

1. Skeleton of the chapter

Nepal is enduring such an aftermath of conflict where the annual transaction on illegal drugs (about US\$ 442,857,143)³ is almost the double of the government allocation to the security agencies (about US\$ 228,571,429)⁴. The further the country is accelerating in post-conflict, the newer the security challenges are emerging. The memories of numerous bloody crimes, barbaric atrocities, and blistering attacks in the past years are not erased yet. More on it, Nepalese face almost 39 reported crimes per day⁵, let alone the ones that are left off the police documentation. The gone years were note-worthy also from the point of crime prevention practices by the police force, given its intellect and equipment. But even after the inking of CPA, killing of people is unchecked, chaos of polity is unchanged and craving for peace is unquenched.

In this context, hereby this discussion assesses, interprets and analyses the syndromes of urban crime as one of the post-conflict challenges for state building. It eyes upon the issues of crime from the angle of post-conflict security. The discussion on increasing bureau-political tensions also make a remarkable part of this chapter. To present representative cases, the incidents and instances inside Kathmandu valley are analysed. Delineating the functions and malfunctions of police administration, this chapter also pays attention to the loopholes to be corrected as well as the strengths to be accelerated.

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³ Calculated as per Guragain (2009).

⁴ See Nagarik National Daily of 9 April, 2010 for more details on the allocation of budget to Home Ministry.

⁵ Calculated as per Dhungana (2009).

The chapter incorporates both descriptive and exploratory study designs. More qualitative and a bit of quantitative information are gathered to have intact analysis. Almost all of the data are secondary in nature. These are bagged from published materials from various newspapers, journals, magazines, books, and souvenirs of security agencies as well. Some gray literatures are also consulted. In addition, information was also provided by the Metropolitan Police Bureau (MPB) Ranipokhari, Kathmandu and some other police officials. Yet, as per the design of this study, plethora of information is excerpted from the analyses of reputed national dailies, weeklies and fortnightlies such as *Kantipur*, *Himal Khabarpatrika* and *Nepal National Weekly*. The authors have clustered some data and given them a new form so as to make the study comprehensive and sound. Trend and timeline analysis are the basic tools employed in this study. In addition to domestic references, some international instances are also compared so as to reach meaningfulness in logic.

2. Crime: The thrilling buzz

Hearing the word 'crime' sounds thrilling in itself. In fact, it thrills people and threatens security. The causes and consequences of crime are most of the times associated with the rule of law and sense of security. Rajak (2008) opines crime as "not doing the deeds assigned by the law and doing the deeds not assigned by the law". He reiterates such things to be legally punishable. It seems that crime is somewhat related to morality or the breach of pre-defined standards. It generally refers to a morally wrong or an ethically unacceptable act. There are violent and sexual crimes to organised and corporate crimes and the crimes of the state (Sabhapati 2004). Incorporating theft, robbery, fraud, corruption, assault, rape, murder and other activities, crime usually goes against the established law. We find different authors diversely interpreting crime with their peculiar intellectual dimensions. Bose (1992) defines it as a product of a person's decision in achieving a goal or purpose. For Bose, crime refers to an apt solution, where usual procedure is confronted with insurmountable barrier. It is a self-improvised strategy to achieve a goal, ignoring or undermining other's interest (Ghimire 2010). It is often said to be against the other's interest. Hence, we can generalise crime as a breach of law and an outcome emerged as per one's wish to meet his/her end.

It is not surprising to find that the notion and definition of crime often differs from each other depending upon culture, religion and nation. But almost all agree that it is the infringement of a preset legal provision. The literatures on crime seem to make morality and humanity the foundation

stone to define. There are also divergent schools of thought in explaining it. Some of the schools opine crimes as moral wrongs and the others do so to them rather as the wronged moralities. Nonetheless, here we define crime as an act against the rule of law defined by the constitution of any state.

3. Crime control: Not a cakewalk

People have mainly two expectations from the state; security and service (*Himal* 2006). In democratic practices, they form government by democratic means using the electoral rights endowed to them by constitution. In any state, police is an agency assigned to investigate upon and control over the crimes to maintain peace and security. But due to evident complexities, its job becomes tough and sensitive to fulfill, if not impossible outright.

Urban setting is frequently characterised a large scale of settlement with well-off infrastructural basis. Increased human density and modern physical structures make them the centres for policy concentration. Urban sites may include cities or conurbations but not the small rural settings with limited bazaars. In Nepal, urban area, therein referred as the municipalities under the Section 80 of the Local Self Governance Act of Nepal-1999 (GoN 1999), is categorised on the basis of population, sources of income and other facilities. Under this Act, such areas shall have the characteristics and facilities like the population of at least three hundred thousand and annual income source of minimum four hundred million rupees, with the facilities of electricity, drinking water and communications, and having the main road and accessory roads of the town pitched.⁶

Urban area is characterised not only by various facilities and well-served lives, but also by the presence of poverty, economic disparity and imbalance of development. So crime is because of what an urban area is. This is the habitat for both the haves and the have not. Density of population and diversity of economic, social and cultural status are the eminent features of city area. Hence, security appears as crucial in such places. This is also the reason why we should not leave apart the features of urban areas while focusing at the roots of urban crimes. Instances, which we discuss later in this chapter, show that the issue of urban structure and urban security should be pulled together.

⁶ Visit www.mold.gov.np to retrieve the full text of Local Self-Governance Act-1999 of Nepal.

4. Security: Multiple means for a single end

For police, crime control is the preliminary purpose but the means to this do and must vary. Herein this section, we go on discussing the issues like crime concentration, crime variation and crime reduction as the multiple ways of analysing criminal pattern and characteristics. Different temporal and spatial dimensions need to be assessed in doing so. They have to be excavated, scrutinised and evaluated from different angles.

4.1 Crime concentration

During the 1920s and 1930s, much of the attention of criminologists was focused on the 'criminogenic city'. It opined that a city setting is itself prone to crimes. However, by this day, scholars have moved away from such analyses. There are also other reasons that fuel criminal deeds in the cities (Crutchfield and Kubrin 2009). Crimes concentrate in such 'hot spots' where the times and places favour the large numbers of offenders to exploit criminal opportunities. Such situations are referred to frequently in criminology as 'crime attractors', triggering in highly motivated criminals from across the city-centres. Others are 'crime generators': places where crimes take place as a by-product of huge quantity of people passing through these locales on legitimate business (Brantingham 2009). They may be fairs, crowded shopping centres or even the crowded public vehicles too. Crime concentrates because of 'hot spots', 'crime attractors' and 'crime generators'.

