



HOME MAKER:

Manbir Tamang, 27, went to Qatar to earn money to rebuild his home in Kavre destroyed in the 2015 earthquake. He worked at a construction site in Doha for \$250 a month, much lower than what the recruiter had promised. So he returned to Nepal.

He now earns Rs32,000 a month rebuilding other people's homes, so he can repair his own. He has also saved enough to send his 8-year-old daughter to school.

"It is much better here," says Tamang. "I am with my family, and earn more than what I did there toiling in the

r Bar & Grill - Lazi nBassy Restaurant & Bar - Lazimpat lavazza@ssinepal.com









Outward bound

ore than 26% of Nepali households have someone **IVI** working outside the country. This includes 43.4% of families in Far-Western Province, where most migrate to India. Gandaki Province is next with 38.3%, while the number is 18.3% in Province 3, which includes Kathmandu.

A nationwide survey by Sharecast Initiative shows that most of the \$6.6million that the 4 million Nepalis working abroad sent home is used for basics like food (60%). clothing (42%), medical treatment (36%) and children's education (35%). Only a small amount (10%) is invested in land, and just 6.5% is saved in a bank. The proportion of households with at least one person working

abroad is highest among Muslims (36%) and Hill Dalit (34%) families, while 'High Caste' Tarai and Tharu households have the fewest members abroad.

The survey found that most workers (48%) used bank transfers to send their earnings home, while a third still use the informal *hundi* channel. Only 1% say they send money home with friends. Hundi transfers are lowest in Province 3 (24%), while bank transfers were lowest in Far-Western Province (21%).

(which is still low) had a drinking water supply, 75% now live near some kind of road, and 70% of households use LPG for cooking.

Nepal's poverty rate has fallen dramatically due to remittances, which could be why the survey shows that 41% of Nepalis feel the country is headed in the right direction.

But most respondents had a very low an opinion of politicians. More than 54% said they did not believe what political leaders said, and half did not trust the parties. More than a quarter did not trust the Federal Parliament, and CAN'T GET NO 26% were not satisfied with local governments. Most **SATISFACTION** respondents were apathetic. **EDITORIAL**





Thanks in part to these foreign earnings, the survey reports a number of positive developments: 94% of respondents had electricity, 95% had latrines, 74%

FULL STORY PAGE 14-15

PAGE **2**

More routes opening to new trekking destinations

PAGE 8-9

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GOING PLACES TOGETHER

CAN'T GET NO SATISFACTION

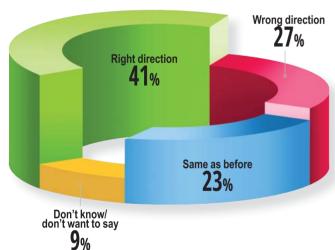
n the face of it, when 41% of Nepalis in a public opinion poll say the country is headed in the right direction it could be taken as a decent level of approval of the government's performance. Indeed, the way the question is framed in the Nepali language gives broad leeway for interpretation: if we should be going north, any course bearing between 270 degrees to 90 degrees would mean we are more or less on the right track.

The question was part of a public opinion survey carried out by Kathmandubased Sharecast Initiative in January among a statistically representative sample of 4,129 respondents in Nepal's 42 districts. The survey takes the pulse of the nation, showing the general mood of Nepalis two years after local governments took office, and a little over a year after the federal and provincial governments were formed. In all three tiers of government, it is mostly the Nepal Communist Party (NCP) that holds sway - only Province 2 and a handful of municipalities are with other parties.

As with Himalmedia polls in previous years, the results show that the Nepali people are alert and aware of what is going on they also seem to be short-term pessimists and long-term optimists. Even if 41% of respondents felt the country was on the right course, a full 27.1% felt Nepal was headed in the wrong direction, and 22.6% were undecided (see chart).

One of the more positive outcomes of the survey was the response to a question on which facilities people have in their homes. The government's initiatives over the past four decades on safe drinking water, sanitation, rural electrification and infrastructure appear to be yielding results. Well over 90% of Nepalis now have access to electricity and latrines.

Which direction is the country headed?



Three-quarters live near a road, or use gas cylinders for cooking. Although the 74% with access to safe drinking water is still quite low, and only 5% of mountain dwellers live near a black-topped road, overall the country is making progress. Which may be why so many

seem to think that Nepal is headed more or less in the right direction.

However, there is growing public dissatisfaction with governance: only 4.2% were happy with the functioning of the federal government, 35% were dissatisfied and nearly 61% said they were neither satisfied nor dissatisfied. The greatest discontent is in Province 3 and Far-Western Province. People in the centre and the periphery both give Kathmandu failing grades.

People do not seem to have faith in the federal Parliament either: more than a quarter of respondents said they did not trust the legislature, only 7% said they trust it, and 43% were ambivalent. Neither was there much approval of the performance of local governments: more than 26% were dissatisfied, and only 7% satisfied with the way provinces and municipalities were going about their business; 66% were apathetic.

The survey also proves just how important migration for work overseas has become for Nepalis. More than a quarter of respondents said they had a family member working abroad, with the highest percentages among Muslims and Hill Dalits, and in Far-Western Province. Tarai 'High Castes' in Province 2 and Tharu households had the fewest members abroad. Most of the money sent home by overseas workers goes into subsistence (food, clothing, children's

education and medical treatment), and very little of it is invested in land, saved in banks or ploughed into productive sectors.

Opinion surveys are a way for a democratic country's rulers to gauge the public mood between elections. They should also be a

> state to see if their actions fulfil the aspiration of citizens. Many of these checks and balances in a country are performed by democratic institutions and the mass media, but when the other sectors of the state (legislature, judiciary, executive, bureaucracy and the security agencies) are not functioning at an optimum, opinion surveys directly reflect the public's frame of mind.

It is clear from some of the results of the survey in this edition (pages 1,14-15 and online) that citizens' faith in government is faltering, that a large section of the public does not trust politicians and

that they are unhappy with the slow pace of development. Yet, they have not given up hope and hold out the expectation that things will get better. It is still not too late for the NCP government to go beyond slogans, deliver more than rhetoric, and walk the talk.

Times.com

ONLINE PACKAGES



GOOD AS OLD

Join a field trip to Patan Darbar Square, where restoration architect Rohit Ranjitkar takes us on a tour of the Bhaidega Temple, which is being restored to its original pre-1934 form after it was destroyed in the earthquake 85 years ago. Story: page 11.



GERWIG & GONZÁLEZ

Christine Gerwig is from Germany and Efraín González Ruano is Mexican, and the two have been making music together for 10 years. The duo came to Nepal to teach budding musicians to use the electronic piano that they left behind. They are determined to return. Watch their video. Story: page 7



IMPACT

Nepali Times reportage in issue #950 (8-14 March 2019) on the plight of earthquake survivors who also belong to single women-headed households generated concern from readers. This week, Modern Indian School Class of 1992 handed over a cheque of Rs50,000 to Nani Maiju Prajapati of Sankhu. The class is also providing the same amount to Ishwori Bhandari and has proposed to pay tuition fees of Rs50,000 for the sons of Rupa Maharjan and Pampha Nepali

PRESS FREEDOM

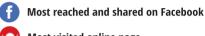
Press freedom is essential in a democracy ('Long shadows', Sewa Bhattarai, #958). In the UK, the government is always under press scrutiny, as it should be, as it is using our taxpayer money to fund its policies. The different ministries are also criticised when they underperform. It's a part of a

WHATS TRENDING



Lumbini is not a **Buddhist Disneyland** by Anil Chitrakai

A trip to Lumbini should be a life-changing experience influenced by the teachings of the Buddha. However, Lumbini today has turned into a Buddhist Disneyland. The author's sentiment resonated with many readers and the piece was shared widely on social media with calls for a moratorium on construction.



$\mathbf{\mathbf{v}}$ Most visited online page

Yeti was born in Nepal by Ass

How could the Yeti not exist when we have honoured it by naming an airline, a yoghurt, a casino, a luxury hotel that is code-sharing with a Yak, a Škoda SUV, and a vacuum-insulated tumbler after it? This spoof on the Indian Army's 'discovery' of Yeti footprints was the most popular story last week on Twitter. Re-read it at nepalitimes.com



Long shadows by Sewa Bhattara

On paper, Nepal has some of the most progressive laws on press freedom. However, these have been superseded by potentially draconian provisions that could allow the state to deny media rights. Published on World Press Freedom Day, the report generated concern about press freedom and online surveillance by the state.



OUOTE 🎔 TWEETS



Nepali Times @NepaliTimes #POLL Are you worried about your online activities being restricted under the government's increasing surveillance? #WorldPressFreedomDay #Nepal





Nepali Times @NepaliTimes Anita Tuladhar was a prolific writer who published four books in a short span of 12 years. But her 30-year silence as a writer seemed to have erased large chunks of Nepal's collective literary memory. @munagrg #literature #Nepal



Milan Raj Tuladhar @Milanrtuladhar Great to hear interview of one of the best creative writers of Nepal. Thanks Nepali Times



Muslims across the country are celebrating

Nepalis seem to be short-term pessimists and long-term optimists.

wake-up call so course corrections can be made. They are a tool available to politicians, the bureaucracy and other agencies of the

10 YEARS AGO THIS WEEK

'It was 10 years ago this week that Prime Minister Pushpa Kamal Dahal had to resign over his sacking of Army Chief Rookmangud Katawal. A page 1 analysis in #450 of Nepali Times of 8-14 May had the following advice for him, which could still be valid 10 years later:

The resignation of Dahal over the sacking of the army chief presents us with another opportunity to get the peace process and Constitution drafting back on track. The row has gone beyond just civilian supremacy over the army, with the Shaktikkhor Tape confirming a Maoist gameplan for total state capture. That strategy was to replace the army chief with a friendlier general.

However much Dahal's party may try to explain away the tape, the fact is that he has admitted to deceiving the UN and everyone else on guerrilla numbers and about his commitment to the democratic process. Dahal has cloaked himself in a martyr complex with his resignation, but the international community and other parties are now going to take what he says with an even bigger pinch of salt.



democracy.

Alan Roadnight

LUMBINI

The first time I visited Lumbini was in February 1980 ('Lumbini is not a Buddhist Disneyland', Anil Chitrakar, #958). It was peaceful, quiet and deserted. I came back in 2017 and what I found was the setting up of a giant fun park where parcels of land had been allocated (or sold) to different nations to build their own temple, outdoing each other. The ultimate offense was hundreds of tourists running around following their guides, dragging loud speakers, being extremely loud and disrespectful of anyone else around. At least Disneyland is honest about its effort to entertain. Whoever runs the Lumbini show, needs to learn basic rules that visitors need to follow.

Alain Rouveure

improved to uplift Nepal's Muslim community. Full video + story: http://bit.ly/Nepali-Muslims-onthe-margins-nt ... @prakritikandel8 reports from Nepalganj. #Nepal #education

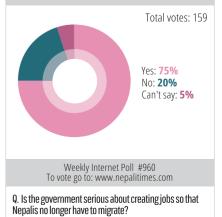


Adarsha Tuladhar @Am49T Big question is: do they want any improvement? if so, what kind of improvement do they indeed want?



Weekly Internet Poll #959

Q. Are you worried about your online activities being restricted under increasing government surveillance?



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Federalism, rule of law and the judiciary

The Constitution alone cannot reshape a culture that accepts impunity, backroom deals and horse-trading as normal

George Varughese and Iain Payne

The 2015 Constitution and arrival of fresh political leaders through nationwide elections in 2017 promised a more equal and inclusive New Nepal. Political power would be devolved from elite-captured Kathmandu, and development balanced across all regions of the country, with greater appreciation for religious and ethnic diversity and increased participation of the marginalised in governance.

There is broad acceptance that this ongoing transformation will have durable effects on the quality of the country's governance. Yet there remains widespread anxiety that those now in decision-making positions in government will shirk their responsibility and opt for cosmetic adjustments rather than fundamental change.

The Constitution promises



to bring government closer to citizens through a new federal structure wherein federal, provincial and local governments are coequal. With 753 local governments, seven new provinces, and local and provincial assemblies with more than 35,000 elected representatives, the executive and legislative levels of government are now functional and more visible to citizens.

However, minimal attention has been given to the judiciary's key role in impelling constitutional values in government — starting with the rule of law and access to justice — and contributing to the success of the ongoing transformation.

This is neither mysterious nor casual: neglect of the judiciary is quite usual in Nepal. The undermining and sidelining of the judiciary over many years is part of a sordid story of collusion by political parties across the spectrum to weaken, co-opt and subordinate state institutions that deter impunity and constrain opportunism.

A quick measure of this neglect is the steady decline in the alreadymeagre annual allocation of state resources for the judiciary, today at its lowest levels of funding in years — a mere 0.34% of the government's budget, down from 0.57% in 2015-16. Continued failure to invest in this co-equal branch of government — the one meant to constrain unlawful action — undermines the transformational project of the 2015 Constitution.

Three years after the adoption of a new Constitution it is also necessary for the judicial branch to consider its role in ensuring that rule of law and access to justice is better under federalism.

While much hope has been placed in the 2015 Constitution, it cannot in and of itself transform the country's constitutional and political culture, which has been shaped over decades of perverse governance praxis that accepts collusion and impunity, crises and destabilisation, and backroom deals and horse-trading as normal.

New norms of politics must be embraced. The rule of law, and buttressing it the judicial branch of government, is at the heart of this reshaping of politics.

