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SANCHARIKA SAMUHA/NEPAL

Law allowing killing of rapist in shadow

➤ *By Arun Baral*

We get to read and hear news of rape incidents almost daily, but we have probably never heard of an incident where a rape victim kills her rapist. So, how effective is our law that allows a rape victim to kill the perpetrator?

Indramaya Magar of Bayarban VDC-3, Morang on Nov 14, 2004 killed a youth who tried to rape her with a scythe. After killing him, she was terrified that she would be imprisoned for 20 years. For, she did not know that a woman who kills a rapist is not punished. She had killed Ashok Kumar Rai, 26, of Bayarban-3 in self-defense. She was not punished because Section 8 of the country's Civil Code Act grants a special right to women allowing them to kill a rapist.

Thirty-two-year-old Indramaya's husband Rabin Kumar Magar had gone abroad for employment. She was alone with her children in her house, when Ashok Rai, a local, forced his way into the house at around midnight and started to manhandle her. As he tried to rape her after tying her hands, she broke herself free, picked up a nearby scythe and blindly hit the perpetrator's body with it. He ran for his life, his body cut in several places. Ashok died on a field nearby. The next day, the local Pathari Police Post sent her to the District Police Office in Biratnagar. But, thanks to the special right accorded to women, she was proven innocent and set free 15 days later.

The incident in which Indramaya killed a rapist occurred two years ago. Even then,

women in Sunsari, Morang and other parts of the country continue to be raped daily. If they were to kill their rapists like Indramaya did, they would also not be punished because the law allows a rape victim to kill her rapist. But most women are ignorant about this right given to them by the law. Said a young woman with the first name Rekha who runs a grocery store at Battisputali, Kathmandu: "Oh...Until now I didn't know that such a law existed."

"The killing of a rapist by the victim is not the same thing as capital punishment; rather it is an act of self-defense. This right to self-defense is also recognized by international law."

The Civil Code Act grants a woman the right to kill a man who rapes or attempts to rape her. The law that has a special provision for protecting a

woman's chastity clearly states that when a man starts manhandling a woman with the intention of raping her and she is unable to get any help or free herself from his clutches, if she kills him in self-defense even before he rapes her, or kills him with any weapon out of fury within an hour after the crime has been committed, her act will not be deemed murder.

According to this provision under the Civil Code, a woman can kill the perpetrator before being raped or within an hour after the crime has been committed. First she should shout for help, but if it is to no avail and she is raped, she can chase the rapist to any

place and kill him within a period of one hour.

Not only that, the law also gives a rape victim the latitude to use any weapon to kill the rapist within an hour. But if she kills the perpetrator after one hour she will be fined Rs 5,000 or sentenced to 10-year imprisonment.

Prof. Dr. Shanta Thapaliya, who looks into women-related cases at the Legal Aid and Consultancy Center (LAAC), points out the need to widely publicize the law that allows a rape victim to kill the rapist. "There is a need for taking the message that rapists can be killed to each and every village in the form of a

campaign," she said. She believes that if women start using the special right to kill rapists, there will be a sharp decline in rape incidents. But due to ignorance they are unable to utilize the law that benefits them, she complains. Dr. Thapaliya goes a step further to even add that women should be taught where they should hit a rapist so that he dies right on the spot. Although she has a long experience in family-centered legal cases, Thapaliya says she has not heard of a single incident where a rape victim killed the rapist. She considers Indramaya's retaliation a "rare incident." She adds: "The law that allows a rapist to be killed is just and humane. Women can kill a rapist not only when they lose self-control, but also deliberately within an hour after the crime."

However, advocate Shantidevi Khanal does not fully agree with Dr. Thapaliya's argument that publicizing the law that allows rapists to be killed will reduce rape cases. "Such campaigns alone will

not solve the problem. First and foremost, the state should come out with awareness programs on humanity," said Khanal, who specializes in family cases. She accuses the state of only throwing the special right at women and leaving them to protect their chastity on their own. When questioned whether a law that legitimizes murder can be considered humane and just when the Constitution itself proscribes capital punishment, Khanal answers: "The law that allows rapists to be killed was made precisely to protect human rights. If men want their rights to be protected then they should also not violate the rights of women. If they do not set out to rape, there is no question why they will be killed."