Understanding crime depends on the way of understanding crime patterns. It also depends on understanding the range of living patterns in high density cities (like Kathmandu) and in the less dense urban areas (like suburban places throughout Nepal). The nature of urban crime is shaped by many factors including both the physical form of the city and its economic diversity. Crime concentrates in such a time when and where homes are empty and vulnerable.⁷ In the case of Kathmandu valley, long festival holidays like Dashain and Tihar are prone to criminal events. Basnet (2009) depicts that the number of crimes are increasing especially during such big festivals. Furthermore, the physical design of suburban communities, especially the pattern of their road networks, influences the target of offenders.

Brantingham (2009) reiterates that crime tends to occur with greater frequency in poorer parts of richer cities and in poorer neighbourhoods of all cities. The occurrence of crime is shaped by a city's daily routine, social

⁷ Based on pers. comm. with Senior Superintendent of Police Milan Basnet on 25th February 2009.

activity patterns and the structure of its transport network into some urban settings. Crime often concentrates in places that cluster criminal opportunities like shopping and entertainment areas, major transit stops, and neighbourhoods inhabited by relatively well-off, young and single adults (Wilson and Kelling 2009). So, the concentration of crime should be dealt with appropriate concentration of security apparatus there.

4.2 Crime variation

Emile Durkheim, Max Weber, Ferdinand Toennies and other European sociologists had written about the changes that occurred as a result of the transition of societies from agrarian forms to an urban one (Crutchfield and Kubrin 2009). They had proposed that during rapid social change, growing and expanding cities would be hotbeds of crime. In reference to it, the emerging cities around Kathmandu like Kirtipur and Madhyapur Thimi might be the upcoming threats for security inside Kathmandu valley. Same can be said for the other cities throughout the country. But how much prepared are we? The question is yet unanswered.

The cities with dense population comprise a wide variety of criminals and victims. In many cities of Asia, there are growing trends of organised and corporate crimes. In addition, the capital cities do have easy links with international networks. More and more organised, such a nexus forges the nets of serial crimes. In Nepalese context, government officials, police persons as well as the ex-combatants are also found to be the active partners in crime transactions.⁸ The trafficking of narcotics and extortion make criminals own high reward in terms of money. Ultimately, financial affluence of criminals further complicates the combat of police with crime and violence.

Crime also varies according to the motive to commit it. There are vague psychological debates on whether crime is used as the first choice or the last resort. It is a public assumption that criminals easily resort to the profitable crimes. But this always does not seem to be true. Many times, criminals vent out their anger in revenge or by some psychic motive too. This is more a case to Nepal where the decade long war-torn psyche of people is crammed with fear, horror and suspicion at optimum. Therefore, the cause and nature varies according to the crimes.

⁸ Ex-army man Kanchha Raut and camp section commander of Maoist army Milan Kumar Rana Magar were arrested from Kathmandu in an organised theft case on 22 January 2009 (Nepal 2009). The case of involvement of senior police officers in the gunning down of media entrepreneur Jamim Shah in early 2010 is also the next instance to this.

4.3 Crime reduction

From nuisance to negotiation, of course, crime has become a major genre of policy and politics. This is also related with the prevalence of abject social inequality. For crime reduction, we should explore the consequently built in opportunities for crime. Knowing them helps reduce the number of crime occurrence.

Although some countries, including the United States and Canada, experienced reductions in crime during the 1990s, the developed world suffers from historically high levels of crime (Bratingham 2009). Due to different causes like the lack the political will, aggravating security and growing inequality, states have lost their ability to ensure safe living of thousands of citizens. Moreover, the informal links of criminal groups with the government functionaries has made the task worse. These issues are very sensitive in terms of crime reduction.

Studies have found that planned urbanisation is a must to minimise security threats. According to them, urban settings have major influence on crime and disorder in the course of everyday life. Attention to how these settings are structured can reduce the dangers of crime.⁹ Tasks like demarcation of housing plots, town planning and settlement management may have critical influence in security. According to physical engineering, some settings encourage crime and disorder while others discourage it. Different decisions regarding the construction of roads and paths let effects on the extent of crime attractors, crime generators and hot spots.

Developed countries now look for more immediate reductions in the number of criminal infractions and the impact of crime on everyday living. Because crime clusters in predictable ways in time and space, it is possible to apply policy interventions that target the specific causes of criminal events. This sometimes involves focused law enforcement at criminal hot spots. And it is in fact an applicable measure in the cities like Kathmandu.

Crime financing shapes the ways of criminal operations. It is the way through which criminal gangs finance their activities. They accumulate huge sum of money with the help of drug pushing, prostitution, gambling, smuggling and other various forms of black marketeering. Hence, such misdeeds require more preventive measures rather than curative ones. In this regard, different measures should be taken to address such a growing level of crime. They might range from mass-awareness to strengthening

⁹ Information retrieved via <http://www.harvardir.org/articles> as visited on 20 January 2009.

of intelligence. Recently, the MPB has formed an 'Anti-kidnapping Cell' to control the criminal activities like kidnapping and ransom-seeking. The initiatives like the establishment of a separate cell for the investigation on cyber crimes, discussed elsewhere in this chapter, are also praiseworthy. In addition to this, significant crime reduction policy, research and implementation support to the local authorities may result in a better security.

The British Crime Reduction Programme had exemplified that crime can be immediately reduced. The British Crime Survey and its effect had resulted in the fall down of the rates of crime against persons and households (BCS 2000). Likewise, the Australian Institute of Criminology is supporting state-based crime reduction programmes by providing information, resources and research base that help state police forces shape specific crime reduction programmes (AIC 2009). In Canada, the Royal Canadian Mounted Police 'E' Division supplies the federal, municipal and rural policing services.¹⁰ This is considered an ideal form of deconcentration of police administration. In British Columbia, the security agency has a crime reduction programme centered on proactive analysis of crime patterns in order to direct efforts toward persistent hot spots and focus enforcement on chronic offenders.¹¹ Nepal has more to learn from these experiences around the globe.

