

# Chapter 3

## 3.7 Tuin Empire Continues to Reign Life hanging by the Pulley

### Background

The Constitution of Nepal, Part 3, Article 31 provides the Right to Education, Article 35 the Right to Health, Article 36 the Right to Food, Article the Rights of Women, Article 39 the rights of children and Article 41 the rights of the elderly citizens.

The fundamental rights guaranteed by the Constitution should be properly managed by the State to ensure its easy access to the citizens. The country is currently divided into three tiers of governance—federal, provincial and local government. But even after the formation of three levels of government, the residents of Byas still do not have a bridge to easily cross over the Mahakali river. They cross the river tangling on to the pulley over the Tuin, living their days in the Tuin empire.

Tuin or traditional wire river crossings were mentioned in the government documents in the beginning of the 6th five-year development plan of Nepal. However, study of Tuin began only in the 7th five-year plan. However, since then the State is not found to have given any attention to replace such risky river crossings in the country.

The citizens of Byas rural municipality in Darchula district have not yet been ensured with these fundamental hu-

man rights guaranteed by the Constitution. The citizens here have not been able to experience the feeling of the state as they have been still deprived of the basic fundamental rights enshrined in the Constitution. Byas is a geographically remote rural municipality where the citizens are still compelled to transport with the help of a Tuin. Some 5,300 population here are using the traditional wire river crossing over the Mahakali river, according to the Suspension Bridge Project under the Department of Local Infrastructure Development and Agriculture Roads (DOLIDAR).

The government adopted a policy in 2015 to replace the Tuins across the country. Assuming the post of the Head of the Executive in October 12, 2015, KP Sharma Oli declared the Tuins in the country would be replaced within two years. Leader Oli is back to the post, now more powerful than in the previous stint. But it's not sure when his 'two years' is going to arrive. Of the 187 Tuins in the country, 90 of them were replaced within three years, according to the Suspension Bridge Division Office. Likewise, suspension bridges are being constructed to replace 44 more Tuins. In the year 2015/16 when the announcement was made to replace the Tuin, a total of 57 Tuins were replaced, and this included one over the Ma-

hakali river and three in other streams in Darchula. Likewise, in the year 2016/17, 25 Tuins were replaced, according to official records. The Tuin over the Mahakali river in Byas, Darchula could not be replaced during this year. A suspension bridge over the river was constructed in Lali of Lekam Rural municipality-3 in the year 2017/18.

According to national census 2011 and the district profile 2017, the population of Byas rural municipality is 10,347. Of them 5,482 are women and 4,865 are men. There are 1919 households in this rural municipality spread over an area of 839.23 square kilometers. This study however covers only the northern area of Darchula (where the citizens are still forced to use the Tuin). Accordingly, an effort has been made to explore the problems facing the citizens residing from Ward no. 2 to Ward no. 6 of the Byas rural municipality. Such is the situation that due to lack of roads, the citizens of Changaru and Tinkar in ward no. 1 of the rural municipality have to travel via India to reach their respective village. Furthermore, the citizens of other wards here are forced to depend on the Tuin as the construction of the Darchula-Tinkar road under the Mahakali corridor project fails to take speed. As a result, this report has prepared by studying the socio-economic and cultural situation of the citizens of this region, to bring out their genuine sufferings and draw the attention of the stakeholders to address them.

### **Objective of the Study**

- To acquire information about the socio-economic and cultural impact of the citizens of Byas rural municipality due to failure to replace the Tuin.
- To identify the problem resulting from the Tuin to the citizens of Byas.
- To inform about the constitutionally guaranteed rights.
- To study the impact of the lack of effective enforcement of government's

policy and programmes.

- Bring out the problems facing the citizens of Byas rural municipality, and draw the attention of the stakeholders to bring them to the mainstream of the State.

### **Importance of the Study**

Following the government's declaration in 2015, the Suspension Bridge Division Office has put a ban on installation of Tuin across the country. As per the policy to bar Tuin, the government had a target to replace all the Tuins in two years' time. According to government sources, the five Tuin built over the Mahakali river cannot be replaced without reaching an understanding with the Indian side. This study highlights the impact of the Tuin within Byas rural municipality on right to food, health, education and the lifestyle of the senior citizens, women and children. The problem has been identified by holding a discussion with the citizens in ward no. 2 of Byas rural municipality. Efforts have been made to show in reality the problems facing the citizen due to lack of roads in the present situation. The pain suffered by the people due to the Tuin, the situation of untimely death, lack of timely treatment of illness, and pregnant to new born having to use the Tuin to reach to the district headquarters, and the compulsion to use the Tuin even to go for higher education have been presented in real terms. This study also makes an effort to explore the details of Tuin in the district as a whole.