The rule of law is concerned with the principled exercise and accountability of governmental power. It requires adherence to the laws of the land, beginning with the Constitution, *by all*.

Elected representatives and appointed officials alike must abide by the same rules as everyone else, there is no special pass for those in power. Sadly, the main threat to federalism in Nepal is the absence of the rule of law, exemplified by ongoing abuse of the Constitution by those charged with protecting it.

It has been persuasively argued elsewhere that the rule of law demands public justification for the exercise of public power. This process must be championed by the judicial branch as the expression of its own authority, one to which public actors and citizens must learn to conform.

In the setting of the courthouse, the branches of government must justify the legitimate exercise of power and be able to defend their actions. The judicial process thus contributes to a constitutional culture in which the arbitrary exercise of power is discouraged.

It is in this sense that the rule of law may be talked about as a value. It is a critical, missing feature of Nepal's constitutional culture, one which the judicial branch of government must salvage, nurture and return to public service.

This is the first of a three-part series by

ललिता निवास क्याम्पा भित्रको जग्गा सम्बन्धमा सुवर्ण शम्सेर तथा कन्चन शम्सेर राणाको परिवारको तर्फबाट जारी गरिएको

हाम्रा बाबु तथा बाजे सुवर्ण शम्सेर तथा कन्बन शम्सेर ज.ब.रा. को ललिता निवास क्याम्पको घरजग्गा मुआव्जा बुफाई २०२१ सालमा अधिग्रहण भएको सम्पत्ति जफत नाममा फिर्ता गरी सरकारी जग्गा हिनामिना गरेको भनि बिभिन्न पत्रपत्रिकामा प्रकाशित समाचार प्रति हाम्रो परिवारको ध्यान आकृष्ट भएको छ। ललिता निवासको घरजग्गाको तथ्य देहाय बमोजिम रहेको व्यहोरा नेपाल सरकार, संचार जगत, सम्बद्ध निकाय तथा सर्वसाधारण सर्वेलाइ हामी अवगत गराउन चाहन्छी।

- 9. सुवर्ण शान्सेरको नाममा दर्ता श्रेस्ता कायम भएको ललिता निवास क्याम्या भित्रको घर जग्गा सुवर्ण शान्सेरले मिति २०१७३१९४ को वण्डापत्र मालपोत कार्यालय मिति २०१७७३३१ मा र.न. १४४७ बाट पारित गरी आफनी श्रीमती स्वेत प्रभा राणा-१, छोराहरू कनक शान्सेर राणा-१, कच्चन शान्सेर राणा-१ र क्वमझासेर राणा -१ लाई ४७ रोपनी दरले दिई बाँकी ४७ रोपनी जग्गा आफ्नै नाममा राख्नु भएको घर जग्गा हो ।
- २. २०१७ सालमा प्रजातन्त्रको हत्या गरी आएको तत्कालिन श्री ४ को सरकारले हाम्रा याबु तथा बाजे सुबर्णशम्सेर तथा कन्दन शाम्सेर समेत केही नेपाली नागरिकलाई २१ दिन भित्र नेपाल फार्कि नआएमा सम्पत्ति जफत हुने भनि तत्काल सम्पत्ति रोक्का राङ्गे गरी विशेष परिस्थिती नियन्त्रण एन, २०१७ को अधिकार प्रयोग गरी मिति २०१६।१९१२ र २०१६।१२१० मा राजपत्रमा सूचना प्रकाशित गरी आएको थियो । उक्त राजपत्रको सुबनाको आदेशलाई पालना नगरी हाम्रा बाबु तथा बाजे सुबर्ण शम्सेर र कन्चन शाम्सेर नेपाल फार्कि नआएको कारण देखाई श्री ४ को सरकारको मिति २०१९।३९२ मा सबै बडा हाकिम तथा मजिप्टेडललाई सुबर्ण तथा कन्चन शास्सेर समेतको सम्पूर्ण सम्पत्ति जफत गर्नु भनि पत्र लेखि जफत गरेको थियो । निति २०१९।३९२ मा अदालतबाट समेत फैसला गरी गराई हाम्रा बाबु तथा बाजे सुबर्ण शम्सेर र कन्चन शास्सेरलाई सर्वश्व सहित जनमकैदको सजाय समेत भएको थियो । ललिता निवासको सप्पत्ति जफत गरेपछि समराजंग कम्पनीलाई रेखदेख गर्न जिम्मा लगाएको पाइन्छ । काठमाण्डौ नगरपालिका बडा नं २३ मा पर्ने सुबर्ण शम्सेरको ललिता निवास बयाग्या भित्रको जग्गा रीष्ट्रियरूपग कफ्त नीरेलाई लेखाएका नवित्या भनि बाग्मती अञ्चलाधीश कार्यालयले समरजंग कम्पनीलाई लेखिएको पत्रको व्यहो भनि बाग्मती अच्चलाधीश कार्यालयले समराजे गफत गरिएको प्रष्ट गत्रको व्यहो । समेतवाट सुवर्ण र कन्त्वन शारनरेको सम्पत्ति जफत गरेण क्र प्रवीण प्रत्न श्रित्र वाय्वन श्रात्र को जगा रीष्ट्रियरूप भई सकेको भन्दै मोहीलाई लेखाएको पत्रको व्यहोत्र समेतवाट सुवर्ण र कर्वालयल शान्को कारणा रीष्ठ सारजंग कर्क्त गरिएको प्रत्य राज्र बाब्र यान्वेत्र स्वर्ण्व ।
- ३. २०१६ सालमा जफत गरी समरजंग कम्पनीलाई रेखदेखमा जिम्मा लगाएको जग्गा मिति २०२१।६१७ गते अधिव्रहण गर्ने भनि प्रकाशित नेपाल राजपत्रको सूचनामा सुवर्णशम्सेर र कन्चन शम्सेरको अंश भाग जम्मा जग्गा १४ रोपनी चानचुन श्री ५ को सरकार लागि सकेको भन्ने व्यहोरा उल्लेख गरी अठ जगा अधिग्रहण गरेको मनि देखाउन खोजिएको पाइन्छ । तर अधिग्रहण गरिएको भनिएको राजपत्रको सूचनामा उल्लेखित चार किल्ला मित्र को जग्गा नै अशियार विच २०१७ सालमा रजिस्ट्रेशन पारित भएको बण्डापत्रले सबै अशियारले ५७ रोपनी भन्दा बढी जग्गा अंशबाट प्राप्त गरेको रेविचन्छ। सुवर्ण शासेरले आफ्ना श्रिपति रडयोतालाई अंगवण्डा वापत दिई बांकी रहेको सम्पूर्ण जग्गा सुवर्ण शम्सेर के अंश भागमा बाँकी रहेको पनि बण्डापत्रमा उल्लेख गरिएको छ । ५७/४७ रोपनी भन्दा बढी अंशभागमा प्राप्त गरेका सुवर्ण र कन्चन शम्सेरको अंशभागमा जम्मा १४ रोपनी चानचुन जग्गा परेको भनि नेपाल राजपत्रको सुचनामा देखाउन खोणिएको छ। मिति २०२९।६७१४ मा अधियहण गाँने भनि प्रकाशित गरिएको राजपत्रको सूचनामा दुई जनाको अंश भागमा जम्मा १४ रोपनी चानचुन जग्गा मात्र अंश भागमा परेको भनि कसरी कायम भयो ? हाम्नो अंश भागको जग्गा यति उति भनि पारित अंश बण्डा बिपरीत कसरी कायम भयो ? हाम्नो अंश भागको जग्गा उल्लेख भएको अंश मागलाई अदल वदल गरी तत्कालिन सररकारको दवावपूर्ण भागवण्डामा देखाइएको जगा मात्र हाम्रो अंश भाग हो भनिहामीले स्वीकार्गुपत्रे होइन/छैन । प्रजातनको लडाइमा लागेका तमाम व्यक्तिको लागि पनि त्यो स्वीकार्यु हाँईन। रहित आंरियार ४७ रोपनीको अंश भाग बाट हिसको लागि पनि त्यो स्वीकार्यु हाँईन। रहित आंरियार ४७ रोपनीको अंश भाग वाट हिसको लागि पनि त्यो स्वीकार्यु हाँदेन । प्रति आंराया भर रोपने रोग प्रान्त प्रदर्ग संह अंशियाराको भागमा भारको स्वान पत्रा पत्राउन प्रय देखी स्वर दाक्र सात्र को सामा मान्य संत्र त्या पत्र सार्य गढा सात्र न स्वर त्र दल्व त्या रात्र सा त्र अंशियारा मलव स्वर रोपनीको रामा भात्र नायने स्वर व्य दां स्वरीका भामामा भार्य सार्य सार्य को स्वर्ग प्राप्त साज्य त्र सिक्र नात्र र सु। व्यर्सो स्वरीयारात्र भात्र भागा भात्र सार्य प्रान्त जाउने प्रष्य दे स्वर्य हर्य सारारात्र को भागामा भार्य स्वर्य सांस प्रान्य का स्वर्य सा य स्वर्य स्वर्य सार्य साराताको भारमा माण्य सिं भात्र साण्य स्वर्य सात्र सा

प्रेस विज्ञप्ती

अवस्थामा कसरी १४ रोपनी चानचुन मात्र भनियो । तत्कालिन पंचायती शासन व्यवस्थाको श्री ५ को सरकारले हाम्रो सम्पत्ति आफूखुसी अंशवण्डा गरिदिएकै आधारलाई हामी लोकतान्त्रिक समाज र नेपाल सरकारले त्यही ठिक हो भनि भ्रमपूर्ण समाचार प्रवाह भई रहन दिनु पक्कै हुंदैन होला।

नेपाल सरकारले २०२१ सालमा सार्वजनिक कामको लागि अधिग्रहण गरेको भनिएको जग्गामा नेपाल राष्ट्र बैंक बाहेक अन्य कुनै सार्वजनिक निकाय बसेका पति छैनन । सम्माननीयहरू बस्ने निवासका लागि जग्गा अधिग्रहण गरिएको देखिदैन । राष्ट्र बैंक र निजी निवासको क्षेत्र बाहेक खेतीमा प्रयोग गरिएको जग्गा मध्येवाद हामीलाई फिर्ता विइएको हो । अर्को तर्फ सरकारले अधिग्रहण गरी जग्गा प्राप्त गरेको भए हामीलाई धोतिपूर्ति (मुआव्या) बुफाएको प्रमाण देखाउन सरकारको पहिलो कर्तव्य मात्र हैन अन्तिम दायित्व पनि हो । तत्कालिन सरकारले जफरत गरेको जग्गा तत्कालिन सरकारले आर्फ २०२४, सालमा किन अधिग्रहण पर्ना पर्यो ? राजनीतिक छलड्यम होइन भने वसको जवाफ पनि सरकारले विन सत्मुपर्छ । अर्को तर्फ वण्डा छुटिएका दाजुमाईले विना मन्जुरी एक अर्काको क्षतिपूर्वत लिन सम्भव छैन । प्रचलित कानूनले सर्वश्व सहित जन्मकेंदको सजाय पाएका हाम्रा परिवारका सदस्य सुवर्ण दब्वैनन् । सुवर्ण शास्तेर रकन्वन शम्सेरको परिवार २०१७ साल देखि नै निर्वासनमा रहेको कुरा यहाँ प्रप्ट पार्न खाहन्छौ ।

नेपाल सरकारको मिति २०४७२११४, २०४७२११७ र २०४७४।४ का निर्णयले जग्गा फिर्ता लिएपछि हामीले फिर्ता पाएको जग्गा गैरकाननी रुपमा सरकारी जग्ग भूमाफियाले दर्ता गरी लिए खाए भनि अख्तियार दुरुपयोग अनुसन्धान आयोगमा उजुरी परी उक्त उजुरी उपर अख्तियार दुरुपयोग अनुसन्धान आयोगबाट छानबिन भई मिति २०६०।३१६ मा अन्तिम निर्णय भई तामेलीमा राखिएको छ । उक्त समयमा श्री सूर्यनाथ उपाध्याय अख्तियार दुरुपयोग अनुसन्धान आयोगको अध्यक्षमा रहनु भएको थियो । हामीले जग्गा विकी गरेपछि पनि सार्वजनिक र सरकारी जग्गा विकी गर्यो भूमाफियाले जग्गा खाए भनि पुनः अख्तियार दुरुपयोग अनुसन्धान आयोगमा उजुरी परेपछि अख्तियार दुरुपयोग अनुसन्धान आयोगवाट मिति २०६०।३१६ मा तामेली राखेको व्यहोरा समेत उल्लेख गरी केही कित्ता जग्गा हाल साविक गर्दा सरकारी र सार्वजनिक परेको भनि उक्त कित्ताहरुको दर्ता बदर गरी नेपाल सरकारको नाममा कायम गर्नु भनि मिति २०६४। २१२ मा अ.दु.अ.आ. ले गरेको निर्णय बिरुद्ध जग्गा खरिव गरेका व्यक्ति र मोही समेतवाट अ.दु.अ.आ. को निर्णय गैर कानूनी भएको भनि सम्मानित सर्वोच्च अदालतमा निवेदन परि माननीय न्यायधीश बलराम के.सी. र न्यायधीश राजेन्द्र प्रसाद कोइरालाको संयुक्त इजलासबाट उत्प्रेषणको आदेश जारी भई अख्तियार दुरुपयोग अनुसन्धान आयोगको मिति २०६४। २२० को निर्णय वदर गरेको छ । साथै उक्त निवेदनमा अख्तियार दुरुपयोग अनुसन्धान आयोग, मालपोत कार्यालय, गृह मन्त्रालय, समरजंग कम्पनी, जिल्ला प्रशासन कार्यालयका नाउँमा परमादेश आदेश समेत जारी भई फैसला कार्यान्वयन निर्देशनालयको पत्र बमोजिम व्यक्तिहरुको नाममा जग्गा दर्ता श्रेस्ता कायम गरेको छ । साथै हामीले फिर्ता पाएको र विकी गरेको कार्य समेतलाई पनि मिति २०६४।१९।३० को सर्वोच्च अदालतको फैसलाले सदर कायम गरेको छ । उक्त फैसला उपर पुनरावलोकन गरी पाँउ भनि अख्तियार दुरुपयोग अनुसन्धान आयोगले सर्वोच अदालतमा निवेदन दिएकोमा मा.न्या. मीन बहादुर रायमाँभी, मा.न्या. अनुपराज शर्मा, मा.न्या. खिलराज रेग्मीको पूर्ण इजलासले मिति २०६४।८।२० मा पुनरावलोकन हुनुनपर्ने गरी सर्वोच्च अदालतको संयक्त इजलासको मिति २०६४।१९।३० को निर्णय सदर कायम गरी भएका फैसला अन्तिम रहेका छन ।

