Suresh Nepali on February 13 accusing her of not transferring legal ownership of her land in his name. The victim got the treatment at Rapti Sub-regional Hospital on the same day with the help of District Police Office. The victim lodged a complaint against him at the District Police Office on July 12. Accused Suresh was arrested by the police on July 16 and was released on date. The victim complained that the case was not been forwarded because the accused was not coming to the court despite repeated summons. Anita was under the protection of WOREC Nepal until the end of the year.

### **Polygamy**

Krishan Pun, 26, of Goltakuri VDC-6 had second marriage with Radha KC, 22, of same place on August 17. Krishna's neighbor Bishnu Gautam said that he got married while the first wife was abroad for employment. However, the victim did not lodge any complaint anywhere.

### **Mistreatment**

Dil Kumari Pariyar, 34 of Tulsipur Municipality-7 was mistreated by Khim Bahadur Gharti, 53, of the same place on September 23, local Anita Budha said. Accused Gharti apologized and agreed to pay Rs 2,500 after the victim complained to Gunras Ama Samuha accusing that she was verbally abused and by Gharti.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Loss of Structure and Properties**

An unidentified group of people detonated a bomb on the night of January 1 at Ashirbad Food Production belonging to Tekan Prasad Basnet, 38, the president of FNCCI, Dang in Tulsipur Municipality-6. A leaflet and black banner attributing to

Tarai Madhesh Mukti Party was confiscated from the site. An unidentified person called Basnet on January 1 and asked for the donation amount of Rs 500,000, Basnet reported. The caller was not identified until the end of the year.

A car with a number plate Bhe 1 Ja 393 belonging to Saroj Bhandari, 38, of Korbang, Dhanauri VDC-5 parked near his house was set on fire by an unidentified group of people on the night of January 28. The back part of the car was damaged due to the fire. The purpose of arson could not be ascertained. An unidentified group of people detonated a pressure cooker bomb on a parked bus Na 3 Kha 3074 at Naya Bus Park in Tulsipur Municipality-5 on January 23. The bus was ready to leave for Jhultena in Rukum. The bomb which was kept in a back side of the bus was went off damaging the windows of the bus. There was no physical casualty in the explosion. Police suspected that the bomb was a time bomb. Police confiscated a banner of Janatantrik Tarai Mukti Party from the incident site. The person involved in the incident could not be known


Nepal Students Union and Tarun Dal called for District Bandh on August 21 demanding the review of Supreme Court decision and case court of NC leader Khum Bahadur Khadka of Nepali Congress in full court. The motorbike with the number plate Ra 1 Pa 1133 at Old Bank Road, Ghorahi was vandalized on August 21 for defying the bandh. Similarly, the protestors shattered the mirror of Bombay Hair Saloon. Condemning the incident through press release, Consumers Drinking Water Organization stopped its service for indefinite period. Civil society, Dang released a press statement on the same day and demanded for the resumption of supply of water. The operation of drinking water was normalized after the protestors and organization reached a consensus.

## HEALTH SERVICE SITUATION

The District has three hospitals, 15 health posts and 21 sub-health posts. There are 20 doctors working out of 50 posts. Four out of 42 posts of staff nurse were vacant. Out of nine lab assistant posts, seven were occupied. All 65 AHWs in the district were working and one out of 60 AMW were working. There was one TB/Leprosy supervisor and 23 out of 27 HA posts were occupied.



### 4.2 Pyuthan



<b>Headquarters :</b>	<b>Pyuthan</b>
<b>Area in Sq. Km :</b>	<b>1,309</b>
<b>No. of Households :</b>	<b>47,730</b>
<b>No. of Population :</b>	<b>228,102</b>
<b>Male :</b>	<b>100,053</b>
<b>Female :</b>	<b>128,049</b>
<b>No. of PwD :</b>	<b>5.930</b>
<b>No. of VDC(s)/Municipality(ies) :</b>	<b>49/0</b>
<b>Male Literacy :</b>	<b>68,365</b>
<b>Female Literacy :</b>	<b>68,904</b>
<b>Religion Hindu (%) :</b>	<b>96.61</b>
<b>Buddhism (%) :</b>	<b>2.82</b>
<b>Islam (%) :</b>	<b>0.27</b>
<b>Christianity (%) :</b>	<b>0.24</b>
<b>Prakriti (%) :</b>	<b>0.01</b>
<b>Undefined (%) :</b>	<b>0.054</b>
<b>Human Development Index :</b>	<b>4.78</b>

## **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE INJURED IN SHOOTING/ EXPLOSION**

### **By Explosive Device**

Bhalu Sunuwar, 45, of Belbas VDC-3 was killed on April 16 in an explosion in his room. The room was totally messed up with due to the explosion, according to local teacher Gir Bahadur Pun. The victim might have been killed while making a bomb in his room, police said. The body was handed over to the family after performing a postmortem at District Hospital on April 17.

### **By Unattended Bomb**

Chabilal Budha Magar, 13, of Syalibang VDC-2 was injured by an explosion of unattended bomb near the jungle on November 24. He was seriously injured in the explosion. District Police Office said that the bomb might have been left during the armed conflict. The victim was primarily treated in Bijuwar Hospital and was further taken to Butwal.

## **JAIL AND DETAINEES**

The 'C' graded District Prison has the capacity to hold 25 inmates at a time. A total of 36 including 30 convicted and six detained inmates were held there at the end of the year. Among them, 31 are male and five female. There were no minor dependents. The inmates suggested there are toilets, drinking water and TV, however, its capacity needs to be further extended.

## **THREATS/BEATINGS**

### **By Nepal Students Union**

Bimal Pokharel, 32, of Badikot VDC-6 and the cadres of Rastriya Janamorcha Nepal, Mina Pokhrel, 35, Kamala Pokhrel, 27, and Janardan Pokharel, 56, were beaten by NSU cadres on October 29, accusing them of mishandling the money during the purchase of computers

for Balbhadra Higher School. Deepak GC, 25, and Chitra Thapa, 26, were arrested by the police for their involvement in beatings and was released on November 9 in a date and bail amount of Rs 2,000.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011-July 15, 2012**

The Court with one judge decided 101 criminal cases and 53 remained pending. 58 civil cases were decided and 54 cases remained pending.

### **July 16, 2012-December 31, 2012**

The District Court with one judge decided 14 criminal cases and 84 cases remained pending. Eight civil cases were decided and 28 remained pending. There are no cases older than two years in this District Court.

## **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 46 cases between July 17, 2011 and July 15, 2012. Out of that 29 cases were won and seven cases were lost. There are no pending and adjourned cases.

Among the filed nine murder cases four, cases were won and two were lost. Out of five rape cases, four cases were won and one case was lost. The office with one judge informed that eight cases that were filed remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 70,892 children of school going age, 34,384 boys and 36,508 girls enrolled in schools of primary and secondary level. Among them 9,442 Girls and 8,846 girls were dalits. 382 female and 724 male teachers are at primary level government and community school. The District

Types of Events	By Non-State			
	Female	Male	N/A	Total
Beatings	2	3		5
Child Rights	1			1
Economic, Social Rights and Cultural Rights			1	1
Injured		1		1
Killing		1		1
Women Rights	8			8
<b>Total</b>	<b>11</b>	<b>5</b>	<b>1</b>	<b>17</b>

Education Office did not have an updated data related to education.

### **Rape, Attempt to Rape, Sexual Abuse**

A 15-year-old girl was subjected to by Buddhi Ram Acharya, 18, of Khaira VDC-6 while going back to her house from Dakhakwadi VDC on November 25. The victim's family lodged a complaint against him at District Police Office on November 26. Police arrested the accused on the same day and presented to the court under the charge of attempt to rape on December 18. The accused was released on bail amount of Rs 40,000 on date. The girl received treatment at District Hospital Bijuwar on December 25.

### **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

#### **Rape, Attempt to Rape, Sexual Abuse**

A 23-year-old woman was raped by Suraj GC, 35, of Bijuwar VDC-4 on March 13 in a Samjhana Hotel in Khalanga. The victim lodged a complaint at the District Police Office on the same day. The police arrested the accused on March 21. The accused was remanded in custody by the District Court on April 12. The victim got the health treatment at District Hospital in Bijuwar on March 13.

A 50-year-old woman lodged a complaint at District Police Office against Kalu Damai, 28, Deepak Thapa, 26, Deepak BK, 22, Thaju Thapa, 26, and Raju Seti,

26, on July 11 on charge of raping her. The accused were still at large until the end of this year. The victim got her health checkup at Bijuware health post.

### **DOMESTIC VIOLENCE**

Nirmala Mahatara, 50, of Badikot VDC-4 was beaten by her husband Her Bahadur Mahatara, 52, on April 6 in an inebriated state. The victim was sustained serious injury on her private parts. The victim was taken to the local health clinic by her neighbor next day and was further referred to Butwal. She was further referred to Kathmandu but because of her financial situation she could not be treated. Later she was taken to Kathmandu for the treatment with the financial help from the member of All Nepal Women Association's Kamala Rijal. The victim was treated at Bir Hospital. The victim lodged a complaint at District Police Office on April 16. The accused was still at large until the end of the year.

### **ALL KINDS OF RACIAL DISCRIMINATION**

Bahunpani Milk Production Cooperative of Kasserri, Khalanga VDC-1, refused the collection of milk from dalit community. The dalit community was in problem to sell milk after the Cooperative refused to take the milk. Vice-president, Dill Prasad Khanal of Cooperatives said that the collection of milk was refused not because they are dalits, but because they are not the members of cooperatives.

### **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

#### **Destruction of Infrastructure, Property By UCPN-M**

A group of UCPN-M cadres led by district sub-in-charge Ram Bahadur KC padlocked the District Land Revenue Office on February 12 demanding to recognize of the land which was registered by UCPN-M's people's court during

insurgency. The locals were deprived of getting office services due to the padlock.

## HEALTH SERVICE SITUATION

The District has one hospital, 18 health posts and 28 sub-health posts. There are two doctors working out of five posts. Three staff nurses were working three positions were empty. Out of three lab assistant, two were working. There are 53 AHWs in the district and out of which 46 were working. There was one AMW working. There was one TB/Leprosy supervisor 18 out 28 HAs were working.



## 4.3 Rolpa



Headquarters :	Liwang
Area in Sq. Km :	1,879
No. of Households :	43,757
No. of Population :	224,506
Male :	103,100
Female :	121,406
No. of PwD :	7,458
No. of VDC(s)/Municipality(ies) :	51/0
Male Literacy :	66,091
Female Literacy :	57,585
Religion Hindu (%) :	85.17
Buddhism (%) :	11.74
Islam (%) :	0.1
Christianity (%) :	1.72
Prakriti (%) :	0.66
Undefined (%) :	0.606
Human Development Index :	5.13

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

### By Others

Musi Roka Magar, 36, of Mijhing VDC-5 was allegedly killed by Rabi Pun Magar, 19, and Rakesh BK, aka Rate of Khumel VDC-4 on November 17 while she was heading to a fair. The victim's dead body, which was thrown from a cliff, was found in half-naked state on the following day. Rabin was arrested by police on November 28 whereas Rakesh was arrested on December 7. A postmortem of the dead body was held in District Hospital, Reugha on November 18. The accused were publicized by police in the presence of media persons and the human rights defenders on December 9.

## INJURED IN SHOOTING/ EXPLOSION

### By Abandoned Explosive Device

Mabindra BK, 15 of Kotgaun VDC-6 was injured in an explosion on May 26. The bomb went off while he was playing with it. BK got first aid at local health center and further treated at District hospital. He had an eye operation at Tilganga Eye Hospital in Kathmandu on May 31 with the financial help of Rs 16,500 by individual and human rights organizations including INSEC.

## JAIL AND DETAINEES

The 'C' grade District Prison has the capacity to hold 50 inmates. The total of 68 inmates including 42 convicted and 26 detained inmates were held at the end of this year. Among them, four are female and 64 male. The prison building was constructed in 1972. The space is overcrowded for male inmates. The inmates suggested that the jail building and toilets should be repaired and its capacity should be further expanded. There are four rooms for female and six rooms for male inmates



Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		1	1			
Beatings				3	7	10
Child Rights				3		3
Injured					1	1
Killing				1	3	4
Racial Discrimination					1	1
Threats					1	1
Women Rights	2		2	10		10
<b>Total</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>17</b>	<b>13</b>	<b>30</b>

however, the rooms are not enough for the male inmates, Jailer Dilip Kumar Shrestha said. There is a small library for the inmates.

## THREATS/BEATINGS

### By Others

Head teacher at Nepal Rastriya Secondary School of Phagam VDC, Deuman Roka Chhetri was beaten up by the locals Sune Pun, Raju Pun and Bikas Pun on February 5. Protesting the incident, against the teacher, students padlocked the school for one week, effective from February 6. They attacked the victim who had gone to restrain accuse who were hurling stones at roof of school building during the golden jubilee celebration. The victim's son was also attacked on charge of hiding the victim at home. The victim did not lodge any complaint.

## RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

### July 17, 2011- July 15, 2012

The District Court with one judge decided 76 criminal cases and 23 remained pending. 61 civil cases were decided and 27 remained pending.

### July 16, 2012- December 31, 2012

20 criminal cases were decided and 42 were still pending. 17 civil cases were decided and 33 remained pending. There are no cases older than 2 years.

## The District of the Government Attorney July 17, 2011 - July 15, 2012

Among three filed murder cases, one case was won and two were pending. Out of five attempted rape cases, two cases were won and one was lost. Out of three trafficking cases, one was moved to the Appellate

Court, two cases were still pending. Out of four cases of drug trafficking, three cases were won and one was still pending.

### July 16, 2012- December 31, 2012

The single murder case filed was pending while single rape case filed was won. One case of attempt to rape case was won while a case of polygamy was pending. The Office informed that out of 13 cases filed until July 15, 2012, 11 cases remained pending.

## CHILD RIGHTS

### Situation of Education

Of 77,436 children of school going age, 37,947 boys and 39,489 girls were enrolled in schools of primary and secondary level. Among them 7,110 boys and 7,021 girls were dalits. There are 1,700 teachers at primary level government and community schools.

### Rape, Attempt to Rape, Sexual Abuse

The police arrested Puna Ram BK alias Purne, 25, of Liwang VDC-1 on charge of attempting to rape one 10-year-old girl on July 28. He attempted to rape the girl on July 13 near the jungle. The accused was remanded in custody as per the Court order.

## ALL KINDS OF DISCRIMINATION AGAINST WOMEN DOMESTIC VIOLENCE

Mali BK, 45, of Sakhi VDC-2 was seriously injured in beatings by her husband in a minor family dispute. The unconscious Mali got the first aid at Health Center in Holeri. The accused was still at large until the end of the year.

### Women Trafficking

Khim Kumari Gharti, 37, of Kattike, Hapur VDC-1, Dang and Tika Devi Nepali, 46, of Hapur VDC-1 were arrested by the police on May 21 on charge of taking an 18-year-old girl of Dubring to India with a promise of the job. Police rescued the girl and arrested the accused on the same day. The accused were arrested for the investigation and were released later on bail amount of Rs 25,000 each on July 8 by the Court.

### Polygamy

Nar Bahadur Gurung, 36, of Khungri VDC-2 living in Kathmandu was arrested on September 1 on charge of polygamy. Ishwori Gurung lodged a complaint against her husband at District Police Office, Rolpa on September 1 accusing him of marrying second wife, Karishma Bohara, 30 on July 1. Nar Bahadur was released on bail amount of Rs 14,000 on August 31.

## ALL KINDS OF RACIAL DISCRIMINATION

Sapana Oli, 17, was beaten and forced to leave her husband's home by her parents accusing her of marrying Kulbire BK, 22, of Jugur VDC-5 without their consent on February 8. According to the family of Kulbire, the girl was beaten for getting married with a person of lower caste. The complaint about the caste discrimination was lodged at police post in Jughar on February 10. The police did not

register a complaint citing Sapana as being under-age. They got marraied again on February 30.

## HEALTH SERVICE SITUATION

The District has one hospital, 15 health posts and 34 sub-health posts. There are two doctors working out of four posts. Two out of four posts of staff nurse were vacant. Twelve out of 56 posts of AHW were vacant and 11 out of 26 AMW were working. There was one TB/Leprosy supervisor and eight out of 19 HA posts were occupied.



## 4.4 Salyan



Headquarters :	Salyan
Area in Sq. Km :	1,462
No. of Households :	46,556
No. of Population :	242,444
Male :	115,969
Female :	126,475
No. of PwD :	6,233
No. of VDC(s)/Municipality(ies) :	47/0
Male Literacy :	78,719
Female Literacy :	66,265
Religion Hindu (%) :	97.71
Buddhism (%) :	0.82
Islam (%) :	0.11
Christianity (%) :	1.28
Undefined (%) :	0.068
Human Development Index :	5.20

## **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'C' graded District Prison has the capacity to hold 20 inmates at a time. A total of 78 including 52 convicted and 26 detained inmates were held there at the end of this year. Among them, 63 are male and 17 are female. There are two dependents in the jail. The condition of the building is very poor and there are four times more inmates than its capacity. The jail lacks basic needs. Inmates suggested that the jail buildings and toilets are in a poor condition and need improvement.

### **THREATS/BEATINGS By UCPN-M**

UML village committee member, Bir Bahadur Khatri, 43, of Darmakot VDC-3 was beaten up by UCPN-M cadres Sakru Khatri and area committee member and management committee member of local Jana Jyoti Primary School on March 1. He was assaulted for asking financial reports of the school and the local forest users' group. Khatri was left with right hand broken. Khatri filed a complaint at Balchaur Police Station on March 2. He informed that the police refused to take action citing it as a political incident. His medical checkup was conducted at District Hospital on March 2. District Court settled the case on May 20 with attaining pledge from accused for not repeating such incident again.

### **By YCL**

Kriti Bahadur Basnet, 51, and his nephew Prakash Basnet, 24, of Deuralikhola in Shivarath VDC-9 and currently living in Devipur in Dhanauri VDC-2 in Dang were threatened of life by YCL cadres Prakash BK, 29, Nim Bahadur Wali, 32, of Deuralikhola VDC-2 and Bijay Bhandari of ward no. 7 of the same VDC on March 16. The Basnets had come to the VDC to demand for the land that was captured by

the Maoists during the insurgency and 'registered in the name of Kaliram Wali by people's government'. Kaliram is the district chairperson of UCPN-M's peasants association. When Basnets told them to vacate the land, Wali, who has already built a house in the land, his son Bhim Bahadur Wali and daughter-in-law Rupa Wali called the accused for help. The victims said they saved their lives by fleeing. They filed an FIR at Tharmare Area Police Office on March 17. Police summoned both sides for a discussion for the next day but only Basnets came. On March 18, Wali also filed an appeal seeking security.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT July 17, 2011- July 15, 2012**

The District Court with one judge decided 45 criminal cases and 12 remained pending. 59 civil cases were decided and 15 remained pending. There are 27 cases remained pending until the end of this year.

### **July 16, 2012- December 31, 2011**

The District Court with one judge decided 27 criminal cases and 43 remained pending. 15 civil cases were decided and 40 remained pending. Altogether 83 cases remain pending.

### **The Office of the District Government Attorney**

#### **July 17, 2011- July 15, 2012**

The Office of the District Government Attorney filed 27 cases between July 17, 2012 and July 15, 2012, out of which 12 cases were won and one case was lost. The Office, with one government attorney, informed that 14 cases filed until July 15, 2012 remained pending.

#### **July 16, 2012- December 31, 2012**

Among the filed four murder cases, three cases were pending. Out of three rape cases, one case remained pending.

## CHILD RIGHTS

### Situation of Education

At primary and lower-secondary level there were 37,457 girls and 34,694 boy students. Among them, 7,158 girls and 6,669 boys were dalits. In secondary level, there were 4,969 girls and 4,585 boy students. Among them 577 girls and 614 boys were dalits. In secondary level there were 1,221 teachers. In lower secondary level, there were 196 teachers. Of school going age, 8,025 students were enrolled in Early Children Development Center. Among them, 3,826 female students and 4,119 are male students. Among them 690 girls and 752 were Dalit boys. The District Education Office did not have an updated data related to education.

### Child Marriage

A 14-year-old girl of Dangri VDC-1 was forcefully married to Aksah Nepali by Parbati Nepali with help of some other people on January 8, the girl's mother said. The mother lodged a complaint at District Police Office on March 9. Parbati Nepali was released on bail amount of Rs 10,000 while another accused Akash Nepali was still at large.

### Rape, Attempt to Rape, Sexual Abuse

A 13-year-old girl was raped on February 8 by Prakash Rawal, 22, according to the victim's family. The victim's mother lodged an FIR against the accused at District Police office on February 17. The accused was still at large until the end of this year.

A 14-year-old girl claimed that she was raped by Prem Khadka, 21, of Khalanga VDC on May 11. The victim's family lodged an FIR against the accused at District Police Office. The accused could not be arrested until the end of this year.

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Arrest & Torture	1	1			
Beatings			1	3	4
Child Rights			6		6
Injured				3	3
Killing				4	4
Threats				2	2
Women Rights			8		8
<b>Total</b>	<b>1</b>	<b>1</b>	<b>15</b>	<b>12</b>	<b>27</b>

## ALL KINDS OF DISCRIMINATION AGAINST WOMEN

### Rape, Attempt to Rape, Sexual Abuse

A 21-year-old girl was allegedly raped by Binod Pariyar, 22, of Syanikhal VDC-9 living at Srinagar in Khalanga VDC-2 on May 6. The accused was arrested by the police on May 8 and was remanded in custody by the Court on December 12. The District Court convicted him as guilty and sent him to five years in prison and fined Rs 30,000.

## DOMESTIC VIOLENCE

Asmita Budhathoki, 19, of Khalanga VDC-2 was threatened to be killed by her husband Saugat Budhathoki, 19, on January 25. According to Asmita, her husband had pressured her to leave home. The victim's father Kashiram Adhikari informed about the incident to police. She was sent to her maternal home in the initiation of police on the same day.

### Polygamy

Jaya Ram Pun, 23, of Udaypur in Banke, living at Srinagar in Khalanga VDC-2, married second woman Pushpa Pun, 19 on May 7. The victim lodged a complaint against the accused at District Police Office on May 17 and was arrested on the same day on charge of polygamy. The District Court sentenced Jaya Ram to one year in prison and fined Rs 5,000.

## HEALTH SERVICE SITUATION

There is one government hospital, two primary health posts, 15 health posts and 30 sub-health posts. Three in two seats of doctors are vacant out of five allotted by the government and two positions out of 51 AHW are empty. There are 13 out of 14 staff nurses on government quota working in the district.



## 4.5 Rukum



Headquarters :	Khalanga
Area in Sq. Km :	2,877
No. of Households :	41,856
No. of Population :	208,567
Male :	99,159
Female :	109,408
No. of PwD :	5,922
No. of VDC(s)/Municipality(ies) :	43/0
Male Literacy :	64,065
Female Literacy :	55,096
Religion Hindu (%) :	96.51
Buddhism (%) :	1.07
Islam (%) :	0.06
Christianity (%) :	1.59
Prakriti (%) :	0.17
Undefined (%) :	0.59
Human Development Index :	4.99

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'D' graded District Prison has the capacity to hold 25 inmates- five female and 20 male- at a time. A total of 38 convicted and 23 detained inmates were held there at the end of this year. The infrastructure of the jail is in a very poor condition. The facilities of TV, newspapers are not regular. The inmates said they are facing a problem due to lack of enough toilets. There are few facilities for the sports.

## THREATS/BEATINGS

### By Rastriya Prajatantra Party (RPP)

Him Prasad Sharma, 42, of Bijayashwori VDC-3 was injured in a knife attack by Binaya KC of the same VDC and cadres of RPP on January 2. The victim was attacked in a meeting after he demanded for investigation of irregularities in Drinking Water Users' Committee. The UML called on the strike in protest of the attack on January 3. The victim got the treatment at Chaur Jahari Mission Hospital but the accused was not arrested until the end of the year.

## ARBITRARY ARREST

Central member of Mangol National Organization, Nepal Rakesh Pun of Bhalakcha VDC-3 and district chairperson of same party, Binod Pun of Aathbiskot VDC-7 along with other 17 cadres of the same organization were arrested by police on January 6 without arrest warrant on charge of being involved in illegal works. The victims said that the police had arrested them while they were in a district committee meeting. They were released from District Police Office on January 7 by showing the legal documents of their party.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011- July 15, 2012**

The District Court with one judge decided 47 criminal cases and 55 remained pending. 185 civil cases were decided and 63 cases remained pending.

### **July 17, 2012- December 31, 2012**

The District Court with one judge decided 182 criminal cases and 122 remained pending. 193 civil cases were decided and 101 remained pending.

## **The Office of the District Government Attorney**

### **July 17, 2011-July 15, 2012**

The Office of the District Government Attorney filed 12 cases between July 17, 2011 to July 15, 2012 out of which five cases were decided and seven remained pending. There were total of 15 cases registered between July 16, 2012 and December 31, 2012. The cases included seven murder cases, three attempted murder and one rape case. There are 19 cases pending until the end of the year. There were total of 13 cases registered in District Administration Office. Among them, four cases were decided and nine remained pending.

### **July 16, 2012- December 31, 2012**

During this period 13 cases regarding small arms, weapons and public crimes were registered and all of them remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 60,866 children of school going age, 29,146 boys and 31,722 girls got enrolled in schools at Primary and Secondary level. Among them, 18,196 students were dalits. There are 149 female and 626 male teachers in primary level,

626 male, 149 female teachers in secondary level. District Education Office did not have an updated data related to education.

## **Rape, Attempt to Rape, Sexual Abuse**

A 10-year-old girl was lured and raped by Lok Bahadur KC, 27, on April 25. The victim's family lodged a complaint against the accused on the same day and he was arrested by the police on the same day. The accused was remanded in custody by the court order of May 14.

A 9-year-old girl of Bafikot VDC was raped by Yuvraj Dahal, 19, of the same VDC on September 29. The victim's family lodged a complaint on the same day at Area Police Office of Bafikot. The accused was arrested by the police on October 2 at his house. The accused was remanded in custody by the court order of October 15. The cases still remained pending until the end of this year.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

A 28-year-old woman lodged a complaint against Lok Bahadur Sunar and Nana Singh BK of Syalapakha VDC-1 at District Police Office on April 26 on charge of raping her in a jungle on April 27. The accused were arrested by police on April 29. They were remanded in custody as per the District Court's order on May 22. The case remained undecided until the end of the year.

## **DOMESTIC VIOLENCE**

Narendra Oli, 30, of Bafkhola VDC-6 in Salyan was in police custody on charge of murdering his wife Geeta Oli, 28, on November 20, who also was running a radio shop in Jultena Bazaar in Khara VDC-2. The family of the victim lodged an FIR against the accused at District Police Office on November 22 after finding

Types of Events	By Non-State		
	Female	Male	Total
Beatings		9	9
Child Rights	3		3
Killing	1		1
Women Rights	3		3
<b>Total</b>	<b>7</b>	<b>9</b>	<b>16</b>

bruises all over the body of the deceased. The accused was remanded in custody by a court order on December 15.

### Polygamy

Nabaraj Oli, 32, of Khara VDC-3 got married with Tulsa Oli of Darmakot, Salyan on December 26. He was already married to Mina Oli. The victim lodged a complaint against her husband on charge of polygamy at District Police Office, however, the case was not decided until the end of this year.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### Destruction of Infrastructure

The clash ensued between ANNFSU and ANNISU-R on July 26 regarding the dispute over expanding their organization base. The office of campus chief of Khalanga Multiple Campus was vandalized by the protestors. The assets of the campus such as chairs, table and glasses were damaged, according to the campus chief Phal Bahadur Bohora.

### HEALTH SERVICE SITUATION

There is one government hospital, two primary health primary, 10 health posts and 21 sub-health posts. The positions of two out of four doctors allotted by government and two out of five staff nurses vacant. Out of 50 positions of AHWs, two remained empty and five out of 20 positions of AMWs and three out of 15 positions of HA were empty.



## 4.6 Banke



**Headquarters : Nepalgunj**

**Area in Sq. Km : 2,337**

**No. of Households : 94,773**

**No. of Population : 491,313**

**Male : 244,255**

**Female : 247,255**

**No. of PwD : 7,468**

**No. of VDC(s)/Municipality(ies) : 46/1**

**Male Literacy : 158,941**

**Female Literacy : 128,548**

**Religion Hindu (%) : 78.42**

**Buddhism (%) : 1.14**

**Islam (%) : 18.98**

**Kirat (%) : 0.03**

**Christianity (%) : 1.32**

**Prakriti (%) : 0.01**

**Jain (%) : 0.01**

**Shikha (%) : 0.008**

**Undefined (%) : 0.08**

**Human Development Index : 5.18**

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

### By JTMM-J (Bhagat Singh)

Nanda Yadav, 50, of Chauferi Holiya VDC-2 was shot dead by the cadres of JTMM (Bhagat Singh) on January 17 on charge of not giving donation. The victim's husband lodged a complaint at District Police Office. Police arrested Binod Gadariya, 30, of Holiya VDC-2, Rajesh Yadav, 27, and Kiran Dhobi on January 18



on suspicion of their involvement in the murder. Later, the accused were released after investigation. Tirath Dhobi and Nan Harijan of Holiya were arrested by the police on October 13. The accused were remanded in custody.

## **INJURED IN SHOOTING/ EXPLOSION**

### **By Explosive Devices**

DSP Ramesh Kumar Basnet, 37, of Morang and posted at Kohalpur District Police Office was injured on the explosion on April 11 while checking the bomb wrapped with paper in a paddy field in Manikapur VDC-1. He sustained a leg and eye injury due to the explosion. He was taken to Nepalgunj Hospital for the treatment. The bomb disposal unit of Nepali Army defused the bomb. The person responsible for placing the bomb and purpose of the act was yet to be ascertained by the police until the end of the year.

## **JAIL AND DETAINEES**

The ungraded District Prison has the capacity to hold 200 inmates. A total of 384 including 151 convicted and 233 detained inmates were held there at the end of this year. Among them, 348 are male and 36 female. One of the inmates died at Bheri Regional Hospital while undergoing treatment. The physical structure of the building is very poor. The inmates suggested that jail buildings and toilets were in very bad condition and should be repaired and its capacity be further expanded. The inmates were given clothing once a year, according to the jailer, Shyam Lamichhane.

## **DISAPPEARANCE/ABDUCTION**

### **By State**

Deepak Pariyar, 25, of Binauna VDC-8 disappeared on October 9 from

Types of Events	By State				By Non-State		
	Female	Male	N/A	Total	Female	Male	Total
Abduction						1	1
Arrest & Torture		2		2			
Beatings		4		4	2	2	4
Child Rights					8		8
Injured						1	1
Killing					2		2
Right to Assembly	3	17	37	57			
Threats		1		1		5	5
Women Rights					9		9
<b>Total</b>	<b>3</b>	<b>24</b>	<b>37</b>	<b>64</b>	<b>21</b>	<b>9</b>	<b>30</b>

the police custody police said he by jumped in to the Rapti River. He was arrested on a rape case on October 7. The police informed about his disappearance to his family and the villagers but did not disclose that he had jumped into the Rapti River. After the 12 days of the incident, police made the revelation. The District Police Office suspended post-in-charge Chudamani Thapa and Rap Bahadur Gharti for their negligence, according to SP Bikram Thapa. The accused could not be found until the end of this year.

