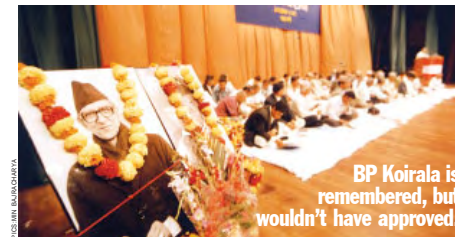


# You ain't seen nothing yet.



**BP Koirala is remembered, but wouldn't have approved.**

**BINOD BHATTARAI**

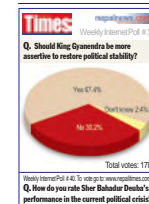
**I**f you thought the split in the Nepali Congress would end instability and focus the minds of politicians to restoring peace and governance, think again.

Expect even uglier scenes as two Congresses grapple for the party's four-star flag, its powerful symbol (tree), and the party name. What is surprising is that the climax of this epic battle appears to be completely removed from the country's present crisis. There is a disconnect. This makes the Deuba-Koirala feud even more surrealistic. The Maoists themselves are quiet, and don't seem to see the point in overthrowing a government that is busy overthrowing itself.

## EXCLUSIVE

### Strings attached

A five-member Nepali team that includes the prime minister's wife, Arzu Rana, is in London this week to ask donors for over \$1 billion in development, rehabilitation and military aid. It is not a pledging conference, but aid agencies want to hear that the government is serious. Donors say they are convinced Nepal needs aid, and are willing to give the money, but have doubts about governance. They are waiting for signs like the trimming down of the 31-member cabinet, launching a serious anti-corruption drive and legal action against top high-profile bank defaulters. These are tough demands on a partyless government facing elections, but it really doesn't have a choice.



It may take months for the Supreme Court and the Election Commission to decide on how the 53-year-old party's spoils should be divided. Till that happens, everything else will be on hold.

First, the Election Commission has to decide which is the legitimate Nepali Congress: picking between Koirala's legally elected party body and Deuba's hurriedly cobbled together team.

The EC will probably decide to reinstate the Girija Congress, leaving Deuba with no party with which to contest elections. The deadline to register a new party ends on 10 July.

How could things have got so nasty? A brief recap:

- May 1999: Nepali Congress wins a majority in Parliament. KP Bhattarai is prime minister and brings in sidocks. Koirala immediately begins needing him.
- March 2000: Koirala engineers Bhattarai's exit and installs himself as prime minister. KP gets Deuba to challenge Koirala, and is defeated.
- January 2001: Deuba tries again, is defeated and is drubbed by Koirala again at the Pokhara Convention.
- June 2001: royal massacre, a new Maoist offensive.
- July 2001: Koirala resigns after failing to get Army to retaliate against Maoists in Hollar.
- August 2001: Deuba gets Maoists to agree to truce and talks.
- November 2001: Maoists break truce, attack Army in Ghorahi.
- 22 May 2002: Party brass orders Deuba not to extend the emergency, who retaliates immediately by getting the king to dissolve parliament and call for elections. Party expels Deuba for three years.
- 16 June: Deuba convenes "party convention", re-writes rules, expels Koirala as president and installs himself as head of rump Congress.

And that's where Nepal now stands with elections for 13 November, though few believe it will be full, free and fair. The Maoists have been strategising and have sent signals they don't want elections. And if the polls can't take

place, we have a constitutional crisis which King Gyanendra will have to unravel.

Suddenly, Deuba is not as strong as he once seemed, and he appears to have banked a bit too much on the support of the international community. Of the elected 18 Central Working Committee (CWC) members, Deuba has been able to take only six. He thought mediators Ram Chandra Poudel and Mahesh Acharya were on his side, but got a rude shock when they defected.

Till this week, state media was still giving glowing accounts of the prime minister's party takeover.

CWC member Narahari Acharya tried to patch-up till the last moment on Tuesday. He told us: "Deuba shouldn't have taken the legal path, it will make it more difficult for him once this is over."

There too still too many "ifs". What if the Election Commission freezes the disputed party symbol and flag? What if it reaches a decision only after the deadline for registering a new party has passed? When will the Supreme Court finish hearing four different lawsuits, with 36 lawyers arguing and only four-hour session daily?

What intrigues one ce-mister is how Deuba, known

as an indecisive prime minister who has been sitting on ten ambassadorial appointments, hurriedly decided to dissolve parliament within two hours on 22 May. "Don't ask me who is pulling Deuba's strings," the minister told us. The answer may lie in the joke that was being whispered at the Birendra Convention Centre this week: Q: "What is the name of Deuba's faction?" A: "Royal Nepali Congress."

One man hasn't spoken up yet: patriarch KP Bhattarai. Can he still pull a rabbit out of his hat? ♦



*The party is not yet over for Deuba.*

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# Home among Muslims

The communalism virus from across the border is poisoning the tarai.

**SUGA (Mahottari District)**—When the destination is home, even a short journey is far too long. The day trip from Kathmandu to Jaleswar is indeed long in time and space; it takes more than eight hours in a run-down bus that rocks and rolls through nine of Nepal's 75 districts.

Monsoon Nepal rubs past the window: in Nubia farmers dressed in colourful clothes are planting paddy, in Bhurapur it is already harvest time for another variety of rice, in Dhanusha farmers in drab dhotis are busy irrigating their fields to transplant rice. Our buses were ramshackle, but it is still a beautiful country out there.

The first stop after the bus leaves Kathmandu is usually Dharke. The tea-shop owner there assures some bhuna-pye passengers that the food at his eatery is "pure" as he doesn't allow "Muslims" to

go anywhere near his kitchen. This comment evokes the ugly intolerance beneath the surface of this seemingly tolerant society. If you are Muslim, don't refuse the offer of an outrageously priced plate of meat at any Mugging eatery—you run the risk of being taunted that halal meat is tasteless. The fate of the dalnis is bad enough, but the lot of Nepal Muslims is even worse, as Dr. Krishna Bhattachan rightly observed at a recent meeting. Even their existence is increasingly being questioned.

It wasn't always so. Nepal's Muslim population is not very large, just under a million, but up from 650,000 ten years ago. There is controversy about the accuracy of census figures, but the fact remains that the number of Muslims is a very small percentage of over 23 million Nepalis. They are across the tarai, but can even be found in some hill districts like Kathmandu and Kaski.

In Suga, we know our Muslims more by their castes than their religion. On the western fringes of the village, the cluster of houses belongs to Jolabas—the weavers. Machine-made cotton put them out of business long ago, and their generation of dalnis never got a chance to run the loom. They made a living share-cropping, but these days it is the remittances from West Asia, Gujarat and Punjab that sustains most families. A pucca mosque has replaced the spidery clean-thatched mud hut they grew around as a child, but there is no sign of the Oil Money that the Indian media never tires of talking about.

At the northeast fringe of the village, there is another mosque in the Dhoti Tola. This is now a pucca, but the madrasa is a ramshackle affair where half-naked children recite 'Alif-Ba-Te' at the top of their voices. No sign of 'foreign-funding' here either, and the only reason the poor prefer to send their children to Madrasa is the fact that these schools have free-time. Normal schools run according to a set routine of male and female, no allowance for the children who have to help their parents at work.

A few returns from the Gulf have turned entrepreneurs and run a public Call Office, a cake shop, and a grocery. Other than that, the poverty in Dhoti Tola is as pervasive as in the adjoining Chamar Tola. Clients have dwindled as more people wash their clothes at home these days, but

then many Dhotis from our village have set up shops at Jaleswar and Janakpur. On Saturdays, they sip bottled soft drinks at the neighbourhood shop while the owners toil at the Dhoti Pokhari.

During my childhood, we often thought that we were different from our Jolabi or Dhoti neighbours, except the fact that the better off among us were more expensive dhonis. Village festivals were almost all common. I remember going around the village with the 'Tazia procession' every year shouting 'Ha Hussain!' to mark the martyrdom of the grandson of the Holy Prophet. Once I had to fake a Hindu name for my Muslim friend to enable him get the tasty prasad from a Hindu temple in Janakpur. But in our house, Muslims were always welcome for what they were.

The difference of religion rose with the Emergency in India, and its effects spilled over to the outside of the border. It was in this period that the Muslims came to be looked down upon by the powerful people on both sides of the border and the difference between two communities started to surface. My participation in 'Tazia processions' came to an end with the ritual sacrifice of a rooster and the presence of a ceremonial turban to a long dead Suif.

These days, Salan, the traditional mode of Muslim salutation, has been gentrified into the more religious 'As-salam-alekum'. The benign 'Ram' greeting has now become a defiant 'Ja Sri Ram'. There is a process of Arabisation that is turning Muslims into Islamists, while saffronisation is turning Islamists into fanatics. The Hindu-Muslim divide is deepening. The communal virus from across the border is slowly poisoning the social atmosphere of the tarai. This civilisational hubris has turned down the voices. No sign of 'foreign-funding' here either, and the only reason the poor prefer to send their children to Madrasa is the fact that these schools have free-time. Normal schools run according to a set routine of male and female, no allowance for the children who have to help their parents at work.

