

खोज अभ्यास



खोज अभ्यास-४

सम्पादक
शिव गाउँले



खोज पत्रकारिता केन्द्र

खोज अभ्यास -४

सम्पादक : शिव गाउँले

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खोज अभ्यास-४ बारे

खोज पत्रकारिता केन्द्र (खोपके) नेपाल स्थापनाकालदेखि मूलतः तीनवटा काममा केन्द्रित छ । खोज पत्रकारिता तालिम दिने, तालिममा सहभागी पत्रकारलाई समाचार खोज्न सल्लाह दिने र खोजमूलक समाचार उत्पादन गर्ने ।

सन् २०१८ मा खोपके 'फेलो' हरूले गरेका खोजमूलक रिपोर्टिङको संग्रह हो, खोज अभ्यास-४ । राजनीतिक विकृति, परिवार र समाजमा हुकिरहेका बेथिति र मुलुकमा झाङ्गिएको भ्रष्टाचारसहितका १० वटा खोजमूलक समाचार छन्, पुस्तकमा । प्रकाशित हुँदा तीमध्ये केही समाचारले समाजमा असाध्यै राम्रो र केहीले सामान्य प्रभाव सिर्जना गरेका थिए ।

अब समाचारमाथि सरसर्ती नजर लगाउँ । नीतिनिर्माताहरूले गरीब र विपन्नका लागि कार्यक्रम बनाएको भनेर जतिसुकै चर्को नारा लगाए पनि ती कार्यक्रमहरू गाउँसम्म पुगेका छैनन् भन्ने जनाउ हो- गाउँ नै ऋणले बाँधिएको समाचार । आज पनि बाँधा-मजदूरको रूपमा पुस्तौं पुस्तासम्म अरूको काम गर्नुपर्ने विडम्बनापूर्ण अवस्था कायमै छ भन्ने तथ्य उजागर गर्छ यो खोजमूलक सामग्रीले ।

साधनस्रोत भेटे कतिसम्म दुरुपयोग गर्न तयार हुन्छन् जनप्रतिनिधि भन्ने खुलासा हो- काठमाडौं महानगर: बैठक र सवारी खर्च अचाक्ली । जनताको सेवा गर्ने वाचा गरेर पदमा पुगेकाहरू सार्वजनिक सम्पत्ति माथि कतिविघ्न मनपरी गर्छन् भन्ने यसले खुलासा गर्छ ।

समाजमा सर्वत्र रहेको तर कम चर्चामा भएको एउटा विषय हो- लुकीछिपी सम्बन्ध: बाबुलाई उन्मुक्ति आमालाई सास्ती । वैदेशिक रोजगारीको अवसर खोज्दै विदेशिने युवाहरूको घर परिवारमा कस्तोसम्म समस्या सिर्जना हुन्छ भन्ने एउटा दृष्टान्त हो, यो । भावना र आवेशमा आएर शारीरिक सम्बन्ध राख्न पुग्ने युवायुवतीमध्ये आखिरमा गएर युवती जेल पुग्ने क्रूर बाध्यता यसले उजागर गर्छ ।

बालिका बलात्कारको एउटा पाटो हो घरमै असुरक्षा, आफन्तबाटै पीडित कथा । यसले कसरी एउटी किशोरी बलात्कार पछि आफ्नै घरमा थप असुरक्षित र आफन्तबाटै पीडित हुन्छिन् भन्ने खुलासा गर्छ ।

प्रकाशित भएपछि निकै ठूलो हलचल ल्याउन सफल एउटा खोज समाचार हो- घरधनी सांसदलाई घरभाडा । महीनौंको परिश्रम पछि पनि सूचना पाउने छाँट नदेखेर सूचनाको हक प्रयोग गरेर खोजिएको समाचार हो, यो । समाचार सार्वजनिक भएपछि सभासदहरूले घरभाडा फिर्ता गरेका थिए ।

बालबालिका मिलाउने धन्दा सुदूरपश्चिमको पहाडमा कसरी कलिला बालबालिकालाई बालश्रममा प्रयोग गरिएको थियो भन्ने एउटा खुलासा हो । दुई जना वडाध्यक्षको प्रयासले सिङ्गो गौमुल गाउँपालिकाबाट अन्यत्र बालश्रमका लागि लगिएका बालबालिकालाई घर फर्काइएको कथा हो, यो ।

पद, पैसा र पहुँच भएपछि जे गरे पनि हुन्छ भन्ने मनोवृत्तिको खुलासा हो- गरीबको सूचीमा पूर्वमन्त्री, नेता र जागिरे । नेपालमा सेवा पाउन कुनै खास टाउँ वा क्षेत्रमै जन्मनु वा बसोबास गर्नुपर्छ भन्ने जनाउ हो- डाक्टरले पनि हेफ्छन् सुदूरपश्चिमलाई । सीमापार अपराधको एउटा आयाम हो- मानव बेचबिखनको काठमाडौं-दिल्ली-खाडी कनेक्सन । व्यक्तिको सम्पत्ति उसको सहमति विना राज्यले जबरजस्ती उपयोग गर्न पाउँदैन भन्ने एउटा दीर्घकालीन असर राख्ने विधिशास्त्रीय दृष्टान्त निर्माणको कथा हो- एउटा अदालती आदेशले ल्याएको हलचल ।

संवाददाताहरूको अथक् परिश्रमबाट यी रिपोर्टहरू तयार भएका छन् । त्यसैले उनीहरू धन्यवादको पहिलो हकदार हुन् । सबै रिपोर्टहरू विभिन्न राष्ट्रिय दैनिक, साप्ताहिक खबरपत्रिका र अनलाइनहरूमा प्रकाशित हुन् । खोपके सामग्री प्रकाशनमा साथ र सहयोगका लागि म सबै सम्पादकहरूलाई धन्यवाद दिन्छु । रिपोर्टहरूलाई प्रकाशनयोग्य बनाउन भाषा सम्पादन गर्ने काम शरच्चन्द्र वस्तीले गर्नुभएको छ म उहाँलाई धन्यवाद दिन्छु । पुफका लागि धर्मराज दाहाललाई धन्यवाद ।

अन्त्यमा यति महत्वपूर्ण कामका लागि आर्थिक स्रोत उपलब्ध गराउने द फिनिस फाउण्डेशन फर मिडिया कम्युनिकेशन एण्ड डेभलपमेन्ट (भिकेस) लाई धन्यवाद । अनि समाचारको नीतिगत जिम्मेवारी बोकिदिने खोपके कार्यसमितिलाई हार्दिक धन्यवाद ।

शिव गाउँले
सम्पादक

विषयसूची

खोज अभ्यास-४ बारे - शिव गाउँले	
घरमै असुरक्षा, आफन्तबाटै पीडित - लक्ष्मी बस्नेत	१
लुकीछिपी सम्बन्ध : बाबुलाई उन्मुक्ति, आमालाई सास्ती - इन्दिरा अर्याल	१९
बालबालिका 'मिलाइदिने' धन्दा - निमेन्द्र शाही	३१
गरीबको सूचीमा पूर्वमन्त्री, नेता र जागिरे - निमेन्द्र शाही	४१
'गाउँ नै ऋणले बाँधिएको छ' - वसन्तप्रताप सिंह	५३
घरघनी सांसदलाई घरभाडा - मकर श्रेष्ठ	६३
एउटा अदालती आदेशले ल्याएको हलचल - रुद्र पंगेनी/अञ्जली सुवेदी	७३
डाक्टरले पनि हेफ्छन् सुदूरपश्चिमलाई - प्रकाश सिंह/भागेश्वरी शाह	८३
महँगा जनप्रतिनिधि - विद्या राई	९१
मानव बेचबिखनको काठमाडौँ-दिल्ली-खाडी 'कनेक्शन' - प्रमोद आचार्य	१०१

Content

A few words from the Chair - <i>Namrata Sharma</i>	
Unsafe homes, victimised by own - <i>Laxmi Basnet</i>	119
Couples under wraps : Women's ordeals, men off the hook - <i>Indira Aryal</i>	135
Children in domestic labour trap - <i>Nimendra Shahi</i>	147
Preying on Poor People's ID - <i>Nimendra Shahi</i>	157
'Entire village trapped in debt' - <i>Basanta Pratap Singh</i>	169
Accommodation Allowance for Landlord Lawmakers - <i>Makar Shrestha</i>	179
An alarming verdict - <i>Anjali Subedi and Rudra Pangeni</i>	189
How doctors ignore far west - <i>Prakash Singh and Bhageswari Shah</i>	197
Unbridled expenditure at Kathmandu Metropolitan City - <i>Bidhya Rai</i>	205
The Nepal-Gulf human trafficking nexus - <i>Pramod Acharya</i>	213



घरमै असुरक्षा, आफन्तबाटै पीडित

छोरी बलात्कार गर्ने लोग्नेलाई जोगाउने कि छोरीका निम्ति लोग्ने विरुद्ध लड्ने भन्ने कठिन दोधारमा हुन्छन् आमाहरु। बलात्कृत २० बालिकाको कथा

लक्ष्मी बस्नेत



२०७१ साल साउन सकिन लाग्दा काभ्रे, पनौतीमा एक किशोरीको 'सुसाइड नोट' भेटियो । जसमा लेखिएको थियो— 'हजुरबुबा र बुबाको श्रीमती बनेर बाँच्नुभन्दा मर्नु ठीक लाग्यो ।'

मृत्यु रोज्ने उनको दर्दनाक कथा-व्यथा १० वर्षको उमेरमा आफ्नै ६५ वर्षीय हजुरबाले बलात्कार गरेपछि शुरू भएको थियो । त्यो सिलसिला करीब ६ महीना चल्यो । विदेशमा रहेका बाबु फर्केपछि उनले बाबुलाई त्यो कुरा सुनाइन् । बाबुले 'त्यति बूढो मान्छेले पनि त्यस्तो गर्छ र !' भने ।

उनका बाबुका चार श्रीमती थिए । उनी माइलीपट्टिकी जेठी छोरी थिइन् । १३ वर्षकी हुँदा बाबुले नै उनलाई बलात्कार गरे । उनले आमालाई भनिन्, तर आमाले खासै वास्ता गरिनन् । मामा प्रहरीमा इन्स्पेक्टर थिए । भान्जीको कुरा सुनेपछि उनले पनि 'यस्तो कुरा गर्दा बेइज्जत हुन्छ, बरु हामी सम्झाइदिउँला' भनेर कुरा टुङ्ग्याए । तर बलात्कारको क्रम भने रोकिएन । बाबुले उनलाई गर्भनिरोधक औषधि समेत खुवाएर बलात्कार गर्ने गरेका थिए ।

आफ्नो कुरा कसैले पनि नसुनेपछि उनले विष खाएर आत्महत्याको प्रयास गरिन् । तर उनी मरिनन् । अस्पतालको उपचारबाट अलि ठीक भएपछि असोजमा उनी बाबु र हजुरबुबा विरुद्ध उजुरी गर्न जिल्ला प्रहरी कार्यालय, काभ्रे पुगिन् । घटना बाहिर आएलगत्तै हजुरबुबाले आत्महत्या गरे । छोरीलाई न्याय दिलाउन उभिनु साटो आमाले भनिन्, 'मैले अरू छोराछोरीलाई पनि हेर्नुपर्छ !'

जिल्ला अदालत काभ्रेले उनका बुबालाई १८ वर्ष कैदको फैसला सुनायो । पुनरावेदन हुँदै सर्वोच्च अदालतसम्म पुगेको यो मुद्दामा सर्वोच्च अदालतले पनि जिल्लाकै फैसला सदर गर्‍यो । बाबु जेल गए, तर आमा पराइ भइन् । राजधानीको एउटा गैरसरकारी संस्थाको संरक्षणमा रहेकी यी बालिका भन्छिन्, "आफ्नो भन्ने कोही छैन, जाने ठाउँ कही छैन ।"



२०६५ साल, कोजाग्रत पूर्णिमाको भोलिपल्ट । नुवाकोट, कुवरीकी ११ वर्षीया एउटी बालिका आफन्तहरूको साथ लागेर काठमाडौँ बस्ने दिदी भेट्न हिंडिन् । सानैमा आमाबुबा बितेकाले उनी कहिले दिदीकहाँ, कहिले

मावलीमा बसेर हुर्केकी थिइन् । उनका साथी थिए दशै मान्न घर आएका भिनाजु, भिनाजुका भाइहरू र मामाका छोरा दाइहरू ।

आज काठमाडौं पुगिदैन भन्दै भिनाजु र दाइहरूले त्रिशूलीमा बस्ने कुरा गरे । होटलमा उनीसहित सबैजना एउटै कोठामा बसे । राति ती सबैले रक्सी खाए र उनलाई बलात्कार गरे ।

काठमाडौं आएपछि उनले दिदीलाई घटना सुनाइन् । बहिनीलाई न्याय दिलाउन दिदीले प्रहरी गुहारिन् । जिल्ला प्रहरी कार्यालय नुवाकोटमा जाहेरी पऱ्यो, जाहेरीमा पीडित बालिकाले पाँचै जनाले आफूलाई बलात्कार गरेको बताइन् । तर, भिनाजुले आफूले मात्र बलात्कार गरेको सकारेर भाइहरूलाई जोगाउन खोजे । तर पनि अदालतले ती तीन जनालाई करणी उद्योगमा तीन/तीन वर्ष कैद हुने फैसला गर्ऱ्यो । उनीहरू अहिले सजाय काटेर छुटिसकेका छन् । मामाको छोरो भने घटनादेखि नै भागेकोले फरारको सूचीमा छ ।

यस घटनामा दिदीले बहिनीको न्यायका लागि लडिन् । लोम्नेलाई जिल्ला अदालत नुवाकोटले १५ वर्ष कैदको फैसला गरेपछि सम्बन्धविच्छेद गरिन् । अंश भाग लगाएर दुई छोराहरूको नाममा र आफ्नो भागको अंश पीडित बहिनीको नाममा गरिदिइन् । उनी अहिले छोराहरूलाई होस्टलमा राखेर वैदेशिक रोजगारमा गएकी छन् ।

अहिले स्नातक तहमा पढ्दै गरेकी ती युवती घटना भएदेखि एउटा गैरसरकारी संस्थाको संरक्षणमा छिन् । उनलाई अहिलेसम्म पिसाब चुहिरहने समस्या छ । खोक्दा र हाँस्दा समेत पिसाब चुहिने हुँदा बाहिर निस्कँदा सधैँ डाइपर लगाउनुपर्छ । दिदीको घरबार बिग्रेकोमा चिन्तित उनी भन्छिन्, “अब मेरो जाने ठाउँ कहीं छैन ।”



ललितपुर, गोदावरीकी एक युवतीले अन्तरजातीय प्रेमविवाह गरिन् । विवाहलाई माइतीले स्वीकार नगरे पनि माया गर्ने श्रीमान थिए, वैवाहिक जीवन राम्रैसँग चलेको थियो । छोरी पनि जन्मिइन् । छोरी जन्मेपछि उनले माइतीको अभाव पनि पूरा भएको टानिन् ।

२०७२ सालको भूकम्पपछिको एक दिन उनको जीवनमा ठूलो बज्रपात भयो । पालमुनि बसेका बेला लोम्नेले ९ वर्षीया छोरीलाई जबर्जस्ती गरेको

आफ्नै आँखाले देखिन् । उनले आफूलाई सम्हाल्दै प्रहरीमा उजुरी गरिन् । जिल्ला अदालत, ललितपुरले लोग्नेलाई १० वर्ष कैद गर्‍यो । उनले अदालतमा भनेकी छिन्, “यस्तो लोग्ने मलाई चाहिँदैन । यो अपराधी आजीवन जेलमै बसेको हेर्ने मन छ ।”

एउटा सुखी घरबार उजाडिएको उनी अहिले आफन्तकोमा बस्छिन् । ज्याला मजदूरीबाट गुजारा चलाउँछिन् । अहिले १३ वर्ष पुगेकी पीडित छोरी एक गैरसरकारी संस्थाको सेल्टरमा बसेर पढ्दैछिन् । उनी भन्छिन्, “सपनाहरू चकनाचूर हुन केही बेर लाग्दो रहेछ ।”



बाबुबाट सधैँजसो बलात्कृत भइरहँदा पनि उनले कसैलाई भनिनन् । ९ कक्षामा पुगेपछि उनी र भाइलाई राम्रो स्कूलमा पढाउने भन्दै बाबुले दोलखा ल्याए र डेरा खोजेर राखे ।

दोलखा आएपछि पनि बाबुको बानी फेरिएन । अति भएपछि एक दिन उनले आमालाई भनिन् । सोधखोज गर्दा बाबुले उल्टै आमालाई झपारे । बलात्कारको क्रम चलिरह्यो । घटना बाहिर ल्याएपछि पढाइ बिग्रेला भन्ने डरले १० कक्षा नसकिउन्जेल उनले केही बोलिनन् । २०७० सालमा एसएलसी परीक्षा दिएको चार दिनपछि जिल्ला प्रशासन कार्यालय पुगेर चिनजानकै एक जना महिला कर्मचारीसँग आफ्नो कुरा खोलिन् । ती महिलाले सिडियोलाई पनि जानकारी गराइन् र प्रहरीमा खबर गरेपछि बाबु पक्राउ परे । जिल्ला अदालत दोलखाले बाबुलाई १२ वर्ष जेल सजाय र रु.१ लाख जरिवाना गर्ने फैसला गरेको छ ।

बाबु पक्राउ परेको चार/पाँच दिनसम्म उनी घरमै बसिन् । तर आमाले ‘बयान फेरेर बाबुलाई बाहिर निकाल्न’ दबाब दिन थालेपछि उनले घर छाडिन् । एउटा गैरसरकारी संस्थाको संरक्षणमा बसेर भर्खरै मात्र कक्षा १२ को पढाइ सकिन् । “आमाले घरमै नआइज भन्नुभएको छ, बाबाले मुद्दा पुनरावेदन गरेको छु, उल्टिएपछि तँलाई जानेको छु भनेर खबर पठाएका छन्” उनले भनिन्, “मलाई सरकारले सुरक्षा र गरिखाने काम दिए हुन्थ्यो ।”





पर्वतको एउटा गाउँकी उनी अहिले १७ वर्षकी भइन् । १३ वर्षकी हुँदा आफ्नै काकाबाट बलात्कृत भएकी थिइन् । त्यसबेला उनले यो कुरा कसैलाई भनिनन् । सधैँजसो पेट दुख्न थालेपछि एक दिन आमाले अस्पताल पुऱ्याइन् । त्यहाँ उनी गर्भवती रहेको कुरा खुल्यो । यो थाहा पाएपछि आमा बेहोश भइन् । बाबु पहिल्यैदेखि पक्षाघातका बिरामी थिए ।

गर्भपतन गर्न मिल्ने समय गुजिसकेको थियो । गाउँभर कुरा फैलिएपछि उनलाई गाउँनिकाला गर्ने चर्चा चल्यो । त्यसपछि उनी प्रहरीको सहयोगमा पोखराको एउटा गैरसरकारी संस्थाको सम्पर्कमा पुगिन् । केही समय त्यहाँ बसेपछि उनलाई 'काउन्सिलिङ' गरेर घर पठाइयो ।

उनी घर फर्केको थाहा पाएपछि गाउँका केही महिलाहरूले नै 'यस्तीलाई गाउँमा राख्नुहुन्न' भन्दै उनलाई पिटे । राति नै गाउँनिकाला गर्न लागेपछि एकजना स्थानीय शिक्षकले उनलाई पुनः त्यही संस्थामा पुऱ्याइदिए । त्यही उनले बच्चा जन्माइन् । अदालतले काकालाई १० वर्ष जेल सजाय सुनाएको छ । ती किशोरी आमा भन्छिन्, "यो सेल्टर छाडेर कहाँ जाऊँ म अब ?"

आफ्ना सन्तान नभएपछि धादिङकी लक्ष्मी र उनका श्रीमानले २०६८ सालमा एक महीनाकी बालिकालाई धर्मपुत्री बनाए । बालिकाले लक्ष्मीको सानो परिवारमा खुशी भित्र्याइन् । २०७३ वैशाखमा मातातीर्थ औसीमा छोरीलाई घरमा छाडेर लक्ष्मी माइत गइन् । त्यहीबेला, वैशाख २४ गते उनका लोग्नेले पाँच वर्षीया छोरीलाई बलात्कार गरे ।

३१ वैशाखमा उनी माइतीबाट फर्कदा छरछिमेकीले यसबारे सुनाए । उनले छोरीलाई सोधिन् । छोरीले पनि 'हो' भनेपछि धादिङबेसी पुगेर जिल्ला प्रहरी कार्यालयमा उजुरी दिइन् । तर, पहिले बलात्कार गरेको आफ्नै आँखाले देखेको बताउने छरछिमेकीले उजुरी दर्ता गरेर फर्केपछि भने 'हुँदै नभएको कुरामा लोग्नेलाई फँसाएको' भने । लक्ष्मी भन्छिन्, "पहिले देखेका हौं भन्नेहरूले हामीलाई थाहा छैन भने । मेलापर्ममा आउन छाडे । उल्टै मलाई चोरीको आरोप लगाए ।"

लक्ष्मीले आफूमाथि दुर्व्यवहार गर्ने सात जना छिमेकी विरुद्ध प्रहरीमा उजुरी गरिन् । प्रहरी कार्यालयमा भएको छलफलमै केहीले 'गाउँमा विकृति फैलाएको र यस्तै गरिरहे ज्यान जान सक्ने' समेत धम्की दिए । प्रहरीले मिलापत्र गरेर पठायो । अचाक्ली भएपछि उनले २०७३ भदौमा गाउँ छाडिन् । अहिले छोरीसहित भक्तपुरमा बस्छिन् ।

जिल्ला अदालत धादिङले २०७३ साउनमा बलात्कारी बाबुलाई ११ वर्ष कैद सजाय सुनाएको छ । छोरी अहिले सात वर्षकी भइन् । लक्ष्मी भन्छिन्, "दोषीलाई सजाय त भयो, तर मलाई आफ्नै घरगाउँमा फर्केर जाने अवस्था भएन ।"



२०७३ सालको कुरा हो । ओखलढुंगा, मानेभन्ज्याङकी १४ वर्षीया बालिका आफन्तले चलाएको एउटा होटलमा काम गर्थिन् । होटलमा काम गर्दागर्दै उनको पेट बढ्न थाल्यो । परिवार गरीब थियो, आमा सोझी थिइन् । अरूले अस्पताल लैजाऊ भनेपछि उनी छोरी लिएर अस्पताल गइन् । बालिका ७ महीनाकी गर्भवती भएको थाहा भयो ।

बालिकाले बताए अनुसार त्यही होटलको गाडी चलाउने ड्राइभर काजी राईले उनलाई बलात्कार गरेको हो । काजीले घटनाबारे कसैलाई भने मारिदिने धम्की दिएकाले उनी चूपचाप बसेकी थिइन् ।

त्यसपछि उनलाई जिल्लाकै 'सेफ हाउस' मा राखियो । बच्चा जन्मेपछि उनलाई समाजमा मुख देखाउन समस्या भयो, आमाबाबुकै सहमतिमा केही संघ-संस्थाले अहिले उनलाई काठमाडौं ल्याएका छन् ।

जिल्ला प्रहरी कार्यालय, ओखलढुंगामा काजी विरुद्ध उजुरी परेको छ । प्रहरीले अहिलेसम्म काजीलाई पक्राउ गर्न सकेको छैन । बालिका अहिले १६ वर्षकी भइन्, छोरो दुई वर्षको पुग्न लाग्यो । उनका लागि आफ्नै गाउँघरसमेत बिरानो भएको छ । उनी भन्छिन्, "बलात्कारबाट जन्मेको बच्चा लिएर घरजाने आँट छैन, अन्त कहाँ जाऊँ ?"



यो चितवनको कथा हो । उनी जन्मेको केही महीनामै आमा अर्को बिहे गरेर हिंडिन् । बाबु टेक्कापट्टाको काम गर्थे । फेरी-फेरी श्रीमती ल्याउँथे । कोही दुई चार महीना बस्थे, कोही दुई चार दिनमै हिंड्थे । एउटी चाहिँ लामै समय बसिन् । छोरी पनि पाइन् । तर, छोरी जन्मेपछि एक वर्ष नपुग्दै छाडेर गइन् । ती बहिनी उनकै हेरचाहमा हुर्किइन् ।

१२/१३ वर्षकी उनी र सानी बहिनी एउटै कोठामा सुत्थे । एक दिन कोठाको चुकुल बिग्रेपछि उनले बाबुलाई भनिन् । चुकुल बनाउनु कता हो कता, त्यही रात पत्याउन पनि मुश्किल पर्ने घटना भयो । उनले भनिन्, "पढेर भर्खर निदाएकी थिएँ, बाबा र दाइ कोठामा पसेर मलाई पालैपालो बलात्कार गरे ।"

बाबु र दाइले निस्कने बेला बाहिरबाट चुकुल लगाइदिए । रोइन्, चिच्याइन् तर कसैले सुनेन । रात छिपिंदै गएपछि बल गरेर ढोका तानिन् । बाहिरबाट लगाएको चुकुल खुल्यो । बहिनीलाई त्यही छाडेर उनी भागिन् । जंगलको बाटो हुँदै राति नै मामाघर पुगिन् । मामा-माइजूलाई सबै कुरा भनिन् । भोलिपल्ट मामा-माइजूले बाबुसँग कुरा गर्ने भनेर लिएर गए । 'समाज' बोलाइयो । बाबु र दाइले 'रक्सी खाएका बेला गल्ती भो' भन्दै खुट्टा ढोगेर माफी मागे ।

उनलाई मामाघर नै फर्काइयो । मामा-माइजूले झण्डै दोब्बर उमेरको केटासँग बिहे गराइदिए । लोम्नेसँग बस्न नसकेपछि उनी डान्सबारमा काम गर्न गइन् । अहिले गुजाराका निम्ति कलंकी आसपास क्षेत्रमा

चल्ने गाडीका यात्रुलाई सामान बेच्ने काम गर्छिन् । “मछु भनेर दुईपल्ट आत्महत्या गर्न खोजें, तर काल आएन” अहिले १८ वर्ष पुगेकी उनले भनिन्, “बाँच्च साह्रै गाह्रो, मर्न पनि सजिलो रहेनछ ।”



आमाबुबा दुवै सुस्त मनस्थितिका थिए । आफ्नै ख्याल गर्न सक्दैनथे । त्यसैले आमाबुबा सहित भाइ र बहिनीको रेखदेख गर्ने जिम्मा उनकै काँधमा थियो । बाग्लुङको एउटा गाउँमा घर धानेर बसेकी ती ८ वर्षीया बालिकालाई पढाउन भनेर फुपूको घर पठाइयो ।

उनी त्यही बसेर पढ्न थालिन् । एक दिन फुपू घरमा नभएका बेला फुपाजूले उनलाई जबरजस्ती गरे । घटनाबारे अरूले पनि थाहा पाएपछि फुपाजू पक्राउ परे । ती बालिकालाई गैरसरकारी संस्थाले चलाएको ‘सेफहाउस’ मा ल्याएर राखियो । एक वर्ष त्यहाँ राखेपछि आमाबाबुकै जिम्मा लगाइयो । सुस्त मनस्थितिका बाबुआमाले छोरीलाई चाहिने अभिभावकत्व दिन सकेनन् । आफन्त र छरछिमेकीले ‘घरमा राख्न ठीक नहुने’ सल्लाह दिएपछि उनी फेरि ‘सेफहाउस’ मै पुगिन् । उनी भन्छिन्, “बुबाआमा केही गर्न सक्दैनन् । फुपाजू जेल परेपछि फुपूले पनि घरमा नराख्ने भनिन् । अब कहाँ जानु ?”



२०७४ सालमा काठमाडौँमा भएको घटना हो । आठ वर्षमा टेकेकी छोरीको दुई दिनपछि जन्मदिन मनाउने तयारी हुँदैथियो । सधैं स्कूलबाट फर्कने छोरी लिन पुग्ने आमा त्यो दिन भक्तपुर गएकाले फर्कदा ढिलो भयो । आफू ढिलो हुने भएपछि जेठाजुलाई फोन गरिन् । वल्लोपल्लो घर भएका जेठाजुले छोरी ल्याइदिने भनेपछि उनी ढुक्क भइन् ।

तर, साँझ ६ बजे घर पुग्दा छोरी थिइन् । यताउता खोजिन्, भेटिन् । जेठाजुको घर पुगेर खोजतलास गर्दा ट्वाइलेटमा बेहोश अवस्थामा थिइन् छोरी । छिमेकीहरू जम्मा भए । अस्पताल पुऱ्याएपछि थाहा भयो— उनलाई बलात्कार गरिएको रहेछ । हल्लीखल्ली भएपछि भागिसकेका जेठाजुलाई प्रहरीले एक महीनापछि झापाबाट पक्राउ गर्‍यो । अदालतले उनलाई आठ वर्ष जेल सजाय सुनाएको छ ।

गेरुबस्त्र धारण गरेर हिड्ने, ५४ वर्षीय अविवाहित जेठाजुबाट नाबालिका छोरी बलात्कृत भएपछि उनी प्रहरीमा पुगिन् । तर, उनका लोग्ने भने दाजुको पक्षमा लागे । मुद्दामामिला शुरू भएपछि लोग्नेसँग सम्बन्ध टुट्यो । अहिले उनी डेरा लिएर एकलै बस्छिन् ।

अहिले उनकी छोरीलाई एउटा गैरसरकारी संस्थाको आवासगृहमा राखिएको छ । छोरी लोग्नेमान्छे देख्दा पनि तर्सिन्छिन् । परिवार छिन्नभिन्न भएको छ । उनी भन्छिन्, "मुद्दा अहिले पुनरावेदन अदालतमा छ, दाजुभाइ लागेर मुद्दा उल्ट्याएरै छाड्छौं भनिरहेका छन् । छुटेर आए भने के हुने हो थाहा छैन ।"



घटना सिन्धुलीको हो । गर्भवती भएका बेला श्रीमान गुमाएकी १९/२० वर्षीया महिलासँग गर्भको बच्चालाई अभिभावकत्व दिने बाचा गरेर एकजना युवकले बिहे गरे । छोरी जन्मेपछि उनले त्यो बाचा पूरा पनि गरे । छोरीलाई खुवाउने, नुहाइदिने काम आफैँ गर्थे । आमा घरबाहिरको खेतीपाती, मेलापातमा व्यस्त हुन्थिन् ।

छोरी पाँच वर्ष पुगेकी थिइन् । आमालाई एक दिन उनको शरीर गन्हाए झैं लाग्यो, तर केही मेसो पाउन सकिनन् । खानामा छोरीको रूचि घट्दै गएपछि र पेट दुखे झैं गरी रून थालेपछि उनले अस्पताल पुऱ्याइन् । त्यसपछि मात्र उनी बलात्कृत भएको, पटकपटक बलात्कार भएकाले पाठेघरमा घाउ भइसकेको पत्ता लाग्यो । त्यो अपराध तिनै झड्केला बाबुले गरेका थिए ।

बालिकाको उपचार जिल्लामा सम्भव नभएपछि काठमाडौँ ल्याइयो । आमाले उनलाई एउटा गैरसरकारी संस्थाको संरक्षणमा राखिदिइन् । ९ वर्षदेखि उनी यहाँ बसेकी छन् । आमा गाउँमै ज्याला मजदूरीको काम गर्छिन् ।

जिल्ला अदालत सिन्धुलीको आदेशले १० वर्ष जेल सजाय पाएका झड्केला बाबु जेलबाट छुट्ने बेला भइसक्यो, तर आमा र छोरी आज पनि विक्षिप्त जस्तै छन् । छोरीको स्वास्थ्य दयनीय छ । महीनावारी तीन/चार महीनामा एक पटक हुन्छ र १५/२० दिनसम्म रगत बगिरहन्छ । घाउ सञ्चो नभएपछि डाक्टरले पाठेघर नै फाल्नु उचित हुने सल्लाह दिएका छन् ।



बाबुले दोस्रो बिहे गरेर भारततिर हिडेको केही महीनामै आमा पनि घर छाडेर हिडेपछि सुर्खेत वीरेन्द्रनगरकी उनी ११ वर्षको उमेरमै भाइ र बहिनीकी अभिभावक बनिन् । कहिले छिमेकीसँग हात पसारेर, कहिले घाँस-दाउरा बेचेर भाइबहिनीसहित आफ्नो पेट पाल्ने जोहो गरिन् । त्यति गरेर पनि उनले पढ्न छाडेकी थिइनन् । आफू ९ कक्षामा पढ्थिन्, बहिनी र भाइ क्रमशः ५ र २ कक्षामा पढ्थे ।

२०७५ जेठ अन्तिम साताको कुरा हो । घरबाट केही टाढा माइजू नाता पर्नेको घर पुगेर फर्कदै थिइन् । झमक्क साँझ परिसकेको थियो । जंगलको बाटो छिचोल्दै गर्दा एक्कासि दुई जना केटाले बाटो छेके । उनका दुवै हात समाते र पालैपालो बलात्कार गरे । सकी-नसकी राति १० बजे घर आइपुगिन् ।

घटनाबारे थाहा पाएपछि चिनजानकी एक जना आन्टीले उनलाई प्रहरी चौकीसम्म पुऱ्याइन् । प्रहरीले उनलाई स्थानीय गैरसरकारी संस्थाको आवासगृहमा पुऱ्याइदियो । अहिलेसम्म पनि उनी त्यही बस्छिन् । उनलाई आफ्नो भन्दा भाइबहिनीको पिरलो छ । भन्छिन्, “भाइबहिनी भोकभोकै छन् होला !” उनलाई बलात्कार गर्नेहरू अहिलेसम्म समातिएका छैनन् ।



सात वर्षकी छँदा आमाको मृत्यु भएपछि सुर्खेत, वीरेन्द्रनगरकी उनी मामासँग बसिन् । उनीसहित तीनै जना छोराछोरीलाई मामाघर छाडेर उनका बाबु कामको खोजीमा भारत गएका थिए । मामाघरमै हुर्केकी उनीमाथि मामाकै कुदृष्टि पऱ्यो । उनले पटकपटक बलात्कार गरे । १६ वर्षकी भान्जीको आनीबानीमा अचम्मको फेरबदल देखेपछि एक दिन माइजुलाई शंका लाग्यो । सोधखोज गरेपछि थाहा भो, उनी गर्भवती रहिछन् ।

माइजुले प्रहरीमा उजुरी गरिन् । ६ महीना पुगिसकेकाले गर्भपतन गर्न मिलेन । प्रहरीले उनलाई गैरसरकारी संस्थाको आवासगृहमा पठाइदियो । गर्भवती उनी अहिले कोहीसँग बोल्दिनन् । स्थानीय आवासगृहकी व्यवस्थापक धना जिस्सीले भनिन्, “उनलाई ठूलो असर परेको छ, प्रायः बेहोशीमै बर्बराउँछिन् ।” बलात्कारको अभियोग लागेका मामा चाहे फरार छन् ।



गुर्भाकोट, सुर्खेतकी उनको १४ वर्षकै उमेरमा विवाह भएको थियो । वैवाहिक जीवन राम्रैसँग बितिरहेको थियो । छोरो पाएपछि एक दिन श्रीमानले कुटे । केही समय माइत बसेर आउँछु भनेर उनी माइत आइन् । तर, माइतीघरमा सुतेका बेला गाउँकै शम्भु घर्तीले उनलाई बलात्कार गरे ।

उनका आमाबाबु इज्जतको डरले यो घटना गाउँमै मिलाउन चाहन्थे । तर, शम्भुको परिवारले उल्टै धम्क्याएपछि उनीहरूले प्रहरीमा उजुरी गरे । त्यसपछि शम्भु पक्राउ परे । उता उनका श्रीमानले यो घटना थाहा पाएपछि सम्बन्ध टिकेन । “अब त्यो घरमा बस्न सकिन्न भनेर मैले पनि सम्बन्धविच्छेद नै रोजेँ” उनले भनिन्, “तर, सम्पत्ति केही लिएकी छैन ।” शम्भु तीन महीनादेखि जिल्ला कारागार सुर्खेतमा छन् । शम्भुको परिवार उनलाई छुटाउन अनेक प्रयास गरिरहेको छ ।

माइतीमा घाँस-दाउरा गरेर चार वर्षको छोरो हुर्काइरहेकी उनी नातागोता र समाजको तिरस्कारले थप आहत छिन् । “भाइबहिनी नै तैले गर्दा हाम्रो पनि इज्जत गयो भन्छन्” उनी भन्छिन्, “सहारा ठानेको माइतीमै छिःछिः र दूरदूर भएपछि कहाँ जाऊँ ?”



म्याग्दीको मालिका गाउँपालिकाको कथा हो, यो । २०७५ भदौको शनिवार विद्यालय बिदा भएकाले १२ वर्षीया छोरी र ५३ वर्षका लोग्नेलाई घरमा छाडेर आमा काममा गएकी थिइन् । त्यही दाउ छोपेर बाबुले छोरीलाई बलात्कार गरे । ती छोरीका अनुसार बाबुले त्यसअघि पनि बलात्कार गरेका थिए ।

घटनाको बारेमा थाहा पाएपछि सबैभन्दा पहिले आमाले वडाध्यक्ष पिपला बुढालाई सुनाइन् । बुढाको सल्लाहमा ती बालिका र उनकी आमाले इलाका प्रहरी कार्यालय, दरवाडमा जाहेरी दिए ।

प्रहरीले तत्कालै बलात्कारी बाबुलाई पक्राउ गऱ्यो । अहिले उनी पुर्पक्षका लागि थुनामा छन् । तर अहिले पनि पीडकका दाजुभाइ, आफन्तहरूले घटना मिलाउनुपर्थ्यो, दाजुभाइसँग सल्लाह नै नगरी घटना प्रहरीमा पढायो भनेर वडाध्यक्ष बुढालाई भन्ने गरेका छन् ।

अहिले यो मुद्दा जिल्ला अदालत, म्याग्दीमा चलिरहेको छ । छोरी गाउँमै पढिरहेकी छिन् ।



नवलपरासी, गैडाकोटको घटना हो । २०७४ साल चैतमा ३० वर्षीय बाबुले आफ्नै ८ महीने छोरी बलात्कार गरे । आफू काममा गएको बेला श्रीमानले छोरीको बलात्कार गरेको भनी आमाले प्रहरीमा जाहेरी दिइन् । एक होटलमा काम गर्ने उनी घरमा श्रीमानलाई नानी छोडेर काममा गएकी थिइन् । छिमेकीले तिम्रो बच्चा साह्रै रोयो भनेर खबर गरेपछि घर जाँदा घटना थाहा भएको उनले प्रहरीमा बताएकी छन् ।

इलाका प्रहरी कार्यालय, गैडाकोटले जाहेरी दर्ता भए लगत्तै बाबुलाई पक्राउ गर्‍यो । १० वर्ष मुनिकी बालिकालाई गरेको करणी र हाडनाता करणी समेत गरी कैद सजायको माग गरिएको पीडितका तर्फबाट मुद्दा हेर्न सहयोग गर्दै आएको संस्थाले बताएको छ । जिल्ला अदालत नवलपरासीको आदेशले बाबुलाई पुर्पक्षका लागि थुनामा पठाइएको छ । यो मुद्दा हेरिरहेका एक जना कानून व्यवसायीका अनुसार, श्रीमान विरुद्ध मुद्दा हालेकी ती आमालाई मुद्दा गर्नु कि छोरी हुर्काउनुभएको छ । उनको भनाइमा, "गरीब परिवारकी यी आमालाई अरू सन्तान हुर्काउन समेत समस्या छ ।"



२०७४ साल चैत २८ गते साँझपखको कुरा हो । जनकपुरधाम उप-महानगरपालिकाको एउटा गरीब परिवारकी १६ वर्षीया छोरी अरूको घरमा काम गरेर फर्किरहेकी थिइन् । बाटोमा दुई जनाले उनलाई समातेर नजिकैको एउटा घरमा लगे र ७ जनाले रातभरि बलात्कार गरे ।

ती बालिकाका अनुसार, बलात्कारीले बिहान हुन लागेपछि उनलाई घरछेउमा लगेर छोडिदिए । कहिलेकाहीं काम गर्ने घरमै पनि रात बस्ने गरेकाले घरमा सोधखोज भएन । उनलाई ती बलात्कारीहरूले घटना कसैलाई नभन्नु र भने परिवारै सिध्याइदिने भनेर धम्की दिएका थिए । तर दुई दिनपछि एक जना दिदी पर्नेलाई त्यो कुरा भनेपछि उनकी हजुरआमाले प्रहरीमा जानुपर्छ भनिन् । घटनाको चार दिनपछि जिल्ला प्रहरी कार्यालय, धनुषामा जाहेरी दर्ता भयो ।

बलात्कारमा संलग्न सातमध्ये सुमन पाण्डे, धनिकलाल साह र राहुल भनिने ओजिर हुसैन अहिले पुर्पक्षका लागि थुनामा छन् भने रज्जितकुमार साह (महोत्तरी) र सिद्धार्थ दास (धनुषा) फरार छन् । अरू दुई जना पीडितले नचिनेका व्यक्ति थिए । उनीहरू को थिए भनेर प्रहरीले पनि पत्ता लगाउन सकेको छैन । हाल काठमाडौंको एक संस्थाको संरक्षणमा बसिरहेकी ती बालिकालाई उनको घरमा पुनर्स्थापना गर्न समस्या छ । त्यही भएर परिवारले पनि यतै बसेर पढोस् भन्ने चाहेको छ । घर फर्केमा ती बालिकामाथि जुनसुकै बेला आक्रमण हुनसक्ने पीडित परिवारका सदस्यहरू बताउँछन् । पीडकहरू पाण्डे, साह र हुसैनले आफूहरूलाई थुनामा राख्नु नपर्ने भनेर पुनरावेदन अदालत, जनकपुरमा पुनरावेदन गरेका छन् ।



रौतहटको गुजरा नगरपालिकाकी एक बालिका २०७४ वैशाखमा एकाएक हराइन् । परिवारले तत्कालै प्रहरीमा खबर गर्‍यो । तर प्रहरीले दुई महीनासम्म उनी कहाँ छिन् भनेर पत्ता लगाउन सकेन । करीब दुई महीनापछि उनी फेला परिन् । त्यसपछि उनलाई अपहरण गर्ने मुख्य योजनाकार स्थानीय औषधि पसले बलिष्टर चौधरी पक्राउ परे । चौधरी लगायतले ती बालिकालाई वीरगंजमा कोठा लिएर बन्धक बनाएर राखेका थिए ।

इलाका प्रहरी कार्यालय, गरुडाका अनुसार, १३ वर्षीया ती बालिकाले क्रमशः ३५, २४ र १९ वर्षका बलिष्टर चौधरी, धर्मन्द्रकुमार चौधरी र जियालाल महतोले आफूलाई पटक-पटक बलात्कार गरेको बताएकी छन् । ती तीनै जनालाई पुर्पक्षका लागि थुनामा राखेर अपहरण, शरीर बन्धक र बलात्कारमा जिल्ला अदालत, रौतहटमा मुद्दा चलिरहेको छ ।

तर, मुद्दा फिर्ता लिन बालिकाका बाबुआमालाई पटक-पटक धम्की आएकाले उनीहरू समेत काठमाडौंमा बस्न थालेका छन् । सानोतिनो व्यापार गरेर बसेका उनीहरूको पारिवारिक जीवन चौपट भएको छ । बाबु भन्छन्, "छोरीको जीवन पनि बर्बाद भयो, हाम्रो अवस्था पनि बर्बाद भयो ।"



२०७५ जेठको कुरा हो, पाँचथर फिदिमकी एक जना १४ वर्षीया बालिकालाई छिमेकीले बलात्कार गरे । गरीब परिवारकी उनी तीन जना दिदीबहिनी र एक भाइसहित आमासँग बस्थिन् । बाबुले पहिले नै छोडेर हिडेका थिए । छिमेकीले मोटरसाइकल चढाएर घर पुऱ्याइदिन्छु भनेर जंगलमा लगेर बलात्कार गरेका थिए ।

केही दिनमै पीडक पक्राउ परे । उनलाई जिल्ला अदालत, पाँचथरले १० वर्षको कैद सजाय हुने फैसला गरेको छ । तर उनले बाहिर निस्किएपछि खसीबोका जसरी काट्छु भन्ने धम्कीका खबर जेलबाटै पठाइरहेका छन् । पीडित परिवारलाई छरछिमेकले सहयोग त गरेका छन् तर आमालाई अरू छोरीहरूको चिन्ता छ । संस्थाले पुनर्स्थापना गर्ने तयारी गरे पनि ती बालिका डरले घर जान चाहेकी छैनन् । गएको दशैमा घर पठाउँदा पनि उनी डरले फेरि काठमाडौं आएकी छन् ।



तीन वर्षअघि स्याङ्जाको एउटा गाउँको घरमा हजुरबा र नातिनी बस्थे । नातिनी ६ वर्षकी हुँदा आमा घर छाडेर हिडिन् । उनको हेरचाह र स्याहारसुसार ७० वर्षीय वृद्ध हजुरबाको जिम्मामा पुग्यो । ती बालिकाले स्कूलमा सधैं पेट दुख्यो भनेर गुनासो गर्न थालेपछि शिक्षिकाले सोधखोज गरिन् । फकाएपछि केही कुरा बालिकाले आफैँ खोलिन् । स्वास्थ्य परीक्षणपछि हजुरबाले करीब ६ महीनादेखि उनलाई बलात्कार गर्दै आएको पत्ता लाग्यो ।

हजुरबा विरुद्ध जिल्ला प्रहरी कार्यालय, स्याङ्जामा जाहेरी दर्ता भयो । उनी पक्राउ परे । एक वर्षपछि अदालतले उनलाई १० वर्ष कैद हुने फैसला सुनायो । पीडित बालिकालाई अहिले पोखरास्थित एउटा गैरसरकारी संस्थाले चलाएको 'सेफहाउस' मा राखिएको छ । तर सो संस्था आफैँ समस्यामा परेको छ । संस्थाका एक जना प्रतिनिधि भन्छन्, "उनलाई पठाउने ठाउँ र जिम्मा लगाउने व्यक्ति नै छैन ।"

जो पीडित उही दोषी !