## **THREATS/BEATINGS**

### **By State**

Nepalgunj-based reporter of Nagarik Daily, Dinesh Gautam was threatened by Colonel Raju Nepali on April 17 on charge of reporting against him. Gautam had reported news under the title 'Seven Locals Beaten by Colonel' on the same day. The colonel had threatened to take revenge saying his promotion would be affected because of the news. Nepal Army formed a 3-member 'Court of Inquiry' to investigate the incident. However, the report of the incident was yet to be made public.

Bhabuk Acharya, Nishanta Hamal of Radio Bheri, Nepalgunj and Rohit Giri of Himalaya Radio was mistreated and beaten by the police in plain clothes on



June 12. The victims complained about the incident at FNJ Banke to take the initiation for the action against the guilty. FNJ pressurized the District Police Office for the action. The incident concluded in a compromised.

Editor of Nepali Express, Shiva Dotel, 40, of Nepalgunj Municipality-17 and was beaten following an altercation with the patrolling police while going to the office in Tribhuban Chok on September 13. The police team in command of SI Batti Kumar Pokharel beat Dotel with the butt of gun and fist. The victim sustained a serious head injury due to the beatings. The injured was taken to Bheri Regional Hospital by the police. FNJ Nepalgunj released a press statement on September 14 condemning the incident. The District Police Office decided to withhold the promotion of SI Pokharel for four years.

#### **By Madhes Mukti Tigers**

Contractor of Puja Dal Mill, KD Babu of Nepalgunj Municipality-1 and Contractor at Khetan Electronics, Anil Khetan, 40, of same Municipality-3 were threatened of action by district in-charge of Madhes Mukti Tigers, Jaljala Singh on February 8 and January 27 respectively demanding Rs 300,000. Police arrested Hridaya Narayan Singh of Nepalgunj Municipality-14 and Akil Sherpa of same place on February 13. Police lodged a complaint against them under Abduction, and Arms and Ammunition Act on February 14. Akil was sentenced to jail for two years while Hridaya Narayan was released on July 8 as per the District Court's order.

#### **By Tharuhat Cadres**

Nepalgunj-based reporter of Sagarmatha TV, Dipa Ale was injured when assaulted by bamboo canes by a group of

Tharuhat cadres on May 21 on charge of defying bandh. The victim who received eye and chest injuries was treated at Nepalgunj Medical College Teaching Hospital. The attackers also vandalized Ale's motorcycle with the number plate Bhe 3 Pa 586. Sarju Chaudhary, 19, Dipendra Chaudhary, 22, Jeevan Chaudhary, 24, of Samshergunj VDC-1 were arrested by police and released as per the order of District Administration Office on June 4.

#### **By Others**

Kiran Paudel, 31, of Pyuthan District living in Nepalgunj Municipality-1 was threatened for his life by and unidentified person on January 8 on charge of making a film "Greater Nepal, A Search for Border" and "Dasdhunga". A person from the Indian mobile number 9152 5322 40011 called him and threatened for his life, Paudel said. The victim lodged a complaint at District Police Office, Banke and INSEC Regional Office in Nepalgunj for his security on January 10. However, the person could not be identified until the end of this year.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

#### **July 17, 2011-July 15, 2012**

The District Court with four judges decided 1,001 criminal cases and 603 cases remained pending. 1,032 civil cases were decided and 328 remained pending. There are 13 criminal and three civil cases older than two years.

#### **July 16, 2012-December 31, 2012**

The District Court with four judges decided 280 criminal cases and 685 remained pending. 299 civil cases were decided and 1,075 remained pending. There are eight criminal and 24 civil cases older than two years.

## **APPELLATE COURT**

### **July 17, 2011- July 15, 2012**

The Appellate Court with five judges decided 215 criminal cases and 328 remained pending. Similarly, a total of 267 civil cases were decided and 238 cases remained pending.

### **July 16, 2012 -December 31, 2012**

The Appellate Court decided 91 criminal cases and 533 remained pending. Similarly, 74 civil cases were decided and 533 cases remained pending. A total of 18 criminal cases and 17 civil cases older than two years remained pending.

## **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 622 cases between July 17, 2011 and July 15, 2012, out of which 292 cases were decided of which 132 cases were won and 150 cases were lost. According to the Office, the District Government Attorney filed 108 cases but it did not had updated the data at the end of the year.

## **CHILD RIGHTS**

### **Situation of Education**

Of 138,025 children of school going age, 67,631 girls and 70,394 boys were enrolled in schools of primary and secondary level. Among them, 10,808 were girls and 11,564 boys were dalits. A total of 266 female and 514 male teachers were at primary level government and community schools. Similarly, 37 female and 143 male teachers were at lower-secondary level in government and community schools. A total of 17 female and 127 male teachers were at secondary level in government and community schools.

A total of 12,461 boys and 10,943 girls were attending in Early Child Development Center in the district among which 2,088 boys and 2,009 girls are dalits.

District Education Office did not have an updated data related to education.

## **Rape, Attempt to Rape, Sexual Abuse**

A 17-year-old girl of Kanchapur district was raped by Ram Harsa Sharma, 31, in a hotel in an inebriated state on July 24. The girl said that she was lured by Sharma and her wife into sightseeing in Nepalgunj. The victim's family lodged a complaint against the accused at District Police Office on July 26. The police arrested the accused on the same day. The District Court of Banke remanded Sharma to custody and released his wife on bail amount of Rs 21,000.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

The family members of an 85-year-old woman lodged a complaint against Bhim Singh Thakur, 35, of Nepalgunj Municipality-12. According to the victim's family members, she was gaged and raped by the accused when she was alone at home. The accused was arrested by police on the same day. He was remanded in custody as per the District Court's order on April 12.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Sannu Koiri, 28, of Khajura Khurd VDC-4 was allegedly murdered by her husband Padu Koiri alias Jadish Koiri, 32, on February 8. The victim's father lodged an FIR against the accused on February 10 at the District Police Office, Banke. The accused murdered his wife while she was sleeping, FIR says. He is still at large, according to the police.

### **Beating**

Tarannu Banno Halwai of Nepalgunj Municipality-8 lodged a complaint against her husband Sabir Ali Halwai at District Police Office on

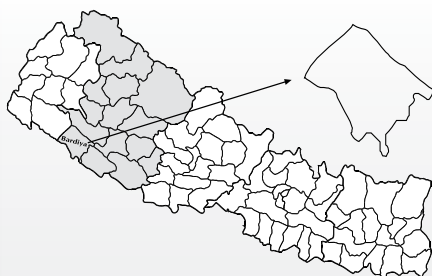
December 25 on charge of beating her. The accused was arrested by police on December 26. The victim received head injury. She was treated at Bheri Zonal Hospital.

## HEALTH SERVICE SITUATION

The District has nine hospitals, 15 health posts and 29 sub-health posts. There are two doctors working while one post remained empty. Two staff nurses were active while one post was empty. Out of two six assistant posts, five was working and one remained vacant. All 90 AHW posts and 21 AMW posts were occupied.



## 4.7 Bardiya



Headquarters :	Gulariya
Area in Sq. Km :	2,025
No. of Households :	83,176
No. of Population :	426,576
Male :	205,080
Female :	221,496
No. of PwD :	8,197
No. of VDC(s)/Municipality(ies) :	31/1
Male Literacy :	139,412
Female Literacy :	121,340
Religion Hindu (%) :	94.17
Buddhism (%) :	1.01
Islam (%) :	2.6
Kirat (%) :	0.01
Christianity (%) :	2.17
Prakriti (%) :	0.01
Bahai (%) :	0.01
Undefined (%) :	0.034
Human Development Index :	5.13

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The inmate capacity of 'C' graded District Prison is 125. Until the end of this year there were 189 inmates of which 132 were convicted and 57 non-convicted inmates. One boy and three girl dependents were living the jail. The prison building was constructed in 1977. The women cell was established in 2011. There are separate cell for male and female. The prison consists of toilet, drinking water taps. There are facilities of television, radio and library. The facilities were given to the inmates to meet with their relatives and to call them four days a week. The facilities of doctors and hospitals were available according to the prison source. The male inmates are still facing difficulties as it overcrowded.

## DISAPPEARANCE/ABDUCTION By JTMM

Upendra Ale, 17, of Gulariya Municipality-6 was abducted by a group of Janatantrik Tarai Mukti Morcha's cadres led by its in-charge Rajan Yadav aka Ranabir on October 13. Police arrested Rajan Yadav and Sarik Khan, 24, of Lakhiram Daharathan Purtaiya, India on October 19 while the family members had gone to deposit ransom to release the victim. The victim who was kept in Lakhimpur, India was released with the help of Indian Police. The victim's father Buddhi Bahadur Ale lodged a complaint against Rajan Yadav, Rasik Khan and Kalim Ahamad Manir on October 19. They were remanded in custody as per the District Court's order on November 20.

## By Others

Sitala Gharti, 19, of Motipur VDC-5 was abducted by a bus contractor Bishnu Bohora, 21, of Ghanteswar VDC-1 from Motipur VDC-1. According to the accused, he handed over the victim to his landlord

Prakash Jung Khadka, 25, of Malakheti VDC-3 and driver Naredra Kunwar, 22, of same place in Attariya. His whereabouts are unknown since then until the end of the year. The victim's family members lodged a complaint at District Police Office on August 1. As per the District Court's order, the accused was released after depositing Rs 25,000 on bail. The family members then lodged the complaint at Appellate Court on September 14. The Appellate Court ordered to remand Bishnu Bohora on November 22. However, he remained absconding since the incident.

### **RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)**

Basudev Pokharel, coordinator of Rastriya Janamorchha Party Bheri, Karnali, Motipur VDC-8 and Tulasi Sapkota, 55 was beaten by the cadres of Tharu Revolutionary Committee while organizing the assembly in Bansgadhi of Motipur VDC-8 on May 20. The cadres vandalized the chairs and tables. The victim did not lodge a complaint about the incident.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

#### **July 17, 2011- July 15 2012**

District Court with one judge decided 214 criminal cases out of 324 cases and 110 cases are still pending. 267 civil cases were decided out of 486 cases whereas 219 are still pending.

#### **July 16, 2012- December 31, 2012**

During this period 63 criminal cases were decided out of 106 and 43 cases were pending. Regarding the civil cases, 76 were out of 155 cases decided and 79 were pending.

Types of Events	By Non-State		
	Female	Male	Total
Abduction	1	1	2
Beatings	11	1	12
Child Rights	20		20
Inhuman Behavior		2	2
Killing	4		4
Racial Discrimination	1	1	2
Right to Assembly		2	2
Threats	1		1
Women Rights	64		64
<b>Total</b>	<b>102</b>	<b>7</b>	<b>109</b>

### **The Office of the District Government Attorney**

The total number of cases registered in the Office which consists of one lawyer From July 17, 2011 to July 15 2012 was 71. Among them 16 were successful and 13 were lost. At the end of 2012, 42 cases are pending in the office. Among the registered murder case, 15 were successful, five were lost and eight cases are pending. Among 18 rape cases, five cases were successful, one case was lost and 12 cases are still pending. The three cases of polygamy are still pending. The total 42 cases which were registered in the office during six months of period remain pending.

### **CHILD RIGHTS**

#### **Situation of Education**

Of 135,759 children of school going age, 58,309 boys and 69,637 girls enrolled in the primary and secondary level. Among them 12,682 were girls and 12,882 boys were dalits. There are altogether 862 teachers in primary level of government and community school. Among them 198 are female teachers and 640 are the male teacher. Similarly, in secondary level there are 164 teachers which include seven female and 177 male teachers. District Education Office did not have an updated data related to education.

### **Rape, Attempt to Rape, Sexual Abuse**

A 10-year-old-girl was raped by Hari Pariyar, 18, of same VDC on March 22 while she was sleeping, the girl's family members say. Police arrested the accused on March 24 after the victim's family filed a complaint about the incident. The parents of the victim lodged an FIR against the accused on March 25 at District Police Office. The accused was remanded in custody by Court on April 1. The District Court sentenced him to prison for eight years and pay compensation of Rs 50,000 to the girl.

A 13-year-old girl was raped by 15-year-old boy of Gulariya Municipality-14 in the paddy field, the girl's family said. The victim's mother lodged a complaint at the District Police Office on April 19. The police arrested the accused on the same day. The accused was remanded in custody by District Court on May 1. Bardiya District Court decided to keep the accused reform center on May 20.

A 5-year-old girl of Bagnaha VDC-6 was raped by a 16-year-old boy of the same VDC near the jungle on June 27. Police arrested the accused on June 28. The girl received first aid at the Kohalpur Medical College in Banke and further treated in Bheri Regional Hospital. The victim's family lodged an FIR against Tharu on June 29. The accused was remanded in custody by Court on July 22.

A 16-year-old girl was raped by Lok Raj Bhandari, 23, of Dhadhbar VDC-6 on March 6 near the paddy field. The victim's family lodged an FIR against Bhandari on March 15 at District police office Bardiya. The accused is still at large at the end of this year according to the police.

An 11-year-old girl was raped by Jeevan Tharu of of Nayagaun VDC-4 on April 8 near the paddy field after showing her pornographic pictures on his mobile. The victim's family reported to the police

on June 4 due to the late disclosure of the incident by the girl. The police said that they could not process the case further due to the late reporting date and lack of evidence. An agreement was reached on June 9 after the accused agreed to pay Rs 20,000 as a compensation amount.

### **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

#### **Killing by Family Members**

Hasana Behana, 25, of Gulariya Municipality-12 was beaten by her husband Mandi Behana, 28, and set her on fire after dousing her in petrol on March 27. The victim died on April 1 while getting treatment at Bheri Regional Hospital in Nepalgunj. The accused was taken into custody by the police on April 3 for further investigation. The victim's family lodged an FIR against the accused on April 6. According to the District Court's decision, the accused was released on date.

Shiwa Hasmi, 19, of Masjid Tol, Gulariya VDC-8 was seriously injured when she was burnt after pouring petrol on her body by an unidentified person on December 7. The seriously injured Hasmi died while undergoing treatment at Bir Hospital, Kathmandu on December 12. The convicted was still unidentified at the end of the year. She was taken to District's Gulariya Hospital for the primary treatment and then to Bheri Regional Hospital in Nepalgunj. She was further referred to Bir Hospital in Kathmandu on December 10 and passed away on December 12. Rahis Khan alias Babu Khan of Gulariya VDC was taken into custody by the police on December 7 for further investigation on suspicion of his involvement in the incident. The victim's family lodged an FIR against Babu immediately after the incident occurred. Final rites of Hasmi was performed on December 13. Arif Ahemad Rain of Gulariya VDC-8 lodged an FIR

against the victim's family on December 18 at District Police Office. Victim's mother Hasina Hasmi and brother Sadhu Hasmi were arrested by the police for investigation on the same day. The perpetrator was still unidentified until the end of this year, according to the police.

### **Rape, Attempt to Rape, Sexual Abuse**

A disabled woman, 18, was raped by Mast Bahadur Khatri, 40, of Sanoshree VDC-3 while she was alone at her home. The neighbor called the family and reported to the police after they saw that she was tied with a rope and was raped. The police arrested the accused on January 14. The victim got health check up on the same day. The victim's family lodged an FIR against the accused on January 15 at the police office. The accused was remanded in custody by Court on January 28. The District Court, on January 28, sentenced Khatri to five years in jail for rape and additional five for perpetrating crime against disabled woman and compensation of Rs 50,000 from him to the victim.

## **DOMESTIC VIOLENCE**

Sumitra Upadhyaya, 21, Bangai of Dhadhabar VDC-6 was injured by her inebriated husband Hari Upadhyaya, 41, who hit her with a sharp weapon while sleeping at night on June 3. The injured got the treatment on the same day at local medical shop. The accused was arrested by the police on June 4 by the police. The victim lodged a complaint against him at the District Police Office on attempted murder case on June 5. Bardiya District Court on June 11 ordered to Mental Hospital under police surveillance.

## **Women Trafficking**

A 19-year-old woman of Belawa VDC-4 said that she was trafficked to India by her uncle Bale Sunar, 21, on August 5, of Bankatuwa VDC-9 by alluring to go for planting paddy in a village. The victim lodged a complaint against the accused at District Police Office on April 11. However, the accused remained absconding at the end of year.

## **Polygamy**

Sanjaya Kumar Jha, 41, of Manaragadi VDC-7 married a second woman, Shanta Khadka, 33, of the same VDC on February 18. He was already married with Padma Kumari Jha, 35. The victim lodged a complaint against her husband and second wife at District Police Office, Bardiya on March 9. Both were arrested by the police on March 20. Perpetrator Jha was released on bail amount of Rs 52,000 on June 10. The case has not been decided until the end of this year.

## **Mistreatment**

Dhathi Tharu, 59, of Mahamdapur VDC-9 was beaten and seriously injured by her son Bhikkhu Tharu, 46, accusing her of practicing witchcraft and making his father ill. Bhikkhu had beaten his mother after trusting a witch doctor who accused Dhathi of being witch and making his father ill. The victim who is living with her son did not complaint about the incident anywhere.

## **ALL KINDS OF RACIAL DISCRIMINATION**

Mahisa Gautam, 17, of Kalika VDC-4 was beaten and expelled from home by in-laws Nandalal Gautam, 50 and Nandakali Gautam, 48 on April 23 on charge of being a daughter of lower caste people. The victim began staying at her maternal home following the incident.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### Destruction of Infrastructure, Property By Madhes Mukti Tigers (Terai)

An unidentified group of people detonated a bomb in KP Store in Gulariya Bazar of Gulariya VDC-9 on January 31 which belonged to Kul Prasad Kandel, 35. The property of more than Rs 35,000 was lost due to the explosion, Kandel said. There was no physical loss as the bomb exploded at night. An unidentified person placed a bag of vegetables left it there and left the place. Madhes Mukti Party Tigers in charge Ranabir Singh said his group carried out the act.

An unidentified group of people detonated a socket bomb in a Land Reform Office in Gulariya Municipality-5 on April 2. There was minor damage by the explosion. Madhes Mukti Tigers chief Ranabir took the responsibility of the explosion. Police arrested Israeli Dhobi of Gulariya Municipality-6 on May 7 and sent to prison on June 4 after he could not pay bail amount of Rs 100,000 as told by the Court.

An unidentified group of people detonated a socket bomb at a bread factory in the house of Bikash Rana, 38, on May 10. There was no human casualty in the explosion. The door, cycle and the electric meter was completely damaged due to the explosion. There was loss worth Rs 20,000 due to the explosion, according to the victim. Madeshi Mukti Tiger's in-charge Ranbir took the responsibility of the explosion. He further said that the explosion is the result of not giving demanded amount of donation.

### By an Unidentified Group

A bomb went off in Karnali Saw Mill belonging to Deepak Pokharel of Khirapur, Gulariya Municipality-3 on June 11. There was a minimum loss due to

the explosion. The victim did not lodge a complaint regarding the explosion.

## HEALTH SERVICE SITUATION

The District has one hospital, 11 health posts and 19 sub-health posts. There are five doctors working while one post remained empty. Five lab assistant were active while one was empty. There are all 90 staff nurse, one RB/Leprosy supervisor, 46 AHW, 21 AMW, and 13 HA posts were occupied. There were 28 village health workers positions active out of 34.



## 4.8 Surkhet



Headquarters : Birendranagar

Area in Sq. Km : 2,451

No. of Households : 72,863

No. of Population : 350,804

Male : 169,421

Female : 181,383

No. of PwD : 10,291

No. of VDC(s)/Municipality(ies) : 50/1

Male Literacy : 126,044

Female Literacy : 110,187

Religion Hindu (%) : 91.86

Buddhism (%) : 4.11

Islam (%) : 0.52

Christianity (%) : 3.43

Prakriti (%) : 0.01

Undefined (%) : 0.07

Human Development Index : 4.82

## **CIVIL AND POLITICAL RIGHTS**

### **RIGHT TO DIGNIFIED LIFE**

#### **JAIL AND DETAINEES**

The capacity of 'E' graded District Prison is 25. Until the end of this year, there were a total of 138 inmates including 81 convicted, 56 non-convicted and one dependent. There are 13 female and 124 male inmates. The prison is too old and there are five times more inmates than its capacity. There are not even sufficient basic facilities for the inmates.

#### **THREATS/BEATINGS**

##### **By State**

Shanti Dhakal, 42, of Birendranagar Municipality-9, Parbati Giri, 52, of same Municipality-6 and Ram Prasad Lamsal, 56, of Jarbuta VDC-1 were beaten by the police team led by District Police Office Inspector of Surkhet, Rishi Dhungana on February 25. They were accused of disrupting the normal work of District Education Office. The seriously injured Dhakal was taken to Kathmandu after he could not be treated in Surkhet. Giri and Lamsal got the treatment in Deuti Nursing Home in Birendranagar. The victim accused the police personnel of intervening and using excessive force when they were in a peaceful protest to hand over the memorandum to District Education Office. The political parties, right activists, businessmen, legal personnel and media personnel condemned the incident by releasing a press statement on February 26. According to SP Govinda Ram Pariyar, police tried to stop the teachers after they started throwing stones at the police. Victims did not report about the incident.

Khuman Singh Sanjeli, 38, of Birendranagar Municipality-6 was beaten in custody by SP Govinda Ram Pariyar of District Police Office, Surkhet on April 26 on charge of selling homemade alcohol. He was beaten with boots and fist and abused with a foul language even though he

claimed him innocence.

Bhim Bahadur Khadka, 53, of Ranibas VDC-6 was beaten with boots and fists by two Police Constables in an inebriated state in a local fair on November 29. He accused the Constables of beating him without any mistake. Khadka who sustained an injury due to the beatings was taken to local health center and further taken to Surkhet after he could not be treated there. Inspector Birendra Kumar Yadav of Surkhet District Police Office did not want to make names of accused public however added that they were in police custody. The incident was settled in an agreement on December 4.

##### **By CPN-M**

Narendra Karki, 32, member of CPN-M District committee was beaten by Bhisma Shahi of pro-Baidhya and ANNISU-R and, accusing him of after a disruption arose between pro-Baidhya and UCPN-M students on the ownership of the office of ANNISU-R on July 21. The building came to the possession of the splinter party of CPN-M.

##### **By Maoist Combatants**

Nar Bahadur Salami, 24, of Kalyan VDC-3, Ganesh Gurung, 30, Prasant Bhujel, 15, Lalit Salami, 19, and Chandra Bahadur Buda, 22, were beaten and attacked with khukuri by the Maoist combatants of Jeet Memorial Brigade in command of Dev Bahadur BK accusing them of putting different view on January 31. Injured BK was taken to Lukhnow in India whereas other injured got the treatment at Surkhet Regional Hospital. Five people were injured during the clash. The incident was reported to the police.

The disqualified former Maoist combatants of sixth cantonment in Dasarathpur VDC-5 were beaten at the main gate of the division, accusing them of trying to enter the sixth division by force



Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		3	3			
Beatings		6	6		28	28
Child Rights				2	1	3
Injured					1	1
Killing				1		1
Racial Discrimination				1	1	2
Right to Assembly	2	1	3		1	1
Threats	1	3	4	1	28	29
Women Rights				142		142
<b>Total</b>	<b>3</b>	<b>13</b>	<b>16</b>	<b>147</b>	<b>60</b>	<b>207</b>

on February 4. The disqualified Maoist combatants were protesting and demanding for compensation or the integration in the army. Suman Sunar, 28, Abhibadan Sunar, 25, Bigyan Buda, 30, and Bishwo Buda, 26, were injured during the clash. All the injured got the treatment at Regional Hospital Surkhet.

According to the commander of sixth cantonment Mahendra Shahi, disqualified Maoist combatants tried to enter the program venue and were injured in a scuffle while being stopped. The police arrested 70 protesting disqualified combatants and released later on the same day.

YAN cadre, Chabi Lal Paudel, 31, of Dasarathpur VDC-3 was beaten by Pariwartan and Bijaya of Satwariya Brigade on March 2 accusing him of having a different ideology. The victim sustained a head injury due to the beatings. The victim got the treatment at local primary health post.

#### By Nepal Students Union

Deepak Thapa, 22, and Khadga Bahadur Thapa, 26, of Mahakali High School of Lagam VDC-3 affiliated to ANNISU was attacked with khukuri by the cadres Milan Bantola and Harka Bahadur Bantola of NSU on charge of putting different view on March 7. The injured

got the treatment at the Regional Hospital. The victim lodged a complaint against the accused on February 9 at District Police Office.

#### By Others

FNJ Kalikot chairperson, Deula Singh Thakuri, 41, of Uttar Ganga VDC-8 was attacked with rod and stone by Naule Buda

and Hari Buda, 35, of the same VDC on February 10. Deula received treatment at Regional Hospital Surkhet. The victim lodged an FIR against both on February 11 at District Police Office.

### RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)

#### By Students Unions

An assembly organized by RPP Nepal in Surkhet was obstructed by NSU and ANNISU-R in Birendranagar Bazar. The cadres tried to disrupt the assembly at Birendra Chok which started from Mangalgadhi Chok. The assembly was later given protection by the police force.

FNJ Surkhet President and reporter of Naya Patrika Gande Kanchan Bharati was deprived of right to information, when he asked DSP Binod Ghimire of Surkhet for the information of accused constables involved in a beatings of Bhim Bahadur Khadka of Ranibas VDC-6. He refused to give any information about the accused.

### RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

#### July 17, 2011- June 15, 2012

District Court which consists of one judge had 282 cases decided out of 395.

Regarding the civil cases, 134 cases were decided out of 284. There were 263 cases left to be decided.

#### **July 16, 2012-December 31, 2012**

During this period 97 criminal cases were decided out of 270. Until the end of this year 335, cases were pending.

#### **APPELLATE COURT**

##### **July 17, 2011 to July 15, 2012**

Appellate Court with two judges decided 24 Criminal cases and 139 cases were still pending. Four civil cases were decided and 51 were still pending.

During the period of second half of the year, 15 cases were decided out of 123. Until the end of this year, 124 cases were left for the decision

#### **The Office of the District Government Attorney**

##### **July 17, 2011 to July 15, 2012**

Office of the District Government Attorney filed 119 cases between July 17, 2011 and July 15, 2012. Out of those, 83 cases were won and 37 cases were lost. Appellate Court has been moved in 24 cases. There were no cases older than two years. The Office with one government attorney informed that two cases filed until July 15 remained pending.

Among the filed 13 murder cases, 10 cases were won and two lost. Out of 16 rape cases, 12 cases were won, three lost and one still pending. One case of abduction was won and one was lost. All three trafficking cases were won.

#### **July 16, 2012- December 31, 2012**

Office of the District Government Attorney filed 64 cases between July 16, 2012 and December 31, 2012. Out of which 48 cases were won and 16 were lost. Appellate Court was moved in 12 cases. There were no cases older than two years. The Office with one government attorney,

informed that there were no cases filed by until July 15, 2012 were pending.

#### **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT**

Khadga Bahadur Sarki, 30, of Birendranagar Municipality-6 was tortured in the custody by City Police led by SI Hari Bahadur Khadka on March 9. He was arrested on charge of drug trafficking. Sarki was tortured after being handcuffed. He received treatment at Regional Hospital in Surkhet.

#### **CHILD RIGHTS**

##### **Situation of Education**

Of 3,400 male students of school going age this year, 3,045 boys and 3,420 girls got enrolled in primary and secondary levels. Among them 246 students were dalits. As per the District Education Office, 450 boys and 635 girl students dropped out of the school. 645 female teachers and 906 male teachers are at primary level and government and community schools.

District Education Office did not have an updated data related to education.

##### **Beating**

Dinesh Chaudhary, 11, of Nayagaun in Latikoili VDC-2 was beaten and seriously injured by father, Indra Bahadur Chaudhary on March 6. The father, an APF personnel beat him with burning piece of fuel wood accusing him of stealing Rs 50. The injured son was not taken to hospital for treatment. The child rights committee of Janasewa School released a press statement through INSEC Surkhet on March 11. The boy is a fourth grader at Janasewa Secondary School.

##### **Mistreatment**

A 5-year-old boy was sexually abused in a hotel while sleeping by Bishal Tamrakar, 22, of Malakheta in Kailai

District on August 15. The accused was taken into control and handed over to the police by locals after the boy screamed. The accused was remanded in custody by Court on August 29.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### Destruction of Infrastructure, Property By State

A total of 24 houses belonging to dalits of Rupse, Satkhani VDC-7 were torched by the staffs of District Forest Office and policemen on December 2 accusing them of encroaching a community forest. The victims were compelled to live in the open. The victims organized sit-in protest in front of District Administration Office in Surkhet on December 9. According to the CDO Purusottam Kunwar, the houses were destroyed because they were built on encroached forest land. The rights organization including INSEC and Dalit Rights Federation released a press statement on December 10 and condemned about the incident.

## HEALTH SERVICE SITUATION

The district has two hospitals, 24 health posts and 23 sub-health posts. There are total of 27 posts for the doctors and only nine of them are working and 18 remained vacant. Out of eight posts for the staff nurse, four were working and four remained vacant. There are seven posts for the lab assistant and six of them are active. Similarly, out of 68 posts for the AHWs, 66 of them are working and two remained vacant. There are 21 auxiliary nurses active in the district, out of 25 posts. One TB/Leprosy supervisor was working. Both of HA were active. There were 26 village health workers positions active out of 35.



## 4.9 Jajarkot



Headquarters :	Jajarkot
Area in Sq. Km :	2,230
No. of Households :	30,472
No. of Population :	171,304
Male :	85,537
Female :	85,767
No. of PwD :	6,848
No. of VDC(s)/Municipality(ies) :	30/0
Male Literacy :	50,767
Female Literacy :	38,715
Religion Hindu (%) :	98.96
Buddhism (%) :	0.05
Islam (%) :	0.01
Christianity (%) :	0.87
Undefined (%) :	0.107
Human Development Index :	5.62

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'C' graded District Prison has the capacity to hold 25 inmates at a time. A total of 40 including 30 convicted and 10 detained inmates were held there at the end of the year. Among them, 38 are male and two were female. The building has facility of radio, television, newspapers, library and sports. The inmates suggested that the jail building should be repaired and its capacity be further extended. The inmates are free to roam around the compound of the jail between 6:30 am to 5:30 pm.