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by CK LAL



# Cheques and balances

There is no alternative to the rule of law. Only a functioning parliament can check potential abuse of authority during the emergency period.



by RAM SHARAN MAHAT

at part at the last moment because neither side was willing to give in. I still have not lost hope of a party union, although now it will be more difficult and time-consuming. There will be a place for every body in the party to work with dignity, including Mr Deuba.

There is no doubt that the Election Commission will award the Congress election symbol to the party led by Gajendra Prasad Koirala. Prime Minister Deuba is just doing not have the legitimacy to be party president. If his faction was to get the party symbol or even if the Election Commission decides to freeze the symbol to favour him, it would be a mockery of justice and the rule of law. And that would indicate a serious threat to the democratic process.

This country now needs to create new space to allow democratic institutions to regenerate. The influence of wrong elements in politics at the party level has been the main factor leading to poor service delivery and high corruption. Party leaders have politicised institutions, and created feelings of power brokers in political parties. Only strong political will, enlightened leadership and statesmanship can deal with this.

There are several ways out of the present mess. There is a possibility that parliament will be restored and there are strong legal and constitutional arguments for this. The constitution provides that the life of the House of Representatives can be extended

never imagine holding elections in the present situation. Nor did we ever think that a mid-term election would offer a solution to the country's problems. I sensed that something was deeply wrong, and stepped down.

The country was headed on a serious and uncertain political trajectory, and there was no justification for dissolving the House and announcing elections. Local elections couldn't be held, and even the recent school exams were confined to district headquarters. Seeking a fresh mandate, therefore, just didn't make sense. Armed groups ruled the countryside, no political party viable to hold public meetings outside the district headquarters, there is no free movement of people and civil rights have been curtailed. Dismissing the Maoists is the first precondition to holding free and fair elections.

The economic burden of general elections is even more scary. The direct costs of the election in 1999 was about Rs 600 million, including security. This time, with the added cost of security and the Election Commission the November polls will cost the exchequer more than Rs 3 billion. With the present state of the economy, we just cannot afford it.

The government's finances are in a very fragile state. Only with strict financial discipline and prudent management, were we able to contain the deficit and ensure macro-economic stability, thus keeping the price tag of the elections will throw the precarious fiscal balance asunder.

The Royal Nepal Army has been doing a splendid job militarily in weakening the Maoists, but the problem of terrorism is far from over. The army should have been allowed to continue with the momentum they have gained, but their primary responsibility will have to be diverted to provide security to candidates, polling booths, election personnel, and voters.

Then there is the question of the Nepali Congress split and who gets to carry the flag. We tried our best to prevent a formal split in the party by reconciling government and opposition. We had also proposed a small, well-balanced, and clean government. The patch-up formula included a face-saving way for the prime minister to express regret for dissolving the house, in return for which the party would withdraw its expulsion offer. We made some progress, but everything fell

by one year during extraordinary circumstances like these. Clearly, the constitution rules out elections during an emergency situation. The only body to monitor and check on the abuse of authority during an emergency period is the parliament. It is my hope and belief that the court will order the restoration of the House of Representatives. Only if this does not happen will elections be an option. And if it comes to that we have no choice but to go to the people.

There are some who would not beaverse to a benevolent authority figure to ensure development and better governance. But if the present trend continues things can get much worse unless there is proper accountability, necessary checks and balances, and parliamentary oversight.

Let us be clear: there is no alternative to the rule of law. There is no alternative to civil rights. There is no alternative to a functioning parliament. There is no alternative to the full respect for human and civil rights. All these institutions are royal caskets are ridiculous. His Majesty the King is a very enlightened and well-meaning monarch committed to the present constitution. Democracy will prevail in the end, and for this our democratic institutions will have to be vibrant and effective once more.

(Ram Sharan Mahat is Deputy Minister in the Deuba cabinet and resigned on 23 May.)

## LETTERS

### NEPALI CONGRESS

"You ain't seen nothing yet." (1999) was a flashback to the past three years of drama in the Nepali Congress. But you may need to look further back to the restoration of democracy 12 years ago for causes of today's events. Kishni almost flawlessly handled the first two years of interim government and managed to give us a fine constitution. But in the very first election, Gijababu openly

campaigning against Kishni in the Kathmandu constituency, and defeated him. Immediately after he became Prime Minister, Gijababu dismissed six senior ministers of his stalwarts, who also managed to cripple the bureaucracy by sacking thousands of civil servants. In retaliation, Kishni's camp obtained from a crucial vote in parliament, which compelled Gijababu to call for mid-

term elections, boasting that he would get an absolute majority. The result in 1995 was a hung parliament and Sher Bahadur Deuba as prime minister. But Gijababu became restless and unseated Deuba too. In the last election, Gijababu announced publicly that Kishni would be prime minister if his party won. Voters believed him, and Kishni became prime minister. But Gijababu started trying to bring him down from the very next day. He became prime minister and the whole saga was repeated when he resigned and Deuba took over last year. So last week's drama was only the latest in this long story of back-slapping. Whether the split in Congress was good or bad, only time will tell. But it is obvious to many neutrals like me that Gijababu is more responsible than Deuba for undermining the Nepali Congress.

Name withheld on request

### UNITY IN DIVERSITY

I don't mean to sound like a communalist, but communalism or casteism are what seem to prevail in Nepal, going by the list of new secretaries. Every time the government announces appointments, political or otherwise, I look to see if there is a wider representation from Nepal's ethnic diversity. I look at the current list of ambassadors and CEOs, and check how many are Magar, Rai, Limbu, Tamang, or Gurung. Sadly, their representation is almost nil. What did the 30 years of so called suited-to-the-doll Panchayat regime and over a decade of democracy bring for the Tamangs and other ethnic groups? Absolutely nothing. Are they not part of mainstream Nepal? When will we have true national integration? To a large extent, the long-term solution to the Maoists or socialist problems lies in addressing the grievances of various ethnic groups.

S Prakash, by email

At the all-party mass meeting in Kathmandu recently, the president of a national party was not allowed to stand up on the grounds of it being anti-nationalist. The incident throws up complex questions concerned with the core of Nepal's nationhood and democracy. What is a nation? The essence of nationalism in these countries lies in 'unity in diversity'—a common sentiment that binds people in spite of differences. This implies that speaking in Hindi in Nepal strengthens national loyalty by integrating people who speak this language into the mainstream and accepting the principle of diversity. There is the perception of nationalism among Nepalis. Is our unity and patriotism so fragile that it will be shattered if someone speaks in a language that might not be spoken by the majority population? There is a false perception that there is a false nationalist, one has to be anti-racial and alienate that section of the nation because their distinct habits, language and way of life

are similar to India. This is pseudo-nationalism. A large section of pashas have been killed in India to accept madhesis as an intrinsic part of Nepal. This discrimination has made it difficult for madhesis to reach decision-making posts in the higher echelons of the government. Just look at the figures: only two SPs and one SSP in the police belong to southern Nepal. Only eight of the country's 75 CDOs are madhesis. While there is one school for every 100 households in the hills, the tarai belt has only one school for 400 households. Among 15 educationally disadvantaged regions, 11 are in the tarai. Pashas need to shed their anti-tarai attitude, and promote national consolidation and greater participation of tarai people in national affairs. This must be done with utmost care so that the pashas-madhesi divide doesn't go deeper and break Nepal's fragile socio-political stability. But the silence of the major political parties about this discrimination is deafening. Nationalism requires

people of all hues and walks of life to live in harmony, and accept each other as Nepalis. Prashant Ha, Delhi University

I really wonder why people think the monarchy is Nepal's great savior? What have we gained over the past centuries besides poverty, illiteracy and serious social problems? It is only the Nepali people who can save the country by developing it, educating themselves and make multiparty democracy work.

K Timsina, by email

**SAGARMATHA NATIONAL PARK** Nature may be protected in Sagarmatha National Park (1999), but I would like to draw your attention to the massive timber poaching going on in outside the park boundary. Last month, walking from Phakding to Lukla, I saw about 400 porters carrying long timber logs toward Upper Khumbu. The timber was being sold in Phakding and Lukla and being sold in Namche and

Khumjung. Members of the community forest user group say that they have already counted 4,000 logs going towards Namche. When they tried to stop the porters, they were threatened. But the women from the surrounding villages forced about 400 logs to be confiscated and stored with the community forest user group. It is apparent that the demand for timber for new construction in Namche and Khumjung is driving this trade, and that the logs are coming from outside the park because felling inside is illegal. This demand rises during the monsoon because it is the lean tourist season, and that is when most of the renovation is done. As the community showed, local action can stop the smuggling. The timber buyers in Namche must also realise that it is their demand that is destroying forests elsewhere. You can't ban logging, but timber resources can be managed responsibly and in a sustainable manner.

**Pasang Gelzen Sherpa Pema Choling Forest User Group, Solu-Khumbu**

Not amused

Generally Puskar Bhusal's columns are of high quality based on pragmatic reasoning and logic. However, his 'Pervex's view of Sher Bahadur' (#99). The crude sense of humour was missed by most people in Nepal who asked for confirmation from us if the President of Pakistan had actually written such a letter to the Nepali Prime Minister. It would have been an article on Pakistan-Nepal relations. This would have prevented the paper from drawing in the Head of another country in Nepal's domestic situation. You must give credit to your leaders for home grown actions and response to various internal compulsions and also by the same logic hold them accountable for the perceived failings rather than shifting responsibility for Nepal's current malaise to a country that does not even have geographical contiguity with Nepal.