This study will provide feedback for sensitization of the concerned citizens and aware the State of its obligation. It will also be a monitoring and evaluation of the state of enforcement of priority policies and programmes of the State. As the socio-economic and cultural situation of the citizens following the political change in the country has been explored, it will also help the State to develop pro-

grammes accordingly.

This write-up developed with a focus on the aforementioned issues gives a real picture of the problems faced by the residents of Byas rural municipality. Hence, this could prove an appropriate reference material and important document for policy making.

### **Methodology**

- Study tour
- Discussion with the local residents
- Interview
- Study of secondary evidence
- Study of news reports in various media
- Data from the District Police Office

### **Limitation of the Study**

- This study is related to the people residing in ward nos 2, 3, 4, 5 and 6 of Byas municipality.
- This study includes the health, education and food rights of the elderly citizen, women and children in ward no. 2.
- This study makes an effort to explore the State policy and programmes developed for the citizens, and the constitutionally guaranteed rights, and the state of their implementation.
- This study uses both primary and secondary sources.

### **Tuin terror in Byas**

The citizens of Byas rural municipality ward nos 2, 3, 4 and 5 still cross the Mahakali river with the help of the same killer Tuin. As the road construction on the Nepal side has failed to gain speed, the days of the local residents pass through the same Tuin. There is no police, no customs and neither a suspension bridge here. And completely open border. Everything from household goods to construction materials is easily imported/exported here by rolling the pulley across

the Tuin that hangs over the Mahakali river. It's been hundreds of year that the people here have been travelling and transporting goods with the help of the Tuin. Whether it is school students or expecting mothers, the elderly or physically sick, there is no option than to rely on this Tuin. It's been years and years that the residents here have heard that a bridge would be constructed here. But this continues to remain a dream, yet to be translated into a reality. One has to cross the river with the help of a rope, and also transport daily essentials using the same rope. But what if the rope breaks off? Hearing the answer only is so devastating—the person and the goods will both mix into the flow of the Mahakali river.

A metal-wire is hanged across the river from this bank to the other. And a rope is used along the same wire, locally known as Tanglo. Many have lost their lives when this rope used as a pulley on the wire broke off. Every household here would have a Tanglo of their own. And it has to be carried in a bag while coming to Khalanga (the district headquarters). It is this Tanglo that is the means for the people to cross the river. The country has entered into a republican system after going through the Rana, Panchayat and multi-party system. But the dream of the people here to cross the Mahakali through a bridge is limited to dreams only. The big leaders had always promised, and last year those standing in the local and provincial elections also gave strong assurances to build a bridge. But everyone has turned out to be the same of the people here. As a result, there continues to be no option that to use this Tuin and the Tanglo to carry corrugated sheets or cement used as construction materials for building homes. Crossing the river with the help the Tuin during the winter when the river current is less is comparatively easier, but it will get difficult as the monsoon approaches. One cannot ascertain when

the flow and tide of the river will increase all of a sudden.

### **Tuin Life**

The government that adopted a policy of displacing the Tuins constructed a suspension bridge to replace a Tuin in the northern part of Darchula but the Tuins in Dumling Rithan and Malghat of ward no. 2, Bartibagar, Lower Malghat and Upper Malghat of wardno. 4, and Dokat and Naji of ward no. 5 continue to exist and are in operation. Six Tuins operate in the border region of Byas rural municipality. After the announcement of the government's policy to rid the country of Tuins, the Department of Local Infrastructure Development and Agriculture Roads (DOLIDAR) constructed a suspension bridge in Tigaran of Byas-6, Darchula a year ago and another in Lali of ward no. 3 of Lekam rural municipality this year. Similarly, suspension bridges were constructed in Dattu and Jauljibi as well.

