A bill to protect personal privacy, the new Constitution, hard-won principles like the freedom of press, civil liberties, and democracy, appear to be in danger of being suppressed.

When the Criminal Code Act came into effect on 17 August, journalists were alarmed because its provisions could be abused to arbitrarily imprison editors, reporters, photojournalists, and even cartoonists, for defamation.

This week, a new bill on personal privacy has been registered in Parliament that is even more sinister. Critics say it will severely curtail press freedom, allowing the government to jail journalists exposing corruption and holding power to account.

Shiva Guande of the Centre for Investigative Journalism (CIJ) says: “The Criminal Code Act was just a hint of the danger ahead. This bill blatantly aims to muzzle the media.”

Put together, the Criminal Code and the new bill will prevent anyone from taking or selling pictures of a person without his/her consent. This clause does not exempt journalists who take pictures of public figures.

Manipulating a law to protect personal privacy, the new bill goes against constitutionally guaranteed principles and shields public officials from scrutiny.

For example, Article 24 of the bill actually requires government agencies to hide personal information in their possession.

An individual’s political affiliation has also been defined as personal information. So, if a Supreme Court justice is a member of a political party, in violation of the principle of separation of powers, that will be considered his private information and out of bounds for journalists who can be jailed for exposing it.

This provision may have been acceptable if other clauses allowed journalists to investigate the authorities. And Article 23 does consider some personal information of officials to be in the public domain, but it includes only those details that are easily found in their curriculum vitae. Apart from a public authority’s office name, designation, official email, phone number, nature of work and terms of references, everything else is now defined as personal and inviolable.

Guande says: “This bill tries to reverse everything that we have fought for democracy, press freedom, open data and Right to Information.”

The Constitution protects personal privacy of an individual, enabling citizens to live a dignified life away from the constant glare of a watchful State. But Article 28 of the bill would make it easier for police surveillance of individuals.

If passed, the privacy bill will give authorities more power to hide what should be publicly available. Press freedom activist Tara Nath Dahal says: “It will turn Nepal into a police state, allowing authorities to spy on individuals but preventing journalists from investigating public authorities.”

Om Artha Rai
REPUBLIC OF RAPE

T

he number of reported rapes in Nepal has shot up by 300% in the last year. It has multiplied four times in ten years. There are at least three rape cases brought to the police every day in the country. The victims can be babies or the elderly, the perpetrator can be from a low, a school, a police officer or even a community member, murder their victims afterwards. Even nuns are not spared.

Some survivors of rapes, already traumatised, are often forced by family members to keep quiet even when they tell the police. Failed to go to the police, the line of questioning by male officers is insistent, as if the victims were somehow responsible for the crime. Police often try to get the perpetrator and the victim's family to come to a compensation agreement.

There have been cases where the survivor is found by the family to marry the rapist either because of stigma or because the girl is from a 'lower' caste and the criminal is rich and powerful local. The most under-reported are cases of incest.

Even when the victim is from a privileged class like the 15-year-old Grade 9 student who was raped and suffocated in Kathmandu last month, the family was pressured by the Police not to file a case. Faced with escalating protests, local administration promised the girl a mentally unstable street flaner as the alleged perpetrator's brother. The girl's father signed papers confirming the girl was to be given to the rapist. Tabla gets locally really angry, and the protest has spread nationwide.

The NGO government in Kathmandu, instead of using its influence in Parliament to push gender reform, has been reacting defensively. A female NCP member of Parliament actually said the rapes were "a consequence of the opposition".

10 YEARS AGO THIS WEEK

The first order of business is to get Parliament to pass the rape resolution. This will make the state responsible to enact and implement laws and norms that perpetuate these atrocities.

Our report exposes a case in which the court has set the rapist to payable at the butcher doctors murdered the victim who states he paid $500 to show she was 19 years old. In another case, a surgeon went unknown to 40,000 of the family to her victim's use as a disposal of the woman. To prevent rape cases occurs when the police or the courts by arm-twisting the victim's family to sign an agreement.

In fact, the resolution has been on the table for five years, ignored by the police and the courts. It's time to call the unwilling to join the fight for rape laws.

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We need to act now to prevent rape cases occurring and to ensure that the police and the courts are not the victim's family signs an agreement.