बलात्कारका पीडितहरूलाई परिवार र समाजमा पुनर्स्थापित हुन सजिलो छैन । समाजले पीडितलाई नै दोषी देख्छ, छिःछिः र दूरदूर

२० वर्षमा बलात्कार

आर्थिक वर्ष	जबर्जस्ती करणी	जबर्जस्ती करणी प्रयास
२०५३/५४	११२	३४
२०५४/५५	१८१	३४
२०५५/५६	१४१	१८
२०५६/५७	१८६	३३
२०५७/५८	१२२	३५
२०५८/५९	१२९	२१
२०५९/६०	१५७	१८
२०६०/६१	१५४	१९
२०६१/६२	१८८	२५
२०६२/६३	१९५	३८
२०६३/६४	३१७	७०
२०६४/६५	३०९	७३
२०६५/६६	३९१	७५
२०६६/६७	३७६	१०१
२०६७/६८	४८१	१५१
२०६८/६९	५५५	१५६
२०६९/७०	६७७	२४५
२०७०/७१	९१२	४१४
२०७१/७२	९८१	५६२
२०७२/७३	१,०९३	४५०
२०७३/७४	१,१३७	५३१
२०७४/७५	१,४८०	७२७

पछिल्लो तीन वर्षमा बलात्कार

आर्थिक वर्ष	जबर्जस्ती करणी मुद्दा दर्ता	जबर्जस्ती करणी गर्न खोजेको मुद्दा	१० वर्ष मुनिका	१८ वर्षसम्म	कुल पीडित बालिका
२०७२/७३	१०९३	४५०	२१३	४६८	६८१
२०७३/७४	११३७	५३१	२११	५३२	७४३
२०७४/७५	१४८०	७२७	२६१	७३४	९९५

स्रोत : प्रहरी प्रधान कार्यालय, महिला तथा बालबालिका सेवा निर्देशनालय

गर्छ । डेढ दशकयता बलात्कार पीडितका लागि काम गरिरहेको गैरसरकारी संस्था रक्षा नेपालकी अध्यक्ष मेनुका थापाका अनुसार, "प्रायः पीडितले घर छाडेकै हुन्छन्, परिवारमा पुनर्स्थापित हुनेहरू २० प्रतिशत पनि हुँदैनन् ।"

बलात्कार पीडितहरूले चाहेर पनि पीडा भुल्न पाउँदैनन् । प्रहरी र वकिललाई घटनाको बयान दिनुपर्छ । न्यायाधीशलाई त्यसबारे जवाफ दिनुपर्छ । विपक्षी वकिलले सोध्ने 'असंवेदनशील' प्रश्नको जवाफ दिँदा पटक-पटक बलात्कारमा परे झैं महसूस गर्नुपर्छ ।

१० वर्षदेखि बलात्कृत बालिका र किशोरीहरूलाई मनोपरामर्श दिइरहेकी गीता न्यौपाने उपचार वा परामर्शपछि पनि बलात्कार पीडितमा घटनाको छाप कुनै न कुनै रूपमा बाँकी नै रहने बताउँछिन् । परिवार, आफन्त र समाजको मायाले मात्र उनीहरूको पीडा कम हुने उनको अनुभव छ । उनी भन्छिन्, "तर, प्रायः पीडितले परिवार र आफन्तको साथ पाउँदैनन् ।"

डा. देवी गुरुङ काठमाडौंको थापाथलीस्थित प्रसूति गृहकी स्त्री रोग तथा प्रसूति विशेषज्ञ हुन् । उनले अस्पतालमा स्वास्थ्य जाँचका लागि आउने एक हजारभन्दा बढी बलात्कार पीडितको जाँच गरिसकेकी छन् । डा. गुरुङको भनाइमा, "सेतो पानी बग्ने, तल्लो पेट दुख्ने, पिसाब नरोकिने तथा पिसाब र पाटेघरमा संक्रमण पीडितका आम समस्या हुन् ।" उनका भनाइमा, पाटेघरमा संक्रमण भएर समयमै उपचार नभएमा फेलोपियन ट्यूब बन्द हुने र पछि गर्भ नबस्ने सम्भावना हुन्छ भने सानो उमेरका र सामूहिक बलात्कारमा परेकाहरूमा यस्तो समस्या बढी हुन्छ ।

मेनुका थापाले दिएको जानकारी अझ गम्भीर छ । चिकित्सकहरूले बताए अनुसार, रक्षा नेपालको सेक्टरमा रहेका ७० जना बलात्कार पीडितमध्ये करीब आधाजति भविष्यमा आमा बन्नै नसक्ने अवस्थाका छन् ।

हाडनाता करणी पीडित बालिकाहरूको निम्ति कार्यरत संस्था, अन्तर दृष्टि नेपालकी अध्यक्ष विनीता दाहालका अनुसार, समाजले जो पीडित हो उसैमाथि दोष थोपर्छ । परिवारभित्रको हाडनाता करणीमा घटना लुकाउने र मुद्दा दर्ता नगर्ने कुरा सामान्य झैं हुन्छ । दाहाल भन्छिन्, "बलात्कृत बालिका-किशोरीका आमाले घरपरिवार त्याग्न तयार नभए मुद्दा

नै चल्दैन । छोरी बलात्कार गर्ने श्रीमानलाई जोगाउने कि छोरीका निम्ति श्रीमान विरुद्ध लड्ने भन्ने कठिन मोडमा हुन्छन् आमाहरू ।”

दाहालको भनाइमा, “यस्ता घटनालाई सकेसम्म परिवार, समाजमै दबाइन्छ । मुद्दा-मामिला भइहाले हतपत्त फैसला हुँदैन । फैसला भयो, सजाय तोकियो भने अभियुक्त जेलमा त पुग्छन्, तर पीडितलाई आफ्नै परिवार र समाजले बसिखान दिँदैन ।”

(साथमा लक्ष्मी भण्डारी, सुर्खेत)

(पीडितको परिचय नखुलोस् भन्नेमा ध्यान दिँदा धेरै ठाउँमा घटनाको पृष्ठभूमि र पीडकको परिचय समेत लुक्न पुगेको छ । जिल्ला प्रहरी कार्यालय, जिल्ला र उच्च अदालत र सर्वोच्च अदालतमा विचाराधीन मुद्दाका मिसिलबाट यी घटनाहरू लिइएका हुन् ।)

प्रकाशित मिति: १० मंसिर २०७५



लुकीछिपी सम्बन्ध बाबुलाई उन्मुक्ति, आमालाई सास्ती

‘वर्जित सम्बन्ध’ बाट गर्भवती भएर डर र आवेशमा नवजात शिशुको हत्या गर्ने थुप्रै आमा अहिले कारागारमा छन्। तर, त्यस्तो सम्बन्ध राखेका कारणले पुरुषहरू जेल बस्नु परेको छैन।

इन्दिरा अर्याल

गर्भधारणका बारेमा प्रकृति र समाजको नियम एकदमै फरक छ । प्रकृतिका लागि गर्भधारण एउटा प्राविधिक प्रक्रिया मात्र हो । उपयुक्त वातावरणमा स्वस्थ डिम्ब र शुक्रकीटको मिलन भएपछि गर्भधारण हुन्छ । तर, संसारमा विद्यमान सबैजसो समाजले यसमा वैधताको पक्ष पनि थपेका छन् । समाजका लागि भने गर्भधारण प्राविधिक सँगसँगै वैधानिक प्रक्रिया पनि हो ।

चलनचल्तीको भाषामा 'अवैध सम्बन्ध' बाट जन्मिएको शिशु हत्या गरेको अभियोगमा आमा जेल चलान भएका समाचार प्रशस्तै आउँछन् । यस्तो कथित 'अवैध सम्बन्ध' र शिशु हत्याको लैङ्गिक, सामाजिक र कानूनी पाटो केलाउन हामीले जेलमा रहेका र जेलबाट भर्खरै रिहा भएका यस्ता आमाहरूले गरेका अपराधहरूलाई केलाउने जमर्को गरेका छौं ।

यहाँ चर्चा भएका व्यक्तिहरूले अदालतबाट सजाय वा सफाइ पाइसकेको भए तापनि उनीहरूले थप लाञ्छना बेहोर्नु नपरोस् भनेर सबैको नाम फेरिएको छ । उनीहरूलाई दिइएका यी नामहरू पञ्चतत्व (पृथ्वी, जल, तेज, वायु र आकाश) वा तीसित नजिकका नाम र शब्दहरूमा आधारित छन् ।



पाँचथर, यासोककी भूमिसरा परिवार (२२) अहिले मोरङ कारागारमा छिन् । उनी २०६५ सालमा १४ वर्षको उमेरमा आफूभन्दा ८ वर्ष जेठा आकाश परिवारसँग नजिकिइन् । तीन वर्ष मलेशियामा रोजगारी गरेर फर्केका आकाश र भूमिसराले फोनमा कुरा गरेरै बिहे गर्ने टुंगो गरे । विवाहको १० महीनामै उनीहरूको छोरो पनि जन्म्यो । अहिले ऊ ७ वर्षको छ ।

छोरो जन्मेको दुई महीनापछि आकाश पुनः मलेशिया गए । उनी भूमिसरालाई घर खर्च चलाउन महीनाको ८-१० हजार र कहिले बचत गर्न भनेर एक-डेढ लाख रूपैयाँसम्म पठाउन थाले । चार वर्षमा उनले झण्डै १० लाख रूपैयाँ पठाए ।

लामो समयसम्म उनी घर नफर्कदा भूमिसरा आफ्नै देवरसँग नजिकिइन् । यौन सम्पर्क हुनथाल्यो । त्यही सम्बन्धबाट जन्मेको शिशु मारेर फ्याँकेको पोल खुलेपछि दुई वर्षअघि उनी पक्राउ परेकी हुन् ।

समाजलाई खुलाउन सक्ने अवस्था पनि नरहेको र आफू भर्खरै १७ वर्षमा लागेकाले भविष्य पनि अन्धकार हुने सोचेर बच्चीलाई पन्छाउन उपयुक्त हुने ठानी हत्या गरेकी हुँ ।”

तेजकुमारीका अनुसार, उनले आफू गर्भवती भएपछि कहरबहादुरलाई त्यसबारे जानकारी दिएकी थिइन् । कहरबहादुरले शुरूमा ‘मिलाउँछु’ भनेका पनि थिए । गाउँमा तेजकुमारी गर्भवती भएको हल्ला चलेपछि समाज बसेर घटना मिलाएका पनि थिए । तर पाँच महीनासम्म पनि छोरीको न्वारान समेत हुन नसकेपछि तेजकुमारी निराश भइन् र छोरीको हत्या गरिन् । त्यो मुद्दा अदालत पुगेपछि जिल्ला अदालत तनहुँले २०६९ जेठमा तेजकुमारीलाई १० वर्ष कैद हुने फैसला गर्‍यो । “सामाजिक तिरस्कारका कारण बाध्य भई आवेशमा छोरीको हत्या गरेकी हुँ, तर मलाई तोकिएको सजाय चर्को भयो” भनी तेजकुमारी पुनरावेदन अदालत पोखरा पुगिन् । पुनरावेदन अदालत पोखराले त्यसको आठ महीनापछि २०६९ माघमा ‘सजाय चर्को पर्न जाने’ भन्दै ७ वर्ष कैद हुने भनी फैसला गर्‍यो । सर्वोच्च अदालतले पनि पुनरावेदन अदालतकै आदेश सदर गरिदियो । कैद भुक्तान गरेर तेजकुमारी रिहा भइसकेकी छन् ।

समीरालाई ज्यानमुद्दा

चितवनको पिडुवा गाविस, माधवपुरको धानखेलमा नवजात शिशुको शव फेला पऱ्यो । भोलिपल्ट २०७० साल भदौ ८ गते उपचारका लागि भरतपुर अस्पतालमा पुगेकी समीरा लामिछानेसित सोधपुछका क्रममा उनले बच्चा जन्माएर फालेको र अस्पताल भर्ना भएको खुल्यो । पिडुवारिथत मामाघरमा बसेर पढ्न गएकी समीरा लामिछानेले बयानका क्रममा धादिङ मैदी घर बताउने पवन तिवारीसँगको शारीरिक सम्पर्कबाट आफू गर्भवती भएको स्वीकारिन् ।

उनको बयान अनुसार, शौचालयमा बच्चा जन्मियो । उनले बच्चालाई कपडामा पोको पारेर कोठामा ल्याइन् । शौचालय सफा गरिन् । अनि बच्चालाई बाल्टीमा हालेर घर नजिकको कुलोमा फालिन् । उनले घरमा नुहाईधुवाई गरेर कुलाबाट फर्केको बताइन् । तर पवनलाई फोन गरेर बच्चा मारेर कुलोमा फालेको सुनाइन् । प्रहरीले पवन र समीरा विरूद्ध कर्तव्य ज्यानको मुद्दा चलायो ।

यो घटनामा जिल्ला अदालतले प्रतिवादीले जीवित बच्चा जन्माई मारेर फालेको भनी ठहर गर्न नमिल्ने राय सुनायो । फैसलामा भनिएको छ- 'समीरा लामिछानेले जीवित बच्चा जन्माई कर्तव्य गरी मारी कुलोमा बगाएको भन्ने निश्चयात्मक प्रमाण नपुन्याई मिसिल पेश भएको अवस्था समेतका आधारमा कर्तव्यबाट नै नवजात शिशुको मृत्यु भएको भनी ठहर गर्न मिलेन ।'

तर उक्त बच्चा मरेकै थियो भनी समीरा लामिछानेले बयानमा लेखाउन सकेको पनि देखिएन । शव परीक्षण प्रतिवेदनमा समेत शिशुको जन्मपछि मृत्यु भएको भनी उल्लेख भएको थियो । त्यसैले कर्तव्य नभई भवितव्यबाट शिशुको मृत्यु भएको ठहर भयो । जिल्ला अदालतले समीरालाई ४५ दिन कैद र ५०० रूपैयाँ जरिवानाको फैसला सुनायो । पवन तिवारीले भने सफाइ पाए ।

जिल्लाको फैसला उल्ट्याई पुनरावेदन अदालत हेटौंडाले समीरालाई सर्वस्वसहित जन्मकैदमा पाँच वर्ष कैदको प्रस्ताव गर्‍यो । सर्वोच्च अदालतले भने समीराको काम नै अपराधपूर्ण रहेको ठहर गर्‍यो । २०७२ साल फागुन २० गते पाँच वर्ष कैद नै सदर भयो । समीरा अहिले कारागारमुक्त भइसकेकी छन् ।

गगनमायाको बयान

सल्यान, सिद्धेश्वरीकी गगनमाया चलाउनेले आफैँले जन्माएको बच्चालाई तत्काल प्लाष्टिकले बेरेर खाल्डो खनी नजिकैको ओडारमुनि गाडिदिइन् । बाखा चराउन जाने गोठालाहरूले शिशुको शव देखेपछि प्रहरीलाई खबर गरे । २०६९ असार ४ गते शव भेटिएपछि स्थानीय बासिन्दाको उजुरीका आधारमा प्रहरीले गगनमायालाई पक्राउ गर्‍यो ।

'नाताले देवर पर्ने स्थानीय स्कूलको शिक्षक गरुडध्वजले घरमा मोबाइल चार्ज गर्ने निहुँमा मलाई जबरजस्ती गरेको हो । उससँग २०६८ साल साउन र भदौमा गरी मेरो दुईपटक उठबस भएको हो' २५ वर्षीया गगनमायाले बयानका क्रममा स्वीकार गरिन्, 'मलाई विवाह गरेर लैजा भन्दा उसले मानेन । शुरुमा मलाई भेट्न नआई कताकता गयो, पुसमा आएपछि नेपालगञ्ज गएर मेडिकल गर्दा डाक्टरले गर्भपतन गर्न मिल्दैन भन्यो ।' स्थिति गम्भीर भएपछि गरुडध्वजले 'जेसुकै गर' भनेको गगनमायाले बयानका क्रममा खुलाएकी छन् ।

उनले पछि आफूले बच्चालाई जन्म दिएको र जन्मिएपछि बच्चा नचलेकाले मरेको ठानेर सालनालसहित फालेको बयानमा बताएकी छन् । गगनमायाले बयानमा आफूले गल्ती गरेको स्वीकार्दै गरुडध्वजलाई पनि कारबाही हुनुपर्ने माग राखिन् । मुलुकी ऐनको ज्यान सम्बन्धी महल अनुसार सर्वस्वसहित जन्मकैद हुनुपर्ने ठहर्‍याएको सल्यान जिल्ला अदालतले लोन्ने विदेशमा रहेको बेला परपुरुषसँग सम्पर्क गरी सामाजिक लोकलाजका कारण बच्चा फालेकाले उक्त कैद चर्को हुने ठहर गरी १० वर्ष कैद हुने फैसला गर्‍यो ।

उनले आफूले नवजात शिशुको हत्या नगरेको र हत्या गरेको प्रमाण पनि प्रहरीले पेश गर्न नसकेको भन्दै 'बच्चा जन्मेपछि हातगोडा नचलाई मरेजस्तो देखिएकाले फालेकी हुँ' भन्ने दाबी दोहोर्‍याइन् । पुनरावेदन अदालत तुलसीपुरले २०७० साल साउनमा १० वर्ष कैद चर्को पर्न जाने ठहर्‍याई ७ वर्ष कैद फैसला गर्‍यो । फैसलामा चित्त नबुझाई कडा सजायको माग गरेको प्रहरी र आफू निर्दोष दाबी गरेकी गगनमाया दुवै सर्वोच्च अदालत पुगे ।

सर्वोच्च अदालतले पुनरावेदन अदालतकै फैसला सदर गरिदियो । 'गगनमायाले गरुडध्वज र आफ्नो उटबस भएको बताएकी छन् । अवैध गर्भधारणबाट बच्चा जन्मेको देखियो' फैसलामा भनिएको छ, 'गगनमायाले बच्चा मरेको अवस्थामा जन्मेको थियो भनेर पुष्टि हुने कागजात र देख्ने साक्षी समेत उपस्थित गराउन सकेको पाइँदैन । अवैध गर्भ र शिशुलाई लुकाउने उद्देश्यका साथ गाडेकाले मरेको शिशु नै जन्मेको थियो भनी पुष्टि हुनसकेको छैन ।' उनी दाड (तुलसीपुर) कारागारबाट कैदमुक्त भइसकेकी छन् ।

वर्जित सम्बन्धको परिणाम

शिशु हत्याका यस्ता अधिकांश घटनाको पृष्ठभूमि केलाउँदा विवाहेतर वा विवाहपूर्वको सम्बन्ध कारणको रूपमा देखापर्छ । सुनसरीको इटहरी, तरहराकी अचला परियारका श्रीमान भारतमा मजदूरी गर्थे । गाउँमा काम गर्न आएका शिलाबहादुर राजवंशीसँगको चिनाजानीपछि सम्बन्ध नजिकिँदै जाँदा उनको गर्भ रहयो । "सात महीनाकी गर्भवती थिएँ, गाग्रोमा पानी बोकेर घरतिर जाँदा चिप्लिएर लडेँ, गाग्रो पेट माथि खर्स्यो" अचलाले

भनिन्, "तीन दिनपछि मरेकै बच्चा जन्मियो, तिनै शिलाबहादुरले लगेर पुरेछन् ।" अदालतले दोषी ठहर गरेपछि उनी मोरङ कारागारमा कैद भुक्तान गर्दैछिन् ।

काठमाडौंको खुसिबुका तकाजी प्रजापतिको घरको इनारमा नवजात शिशुको शव फेला पऱ्यो । त्यो घरमा गंगा खनाल बस्दै आएको र उनले बच्चा जन्माएर फालेको हुनसक्ने भनी प्रहरीले अनुसन्धान शुरू गर्ऱ्यो । गंगाले समुद्रबहादुर थपलियासँग विवाह गरेकी थिइन् । उनीसँगको सम्बन्ध राम्रो हुन नसकेपछि गंगा काठमाडौं आइन् र विभिन्न रेस्टुरेन्टमा वेटरको काम गर्न थालिन् ।

त्यही क्रममा सागर लामासँग उनको भेट भयो । लामाले बिहे गर्ने आश्वासनका साथ शारीरिक सम्पर्क गरे र गंगा गर्भवती भइन् । तर गर्भवती भएपछि सागरले बेवास्ता गरे । आफू अष्टरोमा पर्ने थाहा पाएपछि गंगाले शिशु जन्मेपछि भुईंमा ठोक्काएको अनि इनारमा फालेको बयान दिइन् ।

जिल्ला अदालतले सर्वस्वसहित जन्मकैद चर्को पर्न जाने भन्दै पाँच वर्षको कैद प्रस्ताव गर्ऱ्यो । पुनरावेदन अदालत पाटन र सर्वोच्च अदालतले पनि त्यसैलाई सदर गर्ऱ्यो ।

अचानोमा आमाहरू

नेपालको कानूनले हाडनाता र नाबालकसितको यौन सम्पर्क बाहेक कुनै पनि यौन सम्बन्धलाई अवैध मान्दैन । कानूनले तोकेको अवधिभित्र गरिने गर्भपतनमा पनि कसको गर्भ थियो भन्ने कुरा सोधिदैन । तर जब भ्रूणले शिशुको आकार ग्रहण गर्छ, त्यसपछि हुने गर्भपतन वा शिशुको हत्यापछि भने धेरै यौन सम्पर्क अवैध रहेको ठहर हुनपुग्छ ।

महिला र पुरुषबीच सहमतिमै यौन सम्पर्क भए पनि विवाहेतर सम्बन्धका कारण गर्भ ठहरेका प्रायः घटनाहरूमा गर्भको शारीरिक मात्र नभएर मानसिक र सामाजिक बोझ पनि महिलालाई मात्र परेको देखिएको छ । यस्ता सम्बन्धबाट जन्मिने शिशुले सामाजिक र कानूनी मान्यता पाउन गाह्रो हुने भएकाले नै विवाहेतर सम्बन्धबाट जन्मेका शिशुहरूले अनाहकमा ज्यान गुमाइरहेका छन् । सामाजिक अवगाल र लोकलज्जाबाट जोगिन कतिपय आमाहरूले यस्तो कठोर निर्णय लिने गरेका छन् ।

वैदेशिक रोजगारीबाट फर्केका मकवानपुर राईगाउँका भुवनबहादुर पहेरीको परिवारको कथा पनि यस्तै छ । 'मेरी श्रीमती जगतमाया पहेरीले गर्भ बोकेको कुरा गाउँघरमा सुनी श्रीमतीसँग बुझ्दा उनले हुँदै होइन भनी जिकिर गरिन् । २०६६ साल पुस ९ गते उनले रगताम्मे कपडा धोई पखाली गरेको गाउँका महिलाले देखी सोधपुछ गर्दा अन्दाजी ४ बजे जिउँदो शिशु छोरी पाएकोमा लाजसरमले गर्दा शिशु छोरीको घाँटी निमोठी मारिदिउँ भनी भनेको कुरा म समेतले थाहा पाई घटनास्थल जाँदा शिशुलाई मारी ढुंगा स्याउलाले थिची पुरी राखेको अवस्थामा फेला पारे । सो बारेमा सोधपुछ गर्दा उनले हिमलाल भोलनसँगको सहवासबाट पेट बोकी छोरी जन्माई मारी फालेको बताएको हुँदा प्रहरीको सहयोगमा पक्राउ गरी यसै दर्खास्त साथ पेश गरेको छु ।' पहेरीले यही व्यहोरामा २०६६ साल पुस १० गते प्रहरीमा दिएको जाहेरीका आधारमा लास जाँच बरामद भयो ।

जगतमायाले अदालतमा आफूले हिमलालको गर्भ बोकेको स्वीकारिन् । "बच्चा जन्मँदा सास थियो, मैले छाडेर हिडेपछि मरेछ" उनले भनिन्, "समाजबाट लाज बचाउन सो बच्चालाई छाडी गएकी हुँ ।" यसमा हिमलाललाई पनि प्रतिवादी बनाइयो । बयानमा जगतमायाले आफ्नो श्रीमान्ले कान्छी श्रीमती ल्याई आफूलाई हेला गरेको समेत बताइन् । जिल्ला अदालत मकवानपुरले जगतमायालाई सर्वस्वसहित जन्मकैदको सजाय चर्को पर्न जाने भनी ७ वर्ष कैद गर्ने फैसला गर्‍यो । हिमलालले सफाई पाए ।

सामाजिक स्वीकृति बेगरको सम्बन्धबाट गर्भधारण गरेका कतिपय किशोरीहरूले सन्तान जन्माउने हिम्मत समेत गरेका छन् । तर आफ्ना सन्तानका लागि उनीहरूले झेलनुपर्ने चुनौती निकै कठोर छ । शिशुलाई विद्यालयमा भर्ना गर्नेदेखि नागरिकता लिन समेत कठिनाइ झेलनुपर्छ । कठिन परिस्थितिको सामना गर्न नसकेर कतिपय महिलाहरू अपराधको स्थितिसम्म पुग्ने गरेको समाजशास्त्री निर्मला ढकालको बुझाइ छ ।

"विवाहेतर सम्बन्धमा केवल महिलालाई मात्रै समाजले जिम्मेवार ठहर्‍याएको हुन्छ । घटना सार्वजनिक भएमा महिलालाई समाजले मान्यता दिँदैन र अपहेलना झेलनुपर्छ" समाजशास्त्रकी अध्यापक ढकालले भनिन्, "यदि दिन्थ्यो भने यस्ता प्रकारका घटना हुने सम्भावना कम हुन्थ्यो ।

हत्याका घटना त झनै विरलै हुन्थे ।” सन्तानलाई नै काखी च्यापेर आत्महत्या हुने घटनाहरू पनि देखिएको भन्दै उनले पारिवारिक कानूनको परिमार्जनका क्रममा यस्ता समस्या सम्बोधन हुनुपर्ने बताइन् ।

२०० जेलमा

मुलुकभर २० हजार ३२८ कैदी/बन्दी रहेकोमा १९ हजार २१ पुरुष छन् भने १,३०७ महिला थुनामा रहेको कारागार व्यवस्थापन विभागले जनाएको छ । विभागका निर्देशक एवं प्रवक्ता कृष्णबहादुर कटुवालका अनुसार, “महिलामध्ये ३६३ जना कर्तव्य ज्यानको अभियोगमा कैदमा परेका हुन् ।” कर्तव्य ज्यानकै मुद्दामा पनि आफैले जन्माएका नवजात शिशुहरूको हत्याका कारण जेल बसेका आमाहरू कति छन् भन्ने तथ्यांक कारागार व्यवस्थापन विभागसँग छैन ।

“हरेक व्यक्तिको मुद्दाको मिसिल नपल्टाई कुन कैदी/बन्दी शिशुको हत्या अभियोगमा कैद भुक्तान गरिरहेको छ भन्ने छुट्याउनै सकिँदैन” प्रवक्ता कटुवालले भने, “सरसर्ती हेर्दा कर्तव्य ज्यानको अभियोगका महिला कैदीमध्ये आधाभन्दा बढी शिशु हत्यासँग सम्बन्धित रहेको अनुमान गर्न सकिन्छ ।” यसरी हेर्दा देशभर करीब २०० जना महिला बन्दीहरू आफ्नै सन्तानको ज्यान लिएको अभियोगमा कारागारमा जेल जीवन विताइरहेका छन् ।

कर्तव्य ज्यानका मुद्दामध्ये नवजात शिशु हत्याको अभियोगमा दोषी ठहर भएका अधिकांश मुद्दामा जन्मकैदको प्रस्ताव भए पनि अदालतबाट आरोपितलाई ‘चर्को पर्न जाने’ ठहरका साथ कैद सजायलाई ५ देखि १० वर्षसम्म सीमित गरेको पाइन्छ । प्रवक्ता कटुवालका अनुसार, २०७५ भदौ १ गते नयाँ फौजदारी संहिता जारी हुनुअघि, ४० प्रतिशत कैद भुक्तान गरेपछि असल चालचलन भएका कैदीबन्दीहरूलाई बाँकी सजाय मिनाहा दिने व्यवस्था थियो । सो व्यवस्था अनुसार शिशु हत्याका आरोपितहरू कैद सजाय पाएको साढे २ वर्षदेखि ४ वर्षसम्ममा बाहिर निस्किसकेका हुन्छन् । विभागका अधिकारीहरूको अनौपचारिक भनाइलाई आधार मान्ने हो भने हरेक वर्ष ४०/५० आमाहरू अवैध सम्बन्ध पछि जन्मिएको शिशु हत्याको अपराधमा जेल पुगिरहेका छन् ।

कर्तव्य ज्यान अभियोगका महिला बन्दी

जिल्ला	बन्दी संख्या
काठमाडौं (जगन्नाथ देवल)	६३
पर्सा	२६
चितवन	२२
कास्की	१७
नवलपरासी	१७
बाँके	१६
पाल्पा	१५
कैलाली	१४
मोरङ	१४
इलाम	१२
सल्यान	१०
पाँचथर	९
दैलेख	८
प्यूठान	७
भोजपुर	७
सुर्खेत	७
दाङ (तुलसीपुर)	६
नुवाकोट	६
रोल्पा	६
लमजुङ	६
सप्तरी	६

सिन्धुली	६
कञ्चनपुर	५
उदयपुर	४
कालिकोट	४
गोरखा	४
पर्वत	४
म्याग्दी	४
स्याङ्जा	४
गुल्मी	३
धादिङ	३
बाग्लुङ	३
रुकुम	३
रौतहट	३
सोलुखुम्बु	३
जुम्ला	२
धनकुटा	२
बर्दिया	२
ओखलढुंगा	१
डोटी	१
तेह्रथुम	१
रसुवा	१
संखुवासभा	१
सिन्धुपाल्चोक	१
जम्मा	३६३

स्रोत : कारागार व्यवस्थापन विभाग, डिल्लीबजार (२०७५, कात्तिक)

उन्मुक्त बाबुहरु

फौजदारी न्यायप्रणाली अनुसार, कसूरमा जो संलग्न छ उसैले सजाय भोग्नुपर्छ । कसूरमा प्रत्यक्ष वा अप्रत्यक्ष संलग्न नहुनेहरूलाई सजायको

भागीदार बनाउन मिल्दैन । यस अनुसार, सामाजिक स्वीकृतिविनाको सम्बन्धबाट जन्मेका शिशुको हत्याका अधिकांश घटनामा प्रत्यक्षतः आमा संलग्न हुन्छन् र जेल पुग्छन् । 'बाबुहरू' भने सजिलै उम्कन्छन् ।

वरिष्ठ अधिवक्ता मीरा ढुंगानाको मतमा यस्ता अपराध हुनुमा महिला मात्रै दोषी हुन्छन्, तर समाज र कानूनी व्यवस्थाले प्रमाणको भार आमामाथि पुऱ्याउँछ । 'घटनाको फेहरिस्तबारे महिला जानकार भए पनि अपराधमा संलग्न भएकाहरूको बारेमा जानकारी दिन असमर्थ हुन्छन्, जानकारी दिए पनि कसैले पत्याउँदैन र त्यो विश्वसनीय बन्दैन' यस्ता घटनाको कानूनी प्रतिरक्षा गरिरहेकी ढुंगाना भन्छिन्, "यस्ता किसिमको घटना अनुसन्धान गर्दा सम्बन्धित निकायले नै महिलालाई दोषी किटान गरेको हुन्छ । प्रहरीबाट हुने अनुसन्धानको दायरा पनि फराकिलो भएको देखिँदैन ।"

ढुंगानाको टोलीले दुई वर्षअघि यस विषयमा अध्ययन गर्दा १४ वटा जिल्लामा दुई जना पुरुष शिशु हत्यामा संलग्न भई जेलमा सजाय काटिरहेको भेटिएको थियो । यस्ता घटनामा जेल परेका अरू सबै महिला थिए । कतिपय अवस्थामा त गर्भावस्थामा शिशुको मृत्यु भएको घटनामा समेत परिवारले सुत्केरीविरुद्ध किटानी जाहेरी दिएकाले शिशु हत्यामा दोषी ठहर भई कैद सजाय भोगिरहेका छन् ।

यस्ता मुद्दाहरूको सरकारी पक्षबाट कानूनी प्रतिरक्षा गरेकी रमा पराजुलीका अनुसार, मूलतः शिशु हत्याका क्रममा केटा वा केटी, कसको संलग्नता थियो भन्ने परीक्षण गरिन्छ । 'बयानका क्रममा केटीले अवैध सम्बन्धबाट बच्चाको जन्म भएपछि केटाले हत्या गर्न उक्साएको हो भने पनि अनुसन्धानका क्रममा ऊ हत्यामा संलग्न नदेखिए कारबाहीको मागदाबी गर्न मिल्दैन' सह-न्यायाधिवक्ता पराजुली भन्छिन्, 'सबै प्रमाण जुटेपछि मात्रै निकर्षाल हुन्छ । ज्यान मारेको भेटिए मात्रै जन्मकैदसम्मको सजाय हुने हो ।'

पूर्व डीआईजी हेमन्त मल्लका अनुसार, नेपालको सामाजिक परिवेश र कानून व्यवस्थाका कारण समेत सन्तान जन्माउने आमालाई हातबाट शिशुको हत्या भएका घटना भेटिन्छन् । 'दुवै पक्षको सहमतिमा सम्बन्ध भएको र त्यसको आधारमा गर्भधारण भएको हुन्छ । तर, शिशु मार्ने काममा संलग्न नभएको अवस्थामा केटा पक्षलाई 'शारीरिक सम्बन्ध' कै

कारणले हत्याको अपराधिक दायित्वमा जोड्न मिल्ने व्यवस्था छैन' मल्ल भन्छन्, 'आपराधिक मनसाय नभए पनि कतिपय आमाहरूले परिवार र समाजको डरले सामाजिक स्वीकृतिविनाको सम्बन्धबाट जन्मेका सन्तानलाई पन्छाउनु नै तत्कालका लागि समाधान ठान्छन् ।' यस्ता घटनामा पुरुषको संलग्नता भेटिने उदाहरण विरलै फेला पर्ने उनको अनुभव छ । विवाहपूर्वको सम्बन्ध र त्यसको परिणामको सम्पूर्ण दोष महिलामा थोपर्ने सामाजिक संरचना छ । त्यस्ता सन्तानलाई समेत सहजताका साथ स्वीकार नगर्ने समाजले अप्रत्यक्ष रूपमा यस्ता घटनालाई प्रेरित गरेको मल्ल बताउँछन् ।

प्रकाशित मिति: ४ पुस २०७५



गौमुल-५ स्थित
मानाकोट गाउँ।

बालबालिका 'मिलाइदिने' धन्दा

आफ्ना वडाका बालबालिका घरेलु श्रमिकको रूपमा
काम गर्न कहाँ कहाँ पठाइएका छन् भनेर बाजुरामा दुई
जना वडाध्यक्षले खोज्न थाल्दा देखा पर्‍यो भयावह तथ्य।

निमेन्द्र शाही

२०७४ असारमा भएको स्थानीय तहको चुनावमा बाजुराको गौमुल गाउँपालिकामा एउटा फरक विषय पनि बहसमा थियो । गाउँपालिकाका थुप्रै बालबालिकालाई सुदूरपश्चिमका विभिन्न जिल्लामा र केहीलाई काठमाडौँ ल्याएर समेत घरेलु नोकरको रूपमा काममा लगाइएको कुराले चुनावलाई तताएको थियो । चुनावबाट गाउँपालिका गठन भएपछि आफ्नो गाउँपालिकाका बालबालिका कहाँ-कहाँ छन् भनेर खोजीनिती शुरू भयो ।

वडा नम्बर ४ र ५ का अध्यक्षहरूले तत्कालै आ-आफ्ना वडाको विवरण संकलन गरेर गाउँपालिकामा बुझाए । २०७४ मंसिरसम्मको त्यो विवरणले ती दुई वडाबाट घरेलु कामदारको रूपमा जिल्ला बाहिर लगिएका बालबालिकाको नाम, उमेर, ठेगाना, लगिएको घर, घरमूलीको नाम, ठेगाना र लैजान सहयोग गर्ने बिचौलियाको नाम समेत खुलासा गरेको छ ।

१० वर्षीया सीमा रोकाया यस्तै घरेलु कामदारमध्येकी एक हुन् । उनलाई बिचौलियाले काठमाडौँ ल्याइपुऱ्याएका छन् । नेपाल प्रहरीका पूर्व एसपी रामकुमार थापाको बाँसबारीस्थित घरमा घरेलु कामदार रहेकी गौमुल गाउँपालिका-४ की सीमासँग हामीले गरेको टेलिफोन कुराकानी यस प्रकार छ—

पत्रकार : हेलो ?

सीमा : हेलो

पत्रकार : सीमा ?

सीमा : हजुर ।

पत्रकार : चिन्यौ, मलाई ?

सीमा : हजुर को बोल्नुभा ?

पत्रकार : म ...

सीमा : दादा दर्शन, सञ्चै होइसिन्छ ?

पत्रकार : सञ्चै, सञ्चै छौ तिमी ?

सीमा : म पनि सञ्चै छु ।

पत्रकार : के गर्दै छौ त ?

सीमा : यसै बसिरा ।

पत्रकार : तिमी कुन स्कूल पढ्छौ ?

सीमा : बाँसबारी माध्यमिक विद्यालय ।

पत्रकार : अहिले तिमी कतिमा पढ्ने रे ?

सीमा : चारमा ।

पत्रकार : अनि तिमीले कुन कुन काम गर्छौं घरमा ?

सीमा : लुगा पट्याउने, मिलाउने, गमलामा पानी हाल्ने ।

पत्रकार : तिमी कसरी आएको हो यहाँ ?

सीमा : मामाले (ल्याइदिनुभएको) ।

पत्रकार : एउटा कुरा सोध्छु, नढाँटी भन है !

सीमा : हस्, हुन्छ ।

पत्रकार : कहिलेकाहीं घरको मान्छेले गाली गर्नुहुन्छ कि हुन्न ?

सीमा : कहिलेकाहीं गर्नुहुन्छ, काम गर्ने गर, नभूल भनेर । कहिलेकाहीं नसक्ने काम पनि गर्दिन्छु ।

पत्रकार : कुन कुन काम गर्छौं, फेरि भन त एक पटक ।

सीमा : म कौसी/छत सफा गर्छु, बिरुवामा पानी हाल्छु, किचनको कुचो लगाइदिन्छु, रातिको भाँडा माइछु, घरमा कुचो लगाएर पुछिदिन्छु,



गौमूल-५ मानाकोटका आमाहरू, जसमध्ये धेरैका छोराछोरी राजधानीलगायतका शहरमा घरेलु श्रमिक छन् ।

ब्रश लगाइदिन्छु, कुशन मिलाउँछु, सोफा मिलाउँछु, लुगा पट्याइदिन्छु,
उटाइदिन्छु ।

पत्रकार : यत्रो काम गर्दा बिग्रियो भने कसले के भन्छ ?

सीमा : राम्रोसँग काम गर भनिसिन्छ नानीले ।

२०७२ साल वैशाखमा ८ वर्षकी सीमा र उनकी दिदी १२ वर्षकी कमलालाई उनीहरूकै मामा गौमुल-४ का भरत धामीले 'राम्रो ठाउँमा लगेर पढाइदिने' भन्दै काठमाडौं ल्याएका थिए । काठमाडौं ल्याएर भरतले दुवै जनालाई यामाहाका व्यवस्थापक किरण गौतमको धोबीचौरस्थित घरमा लगेर छोडिदिए । सीमा र कमला त्यस दिनदेखि किरणको घरमा घरेलु कामदार भए । पछि किरणले सीमालाई बहिनीज्वाइँ रामकुमार थापाको बाँसबारीस्थित घर पढाइदिए । "अहिले दिदी धोबीचौर, म बाँसबारीमा छु" सीमाले भनिन्, "दिदी र म दुवैले उस्तैउस्तै काम गर्ने हो ।"

'पढाइदिने' भन्दै भरतले लगेको दिनदेखि छोरीहरू कसको घरमा छन् भन्ने अभिभावकलाई थाहा छैन । बाबु भक्त रोकाया भन्छन्, "म काम गर्न भारत गएको बेला छोरीहरू लगेछन्, बेला-बेला फोनमा कुरा हुन्छ । उनीहरू कस्तो अवस्थामा छन्, मलाई थाहा छैन ।"

आफ्नो गाउँठाउँका कलिला बालबालिकालाई घरेलु कामदारका रूपमा 'सप्लाई' गर्ने भरत अहिले कतार पुगेका छन् । उनले गौमुल गाउँपालिका-४ कै १२ वर्षीया शर्मिला धामी र कविता धामीलाई पनि 'हुनेखानेको घरमा राखेर पढाइ दिने' भन्दै नेपालगञ्ज पुऱ्याएका छन् ।

आर्थिक अवस्था कमजोर भएका परिवारका बालबालिकालाई शहरका राम्रा स्कूलमा पढाइदिने आश्वासन दिएर घरेलु कामदार बनाउने भरत जस्ता थुप्रै व्यक्ति बाजुरामा अहिले पनि सक्रिय छन् । गाउँपालिकाको विवरण अनुसार, विपन्न अभिभावकलाई प्रलोभनमा पारेर तिनका छोराछोरीलाई घरेलु कामदारको रूपमा 'सप्लाई' गर्ने कार्यमा धेरैजसो विद्यालयका शिक्षक र गाउँका केही व्यापारी संलग्न छन् ।

सामाजिक प्रभाव हुने शिक्षक र व्यापारी बाहेक परिवारलाई सहमत गराएर कुरा मिलाउने बिचौलियाहरूमा बालबालिकाकै नातेदार पनि छन् । घरेलु नोकरको खोजीमा रहेका व्यक्तिलाई भनेजस्ता बालबालिका उपलब्ध गराए 'लाभ' लिन सकिने आसमा बिचौलियाहरू यो काम गर्छन् ।

गाउँका बालबालिकालाई राम्रो स्कूलमा पढाइदिने आस देखाएर साहूसँग 'सेटिङ' मिलाउने एक व्यक्ति हुन्, गौमुल-४ का रमानन्द जोशी । उनी कृतिचौर माविका पूर्व प्रधानाध्यापक हुन् । गाउँमा बुद्धिजीवी भनेर चिनिने 'रमानन्द गुरु' ले गौमुल-४ का पाँच जना बालबालिकालाई विभिन्न व्यक्तिका घरमा पुन्याउन सहयोग गरेका छन् । गौमुल-५ का वडा अध्यक्ष वीरेन्द्र रोकायाले भने "बालबालिका बेच्नेमा रमानन्द गुरु अगाडि देखिए ।"

रमानन्दले पढाइदिएका बालबालिकाहरू प्रायजसो शिक्षकको घरमा काम गर्छन् । उनले कैलाली, अत्तरियाको दुर्गा भवानी मा.वि.की शिक्षक रेश्मी शाह, कञ्चनपुरको महेन्द्रनगर माविकी शिक्षक चन्द्रकला पन्त र कञ्चनपुरकै शान्ति निकेतन माविका शिक्षक पुष्कल भट्टकहाँ एक/एक जना बालक पढाइदिएको गाउँपालिकाको अभिलेखले देखाउँछ ।

बाजुरा बूढीगंगा नगरपालिका, बड्यालीस्थित शारदा निमाविका शिक्षक गणेश शाह, गौमुलस्थित दुर्गाली प्राविका शिक्षक बलराम जोशी, गौमुलकै मानाकोट माविका शिक्षक भीमबहादुर रोकाया, कैलालीको धनगढीस्थित शारदा माविकी शिक्षक शान्ति सिंहले पनि बालबालिका 'मिलाइदिने' काम गरेको गाउँपालिकाको विवरणबाट स्पष्ट हुन्छ । गणेशले पढाइदिएका बालक उमेश धामी दाडको सरस्वती माविका शिक्षक बसुन्ता हमालकहाँ काम गर्छन् ।

गौमुल गाउँपालिका-५ का केशव रोकाया गाउँमा 'बुद्धिजीवी' भनेर चिनिन्छन् । उनले पनि पाँच बालबालिकालाई घरेलु कामदारको लागि अन्यत्र पढाइदिएका छन् । उनले पढाएका बालबालिका अहिले काठमाडौं, बाँके, पोखरा लगायतका ठाउँमा घरेलु कामदार रहेको गाउँपालिकाको विवरणमा उल्लेख छ ।

यस क्षेत्रमा बालबालिकालाई घरेलु कामदारका रूपमा पढाउने पुरानै चलन देखिन्छ । अहिले बालबालिका 'सप्लाई गर्ने' भनेर चिनिने गौमुल-५ का भविन्द्र रोकाया केही वर्ष पहिलेसम्म आफैँ घरेलु कामदार थिए । दुई वर्ष पहिलेसम्म उनी भक्तपुरका एक जना शिक्षक रुद्र खड्काको घरमा काम गर्थे । भविन्द्रलाई नेपाली सेनाका पूर्व जवान ज्ञानबहादुर रोकायाले खड्काकहाँ पढाएका थिए । अहिले उनै भविन्द्रले चितवन, भक्तपुर, पोखरा र काठमाडौंमा चार जना बालबालिका पढाएको गाउँपालिकाको विवरणबाट स्पष्ट हुन्छ । भविन्द्रले चितवनका पूर्व जिल्ला शिक्षा अधिकारी



कैलालीको टीकापुरस्थित एक व्यक्तिको घरमा काम गर्न नसकेपछि भागेर गौमुलस्थित आफ्नो घर फर्किएका सुरेश रोकाया आफ्ना बाबुआमासँग।

श्यामजी अतिथिलाई पनि दुई वर्षअघि गौमुल-५ का १३ वर्षीय बालक महेश रोकाया पठाइदिएका छन्।

गाउँपालिकाको विवरण अनुसार, गौमुलका व्यापारीहरू पुने धामी, अर्जुन धामी र पूर्ण धामी पनि बालबालिका 'सप्लाई' गर्नेमा पर्छन्। अर्जुन धामीले कैलालीका पूर्व जिल्ला शिक्षा अधिकारी नन्दराज पन्थको घरमा काम गर्न गौमुलबाट शिव धामीलाई पठाइदिएका छन्।

यसबारेमा बुझ्न नन्दराज पन्थलाई फोन गर्दा उनी सम्पर्कमा आएनन्। उनकी बुहारीले फोनमा भनिन्, "शिवले बालबच्चा हेर्ने काम गर्छ।" शिवको बारेमा थप प्रश्न गर्न थालेपछि नन्दराजका छोरा गजेन्द्रले फोन खोसेर भने "तपाईं को हो, किन चाहियो?" गजेन्द्रले थपे, "मैले मेरो रिलेशनको आधारमा उसलाई ल्याएको हुँ, उसको परिवार अप्टेरोमा परेको भएर सहयोग गरेको हो।"

गाउँपालिकाले तयार पारेको विवरण अनुसार धनगढीकी व्यापारी दुर्गा सिंह, नेपाली सेनाका भूतपूर्व जवान तथा मानाकोटका स्थानीय ज्ञानिन्द्र रोकाया पनि बालबच्चा साहूकोमा पठाउने बिचौलिया हुन्। गौमुल गाउँपालिकाका कार्यालय सहयोगी रामबहादुर रोकाया समेत यो काममा संलग्न भएको गाउँपालिकाको विवरणबाट देखिन्छ।

यस बाहेक राष्ट्रिय वाणिज्य बैक, बाजुरा शाखाका सुरक्षा गार्ड प्रेमराज जोशी, स्थानीयहरू खडक रोकाया, सौरे रोकाया, शंकर रोकाया, राम रोकाया, दिनेश रोकाया र सविना रोकायाले पनि बालबच्चा पठाउन 'सहयोगीको भूमिका निर्वाह गरेको' विवरणबाट देखिन्छ । हुँदाहुँदा छिमेकी जिल्ला बझाङका अरुण सिंह पनि यो कार्यमा संलग्न रहेको देखाउँछ विवरणले ।

गरीब परिवारका बालबालिकालाई काम गर्न पठाउने अर्का व्यक्ति हुन् बलराम जोशी । उनी गौमुल गाउँपालिकाको दुर्गाली प्राविका शिक्षक हुन् । उनले मानाकोटका टंकप्रसाद जोशीका छोरा युवराजलाई भूतपूर्व सैनिक सुरनसिंह बोगटीको ललितपुरस्थित घरमा घरेलु कामदारका रूपमा पठाएका छन् । बलराम टंकप्रसादका नातेदार समेत हुन् ।

बाल श्रम (निषेध र नियमित गर्ने) ऐन, २०५६ ले १४ वर्ष उमेर पूरा नगरेका बालबालिकालाई काममा लगाउन रोक लगाएको छ । ऐनको दफा ४ मा 'कसैले पनि बालकलाई ललाईफकाई वा झुक्याएर वा प्रलोभनमा पारेर वा डर, त्रास वा दबाबमा पारी वा अन्य कुनै तरिकाले काममा लगाउनुहुँदैन' भनिएको छ । यदि यसो गरेमा 'निजलाई एक वर्षसम्म कैद वा पचास हजार रुपैयाँसम्म जरिवाना वा दुवै सजाय हुने' ऐनमा उल्लेख छ ।

कैलाली, धनगढीस्थित शारदा माविकी शिक्षक शान्ति सिंहले बाजुरा, गौमुलका सरोज धामीलाई आफ्नो घरमा राखेकी छिन् । सिंहले भनिन्, "घरमा सहयोग गर्ने मान्छे नभएकोले ल्याएकी हुँ ।"

लामो समय गुपचुप रहेको गौमुलको यो मामिला केही महीनादेखि मात्रै बाहिर आउन थालेको हो । २४ असोज २०७४ मा राष्ट्रिय मानव अधिकार आयोगले गाउँपालिकालाई पत्र लेख्दै बाजुराबाट 'बालबालिकालाई राम्रो विद्यालयमा पढाइदिने र राम्रो काममा लगाइदिने भन्ने सपना देखाएर जिल्ला बाहिर लगी घरेलु मजदूरको रूपमा काम लगाउने प्रवृत्ति बढ्दै गएको' बारे ध्यानाकर्षण भएको जनाएको थियो । बाजुराको महिला तथा बालबालिका कार्यालयले ७ पुस २०७४ मा 'घरेलु कामदारको लागि जिल्ला बाहिर पठाएका बालबालिकालाई यथाशीघ्र फिर्ता ल्याउन' गाउँपालिका र अभिभावकहरूलाई पत्र लेखेको थियो ।

२०७४ पुसयता गौमुल गाउँपालिकाका दुई वडाका ९ बालबालिका घर फर्केका छन् । अहिलेसम्मको सार्वजनिक विवरण अनुसार यो

गाउँपालिकाका दुई वटा वडाका मात्रै ४३ जना बालबालिका अझै पनि राजधानी लगायत विभिन्न जिल्लामा घरेलु कामदार छन् । गाउँपालिकाका अनुसार, वडा नम्बर ४ बाट २३ र वडा नम्बर ५ बाट २० जना अहिले पनि घरेलु श्रमिक छन् । गौमुलको गाउँ बाल संरक्षण समितिको विवरण अनुसार 'कामदार बनाइएका सबै बालबालिका १८ वर्ष भन्दा कम उमेरका छन् ।' गौमुलका अन्य वडामा पनि यस्तो विवरण संकलन भइरहेको छ ।

अहिले 'गाउँ बाल संरक्षण समिति' ले गौमुलको मानाकोट गाउँलाई बाल श्रममुक्त घोषणा गर्ने तयारी गरिरहेको छ । २०७५ वैशाखसम्ममा सबै बालबालिकालाई गाउँ फर्काइने गाउँपालिका अध्यक्ष हरिबहादुर रोकायाले बताए । उनले बालबालिकाको श्रमशोषण गर्नेहरूलाई तत्काल कानूनी दायरामा ल्याउने दाबी गरे ।

पश्चिम नेपालका कैलाली, कञ्चनपुर, बाँके, बर्दिया, दाङ लगायतका जिल्लामा १३ असार २०७० सालसम्म कमलरी प्रथा प्रचलनमा थियो । जमीनदारहरूले थारू समुदायका बालबालिकालाई कमलरी बनाएर राख्ने गर्दथे । सरकारले ती जिल्लालाई 'कमलरीमुक्त' घोषणा गरेपछि अहिले पहाडी भेगबाट बालबालिका ल्याएर घरेलु कामदार बनाउन थालिएको छ । गौमुल गाउँपालिका-४ का वडा अध्यक्ष वीरेन्द्र रोकायाले भने "कमलरी प्रथा हटेपछि दुर्गम भेगका बालबालिकालाई घरेलु श्रमिक बनाउन थालिएको छ ।"

बाल कल्याण समिति बाजुराका संयोजक तथा प्रमुख जिल्ला अधिकारी लुकबहादुर क्षेत्रीले बालबालिका लगिएको बारे आफूलाई औपचारिक जानकारी नभएको बताए । क्षेत्रीले भने, "यसरी प्रक्रिया पूरा नगरी लगिएका बालबालिका शोषणमा पर्ने गरेका छन् र खोज्न पनि कठिन भइरहेको छ ।" उनी भन्छन्, "पढाउने आशा देखाएर अर्कै काममा लगाइएको भए मानव बेचबिखनमा मुद्दा चलाउनुपर्छ ।"

गौमुल-६ का वडा अध्यक्ष गणेशबहादुर रोकायाले अब बालबालिकालाई घरेलु कामदार बनाउन लैजान नदिने बताए । "अहिलेसम्म जे भयो भयो" उनले भने, "अब अर्को आर्थिक वर्षदेखि यस्तो हुन दिन्नौं, सबैलाई घर फर्काउँछौं ।"

‘कहिलेकाही स्कूल पढाउँथे’

गाउँबाट 'राम्रो पढाइदिने' भनेर लिएका बालबालिकाले कस्तोसम्म अत्याचार सहनुपर्छ भन्ने दुई वटा उदाहरण यस्ता छन् । गौमुल, मानाकोटकी धनी बुढाका १४ वर्षीय छोरा मुकेशलाई २०७१ सालमा एक सैन्य अधिकारीले लिएर गए । ललितपुर स्थायी घर भएका ती सैन्य अधिकारीले राजधानी लगेर राम्रो स्कूलमा पढाइदिने भनेका थिए । तर उनले मुकेशलाई नियमित स्कूल पढाएनन् ।

“भर्ना त भएको थिएँ, तर कहिलेकाही मात्र स्कूल पढाउँथे” मुकेशले भने, “सधैँ घरको काम गरेर बस्नुपर्थ्यो ।” ती सैनिक अधिकारीको घरमा काम गर्न नसकेर मुकेश २०७३ सालको दशैँमा 'सामान किन्न जान्छु' भनेर भागेर घर पुगे । “राम्रो पढ्दा भनेर पढाएँ” मुकेशकी आमा धनी बुढाले



ललितपुरका एक सैन्य अधिकारीको घरबाट भागेर घर फर्किएका घरेलु श्रमिक मुकेश बुढा आमासँग ।

भनिन्, "पढ्न पाएन, दुःख मात्र पाएछ ।" मुकेशले आफूलाई लिएर जाने सैनिक अधिकारीको नाम बताउन सकेनन् ।

गौमुलकै १६ वर्षीया सरिता जोशीलाई चार वर्ष अगाडि उनका सानोबाबु बलराम जोशीले 'शहर लगेर राम्रो पढाइदिने' भनेर गाउँबाट लगे । सरिताकी आमाले पनि छोरीलाई रोकिनन्, किनकि उनलाई लागेको थियो, शहरमा छोरीले राम्रो पढ्न पाउली, भविष्य राम्रो होला । तर बलरामले सरितालाई बुटवलका शिक्षक कमल खनालकहाँ लगेर छोडिदिए । कमल बलरामका मिल्ने साथी थिए ।

जब सरिता कमलको घर पुगिन्, उनको नारकीय जीवन शुरू भयो । पढ्न पाइनन्, बस्तुभाउ हेर्ने र घाँसपात काट्ने काम गर्नुपऱ्यो । अत्याचार खप्न नसकेपछि सरिता २०७२ वैशाखमा भागेर घर फर्किन् । उनी अहिले वैदेशिक रोजगारीको लागि यूएई गएकी छिन् । सरिताकी आमा कमला जोशीले भनिन्, "छोरीले अत्याचार सहनुपऱ्यो, तर बोलिदिने कोही भएन ।"

प्रकाशित मिति: ३ वैशाख २०७५



गरीबीको कहर: मजदूरीका लागि भारत जान लागेका
बाजुराको हिमाली गाउँपालिकाका बासिन्दा।

गरीबको सूचीमा पूर्वमन्त्री, नेता र जागिरे

सुविधा पाइने लालचले पूर्वमन्त्री, जनप्रतिनिधि र प्रधानाध्यापक लगायत समाजका हुनेखानेहरू पनि गरीबको परिचयपत्र लिने होडबाजीमा छन्। बाजुरा, बझाङ लगायत २९ जिल्लामा वितरण गर्न ठिक्क पारिएको 'गरीब परिचयपत्र' को कथा।

निमेन्द्र शाही

गरीबीको रेखामुनि रहेका नेपालीको जीवनस्तर उकारन 'गरीब परिचयपत्र' वितरण गर्ने सरकारी कार्यक्रम अहिले कार्यान्वयनको प्रारम्भिक चरणमा छ । कार्यक्रम अनुसार, घरको छानो, जग र गारो, खाना पकाउने इन्धनको प्रकार, घरायसी सुविधाको उपलब्धता, शैक्षिक र सामाजिक अवस्था लगायतका १८ वटा सूचकका आधारमा २५ जिल्लामा गरीब घरपरिवारको पहिचान गरिएको छ । तीमध्ये पनि बाजुरा र बझाङ बढी गरीब बसोबास गर्ने जिल्लामा पर्छन् ।

तत्कालीन सहकारी तथा गरीबी निवारण मन्त्रालय (हाल कृषि भूमि व्यवस्था तथा सहकारी मन्त्रालय) ले निर्माण गरेको गरीब घरपरिवार पहिचान र परिचयपत्र व्यवस्थापन तथा वितरण निर्देशिका, २०६९ (तेस्रो संशोधन, २०७२) अनुसार गरीब घरधुरी सूचीकरण गरिएको हो । यस अनुसार, प्रदेश-७ को विकट पहाडी जिल्ला बाजुराका ६४.९ प्रतिशत जनता गरीबीको रेखामुनि छन् । मन्त्रालय अन्तर्गतको 'गरीब घरपरिवार सहयोग समन्वय बोर्डको सचिवालय' (बोर्ड) ले २०७० मा तयार पारेको प्रतिवेदनले यो संख्या अझै बढेको देखाएको छ । बोर्डका अनुसार, बाजुराको गरीबी ७१.९ प्रतिशत पुगेको छ र नेपालको उच्च गरीबीयुक्त २५ जिल्लामा बाजुरा पहिलो नम्बरमा पर्छ ।

त्यसैगरी केन्द्रीय तथ्यांक विभागले आर्थिक वर्ष २०६६/६७ मा गरेको दोस्रो जीवनस्तर सर्वेक्षणका अनुसार, बझाङको गरीबी दर ५६.७९ प्रतिशत छ । त्यसको तीन वर्षपछि बोर्डले निकालेको तथ्यांकले बझाङमा पनि गरीबी झन् बढेको देखाएको छ । बोर्डले सार्वजनिक गरेको तथ्यांक अनुसार, बझाङमा ६२.८ प्रतिशत जनता गरीबीको रेखामुनि छन् ।

गरीब भनेको को हो ? गरीबीको रेखामुनि हुनु भनेको के हो ? हामीले बोर्डका निर्देशक रामहरि गैरेसँग सम्पर्क राख्यौं । उनका भनाइमा, सरकारले 'गरीब' लाई तीन श्रेणीमा विभाजन गरेको छ । 'क' वर्गको अर्थात् अत्यन्तै गरीबमा वार्षिक रु.१९ हजार ६०० खर्च गर्न नसक्ने परिवार पर्छ । त्यसैगरी वार्षिक रु.३१ हजार ६०० खर्च गर्न नसक्ने परिवार 'ख' वर्गको अर्थात् मध्यम गरीबमा पर्छ । 'ग' वर्गको अर्थात् सामान्य गरीबमा वार्षिक रु.४० हजार खर्च गर्न नसक्ने परिवार पर्छ ।"

गरीब घरपरिवार सहयोग समन्वय बोर्डको सचिवालयले 'गरीब परिचयपत्र' वितरण गर्न ठिक्क पारेको गरीबहरूको सूची हात परेपछि

हामी छक्क पन्ध्रौं । सुविधा पाइन्छ भन्ने लोभमा गाउँका नेता, कर्मचारी र टाटाबाट सबैले आफूलाई गरीबको सूचीमा राखेको भेटियो । यतिसम्म कि महीनामा रु.२०/२५ हजार कमाउने कर्मचारी, शिक्षक, प्रशस्त सम्पत्ति भएका नेता अनि शहरमा घर-घडेरी भएका गाउँका धनाढ्य समेतले आफूलाई वर्षमा रु.१९ हजार खर्च गर्न नसक्ने गरीब परिवारमा राखेका रहेछन् । हामीले उनीहरूलाई तपाईंको नाम कसरी गरीबको सूचीमा समावेश भयो भनेर सोध्यौं । विवरण बाहिर आउने ठानेर हुन सक्छ अधिकांशले एउटै खाले जवाफ दिए, “थाहै भएन, नाम कसरी लेखियो !”

तर, वास्तविक गरीब, जसका लागि यो कार्यक्रम सञ्चालन गरिएको हो, उनीहरू धेरैको यो सूचीमा नामै छैन, भएकाहरूलाई पनि वर्गीकरणमा कम गरीबको सूचीमा पारिएको रहेछ । गरीबीको रेखामुनि रहेका विपन्न नेपालीको जीवनस्तर सहज बनाउने सरकारी कार्यक्रमभित्रको बेथिति देखाउने एउटा दृष्टान्त थियो त्यो सूची । यो रिपोर्ट त्यसैको खुलासा हो ।

यी पनि गरीब !