Crime reduction programmes should be specifically geared towards working with other government agencies along with academic and university research partners. It helps in understanding and addressing socio-economic patterns of urban activities and also imparts hopes to the commoners. But harnessing such partnerships has not taken place here. Some of the leading magazines are engaged in explorative journalism but this is in a very limited number. Often, the research and studies on crime are held only under the umbrella of police bureau. External studies should also be promoted if we are to gain immediate and appropriate benefits from scholastic analysis.

5. Nepal Police

There were no formal practices of police service in Nepal even in the middle age and before. Some Malla Kings had arranged some kinds of security management. Later, the first king of modern Nepal, Prithvi

¹⁰ Visit <http://bc.rcmp.ca/ViewPage.action?siteNodId=14&languageId=1&contentId=-1> for more details.

¹¹ For extended information, go to <http://www.crime-free-association.org/index.html>.

Narayan Shah, was found to have arranged police to control the possible insurgency. Rana Prime Minister Chandra Shumsher is reported to have formed *Aminee* Police circa 1898 AD. It seems that he had managed to do this after the impression he got during his trip to Britain in the 1890s.¹²

Police in Nepal was established in October 1955 with the aid of British Government that time. Now, it has its 'glorious' (Shrestha 2007) history of more than five decades. This police bureau in Nepal basically functions on the basis of Police Act-1955 and some other succeeding Acts and Rules. The Act of 1955 has fundamentally made the bureau responsible for crime investigation and control, traffic management as well as civil security. Besides, the organisation is actively involved in building public relation, police welfare and service to the social sectors too.

5.1 Metropolitan Police

Collectively, there are 8,217 policepersons and around four million people inside the capital (Dhungana 2009). This population is projected to be increasing every year. To meet their security needs is not only a serious but also a sensitive job to fulfill. As the security issues turn into a complex one in looming large urban areas, many countries form specific forces to maintain peace and security. Nepal Police has also gone after the same practice from around the globe. Analysing the growing pattern of crimes and the increased need of security, it had formed the MPB in 2006.¹³

The MPB is now equipped with 24/7 alert Control Room Vehicles (CRVs) throughout the valley. There are Close Circuit Televisions (CCTVs) installed at different places around the valley. All these help the police promptly reach the accident spots and arrest the criminals (Simkhada 2007). In addition, the bureau is outfitted with 70 Tata mobile vehicles from 15 March 2007. The bureau claims that criminal activities inside the valley are decreasing due to this. Among the 70, 40 vehicles are employed in Kathmandu, 10 in Bhaktapur, 10 in Lalitpur and 10 for traffic police purpose in the valley. Besides, Geographic Information System (GIS) and Global Positioning System (GPS) are also the technical strength for security investigation for Nepal Police at present. With all these might, MPB commenced with a fascinating slogan of 'Police within Ten Minutes'.

¹² The information was gained via gray literature on Nepal Police. They do not have specific time and authors to be cited.

¹³ Retrieved via www.nepalpolice.gov.np on 22 March, 2010.

Box 11.1 CRV stationary centres of MPB in Kathmandu**Janasewa Sector**

1. Paropakar school
2. Purano Nagarpalika
3. New Road gate

Durbarmarg Sector

4. Gairidhara

Lainchaur Sector

5. Lainchaur Mode
6. Khusibu Town Planning
7. Dhobichaur

Simhadurbar Sector

8. Maitidevi Chowk
9. Babarmahal Chowk
10. Thapathali Mode

Kamalpokhari Sector

11. Bishalnagar
12. Charkhal

Syowambhu Sector

13. Sitapaila Chowk
14. Chagal Education Office

Kalimati Sector

15. Kuleshwar
16. Kalanki
17. Balkhu
18. Teku Bhansar
19. Bafal
20. Tripureshwar Chowk
21. Thankot Chowk

Lalitpur

41. Jawalakhel
42. Taukhel Chowk
43. Bhainsepati Chowk
44. Mangal bazaar
45. Nakhkhu Chowk
46. Inar Mode (Pulchowk)
47. Balkumari Chowk
48. Mahalaxmasthan
49. Chapagaun Buspark
50. Sanepa Chowk

Kirtipur Sector

22. Panga Chowk
23. Chobhar Gate

Balaju Circle

24. Banasthali Chowk
25. Bypass Chowk

Maharajgunj Circle

26. Basundhara Chowk
27. Gangalal Hospital
28. Baluwatar Chowk
29. Gongabu Chowk
30. Dhumbarahi Chowk

Budhanilkantha Sector

31. Khoret Veterinary Hospital

New Baneshwor Circle

32. New Baneshwor Chowk
33. Buddhanagar
34. Lakhe Chaur
35. Jadibuti

Gaushala Sector

36. Chabahil Chowk
37. Sinamangal Chowk
38. Purano Baneshwor Chowk
39. Gaurighat

Bauddha Circle

40. Jorpati Chowk

Bhaktapur

51. Lokanthali
52. Byasi (Changu Mode)
53. Sallaghari Chowk
54. Kamalbinayak Chowk
55. Suryabinayak Chowk
56. Bode Chowk
57. Balkumari Chowk
58. Sanothimi Chowk
59. Jagaati Chowk
60. Kharipati Chowk

Source: Simkhada (2007)

6. 'Criminogenic' Kathmandu

Nepali people take Kathmandu as not only a city of numerous opportunities but also a hub with insurmountable challenges. General perception is that the Kathmanduites, as metropolitan residents, are peace-admirers, educated, sensible and practical as well as from high class (Thapa 2008). Besides, lay people identify Kathmandu less in terms of urban poverty and related difficulties. Contrary to such perception, there are numerous slums and shanties amidst the stuccoed bungalows of Kathmandu. Approximately 20,000 people are living in slums in the capital of Nepal.¹⁴ Some have simple dwellings made up of bricks but many others have nothing more than ramshackle shelters. In Nepal, even after the democratic reorientation in 1991, there was no surety and certainty of equitable distribution of development benefits to the people from all the geography and social classes. So, the urban poverty is believed to be developed as a by-product of regional imbalance of development.