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A STAR ALLIANCE MEMBER
Turkish Airlines goes daily

Turkish Airlines will soon resume daily flights on the Kathmandu-Istanbul sector for the first time since April 2015 earthquake, indicating that tourist traffic is on the rebound three years after the disaster. The only European airline to fly to Kathmandu, it had announced last five flights a week, and will fly every day from 24 September, during the forthcoming autumn and spring peak tourist seasons. After 2 September 2016, the flights will be daily all year round to mark the 6th anniversary of start of Turkish Airlines flights to Kathmandu, and to cater to the growth in passenger volumes during Visit Nepal Year 2020. “Nepal has set the target of 2 million tourists by 2020, and to accommodate the expected volume, we are increasing our number of flights in phases,” explains Country Manager Abdullah Yenicer Koceri (pict)。“With introduction of daily flights, we hope to fill tourist demand for travel facilities.” The daily flights will operate as per the current summer schedule: arriving 0:20AM from Istanbul and departing from Kathmandu at 7:35AM. However, the schedule will revert to winter timings with arrival in Kathmandu at 11:30AM. Turkish says the increases in frequency shows robust growth in passenger volume of tourists, Nepal diaspora and students traveling to and from Europe and Americas via Istanbul. From August 2017 to 2016, Turkish Airlines carried 110,000 passengers on its Kathmandu-Istanbul sector, and 96% were transit passengers. This year, the airline has introduced a special student fare, with 10% extra luggage, and a free one-time flight change offer. The airline is also offering stopovers for transit passengers, and hope that traffic to Istanbul will get a boost after its brand new airport is constructed. However, there are challenges. Kathmandu airport management is planning to close the airport for 10 hours a day for urgent runway repairs and will add to congestion that is already delaying many international flights. “It would be advisable for the airport to open at 3:00AM for domestic flights so that peak morning congestion does not delay international arrivals," Koceri told Nepali Times. Tribhuvan Airport has announced that it will open the airport 30 min earlier 6:45AM for domestic flights from 1 September. The increased costs for long journey flights, and this is in addition to high fuel costs and ground handling charges in Kathmandu," Koceri said. “We are excited about the increase in traffic, but we also hope that the new system is able to cope.” With just a year and half to go for Nepal tourism year, the growing number of flights and passengers is an indication that Nepal’s tourism industry and economy are springing back after the disaster. However, it is clear that for Turkish and other international airlines serving Kathmandu, infrastructure bottlenecks are a concern. © Skvana Rai

Smart phone to watch
Samsung enabled in-mast animation
Guy Banyon smartphone and Samsung galaxy smart watch at an event in New Delhi on Wednesday, 13th September, the President and CEO of Samsung launched its new phone, featuring a large 4.6-inch full HD display, a Bluetooth-enabled S pen for remote control functionality and storage at 1TB.© Skvana Rai

Shangri-La in its 40s
Keeping fit with its 40 years anniversary celebration, Shangri-La Group is renovating rooms and suites, enlisting new chefs and is upping the ante and redefining the October travel season. At an event it also announced the ongoing construction of its row luxury yachts, catamaran and a jet boat, which will begin operation in 2020.© Skvana Rai

Cars from Britain
A British automotive company ‘lK Motors’ in Nepal with the launch of its US and UK cars through its showroom in Bagmati. Established in 2013, the UK company caters to the sports and cabine enthusiasts around the world including many celebrities.© Skvana Rai

Bankers’ training
National Banking Institute and Everest Bank Limited has organized a Master Course on NIB's Value Human Capital Development training programs which will be provided by Bankers College and sponsored by the bank during the fiscal year 2075."© Skvana Rai
Ted Atkins, a British mountaineer, entrepreneur and frequent contributor to Nepali Times on climbing safety in the Himalaya, died on Tuesday while descending Givetta in the Dolomites.

Atkins was an acme systems engineer and a member of the Royal Air Force Mountain Rescue Service and led the Mt Everest North Ridge Expedition in 2001. He summited Everest later from the Nepali side, and went on to climb Kangchenjunga, Makalu, Lhotse and Ama Dablam.

He also set a world record for the highest ever boat ride by paddling a raft on a glacial lake at 6,300m below Everest. Colleagues remember him as a man who pushed the limits to get the job done, and was always trying out new adventures like high altitude freefall diving.

After leaving the RAF, Atkins ran a thriving business selling bottled oxygen to Himalayan expeditions at a time when there had been several fatalities caused by faulty equipment. His cylinders had a new kind of delivery system that he invented himself.

"Everything Ted did was to the max, he had so many adventures and epics it is hard to believe he fell on the way from a via Ferrata near his home in Italy," wrote a friend in a blog tribute. The article he wrote for Nepali Times this year in May recounted a close brush with death when his oxygen cylinder exploded before a climb. Many expeditions reported malfunctioning cylinder regulators procured in Kathmandu this year. In the article, he blamed it on greed of unscrupulous businessmen. Atkins was working to make it safer with his company, Top Out Daypacks.

Atkins also often lamented the commercialisation of mountaineering in Nepal in his columns and also had suggestions for improving Nepal’s tourism image. For instance, he thought Kathmandu Airport gave a very bad first impression of Nepal to visitors. Atkins seemed to have a pronouncement of his death when he quoted, in his last column in this paper, the words of Upendra Devkota, the treasure who passed away in June after battling terminal cancer: “Death is not so important. What is important is what the dead person leaves behind”. Atkins’s last words in that piece were: “Wise words that make me wish I knew the doctor. What do we leave behind, did we make anything better, what will our children say about us? Think about the future, their future.”