Types of Events	By State			By Non-State		
	Male	N/A	Total	Female	Male	Total
Arrest & Torture	7		7			
Beatings	8		8	1	5	6
Child Rights				1		1
Economic, Social Rights and Cultural Rights				4		4
Injured				1	1	2
Right to Assembly	1	5	6			
Threats					2	2
Women Rights				14		14
<b>Total</b>	<b>16</b>	<b>5</b>	<b>21</b>	<b>21</b>	<b>8</b>	<b>29</b>

## THREATS/BEATINGS

### By State

The police charged batons during the program organized by ANNISU-R and ANNFSU Student Committee to protest the syndicate by Bheri Ganga and Bheri Bus Entrepreneurs on January 10. At least five people were injured during the clash. The injured were treated at Nepalgunj. The police used its force after the protestors started vandalizing the bus, according to the police.

### By NSU

A group of students in command of Ram Jung Shah, former NSU central committee member, vandalized Laxmi Furniture Factory of Khalanga VDC-1 on March 3 asking it not to run furniture factory and fruits and vegetables shop in that place. The victim did not report the incident.

## RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

### July 17, 2011- July 15, 2012

The District Court with one judge decided all the five criminal cases. All 22 civil cases were decided. There are no cases older than two years.

### July 16, 2012- December 31, 2012

The District court with one judge decided 13 criminal cases and three

remained pending. 78 civil cases were decided and 14 remained pending.

## The Office of the District Government Attorney

The Office of the District Government Attorney filed 16 cases between 17 July 2011 and July 15, 2012 out of which three cases were won and 13 remained pending. Among the filed five attempted rape cases, one case was won and four remained pending. Two cases of murder attempt remained pending while 10 cases were adjourned.

## TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Lokendra Chand, 27, Jeevan Shah, 19, Nirajan Bhadel, 18, Amar Shahi, 22, and Babi Shah, 24, of Khagenkot VDC-2 were beaten by the police, patrol team on command of SI Bishal Rana on November 14 on charge of talking back to the police. The victims were beaten with boot and fist. The victims received treatment at Roshan Medical in Khalanga.

## CHILD RIGHTS

### Situation of Education

Of 83,738 children of school going age, 37,444 boys and 38,675 girls were enrolled in schools of primary and secondary level. Among them, 14,243 girls

and 13,352 boys were dalit. 681 teachers were at primary and higher secondary level, 501 teachers in lower secondary level and 56 teachers in secondary level.

### **Rape, Attempt to Rape, Sexual Abuse**

A 17-year-old girl was raped by Hari Bahadur Thapa, 21, of Punma VDC-6 on April 26, the girl claimed. She lodged a complaint against the accused at the District Police Office on April 27. The accused was arrested by the police on the same day. The accused was sent to the District Prison on May 14 on the District Court's order.

### **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

#### **Rape, Attempt to Rape, Sexual Abuse**

A 28-year-old woman was allegedly raped while she was sleeping by Dhana Bahadur Shahi, 31, on November 4. The victim lodged a complaint at District Police Office on December 3. The victim was still at large.

### **DOMESTIC VIOLENCE**

#### **Expelled from the House**

Nadi Giri, 28, of Punma VDC-3 was beaten and expelled from her house on September 27 by her husband Durga Bahadur Giri, accusing her of having an extra-marital affair. She was living with her parents at the end of the year. The victim did not complain about the incident to the police.

A 16-year-old Kamala Giri of Dasera VDC-9 was expelled from her house by Mahindra Giri, 24, on November 2 accusing her of marrying with Dalit in the past. After being thrown out of her house, she was living at her parental home in Garkhakot VDC-2. The victim did not complain about the incident.

#### **Beating**

Sushma Pariyar, 15, of Khalanga VDC-9 was beaten and expelled from her

house by her husband Prithvi Bahadur Raut in September 10. The victim lodged a complaint against the accused at District Court demanding the divorce; the case was pending until the end of the year.

### **HEALTH SERVICE SITUATION**

There is one government hospital, two primary health posts and seven health posts. Three seats of doctor vacant out of four allotted by the government and 14 positions out of 42 AHW positions are empty. Out of 49 posts of HA, 15 remain empty. There are all five staff nurses on government quota working in the district.



## **4.10 Dailekh**



Headquarters :	Dailekh
Area in Sq. Km :	1,402
No. of Households :	48,919
No. of Population :	261,770
Male :	126,990
Female :	134,780
No. of PwD :	7,607
No. of VDC(s)/Municipality(ies) :	55/1
Male Literacy :	82,846
Female Literacy :	66,069
Religion Hindu (%) :	97.4
Buddhism (%) :	1.95
Islam (%) :	0.18
Christianity (%) :	0.46
Undefined (%) :	0.012
Human Development Index :	5.35

## **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'C' graded District Prison has the capacity to hold 16 inmates at a time. A total of 49 including 39 convicted and 10 detained inmates were held there at the end of the year. Two children- one boy and one girl dependents were in the jail. There are some facilities like radio, television, carom board and newspapers. The condition of the building is very poor. Inmates suggested that there is shortage of water.

## **THREATS/BEATINGS**

### **By UML**

District NC vice-president, Karna Bahadur Shahi, 62, of Bansi VDC-3 was attacked by UML cadres on the night of April 15. The victim sustained a back injury due to the attack. The victim's son and his pregnant wife who resisted the attack were also injured. The victim said that he went to the program organized by the party and was attacked in the night when he was about to go to bed after the dinner. The injured son and daughter-in-law were treated at District Hospital in Dailekh. The victim lodged a complaint against six accused at District Police Office. The police arrested Santosh Buda, Dharma Bahadur Buda and Ramu Buda of Bansi VDC-6 on April 22 on charge of their involvement in the incident. The Office of the District Government Attorney decided that the case had no merit for legal action.

### **By CPN-M**

RSS district reporter Nabin Rijal, 29, of Kasikand VDC was beaten by Jalendra Chand alias Ajit, former Maoist combatant and secretary of CPN-M, Dailekh on August 25, accusing him of creating rift in the party. Rijal was flown to Bir Hospital, Kathmandu on September 11 after he could not be treated in Dailekh. He sustained

urinary bladder and back injury. He was treated for two month at Bir Hospital. UCPN-M released a press statement on September 29 condemning the incident.

### **By Unidentified Group**

Journalist Kabiraj BC of Dailekh lodged a complaint at District Police Office on October 10 saying that he was threatened by an unidentified person over telephone. BC, who is working as a journalist for ABC Television and Gorkhapatra, said that an unidentified person using mobile no. 9816596401 threatened him for his life. The victim lodged a complaint to the District Police Office for his security. DSP Sudarshan Thapa of District Police Office said that was the person who threatened him could not be indentified until the end of this year.

Umesh KC of Narayan Municipality-1, the director of Tesro Ankha Dainik and the central committee member of FNJ was threatened for his life by an anonymous person on March 20. The victim said that an anonymous person from the mobile number 9848333216 called and threatened him for his life. After the threat, KC lodged a complaint at District Police Office for his security. DSP Sudarshan Thapa of District Police Office said that the person would be traced with the help of Nepal Telcom for the legal action however the accused was not until the end of this year.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011- July 15, 2012**

The District Court with one judge decided 102 criminal cases and 20 remained pending. 33 civil cases were decided and 23 remained pending.

### **July 16, 2012- December 31, 2012**

The District Court with one judge decided 29 criminal cases and 39 remained

Types of Events	By Non-State		
	Female	Male	Total
Beatings		2	2
Child Rights	5		5
Killing	4	2	6
Racial Discrimination	1		1
Threats		2	2
Women Rights	9		9
<b>Total</b>	<b>19</b>	<b>6</b>	<b>25</b>

pending. 12 civil cases were decided and 21 remained pending. There were no civil and criminal cases older than two years.

### **The Office of the District Government Attorney**

The office of the District government attorney filed 82 cases between July 17, 2011 and July 15 2012, out of which 58 cases were won and two cases were lost. The Office with one government attorney, informed that 22 cases filed until July 15, 2012 remained pending.

Among the filed 18 murder cases, 15 cases were won and two were lost. Out of eight rape cases, five were won and three were lost. One human trafficking case was won. Out of four cases of polygamy, two were won and two remained pending. One case of caste discrimination was won.

The Office of the District Government Attorney filed 35 cases between July 16, 2012 and December 31, 2012, out of which 34 cases were won. The Office with one of Government Attorney informed that 22 cases filed until July 15, 2012 remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 102,783 children of school going age, 50,040 boys and 52,743 girls enrolled in schools of primary and secondary levels. Among them, 15,054 girls and 14,872 boys were dalits. There are 1,254 teachers in the government and community schools. 309

teachers are at lower secondary level. There are 217 teachers in secondary level.

### **Rape, Attempt to Rape, Sexual Abuse**

A 7-year-old girl was allegedly raped by Govinda BK, 35, of the same VDC on April 10. The victim's mother lodged a complaint against the accused at the District Police Office on April 11. The police arrested the accused at his house on April 14. The accused was remanded in custody by the Court order of May 4. The case has not been decided until the end of the year.

The victim's family lodged a complaint at police post of Ranimatta against Birkha Bahadur BK accusing him of raping a 13-year-old girl on July 19. The police arrested the accused on July 20. The District Court gave its decision on November 25 and sentenced him to 13 years in prison.

A 30-year-old woman was raped allegedly Upendra Khadka, alias Harke, 34, on October 21. The victim's family lodged a complaint against the accused at District Police Office on October 21. The police arrested him on October 24 at his home. The accused was remanded in custody by a court order on November 25.

Singha Bahadur Rawat, 35, of Majhkot VDC-4 was arrested by the police on November 16 on charge of raping 14-year-old girl. It was revealed that the accused was a policeman at District Police Office. The accused was remanded in custody by Court on December 6. He was in custody at the end of the year.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **DOMESTIC VIOLENCE**

#### **Beating**

Kamaro Sarki, 50, of Narayan Municipality-6 set blaze his wife Chawali Sarki, 40, on a minor family dispute in the



night of July 11. Kamaro set her on fire in an inebriated state. The victim was rescued and taken to the hospital by the neighbors. The accused was arrested on the same day by the police and was charged against attempted murder. The accused was in custody and the victim was undergoing treatment at the hospital until the end of this year.

### **Killing by Family Members**

Laxmi Sarki, 55, of Bhurti in Narayan Municipality-3 was killed by her husband Chane Sarki, 58, on April 7. The accused was arrested by the police on April 8. District Court sentenced him to life imprisonment on June 11.

Ratna Sunar, 36, of Naumule VDC-8 was murdered by her husband Rana Bahadur Sunar, 49, on April 3. She was murdered in a minor family dispute. She was strangled to death by the accused. The accused was arrested by the police on April 14. The accused was remanded in custody the Court on May 4.

Dhansari BK, 55, of Danda Parajul VDC-6 was murdered by her son-in-law Man Bahadur BK, 25, of Goganpani VDC-5 by hitting her with a sharp weapon on her head on July 19. The police immediately reached the site after getting the information and arrested Pradeep BK of the same VDC on November 25 on suspicion of his involvement in the murder. The accused was remanded in custody by Court on October 19. District Court sent him to life imprisonment on October 21.

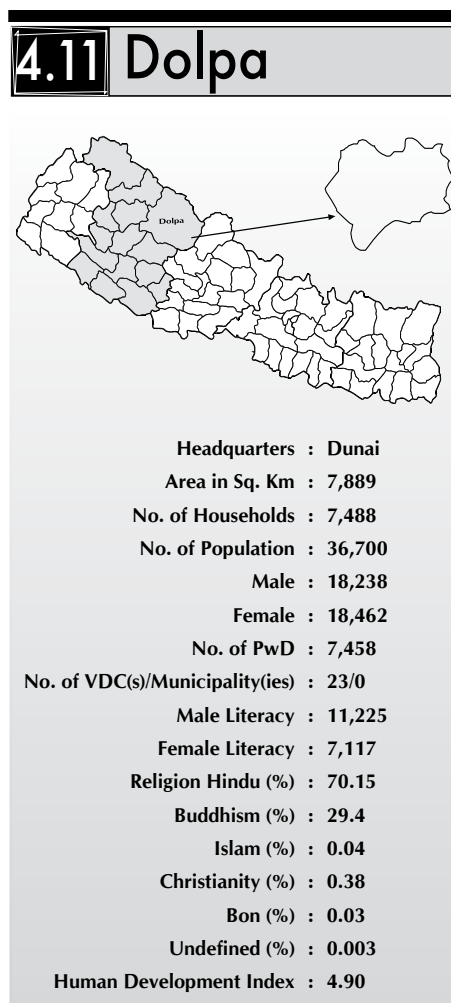
### **Polygamy**

Nirmala Damai, 30, of Narayan Municipality-5 was beaten and then forced out of the house by her husband Madan Damai, 35, on October 31. The victim lodged a complaint against her husband at District Police Office on November 25. The victim said that she was beaten and thrown out of the house after her husband

married second woman, Bimala Damai, 20, of the same VDC on November 16. The investigation was underway and the accused was still at large until the end of this year.

## **HEALTH SERVICE SITUATION**

There is one government hospital, three primary health posts, 11 health posts and 45 sub-health posts. Three are two seats for doctor vacant out of five allotted by the government and three positions out of 64 of AHW are empty. There are three staff nurses on government.





## **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'E' graded District Prison has the capacity to hold 30 inmates at a time. A total of 25 including nine convicted and 16 detained inmates were held there at the end of the year. There were four rooms for male and four rooms for female in the prison. The prison does not have a facility of TV, drinking water, telephone, newspapers and sports. The inmates are facing a problem as the prison building is leaking.

### **THREATS/BEATINGS By UCPN-M**

Village committee member of RPP, Sukram Thapa, 42, of Tripurakot VDC-4 was beaten by UCPN-M cadres Nari Chandra Rokaya, 45, of the same VDC on May 10 by hitting him with stone during a political dispute. The victim sustained a deep cut on his forehead. The victim lodged a complaint at the police post against the accused asking for action on May 11. The incident was later settled in compromise.

### **By UML**

The district committee member of NC, Rajiman Sarki, 35, of Tripurakot VDC-1 was attacked with baton by a UML supporter Braun Sarki on February 12. The victim sustained an injury to his nose and forehead. He lodged a complaint on the same day at Tripurakot Police Office. The incident reached to an agreement in the presence of police and few elders of the village on February 13 after the perpetrator agreed to bear the treatment cost of the victim.

### **By NC**

The village level cadre of UML, Nawaraj Thapa, 25, of Tripurakot VDC-5 was attacked with knife by Haribhakta Buda, village level cadres of NC, in an

inebriated state on November 15, accusing him of playing deusi (a cultural show) at his house. The UML cadre sustained a deep cut on his arm. Thapa lodged a complaint against the accused at Tripurakot police post on November 17. The incident reached to an agreement for not repeating such incident again.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011-July 15 2012**

District Court with one judge decided 10 criminal cases and two remained pending. Three civil cases were decided and three remained pending. Altogether there are three cases remained pending.

### **July 16, 2012 to December 31, 2012**

District Court decided eight criminal cases and 19 remained pending. Three civil cases were decided four cases remained pending.

### **The Office of the District Government Attorney**

The Office of District Government Attorney with one attorney filed four murder cases two of which were won. Among them one was lost and one remained pending, among 14 cases of public offence, five were won and rest remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 12,860 children of school going age, 3,349 boys and 3,703 girls enrolled in schools of primary and secondary level. There are 12 secondary schools with 1,087 boy and 498 girl students. Among them 996 boys and 896 girls were dalits. 99 female and 313 male teachers are at primary level government and eight female and 67 male teachers in lower secondary levels. In secondary levels, there were 45 male teachers and one female teacher.

Types of Events	By Non-State		
	Female	Male	Total
Beatings		5	5
Child Rights	1		1
Racial Discrimination	1	7	8
Women Rights	4		4
<b>Total</b>	<b>6</b>	<b>12</b>	<b>18</b>

## ALL KINDS OF RACIAL DISCRIMINATION

Raju Man Sarki, 38, Lal Bahadur Sarki, 26, Ranabir Sarki, 26, and Rup Lal Sarki, 35, of Tripurakot VDC-1 was misbehaved by Tika Datta Neupane, 38 in the Temple of Bala Tripura Sundari on December 17. The victim lodged a complaint to the District Office on December 21. The accused was brought to the District Police Office for the apology and the agreement was reached for not repeating the same incident again.

Hari Bahadur KC, 26, of Pahada VDC-8 got married with Kamala BK, 23, of the same VDC-7 on October 23. The marriage was rejected by KC family accusing him of marrying a lower caste girl. The neglected couple is living a displaced life.

## HEALTH SERVICE SITUATION

The district has one hospital, nine health posts and 14 sub- health posts. There were two posts for the doctors and one of them was working and one remained vacant. Out of two posts for the staff nurse, one was working and one remained vacant. There was one lab assistant working out of one post. All three AHW posts were fulfilled. Similarly, there were two AMWs working and one TB and leprosy supervisor. Out of two posts for the HA, both posts were occupied.



## 4.12 Jumla



<b>Headquarters :</b>	Jumla
<b>Area in Sq. Km :</b>	2,531
<b>No. of Households :</b>	19,303
<b>No. of Population :</b>	108,921
<b>Male :</b>	54,898
<b>Female :</b>	54,023
<b>No. of PwD :</b>	3,248
<b>No. of VDC(s)/Municipality(ies) :</b>	30/0
<b>Male Literacy :</b>	33,843
<b>Female Literacy :</b>	20,696
<b>Religion Hindu (%) :</b>	97.89
<b>Buddhism (%) :</b>	1.23
<b>Islam (%) :</b>	0.01
<b>Christianity (%) :</b>	0.66
<b>Undefined (%) :</b>	0.121
<b>Human Development Index :</b>	5.64

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING

### By Unidentified Group

Sauni Buda, 60, of Dilli Chaur VDC-2 was shot dead by an unidentified group of people on the night of June 16 while sleeping in a hotel. The murderer looted 27,000 from the shop according to her son Kali Bahadur Buda. The police confiscated a bullet cartridge from the incident site. The victim lodged a complaint at the District Police Office on June 17 for justice. Police arrested Bedan Thapa, 25, of Gajyankot VDC-5 on suspicion of his involvement in the murder. The accused

Types of Events	By Non-State		
	Female	Male	Total
Beatings	5		5
Child Rights	3		3
Killing	1		1
Racial Discrimination	2	1	3
Women Rights	25		25
<b>Total</b>	<b>36</b>	<b>1</b>	<b>37</b>

remand in custody and was released on date by a court order on August 7. The case has not been decided until the end of this year.

### **JAIL AND DETAINEES**

The 'E' graded District Prison has the capacity to hold 20 inmates at a time. A total of 17 including nine convicted and eight detained inmates were held there at the end of this year. Among them, two are female and 15 are male inmates. There are two dependents- one boy and one girl. The physical infrastructure of the jail is very poor. According to the prison administration, the prison could not be renovated due to lack of budget. Inmates can use phone in surveillance of the police. Prison administration informed that it provided a 10-day training of apple processing to develop their vocational skill.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

#### **July 17, 2011- July 15, 2012**

The District Court with one judge decided seven criminal cases and 15 remained pending. 90 civil cases were decided and 32 remained pending. There are no cases older than two years.

#### **July 16, 2012- December 31, 2012**

The District court with one judge decided seven criminal cases and 21 remained pending. 11 civil cases were decided and 53 remained pending. 74 cases were decided till the end of this year.

### **APPELLATE COURT**

#### **July 17, 2011- July 15, 2012**

The Appellate Court with two judges decided 36 criminal cases and 18 remained pending. 13 civil cases were decided and 19 remained pending.

### **The Office of the District Government Attorney**

#### **July 17, 2011- July 15, 2012**

The Office of the District Government Attorney filed 23 cases between July 17, 2011 and July 15, 2012. Out of which seven cases were won and three cases were lost. Appellate court has moved in one case. There were no cases older than two years. The Office with one judges informed that 11 cases filed until July 15, 2012 remained pending.

Among the filed two rape cases, one was lost and 1 remained pending. Out of one attempted rape case one was won. Out of one polygamy case one was won. Out of one caste discrimination case one was lost.

#### **July 16, 2012- December 31, 2012**

The Office of the District Government Attorney filed two cases of murder and attempted rape. Among them the murder case was moved to Appellate Court and one attempted rape case was lost.

### **APPELLATE COURT**

#### **July 17, 2012 - July 15, 2012**

The Appellate Court with one judge decided one criminal case and five remained pending. Among six murder cases, one was lost and five remained pending. Both rape cases remained pending. Total of 13 cases remained pending the end of the year.

#### **July 16, 2012- December 31, 2012**

All 15 cases filed between July 16, 2012 and December 31, 2012 remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 65,509 children of school going age, 14,781 boys and 30,562 girls were enrolled in schools of primary and secondary level. Among them, 1,948 girls and 2,499 boys were dalits. 132 female and 308 male teachers are at primary level where as one female and 59 male teachers are in secondary level. Six female and 74 male teachers are in lower secondary level.

### **Rape, Attempt to Rape, Sexual Abuse**

The family of an 11-year-old girl accused Ambar Bohora, 27, of Latikoili VDC-5 in Surkhet of raping her in a guesthouse on January 22. It lodged a complaint at the District Police Office on March 20. District judge Mahindra Raj Gautam sentenced the accused for 10 years in prison and ordered him to pay Rs 80,000 in compensation to the victim on June 24.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

The family members of a 19-year-old girl filed a complaint against Kamal Khattri, 22, of Chandannath VDC-5 on March 17 on charge of attempting to rape her while she had gone for treatment at regional hospital. The victim lodged a complaint against the accused at District Police Office on the same day. According to the court order of April 12, the accused was released on bail amount of Rs 30,000.

## **DOMESTIC VIOLENCE**

### **Beating**

Shanti Shahi Rokaya, 22, of Shani Gaun VDC-5 complained that she was ignored by her husband, Laximan Rokaya, 23, after marrying her on April 14, 2010. Shanti who was a disabled said that she was ignored after giving a birth to a girl. She was compelled to live at her parental home. The victim lodged a complaint at District Court on January 13 seeking to establish relationship. The case was on the process of being finalized.

### **Polygamy**

Pansara Shahi, 26, of Shanigaun VDC-2 lodged a complaint at District Police Office against her husband Ram Bahadur Shahi on charge of polygamy. She accused her husband of getting married to Sahara Thapa in India on May 27. The accused was arrested by the police on May 27 on charge of polygamy. Ram Bahadur was remanded in custody whereas Sahara was released on bail. District Judge Mahindra Raj Gautam sentenced the accused to one year in prison and Rs 10,000 in compensation.

## **HEALTH SERVICE SITUATION**

There is one government hospital, 14 health posts and 18 sub-health posts. 16 out of 19 positions for doctors allotted by government remain vacant, all eight positions of staff nurse. 32 out of 70 AHW positions, 13 AMW out of 19 positions remain vacant.



## 4.13 Kalikot



Headquarter :	Manma
Area in Sq. Km :	1,741
No. of Households :	23,013
No. of Population :	136,948
Male :	68,833
Female:	68,115
No. of PwD :	5,262
No. of VDC(s)/Municipality(ies) :	30/0
Men Literacy :	41,784
Women Literacy :	28,877
Religion Hindu (%) :	99.79
Buddhism (%) :	0.06
Islam (%) :	0.02
Christianity (%) :	0.1
Undefined (%) :	0.021
Human Development Index :	5.96

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'C' graded District Prison has the capacity to hold 25 inmates at a time. A total of 45 including 41 convicted and four detained inmates were held there at the end of the year. Among them, 42 are male and three female inmates. The District Prison building was constructed was established in 1977. The building of the prison is very old. There are the facilities of television and chess for the inmates. The inmates suggested that there were not enough facilities for drinking water, toilets and the

rooms were very congested. The relatives of the inmates can easily meet with them.

### **THREATS/BEATINGS**

#### **By UCPN-M**

Naya Bhandari, 34, and his family of 15 including wife Radhika, 28, of Phukot VDC-6 were threatened for life by UCPN-M cadres Narjung Shahi and his group on May 15, accusing them of registering the murder case against them at police office. The victims were displaced to the district headquarters due to the insecurity. The displaced victims lodged a complaint at District Police Office but the case was still pending until the end of this year.

Jore Sunar, 46, and his brother Kalya Sunar, 48, were beaten and seriously injured by the cadres of UCPN-M, Gante Sunar and Takka Singh hitting them with an iron rod on February 9. The injured got the treatment at the District Hospital. The victim lodged a complaint at the District Police Office on February 11 but the case remained unresolved until the end of the year.

Pabitra Kumar Shahi, 25, of Sipkhana VDC-3, working in Avenues Television as a news representative was threatened for his life by Tularam Dhital of CPN-M on March 10 accusing him of broadcasting the news regarding destruction of infrastructure by the Maoists during the armed conflict. The victim lodged a complaint against the accused at District Police Office on March 10 for security. The accused pledged not to repeat such incident during a meeting between two sides at District Police Office. The FNJ condemned the incident through a press release on March 10.

#### **By NC**

Principal of Ajmare Bhagwati Primary School, Dhana Raj Shahi of Bharta

VDC-2 was beaten by the congress village committee members, Sher Bahadur Shahi and Chitra Bahadur Shahi and along with other 10 people on November 12. The victim sustained a serious chest injury. He was treated at District Hospital in Kalikot. Nepal Teachers Union released a press statement on November 14 and condemned the incident and further demanded for the proper investigation.

Types of Events	By State		By Non-State		
	Female	Total	Female	Male	Total
Beatings				5	5
Child Rights			5		5
Economic, Social Rights and Cultural Rights				1	1
Inhuman Behavior				1	1
Killing			1	1	2
Threats			3	11	14
Women Rights	2	2	10		10
<b>Total</b>	<b>2</b>	<b>2</b>	<b>19</b>	<b>19</b>	<b>38</b>

### By UML

A journalist in Radio Naya Karnali, Bharat Raj Bista, 28, of Thirpu VDC- was threatened for his life by UML District Committee member Ratna BK on December 31 accusing him of broadcasting the news on December 30 about the fact finding report prepared by INSEC Nepalgunj regarding the death of Manbire Sunar. The victim lodged a complaint at District Police Office on January 2. The District Police Office summoned the accused and released him without any action.

### RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

#### July 17, 2011- July 15, 2012

The District Court with one judge decided five criminal cases and eight cases remained pending. 78 civil cases were decided and 30 remained pending.

#### July 16, 2012- December 31, 2012

The District Court with one judge decided 13 criminal cases were decided. 27 civil cases were decided and 31 remained pending. There are no cases older than two years.

### The Office of the District Government Attorney

The Office of the District Government Attorney filed 24 cases

between July 17, 2011 and July 15, 2012, out of which nine cases were won and three were lost. Among the filed eight murdered case, four were won. There were no case of rape, women trafficking and abduction during the period. There was one case each of polygamy and caste discrimination. The Office with one government attorney, informed that nine cases filed until July 15, 2012, among them six were decided.

### The District Police Office, Kalikot during the year

There were five cases regarding rape, murder, attempted murder and polygamy case registered in the office. Among them one accused was arrested for rape and the case was pending. Both polygamy cases were pending. In one case of murder, 10 people were arrested, one case was won and three remained pending. Among five cases, one was decided and others remained pending.

### TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT

Jagat Hamal, 21, of Danha VDC-2 was punished by the locals on December 26 by smearing soot on his face and shoe garland on charge of attempted rape of a girl.

## **CHILD RIGHTS**

### **Situation of Education**

Of 56,447 children of school going age, 28,807 boys and 27,640 girls got enrolled in schools of primary and secondary level. Among them, 3,011 girls and 4,920 boys were dalits. 104 female and 339 male teachers were at primary level government and community school. One female and 85 male teacher were at lower secondary level in government and community schools. Similarly one female teacher and 64 male were at secondary level.

### **Rape, Attempt to Rape, Sexual Abuse**

A 5-year-old girl was raped by her 16-year-old relative of Manma VDC on July 20. The victim got the treatment at District Hospital. The victim's family lodged a complaint against the accused at District Police Office on July 27; however, the case was not processed after the victim's family said they were looking for compromise.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

Kala Chaulagain alias Sagarmatha, a member of Maoist area committee was accused of attempting to rape a 22-year-old woman of Sukatiya VDC-1 on January 8. The woman complained about the incident to the police but the complaint was not registered. The accused was later applied soot on his face and shoe garlanded by the women of the village. The police released the accused on January 17 without any action.

## **DOMESTIC VIOLENCE**

### **Beating**

Binda Shahi Malla, 40, of Pakha VDC-4 was beaten by her husband Pankha Malla on November 7 accusing her of being infertile and uneducated. The victim sustained a serious ear and throat injury

due to the beatings. The victim received treatment at the District Hospital. The victim did not lodge a complaint due to the threats from her husband.

### **Polygamy**

Ram Pura Shahi, 41, of Sukatiya VDC-1 was battered by her husband Durga Bahadur Shahi on October 15 on charge of not letting him marry an other woman. The victim sustained a serious injury due to the beatings. She received treatment at District Hospital. The victim did not lodge a complaint due to the threats from her husband. The accused got married with second woman on December 12.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Destruction of Infrastructure, Property By UCPN-Maoist**

The house of Naya Bhandari, 34, of Puchchhegaon in Phukot VDC-6 was set on fire by a group of seven UCPN-M cadres led by Nahakul Shahi and Jasi Rokaya on May 12. He came under attack for conducting pro-UML activities in the village. Following the arson, Bhandari's family of eight was displaced to Syuna police post. He filed a complaint at the Syuna police post but no action was taken by the police.

## **HEALTH SERVICE SITUATION**

There is one government hospital, 11 health posts and 18 sub-health posts. Three out of four positions for doctors allotted by government remain vacant, five out of 48 AHWs and all eight AMWs remain vacant.

A 9-month-old son of Dhansare Buda of Kumal Gaun VDC-4 died on April 26 without getting the treatment of his swollen leg due to the lack of health workers at Kumal Gaun health post. The health post, having one AHW was on home leave.

## 4.14 Mugu



Headquarters :	Gamgadi
Area in Sq. Km :	3,535
No. of Households :	9,619
No. of Population :	55,286
Male :	28,025
Female :	27,261
No. of PwD :	1,917
No. of VDC(s)/Municipality(ies) :	24/0
Male Literacy :	16,500
Female Literacy :	9,588
Religion Hindu (%) :	91.64
Buddhism (%) :	8.08
Islam (%) :	0.01
Christianity (%) :	0.2
Prakriti (%) :	0.01
Undefined (%) :	0.056
Human Development Index :	5.75

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The inmates of the 'C' graded District Prison are sent to prisons in Jumla and Bardiya because as there is no building in the district. The transportation cost to Jumla and Bardiya has been very high. In 2012, one inmate was sent to Bardiya and three to Jumla.

### **THREATS/BEATINGS**

#### **By State**

Dorje Lama, 35, of Pulu VDC-6 was severely beaten by the police on charge of showing a torch light on their eyes on

the evening of December 1. The victim was kept stripped of his clothes all night. Police beat up Lama's wife as well and refused to register her complaint. When the incident became public, the villagers protested in front of the Police Office. Both were released on bail on December 23.