Unquestionably, urban poverty has grown in much of the cities around the world over the last two decades (Zaidi 1998) and the present decade is no exception to this. There has also been substantial increase in crime and violence in such cities. Sufferings from violence and property crimes have become an unpleasant part of life for many people residing in urban settings. Downtowns and city-hubs are time and again influenced by daily mishaps, robbery and illegal activities. Not false, most of the experiences in rising urban centres are also marked by anarchical events and unacceptable experiences. The same sorts of activities have now become the heart of the problem and are continually threatening the domestic security in Nepal. In this scenario, the UN also started observing the World Habitat Day from the fag end of the twentieth century with the slogan 'Safer Cities'.¹⁵ Perhaps, it was to address the looming concern over escalating urban crimes, violence and insecurity around the globe.

In recent days, the heritage city Kathmandu is frequently marked by mysterious crimes. As the immigration rate to this city is in higher digit, the city is expanding along with the development of new settlements. Urbanisation is haphazard and the population is spiraling up. Every year a new cohort of citizens gets crowded with a new hope and vision for life. In

¹⁴ Retrieved via <http://www.nowpublic.com/environment/kathmandu-slum-and-polluted-river-bagmati> on 2 February, 2010.

¹⁵ For the additional details see <http://www.grida.no/news>. The information is retrieved on February 17, 2009.

contrary to common expectation, this influx and ways of life are not only complicating the urban system but also putting forth a rather challenging job to the security agencies.

6.1 Dealing with details

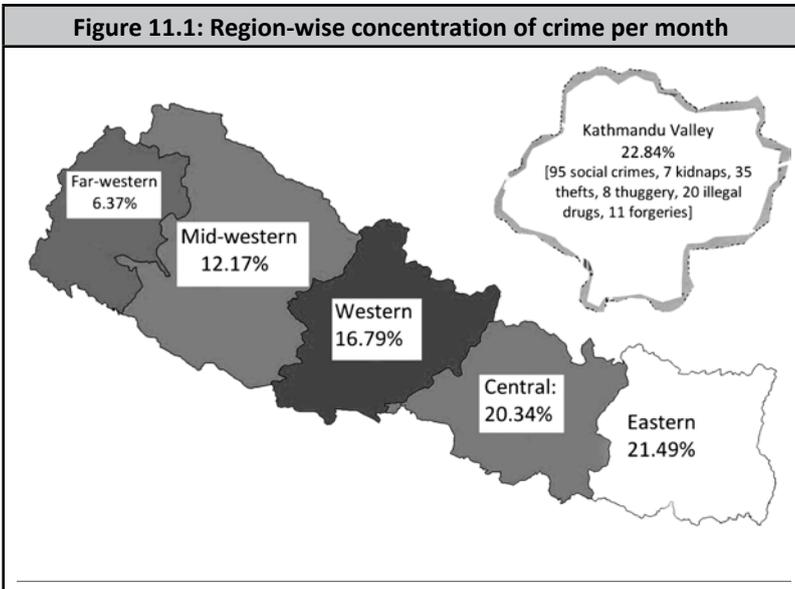
A school child Santosh Karki was shot dead in a simple tussle in January 2010. A high school girl Khyati Shrestha was abducted and later murdered as a means of extortion. There are many other cases alike the kidnapping of Megha Devkota, the daughter of neurosurgeon Dr Upendra Devkota, and the killing of Aashish-Ritesh in Thankot jungle near Kathmandu. Also, a scrutiny on the documented major criminal cases¹⁶ shows the guest houses in Kathmandu as safe havens for criminal activities. Criminals seem to have committed malevolent deeds, entertaining the privacy in such houses. These places seem to be comparatively easier to commit crimes as there are less possibilities of flow of information.

The post-conflict economy is not that much able to impart hopes for the people. The people with hopeless horizons are resorting to crimes. When the war itself has widened the windows for crime, the aftermath is with even broader perils. Shaw (2009) argues that post-conflict societies are likely, given the conditions generated by wars, to be vulnerable to higher levels of crime, and in particular, violent crime. This is because war reduces economic opportunities (or centralises these around a small elite), undermines the rule of law resulting into a fragile state with little enforcement capacity. Such conditions are also favourable to cheap and easily accessible firearms. So, crimes, especially in the city centres, spiral up in the immediate aftermath of the conflict.

Figure 11.1 depicts region-wise concentration of crimes in Nepal based on the report of Dhungana (2009). It is generated depending upon the crimes those took place throughout the country in-between 16 November to 15 December 2010.¹⁷ Of the 1,191 crimes reported, more than one-fifth within a month was reported in Kathmandu. The density of the population should also be taken into consideration while analysing these facts, but one cannot evade from the fact that the provision of security for the metropolitan city is also more equipped and planned than that for the rest.

¹⁶ The all information on criminal activities inside Kathmandu valley that are used in this chapter is based on the report provided by Metropolitan Police Bureau to the authors.

¹⁷ The data is available in Nepali calendar marking the month of Mangsir, the eighth month in lunar calendar.



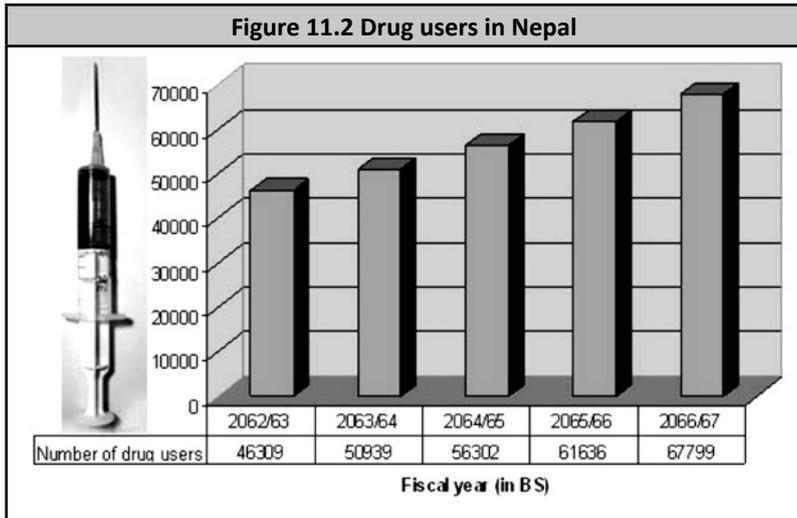
Source: Designed by the authors as per Dhungana (2009)

In contrary to the financially and socially low class people, who are manipulated to be involved in crimes, the well-off criminals have the strong linkages with security administration. Thus, they hide their malevolence easily. Most of the times, the murder cases in the high-class family go unreported because of the power link with the security officials. Or, it might be that they have the capacity to hide crimes in terms of monetary influence. However, the series of criminal events in the capital shows manipulation of people as one of the effective tools of committing crimes.