अख्तियार दुरुपयोग अनुसन्धान आयोग तथा सम्मानित सर्वोच्च अदालतबाट हामीले फिर्ता पाएको निर्णय सदर कायम रहेपछि पनः केही व्यक्तिले सरकारले मआब्जा दिई गरेको जग्गा व्यक्तिले फितां लिइं खाए भनि *मिति २०७२।९ ६नि.न ०७२-ऋए-१८६४ को दुषित निर्णय एव लिखत वदर" मुद्दा काठमाण्डौँ जिल्ला अदालतमा दिई उक्त मुद्दा मिति २०७५।१।१९ गते फैसला भई हामीलाई फिर्ता दिने निर्णय सदर कायम भएको छ । उक्त मुद्दामा काठमाण्डौँ जिल्ला अदालतवाट मुआव्जा बफाएको वा बफिलिएको छ. छैन भनि पटक पटक भएका आदेश बमोजिम काठमाण्डौ जिल्ला अदालतलाई प्राप्त भएका जवाफको पत्र साथ नेपाल सरकार गृह मन्त्रालयको २०४४।४।१ को पत्रको प्रतिलिपि संलग्न गरि पठाएको देखिन्छ भन्दै उत्त पत्रमा ललिता निवासको जग्गाको मुआब्जा बुभाएको वा बुभितिएको रेकर्डवाट देखिएन भनि उल्लेख गरिएको व्यहोरालाई काठमाण्डौ जिल्ला अदालतले आफनो फैसलामा प्रष्ट सँग व्याख्या गरेको देखिन्छ । काठमाण्डौ जिल्ला अदालतको फैसलामा मुआब्जा बुभ्केको वा बुभ्काइएको नपाइएको र जग्गा फिर्ता दिने सम्बन्धमा मन्त्रीपरिषदबाट भएको निर्णय अख्तियार दरुपयोग अनसन्धान आयोगबाट खानविन गरि भएको निर्णय र सर्वोच्च अदालतको २०६४।११।३० को फैसला समेतलाई उल्लेख गरी फिराद दाबी बमोजिम दर्ता बदर नहने भनि फैसला भएको पनि छ । काठमाण्डौ जिल्ला अदालत बाट नेपाल सरकारका सम्बन्धित सबै मन्त्रालय र निकाय समेतमा पत्राचार गरी सोधपुछ गरिएको थियो । उक्त आदेश अनुसार मुआब्जा बुभोको बुफाईएको कुनै प्रमाण प्रस्तुत हुन सकेको थिएन∕छैन ।

प्रस्तुत छानविन समितिको प्रतिवेदनले यी र यस्तै प्रश्न उठाएको देखिन्छ । व्यक्तिको बैयत्तिक स्वतन्त्रा र सम्पत्ति माथिको अधिकारमा कानून र अदालतका निर्णयलाई निरर्थक बनाउने प्रयास पबकै पनि कानूनी शासनको सिद्धान्तले अनुमति दिंदैन । हामी तीनै सिद्धान्तमा विश्वास पनि गर्दछी ।

२०१८ सालमा जफत गरि रोक्का राखिएको सुवर्ण र कन्चन शम्सेरको सम्पत्ति २०२१

सालमा किन अधिग्रहण गर्नु पर्यो ? त्यसको जवाफ राज्यले हामीलाई दिनु नपर्ने हो र ? कि त राज्यले २०१८ सालमा जफत भएको सम्पत्ति २०२१ सालमा अधिग्रहण गर्नुभन्दा पहिला फुकुवा भई सकेको भनि देखाई अनि मात्र अधिग्रहण गरेको भनि प्रमाणित गर्नुपर्ने हुँदैन र ? हामी स्व. सुवर्णशम्सेर ज.व.रा. का सन्तान हकवाला हौ । सवर्ण शम्सेर स्वभावत प्रजातन्त्र प्रेमी भएको र प्रजातन्त्र स्थापना गर्ने आन्दोलनम सरिक भएकै कारण राणा शासनकालमा पनि देश निकाला भई परिवारै काठमाण्डौ बस्न नपाई कलकत्तामा बस्नु भएको र काठमाण्डौं को ललिता निवासको २९९ रोपनी जग्गा र घर सबै राणाकालमा सरकारले जफत गरेको थियो । सुवर्णशम्सेरले कलकत्ता बसी दोस्रो विश्व युद्ध ताका नै व्यापार व्यवसाय गरी धन सम्मति कमाउनु भएको र आफूले आर्जन गरेको सम्पत्तिबाट प्रजातन्त्र स्थापनाको लागि करोडौ खर्च गर्नु भएको करो जगजाहेर नै छ। लोकतन्त्र स्थापनाको लागि हाम्रा बाबु बाजे सुवर्ण शास्तेरले करोडौ रकम खर्च गरी आन्दोलन अगाडी बढाउनु भएको थियो जसमा हाम्रो परिवारको साथ र समर्थन पनि थियो। २००७ सालको कान्तीका लागि आफैले आर्जन गर्नुभएको रकम खर्च गर्नु भएको जग जाहेर नै छ। हाम्रो परिवार समेतको तन मन धन सारेतबाट २००७ धन सारेतबाट २००७ शासकले कब्जा गरेको सम्पत्ति प्रजातन्त्र पछि २००७ सालमा हामीलाई फिर्ता दिइयो । २०१७ सालमा राजा महेन्द्रबाट प्रजातन्त्र खोसिएपछि पुनः हामी निर्वारममा बरन बाध्य भयौ। सुवर्ण शम्सेर र कन्वन शम्सेरको सम्पत्ति रोक्का राखी पुनः जफत गरियो । कन्चन शम्सेर नेपालै फर्कन नपाई कलकत्तामा नै स्वर्गे हुनुभयो । त्यसरी रोक्का र जफत भएको सम्पत्ति २०४६ सालको कष्णप्रसाद भटटराईको नेतत्वमा रहेको नेपाली भाषा गर्भग प्राणा ८००४ सरकारको मन्त्रीपरिषदको विद्यायिकी अधिकार प्राप्त) कांग्रेस र वाम संयुक्त सरकारको मन्त्रीपरिषदको विद्यायिकी अधिकार प्राप्त) निर्णयबाट मात्र पुकुबा भएको हो । फिर्ता पनि त्थै निर्णय अनुसार भए गरेको हो । राणाकालिन एवं पंचायती राज्य शैलीले हामी माथि जति ज्यादती गरेको थियो त्य भन्दा बढी बेइज्जती गर्न बर्तमान सरकारले खोजेको देखिन्छ । सरकारको गैरकाननी भारत नहां बहुरवर्ता गर्म प्रतान राज्य होताल जानवनी वालाव्य । सरकारका गरावा हूं। निर्णय र ललिता निवासको जगगाको इतिहास बुक्तदै नबुक्ती एकतर्फी रुपमा तयार पारिएको छानविन समितिको प्रतिवेदनका आधारमा प्रकाशित समाचारबाट भ्रममा नपर्न हामी सबैसँग आग्रह गर्दछौं

४. ललिता निवास भित्रको जग्गा मिति २०४७२।१४ , २०४७२।९७ र २०४७।४।८ को मन्त्रीपरिषदको निर्णय अनुसार फिर्ता पाई हामीले २०६० सालमा नै हाम्रो नाममा रहेको सबै जग्गा विक्री गरेपछि २०६६ सालमा मन्त्री परिषदको निर्णय अनुसार सट्टा भर्ना गरिएको विषय र समरजंग कम्पनीको नाममा रहेको जग्गा टिकिचा गुठीमा परिणत गर्ने २०६९ सालको मन्त्री परिषदको निर्णयमा हाम्रो संलग्नता रहेको छैन । २०६९ मा भएको निर्णयको सम्बन्धमा पनि अखितयार दुरुपयोग अनुसन्धान आयोगवाट मिति २०९९६।९८ मा तामेलीमा राखिएको बुमिएको छ ।

.. नेपाली कांग्रेस पार्टीसँग हाम्रो अपेक्षा अभ्नै बांकी रहेको छ । नेपाली कांग्रेस सँग सम्बन्ध रहेकै कारणबाट हामीले आफ्नो सम्पत्ति गुमाउन मात्र परेन घर परिवारबाट बिछोडी बस्नु पर्या तापनि हामीले नेपालको प्रजातानिक आन्दोलनमा निरन्तर संतग्न रहेका बियौ । तापाईहरु हाम्रो निरन्तर साक्षी र संरक्षक हुनुहुन्छ । यस बबत ललिता निवास भित्र हामीले फिर्ता पाएको जग्गा कसरी जफत भएको थियो, अनि कसरी फिर्ता भयो यस सम्बन्धमा यथार्थ अध्ययन गरी तपाईहरुले आफ्नो बिचार बाहिर ल्याउनु हुनेछ भन्ने हामीले पूर्ण बिश्वास राखेका छौं ।

तत्कालिन श्री ४ को सरकारले २०१६ सालमा जफत गरेको जग्गा मिति २०२१।ध्नी४ मा साबंजनिक कामको लागि अधिग्रहण गरेको भनि राजपत्रमा सुचना प्रकाशित गरे पनि हामीले फितां प्राप्त गरेको जग्गा समरजंग कम्पनीलाई रेखदेखान जिम्मा लगाइएको जग्गा हो। बाग्मती अंचालाग्रीश कार्यालयको मिति २०२३।६१२३ को पत्रते १७ जना व्यक्तिलाई उक्त जग्गा क्माउन दिनु र कृत वालि उठाउनु भनि उल्लेख गरेको पत्रबाट पनि प्रष्ट रहेको छ । उक्त पत्रमा समेत ललिता निवासको जग्गा राष्ट्रियकरण भएको भनि उल्लेख गरिएको छ । सरकारले जफत गरी मौहीहरूलाई कमाउन दिएको कारणले भूमि सम्बन्धी ऐन, २०२९ जारी हुँदा जग्गा कमाउने व्यक्तिहरूले स्पे नापीको बखत फिल्डबुक तथा भूमि सम्बन्धी एन, २०२१ बगोजिम २ नं अनुसुचिमा आफ्नो नाम लेखी लेखाई मोही कायम गरे गराइएको देविन्छ । समरजंग कम्पनी मार्फत सरकारले कुत बाले उठाई खान २०२९ सातमा सार्वजनिक कामको नाम राखि जग्गा गरिग्रज गरेको होइन होता । जफतको सम्पत्ति भएको कारणले मोहीलाई कमाउन दिएको तथ्य उल्लेखित कार्यहरुवाट पनि प्रष्ट हुन्छ । अधिग्रहण गरेको भए अधिग्रहणको उद्देश्य अनुरुप सबै जग्गा प्रयोग भइसकेको हुन्थ्य। । त्यसैले सुवर्ण शाम्सेर र कन्वन शास्तेरको अफत भाग्रिकी निफत निर्म आध्राहण नभई जफत भएको प्रष्ट रहेको छ ।