Randa Dixit
Lost in reconstruction

The earthquake did not just destroy Barpak, it demolished its architectural heritage

Shiva Uprety in Barpak

Barpak was at the epicentre of a 7.8 magnitude earthquake three years ago, and due to media attention it also became the epicentre of reconstruction.

Residents mostly have relatives in the British and Indian armies, did not have the cash-crunch faced by survivors elsewhere. The town quickly rebuilt itself.

While most displaced families were still waiting for their first installment of housing grants from the National Reconstruction Authority (NRA), most residents of Barpak were already living in their new houses.

The scenic town in northern Gorkha made famous because it is the hometown of Victoria Cross soldier Caje Ghale, has now completely recovered from the earthquake. More than 1,200 of the 1,301 houses destroyed have already been rebuilt, household tourism is thriving and remittance money is everywhere.

However, Barpak is no more the picturesque ridge-top hamlet with stone buildings and elegant tile roofs. Barpak used to be a living museum of Gurung culture. The charm of the cobblestone streets and a settlement that existed in harmony with its surrounding mountains are a thing of the past.

Today, Barpak looks like a cluster of concrete and cement with architecture that is borrowed from the nondescript boxy construction that characterises Nepal’s highway towns. Every house is of a different size, design and shape.

But Baburam Ghale is Barpak’s forward-looking pioneer of rural electrification, but even he is sorry he could not stop the erosion of the town’s heritage. He laments: “Our village has completely lost its original identity. Our children will see the original Barpak only in old pictures.”

The main reason Barpak and other old towns have lost their traditional architecture is because the NRA insisted that families would only be eligible for government grants of Rs180,000 if they rebuilt following its list of approved designs. But none of the listed blueprints included traditional motifs in the architecture.

Just like in any other earthquake-affected village, NRA engineers lacked an understanding of local culture and traditional grammar, drawing up generic seismic-resistant house designs.

Some Barpak residents rang the alarm bell, warning fellow villagers that blindly following the government-approved house designs would lead to the loss of their unique identity. But no one listened.

In a bid to rebuild Barpak without losing its heritage but still adopting seismic-resistant technology, some local residents led by Bir Baburam Ghale had proposed a reconstruction masterplan. But it was not approved by the government.

Ghale recalls: “Our masterplan was neither rejected nor approved. It was kept in limbo for almost a year, and people could not wait. Barpak looks very colourful now, but it is not the same Barpak.”

Bir Baburam Ghale, another local resident, also tried to persuade neighbours to stick to their original architecture. But no one listened to him. He says: “Barpak lost its identity because outsiders imposed new designs on us.”

Besides the compulsion to follow government-approved designs, there was also a false realisation that Barpak’s original housing style was vulnerable to future earthquakes since most of the original buildings were flattened by the earthquake, killing 72 people.

Many were crushed to death by stones and stones.

People in Barpak used to stack up stone slates to roof their houses without using nails or hocks. After the earthquake, they realised that such practice would be a hazard in future earthquakes. And NRA engineers lacked creativity to induce earthquake-resistant technology into Barpak’s unique architecture.

Barpak residents whose relatives served in the British Army or the French in Benin, Kenya and Cambodia, therefore, built modern concrete structures. Some, who did not have money, built small and one-roomed homes with the material salvaged from the ruins of their houses, just so they could get the government grant. Such houses do not meet their living requirement, and they are likely to be converted into cattle sheds.  

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The baker of Barpak

A village destroyed by the 2015 earthquake celebrates life through good food

A Tara Aryal Pandey
in Barpak

After a night of rain, the clouds move quickly up the mountains to the village of Barpak. Mingled with the monsoon mist that wafts through the street is the delicious smell of freshly baked donuts, muffins and buns.

Following the small roads visitors up to the Dhanguna Bakery & Cafe, opened ten years ago, was destroyed in the earthquake, and has now been rebuilt. Hot cakes are once more selling like, well, hot cakes.

The bakery was set up by Koshi Ram Ghale, a Barpak native who epitomizes the can-do spirit of this region of Gorkha that was at the epicentre of the 7.8 magnitude earthquake that devastated Central Nepal on 25 April 2015.

Ghale, 33, is a self-made Barpak native. He worked odd jobs as a domestic help and in restaurants in India after his father died, and his brothers joined the Indian Army. While there, he got a visit from his uncle, the noted energy entrepreneur Brij Bahadur Ghale, who convinced him to return to Nepal and start his own business.

"Since I had been working in kitchens, I thought a bakery might do well in Barpak, but I had absolutely no money," Koshi Ram recalls. His uncle chipped in, the community crowd-funded him, and he took a loan to get the Dhanguna Bakery started. "That trust was a big source of encouragement for me. I knew I could not disappoint those who invested money into my venture," he adds.

The bakery was doing well, when the earthquake struck. Nearly all of Barpak’s 1,400 homes were destroyed, killing 72 people. The health post, the local administration building, and six of the seven schools collapsed. The 56 kilowatt micro-hydro plant built by Brij Bahadur Ghale was knocked out.