जनकराज गिरी बाजुरा जिल्ला र प्रदेश-७ कै चर्चित नाम हो । स्वामीकार्तिक खापर गाउँपालिका-४, वाई गाउँका गिरी राष्ट्रिय व्यक्तित्व हुन् । २०५६ सालको निर्वाचनमा नेपाली कांग्रेसबाट सांसद निर्वाचित उनी २०५८ सालमा शेरबहादुर देउवा प्रधानमन्त्री हुँदा भूमिसुधार सहायक मन्त्री थिए । उनको नाम बोर्डको 'अति गरीब' सूचीमा छ, क्रम संख्या २,६६,२४० मा । गिरी राजनीतिमा आउनु अगाडि स्वामीकार्तिक माविका स्थायी शिक्षक थिए । यसबारेमा आफूलाई कुनै जानकारी नभएको प्रतिक्रिया गिरीले दिए । उनले भने, “आमा मात्रै घरमा भएका बेला नाम संकलन गरिएछ, मलाई केही थाहा छैन ।”

यही सूचीको क्रम संख्या २,६९,५५६ मा रहेका अजबहादुर मल्ल तत्कालीन नेकपा एमालेबाट दुई पटक जिल्ला विकास समिति सदस्य भइसकेका व्यक्ति हुन् । उनी गएको स्थानीय निर्वाचनमा हिमाली गाउँपालिकाको अध्यक्ष पदमा उठेर पराजित भएका थिए । मल्लले सदरमुकाम मार्तडीमा 'दाजुभाइ ग्रील उद्योग' संचालन गरेका छन् । उनको 'स्वामीकार्तिक मानसरोवर यातायात प्रालि' नाम गरेको यातायात कम्पनीमा आबद्धता छ । मल्ल पनि गरीबको सूचीमा आफ्नो नाम



नक्कली गरीब: पूर्व भूमिसुधार सहायक मन्त्री जनकराज गिरी (दायाँ) र पूर्व जिविस सदस्य अजबहादुर मल्ल (बायाँ)।

समावेश भएको बारे गिरीले जस्तै 'केही जानकारी नभएको' बताएर साखुल्ले हुन खोजे ।

जिल्ला स्वास्थ्य कार्यालय, बाजुराका प्रमुख डा. रूपचन्द्र विश्वकर्माका बुवा नरवीर कामी पूर्व शिक्षक हुन् । बूढीनन्दा नगरपालिका-५, कालिसलका नरवीरको नाम मध्यम गरीबमा सूचीकृत छ (क्रम संख्या २,९६,०२०) । यसबारे डा. विश्वकर्मासँग प्रश्न गर्दा उनको भनाइ थियो, "मलाई केही जानकारी छैन, त्यस्तो भए सूचीबाट हटाउन लगाउँछु ।"

स्वामीकार्तिक खापर गाउँपालिका-४, वाई गाउँका खम्बीर बुढा गाउँपालिकाका लेखापाल हुन् । यसअघि उनी जिल्ला स्वास्थ्य कार्यालयका कर्मचारी थिए । खम्बीरकी आमा सेते बुढाको नाम 'क' वर्गको अति गरीबको सूचीमा (क्रम संख्या २,६६,७९८) छ । यसबारे प्रश्न गर्दा खम्बीरले भने, "हाम्रो नाम कसरी पन्यो थाहै छैन, हटाउन लगाउँछु ।"

यो गाउँपालिकाका स्वास्थ्य संयोजक, सिनियर अहेव भक्त कैलाकी आमा जनकलाको नाम पनि अति गरीबको सूचीमा छ (क्रम संख्या

गरीबको सूचीमा पूर्वमन्त्री, नेता र जागिरे



सकली गरीब: बडिमालिका नगरपालिका-७, टम्कने गाउँकी ५५ वर्षीया माता लुहार नातिनीहरुसँग घरको आँगनमा। अर्काको भडा हेर्ने काम गर्दा लडेर श्रीमानको निधन भएपछि उनले दुःख गरेर हुर्काएका दुई छोरा गोरे र बुँदे अहिले भारतको मुम्बईमा चौकीदारी गर्छन्। माता लुहारको नाम गरीबको सूचीमा समावेश छैन।

२,६६,६९५)। भक्तले पनि खम्बीरकै जस्तो जवाफ दिँदै भने, “हामी घरमा नहुने भएकाले छरछिमेकीलाई सोधेर सूची बनाइयो होला। परिचयपत्र बाँड्ने कुरा भएपछि मात्र हामीले थाहा पायौं, अहिलेसम्म कुनै सुविधा लिएका छैनौं।”

स्वामीकार्तिक खापर-२, साप्पाटास्थित राधुमाता माध्यमिक विद्यालयका प्रधानाध्यापक प्रकाशबहादुर बमका बुबा बृजबहादुर बमको नाम मध्यम गरीबको सूचीमा छ (क्रम संख्या ६,०५,२९३)। हिमाली गाउँपालिका-४, बछ्यास्थित सरस्वती प्राथमिक विद्यालयका प्रधानाध्यापक देवकुमारी मल्लका बुबा रत्नबहादुर मल्लको नाम पनि मध्यम गरीबको सूचीमा समावेश छ (क्रम संख्या २,३७,५८३)।

बूढीनन्दा नगरपालिका-८, पाण्डुसैनस्थित सत्य माविका शिक्षक मनरूप बोहरा (क्रम संख्या २,४६,७२१), हिमाली गाउँपालिका-५, नदापाटस्थित मंगलमय प्राथमिक विद्यालयका शिक्षक दीपचन्द्र उपाध्याय (क्रम संख्या २,६९,०५४) र बूढीनन्दा नगरपालिका-३, भुलेनास्थित कालिका निम्न माध्यमिक विद्यालयका राहत शिक्षक राजेन्द्रप्रसाद तिमिल्सेना (क्रम संख्या २,६९,०५४) सामान्य गरीबमा सूचीकृत छन् ।

मंगलमय प्राविकै शिक्षक देवराज पाण्डेको नाम मध्यम गरीबको सूचीमा छ (क्रम संख्या २,६९,६४१) । स्वामीकार्तिक माविका शिक्षक मनिप्रसाद जोशी (क्रम संख्या २,६६,६९२) र कालिका प्राविका शिक्षक मानबहादुर बुढा (क्रम संख्या २,६६,७३२) अति गरीबको सूचीमा छन् भने बूढीगंगा नगरपालिका-७, बारबिसस्थित शारदा माविका शिक्षक टेकबहादुर केसी मध्यम गरीबमा सूचीकृत (क्रम संख्या ३,१०,३२१) छन् ।

धिमास्थित बडिमालिका माविमा पढाउने हिमाली गाउँपालिका-६ का पूर्णलाल रावतका बुवा रनसुर (क्रम संख्या २,३७,८०४) र सोही वडा निवासी खोलीखाँडा निम्न माध्यमिक विद्यालयका शिक्षक पदम रोकायाका बुबा अजबिरको नाम (क्रम संख्या २,३७,७६६) अति गरीबको सूचीमा छ । बडिमालिका नगरपालिका-२, जुगाडाका कर्ण केसी र कालु केसी दाजुभाइ क्रमशः कैलाश प्रावि, घागर र सत्यवादी मावि, भौनेराका शिक्षक हुन् । केसीद्वयकी आमा मनमतीको नाम (क्रम संख्या २,५७,४०९) पनि अति गरीबको सूचीमा छ ।

सरकारले 'गरीबीको रेखामुनि रहेका जनतालाई राज्यको स्रोत, साधन र क्षमताले भ्याएसम्म सामाजिक संरक्षण प्रदान गर्ने' भन्दै 'गरीब घरपरिवारलाई राज्यले प्रदान गर्न सक्ने सेवा-सुविधा परिचयपत्र प्रणालीमार्फत प्रदान गर्ने' भनेर गाउँ गाउँबाट गरीबको विवरण संकलन गरेर यो सूची तयार गरेको हो । अन्य सुविधाको टुंगो नलागिसके पनि पाँच जना सदस्य रहेका गरीब घरपरिवारलाई वार्षिक रु.२५०० स्वास्थ्य बीमा शुल्कमा प्रतिव्यक्ति रु.५० हजारसम्मको उपचार निःशुल्क गर्ने निर्णय सरकारले गरिसकेको छ । अति गरीब परिवारको बीमा शुल्क शतप्रतिशत सरकारले तिरिदिन्छ भने मध्यम गरीबको ७५ प्रतिशत तथा सामान्य गरीबको ५० प्रतिशत स्वास्थ्य बीमा शुल्क सरकारले व्यहोर्छ । गरीब घरपरिवार सहयोग समन्वय बोर्डको सचिवालयले तयार पारेको सूची अनुसार बाजुराका नौवटै

स्थानीय तहमा स्वास्थ्य बीमा कार्यक्रम लागू भइसकेको छ । यो र यस्तै सुविधाको लोभले सम्पन्न र हुनेखानेहरू पनि 'गरीब बन्ने' दौडमा शामिल भएका हुन् ।

जनप्रतिनिधि-कर्मचारी

जनक रोकाया स्वामीकार्तिक खापर गाउँपालिका-१ का वडाध्यक्ष हुन् । वडाध्यक्ष हुनुअघि उनी गैरसरकारी संस्था मानव संसाधन केन्द्र 'एचआरसी' का जागिरे थिए । बोर्डले तयार पारेको सूचीमा उनी मध्यम गरीबमा सूचीकृत छन् (क्रम संख्या २,०६,७३३) । वडा नम्बर ३ का अध्यक्ष वीरजन कटेलको नाम त अति गरीबकै सूचीमा (क्रम संख्या २,०६,४५६) समावेश छ ।

हिमाली गाउँपालिका-७ का वडाध्यक्ष जयबहादुर अधिकारी सामान्य गरीबको सूचीमा (क्रम संख्या २,३७,९००) छन् भने बूढीनन्दा नगरपालिका-८ का वडाध्यक्ष टेकबहादुर रोकाया (क्रम संख्या ३,०६,१७७) र वडा नम्बर १० का सदस्य नन्दबहादुर रोकाया (क्रम संख्या ३,०६,६५१) मध्यम गरीबमा सूचीकृत छन् । दुई पटक जुगाडा गाउँ विकास समितिको अध्यक्ष रहिसकेका बडिमालिका नगरपालिका-२ का वडासदस्य अर्जुनबहादुर कार्कीको नाम सामान्य गरीबको सूचीमा (क्रम संख्या २,५७,५००) छ ।

गौमुल गाउँपालिका-४ स्थित मानाकोट स्वास्थ्य चौकीकी अनमी जमुना रोकायाको परिवार पनि सामान्य गरीबको सूचीमा छ । जमुनाका श्रीमान कलकबहादुर सिंह गाउँपालिकाका न्यायिक समिति सदस्य हुन् । जेठा छोरा कृतिचौर माविमा शिक्षक छन् । छोरी सुमित्रा सिंह गैरसरकारी संस्था 'गिफ्ट बाजुरा' मा सामाजिक परिचालक पदमा कार्यरत छिन् । सुमित्राकै नाम (क्रम संख्या २,१९,६२९) गरीबको सूचीमा छ ।

बूढीनन्दा नगरपालिका-९, पाण्डुसैनको स्वास्थ्य चौकीका अहेव वीरबहादुर बोहरा तथा स्वामीकार्तिक खापर-२, फयाल गाउँका अहेव कबेर भण्डारीका बुबा चुरे भण्डारी मध्यम गरीबको सूचीमा छन् ।

अति गरीबको सूचीमा रहेका स्वामीकार्तिक खापर गाउँपालिका-५, जेराका जयलाल शाही (क्रम संख्या २,६६,५३६) सोही गाउँपालिकास्थित पशु सेवा शाखाका संयोजक (नायब सुब्बास्तरका कर्मचारी) हुन् । सोही गाउँपालिकाको वडा नम्बर ४ निवासी, साँफे-मार्तडी सडक डिभिजन

कार्यालयका प्राविधिक कृष्ण बुढा पनि मध्यम गरीबको सूचीमा (क्रम संख्या २,६६,७३२) छन् । गाउँपालिका कार्यालयका सहायक लेखापाल बलरूप कटायत (क्रम संख्या २,६६,३२१) मध्यम गरीबको सूचीमा छन् । स्वामीकार्तिक-४ का प्रहरी निरीक्षक (इन्स्पेक्टर) चन्द्र गिरीकी आमा मुगा गिरीको नाम सामान्य गरीबको सूचीमा (क्रम संख्या २,६७,३२३) छ ।

बडिमालिका नगरपालिका-२ का दीपक कार्की मध्यम गरीबको सूचीमा छन् (क्रम संख्या २,५७,४६५) । दीपक नेपाल सरकारका ओभरसियर हुन् । उनकी श्रीमती बिन्दु बडाल कार्की महिला विकास कार्यालय, बाजुरामा नायब सुब्बा तहकी कर्मचारी हुन् भने भाउजू लक्ष्मी कार्की जिल्ला सरकारी वकिल कार्यालय अछाममा नायब सुब्बा पदमै कार्यरत छिन् । गरीबको सूचीमा सरकारी कार्यालयका सहयोगी, हल्कारा र हुलाकीको संख्या ठूलो छ । सरकारी जागिरबाट नियमित तलब खाने उनीहरू भूमिहीन, सुकुम्बासी र हलियाले पाउने सुविधा लिन गरीब बनेका हुन् ।

साहू अति गरीब, हलिया धनी !

पूर्व भूमिसुधार सहायक मन्त्री जनकराज गिरी अति गरीबको सूचीमा पर्दा उनकै खेतबारी जोतेर गुजारा गर्ने राजित बिकको नाम गरीबको सूचीमै छैन । सुदूरपश्चिममा चरम गरीबीको कहर भोगिरहेका हलिया समुदायका सदस्य हुन्, राजित ।

सरकारले हलिया मुक्तिको घोषणा गरेकै १० वर्ष बित्यो । बाजुरामा १५०० हलियाको प्रमाणीकरण भए पनि साहूबाट लिएको ऋण मिनाहा र पुनर्स्थापनाको व्यवस्था नहुँदा हलियाहरूले अहिलेसम्म मुक्तिको अनुभूति गर्न पाएका छैनन् । तीमध्ये थुप्रै अहिले पनि गुजाराका लागि साहूको हलो जोत्छन् । तर, यीमध्ये धेरै हलिया गरीबको सूचीमै छैनन् । जस्तो कि, स्वामीकार्तिक खापर गाउँपालिकाका लेखापाल खम्बीर बुढा अति गरीबमा सूचीकृत हुँदा उनको खेतमा हलो जोत्ने बिर्ख भियालको नाम सूचीमै परेन ।

छिमेकी जिल्ला बझाङमा पनि यस्तै छ । बझाङको जयपृथ्वी नगरपालिकाका धनबहादुर सुनार, प्यारु सुनार लगायतको नाम 'अति गरीब' को परिचयपत्र पाउने सूचीमा राखेको थाहा पाएपछि उनका छिमेकी गगन बादी चित खाए । जब आफ्नो नाम उनीहरूभन्दा दुई

तह माथिको धनी अर्थात् 'सामान्य गरीब' को सूचीमा राखेको थाहा पाए, गगनको पारो तात्थ्यो । किनभने, अति गरीब भनिएका व्यक्ति गगनका साहू थिए । तिनै साहूबाट लिएको ऋण र त्यसको ब्याज तिर्न नसक्दा उनले पटक पटक दुर्व्यवहार भोगेका थिए ।

आफू जस्तै आर्थिक अवस्थाका राजु बादी र दीपक बादीको नाम पनि 'सामान्य गरीब' को सूचीमा देखेपछि उनले आक्रोश पोखे, "यस्तो पनि हुन्छ ? उनीहरू साहू भए पनि अति गरीब हुने, उनीहरूलाई महीनाको सयकडा पाँच ब्याज तिर्ने हामीहरू चाहिँ धनी ? यस्तो गरीबमारा सरकारको परिचयपत्र चाहिएन !" सँगै रहेका धरम बादीले गगनलाई सम्झाउने हिसाबले व्यंग्य गरे, "हामीले पैसा दिइरहनुपर्ने भएकाले उनीहरूको नाम अति गरीबमा परेको होला । मान्ने धनी हुन्छ कि दिने ?"

जयपृथ्वी नगरपालिकास्थित बादी समुदायका १५ परिवारका बालबच्चाबाहेक सबैले छिमेकी सुनार समुदायका मानिसबाट ऋण लिएका छन् । ऋण लिन लालपुर्जा, बादी परिचयपत्र, नागरिकता लगायतका कागजात धरौटी राखेकाले बादी समुदायका कोहीसँग परिचय खुल्ने सरकारी कागजात छैनन् । त्यसमाथि साहूले कम रकम दिएर बढीको कागज बनाइदिन्छन् । फेरि उनीहरूकै नाम आफूभन्दा गरीबको सूचीमा परेको देख्दा छक्क परेको बाटु बादीले बताइन् । घर र जग्गा नभएका, मागेर गुजारा चलाइरहेका यहाँका १५ बादी परिवारमध्ये चार परिवार गरीबको सूचीमै परेनन् ।

जयपृथ्वी नगरपालिकाका प्रशासकीय अधिकृत सुरेश जोशी भन्छन्, "नगरपालिकाले लागू गरेको एकीकृत कर प्रणाली अन्तर्गत सबैभन्दा बढी कर तिर्नेहरू अति गरीबको सूचीमा छन्, जो कर तिर्ने नपर्ने सूचीमा छन्, उनीहरू या त गरीबको सूचीमै छैनन्, या सामान्य गरीबको सूचीमा छन् ।"

जिल्लाभरकै अवरस्था यस्तै छ । छविस पाथिभेरा गाउँपालिकाका रणबहादुर कठायत जिल्ला हुलाक कार्यालय बझाङका प्रमुख हुन् । सदरमुकाम चैनपुरमा उनको चारतले घर छ । आफ्नै गाडी छ, अन्य सम्पत्ति पनि छ । तिनै कठायत अति गरीबको सूचीमा छन् । "कुन फर्मूला लगाएर तथ्यांक लिएका हुन्, बुझिनसक्नु छ", गाउँपालिका अध्यक्ष अक्कल धामीले भने, "धनीहरू अति गरीब भए, अति गरीबहरू गरीबको सूचीमै परेनन् ।"

बाजुरामा स्थानीय तह अनुसार गरीबको सूची

स्थानीय तह (नपा/गापा)	जम्मा परिवार	गरीब घरघुरी	प्रतिशत	गरीबी रेखा माथिको परिवार	प्रतिशत
त्रिवेणी	२८८१	१८६४	६४.७	१०१७	३५.३
बडिमालिका	२३८६	१२८७	५३.९	१०९९	४६.१
बूढीगंगा	३७०६	२०२९	५४.७	१६७७	४५.३
बूढीनन्दा	३६००	२०१७	५६	१५८३	४४
गौमुल	१३६५	४४७	३२.४	९१८	६७.६
जगन्नाथ	१५७४	१०९३	६९.४	४८१	३०.६
स्वामीकार्तिक खापर	२१८५	१८३८	८४	३४७	१६
खप्तड छेडेदह	२९११	१९८९	६८.३	९२२	३१.७
हिमाली	१६९२	१२६५	७४.५	४३२	२५.५
जम्मा	२२३००	१३८२६		८४७४	

स्रोत: तथ्यांक कार्यालय बाजुरा

यो गाउँपालिकाकै सबभन्दा धनीका रूपमा चिनिने बान्नीचौर उच्च माध्यमिक विद्यालयका प्राचार्य वकिलबहादुर सिंहको महेन्द्रनगर र धनगढीमा घर छ । काठमाडौं, धनगढी, कञ्चनपुर र बझाङमा जग्गा छ । तर, उनकै नाम अति गरीबको सूचीमा भेटियो । “यहाँका सबै धनीहरू अति गरीबको सूचीमा परेका छन्, विपन्नहरू गैर गरीबमा” बुङल नगरपालिकाका मेयर धनबहादुर विष्टले भने, “लाजमर्दो हुने भएपछि परिचयपत्र नै बाँडेका छैनौं ।”

बझाङका कुनै पनि स्थानीय तहले परिचयपत्र वितरण गर्न सकेका छैनन् । यहाँ १६ हजार २१९ परिवारका १ लाख २६ हजार ८७५ जनलाई गरीबको सूचीमा राखिएको छ, जसमध्ये ६३ हजार ४३५ अति गरीब, ४५ हजार २५३ मध्यम र बाँकी सामान्य गरीबको सूचीमा छन् । खप्तड छान्ना गाउँपालिकाका अध्यक्ष बर्कबहादुर रोकायाले अधिकांश धनीहरूको

नाम गरीबको सूचीमा परेकाले छानबिन गरेर मात्र परिचयपत्र वितरण गरिने बताए ।

गरीब घरपरिवार सहयोग समन्वय बोर्डको सचिवालयका अनुसार, अक्सफोर्ड विश्वविद्यालयको गरीबी तथा मानव विकास प्रयास (ओपीएचआई) ले विकास गरेको र संयुक्त राष्ट्रसंघीय विकास कार्यक्रम (युएनडीपी) ले अन्तर्राष्ट्रिय रूपमा अभ्यासमा ल्याएको वैज्ञानिक सूचकहरूका आधारमा गरीब घरपरिवारको तथ्यांक संकलन गरिएको हो । त्यसरी संकलित तथ्यांकलाई विश्व बैंकको पहलमा विकास गरिएको पीएमटी (प्रोक्सी मिन्स टेस्ट) विधिमा परीक्षण गरिएको थियो । यो विधि ल्याटिन अमेरिका, पाकिस्तान, श्रीलंका, फिलिपिन्स, बंगलादेश लगायतका ठाउँमा प्रयोग भइसकेको बोर्डको दाबी छ ।

यतिले चित्त नबुझेर बोर्डले कुनै परिवारको गरीबीमाथि शंका लागे उजुरी गर्न आह्वान गर्दै संकलित सूची सम्बन्धित ठाउँमा टाँस लगायो । शुरूमा २५ जिल्लाका १२ लाख २४ हजार ४१७ जना गरीबको सूची तयार पारेको बोर्डले गुनासो माथि छानबिन गरेर ३ लाख ९१ हजार ८३१ जनाको मात्र अन्तिम सूची प्रकाशित गरेको थियो । ती नामहरूमा पनि योविघ्न भद्रगोल भेटिएको हो ।

२१ जेठ २०७४ मा बोर्डको बैठकले ३ लाख ९१ हजार ८३१ जनालाई अति, मध्यम र सामान्य गरीबमा विभाजन गर्दै प्रकाशित गरेको अन्तिम सूचीलाई १२ साउन २०७४ मा मन्त्रिपरिषद्ले अनुमोदन गरेपछि परिचयपत्र वितरण प्रक्रिया शुरू गर्न बाटो खुल्यो । तर मनपरी तथ्यांक भएकाले स्थानीय तहमा परिचयपत्र वितरण प्रक्रिया अघि बढ्न सकेको छैन ।

‘चौतारोमा बनाइयो सूची’

बाजुराको हिमाली गाउँपालिकाका अध्यक्ष गोविन्दबहादुर मल्ल गरीबको सूची गाउँको चौतारामा बसेर तयार गरिएको बताउँदै यस्तो सूचीलाई आधिकारिकता दिन नसकिने बताउँछन् । “सूचीमा गरीबको नामै छैन, हुनेखानेको हालीमुहाली छ, यस्तो सूचीलाई आधिकारिकता दिएर कसरी काम गर्नु ?” उनले भने, “अन्धाधुन्द संकलित यो सूची सच्याउनुपर्छ ।”

बूढीगंगा नगरपालिकाका मेयर दीपक शाहले पनि यो सूची हूबहू कार्यान्वयन भए गरीबका नाममा आएको सुविधा हुनेखानेले हत्याउने बताए । उनी भन्छन्, "यसलाई सच्याउनुपर्छ ।" हिमाली गाउँपालिकाका निमित्त प्रशासकीय अधिकृत गौरीकान्त सञ्ज्यालले भने, "हामीले गाउँमा सूची टाँसेका थियौं, सबैले हेर्न भ्याएनन् होला । वास्तविक गरीबहरू नै छुटेकाले कार्यान्वयन गर्न गाह्रो भो ।"

स्वामीकार्तिक गाउँपालिकाका अध्यक्ष चिरञ्जीवी शाही अब जनप्रतिनिधिहरूलाई राखेर पुनः सूची तयार गर्नुपर्ने बताउँछन् । उनले भने, "अहिलेको सूची अनुसार सुविधा दिने हो भने गरीबले केही पाउँदैनन्, हुनेखानेकै हात माथि पर्छ ।"

साथमा वसन्तप्रताप सिंह, बझाङ

प्रकाशित मिति: ३ वैशाख २०७५



छविस पाथीभेरा ९ मा रहेको
एउटा हलिया बस्ती।

‘गाउँ नै ऋणले बाँधिएको छ’

हलिया प्रथा ‘उन्मूलन’ को एक दशकपछि
सुदूरपश्चिमको पहाडमा हलियाँ हलिया

वसन्तप्रताप सिंह

वझाङ । थलारा गाउँपालिका वडा नम्बर ६, विस्खेतका गोपाल नेपाली गाउँकै जोशी परिवारको घरमा हलिया थिए । बाजेका पालादेखिको ऋण चुक्ता गर्न साहूको घरमा हलिया बसेका उनको काम गर्दागर्दै थलिएर १२ वर्षअघि मृत्यु भयो । त्यसबेला उनी ४५ वर्षका थिए ।

गोपालको मृत्यु भएको दुई वर्षपछि २१ भदौ २०६५ मा सरकारले हलिया-प्रथा अन्त्य गरिएको घोषणा गर्‍यो । यसक्रममा कसैले हलिया राख्न नपाउने, ऋण तिर्न नसकी पुस्तौदेखि साहूको हलो जोतिरहेका हलियाहरूको सम्पूर्ण ऋण आफैले तिरिदिने र पूर्व हलियाहरूको पुनर्स्थापनाका निम्ति विभिन्न कार्यक्रम सञ्चालन गर्ने घोषणा पनि सरकारले गर्‍यो ।

गोपालको मृत्युपछि जेनतेन पाँच छोराछोरी हुर्काइरहेकी उनकी श्रीमती ज्ञाना नेपालीलाई यो घोषणाले तरंगित पाऱ्यो । उनले गुजाराको संकटबीच पनि छोराछोरीलाई स्कूल पठाउने सपना देख्न थालिन् । त्यही बीचमा जब छोरा श्यामले ९ वर्ष टेके, साहूले पुरानो ऋण तिर्न दबाब दिन थाले ।

श्रीमान्को मृत्यु भएको चार वर्ष बितिसकेको थियो । यो चार वर्षमा हलो नजोत्दा श्रीमान्ले लिएको रु.३० हजार ऋणको ब्याज बढेर १ लाख २ हजार पुगेछ । पाँच जना लालाबाला हुर्काइरहेकी ज्ञाना ऋण तिर्न सक्ने अवस्थामा थिइनन् । त्यो विवशता बुझेका साहूले शर्त तेर्स्याए- 'त्यसो भए छोरालाई हलिया पठाऊ ।'

"ऊ बालखै थियो, हलो समात्न पनि जान्दैनथ्यो" ज्ञानाले भनिन्, "हलिया नपटाए वर्षको ३०/४० हजार रुपैयाँ ब्याज थपिन्थ्यो, अनि आँसु निल्दै बालक छोरोलाई साहूकोमा पठाएँ ।"

जोशी परिवारको घरमा हलिया बस्ने श्याम लगातार पाँचौँ पुस्ता थिए । तर, त्यसबाट पनि ज्ञानाको दुःख कम भएन । सदरमुकाम चैनपुरबाट घर फर्कने क्रममा दुई वर्षअघि श्याम गाडी दुर्घटनामा परे । त्यसबेला भाँचिएको खुट्टामा राखेको फलामे रड अहिले पनि झिकेको छैन ।

खुट्टा भाँचिएपछि श्यामले हलो जोत्न सकेनन् । ऋणको ब्याज फेरि बढ्यो । यसबीचमा गुजारा चलाउन लिएको रकमसमेत जोड्दा साहूलाई तिर्नुपर्ने ऋण रु.५ लाख नाघिसकेको छ । "थोरै काम गर्दा पनि उसको खुट्टा सुनिन्छ" ज्ञानाले भनिन्, "साहूले कि काम गर कि ऋण तिर भन्छन्, हामी जेलमा कोचिए जस्तै भएका छौं ।"

‘गाउँ नै ऋणले बाँधिएको छ’



‘घ’ वर्गको हलिया परिचयपत्र देखाउँदै थलारा विस्त्रेतका हलिया परिवार।

यस्तो पनि मुक्ति !

सरकारले हलिया मुक्तिका क्रममा हलियाको परिभाषा गरेको छ । त्यस अनुसार, ‘आफू, आफ्नो परिवार वा पुर्खाले लिएको ऋणको ब्याज चुक्ता गर्न वा अरू कसैको जमानी बसेकोमा त्यस्तो ऋणको ब्याज चुक्ता गर्न ऋणदाताको कृषि श्रमिकको रूपमा वर्षभरि वा अर्धवार्षिक रूपमा हलिया, हली, गोठालो, बाउसे, खेताला, खलिया, डोलिया र भुण (कमारो) को रूपमा काम गर्ने व्यक्ति’ हलिया भित्र पर्छन् । सुदूरपश्चिमका पहाडी जिल्लामा गरीबीको कहर र साहूको अत्याचार भोगिरहेका हलियालाई यसरी परिभाषित गर्दै सरकारले हलिया मुक्तिको घोषणा गरेको थियो ।

गाउँका हुनेखानेले गरीबलाई अचाक्ली चर्को ब्याजदरमा ऋण दिने, अनि त्यो ऋण र ब्याज तिराउने बहानामा सन्तान, दरसन्तानलाई समेत खेत जोत्ने हली राख्ने प्रचलनलाई हलिया प्रथा भनिन्छ । यही प्रथाको आडमा सुदूरपश्चिमको पहाडी क्षेत्रका हुनेखाने परिवारले गरीब र दलित समुदायको हदैसम्म श्रम र आर्थिक शोषण गरे र अहिले पनि गरिरहेका छन् ।

भर्खरै जारी भएको फौजदारी अपराध संहिताले यो कार्यलाई आपराधिक मानेको छ । संहिताको दफा १६४ ले कसैले कुनै पनि

व्यक्तिलाई कुनै प्रतिफल बापत बाँधा बनाउन नपाइने व्यवस्था गरेको छ र यस्तो कसूर गर्नेलाई तीन वर्षदेखि सात वर्षसम्म कैद र तीन हजार रुपैयाँदेखि एक लाख रुपैयाँसम्म जरिवाना हुने भनेको छ । तर, हलियाका हकमा त्यो कानून पनि 'कागलाई बेल पाक्यो हर्ष न विस्मात' हुन पुगेको छ ।

विस्खेतकै ६६ वर्षीय गिरी दमाई अर्का पीडित हुन् । ५१ वर्ष पहिले बुबा जहरीले गिरीको बिहे गर्न गाउँकै सुरेन्द्र जोशीको परिवारबाट केही पैसा ऋण लिएका थिए । पछि आपत्विपत् पर्दा खर्च चलाउन लिएको रकमसमेत थपिँदा त्यो ऋण रु.२५ हजार पुग्यो । त्यही २५ हजारको ब्याज तिर्न जहरीले बाँचुञ्जेल जोशी परिवारको हलो जोते ।

बाबुको मृत्युपछि गिरीले त्यसको बिडो थामे । बुढ्यौलीले छोएपछि उनले १२ वर्षीय छोरा दिनेशलाई आफ्नो ठाउँमा जोशी परिवारको हलिया राखिदिए । तीन पुस्ताले हलो जोतिसक्यो, तर जहरीले लिएको रु.२५ हजार ऋणको साँवा जस्ताको तस्तै छ । "साँवा चुक्ता नगर्दासम्म हलो जोत्नैपर्छ" गिरीले भने, "बाबु हलो जोत्दाजोत्दै मरे, मेरो जिन्दगी हली भएरै बित्यो । अब सके छोराको तिर्ला, नसके यो पनि हली भएरै मर्ने त हो ।"

ऋणको ब्याजस्वरूप वर्षभरि साहूको खेतबारीमा काम गर्दा हलियाले अन्यत्र काम गर्ने फुर्सद पाउँदैनन् । अरू कामै गर्न नपाएपछि ऋण कसरी तिर्नु ! "एक वर्ष काम नगरे ब्याज बढाएर दोब्बर पुऱ्याइदिन्छन्" अर्का हलिया पदम दमाईले भने, "साहूको हलो जोत्नु हाम्रो जिन्दगी हो । यो गाउँ नै ऋणले बाँधिएको छ ।"

ऋण तिर्ने उपायको खोजीमा पदम दुई वर्ष भारतमा मजदूरी गर्न गए । फर्कदा साहूले रु.१५ हजार ऋणको ब्याज बढाएर रु.८० हजार पुऱ्याएछन् । पदम भन्छन्, "कमाएर ऋण तिरौला भन्ने सोचेको थिएँ, फर्केर आउँदा ब्याज थामिनसक्नु भएछ । बचाएर ल्याएको पैसाले ऋण तिर्न पुगेन, फेरि हलिया बसे ।"

विस्खेत गाउँमा बस्ने दलित समुदायका १८ परिवार ऋणको ब्याज चुक्ता गर्न अहिले पनि साहूको हलो जोतिरहेका छन् । त्यसो नगरे मासिक सयकडा पाँच रुपैयाँ ब्याज तिर्नुपर्छ । साहूको हप्कीखप्की, उस्तै परे कुटाइ समेत खानुपर्छ । उनीहरू कोहीसँग आफ्नो नामको एक टुक्रा जमीन छैन । बस्ने घर साहूकै जग्गामा छन् । स्थानीय कलु

‘गाउँ नै ऋणले बाँधिएको छ’



छविस पाथिभेरा गाउँपालिकाका एक हलिया ।

दमाई भन्छन्, “हाथै जग्गामा घर लगाएर बसेका छौ, भनेको नमाने निकालिदिन्छौ भन्छन् । उनीहरूले भनेको चुपचाप मान्नुपर्छ ।”

साहू सुरेन्द्र जोशी भने सरकारले हलिया मुक्तिको घोषणा गरे पनि आफूले दिएको ऋण नतिरिदिएको र आफूले कसैलाई हलिया बनाएर पनि नराखेको दाबी गर्छन् । जोशीले भने, “उनीहरूलाई साह्रोगाह्रो पर्दा, छोरा नातिको विवाह गर्दा दिएको रकम तिरेका छैनन् । पहिला पहिला खेतीपातीको काम गरिदिन्थे, अहिले भनेको बेला काम पनि गर्दैनन् । रकम पनि फिर्ता दिंदैनन् । कति त इन्डिया भागिसके ।” आफूले तीन-चार परिवारलाई रु.२५ हजारदेखि ४० हजारसम्म ऋण दिएको जोशी बताउँछन् । उनले भने, “पहिलादेखि काम गर्दै आएको भएर कहिलेकाही खेतीपातीको काममा सहयोग गरे होलान् । तर, हलिया, बँधुवा बनाएर राखेको छैन ।”

सकसपूर्ण जिन्दगी

बझाङकै दुर्गाथली गाउँपालिका-७, गैरागाउँकी मोतिहारा दमाईको तीन छोरा, दुई बुहारी र नौजना नातिनातिनासहित १४ जनाको परिवार छ ।

उनीहरूको बस्ने, खाना पकाउने, खाने र सुत्ने घरको क्षेत्रफल भने दुई वर्गमिटरभन्दा बढी छैन । “सुत्नु त के भन्नु हजुर, बसैरै रात काट्छौं” मोतिहाराले भनिन्, “सबै जना घरमै हुँदा बस्ने ठाउँ नै पुग्दैन ।”

गैरदलित समुदायको हलो जोल्ने, लुगा सिउने, ठेकी बनाउने, छाला र आरनको काम गर्ने र त्यसबापत पाइने खलो (अन्न)का भरमा गुजारा चलाइरहेका यहाँका २०३ दलित परिवारमध्ये १६४ परिवारको अवस्था मोतिहाराले जस्तै छ । आफ्नो एक टुक्रा जग्गा नहुँदा बसेको घर अरुकै नाममा छ । स्थानीय नम्मु कामीले भने, “भाग्या (मालिक) ले दिएको खलोलै दुई महीना पनि खान पुग्दैन । कतै मजदूरी पाए त्यसैले गुजारा चलाउँछौं, नभए ऋण काढेर खान्छौं ।” नम्मुका अनुसार वर्षभरि काम गरेबापत दुईदेखि पाँच क्विन्टलसम्म अन्न (धान र गहुँ) पाइन्छ ।

गैरागाउँबाट १५ मिनेट पैदल हिंडेपछि पुगिने उदयपुर गाउँमा ११८ दलित परिवारको बसोबास छ । तीमध्ये ९२ परिवारसँग जग्गा छैन । जिल्ला विकास समिति बझाङले २०७२ सालमा तयार पारेको ‘दलित प्रोफाइल’ मा जिल्लाभर १,६८३ परिवारसँग आफ्नो घर-जग्गा नभएको, उनीहरू सबैजसो ‘हलिया’ र ‘खलिया’ रहेको उल्लेख छ ।



ऋणको कथा सुनाउन छविस पाथिभेरा गाउँपालिका उदयपुरमा भेला भएका हलिया परिवार ।

बझाङका १५ भन्दा धेरै गाउँमा अहिले पनि बाजे बराजुका पालादेखिको ऋणको ब्याज चुक्ता गर्न साह्रको हलो जोतिरहेका हलियाहरू भेटिन्छन् । तल्कोट गाउँपालिकाको भुलवाडा, ल्वारवाडा, खौला, सुनिकोट, मष्टा गाउँपालिकाको रिलु, मष्टा, भातेखोला, डुग्राकोट, रनाडा, जयपृथ्वी नगरपालिकाको डाँडागाउँ, छयाला, भण्डार, हेमन्तवाडा, रिठापाटा, छविस पाथिभेरा गाउँपालिकाको उदयपुर, झुटेडा, ल्वाडा, ब्याँसी र दुर्गाथली गाउँपालिकाको गैरामा यो संख्या ठूलो छ । यसैगरी थलारा गाउँपालिकाको विस्खेत, मालुमेला पाराकाटने केदारस्थुँ गाउँपालिकाको बागथला, देउरा, भामचौर भैरवनाथ, बुङ्गल नगरपालिकाको खिरातडी, पिपलकोट देउलीकोट, खप्तड छान्ना, गडराय, लामातोला, कालुखेती, पौवागढी, पाटादेवलगायतका गाउँमा ठूलो संख्यामा हलियाहरू छन् । यी गाउँहरूमा करीब १२०० हाराहारी हलिया रहेको अनुमान छ । यति ठूलो संख्यामा आज पनि हलियाहरू काम गरिरहन बस्नुपर्ने बाध्यताले १० वर्षअघिको हलिया मुक्तिको सरकारी घोषणालाई गिज्याइरहेको छ ।

बलियाको रजाइँ

२०६६ सालमा जिल्ला मालपोत कार्यालय र गैरसरकारी संस्था ‘हलिया मुक्ति समाज’ ले संयुक्त रूपमा संकलन गरेको तथ्यांक अनुसार बझाङमा मुक्त घोषित हलियाको संख्या २,८४८ थियो । त्यसकै आधारमा भूमिसुधार तथा व्यवस्था मन्त्रालय मातहतको मुक्त हलिया पुनर्स्थापना समस्या समाधान समितिले २१६८ जना हलियाको प्रमाणीकरण पनि गर्‍यो ।

प्रमाणीकरण भएकामध्ये ‘क’ वर्गमा परेका ७१ जना, ‘ख’ वर्गका ४१८, ‘ग’ वर्गका २९ र ‘घ’ वर्गमा परेका ११४५ सहित कुल १६६३ जनालाई परिचय पत्र वितरण गरियो । सरकारले आफ्नो स्वामित्वमा घर र जग्गा दुवै नभएकालाई ‘क’, घर भएका तर जग्गा नभएकालाई ‘ख’, जग्गा भएका तर घर नभएकालाई ‘ग’ तथा घर र जग्गा दुवै भएकालाई ‘घ’ वर्गमा वर्गीकरण गरेको छ ।

यो मापदण्ड अनुसार आफ्नो जग्गा नभएका विस्खेत गाउँका हलियाहरू ‘ख’ वर्गमा हुनुपर्थ्यो । तर, उनीहरूलाई घर र जग्गा दुवै भएको अर्थात् खासै राहत दिनु नपर्ने ‘घ’ वर्गमा सूचीकृत गरियो । पर्याप्त राहत

र पुनर्स्थापनाको सुविधा दिइने 'क', 'ख' र 'ग' वर्गमा भने घर/जग्गा भएका पहुँचवालाहरू हावी भए ।

हलिया मुक्तिको घोषणापछि सरकारले साहूबाट लिएको ऋण तिरिदियो । जग्गा नहुनेको जग्गा जोडिदियो । घर बनाइदियो । यी काममा करोडौं रूपैयाँ खर्च गर्‍यो । हलियालाई आत्मनिर्भर बनाउने भन्दै विभिन्न संघ-संस्थाले पनि ठूलो धनराशि सिध्याए । तर, बझाङकै पहाडमा मात्र पनि असंख्य 'हलिया' हरू अहिले पनि साहूकै हलो जोतिरहेका छन् । कारण खेतलाई जाँदा देखियो- सरकारदेखि गैरसरकारी संस्थाबाट प्राप्त राहत र सुविधाको लाभ कमजोर हलियासम्म पुगेन, त्यहाँ पनि बलियाले सिध्याए । स्थानीय चाखुडी दमाईका शब्दमा, "सदरमुकाम वरिपरिका र ठूला मान्छे चिनजान भएकाहरूले हलिया नभए पनि हलियाका नाममा सुविधा लिए, हाम्रा लागि बोलिदिने कोही भएन ।"

दलित अधिकारकर्मी दिनेश नेपालीका अनुसार, हलियाको सूचीमा समेटिएका र प्रमाणीकरणमा परेका अधिकांश व्यक्ति जिल्ला हलिया मुक्ति समाजका पदाधिकारी र कर्मचारीका आफन्त छन् । नेपालीले भने, "गैरहलियालाई हलिया भनेर राहत बाँडिएको छ, अहिले पनि साहूको हलो जोत्न बाध्य धेरै हलियाले केही पाएका छैनन् ।"

जिल्ला मालपोत कार्यालयका प्रमुख कृष्णबहादुर बोहरा स्वयं भन्छन्, "अरूलाई हलिया राख्न सक्ने आर्थिक हैसियतका व्यक्तिहरू समेत 'क' वर्गको हलियामा सूचीकृत छन् । यो तथ्यांक कसरी लिइयो, म आफैँ अचम्मित छु ।" मालपोत कार्यालयका हलिया सुपरभाइजर रवि सार्कीलाई यसको कारण थाहा छ । उनी बताउँछन्, "अन्धाधुन्द रूपमा तथ्यांक संकलन गरिदा धेरैलाई अन्याय भयो । जो हलिया होइनन्, ती 'क' वर्गमा सूचीकृत भए, 'क' वर्गमा पर्नुपर्ने वास्तविक हलिया या सूचीमै छुटे या त 'घ' वर्गमा परे ।"

जिल्ला हलिया मुक्ति समाज, बझाङका अध्यक्ष चक्रबहादुर सार्कीले चाहे तथ्यांक संकलनमा कुनै गडबडी नभएको दाबी गरे । उनको तर्क यस्तो थियो, "अहिले आएर कोही जागिरे भयो होला, पैसा कमाएर अरूलाई हलिया पनि राख्यो होला, तर बझाङका सबै दलितका जिजुबाजे कुनै न कुनै गैरदलितको हलिया थिए ।" आज अरूलाई हलिया राखेर बसिरहेका व्यक्तिहरू कसरी 'क' वर्गको हलियामा सूचीकृत भए, वास्तविक

‘गाउँ नै ऋणले बाँधिएको छ’



दुर्गाथली गाउँपालिकाको गौराका हलियाको घर।
यस घरमा ११ परिवारका ७६ जना बसोबास गर्छन्।

हलियाहरूको भाग कसरी खोसियो र ‘हलिया मुक्ति’ कसरी असफल भयो भन्ने कुरा ‘समाज’ का अध्यक्षको यो तर्कले नै छर्लङ्ग पाछै।

सकियो रु.१५ करोड

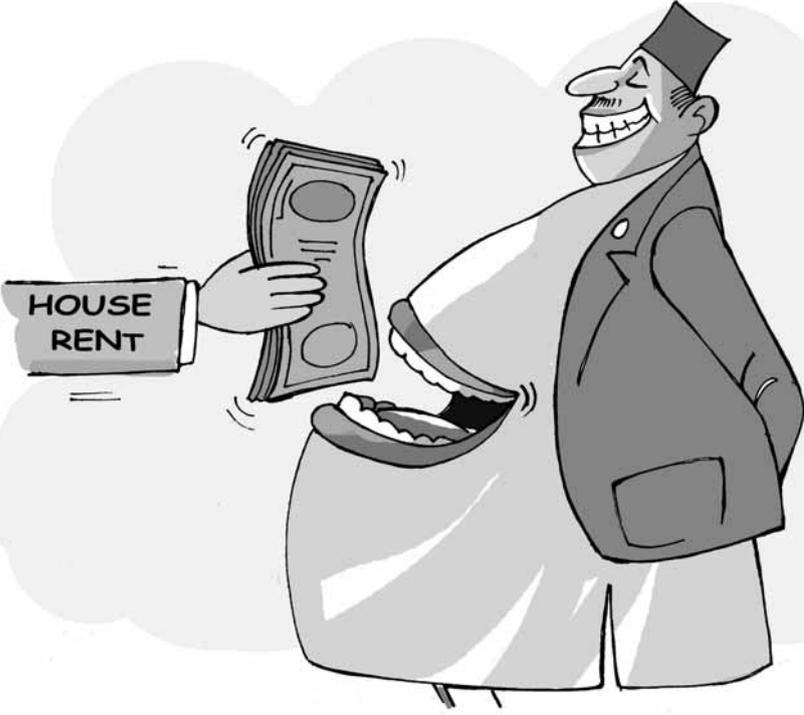
हलिया विवरण संकलनमा भएको बदमाशी र लापरवाही डरलाग्दो छ। दुई उदाहरण मात्रै हेरौं: जिल्ला हलिया मुक्ति समाजबाट तथ्यांक संकलन गर्नेहरूले साविक मालुमेला गाविसको वडा नम्बर २, ३ र ७ (हाल थलारा गाउँपालिका-९) मा गिठे ओड, रामबहादुर पार्की, गजम सार्की, भाले कामीलगायत ७९ जना हलिया भएको सूची बनाएका थिए। मुक्त हलिया जिल्लागत तथ्यांक संकलन समितिका संयोजक रहेका तत्कालीन सहायक प्रमुख जिल्ला अधिकारी चिरञ्जीवी थापाको अध्यक्षतामा बसेको बैठकले उनीहरू हलिया भएको प्रमाणित पनि गऱ्यो। तर, जब जिल्ला मालपोत कार्यालयको टोली उनीहरूसँग राहत वितरणबारे छलफल गर्न मालुमेला पुग्यो, सूचीमा समावेश भएका व्यक्तिहरू गाउँमै भेटिएनन्। अर्थात् ती सबै नाम नक्कली थिए।

छविस पाथीभेरा गाउँपालिका-६, उदयपुर (साविक लेकगाउँ गाविस) र दुर्गाथली गाउँपालिका-७, गैरा (साविकको सैनपसेला गाविस) मा भने तथ्यांक संकलकहरू नै पुगेनछन् । छविस पाथिभेरा-६ का वडाध्यक्ष मोहनलाल विकका अनुसार लेकगाउँ र सैनपसेलामा हलिया छैनन् भनेर कसैले सुनाइदिएको भरमा गणकहरू ती गाउँमा गएनन् । विकले भने, "हाम्रो वडामा २०० भन्दा बढी हलिया छन्, तर उनीहरू कसैको नाम सूचीमा छैन ।" तथ्यांकमा योविघ्न भद्रगोल भएको जान्दाजान्दै त्यसलाई सच्याउने पहल कतैबाट भएन । बरू, गलत तथ्यांकलाई आधार मानेर बझाङमा सरकारले हलियाका नाममा रु.१५ करोड खर्च गरिसकेको छ ।

जिल्ला मालपोत कार्यालयमार्फत ८८ जना हलियाको घर निर्माणका लागि प्रति परिवार रु.३ लाख २५ हजारका दरले २ करोड ८६ लाख, जग्गा खरीदका लागि ११० जना हलियालाई प्रति परिवार रु.२ लाखका दरले २ करोड २० लाख र घर मर्मत शीर्षकमा ८३३ परिवारलाई रु.१ लाख २५ हजारका दरले १० करोड ४१ लाख २५ हजार वितरण गरिएको छ । समग्रमा घर निर्माण, जग्गा खरीद र घर मर्मतमा रु.१५ करोड ४७ लाख २५ हजार खर्च भएको हिसाब मालपोत कार्यालयसँग छ । यस बाहेक उनीहरूको सीप तथा क्षमता विकास, आयआर्जन, शिक्षा, स्वास्थ्य आदि शीर्षकमा खर्च भएको रकमको त अभिलेख समेत छैन ।

"जाने पैसा गइसक्यो" मालपोत अधिकृत कृष्णबहादुर बोहराले भने, "तथ्यांक सच्याउनुपर्छ भनेर हामीले पटक-पटक माथि जानकारी गरायौं । तर, माथिबाटै जे भयो भयो, पठाएको पैसा बाँड्नुस् भनेपछि हामीले पनि बाँड्यौं ।"

सरकारी संयन्त्र नै बाङ्गो बाटो हिंड्न प्रतिबद्ध भएपछि लक्ष्यमा पुग्ने कुरै भएन । यसकै स्वाभाविक परिणति हो— सुदूरपश्चिमका पहाडहरूमा ज्ञाना नेपाली जस्ता हजारौं हलिया परिवारहरू आज पनि बलियाको थिचोमिचोमा परेका छन् र पितापुर्खाले लिएको ऋण तिर्न आफ्ना नाबालक सन्तान साहूको घरमा हलिया पठाउन विवश छन् । त्यो ऋण, जुन जति पुस्ता हलिया बसे पनि तिरिनेवाला छैन ।



घरधनी सांसदलाई घरभाडा

राजधानीमा महल हुने सांसदहरूले पनि 'घर छैन' भनेर संसद सचिवालयबाट महीनैपिच्छे घरभाडा लिइरहेका छन् ।

मकर श्रेष्ठ

सांसद भएपछि भेटेसम्मको सुविधा उपभोग गर्ने हिजोको प्रवृत्तिमा कुनै परिवर्तन आयो/आएन भनेर थाहा पाउन हामीले संसद सचिवालयमा संघीय संसदका सांसदहरूले पाउने सेवा-सुविधाको विवरण उपलब्ध गराइदिन अनुरोध गर्‍यौं । तर चार महीनासम्म पनि सचिवालयले यो विवरण दिएन । हामीले बाध्य भएर सूचनाको हक प्रयोग गर्‍यौं । २०७५ असार ६ गते पहिलो पल्ट निवेदन दर्ता गराएकोमा पटक-पटक पुनरावेदन गर्दै राष्ट्रिय सूचना आयोगको निर्देशन पछि बल्ल-बल्ल १३ कात्तिक २०७५ मा संघीय संसदका पदाधिकारी तथा सदस्यहरूले असोज महीनामा पाएको पारिश्रमिक तथा भत्ता बुझ्नेको भर्पाई विवरण प्राप्त गर्‍यौं ।

प्राप्त विवरणबाट के तथ्य खुलासा भएको छ भने राजधानीमा घर भएका ३० जना सांसदहरू घर छैन भनेर संसद सचिवालयबाट घर नभएको सांसदले मात्रै पाउने घरभाडाको सुविधा महीनैपिच्छे लिन्छन् । यस्ता सांसदहरूमा समाजमा धनाढ्य भनेर चिनिएकादेखि उद्योगी, व्यापारी र दलका चर्चित नेतासम्म छन् ।

संसद सचिवालयको प्रक्रिया अनुसार कुनै पनि सांसदले राजधानीमा घर भए/नभएको उल्लेख गरेपछि आवास सुविधा उपलब्ध गराउने/नगराउने निर्णय हुन्छ । यसका लागि सचिवालयले उपलब्ध गराएको फारममा घर भए/नभएको खुलाउनुपर्ने हुन्छ । सम्बन्धित ऐन अनुसार काठमाडौं उपत्यकामा घर नहुने सांसदले घरभाडा बापत मासिक १८ हजार रुपैयाँ र घर हुने सांसदले घर मर्मत खर्च बापत मासिक ९ हजार रुपैयाँ आवास सुविधा पाउँछन् । संसद सचिवालयका एक जना कर्मचारीले भने, "घरभाडा लिने कतिपय सांसदको घरमै म पुगेको छु । तर, उहाँहरू सुविधा लिन ढाँटिरहनुभएको छ । हामीले केही भन्न मिल्दैन ।"

हालसम्म प्राप्त विवरण अनुसार, घर भएर पनि घरभाडा लिनेमा नेकपाका १३, कांग्रेसका १२, राजपाका ३, फोरमका १ र स्वतन्त्र सांसद १ जना छन् । घर भए पनि नभएको भन्दै भाडा लिनेमा राष्ट्रिय सभामा दुई जना सांसद पनि छन् । संसद सचिवालयका प्रवक्ता रोजनाथ पाण्डेले नलकपकाई भने, "काठमाडौंमा घर भएका सांसदले शायद सुविधा लिनुभएको छैन होला । कसैले लिएको रहेछ भने हामी विश्लेषण गर्छौं ।"

रैथानेदेखि धनाढ्यसम्म

भीमसेनदास प्रधान काठमाडौं क्षेत्र नम्बर ६ बाट निर्वाचित सांसद हुन्। रक्षा मन्त्री समेत भइसकेका प्रधान काठमाडौं महानगरपालिका २७ का स्थायी बासिन्दा हुन्। १९ भदौ २०७४ मा रक्षा मन्त्रीको हैसियतमा उनले सार्वजनिक गरेको सम्पत्ति विवरण अनुसार उनको काठमाडौंमा सगोलमा घर छ।

तर, २०७४ फागुनयता उनले नियमित रूपमा घरभाडा लिइरहेका छन्। संसद सचिवालयले प्रधानलाई मासिक घरभाडा उनकै बैंक खातामा पठाइदिने गरेको छ। "ज्याठामा मेरो सगोलमा घर छ। रक्षा मन्त्री हुँदा सुरक्षाकर्मी राख्ने ठाउँ नभएपछि क्षेत्रपाटीस्थित सासूको घरमा बसें। सासूलाई अन्यत्र सार्नुपर्ने भएकाले मन्त्री हुँदादेखि भाडा लिइरहेको छु" २० मंसिरमा उनले भने, "मैले सरकारबाट लिएको भाडा सासूलाई तिर्ने गरेको छु।"