Yes it is true that General Musharraf has become a household name in Nepal because peoples of South Asia have appreciated his charismatic leadership qualities. His direct and forthright approach and the courage to face even the most difficult situations. By the way Mr Puskar should understand the difference between a referendum and elections to avoid equating the two different political terminology. As Nepal's well wishers we

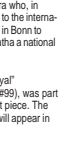
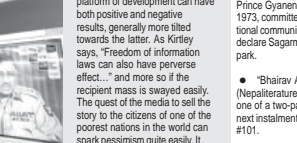
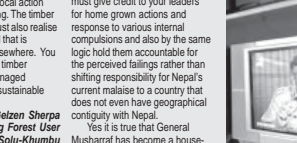
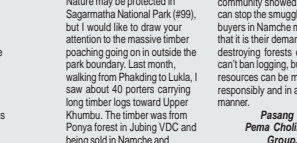
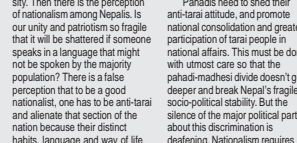
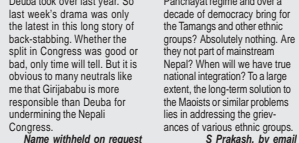
should be the perpetual effort of the government to impart rays of hope and induce positive attitude to its people. This implies quite obviously that in order to guide the nation, considerable sacrifice by imposing a positive check on the media becomes very essential. Considering all the differences, one thing should be borne in mind is that the line drawn is bound to be much lower in our context than that in the USA.

IA Pi, by email

**CORRECTIONS**

In Lhakpa Sherpa's Sagarmatha National Park (#99), it was then Prince Gyandev who, in 1973, committed to the international community in Bonn to declare Sagarmatha a national park.

"Bhairav Anyal" (Nepaliterature, #99), was part one of a two-part piece. The next instalment will appear in #101.





# One small step for womankind

**RAMYATA LIMBU** . . . . .  
"A husband will now have to submit a written application and get approval to have sex with his wife."  
"A man will now have to beg for sex in his own home."  
"A wife can now send her husband to jail on a whim."

These are some of the headlines and comments in the Nepali media after the 3 May Supreme Court ruling that marital rape is not a crime.

The judgement came in response to a petition filed in July 2001 by the Forum on Women, Law and Development, and is widely welcomed by activist groups, although a conservative and male-dominated public has tried to ridicule it. In a 15-page judgement released last week the Supreme Court stresses that Hindu religious texts highlight conjugal harmony based on



"I hereafter authorise my husband to enter my room... Okay, just sign here!"

HERE AND THERE

Sometimes it's best to be impulsive, to move quickly and damn the consequences. One person who thought that way was Lord Mountbatten, the last Viceroy of British India and the man who brought freedom to much of this subcontinent. Mountbatten—named Viceroy in 1947 by the newly-elected and avowedly anti-imperialist Labour government in London—arrived in India soon after his appointment. In his early talks with Jawaharlal Nehru and Gandhi, he bonded with the two men and accepted the need for an immediate end to British colonial rule across South Asia.

What shock had him was his decision—under plenipotentiary powers granted by Prime Minister Clement Attlee—to free India in six months. There were the predictable reactions. Conservatives, led by Winston Churchill, howled with outrage that the Indians weren't ready, that Britain's eternal flame was being snuffed too soon. Civil service mandarins in Delhi and London quivered with fear at the amount of work that needed to be done. Secretaries on either side of the partition debate stoked fires of hatred. Journalists said smugly that it couldn't be done. Smug is something we do.

But Mountbatten, Nehru, Sir Cyril Radcliffe, Jinnah, Gandhi, Sardar Patel and Attlee all owe their place in history to the success of that deadline. In mid-August, India and Pakistan became sovereign nations and whatever their patchy records since then, they remain so. Free, proud of some things, unquestionably independent of foreign control.

Nepal has never had to go through that. From its inception four centuries ago, this has been a sovereign independent state. True, British Residents and Rana Prime Ministers co-opted Congress before 1950-51, and India played a role in the Nepali Congress struggle for democracy and freedom. But that remains Nepal's least desired. Nepal's freedom to make its own decisions, to regret its own mistakes and to celebrate its own successes.

Or have they? Increasingly, even rich nations are less independent than they perceive themselves to be. The influence of superpowers or the sole superpower impacts upon us all. Globalisation's most irresistible force—led by multinational companies—push towards conver-

mutual understanding, and nowhere gave a husband the leeway to inflict inhuman acts such as rape upon his wife.

"We filed the petition after several women approached us complaining that their husbands were forcing them to have sexual relations," says lawyer Sapana Pradhan Mallia of the Forum. "No charges could be made on those grounds since there was no law, legal activists collaborated to present a test case in court. The court has directed parliament to amend the present rape laws to reflect the ruling."

Malla admits there has been some mockery of the Supreme Court ruling, but says the news isn't all bad. "Apart from a few cartoons ridiculing the judgement, and some write-ups arguing that it undermines Hindu social and religious values and threatens social harmony, most of the feedback has been positive," she says.

"The judgement has addressed the root cause of the problem—that patriarchal values derive their authority by controlling sexuality. Recognising rape within marriage as a crime is the first step. The second step is to amend the law [regulating rape] and to get it passed in parliament. Third, enforcement and awareness should have to be put into place to create an environment that allows victims to come forward," says Malla. "After all, how many women will dare challenge the institution of marriage?"

A few have, however. A young mother of three, Roshni



## The recent Supreme Court judgment on marital rape hasn't yet become law, but abused wives could soon get some respite.

(name changed) is bent on getting a divorce. She has decided to brave the disapproval of family and society, because she cannot take the constant physical and sexual abuse she faces from her alcoholic husband anywhere—her reproductive organs were damaged after her husband repeatedly raped her while she was recovering from a delivery.

A shiver runs up Basundhara Thapa's spine every time she thinks of Roshni. A seasoned attorney who offers free legal aid to women, Thapa finds it hard to

recall when she recalls the young woman's bruised and battered body and her desperate appeals for counsel. "It is unbelievable what can go on behind the surface of what appears to be an ideal marriage. Battery and physical abuse is one extreme. But in instances of sexual abuse some women face are often unimaginable," says Thapa, who works through the Legal Aid Consultancy Centre's Women's Rights Helpline Project in Kathmandu. She's helping Roshni get a divorce.

Since its establishment in 1987, the Legal Aid Consultancy Centre (LACC) has been offering legal aid to hundreds of Nepali women seeking legal recourse—including separation or divorce as a last resort—against husbands who've made life for them a living hell. Since LACC set up its Women's Rights Helpline Project in January 1999, it has provided legal aid and advice to nearly 6,000 women using its ranges from battery, rape, battery, dowry deaths, trafficking, and division of property.

Thapa says she has learnt one

thing from the countless stories she has heard. "If you delve to the core of the problems of violence against women, you find a common disharmony, the majority of problems are based on sex," she explains. "But owing to the lack of specific legal provisions, it is extremely difficult to prove sexual abuse, especially within a marriage." Lawyers have until now had to resort to existing laws pertaining to battery and polygamy, which are ineffective in proving rape cases. The laws in place also make it difficult for police, often the first to receive reports of domestic violence, to put the case forward. "Police personnel, often the first to get reports of domestic violence, try to patch up couples and send them on their way. In that case, the woman might be victimised and face more abuse," says Bandana Rana, vice president of Saathi, a forum that works to counter violence against women.

While many welcome the ruling, they're sceptical about how practical it is. "It may have the opposite effect," says Viplob Pratik, a journalist. "I don't see the average Nepali woman going to court. There's a fear of retaliation, of social disapproval. In some cases, it may provide an easy way to break a relationship leading to increased divorce suits. Also, the ruling is silent on situations where women may force men to have sex with them. It would be more practical to lobby for an effective Domestic Violence Bill."

Under the present rape laws, marital rape is not recognised, regardless of the woman's age. A

charge of rape can only be filed against a man, but not a husband, who has had sexual intercourse with a woman under sixteen with or without consent, or who has forced her to have sexual intercourse. The punishment ranges from six to 16 years imprisonment for the rape of a girl below 14, and three-five years for the rape of a woman above 14.

The judgement highlights the need to formulate comprehensive legal provisions for victims that clearly set out the kind of evidence and circumstances admissible, and the sentence a man found guilty of marital rape could face. It states that a woman faced with such a

charge of rape can only be filed against a man, but not a husband, who has had sexual intercourse with a woman under sixteen with or without consent, or who has forced her to have sexual intercourse. The punishment ranges from six to 16 years imprisonment for the rape of a girl below 14, and three-five years for the rape of a woman above 14.

by DANIEL LAK

## Freedom at midnight

The world's interlinked market economy actually restricts freedom of action of sovereign governments.



Lord Mountbatten, MK Gandhi, Lady Mountbatten

ence in capital and labour policies. The world's interlinked market economy actually restricts freedom of action of sovereign governments. Countries must in need of emergency assistance or long term support have a choice in setting economic policy. And those nations who have become beholden to development aid and the plethora of agencies and bureaucracies that dispense it, some cry "enough!"