### **Persistent Food Deficiency**

Nepal Food Corporation has set up a food depot at Sunsera meant for Byas rural municipality and Duhu rural municipality. As rice is being distributed for both the rural municipalities from the same depot, it is not easy for the citizens to receive the subsidized rice. And there are no staffers in the depot. Not only in Sunsera, NFC staffers are not present in all the three food depots in the district. As it is the contractor that sells the rice, the locals are not aware when does the rice arrive and where. Though the residents here are involved in farming, even with two crops it is sufficient for only three to six months, says Byas rural municipality spokesperson Dhiran Singh Budathoki. Majority of the territory here is barren. There is negligible land with irrigation facility. The only option for the residents here to manage food is the income they make from the sale of herbs including the

Yarsagumba or Cordyceps. With no output from the farms, the people are compelled to make a living by collecting medicinal plants and herbs and if not by working as labourers in the nearby Indian market and abroad. And all food items have to be transported with the help of the Tuin. Installation of a Tuin over the border river is regarded as illegal. Hence, all the Tuins on the Mahakali river that runs as a border between Nepal and India are illegal. Suspecting the Tuins being used to smuggle goods, the Indian Border Security Force makes a monitoring from time to time and also cut off the Tuin wires, according to Dan Singh Karki, resident of Byas-2. However, Nepalis have been installing the Tuin by keeping the SSB in dark. The locals will have stored the wire rope for installation the Tuin. Soon after the SSB personnel leave, we install a new Tuin to resume crossings over the river, Karki says. Cutting off the Tuin by SSB brings the residents of Mal, Rapla, Sunsera, Huti and Dhaulakot area to a standstill. The Darchula-Tinker road under the Mahakali corridor being constructed in Nepal's side has just touched the border of Byas rural municipality. Chairperson of Byas rural municipality Dilip Singh Basnet shared that the construction is taking place to make the road motorable up to Sunsera, the centre of Byas rural municipality within mid-April. The citizens of Byas have had to face a food shortage due to slow pace of the contribution of the Darchula-Tinker road that began 10 years ago. As a result transportation of food on mule back cost transportation cost of 30 to 35 rupee per kilogram, adds Basnet.

### **Right to Health**

There are health posts in all the 6 wards of Byas rural municipality. But the posts are never fully equipped with drugs and skilled human resource. As a result, even with the presence of health

workers, the residents are forced to go to the neighboring Indian market and the District Hospital in Khalanga for medical treatment when they fall sick. And the sick will have to be carried to the hospital using the same Tuin. Furthermore, even expecting mothers have to be brought to Khalanga using the Tuin, putting the life of both the mother and child at risk. And pregnant women are still forced to come to Khalanga for delivery. There are birthing centres in the village but due to lack of skilled staff, proper equipment and sufficient drugs, they do not opt for it.

Pregnant women come to Khalanga because it is well-equipped here and also near to Pithauragadh, India in case there is a situation of referral. The government has adopted a policy of establishing a hospital in every local level but due to lack of enforcement the citizens here are still forced to travel far away for medical treatment while relying on the Tuin for travelling.

### **Children More at Risk**

Due to the Tuin, the children here are forced to face severe problems. Nearly 30 per cent of the children of ward nos. 2, 3, 4, 5 and 6 come to Khalanga for studies. And it is a compulsion for the parents of the children going to Khalanga to drop and receive them at the Tuin crossing point. The Tuin is made up of three wires together. And the tanglo or pulley is mandatory to cross the river using the Tuin. As a result, it is very dangerous for the children to use the Tuin. And some parents are compelled to their children cross the river, using the Tuin.

### **Untimely Demise**

Bahadur Singh Dhama, a resident of Rapla Mala in Byas rural municipality-2 says, "This Tuin is like a death call for the residents". Every year two to three persons die while cross the river with the help of the Tuin. Majority of them

have died after falling into the river upon breaking off the Tuin. According to data at the District Police Office, this fiscal year alone, four people have already died. Sankutala Bhandari,35, a resident of Byas-2 died while cross the river on 7 May 2019, Kanchan Lothyal,16, of Dahun-3 on June 16, Rabi Dhama,18, of Byas-5 on August 2 and Jit Bahadur Bam of Mahakali municipality-1 died on August 27. The police however do not have the data of Tuin-related deaths from the past. However, the locals say that every year 2-3 died after falling into the Mahakali from the Tuin.

### **Assurances Forever**

Kashi Singh Dhama, a resident of Mal in Byas-2 is 104 years old. He was first to cast the vote in the local level elections in 2017. On the occasion, he had said that it could be his last vote, which should not go waste, and wished that at least his sons and grandsons are able to cross the river through the bridge promised by the leaders, though he never could.

A survey for a bridge was held almost 15 years go and there were assurances from the government side that a bridge would be constructed. But it is not yet in sight. Following the campaign to displace the Tuins across the country in 2015, the Tuin in Tigar of Byas municipality was replaced with a suspension bridge. But even though the tender had been called at the same time, the bridges have not been constructed in Malghat, Dokat and Bartighat. As a result, the residents here continue to take the risk of travelling with the help of the Tuin. Despite repeated assurances, the bridge was never constructed and it has been long since the locals have stopped believing in what the government says o promises.