घरभाडा लिने सांसदको सूचीमा नेकपा संसदीय दलका उपनेता सुवासचन्द्र नेम्वाङको पनि नाम छ। संविधानसभाको अध्यक्ष र रूपान्तरित संसदको सभामुख हुँदा नेम्वाङ बालुवाटारस्थित सरकारी निवासमा बसेका थिए। त्यसपछि बालुवाटारमै रसियन दूतावास पछाडि घरभाडामा लिएर बसेका नेम्वाङले केही समयपछि त्यो घर खरीद गरे। अहिले उनी त्यही घरमा बस्छन्। इलाम-२ बाट निर्वाचित नेम्वाङले १५ मंसिरमा भने, "सचिवालयले काठमाडौंमा घर छ कि छैन भन्ने फारम भराएको थियो। बैंकबाट ऋण लिएर किनेको भनेर लेखेको छु। सचिवालयले के गन्यो, मलाई थाहा छैन। के भएको रहेछ, म बुझ्छु।"

राजपा संयोजक राजेन्द्र महतो पनि घरभाडा लिने सभासदमा पर्छन्। स्वास्थ्य मन्त्री हुँदा २०६८ कात्तिक २८ मा सार्वजनिक गरेको आफ्नो सम्पत्ति विवरणमा महतोलै काठमाडौंमा घर भएको उल्लेख गरेका थिए। धनुषा-३ बाट निर्वाचित महतोलै २५ कात्तिकमा यो संवाददातालाई भने, "काठमाडौंमा मेरो घर छ, तर पार्किङको समस्या छ।" तैपनि घर नभएको सांसदले मात्रै पाउने घरभाडा उनले लिइरहेका छन्। संसदमा प्रतिनिधित्व गर्ने अर्को ठूलो दल संघीय समाजवादी फोरमकी नेत्री सरिता गिरी पनि घरभाडा लिने सूचीमा सूचीकृत छिन्। यद्यपि उनको विशालनगरमा घर छ।

राष्ट्रिय जनता पार्टी (राजपा) नेता लक्ष्मणलाल कर्ण पनि घरभाडा लिनेमा पर्छन्। पर्सा क्षेत्र नम्बर ४ बाट निर्वाचित उनको काठमाडौं बाँसबारीमा

अपार्टमेन्ट छ । तपाईं काठमाडौंमा भाडामा कि आफ्नै घरमा बस्नुहुन्छ भन्ने जिज्ञासामा ३० कात्तिकमा उनले भने "बाँसबारीमा आफ्नै घर छ ।"

नेपाली कांग्रेसबाट समानुपातिक सांसद रहेका उमेश श्रेष्ठको नाम पनि भाडा लिनेको सूचीमा छ । उनी २०७० सालदेखि सांसद छन् । ललितपुरको हात्तीवनस्थित लिटिल एन्जेल्सका सञ्चालक श्रेष्ठको विद्यालय परिसर मात्रै करीब ३०० रोपनी क्षेत्रफलमा फैलिएको छ । विद्यालयलाई ट्रस्टमा लगेर सगरमाथा विश्वविद्यालय बनाउन लागिपरेका उनी झम्सीखेलस्थित आइडल मोडल विद्यालयसँगैको घरमा बस्छन् । तपाईंले पनि घरभाडा लिइरहनुभएको रहेछ नि भन्ने प्रश्न गर्दा २३ मंसीरमा श्रेष्ठले भने, "कसरी म भाडा लिन्छु, आफ्नो घरमा बस्ने मान्छे !" तर, संसद सचिवालयमा असोज महीनासम्मको पारिश्रमिक तथा तलब भत्ता बुझेको भर्पाई विवरण अनुसार श्रेष्ठ पनि डेरावाल सांसदमा पर्छन् ।

कांग्रेसकी समानुपातिक सांसद चित्रलेखा यादव पनि मासिक घरभाडा बुझ्नेमा पर्छिन् । पूर्व शिक्षामन्त्री यादव ललितपुरको भैसेपाटीमा बस्छिन् । उनले शिक्षामन्त्री हुँदा सार्वजनिक गरेको सम्पत्ति विवरणमा 'ललितपुरमा घर रहेको' उल्लेख गरेकी छन् । ३० कात्तिकमा उनले भनिन्, "मेरो आफ्नै भन्ने कि नभन्ने, छोरीलाई दिन बनाएको घर हो यो, म यही बस्छु ।"

नेकपाका युवा नेता सांसद योगेश भट्टराईको नाम पनि घरभाडा लिने सूचीमा छ । उनको अनामनगरमा घर छ । भट्टराईले आफूले सचिवालयबाट भाडा नलिएको दाबी गरे । "मेरो काठमाडौंमा घर छ । यही विवरण मैले संसद सचिवालयमा दिएको छु" २० मंसीरमा उनले भने, "मैले घरभाडा बापत पैसा लिएको छैन ।" तर, संसद सचिवालयको अभिलेखमा २०७५ असोज महीनासम्म घरभाडा लिने सांसदको सूचीमा भट्टराईको पनि नाम छ ।

कांग्रेसका समानुपातिक सांसद दिव्यमणि राजभण्डारीको काठमाडौंमा 'नेवा भिल्ला' छ । व्यापारीको रूपमा चिनिएका राजभण्डारीले तिहार अघि यही घरमा चियापान कार्यक्रम समेत आयोजना गरेका थिए । तर, उनको नाम पनि घरभाडा लिने सांसदको सूचीमा छ । राजभण्डारीले भने, "संसद सचिवालयले त्रुटि गऱ्यो होला, मैले बुझाएको विवरणमा काठमाडौंमा घर छ भनेको छु ।" तर, संसद सचिवालयको विवरण अनुसार, राजभण्डारीले २०७५ असोजसम्म नियमित रूपमा घरभाडा लिएको देखिन्छ । यस्त, भाडा लिने सूचीमा नेकपाकी सांसद पम्फा भुषालको नाम



पनि छ । ललितपुरको कुसुन्तीमा उनको घर छ । राजधानीमा तपाईंको घर छ कि छैन भनेर सोधिएकोमा २७ कात्तिकमा उनले भनिन्, “यसअघि सानेपामा बस्थेँ, अहिले कुसुन्तीमा आफ्नै घरमा बस्छु ।”

उदयपुर-१ बाट निर्वाचित कांग्रेस नेता नारायण खड्काले शहरी विकास मन्त्री हुँदा २०७१ पुस ५ मा सार्वजनिक गरेको सम्पत्ति विवरण अनुसार काठमाडौं भद्रकालीमा उनको घर छ । तर, संसद सचिवालयको अभिलेख अनुसार २०७५ असोजसम्म उनले पनि घर नभएको भनेर मासिक घरभाडा लिएका छन् ।

संसद सचिवालयका अनुसार, नेकपाकी सांसद गोमा देवकोटा, नविना लामा, यज्ञराज सुनुवार, रामकुमारी झाँक्री र रामेश्वर राय यादव पनि घरभाडा लिने सभासदको सूचीमा पर्छन् । उनीहरूमध्ये देवकोटा र लामाको पेप्सीकोलामा घर छ । सुनुवार र यादवको इमाडोलमा र झाँक्रीको शंखमूलमा घर छ । यसैगरी कांग्रेसका कर्मा धले, रामबहादुर बिष्ट र बहादुरसिंह लामा काठमाडौंमा घर भए पनि नियमित रूपमा घरभाडा लिने सभासदमा पर्छन् । देवकोटा, नविना लामा र झाँक्री नेकपाका, धले, बिष्ट र बहादुरसिंह लामा कांग्रेसका समानुपातिक सांसद हुन् । सुनुवार ओखलढुंगाबाट र यादव सर्लाहीबाट निर्वाचित सांसद हुन् ।

घरभाडा लिएको सम्बन्धमा झाँक्रीले भनिन्, “श्रीमान र मेरा नाममा काठमाडौंमा घर छैन । हामी सगोलमा बस्छौं । यो पनि कानून विपरीत हो भने म पैसा फिर्ता गर्न तयार छु ।” सांसद यज्ञराज सुनुवारले आफ्नो बचाउ गर्दै “संसद शुरू हुँदा कीर्तिपुरमा भाडाको घरमा बसेको” बताए ।



काठमाडौं उपत्यकामा घर हुँदाहुँदै कसैले मेरो घर छैन भनेर घरभाडा लिन्छ भने स्वतः भ्रष्टाचार हो। कर्मचारीलाई जुन कानून अनुसार कारबाही हुन्छ, नेताहरू त भन् माथिल्लो तहमा भएकाले त्यही कानूनले कारबाही हुन्छ।

शेरबहादुर ढुंगाना

सतर्कता केन्द्रका पूर्व सहसचिव
एवं अधिवक्ता

२० मंसीरमा टेलिफोनमा कुरा गर्दै उनले भने, “दुई महीनादेखि आफ्नै घरमा सरेको छु। संसद अधिवेशन अन्त्य भएपछि निर्वाचन क्षेत्रमा व्यस्त भएकोले घरमा सरेको जानकारी गराउन पाएको छैन। गाउँबाट फर्केलगत्तै सचिवालयमा जानकारी गराउँछु।”

हुम्ला क्षेत्र नम्बर १ बाट निर्वाचित स्वतन्त्र सांसद छक्कबहादुर लामाको काठमाडौंमा घर छ। उनले पनि २०७५ असोजसम्म संसद सचिवालयबाट घरभाडा लिइरहेको देखिन्छ। काठमाडौं, सुकेधारामा घर भएका नेकपाका दलबहादुर रानाले पनि घरभाडा लिंदै आएको देखिन्छ। उनी पाल्पा क्षेत्र नम्बर १ बाट निर्वाचित सांसद हुन्। दोलखाबाट निर्वाचित नेकपाका सांसद पार्वत गुरुङको बसुन्धरामा घर छ। उनको नाम पनि मासिक घरभाडा लिने सांसदको सूचीमा छ।

अर्को उदाहरण छ, नेकपाका समानुपातिक सांसद मोतीलाल दुगडको। भाडामा बस्ने सांसदहरूलाई आवासको आवश्यकता किन छ भन्ने बारेमा १५ कात्तिकमा संसदमा उनले भनेका थिए, “मेरो त नक्सालमा घर छ। जो माननीयहरू भाडामा बस्नुहुन्छ, उहाँहरूका धेरै पीडा छन्। त्यसैले सांसद आवास जरूरी देख्छु म।” तर, उद्योगपतिका रूपमा चिनिएका उनै दुगडले मासिक घरभाडा लिइरहेको सचिवालयको विवरणबाट देखिन्छ। २३ मंसीरमा जब उनलाई घरभाडा बारे सोधियो, उनले भने, “म त विराटनगरको मान्छे हुँ, भाडामा बस्छु, सबलाई थाहा छ। नक्सालमा त कार्यालय मात्रै हो।”

मासिक घरभाडा लिनेको सूचीमा कांग्रेस सांसद अमरेशकुमार सिंहको नाम पनि छ । उनको भैसेपाटीमा घर छ । ३० कात्तिकमा उनले भने, "सगोलको घर छ । यही बस्छु ।" कांग्रेस सांसद किशोरसिंह राठोरको पनि बालुवाटारमा घर छ । तर, राठोरले पनि मासिक घरभाडा लिइरहेको सचिवालयको विवरणबाट देखिन्छ । संसदमा सरकारको समेत चर्को विरोध गर्ने, मकवानपुर-२ बाट निर्वाचित नेकपाका सांसद विरोध खतिवडाले ३० कात्तिकमा आफ्नो घर ललितपुरमा रहेको बताएका थिए । तर, सचिवालयको सूची अनुसार, उनी पनि मासिक घरभाडा बुझ्ने सभासदमा पर्छन् ।

हामीले संसद सचिवालयबाट मासिक घरभाडा र घर मर्मत खर्च लिने सांसदको विवरण प्राप्त गरेको दुई सातापछि ३० कात्तिकमा संसद सचिवालयका सूचना अधिकारी केशव अर्यालले 'सूचनाको हक अनुसार उपलब्ध गराएको विवरणमा केही हेरफेर गर्नुपर्ने देखिएको' बताए । उनको भनाइमा "कांग्रेसका कर्मा घले, नारायण खड्का, दिव्यमणि राजभण्डारी र बहादुरसिंह लामाको राजधानीमा घर भएकाले पैसा फिर्ता गर्ने प्रक्रिया अघि बढेको छ ।"

अर्यालका अनुसार, "नेकपाका सुवासचन्द्र नेम्वाङ, पार्वत गुरुङ, गोमा देवकोटा, फोरमकी सरिता गिरी र स्वतन्त्र सांसद छक्कबहादुर लामाले पनि यसअघि लिएको घरभाडा फिर्ता गर्ने प्रक्रिया शुरू गरेका छन् ।" तर, संसद सचिवालयको अर्को एक सूत्रका भनाइमा, "सूचनाको हक प्रयोग गरेर पत्रकारले २०७५ असोजसम्मको विवरण लिएको थाहा पाएपछि बदनाम हुने ठानेर सांसदहरूले विवरण सच्याउन निवेदन दिन थालेका हुन् ।" राष्ट्रिय सूचना आयोगका प्रमुख आयुक्त कृष्णहरि बास्कोटा भन्छन्, "यो सूचनाको हकको तागत हो । यसले मुलुकलाई विधिको शासनको बाटोमा हिंडाउन मद्दत गरेको छ ।"

घरभाडा लिने सभापतिहरू

लेखा समितिका सभापति भरत शाहले २० भदौको बैठकमै "मेरो घर गुट्टेश्वरीमा पर्छ । एअरपोर्टबाट घरसम्मको दूरी ३ किलोमिटर छ । ट्याक्सीले ७०० रुपैयाँ भाडा लिन्छ" भन्ने मन्तव्य राखेका थिए । विशेष समयमा उनले दिएको मन्तव्य अहिले पनि संसदको रेकर्डमा छ । तर, संसद सचिवालयको विवरणले चाहिँ शाहले घरभाडा लिइरहेको देखाउँछ । २० मंसिरमा उनले भने, "पुरानो घर बेचें । नयाँ घर बन्दैछ । अहिले भाडामा छु ।"



भूटो विवरण पेश गरेर सरकारी सुविधा लिनु आफैले बनाएको कानूनको उल्लंघन गर्नु हो। नक्कली प्रमाणपत्र पेश गर्नु र भूटो विवरण पेश गरेर सरकारी सुविधा लिनु एउटै हो। घर हुँदाहुँदै मेरो घर छैन भनेर सांसदले नै सरकारलाई ढाँटन नैतिक चरित्रले पनि दिंदैन। यो ओहोदामा पुगेको व्यक्ति त स्वच्छ छविको हुनैपर्छ।

गौरीबहादुर कार्की
विशेष अदालतका पूर्व अध्यक्ष

राष्ट्रिय सभा विधायन समितिका सभापति परशुराम मेघी गुरुङको घर भक्तपुर चुनदेवीमा छ। तर, घरभाडा लिने सभासदको सूचीमा उनको पनि नाम छ। २३ मंसिरमा गुरुङले भने, “यो बारेमा मलाई केही थाहा छैन, के भएको रहेछ म बुझ्छु।” राष्ट्रिय सभाको दिगो विकास तथा सुशासन समितिका सभापति तारादेवी भट्ट भैसेपाटीस्थित छोराको घरमा बस्छन्। २९ कात्तिकमा उनले भनिन्, “कान्छो छोराले बनाएको घरमा बस्ने गरेकी छु।” तर, सचिवालयको सूचीले उनले पनि मासिक रूपमा घरभाडा लिएको देखाउँछ। समितिका सभापतिले घरभाडा बापत मासिक २५ हजार ६०८ रुपैयाँ पाउँछन्।

मन्त्री क्वाटरमा बसेर घरभाडा

सरकारी निवास मन्त्री क्वाटरमा बस्ने मन्त्रीका श्रीमती, जो सभासद पनि छन्, उनीहरूको नाम पनि घरभाडा लिने सूचीमा छ। वर्षमान पुनः जलस्रोत मन्त्री हुन्। उनकी श्रीमती ओनसरी घर्ती (पूर्व सभामुख) नेकपाकी सांसद हुन्। श्रीमानसँगै सरकारी निवासमा बसे पनि उनले संसद सचिवालयबाट घरभाडा लिइरहेको अभिलेखबाट देखिन्छ।

वन तथा वातावरण मन्त्री शक्ति बस्नेत पनि मन्त्री क्वाटर पुलचोकमा बस्छन्। उनकी श्रीमती सत्या पहाडीले पनि मासिक रूपमा घरभाडा लिने गरेको विवरणबाट देखिन्छ। ओनसरी र पहाडी दुवै प्रतिनिधिसभाका सांसद हुन्।

नेकपाका प्रमुख सचेतक देव गुरुङ र उनकी श्रीमती यशोदा गुरुङ सुवेदी प्रतिनिधिसभाका सांसद हुन् । देव गुरुङ लमजुङबाट प्रत्यक्ष निर्वाचित सांसद हुन् भने सुवेदी समानुपातिकबाट सांसद भएकी हुन् । उनीहरू दुवैले संसदबाट मासिक घरभाडा लिइरहेका छन् । देव गुरुङले सत्ता पक्षको प्रमुख सचेतक भएकाले मासिक २५ हजार ६०८ र सुवेदीले सांसद भएकाले मासिक १८ हजार रूपैयाँ घरभाडा बुझ्ने गरेका छन् ।

संसद सचिवालयको अभिलेख अनुसार नेपालका धेरै नेताहरू भाडाको घरमा बस्छन् । यस्ता नेतामा नेकपाका अध्यक्ष पुष्पकमल दाहाल, कांग्रेसका विजयकुमार गच्छदार, प्रदिप गिरी, राजपाका महन्त ठाकुर, महेन्द्रराय यादव पर्छन् । त्यस्तै नेकपाका प्रमुख सचेतक देव गुरुङ, अग्नि सापकोटा, खगराज अधिकारी, जनार्दन शर्मा, टोपबहादुर रायमाझी, देवेन्द्र पौडेल घर नहुने सूचीमा पर्छन् । कांग्रेसकी सचेतक पुष्पा भुषाल, उमाकान्त चौधरी, पूर्व प्रधानमन्त्री बाबुराम भट्टराई, उद्योग तथा वाणिज्य र उपभोक्ता हित समितिका सभापति विमलप्रसाद श्रीवास्तव पनि भाडाको घरमा बस्ने सभासदमा पर्छन् ।

आवासमा मासिक ५० लाख

संसद सचिवालयका अनुसार संघीय संसद (प्रतिनिधिसभा र राष्ट्रिय सभा) का ३०८ जनाले आवास सुविधा लिने गरेका छन् । यीमध्ये ७९ जनाले 'घर भएको' उल्लेख गरेर घर मर्मत खर्च बापत मासिक ९ हजार रूपैयाँ लिने गरेका छन् । २२९ जनाले घरभाडा बापत मासिक १८ हजार रूपैयाँ लिने गरेका छन् । सांसदहरूको ठूलो संख्या राजधानीमा डेरामा बस्ने गरेको देखिन्छ । सचिवालयका अनुसार, आवास सुविधा बापत मात्रै मासिक ४९ लाख २६ हजार ५९३ रूपैयाँ खर्च हुन्छ ।

संसदका पदाधिकारी र सदस्यलाई आवासको निमित्त नेपाल सरकारका तर्फबाट सरकारी घरको बन्दोबस्त गरिने र घरको बन्दोबस्त नभएसम्म काठमाडौं उपत्यकामा घर नभएका प्रत्येक सदस्यलाई मासिक रूपमा आवास सुविधा दिइने संघीय संसदका पदाधिकारी तथा सदस्यको सुविधा सम्बन्धी ऐनमा उल्लेख छ । ऐनको दफा ६ को उपदफा २ मा काठमाडौं उपत्यकामा घर हुने पदाधिकारी वा सदस्यलाई भने आवास मर्मत र सम्भार बापत आधा रकम दिइने उल्लेख छ ।

प्रतिनिधिसभामा विपक्षी दलका नेता, सत्ता पक्षका नेता र प्रमुख सचेतकलाई घरभाडा बापत २५ हजार ६०८ रूपैयाँ दिने व्यवस्था छ । विपक्षी दलको प्रमुख सचेतक, सत्ता पक्षका सचेतकलाई भने मासिक २४ हजार २६८ रूपैयाँ घरभाडा उपलब्ध गराइन्छ । सांसदहरूले चाहिँ घरभाडा बापत मासिक १८ हजार रूपैयाँ पाउने कानूनी व्यवस्था छ ।

‘झूटो विवरण पेश गरेर सुविधा लिनु भ्रष्टाचार हो’

- झूटो विवरण बुझाएर सरकारी सम्पतिको दुरुपयोग गरे भ्रष्टाचार गरेको ठहरिने विज्ञहरू बताउँछन् । “काठमाडौँ उपत्यकामा घर हुँदाहुँदै कसैले मेरो घर छैन भनेर घरभाडा लिन्छ भने स्वतः भ्रष्टाचार हो” सतर्कता केन्द्रमा लामो समय काम गरेका पूर्व सहसचिव एवं अधिवक्ता शेरबहादुर ढुंगानाले भने, “कर्मचारीलाई जुन कानून अनुसार कारबाही हुन्छ, नेताहरू त झन् माथिल्लो तहका भएकाले त्यही कानूनले कारबाही हुन्छ ।”
- विशेष अदालतका पूर्व अध्यक्ष गौरीबहादुर कार्कीका अनुसार, झूटो विवरण पेश गरेर सरकारी सुविधा लिनु आफैँले बनाएको कानूनको उल्लंघन गर्नु हो । “नक्कली प्रमाणपत्र पेश गर्नु र झूटो विवरण पेश गरेर सरकारी सुविधा लिनु एउटै हो” उनले भने, “घर हुँदाहुँदै छैन भनेर सांसदले नै सरकारलाई ढाँट्न नैतिक चरित्रले पनि दिदैन । यो ओहोदामा पुगेको व्यक्ति त स्वच्छ छविको हुनैपर्छ ।”

कानूनले के भन्छ ?

- भ्रष्टाचार निवारण ऐन २०५९ ले, झूटा विवरण दिएर राज्यको सम्पत्ति दुरुपयोग गर्ने कामलाई समेत भ्रष्टाचार गरेको मानिने भनेको छ । ऐनको दफा १६ को उपदफा १ मा भनिएको छ, “लाभ वा सुविधा पाउने उद्देश्यले शैक्षिक योग्यता, नाम, तीनपुस्ते, उमेर, जात, थर, ठेगाना, नागरिकता वा योग्यता वा अन्य कुनै कुराको झूटा विवरण दिएमा वा सो सम्बन्धी झूटा प्रमाणपत्र पेश गरेमा निजलाई कसूरको मात्रा अनुसार ६ महीनादेखि एक वर्षसम्म कैद र दश हजारदेखि बीस हजार रूपैयाँसम्म जरिवाना हुनेछ ।”

प्रकाशित मिति: २९ मंसिर २०७५



कलंकी-नागढुंगा
सडक खण्ड
तस्वीर: विजय राई

एउटा अदालती आदेशले ल्याएको हलचल

व्यक्तिको सम्पत्ति कानून बमोजिम क्षतिपूर्ति वा मुआब्जा दिएर मात्रै अधिग्रहण गर्नु भन्ने सर्वोच्च अदालतको एउटा फैसलाले सिंहदरबारमा राम्रै हलचल ल्याएको छ।

रुद्र पंगेनी/अञ्जली सुवेदी

एक वर्ष अघि सर्वोच्च अदालतको पूर्ण इजलासले गरेको एउटा आदेश अहिले उच्चपदस्थ सरकारी अधिकारीहरूका लागि टाउकोदुखाइ भएको छ । 'नागरिकको निजी सम्पत्ति निजको स्वेच्छाले बाहेक सरकारले प्राप्त गर्दा जग्गा प्राप्ति ऐनले तोकेको प्रक्रिया पूरा गरी मुआब्जा वा क्षतिपूर्ति प्रदान गर्नु' : आदेश यति हो । सर्वोच्च अदालतका तीन न्यायाधीशहरू केदारप्रसाद चालिसे, हरिकृष्ण कार्की र पुरुषोत्तम भण्डारीको पूर्ण इजलासले २ असोज २०७४ मा गरेको सो आदेशको २०७५ भदौमा तयार भएको पूर्ण पाठले केन्द्रीय सचिवालय सिंहदरबारमा हलचल ल्याएको हो ।

सरकारी अधिकारीहरूका अनुसार, आदेशले आठ वर्षदेखि चलिरहेको सडक विस्तार अभियानमा 'ब्रेक' लागेको छ । सरकारले नै कुनै बेला मुआब्जा दिएर अधिग्रहण गरेको जग्गा समेत उसले फेरि किन्नुपर्ने भएको छ । त्यति मात्रै होइन सो फैसलाका कारण अब देशभरिका थुप्रै मूल सडक समेत वर्षौंसम्म साँघुरै रहने पक्का भएको छ ।

हुन पनि मुलुकको जेठो राजमार्ग त्रिभुवन राजपथ अन्तर्गत कालीमाटी-नागढुंगा सडक खण्डमा बाटो विस्तार गर्ने क्रममा आसपासका बासिन्दाले हालेको मुद्दामा अदालतले गरेको यो आदेशको दीर्घकालीन प्रभाव पर्ने देखिन्छ । सरकारी अधिकारीहरू पनि यो आदेशले पूर्वाधार विकासमा ठूलो असर पर्ने दाबी गर्छन् । उनीहरूका भनाइमा आदेशको असर तत्काल निर्माणाधीन अवस्थाका अरू सडक आयोजनामा पनि पर्नेछ ।

आवास तथा भौतिक योजना मन्त्रालयका अधिकारीहरूका भनाइमा हाल देशका प्रमुख १० आयोजनाका लागि मात्रै पनि यस आदेश बमोजिम क्षतिपूर्ति दिने हो भने रकमको अंक खर्बौंमा पुग्छ । उनीहरू भन्छन्— यो आदेश पुनरावलोकन नहुने हो भने अब नयाँ सडक आयोजनाको काम अघि बढ्दैन ।

यति गम्भीर प्रतिक्रिया सुनेपछि हामीले सर्वोच्च अदालतको पूर्ण इजलासको त्यो आदेश अध्ययन गर्‍यौं । आदेशका मुख्य अंशहरू यस्ता छन्—

१ नागरिकको निजी सम्पत्ति निजको स्वेच्छाले बाहेक सरकारले प्राप्त गर्दा जग्गा प्राप्ति ऐनले तोकेको प्रक्रिया पूरा गरी मुआब्जा वा

क्षतिपूर्ति प्रदान गर्नुपर्ने देखिन्छ भन्ने कानूनको अनिवार्य शर्त हो भन्ने सर्वोच्च अदालतका यसअधिका फैसलाहरूको मर्म रहेको पाइन्छ । त्यसको अनिवार्य पालना हुनु जरूरी छ ।

- २ कानून बमोजिम आर्जित र सञ्चित सम्पतिको सुरक्षाका लागि क्षतिपूर्ति प्रदान गरी नागरिकको सम्पतिको हकको सुनिश्चितता प्रदान गर्न मौलिक हकको प्रावधान संविधानमा राखिएको हो ।
- ३ सार्वजनिक सडक ऐनले सडक सीमाका निम्ति जग्गा प्राप्त गर्नुपर्ने व्यवस्था गरेको हुँदा जग्गा प्राप्त गरेर मात्रै सडक सीमा तोक्ने काम गर्नु ।
- ४ आवासको हकबाट वञ्चित गर्ने कार्यलाई अत्यन्तै संवेदनशील रूपमा ग्रहण गर्नु । विकल्पहीन अवस्थामा बाहेक आवासको सुरक्षालाई प्रतिकूल असर पर्ने कार्य नगर्नु र नगराउनु ।
- ५ सहज, सरल, प्रभावकारी र निर्विवाद रूपमा जग्गा प्राप्त गर्ने माध्यम वार्ता भएको हुँदा विज्ञ समूहबाट सरोकारवालासँग वार्ता गरी जग्गा प्राप्त गर्ने कार्यलाई उच्च प्राथमिकतामा राख्नु ।

सारमा अदालती आदेशले नागरिकको सम्पत्ति राज्यले सार्वजनिक हितमा लगाउने हो भने उसलाई चित्त बुझाएर त्यसको मुआब्जा वा



क्षतिपूर्ति दिनुपर्छ भनेको हो । तर, भौतिक पूर्वाधार तथा यातायात मन्त्रालयका अधिकारीहरूका भनाइमा अदालती आदेश बमोजिमको प्रक्रियाबाट क्षतिपूर्ति निर्धारण गर्न नसकिने मात्र होइन अब सार्वजनिक पूर्वाधार विकास करीब करीब असम्भव बनेको छ ।

“यसरी मुआब्जा दिन त सरकारले अथाह सम्पत्ति खर्च गर्नुपर्छ र अब कहीं पनि बाटोको लागि जग्गा अधिग्रहण गर्न सकिंदैन”, उपत्यका सडक प्राधिकरणका प्रमुख भाइकाजी तिवारीले भने, “यो नजीर अनुसार उपत्यकामा यसअघि विस्तार भएको सडकको पनि मुआब्जा दिनुपर्छ । यस्तो मुआब्जा वितरण गर्न मात्रै एक खर्ब रूपैयाँ लाग्न सक्छ ।”

सडक विस्तार गर्दा क्षतिपूर्ति नदिएका थुप्रै मुद्दा अदालतमा विचाराधीन छन् । सातदोबाटो-गोदावरी सडक खण्डमा रामकृष्ण महर्जन सहित २७ जनाले मुद्दा हालेका छन् । हेटौंडा-पथलैया सडक खण्डमा भीमकुमारी वर्तौला समेत दुई जना र हरिश्चन्द्र श्रेष्ठ तथा माधवप्रसाद न्यौपाने सहित २८ जनाले मुआब्जा र क्षतिपूर्तिको माग राख्दै मुद्दा हालेका छन् । यो आदेश अनुसार अब उनीहरूलाई पनि क्षतिपूर्ति दिनुपर्नेछ ।

त्यस्तै धनगढी-डडेलधुरा राजमार्गमा धना जोशी सहित १३ जनाको मुद्दा छ । धरान-चतरा-बेल्टार-गाईघाटमा शम्भु चौधरी सहित ६७ जनाको मुद्दा छ । हिले-लेगुवाघाट-भोजपुर खण्डमा पूर्णमाया तामाडले मुद्दा हालेकी छन् । बारा-जितपुर ६ लेन सडकमा कपिलदेव यादव सहित ६९ जनाको मुद्दा छ । जोरपाटी-साँखु सडकमा सानुबाबु विशंखे सहित ३३१ जनाको मुद्दा छ । त्यसैगरी वीरगञ्ज-पथलैया सडकमा १० जनाको मुद्दा छ भने सातदोबाटो-चापागाउँ सडक खण्डको विस्तार विरुद्ध पनि अदालतमा मुद्दा विचाराधीन छ ।

सर्वोच्च अदालतमा मात्रै सडक विस्तार विरुद्ध परेका मुद्दाहरू १७० वटा छन् । यस्ता मुद्दा उच्च तथा जिल्ला अदालतमा असंख्य छन् । सरकारी इन्जिनियर र सरकारी वकिलहरूका भनाइमा, “यी सबै मुद्दामा अदालतको सो आदेश आकर्षित हुन्छ ।”

फैसलाका आलोचक एक जना सरकारी वकिल भन्छन्, “यो आदेशका कारण आगामी दिनमा सडक विस्तार तथा नयाँ सडक बनाउने योजना नराम्ररी प्रभावित हुनेछ । विगतमा मुआब्जा नपाएकाहरूले पनि मुआब्जा पाउन सक्ने बाटो यो आदेशले खोलिएको छ ।”

सडक मुआब्जाको कथा

राजमार्ग ऐन २०२१ बमोजिम त्रिभुवन राजपथ अन्तर्गत कालीमाटी-कलंकी-नागढुंगा सडकमा सरकारले २०२१ सालमै सडकको केन्द्रबाट दायाँ-बायाँ २५ गज (७५ फिट वा २२ मिटर) सडक मापदण्ड कायम गरेको थियो । दश वर्षपछि सार्वजनिक सडक ऐन २०३१ ले तोकिएको मापदण्डलाई २५ मिटर अर्थात् २५ गज भन्दा साढे ७ फिट बढाएर मापदण्ड तय गऱ्यो । सोबमोजिम सडक क्षेत्र खाली गराउने क्रममा सरकारले थप साढे सात फिट क्षेत्रभित्रको जग्गा तथा भौतिक संरचना भएका घरधनीलाई क्षतिपूर्ति पनि वितरण गरेको थियो । सरकारले बाटोको लगत कट्टा गरी समयमै बाटोको सिमाना नतोक्दा सडक सीमाभित्रै घर बने र त्यहाँ वर्षौंसम्म व्यवसाय पनि चल्यो ।

सरकारी अधिकारीका भनाइमा, अहिले तिनै जग्गाधनी र घरधनीले सरकारले त्यही सीमाभित्र बाटो विस्तार गर्दा अवरोध गरेका हुन् । चल्तीको मूल्यको क्षतिपूर्ति मागेका हुन् । तर तिनै निवेदकको माग बमोजिम आएको फैसलाले पहिले नै सरकारको स्वामित्वमा रहेको जग्गाको समेत मुआब्जा दिनैपर्ने अवस्था सिर्जना गरेको छ । यो नजीरले तत्काल धेरै ठाउँमा बाटो विस्तार गर्ने सरकारी योजना प्रभावित हुनेछ ।

नाम उल्लेख गर्न नचाहने एक उच्च सरकारी वकिलका भनाइमा, विगतमा कानून र विकासबीच द्वन्द्व हुँदा अदालत विकासका पक्षमा उभिएका दृष्टान्तहरू थिए । २०६७ साल भदौमा काठमाडौँ महानगरपालिकाका जग्गाधनी कृष्णकुमारी श्रेष्ठले नयाँ बजार जग्गा एकीकरण आयोजनाले आफूले प्रयोग गर्दै आएको ४ फिट बाटो बन्द गरिदिएको भनेर सर्वोच्च अदालतमा हालेको रिटमा अदालतले आयोजनालाई जिताइदिएको थियो । सर्वोच्चको उक्त आदेशमा भनिएको छ, "अदालत कानून र विकासबीच अन्तरद्वन्द्व उत्पन्न भए कानूनतः स्पष्टतः प्रतिकूल नै रहेकोमा बाहेक विकासका पक्षमा उभिनुपर्दछ ।"

अर्को उदाहरण पनि छ । भक्तपुर-चापागाउँ-थानकोट प्रसारण लाइन विस्तार हुन नदिन ललितपुर, हरिसिद्धिका बासिन्दाले हालेको मुद्दामा २०६७ सालमा सर्वोच्च अदालत सार्वजनिक हित व्यक्तिगत सम्पत्तिको हकभन्दा माथि हुने भनेर प्रसारण लाइन विस्तारका पक्षमा उभिएको थियो । त्यो आदेशमा पूर्वाधार निर्माण जस्तो सार्वजनिक हितका विरुद्ध



सडकको हकमा कुनै पनि व्यक्तिको
कुल जग्गाको ५० प्रतिशतसम्म
सडकमा परे पनि जग्गाधनीलाई
मुआब्जा नदिए फरक पर्दैन ।

तुलसीप्रसाद सिटौला
पूर्व सचिव
भौतिक पूर्वाधार मन्त्रालय

केहीले हालेको मुद्दामा उक्त आयोजनाबाट प्रभावित ठूलो संख्याका समुदाय मौन रही सरकारको निर्णयमा स्वीकृति जनाएकोले 'बृहत् सार्वजनिक हित विरुद्ध रिट जारी नहुने' भनिएको थियो ।

यस्तै, यसअघि अरनिको राजमार्ग (माइतीघर-तीनकुने) मा परेका दर्जनौं मुद्दा र पोखराको विजयपुर-पृथ्वीचोक सडक, हेटौंडा-चितवन सडक, कालीमाटी-बल्खु सडक, बीपी राजमार्ग आदिमा परेका यस्तै मुद्दामा मुआब्जा दिनु नपर्ने आदेश सर्वोच्च अदालतले गरेको थियो । एक जना सरकारी वकिलका भनाइमा, केही वर्ष पहिले माइतीघर-तीनकुने सडक विस्तारको क्रममा करीब एक दर्जन मुद्दा परेकोमा सर्वोच्च अदालतले सरकारले तोकेको सडक मापदण्डभित्रका जग्गाको मुआब्जा दिनु नपर्ने आदेश गरेको थियो ।

सोही आदेश अनुसार, पूर्व प्रधान न्यायाधीशहरू विश्वनाथ उपाध्याय र केदारनाथ उपाध्याय तथा पूर्व न्यायाधीश वैजनाथ उपाध्याय (तीन भाइ) को बानेश्वर एभरेष्ट होटलछेउको जग्गा समेत सरकारले विना पैसा अधिग्रहण गरेको थियो । ती सरकारी वकिलका भनाइमा, "तत्कालीन बहालवाला प्रधान न्यायाधीश तथा न्यायाधीशले समेत क्षतिपूर्ति विनै सडक मापदण्ड बमोजिम जग्गा छाडेको यो घटना सडक विस्तार कति महत्वपूर्ण छ भन्ने कुराको ज्वलन्त उदाहरण हो ।"

उपत्यकाभित्र मात्रै ६ वर्षमा एकदेखि तीन मिटरसम्म बाटो विस्तार भएको छ । औसत एकमिटर दायाँ-बायाँको जग्गा आनाको रु.२० लाखका दरले मात्र मुआब्जा दिने हो भने पनि करीब एक खर्ब रूपैयाँ बाटोको मुआब्जा वितरण गर्न लाग्ने सरकारी अधिकारीहरूको अनुमान छ । “६ वर्षमा उपत्यकामा मात्रै करीब ४०० किलोमिटर सडक विस्तार भएको छ र सबैको मुआब्जा दिने हो भने धेरै पैसा लाग्नेछ”, इन्जिनियर तिवारीले भने ।

यस फैसलापछि बाटो क्षेत्रमा रहेको औसत दायाँ-बायाँ ८/८ मिटरबाट ३/३ मिटर विस्तार गरेर ११/११ मिटर अर्थात् ३६/३६ फिट बनाउने कार्य असम्भव देखी सरकारले हाल कायम बाटोमा मात्रै कालोपत्रे गर्ने निर्णय गरेको छ । जग्गा अधिग्रहणमा विवाद लम्बिँदै गएपछि तथा बाटो समयमै निर्माण गर्न नसकेको भन्दै सरकारको चौतर्फी आलोचना हुँदै गएपछि साउन अन्तिम साता मन्त्रिपरिषद्ले ‘हाल उपलब्ध’ बाटोमा मात्रै कालोपत्रे गर्ने निर्णय गर्‍यो । सोही बमोजिम कालीमाटी-कलंकी-नागढुंगा तथा चाबहिल-साँखु खण्डमा कालोपत्रे गर्ने कार्य धमाधम भइरहेको छ ।

काठमाडौँ उपत्यका सडक विस्तार आयोजनाका प्रवक्ता तथा इन्जिनियर विश्वविजयलाल श्रेष्ठले भने, “सर्वोच्च अदालतले भने जस्तो उनीहरूसँग सहमति जुटाएर त्यो पनि विशेषज्ञ समिति राखेर काम गर्न असम्भव देखिएको र जग्गा प्राप्ति गर्न नसकिने निकर्वाल गरी जति क्षेत्रफल साविकमा छ त्यसैमा कालोपत्रे गर्ने काम अगाडि बढाइएको छ ।”

सरकारले निजी जग्गा सार्वजनिक हित, विकासको कामका लागि लिन सक्छ तर व्यक्ति धनी-गरीब जोसुकै होस् सबैलाई क्षतिपूर्ति दिनुपर्छ। अदालतले भनेको त्यही हो ।



शम्भु थापा
वरिष्ठ अधिवक्ता

सामाजिक अर्थ-राजनीति

यस अघि सडक विस्तारमा अवरोध गरेको भनेर संसदमा न्यायाधीशलाई घोचपेच पनि भएको थियो । तत्कालीन कामु प्रधान न्यायाधीश दीपकराज जोशीलाई संसदीय सुनुवाइमा एमाले सांसद तथा पूर्व अर्थमन्त्री सुरेन्द्र पाण्डेले सर्वोच्च अदालतको आदेशका कारण सडक विस्तार रोकिएको बारे व्यंग्य गर्दै 'प्रधान न्यायाधीश र न्यायाधीशलाई थानकोट (नागढुंगा) तिर घर बनाइदिनुपर्ने' भनेका थिए । "सडक लगायत विकास निर्माणका काममा स्टे अर्डर र आदेश धेरै भए" साउन १० गते संसदीय सुनुवाइ समितिमा पाण्डेले भनेका थिए, "कलंकी-थानकोट सडक खण्डमा सर्वोच्चका दर्जनौं स्टे अर्डरका कारण समयमै काम गर्न नसकिएको ठेकेदारहरूले गुनासो गर्ने गरेका छन् ।"

सर्वोच्चको यो आदेशप्रति पनि पाण्डे उत्तिकै आलोचक छन् । "आदेश विवादास्पद छ । राज्यको पूर्वाधार विकास गर्ने नीति विपरीत छ । जग्गाधनीलाई चित्त बुझाएर मुआब्जा देऊ भन्ने फैसलामा अदालतले सामान्य कमन सेन्स पनि राखेको छैन" उनले भने, "सरकारी दर तथा बजार भाउ भनेर तोक्न सक्नेमा जति मागे पनि राज्यले दिनुपर्छ भन्ने फैसलाको ब्यहोराले बाटो नबन्ने मात्र होइन, बाटो विस्तारको विवाद कहिल्यै नटुंगिने गरी बल्झाइदिएको छ ।"

पूर्वाधारविज्ञ सूर्यराज आचार्यको भनाइमा अन्य पूर्वाधार भन्दा सडक विस्तारले विकास र स्रोत-साधन परिचालनमा महत्वपूर्ण स्थान ओगटेको हुन्छ र यसलाई त्यसरी नै सोचिनुपर्दछ । "नागरिकको निजी सम्पत्ति रक्षा गर्ने दायित्व अदालतको हो तर सडक निर्माणजस्तो संवेदनशील विषयमा अदालतको फैसलाले पार्न सक्ने प्रभावको बारेमा पर्याप्त प्राविधिक लेखाजोखा गरी फैसला दिनुपर्छ" आचार्य भन्छन्, "यो फैसला त्यस्तो लेखाजोखा नगरिकनै आएको हो कि भन्ने देखिन्छ ।"

हुन पनि सरकारले पूर्वाधार निर्माणको काम थाल्यो कि मान्छे त्यही वरिपरि थुप्रिन्छन् । खाली जग्गा भए घर ठडिन्छ । एकतले घर भए तला थपिन्छ । सटर भाडामा लाग्छ । निजी आवास भनेर बनाएको घरमा व्यवसाय शुरू हुन्छ । जग्गा दलालले त्यहाँको जग्गाको मूल्य दिन दुगुना रात चौगुना बढाउँछन् ।

सडकसँग गाँसिएर आएका फाइदा र विकृति हुन् यी । एक जना पूर्वाधारविद् भन्छन्, “राजमार्ग छेउमा कुनै पनि देशमा घर बनाउँदैन । हाम्रोमा उल्टो छ । राजमार्गले छोएको जग्गाको भाउ आकाशिन्छ ।” उनका भनाइमा, “आवासीय तथा व्यापारिक केन्द्रहरू राजमार्गभन्दा पर बनाउनुपर्नेमा सडक छेउ खोजी-खोजी आवास बनाउने अनि व्यवसाय चलाउने छिमेकी भारतको चलन नेपालमा अहिले पनि जीवितै छ ।”

भू-उपयोगविज्ञ जगत देउजाका भनाइमा चाहिँ सडक छेउको जग्गाको महत्व नै यसको मूल्य हो । किनकि सडक वरपर मात्रै व्यापार व्यवसाय चल्न सक्छ । उनी भन्छन्, “त्यहाँका सटर तथा फ्ल्याटको भाडा बढी छ । सडक छेउमा सानो एक टुक्रा नै किन नहोस् त्यो जग्गाले राम्रो प्रतिफल दिन्छ ।” तर त्यो प्रतिफल वितरण असमान छ । सडकमै जग्गा पर्नेले थोरै जग्गा भएमा नपाउने मात्र होइन, गुमाउँछन् तर अन्यले भने मनग्रे फाइदा लिन्छन् । सार्वजनिक सडक ऐनमा सडक वरिपरि हुने विकासको प्रतिफलमा विकास कर लगाउने भनेर २०३१ सालमै व्यवस्था गरिए पनि हालसम्म सो कर कार्यान्वयनमा नआउनु मुख्य समस्या रहेको पूर्वाधारविज्ञ सूर्यराज आचार्यले बताए ।

सडक अर्थशास्त्रमा यदाकदा राजनीति मिसिन्छ । अनि सरकार आँटेको कामबाट पछि हट्छ । स्थानीय बासिन्दा बलिया हुन्छन् । प्रशासन कमजोर बन्छ । देउजाका भनाइमा, “सडक छेउका बासिन्दाले सडक मिचेर घर-टहरा बनाउँछन् किनकि सरकारले भनेकै समयमा ती सडक योजना अनुरूप बनाउँदैन । अनि सरकारले हटाइहाल्छ भन्ने डर पनि थोरैलाई मात्रै हुन्छ ।”

सरकारले तोकेंको सीमाभित्र कसैको जग्गामा बाटो निर्माण गर्दा अहिलेसम्म दुई दरको मुआब्जा दिइन्छ । सरकारको आफ्नै लगानीको आयोजना हो भने सकेसम्म मुआब्जा नै दिइँदैन, दिनै परेमा न्यूनतम दरमा दिइन्छ । एशियाली विकास बैंक, विश्व बैंक जस्ता संस्थाको लगानी छ भने मोटै रकम पनि बाँडिन्छ ।

सरकारले पनि पहुँच र शक्ति हेरेर व्यवहार गर्ने गरेको छ । स्थानीयहरू बलियो दबाब दिनसक्ने छन् भने सरकारले पनि मोटै रकम मुआब्जा वितरण गरेको पाइन्छ । रोपनीको ११ हजार पनि नपर्ने बज्ररे डाँडाको जग्गालाई सरकारले प्रति रोपनी ११ लाख रूपैयाँसम्ममा किनेको

थियो । “मेरै पालामा राजधानीको फोहोर व्यवस्थापनका लागि भनेर सिसडोल नजिकै बज्वरे डाँडाको लगभग ७०० रोपनी जग्गा अधिग्रहण गर्ने क्रममा ५५ करोड रूपैयाँ सरकारी ढुकुटीबाट बाँडिएको थियो”, पूर्व अर्थमन्त्री पाण्डेले भने ।

भौतिक पूर्वाधार मन्त्रालयका पूर्व सचिव तुलसीप्रसाद सिटौला भन्छन्, “सडक होस् या प्रसारण लाइन, जग्गा मुआब्जाको कारणले लट्किएका उदाहरणहरू कति छन् कति ।” सिटौलाले थपे, “देश पूरै घडेरीमय भएको छ । यो नै समस्याको जड हो ।”

२०३४ सालसम्म सरकारले सूचना निकालेर व्यक्तिको जग्गा मुआब्जा नदिई अधिग्रहण गर्न सक्थ्यो । त्यसपछि जग्गा अधिग्रहण गर्दा मुआब्जा दिनुपर्ने व्यवस्था जग्गा प्राप्ति ऐन २०३४ मा गरियो । व्यक्तिको जग्गाप्राप्ति गर्दा क्षतिपूर्ति दिनुपर्ने व्यवस्था २०४७ सालयताका संविधानमा नै उल्लेख गरियो ।

जग्गा प्राप्ति र सडक निर्माणलाई सडकले ल्याउने अवसरसँग जोडेर हेरिनुपर्ने सिटौलाको धारणा छ । सिटौला भन्छन्, “कुनै पनि व्यक्तिको कुल जग्गाको ५० प्रतिशतसम्म सडकमा परे पनि जग्गाधनीलाई मुआब्जा नदिए फरक पर्दैन । किनकि बाटोको पहुँच तथा त्यससँग जोडिएर आउने अवसरले बाँकी जग्गाको मूल्य दोब्बरभन्दा बढी हुन्छ ।”

तर, यसको अर्को पक्ष पनि छ । सडक किनाराका बासिन्दाको मुद्दा समेत हेरिरहेका वरिष्ठ अधिवक्ता शम्भु थापा भन्छन्, “सरकारले निजी जग्गा सार्वजनिक हित र विकासको कामका लागि लिन सक्ने भए पनि उसले क्षतिपूर्ति भने दिनेपर्छ ।” उनका अनुसार, “गरीबलाई मात्रै क्षतिपूर्ति दिनुपर्ने भन्ने हुँदै होइन । सरकारले निजी जग्गा अधिग्रहण गर्दा धनी-गरीब जोसुकै होस्, सबैलाई क्षतिपूर्ति दिनेपर्छ । अदालतले भनेको त्यही हो ।”

प्रकाशित मिति: १८ मंसिर २०७५



महाकाली अञ्चल अस्पतालमा
विशेषज्ञ चिकित्सक नभएपछि बिरामी
नपाएर सामान्य वार्ड पनि खाली छ।

डाक्टरले पनि हेप्छन् सुदूरपश्चिमलाई

सुदूरपश्चिम स्वास्थ्य सेवा दिने डाक्टरबाट पनि ठगिएको छ।
महाकाली अञ्चल अस्पतालको कथा।

प्रकाश सिंह/भागेश्वरी शाह

हाडजोर्नी विशेषज्ञ डा. नरेन्द्रविक्रम गुरुड ८ साउन २०६९ मा सरुवा भएर महाकाली अञ्चल अस्पताल आए । केवल दुई दिन ९ र १० साउनमा हाजिर गरेपछि काज सरुवा मिलाएर उनी पश्चिमाञ्चल क्षेत्रीय अस्पताल पोखरा पुगे । दरबन्दी महाकालीमै रहयो, तर डा. गुरुडले पोखरामा बसेर काम गरे । दुई वर्ष पुगेपछि उनको क्षेत्रीय अस्पताल पोखरामै सरुवा भयो ।

३ कात्तिक २०६९ मा सरुवा भएर महाकाली अञ्चल अस्पताल आएका शल्यचिकित्सक डा. सोजन सापकोटाको १० महीना नपुग्दै २०७० साउनमा सेती अञ्चल अस्पताल, धनगढी सरुवा भयो । त्यसैगरी, १४ कात्तिक २०६९ मा आएका फिजिसियन डा. शेरबहादुर कुँवर ६ महीना पुग्दा नपुग्दै १३ वैशाख २०७० मा सेती अञ्चल अस्पताल सरुवा गए । २१ मंसिर २०७१ मा सरुवा भएर आएका मेडिकल अधिकृत डा. हेमन्त ओझा दुई दिन हाजिर भएपछि काज सरुवाको चिठी बोकेर स्वास्थ्य सेवा विभाग फर्किए ।

सुदूरपश्चिमको पनि सीमान्त जिल्ला कञ्चनपुरमा रहेको यो अस्पतालमा २०७२ सालमा तीन जना विशेषज्ञ चिकित्सक सरुवा भएर आए । १३ फागुन २०७२ मा आएको स्त्रीरोग विशेषज्ञ डा. सलिना खड्काको २०७३ साउनमा प्रसूति गृह, काठमाडौंमा सरुवा भयो । सोही दिन आएका हाडजोर्नी विशेषज्ञ डा. अर्जुनप्रसाद डुम्रे प्रहरी सेवामा गए भने बाल रोग विशेषज्ञ डा.सुसन भट्टराई २०७३ साउनमा कान्ति बाल अस्पताल फिर्ता भए । २६ चैत २०७२ मा मेडिकल अधिकृतका रूपमा सरुवा भएर आएका शल्यचिकित्सक डा. घनश्याम थापा २०७३ साउनदेखि काजमा बसे । २०७३ मंसिरमा उनको राष्ट्रिय ट्रमा सेन्टर, काठमाडौंमा सरुवा भयो । २०७४ वैशाखमा करार नियुक्तिमा आएका रेडियोलिस्ट डा. रितेश थापा एक महीना मात्र बसेर धनगढी गए ।

खोज्दै जाँदा सरुवा, काज र फिर्ताको यस्तो सूची निकै लामो बन्छ । शुरूमा सूचना दिन आनाकानी गरेको अस्पतालले सूचनाको हक प्रयोग गर्ने हाम्रो तयारीपछि उपलब्ध गराएका सूचना केलाउँदा यसको साङ्गोपाङ्ग तस्वीर देखा पर्‍यो । २०२४ सालमा स्वास्थ्य केन्द्र, २०४१ मा जिल्ला अस्पताल हुँदै २०४३ सालमा अञ्चल अस्पतालमा स्तरोन्नति भएको १०० शय्याको महाकाली अञ्चल अस्पतालले दरबन्दी अनुसारका

विशेषज्ञ चिकित्सक कहिल्यै पाएको रहेनछ । अस्पतालका निमित्त मेडिकल सुपरिन्टेन्डेन्ट डा. हरिकुमार श्रेष्ठ भन्छन्, “स्थापनाकालदेखि नै दरबन्दी अनुसार विशेषज्ञ चिकित्सक र मेडिकल अधिकृत आएनन्, अहिले पनि अवस्था उही छ ।”