If other women were to follow Indramaya and immediately cut the rapist to death or kill him by any other means, they cannot be punished. For, the law allows rape victims to kill the rapists.

Advocate and central member of Nepal Bar Association Tika Ram Bhattarai also agrees that the law allowing the killing of rapists is not against international values and human rights. He argues that the capital punishment that the Constitution bans and the

right to self-defense granted by the Code are two different things. The international law too recognizes the right to self-defense, he says, adding that the Code provided women with such a humane right way back in 2020 BS. He does not believe that publicizing a law that sanctions killing, as a campaign, would fuel violence. "There is nothing wrong with publicizing any right granted by the law. Publicizing such an issue is also the responsibility of journalists," he said.

Were human rights activists to publicly felicitate brave women like Indramaya who have killed rapists, there is little doubt that many a rapist would be deterred and rape incidents would fall.

Unequal Pay: Plight of Actresses

➤ By Bishwa Mani Subedi

Watching picture-perfect actresses on the screen, one may wonder if they have any plight at all. But the reality tells a different story altogether.

Actress Priya Rijal had to act in the film, *Aunthachhap*, without receiving any remuneration simply because it gave her a break in the Nepali film industry. But the film's hero had a contract and remunerated handsomely, even though it was his first film too. Priya is yet to receive the remuneration promised to her for her second film, *Deshdrohi*, where she plays the lead actress, despite demanding it for a long time. She even filed a complaint against the film's producer at the Film Producers' Association, demanding the unpaid remuneration of Rs 30,000. But she did not receive justice from the association. Rather, doing the rounds of the association cost her more than Rs 6,000. "There aren't any people in this profession who understand our plight," she said. Following the incident Priya left the silver screen to act in a TV soap, *Gahana*, and danced in restaurants at Teku. But she did not get enough remuneration anywhere. Nowadays, she stays at home.

Similarly, actress Bipana Thapa got Rs 21,000 as remuneration from the producer for her debut movie, *Janmabhum*. But for the same film actor Saroj Khanal was paid double that amount.

Actresses are suffering from unequal pay not only in films made by men but also in those made by members of their own sex. For instance, in *Babusaheb*, directed by

actress Karishma Manandhar, actor Bhuwan KC was paid thrice the amount paid to actress Puja Chand, although their roles were equally important. This, despite the fact that Karishma Manandhar herself was a victim of unequal pay. Producer Ashok Sharma had signed up Rajesh Hamal for *Allare* for Rs 150,000. But, according to Karishma, she was paid much less than that.

Such inequity in pay has forced a majority of honest Nepali actresses to leave the Nepali film industry, says film director and critic Prakash Sayami. He points out that Mala Sinha, the lead actress of *Maitighar* who shot to fame when the Nepali film industry was in its infancy, left

Unequal pay is driving a majority of honest Nepali actresses away from the Nepali Film Industry.

the industry because she saw no possibility of becoming self-dependent there. Says Sayami, dialogue writer of *Pheri Bhetanla* (See you again): "Unequal pay and haphazard policy are to be blamed for Nepali cinema's failure to see Manisha Koirala, the lead actress of *Pheri Bhetanla*, again."

Movie critic Dr. Pradip Bhattarai says inequality and humiliation forced promising actress Tripti Totalani out of the Nepali film industry. Adds Sayami: "Many actresses left Nepali cinema in the past because, unlike now, they had to act in a cinema for free, and after the film was released they had to confront scandals."

Other actresses, who left the Nepali Film Industry because of discrimination and lack of encouragement, are Sunny Rauniyar, Kristi KC (Mainali), Rupa Rana, Mausami Malla, Saranga Shrestha and Anjana Shrestha Subba. Who wouldn't be touched when they hear that Mithila Sharma, a great actress and dancer, is working as a dance teacher at a school because remuneration from films are simply not enough to survive on? Likewise, emerging actress Arunima Lamsal is compelled to run a beauty parlor. Says Sarita Lamichhane, who hosts shows on Channel Nepal and is also an actress: "Actresses have no choice but to take up a side job until there is job security in the film industry."

But actresses Jal Shah says Nepali actresses lose hope easily due to lack of confidence. "We are not as hardworking and determined as we ought to be," she argues.

The media's practice of scandal mongering, with actresses especially young ones, at the center, is also discouraging them, says Rojina Uprety, a victim of that practice. "One loses the drive to work when baseless rumors start circulating," she said.