Rajniti Shahi, 21, of Photu VDC-8 was beaten by the police on November 7 when she was standing near her brother's hotel observing a dispute between the brother and his inebriated customers. She said that the police kicked her saying she was interfering in police action. She went to file a complaint at District Police Office on November 8 demanding action against the police involved and medical checkup for her as she was six-month pregnant. The police refused to register the case and she filed the case at District Administration Office on the same day. Her medical checkup was conducted at District Hospital and was advised to go to Nepalgunj for further examination. Police sent her to Nepalgunj promising to bear all the expenses but she said that she was not compensated until the end of the year.

#### **By UCPN-M**

Jaya Rup Nepali alias Tufan, 24, of Bhie VDC-1, CPN-Maoist was beaten by Maoist District coordinator Ajab Bahadur Shahi alias Amardhwaj and his group on August 29 while he was with his young son in the shop. He was beaten accusing of his involvement in the beatings of their friends the other day. The victim lodged a complaint to the police office but no one was arrested.

#### **By CPN-M**

UCPN-M supporter, Aj Bahadur Budthapa, 25, of Gamtha VDC-4 was beaten up by the cadres of splinter party CPN-M at Talibagar in Gamtha VDC on October 4. He had taken voluntary retirement during the PLA integration



and rehabilitation process. Budthapa was left with a broken hand. He was taken to Khidkijyunla of Jumla and thence that to Bheri Zonal Hospital in Nepalgunj on October 6. He filed a complaint at the District Police Office on October 5 but no action was taken against the perpetrators.

### By YAN

Drona Rawal, 18, of Karkibada VDC-7 was severely beaten by Parasmani Mall, of president of YAN Mugu and his group on March 30 by using a sharp weapon. The victim lodged a complaint at District Police Office but no one was arrested. The locals of Karkibada VDC protested against the police administration. Prem Karki, 22, was beaten and arrested by the police. Rawal came to Nepalgunj for treatment and had not returned until the end of the year.

## ARREST/TORTURE

### By state

The radio station in-charge Suman Malla, news representative of Naya Patrika daily was detained by the police for five hours and released later in direction of District Administration Office, Mugu. He was accused of broadcasting news related to “the terror of band weapons, challenges to security”. Malla was arrested by the police in the market. He was released later after the pressure from local political parties, civil society and FNJ Mugu. He was attempted to arrest the other day by the police while he was reading news in radio. The CDO, Ishwor Raj Regmi claimed that the police had to be mobilized after Malla did not come for inquiry about the news.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Arrest & Torture		5	5			
Beatings	1	2	3		4	4
Child Rights				2		2
Women Rights				4		4
<b>Total</b>	<b>1</b>	<b>7</b>	<b>8</b>	<b>6</b>	<b>4</b>	<b>10</b>

## RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

### July 17, 2011- July 15, 2012

The District Court with only one Judge decided 54 criminal cases and 46 remained pending. Similarly, 18 civil cases were decided and 20 remained pending.

### July 16- December 31, 2012

The District Court with one judge decided 34 criminal cases and 48 remained pending. 12 civil cases were decided and 15 remained pending.

## The Office of the District Government Attorney

### July 17, 2011- July 15 2012

The Office of the District Government Attorney filed nine cases between July 17, 2011 and July 15, 2012. Among them, one murder case, one attempted murder and one attempted rape case were pending.

### July 16, 2012-December 31, 2012

Altogether 12 cases including public offence, polygamy, attempted rape and murder were registered in the Office during the period.

## CHILD RIGHTS

### Situation of Education

Of 16,828 children of school going age, 8,579 boys and 8,259 girls were enrolled in schools at primary and secondary levels. Among them, 1,740 boys and 1,164 girls were dalits. 58 male teachers and two female teachers are at primary level,

government and community schools. There are 93 primary, 21 secondary and seven high schools in the District.

### **Rape, Attempt to Rape, Sexual Abuse**

A 17-year-old girl of Rewa VDC-6 was lured for marriage and raped near the paddy field on the night of November 27 by Ram Singh Bohora, 20, of Runga VDC-3. She lodged a complaint at District Police Office on November 28. The police arrested the accused on the same day. The accused was released on date on court order of December 19.

### **Child Marriage**

A 14-year-old girl Kosheli Badwal of Runga VDC-3 was lured into marriage by Chandra Budha, 22, of Mangi VDC-3 on February 26. The Masta Children Club of Tharpa lodged a complaint at District Police Office on February 28 to stop the child marriage, however, the police administration did not show any interest. An agreement between the both parties reached on April 22 with the initiation of Child Protection Committee Runga, when the girl agreed to stay with her parents until she reaches the marital age of 20.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Polygamy**

Siplal Kami, 23, of Pina VDC-1 married second woman Bisnu Sunar, 17, of Birendranagar Municipality-11, Surkhet on

August 5. The first wife of Kami lodged a complaint at District Police Office against her husband on charge of polygamy on September 3. However the relatives gave her a pressure to take back the complaint. The victim was living with her parents at the end of the year.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

The pipeline of drinking water to District Police Office from Srinagar VDC was disrupted by the some people accusing the police administration of not arresting the accused Parasmani Malla along with four youths who were involved in the attack on Dand Rawal, 18, of Karki wada VDC-7 on March 30. Khatiwada was attacked with a sharp weapon by a group. After severing the pipeline coming from Jhari Khola on the same incident, at least 116 families of the headquarters were deprived of drinking water for two days. The pipeline was re-joined after an agreement reached between police administration and protestors regarding the legal action against the accused.

## **HEALTH SERVICE SITUATION**

There is one government hospital, one primary health post, 12 health posts and 12 sub-health posts. One out three positions for doctors allotted by government one remains vacant so is one position of staff nurse.



## 4.15 Humla



Headquarters :	Simikot
Area in Sq. Km :	5,655
No. of Households :	9,479
No. of Population :	50,858
Male :	25,833
Female :	25,025
No. of PwD :	2,411
No. of VDC(s)/Municipality(ies) :	27/0
Male Literacy :	14,379
Female Literacy :	7,592
Religion Hindu (%) :	81.62
Buddhism (%) :	18.12
Islam (%) :	0.02
Christianity (%) :	0.02
Undefined (%) :	0.041
Human Development Index :	5.37

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'C' graded District Prison has the capacity to hold 25 inmates at a time. A total of 15 inmates including two convicted and 13 detained inmates were held there at the end of the year. There were no minor dependents. There are not enough facilities of basic needs such as toilets and drinking water. The inmates suggested that the jail buildings and toilets should be repaired and its capacity be further extended. The condition of the prison building is poor.

### **THREATS/BEATINGS**

#### **By UCPN-M**

NC cadre, Bhakta Bahadur Shahi, 20, of Danda Faya VDC-4 was attacked with stone by UCPN-M cadre Hasta Bahadur Shahi in the night of June 2 while returning home from Simkot due to the dispute on forming the School Management committee. He was seriously injured in an incident. The victim lodged and FIR against the accused at District Police Office, Humla on June 4. The case was pending in the court at the end of the year.

#### **By CPN-M**

Jay Dhan Sunar, 30, and Nardeep Sunar, 35, of Maila VDC-3 was beaten and banished from their house by Lal Chandra Jaisi and Laxmi Jaisi on January 16 on charge of defecting CPN-M to UML. The displaced victims were able to return to their home on May. The victim entered UML on January 15 during the party assembly in the village.

#### **By NC**

Kuber Bahadur Shahi, 46, of Kharpunath VDC and member of UML committee was seriously beaten by the cadres of NC Dhirendra Shahi, 25, and his group on November 26. The attack was due to the dispute of construction of mini-hydro project in the village. The injured received treatment in District Hospital in Humla. Later the both parties reached to an agreement on November 29.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

**July 17, 2011-July 15, 2012**

The District Court with one judge decided six criminal cases and six remained pending. One civil case was decided and two remained pending.

Types of Events	By State		By Non-State		
	Female	Total	Female	Male	Total
Beatings			3	7	10
Economic, Social Rights and Cultural Rights			1		1
Injured				1	1
Racial Discrimination				3	3
Women Rights	1	1	10		10
<b>Total</b>	<b>1</b>	<b>1</b>	<b>14</b>	<b>11</b>	<b>25</b>

### July 16, 2012-December 31, 2012

The District Court with one judge had nine criminal cases and all of them remained pending. Two civil cases remained pending. There were no civil and criminal cases older than two years pending.

### The Office of the District Government Attorney

The Office of the District Government Attorney filed eight cases between July 17, 2011 and July 15, 2012. Out of which six cases were won and two cases remained pending. Similarly, 12 cases were postponed.

One case of murder filed won. There were no cases of rape and human trafficking. One case of abduction remained pending. There were no cases of child marriage and caste discrimination. Among the nine cases registered between July 16 and December 31, two cases were won and seven remained pending.

## CHILD RIGHTS

### Situation of Education

Of 30,411 children of school going age, 13,806 boys and 13,685 girls enrolled in schools of primary and secondary level. Among them 1,560 girls and 1,812 boys were dalits. 52 female teachers and 266 male teachers are at primary level government and community schools. 75 male teachers are at lower secondary level and 23 in secondary level. District Education Office did not have an updated data related to education.

### Beating

Lokendra Rawal, 9, of Ray VDC-9, studying in grade 1 in Shankar Lower Secondary School was injured and broke his hand on August 10 while beaten by the teacher accusing him of not attending the school the other day. The injured was admitted to Chitta Nepal Medical Centre for the treatment and further referred to Nepalgunj for the treatment as the family could not afford that.

## ALL KINDS OF DISCRIMINATION AGAINST WOMEN

### Beating

Unkala Sunar, 27, of Simkot VDC-1, was beaten and injured by her husband Bir Bahadur Sunar accusing her of giving him a cold food on July 4. The victim sustained a severe eye injury due to the beatings. Due to the low economic status and the responsibility of three children, she could not divorce, she rued. The victim got the treatment in District Hospital. She did not lodge a complaint about the incident.

Maina Rokaya, 46, of Darma VDC-2 was attacked with a wooden stick on her head by her son Harilal Rokaya, 19, due to the family dispute on August 29. The victim got the treatment in Jair Health post. The victim did not lodge a complaint saying it was a family dispute.

### Polygamy

Nanda Lal Tamata, 23, of Ray VDC-4 married with 21-year-old girl studying in the same college on July 9 by

lying her that he is single. The accused was married to first wife in 2008. The victim did not lodge a complaint because of the threats by her husband.

### **ALL KINDS OF RACIAL DISCRIMINATION**

Hari Lal Sunar, 52, of Achham District and living Simkot VDC-5, working as a gold smith, was beaten by group of people in command of Kunchang Lama, 42, on April 9 on charge of inter-caste marriage of his son Madav Sunar, 21, with Lama's daughter Newbutty Lama, 18. The couple is living in Dhangadhi until the end of the year.

### **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

#### **Destruction of Infrastructure, Property By CPN**

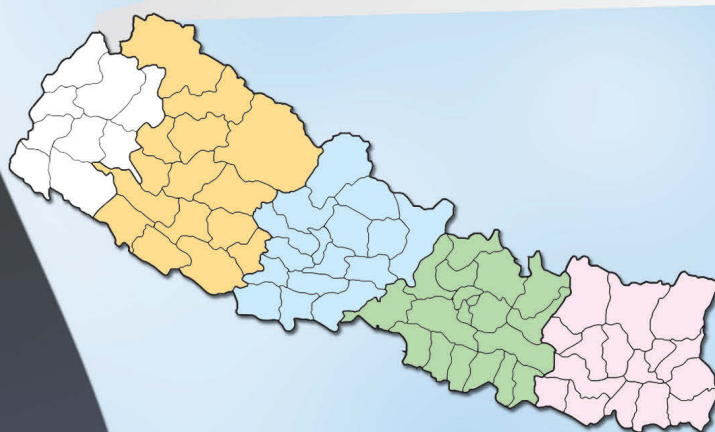
The property of sub health post in Maila VDC-4 was vandalized January 18

by Maoist District Committee member Akbar Khadka, 25, and his group, charging the hospital of poor services. Earlier, a pregnant Chhupu Khadka of Maila VDC-7 died in want of health service. There are four posts for the assistant health workers but only one peon was working in the post when chhupu died.

### **HEALTH SERVICE SITUATION**

The district has one hospital, 14 health posts and 12 sub-health posts. There are two doctors working out of two posts. One staff nurse was active out of two posts. Out of two positions lab assistant, one was working and one remained vacant. There are 29 AHWs in the district and out of which 26 were working. There were three AMW working. Similarly there was one TB/Leprosy supervisors and five HA out of 12 posts. Altogether there are 20 health workers active in district out of 32 posts and 12 remained vacant.





## 5. FAR WESTERN REGION

- 5.1 Kailali
- 5.2 Achham
- 5.3 Doti
- 5.4 Bajura
- 5.5 Bajhang
- 5.6 Kanchanpur
- 5.7 Dadeldhura
- 5.8 Baitadi
- 5.9 Darchula

## 5.1 Kailali



<b>Headquarters :</b>	<b>Dhangadhi</b>
<b>Area in Sq. Km :</b>	<b>3,235</b>
<b>No. of Households :</b>	<b>142,480</b>
<b>No. of Population :</b>	<b>775,709</b>
<b>Male :</b>	<b>378,417</b>
<b>Female :</b>	<b>397,292</b>
<b>No. of PwD :</b>	<b>15,378</b>
<b>No. of VDC(s)/Municipality(ies) :</b>	<b>42/2</b>
<b>Male Literacy :</b>	<b>267,593</b>
<b>Female Literacy :</b>	<b>216,403</b>
<b>Religion Hindu (%) :</b>	<b>94.91</b>
<b>Buddhism (%) :</b>	<b>2.01</b>
<b>Islam (%) :</b>	<b>0.61</b>
<b>Kirat (%) :</b>	<b>0.01</b>
<b>Christianity (%) :</b>	<b>1.87</b>
<b>Prakriti (%) :</b>	<b>0.22</b>
<b>Shikha (%) :</b>	<b>0.006</b>
<b>Undefined (%) :</b>	<b>0.331</b>
<b>Human Development Index :</b>	<b>5.44</b>

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE KILLING**

#### **By Unidentified Group**

Laxmi Saud, 47, of Koihari in Gadariya VDC-8 who had left home on October 6, was found dead in a forest near Geta Eye Hospital in Geta VDC-1 on October 7. DSP Rana Bahadur Rayamajhi said that Saud was strangled to death with a plastic rope. The postmortem of the body that was conducted at Seti Zone Hospital on October 7 revealed that there

was no sexual violence against her. The body was handed over to the family for final rites after postmortem. Son of the deceased, Bir Bahadur, filed an FIR on October 8 claiming that her mother was killed but there was no arrest until the end of the year.

Om Prakash Pant, 25, of Dhangadi VDC-5 was killed by an unidentified group by slitting his throat with a sharp weapon on December 11. The body with a slit throat of Pant was found in a paddy field in Dhangadi Municipality-4. Police recovered a metal rod from the incident site.

Postmortem of the body was performed at Seti Zonal Hospital, Dhangadhi on December 12. District Police Office said that they were investigating the case, until the end of the year.

### **JAIL AND DETAINEES**

The 'D' graded District Prison has the capacity to hold 100 inmates at a time. A total of 141 male and 10 female convicts and 95 male and 14 female detainees were being accommodated at the end of the year. There are four dependents including one boy and three girls and also two foreign nationals. Overcrowding has created myriads of problems including shortage of toilets, drinking water, living space and sports materials, the inmates informed.

### **THREATS/BEATINGS**

#### **By State**

Human right defenders and media persons demanded security to Hemanta Paudel, editor of Sudur Sandesh national daily, on August 16 following the threats issued by SI Jay Bahadur Singh about a published story. The daily published a news story on August 12 claiming that police were accomplice in cross-border smuggling and extortion of money. Singh issued the threat to the reporter Kailash Kumar Joshi saying that had he and Paudel were in eastern part of the country, Paudel would already have died. Joshi made the

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Beatings	6	5	11	2	9	11
Child Rights				14	1	15
Injured				3	33	36
Killing				8	8	16
Racial Discrimination				1	1	2
Threats†		1	1		1	1
Women Rights				21		21
<b>Total</b>	<b>6</b>	<b>6</b>	<b>12</b>	<b>49</b>	<b>53</b>	<b>102</b>

threat public during a meeting at District Administration Office on August 17. Singh apologized for his comment at the meeting concluding the incident in agreement.

#### By Former Maoist Combatants

A Himalayan Bank staff in Dhangadhi, Nabaraj Joshi, 32, of Bhimdutta Municipality-1 in Kanchanpur sustained hand and face injuries on January 5 after being manhandled by the disqualified combatants. He was assaulted on charge of defying bandh called by the disqualified combatants. They also vandalized his motorcycle with the number plate Ba 23 Pa 2927. Local businesspersons managed to save the motorcycle when the bandh enforcers were trying to set on fire.

#### By Supporters of Integrated Far-West

Prem Chaudhary, 22, of Dhangadhi Municipality-5 was injured in beating outside his home by the supporters of Integrated Far-West on May 16. According to Chaudhary, he was called by a familiar voice and when he came out of the house, he was taken to Lovely Chauraha and was beaten up by about 15 youths. He received treatment at Seti Zonal Hospital on May 17. His neighbor Rup Lal said that Chaudhary needed seven stitches on the head. Chaudhary lodged a complaint to Ward Police Office Dhangadhi about the incident. SI Bajir Singh Dhami said that they were not able to arrest the offenders.

Nakuldev GC, the editor and publisher of Shram Srijana national daily was assaulted by the supporters of Integrated Far-West on May 6. His office at LN Chok of Dhangadhi Municipality-1 was also vandalized for publishing a news item titled 'Big Rally in Support of Tharuhat'. He was displaced to Kanchanpur district after the incident. He returned home only after the postponement of anti-Tharuhat protestors' campaign on May 28.

#### By Tharuhat Struggle Committee

Sandesh Bogati, 22, and Jung Thapa, 23, of Pahalmanpur VDC-1 were beaten up by the cadres of Tharuhat Struggle Committee on April 13 on charge of removing the stones they placed on the road as obstacle. They returned home after treatment at Ghodaghodi Hospital, Sukhad, informed Sukhad Area Police Office's Inspector Karna Chand. Tharuhat supporter and UCPN-M Kailali District Committee member Suyog Chaudhary denied the beatings adding that his cadres only tried to talk with them.

#### RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

##### July 17, 2011- July 15, 2012

The District Court with one judge decided 311 criminal cases and 188 remained pending. 193 civil cases were decided and 195 cases remained pending. Six criminal cases and 10 civil cases older than two years remained pending.

##### July 16, 2012-December 31, 2012

The District Court with one judge decided 84 criminal cases and 256 remained pending. 78 civil cases were decided and



231 cases remained pending, 153 criminal cases and 11 civil cases older than two years remained pending.

### **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 649 cases between July 17, 2011 and July 15, 2012, out of which 418 cases were won and 231 cases were lost. The Office informed that 338 cases were filed between July 16, 2011 and December 31, 2012 among which 10 were decided and 328 remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 238,000 children of school going age, 87,520 boys and 112,518 girls enrolled in schools of primary and secondary level. Among them, 16,097 girls and 18,000 boys were dalits. 188 female and 1,683 male teachers were at primary level government and community schools. 11 female and 538 male teachers were at lower-secondary level in government and community schools. Six female and 369 male teachers were at secondary level in government and community schools.

4,855 boys and 5,187 girls were attending Early Child Development Center in the district. District Education Office did not have an updated data related to education.

### **Closure of Schools By Religious Groups**

The religious groups including Save Hindu Religion Movement, Nepal and Snehi Jagaran Manch Nepal called on one-day bandh on January 4 after the former PMs refused their invitation. Nearly 300,000 students of 803 schools were affected due to the bandh.

### **Killing after Rape**

A 13-year-old boy was arrested on April 9 on charge of killing an 8-year-old girl after rape on April 8. DSP Sanuram Bhattarai said that the boy forcefully took the girl to a nearby jungle for the propose as the girl had gone to fetch water. The boy killed her when she said that she would tell other of about what happened. Postmortem of the body was conducted at Seti Zonal Hospital on April 9. The boy was released by the District Court on May 2 on general date. The family of the girl filed an FIR against him on April 9.

The family of 17-year-old Parvati Sunuwar of Malakheti VDC-2 filed a complaint against Prakash Kami, 21, of the same place for raping and killing the girl on July 16. The District Police Office Kailali's litigation department informed that the accused was arrested on the same day. SI Upendra Bam informed that the body of the victim was found hanging by a tree in the nearby Khamaura Jungle. The victim's father said that the accused and the victim had an affair and later got married, but he killed her soon after marriage. The postmortem of the victim was conducted on July 15. Kami was remanded in prison on August 8 following the order of the court.

### **Rape, Attempt to Rape, Sexual Abuse**

A 13-year child was raped in the jungle situated near the Chaumala VDC-7 by an unknown person when she had gone to jungle to graze the cattle on June 30. The victim lodged a complaint on July 1. The accused remained unidentified, SI Upendra Bum. The victim was taken to the Seti Zonal ospital on the day of incident.

A 14-year-old girl of Patharia VDC-5 filed an FIR against 18-year-old Prakash BK at District Police Office claiming he had raped her on February 27. She was taken to Seti Zonal Hospital in Dhangadi for health checkup on March 11. A rape

case was filed against BK at the court on the same day. The girl and accused had love marriage without permission of their parents on February 23. The girl was handed over to their parents saying that the girl was legally underage. The boy's family said that though they had reached compromise, the girl's family breach the condition that had police complaint would be filed. According to local dalit organization, the girl's parents had falsely accused the boy of rape. The SP of DPO said that the investigation was launched after the complaint.

A-15-year old girl was subjected to attempted rape by Hem Raj Tiwari 19, Sikhar Sahi 18, and Dev Krishna Devkota 19, of the same place on September 12. According to the Area Police Office Inspector Prem Shahi, the girl lodged an FIR stating that they attempted to rape her while she was on the way to tuition center. Amongst the accused, Khadga Shahi, 19, remained absconded until the end of the year. The accused were remanded in jail on October 9.

### **Girl Trafficking**

The family of an 11-year-old girl of Dhangadi Municipality-11 filed complaint at District Police Office on July 22 against Sanu BK, 20, Tul Ode, 17, and Gore Sarki, 22, of Dhangadhi Municipality on charge of her attempted trafficking. The accused were arrested on the same day. The victim joined them after being lured into travelling with them to Gaurifanta, an Indian market across the border on July 17. In Delhi, the Indian Police were suspicious of the group and began inquiring. The Delhi police held BK, Ode, and Sarki along with the girl on July 18. They were all handed over to their guardians on July 20. District Police Office filed the case against the trio on July 22

under the charge of human trafficking. The accused were remanded in jail on August 6.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

Paltu Rana, 45, of Geta VDC-7 was arrested at his home on February 5 by District Police Office on charge of raping a 60-year-old woman on the same day. He was arrested following a verbal complaint by her family members. The woman's husband filed an FIR on February 6 saying that she was raped when she was alone at home. Medical check-up of the woman was conducted at Seti Zonal Hospital on February 6. District Court remanded him in custody on February 27. The case was not decided until the end of the year.

An 18-year-old girl accused Nar Bahadur Rawat of Dhodhara VDC-7, Kanchanpur district of trying to rape her on June 19 as she was walking on the road. She filed an FIR against Rawat at Sukhad Area Police Office on the same day leading to his arrest on the same day, Inspector Karna Chand informed. The FIR stated that the accused attempt to rape her while she was on a visit to his sister's home in Ramshikharjhala VDC-7. He was remanded in District Jail since July 13 until the end of the year.

A 19-year-old woman filed an FIR at District Police Office on May 8 accusing Asharam Chaudhary, 22, Dhaniram Chaudhary, 23, and Shankar Chaudhary, 25, of Chuha VDC-5 of raping her on the banks of Charela River on May 5. Police arrested Asharam and Dhaniram at their homes while Shankar remained absconding until the end of the year. Medical checkup of the girl was conducted at Seti Zonal Hospital on May 8. The arrested duo was in District Prison on remand since May 30.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Kopila Saru Magar, 21, of Sahajpur VDC-8 was shot dead by her husband, Tilak Saru Magar, 25, on December 1. The postmortem of the body was conducted at Seti Zonal Hospital the next day. After shooting his second wife Kopila, Tilak attempted suicide with the same gun. He was undergoing treatment at Padam Hospital, Attariya until the end of the year, District Police Office said.

### **Women Trafficking**

Kalawati Phulara, 20, of Kailpal VDC-2, Dadeldhura filed a complaint at District Police Office on January 6 accusing Ganesh Badi, 32, of Ujeli village of Dipayal Municipality-2 and Nar Bahadur Balayar, 45, of Barbatta VDC-7 of attempted trafficking. Both were arrested on the same day at Lalpur of Shripur VDC-3. A charge of human trafficking was filed against them at District Court on January 27. Both were remanded in custody by the court order. Police said that Balayar had paid Badi Rs 3,000 to bring the woman to his aunt's house at Lalpur of Shreepur VDC-4. The incident came to light when the aunt informed the police that Balayar was having second marriage with Phulara.

### **Mistreatment**

Saru Devi Nepali, 23, of Kauwapur in Darakh VDC-5 was seriously injured when her husband Dinesh Nepali, 25, attacked her with hot brass spatula. On June 11 according her of being a witch. Dinesh was arrested from home by Sukhad Area Police Office when she filed a complaint on June 17. District Administration Office released him on June 27 after charging him a fine of Rs 500.

## **ALL KINDS OF RACIAL DISCRIMINATION**

Madan Nepali, 32, of Barbatta in Geta VDC-5 filed a complaint against Head Constable Dev Singh Mahara at District Police Office, NHRC, INSEC and dalit organizations on November 29 accusing him of hurling racial abuse on him. Nepali claimed that Mahara had beaten him at his office in Area Police Office Geta for 'acting smart'. Mahara said that he had slapped Nepali when he began making noise in the station when he had come there to demand for treatment cost for his son, injured in a motorcycle accident on November 28. Mahara agreed to pay Rs 10,000 to the injured. Nepali's son Kiran got injured when he was hit by a motorcycle driven by Prakash Bam of Chaumala on November 21.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Destruction of Infrastructure**

The supporters of Integrated Far-West torched a motorcycle with the number plate Se 1 Cha 8635 driven by Head Constable of District Police Office on May 7 on charge of defying the bandh called by them. The supporters of Integrated Far-West Campaign Mobilization Committee coordinator Gopal Deuba said that the motorcycle was torched after they learnt that it was a stolen bike. The motorcycle was completely damaged in the incident but there was no police arrest.

The supporters of Integrated Far-West vandalized the office of Backward Society Education (BASE) at Milan Tole of Dhangadhi Municipality-1 on May 12. Prompt action by the locals prevented serious damage to the office. The youths sprayed kerosene through the window and then set the office on fire charging it of

“distributing dollars to Tharu community”. One sofa set was damaged in the fire. They also vandalized the office of FAYA Nepal on May 15.

The students affiliated with 17 political parties vandalized a night bus with the number plate Na 4 Kha 7517 heading for Kathmandu from Dhangadhi at Attariya on September 12. Glass of a window pane was shattered when hit by the students angry at the bus defying the bandh they imposed to protest the petroleum price hike, Inspector Krishnanda Bhatta of Area Police Office said. The bandh was withdrawn following the death of senior leader Ram Raja Prasad Singh.

### HEALTH SERVICE SITUATION

The district has two hospitals, 24 health posts and five sub-health posts. 18 doctors are working where there are 28 posts on quota. There were 27 staff nurses, three positions remained vacant. Among the 14 posts of lab assistant, two remained vacant. There are 99 posts for AHW out of which 87 remained occupied while 65 positions of AMW were occupied. One position each of vaccine supervisor and TB/ Leprosy supervisor were occupied. Out of 20 posts of HA, 14 were occupied.



## 5.2 Achham



Headquarter :	Malangawa
Area in Sq. Km :	1,680
No. of Households :	48,351
No. of Population :	257,477
Male :	120,008
Female :	137,469
No. of PwD :	8,602
No. of VDC(s)/Municipality(ies) :	75/0
Men Literacy :	75,674
Women Literacy :	55,874
Religion Hindu (%) :	99.43
Buddhism (%) :	0.3
Islam (%) :	0.1
Christianity (%) :	0.13
Undefined (%) :	0.036
Human Development Index :	5.36

### CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The ‘D’ graded District Prison has the capacity to hold 25 inmates at a time. A total of 42 including 35 convicted and seven detained inmates were held there at the end of this year. The physical structure of the building is in a very poor condition. The roof of the prison is leaking. The prison inmates were provided Rs 45 per day and 700 gms of rice.

### THREATS/BEATINGS

#### By Locals

Police Constables Shambhu Singh Dhami of Darchula Gwani VDC-7, Harka

Bahadur Pal of Darchula Danda Kot VDC-3 and Sher Bahadur Khadka were injured in an attack by the locals at Rahaf Police Post on April 7 accusing the police of releasing an accused before the victim got justice. The injured were treated at Primary Health Centre, Dailekh and Kohalpur Medical College Teaching Hospital.

Bhakta Bahadur Rawal, 50, of same VDC-6 was beaten by Tek Bahadur Shahi on April 15. The accused was released on the same day by the police. Later Rawal died and the victims' family accused the police administration for releasing the convicted. Absconding Shahi was later arrested by police on April 23. He was in custody on remand until the end of the year.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011- July 15, 2012**

The District Court with one judge decided 27 criminal cases and 12 cases remained pending. 15 civil cases were decided and four remained pending.

### **July 16, 2012- December 31, 2012**

The District court with one judge decided seven criminal cases and one case remained pending. Two civil cases remained pending. There were no cases older than two years.

## **The Office of the District Government Attorney**

The Office of District Government Attorney filed 29 cases between July 17, 2011 and July 15, 2012 out of which 13 cases were won and 16 were lost.

Among the filed six murder cases, two cases were won and four cases were lost. Out of two rape cases, one was won and one was lost. One case of polygamy was won.

Types of Events	By State		By Non-State		
	Female	Total	Female	Male	Total
Beatings			2	3	5
Child Rights			4		4
Killing			2	1	3
Racial Discrimination				7	7
Women Rights	3	3	10		10
<b>Total</b>	<b>3</b>	<b>3</b>	<b>18</b>	<b>11</b>	<b>29</b>

## **CHILD RIGHTS**

### **Situation of Education**

Of 97,434 children of school going age, 46,876 boys and 50,546 girls were enrolled at school of primary and secondary level. Among them, 14,827 boys and 15,558 girls were dalit. 418 female and 1,595 male teachers were at primary government and community school. 48 female and 427 male teachers were at lower secondary level. Five female and 279 male teachers were at secondary level.