### **Government Claims of Obstruction from India**

A tender call had been made in 2015 as per the government's policy to

displace all the Tuins in the country. But the Indian side stopped it saying it was not possible from the security perspective to construct four bridges over the Mahakali river in the same area. Even though Nepal endorsed the tender unilaterally, the work on the bridge construction could not move ahead due to obstruction from the Indian side. The Indian side claims that it would be a security change to have a suspension bridge at a distance of 1 to 1.5 kilometers. Nepal however has been making repeated demands to allow construction of additional two bridges in Byas area.

### **Role of Local Government**

The local government has not taken any initiative by reaching an official decision for replacing the Tuin in its two years term so far. No concrete decision has been taken neither any memorandum has been submitted to replace the Tuin on the international border river. Chair of Byas rural municipality Dilip Singh Budathoki however said the individual demand for a suspension bridge has been made repeatedly with the Suspension Bridge Division Office and with the political leadership. The political leadership has also been asked to take the initiative as part of election commitments. The Bridge Division Office has commented that the Uttarakhand government of India has not taken the required initiative on its part. Last year, the Byas rural municipality reached an internal understanding with the neighbouring residents of India to construct a wooden bridge at Ghatibagar in Dumling of ward no. 2 of Byas rural municipality and is now under use. Temporary wooden bridges to facilitate the travel of citizens from the both sides have been constructed in two locations each by the Indian side and the Nepali side i.e. the Byas rural municipality. The wooden bridges however will be swept away by the floods during the monsoon, inviting problems for the locals, said Budathoki.

### **A Way Out**

It would be logical for the government to hold a dialogue at the diplomatic level for implementation of its policy to replace Tuins in the country. As a guardian of the citizens, it is also the responsibility of the State. Even if a suspension bridge is constructed in one of the three locations where the tender has been announced, some wards of Byas rural municipality would be free from the Tuin while hundreds of families' vulnerability will be minimized. On the other hand, there is a need to expedite the Darchula-Tinkar road construction that falls under the Mahakali corridor in the Nepali territory. Instead of making lack of explosives as an excuse, the State should reach this road up to the final frontier of the country i.e. to Tinker using the Nepali Army. If the responsibility of constructing the Darchula Tinker road section is given to the Nepali Army, then there could be easy access of the State in the final village Changaru Tinkar, located in the tri-state bordering region. It will also facilitate the travelling of the citizens within their own country. A 10 years survey of this road section has already been completed. The State only needs to give first priority to constructing this road.

### **Swept Away by the River and Never Found**

Engineer Rajendra Neupane went missing after falling into the Mahakali river from the Tuin while heading towards the headquarters Khalanga from Sunsera in 2011. Neupane, who worked for an INGO, went missing into the Mahakali after the wire rope of the Tuin snapped off. It was during the monsoon when the river current was high and he went missing in the river. The people in the district, government agencies and the relatives looked for him but was never found.

Last June, Kanchan Lothyal, 16, of Dunu rural municipality-3, Rabi Dhami, 18, of Byas rural municipality-5 on August 2 and Jit Bahadur Bam of Mahakali municipality on August 27 and Sakuntala Bhandari, 35, of Byas-2 on 7 May died while crossing the Mahakali river on their way to collect Yarsagumba.

They went missing in the Mahakali river as they were crossing it with their parents. The locals and police carried out a joint search but their bodies were not found, Deputy Superintendent of Police Nawaraj Adhikari said. There is no bridge over the river and Kanchan slipped while crossing the river in Dulming area, said her father Mahiman Lothyal.

Last year only one suspension bridge was constructed over in Tigaram in Byas-6, located in the northern region of the district. The people living above the area are still forced to use a Tuin to cross the river, while the people living in the region above Rapla use simple wooden planks to travel across the river.

The police does not have data of those who died in the past due to causes

related with the Tuin. But according to locals, 2 to 3 persons died every year while crossing the river with the help of the Tuin.

The bodies of many people swept away by the Mahakali river are found unattended during the winter season. But since it is difficult to identify them, they are cremated after a post-mortem. It is more risky to cross the river during the monsoon in compared to the winter., says ward no. 2 Chair Dhiren Singh Budathoki. As the current of the river his high, a long Tuin has to be used, which makes it riskier to cross the river.

### References

1. Constitution of Nepal 2015
2. District Coordination Committee Office, Darchula
3. Media, newspapers in the district
4. District Police Office, Darchula
5. Suspension Bridge Division
6. Byas Rural municipality and ward office