If we calculate on the basis of Dhungana (2009), there are, on an average, nine criminal incidents taking place in Kathmandu per day. It means that there is possibility of a newer crime between every interval of two hours. The legal case goes on, also with the matter of investigation, prosecution, impunity or punishment every hour. In Nepal, there is the responsibility of 666 people for each police on an average (ibid). In this sense, the logic for reinforcement with new police recruitments also appears valid.

Showing no signs of downfall, the use of illegal drug is rocketing day by day. This seems to be a global tragedy of the police in every country. In the same regard, Guragain (2009) argues that not merely Nepal but no

country in this globe is ever successful in seizing more than 10 per cent of the supplied narcotics in their countries. The post-conflict state building requires able-bodied and sharp-minded human resources. But this alarming fact threatens a nonviolent and prosperous future that every Nepali is (day)dreaming in these days. This is also an alarming siren for a peaceful society we hope to live in. Figure 11.2 shows that the number of drug users is startlingly increasing in Nepal.



Source: Designed by the authors as per Guragain (2009)

The data on how many arms groups are operating in Terai is dubious. While the Home Ministry has revealed them to be 109 and Gorkhapatra in 2009¹⁸ enlisted to be 107 (see Chapter 12 in this book for more discussion on small arms and associated challenges). But it not false that Madhesi youth are heavily prone to be criminalised by such groups. The hill area is also no exception where the confrontation among gangs, youth outfits, and criminal groups has become almost a regular nuisance.

The same is in the case of cyber crimes and wide-spread surfing for pornography. In recent dates, cyber crimes has thrived so much that the Nepal police has set up a cyber cell in December 2009 to curb such crimes. It deals with criminal cases involving cyber technology. The cell is also responsible to investigate upon child pornography, money laundering

¹⁸ Based on the report by Ashothama Bhakta Kaharel in Gorkhapatra of 26 April 2009.

on the internet and cases related to intellectual property rights.¹⁹ After repeated cases of hacking and fake credit card rackets, the call for a technically sound anti-cyber crime bureau was strongly felt in Nepal. Youths occupy the bulkiest part of the cyber transaction. Sharma (2009) puts forth that the teenagers take up 82 per cent of the total internet visitors in Nepal. In the same regard, 98 per cent of teenagers in urban Nepal visit pornographic sites (Sharma 2009). It means that 80.36 per cent of the total internet visitors in Nepal are accustomed to visit porno-sites. This leads the young ones to think about sex and associated things frequently, thereby increasing the rate of related crimes.

Of course, psychic orientation is largely shaped by where people live and what socio-political circumstances take place around. The post-conflict society in Nepal has begun to show that they have been bearing grave impacts of the decade long conflict. The level of suspicion and criminality has spiraled up to the level that people beat someone who is playing with unknown kids or is giving something to the children at unknown setting. There is no chance for the victims even to defy. One case of Koteswor, Kathmandu in 2009 and some other cases of alleged kidnapping in the Terai belt are glaring instances that people are heavily suffering under mental torture, fear, suspicion and terror. This shows the aggravating post-conflict psyche. Nepal has not yet devised any concrete plan to deal with such things. One has to know, the war psyche, for sure, has positive correlation with the increment of crimes.

7. Factors that affect crime

Post conflict crimes and the future they herald are very sensational and sensitive as well. Handling the fragile security remains always a tough job in such a situation. But most of the classical security strategies look at crimes from a very narrow angle. They simply do not pay attention, or ignore even if they know, the structural causes behind the occurrence of crimes. Thus, classical security approaches focus only on bullets and batons. Putting them aside, post-conflict security has to focus principally on the proxy causes of crimes the addressing to which can indeed make a difference in security. Some of them are discussed as following.

¹⁹ Visit http://www.accessmylibrary.com/coms2/summary_0286-33614516_ITM for more details. The data was accessed on 9 April, 2010.

7.1 Small arms

The prevalence of small arms cannot be left off the map while we analyse the crimes taking place in the aftermath of conflict. Even though there is a strict provision of punishment in Arms and Ammunition Act-1962 of Nepal, arms-related crimes are spiraling up these days. It has become such a rocketing concern that a famous weekly has published this issue as its cover story.²⁰ Such stories and features on SALW in media are looming large. Seizure of SALW is in high rate in both 'preventive search' and 'operational search' conducted by the police (Nepal 2009). The provision for licensing and renewal of arms is very strict in the Act but weak in implementation. Yet, the major cases of arms and ammunitions in Kathmandu valley in the year 2008 counted 34. Greed for arms is in rise for they are becoming the major means of extortion, abduction and murder. Organised as well as corporate criminals are using small arms as they are easily available in the Indian border along the conflict-ridden Terai belt. Moreover, the border is open and any kinds of arm-transaction are possible along the borderlines. This has resulted into a broad use of pistols and revolvers even in gang-fights in the city. Widely available, small arms are found to be used even in simple tussle among school-children and neighbors. The Aashish-Ritesh Murder Case²¹ that took place in November 2008 and the shooting down of Santosh Karki at Gothataar in January 2010 are serious instances of this tendency.

7.2 Gender

Analysis of criminal patterns is incomplete sans a scrutiny on gender dimension. Generally, women are found more as victims than as victimisers in most of the criminal cases. Literatures dealing with psychology of crimes assert that the crimes committed by women are found to be more pathological and abnormal than those committed by men.²² Police records of MPB also depict less number of women than men in committing legally wrong deeds. Women in other cities are found less involved in crimes than those in the capital city. Also, in most of the cases, the number of victimised women is found to be more than that of victimiser women.