### **Killing by Family Members**

A 4-year-old girl Saraswoti Tiwari of Siddheswar VDC-1 was murdered by her father Megh Raj Tiwari, 38, on the night of June 28 by hitting her with stone. The accused was taken into the control immediately after the incident. The wife of the accused took shelter at her neighbor's house after she was beaten by him. The accused was arrested on June 29 by the police and the case is still pending.

### **Rape, Attempt to Rape, Sexual Abuse**

The family of a 15-year-old girl filed an FIR against Dilli Swar, Dhruba Swar of Janalikot VDC-4, Rochak Kunwar and Rakesh Kunwar of Janalikot VDC-8 at Bayalpata Area Police Office on March 21 accusing them of raping her on March 7. All four accused were arrested on the same day. The girl was taken to District Hospital Mangalsain for medical checkup. District Court, on April 6, released one of the accused, Rochak as his age was 16 while

other three were taken to the prison on remand. The case was under consideration until the end of the year.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Rape, Attempt to Rape, Sexual Abuse**

A complaint was lodged by the girls of National Volleyball Association against Lal Bahadur Thapa, 25, of Kunti Bandali VDC-1 and Surendra Shahi, 22, of Himcha VDC-2 at the District Police Office on January 22 on charge of their sexual abuse while they were sleeping in Sagarmatha Hotel in Mangalsain. The accused were arrested immediately after the complaint. The accused were released on bail amount of Rs 5,000.

### **DOMESTIC VIOLENCE**

Jhuma Devi Shahi, 40, of Barala VDC-6 died in Chaupadi on January 14. Jhuma, who was fine when she went to bed, was found dead the next day. Her nose had bled but nothing was suspicious, her family said. The dead body was cremated without a postmortem on January 15. The deceased has two sons and two daughters.

Sharmila Bhul, 16, of Ridikot VDC-3 was found dead during Chaupadi in the morning of December 18. Bhul who did not have any ailment was found dead in the morning, according to the victim's family members. The dead body was buried on the bank of Budhi Ganga on December 19 by the family without postmortem. Police suspected that she might have died of asphyxiation as wood had been burned in painstakingly sealed hut.

### **Polygamy**

Kushma Shahi, 24, of Barala VDC-4 lodged a complaint at Women and Child Office in Achham on November 29 against her husband, Dhruba Shahi on charge of marrying Parbati Shahi of Bannatoli VDC-7. With the initiation of Women and Children Office, District Police Office lodged an complaint against the accused. The accused was still at large, police said. Kushma and Dhruba were married in 2009.

### **HEALTH SERVICE SITUATION**

Jasu Devi Khanal, 42, of Barala VDC-1 died on May 28 as she could not get medical services on time due to the lack of health workers in the health post. She had given birth to a baby on the same day and was suffering from excessive bleeding. She was taken to the sub-health post but there was no health worker as deputed AMW had been transferred and AHW was on leave. The women health workers don't want to stay in the health post because of locals' unruly behavior, Health Supervisor of District Health Office, Jhanak Dhungana said.

The district has one hospital, 12 health posts and 60 sub-health posts. One doctor was working while two remained vacant. One staff nurse was working while four remained vacant and out of four lab assistants, two remained vacant. There were 83 posts for AHW out of which 51 were occupied. There were 11 AMWs working while 12 positions remained vacant. 15 out of 22 positions of HA remained vacant.



## 5.3 Doti



Headquarters	: Silgadhi
Area in Sq. Km	: 2,025
No. of Households	: 41,440
No. of Population	: 211,746
Male	: 97,252
Female	: 114,494
No. of PwD	: 7,302
Male Literacy	: 62,609
Female Literacy	: 45,422
Religion Hindu (%)	: 99.04
Buddhism (%)	: 0.75
Islam (%)	: 0.05
Christianity (%)	: 0.13
Bon (%)	: 0.01
Undefined (%)	: 0.017
Human Development Index	: 5.11

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'D' graded District Prison has the capacity to hold 45 inmates at a time. A total of 36 including 29 convicted and seven detained inmates were held there at the end of the year. There is no separate cell for the female inmates. The new cell for the female inmates is under construction, according to the Chief of the Prison.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

**July 17, 2011- July 15, 2012**

The District Court with one judge decided 35 Criminal cases and nine cases

remained pending. 17 civil cases were decided and 11 remained pending.

### **July 17, 2012- December 31, 2012**

The District Court with one judge decided 11 criminal cases and five remained pending. Two civil cases were decided and 12 remained pending. There are no cases older than two years.

### **APPELLATE COURT**

**July 17, 2011- July 15, 2012**

The Appellate Court with two judges decided 160 criminal cases and 85 remained pending. 51 civil cases were decided and 35 remained pending.

### **July, 16, 2012- December 31, 2012**

The Appellate Court with one judge decided 39 criminal cases and 133 remained pending. 21 civil cases were decided and 33 remained pending. There are no cases older than two years.

### **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 23 cases between July 17, 2011 to July 15, 2012 out of which 17 cases were won and four were lost. The Office, with one government attorney, informed that nine cases remained pending until July 15, 2012.

Among the filed three murder cases, two were won and one was lost. Among two cases of rape, one was lost and one was won. One case of women trafficking was lost while two cases of polygamy were won.

### **TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING BEHAVIOR OR PUNISHMENT**

Lava Raj Bhattarai, 20, of Silgadhi Municipality-7 injured in the torture inflicted on him while he was in custody. Bhattarai was arrested on May 7 by the

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	2	2	1	1	2
Child Rights			7		7
Killing			1	1	2
Racial Discrimination			4	2	6
Threats			1	4	5
Women Rights			17		17
<b>Total</b>	<b>2</b>	<b>2</b>	<b>31</b>	<b>8</b>	<b>39</b>

police on charge of setting fire on a public property. He sustained hand injury and bruises on his body. He was treated in Kathmandu after being released from the custody on May 8.

## CHILD RIGHTS

### Situation of Education

Of 67,918 children of school going age, 32,603 boys and 33,319 girls attended schools at primary and secondary level. Among them 10,202 boys and 10,355 girls were dalits. 1,067 male and female teachers were at primary level and 266 teachers in lower secondary level. 182 teachers were at secondary level. The District Education Office did not have an updated data related to education including segregated data of male and female teachers.

### Rape, Attempt to Rape, Sexual Abuse

A 13-year-old girl of Ranagaun VDC-8 was raped by Bir Tamrakar and Hari BK on May 15. The victim's father lodged a complaint against the accused on May 16 at District Police Office. The accused are at large according to the police. The victim received health checkup at District Health Office.

## HEALTH SERVICE SITUATION

The district has one hospital, 16 health posts and 33 sub-health posts. Four doctors are working and one remained vacant. There are three staff nurses while

positions for three remained vacant. Among the five posts of lab assistant, one remained vacant. There are 106 posts for AHW out of which 79 were occupied. There are 52 of 75 AMW positions occupied. Similarly, the post of one TB/Leprosy supervisor remained vacant while one position of vaccine supervisor was occupied. Altogether, there are nine HAs working and 12 remained vacant.



## 5.4 Bajura



Headquarters : Martadi

Area in Sq. Km : 2,188

No. of Households : 24,908

No. of Population : 134,912

Male : 65,806

Female : 69,106

No. of PwD : 5,895

No. of VDC(s)/Municipality(ies) : 27/0

Male Literacy : 39,950

Female Literacy : 27,476

Religion Hindu (%) : 98.68

Buddhism (%) : 1.14

Kirat (%) : 0.01

Islam (%) : 0.01

Christianity (%) : 0.06

Undefined (%) : 0.027

Human Development Index : 5.42



## **CIVIL AND POLITICAL RIGHTS**

### **RIGHT TO DIGNIFIED LIFE**

#### **JAIL AND DETAINEES**

The 'E' graded District Prison has the capacity to hold 25 inmates at a time. A total of 42 including 36 convicted and seven detained inmates were held there at the end of the year. Among them, 35 were male and one was female inmate. The basic services were provided to the inmates; however, the building of the prison is in very poor condition.

#### **THREATS/BEATINGS**

##### **By State**

Kal Bahadur BK, 35, of Martadi VDC-8 was beaten by the policeman from District Police Office, Harish Parki and Rajendra Parki on December 16 on charge of not serving them alcohol. BK got treatment at RC Medical in Martadi. The victim lodged a complaint against the accused at District Police Office asking for justice and compensation on December 17. The police confirmed that the process had been initiated for the punishment of the guilty. The incident concluded in compromise on December 17 after the accused paid Rs 5,000 to BK as compensation.

#### **RIGHT TO PROMPT AND FAIR TRIAL**

##### **DISTRICT COURT**

##### **July 17, 2011-July 15, 2012**

The Office of the District Government Attorney filed 15 cases between July 17, 2011 and July 15, 2012 out of which seven were won and five were lost. Three cases remained pending.

##### **July 16, 2012- December 31, 2012**

All the 13 cases filed between July 16 and December 31, 2012 remained pending. Appellate Court has been moved in seven cases. Three cases of polygamy were registered and one case was won. One case of small arms and weapon was won.

## **CHILD RIGHTS**

### **Situation of Education**

The children of school going age were deprived of getting free text books. The students of Bichyaa, Rugin, Jukot, Sappat and Gotri VDCs were compelled to appear for the exam without seeing the text books. According to Tul Bahadur Rokaya, secretary of Teachers Union 15% of the students in the District were deprived of text books.

#### **Rape, Attempt to Rape, Sexual Abuse**

A complaint was lodged at District Police Office on November 29 against Ram Bahadur Ukheda, 25, of Budhi Ganga VDC on charge of raping a 14-year-old girl after holding her captive from October 2 to November 25. The girl got health checkup at District Hospital on November 25. The accused remained at large until the end of the year, according to the SI Ishowori Dutta Pandey of District Police Office.

A 16-year-old girl submitted a written complaint to Dasherath Higher Secondary School' Management Committee on September 24 accusing her math teacher Sher Bahadur Oli, hailing from Kundi in Atichaur VDC-3 of molesting her a day earlier in the pretext of teaching. Management Committee called for a meeting on September 26 where the guardians were divided in opinion. The committee decided to recommend District Education Office to stop him from signing the attendance from September 27. He was deputed to Satyabati Secondary School in Jugada VDC. Claiming that the case was unnecessarily politicalized, Oli filed a case of libel against the girl student at District Court on December 14. She also filed a case at the Court against him on charge of slander. Both cases remained pending until the end of the year.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Beatings		1	1			
Child Rights				3		3
Killing				2		2
Racial Discrimination				2	3	5
Women Rights	3		3	2		2
<b>Total</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>9</b>	<b>3</b>	<b>12</b>

## ALL KINDS OF DISCRIMINATION AGAINST WOMEN

### Rape, Attempt to Rape, Sexual Abuse

Parbati Kunwar, 25, and her son Ayush, 1, were injured when her husband Chering Kunwar poured boiling water onto them during a domestic dispute. The injured got treatment at District Hospital. They suffered 7 % burns in the incident. The accused was arrested immediately after the incident. The accused was charged under attempted killing, according to the Inspector, Prem Bahadur Khadka of District Police office.

## DOMESTIC VIOLENCE

### Killing by Family Members

Paru Devi Padyaya, 34, of Kuldevmandau VDC-8 was murdered by her husband Prabhu Raj Padyaya, 52, by hitting her with a sharp weapon on July 3. According to Inspector Bahadur Jung Malla, Paru Devi attacked her husband in a family dispute and the husband snatched a sharp weapon and hit her back. She died on the spot after being hit on the neck. The postmortem was performed at Tante Health Post on July 4. The accused was remanded in custody by a court order on July 9.

Dhana Kala Rokaya, 45, of Manakot VDC-8 was allegedly murdered by her husband Chature Rokaya, 55, on October 12. Bhim Bahadur Bohora of Dahakot VDC-1, her cousin filed a complaint at District Police Office on October 18 on suspicion of murder. The accused claimed that his wife died a natural death, Inspector

Madan Giri said. In an investigation, police found that Dhana Kala was murdered and buried at Chature on October 14. The police exhumed the body from the incident site on October 21 and sent her body

to the District Hospital in Martadi for the postmortem. The police arrested the accused, his first wife Uja Rokaya, 48, and her daughter Bisna Rokaya, 18, on November 13. Bisna Rokaya was released on date and Uja Rokaya was released on bail amount of Rs 30,000.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Kul Bahadur BK, Prem Bahadur BK and Ratne BK along with other haliya families were in a food crisis on December after the grains that they have earned by working for the master was all used up. They could not buy the food from the market due to the financial situation. The families were getting food from their master twice a year in return of their work.

## HEALTH SERVICE SITUATION

The patients from the District were deprived of getting proper health services from February to June due to the lack of doctors. More than 150 patients coming for treatment in the hospital were affected in absence of doctors. There are two posts for the doctors in the District Hospital and one in Kolti primary health centre however there were no doctors operating in either of the health posts.

Juna Devi BK, 20, of Kotila VDC-8 died on August 21 because of not getting caesarian services. Senior Assistant Health Worker Ashok Kumar Singh of Kolti Primary Health Centre said that BK, pregnant with twins, was brought to the center too late. He added that she needed

caesarian services but there was no doctor or facilities for that.

The district has two hospitals, 12 health posts and 15 sub-health posts. Two doctors are working in three posts available and one remained vacant. One staff nurse was working while two remained vacant and out of two lab assistants, one remained vacant. There are 41 posts for AHW out of which 39 were occupied. There are 17 of 23 AMW positions occupied. Similarly, one post each of vaccine and TB/Leprosy supervisor remained occupied while 16 of 17 HA positions were occupied.



## 5.5 Bajhang



<b>Headquarters :</b>	Chainpur
<b>Area in Sq. Km :</b>	3,422
<b>No. of Households :</b>	33,786
<b>No. of Population :</b>	195,159
<b>Male :</b>	92,794
<b>Female :</b>	102,365
<b>No. of PwD :</b>	4,976
<b>No. of VDC(s)/Municipality(ies) :</b>	47/0
<b>Male Literacy :</b>	60,065
<b>Female Literacy :</b>	38,651
<b>Religion Hindu (%) :</b>	99.74
<b>Buddhism (%) :</b>	0.18
<b>Islam (%) :</b>	0.03
<b>Christianity (%) :</b>	0.03
<b>Undefined (%) :</b>	0.037
<b>Human Development Index :</b>	5.78

## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'E' grade District Jail has the capacity for 25 inmates. However, a total of 33 inmates including nine detained and 24 convicted are residing in the jail. A new building for the prison is under construction with proper facilities.

## RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT July 17, 2011- July 15, 2012

A total of 29 criminal cases were filed at the District Court this year. Out of which, two cases were decided and 27 cases remained pending. Out of filed 46 civil cases, seven cases were decided and 39 cases remained pending. A total of 10 criminal cases and 15 civil cases older than two year remained pending.

## CHILD RIGHTS Situation of Education

Of 78,646 children of school going age, 40,773 boys and 36,973 girls attended in schools at primary and secondary level. Similarly, the number of students at basic level is 71,422 and a total of 56,857 children got enrolled in primary level. Out of which, 28,958 are girls and 27,893 were boys. Among them, 3,308 were girls and 5,925 boys were dalits. Similarly, the number of students at lower-secondary level is 14,581 including 5,944 girls and 8637 boys. Among them, 910 girls and 1,420 boys are dalits. The number of students at secondary level is 9,556 including 3,305 girls and 6,251 boys. Among them, 368 girls and 785 boys are dalits.

A total of 35 female and 680 male teachers are at primary level government and community schools. A total of 92 male teachers are at lower-secondary level in government and community schools. A total of 81 male teachers are at secondary

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	1	1	1		1
Child Rights			1		1
Killing			1		1
Racial Discrimination			1	6	7
Women Rights			1		1
<b>Total</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>6</b>	<b>11</b>

level in government and community schools.

A total of 4,503 boys and 3,989 girls are attending in Early Child Development Center in the district among which 765 boys and 790 girls are dalits.

It was found that the District Education Office did not have an updated data related to education.

### ALL KINDS OF RACIAL DISCRIMINATION

Sunkuda VDC office staff, Ganesh Lal BK, 31, of Suwakot in Sunkuda VDC-8 was verbally abused by Ishwar Dhat, 34, of ward no 3 of the same VDC on January 5. Dhat used offensive word 'Dum' accusing him of diverting VDC's development fund to his village. BK filed an FIR at District Administration Office the next day and registered a case at District Court on January 16. But, police did not arrest the accused.

### HEALTH SERVICE SITUATION

The district has one hospital, 10 health posts and 35 sub-health posts. One doctor was working while three positions remained vacant. All four staff nurses positions and three lab assistant positions were occupied. There are 53 out of 54 posts for AHW were occupied and 17 out of 18 positions for AMW were occupied. Similarly, the post each of vaccine and TB/ Leprosy supervisor remained occupied while 10 of 14 HA positions were occupied.



## 5.6 Kanchanpur



Headquarters : Mahendranagar

Area in Sq. Km : 1,610

No. of Households : 82,152

No. of Population : 451,248

Male : 216,042

Female : 235,206

No. of PwD : 9,072

No. of VDC(s)/Municipality(ies) : 19.1

Male Literacy : 161,217

Female Literacy : 135,262

Religion Hindu (%) : 95.09

Buddhism (%) : 1.15

Islam (%) : 0.1

Kirat (%) : 0.01

Christianity (%) : 2.65

Prakriti (%) : 0.82

Wahi (%) : 0.1

Undefined (%) : 0.09

Human Development Index : 5.49

### CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES

The 'C' grade District Jail has the capacity for 95 inmates. However, a total of 182 inmates including 121 detained and 61 convicted were in the jail at the end of the year. Out of them, two are dependents. The inmates have the facility of playing materials, TV, radio and newspapers.

### THREATS/BEATINGS By ANNISU-R

The family members of the

Chairperson of All People's Health Workers Association, Nabin Joshi lodged a complaint against the UCPN-M cadres including Prem Chand, 27, Radha Krishna Joshi, 24, Janak Dhama, 32, of Daiji VDC-8 and Kabiraj Dhama, 24, of Bhimdatta Municipality-4 on January 5 on charge of beating him up on the same day near Pawandut Yatayat committee. Joshi was beaten up while participating in the bandh called by former Maoist combatants. The victim who received injuries in head, forehead, nose and left leg was treated at Model Hospital, Kathmandu when Mahakali Zonal Hospital referred him to the same hospital. According to the Office of Government District Attorney, the court dismissed the case on March 20 citing lack of evidence.

#### **By Tharuhat/Integrated Far-West Struggle Committee**

Tharuhat cadres, Soni Devi Dagaure of Jhalari VDC-4, Pratap Chaudhary, Prabesh Chaudhary and Rambharosha Rana of Shreepur VDC-1 were injured during a clash between the cadres of Tharuhat Struggle Committee and Integrated Far-West Struggle Committee on May 8. The cadres of both sides clashed when the protest organized by Integrated Far-West Struggle Committee demanding united Far-western and Tharuhat Struggle Committee demanding autonomous Tharuhat state respectively. The clash ensued at around 8.00 pm while cadres of both side were heading home following the protest. All victims received head injuries. Among them, Sonidevi Dagaure was referred to Kathmandu for further treatment and rest of the others were treated at Nepalgunj Medical College.

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Beatings	1	11	12	2	3	5
Child Rights				6		6
Inhuman Behavior					2	2
Injured				3	9	12
Killing				1	2	3
Right to Assembly	2	9	11			
Threats					3	3
Women Rights				2		2
<b>Total</b>	<b>3</b>	<b>20</b>	<b>23</b>	<b>14</b>	<b>19</b>	<b>33</b>

#### **By Tharuhat cadres**

Jay Amati Air, 51, of Jogbuda VDC-9, Dadeldhura and her son Nanda Singh Air, 27 were beaten up by a group of Tharuhat cadres on May 12 for riding motorcycle during the bandh organized by the same party. The victims received head injuries and were treated at Mahakali Zonal Hospital. They lodged a complaint at District Police Office on May 12. An agreement was reached between both sides when the protesters promised to provide Rs 15,000 victim's treatment of the injured.

#### **RIGHT TO EXPRESSION/ ASSEMBLY AND ASSOCIATION (Political Freedom Including Free and Impartial Election)**

All Bahadur Bam, 62, Ram Bahadur Bam, 35, Gopal Kunwar, 25, Bhojraj Awasthi, 20, Dharmasingh Kunwar, 41, Kamala Bohora, 25, and Bimala Bohora, 50 of Daijee VDC-3 were injured when the police baton charged them on August 30. The victims who attempted to padlock the District Survey Office and District Forest Office for not getting land ownership certificate were attacked by the police on the same day. Among the victims, Ram Bahadur received head injury and other received injuries on back and hands. They were treated at Mahakali Zonal Hospital. The victims did not lodge any complaint.

## **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

### **July 17, 2011- July 15, 2012**

The District Court with one judge decided 180 criminal cases and 41 remained pending. Similarly, a total of 245 civil cases were decided and 139 cases remained pending.

### **July 16, 2012-December 31, 2012**

The District Court with one judge decided 49 criminal cases and 118 remained pending. Similarly, 44 civil cases were decided and 104 cases remained pending. There were no criminal and civil cases older than two years remaining pending.

## **APPELLATE COURT**

### **July 17, 2011- July 15, 2012**

The Appellate Court with three judges decided 130 criminal cases and 48 remained pending. Similarly, 39 civil cases were decided and 47 cases remained pending.

### **July 16, 2012 -December 31, 2012**

The Appellate Court with two judges decided 22 criminal cases and 96 remained pending. Similarly, seven civil cases were decided and 89 cases remained pending. There were no criminal and civil cases older than two years remained pending.

## **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 161 cases between July 17, 2011 and July 15, 2012, out of which 91 cases were won and 15 cases were lost. The Office, with one government attorney, informed that 60 cases filed until July 16, 2012 remained pending.

Among the filed 10 murder cases, three cases were won and seven lost. Out of seven rape cases, four cases were won and three lost. All two cases of polygamy were

won. One case of child marriage remained pending.

The Office of the District Government Attorney filed 93 cases between July 11, 2012 and December 31, 2012. However, its office is yet to update the data. The Office, with one government attorney, informed that 34 cases filed until July 15, 2012 remained pending.

## **APPELLATE COURT**

The Appellate Court filed 95 cases between July 17, 2011 and July 15, 2012 out of which 36 cases were won and 36 cases lost. The Office with one government attorney had 23 cases between July 16, 2011 and July 15, 2012 remained pending.

Among the filed 23 murder cases, 10 cases were won and nine lost. Out of 12 rape cases, six cases were won and four lost. Out of the four cases of trafficking, one case was won and three cases lost. One case of polygamy was lost.

## **CHILD RIGHTS**

### **Situation of Education**

Of 23,114 children of school going age, 63,406 boys and 59,708 girls enrolled in schools at primary and secondary level. Among them, 12,461 girls and 11,599 boys were dalits. A total of 1,209 teachers were in primary level, a total of 403 at lower secondary level, 286 are at secondary level and 459 teachers were at Child Development Centre.

A total of 5,330 boys and 7,995 girls are attending in Early Child Development Center in the district. District Education Office did not have an updated data related to education.

### **Rape, Attempt to Rape, Sexual Abuse**

The mother of a 3-year-old girl lodged an FIR against Sitaram Rana, 22, on January 24 at District Police Office accusing him of raping the girl on January

18. The accused was arrested by the police of Area Police Office, Tribhuvan Basti, with the help of the locals on January 26. The accused was presented to the court and was sentenced for 10 years with the court order of June 6. The victim got the medical treatment in Mahakali Regional Hospital on January 21.

### **Child Marriage**

A father of 13-year-old girl lodged a complaint against Harka Bahadur Bista, 32, of Krishnapur VDC-2 on June 13 accusing him of marrying her. According to the victim's father, the girl was lured into marriage by the accused. Based on the complaint, the accused was arrested by the District Police Office on June 13. The girl was handed over to his father on June 15. The accused was released on bail amount of Rs 14,000. The accused was at large until the end of the year.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN DOMESTIC VIOLENCE**

### **Killing by Family Members**

Kalawati Dhama, 36, of Krisnapur VDC-2 was murdered by her son Mohan Bahadur Dhama, 16, who hit her with a sharp weapon on her throat on June 30. He murdered his mother following a family dispute. The accused surrendered to the local police post after the murder. He was sent to Child Reform Center in Pokhara, by a court order of July 19. The postmortem of the body was performed at Mahakali Regional Hospital on June 30. The body was cremated after the postmortem on June 31 by the families.

### **Beating**

Sudama Chunara, 27, of Jhalari VDC-7 was beaten, mistreated and thrown out of her house by her mother-in-law Pashu Chunara, 55, and Bir Bahadur Chunara on January 11. She was accused

of having a bad character and was banished. Sudama sustained chest and leg injuries due to the beatings. She lodged a complaint at district-based Women Network seeking justice. The victim was living with her parents at the end of the year.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Destruction of Infrastructure**

#### **By Former Maoist Combatants**

The motorbike with number plate Se 1 Pa 7169 belonging to Janak Dhama, 34, of Daiji VDC-6 was vandalized by the former Maoist Combatants on January 5 accusing of disobeying Nepal Bandh called by them.

#### **By Rastriya Jana Morcha**

The cadres of Rastriya Jana Morcha vandalized a motorcycle with the number plate Ma 1 Ba 65 belonging to Land Revenue Office on March 9 on charge of defying the bandh they called. Front part of the motorcycle was damaged in the incident. They also pelted stone at Nepal Telecom office shattering window glasses.

#### **By Students Union**

The chairs, tables and other assets of District Education Office were vandalized and set on fire by the cadres of ANNFSU, ANNISU-R and Nepal Students Union on September 11 accusing of irregularities in the construction of Bhuwaneshwari High School in Suda VDC-3.

## **HEALTH SERVICE SITUATION**

The district has one hospital, 11 posts each of health posts and sub-health posts. Nine positions of doctor were occupied while 12 remained vacant. All positions of staffs nurse (22), lab assistants (10), AHW (44), AMW (22), HA (5), vaccine supervisor (1), TB/Leprosy supervisor (1) and health workers (1) were occupied.

## 5.7 Dadeldhura



Headquarters :	Dadeldhura
Area in Sq. Km :	1,538
No. of Households :	27,045
No. of Population :	142,094
Male :	66,556
Female :	75,538
No. of PwD :	5,150
No. of VDC(s)/Municipality(ies) :	20/1
Male Literacy :	47,555
Female Literacy :	37,254
Religion Hindu (%) :	98.88
Buddhism (%) :	0.71
Islam (%) :	0.03
Christianity (%) :	0.33
Prakriti (%) :	0.03
Undefined (%) :	0.016
Human Development Index :	5.25

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'D' grade District Jail has the capacity for 25 inmates. However, 44 inmates including 31 convicted and 13 detained inmates are residing in the jail. Out of which one is male dependent. Different organizations are providing the facility of newspapers, TV and radio to the inmates. According to the inmates, they are facing the problem of toilets, acute shortage of water and overcrowding in the jail. Jailor Krishna Bohora said that the jail had been providing facility to the inmates as per

the capability of its resources. The prison building was constructed in 1987.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

**July 17, 2011- July 15, 2012**

The District Court with one judge decided 12 criminal cases and five cases remained pending. Similarly, a total of 27 civil cases were decided and 16 cases remained pending.

**July 16, 2012-December 31, 2012**

The District Court with one judge decided one criminal case and 36 cases remained pending. Similarly, 15 civil cases were decided and 15 cases remained pending. One criminal and one civil case older than two years remained pending.

### **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 34 cases between July 17, 2011 and July 15, 2012, out of which one case was won and one case was lost. The Office, with one government attorney, informed that 33 cases filed until July 15, 2011 remained pending.

All six murder cases remained pending and all three cases of trafficking remained pending.

### **CHILD RIGHTS**

#### **Situation of Education**

Of 45,238 children of school going age, 23,200 were girls and 22,041 boys got enrolled in schools of primary and secondary level. Among them, 5,420 girls and 5,132 boys were dalits. A total of 1,228 teachers are working in government and community schools in the district. 3,673 boys and 3,406 girls are attending 280 Early Child Development Center in the district among which 1,746 are dalits.

District Education Office did not have an updated data related to education.



## ALL KINDS OF DISCRIMINATION AGAINST WOMEN

### Killing

Area Police Office, Jogbuda arrested Dani Tamrakar, 30, Manu Tamrakar, 29 and Gagan Tamrakar, 38, and Pattudevi Tamrakar, 60, on June 26 on charge of killing Mina Tamrakar, 15, of Amargadhi Municipality-6 and currently residing in Jogbuda VDC-6. Based on the complaint lodged by Padam Tamrakar, one of the deceased's relatives, on June 25, the accused were arrested by the police. An investigation team of police led by Inspector at District Police Office exhumed the victim's dead body on June 28. The investigation proved that Mina was killed. Among the accused, the deceased's husband Dani was remanded in custody, his first wife Manu, elder brother Gagane and mother Pattudevi were released on July 13 on bail. Following the killing of the victim, the accused had buried her dead body about 500 meters far from her home on June 16. The District Police Office sent the victim's bones for viscera test on June 28 as it was difficult to hold post mortem. Dani had second marriage with the victim on November 18, 2011. Although Manu, the Dani's first wife lodged a complaint against her husband on polygamy charge the latter on December 12, 2011, he remained absconding.

## DOMESTIC VIOLENCE

### Beating

Kalawati Bohora, 32, of Amargadhi VDC-4 lodged a complaint against her husband Shiva Bohora, 38, father-in-law Bir Bahadur Bohora, mother-in-law Jamuni Devi Bohora, 40, brother-in-law Nawal Singh Bohora and sister-in-law Mina Devi Bohora, 35, at District Police Office on charge of beating her up on November 21. The District Police Office filed a case under Domestic Violence (Offence and Punishment) Act on November 24. The

Types of Events	By State		By Non-State		
	Male	Total	Female	Male	Total
Beatings	4	4			
Killing			1	1	2
Right to Assembly	7	7			
Women Rights			14		14
<b>Total</b>	<b>11</b>	<b>11</b>	<b>15</b>	<b>1</b>	<b>16</b>

accused were released on November 25 on bail. The victim was treated at District Hospital.