Film producer and former secretary of Nepal Film Producers' Association Shyam Sapkota, who has studied many complaints and cases at the association's legal committee, admits that women suffer the most in financial matters in the cinema industry. Actors who are not satisfied with the remuneration are known to issue death threats to the producer concerned. But as many actresses shy away from calling for help, they do not get justice, says Sapkota. He

charges that the majority of producers have a tendency to make actresses perform without remuneration. Sapkota concedes that even if an actor/actress files a case demanding fair remuneration, the association can only exert moral pressure after listening to the version of both the parties. And there is no guarantee that producers will heed to the pressure from the association and settle their dues, Sapkota adds.

When questioned about the disparity in pay between actors and actresses, Ashok Sharma, general secretary of the Film

Unequal pay and haphazard policy are to be blamed for Nepali cinema's failure to see Manisha Koirala, the lead actress of Pheri Bhetaunla, again.

Producers' Association and member of the Film Development Board, says: "Nepali cinema's bazaar goes after the hero, distributors too buy cinemas on the basis of the hero's face, so we are compelled to pay heroes more."

But actress Bipana Thapa is not ready to buy that argument. She claims: "Many films that do justice to the female character and have quality presentation have become successful because of the actress." Pointing out the general practice, she adds: "While writing the story, the tendency is to revolve all the incidents around a man. This weakens the female character and gives the impression that a woman is weak is all respects." Thapa bemoans the lack of environment in the film industry for actresses to vent their grievances. Producers tend to pay actors promptly fearing that they might resort to violence. But seeing no such threats from women, producers tend not to keep their side of the bargain when it comes to actresses.

"As the story line in Nepali cinema is woman-oriented but the presentation is

male-centered, women are always sidelined," says actress Laxmi Giri. Generally, the script in Nepali cinema focuses on family, and is woman-oriented. But when it comes to remuneration, actresses are shortchanged. Says actress Niruta Singh: "They know that a film featuring women's plight and sobs is a sure hit but it is a tragedy that the very people who do the sobbing are paid less."

Laxmi Giri says actresses are suffering due to a lack of equal representation at the decision-making level regarding the film industry. So much so, the state-controlled Film Development Board (FDB) does not have a single female

member. Although Basundhara Bhusal and Karishma Manandhar were on the board earlier, their voices were lost in the din of male voices, says Giri.

President of FDB Shambhujit Baskota claims that the board is doing its level best to see to it that actresses are not forced to leave the film industry due to lack of encouragement. He points out that the code of conduct for the film industry introduced by the board sometime back guarantees equality and professional security. He further claimed that the board would make the code more effective.

Spurned by parents, honored by society

➤ *Rebati Sapkota*

Efforts have been made after the restoration of multiparty democracy to amend many laws and practices that discriminate against women, but even now there occur cases like that of Unmaya, who had to suffer at the hands of her father because she chose her husband on her own.

She was eagerly looking forward to celebrating last year's Dashain with her lover, besides eating good food and wearing new clothes. But a different fate was in store for 18-year-old Unmaya Tamang of Anekot VDC, Kavrepalanchowk. At around 11:30 p.m. on Phulpati (the seventh day of Dashain), her father came to her place, dragged her out, beating her all the while, and imprisoned her in his house.

Her body was drenched with tears when her father tied her with a rope on the upper floor of the house, making it impossible for her to even meet her classmates in the neighborhood. But her father, Ganesh Bahadur Tamang, and elder brother, Yagya, took no pity on her. Her throat dried due to incessant sobbing for nearly 30 hours and eyes were about to run out of tears, but her father paid no heed to her plight.

Unmaya's only fault, if it can be called so, was that she had eloped with Aitsingh Tamang, 32, who had been working in her house for the past two years. After eloping on Asoj 24, Unmaya stayed in the house of Aitsingh's younger sister at Mandanda in the same VDC. She had been living there for only 12 days when her father, Ganesh Bahadur, forcibly took her back to his house.

Unmaya does not think she committed any crime by falling in love with Aitsingh. She asks: "Was it a crime for us to like each other?" Aitsingh also shares her view. "She liked me, I liked her, so we decided to marry," he says.