"When the earthquake hit, we were all trying to save our own lives, no one was thinking about saving their businesses," recalls Koshi Ram, who first helped the community by organizing rescue of people trapped, making sure there was food, shelter, and water for the tent city that sprang up outside the village.

Dhanguna Bakery had caved in, but Koshi Ram managed to pull his oven out from under the rubble. He set up the baking equipment under a tin shed, and restarted the bakery within a year of the quake. He took out another loan, made the structure more permanent, bought a dough mixer and expanded his menu.

Before the earthquake, Ghale would sell six baked items through local stores. Now, he only sells at the bakery in Mani Danda above the village, and has added a small cold store which has become the public sphere of Barpak’s community.

Koshi Ram is happy. "This is perfect for me. I can interact with my customers, and all the village gossip." Dhanguna Bakery is a monopoly, but that comes with its own challenges. Most of the raw material has to be sourced from Kathmandu and carried up to the village by porters which is expensive. Koshi Ram’s next goal is to get local farmers to supply the cream, eggs and flour so he does not have to import it.

Today, Dhanguna’s cakes are essential for all birthdays, weddings, graduations, and other life events of the villagers, and the bakery is busy with 30-40-cake birthday cake orders every day. Says Koshi Ram: "It is as if Barpak wants to forget the horrible earthquake and celebrate life through good food."
Class struggle
Post-earthquake outmigration means low enrollment in rebuilt schools

Prakriti Kandel

Along the lush green ridgeline on the border between Lalitpur and Kave was Kali Devi Secondary School, which was destroyed in the 2015 earthquake and has now been partially rebuilt. The classrooms are spacious, and have two exit doors that open outwards, ensuring that there is improved ventilation and the school is wheelchair friendly.

Principal Dr. Narayan Chaudhary shows visitors around proudly. “See, we have even this water tank from where students can enjoy the beautiful view.” Indeed, the scenery is stunning with Kathmandu Valley on one side and the rolling green hills on the other.

When the earthquake struck shortly before noon on 25 April 2015, some 7,000 schools and 26,000 classrooms were destroyed across Central Nepal. Luckily, since it was Saturday, schools were closed and fatalities among students was not as high as in collapsed schools in Pakistan in 2005 or Sichuan in 2008.

The 2015 earthquake was a warning to rebuild and retrofit schools not just in the 14 districts affected, but in the rest of Nepal as well. The earthquake was also an opportunity to rebuild and improve basic education infrastructure all over the country.

Indeed, the National Reconstruction Authority (NRA) came out with earthquake-resistant school building designs, and this Kali Devi Secondary School was one of them. District level Project Implementation Units (DPUs) were required to ensure that all schools follow the design criteria.

“Our job is to ensure buildings are made according to design, and quality is maintained. Our engineers are assigned to be present when foundations are laid and the concrete is poured,” explains Prakash Mahajan of the Lalitpur DPU.

But in spite of model schools like this, and even though school reconstruction has been faster than reconstruction of homes, only 3,762 out of the schools damaged or destroyed have been fully rebuilt. The reason, as with everything else, is official bureaucracy, lethargy and corruption. Many of the schools ran out of money, and look like half-completed construction sites, and should technically be off limits to children. At the Satasu Secondary School in Lelle, a teacher points to the steel rods jutting out of the ceiling of an old refitted building, and complains, “There is still a lot to do, but unless some donor comes along, I do not really see the government following up and ensuring completion.”

Federalism and decentralisation should have speeded up school reconstruction, but confusion over jurisdiction and budget has actually slowed things down. Earlier, all budget-dispensing happened through the DPU, but with districts now free, no one is sure who is responsible. The new building in Lelle should have been completed last month, but money ran out.

Kave’s Kanti Devi Secondary School has a well-appointed new building, but soil erosion poses a risk to a part of the school grounds, there is no electricity, water or adequate sanitation facilities. A newly built compound wall was destroyed by floods.

In one classroom, Grade 2 and 3 was grouped together and taught by the same arithmetic teacher, Rishu Rai Thali. “I teach the same topic to both the grades, but give

Hired, fired, rehired
Reappointed to the National Reconstruction Authority, Sushil Gyawali wants to devolve rebuilding to local governments

Om Astha Rai

Once a half-year after being fired for failing to speed up post-earthquake recovery, Sushil Gyawali is back as the CEO of the National Reconstruction Authority (NRA) that was set up to oversee reconstruction after the 2015 earthquake. The way Gyawali was hired, fired and rehired shows how reconstruction has been a casualty of intense political rivalry in Nepal. He is the fifth NRA Chief in less than three years, and in that time only one-third of the 600,000 earthquake-damaged houses have been rebuilt. Only half the schools have been reconstructed.