### Polygamy

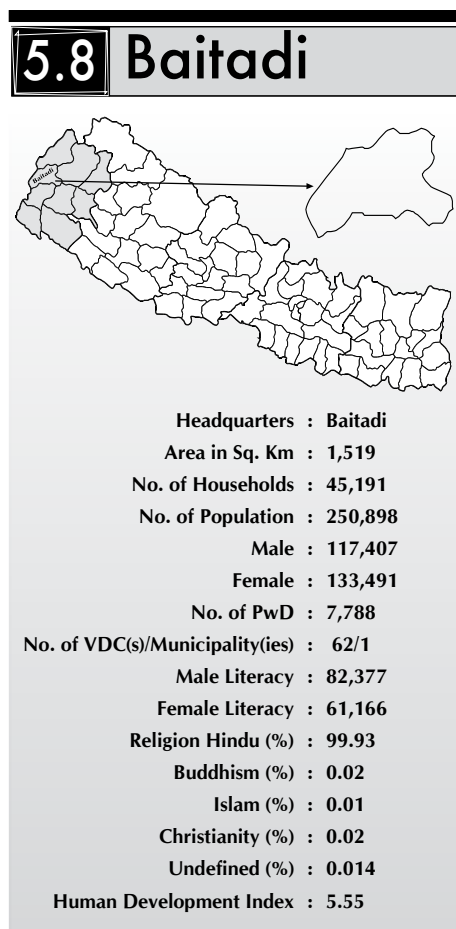
Nirmala Devi Tamata, 19, of Amargadhii Municipality-1 lodged a complaint against her husband Karan Tamata, 20, on May 30 for getting second marriage. The District Police Office lodged a complaint at District Court following his arrest on May 31. The District Court decided one year's jail sentence and Rs 5,000 fine whereas his second wife Manisha Tamata was released.

## ALL KINDS OF RACIAL DISCRIMINATION

The family members of Bipana Khati, 19, of Jogbuda VDC-8 threatened to death Bhim BK, 19, of same place on August 9 for getting marriage with Khati, the non-dalit girl. Family members of BK were displaced due to the threats. Following the incident, Bhim BK and 17 other families including his uncles Radhe BK and Prajapati BK were living in their relative's home at Kurmale in Jogbuda VDC-8. Although BK's mother tried to lodge a complaint against the accused, the police did not lodge the complaint claiming lack of evidence. Students of Sitaram Higher Secondary School at Kurmale, Bhim and Bipana got married after their examination. The victim's family members still staying at Kurmale in Jogbuda VDC-8 at the end of the year.

## HEALTH SERVICE SITUATION

The district has two hospitals, 18 health posts and six sub-health posts. Two doctors are working and one position remained vacant. All positions of staffs nurse (4) and lab assistants (4) were occupied. There were 28 posts for AHW out of which 25 were occupied. There are 13 of 16 AMW positions occupied. Similarly, a post each of vaccine and TB/Leprosy supervisor remained occupied while eight of 13 HA positions were occupied.



## CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE INJURED IN SHOOTING/ EXPLOSION

### By Explosive Devices

Dan Singh Bhat, 50, and Lalmati Bhat, 43, were killed when the bomb exploded inside their home on March 31. Kamala Bhat, 40, and Dropati Bhat, the deceased's relative and daughter respectively were injured in the same incident. The pressure-cooker bomb left by Maoists during the insurgency had exploded while they were cleaning the floor. A postmortem of the deceased was held in District Hospital, Baitadi on April 1 and the funeral of the victims was performed on the same day. According to police at Shreekot Police Office, the victim's two stairs and six room home was damaged due to the explosion. According to the victim's brother, the victim's two sons and two daughters are residing in their uncle's home following the incident.

## JAIL AND DETAINEES

The 'D' grade District Prison has the capacity to hold 25 inmates, including 15 male and 10 female at a time. A total of 48 including 35 convicted and 13 detained inmates were held there at the end of the year. The Jailer said that the administration's repeated requests on improvement of the facilities including drinking water, toilet and sanitation remained unheeded. The inmates get 'B' category ration as per the rule and clothes as per the season. The inmates also submitted a memorandum to the PM through jail administration on May 7 demanding for the physical renovation of the prison building.

## RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT

July 17, 2011- July 15, 2012

The District Court with one judge decided 11 criminal cases and 12 remained

pending. One civil case filed it remained pending.

### **July 16, 2012–December 31, 2012**

The District Court with one judge decided seven criminal cases and 19 remained pending. Similarly, two filed civil cases remained pending.

### **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 26 cases between July 17, 2011 and July 15, 2012, out of which 15 cases were won and three cases were lost. A total of 26 cases remained adjourned and pending. The Office, with one government attorney, informed that 26 cases filed until July 16, 2012 remained pending.

Among the filed five murder cases, three cases were won and two lost. Out of three rape cases, two cases were won and one lost. One trafficking case remained pending.

## **CHILD RIGHTS**

### **Situation of Education**

Of 107,119 children of school going age, 49,324 boys and 48,112 girls enrolled in schools of primary and secondary level. Among them, 9,464 girls and 10,241 boys were dalits. A total of 28 girls and 41 boys are from Janajati communities. Out of the total quota for primary level government level, a total of 1,295 teachers are at work out of which 23.16 per cent has been allocated for women. Similarly, 369 or 2.7 per cent female teachers are at work. Similarly, a total 262 or 1.52 per cent for secondary school level is female teachers.

A total of 4,898 boys and 4,785 girls are attending Early Child Development Center in the district among which 1,180 boys and 11,298 girls are dalits and 15 girls and 18 boys are from Janajati.

Types of Events	By Non-State		
	Female	Male	Total
Abduction		1	1
Child Rights	3		3
Injured	2		2
Killing	5	4	9
Racial Discrimination	1	2	3
Threats		1	1
Women Rights	7		7
<b>Total</b>	<b>18</b>	<b>8</b>	<b>26</b>

District Education Office did not have an updated data related to education.

### **Girl Trafficking**

Bhagirathi Bhatta, 18, and Mamata Bhatta, 16, of Goyali in Bhanauli VDC-1 were taken to Bangalore by Chandra Dev Bhatta, 22, of Bashuling VDC-6 on September 10 in the pretext of getting married to them. Bhatta had made a telephone call from Dehimandu VDC. The girls were brought back from Bangalore railway station by the relatives on September 23. They filed a complaint against Chandra Dev at District Police Office on charge of attempted trafficking on October 1. Police said they could not arrest him as he was absconding until the end of the year.

## **ALL KINDS OF DISCRIMINATION AGAINST WOMEN**

### **Killing**

Dhanasari Airi, 25, and her 4-year-old daughter Saraswati Airi of Krishnapur VDC-5 were killed by Chandrasingh Airi, 28, posted at Nepal Army's Bhairabnath Battalion in jungle of Siddeshwar VDC-9 on September 16. Jagadish Prasad Awasthi of same place had informed the police about the incident when he saw the bodies in jungle on September 16. According to Area Police Office, Patan, the bodies were handed over to the family members following the postmortem at Patan Health Post on September 17. Dhanasari's father

Ram Bahadur Saud of Alital VDC-8 in Dadeldhura filed a complaint against Chandra Singh at District Police Office, Baitadi on September 19. The accused was arrested in Doti by a team of police led by inspector Lal Bahadur Saud on July 21. The accused was remanded in District Police Office, Baitadi.

### **Rape, Attempt to Rape, Sexual Abuse**

A 32-year-old woman lodged a complaint at Area Police Office, Melauli against Dev Bahadur Chand, 32, of Kailapal VDC-1 on May 15 on charge of raping her near her home. The victim's health checkup was held at District Hospital, Baitadi on May 25. The accused was remanded in District Jail, Baitadi. The case remained undecided at the end of the year.

## **DOMESTIC VIOLENCE**

### **Killing by Family Members**

Kunda Saud, 26, of Sharmali VDC-4 was killed by her husband Bhim Singh Saud when attacked with sickle on April 23 following some domestic disputes. The perpetrator who attempted to commit suicide using same sickle died while undergoing treatment at Sharmali health post on April 24. According to police, following the killing of his wife, Bhim Singh committed suicide by slitting his throat with same sickle. The funeral of the deceased was held on April 24 following the postmortem at Sharmali sub-health post on the same day. The victim had a four-year old son and one and half year old daughter. Following the death the parents their grandparents are taking care of the children.

## **Polygamy**

Bhuwan Bhatta, 28, of Dasharath Municipality-2 had second marriage with Mina Kapadi, 21, of Bhimdatta Municipality-7 on August 10. Bhuwan's first wife Jayanti Bhatta lodged a complaint at District Police Office, Baitadi against her husband on August 16. Based on the complaint, the accused were arrested on the same day. They were released on August 30 after depositing Rs 52,000 on bail.

## **ALL KINDS OF RACIAL DISCRIMINATION**

Bhim BK, 20, of Sittad VDC-7 and Bina Khat were displaced from the village on August 19 when Bina's maternal family threatened to kill them for having inter-caste marriage. They left the village following the threats for their marriage held on August 15. Although the victims came to District Headquarters, Baitadi to seek justice, they later went to India due to insecurity. According to BK's family members, they were still unable to return to their home.

## **HEALTH SERVICE SITUATION**

The district has one hospital, 10 health posts and 55 sub-health posts. Three doctors are working and two positions remained vacant. There are three staff nurses out of six positions and two lab assistants out of three positions remained vacant. 17 of 67 AHW positions and seven of 18 AMW were occupied. Single post of vaccine supervisor and TB/Leprosy supervisor remained occupied. Altogether, there are 15 HA positions of which 11 are occupied.



## 5.9 Darchula



Headquarters :	Darchula
Area in Sq. Km :	2,322
No. of Households :	24,618
No. of Population :	133,274
Male :	63,605
Female :	69,669
No. of PwD :	3,669
No. of VDC(s)/Municipality(ies) :	41/0
Male Literacy :	45,122
Female Literacy :	34,202
Religion Hindu (%) :	98.88
Buddhism (%) :	0.88
Islam (%) :	0.02
Christianity (%) :	0.06
Prakriti (%) :	.15
Undefined (%) :	0.012
Human Development Index :	5.41

### **CIVIL AND POLITICAL RIGHTS RIGHT TO DIGNIFIED LIFE JAIL AND DETAINEES**

The 'D' graded District Prison has the capacity to hold 40 inmates-25 male and 15 female -at a time. A total of 36 convicted and six detained inmates were held there. The prison building was constructed in 1965. There are some facilities like drinking water, television, newspapers and sports materials for volleyball, chess. The inmates are getting facilities according to the rules and regulation of the prison. The infrastructure of the building is in very bad state. The capacity of the building is insufficient. According to the jailer

Padam Raj Joshi, the inmates are facing problem due to the old building and roof of corrugated iron. Initiation has been taken for the renovation of the prison, Joshi said.

### **RIGHT TO PROMPT AND FAIR TRIAL DISTRICT COURT**

**July 17, 2011- July 15, 2012**

The District Court with one judge decided one criminal case and two remained pending. 14 civil cases remained pending.

From July 16 to December 2012, six criminal cases remained pending. One civil case was decided and 14 remained pending out of 15 cases.

### **The Office of the District Government Attorney**

The Office of the District Government Attorney filed 25 cases out of which eight cases were won and six remained pending.

Among the filed cases in District Government Attorney, nine cases remained pending until the end of the year.

Among the five filed murdered cases three were won and two remained pending. The Office with one government attorney, informed that one case was won, one lost and nine cases were pending at the end of the year.

### **CHILD RIGHTS**

#### **Situation of Education**

Of 51,669 children of school going age, 23,363 boys and 25,803 girls got enrolled in schools at primary and secondary level. Among them, 2,810 boys and 2,876 girls were dalits.

257 female and 654 male teachers are at primary government and community schools. 27 female and 188 male teachers are at lower secondary level. Similarly, five female and 142 male teachers are at secondary level. The District Education Office did not have an updated data related to education.

## Rape, Attempt to Rape, Sexual Abuse

An FIR was lodged against a 16-year-old boy by a 13-year-old girl's family on March 4 at the District Police Office accusing him of raping her on March 1. Based on FIR, the accused was arrested by the police on March 2. The girl was taken to District Hospital for health check-up on the same day. Discussion was held between the both parties at the District Police Office. The victim's family demanded the accused to marry the victim, which he refused. The District Court on September 5 ordered to keep the accused on Child Reform Centre at Sanothimi in Bhaktapur for 30 months.

The family of a 10-year-old girl lodged an FIR against Padam Tamata, 23, of Sudumundu in Khar VDC-7 on December 16 at the Dallekh Police Post accusing him of raping her on December 6. Police arrested the accused on December 17 and charged him with rape. The victim was taken to District Hospital on December 6 for checkup. The case was pending until the end of this year.

## ALL KINDS OF DISCRIMINATION AGAINST WOMEN DOMESTIC VIOLENCE

Myakche Kunwar, 28, of Dhari VDC-1 was injured by her husband Chandra Singh Kunwar, 30, on January 19,

Types of Events	By State		By Non-State		
	Female	Total	Female	Male	Total
Beatings	1	1	1	2	3
Child Rights			6		6
Killing				1	1
Racial Discrimination			1		1
Threats				4	4
Women Rights			5		5
<b>Total</b>	<b>1</b>	<b>1</b>	<b>13</b>	<b>7</b>	<b>20</b>

by attacking her with a sharp weapon on her private parts, accusing her of talking with other men. The victim was admitted to the District Hospital of Darchula on January 21. The accused was arrested based on the complaint but was released later by District Police Office citing his mental condition. The victim recovered after two months of treatment, according to Public Health Office Supervisor, Bir Hari Rai.

## HEALTH SERVICE SITUATION

The district has one hospital, 11 health posts and 29 sub-health posts. Four doctors are working while one remained vacant. There are four posts staff nurse, of which two remained vacant. Both posts of lab assistant were occupied. There are 44 posts for AHW out of which 35 are working. There are 16 AMW positions of which 15 are occupied. Single post of vaccine supervisor and TB/Leprosy supervisor remained occupied. Altogether, there are eight HA working out of 15 posts available



Statistics of  
Human Rights  
Violations in 2012

**Annex**

2

## Annex 1.1 Incidents and Number of Victims

Types of Events	By State				By Non-State			
	Female	Male	N/A	Total	Female	Male	N/A	Total
<b>Abduction</b>								
Abduction					17	54		71
<b>Arrest &amp; Torture</b>								
Arrest & Torture	1	65		66				
<b>Beatings</b>								
Beatings	28	144		172	89	324		413
<b>Child Rights</b>								
Attempt to Kill					1			1
Child Marriage					21	2		23
Child Trafficking					49			49
Deprived From Education					1			1
Kamalari					1			1
Killing of Newborn Baby					14	5		19
Rape					300			300
Sexual Abuse					91	7		98
<b>Total</b>					<b>478</b>	<b>14</b>		<b>492</b>
<b>Death in Detention</b>								
Death in Detention		1		1				
<b>Death in Jail</b>								
Death in Jail		4		4				
<b>Disappearance</b>								
Disappearance		1		1				
<b>Economic, Social and Cultural Rights</b>								
Discrimination in Wages					4	1		5
Others	1	1		2		4	1	5
Religious Freedom					4			4
Right to Own Property		2		2		9	1	10
<b>Total</b>	<b>1</b>	<b>3</b>		<b>4</b>	<b>8</b>	<b>14</b>	<b>2</b>	<b>24</b>
<b>Inhuman Behavior</b>								
For Practicing Witchcraft						13		13
Others					2	4		6
Rubbing Soot on the Face					3	9		12
Shoes-garlanded						3		3
<b>Total</b>					<b>5</b>	<b>29</b>		<b>34</b>
<b>Injured</b>								
Acid Attack						3		3
Injured By Bomb Blast					9	42		51
Injured By Firing	1	9		10	3	28		31
Injured By Own Bomb Blast						1		1
Injured by using Sharp Weapons					12	47		59
Injured in Clash		6		6	6	42		48
<b>Total</b>	<b>1</b>	<b>15</b>		<b>16</b>	<b>30</b>	<b>163</b>		<b>193</b>



Types of Events	By State				By Non-State			
	Female	Male	N/A	Total	Female	Male	N/A	Total
<b>Killing</b>								
Beaten to Death		5		5	61	52		113
Beheaded					1			1
By Bomb Blast					2	10		12
By Giving Poison					5	4		9
By Hanging					7	4		11
By Using Sharp Weapons					36	74		110
Crushing with Stone					6	7		13
Hacked to Death					8	6		14
Killed After Rape					12			12
Killed by Firing		7		7	13	16		29
Killed in Clash						2		2
Nature of Killing Unexposed					10	12		22
Pushing Down from the Cliff/Hill					2	5		7
Setting Fire					10			10
Slitting Throat to Death					2	6		8
Squeezed to Death					4	2		6
Striking Hammer					2			2
Striking Khukuri					7	10		17
Striking Lathi		1		1	3	9		12
<b>Total</b>		<b>13</b>		<b>13</b>	<b>191</b>	<b>219</b>		<b>410</b>
<b>Landless and Squatters Problem</b>								
Landless and Squatters	3	5		8				
<b>Racial Discrimination</b>								
Deprived from Entering in Public Places					8	10		18
Intercaste Marriage					11	13		24
Untouchability					30	39		69
<b>Total</b>					<b>49</b>	<b>62</b>		<b>111</b>
<b>Right to Assembly</b>								
Lathi Charge	22	138	29	189				
Right to Assembly	10	115	124	249		4		4
<b>Total</b>	<b>32</b>	<b>253</b>	<b>153</b>	<b>438</b>		<b>4</b>		<b>4</b>
<b>Threats</b>								
Threat	3	9		12	10	112		122
Extortion						2		2
<b>Total</b>	<b>3</b>	<b>9</b>		<b>12</b>	<b>10</b>	<b>114</b>		<b>124</b>
<b>Women Rights</b>								
Domestic Violence					447			447
Witchcraft Allegation					52			52
Polygamy					147			147
Lack of Pre and Post Partum Service	11			11				
Rape					140			140
Rape Attempt					39			39
Sexual Abuse					43			43
Women Trafficking					31			31
<b>Total</b>	<b>11</b>			<b>11</b>	<b>899</b>			<b>899</b>
<b>Grand Total</b>	<b>80</b>	<b>513</b>	<b>153</b>	<b>746</b>	<b>1776</b>	<b>997</b>	<b>2</b>	<b>2775</b>

## Annex 1.2 By Occupation

Occupation	By State				By Non-State			
	Female	Male	N/A	Total	Female	Male	N/A	Total
Agriculture	37	152		189	1000	298		1298
Artist					1	2		3
Business	1	38		39	56	55		111
Civil/Private Service		11		11	8	27		35
Forest Security Guard						1		1
Health worker		1		1	3	7		10
Human Rights Activist		8		8	1	5		6
Journalist	1	18		19	7	82		89
Labour	10	16		26	71	53		124
Law Professional		4		4		4		4
Overseer		1		1				
Photographer						2		2
Political Worker	14	76		90	4	133		137
Prisoner						1		1
Refugee		1		1		1		1
Police	1	11		12	6	17		23
Social Worker	2	29		31	11	11		22
Student	4	57		61	257	103		360
Teacher	3	35		38	8	37		45
Unavialable	7	55	153	215	343	158	2	503
<b>Total</b>	<b>80</b>	<b>513</b>	<b>153</b>	<b>746</b>	<b>1776</b>	<b>997</b>	<b>2</b>	<b>2775</b>

## Annex 1.3 Destruction of Property

Type of Events	Total
Ambulance	2
College	6
Communication Sector	1
District Education Office	1
Government Offices	5
Government Vehicles	9
Health Post	1
Municipality	1
NGO	2
Police Post	2
Political Party Office	1
Private Home	11
Private Offices	3
Private Property	11
Private Vehicle	98
School	10
<b>Total</b>	<b>164</b>

## Annex 1.4

### Sexual Violence

Age Group	No. of Victims
0-5	33
6 -11	121
12-17	244
18-23	91
24-29	56
30-35	32
36-41	16
42-47	13
48-53	3
54-59	2
60-65	3
66-71	2
72+	4
<b>Total</b>	<b>620</b>

## Annex 1.5 Child Victims

Types of Event	Female	Male	Total
Abduction	6	11	17
Arrest & Torture		8	8
Beatings	11	31	42
Injured	8	9	17
Killing	32	28	60

## Annex 2.1 Eastern: Incidents and Number of Victims

Types of Events	By State				By Non-State			
	Female	Male	N/A	Total	Female	Male	N/A	Total
Abduction					1	17		18
Arrest & Torture		13		13				
Beatings	11	38		49	25	69		94
Child Rights					96	6		102
Death in Jail		3		3				
Economic, Social Rights and Cultural Rights						6	1	7
Inhuman Behaviour					4	6		10
Injured	1	2		3	4	27		31
Killing		4		4	42	68		110
Landless and Squatters Problem	3	5		8				
Racial Discrimination					13	8		21
Right to Assembly	5	40	42	87		1		1
Threats		2		2	1	24		25
Women Rights					162			162
<b>Total</b>	<b>20</b>	<b>107</b>	<b>42</b>	<b>169</b>	<b>348</b>	<b>232</b>	<b>1</b>	<b>581</b>

## Annex 2.2 Mid: Incidents and Number of Victims

Types of Events	By State				By Non-State			
	Female	Male	N/A	Total	Female	Male	N/A	Total
Abduction					14	34		48
Arrest & Torture		19		19				
Beatings	5	19		24	14	80		94
Child Rights					203	5		208
Death in Detention		1		1				
Disappearance		1		1				
Economic, Social Rights and Cultural Rights	1	1		2	3	5		8
Inhuman Behavior					1	9		10
Injured		10		10	14	81		95
Killing		7		7	88	107		195
Racial Discrimination					14	12		26
Right to Assembly	9	63	54	126				
Threats	2	2		4	3	10		13
Women Rights					222			222
<b>Total</b>	<b>17</b>	<b>123</b>	<b>54</b>	<b>194</b>	<b>576</b>	<b>343</b>		<b>919</b>

### Annex 2.3 Western: Incidents and Number of Victims

Types of Events	By State				By Non-State			
	Female	Male	N/A	Total	Female	Male	N/A	Total
Abduction					1			1
Arrest & Torture	1	14		15				
Beatings	3	43		46	11	74		85
Child Rights					73	1		74
Death in Jail		1		1				
Economic, Social Rights and Cultural Rights		2		2		2		2
Inhuman Behavior						9		9
Injured		3		3	3			3
Killing		2		2	20	12		32
Racial Discrimination					5	7		12
Right to Assembly	11	115	15	141				
Threats						14		14
Women Rights					113			113
<b>Total</b>	<b>15</b>	<b>180</b>	<b>15</b>	<b>210</b>	<b>226</b>	<b>119</b>		<b>345</b>

### Annex 2.4 Mid Western: Incidents and Number of Victims

Types of Events	By State				By Non-State			
	Female	Male	N/A	Total	Female	Male	N/A	Total
Abduction					1	2		3
Arrest & Torture		19		19				
Beatings	1	20		21	30	83		113
Child Rights					62	1		63
Economic, Social Rights and Cultural Rights					5	1	1	7
Inhuman Behavior						3		3
Injured					1	13		14
Killing					20	14		34
Racial Discrimination					7	14		21
Right to Assembly	5	19	42	66		3		3
Threats	1	4		5	5	53		58
Women Rights	5			5	323			323
<b>Total</b>	<b>12</b>	<b>62</b>	<b>42</b>	<b>116</b>	<b>454</b>	<b>187</b>	<b>1</b>	<b>642</b>

## Annex 2.5 Far Western: Incidents and Number of Victims

Types of Events	By State			By Non-State		
	Female	Male	Total	Female	Male	Total
Abduction					1	1
Beatings	8	24	32	9	18	27
Child Rights				44	1	45
Inhuman Behavior					2	2
Injured				8	42	50
Killing				21	18	39
Racial Discrimination				10	21	31
Right to Assembly	2	16	18			
Threats		1	1	1	13	14
Women Rights	6		6	79		79
<b>Total</b>	<b>16</b>	<b>41</b>	<b>57</b>	<b>172</b>	<b>116</b>	<b>288</b>

## Annex 3 Number of Victims by Month

Event Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Abduction	8	14	8	9	3	11	2	1	2	7	6		71
Arrest & Torture	5	9	6	9	2	3	4	4	1	13	6	4	66
Beatings	43	74	56	36	109	37	37	33	24	50	55	31	585
Child Rights	30	38	52	41	43	44	44	47	38	32	49	34	492
Death in Detention					1								1
Death in Jail			2					1	1				4
Disappearance					1								1
Economic, Social Rights and Cultural Rights	4	2	4		7	4	3	2	1			1	28
Inhuman Behavior	2	1		1	3	3	7	8	3	6			34
Injured	14	18	10	41	60	7	19	16	7	9	2	6	209
Killing	33	32	53	43	40	40	23	38	30	35	27	29	423
Landless and Squatters Problem					8								8
Racial Discrimination	10	9	6	9	9	6	24	6	9	12	3	8	111
Right to Assembly	75	53	20	86	95		56	29		15	7	6	442
Threats	23	37	9	6	19	10	8	5	6	7	2	4	136
Women Rights	76	73	90	76	91	80	100	87	78	52	51	56	910
<b>Total</b>	<b>323</b>	<b>360</b>	<b>316</b>	<b>357</b>	<b>491</b>	<b>245</b>	<b>327</b>	<b>277</b>	<b>200</b>	<b>238</b>	<b>208</b>	<b>179</b>	<b>3521</b>

## Annex 4 Victims by Caste/Ethnic Group

Victim Caste	By State				By Non-State			
	Female	Male	N/A	Total	Female	Male	N/A	Total
Adhibasi	4	8		12	38	12		50
Baisya		1		1	6	11		17
Baniya					4	1		5
Brahman	7	128		135	201	200		401
Chhetri	16	99		115	416	215		631
Dalit	19	30		49	356	142		498
Godiya	1	2		3				
Janajati	18	141		159	435	236		671
Kayastha		2		2	3	3		6
Koiri	1	4		5	14	5		19
Mandal	1	8		9	15	19		34
Muslim	5	9		14	39	20		59
Newar	6	9		15	38	14		52
Sanyasi	1			1	3	2		5
Telli		6		6	20	25		45
Yadav		35		35	35	44		79
N/A	1	31	153	185	153	48	2	203
<b>Total</b>	<b>80</b>	<b>513</b>	<b>153</b>	<b>746</b>	<b>1776</b>	<b>997</b>	<b>2</b>	<b>2775</b>

## Annex 5 Victims by Religion

Religion	By State				By Non-State			
	Female	Male	N/A	Total	Female	Male	N/A	Total
Bahai		1		1	1	1		2
Bon					1			1
Buddhist	9	39		48	69	49		118
Christain					1			1
Hindu	65	395		460	1394	800		2194
Kirat		8		8	50	24		74
Muslim	5	9		14	33	18		51
Other		1		1	14	7		21
Shikh						1		1
N/A	1	60	153	214	213	97	2	312
<b>Total</b>	<b>80</b>	<b>513</b>	<b>153</b>	<b>746</b>	<b>1776</b>	<b>997</b>	<b>2</b>	<b>2775</b>

# Human Rights Abuses

## Annex 6.1 By UCPN-M & it's Affiliated Groups

Type of Events	Female	Male	N/A	Total
Abduction	1	3		4
Beatings	6	66		72
Child Rights	1			1
Economic, Social and Cultural Rights		5	1	6
Injured		8		8
Killing		2		2
Threats	5	44		49
<b>Total</b>	<b>13</b>	<b>128</b>	<b>1</b>	<b>142</b>

## Annex 6.2 UML & it's Affiliated Groups

Type of Events	Male	Total
Beatings	20	20
Inhuman Behavior	2	2
Injured	1	1
Threats	4	4
<b>Total</b>	<b>27</b>	<b>27</b>

## Annex 6.3 By Others

Type of Events	Female	Male	N/A	Total
Abduction	16	27		43
Beatings	78	204		282
Child Rights	473	12		485
Economic, Social and Cultural Rights	8	9	1	18
Inhuman Behavior	5	27		32
Injured	16	73		89
Killing	172	172		344
Racial Discrimination	49	61		110
Right to Assembly		3		3
Threats	5	42		47
Women Rights	898			898
<b>Total</b>	<b>1720</b>	<b>630</b>	<b>1</b>	<b>2351</b>

## Annex 6.4 By NC & it's Affiliated Groups

Type of Events	Female	Male	Total
Beatings	2	24	26
Injured		2	2
Killing		1	1
Racial Discrimination		1	1
Threats		6	6
Women Rights	1		1
<b>Total</b>	<b>3</b>	<b>34</b>	<b>37</b>

## Annex 6.5 By Agitating Groups of Tarai

Type of Events	Female	Male	Total
Abduction		5	5
Injured		29	29
Killing	2	4	6
Threats		5	5
<b>Total</b>	<b>2</b>	<b>43</b>	<b>45</b>

## Annex 6.6 By Agitating Groups of Hills

Type of Events	Male	Total
Beatings	5	5
Right to Assembly	1	1
Threats	5	5
<b>Total</b>	<b>11</b>	<b>11</b>

## Annex 6.7 By Unidentified Groups

Type of Events	Female	Male	Total
Abduction		19	19
Beatings	2	5	7
Child Rights	4	2	6
Injured	14	50	64
Killing	17	40	57
Threats		8	8
Women Rights	1		1
<b>Total</b>	<b>38</b>	<b>124</b>	<b>162</b>

## Annex 7 No. of Victims by Place of Origin

District	By State	By Non-State
Achham	3	27
Arghakhanchi	2	26
Baglung	16	8
Baitadi		25
Bajhang	1	11
Bajura	5	11
Banke	18	30
Bara		42
Bardiya	1	112
Bhaktapur		12
Bhojpur	6	25
Chitwan	4	66
Dadeldhura	11	18
Dailekh	1	25
Dang	1	23
Darchaula	1	24
Dhading	7	81
Dhankuta	2	22
Dhanusha	9	75
Dolakha		25
Dolpa		16
Doti	2	36
Gorkha	1	28
Gulmi	1	34
Humla	2	25
Illam	2	28
Jajarkot	13	28
Jhapa	23	36
Jumla		38
Kailali	12	101
Kalikot	2	36
Kanchanpur	24	37
Kapilvastu	13	29
Kaski	35	42
Kathmandu	16	94
KavrePalanchowk	2	49
Khotang	1	33
Lalitpur	10	11

District	By State	By Non-State
Lamjung	1	10
Mahottari	5	43
Makwanpur		38
Morang	6	67
Mugu	8	10
Mustang		1
Myagdi		5
Nawalparasi	95	53
Nuwakot	1	34
Okhaldhunga		32
Palpa	2	33
Panchthar	6	62
Parsa	6	18
Parvat	6	10
Pyuthan		17
Ramechap	20	24
Rasuwa		17
Rautahat	9	60
Rolpa	3	33
Rukum		17
Rupandehi	4	24
Salyan	2	26
Sankhuwasabha		34
Saptari	21	72
Sarlahi	3	48
Sindhuli	5	62
Sindhupalchowk	3	50
Siraha	18	56
Solukhumbu		18
Sunsari	19	47
Surkhet	15	183
Syangja	4	16
Tanahu	17	23
Taplejung	5	15
TerhaThum	11	25
Udayapur	8	27
N/A	196	76
<b>Total</b>	<b>746</b>	<b>2775</b>