Sociologists consider the marriage of Unmaya and Aitsingh incompatible. The couple's age difference is 14 years. But according to advocate Bhimarjun Acharya, the law does allow marriage between individuals whose age difference is less than 20 years. And the amended Civil Code Act has given all men and women, who are at least 20 years old, the right to tie the knot by choice and start a family.

The villagers, who had gathered in Ganesh's house on Ashthami (the eighth day of Dashain) were unable to bear a helpless girl's plight, are still being punished for it. At the gathering, the villagers had investigated whether Unmaya and Aitsingh had eloped willingly. Says Indra Bahadur Tamang, Ganesh's younger brother and principal of Sirjana Primary School: "From our investigation we found out that the boy and the girl liked each other, and that they left the house by choice. So we felt it

It is a crime to force a woman to have an abortion. The law punishes anyone who carries out abortion against a woman's will, by calculating the days and months since conception.

was proper to get them married, and everyone said the same thing."

Being a man who considers himself to have a good standing, socially and economically, in the village, Ganesh argued that his daughter's decision to marry a man who does not have a single piece of land had tarnished his prestige. He claims that he is trying to separate Unmaya from Aitsingh in order to salvage his honor.

However, under intense pressure from villagers, Ganesh set his daughter free on Nawami (the ninth day of Dashain). As soon as the ropes that shackled her were untied, Unmaya ran to meet Aitsingh. Villagers suspect that Unmaya rushed to meet Aitsingh because she was pregnant. "She may have thought that she would be destitute if Aitsingh abandoned her." But the pair says that they are too deeply in love to leave each other.

Villagers claim that Unmaya's father and elder brother even made an unsuccessful attempt to abort her baby. According to Indra Bahadur Tamang, Ganesh Bahadur and his family tried to force Unmaya to have an abortion in order to marry her off to another man. Advocate Bimarjun Acharya says: "It is a crime to force a woman to have an abortion." The law punishes anyone who carries out abortion against a woman's will, by calculating the days and months since conception. But the 11th amendment to the Civil Code allows a woman who wants abortion to have it done with the recommendation of a medical doctor within 12 weeks from conception.

Ganesh and Yagya have soured their relations with the villagers. They claimed that Unmaya was abducted and accused Aitsingh along with other villagers, including Lakpa Tamang, Chandra Singh Tamang, Pancha Singh Tamang and Surya Bahadur Tamang, of being Maoists. Unmaya's brother, Yagya, also filed a petition at the District Administration Office (DAO) on the day following Kojagrat Purnima (the last day of Dashain).

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When the villagers heard about the petition, they went to the DAO before the police could arrest them, and explained the situation. However, the DAO is yet to decide on the case. Villagers say that none of the accused villagers are Maoists.

"Villagers have been accused of being Maoists and a case has been filed against them out of sheer animosity," they say. Those villagers, who had assembled in Ganesh's house to set Unmaya free, continue making the rounds of the DAO as they are accused of being Maoists.

With the initiative of political parties, social workers, intellectuals and different organizations in the village, a wedding ceremony was held on the premises of Sirjana Primary School on Mansir 6 to formally wed Unmaya, who was four months into pregnancy, with Aitsingh. The couple was congratulated with vermilion powder and flowers by Dhan Bahadur Tamang of the Nepali Congress, Man Bahadur Tamang of the CPN (UML), Maitsingh Ghising of the Tamang Ghedung Association, Indra Bahadur Tamang (principal of Sirjana Primary School), students and other villagers. "Although Unmaya was spurned by her family, her marriage with Aitsingh was

recognized by the society," says principal Tamang.

While the groom is just literate, the bride has studied up to Class Five. The husband's economic situation is poor when compared with that of the girl's parents. Aitsingh does not possess any cultivatable field; he only has a homestead. Even then, Unmaya has rebelled against the social belief that the groom should have a higher economic status than the bride's. Says sociologist Bhanu Timilsina: "It was wrong on the part of the girl's father and brother to prevent their [Unmaya and Aitsingh's] marriage. The girl's brother has filed a case against the boy and villagers on a charge that his prestige has been tarnished."

This incident, which reads like a film script, is in fact a conflict between a couple and villagers who are against socio-economic discrimination and a family like Ganesh Bahadur's which supports such discrimination. This conflict is born of the superstition prevalent in Nepali society. The incident is just a representative of umpteen such incidents occurring in rural society. Residents of Ankot feel that Ganesh Bahadur's family should respect work rather than be obsessed with immediate disparity in wealth.