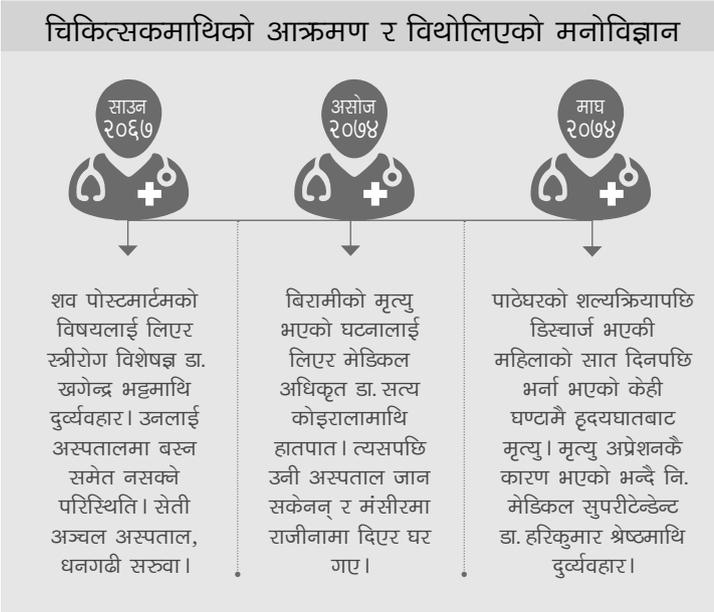
अस्पतालमा २१ जना विशेषज्ञ चिकित्सकको दरबन्दी भए पनि तीन जना मात्र कार्यरत छन् । हाल कार्यरत स्त्रीरोग विशेषज्ञ डा. हरिकुमार श्रेष्ठ, जनरल सर्जन डा. श्रीकृष्ण श्रेष्ठ र अर्थोपेडिक सर्जन डा. रोजन ताम्राकार तीनै जना नवौं तहका हुन् । निर्देशक/मेडिकल सुपरिन्टेन्डेन्ट लगायत ११औं तहमा चार जनाको दरबन्दी रहेकोमा एक जना पनि कार्यरत छैनन् । आठौं तहमा सात जना मेडिकल अधिकृतको दरबन्दी छ तर एक जना पनि कार्यरत छैनन् । मेडिकल टेक्नोलोजिस्ट (एक जना) र वरिष्ठ नर्सिङ अधिकृत (दुई जना) को दरबन्दीमा स्थापनाकालदेखि कोही आएको छैनन् । महाकाली अञ्चल अस्पतालको यो कथा अभाव, उपेक्षा र पछाँटेपनको शिकार बन्दै आएको सुदूरपश्चिम डाक्टरबाट पनि ढगिएको दृष्टान्त हो ।

‘रेफर’ मात्र गर्ने अस्पताल

कञ्चनपुरको भीमदत्त नगरपालिका-१२, वदालीका दुईवर्षीय भुवन खड्कालाई कडा निमोनियाले सिकिस्त पारेपछि २७ कात्तिक २०७५ मा महाकाली अञ्चल अस्पताल भर्ना गरियो । तर, अस्पतालले विशेषज्ञ सेवा नभएको भन्दै २९ कात्तिकमा उनलाई सेती अञ्चल अस्पताल, धनगढी रेफर गर्‍यो । सामान्य घाउको शल्यक्रिया गर्नुपर्ने भएकाले २३ कात्तिकमा भर्ना भएका राजु नेपालीलाई पनि अस्पतालले २५ कात्तिकमा धनगढी रेफर गरिदियो । त्यसैगरी, झाडापखाला र श्वासप्रश्वासमा संक्रमण भएर २५ कात्तिकमै अस्पताल भर्ना भएकी लक्ष्मीदेवी चौधरीलाई पनि ‘यहाँ उपचार हुन नसक्ने’ कारण देखाउँदै धनगढी रेफर गरियो ।

२३ कात्तिकदेखि २ मंसिरसम्मको १० दिनमा मात्र महाकाली अञ्चल अस्पतालले २४ जना बिरामीलाई धनगढी र नेपालगञ्जका अस्पतालमा रेफर गरेको छ । गएको साउन, भदौ र असोज महीनामा अस्पताल भर्ना भएका क्रमशः १०४, १२४ र ८१ जना बिरामीको उपचार हुन नसकेपछि रेफर गरिएको अस्पतालका मेडिकल रेकर्ड सुपरभाइजर नारद भट्टले बताए ।

विकित्सकमाथिको आक्रमण र विथोलिएको मनोविज्ञान



अञ्चल अस्पतालमा सामान्य शल्यक्रिया पनि हुँदैन भनेको सुन्दा अचम्म लाग्न सक्छ। तर, यो महाकाली अञ्चल अस्पतालको विशेषता बनेको छ। यहाँ जनरल सर्जरी, हाडजोर्नी र प्रसूति सेवाका क्रममा हुने शल्यक्रिया पनि हुँदैन। अस्पतालका सूचना अधिकारी केशवदत्त जोशी यसको प्रमुख कारण जनशक्ति अभाव भएको बताउँछन्। २०७०/७१ सम्म सामान्य शल्यक्रिया हुँदै आए पनि अहिले सामान्य घाउको चिरफार समेत हुन छाडेको जोशीले बताए।

अस्पतालमा शल्यक्रिया नहुने भएपछि सर्जिकल वार्डहरू खाली र वार्डभित्रका बेड लथालिङ्ग अवस्थामा छन्। “अप्रेसन हुने भए पो वार्ड र बेडहरूको व्यवस्थापन गर्नु” अस्पतालकी इन्डोर इन्चार्ज कौशिला रानाले भनिन्, “शल्यक्रिया गरेका बिरामी नै नभएपछि कसैलाई वास्ता छैन।”

अस्पतालमा आकस्मिक प्रसूति सेवा मात्र सञ्चालनमा छ। बच्चा जन्माउन नसक्ने ‘क्रिटिकल’ अवस्थाका महिलाको मात्र शल्यक्रिया गरेर बच्चा निकालिन्छ। यसबाहेक शल्यक्रिया गर्नुपर्ने अरू सबै ‘केस’ रेफर

गरिन्छ । अस्पतालले लिखित रूपमा धनगढी, नेपालगञ्ज र काठमाडौं रेफर गर्ने भए पनि कर्मचारीले भारतका खटिमा, पीलीभीत लगायत ठाउँका विभिन्न अस्पतालमा जान सल्लाह दिने हुँदा बिरामीहरू उतै जान्छन् । भारतमा जाने बिरामीहरू प्रायः लुटिएकै हुन्छन् ।

विशेषज्ञ चिकित्सक नहुँदा बिरामीको विस्तृत स्वास्थ्य परीक्षण पनि हुन छाडेकाले प्रयोगशाला समेत आक्कलझुक्कल मात्र सञ्चालन हुन्छ । ल्याब टेक्निसियन महेशराज जोशी भन्छन्, "ल्याबमा अहिले सामान्य चेकजाँच मात्र हुन्छ ।"

भिडियो एक्सरे (अल्ट्रासाउन्ड) गर्ने रेडियोलोजिस्टको दरबन्दी भए पनि रेडियोलोजिस्ट छैनन् । निमित्त मेडिकल सुपरिन्टेन्डेन्ट, स्त्रीरोग तथा प्रसूति विशेषज्ञ डा. हरिकुमार श्रेष्ठ नै भिडियो एक्सरे पनि गर्छन् । "सधैँ गर्न सकिन्न, अरु कोही नभएकाले सोमबार र बिहीवार मात्र अल्ट्रासाउन्ड गर्छु" डा. श्रेष्ठले भने, "गर्भवती महिलाको अल्ट्रासाउन्ड गर्ने पर्ने भएकाले सातामा दुई दिन यसका लागि छुट्याउँछु ।"

तीन वर्षअघि स्वास्थ्य मन्त्रालयले महाकाली अञ्चल अस्पताललाई इन्टेन्सिभ केयर युनिट (आईसीयू) सञ्चालन गर्ने उपकरण र सामग्री उपलब्ध गराएको थियो । तर, अहिलेसम्म पनि आईसीयू सञ्चालनमा आएको छैन । सुदूरपश्चिम प्रदेशका स्वास्थ्य निर्देशक डा. गुणराज अवस्थी आईसीयू सञ्चालनका लागि विशेषज्ञहरूको टीम चाहिने, तर पटक-पटक आग्रह गर्दा पनि टीम उपलब्ध हुन नसकेको बताउँछन् । "विशेषज्ञ चिकित्सकहरू आउने नमान्ने समस्या छ" डा. अवस्थीले भने, "आईसीयू सञ्चालनमा आएको भए 'रेफर' गर्नुपर्ने ९० प्रतिशत बिरामीको उपचार यही हुन्थ्यो ।"

पहुँच बढ्यो, प्रयास भएन

नेपालको पहिलो महिला मन्त्री द्वारिकादेवी ठकुरानी सुदूरपश्चिमकै थिइन् । २०१६ सालको मन्त्रिपरिषद्मा उनले स्वास्थ्य राज्यमन्त्रीको जिम्मेवारी सम्हालेकी थिइन् । द्वारिकादेवीपछि २०५५ सालमा सुदूरपश्चिमकै भक्तबहादुर बलायर पनि स्वास्थ्य राज्यमन्त्री भए । सुदूरपश्चिमका डा. दीर्घसिंह वम र डा. लक्ष्मीराज पाठक कायममुकायम स्वास्थ्य सचिव बने । पाठक स्वास्थ्य सेवा विभागका महानिर्देशक समेत बनेका थिए ।

स्वास्थ्य सेवा विभागका निर्देशक रहिसकेका डा. बीडी चटौत, डा. महेन्द्रबहादुर विष्ट र डा. भीमसिं तिकरी पनि सुदूरपश्चिमकै हुन् । यही जन्मे हुर्केका वरिष्ठ आँखा रोग विशेषज्ञ डा. चेताराज पन्त योजना आयोगका सदस्य भए भने १२औं तहसम्म पुगेका डा. पदमबहादुर चन्दले लामो समय स्वास्थ्य मन्त्रालयमा नीति तथा योजना र वैदेशिक सहायता महाशाखा प्रमुखका रूपमा काम गरे ।

त्रिभुवन विश्वविद्यालयका प्रोफेसर, वरिष्ठ स्त्रीरोग विशेषज्ञ डा. पदमराज पन्त सुदूरपश्चिमकै हुन् । त्रिपुरेश्वर आँखा अस्पतालका निर्देशक रहिसकेका आँखा रोग विशेषज्ञ डा. खडकबहादुर खड्का, हाल कोशी अञ्चल अस्पतालमा कार्यरत रेडियोलोजिस्ट (११औं तह) डा. यज्ञराज पाठक, केही समय गंगालाल हृदय केन्द्रमा काम गरेका र हाल नर्भिक अस्पतालमा कार्यरत मुटुरोग विशेषज्ञ डा. यादव भट्ट तथा एनेस्थेसिस्ट (११औं तह) डा. वीरेन्द्रबहादुर सिंह पनि सुदूरपश्चिममै जन्मे हुर्केर यो पदमा पुगेका हुन् ।

सुदूरपश्चिम प्रदेशका स्वास्थ्य निर्देशक डा. गुणराज अवस्थी बैतडीका बासिन्दा हुन् । डा. अवस्थी सुदूरपश्चिमका थुप्रै व्यक्ति स्वास्थ्य सेवाको माथिल्लो पदमा पुगे पनि त्यहाँका जनताले सामान्य स्वास्थ्य सेवा समेत पाउन नसकेको बताउँछन् । “एक त सरकारले पनि यहाँ दक्ष जनशक्ति पठाउन खोज्दैन, पठाइहाल्दा पनि सरुवा भएर आउन चाहने कोही हुन्नन्” डा. अवस्थीले भने, “तलब थोरै हुन्छ, निजी अस्पतालमा काम गर्ने अवसर हुँदैन, त्यही भएर पनि कोही आउन नखोज्ने हुँदा महाकाली अञ्चल अस्पतालको यो अवस्था भएको हो ।”

स्वास्थ्य मन्त्रालयमा कामु सचिव र स्वास्थ्य सेवा विभागको महानिर्देशक रहिसकेका डा. लक्ष्मीराज पाठक भन्छन्, “मन्त्रालयमा हुँदा मैले विशेषज्ञ चिकित्सक पठाउने प्रयास गरेँ, तर मन्त्री र नेताको पावर लगाएर कोही पनि आउन मान्दा रहेनछन् । आफैँ आउन खोज्ने डाक्टर त कोही हुँदा रहेनछन् ।”

दक्षिण एशियामै छाती रोग विशेषज्ञका रूपमा कहलिएका डा. दीर्घसिंह वमले एक वर्ष कामु स्वास्थ्य सचिव भएर मन्त्रालय चलाए । डा. वम भन्छन्, “कसैलाई पठाउन खोजे रीधै मन्त्रीको दबाव आउँथ्यो, कुनै डाक्टरलाई पठाइहाले कागजी रूपमा हाजिर भएर फर्किहाल्ने गर्दा

रहेछन् । सुदूरपश्चिममा राम्रा डाक्टर पढाऔं न भनेर पहल गर्ने मन्त्री र नेता नहुनु पनि हाम्रो समस्या हो ।”

डोटीका भक्तबहादुर बलायर २०५५ सालमा १० महीना स्वास्थ्य राज्यमन्त्री भए । बलायरसँग पनि यस्तै तीतो अनुभव छ । उनले भने, “तलब कम हुने र निजी अस्पतालमा काम गर्ने अवसर पनि काठमाडौंमा जस्तो नहुने भएकाले डाक्टरहरू सुदूरपश्चिम आउनै नमान्ने अवस्था रहेछ । मैले पढाउन पनि खोजें, तर माथिसम्म पावर लगाएर कोही आउनै मानेनन् ।”

स्वास्थ्य मन्त्रालयका पूर्व कामु सचिव डा. पाठक कञ्चनपुरमा डाक्टरमाथि भएका आक्रमण र दुर्व्यवहारका घटनाले पनि कतिपयलाई त्रसित बनाएको बताउँछन् । “प्रत्येक वर्ष चिकित्सकमाथि आक्रमण र दुर्व्यवहारका घटना भइरहन्छन्” डा. पाठकले भने, “अर्को कुरा, डाक्टरहरूलाई स्थानीय बासिन्दा र अस्पताल विकास समितिको सहयोग पनि हुँदैन ।”

बिथोलिएको मनोविज्ञान

२०७४ माघमा महाकाली अञ्चल अस्पतालका निमित्त मेडिकल सुपरिन्टेन्डेन्ट डा. हरिकुमार श्रेष्ठमाथि दुर्व्यवहार भयो । कारण थियो- उपचारका क्रममा एक महिलाको मृत्यु हुनु । पाठेघरको शल्यक्रिया गरेकी ती महिला अस्पतालबाट डिस्चार्ज भएको सात दिनपछि फेरि भर्ना भइन् । पुनः भर्ना भएको केही घण्टामै उनको मृत्यु भयो । “उनको हृदयाघातबाट मृत्यु भएको थियो, तर आफन्तले अप्रेसन गरेकै कारण मृत्यु भएको भन्दै दुर्व्यवहार र हातपातको प्रयास गरे” डा. श्रेष्ठ भन्छन्, “त्यसपछि अस्पतालमा बस्न सक्ने वातावरण थिएन, तैपनि जेनतेन अहिलेसम्म यही टिकेको छु ।”

त्यसको चार महीना पहिले, २०७४ असोजमा मेडिकल अधिकृत डा. सत्य कोइरालामाथि बिरामीको मृत्यु भएको घटनालाई लिएर हातपात भयो । यो घटनापछि उनी अस्पतालमा बस्न सकेनन्, मंसीरमा राजीनामा दिएर घर गए ।

२०६७ साउनमा पोस्टमोर्टमको विषयलाई लिएर स्त्रीरोग विशेषज्ञ डा. खगेन्द्र भट्टमाथि दुर्व्यवहार भयो । उनीविरुद्ध नारा जुलूस गरेर अस्पतालमा बस्न समेत नसक्ने परिस्थिति सिर्जना गरिएपछि सरकारले उनलाई सेती अञ्चल अस्पताल, धनगढी सरुवा गर्‍यो । डा. भट्टमाथिको

दुर्व्यवहारले अरू धेरै डाक्टरलाई हतोत्साहित बनायो । अस्पतालका सूचना अधिकारी केशवदत्त अवस्थी त्यसबेलादेखि अस्पतालबारे नकारात्मक सन्देश फैलिन थालेको र डाक्टरहरू यहाँ आउन हच्किएको बताउँछन् ।

डाक्टरहरू अस्पतालमा बसेर निर्धक्क काम गर्न सक्ने वातावरण बनाउन स्थानीय बासिन्दा र राजनीतिक दलका नेता कार्यकर्ताको अहम् भूमिका हुन्छ । तर, महाकाली अञ्चल अस्पतालमा सानो घटना हुँदा पनि जुलूस अस्पताल घेर्न आइपुग्छ । दलका नेता कार्यकर्ताले त्यही भीडलाई उचाल्छन् ।

नागरिक समाज कञ्चनपुरका सचिव कमल निरञ्जन भाट पनि चिकित्सकहरूमाथि दुर्व्यवहारका घटनाले अस्पतालबारे नराम्रो खबर फैलिएको बताउँछन् । “भारतीय अस्पतालहरूले यहाँका पत्रपत्रिका, रेडियो, केबल टीभी सबै प्रयोग गरेर आफ्नो प्रचार गर्छन्, तिनको प्रचारप्रसारले गर्दा आफ्नै अस्पतालप्रति जनताको विश्वास घट्दो छ” उनी भन्छन्, “अर्कोतर्फ डाक्टरहरूमाथि दुर्व्यवहार हुँदा डाक्टरले समेत यहाँका अस्पतालको विश्वास गर्दैनन् ।”

प्रकाशित मिति: १६ असोज २०७५



काठमाडौं महानगरपालिकाको
कार्यपालिका बैठक बस्दै।

तस्वीर स्रोत: कामनपा

महंगा जनप्रतिनिधि

काठमाडौंमा खाजा, बैठक र सवारी
खर्च मात्र वर्षको ४ करोड !

विद्या राई

काठमाडौं महानगरपालिकाका निर्वाचित पदाधिकारीले बैठक भत्ता, खाजा र यातायातमा निकै धेरै रकम खर्च गरिरहेका छन् भन्ने सूचना पाएपछि हामीले यसबारेमा खोज शुरू गर्‍यौं । महानगरपालिकाका सूचना अधिकारी वसन्त आचार्यसँग यी तीन शीर्षकमा अधिल्लो वर्ष अर्थात् २०७४/७५ मा कति पैसा खर्च भयो भनेर सूचना माग्यौं । उनले १५ दिनसम्म विवरण उपलब्ध गराएनन् ।

त्यसपछि सूचनाको हक सम्बन्धी ऐन- २०६४ को दफा ३ प्रयोग गरी महानगरपालिकामा निवेदन दर्ता गर्‍यौं । दुई दिनपछि उनले केही विवरण दिए । तर, त्यसमा माग गरिएका सम्पूर्ण सूचना थिएनन् । हामीले पुनः थप विवरण माग्यौं । १५ दिनसम्म पनि ती सूचना प्राप्त नभएपछि मेयर विद्यासुन्दर शाक्यको सचिवालयमा अर्को निवेदन दियौं ।

त्यसपछि पनि खोजेको विवरण पाइएन । २०७५ भदौ ८ गते राष्ट्रिय सूचना आयोगमा पुनरावेदन गरेपछि कात्तिक तेस्रो साता बल्ल महानगरपालिकाले खर्च विवरण समावेश भएका कागजात उपलब्ध गरायो । महानगरले बाध्य भएर दिएका विवरणहरू हेरेर महानगरपालिका कार्यालय र वडा कार्यालयहरू समेतका कामकारबाही र त्यसमा भएको खर्च हेर्‍यौं । यो रिपोर्ट त्यसैको सार हो ।

अस्वाभाविक खर्च

विवरण केलाउँदा पदाधिकारीले खाजा, बैठक भत्ता र सवारी साधनमा गरेको खर्च अस्वाभाविक देखियो । आर्थिक वर्ष २०७४/७५ मा मात्रै यी तीन शीर्षकमा रु.३ करोड ८२ लाख खर्च भएको रहेछ । सूचना अधिकारी वसन्त आचार्यसँग बसेर निकालिएको हिसाब अनुसार, यस आर्थिक वर्षमा काठमाडौं महानगरपालिका कार्यालय जम्मा २८४ दिन खुलेको रहेछ । यस आधारमा महानगरपालिकाले जनप्रतिनिधिको खाजा खर्च, बैठक भत्ता र सवारी साधनमा मात्रै दिनहुँ रु.१ लाख ३४ हजार खर्च गर्दोरहेछ भन्ने देखियो ।

यसमध्ये कति स्वाभाविक खर्च हो र कति चाहि कागजी बिल बनाएर खर्च गरेको देखाइएको होला भनेर विवरण केलाउन खोज्यौं । थुप्रै ठाउँमा रकम दुरुपयोग भएको भेटियो । एउटा उदाहरणः उक्त आ.व. मा बोलपत्र मूल्यांकन समितिका १३९ वटा बैठक बसेका रहेछन् । ती बैठकमा



काठमाडौं महानगरपालिकाको तेस्रो नगर अधिवेशन । तस्वीर स्रोत: कामनपा

सहभागी सदस्यले प्रति बैठक रु.१३०७ भत्ता बुझेका रहेछन् । जबकि नगर कार्यपालिकाको बैठकले पारित गरेअनुसार त्यस समितिका सदस्यले प्रति बैठक रु.८०० मात्रै लिन पाउने व्यवस्था रहेछ ।

पाँच सदस्यीय सो समितिका १३९ वटा बैठकमा सहभागी अध्यक्ष (सहसचिव) भरत अर्याल र अन्य (पदेन) चार सदस्यहरूले नियमानुसार रु.५ लाख ५६ हजार भत्ता बापत पाउनुपर्ने हो । तर, उनीहरूले रु.३ लाख ५२ हजार बढी लिएको महानगरपालिकाको बजेट खर्चबाट देखिन्छ । यो विवरण अनुसार एक जनाले मात्रै एक वर्षमा नियम भन्दा बाहिर रु.७० हजार भन्दा बढी भत्ता बुझेको देखिन्छ ।

महानगरको प्रशासन विभागका निर्देशक गणेशप्रसाद थपलियाका भनाइमा "महानगरपालिका भित्र आर्थिक वर्ष २०७४/७५ मा यस्ता समिति कति बने भन्ने विवरण नै छैन ।" यसबाट अनुमान गर्न सकिन्छ, यस्ता समिति र उपसमितिका नाममा महानगरमा हुने खर्च अचाक्ली छ ।

दैनिक रु. ५९ हजार बैठक भत्ता

महानगरपालिकामा कहिलेकाहीं बाहेक कार्यालय समयभित्र मात्रै बैठक बस्छन् । उक्त आर्थिक वर्षमा यस्ता बैठक कति वटा बसे भन्ने अभिलेख महानगरपालिकासँग छैन । तर, उसले वर्षभरिमा रु.१ करोड ५८ लाख ६०

हजार बैठक भत्ता बापत भुक्तानी गरेको छ । यसबाट, कार्यालय खुलेको दिनका आधारमा, महानगरपालिकाले दैनिक रु.५९ हजार बैठक भत्तामा मात्रै खर्च गर्दा रहेछ भन्ने देखिन्छ ।

यहाँ पनि निर्धारित दर भन्दा फरक बैठक भत्ता लिने गरेको भेटियो । महानगरपालिकाले उपलब्ध गराएको विवरणमा ३२ वडाका १५६ जना जनप्रतिनिधिले प्रति बैठक रु.१२३० लिएको देखियो । महानगरको वार्षिक प्रशासनिक बजेट व्यवस्थामा भने एउटा बैठक बापत रु.१००० मात्रै लिन पाउने छ । सूचना अधिकारी आचार्यका अनुसार, महानगरमा मेयरको अध्यक्षतामा बैठक बसे रु.२५००, उपमेयर र कार्यकारी अधिकृतको अध्यक्षतामा बसे रु.२००० र वडाध्यक्षको अध्यक्षतामा बसे रु.१००० प्रति बैठक भत्ता लिन पाउने व्यवस्था छ ।

वडामा मासिक अधिकतम तीन वटा बैठकको भत्ता लिन पाउने व्यवस्था छ । तर, उनीहरूले कतिपटक बैठक बसे र कति पटकको भत्ता लिए भन्ने अभिलेख भेट्टाउन सकिएन । यसको अभावमा महानगरपालिकामा कसको अध्यक्षतामा कति पटक बैठक बस्यो र कति सहभागीले कति पटक, कति भत्ता बुझे यकिन विवरण पाउन सकिएन ।

दैनिक रु. ४८ हजारको जलपान

काठमाडौंका निर्वाचित पदाधिकारीहरूले जलपानमा मात्रै दैनिक रु.४८ हजार खर्च गर्दा रहेछन् । गत आर्थिक वर्षमा उनीहरूले जलपानमा



खर्च गरेको रु.१ करोड ३४ लाख ४५ हजारलाई कार्यालय खुलेको दिनका दरले हिसाब गर्दा यो अंक निस्कन्छ । दिनमा कति वटासम्म बैठक बस्ने, मेयर/उपमेयरले जलपानमा कतिसम्म खर्च गर्न पाउने भन्ने महानगरसँग कुनै नियम रहेको भेटिएन । वित्त विभाग प्रमुख बुद्धरत्न मानन्धरका भनाइमा, "आवश्यकता अनुसार जति पनि बैठक बस्न सक्छन् र जलपानका लागि पनि यति नै खर्च गर्नुपर्छ भन्ने छैन ।"

जलपान खर्चको विवरण नियाल्ने क्रममा हामीले मासिक खर्च पनि हेर्‍यो । मेयर विद्यासुन्दर शाक्यले बागदरबारको कार्यालयमा २०७५ जेठ महीनामा मात्रै रु.८७ हजार जलपानमा खर्च गरेका छन् । त्यसै शीर्षकमा उपमेयर हरिप्रभा खड्गीले जेठ र असार महीनामा गरेर रु.१ लाख ३२ हजार खर्च गरेकी छन् । महानगरका कर्मचारीहरू यतिविघ्न खर्च भयो होला भनेर पत्याउँदैनन् । एक जना कर्मचारी भन्छन्, "मेयर र उपमेयरकोमा मान्छे त टन्नै आउँछन् । तर, जलपानमा यति धेरै खर्च चाहिँ अस्वाभाविक नै हो ।"

दैनिक रु. ८९ लाख सवारी खर्च

महानगरपालिकाले आर्थिक वर्ष २०७४/७५ मा जनप्रतिनिधिको परिवहन सुविधामा रु.८८ लाख ९७ हजार खर्च गरेको भेटियो । यसमा महानगरका कर्मचारीले प्रयोग गर्ने र पूर्वाधार विकास, सरसफाइमा प्रयोग हुने गाडीको खर्च समावेश छैन । मेयर, उपमेयर, तीन जना मनोनीत सदस्य र ३२ वडाका १५६ जनप्रतिनिधि गरी १६१ जनाले लिएको परिवहन सुविधाको खर्च हो, यो ।

कुन जनप्रतिनिधिले कति सुविधा लिए भन्ने फाँटवारी महानगरबाट पाइएन । अरु त अरु गाडीको सुविधा पाएका मेयर र उपमेयरको महीनामा तेल खर्च मात्रै कति हो भन्ने पनि विवरण पाइएन । वार्षिक प्रशासनिक बजेट व्यवस्थामा वडा समितिको बैठकमा उपस्थित वडा अध्यक्ष र वडा सदस्यले प्रति बैठक रु.१००० का दरले प्रत्येक महीनामा अधिकतम तीन वटा बैठकको परिवहन भत्ता लिन पाउने व्यवस्था छ । तर कुन कुन वडामा एक वर्षभरिमा कति कति पटक बैठक बस्यो र कति रकम गयो भन्ने अभिलेख महानगरपालिकासँग देखिंदैन ।

अर्को बेथिति के फेला पर्‍यो भने बैठकमा सहभागी नभएका जनप्रतिनिधिले समेत पछि उपस्थित भएर वा बैठकमा आउँदै नआई

जनप्रतिनिधिको खर्च

लेखा सं.	सु.सं.नं.	बजेट शीर्षक	आव २०७३/७४ असारसम्म	आव २०७४/७५						आव २०७५/७६ अनुमान
				वार्षिक बजेट	संशोधित बजेट	जेठसम्म खर्च	असार महीनामा	जम्मा खर्च		
७००२०१	२११४९	परिवहन सुविधा	छैन ।	३,१०,००,०००	३,१०,००,०००	७६,२३,०००	१२,७४,०००	८८,९७,०००	७,०५,६०,०००	
७१०३०४	२११४१	बैठक तथा समिति भत्ता	१९,६६,८००	१,२५,००,०००	१,२५,००,०००	१,०९,३३,६४०	४९,२६,४००	१,५८,६०,०४०	१,५३,००,०००	
७२०८०४	२२७११	जलपान खर्च	३८,२५,३९२	९०,००,०००	१,२०,००,०००	९५,१८,३९५	३९,२७,१६५	१,३४,४५,५६०	१,५०,००,०००	

स्रोत: काठमाडौं महानगरपालिका

बैठक भत्ता दाबी गर्ने चलन रहेछ । ३० साउन २०७५ का दिन यो संवाददाता मेयर विद्यासुन्दर शाक्यको सचिवालयमा भएकै बेला पनि एक जना वडा सदस्य आफू ढिलो आएको भए पनि समितिको बैठकमा हाजिर गर्न पाउनुपर्ने जिकिर गरिरहेका थिए । अर्थात् उनी बैठक भत्ता दाबी गरिरहेका थिए ।

एउटै महीनामा एक करोड

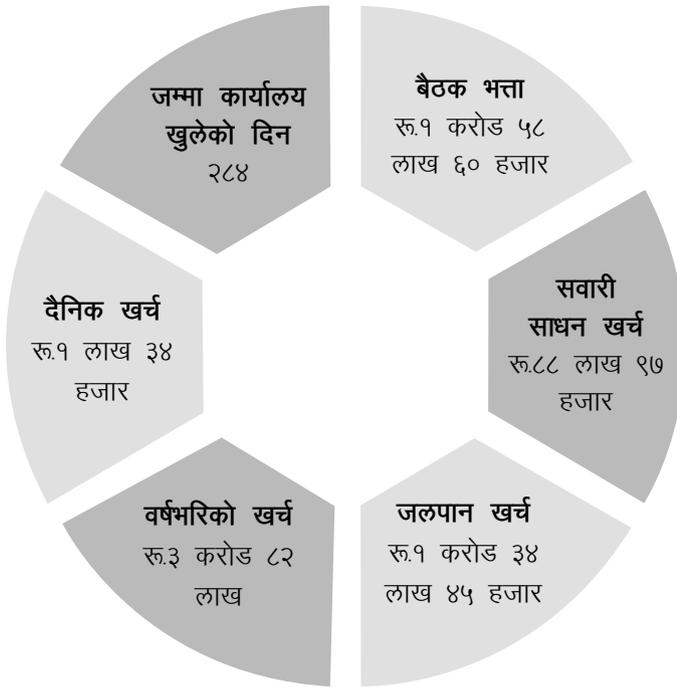
बैठक भत्ता, जलपान खर्च र परिवहन शुल्कको रकम असार महीनामा हवातै बढी भएको भेटियो । यी तीन शीर्षकमा असारमा मात्र रू.१ करोड १ लाख २७ हजार अर्थात् वर्षभरि गरिएको खर्चको २६.५१ प्रतिशत रकम खर्च भएको देखिन्छ । यसबाट असारमा यी शीर्षकमा व्यापक बजेट दुरुपयोग भएको अनुमान गर्न सकिन्छ । तर, असार महीनाको कागजात विस्तृत रूपमा अध्ययन गर्न नपाएका कारण हामीले कहाँ-कहाँ कसरी रकम दुरुपयोग भयो भनेर देखाउन सकेनौं ।

६ गुणा बढ्यो सुविधा

यी तीन शीर्षकमा खर्च गर्ने रकम महानगरपालिले प्रत्येक वर्ष बढाइरहेको छ । आव २०७३/७४ मा बैठक भत्ता बापत रू.१९ लाख ६६ हजार विनियोजन गरेकोमा आव २०७४/७५ मा यो बजेट ६ गुणा बढाएर रू.१ करोड २५ लाख पुऱ्याएको छ (खर्च भने त्यसभन्दा पनि रू.३३ लाख ६० हजार बढी गरेको छ ।) चालू आर्थिक वर्ष २०७५/७६ का लागि रू.१ करोड ५३ लाख बजेट प्रक्षेपण गरेको छ ।

जलपानमा आव २०७३/७४ मा रू.३८ लाख २५ हजार विनियोजन गरेको थियो भने २०७४/७५ मा रू.९० लाख विनियोजन गर्‍यो । पुनः संशोधन गरेर यो रकम रू.१ करोड २० लाख पुऱ्याइयो । चालू आर्थिक वर्ष २०७५/७६ का लागि रू.१ करोड ५० लाख प्रक्षेपण गरिएको छ ।

परिवहनमा भने २०७४/७५ का लागि रू.३ करोड १० लाख बजेट विनियोजन गरेकोमा त्यसभन्दा निकै कम खर्च गर्‍यो । तैपनि चालू आर्थिक वर्ष २०७५/७६ का लागि गएको वर्षभन्दा दोब्बर बजेट विनियोजन गरेको छ । यस वर्ष परिवहनमा रू.७ करोड ५ लाख ६० हजार खर्च हुने महानगरको प्रक्षेपण छ ।



जनप्रतिनिधि आएपछि महानगरको प्रशासनिक खर्च बढ्नु स्वाभाविक भए पनि वर्षैपिच्छे यो अंक ठूलो संख्यामा बढाउँदै जानु गलत हो भन्छन् पूर्व शहरी विकास सचिव किशोर थापा । “जनप्रतिनिधिले सेवासुविधा विना काम गर्न सक्दैनन्, प्रशासनिक खर्च छुट्याउनैपर्छ, तर वर्षैपिच्छे बजेट बढाउँदै जाने प्रवृत्ति रोक्नुपर्छ” थापाले भने, “नत्र जनप्रतिनिधि र कर्मचारीबीच प्रशासनिक खर्च गर्ने प्रतिस्पर्धात्मक प्रवृत्तिले विकृतिको रूप लिन्छ, किनकि सेवा-सुविधा त जति भए पनि अपुग नै हुन्छ नि !”

सुविधा तीव्र, काम सुस्त

खाजा, बैठक र परिवहनमा यति धेरै खर्च गरेको महानगरपालिकाले बजेटमा तोकिएका कार्यक्रमहरू चाहिँ कति पूरा गर्‍यो त ? हामीले

यसबारे केही विवरण केलायौ । आर्थिक वर्ष २०७४/७५ का लागि २०७४ असारमा १८ वटा शीर्षकमा महानगरपालिकाले १८७ वटा 'नीति तथा कार्यक्रम' ल्याएको थियो । स्थानीय तह निर्वाचनका बेला मेयर विद्यासुन्दर शाक्यले घोषणा गरेका '१०० दिनमा गर्ने १०१ काम' पनि यसमा समावेश थिए । मेयर शाक्यले आव २०७४/७५ मा गरेका मुख्य कार्य प्रगति भनेर ५५ वटा बुँदा बाहिर ल्याएका छन् । तिनमा अधिकांशको काम अघि बढेकै छैन, केहीको बल्ल प्रक्रिया शुरू भएको छ ।

काठमाडौंमा 'क्लीन सिटी अभियान' शुरू गर्ने, हराभरा वातावरणमैत्री स्वच्छ र सफा शहर बनाउने कार्यक्रम प्राथमिकतामा थियो । यसै अन्तर्गत सडकमा धूलो सफा गर्न आव २०७४/७५ मा पाँच-पाँच वटा जेट र ब्रुमर मेशीन भित्र्याउने लक्ष्य थियो । ब्रुमर, जेट मेशीन तथा ट्री ट्रान्सप्लान्टर खरीद समिति र उपसमितिले बैठक भत्ताबापत रु.१ लाख ६७ हजार खर्च पनि गरे । जेट मेशीन त आए तर ब्रुमर मेशीन चाहिँ अझै खरीद प्रक्रियामै छन् ।

ट्राफिक जाम सुधारने, तीन वर्षभित्र काठमाडौंमा मोनो रेल सञ्चालन गरेर आफैँ सार्वजनिक सवारी साधन चढ्ने जस्ता मेयरका महत्वाकांक्षी योजनाहरू कागजमै सीमित छन् । मेयरले सार्वजनिक सवारी साधन चढ्ने घोषणा गरेकै वर्षमा महानगरपालिकाले वडाध्यक्ष र वडा-सदस्यहरूको यातायातमा मात्रै रु.५७ लाख ६० हजार खर्च गरेको छ ।

काठमाडौंका जनप्रतिनिधिहरू खर्च गर्न जति अगाडि छन्, महानगरवासीको सेवा-सुविधा र आफ्नो जिम्मेवारी पूरा गर्न उत्तिकै पछाडि । "महानगरको सेवा-सुविधा कतिको चित्तबुझ्दो पाउनुभएको छ भनी असन चोकदेखि ठमेलचोकसम्म सोध्दै जानू, मेयरलाई गाली नगर्ने कोही हुँदैनन्", असनचोकमा भेटिएका एक स्थानीयले भने ।

मेयर विद्यासुन्दर शाक्य आफैँ पनि महानगरपालिकाको कार्यसम्पादनबाट सन्तुष्ट छैनन् । "महानगरवासीसँग बीसौँ वर्षदेखिको कुण्टा छ । जनप्रतिनिधि आएपछि तुरुन्तै समस्या समाधान हुन्छ भन्ने अपेक्षा छ तर जनचाहना पूरा गर्न थुप्रै बाधाअड्चन छन्", उनले भने । महानगरमा जनप्रतिनिधिहरूले कर्मचारीबाट पर्याप्त सहयोग नपाएको शाक्यको भनाइ छ । शाक्यले भने, "कर्मचारी साथीहरू यतिसम्म गर्नुहुन्छ कि जनप्रतिनिधिले फाइल अगाडि बढाउन लगाए वास्ता गर्नुहुन्छ तर

अख्तियार दुरुपयोग अनुसन्धान आयोगले एक फोन गर्दा काम गर्न अधि सरिहाल्नुहुन्छ ।”

भत्ता सुविधामा छलाड मार्न केहीले नछेक्ने टोलीका नेताले जनताको काम गर्न नसक्नुको दोष चाहिँ अरूमाथि लगाएर पानीमाथिको ओभानो बन्न खोज्दा महानगरवासीलाई कस्तो लाम्दो हो !

प्रकाशित मिति: ३ पुस २०७५



नयाँदिल्लीको पहाडगन्जस्थित होटल हाइडे इनबाट खाडीका विभिन्न मुलुक पठाउने तयारी भइरहँदा उद्धार गरिएका नेपालका महिलाहरू र दिल्ली महिला आयोगकी प्रमुख स्वाती मलियाल। २०१८ अगस्टको अन्तिम साता दिल्ली महिला आयोगले पहाडगन्ज समेत तीन ठाउँबाट बेचबिखनमा परेका ७३ जना नेपाली महिलाको उद्धार गरेको थियो।

तस्वीर : अमित मिश्र/ट्वीटर

मानव बेचबिखनको काठमाडौँ-दिल्ली-खाडी 'कनेक्शन'

नेपाल आज पनि मानव बेचबिखनको
एक स्रोत मुलुक बनिरहेको छ, कसरी ?

प्रमोद आचार्य

३ वैशाख २०७५ मा पश्चिम नेपालको कञ्चनपुरस्थित गड्ढाचौकी नाका हुँदै भारत छिर्न खोजेका दुई महिला त्यही रोकिए । सीमा प्रहरी र माइती नेपालको 'बोर्डर सर्भिलेन्स टीम' लाई उनीहरूको व्यवहार 'शंकास्पद' लाग्यो । ती महिलाले भन्ने त 'नयाँ वर्षमा दिल्ली घुम्न जान लागेको' भने, तर उनीहरूसँग घुमफिर गर्ने पर्याप्त पैसा थिएन र कहाँ-कहाँ घुम्न जान लागेको हो भन्ने जानकारी पनि थिएन । प्रहरीले उनीहरूलाई भारत जान दिएन ।

इलाका प्रहरी कार्यालय, गड्ढाचौकीका प्रहरी नायब निरीक्षक डिकरदेव पन्तका भनाइमा 'घुम्न जान लागेको' भने पनि कहाँ-कहाँ घुम्न जाने, कसरी घुम्ने योजना छ भन्ने प्रश्न सोध्दा उनीहरू घरी एकअर्कामा मुखामुख गर्थे, घरी अलमलिनथे । त्यसमाथि ती दुई महिलाले दिएको जवाफ पनि एकअर्कासँग मिलिरहेको थिएन ।

प्रहरीले थप सोधपूछ थालेपछि बल्ल खुल्यो रहस्य : उनीहरू भारत हुँदै कुवेत जान हिडेका रहेछन् ! घुम्न जाने भनेको नयाँ दिल्ली त उनीहरूको 'ट्रान्जिट' मात्रै रहेछ । कुवेत हिडेका ती महिलाहरू थिए— सिन्धुपाल्चोक, थाङपालघापकी ३५ वर्षीया कौशिला तामाङ र भोटेनाम्लाङकी ३२ वर्षीया रमिला तामाङ ।

नेपाल प्रहरी, केन्द्रीय अनुसन्धान ब्यूरोका प्रहरी नायब उपरीक्षक राजकुमार सिलवाल भन्छन्, "मानव तस्करहरूले आज पनि नेपाली महिलालाई भारत हुँदै दिनहुँजसो खाडी मुलुकमा पठाइरहेका छन् । वैदेशिक रोजगारको आवरणमा चेलीबेटी बेचबिखन धन्दा चलाउन नवतस्करहरूले नेपाललाई गतिलो स्रोत मुलुकको रूपमा लिइरहेको भान भएको छ ।"

वैदेशिक रोजगारीका लागि नेपालबाट खाडी मुलुकमा जाँदा अनिवार्य श्रम स्वीकृति लिनुपर्छ र स्वदेशकै विमानस्थलबाट जानुपर्ने हुन्छ । कौशिला र रमिला जस्ता महिला भारत हुँदै खाडी मुलुक जान खोज्नुको कारण हो, उनीहरूसँग श्रम स्वीकृति नहुनु । विना श्रम स्वीकृति खाडी मुलुक जान खोज्ने कामदारलाई दलालले नेपालको दक्षिणी खुला सीमा प्रयोग गरी जहाँबाट सजिलो हुन्छ त्यहाँबाट भारत छिराउन खोज्छन् । यसरी सीमा पार गराउन खोज्दा यदाकदा कतिपय समातिन्छन् पनि । कौशिला र रमिला त्यसैका उदाहरण हुन् ।

गरीबी, अशिक्षा र बेरोजगारी

हामीले भारत हुँदै खाडी मुलुक जान हिडेका तर बाटोमा प्रहरीले समातेर घर फर्काएका अनि खाडी मुलुकमा वर्षौंसम्म हण्डर खाएर फर्किएका १६ जना महिलाको विवरण अध्ययन गर्‍यो । त्यसको सार के देखियो भने, भारत हुँदै खाडी मुलुक जान खोज्ने प्रायः सबै महिला गरीब, अशिक्षित र बेरोजगार छन् । सबैजसो महिलाले आफूहरू 'रहरले नभई बाध्यताले खाडी मुलुक जान लागेको र गएको' बताएका थिए । उनीहरूको भनाइ थियो, 'घरमा आम्दानीको स्रोत नभएकाले पैसा कमाउन जान लागेका हौं/गएका हौं ।'

जस्तो कि, नयाँ दिल्लीबाट कुवेत जान खोजिरहेकी कौशिलालाई थाहा थियो— उनी गैरकानूनी तरीकाले खाडी जान खोजिरहेकी छिन् । कौशिलाले भनिन्, "नेपालमै बसेर पैसा कमाउन सकेको भए यस्तो दुःख गरेर हिड्थ्यौं र हामी ?" हुन पनि उनका १० वर्ष मुनिका तीन वटी छोरी छन् । आम्दानीको स्रोत छैन, पालनपोषणमा कठिनाइ छ ।

दलालहरूले आफूहरूलाई 'चोरबाटो' बाट कुवेत पठाउँदैछन् भन्ने थाहा हुँदाहुँदै पनि जान तयार भएकी रमिला तामाङ निरक्षर छिन् । स्कूल जाने उमेरका दुई छोराछोरीकी आमा रमिलाका बाबुआमा रोगी र अशक्त छन् । खर्च धेरै छ, आम्दानी छैन । भूकम्पले लडाएको घर पनि पुनर्निर्माण गर्न सकेकी छैनन् । "न छोराछोरी पढाउन सकें, न घर बनाउन पैसा भयो" रमिलाले भनिन्, "विदेश गए केही पैसा कमाउन सकिन्छ कि भनेर हिडेँ, सिमानाबाट प्रहरीले समात्यो ।"

पैसा कमाउने ध्याउन्नमा धेरैलाई सम्भावित जोखिमको हेक्का नै हुँदैन । ओमन र कुवेतमा हन्डर खाएर एक वर्षअघि नेपाल फर्किएकी दोलखा, ओराङकी २२ वर्षीया एलिसा तामाङले प्रहरीलाई दिएको बयानबाट पनि यो थाहा हुन्छ । एलिसाले बयानमा भनेकी छन्, "धेरै महीनासम्म जागिर खोजेँ पाइनेँ, घरखर्च चलाउनै नसकेपछि भारत हुँदै कुवेत गएकी हुँ ।"

सिन्धुपाल्चोक प्रहरीका अनुसार, २०७२ वैशाखमा आएको भूकम्पबाट प्रभावित क्षेत्रका महिलालाई वैदेशिक रोजगारीको नाममा भारत हुँदै खाडी मुलुकमा पठाउन दलाललाई झन् सजिलो भएको छ । "यहाँ (सिन्धुपाल्चोक) का बासिन्दा पहिलेदेखि नै गरीब छन्, रोजगारी छैन,

शिक्षित पनि छैनन्” प्रहरी नायब उपरीक्षक विमलराज कँडेल भन्छन्, “झन् भूकम्पले भएको घर पनि भत्काइदिएपछि महिलाहरू पैसा कमाउन सकिन्छ कि भनेर खाडी जान लोभिने गरेका छन् ।” उनले सिन्धुपाल्चोक जिल्लाको दुर्गम भेगका, आर्थिक रूपले विपन्न र अशिक्षित धेरै महिला अहिले पनि मानव तस्करहरूको फन्दामा परिरहेको बताए ।

प्रहरीका भनाइमा, कामको खोजीमा रहेका विपन्न युवा महिलालाई ‘विदेश लगेर राम्रो कमाइ हुने काममा लगाइदिने’ भनेर लोभ देखाउने गरिन्छ । “पैसा कमाउने लोभमा महिलाहरू पनि जुनसुकै देश जान तयार हुन्छन्” सिन्धुपाल्चोकका प्रहरी नायब निरीक्षक ख्याली सिंहले भने, “महिलाको अज्ञानताको फाइदा उठाउँदै दलालहरूले वैदेशिक रोजगारीको नाममा मानव बेचबिखन घन्दा निर्बाध रूपमा चलाइराखेका छन् ।”

बेचबिखनको सामाजिक-आर्थिक पक्ष विश्लेषण गर्ने गैरसरकारी संस्था शक्ति समूह नेपालकी अध्यक्ष सुनिता दनुवारले भनिन्, “अहिले पनि दलालहरूले आम्दानीको स्रोत नभएका, जागिर नपाएका र अशिक्षित महिलाहरूलाई काममा लगाइदिने प्रलोभनमा पारेर बिक्री गरिरहेका छन् ।” सुनिता कुनै बेला आफू समेत बेचबिखनमा परेर ठूलो कष्ट भोगेर नेपाल फर्किएकी महिला हुन् । उनी विगत २२ वर्षदेखि चेलीबेटी बेचबिखन विरुद्धको अभियानमा सक्रिय अधिकारकर्मी हुन् ।

छोरी-श्रीमती नै बिक्री

आश्चर्यको कुरा त के भने, पैसा कमाउने आशामा मानिसहरू आफ्नै परिवारका सदस्य, नातेदार वा छिमेकीलाई समेत गैरकानूनी रूपमा विदेश पठाउन मानव तस्करको सहयोगी भइरहेका छन् । पैसा आउने आसमा आफ्नै श्रीमती, छोरी-बुहारी र भाउजूलाई खाडी मुलुक पठाउन मानव तस्करलाई सघाउने आफन्त पनि हुँदा रहेछन् । आफन्तहरूले नै महिलालाई दिल्ली पुऱ्याएर मानव तस्करहरूको जिम्मा लगाएर फर्किएको पनि भेटियो ।

कुवेत जान लागेकी रमिला तामाङकै घटनाबाट पनि यो कुरा पुष्टि हुन्छ । “मलाई मेरै जेठाजु (जाले गोले) ले विदेश पठाइदिन्छु भनेको हुनाले जान लागेकी हुँ” प्रहरीसामु उनले भनिन्, “जेठाजुले राम्रो कमाइ हुन्छ भनेपछि म जान राजी भएँ ।”



कञ्चनपुरको गड्डाचौकीस्थित नेपाल-भारत सीमामा रहेको माइती नेपालको बोर्डर सर्भिलेन्स टीमको कार्यालय। बोर्डर सर्भिलेन्स टीमले भारत जान लागेका व्यक्तिहरूलाई सोधपूछ गरी शंका लागेमा प्रहरीकहाँ बुझाउने गर्दछ। तस्वीर: प्रमोद आचार्य

जाले गोले सिन्धुपाल्चोकका स्थानीय हुन्। गाउँमा उनी 'विदेश पठाउने व्यक्ति' का रूपमा चिनिन्छन्। जाले कहिलेकाही मात्र गाउँ आउँछन्, धेरैजसो भारतमै बस्छन्। रामिलालाई कुवेत पठाउन उनकै ३२ वर्षीय देवरले जालेलाई साथ दिएका थिए। जालेले इराकमा रहेका रामिलाका श्रीमानसँग पनि कुरा मिलाएका थिए।

रामिलासँगै हिडेकी कौशिलालाई विदेश पठाउन उनकै ३५ वर्षीय श्रीमानले दलाल जालेलाई साथ दिएका थिए। महिलालाई अवैध रूपमा खाडी मुलुक पठाउँदा मानव तस्करहरूले परिवारका सदस्यलाई समेत विश्वासमा लिएर काम गर्छन् भन्ने एउटा उदाहरण हो यो। यस्ता आफन्तहरू दुईथरी भेटिएका छन्। एकथरी, कमाइको लोभमा ठूलो जोखिमप्रति अनभिन्न देखिन्छन् भने अर्कोथरीको त नियत नै बिक्री गर्ने पनि देखिएको छ।

मानव बेचबिखनमा संलग्न केही अभियुक्तहरू

तस्वीर सौजन्य : महानगरीय अपराध महाशाखा, टेक्, काठमाडौं



सागर श्रीस
(बाग्लुङ)



टीकाप्रसाद
तिम्सिना
(झापा)



ग्याल्जेन शेर्पा
(सिन्धुपाल्चोक)



अप्सरा आचार्य
(कैलाली)



सुकमाया तामाङ
(सिन्धुपाल्चोक)



यो छिरिङ
नेकोर लामा
(रसुवा)



लवाङ तामाङ
(सिन्धुपाल्चोक)



कृष्णबहादुर गुरुङ
(स्याङ्जा)



खड्गबहादुर
विश्वकर्मा
(झापा)



डिल्लीश्वर लिम्बू
(तेह्रथुम)



मीना लामा
(सिन्धुपाल्चोक)



जयन्द्रकुमार
अधिकारी
(मोरङ)

२०७४ फागुनमा आफ्नी १४ वर्षीया छोरीलाई मानव तस्करहरूकहाँ पुऱ्याउन लिएर जाँदै गर्दा ४२ वर्षीय बाबु नेपाल-भारत सीमाबाट पक्राउ परे । उनले पैसा नभएकाले छोरीले कमाउली भनेर तस्करहरूकहाँ पुऱ्याउन लागेको प्रहरीसामु स्वीकार गरे । सिन्धुपाल्चोक लिसंखुपाखरका ती बाबुलाई केही समय थुनेर प्रहरीले छोड्यो ।

एक वर्षअघि ओमन पठाइएकी, पछि ओमनबाट कुवेत पुऱ्याइएकी एलिसा तामाङलाई उनकै श्रीमानले दिल्लीमा बसेर दलालसम्म पुऱ्याएका थिए । त्यहाँ एलिसा यौन शोषणमा परेको थाहा पाएपछि श्रीमानले नै उनको उद्धारमा सहयोग गरेका थिए । यसबाट कतिपय अवस्थामा परिवारका सदस्यले सम्भावित जोखिम थाहा नपाएर पनि बेचबिखनलाई सहयोग गरिरहेको देखिन्छ ।

खुला सिमाना सहज

नेपाल-भारत खुला सिमाना मानव तस्करीका लागि सजिलो मार्ग भएको छ । नेपाल-भारतबीच स्थल मार्गबाट आवतजावत गर्दा राहदानी वा परिचयपत्र खोजिदैन । दुवैतर्फका सीमा प्रहरीले हतपत सोधखोज गर्दैनन् । यसले गर्दा नेपाली महिला र किशोरीलाई विभिन्न बहानामा भारत पुऱ्याउन र त्यहाँबाट खाडी पठाउन दलालहरूलाई सजिलो भइरहेको छ ।

नेपाल र भारतबीच १,६९० किलोमिटर सिमाना जोडिएको छ । आवतजावत गर्ने २० औपचारिक नाका छन् । कञ्चनपुरको गड्डाचौकी, कैलालीको गौरीफन्टा, बाँकेको नेपालगन्ज, कपिलवस्तुको कृष्णनगर, रूपन्देहीको सुनौली, पर्साको रक्सौल र वीरगन्ज, धनुषाको जयनगर, मोरङको जोगबनी र झापाको पानीट्यांकी नाकाबाट दैनिक धेरै आवतजावत हुन्छ । खुला सीमा भएकाले त्यस बाहेकका ठाउँबाट पनि मानिसहरू सहजै ओहोरदोहोर गर्न सक्छन् ।

मानिस धेरै ओहोरदोहोर गर्ने एक मुख्य नाका गड्डाचौकी नजिकै रहेको जिल्ला प्रहरी कार्यालय, कञ्चनपुरका प्रहरी उपरीक्षक डिल्लीराज विष्टले भने, "भारत छिर्न विभिन्न बहाना बनाएर झुक्याउँछन् । हामीलाई पनि पत्ता लगाउन कठिन पर्छ ।" गड्डाचौकीबाट भारतको राजधानी नयाँ दिल्ली ३३७ किलोमिटर दूरीमा पर्छ । दिल्ली सबैभन्दा नजीक भएको नेपालको नाका यही हो । यसै कारण पनि हुन सक्छ, महिला र किशोरीलाई भारत छिराउन एजेन्टहरूको छनोटमा गड्डाचौकी नाका प्राथमिकतामा परेको देखिन्छ । २०७१ असार यता मात्रै यहाँबाट भारत छिर्न खोज्ने ८८७ किशोरी र महिलालाई नेपाल फर्काइएको छ ।

दलालहरूले महिलालाई सीमापार गराउँदा 'घुम्न वा काम गर्न दिल्ली जान लागेको भन्नु' भनेर सिकाएका हुन्छन् । प्रहरीले सोधपूछ गर्दा

‘फोटो हेरेर मूल्य’

दलालले युवतीका तस्वीरहरू खाडी मुलुकका ग्राहकलाई देखाएर ‘मूल्य निर्धारण’ गर्ने गरेको प्रहरी अनुसन्धानले देखाउँछ । यसका लागि स्थानीय दलालले नेपाली किशोरीलाई फकाउने, विदेश जान तयार बनाउने, फोटो खिच्ने र खाडीमै बसेर बेचबिखन धन्दा चलाउने तस्करहरूलाई पठाउने गर्छन् ।

कुवेतमा बसेर चेलीबेटी बेच्ने गरेका सिन्धुपाल्चोक, ठूलोपाखर स्थायी घर भएका दम्पती श्यामकुमार लामा र मीना लामाले प्रहरीसामु भनेका छन्, “नेपालबाट एजेन्टले फोटो पठाउँछन्, हामीले ग्राहकलाई देखाउँछौं र कतिमा बेच्ने भन्ने निधो हुन्छ ।”

अदालतको आदेशले हाल पुर्पक्षका लागि कारागारमा रहेका उनीहरूले एलिसा तामाङलाई ३ हजार २०० कुवेती दिनार (केडी) मा बेचेको स्वीकार गरेका छन् । यो रकम नेपाली रुपैयाँ साढे ११ लाख भन्दा बढी हुन्छ । यसमध्ये केही रकम उनीहरूले एलिसालाई कुवेत पुऱ्याउन सहयोग गर्ने सबै एजेन्टहरूलाई बाँडेका थिए ।

एलिसाको फोटो लामा दम्पतीलाई पठाउने ‘स्थानीय एजेन्ट’ थिए, लवाङ तामाङ । उनी सिन्धुपाल्चोक जिल्लाको दुवाचौर-८ का स्थानीय हुन् । उनले एउटी केटी मिलाइदिए बापत आफूले एक लाख रुपैयाँसम्म पाउने गरेको प्रहरीसमक्ष स्वीकार गरेका छन् । महानगरीय अपराध महाशाखा, टेकू काठमाडौंमा बयान दिँदै उनले भनेका छन्, “१८/२० वर्ष उमेर भएका, जीउडाल पनि मिलेका केटीहरू पठाएँ भने डेढ लाखसम्म पाउँछु ।” लवाङले प्रहरीसामु अहिलेसम्म २५ जनाभन्दा बढी महिला र किशोरीलाई कुवेत, किर्गिस्तान, इराक, ओमान, यूएई लगायतका देशमा पठाएको स्वीकारेका छन् । प्रहरी नायब उपरीक्षक मनोहर भट्टले भने, “उसको बयान सिनेमाको कथा जस्तै लाग्छ ।”

कसरी पुग्छन् महिला र किशोरीहरू खाडीसम्म ?