## Annex 8 No. of Detainees in Jail at the End of 2012

S.No	District	Grade	Capacity	Number of Inmates in Jail at the end of 2012					Dependants		Death in Jail
				Detainees	Convicts	Male	Female	Total	Male	Female	
1.1	Jhapa	‘C’	225	275	330	560	45	605	4	5	
1.2	Ilam	‘E’	No Detainees								
1.3	Panchthar	‘E’	25	44	102	134	12	146		1	
1.4	Taplejung	‘E’	25	35	60	95		95			
1.5	Morang	‘B’	300	407	234	585	56	641	2	4	6
1.6	Sunsari	‘B’	500	216	340	556		556			1
1.7	Dhankuta	‘E’	25	9	44	50	3	53	1		
1.8	Terhathum	‘D’	35	9	36	41	4	45			
1.9	Bhojpur	‘E’	25	25	72	90	7	97			
1.10	Sankhuwasabha	‘D’	25	21	63	74	10	84			1
1.11	Saptari	‘D’	125	105	94	196	3	199			
1.12	Siraha	‘D’	150	118	40	149	9	158	1	1	1
1.13	Udaypur	‘E’	50	148	67	209	6	215			
1.14	Khotang	‘E’	20	18		18		18			
1.15	Okhaldhunga	Non-Graded	25	9	32	37	4	41	1	1	
1.16	Solukhumbu	‘D’	35	9	40	46	3	49			
2.1	Dhanusha	No Jail									
2.2	Mahottari	‘C’	135	249	132	344	37	381	5	3	
2.3	Sarlahi	‘C’	100	105	62	167		167			
2.4	Sindhuli	‘E’	25	30	63	83	10	93			
2.5	Ramechhap	‘E’	50	37	217	240	14	254			
2.6	Dolakha	‘E’	25	12	29	41		41			
2.7	Rautahat	‘D’	95	78	48	119	7	126			
2.8	Bara	No Jail									
2.9	Parsa	‘B’	700	614	870	1409	75	1484	11	12	

2.10	Chitwan	‘D’	120	214	214	381	47	428			
2.11	Makawanpur	‘B’	1200	299	205	504		504			
2.12	Lalitpur	‘C’	175	138	105	243		243			
2.13	Kavre	‘E’	61	86	80	166		166			2
2.14	Bhaktapur	Child Reform Center		50	46	92	4	96			
2.15	Kathmandu	‘A’	1200	1515	1400	2625	290	2915	11		
2.16	Dhading	‘E’	30	47	70	95	22	117			
2.17	Sindhupalchok	‘E’	7	61	37	98		98			
2.18	Nuwakot	‘E’	85	51	103	129	25	154	1	1	
2.19	Rasuwa	‘E’	25	7	35	42		42			
3.1	Tanahu	‘E’	25	71	41	112		112			
3.2	Gorkha	‘D’	55	38	80	109	9	118			
3.3	Lamjung	‘D’	25	34	30	57	7	64	1	1	
3.4	Syangja	‘E’	35	38	46	71	13	84			
3.5	Kaski	Non-Graded	60	169	189	313	45	358	1	1	
3.6	Manang	Non-Graded			11	11		11			
3.7	Nawalparasi	‘E’	35	44	43	81	6	87			
3.8	Rupandehi	‘C’	100	189	187	376		376			
3.9	Palpa	‘C’	175	54	271	261	64	325	4	1	1
3.10	Kapilvastu	‘D’	80	86	105	191		191	1		2
3.11	Arghakhanchi	‘E’	No Detainees								
3.12	Gulmi	‘E’	25	13	49	56	6	62			
3.13	Baglung	‘E’	25	41	33	67	7	74			
3.14	Parbat	‘E’	25	12	48	59	1	60			
3.15	Myagdi	‘E’	25	9	46	53	2	55			
3.16	Mustang	‘E’	10		6	6		6			
4.1	Dang	‘D’ & ‘E’	150	52	211	249	14	263	1	2	
4.2	Pyuthan	‘E’	25	6	30	31	5	36			
4.3	Rolpa	‘D’	50	26	42	64	4	68			

4.4	Salyan	‘D’	20	26	52	63	15	78		2	
4.5	Rukum	‘D’	25	23	38	61		61			
4.6	Banke	Non-Graded	200	233	151	348	36	384			1
4.7	Bardiya	‘C’	100	57	132	181	8	189	1	3	
4.8	Surkhet	‘E’	25	56	81	124	13	137	1		
4.9	Jajarkot	‘E’	25	10	30	38	2	40			
4.10	Dailekh	‘E’	16	10	39	45	4	49	1	1	
4.11	Dolpa	‘E’	30	16	9	22	3	25			
4.12	Jumla	‘E’	20	8	9	15	2	17		1	
4.13	Kalikot	‘E’	25	4	41	42	3	45			
4.14	Mugu	‘E’	No Detainees								
4.15	Humla	‘E’	25	13	2	15		15			
5.1	Kailali	‘D’	100	151	109	236	24	260	1	3	
5.2	Achham	‘D’	25	7	35	38	4	42			
5.3	Doti	‘D’	45	7	29	36		36			
5.4	Bajura	‘E’	25	7	36	42	1	43			
5.5	Bajhang	‘E’	25	24	9	32	1	33			
5.6	Kanchanpur	‘D’	95	59	121	167	13	180	2		
5.7	Dadeldhura	‘D’	25	13	31	41	3	44	1		
5.8	Baitadi	‘D’	25	13	35	48		48			
5.9	Darchula	‘D’	40	6	36	37	5	42			
<b>Total</b>			<b>7464</b>	<b>6666</b>	<b>7763</b>	<b>13416</b>	<b>1013</b>	<b>14429</b>	<b>52</b>	<b>43</b>	<b>15</b>

Views of Political  
Parties on Human Rights  
Situation in 2012

**Annex**

3

---

## Nepali Congress

---

The “Human right Year Book” published by Informal Sector Service Center (IN-SEC) regarding the human right violation of various nature during the year has been very useful manual for the human right protection and its promotion. This publication can be a vital inspiration on stopping and repeating a serious human right violation in the future for Human Rights Violator’s party. Nepali Congress highly praises the continuous attempt and effort by INSEC for the protection and promotion of Human Rights.

The incident of human right violations published in the past issues in “Human Rights Year Book” is completely different in nature and violator’s party, compared to the incident in 2012. The government itself was involved in a serious human rights violation issues in 2012, creating a serious humiliation in nation’s reputation by violating the international human rights treaty and covenant.

Maoist was continuously active on seizing of authority, by the pre-planned end of the elected constitutional assembly/executive parliament and destroying the state’s fourth body, media.

Immediately after the formation of government in leadership of Dr. Babu Ram Bhattarai (UCPN Maoist), hundreds of incidents like murder, violence, terror, price hike, black market, theft, rape and many other serious human rights violation occurred. The accused involved in a serious crime such as murder, and convicted as a criminal by the court were sheltered by this government and encouraged the impunity in the country. Whoever are against them were targeted by Maoist. People working for civil awareness, human rights, lawyers, media personnel, legal entrepreneurs never felt secure in the country.

More than 200 legal entrepreneurs of Nepal Bar Association were intervene and

arrested by the police using an unnecessary force by the government on February 24 who were in a peaceful protest to create a pressure on government for the promulgation of constitution.

With the aim of weakening the free and fair justice system, Supreme Court justice, Rana Bahadur Bam was shot dead in the heart of the city on June 1. Similarly Yadav Paudel, media personnel of AV news, was murdered by pushing him out of the hotel roof on April 3.

With the entry of UCPN Maoist government, especially the Nepali congress cadres and leaders became the target of attack by UCPN Maoist and the cadres of Madhesi Janadhikar Forum (MJF) all over the country. Central committee member of the party, Rajan Prasad Pant including other leaders of the party were attacked by the YCL cadres with the intention to intervene the Satyawati village committee’s program organized in Palpa. Ex- regional president and working committee member of Palpa, Bishnu Pokhrel was critically injured in the attack. Rajendra Yadav of Nepali congress Village committee member, Dhanusha, was attacked and critically injured on May 31. Radhesyam Jonchhe, ex-president of Nepali congress, Bhaktapur, was shot dead on September 2. In such way, UCPN Maoist terrorized the region by violent attack, murder, beatings and abduction, targeting Nepali congress.

The government which was appointed with the commitment to provide easy political way out, relief and good governance, itself was involved in corruption, commission and big incidents. The terror of Nepotism, favoritism and intervention in the police and army offices were done by this government. Creating a serious political turmoil by dissolving the constitutional assembly and governing the state by destructing the state’s infrastructure is the only work done by the Bhattarai’s government. Putting the state in crisis by not allowing the political

agreement or consensus, making the entire constitutional guild vacant and useless, the Bhattarai's government occupied the state and all the power in irresponsible way.

During the end of 2012, this government has become the protector of impunity. The government became actively involved in ending the rule of law by proving itself a debased government in the history. The state itself was involved in masking a serious human rights abuse and violation. The serious attention of the international community was drawn due to the critical situation of human rights in the country. The end of 2012 and the beginning of 2013 has become the grievous year in the country's history, where the governing body itself was involved in serious human rights abuses.

Entirely, 2012 became the worst year in the history of Human Rights situation of Nepal. It is confirm that as long as this government rules the state, the incident of human rights violation and impunity will prevail and such violation will keep on getting encouragement and shelter.

**Basanta Kumar Gautam**  
Chief Secretary

---

## CPN-UML

---

The year 2012 has passed by with different incidents of human rights violations. Especially incidents of violence against women appeared across the country. The incidents of grave human rights violations such as rape, abduction, setting fire to women have not only mocked human rights of the nation but also created disgrace of country in international community. The problems created during the decade long insurgency were not solved by the end of 2012 as well.

Although political parties made attempts to solve issues of peace and constitution through national consensus, process of promulgation of new constitution was not only in dilemma but also in transition

as Nepal remained in critical circumstances. The tendency to take into controls over individuals or political parties to put different political opinions have not ended yet. The incidents of human rights violations created by State were seen in 2012.

CPN-UML is committed to investigate into incidents of grave human rights violations occurred during the armed insurgency and to take action against the accused. UML is ready to move ahead by joining hands with various organizations to improve current status of human rights.

INSEC's endeavors towards human rights and social justice are remarkable. UML expects that INSEC will play a vital role to move ahead its activities in the days to come.

**Parashu Ram Meghi Gurung**  
Secretary, Central Office

---

## Nepal Workers and Peasants Party

---

The government was formed with leadership of the vice president of UCPN-M Dr. Baburam Bhattarai on the basis of the 4-point understanding with Madhesi Morcha on August 27. Much publicity was done for his support, especially by the media with Indian investment, after he assumed office. He had announced that he would immediately resign if the peace process and promulgation of constitution were not completed.

The Nepalese people with the desire of peace and immediate promulgation of constitution had believed in PM Bhattarai. It was clear that without promulgation of new constitution, the achievement of movement cannot be institutionalized. There was no alternative than believing the government when the leader of the largest party in Constituent Assembly was given majority vote by the legislative-parliament at a time when hatred was developing against the political parties. Most of the CA members did not accept issues like One Madhesh, One

Province, right to self-determination, ethnic federalism, priority rights when the deadline for the new constitution promulgation was approaching. The CA was dissolved by the Bhattarai's government with the direction of India after making sure that their expediency in such matters cannot be included in the constitution. Bhattarai betrayed people and the country. Other parties like Nepali Congress and CPN-UML are also guilty for the dissolution of Constituent Assembly as they were just focusing in the power struggle even when the Constituent Assembly was in the verge of expiration.

The country is being governed without the parliament. The government is forwarding the ordinances resident and many others are pending. Trying to govern the country with the ordinances instead of going for elections is a step against democracy. Due to the government's tyranny, the promulgation of new constitution is uncertain.

UCPN-M should have properly managed the armed conflict. Instead, Bhattarai's government provided amnesty to hundreds by withdrawing cases saying that the incidents took place during the conflict. Principally, this is wrong. These cases would have been resolved, if the Truth and Reconciliation Commission (TRC) was formed. The government made an attempt to pass an ordinance to give blanket amnesty for the entire incidents that occurred during the decade long armed conflict. Such acts will help flourish increasing impunity.

Corruption has become a daily routine for the ministers, secretaries and departmental head. The offices like Land Reform, Land Reform, Court, local bodies have become places for corruption. The involvement of ministers and their secretaries in the corruption is a sign of bad governance.

People are deprived of drinking water, the price of the commodities is hiked day by day and people are compelled to live in darkness due to the load shedding. It is getting harder for the people to live a nor-

mal life and in such situation, the government has become irresponsible. People are not able to feel presence of the government. It's been more than 10 years that the local bodies are without representatives.

The youths are not being able to use their labor and talent in their own land. They are compelled to work as a slaves in Gulf countries. Thousands of youths are leaving the country every day, at the same time 4-5 dead bodies of those youths, entering in the country has become normal. Such incidents are increasing during PM Bhattarai's tenure compared to the past government. It is a serious crime that a woman who came back from the foreign employment has been looted and raped with the help of administration and its connection inside the airport.

With the beginning of the winter, many people from the Tarai region lost their lives. Death of those who lost their lives due to cold is not only a violation of right to life by the State, but also a symbol of colonialism. Right to food, right to dignified life, right to shelter are basic human rights issues. In capitalism, people of working class cannot enjoy human rights. Exploitation, corruption and crime are specialty of capitalism. Socialism is alternatives of capitalism. For the working class, socialism is the best principle to follow.

From the last 7 months, the country is being run without the elected government. The caretaker government is working as an elected government. This is the anti-democratic step. Principally, the caretaker government does not have any right to present the budget, forward the ordinance or pass any decisions. Bhattarai's government is going forward by ignoring all those democratic values and norms. Despite the time frame to form the consensus government given by the President from time to time, political parties could not agree on a common candidate. Due to the selfishness and irresponsibility of the government, the future of Nepali people is in darkness. Shame-

less Bhattarai is still holding PM's chair even after dissolving CA and failing to hold elections on time.

Year 2012 of the Bhattarai government, which has forgotten honesty and political morality, has to be taken as the dark year in the perspectives of human Rights.

Sunil Prajapati, Secretary

---

### **Madhesi Janadhikar Forum, Nepal (Loktantrik)**

---

Human rights is an important and serious issue in the context of transitional situation in Nepal. Anarchy and uncertainty exists in Nepal because of the weak State mechanisms, increasing political anarchy, violence, killing, abduction, ransom, rape, lack of the culture of consensus and collaboration and lack of the durable constitution.

The year 2012 was not free from the above mentioned situation. This is proved though the facts of heinous crimes committed by the different criminals who took advantages of the weak transitional state mechanisms in the country. Especially, incidents of political violence, killings, looting and abduction were observed in Tarai-Madhes while incidents of killings of women, domestic violence and rape are increasing across the country. Some people were killed by the State while some innocent people were killed by non state actors. Therefore, human rights situation during 2012 remained weak and unsatisfactory. The economic and social indicators of human rights also remained discouraging during 2012. This is not a good sign for the country.

We would like to express our best wishes to INSEC for the publication of Human Rights Yearbook 2013.

Jitendra Narayan Yadav  
General Secretary

---

### **Madhesi Janadhikar Forum, Nepal**

---

The situation of human rights and democratic rights is pathetic as the country is in complex transitional period. Many people are deprived of right to life, individual freedom, right to dignified life among others. The criminal incidents committed by different gangs have become normal these days. The victims and injured of people's movement, Madhes movement and other movements are yet to get relief. The overall situation of this country is in dilemma after the dissolution of CA. Due to political stalemate, politicization of crimes, criminalization of politics, fear of weapons, decision of withdrawal of cases that are criminal in nature, soaring impunity and lack of the minimum measures to save people from cold wave, many people become victimized. Human dignity has become shredded because of the economic deprivation and political instability. Thousands of youths are compelled to leave the country as immigrants due to the lack of employment in Nepal. The situation of child rights, women rights, Dalit rights is pathetic. In this situation, the current need is to form accountable and permanent government through elected representatives for promotion and protection of human rights and establishment of rule of law in Nepal. MJF is always committed to do so.

Upendra Yadav, Chairperson

---

### **Rastriya Janamorcha**

---

We are very glad that INSEC is going to publish Human Rights Yearbook 2013. We heartily wish for its publication and success in coming days.

We cannot evaluate human rights situation of the country of last year by separating it from the political situation. The protection of human rights is always related to the political situation of the country. The



question of protection of human rights cannot be separated from the state's politics. If we analyze the entire political scenario since the dissolution of constitutional assembly, there are enough grounds to say that there will be a long-term effect in protection of human rights if the Bhattarai-led government is not removed and CA elections is not held by a consensus government.

The CA was dissolved without making constitution, especially due to dispute on federalism and its structure. The dissolution of CA and the present political stalemate has created crisis in the country. The government is getting authoritarian day by day. Vacuum in the constitutional bodies which control and balance the government's arbitrariness is increasing. There is absence of legislative body. There are not enough justices in the Supreme Court. Election Commission is without commissioners. There is no legal and constitutional provision to go for the new election. There is no Executive body to remove this government. The politics of the country is going through a very tough situation. In this scenario, the human rights situation and its protection is a huge challenge.

Following the peace agreement signed between the Maoists and Nepal Government on November 21, 2006, a consensus was reached to form Truth and Reconciliation Commission (TRC) to create a favorable environment in the society by investigating the serious human rights violations and those who were involved in crimes against humanity committed during the armed conflict. The interim constitution's sub-article (D) of Article 33 has provision of TRC as the first liability of the state. According to that provision, the agreement was made between seven political parties and the government to form the TRC within six months at that time.

The TRC and Commission on Disappearance could not be formed though five years have passed after elections of Con-

stituent Assembly. Maoists are prompted by a wrong consideration of giving amnesty to those who were involved in serious human rights violations. That is why they are delaying the formation of laws related to formation of such commission and are trying to make weak laws in order to grant amnesty to perpetrators. The Maoist led government strongly opposed the report published by OHCHR regarding its report on the decade long armed conflict of Nepal.

The culture of impunity has created a huge problem for the protection of human rights. The State itself is encouraging impunity. Convicts serving sentence for various crimes are being given amnesty by the Cabinet meeting. Baburam Bhattarai led government has given amnesty to the criminals in two occasions. Recently, two murder charges against ex-state minister of UCPN-M Surya Man Dong has been withdrawn. Similarly, the serious charges against three cadres of MJF Loktantrik, including 675 convicted with serious criminal charges for the killing of Ram Prasad Rai and Ram-brij Yadav was withdrawn.

Very few news and incidents of violence against women come in media. But, during this period numerous such incidents were made public. Violence against women such as rape, beatings and even murder increased drastically throughout the year.

We only take the data of human rights violation based within the country, but the huge populations are outside the country. It is the responsibility of the state to protect the human rights of its people, even they are outside. State cannot deny from its responsibility. On 2012, more than 834 Nepalese lost their life in the Gulf country and Malaysia due to the lack of security.

Women also suffer in foreign countries. Most of the women who are in Gulf countries are becoming victim of sexual violence. Most of them are bound to commit suicide due to the stress. Many have lost their life and few of them are made to dis-

appear.

Caste discrimination still prevails in the country due to the feudal social infrastructure even though we have laws against it. In Dhading, a boy from the Dalit community was displaced from the village on charge of marrying a girl from a higher community.

After analyzing the entire incidents, 2012 was a year of dissatisfaction for human rights sector. When the country is ruled by a government Fascist in nature, there is no question of protection of human rights of Nepali people and its enjoyment.

**Chitra Bahadur KC**  
Chairperson

---

### **Rastriya Prajatantra Party**

---

Many incidents of grave human rights violations were reported in 2012. Siba Hasami of Bardiya and Bindu Thakur of Bara were allegedly burnt alive by their family members while Sita Rai (name changed) was raped by security personnel at Tribhuvan International Airport when she was returning home from overseas. These incidents shocked the nation and brought shame in the international community. Incidents of rape of women from Jhapa and other parts of the country became public during 2012. The whereabouts of Chhorimaiya Maharjan, who was abducted by unknown gang, remained unknown by the end of the year. The number of the women who were victimized in incidents of domestic violence and witchcraft allegation remain unknown.

Baburam Bhattarai led government decided to withdraw the cases of grave human rights violations like killing, theft, looting, rape etc. Cadres of sister organizations of different political parties that are at the helm were yet to be brought to book though they were involved in the incidents of gross human rights violations.

The private properties captured during the insurgency are yet to be returned to their rightful owners and the whereabouts of those who were disappeared during that period remains unknown. Journalists, media sectors, educational institutions, industries, factories, civil employees and all sectors could not escape from the fear of insecurity.

The country moved towards uncertainty as the constitutional and political crisis deepened following the dissolution of CA on May 27. Because of the same reason, it is felt that the incidents of human rights violations are increasing everyday. Due to the government's apathy and negligence, the culture of impunity is increasing day by day. It is felt that the people have protested and condemned the government's tendency for sheltering culture of impunity. In short, the year 2012 was very digressing and unsatisfactory in human rights perspective.

**Parashuram Khapung**  
General Secretary

---

### **CPN (Maoist)**

---

We received the Human Rights Yearbook 2012 on time. We would like to express our thanks to INSEC for providing the book in time. There has been no improvement in the human rights situation as expected by the people after the decade long people's war and Jana Andolan. People's lives are becoming worse each day. We believe that situation of human rights is satisfactory only there is no exploitation, suppression and oppression in people's lives. Impunity, extortion, corruption, black marketing, smuggling carried out by the State and various criminal groups in Nepal have made the situation of human rights weak.

CPN (Maoist) expresses its best wishes for the publication of INSEC's Human Rights Yearbook 2013.

**Sujan, Secretary**  
Bagmati Bureau Committee

Views of Institutions  
on Human Rights  
Situation in 2012

**Annex**

4

---

## **The Office of Prime Minister (PMO) and Council of Ministers**

---

It is the prime responsibility of the state to respect, protect and promote human rights which the government of Nepal is committed to. As Nepal is party to 22 international conventions on human rights, the PMO is making all possible efforts to develop a culture of human rights while fulfilling national and international responsibilities.

As guided by the Vienna Conference 1993, the government of Nepal has come up with 3-year National Action Plan to respect, protect and promote human rights. The National Action Plan for Human Rights was drafted in 2005/06 work in close coordination with civil society and private sector. In this course, third 3-year action plans have already been executed and the third Human Rights National Action Plan 2009/10-2012/13 is being implemented. It is believed that the effective implementation of the current human rights National Action Plan will help in guaranteeing the rule of law, ensuring basic human rights to all citizens and develop a strong culture of human rights in the country. The tenure for the implementation of this action plan is until 2013 BS so new strategy and action plan for upcoming year should be formulated. As such, the basic work has already been begun for that.

Similarly, following the review of the National Action Plan against gender based violence, National Strategy and Work Plan on Eradication of Gender Violence and Gender Empowerment, 2012 has been implemented for five years from July 20, 2012. Other ministerial strategies and action plans have also been implementing. As per the plan, the implementation of other effective programs related on the eradication of caste-based discrimination is underway.

The PMO has been monitoring and updating the recommendations made by NHRC since 2001 concerning incidents of human rights violations. In addition to this, Rs 90m has been distributed to the conflict victims as relief as per the recommendations made by the Ministry of Peace and Reconstruction.

The Office has made information readily available to different international human rights organizations and is involved in drafting human rights reports after consultations with different agencies.

PMO has prepared to submit the updated reports on human rights for being the state party. The Office prepared a national report for the Universal Periodic Review (UPR) and submitted to UN Human Rights Council in January 2011. As per the suggestions and recommendations received during the UPR, action plans for all concerned bodies were prepared and they are currently being implemented.

PMO prepared third updated report on ICESCR, 1966 submitted to UN in 2011 is hopeful for defense and as per the Convention, the PM has also published the collection of the submitted primary, second and third reports i.e. Concluding Observation has been also published. The Government of Nepal is working on the promotion and protection of human rights through the institutional consolidation of the NHRC, National Women Commission, National Dalit Commission and Janajati Utthan Mahasangh and by forming the human rights units in all ministries and human rights directorate in all security agencies. Meanwhile, the Government of Nepal is doing many things for the promotion and protection of human rights by coordinating national and international organizations including various other agencies of government.

**Jhaindra Prasad Guragain**  
Section Officer

---

## Ministry of Foreign Affairs

---

Protection and promotion of human rights has occupied an important position in various spheres of international relations. As a party to 24 international human rights and related instruments, the Government of Nepal is fully committed towards the promotion and protection of human rights as per prevailing national laws as well as international commitments and obligations. The Interim Constitution of Nepal, 2007 has further expanded the scope of human rights by guaranteeing additional fundamental rights of the citizens.

The NHRC has been working as a constitutional body for the promotion and protection of human rights in the country. The Government of Nepal is committed to strengthen the NHRC as the lead institution to promote and protect human rights by making it more efficient, effective and capable. In this context, the NHRC Act, 2012 has been enacted to make the Commission more effective and in line with international standards. The Government of Nepal has been implementing Human Rights National Action Plans periodically since fiscal year 2004/2005 with an intention of fulfilling the obligations created by various international conventions and covenants to which Nepal is a party as well as the commitments made in the provisions of the Interim Constitution. The Third National Human Rights Action Plan, 2010/11-2012/13 is currently in the process of implementation.

As an executive agency, the Law and Human Rights Promotion Division under the Office of the Prime Minister and Council of Ministers have been functioning as the national focal point for human rights. The Division has been coordinating, assisting and cooperating among various agencies for the cause of promotion and protection of human rights activities effectively. Under

the coordination of the same Division and with active participation of related agencies and stakeholders, an Action Plan is being implemented to effectively execute the national commitments and relevant recommendations received during the process of Universal Periodic Review of human rights situation in Nepal at the UN Human Rights Council. Similarly, the Government is committed to enact necessary legislation, as stipulated in the Interim Constitution, with regard to the Transitional Justice Mechanism to address the grave violations of human rights and international humanitarian laws during the period of conflict. As a result of the collaboration of the United Nations Office of the High Commissioner on Human Rights (OHCHR), among others, during the situation of conflict and thereafter from May 2005 to December 2011, and particularly following the signing of Comprehensive Peace Accord in 2006, significant progress has been achieved in the protection and promotion of human rights in the nation. This has left concrete and beneficial effect on the capacity building and institutionalized activism of the national institutions working in the field of human rights.

As long-term and sustainable addressing of human rights protection and promotion is contingent upon the national capacity building, it is expected that United Nations and the international community would make positive contribution in the direction by supporting institutional strengthening and capacity development of Nepal in this important field.

Nepal submitted the combined Third, Fourth and Fifth Periodic Reports related to the Convention on the Rights of the Child and the initial report related to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict last year to the Committee on the Rights of the Child in accordance with the periodic reporting

obligations of Nepal being a party to various international Conventions/Covenants. The Government of Nepal is a party to Convention against Corruption following the ratification of the Convention in 2011. The National Strategy and Action Plan on the implementation of UN Convention against Corruption, 2012 has been initiated as per the obligation of the Treaty. Similarly, National Strategy and Action Plan on the Elimination of Gender-Based Violence and Gender Empowerment, 2012/13 - 2017/18 is in the process of implementation. In addition, Nepal has also become party to the UN Convention against Transnational Organized Crime since December 2011.

In addition, the positive efforts of the civil society, actively involved in the field of human rights, have been a source of inspiration for the Government of Nepal to remain vigilant and sensitive on the issues of human rights. In the protection, promotion and defense of human rights through wider dissemination of information and awareness, the role played by the non-state actors in association with the state machinery is also mention-worthy.

The activities mentioned above amply illustrate the fact that Nepal has been continuously moving forward with full commitment and responsibility in the promotion and protection of human rights. The need of the day is to enhance the situation of human rights in the country through more effective collaboration among the Government, private sector and civil society. Institutional coordination, partnership and co-operation are essential to this effect. The Ministry of Foreign Affairs is always committed to the promotion of human rights by all means under its jurisdiction and competence through such means as communication, co-ordination, co-operation and facilitation.

---

## Nepal Army

---

1. Human Rights have been much discussed in various organs of state and security agencies. It can be said that the implementation of human rights is increasing positively.
2. As Nepal is a state party to various human rights treaties, it is committed to and responsible for upholding the norms of humanitarian law and human rights. As all stakeholders, including political parties have continually expressed their commitment to protect and promote human rights; a peace-friendly image of Nepal can be presented to the international community.
3. NA is always aware of and committed to protecting human rights as ensured by the constitution. NA has been guided to protect and promote human rights as per the commitment made by the State to various human rights treaties. NA has undertaken the following for the protection and promotions of human rights:
  - A. It is the responsibility of the state to follow the Universal Declaration of Human Rights adopted by the UN in 1948 in which political, social, economic, cultural and fundamental rights are guaranteed. Similarly, the Geneva Convention 1949 ratified by Nepal in 1965 emphasizes humanitarian aspects of war as, not destroying crops, respecting women, children and elderly people, not destroying cultural and religious sites and treating prisoners of war and the injured in accordance with the values of the convention. NA has been trained with these principles in mind.
  - B. In the Interim Constitution of Nepal, 2007 and Article 20(1) of Army Act, 2007, it is stipulated that army personnel must be trained in human rights and International Humanitarian Law (IHL).

As per the provision, IHL Integration Order has been implemented into the workings of the NA. Forces in the army are trained in human rights and their implementation and the protection and promotion of IHL theoretically and practically. With the view to impart these trainings from senior officers to lower level staff, a book entitled “Nepal Hand Book on Law of Armed Conflict” and a documentary on IHL prepared by NA Directorate have been distributed to all units of NA and these rules are also instructed during the trainings. Similarly, a memorandum of understanding was signed on June 9, 2010 by the Secretary of Defense Ministry, GoN and UNIFEM South Asian Regional Office and Regional Director for Promoting Gender Regional Director for Promoting Gender Responsive Security Sector (PROGRESS). UNIFEM and NA Directorate signed a letter of agreement on November 11, 2010. As per the decision of Steering Committee on the program was fruitful the program is ongoing for two years after signing the Letter of Agreement on October 19, 2012. With the joint initiation of human rights directorate of NA and UN Woman, trainings related to UN Resolution 1325 and 1820 were organized in army regional headquarters and brigades. NA itself is preparing a teaching manual to raise awareness about gender violence and to empower the women with gender equality and women dignity. It has been expected that these initiations will help to restrict the women violence and to promote the fair attitudes towards women.

- C. As NA has agreed not to allow impunity to take place, action has been taken against those involved in violation of human rights when a complaint is filed against any NA personnel. NA has been briefing its officers about human rights

and IHL thereby altering the forces under these officers about the zero tolerance policy of NA.

- D. NA personnel, who go to the UN peacekeeping forces, have been selected through strict selection processes and they have been trained approximately in the pre-development sessions, which take place at Birendra Peace Keeping Training Center at Panchkhal. The content of the training includes human rights, IHL, command responsibility, superior orders equality, sexual abuse, UN resolutions 1325 and 1820 among others.
- E. Lastly, NA would like to express its good wishes to INSEC which has been working for the promotion and protection of human rights. We hope that INSEC will achieve its goals in days to come. We also wish for the success of Human Rights Yearbook, 2013.