Necessity is the mother of invention. If the Finance Minister of Nepal is getting too little revenue from tax, he has to turn to the capital markets. And if his country's credit rating isn't very good because of the Catch 22 of declining revenues, then he has to ask for help. That help flows into general revenues and specific programmes as perceived reward for economic policies dictated somewhere else.

Similarly, aid from friendly countries is often predicated upon recipients doing as they are told. Over the years, we've had foreign officials telling Nepal that they can only invest their taxpayer's money into projects that promote such things as good governance, gender equity, social justice—as well as free-market—as in the 1998 World Bank report, Assessing Aid, argues that aid should not be good money sent after bad, and that means rewarding success as measured by goals set by donors. Even large non-governmental organisations look to influence their partners in development, with agendas set elsewhere.

So what does all this have to do with Mountbatten and 1947 and all that? At the moment, nothing. But I would suggest to the barons of foreign assistance in this town, and around this magnificent land, that their days of calling the shots in poorer countries may be numbered. It's plain at the moment that not enough opportunity or benefits reach the poor, even the working classes, who are increasingly resentful of the four-wheel-drive vehicles and special tax privileges that bring the interchangeable expatriate-expert to their homeland. The distorted labour markets from international agency salary levels sap local entrepreneurs of administrative or creative help on their office staff. The school fees, rents and property policies kill inexorably.

I can foresee a new breed of politician—in Nepal, Bangladesh and other aid-dependent states—who cry "enough!" and demand a different kind of development paradigm, one that puts opportunities and resources in the hands of local people, who also make their own political decisions. One that might emphasise education or health, with devolution of power and accountability widespread. And it could all come as quite a surprise to the orthodox development elite. Think of it as "Freedom at Midnight". ♦



## HUMAN ROOSTERS

A group of human roosters tried, for quite some time, to emulate their feathered counterparts. Possibly, they had even learnt to consort with their mates in a manner learnt from the said counterpart in the animal world. So when the Supreme Court, targeted the rooster with an arrow, the rooster—head of the house, the home-owner, the god-like husband—felt an earthquake measuring 10 on the Richter scale. Chaos and confusion reigned and the males began looking in all directions for help. Unfortunately, the cries of the roosters went unheard by the patriarchy or by the old baba Pashupatinath... One morning, a small group of roosters gathered at the teashop. Their legs were dry, their eyes and ears drooped and their voices were hoarse... (Khandendra Sangroula, Kantipur, 11 May)

The judgement highlights the need to formulate comprehensive legal provisions for victims that clearly set out the kind of evidence and circumstances admissible, and the sentence a man found guilty of marital rape could face. It states that a woman faced with such a

situation should have the choice to get a divorce, or separate from her husband. In addition, it addresses the issue of marital rape in child marriage and says consideration must be given to the "special situation and status of husband in marital life". The Supreme Court judgement also ruled that rapists of sex workers should be given equal punishment as other rapists. Presently, individuals who rape sex workers pay a fine of Rs 500 or serve a year in jail.

In the 11<sup>th</sup> amendment to the Civil Code that was recently passed by parliament and is awaiting the royal seal, the punishment for raping girls below 10 ranges from 10 to 15 years while the punishment for raping victims from seven to 10 years. Rapists of women above 16 could face between five and seven years behind bars.

The apex court's ruling also addresses the contradiction between the Muluki Ain (Civil

Code) and the Nepali constitution, which pledges to end all forms of gender discrimination in laws with international instruments, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action, and other human rights covenants that Nepal is signatory to.

In addition, the ruling cites landmark cases in the UK (Regina vs R 1992) and in the US (Peoples v Liberta 1984), where the House of Lords and the Court of Appeals in New York respectively decided that marriage was not a license for rape and that there is no difference between rape inside and outside of marriage.

A survey conducted by Saathi found that 95 percent of 1,250 female respondents questioned had faced some sort of violence at some point. The survey said that rape (30 percent), after beating (82 percent), was the most common form of physical violence against women. "Violence against women is accepted by society. Not because our religious texts tell us so, but because society has misinterpreted what they actually say. Women are socially conditioned to accept and bear violence, but to what extremes?" asks Rana, who is also a counsellor at Saathi.

"Having a law is the first step. We tell women about their rights, that they should take legal recourse," explains Rana. "But we need to create mechanisms, shelters where the women can stay while they decide what to do and when they have nowhere else to go. Already, the Valley's few shelters are full. It's hard to find a place for women engaged in legal battles, since divorce and separation cases take a long time to settle, and shelters don't have the place or resources to keep victims that long," says Thapa. "We need to get the state involved." ♦

## DOMESTIC BRIEFS

### Restless refugees

Bhutanese refugees languishing in camps in eastern Nepal are getting impatient. In a petition signed by 1,933 refugee families in Khudunbar—the first camp where field verification has been completed by the Bhutan Nepal Joint Verification Team—they say that there appears either or both the governments are deliberately delaying justice. Now that they've completed their part of the deal by submitting necessary papers, the families have urged both governments to make public the results of the field verification and to announce a timeframe for their repatriation to Bhutan. They have urged the JVT to resume verification in the remaining six refugee camps and asked the international community to encourage both countries to get over with the task. Field verification of refugees at Khudunbar started on 26 March, 2001 following the 11<sup>th</sup> round of bilateral talks in December 2001. The last Khudunbar family was cleared on 15 December 2001.

### Roaring peace ride

They're off. A couple of Himalayan Enfielders, bikers from Kathmandu's local Enfielders club, will travel 6,000 km through 16 Indian states to spread the message of peace. Aimed at promoting Nepal as well as adventure sports in India, the Himalayan Enfielders Peace Ride hopes to spread goodwill in troubled times. "We want to show the Indian people that we can visit their country even when others are afraid to—and hopefully encourage them to do the same," said Rakesh Prasai, just before he took off with riding partner Sabin Basyasi.

### Eminent line-up

First came the Americans. Then came the Brits. Our Chinese neighbours had a go, too. No, we're not talking about football, but the eminent line-up wanting to visit a glimpse of Maoist territory, and then a go at the terrorists. Now it's the turn of our southern neighbours. A four-member Indian military training assistance team led by Major General AS Bahia left this week for Maoist-affected districts including Rorua, Rukum, and Gorha. The western countries, the Indians appear keen to support Nepal's war against terrorism. But if news filtering in from the Maoist battlefield is to be believed, Nepal security forces are getting tired of waiting. Getting support on the ground could be more critical for keeping Maoist high.

## BIZ NEWS

### Himalayan bonds

The Himalayan Bank Limited last week began selling its first series of bonds, of which Rs 100 million will be sold to the general public. The interest is payable every six months and the HBL-2006 bonds can be used as collateral in some banks and finance companies. The HBL is issuing the debt instrument to raise its supplementary capital in order to meet the central bank's new capital adequacy requirements. That rule requires that all banks have Rs 1 billion in paid-up capital in seven years. The HBL's paid-up capital now stands at Rs 390 million. The bank says it will sell bonds worth Rs 260 billion to larger institutional investors. Himalaya Sumshere Rana, chairman of the Himalayan Bank, told the press that the remainder of the capital adequacy requirement will be met through rights issue of stock in coming years. Rana says that the bank is not increasing equity to ensure that the profits, in the form of dividends, do not have to be split up to a larger number of shareholders. The Nepal Merchant Bank and Finance Limited is managing the bond issue.

### Patna hop

Necon Air resumed direct flights to Patna on Sunday and the company says it will also re-start flights to Kolkata and Varanasi in coming months. The hop to Patna will use Necon's T-7 seater Beech 1900 aircraft and not the larger ATRs. Necon stopped flying its ATRs to Patna last year after passenger numbers nose-dived. The company has two ATRs and two Beech 1900s to service its seven domestic routes and the resumed and new Indian destinations.

### Cheaper telephony

Some good news for users of the Nepal Telecommunications Corporation's (NTC) mobile telephone service. The new NTC telephone tariffs that came into effect Saturday include a roughly 33 percent reduction on mobile telephony. Local telephone bills could also get smaller, because the NTC has introduced different rates for calls made at different times of the day. You can get to make longer calls for less during the late hours, when a single call can now be as long as eight minutes. During the 8AM-6PM peak telephone usage hours, on the other hand, the effective billing minute will be two minutes on the clock. The corporation has also slashed the rates for international and domestic long-distance calls. Several other changes have also been reduced but the same rates apply.

### Privatising oil

Nepal has begun considering options to privatise the import and distribution of petroleum products. The move has become necessary after India opened up the industry earlier this year. Among some of the arrangements being discussed here are opening up the business to Nepali companies that are joint ventures with a refinery, and controlling the number of entrants. The government is just not ready to do away with administered prices, though, and so this will require another regulation.

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# Pervaz's letter to Sher Bahadur



"Nepal's political stars probably have some connection with our own in Pakistan."

Dear Dusha shah:

Your people in Kathmandu tell me that any conversation on your upcoming general elections invariably brings up my name. It's nice to know that I am on the way to becoming a household name in your country, although this cannot have been a little more benevolent. There are certain clarifications I feel I ought to make on our recent referendum that granted me a five-year extension in the presidency. Before that, allow me to make some personal observations.