- हो वा नियतवस १९४ रोपनी लेखिनु पर्नेमा १४ रोपनी मात्र उल्लेख गरेको देखिन्छ। दुई जनाको अंश भाग १९४ चानचुन रोपनी उल्लेख हुनुपर्नेमा १४ रोपनी चानचुन मात्र लेखिन गएको कारणबाट अममा पर्नु पर्ने देखिने । गलत सुचना प्रकाशित गरी अम सुजना गरिएको तर्फ पनि हामी तपाईहरु सबैको ध्यान आकृष्ट गराउन चाहन्छी। पत्रकार मित्रहरूबाट यस विषयमा खोजमूलक समाचार प्रकाशित हुने विश्वास राख्टछी।
- ४. हाम्रो परिवारको नाममा मालपोत कार्यालय काठमाण्डौंमा रहेको मोठमा उल्लेति क्षेत्रफल मध्ये (समरजंग कम्पनीलाई रेखवेखमा जिम्मा दिएको जग्गा मध्ये बाटा ६० रोपनी घर जग्गा मिति २०२९१९।२९ मा नेपाल राष्ट्र बैकलाई दिई बॉकी जग्गा हाम्रे परिवारको नाममा मोठ यथावत राखिएको रियो। जुन हामीले फिर्ता पाउँदाको अवस्था सम्म पनि मालपोत कार्यालयको मोठमा हाम्रे नाउँ कायम रहेको कुरा यहाँ प्रष्ट गर्न बाल्ड्रनीय ठान्दछों। नेपाल राष्ट्र बैकलाई ६० रोपनी जग्गा दिई बॉकी रहेको २१२ रोपनी जग्गा समरजंग कम्पनीकै रेखवेखमा रही रहेको कुरा मालपोत कार्यालयमा रहेको मोठमा उल्लेखित व्यहोराबाट पनि प्रष्ट रहेको छ ।
- ५. २०४६ सालमा प्रजातन्त्र पुनः स्थापना भएपछि कन्चन शम्सेर र सुवर्ण शम्सेर ज.व.रा का परिवारले हाम्रो बाबु तथा बाजेको नाममा ललिता निवास स्वाम्म भित्रको जग्गा मध्ये जफत भएको दुई भाग जग्गा फिर्ता र बाकी जग्गाको क्षतिपूर्ति पाँउ भनि दरखारत दिएको कुरा हामी प्रस्ट गर्ग खाहन्छी। विधायिका श्रीक्षणत समेत प्राप्त गरेको तत्कालिन नेपाल सरकार मन्त्रीपरिषदको मिति २०४७२(१४, २०४७२(१७, २०४७)४। का निर्णय समेतका आधारमा हामीले फिर्ता पाएका हौ। नेपाल सरकारको निर्णयमा उल्लेख भए अनुसार नै जग्गा फिर्ता दिंदा तोकेको हदसम्मको जग्गा मात्र फिर्ता दिएको छ । त्यस्तै श्री ४ को सरकारको श्रीधनमा रहेको जग्गा जानकारीमा आउना साथ तुरुत्त फिर्ता दिने भनि मन्त्रीपरिषदको निर्णयमा उल्लेख गरे वमोजिम नेपाल सरकारको स्वामित्वमा नगएको समरजंग कम्पनीको रेखदेखमा मात्र रहेको २१२ रोपनी जग्गा मध्येवाट सुवर्णशम्सेर र कन्चन शम्सेरको परिवार हामीलाई प्रचलित कानुनले तोकेको हदसम्मको जग्गा मात्र फिर्ता प्रदान गरिएको प्रष्ट गर्न चाहन्द्री । हामीलाई फिर्ता दिईएको जग्गामा त्यसबखत आउने जाने बाटो नमएको तर्फवा र मोही लागेको जग्गा मात्र फिर्ता दिव भी सा
- मालपोत कार्यालय काठमाण्डौले सुवर्णशम्सेर राणा र कन्चन शम्सेर राणाको दुई अंश भागको जग्गा फिर्ता दिंदा तत्काल प्रचलित भूमि सम्बन्धी ऐन, २०२९ ले तोकेको हदभन्दा बढी अर्थात ४६ रोपनी भन्दा बढी दिएको छैन । अर्को तर्फ भूमि सम्बन्धी एन, २०२९ प्रारम्भ हुंदा प्रत्येक परिवारले काठमाण्डौ उपत्यकामा अधिकतम ४६ रोपनी र तराई मधेशमा २६ बिगाह भन्दा बढी जग्गा राढन नपाईने कानूनी व्यवस्था भए अनुसार हाम्रो ४ जना परिवारको नाममा हदबन्दी भन्दा बढी जग्गा नेपाल राज्यमर छैन । काठमाण्डौ उपत्यकामा पनि हाम्रो परिवारको नाममा तोकिएको हदभन्दा बढी जग्गा दर्ता नभएको र नरहेको पनि प्रष्ट गर्न चाहन्छौ ।
- ७. समाचारको मुख्य आधार मुआब्जा बुभ्ताई अधिग्रहण गरिएको जग्गा भुमाफियाको मिलेमतोमा फिर्ता लिएको भनि सबै भन्दा बढी प्रचार गरिएको छ । सर्वप्रथम ललिता निवासको जग्गामा कन्दन शास्तेर र सुवर्णशास्तेर ज.ब.रा.को अंशभाग १४ रोपनी चानचुन जग्गा मात्र हो भन्ने के आधार र प्रमाण छ ? हामी बिच मिति २०१७३१४ मा रराषट्रेसन पारित भएको वण्डापत्र अनुसार सुवर्ण शम्सेरका श्रीमती र छोराहरुलाई कम्तीमा ४७ रोपनी आठ आना र सुवर्ण शम्सेरको भागमा बाँकी सबै जग्गा राखेको

अखितयार दुरुपयोग अनुसन्धान आयोगवाट मिति २०६०।३१९ र २०६४।२।२० तथा सर्बोच्च अदालतबाट मिति २०६४।११।३० र काठमाण्डौ जिल्ला अदालतबाट मिति २०७४।१)१९ मा फैसला भएपछि छेही व्यक्तिहरुले गृह मन्त्रालयका उजुरी दिई गृह मन्त्रालयको प्ररताबमा मन्त्रीपरिषदले मिति २०७४,।३१५ मा छानविन समिति गठन गरिएको रहेछ । उक्त छानविन समितिले ललिता निवासको जग्गा दिने सम्बन्धमा यस अघि सरकारी निकाय श्रीच भएका पत्राचार र कारवाही सम्बन्धी कागजात तथा अ.दु.अ.आ.को मिति २०६०।३१६, २०६४।२)२० निर्णयहरु एव सर्वोच्च अदालतको मिति २०६४।११।३० को फैसला र का.जि.अ. को मिति २०७४,११९९ फैसला समेतका कागज प्रमाणको अवलोकन र मूल्याकंन नगरेको मात्र हैन हामी सुवर्ण शम्सेर र कन्चन शम्सेरका परिवारलाई बुम्स्टै नबुफि एकलौटी प्रतिवेदन दिई मन्त्रीपरिषदमा मिति २०७४,१९१२ स्वा विभिन्न निर्णय भएको भनि प्रचारमा त्याइएको छ। उक्त कुनै कुराको जानकारी हामीलाई आजसम्म दिइएको छैन । हामीले जानकारी पाउँदा बखत

नेपालको संबिधानको धारा १२६(२) बमोजिम मुद्दा मामिलाको रोहबरमा अदालतले दिएको आदेश वा निर्णयको सबैते पालना गर्नुपर्मिछ मन्ने हाम्रो संबैधानिक व्यवस्था हो । सरकारको सबै निकाय तथा छानविन समिति समेतले उल्लेखित फैसलालाई पालना गर्नुपर्ने विषय हो भनि हामीले रोहोऱ्याउनु पर्ने होइन । अखिलयार, अवालतबाट भएका निर्णय र फैसलालाई कुनै उल्लेख नै नगरी प्रतिवेदन दिइएको कार्य आफैमा राजनीतिक पूर्वाग्रह राखी भए गरिएको प्रप्ट देखिन्छ, । विवादको अत्निम निर्णय कुन निकायबाट हुने ? कसरी हुने, कहिले हुने यस्ता प्रश्न उद्दने गरी छानविन प्रतिवेदन पेश भएको देखिन्छ, । के अब संविधान कानुनले तोकेको प्रक्रिया बमोजिम मन्त्रीपरिषदले गरेका निर्णय उपर अख्तियार र अदालतले तामेली वा फैसला गरी सदर गरेपछि चिन्त बुफोन मने सरकार समक्ष उजुरी निवेदन दिई त्यस्तो उजुरीका आधारमा सरकारले छानबिन समिति गठन गरी कानुनी शासनको मान मर्दन गर्न छुट भएको हो ? औन नागरिकले अव प्रशासनिक इच्छामा भर पर्नुपर्ने अवस्था आएको हो ?

१७. हामीले फिर्ता पाई हामीबाट बिळी भएका जग्गामा बिभिन्न घर तथा भौतिक संरचना निमार्ण भइरहेको देखिन्दुन । उक्त संरचना निर्माण गर्न काठमाण्डौ महानगरपालिकाबाट नक्सा पास भएको हुनुपर्दछ । जग्गाको नामसारी दर्ता, मोही बांडफोड, हाल साविक सुकिविकी भई आएको जग्गामा २४, २६ वर्षपछि एउटा उनाउ छानविन समितिको नाममा बिबाद सिजंना गरी राजनैतिक पूर्वाग्रह बाट हाम्रा विरुद् काम कारवाही भइरहेको हामीलाई अनुभूति भएको छ, । सरकार र राज्यका बिभिन्न निकाय अदातलवाट समेत पटक पटक निर्णय भएको विषयमा आजसम्म सरकारले नदेखेको र आज मात्र देखेको भनि अर्थ गर्न पबक्ते परि मिस्टैन होला । हामी प्रति पूर्वाग्रही भई हाम्रे परिवारलाई बदनाम गर्न अखितयार तथा अदालतबाट अन्तिम गर्न खोरिप्रको प्रति हामी दुःख वदनाम गर्न अखितयार तथा अदालतबाट अन्तिम गर्न खोरिप्रको प्रति हामी दुःख कार गर्दछी ।

अन्तमा सम्मानित अदालत र सम्मानित अख्तियार दुरुपयोग अनुसन्धान आयोगबाट अन्तिम निर्णय र तामेली समेत भइसकेको विषय समाचार माध्यमहरुबाट जस्सी समाचार प्रसारण भयो त्यस प्रति हाम्रो गम्भीर ध्यानकार्षण भएको छ। अतः उत्लेखित बुँदाहरुका सत्य तथ्यमा आधारित हाम्रो याग्भात्त सार्वजनिक गरी एक अतुलनीय ऐतिहासिक योगदान पुऱ्याएको स्व. सुवर्ण शम्सेरको परिवारजनमा पर्ने पिडाका लागि सबै जिम्मेवारीपूर्वक प्रस्तुत भई दिनु हुनेछ भन्ने विश्वासका साथ सबैसँग हार्दिक अपिल गर्दछै।

मितिः २०७६ १०९ १९४

शुवर्ण शम्सेर परिवारको तर्फबाट रुक्म शम्सेर राणा हेमाद्री शम्सेर राणा हाटक शम्सेर राणा George Varughese and Iain Payne who are associated with Niti Foundation.



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Nepal and the Ncell arbitration

Semanta Dahal and Vikas Mahendra

The spate of investment treaty arbitrations that have inundated developing countries in recent times has now reached Nepal. At stake is a Rs39.06 billion tax imposed by the Large Taxpayers Office (LTO) on Ncell, following a decision of the Supreme Court.

Ncell contested the LTO assessment, saying it is liable to pay only Rs14.5 billion. It also obtained an interlocutory interim stay from the Supreme Court on these grounds.

The initiation of investment treaty arbitration by Axiata Investment UK Ltd (Axiata UK) through an intermediate special purpose vehicle not directly investing in Nepal, while challenging the same action before the Supreme Court of Nepal and bypassing other statutory remedies, raises questions as to the use of investment treaty arbitration and the International Centre for Settlement of Investment Disputes (ICSID).

Axiata UK filed a request for arbitration at the ICSID regarding the capital gains tax levied by Nepal's tax authorities on the indirect transfer to Axiata UK of an 80% stake in Ncell through the sale of Reynolds Holdings Limited, by the previous foreign investor, TeliaSonera Norway Nepal Holdings AS, to Axiata UK.

The arbitration was initiated on the basis of the 1993 bilateral investment treaty between the governments of Nepal and the UK (UK-Nepal BIT). Ncell also initiated proceedings before the Supreme Court of Nepal challenging the CGT assessment.

In doing so, Ncell and its indirect shareholder Axiata UK have not availed statutory remedies otherwise available under Nepal's law. This presents the government with credible arguments to resist the investment treaty claims. First, it is doubtful Axiata UK's indirect acquisition of Ncell's shares qualifies as an 'investment' in the UK-Nepal BIT. Axiata UK's role in the transaction is limited to its



acquisition of Reynolds, which owns 80% of Ncell.

Moreover, Axiata UK is a wholly owned subsidiary of Malaysia-based Axiata Group Berhad. The Government of Nepal could argue that Axiata UK Ltd has no real interest in the transaction and is merely being used as a vehicle to bypass the jurisdictional hurdle of the UK-Nepal BIT.

It could be argued that Axiata UK is required to exhaust local remedies before resorting to arbitration under the UK-Nepal BIT. The ICSID Convention expressly provides that if a dispute arises, parties may refer arbitration if they are unable to resolve it within three months 'through pursuit of local remedies or otherwise'.

By its decision on 6 February, the Supreme Court held that capital gains tax could be levied on the transaction. Thereafter, the CGT was computed by the assessing authority, and this was also challenged by Ncell via a writ petition on 21 April. Subsequently, Axiata UK submitted its request for arbitration on 26 April. The sequence of events shows that the decision to invoke arbitration

made immediately pursuant to the calculation of CGT liability, instead of pursuing local remedies to challenge the assessment. The strategy appears to be motivated by the desire to avoid the requirement of depositing one-third of the disputed tax liability as a condition to challenge the assessment.

The government can now argue that the invocation of arbitration is against the letter and spirit of the UK-Nepal

BIT and the ICSID Convention. Ncell's present challenge before the Supreme Court is limited to the amount of tax, so it has admitted to a portion of the liability.

The Government of Nepal can now consider all options available, including raising preliminary objections on jurisdiction under ICSID Arbitration Rules and the ICSID Convention.

Semanta Dahal and *Vikas Mahendra* are lawyers and partners at Abhinawa Law Chambers (Nepal) and Keystone Partners (India).