**Rajeshwar Bhattarai, Col.**  
Deputy-Director  
Human Rights Directorate

---

## Nepal Police

---

It is our pleasure to learn that INSEC is going to publish the Human Rights Yearbook 2013 as in the past by covering incidents of human rights that occurred during 2012. INSEC's endeavors to publish the annual record for the protection and promotion of human rights are remarkable and appreciable.

Human rights are basic characteristics of a democratic system, and development of democratic system is impossible until the rule of law is exercised. The state, which gets its ruling power from sovereign people, has to protect and respect the lives of its citizens first and has to guarantee the inherent rights of its people effectively.

Therefore, protection of human rights is not separate and new phenom-

ena for the police; it is the one of its objectives. Protecting the fundamental rights of the people, which are constitutionally guaranteed, Nepal Police have been working to prevent the criminal activities. The important and sensitive duty of implementing laws in society falls under the responsibilities of Nepal Police. The police force has been skillfully fulfilling its duties since its establishment. The entire organization of the Nepal Police and its activities have been revised and guided to provide security to civilians and to protect and promote the rights of civilians.

In order to maintain peace and stability in the society and to internalize the promotion and protection of human rights under its organizational priority, it has published a book 'Nepal Police Human Rights Permanent Order' and distributed to all staffs. The human rights unit has been expanded to all regional and zonal police offices and Human Rights Desk has been established in all district police offices. Human Rights have been included the curriculum of trainings organized at all levels within the organizations. As per the three-year National Action Plan of the government related to human rights, programs have been developed and implemented accordingly. The police have been working with NHRC, government agencies and non-governmental organizations for protection and promotion of human rights.

Like the previous years, the police as one of the organizers, conducted a program in connection the Human Rights Magna Meet in coordination with NHRC and co-operation of civil society. Orientations and special training sessions were provided to over 5,000 police personnel on the concept of human rights and implementation of law in a campaign during 2012. The complaints of human rights violations reduced in the fiscal year 2011/12. Action has been taken against 588 police personnel as they were al-

legedly involved in human rights violations, it was found. Similarly, one-year action plan has been published to make the police's all activities human rights friendly as well as to prioritize the promotion and protection of human rights.

To materialize our commitments and efforts, to control crime effectively and to carry out successful investigation, we need positive support from all sectors of society to maintain law and order and to create an environment of social justice. Such support is also necessary to make us more professional, resourceful, systematic and independent. Lastly, we wish INSEC a complete success in the publication of Human Rights Yearbook 2013.

Nepal Police, Human Rights Unit  
Nepal Police Headquarters

---

## Armed Police Force

---

1. As in previous years, we would like to wish INSEC a success, established for monitoring of human rights and social justice across the country, for the publication of Human Rights Yearbook 2013. We also believe that INSEC will play a vital role in coming days especially for the protection and promotion of human rights of the civilians.
2. From the beginning of its establishment, APF has been working in a professional, transparent, dynamic and effective way for the interest of the state and its people. The organization is actively moving forward while assimilating the rule of law with respecting, protecting and promoting human rights. While fulfilling responsibilities tasked by the State, the officers have always respected tradition, norms and values. The commitments shown by the government regarding the treaties, agreement and its values in an international level have been practically followed.



3. The officers have been trained on human rights and International Humanitarian Law. The organization is actively participating in the programs for human rights awareness, conferences and meetings.
4. It is coordinating with all levels of representatives, civil society members and the representatives of political parties to establish the norms and values of human rights, according to the "Quarterly Human Rights National Planning and Implementation" enacted by the Prime Minister and Cabinet of Nepal Government.
5. Reports and Complaint Branch has been established in each and every unit of APF for the officers in order to create good working environment. A nodal officer each has been appointed at the unit to hear reports and complaints. The complaints are dealt at a unit level and if they are remained unsolved, it is forwarded to the related field according to the chain of command and to the IGP by creating complaints and report branch for hearings.
6. For the rights, benefit and development of women armed police officers and for gender friendly environment and "Zero Tolerance" principle expounded by the state, gender unit has been established from head office to border security office. Similarly, in this issue, the process has been initiated for establishment of physical resources-based gender branches in various units. The gender units has appointed a nodal woman armed police officer and working for the complaint of gender-based dispute such as polygamy, beatings, misbehavior, family responsibilities and keeping secrecy of the persons reporting against human rights violators for the legal proceedings.
7. The organization is performing various programs in the coordination with concerned authorities from the central level

to region such as trainings, awareness against gender based violence, increasing awareness classes and interaction programs in regular basis. Various trainings and information have been provided to the male and female officers regarding gender-based discrimination.

8. While selecting the APF for the peace mission (FPU Mission), there is a provision of questions about human rights violation which shows its solidarity to norms and values of human rights and its principles in international level. Also the human rights classes and information are given to those officers going for FPU Mission and UNPOL Mission.
9. At the end, APF is committed to help INSEC including the concerned authority to establish the human rights principles and its norms and values. We are willing to work in coordination with INSEC and other concerned organizations in the future. With expectation of proper advice and wishing further success for INSEC for its each and every effort

**Janaki Raj Bhattarai**  
SSP, Armed Police Force

---

## National Human Rights Commission

---

We congratulate INSEC as it is going to publish Human Rights Yearbook 2013. I appreciate the attempts taken by INSEC to publish the yearbook after analyzing human rights situation of the year. The book is a useful reference material for the government, national and international organizations working in the sector of human rights and all concerned stakeholders.

The historic political changes in the country had raised rays of hope among people, however, it is sad that the achievements of the Jana Andolan II were not institutionalized due to the power mongering of the agitating forces of the movement and the transformation of the conflict did not

reach to a meaningful conclusion. As a result, people's faith on politics and leadership has been weakening and it is not a positive signal. It is not good to diminish the value of democracy and human rights. Rule of Law should be maintained in the country and criminalization of politics and politicization of crime is not good symptom and not acceptable at any rate. Such act will create serious challenges in human rights and democracy.

After the signing of CPA, improvement of human rights was widely expected. Despite several debates, some important achievements are at hand. The management of weapons, emptying of Maoist fighters' cantonments, army integration and their social reintegration are some of the positive aspects of peace process. However, delay in drafting of the constitution on time, dissolution of CA and lack of management of the transitional justice are alarming issues. The TRC and the Commission on Disappearance have not been formed though six years have elapsed since the signing of the CPA, leaving victims of armed conflict without justice and no action against the accused. No action has been taken against those involved in serious violation of human rights or involved in crime against humanity. The act of withdrawing cases related to the armed conflict has made the position of the individuals strong in political parties, on the other hand the police personnel involved in violation of human rights have been granted amnesty, giving rise to impunity. The incidents of VAW are also increasing. The influence of political power has affected performance of state mechanism and police administration.

It is shocking that people did not get human rights-friendly constitution this year as well. From human rights perspective, year 2012 was not good. The government could not fulfill its promises this year. NHRC, which is the constitutional body for the protection, promotion and respect for human rights, has already made public

its national report in this year. The report indicates that there is no positive development in the protection of human rights this year as well. As per the statistics of NHRC, investigation on 6,000 cases received from its offices is underway. Decision on 5,380 complaints has not been made. A total of 276 complaints related to killing, disappearance, abduction, torture, threat and arbitrary arrest were received by NHRC during the year 2012. Complaints were also received on the issues related to property capture, internal displacement, discrimination, extortion, social and economic right, women and children rights and right of indigenous people.

As per the proof received after monitoring and investigation under protection of human rights, NHRC has recommended the government for action against the accused, relief and reparation to the victim. During the year 2012, NHRC had monitored 212 cases of human rights violation. NHRC had given its decisions on 394 complaints. Like in previous year, NHRC under the office of national rapporteur, carried out a study related to current situation of human trafficking, challenges and necessary coordination for combating the issues.

Over the issues related to killing, explosion, disappearance, displacement, torture, threat, detainees' rights, child rights, women rights and the rights of the minority groups, NHRC decided to suspend, end and keep on hold 370 complaints. Of them, 320 complaints were concluded, 45 were annulled and five remained pending. Recommendation has been made on 104 complaints after investigation and policy level recommendation has been made in 35 complaints. NHRC is also carrying out promotional activities for the development of human rights culture. Interaction, workshops and discussion programs were organized among political parties, civil society, journalists, human rights activists, teachers, students and professional organizations over the issues of human rights.

In 2012, NHRC organized 312 programs. Among them, 246 programs were organized by NHRC and 66 others were organized in coordination with other organizations. Of them, 74 were interactions, 57 were trainings, 18 orientations, 15 day celebrations, workshops 24, sports 3, blood donation 2, peace rallies 8, discussion 33, meetings 68 and two programs each related to dialogue, awareness and debate.

The process of transitional justice could not proceed systematically in 2012 because the TRC and commission on disappearances could not be formed. Situation on questioning democracy and rule of law arose as the government did not implement the recommendations made by the mechanisms formed as per the constitution and law. Painful transitional phase has been passing as power struggle, misunderstanding and lack of environment of trust have been increasing. Thus, it clarifies that the government's responsibility of effectively protecting, promoting and respecting human rights is not going on smoothly.

NHRC has several achievements in 2012 and also faced various challenges and problems. It received complaints related to human rights violation and abuses, initiated process on the complaints, carried out monitoring, investigation of the incidents and made recommendations to the government after investigation. NHRC has been completing the necessary process regarding the complaints received.

The situation of impunity, transitional phase, lack of expected support from the government and government's tendency of not implementing the recommendations made by NHRC are the challenges. Lack of the management of the human resources, weak provisions in new NHRC Act, prevalence of internal problem, dilapidated physical structures are also major challenges of the NHRC. To settle the challenges,

NHRC has been recommending and suggesting the government and political parties.

NHRC organized programs among HRDs, civil society, and conflict victims' society for the protection and promotion of human rights. This year, NHRC had monitored the guidelines drafted to ensure the right of detainees and the guidelines of consumers' rights. This year NHRC also issued a guideline related to exhumation of dead bodies. NHRC organized programs in coordination with various organizations and agencies for the rights of women, persons with disabilities, migrant workers, Dalits, Madhesis and indigenous people. NHRC conducted training to government officials, NGO representatives and civil society organizations with a view of implementing human rights-friendly concept in the practices. NHRC this year organized a national program in connection with national report of UPR, the recommendations made after discussion in UN Human Rights Council and condition after the implementation of the conclusion after a year.

In the course of carrying out its work, NHRC has been stressing on the need for coordination and co-operation among the government, various commission, civil society, NGOs and professional organizations. NHRC worked in coordination with UNDP, OHCHR, Save the Children, The Asia Foundation and ICRC among others. It is also working in coordination with international agencies, embassies of different countries and national human rights commissions of various countries.

Finally, believing that INSEC will play a vital role in Human Rights in the days to come, I wish the success of Human Rights Yearbook 2013.

**Gauri Pradhan,**  
Member and Spokesperson

---

## National Women Commission

---

National Women Commission (NWC) was established on March 7, 2002 on the eve of 92nd International Women's Days in Nepal for protecting and promoting the rights of women and mainstreaming women into development process. This has reinforced work of the NWC in protecting and promoting the rights of women. As per the National Women's Commission Act 2007, the NWC has been working to draft and implement national policies regarding women's rights, to amend current laws to ensure gender justice to monitor the implementation of the international conventions signed by Nepal and the status of implementation of such convention and treaties and to monitor and to research women's rights violations complaint's and takes investigation.

No substantial progress was observed this year in the protection and promotion of women rights. There have been decreases in regular occurrences of women rights violations in comparison to 2010. For example, the killing of women's by arson, gang rape, rape of children, trafficking girls, torture given to the women's for bringing less or no dowry but there have been regular occurrences of women rights violations like the incidents of inhuman behavior against women who are accused of practicing witchcraft in various parts of the country, child marriage, and unsafe Chhaupadi system. It is observed that justice is not granted to women due to a lack of effective laws, social institutions and social values. The Government of Nepal has not implemented the recommendations forwarded by the NWC. Following the CA dissolution, relevant amendment in the laws, directive order on the formulation of law, bill on checking the abuse of women on charge of being witch

are not being enacted. Likewise, political instability is resulting in impunity challenging the authority to execute legal provisions. Children and women are the most vulnerable section because this condition.

This year, like in previous years, complaints of women's rights violations and violence against women were registered in NWC. Altogether, 256 complaints including that of domestic violence, sexual violence, dowry violence, torture and inhuman behavior on the allegation of practicing witchcraft, killing, beating and polygamy were registered. Among them application, 172 (67.1875%) are domestic violence incidents and 84 (32.812%) are of other violent crimes. The NWC recommends of compromise, offers legal advice, and psychosocial counseling service as well as provided other's relevant support. Media monitoring by the NWC shows that there were 150 cases of sexual violence, 99 human trafficking, 98 killings, 81 domestic violence as well as 55 cases of social violence. The Commission asked for justice of the victims and law was prescribed for punishment and those are under the trial will face jail sentence if convicted. The Commission is continue to investigate about women rights violation at present and trying to find out solution to resolve these problems as well. The Commission is also involved in a committee formed for the implementation of UN Security Council Resolution 1325 and 1820.

Finally, the NWC is confident that the INSEC is devoted to achieve with the objectives of the fair documentation and impartial justice to build the co-existence environment for human rights. The Nepal Human Rights Yearbook 2013 will certainly help to protect and promote women rights as it has been doing in the past years. We want to express our well wishes and gratitude for success of INSEC.

**Sharada Bista**  
Secretary



---

## National Dalit Commission

---

We would like to thank Informal Sector Service Centre (INSEC) for the publication of human rights yearbook 2013 collecting the incidents of human rights violations.

While remembering human rights of Dalit community that have been trodden through social, economic, cultural and economic sectors, the incidents like that of Kalli Kumari who was forced-fed human excreta on charge of practicing witchcraft, the dalit women who were shot dead inside Bardiya National Park on charge of poaching, Sete Damai who was killed after his son had intercaste marriage and Manbire Sunar who was killed for touching the kitchen of so-called upper caste people came up constantly. In 2012, the incidents of caste based discrimination among dalits and non-dalits, inequality, gender based discrimination, among others appeared in different ways.

The incidents like deprivation of dalit community from public facilities, denying food, health, education to dalits, eviction on charge of getting intercaste marriage recall that the situation of human rights for dalit community has not improved as expected in 2012.

Based on the complaints received by the commission, it is regularly monitoring and researching, one can say that the human rights situation of 2012 remained more challenging for dalit community even though some initiations for the protection of dalit rights were noteworthy.

Different kinds of complaints have been filed at this commission. Like in the previous year, may this Yearbook be able exert pressure to minimize heinous crime like untouchability in national and work for the promotion and protection of Dalit rights in national and international level.

**Shushil Shreepali, Chairperson**

---

## Nepal Bar Association

---

We appreciate Informal Sector Service Center (INSEC) for all its efforts and Human Rights Yearbook 2013. This yearbook has provided vital energy to Nepalese human rights movement as well as democratic movement. We appreciate the efforts put by INSEC to publish the yearbook with annual analysis of the words. The book has made an attempt to make government accountable in case of breach of human rights. The book includes documentation of data, evaluation and analyses about the function and action of the three organs of the nation and making them accountable.

Nepal Bar Association is equally active since its establishment for protection and promotion of human rights and it wants to co-ordinate and co-operate with INSEC in the coming days. NBA has thousands of active representatives and 86 Bar Units all over the country. Each members of unit is equally active to help to maintain rule of law, freedom and accountability. NBA has always been ready to coordinate with INSEC for monitoring human rights in regular basis.

NBA is actively involved in helping in the campaign run by INSEC for ratification of Rome Statute of the International Criminal Court. Similarly, the INSEC publication on fair trial has pointed that Nepal's Criminal Justice System needs an overhaul. NBA would like to thank INSEC for this creative effort and pledges its commitment to work together in the future.

I hope that the Human Right Yearbook which is going to be published this year will provide another tool in the movement of Nepal's human rights movement. Further, I would like to thank INSEC for giving opportunity to NBA to put its view in the book.

**Hari Krishna Karki, Chairperson**

---

## Federation of Nepali Journalists

---

Both the constitution and governments formed after the promulgation of Interim Constitution, 2007 are interims of kind for the past six years. The nation is in transition as the old constitution has been annulled and new one has not been drafted yet. In such a context, several experiments and exercises have been made on the basis of political popularity rather than constitutional and legal condition. The issues such as laws, policies and practices related to working journalists should be viewed from the perspectives of freedom of expression and rights to information.

Effective participation of citizens in the legal process is indicator of strength of democracy in a country. Thus, the condition of implementation status of right to information and freedom of expression should be evaluated while assessing whether democracy in Nepal is true to its meaning.

The freedom of expression is ensured in Interim Constitution however, problems remain unresolved principally. The debate whether the status of freedom of expression is unchangeable has not been concluded yet. There is a need of debates over the issues the acceptable level of legal regulation and monitoring in freedom of press and freedom of expression. As terms with possible wide interpretation remain in the draft constitution, freedom of press and freedom of expression, there is no certainty over the future implication.

The right to expression and rights related to press are ensured in Interim Constitution 2007. However, the provision in those articles still pose threats on that right. In the draft constitution proposed by the CA committee, use of the phrase such as 'the act of disrupting good relation between the federal units', 'the act of disrupting ethnic and

religious harmony has made probability of control of media higher.

The decision like the one taken by the government on January 15, 2012 which was later withdrawn regarding the categorization of information can imperil civil rights at anytime. Due to wider protest from media persons, rights activists and professionals, the government's ploy to render Right to Information Act, 2007 useless was foiled. In clause 3 (3) of the Act, there is provision of categorizing information on protection of information from public. However, the committee which is coordinated by Chief Secretary of the government categorized information in such a way that the citizens would not get those types information which the government prefers to hide.

The government's intention to categorize information was revealed later. The House had ordered to pass the Rome Statute of International Criminal Court. Freedom Forum, an INGO had filed an application at the Ministry of Foreign Affairs demanding to provide the report prepared by a task-force formed by government to study about the development on accession of the Rome Statute. The Ministry of Foreign Affairs had written the INGO that information can not be given as per the decision of the committee formed for the categorization of information. This clarifies that the government was trying to categorize information with the intention of concealing information.

The government from the month of December has initiated discussion on the Media Policy Draft. The policy is control-oriented. The provisions like 'encouraging journalists about their duties and responsibilities', 'encouraging the government not to create obstruction in healthy and democratic environment if any media supported or protest any individual or organization' are objectionable. The policy can not be accepted for two reasons. Firstly, the freedom is defined by constitution, not by any policy.

Secondly, media houses and journalists are guided by the code of conduct developed by themselves, not by any orders.

Attraction and use of new media is increasing in Nepal. Access of journalists to online media is increasing everyday. Blog, online journalism and social networking are becoming easy means for expression. Statement of Prime Minister Dr. Baburam Bhattarai clarifies that the government has become intolerable towards such means of freedom of expression. PM Bhattarai said that the use of social networking media was violation of social courtesy, morality and public welfare and threat to national unity and integrity. PM Bhattarai criticized social networks with the use of restricted words. Thus, FNJ believes that his words have deeper meaning which should not be reflected in the constitution.

Physical security is a bigger problem faced by Nepali media. Three media persons—journalists and manager-- were killed in 2012. Though those involved in killing of Yadav Paudel, a journalist of Jhapa are in jail, those who were involved in killing and disappearing journalists are moving freely. Recently, the office of Nagarik Daily was attacked. Attack on media persons of Nagarik including its chief editor Kishor Nepal by a group claiming to be Shiva Sena Nepal is a shameful attack on press. This shows that the government is unable to provide security to the press.

As per the data of FNJ, there were 271 incidents related to the violation of the freedom of expression and press in Nepal in 2012. Of them, two journalists were killed, one died under suspicious circumstances, one was disappeared, 44 were attacked and 44 journalists were threatened. There were 72 incidents of mistreatment on journalists,

seven incidents of torching of papers, 16 incidents of threat and attack to media, 13 incidents of obstruction to enjoy free press and there were 43 incidents of attack on the vehicles of journalists and media houses in 2012. There were two incidents of arrest, six incidents of closure of transmission and 20 incidents of expelling journalist from jobs in the year 2012.

The act of attacking, threatening and mistreating journalists have left them insecure. Attempts are being made to weaken the professional ethics of journalists by censoring them. The confidence of journalists is weakened with the acts of setting fire and vandalizing the vehicles of journalists, torching papers and setting fire in the office of media houses. However, there are rare instances in which police have initiated action against those involved.

Instead of taking action against those involved in restricting the right to freedom of press and expression, the government is attempting to withdraw the cases filed against those involved in abducting and killing journalists. As the court has not given permission, the government act of withdrawing cases is not becoming successful.

The profession of journalists is not safe. There is lack of proper payment to journalists. Journalists are working below the minimum salary and without appointment letters in some instances. It will neither capacitate that journalists nor enhance their confidence. Due to less investment and lack of competitive market, the journalists are unsafe professionally. The act of government running media itself and non enactment of Working Journalists Act should be ended at the earliest.

**Shiva Gaunle**  
President

## Annex 5

# Name of Contributors in Course of Preparation of Yearbook 2013

### Contributors to Chapters

#### Chapter 2

Six Years of Comprehensive Peace Agreement

Writer : Madan Paudel

Reviewer : Bijay Raj Gautam

#### Chapter 3

##### State and Human Rights

##### 3.1 Judiciary and Human Rights

Writer : Prashannata Wasti

Reviewer : Tek Narayan Kunwar

##### 3.2 Executive and Human Rights

Writer : Bal Krishna Basnet

Reviewer : Pro. Dr. Ram Kumar Dahal

##### 3.3 Legislature and Human Rights

Writer : Nir Lama

Reviewer : Pro. Dr. Ram Kumar Dahal

#### Chapter 4 :

##### Situation of HRDs of Nepal in 2012

Writer : Akriti Giri

Reviewer : Bijay Raj Gautam

#### Chapter 5 :

##### 5.1 Mother Tongue Education in Panchthar District

District

Writer : Bed Prasad Dhakal/

Sandip Rai

##### 5.2 Dowry-Induced VAW in Rautahat District

Writer : Raju Pasawan/

Bipin Gautam

##### 5.3 Situation of Internally Displaced Persons of Kailash District

Writer : Ganesh Bhandari/

Nandaram Paudel

##### 5.4 Food Crisis in Mugu District: Study Report

Writer : Bal Krishna Basnet/

Jivan Sejuwal

##### 5.5 Chhaupadi Tradition in Achham District

Writer : Krishna BK/

Shiv Raj Khatri

### District Representatives

#### Eastern Region

- |      |               |   |
|------|---------------|---|
| 1.1  | Jhapa         | - Arjun Kumar Basnet                      |
| 1.2  | Ilam          | - Asok Kumar Rai                          |
| 1.3  | Panchthar     | - Sandip Rai                              |
| 1.4  | Taplejung     | - Chandra Prakash Bhattarai               |
| 1.5  | Morang        | - Deepen Neupane                          |
| 1.6  | Sunsari       | - Sukdev Chaudhary                        |
| 1.7  | Dhankuta      | - Santosh Ruchal                          |
| 1.8  | Tehrathum     | - Chhatra Rimal                           |
| 1.9  | Bhojpur       | - Gyanendra Khadka                        |
| 1.10 | Sankhuwasabha | - Chhetu Sherpa                           |
| 1.11 | Saptari       | - Prakash Khatriwada/<br>Manohar Pokharel |
| 1.12 | Siraha        | - Guru Saran Sada/<br>Durga Pariyar       |
| 1.13 | Udaypur       | - Kushal Babu Basnet                      |
| 1.14 | Khotang       | - Saindra Rai                             |
| 1.15 | Okhaldhunga   | - Shiva Prasad Dhungana                   |
| 1.16 | Solukhumbu    | - Budda Bir Rai/<br>Monoj Kumar Shrestha  |

#### Mid Region

- |      |                |  |
|------|----------------|--|
| 2.1  | Dhanusha       | - Binod Kumar Rabidas                            |
| 2.2  | Mahottari      | - Ishwari Kaphle                                 |
| 2.3  | Sarlahi        | - Bidur Pyakurel                                 |
| 2.4  | Sindhuli       | - Anand Prasad Dahal                             |
| 2.5  | Ramechhap      | - Nava Raj Pathik                                |
| 2.6  | Dolakha        | - Uddhav Pokhrel                                 |
| 2.7  | Rautahat       | - Bipeen Gautam                                  |
| 2.8  | Bara           | - Roshan Raj Aryal/<br>Laxmi Sah                 |
| 2.9  | Parsa          | - Krishna C. Lamichhane                          |
| 2.10 | Chitwan        | - Sabitri Sapkota                                |
| 2.11 | Makanwanpur    | - Pratap Bista                                   |
| 2.12 | Lalitpur       | - Gopi Krishna Bhattarai/<br>Ramesh K. Timalsena |
| 2.13 | Kavrepalanchok | - Bhoj Raj Timalsina                             |
| 2.14 | Bhaktapur      | - Roshan Raj Aryal                               |
| 2.15 | Kathmandu      | - Raju Paswan/<br>Bibek Dhungana                 |
| 2.16 | Dhading        | - Sita Ram Adhikari                              |
| 2.17 | Sindhupalchok  | - Natibabu Dhital                                |
| 2.18 | Nuwakot        | - Keshav Mishra                                  |
| 2.19 | Rasuwa         | - Hem Nath Khatriwada                            |



**Western Region**

3.1	Tanahun	- Prakash Chandra Bhattarai
3.2	Gorkha	- Sudeep Kaini
3.3	Lamjung	- Krishna Prasad Adhikari
3.4	Syanja	- Sangeeta Ranabhat
3.5	Kaski	- San Bahadur Thapa
3.6	Manang	- Kaman Bahadur Gurung
3.7	Nawalparasi	- Narayan Parajuli
3.8	Rupandehi	- Amrit Giri
3.9	Palpa	- Madhav Basyal
3.10	Kapilbastu	- Nanda Ram Poudel
3.11	Arghakhanchi	- Narayan Prasad Bhusal
3.12	Gulmi	- Naresh Bhandari
3.13	Baglung	- Ram Bahadur GC
3.14	Parvat	- Madhav Raj Pandey
3.15	Myagdi	- Ghanashyam Khadka
3.16	Mustang	- Sharmila Gurung

**Mid-western Region**

4.1	Dang	- Shalik Ram Musaphir
4.2	Pyuthan	- Rabindra Pandey
4.3	Rolpa	- Dharendra Dangi
4.4	Salyan	- Rom Prakash Thapa/ Meena Budhathoki
4.5	Rukum	- Jivan Khadka
4.6	Banke	- Narayan Subedi/ Binod Pandey
4.7	Bardiya	- Man Bahadur Chaudary
4.8	Surkhet	- Durga Thapa
4.9	Jajarkot	- Raju Kumar Shakya
4.10	Dailekh	- Yaggya Raj Thapa

4.11	Dolpa	- Bishnu Prasad Devkota
4.12	Jumla	- Man Datta Rawal
4.13	Kalikot	- Kali Bahadur Malla
4.14	Mugu	- Jivan Sejuwal
4.15	Humla	- Ramesh Aidi

**Far-western Region**

5.1	Kailali	- Sur Bahadur Pariyar
5.2	Achham	- Shiva Raj Khatri
5.3	Doti	- Lav Dev Bhatta
5.4	Bajura	- Arjun Shah
5.5	Bajhang	- Prakash BK
5.6	Kanchanpur	- Komal Niranjana Bhat
5.7	Dadeldhura	- Keshav Bahadur Bohora
5.8	Baitadi	- Sher Bahadur Chand
5.9	Darchula	- Narendra Singh Karki

**INSEC Regional Offices**

<b>Eastern Region</b>	1. Som Raj Thapa
	2. Bed Prasad Dhakal

<b>Mid Region</b>	1. Krishna Gautam
	2. Raju Paswan

<b>Western Region</b>	1. Shiva Khakurel
	2. Ganesh Bhandari

<b>Mid-western Region</b>	1. Bhola Mahat
	2. Balkrishna Basnet

<b>Far-western Region</b>	1. Khadak Raj Joshi
	2. Krishna Bahadur BK

**Resource Centre:** INSEC Library**Photo Source :** INSEC District Representatives  
baburambhattarai.com.np

---

## Best District Representatives

As in the last year, we have selected the following representatives as the 'excellent representative' (one) and other five as 'best representatives'.

**Excellent Representative**

Sabitri Sapkota, Chitwan

**Best Representatives**

Chhetu Sherpa, Sankhuwasabha, Eastern Region

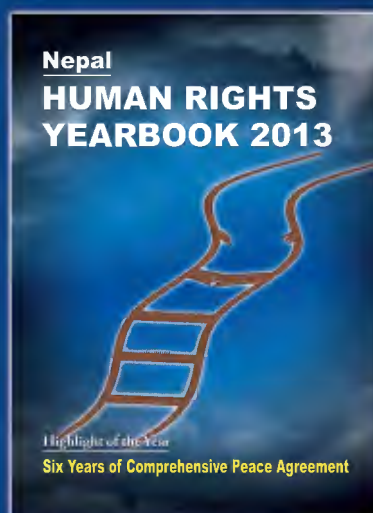
Natibabu Dhital, Sindhupalchowk, Mid Region

San Bahadur Thapa, Kaski, Western Region

Man Bahadur Chaudhari, Bardiya, Mid-Western Region

Shiva Raj Khatri, Achham, Far-Western Region





The CA was constituted through popular votes to write a new constitution however it remained guided by a high level political mechanism. Running an elected and sovereign body of the country through an unconstitutional political mechanism was disrespecting popular vote. The CA, later on, faced more disrespectful situation due to the role of *Adibasi janajati's* caucus. The CA, which worked also as a legislature parliament, did not succeed in accomplishing the mandated tasks including in addressing the post-conflict issues of the country. The issues related with transitional justice remained as the matter of intellectual debate.

The formation of TRC and Commission on Disappearances did not materialize. The provisions on relief to the conflict victims and restitution of the properties captured by the CPN-M during armed conflict remained unimplemented. The army integration process was concluded six years after the signing of the CPA only. However, social management and integration of the former Maoist combatants who chose to voluntarily retire was not addressed properly. With the division of the UCPN-M, it was feared that this issue could turn more complex over time.

Only those issues which were comparatively easy to finalize were settled by the CA during its term. The intricacies such as the form, number and centers of federalism, power sharing between center and provinces and the bases of demarcating federation were not finalized... The UCPN-M's endeavor to accumulate power and the skepticism of other political parties towards UCPN-M and political parties' power obsession were equally responsible for the expiration of the CA.



For Human Rights & Social Justice

**Informal Sector Service Centre (INSEC)**

Syuchatar, Kalanki

P.O.Box : 2726, Kathmandu, Nepal

Tel : +977-1-4278770, Fax: +977-1-4270551

E-mail : [insec@insec.org.np](mailto:insec@insec.org.np)

Web site : [www.insec.org.np](http://www.insec.org.np), [www.inseconline.org](http://www.inseconline.org)