Your political stars probably have some connection with our country's. During your first stint as premier in 1996, I recall, you were on an official visit when Benazir Bhutto's second government was sacked. Back home, you faced criticism for poor diplomatic planning, which he believed was patently unfair. How were you supposed to know that President Leghari had had enough of Benazir when we at General Headquarters were left speculating on when the Eighth Amendment to our constitution would be invoked next?

I understand that 17 years earlier, the execution of Benazir's father gave your Nepali Congress the opportunity to launch its first nationwide show of strength since the political change of December 1960. I have been told that many of your party colleagues still turn green with envy when they recall how BP Koirala taught you along on the referendum campaign. That is the Pan-Asian system had similarities to General Ayub Khan's 'basic democracies' is still fondly recollected by many of us here. Since Indonesia's 'national guidance' philosophy and the 'class organisations' of Egypt and Yugoslavia also inspired your partyless policy, we considered it a true embodiment of the spirit of the Non-aligned Movement.

Those who have full faith in your democratic credentials cannot doubt your commitment to holding the 13 November elections on schedule. They seem to be worried, though, that a Musharraf-style poll might prove to be more damaging to the country than the constitutional deadlock everybody is worried about today. Please be assured that the analogy is misplaced. We held a yes/no referendum on whether I should continue as president for another five years to advance my agenda to build real democracy. Last week, you chose to describe your elections as a referendum on whether Nepalis wanted peace or terror. But we realise that you were speaking metaphorically. Our opposition leaders exercised their right not to participate and persuaded many others to stay home as well. Since there was no other constant, a lot of the yes votes went from

people who couldn't figure out the alternative.

But that's as far as I can allow the cynics to go. Many people still can't stop making fun of the 35 percent figure. The opposition gave us no more than five percent. Even if you take the average, for the sake of argument, it was very bit of 20 percent. That was half the 1997 turnout that gave Nawaz Sharif a two-thirds majority in parliament. You have to remember that in our country, turnouts are usually higher in general elections because of the competition.

Moreover, you have to factor in the fact that Man shah's two-thirds majority represented 17 percent of the total number of voters. We both know that our political rallies can acknowledge such realities only at their own peril, don't we?

I am aware, though, that the stakes in Nepal's elections are too serious for us to be obsessed with arithmetic. From what I read here, many Nepalis seem to be unsure about whether an election can be held under a state of emergency. Since you have promised to lift the emergency well before voting starts, that might assuage some of your critics. What we sometimes discuss here, as I am sure you are in your country, is whether the candidates would feel safe enough to campaign without state-furnished security cover.

Another concern seems to centre on the ability of a government that couldn't properly organise the School Leaving Certificate examinations to hold free and fair elections. That's not relevant to the debate unless your critics are also willing to revoke the SLC results out this year. In that case, your SLC results don't know whether the exams would be held until the very last moment, when the Maoists withdrew their five-day strike. Moreover, the absence of public transport in Kathmandu on the first day of the exams and the concentration of centres in district headquarters must have taken too heavy a toll on students to permit a fair assessment of their abilities.

Barring the Supreme Court's reinstatement of the House of Representatives, or a political package that would allow the resurrection of the chamber on some technicality, your politicians have no choice but to accept elections. Even if the house were to be reinstated by the Supreme Court, that would only push back the elections two years. When political conditions haven't improved under seven months of emergency rule, it would be risky to bank on two normal years. In that case, your constitution allows you to extend parliament's term by a year. But what are you going to do if things remain the same? Even the Supreme Court can't grant a seventh year.

Here's my suggestion: look north-west. You can always learn from those who have led less developed country. By getting a transitional joga-joga-style mandate like the one our friend Hamid got last week, you can wait until conditions are ripe for a real election. That could be a long wait. But it's your best shot at preserving the constitution. I look forward to holding more extensive discussions with you during the SAARC summit here next year. Even if we aren't there personally when the chairman's gavel is handed over, our successors can be expected to act in the true spirit of regional cooperation, provided Anjali is under no illusion of domestic political pressure.

I am sure you won't consider the contents of this letter an interference in Nepal's internal affairs by yet another nuclear-armed state, because I see other countries doing and saying worse things.

Sincerely,  
Pervaz

# "A mass inferiority complex"

This year's abysmal SLC results once more exposed the shocking inequality in Nepal's school system.



HEMLATA RAI

Every year, at least six in every ten young Nepalis fail their high school exams. This year, 152,300 students appeared for their tenth grade tests three months ago. Only 47,565 passed.

Hidden behind these shocking figures are the disparities between government schools and private ones. Only 17 percent of the students from government schools this year passed their School Leaving Certificate (SLC), while some government schools having a zero pass rate. Eighty-three percent of the students who passed the SLC exams this year were from private schools—even though only one-third of all schools in the country are privately run.

The SLC results have spread hopelessness in public schools, and children have become cynical about everything," says Sharata Bahadur Maharjan of Sarakoti

Secondary School in Dhading. "This is a mass inferiority complex dragging all of society down."

The glaring inequality exposed by SLC results is what the Maoists have been using to pressure the government and private schools to reform the education system. Even those who do not agree with the Maoists' murders of teachers, their threats to close private schools and roll back fees, agree that there is a serious unevenness in the quality of education.

Educationalist Dr Man Prasad Wagle told us "What it represents is a total failure of ten years of hard work and a waste of the Rs 100 billion that has been spent in the education sector in the past years."

Wagle blames political, lack of proper monitoring, and centralised decision making. As it became clear that government schools were failing to fulfil their mandate, private schools moved in to meet Nepalis' demand for better schooling, and have collectively

invested Rs 4.5 billion in the sector so far.

Private sector involvement in education has met a part of the need, but the higher fees in these schools they have also exacerbated class differences. After the Maoists targeted private schools as symbols of the country's social inequities, 41 teachers and 81 students have lost their lives—mostly at the hands of the Maoists. Since 2000, the Maoists have forced 500 private schools to close, affecting 100,000 students and 9,000 teachers, according to the Private and Banning School Organisation Nepal (PARSON).

In April 2002, all schools still open in six far-western zones received new threats to close down. "Your schools against the policy of the jana suksa ('people's government') and you have contributed towards creating a class hierarchy," the letters state. The closure of schools has revived the exodus of Nepali high school

# complex"

students to India. What makes private school administrators even more angry are the latest government amendments to the Education Act which specify new categories of private schools and a fixed range of fees they can charge on basis of investment and facilities provided.

Bho Bahadur Shah, general secretary of PARSON, says: "The government is sympathetic to the causes of private schools, the new amendments prove that point."

The Maoists' demand for lower fees was initially welcomed by the public, which felt that private education was too expensive, and beyond their reach. Private schools tended to be mostly profit-oriented establishments and were concentrated in urban areas. Figures released by the Central Bureau of Statistics last year showed that only five percent of rural children attended private schools, whereas up to 42 percent in Kathmandu Valley did.

At the School Fee Monitoring Taskforce formed earlier this year also found that many private schools had fees, other extras and deposits that made them exorbitant and unaffordable for most Nepalis.

The two-tiered education system widened the gap between those who can afford quality education and those who can't.

The government's amendments are intended to redress this gap. But many private school principals say it may throw the baby out with the bathwater. "The new amendment could revive the education sector, but only if the government doesn't try to use it as a weapon to control schools. If that happens, the outcome could be just as devastating," says Wagle, who is also a member of the high-level taskforce that recommended revisions in the new legislation.

The danger here is that the country's best private schools may be forced to close because they cannot meet the stringent fee structures and other unrealistic rules in the amendment. Says one school principal: "The idea should be to improve government schools, not punish those that are giving quality education." There are also questions about how this legislation will play out in the highly politicised district education offices, concerns about the absence of a lower-level education agencies, and a sense of scepticism about how sincerely the government will implement the Act.

Besides trying to regulate private schools, the government has the added burden of sorting out the mess in Maoist-affected areas. Many teachers have fled either because of Maoist threats or because they fear security forces, and there are 25,000 teaching posts vacant throughout the country. The government says it will soon launch an appointing more than 400 'teaching volunteers' in public schools in 35 Maoist affected districts who will be paid half the salary of a normal teacher.

"If the vacant places are not filled immediately hundreds of schools in 35 districts might not function in the coming academic year," says Yubraj Pandey, spokesman at the Ministry of Education. "What is clear is that unless something is not done urgently, next year's SLC results may be even more skewed than this year's."

Despite the problems, Nepal has made impressive gains in literacy, which is now at 53.7 percent, up from 30 percent 15 years ago. The rise is even more dramatic for women: female literacy grew from just two

percent in 1951 to 42.4 percent now.

Education was declared "free for all" in 1990, and fees in primary schools were waived. But the government could not pay for the subsidies, and schools were allowed to charge small fees. Communities felt cheated because they had to pay fees, and the quality of education was not guaranteed. However, in some villages where the elected local councils were greater interest in education, locals have invested in better teachers and raised the quality of instruction. This trend had started to spread across Nepal in 1995, but was affected by the insurgency.

The amendment to the Education Act endorsed by parliament last month restored the fees for post-primary levels. It also recommends mandatory teacher training, teaching licences, more severe punishment for teachers who fail to carry out their duties, decentralisation and greater participation of communities and local government. The legislation also prohibits the direct involvement of teachers in politics.