नेपालबाट भारत हुँदै खाडी लगिने महिलालाई दलालले केही दिनसम्म नयाँ दिल्लीमा राख्छन् । भारतको चम्पावत जिल्लामा कार्यालय खोलेर काम गरिरहेको भारतीय प्रहरीको मानव बेचबिखन विरुद्धको इकाइ (एन्टी ह्युमन ट्राफिकिङ यूनिट) की इन्चार्ज मीना पाण्डेले टेलिफोनमा भनिन्, "दिल्लीको पहाडगन्जमा लगेर महिलालाई केही दिन राख्ने र भिसा प्रक्रिया मिलाएर खाडी पठाउने गरेको देखिन्छ ।" दिल्लीमा नेपालीले खोलेका ब्यूटीपार्लर, मसाज सेन्टर र होटलहरूबाट धेरै चेलीबेटी 'सप्लाई' हुने गरेको उनले बताइन् । दिल्लीको पहाडगन्ज मानव बेचबिखनको हट-स्पट बनेको छ भन्ने कुरा केही साता पहिले त्यहाँको होटल ह्याइडे इनबाट दिल्ली महिला आयोगले ३९ जना नेपाली महिलाको उद्धार गर्नुबाट पनि पुष्टि हुन्छ । त्यतिबेला आयोगले पहाडगन्ज, मुनिरका र मैदानगढीबाट समेत गरी खाडी मुलुक लैजान ठिक्क पारिएका ७३ जना नेपाली महिलाको उद्धार गरेको थियो । पाण्डेका अनुसार भारतबाट भिजिट भिसामा कुवेत जान अनलाइनबाटै भिसा लिन सकिने भएकाले पनि नयाँ दिल्ली मानव तस्करहरूको पहिलो रोजाइ बन्ने गरेको छ ।

उनीहरूले दलालले सिकाएकै कुरा हूबहू भन्छन् । विष्टले भने, "रोजगारीको लागि भारत जान लागेको हो भन्छन्, हो/होइन छुट्याउने कठिन ।"

केही दलालले महिलालाई 'किनमेलको लागि दशगजा नजिकैको भारतीय बजारमा जान लागेको भन्नु' भनेर सिकाउँछन् । उनीहरूले पैदल सीमा पार गरेर भारतीय भूमि टेकेपछि बसमा चढाएर दिल्ली पुऱ्याउँछन् । कतिपय दलालले 'सीमा क्षेत्रमा घुमघामको लागि गएको भन्दै' टाँगा, रिक्सा जस्ता साधनमा चढाएर सीमा पार गराउँछन् ।

हुँदाहुँदा भेष बदल्न लगाएर समेत सीमा पार गराउन खोजेको पनि भेटियो । झण्डै एक वर्ष अगाडि सिन्धुपाल्चोककी १६ वर्षीया एक

किशोरीलाई गेरु वस्त्र लगाएकी भिक्षुको भेषमा सीमा पार गराइरहेका बेला माइती नेपालले गड्डाचौकीबाट उद्धार गरेको थियो । उनलाई प्रहरीले सोधखोज गरे भारतको धर्मशालामा पढ्न जान लागेको भन्नु भनेर सिकाइएको रहेछ ।

दलालहरूले महिलालाई अरू पनि धेरै कुरा सिकाउँछन् । जस्तो कि प्रहरीले सोधपूछ गर्दा धेरै नबोल्न भनिएको हुन्छ । धेरै बोल्दा कुरा 'चिप्लिने' डर धेरै हुन्छ । दलालको सिकाइ अनुसार महिलाहरू थोरै बोल्ने र सोझा छौं, ढाँट्न जान्दैनौं भन्ने देखाउन चाहन्छन् । बिरामी भएको बहाना गरेर उपचारका लागि भारत जान लागेको भन्ने पनि धेरै हुन्छन् । रूपन्देहीको भैरहवा नाका हुँदै भारत छिरेर कुवेत पुगेकी एलिसा तामाङले नेपाल फर्केपछि भनिन्, "दलालले बिरामी भएकोले उपचार गर्न जान लागेको भन्नु भनेर सिकाएको थियो, त्यही भनेर भारत छिरेकी थिएँ ।"

भारत छिर्न राहदानी नचाहिने हुँदा मानव तस्करहरूले खाडी जान तम्तयार महिलाको राहदानी आफैँ राख्छन् । भिसा प्रक्रिया मिलाइसकेपछि मात्र उनीहरूले महिलालाई दिल्लीमा बोलाएर राहदानी दिन्छन् । खाडीको कुन मुलुकमा, कहिले, कसरी ती महिलाहरूलाई पठाउने भन्ने 'सेटिङ' उनीहरूले दिल्लीमै बसेर मिलाउँछन् । गड्डाचौकीमा पक्राउ गरेका कौशिला र रमिलाले भनेका थिए, "हाम्रो पासपोर्ट कहाँ छ, हामीलाई थाहा छैन, पहिले नै उनीहरू (दलाल) लाई दिएका हौं ।"

भारतीय प्रहरीका एक अधिकारीले चाहि नेपाल प्रहरीसँगको मिलेमतो विना मानव तस्करहरूले नेपाली चेलीबेटी 'सप्लाई' गर्ने नसक्ने दाबी गरे । नाम नखुलाउने शर्तमा उनले भने, "नेपालको पुलिसले राम्रोसँग चेकजाँच गर्ने हो भने यो अपराध धेरै हदसम्म रोक्न सकिन्छ । तर, नेपाल प्रहरी र सीमा क्षेत्रमा काम गर्ने संघ-संस्थाले राम्ररी चेक नै गर्दैनन् ।" गैरकानूनी तरीकाले नेपालबाट खाडी जान भारत छिरेका महिला र दलाललाई आफूहरूले गिरफ्तार गरेको उदाहरण दिँदै ती भारतीय प्रहरी अधिकारीले भने "उता (नेपाल) बाट नछोड्ने भए यहाँ नियमितजसो कसरी आइपुग्छन् त ?"

भारतमा ट्याक्कै कति नेपाली विभिन्न पेशा गरेर बसिरहेका छन् भन्ने यकिन तथ्यांक नभए पनि भारत नेपालीको रोजगारीको लागि प्रमुख गन्तव्य हो । सन् २००९ मा विश्व बैकले गरेको अनुमान अनुसार

भारतमा ८ लाख ६७ हजार नेपाली काम गरिरहेका थिए । त्यसैले अहिले जानेहरूले पनि 'काम गर्न, उपचार गर्न वा आफन्त भेट्न जान लागेको' भनेर प्रहरीलाई झुक्याउने गरेका छन् ।

दर्ता हुँदैनन् उजुरी

वैदेशिक रोजगारीको आवरणमा भएका कारण मानव बेचबिखन र ओसार पसारको विषय सम्बोधन गर्न कानूनी जटिलता पनि छ । यो मामिला सम्बोधन गर्ने दुई वटा कानून छन् : वैदेशिक रोजगार ऐन, २०६४ र मानव बेचबिखन तथा ओसारपसार (नियन्त्रण) ऐन, २०६४ । वैदेशिक रोजगार ऐनमा मानव बेचबिखनबारे केही उल्लेख नै छैन । मानव बेचबिखन तथा ओसारपसार नियन्त्रण ऐनमा वैदेशिक रोजगारको नाममा हुने बेचबिखनलाई समेटिएको छैन । त्यही कारण वैदेशिक रोजगारको नाममा मानव बेचबिखन गर्नेहरू कारबाहीबाट जोगिइरहेका छन् ।

शक्ति समूह, नेपालकी सुनिता दनुवारले भनिन्, "कानूनी जटिलता देखाएर प्रहरीले मानव बेचबिखन सम्बन्धी मुद्दा दर्ता गर्न मान्दैन, अदालतले पनि उचित व्यवहार गरेको पाइँदैन ।" उनले दुई वर्ष अगाडि बेचिएकी एक युवतीलाई लिएर उजुरी दर्ता गर्न जाँदा सिन्धुपाल्चोक प्रहरीले इन्कार गरेको स्मरण गरिन् । भनिन्, "बम्बईको कोठीमा लगेर बेच्युलाई मात्र बेचबिखन भन्ने मानसिकता छ, अहिले वैदेशिक रोजगारीको नाममा भइरहेको बेचबिखनलाई न प्रहरीले बेचबिखन मान्छ, न अदालतले ।"

कानूनी जटिलता, आफन्तहरूको संलग्नता र अशिक्षा, अज्ञानता जस्ता कारणले बेचबिखनका मुद्दा साइँ थोरै मात्रै प्रहरीसम्म पुग्छन् । फलस्वरूप, नेपालमा बेचबिखन धन्दा ठूलो भए पनि प्रहरीको तथ्यांकले यो समस्या भयावह छ भन्ने देखाउँदैन । नेपाल प्रहरीका अनुसार, चालू आर्थिक वर्षको ११ महीनामा मुलुकभर मानव बेचबिखन तथा ओसार पसारका जम्मा २३३ वटा मुद्दा दर्ता भएका छन् । यसअघि आर्थिक वर्ष २०७३/७४ मा २२७, आव २०७२/७३ मा २१२, आव २०७१/७२ मा १८१, आव २०७०/७१ मा १८६ र आव २०६९/७० मा १४४ वटा मुद्दा दर्ता भएका थिए ।

नेपाल प्रहरीका सूचना अधिकारी एसएसपी शैलेश थापा क्षेत्रीले भने, "सबै पीडितहरूले मुद्दा दर्ता गर्दैनन्, सबैले मुद्दा दर्ता गर्ने हो भने

बेचबिखनको भयावह तस्वीर बाहिर आउँथ्यो । धेरैजसो बेचबिखनमा संलग्न पीडक र पीडितका बीचमा नातागोता वा कुनै प्रकारको चिनाजानी हुने भएकोले पीडितहरू मुद्दा दर्ता गर्न हिचकिचाउने उनको भनाइ थियो । “नाता वा चिनेजानेका व्यक्ति विरुद्ध मुद्दा दर्ता गर्न पीडितहरू मान्दैनन्” क्षेत्रीले भने, “दर्ता गर्न खोज्नेहरूलाई पनि विभिन्न प्रलोभन देखाएर पीडकहरूले रोक्ने गरेको भेटिएको छ ।”

पीडितले मुद्दा दर्ता नगर्नुमा अरू केही कारणहरू पनि छन् । पीडित आफैँ राजीखुशीले विदेश जान तयार भएका हुन्छन्, त्यसैले बाटोबाटै प्रहरीले पक्राउ गरे पनि उनीहरूले पीडक विरुद्ध मुद्दा हाल्दैनन् । त्यसमाथि, बेचबिखनमा परेका धेरैजसो महिला अशिक्षित हुने भएकोले मुद्दा मामिला कसरी गर्ने भन्ने जानकारीको अभाव रहन्छ । “बेचिने महिलामा चेतनाको अभाव छ, अदालती प्रक्रिया थाहा छैन” क्षेत्रीले भने, “विदेशमा भएका महिलाले न्याय पाउन त झनै कठिन छ ।”

मुद्दा दर्ता नै नभएपछि पक्राउ परेका अभियुक्तहरू पनि सजिलै रिहा हुन्छन् । उनीहरूमाथि कुनै कारबाही प्रक्रिया अघि बढ्दैन । सीमापार अपराध भएका कारण पीडकलाई पक्राउ गर्न सजिलो छैन । मानव बेचबिखनमा ठूलै गिरोह संलग्न हुने भएकाले प्रहरी पनि हतपत जोखिम लिएर अनुसन्धान अगाडि बढाउन चाहँदैन । “पीडितहरू हामीसामु खुल्दैनन्, उनीहरूले सत्यतथ्य बताउन चाहेनन् भने हामी पनि कर गर्दैनौं” नाम नखुलाउने शर्तमा एक प्रहरी अधिकारीले भने, “पीडित नै चाहँदैनन् भने हामीले मात्र किन जोखिम लिने ?”

मानव बेचबिखन तथा ओसारपसार (नियन्त्रण) ऐन, २०६४ अनुसार बेचबिखनमा परेका पीडितहरूको बयान जिल्ला अदालतबाट प्रमाणित नगरी कारबाही प्रक्रिया शुरू हुँदैन । पक्राउ परेका थुप्रै पीडितले प्रहरीसामु एकथरी र अदालतमा अर्कोथरी बयान दिएर आफूलाई अप्टेरो पारेको अनुभव प्रहरीसँग छ ।

यी कारणहरूले गर्दा प्रहरीको काम सीमा पार गर्न खोज्ने चेलीबेटी र तिनलाई लिएर दिल्लीसम्म पुऱ्याउन हिडेका अभियुक्तलाई समाउने र केही दिन प्रहरी हिरासतमा राखेर छोडिदिनेमा सीमित भएको छ । “हामीले ओसारपसारमा संलग्न थुप्रै व्यक्तिलाई पक्राउ त गरेका छौं तर मुख्य व्यक्तिहरू कारबाहीको दायरामा आउन सकेका छैनन्” महानगरीय अपराध

महाशाखा, टेकूका प्रहरी नायब उपरीक्षक मनोहर भट्ट भन्छन्, "नेपालका महिला र किशोरी कुवेत, यूएई, बहराइन, ओमन, कतार, साउदी अरेबिया लगायतका मुलुकमा बेचिन्छन् तर विभिन्न कारणले तस्करहरू समाउन सकिएको छैन ।"

राष्ट्रिय मानव अधिकार आयोगको प्रतिवेदनले पनि बेचबिखनको समस्या भयावह छ भन्ने प्रहरीकै बुझाइ सही रहेको पुष्टि गर्छ । आयोगको प्रतिवेदन अनुसार, सन् २०१५-१६ मा २३ हजार ६०० व्यक्ति बेचबिखनमा परेको अनुमान छ । यीमध्ये, ६ हजार १०० लाई बेचिएको, १३ हजार ६०० लाई बेच्ने प्रयास गरिएको र ३ हजार ९०० जना सम्पर्क भन्दा बाहिर रहेको आयोगको भनाइ छ ।

नोट : पीडितहरूले नाम नछापिदिन आग्रह गरेकाले उनीहरूको नाम परिवर्तन गरिएको छ । पीडितले प्रहरीलाई दिएको बयान जस्ताको तस्तै नछापिदिन प्रहरी अधिकारीहरूले आग्रह गरेका कारण बयानका केही अंशहरू मात्र स्टोरीमा समावेश गरिएका छन् । यो स्टोरी तयार गर्दा कञ्चनपुरका प्रहरी उपरीक्षक रहेका डिल्लीराज विष्ट हाल निलम्बित छन् । एक बालिकाको बलात्कारपछि हत्या भएको घटनाको अनुसन्धानमा दोषी देखिएको भन्दै गृह मन्त्रालयले उनलाई निलम्बन गरेको छ ।

प्रकाशित मिति: २९ भदौ २०७५

Foreword and Acknowledgement

A few words from the Chair

The mainstream media in Nepal has come a long way from being a government entity to being a vibrant corporate sector. In earlier days, the ruling government and the political parties gave directions to the media entities, which obliged as their spokespersons. Although this trend has decreased, the corporate sectors that own the media houses face challenges to become sustainable and to publish news and stories in an impartial and factual manner. The Centre for Investigative Journalism (CIJ) Nepal has remained a neutral organisation that has used investigative journalistic skills in exposing corruption and other vital issues (economic, financial, traditional, cultural, religious and political) that have negative impacts on the Nepali society. The mainstream media has been CIJ's partners in publishing some of the most sensitive investigative reports that we have produced.

As Nepal begins its journey as a Federal Republic, the role of Investigative Journalism has taken an important role. As per the new Constitution, we have accountable elected people's representatives in the seven Provinces. The role of CIJ Nepal is crucial in taking democracy ahead in the country. This book is a collection of 10 investigative stories done by CIJ, Nepal in 2018. All our stories are

the products by our trainees who get trained and mentored by us to produce stories as CIJ Fellows. The stories uncover corruption at all levels and aspects of governance and society. Our trainees are reporters associated with most of the media houses in Nepal, including print and audio visual media.

The ten articles in this book contain stories ranging from topics on how women still bear the brunt of gender stereo-typed taboos, how they face injustice, to how the newly-elected local and central lawmakers have abused their authorities. Stories like *Children in domestic labor trap*, *The Nepal-Gulf human trafficking nexus*, show how trafficking is prevalent inside the country and across the borders by exploiting children and adults. The story *Preying on poor people's ID* explains how social securities created for the marginalized people have not reached them but have been enjoyed by rich and powerful people including those with ministerial positions! *Entire village trapped in debt* is an article which gives heart-wrenching stories of how laborers are still entrenched in a vicious cycle of poverty, irrespective of the government policies. These services have not reached them and an entire village is burdened with debt. The Nepal Government claims to have a zero tolerance policy against Violence Against Women (VAW) and girls, however the article *Unsafe homes, victimized by own*, which was published during the 16 days campaign against VAW in November/December 2018, shows how girls and women are not safe in their own homes and surroundings and are raped by their own near and dear ones. Similarly, the article *Couples under wraps: Women's ordeals, men off the hook* unravels how women still bear the brunt of gender stereotypes and have to bear crimes where men are their equal counterparts. Nepal Government has policies to improve the conditions of the Far West of the country, however, the article *How doctors ignore Far West?* shows how such policies are far from effective. *Accommodation allowance for landlord lawmakers* sheds light on how lawmakers in Federal Nepal are misusing powers and enjoying benefits illegally.

The vision of CIJ Nepal to create a skilled group of investigative journalists to produce important stories like the ones mentioned above would not be possible without the support

of Finnish Foundation for Media and Development (VIKES). I would like to acknowledge and thank them for their financial and technical support.

The CIJ Nepal team is a very small team led by Editor Shiva Gaunle. I would like to thank him and all the ten reporters who have worked relentlessly under his guidance to produce these tremendously important reports. Saurav Kolakshyapati, Program Manager, CIJ deserves appreciation for his support in the smooth function of the project.

I would like to acknowledge and thank the Editors of the mainstream Nepali Media who have published our sensitive and important stories for a large population both within and outside Nepal. Last but not the least, the CIJ readers deserve our gratitude as our work is for them to read and take appropriate actions about the issues that we have raised.

Namrata Sharma
Chairperson
CIJ, Nepal



Unsafe homes, victimised by own

Stories of 20 girl survivors of rape

Mothers are in dilemma whether to protect their husband who raped their daughter or to fight against him for the sake of the daughter

Laxmi Basnet



In August 2014, a young girl of Panauti, Kavre, wrote in a “suicide note”: “I considered it better to die than be the wife of my grandfather and father”.

The heart-rending story that caused her to pursue death began when she was 10. She was raped by her own 65-year-old grandfather. Her ordeal went on for nearly six months, until her father arrived from abroad. When she told him about the series of abuses, he dismissed it questioning if an old man like him could do that.

Her father had four wives. She was the oldest daughter from the second wife. When she became 13, her father raped her too. She informed her mother about it but she did not take it seriously. Her maternal uncle was a police inspector. To his niece’s complaint, he said conclusively, “Discussing this matter causes disgrace. We’ll talk to him rather.” This assurance did not put an end to her nightmare. Her father continued to rape her. He also gave her contraceptive pills.

When nobody listened to her, she tried unsuccessfully to poison herself to death. After recovering a little after hospital care, she reached the Kavre Police Office to file complaints against her father and grandfather. The old man committed suicide right after the incident came to light. Refusing to fight for justice for her daughter, her mother said: “I must also care for my other children.”

The Kavre District Court jailed her father for 18 years. After the appellate court, the case reached the Supreme Court, which upheld the district court’s verdict. The father was sent behind bars but her mother disowned her. Sheltered by a non-government organization in Kathmandu, the child laments: “I have nobody of my own; no place to go to.”



Ten years ago, just the day after Dasain, the biggest festival celebrated in Nepal, an eleven-year-old girl of Kuwari, Nuwakot, followed her relatives to join her sister in Kathmandu. Having lost her parents early in her life, she grew up with her sister and sometimes at her maternal home. This fateful day, she had as

her company her sister's brother-in-law, his brothers and her maternal cousin.

Saying that they would not make it to Kathmandu on the day, the men planned to spend the night in Trishuli. All of them stayed in a single room. The men got drunk and gang-raped her.

In Kathmandu, she told her sister about her incident. Her sister went to police to find justice for her sister. In a complaint filed with the Nuwakot district police office, the victim claimed that all five had raped her. Her brother-in-law came forward to confess to the crime but said he had raped her solely, trying to save his younger brothers. The court slapped three-year jail terms on three of them as rape convicts. They have already served their jail terms while her maternal cousin has been absconding since the incident.

In this incident, a woman fought to bring justice for her younger sister. After the Nuwakot District Court sentenced her husband to 15 years in jail, she divorced him. Taking a share of her husband's property, she divided it between her two sons and her victimised sister. After leaving her sons at a hostel, she has gone abroad for employment.

Currently studying at the bachelor level, the girl is taking shelter at a non-government organisation. She still has the problem of urinary incontinence. Since her urine leaks while coughing and even laughing, she wears diaper while going out. Worried at her sister's broken marriage, she says: "I don't have anywhere to go now."



An adolescent girl of Godavari, Lalitpur, had an inter-caste marriage. Even if her parents did not endorse this union, she had a loving husband so the married life was going on well. After giving birth to a daughter, she felt the void of her parents had been filled.

However, her happiness was limited by an incident she witnessed a day after the 2015 earthquake. Under their tent, she saw her husband sexually assaulting her nine-year-old daughter. Controlling herself, she reported the crime to the police. The Lalitpur District Court sentenced her husband to 10 years in jail. She said at the court: "I don't need such husband. I wish to see this criminal imprisoned for life."

Having been thrown out of a happy family, she is now staying with her relatives. She lives on wages earned from odd jobs. In her first teenage year, the raped girl is studying under the care of a non-government organization. “I’ve realized that it takes no time for one’s dreams to shatter,” she shared.



She never brought the incident out even when she was often raped by her father. When she reached the ninth grade, her father brought her to Dolakha along with her younger brother. He kept them in a rented room saying that they could go to a good school there.

Her father continued to rape her in Dolakha too. When it was unbearable to her, she reported the case to her mother. While the mother took up the matter with the man, he scolded her instead. The series of rapes continued. Fearing that bringing the incident to the public might disturb her study, the victim made up her mind to keep quiet until her school-end annual SLC examination. Four days after her exams were over five years ago, she went to meet an acquainted female official at the District Administration Office and opened herself to her. After the official had informed the chief district officer and the police, her father was arrested. The Dolakha District Court issued its judgment, sentencing the man to 12 years in jail and fining him Rs 100,000.

She stayed home for the four-five days after the arrest of her father. But when her mother started pressing her to free him by changing her statement, she left home. She recently completed her grade 12 study under the protection of a non-government organization. “My mother has told me not to return while my father has warned me of consequences saying that he would appeal the court’s ruling,” she shared, requesting the government to provide her with security and job.



One 17-year-old girl of Parbat village was raped by her own uncle when she was 13. She did not share her ordeal then. When she started complaining of stomach ache often, her mother took



her to hospital one day. It was found out that she was pregnant. Her mother fainted at this revelation. Her father was suffering from paralysis.

The time for safe abortion had already passed. When the news spread across the village, people even talked about banishing her. She then got in contact of a non-government organisation with the help of police. She was kept there for some time, offered some “counseling” and then sent back home.

After they found that she had returned home after a few days, some women thrashed her saying that “such a girl must not be kept in the village”. When they were about to cast her out at night, a local teacher took her to the organisation again. She delivered her baby there. The court has ordered 10-year imprisonment for the rapist. “Where shall I go leaving this shelter?” the teenage mother wonders.



The childless couple of Laxmi of Dhading and her husband adopted a one-month-old baby girl seven years ago. The infant brought happiness to Laxmi’s small family. Five years later, Laxmi went to her parents’ home leaving the five-year-old back for the

mother's day celebration. On May 6, 2016, her husband raped the baby.

When she came back on May 13, neighbors told her about the incident. When the little girl confirmed that her father had raped her, the woman filed a complaint at the Dhading District Police Office. But after she had filed the case, the neighbors who had told her that they had seen the man rape the baby said the woman had conspired against her husband. "Those who said they had seen him rape later said they had no idea about it. They stopped sharing work with me. Instead, they charged me with theft."

Next, Laxmi filed a complaint against seven neighbours who had mistreated her. At a discussion held at the police office, some accused her of ruining the village, threatening her with death if she continued to do that. Police sent them back after an agreement. When the issue got too big for her to handle, she left the village. She's currently living in Bhaktapur with her daughter.

The Dhading District Court ordered three months later 11-year jail for the convicted father. Her daughter is now seven years old. "The guilty has been punished but I've no environment to go back to my village."



Two years ago, a 14-year-old girl of Manebhanjyang, Okhaldhunga, worked at a hotel operated by her relatives. Her stomach started to bulge. Her family was poor and her mother ignorant. When others advised her to take the daughter to hospital, they visited one. The girl was found to be seven months pregnant.

According to her, driver Kaji Rai, who worked for the hotel, had raped her. She had stayed quiet since he had threatened her with death if she told anybody about it.

She was then kept at the "safe house" in the district. Since she found it difficult to face the public after delivering the baby, some organisations have arranged for the two to live in Kathmandu with her parents' permission.

A complaint has been filed against Kaji at the Okhaldhunga District Police Office. The 16-year-old is living with her two-year-

old son. She's been a stranger to her own house and village. "I don't dare go home with a child born from rape. Where else should I go?" she wonders.



This story is from Chitwan. A few months after her birth, her mother eloped with another man. Her father was a contractor; he would often change his wives too. Some would stay for two to four months, others would leave after a week or so. One lived with him for pretty long and gave birth to a daughter but left her before the infant was one-year-old. This victim grew under her care.

As a teenager, she and her younger sister slept in the same room. One day she complained to her father that the door latch had broken. Rather than repairing it, in an unimaginable incident, her father and her brother took turns to rape her the same night. She said she had just gone to sleep after study that night.

As they went out, the men locked her from outside. She cried and yelled but nobody came to her rescue. Deeper into the night, she tugged hard at the door. Luckily, the door opened. Leaving her sister back, she rushed through the jungle to her maternal home and narrated her nightmare to her uncle and aunt. The couple took her back to her house the next day. The neighbors were invited. Her father and brother bowed to her and apologised saying that they had committed the crime under the influence of alcohol.

Back in her maternal home, she was married to a man nearly twice her age. Unable to live with the man, she left him to work at a dance bar. Currently she sells goods to bus passengers in the Kalanki area in Kathmandu. "I tried unsuccessfully twice to kill myself," the 18-year-old said. "Living is hard; dying is not easy either."



A girl from Baglung had both parents with mental illness who were unable to take care of themselves. This put on her shoulders the responsibility of looking after her parents and her younger brother and sister. At the age of eight she was taken to her aunt's house with the assurance of education.

There she started going to school. One day when her aunt was away, her uncle raped her. When others learnt about it, the man was arrested. The child was then sheltered at a “safe house” managed by a non-government organization. After a year, she was taken back to her parents who were mentally challenged and could not care for her. After her relatives and neighbours suggested that it was not good to keep her at her family, she reached the “safe house” again. “My parents can’t do anything. After her husband went to jai, my aunt refused to keep me at her home. Where shall I go?” she laments.



This incident happened in Kathmandu last year. Preparations were being made to celebrate her eighth birthday. The mother who always received her when she arrived from school was delayed as she had gone to Bhaktapur that day. She called up her brother-in-law next door to receive her.

But her daughter was not home when she reached home at 6pm. When she searched the man’s house, she found her lying unconscious in toilet. Neighbours gathered. At hospital, they knew that she had been raped. With the commotion, the relative had fled the house. He was caught in Jhapa after a month. The court has sentenced him to eight years in prison.

The woman reported to police after the saffron-robed 54-year-old had raped her girl child. But her husband supported his brother. After the court case, the couple broke up. Now she lives in a rented space.

Her daughter is sheltered by a non-government organization. She gets alarmed when she encounters a man. The family has broken apart. “The case is now at an appellate court. The brothers have vowed to turn over the case. I don’t know what to do if the man is freed,” she expresses her fears.



A man from Sinduli married a pregnant woman past her teens who had lost her husband, on condition of fathering her baby. He kept his promise after she gave birth to a baby girl. The man helped

her by feeding and bathing the baby as the woman was busy with farm and field works outside.

The girl was five years old. One day, the mother sensed that the baby's body gave off a foul smell. While she could not figure it out initially, she took her to hospital when the child gradually lost her appetite and started crying as if from stomach ache. Doctors said she had been raped repeatedly; her uterus had got wounded as a result. The crime had been committed by her step-father.

Since her treatment was not possible in the district, she was taken to Kathmandu. The mother left her in the care of a non-government organisation. The girl has been at the shelter for nine years. Her mother is a wage worker in the village.

Sentenced by the Sindhuli District Court for 10 years, the man is about to be released from prison but the wounds of the mother and the child have yet to be healed. The daughter is in a pitiable condition: she has menstruation once in three-four months. She bleeds for 15 to 20 days at a cycle. Since her uterus has yet to heal, doctors have advised removal of the organ.



After her father left for India by marrying another woman and their mother too deserted them, an eleven-year-old of Birendranagar, Surkhet, became the guardian for her brother and sister. She provided for her siblings and herself by begging with her relatives and often selling fodder and firewood. She had managed to continue going to school somehow. She studied in Grade 9; her sister in Grade 5 and her brother in Grade 2.

Five months ago one late evening, she was returning from the house of one distant relative quite far away. As she was passing a forest, two boys blocked her way and took turns to rape her. She reached home at 10pm with great difficulty.

Finding out about it, an aunt she knew took her to the police post. She was then sent to the shelter run by a non-government organization. She still lives there but she has more worries about her siblings than herself. "They might be hungry," she laments. Her rapists have yet to be brought to justice.



A seven year old girl from Birendranagar, Surkhet, lived with her maternal uncle. By leaving their three children at their maternal home, her father had left for India in search of work. As she grew up, her maternal uncle raped her repeatedly. When one of her aunts enquired about the peculiar behavior of the 16-year-old, she learnt that she had got pregnant.

The woman reported to police. The pregnancy of six months could not be aborted. Police sent her to a shelter run by a Non-Government Organization (NGO). The girl doesn't talk to anyone. Residence manager Dhana GC said: "She is under deep shock. She often talks in semi-consciousness." The rape-accused has been absconding.



A girl of Gurbhakot, Surkhet was married at the age of 14. Even though it was child marriage, her marital life had been going on well. One day, after her son was born, her husband hit her. She took leave to go to her maternal home for a few days. One night while sleeping at her maternal home, Shambhu Gharti of the village raped her.

Fearing social stigma, her parents wanted to settle the incident in the village. But while Shambhu's family threatened them, they reported to police. Shambhu was then arrested. When her husband came to know about it, their marriage broke up. "I chose divorce after realizing that I can't live at that home any longer," she said. "But I've not taken any property."

Shambhu has been in Surkhet jail for three months. His family is trying to free him. The young woman caring for her four-year-old son is further troubled by the behavior of her relatives and society. "My siblings charge that I brought infamy to them," she lamented. "When I'm hated in my parents' home, where shall I go?"



This incident is from Malika Rural Municipality in Myagdi. One Saturday three months ago, a mother had gone to work leaving her 12-year-old daughter at home with her 53-year-old husband.

The man raped her while his wife was away. According to the girl, her father had raped her earlier too.

After learning about it, the woman informed ward Chairman Pipala Budha about it right away. On his suggestion, the mother-daughter filed a complaint at the Area Police Office Darwang.

Police caught the man immediately. He remains in custody. But his relatives are still unhappy with Chairman Budha for referring the case to police without settling the incident among themselves. While the case is sub judice in District Court, Myagdi, the girl is studying in the village.



In an incident from Gaindakot, Nawalparasi, a father raped his eight-month-old daughter last year. The baby's mother has reported to the police that the man nearly 30-years-old committed the crime while she was away at work. She had gone to a hotel to work, leaving the infant in his care. When neighbors informed that her baby had been crying hoarse, she went back home and caught him red-handed.

The Area Police Office, Gaindakot arrested the man right after the complaint was filed. An organization has been providing legal aid in the case claiming punishment for the man on the charge of raping the infant as a blood relative. The Nawalparasi district court has sent him to custody. According to a legal practitioner pleading the case, the poor woman finds it hard to fight the case as she has to take care of the victim and her other babies.



The evening of April 11, 2018. A 16-year-old girl from a poor family in Janakpurdham sub-metropolitan city was returning home after work at a house. Two men caught hold of her on the way and took her to a house where seven men raped her whole night.

According to her, the rapists left her near her house before dawn. Nobody questioned her as she would sometimes stay at the house where she worked. The rapists had warned her not to complain to anyone, or else they would finish off the whole family. When she

told a distant sister of hers about it after two days, the woman's grandmother said she should go to police. A complaint was filed at the Dhanusha District Police Office four days after the incident.

Among the seven accused, Suman Pande, Dhanik Lal Sah and Ojir Hussain alias Rahul are behind bars while Ranjit Kumar Sah of Mahottari and Siddhartha Das of Dhanusha are absconding. Two others were unknown to the victim and the police have failed to identify them too. The girl currently taking shelter at an organization in Kathmandu finds it hard to go back home. Her family also wants her to study in the Capital as they fear that she may be attacked anytime if she visits her village. Perpetrators Pande, Sah and Hussain have appealed to the Janakpur Appellate Court for freedom.



A girl of Gujara Municipality in Rautahat disappeared all of a sudden in the first month of the Nepali calendar last year. Police were informed about it immediately but she could not be traced for two months. After she reappeared then, the mastermind behind her abduction, local drug seller Balistar Chaudhary, was arrested. He had held her captive by renting a room in Birgunj.

According to Area Police Office Garuda, the 13-year-old was raped by Balistar (35), Dharmendra Kumar Chaudhary (24) and Jaya Lal Mahato (19) repeatedly. Court proceedings are going on in Rautahat district against the three, who are in custody, on charges of abduction, holding captive and rape.

Since the girl's parents are being warned repeatedly to take back the case, they are staying in Kathmandu. The family living on a small business faces unprecedented trouble. "My daughter's life has been ruined; we're in a poor state too," said the victim's father.



Six months ago, a 14-year-old girl was raped by her neighbor in Phidim, Panchthar. Her poor family had three siblings and their mother. Their father had abandoned them long ago. The neighbor had offered her a ride on his motorcycle before raping her in a forest.

Rape cases in the past 20 years

Fiscal Year	Rape	Attempted rape
2053-54	112	34
2054-55	181	34
2055-56	141	18
2056-57	186	33
2057-58	122	35
2058-59	129	21
2059-60	157	18
2060-61	154	19
2061-62	188	25
2062-63	195	38
2063-64	317	70
2064-65	309	73
2065-66	391	75
2066-67	376	101
2067-68	481	151
2068-69	555	156
2069-70	677	245
2070-71	912	414
2071-72	981	562
2072-73	1,093	450
2073-74	1,137	531
2074-75	1,480	727

Rape cases in last 3 years

Fiscal Year	Rape case registered	Rape cases registration attempted	Below Age 10	Till 18 Years of Age	Total victims
2072/73	1093	450	213	468	681
2073/74	1137	531	211	532	743
2074/75	1480	727	261	734	995

Source: Women and Children Service Directorate, Nepal Police Headquarters

The man was arrested within a few days. The Panchthar District Court has sentenced him to 10 years in jail. He has been issuing threats to her from jail that he would slaughter her like an animal once he was out. Neighbours have been helping out her family but the woman fears for the safety of her other daughters. The organization providing shelter to her is preparing to rehabilitate her but the teenager is too scared to go home. She had returned to the organization in Kathmandu immediately after going home during Dashain.



Three years ago, a man lived with his granddaughter in a Syangja village. Her mother abandoned the girl when she was six, leaving her in the care of the 70-year-old. When the girl always complained of stomach-ache, her teacher inquired about it. When prodded lovingly, the girl spilled the beans. Health examination showed that the girl had been raped regularly for six months.

A complaint was filed against the old man at the Syangja District Police Office. He was arrested. After a year, the court sentenced him to 10 years in jail. The child has been sheltered at a “safe house” run by a non-government organization. The organization has its own problems. A representative of the organization says: “There’s no place and person we can leave the child with.”

Blaming the victim!

It’s not easy to rehabilitate the victims of rape in the family and society. The society holds the victim responsible and despises them. Menuka Thapa, chairperson of Raksha Nepal, an NGO supporting rape victims for the past 15 years, shares: “Most victims leave home. Those rehabilitated in society do not account for even 20 per cent.”

Rape victims are unable to overcome their grief. They have to recount their ordeal repeatedly to police, lawyer and the judge. Answering the harsh questions of rival lawyers makes them relive their nightmare.

Gita Neupane, who has been providing psychological counseling to child and adolescent rape victims for the last ten

years, said rape victims have traces of the incident in one form or another even after counseling. Victim's pain lessens only with the love of family, relatives and society. "However, most victims can't find the support of their family and relatives," she observed.

Dr Devi Gurung is a gynaecologist at the Thapathali-based Maternity Hospital in Kathmandu. She has examined more than a thousand victims of rape. According to her, white vaginal discharge, pain in the lower abdomen, urinary and uterine infection and urinary incontinence are the common problems. If the uterine infection is not treated on time, fallopian tube may be blocked and conceiving may be impossible, she added. This problem is more severe in young girls and victims of gang rape.

According to Thapa of Raksha Nepal, among the 70 rape victims sheltered there, nearly half of them have difficulties in becoming mother in future.

According to Binita Dahal, chairperson of Antardrishti Nepal, an NGO supporting girls raped by close relatives, the society blames the victim. In incest, confining the crime within family and not registering cases is common. "There is no case unless the mother of the rape victim is ready to renounce the family," said Dahal. "Mothers are in dilemma whether to protect their husband who raped the daughter or to fight against him for the sake of the daughter."

According to Dahal, such incidents are suppressed within the family or society as far as possible. "If there is a court case, the verdict is delayed. If there is one and punishment slapped, the convict lands in jail but the victim finds no peace in own family, society."

(With Laxmi Bhandari in Surkhet.)

(While protecting the victim's identity, in several cases the background of the incident and the identity of the perpetrators have been concealed. These cases were derived from the district police offices and cases sub judice in district, appellate and the supreme courts.)



Couples under wraps Women's ordeals, men off the hook

Scores of women who killed their infants born out of "illicit affairs" in fear and feats of rage are behind bars. However, men have not been jailed for their tacit relationship. Stories of women languishing in jail on the charge of infanticide or those recently freed.

Indira Aryal

The society has failed to grasp nature's explanation for conception. For nature, conceiving is just a technical process: a woman conceives when healthy ovum and sperm meet in a conducive environment. Most societies in the world have added the "legitimacy" dimension to this natural phenomenon.

Called 'illicit affair' in the common parlance, reports are abundant of the mother jailed for killing babies born out of such relationship. In order to analyse the gender, social and legal aspects of such affairs and infanticide, we have tried to look into the crimes committed by such women who are languishing behind the bars or have recently been freed.

Names of the people discussed here have been changed even as they have been cleared by the court or have completed their sentence with an aim to not cause any more harm to them due to public knowledge of their past. The names that we identify them with are related to the basic elements of earth, water, air and fire.

Bhumisara Pariyar, 22, of Yashok, Panchthar, is doing her time in Morang Prison. She got close to Akash Pariyar, eight years senior to her, 10 years ago. When Akash returned from Malaysia after working there for three years, the two talked on the phone and decided to marry. The baby boy born after 10 months of marriage is now 7 years old.

Two months after the baby was born, Akash went back to Malaysia. He sent eight to ten thousand rupees to her every month for household expenses. Sometimes he would send her 1 to 1.5 lakh rupees to deposit in bank. In four years, he sent home nearly 1 million rupees.

In her husband's prolonged absence, she got attracted to her brother-in-law. They had sexual relationship. She got arrested after two years later after revelation that she killed the baby born out of her extra-marital relationship.

"When my husband was away for four years, I missed him a lot," said Bhumisara. "In course of sharing feelings with his brother, who is my age, sexual relationship began. I had this fate while trying to abort the foetus to hide it from society."

Even as the Panchthar District Court slapped 20-year jail on her, the Biratnagar High Court slashed it to five years reasoning

that the punishment was severe. It has referred the ruling to the Supreme Court to see if it's consistent with the laws.

Jaljala Lawati, 30, also of Yashok in Panchthar, is in the district prison, Phidim, for infanticide. Her husband Megh Kumar has been doing a job in Malaysia for a decade. Police arrested Jaljala and Bajra Lawati, who is related to her husband, on April 12, 2016 on the charge of killing and burying in the community forest the baby born out of their illicit affair.

"Money he sent to me but the close support and hugs in times of need can't be bought with his money. Had he visited home at times for his youthful wife, I would not have been in this state now," Jaljala lamented.

In Jaljala's case too, the Biratnagar High Court has referred the diminished sentence to the Supreme Court to see if it's consistent with the laws. District Court Panchthar had sentenced Bajra to one year in jail convicting him of "not informing the police even after witnessing the baby's murder". He is now out of prison.

Kiss and kill

Tejkumari Rana of the erstwhile Majhkot VDC of Tanahu kissed her five-month-old daughter three times on the night of December 7, 2010 and tightened a handkerchief around her neck and pressed her palm against her nose and mouth. When others came to know about the murder, they reported the crime to police.

"I got impregnated by Kahar Bahadur Rana, who happens to be my brother-in-law," 17-year-old Tejkumari has told the court in her statement. "I killed the infant that was conceived without will, had not been christened since there was no situation to reveal her father to the society and I realised that her presence would make the future of a 17-year-old woman dark."

According to Tejkumari, she had informed Kahar Bahadur that she had been pregnant. He had promised to "settle" it. When her pregnancy was known to the community, the locals had assembled and discussed the case. However, Tejkumari got disheartened when her daughter could not be named even after five months of her birth and killed her.

The Tanahu District Court slapped 10-year jail on her six-and-a-half years ago. She has appealed to the Pokhara Appellate Court pleading: “Social derision enraged me and compelled me to kill my daughter but my punishment has been severe.” Six years ago, agreeing that the sentence had been “severe”, the Pokhara court after eight months of appeal slashed the jail to seven years. The Supreme Court validated the middle court’s order. Tejkumari is now out of prison.

Murder case against Samira

An infant’s body was found in a paddy field at Madhavpur of Pithuwa VDC in Chitwan. Upon inquiry on August 24, 2013 at Bharatpur Hospital, Samira Lamichhane was found to have reached there for treatment after getting rid of her baby. Samira had been staying at her maternal home in Pithuwa for study. She had got pregnant after physical relationship Pawan Tiwari who had told her that he was from Maldi, Dhading.

According to her statement, she delivered the baby in a toilet at her aunt’s house in Pithuwa. She wrapped the baby in cloth and brought it to her room. Having cleaned the toilet, she put the baby in a bucket and threw it in an irrigation channel. She told the family that she had got back after a bath. On the phone, she told Pawan that she had thrown the baby in the water channel after killing it. Police charged the duo with murder.

In this case, the district court ruled that the teenager could not be convicted of killing the infant born live. Its verdict reads- “It can’t be said with certainty that the infant was murdered by Samira Lamichhane who delivered the baby alive before flowing it down the channel in the absence of sufficient evidence attached while filing the case.”

Samira also failed to record in her statement that the infant was stillborn. Postmortem report also showed that the baby had died after birth. This led to the conclusion that the infant had not died from Samira’s deliberate action. While the district court slapped 45-day sentence on Samira and Rs500 in fine, Pawan Tiwari was cleared in the case.

The Hetauda Appellate Court suggested five-year jail on Samira holding that the crime warranted life sentence with confiscation of property. The Supreme Court ruled that Samira's act was criminal. The sentence was confirmed five years on March 3, 2016. Samira has already done her time.

Gagan Maya's statement

Gagan Maya Chalaune of Siddheshwari, Salyan, wrapped the baby she had given birth to in a plastic sheet immediately and buried it by digging a pit under a nearby cave. Goat herders informed the police after they spotted the infant's body there. After the body was recovered on June 18, 2012, police arrested Ganga Maya based on the locals' report.

"Garud Dhvaj, teacher at the local school who is a brother-in-law to me, forced on me on the pretext of charging mobile. He had physical relation with me twice--in the fourth and fifth months of the Nepali calendar seven years ago," said Gagan Maya, 25. "He refused to marry me. He drifted away from me initially. In Nepalgunj, after four months of physical contact with him, doctor said after examination that abortion was not possible then."

When the condition got serious, he said: "Do whatever you like," Gagan Maya said in her statement.

She stated that she waited for the baby to be born and that she had thrown it away immediately without cleaning it or cutting the umbilical cord "considering it to be dead since it did not move". Confessing to her crime, she demanded in her statement that Garud Dhvaj be punished too.

Even if the Salyan District Court found the crime to be punished with life imprisonment with confiscation of property, it slapped 10-year-jail arguing that the sentence would be too harsh on the woman who had had physical relation with another man while her husband was away and got rid of the infant fearing social stigma.

She repeated her claim that she had not murdered the infant and the police had no evidence that she had done so, reiterating that she had dumped the baby considering it to be stillborn since

“it did not move its limbs”. The Tulsipur Appellate Court slashed the sentence to seven years in 2013 as the punishment would be “severe” on her. The police that was not satisfied with the sentence and Gagan Maya, who claimed innocence, both reached the Supreme Court.

The apex court upheld the order of the Appellate Court. “Gagan Maya has said she had illicit affair with Garud Dhvaj. A baby is seen to have been born out of the affair,” reads the order. “Gagan Maya fails to submit documents or present witnesses to prove that the baby was a stillborn. Since she concealed her pregnancy and buried the infant with an aim to hide it, it can’t be proved that the baby was stillborn.”

She has got out of the Tulsipur prison after serving her sentence.

Forbidden fruit

A close look at the background shows most such cases of infanticide are caused by extramarital affairs or relations before marriage. The husband of Achala Pariyar of Tarahara, Sunsari, was a wage worker in India. When she was acquainted with Shila Bahadur Rajbanshi who came to her village to work, she developed close relationship with him. This led to her pregnancy. “I was seven months pregnant. I slipped and fell while carrying water to kitchen. The pot fell upon my stomach,” said Achala. “A stillborn was delivered three days later. Shila Bahadur seems to have taken it away and buried.” Achala is doing time in Morang prison after being convicted by the court.

The body of an infant was found at the house of Takaji Prajapati in Khusibu, Kathmandu. Police probed Ghanga Khanal, who lived in that house, on the suspicion of delivering and killing the baby. She had married Samudra Bahadur Thapaliya. When the couple did not have cordial relations, she had come to Kathmandu and started working as waiter at several restaurants.

In due course, she met Sagar Lama. He had sex with her promising to marry her. After she got pregnant, he stopped caring for her. In her statement, Ganga said that she banged the baby after it was born and dumped it into the well.

Arguing that life term with confiscation of property would be severe punishment for her, the district court proposed five-year jail for her. The Patan Appellate Court and the Supreme Court upheld the sentence.

Desperate mothers

Nepal's laws don't hold any sexual relation other than incest and that with children illegal. Within the permitted period of pregnancy, the woman is not questioned who impregnated her for abortion. However, when the embryo grows, abortion or infanticide proves such sexual intercourse illegal.

Even in pregnancies resulting from consensual extra-marital relation between a woman and a man, not only the physical burden, the mental and social problems befall mostly the female. Since social and legal acceptance of children born out of such affairs is scarce, babies born to extra-marital relations are essentially losing their lives for no reason. While the society exempts the male involved in physical relation from responsibility, the woman faces the challenges of raising the child and adjusting it to society. Some mothers take such harsh decisions fearing social stigma.

The family story Bhuwan Kumar Pahari of Raigaun in Makawanpur is similar. "When I enquired my wife Jagatmaya if she had got pregnant as rumoured in the village, she denied it. When women found her on December 24, 2009 washing blood-stained clothes, she said she had murdered the baby girl that was born to her around 4 o'clock out of shame. When I also came to know about it, I found the infant buried under stones and leafy branches," said Bhuwan. In his report filed to police on December 25, 2009, he says: "As per my enquiry, she had got impregnated by Himlal Bholan and got rid of the baby born out of the relationship." Police found the body as reported.

At the court, Jagatmaya said she had got pregnant due to intercourse with Dudhlal. "The baby was alive. It seemed to have died after I left it," she said. "I discarded the baby out of shame." Himlal was also made a defendant in the case. In her statement, Jagatmaya said her husband had abandoned her after marrying another woman. Arguing that life imprisonment with confiscation

Women doing time on the charge of murder

District	Number of detainees		
Kathmandu+ (Jagannath Dewal)	63	Saptari	6
Parsa	26	Sindhuli	6
Chitwan	22	Kanchanpur	5
Kaski	17	Udaypur	4
Nawalparasi	17	Kalikot	4
Banke	16	Gorkha	4
Palpa	15	Parbat	4
Kailali	14	Myagdi	4
Morang	14	Syangja	4
Ilam	12	Gulmi	3
Salyan	10	Dhading	3
Panchthar	9	Baglung	3
Dailekh	8	Rukum	3
Pyuthan	7	Rautahat	3
Bhojpur	7	Solukhumbu	3
Surkhet	7	Jumla	2
Dang (Tulsipur)	6	Dhankuta	2
Nuwakot	6	Bardiya	2
Rolpa	6	Okhaldhunga	1
Lamjung	6	Doti	1
		Tehrathum	1
		Rasuwa	1
		Sankhuwasabha	1
		Sindhupalchok	1
		Total	363

Source: The Prison Management Department, Dillibazaar (October, 2019)

of property would be severe on her, the Makwanpur district court slapped a seven-year jail on her. Himlal got acquitted.

Some adolescent girls have demonstrated the courage to deliver babies conceived from relations not recognized by the society. But the challenges they have to take for their young ones are tough. They face troubles ranging from admitting the child to

school to getting the citizenship certificate. According to sociologist Nirmala Dhakal, unable to cope with the difficult situation, some women develop a criminal attitude.

“In extramarital relationship, the society holds only the woman responsible. When the incident becomes public, the society does not accept the woman, making her tolerate neglect,” sociologist Dhakal said. “If the society accepted the women, there would be little chance for such incidents. Cases of murder would be fewer still.” Citing the incidents of some women killing themselves together with their children, she suggested that such problems should be addressed while amending the family law.

200 behind bars

Among the 20,328 prisoners across the country, 19,021 are male. The number of female detainees is 1,307, according to the Prison Management Department. According to Krishna Bahadur Katuwal, the director and spokesman for the department, 363 women are doing time on the charge of murder. The department has no exact data on the number of women who were jailed for murdering their own babies.

“It's not possible to distinguish who's doing time for murdering their babies without looking at individual cases,” said Katuwal. “A cursory look leads us to guess that more than half of the women jailed for murder are related to infanticide.”

By this estimate, more than 200 women are behind the bars on the charge of killing their own babies across the country.

