

Nepal Plans New Criminal Code Forbidding Evangelism

✖ Five years after it abolished Hinduism as the state religion, Nepal is working on a new criminal code forbidding a person from one faith to “convert a person or abet him to change his religion.”

Article 160 of the proposed code also says no one will be allowed to do anything or behave in any way that could cause a person from a caste, community or creed to lose faith in his/her traditional religion or convert to a different religion. The proposal would also prohibit conversion “by offering inducements or without inducement,” and preaching “a different religion or faith with any other intent.”

If found guilty, offenders could be imprisoned for a maximum of five years and fined up to 50,000 Nepalese rupees (\$685). If the offender is a foreigner, he or she would be deported within seven days of completing the sentence.

Nepal’s Christian community, which has no representation in the Council of Ministers or in parliament, was caught unaware of the new criminal law in the offing.

“We have not heard of this,” said Lokmani Dhakal, general secretary of Nepal Christian Society. “We need to look into this.”

Nepal’s law and justice ministry, in consultation with judges and legal officers, drafted the new Criminal Code that, once approved by Parliament, would make proclaiming Christ a punishable offense. The bill was approved by the Council of Ministers and then introduced in parliament on May 15 by Law and Justice Minister Prabhu Shah.

According to the parliament secretariat, it will be discussed

by the House and then sent to the body's Legislative Committee. If the committee approves the bill, it would return to Parliament and, following further discussion, would go to the president, Dr. Ram Baran Yadav, for final approval.

Nepal's Interim Constitution of 2007 prohibits proselytizing, according to the 2010 International Religious Freedom Report of the U.S. Department of State, even though Nepal signed the International Covenant on Civil and Political Rights (ICCPR) in 1991. Article 18 of the ICCPR includes the right to manifest one's religion, which U.N. officials have interpreted as the right to evangelistic and missionary activities.

No New Constitution

Nepal last weekend failed to complete a new constitution providing for religious freedom, thanks to a protracted battle for political power.

Once the only Hindu monarchy in the world and now the youngest federal republic, Nepal was to have unveiled the document by midnight on Saturday, May 28. But Prime Minister Jhala Nath Khanal admitted his three-month-old government had failed to fulfill its mandate and instead sought another year to write the constitution.

After marathon negotiations, opposition parties finally agreed to sign an agreement that allowed the prime minister to extend the time for completing the first draft of the new constitution by three months. The opposition, however, extracted its pound of flesh, forcing Khanal to agree to resign and pave the way for an all-party government.

As Nepal commemorated its Fourth Republic Day on Sunday, celebrations were muted in the tiny South Asian state, with public anger growing against politicians regarded as corrupt and power-hungry. Sunday marked the second time Nepal's mammoth 601-seat parliament, which also serves as the constituent assembly elected to draft the new constitution,

was unable to ready a new constitution after missing the first deadline on May 28, 2010.

“It’s useless to go on extending the time allotted for the new constitution,” said Chari Bahadur Gahatraj, a Protestant pastor who was also a member of the Committee for Christian Recommendations for the New Constitution. “The new constitution will never be written unless the politicians show some ethics. Otherwise, the extensions become a mere ploy for the big parties to rule the country by turns.”

Amid the delays, Hindu militancy is on the upswing. The only royalist party in Parliament, the Rastriya Prajatantra Party Nepal, proposed Sunday that Parliament be dissolved since it failed to draft the new constitution in time. It called for fresh elections to constitute a new Parliament, a step that the party thinks will lead to the restoration of a Hindu kingdom in Nepal as people become increasingly disenchanted with squabbling politicians.

Though legislators voted overwhelmingly against the proposal, the royalists, led by deposed King Gyanendra’s former home minister Kamal Thapa, have sworn to start a new and stronger campaign in the days to come.

This week also saw eight Hindu organizations, led by the World Hindu Federation, flex their muscles and enforce regional general strikes for three days, paralyzing parts of the country.

The apparent reason for the strikes was the arrest of two men this month for slaughtering cows and selling the meat in a town in southern Nepal. Besides being considered sacred by Hindus, the cow is also the national animal of Nepal, and a ban on cow slaughter is still in force. Though Nepal’s non-Hindu indigenous communities have been demanding that the cow, with its religious overtone, be replaced as the national animal now that Nepal is secular, a succession of Nepal

governments has turned a deaf ear to the pleading.

During the general strikes, police raided two places in the capital city of Katmandu and seized over 1,000 iron tridents that were to have been used during public demonstrations by one of the protesting Hindu groups, the Shiva Sena Nepal.

Also on the warpath are two of Nepal's largest and most privileged communities "" the *Chheris*, or warrior classes who accounted for nearly 16 percent of the population during the last census in 2001, and the Brahmins, the community of priests who accounted for over 12 percent. The two Hindu groups, who together ruled Nepal for centuries, are now seeking proportional representation in all areas of government, saying their rights are threatened by the new constitution.

Nepal's Christian minority is closely watching the upsurge in Hindu protests.

"From the very beginning, certain groups have been trying to foment instability and lawlessness, so that religious tolerance develops cracks in Nepal," said Dhakal of the Nepal Christian Society. "It is because our politicians don't have vision and have been propagating religion and community-based politics. Many of them are not happy that the number of Christians is growing in Nepal."

At the same time, in a democracy everyone has the right to freedom of expression, including Hindu extremists, Dhakal added.

"We will remain cautious about the militant Hindu campaigners, but we are not going to panic, as it will give them the importance they are seeking," he said. "Besides, not all Hindus are militant, only some."

Nepal's first Catholic bishop, Anthony Sharma, said many Christians feel betrayed.

“Not everyone is happy about the extension,” he said. “We hope the legislators will not betray the people this time. However, there is a small sense of relief as well. The country was moving towards zero state [as the interim constitution, parliament and government would have been dissolved if the three-month extension had not been granted]. So there’s relief at having averted that peril.”