Gyawali was appointed by K P Oli of the UML when he was prime minister in 2016, but the UML “incomprehensibly” and secretly by Prime Minister Pushpa Kamal Dahal when the Nepal Communist Party was heading a coalition government with the Nepali Congress. However, after the Maoists-UML merged outward, the communist Party won last year’s elections, and came to power again, Oli reinstated Gyawali at the NRA.

In an interview with Nepal Times this week, Gyawali said the charges about his under-performance were “politically-motivated.” He added, “They needed to criticize me because they wanted to overthrow the government that had appointed me. Earthquake reconstruction has always been held hostage to politics.”

However, with his current mentors now firmly in power, Gyawali may face fewer obstacles during this tenure. He is now backed by a strong and stable government with a two-thirds majority in Parliament, and just like the KP Oli government itself, he has no excuse to fail or under-perform this time.

“The law allows the government to extend the NRA’s tenure by one year, but Gyawali says he is not even looking for an extension. “All earthquake-damaged private homes will be rebuilt in the remaining two years, or even sooner,” he promised.

When he was first appointed as the NRA Chief, Gyawali said the absence of locally-elected representatives of people. But now, all of Nepal’s 752 local levels have mayors or village heads. He says working with elected mayors and village chairs to accelerate post-earthquake reconstruction will make rebuilding much easier this time.

“The NRA will now also have a federal structure,” he said. “We will delegate more power and responsibility for reconstruction to municipalities and village councils. Each local government will have its own reconstruction unit, and the engineers deployed by the NRA will be based there.”

Under pressure to expedite reconstruction, the previous NRA leadership had given...
earthquake survivors a short deadline to rebuild as per approved designs. It had warned that those unable to meet the deadline will not be eligible for the rest of the Rs400,000 reconstruction grants. Thousands of families borrowed from local money lenders and cooperatives to meet the deadline. Many also built small, one-room houses that were not seismic resistant, just to meet the NRA condition. The NRA has not faced criticism for forcing earthquake survivors to build houses that do not meet their living requirements. Gyewali admitted the deadline added stress to earthquake survivors, but he said reconstruction would be too slow if there was no cut-off date to use housing grants. But he added: “We will now give a more realistic deadline.”

The NRA also faces a funding crisis. Nepal has not received all the money pledged by donors. At the International Conference on Nepal’s Reconstruction on 25 June 2015, donors pledged more than $4.1 billion to rebuild houses, schools, health facilities and other infrastructure. But the actual pledge, excluding non-reconstruction commitments, was just $3.43 billion. Even that money has not been received in full.

As soon as he gets back to his office, Gyewali has been trying to find out how much there is in the kitty— and explore sources to meet the shortfall. Some are skeptical that the NRA will be able to finish reconstruction in the remaining two years, even though it is now headed by a CEO backed by a stable government.

They say it was a mistake to copy Pakistan’s model of reconstruction by setting up a separate agency because Nepal’s socio-political landscape is different. Pakistan was ruled by the Army when it was devastated by a 7.6 magnitude earthquake in 2005, and houses were rebuilt quickly under a general. Also, survivors were given sufficient reconstruction grants and did not have to borrow as they had to in Nepal.

Meanwhile, Nepal was in the throes of a polarised debate over the constitution when the earthquake struck on 25 April 2015. It was a foregone conclusion that reconstruction would face political obstacles, yet Nepal invited retired Pakistani Lt Gen Nadeem Ahmad to share his experience and shaped the structure of the NRA. Asked about this, Gyewali said: “Copying the Pakistan model was a mistake. But did anyone propose a better model?”

Rebuilding Ourselves

CLASS DISMISSED: An empty classroom that caters to two grades in the refurbished Kail Devi Secondary School, Lalitpur (left), and another signifies the extent of outraging of families after the earthquake.

SCHOOL OF HARD KNOCKS

In schools where the government funded reconstruction, the main responsibility of the process was given to School Management Committee (SMCs), whose members include educators, social workers, and village elders.

“The local government funded schools’ reconstruction was not as successful as the SMCs’ schools’ reconstruction, which was more effective.”

Says Elkeen Brautridge of EDF: “Schools are excellent starting points to reach out to the rest of the community.” Niranjan Marasini of NZOE concurs: “When we conducted refresher training, we did it in close co-operation with SMCs, and villagers also started to take interest in earthquake resistant building techniques.”

Beyond this, the role of elected local governments is another key component, says Sudak Khatri, a teacher at Lalitpur’s Saguwa Secondary School. “Much of the future investment in schools depends on how local leaders perceive education. They do not under the importance of schools, things get stuck.”

Community committees

In schools where the government funded reconstruction, the main responsibility of the process was given to School Management Committee (SMCs), whose members include educators, social workers, and village elders. The British aid agency EDF has launched a Safer Schools Project which aims to retrofit and reconstruct schools in Western Nepal.

“We chose this region to work with because there is high vulnerability and low awareness on coping mechanisms,” says Eleanor Brautridge of EDF.