²⁰ Weekly magazine *Nepal* had published the issue of small arms as its cover story in its issue of 1st February, 2009.

²¹ The murder of Aashish-Ritesh was an infamous criminal case in November 2008. Several school children were found to have used small arms in killing the two boys in a forest nearby Thankot VDC, Kathmandu.

²² The information is accessed via <http://www.redroom.com/articlestory/color-conscious-white-blind-race-crime-and-pathology-america> accessed on 16th February, 2009.

Further, wrong-doer females seem to be less acquainted with criminal culture and possession of criminal skills in comparison to their male counterparts.

7.3 Age group

Age is the next factor largely shaping the magnitude and profundity of crime.²³ Occasionally, we find massive involvement of youths in criminal activities. Interrelating demographic factors with the occurrence of conflict, Staveteig (2005) states that the risk of youth involvement in criminal activities is shaped by the degree of alienation, frustration, and marginalisation they suffer. But the rest of the age groups are also found to be engaged in such deeds differently. The sorts of crime differ from one to another age-group. The wider variance there is of age group, the larger varieties there are in criminal patterns.

7.4 Economy

Unambiguous, economy plays eminent role in crime occurrences. The post-conflict economic woes have ridden Nepal much. With gloomy signs, The World Bank (2009) has projected less than 4 per cent of economic growth in the year 2010 for Nepal. Owing some remarkable financial successes in urban settings, the country still features a broadening gap between the poor and the privileged ones.

In city settings, lack of money is usually defined in terms of a lack of access to different needs like productive employment, basic services and resources of the urban economy, effective and managed representation plus security and justice (Zaidi 1998). Key is that poverty reflects the inability of an individual, household or community to satisfy minimum needs. Frustration from job-market, urban insecurity and abject poverty find room to play in every corner of civic dwellings due to the post-conflict stagnation. Thus, the urban poor resort to criminal actions for eking a living. This factor constitutes even worse situation resulting in frequent crimes in cities. But such an issue either does not get, or gets marginal attention from media, if published/transmitted. On the other side of the coin, the phenomenal rise of the urban poverty is spiraling up annually. Whereas, in contrast to it, the priority of development institutions are either misplaced or mismatched (Perkins 2005).

²³ Based on pers. comm. of Safal Ghimire with Mr. Keshav Adhikari, the lecturer of population studies at Tribhuvan University, Kirtipur on 20 February 2008.

7.5 Myths and misconceptions

This very factor plays vital role in the analysis of crime. In lay analysis, poverty is frequently considered as the generator of crime. Provided that were true, eradication of poverty would eradicate crime. But it is untrue, for sure. There are two schools of thought in this regard. One focuses on poverty to occur crimes. The other does so on richness. It argues that theft takes place because of richness somewhere. Without richness, there is no theft, and no crime at all. So they argue that the more increasing the level of income, the greater the heightening of criminal activities. No matter what it is, one can at least generalise that poverty is major in influencing security. On the other side of the coin, the organised gangs and mafias are often in the command of those who neither are poor nor reside in slums. It suggests that the urban poor are often manipulated, due perhaps to their vulnerability, and become either victims or parties to crime. It also depicts the harsh reality that poverty itself may not automatically lead to violence or crime, but may favour it in certain circumstances. Nonetheless, neither all criminals come from the ranks of the poor, nor does every poor person involve in crime.

8. The journey forward

8.1 Public participation

First and foremost, reforming and restructuring of the police is a must in post-conflict situation. Of course, it will not be as easy as a cakewalk. An intensive debate with the participation of legal and semi-legal organisations, training institutes, school, college, universities, business organisations and corporate houses as well as governmental, non-governmental and civil society organisations will help pave a better way for security. Infrastructural facilities for the police bureau like a well-off investigation system with scientific laboratories generate scrutinised investigation and uplifted capacity of security forces. Besides, absence of the aspects like the transitional security, respect to human rights, financial transparency, social participation in formulating policies, management of internal disputes, address to intra-organisational discrimination, and operational independence is cited as prevalent in police administration (Nepal 2008). Shah (2008a) underlines the importance for the voices of civil society and academia to be heard and respected accordingly. Participatory approach in formulating plan and policy surely rewards inclusive voices. Such deeds, in turn, promote the sense of belongingness in people to the police

administration. Thus, this facilitates the organisation to maintain law and order perfectly. But the investigation mechanism and participatory action of Nepal police is criticised as having poor health (Pariyar 2008).

8.2 Professionalisation

Setting the pace of professionalism is a key for reformation, which is a part of the state building process (see Chapter 2 for details on it). But Nepal police now apparently and seriously lacks operational freedom. Even after the completion of the half century of its establishment, the police administration in Nepal is affected by volatile politics. Budhathoki (2007) and Adhikari (2008) states that clear legal provisions and political commitment are needed to make police administration free, transparent and responsive. They further state that only the respect of such values help transform the organisation as the servant of people and protector of mass civil rights.

Red-tapism, bureaucratic delay and poor infrastructures have been nourishing the incapability inherent in Nepal police (Shrestha 2007). Besides, human resource development and resource mobilisation also come as key issues. The Home Ministry was once quoted saying that it is planning to assign one 'Director General' to well manage the three security agencies (Kantipur 2008b). Such rumors of restructuring and reformation are not new and unheard of. But how much they have been translated into action is a very serious question.

The limit of resources is also time and again quoted as the reason behind dysfunction of police. Even the ministers accept that the police have limited resources (Banstola 2008). But nothing remarkable has yet taken place to tackle with this problem. The police officials themselves do not seem to be satisfied with the transfer, posting and promotion system inside the administration. Reward and punishment are reportedly dependent upon either 'immediacy' or 'luck' (see Kunwar 2007, Samabeshee 2008 and Shah 2008b for more details). The basic characteristics of civil war are frequent criminal cases, gang fights, daily riots, dissatisfaction and absence of law and order. If they still exist in our society, general public finds it hard to believe that the civil war has come to a halt.