Sociologist Timilsina believes that the marriage of Unmaya and Aitsingh has brought about change in society. Aitsingh, who is giving special care and attention to his pregnant wife, says: "We are happy now."

At 57, Mira off to school, books in her hand

➤ Kamal Giri

As the saying goes, where there is a will there is a way. Only a few would not feel encouraged by the sight of these women studying at Prerana School at Satdobato, Lalitpur.

Wearing a maroon sweater and red printed sari, a 57-year-old woman hurries towards her school at 10 in the morning, carrying text and exercise books. Mira Lama of Arkheni, Ramechhap studies in Grade Two.

Having passed Grade One last year, Mira is excited that she is now promoted to Grade Two. "At my age I do not think I will get a job by studying. I will be satisfied with just being able to read newspapers, write letters and maintain accounts at my shop," she said.

She is a mother of two sons and three daughters who hold Bachelor's or Master's degree. Her husband, Nain Bahadur Lama, an Indian army pensioner, fully supported her in her pursuit of education. "So what if she is old," he says, prodding the entire family to be supportive.

It would be wrong to assume that Mira is taking adult literacy class. She is studying at a secondary-level school that was established six years ago with the initiative of pro-women social workers. Located at Satdobato, Lalitpur, Prerana Secondary School saw six students pass the School Leaving Certificate (SLC) exams last year for the first time.

Only women above the age of 14 are allowed to study at the school, which started out with 26 children in Grade Six. Presently, the school has over 450 students, said its principal Mrs Janak Chalise.

Those women, who have a fervent desire to study but think that they are too old for it, should look at Kumari Mahara for inspiration. A student of the same school, her determination and courage lifted her to a level on a par with other educated women in society. Age was no deterrent

for her to pass SLC in the first division last year. Now she is a student of Pasang Lhamu College.

It is normal for students to dream and aim big. Some want to become a medical doctor while some feel that the job of an engineer is their calling. But the aim of the students of Prerana is not to become a doctor or an engineer. "By passing SLC one can become a teacher.

One can also do social work to help women like us," said Bimala Neupane, 38, a 10 grader at the school. She has two children. The year when Bimala, who was born at Bhainsekhani, gave pre-SLC exams the entire country was in the throes of a multi-party democratic movement. Even as the movement

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concluded successfully, Bimala's life entered a phase of extreme grief. Her husband left her and disappeared. She did not have any property to keep herself afloat. Scorned and spurned by society, the pregnant Bimala wandered in different places in search of work. Now her children have grown up. A foreigner is financing her daughter's education while her son, Mahesh, is studying at Devghat Ashram. Her husband, who has married another woman, does not have any fixed property she can claim over. Having weathered all the difficulties in her life, she had a burning desire to study. "I a strong desire to pass Grade Ten. I have worked hard. So I'm very much sure I will make it through. I'm full of hope," said Bimala, who makes a living as a domestic helper. "It's fun to study when your colleagues are about your age," she adds enthusiastically.

The school was established with the goal of empowering women through education, with the initiative of four pro-women social workers—Prabha Chalise, Radha Timilsina, Pramila Sharma and Janak Chalise. The school is attended by women of different classes—from laborers to members of well-to-do families.

"When I was only six months old, my father passed away. We were 15 siblings. When our brothers were not able to study, it was out of question for us, the daughters, to study. On top of that, it was difficult even to survive," said 30-year-old Maya Bishwokarma, who hails from Taplejung. "I got married at 15 in Morang. I was worried for not having studied. Now, with my husband's help, I

have enrolled in this school and am studying in Grade Two. Even if I cannot pass Grade 10, I will be satisfied if I'm able to do simple calculations and read the signboards of offices," she said. "After starting to study I have stopped feeling afraid about talking to people. It has boosted my self-confidence. I feel that I can also do something," she added.

The school has classes from one to 10. Students are charged Rs 500 as enrolment fee and Rs 300 as monthly fee. The school's promoters say its managerial expenses are met through fees raised from students. The school is modeled after government schools.

Principal Janak Chalise says she and others established the school because of the lack of government-level policy to set up schools for women past normal school-going age. There are lots of women who cherish the desire to study even if they did not go to school when they were small.