Indeed, 2015 proved that strengthening school buildings is important in saving lives in a disaster. None of the schools that had been retrofitted by NZOE came down in the earthquake, and many of the schools that crumbled had not been strengthened.

The answer is not another building code, but implementing the 1994 guidelines. If the...
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• सूचना तथा प्रशिक्षण मालिकाना सूचना तथा प्रशिक्षण विभाग।
The rest is history

Sewa Bhattarai

A
fter the earthquake of 2015, many Nepalis recalled how well Rana Prime Minister Juddha Shumsher had handled relief and rehabilitation after the megasquakes of 1934 that levelled the capital and killed 10,000 people. Many felt that even though Juddha Shumsher was a dictator, he was better than most of Nepal’s later elected leaders in organising disaster relief.

In the last three years, the Nepali social mediators has been replete with praise for the oligarch who nearly 81 years ago rushed back to Kathmandu immediately from his travels, refused foreign money for rebuilding, and waived loans for the reconstruction of homes.

However, as British historian John Whelpton says, the truth is much more complicated. Juddha was keen to avoid economic help from the British, because the Vicecy Fund then was used to help India’s princely states, and Juddha did not want Nepal to be classified as one. Whelpton is working on a project for Social Science Baha and has come up with an interesting archival anecdote about the 1934 earthquake that is a product of the British, who treated the wounded with the innovation that the ‘patient’ were behaving splendidly. There seemed to be no panic, the people... were settling down in family groups in those open spaces and preparing

to pass the night as best as they could. In fact, that could also describe the reaction of survivors after the 2015 earthquake. The Nepalis seem to be as resilient as their ancestors.

The British Resident during the earthquake, Claudon Dacque, was confident homes would be rebuilt by the monsoon of the same year. His successor, Fredericq Bailey reported three years later in 1937 that “because of the poor had been reconstructed hurriedly and were of poor quality... Again, something else that has not changed in 81 years. Most public buildings, however, had been reconstructed with local resources by 1938.

Juddha may not have been as benevolent as portrayed for weaving loans. Whelpton found evidence that he was coerced to do so by royal courtiers who feared a popular uprising. The Rana prime minister was also not so generous with his Army, refusing to reimburse a four-month salary advance after the quake. Whelpton says the disaster-killed soldiers eventually helped topple the Rana regime in 1950, which historians might say needs more proof.

The earthquake project is part of Whelpton’s ongoing research into Nepali history. But his own research is as fast as his writing: an English teacher who became one of Nepal’s most dedicated historians.

Whelpton signed up to be a VSO volunteer to teach English in South Asia, wanting to go to India but ended up of chance in Nepal in 1972. He took an 8-week course in Nepal, but realised it was no use in Bhng where he was stationed – everyone spoke Hindi.

He hiked to Jomsom and Pokhara, and once walked into the main courtyard of Patan Palace by mistake, almost getting beaten up by a drunken English-speaking devotee before he was rescued and sent on his way by a policeman.

By late 1970s, his Nepal good enough to translate Jang Bahadur Rana’s Beladast Yatra from Nepali into English. It was published with commentary as Jang Bahadur in Europe: The First Nepalese Mission to the West, which contained a first-person account of the journey by Moti Lal Singh, who is considered the first Nepali to get to London and was befriended by Jung and employed as translator.
HAPPENINGS

SAME TO SAME: Home Minister Ram Bahadur Thapa meets Japanese Ambassador to Nepal Masahiro Suga on Wednesday, where the two discussed increasing Japanese investment in Nepal.

MELAMCHI MIRAGE: Speaker Krishna Bahadur Malla and the Minister for Water Supply Bino Migaj, on Sunday, inspect the water treatment plant in Sundarjal that will provide Melamchi water.

JFT, SET, GO: Minister of Culture, Tourism and Civil Aviation Rajendra Adhikari lays the foundation stone of the terminal building of Pokhara International Airport on Wednesday.

HERITAGE ALIVE: Swaroopbhushan Shrestha with the recently restored Parappur and Annapurna Temples, as seen from Tenger Oging, Monastery, Fulari.

EID MUBARAK: The Muslim community in Nepal greets on the occasion of Eid-al-Adha, also known as the Festival of the Sacrifice, on Wednesday.
JUSTICE FOR SALE

Money, power and patriarchy allows rapists to easily get away with their crime

Tufan Neupane

In June 2014, police arrested police constable Lekhnath Bhaidar in Butwal for raping a 14-year-old girl who was his housemaid. During police interrogation, Bhaidar admitted to having raped the girl repeatedly. She was pregnant with a seven-month-old baby when he was caught.

But Bhaidar’s lawyers claimed police coerced him to confess to the rape and that his sexual relationship was consensual. Public prosecutors argued it was still rape because she was a minor, and produced a birth certificate which showed the girl was born on 10 January 1998 and was just 14 years old when Bhaidar forcibly had sex with her. But defence lawyers presented a false birth certificate, claiming she was born on 1 November 1995, and so had already turned 16 at the time of the crime.