Unavailability of efficient weapons is reportedly the prime reason behind feeble security. But it is not less debatable. Discussion among the intelligentsia is wide spread on whether the weapon is a problem or not? The science of security says that police is not a military agency of

the government. Rather it is a civic unit to maintain peace, security, law and order. So it should be strengthened not in terms of weapons, but in terms of investigation system. Interviewed, Superintendent of Police (SP) Milan Basnet fingered the problems on management of human resource in police force for the prevailing insecurity in Kathmandu. He also opined that the existing number of human resource has to be engaged in riots, strikes and other trivial security measures.²⁴ Hence, they overshadow the micro issues of peace and security at large.

Corruption and malpractices during the supply of medicines and rations to police are frequent. Resisting the wrong and illegitimate order of senior officers becomes always a fire-test. In contrary, such issues remained unheeded for a long run. It had to come out in a volcanic way, and it did. Police revolt in Nepalgunj followed by some other disputes (see Box 11.2 for more details) is the crystal exemplification of such inner conflict within police bureau.

Box 11.2 Some cases of revolt in Nepal Police

- **June 18, 2008, Parbat**

Infuriated APF juniors beat up the Battalion Chief, Govinda Chhetri, and six other senior officials in Chandika Battalion.

- **June 21, 2008, Banke**

About 300 disgruntled Armed Police Force (APF) of Bageshwori barracks at Shamshergunj rebelled against bad-food, misbehavior and discrimination, beating battalion chief Harishankar Budhathoki and keeping over a dozen officers captive.

- **July 12, 2008, Nepalgunj**

Against the low quality food, unchecked ill-treatment and discrimination by seniors, about 500 Nepal Police persons seized the Riot Control Battalion and the Mid-western Regional Company.

- **July 16, 2008, Gorkha**

The Probe Committee of the Regional Police Office in Pokhara recommended disciplinary action against 20 Nepal Police personnel of the District Police Office (DPO), Gorkha.

Source: Compiled from various magazines and newspapers

Police should have great visions and perspectives with the blueprint for the security of even after fifty years (Shah 2008b). The degree of corruption and mishandling of power are still unchecked. Financial progress of

²⁴ Personal communication of one of the authors on 25th February, 2009.

ministers and police officials are rocketing. Skewed power relation is spiraling up (Gaunle 2000). With all this, if we still say we are on the way to a better security situation, we would, of course, be wrong.

8.3 Depoliticisation

Safeguarding citizens' rights needs serious attention and carefulness. But even after the remarkable political changes of 1950s, 1960s, 1980s, 1990s, and 2006, the police administration in Nepal has been notoriously under political pressure. The stay of armed conflict strengthened the police with additional equipments but it did not enrich the organisation with civil-police relations. Not only the alteration of systems but also the change of government is found to have heavily affected the decisions of transfer, promotion, reward and punishment within this organisation (Bhandari 2008; Magar 2008). Since Nepalese experienced more than a dozen of governments after the change of 1990s, it is easy to guess how much the police administration has suffered from the selfish influence of the every new government.

For result-oriented policing as a part of the broader state building in post-conflict situation, there should be institutionalised good governance not only in policy but also in practice. The evaluation system should be impartial and transparent to implement reward and punishment measures. Simultaneously, law and policy should be appropriately honored. These all can be possible through the formation of Police Service Commission. But the resistance by some power-holders having vested interests could not let the formation succeed (Rai 2008a and 2008b).

The police persons should be given chances to have impartial performance. Giving responsibility and making them responsive is crucial in gaining effective performance. Ex-officials of Nepal police do admit that internal management and external environment are two key challenges for this organisation.²⁵ Blame-game is also common between government and the police officials for the deteriorating security. Bohara (2009) quotes one former IGP saying that it is the government who dismantled and disturbed all the systems of police organisation and the responsibility to improve this is of the government itself. Such accusations and counter-accusations are still ubiquitous. Disputes in appointing police persons and in arranging their hierarchy are other matters. Officials are compelled to look after the power centres for their promotion and transfers as the power nexus is so much filthy and complicated.

²⁵ See Acharya (2008) for more details. It has quoted then Inspector General of Police (IGP) Hem Bahadur Gurung saying so.

Increasing politicisation seems to have tensed the relation even between senior police officers and home minister time and again. Use and abuse of authority in transfer, promotion and recruitment goes even to revenge the actions of the counterpart (Kantipur 2008a and 2008d). This is spiraling up, rather than pacifying, animosity within security apparatus. Police shoulders the responsibility of security of the citizens but their morale certainly goes down as the political leadership destabilises the agency (Kantipur 2008e).

Sad but true, the police in Nepal is frequently accused for not maintaining impartiality, transparency and unbiased performance (Shah 2008b). The security policy is also insufficient and unscientific to further improve the job of maintaining law and order (Budhathoki 2007). Powerlessness and absence of the legal state and rule of law are buzzwords everywhere (Shrestha 2008). Discords and resents from industrialist and other professional groups also depict the dismal security scenario.²⁶ Besides, frequent political interference visibly disturbs the intra-police structures and status. Incapable leadership and corrupt tendency show that none seems to be responsible and responsive in this matter (Gaunle 2000; Nepal 2007). So, depoliticising the police is a must because, well-known, development sans peace is mere a day-dream.

8.4 Addressing impunity

Involvement of police officials in dreadful criminal activities, misinterpretation and diversion of information by officers for personal benefits etc. have created bleak image of police. Further, unpredictable politics and abuse of state forces in post-conflict phase by the political parties have been providing ample room for growing anarchy and thereby for impunity. Kantipur (2008c) reports that the dual security management for Maoist leaders even after signing in the CPA became a nuisance for security. During the time, Maoist leaders used their own party combatants as their security guards. This had also aggravated security problem for the guards used to hold arms without any dress and symbols. It is the case not only with the Maoists, but also with the other several political parties who have admitted firm stand on parliamentary democracy and rule of law but have paramilitary youth outfits (Chapter 10 in this book details on the

²⁶ On 2 March, 2010, a delegation from Federation of Nepalese Chamber of Commerce and Industries (FNCCI) has also demanded with the prime minister that they be allowed to keep armed guards on FNCCI's recommendation. Industrialists have been venting out their fury over the deteriorating security situation time and again. See *The Kathmandu Post* of 3 March, 2010 for more details.

on militarisation of youth outfits). Their number has grown up to nearly a dozen. Arbitrary actions and frequent clashes between such outfits, use of overt force and influence over bids, national properties and resources by such groups are posing serious question over the efficacy of rule of law. The wrong-doers affiliated to such groups visibly engage in heinous political practices. Even after that, they are either not arrested or left off the bar of law, if arrested.