Even if life imprisonment is proposed as punishment for crimes of infanticide, the sentence is reduced to seven to ten years upon consideration that the punishment is “severe”. According to prison department spokesperson Katuwal, before the new Criminal Code came into force on August 17, 2018, the sentence of prisoners “having good conduct” was waived after they had completed 40 per cent of their jail term. With the provision, those jailed on charge of infanticide are released between two to four years in jail. Based on this proposition, 40 to 50 women land in jail every after being convicted of infanticide.

Free men

According to the criminal justice system, punishment is slapped on the one who is guilty. Those who have no direct or indirect involvement deserve no penalty. From this principle, in the killing of babies born out of socially unacceptable relations, the mother is mostly involved. The men involved in copulation are out of the social glare, and hence free of responsibility for the newborn. Cornered from all sides, the women are tempted to take their baby's life in a bid to defend their dignity.

According to Senior Advocate Mira Dhungana, women are not solely responsible for such crimes. The legal and social practices burden women with providing the evidence for their claim. "Even as they have full information about the incident, they are unable to provide all details about the partner in crime. Even when they provide information, they don't believe it so it doesn't become credible," said Dhungana, who defends such cases. "While investigating the case, authorities hold the woman responsible for the crime. The area of police investigation also seems to be narrow."

In a study conducted by Dhungana's team in 14 districts two years ago, two men were found in jail for their involvement in killing infants. In some cases, women have been jailed even for stillbirth due to false reports filed by family members against the postpartum woman.

In the Tanahu incident of incest, Tej Kumari had been looking after the baby after getting compensation from the other guilty party as he happened to be from the same family. "The son of my uncle impregnated me, raping me when nobody else was home," said Tej Kumari. "When I took the matter with him later, he asked me to keep quiet. He would manage it."

She was unable to abort the pregnancy. The court had summoned Kahar Bahadur but he had not presented himself. Besides infanticide, the case of incest was also sub judice in court. Kahar Bahadur had also been made a defendant in the case but there is no mention of him in the court's verdict.

According to Rama Parajuli, who has been defending such cases on the government's side, the court generally views such

incidents in three ways. The first test is who—the male or the female—was responsible for the baby's death. Joint Attorney General Parajuli says: "Even if the male incited the murder of the baby born out of an illicit affair, punishment for him can't be recommended unless investigation proves his role. The issue is decided only when all evidence is gathered. Life imprisonment is slapped only when murder is proven."

According to former DIG Hemanta Malla, the mother is often found to have murdered her child because of Nepal's social situation and legal provisions. "Relations are found to be consensual that result in pregnancy. As long as the male is not involved in murdering the baby, there is no legal provision for linking him with the criminal responsibility only for the 'physical contact,'" said Malla. "Even the women free of criminal mentality deem getting rid of the baby as the immediate solution due to social fears. And such incidents repeat."

Malla has the experience of finding rarely the involvement of males in such incidents. The social structure puts all the blame related to premarital relation and its consequences on women. By not readily accepting such children the society is promoting such incidents indirectly.



Mankot village
of Gaumul-5

Children in domestic labour trap

The effort of two ward chairpersons of Gaumul Rural Municipality in Bajura who started collecting information on the status of children from their wards working as domestic helps holds promise

Nimendra Shahi

A different topic came to be discussed during the local level elections held in June last year at Gaumule Rural Municipality in Bajura. The issue of numerous children from the village being taken to other far-western districts and some even to faraway Kathmandu to do domestic works was occasionally deliberated on during the civic polls. After formation of the village council, chairpersons of wards 4 and 5 and the chief and deputy chief of the rural municipality enquired about the whereabouts of the children taken out to do domestic chores.

Chairpersons of wards 4 and 5 collected details from their areas immediately and submitted the information to the rural municipality while others are in the process of submitting their reports. By gathering information until November 2017, the “Details of Children from Gaumul Rural Municipality Gone out of the District for Domestic Works” has been prepared. The report reveals the name, age and address of the children, the house they were taken to, name and address of the house owner and the name of middlemen who helped in the children’s movement.

Ten-year-old Seema Rokaya is one of those domestic workers. Middlemen have taken her to Kathmandu. Here is the telephone conversation we had with Seema of Gaumul-4, who works as a domestic help at the Basbari-based house of former Nepali Police SP Ram Kumar Thapa.

Seema: Hello

Journalist: Hello

Seema: Yes!

Journalist: Do you know me?

Seema: Who are you?

.....

Seema: Greetings brother! Are you fine?

Journalist: I’m ok. And you?

Seema: I’m ok too.

Journalist: So what are you doing?

Seema: Nothing. Just sitting.

.....

Journalist: Which school do you go to?

Seema: Bansbari Secondary School

Journalist: Which grade you said you are in?

Seema: Four.

.....

Journalist: What tasks do you do at home now?

Seema: Arranging clothes, watering flower pots,

Journalist: How did you get there?

Seema: (Brought by) maternal uncle

.....

Journalist: I want to ask you a question. Please answer honestly.

Seema: Yes, ok.

Journalist: Do the family members scold you sometimes or not?

Seema: Sometimes, saying 'do your work', 'Don't forget!'

Sometimes I also do works beyond my capacity.

Journalist: What chores do you do? Please repeat.

Seema: I clean the rooftop, water plants, sweep the kitchen floor, do evening dishes, mop and brush the floor, arrange cushions and sofa, collect dry clothes and fold them.



Mothers from Manakot, Goumul-5, whose children are house workers in capital city.

....

Journalist: Who scolds you if something goes wrong while doing so much work?

Seema: Nani tells me to be careful.

Three years ago, Seema's maternal uncle Bharat Dhami brought the eight-year-old to Kathmandu saying that he would find her a good school there. He also brought Seema's elder sister Kamala, 12, along. In Kathmandu, he left them at the Dhobichaur-based house of Kiran Gautam, a Yamaha dealer. The girls stayed there as domestic helps. Later Kiran sent Seema to the Bansbari-based house of Ram Kumar Thapa, the husband of his sister. "Sister and I do similar work," said Seema, adding that Kamala is still in Dhobichaur.

Their parents have no idea where the girls have been staying since Bharat took them away. "We sometimes talk on the phone. I don't know what condition they are in," said Bhakta Rokaya, the father. He said Bharat had taken them away while he was in India without his knowledge.

Bharat, who 'supplied' young village girls as domestic workers, is currently in Qatar. He also sent 12-years-old Sharmila Dhami and Kavita Dhami of Gaumul-4 to Nepalgunj saying that he would find 'rich families' under whose care they would study.

Many others like Bharat are active in Bajura now who turn village girls into domestic workers in cities, luring them with the promise of good education. According to details from the rural municipality, teachers and some traders in the village are among those who 'arrange' children for 'well-to-do' families in cities as domestic workers by luring economically deprived families.

Besides teachers and traders who are influential in society, relatives are also among the middlemen who get deals by persuading families. They are driven by the motive for profit from people in search of domestic workers by getting them children they like. Economically deprived local residents are easily duped to send their children to cities, leading to exploitation of the young ones.

Ramananda Joshi of Gaumul-4 is a person who 'sets' village children to work for rich families in cities. He is a former headmaster

of Kritichaur Secondary School. Known to be an intellectual in the village, 'Ramananda Guru' has helped five children end up in other people's homes. Citing the details collected by the rural municipality, Gaumul-5 Ward Chairman Birendra Rokaya had no hesitation to say: "Ramananda Guru appears to be at the forefront of trafficking children."

According to the details, Ramananda has "supplied" many children to Kanchanpur and Kailali districts. Most of them work at teachers' homes. He sent a child each to the homes of Durga Bhawani Secondary School teacher Reshmi Shah in Attariya, Kailali; Mahendranagar Secondary School teacher Chandrakala Panta in Kanchanpur; and Shanti Niketan Secondary School teacher Pushkal Bhatta in Kanchanpur.

The details also show the role of Sharada Lower Secondary School teacher Ganesh Shah at Badyali in Budhiganga Municipality, Bajura; Durgali Primary School teacher Balram Joshi in Gaumul; Manakot Secondary School teacher Bhim Bahadur Rokaya in Gaumule; and Sharada SS teacher Shanti Singh in Dhangadhi, Kailali, in "arranging" children for other families. For instance, minor Umesh Dhama sent by Ganesh works at the home of Saraswati SS teacher Basunta Hamal in Dang.

Keshav Rokaya of Gaumul Rural Municipality-5 is known as an "intellectual" in the village. He has sent five children of Gaumul elsewhere as domestic workers. The rural municipality details show that the children serve at households in places including Kathmandu, Banke and Pokhara.

Taking children away for domestic labour seems to be an old practice here. The present "supplier" Bhawindra Rokaya of Gaumul-5 used to be a domestic help himself. Until two years ago, he served at the Bhaktapur-based house of Rudra Khadka, a teacher. Bhawindra was taken to Khadka's by Gyan Bahadur Rokaya, a former Nepal Army soldier. The municipal records show he has sent four children to Chitwan, Bhaktapur, Pokhara and Kathmandu. He also sent to Shyamji Atithi, a former District Education Officer in Chitwan, 13-year-old Mahesh, the son of Dalbahadur and Budi Rokaya of Goumul-5, two years ago.



Suresh Rokaya with mother and father who fled from a house owner because of overwhelming chores situated in Tikapur, Kailali

According to the municipal details, traders in Gaumul Pune Dhami, Arjun Dhami and Purna Dhami are also among those who "supply" children. Arjun sent Shiva Dhami of Gaumul to work in the house of Nandaraj Pantha, a former district education officer.

Called to enquire about the matter, Pantha did not get in touch. His daughter-in-law said on the phone: "Shiva looks after children." Upon further enquiry, Nandaraj's son Gajendra snatched the phone and said: "Who are you? Why do you need [it]?" Gajendra added: "I brought him over on the basis of our relation, helped him since his family faced troubles."

A Dhangadhi-based trader Durga Singh, former Army soldier and Manakot local Ghanindra Rokaya are also listed among the middlemen sending boys and girls to work for other families. Even Gaumul Rural Municipality office assistant Rambahadur Rokaya is named in the act.

Besides, security guard at Rastriya Banijya Bank Bajura branch Premraj Joshi, locals Khadak Rokaya, Soure Rokaya, Shankar Rokaya, Ram Rokaya, Dinesh Rokaya and Sabina Rokaya are on the list of those "assisting" in sending out children. In the neighboring district of Bajhang, the papers show involvement of Arun Singh.

Another person luring children of poor families to work for others is Balaram Joshi, a teacher at Durgauli Primary School in Gaumul. He sent Yubaraj, the son of Tanka Prasad Joshi in Manakot, to work at the Lalitpur-based house of retired soldier Suran Singh Bogati. Balaram is a relative of Tanka Prasad.

Child Labour (Prohibition and Regulation) Act (2000) bars use of minors under 14 as workers. Section 4 of the Act says: "No child shall be engaged in works as a laborer against his/her will by way of persuasion, misrepresentation or by subjecting him/her to any influence or fear or threat or coercion or by any other means." Sub-section 2 of Section 19 says: Whoever commits any act in contravention of Sub-section (2) of section 3 and section 4 shall be liable to a punishment of an imprisonment of one year in maximum or a fine of fifty thousand rupees in maximum or the both.

Shanti Singh, a teacher at the Dhangadhi-based Sharada SS in Kailali, has kept Saroj Dhami of Gaumul, Bajura, with her as a domestic worker. "I brought him since there was no one to help out at home," she said.

This issue of Gaumul that remained under wraps for long came to the fore only a few months ago. On October 10, 2017 the National Human Rights Commission wrote to the rural municipality drawing its attention to "the growing tendency of children being sent out of the district selling them dreams of study in good schools and decent jobs". The Women's and Children's Office Bajura wrote to the municipal authorities and guardians on December 22, 2017 "to return the children sent out of the district as domestic workers as soon as possible".

Since then, nine children from the two Gaumul wards have returned home. According to the details made public so far, 43 children from the two wards are still in Kathmandu and other districts, serving as domestic workers. The municipal details show 23 children from Ward No 4 and 20 from Ward No 5 are still serving as domestic helps. According to information from the Village Child Protection Committee, all of them are under 18 years.

The committee is preparing to declare Mankot in Gaumul as the village free of child labour. Rural municipality Chairman



Mukesh Budha with mother who fled from Army officials house because of overwhelming daily chores situated in Lalitpur.

Hari Bahadur Rokaya said all the children would be returned to the village before the announcement. Those exploiting children's labour would be brought to justice immediately. "Efforts are being made to return all the children taken away illegally," said Rokaya. "We'll bring back all by the Nepali New Year."

The Kamlari practice was prevalent in western districts including Kailali, Kanchanpur, Banke, Bardiya and Dang until July 27, 2013. Landlords there made children of the Tharu community indentured laborers. After the government abolished the practice, children are being drawn from the remote hills to meet domestic labour needs, Gaumul-4 ward chairman Birendra Rokaya said.

Child Welfare Committee coordinator and Chief District Officer Luk Bahadur Chhetri said he had no formal information about such children. "Children being taken away without following

the due procedure face exploitation while it's been difficult to search for them," said Chhetri. "Those getting children lured by the promise of study to work should be tried on trafficking charges."

Gaumul-6 ward Chairman Ganesh Bahadur Rokaya said children would now be barred from leaving for domestic labour. "Whatever may have happened until now will not repeat from the next fiscal year. Everyone will be brought back," he added.

'I was sent to school sometimes'

Here are two instances of the level of atrocities meted out to children who were promised "good education". An army official took away 14-year-old Mukesh, the son of Dhani Budha in Gaumul-4, Manakot, Bajura. The permanent resident of Lalitpur had taken Mukesh promising to enroll him into a good school in the Capital. But he did not send Mukesh to school regularly.

"They sent me to school occasionally," said Mukesh. "I always had to do household chores." Unable to tolerate the work pressure, Mukesh ran away during Dashain last year saying "I'll go out to buy some goods."

His mother Dhani Budha said: "I had sent him away believing he would study well. He only got trouble." Mukesh was unable to name the Army official who had taken him away.

Sixteen-year-old Sarita Joshi of Gaumul was taken away four years ago by her uncle Balram Joshi for "good education in the city". Her mother did not stop her believing that her daughter would have a bright future after study. Balram left her with Kamal Khanal, a teacher in Butwal who was his close friend.

Her days of trouble began when Sarita reached Kamal's house. He did not send her to school. Instead, she had to rear animals and cut grass for them. Unable to bear it, Sarita ran away three years ago. Admitting his mistake, Balaram said: "I had taken her to my friend on his demand. She had to face misbehavior."

Sarita's mother Kamala Joshi said: "My daughter faced atrocities but there was nobody to speak for her." Sarita is currently in the United Arab Emirates for employment.



Pushed by poverty: People of Himali Rural Municipality prepare to travel to India for work.

Preying on Poor People's ID

Tempted by the benefit that comes with securing an ID for the poor, influential people including former ministers, local representatives and school principals have applied for the certificate, claiming they are poor. The story of Poor Household ID, which the government is rolling out in 25 districts, including Bajura and Bajhang in western Nepal.

Nimendra Shahi

The Poor Household Identification and Identity Card Distribution Programme, which aims to raise the living standards of people under the poverty line, is in an initial stage of implementation. Under the programme, 18 indices have been developed covering information on the materials used in the houses, types of household fuel used, access to utilities and educational and social status. The pilot phase has been implemented in 25 districts. Bajura and Bajhang, where poverty rate is high, have been included in the project.

The households have been enlisted according to the Poor Household Identification and Identity Card Management and Distribution Regulations 2014 (Third Amendment), which was formulated by the Ministry of Cooperatives and Poverty Alleviation (now Ministry of Agriculture Land Management and Cooperatives). According to the database, 64.1 percent of people in Bajura district of Sudurpaschim Province fall under the poverty line. Their number has increased, according to a 2012 report published by the Poor Household Support Coordination Board Secretariat. Some 71.1 percent of people of Bajura are poor, according to the report. Bajura is the poorest among the 25 districts piloted for the project.

According to the second Living Standard Survey carried out in the fiscal year 2009 by the Central Bureau of Statistics, the poverty rate of Bajhang district is 56.79 percent. Three years later, the research from the Poor Household Support Coordination Board Secretariat showed an increase in poverty in the district. According to the report, 62.8 percent people in Bajhang are under poverty line.

What is poverty? What does it mean to fall under the poverty line? We spoke to Ramhari Gaihre, director of the Poor Household Support Coordination Board Secretariat. According to him, those households whose annual income is less than 19,600 rupees fall into the category A, which denotes 'extreme poor'. Similarly, households with annual incomes less than 31,600 rupees fall into the category B. The category C covers those who cannot spend 40,000 rupees a year.

We found many discrepancies in the list prepared by the Poor Household Support Coordination Board Secretariat. Tempted by the benefit, well-to-do people including local leaders, government officials had registered themselves for the programme. Even those who earned 20,000-25,000 rupees a month and those with plots of land in cities had enlisted themselves as poor, claiming that their annual expense was less than 19,000 rupees. We asked them how they were enlisted for the Poor Household ID. Perhaps wary of an expose, all of them replied: "We don't know how we ended up in the list."

But most of the real poor, the target group of the programme, haven't been listed. Even if they are listed, their names appear in Category B or C. The list highlighted the discrepancy in a programme that is aimed at raising the living standards of people under the poverty line. This report exposes the wrongdoing.

These too poor!

Janak Raj Giri is a well-known personality in Bajura district and the Sudurpaschim Province. A resident of Swamikartik Khapar Rural Municipality-4, Giri is a national personality. In the 2000 elections, he was elected as a lawmaker for the Nepali Congress party. In 2002, when Sher Bahadur Deuba was the prime minister of the country, he was an assistant minister for land reform. His name is listed in the 'poorest' category, with ID number 266,240. Before he entered politics, Giri was a permanent teacher at Swamikartik Secondary School. Giri said he was unaware of his name being listed for the ID. "My mother was at home during data collection, I was away. I do not know anything," he said.

Ajay Bahadur Malla's ID number is 269556. He has already been a District Development Committee member twice representing the erstwhile CPN-UML party. He stood for the chairperson of Himali Rural Municipality, but was defeated. Malla runs the Dajubhai Grill Industry at the district headquarters of Martadi. He is also associated with the Swamikartik Mansarovar Yatayat Private Limited. Malla said he didn't know about his name being included on the list of the poor.



Fake poor: Janak Raj Giri,
a former assistant minister for land reform.

Narabir Kami, the father of Dr. Rupchandra Bishwakarma, head of the District Health Office, Bajaura, is a former teacher. His name is listed in Budhinanda Municipality-5 under the B category of the poor (ID Number 216,020). When asked about his father, Dr. Bishwakarma said, "I do not have any information, but if it's true I will ask (officials) to remove it from the list."

Khambir Budha, a resident of Swamikartik Khapar Rural Municipality-4, is an accountant. Earlier, he was an employee of the District Health Office. His mother Sete Budha has been enlisted at the poorest list of 'A' category with the ID number 266,718. When asked about this, Khambir said, "We do not know how our name was included. I will have it removed."

Janakala, the mother of Bhakta Kaila, a health coordinator of the Rural Municipality, is also listed as 'very poor' (ID number 266,695). Bhakta's reply was similar to the one offered by Khambir. He said, "We were not at home. So the list may have been prepared after enquiring the neighbours. We only knew that after



The real poor: Mata Luhar, a 55-year-old from Badimalika Municipality-7, with her granddaughters at her courtyard. After the death of her husband, a shepherd, her two sons now work in Mumbai as security guards. Her name is not included in the list of the poor.

announcement of the identity card. We have not yet benefitted from the project."

Brij Bahadur Bam is the father of Prakash Bahadur Bam, the principal of Radhumata Secondary School in Swamikartik Khapar-2. He is on the list of category B poor (ID number 655,239). Ratna Bahadur Malla, the father of Dev Kumari, principal of Saraswati Secondary School in Himali Rural Municipality-4, in Bachhya, has been enlisted as a category B poor (ID number 237,583).

Others included in the list of category C poor are Manrup Bohara (ID number 246,721), a teacher at Satya Secondary School in Budhinanda Municipality-8, Deep Chandra Upadhyay (ID No.

2,6 9, 054), a teacher at Mangalmaya Primary School and Rajendra Prasad Timalseña (ID No. 2,6, 054), a teacher recruited in the relief quota at Kalika Lower Secondary School in Budhinanda Municipality-3.

Devraj Pandey, another teacher at Mangalmaya Primary School, is also on the list of category B poor (ID number 2,6, 641). Mani Prasad Joshi (ID number 2,66,6 9), a teacher of Swamikartik Secondary School, and Man Bahadur Budha (ID number 266,732),

List of poor in Bajura

Local bodies	Total house holds	Poor house holds	%	Families above poverty line	%
Triveni Municipality	2881	1864	64.7	1017	35.3
Badimalika Municipality	2386	1287	53.9	1099	46.1
Budhiganga Municipality	3706	2029	54.7	1677	45.3
Budhinanda Municipality	3600	2017	56	1583	44
Gaumul Rural Municipality	1365	447	32.7	918	67.6
Jagannath Rural Municipality	1574	1093	69.4	481	30.6
Swamikartik Khapar Rural Municipality	2185	1838	84	347	16
Khaptad Chhededaha	2911	1989	68.3	922	31.7
Himali Rural Municipality	1692	1265	74.5	432	25.5
Total	22300	13826		8474	



Fake poor:
Aj Bahadur
Malla, a former
member of district
development
committee.

a teacher at Kalika Primary School, are under the category C poor. Tek Bahadur KC, a teacher at Sharada Secondary School in Barabish, has been listed in the category B poor with ID Number 310,321.

Ransur Rawat (ID number 237,804), the father of Purna Lal Rawat, who teaches at Badimalika Secondary School in Himali Rural Municipality -6, and Ajbir Rokaya (ID number 237,766), the father of Padam Rokaya, a teacher at Kholikhand Lower Secondary School, have been listed as category C poor. Karna KC and Kalu KC are brothers who teach at Kailash Primary School and Satyabadi Secondary School, respectively. Manmati, their mother, has been listed in category C poor (ID number 257,409).

The government prepared the list by collecting details of poor people from villages and towns. The government sought to provide 'social protection as per the resources,' and to issue an ID card for people living under the poverty line. Though the government has yet to announce the various benefits for the card holders, it has decided to provide up to 50,000 rupees for medical expenses and a 25,000 rupees in insurance coverage for poor households with up to five members. The government will

pay 100 per cent of the insurance fee for the category A poor, 75 per cent for the category B poor, and 50 per cent for the category C poor. According to the list prepared by the Secretariat of the Poor Household Identification and Identity Card Distribution Board, the health insurance programme has been implemented in nine local bodies of Bajura district. Because of these benefits provided under the programme, the prosperous and well-to-do people have enlisted themselves as poor.

Officials skim off the programme

Janak Rokaya is the ward chairman of Swamikartik Khapar Rural Municipality-1. Before being elected to the post, he worked at a non-governmental organization called Human Resource Center. He has a Category B ID for the poor with number 206,733. Birjan Kattel, the ward no-3 chairman, has been assigned a Category C ID (number 206,456).

Others on the list are Jay Bahadur Adhikari, ward-7 chairman of Himali Rural Municipality (Category C, ID number 237,000), Tek Bahadur Rokaya (Category B, ID No. 306,177), ward-8 chairman of Budhinanda Rural Municipality and Nanda Bahadur Rokaya (Category B, ID No. 306,651). Arjun Bahadur Karki, elected twice as the village head and now ward 2 member of Badimalika Municipality, is a listed Category C poor (ID No: 275,500).

The family of Jamuna Rokaya, an auxiliary nurse at a health post in Gaumul Rural Municipality-4, has also been listed as poor. Her husband Kalak Bahadur Singh is a member of the judicial committee of the rural municipality. Her eldest son is a teacher at Kritichaur Secondary School. Her daughter Sumitra Singh works as a social mobiliser at a nonprofit called Gift Bajura. But she is enlisted as a poor with the ID number 219,629.

Bir Bahadur Bohara, a health worker at Pandusain Health Post in Budhinanda Municipality-9, has been listed as a Category B poor. Chure Bhandari, father of Kuber Bhandari, a health worker at Swamikartik Khapar-2, is also on the list.

Jayalal Shahi, who has been listed as Category C poor (ID no: 266,536), is the coordinator of veterinary services (equivalent of

non-gazetted officer) at Swamikartik Khapar Rural Municipality-5. Krishna Budha (also from here), a technician at Sanfe-Martadi Road Division Office, is listed as Category B poor (ID No: 266,732). Barup Kathayat, an assistant accountant at Swamikartik Rural Municipality, has been listed as category B poor (ID No: 266,321). Muga Giri, the mother of police inspector Chandra Giri of Swamikartik-4, is among the poor (ID No: 267,323).

Deepak Karki, an overseer at the government office, has been listed as category B poor (ID number 257,465). His wife Bindu BadalKarki works as an officer at Women Development Office of Bajura. His elder brother's wife, Laxmi Karki, works at the District Government Attorney's Office in Achham. A large number of the beneficiaries include helpers and postmen of government office. They receive salary from the government, but are presenting themselves as poor to claim the benefits meant for landless, squatters and haliya, the forced farm labourers.

While former assistant minister Janak Raj Giri was listed as Category C poor, Rajit Bika, the man who earned a living by plowing Giri's farm fields, was not included in the list. Rajit is a member of Haliyas, a community in the far-western Nepal who face extreme poverty.

It's been 10 years since the government banned bonded labour. Though 1500 Haliyas have been identified in Bajura, they have yet to feel emancipated because they haven't received financial compensation and a resettlement package. Many still plough the fields of their masters to earn a living. But many Haliyas are not included in the list of the poor. Whereas Khambir Budha, the accountant of Swamikartik Khapar Rural Municipality, is among Category C poor, Birkha Bhiyal, who works as a labourer on his farm and fields, is not included.

Situation of Bajhang, a neighboring district, is not much different. When he heard that his neighbors Dhan Bahadur Sunar, Pyaru Sunar were among the Category C poor, Gagan Badi was surprised. He lost his temper after he found out that his name was under the Category C poor. That's because the man who was listed as a Category A poor was his master. He had been abused by the master for failing to pay the loan and its interest .

After seeing the names of Raju Badi and Deepak Badi, who are similarly poor, in the Category C, Gagan was furious. “How can this happen? They are landowners, but they can identify themselves as poor? And, people like us who are charged 60 percent interest on loan are designated as rich?” he said. “We don’t want an ID from a government that hurts the poor.” Sitting alongside him, Dharam Badi said, “Perhaps his name was among the extreme poor because we had to pay him money. Will a beggar be a rich person?”

All the adults of 15 households of Badi community in Jayaprithvi Municipality have taken loans from their neighbours belonging to the Sunar community. Since they have handed their ID cards to their creditor, they don’t have any ID left with them. What’s more, the creditors often prepare documents in which they inflate the amount of loan. Batu Badi said she was shocked when she saw their names listed as poor. Four landless Badi families who make a living by begging in the streets did not make it to the list.

Suresh Joshi, an administrative officer at Jayaprithvi Municipality, said, “Those who pay the maximum tax according to the municipality’s integrated tax system are enlisted as category C poor. Those who don’t need to pay tax are either not on the list or are put in the B category of poor.”

This is not only about some villages. It’s found all over the district. Rana Bahadur Kathayat, a resident of Chhabis Pathibhara Rural Municipality, is the head of District Post Office of Bajhang. He owns a four-story house in Chainpur, the district headquarters. He has his own vehicle and other properties. But he is listed as category C poor. “I don’t understand on what basis they collected the data,” said Akkal Dhimi, chairman of the rural municipality. “Rich people are listed as poor while the poor are not on the list.”

Wakil Bahadur Singh, the principal of Bannichaur Higher Secondary School, is the richest man in the village. He owns houses in Mahendranagar and Dhangadi. He has plots in Kathmandu, Dhangadi, Kanchanpur and Bajhang. But he has been listed as a Category A poor. “All the rich people from here have been listed as Category A poor. But the poor people are left out of the process. We feel embarrassed by this. So we haven’t distributed the poor IDs,” said Dhan Bahadur Bista, mayor of Bungal Municipality.

The local federal units of Bajhang haven't distributed the IDs. In the district, 126,875 people from 16,219 households have been listed as poor. Among them, 63435 have been listed as Category C poor, 45253 as Category B poor and 30,166 as Category A poor. Barka Bahadur Rokaya, the chairman of Khaptad Chhanna Rural Municipality, said they will distribute it only after investigation as a majority of the beneficiaries included rich people.

According to the Poor Household Support Coordination Board Secretariat, the data for the poor household were collected using indices developed by the Poverty and Human Development Initiative at Oxford University and internationally practised by the United Nations Development Programme. The data collected from the survey was processed under Proxy Means Tests developed by the World Bank. This process has been used in several countries including Latin America, Pakistan, Sri Lanka, The Philippines, and Bangladesh.

The Board also posted notices urging people to raise their questions about the poverty rate of households. Initially, the Board enlisted 1,224,417 people in 25 districts, but a subsequent investigation found that only 391,831 were eligible for the programme. Even the final list has been marred in controversy.

On June 4, 2017, a meeting of the Board prepared a final list of beneficiaries: 391,831. The list was approved by a Cabinet meeting on July 17, 2017. But because of the arbitrary nature of the survey, distribution of the ID cards has stalled.

'List prepared at a communal resting platform'

Govinda Bahadur Malla, chairman of Himali Rural Municipality of Bajura district, said the list, prepared in the village's resting platforms (chautaro), couldn't be officially approved. "The list has excluded the poor people. It's dominated by well-off people. How can a list such as this be implemented? The list, drawn up in a random manner, must be corrected."

Deepak Shah, mayor of Budhiganga Municipality, said if the list is approved as it is, well-to-do people were likely to benefit from the programme meant for the poor. "This must be corrected," he

said. Gauri Kanta Sanjyal, caretaker administrative officer of Himali Rural Municipality, said, “We had posted the list in the villages. I don’t think everyone has seen it. It’s difficult to implement because the genuine poor are off the list.”

Chiranjibi Shahi, the chairman of Swamikartik Rural Municipality, said a meeting of local representatives will have to prepare the list. “If we hand out benefits as per the list, it will not target the poor people, but well-to-do families who already have an upper hand,” he said.

Additional reporting by Basant Pratap Singh in Bajhang.



A Haliya settlement
in Chhabis Pathibhera
Rural Municipality-5

'Entire village trapped in debt'

*Dalits and poor people of far-western hills
continued to be trapped in bonded labour,
with powerful people exploiting the tradition.*

Basanta Pratap Singh

Gopal Nepali, a resident of Biskhet in Thalara Rural Municipality-6, Bajhang district, had been a Haliya or bonded tiller of the Joshi household after his grandfather failed to clear debt. The backbreaking work took a toll on him and he died 12 years ago. At the time, Gopal was only 45.

On September 6, 2008, two years after Gopal's death, the government abolished the Haliya practice. The government also announced that it will clear the loaned money that the bonded tillers owed and launched initiatives to rehabilitate former Haliyas.

Gyana Nepali, Gopal's wife who had been raising her five children single-handedly after her husband's death, was elated by the news. She started to dream of sending her children to school even in the midst of crisis. But after her son Shyam turned 9, her landlord pressed her to pay the debts.

It had been four years since the death of her husband. Having not contributed to the ploughing of fields after her husband's death, her debt of 30,000 rupees increased to Rs 102,000 as interest accumulated over the loan. A woman raising five little children, she was not capable of repaying the loan. Aware of her helplessness, the landlord forced her to send her son to plough the field.

"He was too young to handle the job. But if I didn't send him to work in the field, every year, I had to pay 30-40,000 rupees in interest. So I sent him with a heavy heart," she said.

Shyam was a fifth generation tiller at the Joshi household. But even after forcing her under-age son to work in the field, Gyana continued to face hardships. The bus Shyam was travelling home from the district headquarters of Chainpur two years ago met with an accident. A steel rod had to be inserted in his broken leg, which has yet to fully recover.

After the accident, Shyam couldn't plough the field. The interest on the loan, meanwhile, kept rising. And, she kept on borrowing money from her landlord, with the final debt reaching Rs 500,000. "If he works a little, his leg gets swollen. The landlord wants us either to work or pay the debt. It feels like we live in a jail," she said.



A Haliya family of Thalara Biskhet shows their Haliya ID card under category 'D'

A false dawn

When the government announced their (Haliya) emancipation, it defined the term 'Haliya.' According to the definition, Haliya means farm-worker such as shepherd and tiller who carry out various tasks during paddy cultivation and is engaged in the work for the entire year or a half after he himself, his family or his ancestors took loan from landlords and is unable to pay the loan. After defining the Haliyas, who were poverty-stricken and experienced a wretched life in the far-western region and the western region, the government announced their liberation on September 6, 2008.

Under the Haliya practice, landlords issue loans to poor people with high interest rates and force the debtors and their offsprings to work as bonded labourers. Taking advantage of the tradition, well-off people in the the far-western region have continued to exploit poor and landless people including Dalits.

The recent Criminal Code has also criminalised the system. According to Article 164 of the Code, no one should be bonded as a result of his or her ancestors' debt. The perpetrator will be

imprisoned for three years and faces a fine between 3,000 and 100,000 rupees. But despite the law, the practice continues in the far-western region.

Giri Damai, a 66-year-old of Biskhet, is another victim. His father Jahari had borrowed money from Surendra Joshi's family for his son's marriage. Later, he borrowed some more amount for household expenditures, with the total amounting to Rs 25,000. Throughout his life, Jahari ploughed his landlord's field to pay back the 25,000 rupees.

After his father's death, Giri followed his footsteps. After he grew old, he sent his 12-year-old son Dinesh to till Joshi's field. The men from three generations have already served as Haliya at Joshi's farms, but they still owe the 25,000 rupees. "We are forced to plough the field until the debt is cleared," Giri said. "The father passed away after years of farm-work. I spent my life tilling the field. My son will try to pay the loan. If he cannot, he too will die with debt."

Having worked in the fields of their landlord throughout the year, Haliyas do not get the opportunity to work elsewhere. How can they pay the loan when they cannot work elsewhere? "If you don't work for a year, they will double the interest," said Padam Damai, a Haliya. "Our life revolves around farm work. The whole village is trapped with debt."

To earn money so that he could clear the debt, Padam went to India, where he worked as a daily wage worker for two years. When he returned home after two years, his landlord had increased the interest of Rs. 15,000 to Rs. 80,000. "I thought I would be able to pay back the loan, but when I came back, the amount had soared. My saving wasn't enough," he said.

Eighteen Dalit families in Biskhet village still plough the fields of their landlords to pay the loan. If they don't, they are charged with 60 percent interest. They are also abused and scolded by their landlords. They do not have a piece of land in their name. They live in outhouses on their landlord's property. "They say 'we have provided our land for your house; if you don't do what we say, you will be uprooted'. We have to quietly tolerate all this," Kalu Damai said.



A Haliya in Chhabis Pathibhera Rural Municipality

Though the government announced that it will clear the debts of Haliyas as part of their emancipation, Surendra Joshi, one of the landlords, said they had yet to receive it. Joshi said, "When they need money such as for the wedding of their children or household expenses, they borrow from us. Earlier, they used to work in the field, but now they do not even do that. They also do not return the money. Some have fled to India." Joshi said he has lent Rs 25,000 to Rs. 40,000 to three or four families. "They may have helped us with farm work because they have been doing it for years. But we haven't forced them as Haliyas."

Life full of hardship

Motihara Damai of Durgathali Rural Municipality-7, Gairagaun, in Bajhang adistrict is a matriarch of a 14-member family including three sons, two daughters-in-law and nine grandchildren. But her house hardly covers two square metres, not enough for cooking and sleeping for such a large family. "We spend the night by just sitting," she said. "If all of us are together, we don't even have space to sit down."

Among the 203 Dalit families in the village, who earn wages by ploughing the non-Dalit people's fields, tailoring their clothes, and engaging in ironwork and leather work, around 164 face predicament similar to Motihara's. Since they don't have land, they live in others' property. "The wages from the landlord are not enough for two months. If we get some daily wage work, we make a living. If not, we borrow money," Nammu Kami, a local, said. According to him, for their 12 months of labour, they receive 2 to 4 quintals of wheat and rice.

Chabis Pathibhera is a 15-minute walk from Gairagau. Some 118 Dalit families live here. Ninety-two of these families have no land. According to a Dalit profile prepared in 2015 by the Bajhang district development committee, 1,683 families, who don't have their own land, are designated Haliyas and Khaliyas.

In Bajhang, more than 15 villages are home to Haliyas who have been trapped in loans inherited from their ancestors. They are in huge numbers in Bhulwada, Lwarwada, Khaula, Khula, Sunikot of Talkot Rural Municipality; Rilun, Masta, Bhatekhola, Dugrakot,



Haliya families gathered in Udaypur village of Chhabis Pathibhera Rural Municipality to share their stories of debt-ridden life

Ranada of Masta Rural Municipality; Dhandagaun, Chhayala, Bhandar, Hemantwada, Rithapata of Jayaprithvi Rural Municipality; and Udaypur, Jhuteda, Lwada, Byansi of Chhabis Pathibhera and Gaira of Durgathali Rural Municipality. Other villages with large numbers of Haliyas include Biskhet, Malumela Parakatne of Thalara Rural Municipality, Bagthala, Deura, Bhamchaur, Bhairabnath of Kedrashyu Rural Municipality, Khiratadi, Pipalkot Deulikot, Khaptad Chhanna, Gadraya, Lamatola, Kalukheti, Pauwagadhi, Patadev of Bungal Rural Municipality. An estimated 1200 Haliyas live in these villages. Their existence 10 years after the government abolished the practice is a mockery of the announcement.

Powerful beneficiaries

According to the data collected by the District Land Revenue Office and the NGO Haliya Mukti Samaj' in 2009, the number of Haliyas in the district was 2,848. Based on that, the Committee for Resettlement of Freed Haliyas under the Ministry of Land Reform and Management certified 2168 Haliyas.

Among those verified, the authorities handed IDs to 1663 Haliyas--71 under category A, 418 under category B, 19 under category C and 1145 under category D. The Freed Haliya Resettlement and Action Plan, 2013, has classified those who don't have land and house as A, those with house but without land as B and those with land but without house as C and those with both as D.

According to these criteria, the Haliyas of Biskhet should have come under category B. But they were listed in the D category. That's because powerful people were listed under the categories A, B and C.

After abolition of the Haliya practice, the government paid the loan they owed to their landlords. It also provided land to the landless. It bought houses for the homeless. It spent millions of rupees for the scheme. Many organizations also spent large amounts in order to make Haliyas self-reliant. But a vast majority of Haliyas continued to plough the fields of their landlords. Upon investigation, we found out that the benefits from both the government and NGOs went to people who had access to

power. "Those people who had access to officials in the district headquarters benefited from the scheme. There was no one to speak for us," said Chakhudi Damai.

According to Dalit rights activist Dinesh Nepali, most of the people who are on the list and have been certified are relatives of officials and employees of the Haliya Mukti Samaj. "Those who are not Haliyas are listed as beneficiaries whereas the real ones still ploughed their landlord's field," he said.

Krishna Bahadur Bohra, head of the district land revenue office, admitted that "people who could keep others as Haliyas have been listed under Category A." He added, "I am surprised how these data were collected." Rabi Sarki, the supervisor of the scheme, knows the answer. "This is what happens when data is collected randomly. It did injustice to many. Those who were not classified were listed under category A whereas those who should have been listed were pushed to category D," he said.

Chakra Bahadur Sarki, chairman of Haliya Mukti Samaj in Bajhang, claimed that there was no faults in data collection. But his statement reveals that it is a disgrace. "Someone might have earned money or found a job and kept Haliyas. But ancestors of all Dalits of Bajhang were Haliyas at some point," Sarki said. "Now it might appear that well-to-do people have benefitted from it, but in the past, they had been Haliyas."

Rs. 150 million spent after flawed statistics

We found examples of widespread negligence while collecting data of Haliyas. The enumerators of Haliya Mukti Samaj had listed 79 Haliyas including Githe Od, Ram Bahadur Parki, Gajam Sarki, Bhale Kami of Thalara Rural Municipality-9. A meeting chaired by Chiranjibi Thapa, deputy chief district officer and coordinator of the district data collection committee, certified them as Haliyas. But when a team from the District Land Revenue Office reached the village to hand out the fund, the people listed were not found to be residing there. The names were fake.

The enumerators even didn't make it to Chabis Pathibhera-6 and Durgathali Rural Municipality-7. According to Mohan Lal BK, ward chairman of Chhabis Pathibhera-6, the enumerators didn't



A house belonging to Haliya in Gaira of Durgasthali Rural Municipality. 76 people of 11 families live in the house

arrive at the village after someone told them there weren't any Haliyas in the village. "More than 200 Haliyas live here. But they are not on the list," he said. Despite such huge discrepancies in data collection, there were no attempts to correct it. Instead, the local authorities spent 150 million rupees based on the flawed statistics.

The district land revenue office spent 286 million rupees for 88 Haliyas to build houses (325,000 for each household), 220 million rupees to purchase land for 110 Haliyas (200,000 rupees for each household) and 154.725 million rupees to repair houses for 833 Haliyas (125,000 rupees for each household). In total, the District Land Revenue Office spent 154.725 million rupees on house construction, land purchase and renovation of houses. In addition to this, there's no record of money spent under headings such as skill and capacity development, income generation, education and health.

As a result, people such as Gyana are suffering under an oppressive system, which ensnares underage boys like Shyam as a Haliya for debts passed on from their ancestors.



Accommodation Allowance for Landlord Lawmakers

The list of MPs receiving a monthly housing allowance despite living in their own private bungalows -- obtained from the Parliament under the RTI Act -- shows how corrupt and morally bankrupt some of our lawmakers are

Makar Shrestha

Five months ago, we asked the Secretariat of the Federal Parliament for a list of MPs receiving housing allowance.

We wanted to find out if even those members of parliament who own houses in the capital city are receiving housing allowance, as in the past.

But the parliament secretariat refused to disclose what should have been easily available in the public domain. So we filed a Right to Information (RTI) petition on 20 June 2018, but the parliament secretariat refused to comply. It was only when the National Information Commission (NIC) intervened that the parliament secretariat provided us with the closely-guarded list on 30 October 2018.

And voila! The list showed us how corrupt and morally bankrupt some of our lawmakers are.

The list contained names of as many as 30 MPs who have been pocketing monthly accommodation stipend despite having their own private houses in the Kathmandu valley. And they are not just little-known lawmakers but also famous industrialists, businessmen and top political leaders.

The parliament secretariat deposits housing stipend along with salary and other allowances into their bank accounts every month. To avail of the housing stipend, every lawmaker has to fill out a form declaring whether they live in rented apartments or in own private residences. But 30 MPs have lied to the parliament secretariat to receive what is only meant for those lawmakers living in rented houses.

Those MPs who do not have their own houses in the Kathmandu Valley are entitled to a monthly housing allowance of Rs 18,000. Even those who have their own houses here are entitled to a monthly home repair allowance of Rs 9,000. But some landlord MPs have declared that they live in rented houses just to get an additional Rs 9,000.

A parliament secretariat employee told us: "I have been to the houses of some MPs who have been enjoying monthly accommodation allowances. They are lying blatantly, but we cannot do anything about it."

These MPs are not from just one but all national parties. As many as 13 MPs from the ruling Nepal Communist Party (NCP) make the list of MPs pocketing housing stipend despite having their own bungalows. The opposition Nepali Congress (NC) is not far behind, with as many as 12 MPs on the list. Three MPs from the Rashtriya Janata Party (RJP) Nepal, one from the Federal Socialist Forum Nepal (FSFN) and one independent lawmaker also make the list. Apart from these 30 members of the Lower House, two more MPs from the Upper House have also lied to claim the housing stipend.

The parliament secretariat's spokesperson Rojnath Pandey says only those MPs who do not own houses in Kathmandu Valley are entitled to housing stipend. He says: "We will see if anyone lives in their own house but is still pocketing housing allowance."

Who all are on the list

Congress MP Bhimsen Das Pradhan is a permanent resident of Kathmandu-27. He was elected from the Kathmandu 6 constituency last year. As Defense Minister, Pradhan declared his assets on 4 September 2017, disclosing that he owns a house in Kathmandu. But he has been regularly taking housing stipend since February last year.

When asked, he said: "I have a house in Jyatha. But that was too congested for me when I became the Defense Minister. I needed space for my body guards as well. So I moved to the house of my mother-in-law in Chhetrapati, shifting her to a rented house. I take housing stipend because I need to give it to my mother-in-law."

UML MP Subash Chandra Nembang lived in a government residence in Baluwatar when he was the chair of the Constituent Assembly, and then Speaker of the House after the new Constitution was promulgated. Nembang, elected from the Ilam 2 constituency, then moved to a rented house behind the Russian Embassy, which he later himself bought. He still lives there. He told us: "The parliament secretariat had asked me to fill out a form declaring whether I own a house in Kathmandu. I had mentioned that I have

bought a house with a bank loan. I am not sure how the parliament secretariat processed my information."

RJP-N coordinator Rajendra Mahato is also receiving housing allowance despite having his own house in Kathmandu. On 14 November 2011, when he was the health minister, Mahato had mentioned in an assets declaration form that he owns a house in Kathmandu. He told us that he owns a house in Kathmandu, but there is not much parking space. FSF-N MP Sarita Giri has a house in Bishalnagar, but she is also accepting monthly accommodation allowance.

RJP-N MP Laxman Lal Karna, elected from the Parsa 4 constituency, has a house in Bansbari. But he is taking a monthly housing stipend.

Umesh Shrestha, chosen by the NC as an MP under the Proportional Representation (PR) system, is the owner of Little Angeles School in Hattiban, Lalitpur. He lives in his own house in Jhamsikhel. He told us: "Why would I receive a housing stipend? I have my own house." But the parliament secretariat has a receipt that confirms he is also receiving housing allowance.

Chitralkha Yadav, an NC MP under the PR system, lives in her own house in Bhainsepati, which she also showed in her assets declaration form when she was the education minister. She said: "I live in a private house, but I don't know if I can call it my own property. I built it for my daughter. I will gift it to her."

NCP MP Yogesh Bhattarai, elected from the Taplejung constituency, lives in his own house in Anamnagar. He claims that he has not taken housing stipend. But his name also features in the parliament secretariat's list of MPs receiving housing allowance.

Dibyamani Rajbhandari, an NC MP under the PR system, is the owner of what he calls 'Newa Villa'. He had organised a tea reception in this very house just before Tihar festival. The parliament secretariat's records show that Rajbhandari, a businessman, is also pocketing monthly housing allowance. However, he claims that he has not taken this money. "If my name is on the list, that must be a mistake by the parliament secretariat," he says. "I have mentioned in the form that I have a house in Kathmandu."



Federal Parliament Secretariat

NCP MP Pampha Bhusal lives in her own house in Kusunti, and she does not hide it. But she is also receiving housing stipend.

NCP MP Narayan Khadka, elected from the Udayapur 1 constituency, is receiving housing stipend. But when he was required to fill out an assets declaration form while serving as the urban development minister in 2014, he disclosed that he has a house in Bhadrakali.

NCP MP Goma Devkota, Nabina Lama, Yagyraj Sunuwar, Ramkumari Jhakri and Rameshwor Ray Yadav are also on the list. Devkota and Lama own houses in Pepsikola of Bhaktapur. Sunuwar and Yadav have houses in Imadole of Lalitpur. Jhakri has a house in Sankhamul, Kathmandu. Sunuwar and Yadav were elected from Okhaldhunga and Sarlahi respectively, Devkota, Lama and Jhakri were nominated under PR quotas. Karma Ghale, Ram Bahadur Bista and Bahadur Singh Lama were nominated as MPs under the PR system, and they are also pocketing housing money.

When asked, Jhakri explained: "I do not own a house. Nor does my husband. We live in a joint family house. If this is against the law, I am ready to return the money."

Sunuwar said he was indeed living in a rented house in Kirtipur and moved to his own house just two months ago. "I was



It is a clear case of corruption if an MP receives an accommodation allowance despite having his or her own house in the Kathmandu Valley.

Sher Bahadur Dhungana
Ex Joint Secretary
and advocate

busy in my constituency, so I could not inform the parliament secretariat immediately."

Chhakka Bahadur Lama, an independent MP elected from the Humla 1 constituency, owns a house in Kathmandu. So do NCP MPs Dal Bahadur Rana and Parbat Gurung, elected from the Palpa 1 constituency and Dolakha respectively. But they all are taking housing allowance.

Motilal Dugad, also an MP nominated by the ruling NCP under the PR system, is a famous industrialist. He was first asked to comment on whether the government must provide housing facilities for MPs, and his reply was: "I have my own house in Naxal. But those MPs who do not have their own houses in Kathmandu face multiple problems. So the government must provide accommodation facilities for them."

One month later, asked why he too is taking housing allowance despite having his own house in Naxal, he said: "Everyone knows I am from Biratnagar, and I live in a rented house in Kathmandu. The property that I have in Naxal is my office."

NC MP Amaresh Kumar Singh lives in his house in Bhainsepati, but he is taking housing allowance. Same is the case for NC MP Kishor Singh Rathore, who owns a house in Baluwatar.

NCP MP Birodh Khatiwada, who often blasts his own party in the House, says he has a house in Lalitpur, but he is also on the list.

Two weeks after we received the list of MPs taking housing allowance despite having their own private residences in Kathmandu, the parliament secretariat's Information Officer Keshav Aryal called us to say that the list needs to be revised because some MPs want to return the money.

According to Aryal, Karma Ghale, Narayan Khadka, Dibyamani Rajbhandari and Bahadur Singh Lama of the NC are returning whatever amounts they have received so far in housing allowances. Subash Chandra Nembang, Parbat Gurung and Goma Devkota of the CPN, Sarita Giri of the FSFN and independent MP Chhaka Bahadur Lama are also returning accommodation allowances.

A parliament secretariat source told us: "Some MPs have applied to correct the information provided by them to us, after we were forced by the RTI Act 2007 to divulge details about lawmakers receiving housing allowance."

Krishna Hari Banskota, chief commissioner of the NIC, says: "This is the power of the RTI Act, and it will help promote good governance in Nepal."

Parliamentary committee chairs make the list, too

Some of the lawmakers receiving housing allowances despite having their own houses in Kathmandu are not just members of the House, but they are also chairpersons of parliamentary committees. One of them is NC NP Bharat Shah, chairman of the Public Accounts Committee (PAC) of Parliament. He told a PAC meeting on 5 September 2018: "My house is in Guheshwori, just three kilometers from the airport. But the taxi charges me Rs 700." His statement has been in the record of Parliament, but he is also receiving housing allowance. He told us: "I sold my old house, and my new house is still under construction. So I am living in a rented house."

Parshu Ram Meghi Gurung, chairman of the Legislation Management Committee of the Upper House, is taking



Submitting false details to receive housing allowance is in itself violation of the laws drafted and passed. "Presenting false details is tantamount to submitting forged certificates". "It is also a case of moral corruption.

Gauri Bahadur Karki
former Chief of the
Special Court

accommodation allowance though he lives in his own house in Chunadevi. When asked, he said: "I don't know about it, but I will now enquire."

Tara Devi Bhatta, chairperson of the Sustainable Development and Good Governance Committee of the Upper House, lives in a Bhainsepati house registered in her son's name. But she is also taking housing allowance. Parliamentary committee chairs receive a monthly housing stipend of Rs 25,608.

Living in minister quarters, receiving housing allowance

Barshaman Pun is now serving as the water resources minister. His wife Onasari Gharti Magar, former Speaker, is now just an MP. She lives in the ministerial quarters with her husband. But records show she is receiving housing allowance.

MP Satya Pahadi also lives in the ministers' quarters with her husband Shakti Basnet, who is the forest and environment minister. She is also taking housing allowance.

Yashoda Gurung, the wife of the ruling NCP Chief Whip Dev Gurung's ,is also an MP. But both are receiving housing allowances separately. While Dev Gurung receives a monthly housing stipend of Rs 25,608 as Chief Whip, Subedi receives Rs 18,000 every month.

The parliament's records show many leaders live in rented houses, including NCP Co-chair Pushpa Kamal Dahal, NC's Bijaya Kumar Gachhadar, Pradipa Giri, RJP's Mahanta Thakur and Mahendra Raya Yadav. NCP's Dev Gurung, Agni Sapkota, Khaga Raj Adhikari, Janardan Sharma, Top Bahadur Rayamajhi and Devendra Poudel are among the MPs who do not have their own houses in Kathmandu. The NC's Whip Pushpa Bhushal, Umakanta Chaudhary, former prime minister and Naya Shakti Nepal's coordinator Baburam Bhattarai and President of the parliamentary committee of Industry, Commerce and Consumer rights Bimal Prasad Srivastav also do not have houses in the Valley.

Rs 5 million for housing allowance

A total of 308 members of the federal parliament (both the Upper and Houses) are receiving accommodation and house repair allowances. Of them, 79 MPs receive a monthly house repair stipend of Rs 9,000 while 229 MPs claim Rs 18,000 every month for house rent. The parliament secretariat has to dole out Rs 4,926,593 every month only for accommodation and house repair allowances.

As per the law on facilities for the MPs, it would be the government's responsibility to provide official residences for lawmakers. And, until the government manages official residences for them, they will be given a monthly housing stipend. However, those who have their own houses in Kathmandu Valley will be given just half the amount for house repair and maintenance.

The leader of the main opposition party and leader and chief whip of the ruling party are entitled to a monthly housing stipend of Rs 25,608. Chief whip of the main opposition party, whip of the ruling party and parliamentary committee presidents are given a monthly housing allowance of Rs 24,268. But MPs receive just a monthly allowance of Rs 18,000.

"Claiming government facilities by submitting false details is corruption"

-Experts say that claiming government facilities by submitting false details is corruption. Ex-joint secretary and advocate Sher Bahadur Dhungana, who served the National Vigilance Centre for a long time, says: "It is a clear case of corruption if an MP receives an accommodation allowance despite having his or her own house in Kathmandu Valley."

-Gauri Bahadur Karki, former chief of the Special Court, says MPs have violated the law drafted and passed by themselves by submitting false details to receive housing allowance. "Presenting false details is tantamount to submitting forged certificates," he says. "It is also a case of moral corruption."