The new document was issued by a local VDC three days after Bhaidar’s arrest, but the court still gave more credence to that dodgy document rather than the girl’s original birth certificate. The judge ruled she was not raped but had consensual sex with her employer. The Appellate Court upheld the District Court’s verdict, but the Supreme Court, acting on a writ petition, recently agreed to re-examine the case. The girl is still waiting for justice.

Bhaidar used his money and his proximity to political power to get himself off the hook, making this an iconic case, emblematic of the state of impunity in Nepal today. Activists say cases like these embolden men to assault, rape and murder women and girls without ever answering for their crimes, leading to the current epidemic of rape in Nepal.

Writer and activist Sabiriz Gautam says: “Only a few rapists are taken to court, and even if they do, they are released on bail. This excites the fear of survivors on the justice system, and sends the message to men that they can get away with rape.”

The number of rape cases recorded by police nationwide has increased four times in the last decade – totaling 1,111 rape cases last year, which is almost three rapes a day.

In 2013, a UN report estimated that 74% of Nepal’s women have been raped, sexually assaulted or abused. A recent report by Red Cross Nepal shows rapes are on the rise, especially in areas affected by the 2015 earthquake, where hundreds of thousands of families still live in flimsy shelters.

But most victims prefer to remain silent, which shows their lack of faith in the justice system. Only the most extreme cases grab headlines and spark protest on the streets like the ones that followed the murder of a 14-year-old girl last month in Kanchanpur district in far-western Nepal. A post-mortem showed she was raped before being choked to death in a sugarcane field. Police caught a mentally unstable person this week, but family members say they have been pressured by police to accept him as the killer.

Bindu Pandey, MP (NPC)

MPs across party lines have come together to register a resolution in parliament to reduce the government’s absolute silence to be taken. It has been said that in this case, there are four provisions for all people representatives: to raise their voices against rape and other forms of sexual violence, guarantee to the perpetrator and police, treatment, rehabilitation and compensation for the victim. Debate on the proposal has been delayed because of other matters, the bill is now in the Speaker’s court.

Sabriti Gautam, Writer

Safely protects a rape victim as having ‘two or three’ lives. Actually it should be the opposite: that women should feel/do something. The victim has the right to return to normal life without any intimidation or stigmatisation. Rapes may be taken to the court, but they are released on bail. Peterhals, who lives in state, will continue to re-relive the trauma even once again in the court. Many victims feel it is meaningless and it is, as there is no guarantee of protection, prevention and rehabilitation of the victim. The Home Minister must step in to answer these questions in Parliament.

Sushma Gautam, Advocate

One issue of vital importance in rape cases is the value of witnesses. Rape cases need to be registered within 35 days of the crime. If they are reported late, the victim may be abused. Another issue is the timeline for cases to be heard in court. If the victim is not informed in a timely manner, they may be left out of any proceedings, which can make it difficult to bring a complaint. This is a major issue, especially, where there is a delay in the police investigation. The Home Minister should be able to manage cases and ensure that the victim is not left out of any proceedings.

Ganga Pathak, Psychologist

Sex education must start at home, parents and teachers need to be involved. Many parents come to me for counseling for depression, anxiety, sexual harassment or being bullied, but the root of the problem is sexual abuse. The child may have been abused by their own or brother, but does not report it because of stigma or fear. It is better to focus on the trauma they have undergone rather than addressing the perpetrator after the crime has been committed.

Ayushma Regmi, Teacher

It is clear from many crimes that rape is actually committed by a known person, someone the victim trusts, perhaps even friends or relatives. But as a teacher, how can I tell my students not to trust their guardians or relatives? Sex education should be inclusive and information on an age-appropriate level. The approach should be positive and constructive. Instead of empowering such an approach may be portraying women as being even weaker.
Land for rape

As the perpetrator, and that the police are not going after the real criminal.

A photo of the girl’s body published in some mainstream dailies outraged the nation, and as the anger against impunity grew some women activists demonstrated in Kathmandu this weekend (photo, overleaf), slamming the government for not doing enough to go after rapists, and demanding the death penalty for the crime.

After the Khanal rape murder, MPs across party lines tabled a resolution in Parliament to take urgent and stringent measures to prevent rape. Budha Bhandar Krishna Bahadur Mahara put the resolution on hold for weeks, reportedly at the behest of Prime Minister K P Oli.

Nepali Congress MP Pushpa Bhushal observed: “Parliament was not even allowed to debate the resolution, which shows the government is not really serious about controlling the widespread cases of rape.”

The controversial Criminal Code which came into effect on 17 August also has provisions that could actually encourage rapists. A person found guilty of raping his wife can be imprisoned up to five years under the new law.

Previously, it was a minimum of three years of imprisonment. Explains Advocate Sushma Gautam: “Up to five years could also mean just a day in prison.”

Under the previous Maharshtra, the statute of limitation was 35 days, and that has been extended to a year. But activists say even one year is too short for minors and children who may be intimidated by perpetrators.