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Istanbul Modern art

A special selection from the Istanbul Museum of Modern Art is now displayed in the Turkish Airlines Business Lounge at the new Istanbul Airport. The art work includes



examples that represent four main genres of Turkey's modern art, ranging from early 20th-century landscapes to abstracts created by artists fusing eastern and western styles during the 1950s.

Yeti ATR72

Yeti Airlines added its fourth ATR72-500 aircraft to its fleet last week. Its sister ship will be joining the airlines in May, pushing the number of Yeti's ATR72 aircraft to five.



The airline acquired the planes from Nok Air of Thailand, and will now be phasing out its BAe Jetstream 41s to save fuel and reduce its carbon footprint.

Qatar Premium

Qatar Airways offered First and Business Class passengers an upgraded premium experience 'like never before' from 30 April to 6 May 2019. Customers were provided



premium check-in desks, a generous baggage allowance, lounges and Qatar Airways' new Qsuite concept on board. The multiple-award-winning airline will add a number of new destinations to its route network in 2019.

UNICEF Representative UNICEF welcomed Elke Wisch as its new

UNICEF welcomed Elke Wisch as its new representative for Nepal, succeeding Tomoo Hozumi. A German national, Wisch has been with UNICEF for over 23 years and joined the UNICEF Regional Office for South Asia in Kathmandu in August last year until taking up her new post.

Hyundai Winners The winners of the bumper prizes in the

The winners of the bumper prizes in the Hyundai Festive Delight 2075 are Bhawana KC, who took home a Hyundai i20 Active, and Badri Kumar Khadka, who received a Hyundai Creta. Other winners took home cash and 10g of gold in the annual offer, announced live on Himalaya tv on 5 May.

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NATION

The genesis of elephant polo in Chitwan

Pachyderm polo was Nepal's star sporting event until it succumbed to the tide of public opinion in 2016

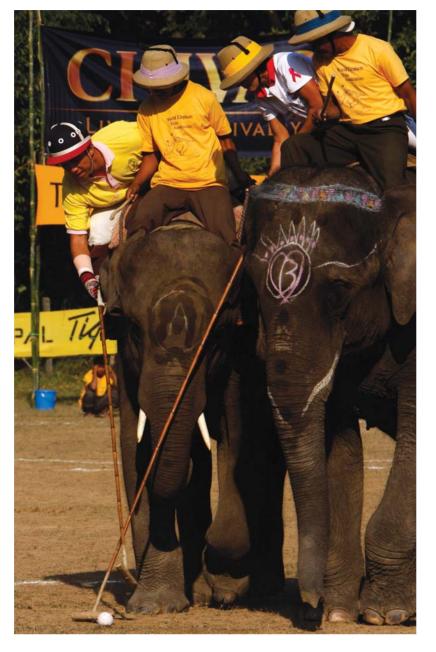
f G et up, get up, get up!" Raj's clipped staccato shout echoes across the polo field. My teenage son lay sprawled on the cropped green grass, his glossy chestnut skittering to a halt with the stirrups flying and reins dangling.



"Get up, Rinchen!" Col Raj Kalaan slapped his brown boots with a riding crop as he strode towards the winded boy struggling to his feet. "Pick up your polo stick, back onto the pony, grip with your knees and swing your arm."

We are at the Kalaan farm on the outskirts of Delhi. Myna birds fidget in the trees, the polo lesson progresses, and I continue to chat with Sunny the family matriarch amidst her buzzing flowerbeds and tinkling teacups in the soporific Haryana afternoon. My boys learned their subtle stick and ball skills from Raj, and aspired to the dashing expertise of his sons Angad and Uday, professional players who together comprised half the Indian national polo team. But Sangjay and Rinchen were far from that league, more comfortable with elephants than horses.

Col Raj's silver hair, neat moustache and military bearing with the sari-ed Sunny at his side were a familiar sight at both pony and elephant polo matches around the region, especially in India, Nepal, Sri Lanka and Thailand. But there was none of the taint of privilege or elitism about the Kalaans — Sunny's mischievous smile was all embracing and Raj shared his passion for the game with all comers, generous with his knowledge and patiently enduring



the teasing imitations of his archetypical clipped army accent.

"Raj could always be counted on for some pitch-side advice whether you wanted it or not, and he was always right," remembers master-hotelier Jason Friedman, one of many fans of the consummate coach. "On or off the pitch Raj was the supreme gentleman sportsman, trainer, friend, mentor and drinking buddy. He taught me the finer points of polo and made me a better player and person because of it."

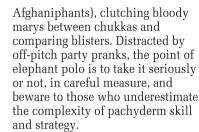


Raj (*above*) was a key figure at the annual world elephant polo championships, played on a makeshift polo ground adjacent to Chitwan's Meghauli airstrip. In adapting the game from the speed and agility of horses to the lumbering gait of elephants, the pitch was shrunk, polo sticks were lengthened and only two *chukkas* were played of ten minutes each, switching mounts at half time to neutralise the 'elephant advantage'.

Metal spikes (*ankus*) were banned, and pith helmets were mandatory in an effort to mitigate accidents. At the annual pre-match meeting around a blazing fireplace with whisky tumbler in hand, Raj could be relied on to slow down proceedings pedantically to review the rules, ensuring the safety and wellbeing of elephants and riders.

Four elephants with a driver and player roped onto the *gaddi* (padded saddle) comprised each team, and the ball used was the same as regular polo — the footballs first tried burst when stamped on. The field was festively lined with banners, team tents, commentary stands, pop-up shops, local musicians and hundreds of villagers gathered from far and wide to enjoy the spectacle.

Clad in white jodhpurs, riding boots and team shirts, the over-excited braying participants competed for barmy team names (Rusty Kukris, Pukka Chukkas, Tickle & the Ivories,



The novel idea was first revived by Jim Edwards on the back of a bar mat in St Moritz with bobsleigh champion and Scottish landowner James Manclark, between Cresta toboggan runs, inspired by a cartoon of the invincible Jaipur polo team that still hangs in the Rambagh Palace Hotel.

"I have the elephants," cabled Jim in 1982, "you show us how to play polo on them." From the start my task was organising this batty idea, and making it a success. In time, we attracted scores of highprofile sponsors, flash players and media attention; extra tents accommodated the overflow, and Lodge staff came to dread the extra work and long hours.

My career on the *gaddi* was undistinguished (though I did make the Tigress' team for a few years) but with their affinity for both mounts and mahouts, my sons went on to take all the glory. Sangjay (*pictured, left*) was three times world champion and twice became most valuable player. "Elephant polo's answer to Lionel Messi!" I overheard one awed sponsor describe him.

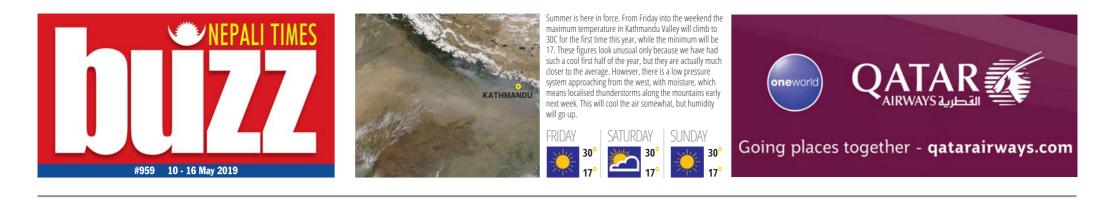
National Parks were the team to beat, and Chitwan government elephants used to supplement Tiger Tops' stable, all subject to the same strict rules to safeguard the highest standards of treatment and care. WWF experts certified our *hatisar* as a model of best practice, 'exemplary in Nepal and most responsible in South Asia', with each animal employing three local keepers, mainly Tharus, Kumals and Botes.

Conceived to raise funds for elephant conservation and wildlife research, and to fill a quiet shoulder season, WEPA ran for 35 annual championships (challenging Miss Nepal as the country's longest running event) before succumbing to the tide of public opinion. Nepal's last elephant polo championship was played in 2016.

In 1996, Col Raj Kalaan was instrumental in reintroducing polo to its historic roots in Mongolia, with Jim Edwards at Christopher and Enkhe Giercke's riding camp high above the silver ribbon of the Urkhon River. In the harsh clear light of Mongolia, the azure skies and grassland horizons stretched limitless as sturdy native ponies galloped towards the goal posts in a bevy of waving sticks, excited shouting and flying *dels*, the evocative Mongol robes. The descendants of Genghis Khan are more at home in the stirrups than on their feet, and took to polo with panache as flying hooves kicked up the summer dust. Released during the harsh winter months to fend for themselves, the Mongol horses are rounded up and retrained yearly after the snowmelt. Raj and Sunny arrived every July to embed the spirit of fair play into the herdsmen of the high steppes, and to mentor the Mongols on the finer points of polo: "No hooking above pony height!" Mongolia now fields a team to international tournaments. The Giercke pitch is marked by a prehistoric stone pillar that casts a long afternoon shadow. But not longer than the memory of Col RKS Kalaan, the epitome of polo, whose benign shadow lingers wherever polo is played throughout South Asia and beyond. 💟







Tune in and turn up support for education, say visiting classical musicians

Marty Logan

The original dream of Gerwig & González was to bring a grand piano from Germany, and fly it around Nepal from one school performance to another using a military helicopter. That idea was not very practical, so they settled on an electronic keyboard to leave behind in Nepal after their visit.

For the classical musicians from Germany and their two children, the experience does not sound at all like a failure — they were already making new plans for inspiring the growth of music in Nepal before flying home after a busy 15 days with the Kathmandu Jazz Conservatory (KJC) last month.

Sitting on a couch during a rare break in their schedule, Efraín González describes visiting a school outside the Valley where one of the teachers sat at the keyboard and played the Nepal national anthem with one hand. That sparked the idea to train at least one teacher in every school in Nepal to be able to perform the anthem daily on a simple keyboard.

"Why not? Why shouldn't we dream big?" González asks with the passion that obviously drove this latest musical mission to Nepal.

The pair, based in Germany, say they were impressed by the talent and potential of the Kathmandu Jazz Conservatory (KJC), but disappointed that the school does not have more resources for instruments and teachers. There are only three grand pianos in Kathmandu, and a city this size could do with more.

"There are millions of dollars for playing football and for running elections, there are billionaires who have way too much, and yet we



A gift of music to Nepali children



electronic piano. Donations came from friends and friends of friends worldwide, including a supporter in India who paid for two air tickets.

The concert that the family performed at KJC as part of the Katjazz International Festival this month was the first time the four shared the stage – including a piano duet for four hands by the parents -- although both children are experienced performers, and have been playing since age 3.

"We were very humbled to host the Gerwig & González at our annual Katjazz Festival," says KJC's Abhisek Bhadra. "We are primarily a contemporary music school but we have actively started to promote western classical music education from this year. We hope to host more musicians and educators as they play a crucial role in realising competent and holistic music PHOTOS: EFRAÍN GONZÁLEZ

year and after that he kept learning on his own, because his parents disapproved of him becoming a musician."

Her message: "If someone finds their passion in music, if it's really in their heart, then that is what they should do, even if it is difficult to make a living."

The two say they would love to return to Nepal to continue working with KJC if support can be found. Meanwhile, they hope to continue working with young musicians here via video-link from Germany.



little money for music education," said González.

Christine Gerwig, from Germany, and Efraín González Ruano, Mexico, (*right*) have been making music together for 10 years. The duo perform in concert halls and festivals throughout the

world, and also regularly conduct workshops for children in schools in Germany and Mexico.

The family worked hard raising money for the trip to Nepal, which Gonzalez had been dreaming about for years. Crowdfunding raised enough cash to cover costs for the parents and Alejandro, 11, a pianist, and daughter Valeria, 9, who plays both violin and piano. It also enabled them to donate the education in Nepal."

Besides visiting two schools, Gerwig & González also held a master class and teaching workshops at KJC. Gerwig remembers one young musician in particular: "He wasn't a KJC student but he was very good. He said he had taken lessons only for one

A keyboard brought from Germany by classical music duo Gerwig & González was a big hit at schools they visited around Kathmandu. The musicians also carried a message: it's time to invest in music education in Nepal.





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DAZZLING DOLPO



The unprecedented blizzards this year in Dolpo and other trans-Himalayan districts have affected spring-season trekking. Most high passes in Dolpo, and between Dolpo and Mustang, are still blocked by heavy snow, with many trekkers turning back or taking longer alternative routes.

With better road and air access, Dolpo has seen a spike in trekkers, with Shey Phoksundo National Park registering 514 visitors this past year. And with motorable roads opened on popular trekking routes, visitors are venturing further afield.

"Most trails in Upper Dolpo are still closed because the high passes got heavy snow, and even local villagers have not returned to their villages in Saldang," says trekking guide Norbu Lama, who adds that two Czech trekkers could not even cross Baga La (5,170m) recently because of snow. "I am taking one group this month, but worried about which route to take since almost of the passes are closed."

There is a risk of avalanches, and melting snow has made rivers rise to levels usually seen only in July-August. Says Tashi Lama in Ringmo: "Right now all the passes are snowed in, but with the temperature going up, we expect them to reopen soon." That will coincide with the yarsa picking season. Trekking routes to Upper Dolpo all have to cross numerous passes above 5000m, like Shey La (5,010m), Kanga La (5,360m), Baga La (5,310m) Numa La (5,310m) or Ghami Pass (5,310m) (*see map*). Kanga La is the most trodden route, but this season has been blanketed by heavy snow.

For those who do not want to cancel plans, there are alternative paths. Or it may also be worthwhile just trekking up to the stunningly beautiful Phoksundo Lake (*right*) to explore the surrounding mountains.