Principal Janak Chalise says she and others established the school because of the lack of government-level policy to set up schools for women past normal school-going age. "There are lots of women who cherish the desire to study even if they did not go to school when they were small. But we haven't been able to publicize the school adequately. We definitely believe that this campaign will prove instrumental in the country's development." Some women are attending the school to assist their husbands with their businesses and professions while some with the hope of landing in a higher post through education.

Conducting classes that are run in the morning and evening, the school follows the academic session and curriculum set by the Ministry of Education.

"I dropped out of school when I was small. Back then I simply did not like to go to school, but afterwards I repented. Now I'm very happy (because I go to the school)," says 24-year-old Junu Shah, who now does not have any trouble studying. Junu, of Balaju, busies herself at her beauty parlor during her spare time. Her aim is to pass SLC and see her business flourishing. "I don't have any problem studying. I have received full support of my family. I have even set aside 50,000 rupees for my studies," she adds.

Meanwhile, another such women's school, Utprerana, has opened up at Tinkune in Kathmandu this year. Its principal, Gaura Rijal, says the school, which has classes from one to four, has 100 students.

These kind of schools are being established in the capital citing the lack of government policy on adult literacy. But Rampyari Shrestha, deputy director of the Gender-balanced Development

Branch at the Department of Education, points out the provision of giving "private" SLC exams (where students do not have to enroll in any school), and claims that there is also a provision of full scholarships, along with hostel facilities, for women at schools in some rural districts.

Jivan Sharma Poudel, district education officer at the District Education Office in Kathmandu, admits that although the government has a policy of imparting informal education, it has no arrangements for providing formal education to women past school-going age.

As per the latest government statistics, the literacy rate among men is 65.74 percent while it is 42.49 percent among women. Recognizing the importance of education for women empowerment, the government had announced in the Tenth Plan that it would promote female literacy program as a campaign. But it is not implemented.

Buddhisara – woman accused of witchcraft

➤ Narayan Bibash

Seventy-seven-year-old Buddhisara was heartbroken when no one gave her justice after she was humiliated by society on the charge of being a witch.

When her own neighbors humiliated her by throwing patlo on her doorstep, accusing her of practicing witchcraft, not a single villager came to the rescue of Buddhisara Ale, 70.

As soon as Buddhisara saw the patlo (usually a concoction of foodstuff, metal and coins that is believed to ward off evil spirits) on her doorstep one morning, she was pretty sure that the mischief was carried out by her neighbors, Laxman Pun and his family, who had stayed awake all night watching a shaman they had hired perform. The shaman's dhyangro (a two-sided drum) had been played throughout the night. Utterly humiliated by the incident, Buddhisara cried her heart out, but except for her son and daughter-in-law, no one consoled her.

Not a single night passes in this village – which lies seven km west of the district headquarters Ghorahi in the middle of a jungle – without a shaman chanting and writhing in at least one house. And every night, patlo is thrown at an alleged witch. The shamans have a hell of a time feasting on chicken and mutton.

feasting on chicken and mutton. Onlookers, with their curiosity kindled, eagerly wait for the shaman to declare the witch.

Many a woman do not know that villagers suspect them to be witches. Villagers whisper about her among themselves, but not many dare to tell her what they think of her right in the face. It was only because Buddhisara retaliated openly that her case started to be discussed openly. Five other women are being viewed as witches by villagers on the basis of the shamans' accusation. Although the shamans have accused them of practicing witchcraft, these women are afraid to retaliate openly, said

a local youth.

Every night, many women like Buddhisara at Bansgajeri village, Hapur VDC-7 in Dang district are fed patlo on the allegation that they are witches. Not a single night passes in this village – which lies seven km west of the district headquarters Ghorahi in the middle of a jungle – without a shaman chanting and writhing in at least one house. And every night, patlo is thrown at an alleged witch. The shamans have a hell of a time

When Buddhisara, a widow, did not receive justice for the unwarranted humiliation she was subjected to, she was heartbroken – not least because, as a senior citizen, she expected respect from society. Says Buddhisara: "When they threw patlo on my doorstep my heat burnt and became restless with anguish. I cried for days and nights, and could not sleep for an entire week."