“Some girls are repeatedly raped since their childhood, and they need time to overcome the trauma and fight for justice,” says Gautam, “for them, one year is not enough time.”

The roots of rape

Misogyny, malevolent malehood and impunity perpetuate rampant rape

H ave you raped anyone? If your answer is yes, think, why did you commit a crime deemed to be wrong by society, and illegal by law? Are you a victim of rape? If your answer is yes, did you go to the police? Did you tell others? Did your rapist(s) go to jail?

If you did not go to the police, what stopped you? Were you afraid of being stigmatized? Were you worried that you would disgrace your family? Were you afraid of losing your job, or being harmed by the perpetrators?

To understand the root causes of the rash of rape cases in Nepal recently, we must ask and explore answers to these uneasy and unsavoury questions.

Rape is defined in a Nepali dictionary as ‘an act of forcibly having sex with a woman, and violating her honour’.

But rape is now such a multi-faceted crime, it cannot be defined so narrowly. ‘Violating a woman’s honour’ turns the attention away from the criminal. It also does not acknowledge the fact that men, especially boys, can also be raped. Consensual sex with a minor is rape, and rape can happen in a marriage too.

Rape is not about lust, but power. It exerts dominance over an economically or physically weaker person, usually a woman.

Those who have raped or could do so may be few in number, but it is a manifestation of pervasive patriarchy in our culture. Misogyny is sanctioned by our religious texts, folklore, songs, jokes, and proverbs are full of sexual harassment that insult women. We need to look deeply inward as a society to question these accepted values.

Police records show that three girls or women are raped every day in Nepal. Alaiya Sharma, a marital rape survivor, says that number is a gross underestimation.

“Only those who cannot tolerate it anymore go to police, but no one knows the plight of women like me who were raped every night by their own husbands,” says Sharma.

While studying in Sitakund and aged 19, Alaiya fell in love with a 21-year-old man. They spent a night together in a hotel, but Alaiya did not allow her boyfriend to go all the way, and he agreed to wait until their marriage. But her family married Alaiya off to someone belonging to her own caste, who raped her almost every night for 20 years. She slept, and later realised it was because of unfulfilled longing for her friend and his love. She says, “It is easy to fight if you are raped by others. But if you are raped by your own husband, what do you do?”

Dhruvadi Bhut’s husband was a migrant worker, and she was raped by her two brothers-in-law while he was overseas. Not able to stay home anymore, she fled and became a prostitute — almost as a way to get back at society for what it did to her.

After meeting Alaiya and Dhruvadi, I am now even more convinced that rape has nothing to do with sex. It is a crude exhibition of masculinity and male power that brutalises and dehumanises women.

The lack of proper education, the deathly skyline, erotic literature, and a Good of pornography on the Net is propagating this epidemic. The culture of impunity is spreading the message that men can get away with it.

If we want to tackle rape, we must uproot ingrained patriarchy. We will have to review, question or even rewrite literature, school curriculums, holy texts and films that propagate this malevolent malehood.

Some names are changed.

Go online for a larger Nepali version of this opinion piece.
What's so funny?

It has come to the notice of Nepal’s highway patrols that there is still a lot of uncontrolled and spontaneous laughter in the country despite the fact that the Nepal Commission Party has attained a two-thirds majority. Such uncontrolled mirth could spread, and the contagion will be detrimental to national security. This is no laughing matter.

The Laughter and Satire Act 2077 categorically states that in times of grave national crisis the state can, for a limited and stipulated period temporarily suspend an individual’s natural urge to guffaw, giggle, snigger, chuckle, chortle, twitter, or all of the above. Hence all reenactments, Jatra, Roka, LAMOs are henceforth banned on social media.

Given that laughter can go viral, the state is now invoking Article 27 to ban all unauthorised mirth until further notice. Guard! Take away that chap who has fallen off his chair to the dungeon, gag him, and tickle his armpits.

However, we in Nepal live in a civilised democracy, and since this is not DPK, the government has made some exceptions. For example, those of unsound mind who need to laugh at regular intervals for medical reasons can do so in designated sound-proof areas of public buildings. Patients must carry a valid permit from the Provincial Government attesting that they need to chuckle gently for no particular reason. These strict regulations are required to thwart abuse, and to prevent the entire country from pretending that it has gone insane.

Non-Nepali residents (NRI) and diplomats are also exempt from the laughter ban since their conduct in the host country is governed by the Vienna Convention and its Annex 13 (d) which states: “In cases where the recipient state has suspended its national sense of humour, consular missions and their resident staff may on occasion enjoy diplomatic immunity and be allowed to vent off a little steam as long as they don’t indulge in boisterous joviality in public.”

Despite such a draconian crackdown it is inexplicable that some minorities still insist on staging laugh-fests at Maiti Char Mandalas. In all seriousness, what is there to laugh about? Don’t they know that those who laugh best last?