For adventurers who still want to trek up to Saldang and Bijer, there is also the route via Dho, Shiman, Tinge and, thanks to rising temperatures, Choi La and Sagar passes are now open.

The new road up to Triveni to the south and the upgraded airfield in Jufal means there are now more Nepali and foreign visitors here. Ringmo has eight new guest houses, and there is a lot of anticipation ahead of the Dolpo Festival in the Dho Tarap Valley, 10-14 September.

"In these past months, the number of tourists was fewer than last year because of the weather, but the flights have resumed and they are full both ways, says Dilip Karki of Tara Air in Nepalganj, the takeoff point for trekkers to Dolpo. Sonam Choekyi Lama in Dolpo Photographs by Bharat Bandhu Thapa



The other-worldly beauty of Phoksundo Lake at 3,660m.



Ringmo children out to welcome visitors.



Dolpo is getting into the mood for the Dho Tara

Nepal's Grand Trek Ro

A snew roads crisscross the mountains and valleys of the Himalaya, Nepal's most famous attraction – trekking – is unfortunately being sullied. When asked what facility they want most from the government, villagers living in remote districts unanimously respond: a road. It is therefore a given that the roads will be there, we just have to make sure that they are built with care so they are safe and do not damage the fragile slopes.

and do not damage the fragile slopes. A recent survey (*page 14-15*) has shown that three-quarters of Nepal's population now has access to at least a dirt road, and a quarter live near a black-topped highway. What this means is that while established trekking trails like the Annapurna Circuit or the Mustang Trek may have the familiar roadside noise and dust, better access also makes it feasible to discover remoter side valleys.



For example, after driving to Chame, more trekkers can now visit Nar, Phu and do the Seven Pass Trek from Manang to Mustang. When the Budi Gandaki road reaches Philim, it will make the Tsum Valley and Manaslu more accessible.

Roads will also make it easier for tourists looking for adventure in Nepal who do not have the four months necessary to do The Great Himalayan Trail at one go, to take it in instalments. You can now drive up to four days below Kangchenjunga base camp, trek for two weeks, and ride/fly out of Tumlingtar, then return the next season to do the next segment.

Despite all the road-building, there are plenty of pristine valleys, high passes and remote villages in the Himalaya where we can still go to experience the 'Old Nepal': Nyingma Gyansen La between Mugu and Dolpo, or Kang La in Manang (*left*) where you feel like you can venture no further on this Earth, or Tashi Labtsa Pass, from where

RAJENDRA LAMA





Spring has arrived along the Phoksundo River, but high passes are still snowbound.



Mt Dhaulagiri looms over Central Nepal on the flight from Nepalganj to Jufal airfield.



p Festival in September.



bad

you can peer down at the layers and layers of mountains and contemplate infinity.

The perfect guidebook for a cross-Himalayan trek is just out in its second updated edition. Robin Boustead's *The Great Himalayan Trail: A Pictorial Guide* has more recent photographs, excellent new maps from Himalayan Map House (*the GHT passing through Dolpo, above*) and lots of tips and information for both the first-time Great Himalayaner, or a return trekker doing it in chapters.

Trekking in Nepal has never been just about the scenery. It is also about the people and travelling along the traditional caravan routes, the rural trading trails or herders taking mountain goats to *goths* in the monsoon. It is along these trails that Nepalis and tourists visiting the country have formed a bond that goes back decades.

As Peter Hillary said at the launch of the second edition of Boustead's book recently in Kathmandu: "I have a love affair with Nepal because there is nowhere else with this scenery. But much more than that, it is also the people — Nepalis are the most open-hearted people in the world."

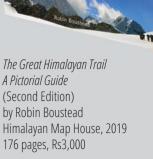
And what better way to meet Nepalis face-to-face than on the up and down paths, through villages and forests, across yak pastures and passing smiling faces on trail bridges.

'Although the mountains are beyond compare, it is the people you meet along the trail that linger in your memory... their indefatigable boldness and energy, their independence, strength and resilience when times are bad ... it is impossible to make a comparison but surely the people of the high Himal are the best of mankind?' Boustead writes in his Introduction.

After leafing through this book, and admiring the foldout panorama of the

Hongu Basin from the West Col, there will be very few who will not want to pack their gear and head off to do at least one part of The Great Himalayan Trail.

As the book makes clear, the GHT is not just for mountaineers — any fit person with basic climbing skills can do it. Traversing Nepal along The Great Himalayan Trail is the last great adventure left in the world today. *Kunda Dixit*



ABOUT TOWN

Times 10 - 16 MAY 2019 **#959**

EVENTS



Trishul

10

An exhibition of oil paintings by Pragendra SJB Rana featuring the "Trishul", an ancient relic known to Hindus as the thrice powerful weapon. Enjoy the evening, along with cheese and wine. *10-20 May, 5-8pm, Kathmandu Art, Le Sherpa, 9851177901*

Aama

Solo exhibition by Sandhya Silwal showcases artwork praising her mother for her patience, strength and energy. 7 *May-5 June, 5-8pm, Dalai-la Art Space, Thamel* (01) 4701436

Nude Carpet

A single-object exhibition, 'Object in Focus' Series - 2 features visual artist Kapil Mani Dixit exhibiting his work done in a used carpet. The exhibition showcases an object, artists and one big idea. *12-21 May, 10-5pm, The Taragaon Museum, Boudha (01) 6201035*



Yoga and Hike

Hike and meditate on the hills of Champadevi to find peace, freedom and full awareness of your body, mind and soul. Experience the guided journey with foot on ground and mind on mind. Call to book your space.

11 May, 8am (departure from Sooriya Wellness and Yoga centre, Lazimpat), Champadevi (venue) Rs1,500, (01) 4001714, (01) 4001719, 9818481972

The Missing Souls

This exhibition by Muna Bhadel is a nostalgic look back at the Dapcha Bazaar that the artist knew as a child. 12-21 May, 10-5pm, Taragaon Museum,

Boudha (01) 6201035



The Park Bazaar

Celebrate Mother's Day at Astrek Park, with your little ones. Enjoy various fun activities, indulge yourself in wonderful local stalls, mouth-watering food and super healthy juices, or simply sit back and sip a glass of wine.

12 May, 10am onwards, Astrek Park, Thamel

Military to Market

Political ethnographer Amanda Chisholm will discuss how security work is constructed and valued, through a detailed account of the people who work as security contractors. *15 May, 5.30pm, Yala Maya Kendra, Patan Dhoka (01) 4472807, 4480091*



Poetry Night

Join this poetry and storytelling night, where you will hear from the brave ones who dare to recite their stories. 10 May, 6-9pm, Tales from Palpasa, Thamel (01) 4266886

Lost in Transition

Siddhartha Art Gallery presents Lost in Transition, an exhibition of Mann Gurung's paintings and drawings. Gurung is the recipient of the Himalayan Light Art Award. *10-23 May, 11-5pm, Siddhartha Art Gallery, Baber Mahal Revisited (01) 4218048 Review: Page 12*

MUSIC



Kanta Dab Dab

Kanta Dab Dab introduces you to contemporary Nepali music where western meets ethnic, traditional and classical. The soulful music of this band cannot be missed. *11 May, 8-11:45pm, Shisha Lounge & Bar, Thamel (01) 4701104*

Jam-up Session

Jam-up with other musicians in Bikalpa Arts Cafe & Bar. Not an open mic but you can shoot a message to their Facebook page if you want to play. *11 May, 6:30-10pm, Bikalpa Arts Cafe & Bar, Pulchok, 9851147776*

Funky Afternoon

Enjoy funky music? Swing by Funky Afternoon at The Yard, featuring the band What The Funk, dedicated to the funk genre of music.

11 May, 3pm onwards, Rs300, Sanepa (01) 5532965



The Soul Nepal

Indulge in melodic songs by The Soul Nepal to delight your evening. End you busy week on a high note with good food, drinks and music. 10 May, 7-10pm, Fiesta Lounge & Postaurant Themel, 091855 2000

Jazz & Funk

One By Three But Whole plays jazz, funk and blues tunes. Listening to the trio will be an



DINING

Bayleaf

Drop by this garden restaurant for multicuisine food. Serving special Burmese dishes like Burmese Tofu Thoke, Khao Swe Thoke (noodle salad), Mohinga (fish noodle soup) and other signature pork dishes. *Tangal, opposite Attic Bar (01) 4437490*

Garden Terrace

Taste from a wide selection of international cuisine including Nepali, Indian, Continental, Oriental, Japanese and Italian. Relish delicacies from the hotel's lavish buffet spread or order a la carte dishes from the elaborate menu while you gaze at the picturesque landscape. *6:30am-10:45pm, Soaltee Crowne Plaza, Tahachal (01) 4273999 ext 6560*



The Bent Fork

This European style restaurant offers the best salads and varieties of continental dishes. Try their signature Grilled Chicken Burger or Beef Burger. Enjoy cosy evenings with family and friends. *Bishal Nagar, 9802049888*

The BLVD

The newly renovated restaurant at Hotel Royal Singi serves healthy and flavourful gluten-free meals. Try Quinoa Tabbouleh served with grilled skewers of paneer, mushroom, tomato, pepper and onion. Enjoy a meal with your family and friends. *Lal Durbar, Kamaladi (01) 4424190/ 4424191*



GETAWAY



Hotel Heritage Bhaktapur

A Newari-style boutique hotel influenced by the rich art and architecture of the ancient city of Bhaktapur. The culture starts and ends at the gate of the hotel. *Suryabinayak, Bhaktapur (01) 6611628*

Buddha Maya Garden Hotel

Wake to the sounds of birds, relax in the beautiful garden and take a 5-minute walk to reach the Maya Devi Temple. Enjoy the peaceful atmosphere with comfortable rooms.

Lumbini, (71) 580219/220, 9801033114



Hotel Annapurna View

The new boutique hotel situated at 1,600m in Sarangkot offers everything: sunrise, the Annapurnas, a view of Phewa Lake, serenity and luxurious accommodation. *Sarangkot, Pokhara (01) 443566*



Hotel Yukhang This new hotel is a combination of Newari & Tibetan architecture, built with Dachhi appa bricks from the Malla era, and including Bhaktapur's wooden crafts to add a royal and medieval touch to your stay. Thamel (01) 4267358

amazing experience. 11 May, 7-11pm, The Bar Bar Black Sip, Thamel, 9803859320





Opened in Kathmandu on 10 May

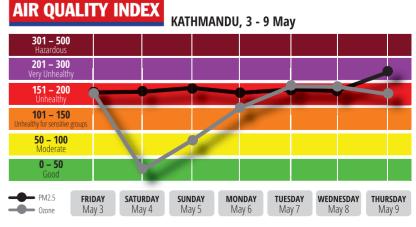
This teenage romantic comedy features current heartthrob Tiger Shroff and introduces two hyped newcomers, Ananya Pandey and Tara Sutaria. Teenage excitement, rivalries, dances, fashion, sports — the movie has it all. The first edition of the film, in 2012, introduced three newcomers, of whom Alia Bhatt and Varun Dhawan went on to become Bollywood stars. So all eyes are on the newcomers in this edition, directed by Punit Malhotra.

Embers

A large, cosy place serving a variety of cuisines. The traditional, marinated boneless chicken kebab served with vegetables, rice and chutney is delicious. *Krishna Galli, Pulchok (01) 5555306*

Meghauli Serai

Relax with fine dining and wildlife safaris in Chitwan at Taj Safari's luxurious lodge, where rooms reflect local aesthetics. *Chitwan National Park, 9851218500*



The daily average of the Air Quality Index in Kathmandu was persistently in the red Unhealthy zone all of last week. This week, it has jumped to the Very Unhealthy purple zone. In addition to vehicle emissions within Kathmandu Valley, the air quality of late has deteriorated because of two seasonal phenomena: wind-blown dust from the Thar that is common this time of year, as well as a spurt in brush fires across the Tarai and the mid-mountain regions, which have added dust and ash to the Valley air. To make you feel worse, toxic ozone gas has hit a new high with the longer duration of direct sunlight.

https://np.usembassy.gov/embassy/air-quality-monitor/

CULTURE

Good as old after two earthquakes

Patan's historic temple is not just being rebuilt, but restored to its pre-1934 look

Kabita Maharjan

hen an 8.3 magnitude earthquake struck Kathmandu Valley on 15 January 1934, killing more than 10,000 people, among the destroyed structures was the 17thcentury Bhaidega temple in Patan. The three-tier pagoda temple was quickly rebuilt, but in the Moghul stucco dome style.

Eighty-one years later, the Kathmandu Valley Preservation Trust (KVPT), with support from the Norwegian Embassy, had just started restoring Bhaidega in its original tri-pyramid design when the 25 April 2015 earthquake hit. Four temples nearby went down.

Reconstruction of temples that were destroyed in both 1934 and 2015 are now simultaneously nearing completion in Patan, drawing attention to how damage from the two earthquakes often overlap in Kathmandu Valley.

"There was so much destruction here in 1934 that many of temples were quickly rebuilt in the Moghul style, but finally Bhaidega is being restored to its original glory," says Rohit Ranjitkar of KVPT.

Architecture is much more than the sum of its structural elements, and nowhere is this more true than in Kathmandu Valley's historic monuments. The structures go well beyond physical materials like wood, stone and bricks, and include intangibles that give them inter-generational continuity. After 2015 devotees continued to worship their gods amidst the ruins of destroyed temples.

