

E-bulletin: Issue No. 2, 19 September 2005

“Civilization is a method of living, an attitude of equal respect for all men.”

-Jane Addams

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Supreme Court ruling in favor of Badi Women

The Supreme Court, in the 15th September 2005, has ruled the government to strictly implement the article 9(2) of the constitution of the kingdom of Nepal 1990 in order to provide citizenship certificate to every person found inside the country even without the identification of his/her father.

A three-member bench of justices Anup Raj Sharma, Sharada Prasad Pundit and Arjun Prasad Singh had ruled the government. The apex court order had come in the response to a Public Interest Litigation (PIL) filed by advocates Prakash Mani Sharma, Tek Tamrakar and the Dalit NGO Federation last year seeking the order of the apex court to the government for providing citizenship certificate to every Nepali as per the article 9 (2) of the constitution.

“Every child who is found within the kingdom of Nepal and the whereabouts of whose parents are not known shall, until the father of the child is traced, be deemed to be a citizen of Nepal by descent,” reads the article of the constitution.

The petitioners had filed PIL at the apex court last year citing the problem faced by the children of Badi women whose children have not received citizenship because their fathers could not be identified. Badi women, who live in the western part of the country, are traditionally known to be commercial sex workers.

The petitioners sought the apex court order to the cabinet secretariat and the home ministry in order to arrange necessary provisions to provide citizenships to the persons whose fathers are not identified.

The same bench also allowed women to register their children’s name, birth, death and other personal details in their mothers’ name according to the personal details registration act 2033 BS. Earlier the act had allowed the children’s father only to register such details.

Separate water taps for Dalits and Non-Dalits in Doti

Silgadhi Municipality in Doti district is carrying out a program called RUPP (Rural Urban Partnership Program), which is financed by UNDP (United Nations Development Program). RUPP constructs wells and water-taps in and close to the municipality.

In the Silgadhi Municipality of Doti district, almost 20 water taps and wells have been constructed with the support of RUPP. In most of the places, two taps or wells are constructed next to each other, a big one and a small one. The big well/tap is constructed for non-Dalits and seems of better quality. The smaller one is constructed for Dalit community and seems of poor quality.

For Dalits in Silgadhi Municipality, it is forbidden to use the taps/wells that are made for the non-Dalits. Why? Because the majority of the people in Silgadhi still believe that Dalits can pollute the water by touching or even coming near to it. They believe in caste based discrimination.

On May 4th 2005, the Supreme Court has given direct order not to build separate wells and water-taps for Dalits and non-Dalits. This rule applies for the whole population of Nepal. But in Doti district, separate wells and water-taps are still being built for Dalit and non-Dalits. Kamala B.K. of Silgadhi-5, Bagdhati said, “We are always exploited for being low caste. We’ve been facing these problems for years. What is the use of laws if we are not able to drink water with respect and dignity? There is no one to listen to the voice of Dalits.”

People in Nepal do discriminate on the basis of caste and descent. But in Doti district, Dalits are facing discrimination by the (local) government itself. Local Dalits told us, “The municipality constructs well and water-taps discriminating Dalits and non-Dalits. For Dalits they dig a well and for non-Dalits they dig well and then make it concrete with cement.”



Water source of Dalits

Water source of non-Dalits

If children of Dalits touch the well or tap of non-Dalits by mistake, they don't spare the children and hit them. On August 17 2005, Jaya BK (age 14) of Bagthata touched the well of non-Dalits and was beaten severely. After that, the Non-Dalits threw stool, urine, cough and stones in the well of the Dalits. These kinds of incidents already occurred about 8 times.

Now, Dalit people from Bagthata have to walk for 6 hours to get water and then waste another 3 hours to collect the water.

The District Dalit Network (DDN) filed a complaint at the District Administration Office, but the office has not replied.

Chief District Officer of Doti Mr. Bhojendra Kumar Chetri informed us that he cannot use police force to solve the problems. He can just convince the non-Dalit people that Dalits and Non-Dalits are equal and Dalits should be treated accordingly.

On August 27 2005, when JMC asked the Chief District officer why the Municipality is constructing two different water-taps for Dalits and non-Dalits, he didn't answer the question. He only said: "These practices are not fair towards Dalit community, but the society here has old, traditional feelings." May be it will reduce as people get more and more educated in the years to come" - he finally added.

Rental problem among Dalit tenants serious

With the imposition of the new provision by the government to produce personal details including citizenship certificates of the tenants to the landlords for security reasons, Dalits pretending their real identity fearing they would not find rooms to rent, are suffering these days. This new provision has posed a serious threat to the life of thousands of Dalit families living at rented apartments inside the valley who cannot bring their problems to the fore.

A study shows that a large section of the Dalit community living in the rented apartments at the urban areas is destined to pretend their real identity.

There is no authentic statistics to trace the exact numbers of Dalit renters but one can definitely assume that they constitute a significant portion of the population dwelling in the rental accommodations in the Kathmandu valley.

Most of them are forced to leave their rented apartments while few are adamant and are daring to face the consequences.