The allocation for education had jumped from 10 percent of the budget in 1980 to 15 percent in the late 1990s, with more than half going to primary education. With security expenses growing, this fiscal year the government allocated only Rs 3.5 billion for education—only about 7 percent of the total annual budget.

Concludes educationalist Vidhya Nath Koirala: "There is no one single sector that can be blamed for the deterioration. Government, planners, teachers, bureaucracy and communities have failed our children."

# Missing children

Each year, thousands of young Nepalis open the newspaper to find themselves among the missing. This year, 69 percent scanned the SLC results in vain. Sometimes the percentage is lower, but never by much.

After a lifetime of hearing their teachers repeat the mantra that youth are 'the future of Nepal' and 'the pillars of the nation', the vast majority of youth are officially declared to be failures. The pillars of the nation are pronounced too weak to sustain a further load.

On paper, Nepal has made remarkable progress in education. There are relatively few people under 30 who have never spent time in a classroom, and almost no one without a family member who has experienced school. By 1998, 78 percent of boys and 55 percent of girls were enrolled in primary school. Girls and disadvantaged youth are attending in record numbers, for at least a short time.

But since nations are comprised of human beings, and not of statistics, we need to ask another question: at the end of the day, what is the 'take home message'? What is the ultimate message, for most people, of their years in school?

Disturbingly, the one experience shared by a majority of the people in

What are the hundreds of thousands of young Nepalis who fail their SLCs supposed to do? Join the Maoists?

today's Nepal is bleak, embarrassing experience of being tagged, at some point, as failures. There are many points at which this happens, both before and after the SLC, but it is particularly poignant at the age of 17 or so, when dreams are all of adventure and a brilliant future along undented paths. At the age when the energies of youth are boiling with the power to move mountains, the school system of Nepal shuts the lid on further education.

There is something about the SLC results that bears a remarkable resemblance to the caste system—not necessarily in the summaries of the Chosen Ones, but in the general outline. A small, selected group, perches at the top, while a large group of supposed blockheads is relegated to the sidelines, to do with themselves as they will.

In traditional societies such as the Nepal of several decades ago, the pitfalls of the teen years were stepped and teen energy was capitalised on by giving young people a growing voice in village affairs as they matured. But today in Nepal, the government labels its young people as failures, and tells them to run along home. What, precisely, these thousands of teenagers are supposed to do with themselves

in higher education was essentially open to all would, at the very least, keep the dream of a brighter, more dignified future from going missing in action. And it would reach a very different lesson: that each person is capable of learning, and worthy of respect.

(Sally Ashraf is an American journalist who has lived and worked in Kathmandu. Her Raj Bahadur is a graduate student in sociology at the American University, and specialises in education.)



# "It is a crime to not provide good education in public schools."

equality, and I feel I was successful in its mission.

How do you think we can ensure equal access to education for all?

The government should maintain similar standards in private and public schools, but it seems reluctant to improve the quality of public school education. Without this, only children from poor families will study in public schools, which could widen the disparity in society. Discipline should be maintained, and it should be equally applicable to all. Poor people invest a lot in their children's education. Not being able to provide them good education in public schools is a crime. The private sector has contributed a lot to education in this country, but that matters little if the poor have to sell their land and property to send their children to private schools.

Have you achieved what you had hoped to, when you first came here?

Now Nepal has democracy, which means equality, equity and equal access to development for everyone. I have witnessed children from very poor families from remote areas who have been high achievers when provided with opportunities for education. I have seen students leading this country in many areas, and I feel it is time that they now contribute towards creating similar opportunities to other poor communities that are being left behind. Democracy is also about giving and providing opportunities to others.

But Nepal's education system has failed to teach this to students. It rarely teaches them life skills. It has failed to teach that democracy is also about sharing the burden—sharing the burdens of the country, the communities and the family. Education should prepare students to make the best of what their country, and its state of development, have to offer. It feels sad that a student from the hills won't be able to find a job in the capital after completing the SLC, but he'd rather not return to his village. For Nepal, agriculture is the most important

occupation, it needs more educated people. There are ample untapped opportunities for an educated hill boy in his own village, but the Nepal education system does not prepare him for this.

Were there any early warning signs that things would turn out this way in Nepal?

With the kind of disparity and lack of access to opportunities, this is bound to happen anywhere. There is rampant economic and social disparity and discrimination here. Some people have grown rich, but the majority is still very poor. Fewer opportunities are created for the poor and for people from remote areas. Social dissatisfaction is like a volcano—without an outlet, it is bound to explode. The poor have no freedom of choice, because opportunities are so limited. The ruling classes are too greedy to share the abundance of opportunities they enjoy. Peace will not come to this country unless it comes from inside of individuals.

When we first came here, there was severe caste discrimination and social disparity, a clear indication that the present situation might arise. When more and more young people were exposed to foreign countries, where they brought back ideas of equality and equal opportunities to all, they sought the same here in their own country. When that did not happen here even after democracy, their dissatisfaction had to find expression.

What has development given to Nepalis?

Nepal now has many new rich people. But they don't seem to realise that their responsibilities include helping destitute people achieve a comfortable life. Compassion is rare in developing countries, and the compassion is deteriorating here too. Development has taught people to become individualistic, it has eroded spirit of community. This is the backlash of modern development. Nepal might become a cruel, hard nation if it loses its traditional simplicity and compassion.

Social Science Research Council  
South Asia Regional Fellowship Program  
Second Announcement, June 2002

The Social Science Research Council (SSRC, New York) is pleased to announce the availability of short-term fellowships (3-4 months) for research in any discipline of the social sciences and humanities related to the theme **Resources and Society**. Twenty research fellowships are available for junior and senior scholars from South Asia to begin new research, continue ongoing research or write up completed research. The objective of the SSRC Regional Fellowship Program is to strengthen links between teaching and research; the competition is open to all full-time university and college lecturers, readers and professors. Eligibility is restricted to faculty with PhDs presently teaching in an accredited college or university in South Asia. Fellows will be expected to attend a workshop in January 2003 before they begin their fellowship period. Junior fellows will receive up to \$2,200, senior fellows up to \$3,000. Application materials and more information can be obtained from: SSRC Fellowship Program, Human Association, Pritan Dhoka, Lalitpur (phone: 5425444; email: ssrc@ssrc.org; website: www.ssrc.org/fellowships/southasia). The deadline for receiving applications is August 3, 2002. Announcements of fellows will be made in October 2002. This program is supported by a grant from the Ford Foundation.



# Sagarmatha National Park

It's 50 years since the first ascent of Mt Everest. And it's 25 years since the Royal Sagarmatha National Park was set up.

LHAKPA SHERPA

It was 1976, and we had just finished explaining the aims of the park to a gathering of local people, when shouts began to come from the crowd. "We don't need your park. Take your park to your own village." The meeting became unruly and meaningful consultation was out of question. We politely assured the crowd that their sentiments would be conveyed to the higher officials and left for the next village meeting.

There, we got more of the same. The Sherpa people were afraid that their use of the forests and pastures would be restricted. Even worse, they thought people to move out of their Khumbu villages. Local politicians were quick to take advantage of the fear. Some went around promising voters to put a fight against the park if elected. Despite the local opposition, the park was established.

In the early 1970s, interest in

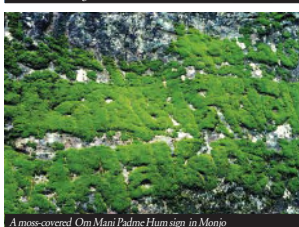
the exotic east peaked in western countries and Nepal became an important destination for mountaineers, adventure tourists, dharma bums and culture vultures. The number of tourist and mountaineers visiting Khumbu Region were growing rapidly. The local people were quick to adapt, getting into the business of providing food, lodging, and guiding and portering services. The economic benefits were immediate and

obvious. Only the "experts" fretted about the risks to the environment and culture of the sacred Khumbu valley. Bigger trees were cut for construction of hotels and guesthouses. Huge amounts of firewood for sold and consumed at campsites for cooking and campfires. Garbage piled up along trails and near campsites. The traditional forest protection systems of the local people were being weakened under the new economic pressure.

Eventually, the threats from unregulated tourism became a matter of concern internationally, and in 1973, then Crown Prince Gyandendra committed to the international community that the Khumbu Region would be declared a national park to conserve its environment. The New Zealand Government co-funded establishment of the park at the recommendation of Sir



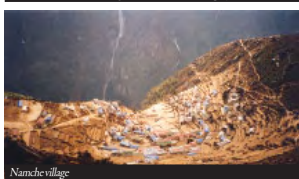
The entrance to Sagarmatha National Park



A moss-covered Om Mani Padme Hum sign in Monjo



The Bhotse Kosi flows through lush forests inside the park



Namche village

Edmund Hillary.

The park administration adapted its regulations to accommodate the needs of the local residents. No people were displaced, and the local ways of life were permitted to continue undisturbed. Despite initial hostility, the park and people co-existed. Over time the forests, wildlife and landscape began to recover. Residents realised that people visited Khumbu to experience local culture and nature, and this reinforced cultural pride and the desire to preserve the environment. Tourist numbers grew and with them, so did the local economy.