The politics even after the popular movement of 2006 is intricately discouraging for the security agencies. Let us take an instance Nepal (2007) cites. It reveals that, in 2007, then Chief District Officer (CDO) in Dolakha was beaten up by the Maoist cadres. But he was compelled by the ministry to free them for a nominal penal charge. The former rebels and their sister wings, in addition to other armed groups in the country, were engaged in infringement of rule of law time and again. There was not even a single case of punishment for such deeds during the stay of one and half year after the Maoists entered into peace process. The mere intention reported was 'not to disturb' the peace process. This had seemingly obstructed the police administration in investigation and monitoring of the crimes.

Impunity is visibly growing under the aegis of political parties. In the aftermath of conflict, parties are more concerned to safeguard their future and well-wishers so as to last long with strong roots. They have deviated from investing attention for public benevolence. Impunity gets institutionalised by the irresponsible acts of leading people. This on one hand, decreases people's belief on their government, on the other hand, enriches the confidence of wrong-doers.

Analysts write that only the organisational commitment and belief of people can activate security agents. The innate tribulations inside the police should be addressed as soon as possible. If not, none can stop it from becoming a deadwood agency of the state. Summing up in the words of Pyakuryal (2007, p 7), "It is about to become late for civil society and human right activists to raise the issue of security sector reform".

8.5 Bottom-up beginning

Beginning from the public is a foremost necessity. Information technology for better performance and the physical requirements for mobility like riot police vehicles, armed personnel carriers and fire-fight vehicles need to receive proper attention. The judiciary aspect is also an inalienable

part of the well-functioning of police. It should be endowed with semi-judiciary power so as to enhance efficiency and flawless performance. The establishment of police colleges and scientific devices for police labs is the very requirement. 'Right Person at Right Place' policy is frequently parroted for the betterment of police but its efficacy is overshadowed below a big question mark. In addition, adequate pay and perks as well as timely promotion are equally required.

The popular image of urban crime is not only sensational but also misleading. In most cases, the news-media frame public perceptions about the crime and criminals. Media gives prominent coverage to serial killers, rioters and bank robbers, the effects of which are yet to be assessed and examined. Of course, the positive, beneficial and constructive deeds of police impart hope to the people. But most of the people and media coverage shows only the grim image of Nepal Police.²⁷

The concept of proactive policing is emerging recently. Proactive is not only a buzzword in the criminal justice system, but also a key to crime prevention. In such an approach, police aggressively conduct need analysis and work with citizens and social service groups to dramatically drop the crime rates (Harmon 2009). Following this, strengthening the intelligence network becomes vitally preventive. Security and cross-checking in crime concentration areas decrease social tension. Newer technologies and equipments, management of migratory population as well as properly analysing the cost-effectiveness of budget allocated for police administration are especially significant. Burrell (2003) puts forth that police, prosecution, prison, probation, and parole services are most of the time considered the hallmarks of success in security.

9. Knot remarks

Management of transitional security and addressing of post-conflict hopes are very sensitive jobs, if truth to be told. Crime, insecurity and violence not only impede resurrection of economic growth, but also deteriorate revival of development efforts at large. The issue of poverty should not be marginalised while dealing with the crime reduction. Insecurity directly affects physical capital, stops from initiating new deeds and investing in prospective areas. In the phase of post-conflict recovery, every field is wished to sprout with new buds. But crimes and chaos enters with stormy

²⁷ Based on an interview with SSR researcher Prabhakar Gautam at Martin Chautari by one of the authors on 27th February, 2009.

effects. Their perpetual persistence leaves little but snowballed impact on the overall development economy.

This is a universal coincidence that we are undergoing series of insecurity and polarised enmity almost globally. As per its geo-political importance, Nepal is likely to suffer from this international dynamics of terror and crave for power. Massive unemployment and gross dissatisfaction is almost evergreen for us. On the other side, inflation is rocketing day by day. Frustration in people's daily lives is piling up. The state mechanism should be cautious to such minute issues of crimes as early as possible. These all circumstances are suggesting preventive measures to better lead the curative ones. Growth with equity, address to urban poverty and better civil-police relation can address the handicapped security this day.

As crime is not always an immediate nuisance, the next steps on controlling crime should be measured structurally. This means to address the root causes which constitute crime to take place. The professionalisation of police bureau, as discussed previously, is a must. Besides, Nepal has not yet tried to have a socio-psychological approach of crime prevention. Social counselling to the people in the aftermath of conflict has not been realised in Nepalese context. As the ways of addressing prime causes of crimes, addressing youth unemployment, strengthening governance and setting up crime as a prime agenda in state restructuring and security restructuring can indeed pave a better way ahead.

Immediate steps are needed to redress and restore trust and confidence of the people in security forces. Along with this, creating the basis for accountability and transparency of security forces will also be a prerequisite to sound security (Rai 2008a). Enforcement of transparent and merit-based recruitments can make police more inclusive and open to all citizens. But maintaining apolitical performance is the principal necessity. Establishment of security studies institutions and expertise as well as promotion of effectiveness and efficiency are utmost needed to reach desired security situation.

Exploring further research areas on security issues and excavating the possible ways of better operation help police pinpoint on the problems. Findings on the variations of crime, criminogenic patterns and comparison and contrast of security measures internationally facilitate to cope up with hurdles. The increment in the degree of trainings on riot control, crime detection and information, communication and technology strengthens the effectiveness of police. These have to be endowed with surveillance

power, apolitical performance, advanced apparatus, well-equipped labs and office buildings with the desired programmes and policies. Only by this, the confidence level of citizens on police bureau shall be nurtured. Besides, sensitising security forces to rule of law through training and involvement in humanitarian assistance forge strong relation with civilians. In nut-shell, forging links among citizens and their governments, particularly, local governments in Nepalese context, is a must to strengthen security situation. This is what is called enriching the softwares, rather than hardwares of security. An early initiation is looked-for.

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