Former member of the National Dalit Commission (NDC) Min Biswokarma said there were people's representatives to help Dalits when the government first demanded personal details of each and every tenant living in the urban cities during the state of emergency in 2002. "But there is nobody to help those Dalits this time," he said adding that the problem is really serious. He claimed that many were forced to leave their apartments and some are sharing their friends' apartments.

President of NDC Bhagwat Biswasi said the situation is still severe in the cities where Dalits are still compelled to hide their identity even to find a room to rent. "Though we don't have authentic data how many Dalits are concealing their identity, they are facing very difficult times due to the introduction of the new provision by the government," he said. He, however, said none of them have complained at the NDC yet. "It is because they cannot dare to fight fearing social exclusion and insult." There is no option to fight for our rights. "We will fight for those people and create an environment where all Dalits can live a decent life anywhere in the nation."

Former assistant minister Lal Bahadur Biswokarma, who also has first hand experience of the discrimination while seeking apartment, opined that it's high time that Dalits should fight for their rights. "They should stay right there with their real identity and if any landlord tries to kick them out we will fight for them even by seeking justice from the court," he told this correspondent.

When asked about the discrimination that the Dalit community is facing due to the new provision of the government, Home spokesperson Gopendra Bahadur Pandey declined to comment claiming that the data are not yet collected.

Government had requested all the landlords of the valley to furnish all the details of the tenants living in their homes within mid-September this year. The duration to collect the forms was extended for one more month after the earlier month-long deadline that begun from mid-July, elapsed without much progress.

A school teacher renting a room at a Newar's house in Bhaktapur shared a rather interesting experience. Fearing he would be kicked out from the house, Purna Bahadur Nepali (Sarki) had identified himself as Uparkoti. One of the most conservative landlords of Bhaktapur did not believe Purna as a Dalit even after he produced his citizenship certificate and told them he was Dalit. It was the same landlord who had kicked out a Dalit student from his house as soon as he came to know his real caste.

President of National Association of Disabled Dalits, Sher Bahadur Parki, experienced such problem many times when he was at Samakhushi and Jorpati. As soon as his present landlord came to know his identity, Parki received unnecessary comments every time whenever he encountered with his landlord. "My landlord is trying to force me out from the house by hook or crook," he comments.

Surprisingly, even the Dalits in the security forces who are renting separate rooms outside their barracks have reached to various organized seeking their help to keep their spouses and children at those places. "Some people working as security personnel have requested us to solve their impending problems raised by the government's new provision," said Krishna B K president of Nepal National Oppressed Students'

Organisation (NNOSO), who identifies himself as Lohani.

Advocate Jyoti Baniya of Consumers Rights Forum lauded the need of a specific law to solve this impending problem being faced by thousands of Dalits because the provision in the constitution is vague and conflicting. "Article 11 of the constitution refrain people from discrimination but article 19 contradicts with article 11." Even the existing provision that the house owners should provide written information to the tenants 35 days in advance if they want renters to vacate their room, is meaningless in practice.

In order to solve this problem that Dalits are facing, the government should enforce available laws and acts or draft clear laws with regard to rent seeking and rent giving. Besides it is equally important to do away with conservative cultural beliefs, values and attitudes deeply rooted in the Nepali society.

Dalit Priest at Ram Janaki Temple

Because Dalits are not allowed to enter temples in Nepal, they are forced to organize movements to enter these sacred Hindu places. Defying this tradition, three Dalits are acting as priests in the Ram Janaki temple at Babiya VDC-6 of Sunsari district. This has been possible because the temple is situated in an area where many Dalit families reside (some 104 households belonging to Khatwe community). People from all castes visit the temple. The visiting devotees have not given any negative comment on this fact. The temple was established in the year 2035 BS.

The three Dalit priests, including a woman, have been continuously working at the temple that was established with the initiation of Bounai Das Khatwe.

Even so-called higher castes people invite priest Khatwe during their praying session. Priest Khatwe remarks: "The most interesting part of the story is that people have never commented over the involvement of Dalit priests. Even at religious functions organized by the so-called upper class people, everybody accepted the three Dalits to act as priests".

The temple is in very poor state. According to priest Rati Lal Khatwe, the temple has not received any help from society. A local, Bhagirath Khatwe, said a plan is being formulated to reconstruct the temple.

Pregnant Dalit women forced to live in buffalo-shed

Kali Pariyar (age 18) and her baby were forced to live at the buffalo-shed next to her husband's house. Pariyar is married to a so-called upper-caste man (Dinesh Yadav) and resides in Jamdaha VDC-9 Musharniya of Siraha district.

Although her husband married her for love, her mother-in-law does not allow her to enter her home, out of fear for 'polluting' the house. Also, Pariyar was not allowed to meet her parents and relatives. She was compelled to conduct birth rituals from her own culture, as the in-laws did not allow following their rituals. Pariyar earns her living selling firewood. Every day, she is afraid of snakebite. The couple is seeking help from human rights activists. This example of social inclusion still takes place in many parts of Nepal.

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E-mail: info@jagaranmedia.org.np, Tel: +977 1 4226655, Fax: +977 1 4256780

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