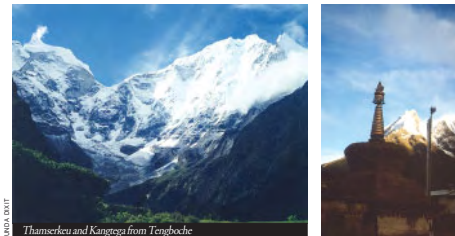
Now, for the most part, attitudes towards the park are nearly uniformly positive. There is even talk of a formal silver jubilee celebration. It is important, though, to go beyond the festivities and use this as a chance to reflect on the last 25 years and consider the future of the park.

#### Slow-growing trees

The most important contribution of the Park was probably in conserving the high elevation forests and wildlife of Khumbu



Sagarmatha National Park from 35,000 ft



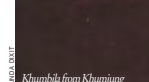
Thamerku and Kangtega from Tengboche

from uncontrolled exploitation. Trees, like humans, find it hard to thrive at high altitude. The Sagarmatha National Park is a vertical reserve: going from 3,000 m to 8,848 m. Trees take inordinately long to grow, it takes a lot more to safeguard them than it does forests at lower altitude. At about the time the park was formed, the traditional Sherpa ways of managing natural resources were dying out. The demand for forest resources were growing, incidences of illegal hunting and land encroachment were increasing.

The park ensured that hunting was banned, use of firewood at trekking camps were discouraged, and that the rate of timber harvesting was brought down, to allow the forests to recover, regenerate and expand. Today the forest conditions of Khumbu have certainly not declined, even if we can't tell whether they've improved. The park's chain of forest nurseries and plantations supported by the Himalayan Trust is one of the most successful high-elevation forest regeneration programs in Nepal, and it has covered many hectares of bare slopes and filled open forests. The populations of wildlife commonly targeted by hunters in the past, such as the Himalayan tahr, musk deer, serow and pheasants have also recovered.

The park has started to clean up litter, encourage alternative energy use, provide information to tourists and locals, and collected revenue for national coffers.

We'd never have guessed it back in 1976, but most of these changes are due to the participation and support of the people of Khumbu. There was a massive increase in tourism—arrivals in



Khumbila from Khumjung

Khumbu jumped from about 3,000 in 1973 to nearly 26,000 in 2000. There are an additional 4,000 people living inside the park. Management of biodiversity, food, fodder, timber, and water for people, and aesthetics for visitors is a major challenge.

Now, the park needs to move beyond protection, and start managing forests, rangeland, wildlife, and tourism with participation of the local communities. It also needs to improve local livelihoods through community development programs. Infrastructure such as trails, bridges, and camps need to be better maintained with the revenue that visitors contribute. The construction of lodges and hotels, and the movement of non-local businesses into the park will need to be carefully managed. Most importantly, the park needs to be vigilant against major developments that are likely to have permanent impact on the integrity of its values.

(Dr Lhakpa Sherpa was Deputy Warden of Sagarmatha National Park in 1976-77, and Senior Warden from 1983-1986. He now works with the Mountain Institute in the Tibet Autonomous Region of China.)

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## ABOUT TOWN

## EXHIBITION

- ♦ **Monsoon Moods** Annual collective summer show from 20 June at Siddhanta Art Gallery, Baber Mahal Revisted, 11AM-6PM except Saturday, 411122
- ♦ **Three Men's Perspective** A three-man exhibition of photographic art 9-27 June, 10AM-5PM, except Saturdays, Park Gallery, Pulchowk, 523207

## FOOTBALL

- ♦ **World Cup Watch** Football finals at GAA Hall, Thamel, 30 June, 4PM on. Tickets, Rs 99 (St Xavier's '92-02) and Rs 199 (all rest) at GAA Hall, St Xavier's School, Tukuche Restaurant, Darbar Marg, Kathmandu Bazar.
- ♦ **Bookie's Bar** Watch World Cup games, win free buffets and other prizes with every match. Free entrance, Hotel Yak & Yeti everyday, 248999
- ♦ **Word Cup Football Show** All the World Cup matches on the Summit big screen. Free Entry, 521810
- ♦ **Catch of the match** Every World Cup match, everyday, with food and drink at The Jazz Bar, Shangri-La Hotel, 412999
- ♦ **Best steaks and ESPN World Cup games** at K-tool Beer & Steakhouse, Thamel. Buy two beers, get a can free, daily specials. 433043.

## EVENTS

- ♦ **ELD Training Workshops** Telephone Skills, Welcoming Visitors, Dealing with Enquiries & Complaints, 25-28 June, 9:30 AM-12:30 PM. Memo & Letter Writing, 25-28 June, 1:30 PM-4:30 PM. UK Charity, British facilitator, at Sanepa. For details: eld@winlink.com.np, 524202, www.eld.org.uk
- ♦ **The Formation of a Nepali Public Sphere in India and the Creation of "Nepalness", 1914-1940** Talk by Roderick Chalmers, SOAS, London, 25 June, 3PM. CNAS (Centre for Nepal and Asian Studies), Tribhuvan University, Kirtipur. Organised by CNAS and the South Asia Institute, Heidelberg University.
- ♦ **Friends of the Bagmati Meeting** 26 June, 3PM, Dwarika's Hotel to discuss the second Bagmati River Festival. All welcome. friendsofthebagmati@nepal@yahoo.com
- ♦ **Namaste Banepa** an education project seeks input and ideas. wawetax@winlink.com.np

## MUSIC

- ♦ **International music day** Two open concerts, special children's programme and modern songs at Tundikhel Open Day 11AM-5PM, classical, folk and rock programme from 6:30 PM on at the Alliance Française, Thapathali. Free Entrance. 21 June

## DINK

- ♦ **Uncork the good times** at Dwarika's Hotel, 30 percent discount on snacks and beverages in the new Fusion Bar '43' screen for football viewing. Swimming pool for non-football fans. 479488
- ♦ **Metre of Malt** single malt exhibition and tasting. Twelve single malts for Rs 999. Evenings, Piano Lounge, Hotel Yak & Yeti, 248999
- ♦ **Mountain Madness** Cocktails, happy hour, 25-28 June, 4PM-8 PM, two for the price of one at Rs 250. Kilo's of Kathmandu, Thamel. 250440

## FOOD

- ♦ **The best of Punjab** Punjabi thali dinners at The Fun Café, Radisson Hotel, 21-27 June. 411818
- ♦ **Malaysian food** Rojak, popiah goreng, kodak jagong and more. All through June, Shambhala Garden, Shangri-La Hotel, 412999
- ♦ **Authentic Thai food** Everyday at Yin-Yang Restaurant, 425510
- ♦ **Paddy Foley's Irish Pub** A wide range of drinks and food. Live music on Wednesday, Thursday and Sunday nights. 146096
- ♦ **BBQ and movie evenings** SPN ornaments at Nango Café and Pub, Darbar Marg, 222636
- ♦ **Special Thai cuisine** at Ban Thai Restaurant, Darbar Marg, 243271

## GETAWAYS

- ♦ **Chiso Chiso** Hawama with World Cup Passion at Club Himalaya Nagarkot. Rs 1,500 per person on twin sharing with free snacks, 410432, 650063.
- ♦ **Monsoon at its best** Walk in the rain through the pristine countryside. \$35 per person per night on full board basis at the Horse Shoe Mountain Resort, Mude. resort@hshorse.winlink.com.np
- ♦ **Special offer** Buy one \$99 overnight package, get the second night at 50% Valid for one or two people, Dwarika's Hotel, 479488
- ♦ **Shivapuri Heights Cottage** Two acres with cottages at 6,000 feet on the edge of the Shivapuri National Park. Rs 1,850 per person with dinner and breakfast, second day lunch free. Rs 925 per child 5-14 years, children under five free. info@escapenepal.com
- ♦ **The Great Godavari Getaway** Special weekend packages including room with breakfast and dinner, 25 percent discount on health club facilities. Godavari Village Resort, 560675

For inclusion in the listing send information to editors@nepalitimes.com

## NEPALI WEATHER

0385 9196 332/333/334/335

by NGAMINDRA DAHAL

Just as we suspected three weeks ago in this column, the monsoon is late. Years with robust pre-monsoon showers have usually seen a week start to the real monsoon, and so it was this year. If you want to go into the technical details, then it is the equatorial jet stream not reaching its usual northern position over the Himalayan foothills to push the first monsoon waves along. As a result, the westerlies are still playing tug-o-war with the moisture-bearing winds from the southwest. However, this satellite image taken on Wednesday morning shows a big monsoon pulse building up over eastern India. This zone will reach Nepal next week with heavy sustained rains.

## KATHMANDU VALLEY

Fri	Sat	Sun	Mon	Tue
30/20	30/20	29/10	29/10	30/20

## YAK YETI YAK

by MIKU



## BOOKWORM

**Kingdom on Edge: Nepal: Royal Tragedy 2001** Subarna Chhetri, Suresh Malla, eds  
The Hidden Treasure, 2002, Kathmandu  
Rs 2,000  
This richly illustrated volume printed on art paper presents a brief history of Nepali royalty before moving on to exploring the repercussions of the royal massacre of 1 June. Historians, journalists, businessmen, army men and others reflect on the various facets of the rule of King Birendra, the challenges thrown up by his death, and the road ahead for Nepal under the present king.