What the law says about it

AS per the Prevention of Corruption Act 2002, misappropriation of government property by submitting false information is corruption. Article 16 (1) of the Act states: "Whoever, with the intention of securing a position of a public servant, or of being continued in such a position, or of securing any position or of getting any benefit or facility, gives false particulars regarding his educational qualifications, name, names of the father and grandfather, age, caste, surname, address, nationality or qualification, or gives false description in other matters, or submits false certificate relating thereto, shall be liable to a punishment of imprisonment for a term from six months to one year and of a fine from ten thousand to twelve thousand rupees, depending on the degree of the offense committed."



Kalanki-Nagdhunga road
Photo: Bijay Rai

An alarming verdict

If property has to be acquired without owners' consent, process begins only after paying the compensation, says the verdict passed by the Supreme Court. This has stirred Singha Durbar

Anjali Subedi and Rudra Pangeni

The ruling of a full bench of the Supreme Court a year ago concerning the Kalimati-Nagdhungua road section has halted road widening work that has been going on in Kathmandu Valley for nearly a decade. Government officials state that the roads in Kathmandu and elsewhere will not be widened now.

The ruling by justices Kedar Prasad Chalise, Hari Krishna Karki and Purushottam Bhandari simply requires the government to adhere to the Land Acquisition Act regarding compensation while acquiring private land. However, the full text of the ruling says the landowners concerned should agree to the compensation amount offered by the government. The SC ruling will impact infrastructure projects other than roads too.

“Paying compensation as per the SC ruling means the government will have to spend billions. They [land owners] ask for compensation rates that are artificially high. And that stalls the process of land acquisition,” said Bhaikaji Tiwari, chief commissioner at the Kathmandu Valley Development Authority.

“The ruling not only affects the ongoing and future road projects but compensation will have to be paid even for roads that were widened earlier. Compensation in Kathmandu alone will amount to more than a billion rupees.”

“If land has to be acquired without land owners’ consent, process begins only after giving the compensation,” is the verdict passed by the Supreme Court. This has stirred Singha Durbar.

Several cases concerning land acquisition are pending in court. Twenty-seven people including Ram Krishna Maharjan have filed cases against the Satdobato-Godawari road expansion project. Bhim Kumari Bartaula and two others have filed cases against the Hetauda-Pathlaiya road project. Twenty-eight others, including Harish Chandra Shrestha and Madhav Prasad Neupane, have sued the project for compensation.

Thirteen people including Dhana Joshi have moved the courts over the expansion of the Dhangadhi-Dadeldhura highway. Shambhu Chaudhari and 66 others have gone to the court against the Dharan-Chatara-Beltar-Gaighat road section. Purnamaya Tamang has filed a suit against the Hile-Leguwighat-Bhojpur

section. Kapildev Yadav and 68 others are litigating against the six-lane Bara-Jitpur road.

The Jorpati-Sankhu road widening project is in trouble as Sanubabu Bishanke and 330 others have filed a case for compensation. Locals unhappy with the Satdobato-Chapagaun and Birgunj-Pathlaiya roads have also taken the legal recourse.

The list is long.

One hundred and seventy such cases have been filed at the Supreme Court alone. There is no dearth of road-related cases at district and high courts either. According to government engineers and lawyers, all these cases now attract the SC ruling which clearly favors plaintiffs over the government in matters regarding compensation for land.

The compensation story

Highway Act, 2021 BS had fixed the measurements of Tribhuvan Highway, which includes the Kalimati-Kalanki-Nagdhunga road section, at 22 meters on both sides from the central line. After a decade, the Road Act 2031 extended this to 25 meters. Infrastructure along the roads was removed and the locals paid compensation.





From road infrastructure development perspective, even if up to 50% of citizens private plot lies in a road, land owners entitlement to compensation could be skipped.

Tulasi Prasad Sitaula
former secretary,
Ministry of Physical
Infrastructure

However, the government did not mark the boundary right then. Though many went along with what the government wanted and freed up their land upon receiving compensation, some remained rigid. Businesses carried on and the construction of buildings and other structures did not stop.

“The same owners are now obstructing the road expansion project. Even with the road being widened as per the earlier measurement, the locals are now asking for compensation and that too, as per the ‘current’ rates,” Tiwari claims. “And since the ruling has gone in their favour, it is not possible to bypass their demand. This precedent is sure to affect road widening projects across the country.”

The Supreme Court in 2010 handed down a verdict in favor of road projects. When Krishna Kumari Shreshta of Nayabazar filed a case stating that her existing four-foot access way was obstructed by a road project, the court said, “If there is conflict between the law and development, the latter should be opted for unless clear unfairness is involved.” The same year, the locals of Harisiddhi in

Lalitpur filed a case against the installation of power lines. But the Supreme Court stood by the line extension project, stating that the development work was for the benefit of a larger group over the long term.

The Maitighar-Tinkune road widening also ran into obstructions. Dozens of locals moved the court seeking compensation. However, the court gave a green signal to the government, letting it go ahead with the project without paying any compensation. Land for the road widening had already been demarcated before 1978 but the issue of compensation arose after the law changed to suit compensation.

As per the same SC verdict, the government acquired some land near Everest Hotel belonging to former chief justices Bishwanath Upadhyay and Kedarnath Upadhyay and former justice Baijanath Upadhyay (who are brothers) without paying compensation. According to a government official, this was testimony to the importance of road expansion. In many other cases also, including Hetauda-Chitwan and Kalimati-Balkhu road stretches, and the BP Highway, the Supreme Court ruled that the plaintiffs need not be given compensation.

The government can take over private land, but compensation must be provided. The constitution guarantees this and that's what the court has said in its ruling.

Shambu Thapa
senior advocate



In Kathmandu alone, the road network has been expanded by around 400 kilometers and some roads have been widened by one to three meters in the last six years. If, on average, the cost of the land is set at Rs 2 million per anna [342.25 sq ft], the compensation comes to more than a billion rupees.

As a result of the SC ruling last year, the government has already halted road expansion in the Valley. It is now only blacktopping the 'available area'. The Kalanki-Nagdhunga road section is being blacktopped by night, without the planned expansion. According to Bishwa Bijaya Lal Shrestha, an engineer and spokesperson for Kathmandu Valley Road Widening Project, it was simply not possible to compensate the locals as per the Supreme Court ruling.

Politics of compensation and power

While the government has long been criticized for the pathetic condition of the Kalimati-Nagdhunga road section, contractors plead that it is the SC ruling that has slowed down the work. According to former minister Surendra Pandey, the court ruling has been fatal for development. "This verdict is controversial and clearly against the state's policy of infrastructure development," he said.

"Instead of saying that compensation should be fixed as per the government or market rate, it says it should be as per the land owner's demand. This means road extension projects are now entangled in a web from which there is no breaking free."

According to infrastructure expert Surya Raj Acharya, the development of roads cannot be compared with other kinds of development. Though it is the responsibility of the courts to protect the property of citizens, they should exercise sensitivity while ruling on such issues. "If you are deciding about roads, you should brainstorm the overall implications," Acharya added.

Acharya, meanwhile, informed that a tax on the basis of the profit from land along the roads was provisioned back in 1975. However, the relevant law was never implemented.

According to land expert Jagat Deuja, locals "ignore" the decisions of the government and erect cottages and houses as

they please because they feel confident that "they cannot be removed that easily". "This happens also because once land is cleared for a road, construction does not begin immediately. By the time the government gets moving, people would have lived there for years."

Two rates are considered while compensating for infrastructure built within the border lines set by the government. If it is the government's own project, the rate is minimum or non-existent and if it is funded by the ADB or the World Bank, the compensation shoots up. The government had bought a dumping site at Bancharedanda in Nuwakot for Rs 1.1 million rupees per ropani although its market rate was around Rs 11,000 at the time."

Tulasi Prasad Sitaula, former secretary at the Ministry of Physical Infrastructure, states that the entire country has turned into 'private plots' because of one reason or the other. "This is a huge challenge for development."

Before 1978, the government could take over private land without compensation and by just publishing a notice. But after 1978, the government started providing compensation. Right to property is enshrined as a fundamental right in the new constitution. Sitaula suggests that road construction, land acquisition and the opportunities this brings should be viewed holistically. "If the government takes over half the land the owner still makes a lot of money from the remaining half."

But senior advocate Shambu Thapa, who has handled many land acquisition cases, says, "The government can take over private land, but compensation must be provided. The constitution guarantees this and that's what the court has said in its ruling."

The main points of the full text of the verdict are as follows:

- 1) *Except when the owner gives it willingly, the government should mandatorily pay compensation for the private property or land acquired from any citizen.*
- 2) *For the protection and safety of property legally earned by a citizen, its compensation has been enshrined in the constitution as the subject's fundamental right.*

- 3) *Since the Public Road Act for road boundary has defined a procedure for land acquisition, acquire the land before fixing the road boundary.*
- 4) *Be extremely sensitive to protection of the rights of residence. Except when there is no option, do not go for any act that curtails the rights of residence.*
- 5) *Since the simplest, effective and non-controversial way of acquiring land is holding talks, highest priority is given to the practice that engages negotiation via an experts' team with concerned party.*



How doctors ignore far west

Even the doctors, who are supposed to provide health services to people, ignore the far-western region, as illustrated by the story of Mahakali Zonal Hospital

Prakash Singh and Bhageswari Shah

On July 23, 2012, orthopedic doctor Narendra Bikram Gurung arrived at Mahakali Zonal Hospital after being posted here. Having just worked at the hospital for two days, he managed to have himself transferred to the Western Regional Hospital in Pokhara. Despite his posting in Mahakali Hospital, Gurung remained in Pokhara. After two years, he was transferred to the regional hospital of the city.

On October 19, 2012, surgeon Sojan Sapkota arrived at Mahakali Hospital. Ten months later, he was transferred to Seti Zonal Hospital in Dhangadhi. Dr. Sher Bahadur Kunwar, who took up his assignment at Mahakali Hospital on October 19, 2012, was transferred to Seti Zonal Hospital less than six months on. Medical officer Hemanta Ojha arrived here on December 7, 2014, but after attending the office for two days, he returned to the Department of Health with a letter of temporary transfer.

In 2015-16, three specialist doctors were transferred to the hospital which is in the frontier district of the far-western region. On February 25, 2016, gynecologist Salina Khadka was posted to the hospital, but she was transferred to Prashuti Griha in Kathmandu. Orthopedic Dr. Arjun Prasad Dumre, who had been posted on the same day, joined police service whereas pediatrician Dr. Susan Bhattarai was transferred to Kanti Children's Hospital in July, 2016. Surgeon Dr. GhanashyamThapa had been posted to the hospital on April 8, 2016 as medical officer, but he went on another assignment in July that year. In November, 2016, he was transferred to the National Trauma Centre in Kathmandu. Radiologist RiteshThapa, who was appointed under a contract, left for Dhangadhi after a month.

A further research can reveal a long list of such transfers, on assignments and recalls. The hospital refused to provide information, but after we prepared to file a right to information request, they provided the information. That information helped us draw a portrait of a hospital without doctors. The Mahakali Hospital began as a health center in 1967 and became a district hospital in 1984. It was upgraded to Zonal Hospital in 1986. As of now, not a single specialist doctor has served at the 100-bed Mahakali Zonal Hospital. "Ever since it was established, not a



Absence of patients even in common wards due to lack of specialist doctors in Mahakali Zonal hospital

single specialist doctor and medical officer has come and worked at the hospital. The situation is still the same,” said Hari Kumar Shrestha, the hospital’s medical superintendent.

The hospital has vacancies for 21 specialist doctors, but only three are employed. Three specialists currently employed--Gynecologist Dr. Hari Kumar Shrestha, General Surgeon Dr. Shri Krishna Shrestha and Orthopedic Surgeon Dr. Rojan Tamrakar—are ninth level officers. Vacancies for four 11th level officers including the board of directors and Medical Superintendent remain unfulfilled. The hospital also has vacancies for seven medical officers, but these positions remain vacant. Positions for medical technologist (one) and senior nursing officers (two) have remained vacant since the hospital’s founding. Thus, Mahakali Zonal Hospital has been treated like an unwanted child, who is neglected and left on its own. The story of scarcity, neglect and backwardness surrounding Mahakali Hospital shows that even medical doctors have ignored the far-western region.

Hospital only for referral

Two-year-old Bhuwan Khadka of Bhimdatta Municipality-12 of Kanchanpur was admitted to the hospital on November

13, 2018 after a complaint of severe pneumonia. However, the hospital cited lack of specialist care and referred the case to Seti Zonal Hospital in Dhangadhi. Raju Nepal, who required a minor operation for his injuries, was admitted to the hospital on November 9, 2018, but was referred to Dhangadhi two days later. Similarly, Laxmi Devi Chaudhary, who was admitted to the hospital after respiratory infection and diarrhea, was also referred to Dhangadhi.

Between November 9 and November 19, 2018, Mahakali Zonal Hospital referred 24 patients to Seti Zonal Hospital and Nepalgunj. In the Nepali months of Sawan, Bhadau and Asoj (mid-July to mid-October) 104, 124 and 81 patients were admitted to the hospital, respectively. But they were referred to another hospital due to the lack of special care, according to the hospital's medical supervisor Narad Bhatt.

The fact that the hospital cannot even carry out a general operation can surprise anyone. But that's been the reality of Mahakali Zonal Hospital. The hospital doesn't conduct operations related to orthopedic, general surgery and gynecology. Lack of human resource was the main reason behind it, said Keshav Datta Joshi, the hospital's information officer. Until four years ago, the hospital carried out normal operations, but now even minor operation is referred to elsewhere, he added.

Since the hospital doesn't carry out surgery, the surgical wards are in disarray. "These wards and beds would have been clean had there been operations," said Kaushila Rana, in charge of the in-patient department. "Since there's no surgery, no one is bothered about it."

The hospital offers only emergency delivery services. Women who cannot naturally give birth to a child are operated upon. Apart from this, all other surgery cases are referred to other hospitals. Though the hospital refers cases to Dhangadhi, Nepalgunj and Kathmandu, employees advise patients to go to hospitals across the border in Indian towns of Pilibhit and Khatima. Most patients who travel to India are cheated.

Due to the absence of specialist services, patients are not required to undergo tests. As a result, laboratories are rarely used.

Lab Technician Mahesh Raj Joshi said, “We do normal check-ups in the lab now.”

Despite having the vacancy for a radiologist (for ultrasound), the hospital doesn't have one. Medical Superintendent and Gynecologist Dr. Hari Kumar Shrestha performs the job himself. “I cannot always do it, but I do ultrasound on Monday and Thursday because we don't have anyone here,” Shrestha said. “A pregnant woman needs to undergo an ultrasound test, so I have designated two days every week for the work.”

Three years ago, the Health Ministry provided equipment and materials to Mahakali Zonal Hospital to set up the Intensive Care Unit (ICU). But ICU has not been operational yet. The hospital needed a team of experts to operate the ICU, but the ministry was yet to send the team, according to Dr. Gunaraj Awasthi, the health director for the Sudurpaschim province. “The problem is specialist doctors don't want to be posted here,” Awasthi said. “If the ICU had been operational, we could have treated 90 per cent of cases that are being referred to other hospitals.”

A forgotten frontier

Nepal's first woman health minister, Dwarika Devi Thakurani, was from the far-west. She served as the state minister for health in the 1960s. In 1999, Bhakta Bahadur Balayar, from the far-west, also became the state minister for health. Dr. Dirgha Singh Bam and Dr. Laxmi Raj Pathak, who are from the far-west too, have served as health secretary. Pathak was also the director general of the Department of Health.

Dr. B.D. Chataut, Dr. Mahendra Bahadur Bista and Dr. Bhim Singh Tinkari, who have worked at the Department of Health, are also from the far-west. Senior eye specialist Dr. Chet Raj Pant was a member of the National Planning Commission. Padam Bahadur Chand served as the Head of Policy and Planning and Foreign Aid at the Health Ministry for a long time.

Senior Gynecologist Dr. Padam Raj Pant, also a professor at Tribhuvan University, is from the far-west. Director of Tripureshor Eye Hospital, Dr. Khakda Bahadur Khadka,

Radiologist (11th level) Dr. Yagya Raj Pathak, now working in Koshi Zonal Hospital, Yadav Bhatta, who previously worked at Gangalal Hospital in Kathmandu and now at Norvic Hospital, and Anesthetist Dr. Birendra Bahadur Singh were all born and brought up in the region.

Dr. Guna Raj Awasthi, health director of the Sudurpaschim Province, hails from Baitadi. Though many people reached top positions in the country's health sector, locals haven't benefited from it, he said. "First, the government does not even want to send experienced people here. Even if it does, people don't want to be posted here." Awasthi said, "Their salary is lower, there's no opportunity to work in private hospitals. This situation has prevailed in Mahakali Zonal Hospital for many years now."

Dr. Laxmi Raj Pathak, who has served as the director general of the Department of Health and an officiating secretary at the health ministry, said, "When I was in the ministry, I tried to send specialist doctors to the hospital. But even if you transfer them, they lobby with ministers and politicians to cancel it. Not a single doctor is willing to go there."

Dr. Dirgha Singh Bam, a renowned chest disease specialist in South Asia, served as the officiating secretary in the health ministry. "When a doctor is deputed to the hospital, a minister puts pressure not to do so. If we transfer him or her to the hospital, they return after a few days of attendance. The problem is that we don't have politicians or ministers willing to send an experienced doctor to the region."

In 1999, Bhakta Bahadur Balayar of Doti district became the Minister for Health for 10 months. Balayar also has similar experience. He said, "Due to lower salary and lack of opportunities to work in private hospitals, doctors don't want to go the far-west. I also tried to send them, but they used powerful people to support their refusal."

Dr. Pathak, the former Health secretary, said attacks on and abuses of doctors have also caused fear among many of them. "Incidents of attack and abuse on doctors have been ongoing," he said. "Also, local people and hospital development committees also don't help doctors."

Doctors under attack

In February, 2017, locals abused Hari Kumar Shrestha, Medical Superintendent of Mahakali Zonal Hospital. He came under attack after a woman died in course of treatment. A week after being discharged from the hospital after an ovarian surgery, she was admitted again. She died a few hours later. “She died of heart attack, but her relatives blamed it on operation and tried to abuse us,” Dr. Shrestha said. “After the incident, it was difficult to stay at the hospital, but I am still here.”

Four months earlier, angry relatives of a patient who died at the hospital attacked Medical Officer Dr. Satya Koirala. After this incident, he could not stay in the hospital. He resigned in November last year and went home.

In July, 2010, Gynecologist Dr. Khagendra Bhatta was attacked in connection with a postmortem. After people started shouting slogans against him, it became impossible for him to stay there. So the government transferred him to Seti Zonal Hospital in Dhangadhi. This incident discouraged many other doctors. According to Keshav Datta Awasthi, the hospital’s Information Officer, after the news about the incident spread, doctors hesitate to come here.

Local residents and politicians can play an important role in creating a conducive environment for health professionals to work at the hospital. However, even a minor problem is provoked in the Mahakali Zonal Hospital. It leads to protests at the hospital. Cadres of the local political parties add fuel to the fire.

Kamal Niranjana Bhat, secretary of the Civil Society in Kanchanpur, said bad news about the hospital had spread far and wide. “Indian hospitals use Nepal’s newspapers, radio, cable TV to advertise their services,” he said. “On the other hand, abuse of doctors is widespread in our area. Doctors don’t trust that the hospitals can provide them a safe working environment.”



A meeting of the Kathmandu Metropolitan City. Photo: Chandra Mani Bhattarai, KMC

Unbridled expenditure at Kathmandu Metropolitan City

KMC official's daily snacks, meeting allowances and transportation expenses are unusually high.

Bidhya Rai

Unconfirmed reports of unbridled recurrent expenditure on the pretext of allowances, snacks, and transportation costs by Kathmandu Metropolitan City (KMC) officials drove us to dig into the issue. Considering the right to information, we approached Basanta Acharya, information officer at the KMC, seeking the financial expenditure details for the fiscal year 2017/18 on the three aforementioned topics. Failing to acquire details within 15 days from him, we registered an application at the KMC exercising our right enshrined in Article 3 of the Right to Information Act 2007. Two days later, a hesitant Acharya handed us an incomplete report. We re-approached him seeking the details, which he dithered to provide the details within 15 days.

Interestingly, Mayor Bidya Sundar Shakya's secretariat did not provide us the details despite our request. Tired of dealing with the KMC, we registered another application at the National Information Commission on August 24, 2018. Finally, the KMC provided us the details in the first week of November. The following report is a summary of the expenditure report.

Inexplicably high expenditure

The documents, in fact, raised red flag disclosing a well-orchestrated exaggeration of expenditure on snacks, meeting allowances and transportation. The documents revealed a total of Rs. 38.2 million being squandered on three topics in the fiscal year 2017/18 and that too during 284 working days as provided by Information Officer Basanta Acharya. If this document is to be believed, the daily expenditure on snacks, meeting allowance, and transportation at the KMC stood at Rs. 134,500.

Upon scrutinizing genuine and fake expenditure bills, an unusual misuse of funds in the aforementioned topics was noticed clearly. According to the record of meetings and the expenditure of the KMC Bidding Valuation Committee, the Committee held 139 meetings in 2017/18, and each member received an allowance of Rs. 1,307 per meeting. However, according to the KMC mandate, an official is entitled to Rs. 800 as meeting allowance.

Consider this: Had the allowance been distributed as per the KMC's instruction, the five-member committee, including its



3rd Municipal Assembly. Photo courtesy: Kathmandu Metropolitan City

Chairperson Bharat Aryal and other four members, would have received a total of Rs. 5 lakhs 56 thousand as an allowance for the 139 meetings held last year. Now, if we go by the documents, each member received more than Rs 3 52,000, which clearly proves that a member received more than Rs. 70,000 surpluses than the allocated allowance. Ganesh Prasad Thapaliya, administrative director at KMC, says, "We don't have an exact record of how many such committees were formed in the fiscal year 2017/18." This shows that there has been an unbridled expenditure at the KMC.

Rs. 56,000 as daily allowance

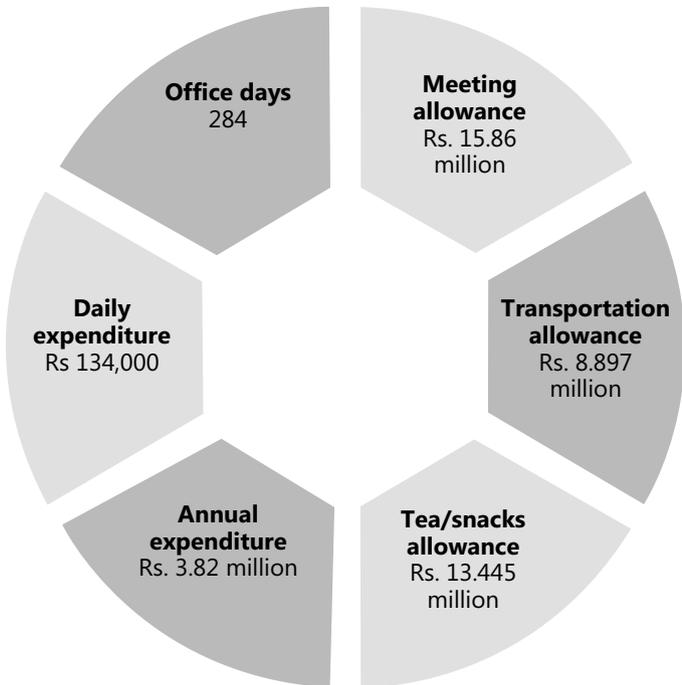
Normally, the KMC convenes meeting during office hours. Even as the metropolis has no record of the number of meetings it held in the fiscal year 2017/18, data shows it allocated Rs. 15,860,000 as meeting allowance in one year. If the number of office days is to be considered, this shows KMC spent Rs. 55,800 on meeting allowance each day.

According to KMC records, a total of 156 representatives of 32 wards received Rs. 1,230 each as meeting allowance, which is much higher than the mentioned amount. Information Officer Acharya said the meeting allowances differ considering the post of the chairperson. While a ward representative receives

Rs. 2,500 in a meeting chaired by the Mayor, he/she will get Rs. 2,000 and Rs. 1,000 if the meeting is chaired by deputy mayor and ward chairperson, respectively. A representative can receive an allowance a maximum of three times in the meeting convened by the ward office. However, the KMC lacks a record of the number of meetings held so far.

Rs. 47,000 spent daily on tea, snacks

This might sound weird but a total of Rs. 47,300 is spent each day under the heading 'tea and light snacks' at the KMC. This shows that KMC officials spent Rs. 13,445,000 last fiscal year. There has been no ceiling on the amount of money that a mayor or deputy mayor can spend on tea and snacks. Buddha Ratna Manandhar, chief of the Finance Department at the KMC, has a



plain answer to this: "The expenditure increases according to the number of meetings."

Meanwhile, the record showed that Mayor Bidya Sundar Shakya spent Rs. 87,000 on tea and snacks in the single month of Jestha 2075. Likewise, Deputy Mayor Hari Prabha Khadgi spent Rs. 1 32,000 in two months (Jestha and Asar). A flabbergasted KMC official said, "A lot of people, undoubtedly, come to meet the mayor and deputy mayor. Even then, the expenditure has crossed the limit."

Rs. 8.9 million on transportation

According to the documents, KMC officials spent Rs. 8,897,000 thousand on transportation facilities, exclusive of the vehicles used by KMC employees and garbage trucks, in the fiscal year 2074/75. This figure includes the expenditure of 161 representatives, including the mayor, deputy mayor, three elected members and 156 representatives of 32 wards. The KMC lacks the record of the amount of money spent by the representatives in the name of transportation facilities, and the quantity of fuel filled in the names of the mayor and deputy mayor. The KMC does not have the record of the number of ward meetings. However, a number of office bearers have been found to have claimed and received the allowances without attending the meetings. For instance, this correspondent who was at Mayor Bidhya Sundar Shakya's secretariat on August 15, 2018, encountered a ward member, who despite abstaining from a meeting, was repeatedly claiming the allowance.

Misuse of budget in the fiscal-end

Uncontrolled expenditure at the KMC in the name of allowances under various topics, including meetings, transportation, and snacks, increases at the end of fiscal. This obviously indicates financial irregularities. According to the records, KMC spent one-fourth of the total budget in a single month. Out of the Rs. 38.2 million, it spent Rs 10,127,000 which is 26.51 percent of the expenditure, in the single month of Asar, the last month of the fiscal year. Unavailability of documents hindered our investigation deeper into the issue.

Expenditure of People's Representatives

Account No:	Code No.	Budget head	FY 2073/74 until Asar	FY 2074/75					FY 2075/76 Estimate
				Annual Budget	Amended Budget	Expenditure until Jestha	In Asar	Total expenditure	
700201	21149	Transport facility	No	3,10,00,000	3,10,00,000	76,23,000	12,74,000	88,97,000	7,05,60,000
710304	221141	Meeting and Committee allowance	19,66,800	1,25,00,000	1,25,00,000	1,09,33,640	49,26,400	1,58,60,040	1,53,00,000
720804	22711	Tea, snacks expenditure	38,25,392	90,00,000	1,20,00,000	95,18,395	39,27,165	1,34,45,560	1,50,00,000

Source: KMC

Facilities up by six folds

The KMC has increased the budget on the three headings. In the fiscal year 2016/17, the KMC allocated Rs. 1,966,000 as meeting allowances. However, after the election of the people's representatives, the amount was increased to Rs.12.5 million , a six-fold rise. The KMC has already spent a surplus of Rs. 3,360,000 from the allocated budget while it has an expenditure estimate Rs. 15.3 million for the current fiscal year 2018/19.

While a total of Rs 3,825,000 was allocated for tea/snacks in 2016/17, the figure rose to Rs. 9.0 million in 2017/18. Later, the KMC increased the amount to Rs. 12 million through amendment. A budget of Rs. 15 million has been estimated for the fiscal year 2018/19.

The KMC had allocated Rs 3 1 million on transportation for the fiscal year 2017/18. The expenditure was less than the allocated budget. However, the KMC has estimated that the expenditure would exceed Rs. 70,560,000 for the next fiscal year 2075/76.

A total of Rs. 4.8 million was allocated in three installments of Rs. 1.6 million as tea and snacks allowance to all 32 wards in the fiscal year 2074/75. Similarly, a total of Rs. 1,114,000 was spent on snacks and food during the 1st Municipal Assembly. Likewise, a total of Rs. 1,389,000, including Rs 700,000 at the Mayor's office and secretariat and Rs. 698,000 at the Sabha Griha-based (City Hall) mayor's office, have been spent in the last fiscal year. Meanwhile, a total of Rs. 551,000 have been spent at the deputy mayor's secretariat in the last fiscal year.

Former secretary at the urban development Kishor Thapa labels this trend as faulty. "The representatives need facilities, no doubt. But this trend has to stop," he said adding that such a practice will lead to unhealthy competition.

More facilities; less work

Ask an authority at the Kathmandu Metropolitan City office whether they have accomplished their work at par with the allowances? Perhaps, the answer would be 'no'. Peeking into the details, we found out that the KMC had introduced 187 programmes under 18 different topics, including Mayor Shakya's

popular electioneering slogan of "101 works on 100 days' for the year he was elected. Mayor Shakya later put forth a 55-point work-list as "main priorities'. However, none of these works, except a few, has been expedited or accomplished.

Making Kathmandu a smoke- and dust-free, green, and environment-friendly city was Mayor Shakya's priority. His plan was also to bring in five jets and a 'broom' machine last fiscal year to get away with the dust from the roads of Kathmandu. The procurement committee and sub-committee spent around Rs. 167,000 to import the brooming and jet machines, and tree trans-planters. While five jet machines have already arrived, the process to bring in five broom machines is underway.

Mayor Shakya's ambitious plan to ease traffic jams, and run monorail in Kathmandu within three years, and to travel in public transport has been confined to paper. Interestingly, the same year of his announcement to travel in public transport, ward chairpersons and vice chairpersons of 32 wards of KMC spent more than Rs. 5.76 million as transportation allowances. KMC seems to be least bothered about fulfilling the aspirations of the city residents. "Ask anyone from Ason to Thamel, and you will understand how locals of this area are frustrated at Mayor Shakya," said a local when asked to comment on KMC's works.

In fact, Mayor Shakya, too, is dissatisfied with the KMC's performances. "People will definitely expect from us. It's not unusual. However, people too should try to understand that KMC undergoes a number of hurdles while working," Mayor Shakya charged the bureaucracy with not cooperating with the peoples' representatives. "They [employees] dilly-dally while working with the representatives. However, when they receive a call from the Commission for the Investigation of Abuse of Authority (CIAA), they are in action."



Trafficking Racket: Delhi Commission for Women (DCW) Chief Swati Maliwal and the Nepali women who were rescued from Hotel Hriday Inn at Paharganj, the hotspot of human trafficking in India, in last week of August, 2018. DCW rescued 39 Nepali women who were being trafficked to gulf countries. Photo: Amit Mishra/Twitter

The Nepal-Gulf human trafficking nexus

Nepal is a source country for human trafficking. In the past, women were trafficked mainly to supply the sex trade in India. This has been changing and, as this story shows, poor women from Nepal's remote areas are trafficked to the Gulf for employment.

Pramod Acharya

On 16 April 2018, the border police and volunteers of Maiti Nepal, an anti-human trafficking organization, which collaborate to combat trafficking, barred two women from crossing over to India at the Gaddachauki border point in western Nepal's Kanchanpur district. They had found the women's behavior "suspicious" while questioning about their travel plans. "We're going to Delhi for a New Year tour," they replied--both women had the same explanation. However, neither they had enough cash with them, nor did they seem to be in a vacation mood. Sub-inspector Dikardev Pant, in charge of the Area Police Office at Gaddachauki, also found their body language "suspicious". Reason: They often exchanged glances and when asked questions, their replies lacked coherence.

Upon interrogating them further, the truth eventually emerged. The two women, Kaushila Tamang*, 35, and Ramila Tamang*, 32, who hailed from Thangpaldhap and Bhotenamlang respectively in Sindhupalchok, a remote hilly district of Nepal, were in fact heading towards Kuwait, and New Delhi was their transit point. They were escorted by family members to the Indian capital: Kaushila by her husband and Ramila by her brother-in-law.

During the course of conversation with us, they admitted that they had a clandestine plan to travel to Kuwait. As the Nepal government bans Nepali women from going to Kuwait to work as domestic workers, they thought they had found an illegal way to get there: to be trafficked into Kuwait from New Delhi. However, they failed to cross the border. While in police custody, one of the men, Ramila's brother-in-law, confessed that he had planned to accompany his sister-in-law to Delhi for her flight to Kuwait.

According to the Nepal border police, human traffickers 'sell' Nepali women to countries in the Persian Gulf via India. Such women cannot enter India if the border police and volunteers working against human trafficking stop them at the border. Unfortunately, there have been no records of those who cross or have crossed the border by evading arrest.

According to the Nepal Ministry of Labour and Foreign Employment, the Department of Foreign Employment (DOFE) issued 786,564 permits to Nepalese citizens for foreign

employment to over one hundred destination countries in 2015/16 and 2016/17.

The report, *Labour Migration for Employment - A Status Report for Nepal: 2015/2016-2016/2017*, shows large-scale labour migration from Nepal with most of them going to the countries which are members of Gulf Cooperation Council (GCC) and Malaysia. According to the report, the destination of 85 percent of the labour migration was the GCC countries and Malaysia during 2008/09 and 2014/15.

The report says: "...in the past nine fiscal years... 3,554,683 permits were issued..., 29.88 percent were for Malaysia, followed by Qatar (21.57 percent), Saudi Arabia (20.37), UAE (10.62 percent), Kuwait (2.54), Republic of Korea (1.32 percent), Bahrain (0.86 percent) and Oman (0.63 percent)."

These figures document those who left the country from Nepal's international airport. But there is no documentation about those who secretly crossed the Indo-Nepal border and eventually reached the Gulf by other means.

Compelled to leave

Some women are prepared to take the risk despite knowledge of being trafficked. There are instances of family members and neighbours who have cooperated and helped the traffickers.

When detained by the police, these women are reluctant to reveal details such as their destination, the reason for leaving, those involved in the dealings, and other arrangements with the trafficking agents.

"Victims themselves don't want to speak the truth," said Dilliraj Bista, Superintendent of Police (SP) in Kanchanpur. "We screen cases but investigation gets complicated when they hesitate to reveal the truth."

However, Ramila Tamang admitted to us that her brother-in-law was involved, and suggested family involvement was not unusual. "I showed my willingness when my brother-in-law promised to send me abroad," she revealed.

Other women risking their lives to go to the Gulf illegally say they have no choice. The story of Elisha Tamang*, 22, from

Orang village in Dolakha district, is harrowing. She was taken to Oman about a year ago. The agents kept her in Oman for a few weeks before sending her to Kuwait where they could get a better price for her. She was, in fact, sold there. In a statement given to the Metropolitan Police Crime Division, Kathmandu, she said she was prepared to work for an employer in the Persian Gulf because of her poverty.

She lived in a rural area and was jobless. She had left school after the ninth grade as her family could not afford to educate her. Realizing her family's financial condition, she left home and went to Kathmandu, and started working in a garment shop. Since she was paid a minimal salary, she and her husband decided that the latter would go abroad to work. However, when he failed the medical test, she decided that she would go instead. However, she too could not make it due to her lack of skills. She, therefore, decided to go abroad illegally--by crossing the border and being sold.

In her statement to the police, Elisha Tamang said, "I didn't have a single rupee to feed my baby and my husband was sick. In this situation, there was no option left for me but to go abroad." Tamang's husband had taken her to New Delhi via the Bhairahawa border and left her with human traffickers posing as foreign employment agents.

During her seven months in Kuwait she worked for three Kuwaiti families as a housemaid. Members of all the families exploited her physically and mentally, she said. In the first house, she worked for up to 20 hours daily and the owner of the house tried to have sexual relationship with her without her consent. She said, "The owner forcefully exploited me physically every day. He used to beat me. He often appeared aggressive and I was aware of his intention to molest me." As she refused to have sexual intercourse with the owner, he returned her to the agents he had bought her from. The agents then sold her to another family where Elisha faced similar issues. She was again returned and sent to a third home. She said the third home owner was a Kuwaiti police officer.

In her statement, Elisha Tamang said: "I knew that women were being sold in the Gulf countries. I also knew that I was going



Border surveillance: The office of Maiti Nepal's Border Surveillance Team. The NGO and the Nepal border police work together, questioning India-bound travelers to try to identify trafficking.

Photo: Pramod Acharya.

to the Gulf illegally, but I was not sure to which country. As I knew that I was going to the Gulf illegally, I crossed the Indo-Nepal border secretly. Then I reached Oman via India. After a few weeks, I reached Kuwait. After I started being exploited in Kuwait, one day I called my husband and told him of my real situation. At that time I wanted to return home. But my passport had been confiscated by the house owner. Then I heard that my husband had called Rescue Nepal, an anti-human trafficking NGO. People from Rescue Nepal coordinated with the Nepal police. The police coordinated with the Nepali embassy in Kuwait and also with Interpol Kuwait. Finally, I was rescued.”

The agents working for Elisha Tamang’s traffickers were arrested after the police issued a Red Notice, an international arrest

warrant issued by Interpol. Mina Lama and Shyam Kumar Lama, the couple who sold Elisha Tamang in Kuwait, were extradited from Kuwait and arrived in Nepal on 20 May, 2018 and 24 May 2018, respectively.

Kaushila Tamang, who was detained at the Indo-Nepal border while entering India, spoke about why she was prepared to go to Kuwait illegally. She said it was her poverty that she decided to take the risk. “Would I take this trouble if I earned enough money in my own country for survival? Why would I choose to go to Kuwait with the help of agents if I had better opportunities here?” she queried.

According to Nepal’s Metropolitan Police Crime Division, women are being sold into the Gulf countries particularly from areas heavily damaged by the 2015 earthquakes. Sindhupalchowk was one of the districts worst hit by the April 2015 quake which killed almost 9,000 people and injured about 22,000. In Sindhupalchowk district alone, 3,573 people died and 86,971 houses were completely destroyed. To date, only about half the houses have been reconstructed.

Aashman Tamang, Chief District Officer of Sindhupalchowk, says the delayed reconstruction is down to the slow pace of work of the National Reconstruction Authority (NRA). “We are doing our job efficiently, but the main party responsible for reconstruction is not serious in their task. They only focus on physical reconstruction. Without considering the social and financial condition of people during the reconstruction phase, we cannot stop human trafficking.”

Women from this district are being trafficked more than anywhere else in Nepal. “People here have remained poor for long. They are illiterate too,” Deputy Inspector of District Police, Sindhupalchowk, Khyali Singh said. “Left in a limbo after their houses were destroyed, women from here are going to the Gulf countries to earn some money,” he added. The women of other earthquake-affected districts such as Dhading and Nuwakot have also become victims of trafficking, particularly the poor and illiterate women from the remote areas that are rife with poverty and unemployment.

Analysing the socio-economic causes of human trafficking, Sunita Danuwar, the Executive Director of Shakti Samuha Nepal, an organization formed by the female survivors of trafficking in India and working against these practices, takes the same view as Deputy Inspector Singh: women are being sold by the so-called agents of foreign employment agencies because they lack money, are illiterate and unaware of what lies in store for them. Danuwar herself is a victim of trafficking and was rescued from India years before. “Exploiting their [the women’s] weaknesses, human traffickers are running their racket without hindrance,” she said.

Ramila Tamang’s situation is a case in point: she was prepared to take an illegal route to find work and money to support her two children. Her husband was also prepared to see his wife leave this way. “I wanted to go in the hope of earning some money,” said Ramila. “My husband also said I could leave.”

Family members are taken into confidence and cooperate; they hope the income made abroad will ensure a good future for the whole family. People deprived of basic services such as food, health and education are vulnerable and thus will take huge risks to go abroad in the hope of better earnings.

This, too, was the reason that Kaushila Tamang’s husband agreed that agents could take her to Delhi for the flight to Kuwait. “Had he been able to earn money at home, to educate our children, my husband would not have taken me on a journey to Kuwait,” she said, her voice wobbly. The couple have three daughters under ten years old, but can barely feed them, let alone send them to school.

Kaushila Tamang also said that her father and mother are in bad health and at any time she might have to find money for their treatment--going abroad to work was the only way out, she thought. “I don’t know whether you believe me or not, but going to the Gulf via an illegal path was not my wish, I was forced to do it because of the situation.”

An Open Border

Nepal and India share a 1,690 kilometre-long border with 20 two-way crossings. When crossing the border by land, no documents are required. Traffickers exploit this fact. So police

Some of the accused

(Photo courtesy of the Metropolitan Police Crime Division (MPCD), Nepal.)



Sagar Shrish
(Baglung)



**Tika Prasad
Timsina**
(Jhapa)



**Gyaljen
Sherpa**
(Sindhupalchok)



**Apsara
Acharya**
(Kailali)



**Sukamaya
Tamang**
(Sindhupalchok)



**Yo Chhiring
Nekor Lama**
(Rasuwa)



**Lawang
Tamang**
(Sindhupalchok)



**Krishna Bdr.
Gurung**
(Syangja)



**Khadga Bdr.
Bishwakarma**
(Jhapa)



**Dillishwar
Limbu**
(Tehrathum)



Mina Lama
(Sindhupalchok)



**Jhayandra
Kumar Adhikari**
(Morang)

face difficulty to identify or ascertain the intention of the women crossing the border.

Kanchanpur, a border district of Nepal, is only 337 kilometres from India's capital and so has become a major supply point of women for trafficking, according to Dilliraj Bista, the Superintendent of Police.

Human traffickers and their agents come up with numerous ways to deceive the police while taking women from remote parts of the country across the border. They often instruct women to say that they are on a tour or going to a job. Upon inquiry by the police, these women have a set of regular answers. Bista said, "It's hard to say whether these women are in fact headed for employment in India." After all, it is common for Nepalis to travel to India for a visit or employment. But due to the lack of official documentation or evidence, it's difficult to say how many of them are working or travelling in India. However, there are some estimates. In 2009, the World Bank estimated that there were 867,000 Nepalis working in India. According to the 2001 census, approximately 600,000 were working in India.

Indian police officials blame the border force of the Nepal Police for the unchecked trafficking of women from Nepal. An official working at one of the anti-human trafficking units of the Indian Police, who insisted anonymity, said: "This can be stopped if Nepal's police properly scrutinise the cases. But Nepal police and non-government organisations there do not take it seriously."

There are some cases when Indian police arrest the traffickers and rescue the Nepalese girls. Police of both countries claim they sometimes collaborate. In the meantime, they reinforce on scaling up collaborated efforts.

Racketeers have other ways of trafficking women into India. Some say they are taking women across the border on the pretext of shopping. Having crossed the border on foot, they take a bus to New Delhi. Some they take tangas (horse-pulled chariot) and rickshaws to cross the border, saying they are sightseeing. "Since we screen bus travelers, they seem to be employing other techniques," said Bista. "There are also those who cross on bicycles or via suspension bridges."

In fact, there are numerous ways in which traffickers take women and children across the border. Just over a year ago, a 16-year-old from Sindhupalchowk was rescued by Maiti Nepal at the border as she was on her way to India dressed as a Buddhist nun. The traffickers told her to say that she was going to Dharmashala in India to study at a Buddhist school. Maheshwari Bhatta, the Kanchanpur

programme coordinator for Maiti Nepal, said that the girl appeared to be innocent and did not know where she was being taken to.

Traffickers know women can get away by saying they were off to India for work or to meet relatives since many Nepalis work in India. The agents advise women to say as little as possible to the police and understandably the women take this advice. Some hoping to go to the Gulf countries pretend sickness in order to enter India. Elisha Tamang, a 22-year-old girl from Orang-7 in Dolakha who returned home having reached Kuwait via India through the Bhairahawa border, said: “The broker had taught me to say that I needed treatment for my illness. This really worked to get across.”

Since the authorities do not require a passport for passage into India, traffickers keep the women’s passports and return them in New Delhi after completing the visa process. In Delhi, they decide which country the women would be sent to, how and when. Two women caught at the Indo-Nepal border said: “We don’t know where our passports are. We’ve already given it to them [traffickers].”

Traffickers keep women in New Delhi before sending them to the Gulf. Mina Pande, in charge of the Champawat-based anti-trafficking unit of the Indian police, said: “Women seem to be kept in Pahargunj, a settlement in New Delhi, for a few days before being sent to the Gulf after arranging for the visa.” She added that women are supplied mainly from the beauty parlours and massage centres run by Nepalis in Delhi. According to her, human traffickers and their agents run beauty parlours in India to give the impression that they are entrepreneurs rather than traffickers. When the police raid these areas, the traffickers say they are merely into businesses.

It’s also the case that a Nepali can board a flight to India from Nepal’s international airport in Kathmandu or use India’s airports without a passport, although they do need identification.

A nightmare

Most of the women who reach the Gulf this way end up as ‘housemaids’ and are subjected to exploitation. Nirmala Joshi* from Jhapa, was 14 years old when she worked in Kuwait and Saudi Arabia, returning to Nepal a year ago. “They did not pay me the

promised salary. Physical assaults and torture were usual ordeals.” While the agents had said she would get around 180 KD (\$594) per month, she says she was not given even half of that. Nirmala spoke of her nightmare: “In Kuwait, my employer took away my passport. Without a passport and wandering around the city, the police approached me. I was jailed and later deported.”

In the past, human traffickers faced a big risk of getting caught with the women on the Nepal-India border. They have now stopped escorting the women to Delhi to sell them. Trafficking ring leaders stay in Delhi and make arrangements for safe transit of Nepali women to the Indian capital. “Traffickers have become cleverer,” said Maheshwari Bhatta, the Kanchanpur programme coordinator for Maiti Nepal. “They don’t operate in the open. They get family members or relatives of the women to take them to Delhi.”

They also tell the girls to get citizenship documents and passports with false information about their age, if necessary. A girl from Sindhupalchowk said, “I’m only fourteen but I got my citizenship and passport as a 19-year-old so I could go abroad.” She said that her neighbours had given this idea to her parents.

Cases are not filed

According to Nepal Police, from July 2017 to May 2018, a total of 233 cases of human trafficking were filed across Nepal. The number of cases filed in the five preceding fiscal years was 227, 212, 181, 186 and 144, respectively. But the police say the state of human trafficking is even worse than indicated by these figures. In their view, the real figures are rising every year. The National Human Rights Commission (NHRC) supports this claim. According to the NHRC, the estimated number of people trafficked was 23,200 in 2015/16. Of these, 6,100 were sold, 13,600 escaped trafficking and 3,900 are presumed to be out of contact. Up to 98 per cent of those targeted are women. Quite clearly then, the number of registered cases is very low. And there are no specific data available about those trafficked into Gulf.

The National Human Rights Association’s report titled *Trafficking in Person* says: “It is difficult to estimate the undocumented Migrant Workers. Identification of such Migrant

Photographs determine a women's price

Police investigations show that human traffickers fix the price of women by sending photographs to potential buyers in the Gulf. Local agents in Nepal instruct women to send pictures of themselves directly to agents in the Gulf. Those looking for domestic servants there will then make a selection and pay the traffickers. The statements of traffickers themselves indicate they show the girls' photographs to possible clients and offer them in exchange for money. Shyam Kumar Lama, who sold Elisha Tamang in Kuwait, admitted that the most important criteria are a woman's figure, beauty and age: "the more beautiful they are, the more [money] we may get".

The 'local agent', Lawang Tamang (also known as Bijay), who sent Elisha Tamang's photo to Shyam Kumar Lama, is a resident of Duwachaur-8 in Sindhupalchowk. He told police that he received up to NRS 100,000 (\$881) for each girl he set up. "I receive up to NRS 150000 (\$1321) if I send a girl who is 18 to 20 years old with a good physique," he said in his statement to the police. According to Deputy Superintendent of Police, Manohar Bhatta of the Metropolitan Police Crime Division, Lawang Tamang has confessed to sending more than 25 women to countries such as Kuwait, Iraq, Oman and the UAE.

Couple Shyam Kumar Lama and Mina Lama, permanent residents of Thulopakhar in Sindhupalchowk but who were based in Kuwait to traffic women, confessed to the police after they returned to Nepal in May 2018: "Agents send us photos from Nepal. We show them to our clients to determine the price of a woman." Jailed for the crime, the couple said they had sold Elisha Tamang for 3200 KD (\$10570).

As mentioned in a press release issued by the Indian Police, Bishnu Lopchan, another trafficker, told the police that he would send the Nepali girls' photographs to his clients in Gulf so they could choose from a pool of women heading to the Gulf and ensure good money for the traffickers. Following this selection process, Lopchan and two other traffickers took six teenage girls from Sindhupalchowk to Kuwait in October 2017. Eventually, the girls were rescued and the traffickers were detained by Indian Police in Rudrapur, a city in Uttarakhand, India.

Bishnu Lopchan also told the police that women are taken to the Gulf on short-term visit visas. A statement issued by the Indian police quoting three individuals involved in the trafficking, including Bishnu, said: "We send passports to foreign agents, they provide visas through mobile [phones]". Since visas to Kuwait can be obtained online from India, New Delhi has been the first choice of traffickers. The Kuwaiti Embassy in New Delhi would not respond to our questions.

Previously human traffickers and their agents would make frequent visits to the girls and women of interest and then take them to India themselves when the women were prepared to go abroad. The police say the traffickers now meet the women only a couple of times, mainly to secure their passports. "We've found girls to have been entrapped through contact on media such as phone, message, Facebook, Imo and Viber," said Rajkumar Silwal, the Deputy Superintendent of Nepal Police Central Investigation Bureau.

More than a third of the Nepali population has access to smartphones, according to the Nepal Telecommunications Authority (NTA)--of 28.98 million, 10 million users have smartphones.

Workers is especially important as many of Women Migrant Workers are reported to have destined to Gulf region via India, Bangladesh and Sri Lanka. More than 200,000 females are said to be in the Gulf region for domestic work. Globally, this region accounts for the highest proportion of domestic workers (62%) and in case of women [domestic workers], it is 82 percent (ILO, 2015). This suggests that female migration to Gulf region is tantamount to female migration for domestic work.”

According to the Nepali embassy in Kuwait, 544 domestic servants returned to Nepal as a result of having a range of difficulties in 2017. An official at the embassy, Gyanendra Sharma, said by email that common problems of domestic workers in Kuwait are thrashings, non-payment of salary or delayed salary payment, long working hours, poor accommodation, lack of facilities to communicate with family, and several other problems. In the first five months of 2018, two hundred domestic workers returned to Nepal as a result of such issues.

SSP Chhetri, Information Officer of Nepal Police, said, “Not all the victims file cases. If everyone did, the scary picture of trafficking would come out.” According to him, victims hesitate to do so because often the accused have family links with the victims. “Victims are not ready to register charges against the people known to them,” said Chhetri. “Even those who try to file complaints are deterred with promises from the traffickers.” Sometimes the victims are offered financial favours on the condition that they keep quiet.

There are other reasons why so few victims inform the authorities. “Since the victims had consented to leave, they don’t register charges against the perpetrators,” said Chhetri. Moreover, most women exploited by the traffickers are uneducated and are unaware of their legal rights. “Trafficked women lack awareness. They are not familiar with the court procedure,” Chhetri said, adding that justice is even more remote for women who remain abroad.

Sometimes, suspects are released after being arrested in the absence of evidence. And since traffickers are involved in complex networks and cross-border deals, detaining them poses additional

challenges. These legal challenges have emboldened the criminals. The police also hesitate to get involved in their own admission. “Victims don’t open up to us. When they don’t want to reveal facts, we don’t press them either,” a police officer said on condition of anonymity. “The racket is big. Why should we alone take risks when victims don’t want [to help]?”

According to Nepal’s Human Trafficking and Transportation (Control) Act-2007, legal action can only begin when the statement of the victim of trafficking is certified by the district court. Sometimes victims give different statements to the police and later to the court. As a result, the police’s work has been limited to detaining women who try to cross over to India without clear reason and persons accompanying them. Police have arrested some individuals involved in human trafficking but the kingpins of the crime have yet to be brought to justice.

Unclear laws

Nepal’s existing laws lack clarity over how to address the issue of human trafficking under the veil of foreign employment opportunities. Neither the Foreign Employment Act nor the Anti-trafficking Act addresses this new form of trafficking. The Foreign Employment Act is silent on human trafficking, while the Human Trafficking and Transportation (Control) Act does not recognise human trafficking that purportedly is for legitimate foreign employment. This creates confusion as to which law is relevant, and what action needs to be taken in these cases, so allowing the perpetrators to operate more easily. Information Officer of the Nepal Police, SSP Shailesh Thapa Chhetri said that the confusion between legislation that applies to cases of trafficking and that which applies to cases of trafficking for foreign employment, is advantageous to the criminals.

Sunita Danuwar, executive director of Shakti Samuha, said ordinary people and policy makers alike are confused. “A law has to be drafted to tell trafficking from fraud in the name of employment,” said Danuwar.

The Anti-Trafficking Act defines human trafficking as selling people for sexual exploitation and does not cover trafficking for

foreign employment. The Foreign Employment Act says that selling people abroad under the cover of employment amounts to “fraud by individuals or recruitment agencies”. Yet, when people are sold into foreign jobs, the traffickers and their agents face less serious penalties under the Foreign Employment Law than they would get under the Anti-Trafficking Act. Trafficking charges can result in imprisonment for twenty years; a sentence for foreign employment fraud ranges from three to seven years.

Information Officer at the Department of Foreign Employment Mohan Adhikari said they have initiated the process to amend the Foreign Employment Act. Under-secretary at the Ministry of Women, Children and Social Welfare Roshani Devi Karki said preparations were being made to amend the Anti-trafficking Act to remove its ambiguities. However, the reform process was announced in 2016 and so far there have been no concrete outcomes. While the human traffickers are benefiting from the legal loopholes and selling the girls all over the Gulf, a former victim of trafficking, Nirmala Joshi, says, “The life of Nepalese housemaids in Kuwait is like a hell, but even more hellish is our poverty, which pushes us to follow the path to the Gulf.”

**As the victims we interviewed requested that we not publish their names as it could put them in danger, we have changed their names in the story. Some information from the police officers and victims was given under the condition of anonymity as well. We obtained information relating to the cases of victims on condition of not publishing the full account and details so they are quoted in part only. Dilliraj Bista, who was Superintendent of Police in Kanchanpur District, has now been suspended over the mishandling of a rape case.*

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