Located at the western edge of Patan Square, the three-storey Bhaidega was supported by exquisitely carved wooden struts and capped by a golden pinnacle. After 1934, Nepal's Rana rulers rebuilt it to less than half its size using the cut-and-paste Moghul dome design like other damaged structures in the Valley.

Luckily, many carved eaves, columns and stone carvings at the base were preserved, and have featured in Bhaidega restoration. Nearly 20 artisans from Bhaktapur and Patan are hard at work at the site re-carving the missing pieces.

The temple is named after its creator, Bhagirath Bhaiya, a





0 0 0

commoner who rose to prominence

Bishwanath form of Lord Shiva. It

is the only temple in Darbar Square

"It was a travesty that such

an important monument was not

rebuilt in its original design after

Fortunately, there were some

grainy black-and-white photographs

in Patan and built the structure

in 1687, dedicating it to the

not commissioned by a king.

1934," says Ranjitkar.

OLD IS GOLD: Artisans busy rebuilding Patan's Bhaidega temple to its original design (top).

Photograph of the old Patan courthouse with the pre-1934 Bhaidega (above, left).

The same view with Bhaidega rebuilt in the Moghul stucco dome style. (above, right)

Drawing of what Bhaidega will look like when restoration is complete next year (*left*).

> taken before 1934 as well as meticulous sketches by Henry Ambrose Oldfield, a surgeon at the British Residency in Lazimpat in the 1850s, which showed the original form of the

temple. "Without Oldfield's drawings, we might not have known what the original looked like or that it had been altered," explains Ranjitkar.

Based on these early records, restoration work began in January 2015 with



a ritual *Chhyama Puja* performed by *tantrik* priests. But within three months, the 7.8 magnitude quake struck, destroying many of the temples that had survived 1934. The priority shifted to rebuilding the other Patan temples and work on Bhaidega was delayed.

KVPT has tried to salvage as much of the original material as possible for the reconstruction, but for new wooden columns and struts the right kind of timber was needed and artisans with carving skills had to be located.

Earthquakes have actually helped keep the ancient craftsmanship of Kathmandu alive because of the need to rebuild temples and monuments. However, Ranjitkar is worried that the traditional skills required are disappearing and it will be difficult to find expertise in future

Reconstruction of

Bhaidega is expected to be completed by November 2020, with support from Lalitpur Municipality and Prithvi B Pande of Nepal Investment Bank. KVPT is also involved in rebuilding nearby Char Naravan, Hari Shankar and Krishna Mandir temples and other monuments like Mul Chok and Sundari Chok.

KVPT believes in transparency in its projects – quite literally. The artisans crafting pieces for Bhaidega work behind a seethrough plastic fence so passersby can observe the skill and devotion needed to build these ancient temples. There are other structures in Patan Darbar Square that were also rebuilt after 1934 with stucco domes and need to be rebuilt in the original *shikhara* or pagoda styles. The Mangal Bazar police station itself is where a large shikhara temple once stood.

Says Ranjitkar: "Our immediate focus was on Bhaidega as there were sketches and photographs of the original structures. Earthquakes happen once in a generation, and what matters is how we rebuild after each. If we fail to maintain our tangible heritage, we will weaken our intangible heritage." 💟





Join a field trip to Patan Darbar Square, where restoration architect Rohit Ranjitkar takes us on a tour of the Bhaidega Temple, which is being restored to its priginal pre-1934 form after it was destroved in the earthquake.

ritish

Aode College



Admission Forms are available from the Admissions Office 9:00 AM - 5:00 PM

ADMISSIONS OPEN

A Levels

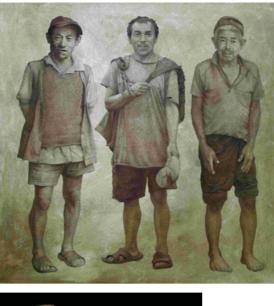
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Intake June 2019



HAPPENINGS





Lost in Transition

hough the medium is oil on canvas, Mann Gurung employs only sepia tones in his paintings, evoking the era of old photographs. Indeed, his artwork harks back to an older, more innocent time in Nepal. The women still wear the fariya choli, and the men are in *patuki* and *dhaka topi*.

Gurung's second solo exhibition, Lost in Transition, opened at Siddhartha Art Gallery in Baber Mahal Revisited on Thursday, and will run till 9 June. Though most of the works are oil paintings, there are also graphite and ink drawings. They differ from his previous solo

exhibition Power, Politics and War, which was predictably focused on politics. This time around, the emphasis is on a visual depiction of social change.

Gurung has captured women who collected milk in wooden *theki*, and have now turned to plastic Coke bottles. Though they cling to traditional dresses, they cannot help wearing Crocs on their feet. He has captured the *dhyangro* hand drum, an important instrument in his community that seems torn and neglected, and an old record player that looks like it hasn't been used in a while.

These portraits are from Khorla, a mountain village in Gurung's home district of Gorkha. Collectively, the impression is of a bygone era: of a place caught in transition as traditional values are fast being replaced by modern ideas. Gurung's paintings capture the reality of most of Nepal today. With the youth migrating out, the elderly and women are left to fend for themselves. It is an uphill battle to cling to their traditional lifestyles.

Gurung believes he has captured the last of a generation that carries our identity, as younger Nepalis are 'already fitted out in denims and pride themselves for embracing western culture'.

"They have already made a transition from *madal* to box speakers, *rodhi* to mp3 players, hand sewn bags to polythene ones, handmade garments to imported polyester, bamboo baskets to zebra bags, and from *sanduk* to flatscreen TVs. We will soon lose the older generation, erasing hundreds of years of our identity, tradition and culture," laments Gurung.

His paintings force us to ponder identity, how we can hold on it, and whether it is even possible. The paintings are a testament to a lost time, and present Gurung's concern for his own heritage, which he seems powerless to conserve. But at least he has preserved and documented a part of his culture in his art. 💟

Lost in Transition Siddhartha Art Gallery, Baber Mahal Revisited Until 9 June

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UNCHARTERED WATERS: Chairperson of Federal Socialist Forum Nepal Upendra Yadav and coordinator of Naya Shakti Baburam Bhattarai form a new party Socialist Party of Nepal with unification of their former parities on Monday.



ON STREET FOR THE STREET: Local people and businessmen in Baudha block the streets on Thursday to protest the delay in blacktopping of the road near the heritage site.



FOOD-VAGANZA: Indian ambassador Manjeev Singh Puri lights a lamp to open a South Indian food extravaganza at the Hyatt Regency Hotel on Friday.





NEPALI TIMES

HOMECOMING: FC Zurich and Swiss National team's Malin Gut with the players of the Mahila Premier League during a workshop in Kathmandu last week. The 19-yearold Swiss footballer was in Nepal to explore her grandmother's heritage



Health at home is an organization which facilitates home based health care services. Health at home service promotes health care i.e., out of hospital setting to the clients. Being the first of its kind in the whole South Asia, Health at Home is here to cater to the needs of those who desire health care facilities to be delivered at their doorsteps.

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generalist.	experienced professionals.
Lab on Call	Physiotherapy on Call
All kinds of lab related work by professional lab	Physio/Electro/Acupuncture therapy by
technician.	qualified and experienced physiotherapist.
Elderly Care Assistant	Travel Support for Sick Clients
Fine and professional care by our qualified and	Travel support for sick clients are provided by
experienced care giver.	professional.
Appointment Management	Equipment Rental & Drug Supply
Apointment management with required doctors	Drug supply at your doorstep and best quality
in different hospitals.	medical equipments in rent.



4436307

Women of substance

Himalkhabar.com

RANJANA BISWOKARMA LAWYER

Eew of Ranjana Bishwokarma's friends in Mahottari have passed Grade 10, and most were married young, which makes her journey to be a lawyer in the Patan High Court all the more extraordinary. She was determined to support her family and completed her masters in law and a postgraduate degree in management.

"I could accomplish all this because of my parents and my hard work," says Ranjana, whose father and mother are now rightfully proud of her. Ranjana herself feels she is now in a position to legally do battle for justice and against discrimination based on gender, caste and religion. "I want to serve society through my legal skills," she says.



SULOCHANA POUDEL ARMY MAJOR

When the Nepal Army opened its doors to women as officer cadets 14 years ago, then college student Sulochana Poudel of Thimi immediately joined. She was always fascinated by army parades at the nearby Gothatar barracks, and had wanted to become a soldier for as long as she remembers. Today, thanks to hard work and determination, Sulochana is now an army major.

She is the first woman to take the Nepal Army's Command and Staff course, and a road has now opened for her to become a brigadier general. If she is able to participate in the National Defence Course, she could even compete to become the first female chief of the Nepal Army.

"I grew up in a traditional environment. Some didn't get the opportunity to study like me and some got better education than me. But Nepali society is changing for women and that is what is most important. We have still have a lot more to do, but we have also achieved a lot."



MAY

Having scored 29 international goals for Nepal's national foot team, 'Samba' has not only established herself as a ferocious striker, but has also become an inspiration for other Nepali young women.

Now 23, Sabitra grew up working in the fields of Pamchok village in Lamjung. The second of four sisters, she did not wear kurtas or saris and was a bit of a 'tom boy' with short hair and blonde highlights, which earned her the nickname 'Samba' after the Brazilian dance.

SABITRA BHANDARI

FOOTBALLER

Sabitra wore football boots for the first time for a women's match in a neighbouring village. But her career kicked off when she was invited to play for the APF Club in kathmandu.

As she prepared to leave for the city, she was told that girls should not take such a journey alone. But Sabitra ignored that advice and snide comments from her neighbours.

Today she is able to help her father pay the tuition fees of her sisters and brothers at home, a football field is being built in her village in Lamjung, and the neighbours who dissuaded her now welcome Sabitra with pride, saying, "Take other young girls from the village to play football with you."

MAYA GURUNG MOUNTAINEER

When Maya Gurung was a child in Sindhupalchok, she used to gaze out at the Gyalzen Peak of the Jugal Himal Range and dream one day of setting foot on its icy summit. But her parents wanted her to get married and have children.

At age 14, her parents fixed her wedding to a person she had never met. One day before the ceremony, the seventh grader ran away from home. Two days later, police found Maya and brought her home, but her father refused to let her enter the house because of the shame she had brought on the family. In 2008, Maya became part of the First Inclusive Women Sagarmatha Expedition and reached the top of Mt Everest, the first woman from the Gurung community to do so. Her village organised a program to honour Maya, and invited her father. With tears in his eyes, Maya's father admitted that he had not known that of his daughter's determination and interest. He asked for forgiveness, and Maya hugged him tearfully.

Today, Maya helps trafficked girls from her district who have been rescued to become trekking guides. For that work the Nepal Government honoured her with the 'Prabal Jana Sewa Sri Padak' award.





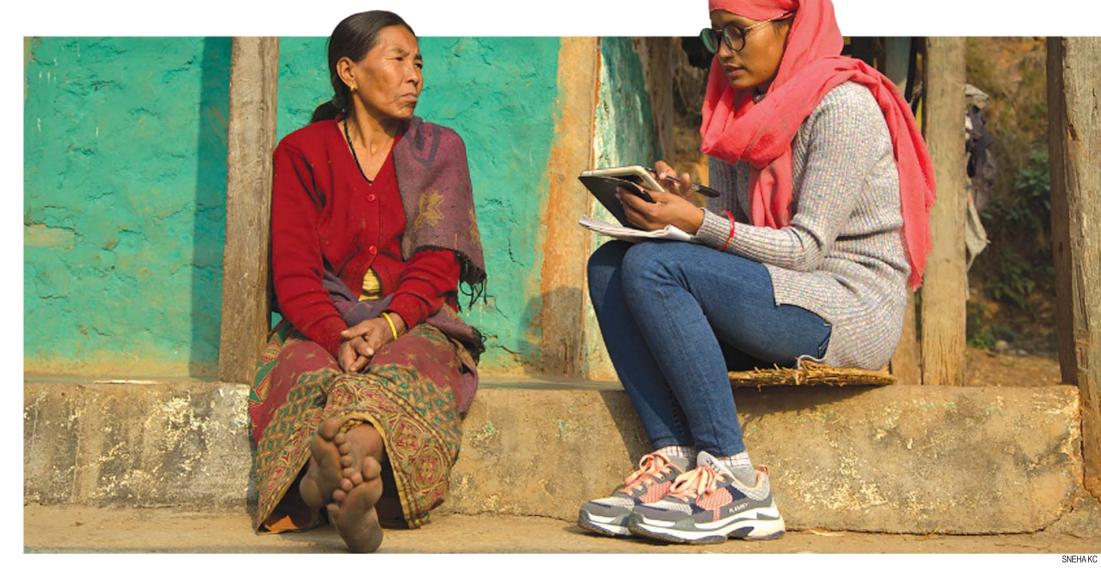




*Sensitive teeth may indicate an underlying problem which needs prompt care by a dentist. If symptoms persist or worsen, consult your dentist. With twice daily brushing. Visit your dentist regularly. ^When used as directed on pack, individual results may vary. Trademarks are owned by or licensed to the GSK group of companies. NATION

10 - 16 MAY 2019 #959

Survey is wakeup call for



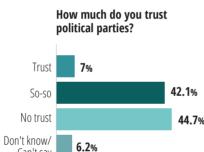
Public opinion poll shows the people's trust in government is falling sharply

14

Analysis by **Rameshwar Bohara**

There was great hope among Nepalis that the first local government elections in two decades, in 2017, would finally improve accountability and help raise living standards, but a recent public opinion poll shows that their optimism has faded.