Her son is afraid to speak out against the injustice. "They [villagers] are making baseless accusations against an old woman like me. Who doesn't know that when someone falls ill, they should be treated [with medicines]? I have been accused of being a witch out of animosity," said Buddhisara. Recollecting an incident, she added: "A few months ago a neighbor borrowed a kasaundi [a utensil generally used to cook rice] from me. Two months later, when I asked it back they tried to pick up a fight with me. Due to that grudge, they threw the patlo on my doorstep."

Kul Bahadur Lamichhane, the CPN (UML) party secretary in Hapur VDC, is also Buddhisara's neighbor. Although Lamichhane is also a former VDC vice-chairman, he was not able to give justice to Buddhisara. "Here the society labels people, who say that witches do not exist, as lunatics," he said. According to Lamichhane, the village has 126 houses and 630 residents. The Magar, Kami and Chhetri communities are predominant in the village, where 90 percent of the population below 10 years of age are illiterate.

"Giving such abysmally low literacy rate, the society scorns at those who speak out against superstition," said Lamichhane. "Here whether anyone suffers from eye itches, ear pain, gastric, diarrhea, a cold or sinus, shamans are beseeched for help. So much so, the service of a shaman is availed of even when a buffalo does not give milk."

All this, despite the existence of a sub-health post just three km away, at Bijauri hill. But villagers prefer taking the service of shamans to traveling to the sub-health post. They are attracted to shamans also because their service cost Rs 100-200, whereas treatment at a hospital would cost much more, says a local teacher, Takaram Khanal.

Although Buddhisara dared to retaliate against the injustice meted out to her, many others accused of being witches are suffering in silence. Ritadevi [name changed] said she has heard that some shamans have accused her of being a witch. She said: "I have heard such rumors but no one has told me directly that you are a witch. Here people

Her son is afraid to speak out against the injustice. "They [villagers] are making baseless accusations against an old woman like me. Who doesn't know that when someone falls ill, they should be treated [with medicines]? I have been accused of being a witch out of animosity,"

suspect the poor, helpless and elderly to be witches and hide their children fearing that they may become possessed after seeing such people. Suspecting that milk and curd are the easiest means for witches to cast inimical spells, these conscienceless people reject curd and milk offered by those who they suspect to be witches."

The village does have local woman volunteers. They have even received mid-wife training. But villagers do not seek the help of these volunteers for health-related problems. Says volunteer Thamadevi Panday: "Why would a society that calls a shaman when someone has a cold seek advice from health volunteers? Rather, if there are complications in delivery, people ask me for help."

No one contacts a health volunteer before delivery, except in cases where the birth appears to be extremely difficult and delivery is possible only by caesarian section at the hospital. "Only when conditions are difficult they seek our help," said Panday, "I do as much as my capacity allows me to do. If it's beyond my capacity, I advice them to take the woman to the hospital. But what good is an advice that is given at the last moment? Either the mother loses her life, or the child dies."

Waging a lone battle against the practice of accusing women of being witches and the practice of seeking the help of shamans can look like a fruitless exercise, given that women themselves have no qualms about accusing members of their sex of practicing witchcraft. In fact, there are more women than men who believe in the existence of witches. Says volunteer Panday: "This won't improve until this black cloud of ignorance is removed."

Moreover, as they do not get any help from fellow women, those who are accused of being witches have little or no morale to fight against injustice. Buddhisara Ale says the Maoists gave her justice after villagers did not support her when she tried to retaliate. The rebels made Buddhisara's tormentor, Laxman Pun, pledge in black and white not to accuse anyone of being a witch.

Advocate Nirmala Subedi says the accused women suffer all the more due to lack of access to the court of law. She adds that the law allows such women to file a defamation case against the accusers, but they are unable to do so due to poverty.

"Most women, who are accused to being witches, are extremely poor and are not clever. So they can't retaliate against anyone. They can only curse their tormentors and suffer silently," says Subedi.

Sancharika Samuha was established by a group of women communicator's in April 1996, with the primary aim of promotion of gender equality in Nepal. The Sancharika Feature Service incorporates monthly articles/features on the grave situation of women and children in our country, the social outlook towards them, the pain and agony that they have faced and the courageous steps that women have taken in this regard. We hope to fulfill the lack of news and articles on women and children to some extent through this feature service and we look forward to your kind support in publishing these articles in your respective newspapers. We would also like to request you to send us a copy of the published article and to mention 'Sancharika Feature Service' below the published article.

λ Sancharika Samuha Nepal

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