**Studies in Nepal History and Society Vol 5, No 1** Prayash Onta, Mary Des Chene, Seira Tamang, Mark Lechey  
Mandala Book Point, Kathmandu, 2002  
Rs 250

The latest edition of SINHAS, Mandala Book Point's scholarly journal includes articles entitled: Institutional Responses to Electric Vehicle Promotion in Nepal; The Enigmatic Pigeon on Magera Participation in the State Rites of Nepal; Legislating State Patriarchy in Nepal; Urbanisation, Government Policies and Growing Environmental Problems in Pokhara, Nepal; and Kathmanduko FM Radio and Nepali Bhasa.

**Poverty and Rural Development in Nepal** Krishna Bahadur Kunwar  
Mina Kunwar, Kathmandu, 1999/2002  
Rs 225

In this Nepali-language work the author sets out to define poverty. He places rural poverty in Nepal in the context of democracy and party politics and discusses how poverty alleviation programs can work best with local leadership and self-governance. Finally, Kunwar discusses foreign aid and economic dependence, and suggests new ways to combat poverty, with some lessons from China.

Courtesy: Mandala Book Point, Kantipath, 227711, mandala@ccsl.com.np

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## SPORT

## SUCKER FOR SOCCER



**B**efore this year's World Cup began, I picked Argentina to beat Portugal in the final. Neither team, of course, made it out of the first round. Nor did defending champion France or two-time winners Uruguay.

These traditional powers hail from Europe and South America, and it's shocking how those regions have owned the tournament in the past. Of the 16 previous World Cups, eight have been won by European teams, eight by South Americans. In 1998 and 1994, every quarterfinal was European or South American. Over the five most recent Cups, only two teams from other continents (Cameroun in 1990 and Mexico in 1986) made it that far.

This year, of the eight quarterfinalists, one each are from Africa (Senegal), North America (the US), and Asia (co-host South Korea). Critics of this year's tournament are making excuses—the tournament was scheduled too soon after the European club season but too late to escape the north-east Asian monsoon, etc., etc. But the simplest explanation is that the "world game" is finally starting to globalise.

The best leagues in the world are still in Europe, but the main reason today is that that's where the money is. In the line-ups of the

## Think football has nothing to do with history and globalisation? Think again.



world's richest clubs you'll see Trinidadians, Liberians and Australians. Players and coaches are moving around the world more than ever, and their long-ignored national teams are the beneficiaries.

Complex inferiorities have certainly been a major factor in their team's three victories, but

to some degree the team has succeeded despite the crushing weight of their countrymen's expectations, which have little to do with football and everything to do with history.

Popular sentiment here demanded that Korea do at least as well as co-host and long-time oppressor Japan, and it didn't

matter that the Korean team was facing more difficult opponents. Then the US started having a good

Cup and Korea wanted to keep up with the Joneses, with whom they have a very understandable love-hate relationship built on over 50 years of hosting American soldiers.

Then, over the weekend, I met a Korean schoolteacher who said that initially she was just hoping the team would make the second round, but once they'd drawn Italy there, victory was essential. Why? Because North Korea—the country she'd been taught all her life to hate and fear—had beaten Italy in 1966 and it would be shameful not to at least equal that feat. Very few of the current throng of red-shirted South Korean fans were alive in 1966, but that doesn't matter. The local TV networks were hammering the point home by incessantly showing black-and-white footage of an antique North Korean goal.

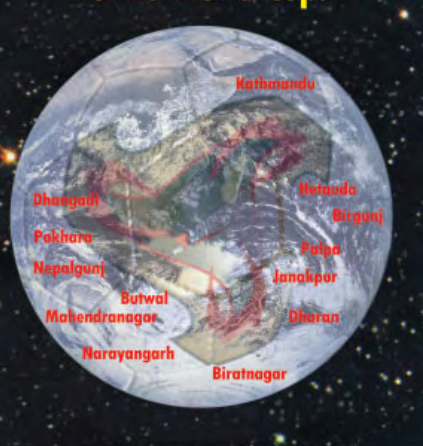
The Korean team has measured up to all three of those imagined foes, in addition to the real ones they've faced on the field. Who knows what would have happened if they had instead lost to Italy—riots? mass suicides?—but thankfully we'll never have to find out. In Osaka last week, I had the needle-in-a-haystack experience of randomly meeting a Nepali at a

match. I was standing in a beer line before the England-Nigeria game when I heard the man behind me tell someone he was from "Mount Everest." Lok Bahadur Biswakarma actually hails from Pokhara, but I guess that's what he says to avoid getting blank stares.

I had to pay about double face value to a ticket scalper that day, but Lok, who's been living in Shigao for three years, working as a noodle chef, had gotten tickets to this very desirable match at regular price, by some means I didn't quite understand that involved writing a letter to FIFA and then waiting in a long queue of Germans.

Lok was shirtless and had a small England flag painted on his cheek. I asked him about this allegiance, but he said he'd had his face painted just for fun—he doesn't support any of the teams at this year's tournament. He apologized, "I don't like Japan", but most of the crowd at that match was in the exact same boat. We were so excited to find each other that we met again at halftime, when he introduced me to his wife. Even though the game was a goal-less draw, meeting him made it a special afternoon. ♦

## From every corner of Nepal to the World Cup.



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## Under My Hat

by Kunda Dixit

# Not the 8 o'clock News

Keen observers and shrewd analysts of Nepali politics are all tuned in to the 8 o'clock News, which has consistently garnered higher ratings than any other soap opera. It is even more riveting than the long-running Afghan teleserial, *Lone Jiggs* and the *Warlords* and the brand new Indian television drama, *The Unguided Missile Man*. The reason is that our political drama has more backstabbing, back-biting, back-peddling, backing the wrong horse, back-scratching, greed and avarice than any other on the planet. (So far, there hasn't been any explicit sex yet, but we can't rule that out in future episodes.)

While channel hopping the other day to find out what was happening at the Nepali Congress HQ at Teku, I was given a tour de force of the exciting staff our cable operator has on offer:

### Dallas

Lucy is really getting out of hand—now she is trying to frame her teacher for sexual harassment. But guess who's coming to dinner: it's the fruit of Ewing's enemy's loins. Here is a spy who has leaked JR's less-than-legal dealings to the Senate Committee. As Jock's heart attack mandates a quadruple bypass, JR sets a trap for Gary by

luring him to set up a new company called Enron. Ellie Jocks will leave her if she has a mastectomy, she can't take it any more and emigrates to New Zealand.

### Dynasty

Alexis marries Cecil Colby, thus cementing the merger between Colbyco and Denver Carrington. But it's a jungle out there, as Alexis soon finds out to her chagrin. She starts flirting with an alpha male from the Masai Mara, Blake Carrington, stung by this treachery, finds his own she-lion, Kyrle Grant Jennings, who struggles to fit into the lavish, powerful and sometimes ruthless lifestyle of the Carringtons as the pride hunts wildebeest on the Serengeti Plains but eat up a National Geographic cameraman by mistake.

### The Bold and the Beautiful

Brooke is on the couch watching the World Cup quarterfinals between South Korea and Italy when she overhears Eric and Whip's conversation on the baby monitor. Stephanie tells Spectra that Bridget threw her out. Deacon, who is a bit slow upstairs, and has already watched the match live, tells Brooke the score. She nearly strangles him, unaware that Ahn has scored the golden goal and their marriage is already over. Brooke allows Deacon to feel the baby kick. Bridget can't take it any more and emigrates to New Zealand.

### The 8 o'clock News

She tells Girija that he doesn't like him any more. Girija says, look you impudent twit, don't talk to me like that, and bans him from her parties for three years. Miffed, She runs off to get a bulldozer and demolishes the august house. Girija says, wait right here, I'll take care of you when I come back from China. She tells KJ, don't just sit there, do something. But it's too late. She has Girija in a half-nelson while Girija lands an upper cut on the She's jaw. Now the weather: A bit unsettled over some parts of the kingdom in the next 24 hours.

## NEPALI SOCIETY

# Our women in The Hague

It's been a long journey for Kabiha Nirola, who began her career in the Nepal Police directing traffic on New Road back in the 1980s, when women cops were a rarity. "A man came up and whistled at me," she says, laughing. "I arrested him. Drivers would stop to look at me because they had never seen a policewoman."

On a rare sunny day in The Hague, both women hunt for a sidewalk café, but these are all occupied by sun-starved Europeans.

Eventually they settle on a dark Chinese restaurant and talk about the work they do now. For security reasons, they are not allowed to reveal much about this, however.

They both work as Investigators in teams composed of lawyers, military analysts, other police, and translators.

Pradhan faced a greater challenge in adjusting to ICTY's work because when she joined in 1995, the organisation was only a year old, and unsure of its own mandate. "Nothing was clearly laid out for us," she says. "But now there's a system in place."

Were they sorry to leave the Nepal Police? Both women nod vigorously. "I spent seventeen years there. That's what training is," says Nirola. "And obviously my training was good, because I can compete at an international level."

Pradhan is just as unequivocal about paying her dues: "We're here today because of the Nepal Police." Yet the discrimination they endured in Nepal still rankles.

Impressively, of the fourteen Nepalis employed at the ICTY, three are women. (The third is a lawyer, Tej Thapa). Both Pradhan and Nirola are glad to be setting an example for the younger women joining the Nepal Police. Having moved up the ranks through sheer effort, they open the way for the following generations.



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