Two years after the local governments were formed and a year after provincial and federal governments took office, most Nepalis say they are disillusioned with their elected representatives in all three tiers of government. There is a yawning chasm between slogans and performance. The Nepal Communist Party (NCP)



out by Sharecast Initiative Nepal among a sample size of 4,129 respondents in 42 districts, reveal that disillusionment is greatest in areas and among groups with greater access to the mainstream press and social media.

While most of the results indicate growing public dissatisfaction with the government, 41% agreed that the country was headed in the right direction, while 27% felt it was going the wrong way. This is a slight decline compared to last year's Snarecast survey, when 43% of respondents felt the country was on the right track. This result corresponds with findings of A Survey of the Nepali People, carried out by Inter Disciplinary Analysts and Kathmandu University among a much larger sample size (7,056)

in 73 districts in 2018. That poll showed that overall 51% of the people felt the country was headed

36.7%

53.8%

identical in the Sharecast and KU/ IDA surveys even though they were taken a year apart.

on the right track.

Indeed, overall the people of the Tarai seem more convinced than those living in the mountains that the country is moving in the right direction.

How much do you

24.2%

17.2%

54.9%

trust the Police?

Trust

So-so

Don't know/ Can't say **3.7%**

Don't trust

A cross-tabulation of the responses shows that the more educated Nepalis are, the more they seem to think the country has drifted off track. And among ethnic groups, the Newa population seems to be the most cynical about where the nation is headed.

The Sharecast survey also shows that the Nepali people were at best apathetic and at worst negative about the work of the federal government in the past year. Only 4.2% were satisfied, 35% were dissatisfied and nearly 61% said they were neither satisfied nor dissatisfied.

the right way.

Believe

Not much

Don't believe

Don't know/

Can't say

Responses to the question broken down by province are

Do you believe what

political leaders say?

5.5%

3.9%

The highest percentage of those who think the country is headed in the wrong direction is in Province 3 (34%), while 56% of respondents in Far-Western Province say Nepal is

President Bidya Devi Bhandari's office, only 7.8% said yes while 14.6% said they did not trust it at all. This is likely due to press coverage of profligacy of her office, and frequent traffic snarls caused by presidential motorcades.

Can't sav

government that promised

'Prosperous Nepal, Happy

has never been greater.

Nepalis' and 'Zero Tolerance

of Corruption' is seen to not be

walking its talk. Public disdain

for politicians and their parties

correlation between widespread

media coverage of the executive,

legislature and judiciary being

interest groups and the public's

negative perception. For example,

under the control of vested

when asked if they trusted

There appears to be a

The survey results, carried

It is not unusual that Province 3 is so cynical, since it includes Kathmandu Valley, whose citizens are most exposed to media reporting of corruption and the lack of accountability. Residents of the Far-Western Province and Province 2, by contrast, still seem to hope that things will get better.

The greatest discontent about the conduct of the federal

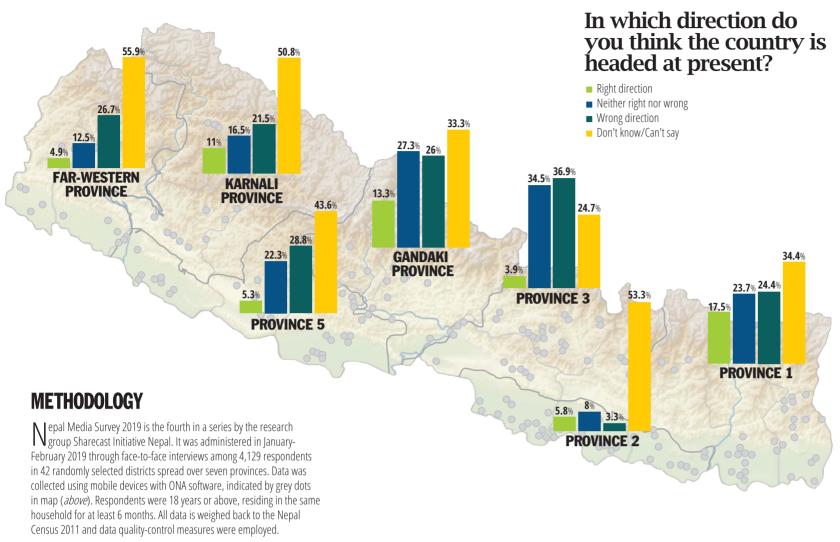


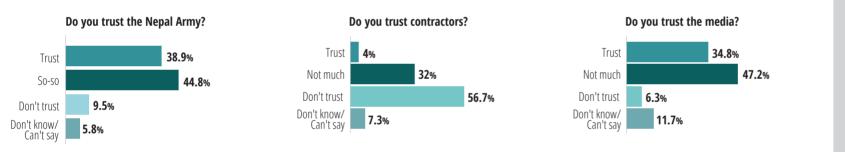
कानन बमोजिम लिनपर्ने इजाजत नलिई वा इजाजत पत्र नवीकरण नगराई वा इजाजत प्राप्त व्यक्तिको मृत्य पश्चात हकवालाको नाममा नामसारी नगराई वा अन्य जनसकै तरिकाले नेपाल राज्यभित्र कोही कसैले अवैध हतियार र खरखजाना राखेको भए यो सुचना प्रकाशित भएको मितिले ३४ (पैतीस) दिनभित्र नजिकको प्रहरी चौकी, जिल्ला प्रहरी कार्यालय वा नेपाली सेनाको व्यारेकमा अनिवार्य रूपमा बुरुाउन हुन नेपाल सरकार (मन्त्रिपरिषद) को मिति २०७४/१९/१८ को निर्णय अनुसार यो सचना प्रकाशित गरिएको छ ।

यसरी हातहतियार र खरखजाना बुर्छाउन ल्याएमा यसअघि ती अवैध हातहतियार र खरखजाना राखेको कारणले मात्र त्यस्ता व्यक्तिलाई कनै काननी कारवाही नचलाइने हँदा तोकिएको समयभित्र अवैध हातहतियार तथा खरखजाना अनिवार्य रूपमा वजाउनहन सम्बन्धित सबैमा जानकारी गराइन्छ । यदि इजाजत प्राप्त नगरी आफुसँग रहेका हातहतियार तथा खरखजाना तोकिएको अवधिभित्र स्वेच्छाले नबुछाएमा त्यस्ता व्यक्ति उपर प्रचलित कानून बमोजिम कारबाही हने व्यहोरा समेत सूचित गरिन्छ ।



Nepal government





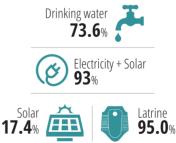
government in Kathmandu is in Far-Western Province – indicating that despite devolution people living in the periphery still feel neglected. But even the centre is not impressed with the centre. Most respondents in Province 3 had a dim view of the federal government's functioning.

Amid allegations that political power today is centralised among advisers in the Prime Minister's Office (PMO), the level of distrust of the PMO (16.2%) was much higher than those who trusted it of local governments and municipalities are also not encouraging. More than a quarter of respondents were 'completely dissatisfied' with their work, and only 7.4% were pleased. Again, the highest level of discontent with local government is in Province 3, while people in Province 1 seem to be most content with the performance of local municipalities.

General dissatisfaction with all three tiers of government appears to be linked to confusion within infrastructure projects, corruption in sand mining and quarry contracts, obsession of elected representatives with their own perks and privileges, and poor governance. than half said they had no faith in the parties. This figure has gone up: in last year's survey 38% said they did not trust the parties. Nationwide, leaders of parties do not fare much better: 54% of respondents did not trust them, and it was a whopping 63.4% in Province 3.

In a wakeup call for journalists, a full 47.2% said they did not have much faith in the media. Politically-slanted content and the over-commercialisation of the media appear to be behind this. Lawyers fared even worse, with 63% saying they don't trust them much. But the most untrustworthy profession seems to be contractors, with 57% saying they do not trust them. This figure is even higher for Karnali Province, which is plagued by delays in infrastructure projects.

Facilities at home



Access to dirt road **75.5**%

Social indicators

The Sharecast Initiative Survey conducted in January also included questions about socio-economic development and migration.

The most encouraging sign is that the government's emphasis over the past decades on rural electrification, water and sanitation appears to have yielded results. Of the 4,129 individuals surveyed in 42 districts, 94% had electricity or solar, 95% had latrines and 74% (which is still low) had a drinking water supply. However, it is a sign of development that 75% now live near some kind of road, while 70% of Nepalis seem to use LPG for cooking.

How have you spent the remittance you received last year?



With four million Nepalis working outside the country at any given time (half of them in India) responses to survey questions on migration and remittance show just how dramatically society is changing.

A quarter of respondents had a household member working abroad, highest in Muslim (36%) or Hill Dalit (34%) families. Tarai Caste and Tharu households had the fewest members abroad. The proportion of families with at least one member working abroad was highest in Far-Western Province.

Asked how overseas workers sent money home, most now use bank transfer (48%) while a third still use the informal *hundi* channel, while only 1% say they send money home with friends. Province 6 tops the rest in bank transfers — 81%.

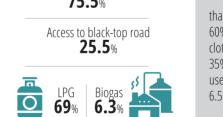
Asked to name the top three items that they spend remittance money on, 60% say they use it to buy food, 42% for clothing, 36% for medical treatment and 35% for children's education. Some 10% used earnings to buy land, while only 6.5% saved it in a bank.

(10%), with 36% rating it 'so-so'.

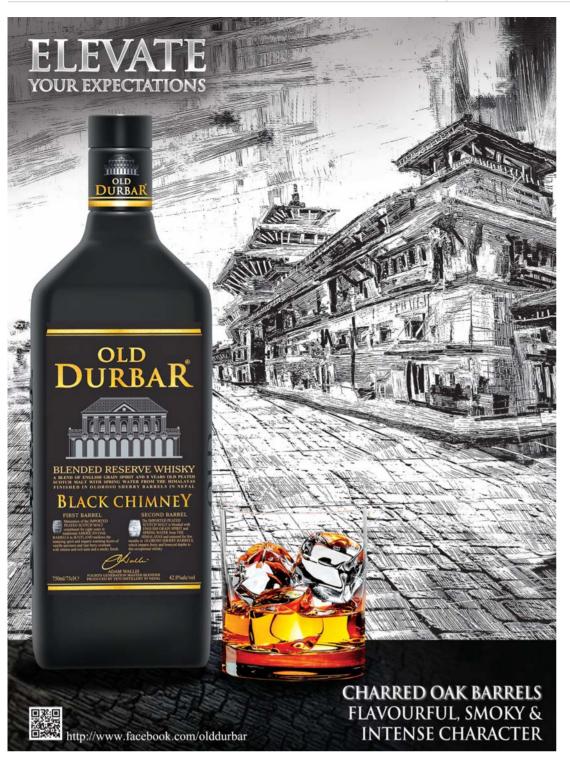
The national Parliament also suffers a trust deficit, with more than a quarter of respondents saying they lack faith in the federal legislature. Only 7% said they trusted Parliament, while 43% were ambivalent.

Views of the track records

When asked how much they trusted political parties, nearly 45% said they did not trust them at all, while in Province 2 more







Unreal estates

Nepal is land-locked, and to make matters worser, the country is fast running out of land. Ever since we lost a third of our territorial integrity to British India in the Sugauli Treaty of 1816, we have had to make do with what was left. And what real estate we have is not enough for parking lots and malls. So, it's all up for grabs, even the prime minister's gazebo in Balu Water.

No need to press the panic button, though, folks. What we need now is to carry out a baseline assassment, make an inventory of all the land in our grabberment's possession, and expand its area by hook or by crook. Mostly by crook.

The first option that springs to mind, just off the top of my head, is to take back all the territory from the Teesta to the Sutlej that the Gorkha Empire lost to the British Empire, and Make Nepal Greater Again. The way we are doing that is by clandestinely infiltrating the British and Indian Armies through the Brigade of Gurkhas. This is a top military secret, so don't go blurting it out to anyone.

If, god forbid, we cannot pursue the military option to restore Nepal to its former gory, then we need a Plan B. And that is to capture the new islands along the Ganges Delta in the Bay of Bengal between India and Bangladesh since they are made up of Nepal's soil anyway. We will no longer be landlocked, and as a newly littoral nation, can claim up to 200 nautical miles of territorial waters as our Exclusive Economic Zone.

And since we have run out of land on Earth, the Nepal Communist Party under the Great Helmsperson Comrade Space Cadet is sending Nepalis where no Nepalis have gone before: across the Hemmorrhoid Belt to liberate the Red Planet from the forces of global imperialism and claim it for the glory of the revolution.

Kathmandu's land mafia has already done the plotting for a housing colony on Mars, and to build a Martian Republic View Tower. Nepalis will feel very much at home on the surface of Mars since it does not have any water either, and the roads have huge craters.

But before we conquer space, we must first determine how far above Nepal is still Nepal. Where does Nepal end and outer space begin? Fortunately, we already know exactly how far up Nepal's air space stretches. The special ramp at Kathmandu airport where Air India passengers are frisked is 40 inches above the tarmac because that is the upper limit of Nepal's aerial boundary. Our Air Force will guard this space tooth and nail.

Last but not least, there is a very easy way to expand our territory. Nepal's plinth area is 147,000 sq km. However, if we flatten Nepal out like a pancake the country's actual surface area will

be 24.7 million sq km. As a peace-loving nation, an expansionist Nepal should pursue this option to add territory since it does not involve any bloodshed.







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