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Strictly Business

## **Threatening move**

### **Shutdowns violate the fundamental rights of citizens**

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Nepal's political parties swear, in one form or another, that they are freedom fighters. They then go on to fight with one another to deny almost 30 million citizens the fundamental freedoms that have been enshrined in the Interim Constitution of 2007.

These include the freedom to move around any part of Nepal, and the freedom to carry on any occupation, industry or trade. The way the political parties, of all stripes, use to emasculate citizens' freedom is by enforcing bandas. These shutdowns are carried out either nationally or locally: lasting anywhere for a few hours that brings everything to a standstill to violence-smearred whole days, or the paralysing "indefinite" bandas.

Since the organisers, who are often amorphous groups of young political cadres, issue explicit threats, those who dare to defy the bandas run the risk of having their vehicles stoned or torched, their shops looted, and being beaten up publicly in broad daylight.

According to [www.nepalbandh.com](http://www.nepalbandh.com), a website that tracks the number of shutdowns, so far in June alone, as of this writing, there have been 38 instances of bandas across the country. Since 1 January, only 11 days have elapsed without there being a shutdown anywhere in Nepal.

It goes without saying that shutdowns severely restrict the movement of people, slow down trade and commerce, rob many labourers of their right to earn daily wages, and make life increasingly unbearable for all Nepalis who have quietly, even if seething inside, put up with these daily violations of their right to fundamental freedoms, even by putting their lives at risk.

Consider what happened last Monday at the National Kidney Center in Kathmandu. Because of the shutdown called by the Maoist YCL, the Centre could not buy water that it requires daily for dialysis. Water-providers could not send their tankers because they feared for their safety. Despite phone calls from patients, ambulance drivers stayed put. From previous shutdowns, they knew that there was no point in trying to reason with Maoist cadres on the deserted street on the days of bandas.

"Doctors and nurses could not come to work," said Rishi Kumar Kafle of the kidney centre. "We barely managed to offer dialysis to about 30 patients who had walked or had been carried to the Centre that day. But around 50 more patients who had signed up for that day did not come, and I know that some of them were already in dire conditions. Most would come the following day, and that would put the pressure on the Center's resources."

The doctor asks: "What kind of new Nepal are we creating when innocent kidney patients may have to die so that political parties could go on with their protest programs against one another?"

Private businesses are also sick and tired of bandas. Last Tuesday, at a meeting between aid agencies and representatives of the private sector, convened by International Alert and the National Business Initiative (NBI), the number one problem that the participating firms cited in doing business in Nepal is the prevalence of bandas, and the violence, the vandalism, and the climate of fear and uncertainty that often accompany the shutdowns.

"Employees have a hard time coming to office, when they do come, they find that customers' and dealers' offices are closed. Transactions grind to a halt, while the expenses keep mounting," said Anand Bagaria, who runs a company that produces poultry and livestock feed.

One suggestion that the NBI meeting threw up was that the language of politics should change in this country. True, on the face of it, not only does that suggestion sound abstract, it is also easier said than done.

Still, in concrete terms, such a conversation about the need to change the political language could be framed (by the media, civil society pundits and rights activists) in terms of promoting positive individual liberty in a way that propagates and respects what's written in the Interim Constitution.

After all, no matter how many variables of bitter disagreement there remain among political parties, the Interim Constitution is the only document that was publicly signed by all of them, saying that they would adhere to its tenets. And its tenet on every citizen's right to fundamental freedoms is crystal clear to anyone who bothers to read the Part III. As such, it's arguable that any political party or any tangential group affiliated with a political party calls for bandas is contravening what they agreed to uphold in public.

This is an issue that needs to be raised all the more to change how we view bandas: as a gross violation of our fundamental rights by the same people who we elected to safeguard our rights.

Anchoring the language of change to the tenet of the Constitution is important for two reasons. First, it brings all citizens into the same sphere of constitutionally guaranteed freedoms. Second, it helps counter a disturbing sense that seems to find an easy acceptance in the media these days. For example, after motorcycles belonging to doctors and journalists were attacked on Monday, medical bodies and media organisations issued statements saying that doctors and journalists, being special members of the society, were not to be treated like shopkeepers by the banda organisers.

The intention of the medical and media bodies might have been sincere. But they need to be told to tone down their language to recognise that even shopkeepers, as free citizens of this country, have the same Constitutional right as everyone else so as not to be forced to shutter stores just because a group of political cadres call for shutdowns and issue threats to non-adherents.

In the past few years, Nepalis pushed for a republic, took part in the Constituent Assembly elections, and cast their votes to elect representatives. They did these all for a better future: a future that gives them the right to live as free citizens.

Bandas called by political parties destroy that future as they are acts of indignities and humiliations forced upon the very voters who trusted them. The sooner we all come around to using the language of the Constitution to hold the parties accountable to what they promised to uphold, the language of banda will change from putting up with inconveniences to not tolerating repeated violations of citizens' freedom to move freely to practice their occupations in Nepal.



MIN RATNA  
BAJRACHARYA  
CATCH 'EM  
YOUNG: Really  
young Young  
Communist  
League member  
holds the party  
flag while others  
set about  
threatening  
vehicles that  
dared ply  
Kathmandu's  
streets on Friday.

<http://www.nepalitimes.com.np/issue/2009/06/20/StrictlyBusiness/16047/print>